Congressional Record

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SECOND SESSION

OF THE

SIXTY-FOURTH CONGRESS

OF

THE UNITED STATES
OF AMERICA

VOLUME LIV



48002

WASHINGTON
GOVERNMENT PRINTING OFFICE
1917

DATABATADA

THE PROCEEDINGS AND DORATES !!

SECOND SESSION

SETTEMBERTH CONCERNS

THE UNITED STATES

Valuate Law

Solver State State

3 67097

somethic and a state of the second

Congressional Record.

SIXTY-FOURTH CONGRESS, SECOND SESSION.

VOLUME LIV, PART 3.

FROM JANUARY 27, 1917, TO FEBRUARY 12, 1917.

PAGES 2105 TO 3174.

hydroff landizerianoli

SECOND STREET, SECOND SECOND

STAMENT DATE OF

CAN A THE REPORT OF THE PROPERTY OF THE PARTY OF THE PART

Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-FOURTH CONGRESS. SECOND SESSION.

SENATE.

SATURDAY, January 27, 1917.

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the

following prayer

Almighty God, Thou dost teach us the higher unity of interests that we have in the world by the very sacrifices we are called upon to make for the general good. By the bond of sympathy with which Thou hast brought us together in the common interests of mankind, Thou hast drawn us to Thyself. Duty is our highest word. We pray that this day we may fulfill the divine plan of life by accomplishing all that duty calls upon us to do in God's name. We ask Thy blessing upon us in the performance of the duties of this day. For Christ's sake.

CALLING OF THE ROLL.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators

answered to their names:

Ashurst Brady Chamberlain Colt Culberson Smith, Md. Gronna Norris Hitchcock Overman Page Pittman Smoot Sterling Sutherland Thomas Husting Jones Kenyon Poindexter Kern Lane Lee, Md. McCumber Martine, N. J. Vardaman Warren Curtis Dillingham Fall Reed Robinson Shafroth Sheppard Smith, Ga. Fernald Gallinger

The VICE PRESIDENT. Thirty-nine Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absent Senators.

The Secretary called the names of the absent Senators, and Mr. Hollis, Mr. Martin of Virginia, Mr. Thompson, Mr. Town-SEND, and Mr. Warson answered to their names when called.

Mr. HARDWICK, Mr. BRYAN, Mr. BANKHEAD, Mr. SHIELDS, and Mr. CATRON entered the Chamber and answered to their names. Mr. OVERMAN. I wish to announce that my colleague [Mr. SIMMONS] is absent on account of sickness and that the Senator from West Virginia [Mr. Chilton] is absent on account of sickness in his family. I will let this announcement stand for the day on all roll calls.

Mr. MARTINE of New Jersey. I have been requested to announce that the senior Senator from Kentucky [Mr. James] is detained on account of official business and that the Senator from Oklahoma [Mr. Gore] is detained from the Senate on account of illnes

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the preceding session.

The Journal of yesterday's proceedings was read and approved.

CLERICAL ASSISTANCE TO SENATORS.

The VICE PRESIDENT. In accordance with Senate resolution 330, requiring the Vice President to appoint a committee of five Senators to consider what clerical help should be allowed to Senators who are not chairmen of committees, the Chair appoints the Senator from North Carolina [Mr. Overman], the Senator from Ohio [Mr. POMERENE], the Senator from California [Mr. Phelan], the Senator from Washington [Mr. Jones], and the Senator from Iowa [Mr. KENYON] members of the com-

REGENT OF THE SMITHSONIAN INSTITUTION.

The VICE PRESIDENT. The Chair, in accordance with the law, designates Henry Cabot Lodge, a Senator from Massachusetts, to succeed himself as a Regent of the Smithsonian InstiVISITORS TO ANNAPOLIS.

The VICE PRESIDENT. The Chair, in accordance with the provisions of the last appropriation act touching naval affairs, announces the appointment of the Senator from Maryland [Mr. Smith], the Senator from North Carolina [Mr. Simmons], the Senator from Massachusetts [Mr. Weeks], and the Senator from Maine [Mr. Fernald] as visitors on the part of the Senate to the Naval Academy at Annapolis.

PROPOSED AMENDMENTS OF BANKING ACT.

Mr. WORKS. I have here a letter from Mr. C. E. Holcomb, president of the First National Bank, of Anaheim, Cal., suggesting some needed amendments to the Federal reserve banking act, which I ask be printed in the RECORD.

There being no objection, the letter was ordered to be printed

in the RECORD, as follows:

THE FIRST NATIONAL BANK, Anaheim, Cal., January 22, 1917.

Hon. John D. Works, United States Senate, Washington, D. C.

Hon. John D. Works,

United States Senate, Washington, D. C.

Dean Sire: In regard to the Federal reserve bank act, it has occurred to the writer that you might consider some suggestions from the country bankers' view of these changes.

Up to the present time the Federal reserve bank act, although undoubtedly an improvement over the former national-bank act, has not accomplished what was expected of it, nor will it do so until the great majority of State banks and trust companies come under it also.

Up to the present time there have been more national banks liquidated and gone out from the national system than State banks which have joined it. In a recent number of the American Bankers' Magazine there were 135 banks reported organizing in the United States, 123 under State charters and 72 under national charters. There are about 35,000 banks in this country, over 7,000 national, or a little better than an average of 20 per cent, yet not quite 10 per cent of new banks organizing are coming in under national charters.

The management of the twelfth Federal reserve district is at present adopting a peculiar method in regard to the "free-check" collection system. Now, I wish to state that the banks of which I am in charge have never charged exchange on their customers' checks, although this custom is a source of considerable profit, and is a legitimate source of revenue on account of expense connected with the handling of these checks. Take Arizona, for instance. I understand the banks in that State offered to clear customers' checks at a rate of \$1 per thousand. This the twelfth reserve bank refused to consider, but is sending checks for clearing on Arizona banks and other places through Wells-Fargo Express, and is paying the express company about \$2.75 per thousand for this free collection, and on points not reached by the express company much supplied to the express company much more for the same service. This "free 'clearing of customers' checks is a boon to eastern mall-order houses and a detriment to local m

C. E. HOLCOMB, President.

PETITIONS AND MEMORIALS.

Mr. ASHURST. I present a resolution of the Legislature of Arizona, which I ask may be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the resolution was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

THIRD STATE LEGISLATURE, SENATE CHAMBER.

Senate memorial 3.

To the Senate and the House of Representatives of the Congress of the United States of America in Congress assembled:

Your memorialist, the Third Legislature of the State of Arizona, in regular session convened, respectfully represents—
That of the 73,000,000 acres of land comprising the State of Arizona, approximately one-half are reserved by the Government of the United

States;
That over these reserved lands the State of Arizona exercises no supervision nor jurisdiction;
That 20,000,000 acres of these lands are reserved by the Government of the United States to the use and benefit of the Indian peoples in the State of Arizona;
That these Indian reservations are so situate as to prevent a systematic development and extension of county, State, or national highways without the cooperation and assistance of the Government of the United States;
That the Congress of the United States in enacting a most beneficent national road law has wholly failed to make any provision for the construction and maintenance of highways over and upon the lands reserved by the Federal Government to the use and benefit of its Indian wards.
Whereas adequate transport the contraction of the property of the contraction of the construction and maintenance of highways over and upon the lands reserved by the Federal Government to the use and benefit of its Indian wards.

Whereas adequate transportation facilities are a vital factor in the prosperity and civilization of any country, and are essential to the development of its agriculture and manufactures, to the working of its forests and mines, and to the spread of education and enlightenment among its citizens; and

Whereas the public roads of Arizona are for a large percentage of her citizens, and especially for the 42,000 Indian wards of the Federal Government, the only avenues of transportation leading from the point of production to the point of consumption or rail shipment, and these avenues are only now in the process of their development; and and

whereas a very large portion of the State of Arizona is held in reserve by the Government of the United States to the use and benefit of its Indian wards, and these reservations are so situated as to prevent any economic or systematic road-building activities on the part of the State government, as continuous highways are rendered impracticable; and
Whereas a further inequity results from the fact that traffic in its development takes no account of reservation and State boundaries, and the State government is powerless to provide for the extension of its highway system through the adjoining and intervening reservations; and

and the State government is powerless to provide too the extension of its highway system through the adjoining and intervening reservations; and
Whereas the improvement of highways should be commensurate with their importance, and a system of highways upon the Indian reservation in Arizona would form the only avenue by which the Indian nations could transport their products to a market or over which the many thousands of tourists from all parts of the United States could pass to view the marvelous beauties of our natural wonders, the ruins of a civilization old and forgotten before the first prehistoric mound builder raised his primitive altar to an unknown god, and the pastoral and communal tribal life of Indian tribes to-day whose customs and laws antedate the coming of the Spanish conquistadores in search of their fabled city of gold: Therefore be it Resolved by the senate and the house of representatives of the Legislature of the State of Arizona. That the development of the material resources of the Indian peoples of Arizona can best be furthered, their material prosperity best enhanced, their education and civilization more readily achieved, and that close association with civilization which has proved to be the efficient means of equipping them to share in the responsibilities of life most certainly assured by means of highways constructed and maintained over and upon the lands reserved by the Government of the United States to their use and benefit; and be it further

Government of the United States to their use and benefit; and be it further

Resolved, That the Congress of the United States be, and it is hereby, urged to enact any legislation which may be necessary to provide adequate appropriations for the construction and maintenance of highways over and upon Indian reservations in Arizona joining to and in conjunction with the system of State highways.

Resolved further, That a copy of this memorial and these resolutions be forwarded to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives, the Secretary of the Interior, and to the Representatives of Arizona in Congress: and that our Representatives in Congress be, and they are hereby, requested to do all in their power to accomplish the enactment of such legislation.

Passed the senate January 20, 1917, by the following vote: Eighteen ayes, no nays, one absent, none excused.

D. H. Claridge,

D. H. CLARIDGE, President of the Senate. C. P. HICKS, Secretary of the Senate.

Passed the house January 22, 1917, by the following vote: Thirty-three ayes, no nays, two absent, none excused. A. A. Johns, Speaker of the House of Representatives.

Attest:

SAM. W. PROCTOR, Chief Clerk.

Mr. KENYON presented the petition of Liston McMillen, of Oskaloosa, Iowa, praying for mediation of international difficulties and suggesting a method of procedure, which was re-

ferred to the Committee on Foreign Relations.

He also presented a petition of the Iowa Yearly Meeting of Friends, praying for national prohibition, which was ordered to

Mr. THOMPSON presented a petition of the Wyandotte County Woman's Christian Temperance Union, of Kansas City, Kans., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Neodesha, Kans., praying for the enactment of legislation to provide for the reclassification of postal employees, which was ordered to lie

He also presented a petition of sundry citizens of Fravel, Kans., praying for the enactment of legislation to exclude liquor advertisements from the mails, which was ordered to lie on the

Mr. STONE presented a petition of Farragut-Thomas Post, No. 8, Grand Army of the Republic, Department of Missouri, of Kansas City, Mo., praying for the passage of the so-called Civil War volunteer officers' retirement bill, which was ordered to lie on the table.

He also presented a petition of the St. Louis (Mo.) Branch of the Woman's Auxiliary to the Railway Mail Association, praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Queen City Lodge, No. 363, International Association of Machinists, of Springfield, Mo., praying for Government ownership of all great public utilities, which was referred to the Committee on Interstate Commerce.

Mr. PHELAN presented a petition of the Chamber of Commerce of Marysville, Cal., praying that an appropriation be made for the construction of a post-office building at Marysville, Cal., which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Canners' League of California, of San Francisco, Cal., praying for the enactment of legislation to provide for the standardization of food products, which was referred to the Committee on Agriculture and For-

Mr. POINDEXTER presented the memorial of S. T. Campbell and sundry other citizens of Saratoga, Wash., remonstrating against any change in second-class postal rates, which was referred to the Committee on Post Offices and Post Roads.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 8044) providing for the extension of time for the reclamation of certain lands in the State of Oregon under the Carey Act (with accompanying paper); to the Committee on Irrigation and Reclamation of Arid Lands. By Mr. MYERS:

A bill (S. 8045) regulating sale of timber on forest reserves in Montana; to the Committee on Public Lands.

By Mr. SHEPPARD:

A bill (S. 8046) for a launch basin, quarantine station, Galveston, Tex.; to the Committee on Appropriations.

A bill (S. 8047) for rural sanitation under supervision of Public Health Service; to the Committee on Public Health and National Quarantine.

A bill (S. 8048) to promote the improvement of rural education: to the Committee on Education and Labor.

A bill (S. 8049) for improvement of San Antonio Arsenal, San Antonio, Tex.; to the Committee on Military Affairs.

By Mr. NORRIS:

A bill (S. 8050) providing for the establishment of a bathing beach at the Tidal Basin, in the District of Columbia.

Mr. NORRIS. Mr. President, I am somewhat in doubt as to what committee this bill should be referred, though I know the committee to which I think it should be referred is the Committee on the District of Columbia.

The VICE PRESIDENT. The Chair supposes the bill should be referred to that committee.

Mr. NORRIS. My own idea is that it ought to go to the Committee on the District of Columbia, although the place for the location of the bathing beach to which the bill refers is under the control of the War Department. I have no objection to the reference of the bill to any appropriate committee, but it seems to me it should be referred to the Committee on the District of Columbia, although that committee has, as a matter of law, no jurisdiction over the Potomac Park, where the Tidal Basin is located. It will, however, be satisfactory to me to have the bill referred to the Committee on the District of Columbia. If there should be any objection to that reference, later on it can be changed.

The VICE PRESIDENT. The bill will be referred to the Committee on the District of Columbia.

By Mr. NORRIS: A bill (S. 8051) granting an increase of pension to Lucretia Whitt; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 8052) to authorize the employment of Federal prisoners on public roads within the States; to the Committee on the Judiciary

By Mr. MARTIN of Virginia:

A bill-(S. 8053) granting an increase of pension to Mary E. A. Winans (with accompanying papers); to the Committee on

By Mr. SHERMAN:

A bill (S. 8054) for the relief of the estate of John C. Phillips, deceased; to the Committee on Claims.

By Mr. SHIELDS:

A bill (S. 8055) providing that the Panama Canal rules shall govern in the measurement of vessels for imposing tolls; to the Committee on Interoceanic Canals,

By Mr. POINDEXTER:

A bill (S. 8056) for the relief of Albert J. Weber (with accompanying papers); to the Committee on Claims; and

A bill (S. 8057) granting an increase of pension to Oliver W. Davis (with accompanying papers); to the Committee on Pen-

By Mr. GALLINGER:

A bill (S. 8058) for the relief of Lieut. Commander Jerome E. Morse, United States Navy, retired (with accompanying papers); to the Committee on Naval Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment providing that no letter, postal card, circular, newspaper, pamphlet, or publication of any kind containing any advertising of spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind, etc., shall be deposited in or carried by the mails of the United States, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 19410), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. NORRIS submitted an amendment proposing to reduce the appropriation for purchase and distribution of valuable seeds from \$243,720 to \$50,000, intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

PUBLIC BUILDINGS.

Mr. LODGE submitted an amendment intended to be proposed by him to the public-buildings bill (H. R. 18994), which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. NELSON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 20079), which was referred to the Committee on Commerce and ordered to be printed.

FLOOD CONTROL.

Mr. KENYON submitted an amendment intended to be proposed by him to the bill (H. R. 14777) to provide for the control of the Mississippi River and of the Sacramento River, Cal., and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

INDIAN APPROPRIATIONS.

The VICE PRESIDENT. Is there further morning business? If there be none, the morning business is closed.

Mr. ASHURST. I ask unanimous consent that the Senate proceed to the consideration of the Indian appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918

The VICE PRESIDENT. The pending amendment will be stated.

The Secretary. The pending amendment is the amendment reported by the Committee on Indian Affairs, on page 29, line 17, after the word "improvements," to strike out "\$2,000; in all, \$16.860," and to insert "\$4,000; in all, \$18.860," so as to make the clause read:

For support and education of 80 Indian pupils at the Indian school, Kickapoo Reservation, Kans., including pay of superintendent, \$14,860; for general repairs and improvements, \$4,000; in all, \$18,860.

The amendment was agreed to.

The next amendment was, under the head of "Michigan," on page 29, after line 19, to strike out:

SEC. 7. For support and education of 400 Indian pupils at the Indian school, Mount Pleasant, Mich., and for pay of superintendent, \$68,800: for general repairs and improvements, \$6,000; in all, \$74,800.

And in lieu thereof to insert:

SEC. 8. For the support and education of 400 Indian pupils at the Indian school, Mount Pleasant, Mich., and for pay of superintendent, \$68,800; for general repairs and improvements, \$6,000; for purchase of additional land, \$8,000; in all, \$82,800.

Mr. SMITH of Georgia. Mr. President, does that amendment propose an increase?

Mr. ASHURST. It does. Mr. SMOOT. I notice that it is an increase of \$8,000, and I take it for granted that it is proposed for the purchase of additional land. Will the Senator having the bill in charge advise the Senate as to the necessity of purchasing this land at Mount Pleasant, Mich.?

Mr. ASHURST. Mr. President, I do not wish to be unkind, but I desire to say that it is very difficult to hear anything in

this part of the Chamber.

Mr. SMOOT. I recognize that fact, and it is because there are so many conversations going on in the Chamber that hardly anyone can hear. I stated that the amendment offered by the committee proposes to increase the appropriation for the Indian school at Mount Pleasant, Mich., by \$8,000. I take it for granted that the increase is for the purchase of additional land at Mount Pleasant, Mich.

Mr. ASHURST. The Senator from Utah is correct.

Mr. SMOOT. Will the Senator advise the Senate as to the real necessity of additional land there?

Mr. SMITH of Georgia. And at this time?

Mr. SMOOT. Yes; particularly at this time.
Mr. ASHURST. Mr. President, this item was estimated for by the department. When the question was raised in committee, one of the Senators made strenuous objections to it; this very item was argued for some days. Finally the committee unani-mously agreed to it for the reason and upon the ground that the additional 100 acres are necessary; that the land thereabout has a value of about \$100 an acre or more, that it could be purchased for from about \$60 to \$80 per acre, and that it was necessary for the use of this school. It never could be purchased, in

sary for the use of this school. It hever could be purchased, in the judgment of the committee, at any lower price.

Mr. SMOOT. The price proposed to be paid for the hundred acres would be \$80 per acre; but what I was trying to ascertain was, if the land is not purchased at this time, will it interfere at all with the school at Mount Pleasant, Mich.?

Mr. ASHURST. If the land is not purchased at this time, the committee force that it may fall into other hands when it

the committee fears that it may fall into other hands, when it would be almost impossible to purchase it. At this time the land can be purchased at a more reasonable figure than the committee hope or believe it can be acquired for in the future. For that reason we believe it would be economy at this time to purchase the land, which is needed as pasturage for the dairy cows of the school.

Mr. SMOOT. Mr. President, there may be some local conditions to justify the Senator from Arizona in saying that the land can be purchased now cheaper than it could be at any time in the future; but with the conditions existing generally it seems to me that lands are as high to-day as they will be for many years to come, with a likelihood of their being less valuable, rather than more valuable. I will ask the Senator if this matter was not presented to the committee in the other House, and did they not consider this very item?

Mr. ASHURST. Yes. Mr. SMOOT. And did not the committee of the other House reject it?

Mr. ASHURST. That is true; but before the Senate votes let me be just enough to the committee to read the evidence, or a part of it, that moved the Senate committee in its action. I read from page 272 of the Senate hearings the statement of Mr. Meritt, as follows:

Meritt, as follows:

In our estimates we requested an appropriation for a dormitory, \$25,200, and for purchase of additional land, \$8,000. I stated to the committee that we would forego the request for the dormitory until next year, if you would allow us the \$8,000 for the purchase of the land this year. We have at the Mount Pleasant school 320 acres, of which 25 acres are occupied by buildings and yards; 32 acres are woods, and 16 acres in orchards. The land available for agricultural purposes or pasturage is also used—178 acres are under cultivation and 69 acres are used for pasturage. Eighty acres of land are offered at \$100 per acre, and although this land is within the city limits of Mount Pleasant, the price asked is no more than that asked for farm land farther away. The land is located immediately in front of the buildings of the Mount Pleasant school and it is very much needed.

Whet is, the evidence

That is the evidence.

Mr. SMITH of Georgia. Mr. President, the Senator from Arizona says that this item has been estimated for. Those of us who are at all familiar with the Indian Service know that the Commissioner of Indian Affairs and his assistants become selfcentered in their work and naturally ask for everything that they think will in any way help them. We can not therefore follow the estimates of that department. The department asks for any-

thing that it thinks will do any good, and we can not give everything that would be useful. We are obliged to consider the other charges upon the Treasury and to limit our appropriations to a fair distribution of what we have to distribute. I hope the amendment will not be adopted.

Mr. SMOOT. Mr. President, this is not an immediate require-

ment; the matter can go over until next year. The testimony shows that it is proposed to pay \$100 per acre for this land, and there are 80 acres intended to be purchased. The school has 320

acres of land now.

Mr. SMITH of Georgia. That is a splendid farm.

Mr. SMOOT. It does seem to me with only 300 students-that being over an acre apiece—that that quantity of land would be sufficient at least for this year. Mr. President, I hope the amendment will not be agreed to.

Mr. ASHURST. I call for the question on the amendment,

Mr. President.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] The noes seem to have it. Mr. GRONNA. I call for a division on the adoption of the amendment, Mr. President.

The question being put, on a division the amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "Minnesota," on page 30, after line 4.
Mr. ASHURST. Mr. President, I ask the attention of the

Senator from Minnesota [Mr. Nelson] at this time. The junior Senator from Minnesota [Mr. CLAPP] has requested that the Minnesota items be passed over until he can reach the Chamber.

I will ask if that is satisfactory to the Senator from Minnesota? The VICE PRESIDENT. The Senator from Arizona requests that the Minnesota items be passed over. In the absence of objection, that course will be pursued.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs, as stated by the Secretary, was, on page 30, after line 18, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to accept the application of Richard Daeley to enter lot 8, section 31, township 147 north, of range 30 west of the fifth principal meridian, Cass Lake, Minn., land district, containing 1½ acres, more or less, according to the Government survey thereof, as assignee of Evaline Gallagher, widow of Edward S. Gallagher, and to issue patent thereon to said Richard Daeley upon proof of his compliance with the requirements of the law and regulations issued thereunder relative to making soldiers' additional homestead entries.

The VICE PRESIDENT. The Chair understands that all the

Minnesota items are to be passed over?

Mr. ASHURST. That amendment may be agreed to; but I will ask that the remainder of the Minnesota items go over until the junior Senator from Minnesota, who is a member of the committee, is present.

Mr. SMOOT. Let this item go over also. Mr. ASHURST. Very well. Mr. McCUMBER. Mr. President, is there any necessity for this amendment going over? Let me explain what the amendment is.

Mr. ASHURST. Then, this amendment can be agreed to.

Mr. McCUMBER. Do I understand that the Richard Daeley amendment has been agreed to?

The VICE PRESIDENT. It has not as yet been agreed to.

Mr. SMOOT. I should like to have the Senator explain what

that amendment is. Mr. McCUMBER. I will do so very briefly, if the Senator will allow me. It affects 11 acres of land, comprising the point of a

little peninsula running out into Cass Lake.

When the reservation there was opened up for settlement under the homestead laws, it was presumed that all of the homestead laws would apply to that land, including the laws governing soldiers' homesteads. One Richard Daeley made application to enter this little tract of 11 acres of stony land-I do not suppose it is worth much for agricultural purposes-and built a house thereon at a cost of about \$700, as I now remember. The local office accepted his application, but when it came to the General Land Office, that office decided that this land was not subject to the soldiers' additional homestead scrip, and held it open for cancellation. I think their decision was right; but I called at the office of the Secretary of the Interior and asked the Secretary to hold the matter open until I could secure the passage of a special bill for the relief of Mr. Daeley. He did so. That was in 1915. A bill was drawn, which the Secretary recommended, and it was passed by the Senate. It was then reported favorably by the Committee on Public Lands in the other House, and it has been there for a year on the calendar, but we do not seem to be able to have it acted upon.

There is no appropriation involved in the amendment. It is simply designed to allow a man who has placed \$600 or \$70) in the way of improvements on a little tract of 11 acres that is not worth anything to anyone else to complete his application

Mr. SMOOT. Were these Indian lands, I will ask the Senator?

Mr. McCUMBER. They were Indian lands, but were thrown open to settlement.

Mr. NELSON. Mr. President, may I ask where the land is located?

Mr. McCUMBER. On Cass Lake.
Mr. NELSON. There is no iron ore in the land, is there? Mr. McCUMBER. No. As I understand, it is just rocks. I did have a photograph of it, but I do not find it in my desk.

Mr. SMOOT. Evidently the entry was not made by Richard Daeley, but by Edward S. Gallagher, as I understand.

Mr. McCUMBER. The entry was made on soldiers' additional scrip, which can be assigned, and Mr. Daeley purchased the scrip for the land.

Mr. SMOOT. I have no objection to the amendment.
Mr. McCUMBER. The land is worth very little.
Mr. GRONNA. Mr. President, I will say to the Senator from Utah that this land was acquired by Mr. Daeley for the purpose of building a summer cottage. He has made improvements on it to the amount of about \$1,500. The amendment is recommended by the Secretary of the Interior, and there is no objection to it from any quarter, as I understand.

Mr. SMOOT. I have no objection to it.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs, as stated by the Secretary, was, on page 35, after line 16, to strike

For support and civilization of Indians at Flathead Agency, Mont., including pay of employees, \$20,000, of which amount not exceeding \$4,500 shall be expended for salaries.

And insert:

For support and civilization of Indians at Flathead Agency, Mont., including pay of employees, \$20,000, of which amount not exceeding \$1,000 may be expended for the purchase of two automobiles, and not exceeding \$4,500 of which shall be expended for salaries."

Mr. NELSON. Mr. President, what action has been taken in

regard to the amendments on pages 32, 33, and 34?
The VICE PRESIDENT. The Minnesota items were passed

Mr. NELSON. I wish that they might be proceeded with. I do not care about having them go over. They are amendments suggested by my colleague [Mr. Clapp]. He has no opposition to them, and I am satisfied with them.

Mr. ASHURST. If the Senator will pardon me, the reason I made the request that the Minnesota items go over was because the junior Senator from Minnesota [Mr. Clapp] sent word to the chairman of the committee asking that the Minnesota items go over until he could be in the Chamber. That was the only reason for the request. I am willing, however, to go ahead.

Mr. NELSON. Very well, let them be passed over.

The VICE PRESIDENT. The question is on agreeing to the committee amendment last stated by the Secretary.

Mr. LANE. Mr. President, before we proceed further with the discussion, there are a number of Senators here who seem to be under the impression that a great deal of the money provided for the conduct of the affairs of the Indians is being They are right to a great extent. Much of it, ninetenths of it, in my opinion, is being wasted.

Mr. THOMAS. Our impression is your conviction.

Mr. LANE. But Senators are not attacking the right items.

Mr. SMITH of Georgia. Then show them to us.

Mr. LANE. I will endeavor to do so. Among them are the items for the support and civilization of the Indians. The Indians are receiving no support, except in cases where they are actually going hungry or starving, and then the relief accorded them is but meager and seemingly rendered grudgingly and to avoid the publicity and criticism which it would bring to the bureaucratic system. They are thrown upon their own resources, under the theory that the Indian must be compelled to do business as the white man does it, and adopt the white man's ways, and after a while become self-supporting, the while he is given no opportunity to do so. He is restricted to the reservations upon which he has been located. He is not given a plow or a harrow or supplied with anything with which to carry on the work of a farmer. He is put to farming. I presume, for the reason—I know of no other—that an Indian can not become a successful farmer. They were never farmers;

they are not fitted for that kind of life; and, as I have said, until quite recently they were given nothing with which to farm. So far as the great majority of the Indians are concerned, they have not become civilized. The condition of the Indian, as a rule, is deplorable throughout the country. live under the most wretched circumstances. That condition may not exist in the case of the Indians referred to in the amendment last read, but we found, in checking over matters in regard to schooling, that even the Cherokees in North Carolina, one of the oldest and best known tribes of Indians in the East near here, have no school facilities for quite a number of their children, and so they have not been civilized to the extent of acquiring a common-school education; and as you go west the condition is still worse.

Not one cent of the money appropriated by many of these items goes to the benefit of the Indians, but is devoted to the employment of a large number of white men and women, who are well-meaning, honest, and good people, I think, as a rule, although a great many weaklings are found among them. They are so circumscribed, however, that they are under the penalty of losing their places if they go too far or take the initiative in the effort to change and shape conditions, in order to get them on a proper basis or reorganize them for the better. Under these circumstances the people who really have the interests of the Indians at heart become discouraged and soon leave the service, and the Indians are left to drift along in the old, old way, which has been followed for years with ill results to our

helpless wards.

The Senator from Montana [Mr. WALSH] brought out in some hearings in connection with one tribe of Indians in his State—and after a while I intend to read something from what the Senator said in connection with some general remarks I intend to make on the subject-that the condition of one tribe yes, and he might easily have said, just as truthfully, many others, but at least one great tribe of Indians on a reservation in his State-had deteriorated; their birth rate was dropping off and they had no opportunity whatever to make anything of themselves. With large holdings of land worth millions of dollars, some of it the best land in the State, land that would grow 40 bushels of wheat to the acre, the Indians were without a bushel of wheat for seed and without plows to break the ground or any opportunity to cultivate it. such an extent are the Indians restricted in that State that one Indian living in a district is forbidden to cross into another district on the same reservation without a written permit from the farmer or the superintendent. He is practically "a ticket-of-leave" prisoner and is forbidden to go for groceries or even to go to see his mother if she is sick, or to go to look at the tribal herd of cattle, or to cross the line for any purpose whatever without this written permit; and if he is bold enough to go without it, they can and do jail him. They have assumed the right and power to do it, and they do do it. They thus keep the Indian tied down in his little, narrow, restricted district, without the right to consult with his fellow Indians as to what will be a good course or a bad one to pursue in betterment of the conditions. Councils among them are forbidden. It is a system of petty tyranny, They are said to be discouraged from writing, and I am told are made afraid to write to you or any Senator here about their grievances, or relate the tale of the wrongs that are visited upon them.

These are some of the wrongs which we authorize in this bill. I am going to go through a lot of it after a while. Those are the items that ought to be stricken out. They are all estimated for by the people who expend the money without any restriction, practically without any check. No inspector dares go and tell the exact truth about conditions and put himself upon record-at least, I know one who did, and he lost his place for doing so. So it drifts along and drifts along. It is the most contemptible legislation that comes before us. It would not matter so much if we took the money and spent it for picture shows for the Indians, or threw it away, for that matter; but the effect that it produces upon a lot of ignorant,

unfortunate, and helpless people is of incalculable damage.

Mr. CURTIS. Mr. President—
The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Kansas?

Mr. LANE. I do.

Mr. CURTIS. Will the Senator permit me to ask him if one of the tribes to which he refers in Montana is not the one where some \$980,000 has been expended on an irrigation project?

Mr. LANE. That is one of them.

Mr. CURTIS. And an item of \$25,000 is carried in this bill for the continuation of the same project.

Mr. LANE. That is to keep it in repair.

Mr. POINDEXTER. I should like to inquire how much land is irrigated as the result of that expenditure of \$980,000?

Mr. LANE. Maybe 40 acres, or 100 acres. There might be a couple of hundred acres; I do not know; but it is a mere bagatelle.

Mr. CURTIS. Sixteen hundred acres.

Mr. LANE. I do not know just how many acres it is, but the project covers thousands of acres. The water is running there freely. I have been on those ditches; but the Indian can not use them. It would require on his part sufficient capital to build him a house, barns, and fences, to purchase farming implements, and to have the stock required to farm and cultivate his He has not a 10-cent piece, nor any way to get it.

Why, a year or two ago, after this money had been expended for those Indians, there were 800 little children there without school facilities, not even learning the English language except as they picked it up. They were so close to starvation that they were eating prairie dogs, and had cleaned the reservation pretty well out of them. When they could get it, they were glad to get a skunk to eat. That odoriferous article of diet was considered a luxury by them; and I tell you when you get hungry enough, and if the day should come when you do, you will eat skunk and thank God for skunks; and they were in that condition.

We have been civilizing them for fifty-odd years. Nobody can successfully dispute any statement I make with regard to them. They can dispute it, but I can prove it. it up, and it was reported upon by the special Government inspectors who were operating at about that time, or had been, under our commission of inquiry in regard to the affairs of the Indians; and it was as a member of that commission that I visited this reservation. There has been no improvement. There is no hope for the Indians under this method. The only thing to do, and the thing that it is our duty to do, is to change the system.

I am not here to say that the heads of departments are dishonest or that they are criminals; but under them there has grown up a method of treating the Indian that is criminal, and if it were traced down it would be found that amounts running up into millions of dollars, if you please, have been wasted-criminally wasted.

Mr. GRONNA. Mr. President-

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from North Dakota?

Mr. LANE. I yield to the Senator.

Mr. GRONNA. I want to ask the Senator from Oregon if he has found that the Indians have protested against expenditures, either out of their own funds or out of the Treasury, where appropriations have been made for school purposes? Is it not true that the protest they are making is a protest against the vast expenditure of money for irrigation purposes, which they claim is of no benefit to them?

Mr. LANE. Yes; that is true. They have protested that. They protest the system itself. They protest the fact that Congress appropriates money for putting over them a lot of little tyrants or tyrannical rulers that make their lives unhappy and lead them nowhere. They have submitted to me a bill asking to be relieved, and I am going to present it after a while as a substitute for this; and if it could be passed you would not have to spend \$200,000 to inaugurate the system which they think, and which looks to me reasonable, would do away with this one and give them an opportunity to carry

on their own affairs.

I know of one Indian in Oregon who is quite a wealthy stockman, a man who can go to any bank in that part of the country and get all the money he wants or all that he can use, and does it; and everybody knows him and likes him and respects him. He has a fine ranch, and yet he is one of these restricted people. They can at any time take the property which he has made without one particle of help from the Government and put it under their charge, and not let him buy a can of tomatoes, if you please, or a blanket without their permit; and they will do it, too, if he ever rises up and questions the method of administration of these affairs, or if he dares go to them and say, "Here, why don't you let my business alone? I am a better business man than you, and it is proven by the results. Look at your property and then look at mine; and I am going on to do as I please." They will clap him right into jail and put restrictions about him, and break him and his spirit in that way.

Mr. POINDEXTER. Mr. President—

Mr. POINDEXTER. Mr. President-The VICE PRESIDENT. Does the Does the Senator from Oregon yield to the Senator from Washington? Mr. LANE. I yield to the Senator.

Mr. POINDEXTER. The Senator is on the Committee on Indian Affairs and has studied this subject for a number of years. I should be very much interested in hearing his suggestions as to the general policy that ought to be pursued toward the Indians. In that connection I should like to ask the Sena-tor if he thinks any harm would be done if we should abolish the entire Indian Service?

Mr. LANE. Why, it would be the greatest godsend in the world to the Indians, and it would save the whites of the country millions and millions of dollars of expenditure every year.

Mr. POINDEXTER. Is the Senator prepared to say what the result would be if we simply quit this business of approprinting money for Indian affairs and just defeated the Indian appropriation bill?

Mr. LANE. That would be a good thing to do, and I am working to that end now. I am going to do more.

Mr. SMITH of Georgia. Mr. President, I should like to hear from the Senator from Washington on that subject. Do I understand that he concurs with the Senator from Oregon?

Mr. POINDEXTER. I am not prepared to say that I will

go at one step to the length which the Senator from Oregon proposes; but I do concur with the Senator from Oregon in the general criticism that there is a vast amount of needless and worse than needless expenditure of money in the administra-tion of Indian affairs. Too large a percentage of the appro-priations of the Government for Indian affairs goes in what is called overhead charges. The expense of administration eats

From contact with certain Indian affairs in my State, and observation of reservations there, I concur in the opinion stated by the Senator from Oregon that little progress is being made toward the betterment of the Indians as a whole. expected to make any formal statement on the question now, but my impression is that the Indian Service, in certain branches of it which I have observed, is not desirous of bringing the Indian to a self-supporting basis. My impression isand it is a fixed opinion, based upon long observation-that in certain branches of the Indian Service the desire and purpose is to keep the Indian perpetually in a state of tutelage.

Mr. SMITH of Georgia. For the purpose of maintaining, I presume, an opportunity to continue to supervise him?
Mr. POINDEXTER. That is the natural inference.

Mr. SMITH of Georgia. I wish to say this, Mr. President: Twenty-odd years ago, after giving a good deal of study to this subject, I thought that in less than 10 years we would be able to terminate the Indian Bureau; and there did seem to be some progress made at that time in the direction of putting the Indians in a status where they would be required to be self-de-

pendent and self-supporting. Mr. THOMAS. Mr. President, this discussion is somewhat general, because, as I understand from the Senator from Oregon, the several appropriations which the bill contains for the support and civilization of Indians are appropriations the moneys of which seldom accomplish the end desired. From what I have been told by one of the members of the Committee on Indian Affairs, it would seem that this criticism can be applied to the appropriations for continuing the construction of irrigation systems, and particularly in the State of Montana. I am told that something like a million dollars have been expended in the construction of the irrigation systems on the Blackfeet Indian This bill carries, on page 37, an added appropriation of \$25,000, to be immediately available, and which presumably is designed to operate the system as far as it has been constructed rather than to increase the system itself or add to the system itself.

was informed, much to my surprise, by one of the members of the committee who is not present, that thus far the land re-claimed amounted to about 23 acres. The Senator from Oregon claimed amounted to about 23 acres. informs me that about 600 acres have been placed under water and are susceptible of irrigation. Upon the assumption that a million dollars have been expended for the purpose, we have an aggregate tax per acre of \$1,333.33 for placing water upon it. I do not pretend that this is an average

Mr. LANE. Mr. President, if the Senator will allow me, at the time I visited the reservation there was about that amount under irrigation. The Senator from Kansas [Mr. Curtis] informs me that later this year there were about 1,600 acres under

Mr. THOMAS. Sixteen hundred acres. Well, even at 1,600 acres the cost per acre is about \$625, and that is prohibitive. It would be far better to buy land somewhere, even as expensive land as the lands of Michigan are, and for which an appropriation is made to acquire an additional quantity, than to squander any more of the people's money upon such schemes as this.

It is true the bill provides that the money shall be reimbursable. I do not think that means anything, however. It can not if the initial cost of making the land cultivable is anything like what seems to be the case.

The bill contemplates that the Government will receive its advances back from profits to be realized upon the reclaimed land under process of cultivation. That furnishes but a poor prospect for any return of the money to the Treasury. remedy may be the abolition of the Indian Bureau, as suggested; and I am quite satisfied that we would lose nothing by abolishing it and starting over again. The new method of administration might not be entirely satisfactory; but assuming the truth of what is charged here with regard to the manner in which these appropriations are applied, we certainly can not be any worse off by making the radical change in Indian administration which is suggested by the Senator from Oregon.

As I stated yesterday, we have expended something like \$246,000,000, if I am correctly informed, in the last 15 or 20 years for the support and civilization of the Indian. The Senator from Oregon knows how he has been supported. know how he has been civilized. Query: If it has cost in 20 years \$246,000,000 to support and civilize the Indian up to this date, what will be the aggregate cost to the Nation when he is fully supported and completely civilized?

Mr. WALSH. Mr. President, this discussion is rather remote from the particular item under consideration, but I desire to make a brief statement in connection with the Blackfeet project, lest the Senator who has addressed the Senate might have left an erroneous impression concerning it, arising from his unacquaintance with the facts in relation to that project.

Mr. THOMAS. Mr. President, I called attention to this particular item because of the fact that both Senators from Montana were in the Chamber. My information may be incorrect, but I stated that I obtained it from members of the committee.

Mr. WALSH. I feel, in justice to the Senate, that a brief statement in relation to the matter ought to be made.

The Congress passed an act in the year 1907 which provided for opening the Blackfeet Reservation to settlement. It was contemplated in that act that certain of the lands thus to be opened to settlement, together with lands to be selected by the Iudians as their allotments, would be irrigated; and appropriations were made from time to time and expended until, as stated by the Senator from Colorado, a million dollars, or thereabouts, had been expended upon that project. At the same time, Mr. President, the Flathead Reservation was being opened. No one has ever heard a word by way of criticism from the Indians concerning the appropriateness of the appropriations which have been made concerning the Flatheads; but you will bear in mind that the Blackfeet Reservation has never been opened under the provisions of the act of 1907. It remains Everything has been done except the issuance of the proclamation by the President declaring the lands open to settlement, and that proclamation never has been issued. The department has now changed its idea about the matter, and has concluded that it would not be wise to open the Blackfeet Reservation; and consequently the lands that would be opened to settlement, that it was expected would be irrigated by this project, have never been taken up at all. Consequently there is no one to use the water which would be carried through the project except the Indians.

Now, I need not say to the Senator, because he knows it well, that some 10 or 15 years ago it was assumed and believed that much benefit would be conferred upon the Indians upon the various reservations by utilizing their money for the purpose of

carrying out great works of irrigation.

A work of irrigation was projected and carried out on the Crow Reservation and a large amount of money was spent upon it, when it was discovered that the Indians will not cultivate the land. So long as the reservation remains intact there will be no return whatever from the investment and it will continue a profitless investment until the reservation is opened and settled upon by white settlers and the Indians permitted to lease their allotments to white settlers.

That is why, Mr. President, there has been no land put under irrigation under this Blackfeet project. There is nobody to cultivate the land except the Indians, and it is demonstrated that the Indians will not cultivate the lands to any great extent until they are educated in the ways of white men and in the science of agriculture much beyond the point at which they have yet arrived.

Mr. CURTIS. May I ask the Senator if he thinks the amount of land cultivated by the Indians by irrigation on the Flathead Reservation justifies this large expenditure?

Mr. WALSH. I have explained that matter so often that I feel I ought not to be called upon to do it, but I am very glad

Mr. CURTIS. Mr. President—
Mr. WALSH. Let me say now, Mr. President, that if there never was anybody to use the Flathead irrigation project except the Indians it would be utterly unjustifiable. But, Mr. President, that is not the point at all. The Indians were disposing of their lands. The Government of the United States as trustee for them determined that in their best interest it became necessary to dispose of their lands on the Flathead Reservation. Many thousands of acres of these lands were susceptible of irriga-tion and the Government proposed to irrigate those lands, both the lands open to settlement and the lands allotted to the Indians, and when the settler went upon the reservation under the act of Congress he had an opportunity to take lands that were open to irrigation and subject to irrigation under the project or to take lands above the project, as he saw fit. the lands under the project were appraised at a very much higher price than the lands that were not subject to irrigation. The settlers have been invited upon that project, and they have purchased the lands open to irrigation under the project at the higher price because they were to be irrigated. They have paid their money into the Treasury of the United States for the benefit of the Indians, and the project now covers those lands and covers the lands of the Indians adjacent.

I answer the Senator from Kansas, if you consider the Indian lands alone you can not justify any such expenditure, but you can not consider the Indian lands alone. You are bound to consider that the Government of the United States is obligated to those settlers whom it had invited to take lands under the project, and who were invited to take them at a figure which meant that the Government would irrigate those lands.

Mr. CURTIS. Mr. President, I agree with the Senator from Montana that an obligation is due to the settlers, and I did not intend by the question I asked the Senator to dispute that. What I wanted the Senator to consider was whether or not the number of acres that were being farmed by the Indians by irriga-tion justified Congress in making a large appropriation or to extend the work fof them.

I asked the question because of the small number of acres now farmed by Indians on that reservation that are susceptible of irrigation. For one I think a plan should be inaugurated by the department of leasing the lands of the Indians that are irrigable or for their sale. The Senator will recall, I think, that there are about 90,000 acres of land owned by the Indians that are subject to irrigation, and yet the Indians were farming only a little over 900 acres last year. It seems to me that some plan could be devised whereby benefit could be derived from that other acre-

age for the Indian, and that was the idea I intended to convey.

Mr. WALSH. Mr. President, I fully agree with the Senator
from Kansas. The amount of this land that is actually being cultivated by the Indian is distressingly and disappointingly small, but it will be borne in mind that many of their allotments are leased to white men who do actually cultivate them and thus a benefit accrues to the Indian. I wish it were otherwise. I wish that the Indians would more freely make use of the facilities that are thus accorded them. I join in the hope expressed by the Senator from Kansas that we shall be able to devise some system by which the Indians will be more generously encouraged

to engage in agriculture.

Mr. CURTIS. Mr. President, I did not take any part in the general discussion of the bill, but I think it is hardly fair to the department to state that nothing has been accomplished in the way of education and improvement in the condition of Indian affairs. I can remember, and older Senators here can remember, that some 15 or 20 years ago the Government was expending I might say nearly a million dollars for rations for the Indians. There were some 50,000 Indians receiving rations. Many of the tribes that a few years ago were being supplied with rations are no longer supplied, and most of them are supporting themselves either from their rents or from what they get from their farms. An examination of the report will show that the income of the Indians from their farms and from their stock amounts to millions of dollars every year. The incomes of Indians last year derived from crops raised by them amounted to over \$5,000,000; from stock sold, over \$2,000,000; from native industries, over \$1,000,000; from timber cut, over \$1,000,000; from wages earned, over \$2,000,000; and from individual leases, over \$3,000,000.

I think this criticism of the department is very unfair. I do say this, and I believe it, that in some places there are more people employed than are required, but take the item referred to of \$20,000—the department has given a full itemized statement of all the money and how it is expended. Not much of that goes

to salaries. I have the report here of the expenditure of the \$20,000 referred to. Only \$4,200 is expended for salaries and

I think I owe it to the Commissioner of Indian Affairs to say

that much in behalf of the department.

Mr. MYERS. Mr. President, I wish to say a few words in line with what the Senator from Kansas [Mr. Curtis] has said. I do not believe the Indian Bureau officials are governed by any such base or unworthy motives as have been charged here, or intimated at least, on the floor of the Senate. I do not believe that the present officials of the Bureau of Indian Affairs or any of them are animated by a desire to keep the Indians forever in a state of tutelage or bondage merely to get large appropriations year after year, and in order to have the handling and disbursing of those appropriations and to perpetuate themselves I do not believe the Indian Bureau officials or any of them are animated by any such purpose or motive at all. I deny it. It is an unworthy and unjust insinuation.

I believe, and in fact I know, that the present Commissioner of Indian Affairs, an honest man of honest convictions, has the best interests of the Indians at heart, although I do not fully agree with all of his ideas in handling the Indian problem. I know, though, he is conscientious and sincere in his convictions, and I believe him to be correct in most of his ideas. I believe the present Indian Commissioner has done very much for the advancement and promotion of the welfare of the Indians in this country, and that he is striving earnestly to better their condition and lead them to a better day and advance their in-terests. In many things he has succeeded admirably. I am not in accord with all the ideas or methods of procedure of the Indian Bureau officials, but I do not impugn their motives in the slightest degree. I believe the officials of the Indian Bureau are doing what they believe to be the best for the Indians and in

large measure their efforts are having good results.

We hear complaints made here about appropriations of many millions of dollars having been made for the Indians in past years, and that they are still Indians and in their native condition. Who could expect anything different? It is a hard thing to totally change the nature of a race of people. It is a hard thing to overcome the nature of an entire nationality and metamorphose and transform them into different kinds of people. It is a hard thing to go against nature. It is a hard thing to overcome nature. It takes generations in which to do it. Undoubtedly it takes many millions of dollars and much time and great patience, painstaking, and devotion. The time, patlence, painstaking, and devotion to duty the present Indian Commis-sioner and his assistant commissioner and corps of help are freely giving. There are some striking instances of improvement in the condition of Indians, well known to all, which negative assertions made here to-day. Look at the Indians of Oklahoma! A generation ago, tribal Indians in their primitive condition, roving, hunting, fishing, fighting. To-day, civilized, educated, prosperous; nearly all American citizens; numbered among the leading farmers, business and professional men, public officials of a great State. Have they made no advancement? lic officials of a great State. Have they made no advancement?

I believe that upon the whole the Indians of the country are a great deal better off than they were a generation or two ago. I believe that the progress which is being made among many of them is slow, but nevertheless substantial, and undoubtedly some progress is being made.

some progress is being made.

As to the Blackfeet Indian Reservation in Montana, mention of which has been made here, it is true considerable money has been expended for a reclamation project on that reserva-The reason why that has not resulted in more benefit and has not been productive of more results is because the Blackfeet Indian Reservation has not been thrown open to allotment and settlement, so that a good share of the land under that reclamation project could be sold to white settlers after first allotting the choice lands in sufficient quantities to the Indians, with provision for selling the balance, in order that white settlers might settle on it and utilize the water on the land and make a living for themselves and pay for their lands, the proceeds of the land to go to the Indians with which to buy cattle, horses, teams, implements, in order to farm their own lands. That has not been done. That is the reason the reclamation project has not been more beneficial.

I believe that the solution of the Indian problem and the salvation of the Indian lies in throwing Indian reservations open to allotment and settlement. I am a believer in that. open to allotment and settlement. I am a believer in that. I believe in throwing them all open to allotment and settlement, very soon and as rapidly as circumstances will justify. As long as the Indians are kept in their tribal relation they will remain in that primitive condition, they will be segregated from the rest of humanity, they will be herded within a wall constructed around them, separating them from the world and

keeping them in their native primitive condition, and they will not advance very much when they are thus kept. But when a reservation is thrown open to allotment and settlement and the Indians are first allotted their choice of the land, the best land to be picked, in adequate quantities for their support, on which to make homes, probably 320 or 480 acres apiece, or something of that kind, and then the balance of the land thrown open to entry and sold to white settlers who will cultivate it and mingle with the Indians and show them by example how to farm and conduct their affairs, the Indians have a better show to improve. When the white settlers pay for their land the money is put into tribal funds and expended for the benefit of the Indian or put out at interest for them, or it may be invested in live stock and tools and implements of farming for the Indians. Then the Indians advance and be-

come citizens and become self-supporting.

Take the Flathead Reservation, in Montana, for instance. The Indians on that reservation are in a far better condition on the average than are those on the Blackfeet or Crow The Flathead Reservation was thrown open to Reservations. allotment and settlement about eight years ago, I believe, and many of the Indians there are self-supporting, many are successfully farming, having good farms and live stock. Many of them are citizens of the United States, voters who send their children to school. They are making rapid advances in civilization, in the way of becoming useful citizens and taxpayers and contributing to the support of the Government; while the Blackfeet Indians and the Crow Indians, who are kept in their tribal relations on reservations that have not been thrown open to allotment and settlement, are making little or no progress, and I believe they will continue to make little progress until their reservations are thrown open to allotment and settlement.

A bill has passed the Senate for opening a part of the Blackfeet Reservation and is now in the House, and I hope to see a bill for the opening of the Crow Reservation enacted into law at an early date. Then those Indians, the Blackfeet and Crows, will advance as the Flatheads have done.

Mr. JONES. May I ask the Senator a question?

Mr. MYERS. Certainly; with great pleasure. Mr. JONES. I ask the Senator whether those Indians he referred to as being civilized and progressing very rapidly on a reservation in his State hold their allotments in fee simple or whether they are still restricted from selling and handling

them as he and I would handle our real property?

Mr. MYERS. They are under restrictions, I believe, so that they can not alienate the land for 21 years; but if they prove to the satisfaction of the department

Mr. JONES. What I want to ask is whether as a matter

of fact they now hold their lands in fee simple.

Mr. MYERS. Many of them do. I am just describing the plan. As fast as they can prove that they are competent they can have title in fee simple to their lands, and many of them have title in fee simple.

Mr. JONES. But do they come and ask the department to

have their lands in fee simple?

Mr. MYERS. Many of them do, and many get them and

handle them successfully.

Mr. JONES. I want to say to the Senator that it would be very interesting to me to know about how many have done that. The reason why I say that is this: I live within 4 miles of an Indian reservation on which the Indians have had their allotments for many years. I know some of the Indians on the reservation who are very intelligent men. They are very the reservation who are very intelligent men. They are very competent business men. They have splendid homes; but they have not asked to have their allotments given them in fee simple, and they show their acumen and their wisdom by not doing it. They have not asked that it be done because they escape taxation by not having it done.

Mr. MYERS. That shows that they are advancing and get-

ting in line with white men.

Mr. JONES. I wondered whether the Indians in Montana were as acute in business matters as some of our Indians in the State of Washington.

Mr. MYERS. Not altogether. Many of them secure their

lands in fee simple.

Mr. JONES. What has occurred to me growing out of this situation has been this thought, that unless the department takes affirmative action itself looking to the granting of feesimple titles to Indians who are reasonably competent to manage their own affairs it would be a good thing if we would direct the Secretary of the Interior to investigate the competency of various Indians throughout the country, and to those whom they found to be reasonably competent, whether they ask it or not, to issue fee-simple patents.

Mr. MYERS. That might be a good idea.
Mr. LANE. I should like to say that I did not intend to

criticize the personnel-

Mr. MYERS. Just a minute, please. Will the Senator pardon me? I was not referring to anything the Senator from Oregon said. In my remarks I had in mind other Senators who referred to the large amount of money that had been appropriated for the Indians for many years past. The Senator from Washington [Mr. POINDEXTER] made the assertion that many millions of dollars had been expended on the Indians of the country by the Indian Bureau, and said it had resulted in no improvement in their condition. The Senator from Georgia [Mr. SMITH] suggested-I will not say he charged, but I thought he intimated—that the Indian Bureau was encouraging that state of affairs just to get to keep on handling the money and to perpetuate the jobs. I was not referring to anything the Senator from Oregon said. I was replying to charges, intimations, and assertions of other Senators.

Mr. LANE. All right. Mr. President, I was not criticizing the personnel as much as I was the system. Yet there are individual cases where personnel is deserving of some criticism. I was not referring particularly to the condition in Montana, and did not point it out any more than as an illustration of the condition which exists in other States as well. But the condition does exist. The comparison made by the Senator from Montana himself proves it. In the Flathead Reservation the lands have been allotted and divided, but the tribal relations, I presume, have not been abolished so much. You have super-

intendents and other employees in charge.

Mr. MYERS. The tribal relation is partially abolished. They have a superintendent there. A large number of the Indians are not competent, while a large number are. The superintendent's duties are in connection with those not yet declared

competent.

Mr. LANE. Mr. President, there is one illustration of a people living in a rich country, on good lands, the best in Montana, and I am told about as good as we have anywhere in that section of the country, in the Rocky Mountain region. Some of those Indians have done well. They have their periods of support and civilization from the Government and its instruction in the white man's ways, and yet as much or more complaint comes from the destitution of the Indians on that reservation as from those on any other reservation of which I have knowledge. There are many more as badly off, I presume, but a lot of those Indians are said to be living off of the pickings which they can gather from the swill barrels of the white people.

Mr. MYERS. If the Senator will pardon me, I desire to say that while there are cases of destitution on the Flathead Reservation-of course, you will find Indians, as well as other people, who appear to be incompetent to take care of themselves anywhere—such cases, I think, on the Flathead Reservation are mostly those of old, infirm, and sick Indians.

Mr. LANE. There were some hearings held before the Committee on Indian Affairs in the Sixty-fourth Congress, first session, on December 6, 1915; on May 2, 6, 13, and 18, 1916; and on June 1 and 7, 1916. From those hearings I will read you a statement made by Senator Walsh in regard to the condition of the Crow Indians, in which he said that those people-and we make an appropriation for the support, maintenance, and civilization of the same Indians in this bill somewhere, or, if we do not now, we formerly did so-have an annual income of \$180,000 from their lands which are leased for grazing purposes for, say, 8 to 10 cents an acre. And, by way of parentheses, I might say that is the business management of their affairs which the Government holds to them as an illustration and to teach them how to handle their lands. Formerly they leased those lands, the unallotted lands, and at the same time they made no provision for the exemption of the allotted lands; they leased the unallotted lands to some stockman and allowed him to use the allotted land without paying one cent either to the Indian or to the Government. That went on for years, at a nominal price of from 6 to 10 cents an acre, and the Indian did not get a cent. He was not allowed to lease it himself or sell his crop to any other person, except the lessor of the land. Now, it is said here by the Senator from Montana that they have an income of \$180,000 a year from these leases, and the Senator from Montana said, "We want to continue them that way." He further

I will conclude this morning by inviting your attention to how desperate the thing is on the Crow Reservation as the result of the continuance of this policy. In 1885 the population of the Crows was 3,500. That was what the committee reported when they came back.

A certain committee apparently had visited those Indians. In 1914 the population of the Crows was 1,696. There is a 50 per cent loss since 1885. In 1906 there were 1,804. From 1906 to 1914 there is a loss of over 200 population on the reservation. In

1911 there were 120 births and 83 deaths. In 1912 there were 92 births and 54 deaths. In 1913 there were 86 births and 99 deaths. In 1914 there were 69 births and 66 deaths, and in 1915 there were 56 births and 53 deaths. The births have declined since 1911 from 120 annually to 56.

The report of the Secretary of the Interior for 1906, at page 252, will give you a deplorable story about the health of these Indians, practically such as Mr. Grinnell gives you here—85 to 90 per cent of them afflicted with tuberculosis and tracoma. The Senate appointed a special committee to investigate tuberculosis and other infectious diseases among the Indians, and they made special mention of the Crows. The information will be found in Senate Document 1038 of the Sixty-third Congress, and there it is learned that of 995 examined 202 had tuberculosis and 185 had trachoma.

Senator PAGE, Do you think the condition would be improved if they were turned loose and made independent?

Senator WALSH. Well, Senator, it could not have been much worse. When it is as bad as it can possibly be under the existing conditions, we hope it will be a little better.

I may say this is a menace to our entire State.

Later on he said:

The report told you about the success that the Indians are making of agriculture; but \$1,278,181 of the funds of the Indians, derived from the sale of the ceded lands in the northeastern portion there, have been applied to the construction of the irrigation systems within the reservation. They have got a magnificent canal there, as shown on the map. The ditch is taken out right at the Big Horn Canyon and it runs down. It will be interesting to see it.

He states further on that-

The system has cost \$1,278,300. It covers 77,527 acres. It cost \$50,801.82 to maintain it in 1914, and the aggregate product of the Indians on the reservation everywhere, under the ditch and outside of the ditch, was \$43,151.

He stated further along that these are the only Indians in the United States, so far as he could learn, who really have become self-supporting and able to take care of themselves. The Senator from Montana proceeded to say that \$100,000, or about that sum, of the income of these Indians goes to pay the expense of administration and the other \$80,000 goes to the Indians in

annuities, which are sometimes withheld.

The only Indians who have made good and gone ahead in a white man's business way, as shrewd, capable men, able to take care of themselves-although not highly civilized in our sense of the word—are the wildest Indians in America, the Indians who have the poorest land. They are the Navajos in Arizona and New Mexico, who raise sheep where it takes 20 acres of land to support one sheep. They were so poor that they did not attract the attention, apparently, of the Bureau of Indian Affairs-it is the system, of course, to which I refer-but they have done well, and they are the only example to which one can point of Indians, so far as I know, who really do take care of themselves, who live in peace with everybody, and who are no cost to the Government, except perhaps for a few schools.

Mr. FALL. Mr. President-

Mr. LANE. Just a moment, and then I will be through.
Mr. FALL. I merely wanted to ask a question, Mr. President, right there.

Mr. LANE. I yield to the Senator.
Mr. FALL. The Senator was referring to the Navajos of Arizona and New Mexico and to the fact that they were not costing the Government anything.

Mr. LANE. Not in proportion to their number, I should have

Mr. FALL. Not in proportion to their number, the Senator says. There are very large amounts appropriated in this bill which are to be used entirely in the discretion of the Indian Bureau.

Mr. LANE. That may be; I did not know that.

Mr. FALL. In the second place, if the Navajos are not supported by the Government they are supported very largely at the expense of the people of Arizona and New Mexico. The Navajo Indians have over 1,100 acres each set aside for them; but, aside from that, 9,000 of them have been located by the Government, contrary to the treaty with the Navajos, on the public lands of Arizona and New Mexico outside of the reservation.

Further than that, the Congress of the United States two or more years ago provided that no other Navajo Indians should be located upon the public lands of Arizona and New Mexico, but the President of the United States has just reserved in one county of my State some 65,000 or 70,000 acres or more by descriptions of the sections and quarter sections of land for the purpose of placing Navajo Indians upon it, contrary to the spirit and terms of the act of Congress. Of course, the Congress has not prohibited the President setting aside this land, though has not prohibited the location of Navajos upon it; but the President has now, by reservation made within the last day or two, withdrawn thousands of acres of land in McKinley County, Mex., which, if taken up by the white man, would pay taxes and contribute to the support of the Government-withdrawn it for the purpose of turning it over to the Navajos, although

Congress has said that no other Navajos should be placed upon the public domain.

Mr. LANE. Mr. President, I have my information largely from what has been stated in the hearings in the past, confirmed by the statement of the Assistant Commissioner of Indian Affairs, that the Navajos are more nearly self-supporting than any other tribe and that they are progressing in a financial way when compared with other Indians throughout the United States. They are Indians who have wandered the mountains with their sheep and have not been restricted to reservation life; and for that reason there is less tuberculosis, less trachoma, and less poverty among those Indians than those in any other tribe. They have learned how to handle an industry of large value, and they are pointed out as marvelous Indians for that reason. I do not know what has been done about this land lately.

Mr. FALL. Mr. President, if the Senator will allow me, the Navajos have always been herders and raisers of sheep. Even prior to the treaty which they made in 1868, they were the greatest shepherds in the United States. They have always owned very large herds, and they not only sell their wool, but, as the Senator knows, they are the manufacturers of what are known as Navajo blankets, which are noted all over the world.

Mr. LANE. I understand that. Mr. President, the Navajo is an Indian who has been allowed to pursue the line of making a livelihood to which he has been accustomed. The other Indians in the Rocky Mountain country in the West were horsemen, and they understood the handling of horses, and were naturally herdsmen of cattle also. They had never farmed, but they were put on restricted areas, and an attempt was made to teach them how to farm, the one thing about which they knew nothing and for which they cared nothing.

I am going to call attention to one habit of the Indians of the Pacific coast. It can be seen how difficult it would be for a man who for generations had bred into him such an idea to turn directly against it and adopt another plan. When an Indian grew rich in furs or dried fish or a large herd of ponies, his greatest ambition was to call a meeting of all the other members of his tribe and of the adjoining friendly tribes, and to hold what they called a "potlatch." At this potlatch the Indian gave away everything he had in the world, all his horses, his blankets, his clothing down to a breechclout, if you please, and went out without anything of value in his possession. He gave everything away, and that action brought the highest honor that an Indian could attain. That has been the custom for ages of the northern Indians, and they hold those potlatches yet. Did you ever see a community of white men holding a potlatch and giving away anything to their neighbors, just for the honor it would bring them? I never have.

Now, to take the Indians living near the Rocky Mountains, who had always held potlatches, and try to teach them to become shrewd, sharp, capable, keen traders and business men is rather a hard task, and I presume we are lucky that we have done as much with them as we have, but we can never make business men out of them until they are given the opportunity.

The Indian Bureau has grown up and become an increasing weight upon the Indians. The reservation system has outlived its usefulness, and some other method should be adopted which will give the Indian a better opportunity. They have property worth millions upon millions; yes, a billion dollars' worth of property; and yet thousands upon thousands of them are without a penny and are living under conditions which could not be printed if I were to dwell upon them. There is something wrong about the system and it should be changed.

In Montana there are thousands and hundreds of thousands of acres of good land in the reservations which is made no use of either by the white man or by the Indian with any benefit to the Indian. They are blocked to white settlement, and are of no benefit to the Indian. That should be changed. The attempt being made now by both Senators from Montana to secure this land for the use of the whites is blocked by the bureau, protests of all kinds are made, and impediments are placed in the way of that land being thrown open to the people, while the tribe on the reservation is being held under the care of men who will not, on account of rules made by the superintendent, allow the Indians to visit with one another. I think a change ought to be made; but the gentlemen who are protesting against the expenditure of money for building schools are, in my opinion, not attacking the items in the bill which are more particularly subject to legitimate criticism, and I think that those items should be criticized first.

If you will read the bill carefully you will ascertain that as to all of these items covering the whole field provision is made that the money is to be expended under the supervision of and under such rules and regulations as may be prescribed by the Secretary of the Interior, who necessarily must take the suggestions of the very bureau which is managing these affairs in a way which has resulted in numerous instances in almost the annihilation of the Indians.

Mr. McCUMBER. Mr. President, I desire to say just a word in reference to Indian affairs in order to bring the matter to the attention of the Senate in a way, at least, so that we may to some extent comprehend what is before us as affecting the

whole Indian question.

We have heard a great deal of discussion for years about making the Indian a self-supporting individual. We have had a great many lectures in the Senate about converting the red man into a white man, and we have been trying to do that for the last hundred years. The sooner the Senate and the country makes up its mind that the Indian problem is going to be an Indian problem, and not a white man's problem, and must be dealt with accordingly, I think the better it will be for us. can not fail to recognize that the general law of evolution and the force of environment, operating for thousands of years upon the aborigines of this country, have created a race that are absolutely incapable at this time of changing their natures so as to be able to compete with the white man in this, now a white man's country.

I do not agree with those who believe that we can ever make of the North American Indian a self-supporting individual and put him in competition with the white race. Everyone who knows anything about the Indian character, as it was described a few moments ago by the Senator from Oregon [Mr. Lane] in his illustration of the Indian characteristic of giving away everything he has, realizes that he is nothing more nor less than a child of nature, absolutely incapable of holding his own

against the cunning of the white race.

Now, that being the case, what is our duty? You can not make a white man out of the Indian, educate him just as much as you please. There may be cases of individualism among the Indian tribes where there would be an exception to this rule; but, looking at the question as a whole, the Indian race must be dealt with as an Indian race, and we must appropriate for them just as long as they are Indians.

What can we do to-day? We have robbed them of their lands. We have denuded their forests. We have destroyed the fish in their streams. We have made it impossible for them to gain a livelihood that was common and that was workable with them as Indians. Now, what are we going to do about it? Are we going to say that we can immediately convert them, by some bill which any Senator has in his mind, into a white race?

Mr. President, I do not know how many full-blood Indians

there are in the United States. I noticed by a report yesterday that we have about 335,000 Indians altogether, and I do not believe there are more than 100,000 at the most of full-blood Indians. In the case of the rest of them there is more white blood than there is Indian blood in those that we denominate as Indians. That element undoubtedly, through the process of amalgamation, will soon be a negative quantity. They will be merged into the white race, or they will die out, as many of them are dying to-day, through the inability of the children of the mixed race to adapt themselves either to the old Indian

condition or to the white man's condition.

What is our appropriation? About \$15,000,000 a year. For how many Indians? About \$35,000. We are therefore appropriating about \$45 per capita for the support of the Indian population of the United States. Whatever support they have beyond that must necessarily be from their own earnings. They are therefore partially self-supporting; and all we can do under the conditions is to assist them in increasing their proportionate part of their own earnings and their own support, if they can possibly do so. But at all times we must appropriate for their support, the same as we would have to take care of an undeveloped child or a minor; and if we do not pay more than \$15,000,000 a year for the partial support of the Indians of this country, I think we are paying a mighty meager sum for what we have taken from the Indians. We owe them that duty, we owe them that support, and we ought to give it ungrudgingly; and if we can not make them entirely selfsustaining we ought not to complain because we are paying \$15,000,000 a year to assist them in supporting themselves.

I do not expect that we are ever, in our lives at least, going to escape the necessity of appropriating at least \$15,000,000 a year for the support of the Indians of this country. What I wish we would get into our minds is that we ought to do it, and we ought to do it freely, we ought to do it thankfully, for what we have taken from the Indians, and not every year grumble and find fault with the \$15,000,000 that we are paying

for the support of these wards.

Mr. GRONNA and Mr. LANE addressed the Chair.
The PRESIDING OFFICER (Mr. Hollis in the chair).
Does the Senator from North Dakota yield, and to whom?
Mr. McCUMBER. I think my colleague first rose. I yield

to him first.

Mr. GRONNA. I want to say to my colleague that it is true that we are appropriating about \$15,000,000 for the expenses of the Indians, but not one-half of that comes out of the Treasury of the United States. I have not the figures, but I believe I am safe in saying that not one-third of it comes out of the Treasury of the United States, because a great deal more than one-half of that amount is paid by the Indians themselves. It is taken out of their funds.

Mr. McCUMBER. Then we are not really paying more than \$7,500,000, which would make about \$22.50 per capita, to take

care of our Indian population. Mr. LANE. Mr. President—

Mr. McCUMBER. I yield to the Senator from Oregon. Mr. LANE. The amount you pay out for the actual support of the Indian, I think, is a bagatelle. It is really for the support of employees, white employees and some Indian employees, but not for the Indians themselves.

Mr. McCUMBER. Oh, Mr. President, undoubtedly there is ensiderable waste. There is in every other arm of the Govconsiderable waste. ernment, and I doubt if there is any more waste in the Indian Service than in any other governmental service. We must expect that. We have found no means of escaping it so far in any bureau or in any branch of the Government. So, on the whole, we ought to be gratified that we own this country, and that we are not paying out more than \$15,000,000 a year for the support of the people from whom we took this country.

Mr. ASHURST. I ask for a vote on the question.

Mr. SMOOT obtained the floor.

Mr. FALL. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Mexico?

Mr. FALL. No; I did not know that the Senator from Utah had been recognized.

The PRESIDING OFFICER. The Senator from Utah is

recognized. Mr. SMOOT. If the Senator desires to speak upon the ques-

Mr. SMOOT. If the Schatter desires to speak upon the question that has been before the Schate, I will yield to him.

Mr. FALL. I wish to speak only just a moment.

Mr. SMOOT. Then I will yield to the Schator, because I am going to refer to the amendment that is pending. I am not going to speak on the general bill.

Mr. FALL. I am going to speak in connection with the gen-

eral subject. I merely want to say a few words with reference to the method by which we make these appropriations.

The bookkeeping methods of the department cause the greater part of the criticism. Senators can not understand the methods by which the appropriations are made up, because no one else can understand them. They are misleading; and a committee will report, I presume, in a very short time on some of these methods, having been appointed to do certain work in connection with that matter.

For instance, just to illustrate the difficulty, in the very item under consideration now there is a direct appropriation for the support and civilization of the Indians at the Flathead Agency,

Mont., of \$20,000-

of which amount not exceeding \$1,000 may be expended for the purchase of two automobiles, and not exceeding \$4,500 of which shall be expended for salaries.

Now, naturally it would impress any Senator here that the entire amount embraced in this bill applicable for any purpose whatsoever to the Flathead Agency in Montana was the amount of \$20,000, as set forth here; certainly that the amount of \$1,000 would limit any expenditure upon the Flathead Agency for the purchase or repair of automobiles. That, however, is not true. With reference to this particular appropriation of \$20,000, only \$1,000 out of it can be used for automobiles; but there is no limit upon the amount which can be used at the Flathead Agency for the purchase of automobiles, except the limit of \$300,000, aside from the \$1,000; and any portion of that \$300,000, in the discretion of the Commissioner of Indian Affairs, may be used at the Flathead Agency, because there is a general appropriation in this bill for the purchase of automobiles, repairs, and so forth, of \$300,000.

Mr. MYERS. Mr. President, may I say a word? The PRESIDING OFFICER. Does the Senator from New

Mexico yield to the Senator from Montana?

Mr. FALL. In just a moment. That \$300,000 is to be expended entirely in the discretion of the commissioner. Now I yield to the Senator from Montana.

Mr. MYERS. I will say that the superintendent of the Flathead Agency has informed me that he is very badly in need of two automobiles there. Last year, for some reason or other-I do not know what-by some denial of authority he was not allowed to purchase them, and in order to enable him to purchase them this provision was put in here.

Mr. FALL. That illustrates exactly the point I am making, Mr. President-that possibly the agent at the Flathead Agency did not receive the same consideration that the agent at some other agency received. If the Senator will just refer to page 14 of this appropriation bill, he will see the following provision:

That not to exceed \$300,000 of applicable appropriations made herein for the Bureau of Indian Affairs shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for the use of superintendents, farmers, physicians, field matrons, allotting, irrigation, and other employees in the Indian field service.

Now, the particular item as expressed in this \$20,000 appropriation is a limitation only upon the expenditure of the \$20,000. Mr. MYERS. If the Senator will permit me to say so, that \$300,000 does this agent no good if he is not permitted any part of it.

Mr. FALL. Exactly. I am not saying that the agent is getting any more than he is entitled to. I am not undertaking to say for a moment that the agent is not entitled to his automobile.

Mr. MYERS. I understand that.
Mr. FALL. I am commenting upon the system of bookkeeping and requesting appropriations by the Indian Office in making up their estimates. That is the trouble.

For instance, Mr. President, there has been some talk here about the care of the Indians by the Government. Why, the care is rather excessive at times. For instance, I discovered this state of affairs in my own State, very much to my astonishment, because it is a new condition.

Among the other Indians in New Mexico we have what are

commonly known as the Pueblo Indians.

[At this point Mr. Fall yielded to Mr. Sherman and Mr. SHIELDS, and, by unanimous consent, introduced bills which

are found under the appropriate heading.] Mr. FALL. I had refrained from further conversation, Mr. President, until some of the other Senators concluded. I am

glad that at least I have afforded an opportunity as a clearing house for bills and reports, if my efforts were not of any other

I am simply going to refer to the condition of affairs with reference to what we know as the Pueblo Indians in New Mexico, some of whom also are known as the Hopis, and others of a similar class are found in Arizona. The Pueblo Indians own their own lands. They are agricultural Indians. They were found exactly where they are found now three hundred and odd years ago, when the Spaniards first came to the country, cultivating exactly the same fields, using exactly the same irrigation ditches; and over 100 years ago they had their titles to their lands confirmed to them directly by the Spanish Government.

The United States Government had absolutely nothing to do with the Pueblo Indians, nor with their lands. The United States Government has not made a reservation for the Pueblo Indians. They own their lands by grant from the Crown of Spain. They are citizens of the United States, and have been so declared in several different decisions of the Supreme Court. They are entitled to vote if they choose to do it; but they do not, however, avail themselves of that privilege, and I do not know but that they display a good deal of judgment in the matter. They maintain their own government entirely. They elect what we call a mayor, what the Mexicans call a presidente, and the officer whom the Pueblos themselves designate as a governador, or a governor. They elect their own council. They settle their own law cases. Very seldom do they appeal to the law of the white man at all. Very seldom is there any necessity for such an appeal.

Each of the pueblos in New Mexico-over nine-has its own governor, its own council, and its own judge, the governor acting as judge in the cases that arise. The United States has only interfered within a very short period of time with these Pueblo Indians, in so far as affording them day-school facilities is concerned. A portion of the \$1,650,000 appropriated in this bill for Indian day schools, aside from all the other specific appropriations made for school or other purposes, is used for the Pueblo Indians in New Mexico in support of day schools. An agent or a superintendent of day schools for the Pueblo Indians Very recently the Indian Office here in Washington, apparently not understanding a thing under heaven about the history of the Pueblos or their condition, has created of this superintendent an agent for the Pueblo Indians of New Mexico. They have no appropriation of any kind or character, except that of Indians on the Flathead Indian Reservation in Montana, in-

we maintain schools there. This superintendent is now created into an agent for the Pueblo Indians. He has invoked or resur-rected an old law, under the terms of which he as the superintendent of the Pueblo Indians claims authority to appoint a judge for the Indians. He has gone to one of the pueblos and there selected a favorite of his own as a judge, overturning all the traditions and customs of the Indians, interfering unwarrantedly with them, and he takes from one pueblo 250 miles away an Indian to try him before this Pueblo Indian judge.

Each of these pueblos or settlements of Indians is as separate and distinct from the others as is one State of this Union separate from the others as a State. The Commissioner of Indian Affairs here in your city of Washington did not know that the Pueblo Indians of New Mexico did not speak the same language. He did not know that there were nine different languages spoken, and that the Pueblos could not understand one another. His superintendent apparently did not take that matter into consideration when he, overturning all their customs and traditions, as ratified by treaty, as confirmed to them by decisions of the court, himself appointed a judge for the trial of Indian cases, selecting one Indian in one pueblo 250 miles away from other pueblos, and vesting him with the power to try Indian cases arising in the pueble 250 miles away. When I myself asked the Commissioner of Indian Affairs in Washington if he did not understand that this Indian brought from 250 miles away could not understand the language of the Indian before whom he was tried, he did not know; he thought all the Pueblos spoke the same language.

Now, this is the trouble, these are the conditions that we find, those of us who know anything about Indian affairs, when we investigate-absolute colossal ignorance existing in the Indian Office here in Washington; and never until we have some business man in charge of that department who will direct that proper estimates are made here in simple, plain language, so that the Senate committee can understand them, never until such a method of bookkeeping is established, will you meet anything but opposition when you present a hodge-podge of a bill such as this is for the consideration of the Congress of the United States.

Never will you civilize the Indian, never will you raise him very much higher in the scale of humanity, until you have some man in charge of affairs who as a business man will investigate and inform himself, and when informed act. This is the trouble with the Indians generally, and the trouble with your Indian appropriation bill at every session.

Mr. ASHURST. I ask for the question, Mr. President.

Mr. SMOOT obtained the floor.
The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The Secretary. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes

Mr. MYERS. I ask unanimous consent that the unfinished business be temporarily laid aside for the consideration of the Indian appropriation bill.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside for the consideration of the Indian appropriation bill. The Senator from Utah.

Mr. SMOOT. Mr. President, the amendment proposed by the committee to the provision adopted in the House increases the appropriation \$1,000, and that \$1,000 is to be expended for the purchase of two automobiles.

Mr. MYERS. No, Mr. President; it does not increase it a cent. It does not increase a cent the appropriation in the bill

as it came over from the House.

Mr. SMOOT. It increases it at least to this extent. If you can get along with \$19,000, and not exceeding \$4,500 which shall be expended for salaries, then there is no need of the \$20,000 appropriation being in the bill.

Mr. MYERS. There is no increase, I will say to the Senator.

Mr. SMOOT. I know very well that there is.
Mr. MYERS. It is \$20,000; and it was \$30,000 last year.
Mr. SMOOT. I know there is no increase directly, but if the House provision is absolutely necessary to carry \$20,000 for the support and civilization of Indians on the Flathead Reservation in Montana, of which amount not exceeding \$4,500 shall be expended for salaries, then you add \$1,000 for the purchase of two automobiles, to be taken out of the \$20,000.

Mr. VARDAMAN. Mr. President, what can be more civilizing than two Fords?

Mr. MYERS. It does not add anything.
Mr. SMOOT. Mr. President, what I was trying to get the
Senate to see is this: If it requires for support and civilization

cluding pay of employees, \$20,000, of which amount not exceeding \$4,500 shall be expended for salaries, then it is evident if we are going to take \$1,000 out of the \$20,000 for the purchase of two automobiles, \$20,000 is not sufficient or else it is \$1,000 more than enough.

Will the Senator let me make a brief state-

ment right there?

Mr. SMOOT. I know exactly what the Senator will state.

Mr. MYERS. What does the Senator know?

The Senator will state that the appropriation Mr. SMOOT. is \$20,000, and it does not cost the Government any more

Mr. MYERS. No; I am not going to say that. Senator permit me?

Mr. SMOOT. Then I yield.

Mr. MYERS. In just a minute I want to enlighten the Senator on this point. The necessity for the purchase of those two automobiles was fully gone into by the committee. The state-The necessity for the purchase of those two ment from the superintendent of the Indians on the reservation was laid before the committee, and it was approved by the representative of the bureau who was sitting there—the assistant commissioner-who verified the facts. The facts are that the superintendent now has two automobiles, but they are worn out. They have been worn out and are simply useless, and they need to be replaced. The committee passed on it unanimously, I believe, authorizing the insertion of this item. It is all in the hearings. The chairman can read from the

Mr. SMOOT. If the statement made by the Senator is cor-

Mr. MYERS. Certainly it is correct.

Mr. SMOOT. Then this amendment ought to be changed authorizing the purchase of the machines so as to use the old machines in exchange. In every appropriation bill that we have, when there is an old automobile worn out, that authorization is given, and unless it is you can not do anything with the old machine.

Mr. MYERS. From the report made, the old machines are not worth exchanging. They are worth nothing. They can not

Mr. SMOOT. Mr. President, in view of what the Senator says, there is no necessity to put in the amendment here for the purchase of two automobiles. If the Commissioner of Indian Affairs feels that the purchase of two automobiles is absolutely necessary for the Flathead Indian Reservation, he can purchase them out of the appropriation of \$50,000 provided for on page 14 of the bill.

Mr. MYERS. They needed them last year, but had no way

of getting them.

Mr. SMOOT. The House provided \$30,000 for the purchase of automobiles, and limited the amount for the purchase of the automobiles to \$30,000 for the fiscal year 1918, as found on page 14 of the bill. The Senate committee increased the House appropriation of \$30,000 to \$50,000.

Mr. MYERS. All I know is—
Mr. SMOOT. Now, the Senate committee wants to add \$1,000 more for the purchase of two automobiles at the Flathead Indian

Mr. MYERS. All I know is that they did not get them and they needed them.

Mr. SMOOT. The superintendent needed them last year and got along without them, and if he needs them now certainly he can get them out of the \$50,000 appropriated for that specific purpose. Authorization is given to the Commissioner of Indian Affairs to purchase that many dollars worth of automobiles and place them anywhere in the United States upon Indian The committee of the Senate was not content with authorizing them to spend \$30,000 for that purpose, but increased the appropriation \$20,000, and now it has a provision here under the head of Montana for \$1,000 for the purchase of two automobiles for the Flathead Indian Reservation.

Mr. President, there is no necessity for it. If the Commissioner of Indian Affairs knows and feels that it is necessary to purchase two automobiles for the Flathead Indian Reservation, he has \$50,000 at his command to purchase those machines, together with as many other machines for other reservations as the \$50,000 will provide.

Mr. President, I hope that this amendment will not be agreed to, because it is provided for in another part of the bill, and there is no necessity for that. Upon that, Mr. President—

Mr. MYERS. When the Senator yields the floor I simply

want to say

Mr. SMOOT. Upon the amendment I ask for the yeas and nays, but I do not wish to do that until the Senator concludes what he has to say.

Mr. MYERS. I want to reply briefly, Mr. President. I only have to say in regard to this matter that it was fully considered by the committee when there was a full attendance, as I said, a large attendance. The Assistant Commissioner of Indian Affairs was sitting there consulting the committee. The committee went into the matter thoroughly, and unanimously decided that this provision is necessary and advisable.

It does not increase the appropriation one cent. It does not take one cent more out of the Federal Treasury. It does not raise the amount that came over in the bill from the House a particle. The statement from the superintendent of the agency was read to the committee. The Assistant Commissioner of Indian Affairs was sitting there and said he knew something of the facts and thought the change ought to be made. It was discussed by the committee, and the committee gave its approval to the proposition and differed from the Senator from

Mr. SMOOT. May I ask the Senator a question? Mr. MYERS. Certainly, with pleasure.

Mr. SMOOT. If it is absolutely necessary and the Commissioner of Indian Affairs thought it was necessary, and the committee thought it was necessary, why did not the committee increase the amount for the purchase of automobiles to \$51,000 instead of \$50,000?

Mr. MYERS. Because they thought it was just as well to put

the appropriation of \$1,000 in here.

Mr. SMOOT. Why did they not say, then, that all the other appropriations for the purchase of automobiles for Indian reservations should be put under the head of the Indian reservation for which the automobile was to be purchased?

Mr. MYERS. There was no application for that.

In other words, there was no one on the com-Mr. SMOOT mittee from States where other reservations wanted automobiles, and therefore it did not go in under the heading of the same.

Mr. MYERS. I suppose not.

Mr. SMOOT.

I presume that was about the case.
The committee and the Assistant Commissioner Mr MYERS of Indian Affairs decided that the superintendent ought to have these two automobiles, that a thousand dollars was a reasonable sum to be allowed for them, and that this was the proper method to provide for their purchase. That is all I can say. The committee passed on it and gave its approval, and I think it ought to be sustained by the Senate.

Mr. SMOOT. I ask for the yeas and nays.
Mr. GRONNA. Mr. President, I want to substantiate what
the Senator from Montana [Mr. Myers] has stated. The matter was very carefully considered and it was shown to the committee that two automobiles are needed on this reservation. While there may be something in the criticism of the Senator from Utah and perhaps we ought to refer it back to the appropriation on page 14, the committee thought it did not make very much difference whether we appropriated \$1,000 for two automobiles on page 14 or on page 25. It was the unanimous opinion of the committee that these two automobiles are needed, and it was agreed to by the Assistant Commissioner of Indian Affairs, who

Mr. OVERMAN. May I ask the Senator a question?
Mr. GRONNA. Certainly.
Mr. OVERMAN. We are going to have a yea-and-no We are going to have a yea-and-nay vote and I want some light on the subject. Is it true, as the Senator from Utah says, that these two automobiles can be purchased out of the appropriation of \$50,000?

Mr. GRONNA. No; these two automobiles will be taken out

of the appropriation of \$20,000.

Mr. OVERMAN. I understand; but has not the department authority under the \$50,000 appropriation to purchase two automobiles for this purpose?

Mr. GRONNA. I want to answer the Senator from North Carolina. As I understand it, an additional appropriation of \$1,000 will be required. It will take more than \$50,000 to make the purchases necessary on the various reservations.

Mr. SMOOT. Is it not true that the Senate committee increased the appropriation of the House from \$30,000 to \$50,000

for this very purpose?

Mr. GRONNA. That is true; but we also provided that only \$15,000 should be expended for the purchase of horse-drawn There is really a limitation placed upon the whole vehicles appropriation.

Mr. SMOOT. There is no limitation placed upon the appro-

priation of \$50,000 for the purchase of automobiles?
. Mr. GRONNA. I do not say that there is a limitation upon

the appropriation of \$50,000.

Mr. SMOOT. That is all I am falking about.

Mr. GRONNA. But we are placing a limitation on the appropriation of \$15,000. We provide that only \$15,000 worth of

horse-drawn vehicles shall be purchased. That is a reduction of the amount formerly expended for horse-drawn vehicles.

Mr. SMOOT. There is no question arising as to the limita-

tion on the appropriation for horse-drawn vehicles.

Mr. GRONNA. We are simply increasing the amount of money that may be expended for vehicles and I am discussing the amount of the appropriation which may be used for horsedrawn vehicles.

Mr. SMOOT. The whole item has been increased in that paragraph from \$200,000 to \$300,000, and it is provided that of paragraph from \$200,000 to \$300,000, and it is provided that of the appropriation of \$300,000 not to exceed \$50,000 shall be ex-pended for automobiles. The House provided in the paragraph an appropriation of \$200,000 and that not to exceed \$30,000 should be expended for automobiles. The Senate committee immediately increased the appropriation from \$200,000 to \$300,000, and then increased the amount to be expended for the purchase of automobiles from \$30,000 to \$50,000. Authority is given to the Commissioner of Indian Affairs to expend \$50,000 in purchasing automobiles, and he can put them upon any Indian reservation in the United States, but, after increasing the appropriation \$20,000, when they come here to the Montana items they put in an appropriation of \$1,000 for the purchase of two automobiles for the Flathead Indian Agency in Montana. If \$1,000 for the purchase of automobiles is absolutely required, they ought to make the appropriation of \$50,000 \$51,000, and not put in here a clause for the purchase of two automobiles for the Flathend Agency. The appropriation is made in the paragraph I have referred to, and that is where all the money ought to be appropriated for the purchase of automobiles, and not have the amount that is appropriated come under the head of "Montana," and appropriate for purchasing automobiles outside of the lump sum provided in the bill.

Mr. MYERS. I understand the objection is merely one of bookkeeping or method of procedure, and the Senate committee thought this was the proper method. It seems to me the committee is the best judge of the matter. If the superintendent at this agency were compelled to rely on the appropriation of \$50,000, he might not get his automobiles. I notice that he did not get them last year. To say to him here is an appropriation of \$50,000 with which to buy automobiles, does not do him any good if he does not get any automobiles. It is like a man having money in a bank that he can not draw out. The committee adopted this method of providing it to make sure that he would get them without question. With this method there is no doubt but that he will get them. I think the amendment

ought to be adopted.

The PRESIDING OFFICER. The Senator from Utah demands the yeas and nays on agreeing to the amendment of the committee.

The year and nays were ordered, and the Secretary proceeded

to call the roll.

Mr. CATRON (when his name was called). I have a general pair with the Senator from Oklahoma [Mr. Owen]. In his absence I withhold my vote.

I have a general Mr. FALL (when his name was called). pair with the senior Senator from West Virginia [Mr. CHILTON].

In view of his absence I withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN]. As he is absent, I withhold my vote.

Mr. CURTIS (when Mr. HARDING'S name was called). I

desire to announce the unavoidable absence of the junior Senator from Ohio [Mr. HARDING] on account of illness in his

family. I will let this announcement stand for the day.

Mr. JONES (when his name was called). The junior Senator
from Virginia [Mr. Swanson] is necessarily absent on account
of illness. I am paired with him for the day, and therefore

withhold my vote.

Mr. CURTIS (when Mr. McLean's name was called). I desire to announce that the Senator from Connecticut [Mr. McLean] is absent on account of illness. I will let this announcement stand for the day.

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLean]. In his absence I transfer that pair to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. Coll] to the junior Senator from Arkansas [Mr. Kirby] and vote "yea."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence I shall have to withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I announce the absence of my colleague [Mr. SMITH of Michigan] and his pair with the junior Senator from Missouri [Mr. Reed]. This announcement may stand for the day

Mr. STERLING (when his name was called). pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Maine [Mr. FERNALD] and vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCumberl, which I transfer to the junior Senator from South Dakota [Mr. Johnson] and vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. Goff] to the

Senator from Tennessee [Mr. Lea] and vote "nay."
Mr. WALSH (when his name was called). I am paired with the Senator from Rhode Island [Mr. Lippitt], who is absent. I transfer that pair to the Senator from Indiana [Mr. Kern] and vote "yea."

The roll call was concluded.

Mr. CATRON. I transfer my pair with the Senator from Oklahoma [Mr. Owen] to the Senator from Connecticut [Mr. Brandegee] and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Wyoming [Mr. CLARK] with the Senator from Missouri [Mr. STONE]; and

Gallinger Goff

The Senator from Pennsylvania [Mr. Penrose] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced-yeas 33, nays 19, as follows:

1		" to the discour	teres ool media	to, an ionoms.	
1		YEA	S-33.		
	Ashurst Beckham Broussard Bryan Catron Chamberlain Clapp Curtis Fletcher	Gronna Hollis James Johnson, Me. La Follette Lane Lee, Md. Martin, Va. Martine, N. J.	Myers Norris Page Pittman Poindexter Ransdell Saulsbury Shafroth Sheppard	Shields Sterling Thompson Townsend Vardaman Walsh	
ı		NAY	S-19.		
	Bankhead Borah Brady du Pont Hardwick	Hughes Kenyon Lodge Oliver Overman	Pomerene Sherman Smith, Ga. Smoot Thomas	Tillman Wadsworth Watson Weeks	
١	NOT VOTING-44.				
	Brandegee Chilton Clark Colt Culberson Cummins Dillingham Fall Fernald	Gore Harding Hitchcock Husting Johnson, S. Dak. Jones Kern Kirby	McCumber McLean Nelson Newlands O'Gorman Owen Penrose Phelan Reed	Smith, Ariz. Smith, Md. Smith, Mich. Smith, S. C. Stone Sutherland Swanson Underwood Warren	

Robinson Simmons Warren Williams Works So the amendment of the committee was agreed to.

Mr. FLETCHER. I ask leave, Mr. President, to return to the item under the head of "Florida," on page 27 of the bill. I was absent yesterday when the matter came up. I ask the Senate to reconsider the vote whereby the amendment of the committee was adopted. It will be seen that the bill as it came from the House carries an appropriation of \$8,000 "for relief of distress among the Seminole Indians in Florida, and for purposes of their civilization and education." The committee saw

fit to reduce the appropriation to \$5,000.

While it is true that Assistant Commissioner Meritt apparently believes that to be a sufficient sum to carry on this work I should like to say that Mr. Meritt seems to be actuated very largely by the fact that the agent appointed to look after this work in Florida last year did not spend all the money that was appropriated for the purpose, and therefore he assumes that the amount of \$8,000 is not needed because \$8,000 was not spent last year. The fact is that the condition with reference to these Indians is growing worse instead of better, because the great hunting grounds of the Indians in that portion of the State, and they are all in that portion of the State, are being reduced to cultivation, and to that extent the Indian is unable to obtain the quantity of game he used to get and he can not much longer maintain himself by hunting and fishing. He has to begin something else. There are some 578 Indians of these Seminoles in or in the vicinity of the Everglades of Florida. Senators will recall that they are descendants of the Seminoles who would not go to the Indian Territory years ago. They refused to go. The Government undertook to drive them and the Indians went down into the Everglades and they have remained there. The Everglades are now being reclaimed; canals

and ditches are being dug and other similar work is being done; and lands which were formerly under water are at the present time producing magnificent crops, so the hunting grounds of the Indian are being gradually taken away from him. He therefore needs to be taught how to become self-supporting; he needs to be taught something of agriculture. Occasionally the Indians have their troubles in the way of illness; they need the care of physicians; they can not any longer be dependent upon their "medicine men." The Indian children are now going to the public schools.

Mr. ASHURST. Mr. President-

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from Florida yield to the Senator from Arizona?

Mr. FLETCHER.: I do.

Mr. ASHURST. What is the purpose of the Senator from Florida—simply to disagree to the committee amendment?

Mr. FLETCHER. I do not ask to increase the provision of the bill as it came from the House, but I simply ask to disagree to the committee amendment, and let the item stand as it passed the other House, at \$8,000.

Mr. ASHURST. So far as I am concerned, I hope that action

will be taken.

Mr. FLETCHER. I think that ought to be done. Of course, if the money is not needed it will not be spent. The amount involved is small. I ask that the committee amendment be

disagreed to, Mr. President.

Mr. BRADY. Mr. President, there must have been some reason for reducing the amount of this provision from \$8,000 to \$5,000, and on that point I should like to hear from the chair-

man of the committee, who is in charge of the bill.

Mr. FLETCHER. The reason is, as I have said, that Mr. Meritt stated he needed but \$5,000, or that that would be all that he considered would be necessary. This is shown in the report of the committee, where he says he will be satisfied with \$5,000. He feels that that may be sufficient, but the House of Representatives did not think so. The House said, "You are going to need \$8,000 for this purpose for the next year." If it is not needed it will not be spent; it was not spent last year; but because it was not spent last year is no reason why it will not be needed for this year. The needs are increasing. The Indian children are now going to the public schools, whereas formerly they were prohibited by the white people from attending the white schools. At one time the penalty of death was imposed by the Indian council upon an Indian who sent his children to a white school; but that has been done away with, and the Indian children are now going to the white schools and are there being taught. The Indians are being relieved in many ways. The report of the Commissioner of Indian Affairs states:

If they are not won to the ways of civilization within a comparatively few years they will become dependents. It has not been necessary to expend much money upon these people as yet, but there should be an adequate appropriation available.

Eight thousand dollars for one year for the relief of 578 Indians scattered over that region is certainly not a very generous provision to make for them. Simply because last year that amount was not actually expended is no reason why it will not be needed for this year. The House of Representatives thought it would be needed, and therefore they granted \$8,000.

Mr. BRADY. Mr. President, I fully realize that the House of Representatives allowed \$8,000, but the committee reduced that amount to \$5,000. I think before we vote on the amendment we should hear from the Senator in charge of the bill as to why that item was reduced from \$8,000 to \$5,000.

Mr. FLETCHER. Very well. I have simply called attention to the report of the committee.

Mr. ASHURST. Mr. President, I wish, first, to say that that is the only reduction which the committee of the Senate made. All other actions with respect to amounts were increases.

There is a strange view which obtains in the mind of some men regarding departmental work. If a department is economical, it is penalized; and if it fails to spend the full amount that is made available for its purposes, the next year the appropriation for the department is reduced. In this particular case the \$8,000 was not all spent. Merely because an appropriation is made does not afford a reason why it should all be expended. The trouble with the committees of Congress is that they penalize a department when it shows any evidence of economy.

I think the statement made by the Senator from Florida [Mr. FLETCHER] is absolutely commanding. He shows that the Everglades are being reclaimed; that the Indians are driven farther and still farther into the interior of the Everglades; that they are obliged to resort to the killing of alligators and small game, some deer and some birds of plumage that may be killed at some particular time of the year, but that their area of land is

being reduced from time to time and that it is a necessity now that they be taught some kind of industrial life-agriculture or something else. I think the Senator from Florida has made a very strong showing in this matter.

Mr. MYERS. Mr. President, I am a member of the Committee on Indian Affairs, but I was not present when this item was considered. I am, however, in favor of the motion made by the Senator from Florida. I think his statement is convincing and that his reasons are sound. I am in favor of receding from the Senate committee amendment. As the Senator says, if the amount is put at \$8,000 and it is not all needed, it need not be expended. The provision is for only \$8,000, "or so not be expended. The provision is for only \$8,000, much thereof as may be necessary."

Mr. SMOOT. Mr. President, this item is the only one as to which a decrease is made in the bill as reported to the Senate by the committee from the amount provided for by the other House, and I was almost paralyzed when I saw that the committee had made a decrease. I do not think, however, that it

will stay-

Mr. ASHURST. I hope not. Mr. SMOOT. I do not think that it will stay as the committee reported it. I think the House provision will be restored. The Senator from Colorado [Mr. Thomas] ought to be here, and he ought to withdraw his commendation, extended so warmly to the committee last night, on the fact that there was one amount that had been decreased. I shall not say anything more about it, Mr. President, for I know if the vote is taken and the chairman of the committee says the amount ought to be increased, it will be increased. Therefore there is no need of taking any further time on it.

Mr. CURTIS. Mr. President, I hope that the amendment of the Senate committee will be agreed to. The Assistant Commissioner of Indian Affairs appeared before the committee and stated that the department only needed \$5,000 for this purpose. That sum is all that was estimated for. The report shows that of the sum appropriated last year there was \$1,701 remaining unexpended. The department know how much money they need, and I think we should follow the recommendation of the

committee

Mr. SMOOT. Does the Senator from Kansas say that only \$5,000 was estimated for this purpose?

Mr. CURTIS. That is all.

Mr. SMOOT. That does not make any difference so long as it

is an increase which is involved.

The PRESIDING OFFICER. It will be necessary to reconsider the vote by which the committee amendment was adopted. Does the Senator from Florida move to reconsider that vote?

Mr. FLETCHER. I move to reconsider the vote whereby the

committee amendment was adopted.

The PRESIDING OFFICER. The question is on the motion of the Senator from Florida. [Putting the question.] The noes seem to have it.

Mr. FLETCHER. I ask for a division, Mr. President.

Mr. SMOOT. Mr. President, the easiest way to get at it is to ask for the yeas and nays, because we are going to vote, anyway, and I shall ask for the yeas and nays on the increase.

Mr. GRONNA. I suggest the absence of a quorum if we are

going to have a record vote.

The PRESIDING OFFICER. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Fernald	Myers	Sheppard
Fletcher	Norris	Shields
Gallinger	Overman	Smith, Md.
Gronna	Page	Smoot
	Phelan	Sutherland
	Pittman	Thomas
	Poindexter	Thompson
Jones	Pomerene	Vardaman
Lewis	Ransdell	Walsh
McCumber	Robinson	Warren
	Shafroth	
	Gallinger Gronna Hitchcock Hughes James Jones	Fletcher Norris Gallinger Overman Gronna Page Hitchcock Phelan Hughes Pittman James Poindexter Jones Pomerene Lewis Ransdell McCumber Robinson

The PRESIDING OFFICER. Forty-three Senators have responded to their names. There is not a quorum present.

Mr. NORRIS. I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska,

Mr. FLETCHER. Before that motion is put, I think it is

in order to have the names of the absentees called.

Mr. GALLINGER. A motion to adjourn is always in order.

The PRESIDING OFFICER. A motion to adjourn takes

Mr. FLETCHER. I think that where the lack of a quorum is disclosed the Senate has a right, first, to call for the ab-

Mr. GALLINGER and Mr. POINDEXTER. Question!

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska that the Senate adjourn.

Mr. WALSH. On that I ask for the yeas and nays

The PRESIDING OFFICER. Is the demand for the yeas and nays seconded?

Mr. SMOOT. Mr. President, I do not think there is any question as to the priority of the motion to adjourn. Under our rules, no quorum having been developed, that is the only motion that can be made.

Mr. GALLINGER. Mr. President, debate is out of order.

Let us have the question put

The PRESIDING OFFICER. A sufficient number have seconded the demand for the yeas and nays. Those in favor of adjourning will signify it by saying "yea" when their names are called, and those opposed "nay."

Mr. HARDWICK. Mr. President, before that motion is put,

I think Senators who have come into the Chamber have a right to be recorded as "present."

Mr. SUTHERLAND. Regular order!

The PRESIDING OFFICER. The roll call developed the absence of a quorum.

Regular order!

Mr. HARDWICK. Mr. President, the regular order is for Senators who are now present, but not recorded, to have an opportunity to answer to their names.

Mr. NORRIS. The regular order is a vote on the motion to adjourn. The announcement was made by the Chair that no

quorum was present.

The PRESIDING OFFICER. The regular order, it seems to the Chair, is the calling of the roll on the motion of the Senator from Nebraska that the Senate adjourn. The Secretary will

The Secretary proceeded to call the roll.

Mr. JONES (when his name was called). While I have announced my pair with the junior Senator from Virginia [Mr. Swanson], I assume he would vote "nay" on this motion. So I take the liberty of voting and vote "nay."

Mr. MYERS (when his name was called). I make the same announcement as to my pair with the Senator from Connecticut [Mr. McLean] and its transfer as on the last roll call, and

I vote " nay."

Mr. SAULSBURY (when his name was called). I make the same announcement as heretofore as to my pair and its transfer and vote "nay."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Minnesota [Mr. Nelson] and vote "nay."

Mr. WALSH (when his name was called). I have a pair with the Senator from Rhode Island [Mr. Lippitt]. I transfer that pair to the Senator from Indiana [Mr. KERN] and vote

The roll call was concluded.

Mr. ASHURST. I rise to announce that the senior Senator from Indiana [Mr. Kern] is absent on account of important

Mr. McCUMBER (after having voted in the affirmative). Evidently there is now a quorum present, and I change my vote

from "yea" to "nay."

Mr. GALLINGER (after having voted in the affirmative). am paired with the senior Senator from New York [Mr. O'GOR-MAN]. He being absent, I withdraw my vote.

The result was announced-yeas 3, nays 52, as follows:

The result		AS—3.	, as rollows.
Brady	du Pont	Norris	
III HERE THE THE		S-52.	the mile live se
Ashurst Bankhead Beckham Borah Bryan Catron Chamberlain Clapp Culberson Curtis	James Jones Kenyon Lane Lee, Md. Lewis Lodge	Myers Oliver Oliver Overman Page Phelan Pittman Poindexter Pomerene Ransdell Robinson	Shields Smith, Ga. Smith, Md. Smoot Sterling Sutherland Thomas Thompson Vardaman Wadsworth
Dillingham Fernald Fletcher	McCumber Martin, Va. Martine, N. J.	Saulsbury Shafroth Sheppard	Walsh Warren Watson
	NOT VO	TING-41.	
Brandegee Broussard Chilton Clark Colt Cummins Fall Gallinger Goff Gore	Harding Hitchcock Husting Johnson, Me. Johnson, S. Dak. Kern Kirby La Follette Lea, Tenn. Lipplitt	Nelson Newlands O'Gorman Owen Penrose Reed Sherman Simmons Smith, Ariz. Smith, Mich.	Stone Swanson Tillman Townsend Underwood Weeks Williams Works

Smith, S. C.

McLean So the Senate refused to adjourn,

The PRESIDING OFFICER. It having developed that a quorum have answered to their names, a quorum is present.

Mr. FLETCHER. Mr. President, I merely desire very briefly to call the attention of those who were not present when this matter was being considered a few moments ago to the facts in the case.

On page 27 the committee have reported an amendment in favor of decreasing the appropriation of \$8,000 for the relief of distress among the Seminole Indians in Florida, as carried in the House bill, to \$5,000. The motion is to reconsider the vote whereby that amendment was agreed to, in order not to increase the House appropriation, but to have it remain in the bill as agreed to by the House, namely, \$8,000.

The only objection to the amount being made \$8,000 instead of \$5,000 is raised by the Senator from Kansas [Mr. Curtis], who says that the Commissioner of Indian Affairs does not really need \$8,000 for this purpose. That statement is based upon the proposition that because last year there was an appropriation of \$8,000 for the benefit of these Indians and all of it was not used, therefore he believes that for the coming year \$8,000 will not be needed. That does not follow at all; that is not good logic, and it is not good judgment, because, whatever may have been the facts and conditions as to the use of the money appropriated last year, the need of the Indians increases rather than diminishes, because their territory is

they are becoming more and more dependent. Of course the appropriation of \$8,000 need not all be spent if it is not needed—it was not all spent last year; but are we going to say that because we find an economical agent looking after the expenditure of money, a man who is careful not to expend a dollar more than he is obliged to expend, therefore we are not going to allow him the money that we think ought

being cleared up, their hunting grounds done away with, and

to be used for the purposes of this provision?

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

Mr. FLETCHER. I will. Mr. GALLINGER, Will the Senator say approximately how many Seminole Indians there are in Florida?

Mr. FLETCHER. There are 578, according to the report of the bureau, which had a census taken of the Indians there. Mr. GALLINGER. Are they decreasing, as the Indian popu-

lation is in other parts of the country?

Mr. FLETCHER. There is a difference of opinion about that. I think the majority of those acquainted with the Indians, their location, and their life, would say that they are about holding their own. I doubt if they are decreasing or increasing to any extent.

Mr. GALLINGER. Are they to any extent engaging in agri-

cultural or horticultural pursuits?

Mr. FLETCHER. They are just beginning, and that is the main purpose of this appropriation, I will say to the Senator, namely, to train them in agricultural pursuits so that they may take care of themselves, because soon their hunting grounds will be devoted to other uses, and they will be unable to make a living, unless they are taught agriculture and possibly other industrial pursuits. They are beginning to go to school now, which they formerly did not do at all.

Mr. GALLINGER. Are there schools for them on their reser-

Mr. FLETCHER. They are going to the public schools furnished by the State. I will say, Mr. President, briefly, that this item of \$8,000 would amount to less than \$14 a head if it were used. If it is not needed and is not used by the agent who is looking after the expenditures down there, then, of course, it will go back to the Treasury, but it would not, as I have said, amount to more than \$14 a head if it were used. Following this Florida item in the bill is an item in section 5 for the support and civilization of the Indians on the Fort Hall Reservation in Idaho, for which an appropriation of \$30,000 is made. There are 1,794 of those Indians, for whose care and relief \$30,000 are appropriated. Of the Florida Seminoles there are 578, and we only ask \$8,000 for their care and relief. According to the statistics furnished us by the Senator from North Dakota [Mr. McCumber], this item, if it were in accordance with the average appropriations in this bill, would be \$26,000, and cutting that in half would leave \$13,000; in other words, according to his estimate, \$22.50 a head is appropriated in this bill for all the Indians in the country; so that this item would be \$13,000 under that calculation, or \$26,000 under his first estimate, on the basis of the \$15,000,000 carried in the bill.

Mr. VARDAMAN. Mr. President, I should like to ask the Senator if these Indians have any property of their own?

Mr. FLETCHER. There is a reservation of land off to the side of the Everglades, but very little of it is fit for agriculture.

There is some effort being made to acquire land for them from the State and from the Government, but they have a reservation which could be utilized for the purpose of training them in

Mr. VARDAMAN. How much did they use last year?
Mr. FLETCHER. According to this report, there was an un-

expended balance of \$1,301 last year.

Mr. VARDAMAN. Is the Senator personally familiar with the conditions down there?

Mr. FLETCHER. Oh, yes; quite so. I have not visited the camps of the Indians, but I have seen them.

Mr. VARDAMAN. The Senator thinks this appropriation ought to be made?

Mr. FLETCHER. I do think that there ought to be \$8,000 appropriated for their benefit during the fiscal year from June,

Mr. VARDAMAN. Well, I shall vote for it.

Mr. FLETCHER. I think it will be needed. I believe that the need is increasing there, and that the agent will find that he can properly and wisely use that amount of money for the benefit of these Indians, and that they will need it for the next year.

Mr. BRYAN. Mr. President, I have just come into the Chamber. I suppose my colleague [Mr. Fletcher] has covered pretty fully the conditions so far as this appropriation is concerned. I have gone through the bill, and have noted that not only is the appropriation as it came to the Senate from the House for the Indians in Florida the smallest of all the appropriations, but it is the only one that has been reduced, which seems to me to be rather an unusual condition. I understand in a general way that the reason for that is that the appropriation heretofore made has not been entirely used up. Now, that does not indicate that the money ought not to be used. It rather indicates, perhaps, that the gentleman in charge of it ought to be displaced by somebody else, because there can be no question but that \$8,000 can be used many times over for the benefit of those Seminole Indians in Florida.

Mr. CURTIS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Kansas?

Mr. BRYAN. I do.

Mr. CURTIS. I want to ask the Senator if he does not know that the Commissioner of Indian Affairs only estimated for \$5,000, and told the committee that \$5,000 was all that he needed and all that he could use?

Mr. BRYAN. I understand he said that because the amount appropriated had not been used last year. However, Mr. President, I do not care about that at all. We had better leave it out altogether if the appropriation is simply for paying the salary of somebody who has nothing to do. There are somewhere between 600 and 1,000 Seminole Indians, and the money can be well spent for their benefit. I do not understand why the committee should single out these particular Indians as the only ones for whom they would not appropriate.

Mr. SUTHERLAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Utah?

Mr. BRYAN. I yield to the Senator. Mr. SUTHERLAND. Does the Senator know how these In-

dians maintain themselves now?

Mr. BRYAN. Yes, Mr. President; I am quite familiar with that. In fact, I was down in that section of the State 20 years ago, and became acquainted with a good many of the Indians They maintain themselves generally by hunting and themselves. fishing. They use the Everglades for hunting and fishing. They caught otters and alligators, and sold alligator hides and otter skins. Now, that great swamp is being reclaimed, and it is becoming a very serious question as to what will be done with

No great progress has ever been made with these Indians. Of course, they were entitled to go to the Indian Territory, and if they had done so they would have shared the lands there. Instead of going they took to the then unexplored territory lying in the lower interior of the State, hid out, and persistently refused to leave their hunting grounds. They have stayed there. Efforts have been made many times to civilize them, and some progress has been made. Churches of various denominations have taken hold of the matter. Missions now exist among the Indians, and they have taken some of them and sent them to college. They have not made much progress, however. Now, the Seminoles seem to gather out of the Everglades around Palm Beach and Miami. They formerly were more independent than they appear to be now. The hunting grounds are disappearing. They flock to these resorts. They are around there, having their pictures taken, and learning to speak English more. and doing less of the work that they formerly did.

I do not know how money could be better spent. amendment will not be agreed to. It may be that the man in charge of this work is taking the amount of money that is appropriated and spending it for his salary and the salary of some-body else. If so, that man ought to be gotten rid of and some-

body else put in his place.

Mr. CURTIS. Mr. President, the report shows that the sal-

ary that was paid last year was only \$376.67.

Mr. BRYAN. What was done with the rest of it? Of course, \$8,000 is a small amount for the purpose expressed here, for relief of distress among the Seminole Indians and for purposes of their civilization and education.

Mr. CURTIS. The rest was spent for traveling expenses,

and so forth.

Mr. BRYAN. Many times \$8,000 could be spent in useful ways among them.

Mr. SUTHERLAND. Mr. President, let me ask the Senator whether it could be used to educate them in agricultural matters?

Mr. BRYAN. I will say to the Senator that practically no progress has been made with them in that direction. They are full-blooded Indians. They are peaceable. They have changed in that respect. Formerly they were very much disposed to fight. The Senator knows that there have been two Indian wars down there—the Seminole Indian War of 1837 and again

Mr. SUTHERLAND. Do I understand that this \$8,000 is to be used simply to relieve their wants, or is it to educate them?

Mr. BRYAN. According to the appropriation it is for the relief of distress among them and for purposes of civilization and education. Of course, there would be no need of any appropriation for education at all-

Mr. FLETCHER. Mr. President, if my colleague will allow me, I will say that those who are taking to education at all are attending the public schools of the State. There are a few in the public schools; but they are beginning now the work of teaching them agriculture, and that is one of the purposes of this appropriation. The appropriation last year was the first step in that direction, and I think now they are giving more attention to that matter. That is the main thing to be accomplished.

Mr. BRYAN. I should dislike very much to see this apparent discrimination against these Indians placed in the bill. I imagine that there are more of them than in many of the States where the appropriations are large.

Mr. PAGE. Mr. President, by turning to the report on page

16 I find a very plain statement:

Appropriation, \$5,000; estimate, \$5,000.

My experience on the Indian Affairs Committee leads me to believe that the commissioner is quite apt to ask for whatever he thinks the necessities demand; and so far as I can learn from the statements of the Senators from Florida, they do not present any concrete statement upon which to base an advance here. They present only the general statement that it is perfectly easy to use \$5,000 or \$25,000 for these Indians.

My recollection is that these Indians are strolling fishermen; that they live as they can all the year long, without any help of any account from the Government. As the Senator has well said, they do not want to be educated. They are full-blooded

Indians.

It seems to me that we ought not to increase this appropriation beyond the estimates of the department without some showing that an increase is actually needed, because there is no man so well able to judge about that as the Commissioner of Indian Affairs.

Mr. BRYAN. Mr. President, I do not pretend to be very familiar with this subject or with what has been done in the past. My impression is that the estimate was not made for a larger amount because the amounts heretofore appropriated have not been used up by the man in charge. My proposition is that they ought to have been used up. There is distress among these Indians.

I have been appealed to many times since I have been in the Senate to introduce a bill to have a reservation set aside for the Seminole Indians. Perhaps I have been recreant in my trust not to have done so; but there have been other matters, and, anyway, I have not done it. There are a number of people in the State who are taking an interest in the Seminole Indians. One lady of my acquaintance has become acquainted with a good many of them and she has published an Indian dictionary. I imagine that much more than this amount of money is being spent by well-inclined people, philanthropic people, who go

among these Indians. I know there is a church mission established among them. Now, I say that something is the matter when a man is allowed \$8,000 to relieve their distress and for their civilization, and has not spent that much money. There can not be any doubt about that proposition.

Mr. PAGE. I should like to suggest to the Senator that fre quently we can judge as to what we need next year by what we

spent last year.

Mr. BRYAN. Yes. Mr. PAGE. Unless the Senator can show that there has been some neglect, unless he can show that there has been some wrong done, it seems to me that we ought to judge of what we should spend next year by what we were compelled to spend last The fact that we have some good people there who are willing to contribute to the spiritual welfare of those Indians should not change very much the action of the Senate on an appropriation where the estimates and recommendations of the department are clear, and are based upon the fact that we spent less than we appropriated last year.

Mr. President, the House committee and the Mr. BRYAN. House itself did not seem to be under the idea that they would have to accept the estimate. They seem to have been sufficiently familiar with this question to know that an additional amount ought to be given, and they gave it, both in the committee and in the House. I do not subscribe to the doctrine that because somebody in a department says that a certain amount is all that is needed Congress is bound to accept that. The committ the House did not do it, and the House itself did not do it. The committee of

Mr. PAGE. But does the Senator give one single, concrete reason why we should not do it? The Senator speaks generally, and says that there is an opportunity to spend three or four times this amount; but the commissioner, who knows about this matter, says that \$5,000 is sufficient.

Mr. BRYAN. Who knows about it?
Mr. PAGE. The Commissioner of Indian Affairs.
Mr. BRYAN. He does not know a thing about it. I know as much about it as he does, and I do not know much about it

myself.

Mr. VARDAMAN.

Mr. President—

Mr. FLETCHER.

Mr. President, there is one thing that I might mention there, if the Senator will pardon me a minute, as a reason why, perhaps, more was not spent of the appropriation last year, namely, because the agent in charge of that expenditure happened to be chaplain in one of the companies that was ordered to the border, and he has been out of the State ever

Mr. PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Mississippi?

Mr. PAGE. With pleasure.

Mr. VARDAMAN. Mr. President, the total appropriation of \$8,000 is less than \$16 per capita, which is proposed to be ex-Mr. President, the total appropriation of pended for the amelioration of the condition of these homeless, helpless, depauperated people. These denizens of the forest are unfamiliar with the ways of civilization, unaccustomed to the habits of the white man, and utterly helpless and would starve in a land of limitless fertility unless the white man should teach them how to care for themselves. During the process of tutelage, there is nothing for the Government to do save to care for and maintain them. Their lands have been taken from them by the white man. The onward march of civilization has driven them to the frontier, and the chilling winds of Anglo-Saxon charity has frozen the genial current of their souls and left them in the bleak desert of life, hopeless They are the wards of the Governmentand helpless. they are recognized as such by the law of the land which has the approval of the better and more humane public sentiment. And it is the duty of the Government to at least supply them with the necessities of life. I can not understand how anything can be done for them to an appreciable extent with the small amount of money asked for in this bill. I do not know what estimate has been made by the Commissioner of Indian Affairs but I am going to concede to the commissioner the very best motive in what he has done. But I do know that a man having any interest in the material or spiritual welfare of those people would not expect very much good to come to them where the amount of money expended in their behalf was as small as that carried in this bill. I think when we come to consider the interest of helpless people of this character we ought not to be parsimonious. It is not humane. It is not in keeping with our ideas of duty to the weak, to the helpless and the needy to measure with the Shylock standard the money appropriated for their support. This rich Government has taken

everything that the Indian had. His "happy hunting ground" has been converted into the productive farm, and where he hunted the antelope, the deer, and the wild birds of the plains will now be found progressive cities, splendid farms inhabited by prosperous and enterprising white people. It presents a melancholy picture to me, and one that stirs deeply my sense of commiseration. I had rather go beyond that which is actually needed than to fall short of the real necessities of life. If I must err at all, let me err on the side of charity and liberality in dealing with people of this character. We are not so careful when it comes to throwing away \$35,000 and spending a couple of hundred thousand or a million dollars to mobilize the Army and the Navy in order to pull off this great show on the 4th of March, with all of its regal tend-encies and display. Oh, Mr. President, it is not pertinent to the question at issue, but I will be pardoned for expressing the hope that I may live to see one great Democrat who will bring to the office of President that sublime democratic simplicity which characterized the conduct of Thomas Jefferson, the greatest President of this unparalleled Republic.

I want to see the President of these United States body forth in his official conduct and life the real relationship between him and the people. I want to see him glorify the function of the servant and avoid everything that even smacks of the assumption of royal authority or ostentatious display in that great office. In so doing the people would be taught the dignity and power of private citizenship and their responsibility for their Government. No; there is no very vigorous protest when it comes to making appropriations out of the depleted Treasury for such regal displays as we are to have on the 4th of March. The employees of the Government may work for starvation wages and these unfortunate Indians may perish for the necessities of life, but the pomp and circumstance of the inaugural parade must be pulled off at any cost. I do not think, however, that the seeming neglect of these unfortunate people is due to the lack of charity on the part of Senators, but I fear we have not tried to put ourselves in their places. Everything is comfortable with us. The meals are regular, our clothing is ample, our homes are warm. We are not exposed to the chilling blasts of winter or the blistering suns of summer. We are in the habit of dealing with our equals and watching the man who is inclined to demand in business transactions the pound of flesh. Probably our failure to comprehend the sufferings of the poor is due to a lack of imagination or a defect in the imagination. We can not feel the pinch of poverty; we can not hear their We do not see the indescribable expression of want, woe, and anxiety upon their stolid faces. The dark, deep tragedy in their lives to us is but a passing inconsequential impression. To my mind, the duty of the United States Government is clear and distinct. There should be no hesitation in the performance of the duty which presses upon us as representatives of the people in dealing with this question. If necessary to raise funds, I shall cheerfully vote to levy a tax to take care of these people as they ought to be cared for; but I do not think it is creditable to the heart of this Nation. In truth, I do not think that we, representing the wishes of the American people, ought to be guided by what some official in Washington may say with reference to a matter so free from doubt as this ques tion appears to me. But if there be a doubt about it, I will give the benefit of the doubt to the Indians. I would rather err on the side of generosity than to be guilty of the crime of parsimony in dealing with these indigent, helpless "stoics of the woods," whose only resource is the charity of their despoilers, the white man.

Mr. PAGE, Mr. President, I do not concede that the Senator ' from Mississippi has a stronger desire than myself to see the Indian properly treated. As a member of the Committee on Indian Affairs, I have always been on the side of liberality and justice to the Indians. The Senator says that these lands have been taken away from them. I should like to know if anybody has stated here upon knowledge that any lands that they pos-

assed one year ago are not possessed by them now? Mr. VARDAMAN. Mr. President, if the Senator will pardon me, neglect a year ago does not justify any sort of neglect of

them to-day. Mr. PAGE. If it is neglect, I agree that the Senator is right; but no one has shown to-day that there has been any neglect, so far as I have heard. I should like to have the statement made by some one who knows what he is talking about that there has been neglect. I want to know what that neglect is, because I know of no man better able to judge as to what is needed than the commissioner; and until somebody with better knowledge can tell us that there is neglect and specify what that neglect is, I think we ought to take his statement,

Mr. VARDAMAN. If the Senator will pardon me, it has just been stated and reiterated several times upon the floor of the Chamber that the lands upon which these people hunted and fished are being taken from them. That is their only source of revenue. They have no other means of making a living. We have neglected them and we have not tried to teach them the better industry of agriculture to make them self-sustaining. Now, the Senator knows very well that we can not do very much for them if we only expend about \$8 per capita upon them.

Mr. PAGE. But we are not seeking now, if the Senator will

permit me, to educate those Indians.

Mr. VARDAMAN. That is the purpose of this appropriation as it was read a moment ago by the Senator from Florida. If it were not the purpose of the appropriation to educate them and teach them to be self-sustaining, that purpose should be written in the law by the Senate. In other words, haste nor economy should prevent the Congress in doing its full duty to

But the Senator from Florida also said that the Mr. PAGE.

State of Florida was taking care of their education.

Mr. BRYAN. Oh, no; Mr. President. Mr. VARDAMAN. Oh, the State of Florida is helping where The Senator from Vermont knows, I dare say, that quite a number of these people do not live where they can take advantage of suitable schools maintained for the white children. True to the instincts of the Indian, they get as far away from the white man's civilization as is possible. But where they are sufficiently advanced in the arts of civilization and live within reach of the State schools, of course, they are permitted to attend them. The purpose of this appropriation is to enable the Indian Commissioner to go out and find the Indian that needs and is willing to accept the white man's civilization and

to do something for him.

The Government has not acted with that scrupulous fidelity to the trust that the highest sense of morality demands in dealing with the Indian. There is a very pathetic instance in my own State. There are a thousand or fifteen hundred poor old Choctaws, bereft of their lands, homeless and helpless in the midst of plenty, who are being shamefully neglected by the Government. They are simply flotsams and jetsams on the sea of life. Nobody cares particularly anything about them. They can not vote and are not factors in the upbuilding of society. They were invited to go to Oklahoma and there share the benefaction which the National Government provided for them, but they did not want to leave their home. They did not want to leave the land of their fathers. Now, because they failed to exercise the shrewd and discriminating judgment of the Anglo-Saxon, and to place the estimate upon the dollar that the modern money-worshipping white man does, they are now told they have no claim upon the Government and that they must suffer for their indiscretion. Mr. President, these people do not know how to take advantage of opportunity when it knocks at the doors of their huts, and, not knowing the advantages of opportunities, they should not be punished for their failure to improve the opportunities that have come to them. ured by the standards of our civilization, they are but children, and it is the purpose of this humane appropriation to employ benevolent men and women to go out among these people, make conquests of their hearts, control their minds, inspire them to strive for higher and better things. That is the purpose of it. In the name of justice and humanity, I plead with the Senate not to be parsimonious, stingy, cold, and calculating in dealing with the helpless wards of this rich Republic.

Mr. PAGE. Mr. President, do not let us believe, either, that we are going to go there and take those full-blooded Indians, who live by fishing and hunting and nothing else, and, without establishing any schools there, educate them. That can not be done, and \$5,000 or \$8,000 or five times \$5,000 can not do it. We do not propose to do it by this appropriation. We simply propose to relieve distress. The Commissioner of Indian Affairs says that \$5,000 is all that can be used, and that all that was appropriated last year was not used; and we are bound to presume that justice was done last year. I do not know that we can presume any other way. If some Senator can say positively that wrong was done them, I should like to have him say so. So far as I know, and so far as appears here, they are being well

The PRESIDING OFFICER. The question is upon the motion of the Senator from Florida [Mr. Fletcher] to reconsider the vote by which the Senate struck out \$8,000 and inserted \$5,000 for relief of distress among the Seminole Indians in Florida, and for purposes of their civilization and education.

On that the yeas and nays have been ordered.

Mr. SMOOT. Mr. President, I will withdraw the request for the yeas and nays on the motion for reconsideration. I am per- Chilton

fectly willing to have the vote reconsidered, but then I do want the yeas and nays on the increase itself.

Mr. VARDAMAN. All right.

The PRESIDING OFFICER. The Senator from Utah asks

unanimous consent to withdraw the request for the yeas and

Mr. SMOOT. Yes; I ask unanimous consent to withdraw the request for the yeas and nays on the reconsideration of the vote

The PRESIDING OFFICER. Without objection, that may be done; and without objection, the motion to reconsider will be agreed to.

Mr. SMOOT. Now I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The question now is upon agreeing to the committee amendment striking out "\$8,000" and inserting "\$5,000."

Mr. SMOOT. On that I ask for the year and nays.

The yeas and nays were ordered. Mr. VARDAMAN. Mr. President, a parliamentary inquiry. Let it be understood that those who vote for raising the appropriation from five to eight thousand dollars will vote " nay those in favor of the Senate amendment will vote "yea."

The PRESIDING OFFICER. Yes; those in favor of striking out "\$8,000" and inserting in lieu thereof "\$5,000" will signify it by saying "yea" when their names are called. The Secretary

will call the roll.

The Secretary proceeded to call the roll.
Mr. MYERS (when his name was called). I transfer my pair with the junior Senator from Connecticut [Mr. McLean], who is absent, to the junior Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. SAULSBURY (when his name was called). Making the same announcement as before, I vote "nay."

Mr. UNDERWOOD (when his name was called). general pair with the junior Senator from Ohio [Mr. HARDING]. I transfer that pair to the senior Senator from Ohio [Mr. Pom-ERENE] and vote "nay."

The roll call was concluded.

Mr. JONES. Making the same announcement that I have made before with reference to my pair with the junior Senator from Virginia [Mr. Swanson], I withhold my vote.

Mr. VARDAMAN (after having voted in the negative). I voted inadvertently. I have a pair with the junior Senator from Idaho [Mr. Brady]. I transfer that pair to the senior Senator from Oklahoma [Mr. Gore] and will let my vote stand.

Mr. WARREN. I desire to announce the absence of the senior Senator from New Hampshire [Mr. Gallinger] on public business at another place. He is paired with the senior Senator from New York [Mr. O'GORMAN].

Mr. STERLING. I transfer my pair with the junior Senator from South Carolina [Mr. SMITH] to the senior Senator from Minnesota [Mr. Nelson] and vote "nay."

Mr. GRONNA (after having voted in the affirmative). have a general pair with the senior Senator from Maine [Mr. Johnson], which I transfer to the senior Senator from Connecticut [Mr. Brandegee] and will let my vote stand.

Mr. WALSH. I transfer my pair with the senior Senator from Rhode Island [Mr. Lippitt], as announced on an earlier

roll call, and vote "nay."

Mr. CATRON. I am paired with the junior Senator from Oklahoma [Mr. Owen], who is not present. I transfer that pair to the senior Senator from California [Mr. Works] and

Mr. CLAPP. Mr. President, I feel at liberty to ignore my pair on many of these items, according to an understanding with him, but I doubt it as to this question, and therefore refrain from voting. I simply desire to announce the pair that I may assist in making a quorum.

Borah Curtis Dillingham Gronna	Lane McCumber Page Poindexter	Shafroth Smoot Thomas Wadsworth	Warren Weeks
	NA	YS-26.	
Ashurst Bankhead Bryan Catron Chamberlain Culberson Fletcher	Hardwick Hollis Hughes James Lee, Md. Martin, Va. Martine, N. J.	Myers Phelan Pittman Robinson Saulsbury Sheppard Smith, Md.	Sterling - Thompson Underwood Vardaman Walsh
Annual Section of the			
Beckham Brady Bandegee Broussard Chilton	Clapp Clark Colt - Cummins du pont	Fall Fernald Gallinger Goff Gore	Harding Hitchcock Husting Johnson, Me. Johnson, S. Dak.

Jones	McLean	Pomerene	Smith, S. C.
Kenyon	Nelson	Ransdell	Stone
Kern	Newlands	Reed	Sutherland
Kirby	Norris	Sherman	Swanson
La Follette	O'Gorman	Shields	Tillman
Lea, Tenn.	Oliver	Simmons	Townsend
Lewis	Overman	Smith, Ariz.	Watson
Lippitt	Owen	Smith, Ga.	Williams
Lodge	Penrose	Smith Mich.	Works

The PRESIDING OFFICER. Upon the question of the adoption of the committee amendment striking out "\$8,000" and inserting "\$5,000," the year are 14, the nays are 26, Senators Jones, Clarp, and Lewis being present and not voting. Altogether, that does not constitute a quorum.

Mr. ASHURST. I move that the Sergeant at Arms be directed

to request the attendance of absent Senators.

The PRESIDING OFFICER. The Chair suggests that the Secretary first call the roll so that the names of the absentees may be ascertained.

The Secretary called the roll, and the following Senators an-

swered to their names:

Ashurst	Hoilis	Newlands	Sherman
Borah	Hughes	Overman	Smoot
Bryan	James	Page	Sterling
Catron	Jones	Phelan'	Thomas
Chamberlain	Lane	Pittman	Tillman
Clapp	Lewis	Robinson	Underwood
Curtis	McCumber	Saulsbury	Warren
Fletcher	Martin, Va.	Shafroth	Weeks
Gronna	Myere	Shennard	White the same of the last

Mr. WARREN. I again announce the absence of the Senator from New Hampshire [Mr. Gallinger]. He is attending a committee meeting and is paired with the Senator from New York [Mr. O'GORMAN

The PRESIDING OFFICER. Thirty-five Senators have answered to their names. There is not a quorum present.

Mr. SMOOT. Evidently we can not get a quorum; it is Saturday afternoon, and I move that the Senate adjourn.

On a division the Senate refused to adjourn.

Mr. FLETCHER. Let the roll of absent Senators be called. The PRESIDING OFFICER. The Secretary will call the roll of absentees

The Secretary called the names of the absent Senators, and Mr. RANSDELL and Mr. THOMPSON answered to their names when called.

The PRESIDING OFFICER. Thirty-seven Senators have an-

swered to their names. There is not a quorum present.

Mr. ROBINSON. I move that the Senate adjourn until 14

o'clock Monday

Mr. THOMAS. A point of order, Mr. President. Have we authority in the absence of a quorum to adjourn to an hour different from that fixed by the order of the Senate as the regu-Mr. THOMAS. lar hour of meeting?

The PRESIDING OFFICER. The point of order is sustained. The Senate can only adjourn until 12 o'clock in the absence of a

Mr. ROBINSON. I move that the Senate do now adjourn.

On a division, the Senate refused to adjourn.

Mr. JONES. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. Lee of Maryland, Mr. Townsend, and Mr. Smith of Georgia entered the Chamber and answered to their names.

Mr. ROBINSON. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will ex-

Mr. Vardaman, Mr. Clark, Mr. Hardwick, Mr. Bankhead, Mr. Wadsworth, Mr. Fernald, Mr. Martine of New Jersey, and Mr. Walsh entered the Chamber and answered to their names. Mr. LEWIS. May I ask for information how many Senators appear by the roll to be present?

The PRESIDING OFFICER. Forty-seven Senators have an-

swered to their names.

Mr. VARDAMAN. Mr. President, it is manifest that we are not going to do anything here this afternoon. After conference with the chairman of the committee I move that the Senate adjourn until 11 o'clock on Monday.

Mr. JONES. I make the point of order that that can not be

The PRESIDING OFFICER. The Senator from Washington makes the point of order that that motion can not be made in the absence of a quorum, and the point of order is sustained.

Mr. VARDAMAN. I move that the Senate adjourn.
On a division the motion was agreed to, and (at 2 o'clock and 52 minutes p. m.) the Senate adjourned until Monday, January 29, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 27, 1917.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Our Father in Heaven, we lift up our hearts in gratitude to Thee for the profound interest agitating the minds and hearts of men individually and collectively throughout the world with a view of devising ways and means by which the wars now raging may be brought to an end and through which a basis may be reached upon which a world-wide peace may be established; that peace may become stronger than the brutal instincts which lead to war with its unmitigated evils; that liberty, justice, and equal rights for all may be maintained in brotherly love and

Our hearts have been touched by the death of a Member of this House; and we pray that his colleagues, friends, bereaved wife and children may be comforted in their sorrow by the blessed hope and promises of the immortality of the soul through Him who died and rose again into life everlasting. Amen.

The Journal of the proceedings of yesterday was read and ap-

proved.

EXTENSION OF REMARKS.

Mr. KETTNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

BRIDGE ACROSS ALLEGHENY RIVER, N. Y.

Mr. BENNET. Mr. Speaker, I ask the Chair to lay before the House Senate bill 7537, authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the town of Allegheny, county of Cattaraugus, N. Y., on the Speaker's table, a bill of like tenor being on the House Calendar.

The SPEAKER. The Chair lays before the House Senate bill

7537, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Western New York & Pennsylvania Railway Co., a rallroad corporation organized and existing under the laws of the States of New York and Pennsylvania, be, and it is hereby, authorized to reconstruct, maintain, and operate a bridge and approaches thereto across the Allegheny River, on the location of the existing structure and suitable to the interest of navigation, in the town of Allegheny, county of Cattaraugus, and State of New York, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. BENNET. Mr. Speaker, I offer the following amend-

On line 9, strike out the word "Allegheny" and insert in lieu thereof the word "Allegany."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 1, line 9, strike out the word "Allegheny" and insert in lieu thereof the word "Allegany."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to conform to the text.

By unanimous consent, a House bill of similar tenor (H. R. 19298) was laid on the table.

PENSIONS.

The SPEAKER. Under the special order made yesterday the Chair recognizes the gentleman from Colorado [Mr. Keating] to conclude the pension bill (H. R. 20496).

Mr. KEATING. Mr. Speaker, when we adjourned yesterday an amendment was pending, which I ask to have the Clerk again report.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, line 14, strike out " \$17" and insert "\$24."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Indiana.

Mr. HUDDLESTON. Mr. Speaker, I wish to be heard in opposition to the amendment. The gentleman from Indiana [Mr. Cline] yesterday afternoon made a very eloquent appeal on behalf of this pensioner. The case is a pathetic one. is no doubt about that. The committee has many difficulties to meet with in handling these pension claims. Are we to be in-fluenced wholly by pathos? Are we to turn over the Treasury to people merely because they are destitute? Are we to make need the test in granting pensions? If so, this is a worthy case, and I suppose we might as well start with it; but there are thousands of cases of destitution, Mr. Speaker. In no case that is presented to the committee is there anything but destitution. In many cases the destitution is most pitiful, and the person asking for the pension is undoubtedly an object of charity. But the Pension Committee has taken the position that they are not justified in opening up the Treasury merely because their feelings may have been reached.

The case referred to by the gentleman from Indiana is a pathetic case, but I want to assure the House that many cases that come before the committee are just as pathetic. There are hundreds of cases just as pathetic. This man is already getting a pension. The committee resolved every doubt in his favor and gave him an increase, thinking perhaps he was entitled to something additional. But if we are to open up a pension bill every time we bring it in here and allow a plea of pathos to be presented to us, then I want to say there will be no end to the granting of pensions.

There must be some limitations; there must be some rule. Let me read from the report of the committee, and I want to say that this report was not prepared to sustain an adverse decision on this claim, but is prepared by the examiner so as to clearly show the facts. This is the report:

show the facts. This is the report:

Soldier filed and established a claim under the general law and was allowed \$10 per month from August 12, 1910, for disease of the bowels and stomach, which he now receives. A claim for increase in rate was rejected recently on the ground the present rate is adequate to cover the disability for which pensioned. The Bureau of Pensions refuses to accept paralysis as result of disease of bowels and stomach for which he is now receiving a pension of \$10 per month. A physician testifies, in 1915, that he is totally incapacitated to perform manual labor, as he suffers from gastrointestinal catarrh, intestinal indigestion, and habitual constipation alternating with diarrhea, and atrophied lower limbs, which are paralyzed.

Mr. Speaker if the paralyzis is the result of his service, then

Mr. Speaker, if the paralysis is the result of his service, then \$24 is not adequate, but the committee believes that that paralysis is not due to his service, that it is due to some other cause. It is true the pensioner tries to make a showing of fact that might make it possible that the paralysis was due to his service, but we find it is not so. We have sat upon the evidence laid before us as a jury, and have returned a verdict that the paralysis is not due to his service. We thought perhaps his disease of the bowels was sufficient to justify some increase, and we wanted to give the man the benefit of every doubt. We have given him the benefit of every doubt, and have increased his pension from \$10 a month, which is all the bureau would allow him, to \$17 a month, and now the gentleman wants to give him \$7 a month more. There will be no end to this business if it is once started.

Mr. LANGLEY rose.

Mr. HUDDLESTON. Does the gentleman from Kentucky

desire to ask a question?

Mr. LANGLEY. I believe the gentleman's statement, to-gether with what he read from the report, covers what I had in mind. From what the gentleman says the chief portion of this soldier's disability is clearly not due to the service.

Mr. HUDDLESTON. That is the situation.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. CLINE. Mr. Speaker, I ask unanimous consent that the

gentleman may continue for two minutes more.

The SPEAKER. Is there objection?
Mr. SHERLEY. Reserving the right to object, Mr. Speaker, I would like to make an inquiry. I had a plain understanding yesterday that if the consideration of the fortification bill was not pressed and I would permit the pension bill to come up, that this morning immediately after the reading of the Journal we might go into the Committee of the Whole for the consideration of that bill. Last evening, very late, an agreement was entered into to take up the pension bill this morning as unfinished business. I do not want to seem disagreeable, but I think it is important that the supply bills be passed. I would like to inquire how much time is going to be taken in the consideration of this bill. If there is to be an extension of debate it evidently will take considerable time.

Mr. KEATING. Mr. Speaker, as the Chair and gentlemen know who were present last night when the agreement was entered into by which the bill was made in order after the read- | gestion to proceed with this matter, and the stenographic report

ing of the Journal, the gentleman from South Carolina [Mr. LEVER] was anxious to present to the House resolutions upon the death of Mr. FINLEY, and was anxious to have those resolutions messaged to the Senate. We agreed to give way in order that the resolutions might be considered. Because of that the House, by unanimous consent, agreed that the bill should be taken up this morning. I was about to object to any extension of debate, because we are anxious to proceed with the bill, and ask for a vote on the amendment.

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. CLINE) there were 27 aves and 40 noes.

So the amendment was rejected.

The Clerk completed the reading of the bill.

Mr. HUDDLESTON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Insert the following as a new section:
"The name of Margaret A. Weed, former widow of Samuel Henry, late of Capt Bacon's Kentucky Militia, War of 1812, and pay her a pension of \$20 per month."

The SPEAKER. The question is on the amendment offered by the gentleman from Alabama.

The question was taken; and on a division (demanded by Mr. HUDDLESTON) there were 41 ayes and no noes.

So the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Keating, a motion to reconsider the vote whereby the bill was passed was laid on the table.

QUESTION OF PRIVILEGE.

Mr. SHERLEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20453.

Mr. RAGSDALE. Mr. Speaker, I rise to a question of privi-lege, and I ask that the resolution I send to the desk be read.

The Clerk read as follows:

House resolution 473.

hereas the report of the colloquy between Messrs. Norton of North Dakota, Fess of Ohio, Heflin of Alabama, and Ragsdale of South Carolina as printed in the Record of January 25, 1917, differs from the official reports of the colloquy, as will be shown by reference to the typewritten reports now on file and the printed report of the Record of January 25, 1917:

Resolved, That the RECORD of January 25, 1917, be amended by printing the colloquies between Messrs, Norton of North Dakota, Fress of Ohio, Heflin of Alabama, and Ragdale of South Carolina as reported by the Official Reporters of the House.

Mr. SHERLEY. Mr. Speaker, I make the point that that is

not a privileged resolution.

The SPEAKER. The Chair thinks it is a privileged resolution, as it goes to the good order of the House. The Chair investigated that matter yesterday.

Mr. HEFLIN rose.

The SPEAKER. For what purpose does the gentleman from Alabama rise?

Mr. HEFLIN. I would like to agree on some time with the gentleman from South Carolina to discuss the resolution. I want to be heard on it myself, if we can agree on the time. He can advocate the resolution and I most respectfully ask an opportunity to reply.

The SPEAKER. Does the gentleman from South Carolina

want any time on this resolution?

Mr. RAGSDALE. I do not; I do not care to be interrupted by anyone. The facts are the official record does not agree with the printed Record. It is not within my province to determine which is right. I have no objection to the gentleman from Alabama making any statement that he may make, or to show that the report of the Official Reporters is incorrect. All I ask is that the official report made by the reporters of this House be put into the Record. That is all I ask. Surely there can be nothing wrong in that, and nothing that should offend the feelings of the gentleman from Alabama in that request.

Mr. HEFLIN. Mr. Speaker, I did revise my remarks, as every man in this House does who has wisdom enough to say anything that is worth saying. While I did revise my remarks, the points made are the ones stated on the floor of the House, and I stand ready to prove that by Democratic Members who were present. It may be that the reporter was a little more friendly inclined to the Member from South Carolina who was aiding the Republican Party in his assault on the Democratic administration. That may be; and that the reporters failed to note some of the things that were said, as they did on yesterday, when I asked the gentleman from North Carolina [Mr. KITCHIN1 to withdraw his objection to Mr. RAGSDALE'S SUG-

does not show that. I do not wonder that the gentleman from South Carolina objects, for the Democrats in his district—

The SPEAKER. The gentleman from Alabama will confine himself to the resolution.

Mr. HEFLIN. I am speaking on the resolution. The SPEAKER. The gentleman may be speaking on it, but

he is not speaking about it. [Laughter.]

Mr. HEFLIN. If the Speaker of the House will not permit me to discuss and give my reasons for the remarks that I made here, which the gentleman from South Carolina wants to change, then I am at the mercy of the Speaker of the House.

The SPEAKER. Well, it is the business of the Speaker of the

House to keep order here.

Mr. HEFLIN. Now, Mr. Speaker, I want to speak in order and in my own way.

The SPEAKER. The gentleman from Alabama will proceed

Mr. HEFLIN. Mr. Speaker, I hope I will not transgress the rules of the House. I was merely stating here that the gentleman's speech day before yesterday to which I replied was applauded by the Republican side. He was attacking-and unwarrantedly-the Democratic Secretary of War, and I replied to that speech. He was applauded by the Republicans of the House. In my speech, according to the stenographer's printed report, there were some Republican interruptions without my consent, designed to aid the gentleman from South Carolina in his attack on the Democratic administration, and I struck them out. [Laughter.]

I had the right to strike them out under the rules of the House; no Member has the right to inject himself into your speech unless you yield to him, and no bunch of Republicans can by their noise cause you to stop your speech and hold you up in order to aid the gentleman from South Carolina. I did not yield to them. Why should I let that boisterous aid to the gentleman from South Carolina [Mr. RAGSDALE] appear in the belly of my speech. [Applause.] I did not want it in there. [Ap-plause on the Democratic side.] I did not yield to them, and when I struck that out of my speech I did the greatest kindness that could have been done to the gentleman from South Carolina [Mr. RAGSDALE]. It would have been better, not for him but for somebody else—the Democrats of his district—if I had permitted that Republican applause to remain. It never was injected into my speech until I called attention to the fact that they, the Republicans, were applauding his attack upon a Democratic administration; and all this after he had sought at the White House an indorsement to aid him in his candidacy in

the congressional primary in his district and it was refused.

Mr. FOSTER. Mr. Speaker, I think the gentleman has the right to defend himself; but I think not in this way, it seems

Mr. HEFLIN. Mr. Speaker, then I will confine myself immediately to the matter in hand. The gentleman from South Carolina, before his speech day before yesterday, obtained some data from the Secretary of War, and the Secretary of War gave him the information for his personal benefit and requested him not to use it publicly, but just as soon as he got it, or shortly thereafter, he made it public and used it in this House, and the RECORD bears out that statement, and my information from the War Department to-day sustains my statement in this matter.

The SPEAKER. The Chair will suggest to the gentleman from Alabama that the sole question before the House is whether the stenographers' notes shall be published in the RECORD. These extraneous matters have nothing to do with it.

Mr. HEFLIN. As to that, I wish to say that the stenographic report did not show applause following the points that made, replying to the speech of the gentleman from South Carolina, but I stand ready to prove by the majority leader of the House that he applauded those sentiments, and that Mr. Black of Texas and Mr. Howard of Georgia and others applauded those sentiments. Now, am I to let the gentleman from South Carolina, by the aid of a Republican stenographer who may be in sympathy with him in his attack on the Democratic administration, deprive me of my right to show the I will tell you how to settle this question. Ask for a committee of five to be appointed, three Democrats and two Republicans—true, the Republicans are partisans, but when they assail the Democratic side they are speaking as Republicans, and when a Democrat attacks the administration he ought to go over there on the Republican side with those with whom he consorts and do in the open what he does here in private. Mr. Speaker, I suggest that the Speaker appoint five members to take testimony about this matter and see whether or not my revised remarks are in fact in substance just what I said

on the floor of the House. As I have said, I admit that I revised my remarks, but no handclapping or applause noted in my speech appears except where Democrats applauded, and I stand ready to produce the proof by Democrats. [Applause; and applause on Democratic side.] Is the gentleman willing to let that committee report to this House as to whether or not he in his contention is right or whether I am right? Now, I do not wonder at the gentleman wanting to straighten out this thing, and his district in South Carolina is entitled to have a Democrat here who will support Democratic policies and principles in this House.

The SPEAKER. The gentleman must confine his remarks to

this resolution.

Mr. HEFLIN. Mr. Speaker, I am trying my best to confine my remarks to the issue in this case. Now, I suggest that to the Speaker, that he appoint a committee to take testimony and investigate this whole matter. I have witnesses to produce, and let the stenographer testify. I resist the motion to submit the case upon the notes of the Republican stenographer, but I ask for the testimony of loyal Democrats in this House.

Mr. Speaker, I make the motion as a substitute that the Speaker appoint a committee of three Democrats and two Republicans to take this matter in hand and investigate it, to have witnesses come before it, and have the stenographic reports, and to report back to this House as to whether or not I made the speech, in substance, on the floor of the House that appears in the RECORD.

The SPEAKER. If the gentleman will send his substitute

up, the Chair will put it.

Mr. KITCHIN. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from

North Carolina rise?

Mr. KITCHIN. I would suggest myself that a committee of three be appointed to look into this matter and report to the House. Of course no man's speech of any length, unless written beforehand, has ever been printed in the Record exactly like the stenographer's notes, because he has the right to revise. Sometimes there are grammatical mistakes. Very frequently Very frequently part of what Members say is omitted from the notes, and I do not think it has ever occurred in the history of the Congress where a man's speech has been required to be put in the Record in exact accordance with the notes

Mr. MADDEN. I wish to say to the gentleman that nine times

out of ten I never revise my speeches.

Mr. MANN. And I have never seen a speech or the notes of speech that I have put in the RECORD for 10 years.

Mr. KITCHIN. You will notice that the speeches of the gentlemen in the RECORD are better than they are when made on the floor sometimes.

Mr. MANN. The gentleman is less excited when he reads them. Of course I know very well the gentleman's speeches are vastly improved by revision over what they are when they e made. My speeches are not revised.
Mr. KITCHIN. They ought to be. No doubt about that.
Mr. MANN. Perhaps they would be improved if they were, are made.

but the gentleman's certainly are.

Mr. KITCHIN. I really think, Mr. Speaker, we ought not to delay this matter. This is unfortunate. Let a committee of three be appointed to investigate the matter and make the corrections in the speeches or whatever it should be. I hope the gentleman from South Carolina [Mr. RAGSDALE] will agree to

Mr. RAGSDALE. I can not.

Now, Mr. Speaker

Mr. KITCHIN. Then I move as a substitute for that that

committee of three be appointed.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] moves as a substitute for the gentleman's resolution that a committee of three be appointed by the Chair to investigate the matter.

Mr. MANN. Mr. Speaker, a point of order. I doubt whether substitute is in order. Of course it would be in order to refer

the resolution to a committee of three.

Mr. KITCHIN. I make the motion, then, to refer that resolution to a committee of three to make the investigation, and on that I move the previous question. The SPEAKER. The gentleman from North Carolina [Mr.

Mr. RAGSDALE. Now, Mr. Speaker—
The SPEAKER. The gentleman will suspend a moment until the Chair states this thing. The gentleman from North Carolina [Mr. Kitchin] moves that this controversy, this resolution, and the whole thing be referred to a committee of three to be appointed by the Chair.

Mr. KITCHIN. Mr. Speaker, I withdraw the demand for the previous question for a moment, so that the gentleman may have

Mr. HEFLIN. Let us have five minutes each to discuss this motion of the gentleman.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] asks unanimous consent that each

Mr. KITCHIN. Then, Mr. Speaker, I move the previous ques-

The SPEAKER. The gentleman from North Carolina moves the previous question.

Mr. RAGSDALE. It comes too late, for I have the floor. The SPEAKER. The trouble about that is that the gentleman from South Carolina never had the floor.

Mr. RAGSDALE. The Chair recognized me after the gentleman withdrew his motion, and I was recognized by the Chair and came up here to speak. With all due deference to the

The SPEAKER. I believe the gentleman states the facts as they are.

Mr. RAGSDALE. Mr. Speaker, I have no desire that there shall be any feeling in this matter. I shall not attempt at this time to defend my Democracy. I have to account to no man here for the positions that I have taken on this floor. I have never transgressed the action of a Democratic primary, nor have I gone against a Democratic caucus. Further than these limita-tions on my Democracy, I answer to nobody on God's green earth but the people who have put their trust in my hands here and sent me on the floor as their Representative.

The SPEAKER. The Chair will admonish the gentleman

from South Carolina-

Mr. RAGSDALE. All right, Mr. Speaker.

The SPEAKER (continuing). As he did the gentleman from

Alabama [Mr. HEFLIN], to speak to this resolution.

Mr. RAGSDALE. The resolution, Mr. Speaker. All I ask in this, and the reason I oppose the substitute, is, that I do not object to a committee in order that the whole matter, after publication, be referred to a committee and there be determined whether or not it has been improperly reported. All that I ask in fairness to the gentleman from Alabama [Mr. Heflin] and myself is, that the gentleman from Alabama and myself, together with the gentlemen on the Republican side who engaged in the colloquy on the floor of the House, and the Official Reporters of this House who had a report of it-before that could be put in the Record it was corrected; it was corrected in part by myself; it was corrected in part, as the gentleman from Alabama [Mr. Heflin] says, by himself-now, all I ask is that there be published in the RECORD the report by the official stenographers of this House, and then let the entire matter, after being printed in the RECORD, be referred to this committee to determine the correctness of this report and the correctness of the corrections made by the gentleman from Alabama. But, Mr. Speaker, is it fair for my colleague, in the course of his remarks, as the gentleman from Alabama [Mr. Heflin] well knows, to refer to the "hickory-nut hills of South Carolina" and seek to bring in here by way of ridicule the name of the State that I represent here? Then, when he changed that in the remarks he has in-written there the words "Laughter" and "Laughter and applause on the Democratic side" and stricken out "Applause on the Republican side."

When those things have been done and the RECORD shows it, ought not the whole record to be published, and ought it not to come to all the Democratic Members of the House, so that they would have the whole record, and, having the whole record, refer this to a committee of three and let that committee determine whether or not this is correct? God knows I do not want any unfair advantage. I do not want anything to be done that is improper or unfair. What I want is that the truth be known. God knows every honest man who wants the truth wants to see that this record should be kept straight, and that the official stenographers, who are attacked in this report, should have vindication from the committee, and have it shown that they

have written correctly what is printed in the RECORD.

Mr. KITCHIN. Now, Mr. Speaker, I renew my motion for the previous question.

The SPEAKER. The gentleman from North Carolina moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on the substitute offered by the gentleman from North Carolina [Mr. Kitchin] to refer the resolution of the gentleman from South Carolina [Mr. Rass-DALE] to a committee of three to be appointed by the Speaker.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. RAGSDALE. A division, Mr. Speaker. The SPEAKER. A division is demanded. Those in favor of the motion will rise and stand until they are counted. [After counting.] Fifty gentlemen have risen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Sixty-eight gentlemen have risen in the negative. On this question the ayes are 50 and the noes are 68.

Mr. ALMON. Mr. Speaker, I demand tellers. The SPEAKER. The gentleman from Alabama demands

Mr. KINCHELOE. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. HEFLIN. We would like to have a roll call on it.

The SPEAKER. The Chair will count. [After counting.] One hundred and forty-nine gentlemen are present-not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. The question is to refer the Ragsdale resolution to a committee of three to be appointed by the Speaker.

The question was taken; and there were—yeas 147, nays 137, answered "present" 23, not voting 126, as follows:

YEAS-147.

Abercrombie	Dooling	Igoe	Saunders
Alexander	Doolittle	Jacoway	Sears
Allen	Doughton	Keating	Shackleford
Almon	Eagan	Kincheloe	Shallenberger
Ashbrook	Edwards	Kitchin	Sherley
Aswell	Estopinal	Konop	Sher\700d
Ayres	Evans	Lazaro	Sisson
Barkley	Farley	Linthicum	Smith, N. Y.
Bell	Ferris	McAndrews	Smith, Tex.
Black	Fields	McClintic	Sparkman
Blackmon	Fitzgerald	McDermott	Steagall
Booher	Foster	McGillicuddy	Stedman
Borland	Gallivan	Mays	Steele, Iowa
Brumbaugh	Gard	Montague	Steele, Pa.
Buchanan, Ill.	Garner	Moon	Stephens, Miss.
Buchanan, Tex.	Garrett	Morrison	Stephens, Nebr.
Burgess	Godwin, N. C.	Murray	Stephens, Tex.
Burke	Gordon	Neely	Stone
Burnett	Gray, Ala.	Oldfield	Sumners
Byrns, Tenn.	Hamlin	Olney	Taggart
Callaway	Hardy	O'Shaunessy	Tague
Candler, Miss.	Harrison, Va.	Overmyer	Tavenner
Caraway	Hastings	Padgett	Taylor, Ark.
Carlin	Hayden	Park	Taylor, Colo.
Church	Heflin	Phelan	Thomas
Clark, Fla.	Helm	Quin	Thompson
Coady	Helvering	Rainey	Tillman
Collier	Hensley	Raker	Vinson
Connelly	Holland	Randall	Watkins
Cox	Hollingsworth	Rayburn	Watson, Va.
Cullop	Hood	Reilly	Webb
Davis, Tex.	Houston	Rouse	Whaley
Decker	Howard	Rubey	Williams, W. E.
Dent	Huddleston	Rucker, Ga.	Wilson, La.
Dewalt	Hughes	Rucker, Mo.	Wise
DIII	Hulbert	Russell, Mo.	Young, Tex.
Dixon	Humphreys, Miss		

xon	numphreys, miss	, savatii	
	NAY	8—137.	
derson ennet owers owers owne ennon owne owne	Gillett Glynn Good Green, Iowa Greene, Mass. Greene, Vt. Guernsey Hadley Hamilton, Mich. Haugen Hawley Hayes Heaton Helgesen Hernandez Hicks Hull, Iowa James Kearns Keister Kennedy, R. I. Kiess, Pa. King Kinkaid Kreider La Follette Langley Lenroot Longworth McArthur McCracken McCulhoch McFadden McKenzie	McLaughlin Madden Magee Mann Mapes Martin Matthews Meeker Miller, Minn, Mondell Moore, Pa, Moores, Ind. Morgan, Okla. Mott Nelson North Norton Oakey Paige, Mass, Parker, N. J. Parker, N. Y. Porter Powers Ragsdale Ramseyer Reavis Ricketts Roberts, Mass, Roberts, Nev. Rodenberg Ragsers Rowe Russell, Ohio	Sinnott Slemp Sloan Smith, Idaho. Smith, Minn. Smell Snyder Stafford Steenerson Sterling Stiness Sulloway Sutherland Sweet Switzer Temple Tilson Timberlake Towner Treadway Volstead Walsh Wason Watson, Pa. Williams, Ohio Wilson, III. Winslow Woods, Iowa Woodyard Young, N. Dak,
rland	McKinley	Sier al	

Shouse Sims Walker

Wingo

	ANSWERED "	PRESENT -2
	Harrison, Miss. Hilliard	Lloyd Loudon
s. c.	Kent Kettner	McLemore Nicholls, S. C
r	Lever Lindbergh	Page, N. C. Schall

Aiken Austin Butler Byrnes,

Dies Gallaghe

k.

1917.		CONGRI	ESSIONA
	NOT VO	FING—126.	
Adair	Doremus	Howell	Mudd
Adamson	Driscoll	Hull, Tenn.	Nichols, Mich
Anthony	Drukker	Humphrey, Wash	. Oglesby
Bacharach	Dunn	Husted	Oliver
Bailey	Dupré	Hutchinson	Patten
Barchfeld	Eagle	Johnson, Ky.	Peters
Barnhart	Edmonds	Johnson, S. Dak.	Platt
Beakes	Escn	Johnson, Wash.	Pou
Beales	Fairchild	Jones	Pratt
Benedict	Farr	Kahn	Price
Britt	Flood	Kelley	Rauch
Britten	Flynn	Kennedy, Iowa	Riordan
Browning	Frear	Key, Ohio	Rowland
Bruckner	Gandy	Lafean	Sanford
Caldwell	Gardner	Lee	Scott, Mich.
Campbell	Glass	Lehlbach	Scott, Pa.
Cantrill	Goodwin, Ark.	Lesher	Scully
Carew	Gould	Lewis	Sells
Carter, Okla.	Graham	Lieb	Slayden
Casey	Gray, Ind. Gray, N. J.	Liebel	Small
Coleman	Gray, N. J.	Littlepage	Stout
Conry	Gregg	Lobeck	Swift
Cooper, Ohio Cooper, Wis.	Griest	Loft	Talbott
Cooper, Wis.	Griffin	Loud	Tinkham
Costello	Hamili	McKellar	Van Dyke
Crago	Hamilton, N. Y.	Maher	Vare
Crisp	Hart	Miller, Del.	Venable
Crosser	THASKEIL	Millet, La.	Ward
Dale, N. Y.	Henry	Mooney	Wilson, Fla.
Davenport	Hill	Morgan, La.	Wood, Ind.
Davis, Minn.	Hinds	Morin	
Dickinson	Hopwood	Moss	
The Clerk For the ses Mr. Riorda Until Janu	N with Mr. WAR	llowing pairs:	
		CONTRACTOR OF THE PARTY OF THE	
Until furth			
Mr LITTLE	PAGE with Mr. B.	ARCHFELD.	
THE RESERVE OF THE PERSON OF T	LAR with Mr. Go		
			0 37 77
Mr. Morgan	N of Louisiana wi	th Mr. HAMILTO	N of New You
Mr. DAVEN	PORT with Mr. Co	OPER of Ohio.	
	with Mr. TINKI		
	of Now York with		

Mr. Dale of New York with Mr. Peters. Mr. GREGG with Mr. HILL. Mr. BRUCKNER with Mr. PRATT. Mr. GRIFFIN with Mr. SELLS. Mr. MAHER with Mr. SANFORD. Mr. TALBOTT with Mr. BUTLER. Mr. ADAIR with Mr. HINDS. Mr. Barnhart with Mr. Hopwood.
Mr. Hart with Mr. Scott of Michigan.
Mr. Hamill with Mr. Rowland.
Mr. Beakes with Mr. Howell.

Mr. Caldwell with Mr. Husted.
Mr. Cantrill with Mr. Johnson of Washington.
Mr. Gray of Indiana with Mr. Platt.
Mr. Carew with Mr. Johnson of South Dakota.

Mr. CARTER of Oklahoma with Mr. KAHN.

Mr. Casey with Mr. Kelley.

Mr. Casey with Mr. Kelley.
Mr. Goodwin of Arkansas with Mr. Nichols of Michigan,
Mr. Glass with Mr. Mooney,
Mr. Gandy with Mr. Mudd.
Mr. Flynn with Mr. Miller of Delaware,
Mr. Flood with Mr. Lafean,
Mr. Eagle with Mr. Loud.
Mr. Dupré with Mr. Kennedy of Iowa.
Mr. Driscoll with Mr. Lehlbach.
Mr. Cotry with Mr. Miller of Pennsylvania

Mr. Coary with Mr. Miller of Pennsylvania.
Mr. Crosser with Mr. Anthony.
Mr. Dickinson with Mr. Costello.
Mr. Doremus with Mr. Campbell.

Mr. HENRY with Mr. BEALES

Mr. Hull of Tennessee with Mr. Benedict. Mr. Wilson of Florida with Mr. Britten.

Mr. Jones with Mr. Browning. Mr. Key of Ohio with Mr. BRITT.

Mr. LEE with Mr. COLEMAN. Mr. LESHER with Mr. CRAGO.

Mr. Liebel with Mr. Davis of Minnesota.

Mr. Lobeck with Mr. Drukker. Mr. LOFT with Mr. EDMONDS. Mr. Patten with Mr. Fairchild. Mr. Moss with Mr. Farr,

Mr. Lewis with Mr. Frear, Mr. OGLESBY with Mr. GRAHAM.

Mr. OLIVER with Mr. GRAY of New Jersey.

Mr. Pou with Mr. Greest. Mr. Rauch with Mr. Hutchinson.

Mr. PRICE with Mr. HASKELL.

Mr. VENABLE with Mr. Scott of Pennsylvania.

Mr. Scully with Mr. Peters. Mr. SLAYDEN with Mr. MORIN. Mr. SMALL with Mr. VARE.

Mr. VAN DYKE with Mr. SWIFT. Mr. STOUT with Mr. Wood of Indiana.

Mr. BUTLER. Mr. Speaker, I voted in the negative. I have a pair with the gentleman from Maryland, Mr. Talbott. I withdraw my vote and answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. The motion of the gentleman from North Carolina prevails, and the Chair appoints Mr. Dixon of In-

diana, Mr. Allen of Ohio, and Mr. Fess of Ohio.

Mr. FESS. Mr. Speaker, inasmuch as I am incidentally mixed up in this matter, I ask the Speaker to appoint some one else in my place

The SPEAKER. Instead of the gentleman from Ohio [Mr. Fess] the Chair appoints the gentleman from Wyoming [Mr. MONDELL].

LEAVE OF ABSENCE.

Mr. MAPES. Mr. Speaker, I ask unanimous consent that my colleague [Mr. Scott] may be excused indefinitely, on account of serious illness in his family.

The SPEAKER. The gentleman asks unanimous consent that his colleague [Mr. Scott] may be excused indefinitely, on account of serious illness in his family. Is there objection?

There was no objection.

WHEAT AND FLOUR.

Mr. MOORE of Pennsylvania. I ask unanimous consent to

extend in the Record my remarks on wheat and flour.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks on wheat and flour. Is there objection?

There was no objection.

INAUGURATION OF THE PRESIDENT.

Mr. RUCKER of Missouri. Mr. Speaker, I desire to call up Senate joint resolution 202, now on the Speaker's table, and ask

unanimous consent for its present consideration.

The Speaker laid before the House the joint resolution The Speaker laid before the House the joint resolution (S. J. Res. 202) to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 5, 1917.

The Clerk read the title of the joint resolution.

The SPEAKER. The gentleman from Missouri [Mr. Rucker] asks unanimous consent for the present consideration of the joint resolution. Is there objection?

Mr. MANN. I ask to have the joint resolution reported

Mr. MANN. I ask to have the joint resolution reported.
The SPEAKER. The Clerk will report it.

The Clerk read the joint resolution, as follows:

Resolved, etc., That to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States, March 5, 1917, in accordance with such program as may be adopted by the joint committee of the Senate and House of Representatives appointed under a concurrent resolution of the two Houses, including the pay for extra police for three days, at \$3 per day, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, \$35,000, or so much thereof as may be necessary, the same to be immediately available; payment to be made upon vouchers approved by the chairman of said joint committee.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to a third reading, and was accordingly read the third time and passed.

COUNTING THE ELECTORAL VOTE

Mr. RUCKER of Missouri. Mr. Speaker, I call up Senate concurrent resolution 30 and ask unanimous consent for its present

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of a concurrent resolution, which the Clerk will report in full.

The Clerk read as follows:

Senate concurrent resolution 30.

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 14th day of February, 1917, at 1 o'clock in the afternoon, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes

as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The SPEAKER. Is there objection?

There was no objection.

The concurrent resolution was agreed to; and the Speaker announced as tellers on the part of the House Messrs. Rucker of Missouri and Mapes.

On motion of Mr. Rucker of Missouri, a motion to reconsider the vote by which the joint resolution (S. J. Res. 202) was passed and the vote by which the concurrent resolution (S. Con. Res. 30) was agreed to was laid on the table.

FORTIFICATIONS.

Mr. SHERLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the fortifications appropriation bill (H. R. 20453), and pending that motion I ask unanimous consent that the general debate be confined to two hours, one hour to be controlled by the gentleman from Massachusetts [Mr. GILLETT] and one hour by myself.

The SPEAKER. The gentleman from Kentucky [Mr. Sher-LEY] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the fortifications appropriation bill, and pending that he asks unanimous consent that the general debate be not exceeding two hours, one half to be controlled by himself and the other half by the gentleman from Massachusetts [Mr. Gilet]. Is there objection?

There was no objection.

The motion of Mr. Sherley was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 20453) making appropriations for fortifica-tions and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, with Mr. Houston in the chair.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill may be dispensed with.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. SHERLEY. Mr. Chairman, I think the gentleman from Massachusetts [Mr. Gillett] desires to be recognized.

The CHAIRMAN. The gentleman from Massachusetts [Mr. Gillett] is recognized for one hour.

Mr. GILLETT. Mr. Chairman, I do not intend now to enter upon any discussion of the bill itself. It was framed in the subcommittee, and from our deliberations I think I am in general accord with the gentleman from Kentucky, who is chairman of the subcommittee and who will explain the bill, and I am sure will express my opinion upon it better than I should myself. I only wish to occupy a few moments in some desultory remarks justified under the latitude of general debate.

I have noticed recently in the public press the deliberate statement of two presidents that they did not intend to observe the law—one of those was the President of the United States, and the other was the president of the Federation of Labor. One statement has been very much criticized, but I have not observed any criticism of the other. The President of the United States stated that he did not intend to suggest to Congress, as required by law, how the deficiency in revenue this year should be supplied.

Mr. GORDON. Will the gentleman yield?

Mr. GILLETT. Yes.

What provision of the Constitution requires Mr. GORDON. that of the President?

Mr. GILLETT. I will tell the gentleman in a moment. The president of the Federation of Labor said that if a law was passed forbidding strikes he could be counted upon as one who would not obey that law.

Now, I do not mean that these two refusals to obey the law are equally culpable. I do not think they are. I think the refusal of the President of the United States was careless and inconsiderate, rather than defiant and lawless, but I think that the Chief Magistrate of the Nation should be exceedingly scrupulous both in letter and spirit in conforming to every law.

Now, this was not an unnecessary or an unwise or a partisan law. It was passed in 1909 when every branch was Republican. It was passed by a Republican Congress, imposing the duty upon a Republican President, and it was passed, as I remember,

with general concurrence, because we had found that there must be cooperation between the executive and the legislative branches in providing for the deficiencies of revenue.

This law provided that the Secretary of the Treasury should report the estimates of appropriation which the different departments asked, and that then he should report the amount of revenue which could be anticipated. Then, if the appropriations needed were greater than the revenue the President should state to Congress his method of supplying that deficiency. The importance of this first step toward a budget system that is now being so much agitated was recognized by Prof. Ford, of Princeton University, who, in speaking of this provision, said:

Congress has taken a step toward connection of the powers, and has thus unwittingly started a movement of profound constitutional importance. The real hope of establishing budget control, and with it a genuine constitutional system, lies in the flow of political force in the channels thus opened.

He adds that the action taken by Congress making it the duty of the President to coordinate income and expenditure, as provided in the Smith amendment, "is the salvation of repre-

sentative government in the United States.'

To be sure, the Democratic platform adopted in the last convention suggested that the first step toward the budget system was that all the appropriation bills of the House should be consolidated in one committee, but I assume that that plank, like most of the other planks of Democratic platforms, was adopted just to catch votes, and with no intention that it should ever be put in force, and from that day to this not a step has been taken in this House to adopt it, although last summer we sat here for weeks after the platform had been adopted, doing nothing but waiting on the Senate. The President's refusal to conform to the law and suggestion as to how the revenue should be raised was not an accidental one or because he was not aware of the existence of the law. swering the suggestion of the gentleman from Ohio [Mr. Gor-DON], who asked what constitutional obligation there was on the President, let me quote what the President himself said in his message of December, 1915, when he did come before Congress and suggest to us how we should balance the revenues and expenditures. He said:

It is made my duty by law whenever the estimates of expenditure exceed the estimate of revenue to call the attention of Congress to the fact and suggest any means of meeting the deficiency that it may be wise or possible for me to suggest. I am ready to believe that it would be my duty to do so in any case.

So, whatever the gentleman from Ohio may think, the President of the United States thinks it is his duty either under the law or without the law to make these suggestions. [Applause.]

Mr. LONGWORTH. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. LONGWORTH. Have any of these suggestions been carried out?

Mr. GILLETT. I was going to suggest something on that

Mr. GREEN of Iowa. Has the law been heretofore observed

by his predecessor?
Mr. GILLETT. I think it has. As a matter of fact, under Republican administrations it was not the habit to have a deficiency of revenue, and so there was seldom occasion to observe the law. [Applause on the Republican side.] When that did happen once the President suggested that expenditures

should be cut down to conform to the revenue.

Now, as suggested by the gentleman from Ohio, it may be that the experience of the President with his message of December, 1915, has discouraged him from repeating such suggestions. Because he suggested the revenues should be increased by new taxation on various articles-gasoline, as I remember, and motor vehicles and others—and there was at once such a popular dissatisfaction manifested that, with the usual Democratic desire to avoid unpopularity, that was the last we ever heard of those proposed taxes. The committee, if it ever considered them, never reported on them, and the administration at once abandoned them. In fact, as far as I can see, the guiding star of this administration in looking for taxation has been to levy taxes which will bear on as few persons as possible. [Applause.] Inasmuch as the taxes which the President suggested were of general application, they were very soon abandoned. Unpopularity and not injustice is what this administration has seemed to endeavor to avoid in taxation. Of course, it is hard to find any taxes that are popular.

No rogue e'er felt the halter draw With good opinion of the law.

I suppose the same applies to taxation, and so almost any taxation will create protest from the victims of it; but if the outcry is founded upon injustice then it ought to be remedied. If it is merely founded upon the fact that they have to pay

money when they ought to pay their share, it ought properly to be disregarded. But the President this year has declined absolutely to make us any propositions at all, and it seems to me this is the year when it would be singularly appropriate and incumbent upon him to make such suggestions, because the deficiency is so enormous.

The estimates of appropriations, exclusive of deficiency and miscellaneous items, for the fiscal year to begin July 1, 1917, and end June 30, 1918, submitted to Congress by the Executive on December 4 last aggregate \$1,654,819,654.03, the largest amount ever requested by any administration. They exceed the estimates similarly submitted at the beginning of the last session of Congress by \$368,961,845.87, and exceed the appropriations, exclusive of deficiency and miscellaneous items, for the current fiscal year by \$181,936,211.39. Every appropriation bill is increased over the amount carried for the current year with the exception of the river and harbor bill.

Mr. LONGWORTH. May I ask whether these requests include the amount to be expended under the shipping bill, the

nitrate plant, the munitions plant, and so forth? Mr. GILLETT. Yes; they include those.

The estimated revenues for the fiscal year 1918, which are to meet the estimated appropriations of \$1,654,819,654.03, amount to \$1,341,550,000, a sum which is \$313,269,654.03 less than the amount of the estimated appropriations. Since the submission of the Book of Estimates in December supplemental or additional estimates for the fiscal year 1918 amounting to \$52,500,000 have been forwarded to Congress, including \$25,000,000 for purchase of the Danish Islands. This does not constitute the total which such additional estimates will reach, and by the time the session closes the amount will no doubt be very much greater. Estimates have not been submitted for many items which will probably be appropriated for at this session. The proposal to increase by 5 and 10 per cent the salaries of certain grades of employees in the Government service will require about \$25,000,-Various bills are pending in either the House or Senate which, if they become laws, will add very large sums to the total of appropriations. Included in this list is the public-buildings bill, the vocational-education bill, the fish-hatcheries bill, the flood-control bill, the bill to increase the pay of employees of the meat-inspection service, and a number of others. It will be seen, therefore, that the estimated appropriations, taking into account the items just mentioned, will exceed the estimated revenues for the next fiscal year by considerably more than

The daily Treasury statement of January 22, 1917, shows a working balance in the general fund of \$93,610,344.37. This would be a safe balance if it represented that amount of unpledged money. There has been deposited to that date in this fund the sum of \$51,758,311 for the retirement of outstanding national bank and Federal reserve bank notes that have been assumed by the United States. If that sum be deducted, the amount remaining is \$41,852,033.37. The sum of \$69,998,843.61 has been placed to the credit of disbursing officers and was subject to their checks to the full amount; so that instead of a general fund in the Treasury of \$93,610,344,37 on January 22, 1917, there was in reality a deficit of \$28,146,810.24. The sum of about \$100,000,000 will be necessary, therefore, to restore a working balance in the general fund.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. FESS. Why do we carry that statement of \$93,000,000

balance with that situation as it is?

The gentleman must ask the Secretary of Mr. GILLETT. the Treasury. The gentleman remembers doubtless that order which he issued just before election two or three years ago in September, which suddenly swelled the Treasury balance overnight about \$100,000,000-a mere matter of bookkeeping.

Mr. LONGWORTH. It went up from \$20,000,000 to some-

thing over \$100,000,000 overnight.

Mr. GILLETT. Yes.

Mr. BENNET. Is not that equivalent to what would happen to a man if in estimating the amount of his bank balance he simply took the amount of money he had in the bank and neglected to take account of the checks that were outstanding which he had drawn?
Mr. GILLETT. Yes; as though he did not look at his stubs.

[Laughter.]

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. Yes. Mr. GORDON. Is it not a fact that under our system of collecting income taxes a very large proportion of the revenue does not come in until the end of the fiscal year?

Mr. GILLETT. I will speak of that in a moment. The dis-bursements for the first six months of the fiscal year 1917,

which ended on December 31, 1916, exceeded the receipts by approximately \$126,000,000. The disbursements will undoubtedly be larger during the last six months of the fiscal year than during the first six months for the reason that many appropriations made in bills for the fiscal year 1918 which will be laws before the session ends will be available for expenditure in the fiscal year 1917, and larger sums will be expended on account of the Army and Navy in the latter period than in the former. The appropriations to supply deficiencies for the fiscal year 1917 and prior years will be paid from the receipts re-ceived during the fiscal year 1917. The deficiency estimates received thus far aggregate about \$60,000,000, and do not include the larger proportion of estimates for the general deficiency It should be stated that the deficiency estimates thus far include about \$36,500,000 on account of Army expenditures on the border. If the troops continue there, the figures stated above will become much larger. It is conservative to say that these estimates will aggregate at least \$100,000,000, and the appropriations under them will undoubtedly reach the figure of \$90,000,000, which the revenues of 1917 will have to meet. The prospective needs of the Treasury during the remainder of the fiscal year, over and above the receipts that will normally be recived during that period, except income taxes, will be about \$340,000,000. The receipts from the income taxes on individuals and corporations are received near the end of the fiscal year, and are estimated at \$245,000,000, which leaves a requirement of additional revenue for this fiscal year of \$95,000,000.

The estimated appropriations for the fiscal year 1918 exceed the estimated revenues of that period by more than \$400,000,000, as heretofore stated. It will be seen, therefore, that additional revenue amounting to \$500,000,000 will have to be raised at

this session of Congress

When such a condition as that exists it seems to me that Congress is entitled to expect that the President will conform to what he considers the requirement of law and of his duty and suggest to us the best method to meet the extraordinary situation.

Mr. GORDON. Will the gentleman yield?

Mr. GILLETT. I will.

Mr. GORDON. How much of this deficiency was the result

of defending the country against invasion?

Mr. GILLETT. I thought we had always been at peace. thought that the political cry of the gentleman's party was that the President had preserved peace.

Mr. GORDON. That is exactly-Mr. LONGWORTH. Especially in Ohio.

Mr. GORDON. But were we not in danger of invasion?

Mr. GILLETT. I do not think there was any serious danger of invasion which a band of cow-punchers could not have driven back.

Mr. SMITH of Michigan. Can the gentleman tell how much there was in the Treasury at the time the Democrats came in power?

Mr. GILLETT. I do not remember those exact figures; about

one hundred and fifty millions, I think.

Mr. ROGERS. Will the gentleman yield? Mr. GILLETT. I do.

Mr. ROGERS. I wonder if the gentleman has noticed an article in this morning's New York Times which deals with the Democratic caucus of last night and from which I would like to read one sentence.

Mr. GILLETT. I have not seen it, but I will yield to the

gentleman for that purpose.

Mr. ROGERS. "Chairman Kitchin defends the bill" is the subhead of this administration newspaper:

Addressing a group of insurgent southern Democrats, Mr. KITCHIN said, "You can tell your people that practically all of this tax will go north of Mason and Dixon's line."

[Applause on the Republican side.]

Mr. LONGWORTH. There must have been Mr. KREIDER. Will the gentleman yield? There must have been a leak.

Mr. GILLETT. I will.

Mr. KREIDER. I wish the gentleman from Massachusetts would permit me to answer the question the gentleman from Minnesota [Mr. Smith] asked about the balance in the Treasury when Woodrow Wilson was inaugurated President. I wish to inform him the balance was a little over \$149,000,000.

Mr. GILLETT. I thought it was more than that. Mr. KREIDER. I want to ask a question. Is the I want to ask a question. Is the gentleman repared to say how much money the Government of the United States has spent pursuing the so-called watchful waiting policy of the administration, including the expense of taking Cruz and then turning it over after we had cleaned up the streets and done a little plumbing work, and also when we sent the so-called punitive expedition into Mexico in their operations between the two lines of railroads who stopped when they got orders from Carranza to stop and are now withdrawing when he tells them to withdraw?

Mr. GILLETT. I can not give the details, but they have cost

several hundred million dollars.

Mr. GORDON. Then, as a matter of fact, it exceeds a hundred and sixty-five million dollars?

Mr. GILLETT. It has been \$165,000,000 just this year.

Mr. KITCHIN. Will the gentleman permit an interruption?

Mr. GILLETT. I will.

Mr. KITCHIN. I notice the gentleman from Massachusetts [Mr. Rogers] read a statement from a New York paper—the New York Times-in which it is said that I said in the caucus last night that most of this tax-practically all of this taxwill come from north of Mason and Dixon's line. I did not say that, nor anything of the kind. I never mentioned the Mason and Dixon line, nor did I mention New York City; but I will say now that this tax will go to pay appropriations practically all, or most all, of which will go north of the Mason and Dixon line. The appropriation for preparedness will go for the most part to shipyards, munition makers, and so forth. These happen to be north of the Mason and Dixon line.

Mr. NORTON. Will the gentleman yield? Where does the gentleman think the tax will fall—south of Mason and Dixon's

line?

Mr. KITCHIN. I think most, or the greater part, will be levied north of Mason and Dixon's line. All these fellows who live in States that will pay a large part of this tax can get rid of the location argument by removing down to my town of Scotland Neck and pay the tax from there.

Mr. GILLETT. They would not dare to. I suppose they are

afraid of your taxgatherer taking-

Mr. KITCHIN. No; the taxes in my States are a great deal lower than in the State of Massachusetts, and some of these gentlemen might move down there to dodge the high taxation of Massachusetts, as it is reported they come here to Washington for that purpose.

Mr. GILLETT. I expect they could not dodge them very long, judging from what I see in the public press. This may have been as inaccurate as the gentleman from North Carolina

said the other was.

The public press says a bond issue is to be authorized in order to meet some of this deficiency. Now, if that is true, I think it is especially unfortunate that the President did not come before us, as he says it is his duty to do, and advise us, for I am very sure he would have opposed a bond issue. We know he is always consistent; that he does not change his attitude; and so let me read to you what he said about a bond issue in one of his previous messages. He said:

If or one, do not believe that the people of this country approve of postponing the payment of their bills. Borrowing money is short-sighted finance. It can be justified only when permanent things are to be accomplished which many generations will certainly benefit by and which it seems hardly fair that a single generation should pay for. The objects we are now proposing to spend money for can not be so classified, except in the sense that everything wisely done may be said to be done in the interest of posterity as well as in our own. It seems to me a clear dictate of prudent statesmanship and frank finance that in what we are now, I hope, about to undertake we should pay as we go.

Mr. HELVERING. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. HELVERING. Just a statement as to what the bond issue provides for in the revenue bill. It is for the payment for the Danish West India Islands and the Alaskan Railroad, and other items that are for permanent improvement,

Mr. GILLETT. How much of a bond issue is authorized? Mr. CANNON. That in addition to the \$220,000,000 Panama bonds?

Mr. HELVERING. The nitrate plant, \$20,000,000.

Mr. GILLETT. That makes \$80,000,000 in all. Now, what

Mr. LONGWORTH. The shipping expenditure.
Mr. HELVERING. Two hundred and twenty million dollars unexpended Panama Canal bonds. That is \$312,000,000 to pay for the expenses of the Mexican border and these permanent improvements

Mr. GILLETT. W. Mr. HELVERING.

We have not had war, have we? G. We have saved ourselves from war, which would have cost not this \$160,000,000 but billions of dollars.

Mr. FORDNEY. The Panama bonds yet unissued amount to

\$240,500,000 and odd. The Treasury report this morning shows that.

Mr. HELVERING. The statement was transmitted to the Ways and Means Committee day before yesterday, Mr. FORDNEY. You authorize \$300,000,000 indebtedness.

Mr. HELVERING. And an addition of \$100,000,000 more that the Republicans authorized.

Mr. FORDNEY. Of Panama bonds?

Mr. HELVERING. No.
Mr. KITCHIN. I will say to the gentleman from Michigan [Mr. Fordney] that in my understanding there were \$201,000,000 and some odd hundred thousands of Panama bonds, but since the statement was made, as the public generally understood, \$10,000,000 has been issued and set aside to be issued for a rural credit farm-loan bill. You see we provided for \$10,000,000, and it is about \$22,000,000 now. And as to the bonds to take care of the Mexican situation, and perhaps the purchase of the Danish West Indies, and the building of the Alaskan railway, and the armor-plate plant, it will take, including also the nitrate plant, and the \$50,000,000 required by the shipping bill, both of which are taken care of by an authorization of these Panama bonds-it would take the amount of the Panama bonds and about \$80,000,000 of new bonds, of new money, to take care of these permanent investments, which I have just mentioned, including the Mexican situation. Now, the Mexican situation, as I understand, according to the Treasury report, will require, up to June 30, \$162,000,000. Now, I do not think that any of us in the House, except possibly some of us on this side and a few on that side, can complain about that, because I understood both your party in the Senate and here indorsed the President's Mexican policy. They voted on a resolution as to the Vera Cruz proposition here in the House and in the Senate, by an overwhelming vote, and both Republicans and Democrats voted to indorse his policy to enter Mexico after Villa.

Mr. SMITH of Michigan. Was it his policy that they in-

dorsed?

Mr. KITCHIN. I can only tell by the resolution that the Republicans voted on in the Senate, and the Vera Cruz proposition here, and I have heard no complaint on the part of anybody, especially Republicans, for the last several months as to the expenditure of this \$162,000,000. The greatest complaint I have heard is that they did not spend more, and have taken more troops in there, and cost the American people many million dollars more.

Mr. SMITH of Michigan. Do you think they ought to go further?

Mr. KITCHIN. That is the complaint I have heard from your side.

Mr. CANNON. Will the gentleman allow me?
Mr. KITCHIN. I certainly will.
Mr. CANNON. Did he catch Villa?
Mr. KITCHIN. I do not know that he did. He sent a whole lot of commanding officers down there, 19 out of 20 of whom were Republicans. I reckon if they had been Democratic officers they would have caught him.

Mr. SMITH of Michigan. He did not even catch Carranza.

Carranza caught him.

Mr. GILLETT. Now, to analyze the statement just made by the gentleman from North Carolina [Mr. Kitchin], there is \$50,000,000 for the shipping, \$20,000,000 for the nitrate plant, and \$11,000,000 for the armor plant, and \$25,000,000 for the Danish Islands. Now, what else is there except Mexico?

Mr. KITCHIN. The Alaskan Railway, \$35,000,000, and the

Mexican situation, \$162,000,000.

Mr. GILLETT. I will leave out the Mexican situation. will allude to that later. There are \$141,000,000, which I admit are permanent improvement and which I admit justify a bond issue, if we have not spare cash in the Treasury. have bonds already on hand which, by the economy of a Republican administration, we did not use when we had a right to, but paid for most of the building of the Panama Canal out of our extra pocket money. We have got from \$200,000,000 to \$240,000,000 of them on hand. Why do you need any more bonds? I do not believe that this Mexican excursion is a proper subject to be paid for by bonds. It is certainly no permanent improvement. Why did you not pay for your Vera Cruz excursion by bonds if that theory is correct? I never approved of either of them. I was one of those who voted against it. I voted and made some remarks against it.

And as to this later excursion down into Mexico shortly before the election. If it had been made immediately after the attack—and I do not want to get into a Mexican discussion, because there is such an infinite field for criticism there that it would take all day-but this is one of the instances which, it seems to me, shows the utter fatuity of our whole Mexican policy. If the troops had been sent in to catch Villa the next day, there might have been some sense and judgment in it, but to wait a week and then to think that the United States troops could catch a mosquito like him, out in the mountains of Mexico, was preposterous; and it has accomplished no more than we could

expect.

And when it comes to Mexico, these "battles" between Carranzistas and Villistas always strike me as comic opera. I suspect the "battles" and the "victories" consist simply of the soldiers on the one side or the other wondering on which side they can get most loot and changing to the side that offers the best prospects, and that is the side that wins the "victory.

But that is altogether apart from the question. It seems to me that from what the President himself has laid down in the message which I read a new bond issue is not authorized. There are only \$141,000,000 of permanent investments which we will have to pay for, and we have \$240,000,000 of Panama bonds on

hand which can be used for it.

Now, I want to say just a word-and I did not mean to take so much time-about the President's recent message to the Senate. With what I understand to be the general purpose of that message I heartily concur. I understand him to mean that the best hope for a durable and permanent peace is a concert of the powers of the world, supported by armed force, and that the United States shall enter that concert and help to enforce it, if necessary, with its Army and with its Navy. With that general proposition I am in thorough accord, for it seems to me it is the best practical step toward the permanent end of warfare, which we all desire. The President expressed it with his invariable charm, but he expressed it also with the vagueness and nebulousness which are almost as invariable.

But, if I am correct in thinking the main purpose is what I have stated, I agree with him. I think it may be "an iridescent dream"; it may be an anticipation of that parliament of man and federation of the world which we all know is so far off,

but it seems to me it is a step toward it.

Mr. MEEKER. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman yield?

Mr. GILLETT. Yes.

Mr. MEEKER. Could the gentleman give a plan for the accomplishment of that supposed purpose less measureless

Mr. GILLETT. Well, I do not know. I have not the responsibility of doing it, and I will not pretend that I have thought it out.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. Yes; I yield to my colleague.
Mr. CANNON. Would my friend agree to any proposition that the United States should cooperate with the nations of the world in creating an armed force greater than any now existing, to be called into exercise by a vote of the nations of the world?

Mr. GILLETT. Well, now, the gentleman is assuming two things: First, he is assuming that it is a force greater than any now existing

Mr. CANNON. I am using the President's statement. Mr. GILLETT. Yes; I read it carefully, but he does no Yes; I read it carefully, but he does not state that. If that is it, of course it accomplishes nothing, because, as I understand, the main purpose of this concert of the powers will be not to maintain a greater force than the armed powers now do, but to generally and largely reduce the force of both the Army and the Navy. If it does not accomplish that, it fails at the beginning.

Mr. CANNON. I read from the President's statement:

Mr. CANNON. I read from the President's statement:

I do not mean to say that any American Government would throw any obstacle in the way of any terms of peace the Governments now at war might agree upon, or seek to upset them when made, whatever they might be. I only take it for granted that mere terms of peace between the belligerents will not satisfy even the belligerents themselves. Mere agreements may not make peace secure. It will be absolutely necessary that a force be created as a guarantor of the permanency of the settlement so much greater than the force of any nation now engaged or any alliance hitherto formed or projected that no nation, no probable combination of nations could face or withstand it. If the peace presently to be made is to endure, it must be a peace made secure by the organized major force of mankind.

Does the President mean what he says on is it "not the says."

Does the President mean what he says, or is it "as the sound-

ing brass and the tinkling cymbal"?

Mr. GILLETT. But he does not say greater than the present force of any nation or alliance. Of course, the force of the concert must be greater than the force of any part of it, but I trust there will be a general and decisive reduction of armaments.

Mr. CANNON. Does the gentleman believe that the United States should now or at any other time enter into treaty or agreement with the nations of the world that if there be a falling out between the United States and any other nation on this continent or elsewhere the nations of the world by a majority vote shall determine what the United States shall do?

Mr. GILLETT. In general, yes; though how such details as voting will be arranged I will not now suggest. There must be some court of final decision. We can not go in and say we will Mr. GILLETT. Now, you are getting into details which are dictate to everybody else, and that other nations shall submit not before us at all.

their differences to some general concert without being willing to submit our own. But, of course, as I said, this is all very vague and nebulous. You can not tell what conditions will be laid down. It will depend largely on those conditions. But it seems to me that conditions can be laid down that will make it proper and safe for the United States, desiring, as I think we do, no aggression on any nation on this continent or hemisphere or on the other one. It will be safe for the United States to enter such a council.

Mr. CANNON. And action determined by the vote of the majority, a little nation having as much voice as the big nation?

Mr. GILLETT. That is one of the details that I do not assent to. It is not suggested by the President. It has to be worked out.

Mr. CANNON. Let me put a case. Mexico is adjacent to the United States for 1,800 miles. We have trouble with Mexico, and I believe we will have future trouble with it. Suppose this agreement were made and the United States were to proceed to protect itself under the Monroe doctrine, or from the standpoint of protection to the American people. Would we have to submit, before we dare assert our rights for protection, to a popular vote of the different nations of the world? Is that what this agreement contemplates?

Mr. GILLETT. For myself, as to any contest we have with a little power like Mexico, our neighbor, I will always be willing to submit that to any fair tribunal of the world. I am not afraid of differences between ourselves and Mexico, and I do not care much in what manner they are decided. Any little dispute we might have with any of our neighbors, with whom we ought to have friendly relations, would not be very vital to the United States, and we could well leave it to the arbitra-

ment of other powers.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. GILLETT.

Mr. COOPER of Wisconsin. As I understand the President's address, there is no proposition that any nation shall submit its rights or wrongs to a majority vote of the nations of the world, as that expression would ordinarily be understood; but in outline the proposition, as I understand it, is that all nations shall enter into an international agreement by which each of the signatory powers will reserve to itself certain things of vital character which are never, under any circumstances, to be considered arbitrable-as, for example, the boundary lines of each country after these have been once fixed by the agreement, the right to determine who may immigrate or come into the country and who shall be eligible to citizenship-but by which all other questions which may arise are to be referred for hearing and judgment to a great international court, composed of the foremost jurists of all the countries. Then it is also proposed that there shall be a general disarmament of the nations and that the judgments of the great international court shall be enforced by an international police force, just as United States marshals and their assistants enforce the decrees of our courts. That is as I understand the proposition. I would not say that I advo-cate it in its entirety, but that, I think, is a fair statement of the proposition. The whole subject is in the very highest realms of statesmanship and ought to be considered in all its aspects when we discuss it on this floor.

Mr. LONGWORTH. Might it not be well to have the method referred to officially translated, in order that it might not cause a disagreement between such able intellects as that of the gentleman from Massachusetts [Mr. Gillett], the gentleman from Illinois [Mr. CANNON], and the gentleman from Wisconsin [Mr. COOPER]? We want to know what it does mean.

Mr. GILLETT. What the gentleman from Wisconsin [Mr.

Cooper] has suggested is of course the program which is now being so much agitated by the League to Enforce Peace. I say I approve of the President's policy, I do not commit my-self any more than the gentleman from Wisconsin [Mr. self any more than the gentleman from Wisconsin [Mr. Cooper] does to any detailed method of working it out. That is in the future, and the President absolutely suggests nothing as to details. All I indorse is that it seems to me the best step toward international peace in the future is some concert of powers, to be developed, as of course it would have to be, with the greatest care and study and elaboration; but at the threshold I do not want to refuse accord to the general principle. On the contrary, I strongly favor it.

Mr. FESS. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. FESS. Who would say what subjects are arbitrable?

Mr. FESS. Would the Monroe doctrine be one of them?

Mr. GILLETT. Of course the Monroe doctrine in its original purpose has long been obsolete. It was established to prevent monarchical governments being imposed upon this continent. Well, now the monarchies have enough to do to keep democracies from being imposed upon them, and are no longer hoping to impose them here.

Mr. FESS. Will the gentleman yield further?

Mr. GILLETT. Let me just say that what the Monroe doctrine means now, as I understand it, is that the United States does not propose to have any great European power get ports or harbors or stations anywhere near our borders, which would be a menace in case of war. We use it now as a matter of selfdefense, and that, as I understand it, is practically the purpose of the Monroe doctrine to-day.

Mr. FESS. Will the gentleman yield further?

Mr. GILLETT. Yes.

Mr. FESS. Suppose two countries in Europe are at variance. and it becomes necessary for this league of peace to use its force. We would be bound to join them if we are in it?

Mr. GILLETT. Yes.

Mr. FESS. Without any interest whatever in the contest?

Mr. GILLETT. Yes.

Mr. FESS. How would our troops be used?

Mr. GILLETT. As the gentleman knows, that is a detail that I can not predict.

Mr. FESS. Would that be done without a vote of the people? Mr. GILLETT. As I say, that is one of the details that I can not predict, and will not pretend to.

Mr. FESS. One more remark.

Mr. GILLETT. I have only 14 minutes remaining and I have promised to yield 10 minutes.

Mr. O'SHAUNESSY. I want to ask just one question.

Mr. GILLETT. I can not yield because I wish to say a word or two more and I have only four minutes in which to say them. In this message of the President I was struck by the President's insistence that other nations should adopt the principle that governments derive their just powers from the consent of the governed. Could it have failed to occur to him that there was abundant occasion for him to urge that doctrine in his own country and in his own party? Is the universal right of the governed to consent or dissent recognized by the Democratic Party? Are not some States solidly and permanently Democratic only because they deliberately ignore and violate that principle? If the governed had been allowed to register their consent in Democratic States at the last election the President would not occupy the White House after next March. The party of which he is the recognized leader not only systematically violates this principle which the President in his message exalts, but in order to do it is obliged to disobey the Constitution of the United States. Yet I have heard no word of criticism from the White House against this long-continued denial to the governed of their privilege to consent or dissent. Is it only when the principle is advantageous that it is to be commended? Is it to be disregarded when it would be inconvenient? Throughout a whole section of the country controlled by the President's party a large class of the governed are prohibited from exercising their rights by social and political ostracism. In that conduct he acquiesces. Before insisting that foreign nations shall adopt his theory would it not be well to set his own house in order? How can he expect to influence opinion abroad in favor of a principle when at home he is the chief beneficiary of the flagrant and continuous violation of the very doctrine which he is striving to force upon other nations? And yet I am sure that while he extols it abroad he will take no step to enforce it in his own party, where its determined violation is the very foundation of Democratic success. [Applause.] I yield five minutes to the gentleman from New York [Mr.

BENNETI

Mr. O'SHAUNESSY. Will the gentleman from Massachusetts yield for a question?

Mr. GILLETT. I have not the time.
Mr. BENNET. I will yield the gentelman one minute.
Mr. O'SHAUNESSY. I want to ask relative to the President's message to the Senate if the gentleman from Massachusetts does not think the most significant characteristic of it or what has followed from it has been the response of the workmen of Great Britain, the peasants of Russia, and the socialists of France applauding the sentiments?

Mr. GILLETT. How much that is I do not know, and I sus-

pect the gentleman does not know.

Mr. O'SHAUNESSY. From what I have read the people are responding; not the aristocrats but the plain people of Europe.

Mr. GILLETT. As to that I do not know, and do not see how anybody here can know yet.

Mr. O'SHAUNESSY: I hope it is true. Mr. BENNET. Mr. Chairman, after the vote of this morning, 147 to 137, that it does not make any difference what you say on the floor of the House, you can write a new speech for the Record, I think four minutes is really too long, because if you do not like your speech you can put in what you please anyway.

I want to talk during these four minutes of a peculiar situation. I have always understood that this House had the right to ask an executive department for information. And in practice, under both this administration and the Republican administrations, I have found that when I went to the department and asked for information I usually got it. The Department of Labor, so far as the administration of Ellis Island is concerned, is an exception. On the 18th of July I made a speech on the floor in which I made certain allegations as to the immoral mixing of alien men and women at Ellis Island. The Acting Secretary of Labor went to New York and found the allegations were correct, and issued an order, which I put in the RECORD last summer, changing the conditions.

Within a week thereafter investigations were instituted at Ellis Island and carried on for three days before the deputy commissioner. I do not know what investigations there were, but I know the fact of the investigation was brought out before

the Committee on Immigration and Naturalization.

I called up the department over the telephone and said I was going to New York and would like to look at the report of the investigation. I got no reply. I wrote a letter and got no reply. I called up again, and I got a reply that my letter would receive attention. They wrote me a letter declining to let me see the commissioner's report, the first time that anything like that had happened in my eight years in Congress. I thought there was some mistake, and so I introduced a resolution of inquiry last August. Then I went to the chairman of the Committee on Immigration and said that I had no desire to spread fallaclous matters on the public record, and for him to have these things sent down to the House Committee on Immigration and let me look them over and let the members of the committee look them over for information. That was not done. I called the attention of the chairman of the House Committee on Immigration to the matter at this session once or twice after that. In the meantime I had introduced a resolution asking that a copy of this investigation be sent to this House. Day before yesterday I brought up the resolution and the Speaker ruled that that particular resolution was not within the rules of the House; that it was not a resolution of inquiry. I think he was I have introduced two other resolutions, one asking for the original examination and another asking for information contained in the examination. The one the Speaker ruled out asked for a copy. So, in four or five days I am going to bring before the House a request in three different forms, for a copy, the original, and the information, and I am going to ask the Chair to rule on these other two propositions, because I believe that this House is entitled to information upon which it is called to legislate, and I am going to get a roll call on that proposition before I officially die. [Applause.]

By leave of the House I insert the communications from the

department:

DEPARTMENT OF LABOR, OFFICE OF THE SECRETARY, Washington, September 28, 1916.

Washington, September 28, 1916.

Hon. William S. Bennet,
60 Wall Street, New York City.

My Dear Congressman: In reply to your letter of September 27, requesting that you be permitted to see the examinations taken at Ellis Island before Acting Commissioner Uhl on July 25, 26, and 27, you are advised that this investigation was conducted for administrative purposes, is considered confidential by the department, and is not available for publication.

Yours, very truly,

J. B. Densmore,
Acting Secretary.

J. B. DENSMORE, Acting Secretary.

[Telegram.]

NOVEMBER 4, 1916.

Hon. WILLIAM S. BENNET,

New York:

No reason appears for reversing the decision of the Acting Secretary relative to your request to examine records at Ellis Island.

LOUIS F. POST,

Assistant Secretary.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, Nevember 13, 1916.

Hon. WILLIAM S. Bennet, M. C.,

479 Tremont Avenue, New York City.

My Dear Congressman: I have to acknowledge the receipt of your letter of November 8, renewing your request for permission to look at the reports of the investigation made at Ellis Island in July last.

I beg to advise that neither the election nor its results had anything to do with the action taken by the department in this matter. The decision of the Acting Secretary, of which you have already been ap-

prised, will have to stand until circumstances arise which properly indicate a necessity for reconsideration thereof.

I am, respectfully, yours,

Louis F. Post,

Assistant Secretary.

Also the three resolutions of inquiry:

House resolution 370.

House resolution 370.

Resolved, That the Secretary of Labor be directed to send to the House of Representatives a copy of the examinations into conditions on Ellis Island, taken by and before Byron H. Uhl, assistant commissioner of immigration, at Ellis Island July 25, 26, and 27, 1916.

House resolution 466.

Resolved, That the Secretary of Labor be directed to send to the House of Representatives the information contained in the examinations into conditions on Ellis Island, taken by and before Byron H. Uhl, assistant commissioner of immigration, at Ellis Island July 25, 26, and 27, 1916, which examination has been reduced to writing and is now in the possession of the said Secretary.

House resolution 467.

Resolved. That the Secretary of Labor he directed to send to the

Resolved, That the Secretary of Labor be directed to send to the House of Representatives the examinations into conditions on Ellis Island, taken by and before Byron H. Uhl, assistant commissioner of immigration, at Ellis Island July 25, 26, and 27, 1916, and now in his

Mr. GOOD. Mr. Chairman, it is not my purpose in the brief time allotted to me to say anything with regard to the bill under consideration. I desire to call the attention of the committee to the matter of making a change, which it seems to me must come in the near future in respect to the making of appropriations for the various departments of the Government. If you will look through the calendar and note the dates of the passage of the last appropriation bills in the last session of Congress and then note the time by going through the Congressional Record that was consumed in the consideration of those bills, and then consider that within the short space of three months we take up the same bills and go over the same hearings and appropriate for the same departments, as we do at the short session of Congress, it will give any man cause for reflection. To-day I introduced a bill changing the present method of making appropriations. This bill provides that with each incoming Congress the estimates shall be made for a biennial period, and Congress at the long session, if that bill or something like it should become a law, will make appropria-tions for a biennial period, leaving the short session of Congress free to transact such business as the country may demand shall be transacted. Either we must do something of that kind or Congress must necessarily be called into special session at the close or shortly after the close of each short session of Congress. Every day we see in the newspapers, and we hear it expressed here and upon the streets, that we must have an extra session of Congress, because at this short session we will not have time even to go over the appropriation bills and enact the limited amount of legislation that is demanded by the ad-

In talking with one of the officers of the War Department in regard to some provisions carried in this bill, he told me that it took him at least six weeks this year to prepare his esti-mates, and that it took the time of more than four clerks for about the same period of time. I asked him how much longer it would have taken if he had estimated for a biennial period when he made his estimates last year. He said that it would have taken him a very short time; the additional time would always be negligible.

We know, too, that when we pass appropriation bills at the short session of Congress we do it with considerable hurry and without due consideration. The short time at our disposal makes it impossible to give due consideration to details. We do not consider and can not consider appropriations in a deliberate way, in the same way that we do at the long session of Congress. This might result in great waste were it not that most all of these appropriations are practically duplications of items in former bills, not in the same amount, not for the same thing exactly. That being true, we can estimate for a 2-year period just as well as we can estimate for a period of 12 months, and Congress can appropriate for that period just as well as it can for a shorter period. It will, of course, leave to the short session of Congress those items that can not be provided for, where new legislation enacted after the enactment of a biennial appropriation bill has provided for new duties requiring the expenditure of money, and it will also leave perhaps a much larger deficiency bill than we would have if we only appropriate for a single session.

But there can be no objection to the proposed legislation be-cause it would necessarily result in a larger deficiency appropriation bill at each short session of Congress. It will not mean an increase in appropriations. It ought to result in a decrease in the appropriations.

The proposed legislation will, in my opinion, result in preventing ill-considered and hasty appropriations at the short

sessions of Congress. That alone is a sufficient reason for its adoption, but my object in presenting the bill goes further than this. The adoption of this measure will keep the short sessions of Congress free and open for the enactment of necessary legislation. The tremendous growth of the country has added very largely to the activities of the various branches of the Government service. New problems are constantly arising which require the attention of Congress, and many of these problems can not be solved at the short sessions of Congress because of a lack of time. It is the opinion of many that Congress ought to be almost continuously in session. If this be true, then it does seem that it is useless for Congress to pass these supply bills for only a 12 months' period when they could as well be passed at the long session of Congress for a biennial period.

In addition to this, the adoption of legislation along this line would result in great economy in the matter of holding hearings on appropriation bills. The bill which I have introduced makes practically no change in the present law, so far as the required estimates are concerned or so far as appropriations are concerned, except the changes necessary to provide for biennial appropriations instead of annual appropriations.

Mr. SHERLEY. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. LONDON].

[Mr. LONDON addressed the committee. See Appendix.]

Mr. SHERLEY. Mr. Chairman, the discussion which has been had under the freedom of general debate has taken a wide range, and there has been but one phase in common with all the speakers, and that was a careful avoidance of the bill before the committee.

As the chairman of the subcommittee presenting this bill, it becomes my duty in particular to undertake to acquaint the House somewhat with its provisions and the reasons that, to the committee, seem to justify its presentation here and its enactment into law. Before I take up the bill, however, permit me to say simply this, in order that my silence may not be misunderstood: While I might find sentences in the remarks of the various gentlemen who have spoken with which I was in accord, dealing with those speeches as a whole I desire to express my dissent from them all. But I have felt that it was not a wise time for men in public office, particularly in this body, to undertake to express, certainly in any final form, opinions touching the very great issue that has been raised by the President of the United States in the message that he delivered to the Senate touching those matters that are now acute because of the European war. Much that a man might say would be improper to say because of the pending war and the relationship of this country as a neutral, and, over and beyond all of that, the proposals that have been suggested by the President are so tremendous and involve such far-reaching consequences and such marked departures from the historic position taken by this country from its beginning that he is a brave man indeed who with a few consideration of the subject is now prepared to give his final judgment. It seems to me peculiarly a time when men should keep their minds open to the truth as it may appear, willing to abandon, if need be, preconceived convictions, but with no inclination to rush into new ones without a thorough examination of all that is involved thereby. But whether we are to come into a universal peace that all men hope for, and some men believe probable, whether we are to get that peace through the method that has been suggested by the President, or not, I for one have not felt that we, charged with the defense of our country, could afford to neglect that defense because of a belief or a hope that its defense would never be necessary.

Therefore in the preparation of this bill, so far as I have been able to influence the judgment of the subcommittee, it has been along the line of continuing the policy that was adopted last year, of undertaking all such improvements in connection with our seacoast defenses and such additions to our mobile armament as would put this country in a better position for defense and for the maintenance of its rights, if need might be

The bill that was presented last year was an unusually large one, judged by the standard of bills that had preceded it in the many years before. The average appropriation bill for fortification purposes has amounted to something under \$7,000,000. Last year a law was passed which, with certain deficiency acts, carried \$28,547,550, and with contract authorizations of \$13,800,-000, making a total of \$42,347,550, a sum nearly seven times as great as that which had been made available for similar purposes in annual bills in the years that had gone by.

This year the committee has recommended a bill carrying an appropriation of \$51,396,593, with contract authorizations of \$9,459,000, or a total of \$60,855,593. These are large sums, large

even in this day of unusual sums, but I submit to this committee that the judgment as to their size must not be a judgment simply of money, but a judgment as to what is needed to be done, the interests at stake, and the risks that you are undertaking to insure against.

The United States has not only the greatest coast line of any nation in the world to protect, infinitely greater than any nation or almost any combination of any of the great nations, but it has a wealth and a population that makes its position in the world that of primacy among all the nations. And while some men believe that because of its size it is in no danger from any attack anywhere, I have not believed that mere size was a guaranty of freedom from war. And I unfortunately have been forced to know that the justness of the motives of a nation are not a guaranty against war and conflict with others.

Unfortunate it is that two are not necessary to make a quar-There never was a statement that was disproved as that statement has been by the history of the world for the last two or three years. I realize what I said on this floor last year—that the most momentous fact in the lifetime of any man here present is the constant contraction of the earth's surface, for the earth is not to be measured in statute miles. It is measured in the time that it takes for the interchange of thought, of men, and of commodities. By that standard, which is the only true standard in a world of facts, the world has become constantly smaller, and with its contraction has come an enlargement of the part that America must play in it. And so to my mind there is no question as to the tremendous stake that we have and that we need to preserve and protect.

Believing that, believing it fundamentally, believing that the action of the Congress and the action of the people have justified and approved that conception, the problem that confronted the Committee on Appropriations in dealing with the fortifications bill was the problem of determining what was necessary and then of providing the means for the orderly doing of those

Last year there was presented to the committee the report of a board of review that had made a review of all the fortifica-tions of the continental United States, the Panama Canal, and of the insular possessions, and had determined what in the judgment of that board was necessary to add to existing armament or to place as new armament in places not heretofore fortified, to protect within the proper scope of fortifications the United States, the Panama Canal, and the insular posses-That report contemplated an expenditure of approximately \$96,000,000, and for the continental United States an expenditure of about \$71,000,000. It was supposed that the estimates that were submitted last year represented about onefourth of the amount requisite to carry out this scheme of the board of review.

In point of fact, however, the estimates that were submitted and the allowances that were made did not constitute a fourth of the project, even if you considered authorizations as well as cash appropriated. Since that report was presented certain additions have been made to it which will result in an increased expenditure, taking into account the increased cost of doing the same thing over last year, of probably a sum sufficient to make the total reach \$110,000,000.

The bill which has been presented to the committee this year undertakes to provide for a third of the little more than threefourths of the scheme remaining to be appropriated for. other words, we are trying to do what we told the House last year we were going to do, to finish the scheme that had been suggested and approved for the fortifications of America with four annual appropriations. The actual physical doing of these things will take much longer than that, because unfortunately it takes from six to seven or eight years to actually create and turn over to the Coast Artillery a new fortification, even though

the money be supplied as fast as it can be used.

Mr. MADDEN. Mr. Chairman, will the gentleman yield? Mr. SHERLEY. Yes.

Mr. MADDEN. Has the gentleman's committee ascertained how long it will probably take to expend the money provided

for in the pending bill? Mr. SHERLEY. The committee has undertaken only to give moneys that would be expended prior to the passage of a new That is one of the reasons why we sometimes provide for authorizations of expenditure as well as the cash, so that, where it was necessary to make contracts and yet not necessary to expend the actual money within the year that we are providing for, it could be done. But we have tried to give only moneys that we thought could be and would be economically expended prior to the passage of a new fortification act making new moneys available.

Mr. MADDEN. Does the gentleman think that the \$51,000,000 in cash provided for in this bill can be economically expended within the coming fiscal year?

Mr. SHERLEY. Yes; although I am not prepared to say that think it will all actually be expended.

Mr. MADDEN. Will it be available until it is expended? Mr. SHERLEY. Yes; it will be available until it is expe Yes; it will be available until it is expended. and the reason I say I am not certain that it will actually be expended is this: There always occur certain unforeseen things that prevent the expenditure of certain moneys intended for a given purpose; and yet we can not afford, unless we want to delay to a very great extent, to withhold moneys when they might be needed, and not being available, the work would be very greatly held back.

Mr. MADDEN. I think it is a wise business method of procedure to provide ample means, so that the department can proeed if it wants to.

Mr. SHERLEY. I will say to the committee that the thing that determines practically the time it takes to equip a modern fortification, assuming that you have title to land-and I shall come to that subsequently, either in general debate or under the five-minute rule—is the making of the guns and carriages; and that takes, particularly for such new guns as we are now building, never heretofore built in America, from three to five years, and there are always unforeseen delays that make it almost impossible apparently to get a fortification actually in commission under six or seven years.

I have wished it were otherwise, and I have endeavored as best I could to hasten the doing of these necessary things and the elimination of those causes which make for delay; but the condition of the Ordnance Department, and the necessary time it takes in devising plans and specifications, and the doing of the work in the arsenals or by private contract, and the assembling of the parts and their final shipment to the place where they are to be emplaced result in these delays, and apparently we have no hope of seeing any great reduction in time in the future under what it has been in the past.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. TOWNER. The appropriation last year was increased by \$26,000,000. Can the gentleman give us any idea of how much of that amount will likely be expended before the end of the fiscal year?

Mr. SHERLEY. I will say to the gentleman that with the exception of about \$2,000,000 that was given for emplacement work, and which could not be used because the title to lands was not finally acquired, practically all of it will be expended, although not necessarily will the things for which it was appropriated be finished. In other words, it will either be expended or be obligated from month to month in the expenses incident to the manufacture of these carriages, and so forth.

Mr. TOWNER. Are the direct appropriations carried in this

bill made available until they are expended?

Mr. SHERLEY. All the appropriations in this bill are available until expended.

Mr. TOWNER. Will the gentleman tell us just what is meant by the authorizations

Mr. SHERLEY. Perhaps I can tell you more quickly than you can ask.

Mr. TOWNER. Very well.

Mr. SHERLEY. What is meant by "authorization" is this: It authorizes the Government to enter into contracts to the amount stated. Those contracts may be either with private manufacturers or they may be with the arsenals. That is, the right to incur that liabiliy may be availed of in the procurement of material that is to be used at the arsenals, or it may be entirely used in entering into contracts for which the faith of the Government is pledged with private manufacturers.

Mr. TOWNER. It extends to nothing further than merely

the right to make the contracts?

Mr. SHERLEY. Without that they could not expend anything but the cash available. For instance, if you want to make a contract for the procurement of certain guns, those guns would not be manufactured for several years, and they might enter into a contract by which they would agree to pay a certain sum at a certain time and so much on delivery. Now, unless they had either an authorization or cash sufficient to cover the entire cost of such guns, they could not enter into a contract for their manufacture at all.

Mr. TOWNER. Then it extends to nothing further than the power to make a contract?

Mr. SHERLEY. It does just what it says. What is not always understood is that sometimes the contract authorization is used in the way of buying material that is manufactured in the arsenals, whereas the average man is apt to think that it means the making of a contract for getting the finished thing from private manufacturers. That is not always generally un-

Now, the only reason for it is this: It is not desirable, in my judgment, to tie up great sums of money in the Treasury that will not be needed for quite a period of time, because the very moment you appropriate certain moneys the Treasury is obligated to that extent for that amount of money. This is simply a means of not unduly segregating your available funds in the Treasury until the need exists for the spending of the money, and it simply obligates the Government in good faith-a faith which it always keeps-to make the appropriation that is sub-

sequently necessary to carry out that obligation.

Mr. TOWNER. I quite agree with the gentleman as to that.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman

yield further?

Mr. SHERLEY. Yes.

Mr. GREEN of Iowa. I was unfortunately called out at the time the gentleman began his remarks, and he may have already answered the question that I desire to ask. I infer from what the gentleman has already said that this amount which is now appropriated is only a portion of what will be required to carry out the general plan.

Mr. SHERLEY. Yes.

Mr. GREEN of Iowa. Can the gentleman give us any estimate as to the further sum which will eventually be required

to carry out the plan?

Mr. SHERLEY. I have already covered that to this extent, that I stated that the board of review in connection with fortifications looked to an expenditure of \$96,000,000. That did not include, however, any estimate for Alaska, for Guantanamo, for Guam, or for the Danish West Indies, in the event that we shall fortify them, as I presume we will; but for continental United States, the Hawaiian Islands, the Philippines, and Panama it was estimated that it would take \$96,000,000 to do all of the things that they thought desirable to be done in order to make these fortifications as complete and modern as was Now, it was planned that deemed necessary and advisable. those sums should be made available through four annual appropriations, and that plan has roughly been carried out in last year's bill and in this year's bill, though last year we did not appropriate quite up to one-fourth of the sum that was necessary, and there is in this year's bill an added expense due to the fact that a 25 per cent increase in the cost of armament and a 20 to 25 per cent increase in the cost of ammunition is going to result from the very much higher market that now exists than existed a year or more ago. Whether that will continue to exist over the time within which these moneys are to be expended is a matter about which gentlemen may have various views and may speculate, though of course we have no actual knowledge.

Now, in order not to mislead the committee I ought to say that the fortifications bill deals with two matters, one relating to fortifications proper and the other to the mobile artillery and its ammunition for the Regular and Volunteer forces of the United States, so that a segregation has to be made of the items in order to show what goes for fortifications and what goes for mobile artillery and ammunition, and I was about to make that segregation when various gentlemen interrupted for other inquiries.

Mr. EMERSON. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. EMERSON. I do not desire to disturb the continuity of the gentleman's remarks.

Mr. SHERLEY. I still hope to be able to make that state-

Mr. EMERSON. The gentleman made a statement earlier in his speech that interested not only myself but others. He said that from observations he had made in the last two or three years he had come to the conclusion that the good intentions of nations were not sufficient to keep them from war. I have so much confidence in the gentleman's learning and judgment that I would like to know what he means by that statement.

Mr. SHERLEY. Of course, I might cite cases, and in so doing might violate the rôle that I have undertaken to play since this European war started of being neutral, in speech at least, touching the participants in that war. Without using illustrations I will endeavor to give the gentleman my view.

So long as there is a difference of opinion as to what is right,

the fact that one party is right does not necessarily carry with it acquiescence in that position by another party holding different views, whether honestly or dishonestly. The result is that if that group or nation feel strongly enough in regard to their views which are antagonistic to those of the other group that

may force a war, irrespective of the justice of the views of the party that is forced into the war. That, I think, is so plain and so axiomatic that a statement of it ought to carry conviction. If men will think of nations somewhat as individuals, they will have no difficulty in coming to correct conclusions as to many of these things. Individuals differ as to what constitutes right and wrong, and individuals insist upon their positions; and unless certain machinery is created by groups of other individuals to force a settlement by lawfully provided methods those individuals settle their differences by their own respective strength; and nations as groups of individuals have done the same thing; and they will only cease to do it either when great groups create a machinery for the adjustment of differences, with the power back of that machinery to compel obedience to its decrees, or there comes such uniformity of thought as to what constitutes right and such desire to do only what is right as to make all nations and all men in accord.

When that time comes laws and governments and all of the machinery of frail human nature will be unnecessary and the millennium will be upon us. For my own part, I have yet to see any way except the slow, toilsome process of evolution whereby man has come from the level of the beast to his present stature for the solution of most of these fundamental matters. I have ceased to believe in a royal road, and there is nothing to my mind more dangerous than the belief that individuals can get together and by bringing their minds in accord thereby bring great masses of mankind into accord; and one of the most fatal things is to assume that the same standard of civilization, and therefore the same conception of what constitutes right and morality, exists among the great groups of people. That is not true. Gentlemen, there is more difference between the conception of what constitutes right and morality in groups of men, or, to use the usual phrase, nations, than you find among individual men in a single group, and that latter is certainly wide enough. All you need to do is to look at the map of the world with your eyes open and see the groups of men as they exist, to realize that their conception and our conception of what constitutes morality, of what constitutes right, of what constitutes what is desirable in life, are so totally different that, while those people may be just as sincere as we are, they by their convictions may be forced into a position and an action at direct variance with that into which our own conception of truth and right and of what is desirable may force us.

But I had not intended to be diverted from a financial statement on the bill. Last year for fortification purposes proper we appropriated \$17,751,050 in cash, and authorized contracts we appropriated \$11,751,050 in cash, and authorized contracts for \$7,300,000, or a total of \$25,051,050. This year for fortification purposes only we have appropriated \$35,186,593 in cash, and for authorizations \$5,259,000, making a total of \$40,445,593. So that the difference between this year's bill and last year's bill, as it relates to fortifications only and considering authorizations the same as cash, is a difference of about \$15,000,000. But when you consider that last year's bill carried authoriza-tions that this year must take care of, it will be seen that that difference does not represent that much of increase in the amount of work that you are undertaking, but consists in part of what is made necessary by the promises to pay of last year

which we are preparing to make good.

Mr. TILSON. Will the gentleman yield?
Mr. SHERLEY. Yes.
Mr. TILSON. I notice that the amount of appropriation for arms and armament for fortifications has been considerably increased, and the authorizations in most cases have been considerably diminished over that of last year. Is that caused by the fact that the projects will be completed in the near future?

Mr. SHERLEY. No. I will say to the gentleman frankly that there is no absolute certain way by which you can determine how much cash and how much authorization shall be had, and in submitting the estimates the officers who submit them usually figure, having in mind their available balance in the Treasury, the condition of the work that is being done, the time it will probably be finished, thereby determining roughly what they will need in the way of cash and what they can afford to have go over as a pledge of the Government for another year. A good deal of this work is further advanced than last year, and a good deal more may be let by contract or started in the arsenals than last year, because some designs that were then needed and held matters up are now finished. Because of the authorizations of last year, it will be necessary to carry more cash this year. This bill will become a law on the 4th of cash this year. This bill will become a law on the 4th of March next, and the next bill will probably not become a law for 15 or 18 months afterwards, so there is a longer period between the passage of this bill and the next bill than there was between the passage of the last bill and this bill.

Mr. TILSON. I believe in authorizations, because I believe better contracts can be made in that way. Therefore I wondered at the cutting down of the authorizations in this bill.

Mr. SHERLEY. I think we have not in any way hindered the Ordnance Department, and it applies more largely there

than with the other departments.

Last year the bill carried for mobile artillery and ammunition therefor \$10,796,500 and authorizations of \$6,500,000, or a total of \$17,296,500. This year's bill carries \$16,210,000 for mobile artillery and ammunition, with contract authorizations of \$4,200,000, or a total of \$20,410,000, an increase over last year for mobile artillery and ammunition of three million one hundred and odd thousand dollars. That increase could probably be fully accounted for by the increased cost of obtaining the In other words, we are going practically no faster in supplying the artillery and ammunition than we were last

Mr. TOWNER. Will the gentleman yield? Mr. SHERLEY. I wilk.

TOWNER. As a matter of fact, the amount carried in

this bill for fortifications is comparatively very small?

Mr. SHERLEY. No; for actual fortifications it is greater than for mobile artillery. Last year the bill, as I stated, carried \$25,000,000 in cash and authorizations for fortifications. Now, not all of that was for new fortifications; a good deal is for maintenance. I say a good deal, but I mean a respectable sum was for maintenance. Some of it was, of course, for ammunition for existing fortifications, and some of it was for new fortifications themselves. The gentleman will find the detailed statement in the report, in which there is shown under subdivision A the amount of moneys that go in the way of what we might call new material, and in subdivision B what goes in the way of maintenance, upkeep, and repair.

Mr. TOWNER. But practically the bulk of the appropria-tion is for guns and ammunition. Can the gentleman give an idea of how much of the appropriations is expended in the

physical construction of fortifications?

Mr. SHERLEY. If what the gentleman means by that is emplacement in contradistinction to guns and their carriages, that will be found in the consideration of the details of the bill on the last page or two of the report.

Mr. TOWNER. The amount spent for guns and ammunition, together with the authorizations, amount to \$45,000,000. Is that confined to continental United States?

Mr. SHERLEY. There is no division made to show the total

amount of money which went for emplacement and the total amount of money that went for guns and carriages, at least in the report. It could be obtained, because we have the most complete financial statement touching fortifications of anything the Government has ever done. I have subdivided the matter so much now that I doubt if anybody will take the trouble to read it and understand it. That particular division did not occur to me as important.

Mr. TOWNER. Perhaps it is not important. Let me ask the gentleman, Was there an appropriation put in here for carrying

on the work at the entrance to Chesapeake Bay?

Mr. SHERLEY. Yes; considerable for the armament and also for the emplacements. Last year the things that we undertook were largely those relating to the proposed fortifications at Cape Henry, the fortifications in connection with the defenses of New York, the building of a certain number of antiaircraft guns, and the building of carriages for the mounting of some spare 12-inch guns for high-angle fire that should be placed at various fortifications upon the Atlantic, the Gulf, We also provided for one 14-inch mobile gun to be mounted on a railroad carriage, and for one 16-inch railway howitzer. This year the bill provides additional sums necessary for Cape Henry, for the New York defenses, for the building of carriages, and for the additional amount of money for the emplacement of the twenty-four 12-inch guns that are to be mounted for high-angle fire and for the additional antiaircraft guns. It also provides for the procurement of certain land at Boston and also in Delaware Bay as incident to the fortifications of Delaware Bay, the fortification there to consist of four 12-inch guns, and for the building of two carriages with all-around fire for the defenses at Charleston to replace those which are now there and which permit of the guns being fired only at a limited degree of elevation. The other items relate to maintenance and ammunition, which, it will be recalled under the Board of Review schemes, was very greatly increased; that is, the amount desired as reserves; and we are undertaking to very rapidly bring it up to the scheme that was there set forth. Also to the supplying of fire control for all of the 5 and 6 inch batteries, together

with such minor matters as searchlights, power plants, and se forth, in connection with the various fortifications. We are also providing for an additional number of mobile guns to be used in connection with seacoast defense; we provide for six 12-inch howitzers to be mounted on railroad cars, and four 16-inch railway howitzers and four 14-inch railway rifles.

Mr. LONGWORTH. Mr. Chairman, may I ask the gentle-

man what is the effective range of these modern guns?

Mr. SHERLEY. Of course, it varies with the different guns. The 12-inch gun that is mounted for high-angle fire has a range exceeding 30,000 yards, shooting a projectile weighing seven hundred pounds and odd. The 16-inch guns will have an effective range of exceeding 30,000 yards. The other 12-inch guns and the 14-inch guns have a less range, depending somewhat on their elevation and upon the weight of the projectile; but no new guns are to be provided for the primary armament of any place that shall be of less than 16-inch caliber, with an effective range of more than 30,000 yards, and that is away beyond any range at which any battles have ever taken place, either between naval vessels and land defenses or between warships.

Last year provision was made in the bill for the procurement of the patent rights of Mr. John Hayes Hammond, jr., to a radio-dynamic torpedo, provided a test that was ordered should prove satisfactory, and provision was also made for the installation of one unit for the use of such torpedoes in the event these rights were acquired and the project was approved. personnel of the board that was created, a joint board of Army and Navy officers, has been appointed. They have furnished Mr. Hammond with the use of an aeroplane and of some Government boats and other things necessary to enable him to make his test, and it is expected that these tests will be had very shortly, but as yet they have not been had and no report has been made, and, of course, no moneys have been nor will be expended unless the report of that board shall be favorable and shall be approved by the President of the United States.

Mr. TILSON. The appropriation made last year continues

available for that purpose? Mr. SHERLEY. Yes.

Last year the committee also carried upon its own initiative the provision for \$1,000,000 for the equipment of private plants with jigs, dies, tools, etc., to enable them to manufacture guns and ammunition that might be needed by the Government. This year \$500,000 was submitted as an estimate for a similar purpose, but it developed in the hearings that the \$1,000,000 had not been expended, due to two causes: First, it was the belief of the War Department that it ought not to place this money among various manufacturers who were then considering proposals for bids to the Government until after those bids had been made, because, manifestly, it would have been unfair to give to one manufacturer as against another the advantage in bidding that would come from this equipment. The other reason, and perhaps one of more importance, was that the whole matter had been submitted to the Board of National Defense touching the plan that should be followed in supplying these manufactures, the type of manufactures, their location and their probable output, all of those matters being proper and necessary matters to determine before this money could be wisely expended; and in view of the fact that they now have \$1,000,000 the committee did not feel warranted in adding to that sum until they had actually used it, and we had the benefit of the experience gained from that expenditure.

Mr. TILSON. Has there not been this further difficulty of being uncertain as yet, before having it thoroughly tested out, as to the designs and kinds that should be secured, the num-

ber of each, and so on?

Mr. SHERLEY. Oh, yes; all of those details.

Mr. TILSON. In other words, it is necessary that there be a thorough study of the subject made before there can be any assurance that the money appropriated will be wisely ex-

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. Mr. Chairman, I shall ask the Clerk to read the bill.

The CHAIRMAN. The Clerk will read the bill for amendment under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available and to continue available until expended, namely:

Mr. SHERLEY. Mr. Chairman, I move to strike out the last There were a few other matters I think I ought to bring to the attention of the committee before we take up the detailed consideration of the bill. One is that there is found in this year's bill provision for the creation, operation, and maintenance

of squadrons of hydroaeroplanes to be used in connection with the seacoast defense. That was put into the bill because it became apparent in the hearings had that a considerable portion of the money appropriated last year by Congress for the purchase of neroplanes was being used for the creation of certain squadrons in connection with seacoast defenses, and it was be-lieved by the committee that the matter was one that properly belonged to this committee and jurisdiction of it should be taken, not with the idea of robbing another committee or of increasing our scope but because of the necessarily intimate relationship between the use of these hydroaeroplanes and the coast defenses, and particularly because of the fact that in the housing of them and in the maintenance of them, in regard to the necessary ground, the equipment for taking care of them, that committee which dealt with fortifications was the only committee that was in possession of the detailed information touching these fortifications that should be available in order to properly determine upon estimates and needs in connection with this new branch of fire control, because that is practically what it is. While their value in scouting purposes will be great, one of their very great values will be in providing an additional method for fire control of the guns.

It frequently occurs that, owing to fog or to a smoke screen that could be made by an attacking fleet, the observation sta-tions in connection with seacoast batteries, which are relied upon to furnish the information whereby the guns are aimed and fired, could not see their targets, and the value of having an aeroplane that could fly high enough to be above this obstruction of cloud or smoke and out of the range of antiaircraft guns aboard the ship and yet in position where it could be observed from these fire-control stations, and the information obtained whereby the guns could be aimed exactly as if the target were visible from the observing station, will be tremendous in connection with the effective use of fortifications. In addition to that, it is believed that these hydroaeroplanes can very probably be used in the way of dropping flares which will light up the target and its immediate surrounding while leaving the fortifications obscured and in the dark, whereas the searchlight has the disadvantage of at least indicating with some degree of certainty the location of the fortification when it is used to illuminate the enemy's ships, and their use in that regard is believed to be one that will mark a very considerable addition to the effectiveness of seacoast fortifications.

Mr. FESS. Will the gentleman yield? Mr. SHERLEY. I will.

Mr. FESS. Does the gentleman regard the hydroaeroplane as

beyond the stage of experimentation now?

Mr. SHERLEY. I think there is no doubt of that fact, and I think my view is shared by the committee. Now, I do not mean by that we are not in a condition where there is and will continue to be an evolution as to types, or where we have reached final knowledge as to the useful activities of such aircraft, but I do mean that the ability successfully to use such aircraft in connection with the firing of large guns has long passed the questionable stage.

The CHAIRMAN. The time of the gentleman has expired. Mr. FESS. Mr. Chairman, I would ask unanimous consent

that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.]

The Chair hears none.

Mr. GILLETT. May I state to the gentleman or ask him—he does not mean to indicate, does he, that the hydroaeroplanes are to be used to the exclusion of aeroplanes in connection with those fortifications?

Mr. SHERLEY. Hydroaeroplanes are to be used at fortifications

Mr. GILLETT. We sometimes want some aeroplanes.
Mr. SHERLEY. Yes; but the squadrons that are being created are squadrons of hydroaeroplanes, because they will light on the water about the fortifications, and for that reason these types are used rather than the aeroplanes. The testimony of Col. Squiers before our committee showed there were a number of types developed, dependent upon the particular work that they had to do. Some of them were to be very light, fast craft, to be used for very wide ranges of activities and dependent upon their speed very largely for their safety. Others were to be of a slower type, still with considerable speed, but of a slower, heavier type. The different types will carry different amounts of armament. Some would be literally fighting machines, while some would be only used for such purposes as I have indicated, however having armament sufficient to protect them from destruction by an enemy's aeroplane or hydroaeroplane. When this section is reached I will endeavor to give more detailed information than I am undertaking to do now, but I thought it well to call the attention of the committee to the fact that these

items were being carried in the bill in order that no one might be taken by surprise in that regard.

Now, I desire very briefly to make a statement, which I think will prove of very great interest to the House. A great deal has been said and will be said, unfortunately, in the future touching the expenditure of money in America, touching the relative amounts that one section of the country gets as against an-other section of the country. For my part, I am glad in 14 years' service in this body that I have never felt the need or occasion to make a speech in favor of a locality or a section as against any other locality or section, and that during those 14 years I have neither felt the desire nor the need to make a speech in favor of one class of men as against any other group of men, [Applause.]

If a proposition can not be defended because of its inherent merit, without regard to locality or to class, it has no right to a defense at all. And to my mind nothing is more unfortunate than the attempt by partisans on both sides to constantly create the impression that efforts are being made by groups of men to appropriate moneys with regard to geography only. But inasmuch as many statements have been made, some publicly and some privately, as to expenditures of money for coast-defense purposes, I thought it would interest this House if I should give them : n accurate detailed statement as to the moneys that have been expended north of Washington on the Atlantic, and including Washington, south on the Atlantic and the Gulf, and on the Pacific, and, in addition, what is proposed to be expended under the new scheme in the North Atlantic, South Atlantic and Gulf, and the Pacific.

Since 1888 and up to June 30, 1915, for seacoast fortification at points on the North and Central Atlantic coast there have been expended \$41,551,143,48. There is contemplated as neces sary, under the scheme of the Board of Review as originally submitted, for expenditure on the North and Central Atlantic coast, \$19,216,424, which, if it be done, will make a total expenditure for that section of \$60,767,567.48.

There has been expended since 1888 and to June 30, 1915, for seacoast fortification at points on the Gulf and South Atlantic coast-and I will say in passing that Washington was treated as belonging to the southern section-\$22,647,272.17. There is contemplated an expenditure under the Board of Review scheme of \$9,067,492, or a total of \$31,714,764.17. For the Pacific coast there has been expended since 1888 to June 30, 1915, \$17,751,850.22. There is contemplated under the Board of Review project an expenditure of \$11,844,491, which would make a total of \$29,596,341.22.

Now, from that it will appear that when this scheme is carried out there will have been appropriated for the North Atlantic almost twice the amount as for the South Atlantic and the Gulf, and there will have been appropriated more than twice for the North Atlantic than for the Pacific, and there will have been appropriated for the South and the Gulf more by \$2,000,000 than for all the Pacific coast. Now, these figures show one thing, and one thing only, and that is a thing that ought never to be lost sight of, namely, that, fortunately for this country, expenditures in connection with seacoast fortifications have not been made on account of geographical inducements—that is, geographical in the sense of geographic-political inducements-but that they have always been made and are proposed to be made simply with regard to the needs, due somewhat to the number of har-bors, due a very great deal to the centers of population and the governmental activities that are to be protected, and to the amount of wealth that is centered in the areas sought to be protected. And these fortifications have been built, so far as the wisdom of the men who have planned these various projects could provide, with an idea solely to protect this country as a whole, a protection according to its need at different places, and not with the idea of putting so much money in one section and so much money in another. And it will, in my judgment, be an exceedingly sorry day for America if ever fortification appropriations are made as the result of local pressure, for particular localities, and with an idea to equalize expenditures in various sections of the country. [Applause.]

Now, I say this because I think it is important that this committee, that the country should know it, and I say it because I again want to express my utter abhorrence of the frequent arguments that are made by men, unfortunately on both sides of the House, touching geographical political situations in regard to great matters of national concern. If we deserve the country which we are so fortunate to live in and to speak for as its Rep-resentatives, we will be broad enough to see it as a whole and not merely to see a part of it. [Applause.]

Mr. TOWNER. Will the gentleman yield?

Mr. SHERLEY. Certainly.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. TOWNER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNER. In the armament appropriation, in this particular paragraph at the bottom of page 4, for purchase, manufacture, and test of mountain, field, and siege cannon, and so forth, I understand that is all mobile armament, is it not?

Mr. SHERLEY. Yes, sir.
Mr. TOWNER. And it would include those 16-inch guns?

Mr. SHERLEY. Well, it could embrace 16-inch guns; but, in point of fact, it does not. The biggest gun that is now contemplated to be built for the mobile Army is, I think, a 9.5

Mr. TOWNER. That includes the guns that are operated on

the railroads?

Mr. SHERLEY. No. The guns that we are providing for operation upon the railroads—14-inch rifles, 16-inch howitzers, and 12-inch howitzers—are, presumably, for use in connection with seacoast defense. But they could, and probably would, be used, if necessary, in connection with mobile operations in the interior

Mr. TOWNER. Then I suppose all the 16-inch guns would be

under the provision for seacoast defense?

Mr. SHERLEY. Yes. Every 16-inch gun we are building is intended to be used on fixed emplacements for seacoast purposes.

Mr. TOWNER. Now, the appropriation for the ammunition for those guns is \$10,940,000. What is the assurance, or what is the opinion the gentleman has, regarding the ability to procure for the use of the Army and for fortifications the 16-inch shells, having in mind the difficulty that the Navy Department is having in that connection?

Mr. SHERLEY. Oh, well, I have no doubt that we will make—I am rather inclined to believe that we are now making— 16-inch shells, because we have one 16-inch gun for Panama. But certainly by the time these guns are ready to be mounted we will be able to make a 16-inch shell. There is no difficulty in making a 16-inch shell as against a 14-inch shell. The problem that the Bethlehem people complained of was the problem of creating a shell of sufficient hardness to penetrate armor of certain thickness and hardness at a given angle, which they said was a very severe test. According to their newspaper advertisements they had spent a great deal of money in trying to create a shell that would come up to that test. I am informed that that is not an unfair test. It is a test that is met by the makers of ammunition for other Governments, and it is believed there ought not to be any difficulty in meeting it for the Navy

Mr. TOWNER. I was wondering how the estimates were made; upon what conception of the probable cost is this estimate that is made for \$10,900,000? I am speaking of the one

for the ammunition.

Mr. SHERLEY. The estimate as to cost is based on past experience of the Ordnance Department. I think this year there has been added 20 per cent for cost of ammunition due to the higher market, and as to the guns 25 per cent. Those are the estimates submitted by Gen. Crozier, the Chief of Ordnance, and usually he knows what it is going to cost. Of course, the committee has no personal knowledge, and could not have, as to what it is going to cost.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY, Yes, Mr. ROGERS. Referring to that same paragraph for ammunition for seacoast cannon, the total amount of authorization was \$13,000,000 this year, was it not? Mr. SHERLEY. Yes; \$10,940,000 cash and \$2,000,000 of

contract authorizations.

Mr. ROGERS. Two years ago this corresponding bill carried from \$200,000 to \$300,000 for the same purpose, I think.

Mr. SHERLEY. Yes; it carried \$200,000.
Mr. ROGERS. The statement was made on the floor at that time, and repeated quite broadly throughout the country, that the amount of ammunition then in our seacoast forts would not defend the country on an average more than 43 or 44 minutes. I think the gentleman from Kentucky denied the truth of that statement, but it was very widely made at all events. dered whether the gentleman could tell the House or the committee how long the ammunition appropriated for in this bill would be effective to withstand an attack. Is there any comparative suggestion that the gentleman could make along that line?

Mr. SHERLEY. No; because that would take a calculation that I would not want to undertake to make on my feet. But I think I can tell the gentleman this, and perhaps it is well that chusetts [Mr. Rogers] anticipated what I was going to say.

it should be told: Prior to the adoption of the Board of Review's policy the then existing scheme for reserve ammunition contemplated a reserve for guns in the insular possessions of a two hours' supply, and for guns in the United States of one hour's supply, the theory being that both coasts would not be attacked at one time, or presumably all of one coast, and that that ammunition might be transferred from one place to another. When the Board of Review came to consider that matter they determined that the amount deemed necessary as a reserve was totally inadequate, and they provided-I would like to read accurately instead of trusting my memory—they provided in substance for an accuracy life of the guns in connection with the guns in the insular possessions, and for a correspondingly great increase in regard to the guns in the United States.

We had up to that time accumulated about 73 per cent of the total reserve that had been deemed requisite. That 73 per cent represented for some types of guns 100 per cent, and for other types of guns and mortars considerably under 73 per cent, but an average of 73 per cent. The \$200,000 that was appropriated would have increased that only something over 1 per cent.

The CHAIRMAN. The time of the gentleman from Ken-

tucky has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman may continue until he finishes his remarks. The CHAIRMAN. Is there objection to the gentleman's re-

quest? There was no objection.

Mr. SHERLEY. When that bill was brought on the floor gentlemen will recall that it was a bill carrying about \$7,000,000. did not undertake to deceive the House then, though I stood by the bill as made, because men in responsible place in legislative bodies must act in the capacity not of an individual but of the chairman of the committee that he is given the right to speak for. So he speaks for his committee, and for his party, and for the administration, as the facts may be at that time. But I very frankly said to the House that that was the weakest place in connection with the bill that was presented, and that if the committee saw fit to overrule the Fortifications Committee and increase the amount, all right.

Well, I think the gentleman from Massachusetts [Mr. Gard-NER] offered an amendment, but the Committee of the Whole did not agree with him, and the amendment was not agreed to, and the original amount was carried. After the review was made and they reported these very greatly increased allowances, then the Committee on Fortifications, in my judgment very properly, began to increase greatly the appropriation for this purpose, and this year we allow all that has been asked touching

the reserve ammunition for seacoast guns.

Now, I can give the gentleman actually the scheme as it exists now for the reserve supply:

The recommendation of the Board of Review for reserve seacoast ammunition is as follows:

"(a) For guns in continental United States, except guns of 8-inch callber and upward on inner lines of defense, allowances equal to one-half the accuracy life of the respective calibers; for mortars, except on inner lines of defense, an allowance equal to one-fourth the accuracy life.

"(b) For armament of 8-inch caliber and upward on inner lines of defense in continental United States, allowances equal to one-half those for outer lines.

"(c) For guns in the insular possessions and on the Canal Zone, allowances equal to the accuracy life of the respective calibers; for mortars, an allowance equal to two-thirds of the accuracy life."

The difference between the mortar and the gun being the fact that the mortars are shot with a lower muzzle velocity and so do not have the very rapid deterioration of the rifling that oc-

Mr. ROGERS. The previous statement of the gentleman that the board requires one hour's supply to be on hand and there was in fact but 73 per cent of an hour, seems readily translated by the layman into terms that are intelligible, but the report that the gentleman has just given of course means nothing at all to the layman.

Mr. SHERLEY. I will try to translate it. It means an increase of more than 200 per cent in the allowance for the gun, so that for continental United States it would have a mean-

ing of more than two hours' allowance.

Now, it is proper to say that the public, aided by some sensational writers, had a total misconception of what two hours meant. They seem to think that it means that in two hours after the fight might have started we would be completely out of ammunition. That would be true if during those two hours all these guns were used at the maximum capacity in the way of rapidity of fire. It is also true that a little later on, at that same rapidity of fire, your guns would be inaccurate in their

hours?

That is about equivalent to two hours' ammunition for each of our 12-inch guns and the coming 14-inch guns?

Mr. SHERLEY. I should say it was considerably over that. Mr. GARDNER. Would the gentleman say it was three

Mr. SHERLEY. No; I am not sure it is quite that. course, the old scheme was based on the idea as to the probable time that guns would be in action, and the transference of ammunition from coast to coast and from locality to locality. latter consideration was eliminated as being an unwarrantable one in the scheme adopted in the board of review.

Mr. GARDNER. I understand each one of the coast defenses is to have its own supply of reserve ammunition, and that is to

be half the life of the big guns.

Mr. SHERLEY. Not in the insular possessions. That is to be for the life of the guns because it was not believed that after the war broke out there would be any certainty or probability of being able to convey there additional ammunition; whereas, presumably, in America after the war broke we would immediately begin to add to our supply of ammunition, and there would be an opportunity to increase the amount. But in the judgment of a great many men the allowance we are making for the United States, if it was not increased at all, would be considered as exceedingly liberal.

Mr. GARDNER. The gentleman means that if it was not

increased after the war broke out?

Mr. SHERLEY. Yes.

Mr. GARDNER. What does the gentleman think about it? Mr. SHERLEY. I do not know that I permit myself to have an opinion about matters that are that technical. I think one of the greatest errors a man can fall into here is to assume that a limited amount of work can qualify him as an expert in a science that takes a life to master.

Mr. GARDNER. That is true; but it is something like a crucible in which a lot of fats are boiled and there is a precipitate. The gentleman has had a long experience in the House, and the House has as much confidence in him as in any other Member of the House, and I would like to know his opinion, if he is willing

to give it.

Mr. SHERLEY. I will answer the gentleman frankly that I have not thought about it in the way the gentleman puts it. I will tell the gentleman why. I have a certain elasticity of mind, but it is being strained a good deal. I have traveled pretty fast lately. Here was the old scheme that was thrown into the discard and a new scheme representing 200 per cent increase that was supposedly the judgment of the best men we had in the service who dealt with the subject. I have thought that until we reached its fulfillment I did not need to worry myself very much about whether we wanted to go a little bit further or not, because apparently I have all I can do to get Congress to agree with me in going this far.

Mr. GARDNER. Until we have one-quarter of the life of the gun the gentleman thinks it is not much use to worry about

going further?

Mr. SHERLEY. I think we are beyond that. I am traveling along the road, and until I am at the end of it I do not concern myself as to how much further a new road may extend.

Mr. GREENE of Vermont. Mr. Chairman, will the gentle-

man yield?

Mr. SHERLEY. I yield to the gentleman. Mr. GREENE of Vermont. In this report, when the accuracy life of the gun is referred to, does that mean the figure that was formerly held in the case of each caliber before this European war, or is it based upon some observation since the

war has been under way?

Mr. SHERLEY. Of course it is an estimate. We have shot ome guns to the limit of their accuracy life, because in this bill we are providing for relining some guns; but the 14-inch guns we have not shot to the limit of their accuracy life, and the 16-inch guns we certainly have not, and those are certainly estimates; but they are estimates which have been worked out, and which represent a given number of rounds for the accuracy life of the gun. Now, I have not stated what that was

Mr. GREENE of Vermont, I understand.

Mr. SHERLEY. I think we rather go to the extreme in what we do say about these matters; and it seems to me better to leave it as the board left it-in that general term, the accuracy

Mr. GREENE of Vermont. I understand the purpose of employing that term; but I only wanted to ask the gentleman that term would signify to those who were more or less informed about the matter the figures which were arbitrarily set as an estimate before the war or whether they have been modified since the war began?

Mr. SHERLEY. I think there is a general understanding as to about what is meant by the accuracy life of the various cali-bers. That is the understanding by the experts in ordnance and artillery

Mr. GREENE of Vermont. Exactly; but that does not answer my question. If the chairman of the subcommittee will permit, I meant to ask whether that understanding was the understanding which the department had, in figures which were generally made public, as to what was expected to be the accuracy life of the various guns then in the service, or whether those figures had been modified since the beginning of the European war?

Mr. SHERLEY. I think we have not had any experience from the European war, unless perhaps some that might have been obtained from the North Sea fight, touching how quickly these guns would wear out. We do know that some of the English ships that were in the North Sea fight had to have their guns relined.

Mr. GREENE of Vermont. I am speaking more particularly of the mobile field artillery, and the suggestion has come several times, I understand, from the European battle fields that the former estimates of the probable accuracy life of cannon were very much under the real demonstrations by experience.

Mr. SHERLEY. Touching field artillery, I have not gone into that. Of course, as to mortars and howitzers, the accuracy life is very much greater than that of rifles which have a very high muzzle velocity. The accuracy life is probably beyond what we would be able to supply in the way of ammunition for mortars and howitzers.

Mr. SMITH of Minnesota. What has the committee done in

reference to the fortifications of the canal?

Mr. SHERLEY. This bill does not carry any appropriation for the canal. That appropriation comes in the sundry civil bill, and I would rather not go into it in connection with this bill.

Will the gentleman yield to me?

Mr. SHERLEY. Yes.

Mr. FESS. I was summoning up these appropriations hereabout \$145,000,000. I was wondering whether with the successive years the charge will lessen or increase. What are we to

expect? Will some of these be fixed annual charges?

Mr. SHERLEY. It was estimated by the Board of Review that after their scheme was carried out there would be about a \$2,000,000 annual maintenance charge, I think. That is my recollection. Now, frankly, I believe there never will come a time, as long as you have fortifications, when the matter will be finished and when there will be nothing but maintenance. And I will go further and say I think there never ought to come . such a time; because if it came it would be a practical evidence of stagnation on the part of those who plan and design these matters. It is impossible to forecast the future sufficiently to provide for the exigencies that it will bring forward.

I have frequently said on this floor, and I say it now, that I think we are the best fortified country in the world; and I think, speaking by and large, our defenses are adequate. Yet that has not kept me from recommending to the Congress projects that look to the spending of \$96,000,000-practically nearly

as much as they cost—for bettering them.

Mr. FESS. There might be something in the future that

would make our present fortifications inadequate.

Mr. SHERLEY. Of course. For instance, the things that we are doing now in the expenditure of this \$96,000,000 are largely the result of new developments that could not be foreseen by anybody. We are providing antiaircraft guns, In looking over some of the old hearings the other day I saw where Gen. Allen, then Chief of the Signal Corps, trying to get a balloon authorized by Congress, was asked the question whether the balloon could be hit by gunfire, and he said "no" that it could probably stay 1,000 feet or more up in the air, and that it could not be hit at all. To-day an aeroplane that does not fly 6,000 or 7,000 feet high has not much chance of doing a great deal more flying. The result is that we have had to build antiaircraft guns because of the danger that comes from the flying machines. We are building guns of very greatly increased range, due to the fact that battleships are now carrying guns with a range away beyond what was believed possible a We are also adding to the volume of our fire few years ago. because of the fact that the volume of fire from battleships has been very greatly increased. This is always just a contest be-tween the offensive and the defensive, and it will not end, apparently, until the ingenuity of man has ended.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentle-

man yield?

Mr. SHERLEY. Yes.

Mr. MILLER of Minnesota. I assume the gentleman has plenty of time, for I do not want to encroach upon his good

Mr. SHERLEY. Oh, I have more time than information, as some one said the other day.

Mr. MILLER of Minnesota. I do not think the gentleman can ever have that. I want to get back to the old subject. Is it proposed with these new 16-inch guns that any of them shall

have a mount other than a disappearing carriage? Mr. SHERLEY. The Board of Review adopted generally the disappearing carriage, but provided that they should hereafter have an all-around fire wherever it was desired, and also left open the use of barbette carriages where there were particular reasons to make them desirable as against the disappearing carriage, and in point of fact we are building, for instance, in the eastern entrance to Long Island, some turrets in which are going to be mounted some 16-inch guns, and of course they will not be upon disappearing-gun carriages. I have no doubt that there will be in the future a number of guns at certain places that will be mounted on barbette or some carriage other than

the disappearing-gun carriage.

Mr. MILLER of Minnesota. Might I make one further inquiry, and I might possibly be permitted to make a little preface so that the gentleman will understand my point of view. My own information, as I have gathered it from men interested, has been that up to the 12-inch size the disappearing-gun carriage is certainly an excellent thing, but there is some doubt in the minds of some men as to any size above that, and I found quite a large number of officers who maintain it is impossible to build a disappearing-gun carriage that will efficiently serve that sized gun, for several reasons. One is that the length of the gun is so great that when it is lowered the men must get so far back from the emplacement and protection that they practically have no protection at all. The second is the weight of the gun is such that it is impossible to get proper counter-balances to make it work well. There have been some experimentations lately, and I thought perhaps the gentleman might enlighten us upon them. I have been told that the defenses at Cape Henry have been delayed in the installment of the 16-inch guns by reason of the department not yet having perfected a carriage of the disappearing type that will carry the guns.

Mr. SHERLEY. I would not put it quite so strong; but the

gentleman appreciates that the very moment you get a different caliber gun the whole question of weight and strains and stresses changes, and it becomes necessary to work out an entirely new computation and set of tables touching the carriage to hold that gun. I will say this to the gentleman, though it more properly would come in connection with the Panama deat least, I would have mentioned it then: Some of the guns at Panama, the 14-inch guns, were mounted on disappearing-gun carriages that in their use developed a weakness in connection with the carriage. There was a breakage of one of the pins, I think, due to the fact that this steel, which had been tested for tensile strength, hardness, and so forth, had not been tested—because only recently have they learned how, successfully—in regard to its ability to withstand shock, a certain feature of brittleness, and as a result some of those did break. A great many others did not, but there were spare parts for those that did, so that the guns are in commission. Since then that problem has been met successfully, according to the testimony before the committee, in two ways: First, by the production of a steel that will stand the shock, and, second, by a cushion against the shock, so that they have both removed the cause and created steel of a character to take care of it even if they had not removed the cause. In other words, they have apparently reached a double insurance against the recurrence of that trouble.

Mr. MILLER of Minnesota. I understood there was some difficulty there, and that no doubt has been met as the gentleman indicates; but has the difficulty heretofore experienced with

the 16-inch gun been met?

Mr. SHERLEY. In the first place, I do not agree with the gentleman in respect to the expression "difficulty heretofore experienced." We have just been building one 16-inch gun carriage for the one 16-inch gun which now exists in America, and that is being tested out at the Sandy Hook Proving Grounds. Presumably the gun and carriage will go to Panama very shortly. That is my understanding.

Mr. GARDNER. But that is only of 35 calibers.

Mr. SHERLEY. Yes.

Mr. GARDNER. So that that would not meet the difficulty the gentleman points out.

Mr. SHERLEY. Of course, you can not test a disappearing carriage for a 50-caliber 16-inch gun until you have a 50-caliber 16-inch gun.

Mr. GARDNER. Yes; but the successful test of that carriage would not meet the gentleman's point that the gun is so long that it brings into range the men who operate the gun.

Mr. SHERLEY. I, perhaps, do not attach the weight to that particular suggestion that the gentleman from Minnesota. [Mr. Miller] does. I happen to have seen fortifications shot at by battleships at long ranges where presumably you would get the plunging fire that has made so many people think that the reason for the disappearing-gun carriage had passed, and also at shorter ranges.

Mr. MILLER of Minnesota. I presume the gentleman refers to the experiments at Pensacola?

Mr. SHERLEY. No; at Mobile. I have no doubt of this, that, as between the disappearing carriage and the barbette carriage, the disappearing carriage does give a very increased protection to the gun. I do not mean by that that I think you will never hit a disappearing gun carriage and put it out of commission. As to the point in respect to the men, I can not see how the added length would expose them very much more to fire, and, without meaning this in any sense as a brutal remark, because I would like to see the men protected as much as possible, that can never be the main consideration in determining the types to be used, because unfortunately in great wars we have to sacrifice men frequently where you do not sacrifice the

Mr. GARDNER. You have to sacrifice men to save other men's lives

Mr. MILLER of Minnesota. The gentleman will probably concede, however, that any shot that destroyed a gun crew

would very probably put the gun carriage out of business?

Mr. SHERLEY. No; I would not concede that at all, because have actually seen shots that hit right in front of the emplacement and exploded, and, according to the damage done to dummies which were placed where the gun crew would have been, would have killed one of them, wounded another, but did not hurt the gun a particle, so it is easily possible to hurt the gun crew without putting the gun out of commission.

Mr. MILLER of Minnesota. Just one final question and then will not trespass further on the gentleman: Is the department making any experiments whatever toward perfecting the barbette carriage and making it more serviceable than the disap-

pearing carriage for large guns?

Mr. SHERLEY. I do not know, but frankly I should rather suspect not.

Mr. MILLER of Minnesota. Does not the gentleman think it would be wise if we should experiment to see which after all is

the better type for these large guns?

Mr. SHERLEY. I personally would have no objection to it. I should have stated that the ordnance people are building a number of barbette carriages for 12-inch guns. I think it is fair to say in regard to the ordnance department that they have a tremendous amount of work to do, more work than they can do, and Congress never will undertake to relieve the pressure that exists now and that will exist a hundredfold more if war comes in such places as that, and, as I said last year, if we ever get into a great war, where we are going to break down worst is at the desks of the men who have charge of supplying these great munitions.

Now, these men are engaged in a tremendous amount of work and in doing things that have been ordered to be done. It is true, as the gentleman knows, Gen. Crozier himself believes in the disappearing-gun carriage as against the barbette carriage, but it is also true that the board has determined on the type generally. Now, he is the officer who is actually to create things, and he is simply following the recommendations that

have been made.

Mr. MILLER of Minnesota. If I may be allowed to say this: The gentleman knows I have no technical knowledge of the subject and do not pretend to have, but, being interested in the subject, I visited the best fortifications of this country on both coasts, in Hawaii, in the Philippines, in Panama, and I think it is only fair to say I have tried to converse with every captain serving a gun, with most of the colonels of most of the Artillery Corps, and I have never yet found one man of the whole lot who did not, without reservation, say that he would rather have the barbette carriage by all means than the disappearing type. I do not know whether they are right or wrong, but I do think this almost unanimous opinion on the part of the men who are actually serving the guns ought to be given the consideration of having a barbette carriage type brought to perfection; and they all tell me that the barbette carriages, which thus far have been very few in number, have been of the most ancient and archaic character, so that in most places they are placed they have never had a fair test.

Mr. SHERLEY. Well, I can say this to the gentleman in

reply to that: There is probably no subject in connection with

seacoast guns that has been so frequently investigated and reported on as this old controversy between the disappearing and the barbette carriage, and every decision has been in favor of the disappearing-gun carriage.

Mr. MILLER of Minnesota. Has that decision been by men who actually served the guns or by men in the office? I say that

not in disparagement of men in the office, but-

Mr. SHERLEY. It has been both by men who were in the line generally and men who were on the staff and by men who actually used the guns. Now, I have talked to a great many men, just as the gentleman has, and I have visited quite a few fortifications. I have not found anything like the preponderance that he speaks of in favor of the barbette carriage. I have found that most of the junior officers have expressed a preference, but I have also found when I examined them as to the reasons that their reasons did not seem to stand analysis. Now, I would not let that alone determine me, but the judgment of these boards rather convinces me, because it has been so openly and so frequently pronounced.

Mr. GARDNER. Will the gentleman yield? Mr. SHERLEY. Yes.

Mr. GARDNER. The findings of the board of review are confidential, and I do not want to ask the gentleman any questions which the gentleman ought not to answer, but in this case where they do recommend the use of the barbette carriage. why do they recommend that?

Mr. SHERLEY. So far as those details are concerned, I have not the information myself. I think this is true: I think that there may be places you might want to use a rather higher angle of fire than you would get ordinarily with a disappearing-gun carriage, and for that reason you might use a barbette carriage. Then there might be a question of space in connection with your emplacements that would determine whether you wanted one or

Mr. GARDNER. Well, now, the gentleman told us last year, for instance, if I recall rightly, or somebody else, that they were mounting a lot of these 12-inch guns as howitzers.

Mr. SHERLEY. They were going to mount them on barbette carriages with a 30° elevation.

Mr. GARDNER. That is practically mounting them as howitzers: it is somewhere between rifles and mortars.

Mr. SHERLEY, Except they can use them, of course, at much less elevation.

Mr. GARDNER. On the disappearing-gun carriage 15° is the greatest change, is it not—the greatest angle of difference for depression or elevation of the muzzle?

Mr. SHERLEY. It is now as to the old 12-inch gun. The 14's will have 20° elevation and the new ones that are being planned, I think, will have a 30° elevation.

Mr. GARDNER. And no depression? You mean 30 alto-

gether?

A 30° range. Of course, if you had a depression, which would be a maximum depression, you would then have a 25° maximum elevation; but the argument that was originally made by some against the disappearing-gun carriage, that it did not permit the use of guns for all-around fire or for high elevation, and therefore great range, has been answered by the statement that the carriages will provide both for all-around fire and high-degree

Mr. GARDNER. Of course, those were two of the great arguments that were used. My impression is a good deal like that of the gentleman from Minnesota as to the officers, but it is quite possible they formed their opinion because of the

immobility of the disappearing carriage.

Mr. SHERLEY. I do not wish to disagree with the judgment of these junior officers, and yet I do not suppose there will ever come a time that the fellow who uses a thing will agree with the man who makes it, because he sees simply the problem that confronts him as to the use of it, whereas the other fellow has the problem of making the thing, which raises a good many others that do not present themselves to the user. Now, I have no doubt if we had barbette carriages in all this time you would find a great preponderance of men who would insist we ought to have had disappearing-gun carriages, because that is human nature.

Mr. GARDNER. It is very possible.

Mr. WHALEY. Will the gentleman yield?

Mr. SHERLEY. I will. Mr. WHALEY. For my own information, I will say that I find here on page 2 of the report you have a statement as follows:

Carriages for two all-around fire 12-inch guns for Charleston, \$150,000.

When the appropriation bill was up last year I was told the forts of Charleston would be taken care of, and you afterwards said that an appropriation of \$150,000 could fix the two 12-inch Was that in addition to this amount in this year's carriages.

Mr. SHERLEY. No. They were telling you that they were going to ask \$150,000 for fixing them up. That did not mean they were going to have that out of funds that were being ap-

propriated

Mr. WHALEY. There are four 12-inch guns down there. Is it the purpose to fix the carriage of one on Fort Sumter and one on Fort Moultrie, or to fix the two on Fort Sumter and have none on Fort Moultrie?

Mr. SHERLEY. I am not sure of my memory, as I have had a right severe test put on it this afternoon, but my impression

that the two guns are to be at Sumter.

Mr. WHALEY. The statement made to me by the officers down there last year, before the fortifications bill of 1916 was passed, was that carriages of the guns of Fort Sumter could not be moved; that they were absolutely worthless; that they had disappearing-gun carriages, but they could not be worked.

Mr. SHERLEY. That statement, that the gentleman has repeatedly given to me personally, and which has to-day been given the committee, and which I do not for an instant question was given to him, is contradicted absolutely and emphatically by the men who have inspected Charleston; and I took pains this year-and the gentleman will find it in the hearings-to ascertain what sort of inspection was being made of fortifications generally, because we carry a provision there for maintenance of fortifications, and presumably we are keeping them in good condition. There are three to four inspections made by different men of the fortifications of America annu-Now, to believe that those guns were not usable, and that that fact should not be known here in Washington after four annual inspections, is to believe what I do not for an instant

Mr. WHALEY. Does not the gentleman recall that I brought him a witness who is president of the Chamber of Commerce of the United States, and who was present at the time and stayed there for hours, and who said that the guns could not be worked

when ordered by the colonel in charge of the fort?

Mr. SHERLEY. That may be, but that would not prove any-

Mr. WHALEY. It would prove that they could not be used. Mr. SHERLEY. It would prove that they could not be used at that particular moment. That is all it would prove.

Mr. WHALEY. And six months afterwards the colonel of the fort told me they had not been used up to that time, and therefore I suppose that does not prove it either. And I came afterwards and asked you to provide carriages so that the guns could be used, and I afterwards understood the appropriation was to be made. Is this appropriation to be made so that the

guns can be used? Mr. SHERLEY. The gentleman will not have difficulty to get at what the appropriation will be used for, so far as the committee on fortifications can inform him. If the gentleman will look at the record and not trust to his memory, he will see that there was no statement in the hearings or on the floor that out of the appropriations of last year \$150,000 was to be used in Charleston. In point of fact, it was just the contrary. I said to the gentleman on a number of occasions, when he was pressing me as to the work at Charleston, that Charleston would be reached, but we could not do it within the scope of the bill last year. And I took occasion to have reports made repeatedly, not once, but several reports were made, from Charleston, touching the condition of the fortifications there.

Now, I am not questioning at all the gentleman's good faith in his belief touching the conditions there, but I say that the testimony taken before the committee does not warrant the belief in the conditions being such as represented,

Now here is the trouble-

Mr. WHALEY. Will the gentleman allow me to interrupt him just there? My statement was that I asked you on the floor last year during the hearings on this bill if anything was going to be done for Charleston. Your reply to me was that it would be taken care of. After the fortifications bill had passed I saw Gen. Weaver, who was the head of the bureau, and he told me that \$150,000 of that fund of last year would be appropriated or set aside to fix these guns, these carriages, that to-day you are appropriating for.

Mr. SHERLEY. Well, in the first place, I have only this

to say, that if Gen. Weaver told you that, he was mistaken, and the reason why he was mistaken is this: There has always been an understanding between the officers of the Army and the committee making the appropriation that the moneys will be

expended for the purposes that have been indicated in the testimony at the time the estimates are submitted, and so careful have those gentlemen been in carrying out that understanding that when emergencies have arisen making necessary an alteration of the program they have, wherever it was possible, communicated that fact to the committee making the appropriation, in order to ask their consent, that they might not be subject to the criticism of having obtained money for one purpose and using it for another, because we carry these items in such general terms that they are available anywhere for a particular work.

For instance, funds for emplacement work can be used anywhere in the United States, and the money for ordnance could be used for ordnance anywhere. But they do not do it, and therefore I am positive in my statement that it was not intended by anybody that there should be expended last year \$150,000 for Charleston.

Mr. WHALEY. Now let me ask you another question. there any place where you can find out where the appropriation is to be applied for fortification purposes?

Mr. SHERLEY. Yes. The gentleman can find it in the hearings, or as a rule in the committee reports.

Mr. WHALEY. The gentleman says that the officers can

apply it where they please, according to your statement.

Mr. SHERLEY. No; I said to the contrary of that. I said was nothing in the law that would restrict them from expending the money in certain places, but when they came and asked for the money they always stated what they expected to do with it, and when we allowed it, if nothing was said that could be construed as meaning it was intended to be used for a different purpose, it would not be used for a different purpose

than what it was asked for.

Mr. WHALEY. Is any of the appropriation to be applied to any of the southern ports other than Charleston?

Mr. SHERLEY. Yes.
Mr. WHALEY. Is Savannah to be fixed up?
Mr. SHERLEY. No.
Mr. WHALEY. Is Jacksonville to be fixed up?

Mr. SHERLEY, This is true as to a good many of them: Some of the money is going to be used to build barbette carriages for the 12-inch guns. As soon as those carriages are finished some of those guns will be mounted at southern ports, and northern ports, and Gulf ports, and Pacific ports.

Now, I want to say to the gentleman in all frankness: I am southern man. Nobody can accuse me of wantonly or intentionally trying to discriminate against the South. But Charleston, with all its importance, is negligible when compared with the importance of a place like New York, and that is not because Charleston is in the South or because New York is in the Take population, take money value of property, take any of the tests that could be applied touching fortifications, and the gentleman will find that the South is being treated just as well as the North is, or as the Pacific coast is.

Mr. WHALEY. That is what I want you to give me information about

Mr. SHERLEY. That is what I am trying to do-

Mr. WHALEY. Because I understand the appropriation bill last year was to take care of the North and East and that the South was not to be given any of that.

Mr. SHERLEY. A lot of the appropriation made last year was for Cape Henry. You can not call Cape Henry North.

Mr. WHALEY. No; that is South; one place. What I want to know is when my people are going to be fortified. If you What I want can tell me some time in the dim future when they will have some protection-which we have not to-day-while you are protecting all the other parts and all the other ports of the country, I will be glad to know it. They value their lives and property

just as much as other people do.

Mr. SHERLEY. Well, you can tell your people that if there has been any discrimination at all recently touching places not of the first importance, it has been in favor of Charleston. In other words, there are places in the South that in my judgment are more in need of an expenditure of \$150,000 than Charleston.

Mr. WHALEY. What I am driving at is, you have got four forts down there, and there is not a single gun on those four forts that can keep off a battleship, which can lie off the harbor at a safe distance and destroy the forts.

Mr. SHERLEY. I deny it.

Mr. WHALEY. I get it from the officers at the forts that have to fire the guns. They tell me that a shell from a battleship can destroy those forts 3 miles out of range of the guns of the forts, and that they can move in after destroying the forts and destroy the navy yard; and yet we get no additional fortifications, such as larger guns, and so forth, for the forts down there, but we are told that after awhile we will be pro-

tected. Now, what I want to know is when we are to be protected?

Mr. SHERLEY. Well, \$150,000 is to be expended for building two barbette carriages to take care of two 12-inch guns. It will probably take a year or more to get them. After they are mounted those guns will have a range of 30,000 yards, which will be a range sufficient to prevent any ship coming against

But let me say to the gentleman that there is no greater error than to assume that because certain guns are out of the range of other guns, therefore the fortifications are inadequate, and therefore the fortifications are going to be battered to pieces. repeat it again, that there has been no fortification in America that I have made as many inquiries about, touching its condition, as I have in regard to the fortifications at Charleston, and every report that we have had has been a contradiction of the statement of facts that has been represented to the gentleman and which he in turn has represented to me. I am not for a moment questioning the accuracy of the gentleman's statement, but I am questioning, as I have a right to question, on the preponderance of testimony, the condition, as the gentleman states it.

Mr. WHALEY. I suppose the gentleman will admit the testimony of the general commanding the district and the colonel commanding the fort is entitled to some weight with me, when I have had them tell me that the guns are absolutely worthless and that the forts could not defend the city. I have to rely on the officers. If they are no good, we ought to kick them out. They have been in the service 35 years as Coast Artillery men, and if their opinion is not worth as much as that of the gentleman from Kentucky, then I am misled. I certainly give them credit for some experience and knowledge of the subject.

Mr. SHERLEY. The gentleman need not be worried. The one thing about which I have been most careful has been not to put my opinion against the opinions of men whose business it to know, and the things I have stated here have not been stated because I believed them as an original proposition, but they have been stated because of the testimony given by men whose business it was to know. Now, there is a great deal of difference between conversations had touching the conditions of fortifications and reports as to those conditions. A man may very well say that a gun is not worth anything. He may use even a different phrase in order to emphasize it. What he means is that that gun, compared with a new gun of certain power and range and mounted in a different way, is not worth anything, and that is true as a relative statement; but the statement that the gun is of no value in the defense of that place would not be true. When it comes to the reports of these officers, which are on file in the War Department, which the gentleman can see, which I have seen, and some of which I think he has seen, and also the comment of the district officers, he will be forced to the conclusion that taking it as a matter of evidence and weighing it simply as a lawyer, as against the conversational statements which the gentleman has heard, the preponderance of evidence is against him.

Mr. WHALEY. Does the gentleman recall that last year I asked him to bring the general commanding the district and the colonel commanding the forts and let them testify before the committee? I was informed then that the same information could be gotten out of the department, and I told you it could not be, because the general commanding the district had been shifted to Honolulu, so he could not give his testimony, and I was told that he could not be brought here because of expense.

Mr. SHERLEY. I do not for an instant believe that the general was shifted to Honolulu in order to keep him from giving testimony

Mr. WHALEY. He was sent there just before Congress met, and he was brought back just after the fortifications bill was passed. Ordered out in November, 1915, and brought back in June, 1916.

Mr. SHERLEY. That is another piece of logic that is not sufficient to warrant governmental action, in my judgment. It may have happened that he left just before Congress met and that he came back right after it adjourned, and yet a logician would say that it was a non sequitur that he left because of the fact that Congress was to convene.

Mr. FESS. A case of post hoc, ergo propter hoc.
Mr. SHERLEY. I do not want to be unfair to the gentleman
or his territory, but I tried my best to ascertain the facts. I hope to go to Charleston, if I can ever find time enough, and see

Mr. WHALEY. I offered to take the gentleman last year.
Mr. SHERLEY. I am a little tired of the constant statements that are made to me informally, which conflict with the formal statements that are on file.

Mr. MILLER of Minnesota. May I ask the gentleman a

Mr. SHERLEY. Yes.

Mr. MILLER of Minnesota. Is not the entrance to Charleston Harbor such now that no battleship of any size could get in

there except at certain particular stages of the tide?

Mr. WHALEY. I would like to answer that, because I do not think the gentleman from Kentucky knows. I will say that a steamship, Edgar F. Luckenbach, from the Pacific coast, went in there the other day drawing 32 feet 3 inches of water, with a tide not quite full. There is not a battleship in the Navy that draws that much to-day. The entire fleet can get into Charleston Harbor and still leave ample room for double the fleet of to-day.

Mr. MILLER of Minnesota. I said except at certain stages of

the tide—at high tide.

Mr. WHALEY. The difference between high tide and low tide is 5 feet 2 inches. There are 281 feet at low tide, and there is a rise of 5 feet 2 inches.

Mr. SHERLEY. How wide is the channel? Mr. WHALEY. The entrance channel is 500 feet between the Mr. WHALEY. jetties and 1,000 feet beyond. I suppose that will carry a battleship 90 feet wide. It is the deepest harbor on the South Atlantic coast and costs less and requires less to maintain.

Mr. SHERLEY. It would also make any vessel present a very

good target to shoot at.

Mr. MILLER of Minnesota. I know when I was down there on a vessel drawing 26 or 27 feet of water we could not get in except by lying out and waiting for high tide.

Mr. WHALEY. That was a long time ago. It was in 1898,

was it not?

Mr. MILLER of Minnesota. No; it was five years ago, and it struck me that the defense of that narrow channel through which vessels must go ought to be a very simple thing.

Mr. WHALEY. Unless they first stood off and demolished

your forts, which they can do.

Mr. PARKER of New Jersey. Will the gentleman yield for a question?

Mr. SHERLEY. I yield to the gentleman,
Mr. PARKER of New Jersey. I would like to know one thing that I could not get from the evidence. I understand from the evidence, on pages 72 and 73, that the ultimate provision of field artillery and ammunition is based on a force of 1,000,000 men, according to the statement of Gen. Crozier.

Mr. SHERLEY. What happened was this: The estimates that were submitted represented one-seventh of the amount remaining to be supplied in order to carry out the Treat Board report, as finally approved by the Secretary of War, which contemplated the acquisition of a given amount of mobile armament for

1,000,000 men.

Mr. PARKER of New Jersey. Is that one-seventh for about

100,000 men a year?

Mr. SHERLEY. No; it was not one-seventh in the sense of men; it was one-seventh of the cost in money value of the mobile artillery remaining to be supplied.

Mr. PARKER of New Jersey. How much had been supplied already-enough for two or three hundred thousand men?

Mr. SHERLEY. It all depends on your calculation.

Mr. PARKER of New Jersey. I mean by the Treat Board calculation.

Is it about 100,000 men?

Mr. SHERLEY. The Greble Board contemplated field artillery and ammunition for 500,000 men, figuring four guns and a fraction over for every thousand rifles and sabers. The Treat Board increased the number of guns for a thousand rifles and sabers considerably, increased tremendously the amount of ammunition and caliber of guns that should be had, and figured on the basis of an army of a million men instead of five hundred thousand men. Now, if we had been working under the Greble Board scheme

Mr. PARKER of New Jersey. Never mind the Greble Board. Mr. SHERLEY. But I do mind it because it is important for comparison, and I can only give the gentleman the information in the way that I have it. If we had been working on the Greble Board scheme we would have built more of some guns than were in the Greble Board scheme. Now, as I recollect, the Treat Board plan figures something like an expenditure of about three hundred million-odd dollars, and we have something like fifty or

sixty million dollars' worth now.

Mr. PARKER of New Jersey. I thought it was \$450,000,000, and that we had about \$150,000,000 now, including ammunition.

I am including ammunition.

Mr. SHERLEY. As a matter of fact, we have \$67,000,000 in value of material now on hand or appropriated for. There

remains to be provided under the program of that board material to the value of \$256,692,738.

Now, the estimates that were submitted to the Committee on Military Affairs and the Committee on Appropriations contemplated providing one-seventh of that sum of \$256,000,000 with this difference: That the estimate there is the estimate of values at the time the Treat Board made the report, whereas it is going to cost us now about 25 per cent more to get the guns than it would have cost under the figures that were used by that board.

Mr. PARKER of New Jersey. I am obliged to the gentle-man. I think I have got all that. What I wanted to get was what we are providing for and what we will have in seven years in material and ammunition for a million men. Does the gentleman think a million men ought to be anything more than a mere figure, and that we ought to have reserve for a great deal more than a million men if we get into a war in seven years?

Mr. SHERLEY. The gentleman is carrying me far afield. Mr. PARKER of New Jersey. I am asking the gentleman

for his opinion.

Mr. SHERLEY. I know the gentleman is, and I will give it. The gentleman is carrying me far afield. The gentleman from Massachusetts [Mr. GARDNER] asked me whether I thought the present allowance for seacoast cannon was adequate. I replied to him as a practical legislator that that question was immaterial. I have far enough to travel before I get up to this scheme without burdening my head as to how inadequate it may It takes all the influence I have to get men willing to go as fast as we are traveling. What is the use of my troubling myself as to how much faster we could travel if we wanted to.

Mr. PARKER of New Jersey. Does not the gentleman see a distinction between fortifications and the land army?

Mr. SHERLEY. Oh, yes; I do not want to be disagreeable to the gentleman, but I have not time to waste in making calculations about how much more might be desirable when every ounce of influence I may have is necessary to get men to agree with me to go as fast as we are going.

Mr. PARKER of New Jersey. I would like to ask the gentle-man whether he does not think if the Navy failed as a defense, that a mobile army is of much more importance than fortifica-

tions?

Mr. SHERLEY. I do and I do not. I think fortifications is not all; but I do think that we are more likely to have guns and ammunition than trained men when war comes, if it shall come.

I am much obliged to the committee for their attention. [Ap-

plause.]

Mr. SMITH of Minnesota. Mr. Chairman, I move to strike out the last two words. I am not going to attempt to discuss the bill under consideration, because it would be unwise for me to do so in view of the information that we have had from the distinguished chairman of the subcommittee. I am willing to follow him in this matter and vote for the bill he presents.

A large number of my constituents are making a vigorous protest against some of the provisions of the revenue bill about to be brought in by the majority members of the Ways and Means Committee, and especially to that section of the bill which proposes to impose an additional tax of 8 per cent on

the earnings of corporations and partnerships. I feel that there is much justification for their protest. Every known source of revenue has been tapped heretofore by this administration. It has perfected an obnoxious system of taxation, and the present bill simply adds to that unwholesome

structure additional iniquities.

It first reduced the revenue heretofore collected at the customhouse by more than one-half. In order to take care of this loss it revived the Spanish War tax, increased corporation taxes, increased the income tax, imposed an inheritance tax. Its present plan is to again increase the income tax, the inheritance tax, to sell several hundred million dollars' worth of United States bonds and \$100,000,000 worth of United States Treasury notes

I will incorporate as a part of my remarks a telegram which I received from the Hon. George M. Gillette, president of the Minnesota Employers' Association, an association composed of about 5,000 of the business men of the State of Minnesota, protesting against the tax:

ST. PAUL, MINN., January 26, 1917.

G. R. SMITH,

House of Representatives, Washington, D. C.:

I wish to record in the name of 4,200 business men of this State represented by this association their protest against the proposed measure before Congress taxing profits.

MINNESOTA EMPLOYERS' ASSOCIATION, GEO. M. GILLETTE, President.

The Clerk read as follows:

For construction of gun and mortar batteries, \$2,500,000.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Kentucky [Mr. Sherley] to tell us how much of that amount is for the Cape Henry fortifications. I think he did not go into the

details of that.

Mr. SHERLEY. Mr. Chairman, the situation touching that item is a little peculiar. Last year we gave them \$2,300,000, the idea being that that would enable them to start considerable work at Cape Henry and do some work at Rockaway Beach, in the event that they got the land, and also for the emplacements in connection with certain of the 12-inch guns that were to be mounted on barbette carriages. It developed at the hearings that they had not expended practically any of this money, due to the fact that title has not been secured at all at Rockaway Beach, and there was a hitch in the title at Cape Henry, growing out of a right of way for a railroad in connection with the wharf that was necessary before beginning most of the construction work, in order to get the material Questions also arose as to the other emplacements. result was that though they asked this year for \$3,675,000 the committee cut that amount to \$2,500,000, because it was believed that with the something over \$2,000,000 they have now on hand and the two million and a half we are giving them they could not and would not spend more than that prior to the next year's bill becoming a law. With that it is expected that they will do their work as fast as they can at Cape Henry and at Rockaway and for the emplacements of these 12-inch guns. One of the problems that delayed there was the question of where they would place those guns. Then there was also some money-\$50,000 and odd-for emplacements for antiaircraft guns, and considerable question came up as to whether those guns should be on fixed emplacements, and I am rather inclined to think that they will not be, but will be placed on trucks capable of being moved about, and simply stored at the fortifi-The result is that they will have now all of the money that they can use for emplacement work. And this further fact ought to be noted: There will be no actual delay in regard to these fortifications because of their failure to expend previous moneys, because, as the gentleman knows, they can build emplacements very much faster than you can build the guns, and by the time the guns and the carriages are ready I think the emplacements at both of these places will be easily ready.

Mr. GARDNER. Would about \$1,000,000 of this be expended

at Cape Henry?

Mr. SHERLEY. As I recall, they asked this year for something over \$800,000 at Cape Henry. I should say that at least a million of it or more would be spent at Cape Henry.

Mr. GARDNER. And they have expended a couple of millions

before this at that point.

Mr. SHERLEY. We appropriated it, and they have now something over \$2,000,000 unexpended, and I should say that considerably over a million, if needed, would go to Cape Henry. I can not recall at this time the estimated cost for the emplacements at Cape Henry.

Mr. GARDNER. I can not either, and I was just going to ask

the chairman.

Mr. MILLER of Minnesota. Was not the sum of \$1,600,000 appropriated last year for Cape Henry?

Mr. SHERLEY. Last year there was appropriated \$2,300,000, with the understanding that it might be used for several purposes, according as the exigencies demanded. It was not possible to segregate it. The clerk informs me that \$1,700,000 in round figures is what the emplacements at Cape Henry are ex-

Mr. MILLER of Minnesota. That may be. The statement made by the gentleman a year ago, I think, when the discussion was up, was that the amount for those fortifications

cost about \$1,600,000.

Mr. SHERLEY. They submitted estimates this year for \$3,675,000, of which \$800,000 was expected to be for Cape Henry, but they also had estimates for a lot of other work, which they can not possibly do within the time between this bill and a new bill, and the cut that was made here was made after a very thorough examination. I think I am warranted in saying that the engineer officers feel satisfied that we have allowed them funds ample for their work for the ensuing year. If I have any doubt it is that we did not cut it enough. I think that next year the committee will probably be told that they have not been able to expend more than four million of this money.

Mr. MILLER of Minnesota. Is any of this sum to be appropriated for gun or mortar batteries for Hawaii?

Mr. SHERLEY. Not at this point in the bill. The money for the Hawaiian Islands is carried under the insular possessions in the latter part of the bill. There is being carried money toward the building of six emplacements in the Hawaiian Islands, a little less than \$300,000 of the total required.

Mr. MILLER of Minnesota. Perhaps the gentleman can fur-ther tell me whether any of this is to go to fortifications in

Puget Sound? I know that is a pretty broad question.

Mr. SHERLEY. No; I do not think any of this emplacement money is for Puget Sound. We are making some provisions in connection with the item for armament for seacoast defenses. Part of that is for some 16-inch guns at Puget Sound, but it is not necessary to start that emplacement work now, because it will take four to five to six years to get the guns and carriages, and you can build those emplacements in two seasons.

Mr. MILLER of Minnesota. Does not the gentleman think that if it is going to take four or five or six years to get a 16inch gun and carriage we might shorten that time up by having some barbette carriages that do not take so much time to make?

Mr. SHERLEY. Why, I think it will take more time to build barbette carriages; but the building of the guns is the thing that is going to delay a great deal, and we have to have the same gun, whether we put them on a barbette or a disappearing carriage.

Mr. MILLER of Minnesota. I am afraid the bogey man will

get us long before those guns are built.

Mr. SHERLEY. That may be, but I think only the bogy man will get us, and I am not afraid of him. [Laughter.]

The Clerk read as follows:

The Secretary of War is authorized to transfer to the owners of the adjacent land, in partial consideration for the transfer to the United States of an easement in other land of said owners, the title of the United States to a right of way now owned by the United States and located between the tract of land known as the main Fort H. G. Wright Military Reservation and the tract of land known as the Mount Prospect Tract, on Fishers Island, Long Island Sound, N. Y.

For modernizing older emplacements, \$102,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. I assume this is to enable the department to overcome that difficulty that the gentleman a little while ago referred to about fortifications down on Long Island.

Mr. SHERLEY. No; then I was talking about Rockaway Beach. The situation is this: We now own a certain roadway, or, rather, we own a right of way at Fort Wright. In connection with the building of some turrets that are to be placed there it is necessary to build and construct a railroad. Now, the roadway is not adaptable for the placing of a railroad. Last year we appropriated money to acquire certain land that is to be used there, but in doing that it became desirable to trade this right of way which we now have as a road right of way for a right of way that is to be given us for a railroad, and this language is put in for that purpose.

Mr. STAFFORD. Entirely for the benefit of the Govern-

ment?

Mr. SHERLEY. Absolutely, and it simply saves us the cost

of condemning and buying a right of way.

Mr. STAFFORD. Mr. Chairman, before withdrawing the reservation of the point of order, I would like to ask the gentleman whether he does not think, as it is late on Saturday afternoon, we should rise, as it is apparent we can not finish the bill to-day

Mr. SHERLEY. Mr. Chairman, I had no idea of finishing the bill, but I had hoped to get pretty well into it. Personally

I am tired enough to be willing to quit at any time.

Mr. KITCHIN. The gentleman has been on his feet a little more than two and a half hours and he ought to be willing to quit.

Mr. STAFFORD. I am glad to hear the gentleman is in an accommodating state of mind, and I withdraw the point of order.

Mr. SHERLEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. ALEXANDER having assumed the chair as Speaker pro tempore, Mr. Houston, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20453, the fortifications bill, and had come to no resolution thereon.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn—Mr. Speaker, I will withhold that for a moment to enable the gentleman from Nebraska to submit a request for unanimous consent.

EXTENSION OF REMARKS.

Mr. SLOAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by discussing briefly the subject of the organization of the House in close contests, to supplement the same by a well-written history of such contests by Edgar C. Snyder, correspondent of the Omaha Bee, a very instructive article, entirely nonpartisan.

Mr. KITCHIN. Mr. Speaker, as this is the first thing he

is going to put in the RECORD that is nonpartisan, I am not

going to object to it.

The SPEAKER pro tempore. Is there objection to the extension of remarks? [After a pause.] The Chair hears none. LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. Sinnorr, until and including January 31, 1917, on account of sickness in his family.

To Mr. BAILEY, until and including January 29, 1917, on account of important business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, had requested a conference with the House of Representatives on the bill and amendments, and had appointed Mr. OVERMAN, Mr. BRYAN, and Mr. SMOOT as the conferees on the part of the

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence

of the House of Representatives was requested:

S. J. Res. 202. Joint resolution to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 5, 1917.

The message also announced that the Senate had passed the

following resolutions:

Senate resolution 331.

Senate resolution 331.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. DAVID E. FINLEY, late a Representative from the State of South Carolina.

Resolved, That a committee of six Senators be appointed by the Vice President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And thest the Resolving Officers under the second resolution

gated coal area.

And that the Presiding Officer, under the second resolution, had appointed as the committee on the part of the Senate Mr. TILLMAN, Mr. SMITH of South Carolina, Mr. ASHURST, Mr. VARDAMAN, Mr. WALSH, and Mr. FERNALD.

The message also announced that the President had approved and signed, on January 25, 1917, bills of the following titles: S. 5718. An act to provide for an auxiliary reclamation proj-

ect in connection with the Yuma project, Arizona; and S. 1093. An act to permit the Denison Coal Co. to relinquish certain lands embraced in its Choctaw and Chickasaw coal lease and to include within said lease other lands within the segre-

DESIGNATION OF SPEAKER FOR TO-MORROW.

The SPEAKER pro tempore. The Speaker designates the gentleman from West Virginia [Mr. LITTLEPAGE] as Speaker pro tempore for to-morrow's memorial exercises.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I renew my motion to adjourn. The motion was agreed to; accordingly (at 4 o'clock and 15 minutes p. m.) the House adjourned to meet at 12 o'clock tomorrow, Sunday, January 28, 1917.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CANTRILL, from the Committee on Industrial Arts and Expositions, to which was referred the joint resolution (S. J. Res. 182) authorizing an exhibition of the various activities of the Government service, reported the same with amendment, accompanied by a report (No. 1364), which said joint resolu-

tion and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMLIN, from the Committee on the Territories, to which was referred the bill (H. R. 20500) to provide for the prohibition of the importation of intoxicating liquors into the Territory of Hawaii, and to prohibit the manufacture and sale of intoxicating liquors therein under certain conditions, reported the same without amendment, accompanied by a report (No. 1365), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KITCHIN: A bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes; to the Committee on Ways and Means.

By Mr. PARK: A bill (H. R. 20574) granting the consent of Congress to the county commissioners of Decatur County, Ga., to reconstruct a bridge across the Flint River, at Bainbridge, Ga.; to the Committee on Interstate and Foreign Commerce.

By Mr. GOOD: A bill (H. R. 20575) to provide for making biennial appropriations and to provide for estimates therefor; to

the Committee on Appropriations.

By Mr. RICKETTS: A bill (H. R. 20576) providing for pensions for all American citizens who have reached the age of 65 years, and who are incapable of performing manual labor, and whose incomes are less than \$200 per annum; to the Committee on Pensions.

By Mr. RAGSDALE: Resolution (H. Res. 473) amending the RECORD of January 25, 1917; to special committee appointed by the Speaker.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWERS: A bill (H. R. 20577) for the relief of the Methodist Episcopal Church and the Presbyterian Church, Keyser, W. Va.; to the Committee on War Claims.

By Mr. DILL: A bill (H. R. 20578) granting an increase of pension to Mrs. Hester Jane Padgett; to the Committee on

By Mr. FOSTER: A bill (H. R. 20579) granting an increase of pension to Edward H. Steele; to the Committee on Pensions. By Mr. FREEMAN: A bill (H. R. 20580) granting an increase of pension to Robert Shannon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20581) granting an increase of pension to Mary A. White, New London, Conn.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20582) granting an increase of pension to Elizabeth E. Frink; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 20583) granting a pension to

Nancy C. Mays: to the Committee on Pensions.

By Mr. KEATING: A bill (H. R. 20584) granting an increase of pension to D. G. Scott; to the Committee on Pensions.

Also, a bill (H. R. 20585) granting a pension to A. M. Coville; to the Committee on Pensions.

Also, a bill (H. R. 20586) granting a pension to Murray H. Lewis; to the Committee on Pensions.

By Mr. KETTNER: A bill (H. R. 20587) for the relief of George R. Rogers; to the Committee on Military Affairs.

By Mr. KING: A bill (H. R. 20588) granting an increase of pension to Jane Haney; to the Committee on Invalid Pensions. By Mr. McGILLICUDDY: A bill (H. R. 20589) granting an

increase of pension to Loring C. Records; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20590) granting an increase of pension to Alden F. Wooster; to the Committee on Invalid Pensions. By Mr. MONTAGUE: A bill (H. R. 20591) granting a pen-

sion of Lelia M. Farinholt, mother of Benjamin A. Farinholt, late of the United States Navy; to the Committee on Pensions.

Also, a bill (H. R. 20592) for the relief of sundry railroad companies; to the Committee on Claims.

By Mr. MOSS: A bill (H. R. 20593) granting an increase of pension to Levi Applegate; to the Committee on Invalid Pen-

By Mr. NEELY: A bill (H. R. 20594) granting an increase of pension to Robert W. McWilliams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20595) granting a pension to Emiline Hartley; to the Committee on Invalid Pensions,

By Mr. OLNEY: A bill (H. R. 20596) granting an increase of pension to Catherine O'Connor, account of helpless and dependent child: to the Committee on Invalid Pensions.

Also, a bill (H. R. 20597) granting an increase of pension to Ansil T. Bartlett: to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 20598) granting an increase of pension to Emma J. Flannagan; to the Committee on Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 20599) granting an increase of pension to James Mohan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20600) granting an increase of pension to Thomas J. Trulock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20601) granting an increase of pension to

Nehemiah Aldrich; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 20602) granting a pension to Sarah J. Wier: to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Protest of H. A. Hutchison, H. B. Mallory Mrs. H. B. Mallory, Jacob G. Johnson, Cloyd Diggins, John R. Rous, A. Claybaugh, Mrs. Alton Claybaugh, Mrs. Ralph Swanger, Emily M. Wilt, Helen C. Love, W. H. Ritter, D. E. Wentzel, Emily M. Wilt, Helen C. Love, W. H. Ritter, D. E. Wentzel, Florence Green, Mrs. P. H. Crawford, S. A. Fleck, Mrs. S. A. Fleck, C. W. Bollinger, J. W. Rodkey, Mrs. J. W. Rodkey, E. R. Heckman, J. W. Gaines, George W. Munroe, H. S. Baumgardner, Percy Hauser, Mrs. G. Rutter, Mrs. Percy Hauser, E. L. Lowder, J. W. Carter, E. R. Naus, Joseph H. Slagle, W. A. Glass, G. W. Lynn, L. M. McCartney, Mrs. E. L. Lowder, Mrs. E. R. Heckman, S. A. Lykens, F. D. Collinson, Mrs. C. R. Salyards, Mrs. E. R. Naus, Mrs. W. H. Slagle, and J. R. Barr, all of Altoona, Pa., against the zone system of rates for second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. CALDWELL: Petition of George S. Hall and several hundred other citizens of New York, Brooklyn, and neighboring points and of Christoph G. Knors and 37 others of Greater New York, protesting against mail-exclusion bills and proposed prohibition bills and resolutions; to the Committee on the Judiciary. By Mr. CLARK of Florida: Petition of Methodist Episcopal

Church, Ocala County; rally meeting, Montbrook, Levy County Baptist Sunday School rally meeting, Montbrook, Levy County Baptist Sunday School raily meeting, Montorook, Levy County; rally meeting, High Springs, Alachua County; Sabbath School, Weirsdale, Marion County; and citizens of Alachua County, Fla., all favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of Mrs. W. C. Pierce, probation officer at Bristol, Pa., advocating passage of the Owen-Hayden bill, to establish a probation system in United States courts; to the Committee on the Judiciary.

Also petition of Samuel Cupples Envelope Co. of New York.

Also, petition of Samuel Cupples Envelope Co., of New York, asking favorable consideration of a bill to authorize the Postmaster General to increase prices for certain supplies to conform to abnormal market conditions; to the Committee on the Post Office and Post Roads.

Also, petition of the New York Churchman's Association, setting out resolutions of protest against the action of the German Government toward the people of Belgium; to the Committee on

Foreign Affairs.

Also, petition of the Law and Order Society of Philadelphia, protesting against the confiscatory nature of the District of Columbia prohibition bill; to the Committee on the District of Columbia.

By Mr. FOSTER: Petition of United Brethren Church of Lawrenceville, Ill., favoring constitutional amendment prohibiting manufacture and sale of alcohol as a beverage; to the Com-

mittee on the Judiciary.

Also, petition of Methodist Episcopal Church of Lawrenceville, Ill., favoring the constitutional amendment prohibiting the manufacture and sale of alcohol as a beverage; to the Committee on

the Judiciary

Also, petition of Baptist Mission Union, of Lawrenceville, Ill., favoring constitutional amendment prohibiting the manufacture and sale of alcohol as a beverage; to the Committee on the Judi-

Also, petition of the Woman's Christian Temperance Union of Lawrenceville, Ill., favoring constitutional amendment prohibiting the manufacture and sale of alcohol as a beverage; to the Committee on the Judiciary.

Also, petition of members of the Presbyterian Church of Lawrenceville, Ill., favoring constitutional amendment prohibiting

the manufacture and sale of alcohol as a beverage; to the Committee on the Judiciary.

Also, petition of members of the Church of Christ, at Lawrenceville, Ill., favoring constitutional amendment prohibiting the manufacture and sale of alcohol as a beverage; to the Committee on the Judiciary.

Also, petition of citizens of Lawrenceville, Ill., favoring constitutional amendment prohibiting the manufacture and sale of alcohol as a beverage; to the Committee on the Judiciary.

Also, petition of citizens of Farina, Ill., protesting against the manufacture and sale of liquor in the District of Columbia and protesting against liquor advertisements through the mails: to the Committee on the District of Columbia.

Also, petition of Third National Bank of Rockford, Ill., by L. G. Spafford, its president, protesting against passage of amendment to the Federal reserve act; to the Committee on Banking and Currency.

Also, petition of Arthur Gales, of Bedford Hills, N. Y., favoring House bill 14428, to increase pensions of maimed soldiers of the Civil War; to the Committee on Invalid Pensions.

Also, petition of Association of Fully Disabled Union Veterans of the Civil War, for increase of pensions as provided by House bill 14428; to the Committee on Invalid Pensions,

By Mr. GALLIVAN: Petition of Martin Glynn and 50 other citizens of Boston and vicinity, protesting against passage of House bill 18986, Randall mail-exclusion bill; Senate bill 4429, Bankhead mail-exclusion bill; Senate bill 1082, Sheppard District of Columbia prohibition bill; House joint resolution 84, Webb nation-wide prohibition; and House bill 17850, Howard bill to prohibit commerce in intoxicating liquors between the States; to the Committee on the Post Office and Post Roads.

By Mr. GARDNER: Protests from various manufacturers in the State of Massachusetts against the proposed increase in the tax on corporations; to the Committee on Ways and Means.

Also, protests from various manufacturers against the proposed increase in the tax on corporations; to the Committee on Ways and Means.

Mr. GORDON: Petition of 101 citizens of Cuyahoga County, Ohio, in opposition to certain prohibition measures now pending before Congress; to the Committee on the Judiciary.

By Mr. IGOE: Memorial of the Carpenters' District Council of St. Louis and vicinity, pertaining to the Americanization work of the United States Naturalization Service and urging an additional appropriation to carry on this work; to the Committee on Appropriations.

Mr. KING: Petition signed by Messrs, T. C. Poling, Chester Poling, and Samuel Woods, of Quincy, Ill., favoring certain bills now before Congress excluding liquor advertisements from the mails and forbidding the sale of liquors in the District of Columbia; to the Committee on the Post Office and Post Roads.

Also, petition of the First Congregational Church of Abingdon, Ill., and signed by its pastor, Rev. William T. Butcher, favoring and urging passage of a national prohibition amendment; to the

on the Judiciary.

Also, petition of Mr. M. J. West, president, and Mr. Roy Zabel, secretary, of the International Brotherhood of Electrical Workers of Kewanee, Ill., protesting against the adoption of mailexclusion bills; to the Committee on the Post Office and Post

By Mr. MORIN: Petition of Westmoreland Connellsville Coal & Coke Co. and the Reliance Coke Co., both of Pittsburgh, Pa., with reference to excise tax on net incomes; to the Committee on Ways and Means.

By Mr. SNELL: Petition of A. C. Sunderland, Ellenburg Depot, N. Y., representing the voters of school district No. 14, New York State, requesting support of prohibition bill; to the Com-

mittee on the Judiciary.

Also, petition of Fred Raby, secretary Branch 488, United States post office, and the following employees, asking support on House bill 6915, the Griffin bill: N. E. Laravie, O. J. Passnault, W. H. Burkey, R. C. Weaver, L. O. Mitchell, Earl Wheeler, W. E. Valentine, Henry Coste, jr., and Leo W. Barnard; to the Committee on the Post Office and Post Roads.

By Mr. SNYDER: Petition of various residents of thirtythird congressional district of New York, favoring the Anthony suffrage-for-women amendment; to the Committee on the Ju-

diciary.

By Mr. SULLOWAY: Petition of the post-office clerks of Manchester, N. H., praying for an increase of wages on account of the high cost of living; to the Committee on the Post Office and Post Roads.

Also, petition of Portsmouth Branch, No. 3, National Association United States Civil Service Employees, at navy yards and stations, praying for an increase in salaries on account of the high cost of living and other conditions; to the Committee on Naval Affairs

By Mr. TINKHAM: Petition of Charles T. R. Curwen, of Boston, Mass., and 41 others, opposing mail-exclusion and pro-hibition legislation; to the Committee on the Judiciary. Also, petition of New York Churchman's Association, re-

questing the President to protest against the German treatment of Belgium; to the Committee on Foreign Affairs.

HOUSE OF REPRESENTATIVES.

SUNDAY, January 28, 1917.

The House met at 12 o'clock noon, and was called to order by Mr. Littlepage as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer

Eternal God, Dispenser of all good, Father of all souls, our hearts instinctively turn to Thee as we thus assemble here today to record on the pages of history the life, character, and public service of a deceased Member who served his people, State, and Nation upon the floor of this House with fidelity, courage, and fortitude. We mourn his going, but not without hope. We thank Thee for that something within that tells us we shall never die, that something which tells us that truth shall outlive the stars, that something which tells us that love shall be satisfied. We mingle our tears with those who knew and loved him, his lonely widow and orphan children; and pray that they may look forward with imperishable hope to a reunion in a realm where sorrows nor death shall ever enter. And Thine be the glery through Him who taught us that good is stronger than evil, that life is stronger than death.

I know not where His islands lift Their fronded palms in air; I only know I can not drift Beyond His bove and care.

Amen.

THE JOURNAL.

The SPEAKER pro tempore. The Clerk will read the Journal of the proceedings of yesterday.

Mr. WOODYARD. Mr. Speaker, I ask unanimous consent

that the reading of the Journal be dispensed with.

The SPEAKER pro tempore. The gentleman from West Virginia asks unanimous consent to dispense with the reading of the Journal. Is there objection?

There was no objection.

LEAVE TO EXTEND REMARKS.

Mr. WOODYARD. Mr. Speaker, several Members who had signified their intention of speaking here to-day have been unexpectedly called away, and I ask unanimous consent that any Members who wish to do so may extend their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from West Virginia asks unanimous consent that Members who desire to do so may extend in the Record remarks appropriate to to-day's exercises. Is there objection?

There was no objection.

THE LATE REPRESENTATIVE MOSS OF WEST VIRGINIA.

The SPEAKER pro tempore. The Clerk will read the special order of the day.

The Clerk read as follows:

On motion of Mr. Woodyard, by unanimous consent.

Ordered, That Sunday, January 28, 1917, be set apart for addresses upon the life, character, and public service of Hon. Hunter H. Moss, Jr., late a Representative from the State of West Virginia.

Mr. WOODYARD. Mr. Speaker, I offer the following resolu-

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution No. 474.

Resolved. That the business of the House be now suspended, in order that opportunity may be given for tributes to the memory of Hon. Hunter H. Moss, Jr., late a Member of the House from the State of

West Virginia.

Resolved, That as a special mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these memorial exercises to-day, shall stand

Resolved. That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER pro tempore. The gentleman from West Vir-

ginia [Mr. Bowers] is recognized.

Mr. BOWERS. Mr. Speaker, it was not my pleasure to have had a long personal acquaintance with my colleague, the late Representative HUNTER HOLMES Moss, Jr. I became a Member Representative HUNTER HOLMES Moss, Jr. of this House on the 16th day of May, 1916, and he died a few weeks following. It was my pleasure to hear him deliver an able, eloquent address during this brief period and I was impressed with his ability, foresightedness, and his progressiveness. In that address he proved himself to be a man of courage, and, although apparently in great pain, he delivered it in a forceful and impressive manner. He was then walking within the shadows of death. He knew it, his family knew it, and his friends knew it. The sands were then running low in the

hourglass which timed his life.

Judge Moss became known by 'reputation throughout the West Virginians, like myself, knew him in that impersonal way, read with interest and profit of his stand on important judicial and public questions, as well as the addresses he was accustomed to make to bar associations and gatherings of our people in the western part of the State on nonpolitical subjects of considerable importance at the time of their delivery. We who lived far distant from where he lived and labored came to know him in this way, and West Virginians were universally attracted to him. They admired him for his aggressive style of public utterance, the outspoken emphasis of his opinions, and the clarity and common-sense texture of his judicial decisions. This combination of youth and wisdom on the circuit courts of our State was a comparatively rare thing even as late as then. West Virginia up till about that time still clung tenaciously to the archaic idea that old age, with its patriarchal beard, was fit only to wear the judicial ermine, interpret the laws and award judgments. Beardless youth, however wise and well poised, however learned in the law and upright of character, however abreast of the vanguard in the procession of progress of the age, was thought to be insufficient for the task. Happily, this is all changed in West Virginia.

The late Representative Moss was, perhaps, the pioneer in bringing it about. Wisdom and learning, character and industry, worth and merit are now rewarded when found in our sturdy young men. They do not have to wait until age has whitened their heads and infirmed their limbs to receive the Victorian crosses which the men in all walks of our busy American life have shown that they deserve. So it happened—and it happened in a remarkably short space of time—that Judge Moss's name became known Statewide, and his reputation as an able and upright judge likewise. Men like myself, far distant from his field of activity, bethought themselves that in him there was developing a man who was destined to mount to greater heights, to build the structure of his public career upon a foundation the corners of which would rest upon every boundary line of the Commonwealth. He possessed the qualities of leadership and statesmanship. His was a new and brilliant star in the public and official life of West Virginia. That opinion is still held. Death itself can not erase it. It alone, in our judgment, could and did prevent realization. Moss's career, extraordinary as it was, is far from achieving the grandeur and fame which it would have reached had he been permitted to live out the allotted three score and ten years.

In these circumstances which I have narrated it will be plain to my hearers that when I met Judge Moss here on the floor of this House I did not feel that I was meeting a stranger. Nor did he, I am glad to state. Our relations became immediately friendly and cordial, although we both knew at the time that our friendship would be of short auration. That, of course, was a subject never mentioned between us. In the few times I saw and talked with him I found no need to discount the appraisement.

In his district have died recently many of its most prominent men, among them the Camdens, Jacksons, Boremans, Shattucks. and Representative Moss's worthy competitor, Hon. John M. Hamilton

The district which I represent has been stricken, hard stricken as it were, within the past few years. No other one district in the Nation has lost so many of its valuable and distinguished men as this district.

First, only a few years ago, came the death of Senator Stephen Benton Elkins—and to whom I know of no better tribute than that printed in the Washington Post on the morning after his death. He was a man who made friends on every hand, who drew and held them to him, regardless of political affiliation, religious creed, or racial characteristics. Of him it may be said he was without an enemy. He was the apostle of sunshine, the embodiment of good cheer, the inveterate foe of pessimism, a supreme optimist who saw only the best in everyone and refused to believe ill of anyone. It was impossible for him to harbor a grudge, and if ever this sincere, big-hearted man gave offense in the heat of debate or political discussion, he was quick to retract and heal the wound before it began to hurt. In his loss the second district and the State of West Virginia lost the ablest man of his time and generation.

He was my friend and I loved him. He represented the highest type of American citizenship and American statesmanship. But only in the year gone by our losses have been very great, for following this came the death of my distinguished predecessor, Hon. William-G. Brown, known to us all and admired as Junior Brown.

Brown's ancestors were Scotch. His father was a distin-tished man, and held many positions of honor and trust guished man, and held many positions of honor and was the first Member of Congress from the second district. Junior Brown followed in his footsteps; was three times elected a Member of Congress, always making himself felt and respected. He was a big-hearted, affable, courteous American, who possessed a genial smile and hearty handshake that has never been excelled by any man. His liberality and generosity were surpassed by no man. His remarkable popularity was well de-No one was ever more loved or stood higher in the estimation of his friends than Junior Brown-and those who knew him best loved him most. He came to the House full of the wisdom of experience of dealing with affairs. He was a lawyer, a business man, a statesman, and was one of the ripest, strongest men of action in this illustrious body.

Two weeks after Mr. Brown's death came that of Gov. William M. O. Dawson-weak, frail, always weak and frail in body—the greatest organizer of his time, and one of the ablest men the State has yet produced. "It was Gov. Dawson's lot to stand at the focus of many contentions and to be praised or blamed with that decision which is characteristic of interest or passion rather than of reason or intelligence. With these contentions and judgments, which time can only read aright from the imperfect records of good and evil, I am not concerned. He was especially interested in promoting the welfare of the common people. Any measure which proposed to increase their happiness at once commanded his attention and support. The laboring man had no wiser or truer friend, and he gave him-self to the advocacy of those lines of social and industrial reform, to his judgment combined conservatism with advancement, in that wise proportion which is essential with healthy growth and real improvement to society." He was the greatest organizer of his time, and history will accord him a place as one of the many remarkable men of his State.

Last but not least of the great men who have lived in the second district and who have recently passed away is Senator Henry Gassaway Davis. Henry G. Davis was one of the most notable figures of the State, and one whose works and deeds ran current with its history. He was born during the administration which gave us the Monroe doctrine and died in Washington in March of last year, making his span of life cover almost a century of time. Family exigencies required him to begin his life work at the age of 13, and for 80 years his activities in private and public affairs continued uninterrupted. The governing elements in his character were untiring energy, persistency, and loyalty of purpose, clear vision, rigid integrity, and an abiding faith in the righteousness and results of all his undertakings. Others kept pace in the progress of events in the wonderful development of West Virginia, but he was ever in the forefront and his dominating personality made him a leader of men and measures. He served for 12 years in the Upper House of Congress, and his daughter has the unique distinction of having had a father, husband, and son who were members of the United States Senate, Senator Davis's achievements and fame are indelibly fixed in the annals of West Virginia, and he well deserved the title that was so freely and affectionately bestowed in his later years by his appreciative fellow citizens, of "the Grand Old Man of West Virginia."

But to go back to the splendid man in whose memorial we are gathered here to-day—Judge Moss died in Atlantic City on the afternoon of July 14, 1916. Congress had adjourned over the week end. Word was not received in Washington of his death until that night, coming then by the way of his home at Parkersburg. Senators and Members had scattered away to various resorts. It was with difficulty that even all the Members of the West Virginia delegation could be notified.

A majority of the Senators and Representatives who were

West Virginia delegation in Congress. Thus, it was a party of personal friends of the deceased. It was shorn of its stiff official character, and I think it was all the better. The men of that party were close to Judge Moss, had worked side by side with him; they admired him and they liked him, and felt his death as a loss personal to themselves. It was a beautiful July day when all that was mortal of our dead coworker and friend was laid away in a flower-lined grave in a cemetery at the edge of the city of Parkersburg, his home. The citizens thronged the Trinity Episcopal Church, where the funeral rites were read and the favorite hymns of the departed Congressman were impressively sung by the white-robed choir. There was a veritable garden of fragrant flowers surrounding the coffin and the church altar. The local bar association, the officers of the local courts, and county and city governments were present in a body. Outside the church the streets were lined with people, young and old, who had known the young lawgiver and lawmaker. The very air was laden with tribute and filled with tender memories. It was a scene which made itself "felt" in the hearts of everyone. I shall never forget the impressiveness of it. It was only in the few hours intervening between the closed grave and the departure of our train that that scene became vocal. I have never heard such splendid and heartfelt and tender tributes paid to any man as I heard fall from the lips of man after man in Parkersburg, who had known Representative Moss from the day of his birth until "The Moving Finger" had written the final word of his earthly chapter.

The death of Congressman Moss removed from West Virginia one of its most promising young men-young, ambitious, cultured, with a career so promising that one can not comprehend why he should have been cut down in his prime. is all the more pathetic because of his children. He met death, I am told, as he did every problem of his boyhood and youth, with a smile, a stout heart, and with a consciousness that he had faithfully and well performed his duty. loved wife and children, to his devoted mother and sister, no sweeter consolation can come than the thought gathered from his memorial address to the Elks some years ago in his home town:

There is no death! The stars go down To rise upon some fairer shore. And bright in heaven's jeweled crown They shine forever more.

And ever near us, though unseen, The dear immortal spirits tread; For all the boundless universe Is life—there are no dead.

Those who have known him best can temper their regret at his early taking off with gratitude to the Giver of every perfect gift that he lived among us even for so brief a space, and our farewell to him can be the fervent wish that the soul of this distinguished West Virginian may forever be at peace. It is God's will; so mote it be.

The SPEAKER pro tempore. The gentleman from West Virginia [Mr. WOODYARD] is recognized.

Mr. WOODYARD. Mr. Speaker, in the order of Nature-that Nature which moves with unerring certainty in obedience to fixed laws—Hunter Holmes Moss, Jr., has gone to that repose we call death. In the midst of his labors, while yet a young man by no means at the zenith of his intellectual powers nor brilliant yet substantial public career, crowned with honors and laden with trophies meritoriously won and gladly bestowed, with a future illumined by the white lights of promise, this friend and colleague of ours was suddenly stricken, and soon thereafter his courageous and intrepid soul took wings.

This House is met to-day to rejoice at the testimony he has left us and to commend his life and efforts as worthy of serious reflection and emulation. It is a service of helpfulness and inspiration to the living, for nothing we can say can add to nor subtract from the lives of our honored dead. No words of ours, however profound in thought nor how eloquently uttered, no chaplet that our hands can weave, no testimony that our personal knowledge can bring, will add anything to the fame of our deceased colleague, friend, and comrade that the public which knew him best, and which honored him most, will not now freely accord.

Judge Moss—this was the title by which he was addressed by his home people and by his constituents—represented the fourth congressional district of West Virginia in the Sixty-third and in the first session of the Sixty-fourth Congress until the day of his designated to attend the funeral services, which were to be held on the afternoon of Monday, July, 16, could not be reached in time for them to fulfill the appointment. In consequence, the official party was composed altogether of members of the by a broad and versatile experience in public life and office which comparatively few men in our country obtain at such an early age, and no man among West Virginia's public men, dead or living, so far as I have been able to discover by searching their biographies, ever had. County prosecutor, circuit court judge, Member of the National House of Representatives-all within the brief span of an even dozen years—these were the successive goals achieved by him, the triology of high honors bestowed upon him by an appreciative public as rewards for a high order of service performed with as high a degree of satisfaction to them. In these three important official positions his brilliant mind, his gifted tongue, his lofty ideals, his acquired learning. enviable manhood, and indefatigable industry found their opportunity for development, for expression, and for the performance of service beneficial to humanity in the county, in the State, and in the Nation.

In this connection I think it should be mentioned that Judge Moss represented no small nor remote constituency. It was in a populous, modern, industrial city that he started to carve out the remarkably successful and brilliant career to which we to-

day pay reverent tribute.

There was competition there between strong and brilliant men-men older, with larger experience and with accumulated honors and dignities-when he stepped forth from college on to life's crowded, jostling, and unsympathetic highway. It was there before, is there now, and ever will be to the end of time. It is this knowledge which makes his rapid succession of distinguished achievements all the more unusual and extraordinary. There was nothing accidental about his success. It came to him because he deserved it, because he worked hard for it, because he had the ability and courage to possess it. He was the elect among many ambitious and strong men, not by any trick of fate, but because those qualities which make for greatness and success in life he possessed in most abundant measure.

Not the least of these was family. Hunter Holmes Moss, Jr., was the descendant of distinguished forbears on both the paternal and maternal side. The Mosses and the Blairs were leaders in the social and professional life of their day. They were prominent in the communities in which they lived, exercising a benevolent and uplifting influence over their fellows, and favorably impressing themselves upon the history of their times. It is interesting to note that Judge Jacob Beeson Blair, grandfather of Judge Moss, was one of the first Representatives elected from West Virginia to this House, serving in the Thirty-eighth Congress, the district he represented then embracing all the counties, and numerous others, which many years later sent the distinguished grandson here to represent them. Judge Blair was one of the founders of the State of West Virginia, and his name is linked with the procession of events which led to the birth of a new star in the galaxy of loyal Union States.

It may not be inappropriate to mention here as an interesting historical coincidence that William Gay Brown, father of the late William Gay Brown, jr., who was a member of this Congress at the time of his death, March 9, 1916, and represented the second congressional district of West Virginia, was the other one of the first two members of this House to be elected from the then new-born State of West Virginia. As their elders had worked side by side in friendly relationship for the welfare of their State and their Nation, so the son and grandson with mutual respect and friendship, both answering the final roll call in the house of their Heavenly Father within less than four

months of each other.

The late Representative Moss was born in Parkersburg, W. Va., in the year 1874. His father was a banker, the son of a leading physician, who was equally as much of a leader as an officer in the Union Army. His mother, who survives him, was the daughter of Judge Blair, from whom she doubtless inherited her interest in literature and her mastery of the art of brilliant conversation, which have given her a leading and influential place in the club life of her home city, and is an added testimony to the advantageous intellectual heritage which fell to the son. The boyhood of Representative Moss, with the exception of a few years when his parents resided in Salt Lake City, was spent in Parkersburg. He attended the public schools there, then the State University, where he completed his academic and legal studies.

The honors which he reaped in his student years were a forecast of the larger and more distinguished honors which were to come to him when he entered upon the activities and struggles of his workaday life. He had scarcely more than two years practice at the law when he entered upon his political career; yet in that short time he had shown such ability as a counselor and such superior talent as an advocate that it was easy to be seen by the people of his native city and county-side that a new and brilliant star had taken its place in their his place here among them, and his abilities and worth were

firmament. Twenty-six years of age found Hunter Holmes Moss, Jr., nominated and elected prosecuting attorney for the great county of Wood over older men, lawyers of longer train-

ing, and officials of proven trustworthiness.

To this office was now brought an occupant who possessed the enthusiasm of youth, tempered with a grasp and comprehension which usually only accompanies the experience which goes with more mature years. Here was a brilliant, active mind, a studious nature, and a storage house of restless energy. It was but natural, then, that there should take place in the administration of the affairs of that office a radical departure from the rules which had governed its administration for many years preceding. The change had not been expected by the public, but it came, and succeeding events proved that it was welcome. For it was then and there, while administering the duties of that office, the foundation for as brilliant a career as any West Virginian ever made for himself in so brief a period of time was laid.

There was nothing sensational about it, unless it can be said that in that time and in that place an official who enforced the laws without fear or favor, whose sense of justice was so strong as to be almost a religion with him, was a sensation. His devotion to duty was his creed; absolute and exact justice to all and everybody alike was, it may be said, an obsession; honesty and loyalty were the points by which he ever steered his course. True to his conscience, true to his oath, and true to his obligation to the people who called him to their service—these were some of the main groundworks upon which this young State's attorney built for himself a monument more to be prized and more enduring than the marble one which marks his final resting place. He was the youngest man, up until that time, who ever held the office of prose-cuting attorney of Wood County, and no one before nor since has made a record superior to his in administering its affairs.

It is not to be wondered at, then, that before his four years term had wholly expired he was made the nominee of his party for the office of judge of the circuit court, embracing at that time the counties of Wood, Wirt, and Pleasants. He lacked a month or more of the required age—30—when he received the nomination, but he had attained that before the He was elected by a very large vote of the people. He was the youngest man to be elected circuit judge in the State's history. He assumed the judicial ermine which had been worn by men who had grown gray in the public service. Such men distinguished in the State's annals as James Monroe Jackson had worn it. The great "war governor" of West Virginia, one of the first two United States Senators elected from West Virginia, the beloved and revered Arthur Ingraham Boreman, had sat upon the bench of that court; had considered it as great an honor to round out his great career there as his fellow citizens had considered it a great honor to overwhelmingly and delightedly acquiesce in his wishes in regard to that,

The situation offered a supreme test of the mentality and character of the young prosecutor. How splendidly he stood it, with what exceptional ability he met it, with what dignity and learning, impartiality and justness he administered it, constitute a blessed memory for his relatives and friends and a shining chapter in the history of West Virginia jurisprudence. In the closing year—the eighth— of his judgeship, Judge Moss was acclaimed so just and so able by the bar and by the public that he could have succeeded himself without opposition, an offer unheard of before or since in that circuit. All he had to do was to say the word and he would have been unanimously reelected for another term of eight years. But another and, perhaps, a higher honor was opening up to him then-one which, if not higher, offered duties more to his liking and more suited to his active mind and energetic personality. For the excitements and strenuosities of political life appealed more strongly than anything else to Judge Moss. He liked the smoke and the thick of political battle. His reasoning powers and oratorical talents fitted him for the triumphs of the hustings, and the oppositions and support, the noise and the enthusiasm, were the very breath of life to him. His nomination for the Sixty-third Congress came easily to him, and his election little less so, although he was opposed by one of the most popular candidates the Democratic Party had to offer. His reelection to the Sixty-fourth Congress over both a Democratic and a Progressive opponent was an evidence of the undiminished confidence in and admiration for him which the voters had so signally given every time they had the opportunity to do so.

Of his labors in this House its membership is well aware and

promptly recognized and suitably rewarded. This was evidenced by his appointment to membership on the Committee on the Judiciary at the opening of the present Congress, a position of influence and importance which relatively few men attain at the outset of their second term. Here upon the floor of this House, before committees of the Congress, Judge Moss stood for the best that there is in life, as he did as public prosecutor and judge, as he did upon the lecture platform and in private life. He has left his impress for good upon this great body. It is entirely reasonable to believe that, had not death cut him down so ruthlessly and so cruelly, even greater success and higher honors would have come to him. His meteoric, meritorious, and extraordinary career amply justifies that belief—an opinion, I may say with confidence, which is held by the people who gave him their suffrage time and again, and to whom his services as a Member of this House and in the other official positions he so ably filled and so brilliantly adorned, were so pronouncedly satisfactory.

And now may I be pardoned for mentioning personal matters as briefly as possible. Judge Moss and myself were personal friends. We were associated together a great deal, especially in promoting the success of the party to which we belonged and in whose success we were so actively and devoutly devoted. Judge Moss was my friend and supporter in the five congressional campaigns I made in the fourth district of West Virginia. I appre-

ciated that help and he knew it.

When it came his turn to be the candidate of the great Republican Party in the fourth district for membership in this House, I gave him my support as ungrudgingly. He appreciated it. Our relations were cordial and friendly. We campaigned together, and some adventures of an interesting character which befell us upon these trips, upon one especially which was not without danger though fraught with humor after the danger had passed us by, I recall as most pleasant memories of our friendship and association. I had unbounded admiration for the talents and character of Judge Moss, and I am proud of the honor, as I am conscious of the added responsibilities of the office because of his having occupied it, of being chosen to succeed him. His record and memory will be a guide and an inspiration to me in taking up the service of

our country where he was forced by death to lay it down.

While there is much in the life of Judge Moss to admire, there is more in the manner in which he met death, because it strikes the chords in the hearts of men which respond to the touch of heroic deeds. It was in those critical, inexorable, relentless days which preceded his passing from among us, and at almost the very striking of his final hour that the indomitable courage and valor of the brave soldier who was his paternal grandfather asserted its hereditary dominancy. It was this greatest of all crises that come but once to us all which he met with a patience, a trust, and a courage which was sublime. No hero ever met a braver end, nor died more nobly. With so much to give up, to surrender, which makes life for men worth living, he met the final summons with a courage than which no mortal man has ever shown greater.

no mortal man has ever shown greater.

Hence, to that small circle around his recent heaven and home, who could know more of his manliness and worth than we do, we say: "Look up, if you can, through your tears; try to be as brave as he was, and try to remember—in the midst of a grief which his greatest wish for life would have been to help you bear—that he had no fear of death nor of anything beyond."

The SPEAKER pro tempore. The gentleman from West Virginia [Mr. Cooper] is recognized.

Mr. COOPER of West Virginia. Mr. Speaker: In the death of Representative Hunter H. Moss, Jr., his wife has lost a devoted husband, his children a loving father, and the Nation and State of West Virginia a fearless, capable, and able Representative.

We loved him in West Virginia because he had the ability and courage to advocate and fight for those principles he believed to be just and right.

While believing in the principles of the Republican Party and ever willing to defend it in debate, he was not a narrow-minded partisan, and was ever willing to concede to his opponents honesty of purpose in thought and debate.

Although a Republican in principle, thought, and action, Congressman Moss was a man of independent conviction, progressive in thought, and with judicial temperament. He was always careful to advocate and vote for those principles which, in his opinion and judgment, would best promote the welfare and happiness of the people of his State and the Nation.

We differed with him sometimes, and in a conflict of opinion he no more doubted our sincerity of thought or purpose than we doubted his honesty of conviction.

Well do I remember the last time Representative Moss stood upon the floor of this House and in a strong, forcible, and able speech advocated the passage of the ship-purchase bill, although a majority of his Republican colleagues registered their votes against that measure. Representative Moss was firm in his conviction that the principle was correct, and while it pained him to differ with his Republican colleagues, he left the Hall feeling he had acted as his constituents would have had him act.

We love and honor in West Virginia the memory of HUNDER H. Moss, Jr., the more because he stood upon the floor of this House when the body was frail and weak, when life was hanging by a thread, and with determination and force expressed himself in favor of the passage of a measure which in his opinion would best promote the interests of the people of West Virginia.

Because a great majority of his party associates advocated certain principles of government only appealed to Judge Moss when, after a careful study of the principles in question, he was convinced of their worth and justice. Perhaps his judicial training caused him to weigh matters more carefully than he otherwise would have done, but justice and right seemed ever to be in his mind when deliberating and deciding a disputed question.

His whole heart and soul seemed wrapped up in his congressional duties, his one thought being to give to the Nation and to his State his best work upon public questions.

After his speech delivered in the House on the ship purchase bill, his last appearance in the House of Representatives, Judge Moss went to Atlantic City, and with his loved ones about him sought rest and health; but it was soon apparent his condition was growing daily more serious.

The Sunday before the end came I visited him at his hotel. He was too weak to see visitors, but being advised I was in the city he insisted that I be allowed to see him. I found him on his death bed, but still with the same determination and the brave light of hope in his eye, although it was evident to me his soul would soon take its flight to its Maker.

I suggested to him that I would be only too glad to look after his personal congressional correspondence for him and do what I could to take from his mind any pressing matter. He immediately informed me that he was giving his personal attention to his congressional correspondence and would continue to do so, as it was his desire to keep in touch with the people of his district so that when he returned to his official duties he would be familiar with all matters in his district. This showed the determination of the man, his strong character; and, had he not been afflicted with an incurable disease, mind would, perhaps, have triumphed over matter, and Hunter H. Moss, Jr., would have been with us to-day.

Representative Moss was open-hearted, courteous, easily approached, and always willing to go out of his way to accommodate a friend. During my short acquaintance with him I took advantage of our friendship and association to learn many lessons from him upon questions of public importance. Being a lawyer of ability and having had congressional experience I relied upon his judgment, which I was convinced was sound and reliable.

I shall never forget the wealth of information I acquired from Representative Moss; and when I return to West Virginia and take up my business affairs I shall recall to memory the honest, fearless, and determined young statesman from the mountains of West Virginia; and as time rolls on and my thoughts turn to the many pleasant acquaintances and associations formed in the Sixty-fourth Congress I shall, I know, wish it were within my power to turn back the calendar of time in order that I might again be given the privilege of being associated with my friend, HUNTER H. Moss, Jr., in the Sixty-fourth Congress.

West Virginians genuinely regret the untimely death of Representative Moss. They recognized in him one of the best examples of West Virginia's splendid, able, and patriotic young manhood. They remember the services he performed as prosecutor and as judge of the circuit court for the State of West Virginia, and later as their Representative in this great body. They predicted for him still greater service for his State and the Nation, all merited, because of his ability and loyalty to duty. His sudden death, many years before man's allotted time, was a shock to them. When we are meeting to-day to pay the last tribute to the memory of the departed one, we feel we are but voicing the sentiments of his constituents in West Virginia, and feel they, too, would consider it an honor and a privilege to meet here for the purpose of paying their respect to the memory of the brilliant student, jurist, and statesman.

The SPEAKER pro tempore. The gentleman from West Vir-

ginia [Mr. Sutherland] is recognized.

Mr. SUTHERLAND. Mr. Speaker, it seems but a few days since this House was assembled upon a similar occasion to pay a

tribute of respect and affection to the memory of a member of the West Virginia delegation, our late honored colleague, William Gay Brown, of the second district of West Virginia. Twice within a year, in fact, within a period of a few months, has the last final summons to eternal rest in the arms of the Almighty been given to members of the delegation from our State, each time summoning a man in the flower of vigorous manhood, who was valiantly and faithfully doing his part as a man and as a public official. Our heads are again bowed in deep sorrow as we shall attempt in feeble words to express our estimate of the life and character of our late colleague, Judge Hunter Holmes Moss, and to express to those near and dear to him by family ties words of consolation in the fact that we share with them in part the

burden of loss they have been and are yet enduring.

Prior to coming to Washington early in April, 1913, as a
Representative from West Virginia in the Sixty-third Congress
I had not been intimately thrown with my late colleague and friend, Representative HUNTER HOLMES Moss, who entered Congress at the same time, although I had known him by reputation as a brilliant prosecuting attorney of one of the large and populous counties of the State, containing the city of Parkersburg, and as an honored judge of the judicial circuit of which that county—the county of Wood—was a part. His close attention to the duties of those two positions covering a period of 12 years from January 1, 1901, until January 1, 1913, and the reputation he had made in them easily gave him, without opposition, in 1912, the nomination for Congress in the fourth congressional district of West Virginia. His term in the Sixty-third Congress began March 4, 1913, and his active service in that body began on April 7, a little more than a month later. Our association from that time until he was called in such an untimely way to enter "that bourne from which no traveler returns" was of such a character that it gave me a close view was of such a character that it gave me a close view of his qualities, both as a man and as a public servant.

He entered upon his duties as a Representative from West Virginia with zest and became an active force upon the floor of this House and in all the other manifold duties of a Congressman's life, and at the same time took such a part as his duties would allow in the social activities of the National Capital.

I was constantly thrown in such close contact with him that I was enabled more and more to appreciate those qualities which, at such an early age, had brought him such uniform distinction.

While it is customary and somewhat expected that a new Member of this body shall serve a novitiate until he has become familiar with the methods and rules of procedure, yet the native force and ability of Judge Moss made him soon after becoming a Member of Congress an active factor in its deliberations, and his natural quickness of mind and grasp of public questions, his legal and judicial training, were destined to put him in the very first rank of the active membership of the House had he not been thus stricken about the middle of his second term while a Member of the present or Sixty-fourth Congress.

He was at all times conscientious to a degree in the discharge of every public duty devolving upon him. He strove conscientiously to represent in every particular the people of his district, and in a larger way to serve the people of his State and of the Nation. He was attentive to the work on the floor of the House, without neglecting the routine duties which consume so much of a Representative's time, but which duties, being of a less showy character, do not bring him so prominently into the public eye. He was always courteous, kind, and helpful to those about him, and in every way showed by his life and actions among us here that he possessed those sterling qualities of Christian gentlemanliness which are the flower of good breeding and the outcome of a good heart and a well-ordered intellect.

I happened to learn on the very day upon which he underwent an operation in Baltimore that the disease with which he was stricken was of a necessarily fatal character and that he could

not possibly expect to live many months.

The shock which this intelligence caused me was one of the severest I have ever experienced. While I had known that my friend Judge Moss had not for a short time been in robust health, yet his youth and energy and his correct habits at all times seemed to entitle him to live to a ripe old age. When he finally returned from the hospital in Baltimore, and after awhile resumed his place on the floor of this House, the display of Christian fortitude and manliness was to me daily one of the most remarkable exhibitions I have ever seen. If at that time he realized that he was fatally stricken and must soon pass hence, he did not in any way signify to the world that this was the case. Later he stated to me and to other friends that he was going to make the best fight he could—that the doctors might be mistaken and that he might overcome his malady. I watched be mistaken and that he might overcome his malady. I watched im discharge, under these circumstances, with persistence and gard to party lines and without exception, pronounced similar

regularity, the duties devolving upon him, and in my experience nothing more heroic, more courageous has ever come directly within my notice. He even persisted in attending to his duties when to do so must have been a severe drain upon his vitality and physical resources, and when, if he had saved himself, he might possibly have prolonged his life.

No hero upon a battle field, no gladiator in the arena, no knight of old ever fought a truer, nobler fight with an enemy than did Judge Hunter Holmes Moss fight here among us with the relentless foe that was facing and slowly conquering him.

He possessed to a marked degree the courage of his convictions, and one of his latest acts as a Member of this body was to leave his bed of pain and come over here to lead the fight in the Judiciary Committee, of which he was a member, to have reported out of that committee a resolution proposing a constitutional amendment to the several States granting equal suffrage to women. This was characteristic of the man.

In his private life, in his relations as son and brother, as husband of a devoted and congenial wife, as father of an interesting group of children, as a neighbor and friend to those who knew him best and longest, and as a member of the community in which he had lived during his entire life, Judge Moss always rang true and stood for all that makes for clean living, lofty ideals, good companionship, for personal and civic virtue.

As testimonials to the estimation in which he was held in his home community of Parkersburg, I will read editorials that appeared in two of the papers there—one of them of the same and the other of opposite political faith:

[From the Parkersburg Journal of July 17, 1916.]

CONGRESSMAN MOSS.

The untimely death of Congressman Hunter H. Moss, of this city, who expired after an heroic struggle to recover from a disease with which he was stricken some months ago, removes from West Virginia one of its most promising young men. Young, ambitious, cultured, full of life to the finger tips, to the ordinary grief at the loss of any lovable character there is added the sorrow that a young man with apparently a career so full of promise should be cut down in his prime. For those who have known him through his boyhood, his college days, on the bench, and in Congress it is hard to understand the removal of a personality like his from the activities of life.

There are those who have asserted that the day of opportunity for young men had been engulfed in the maelstrom of combination, monopoly, and practical politics, and that only the favored few can hope to succeed, but the brief and brilliant career of Hunter H. Moss was a refutation of this theory. His passing is all the more pathetic because of his cheeriness to the end. He met death as he did every problem of his boyhood and youth—with a smile, a stout heart, and a spirit unafraid—and when the tired eyes glazed Saturday, and the attendants at his bedside filed out of the presence of the mystery of life, a light had failed. To his beloved wife and children, his devoted mother and sister, no sweeter consolation can come than the thought gathered from the following beautiful lines quoted by their own cherished dead in a memorial address to the Elks some years ago:

"There is no death! the stars go down

"There is no death! the stars go down
To rise upon some fairer shore:
And bright in heaven's jeweled crown
They shine forever more.

And ever near us, though unseen, The dear immortal spirits tread; For all the boundless universe Is life—there are no dead."

We who have known him best can temper our regret at his early taking off with gratitude to the Giver of every perfect gift that he lived amongst us even for so brief a space, and our farewell to him can be the fervent wish that the soul of this distinguished young West Virginian may forever be at peace.

[From the Parkersburg Sentinel of July 17, 1916.]

[From the Parkersburg Sentinel of July 17, 1916.]

The news of the death of Representative Hunter Holmes Moss caused general sorrow throughout the State. In some respects the career of the Congressman from the fourth district was like that of John E. Kenna. Like Mr. Kenna he had high office at the gift of the people when young for such honors, and like Mr. Kenna he was cut down in the very prime of life, in his busiest hour.

Few men of Hunter Moss's years could point to so long a record of public service. He was elected prosecuting attorney at the age of 26, one of the youngest men in the State to hold that office, and four years later he was elected circuit judge, again a young man for that office, but fully competent by both training and experience. In 1912 and in 1914 he was elected to Congress after the most hard-fought and closest campaigns the district had ever known.

Judge Moss was born and reared in Parkersburg, his family was prominent in the upbuilding of the community, and he loved his home town. In local movements for civic betterment he took an active part and frequently, when partisan interest clashed with what he considered was best for the city or county, he cast partisan interest aside. As a lawyer he was a leader at the West Virginia bar, and as an orator his reputation spread over many States.

The home life of Judge Moss was ideal. He believed that salvation came through the saving grace of the Lord Jesus Christ and he never was too busy with temporal affairs to give time and attention to the needs of the Christian Church. Parkersburg loved and honored him as a distinguished son, and mourns because it has lost a good neighbor and worthy citizen.

enconiums upon the life and public service of our deceased friend and colleague.

I ask unanimous consent to extend my remarks by printing an account of the proceedings of the Bar Association of Wood County, the home county of Judge Moss, and the proceedings of the West Virginia Society of the District of Columbia.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The matter referred to is as follows:

[From the Parkersburg Sentinel, July 17, 1916.]

TRIBUTE OF RESUECT IS PAID BY BAR—MEMORIAL MEETING FOR JUDGE MOSS HELD BY WOOD'S LAWYERS—FITTING EULOGY IN RESOLUTIONS—ASSOCIATES IN PROFESSION TELL OF HIS STERLING QUALITIES.

QUALITIES.

A very largely attended meeting of the Wood County bar was held this morning to pay the last tribute of respect to the memory of the late Judge Hunter H. Moss; Judge L. N. Tavenner was made chairman of the meeting and Abijah Hays secretary.

A committee composed of J. W. Vandervort, W. W. Van Winkle, Judge F. H. McGregor was appointed to draft resolutions of respect and submitted the following, which were unanimously adopted:

Your committee, appointed to formulate resolutions on the death of Hon. Hunter H. Moss, begs leave to report as follows:

"We assume the task impressed with the tender touch of friendship, whose bonds are broken. We know that words are futile to express the pain we feel, and in the passing of Hon. Hunter H. Moss to young American manhood is given an example of what may be achieved by a courageous soul even at high noon, before his advance has reached the horizon of its glory. Deeds accomplished here in earth can not be measured by the flight of years; and he, at the age of 42 years, has been called away, crowned with earthly honors and reward.

"Hunter H. Moss, Jr., died in Atlantic City, N. J., July 15, 1916. He was born in Parkersburg May 26, 1874. His father was Hunter Holmes Moss, his mother Harriett Wilson Blair. His father was the son of the late John W. Moss and was for many years engaged in banking in Parkersburg, for a time cashier of the Parkersburg National Bank, and at the time of his death vice president and cashier of the First National Bank of Parkersburg. His mother, surviving him, was the daughter of Jacob Beeson Blair, one of the first Congressmen from West Virginia, and prominent in the formation of the State of West Virginia, and prominent in the formation of the State of West Virginia.

AN ABLE LAWYER.

"Graduating from the West Virginia University in 1896, with the degree of LL. B., he quickly engaged in the practice of law, securing a large practice through his unusual ability and extensive acquaintance throughout the State. Recognized as an able practitioner and of analytical mind, he was elected prosecuting attorney in 1900. At the close of his term in 1904 he was elected circuit judge, in which position he developed an ability remarkable in so young a man, diligently discharging his duties, careful in judgment, and seldom reversed on appeals.

charging his duties, careful in judgment, and seldom reversed on appends.

"After leaving the bench he was elected to represent the fourth district of West Virginia in the Congress. At the time of his death he was in his fourth year of service. He was strong as an advocate in the law, a good debater, and unafraid to meet an issue, whether at the bar or in the political forum. He put his whole soul into every case or subject he had. In his decisions from the bench he seemed to grasp with a masterly mind the real justice of the cause and molded into his judgments and decrees equity in its real essence.

"April 30, 1902, at Parkersburg, he married Anna Baker Ambler, daughter of B. Mason Ambler and Nannie B. Ambler. They had three children, all living, Ambler Holmes, Hunter Holmes, and Ann Cary.

"He was a distinguished and public-spirited citizen, of exemplary and industrious habits, charitable and chivalric in his nature, wise with wonderful sagacity, of infinite tenacity of purpose, genial and approachable, ever the friend of good government, cultivating the loftiest ideals and governed by the highest principles, of the warmest heart, a devoted and loving husband, a benign and indulgent father, a lovel and unchangeable friend, guided in all his actions by a firm belief in the wisdom of Divine Providence; full of honors, cut off in the prime of life, he has been gathered to his fathers, a rare man whose memory will ever be fragrant with duties performed, flowers that strew his pathway of life, and whose death is a public calamity.

ABLE PROSECUTOR.

ABLE PROSECUTOR.

"Defending the people for four years, he was one of the ablest prosecutors Wood County ever had, holding ever the scales of Justice; for eight years he administered the law as judge of the circuit court, tempered with mercy and enriched with wisdom beyond his years. In the field of statesmanship, his second term in the Congress of the United States, he has fought for his country and the people with work and pen and voice, bold and strong for what he believed to be right.

United States, he has lought to the work and pen and voice, bold and strong for what he believed to be right.

"If with the impetuousness of youth he engaged in varied lines of business and did not meet with anticipated success, yet in no line of life or labor was his character smirched or his honor tarnished by doubtful deeds.

"He has been called home, away from mother, wife, children, and from us all, his friends; he fought true life's battle, he touched deep human hearts, he felt warm the flame that burns on the family hearth and fireside, he lived high toward life's ideals, and with it all, as father, friend, citizen, lawyer, judge, and statesman, his leader and teacher always was our Christ, who interceded on Calyary for us all.

"We tender to his family our sympathy in their sad bereavement, and recommend that a copy of these resolutions be engrossed and sent by our sceretary to his wife, and that copies of the same be furnished the press of the city and State, and recommend that a copy of the same be spread upon the minutes of the courts of this county as the memorial of the bar of Wood County to his life and works, and our tribute to his virtues by those who knew him best.

"We further recommend that the bar attend his funeral in a body.

"J. W. VANDERVORT,

"W. W. VAN WINKLE,

"F. N. McGraegor,

"Committee."

REMARKS OF ASSOCIATES.

Before the adoption of the resolutions remarks were called for, eliciting a number of heartfelt tributes to the dead jurist. These were all characterized by deep feeling, as were the remarks made by Judge

Tavenner in taking the chair. He said be felt like asking leave to remain standing, rather than take the vacant chair that so suggested the man who had once occupied it.

J. W. Vandervort spoke first, saying he had known Hunter H. Moss almost from infancy, and had seen him grow and advance not only in mind but in worthy ambition, and had seen him elected to positions of honer, but in every one of them his first care was to see the right embodied in all his acts.

Mr. Vandervort said, referring to the financial reverses experienced by Judge Moss's mind was that all of his property should go to his creditors, with nothing reserved for himself but an unsmirched honor. No one, said the speaker, could have felt his position more keenly and he had no doubt that the anxieties of this nature hastened the young statesman's death. He closed with a tribute to Judge Moss's as a man of sincere religious convictions, whose conscientiousness was one 4 his most prominent characteristics.

W. M. Strauss spoke feelingly of Judge Moss's student days, saying that he never knew a young man of more promise nor one in which that promise was more thoroughly fulfilled. Only one part of Judge Moss's career remained inexplicable to him and he had no doubt that this would have been explained had he lived and it would have been clear that his life was a consistent whole; and that his later years would have been crowned with even greater honors than his earlier ones.

Judge C. M. Showalter gave some interesting reminiscences of Judge Moss as prosecutor, when the speaker was associated with him as assistant prosecutor and also as partner in civil practice. He said Judge Moss's most distinguishing attribute was his extreme fairness and sense of justice. He took no advantage and if he felt that a prisener was innocent he did not hesitate to say so.

W. E. White said he felt very keenly the death of Judge Moss, as they were friends of long standing and had been closely associated in politics. Attorney White's remarks were also largely reminiscential and were full of interest. Several incidents were related showing Judge Moss's sense of fair dealing.

Judge T. A. Brown delivered the next tribute to the dead jurist, saying, among other things: "I knew him well and intimately. In all positions he stood the crucial test of a man. As a representative of the people of his district he was able and conscientious. As judge he was honest, fearless, and clean. As a friend he was ever loyal and true, Words might be multiplied, but a higher tribute than this I can pay to no mortal man."

H. P. Camden told of his long friendship with Judge Moss, which

no mortal man."

H. P. Camden told of his long friendship with Judge Moss, which nothing had altered, and paid a high tribute to him as a judge. He said his record on the bench was equal to that of any ever made in this county and told how business had been facilitated by the systematic methods introduced by Judge Moss. Referring to his adverses, the speaker said he fully believed that Judge Moss was led into them by taking the advice of men in prominent positions on whom he had a right to rely, and he told how Judge Moss had declared to him his firm purpose to pay all that he owed if his life was spared long enough for him to do so. This seemed his greatest ambition during the last years of his life. of his life.

It was decided that the bar should attend the funeral in a body and announced that all should meet at the courthouse at 4.15 p. m. to day for that purpose. Arrangements were made for a suitable floral tribute from the bar.

I also offer as a part of my remarks the resolutions adopted by the West Virginia Society in the District of Columbia, as follows:

West Virginia Society of the District of Columbia, Washington, D. C.

At a meeting of the West Virginia Society in the District of Columbia, held September 1, 1916, the following action was taken:

"Whereas, our friend and fellow member, Hunter Holmes Moss, Jr., departed this life July 15, 1916.

"Resolved, That we, his fellow West Virginians, who have shared his friendship, hereby manifest the respect due his memory. We recognized in him a shining example of the best manhood of our native State and the manifold opportunities it offers to young men of a high order of talent and character to obtain the suitable rewards they merit. As university student, lawyer, public prosecutor, circuit court judge, and Representative in Congress, Hunter Holmes Moss, Jr., stood for justice, righteousness, and open-handed dealing between man and man. He was always an eloquent and forceful advocate of what was best and noblest in American citizenship. His life was an open book and his public career the brilliance which Illumined its pages. We who knew him but to respect and love him, commend his life as a worthy example for the youth of our beloved West Virginia to emulate.

"Resolved, That we extend our heartfelt sympathy to his family in their great loss, and that a copy of these resolutions be forwarded to them."

HENRY S. BAKER,

President.

WM. T. George,

Secretary.

The SPEAKER pro tempore. The gentleman from West Vir-

ginia [Mr. Neely] is recognized.

Mr. Neely. Mr. Speaker, twice within the space of one short year insatiate and all-devouring death has preyed upon the West Virginia delegation in the Congress of the United States. Again "the silver cord has been loosed, the golden bowl broken, the pitcher broken at the fountain, and the wheel broken at the cistern." Again we are called upon to mourn the loss of one of West Virginia's illustrious sons. With bowed heads and heavy hearts we have come to this forum to commemorate the memory of the Hon. Hunter Moss, late an active, able, and aggressive Member of this House. To-day we lovable, and aggressive Member of this House. ingly hold this sad and solemn service as a token of regard for our departed friend. We extol his virtues and eulogize the characteristics that made his life an asset to the Nation and his death a loss to the Republic.

HUNTER Moss was a self-made, a self-respecting, and a self-controlling man—rich in intellect, great in heart, and grand in soul. He was successively elected prosecuting attorney of Wood County, judge of the fourth judicial circuit of West Virginia. and a Member of Congress before he had reached the age of 39. At 40 the fame he had achieved and the honors he had won proclaimed him a man of genius and one of fortune's favorite sons.

As a public official he knew no dictator but his conscience, no guide but his judgment, and no purpose but to serve his country.

He walked the rugged road of right, and never for a moment wandered from the way to loiter in alluring shade, or drink the bacchanalian draught, or pluck the idle flowers that fringe the banks wherein temptation's wooing tide doth ever surge and flow.

Where duty led he followed, heedless of results, regardless of misfortunes, and thoughtless of rewards. He was a model citizen, a devoted husband, a loving father, and a faithful friend; a patriot who loved principle more than party, a statesman who worshiped at the shrine of truth, an official who burned incense on the altar of universal good. For his patriotism we honored him, for his statesmanship we admired him, for his faithful services to his country we loved him; and since we loved, admired, and honored him in life, we revere him in death, cherish his memory, and strew the brightest of flowers upon his grave. We wrap the spotless record of his achievements in the golden foil of affection, entwine it with the silver threads of appreciation, and store it in the spacious vault of the heart to be treasured there until we, too, return to silent dust. Midway between the daylight and the dark, midway between the dews of May and December's cold and surly blasts, while his sun was at the zenith, his life at the fullest, and his hopes at the highest, the marble-hearted messenger of death, that knows no mercy and feels no pity, summoned HUNTER Moss to join the countless myriads of the dead. But in the grand total of eternal things it matters little when or where one dies. The longest life is but an infinitesimal point in eternity's endless line. By the liberal scale of infinity's measurements it is but a short step from the first of earth's cradles to the last of her graves

For reasons that we do not comprehend, for motives that we do not understand, it may be just as well for the bursting bud to be killed by an early frost as to live to become a perfect flower and scent the air with its sweet perfume. It may be just as well for man to die in the summer time of life as to live until the snows of winter frost the hair and chill the thought and freeze the heart. At least, we hope that this is true. Without a doubt, a protest, or a fear Hunter Moss, "sustained and soothed by an unfaltering trust approached his grave like one who wraps the drapery of his couch about him and lies down to pleasant dreams."

and lies down to pleasant dreams."

Dream on, oh sainted dead, through seedtime and harvest; through sunshine and shadow; through winter's storm and summer's calm; dream on until the angelic harbingers of the resurrection shall arouse thee from thy slumber and usher thee through the pearly gates of paradise into the imperishable Joys of thy Lord.

Husband, father, friend:
"Farewell. * * *
All our hearts are buried with you,
All our thoughts go onward with you.
Come not back again to labor,
Come not back again to suffer,
Where the famine and the fever
Wear the heart and waste the body.
Soon our task will be completed,
Soon your footsteps we shall follow,
To the Islands of the Blessed,
To the Land of the Hereafter."

From this memorial exercise the living should learn anew a lesson that is as old as sacred history. The lesson is this: "It is better to go to the house of mourning than to go to the house of feasting, for that is the end of all men; and the living will lay it to his heart." A sanctuary of sorrow is a crucible in which to purify the soul. May our coming to this service not have been in vain. May the premature death of Hunter Moss be a constant reminder to us of the serious meaning of that irrevocable decree: "Man is born to die." While we are industriously struggling for fortune and sedulously striving for fame, and while we are eagerly endeavoring to "lay up for ourselves" diversified "treasures upon earth," let us remember that death comes nearer to everyone with every fleeting breath; that it comes indifferently, as a thief in the dead of night or as a royal guest at the blaze of noon." Let us bear this well in mind, not that our days may be consumed with impotent grief or our lives shrouded with dis-

piriting gloom, but rather that we may be impelled to make timely preparation for the coming of the inevitable hour in which every man must surrender his own soul.

"And when the Angel of Shadow
Rests his feet on wave and shore,
And our eyes grow dim with watching,
And our hearts faint at the oar,
Happy is he who heareth
The signal of his release,
In the belis of the Holy City
The chimes, of eternal peace."

With an abiding faith that everything in the universe was designed by an unerring architect for some ultimate good, with an abiding faith that all who earnestly and honestly strive shall eventually wear perfection's crown, let us go forth, with hope in our hearts and courage in our breasts, to fight the good fight, to finish our course, and unqualifiedly to keep the faith.

"And when earth's last picture is painted And the tubes are twisted and dried; And the oldest colors have faded, And the youngest crities have died, We shall rest, and faith we shall need it. Lie down for an zon or two, "Till the Master of all good painters Shall set us to work anew. And those who were good shall be happy, They shall sit in a golden chair; They shall sit in a golden chair; They shall splash at a ten-league canvass With brushes of camel's hair; They shall have real saints to draw from, Magdalene, Peter, and Paul, They shall paint for an age at a sitting And never get tired at all; And only the Master shall blame, And no one shall work for money, And no one shall work for fame, But each for the joy of the doing, And each in his separate star, Shall paint the thing as he sees it, For the God of things as they are."

The SPEAKER PRO TEMPORE. The gentleman from Wisconsin [Mr. Nelson] is recognized.

consin [Mr. Nelson] is recognized.

Mr. NELSON. Mr. Speaker, with genuine regard for the memory of Hunter Holmes Moss, Jr., and sincere sorrow because of the untimely taking away of our associate and friend, I wish to place upon the permanent records of the House a few words of loving personal tribute to his life and character.

His legislative career was not long, little more than three years, and yet such was the powerful impress of his personality that his name and fame will endure here longer than that of most men who have been privileged to sit in this Hall among the leaders of the Nation.

During the past two sessions of Congress it was my good fortune to come into close contact with him, within the circle of good-fellowship that prevails in the Committee on the Judiciary. Here I learned to know him well and to admire greatly his fine qualities of mind and heart. Here I saw him in action, Seeking to promote the common good, he stood for what was right; despising unfair tactics, trickery, and deceit, he was openminded, considerate, and sincere; hating every show of arbitrary power, he enthusiastically championed the rights of all, the interests of a common humanity.

the interests of a common humanity.

Now that he has left us, and we lament our loss, it is with satisfaction we know that, though his thread of life was cut off suddenly in the prime of his matured manhood, yet he had achieved a very successful career.

A study of his life will prove an inspiration to any young

A study of his life will prove an inspiration to any young man who wishes to win his way to high and honorable distinction.

Mr. Moss was successful, because his life was adjusted to his environment; it was in accord with the eternal truth of things. He early filled his mind with the learning and drilled it with the discipline of school and college. He acquired a mastery of the principles and the practice of his profession. He builded for himself a home, happy in the love of wife and children. He won by faithful service the confidence, esteem, and affection of his fellow citizens; and his whole life bore silent witness to a harmonious adjustment with Him whose breath is the spark divine in every soul.

The life of Judge Moss was not only conditioned upon a harmonious adjustment with the realities of being, it was also progressively directed toward higher ideals. He had the onward, forward, and upward outlook upon life, the vision of higher things. In a brief and very modest semiautobiographical sketch we read these few self-revealing words: "He has always been progressive in his ideas and tendencies." His speeches and votes, while a Member of Congress, eloquently illustrate the largeness of his ideas, the loftiness of his vision. Those of us who have rebelled in the past against the opposite tendency on the part of the more conservative to hold back

or stand still found in Judge Moss a sympathetic associate. In the largest and highest sense he believed in the widest and

the noblest extension of the principle of democracy.

Not only were his ideas and tendencies progressive, but he put his ideas and tendencies into deeds. He achieved results. He grew. He developed. He progressed steadily from one level of achievement to some still higher plane of attainment. Thus, because he was "progressive in his ideas and tendencies," he made his way from the common school to the university; he passed soon from the position of practicing lawyer to the office of district attorney, then circuit judge, and, finally, national lawmaker. He was content to remain but one short term on a minor committee of the House and then won for himself a place upon one of the highest committees of Congress, and here he soon won our admiration, esteem, and affection, and we accorded to him distinct prominence.

But Judge Moss was not only a progressive, he was an aggressive personality. His character was cast after the heroic type. He was a fighter. Convinced of the rectitude of his purposes, the sincerity of his convictions, and the unselfishness of his motives, he was without fear, and therefore he fought bravely for what he thought was right. He was guided, however, not only by an enlightened conscience, but also by a clear head. As day after day throughout the year we sat around the table of the committee discussing either the general principles or the details of bills before us, or it may be some amendment to the Constitution itself, Judge Moss often revealed the fact that he was in possession of an intellect keen

as any blade of Damascus.

But the elements, conscience and intellect, however important these are, do not constitute in themselves alone that nobility we speak of in life as the heroic. The essence of genuine hero-ism is the spirit of self-sacrifice. It is he who courageously faces death to save his fellowmen, or risks life to vindicate a principle, a truth, or a great cause, the great commanders decorate upon the fields of battle, or the common people crown with the laurel wreaths of favor and applause. A more heroic public act than that performed by our friend I have never witnessed through a decade of service in the House. It made a powerful impression upon us, whether we agreed or disagreed with his views on the orbits of some land. views on the subject of equal suffrage. As to the emancipation of the womanhood of America, Judge Moss had definite and strong convictions. The famous Susan B. Anthony amendment was pending before our committee. It had strong friends but also powerful opponents, both sides equally sincere in their convictions. The advocates of the equal suffrage amendment were urged to have it reported to the House at the earliest possible moment. The committee itself was so equally divided that one vote either way would be decisive. At this time Mr. Moss was stricken with the disease that finally proved fatal. For months he lay hovering between life and death. Skillful physicians could do no more than to prolong his life for months, or weeks, It fell to me somehow, as a friend of the suffrage cause, to move that the amendment be reported out of the committee whenever I was convinced that its friends were in the majority. On three different days, weeks apart, Mr. Moss responded to the call, most heroically drawing upon the last resources of his weakened physical strength to attend upon the meetings of the committee. We knew, and, I believe, he knew, that his days were few, yet he fought as bravely for a favorable report as if he were to enjoy the ultimate triumph of the suffrage cause in the years to come.

Having received the summons from that "undiscovered country" whence no traveler returns, Judge Moss had not lost interest in the struggles and the aspirations of his fellow beings. Such was the spirit of self-sacrifice, the unselfish heroism of his conduct that it made an indescribable impression upon us all, and the event was chronicled not only in the publications of the suffrage associations with grateful appreciation, but was also reported with admiration and praise in the press of the country.

Seeking as I now do, to interpret the life of my friend, I see him, I hear him, in these words of one to me unknown:

I live for those who love me,
And those who know me true,
For the heaven that smiles above me
And awaits my spirit, too;
For the wrongs that need resistance,
For the cause that needs assistance,
For the future in the distance,
And the good that I can do.

The life of our friend stands before us—a broken column. We believe that it is not the end—only a change. With Wordsworth we are constrained to believe, as we behold this mystery of mysteries—life and its passing:

One adequate support
For the calamities of mortal life
Exists—one only—an assured belief
That the procession of our fate, howe'r,
Sad or disturbed, is ordered by a Being
Of infinite benevolence and power
Whose everlasting purposes embrace
All accidents, converting them to good.

The SPEAKER pro tempore. The gentleman from Missouri

[Mr. Dyer] is recognized.

Mr. DYER. Mr. Speaker, I am sure that I can not with the feeble words at my command add anything to what has been so beautifully and sincerely uttered touching the life, character, and public services of our former colleague, HUNTER HOLMES MOSS, Jr., by his colleagues from his own beloved State, West Virginia, as well as of those from other States of our great Union.

Knowing him and feeling the great loss that we and the country have sustained in his death, I want permission to at least echo all that has been so deservedly and fittingly said in praise of him. No new words are needed from me or anyone to evidence the deserved, loving, esteem in which he was held by all who were privileged to know him. That which is said here to-day may be soon forgotten, but his collegues, his loved ones, and his friends will remember him with loving admiration to the end.

Ut silvae foliis pronos mutantur in annos, Prima cadunt; ita verborum vetus interit aetas. Et invenum ritu florent modo nata vigentque. Debemur morti nos nostraque.

The gentleman from Wisconsin [Mr. Nelson] has referred more directly to the life of Mr. Moss as a legislator. It was my honor and privilege as a member of the Committee on the Judiciary also to serve on that committee with him and to have seen at first hand how strongly he felt regarding his duty to the whole people. I recall well how he came to the meetings of the committee when important matters were up for consideration, and while at the very time he was hardly able to get out of his bed. He must have known then that he was only for a few weeks for this world. Understanding this, he was to the last faithful, true, and obedient to his conscience and the wishes of the people who sent him to Congress. He was a worthy representative of a great people, and it is indeed a great sorrow to us all that he should have been taken away at so early an age, and at a time when his services were so greatly appreciated and so greatly needed.

One of the greatest privileges that comes to us as Members of the House of Representatives is the opportunity to meet and associate with men of such sterling worth and character.

Great as is the loss to us, how much greater must it be to those who have known him and been associated with him all his life! To his family, his friends, and the people of the district that he represented I offer my most sincere sympathy. Yet there is consolation to them in the fact that though he was cut down at an early age, yet he had been of inestimable service to his country. He had helped and had done more than his part already in the work of good government. It is from the lives and character of such men that we can point to our great and free Government and to the great good that it has done to the peoples of America and of the world, and to what it shall, will, and must do in the future.

We loved and admired him in life. We shall benefit in practicing and teaching the principles for which he fought. He helped to make the country great. He loved his fellow men and he loved his country. He wanted everyone to have an equal, fair, and just opportunity in life. He knew the history of America and of the trials and vicissitudes that had beset her upon many occasions, and if he were here to-day he would join in the patriotic sentiment of Americans generally in saying:

Thou, too, sail on, O Ship of State!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!
We know what Master laid thy keel,
What workmen wrought thy ribs of steel,
Who made each mast, and sail, and rope,
What anvils rang, what hammers beat,
In what a forge and what a heat
Were shaped the anchors of thy hope!
Fear not each sudden sound and shock,
'Tis of the wave and not the rock;
'Tis but the flapping of the sail,
And not a rent made by the gale!
In spite of false lights on the shore,
Sail on, nor fear to breast the sea!
Our hearts, our hopes, are all with thee,
Our faith triumphant o'er our fears,
Are all with thee—are all with thee!

Mr. NEELY assumed the Chair as Speaker pro tempore.

The SPEAKER pro tempore. The gentleman from West Vir-

ginia [Mr. Littlepage] is recognized.

Mr. LITTLEPAGE. Mr. Speaker, I should feed remiss in the discharge of my public duty if I neglected to add my testimony as a Member of this body from the State of West Virginia to the high character, worth, and nobility of purpose of one of our distinguished Members who has died, whose spirit has taken its flight across the mystic river of time to return no more. I have myself just gotten out of a hospital, and what I shall say will be

extemporaneous.

For a young man to start in life with all of its vicissitudes, all its snares and pitfalls, and so conduct himself in the community where he was born and reared as to command the unbounded confidence and respect of the citizens of that community to the extent that they pick him up and elevate him to positions of trust and responsibility, as was the case with our departed brother, Mr. Moss, must add to our faith in the value of having lived. His is an example that is worthy of the emulation of the young men of the land and of public men throughout the Nation and the world. That he did well, that he was kind and noble, strong and agressive is testified to by the people of his State. That he was above all things honest and reliable must be a comfort to his people as it is a reward to his acquaintances. For him to have struggled along the highway of life, you might say, unaided by the power of wealth or political influence, and to have attained that high position of respectability and of trust is a reward to us who cherish his memory and must be a comfort to his

I sincerely appreciate as a citizen of the Commonwealth of West Virginia the splendid tributes which have been paid to the memory of HUNTER Moss, who has traveled all the way from the position of prosecuting attorney, circuit judge, and finally rose in life to the second position below the Presidency of the United States-that of membership in the American Congress, which must be a comfort to those who love and revere his memory.

I should feel remiss also if I did not take this occasion to say a word relative to the immediate members of his family, who, when they saw his life ebbing away, were so kind, so thoughtful, so noble, and so true in their devotion to him who has gone, but whose memory will ever be worthy of their thought and affection.

He stood high in this House among both Democrats and Republicans. He was an independent man and an independent thinker. I saw him arise from his seat on the other side of the aisle when his own party was practically unanimous in its vote against the ship purchasing bill. I head his utterances; and while he was faithful to his political organization, and while he loved his own reaches. loved it well, he loved his own people and his State more. His State needed the benefit to be derived from a bill of that character. It is a coal-producing State, and it needs all the ships that can be obtained to carry its products to other climes. I want to say in this presence that he stood up here in this House and voted and spoke for his State, for its business men, and its people. He was true to them as he was honest here.

The people of his State have suffered a heavy loss, this Nation one of its best friends, this House one of its most beloved

Members.

ADJOURNMENT.

The SPEAKER pro tempore [Mr. LITTLEPAGE]. In accordance with the resolution heretofore adopted, the House stands adjourned.

Accordingly (at 1 o'clock and 43 minutes p. m.), the House adjourned until Monday, January 29, 1917, at 12 o'clock, noon.

SENATE.

Monday, January 29, 1917.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the fol-

lowing prayer:

Almighty God, we come to Thee in supplication and prayer, with praise and thanksgiving, because whatever merit there is in us has come from Thee, for in Thee we live and move and have our being. Our fathers have built for us a great Nation under our being. Our fathers have built for us a great Nation under the guidance of God, and we seek to perpetuate its glorious ministry to the world by the grace of God. We desire to fulfill ourselves in Thee by finding our highest place in our citizenship and in the world under the guidance and by the grace of God, that we may inherit the blessings of God here and life eternal in the world to come. Guide us this day in the discharge of our duties. We pray in Jesus' name. Amen.

On request of Mr. Brandegle, and by unanimous consent, the reading of the Journal of the proceedings of Saturday last was discensed with and the Journal was approved.

dispensed with, and the Journal was approved.

SENATOR FROM NEW YORK

The VICE PRESIDENT. The Chair lays before the Senate the credentials of WILLIAM M. CALDER, chosen by the qualified electors of the State of New York a Senator from that State, which will be printed in the RECORD and placed on the files of the Senate.

The credentials are as follows:

STATE OF NEW YORK, EXECUTIVE CHAMBER.

To the President of the Senate of the United States :

This is to certify that on the 7th day of November, 1916, WILLIAM M. CALDER was duly chosen by the qualified electors of the State of New York a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1917.

Witness his excellency our governor, Charles S. Whitman, and our seal hereto affixed at Albany, this 11th day of January, in the year of our Lord 1917.

[SEAL]

ISBAL. By the governor: CHARLES S. WHITMAN, Governor.

FRANCIS M. HUGO, Secretary of State.

DISPOSITION OF USELESS PAPERS (H. DOC. NO. 1996).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of Labor, transmitting a list of papers which have accumulated in the Department of Labor and which are of no further use in the transaction of official business. The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints as the committee on the part of the Senate the Senator from New Jersey [Mr. Martine] and the Senator from Washington [Mr. Jones]. The Secretary will notify the House of Representatives thereof.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed, on January 27, 1917, the following acts:
S. 7536. An act authorizing the Western New York & Penn-

sylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the borough of Warren and township of Pleasant, Warren County, Pa.; and

S. 7538. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in Glade and Kinzua Townships, Warren County, Pa.

LEAGUE TO ENFORCE PEACE.

Mr. BRANDEGEE. Mr. President, I send to the desk and ask that the Secretary may read a letter received by me-and I suppose other Senators have received a similar letter-from the League to Enforce Peace. I ask that after it has been read the proposals of the League to Enforce Peace may be printed. I send that to the desk also.

I do this because there is so much discussion as to what the league recommends and what its organization advocates that I think it is of some importance it should be recorded perma-

nently.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

The Secretary read as follows:

[League to Enforce Peace. Formed in Independence Hall, Philadelphia, June 17, 1915. William Howard Taft, president; Alton B. Parker, vice president; Herbert S. Houston, treasurer; William H. Short, secretary; Horace R. Baker, assistant secretary-treasurer; Charles C. Michener, director field work; Charles Millington, press secretary; Charles F. Carter, editorial secretary; Lybrand, Ross Bros. & Montgomery, certified public accommants, auditors. Executive committee: A. Lawrence Lowell, chairman; Charles H. Brough, John Bates Clark, Charles Stewart Davison, Henry S. Drinker, Samuel J. Elder, Edward A. Filene, John B. Finley, Glenn Frank, Edward W. Frost, Wilfred W. Fry, Philip H. Gadsden, John Hays Hammond, John Grier Hibben, Hamilton Holt, Herbert S. Houston, Harold J. Howland, Darwin P. Kingsley, Frederick Lynch, Theodore Marburg, Anson Mills, Arthur E. Morgan, La Verne W. Noyes, Le Roy Percy, Leo S. Rowe, William L. Saunders, Finley J. Shepard, William H. Short, Bolton Smith, Oscar S. Strauss, Frank S. Streeter, Thomas Taggart, William H. Wadhams, Charles S. Ward, Thomas Raeburn White, Talcott Williams; William Howard Taft, ex officio; Alton B. Parker, ex officio. Phone, Chelsea 2624. Address all communications to the League to Enforce Peace, 70 Fifth Avenue, New York.]

Hon. Frank B. Brandegee, 1521 K Street, Washington, D. C.

My Dean Sir: The program of the League to Enforce Peace has been brought into such international prominence by the President's note of December 18 to the belligerent powers, by the reply of the entente nations thereto under date of January 10, and by various official statements of the German chancellor that we think it probable you may wish to have at hand authoritative information regarding it.

With this letter you will find a brief resume of what the league does and does not stand for, together with its printed proposals. Under separate cover we are sending a book entitled "Enforced Peace,"

JANUARY 15, 1917.

and within a few days a bound volume entitled "Program and Policies" will follow. We ask you to accept these with the compliments of our executive committee and officers.

Very truly, yours, WM. H. Short, Secretary.

(The League to Enforce Peace does not seek to end the present war; it proposes the formation of a league of nations after its close to maintain peace by their united economic and military power.)

Mr. BRANDEGEE. I should like to have the Secretary read the proposals, which are not lengthy at all.

Mr. HITCHCOCK. Mr. President, I should like to inquire of the Senator if he is taking the position that the President's address specifically indorses this organization and its program?

Mr. BRANDEGEE. No; I did not take any position at all, and I do not do this at all with reference to the address the

President made to the Senate.

Mr. HITCHCOCK. I was not sure that I was correct, but I thought the letter which the Senator asked to have read indicated an assumption that the President has specifically indorsed

that program and that organization.

Mr. BRANDEGEE. No. The Senator, I am quite sure, did not catch the phrases of the letter correctly. What it stated was that in view of the President's note to the foreign powers of December 18, and in view of the answers of those powers, they thought it was important that it should be known exactly what the League to Enforce Peace stood for. There is no reference at all to the President's address which was made a week or so

The VICE PRESIDENT. Without objection, the Secretary

will read as requested.

The Secretary read as follows:

WHAT THE LEAGUE TO ENFORCE PEACE STANDS FOR.

THE LEAGUE

THE LEAGUE

Proposes the submission of all disputes between nations to public hearing before declaration of war.

Proposes the setting up of international tribunals:

A judicial court, to hear questions which can be decided in accordance with the rules of law and equity.

A council of conciliation, to hear all other questions, whether political in nature or growing out of the necessities of trade, expansions of population, or other causes.

Proposes a series of conferences between the nations at regular intervals.

Proposes that the United States shall become a member of a league of nations pledged to compose their differences by use of these methods and agencies. THE LEAGUE

Does not propose enforcement of the award of either court or council, but instead dependence on delay, public discussion, and the justice of the award to insure its acceptance.

Does not propose a guaranty of the status quo, but instead provision for a peaceful way to change unjust conditions, however arising.

Does not propose or prohibit interference with insurrections, revolutions, or conditions of domestic violence,

Does not propose organization of one group of nations for protection against a second group, i. e., "an entangling alliance."

MAKING THE PLAN EFFECTIVE.

If one member nation should threaten war against another before submission of its quarrel to a hearing as provided, the plan requires all the others to join in diplomatic and economic pressure to force it to desist.

desist.

If, after their joint protest, such nation should actually proceed to war, the other nations, with their joint military forces, would come to the defense of the one attacked. This is the only cause for which the federated nations would agree to employ their joint forces.

It is expected that this program would lead to a reduction of armaments.

THE PROGRAM SUMMARIZED.

It embodies the principles of existing arbitration treaties, under which the United States has agreed, with more than 30 nations, to submit all questions, even including those affecting the Monroe doctrine, for investigation and report by international commissions.

It provides for holding, from time to time, of international conferences similar to those that took place at The Hague in 1899 and 1907, for agreeing upon rules of international law to govern in the decisions of the international tribunal.

It adds an agreement to enforce the pledge to submit all questions to public hearing and to await the award of the court or the council of conciliation before appealing to arms. This feature constitutes the distinctive mark of the program.

It is not a stop-the-war effort, but advocates the establishment of a league of nations by treaties ratified at the close of the present war.

PROPOSALS.

PROPOSALS.

The following platform was adopted at the organization meeting held in Independence Hall, Philadelphia, June 17, 1915:

We believe it to be desirable for the United States to join a league of nations binding the signatories to the following:

First, All justiciable questions arising between the signatory powers, not settled by negotiation, shall, subject to the limitations of treaties, be submitted to a judicial tribunal for hearing and judgment, both upon the merits and upon any issue as to its jurisdiction of the question.

Second. All other questions arising between the signatories and not settled by negotiation, shall be submitted to a council of conciliation for hearing, consideration, and recommendation.

Third. The signatory powers shall jointly use forthwith both their economic and military forces against any one of their number that goes to war, or commits acts of hostility, against another of the signatories before any question arising shall be submitted as provided in the foregoing. (The following interpretation of article 3 has been authorized by the executive committee: "The signatory powers shall jointly employ diplomatic and economic pressure against any one of their number that threatens war against a fellow signatory without having first sub-

mitted its dispute for international inquiry, conciliation, arbitration, or judicial hearing, and awaited a conclusion, or without having in good faith offered so to submit it. They shall follow this forthwith by the joint use of their military forces against that nation if it actually goes to war or commits acts of hostility, against another of the signatories before any question arising shall be dealt with as provided in the fore-

going.")
Fourth. Conferences between the signatory powers shall be held from time to time to formulate and codify rules of international law, which, unless some signatory shall signify its dissent within a stated period, shall thereafter govern in the decisions of the judicial tribunal mentioned in article 1.

Published by the League to Enforce Peace, 70 Fifth Avenue, New York.

WM. H. TAFT, President.

Mr. BRANDEGEE subsequently said: Mr. President, I have just received a telegram, which I send to the desk and ask to have read. I should like to have it go in the RECORD at the point where I inserted the principles of the League to Enforce Peace, as it is from the Connecticut branch of that league.

The VICE PRESIDENT. Without objection, the telegram

will be read.

The Secretary read the telegram, as follows:

WATERTOWN, CONN., January 28, 1917.

Hon. FRANK BRANDEGEE United States Senate, Washington, D. C .:

United States Senate, Washington, D. C.:

We, the officers of the Connecticut branch of the League to Enforce Peace, earnestly protest against any action at present by the Senate upon the President's peace message which shall commit the United States to a stand against the eventual participation by our Government in a league to enforce peace. The question is too momentous for action by the Senate till the opportunity has been given for wider popular discussion. The league has always emphatically declared that it does not propose any action in connection with the present war or the treaty that shall end it. Consequently there is ample time for thorough discussion and no valid reason for an attempt to commit this Government till such discussion has been held in a matter of such vast possibilities. Haste and partisanship are alike deplorable.

Wm. A. Shankin, Middletown, president; Chauncey S. Brewster, Hartford, Charles F. Brooker, Ansonia, Marcus H. Holcomb, Southington, Irving Fisher, New Haven, Frank B. Weeks, Middletown, Theodore S. Woolsey, New Haven, vice presidents; Arthur R. Kimball, Waterbury, chairman of the executive committee; Wilson H. Lee, New Haven, treasurer; Horace D. Taft, Waterbown, secretary.

Mr. SMITH of Michigan, Mr. President, I notice that the

Mr. SMITH of Michigan. Mr. President, I notice that the principles enunciated in that communication seek for support in the treaties of arbitration which have been made between this Government and a number of foreign States by the present administration; but, as I recall the treaties to which these articles refer, there are no cases where the United States agrees to submit to arbitration questions of vital interest or national honor. If I am correct, as I think I am—and I dare say the Senator from Nebraska [Mr. Hitchcock] will agree with me then so much of this code of rules as seeks support from that commitment of our Government is an error.

Take, for instance, the purchase of the Danish West India Islands, now about to be consummated. No Senator would for a moment contend that the attempt to purchase those islands by any foreign State would be looked upon with favor or would be a proper subject of arbitration. Arbitration would at best merely go to the question of the power of Denmark to sell the islands, while the right of any other country to buy them in this hemisphere would be instantly offensive and in immediate contact with the principles of the American Government which have for generations been recognized throughout the world as

distinctly applying to our national policy.

Therefore, Mr. President, I do not feel like allowing this code of rules or propaganda of the League of Peace, which is read here for the information of Senators, to go unchallenged in that respect. Such a contention can find no possible basis in any commitment of this Government thus far made.

Senators will recall the very animated controversy in this Chamber over the proposed peace treaty with Great Britain submitted by President Taft, which the Senate rejected, and appropriately rejected, because it invaded the constitutional function of the Senate and attempted to farm out the treatymaking power to commissions and international courts not in consonance with the historic policy of this Government.

Mr. President, no power should ever be conferred on any tribunal which would commit this Government to the submission of questions, nonjusticiable in character and relating to our national honor, to any tribunal outside of the Executive and the Senate of the United States upon whom was cast the

treaty-making power by the fathers of the Republic.

Mr. BRANDEGEE. Mr. President, in relation to the remarks made by the Senator from Michigan I desire to repeat the two paragraphs of the proposal of the League to Enforce Peace, to which he refers. The first is:

The program summarized: It embodies the principles of existing arbitration treaties under which the United States has agreed with more than 30 nations to submit all questions, even including those affecting the Monroe doctrine, for investigation and report by international commissions.

The next paragraph is the first proposal, and is as follows:

First. All justiciable questions arising between the signatory powers, not settled by negotiation, shall, subject to the limitations of treaties, be submitted to a judicial tribunal for hearing and judgment, both upon the merits and upon any issue as to its jurisdiction of the question.

Mr. President, I did not vote for the 30 treaties known as the Bryan treaties, and I could not state positively at present whether the Senator from Michigan is correct or not in his statement, but my impression was that under those treaties we certainly bound ourselves to wait at least a year before there shall be any declaration of war by us on any country with whom we had made a treaty, and my impression was that it included all questions, vital questions, and questions, too, that

Mr. LODGE. In some cases.

Mr. SMITH of Michigan. Mr. President, if the Senator from Connecticut will permit me, I desire to say that I agree with him, that controverses which may arise under those treaties were to be put in cold storage for a year, but questions of vital interest and of national honor have been preserved for the Senate, and ought to be preserved for our sole settlement.

Mr. NORRIS. Mr. President, in the absence of the Senator from New Hampshire [Mr. GALLINGER] and of the Senator from Missouri [Mr. Stone], I think some Senator should call the attention of the Senate to the fact that this discussion, which has been going on in regard to treaties and arbitration and our dealings with foreign nations, ought to be immediately stopped. This discussion should take place behind closed doors. We ought not under any circumstances to violate the rules of the Senate by discussing these matters in open session.

Mr. FLETCHER. Mr. President, I make the point of order that there is nothing before the Senate.

Mr. SMITH of Georgia. Regular order, Mr. President. The VICE PRESIDENT. The point of order made by the Senator from Florida is sustained.

INDORSEMENT OF PRESIDENT WILSON'S PEACE POLICIES.

Mr. TILLMAN. Mr. President, I send to the desk and ask to have read a communication from the Speaker of the House of Representatives of the Legislature of South Carolina,

The VICE PRESIDENT. Is there objection? The Chair

hears none.

The Secretary read the communication, as follows:

HOUSE OF REPRESENTATIVES, STATE OF SOUTH CAROLINA, Columbia, January 27, 1917.

The PRESIDENT,

The White House, Washington, D. C.

Sir: I have the honor to inform you that the following concurrent resolution has been unanimously agreed to by both houses of the General Assembly of South Carolina:

"Be it resolved by the house of representatives (the senate concurring): That we heartly indorse the position of Woodrow Wilson, President of the United States, in advocating that, after the close of the present war, the United States take the initiative in forming a league of nations to guarantee the future peace of the world."

It gives me great pleasure personally to transmit this resolution.

Very respectfully,

Speaker of the House.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. P. Taylor, jr., one of its clerks, announced that the House had passed the joint resolution (S. J. Res. 202) to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 5, 1917.

The message also announced that the House had passed the

concurrent resolution (S. Con. Res. 30) directing the method of counting the electoral votes for President and Vice President of

the United States and declaring the result,

The message further announced that the House had passed the bill (S. 7537) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the town of Allegany, county of Cattaraugus, N. Y., with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the

Senate:

H. R. 20079. An act making appropriations for the construc-tion, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

H. R. 20451. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said

H. R. 20496. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy,

and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message further transmitted to the Senate resolutions (H. Res. 474) on the life and public services of Hon. Hunter H. Moss, jr., late a Representative from the State of West Virginia.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 193) to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. ASHURST. I present a resolution unanimously adopted by the Arizona Bar Association at its annual meeting at Phoenix, Ariz., January 8, 1917, which I ask may be printed in the Record and referred to the Committee on the Judiciary.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the

RECORD, as follows:

Record, as follows:

Resolution unanimously adopted by the Arizona Bar Association at its annual meeting held in Phoenix, Ariz., January 8, 1917.

Whereas since the organization of the United States district court for the district of Arizona, the volume of business of said court has so greatly increased that it has become impossible for one judge to hear and properly consider and determine the large number of litigated cases now being brought before the court, within a reasonable time, by reason of which litigants are necessarily greatly delayed in the determination of their rights, to their great inconvenience and financial loss; and

Whereas under existing law the judge of said court is required to hold two terms of said court each year in each of four counties in the State, which requirement largely increases and delays the work of the court; and

Whereas this association believes that the business before said court warrants and requires for its dispatch with reasonable speed the services of an additional judge for said district or a division thereof and the organization of an additional court upon such division: Therefore be it

Resolved by the Arizona Bar Association in regular annual meeting

Resolved by the Arizona Bar Association in regular annual meeting assembled, That the Congress of the United States be requested to consider the situation above mentioned, and to remedy the evils and difficulties arising therefrom, by the division of said district and the organization of an additional court therein, or by the appointment of an additional judge of said court as now organized.

That a copy of these resolutions be transmitted to the President of the Senate and the Speaker of the House of Representatives and to each of the Senators and the Member of Congress from this State.

Mr. WILLIAMS presented a position of supplying states of Leo.

Mr. WILLIAMS presented a petition of sundry citizens of Lee County, Miss., praying for the enactment of legislation to found the Government of the United States on Christianity, which was referred to the Committee on the Judiciary.

Mr. STERLING. I present a joint resolution adopted by the Legislature of South Dakota, which I ask may be printed in the Record and referred to the Committee on Military

Affairs.

There being no objection, the joint resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

CERTIFICATE.

SECRETARY'S OFFICE.

United States of America, State of South Dakota:

I, Frank M. Rood, secretary of state, do hereby certify that the annexed bill, to-wit. senate joint resolution No. 6, was duly passed by the 1917 session of the Legislature of the State of South Dakota.

In witness whereof, I have hereunto set my hand and affixed the great seal of the State of South Dakota, at the city of Pierre, January 25, 1917.

[SEAL.]

FRANK M. ROOD,

FRANK M. ROOD, Secretary of State.

A joint resolution and memorial requesting the Congress of the United States to designate Fort Meade, S. Dak., as a military training camp.

camp.

Be it resolved by the Senate of the State of South Dakota (the House of Representatives concurring):

Whereas there is about to be created by the Government several military training camps in the territory west of Chicago, each such training camp to be located at an established military post well equipped with natural facilities, buildings, maneuver grounds, climate, health, and similar attributes, as well as to be accessible by rail; and

health, and similar attributes, as well as to be accessible by rail; and
Whereas Fort Meade, near Sturgis, S. Dak., combines all of these essentials on a superlative scale and is recognized as one of the best equipped posts in the West, with over \$2,000,000 worth of permanent buildings and improvements already placed there by the Government; and
Whereas the hospital records of Fort Meade, as given by the report of the Surgeon General of the United States Army, show that the pure malaria-free, bracing climate renders Fort Mead the healthlest post garrisoned in America; and
Whereas Fort Meade is reached by three great railways, Chicago & North Western, at Sturgis; Chicago, Milwaukee & St. Paul, connecting at Rapid City; and the Chicago, Burlington & Quincy, connecting at Deadwood; and
Whereas Fort Meade has its own gravity water system, supplying an abundance of the purest mountain-spring water; and

Whereas the military reservation of 7,680 acres adjoining the Black Hills Forest Reserve of 1,800 square miles, for the most part uninhabited, furnishes for the use of the garrison and all other troops which may from time to time be there assembled for drill and maneuvers, the level and rolling prairie, open and wooded streams of water, bluffs and brakes, bare hills and timbered mountains, and all varieties of country as to topography which are likely to be encountered in warfare, a combination of prime requisites not readily found: Therefore, be it

Resolved, That we favor the designation of and earnestly urge the Congress of the United States and the War Department to designate Fort Meade, S. Dak., as one of the Federal training camps, and that we earnestly request our Senators and Representatives in Congress to employ their best efforts to compass this end.

STATE OF SOUTH DAKOTA,
Office of Secretary of State, 88:

Office of Secretary of State, ss.

Filed this 24th day of January, 1917, at 5.45 o'clock p. m.
Frank M. Rood,
Secretary of State.

By Geo. F. Sayers,
Assistant Secretary of State.

Mr. TOWNSEND presented a memorial of sundry citizens of Cadillac. Mich., remonstrating against the passage of the socalled Adamson bill to replace the present eight-hour law, which was referred to the Committee on Interstate Commerce.

Mr. MARTINE of New Jersey presented memorials of sundry citizens of Porto Rico, remonstrating against the passage of the so-called Jones bill providing for civil government for Porto Rico unless amended in such form as to maintain the civil and political rights as enjoyed to-day by the people of Porto Rico, which were ordered to lie on the table.

Mr. JOHNSON of South Dakota. I have received a joint resolution of the Legislature of South Dakota, requesting the Congress of the United States to designate Fort Meade, S. Dak., as a military training camp.

A similar resolution has been presented by my colleague and ordered to be printed in the Record, and I ask that this copy which has been forwarded to me may be received and referred to the Committee on Military Affairs.

The VICE PRESIDENT. The resolution will be referred to the Committee on Military Affairs.

Mr. GALLINGER presented petitions of sundry citizens of Manchester, N. H., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the American Forestry Association, praying for Federal aid in the suppression of the whitepine blister rust, which was referred to the Committee on Agriculture and Forestry.

Mr. JOHNSON of Maine presented a memorial of Typographical Union No. 66, of Portland, Me., remonstrating against the enactment of legislation to exclude liquor advertisements from

the mails, which was ordered to lie on the table. Mr. WARREN presented a petition of the National Wool Growers' Association, praying that an appropriation of \$20,000 be made for the establishment of a Government sheep farm in eastern Idaho, which was referred to the Committee on Agricul-

ture and Forestry.

REPORTS OF COMMITTEES.

Mr. DU PONT, from the Committee on Military Affairs, to Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 2362) for the relief of John Doyle, alias John Geary, reported it with an amendment and submitted a report (No. 989) thereon.

He also, from the same committee, to which was referred the bill (S. 1379) for the relief of James Gloster, reported it with amendments and submitted a report (No. 988) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3269. A bill for the relief of Francis M. Atherton (Rept. No.

990); and S. 7316. A bill for the relief of William Thomas Winstanley

(Rept. No. 991).

He also, from the same committee, to which were referred the also, from the same committee, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely: S. 748. A bill to remove the charge of desertion from the record of Charles M. Clark (Rept. No. 992);
S. 2745. A bill for the relief of Caleb Aber (Rept. No. 993);
S. 4827. A bill for the relief of Thomas Purdell (Rept. No.

S. 5305. A bill for the relief of Allen Hayden (Rept. No. 995) S. 7155. A bill to remove the charge of desertion from the military record of P. V. Copp (Rept. No. 996); and

H. R. 5385. An act for the relief of William A. Steward (Rept.

No. 997)

Mr. BECKHAM, from the Committee on Military Affairs, to which were referred the following bills, submitted adverse re-

ports thereon, which were agreed to, and the bills were indefinitely postponed:

S. 4011. A bill for the relief of William H. Lung;

S. 7370. A bill for promotion of Edward Lloyd, major, United States Army (retired), to position and rank of lieutenant colonel, United States Army (retired);

S. 7154. A bill to correct the military record of John Corwin; S. 5135. A bill to correct the military record of William R.

Potter; and

S. 4032. A bill for the relief of Francis J. Mattler.

Mr. KERN, from the Committee on Finance, to which was referred the bill (H. R. 9288) providing for the refund of certain duties illegally levied and collected on acetate of lime, reported it without amendment and submitted a report (No. 999) thereon.

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (S. 7910) authorizing the city of Bemidji, Minn., to construct a bridge across the Mississippi River at or near that place, reported it with amendments and submitted a report (No. 985) thereon.

THE SUPREME COURT.

Mr. WALSH. I submit the report of the minority of the Committee on the Judiciary on the bill (S. 4551) to authorize the Supreme Court to prescribe forms and rules and generally to regulate pleading, procedure, and practice on the common-law side of the Federal courts.

The VICE PRESIDENT. The report (Pt. II, S. Rept. 892)

will be received and printed.

JULIA KLAVINSKI.

Mr. BRYAN. On June 20, 1916, there was received from the House of Representatives a bill (H. R. 12859) for the relief of Julia Klavinski, and it was inadvertently referred to the Committee on Naval Affairs. I ask unanimous consent that the Committee on Naval Affairs be discharged from the further consideration of the bill and that it be referred to the Committee on Claims.

The VICE PRESIDENT. The bill will be referred to the

Committee on Claims.

DRAWING OF FEDERAL GRAND JURIES.

Mr. OVERMAN. From the Committee on the Judiciary, I report back favorably without amendment the bill (H. R. 20209) to amend section 276 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911. I ask unanimous consent for the present consideration of the bill.

Mr. SMOOT. Mr. President, I ask that the bill be read,

so that we may understand just what it proposes.

Mr. OVERMAN. I can tell the Senator what the bill pro-It provides for the appointment of a deputy clerk of the Federal court to aid in the drawing of grand juries. The law at present requires the clerk and the commissioner appointed by the court to draw the grand jury. In some parts of the country the distances separating the courts are great, being in one case 400 miles. The clerk of the court can not get there, and when that is the case there ought to be a deputy clerk to assist the commissioner in drawing the grand jury. In a recent case there was a motion sustained to quash an indictment because the grand jury was not drawn by the clerk of the court. The statute was construed strictly, and as I have stated the indictment was quashed. This proposes to allow a deputy clerk to aid the commissioner in the drawing of the grand jury. That is all.

Mr. SMITH of Georgia. Does it provide for a deputy clerk

to do that everywhere?

Mr. OVERMAN. It gives the deputy clerk the authority to help the commissioner in drawing the grand jury.

Mr. SUTHERLAND. Mr. President, may I ask the Senator

from North Carolina what court quashed the indictment to which he referred?

Mr. OVERMAN. A circuit court of the United States.

Mr. SUTHERLAND. For what circuit?
Mr. OVERMAN. The circuit embracing the State of Texas; I have forgotten which circuit that is.

Mr. SMITH of Georgia. That is the fifth circuit.
Mr. OVERMAN. Yes; the fifth circuit.
Mr. SUTHERLAND. It seems to me to be a most remarkable holding.

Mr. OVERMAN. It does seem to be a remarkable decision; but I have the decision here, if the Senator desires to see it.

Mr. SUTHERLAND. The ordinary rule is that when an officer is authorized to do a thing, he can do it by deputy.

Mr. OVERMAN. That is what I thought and what everybody

else thought.

Mr. SUTHERLAND. That has been, so far as I know, the universal holding; that is the purpose of a deputy-to act in the

absence of his principal.

Mr. OVERMAN. In the case to which I referred the criminal who was indicted got off for the reason that the court construed the statute strictly. That is the reason of the emergency for this legislation. They have thousands of cases down there in which they have to have a grand jury, and sometimes the clerk can not get to the court; and, as I have stated, in some cases they have to go from 500 to 600 miles to draw grand juries, and there is no way in which to pay the expense. This bill proposes to allow the deputy clerk to aid the commissioner in drawing the grand jury.

Mr. WALSH. Mr. President, I understand that the theory of

the matter is that the clerk acting in this capacity does not act in his official capacity as clerk, but as a member of a commission which is authorized to draw the jury, and that, accordingly, his

place can not be taken by his deputy.

The VICE PRESIDENT. Is there objection to the present

consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 276 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, so as to read as follows:

1911, so as to read as follows:

SEC. 276. All such jurors, grand and petit, including those summoned during the session of the court, shall be publicly drawn from a box containing, at the time of each drawing, the names of not less than 300 persons possessing the qualifications prescribed in the section last preceding, which names shall have been placed therein by the clerk of such court, or a duly qualified deputy clerk, and a commissioner, to be appointed by the judge thereof, or by the judge senior in commission in districts having more than one judge, which commissioner shall be a citizen of good standing, residing in the district in which such court is held, and a well-known member of the principal political party in the district in which the court is held opposing that to which the clerk, or a duly qualified deputy clerk then acting, may belong, the clerk, or a duly qualified deputy clerk, and said commissioner each to place one name in said box alternately, without reference to party affiliations until the whole number required shall be placed therein.

The bill was reported to the Senate without amendment

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGES.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with amendments the bill (S. 7924) authorizing the county of Beltrami, Minn., to construct a bridge across the Mississippi River in said county, and I submit a report (No. 986) thereon. I ask unanimous consent for the present consideration of the bill.

The Senate, by unanimous consent, proceeded to consider the

The amendments were, in line 6, after the words "Mississippi River," to insert "at a point suitable to the interests of navigation"; in line 7, after the word "forty-six," to insert "north"; in the same line, after the word "thirty," to insert "west, fifth principal meridian"; and in the same line, after the word "Minnesota," to insert "in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906," and to add as a new section to the bill the following:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That the county of Beltrami, in the State of Minnesota, be, and it is hereby, authorized to construct, maintain, and operate a highway bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation, in section 22, township 146 north, range 30 west, fifth principal meridian, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

Mr. CLAPP. Mr. President, a few moments ago the junior Senator from Texas [Mr. Sheppard] reported two bridge bills for my colleague [Mr. Nelson]—one Senate bill No. 7924 and the other Senate bill No. 7910—and asked unanimous consent for their present consideration. Senate bill No. 7910 was folded up in the other bill, so that it was not reported by the clerk. My colleague, assuming that the request had been made and carried out, has gone to attend to committee work, and I ask unanimous consent for the present consideration of Senate bill No. 7910.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded, by unanimous consent, to consider the bill which had been reported from the Committee on Commerce, with amendments, in line 7, after the words "Mississippi River," to insert "at a point suitable to the interests of navigation"; in line 8, after the word "forty-six," to insert "north"; and, in the same line, after the word "thirty-three," to strike out "in the State of Minnesota" and insert "west, fifth principal meridian, in the State of Minne-sota in accordance with the provisions of the state of Minnesota, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters, approved March 23, 1906," and to add as a new section to the bill the following:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That the city of Bemidji, a corporation organized under the laws of the State of Minnesota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a highway bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation between lots 1 and 2, section 16, township 146 north, range 33 west, fifth principal meridian, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT GEORGE WRIGHT MILITARY RESERVATION (S. REPT. 987).

Mr. BRADY. From the Committee on Military Affairs, I report back favorably, with an amendment, Senate bill 6133, authorizing the Secretary of War to grant to John D. Sherwood, of Spokane, Wash., the right to overflow certain lands on the Fort George Wright Military Reservation at Spokane, Wash., and to accept the conveyance to the United States of other lands to be designated by the Secretary of War and suitable for a rifle range in exchange for the land so overflowed. I call the attention of the Senator from Washington [Mr. Poin-DEXTER] to the report.

Mr. POINDEXTER. Mr. President, I ask unanimous con-

sent for the immediate consideration of the bill.

after the enacting clause and to insert:

Mr. SMOOT. Mr. President, a number of requests for unanimous consent have been agreed to, and I am not going to object to this; but I shall object to any other unanimous-consent request. As long as we have a calendar of about 22 pages to look after, if we allow bills to be reported and not go to the calendar we never will get a chance to consider bills on the calendar.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

Mr. TOWNSEND. I ask that the bill be read. I should like know what it contains.

The VICE PRESIDENT. The Secretary will read the bill. The Secretary. The committee proposes to strike out all

after the enacting clause and to insert:

That the Secretary of War be, and he is hereby, authorized and empowered to grant an overflow right and easement to John D. Sherwood, of Spokane, Wash., as grantee, his heirs and assigns, to raise the waters of the Spokane River along the east shore line of the Fort George Wright Military Reservation, at Spokane, Wash., to such an extent, in such manner, and on such terms and conditions as the Secretary of War may prescribe: Provided, That the Secretary of War may require, in his discretion, as a condition precedent to the overflow of the said lands, either that the said John D. Sherwood, the grantee under the act, shall fill the overflowed lands to such an extent as may be necessary to permanently establish the target range above high-water level in its present location on the reservation or that he shall convey to the United States in exchange for the said overflow right and easement other lands for a target range for the reservation of such area and extent and in such location as, in the judgment of the Secretary of War is hereby authorized to accept on behalf of the United States title to such lands as may be conveyed: And provided further, That the grantee, the said John D. Sherwood, shall construct to the satisfaction of the Secretary of War, or such officer or officers as he may designate, either on the lands filled in on the reservation or on the lands conveyed to the United States in exchange for the overflow right and easement granted by this act, as the case may be, such target butts, pits, buildings, and other necessary accessories as may be required to replace the existing Government range on the reservation.

Mr. TOWNSEND. Mr. President, I wish to ask the Senator

Mr. TOWNSEND. Mr. President, I wish to ask the Senator a question. This bill grants the right to construct a dam, I suppose, which will overflow this land?

Mr. POINDEXTER. It does not. It does not deal in any way with the right to construct a dam. In fact, that question is not involved, because the location of the proposed dam is on a meandered stream and on private property. It would not require an act of Congress to give that right. This man already has that right.

Mr. TOWNSEND. Then let me change the inquiry. This overflowing is to occur on account of the construction of a dam? Mr. POINDEXTER. Yes.

Mr. TOWNSEND. Will the overflow affect any other land than that on the reservation?

Mr. POINDEXTER. No other public land. It will affect

Mr. TOWNSEND. I hastily caught the reading. Would the passage of the bill in any way hold the United States responsible for any damages that might occur by reason of this overflowing on private lands?

Mr. POINDEXTER. It could not possibly have any such effect as that, because the overflowing is not to be done under this bill. The only thing that the bill deals with is the military reservation, and its passage is desired to enable the Secretary of War and Mr. Sherwood to adjust the effect of the overflowing of the land on the military reservation.

Mr. TOWNSEND. And the dam is not on the public domain? Mr. POINDEXTER. It is not on the public domain.

The VICE PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to con-

The VICE PRESIDENT. The question is on the amendment

of the committee, which has been stated. The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN TENNESSEE.

Mr. SHIELDS. Mr. President, from the Committee on the Judiciary I report back favorably, with an amendment, the bill (S. 378) to provide for the appointment of a district judge in the middle and eastern judicial districts in the State of Tennessee, and for other purposes, and I submit a report (No. 998) thereon. I ask unanimous consent for the immediate consideration of the bill.

Mr. President, I have just given notice that I Mr. SMOOT. would object to the consideration of any more bills in the morn-

Mr. SHIELDS. I understood the Senator to say that he would object to the consideration of bills on the calendar.

Mr. SMOOT. Oh, no. The objection is to bills being reported now and considered while there are so many bills upon the calendar. I gave notice to that effect.

I misunderstood the Senator's announcement. Mr. SHIELDS.

This is a bill which has just been reported.

Mr. SMOOT. I should very much prefer to have the Senator not ask unanimous consent at this time.

Mr. SHIELDS. I understand that to be an objection.

The VICE PRESIDENT. The bill will go to the calendar. Mr. SHIELDS. I ask permission to file a supplemental report

The VICE PRESIDENT. The bill will be placed on the cal-

DECISION ON WEBB-KENYON LAW.

Mr. NORRIS. Mr. President, I should like to inquire of the chairman of the Committee on Printing whether the committee have considered a matter that was referred to them quite a long while ago, and which it seems to me ought to be passed upon soon if it is going to be passed on. It was a request that the opinion of the Supreme Court of the United States in passing on the so-called Webb-Kenyon bill be made a Senate document. There are a great many inquiries coming in for copies of that opinion, and it can not be obtained. The supply is exhausted.

Mr. CHILTON. Mr. President-

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from West Virginia?

Mr. NORRIS. I certainly do. Mr. CHILTON. I will say to

I will say to the Senator that I have been absent from the city for more than a week on account of illness in my family and only just returned to the city this morning. I expect to call a meeting of the committee on Wednesday morning, and this matter will be taken up at that time.

Mr. NORRIS. I thank the Senator. I hope the matter will be passed on at that time.

THE PENAL CODE.

Mr. BRANDEGEE. I ask that the memorandum which I hold in my hand, which was prepared by Assistant Attorney General Charles Warren, on the question of the history and scope of the laws prohibiting correspondence with a foreign

Government, and acceptance of a commission to serve a foreign State in war, may be printed as a Senate document. It is a valuable contribution to the history of a statute, the validity of which has been called in question, which was designed to protect this Government from the machinations of people in this country interfering with our foreign representa-

Mr. FLETCHER. I think it ought to go to the Committee on Printing

Mr. BRANDEGEE. I have no objection whatever to its

going to the committee.

The VICE PRESIDENT. The memorandum will be referred to the Committee on Printing.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows

By Mr. OVERMAN:

A bill (S. 8059) for the relief of T. L. Love, surviving partner of Robert Love & Son; to the Committee on Claims.

By Mr. JOHNSON of South Dakota:

A bill (S. 8060) granting a pension to James H. Kearney (with accompanying papers); to the Committee on Pensions. By Mr. WILLIAMS:

A bill (S. 8061) granting an increase of pension to Nancy Brooks (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 8062) to provide for the purchase of additional land for the enlargement of the site of the public building at Stamford, Conn.; to the Committee on Public Buildings and Grounds.

By Mr. NORRIS:
A bill (S. 8063) granting an increase of pension to David E. Dodge; to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 8064) making an appropriation for the construction of a scenic road to Mount Evans, in the State of Colorado, and granting to the city and county of Denver the right of way over the public lands within a mile of said road; to the Committee on Public Lands.

By Mr. SMITH of Michigan:

A bill (S. 8065) granting a pension to Cassie B. Hendricks; A bill (S. 8066) granting an increase of pension to Benjamin

S. Wilbur; and
A bill (S. 8067) granting an increase of pension to Marion Davis (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 8068) granting a pension to Sarah Fannie Higgins (with accompanying papers);

A bill (S. 8069) granting an increase of pension to Timothy S.

Heald (with accompanying papers); and

A bill (S. 8070) granting an increase of pension to Daniel Libby (with accompanying papers); to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 8071) granting a pension to Horace V. Andrews (with accompanying papers); to the Committee on Pensions. By Mr. PITTMAN:

A joint resolution (S. J. Res. 204) to create a joint committee from the Senate and House to sit to consider Alaska needs and legislation; to the Committee on Territories,

By Mr. WILLIAMS:

A joint resolution (S. J. Res. 205) authorizing the removal of the statue of Admiral Dupont in Dupont Circle, in the city of Washington, D. C., and the erection of a memorial to Admiral Dupont in place thereof; to the Committee on the Library.

RIVER AND HARBOR APPROPRIATIONS (H. R. 20079).

Mr. SAULSBURY submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed

Mr. OLIVER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CURTIS submitted an amendment providing that hereafter no greater rate of postage shall be charged for publications of the regular annual proceedings and triennial and other reports of fraternal societies and lodges than is charged for sending magazines and periodical publications through the mails, etc., intended to be proposed by him to the Post Office appropriation

bill (H. R. 19410), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

He also submitted an amendment proposing to appropriate \$221.22 to reimburse Joel J. Booth for expenditures made by him for clerk hire as postmaster at Conway, Kans., etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 19410), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. JOHNSON of Maine submitted an amendment authorizing the Secretary of War to acquire the remainder of the land on Cushings Island, Portland Harbor, Me., intended to be proposed by him to the fortifications appropriation bill (H. R. 20453), which was referred to the Committee on Appropriations and ordered to be printed.

GOVERNMENT FOR PORTO RICO.

Mr. POINDEXTER submitted three amendments intended to be proposed by him to the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, which were ordered to lie on the table and be printed.

HOUR OF DAILY MEETING.

On motion by Mr. KERN, it was

Ordered, That until otherwise ordered the hour for the daily meeting of the Senate shall be 11 o'clock in the forenoon

ALLEGHENY RIVER BRIDGE.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 7537) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the town of Allegany, county of Cattaraugus, N.

Mr. OLIVER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 20079. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

The following bills were each read twice by their titles and referred to the Committee on Pensions:

H. R. 20451. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war: and

H. R. 20496. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

GOVERNMENT OF PORTO RICO.

Mr. SHAFROTH. Mr. President, I ask unanimous consent that there be held a session of the Senate on to-morrow evening, from 8 to 11 o'clock p. m., for the purpose of considering the bill to establish a civil government for Porto Rico. I wish to say that this bill is one that it is almost imperative to have passed at this ession of Congress. The Porto Ricans have no Delegate in the House of Representatives at present, and they can not have one until a measure of this kind is passed. I would couple with that request the further one that no final vote be taken upon the bill if anybody present at the session raises an objection.

The VICE PRESIDENT. Is there any objection?

Mr. GRONNA. I object, Mr. President.

Mr. LANE. Mr. President, I beg pardon-what was the re-

The VICE PRESIDENT. There is an objection.

SCHOOL PROPERTY IN DENVER.

Mr. THOMAS. I ask unanimous consent for the immediate consideration of the bill (H. R. 217) to authorize the sale of school property in the city of Denver, Colo., and for other pur-

The VICE PRESIDENT. Is there objection? Mr. TOWNSEND. Let the bill be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. The bill had been reported from the Committee on Public Lands with amendments on page 1, line 5, after the words "dispose of," to insert "and to execute a deed of conveyance for"; and on page 2, line 16, after the word "premises," to insert:

And provided further. That before such sale the said block shall be appraised by a board composed of three members to be appointed by the District Court of the United States for the District of Colorado, upon petition therefor by the State superintendent of public instruction, which board shall duly report such appraisement, after the making thereof, to said court and there recorded; and no sale shall be made of said block and the improvements thereon for a sum less than the amount of

such appraisement: And provided further, That such sale when made shall be approved by the said State superintendent of public instruction before any conveyance thereof shall be made and delivered.

So as to make the bill read:

So as to make the bill read:

Be it enacted, etc., That the board of education of school district No. I, in the city and county of Denver, State of Colorado, be, and is hereby, authorized to sell and dispose of and to execute a deed of conveyance for block No. 143 in the east division of the city of Denver, State of Colorado, donated and set apart for educational purposes by the act of Congress approved February 24, 1879 (20 Stat. L., pp. 317 and 318), together with the improvements thereon, so much of said act of Congress as prohibited allenation or other use of the property, upon penalty of reversion to the United States, being hereby repealed: Provided, That all proceeds of sale or disposition of said block and the improvements thereon, less reasonable brokerage, if any, shall be set apart, appropriated, and expended by said board of education for the purchase of other land in said school district for school purposes and the erection of school buildings thereupon: And provided purposes and the extent the said school district shall make use of the said proceeds for purposes other than as limited herein, it shall be held and deemed to be indebted to the Government of the United States, recoverable in appropriate proceedings in the United States District Court for the District of Colorado, which is hereby vested with jurisdiction in the premises: And provided further, That before such sale the said block shall be appraised by a board composed of three members to be appointed by the District Court of the United States for the District of Colorado, upon petition therefor by the State superintendent of public instruction, which board shall duly report such appraisement, after the making thereof, to said court and there recorded; and no sale shall be made of said block and the improvements thereon for a sum less than the amount of such appraisement: And provided further, That such sale when made shall be approved by the said State superintendent of public instruction before any conveyance thereof shall be made and

The amendments were agreed to.

Mr. TOWNSEND. Mr. President, I desire to ask the Senator from Colorado a question with regard to this bill. If I understood the reading of it correctly, the city of Denver has this land now under a grant from the Government on condition that it shall be used for school purposes. I understand further from the reading of the bill that, contemplating the possibility that all the proceeds of the sale of this land may not be used for the new school building, in such case there will be a debt due to the United States for the balance. I should like to ask the Senator how the United States is going to recover that balance?

Mr. THOMAS. The Senator is mistaken. When the section and a half constituting the original city of Denver was conveyed by the Government to the inhabitants, it reserved a block of ground for governmental purposes. That block was afterwards conveyed by the Government to the school district for school purposes. Upon the block is a very large high school, and it has been used for that purpose ever since 1876. The business portion of the town has grown around this block, so that in the opinion of the Chamber of Commerce and of the school district it is no longer suitable for the purpose for which it was designed.

The object of this bill is to permit the school board to sell this block, with the improvements, at a minimum price to be fixed by appraisers, to be appointed by the United States district court. and all of the proceeds are to be used in obtaining a site and the construction of a building elsewhere. There is nothing coming to the United States whatever.

Mr. TOWNSEND. Perhaps I misunderstood the bill, but as I caught the reading it contained a provision that in case the proceeds were not all used for school purposes the balance should be recoverable by the United States.

Mr. THOMAS. I do not think anything of that kind is in the bill, although the Senator may be correct. I have not read the bill for some time.

Mr. SHAFROTH. Mr. President, I will say to the Senator that it is contemplated that a larger sum of money will be spent in the erection of the new building than the present site

Mr. THOMAS. There is no doubt that the new building and site will cost a sum in excess of the amount of the proceeds from the sale of this property

Mr. TOWNSEND. This is the provision to which I call the Senator's attention:

And provided further, That to the extent the said school district shall make use of the said proceeds for purposes other than as limited herein, it shall be held and deemed to be indebted to the Government of the United States, recoverable in appropriate proceedings in the United States district court for the district of Colorado, which is hereby vested with jurisdiction in the premises.

Mr. THOMAS. Mr. President, I shall ask to have that clause eliminated. I do not think it ought to be in the bill; and I am obliged to the Senator from Michigan for calling my attention to it. I will state that I have not read this bill for some time, and while I have no doubt that the framer of the bill who in-troduced it in the House had by that proviso some end in view, I think that provision ought to go out, and I ask to have it stricken out.

Mr. SMOOT. I suggest to the Senator that the bill go to the

Mr. THOMAS. I am anxious to have it disposed of now. If it goes to the calendar I am afraid it will not be acted upon at this session.

Mr. TOWNSEND. I will not make any objection to the bill, with the provision to which I have called attention stricken

Mr. THOMAS. I understand, and I am obliged to the Sena-

tor for calling my attention to that provision.

Mr. SUTHERLAND. Mr. President, I should like to ask the Senator from Colorado if he has given consideration to the question as to whether or not the last proviso which is inserted as an amendment is within the power of Congress to enactwhether the employment of a board of appraisers can be considered a judicial function; that is, whether it is part of the judicial power?

Mr. THOMAS. Mr. President, I think that the Government can provide a means for preventing a possible sacrifice of the property which can only be alienated by waiving a condition which has been imposed upon the title. I see no reason why this arrangement can not be made. It is hardly a judicial function, but is a method of determining a minimum value.

Mr. SUTHERLAND. The Senator knows that in the past

upon some occasions when Congress has undertaken to confer upon the courts the power to deal with some ministerial subject, the courts themselves have held that the act which they were authorized to perform was not in the exercise of the judicial power. We undertook, if I recall aright, in the early days of the Government to confer upon the courts the power to deal with pensions in some form, and the courts held that that was beyond the power of Congress to do. It occurs to me that to direct that a court of the United States shall appoint a board of appraisers to appraise a body of land on the petition of the State superintendent of public construction does not call for the exercise of judicial power.

Mr. THOMAS. I think that the judge of the United States court in acting under the authority conferred here does not exercise any judicial power. He merely acts as the agent of the Government in selecting the board of appraisers to deter-

mine value

Mr. SUTHERLAND. I shall not object to it, if the Senator is satisfied.

The VICE PRESIDENT. The amendment proposed by the Senator from Colorado will be stated.

The Secretary. On page 2, after line 8, it is proposed to strike out the following proviso:

And provided further, That to the extent the said school district shall make use of the said proceeds for purposes other than as limited herein it shall be held and deemed to be indebted to the Government of the United States, recoverable in appropriate proceedings in the United States district court for the district of Colorado, which is hereby vested with jurisdiction in the premises.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GOVERNMENT OF PORTO RICO.

Mr. SHAFROTH. Mr. President, I move that the bill H. R. 9533, to provide a civil government for Porto Rico, and for other purposes, be made a special order for to-morrow, Tuesday, night at 8 o'clock, to be debated and to be voted upon until 11 o'clock; that no other business be taken up between those hours; and that upon final determination, if anyone objects to a vote on the bill, it shall go over.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. First, can that motion as made be allowed to contain all those elements when it is a special order? Second, can the special

order be entered by simply a majority vote?

The VICE PRESIDENT. It will require a two-thirds vote. The Chair construes this to be a motion by the Senator from Colorado to make the Porto Rican bill a special order at 8 o'clock on to-morrow night, which may be done by a twothirds vote of the Senate.

Mr. BRANDEGEE. But I was going to add, does the Senator from Colorado then eliminate from his motion the other

features which he suggested?

Mr. SHAFROTH. I am willing to eliminate all the balance of it and just move that it be made a special order for 8 o'clock on to-morrow night.

The VICE PRESIDENT. The Chair supposes that requires

a rising vote.

Mr. SMOOT. I suggest the absence of a quorum. The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Martin, Va.	Shields
Beckham	Gronna	Martine, N. J.	Smith, Md.
Brady	Hardwick	Myers	Smith, Mich.
Brandegee	Hitchcock	Nelson	Smoot
Broussard	Hollis	Norris	Sterling
Bryan	Hughes	Oliver	Sutherland
Chamberlain	Husting	Page	Thomas
Chilton	James	Pittman	Thompson
Clapp	Johnson, Me.	Poindexter	Tillman
Culberson	Jones	Pomerene	Townsend
Cummins	Kenyon	Ransdell	Wadsworth
Curtis	Kern	Robinson	Walsh
Dillingham	La Follette	Saulsbury	Warren
Fall	Lane	Shafroth	Watson
Fernald	Lewis	Sheppard	Weeks
Fletcher	McCumber	Sherman	Williams

Mr. ROBINSON. I was requested to announce that the Senator from Oklahoma [Mr. Gore] is unavoidly absent. He is ill at his home.

Mr. MARTIN of Virginia. I desire to announce that my colleague [Mr. Swanson] is detained at home by illness

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. There is a quorum present. The Senator from Colorado [Mr. Shafroth] moves that the bill (H. R. 9533) to provide for a civil government for Porto Rico, and for other purposes, be made the special order for Tuesday evening, January 30, 1917, at 8 o'clock.

Mr. TOWNSEND. I should like to inquire, in case the motion prevails and a special order is made for the consideration of this bill at 8 o'clock to-morrow evening, will it become the unfinished business if it is before the Senate on the adjourn-

ment to-morrow?

The VICE PRESIDENT. It will not. The rule provides that it becomes the special order from day to day.

Mr. TOWNSEND. At that hour?

The VICE PRESIDENT. At that hour.

Mr. TOWNSEND. Another question: When the bill is laid before the Senate to-morrow evening, if the motion prevails now, can the bill be supplanted by a majority vote of the Senate?

The VICE PRESIDENT. That is a question the Chair does not choose to guess upon now. It would be a pure guess on the part of the Chair without an opportunity to investigate the rule and the precedents.

Mr. TOWNSEND. I notice that Rule X on this subject says: And all motions to change such order, or to proceed to the consideration of other business, shall be decided without debate.

Whether it requires a majority vote or a two-thirds vote to displace it was the question that I suggested.

Mr. GALLINGER. A majority vote.

The VICE PRESIDENT. The first impression of the Chair is that it can be changed by a majority vote, but the Chair does not care to be bound by that opinion.

Mr. GALLINGER. The rule specifies that it can be supplanted by a motion that is not debatable. That carries with it the

implication, I should judge, that it would be a majority vote.

The VICE PRESIDENT. The present occupant of the chair never has had it presented heretofore, and knowing nothing about the precedents the Chair reserves the right to file a dissenting

opinion.

Mr. BRANDEGEE. Mr. President, I have not had a chance to look at the rule as to special orders, and I ask the Chair if I correctly understood the Chair to rule that if the bill should be made the special order for 8 o'clock to-morrow evening and not finished on that evening there would have to be an evening session of the Senate held every day?

The VICE PRESIDENT. Not necessarily so.

Mr. BRANDEGEE. But if we had evening sessions the bill would have to be laid before the Senate night after night until disposed of as long as we held an evening sesssion? I ask for information. I have not had a chance to look at the rule, but I want to know the effect of the vote.

The VICE PRESIDENT. There was a question of this kind which arose during the last session of Congress.

Mr. ASHURST. I move that the Senate proceed to the con-

Mr. ASHURST. I more that the Senate proceed to the sideration of the Indian appropriation bill.

The VICE PRESIDENT. The Chair must finish his ruling.

Mr. ASHURST. I beg the Chair's pardon.

The VICE PRESIDENT. At the last session of Congress, as

the Chair now remembers it, at which there was a special order made and this very question arose, the Chair thinks the Chair then held that it came up from day to day.

Mr. GALLINGER. At the same hour as stated? The VICE PRESIDENT. At the same hour. But before there was any final disposition of the ruling the bill passed away from the consideration of the Senate and it was not definitely

Mr. SMOOT. May I call the attention of the Chair to a decision in the Book of Precedents?

[Thirty-seventh Cong., 2d sess.; J., pp. 253, 254. Feb. 28, 1862.]

[Thirty-seventh Cong., 2d sess.; J., pp. 253, 254. Feb. 28, 1862.]

On motion by Mr. Fessenden to postpone the further consideration of the bill (special order, being S. 151, to confiscate property, etc.) to to-morrow, and that the Senate proceed to the consideration of the bill (H. R. 208) "making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th June, 1863, and additional appropriations for the year ending the 30th June, 1862"; yeas 24, nays 20.

Before the decision upon the question was announced by the Vice President (Mr. Hamlin) Mr. Foot raised a question of order, viz, whether, as by the thirty-first rule of the Senate, it requires a vote of two-thirds of the Senators present to make any subject a special order, it does not require a like vote of two-thirds, a special order being under consideration, to postpone it.

The Vice President (Mr. Hamlin) decided that upon a motion to postpone a special order a majority could determine. (See Congressional Globes, pp. 1014, 1015.)

Mr. SHAFROTH. If there is any doubt shout it I would be

Mr. SHAFROTH. If there is any doubt about it, I would be glad to incorporate as a part of the motion that the bill shall be considered until displaced by a majority vote taking up other

proposed legislation.

The VICE PRESIDENT. This is what the present occupant of the chair decided. There was an appeal by the Senator from Utah [Mr. SUTHERLAND]. This record does not show what became of the appeal, but in his opinion, after reviewing the

The Chair has no doubt that the present bill is a special order for 1 o'clock from day to day or until it becomes the unfinished business at 2 o'clock or until it has been disposed of by order of the Senate. The reason for this is that at the hour of 1 o'clock a motion can be made to take up a bill upon the calendar. This may be done by a majority vote; but as the present order was made by a two-thirds vote, it remains such special order until by affirmative action of the Senate it is displaced.

Mr. SHAFROTH. I will say further to the Senator from Michigan that I do not think this bill will take more than one evening. There is no minority report on the bill. It has some detail provisions in it, but I believe it can all be disposed of at one evening session.

Mr. TOWNSEND. With reference to the question I asked the Chair, and which he decided, namely, that the bill would not become the unfinished business if an adjournment occurred tomorrow evening while the bill was before us, I wish to read the rule. Rule X provides, under "special orders":

And if it is not finally disposed of on that day it shall take its place on the Calendar of Special Orders in the order of time at which it was made special, unless it shall become by adjournment the unfinished business.

I was wondering what that meant if it does not mean that it becomes actually the unfinished business on the adjournment of the Senate on that day.

Mr. SHAFROTH. I am willing to eliminate that by a specific statement that it shall not become the unfinished

business

The VICE PRESIDENT. The Chair is of the opinion that the meaning of that rule is this, that if a special order shall be made, say, for 1 o'clock, and there is no unfinished business at 2 o'clock and a discussion of the special order continues until the adjournment of the Senate, then it becomes the unfinished business. But the Chair does not believe, notwithstanding the rule, simply because it is the last measure under discussion at the close of the day it thereby supplants the unfinished business. It is simply a special order that continues from day to day, if the Senate is in session, until it is disposed of, and only becomes the unfinished business in the event that there is none already upon the calendar. That is the best opinion the Chair can give now.

Mr. BRYAN. The Chair ruled in 1914, and there was an appeal from the decision of the Chair, and the ruling of the Chair was sustained, to the effect that a bill being once made a special order it shall be taken up at the same hour or on each succeeding day until disposed of or until the unfinished business displaces it. So, if the motion of the Senator from Colorado prevails, it will be considered every night at 8 o'clock until disposed of under that ruling of the Chair, which was sustained by the Senate.

The VICE PRESIDENT. The question is on the motion of

the Senator from Colorado.

Mr. WALSH. Mr. President, a further parliamentary in-This motion, I suppose, is made under Rule X, which provides as follows:

Any subject may, by a vote of two-thirds of the Senators present, be made a special order, and when the time so fixed for its consideration arrives the Presiding Officer shall lay it before the Senate, unless there be unfinished business of the preceding day, and if it is not finally disposed of—

And so forth.

In all probability there will be unfinished business to-morrow night, namely, House bill 408, and it will be the duty of the Presiding Officer then to lay the unfinished business before the Senate. But if, however, the other bill was taken up and was not finished, it would become the unfinished business.

Accordingly, Mr. President, unless we get unanimous consent at that time to lay aside the unfinished business in order to take up the measure proposed by the Senator from Colorado, the unfinished business will have to be laid before the Senate to-morrow evening, and it will have to be proceeded with unless we can get unanimous consent, or unless it shall be displaced as unfinished business.

I will say to the Senator from Colorado that I shall be glad to-morrow evening to ask unanimous consent to lay aside the unfinished business temporarily in order that the evening may be devoted to a discussion of his measure, but I would not like to vote for the motion of the Senator unless we can have some agreement that will preserve the parliamentary status of the unfinished business,

Mr. SHAFROTH. I have no desire—
The VICE PRESIDENT. Let us see if the Chair can clarify what the Chair thinks has heretofore been ruled and sustained by the Senate. It is-

First. That by a two-thirds vote of the Senate a special order

may be made for the consideration of a bill.

Second. If that special order shall happen to be made at an hour when there is unfinished business, it does not take the place of the unfinished business, the unfinished business proceeds and the special order has no power.

Third, If it is set at an hour when there is no unfinished business, then it is before the Senate until the hour arrives for the laying of the unfinished business before the Senate.

Fourth. If there be no unfinished business and it be the last subject considered on the day it becomes the unfinished busi-

ness of the next day.

Fifth. If, however, there be unfinished business, then it remains a special order to be taken up from day to day, unless by so doing it shall interfere with the unfinished business of the Senate.

That is what the Chair rules.

Mr. TOWNSEND. Mr. President, if I understand it correctly then, to-morrow evening, if we pass this special order, when the bill is laid before the Senate the unfinished business will have to be laid aside by unanimous consent. If it is not laid aside by unanimous consent, then the power bill becomes the business before the Senate to-morrow night. A great many Senators might be perfectly willing to come here and listen to a discussion and act, if need be, upon the Porto Rican bill when they would not care to do that in reference to the power bill.

So it seems we have no assurance at all that this bill will be taken up for consideration to-morrow night at 8 o'clock if two-thirds of the Senate vote to make it a special order, because of the pendency of the unfinished business, which is House bill 408, the power bill.

I think that Senators ought to understand this matter, so that they may know exactly what they are doing when they vote for this proposition.

Mr. GRONNA. Will the Senator from Colorado yield to me?
Mr. SHAFROTH. I yield to the Senator.
Mr. GRONNA. I objected to making the bill a special order for to-morrow night. I did not make the objection because I do not want to have the bill considered, but I am opposed to making it a special order. If the Senator from Colorado will accept the suggestion made by the Senator from Montana, that we meet here to-morrow evening and he will ask that the unfinished business be laid aside, I shall have no objection to taking up the Porto Rican bill at that time. I would suggest

that we proceed in that way.

Mr. SHAFROTH. Mr. President, I should like to know whether I may get a special order to consider this bill from 8 o'clock until 11 o'clock. I feel confident that we can finish the bill by 11 o'clock. If we have three hours' discussion on it, I think all parties who care to be heard will have the opportunity to be heard. Let it be the understanding that the unfinished business does not supersede it and it does not require unanimous consent.

The VICE PRESIDENT. The Chair has tried to be clear, but evidently has not been. The Senator from Colorado [Mr. Shaf-ROTH] could have obtained just what he wants by unanimous

consent, but that has been denied him. He has a perfect right to move to make the bill a special order for 8 o'clock to-morrow evening, and it will be agreed to if his motion is carried by a two-thirds vote; but neither the Senator from Colorado nor the Chair can say as to whether or not there will be unfinished

business at that hour to-morrow night, which some Senator

may then insist upon proceeding with, and if he should insist upon proceeding with it the Chair would be compelled to hold that he had a right to have it then considered by the Senate.

Mr. SHAFROTH. Well, Mr. President, under those circumstances, I ask unanimous consent that the Senate take up for consideration at 8 o'clock to-morrow night the Porto Rican bill, vote upon it, and adjourn at 11 o'clock unless sooner disposed of.

Mr. GRONNA. Mr. President-

The VICE PRESIDENT. The request of the Senator from

Colorado will require a roll call.

Mr. SHAFROTH. I will withdraw that request, because I can see that a quorum would be called for; but I will request that the bill be considered until 11 o'clock to-morrow evening unless sooner disposed of.

Mr. GRONNA. Mr. President, the Senator from Colorado knows that I have some amendments which I intend to offer to the bill to which he refers. I desire to discuss those amendments, and I am not willing to agree that we shall vote upon the bill

to-morrow night.

Mr. SHAFROTH. I do not ask that the bill be disposed of at 11 o'clock. I should like to have it disposed of at that time; but I simply ask that the bill be considered between the hours of 8 o'clock and 11 o'clock to-morrow night, unless sooner disposed of.

Mr. SMOOT. Mr. President, we have already lost a good deal of time, and I do not desire to lose any more, so I shall

The VICE PRESIDENT. There is objection.

Mr. ASHURST. I move that the Senate proceed to the con-

sideration of the Indian appropriation bill.

The VICE PRESIDENT. The question is whether the Senator from Colorado withdraws his motion to make the bill to which he has referred a special order. That is the pending question, unless the Senator withdraws his motion.

Mr. SHAFROTH. I withdraw it for the time being, Mr.

President.

THE INAUGURAL CEREMONIES.

Mr. SMITH of Maryland. I report from the Committee on Appropriations without amendment the joint resolution (S. J. Res. 203) to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1917.

I ask unanimous consent that the joint resolution may be

acted upon at once.

Mr. SMOOT. Mr. President, in conformity with my statement made a short time ago, objecting to the consideration of other business, I am compelled to object to the consideration of this joint resolution. I know what the joint resolution is; but I said I was going to object to such requests, and I shall have to do so.

Mr. SMITH of Maryland. Mr. President, I desire to make a short statement in regard to the joint resolution. The Commissioners of the District of Columbia have appeared before us and have stated that they must know what they have got to depend upon in order that they may proceed with the work in connection with the presidential inaugural ceremonies. It will take a very few moments to consider and dispose of the joint resolution.

Mr. SMOOT. I am compelled to object to its consideration,

Mr. President.

The VICE PRESIDENT. There is objection.
Mr. SMITH of Maryland. Then I withdraw the report.
The VICE PRESIDENT. The report is withdrawn.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES.

Mr. CUMMINS. Mr. President, while I know that it will give me no rights whatever, I think it is only fair to give notice that to-morrow, after the expiration of the morning hour and as soon as the opportunity presents itself, I shall move to proceed to the consideration of Senate resolution 326.

INDIAN APPROPRIATIONS.

Mr. ASHURST. I ask unanimous consent that the Senate proceed to the consideration of the Indian appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918.

The VICE PRESIDENT. The pending amendment will be

stated.

The Secretary. The pending amendment is found at the bottom of page 27 of the bill, where the Committee on Indian

Affairs, after the word "education," in line 24, proposes to strike out "\$8,000" and to insert "\$5,000," so as to read:

FLORIDA.

Szc. 4. For relief of distress among the Seminole Indians in Florida, and for purposes of their civilization and education, \$5,000.

The VICE PRESIDENT. The question is on the amendment proposed by the committee.

Mr. SMOOT. The yeas and nays have been ordered on that amendment, Mr. President.

The VICE PRESIDENT. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). pair with the senior Senator from North Carolina [Mr. SIM-MONS]. While I have an understanding with him which covers certain matters I do not think it covers this proposition, and therefore I refrain from voting.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr.

In his absence I withhold my vote.

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. Johnson]. As he is absent from the Chamber, I shall have to withhold my vote. If permitted to vote I should vote "yea."

Mr. JONES (when his name was called). The junior Senator from Virginia [Mr. Swanson] is detained from the Chamber on account of illness. I am paired with that Senator for

the day, and therefore withhold my vote.

Mr. MYERS (when his name was called). I have a general pair with the Senator from Connecticut [Mr. McLean], who is absent. I transfer that pair to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN], and

therefore withhold my vote.

While on my feet I desire to announce that my colleague [Mr. Simmons] is detained at home on on account of sickness.

Mr. SAULSBURY (when his name was called). I transfer my general pair with the junior Senator from Rhode Island [Mr. Colt] to the junior Senator from Arkansas [Mr. Kirsy] and vote "nay.'

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. Reed]. I do not see him in the Chamber, and therefore withhold my vote.

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH], and therefore withhold my vote.

Mr. TILLMAN (when his name was called). pair with the Senator from West Virginia [Mr. Goff] to the Senator from Tennessee [Mr. Lea] and vote "nay."

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. Lippitt]. I transfer that pair to the Senator from Nevada [Mr. Newlands] and vote "nay.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. Penrose] to the junior Senator from Maryland [Mr. Lee] and vote "nay."

The roll call was concluded.

Mr. TOWNSEND. I desire to announce the absence of the senior Senator from Wyoming [Mr. CLARK] and his pair with the Senator from Missouri [Mr. Stone].

Mr. JAMES. I transfer my general pair with the junior Senator from Massachusetts [Mr. Weeks] to the senior Senator

from Oklahoma [Mr. Gore] and vote "nay." Mr. CURTIS. I desire to inquire if the junior Senator from Georgia [Mr. HARDWICK] has voted?

The PRESIDING OFFICER (Mr. BRYAN in the chair). The Chair is informed that he has not voted.

Mr. CURTIS. I transfer my pair with that Senator to the senior Senator from Idaho [Mr. Borah] and vote "yea."

I desire to announce while on my feet the absence of the Senator from Connecticut [Mr. McLean] on account of illness. He is paired with the Senator from Montana [Mr. Myers]. I will let this announcement stand for the day.

I also desire to announce the absence of the Senator from Ohio [Mr. HARDING] on account of illness in his family, and will let this announcement stand for the day.

I have been requested to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH]; and

The Senator from Idaho [Mr. Brady] with the Senator from Mississippi [Mr. VARDAMAN].

Mr. SMITH of Maryland. I am paired with the Senator from Vermont [Mr. DILLINGHAM]. I transfer that pair to the Senator from California [Mr. Phelan] and vote "nay."

The result was announced-yeas 23, nays 26, as follows:

	-23.

Beckham	Kern	Norris	Smoot
Curtis	La Follette	Oliver	Thomas
du Pont	Lane	Page	Townsend
Fall	Lodge	Poindexter	Wadsworth
Johnson, S. Dak.	McCumber	Robinson	Watson
Kenyon	Nelson	Shafroth	
	N	VAVS-26	

Broussard Husting Pomerene Tillman Bryan James Ransdell Walsh	Frandegee Froussard Fryan Chamberlain Chilton	Smith, Me Thompsor Tillman Walsh Williams

lartine, N. J. Snields

	NOT 1	OTING—47.	
Bankhead Borah Brady Catron Clapp Clark Colt Cummins Dillingham Fernald Gallinger Goff	Gore Gronna Harding Hardwick Hitchcock Hughes Johnson, Me. Jones Kirby Lea, Tenn. Lee, Md. Lippitt	McLean Newlands O'Gorman Overman Owen Penrose Phelan Reed Sherman Simmons Smith, Ariz. Smith, Ga.	Smith, Mich. Smith, S. C. Sterling Stone Sutherland Swanson Underwood Vardaman Warren Weeks Works

So the amendment reported by the committee was rejected.

Mr. THOMAS. Mr. President, when this amendment was reached last week I took occasion to congratulate the committee upon the fact that it appeared in the general surrounding of increases like an oasis in the desert. I now must retract my congratulations, because the Senate has seen fit—the chairman of the committee himself voting in favor it-to recede from the Senate amendment, so that the sum of \$8,000 is devoted by this bill to the Seminole Indians of Florida.

It is true that the department only asked for \$5,000. It is also true that of the previous appropriation \$1,701 was not expended. Notwithstanding these facts, however, the Senate has determined to force the sum of \$8,000 into the reluctant hands of the bureau for this purpose. Florida is to be congratulated in that it again assumes its position as equal among the States, and no discrimination is made in this bill against it.

I think an amendment should now be offered providing for the expulsion from the public service of this agent who had the temerity to save \$1,701 out of the appropriation of last year. That, Mr. President, is an example which, if persisted in, will lead to reductions in appropriations hereafter that may possibly put us along the road to retrenchment. It is a conspicuous instance of official incompetency, and should be cen-

sured severely, if not punished by dismissal.

Mr. FLETCHER. Mr. President, I am not going to discuss the matter at all. I simply wish to call attention to the fact that the Senator has overstated the unexpended balance as reported—he gave it as \$1,701, whereas it is \$1,301—and that the last year's appropriation did not become available until the

1st of July, 1916, and that perhaps that is the reason for this.

Mr. THOMAS. Mr. President, let me say, if the Senator will permit me, that I am sorry if I did this official the injustice of overstating the amount of his saving. I used the figures which were put in the Record by the Senator from Kansas [Mr. Curtis] on Saturday. I wish to apologize to the official for making the overstatement of \$400.

Mr. FLETCHER. That matter was all gone over Saturday, and of course I shall not take up the time of the Senate in discussing it now. The fact is, as I say, that the appropriation for last year was available on the 1st of July, 1916. The year has not yet expired. This appropriation will not become avail-

able until the 1st of July, 1917.

I should like to commend the spirit of economy and efficiency on the part of the agent, Mr. Lucien A. Spencer, who has been, in my judgment, a most excellent one; but there is no reason for the contention that because there was an unexpended balance when this estimate was put in last year the entire appropriation for last year was not needed at the time. It was needed, and the amount undoubtedly will be consumed in a proper way by the time the present appropriation is made available-July 1, 1917. Another reason that I gave on Saturday is that this agent is a chaplain in the Army, and has been absent on the border for some months, and has not been able to carry on the work as diligently as he otherwise might have done.

I simply wish, however, to refer to the discussion that was had on Saturday and leave the matter there, adding only a letter

that I have from the agent, Special Commissioner L. A. Spencer, dated December 10, 1915, showing the character of the work that was being done. I ask to have the letter printed in the RECORD.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR, UNITED STATES INDIAN SERVICE, Miami, Fla., December 10, 1915.

Hon. D. U. Fletcher, United States Senate, Washington, D. C.

MY DEAR SENATOR FLETCHER: When the work among the Florida Seminoles was started on March 1, 1913, they were an uncivilized tribe the members of which steadfastly refused to adopt our customs, speak our tongue, except when absolutely necessary, or be bound by any but

MY DEAR SENATOR FLETCHER: When the work among the Florida Seminoles was started on March 1, 1913, they were an uncivilized tribe the members of which steadfastly refused to adopt our customs, speak our tongue, except when absolutely necessary, or be bound by any but tribal laws.

The tribal laws forbid any member of the tribe attending school on penalty of having the ears cut off.

White doctors were barred from practice except by special tribal permission, and no Indian was permitted to work for white people without permission from his subchief.

In summing up the work of the past two and one-half years and noting the advance made, I would respectfully call your attention to the fact that a large number of the Florida Seminoles now recognize the United States Government and salute the flag. At a celebration held last spring at Fort Lauderdale, Fla., the color bearer in the parade was a full-blood Florida Seminole.

The Indian Office furnishes a white doctor, hospital accommodations, and medicines to sick Indians, and it is accepted by them. The tribal medicine men are recommending it. The medicine man of one cian has had every member examined for hookworm, and took the first treatment himself to set an example.

The ban on education has been removed, and while no compulsory system has been adopted we have four boys and four girls attending white schools. When we take into consideration the close supervision of females exercised by the tribe, the fact that girls are permitted to attend a white school shows in itself a marked advance in the work.

About 30 per cent of the Florida Seminoles have now adopted the dress of white people.

A large number of Indians have expressed a desire to move to reservation lands and, giving up the old life, become farmers. The Indian Office holds about 25,000 acres of land for these Indians, and if an appropriation sufficient to cover the cost of ditching, fencing, and starting farming operations were made I am sure that the Indians moving there would soon be self-supporting.

In

LUCIEN A. SPENCER, Special Commissioner and S. D. A.

Mr. WALSH. Mr. President, I desire to say that I voted under an entire misapprehension as to the character of the motion before the Senate. I was under the impression that the motion was to reconsider the action of the Senate in agreeing to the amendment. I am now informed that that motion had been disposed of, and that the pending motion was to disagree to the Senate amendment.

Mr. SMOOT. No; to agree to it.

The PRESIDING OFFICER. The vote came up on the question whether or not the Senate amendment should be agreed to.

Mr. WALSH. I assumed that the motion was to reconsider. I would have voted otherwise had I known the exact situation; but I will allow my vote to stand, simply because the result will not be changed.

Mr. SMOOT. Mr. President, just a word. All of the increases so far have been defended by the Senator having the bill in charge on the ground that they have been estimated for, and that the Commissioner of Indian Affairs stated that the amount was necessary. Now, when it comes to this item—the only item of reduction in the bill—the Senator having the bill in charge pays no heed to the estimate that was made, and pays no heed to the recommendations of the Commissioner of Indian Affairs, and votes for an increase, more than recommended by the commissioner and more than was estimated for.

Mr. ASHURST. Mr. President, will the Senator yield to me? Mr. SMOOT. I simply want to say to the Senator that I hope next time when an increase comes up he will not cite me to the fact that there was an estimate for it, and also to the fur-ther fact that the Commissioner of Indian Affairs feels that the

ther fact that the Commissioner of Indian Affairs feels that the increase ought to be granted.

Mr. ASHURST. Mr. President, if the distinguished Senator from Utah is attempting to be facetious, I have no quarrel with him. If he is attempting in any way to censure me—

Mr. SMOOT. No.

Mr. ASHURST (continuing). Or to ask me to give any reason for the continuing of the property of t

son for my vote, he will get a reply he might not wish to hear. voted according to the lights before me. As I say, if the Senator is facetious, I have no quarrel with him; but if he intends to censure my vote I will have a quarrel with him.

The PRESIDING OFFICER. The Secretary will resume the

reading of the bill.

Mr. CLAPP. Mr. President, I was necessarily absent on Saturday morning, when we passed over Minnesota. As we have disposed of the item under consideration when we adjourned on Saturday, if there is no objection, I suggest that we resume the consideration of the bill on page 30.

The PRESIDING OFFICER. The Senator from Minnesota

requests unanimous consent to return to page 30. Is there any

objection? The Chair hears none.

The reading of the bill was resumed, beginning on page 30, line 4.

The next amendment was, under the head of "Minnesota," on page 30, after line 4, to strike out:

SEC. 8. For support and education of 225 Indian pupils at the Indian school, Pipestone, Minn., including pay of superintendent, \$39,175; for general repairs and improvements, \$6,000; in all, \$45,175.

Sec. 9. For support and education of 225 Indian pupils at the Indian school, Pipestone, Minn., including pay of superintendent, \$39,175; for general repairs and improvements, \$7,000; for domestic science cottage, \$5,000; for addition to hospital, \$6,000; for central heating plant, \$16,500; for setting out trees, \$500; for road and drainage, \$1,000; in all, \$75,175.

Mr. SMOOT. Mr. President, may I ask the Senator from Minnesota if all these items have been estimated for?

Mr. CLAPP. No, sir; they have not been. I was out there myself and studied the situation there. I will say to the Senator that we formerly had two schools in Minnesota. It seemed to me that one would be sufficient, and I had the other abated some years ago, so as to save the expense of two schools. This one is a growing school.

As to the item of trees, of course I would not say that it was necessary; it was not estimated for, but the school is some distance from the city. It is on a sort of a treeless plain, and it struck me that \$500 would not be a wasteful expense to beautify the place to the extent of setting trees along that highway from the school to the town.

Mr. SMOOT. I notice that the increase is \$30,000.

Mr. CLAPP. Yes.

Mr. SMOOT. I wondered whether it was estimated for or whether the Commissioner of Indian Affairs had requested these appropriations.

Mr. CLAPP. The trouble about the Commissioner of Indian Affairs is this: Of course, the suggestion goes down the line to all estimates. The agents are somewhat restricted making their requests, and the consequence is that some of these were not estimated for, and especially the item for the trees.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 32, after line 6, to insert:

The next amendment was, on page 32, after line 6, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve the assessments, together with maps showing right of way and definite location of proposed drainage ditches made under the laws of the State of Minnesota upon the tribal and allotted land of the Indian reservations in the State of Minnesota. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the amount assessed against said tribal and allotted lands. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$15,000, to be reimbursable from any funds belonging to the individual allottees, or their heirs, from any funds belonging to the individual allottees, or their heirs, from any funds belonging to the tribes subject to be provated, in the discretion of the Secretary of the Interior. That the Secretary of the Interior be, and he is hereby, authorized to approve deeds for right of way from such said allottees, or their heirs, as may be necessary to permit the construction and maintenance of said drainage ditches upon the payment of adequate damages therefor: Provided, That no patent in fee shall be issued for any tract of land under the terms of this paragraph until the United States shall have been wholly reimbursed for all assessments paid or to be paid on such tract under the terms hereof. That the Secretary of the Interior is hereby authorized to do and perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions hereof into force and effect.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 33, after line 13, to insert:

The Secretary of the Interior is hereby authorized to take \$5,000 of the tribal funds of the Chippewa Indians in the State of Minnesota and pay the same to the proper authorities toward the construction of a bridge on Cass Lake Reservation upon the condition that the Forestry Service contributes \$10,000 and the local authorities, State or county, contribute \$10,000 toward the building of said bridge.

Mr. JONES. Mr. President, I should like to ask the Senator from Minnesota about that paragraph. Why do we put in there the stipulation that this money shall be taken on condition that the Forestry Service contributes \$10,000? The Forestry Service can not contribute any money like a private individual.

Mr. CLAPP. Mr. President, it can not do so directly; but the situation is this: Here, in the first place, is the Indian reservation. Then comes the forest reserve, through which this road passes; and then on each side of the Indian reservation, of course, are the counties. Now, while the forest reserve, of course, has no funds, the Forestry Bureau, by appropriation, will have to secure the \$10,000. We felt that we ought not to take more than five of the twenty-five thousand dollars from the Indian If Congress does not make an appropriation from the Federal Treasury of \$10,000, then the appropriation of \$5,000 from the Indian fund, of course, fails.

Mr. JONES. Why not make a direct appropriation here out

of the funds that may be available for the Forestry Service?

Mr. CLAPP. Because this is not the proper bill

Mr. JONES. We ought not to have a condition like this, then, in this bill.

Mr. CLAPP. Why, certainly. This condition simply applies to the \$5,000 of the Indian fund.

Mr. JONES. I will suggest to the Senator that in my judgment we ought not to make an appropriation conditioned upon our making some other appropriation at some other time or in some other way.

Mr. CLAPP. We are not. We are taking out of the Indian fund \$5,000 upon condition that Congress may hereafter appropriate \$10,000 from the general fund of the Government. would not be the place, it seems to me, to make an appropria-tion of \$10,000 out of the Treasury on account of the Forestry

Bureau. That should properly come in the Agricultural bill.

Mr. JONES. Then, it seems to me, we ought not to say anything about it here. We ought not to take one sum of money from one fund with a condition that some other branch of our own Government shall appropriate some money. If we think it ought to be done, we ought to appropriate it.

Mr. ASHURST. Mr. President— Mr. CLAPP. But, if the Senator will bear with me while I explain the matter, this is the only bill in which the taking of part of the fund of the tribe would be appropriately located.

Mr. JONES. Oh, I agree with that. That is true.

Mr. CLAPP. My colleague and myself have talked over this matter, and we feel that it would be perfectly just, in view of the conditions up there, to take \$5,000 of their fund as a contribution to a \$25,000 bridge. We do not here appropriate the \$10,000 on behalf of the State, either.

Mr. JONES. Oh, certainly. That is something beyond our control.

Mr. CLAPP. It is legislatively beyond our control-or, rather, out of the purview of the bill-to make the appropriation from the General Treasury in this bill. I think we would have been criticized if we had put it in here.

Mr. ASHURST. Mr. President, if the Senator will yield to me, the correction that ought to be made is to strike out "Forestry Service" and insert "Government of the United States" also to strike out the word "contribute," on line 19, and insert "appropriates," so that it will read:

Upon condition that the Government of the United States appropriates

Then it will be correct.

Mr. CLAPP. That would leave the matter just as it is. took up with the officers the question as to whether they would be warranted, under this language, in applying the \$5,000 in case the other two \$10,000 items were applied; and it is to meet their view on that question that this language was used.

Mr. JONES. I want to make this suggestion to the Sena-

tor: As I understand, we have a general law under which the Forestry Service has available a certain percentage of the receipts from sales in the forests of the country.

Mr. CLAPP. Yes.

Mr. JONES. They can distribute that percentage in the different forest reserves themselves, without any additional act by Congress.

Mr. CLAPP.

Mr. JONES. Now, they would take \$10,000 under this provision, without waiting for Congress to appropriate.

Mr. CLAPP. I do not know whether they would or not. they would, then the Senator's criticism that it is not all in this bill fails.

Mr. JONES. No; that is not the criticism. The criticism is that the legislative branch of the Government is taking a certain amount of money and making it available upon condition that some other branch of the Government itself shall contribute like an individual, putting it on the basis of an individual contributing an amount of the public money. If we are going to have this money available for this purpose, we ought

to say so ourselves, and not leave it to the discretion of some bureau.

Mr. CLAPP. We ought to say so; but we ought not, it seems to me, to say so in this bill. I should be very glad, indeed, if no one would object, to cover the entire provision by this bill.

Mr. JONES. That is exactly what we are doing, in an indirect way, in this bill.

Mr. CLAPP. I do not think so.

Mr. JONES. As I say, the Forestry Service, as I understand, under a general law, can apportion moneys that it receives from the sale of timber for forest reserves; and now we propose to say here: "If you see fit to use for this purpose \$10,000 of the money that comes into your hands, no matter whether by direct appropriation or under general law, you can do it." think we ought to put a condition like that in a bill with reference to a bureau of the Government that is using the people's It is all right for us to say that we will take this \$5,000, provided the State or the county or some individual will contribute a certain amount of money. That is all right, but to say that we will use this \$5,000 if we ourselves will contribute, it seems to me, is something that ought not to be put in a legislative provision. If you want to have it read, "Provided, That there shall be made available hereafter, in appropriations made for the Forestry Service, \$10,000 for this purpose," I make no objection.

Mr. CLAPP. Then, at the Senator's suggestion, I move to amend the language so as to conform to the suggestion just

Mr. JONES. That the Secretary of the Interior is hereby authorized to take \$5,000 of the tribal funds of the Chippewa Indians in the State of Minnesota upon the condition that Congress shall hereafter appropriate \$10,000 to be contributed to the Forestry Service.

Mr. CLAPP. I have no objection to that.

The PRESIDING OFFICER. The Secretary will read the

amendment to the amendment.

The Secretary. On page 33, lines 18 and 19, strike out the words "upon the condition that the Forestry Service contributes \$10,000" and insert "upon the condition that Congress shall hereafter appropriate \$10,000 to be contributed to the Forestry Service."

Mr. SMOOT. After naming the amount should we not say for this purpose? They may contribute \$5,000 for another purpose.

Mr. CLAPP. For the purpose aforesaid.

The Secretary. "Upon the condition that Congress shall hereafter appropriate \$10,000 to be contributed to the Forestry Service for the purpose aforesaid."

The PRESIDING OFFICER. Without objection, the amend-

ment to the amendment is agreed to.

Mr. JONES. Now, I want to ask the Senator from Minnesota this question: It says that the Secretary of the Interior is authorized to take this \$5,000 "and pay the same to the proper authorities." Who are the proper authorities?

ithorities." Who are the proper authorities?

Mr. CLAPP. It might not be possible in anticipation to say who are the proper authorities. At present I presume it would be the board of highway commissioners of the State. State, as all States, constantly change the laws with reference to the more expensive highway projects, and in order that we may anticipate any change in the law by the legislature the words "the proper authorities" are used. I submitted the matter to the Indian Office, and they said they were satisfied that that would cover sufficiently the authorization.

Mr. JONES. Suppose that after we contribute this \$5,000 they find that \$25,000 is not enough to build a bridge. what will happen to the \$5,000?

Mr. CLAPP. They will hardly do that.
Mr. JONES. I think frequently we have estimates for build-

ing structures that come far below the actual cost.

Mr. SMOOT. May I suggest to the Senator that there have been in the Indian appropriation bill many times appropriations for building bridges within Indian reservations, and, as I remember, in every case the Secretary of the Interior has been authorized to build the bridge?

Mr. CLAPP. He could not be authorized in this case. have to-day a law in our State under which we have a com-They are laying out one of the mission of State highways. principal highways from Duluth westward through this reservation, and it involves this forest reserve which we have established. In order that this might apply with a view to any possible changes in the State law I took it up with the Indian Office to see whether it would be workable with this language, and it was thought that it would.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. MYERS. I ask unanimous consent that the unfinished business be temporarily laid aside for the consideration of the Indian appropriation bill.

The PRESIDING OFFICER. Is there objection? The Chair

hears none.

Mr. SMOOT. May I ask the Senator if Cass Lake Reservation is a forest reserve or an Indian reserve?

Mr. CLAPP. Cass Lake Reservation is primarily an Indian reservation

Mr. SMOOT. That is what I thought.
Mr. CLAPP. Then we carved out of Cass Lake, the Winnebegoshish Reserve, a forest reserve. This road will be partly on the Indian reservation and partly on the forest reservation.

Mr. SMOOT. Where is the bridge that is to be built located, on the Indian reservation or on the forest reserve?

Mr. CLAPP. It will be on the Indian reservation, of course.
Mr. SMOOT. If it was in the forest reserve, I think under the present law with the money appropriated for roads in forest reserves the bridge would be provided for, but not if it is in an Indian reservation.

Mr. CLAPP. I think the particular locus of the bridge is outside of the forest reserve, but I would not be positive about it.

Mr. NELSON. My impression is that it is outside of the forest reserve and on that part of the reservation which is an Indian

Mr. CLAPP. That is my impression. Mr. NELSON. My colleague is correct in this. There was originally an Indian reservation known as Cass Lake Reservation. There was considerable pine timber on it, and that portion with the pine timber was set apart as a forest reserve, and interlocked, side by side, with the forest reserve is a part of what was the Indian reserve. This highway perhaps goes through both reserves, but I think the bridge is on that part which still remains an Indian reservation.

Mr. SMOOT. I was going to say to the Senator that if the bridge to be built is located on the forest reserve, I think the wording of the amendment would justify the Forestry Service in expending the \$10,000, if in the judgment of the Forester he thought proper, because he has the authority now to expend certain money for building roads in forest reserves. However, I think if the bridge is on the Indian reservation, of course the wording is unfortunate.

Mr. JONES. Mr. President, it seems to me that if the bridge is to be built on an Indian reserve the Secretary of the Interior is the proper person to have charge of its building, and he can

build it in any way he wants.

Mr. CLAPP. I do not think under the State law it could be done in that way.

Mr. JONES. Does the State law supersede the authority of the Secretary of the Interior over an Indian reservation?

Mr. CLAPP. No; of course, we can authorize the Secretary of the Interior to build a bridge in any Indian reservation, but we want \$10,000 for this bridge to come from the State and county authorities, and under the State law the commission must have charge of the construction of the highway, which includes the building of the bridge. I can not see why there should be any objection on that score.

Mr. JONES. My recollection is that in appropriations of this kind heretofore we have provided for the construction of bridges on condition that certain State authorities would contribute so much, to be expended by the Secretary of the Interior for the construction of the bridge instead of turning the money over to the local authorities.

Mr. NELSON. Mr. President-

Mr. JONES. I yield to the Senator from Minnesota, Mr. NELSON. This is not merely for the purpose of building a bridge for the convenience of the Indians of the Indian reserva-This is a State highway from Duluth in a western direction through the State, and the highway has to cross this watercourse. It is really one of the neadwaters of the River. Most of the money will undoubtedly be contributed by It is really one of the headwaters of the Mississippi the State, and therefore it is proper that it should have control of building the bridge under all the circumstances, because the bridge is not what you might call a local bridge, such as for a reservation, but we have a big State highway and the whole northern part of the State is interested in it.

Mr. JONES. As I said, primarily this is a State road, not for the benefit of an Indian reservation at all. The Indians

will get possibly some little incidental benefit from the construction of the bridge, but it is necessarily a part of the State highway. The Indians possibly are indifferent whether the bridge is built or not.

I wish to say that I am glad to have this matter presented in this way, because I have a proposition of this very kind that is being urged now. Our people want to build a State road from North Yakima over to the Columbia River. It goes across the Yakima Indian Reservation. My people are urging that we should get some Indian money to assist in the construction of this State highway. They are putting it largely upon the ground that it will be a benefit to the Indians, however, and a benefit to the Indian reservation. Of course, as a matter of fact, they want to get the State highway built there, and they want to have a contribution toward the building of the bridge from the Indian fund. I will be very glad indeed to have a precedent like this established, but I want the Senate clearly to appreciate the situation, so that when I bring my proposition here I will have something back of it more than the general argument with reference to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The next amendment was, on page 33, after line 20, to insert:

The Secretary of the Interior be, and he hereby is, authorized to pay, out of any funds belonging to the Chippewa Indians in Minnesota, such amount or amounts as he may find to be due any person by reason of his or her name having been omitted erroneously from the rolls.

The amendment was agreed to.

The next amendment was, at the top of page 34, to insert:

The amendment was agreed to.

The next amendment was, at the top of page 34, to insert:

That the sum of \$6,000, or so much thereof as may be necessary, of the tribal funds of the Chippewa Indians of the State of Minnesota, is hereby appropriated to pay the expenses of the general council of said tribe to be held at Bemidji, Minn, beginning July 13, 1917, pursuant to the constitution of the general council of said Chippewa Indians of Minnesota, organized in May, 1913, and to pay the actual and necessary expenses of the members of the executive committee of said council when attending to the business of the tribe and to pay the expenses to Washington during the second, session of the Sixty-fourth Congress of the legislative committee appointed by the president of said council, and to pay the expenses to Washington during the second session of the Sixty-fourth Congress of the delegation appointed by a council held on the Winnebegoshish Reservation, January 2, 1917, and to pay the expenses to Washington of the delegates elected by the council of the White Earth Bands of the Chippewa Indians of Minnesota, held at White Earth, Minn., December 1, 1916, to visit the city of Washington to represent the said bands and the Chippewas of Minnesota generally before the departments and Congress during the second session of the Sixty-fourth Congress, including the sum of \$337.44 of the expense of William Madison and Gus H. Beaulieu in Washington, from March 18 to May 25, 1916, inclusive, said sum to be immediately available, and said expense of holding the general council to be approved by the president and secretary of the general council and certified to the Secretary of the Interior and, as so approved and certified, to be paid: and the expenses of the delegates to Washington to be paid upon certification by each delegate of his actual and necessary expenses, when approved by the Commissioner of Indian Affairs. The Secretary of the Interior may authorize an inspector or special agent to attend the future sessions of said g

The amendment was agreed to.

The next amendment was, on page 36, line 2, after the word "employees," to strike out "\$50,000" and insert "\$75,000," so as to make the clause read:

For support and civilization of Indians at Blackfeet Agency. Mont., including pay of employees, \$75,000, to be immediately available.

Mr. SMOOT. May I ask the Senator having the bill in charge if the \$25,000 increase in this item was estimated for?

Mr. ASHURST. In reply to the Senator from Utah, if my memory serves me correctly—I have not turned to the House or Senate hearings—I think the estimate was for \$100,000. The Senate committee, after a full hearing, believed that \$75,000 was necessary. The House hearings on the subject

appear on page 173.

Mr. SMOOT. The House provided \$50,000, and the Senate committee increased the appropriation from \$50,000 to \$75,000.

Mr. ASHURST. That is true. I wish to state that the esti-

mate is \$100,000.

Mr. LANE. On what page of the hearings is that, if the Senator please?

Mr. ASHURST. At page 173 of the House hearings the matter is discussed before the House committee.

Mr. LANE. I understood that Mr. Meritt offered a full justification. He says the amount asked for is \$100,000.

Mr. JONES. Why should this appropriation be made imme-

diately available? Did we not have an appropriation for the current year?

Mr. ASHURST. The language to be made immediately available was believed to be necessary by the commissioner and the committee.

Mr. JONES. What I wanted to inquire was if it is necessary?

Mr. ASHURST. So that they could use it at once.

Mr. JONES. Why do they need it at once?
Mr. LANE. I will answer that if the chairman will allow me. The Indians on the Blackfeet Reservation are said to be starving

Mr. JONES. Did we not make an appropriation for the

current year?

Mr. LANE. We did. They were going hungry last year, and they will go hungry next year. They were going hungry the year before last, and will continue to do so until they are better cared for.

Mr. JONES. We did not appropriate enough money?

Mr. GRONNA. If the Senator will allow me, we appropriated only \$25,000 last year.

Mr. JONES. That was not enough.

Mr. GRONNA. It was not enough.

Mr. JONES. So this is really to take care of a deficiency that is absolutely necessary?

Mr. LANE. I do not know whether it is a deficiency or not, but I want to call attention to what became of the appropriation, not reflecting on anyone in the least.

The first item is for support and civilization of the Blackfeet Indians. If you will look over the items for a justification, you will find the amount expended was nine thousand and some odd dollars, for salaries and wages of agents, and they are whites.

That does not feed the Indians a mouthful.

Traveling expenses, \$110.

That did not go to the Indians.

Transportation of supplies, \$971.

That may have in part benefited the Indian.

Telegraph and telephone service, \$92.42. Subsistence supplies, \$2,387.67.

Out of \$25,000.

Fuel, illuminants, lubricants, etc., \$1,238.

I have an idea the Indian did not get any of that. He hustles for his own fuel.

Medical supplies, \$49.19.

There is a tribe of Indians, a large majority of whom are ill from trachoma or tuberculosis, or both, and other diseases and subject to all the ills of ordinary men, and the amount expended for medical supplies was \$49.19.

Implements, vehicles, tools, etc., \$102.79-

To supply him on his farm so that he may become selfsupporting-

Sundry supplies, equipment, etc., \$73.73. Seed, \$229.17. Miscellaneous, \$20.81.

In respect to the Seminoles, among the Florida items on page 151, who are said to be in a state of destitution, it is also said of them that they are about the only real aboriginal tribe of Indians left, being outdoor people who made their living by hunting and fishing until repeating shotguns were adopted by the whites, and not by any art or trade or science taught to them by white men. If you make an analysis of the expenditures which are furnished here, you will find on page 152 of the House committee hearings for this session the following statement:

Salaries and wages, \$376. Traveling expenses, \$125-

I am leaving out the cents-

Subsistence supplies, \$54-

For a starving tribe of 578 Indians. Apparently they are solving the question of the high cost of living. They have acquired an art which all nations are now trying to learn, which is how to evade the high cost of living. Here is a whole tribe of people of 578 Indians who subsist for a year on \$54.08. ought to hire some of them to come up and tell us how they do it and teach us, and to go elsewhere and teach others. They have got it down to the finest point I have heard of.

Dry goods, wearing apparel, etc., \$24.24-

To keep them warm, I suppose.

There is another good item of useful information for 578 people.

Medical supplies, 55 cents.

They have got that down to a point that would please the senior Senator from California.

Educational, stationery, and office supplies, \$72.20. Hospital and medical expense, \$78.60.

Now, you see what the Indians get out of those items of support and civilization. It is the same, practically, and does not vary much from that of any of the tribes of Indians.

That is why I said the other day that this sort of system, so far as the Indians are concerned, ought to be changed. It does not reflect well upon the greatest legislative body of the world to have the people fooled by such a scheme.

It would be tiresome if I called your attention to any more

of such appropriations; and what good does it do? One might just as well go out the door there and whistle down the east wind. It seems to be useless. It is almost heartbreaking. The whole scheme is founded upon bureaucratic methods which have grown upon the country and upon the Indians, with damage to the country to the extent of as much money wasted out of the National Treasury, and it has almost utterly ruined the Indians. It has left them helpless; it has confined them to a reservation in the bounds of a district fixed on purpose for their use for the reason that it had no value to the white man. They did that years ago. They put the Indian off into a far corner which was useless to him at the time, and he is now confined there. He has no help of any practical value; he is left to rot. No inspector who visits them, as I said the other day, dares make public the facts as he finds them.

I am not criticizing the officials for it. It has grown upon them until they have lost their bearings. Our administration perhaps is as good as yours was, and if you get back into power yours will be no better than ours unless you change the system. There can be no success until the system is changed. A good superintendent is no better off than the dependent nincompoop relative of some one who has had influence enough to get him appointed to that or some other place in the employment of the bureau. They have no right of initiative. If an Indian wants to buy a plow or put in 40 acres, we will say, of wheat in a country which will raise wheat, the request will be forwarded to Washington, and before the seed or the plow get back to the Indian in order to enable him to put in a crop the season has quite frequently passed, so long does it take to get supplies to him; the season has passed, the Indian is discouraged, and is rated as an incompetent. I have seen lands which were irrigable and on which water could be made to flow with a few days' work in ditching, and where the Indian had received assurance that he would secure water on it. The land was tilled, the seed sown, and before the water was given to him his crop dried up and died, and after it was dead and of no value the water came in a sufficient quantity to have raised him a crop and made him comfortable for the year if he

had received it in time. I was reading an article the other day which some one handed me, apparently an open letter to Congress, if you please, on this same subject, and I am going to read it into the RECORD. I will say to the chairman of the committee that it is a long article, and I am going to read it slowly, and he had just as

well look pleasant while I do so.

It is printed in the State, Columbia, S. C., Sunday, January 7, 1917. It gives the viewpoint of an unprejudiced man who has served in this work. The letter proves at least with what we know of the affairs of this Indian Bureau and our system

of handling the Indians that the work is futile.

Mr. THOMAS. From what paper is it? Mr. LANE. I am reading from a paper known as the State, published in Columbia, S. C., on Sunday morning a week ago. I have only a couple of pages of it here. I do not know what sort of a journal it is, or what its standing, but here is the statement of a man by the name of W. H. Gibbes, formerly inspector. The headlines of the article were, I assume, written by the person who edits the paper, and it states:

THINKS INDIAN PROBLEM NEEDS RADICAL METHODS—W. H. GIBES, FOR-MERLY INSPECTOR, POINTS TO DEFECTS IN PLAN AND ADMINISTRATION WHICH MAKE GOVERNMENT'S MANAGEMENT HARMFUL RATHER THAN

BENEFICIAL.

The open letter below relating to the Indian question has been addressed to the Secretary of the Interior and to the Indian Commission, at Washington, by Wade Hampton Gibbes, formerly inspector of the Indian Service of the United States. It should receive the attention of men and women everywhere in the country who are interested in the welfare of the Indians. Mr. Gibbes was at one time auditor of Richland County and subsequently mayor of Columbia. He needs no introduction to the people of South Carolina.

Would there be any objection to my having the Secretary read the article? He is more familiar with an exercise of the vocal chords than I am.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in

the Chair). The Secretary will read as requested.

Mr. LANE. Or I will read it myself if there is objection.

Mr. SMOOT. There is no objection.

The Secretary read as follows:

COLUMBIA, S. C.

Hon. FRANKLIN K. LANE, Secretary, Hon. Caro Sells, Commissioner, Washington, D. C.

GENTLEMEN: Having entered the Indian Service as an inspector with a sincere desire and purpose to aid in its betterment, I feel impelled to

address you publicly with the same end in view. In the brief and only talk I had with Mr. Sells after appointment, he asked me to report upon the shortcomings of the office as well as of the field, and I have certainly done so according to promise, but have never had a word of approval or rebuke for the many radical faults I have found and reported in no uncertain terms.

At first, my field was supposed to be at large, but it was later limited to three States, Michigan, Wisconsin, and Minnesota.

In reporting my findings after full, careful, and close study of the 21 activities there, I do not wish to make any unkind criticism of men, for I have only the kindest feelings toward individual officers and employees in Washington and in the field. They tell me I saw the best of the Indian Service. If this be true, may Heaven help the worst.

In the matter of administration, I found the Washington office a stumbling block to the effective conduct of the agencies. The agent or superintendent on the ground, under heavy bond, is almost a puppet, hemmed in and limited by restrictions that leave little margin for the exercise of individual judgment and discretion.

This condition is evidently brought about by the slow, clumsy, and cumbersome movements of an administrative machine which has become topheavy through overgrowth, and inexpert through isolation.

Indian work in the field needs the prompt action on the field of an ever-present, alert, and sympathetic human body, brain, and heart, unhampered by perfunctory dictation of distant officials (oftentimes clerks), who, however able, can not grasp the issues of local emergencies. Each bonded superintendent should be a local executive in the full sense of the word with discretion limited only by reasonable business regulations designed to bring about the best and quickest results according to the approved experience of successful business affairs.

He should be the one to submit to Congress a report of his work and its needs which should not be left to languish through la

tendents I have met who would be unable to measure up to the needed standards of ability and efficiency, and those few could be easily replaced.

Investigation will prove, I am sure, that the Indian missions conducted as here suggested discount the Government agencies in economy and equal them in efficiency.

The reduction in overhead expense in the Washington office and central warehouse alone would justify the change.

From association and contact with the Indian I have become convinced that his treatment by the Government is one of continued error heaped upon initial mistake. Originally segregated upon reservations in order to insure the safety of the whites who were thinly settled in outlying territory, the continuation of such a policy after the full attainment of its purposes has operated to delay the development, the amalgamation, and the civilization of the Indians in the fulfillment of their manifest destiny. This proposition is proved by the undeniable fact that those Indians who have cut loose from the Government have progressed far ahead of those who are still in serfdom as its wards.

This serfdom is a greater reproach to this Nation than was the slavery of the negro. The tenure of the title to his lands, and the holding of his funds by the Government, are sometimes used to coerce him into a compliance with Government requirements, thus sapping independence and undermining his character. Therefore, if there be decadence in the manhood of the old Indians thus treated the Government is responsible, and the Government owes support to those Indians it has ruined and education to their children to keep them from being ruined also. Its activities should stop there. The very plan of the Indian Office to encourage industry among the Indians by giving a few favored individuals the use of reimbursable funds without interest is an encouragement in the continuation of unbusinessilke methods.

Everywhere there are capable and competent Indians who ought to be

Interest is an encouragement in the continuation of unbusinessilke methods.

Everywhere there are capable and competent Indians who ought to be free and independent citizens to-day, but usually the office keeps them chained to their stationary cotribal members.

The proud, sensitive, high-strung Indian often feels that hope for him and his lies not on this side of the grave.

The young and middle-aged adult Indians should be given their land and money and made citizens of America, and citizenship should be conferred on the minors as fast as they reach maturity.

If any squander their heritage it will be no more than our white citizens do and usually the school of adversity alone confers a valuable civic education.

Turn such Indians loose now under some well-considered plan and they, humanity, and civilization will soon be the gainers.

The office at Washington tends to unify the Indian problem, whereas each reservation and tribe offers a clear, separate, and distinct problem in itself, and the solution of one by no means involves the solution of the other. How may this Government pose as a potential solver of the Philippine problem when it has failed and is falling with its own Indians?

The emancipated Cherokees of North Carolina and Oneidas of Wisconsin have done more for themselves than the Government has done for any Indian still enslaved under its wardship.

The commissioner's desire appears to be to uplift the Indians through the slow processes of governmental administration. He can not do so by such wornout shibboleths as "save the babies" while clinging to archaic administrative methods that block the well being and progress of the potential parents of the babies, and while transferring utterly unworthy employees from one reservation to another, in place of purging the service by their dismissal. Such a task is too great for him or any other human, for it is based upon an unfit foundation.

VIOLATION OF STATE LAWS.

For six months I have called attention to the probable fact that Indian Office school regulations were directly causing the violation of the child-labor laws of the States, but I have had no word of recognition of the matter. Will it be allowed to fall by default?

These reforms in the interests of our native Americans can not be properly effected from the inside. Therefore, I appeal to you men in high place to help solve them from the outside and to allow this thing to remain no longer a reproach to the Nation.

Congress should provide boards of efficiency experts to study the various Government bureaus and displace their old, cumbersome, expensive methods with proven modern business rules and regulations. The handicaps encountered by England in a time of stress should

warn America. Herein might be effected a saving of millions and a wonderful increase in the efficient dispatch of all public business. My severance from the service is voluntary on my part, partly from a feeling of hopelessness in going after real, progressive reform through the heavy machinery of the Indian Office. If field workers could talk for publication as I know they feel in the main, my points would be overwhelmingly sustained. As a rule they are faithful workers, and distressingly underpaid.

The reasons for my conclusions may be found in the facts and details in my official reports which should be open to the public, which are susceptible of proof and have never been excepted to by the office though often of grave importance.

Entering the Indian Service in the belief that the Indian Office was designed and conducted as a benefaction to the race, I am leaving it convinced that it is the Indian's "Old Man of the Sea," who will try to cling around his neck in a strangle hold forever.

This letter is given to the public because to do so seems to me to be a public duty, and because essentially the same statements made officially have had no official reply.

Permit me again to state that my criticisms are of methods and not men, and my hope the welfare of a race. The American people should give the Indian problem their attention.

Very truly, yours,

W. H. Gibbes, Formerly Inspector Indian Service, U. S. A., Columbia.

Mr. LANE. Mr. President, that was an honest inspector whose conscience would not permit him to remain in the service. If other inspectors were to tell the true conditions, except in confidence perhaps, they would be in fear of losing their positions.

I have here [exhibiting] a press book and a great many reports on Indian affairs, letters written to the department by a former inspector, which told the truth, which narrated conditions as they were. This was in the time of President McKinley's administration, and that inspector was dismissed from the service for meddling in affairs which were of a nature too tender for the bureau to listen to from a subordinate. That inspector was W. J. McConnell, ex-governor of Idaho. Any man who looks into the condition of the affairs of the Indians, or who will go among them and see it and listen to their statements, and will check against them, will find that the same deplorable condition is pretty general throughout the country. Their lands are leased without their permission, and they have no voice in such affairs. They are in many instances forbidden to hold councils with one another so as to come to an agreement as to the proper handling They are often, as I said the other day, forof their affairs. bidden to visit with one another, even with their own relatives in different parts of the same reservation; and in some instances they are jailed if they do visit with them without a written permit. I have one of those written permits in my possession.

There are Indians in this city to-day who are here to counsel with the Senate committee on the management of their affairs and the disposition of their property, who told me confidentially that they dared not tell us the facts as they exist; that they are in fear that they will be punished if they do; but they have asked that we of the committee bring it about in such manner that they will be compelled to state the truth as in a court, and then they will disclose to the committee the conditions of want and of suffering of their people. The Indian is held as a ward; his property is managed by the Indian Bureau as his or her guardian. The Indian may not buy or sell or move from his location without the consent of that bureau; he may not, in many instances, live in the old tepee, which was really a sanitary building, and which could be moved from place to place, away from insanitary conditions, but he is compelled to live in a hovel of one room, many such hovels being without windows, for the reason that the Indian has not the money to buy glass; and if he had, it would be too cold to live in in winter. little box house, not a frame building, under conditionsit merely proves the Indians' enormous original vitality, that they are not all dead, that they have not died long since.

I will say-and sometimes these things are really laughablethat I was on one reservation where they were civilizing one Indian, among many others, and educating him. He had an allotment up in the mountains and he wanted to farm it, and made a request of the Indian Bureau, through the superintendent, for some farming implements. They answered his prayer by presenting him with four bales of barbed wire and a set of harness. Think of it! Think of going to farming, setting up a home on a farm armed with four bales of barbed wire and a set of harness, with no team, no plow, or anything else with which to work the ranch. His place was 35 miles from the agency; he could not carry the barbed wire on his back, and so he got one of the neighbors to carry it within about 11 miles of his place. The set of harness he hung up on the ridgepole on the outside of the cabin, as there was not room for it inside. That was the effort of the bureau to make a farmer of him; and right there we left him. I assume that he still has the barbed wire and that the harness probably has gotten into a pretty bad state of decay by this time. That was an individual instance,

The Indian Bureau entered into a scheme of raising cattle and in community herds— Mr. GRONNA. Mr. President-

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from North Dakota?

Mr. LANE, I yield. Mr. GRONNA. I should like to know if this Indian of whom the Senator from Oregon speaks was located on one of the irrigated reservations?

Mr. LANE. He was located on one of the irrigated reserva-

However, I desire to say, in justice to the Indian Bureau, and it is due to Senators from those States where large reclamation plants have been put in to say, that after you have established an irrigation or a reclamation system and leave it to the Indian to select his allotment, the land to be reclaimed lying on the level plains below the mountains is a place where the mountain Indians do not like to live. They like to be off up the stream, near the timber, near the headwaters of the

stream. They do not, as a rule, select the more valuable allotments, but they take in preference those nearer the timber and where the game used to be.

This Indian was on one of those allotments well up into the

mountains which had a stream flowing through it, and which could have been irrigated, but he could not make a farmer of himself with four bales of barbed wire and a set of harness. Anyone who has ever farmed would know how ridiculous that would be; and it would seem to him as if the superintendent had been playing a joke on him and had been guilty of an ironic treatment of his needs.

But take one of the other larger reservations, or take any one of them where they have issued cattle to the Indians. bought a herd for one tribe—a tribal herd, as they call it—the I. D. herd, the Indian Department herd. On this reservation

they have now about 15,000 head of cattle.

This statement has been made to me by Indians who live on the reservation, and I assume that it is accurate, for they are usually a truthful people. Their lands, consisting of hundreds of thousands of acres of good grass lands, are leased to cattlemen, who range their cattle and sheep upon them. Under the agreement with the lessee the Indians must in preference sell the Indian hay on the reserve to the lessee who is ranging his cattle on the reserve. The lessee pays for it, or has been paying for it during this winter, at prices ranging from four to five dollars a ton, and the lessees have the first bid on it. the reserve, across the line, hay of the same sort sells for from \$8 to \$18 a ton, but it is too far for the Indians to haul it, and so the price is set and the measurement is made by the lessee. If incidentally the Indians' barbed-wire fence gets clipped some night, and the herd, consisting perhaps of 500 or 800 or 900 in a bunch, wander through the opening, very naturally the Indians will have no hay to sell, and when the lessee comes around to buy the cattle have already carried the hay off inside of them and it can not be measured. [Laughter.] The Indian, therefore, has nothing to sell, but the hay has gone to the lessee just the same and at a disastrous price to the Indian.

They tell me they have not been able to sell much of their hay to the bureau, but the bureau purchases hay elsewhere and pays a larger price for it. In other words, the Indian must sell his hay at the lowest possible price, while for the maintenance of his share of the community herd he is made to pay the highest price for hay. As a matter of fact, the cattle on that reservation are not on the reservation or even in the State at this time, but have been driven entirely out of the State. They had to be driven out of the State to keep them from starving to death, and they are now over in an adjoining State and not upon the reservation, for the reason that there is no grass upon which to subsist them, while at the same time thousands upon thousands—altogether 100,000—of the cattle of the lessees are ranging on the grass of the Indians, on their lands, at a remunera-tion to the Indians of, say, 10 cents an acre. The outlanders graze their herds on the Indian lands, which forces the Indians to rent grazing lands off the reserve, and even outside the State. This transaction is a good example of Indian Bureau business management. That is not an exception. There are other reservations

Mr. OVERMAN. Mr. President, how much per capita does it

require to take care of the Indians?

Mr. LANE. I suppose, as to the majority of them, about 10 cents per annum.

Mr. OVERMAN. I mean including administration expenses

and everything else, how much per capita does it cost?

Mr. LANE. We spend annually about \$11,000,000 on them.

Mr. OVERMAN. What would that be per capita, according to the number of Indians?

Mr. LANE. Well, I have never figured it out; but the appropriations amount to between ten and eleven million dollars, and there are, say, 300,000 Indians, most of whom are denied any subsistence, for the reason that it is the theory of the bureau that the Indian must be made to become self-supporting. That would be a laudable purpose if the Indian were allowed to support himself; but he is restricted so that he has no opportunity

If you will look through the items in the bill providing for support, maintenance, and education of the Indians, you will find appropriations for balcksmiths and for one thing and another; and if you will check the figures over, you will find in many instances eight or ten thousand dollars for salaries, and, as in an item I quoted a while ago, allowances for subsistence of \$150 or \$400 or \$500. That is the way it goes. This bill is not for the Indian; this bill is neither for his support nor for his subsistence nor for his civilization, in the main. It is for any and all other purpose under high heaven than these.
Mr. JOHNSON of South Dakota. Mr. President-

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from South Dakota?

Mr. LANE. I yield. Mr. JOHNSON of South Dakota. Mr. President, I understand that the Senator from Oregon is very familiar with Indian matters, and has been familiar with them all his life. I notice by the Congressional Record that up to 1915 there have been appropriated in Indian appropriation bills about \$220,000,000.

Mr. CLAPP. Mr. President, will the Senator from Oregon

allow me to say a word there?

Mr. LANE. I yield to the Senator.

Mr. CLAPP. I will ask the Senator if he refers to the statement made by the senior Senator from Colorado [Mr. Thomas]? Mr. JOHNSON of South Dakota. I will answer that I do not know, as I have not been able to be in the Chamber during the debate on this bill until to-day.

Mr. THOMAS. Mr. President, I can answer that question. It was the Senator from North Dakota who gave me the information upon which I based the statement that something like \$250,000,000 has been expended in the last 20 years. I may have misquoted the Senator, but that is my understanding of what he

said to me one day before going away.

Mr. CLAPP. That is evidently a mistake, because the present bill, which I think is the largest one, only carries about \$12,000,000, and 10 years ago I do not think the Indian appropriation bill ran over \$6,000,000. So it would not do to take the present bill and multiply it by 20 as the basis of the expenditures of 20 years. More than that, it must be borne in mind that a very large proportion of the amounts appropriated have been to provide for the payment of sums due under treaties and treaty obligations that could not be charged properly to the care and maintenance of the Indians. When the Senator from Colorado made that statement I was disposed to call attention to it, but did not

Mr. JOHNSON of South Dakota. Mr. President, the figures which I have include the amount carried in the Indian appropriation bill each year since 1891. The totals have been added together, making an aggregate sum of over \$218,000,000. That does not include the 1915 appropriation bill, I believe; but I think the Senator from Minnesota will find the figures absolutely correct. I tried to make it correct, and I think he will ascertain

the figures to be accurate.

What I wanted to ask the Senator from Oregon was how much real good he feels that the appropriation of that enormous amount of money has been to the Indians generally?

Mr. LANE. Mr. President, I beg the Senator's pardon; was

he addressing me?

Mr. JOHNSON of South Dakota. Yes.

Mr. LANE. I have just been reading an item concerning the Apache, Kiowa, and Comanche Indians, on page 218 of the hearings of the Subcommittee on Indian Affairs of the other House. The Apaches and Kiowas have—I do not remember the exact figures—in the neighborhood of \$3,000,000. We appropriated, out of their funds for 1917, \$25,000, and an analysis of the expenditure shows the following:

Salaries and wages	\$19, 314, 10
Traveling expenses	368. 29
Transportation of supplies	56. 34
Heat, light, and power (service) Telegraph and telephone service	545, 80 340, 08
Subsistence supplies	8. 36

It would be difficult to find a better illustration of the workings of the system than that. It may be a little extreme, and I do not want to be unjust, but that is somewhere about the proportionate rate and the proportionate amount of benefit and the proportionate amount of civilization and subsistence which the Indians get.

The bill is a humbug, if that language is parliamentary; but the appropriations and expenditures which our friends ought to criticize and make themselves merry with are the fixed and standing appropriations which give power to a certain bureau to execute their will, if you please, on the Indians. That bureau refuses to give the Indian the right to sue for either their rights or property in a court of justice; they can not employ such an attorney without the consent of the bureau, and that attorney must be one who meets with the bureau's approbation. terest of the Indian is not considered in the matter at all; and what condition does that place the Indian in? It allows the defendant, the bureau, to select the attorney who is to prosecute it in court.

Mr. CLAPP. Mr. President—— The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Minnesota?

Mr. LANE, I yield. Mr. CLAPP. Mr. President, I hold no brief for the Indian Office, but the reason the attorney has to be approved by the department is because Congress has so decreed.

Mr. LANE. But Congress acted on the request of the bureau. Mr. CLAPP. The Indian Office has no power to authorize a That can be done by Congress alone, and, in the main, I have not found the Indian Office hostile to bills authorizing Indian tribes to institute proceedings when they have claims against the Government. It does seem to me that we ought not to blame the Indian Office for not doing things which it has no authority to do.

Mr. LANE. I want to say for the Senator's information that I have found the bureau doing that identical thing. It is a matter of record-and I will send and get it for the Senator if he is anxious to see it, and call his attention to it later-that they do object to the employment of attorneys and forbid the Indians or discourage them from bringing suit on just claims before the Court of Claims, and at times, I am reliably in-formed, refuse to pay the expenses of attorneys in cases where they attempt to do their full duty by the Indians. That is matter of common knowledge among attorneys, and must have come to the attention of the Senator, it seems to me, he having been on the committee many years.

Mr. CLAPP. It has, but the other fact has come to the Senator's attention, that Congress in the main lays down these

restrictions.

Mr. LANE. But at the request and solicitation of the bureau. It has been done since I have been here.

Mr. CLAPP. Not in all cases.
Mr. LANE. In mighty nearly all of them.
Mr. CLAPP. It is very easy to find fault with the bureau, but they have to be governed by the laws that we pass.
Mr. JOHNSON of South Dakota. Mr. President, the only

object I had in asking the question I did of the Senator from Oregon was to illustrate, as I understand, the immense amount of money that has been spent by this Government for a purpose that I do not believe to be of much benefit to the Indian. I want to ask the Senator from Oregon if he thinks that there will be any improvement in the Indian management as long as the present system exists?

Mr. LANE. In my opinion there will be no improvement.
Mr. JOHNSON of South Dakota. The statement made by the
Senator from Minnesota [Mr. Clapp] with regard to what the Indian Office has done is correct, so far as I know, and that is the very question that I am going to try to raise on this floor a little later on, to see if Congress will not recognize what they are doing, will not recognize that they are responsible largely for the condition of the American Indian to-day by passing these things over and ignoring conditions as they are.

Mr. LANE. I would reply that Congress—and I have said so at all times—is responsible for it; that it is responsible for creating a creature which flouts the laws it makes; that it has given power to its own creature to carry on the affairs of the Indians in a manner which means ruin to the Indians and an immense and unnecessary expense to the people of this country, which will eventually wipe the Indians out of existence, which hangs on their backs, as that inspector said whose letter was read awhile ago, like the old man of the sea, and I think will never let go as long as it can bring influence to bear on this body and the other one to continue its existence and its strangle hold on those people; that no good can come out of it; that no good ever did come out of it; that it is the wrong system.

The Indian, to begin with, was a man who was used to the utmost freedom of action, and went as far over the hills and plains as he dared go or until he met resistance from a hostile We locked him up, or, rather, we fenced him in on a tribe. limited area of land, given to him only for the reason that it was of no value to the whites-and, in our opinion, it never

would be of value to us or anybody else-and also in order to keep him where he could be guarded from attacking the whites in warfare; and the Indian never will come out of it with any advantage to him.

We give blanket grants to our creature—this bill contains many of them—to be exercised under such rules and restrictions as may be willed by the Secretary of the Interior, who receives his information from the Indian Bureau under him.

I have a bill which I will present after a while which was submitted by the Indians themselves for freeing them from these conditions; but we can never free them so long as we keep tying them into the existing conditions and adding power to the hand which holds them within its inefficient grasp.

Referring to the statement made by the Senator from Minnesota that the Secretary of the Interior is largely governed by the acts of Congress which prevent the employment of attorneys I will say that that is true; but the bureau always seeks the power. The other statement that he grants any freedom in the Indians' choice of attorneys in going to the Court of Claims with just claims is a matter about which I have my doubts. I say that for the reason that I presented here the other day a bill which allowed a certain tribe which thought it had been damaged to the tune of millions-and it has, and I believe it can be proven-and the Secretary made a report adverse to the employment of such attorneys in that case. told by a reputable attorney that as high as \$50,000,000 of Indian property was wasted and lost, too, and more is to come. They can not have an attorney; and here are the Crow Indians, whose lands were leased illegally and allowed to go to private persons for nothing to fortunate lessees without a cent of return, either to the Indians or to the Government; and they want to Can they do it? Will you help them and support it? Will you help me in getting a bill through?

Mr. CLAPP. Why, Mr. President, I think it is one of the grotesque spectacles of our times that we assume the rôle of guardian, relegate the Indian to the rôle of ward, and then refuse the Indian access to a tribunal of our own creation.

Mr. LANE. I do, too. Mr. CLAPP. I have no sympathy with that.

Mr. LANE. I am with the Senator on that.

The reading of the bill was resumed.

The next amendment was, on page 36, line 6, after the name "Montana," to strike out "\$20,000" and insert "\$30,000," so as to make the clause read:

For maintenance and operation, including repairs, of the irrigation systems on the Fort Belknap Reservation, in Montana, \$30,000, reimbursable in accordance with the provisions of the act of April 4, 1910.

The amendment was agreed to.

Mr. MYERS. Mr. President, was the last amendment acted

on? I have not heard any ruling.

The PRESIDING OFFICER. The present occupant of the chair is informed that the amendment was agreed to when his predecessor, the Senator from Florida [Mr. BRYAN], was in the chair.

Mr. SMOOT. Was the amendment on line 6, page 36, agreed to? The PRESIDING OFFICER. It was.

Mr. SMOOT. The amendment increasing the appropriation from \$20,000 to \$30,000?

The PRESIDING OFFICER. It was, while the present occupant of the chair was here.

Mr. SMOOT. I suppose that is in line with all the other increases, is it not?

Mr. ASHURST. Mr. President, that was estimated for at \$30,000. After considerable discussion, the committee agreed to it at \$30,000.

The PRESIDING OFFICER. Does the Senator from Utah wish to make further objection to the amendment?

Mr. SMOOT. No; there is no use in doing so.

The next amendment was, at the top of page 37, to strike out: For the support and civilization of Rocky Boy's Band of Chippewas, and other indigent and homeless Indians in the State of Montana, including pay of employees, \$5,000.

For the support and civilization of the Rocky Boy Band of Chippewas, and other indigent and homeless Indians in the State of Montana, including pay of employees, \$10,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 2, to insert:

The next amendment was, on page 38, after line 2, to insert:
That the Secretary of the Interior is hereby authorized to expend the
sum of \$22,400 from any money now available for construction of irrigation systems on the Blackfeet Reservation, in Montana, in the purchase
of lands embraced in the allotments of George W. Cook and David La
Breche, described as lots 3 and 5, section 27, and lots 1 and 2, section 34,
township 32 north, range 13 west, together with all the improvements
thereon, in consideration of the relinquishment by the allottees of all
their right, title, and interest in and to said lands and improvements,
and of their right to select lieu land under the provisions of section 14
of the act of June 25, 1910 (36 Stat. L., pp. 855, 859), and the release

of all their claims whatsoever against the United States or the Black-feet Tribe of Indians by reason of said lands being required for reservoir purposes in connection with the irrigation system on the aforesaid Indian reservation.

Mr. SMOOT. Mr. President, a member of the committee asked me, if he should not be in the Chamber when this item was reached, to inquire in relation to the item and ask whether it was estimated for, whether there were any hearings in the House upon it, and whether there were any hearings in the Senate upon it.

The PRESIDING OFFICER. Can the Senator in charge of

the bill supply the information?

Mr. ASHURST. Yes.

Mr. SMOOT. He stated that he knew nothing about it until he saw it printed in the bill.

Mr. WALSH. Mr. President, I venture to answer the inquiry of the Senator from Utah. The last appropriation bill carried this item.

Mr. SMOOT. It went out in conference, then?

Mr. WALSH. It went out in conference; and the justification for the item is found in the report of the committee.

Mr. ASHURST. At page 19. Mr. WALSH. At page 19. Mr. SMOOT. The report on this bill, or the report on the bill a year ago?
Mr. WALSH. This was on this item.

Mr. SMOOT. A year ago?

Mr. WALSH. In the bill of a year ago.

Mr. SMOOT. Will the Senator read for us what the justification is?

Mr. WALSH. I will read what is said here. This is a letter addressed to the chairman of the committee by the Secretary of the Interior under date of May 26, 1916, as follows:

Mr. WALSH. I will read what is said here. This is a letter addressed to the chairman of the committee by the Secretary of the Interior under date of May 26, 1916, as follows:

My Dean Senatoric Receipt is acknowledged of your favor of May 10 regarding Senate bill 5912, Introduced by Senator Watani, Sixty-fourth Congress, first session, to authorize the expenditure of \$22,400 in the purchase of lands, together with the improvements thereon, in the allotments of George W. Cook and David La Breche, allotted on the Blackfeet Reservation, Mont., which was needed in connection with the construction of an irrigation system.

It appears that the lands in question were selected by George W. Cook attracted thereon a sawmill and other valuable improvements.

An order withdrawing these lands for the Lower Two Medicine Lake Reservoir was prepared and approved on January 21, 1911.

Subsequently the claimants brought suit in the United States District Court for the District of Montana, and on April 2, 1914, said courtenered a decree in the case, holding that the selections of Cook and La Breche were valid of date not later than July, 1909, and that the order and owners in fee alms was void and that the claimants as allotted and owners in fee alms was void and that the claimants as allotted and owners in fee alms was void and that the claimants as allotted thereunder. This decree reads, as to both George W. Cook and David La Breche, as follows:

"And that he was, at the time of commencement of this suit, the owner of the said premises and entitled to the occupancy of the same without interference on the part of said defendants or anyone acting in their behalf, and that he is entitled to letters patent for said premises, as provided by law in such cases; that the said plaintiffs premises, as provided by law in such cases; that the said plaintiffs of the month of the said premises and content of the fact that one of the items was a purchase of land for which specific authority of law is required, it was found impossible legally

mended that they be given lands in addition to money. By reason of the peculiar value of these lands this would be a considerable item. There was testimony introduced showing that for chalet purposes the lands in question are worth from \$50 to \$150 per agre.

For the reasons herein indicated I am heartily in favor of the passage of this legislation in order that a controversy of long standing may be terminated.

Cordially, yours,

FRANKLIN K. LANE, Secretary.

Now, I ought to correct myself, Mr. President. The item was contained in the appropriation bill, and passed the Senate, but went out in conference, the House conferees saying that they objected to a claim of this character on the general appropriation bill. Accordingly, a separate bill was introduced, and the letter which I have just read is the letter of the Secretary in response to an inquiry made with respect to that bill. bill then came before the Senate and was passed by the Senate and went to the House, and is now pending in the House; but we have not been able to make any progress whatever upon it. Notwithstanding assurances from members of the conference committee that they had no objection whatever to the item except that they objected to its being put upon the general appropriation bill, no relief has been secured, and so we ask that it go again to the House.

Mr. SMOOT. Mr. President, this amendment authorizes the Secretary of the Interior to expend the sum of \$22,400 from any money now available for construction of irrigation systems on the Blackfeet Reservation in Montana. I understand that the irrigation fund for the Blackfeet Reservation has been expended. They are appropriating additional money in this bill; but does the Senator believe that it is a good thing to take \$22,000 out of that irrigation fund when it will take all but \$2,600 of the fund appropriated this year for irrigation purposes?

Mr. WALSH. The Secretary has advised that this is the thing most needed to be done with the money. I might say to the Senator from Utah that this story, if it were told in detail, would furnish material for another novel by Helen Hunt Jackson. These Indians, after having been deprived of their lands by the action of the department, were obliged to go into court to assert their rights. They did so, and the court adjudicated that the land belonged to them and that the Government had no right to take it. The Government finally acquiesced in that, and said, "We will pay you for the land," and an arrangement was entered into by which they were to be paid the sums speci-fied in this amendment, after long negotiation and after two hearings, testimony being taken at some considerable length. These people are out of the use of their land; their sawmill property has been destroyed, was destroyed seven years agoseven years ago !- and they have been pleading, pleading, pleading from that day to this for reimbursement.

Mr. GRONNA. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah

yield to the Senator from North Dakota?

Mr. SMOOT. In just a moment. It looks to me like a farce to appropriate \$25,000 for construction of irrigation systems on the Blackfeet Reservation in one part of the bill and then, a few pages further on in the bill, to take away \$22,400 of that appropriation for paying two Indians. It seems to me that the proper thing to do, if the Blackfeet Indians owe this \$22,400, would be to make a direct appropriation to the parties and take it out of the Blackfeet fund, if they have any, or, if they have not, to make it reimbursable.

Mr. WALSH. Perhaps I ought to make a little further explanation, for the information of the Senator from Utah.

The land in question, to which these Indians have trust patent, is at the lower end of Lower Two Medicine Lake. A part of the irrigation project is now actually on the land. A part of the project is a dam constructed upon their land for the purpose of reservoiring the waters that come down for use in the project, the reservoir created flooding these lands, so that the Government has actually taken the lands as a part of the project. It is not a claim, the Senator will understand, quite separate and apart from this project. The money is used for the purpose of acquiring the necessary land in connection with the project.

Mr. SMOOT. I am glad the Senator gave me the explanation, because that does, in a way at least, account for the land itself, or the destruction of the land, being coupled up with appropria-

tions for an irrigation system.

Mr. WALSH. I quite agree with the Senator that it would be idle to make an appropriation of \$25,000 for an irrigation project and then use a lot of it for some other purpose.

Mr. SMOOT. Yes; that kind of legislation did not look right

Mr. WALSH. That is the situation. Mr. GRONNA. Mr. President, I wish to inquire of the Senator from Montana if this is not in the nature of a claim on the part of the parties named in the bill?

Mr. WALSH. Mr. President, it is not just exactly in the nature of a claim, because the Government desires to acquire title to this land which belongs to the Indians. The Government has actually taken possession of it, but it has no title to the land. It desires by this method to acquire the title to the land as a part of the irrigation project; so that really it is not in the nature of a claim such as would ordinarily arise.

Mr. GRONNA. As I understand, the Government, or those who are building this irrigation project, have already taken possession of the land, and this appropriation is for the purpose of paying Mr. Cook and Mr. La Breche. Is not that true?

Mr. WALSH. The Senator is right. The Government has

taken possession.

Mr. GRONNA. The reason why I am asking the Senator for full information is this: The Committee on Indian Affairs agreed unanimously, I think, that no claim exceeding \$100 should be put on this appropriation bill; and I ask the chairman of the committee why this claim was put on the bill.

Mr. ASHURST. Mr. President, in reply to the question, I wish to state that when the matter was presented to the committee that very question was raised, and it was ascertained not to be a claim against the Treasury of the United States, but, if a claim at all, a claim against an Indian tribe; and it is reimbursable to the Federal Government, hence not in the strict legislative sense a claim against the Treasury. That undoubtedly is the reason why it was not subject to the rule of the committee.

Mr. GRONNA. It would, however, be a claim against the Indian funds, which of course are under the jurisdiction of the

Federal Government.

Mr. ASHURST. Well, it was determined that the rule did not apply.

Mr. WALSH. Mr. WALSH. Mr. President, will the Senator yield to me? The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Montana?

Mr. GRONNA. Yes. Mr. WALSH. I desire to call the attention of the Senator from North Dakota to the fact that there is a very considerable appropriation made here for the relief of Gov. Johnson, but in the same way—not out of the Treasury, but out of the tribal funds of one of the tribes in Oklahoma. I will call the attention of the Senator to it.

Mr. GRONNA. I do not know that I shall object to it, but it is news to me; I did not know that it was in the bill. I want to ask the Senator from Montana if he has any objection to letting this matter go over for to-day, so as to give me an opportunity to look into it? It was not considered when I was

in the committee. I was not present at the time.

Mr. WALSH. I could not offer any objection at all to a request of that kind coming from the Senator from North Dakota, but the item has twice received the approbation of the

Senate upon thorough consideration.

Mr. GRONNA. I shall be glad to refer back to it to-morrow; but I should like to have an opportunity to look into it, because have not looked into it before.

Mr. WALSH. I merely say this to the Senator: I have no objection to his request if he feels that he would like to take the time.

Mr. GRONNA. Yes; I would like to.
Mr. WALSH. But we may be able to finish the bill to-day.
The PRESIDING OFFICER. It is the desire of the Senator

that this item go over, then?

Mr. WALSH. Let it go over.

The PRESIDING OFFICER. Without objection, the item will be passed over.

The reading of the bill was resumed.

The reading of the bill was resumed.

The next amendment was, under the head of "Nebraska," on page 38, to change the number of the section from "10" to "11," and in line 26, after "\$2,500," to strike out "for purchase and erection of steel water tank, \$2,400; in all, \$81,200" and insert "for employees' quarters, \$7,120; for purchase and erection of steel water tank, \$2,400; in all, \$88,320," so as to make the section read. section read:

SEC. 11. For support and education of 400 Indian pupils at the Indian school at Genoa, Nebr., including pay of superintendent, \$68,800; for general repairs and improvements, \$7,500; for addition to hospital, \$2,500; for employees' quarters, \$7,120; for purchase and erection of steel water tank, \$2,400; in all, \$88,320.

Mr. NORRIS. Mr. President, I want to offer an amendment to the committee amendment. In line 3, page 39, after "\$2,400," I move to insert:

For the purchase of additional land, \$41,600.

Mr. President, I should like to have the attention of the chairman of the committee particularly. They have at this reservation a farm of 320 acres which has been in successful opera-

tion for quite a number of years, and I understand that it is one of the most profitable and promising investments that the Government has a recommend in promising investments that the Government has a recommend in the contract of the con ernment has ever made in any way at any Indian reservation. I have here a letter from the superintendent, Mr. Davis, in regard to several items, but I want to read what he says in particular about the acquisition of additional land. He has not enough land. He needs more land. As to the land in that vicinity, while I am not personally acquainted with the particular land that he has in view I bear that the land that he has in view, I know that the land there is very valuable, and is increasing in value every year. He says in his letter:

increasing in value every year. He says in his letter:

It is conceded by all that this institution has bred and now owns the greatest dairy herd, the finest swine herd, the best Percheron horses to be found in the possession of any Government institution. No Indian school or agency farm of similar size produces greater quantities of grain and vegetables. The only drawback to the farm is its size. It is too small. I do not at this time recall a single nonreservation school that has not a larger farm. Some of them not so large in pupil capacity own two or three times as much. More land is much needed. This school is spendidly located to teach and demonstrate agriculture. More land is required in order to produce more food supplies for pupils and stock, thereby reducing the running expenses. A haif section lying just north of the school can be purchased for \$41,600—

That Mr. President would be \$130 an acre—

That, Mr. President, would be \$130 an acre-

The school would in 10 years make enough net profit to pay for the farm after meeting all operating expenses, such as farmer's salary, hire of other help, etc., to operate it.

He says, further along:

Buying a farm is altogether unlike appropriating money for construction of new buildings. The building has no market value, while the farm will continue to enhance in value. Money appropriated to buy a farm for this school would be the same as advancing money to a certain tribe that would reimburse it. There would be more assurance of getting the money back. A farm here is as good as gold reserve stored in the United States Treasury.

Mr. President, I have here a letter written by a member of the House Committee on Indian Affairs. I shall not take the time of the Senate to read it, except to say that he speaks of several other things. He has been there, although he is not a resident of that State. He was there and visited this farm, went over this reservation, and he-

Mr. ASHURST. Mr. President, will the Senator yield to me

for a few questions?

The PRESIDING OFFICER (Mr. CLAPP in the chair). Does the Senator from Nebraska yield to the Senator from Arizona?

Mr. NORRIS. I certainly do. Mr. ASHURST. I should like to ask the area proposed to

Mr. NORRIS. Three hundred and twenty acres.

Mr. ASHURST. Will the Senator further yield to me?

Mr. NORRIS. I yield. Mr. ASHURST. I want the Senator to understand that I am not at all hostile to his amendment-in fact, I am rather inclined to favor it-but the bill has been subjected, and properly so, I think-I have no objection-to a galling, raking fire of criticism because of the increases that the Senate committee has made. I am not objecting to the criticism we have sustained; but I believe at the present time, in view of the extreme criticisms that have been made, that the Senator's amendment would not be agreed to.

Let me suggest to the Senator that I am willing to vote for the proposal in this form: Let the Senator propose an amendment, "That there is hereby appropriated the sum of \$500, or so much thereof as may be necessary, to enable the Secretary of the Interior to investigate the necessity, suitability, and feasibility of purchasing this farm and make a report to Congress on the first Monday of December, 1917." I believe that ought to be done rather than purchase out of hand, without further investigation, a farm costing \$41,000. I make that suggestion,

Mr. NORRIS. I thank the Senator. I realize what has been done and the anxiety of the Senator to have the appropriations kept down as much as possible. I agree with the Senator that that is the proper thing to do; but I have not in the amendment provided that this particular land shall be purchased. I have not provided that we must buy this or that land or must pay this price. I would not want to do that myself, although I have an abundance of information here in the shape of letters from men who live in that vicinity, and who know, who say that the price is cheap. In a general way I know that, although I think I have never seen the land. know the locality where it is, and I know that land there is selling as high as that.

I presume the bureau could make this investigation without any appropriation. I would have no objection to modifying the proposition so that they would not have to purchase. I think under the language as I had it they would not have to pur-chase any land if they did not want it, but leaving it to their discretion to purchase. There is nothing in the amendment, I will say, that would require them to purchase this particular land. I only mentioned it because in the letter of the superin-

tendent he calls attention to this particular land, and in another part of the letter he says unless it is purchased pretty soon undoubtedly the land can not be obtained at that price.

Mr. ASHURST. That may be quite true. Another thing I fear is that the conferees on the bill are going to have a good deal of difficulty in composing differences because of increased items, and if an amendment should be adopted and I am on the conference I shall try in every honorable and proper way to secure its adoption by the conferees, but I am inclined to doubt at this session whether it could be done. I would not want the Senator to feel that he had been treated in bad faith.

Mr. NORRIS. No; I would not be. I have the utmost faith that the Senator would try to retain it, and I hope the Senator

will let it go on the bill.

Mr. ASHURST. Let it go on.

Mr. NORRIS. When the Senator interrupted me I was about to call attention to a statement made by a member of the House committee who may be on the conference. He called attention to the fact that this ought to be done, and it ought

Mr. ASHURST. Let it go into conference.

Mr. NORRIS. All right.

The PRESIDING OFFICER. Is there objection to the amendment? The Chair hears none, and it is agreed to.

The Supergraphy On pages 29, line 2, chappe the total by

The SECRETARY. On page 39, line 3, change the total by striking out "\$88,320" and make it read "\$129,920."

The amendment as amended was agreed to.

The next amendment was, on page 39, line 9, after the word "superintendent," to strike out "\$50,430; for general repairs and improvements, \$10,000; for new dairy barn and equipment, \$5,000; for purchase of live stock, \$2,000; in all, \$67,430," and insert "\$52,100; for general repairs and improvements, \$10,000; for additions to devolve the stock of the st for additions to dormitories, \$30,000; for new dairy barn and equipment, \$5,000; for purchase of live stock, \$2,000; in all, \$99,100," so as to make the clause read:

For support and education of 290 Indian pupils at the Indian school at Carson City, Nev., including pay of superintendent, \$52,100; for general repairs and improvements, \$10,000; for additions to dormitories, \$30,000; for new dairy barn and equipment, \$5,000; for purchase of live stock, \$2,000; in all, \$99,100.

Mr. PITTMAN. Mr. President, the committee made a slight raise in this item of \$30,000 to build dormitories and \$5,000 for

dairy barn and equipment.

I want to say that in the last Indian appropriation bill there was an item allowed by the Senate committee of \$25,000 for these dormitories, and it passed the Senate and went into conference. In conference it was not agreed to. I do not think I am violating any confidence when I say that in conversation with various conferees they stated that had the facts been called to their attention while they were in the first conference this item would have been allowed.

I want to read. In the first place, I will read from the report of the House committee hearings. I will state that this was estimated by the Commissioner of Indian Affairs. It is no increase upon the estimate. Here is the estimate made by the Commissioner of Indian Affairs:

Support of Indians in Nevada. Fiscal year ending June 30, 1917, amount appropriated. Fiscal year ended June 30, 1916: Amount appropriated.
Amount expended..... 18, 500. 00 17, 900. 14 509, 86 Unexpended balance_____ Analysis of expenditures:
Salaries and wages
Traveling expenses.
Transportation of supplies.
Telegraph and telephone service.
Subsistence supplies.
Dry goods, wearing apparel, etc.
Forage.
Fuel, illuminants, lubricants, etc.
Educational, stationery, and office supplies.
Live stock.
Implements, vehicles, tools, etc.
Sundry supplies, equipment, etc.
Rent. 7, 054. 91 278. 32 1, 039. 74 78. 69 2, 622. 06 34. 80 873. 45 1, 384, 00 28, 75 822, 66 400.00 1,017.33 1,074.58 460.00 Rent. Miscellaneous_____ 820.65 17, 990, 14

The hearings include the estimate of the commissioner, and in justification the commissioner continues as follows:

In the State of Nevada there are nearly 8,000 Indians, of which number 2,819 are under the jurisdiction of six superintendents. For the Indians under these six superintendents there are reservations or tracts of land. For the 5,000 Indians or more under a special agent, with headquarters at Reno, Nev., there is no land except such as is to be purchased under the \$15,000 appropriation contained in the Indian act for this fiscal year and such homesteads as the Indians may have

acquired, and which, it appears, are worthless for agricultural purposes. Water is the all essential for cultivation of crops and stock raising, and items for the irrigation system are also included.

The total income of the Indians in that State for 1915 was \$266,223, of which more than half was obtained by day labor. The value of the crops was but \$66,366, and the value of the stock sold \$22,594. The Indians cultivated only about 10,000 acres, and this was done by 777 Indians. But \$150 was received from the leasing of land for agricultural purposes and \$4,755 for grazing purposes. There has been a gradual increase both in the number of persons engaged in agriculture as well as the acreage.

It will be necessary under the circumstance.

gradual increase both in the number of persons engaged in agriculture as well as the accreage.

It will be necessary under the circumstances to continue the supervision of the affairs of these Indians, to furnish many with rations, to supply equipment in many instances, in order that the Indians may start or continue their activities.

Now, getting down to this particular increase in the appropriation over the House appropriation, because the appropriation contained in this bill is not in excess of the estimates but is in accordance with the estimate of the Commissioner of Indian Affairs, reading from the bottom of page 190, we find this comment by the representative of the Commissioner of Indian Affairs:

Affairs:

The support fund of this school is increased from \$50,430 in 1917 to \$52,100 in 1918, an increase of \$1,670, to provide for the support and education of 10 additional pupils.

The fund for general repairs and improvements is increased from \$8,000 in 1917 to \$19,000 in 1918, to meet urgent needs. Many of the buildings are very old and in a dilapidated condition. Two of the cottages used as employees' quarters were built in 1859 and 1876, respectively. The main buildings was constructed in 1890, and several of the important buildings were completed between 1890 and 1894. The school plant has therefore been in use for many years and requires constant care at increased expense. The heating system requires new bollers, radiators, conduits, etc. An addition to the domestic-science cottage is necessary; also additional quarters for employees. The advanced cost of all classes of building materials and labor and the extensive general repairs required necessitate the increased estimate.

mate.

A very large Indian population in the locality is without school facilities; to meet this need it is desired to increase the capacity of the dormitories, and the sum of \$30,000 is estimated for this purpose. Provision has been made for irrigation of the school farm, and the school will provide thorough instruction in farming much of certain classes of subsistence supplies, including dairy products. A dairy barn is a necessity, and is estimated for in the sum of \$5,000. The required dairy cattle are asked in the estimate of \$2,000 for the purchase of live stock.

That is an increase of over \$30,000 for that school. The current Indian appropriation act carries an appropriation of \$62,430.

These improvements are very much needed at that school. We are not able to take care of all of the children in Nevada with the present school facilities, and we have a very energetic superintendent, who is trying to build up that school to a proper standard, and we would like very much to have these improvements which are requested.

Then going on further in the heavings we find the following:

Then, going on further in the hearings, we find the following:

Then, going on further in the hearings, we find the following:

The Chairman, I see that you have raised the number of pupils from 290 to 300 in that school.

Mr. Meritt. Yes, sir.

The Chairman. How many Indian children have you there now in daily attendance? I would like to know the necessity for this increase. What is the present enrollment?

Mr. Meritt. They have an enrollment there of 273.

The Chairman. Well, you are entitled to 290. Now, what explanation have you for wanting the number raised to 300?

Mr. Meritt. We have made certain repairs at that school which will enable us to increase the capacity.

The Chairman. You want to increase it only 10. Would the increased benefit be sufficient to justify the increase of appropriation?

Mr. Meritt. Yes, sir.

The Chairman. All right.

That covers the report and hearings as given before the House committee.

Now, then, I want to read a letter from Mr. James B. Royce, the superintendent of that Indian school:

AMOUNT DESIRED FOR CARSON SCHOOL.

For support and education of 350 Indian pupils at the Cars	
Indian School and salary of superintendent	
For repairs and improvements	8,000
For addition to dormitories	35, 000
For a central heating plant	15,000
For a new dairy barn and equipment	4, 500
For purchase of live stock	1,500
For irrigation of school farm	2,500
* At the Darrow At Arman, with management of the state of	, 000

JUSTIFICATION.

JUSTIFICATION.

I am now building sleeping porches on the large girls' building, which will equip us to care for 50 additional pupils. There are in the State of Nevada some 600 pupils out of school and they have no place to attend, and this school should be built up to at least 500 as rapidly as possible in order that pupils now out of school may be accommodated. Since this is the only nonreservation school in the State, it naturally follows that this school should be built up. There is no question as to having the required number of pupils; the only question is to have room for them.

The amount asked for repairs and improvements is badly needed, because our buildings are all frame and have been badly neglected in the past, and it will require several years to put them in reasonably good repair. In addition to necessary repairs, we also need some minor buildings, such as coal shed, chicken houses, machine shed, hog house, etc.

At this time the small boys and small girls, numbering some 125, are quartered in what is known as the old main building. This building was erected when the school was first established, many years ago, and it is in a very bad state of repair, and the expense of putting it in good condition is prohibitive; and even if it were done the building would not then be safe as a dormitory, because in this same building are located the school dining room and kitchen and bakery, and, there

fore, there are many chances of this building catching fire. In fact, since I have been here this building has been after three different times, and only by prompt action were we able to prevent it from burning. This building is frame and is about 30 years old, and should same catch fire at night it would burn very quickly and the chances are that some of the small children would be burned up before we could get them out, although we are taking every precaution against fire. Since I have been here I have placed on this building six new fire escapes.

The dining room and kitchen and bakery are not adequate to the needs of the school, and are very poorly arranged and are not what we need by any means. This entire building should be torn down and should be replaced by a new building. This new building should consist of a large commodious dining room, kitchen, and bakery on the ground floor, and on the second floor should be room for domestic science and domestic art, and also several rooms for employees, as the cook, dining room matron, and baker should have their rooms in this building.

ence and domestic art, and also several rooms for employees, as the cook, dining room matron, and baker should have their rooms in this building.

If we can secure the appropriation of \$30,000 for the additions to the dormitories, it is my desire to build an addition to the large boys' dormitory and one to the large girls' dormitory and 200 girls in the large gbris' dormitory. This would increase the capacity of the school to 400 pupils. After this appropriation has been secured, then the next year we could probably secure an appropriation of about \$25,000 to build the new dining room, bakery, and kitchen. When this appropriation is secured the old main building could be forn down and replaced with a new modern building. This change would make a wonderful improvement in this school and should be secured at the earliest possible date.

The \$15,000 asked for the central heating plant is very essential and should be secured the coming session of Congress, if possible. At this time four large buildings have individual heating plants and all the other buildings have stoves. This is a very unsatisfactory arrangement and makes the danger from fire very great and also makes the cost of fuel much more than it would be if we had a central heating plant. If we secure this appropriation we can install a central heating plant for using oil as fuel instead of coal. I am advised by parties who use oil that it is about 50 per cent cheaper than coal and it is much more satisfactory to use in an institution of this kind, as the hauling of coal and hauling away of ashes causes us considerable labor, which is without any profit to the school or any benefit to the pupils.

At this time our dairy barn is entirely inadequate and is not up to date by any means. We should have a new dairy barn with a capacity for about 40 head of cows, because a school of this size needs a dairy hered of at least that many to furnish the proper amount of milk.

If we get an appropriation for a new dairy barn, we should then

There is no cheaper way to light tuberculosis than to use pienty of milk.

If we get an appropriation for a new dairy barn, we should then have about 10 or 15 head of first-class dairy cows. We now have 15, but several of them are very poor grade and should be sold, as they do not give sufficient milk to justify us in keeping same. Since I have been in charge of the school we have been able to get in considerable alfalfa and by another year I think that we will be able to raise sufficient alfalfa for our own use and probably enable us to properly care for 40 head of cows. We are getting land ready for alfalfa and for pasture just as fast as we can.

Our water supply here is rather limited and it is absolutely essential that we do everything possible to conserve what water we have. The soll here is sandy and authorities agree that about 35 or 40 per cent of the water is lost by carrying same in open ditches. While we have an appropriation of \$4.000 this year for irrigation purposes, it is not sufficient to put in all the pipe we should have, and in addition to this fact, I would like to install one or two pumping plants to see if we could pump water to supplement the flow of the stream during the period when the water is very low.

Mr. President, I think that this appropriation is thoroughly justified. I will say that in the last Indian appropriation bill this matter was thoroughly discussed before the committee, and the committee allowed the appropriation for the dormitories the same as the committee has now done. It not only allowed it, but it came on the floor of the Senate and It was then discussed before this body just as it is being discussed now, and this body agreed to the amendment then. It went into conference, and I do not feel that I violate the confidence of the conferees when I tell you that the members of the conference on the part of the House stated that if they had known the fact at the first conference the item would have been kept in the bill.

Now, we come back to you with an estimate of the Commissioner of Indian Affairs. He estimates that this sum is required. The Committee on Indian Affairs of the Senate says it is required. The superintendent in charge of the work on the ground says it is required, and I tell you of my own personal knowledge that it is required. I know it was required long before this time. It is a crime to keep little children in the character of buildings they are living in now in the State of Nevada. They have a frame building that was built 30 years ago. The floor is sagging, the walls are breaking down. They have old stoves there for heating purposes. It has caught on fire three times in the last few years. It is a regular fire trap. It is unfit for any person on earth to live in. Yet we have begged and pleaded time area time area to be seen that they had been also beginned to be seen they are the time and time again to treat these Indians there as though they were human beings instead of animals.

I will admit that the Senate has done its part in the last appropriation bill and in this appropriation bill. I am now convinced that the House will do its part, because the House con-ferees on the last appropriation bill stated after the matter had gone into conference and been disallowed if they had known the fact that item would have been kept in the bill.

Mr. SMOOT. Mr. President, the Senator from Nevada has informed the Senate as to why the appropriation of \$30,000 is necessary for the building of additional dormitories. I take it

for granted that there is no necessity to ask any further questions on that item, but I notice in this provision there is an increase of \$1,670 for the support and education of 290 Indian pupils, including pay of superintendent. The House provided \$50,430 and the Senate committee has increased it to \$52,100.

Mr. ASHURST. Will the Senator yield to me for just a

moment?

Mr. SMOOT. I yield to the Senator.
Mr. ASHURST. In line 7, page 39, the words "two hundred and ninety" before the words "Indian pupils" should be stricken out and "three hundred" inserted in accordance with the

The per capita cost is \$167, and therefore in accordance with the view of the committee and its action on the matter, 300 Indian pupils should be provided for, as that is the number. It is just a typographical error in regard to the number.

Mr. SMOOT. That adds 10 Indians.

Mr. ASHURST. Yes; that was the action of the committee, but there is an error there. It reads "290," when it should be "300,"

Mr. SMOOT. Does the Senator intend to move that amend-

ment?

Mr. ASHURST. Yes; I offer that amendment now. The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 39, lines 7 and 8, strike out "290" and insert "300," so as to read "300 Indian pupils." Mr. ASHURST. It does not require a change in the amount.
Mr. SMOOT. I recognize that. Then the increase of \$1,670 is for the extra 10 pupils?

Mr. ASHURST. That is true.

Mr. SMOOT. In other words, it costs \$167 for each pupil? Mr. ASHURST. The Senator is correct.

The VICE PRESIDENT. The question is on agreeing to

the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the head of "New Mexico," on page 39, line 24, to change the number of the section from "12" to "13."

The amendment was agreed to.

The next amendment was, on page 40, line 16, after "\$15,000," to strike out "said sum to be reimbursed from any funds which are now or may hereafter be placed in the Treasury to the credit of said Indians," so as to make the clause read:

For continuing work on the Indian highway extending from the Mesa Verde National Park to Gallup, N. Mex., on the Navajo Reservation, \$15,000: Provided, That such sums shall be expended under the direction of the Secretary of the Interior in such manner and at such times and places as he may deem proper, and in the employment of Indian labor as far as possible for the construction of said highway.

Mr. JONES. I should like to ask the chairman of the committee why that provision for the reimbursement of the \$15,000 is stricken out? If the appropriation for \$15,000 for continuing work on this highway is for the benefit of the Indians, then the money ought to be reimbursed, at least if we follow the policy we have pursued in reference to many of the other reservations. If it is not for the benefit of the Indians, then why should we appropriate \$15,000 to apply on a public highway? We passed a bill at the last session providing for C. We passed a bill at the last session providing for Government aid to good roads, and it is supposed that that act will take care of the situation as far as Congress deems it advisable for the National Government to go.

Mr. ASHURST. Mr. President, I advert to page 82 of the Senate committee hearings wherein this matter is discussed. I read a part of the statement made before the committee:

read a part of the statement made before the committee:

Senator Gronna. There was no estimate for this.

The Chairman. No. It is discussed in the Congressional Record at page 200, the clerk says.

Mr. Meritt. If this appropriation is to be made, the commissioner is anxious it shall be a gratuity rather than a reimbursable appropriation.

The Chairman. You remember last year they asked for \$54,000, the total expenses of the road, and we gave them \$15,000, and thought we would give them that amount each year. Senators Shafroth and Catron argued they should have the whole sum, but the committee allowed only \$15,000.

I think we ought to strike out the reimbursable feature.

Mr. Meritt. Beginning at line 23, page 33, after "\$15,000," strike out down to line 2, page 34, ending with the words "credit of said Indians."

The Chairman. Yes; strike out that reimbursable feature.

Senator Curtis. You made it reimbursable last year. I am against the reimbursable feature myself.

The committee felt that the lands of these Indians should not be pledged or bound in any way to repay this amount, and so voted. There is quite a wide divergence of opinion, of course. I assume that a great many Senators take the view that in light of the facts these Indians have a large reservation upon which there is considerable coal and copper it is nothing but proper that the reimbursable features should be written in the law.

But I wish to say to the Senator from Washington that at the present time that reimbursable feature on the Navajo Reservapresent time that reimbursable leature on the Navajo Reserva-tion is only a fiction. It is only a fiction unless Congress will pass a bill providing for the opening of the mineral land, the coal lands, of these Navajos and sell or lease them. It is only a fiction, and there is no use for us to be dealing in fictions, in other words, fooling ourselves.

Mr. JONES. I find in the very next provision of the bill where \$25,000 is appropriated for the building of a bridge, and it provides that it shall be reimbursable out of any money that shall come into the funds of the Navajo Indians.

Mr. ASHURST. Of course, no man living can solve the complexity and the apparent inconsistency of the views of men. A man might be willing to make an appropriation for a bridge reimbursable but have a very good reason why he would not make an appropriation for a road reimbursable.

Mr. JONES. I am not asking the the question because I am opposed to the item. I am just asking to get information. want to know why we should appropriate \$15,000 for this highway. They call it an Indian highway. Is it a public road or is

it for the benefit of the Indians?

Mr. ASHURST. I will yield in a moment to the Senator from New Mexico [Mr. Fall], who is more familiar with the situa-tion than I am. It is an Indian road. Mr. JONES. It is entirely on the reservation?

Mr. ASHURST. Not entirely. In the West we are a very peculiar people. We find in the West when a man comes to a raging, roaring river full of quicksands he will insist upon proceeding over a road built by the Government for the benefit of the Indians rather than going around where there is no road. Of course the white people are using it.

Mr. JONES. I have some knowledge of western lands.

Mr. ASHURST. I know the Senator has. It is for the benefit of the Indians; but there is no reason why the white people should not use the road. They will use it, and they ought to use it.

Mr. JONES. But the Senator certainly did not understand me to suggest that the white people should not use the road built on the reservation. What I am trying to get at is whether it is primarily for the Indians and for the benefit of the Indian reservation, or whether it is part of the public highway system that is being constructed throughout the country. That is what I want to get at; and I am asking for this information, not in the spirit of criticism but for the purpose of getting light with reference to the matter.

Mr. FALL. Mr. President-

Mr. JONES. I shall be glad to yield to the Senator from New Mexico.

Mr. FALL. I do not know that I can shed very much light

on the subject, but I can at least make a short explanation.

The Mesa Verde National Park is a Government national park. There is a road extending from Gallup, N. Mex., to the Mesa Verde National Park, which, as I say, is a Government reservation. A portion of this road extends through the Navajo Reservation along a highway now used by the Navajos. The object of this appropriation is to construct a road through a portion of the Navajo Reservation, the road aside from the Navajo Reservation having been largely constructed by the people and the counties of New Mexico as a public enterprise of that State, the Government doing what little it could.

The Senator from Washington will remember that the appropriations med for the good and the counties of the senator of th

priations made for the good-roads system, aside from post roads, only provided for roads on forest reservations. This is not a forest reservation, but this is a national park—the Mesa Verde National Park. In going to the Mesa Verde National Park it is necessary for people to go across the Indian reservation. They follow for a portion of the distance the highway which is now followed by the Indians for their own purposes. The construction of this road will not be purely or very largely for the benefit of the Indians themselves, but it will be for the benefit of the people of the United States in reaching one of their national parks. The \$15,000 which is to be spent on this portion of the road is only a very small portion of the cost of the road.

Mr. JONES. Is Gallup on the reservation?

Mr. FALL. Gallup is off the reservation, in the State of New

Mexico.

Mr. JONES. How far is it from Gallup to the reservation? Mr. FALL. It is quite a distance, possibly 25 or 30 miles. Mr. JONES. How far is it across the reservation to the national park?

Mr. FALL. It is 25 or 30 miles, according to my recollection. Mr. JONES. Does the reservation come up to the line of the national park?

Mr. FALL. The national park is practically within the reservation or on the line of the reservation.

Mr. JONES. Can not this road be built under the terms of the good-roads act, which we passed at the last session?

Mr. FALL. Does the Senator refer to the national good-roads act with reference to the general public highway system?

Mr. JONES. Yes. Mr. FALL. I do not think the amounts appropriated there would be available for use on an Indian reservation. I wish the Senator could get that construction of the good-roads act.

Mr. JONES. Well, the amount would be available for that

part of the road outside of the reservation.

Mr. FALL. For the road outside of the reservation we are not asking anything. There is no appropriation for any portion of the road outside of the Indian reservation, and the general appropriation does not apply to Indian reserves-at least, the department has been construing the law to that effect.

Mr. JONES. This is a direct appropriation out of the Treasury for the continuance of a public highway over an Indian

reservation.

Mr. FALL. To get an outlet from the Government national park through the reservation. You can not get to this national park without going across this reserve. I do not think it would be exactly fair to make the Indians pay, if they ever have any funds with which to make such payment, for this road, because it is primarily for Government purposes and to reach a national

Mr. JONES. If that is the case, of course, the Indians ought

not to pay it. Mr. FALL.

That is the fact, and the road ought to be built.

Mr. JONES. I am very glad, indeed, to have another precedent here that will support a proposition that I shall later take Mr. JONES. I had not supposed that the National Government would go into further appropriations for items for the building of specific roads throughout the country, in view of the passage of the good-roads law at the last session; but some of my friends in my own State have been urging me to try to get an appropriation for a State highway that will open up a large section of our State. A good part of it passes over an Indian reservation, and I have thought that we should have to take care of that through the good-roads law, especially the part outside of the reservation; but I am very glad to see this evidence of liberality in these times when the Treasury is overflowing with money, when the demands upon it are very slight, and when it is not necessary to have special measures taken to get Congress to act with reference to legislation that is deemed necessary, and that the Congress is appropriating money to assist in the construction of these good roads, of which I am heartily in favor.

Mr. FALL. Mr. President, will the Senator from Washington yield to me for a moment?

Mr. TONES Control

Mr. FALL. I think, if I understand the Senator from Washington correctly, that he and I are in very thorough accord about this proposition.

Mr. JONES. I think so.
Mr FALL. In other words, if under the general law the Government funds can not be used for the construction of a road within an Indian reserve, and it requires a special appropriation to construct a road there, which is a part of a highway, the Senator is in favor of that appropriation?

Mr. JONES. I am. Mr. FALL. So am I

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. ASHURST. Mr. President, I wish to say a word on that subject. The Senator from Washington [Mr. Jones] rather jibed the committee or its chairman for opening the door looking toward appropriations for roads through Indian reserves

Mr. JONES. The Senator from Arizona is entirely mistaken if he thinks I intended to jibe him or the committee. That

never entered my mind.

Mr. ASHURST. Then I withdraw that statement; but we can not escape the issue that is going to be raised here. It is going to be raised by western Senators, and it ought to be raised. I presented a memorial here which had been unanimously adopted by both houses of the Arizona Legislature only last Thursday or Friday, calling attention to the fact that the good-roads law, which was a beneficent measure, totally failed to make any provision for the construction of roads across Indian reservations.

Take, for instance, the State of Arizona. Nearly 50 per cent of that State is withheld and withdrawn from the people. The people at their own expense are gridironing that State with good roads. The Navajo Reservation, embracing 30,000 square miles, has precluded the transport of goods and persons over that reserve because of the lack of roads, and yet Congress has declined to construct roads upon Indian reservations.

I hope the Senator from Washington, and I hope all other Senators, will join with me in a movement, which I am soon going to inaugurate, to make appropriations from Indian funds, if they have them, or from the Federal Treasury if the Indians have them not, to bring the remote parts of our western country into close proximity. As to the construction of roads upon Indian reserves, I am glad to have the support of the Senator from Washington. There is no reason why those parts of our country should be separated by impassable barriers in the shape of Indian reserves. I have introduced a bill-and a favorable report has been made on it by the Committee on Indian Affairs providing for the leasing of valuable mines belonging to the Indians, with a splendid and generous royalty to go to the Indians, in order that a fund may be created which we may take and use for the construction of roads on the Indian reserves.

Mr. JONES. Mr. President, I am very glad, indeed, to hear

the Senator from Arizona say what he has said. I do not understand him to suggest that the Indians should bear anything like all of the expense of constructing roads across their reserves, but that they should bear a just part of that expense, a part commensurate, as nearly as it can be ascertained, with the benefits that will come to them and their lands by the

construction of these highways.

I know by experience in my own State of the character of the barrier that these reserves are in the building up and development of sections of country in that State. a letter only this morning urging assistance by Congress with reference to the construction not only of a bridge across a river that separates an Indian reservation from other territory of our State, but also to aid in the construction of roads across the reservation lands. The construction of such roads is very urgently needed in order that the country may be developed. Yet by the construction of roads the Indian lands will be greatly benefited. Ninety per cent of the territory through which the road would go is Indian land that can not be taxed by the county or by the State and upon which no burden for the construction of roads can be imposed. If those roads are to be constructed, either the other 10 per cent must bear all of the burden or Congress must assist in the work either by a direct appropriation from the Treasury or by an appropriation of money that will be reimbursable from Indian lands.

I think that the Indian lands ought to bear part of the burden under such circumstances. As I have said, the Indians are going to get the primary benefit, they should be made to bear a part of the burden, and the development of the country should not be held back because these lands are not subject to taxation. Then, in addition to what the Indians' land should bear, whatever just burden there may be which under other circumstances would fall on private lands, should be borne by the Federal Government in order that proper roads may be made over these

lands, so as to promote development.

I am very glad indeed to hear what the chairman of the committee has said. I think I am pretty well in harmony with the thoughts he has expressed, and I am glad to learn his attitude, because it will help, I think, to meet a situation in my State that has been troubling our people very much; that I have thought ought to be remedied in some way, and as to which

we have thus far not been able to get assistance.

I think I will take only a moment or two further to state the conditions to a certain extent as affecting one of the Indian reservations in the State of Washington. We have an Indian reservation within 4 miles of the city where I live. The lands have been allotted in a different way from that stated by the Senator from Oregon [Mr. Lane] a while ago. dians have not been allotted land up in the foothills and on the higher ground, but the allotments have been made on the lower Possibly 120,000 acres of these lands will be irrigated, and 50,000 or 60,000 acres of them are now irrigated. The lands in these allotments in a raw state are worth from seventyfive to one hundred dollars an acre, and they have sold for that in the market, they are selling for that, and they will continue to sell for that, and when the lands are improved they are worth from \$150 to \$250 an acre. Many thousands of acres of these lands are improved, and yet we can not impose a single dollar of taxation upon them for the improvement of roads over the reservation. The county has spent thousands of dollars for the construction of roads; the Indians are getting great benefit from that construction; the lands are increasing in value by reason of this expenditure, and yet we have been unable to appropriate a single dollar, even reimbursable, to assist in the construction of roads upon this reservation. So, I am hopeful now, in view of what is being done, that that situation can be taken

care of in the very near future.

Mr. SMOOT. Mr. President, I desire to call the attention of the distinguished Senator from Arizona to another class of

land withdrawn in his own State and other Western States that is in the same situation. In Arizona there are a number of withdrawals for national parks and national monuments. There is no provision in the law granting assistance to the States in building roads that will allow a portion of the money credited to a particular State to be used for the building of roads through a national monument or through a national park. The restriction applies to those two classes of withdrawals, just as it applies to Indian reservations. Of course, on an Indian reservation there are Indians who own property and they can pay a part of the expense, but the only way a road can be constructed through a national park or through a national monument is to secure an appropriation for it and authorize the Secretary of the Interior to build the road. If the State wanted to build a road through a national monument or a national park, there is no authority granted to the State to do so; but it must come to Congress for the authority to build the road. I presume, too, that it would have to receive an appropriation from Congress in order to secure the building of that road under the direction of the Secretary of the Interior.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 40, after line 23, to insert:

On page 40, after line 25, to linsert:

The Secretary of the Interior is hereby authorized and directed to cause to be constructed a steel bridge across the San Juan River in San Juan County, State of New Mexico, at the best and most available location west or southwest and near to the town of Farmington, in said county and State; and there is hereby appropriated the sum of \$25,000, out of any money in the Treasury not otherwise appropriated, or so much thereof as may be necessary, to defray the expense and cost of constructing said bridge: Provided, That said sum is to be reimbursable from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians of the State of New Mexico.

Mr. JONES. Mr. President, there is nothing in that amendment to indicate whether or not the bridge is on a reservation except the provision that the money shall be reimbursable. There is nothing to indicate that it is for the benefit of the Indians except that. I should like to ask either the chairman of the committee or the Senator from New Mexico [Mr. Fall] whether or not this bridge is on a reservation or is for the benefit

of the Indians? Mr. FALL. Mr. President, one end of this bridge is on the New Mexico side of the San Juan River and the other is on the Navajo side. The situation is this: The Navajos living opposite Farmington, numbering something over 1,500, are engaged largely in agriculture and sheep raising, and are compelled to go down the San Juan River 35 miles to a bridge built by the people of New Mexico across the San Juan, and to come up on the opposite side about 35 miles additional to get to a shipping point for their sheep and for their other products. people of San Juan County, which is a comparatively new county, built a bridge several years ago at their own expense but it was washed away. The San Juan River is a large stream and a very treacherous one. I think the people have spent \$25,000 of their own money in building bridges, very largely for the benefit of the Indians, although, of course, for the benefit also of the people of the town of Farmington, who are able to do business with them. All the mercantile business of the Navajos, however, is done by Indian traders who are located within the Indian Territory and the merchants of the town of Farmington, which is a small town of about 800 inhabitants, derive very little benefit from the Indian trade The Indians themselves go to Farmington, which is the terminus of a railroad, for the purpose of making their shipments. To do that they must have some method of crossing the San Juan River or have to travel about 75 miles out of the

The agent is establishing an Indian school and a subagency on that portion of the reserve across from Farmington, and also an Indian hospital is being established there. It is impossible at many seasons of the year to cross the San Juan at all, because it is a rather large and a very treacherous stream, and much quicksand is found along its course; so that two-thirds or threefourths of the time it is necessary for any traffic with this portion of the reserve to come in by way of the La Plata bridge, as it is called, which was built and has been maintained by the people of Farmington and of San Juan County.

San Juan, one of the newer counties in New Mexico, is almost entirely within an Indian reserve. Since the county of San Juan was created extensions of the Navajo Reserve have been made over that county by Executive order to such an extent that not one-third of the public lands in San Juan County to-day remain accessible to those who desire to locate homesteads and become citizens of San Juan County, and not one-third of the public |

area of San Juan County can ever under the present system produce one dollar of taxation for the support of government because Executive orders have been extended over that county, taking in the public domain and withdrawing lands from taxpaying purposes and incorporating them in the Indian reserve.

The Indians themselves ask that this bridge be built. agent of the Indians, Mr. Stacker, requests that it be built. A special bill for the construction of this bridge was introduced in the Senate by my colleague [Mr. Catron] and passed this body, after it had been approved by the Indian Bureau. When that bill reached the House it was reported back favorably by the House committee, and by the members of the House committee themselves the suggestion was made that, as the House had passed the Indian appropriation bill, this item be brought over to the Senate committee and by the Senate committee be placed in the bill.

This bridge being almost entirely for the benefit of the Indians themselves, that they may be enabled to reach a shipping point, it is to be constructed and the funds are to be reimbursed out of any funds thereafter coming to the Navajos.

Mr. JONES. Mr. President, I think the Senator has made a very good showing for this item. As I understand, it is not for the continuance of any public highway or anything of the sort. I want to ask the Senator a further question with reference to the probability of this amount ever being reimbursed. The chairman of the committee suggested a moment ago that that was largely a fiction, especially with reference to the Navajo Indian Reserve. I ask the Senator how large this reserve is, and what the probabilities are of any money coming to them out of which this amount could be reimbursed?

Mr. FALL. Mr. President, there are between thirty and forty thousand Navajo Indians. From time immemorial the Navajo Indians have been engaged in the sheep industry. They are among the largest producers of wool on the American Continent. They have the greatest sheep herds of which I have any knowledge among any one class of people. They have now over 11.000 acres for each Navajo Indian on the Navajo reserve, and yet 9,000 of them have been located off the Navajo reserve and upon the public lands of the United States in my State, in Arizona, in Utah, and in Colorado. Although the Congress of the United States three years ago prohibited the location until a further act of Congress of any other Navajos outside of their reservation, the President of the United States within the last few days—I think it was on the 15th of January—has withdrawn in McKinley County, N. Mex., from 60,000 to 70,000 acres—I have not in mind exactly the acreage—from the public domain for the purpose of locating Navajo Indians upon the land. This bill itself carries an appropriation of \$15,000 more for the purpose of acquiring railroad lands from the old Atlantic & Pacific Railroad grant in McKinley County, N. Mex., for the Indians. These locations and withdrawals were made for the Navajo Indians as a tribe, and the consequence is that the lands never will be taxable. Thus just so much of this property, which ultimately would be subject to taxation and help support the government of McKinley County, municipal government, and the State government of New Mexico, has been withdrawn from the people of New Mexico forever.

Mr. ASHURST. Mr. President, will the Senator yield to me for a moment?

With pleasure. Mr. FALL.

Mr. ASHURST. The Senator, in his very interesting address, complains of the withdrawal of 70,000 acres. Mr. President the Arizona delegation about a year ago requested that a small reservation be created for the Papago Indians, assuming that some 70,000 acres would be set aside; but when action was taken we found that 3,000,000 acres, embracing two-thirds of one of our counties, were set aside, so the Senator has no real complaint.

Mr. FALL. The Senator is mistaken, Mr. President. The two reservations are not in the same class. The one reservation is a general reservation on which locations or allotments may be made from time to time; and as has been the history in the case of Executive orders of exactly the same character, the other lands, aside from the specific locations, can be restored at any time to the public domain. The particular reservation in New Mexico, however, to which I have reference, is a withdrawal of the public lands now existing by sections and quarter sections, all previously available for settlement, scat-tered around through a portion of the county which is used for stock-raising purposes, and almost inevitably covering springs or water holes or adjoining the ranch of some man who is paying taxes to support the county and State government in New Mexico.

If, as is the case, or has been the case in some instances, the ranchman could buy the Indian out and get rid of him, so that he would not interfere with the ranging of stock which pay the taxes upon the adjoining land, we might see some benefit to be derived, or at least some light in the future; but that can not be the case, for the Indians are not to get these lands by allotment and then to be dealt with as citizens of the United States; but these lands are reserved for these Indians, not allotted to them, by the President's proclamation. They are reserved for the use of the Navajos and such other Indians as the department may see fit to place upon them.

These are the conditions generally that we in the West are combating, and I may say that it is because we are insisting not that any property be taken from the Indians but that the Indians be not allowed to take from the States or the counties or the municipal subdivisions of States the tax-paying property within their counties, that some of us have the reputation with the Indian Rights Association and others of attempting to deprive the noble red man of that which is justly his due.

Now, I will get back to the specific question about which the Washington asked information unless he has Senator from something else along that line which he desires to ask.

Mr. JONES. I was going to ask the Senator whether there is any reason, based upon the conditions existing there or the character of the Indians or the character of the lands or other wise, why those lands should not be allotted to the individual Indians, so as to make them citizens, or hold out the hope at least some day of having their lands subject to the burdens that must necessarily fall upon the State and the county

Mr. FALL. Mr. President, there are no reasons for not affording us as much relief as could be afforded us, except simply the misinformation, or lack of information, or woeful ignorance existing in the minds of people who have to deal with the Indians and the Indian subject generally. There are no reasons. I will say to the Senator that within the last 10 years these Executive orders have been issued withdrawing more than 3,000,000 acres of land in New Mexico for the purpose of further allotting lands to Indians. Some of these withdrawals were in this very county of San Juan, where the bridge is of which we are speaking. Later it was discovered that the In-dians had ample lands after additional allotments had been made; and President Roosevelt canceled these withdrawals, restoring the land to public entry, so that the people of New Mexico or the homesteaders of the United States coming into New Mexico might find homes. So in that instance the original withdrawal was revoked, affording us some relief.

What was the agricultural character of these Mr. JONES. lands generally?

Mr. FALL. What does the Senator have reference to-these particular lands?

Mr. JONES. The lands that have been set aside for these Navajo Indians.

Mr. FALL. I will say to the Senator that they are principally valuable for grazing purposes. Under the theory of the 640-acre homestead bill which we have just passed they would be classed as lands susceptible of raising forage crops.

Mr. JONES. In the judgment of the Senator, how much land would be sufficient to make reasonable provision for the livelihood of an Indian family?

Mr. FALL. As I have said to the Senator, within the Navajo Reserve itself, counting every Navajo Indian on and off the reserve, there are 1,100 acres to each Indian. That is over twice as much as any white citizen of the United States can Every Navajo Indian alive-man, woman, and childon and off the Navajo Reserve to-day has a right to 1,100 acres of land within the Navajo Reserve; and they are still extending the Navajo Indian's rights to the public lands of the United States and holding the white citizen of the United States down to the acquisition, under this most recent bill, of 640 acres.

Mr. JONES. But I understand that even with that allowance there have been no allotments made to the particular Indians, but that the whole amount is held in common.

Mr. FALL. The Senator is mistaken in this respect-that within the exterior limits of the Navajo Reserve individual al-Iotments have been made, but no muniments of title have been issued. In other words, this Indian or that Indian or the other Indian has had pointed out to him, and he has been allowed to take possession of, certain lands within the reserve. Now, instead of taking the Indians on the outside of the reserve and putting them back on the inside of the reserve and allotting them the excess lands, they allot them lands on the public domain, and hold in common for the tribe all the unallotted lands within the exterior limits-and this, I may say to the Senator, is a matter of history-in the face of a solemn treaty by which the Navajo Indians acquired their present reserve in 1868 under a pledge that they would not avail themselves of the privilege extended to other Indians of acquiring homes or lands upon the public lands of the United States.

Mr. JONES. As I understand, there are about 30,000 of the Navajo Indians.

Mr. FALL. Between 30,000 and 40,000.

Mr. JONES. And within the exterior limits of the reservation there are

Eleven hundred acres for each one.

Mr. JONES. Eleven hundred acres for each one. That would be some 33,000,000 acres. Now, how much outside of the exterior lines has been allotted to these Indians?

Mr. FALL. At one time there were 168,000 acres, out of a withdrawal of something like 1,200,000, and then the excess was thrown back into the public domain. At another time there was some 40,000 or 50,000 acres. There have been so many locations made of the same character that I spoke of here a few moments ago that it is impossible for me to keep them all in mind; but I should say that there have been allotments in small quantities for individual Indians amounting to three or four hundred thousand acres more on the outside.

Mr. JONES. What sized allotments are made outside of the

reservation to individual Indians?

Mr. FALL. Under the laws of the United States the individual Indian is only supposed to be entitled to the same amount of land as the individual white man; that is, 160, 320, or, now, 640 acres. In spite of the treaty, in the face of the treaty agreements by which he got that which he has in his reserve, he now can take up 640 acres of the public domain and still own his 1,100 acres within the exterior limits of the Navajo Reserve-a total of 1,740 acres to an Indian, and 640 acres to a white man,

Mr. JONES. How many of the Indians have gone outside of the exterior boundaries?

Mr. FALL. Something like 9,000, and they are still locating them in New Mexico.

Mr. JONES. Leaving about 20,000 occupying these 33,000,000

Mr. WALSH. Mr. President—
The VICE PRESIDENT. Does the Senator from New Mexico vield to the Senator from Montana?

Mr. FALL. I do. Mr. WALSH. That seems a very large body of land to give to a single individual-1,100 acres. I call the attention of the Senators, however, to the fact that every Indian on the Crow Reservation in my State owns an undivided interest in 1,435 acres. I have been vainly endeavoring to get the Indian Affairs Committee to see that that is too much land for the Indians; and I dare say, although I do not like to institute any invidious comparisons between the land in New Mexico and the land in Montana, that, acre for acre, the land in this Crow Reservation is about as good as the land in the Senator's State

I have no doubt that as an agricultural proposition the land there is very superior to the greater part of the

land in my poor State.

Mr. President, just along the line of the value of these lands, it is estimated-I have seen the estimates from the Geological Survey, I believe, of the United States Government-that there are 180,000,000 tons of coal in sight on the Navajo reserve today; and still we complain of the high price of coal in the United States. No man can work any coal on the Navajo re-The Navajos will not work it. No white man can go in there. The department will not favor a bill to lease it to them, so that it can be developed. The Navajos get nothing from it. As a matter of fact, if their lands were developed the Navajo Indians to-day would be among the richest Indians in the world, or among the richest men in the world. Navajo Tribe of Indians to-day in potential wealth are wealthier than the same number of American citizens residing in any State in the United States; but they are not allowed to, or at least do not, under our beautiful system of government receive any benefit from their wealth except as they use the surface of the ground for grazing sheep. That is practically their in-dustry. They are also makers of blankets and are silversmiths of no mean ability. From the time of the coming of the Spaniards into the country the Navajos have understood the trade of silversmithing as well as any people in this country. They do some mining, on a small scale, for the purpose of finding gems with which to set their silver work. Aside from that, no mining is done. The copper and silver and gold wealth on the Navajo reserve is estimated at fabulous sums; but of course, as we know in the West, matters of that sort are generally exaggerated, and I spoke of the coal simply because, as I say,

we have Government reports showing something like 180,000,000 tons of coal in sight, now entirely undeveloped, and nobody

allowed to touch a pound of it.

There is no necessity for moving the Navajo Indians on the public domain anywhere in the United States. The Navajo Indians are self-supporting. They need no appropriations, reimbursable or otherwise, from the Government if the Government of the United States can succeed in placing some man with a little common sense at the head of the Indian Bureau and hav-

ing it run as a business matter.

That is all in the world that is necessary in New Mexico. The Senator speaks of the acreage. Why, the Mescalero Apache Indians, largely in my county in New Mexico, have 641,000 acres to 424 Indians; and still they are so beautifully managed that other Indians have been brought in as prisoners of war from Fort Sill and planted among those Mescaleros and allotted lands belonging to the Mescaleros themselves under the beneficent action of the Indian Bureau here, and now are receiving a portion of the proceeds of the rentals of the Indian lands where the Chiricahau Indians themselves do not use them for stock purposes. They are not akin, not the same people; but Apache Indians from the Chiricahau and the Warm Spring Reserves in the State of Arizona have been brought into New Mexico and set down at Mescalero and one-third of the property belonging to the Mescalero Indians given by an arbitrary act of the Commissioner of Indian Affairs to the Fort Sill Apache Indians

Wealth? Untold wealth-coal, timber, iron, copper, gold, and silver-lying at the doors of the white man, lying on the railroad, within 3 to 5 miles' haul of the railroad in New Mexico. Not a pound of coal can be extracted; not a pound of ore or iron or copper or gold or silver can be extracted for the benefit of the Indians or for the benefit of the community. Millions and millions of dollars of property are locked up, so that the white man can not obtain one dollar of it for the purpose of paying taxes; and still the people of the surrounding counties of Chaves, Lincoln, and Otero, in New Mexico, are compelled to support the governments, pay the county officials, pay the sheriffs for preserving peace and protecting the Indian property, and pay all the expenses of running the government, while the Indians, with millions of dollars of property locked up, of no avail, no good to themselves, contribute not one dollar in taxes to the white man's Government or for their own protection. Then, when we build roads, bond ourselves, place a mortgage upon the future of our children and upon our present property and prosperity, and build roads up to each line of the Indian reserve, 60 or 80 or 90 miles square, we are stopped at the borders because we have no authority to enter, and the United States Government, except by special request, possibly after years of work, will not contribute one dollar to help construct a highway across the reserve.

The VICE PRESIDENT. The question is on agreeing to the

amendment.

The amendment was agreed to.

The next amendment was, on page 41, after line 10, to insert: To enable the Secretary of the Interior to lease for the benefit of the Navajo Indians in New Mexico such railroad lands as he may deem necessary for their weifare, \$15,000, to be immediately available, and to be reimbursed under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. SMOOT. Mr. President, was this item recommended by the Secretary of the Interior?

Mr. ASHURST. It was not estimated for.

Mr. SMOOT. I know that it was not estimated for; but was it recommended by the Secretary of the Interior or the Commissioner of Indian Affairs?

Mr. ASHURST. The assistant commissioner presented a statement embracing the legislation he wished; but it was not, I presume, according to the strict letter of the law estimated for, and is one of the very few items in the bill which are not esti-There are a few of them.

Mr. SMOOT. Mr. President, I thought it was rather an innovation to appropriate money in an Indian appropriation bill for the purpose of leasing lands from railroad companies.

Mr. LANE. Is it not largely to secure water? I have seen the statement made that they have been using these lands for many years, and water holes are very few and far between, and then ranging back on their reserves; and it is for the purpose of securing water.

curing water. That is my understanding.

Mr. ASHURST. Yes; that is true.

Mr. SMOOT. Then the wording of the amendment is very unfortunate, because it says:

To enable the Secretary of the Interior to lease for the benefit of the Navajo Indians in New Mexico such railroad lands as he may deem necessary for their welfare, \$15,000.

Mr. ASHURST. I can explain that, if the Senator will permit me. The grant was made to this railroad company in 1866.

Long anterior to the time the grant was made the Indians did use these water holes, and, following their ancestral traits, they do not like to leave them. The Government wishes, if it can make the arrangement with the owners of these lands, to lease these various water holes, as we call them in the West, or watering places, for the benefit of the Indians.

Mr. SMOOT. I understood the Senator from New Mexico [Mr. Fall] to say that the number of sheep owned by the Navajo Indians was such that it required a greater area of land for grazing purposes, and he referred to this item particularly as showing the necessity of it. What I wanted to get at, however, was this: \$15,000 is 3 per cent on \$500,000. Senator think that the railroad lands in which these water holes are located are worth \$500,000?

Mr. ASHURST. I could not pass any opinion on that matter,

Mr. President.

I want to be courteous in the statement I am going to make, but I think the time has arrived when I ought to say a few

Men whisper around this Chamber, in words they do not dare to say in public speech, that there is something wrong with this bill. Mr. President, the only thing wrong with this bill is that the poor, unfortunate wards who are going to be taken care of in this bill can not vote. If the Indians whom this bill seeks to take care of could vote, Senators would be rushing forward with amendments asking for increased appropriations. since these poor, unfortunate wards, whom we have dispossessed many times against their will, and whose will we have overridden, can not vote, Senators are very touchy about the Public Treasury

Mr. FALL. Mr. President, will the Senator yield for a ques-

tion?

Mr. ASHURST. I yield.

Mr. FALL. Did not the Senator recently make rather a campaign in his State against this great withdrawal of 3,000,000 acres?

I did not understand the Senator's question. Mr. ASHURST. Mr. FALL. The Senator speaks of somebody objecting to expenditures, and of the fact that these Indians can not vote. I ask the Senator if he did not discuss this withdrawal that he said was made in his own State for the benefit of the Navajo Indians, and if he did not do all that he could against it?

Mr. ASHURST. I did, because the withdrawal was too

large.

Mr. FALL. Exactly. The Senator was after votes at that

time, was he not?

Mr. ASHURST. I was; and while the Senator is talking about votes, I will say that a Western Senator who comes to this Capitol and attempts to urge anything in behalf of the Indians or their rights puts himself in jeopardy. Because I happened to vote for and insist on a small appropriation for the benefit of a little, obscure tribe in the Salt River Valley certain newspapers come out with flaming headlines:

Astounding! Senator Ashurst grabs water from vast acreage in the Salt River Valley and gives it to the Indians!

Mr. President, as I say, I do not want to be discourteous; but it is getting tiresome to hear Senators continually inveigh and inveigh against items in this bill. Senators have a right to their opinions, and I hope that I have not offended the proprieties; but I answer that if they are going to be economical they should select something other than the wards of this Government.

Mr. SMOOT. Mr. President, I know that any newspaper article that might reflect upon the Senator from Arizona would not be considered for a moment by any Senator in this body. I want to say to the Senator that I believe that he himself, chairman of the committee, believes that there are items in this bill that never ought to have been there.

Mr. ASHURST. Why, certainly I think so; but, Mr. President, every piece of legislation that ever passed this body has contained some features that I did not like. There are some features of all legislation that we do not like. That is quite

Mr. SMOOT. I hope the Senator does not take anything I have said as a personal affront, or think that what I have said casts any reflection on him. Far from it; because I want to say right now that this is the best Indian appropriation bill that has been reported to the Senate since I have been in the Senate, for 14 years.

Mr. ASHURST. I thank the Senator.

Mr. SMOOT. I want to say, however, that there are a lot of items in the bill that never ought to have been there, and the Senator knows it.

Mr. ASHURST. That is true.

Mr. SMOOT. Take this item that I have just asked about. What we ought to do when we are looking after the wards of the Government is to look after their interests and the interests of the United States at the same time, just as we would do if it were a business proposition between the Government and any other corporation or individual. I know the Senator will agree at least to that much; and I may go on and say, further, that we ought to be more particular about looking after the Indian as a ward than we are with a corporation or an individual that can take care of himself. But here is a new thing, a new policy; and I was trying to figure out whether or not it was a good policy, for instance, to appropriate \$15,000 to be reimbursed out of the Indian funds for the purpose of leasing lands owned by railroads. I called the attention of the Senator to the fact that \$15,000 meant the interest on \$500,000, at 3 per cent; and I asked him, with all sincerity, whether he thought that the lands on which these water holes existed, and which were owned by the railroads, were worth \$500,000, or whether it was not possible that we were appropriating too much money

Mr. ASHURST. That all may be. The department presented the legislation. It was discussed at some length and was finally agreed to. Possibly it may be a little large. If it could be reduced, I presume there would be no objection. I do not know the lands that are proposed to be leased, save and except that the department said that they are certain lands upon which there are water holes which the Indians had used for a great number of years anterior to the granting of the lands to the railroad. If the Senator feels that the item ought to go out, I shall not object, of course.

Mr. SMOOT. I will ask the Senator to consent that it may go over for the day, and I will try to learn a little more about it.
Mr. ASHURST. Certainly; let it go over.
Mr. WALSH. Mr. President, before the Senator from Utah

takes his seat let me say that he referred to a departure and the inauguration of a new policy.

Mr. SMOOT. Yes.

Mr. WALSH. If this appropriation evidenced the policy of leasing railroad lands for the purpose of allowing them to be utilized by Indians generally, it would, of course, interest all of us living in those States in which great railroad grants have been made; but I will say to the Senator from Utah that I do not understand that it evidences anything like a general policy. The conditions in this particular place seem to be peculiar. was represented to us that a considerable portion of the lands within the reservation-I speak now of the representations made to the committee-that would be available for grazing purposes would be useless to the Indians if they were not able to hold the water holes outside; that the railroad lands were rapidly being disposed of by lease or by sale to stock raisers; and that there was a likelihood that these water holes would pass out of the control and use of the Indians.

Mr. ASHURST. Mr. President, will the Senator yield to me

right there?

Mr. WALSH. Certainly.

Mr. ASHURST. It is not a pleasant history when we reach this particular part of the Indian country lying, we will say, if the Senator will pardon me, between Gallup, N. Mex., and the town of Winslow, Ariz. Ever since I can remember there have been disputes over the water holes. I especially ask the attention of the Senator from Utah [Mr. Smoot] on this point, right here.

Mr. SMOOT. I am listening to every word the Senator says, Mr. ASHURST. In 1879, 17 families—as fine a set of families as live in any State—went upon what they thought was public domain. The maps of the United States showed the country there to be public domain. Those men and women—some of the most distinguished citizens of the State of Arizona, some of them now citizens of Utah-settled on those lands. Later the Government came to the conclusion that it wanted those lands for the Indians. Those 17 families, in the wintertime, without having had an opportunity even to gather up their cows and their horses and their chickens, were ejected in the snow and were required to wander over the face of the earth for some years, and were never paid any damages by this Government. I have here a bill-and I am going to press it-to reimburse those people. So, Mr. President, the differences are being composed. The Indians have always insisted upon a large part of the lands lying between Gallup, N. Mex., and Holbrook, Ariz. The Government has made great exchanges of land for the benefit of the The railroad company has given up a large part of its grant and taken lieu land elsewhere. The Government insists that some of these lands are still necessary for the benefit of the Indians. This relates to the State of New Mexico. The

Senator from New Mexico is familiar with the lands. The department insists that the lands should be leased for the benefit of the Indians, and the committee took that view.

Mr. FALL. Mr. President, will the Senator permit me to ask

him a question?

Mr. ASHURST. Certainly.

Mr. FALL. What information did the Senate committee -I was not present when this item was discussed—as to

the term of the lease?

Mr. ASHURST. Why, Mr. President, the Senate committee had no information, except this: It believed-of course, it had a right to assume that the leases, if any were made with the owners of the land, would be for a term of years. I presume no time was mentioned, but a sufficient length of time to guarantee some permanency. Indeed, I do not recall that the com-missioner stated to the committee that he could effect a lease at all.

Mr. FALL. Mr. President, just exactly the explanation which is being made with reference to this lease has caused the criticisms which are directed at every session at this appropriation bill. The matter that the Senator referred to a little while ago is the common argument among some short-haired women and long-haired men in the United States, that those of us in the West who are engaged in looking after the interests of our own constituents, whenever an Indian is mentioned are trying to steal something from the Indian. I have heard that argument a good many times before. I was very much surprised to hear it even suggested by the Senator from Arizona; and for that reason, and that reason alone, I asked him as to his attitude before the people of his State with reference to a matter of exactly this kind. That was my only object.

was very much surprised to hear the Senator from Arizona join in this talk to the effect that if the Indian had a vote the Senators here who were trying to do something against the Indian would be in favor of the Indian. There is no Senator on this floor, in my judgment-certainly no Senator from the West-who has not at heart the true interests of the Indian; There is not one who would see injustice done him, The Senator from Arizona, in my judgment, would not see injustice done the Indian by this Congress if he could throw light upon the subject. The trouble about it-the criticism about itis that the Senator brings in a bill here, and when an item is questioned, when he is asked for information about it, when he is asked what the term of the lease is, when we are asked to appropriate \$15,000 for an unlimited, unknown amount of land, with no term of lease, no character of lease, what is the Indian to get for the money? But when we ask questions about if, then we are told that "if the Indians had a vote you would be willing and objections to appropriations of this kind would not be made."

Now, as a Senator from New Mexico I want to say to the Senator from Arizona that I have no objection to this appropriation, but before the Senate votes \$15,000 of the people's money away from them I want to know what it is for; I want to know whether the Navajo Indians are going to get any benefit from it, and I do not want to leave it simply to a clerk in the commissioner's office here to spend the money as he pleases.

Mr. President, some land in New Mexico leases for 3 cents per acre per annum. Lands on the forest reserve lease for \$1 per head per cow per annum. There is a basis upon which any man in the Indian Department knowing anything under the heavens about the character of these lands and about the necessity of acquiring them for the Indians can form an opinion as to what price should be paid for a certain term for the use of the lands by the Indians.

The Senate has absolutely no information upon the subject. This entire appropriation of \$15,000 can be expended in the discretion of a clerk in the Indian Department for the use of 160 acres or 10 acres of land for one year or for one month.

Has the Senator any information to the contrary?

Mr. ASHURST. In reply to the speech of the learned Senator, I wish to say that I think a part of his criticism is just in this respect. The Senate committee-that is, I speak for myself as chairman of the committee, and I will say that I am not in the possession of as much information on this item as I would like to have. The only information of which I am possessed is that when we had just about concluded the bill the department sent, through its assistant commissioner, a statement to the committee that owing to the fact that a large number of the Indians had lived for years upon certain lands that were subsequently granted to a railroad company the department wished if it could to enter into a lease with the owner of those lands for the benefit of the Indians, so that the Indians might occupy the land.

Mr. FALL. The Senator may remember that he insisted on passing a bill last year exchanging with the Santa Fe Railroad, or the Atlantic-Pacific land in McKinley County, N. Mex., and one of the counties in Arizona for the very purpose of allowing the Indians to have such land in fee.

Mr. ASHURST. I think some provision was in the bill of that kind. I do not recall it, but undoubtedly there was.

Mr. FALL. Then why do not the Indian Department, as sensible men would do, treat the whole matter in one bill instead of by piecemeal, requesting the Senate to act without information? information?

Mr. ASHURST. There is another criticism in which the Senator is eminently just.

Mr. FALL. Then-

Mr. ASHURST. Just one moment. I have been perplexed very much by the very suggestion the Senator makes. The de-partment, instead of sending estimates at one time, brings in new items every day, apparently. The Senator's criticism on that point is just.

Mr. FALL. Does not the Senator from Arizona join the Senator from New Mexico in the determination not to adopt this measure until he has something from the department showing that the \$15,000 will be expended for the benefit of the Indians?

Mr. ASHURST. I did not clearly hear the Senator. Mr. FALL. Will not the Senator from Arizona join the Senator from New Mexico in objecting to the appropriation of \$15,000 until he has full assurance from some reliable source that the \$15,000 will be expended for the benefit of the Indians?

Mr. ASHURST. Mr. President, if the Senator will pardon me; I have so much regard for the Senator and for his knowledge of his own State that if he will here make a point of order I would not resist it.

Mr. FALL. Mr. President, I have heard that before. I have heard it intimated that Senators would like to have a point of order made from the other side. The Senator from New Mexico will not accommodate the Senator from Arizona and make a point of order upon this item.

Mr. ASHURST. I wish to say that I made the point of order

in the committee because

Mr. FALL. Then the Senator can repeat the point of order

Mr. ASHURST. The language as presented to the committee had in it the State of Arizona, and I said I had no objection to it if the State of Arizona were eliminated.

Mr. FALL. Exactly; it made no difference what they did to my State, but the Senator wanted to protect his State.

Mr. ASHURST. The Senator is a member of the committee,

and he never came before the committee.

Mr. FALL. No, sir; the Indian Affairs Committee sat for three months at a time listening to attorneys from Washington arguing cases of private claims, individual claims, that had been argued and reargued, to my personal knowledge, for five The Senator from New Mexico did exempt himself from all the meetings of the committee except one; but the Senator from New Mexico had a right to believe that the Senator from Arizona, the chairman of the committee, if he thought an amendment of this kind was unjust to his own State, would without further information object to it as a Senator from the United States and not of the State of Arizona,

Mr. ASHURST. Mr. President, to settle further dispute, I

make a point of order on it myself.

Mr. FALL, Very well, The VICE PRESIDENT.

What is the point of order?

Mr. ASHURST. That it was not estimated for and not reported as a separate measure by a standing committee of the

The VICE PRESIDENT. It was reported from a standing committee of the Senate. The Senator is, I think, the head of a standing committee.

Mr. ASHURST. I say it was not reported in a separate bill. The VICE PRESIDENT. It has been reported by the Com-

mittee on Indian Affairs. Mr. ASHURST. Very well.

The VICE PRESIDENT. If the Senator withdraws the amendment, he can do so.

Mr. ASHURST. I will not withdraw it.

The VICE PRESIDENT. It is in the bill regularly.
Mr. ASHURST. I will not withdraw it, Mr. President.
Mr. SMOOT. I ask that it may go over until to-morrow.
The VICE PRESIDENT. The Chair thought it had gone

Mr. SMOOT. I will try to find out something from the department about it.

The VICE PRESIDENT. The amendment goes over.

The next amendment was, under the head of "New York," on page 41, line 18, to change the number of the section from "13" to "14."

The amendment was agreed to.

The next amendment was, under the head of "North Carolina," on page 42, after line 1, to strike out:

SEC. 14. For support and education of 180 Indian pupils at the Indian school at Cherokee, N. C., including pay of superintendent, \$30,000; for general repairs and improvements, \$6,000; in all, \$36,000.

And insert:

SEC. 15. For support and education of 190 Indian pupils at the Indian school at Cherokee, N. C., including pay of superintendent, \$31,660; for general repairs and improvements, \$6,000; for assembly hall and gymnasium, \$4,000; for the purchase of additional land for school farm, \$10,000; in all, \$51,660.

The amendment was agreed to.

The next amendment was, under the head of "North Dakota," on page 42, line 14, to change the number of the section from "15" to "16."

The amendment was agreed to.

The next amendment was, on page 43, line 7, after "\$7,000," to strike out "in all, \$75,800" and insert "for construction and equipment, gymnasium building, \$25,000; in all, \$100,800," so as to make the clause read:

For support and education of 400 Indian pupils at Fort Totten Indian School, Fort Totten, N. Dak., and for pay of superintendent, \$68,800; for general repairs and improvements, \$7,000; for construction and equipment, gymnasium building, \$25,000; in all, \$100,800.

The amendment was agreed to.

The next amendment was, on page 43, line 13, after "\$5,000," to strike out "in all, \$43,540" and insert "for assembly hall, \$10,000; for employees' cottages, \$7,000; in all, \$60,540," so as to make the clause read:

For support and education of 220 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, \$38,540; for general repairs and improvements, \$5,000; for assembly hall, \$10,000; for employees' cottages, \$7,000; in all, \$60,540.

The amendment was agreed to.

The next amendment was, under the head of "Oklahoma," on page 43, line 17, to change the number of the section from "16" to "17."

The amendment was agreed to.

The next amendment was, on page 43, line 23, after the words sum of," to strike out "\$25,000" and insert "\$30,000," so as to make the clause read:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of \$30,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the support of the agency and pay of employees maintained for their benefit.

The amendment was agreed to.

The next amendment was, at the top of page 46, to insert:

For continuing the relief and settlement of the Apache Indians formerly confined as prisoners of war at Fort Sill Military Reservation, Okla., on lands in Oklahoma to be selected for them by the Secretary of the Interior and the Secretary of War, \$40,000, to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe, and to be immediately available and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 46, after line 14, to insert: That all of Osage County, Okla., shall hereafter be deemed to be Indian country within the meaning of the acts of Congress making it unlawful to introduce intoxicating liquors into the Indian country.

The amendment was agreed to.

The next amendment was, on page 46, after line 18, to insert:

The act of Congress approved June 28, 1906 (34 Stat. L., p. 539), and
the act of Congress approved April 18, 1912 (37 Stat. L., p. 83), authorizing the expenditures from Osage tribal funds of not exceeding \$50,000
for schools and \$40,000 for agency and emergency purposes, or an aggregate of \$90,600, are hereby amended to provide that hereafter not exceeding such aggregate amounts may be used for such purposes when authorized by the Secretary of the Interior in such manner as he deems for the best interests of the Osages, not exceeding, however, in the aggregate the amounts so authorized: Provided, That the foregoing provision shall also be applicable to the use of such funds during the present fiscal year: Provided, That such amount of the above appropriation for support of Osage schools may be used, in the discretion of the Secretary of the Interior; for the same purposes as provided in the third paragraph of section 4 of the act of June 28, 1906 (34 Stat. L., p. 539), until July 1, 1918, on the condition of establishing vocational instruction in said schools. The next amendment was, on page 46, after line 18, to insert:

The amendment was agreed to.

The next amendment was, on page 47, after line 16, to insert: The next amendment was, on page 47, after line 16, to insert:
That the Secretary of the Interior is hereby authorized to cause an
appraisement to be made, on a fair and reasonable basis, by disinterested appraisers, of all lands of Osage County, Okla., owned by Osage
Indians as allottees or as heirs of tribal members, and the appraisement so made may be taken as a basis for the adjustment and settlement of any exception or claim made by any such Indian or by any
officer of the United States in his behalf with respect to any assessment
heretofore made or that may hereafter be made prior to July 1, 1917;
and the Secretary of the Interior is hereby authorized to use the sum of \$5,000, or so much thereof as may be needed, from the funds of the Osage Tribe to defray the expense of such appraisement.

The amendment was agreed to.

The next amendment was under the head of "Five Civilized Tribes," on page 48, line 7, to change the number of the section from "17" to "18."

The amendment was agreed to.

The next amendment was, on page 48, line 21, after the word "conveyed," to insert "by fee simple title," so as to make the clause read:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of \$50,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Chickasaw Tribe of Indians, and to use the same for constructing and equipping dormitories at the Murray State School of Agriculture at Tishomingo, Okla., at a cost not to exceed said sum, for the accommodation of Chickasaw children and, in the discretion of the Secretary of the Interior, of any other pupils attending said school: Provided, That this appropriation shall become available after the said city of Tishomingo shall have donated and conveyed by fee simple title to said tribe suitable and necessary sites upon which same are to be constructed.

The amendment was agreed to.

The next amendment was, on page 49, line 16, after the word "act," to insert "except that the Secretary of the Interior is hereby authorized, within 30 days after the passage of this act, to investigate claims not to exceed \$1,050 growing out of contracts alleged to be in existence between John Calvin Gray, William T. Lancaster, Arthur Jennings, and Clyde Jennings, as enrolled members of the Choctaw and Chickasaw Nations, and Henry W. Blair, Kappler and Merillat, James K. Jones, Charles Fecheimer, and Eugene Hamilton, as attorneys, which amount shall be payment in full of the said attorneys named in this act, and in case such claims are found to be valid and the contracts approved in accordance with existing law, the said Secretary of the Interior may, in his discretion, apply any amounts that may be found due under this paragraph to the aforesaid enrolled members of the Choctaw or Chickasaw Nations, to the payment of such fee, but the amounts due hereunder to other enrolled members of the Choctaw and Chickasaw Nations shall not be held in abeyance to this claim, but shall be paid promptly without reference to same," so as to make the clause read:

out reference to same," so as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed \$200 per capita, said payment to be made under such rules and regulations as the Secretary of the Interior may prescribe: Provided, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: Provided further, That the money paid to the enrolled members as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act, except that the Secretary of the Interior is hereby authorized, within 30 days after the passage of this act, to investigate claims not to exceed \$1,050 growing out of contracts alleged to be in existence between John Caivin Gray, William T. Lancaster, Arthur Jennings, and Clyde Jennings, as enrolled members of the Choctaw and Chickasaw Nations, and Henry W. Blair, Kappler & Merillat, James K. Jones, Charles Fecheimer, and Eugene Hamilton, as attorneys, which amount shall be payment in full of the said attorneys named in this act, and in case such claims are found to be valid and the contracts approved in accordance with existing law, the said Secretary of the Interior may, in his discretion, apply any amounts that may be found due under this paragraph to the aforesald enrolled members of the Choctaw or Chickasaw Nations shall not be held in abeyance to this claim, but shall be paid promptly without reference to same: Provid

Mr. WILLIAMS. I move to strike out that part of the bill beginning with and including line 24, page 48, including all of page 49 and that part of page 50 down to and including line 14.

Mr. ASHURST. Does the Senator's motion simply comprehend the striking out the per capita payment to the Choctaws and Chickasaws

Mr. WILLIAMS. Yes; and the amendment to it which is a part of it.

Now, Mr. President, I do not wish to take up the time of the Senate uselessly. I offered an amendment to the bill to safe-guard the rights of the Mississippi Choctaws. This amendment in one form or another I had offered in two preceding Congresses, and the Senate twice agreed with me about it and twice disagreed to the Committee on Indian Affairs.

The matter was brought up again at the last Congress. consented to forego the amendment then upon the assurance of the chairman of the committee, of the Senator from Oklahoma [Mr. OWEN], and of various members of the committee that the

amount then sought to be distributed would leave plenty of money in the fund to take care of any rights which the Mississippi Choctaws had.

Then this session came on; it was a short session crowded with business, and I understood from members of the committee, including the chairman of the committee, that the committee would strike out the distribution and thereby would hold the whole matter in abeyance until the next session of Congress, where it could be dealt with more satisfactorily than in this session of Congress

Mr. CURTIS. Mr. President—
The VICE PRESIDENT. Will the Senator from Mississippi yield to the Senator from Kansas?

Mr. WILLIAMS. One word and I shall yield. Notwithstanding that, the matter was taken up in the committee again and by a tie vote the resolution of the Committee on Indian Affairs to keep this distribution out of the bill at this time was defeated.

Now, then, I am prepared, unless my motion to strike out is sustained, to read all the hearings of the committee and some little parts of the Encyclopædia Britannica in order that the rights of the Choctaw Indians may be maintained, because if the allotment now made passes through there will not be a dollar left to protect the rights of these people. I am willing that their rights should be protected in any way which the committee itself may fix, though I would prefer, of course, the adoption of the amendment which I had introduced and which I will insert

as a part of my remarks right here.

The amendment submitted by Mr. Williams December 18,

1916, proposes to insert the following:

The amendment submitted by Mr. Williams December 18, 1916, proposes to insert the following:

The Secretary of the Interior is further authorized and directed to enroll as members of the said Choctaw Tribe of Indians all persons identified as Mississippi Choctaws by the Commission to the Five Civilized Tribes under the provision of section 21 of the act of Congress approved June 28, 1898, in the roll and report of said commission dated March 10, 1899, and in subsequent reports of said commission dated March 10, 1899, and in subsequent reports of said commission which persons have not heretofore been finally enrolled; and he shall also enroll all full-blood Mississippi Choctaws not heretofore enrolled and all persons who may satisfactorily establish their rights as descendants of Choctaws to whom privileges were guaranteed by the provisions of articles 14 and 19 of the treaty of 1830, known as the treaty of Danchig Rabbit Creek: Provided, That when so enrolled there shall be paid to each and every person in lieu of allotment, out of the funds in the Treasury of the United States to the credit of the Choctaw Tribe, a sum equal to twice the appraised value of the allotment of the Choctaw Tribe as faxed by the Commission to the Five Civilized Tribes for allotments or their heirs are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payment and use the same for the benefit of such restricted Indians: And provided further, That the Secretary of the Interior is authorized, under such rules and regulations as he may prescribe, to determine whether any attorney or attorneys have actually rendered services of value to any of the persons herein enrolled and to allow compensation therefor, including proper and necessary expenses incurred in connection with services rendered, in such amounts as he may deem proper, and to pay the amount or amounts so fixed and found to be due such attorney or attorneys and deduct the same

Mr. WILLIAMS. Now, I will yield to the Senator from Kansas

Mr. CURTIS. Mr. President, I was one of the Senators who voted to strike out this provision in the committee, and I want to ask the chairman of the committee if, in view of the statement which was made to the committee by the Senator from Oklahoma, he does not feel justified in having a vote taken now without a long debate upon this question?

Mr. ASHURST. If the Senator will pardon me, I believe I

can save some time.

Mr. President, the Senator from Mississippi has correctly stated what happened in the committee. It was the subject of a very animated and a very lengthy discussion, and the motion to strike out this provision was lost by a tie vote of 7 to 7. I trust I am not violating any confidence of the committee when I say that I am going to vote to strike it out. My attitude was made known to my fellow committeemen, and I stated that in the Senate I would vote to strike it out. I do not wish to debate it.

Mr. WILLIAMS. Very well, then, I hope the Senate will vote to strike it out.

Mr. GRONNA. Mr. President, just one word.

I want to say to the Senate it was stated by the assistant commissioner that the Choctaws and Chickasaws in Oklahoma are not in need of this money at this time. I asked the ques-tion in the committee if the Indian Office thought the Indians could get along without the money this year, and the answer was that they thought they could. We distributed to these Indians about \$8,000,000 during the last year. Like the Senator from Kansas, I joined in an effort in the committee to strike out of the bill this provision.

Mr. VARDAMAN. Mr. President, I wish to suggest to the Senator who has just taken his seat that the Oklahoma Choctaws and Chickasaws are not in need of it, but, as has been so often stated, the Choctaws of Mississippi do need it very badly.

The VICE PRESIDENT. The question is first on agreeing to the amendment of the committee.

The amendment was rejected.

The VICE PRESIDENT. The question now is on the amendment of the Senator from Mississippi [Mr. WILLIAMS] to strike out the text of the bill as indicated by him.

The amendment was agreed to.

The reading of the bill was resumed at line 15, page 50.

The next amendment was, on page 51, after line 10, to insert:

That the Secretary of the Interior is hereby authorized to pay, out of any money in the Treasury of the United States belonging to the Creek Nation, to M. L. Mott the sum of \$472.22 for services rendered the Creek Nation from January 15 to February 18, 1914, inclusive, and \$210.20 as reimbursement for actual expenses incurred in connection therewith.

Mr. SMOOT. This seems to be a private claim on an appropriation bill authorizing the Secretary of the Interior to pay M. L. Mott \$472.

Mr. ASHURST. I think the Senator from North Dakota [Mr. Gronna] stated what is the rule of the committee. He said it was agreed that no claim of over \$100 should have any action by the committee; but if the Senator will read closely, he will see that this is not a claim against the Treasury of the United States, but "that the Secretary of the Interior is hereby authorized to pay, out of any money in the Treasury of the united States belonging to the Creek Nation." The Creek Nation wishes this sum paid and say it is their money. I wish further to say it was agreed to in 1915 by both Houses, but failed by reason of the fallure of the bill. This is not a gratuity out of the Treasury of the United States.

Mr. SMOOT. I noticed that in the reading of the amendment,

and I wanted some explanation about it. If the Creek Nation acknowledge the debt and want to pay it out of their own money,

of course I would not object.

Mr. ASHURST. That is the case.

Mr. SMOOT. But if they had not had anything to say about it, and if it proved to be a private claim upon an appropriation bill, I was going to make a point of order against it.

Mr. ASHURST. The Creek Nation, through its duly accredited representatives a year or so ago, urged the payment of this claim.

Mr. SMOOT. That is the only way it could be done.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 51, line 24, after "\$85,000," to insert "to be reimbursable out of the estates protected whenever deemed desirable and practicable, under such rules, regulations, and conditions as the Secretary of the Interior may prescribe," so as to make the clause read:

For salaries and expenses of such attorneys and other employees as the Secretary of the Interior may, in his discretion, deem necessary in probate matters affecting allottees or their heirs in the Five Civilized Tribes and in the several tribes of the Quapaw Agency, and for the costs and other necessary expenses incident to suits instituted or conducted by such attorneys, \$85,000, to be reimbursable out of the estates protected whenever deemed desirable and practicable, under such rules, regulations, and conditions as the Secretary of the Interior may prescribe

The amendment was agreed to.

The next amendment was, on page 52, after line 2, to strike out:

For the support, continuance, and maintenance of the Cherokee Orphan Training School, near Tahlequah, Okla., for the orphan Indian children of the State of Oklahoma belonging to the restricted class, to be conducted as an industrial school under the direction of the Secretary of the Interior, \$30,000; for repairs and improvements, \$4,500: Provided, That the unexpended balance of the \$7,500 appropriated by the act of May 18, 1916, is hereby reappropriated for the purchase of additional land; for heating systems, \$6,000; in all, \$40,500.

And insert:

For the support, continuance, and maintenance of the Cherokee Orphan Training School, near Tahlequah, Okla., for the orphan Indian children of the State of Oklahoma belonging to the restricted class, to be conducted as an industrial school under the direction of the Secretary of the Interior, \$30,000; for repairs and improvements, \$4,500; for heating systems, \$6,000; for new dining room and kitchen and employees quarters, \$12,700; in all, \$53,200.

Mr. SMITH of Georgia. Mr. President, this is only an increase of about \$13,000, but I do not think it is any of the business of the United States to pay any of this expenditure. object to the amendment of the committee, and I hope it will be rejected.

Oklahoma has perhaps the largest fund of any State in the United States for schools. When Oklahoma was admitted to

the Union we gave her a most liberal allowance for school pur-The Indians have their own money; they are rich; and I do not see why the General Treasury should be taxed to run a school of this sort. It seems to me it is a responsibility of Oklahoma and not of the Treasury of the United States. At least, I ask that the increase provided for by the committee be rejected, and I hope we shall disagree to this \$13,000 increase. do not think we ought to pay any of it.

The VICE PRESIDENT. The question is on agreeing to

the amendment reported by the committee.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 53, line 22, after the word "buildings," to insert:

Provided further, That after the lands have twice been offered for sale at public auction the Secretary of the Interior, under rules and regulations to be prescribed by him, shall cause to be sold to the highest bidder, in such manner and upon such terms as he may deem advisable, the surface of any lands remaining unsold and of any surface lands forfeited by reason of nonpayment of any part of the purchase price.

Mr. LANE. Mr. President, the fault which I have to find with this amendment is that it allows these lands to be sold on terms of any sort which are deemed proper by the Secretary of the Interior, who secures his information from the Commis-sloner of Indian Affairs, to whom such information is furnished by agents of the Indian Bureau. It is a grant of too much authority. It should be more specific. In the past the Indians have suffered greatly from such grants of authority without limit—unlimited grants. I believe this to be one of the greatest evils in our management of the affairs of the Indians. I know Indians were here a while back when a large property of theirs was being sold which was of great value. They protested against the methods which were employed; yet the matter was taken in hand by the bureau, and those lands were sold at what has since proven to have been an actual loss, or a failure to secure anything like the value of the land to the tune of millions upon millions of dollars.

The Indian Bureau laid down a rule-and I have a copy of it here-by which they sold the lands, or the product of the lands, only to such persons as were desirable. Now, think of it! It was oil land, and its purchasers must be "desirable," they must have the cash to pay down, in order to secure the property which they were after. In addition to that, they must be experienced in the oil business. Who was it got the land and who was the most experienced? A set of gentlemen in the country who were in the oil business—it was the good old Standard Oil Co, or its subsidiaries who got the land. The good old Standard and its subcompanies were the people who had the most cash with which to bid, and also they had control, in a way, of the banks. If such an undestrable person as any Member of the Senate wanted to secure such property, and had to advance the cash, and went to these banks for it, he would have a rather difficult time in establishing credit; he might do so, and then again he might not; but, at any rate, it excluded ninety-nine American citizens out of every hundred from bidding at all. The fact is, it confined the bidding to a few "desirable" persons who had plenty of money and lots of experience, and knew more about the oil business than anybody else in the world, perhaps.

These large grants of authority to make rules and regulations and under such conditions as may be prescribed by a man or a bureau that has been carrying on a system of managing their affairs which has resulted in such unfortunate happenings to the Indians, I think ought to be cut out of the bill. I think it is too large a grant of authority to be left in the hands of a bureau which has not proven its ability to do much of anything in a proper, businesslike manner for a lot of helpless dependents and wards. I shall object to that, and I shall ask that the amendment go over. I will see if we can not get some provision in it which will cure it.

The VICE PRESIDENT. Does the Senator from Oregon ask that the amendment go over?

Mr. LANE. Yes; I ask that the amendment go over.

The VICE PRESIDENT. Is there objection?

Mr. ASHURST. I have no objection.

The VICE PRESIDENT. The amendment goes over.

Mr. WALSH. Mr. President, I wish to say to the Senator from Georgia [Mr. SMITH], who voiced some objection to the amendment in the bill referring to an Oklahoma item, that we ought at least, in the absence of the two Senators from Oklahoma, to have whatever information was given to the committee concerning the necessity for the proposed increase in that item. The Senator knows that at least one of the Senators from Oklahoma is confined to his room by severe illness and the other Senator is absent from the city on some important official business. I thought it was perhaps a little hasty to reject the amendment without even listening to what could be said in explanation of it, in the absence of the two Senators.

Mr. SMITH of Georgia. I did not know that they had any

special interest in it.

Mr. WALSH. I am not advised as to that myself.

Mr. ASHURST. Mr. President, the item as agreed to by the Senate committee was in accordance with the estimate. called attention to the fact that the House reached the conclusion that \$40,500 was sufficient. The Senate committee took the view that the estimate of the department was the amount that should be appropriated.

Mr. SMITH of Georgia. The increase was not made espe

cially at the instance of either of the Senators from Oklahoma,

Mr. ASHURST. I do not recall that they urged anything.

Mr. FALL. Mr. President, will the Senator allow me? Mr. ASHURST. I wish to correct myself-

Mr. FALL. I desire to call the attention of the Senator from Georgia to this item, and to give my experience with reference to items of this character. I do not know exactly the situation, but I think the Senator will find this to be the case: The necessity for additional quarters for nearly all of the Indian schools all over the United States which receive appropriations from the United States Government, either directly or by reimbursable funds, arises from the increasing number of pupils. Now, if the schools ought to be done away with, then they should be done

away with.

Mr. SMITH of Georgia. Or else no more children should be

admitted to them.

Mr. FALL. Or else no more children ought to be admitted to

Mr. SMITH of Georgia. I do not see why the National Government should support Indian schools in the State of Oklahoma.

Mr. FALL. The Senator may be right; but the Senator's objection has not reached that point, for, even though the Senate committee amendment is rejected for the support of this Indian school in Oklahoma, there will still be left an appropriation of \$40,500; and I thought possibly the Senator had not noticed why the increased appropriation was provided. In the item as it is left under the Senator's objection there is an appropriation of \$6,000 for heating apparatus, and so forth. I have no earthly interest in this matter except to call the attention of the Senator from Georgia to the state of the facts that the appropriations down to and including the item for heating apparatus are left exactly as they were, and the additional appropriation is "for a new dining room and kitchen and employees' quarters, \$12,700." That is the new appropriation. I presume, from my own experience with similar cases, that it is needed because of the fact that the dining room is out of repair or that there are not sufficient quarters in which to house the present force.

Mr. SMITH of Georgia. Or the employees want some new

quarters to be fixed up a little more nicely than they were before.

Mr. FALL. I am sure I can not say as to that; but I have found it to be the case that one House or the other of Congress is continually attempting to make a record for economy and hoping that the other House will put in the necessary items. Time and again we find it to be the case that where provision is made granting authority for an increase in the number of pupils to be taught at a certain school, and an increased amount made for maintenance, there is not an increase in the appropriation or any appropriation at all made for additional quarters; for instance, for dormitories.

I have heard exactly the same objection urged to an increase in appropriations for dormitory room in cases where it was impossible to house the additional children, although there was no objection at all made by the Senate or by the committee to an increase in the amount of appropriations for the subsistence of the children and the teachers. It is just as necessary to have additional quarters as it is to have additional subsistence.

Mr. LA FOLLETTE. Mr. President, bearing on this matter, I call the attention of the Senator from Georgia to what was presented to the committee at the time this increase was made, and I ask to have the Secretary read it, in the absence of the Senator from Oklahoma [Mr. Owen].

The PRESIDING OFFICER (Mr. SHEPPARD in the chair)

The Secretary will read as requested. The Secretary read as follows:

The Secretary read as follows:

The CHAIRMAN. Yes. The next item is page 41, line 22, "for the support, continuance, and maintenance of the Cherokee Orphan Training School, near Tahlequah, Okla."

Senator Owen. I have a letter from Mr. Hastings, the Member of Congress from that district, who lives contiguous to this school, and he says that he thinks the estimate by the department for the kitchen and employees' quarters of \$12,700 should be added to the appropriation there. He says:

"This item was estimated for by the Department of the Interior, and the justification for it will be found on page 242 of the hearings before

a subcommittee of the Committee on Indian Affairs, considering the Indian appropriation bill, as follows:

"'The school dining room is now in the basement of the main building, an old structure, dark and insanitary. The school kitchen is in the same basement. This department should be taken out of the old basement and placed in a suitable building. Twelve thousand seven hundred dollars will provide an adequate building.

"Your attention is invited to the fact that a new dormitory was erected at this school during the past year, and the capacity of the school has been doubled, increasing the attendance from 65 or 70 to between 130 and 140. I personally visited this school during the month of October and know that this new dining room is very much needed." I would like to have the letter of Hastings put in the record there. The Chairman. It will be inserted, without objection.

(The letter is here printed in full, as follows:)

House of Representatives,

House of Representatives, Washington, D. C., December 27, 1916.

House of Representatives,
Washington, D. C., December 27, 1916.

Hon. R. L. Owen,
Senate Office Building, Washington, D. C.

My Dear Senator Owen: I am inclosing herewith an amendment to be proposed to the Indian appropriation bill, now under consideration by the Senate Indian Committee, for a new dining room and kitchen and employees' quarters, \$12,700, to be added after \$6,000 and semicolon on page 34.

This item was estimated for by the Department of the Interior, and the justification for it will be found on page 242 of hearings before a subcommittee of the Committee on Indian Affairs, considering the Indian appropriation bill, as follows:

"The school dining room is now in the basement of the main building, an old structure, dark and insanitary. The school kitchen is in the same basement. This department should be taken out of the old basement and placed in a suitable building; \$12,700 will provide an adequate building."

Your attention is invited to the fact that a new dormitory was erected at this school during the past year and the capacity of the school has been doubled, increasing the attendance from 65 to 70 to between 130 and 140. The justification on page 242 of the hearings refers to the increased attendance.

I personally visited this school during the month of October and know that this new dining room is very much needed.

In the event this amendment is adopted, the total in line 10, page 34, should be corrected, and \$53,200 inserted in lieu of \$40,500.

Sincerely, yours,

Wr. W. Hastings.

W. W. HASTINGS.

Mr. ASHURST. Mr. President, that is the letter an extract from which has been read.

Mr. SMITH of Georgia. Now, Mr. President, I desire to re-peat my objection to this appropriation, and I call attention also to the next item, which ought to be stricken from this bill. It reads as follows:

The sum of \$275,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Senimole Nations and the Quapaw Agency in Okla-

It ought not to be the province of the National Treasury to

pay the expenses of educating these Indians.

Mr. ASHURST. Mr. President, if the Senator will pardon me right there, I wish to say that that is a very important item. The reason for it grows out of the fact that the State is unable to tax the Indian property for the support of these schools. That item ought not to be stricken out, but ought to remain in

the bill, in my judgment.

Mr. SMITH of Georgia. Well, upon what ground ought the National Government to pay for the education of the children

of those rich Indians?

Mr. ASHURST. Rich they may be; but the State can not get any taxes from their land, because it is not able to tax their land, and so the State can not get any money to make any improvements

Mr. CLAPP. Mr. President, this is not an Indian school; it is part of the common-school system of the State of Oklahoma. These lands being there, and not being taxable, it has been the policy of the Congress from the time that Oklahoma was admitted into the Union, as it was the policy of Congress before the time of the admission of Oklahoma, in view of the vast amount of land that could not be taxed, to make an annual contribution to the common schools of the State.

Mr. SMITH of Georgia. Mr. President, we have made the greatest contribution to the public schools of Oklahoma that has ever been made to the schools of any State in the Union. We gave to the State of Oklahoma every twenty-first section of land, as I recall, at the time the strip was opened, to be devoted to educational purposes. Practically one-twentieth of the entire land of Oklahoma was given to the State for educational purposes when the strip was opened. Just exactly upon what ground these lands can not be taxed I do not understand.

Mr. CLAPP. They are Indian lands, if the Senator please.

Mr. SMITH of Georgia. That is all right.

Mr. CLAPP. Under the very laws under which the lands were granted to the Indians there are restrictions against alienation and taxation; and there is a vast amount of them.

I do not want to say that perhaps the Government should do all that we are doing for Oklahoma, but I am pointing out to the Senator that these are not Indian schools. The appropria-

tion there is based upon a principle which Congress adopted when Oklahoma was admitted. In view of the lands that were segregated and not subject to taxation, Congress made certain provision in aid of the common schools of the State.

Mr. SMITH of Georgia. Ought we to keep it up forever? Mr. CLAPP. That is for Congress to say.

Mr. CLAFF. That is for Congression of the Chair.
Mr. SMITH of Georgia. I presume so.
Mr. CURTIS and Mr. SMOOT addressed the Chair.
The PRESIDING OFFICER (Mr. Sheppard in the Chair).
Does the Senator from Georgia yield; and if so, to whom?

Mr. SMITH of Georgia. To anyone. Mr. CURTIS. I want to state for the information of the Senator that when Oklahoma was admitted as a State, because of the fact that the Government had no public land in the eastern part, being the old Indian Territory, which could be given to the State for school purposes, the Government gave to the State of Oklahoma \$5,000,000 in cash "for the use and benefit of the common schools of said State in lieu of sections 16 and 36, and other lands of the Indian Territory," which went into the treasury of the State. The members of the committee thought it best to make provision out of the general funds to assist the common schools of Oklahoma, so that the \$5,000,000 would not be drawn upon, but might be invested, and in the course of a few years the State would be in better shape to take care of its public schools than it was at that time. or nearly all, of the Indian lands were then nontaxable.

The restrictions could be removed, and, of course, as soon as they were removed and the lands sold they were taxable. Afterwards, however, Congress removed the restrictions on about 70 per cent of the property in Oklahoma-that is, the old Indian Territory part-and so what the Senator from Georgia says is true; they had a large amount of money for their school pur-The only question is-and this point has been raised before the committee; I suppose the chairman has forgotten itwhether or not the condition is such that the Government is still justified in helping the public schools of the old Indian Territory part of Oklahoma. They have had the \$5,000,000. It is invested. Since that was done the restrictions have been removed on 70 per cent of the property, and much land has been sold, and is now subject to taxation. The Oklahoma Senator who is a member of the committee [Mr. Owen] insisted, and made a very strong showing, that because of the conditions that part of Oklahoma was entitled to some assistance in paying the expenses of the common schools. The item was put in by the House, and left in by the Senate committee.

I want to say, as one Senator, that I have thought for a number of years—anyhow, since the restrictions were removedin view of the fact that the State had received this \$5,000,000, that this appropriation should be done away with. I have

thought that

Mr. SMITH of Georgia. Mr. President, can the Senator tell me just what proportion of the land it was that was given to the State for educational purposes? Was it not every twenty-first

section, or every twentieth section?

Mr. CURTIS. Sections 16 and 36 in every township in Oklahoma Territory, and all indemnity lands theretofore lected in lieu thereof, were granted to the State for the use and benefit of the common schools.

Mr. CLAPP. That only applied, however, to one portion of

Mr. CURTIS. That applied to the western part of Oklahoma.
Mr. CLAPP. The eastern portion was held by Indian title.
Mr. SMITH of Georgia. Oh, well, I understand that; but
75 per cent of it is subject to taxation. The Eastern States have had no land given to them for educational purposes by the Government.

Mr. CLAPP. I am not discussing that. I am only discussing the facts with reference to Oklahoma. We did not give them the two sections, 16 and 36, as we did in other States, because there was a large portion of the State which had no public lands. Now, whether, in view of what we gave them-

Mr. SMITH of Georgia. We gave them \$5,000,000.

Mr. CLAPP. That is nothing compared to what some of the States have had; but that is immaterial, perhaps. that some of these lands have become taxable since Oklahoma was admitted. Whether we should continue this aid or not, I am not discussing; but the Senator started on the assumption that we were giving it to the Indians, and I simply wanted-

Mr. SMITH of Georgia. No; the Senator misunderstood me. I meant we were giving it to Oklahoma for the Indians.

Mr. CLAPP. Well, we are not doing that. We are giving it to the white people.

Mr. SMITH of Georgia. That is worse and worse.

Mr. CLAPP. It may be worse, but I want the facts before the Senate; that is all.

Mr. SMITH of Georgia. I thank the Senator for strengthen-

ing the view I was presenting.

Mr. SMOOT. Mr. President, the State of Arizona, for instance, has over 50 per cent of all its public area withdrawn. The State can not impose on that part of its area a dollar of taxes for the maintenance of the State institutions. Arizona is not asking in this bill that the Government of the United States appropriate \$275,000 to help pay for educating the white people of Arizona. The State of Utah is not asking anything of the kind.

Mr. SMITH of Georgia. They have not given you \$5,000,000 to start with, either.

Mr. SMOOT. No; they did not give us \$5,000,000 to start It seems to me that it is a very, very unfair proposition.

Mr. SMITH of Georgia. I not only think the Senate ought to sustain my objection to an increased fund for this school-if it needs an increased fund the National Treasury is not the place from which to get it-but I shall ask later on, when amendments can be offered from the floor, to strike out this appropriation of \$275,000 for the schools of Oklahoma.

Mr. FALL. Mr. President, before the Senator takes his seat, it is possible that I may be able to enlighten him a little bit

further on this proposition.

I have voted for this appropriation at every session. Under what is known as the Atoka agreement, when they agreed that the Government of the United States might allot in severalty, when they agreed to the allotment proposition as distinguished from holding their lands in common and surrendered their tribal relations under the agreement with the United States, it was at that time expressly provided that none of these lands, although allotted, should be taxed for 25 years. Upon the creation of the State of Oklahoma school sections 16 and 36 in each township within the Oklahoma strip, or that portion which had been public domain, were granted to the State of Oklahoma. In view of the fact that a very large area of the State was Indian Territory, belonging to the Five Civilized Tribes particularly, and that there were no public lands which could be given, and that there could not be any 5 per cent of the proceeds of the sale of public lands, such as all other States had had, in lieu of that a cash donation of \$5,000,000 was given to make up to the State of Oklahoma for the fact that not only would they not get their usual quota of school sections outright, but neither would they get 5 per cent of the proceeds of the sale of public lands, which all other States have had for the support for all time of their public schools—that is, so long as the public lands brought in any money. It was in pursuance of that, or along that line, that this appropriation was first made.

The State of Oklahoma immediately undertook to tax these lands, irrespective of the agreement between the Indians and the United States by which they had come into the Union. The Indians were compelled to go to law, hire attorneys, get together—they had surrendered their tribal relations; they could not raise any funds through their tribal relations, as they had been able to do theretofore, to protect themselves against the State of Oklahoma-so that, as private individuals, they were compelled to make up a sum of money to carry this case through the courts, attacking the tax laws of the State of Oklahoma passed in violation of their treaty. They were compelled to carry the case through all the courts and to bring it finally to the Supreme Court of the United States, where it reached a decision, in the case of Choate against Trapp, in favor of the Indians, the Supreme Court upholding the Atoka agreement.

The consequence is that for the 25 years' term, the period the agreement itself, those lands are untaxable. I have forof the agreement itself, those lands are untaxable. gotten just exactly when that term expired; but it has been rather an anomalous position that the Government of the United States has been in, that it should be compelled to tax its people generally to raise funds for the support of the public schools in one-half of one certain State of the Union. But the justice of it, to begin with, is beyond any question, up to a reasonable amount. When it is going to stop is for the Congress of the United States to say.

Mr. SMITH of Georgia. Mr. President, I hope the Congress

will agree that the time has come to stop it now, and that we will strike out this provision upon motion when the opportunity is given for offering amendments from the floor.

Mr. HARDWICK. Mr. President, I wish to ask the Senator in charge of the bill how much longer he wishes to go on with the bill to-night?

Mr. ASHURST. I think we may lay aside the bill at this time. Mr. HARDWICK. The reason why I ask the question is that I desire to have a short executive session, but I did not want to move it unless that was agreeable to the Senator from Arizona.

Mr. ASHURST. I ask unanimous consent that the bill may

be laid aside at this time.

The PRESIDING OFFICER. Without objection, the bill will be temporarily laid aside.

WATER-POWER DEVELOPMENT.

Mr. WALSH. I ask that the unfinished business may be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. WALSH. I now ask unanimous consent that the unfin-

ished business may be temporarily laid aside.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside.

EXECUTIVE SESSION.

Mr. HARDWICK. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 30, 1917, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate January 29, 1917.

UNITED STATES DISTRICT JUDGES.

Joseph B. Poindexter, of Helena, Mont., to be United States district judge for the district of Hawaii, vice Charles F.

Clemons, resigned.

Colin Neblett, of Silver City, N. Mex., to be United States district judge for the district of New Mexico, vice William H. Pone, deceased.

PROVISIONAL APPOINTMENT IN THE ARMY.

INFANTRY ARM.

Second Lieut. Stuart Randall Carswell, First Infantry, Delaware National Guard, to be second lieutenant of Infantry with rank from date of appointment.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut, Frank B. Freyer to be a lieutenant commander in the Navy, from the 13th day of August, 1916. The following-named lieutenants to be lieutenant commanders

in the Navy from the 29th day of August, 1916:
Andrew C. Pickens,

Prentiss P. Bassett, and Allen B. Reed.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 29th day of August, 1916:

George C. Logan, Elmo H. Williams, John F. Cox, William F. Gresham, and

Ralph G. Walling.
Ensign Maxwell Case to be a lieutenant (junior grade) in the
Navy, from the 30th day of July, 1916.
Harold W. Wellington, a citizen of New Jersey, to be an as-

sistant surgeon in the Medical Reserve Corps of the Navy from the 17th day of January, 1917.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 29, 1917. UNITED STATES ATTORNEY.

Albert C. Wolfe to be United States attorney for the western district of Wisconsin.

APPRAISER OF MERCHANDISE.

Robert H. Clancy to be appraiser of merchandise in customs collection district No. 38.

POSTMASTERS.

ILLINOIS.

Myrta J. Caldwell, Arrowsmith. John Cahill, Cherry. Edward H. Dudenhoffer, Harvel. Richard J. Simmons, Macomb. Charles W. Witt, Sidney.

NEW JERSEY.

Joseph P. Quin, Hillsdale.

HOUSE OF REPRESENTATIVES.

Monday, January 29, 1917.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the follow-

We approach Thee, Almighty God, our Heavenly Father, at the beginning of this, a new congressional week, in the sacred attitude of prayer; that our faith in the eternal verities may be strengthened; that our hopes may be made brighter; that our laudable aspirations may be eminently fulfilled in all that we undertake; that Thy will may be done in us; and Thine be the praise through Him who said, "Nevertheless, not my will but Thine be done." Amen.

The Journal of the proceedings of Saturday, January 27, was

read and approved.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to ask unanimous consent that my colleague [Mr. Humphrey of Washington] be excused from attendance for four days on account of

The SPEAKER. The gentleman from Washington asks unanimous consent that his colleague [Mr. Humphrey of Washington] be excused from attendance for four days on account of illness. Is there objection?

There was no objection.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 193. An act to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States.

ORDER OF BUSINESS.

Mr. KEATING. Mr. Speaker—
The SPEAKER. For what purpose does the gentleman from

Mr. KEATING. I move to discharge the Committee on Reform in the Civil Service from further consideration of House resolution No. 458

Mr. SHERLEY. Mr. Speaker, I make a preferential motion.

THE REVENUE.

Mr. KITCHIN. Mr. Speaker, will the gentleman withhold that? I desire to present a privileged report from the Committee on Ways and Means.

The SPEAKER. Both gentlemen will withhold their motions.

Mr. KPTCHIN. Mr. Speaker, I am authorized by the Committee on Ways and Means to present a report (No. 1366) to accompany the bill H. R. 20573.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

The SPEAKER. The bill is referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. DYER. Will the gentleman allow me to ask him a

question?

Mr. MANN. In connection with this matter, may I ask what is the purpose of the gentleman from North Carolina in reference to the revenue bill?

Mr. KITCHIN. I will say to the gentleman that we hope to take it up to-morrow morning after the reading of the Journal and have general debate well running into the next day, if we can dispense with Calendar Wednesday, until about 3 o'clock, and then we will begin the reading of it under the five-minute rule, with the hope of voting on it Wednesday afternoon.

Mr. MANN. Does the gentleman expect to keep the House in

ession Wednesday evening in order to pass the bill?

Mr. KITCHIN. I do not hope to do it, but if it runs so late as to interfere with the Press Club banquet, we will go over until the next day.

Mr. FITZGERALD. How about those who are not going to that banquet?

Mr. MANN. I have a dinner engagement, but it is not at the Press Club.

Mr. KITCHIN. I think we can do it for the Press Club, because for our caucus the other night they postponed it. I do not think there will be any trouble in finishing it by 6 or 7 o'clock Wednesday evening.

Mr. MANN. I doubt if it would be possible to finish it that early if you mean to debate until 3 o'clock in the afternoon.

Mr. KITCHIN. I think we can get through.

Mr. MANN. There are so many gentlemen on the other side of the House—the Democratic side—who are opposed to it that I think they should have a fair chance to fight it.

Mr. KITCHIN. We will give them a fair chance. The SPEAKER. All this talk is out of order. Mr. MANN. It is instructive, nevertheless.

EXTENSION OF LEAVE TO PRINT.

Mr. CLARK of Florida. Mr. Speaker, I desire to ask unanimous consent that my colleague [Mr. Sears], who is sick and in the hospital, may have 10 days longer in which to revise and extend his remarks on the public-building bill.

The SPEAKER. The gentleman from Florida asks unani-

mous consent that his colleague [Mr. Sears], who is sick, may have 10 legislative days to extend his remarks in the Record on the speech he made. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. SHERLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20453, the fortifications bill.

The SPEAKER. The Chair will inquire of the gentleman from Kentucky how he comes to conclude that his motion is

preferential?

Mr. SHERLEY. I did not catch the full purport of the gentleman's motion. If my motion is not preferential, then I hope the House will vote down the other proposition.

The SPEAKER. The Chair will be glad to hear from the

gentleman.

Mr. SHERLEY. I had not caught what the gentleman pro-

The SPEAKER. It was to discharge the committee from

The SPEAKER. It was to discharge the committee from further consideration of the resolution of inquiry.

Mr. MANN. Mr. Speaker, I submit that the gentleman from Colorado [Mr. Keating] was recognized, and if he had a privileged resolution he is entitled to have his motion stated.

Mr. SHERLEY. I was trying to read the resolution, in order to ascertain whether it is privileged.

The SPEAKER. The gentleman from Colorado is recognized.

WOMEN IN THE FEDERAL CIVIL SERVICE.

Mr. KEATING. Mr. Speaker, I move that the Committee on Reform in the Civil Service be discharged from the further consideration of House resolution 458, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Resolution (H. Res. 458) requesting the President of the United States to furnish the House with information.

Resolution (H. Res. 458) requesting the President of the United States to furnish the House with information.

Resolved, That the President of the United States furnish the House with the following information:

In making appointments, transfers, promotions, demotions, and removals in clerical and other positions in the various executive branches of the Federal civil service, to what extent is sex a factor in the selections and decisions?

In what branches of the service, if any, during the year ending December 31, 1916, did the appointing officials specify sex when asking for certifications? Which sex was specified, and in respect to what positions was this specification made? In what branches and what instances was sex not specified?

Are there any positions in any branch of the service to which women who have passed the prescribed examinations would not be appointed or promoted? If so, what branches, what positions, and why are women denied appointment or promotion?

Are there any branches of the service in which officials fix limitations as to the salary grades or positions to which women may be promoted? If so, what branches and what positions, and why are the limitations fixed?

Are any civil-service examinations open to men only? If so, what and how many examinations during the year ending December 31, 1916, were so restricted, and why? What, if any, examinations are open to women only? How many, and why? What, and how many, examinations are open to both men and women?

Mr. FITZGERALD. Mr. Speaker, I make the point of order

Mr. FITZGERALD. Mr. Speaker, I make the point of order

that the resolution is not privileged.

Mr. SHERLEY. I make a point of order, Mr. Speaker, because it does not inquire simply into the facts in the possession of the department, but asks for an opinion on the part of the department.

Mr. KEATING. I would like to be heard on the point of

order, Mr. Speaker. Mr. FITZGERALD. On the second page of the resolution, Mr. Speaker, in the first line, in the sixth line, in the tenth line, and in the eleventh line, the resolution calls for opinions or arguments

The SPEAKER. Does the gentleman from Colorado want to

argue it?

Mr. KEATING. I think a reading of the resolution, Mr. Speaker, will reveal the fact that I do not ask the President of the United States for an opinion. At least that was not the object of the resolution. I sought to so draft the resolution as to permit the President to give us information.

The SPEAKER. The Chair knows; but you ask him two

or three different questions.

Mr. KEATING. I ask him why.

The SPEAKER. It destroys the privilege. You might just as well ask him in so many words to give his reasons. fact is too well settled to warrant hunting up decisions about it.

FORTIFICATIONS.

Mr. SHERLEY. Mr. Speaker, I renew my motion.

The SPEAKER. The gentleman from Kentucky moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20453, the fortifications bill. The question is on agreeing to that motion.

The motion was agreed to. The SPEAKER. The ge

gentleman from Tennessee [Mr.

Houston] will take the Chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20453, the fortifications bill.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 20453) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For protection, preservation, and repair of fortifications for which there may be no special appropriation available, and of structures for the torpedo defense of the United States and for maintaining channels for access to torpedo wharves, \$250,000.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Minnesota moves to

strike out the last word.

Mr. MILLER of Minnesota. I would like to ask the gentleman from Kentucky a question. This paragraph really contains provisions for two quite different propositions, it seems to me; "for protection, preservation, and repair of fortifications for which there may be no special appropriation available, and of structures for the torpedo defense of the United States and for maintaining channels for access to torpedo wharves." Is this \$250,000 to be devoted to any such propositions as the gentle-

page 1,000 to be devoted to any such propositions as the gente-man from South Carolina [Mr. Whaley] advanced on Saturday, for a change in the carriages of guns, and so on? Mr. SHERLEY. The practice has always been to carry this item as a general maintenance item for minor repairs and preservation and maintenance, and whenever there is need of any large material alteration, not an incident to the usual upkeep, that is asked for specifically. That is the reason for the language, "for which there may be no special appropriation language, "for which there may be no special appropriation available." Then the latter part of the paragraph results from the consolidation of two items that used to be carried separately. We used to have a separate maintenance item for structures for the torpedo defense for the engineers. As to the maintenance of that, a minor item, there was no reason why it should be carried in the main maintenance paragraph.

Mr. MILLER of Minnesota. I have no criticism to make of the paragraph, but I suggest it is not in harmony with what the gentleman has maintained in the House, and I question the

propriety of it. Mr. SHERLEY. I can not hear the gentleman.

Mr. MILLER of Minnesota. I do not think that there can be any criticism of the paragraph as rearranged, but I want to invite the gentleman's attention to the fact that it is not in harmony with his oft-repeated policy, as expressed in the House, and I think most properly, to segregate rather than to aggregate different items under a paragraph.

Mr. SHERLEY. Perhaps not, although every generalization has to be viewed in the light of particular facts. In this instance the different moneys that go to different purposes are

very carefully set apart. But there was no use in keeping the maintenance item for structures for torpedo defense separate.

The CHAIRMAN. The pro forma amendment is withdrawn.

The Clerk read as follows:

The Clerk will read.

For maintenance and repair of searchlights and electric light and power equipment for seacoast fortifications, and for tools, electrical and other supplies, and appliances to be used in their operation, including the purchase of reserve lights, \$40,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. I wish to inquire of the chairman of the committee as to the reason for the insertion of the new language on lines 5 and 6, of similar purport to that carried in the paragraph under consideration-

For installation and replacement of electric-light and power plants at seacoast fortifications, \$110,000.

That is a new item, I believe, so far as the phraseology is concerned, in the fortifications bill. It may have been a transfer

from some other paragraph.

Mr. SHERLEY. Oh, no. One item relates to the original installation and the other is a maintenance item, pure and

Mr. STAFFORD. Has the item I refer to in lines 5 and 6 been heretofore carried separately in the bill?

Mr. SHERLEY. Oh, yes.

Mr. STAFFORD. According to my marked copy, it is new. Otherwise I would not have made the inquiry.

Mr. SHERLEY. The gentleman is in error. The CHAIRMAN. The pro forma amendm

The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For the purchase, manufacture, maintenance, operation, and repair of airships and other aerial machines, buildings for equipment, and other accessories necessary in the aviation section for use in connection with the seacoast defenses of the United States, \$3,600,000.

Mr. DENT. Mr. Chairman, I reserve a point of order on that

Mr. SHERLEY. Mr. Chairman, if the gentleman proposes to make the point of order, as I understand he does, I suggest that he make it, so that we may have a ruling by the Chair, and in that way expedite the matter.

Mr. DENT. Very well, I make the point of order.

Mr. SHERLEY. I would like to inquire the basis of the point of order?

I make the point of order, Mr. Chairman, on the ground that this item comes within the jurisdiction of the Committee on Military Affairs, and does not come within the jurisdiction of the Appropriations Committee. My reason for that is that this item has always heretofore been carried in the military appropriation bill, and appears for the first time in the fortifications bill this year. Furthermore, it is proposed by the Signal Corps, if they can get the necessary appropriation, to create seven squadrons with the field army and six squadrons to be used in connection with the coast defense. These machines that are to be purchased are to be operated under the jurisdiction and control of the Signal Corps. That is so stated in the hearings before our committee, and I believe before the Committee on Fortifications.

My proposition in a nutshell is this, that these hydroplanes, which are to be used in connection with seacoast defenses, are movable, and will move with the squadron to which they attached, and therefore are a part of the mobile army and under the jurisdiction of the Signal Corps, just as the aero squadrons will be with the field army. And it seems to me that in view of the fact that this item has been carried heretofore in the military appropriation bill and has never been carried heretofore in the fortifications bill, and that these machines are connected with the squadrons that are to be established under the Signal Corps, this item necessarily comes within the jurisdiction of the Committee on Military Affairs and not within the jurisdiction of the Fortifications Committee of the House. Now, as to the matter of inconvenience, here we have this situation: The Signal Corps is asking the Military Affairs Committee to appropriate \$16,000,000 for aviation purposes, including seacoast defenses, and they go before the Fortifications Committee and ask also for an appropriation. The result will be to split the appropriation, to divide it in two, and the further result will be that it will not be to the interest of the Government in the matter of economy. It will be duplicating the work. That is the proposition that I desire to submit.

Mr. SHERLEY. Mr. Chairman, I think the gentleman is mistaken in several statements of fact, and in all of his conclusions touching parliamentary law as applied to this item. bill under consideration by the committee is a bill making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes. It is not restricted simply to matters relating to fixed fortifications, but the rule of the House under which matters are referred to the Committee on Appropriations in connection with defense is one that reads not only for "fortifications" but "for coast defense, and there is no limitation upon the jurisdiction of the committee which confines it to the consideration of matters only in connection with fixed defenses, though in my judgment, as I will undertake to demonstrate in a few moments, the paragraph could be sustained as being in order simply as applying to fixed There have been frequent questions of the first importance between the Committee on Military Affairs and the Committee on Appropriations touching the restrictive jurisdictions of those two committees. From the day when the Committee on Military Affairs succeeded in taking part of the jurisdiction from the Committee on Appropriations down to this hour, there have been constant efforts made by that committee, some very few of them successful, to enlarge its jurisdiction at the expense of the jurisdiction of the Committee on Appropriations. Now, a number of gentlemen make the point that inasmuch as this matter was carried in a previous Army bill, therefore we have no jurisdiction of it. It might be sufficient first to answer that the recent appropriation that has come out from the Committee on Military Affairs was one contained in about four lines of legislation which related to aviation generally and did not by its terms include the creation. equipment, and maintenance of hydroaeroplanes used for seacoast defense purposes. Had it done so it would have been subject to a point of order, which point in my judgment would have had to be sustained. But there are a number of decisions which hold that the fact that estimates have been referred to particular committees or have been acted upon by committees is not of itself conclusive of the jurisdiction of those committees; and particularly it is to be borne in mind that the submission of estimates to particular committees by a department should never be permitted to determine the question of the jurisdiction of committees. Otherwise you would have, as has frequently occurred, departments failing to get favorable consideration from a particular committee of estimates submitted, and then submitting similar estimates to another committee in order to try to get favorable consideration. If the rule was that the submission of estimates by the department determined the jurisdiction of committees, the House would often find itself in the peculiar position of having the question of its own jurisdiction determined by a foreign agency, and its own rules subject to be set at naught by the action of departments.

I submit that the language of the paragraph to which the point of order is made clearly brings it within the purview of the jurisdiction of the Committee on Appropriations. guage is-

For the purchase, manufacture, maintenance, operation, and repair of airships and other aerial machines, buildings for equipment, and other accessories necessary in the aviation section for use in connection with the seacoast defenses of the United States, \$3,600,000.

The fact that these airships are mobile has nothing to do with the proposition. The Military Affairs Committee once undertook to take jurisdiction from the Committee on Appropriations of items touching mine planters, boats used in connection with the mine defense of the United States, and the argument was made then that is being made here now that these mine planters were mobile; that they were not fixed; that they traveled along the coast; and that therefore appropriations for them were not within the jurisdiction of the Committee on Appropriations. But the Chair very properly ruled that that was not the determining factor, that these mine planters were used in connection with the coast defense. Now, what is the purpose of these airships? Their purpose is to be used in two regards-for scouting purposes, to afford information for defense as to the probable point of attack of an enemy fleet and also for fire control in connection with the fortifications themselves. It was testified by Col. Squier that it was proposed to use these hydroaeroplanes not only in spotting work, but in selves. affording the fire-control station the ability to locate enemy ships that might be obscured by fog or by a screen of smoke, adding simply a new link to the fire control of the coast de-fenses. Now, the gentleman says, and seems to think it has some weight, that that is under the control of the Signal Corps. That is true; but the fact that this appropriation will be ex-

pended by the Signal Corps does not determine jurisdiction of We carry items in this bill-and we just passed one, without the gentleman making the slightest point of order, for the operation and maintenance of fire-control installation at seacoast defenses, \$140,000. That also is under the control and expenditure of the Signal Corps, and there are a number of items in this bill that are for the use of the Signal Corps and are expended by the Signal Corps.

Mr. DENT. But these items in the bill are of a permanent

Mr. SHERLEY. These are not for buildings at all; they are for the installation of various machinery in connection with fire control.

Mr. DENT. Are they not fixtures?

Mr. SHERLEY. That has nothing to do with it. That is the old argument that the committee made when they tried to take away the jurisdiction of the Committee on Appropriations. We are building mobile guns. This very bill carries provisions for 12 and 16 inch howitzers and a 14-inch railroad gun to move along the coast. The fact that they are not fixed, not tied to an emplacement, the fact that they probably will be used in connection with the mobile activities does not in the slightest degree rob this committee of the subject matter.

Mr. TILSON, Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. TILSON. Is the gentleman sure that that is the reason they are subject to the jurisdiction of his committee? Is it not a fact that his committee has jurisdiction over expenditures for mobile artillery for the Regular Army?

Mr. SHERLEY. No. Mr. TILSON. Is it not the fact?

Mr. SHERLEY. That is the fact, but that is not the reason these particular appropriations are in order on this bill. These particular appropriations relate to guns that are not contemplated as any part of the scheme for supplying the mobile Army of Regulars and Volunteers with field artillery. They are a

part of the coast-defense scheme. The trouble with gentlemen is that they have not hunted up the history of the legislative division of committees. In old days the Committee on Appropriations had jurisdiction of all these matters, and a very historic fight that occurred in this body in a desire to punish the then chairman of the Committee on Appropriations, who had become one of the most powerful men in Congress, led to a combination on the part of certain chairmen and other influential Members to take from the Committee on Appropriations part of its jurisdiction. Then came that division of appropriations that to the minds of many students of our history has seemed so unfortunate. There was given to the Military Affairs Committee the jurisdiction over the appropriations for the Army generally, as contradistinguished to two matters-one coast defense and one the armament for the mobile artillery and ammunition for the Regulars and Volunteers. They only got jurisdiction of any mobile armament at all by virtue of tying it to other appropriations for the militia, and

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. GREENE of Vermont. Does the gentleman think that as a matter of logic and business efficiency that was a wise division? Mr. SHERLEY. No; I think we ought to have kept all of it, and then we would be dealing with materiel and you would be dealing with the personnel.

Mr. GREENE of Vermont. I thought the gentleman's argu-

ment was based on the materiel for the coast defense

Mr. SHERLEY. I am undertaking to show to the Chair and to the committee somewhat the jurisdiction of the respective committees with respect to the proposal before the Chair raised by the gentleman from Alabama

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. SHERLEY. I will. Mr. SHALLENBERGER. It is proposed to expend this appropriation for hydroplanes?

Mr. SHERLEY. Yes.

Mr. SHALLENBERGER. Is the gentleman aware that out of the money appropriated at the last session 52 hydroplanes have been contracted for?

Mr. SHERLEY. It was because I was so plainly aware of that that we concluded our committee ought to have jurisdiction over the matter that belonged to it, instead of letting the money appropriated under general terms in the Army bill be used for coast-defense purposes, as it is being used.

Mr. TOWNER. Will the gentleman yield?
Mr. SHERLEY. I will.
Mr. TOWNER. Is the jurisdiction of the Committee on Fortifications or the Appropriations Committee coextensive with what might be called coast defense?

Mr. SHERLEY. It is; and plainly shown by the fact that in the revision of the language of the rules as to what should be referred to the Committee on Appropriations, they added the words "coast defense." So that it is not restricted to fortifications, as the gentleman from Alabama might think.

Mr. TOWNER. Does not the gentleman think that retaining the name of "fortifications" is unfortunate under the existing

circumstances?

Mr. SHERLEY. I do not; that is the habit of the human mind to use the shortest term instead of the longest. The bills have never been limited to fortifications, and the rule of the House does not limit it to fortifications.

Mr. TOWNER. In view of the present range of 14 and 16 inch guns on fortifications and coast defenses, is it not also, even in cases where they are not encumbered by fogs and smoke, necessary in order to cover the entire range of guns that you should use hydroaeroplanes as finders?

Mr. SHERLEY. It is to my mind highly desirable and necessary. For men to say that because new machinery comes into existence for use in connection with seacoast fortifications that had not been used heretofore, thereby we should lose juris-

diction, is to make a totally illogical argument.

Last year this bill carried a provision for the acquiring of rights to patents relative to radiodynamically controlled torpedoes-mobile, entirely mobile in their character. at the time disclosed the fact that it was proposed to control those torpedoes from aeroplanes, and that they would not have necessarily any fixed connection with control from the shore. If the argument of the gentleman from Alabama [Mr. Dent] is correct, we would have had no jurisdiction of that matter. and yet there was none so bold as to make the point at that time. Clause 3 of Rule XI reads as follows:

To appropriation of the revenue for the support of the Government as herein provided, viz, for legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; for the District of Columbia; for pensions; and for all deficiencies—to the Committee on Appropriations.

The words "and coast defenses" were not always in the rule, but because of these frequent raids on the part of the Committee on Military Affairs upon the jurisdiction of the Committee on Appropriations, when the rule came to be rewritten along with others and because of decisions had in the past, the words "and coast defenses" were inserted, and in my judgment the Committee on Appropriations has jurisdiction of everything related to coast defenses. It is well to bear in mind why matters of coast defense did not go to the Committee on Military Affairs. It was not simply the inability of the men who formed the raid upon the Committee on Appropriations to get jurisdiction of coast defenses but there was a basic reason for it.

Fortifications and coast defenses partake of matters that relate in many ways as much to the Navy as they do to the Army; so much so that in many countries the entire control of coast defenses is with the admiralty and not with the army, and it has been strongly urged in America that our coast defenses ought to be a branch of the admiralty instead of being a branch of the Army. It was because of that well-known reason that when they came to make this decision they left to the committee, that was tied neither to the Army nor to the Navy, jurisdiction of this important matter, because it involved questions relating to both, and it was believed that a committee so constituted was better able to deal with the matter than a committee dealing entirely with the Army or the Navy

Mr. GREENE of Vermont. Mr. Chairman, will the gentle-

man yield?

Mr. SHERLEY. Yes.

Mr. GREENE of Vermont. Under that reasoning the gentleman's committee has never sought jurisdiction of the personnel nor the personal equipment of the mobile army that is used at coast fortifications?

Mr. SHERLEY. Of course not. Mr. GREENE of Vermont. Why?

Mr. SHERLEY. For a very plain reason. It was determined at the time of the division that all matters of personnel should go to the Committee on Military Affairs; and why? They have jurisdiction touching legislation which of necessity controls the personnel, whereas all matters in relation to matériel practically were left to the Committee on Appropriations, except those that pertained to the personal equipment of soldiers.

Mr. GREENE of Vermont. Is that true with respect to

transportation?

Mr. SHERLEY. No; it was not true with respect to transportation.

Mr. GREENE of Vermont. Is it true with regard to medical supplies?

Mr. SHERLEY. No.

Mr. GREENE of Vermont. That is not personal equipment. Mr. SHERLEY. It is true as to heavy ordnance and all matters in connection with seacoast defenses.

Mr. TILSON. What about rifles? Mr. SHERLEY. If the gentleman will listen he will catch what I say. I said heavy ordnance, and I said that jurisdiction of those matters which related directly to the soldier as an individual, which includes the rifle, had gone to the Committee on Military Affairs. This is not a matter left to the speculative notions of what men think ought to be, and let me say, in passing, inasmuch as the gentleman from Alabama [Mr. Dent] has referred to that, that there is in my judgment a fundamental reason in the interest of economy why this matter should stay within the jurisdiction of the Committee on Appropriations not because we arrogate to ourselves any superior ability, not because we consider we are any more actuated by the desire to conserve the resources of the Government, but because these matters necessarily involve in their consideration a knowledge of the details of fortifications and coast defenses that can not be possessed by a committee that does not deal with that subject matter. One of the things that is involved will be the procurement of land on which to construct buildings in which may be housed these hydroaeroplanes, for the maintenance of them, for the machine shops in connection with them. The Committee on Military Affairs is not possessed and could not be possessed by virtue of legitimate work within its scope with information touching the physical conditions of seacoast fortifications, touching the land that is available or is not available for this purpose, touching the machine shops that must be available for the repair and maintenance of these machines, and therefore it seemed to the Committee on Appropriations a proper thing that we should take jurisdiction of a matter so completely tied to the work of the committee. I desire to call the attention of the gentleman from Alabama to this further fact, that the jurisdiction of his committee touching the whole subject of aircraft is so recent as to be within the memory of any Member of Congress, no matter how short his service. In the old days estimates were submitted to the Committee on Appropriations for airships, for balloons, for buildings in which to house them, for plants to generate the hydrogen by which they should be inflated, and perhaps it may be because the committee did not express quite as liberal a view touching those estimates in those days as the gentlemen of the Signal Corps think ought to have been expressed that accounts for the fact that they subsequently went to the Committee on Military Affairs with their estimate touching aircraft.

Mr. DENT. But it is a matter of fact that ever since we have been legislating upon this subject it has been carried in

the Army appropriation bill.

Mr. SHERLEY. Oh, that is not nearly accurate. airship that was constructed was built by virtue of funds furnished by the Committee on Appropriations and out of a bill making provision for the fortifications of America. It came out of funds providing for a Board of Ordnance and Fortifications, and the moneys that were appropriated that led to Prof. Langley making the first airship that was ever made, and the money that purchased the first Wright machine, and subsequently a number of other machines, came from funds furnished by the Committee on Appropriations in the fortifications appropriation bill.

Not only the Wright machines but other machines were purchased out of funds in the control of the Committee on Appropriations in the bill making provision for the fortifications of America. The Chair will find in volume 4 of Hinds' Precedents, page 707, under paragraph 4082, as a footnote, this statement:

Also in the Fiftieth Congress an appropriation for torpedoes for harbor defense was held by Chairman Blount, of Georgia, to be in order on the fortifications bill, which is within the jurisdiction of the Appropriations

Now, if the Chair could take the time to examine the debate which was had at that time he would be struck by the similarity of arguments then presented and now presented by members of the Committee on Military Affairs. The whole argument then was that inasmuch as these torpedo defenses were not fixed and tied and a torpedo planter was mobile, therefore, forsooth, we had no jurisdiction of the matter. And yet it did not take long for the Chair to decide otherwise, and from that day to this they have been carried in the fortifications bill. The Chair will also find in section 4048 of Hinds' Precedents this statement:

The acts of the executive departments in submitting estimates are not of effect in determining questions of jurisdiction—

And there follows-

The CHAIRMAN. Will the gentleman from Kentucky please read that clause again?

Mr. SHERLEY (reading) -- .

The acts of the executive departments in submitting estimates are not of effect in determining questions of jurisdiction.

And then follows extracts from a very interesting opinion of the Chair in which the Chair pointed out what I pointed out a few moments ago, that to permit the action of executive departments in submitting estimates to determine jurisdiction would be for this House to abrogate its control over its own affairs and would leave to the departments the determination of the jurisdiction of committees.

Mr. GREENE of Vermont. Has the gentleman concluded his line of thought on that point?

Mr. SHERLEY. I yield to the gentleman. Mr. GREENE of Vermont. If the gentleman will consult the hearings of the Army appropriation bill for 1918, page 1030, when Col. Squier, head of the aviation section, was before the committee, he will find that I asked him this question:

Mr. Greene. When a flier who is sent out from his aviation head-quarters on detail to report to the commander of some tactical unit arrives with his machine he is under the military control and authority of that tactical commander for the time being?

Col. Squier. Yes, sir.

Mr. Greene. And he employs his machine much as if he were simply an infantryman or cavalryman, sent there for some other purpose, carrying with him his own equipment?

Col. Squier. Yes, sir.

Mr. Greene. So that the man on that service is not any different from the personnel involved in the managing of the fortifications?

Mr. SHERLEY. Well, I have several answers to make to that. In the first place, there is considerable testimony in conflict with it. In the second place, the testimony of officers as to what they think ought to be done by men in charge of various appliances of the Government can not and never have de-termined the question of jurisdiction. The question that the Chair is confronted with is not to determine the testimony and the weight of it of men who are trying to support an estimate, but it is the language of the bill, and the language of the bill limits the use of these hydroaeroplanes for seacoast purposes.

Now, it may be wise or unwise to so appropriate—Mr. NORTON. Will the gentleman yield?
Mr. SHERLEY. In just a moment—but on the In just a moment-but on the question of jurisdiction the wisdom of the proposal is not within the scope of the Chair's determination. I yield to the gentleman.

Mr. NORTON. Would the gentleman maintain with that line of argument that this committee would have jurisdiction to make appropriations for the Army if the Army authorized the coast defenses, as the Army is doing under its plan in Panama?

Mr. SHERLEY. Oh, no. I never have believed in the argument ad absurdum, and I certainly am not trying to apply it here. I am not contending we could bring in any sort of language and say it was intended for coast defense, thereby precluding the ascertainment of the fact, but there is no question-

Mr. NORTON. But is not the gentleman doing this if this aviation corps is not under the jurisdiction of the coast de-

Mr. SHERLEY. There is no doubt, and the hearings before the Subcommittee on Fortifications is full of testimony to the fact, that the main purposes, the primary purposes, these hydroaeroplanes are to used for is in connection with coast defense. They are of different type, they are heavier machines, they are hydroaeroplanes and intended to light upon the water. They are intended for the purpose of scouting in connection with the bringing back of information to the coast defense as to the probable destination of any enemy's fleet, and they are intended for the use of coast fortifications and coast commanders in connection with fire control in the event there is an engagement between battleships and the fortifications.

Mr. NORTON. Will the gentleman yield?
Mr. SHERLEY. Yes.
Mr. NORTON. The gentleman proposes this appropriation for the use of the purchase of hydroplanes to be under the jurisdiction of the coast-defense commander?

Mr. SHERLEY. It does not say that.

Mr. NORTON. But that follows.

Mr. SHERLEY. No; it does not follow at all. We appropriate for a lot of things, the money and the expenditure of which is not under the control of the Coast Artillery at all, but that has nothing to do with the question of jurisdiction.

Mr. GREENE of Vermont. May I ask the gentleman another

question?

Mr. SHERLEY. Yes.

Mr. GREENE of Vermont. Of course a part of the problem of coast defense is to be found in the defense of the coast be-

tween harbor fortifications, which of necessity falls within the jurisdiction probably in any emergency of the mobile army.

Mr. SHERLEY. Not by any means would that necessarily

follow. Mr. GREENE of Vermont. Largely.

Mr. SHERLEY. Not necessarily largely.

Mr. GREENE of Vermont. We will not debate the question of strategy or tactics. We will get down to the facts.

Mr. SHERLEY. All right.
Mr. GREENE of Vermont. Unquestionably the use of hydroplanes would be as desirable there as in connection with fortifications, if they are held to defend the coast against the landing or the preliminary stages of an attempt at landing. Hydroplanes would be used there, would they not?

Mr. SHERLEY. If the gentleman will permit-

Mr. GREENE of Vermont. I would like to ask the question.

Mr. SHERLEY. I have the gentleman's thought, I think. Mr. GREENE of Vermont. If hydroplanes are to be used there as a part of the mobile-army equipment, and hydroplanes are to be used in the fortifications as a part of the fixed equipment, it means that two committees will be buying two lots of hydroplanes if you are given jurisdiction over this item.

Mr. SHERLEY. It does not necessarily mean that, and it does not mean, even if that is true, that that is an undesirable thing. Two committees are now appropriating, aye, three, and have jurisdiction over aircraft. The Committee on Naval Affairs will bring in a provision for hydroaeroplanes in connection with the Navy. The Coast Guard was by a law of this Congress given authority to create aircraft to be used in connection with the Coast Guard Service, and the Committee on Appropriations has jurisdiction of that now, and not even the Committee on Military Affairs would question that fact.

Now, there are a lot of things that we appropriate for that may be used, and I hope will be used if needed, for other defense than that of coast defense. The very mobile guns that we are establishing for coast defense, to be mounted on railroad cars, will, I trust, if the need comes, be moved on railroads and used in the interior or on the borders of our country. And the fact that a thing may be used some time subsequently for some other purpose has nothing to do with the question of juris-

diction.

Mr. GREENE of Vermont. May I suggest this to the gentle-man? Hydroplanes used in the naval service are taken to sea with the ships, are they not?

Mr. SHERLEY. Sir? Mr. GREENE of Vermont. The hydroplanes used in the Navy service are taken to sea with the ships, and they are as much a part of the Naval Establishment as any other factor?

Mr. SHERLEY. The gentleman is mistaken about that. Mr. GREENE of Vermont. I would like to start right on

Mr. SHERLEY. I am doing the best I can to start the gentleman right. Many of the airships that are to be under the control of the Navy are expected to have home ports and to stay there and not to accompany the fleet. There are other aircraft that will accompany the fleet. For instance, there are proposals looking to the establishment of very large aeroplane bases at Panama, with the idea that those aeroplanes will home there, that will be their home port, and the gentleman's statement is therefore incorrect in that respect.

Mr. GREENE of Vermont. But, whatever the details of use, they fall completely into the Naval Establishment as separated

from the Army?

Mr. SHERLEY.

Mr. GREENE of Vermont. The Coast Guard aeroplanes are not military aeroplanes or to be used for military purposes primarily, are they?

Mr. SHERLEY. It depends on what the gentleman means by

" military."

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. If the Chair please, time does not run. was simply trying to debate a point of order, but if the Chair is ready to rule I am willing to yield.

There are one or two decisions that perhaps it might be well to bring to the attention of the Chair. I have been diverted somewhat by the colloquy from the point of order.

Now, Mr. Chairman, a good deal of stress is made that they

have carried provisions the last year for this purpose and that should be controlling upon the Chair. I desire to call the Chair's attention to a ruling found in paragraph 4045 of Hinds' Precedents, page 711, as follows:

In the appropriation bill for the current year all of the items in controversy, or most of them, will be found in the Army appropriation bill.

This is exceptional. But stress is laid upon this fact by the Committee on Military Affairs because objection was not made by the Committee on Appropriations.

That is just the same contention that is being made, practically, here.

On the contrary, the Committee on Appropriations claim that this was overlooked by them and grew out of the great pressure of work before the several committees during their excessive labors in the last Congress, and also because the Military Committee was given so much way and consideration incident to our wars. It is proper to state, in this connection, that the Book of Estimates invited this action by the Military Committee. That book adopted new phraseology in the estimate, differing from prior estimates, so that these items were before the Committee on Military Affairs when making up its bill and were not before the Committee on Appropriations so as to attract its attention, as they had done in the past. The Chair is of the opinion that this should in no way be considered as a precedent to govern his decision as against the uniform practice, long, well-considered discussion, and carefully rendered opinions prior thereto.

The Chair desires to say a word in regard to this Book of Estimates.

The Chair then goes on to speak of how impracticable it would be to permit the reference of the estimates to determine jurisdiction. I might say, in passing, that since that day we have gotten out of the practice of referring estimates at all, and the estimates which the Committee on Military Affairs speaks of, \$16,000,000, have never been referred to the Committee on Military Affairs, and they are no more before the committee, except as their subject matter would make them, than they are before any other committee of the House.

Mr. MANN. Mr. Chairman, will the gentleman yield to me for

a moment?

Mr. SHERLEY. Yes, sir. Mr. MANN. Mr. Chairman, aeroplanes in either the Army or the Navy, or anywhere else, were inserted some years ago in an item in the Army appropriation bill. Possibly at the time the item would have been subject to a point of order, there then being no aeroplanes in the Army or in connection with the mili-tary defense of the Government. But having inaugurated the system, and providing that this method of Army warfare is in use, it is in order to put it anywhere we please, just as it would be in order to provide a gun for the Army which previously had been used by the Navy; just as it would be in order to provide a gun for the fortifications which previously had been used only inland.

Now, in order for us to provide these necessary items for defense we may say that the Army shall have certain equipment; but if we may say that the Army shall have that equipment coming through the Committee on Military Affairs, it is no argument why we may not provide the same equipment in the coast defense, or why we may not provide the same equipment in the Navy. No one would contend for a moment that because the Committee on Military Affairs had original jurisdiction of aero-planes in the Army, therefore they would have to determine whether you should have aeroplanes in the Navy. No one would contend that. Yet there is no distinction in principle between providing aeroplanes for the Army and aeroplanes for the Navy, and providing aeroplanes for the Army and aeroplanes for the fortification and coast defense.

While it is true the Army overlaps the fortifications, so far as the personnel is concerned, yet so far as the House is concerned and so far as the appropriations are concerned there is a clear line between the jurisdiction, and we have the same right to provide aeroplanes for fortifications and for coast de-fense in the fortification bill that we have to provide aeroplanes for defense in the Navy in the naval bill or aeroplanes for Army use in the Army appropriation bill.

The CHAIRMAN. The question for the Chair to determine

is whether or not the purchase, manufacture, and maintenance of airships and other aerial machines for use in connection with seacoast defenses of the United States is properly within the

jurisdiction of this bill.

Now, there is, of course, an absence of precedent relating to airships, because of the fact that it is a modern invention and a modern device. Much has been said in regard to the jurisdiction of this bill and in reference to the general jurisdiction of the Committee on Military Affairs, and also as to its jurisdiction over the subject matter in this paragraph. Reference has been made to the fact that the Military Committee is taking jurisdiction over that subject and is urging appropriations for airships. That would relate to the merits of this provi-That presents a matter not for the Chair to rule upon, but for the committee to decide in passing upon this paragraph and upon the provision of another bill relating to the same subject matter. The question is whether or not this committee has jurisdiction of this subject.

The rule is laid down that an appropriation for vessels, submarine mines, and so forth, in connection with coast defense

belongs to the jurisdiction of the Committee on Appropriations. As necessary as that, and more so it seems, the use of airships would be an essential part of the coast defense. It would be thoroughly identified with it, as much so as the establishment of a mine or a picket or an observation tower or a light, or anything of that kind. The Chair thinks it is an essential part of the coast defense, and the reason is manifest for its being so. That being true, there is no question but that this committee has jurisdiction of the subject matter of the paragraph, and

the point of order is overruled.

Mr. SHERLEY. Mr. Chairman, I desire to offer an amendment following the paragraph ending on line 22 of page 4.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

Amendment offered by Mr. Sherley: On page 4, at the end of line 22,

Amendment offered by Mr. SHERLEY: On page 4, at the end of the 22, insert the following:

"The Secretary of War is directed to submit to Congress on or before January 1, 1918, a detailed statement of the land, buildings, and other facilities now available and to be required for the accommodation of airships and other aerial machines to be used in connection with the seacoast defense of the continental United States, the insular possessions, and the Panama Canal."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. Rubey having taken the chair as Speaker pro tempore, a message, in writing, was received from the President of the United States, by Mr. Sharkey, one of his messengers.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed with amendments the bill (H. R. 217) to authorize the sale of school property in

the city of Denver, Colo., and for other purposes.

The message also aunounced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 7537) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the town of Allegany, county of Cattaraugus.

FORTIFICATIONS APPROPRIATION BILL.

The committee resumed its session.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Minnesota moves to strike out the last word.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman kindly inform the committee what is the cost of one of these aeroplanes?

Mr. SHERLEY. It runs from about \$18,000 to \$22,500.

Mr. MILLER of Minnesota. I was informed by the chairman of the Committee on Appropriations that they cost about \$50,000 annually for their upkeep; that is, aeroplanes in connection with the Army.

Mr. SHERLEY. The testimony is the same, to the effect that it will cost to keep one flier in the air \$50,000 annually. He is to have at his disposal not only a first ship but reserve ships, because they very speedily wear out in continuous flight,

Mr. MILLER of Minnesota. Can the gentleman inform the committee whether the aeroplanes already purchased have been purchased under conditions that might make for economy?

Mr. SHERLEY. I can not answer the gentleman with the detailed knowledge that I would like to have, although I think that is not the fault of the committee. The gentleman will appreciate that last year, when the Signal Corps was given the very large sum that it received, and told thereby to go out and quickly create an air service, with the limited amount of capacity for manufacture in this country and the evolutionary stage that the whole matter is in, some expenditures will be made that in the light of future cost will seem to have been extravagant. But there comes into this, as there comes into so many other questions in connection with matters of defense, a question of the value of time as against money, and from what I can learn from a rather full examination of Col. Squier the money is being expended—having in mind rapidity of creation of this service—with care and with judgment. I was impressed with Col. Squier's knowledge of the subject, with his ability, and with his industry, but we were unable to get the details, because a lot of them are not available yet that would enable me to answer the gentleman as I might wish.

Mr. MILLER of Minnesota. One further question. This will provide 70 aeroplanes if each is to cost \$50,000 this year. I suppose \$50,000 is operation, not purchase and operation.

Mr. SHERLEY. Well, the gentleman will find from an examination of the hearings that on page 213 of the current hearings a statement submitted by Col. Squier as to the estimated expenditures for 1917 for hydroplanes only. Those were expenditures out of the money that was appropriated at the last session of Congress, and he contemplated the creation of one squadron in the Philippines, one squadron in the Hawaiian Islands, one squadron on the Canal Zone, and six squadrons in Continental United States.

Now, it is proposed, with the sums which are carried in the bill before us, to maintain that squadron in the Philippines, the squadron in the Hawaiian Islands, and to complete and maintain the six squadrons in the United States. In other words, in the expenditure of this money some of it will necessarily go for completion, because these squadrons are completed only in the sense that they have a given number of machines for the 12 flyers, but they have not the desirable reserve number of machines for those flyers.

Mr. MILLER of Minnesota. How many aeroplanes constitute sanadron?

Mr. SHERLEY. Thirty-six, as I recall-12 active and 24 as reserve

Mr. MILLER of Minnesota. Does that mean 12 flyers and 36 machines?

Mr. SHERLEY. Yes. Each flyer is supposed to have three machines at his disposal.

Mr. MILLER of Minnesota. This appropriation will nowhere near take care of that number of aeroplanes and flyers.

Mr. SHERLEY. It would not take care of getting them and maintaining them, but they have most of them out of the appropriation that was made last year, and this is to maintain them, and is the estimate of Col. Squier himself. The only we did not allow was provision for the creation of two additional squadrons in the United States. The committee was in a position where it could not exercise any accurate individual judgment touching the matter, because the information was not available on which judgment could warrantably be based; but what we did was to allow for the completion and the maintenance of existing squadrons, with the idea that at the end of another year we would be in a position to know actually some of the details as to cost and maintenance and so forth.

Mr. MILLER of Minnesota. There are no aeroplanes at Panama, are there?

Mr. SHERLEY. I am not sure that any are down there. I

Mr. MILLER of Minnesota.' But they have been provided

Mr. SHERLEY. The funds have been allotted for that purpose, and I think orders for their manufacture have been given.

Mr. MILLER of Minnesota. Have any aeroplanes been sent

to the Philippines?

Mr. SHERLEY. Yes; there are some in the Philippines, and have been for some time.

Mr. MILLER of Minnesota. There were only two there a

year and a half ago, as I remember.

Mr. SHERLEY. I am unable to state how many are there now.

Mr. MILLER of Minnesota. I know the gentleman has this information, and I wish to get it, so I would like to question him further

Mr. SHERLEY. I yield to the gentleman.

Mr. MILLER of Minnesota. If this provides for a squadron with 12 flyers and 12 active machines, which I suppose would be the way to look at it, 12 for the Philippines, 12 for Hawaii, and 12 for Panama, that makes 36-

Mr. SHERLEY. Panama is not included in the estimates in this bill.

Mr. MILLER of Minnesota. That is 36, and 72 for the United States in addition, would be 108. Now 108 can not possibly be taken care of by the sum of \$3,600,000.

Mr. SHERLEY. The gentleman will understand that out of the funds now available there has been allotted the sum of \$2,000,000, and the greater part of that money will not be spent before a considerable lapse of time. These machines will not all be in existence for maintenance during the entire 12 months that we are making provision for. The only answer I can make to the gentleman is that Col. Squier estimated this as sufficient.

Mr. MILLER of Minnesota. One more question. the first hydroaeroplanes that have been provided for by the

coast fortifications bill?

Mr. SHERLEY. By this bill. The gentleman will recall that last year there was an act passed, or, rather, a provision made

Mr. MILLER of Minnesota. I know there was, but is this the

first item carried by the coast fortifications bill?

Mr. SHERLEY. If the gentleman will permit, there was carried in the Army act a three-line provision under which we appropriated some \$13,000,000. There was no limitation or restriction of any kind upon its expenditure. Out of that Col. Squier and those acting with him determined upon the expenditure of a given sum for hydroaeroplanes in connection with coast defense. Now, this is the first time that provision has been made anywhere directly for this purpose, though moneys from last year are being used for that purpose.

Mr. MILLER of Minnesota. Mr. Chairman, may I indulge in

the hope, if this is the first time that this has been provided for by the Appropriations Committee, that it will result in something beneficial to the Military Establishment of the United States? I say that for the reason that in my humble opinion. which is purely a lay opinion, the aviation section of our Military Establishment is a shame and a disgrace, having in mind that which we expected to do some years ago and that which we have

accomplished so far.

Mr. SHERLEY. If the gentleman will permit—
Mr. MILLER of Minnesota, I want to state a few things to the gentleman. I do not know whether it will do any good or not, but I think the matter ought to be discussed at some time on the floor of the House. We all know that any system of a mobile army or coast fortifications requires aeroplanes as much as it requires guns or men. A seacoast gun without the aid of aeroplanes to locate the enemy and tell where he is going and what he is doing, and also to assist in locating him and in getting his range, and so on, is certainly not an up-to-date system. Now, our coast fortifications in the insular possessions and in the United States are woefully deficient in the matter of air craft. They have not anything of this kind that has come to be the real, modern eyes of an army. While I am not qualified to speak, examine the reports and you will find everywhere it is said that the great revelation of the European war now raging is the increased efficiency of artillery fire, due somewhat to the improvement of the guns, but mainly to the assistance of aeroplanes. Aeroplanes perform a great and important function in connection with coast defenses at any point where ships may come or where troops may be expected to land. They assist not only in the actual work of the fortifications themselves, but of course assist in all the adjuncts of the fortifications, in submarine work, and so on.

Now, this seems to me a step in the direction of providing something specific for coast fortifications and insular possessions. Therefore, I indulge in the hope that it will be wisely expended and that we will get results. What has been the situation respecting our Army? I do not know enough about it to have an opinion worth shucks, but I do know that we have not had results. I mean by not having an opinion worth shucks that I have not an opinion as to the reasons why; but you and I and every man, woman, and child know that it has been an

absolute, humiliating, contemptible failure.

We all know, who have taken occasion to make inquiry, that when Gen. Pershing's expedition went into Mexico it was not without the aeroplane. They had eight. Did the eight fly? Good God, no! They were naturally not built for the air; they were built to go near the ground; they were built to rest in the sand; they were built to move only through the sagebrush. They had not the ability to fly. No one there could instill into them the blood or the microbe of flying. After a while two were able to fly by jerks, and after a further time some were able to fly spasmodically and intermittently, and some of the time I suppose have been flying We appropriated \$13,000,000, as I remember distinctly, a year ago, and we have not had much better results yet. I have been told that the Aviation Corps of our Army has not been properly organized. I do not know whether it has or not; I do not know what a proper organization ought to be. I have heard it stated that there was difficulty in connection with the high officers. I know there has been a shaking up and a reorganization, and I hope it will be for the lasting good of the Aviation Corps. While we sit here with patriotism and vote the money in large sums it ought to be possible to put that money so as to produce efficient results

Mr. TILSON. Mr. Chairman, with much of what the gentleman from Minnesota has just said anyone in possession of the facts, of course, must agree; but I think he will agree that his criticism is rather severe when he analyzes what we as a legislative body have done. As a matter of fact, the first appropriation that we made of substantial importance in this direction was made in the Army appropriation bill which became a law. on the 29th of August, 1916.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. MILLER of Minnesota. There was a \$2,000,000 appro-

priation some four years ago.

Mr. TILSON. I do not recall that.

Mr. MILLER of Minnesota. I recollect that I voted for one. Mr. TILSON. I think the gentleman has probably overstated the amount. At any rate the first real substantial appropriation that we made within my term of service here that would really warrant going forward in this aviation service was made on the 29th of last August. Since that time we have encountered all sorts of difficulties. Of course, we knew there would be great obstacles to overcome in a new subject like this. Perhaps our aviation service has not gone ahead as fast as might have been possible under other circumstances, but on the whole we have progressed in the right direction, especially since the present very enthusiastic and unusually able head of the service took charge. Therefore I feel that we should not be too savage or indiscriminating in our criticism of those who have had charge of that appropriation.

That the aviation service is important can not be too strongly The use of aeroplanes is absolutely essential now in war and any nation that does not have aeroplanes in great numbers, and fliers trained to use them, would be at the mercy of any other country that had exercised even ordinary foresight in providing for both. Therefore, appropriations for this purpose must go on, and whether we divide it, as has been ruled on the point of order, or confine it in the hands of one committee, we must go forward and make the appropriations. Then we shall be in a position to urge upon the executive departments that they shall go forward with a wise expenditure of the money. We should not deceive ourselves, however, as to the time required. We must not expect in one year to find the air full of aeroplanes and trained fliers; because it takes time, and that is the all-sufficient reason why we ought to appropriate wisely and liberally now so that the executive departments may uninterruptedly and intelligently push the work. No plan of national defense that fails to utilize fully this great agency will be adequate or safe.

Mr. SHERLEY. Mr. Chairman, it may be of interest to supplement somewhat what has been said by the gentleman from Minnesota [Mr. MILLER] and the gentleman from Connecticut [Mr. Tilson]. I think the gentleman from Connecticut is quite right in saying that criticism of the Army officials is not fully warranted. I agree thoroughly that the conditions that arose in connection with the very limited air service that we had inaugurated some years ago was very discreditable to the service. And yet, since the appropriation of last year a very great change has taken place. I was impressed with the fact that the country was exceedingly fortunate in having in charge of the whole matter now a man who of all Americans has had the widest experience in observing both the manufacture and operation of aircraft abroad. Col. Squiers has more knowledge of what has taken place abroad in reference to aeroplanes than perhaps all other Americans put together. What he has accomplished since he has been in charge is creditable to him and those who have worked with him.

On page 228 of the hearings is a statement submitted by Col. Squiers, in which he says:

The following figures will give an idea as to the work accomplished from January 1, 1916, to December 1, 1916, as compared with the entire work done during the year 1915:

	1915	1916
Total flights made. Hours in air.	4,388 1,814	9,800 4,641

During the expedition into Mexico the First Aero Squadron at Columbus were continually being used as dispatch bearers and mail carriers. About September 15 a daily airplane mail service was established between Columbus, N. Mex., and Colonia Dublan, Mexico.

In addition to the above cross-country flying there have been numerous flights made from San Diego, Cal., to Los Angeles, Cal., a distance of 120 miles, by pupils of the San Diego school. Similar flights have also been made by pupils and pilots at the Mineola school.

There is also somewhere a statement that I can not at this moment find, showing the total distance that has been flown during the past year, and which is so considerable as to occasion surprise upon learning it.

Mr. GARDNER. Will the gentleman yield?

Mr. SHERLEY. Certainly.
Mr. GARDNER. What was the date when the first service was established between Columbus, N. Mex., and Colonia Dublan, Mexico?

Mr. SHERLEY. September 15.

Mr. GARDNER. I understand it was November, or later. Mr. SHERLEY. I have no personal knowledge of it except the statement of Col. Squiers.

Mr. GARDNER. I can state positively that at the end of November, when I went down from Columbus to Colonia Dublan, it was not in daily operation at all, so far as I could see.

Mr. SHERLEY. That may or may not be true. I can not testify from personal knowledge; I have not been into Mexico; but I am giving to the committee the information that was given to me, and which I have had no reason to question as to its accuracy.

Mr. TILSON. Mr. Chairman, I have no doubt that the statement of the gentleman from Massachusetts [Mr. Gardner] as well as the statement of the gentleman from Kentucky [Mr. SHERLEY] is correct, and I think I can give the explanation for When the service was first established it was found that the horsepower of the engines that were used in the first planes was not sufficient to work well in the higher altitudes of Mexico. Later, when the horsepower was increased to 160 in the engines at present used, the service was reestablished and is now being regularly performed, so that it is probable that at the time the gentleman from Massachusetts was there this service had been interrupted; that the new engines were not in commission; that the regular service was not at that time running.

Mr. SHERLEY. Mr. Chairman, I know there was some trouble originally in regard to the propellers, and I have no doubt that there was some trouble in regard to engines. I did not undertake to question the accuracy of the statement because, after all, the maintenance of that particular service would not necessarily indicate the progress and the skill and the judgment with which

the service is being created.

Mr. GARDNER. Mr. Chairman, I offer the following amend-

ment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 4, line 22, strike out "\$3,600,000" and insert "\$5,200,000."

Mr. SHERLEY. Mr. Chairman, on that I reserve the point of order. The paragraph to which the amendment is offered has been passed and a new paragraph has been adopted. I do not desire to cut off the gentleman from debate.

Mr. GARDNER. Have we passed that paragraph? Mr. SHERLEY. Yes; and I have offered and had adopted a new paragraph.

Mr. GARDNER. Has the next paragraph been touched upon?

Mr. SHERLEY. No. Mr. GARDNER. Mr. Chairman, I would like to have the

ruling of the Chair upon that before I begin my debate.

The CHAIRMAN. The present occupant of the Chair was not in the chair at the time, but the Chair is informed that there was a new paragraph offered, acted upon, and adopted following the paragraph to which the gentleman from Massachusetts offered his amendment.

Mr. MILLER of Minnesota. Mr. Chairman, that should be qualified, however, by this fact: I intended to move to strike out the last word of the paragraph to which the gentleman from Massachusetts [Mr. GARDNER] now desires to offer an amendment. I intended to do that, but the gentleman from Kentucky sent up the new paragraph, which was read and adopted, and then apparently by unanimous consent we proceeded to discuss the paragraph to which the gentleman from Massachusetts now

desires to offer an amendment.

Mr. TILSON. Oh, Mr. Chairman, the gentleman made just

the ordinary pro forma amendment.
Mr. GARDNER. Mr. Chairman, a parliamentary inquiry.

What amendment are we now discussing?

Mr. SABATH. We are discussing an amendment to strike out the last word.
Mr. GARDNER. The last word of what?

The CHAIRMAN. Of the amendment that was adopted, as the Chair understands.

Mr. GARDNER. But it is too late to strike out the last word of an amendment that has been adopted. I demand the regular order.

The CHAIRMAN. The regular order is for the Clerk to read. Mr. GARDNER. No; the regular order is an amendment which I shall offer as a new paragraph, which I send to the

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 22, after the new paragraph, insert the following as a new paragraph:

"In addition to the above apportionment for air service, an amount is hereby appropriated sufficient to bring the total appropriation for the service up to the estimates of the War Department for 1918."

Mr. SHERLEY. Mr. Chairman, I make the point of order

The CHAIRMAN. Does the gentleman desire to be heard

upon his point of order?

Mr. SHERLEY. I desire to state what my point of order is, and then I will be glad to hear the gentleman from Massachusetts on why his amendment is in order. The paragraph providing funds for the air service in connection with coast fenses has been agreed to and passed. A new paragraph calling for a report has been offered and adopted. The provision that the gentleman from Massachusetts offers is not germane at this point in the bill.

The CHAIRMAN. Does the gentleman from Massachusetts

desire to be heard on the point of order?

Mr. GARDNER. No; the gentleman does not. I think the gentleman from Kentucky is practically correct in his statement. The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

ARMAMENT OF FORTIFICATIONS.

For purchase, manufacture, and test of mountain, field, and siege cannon, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, \$6,900,000: Provided, That the Chief of Ordnance, United States Army, is authorized to enter into contracts or otherwise incur obligations for the purposes above mentioned not to exceed \$2,200,000 in addition to the appropriations herein and heretofore made.

Mr. GARDNER. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. Gardner: Page 5, line 2, strike out "\$6,900,000" and insert "\$10,800,000."

Mr. GARDNER. Mr. Chairman, this is simply another amendment in the line of not cutting down the meager requests of the War Department. Why the gentleman from Kentucky [Mr. Sherley] has seen fit to cut down the very meager requests of the War Department I do not know. God knows at the rate we are proceeding in this matter of ordnance and ammunition and air service it will be many, many years before we are anywhere near the minimum requirements as laid down by the report of the Treat Board last year. I fail to see why year after year we are told that we have to be penny wise and pound foolish, saving in the air service year after year. Some one tells us we have a magnificent air service. Why, Mr. Chairman, the gentleman from Connecticut was quite wrong a moment ago. The four or five machines which we originally had down on the border when they started chasing Villa all broke down. Then, after that it is true they got some higher-powered machines. They had 11 of them at the time I left the border, a little after Thanksgiving. They had them right outside of Columbus. If with those machines there was a daily six service to Columbus. there was a daily air service to Colonia Dublan I never heard of it and never saw it. Now, Mr. Chairman, I should like it very much if the gentleman from Kentucky could tell us why it is that when the War Department tells us we must have \$10,800,000 for the purchase, manufacture, and test of artillery in the fiscal year ending 1918, why is it that he insists on reducing that amount to \$6,900,000?

Mr. SHERLEY. Mr. Chairman, in the first place, "the gentleman from Kentucky" is not the entire committee, and therefore the statement that "the gentleman from Kentucky" does things is sometimes subject to qualification. First, let me tell the gentleman the reason that did not actuate me, although it might have in connection with this item. If the gentleman from Massachusetts has not been incorrectly quoted, he has very recently informed an eager and waiting public that the Democrats in Congress were spending money "like drunken sailors," and perhaps an explanation might be found in the cutting of the estimates in order to relieve ourselves from the terrific indictment of a man whose activities have chiefly been in the line of offering amendments to increase all sums that have been recommended in Congress. [Applause on the Democratic side.] But the reason was broader and better than that, because we do not act from a personal attitude or from personal or political bias in dealing with these matters.

It developed in the hearings that the estimates which were submitted contemplated seven annual appropriations for the completion of the scheme which had been approved by the Sec-

retary of war, known as the Treat Board scheme, for the supply of mobile artillery and ammunition for an army of a million men. It also developed that the cost of procuring such matériel was 25 per cent greater now than it was a year ago. Nobody has the right, and nobody conservative of judgment would desire, to be dogmatic about matters of this kind. It is impossible for any human being to apportion, to determine, the risk of war or when it may occur. Always there must be an exercise of judgment of how much can be appropriated at any particular time in order to provide against the risks that may be near or may be remote, according to the facts hidden in the womb of time. This committee has undertaken to bring in a bill that represents its best judgment touching those matters, having in mind what was being appropriated for various purposes, having in mind the money that would need to be provided, and having further in mind that if the committee was always to allow the maximum sum and those sums should grow as they have grown by a 100, 200, 500, and 1,000 per cent, that the very cause of preparedness that men have at heart would be greatly injured, and there would necessarily come a revulsion of feeling on the part of the people that might make impossible in the future that progress that we have hoped for, particularly when men in one breath express a desire for rapid preparation for defense, and in the next breath tell the people of America that the money is being spent like drunken sailors spend it. I submit that the true friends of preparedness are the men who undertake to keep their heads and make progress, rapid progress, but do not try to distinguish themselves by the extreme demands they make on the Public Treasury. [Applause on the Democratic side.]

Mr. GARDNER. Will the gentleman yield for a question? Mr. SHERLEY. Yes, sir. Mr. GARDNER. On the basis of \$10,800,000 appropriation

it was supposed that in eight years we should have appropriated enough money to meet the cost of ammunition which the Treat Board decided we ought to accumulate against an outbreak of war. Is not that correct?

Mr. SHERLEY. Seven years is the estimate, beginning with

Mr. GARDNER. Seven years, beginning with this. By reducing that amount from \$10,800,000 to \$6,900,000, how many more years would it be before we shall have appropriated as much money as the Treat Board tells us we needed in order to make us safe? How many more years of insecurity will be added in addition on account of economy?

The CHAIRMAN. The time of the gentleman has expired. Mr. SHERLEY. Mr. Chairman, I ask for five minutes more. The CHAIRMAN (Mr. Byrnes of South Carolina). The gen-

tleman from Kentucky asks unanimous consent to proceed for

five minutes. Is there objection?

Mr. GARDNER. Mr. Chairman, coupling with that the request that I may have five minutes to answer the gentleman, I have no objection.

Mr. SHERLEY. Well, I do not desire the time now. I only wanted to answer the question of the gentleman. I am willing

Mr. GARDNER. I am willing for the gentleman to have 10 minutes if I can have 10 minutes.

Mr. SHERLEY. I have no desire to cut off the gentleman's

The CHAIRMAN. The gentleman asks unanimous consent that the time of the gentleman from Kentucky may be extended 10 minutes

No, Mr. Chairman; I do not want that time. I asked for five minutes, and probably will not use that. I only asked for that in order not to be discourteous and to

answer the inquiry of the gentleman from Massachusetts.

Mr. GARDNER. Mr. Chairman, I couple with that the request that I may also proceed for five minutes.

Mr. SHERLEY. I simply asked for five minutes. If anybody

else wants an opportunity, I have no objection.

The CHARMAN. Is there objection to the request of the gentleman from Kentucky that he may have five minutes?

Mr. GARDNER. Mr. Chairman, I object. The CHAIRMAN. The question is on the amendment.

Mr. PARKER of New Jersey. I desire to speak in favor of the amendment, and I understand the gentleman from Wyoming [Mr. Mondell] is against the amendment. I think he ought

Mr. MONDELL. I have no objection to following the gentle

The CHAIRMAN. The Chair recognizes the gentleman from Wyoming.

Mr. MONDELL. I am perfectly willing to follow the gentleman from New Jersey.

Mr. PARKER of New Jersey. I thank you very much, sir.
Mr. Chairman, I only desire to say one word. I do not wish
to see a matter of this importance become one of personality of any kind. I know from what the gentleman in charge of this bill said yesterday that he has been trying to bring these appropriations up to the amount that was requested by the Government. I know that he feels with me that that request is I will tell the committee what it is, exactly. almost too modest.

It was proposed in the military bill and in this bill to ask for sufficient appropriation for cannon to bring the total supply seven years from now to a supply for a million men, which, I take it, should be for about 100,000 men a year, inasmuch as about 300,000 have already been provided for. Now, at that rate of 100,000 men a year, how long would it take to have sufficient field. mountain, and siege guns to take care of our 21,000,000 ablebodied population? It would take 210 years. We have been neglecting provisions for that arming of the Nation which, under the name of the militia, was ordered in the Constitution, and we can not somehow realize that we should be prepared to put a nation in the field in time of war.

Standing armies are nothing now. There are a few hundred thousand men in every nation in each of such armies. It is the ability to train and to arm the people that makes our national defense. And I would to heaven that I dared ask, not for the amount asked in this estimate, but for four or five times that amount, so as to have munitions for a few hundred thousand men each year in addition to what we have, to be ready if we should need them.

Mr. MONDELL, Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts [Mr.

GARDNER].

I shall vote for this bill, but I vote for it doubting very greatly the wisdom or the necessity of appropriating at this time so large a sum as \$51,000,000, nearly \$52,000,000, for the purposes contemplated under the items in the bill. I think that we scarcely realize how fast and far we are going in the matter of these expenditures

Now, Mr. Chairman, we have learned some things, perhaps, in the last two years. At any rate, we have heard a great deal about the necessity, the importance, of preparing for possible attack. The country, I believe, has in the main come to believe in and desires much larger appropriations than we made two years ago and in the years that preceded that year for these purposes, and therefore I am supporting the report of the committee. am supporting the items brought in by the committee, as I expect to support, to a very considerable extent at least, the bills that will be brought here by the Committee on Naval Affairs and the Committee on Military Affairs.

The CHAIRMAN. The time of the gentleman from Wyoming

has expired.

Mr. MONDELL. Mr. Chairman, I ask that I may have five minutes more

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes more. Is there objec-[After a pause.] The Chair hears none.

Mr. MONDELL. Not because I am converted to a belief in the necessity for all these enormous preparations, these great expenditures, but because the matter having been debated in the House, the matter having been discussed in the country, I am inclined to the opinion that the people generally are disposed to approve, to a considerable extent at least, these expenditures. But, Mr. Chairman, there certainly can be no criticism of the committee that reported this bill, in that it did not go far enough in its authorizations and its approvals of estimates. Whatever one's view may be as to the importance or necessity of spurring up in the matter of armament and guns and ammunition, surely what the committee proposes ought to be enough to satisfy any reasonable person, ten times the sum that we have ever heretofore appropriated in one year, prior to last year, for these purposes, as much as we appropriated in any ten years of peace in our history; nearly twenty times as much as we appropriated for these purposes year by year ten years ago or more. We are making these appropriations in the face of the fact that it will cost us probably per cent more for these guns, for this ammunition, for these emplacements, than it would have cost us for the same guns, the same ammunition, the same emplacements any time in The speed of our movement in the direction of preparedness seems to have been accelerated rather than checked by the fact that as we increase the volume of preparation, the unit cost of this preparation constantly increases.

Possibly many of these things are necessary. I have had my say in regard to them, and I am willing to take the judgment of the committees and of the House to a very large extent. But Heaven knows we are going far and fast enough without following any suggestion that we shall add to the enormous sums already carried in these bills some other enormous sums that some one connected with the Military Establishments of the country may have imagined that under certain possible conditions and eventualities we might need.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. Gard-

The question was taken, and the amendment was rejected. Mr. GARDNER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves

to strike out the last word.

Mr. GARDNER. Mr. Chairman, I was in Europe when the war broke out. When I came back the primaries were taking place, and immediately afterwards I came on here to Washington and acquainted myself with the situation as to our military and naval strength. That was before "military lockhad set in in the War and Navy Departments. I began my campaign for preparedness on October 16, 1914. peared before the committee of the gentleman from Kentucky [Mr. Sherley]. I was roasted on every amendment that I offered on the floor of the House.

Mr. SABATH. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Massachusetts

yield to the gentleman from Illinois?

Mr. GARDNER. I can not yield.
The CHAIRMAN. The gentleman declines to yield.
Mr. GARDNER. Oh, I must yield to a point of order.
The CHAIRMAN. The gentleman from Illinois does not raise

a point of order.

Mr. GARDNER. Very well. Now, Mr. Chairman, in regard to "drunken sailors": Drunken sailors notoriously spend their money on useless things, and then have no money to spend on necessities. That is what I meant when I said that the Democrats were spending money like drunken sailors, fifty millions for Government-owned merchantmen, millions for power plants down on southern rivers to make imaginary nitrate supplies, and on all sorts of undertakings of that sort. That is what I meant by expenditures by drunken sailors-extravagances in all directions, and then shutting down on necessities. That is the drunken sailor to the life.

The gentleman is in error. There will be no revulsion of feeling amongst the American people on this subject of preparedness. I say to the gentleman from Kentucky that there may be a revulsion of feeling on the part of the head of the Government. He has changed once already on preparedness. He will change again, if he has not already changed the second time. You can not, without exciting the derision of mankind, go telling the world one year that we must have the largest Navy on earth, and that the sparks are flying all around, and then, in the very next year, notify the world to disarm. [Ap-

plause.

The CHAIRMAN. The time of the gentleman from Massachu-

setts has expired.

Mr. SHERLEY. Mr. Chairman, the only thing I desire to say in reply to the gentleman from Massachusetts [Mr. Gardner] is that it is well not to confuse one's opinion with the opinion of mankind.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For purchase, manufacture, and test of ammunition for mountain, field, and siege cannon, including the necessary experiments in connection therewith and the machinery necessary for its manufacture at the arsenals, \$7,310,000: Provided, That the Chief of Ordnance, United States Army, is authorized to enter into contracts or otherwise incur obligations for the purposes above mentioned not to exceed \$2,000,000 in addition to the appropriations herein and heretofore made.

Mr. GARDNER. Mr. Chairman, I offer an amendment. Mr. MOORE of Pennsylvania. I move to strike out the last

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] offers an amendment, which the Clerk will report. The Clerk read as follows:

Amendment offered by Mr. Gardner: Page 5, line 11, strike out "\$7,310,000" and insert "\$11,300,000."

Mr. GARDNER. Mr. Chairman, that amendment is offered to restore the amount estimated by the War Department as absolutely necessary if in seven years we are to accumulate a suffi-

cient stock of field-artillery ammunition to make us ready for the outbreak of war. Mr. Chairman, we have only 717,500 rounds of field-artillery ammunition actually completed at the present Those figures are taken from a letter of the Secretary of War written to me on January 23, 1917. In a single day's advance on the Somme last summer the British front alone expended, if the newspapers tell us the facts correctly, a full million rounds. In other words, the amount of field-artillery ammunition that we have accumulated at the present time is less than three-fourths of the amount expended in a single day by a single nation on a single front of the European war. I do not think because the cost of this ammunition has gone up that that is a good reason to postpone the requisite accumulation for our safety from 7 to 10 years.

Mr. SHERLEY. Mr. Chairman, the gentleman assumes that what is done now will necessarily be what will be done in the years to come, while I am unable to span the future with that degree of accuracy. Certainly it does not follow because an estimate is cut now, owing to the unusually high cost of material, together with the crowded condition of the arsenals, and also of private manufactories, that in a year to come, when both those conditions will in all probability be greatly relieved, we will make similar cuts. It is an illustration of that species of logic that we hear so often on the floor.

I repeat that the committee brought in what it felt, considering all the circumstances, was a very liberal provision.

If gentlemen will let their minds travel back, they will find what very rapid progress we are making. Back in 1907, 1908, and 1909 the appropriation for this purpose was \$160,000; in 1910, \$160,000; in 1911, \$150,000. By the way, again referring to drunken sailors in the matter of spending money, I may call attention to the fact that those were days when the gentleman's party, perhaps not following his judgment any more than it does now, was in power and was making appropriations.

Mr. GARDNER. What year was it that our party was in

power and making appropriations?

Mr. SHERLEY. Back in 1905, 1906, 1907, 1908, and 1909. Mr. GARDNER. I thought the gentleman was referring to 1911.

Mr. SHERLEY. Oh, no. In 1912 the appropriation for this purpose was \$300,000. It was the next year that I first had the honor of being chairman of the subcommittee reporting the fortifications bill. The increase was 100 per cent over the year before; it was \$600,000. That was 100 per cent over the year previous. The next year it became \$900,000, the next year \$1,200,000, the next year \$1,160,000, last year \$6,000,000, and this year \$7,310,000, with contract authorizations of \$2,000,000. I submit again to those who want to be fair, that the progress we are making is rapid, and that instead of the committee being subject to censure for unwillingness to go forward there are many men who might rather place the censure because of our going forward too fast. The gentleman from Massachusetts [Mr. Gardner] has been long a member of a legislative body, and presumably in that length of time must have learned that government does not represent simply the will of individual men, but that in order to make real progress some consideration must be given to the opinions of those with whom we are associated, unless we are willing to play the rôle of being so far in advance of anyone else that nobody agrees I have not cared for that rôle. with us.

Mr. HOWARD. Mr. Chairman, I desire to be heard in opposition to the amendment of the gentleman. I do not think I have got preparedness hydrophobia to the extent that some gentlemen have it. I believe as firmly as I believe I am breathing that in 10 years from to-day every dollar of this money we are now spending will be absolutely worthless, so far as national defense is concerned. I do not know yet whether I am going to vote for this bill or not. I am trying to get a little light on it. With the exception of the Darda-nelles and the frontier fortifications in Belgium, there has not been a fortification gun fired on the coast of any of the belligerent countries up to date, so far as I have been able to ascertain from careful reading. Now, I will tell you why.

Mr. GARDNER. Will the gentleman yield?

Mr. HOWARD. In a moment.
Mr. GARDNER. The gentleman is not discussing my amendment. My amendment does not relate to the seacoast at all. It is field artillery that my amendment relates to.

Mr. HOWARD. If the gentleman will permit me, he was not discussing anything that was before the House awhile ago when he was speaking. But if I can, if reason will resume its sway for a few minutes, and if we deal with these questions like practical business men and look at conditions as they

stare us in the face, I want to show you the real condition of affairs. Take the development of the submarine; take the modern mines that are defending the harbors of all the nations of What admiral in charge of a fleet would be foolish enough to try to approach any of the mined ports of this coun-Take the Dardanelles. The English crushed their fortifications like a mushroom. Germany brought up some land guns and saved the day for the Dardanelles or they would have

been gone. Here is what I am alarmed about, and the only thing that keeps me in doubt: Unless we appropriate a million or two of dollars to increase the efficiency of navigation in the Navy we are going to need somebody on land to do something. Let me call your attention to something that strikes me very forcibly to show where this thing is going and how the people's money is being almost criminally wasted. In the last 90 days—or, put-ting it at the extreme, in the last 120 days—let us see what the people have lost in dollars and cents. Let me give you just a little information about what we are doing and how we are doing it. From Haiti to the coast of New Jersey and along the Atlantic coast we have piled up on the shore in the neighborhood of \$35,000,000 of naval vessels, lying up on coral reefs and shores that have been charted since we have been navigating ships from the United States, and they are wrecked there because of the inefficient navigation of our naval vessels by men who do not seem to know or care what they are doing. is the Memphis at Haiti; there is the Milicaukee on the coast of California; there is the H-3, a new submarine; there is the Sampson, a destroyer that had only been accepted by this Government 40 days, run headlong into a ship in clear weather and damaged \$250,000, according to the reports in the papers; there is the Sumner, a magnificent transport lying up on the coast of New Jersey, being beaten to pieces by the waves of the ocean; and there is the Cuyama, practically a complete wreck. Then you come up here talking about turning over millions and millions of dollars for the Navy and for fortifications and for this, that, and the other without any specific purpose in view so far

And what will be the situation after the European war? Mr. FESS. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. FESS. Speaking of stationary fortifications, what do you think would have happened if the German Army had not been held for a time at Liege? What would have happened to France?

as I have been able to ascertain from naval and military experts.

Mr. HOWARD. Let us take the battle of Liege. member of the Committee on Military Affairs, and I heard Gen. Crozler and other gentlemen testify as to the caliber of guns, and yet some of the Army officers, so far as I have been able to ascertain, did not know that there was such a thing as a 42centimeter gun in the world until after the battle of Liege. And centimeter gun in the world until after the battle of Liege. And what became of the big fortifications when these tremendous caliber guns moved up? What became of the fortifications that had been declared by military experts of the world to be absolutely impregnable? They were crushed like mushrooms. Why, the first shot fired in the history of the world from a 42-centimeter gun made a hole through this supposedly impregnable fort that 20 elephants could walk through abreast. [Laughter and appleace]

Why, a whole lot of this stuff is pure buncombe. You are talking about theories. The gentleman from Massachusetts was unkind enough to say that we were spending money like drunken sailors. He said that what he meant was that we were building

an armor-plate and a nitrate plant-

Mr. GARDNER. I said nitrate plant.
Mr. HOWARD. All right, he said a nitrate plant down
South. Here is a bill carrying \$61,800,000, and nearly every dollar of it goes to your section of the country, and God knows it looks like you would not raise a hullabaloo about that small

Mr. SHERLEY. The gentleman is mistaken. Mr. HOWARD. Well, enough of it goes there.

Mr. SHERLEY. I gave Saturday to the committee a detailed statement as to the moneys that had beretofore been expended that went North and those that went South. gentleman is not warranted by the facts in making that state-

Mr. HOWARD. Does one-tenth of the appropriation go south

of Fort Henry? Mr. SHERLEY. Yes.

Mr. HOWARD. How much goes south of Fort Henry?
Mr. SHERLEY. A good deal of it—some to Charleston;
some for 12-inch guns at all the southern fortifications.
Mr. HOWARD. Well, I am glad the gentleman has corrected
me. In other words, we of the South get the canary bird,

and you of the North get the turkey. [Laughter,] That is the way to compare it. You get the great bulk, and we get a little \$10,000,000 appropriation which goes into a country where we are likely to prove that we can efficiently make munitions and arms, and some gentlemen who have got all four feet in the trough, and have had them there ever since the Government has been engaged in munition making, sat here and said some unkind and slurring thing about the South. [Applause.]

Mr. FESS. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. FESS. I was making an estimate day before yesterday from the statements made by the chairman of the committee. Fifteen coast cities of the South have a population of one million and a half, and nine coast cities of the North have a population of ten millions three hundred and thirty thousand.

Mr. HOWARD. I agree with the distinguished chairman of the committee; there is not an abler or fairer man in this House than the gentleman that has charge of the bill, but I want to say that if we accept any of the naval authorities at 100 per cent on the dollar, or anything like that, here is what is true, what they have been testifying to in the Committee on Naval Affairs, that if any great naval battle takes place, it will be in the Caribbean Sea.

At that time New York, Boston, and the North Atlantic seaboard cities will be sitting up there without anything in the world to make them nervous. But what about New Orleans, Charleston, Savannah, Mobile, Pensacola, Galveston? Why, a man is a fool that does not pursue the point of least resistance. The ground mole has sense enough to do that. Let a ground mole run up against a little pebble the size of buckshot and he will go way around the whole garden to keep from pushing that pebble aside. Nations are like individuals.

Suppose Germany, England, or France, or any other power, wanted to attack the American coast, would they go to strongly fortified cities? No: they would go where they would meet the least resistance, following the logic of the ground mole, and they would go south. As I said the other day, if they ever happened to land there, carrying out our traditions to the last man of us, we will give them every ounce and every atom of resistance we have in us, and we will make a good showing until you boys get down there. [Laughter and applause.]
Mr. FESS. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. FESS. According to the philosophy of the gentleman, we

will have to fortify the whole coast.

Mr. HOWARD. Sure you will, where there are ports for Here is what you have got to do: The most sensible thing to do is to build submarines, and plenty of them, and fill them up with torpedoes and tell the world we have got one for every mile of the coast on this side, and if you come over here we will sink your whole fleet. [Laughter and applause.]
Here you are spending \$61,800,000 in this bill, and you can

build enough submarines to give absolute assurance to the Nation that no attack will be made within the line of these

land fortifications we are building.

I predict here and now, and I want it to go in the indelible record, that 10 years from to-day the rats and bull bats will be occupying the forts on the coast, and your fortifications will be abandoned as absolutely obsolete and inefficient for defensive purposes. I do not care what the experts say. A man that has got common sense is in a better position to judge of that than any flyspecking expert. I would rather risk an old farmer who does not know what powder is made of, but knows powder by the smell thereof, than half a dozen of these men that go off on a globe-trotting expedition in Europe and come back here, scared to death, spending the people's money like water, with nothing definite in view but to spend it where the munition manufacturers can reap the benefit thereof. Do not start into any new fields, they tell us, do not go South—oh, for God's sake, do not go South-but come here, come back, my wandering appropriations, to Pennsylvania and Massachusetts, God bless them, and spend all you have got to spend here! Do not build any navy yards down there, where they will be secure from attack, but come up here in the glorious old North, and let us have the money, and you help pay the taxes but get none of the security.

The CHAIRMAN. The time of the gentleman from Georgia

has expired.

Mr. MOORE of Pennsylvania rose.
Mr. SHERLEY. Mr. Chairman, will the gentleman from
Pennsylvania yield to me for a moment?

Mr. MOORE of Pennsylvania. Yes, Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that all debate on the paragraph and all amendments thereto close in five minutes.

Mr. MOORE of Pennsylvania. That will be satisfactory to me.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that all debate on this amendment and this paragraph close in five minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not intend to favor the amendment offered by the gentleman from Massachusetts [Mr. Gardner], but I deplore the attack that has been made upon him by the gentleman from Georgia [Mr. How-ARD]. I am inclined to support the committee in this instance, and to approve the statement of the gentleman in charge of the bill that there is no sectionalism in it. I would hope there should be no sectionalism in a bill of this kind, preparing for the fortifications of the country. During the discussion of two bills in this House within the past 10 days I supported propositions to carry appropriations into the South, and did it, believing the South is just as much entitled to consideration at the hands of this Congress in the matter of public buildings and river and harbor appropriations as is any other section of the country. But the question of the nitrate plant has been raised. I opposed the appropriation for the nitrate plant, because I did not want to see the Government go into the business of manufacturing fertilizer in competition with private concerns. seemed to me that that was no business of the Government of the United States. But that question has been raised. The gentleman from Georgia [Mr. Howard] in his usual eloquent manner has attacked the gentleman from Massachusetts Gardner] on the ground, apparently, that the gentleman from Massachusetts wants to restore to Massachusetts a number of industries engaged in ammunition making that have been taken away from that State. I question whether any ammunition factories have been taken away from Massachusetts, but

Mr. HOWARD. Mr. Chairman, will the gentleman yield? Mr. MOORE of Pennsylvania. Yes.

Mr. HOWARD. Just for the preservation of the truth of this thing, the gentleman understands that "the gentleman from Georgia" never started this Southern business, that the gentle-

man from Massachusetts started it.
Mr. MOORE of Pennsylvania. I thought the gentleman did

start it.

Mr. HOWARD. I am just defending myself, my country, my

section, in a very weak and inefficient manner.

Mr. MOORE of Pennsylvania. Oh, no; the gentleman did it in no weak manner. He did it in a very forceful and eloquent manner; but the gentleman clearly indicated that \$61,000,000 appropriated for in this bill was to go into the Northern States and the South was not to participate in it. That induces me to refer to a matter which I hope the gentleman from Georgia may consider, and that is the raising of revenue in order to provide the \$61,000,000 with which we are to increase our fortifications. If the gentleman from Georgia will give me his strict attention for a moment or two, I shall endeavor to show him that the question of sectionalism does not in this instance originate with this side of the House.

I have in my hand a copy of a Washington newspaper, which has as its leading editorial an article headed "Kitchin and Defense," and I not only ask the attention of the gentleman from Georgia to this article, but I invite the attention of the distinguished chairman of the Committee on Ways and Means, the gentleman from North Carolina [Mr. Kitchin], who is also

present. The article to which I refer states:

In the Democratic caucus on the so-called "emergency" revenue bill on Friday evening, addressing a group of insurgent southern Democrats, he [Mr. Kitchin] said:
"You can tell your people that practically all of this tax will go north of the Mason and Dixon line. The preparedness agitation has its hotbed in such cities as New York. This bill levies a tax on those who have been clamoring for preparedness and are benefiting because of preparedness appropriations."

Now, the gentleman from Georgia is welcome to that statement, whether he was one of those southern insurgents or not. The gentleman from North Carolina [Mr. KITCHIN] to whom this statement is attributed is here. I assume he will speak

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. HOWARD. I gave the gentleman my undivided attention, as he requested. The gentleman does not dispute the soundness of that statement attributed to Mr. KITCHIN, does he?

Mr. MOORE of Pennsylvania. I was just about to say that the gentleman from North Carolina, whom I respect highly, who is my Democratic leader in the distinguished Committee on Ways and Means, is able and qualified to respond for himself. If he made such a statement it clearly was a sectional statement, but if he did not make the statement that this great burden of taxation was to be imposed upon the people north of the Mason and Dixon line we ought to know it. I am sure the gentleman from North Carolina will speak for himself.

Mr. KITCHIN. Mr. Chairman, of course, if the gentleman from Pennsylvania [Mr. Moore] attended to his duties here and to the sessions of the House as closely as do some of us, he would have known that what he has just quoted here to-day was all stale, for the gentleman from Massachusetts [Mr. ROGERS] on Saturday read to the House from that article.

Mr. MOORE of Pennsylvania. It is so good that I thought we

had better have it twice.

Mr. KITCHIN. He read the article from Saturday's issue of the New York Times, the first to give publicity to such misrepresentation. I then said, as I say now, that there is not one word of truth in it. Never in my life have I intimated in a caucus or elsewhere any such sentiment in any way akin to that which the gentleman has quoted. I did say on Saturday, in answer to the gentleman from Massachusetts, and I say now, that most, or at least nine-tenths, of the appropriations for which the tax is to be levied under the revenue bill which I reported this morning will be expended north of the Mason and Dixon line. I make and have made no complaint about that. I will say to the House now that I never used the term "Mason and Dixon's line" here in this House or caucus until I used it on Saturday in explanation of what the New York Times put into my mouth.

I have been in this House, gentlemen, for 16 years. I have been more or less in public life, so far as going out on the stump and making political speeches are concerned, since 1892, and never in my life, in my district, or my State, or in caucus, or in the House, or elsewhere, have I uttered one word or one sentiment that would in any way arouse sectional feeling or produce sectional differences anywhere in any part of the country. [Applause.] From the time when Robert E. Lee and Ulysses S. Grant shook hands at Appomattox as an earnest of perpetual peace between the North and the South, the result of the Civil War became in the minds and hearts of my people a fixed finality.

[Applause.]

There has not been a time in 20 years in my State or my district when if I-and I believe I am liked about as well as any man in my district-were to make a speech, political or otherwise, that would tend to kindle anew sectional feeling between the North and South, I would not be hissed by my audience. In all my life not an utterance can be attributed to me in truth that I have ever in the slightest degree attempted to arouse sectional feeling. I deprecate as much as any man the utterances upon that side or on this side that tend in any way to bring about sectional differences or to revive the fires of sectional animosity, which, thank God, in the mind and heart of every patriotic American, North and South, have faded into ashes. [Applause.] I resent the misrepresentation of the New Times and the Washington Times, quoted by the gentleman. I resent the misrepresentation of the New York

The CHAIRMAN. The time of the gentleman has expired. Mr. KITCHIN. Mr. Chairman, I would ask for two minutes. Mr. MOORE of Pennsylvania. I ask that the time be ex-

Mr. KITCHIN. Two minutes will be sufficient.
The CHAIRMAN. The gentleman asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have too high a respect for the gentleman from North Carolina, as he knows, to raise this question; but I find on looking at the debate on yesterday that the words "Mason and Dixon's line" were used, and that in the discussion the gentleman from North Carolina indicated that the larger part of this revenue tax

would be levied upon the States above that line.

Mr. KITCHIN. No. I said the appropriations for which the taxes were levied would go, and properly so, North. I believe that in the State of Pennsylvania, the State of New York, the State of Massachusetts they are better prepared to build ships, they are better prepared to manufacture munitions which we have to have, and therefore I think the larger part of the appropriations ought to go there.

Mr. MOORE of Pennsylvania. Of course, the farmer does not come under this new scheme of taxation, and the cotton

grower is not included-

Mr. KITCHIN. Nor are the farmers in the North or the

West or the East.
Mr. MOORE of Pennsylvania. But the mills and the factories are included, and they are mainly in those States.

Mr. KITCHIN. I will say to the gentleman who speaks of our excepting the farmer in the proposed revenue bill that we There are five counhave excepted agricultural copartnerships. tries in the world that have excess-profits taxes. Canada excepts the farmer; Great Britain excepts the farmer; France excepts the farmer; Germany excepts the farmer; Russia excepts the farmer. The committee thought that if Great Britain and Germany could except their farmers, if Russia, for instance, can except her peasants, that in a revenue bill we could afford to except the farmers of the West, the farmers of the North, the farmers of the East, and the farmers of the South. plause.]

The CHAIRMAN. The time of the gentleman has expired; all time has expired on this paragraph. The question is on the

amendment.

The question was taken, and the amendment was rejected. Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. SHERLEY. Mr. Chairman, I would like to ask the Clerk

Mr. MOORE of Pennsylvania. Mr. Chairman, I am not going further into this thing, but I want to ask the gentleman a ques-Mr. SHERLEY. Debate has been concluded on the paragraph.

Mr. MOORE of Pennsylvania. I was not able, owing to other duties, to listen to the gentleman's speech in explanation of this bill, and I desire to know if any provision is made in any of these lump sums for fortifications at Cape May or Cape Henlopen at the mouth of the Delaware?

Mr. SHERLEY. In the paragraph relating to armament and sites there is a sum of \$100,000, of which \$20,000 is intended for the purchase of some land on the Delaware Bay with the idea

of subsequently placing there four 12-inch guns.

Mr. MOORE of Pennsylvania. On the Delaware side or New

Jersey side? Does the gentleman recall?
Mr. SHERLEY. On the Delaware side.
Mr. MOORE of Pennsylvania. On the Cape Henlopen side.

The Clerk read as follows:

For purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, \$9,231,000: Provided, That the Chief of Ordnance, United States Army, is authorized to enter into contracts or otherwise incur obligations for the purposes above mentioned not to exceed \$2,200,000 in addition to the appropriations herein and heretofore made.

Mr. WHALEY. Mr. Chairman, I offer the following amend-

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Whaley: Page 5, line 20, after the word "arsenals," strike out "\$9,231,000" and insert "\$19,231,000"; and after the colon insert the following: "\$10,000,000 of which to purchase 16-inch guns for the fortification of the south Atlantic and Gulf

Mr. WHALEY. Mr. Chairman, I want to vote for this bill, but I do not see my way clear to vote for it unless some specific provision is put in it to provide for the proper fortification of the South Atlantic and the Gulf coasts. I voted for the fortification bill last year, carrying \$42,000,000; I am asked to vote for a bill carrying \$61,000,000 to-day, and yet I am informed—and I get my information from the best sources I can, but I must admit to this committee they are not the most satisfactory, because I can not find where to get clear and accurate information about the fortifications of this country and where this money goes to-that a most insignificant portion of this appropriation is for the fortification of the South Atlantic and the Gulf coasts.

Now, I am not opposed to the fortification of the North Atlantic. I want it defended. I believe it should be. I believe the Pacific coast should be defended. I believe in having the best fortifications in the world on all our entire coast line. But I can not get into my head the reason why in a stretch on the Atlantic and Gulf coasts of 2,500 miles a thousand miles of that coast should be fortified, from the Canadian line to Mexico, and yet 1,500 miles, from the Chesapeake Bay to the Rio Grande, should not be properly fortified. The report accompanying this bill shows there is to be spent from the Chesapeake Bay down to the Rio Grande an insignificant amount of \$150,000 to fix two carriages for two guns at the port of Charleston and a small amount to fix the embankments of Fort St. Philip, at the mouth of the Mississippi.

Mr. Chairman, I was informed by an officer who commanded the Department of the South Atlantic Coast Artillery District that the forts are practically worthless for defense against large battleships. I know the forts in my district have two 12-inch guns, the carriages of which are so defective and worthless that an appropriation is carried in this bill to supply new carriages, and the chairman of the committee admitted on Saturday last that it would take about 18 months to get the

carriages Mr. SHERLEY. But I did not admit they were worthless down there now.

Mr. WHALEY. I made that statement.
Mr. SHERLEY. I do not want to be misunderstood in that

Mr. WHALEY. Now, Mr. Chairman, I believe that the chairman of the committee made the statement on Saturday that the reason they were fortifying the North Atlantic coast was because of the munition plants in that section. I think that is proper. I think it ought to be defended, not only on account of population but because of the munition plants. But the South Atlantic coast and the Gulf coast should be fortified also, for the reason we also have millions of munition plants. Every stalk of cotton in the fields is a munition plant, for without the cotton you could not have high explosives.

I believe in fortifications. I believe we ought to have the best

in the world, but I believe we ought to also fortify this whole country and not two-thirds of it. There is no use in fortifying the North and the West and not the South. If the next fight is going to be in the Caribbean Sea, as every naval officer claims, and should we be defeated, then the harbors on the southern coast would be attacked and may be captured as a base.

Mr. MILLER of Delaware. Will the gentleman yield?

Mr. WHALEY. I will.

Mr. MILLER of Delaware. Is it not true that if the plans go through for the Charleston Navy Yard the fortification of

Charleston Harbor is all the more needed?

Mr. WHALEY. There is no question about that. But I am not asking it solely for the port of Charleston. The city of Charleston has been attacked in every war this country has ever had, from the Indian days on, but never captured. In the Spanish-American War there was found among Cervera's papers, I am informed, a plan for attacking the port of Charleston. Yet the officer in charge of those forts told me that there is not a gun that can reach within 3 miles of a battleship off that coast, and the guns on the Queen Elizabeth would carry 3 miles beyond that port. But I am not asking it for my home coast solely. I am asking it for the whole South Atlantic coast and the Gulf coast. They ought to be fortified. There is not a single 14-inch gun down there; there is not a single 16-inch gun there. I assert that if it is necessary for us to put out \$100,-000,000 for big guns to fortify the North Atlantic and the Pacific, we ought to put out \$10,000,000 more and place 16-inch guns on the South Atlantic and the Gulf coasts. Mr. Chairman, on Saturday afternoon-

The CHAIRMAN. The time of the gentleman from South

Carolina has expired

Mr. WHALEY. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent for two minutes more. Is there objection?

[After a pause.] The Chair hears none.

Mr. WHALEY. Now, Mr. Chairman, on Saturday afternoon I asked the distinguished chairman of this committee if the \$150,000 carried in this bill was in addition to what was proposed to be done at my forts last year, and he told me that nothing was proposed for my forts last year, but it was all in this year's bill. I quote to him what he said to me on the floor of the House last year. I find on page 9489, on June 13, 1916, the following:

Mr. Whaley. Is there any provision made in the report for the defense on the South Atlantic?

Mr. Sherley. There are a great many places upon the South Atlantic where they contemplate that additions will be made, some not of great moment and some of considerable moment.

At the Charleston Harbor, in which the gentleman doubtiess is interested, it is proposed to make a change by adding some long-range rifles and some long-range mortars, as well as changing the mounts of some of the existing armament.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield there?

Mr. WHALEY. Yes. Mr. SHERLEY. I was talking about the project, not about what was there.

Mr. WHALEY. Well, that is the reason why I am offering the amendment. There is still no way of knowing what we the amendment. are going to get.

Mr. SHERLEY. I was only trying to give the gentleman in-

formation. I can not do more than that.

Mr. WHALEY. I say we ought to have something in the bill that would let us know "where we are at," and not projects only. Last year I was interested in my harbor, and I asked what we were going to get, and subsequently I asked the com-manding officer of the Coast Artillery, Gen. Weaver, about it, and he said they were going to fix the two carriages at a cost of about \$110,000. Yet they have not been fixed, and this year I am informed the carriages of two 12-inch guns are now provided for for the first time.

The CHAIRMAN. The time of the gentleman from South

Carolina has again expired.

Mr. SHERLEY. Mr. Chairman, it is perfectly natural that the gentleman, responding to sincere beliefs of his locality touching the needs of that locality, should be impatient relative to the work that is being done in connection with the fortifications of America. But while that is natural, it is no reason for the House to disregard the absolute practice that has been followed since the beginning of providing for fortifications, not as the result of locality pressure, but as the result of studies by those best qualified to determine the needs of the various localities.

The gentleman's whole argument is based on a wrong assumption, and that is that the condition of the southern fortifications is such as to make them totally worthless. I deny it. I have repeatedly stated that this country, in my judgment, was the best fortified country in the world. I think that statement is best fortified country in the world. I think that statement is well within the bounds of fact. But it was necessary, in order to meet the increased range of guns on modern battleships and the increased volume, at some places to place guns with longer range, and at some places to add to the amount of fire that

could be had at those fortifications.

Now, what does the gentleman propose? He proposes the placing of a lot of 16-inch guns South. With the exception of Cape Henry, that is in the direct teeth of the recommendation of the Beard of Review touching the fortifications in the South. The gentleman seems to think that it is the purpose of fortifications to protect all of the coast line. I have endeavored for years to call to the committee's attention the fact that fortifications had no such purpose; that they were intended to protect certain areas where it was not permissible to permit an enemy to land or permit the damage that might be done by bombardment.

Now, if I wanted to meet the gentleman's argument as to the neglect of the South, I might call attention to the fact that in Massachusetts there are two harbors without any fortifications

with more population-

Mr. RAGSDALE. Mr. Chairman, will the gentleman permit

an interruption there?

Mr. SHERLEY. Not at this moment; two harbors that together have more population, more wealth to be protected than exists at most any southern ports excepting New Orleans and Galveston, and yet it is not proposed now or in the future to place fortifications there. I refer to Gloucester and to Salem, Mass., both of which have deep harbors and both of which are without fortifications of any kind. I would oppose a proposal to fortify either of those places.

Mr. WHALEY. What is the depth of water at those ports? Mr. SHERLEY. I have it here. It is sufficient for battle-The harbors in many respects are superior to the harbor at Charleston.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. GARDNER. Both cities are in my district, and battleships often do come into Salem Harbor,

Mr. SHERLEY. Now I will yield to the gentleman from

South Carolina.

Mr. RAGSDALE. Would there be any more justification for a very large increase at Charleston than there would be for a reasonable defense at Georgetown, S. C.?

Mr. SHERLEY. I have not looked into Georgetown, S. C., so

that I can not answer the gentleman.

Mr. MILLER of Delaware. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. MILLER of Delaware. Does not the gentleman from South Carolina [Mr. RAGSDALE] know that there is a navy yard at Charleston? There is none at Georgetown.

Mr. RAGSDALE. A fleet ought to be able to defend itself at a

navy yard, should it not?

Mr. SHERLEY. Mr. Chairman, what I want to emphasize is this, that we can not afford to put up our individual judgments as to when and where the moneys should be expended in connection with seacoast fortifications. If we do, we will mar the

Now, I appreciate the gentleman's viewpoint, although I do not agree with him. I have no reason to discriminate against the South. As I said on Saturday, I am a southern man. If I permitted a matter of feeling and sentiment to control me, it would certainly be in favor of the South as against the North. But in matters of this kind I literally know no North and no South. And I do know this: That if you will take Government activities to be protected, areas of population to be protected by southern fortifications; if you will take the amount of wealth in those areas. although the South has received and will receive, when the whole scheme is finished, only about one-half of what the North Atlantic

has, yet for Government activities, population, and wealth, it has received a greater proportion than the North Atlantic has. Those are the facts. When you consider what is involved in fortifications, when you look at it not simply as a proposition of spending so much money at certain places but a plan, having in mind the accomplishment of certain things

Mr. BYRNES of South Carolina. Mr. Chairman, will the

gentleman vield?

Mr. SHERLEY. In a moment. Then you will realize that there is no discrimination. Now I yield to the gentleman.

Mr. BYRNES of South Carolina. I do not desire to offer any

amendment. I simply want some information about this sub-ject under discussion. At Port Royal, in my district, there is located Fort Fremont. It has one gun. My information is that the department took the position that because it had only one gun there was no reason for having any men there to fire that gun; that if they had two guns, they would then send a company there to man that fort. Can the gentleman tell me why, if it is necessary from a strategic standpoint to establish a fort and to have one gun there, they should leave it in charge of a caretaker? And how can the gentleman reconcile that with the proper defense of the port?

Mr. SHERLEY. Very easily. The defenses there were placed there at the time there was a navy yard there, for the defense of the navy yard. When the navy yard was removed to Charleston, there was no particular reason for defending Port Royal, and the gentleman ought to feel grateful that they

did not take the gun away.

Mr. BYRNES of South Carolina. I have no use for the gun. Does not the gentleman think that if the gun will shoot, they ought to take it away and put it in some other fort, instead of leaving it there in the hands of the caretaker?

Mr. SHERLEY. I would certainly put it where it was of use rather than leave it at a place where it is not now needed.

Mr. BYRNES of South Carolina. Does not the gentleman

think that if there is no one there to shoot the gun, it will get rusty?

Mr. SHERLEY. No; they have a caretaker who will prevent

Mr. BYRNES of South Carolina. Can the caretaker fire the

Mr. SHERLEY. No; he just oils the gun. Mr. WHALEY. The gentleman stated that coast defenses were not for the purpose solely of protecting the whole coast, but only for the purpose of protecting certain localities. ship can lie off a fort, out of range of the guns of the fort and destroy the fort, what is the use of the fort?

Mr. SHERLEY. None, if that statement be true. Mr. WHALEY. The information given to me by Coast Artillery experts who have had charge of the fort is that that very thing could be done, and I happened to see a map up in Gen. Weaver's office which seemed to show it. That is my information. If the gentleman can tell me where I can get any better information, I shall be glad to get it.

Mr. SHERLEY. The gentleman and I have had this matter out at length, and I am not going to convince him and he is

not going to convince me.

Mr. WHALEY. I want to get information. Mr. SHERLEY. What information I hav What information I have is available to the gentleman, and I will say to him in candor and in frankness that I have undertaken to supply him with information touching Charleston, and to obtain information in greater degree with reference to Charleston than I have had occasion to do for any other place in America, or out of it, and I regret exceedingly if I have failed to show the gentleman every possible consideration in enabling him to get at the facts, as I have undertaken to do. There ought to be certain things done at Charleston, and certain things will be done, but Charleston is not a place of primary importance; and doing my duty as I see it, and being able to appropriate only given sums we can not go forward at Charleston prior to taking care of other matters which I think are more important to finish. I think it is more important to finish at the capes of the Chesapeake, and to finish New York, than all the other fortifications and improvements that are suggested for all the other fortifications in America. Believing this as I do, until this committee and the Congress override me I shall insist on following the judgment of the men who have worked over this scheme and who have considered the claims of Charleston. For us now to put in here \$10,000,000 to build 16-inch guns that could not be started for three or four years would be simply to tie up that much money in the Treasury and do a thing that could not be warranted on any consideration.

Mr. SISSON. Mr. Chairman, most of us, of course, are neophites on guns and fortifications. I know nothing about the

technical proposition that this board have in mind who outlined the fortifications; but there are in round numbers about 2,500 miles of seacoast from Fort McHenry around Florida and the Gulf coast to Mexico. About \$61,000,000 are carried in this the Gulf coast to Mexico. About \$61,000,000 are carried in this bill. As best I can estimate the amount to be spent on that enormous coast line south of Cape Henry for fortifications it will be in the neighborhood of something less than \$2,000,000. Of course, you must take into consideration the property protected and the strategic value of the point of landing, but it is inconceivable to me that there should be so little spent for the protection of 2,500 miles of seacoast nearest the point at which, according to the testimony of the payal officers and the Army according to the testimony of the naval officers and the Army officers before the various committees, a sea fight will more than likely take place; that is, somewhere in the Gulf or the Caribbean Sea. They say this is more than likely for two reasons; one, a contest over the control of the canal, but primarily, perhaps, for the reason that owing to the great number of islands in the Caribbean Sea and at the mouth of the Gulf, a foreign fleet would have a splendid base of supplies, which would not be afforded in other portions of the Atlantic Ocean. Those seem to be the reasons that prompt the conclusion that the contest for naval supremacy will take place somewhere in the Caribbean Sea. In the event of our fleet being overcome, that being our first line of defense, we have virtually 2,500 miles of coast which would be practically without defense, because the defenses are so far apart and so feeble in character that the enemy would virtually be given an unlimited stretch of territory within which to select a landing place.

Mr. SHERLEY. Will the gentleman permit me?

Mr. SISSON. In a moment.

Mr. SHERLEY. Right at that point.

Mr. SISSON. Yes. Mr. SHERLEY. You will find some great stretches in the North Atlantic that are not fortified at all.

Mr. SISSON. Not such long stretches.
Mr. SHERLEY. Oh, yes; and better places to land.
Mr. SISSON. Not such long stretches, unless the maps are either stretched out down South or shrunken up in New Eng-

Now, I have no objection on earth to the coast being fortified. I think a man's vision is extremely narrow when he opposes national defense upon the ground that one section of the country, the West or the South, should be fortified to the neglect of any other section of the country. It may be a reflection upon my knowledge of fortifications, but still I am at a loss to know how you may spend \$40,000,000 from Maine to Fort McHenry and less than \$2,000,000 on more than twice as much coast line

Mr. SHERLEY. Will the gentleman yield there?

Mr. SISSON. Yes.
Mr. SHERLEY. The whole scheme for the north Atlantic, not this bill but all of it now, contemplates only \$19,000,000. The gentleman talks about spending \$40,000,000 in this bill for the north Atlantic.

I am speaking of south of Fort McHenry. Mr. SISSON.

Mr. SHERLEY. And I am talking about the division of the north and the south.

Mr. SISSON. To be frank, I am a member of the committee, and I have been endeavoring to find out how much would be spent from Fort McHenry south on the coast of Florida and around the Gulf coast.

Mr. SHERLEY. I do not know; but take the whole Pacific, there have been \$17,751,850 spent, and you have a stretch all the way from San Diego to San Francisco without a fortification, and from San Francisco to Puget Sound without a fortification.

Mr. SISSON. You have the south Atlantic fortifications, and nearly all the money expended is around the mouth of the Potomac and Chesapeake Bay.

Mr. SHERLEY. The gentleman is mistaken about that. Mr. SISSON. I understand that they outline and recommend the expenditure by this board. The bill does not say where the money is to be expended. It may be wise to appropriate money

Mr. SHERLEY. I could give the gentleman the exact amount spent for every fortification up and down the coast up to June

Mr. SISSON. From how far back?

Mr. SISSON. From how far back? Mr. SHERLEY. Going back to the beginning—Galveston, \$3,520,379. That per capita is infinitely greater than any fortification anywhere that America has built. New Orleans, \$1,237,-112; Mobile, \$2,436,913; Pensacola, \$2,417,755; Tampa, \$954,251; Key West, \$1,619,810; Savannah, \$1,145,795; Port Royal, \$359,-529; Charleston, \$2,245,306; Cape Fear, \$1,309,290; Hampton Roads, \$3,568,972; Cape Henry, so far, \$185,532; Washington, \$1,646,600. These are all southern fortifications.

Mr. MILLER of Minnesota. Can the gentleman state what place ought to be fortified that is not?

Mr. SISSON. And still that does not amount to much.
Mr. MILLER of Minnesota. Every place in the South has been properly fortified.

Mr. SISSON. That does not amount to anything. You are spending \$60,000,000 for fortifications, but it does not mean anything to say that from the beginning so much money has been expended on fortifications.

Mr. SHERLEY. If the gentleman will permit, I will tell him what it is proposed to spend, and after that I think I have given him all the information that anybody could ask for.

Mr. SISSON. The chairman of the committee knows that what I am stating is no personal criticism on him or his committee.

Mr. SHERLEY. I will give the gentleman now what we propose to spend:

Galveston, \$1,057,850; New Orleans, \$2,370,200; Mobile, \$185,-

753; Pensacola, \$574,125; Tampa, \$147,600; Key West, \$157,651.
Savannah, \$151,725. Charleston, \$183,820. And since then there has been an addition contemplating about \$300,000. Cape Fear, \$124,115. Cape Henry, \$4,851,750. Fort Monroe, \$116,150. Washington—that is, the Potomac, \$145,662; and then the proportionate part of \$29,674,000 which goes for ammunition.

Mr. SISSON. That information, Mr. Chairman, was informa-

tion that I wanted to get.

I am, of course, only asking that in the fortifications, irrespective of where the money is spent, all of the coast be treated alike. That is the position which I have taken heretofore in the committee, and this is the first time I have taken occasion to say anything or make any explanation on the floor, because I had the information and felt that all these gentlemen who were making recommendations about fortifications were endeavoring to do their best to give the country the best possible protection. I feel so now. I am glad to know that the southern coast will be fortified because of the extreme importance of the Mississippi River. As I started to say when interrupted a moment ago, the extreme importance of the great lines that connect Chicago and Cincinnati and all the great graineries of the West with the southern coast would enable any country who got control of one of these railroads, control of the rolling stock, to do a great deal of damage to the country. I take it without knowing much about military defenses that the Army would not venture very far from a strong fortification, taking a chance of our Army getting between them and the fort. So in making this statement to-day I do it to call attention to the fact that in preceding years, for four or five years, practically nothing has been done for this coast of 2,500 miles.

Mr. SHERLEY. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. SHERLEY. That is also true as to the North. We were not doing anything except for the Pacific coast and for the insu-

Mr. SISSON. I am not stating that in the nature of a criticism, because in taking up the general schemes throughout the country a great deal of money was expended on other coasts of the country, and some of the newspapers of the South have been calling attention to it, and I think it is due to these people and it is due to their representatives here, and due to the entire country, that the statement should be made that there is no intention on the part of those who have charge of the general scheme of fortifications to in any wise neglect any section of the country.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and all amendments thereto

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that all debate on this paragraph and all amendments thereto close in 20 minutes. Is there objection?

There was no objection.

Mr. WEBB. Mr. Chairman, I ask unanimous consent to insert in the Record a statement by Hon. Zebulon B. Weaver, giving his side of the election controversy between himself and the Hon. J. J. Britt, Representative Britt having made a statement.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit, I think he should make that request in the House, because if he makes it now in the committee, the remarks will have to go into the proceedings of the debate on this bill.

Mr. WEBB. I understand that they will go into the back of the RECORD.

Mr. SHERLEY. No; I think the gentleman is mistaken about that.

Mr. MILLER of Minnesota. Is this in reply to what Mr. BRITT said?

Mr. WEBB. Something in the nature of a reply. It is a statement of his side of the question and is perfectly temperate

Mr. TILSON. Mr. Chairman, reserving the right to object, I have no objection to the statement being inserted in the RECORD, but the only objection would be to have it go in at this point, as is suggested by the gentleman from Kentucky [Mr. Sherley].
For my own information I would like to know where these extended remarks finally land in the permanent edition of the RECORD. In the temporary daily edition we find them in the back of the Record from day to day.

Mr. STAFFORD. Sometimes and sometimes not.

Mr. TILSON. When it is a pure extension and when no remarks have been made I think that is the usual practice. Whether in the permanent edition of the RECORD these extensions of the remarks finally land in the midst of the proceedings of the day at the point where they are inserted under leave to print, I should like to know for my own information.

Mr. WEBB. Mr. Chairman, I do not know that I can answer the gentleman's question, but my purpose is, of course, to have this placed in the back of the RECORD as a distinct extension of remarks. I do not know where it goes in the permanent

RECORD, but it should go into the Appendix.

Mr. SHERLEY. Mr. Chairman, I hope we may proceed, for

I desire to finish the bill to-day.

Mr. FESS. Frequently I notice in the RECORD a statement that unanimous consent to extend the remarks is granted, and then another statement that the extension would be found at another place in the Record of that day.

The CHAIRMAN. The Chair will state that it is informed that these remarks go to the back of the Record, but the gentleman from North Carolina can make his request that they be there inserted.

Mr. WEBB. That is what I desire.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the statement presented by him be printed in the back of the daily RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from South Carolina [Mr. WHALEY]. Mr. GARDNER. Mr. Chairman, I rise to oppose the amendment of the gentleman from South Carolina [Mr. Whalky], although I think there is some justice in what he says about that particular case of Charleston. As to this question of extending to the whole South an extra appropriation of \$10,000,000, I agree entirely with the gentleman from Kentucky [Mr. Sherley], who says these matters should not be matters of sectionalism, that the defense of the Nation should be considered. I have before me a letter from Admiral Dewey dated December 10, 1915, and addressed to me. Admiral Dewey differed quite materially in his views of the strategy of naval warfare from the gentleman from Georgia [Mr. Howard], but I have no doubt that the admiral was wrong. The admiral declared that there is very great danger of a landing being made in various parts of our coast between the guns of our fortifications, as it is obvious that our fortifications can not cover much more than 200 miles with their guns. I am going to read part of the admiral's letter. It is printed on page 419 of the Record for the Sixty-fourth Congress, first session, under date of December 17, 1915. The letter itself is dated December

10, 1915. Admiral Dewey says:

Admiral Dewey says:

In saying that a hostile expedition can land upon our coast at will, outside the range of our coast-defense guns, I mean that it is physically possible and with no very great difficulty. I do not mean that such a force could accomplish its object by landing anywhere on our coast. No commander would desire to have his force isolated on the peninsulas of Maine nor on the sand dunes of New Jersey, Delaware, Maryland, or Virginia, with inland waters between them and the mainland. They will prefer to land where there are railroads and good roads leading to their objective, which would probably be one of our large cities. Such places are numerous along the coast of Massachusetts, both shores of Massachusetts Bay, the eastern end and south shore of Long Island, and in the Delaware and Chesapeake Bays.

A landing place sheitered from the force of the sea would greatly facilitate the disembarkation of a hostile force, but is not a vital necessity. Such sheltered places are too namerous to name, but among them are Frenchmans Bay, Penobscot Bay, Blue Hill Bay, Sheepscott River, Casco Bay in Maine, Rockport, Gloucester, Salem, Plymouth, Provincetown, Vineyard Sound, and Buzzards Bay in Massachusetts, Fort Pond Bay, and then to the southward Delaware and Chesapeake Bays. Only the Navy can prevent landings at those places, and that Navy must be strong enough to defeat the enemy; and should we have such a Navy the enemy would not attempt an invasion as long as it remained in existence.

Of those landing places, Rockport, Gloucester, and Salem are all in my district. The gentleman in charge of this bill has just told the committee that the harbors of Gloucester and Salem are more exposed and in combination have a greater population and more wealth to protect than is the case with Charleston,

S. C., and that neither of them has the slightest military protection. I have been in Congress now for 15 years. never asked for a cent of military protection for those places or for any other city or place in my district. The gentleman from Georgia [Mr. Howard] was totally incorrect in the remarks he

Mr. HOWARD. Mr. Chairman, to keep the RECORD square, so that there will not be any mistake about it, I never said that the gentleman from Massachusetts [Mr. GARDNER] ever asked for any particular appropriation for anything. I admit, for the sake of the argument, that he goes at it blindly; he just asks for any amount for anything anywhere that is an expenditure for what he calls preparedness. I was trying to present my own views to the committee that this was an unbalanced preparedness. Now, that does not alter the case. The gentleman's statement about Admiral Dewey, attempting to make it appear that I put my judgment against that of a great admiral like the lamented Dewey—well, here is what I do say and I reiterate it, and Admiral Dewey's letter does not dispute it; and with the great knowledge of these matters possessed by the gentleman from Massachusetts [Mr. Gardner] he will not deny this statement, I am pretty certain: That, with the exception at the Dardanelles and the frontier of Belgium, not a single fortification of the coasts of belligerent countries have belched forth a single shot during the whole European war, and I gave my reasons for it. The reason I stated for it is that they are using mines and submarines, and these fortifications have become obsolete as against such instruments of warfare, and I reiterate that.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. HOWARD. I have only five minutes; yes.
Mr. MILLER of Minnesota. Suppose, for instance, the
British fleet should be destroyed and Germany and Austria
suddenly got command of the sea, then what would be the result there?

Mr. HOWARD. Let me say to the gentleman, if that thing

happens and they destroy our Navy and drag our mines and annihilate our land forces, may God have mercy upon us.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. HOWARD. In just a moment. Let me make myself clear. I am not going into this preparedness net blindly. I am going to make myself clear on this thing, if I have not already done so. I remarked about this matter because I said I did not think it was fair and I do not think so yet, that the seaboard cities on the south Atlantic and the Gulf coast should be left absolutely unprotected, and I give, I think, a logical reason for it. We have gotten beyond many things in the South. My gracious, we have got beyond the wearing of long shirts and going barefooted and bareheaded. We are folks just about as good and as independent as anyone.

Mr. SHERLEY. Will the gentleman name me a place, a

southern port, where it is left unprotected?

Mr. HOWARD. Oh, I mean according to the theory that this lot of experts have promulgated, that all our guns are smooth bored, that they have got no range and can not defend us which I hear on the floor all the time, with which you could not kill a bull bat sitting on the end of one of them, that they are no good, that they are obsolete.

Mr. SHERLEY. Will the gentleman permit again?

Mr. HOWARD. Yes.

Mr. SHERLEY. I read a few moments ago in the gentleman's absence a long table of amounts of money expended at southern ports. It is not fair, I submit to the gentleman, to let it go out to the country that a review of the fortifications of America omitted to provide for southern ports.

Mr. HOWARD. Well, the gentleman from Massachusetts made an argument a few moments ago, that there was great wealth and population along there, that those people ought to be protected, and I entirely agree to it, that is all right, but that does not destroy the argument that the man living in a city of 150,000 inhabitants can get just as scared as a man living in a city of 1,000,000 inhabitants as far as that is concerned,

and his property and life is just as dear and sacred.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOWARD. Mr. Chairman, I would ask for one minute

The CHAIRMAN. The debate, under agreement of the committee, has been limited. The permanent chairman requested the temporary chairman to recognize the gentleman from Min-

nesota [Mr. Miller].
Mr. Miller of Minnesota. Mr. Chairman, I am very sorry this debate has turned somewhat upon sectional thought. can not for any reason see why any individual or group of individuals should lament because they are not receiving great appropriations in the way of coast defenses, unless it is on the

theory that the fortifications are somewhat in the nature of a pork-barrel proposition. Thank God, that has never yet been the idea in making appropriations for coast fortifications thus far, and I hope it never will. It has been the curse of one branch of our Military Establishment, if I can use the term "military establishment" in that connection. In the matter of establishing naval stations pull and pork apparently once controlled. From Maine to Galveston there have been established some 13 stations, and our naval men have long been saying that not more than three are needed. Now, that resulted in everybody getting a part. Save us from that wherever we can be saved! It is not a question of what they may receive nor is it a question about placing some guns big enough to keep off an enemy that may land. The town that I live in has not had anybody here to speak for it on account of its size or on account of its commerce. The fact is that the commerce that goes in and out of the city of Duluth Harbor is 50 times that which goes in and out of the city of Galveston, and if you will put the combined commerce of Galveston, New Orleans, Charleston, Savannah, and Pensacola all together, you will find that Duluth's commerce is greater. We, however, do not want you to send any guns there to protect us.

Mr. RAGSDALE. Will the gentleman yield for a question?

Mr. MILLER of Minnesota. I have only five minutes.

Mr. RAGSDALE. I will say to the control of the sent to the sent to

Mr. RAGSDALE. I will say to the gentleman you can not fortify Duluth under the agreement between the United States and Great Britain.

and Great Britain.

Mr. MILLER of Minnesota. I say we are not asking for it, whether treaties are scraps of paper or whether they are not. This one thing further, Mr. Chairman: It seems to me that the gentleman from Kentucky affirmatively established that every section in the South that has a city at all on a sea coast and one that should be defended, that it has already been cared for or will be cared for in this bill. And as some of the newspapers in the South have been raising a hue and cry on this subject I hope they are now satisfied and will forever be still. There is just one principle, certainly, that should govern in building fortifications, namely, to intrust those with military knowledge of the subject with the power and the authority to make such distribution as will protect our country as a whole.

If we ever go to war, it will not be South Carolina and Georgia going to war. It will be the entire United States. enemy can land at Charleston, or Galveston, or New Orleans, the boys in Minnesota will be down there fighting and bleeding with the boys from South Carolina and the other States, and likewise, if they should land in Massachusetts, from the Southland will come the defenders. The defense of the United States is a national project, and let us carry it on as it has thus far been carried, as a national project, with a view to giving the Nation as a whole that defense from the common enemy that all our people require. [Applause.]

Mr. DUPRÉ. Will the gentleman yield?

Mr. MILLER of Minnesota. I will.

Mr. DUPRÉ. In regard to the statement the gentleman has made concerning naval stations on the South Atlantic and the Gulf coasts, I would like to ask him if he has heard the recent report of the Helm Board on that subject? If not, I would recommend it to his attention for perusal.

Mr. MILLER of Minnesota. I have not read that, but many

Mr. DUPRÉ. The gentleman ought to get some information on the subject

Mr. MILLER of Minnesota. I do not want to read a report from a set of people who want more "pork" spread around.

Mr. DUPRÉ. Does the gentleman in that statement refer to the naval officers?

Mr. TOWNER. I would like to ask the chairman of the committee what appropriation was made in the last bill, for 16-inch

guns, if he can tell the committee?

Mr. SHERLEY. Yes, sir; I think I can tell you. Last year we made appropriations looking to the building of four 16-inch guns for Cape Henry and two 16-inch guns for Rockaway Beach, and that was all in the way of 16-inch guns.

Mr. TOWNER. None of those have been completed?

Mr. SHERLEY. No.
Mr. TOWNER. And it takes, as the gentleman informed us Saturday, from four to six years to secure the completion of 16-inch guns?

Mr. SHERLEY. No; I would not say it would take that long to complete the guns. I said it took, unfortunately, that long before guns and carriages were made, tested, assembled, and mounted on the emplacements and turned over to the Coast Artillery.

Mr. TOWNER. That is, of course, what I mean, too.

Mr. SHERLEY. When the gentleman said "make guns" I thought he was speaking technically. The gun is one thing and the fortification is another.

Mr. TOWNER. Can the gentleman tell us how many 16-inch

guns are provided by this appropriation?

Mr. SHERLEY. Yes. This year we are providing for the construction of two 16-inch guns for Rockaway Beach and two 6-inch guns for Puget Sound.

Mr. TOWNER. Is that all? Just the four?

Mr. SHERLEY. Yes. Sixteen-inch guns now.

Mr. TOWNER, Yes. Mr. SHERLEY. But we are providing for a lot of 16-inch mortars; we are providing for a number of other guns, and for

carriages for other guns.

Mr. TOWNER. Now, I would like to ask the chairman this question. This appropriation was made for last year for these 16-inch guns that were not completed. Now, why is it necessary to include in this appropriation four 16-inch guns that can not possibly be completed within the next year?

Mr. SHERLEY. So that they can be started.

Mr. TOWNER. Does it need a complete appropriation of money for the completion of the guns to be made at this time?

Mr. SHERLEY. Does the gentleman know any authority by which the ordnance department can contract for a 16-inch gun, or can start to build it, unless they have the money for it, or have been authorized to contract?

Mr. TOWNER. This thought, I will say to the chairman, I have in mind: You have on hand and unexpended as an appropriation for 16-inch guns quite a large amount of money. Can not you use that?

Mr. SHERLEY. Oh, no; we have not. Mr. TOWNER. You have not?

Mr. SHERLEY. No.
Mr. TOWNER. I did not know—
Mr. SHERLEY. The gentleman is mixing emplacement with guns again. We have a lot of money that we appropriated for emplacements last year that was not expended, for the reasons I gave, but all the money that was for ordnance is either spent, or obligated, or in process of being spent, in connection with the things for which it was appropriated.

Mr. TOWNER. Can the gentleman say to the committee that the \$9,231,000 will be or can be spent within the next fiscal

year?

Mr. SHERLEY. If I did not think so, I would not recommend it. I think every penny of it will be spent or so obligated that its expenditure will be a matter of a very short time thereafter.

Mr. TOWNER. I will say to the gentleman that there is a feeling, which I share myself, among Members of the House that we are making larger authorizations and appropriations

than can possibly be used during the fiscal year.

Mr. SHERLEY. I do not share that, but I commend the gentleman from Massachusetts [Mr. GARDNER] to the gentleman from Iowa. He seems to think that we are not doing it fast enough.

Mr. TOWNER. Well, I do not desire to consider that proposition.

Mr. SHERLEY. Seriously and frankly, I will say to the gentleman that the committee has endeavored to do this, gentleman that the committee has endeavered dollar they can namely, to give to the ordnance people every dollar they can namely, to give to the ordnance people every dollar more. The properly use in the next year and not a dollar more. reason I refer to the ordnance people is because their activity determines the rapidity of completion of the fortifications.

The slowest thing is getting the armament.

Mr. TOWNER. Mr. Chairman, I think all of us feel that the delay that is manifest in the completion of all of these matters of armament is seriously to be regretted. If this money is expended, it ought to be expended, it seems to me, speedily, so that it will bring quicker results than are contemplated.

The CHAIRMAN. The time of the gentleman from Iowa

has expired. The question is on agreeing to the amendment.

Mr. MILLER of Delaware. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will again be reported.

Amendment by Mr. WHALEY: Page 5, line 20, after the word "arsenals," strike out "\$9,231,000" and insert "\$19,231,000"; and after the colon insert the following: "\$10,000,000 of which to purchase 16-inch guns for the fortification of the South Atlantic and Gulf coasts."

The CHAIRMAN. The question is on agreeing to the amendment just read.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

For purchase, manufacture, and test of ammunition for seacoast cannon, and for modernizing projectiles on hand, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals, \$10,940,000: Provided, That the Chief of Ordnance, United States Army, is authorized to enter into contracts or otherwise incur obligations for the purposes above mentioned not to exceed \$2,000,000, in addition to the appropriations herein and heretofore made.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. GARDNER. I do so for the purpose of asking the chairman of the committee a question. Perhaps it does not come in very well in this part of the bill. The minority of the Committee on Ways and Means have just been called together, so that I can not ask the question later. Will the gentleman tell me what has been done about the John Hays Hammond, jr., dirigible torpedo?

Mr. SHERLEY. I made a statement on Saturday about it. The joint board has been appointed: They have furnished Mr. Hammond with an aeroplane and with a number of fast vessels, and it is expected that the final test will be had very

shortly.

The CHAIRMAN. Without objection the pro forma amend-

ment will be withdrawn.

Mr. GARDNER, I ask unanimous consent to extend my

remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection. Mr. FESS. Mr. Chairman, I move to strike out the last two words, in order to ask a question of the gentleman from Ken-

The CHAIRMAN. The gentleman from Ohio moves to strike

out the last two words.

There have been some positive statements made Mr. FESS. here on the floor to the effect that the European war has proved the stationary fortification to be of no use. I have not the facts, although I have been a pretty careful reader of what has gone on over there. But I do not know of a place where the stationary fortifications were proved to be of no

Mr. SHERLEY. I think the gentleman is correct. take was made by confusing interior land fortifications with seacoast fortifications. The fortification at Liege was intended to resist attack by a mobile army, and at that time it was not believed that mobile guns of very much greater caliber than 7 inches could be brought against it, and it was built with steel coverings to withstand a bombardment from guns of that size. The Germans sprang a surprise on them and brought forward much heavier guns and smashed the fortification to pieces. The only test in the European war of seacoast fortifications was that in connection with the Dardanelles. There was proved the assertion that I had made, that there had been no instance in modern warfare in which a modern seacoast fortification had been subdued from the sea. The gentleman, of course, recalls the campaign that was conducted at the Dardanelles?

Mr. FESS. Yes.

Mr. SHERLEY. It might have succeeded, not by the reduction of those forts by the ships, but if at the time England sent her fleet there she had had a mobile army to have immediately landed, it is possible that from the land she might have captured those fortifications. She attempted that several days later, but in the meantime the Turkish Army had strengthened itself, and the result was that the campaign was disastrous.

Mr. FESS. That Gallipoli campaign will always stand as a

failure on the part of the allies.

Mr. SHERLEY. The value of sea fortifications is shown by the experience at Helgoland. Notwithstanding the fact that England has a fleet superior to the German fleet, and notwithstanding the fact that she is able to maintain a rigid blockade of the German coast, yet she is unable to get at the German fleet except when the German fleet wishes to give battle, because it can lie behind the fortifications of Helgoland, and she dare not attack the fleet behind those fortifications.

Mr. FESS. Nothing in the European war would justify our abandoning anything we have done in the line of coast fortifi-

Mr. SHERLEY. No. I think everything has been to justify our seacoast fortifications.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For construction of seacoast batteries in the Hawaiian Islands, \$720,000.

Mr. MILLER of Minnesota. Mr. Chairman, I would like to ask the gentleman from Kentucky a question.

The CHAIRMAN. The gentleman will be understood as

making a pro forma amendment.

Mr. MILLER of Minnesota. Can the gentleman state to the committee exactly what this sum is to be expended for?

Mr. SHERLEY. Is the gentleman speaking of the \$720,000?

Mr. MILLER of Minnesota. Yes.

Mr. SHERLEY. It is for emplacements for six 12-inch guns mounted on barbette carriages with long-range fire. It will not entirely provide for them, but is all that is now desired.

Mr. MILLER of Minnesota. What is the purpose of mounting

12-inch guns there?

Mr. SHERLEY. Well, the idea is to so place these guns as to encircle the island of Oahu with a fire at least 10,000 yards out from shore, and thereby to prevent battleships from protecting with their secondary batteries the landing of troops.

Mr. MILLER of Minnesota. Is it the purpose to put this fortification about in the center of the island on an elevation

and shoot all around on the horizon?

Mr. SHERLEY. It is the purpose to have three batteries of two guns each. One of those batteries would be reasonably near to Pearl Harbor. One of the batteries would be on the other side of the ridge of which Diamond Head is a part, and the other

battery would be at the other end of the island.

Mr. MILLER of Minnesota. The purpose of this item is to provide protection against the landing of troops, not to keep off

battleships except for a limited distance?

Mr. SHERLEY. The gentleman is right; the idea is to compel battleships, in the event a landing were attempted, to stay more than 10,000 yards away from shore. That would prevent them from doing any effective fire with their secondary batteries, and that would make very much more difficult the landing of troops. For instance, at the Dardanelles the English, when they undertook to land their troops there, ran some of their ships aground, and then they literally covered the land with fire, so as to make impossible the existence of any shore batteries while the troops were landing. It is to prevent that sort of thing that this is

Mr. MILLER of Minnesota. Can the gentleman tell whether the recommendation of this particular kind of defense came in

its inception from the officers of the Army in Hawaii?

Mr. SHERLEY. It did. There have been a number of proposals there, as the gentleman is aware; proposals that ranged all the way from putting mortars all around the island to a program having a certain group of guns in the center. This is the latest project, and it has met with the approval not only of officers who were studying the projects there but of the board

Mr. MILLER of Minnesota. In the remainder of my time I want to state for what it is worth some information that I have received. I have heard this plan very severely criticized by officers of the Army. I do not know whether their views are better than the view of the gentleman, but I do know that they occupy a very high and responsible position in the department and are keenly interested in the defense of our insular possessions, because that has been some of their work.

The CHAIRMAN (Mr. Crisp). The time of the gentleman has

expired.

Mr. MILLER of Minnesota. May I have three minutes more time?

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that his time be extended three minutes. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. I must confess that, offhand, it strikes me that this is not the proper method of procedure, and I want to offer the reasons that have been given me for what they may be worth. There is a beautiful wagon road nearly the whole distance around the island of Oahu. That island is elliptical in shape, or almost round. The available landing places are limited to about two-thirds of the circumference. There is an area to the northeastward where, I understand, it would be practically impossible for any landing party to get a foothold. There is a road around all the rest of the distance. The experience of large armies in the field recently has been that they have been able to move howitzers fully as large as those provided for in this section, to move them rapidly from one point to another for the exact purpose that the gentleman has stated to the committee. And I want to say in that connection further that the Coast Artillery Corps of our own Army has made recent experiments as to the time required to take

9-inch mortars, load them on trucks, transport them a distance of 4, 5, 6, or 10 miles, and the results have been remarkable, showing that this method of defense is certainly well worthy of very careful consideration.

Mr. SHERLEY. But if the gentleman will permit, he is assum-

ing that this method prevents the other.

Mr. MILLER of Minnesota. No; it does not prevent the other at all; but if we spend our money for this we will have no

money left for the other.

Mr. SHERLEY. The amount of money that we are going to have to spend for this purpose is not going to be so great as to interfere with the other. I hope the gentleman is right about that wagon road, though I think he is mistaken, because there is a scheme which they are presenting looking to the spending of \$1,000,000 more to build a part of that very road and some

Mr. MILLER of Minnesota. It is quite possible that the road does not extend as far as it ought to for military purposes, but it extends pretty nearly the whole distance.

Mr. SHERLEY. We carry in this bill \$10,000 for the purpose

of a survey and report about that matter.

Mr. MILLER of Minnesota. I wish to state further in the moment I have remaining that I am glad to see that ample provision is being made to protect Hawaii against land attack or the landing of forces on the islands. When I came back two years ago and had the temerity to suggest some things that had been stated to me in regard to protecting the Hawaiian Islands against the landing of troops, I think I was smiled at; but I remember that that very fall the chairman in charge of this bill had the good judgment in the end to include an appropriation of \$650,000 for that same purpose.

Mr. SHERLEY. If the gentleman will permit me, the thing he had in mind was the Philippines.

Mr. MILLER of Minnesota. Oh, no; I will come to that in just a moment. I had two things at that time that were both-

ering me terribly, that were lying heavily on my soul.

Mr. SHERLEY. I knew the gentleman had more than one, and I am glad to know there were only two; but the one I thought he was particularly emphatic about was the Philip-

Mr. MILLER of Minnesota. Only two in connection with this bill, and one of the two was the situation at Hawaii in regard to its defenses against land attack.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

In the Philippine Islands, \$5,000.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Kentucky [Mr. Sherley] a question. If what he has proposed in this bill for the Hawaiian Islands is a good thing, why is not the same thing good for the Philippine Islands? And now I revert to the other thing that was bothering me terribly when I came

back two years ago.

Mr. SHERLEY. I would be glad if the gentleman would have that debate with the gentleman from Massachusetts [Mr.

GILLETT] and some other members of my committee.

Mr. MILLER of Minnesota. I have always understood and believed that if the gentleman from Kentucky was convinced, two-thirds of the battle was won.

Mr. SHERLEY. Yes; but two-thirds do not constitute a whole, and it takes a whole for the bill.

Mr. MILLER of Minnesota. I understand the gentleman from Kentucky constitutes at least two-thirds of the majority.

Mr. SHERLEY. Oh, no. Mr. MILLER of Minnesota. Without divulging anything that should not be openly talked about, I wish to say that the conditions with respect to the defense of the Philippine Islands apparently remain to-day as they were three years ago.

Mr. SHERLEY. Oh, no, if the gentleman will permit, we

transferred some mortars there.

Mr. MILLER of Minnesota. With the exception of mortars placed on Caballo for the purpose of preventing what did occur

the other day

Mr. SHERLEY. There is still another exception the gentleman ought to make. We provided a great deal of money for digging trenches, and for trails and for barbed-wire entanglements, and for building roads, and for the emplacement of small guns on Corregidor in connection with the land defenses there, or rather defense against landing parties--quite a considerable amount.

Mr. MILLER of Minnesota. That no doubt is necessary and valuable, but the point I brought to the gentleman's attention specifically three years ago was the possibility of attacking Corregidor from the adjacent mainland, and I am sure that the

gentleman from Kentucky did not feel that the position I then took was very well founded.

I want to ask this question: Has the gentleman read the result of the maneuvers that took place to test the very matter I had the privilege of discussing with him?

Mr. SHERLEY. I do not know to what the gentleman refers,

but I think I can safely say that I have not.

Mr. MILLER of Minnesota. They are in the War Department office and they will never come out unless somebody digs

Mr. SHERLEY. I have no doubt about that,

Mr. MILLER of Minnesota. And just what I told the gentleman could occur actually did occur, not theoretically but physically and actually.

Mr. SHERLEY. I do not doubt that, and still I might question the conclusion that the gentleman draws from the report.

Mr. MILLER of Minnesota. If I knock a man down or he knocks me down, somebody is down. If a battery is knocked to pieces, it is knocked to pieces,

Mr. SHERLEY. They did not knock this battery to pieces by

Mr. MILLER of Minnesota. They put a shot right in the place where if another shot had come it would have knocked it to pieces, but they stopped firing. But this certainly is good for Hawaii, and I think the gentleman and his committee has had in mind whether we will always have the Philippine Islands, but I do not think that ought to decide this question. We have expended there between twelve and fourteen million dollars in defending the four islands at the entrance to Manila Bay. we should find that an expenditure of \$500,000 or a million more would make this defense complete, and without the expenditure they are not complete, I think we ought to make the additional expenditure. And by complete I do not mean perfect; all I mean is reasonably complete, that completion which practical conditions require. If these fortifications as they now stand are so incomplete that they are not adapted to the purposes for which they are designed and by the expenditure of a little more in addition we can make them right, it ought to be done. I am still in the hope that the gentleman from Kentucky will call to his committee not several of the geutlemen who are in the department here, high minded as they are, but will call before his committee other men who have views on the subject and are in a better position to know the facts, and let them tell him the

exact situation over there.

Mr. SHERLEY. What to me seems a little bit amusing is the number of things that gentlemen are quite sure the chairman of the subcommittee will do, provided he does some other thing. They seem to have a capacity to read my mind infinitely better than I can read it myself. Let me say, in passing, that there have been recommendations of this kind, but I am not the whole committee. I do not write a bill to suit myself, and it is unfair to constantly criticize because the views of a man are not entirely reflected in a bill. I think the defense of the Philippines is not going to be anything as inadequate as the gentleman from Minnesota thinks unless these additional guns are placed there. Whether that be true or not, I repeat that I represent the judgment of the committee, and in the judgment of the committee they did not feel warranted in recommending moneys to build emplacements for two 12-inch guns on Corregidor, although that is a part of the project as it has been finally

The Clerk read as follows:

For construction of fire-control stations and accessories, including purchase of lands and rights of way, purchase and installation of necessary lines and means of electrical communication, including telephones, dial and other telegraphs, wiring and all special instruments, apparatus and materials, coast signal apparatus, and salaries of electrical experts, engineers, and other necessary employees connected with the use of coast artillery; purchase, manufacture, and test of range finders and other instruments for fire control at the fortifications, and the machinery necessary for their manufacture at the arsenals, \$31,537.

Mr. TILSON. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. TILSON. Mr. Chairman, at this point in the bill last there appeared an item under the heading "Under the Secretary of War," which provided-

For the procurement of such gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including such plans, specifications, and detailed drawings as may be necessary for the immediate manufacture of arms, an munition, and other material necessary for the defense of the country, and for plans for and the installation of such material in private plants in the United States under such contract and agreement as may be made by the Secretary of War, \$1,000,000.

Naturally I felt a very deep interest in that item, because I had introduced a bill which in the form of an amendment went into the national-defense act making such an appropriation in order. This year there is no provision in the bill for that purpose. The gentleman from Kentucky [Mr. Sherley] has explained in general debate the reason why this bill carries no appropriation for that subject. While the explanation is a good one from the standpoint of the committee, nevertheless the situation which it reveals is not at all a satisfactory or a comforting one. The very fact that these necessary appliances have not been secured indicates that there has been difficulty in pro-curing them. That is the fact. There has been great difficulty and it has been shown that under any circumstances it requires considerable time to procure them. And yet the ordnance officers and all others who have studied the subject agree that these appliances are absolutely necessary for the manufacture of arms and ammunition in large quantities. In other words, before we are ready to produce the absolute necessities of a modern war we must have in considerable numbers the very articles named in the item that is here omitted from this bill, and it requires a long time to procure them, as Great Britain has learned to her sorrow.

If we were asked what is the ideal way to prepare this country for national defense along the line of munitions, we might well say, if money were no object, buy and store all the ammunition, all the guns, and other material that we could possibly use in a war. There is perhaps no one in this House who would agree to such a proposition. The amount of money it would cost would be so great that it would be entirely beyond the

range of possibilities Another way would be to erect large ammunition factories all over the country, equip and keep them ready, so that at the beginning of a war we should be able immediately to begin This plan turning out an abundance of arms and ammunition. has been seriously proposed as a means of removing the danger of sordid profits from governmental necessities. When we go into the question as to what it would cost, however, we find that it would cost literally billions of dollars to erect and keep in readiness for use any adequate number of Government plants. As soon as erected and equipped buildings and machinery would begin to deteriorate, and unless we keep an organization actually employed we should probably find ourselves entirely helpless when trouble came.

The third and to my mind the only practical solution is the plan so long and earnestly advocated by me, which fortunately is by far the cheapest solution of the problem. In a word, this plan is to prepare in advance the necessary gauges, dies, jigs, and other special appliances which require a long time to produce, and which we must of necessity have in order to produce the quantity of arms and ammunition required by a modern war. The essential point is to prepare them in advance and have them ready for use, whether stored in Government vaults or kept with private concerns is a matter of detail.

If this were done as it should be, it would then not be necessary to go into the production of arms and ammunition on a gigantic scale and have them stored up. Only a reasonable reserve of these things would then be necessary. Those who are interested in munitions profits alone, if such there be, might find fault with me for proposing such a plan. I should expect them to, because this is looking to real preparedness for national defense without extraordinary, extravagant, and reckless expenditure of money, which I feel this country can not and ought not to afford.

As it would serve to keep fresh in mind this very important matter if an appropriation were carried here for this purpose, I regret that this bill does not bring in a recommendation for it. I understand from the chairman of the subcommittee, and I understand from the Chief of Ordnance, that it is not because it has not been deemed necessary that these things be procured, but because they are finding great difficulty in getting the designs in the first place, and in the next place getting the manufacturers to produce them. In the end, however, we must have them, and I now call attention to this statement that we shall hear from this item again. We shall hear from it from year to year, so long as I am a Member of this body, until we put ourselves in such a state of preparation that we shall be able, upon the outbreak of a war, to at once begin the manufacture of such arms and ammunition as it is necessary to have produced in very great quantities.

I hold in my hand the report of a board appointed to investigate and report upon the subject of Government manufacture of arms, ammunition, and equipment, provided for in section 121 of the national-defense act, which is printed as Senate Document No. 664. It is stated in this very instructive document that the greatest difficulty that has been found in the study of this

subject is the lack of these very appliances of which I have been speaking.

I quote from the report of the board a few lines on the subject which is frequently referred to in the report:

Since the greatest obstacle which a private corporation has to meet in turning its organization and its physical plant to the production of war material arises from lack of correct drawings and specifications and accurate gauges, it has been suggested that these first indispensable things be taken up, standardized, produced, and stored in such numbers as would enable an establishment, upon receipt of its quota, to set about at once with clear purpose to adapt its tools, machinery, etc., to the particular output called for. Perhaps this standardization and storage should be extended to the jigs and fixtures required for the production of at least the most difficult material.

In the summary of findings and recommendations by this board, we find two paragraphs devoted to this subject, as follows:

It is important to accumulate a full supply of drawings and gauges sufficient to enable all coordinated industries to work to full capacity promptly.

It is desirable to standardize gauges, jigs, and tools as far as practicable and as soon as practicable.

I also hold in my hand a copy of a speech made by the Right Hon. Edwin Montagu, member of Parliament and minister of munitions, in the House of Parliament in Great Britain, on August 15, 1916, in which he states the difficulties with which the ministry of munitions in Great Britain has been confronted during the progress of the war. The list of difficulties stated by him is headed by the very one of which I am speaking. I quote from the speech of Mr. Montagu. Speaking of the difficulties encountered, he says:

The first one is the question of inspection. * * * Inspection involves the most careful testing and gauging of every article that is passed, and that is a process in production which involves a very large factory staff. The average type of shell requires 30 gauges, a percussion fuse 100 gauges, and a time fuse 240 gauges. As these gauges must fit to within less than a thousandth part of an inch, and in most cases one-third of that figure, to obtain uniform results, it will be understood why the supply of gauges has been one of our greatest difficulties.

These instruments can not be manufactured hastily, they can not be improvised over night; they are the product of time and of highly skilled mechanics. That is what Great Britain has found, and that is the way Great Britain is solving the problem in the stress of a great war. My plea is that we solve the problem in time of peace. We should not allow ourselves to neglect a plan which does not run into large sums of money and yet is rational, safe, and, in case of war, might prove to be our national salvation. [Applause.]

The Clerk read as follows:

SEC. 2. That all material purchased under the provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty.

Mr. KEATING. Mr. Chairman, I make the point of order against the section.

What is the point of order? Mr. SHERLEY.

Mr. KEATING. It changes existing law. Mr. SHERLEY. Oh, no. This has been carried for years and is a limitation. That same provision has been in every

fortification bill for many years.

Mr. HASTINGS. Then why carry it now, if it is the law?

The CHAIRMAN. Does the gentleman desire to be heard

upon the point of order?

Mr. KEATING. The gentleman from Kentucky insists that it is existing law, and I presume he is trying to find the existing law.

Mr. SHERLEY. This provision has been in every fortifica-

tion appropriation bill since I have been a Member of Congress. I once had quite a debate in trying to strike out the words "in limited quantities," and I got whipped on it.

Mr. KEATING. I submit that it is up to the gentleman to

produce the existing law.

Mr. STAFFORD. Mr. Chairman, the provision under consideration is a limitation, and Congress has full authority to limit the appropriations carried in the appropriation bill, This item has been carried in previous appropriation bills. has been carried in other bills as well as in this, and if my memory serves me right whenever the proposal has been submitted to the Chair the Chair has upheld the right of the committee to insert a paragraph similar to this phraseology upon the ground that it is a limitation upon the expenditure of an appropriation.

Mr. KEATING. Mr. Chairman, the mere fact that it has been carried in various appropriation bills, as the Chair well knows, does not alter the case.

Mr. SHERLEY. I submit, Mr. Chairman, that it is a limitation upon an expenditure and not subject to the point of order. It is limited to this act and to the material that is purchased by

virtue of the appropriations made herein. It simply limits them to American manufacture, except when for reasons stated it may be necessary to purchase in limited quantities abroad.

Mr. KEATING. Mr. Chairman, I am willing to submit the matter to the judgment of the Chair.

The CHAIRMAN. The Chair is of opinion that this is a limitation upon the purchase of these articles mentioned in the paragraph and overrules the point of order.

Mr. KEATING. Mr. Chairman, I move to strike out the

The CHAIRMAN. The gentleman from Colorado moves to

strike out the paragraph.

Mr. KEATING. Mr. Chairman, a few weeks ago the Navy Department called for bids for certain munitions of war, and a foreign firm submitted a bid which was very materially lower than the bids submitted by American firms. If the provision we are now discussing were carried in the naval appropriation act it would have been impossible, in my judgment, for the Secretary of the Navy to have considered that bid, because this provision reads that the Secretary of War may purchase from foreign bidders "in limited quantities" only when, in the judgment of the Secretary, it is to the manifest interest of the United States to make the purchases abroad. I presume the Secretary of War might be the judge of what Congress meant by "limited quantities," but if he were disposed to place a close construction upon that provision it seems to me he would be limited to a very marked extent.

And I feel, Mr. Chairman, that the Government of the United States should not be restricted in any way, for if anything has been demonstrated in connection with the purchase of munitions it is that American munition makers are in practical agreement in the matter of making bids for Government contracts.

Going back to the Navy Department again, a few years ago a foreign bidder forced the American munition makers to reduce their bids to an extent that enabled the present Secretary of the Navy to save millions of dollars to this Government, and when that foreign bidder dropped out of the market the American manufacturers immediately raised their price. This year the American bidders, not knowing that the foreign bidder was to enter into competition with them, submitted their old-time exorbitant bids, and if it had not been for this foreign bidder the Federal Treasury would once more have contributed to the dividends of the munition makers' combine. I feel, Mr. Chairman, that the Government of the United States should be permitted to go into any market in the world to escape the exactions of these domestic monopolies.

Mr. GREENE of Vermont. Will the gentleman yield? Mr. KEATING. I will.

Mr. GREENE of Vermont. I suppose the gentleman has taken into consideration the difference in the price of labor abroad and at home?

Mr. KEATING. Oh, yes; and the gentleman has taken into consideration the difference in the efficiency of American workmen and foreign workmen. The gentleman is quite familiar with the hackneyed argument which the gentleman from Vermont is about to produce, but it is an argument which should not appeal to this side of the House, at any rate. No, Mr. Chairman; the gentleman is mistaken if he believes that the exorbitant bids made to the Navy Department by American munition manufacturers have been caused by the difference between labor

prices in the United States and abroad.

Mr. GREENE of Vermont. Will the gentleman seek to correct the difference by inviting the cheaper labor of the world to

compete against the protected labor in America?

Mr. KEATING. Oh, that theory about the "cheap" labor of the world competing with the "protected" labor of America has been exploded so often, Mr. Chairman, that I can not at-tempt to discuss it at this time. The fact is that American labor—as represented in the steel industry of this countryinto the lands where this "cheap" foreign labor is to be found and there undersells the "cheap" foreign labor. The gentleman from Vermont knows about that quite as well as I do. The American steel industry, on the authority of the greatest steel masters of this country, is fully capable of holding its own in any country in the world, and the manufacture of munitions is essentially a part of the steel industry.

No, Mr. Chairman, the real point at issue is whether we will

permit the Navy Department and the War Department to protect the Treasury of the United States against the raids of munitions manufacturers. That is the real point at issue, and I contend that Congress should not place in these bills any provision which will handicap the Secretary of War or the Secretary of the Navy in the discharge of this important duty.

Mr. SHERLEY. Mr. Chairman, we carry a provision in this bill which is aimed at the protection of the Government from

extortionate prices in connection with munitions of war. The gentleman from Colorado [Mr. Keating] will find in section 5 of the bill a provision that no moneys can be expended for the procurement of anything from private manufacturers at a cost which shall be greater than 25 per cent in excess of the estimated arsenal price of manufacture. We fix it in that way in order that there might not be a possible extortion on the part of private manufacturers, believing that we leave as great a leeway as is proper to give to manufacturers, having in mind they must necessarily make a profit on what they manufacture and sell. With that provision in the law the argument of the gentleman as to the need to protect us against extortion loses much of its force. The provision that he has moved to strike out has been carried in the bill upon the basic idea that in connection with matters relating to the defense of America it was desirable wherever practicable to build them in America that we might, either through Government building or private manufacture, create a capacity sufficient to supply us in time of need and not leave us dependent upon foreign manufacturers

Mr. MILLER of Minnesota. Will the gentleman yield? Mr. SHERLEY. In just a moment. It is plain, therefore, to see that the reason that would apply generally touching matters other than of this nature should not apply here. I now yield to the gentleman.

Mr. MILLER of Minnesota. The language in section 2 says "in limited quantities." Will the gentleman explain what

Mr. SHERLEY. This is what happens under that: For instance, in the old days we were unable to get mirrors of American manufacture to be used in connection with our searchlights. We bought them abroad. Frequently we wanted to buy some particular gun. I think some of the French 3-inch guns were originally bought and sent over here in order that we might learn from them the kind of 3-inch guns we wanted to build. Sometimes we bought range-finding instruments, occasionally small quantities of powder. In any of these matters where the European Governments seemed to be in advance of us in the character of their armament or material we have bought there until we could so duplicate here as not to be dependent upon them.

Mr. MILLER of Minnesota. Has that language any technical significance? Now, for instance, in a plain, ordinary sense it would mean this, that if our Government wanted to spend \$10,000,000 to buy 12-inch shells of a certain character and kind, that would be a limited quantity. What I mean to say is that the purchase of anything like such a quantity as that

would be included.

Mr. SHERLEY. My own judgment is that it was intended to prevent wholesale purchase of any particular thing. When I first came to Congress I offered a motion somewhat similar to the motion of the gentleman from Colorado [Mr. Keating], except I provided by striking out the words "in limited quantities" in order to give to the War Department more leeway than was proposed it would have under the language as it now At that time we had no limitation as to the prices we should pay for any of these things. Since then, on my own initiative, a limitation has been placed touching the cost of powder, and now this general limitation of 25 per cent touching the cost of all material. It seems to me, therefore, that that removes a great deal of the proper argument that could be made against the provision and the danger of its leading to extortion.

Mr. TAVENNER. I move to strike out the last two words.

Mr. Chairman, I believe this paragraph ought to be stricken out of the bill. If it does not have any effect, what is the use of its being in the bill? I believe if the Secretary of the Navy had had a provision like this staring him in the face he would have been absolutely unable recently to have gotten the American ammunition firms to lower their prices.

The ammunition makers evidently think it is a good idea to make it impossible for this Government to buy anything from abroad. A few years ago the Du Ponts went into an agreement with European powder makers to divide the world's markets

between themselves.

This international agreement went into effect in 1897, and when exposed and brought into prominence 10 years later was discontinued. But I believe they still have some kind of an arrangement by which they refuse to bid against each other in time of peace.

As the Secretary of the Navy said, the war traffickers have divided the world, like Gaul, into three parts.

Here are two paragraphs from the world agreement to which

I have referred and which were taken from the records of the Supreme Court:

Whenever the American factories receive an inquiry from any Government other than their own, either directly or indirectly, they are to

communicate with the European factories through the chairman appointed as hereinafter set forth, and by that means to ascertain the price at which the European factories are quoting or have fixed, and they shall be bound not to quote or sell at any lower figure than the price at which the European factories are quoting or have fixed. Should the European factories receive an inquiry from the Government of the United States of North America or decide to quote for delivery for that Government, either directly or indirectly, they shall first in like manner ascertain the price quoted or fixed by the American factories and shall be bound not to quote or sell below that figure.

The American factories are to abstain from manufacturing or selling or quoting directly or indirectly in or for consumption in any of the European territory, and the Europeans are to abstain in like manner from manufacturing, selling, or quoting, directly or indirectly, in or for consumption in any of the countries of the American territory. With regard to the syndicated territory neither party is to erect works there, except by a mutual understanding, and the trade there is to be carried on for joint account in the manner hereinafter defined.

Recently this matter came up indirectly in a New York court, and, strange to say, one of the representatives of the Du Pont Powder Co. went into court and testified that an officer of the Government of the United States had sanctioned that agreement! Just think of what that agreement meant! It meant that if the United States had tried to escape the net of the Du Pont Powder Trust, which had a monopoly of the sale of smokeless powder to the United States Government, by attempting to purchase powder in some foreign country, the foreign powder makers would have been bound first to write to the Du Pont Co. and see what the Du Ponts had bid, and then not to put in a leaven hid. in a lower bid.

There is other evidence to fully substantiate the belief that in times past the armor and munitions makers went into agreements with each other. Some years back, Charles M. Schwab, now president of the Bethlehem Steel Co., but at that time vice president and general manager of the Carnegie Steel Co., gave some illuminating testimony on the subject of the absence of honest competition between the only two concerns in the United States at that time that were manufacturing armor-Carnegie and Bethlehem. (54th Cong., S. Rept. 1453, p. 454; hearings.)

Senator BLACKBURN. Is there any competition in the price of armor in this country as between yourselves and the Bethlehem Co.?

Mr. SCHWAB. No, sir; assuredly not. We have always had an understanding in that matter. We [Carnegie] never take a contract that we do not consult with the Bethlehem about it.

Senator BLACKBURN. I asked if there is competition.

Mr. SCHWAB. No, sir; there is no competition. I want to be quite fair on that point.

Nowadays the armor and munitions concerns do not have written agreements, for they are embarrasing when produced in court. But in the opinion of the Secretary of the Navy they still have unwritten agreements. Personally I am satisfied there is no such thing as honest competitive bidding between them.

I am not in favor of giving these contracts to foreign firms. favor the Government manufacture of munitions of war of practically every character. But until we have the necessary facilities to manufacture in Government establishments these munitions and supplies, I am in favor of the Secretary of War having the privilege of buying of European firms in special instances where he is convinced the American manufacturers are in a conspiracy to unduly overcharge Uncle Sam.

The permanent solution of the problem is for the Government to speedily enlarge its own plants so that the Nation will be neither at the mercy of the unscrupulous and unpatriotic war traffickers at home or the alternative of sending orders abroad, but will be able to take care of its military wants in its own shops.

Mr. STAFFORD. Mr. Chairman, striking out this paragraph would simply militate against the industrial preparedness that is so important to this country, not only by having our munitions manufactured in governmental arsenals, but in having them manufactured also in private establishments. I believe in the face of the dire necessity of this country in time of war that we must necessarily have, not only arsenals operated by the Government to manufacture munitions, but private arsenals equipped to manufacture materials to meet the demands imposed by the exigency of war.

Mr. KEATING. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Wisconsin yield

to the gentleman from Colorado?

Mr. STAFFORD. In a moment. At the close of the European war we can readily understand that the foreign governments will be seeking the markets of this country, not only to supply our trade in various lines, but also to supply our wants in munitions. If it should be the policy of this country to permit some executive officer, upon the bid submitted by a foreign manufacturer, may be sanctioned by his government, to accept a bid at a cut-throat price, it might drive out of business the private manufacturers of this country.

This bill safeguards the interests of this Government. As has been pointed out by the chairman of the committee, not more than 25 per cent above the price of manufacture in Government plant shall be paid for munitions that are manufactured in private establishments.

Why, Mr. Chairman, if the idea is to manufacture all our munitions in Government yards, it will be a sucidal policy to industrial preparedness so as to meet the needs of this country

in case of the exigency of war.

Mr. KEATING. The gentleman is familiar with the recent experience of the Navy Department, where bids were submitted for the manufacture of projectiles, and he is familiar with the bids made by an English firm, the Hadfields (Ltd.), which was considerably beneath that of the American concerns. Now, does the gentleman believe that the Secretary of the Navy should have ignored the English bid—the foreign bid and should have granted the contract to one of the American

concerns which had filed exorbitant bids?

Mr. STAFFORD. Mr. Chairman, if, as has been represented, the Hadfields' bid was made low because the British Government did not have any need of their manufactures at this time by reason of the fact that the large shells manufactured by them were not required on board their battle cruisers and battleships, and they were offering them at a cut-throat price to our Government in order to deprive our American manufacturers of the opportunity of furnishing those supplies at a fair and reasonable figure, then I say yes; the Secretary of the Navy should not, under those conditions, have granted that contract to a British manufacturer. It would merely be strengthening them. The Secretary of the Navy on the contrary should look to the development of private establishments in this country so that in except was a private establishments. in this country so that in case of war our private plants would be equipped to meet the exigency.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes. Mr. KEATING. The gentleman, who keeps in touch with events, knows that such was not the case; that is, the English Government had not authorized or encouraged the Hadfields firm to make that bid. That is proven by the fact that the English Government since then had directed the Hadfields not to carry out the contract.

Mr. STAFFORD. I did not say that. I said because the British manufacturer had not at that time any work for the English Government it had made a cutthroat price.

Mr. KEATING. The gentleman has no authority for that

Mr. STAFFORD. I have as much authority for that statement as the gentleman has for his statement.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask for two minutes

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. STAFFORD. Furthermore, as has been stated by American manufacturers of munitions for our Government, they have not raised the price unduly since the war broke out in Europe, but instead of accepting bids at much higher prices from the belligerent powers, they have continued to give the preference to the American Government at a fair price plus a little reasonable increase occasioned by the high price of material. has been no extortion imposed by the American manufacturers upon the Government since the outbreak of the war, and yet they could have obtained much higher prices if they had closed their plants to the American Government's demands and had simply given heed and given ear to the demands of the European

Mr. TAVENNER. Mr. Chairman, will the gentleman yield? Mr. STAFFORD. Yes.

Mr. TAVENNER. Does the gentleman consider that when an American manufacturer asks as much as 80 per cent more than the cost to produce a 700-pound 12-inch projectile at a Government arsenal that it is a reasonable price?

Mr. STAFFORD. Oh, the gentleman has made a lot of rash statements about armor-plate making, when time and time again it has been shown that our manufacturers were furnishing armor plate to our Government here at less than they were receiving

from foreign governments.

Mr. TAVENNER. Oh, the gentleman can put in the Record any erroneous statements I have made.

Mr. STAFFORD. It is not necessary to put into the Record any of the erroneous statements that the gentleman has made. The gentleman himself has put a lot of erroneous statements in the Record on this proposition.

Mr. KEATING. Mr. Chairman, I ask leave to withdraw my

amendment, in order to offer a substitute for it.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection. Mr. KEATING. I offer an amendment to line 16, page 12. I move to strike out the words "in limited quantities," so that the sentence will read: "That all material purchased under the provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases abroad, which material shall be admitted free of duty."

The CHAIRMAN. The gentleman from Colorado offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 12, line 16, strike out the words "in limited quantities."

The question being taken, on a division (demanded by Mr. KEATING) there were—ayes 18, noes 34.

Mr. KEATING. I ask for tellers, Mr. Chairman.

Tellers were refused, nine Members, not a sufficient number, rising to second the demand.

Accordingly the amendment was rejected.

The Clerk read as follows:

SEC. 4. That appropriations in this act shall not be expended for powder other than small-arms powder at a price in excess of 53 cents a pound.

Mr. HASTINGS. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee what is the price of powder. I see that it is provided in section 4, line 3, that appropriations in this act shall not be expended for powder other than small-arms powder at a price in excess of 53 cents a pound. I am not familiar with the price of powder, and I was just wondering what it was.

Mr. SHERLEY. Some time ago we were making powder for

41 or 42 cents, and this limitation was fixed on the price that we should pay manufacturers. I think we are going still to be able to buy it at that price. I doubt very much whether we can make it for that price.

Mr. HASTINGS. Was any limitation on the price to be paid for powder placed in the bill last year?

Mr. SHERLEY. Yes.

Yes.
This same limit? Mr. HASTINGS.

Mr. SHERLEY. This same limit; and last year it was a more equitable limitation than this, on the basis of the price of material; but in view of the fact that the powder people, in the great contracts they have had abroad, have made profits sufficient to wipe out the entire original cost of their plants in many instances, I think they will be glad, in order to keep running at larger capacity, to furnish powder at 53 cents; but I suspect that it is going to cost the Government that or more to make it. The Clerk read as follows:

SEC. 5. That except as expressly otherwise authorized herein no part of the sums appropriated by this act shall be expended in the purchase from private manufacturers of any material at a price in excess of 25 per cent more than the cost of manufacturing such material by the Government, or, where such material is not or has not been manufactured by the Government, at a price in excess of 25 per cent more than the estimated cost of manufacture by the Government: Provided, however, That whenever in the opinion of the President an emergency exists affecting the general welfare of the United States, he may waive the limitations contained in this section.

Mr. KEATING. Mr. Chairman, I move to strike out the last word. It has been contended by munitions manufacturers that Government ownership was a failure, because of the high cost of operation in Government plants. The Bethlehem Steel Co., for instance, in recent advertisements have undertaken to build ships and to manufacture munitions at the price that it would cost the Government to construct those same ships and to make those same munitions in Government plants, the theory being that Uncle Sam in his business affairs is such a poor manager that he can not produce ships and guns and ammunition at as low a cost as private manufacturers. Yet here we find a provision that these manufacturers may charge the Government 25 per cent more than the cost of manufacturing these various articles in Government plants.

I think it has been the experience of every Government department that where such a limitation as this is placed in the bill the bidders charge the extra 25 per cent, especially where the bidders have an understanding; and I again assert that all the evidence so far developed demonstrates conclusively that there is an understanding between the men who bid for these Government contracts. We have that on the testimony of so distinguished an official as the Secretary of the Navy, and he supports his assertion by documentary evidence which, in my judgment, can not be questioned.

Mr. FESS. Will the gentleman yield for a question?

Mr. KEATING. Yes.

Mr. FESS. Under this phrase, "in excess of 25 per cent more than the estimated cost of manufacture by the Government, what is omitted in the cost to the Government that would be included if it was cost to a private enterprise?

Mr. KEATING. I do not know of anything.

Mr. FESS. I think there would be

Mr. KEATING. The gentleman thinks so, and perhaps the gentleman is right, but I do not think he is. I think he will find that in estimating the cost of producing shells in a Government plant they add to the labor cost and the cost of material, and all those other things, an overhead charge.

Mr. FESS. Would interest and rent and insurance and those

things be counted in?

Mr. KEATING. I do not know whether profits would be added; I do not know whether taxes would be added; but the Secretary of the Navy is on record as saying that the overhead charge added to the estimates was, in his judgment, excessive. Now, the fact is that you are simply encouraging these manufacturers, in my judgment, to charge the Government an excessive price for munitions. I do not think this provision should be in the bill. Personally I think the Government should make its own munitions, and that in addition to that, as I suggested a little while ago, the Government should be permitted to go into the markets of the world and award contracts to the lowest bidders.

Mr. TILSON. Will the gentleman yield?

Mr. KEATING. Yes.
Mr. TILSON. Does the gentleman realize that if we should rely upon Government manufacture in case of war we would be absolutely lost, and that we never could expect in time of war to produce the munitions needed without marshaling all the resources of an industrial character in the country?

Mr. KEATING. The gentleman from Colorado is as much interested in the perpetuity of the Republic as is the gentleman

from Connecticut.

Mr. TILSON. I have no reason to dispute that, and that is

the reason I am asking the gentleman the question.

Mr. KEATING. And the gentleman from Colorado would be as loath as the gentleman from Connecticut to place the country in a position where it might be successfully attacked by a for-eign power. But I can not agree with the gentleman from Connecticut in his conclusions.

The assertion that the Government must encourage private manufacturers to build up plants seems to me not to be well founded, because the only way you can encourage the establishing of a private plant is by furnishing that plant with work. You must furnish these plants with contracts which will enable them to employ their men and keep them employed. What do you do in Government plants? You employ the men and keep them at work, and that is all; not any more than the number you would have in private plants. In addition to that, according to this bill, the Government would do the work for 25 per cent less than the private manufacturer.

The fact is that what the gentleman proposes, and what other advocates of private manufacture of munitions approve, is a subsidy to manufacturers of munitions, and it is the most extravagant policy upon which the Government could enter. It is akin to the fallacious theory, for instance, that if a private enterprise establishes a water plant in a municipality and issues bonds, the people of that city do not pay the interest on those bonds, and therefore they are not burdened with that indebtedness. Now, as a matter of fact, they do pay the interest on the bonds, and it would be quite as well for them to have the bonds issued in the name of the city as in the name of the private corporation.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that all debate on this paragraph close in five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. TAVENNER. Mr. Chairman, the argument is made that we ought to give big contracts to private ammunition firms, so that private concerns may enlarge their plants and that we may have them to depend on in time of war. This argument will not hold water. The 18 firms that will get the contracts under the bills that we are passing here—the Army bill and the fortifications bill—are every one, according to the Army War College, located in territory that is absolutely unsafe. I am going to read to you from an official statement a principle laid down by the Army War College in Bulletin No. 532:

As a general military principle no supply depot, arsenal, or manufacturing plant of any considerable size, supported by War Department appropriations for military purposes, should be established or main-

tained east of the Appalachian Mountains, west of the Cascade or Slerra Nevada Mountains, nor within 200 miles of our Canadian or Mexican borders, and steps should be taken gradually to cause to be moved depots and manufacturing plants already established in violation of this military principle.

They tell us they want to build up private munition plants, so that we can rely on them in time of war. Here is the report of the Army War College, saying that we can not rely on them in time of war. Instead of giving these contracts to plants that we can not rely on in time of war, we should let this work to safe Government plants.

The Clerk read as follows:

The Clerk read as follows:

SEC. 6. That expenditures for carrying out the provisions of this act shall not be made in such manner as to prevent the operation of the Government arsenals at their most economical rate of production, except when a special exigency requires the operation of a portion of an arsenal's equipment at a different rate: Provided, That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

Mr. GORDON. Mr. Chairman, I move to strike out the

Mr. GORDON. Mr. Chairman, I move to strike out the proviso.

Mr. SHERLEY. Mr. Chairman, before the gentleman starts, ask unanimous consent that all debate upon this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that all debate on the paragraph and all amendments thereto close in 10 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

The Clerk read as follows:

Amendment by Mr. Gordon: Page 13, line 21, after the word "rate," strike out the proviso, which reads as follows:

"Provided, That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant."

Mr. CORDON. Mr. Chairman, that is the proviso that is being

Mr. GORDON. Mr. Chairman, that is the proviso that is being inserted in these appropriation bills to make these enormous expenditures for war and preparation for war as expensive as possible, and to render as inefficient as possible the Government arsenals and Government work of all kinds. I have made some personal investigation of this question. This is the prohibition of the so-called Taylor system, a system by which a record is kept of the cost of each element of material, in time, thereby determining what it actually cost the Government to make an article. Without this or some similar system there is absolutely no way of determining in any large manufacturing establishment what it costs to make an article. The reason for this proviso, so far as I have been able to learn, and the only reason for it, is the opposition of some of these gentlemen who are employed here to represent labor organizations and who call this Taylor system a "stop-watch" or "speed-up" system. Mr. SMITH of Michigan. Mr. Chairman, will the gentleman

yield?

Mr. GORDON. Yes. Mr. SMITH of Michigan. How was the cost of manufacture determined before this provision was adopted?

Mr. GORDON. There never was any way of determining it,

and there is no other way now of determining what it costs the Government to manufacture any article unless they use the

Taylor system or some system analogous to it.

Gen. Crozier, Chief of the Ordnance Department, testified before our Committee on Military Affairs just a few weeks ago that the records of his department show that since this efficiency system has been abolished the cost of producing articles there has advanced very substantially, in some instances enormously, over what it cost before; and the men themselves, so far as they have given expression to their sentiments on the matter, are not opposed to this system. No honest man who desires his employer to know what amount of work he does in a given time can have any possible objection to this system. It simply keeps a record of the amount and cost to the Government of producing any part of this werk. I can not for the life of me see why any honest man should object to the Government knowing what it gets for its money. We are prescribing a standard by which the Government shall purchase these millions of dollars' worth of material necessary in this fortification bill, appropriating more than \$60,000,000 and prescribing that the Government shall not pay in excess of 25 per cent more than it would cost it to produce those same articles; so that the Government not only loses on its own work, but the increased costs will apply to everything it buys.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. GORDON. Yes.

Mr. REAVIS. Is a workman who exceeds the output-that is, something that is determined as the average output by timegiven a premium?

Mr. GORDON. Yes; and that is prohibited in this bill. Increased efficiency is penalized instead of being rewarded.

Mr. REAVIS. In the Senate hearings held some years ago, which I have recently read, it was developed that in the operation of what is known as the Taylor system they would take the most efficient man under the most favorable circumstances and determine his output, not as the maximum, but as the average, and deduct from the pay of any man who fell below that average. Has any testimony of that character been developed before the gentleman's committee?

Mr. GORDON. On the contrary, the testimony before our committee and all the testimony had was that no such policy is

followed.

Mr. REAVIS. Has there been any testimony before the gentleman's committee that the process of speeding up under this system has had a deleterious effect upon the health of the men?

Mr. GORDON. On the contrary, the testimony absolutely re-futes that, and I interrogated Gen. Crozier upon the very question, and he said there was absolutely nothing in it; that they did not take the output of the most efficient man, but they took the average output as the factor and determined from that what is a fair day's wages, and where a man exceeds that amount he is paid for the value of his product in excess of the average output.

Mr. HULL of Iowa. Does the gentleman mean to say our committee investigated this matter fully?

Mr. GORDON. I have not said so; no; but I asked Gen. Crozier some questions to elicit the information that I wanted, and I got it.

Mr. GREENE of Vermont. Is it not true that Gen. Crozier produced in the committee a chart showing the comparative product of certain workmen while the Taylor system was in operation and since the system was abandoned? Mr. GORDON. He did.

Mr. GREENE of Vermont. Was not there a vast discrepancy between the figures in favor of the Taylor system?

Mr. GORDON. Exactly; he did that very thing.

The official report from the Watertown Arsenal discloses that since the abolition of time study and premium payments, although the pay of the men is less since the prohibition of premium payments by Congress, the cost of manufacturing has enormously increased. In one case a man had the job of retapping the base of some 4.7-inch shells; last summer, before the premium system had been abolished, this man did 100 of those shells in 10 hours; after premiums had been abolished and prohibited, this same man took 22.95 hours to do the same work on 100 shells. In another case a man had the job of cutting a slot in 4.7-inch base plugs. Under the premium system this man did 100 of these in 2.66 hours; afterwards, under the dayrate system, this same man did only 20 of these in 2.25 hours. It took 4.2 times as long for this man to do one of these base plugs under the day-rate system as it took under the premium

The official report from the superintendent of the Watertown Arsenal was accompanied by a letter, which reads as follows:

Arsenal was accompanied by a letter, which reads as follows:

It is perfectly evident, by mere observation, that a great change has taken place in our shops; the atmosphere that was so noticeable of industry and application has changed materially; there is much more loafing and a much greater tendency to sit around on kegs, etc., than has existed here for several years, but I do not think any of us appreciated just how much the falling off had been until we had the data indicated on the tabulation, which I am sending you. There is no doubt at all now that the men have no desire now to exert themselves, and in one case, which has recently been brought to my attention, the machinist, when taken to task for doing such slow work, stated that now that the premium had been taken away, he did not propose to exert himself.

Gen. Crozier testifies that the record shows that the men did on an average 2.7 times as much work under the premium system as they have since done under the day-rate system.

Mr. SHERLEY. Mr. Chairman, as the committee knows, I personally did not agree with this proviso when it was first placed on the appropriation bill last year; but at least three different roll calls were had on different bills, and the House very clearly went on record in favor of the provision. Now, in view of that record, in view of the fact that the same personnel now composes the House that composed the House last year, in view of the fact that, presumably, men who after three different dis-cussions and three different roll calls voted upon opinions deliberately formed, it seemed to the Committee on Appropriations to be unwarrantable to bring in the bill without that provision in it. The committee in a sense is the servant of the House. The House three times has declared against my own personal judgment, but declared by an overwhelming majority in favor of this provision. Unquestionably, if a roll call were had to-night that same judgment will be rendered, as there is not enough new matter before the House to warrant men in changing their views; and for that reason I think it is not worth while, in view of the desire to finish this bill in order to get ready for other important matters now awaiting its conclusion, to undertake to have a new test made that can not result in a different conclusion. I hope, therefore, that the amendment will not be agreed to.

The CHAIRMAN. The question is on the amendment. The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. Gordon) there were-aves 19, noes 42.

So the amendment was rejected.

Mr. SHERLEY. Mr. Chairman, I move the committee do now

Mr. MILLER of Minnesota. Mr. Chairman, will the gentle-man give me one minute before he makes that motion, and that is because of a statement which was made some time ago which thought perhaps was correct, that under the treaty with Great Britain we are not allowed to fortify any of the great cities along the Great Lakes? I find by referring to the section of the treaty that the only prohibition is to the maintenance of ships of war or armed fleets on the Great Lakes, and that there is no prohibition whatever against the placing of guns, if we wanted to, or the building of fortifications we might care to, from Duluth clear across to Buffalo. I say this for the good of the gentlemen of the South whose hearts have been yearning for some of the ant hills down there that have not yet been surrounded by an iron ring.

Mr. PLATT. If the gentleman will permit, perhaps the gentleman will remember the case where a certain fortification on Lake Champlain was accidentally built on Canadian territory through an erroneous survey, and the Canadian officials ceded the territory to us so that it might stand on our own soil.

Mr. GREENE of Vermont. Fort Montgomery? Mr. PLATT. Yes; Fort Montgomery.

EXTENSION OF REMARKS.

Mr. NOLAN. Mr. Chairman, I ask unanimous consent to insert a short article in reference to the Taylor system in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to insert an article about the Taylor system in the RECORD. Is there objection? [After a pause.] The Chair hears none.

FORTIFICATIONS.

Mr. SHERLEY. Mr. Chairman, I now renew my motion that the committee do now rise and report the bill with the amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Houston, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20453 and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was engrossed and read a third time.
The SPEAKER. The question is, Shall the bill pass?
The question was taken, and the Speaker announced that the

noes seemed to have it.

Mr. SHERLEY. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 67, noes 21.

Mr. THOMPSON. Mr. Speaker, I make the point of order there is no quorum present.

Mr. STAFFORD. Will the gentleman withhold it for a mo-

Mr. THOMPSON. Mr. Speaker, I will withhold it for a moment; yes.

Mr. STAFFORD. May I inquire of the gentleman from North Carolina [Mr. Kitchin] if he inclines to have the House meet to-morrow at 11 a. m.?

Mr. KITCHIN. Yes.

Mr. STAFFORD. Can not we have a roll call on this bill to-morrow morning?

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. I think we had better do it to-night and get

Mr. Speaker, I ask unanimous consent at this point that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. HELVERING. Mr. Speaker-

The SPEAKER. For what purpose does the gentleman rise?
Mr. HELVERING. I ask the gentleman from Oklahoma to
withhold his point of order for a moment, until I ask unanimous consent to extend my remarks in the Record on farm-land banks and loan sharks.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SHERLEY. Mr. Speaker, I would like permission to revise and extend my remarks.

The SPEAKER. The gentleman from Kentucky asks per-

mission to revise and extend his remarks in the RECORD. Is there objection?

There was no objection. Mr. THOMPSON. Mr. Speaker, I make the point of order that there is no quorum present.

VETO OF IMMIGRATION BILL (H. DOC. NO. 2003).

Mr. BURNETT. Mr. Speaker, I ask the gentleman to withhold his motion until I can make a unanimous-consent agreement in regard to the immigration bill (H. R. 10384)

The SPEAKER. Does the gentleman from Oklahoma withhold his motion?

Mr. THOMPSON. Yes, sir.

Mr. BURNETT. A veto has come in, Mr. Speaker, on the immigration bill. I ask unanimous consent that the bill may lie on the table until Thursday morning, and at that time I give notice I shall call it up.

Mr. SABATH. Reserving the right to object-

The SPEAKER. Both gentlemen will wait for a moment, This is a very short message, and the Chair thinks that it ought to be read now.

Mr. BURNETT. Mr. Speaker, does not there have to be a quorum present in order to have a reading of the message?

The SPEAKER. There is a quorum, so far as anybody knows, now.

Mr. BURNETT. All right; I have no objection. The SPEAKER. The clerk will read the message.

The Clerk read the message, as follows:

To the House of Representatives:

I very much regret to return this bill (H. R. 10384, "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States") without my signature. In most of the provisions of the bill I should be very glad to concur, but I cannot rid myself of the conviction that the literacy test constitutes a radical change in the policy of the Nation which is not justified in principle. It is not a test of character, of quality, or of personal fitness, but would operate in most cases merely as a penalty for lack of opportunity in the country from which the alien seeking admission came. The opportunity to which the alien seeking admission came. The opportunity to gain an education is in many cases one of the chief opportunities sought by the immigrant in coming to the United States, and our experience in the past has not been that the illiterate immigrant is as such an undesirable immigrant. quality and of purpose cannot be objected to on principle, but tests of opportunity surely may be.

Moreover, even if this test might be equitably insisted on, one

of the exceptions proposed to its application involves a provision which might lead to very delicate and hazardous diplomatic situations. The bill exempts from the operation of the literacy test "all aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether

such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith." Such a provision, so applied and administered, would oblige the officer concerned in effect to pass judgment upon the laws and practices of a foreign government and declare that they did or did not constitute religious persecution. This would, to say the least, be a most invidious function for any administrative officer of this Government to perform, and it is not only possible but probable that very serious questions of international justice and comity would arise between this Government and the government. ment or governments thus officially condemned should its exercise be attempted. I dare say that these consequences were not in the minds of the proponents of this provision but the provision separately and in itself renders it unwise for me to give my assent to this legislation in its present form.

WOODROW WILSON.

THE WHITE HOUSE, January 29, 1917.

Mr. BURNETT. Now, Mr. Speaker, I ask that the message lie on the table, and I ask unanimous consent and give notice that I will call it up Thursday morning next, immediately after the reading of the Journal.

The SPEAKER. The gentleman from Alabama asks that

the message and the bill lie on the table.

Mr. STAFFORD. Reserving the right to object, I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.
Mr. STAFFORD. Although the decisions on consideration of veto messages have held it was within the power of the House to refer these veto messages to a committee, I do not find any precedent which holds that the message itself can remain on the table for any definite time, because I consider it would be in conflict with that provision of the Constitution which says that when the message has been entered on the Journal the House shall proceed to reconsider it.

The construction that has been made, so far as I am able to find, is that by referring it to the committee to which it belongs, that is consideration, but allowing it to lie on the table for two days, a definite time, while the House is in session, we are opposing the express mandate of the Constitution. I question very much, even though I am opposed to this bill, that by this action we might not be negativing the validity of the bill

even though it was passed over the President's veto.

The SPEAKER. The gentleman from Alabama [Mr. Bur-NETT] asks unanimous consent that this bill and message lie on the Speaker's table. That is his request. And his notification to the House is that he is going to call it up next Thursday—I suppose just after the Journal is read. Of course, everybody understands that frequently it would be extremely inconvenient. if not impossible, to immediately consider a veto message; and the Constitution does not say "immediately," anyhow. The practice has been to dispose of it in one of three ways. The first one is to let it lie on the Speaker's table and call it up any time you get ready. The other one is to refer it to a committee.

The gentleman asks that it lie on the table. Is there objection?

Mr. SABATH. Reserving the right to object, Mr. Speaker, I am going to ask the gentleman—the chairman of the commit-tee—whether he desires or is willing to agree on time to be

taken on the veto when it is called up next Thursday?

Mr. BURNETT. That can all be arranged, Mr. Speaker, at the time between the gentleman and myself; but if there is going to be objection, I am going to move right now to reconsider and pass it over the veto of the President.

Mr. SABATH. Well, if the gentleman desires to act as hastily

Mr. BURNETT. I do not desire to act hastily. Mr. SABATH. All I desire is to have a little time allowed when the bill is taken up.

Mr. BURNETT. I am willing that there should be an hour and a half of debate.

Mr. SABATH. That will be satisfactory. I do not desire to take up the time of the House, but I would not like the gentleman to move the previous question on me. That is a reasonable time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

BOARD OF VISITORS TO THE NAVAL ACADEMY.

The SPEAKER. The Chair will ask the gentleman from Oklahoma [Mr. Thompson] to withhold his point of order for a minute. There is a committee that I have to appoint in the month of January, and this is the next to the last day, and I fortifications appropriation bill, H. R. 20453.

might forget it to-morrow. The language of the authorization or the command to the Speaker to do this thing is as follows:

From and after the passage of this act-

That is the naval bill of last session-

there shall be appointed every year, in the following manner, a Board of Visitors, to visit the Academy-

That is, the Naval Academy-

the date of the annual visit of the board aforesaid to be fixed by the Secretary of the Navy.

He usually fixes it in June.

Seven persons shall be appointed by the President, and four Senators and five Members of the House of Representatives shall be designated as visitors by the Vice President or President pro tempore of the Senate and the Speaker of the House of Representatives, respectively, in the month of January of each year. The chairman of the Committee on Naval Affairs of the Senate and chairman of the Committee on Naval Affairs of the House of Representatives shall be ex officio members of said board.

The Chair construes that to mean that in addition to the chairman of the Naval Committee his duty is to appoint five. The Clerk will report the names.

The Clerk read as follows:

Mr. PADGETT, ex officio; Mr. TALBOTT, Mr. ESTOPINAL, Mr. RIORDAN, Mr. BUTLER, and Mr. BROWNING.

Mr. BUTLER. Mr. Speaker, I had intended to see the Speaker to-morrow. If the Speaker is about to appoint the committee, will the Speaker excuse me from serving on it?

The SPEAKER. The gentleman is one of the very few men I have ever seen who refuses an honor. Does the gentleman

decline to serve?

Mr. BUTLER. I have refrained from that service for 20 years, and if the Speaker will excuse me I would prefer not to be a

member of the committee.

The SPEAKER. The Clerk will erase the name of Mr. BUTLER and substitute that of Mr. Fare. Some of the Members in looking over the list may wonder why Mr. Roberts of Massachusetts is not appointed, and I take this occasion to announce the policy that I will follow so long as I am Speaker, whether it be a few days or a few years, and that is where the duties of a committee overlap and pass the term of service I will not appoint them. The duties of this committee are to go down there to Annapolis whenever the Secretary of the Navy orders them to do it, which will be some time in June.

The Clerk read the names as revised, as follows:

Mr. PADGETT, ex officio; Mr. Talbott, Mr. Estopinal, Mr. Riordan, Mr. Browning, and Mr. Farr.

RESIGNATION FROM A COMMITTEE.

The SPEAKER. The Chair places before the House a resignation from a committee, which the Clerk will report.

The Clerk read as follows:

House of Representatives, United States, Washington, D. C., January 29, 1917.

Hon. CHAMP CLARK, Speaker of the House of Representatives.

SIR: I hereby resign as a member of the Committee on Pensions, effective at once.

Respectfully,

WM. H. MURRAY.

The SPEAKER. Without objection, the resignation will be

accepted.

There was no objection.

WITHDRAWAL OF PAPERS.

Mr. Tavenner, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Harry C. Twomey, filed during the Sixty-third Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. FESS. Mr. Speaker, Mr. Mooney has been ill for many weeks. I ask unanimous consent that he be given an indefinite leave of absence.

The SPEAKER. The gentleman from Ohio asks unanimous consent that his colleague, Mr. Mooney, may have an indefinite leave of absence, on account of sickness. Is there objection?

There was no objection.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 193. An act to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States.

FORTIFICATIONS.

The SPEAKER. The question recurs on the passage of the

Mr. THOMPSON. Mr. Speaker, I renew the point of no

The SPEAKER. The gentleman from Oklahoma makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and twenty-two Members present, not a quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of the passage of the bill will, when their names are called, answer "yea," those opposed "nay."

The question was taken; and there were—yeas 217, nays 64, answered "present" 2, not voting 150, as follows:

	YEAS	-217.	
Abercromble	Fairchild	Lieb	Ricketts
Aiken	Farr	Linthicum	Roberts, Nev.
Anderson	Ferris	Lloyd	Rogers
Aswell	Fess	Longworth	Rowe
Austin	Fields	McAndrews	Rucker, Ga.
Blackmon	Flood	McArthur	Russell, Mo.
Booher	Focht	McCracken	Russell, Ohio
Bowers	Fordney	McCulloch	Schall
Britten	Foss	McDermott	Sherley
Browne	Freeman	McFadden	Siegel
Browning	Fuller	McGillicuddy	Sinnott
Brumbaugh	Gallagher	McKellar	Small
Buchanan, Tex.	Gallivan	McLaughlin	Smith, Idaho
Burke	Gandy	McLemore	Smith Mich.
Butler	Gard	Magee	Smith, Mich. Smith, N. Y.
Candler, Miss.	Gardner	Mapes	Smith, Tex.
	Glynn	Mays	Snell
Cannon	Godwin, N. C.	Miller, Del.	Stafford
Carlin	Goodwin, Ark.	Miller, Minn.	Stedman
Carter, Mass.	Gould	Mondell	Steenerson
Cary		Montague	Stephens, Miss.
Casey	Gray, Ala.	Moon	Stephens, Tex.
Charles	Gray, N. J. Green, Iowa	Moore, Pa.	Sterling
Church	Creen, 10wa	Moores, Ind.	Stiness
Collier	Greene, Vt.	Morgan, La.	Sulloway
Conry	Griffin	Morrison	Sutherland
Cooper, W. Va. Cooper, Wis.	Hadley Mich	Moss	Sweet
Cooper, wis.	Hamilton, Mich.	Mott	Switzer
Copley	Harrison, Va.		
Cramton	Haugen	Mudd	Taggart
Crisp	Hawley	Murray	Tague Talbott
Cullop	Hayden	Nolan North	
Curry	Hayes		Temple
Dale, Vt.	Heaton	Norton Oakey	Tilson
Dallinger	Heffin	Oliver	Timberlake
Darrow	Hernandez		Treadway
Davis, Minn.	Hicks	Olney	Venable
Decker	Holland	O'Shaunessy	Vinson
Dempsey	Hood	Overmyer	Volstead
Denisor	Houston	Padgett	Walker
Dent	Hull, Iowa	Paige, Mass.	Walsh
Dickinson	Humphreys, Miss.	PRIK T	Wason
Dill	Hutchinson	Parker, N. J.	Watson, Va.
Dillon	Igoe -	Parker, N. Y.	Wheeler
Dixon	Jones	Peters	Williams, T. S.
Doolittle	Kearns	Phelan	Williams, W. E
Dowell	Kennedy, Iowa	Platt	Williams, Ohio
Dunn	Kennedy, R. I.	Porter	Wilson, Ill.
Dupré	Kent	Powers	Wilson, La.
Dyer	Kettner	Quin	Winslow
Eagan	Kiess, Pa.	Rainey	Woods, Iowa
Eagle	King	Raker	Young, N. Dak.
Ellsworth	Kinkaid	Ramseyer	Young, Tex.
Elston	Konop	Rauch	
Emerson	La Follette	Reavis	
Evans	Langley	Reilly	
	***	Pr DA	

NAVE_GA

lair mon res rrkley rrhhart dil ack rgess rrnett rnes, S. C. raway rter, Okla. nnelly x vvis, Tex. es	Doughton Garner Gordon Hardy Hastings Helm Helvering Hensley Hulllard Hollingsworth Howard Huddleston Hull, Tenn. Jacoway Keating Kincheloe ANSWERED	Kitchin Lindbergh McClintic Morgan, Okla. Nelson Nicholls, S. C. Oldfield Page, N. C. Ragsdale Randall Rouse Rubey Rucker, Mo. Sabath Saunders Saunders "PRESENT"—2.	Shallenberger Sherwood Slayden Sloan Steele, Iowa Tavenner Taylor, Ark. Taylor, Colo. Thomas Thompson Tillman Van Dyke Watkins Webb Wingo Wise
		THE RESERVE THE PARTY OF THE PA	

Adamson

	4150
Alexander Allen Anthony Ashbrook Bacharach Balley Barchfeld Beakes Beales Benedict Bennet Borland Britt Bruckner Buchanan, Ill.	Callaway Campbell Cantrill Capstick Carew Chandler, N. Y Chiperfield Clark, Fla. Cline Coady Coleman Cooper, Ohio Costello Crago Crosser
Buchanan, Ill. Byrns, Tenn. Caldwell	Crosser Dale, N. Y. Danforth

Adi Ay Ba Ba Ba Ba Ba Ba Ca Ca Ca Da

u .	DISSUI	
NOT VO	TING-150.	
y i	Davenport Dewalt Dooling	0000
	Doremus Driscoll	6
r, N. Y.	Drukker Edmonds	G
la.	Edwards Esch Estopinal Farley	0
Ohio	Fitzgerald Flynn Foster Frear	I I I I
Y.	Garland Garrett	I

Gillett
Glass Good
Graham
Gray, Ind. Greene, Mass.
Gregg Griest
Guernsey
Hamilton, N. Y.
Hamlin Harrison, Miss.
Hart Haskell
Helgesen
Henry

am	Lenroot	Neely
Hinds	Lesher	Nichols,
Topwood	Lever	Oglesby
Howell	Lewis	Patten
Iughes	Liebel	Pou
Hulbert	Littlepage	Pratt
lumphrey, Wash.		Price
Husted	Loft	Rayburn
Tames	London	Riordan
Johnson, Ky.	Loud	Roberts,
Johnson, S. Dak.	McKenzie	Rodenber
Johnson, Wash.	McKinley	Rowland
Kahn	Madden	Sanford
Keister	Maher	Scott, M
Kelley Key, Ohio	Mann .	Scott, Pa
	Martin Matthews	Sears
Kreider Lafean	Meeker	Sells
Lazaro	Miller, Pa.	Shouse
Lee	Mooney	Sims
Lehlbach	Morin	Slemp
So the bill w	as passed.	

Neely	Smith, Minn.
Nichols, Mich.	Snyder
Oglesby	Sparkman
Patten	Steagall
Pou	Steele, Pa.
Pratt	Stephens, Nebr.
Price	Stone
Rayburn	Stout
Riordan	Sumners
Roberts, Mass.	Swift
Rodenberg	Tinkham
Rowland	Towner
Sanford	Vare
Scott, Mich.	Ward
Scott, Pa.	Watson, Pa.
Scully	Whaley
Sears	Wilson, Fla.
Sells	Wood, Ind.
Shouse	Woodyard
Sims	
Slemp	
lowing pairs.	The Property of the

-					
So	the	DIII	was	passed.	

The Clerk announced the following pa

For the session:

Mr. RIORDAN with Mr. WARD. Mr. ADAMSON with Mr. ESCH, commencing January 24, ending January 31, 1917. Until further notice:

Mr. Harrison with Mr. Griest, Mr. Hamill with Mr. Cooper of Ohio.

Mr. MAHER with Mr. HUSTED.

Mr. Foster with Mr. Chiperfield. Mr. Coady with Mr. Scott of Michigan. Mr. Dale of New York with Mr. HASKELL.

Mr. DAVENPORT with Mr. BARCHFELD.

Mr. Byrns of Tennessee with Mr. Bacharach.

Mr. FITZGERALD with Mr. GILLETT. Mr. HULBERT with Mr. MORIN. Mr. CANTRILL with Mr. BENNET Mr. KEY of Ohio with Mr. SANFORD.

Mr. Beakes with Mr. Campbell. Mr. ALEXANDER with Mr. ANTHONY.

Mr. ALLEN with Mr. BEALES. Mr. ASHBROOK with Mr. BENEDICT.

Mr. BAILEY with Mr. BRITT.

BORLAND with Mr. CHANDLER of New York.

Mr. BRUCKNER with Mr. CAPSTICK,

Mr. Buchanan of Illinois with Mr. Coleman.

Mr. CALDWELL with Mr. COSTELLO. Mr. CALLAWAY with Mr. CRAGO. Mr. Carew with Mr. Danforth. Mr. CLINE with Mr. EDMONDS. Mr. CROSSER with Mr. FREAR. Mr. DEWALT with Mr. GARLAND.

Mr. Dooling with Mr. Good. Mr. Doremus with Mr. Graham.

Mr. Driscoll with Mr. Greene of Massachusetts.

Mr. Edwards with Mr. Guernsey. Mr. Estopinal with Mr. Hamilton of New York.

Mr. FARLEY with Mr. HELGESEN. Mr. FLYNN with Mr. KREIDER. Mr. Glass with Mr. LAFEAN

Mr. Gray of Indiana with Mr. LEHLBACH.

Mr. Gregg with Mr. HILL. Mr. HAMLIN with Mr. Hopwood. Mr. HART with Mr. HOWELL. Mr. HENRY with Mr. JAMES.

Mr. Hughes with Mr. Johnson of Washington,

Mr. LAZARO with Mr. JOHNSON of Kentucky.

Mr. LEE with Mr. KAHN. Mr. LEVER with Mr. KELLEY. Mr. LEWIS with Mr. LENROOT. Mr. Liebel with Mr. Loud.

Mr. LITTLEPAGE with Mr. McKenzie.

Mr. Lobeck with Mr. McKinley. Mr. LOFT with Mr. MADDEN.

Mr. Neelly with Mr. Martin.
Mr. Oglesby with Mr. Matthews.
Mr. Patten with Mr. Meeker.

Mr. Pou with Mr. MILLER of Pennsylvania.

Mr. PRICE with Mr. Mooney. Mr. RAYBURN with Mr. NICHOLS of Michigan.

Mr. SHOUSE with Mr. PRATT. Mr. Sims with Mr. Rowland, Mr. Sears with Mr. Sells.

Mr. Sparkman with Mr. Slemp. Mr. Steagall with Mr. Smith of Minnesota.

Mr. Steele of Pennsylvania with Mr. Snyder, Mr. STEPHENS of Nebraska with Mr. SWIFT.

Mr. Stone with Mr. Tinkham. Mr. Stout with Mr. Towner.

Mr. Sumners with Mr. Vare. Mr. Whaley with Mr. Warson of Pennsylvania. Mr. Wilson of Florida with Mr. Wood of Indiana.

Mr. LESHER with Mr. WOODYARD.

Mr. GARRETT with Mr. CAMPBELL.

The result of the vote was announced as above recorded.

The doors were opened.

On motion of Mr. Sherley, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXTENSION OF REMARKS.

By unanimous consent, the following Members were given leave to extend their remarks in the RECORD: Mr. NORTON, Mr. RAKER, Mr. LINDBERGH, Mr. HAYDEN, Mr. McCLINTIC, and Mr.

The gentleman from North Carolina [Mr. SMALL] was given leave to revise and extend his remarks that he made on the river and harbor bill.

SALE OF SCHOOL PROPERTY IN DENVER, COLO.

Mr. HILLIARD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 217, an act to authorize the sale of school property in the city of Denver, Colo., and for other purposes, with Senate amendments, and concur in the Senate amendments.

The Senate amendments were read.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. MONDELL. Mr. Speaker, reserving the right to object, will the gentleman from Colorado make a brief statement as to what the bill provides and what the Senate amendments do?

Mr. HILLIARD. The first amendment put in by the Senate

was immaterial; it was only to make it clear that the property might be conveyed. The principal amendment is that the property shall be appraised by a commission appointed by the Federal district court of Denver; that it shall not be done until the State superintendent of public instruction shall petition for it, and that it shall not be sold for a less sum than the commission shall find the property to be worth; and even then it shall not be conveyed until the State superintendent of public instruction shall

Mr. MONDELL. The bill provides that the school district may dispose of some real estate which has heretofore been held

under a limited title?

Mr. HILLIARD. Yes. Mr. STAFFORD. Mr. Speaker, reserving the right to object, there is one amendment which the gentleman from Colorado has not referred to. It strikes out that part which provided or compelled the city of Denver to turn over the funds to the Government of the United States in case they were not used for this purpose. I would like to inquire of the gentleman whether there is any question that the funds will not be used for school pur-

Mr. HILLIARD. Mr. Speaker, I pledge my honor as a representative of this House and that of the people of Denver that it

will be used for school purposes

Mr. STAFFORD. I have no objection. The SPEAKER. Is there objection.

There was no objection.

The Senate amendments were concurred in.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Tuesday, January 30, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from members of the United States Shipping Board submitting an estimate of appropriation for salaries and expenses of the Shipping Board, created by the act of September 7, 1916, for the service of the fiscal year ending June 30, 1918 (H. Doc. No. 1994); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a revised estimate of appropriation in the same amount for continuing the construction of a bridge across the Potomac River at Georgetown, D. C., for the service of the fiscal year ending

June 30, 1918 (H. Doc. No. 1995); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of Labor, transmitting list of papers having no permanent value or historical interest (H. Doc. No. 1996); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

4. A letter from the Secretary of Commerce, transmitting communication from the Superintendent of the Coast and Geodetic Survey with statement by the instrument makers employed in that service referring to their wages and comparing same with wages paid machinists in the local navy yard; to the Committee on Appropriations.

5. A letter from the Secretary of the Treasury, submitting a tentative draft of legislation authorizing the acquisition of a site and the construction of public building thereon at Springfield, Mass. (H. Doc. No. 1997); to the Committee on Public Buildings and Grounds and ordered to be printed.

6. A letter from the Secretary of the Navy requesting that the provision in the legislative bill, abolishing the State, War, and Navy branch printing office be eliminated in conference (H. Doc. No. 1998); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 16993) to validate a patent to certain lands heretofore issued to the State of Florida, to allow said State to claim certain other lands, and for other purposes, reported the same with amendment, accompanied by a report (No. 1367), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

the Union.

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 18894) to amend the public-building act approved March 4, 1913, authorizing the acquisition of a suitable site for a public building at Pittston, Pa., reported the same without amendment, accompanied by a report (No. 1368), which said bill and report were referred to the Committee of the Whole House on the state of the Union. the Union.

Mr. KONOP, from the Committee on Expenditures on Public Buildings, to which was referred the bill (H. R. 10020) regulating the compensation of stationary firemen employed in Federal Government buildings in the United States, reported the same without amendment, accompanied by a report (No. 1369), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 4586) to protect and conserve the halibut fisheries of the Pacific Ocean, to establish closed seasons in halibut fishing in certain waters thereof, and to restrict the landing of halibut in the United States of America and the Territory of Alaska during the closed seasons established, reported the same without amendment, accompanied by a report (No. 1370), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LA FOLLETTE, from the Committee on the Public Lands, to which was referred the bill (H. R. 9805) to establish the Mount Baker National Park in the State of Washington, reported the same with amendment, accompanied by a report (No. 1372), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (S. 3934) to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber, reported the same without amendment, accompanied by a report (No. 1371), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 20427) making an appropriation to compensate Samuel Grant for pay, bounty, and clothing pay while in the service of the Government of the United States, and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:
By Mr. RAYBURN: A bill (H. R. 20603) for the enlarge-

ment of cottonseed breeding station at Greenville, Tex.; to the Committee on Agriculture

By Mr. WEBB: A bill (H. R. 20604) to amend section 876 of the Revised Statutes; to the Committee on the Judiciary.

By Mr. BURNETT: A bill (H. R. 20605) to amend an act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907; to the Committee on Immigration and Naturalization.

By Mr. ADAMSON: A bill (H. R. 20606) extending the benefits of care and treatment by the Public Health Service to seamen on vessels used in the service of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. KINKAID: A bill (H. R. 20607) requiring that wife join with husband in relinquishment to homestead entry to make

the same effective; to the Committee on the Public Lands.

Also, a bill (H. R. 20608) to increase the limit of cost of the construction of a Federal building at Chadron, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. KEATING: Resolution (H. Res. 475) requesting the President of the United States to furnish the House with information; to the Committee on Reform in the Civil Service.

By Mr. HULBERT: Resolution (H. Res. 476) authorizing the payment of \$1,000 to Aaron P. Prioleau, the contestant in the contested-election case of Aaron P. Prioleau v. George S. Legare, from the first congressional district of South Carolina, Sixty-second Congress; to the Committee on Accounts. By Mr. HELGESEN: Joint resolution (H. J. Res. 362) pro-

viding for a committee to prepare plans for an international police of the seas, which plans, if approved by Congress, shall be submitted to all other nations for their approval; to the Committee on Foreign Affairs.

By the SPEAKER (by request): Memorial of the State of Arizona, favoring a systematic development of Indian reservations by the construction of national highways; to the Committee on Indian Affairs.

By Mr. DILLON: Memorial of the Legislature of South Dakota, favoring the designation of Fort Meade Military Reservation as one of the Federal training camps; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 20609) granting an increase of pension to Henry J. Kinney; to the Committee on Invalid

By Mr. CLARK of Missouri: A bill (H. R. 20610) granting an increase of pension to Collins South; to the Committee on Invalid Pensions

By Mr. COOPER of Wisconsin: A bill (H. R. 20611) granting an increase of pension to Levi L. Beers; to the Committee on Invalid Pension

By Mr. GOODWIN of Arkansas: A bill (H. R. 20612) for the relief of Harriet Fisher; to the Committee on the Public

By Mr. GREENE of Vermont: A bill (H. R. 20613) granting a pension to Elizabeth Roberts; to the Committee on Invalid

By Mr. HILLIARD: A bill (H. R. 20614) granting a pension to Bion Jay Dillon; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 20615) granting a pension to William J. Shannon; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 20616) granting a pension to Noah Smith; to the Committee on Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 20617) granting an increase of pension to Priscilla V. Hiebler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20618) granting a pension to Isabel Bailey; to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 20619) to waive the age limit in the appointment of Charles W. Barrett as a lieutenant in the United States Army; to the Committee on Military Affairs.

By Mr. RUBEY: A bill (H. R. 20620) granting an increase of pension to John L. W. Hicks; to the Committee on Invalid Pensions

Also, a bill (H. R. 20621) granting an increase of pension to Jackson H. Atkinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20622) granting a pension to Rufus C. Williams; to the Committee on Invalid Pensions.

By Mr. RUCKER of Georgia: A bill (H. R. 20623) granting a pension to David S. Harrison; to the Committee on Pensions. By Mr. SLEMP: A bill (H. R. 20624) granting an increase of

pension to Jacob Slemp; to the Committee on Invalid Pensions. By Mr. STEELE of Iowa: A bill (H. R. 20625) granting an increase of pension to Albert T. Fessenden; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 20626) for the reimbursement of James Caviness for the loss of his residence while occupied as camp headquarters by United States Geological Survey; to the Committee on Claims.

By Mr. THLIMAN: A bill (H. R. 20627) granting a pension to Asa Brown; to the Committee on Invalid Pensions.

By Mr. VINSON: A bill (H. R. 20628) for the relief of Elizabeth R. Nicholls and Joanna L. Nicholls, heirs of Joshua Nicholls; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of members and guests of the St. Louis Naturalists' Club, favoring legislation to protect migratory birds; to the Committee on Foreign Affairs.

Also (by request), petition of 11 citizens of Detroit, Mich., favoring national woman-suffrage amendment: to the Committee on the Judiciary.

By Mr. BACHARACH: Petition of Board of Education of Paterson, N. J., indorsing the request of the Secretary of Labor for an increase of \$30,000 in the appropriation for promoting instruction and training in citizenship of applicants for naturalization; to the Committee on Appropriations.

By Mr. BROWNING: Petition of the Junior Order of United American Mechanics, 100 people; Methodist Episcopal Church, 70 people; Woman's Christian Temperance Union, 110 people; the Civic League, 32 people; Young People's Society of Christian Endeavor, Baptist Church, 50 people, all of Salem, N. J., favoring a national constitutional prohibition amendment; to the

Committee on the Judiciary.

By Mr. BRUCKNER: Telegrams protesting against the passage of House bill 19350, regulating radiotelegraph; to the Committee on the Merchant Marine and Fisheries.

By Mr. CARY: Memorial of Milwaukee Daily Newspaper Publishers' Association, protesting against the passage of the corrupt-practices bill, House bill 15842; to the Committee on the Election of President, Vice President, and Representatives in Congress.

Also, memorial of Milwaukee Daily Newspaper Publishers' Association, protesting against the passage of the Bankhead and Randall bills; to the Committee on the Post Office and Post

Also, memorial of National Aniline & Chemical Co., of Milwaukee, Wis., protesting against the passage of the revenue bill; to the Committee on Ways and Means.

Also, memorial of Wisconsin State Millers' Association, with relation to operation of boats on the Great Lakes; to the Com-

mittee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: Petition of the Milwaukee
Daily Newspaper Publishers' Association, Milwaukee, Wis., protesting against the passage of House bill 15482; to the Committee on the Election of President, Vice President, and Representatives in Congres

Also, petition of the Milwaukee Daily Newspaper Publishers' Association, Milwaukee, Wis., protesting against the passage of House bill 18986; to the Committee on the Post Office and Post Roads.

Also, petition of J. C. Woodford, W. H. Long, M. M. Tucker, and other residents of Darien, Wis., protesting against the price

of sisal fiber; to the Committee on Agriculture.

By Mr. DALE of New York: Petition of Joseph P. Murphy, chief probation officer, Buffalo, N. Y., favoring the Federal probation bill; to the Committee on the Judiciary.

Also, petition of E. Ross Farra, chief probation officer, juvenile court, Wilmington, Del., favoring the Federal probation bill; to the Committee on the Judiciary.

Also, petition of the New York Produce Exchange, protesting against the literacy test in the immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of probation officer, domestic relations court, of New York City, favoring the Federal probation bill; to the Committee on the Judiciary.

Also, petition of D. C. Webb, judge of juvenile court, Knox-ville, Tenn., favoring the Federal probation bill; to the Com-

mittee on the Judiciary.

By Mr. DOWELL: Petition signed by sundry citizens of Des Moines, Iowa, relative to the attitude our Government should assume in the European war; to the Committee on Foreign

By Mr. EAGAN: Petition signed by M. A. Myers, of Englewood, N. J., favoring House bill 20080; to the Committee on Foreign Affairs.

Also, petition signed by Constance E. Hartt, Passaic, N. J., favoring House bill 20080; to the Committee on Foreign Affairs, Also, petition of the Board of Education of Paterson, N. J.,

favoring appropriation for field service for promoting instruc-tion and training in citizenship of applicants for naturalization; to the Committee on Appropriations.

Also, protests by the Manufacturers and Merchants' Association of New Jersey, against the bill excluding liquor advertisements from the mails; to the Committee on the Post Office and Post Roads.

By Mr. EAGLE: Petition of sundry citizens of the eighth district of the State of Texas, protesting against prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ELSTON: Memorial of Glenview Woman's Club, of Alameda County, Cal., indorsing bill forbidding illegal com-binations for the purpose of raising the price of foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Protests of manufacturers and bankers of La Salle County, Ill., represented in the Illinois Valley Manufacturers' Club; the stockholders of the Rockford (Ill.) Mitten & Hosiery Co.; the B. Z. D. Knitting Co.; the King Co.; the Ziock Paper Box Co.; and the Barber Coleman Co.; all of Rockford, Ill., against the proposed tax on business; to the

Committee on Ways and Means.

By Mr. GALLIVAN. Petition of 191 citizens of Boston,
Mass., protesting against prohibition legislation; to the Committee on the Judiciary.

Also, petitions signed by Pehr G. Holmes, mayor of Worcester; Frank E. Stacy, mayor of Springfield; W. E. Moulten, mayor of Pittsfield; and resolutions of mass meeting in Fancul Hall, all of Massachusetts, favoring universal military training; to the Committee on Military Affairs.

By Mr. HADLEY: Petition and memorial in the matter of labor conditions at Everett, from central labor council and mass meeting, Scattle; Garbage Department Workers, No. 14866, Scattle; president Washington State Federation of Labor; Socialist Party of Anacortes; North Yakima Trades and Labor Council, North Yakima; and meeting of citizens of Monroe, Snohomish County, all in the State of Washington; to the Committee on Labor.

By Mr. HILLIARD: Petition of 80 members of Beth-Eden Baptist Young People's Union; 101 members Baptist Young People's Union; and 30 members of the Congregational Christion Endeavor Union, all of Denver, Colo., favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. IGOE: Resolutions adopted by the Carpenters' District Council of St. Louis and vicinity, signed by J. W. Williams, secretary, pertaining to the Americanization work of the naturalization service and urging an additional appropriation to carry on this work; to the Committee on Appropriations.

By Mr. MAGEE (by request): Petition of sundry citizens of Syracuse, N. Y., favoring legislation for Federal censorship of motion pictures, prohibition for District of Columbia, national prohibition, prohibition of liquor advertising in mails, and prohibition of interstate transmission of race gambling bets; to the Committee on Interstate and Foreign Commerce.

By Mr. MORIN: Petition of Miss C. Mathilda Carpenter, Miss

Mary L. Hay, Miss N. A. Slocum, Miss Florence Harper, Miss Elizabeth Ogden, and Mrs. D. D. Pendleton, all of Pittsburgh, Pa., with reference to Federal suffrage amendment; to the Committee on the Judiciary

By Mr. NOLAN: Petition of Jake Lohman and 56 others from Los Angeles, Cal., protesting against all prohibition measures and mail-exclusion bills; to the Committee on the Judi-

By Mr. PLATT: Petition of 71 citizens of Orange County, Y., favoring a Christian amendment to the Constitution;

to the Committee on the Judiciary.

By Mr. SCULLY: Petition of African Methodist Episcopal
Zion Church, 132 people, Asbury Park, N. J., favoring a national constitutional prohibition amendment; to the Committee on the

Also, petition of Christian Endeavor Society, 20 people; Christian Endeavor Society of Central Baptist Church, 30 people;

and Methodist Episcopal Church, 130 people, all of Atlantic Highlands, N. J., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Papers in the case of House bill 20338, granting an increase of pension to Eugene P. Thomas; to

the Committee on Invalid Pensions.

By Mr. SULLOWAY: Petition of the letter carriers of Manchester, N. H., praying for an increase in salary on account of the high cost of living; to the Committee on the Post Office and

Post Roads.

By Mr. VOLSTEAD: Petition of sundry citizens of the State of Minnesota, protesting against an increase in postal rates on second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of Pilgrim Congregational Church, Dorcas Society of the Lutheran Church, and Woman's Missionary Society, all of Benson, Minn., favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of postal clerks of the seventh congressional district of Minnesota, favoring increase in salaries; to the Committee on the Post Office and Post Roads.

SENATE.

TUESDAY, January 30, 1917.

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the

following prayer

Almighty God, Thou dost open the portals of a new day that we may enter with the high resolve of Christian statesmen. Thou hast written over the portals of the new day, Seek first the kingdom of God and His righteousness, and all these things shall be added unto you. So Thou hast given to us the divine philosophy and made all blessings contingent upon the supremacy of the kingdom of God. We pray that we may be led out into the paths of service this day under the inspiration of the teaching of our Lord. For Christ's sake. Amen.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Harding	Martine, N. J.	Smith, Ga.
Brady	Hitchcock	Myers	Smith, Md.
Brandegee	Husting	Nelson	Smith, Mich
Bryan	James	Norris	Smith, S. C.
Chamberlain	Johnson, Me.	O'Gorman	Smoot
Chilton	Johnson, S. Dak.	Overman	Sterling
Clapp	Jones	Page	Thompson
Culberson	Kenyon	Phelan	Tillman
Curtis	Kern	Pittman	Vardaman
Dillingham	La Follette	Poindexter	Wadsworth
Fall	Lane	Ransdell	Walsh
Fletcher	Lewis	Robinson	Watson
Gallinger	Lodge	Shafroth	Works
Granns	McCumber	Shoppard	

Mr. OVERMAN. I announce that my colleague [Mr. SIM-MONS] is detained at home on account of illness.

Mr. MARTINE of New Jersey. I rise to announce the absence of the Senator from Oklahoma [Mr. Gore], who is detained at his home through illness. I ask that this announcement may stand for the day.

Mr. WEEKS subsequently said: I was not present when the Senate convened to-day. If I had been, I would have announced the absence of the junior Senator from Illinois [Mr. Sherman] and stated that he is absent on account of death in his family.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the preceding session.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Brady and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ELECTORAL VOTES.

The VICE PRESIDENT laid before the Senate a communication from the secretary of state transmitting, pursuant to law, an authentic copy of the certificate of the final ascertainment of the electors for President and Vice President in the State of South Carolina on the election held on the 7th day of November, 1916, which was ordered to be filed.

RAILWAY-LAND GRANTS IN IOWA (S. DOC. NO. 666, PT. 2).

The VICE PRESIDENT laid before the Senate a communication from the Attorney General stating, in further response to a resolution of August 19, 1913, that further examination follows:

of the files of the Department of Justice has revealed additional papers relating to land grant of May 12, 1864, and transmits copies of these papers to the Senate, which, with the accompanying papers, was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the amendments of the Senate to the bill (H. R. 217) to authorize the sale of school property in the city of Denver, Colo., and for other purposes.

The message also announced that the House had passed a bill (H. R. 20453) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, in which it requested the concurrence of the

PETITIONS AND MEMORIALS.

Mr. FLETCHER presented petitions of sundry citizens of Florida, praying for national prohibition, which were ordered to lie on the table.

Mr. PHELAN presented a petition of the Stockton (Cal.) Ad Club, praying for an appropriation for the construction of a 20-foot channel at low tide from the wharves of Stockton, Cal., to the sea, which was referred to the Committee on Commerce.

Mr. SHEPPARD. I present a concurrent resolution of the Legislature of the State of Texas, which I ask may be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to lie on the table and to be printed in the RECORD, as

House of Representatives, State of Texas, Austin, January 22, 1917.

House concurrent resolution 4.

Whereas it is a well-known fact that that section of the State known as east Texas abounds in the finest quality of brown hematite ore; and Whereas the Federal Government of the United States proposes to erect an armor-plate plant somewhere in this section of the country; Therefore be it

Therefore be it

Resolved by the house of representatives of the thirty-fifth legislative (the senate concurring), That we call the attention of the Secretary of the Navy to the many advantages offered by east Texas for a location of such armor-plate plant; be it further

Resolved, That the Representatives from Texas in the National Congress are hereby requested to use all means within their power to bring to the attention of the proper authorities the wonderful resources of east Texas and the great advantage in locating said armor-plate plant at some point in this section of the State; be it further

Resolved, That the governor be requested to forward to the Secretary of the Navy a copy of this resolution, and the chief clerk of the house of representatives is hereby instructed to send a copy to each of our Senators and Representatives in Congress.

Read and adopted by the house of representatives and the senate January 22, 1917.

BOB BARKER,

Bob Barker, Chief Clerk of the House.

Mr. OVERMAN. I present a resolution adopted by the Legislature of North Carolina, advocating and supporting Watauga Valley, in Carter County, Tenn., and immediately contiguous to the North Carolina magnetic ore bed, as the most suitable site in the United States for the location of the Government armor plant. The resolution is somewhat lengthy, and I do not ask that it be read, but that it be printed in the Record.

There being no objection, the resolution was ordered to lie on the table and to be printed in the Record, as follows:

Resolution requesting the North Carolina delegation in Congress to advocate and support the Watauga Valley, in Carter County, Tenn., and immediately contiguous to the North Carolina magnetic ore bed known as the Cranberry ore, as the most suitable site in the United States for the location of the Government armor plant.

Whereas the United States County of the Cou

bed known as the Cranberry ore, as the most suitable site in the United States for the location of the Government armor plant.

Whereas the United States Government, acting under and by authority of H. R. 15947, appropriating \$11,000,000 for the construction of a Government armor plant and authorizing and directing the Secretary of the Navy to provide such a plant, is now about to select a site for the location of said plant, acting by and through the honorable Secretary of the Navy and the General Naval Board, as well as by and through an armor-plant board, recently appointed, consisting of Admiral Frank F. Fletcher, Commander Frank H. Clark, and Civil Engineer R. C. Backenhus; and

Whereas some 125 or 130 localities on September 13 and 14, 1916, presented written briefs and oral arguments to the honorable Secretary of the Navy and to the General Naval Board setting forth the advantages and resources of their respective localities, which, in their opinion, entitled them to the location of said plant; and

Whereas the General Naval Board has recently submitted its preliminary report, eliminating from the contest all of the sites and localities presented, excepting some 18 or 19 towns, of which Johnson City and Elizabethton, Tenn., representing the claims of the Watauga Valley, are two, by the application of the military policy outlined by the Wat College division of the General Staff of the War Department on September 11, 1915; and

Whereas as a result of the application of this principle, as embodied in the General Board's preliminary report, the only town in the State of North Carolina, namely, Fayetteville, which was pressing its claims as a suitable location for said plant, is thus eliminated; and

Whereas it has been recently brought to our attention by circular letters issued by said armor-plant board, bearing dates of Docember 20, 1916, and January 12, 1917, that the policy of the Government in the making of armor will probably be that of the purchase in the open market of suitable pig iron instead of the erection of furwhereas the sid communications from said armor-plant board indicate that Bessemer pig iron with a phosphorus content of not exceeding 0.1 per cent will be demanded to meet the requirements of the Government; with a manganese content of from 1.05 to 1.16 per control of the Government; with a manganese content of from 1.05 to 1.16 per control of the Government; with a manganese content of from 1.05 to 1.16 per control of the Government; with a manganese content of from 0.6 to 0.90 per cent; and Whereas it has been reliably brought to our attention that no locality in the South, and probably no locality in the United States, excepting possibly shows excelons which draw on the Lake Superior ore required from the ores in their immediate locality—that is to say, without importing their ores and other raw material—excepting the locality in the immediate vicinity of the Watauga Valley, which is removed only 28 miles for ore and other raw material—excepting the locality in the immediate vicinity of the Watauga Valley, which is removed only 28 miles for other produce a very high grade of low-phosphorus pig of the following analysis: Phosphorus not exceeding 0.035 per cent; copper, 0.015 per cent; suiphur, 0.015 to 0.032 per cent; silicon, 0.5 per cent, and as much higher as the specifications at a tention, that this marvelous bed of low phosphorus metallic iron ore, located in Mitchell, Avery, Watauga, Ashe, and other western North Carolina counties, immediately contiguous to the Watauga Valley, is probably the largest bed of low phosphorus ores to be found outside of the Lake Superior of ore, sufficient, in fact, to meet all the demands of the Government for many hundreds of years, the found of

City, Tenn., and traversing this valley; and on the Laurel Fork Railway.

(8) In a location where there is the greatest abundance of pure freestone water for domestic purposes, the town of Elizabethton being supplied from one spring which brings 10,000,000 gallons per day to the city from an elevation of 250 feet, only 6 miles distant; and Johnson City being supplied with the same character of pure water from a series of springs only 15 miles distant.

(9) In a location well drained by two rivers, namely, the Doe and the Watauga River, both being bold, swift, clear mountain streams, maintaining a uniform flow and having watersheds in the Blue Ridge Mountains, and in the very milds of the immense Appalachian Forest Reserve, where the Government already owns in the neighborhood of 150,000 acres of land, to protect the headwaters and watersheds of these streams and springs and to maintain the flow.

(10) In a location where there is perfect drainage and dumping facilities.

(11) In a location where there exists throughout the entire year unexcelled climatic and sanitary conditions, where there is a climate that is not surpassed by any in the world, with an elevation of sufficient height, namely, about 1,650 feet, as a result of which malaria and other like fevers, mosquitoes, etc., are absolutely unknown; where the bracing, stimulating atmosphere and the uniformly cool nights enable the laborers to perform their work under the most satisfactory conditions.

(12) In a locality surrounded by a splendid agricultural community and where living has always been, and is to-day, probably cheaper than at almost any point in the United States.

(13) In a location that is completely surrounded and in close proximity to many of the national and seminational highways of the South; in a county which is just spending close to half a million dollars in building a system of highways that open up and connect Tennessee with western North Carolina by a road through the famous Doe River gorge, through the Cranberry mining district, and connecting with the Crest of the Blue Ridge and the Yohnalassee Roads and other North Carolina highway systems, and in a location where the adjoining county of Washington is in the act of voting a seven hundred and fifty thousand dollar bond measure for the purpose of building a system of highways that will connect in every way with said Watauga Valley.

dred and fifty thousand doilar bond measure for the purpose of building a system of highways that will connect in every way with said Watauga Valley.

(14) In a situation where aviation and wireless facilities would be absolutely unique and unsurpassed, aviation experiments in this section having proven that there are air currents over these mountains that would make an aeroplane attack almost impossible, and which at the same time would furnish the very best facilities for the establishment of wireless stations, there being in the mountain ranges, in close proximity to this valley, more than 160 peaks exceeding 4,000 feet in height, over 40 of which exceed 6,000 feet in height.

ranges, in close of the leight, over 40 of which exceed 6,000 feet in height.

(15) A situation which offers to the Government an absolutely free site for all of its requirements.

The immense and practically incalculable advantages to the State of North Carolina in the location of this plant in the Watauga Valley (which valley is midway between the towns of Johnson City and Elizabethton) can not possibly be overestimated. This is the greatest opportunity that has ever been presented to western North Carolina for the development of her wonderful natural resources, which are among the most wonderful and richest in the United States; and, inasmuch as the proposed site is only separated from North Carolina and from the natural resources above referred to by the distance of a few miles and an imaginary line, and where the great bulk of the raw material will be drawn from North Carolina, there is every reason why the entire North Carolina delegation should bring to bear with the said Armor Plant Board all of the influence and argument possible in the way of convincing said board that no locality in the United States exists where it would be to greater advantage to the entire country to locate the plant than in the Watauga Valley.

and argument possible in the way of convincing said board that no locality in the United States exists where it would be to greater advantage to the entire country to locate the plant than in the Watauga Valley.

We believe it to be the patriotic duty of every North Carolinian to support that site which is actually the very best site in all the country for this plant, by reason of the rare and wonderful combination of resources which exist there.

The construction of a great plant of this character is a great national institution, and by right ought to be located in the very best place, based upon the article or articles to be manufactured and the raw materials from which they are to be manufactured, with considerations for the safety of the plant and the procurement of raw materials taken into account. It would be most unwise to locate such a plant—such a great national institution—in a locality that was dependent upon its supply of raw materials to be imported from a section which could be easily attacked and captured in case of war; it would be extremely unwise not to locate such a plant in a place that was a natural fortress and which could be so easily and inexpensively defended; it would be unwise to locate such a great institution as this at a point to which all or the greater part of the raw material would have to be freighted; and it seems to us that the only wise, economical, and sensible plan is to select some locality which is naturally fortified by our great mountains and which is situated in the very heart of the raw materials going into the manufacture of the article and there locate the plant: Therefore be it

be it

Resolved by the House of Representatives of the State of North Carolina (the Senate concurring), That our Representatives and Senators in Congress be requested to take all the necessary steps to bring these matters to the attention of the Armor Plant Board and to the honorable Secretary of the Navy, to the end that the Watauga Valley, the best situation in the United States for the location of the armorplate plant, may be selected therefor: Be it further

Resolved, That upon the passage of this resolution the secretary of state be instructed to send forthwith copies thereof to our Senators and Representatives in Congress.

In the general assembly read three times and ratified this the 23d day of January, 1917.

State of North Carolina,

STATE OF NORTH CAROLINA,
DEPARTMENT OF STATE,
Raleigh, January 25, 1917.

I, J. Bryan Grimes, secretary of state of the State of North Carolina, do hereby certify the foregoing and attached nine sheets to be a true copy from the records of this office.
In witness whereof I have hereunto set my hand and affixed my official seal.
Done in office at Raleigh this 25th day of January, in the year of our Lord 1917.

[SEAL.]

J. BRYAN GRIMES SECRET

Mr. NELSON presented a petition of the Optimist Club, of St. Paul, Minn., praying for the adoption of certain amendments to the postal laws, which was referred to the Committee on Post Offices and Post Roads.

Mr. WEEKS presented a petition of John Devoy Branch, Friends of Irish Freedom, of Roxbury, Mass., praying that American citizens be warned that sailing on armed ships of belligerent registry will be at their own risk, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Massachusetts State Fire-men's Association, praying for an increase in the salaries of the firemen of the District of Columbia, which was referred to the

Committee on Appropriations.

Mr. HUSTING presented a petition of the Rotary Club, of Superior, Wis., praying for an appropriation of \$50,000, to be administered through the Bureau of Education, for the purpose

of disseminating information as to the methods and established practices for the education of immigrants, which was referred to the Committee on Education and Labor.

Mr. PHELAN presented a petition of the congregation of the First Methodist Episcopal Church of Earlimart, Cal., praying for the enactment of legislation to exclude liquor advertisements

from the mails, which was ordered to lie on the table. He also presented a memorial of the Berkeley (Cal.) Committee Against Compulsory Military Training, remonstrating against compulsory military training, which was referred to the Committee on Military Affairs.

Mr. WADSWORTH presented petitions of sundry citizens of

New York, praying for national prohibition, which were ordered to lie on the table.

THE INAUGURATION.

Mr. SMITH of Maryland. From the Committee on Appropriations I report back favorably, without amendment, the joint resolution (S. J. Res. 203) to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1917, and I ask

for its present consideration.

The VICE PRESIDENT. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

The VICE PRESIDENT. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

*Resolved, etc. That \$35,000, or so much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia in equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from the 28th of February to the 10th of March, 1917, both inclusive, including the employment of personal services, payment of allowances, traveling expenses, hire of means of transportation, and other incidental expenses in the discretion of the commissioners. Said commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public conveyance, and to make special regulations respecting the standing, movements, and operating of vehicles of whatever character or kind during said period and fixing fares to be charged for the use of the same. Such regulations shall be in force one week prior to said inauguration, during said in one or more of the daily newspapers published in the District of Columbia, and in such other manner as the commissioners may deem best to acquaint the public with the same; and no penalty prescribed for the violation of any of such regulations shall be liable for each such offense to a fine not to exceed \$100 in the police court of said District, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than 60 days. And the sum of \$5,000, or so much thereof as may be necessary, is hereby likewise appropriated, to be expended by the Commissioners of the District of Columbia for the construction, rent, maintenance, and expenses incident to the operation of temporary public-comfort stations, first-aid stations, and information booths during the period aforesaid, including the employment of personal services.

The VICE PRESIDENT. Is th

The VICE PRESIDENT. Is there objection to the present

consideration of the joint resolution?

There being no objection, the joint resolution was considered

as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 8072) to create an additional judge in the southern district of Florida; to the Committee on the Judiciary. By Mr. STERLING (for Mr. FERNALD):

A bill (S. 8073) granting an increase of pension to William

P. Cook (with accompanying papers); and A bill (S. 8074) granting an increase of pension to George W. Townsend (with accompanying papers); to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 8075) for the relief of Marguerite Mathilde Slidell d'Erlanger; to the Committee on Immigration.

By Mr. JOHNSON of South Dakota:

A bill (S. 8076) granting an increase of pension to Marcus J. Howland (with accompanying papers); and

A bill (S. 8077) granting an increase of pension to Paleman Castle (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS: A bill (S. 8078) for the relief of Benjamine O. Kerlee; to the Committee on Claims.

By Mr. BRYAN:

A bill (S. 8079) to amend the first and seventh paragraphs of section 4414 of the Revised Statutes of the United States, as amended by the act of April 9, 1906; to the Committee on Commerce.

By Mr. WATSON:

A bill (S. 8080) granting an increase of pension to Morris Hinchman; and

A bill (S. 8081) granting an increase of pension to George D. Abraham; to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 8082) authorizing the acquisition of a site and the erection thereon of a public building at Yonkers, N. Y. (with accompanying papers); to the Committee on Public Buildings and Grounds.

A bill (S. 8083) for the relief of the Daly & Hannan Dredging Co. (with accompanying paper); to the Committee on Claims. By Mr. HUSTING:

A bill (S. 8084) granting an increase of pension to Charles Fisk; to the Committee on Pensions. By Mr. MYERS:

A bill (S. 8085) for the relief of F. A. Carnal and Ada Lewis; to the Committee on Claims.

By Mr. POMERENE:

A bill (S. 8086) regulating the issuance of checks, drafts, and orders for the payment of money within the District of Colum-

A bill (S. 8087) regulating itinerant vendors in the District of Columbia; to the Committee on the District of Columbia.

A bill (S. 8088) for the relief of Col. Selden Allen Day; to the Committee on Military Affairs.

By Mr. HOLLIS:

A bill (S. 8089) for the relief of Rika Gester; to the Committee on Military Affairs.

PUBLIC BUILDINGS.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the public buildings bill (H. R. 18994), which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the public buildings bill (H. R. 18994), which was referred to the Committee on Public Buildings and Grounds

and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the rivers and harbors appropriation bill (H. R. 20079), which was referred to the Committee on Commerce and

ordered to be printed.

Mr. SHEPPARD submitted two amendments intended to be proposed by him to the rivers and harbors appropriation bill (H. R. 20079), which was referred to the Committee on Com-

merce and ordered to be printed.

Mr. HARDING submitted an amendment intended to be proposed by him to the rivers and harbors appropriation bill, which was referred to the Committee on Commerce and ordered to be

Mr. MARTIN of Virginia submitted an amendment intended to be proposed by him to the rivers and harbors appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

EXPORT TRADE.

Mr. POMERENE submitted three amendments intended to be proposed by him to the bill (H. R. 17350) to promote export trade, and for other purposes, which were referred to the Committee on Interstate Commerce and ordered to be printed.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES.

Mr. LEWIS. I tender a resolution and ask that it be printed and lie on the table.

The VICE PRESIDENT. The resolution will be read. The resolution (S. Res. 332) was read, ordered to lie on the table, and to be printed, as follows:

Resolved. That it is the sense of the United States Senate that the address of the President of the United States, delivered to the Senate on the 22d of January, 1917, does not propose the abolishment or limitation of the Monroe doctrine of America in its effect or application to any part of the Western Hemisphere, nor does it propose to send the Army or Navy of the United States or any military or naval power of the United States to any foreign territory, except when necessary to preserve the peace of the United States or to protect the just rights of America or an American where the same are assalled.

Mr. McCUMBER. I submit a resolution on the same subject as that of the Senator from Illinois [Mr. Lewis]—the address by the President of the United States. I ask that the resolution may be read, printed, and go over under the rule.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 333), as follows: Resolved. That while the Senate joins with the President in the earnest hope for a speedy termination of the war now devastating the greater portion of the earth, that such war may be brought to an end without crushing any of the great peoples engaged therein, and that a

world compact for the preservation of peace and the diminution of armaments so conditioned that this country can with honor and national safety subscribe to its terms and join in its enforcement may be entered into by all the great nations of the earth, as suggested in the address of the President before the Senate on January 22, 1917, the Senate nevertheless regrets that it is unable to agree with the President, either on the major propositions that the peace must be a peace without victory or the many other matters which the President suggests as conditions precedent to the entrance of this country into such a compact; but no matter how this war may end, this country into such a compact; but no matter how this war may end, this country into such a compact; but no matter how this war may end, this country into such a compact; but no progress, should stand ready at all times, irrespective of the terms of peace which the necessity of any belligerent may compel it to accept, to exercise its influence and to act jointly with other world powers to strengthen the bonds of international comity and good will and to lend its moral and physical support to the end that no such war may ever again blacken the earth.

Mr. McCUMBER, Mr. President, I wish to give notice at this

Mr. McCUMBER. Mr. President, I wish to give notice at this time that either on Thursday or Friday next, at the conclusion of the proper morning business, I shall ask permission to submit some remarks concerning the resolution.

The VICE PRESIDENT. The resolution goes over under the

rule. Are there further peace or other resolutions?

PORTRAIT OF JOSEPH HENRY.

Mr. WILLIAMS submitted the following resolution (S. Res. 334), which was read and referred to the Committee on the Library:

Resolved, That the Sergeant at Arms of the Senate be, and he is hereby, authorized and directed to transfer to the Smithsonian Institution the portrait of Joseph Henry, the first Secretary of that Institution, now hanging in the office of the Sergeant at Arms of the Senate.

GOVERNMENT OF PORTO RICO.

Mr. SHAFROTH. I ask unanimous consent that not later than 6 o'clock p. m. the Senate take a recess until 8 o'clock p. m. to-day, and at that time the unfinished business of the Senate shall be temporarily laid aside and the Senate proceed to the consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, and that not later than 11 o'clock p. m. the Senate will adjourn, but before adjournment the unfinished business shall be again laid before the Senate.

The VICE PRESIDENT. Is there objection?
Mr. JONES. The Senator from North Dakota [Mr. Gronna] is not here, and he seems to be interested in this matter more than anyone else. Has the Senator conferred with him?

Mr. SHAFROTH. I do not think the Senator from North Dakota will object. At the same time I can not say with absolute certainty that he will not object. This request does not require a vote.

Mr. JONES. I know. I have no objection myself, but I think probably in the absence of the Senator from North Dakota, who is very much interested in the matter, the Senator should withhold his request for the present. He will be here very soon.

Mr. SHAFROTH. Very well.

THE PEACE PROBLEM.

Mr. LODGE. I present an article on the peace problem, by John Bassett Moore. It is a short one. Of course, he is the best authority on international law in the country or anywhere. I ask that this article be printed as a Senate document and that it be referred to the Committee on Printing. I hope the committee will report promptly.

The VICE PRESIDENT. It will be so ordered.

PEACE TREATY WITH NORWAY.

Mr. BRANDEGEE. Mr. President, yesterday I put in the RECORD a communication from the League to Enforce Peace. In this connection I think it is important that the public should know the tenor of the existing so-called peace treaties. I therefore send to the desk and ask that there may be printed in the RECORD the peace treaty with Norway, which is a type of the 30 peace treaties we made in 1914,

There being no objection, the treaty was ordered to be printed

in the RECORD, as follows:

To the Senate: To the Senate:

I transmit herewith, with a view to receiving the advice and consent of the Senate to its ratification, a treaty between the United States and Norway looking to the advancement of the cause of general peace, signed at Washington on June 24, 1914.

THE WHITE HOUSE,

Washington, July 24, 1914.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, to the end that should his judgment approve thereof it be transmitted to the Senate with a view to receiving the advice and consent of that body to its ratification, a treaty between the United States and Norway looking to the advancement of the cause of general peace, signed at Washington on June 24, 1914.

Respectfully submitted.

DEPLATMENT OF STATE.

DEPARTMENT OF STATE, Washington, July 23, 1914.

The President of the United States of America and His Majesty the King of Norway, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States; William Jennings Bryan, Secretary of State of the United States; and
His Majesty the King of Norway, H. H. Bryn, Envoy Extraordinary and Minister Plenipotentiary of Norway to the United States;
Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

ARTICLE I.

The high contracting parties agree that all disputes between them of every nature whatsoever shall, when diplomatic methods of adjustment have falled, be referred for investigation and report to a permanent international commission; provided, however, that treaties in force between the two parties do not prescribe settlement by arbitration of such dispute.

The commission shall be constituted in the manner prescribed in the next succeeding article.

The high contracting parties agree not to declare war or begin hostilities during such investigation and before the report is submitted.

ARTICLE II.

The international commission shall be composed of five members to be appointed as follows: One member shall be chosen from each country by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member, who shall be the chairman of the commission, shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country nor a resident in either of them. If an agreement is not reached as to this appointment, the fifth member shall be chosen according to the rules laid down in article 87 of the convention signed at The Hague on October 18, 1907, for the peaceful settlement of international disputes.

The expenses of the commission shall be paid by the two Governments in equal proportion.

The international commission shall be appointed within four months after the exchange of the ratifications of this treaty; vacancies to be filled according to the manner of the original appointment.

Unless otherwise agreed between the parties, the procedure of the international commission shall be regulated by the prescriptions contained in Chapter III of the convention mentioned above.

ARTICLE III.

ARTICLE III.

In case the high contracting parties shall have failed to adjust a dispute by diplomatic methods, and the dispute is not to be settled by arbitration, the parties shall at once refer it to the international commission for investigation and report.

The international commission may, however, spontaneously offer its servicles to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The high contracting parties agree to furnish the permanent international commission with all the means and facilities required for its investigation and report.

The report of the international commission shall be completed as soon as possible and at the latest within one year after the date on which the commission shall declare its investigation to have begun, unless the high contracting parties shall extend or limit the by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government and the third retained by the commission for its files.

ARTICLE IV.

ARTICLE IV.

The high contracting parties agree that, upon the receipt of the report of the international commission, they will immediately endeavor to adjust the dispute directly between them upon the basis of the commission's findings. They reserve, however, the right to act independently on the subject matter of the dispute after the report of the commission shall have been submitted.

ARTICLE V.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Norway.

The ratifications shall be exchanged at Washington as soon as possible.

possible.

The treaty shall take effect immediately after the exchange of ratifications and shall continue in force for a period of five years; and it shall thereafter remain in force until 12 months after one of the high contracting parties have given notice to the other of an intention to terminate it.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereunto their seals.

Done in duplicate, in the English and Norwegian languages, at Washington, this 24th day of June, 1914.

[SEAL.]

WILLIAM JENNINGS BRYAN.

[SEAL.]

HELMER H. BRYN.

LEAGUE TO ENFORCE PEACE.

Mr. WEEKS. Mr. President, I present a letter from the secretary of the League to Enforce Peace relative to the propaganda which has been started by that organization. It contains a blank form of a letter to be sent to the Senators and Representatives from Massachusetts. There are 10,000 members of the league in Massachusetts, and therefore perhaps my colleague and myself will receive 10,000 of these letters. Manifestly it would be impossible to answer them individually. I therefore ask that the letter and form which is sent Members on which to make reply be incorporated in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

LEAGUE TO ENFORCE PEACE,
Boston, January 24, 1917.
To the Members of the Massachusetts Branch of the League to
Enforce Peace:

Since the annual meeting of the Massachusetts branch of the league, many of our members have been asking, "What can I do to help realize the league's program?"

As the result of the great mass meetings in Springfield and Pittsfield, the Massachusetts branch of the league now has more than 10,000 members. The time has come to use the immense power of public opinion represented by our membership. It is important that the Senators and Representatives from Massachusetts should receive from their constituents within the next few days many thousands of letters asking them to support the proposals of the league in every appropriate way. Your help is needed in the following ways:

1. Sign and mail the inclosed three letters to your Senators and Representative immediately.

2. Write a short personal letter in addition to the inclosed form letter, urging your Senators and Representative to support the league's proposals.

3. Ask your friends who are interested in this great constructive movement for the future peace of the world, to write to their Senators and Representative.

movement for the future peace of the world, to write to their Senators and Representative.

4. Ask organizations with which you are associated to send resolutions and letters to Washington indorsing the league's program.

Before February 1, all the Massachusetts Senators and Representatives will be asked by the congressional and legislative committee to state their attitude toward the league's proposals. It is important that before they reply to this question they should know that thousands of their constituents are in favor of the league's program.

Please sign and mail the inclosed letters immediately.

Cordially, yours,

George W. Nasmyth. Secretary.

GEORGE W. NASMYTH, Secretary.

Hon. John W. Weeks, United States Senate, Washington, D. C.

DEAR SIR: As one of your constituents and as one of the 10,000 members of the Massachusetts Branch of the League to Enforce Peace, I respectfully request you to support and urge, in every appropriate way, the adoption of the league's proposals by the United States as soon as the opportunity arises in the Senate.

Very truly, yours,

HOUSE BILL REFERRED.

H. R. 20453. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

GOVERNMENT OF PORTO RICO.

Mr. SHAFROTH. Mr. President, I have endeavored to find the Senator from North Dakota [Mr. GRONNA], but have not yet been able to do so, although that Senator has been informed that a motion of the kind which I am now about to submit would be made.

I ask unanimous consent that not later than 6 o'clock p. m. the Senate take a recess until 8 o'clock p. m. to-day; that at that time the unfinished business of the Senate shall be temporarily laid aside; that the Senate shall then proceed with the consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes; that not later than 11 o'clock p. m. the Senate will adjourn; and that before adjournment the unfinished business shall again be laid before the Senate. I ask unanimous consent for the adoption of this

The VICE PRESIDENT. Is there objection?

Mr. VARDAMAN. I object.

The VICE PRESIDENT. There is objection.
Mr. SHAFROTH. Then, Mr. President, I move that the bill to which I refer be made the unfinished business for 8 o'clock to-night.

Mr. BRANDEGEE. I make the point of order that, under

parliamentary law, there is no such motion, Mr. President.

The VICE PRESIDENT. The point of order must be sustained. The unfinished business depends upon the facts and not upon motions.

Mr. SHAFROTH. Mr. President, I do not know that my mo-

Mr. SHAFROTH. Mr. President, I do not know that my motion was put exactly in the language which I desired it. I move that the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, be made the special order for to-night at 8 o'clock.

Mr. SMOOT. Mr. President, may I ask the Senator from Colorado what he will gain by that? If the bill to which he refers, is made the special order at 8 o'clock to-night, the Senate will convene, perhaps, a little before that time or at that time, and as soon as the Senate convenes the unfinished business must and as soon as the Senate convenes the unfinished business must be laid before the Senate.

Mr. SHAFROTH. Yes; but the Senator from Montana [Mr. Walsh], in charge of the unfinished business, has told me that

he will immediately ask that it be temporarily laid aside.

Mr. SMOOT. Then, if there should be one objection it could not be so laid aside.

Mr. SHAFROTH. But the Senator from Montana then will have the right, or I will have the right, to move that the unfinished business be temporarily laid aside.

Mr. SMOOT. No.

Mr. SHAFROTH. Yes.

Mr. BRANDEGEE. No; that requires unanimous consent. Mr. SMOOT. Yes; it requires unanimous consent.

Mr. MYERS. Mr. President, will the Senator from Colorado yield to me?

Mr. SHAFROTH. I yield to the Senator.

Mr. MYERS. If the motion should be made to lay aside the unfinished business and should prevail, that motion would displace the unfinished business

Mr. SHAFROTH. Not if the unfinished business were tem-

porarily laid aside.

Mr. MYERS. I do not think there is any such thing as moving to lay the unfinished business aside temporarily. a motion should be agreed to, I think that would displace the unfinished business.

Furthermore, I want to ask the Senator-I was called out of the Chamber for a few moments-was objection made to his request for unanimous consent?

Mr. SHAFROTH. Yes.

Mr. MYERS. Now, I understand the Senator from Colorado has made the motion, which I heard as I entered the Chamber. If that motion should prevail, and at 8 o'clock the unfinished business should be laid aside temporarily, even by unanimous consent, then if at 11 o'clock to-night the unfinished business were not again laid before the Senate, it would be displaced and the Porto Rican bill, as I understand, would become the unfinished business

Mr. SHAFROTH. I will agree that the unfinished business shall be laid before the Senate. There is no disposition on my

part to displace the unfinished business.

Mr. MYERS. I know there is no such disposition on the part of the Senator from Colorado, but there might be objection from

some other Senator.

The VICE PRESIDENT. Now, let us see how this matter stands. We wasted three-quarters of an hour yesterday on this subject. Let us see if we can not save the waste of time now. The Chair can not change the rules of the Senate, and is not responsible for them. There is unfinished business before the Senate undisposed of. Unless by unanimous consent the unfinished business is temporarily laid aside—and it can not be so laid aside by a motion—and the consideration of the Porto Rican bill is proceeded with, the unfinished business will go to the calendar. If the Porto Rican bill is made the special order for 8 o'clock this evening, without a unanimous-consent agreement to lay aside temporarily the unfinished business, the Chair will be required to lay down the unfinished business at 8 o'clock, as it will be the matter before the Senate.

Mr. VARDAMAN. Mr. President, as I made the objection to unanimous consent, I withdraw it. I did not understand the proposition of the Senator from Colorado, and I now withdraw

my objection.

Mr. SHAFROTH. Then I renew the request.

Mr. SMOOT. I want to ask the Senator from Colorado if he knows whether the Senator from North Dakota [Mr. Gronna] is agreeable to his request?

Mr. SHAFROTH. I told the Senator from North Dakota that I intended to try to get a session to-night, and I have sent for

Mr. GRONNA entered the Chamber. Mr. SMOOT. The Senator from North Dakota has just entered the Chamber.

Mr. SHAFROTH. Very well.

Mr. GRONNA. Mr. President, I have no objection to taking up the bill at any time, but I do not agree to fixing a time to vote upon it.

Mr. SHAFROTH. My request does not provide that there

shall be a vote.

Mr. SMOOT. But it does not provide that there shall not be a

Mr. SHAFROTH. No; but if the Senator from North Dakota or any other Senator desires to discuss the bill further, my request does not provide that there shall be a vote to-night, and consequently it gives the Senator all the opportunity that he may desire.

The VICE PRESIDENT. Is there objection to the request of

the Senator from Colorado?

Mr. POMERENE. Mr. President, I shall object to making the bill referred to the special order for the following reasons: For some time I have been conferring with Senators with a view to having a call of the calendar. Among the bills on the calendar is the bill relating to the juvenile court in the District of Columbia, and it is of quite as much interest to the people of the District and the people of the United States as is the Porto Rican bill to some islanders of the sea. I am not without interest in them, but I am not going to lose sight of the duty that we owe to the people of the District here to pass some of the legislation that more seriously affects them. If we do not take up matters of this kind relating to the District and obstruct the water-power bill. I am perfectly willing to say

other matters that are on the calendar about which there can not be any serious dispute, the last days of the session will be here, and we will not be able to get any action in the other House. I do not see how the Senator can expect to make any time by displacing that which is the unfinished business and taking up something else. Jumping from one piece of legisla-tion to another is not, in my judgment, the way to expedite

Mr. SHAFROTH. Mr. President, I will say that it is not proposed to have a night session except for the purpose of considering the Porto Rican bill; and for that reason his objection simply deprives the Senate of the opportunity of consider-

ing that measure.

Mr. POMERENE. No; let us have a night session for the

purpose of taking up the calendar.

Mr. SHAFROTH. Mr. President, I hope that the Senator will not insist upon his objection. If he does, I move that the Senate make the Porto Rican bill the special order for to-night at 8 o'clock

The VICE PRESIDENT. The Senator from Ohio has objected. Now the Senator from Colorado moves that the Porto Rican bill be made the special order for 8 o'clock this evening. Mr. SMOOT. Mr. President, is the morning business closed?

The VICE PRESIDENT. No; it has not closed.

Mr. SMOOT. Then, the Senator can not make that motion until the morning business is closed.

The VICE PRESIDENT. Why?

Mr. SHAFROTH. Where is the rule which so provides?
Mr. SMOOT. The rule is that before the conclusion of the

morning business no motion to take up a bill shall be allowed.

The VICE PRESIDENT. The Senator from Colorado is not moving to take up the bill.

Mr. SMOOT. He is moving to make the bill a special order,

to be taken up at a particular time.

The VICE PRESIDENT. The motion to make the bill the special order at 8 o'clock requires a two-thirds vote of the Senate, and is in order. It does not come under the rule referred to by the Senator from Utah.

Mr. MYERS. Mr. President, I had no objection whatever to the request of the Senator from Colorado for unanimous consent. I was quite in accord with it; but I shall have to oppose and vote against his motion because I believe his motion, if agreed to, will seriously imperil the place now occupied before the Senate by the unfinished business. In the way the Senator had his request for unanimous consent worded, there was no danger to the unfinished business, but under his motion I think there is grave danger to the unfinished business, and I shall have to vote against his motion on that account.

The VICE PRESIDENT. The question is on the motion of

the Senator from Colorado.

Mr. JONES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Washington will

Mr. JONES. As I understand, if this motion should be carried, one objection to-night to laying aside the unfinished business would annul whatever action we take?

The VICE PRESIDENT. There is no doubt about that.

Mr. HUGHES. Mr. President, then, in order to reach this bill to-night, it will be necessary to secure unanimous consent temporarily to lay aside the unfinished business, in which event the unfinished business would come up automatically before the Senate to-morrow, would it not?

The VICE PRESIDENT. The Chair took about three-quarters of an hour yesterday to make that statement, and has made it twice to-day—that the only way to get rid of the unfinished business is by unanimous consent to temporarily lay it

aside.

Mr. HUGHES. In which event the unfinished business would come up automatically before the Senate to-morrow?

The VICE PRESIDENT. If the Porto Rican bill be made the special order at 8 o'clock to-night, and the Senate convenes at 8 o'clock, and there is not unanimous consent to lay aside the unfinished business, the unfinished business will be before the

Senate at 8 o'clock, regardless of the special order.

Mr. HUGHES. That is not the point of my inquiry at all, although, of course, I am delighted to get that information; but if unanimous consent is given to-night to temperarily lay the unfinished business aside, then to-morrow automatically the un-finished business comes before the Senate at the end of the

morning hour. Is that correct?

The VICE PRESIDENT. The Chair is not deciding that That will depend upon what takes place to-night. question now.

Mr. SHAFROTH. Mr. President, I will state to the Senator from New Jersey that there is no intention upon my part to now that, if it should happen to be displaced, I will move that the unfinished business be taken up.

Mr. MYERS. Mr. President, will the Senator yield to me just for a moment?

Mr. SHAFROTH. I yield.

Mr. MYERS. I know that the Senator from Colorado has no disposition to obstruct the unfinished business. That is not what I am afraid of; but I am afraid of the working of our

Mr. SHAFROTH. But if the unfinished business should be displaced at any time, a motion to take it up for consideration will restore it.

Mr. MYERS. But such a motion might not carry

Mr. SHAFROTH. Oh, yes, I think it would; but if it should not carry, and the unfinished business should be displaced, it would be because Senators do not want to consider that bill. I do not think, however, that there is any risk or any chance as to that. In fact, the Senator from Montana [Mr. Walsh] came to me and stated that he would be perfectly willing, at the conclusion of the afternoon session to-day, to move to lay aside the unfinished business in order that the Porto Rican bill might be considered to-night, and that he had no objection whatever to its consideration at the night session.

Mr. HITCHCOCK. Mr. President, I make the point of order

that this is not a debatable question.

Mr. SHAFROTH. Question! Mr. SMOOT. I ask for the y

Mr. SMOOT. I ask for the yeas and nays.

The VICE PRESIDENT. The yeas and nays are called for. Is the request seconded?

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on making the Porto Rican bill the special order for 8 o'clock to-night. The yeas and nays have been ordered, and the Secretary will call

Mr. COLT (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. SAULSBURY].

In his absence, I withhold my vote.

Mr. JONES (when his name was called). The junior Senator from Virginia [Mr. Swanson] is necessarily absent on account of illness. I am paired with him for the day, and therefore withhold my vote on this motion. I will let this announcement stand for the remainder of the day.

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLean], who is absent. I transfer that pair to the Senator from Arizona [Mr. SMTH] and vote "nay."

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. War-

REN] and therefore withhold my vote.

Mr. THOMPSON (when his name was called). I have a pair with the Senator from Illinois [Mr. Sherman]. In his absence, I transfer that pair to the Senator from Oklahoma [Mr. Gore] and vote "yea."

Mr. TILLMAN (when his name was called). Making the

same transfer of my pair as on the last vote, I vote "yea."

Mr. VARDAMAN (when his name was called). I desire to

inquire if the Senator from Idaho [Mr. Brady] has voted?
The VICE PRESIDENT. The Chair is informed that he has

not voted.

Mr. VARDAMAN. I have a pair with that Senator, and therefore withhold my vote in his absence.

Mr. WADSWORTH (when his name was called). I inquire if the junior Senator from New Hampshire [Mr. Hollis] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. WADSWORTH. I have a pair with that Senator, and therefore withhold my vote.

The roll call was concluded.

Mr. LA FOLLETTE. I wish to announce that the Senator from Minnesota [Mr. Clapp] and the Senator from North Dakota [Mr. Gronna] are both paired and are detained on business connected with the Committee on Indian Affairs.

Mr. LEWIS. I wish to announce the absence of the Senator from Maryland [Mr. SMITH] and his pair with the Senator

from Vermont [Mr. DILLINGHAM].

Mr. BECKHAM (after having voted in the affirmative). I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the junior Senator from Arkansas [Mr. Kirby] and will let my vote stand.

Mr. SMITH of Michigan (after having voted in the affirmative). I transfer my pair with the Senator from Missouri [Mr. REED] to the junior Senator from Maine [Mr. FERNALD] and will permit my vote to stand.

Mr. CURTIS. I transfer my pair with the junior Senator from Georgia [Mr. Hardwick] to the senior Senator from Idaho [Mr. Borah] and vote "yea."

I desire to announce the absence of the Senator from Connecticut [Mr. McLean] on account of illness and will let this announcement stand for the day.

I also desire to announce the following pairs:

The Senator from West Virgina [Mr. Goff] with the Senator from South Carolina [Mr. TILLMAN];
The Senator from New Mexico [Mr. Catron] with the Sena-

tor from Oklahoma [Mr. Owen]; and

The Senator from Wyoming [Mr. CLARK] with the Senator

from Missouri [Mr. Stone].

Mr. O'GORMAN. I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER] and in his absence withhold my vote.

Mr. SAULSBURY. I inquire if the junior Senator from Rhode Island [Mr. Colt] has voted?

The VICE PRESIDENT. He has not.

Mr. SAULSBURY. I have a pair with that Senator, and

therefore withhold my vote.

Mr. WILLIAMS. I am paired with the senior Senator from Pennsylvania [Mr. Penrose]. Transferring that pair to the Senator from Maryland [Mr. Lee], I vote "yea."

The roll call resulted-yeas 50, nays 3, as follows:

YEAS-50.

Husting	Oliver	Sterling
James	Page	Sutherland
Johnson, S. Dak.	Phelan	Thomas
	Pittman	Thompson
Kern	Poindexter	Tillman
La Follette	Ransdell	Townsend
Lewis	Robinson	Underwood
Lippitt	Shafroth	Waish
Lodge	Sheppard	Watson
McCumber	Smith, Ga.	Weeks
	Smith, Mich.	Williams
Martine, N. J.	Smith, S. C.	
Nelson	Smoot	
NA	7S-3.	
	James Johnson, S. Dak. Kenyon Kern La Follette Lewis Lippitt Lodge McCumber Martin, Va. Martine, N. J. Nelson	James Page Johnson, S. Dak. Phelan Kenyon Pittman Kern Poindexter La Follette Ransdell Lewis Robinson Lippitt Shafroth Lodge Sheppard McCumber Smith, Ga. Martine, N. J. Smith, S. C.

Myers	Norris	Pomerene	
	NOT V	OTING-43.	
Bankhead Borah Bryan Catron Clapp Clark Colt Culberson Cummins Dillingham du Pont	Fernald Gallinger Goff Gore Gronna Hardwick Hollis Johnson, Me. Jones Kirby Lane	Lea, Tenn. Lee, Md. McLean Newlands O'Gorman Overman Owen Penrose Reed Saulsbury Sherman	Shields Simmons Smith, Ariz. Smith, Md. Stone Swanson Vardaman Wadsworth Warren Works
			11 02 43

The VICE PRESIDENT. On the motion of the Senator from Colorado [Mr. Shafroth] the yeas are 50, the nays are 3, which is two-thirds and more. H. R. 9533, the Porto Rican civil government bill, is made the special order for 8 o'clock this evening.

Mr. SHAFROTH subsequently said: Mr. President, I move that at 5.30 this afternoon the Senate take a recess until 8 o'clock to-night.

The motion was agreed to.

The VICE PRESIDENT. Is there any further morning business? [A pause.] The morning business is closed.

INDIAN APPROPRIATIONS.

Mr. ASHURST. I ask unanimous consent that the Senate proceed to the consideration of the Indian appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal

year ending June 30, 1918.

The Secretary. The point last reached in the bill is at the foot of page 53, where the amendments of the committee was passed over. It reads as follows:

Provided further, That after the lands have twice been offered for sale at public auction the Secretary of the Interior, under rules and regulations to be prescribed by him, shall cause to be sold to the highest bidder, in such manner and upon such terms as he may deem advisable, the surface of any lands remaining unsold and of any surface lands forfeited by reason of nonpayment of any part of the purchase price.

Mr. ASHURST. Mr. President, this item in the bill was passed over at the request of the Senator from Oregon [Mr. LANE].

Mr. LANE. Mr. President, I ask that the amendment be further passed over.

Mr. ASHURST. The Senator asks that it go over further, and I join in that request.

The VICE PRESIDENT. The amendment will be again passed over.

The reading of the bill was resumed.

The next amendment was, on page 54, line 17, before the word "Tribes," to strike out "and Chickasaw" and insert "Chickasaw, and Creek," so as to make the clause read:

Saw, and Creek. So as to make the clause read:

Provided further, That during the fiscal year ending June 30, 1918, no moneys shall be expended from tribal funds belonging to the Five civilized Tribes, we hout specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools for the current fiscal year under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes for the current fiscal year at salaries at the rate heretofore paid, and attorneys for the Choctaw, Chiekasaw, and Creek Tribes employed under contract approved by the President, under existing law, for the current fiscal year.

The amendment was agreed to.

The next amendment was, at the top of page 57, to insert:

That the sum of \$5,000 be, and the same is hereby, appropriated, out of any funds of the Chickasaw Nation not otherwise appropriated, to reimburse Douglas H. Johnston, governor of the Chickasaw Nation, for extra expense incurred for performance of his duty as chief executive of the Chickasaw Nation and principal chief of the Chickasaw Tribe of Indians during the period covered between the years 1907 and 1912.

The amendment was agreed to.

The next amendment was, on page 57, after line 9, to insert:

Hereafter no allotments shall be made to members of the Creek Nation without specific authority of Congress.

The amendment was agreed to.

The next amendment was, on page 57, after line 20, to strike

For support and education of 600 Indian pupils, including native Indian pupils brought from Alaska, at the Indian school, Salem, Oreg., including pay of superintendent, \$102,200; for general repairs and improvements, \$30,000; in all \$132,200.

And to insert:

For support and education of 600 Indian pupils, including native Indian pupils brought from Alaska, at the Indian school, Salem, Oreg., including pay of superintendent, \$102,200; for general repairs and improvements, \$20,000; for new buildings, including dairy barn, printing office, employees quarters and cottages, and addition to hospital, \$40,000; in all, \$162,200.

The amendment was agreed to.

The next amendment was, on page 58, after line 15, to insert:

For the construction of the Modoc Point extension project, to irrigate approximately 2,135 acres upon the Klamath Indian Reservation, in accordance with the plans submitted by the chief engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, \$29,000, reimbursable, as provided for the Modoc Point project in the act of March 3, 1911.

The amendment was agreed to.

The next amendment was, on page 58, after line 23, to insert:

For the purchase of a tract or tracts of land on the Columbia River, for the purpose of providing fishing grounds for the Warm Springs and other middle Oregon tribes, not to exceed \$5,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 59, after line 2, to insert:

That the Secretary of the Interior is hereby authorized to make allotments to any living Indians on the Umatilla Reservation, Oreg., of not exceeding 80 acres to each person entitled to rights thereon but who have not heretofore been allotted, so long as any of the lands within said reservation remain available for the purpose, and to issue trust patents for the selections so made in accordance with the act of February 8, 1887 (24 Stat. L., p. 388), as amended; such allotments to be made under such rules and regulations as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, under the head of "South Dakota," on page 60, after line 3, to strike out:

Sec. 20. For support and education of 365 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, \$62,955; for general repairs and improvements, \$8,000; for new barn, \$3,000; in all, \$73,955.

And to insert:

Sec. 21. For support and education of 365 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, \$62,955; for general repairs and improvements, \$8,000; for girls' industrial building, \$10,000; for new barn, \$3,000; in all, \$83,955.

Mr. SMOOT. Mr. President, I notice that the Senate amendment provides an additional appropriation of \$10,000 for a girls' industrial building. Can the Senator having the bill in charge apprise the Senate as to what immediate necessity there is for this building?

Adverting to page 264 of the House hear-Mr. ASHURST.

ings, I quote from the assistant commissioner as follows:

There is needed \$10,000 for a girls' industrial building, large enough to properly house the domestic-science department and also for quarters for the general sewing room. The present quarters are entirely too small, only two rooms being now available in addition to a poorly lighted basement room.

The statement before the Senate committee was to the effect that this was a necessary expenditure for a girls' industrial building large enough so that they would be equipped with facilities for learning domestic science.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 60, line 19, after "\$4,000," to strike out "in all, \$53,750," and insert "for two new busses, \$900; in all, \$54,650," so as to make the clause read:

For support and education of 250 Indian pupils at the Indian school at Pierre, S. Dak., including pay of superintendent, \$43,750; for general repairs and improvements, \$6,000; for new boiler and boiler stack and installation thereof, \$4,000; for two new busses, \$900; in all, \$54,650.

The amendment was agreed to.

The next amendment was, on page 60, line 24, after the word "remodeling," to strike out "building" and insert "buildings," so as to make the clause read:

For support and education of 275 Indian pupils at the Indian school, Rapid City, S. Dak., including pay of superintendent, \$47,925; for general repairs and improvements, \$5,000; for remodeling buildings, \$9,000; for construction and repair of road through school farm, \$4,000; for irrigation, drainage, and improving school farm, \$3,000; in all, \$68,925 \$68,925.

The amendment was agreed to.

The next amendment was, on page 62, after line 2, to insert:

For acquiring, constructing, or enlargement and equipment of school buildings on the following reservations: Crow Creek, Pine Ridge, Rosebud, Standing Rock, Yankton, Sisseton, Lower Brule, and Cheyenne River, \$300,000: Provided, That after the school buildings herein provided for are established and equipped no money shall be appropriated out of the Treasury of the United States for the education of Indian children in sectarian schools.

The amendment was agreed to.

The next amendment was, on page 62, after line 10, to strike out:

For subsistence and civilization of the Yankton Sioux, South Dakota, including pay of employees, \$14,000.

For subsistence and civilization of the Yankton Sloux, South Dakota, including pay of employees, \$14,000; for the erection of a barn at Ravinia, S. Dak., for sheltering Indian teams, \$2,000, of which sum not to exceed \$300 shall be expended for a suitable site; in all, \$16,000.

The amendment was agreed to.

The next amendment was, on page 62, line 23, after "\$60,000," to insert "to repair and improve the road leading from the said asylum for insane Indians to the city of Canton, S. Dak., \$7,500; in all, \$67,500," so as to make the clause read:

For the equipment and maintenance of the asylum for insane Indians at Canton, S. Dak., for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, repairs, improvements, and for necessary expense of transporting insane Indians to and from said asylum, \$60,000; to repair and improve the road leading from the said asylum for insane Indians to the city of Canton, S. Dak., \$7,500; in all, \$67,500.

The amendment was agreed to.

The next amendment was, at the top of page 63, to insert:

For compensation of Fast Walker, D. K. How, and Not Afraid of Bear, all of the Crow Creek Reservation, S. Dak., for services rendered while acting as scouts under Gen. Sully and Lieut. Col. John Pattee in the year 1863, the sum of \$150 each; in all, \$450.

Mr. SMOOT. Mr. President, I should like to have the Senator explain why this claim should be put upon the appropriation bill. I see that it is stated that the service was rendered in 1863.

Mr. ASHURST. In response to the question propounded by the Senator from Utah I would respectfully call his attention to page 25 of the report of the committee. While it is true that this is a claim, it is the only claim on the bill that is to be paid out of the Federal Treasury. All the other claims, if I construe them correctly—and I think I do—are to be paid out of various Indian funds at the request of the Indians. Secretary of the Interior sent a somewhat lengthy but complete explanation of this item, and I ask the Secretary to read at this time the report of the Secretary of the Interior on this particular item.

Mr. SMOOT. Does the Senator know whether this is the first

ime that this claim has been presented to Congress?

Mr. ASHURST. This is the first time it has been presented since I have been a member of the Indian Affairs Committee. It was presented by the Senator from South Dakota [Mr. Johnson], who is very familiar with it, and who vouched for its accuracy; and it is also agreed to by the Secretary of the Interior. I should like to have the letter of the Secretary read.

The VICE PRESIDENT. In the absence of objection, the

Secretary will read as requested.

The Secretary proceeded to read the letter, and was interrupted by

Mr. ASHURST. The letter is very lengthy and I ask that the remainder of it be included in the RECORD without reading. I

call specific attention to a paragraph on page 27 in this same letter, as follows:

From the facts presented it appears to me that for their services as scouts during the year 1863, covering the time above estimated, these Indians are entitled to compensation from the Government, and I would recommend that Fast Walker, Don't Know How, and Not Afraid of Bear be each allowed \$150.

Mr. SMOOT. That is the position of the Secretary of the Interior?

Mr. ASHURST. I have read next to the last paragraph of the Secretary's letter.

The letter entire is as follows:

Mr. ASHURST. I have read next to the last paragraph of the Secretary's letter.

The letter entire is as follows:

Department of the Interior, Washington, December 11, 1916.

My Dear Senator: In further reply to your letter dated April 26 relative to 8. 5648, authorizing an investigation of the claims of Fast Walker and other members of the Yankton Sloux Tribe and the Two Kettle Band of the Cheyenne River Reservation, S. Dak., for services performed as scouts in 1863, you are advised that this matter has been taken up with the superintendents of the different Sloux Indian reservations for the securing of data on this subject.

Indian reservations for the securing of data on this subject.

Indian reservations for the securing of data on this subject.

On taking this matter up with the Superintendents of the different Sloux Indian reservations for the securing definite information relative to the Indians involved and the length of time which these Indians have allowed to elapse before putting in their claim for money due them for their services as scouts during the year 1863.

On taking this matter up with the War Department the Assistant Secretary of War reported that their records showed no Indian scouts enlisted in the Regular Army during the year 1863. A list, however, was inclosed with his communication giving the names of the Indians employed in the Quartermaster's Department with the Army operating 1863 to 1866, showing that these Indians received pay for their services. The name of Fast Walker, the Indian mentioned in S. 5648, is not included in the list above mentioned, but the other name under which he sometimes went, namely, Rattling Stone Walker, might possibly be the one mentioned in the list as being employed from September 15 to October 10 as a scout, for which he was paid \$3 per day.

In his testimony, copy of which is herewith the was paid \$3 per day.

In his testimony, copy of which is herewith the was paid \$3 per day.

In his testimony, copy of which is herewith the have publicated the security

ernment at the time stated in the bill or under one of the officers named.

The supervisor in charge of the Rosebud Reservation advised that he sent a copy of the bill in question with a circular letter to all the district farmers on his reservation and to the members of the Rosebud tribal council, calling on all persons knowing any of the Indians mentioned in the bill to report same to his office. No names were submitted and no Indians made claim for services such as would bring them within the claim mentioned in said bill. He is of the opinion that there are no Indians on the Rosebud Reservation who would come within the scope of the bill. This is a very large reservation, involving an area of 1.715.231 acres and having under its supervision approximately 5,500 Indians. In view of the large territory involved and the number of Indians, the above plan had to be followed by the supervisor in trying to secure the information desired.

The superintendent of the remaining Sloux Agency of the five above mentioned, namely, Crow Creek, made an exhaustive investigation of the matter, due to the fact that Fast Walker, the Indian mentioned in 8. 5648, lived on his reservation. The superintendent reports that, so far as he has been able to determine, out of the 26 Indians who served as scouts during the fall of 1862 and possibly later from the Lower Yanktonai Sioux Tribe, only 3 are living, namely, Fast Walker, D. K. How (Don't Know How), both above mentioned, and Not Afraid of Bear.

On going over the testimony secured by the superintendent of the

Served as scotts uting the state of the Lower Yanktonat Sloux Tribe, only 3 are living, namely, Fast Walker, D. K. How (Don't Know How), both above mentioned, and Not Afraid of Bear.

On going over the testimony secured by the superintendent of the Crow Creek Reservation from the three Indians named above, it appears that these men were very young when the Sioux campaign under Gen. Sully took place, and that they enlisted in the fall of 1862 and served until some time the following summer of 1863. These Indians claim that they were members of a band of scouts who rescued

Mrs. Duly, her six children, and a Mrs. Wright, who had been captured by hostile Santees in the fall of 1862. Copy of their testimony is inclosed. Inspector James McLaughlin, who was in the vicinity of Crow Creek Agency in the spring of 1863, states that these Indians did not participate in the rescue in question and that all the members of said rescue party are dead. There is inclosed herewith an extract made from notes in one of the inspector's memorandum books relative to Chief Madbear's statement regarding the rescue in question and the participants.

made from hotes in one of the inspector's memoranium books frintive to Chief Madbear's statement regarding the rescue in question and the participants.

During the next spring the above-mentioned three Indians claimed to have escorted Gen. Sully up to what is now Bismarck, N. Dak., on his way to Montana. They also claim to have killed some hostile Santee Indians in connection with their scout duty.

From the report of the superintendent of the Crow Creek School and the facts brought out in the direct examination of the Indians above mentioned, it would appear that these Indians probably did act as scouts for a time in the Army, approximately four months, during the spring and summer of 1863.

From the facts presented, it appears to me that for their services as scouts during the year 1863, covering the time above estimated, these Indians are entitled to compensation from the Government, and I would recommend that Fast Walker, Don't Know How, and Not Afraid of Bear be each allowed \$150.

There are inclosed herewith copies of correspondence between the Commissioner of Indian Affairs and certain of the superintendents, together with copies of communication from the War Department, for your information.

Cordially, yours,

Franklin K. Lane,

Secretary.

Secretary.

Hon. Henry F. Ashurst, Chairman Committee on Indian Affairs, United States Senate.

Mr. SMOOT. Mr. President, I do know this: That there are thousands and thousands of claims made against the Government of the United States for services rendered in 1863, 1864, and 1865, not particularly of Indians but of white people all over the United States. All those claims are sent to the Court of Claims, and that is the proper place for them to go. The Court of Claims would gather whatever evidence there is in the case; but to put a private claim upon an appropriation bill is not the proper course to pursue, in my opinion.

If the Senator from South Dakota knows anything personally about this matter, I should like to have him state it to the Senate, but there is no more necessity and there is no more justice in putting this private claim upon this appropriation bill than there is in taking up on an appropriation bill all the old post-office claims in the South, and all the other claims for the destruction of property during the Civil War and claims for services given to the Government during that period of our history.

Unless there is some good reason why I should not do so I desire to make a point of order against the amendment. should like to hear what the Senator from South Dakota has to say before I make the point of order.

Mr. JOHNSON of South Dakota. Mr. President, this is a matter that I am not personally familiar with. The letter of the Secretary of the Interior, which has been read in part, explains the matter more fully than I could do it.

The fact remains, however, that on the Crow Creek Reservation it is universally conceded that these men performed the duties for which they ask this small compensation for their services during that time. In all probability the reason why their names did not appear on the Army roll was because they were acting as special scouts, or something of that kind, during the time of the war.

The sum involved is so small and insignificant that while I realize the position the Senator from Utah takes in regard to such an appropriation on an appropriation bill I hope he will not raise a point of order on this small item.

Mr. SMITH of Georgia. The trouble is, if the Senator will allow me, if we start with this small item what will be on us the next time? This will be cited as a precedent for introducing into the Indian appropriation bill the adjustment of claims of this kind and it will be that much harder to stop it the next time. If we could get through with it by making this appropriation of \$450, and would not start a precedent for more evil and more trouble, I do not know that I would especially object. I hope the Senator will consent to let it go over, and I hope the chairman of the committee will consent.

Mr. JOHNSON of South Dakota. I will consent to let the matter be passed over to-day.

Mr. SMOOT. I wish to ask the Senator if these Indians were in the service of the Government and in the Regular Army?

Mr. JOHNSON of South Dakota. I understand as scouts.

Mr. SMOOT. Then it seems to me there is not only the ques-Mr. SMOOT. Then it seems to me there is not only the question of paying a claim of \$150, but if we pay this claim we acknowledge that they were in the Army. I can not see why they could not come and claim a pension as well, the service having been acknowledged by the payment of \$150. The amendment does not state how long they served; there is no record here from the department to show that they ever did serve, yet by this small amendment we acknowledge that they did this service in 1863, and I am not quite sure, I will say to the Senator, but that they could claim service in the Regular Army by this payment, which is virtually an acknowledgment of service, and base a pension claim upon the same. Has the Senator thought of that?

Mr. JOHNSON of South Dakota. No; I never have. They were in the service of the Regular Army, as I understand it, as advance scouts. Perhaps the Army Register may not show that they were in the service of the Army. They were, as I recall it, as scouts, and that would exclude the matter with regard to pensions, would it not?

Mr. SMOOT. I think if they were scouts in the Regular Army and did the service white men do they ought to have a pension; but I do not see how we are going to decide that by what little testimony we have here in allowing a claim for each one of them on an appropriation bill. I think it is a very bad precedent, I will say to the Senator I am perfectly willing that the amendment shall go over for the present and be considered later.

Mr. JOHNSON of South Dakota. That is satisfactory.

Mr. MYERS. Mr. President, does the Senator from Utah make a point of order against this item?

Mr. SMOOT. The Senator from South Dakota agrees that it

shall be passed over.

Mr. MYERS. I do not believe that under Rule XVI a point of order would lie against the item, because this payment has been recommended. It has been moved by the direction of a standing committee of the Senate.

Mr. SMOOT. I suppose the Senator has not read paragraph 4 If he will read it, he will find it provides of that same rule.

that-

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill unless it be to carry out the provisions of an existing law or a treaty stipulation.

Mr. MYERS. The Senator is correct about that. Mr. SMOOT. I will let the amendment be passed over, Mr. President.

Mr. SMITH of Georgia. I think a point of order ought to be

made on the amendment.

The VICE PRESIDENT. Does the Senator from Georgia make a point of order?

Mr. SMITH of Georgia. I do not object to passing it over.

Mr. SMOOT. I will make the point of order.

The VICE PRESIDENT. The point of order is sustained.

The next amendment was, under the head of "Utah," on page 63, line 8, to change the number of the section from "21"

The amendment was agreed to.

The next amendment was, under the head of "Washington," on page 65, line 10, to change the number of the section from "22" to "23."

The amendment was agreed to.

The next amendment was, on page 67, line 5, after the word "reservation," to strike out "\$200,000" and insert "\$300,000," so as to make the clause read:

For continuing construction and enlargement of the irrigation and drainage system, to make possible the utilization of the water supply provided for 40 acres of each Indian allotment on the Yakima Indian Reservation, Wash., and such other water supply as may be available or obtainable for the irrigation of a total of 120,000 acres of allotted Indian lands on said reservation, \$300,000, to remain available until expended: Provided, That the entire cost of said irrigation and drainage system shall be reimbursed to the United States under the conditions and terms of the act of May 18, 1916.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 67, after line 10, to insert:
That the patents heretofore issued as fee-simple patents under the homestead act of May 20, 1862 (12 Stat. L., 392), in the name of Charles Cleveland, May 2, 1905, for the south half of the southeast quarter, section 22, and the northeast quarter of the northeast quarter and lot No. 1, section 27, township 27 north, range 14 west, of the Willamette meridian; and a similar patent in the name of Henry Hudson, May 1, 1902, for the southeast quarter of the northeast quarter and the northeast quarter of the southeast quarter, section 21, and the southwest quarter of the southeast quarter, section 21, and the southwest quarter of the northwest quarter, and the northwest quarter of the southwest quarter, section 22, township 27 north, range 14 west, of the Willamette meridian; and a similar patent in the name of Washington Howeattle, September 26, 1902, for the southeast quarter, and the southeast quarter, the north half of the southeast quarter, and the southeast quarter, and the southeast quarter, and the north half of the southeast quarter, and the north half of the southeast quarter, section 22, township 27 north, range 14 west, of the Willamette meridian; and a similar patent in the name of Jim Black, March 8, 1905, for the Nillamette meridian; and a similar patent in the name of Jim Black, March 8, 1905, for the Nillamette meridian; and a similar patent in the name of Tommy Saux, May 2, 1905, for the southwest quarter, section 24, township 27 north, range 14 west, of the Willamette meridian; and a similar patent in the name of Tommy Saux, May 2, 1905, for the southwest quarter, section 24, township 27 north, range 14 west, of the Willamette meridian; and a similar patent in the name of Tommy Saux, May 2, 1905, for the southwest quarter, section 24, township 27 north, range 14 west, of the Willamette meridian; and a similar patent in the name of Tolmy Saux, May 2, 1905, for the southwest quarter, section 24, township 27 no The next amendment was, on page 67, after line 10, to insert:

north, range 14 west, of the Willamette meridian; and a similar patent in the name of Kate Jackson, widow of Peter Jackson, October 19, 1905, for the north half of the northeast quarter, and lots Nos. 1, 2, and 3, section 20, township 27 north, range 14 west, of the Willamette meridian; and a similar patent in the name of Thomas Paine, February 24, 1908, for the lots Nos. 11 and 12, section 1, township 27 north, range 13 west, of the Willamette meridian; and a similar patent in the name of Wil-les-sa, August 1, 1904, for the northeast quarter of the southeast quarter, and lot No. 1, section 21, and the northwest quarter of the southeast quarter, and lots Nos. 6 and 7, section 22, township 28 north, range 14 west, of the Willamette meridian; and a similar patent in the name of Robert Smith, October 5, 1907, for the southeast quarter, section 20, township 16 north, range 4 east, of the Willamette meridian; and a similar patent in the name of William Ponier, June 8, 1903, for the northwest quarter, section 20, township 16 north, range 4 east, of the Willamette meridian; and a similar patent in the name of Wapato Charley for the west half of the northeast quarter and the northeast quarter of the Northwest quarter of section 19, township 23 north, range 20 east, of the Willamette meridian, all situated in the State of Washington, be, and the same are hereby, ratified and confirmed as of their dates of issuance.

The amendment was agreed to.

The next amendment was, under the head of "Wisconsin," on page 70, line 11, to change the number of the section from "23" to "24"; and, in line 13, after the word "superintendent," to insert "at \$1,650," so as to make the clause read:

SEC. 24. For the support and education of 250 Indian pupils at the Indian school at Hayward, Wis., including pay of superintendent, at \$1,650, \$43,200; for general repairs and improvements, \$8,000; in all, \$51,200.

The amendment was agreed to.

The next amendment was, on page 70, line 24, after the word employees," to strike out "\$7,000" and insert "\$9,000," so as to make the clause read:

For support and civilization of the Chippewas of Lake Superior, Wis., including pay of employees, \$9,000.

The amendment was agreed to.

The next amendment was, at the top of page 72, to strike out: The next amendment was, at the top of page 72, to strike out:
The Secretary of the Interior is hereby authorized to withdraw from
the Treasury of the United States, in his discretion, the sum of
\$300,000, or so much thereof as may be necessary, of the tribal funds of
the Menominee Indians in Wisconsin, arising under the provisions of
the acts of June 12, 1890 (26 Stat. L., p. 146), and March 28, 1908
(35 Stat. L., p. 51), and to expend the same in the clearing of land,
the erection of sanitary homes, and the purchase of building material,
seed teams, farming equipment, dairy stock, machinery, tools, implements, and other equipment and supplies necessary to enable said
Indians to become self-supporting under such regulations as he may
prescribe: Provided, That no lands shall be cleared for agricultural
purposes, pursuant to the foregoing provision, excepting such lands as
have been heretofore completely and wholly cut over.

And to insert:

And to insert:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, in his discretion, the sum of \$387,000, or so much thereof as may be necessary, of the tribal funds of the Menominee Indians in Wisconsin, arising under the provisions of the acts of June 12, 1890 (26 Stat. L. p. 146), and March 28, 1908 (35 Stat. L., p. 51), and to expend the same in the clearing of land, the erection of sanitary homes, and the purchase of building material, seed, teams, farming equipment, dairy stock, machinery, tools, implements, and other equipment and supplies necessary to enable said Indians to become self-supporting, under such regulations as he may prescribe: Provided, That no lands shall be cleared for agricultural purposes pursuant to the foregoing provision, excepting such lands as have heretofore had removed therefrom all merchantable timber: Provided further, That the funds herein authorized, together with the \$300,000 authorized by the Indian appropriation act approved May 18, 1916 (Public, No. 80, p. 38), may, in the discretion of the Secretary of the Interior, be apportioned on a per capita basis among all enrolled members of the Menominee Tribe, a per capita payment of \$50 to be made immediately after the passage of this act to each member of said tribe, and the remainder of the share of each Indian to be deposited to his or her credit and subject to expenditure under the regulations governing the handling of individual Indian money.

Mr. ASHURST. I am not certain, but it may be that the

Mr. ASHURST. I am not certain, but it may be that the Senator from Wisconsin [Mr. La Follette] has an amendment to propose at this point, and I ask that this particular paragraph may go over until he is able to come into the Cham-He is now in attendance upon a committee.

The VICE PRESIDENT. The amendment will go over. The next amendment was, under the head of "Wyoming," on page 74, line 19, to change the number of the section from "24" to "25."

The amendment was agreed to.

The next amendment was, on page 75, line 10, after the name "Wyoming," to strike out "including the maintenance and operation of completed canals, \$100,000," and insert "including the Big Wind River and Dry Creek Canals, and including the maintenance and operation of completed canals, \$150,000," so as to make the clause read:

For continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation, in Wyoming, including the Big Wind River and Dry Creek Canals, and including the maintenance and operation of completed canals, \$150,000, reimbursable in accordance with the provisions of the act of March 3, 1905, and to remain available until expended.

The amendment was agreed to.

The reading of the bill was continued to line 21, page 75.

Mr. ASHURST. Before we take up the next item, which may be controverted. I ask that we recur to the item relative to the Menominee Indians in Wisconsin.

The VICE PRESIDENT. The amendment which was passed

over will be stated.

The Secretary. The committee proposes to strike out from the House text from line 1 to line 18, on page 72, and to insert the matter printed in italics on pages 72 and 73.

Mr. LA FOLLETTE. For which I wish to offer a substitute. The VICE PRESIDENT. The substitute will be read.

The Secretary. It is proposed to substitute for the part in italics the following:

The Secretary of the Interior is bereby authorized to withdraw from the Treasury of the United States, in his discretion, the sum of \$337,000 of the tribal funds of the Menominee Indians in Wisconsin, arising under the provisions of the acts of June 12, 1890 (26 Stat. L., p. 146), and March 28, 1908 (35 Stat. L., p. 51), section 26 of the act of March 3, 1911 (36 Stat. L., p. 1076), and any acts amendatory thereof, and under such regulations as he may prescribe to expend the same to aid said Indians to fit themselves for or to engage in farmling or such other pursuits or avocations as will enable said Indians to become self-supporting or in the case of the old, decrepit, or incapacitated members of the tribe for support: Provided, That in the case of those who engage in farmling upon the Menominee Reservation, that prior to authorization to make expenditures for farming purposes upon lands not heretofore entirely cleared of all merchantable timber of the Indian Bureau shall make a survey of same and shall certify that such lands have been cut over and cleared of all merchantable timber, or that, if there be merchantable timber on such lands, that it is to the interest of the Menominee Indians and not detrimental to the Menominee Forest that such timber be removed, and that such Forest Service of the Indian Bureau shall also certify that the lands proposed to be cleared are not necessary to the preservation of the Menominee Forest and would be more valuable to the Menominee Indians if used for agricultural or grazing purposes; that any merchantable timber cut hereunder shall be disposed of in the manner provided by law for the disposition of timber cut upon the Menominee Reservation, and the authorization herein contained, in so far as it applies to the merchantable timber on said lands, shall not be construed so as to increase the total amount of said timber authorized to be cut in any one year: Provided further, That the funds herein authorized, together with the \$300,000 authorized by the Indian appropriation

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Wisconsin [Mr. La Follette] to the amendment of the committee.

Mr. SMITH of Georgia. Will the Senator from Wisconsin

explain to us just what that amendment does?

Mr. LA FOLLETTE. Mr. President, my amendment changes the amendment adopted by the committee in this respect: The amendment adopted by the committee and presented to the Senate limited the benefits to be derived from the Indian funds appropriated here to those Indians who might engage in farming upon the reservation.

Mr. SMITH of Georgia. It is simply a question of the use

of Indian funds?

Mr. LA FOLLETTE. Oh, yes. It makes no appropriation from the Treasury.

Mr. SMITH of Georgia. And perfecting a plan to use such

funds in the Senator's State as the Senator thinks best?

have not any objection to the amendment.

Mr. LA FOLLETTE. Mr. President, I observed after the amendment had been adopted by the committee that it limited the number of those who could participate in the fund to Indians who were engaged in farming upon the reservation. reliably informed that there are numbers of Indians who engage in other occupations and who are prosecuting them quite successfully. There are a number of merchants, for instance, who would have an equal right to share in this fund who are conducting a mercantile business of considerable proportions; there are other Indians who are members of this tribe who are civil engineers, who are teachers in schools, and many of them desire to take the normal course in the Wisconsin Normal School in order to prepare themselves for teaching. I think they ought to be permitted to share in this fund and to use it for preparing themselves for the vocations which they have elected to pursue. I therefore revised the amendment which the committee had adopted and submitted it to the Assistant Commissioner of Indian Affairs this morning. He made one suggestion, which I have adopted; and as presented to the Sen-

ate the amendment has the approval of the Indian Office through the Assistant Indian Commissioner. I will not take the time

of the Senate further, Mr. President.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Wisconsin to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 75, after line 21, to strike out:

Sec. 25. That until the meeting of the Sixty-fifth Congress those members of the Committee on Indian Affairs of the House of Representatives, not less than five in number, who are Members elect of the Sixty-fifth Congress are authorized to conduct hearings and investigate the conduct of Indian affairs by the Indian Bureau and other branches of the Indian Service at Washington, D. C., and elsewhere, and the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated for expenses incident thereto.

And to insert:

SEC. 26. For the purpose of making inquiry into conditions in the Indian Service, with a view to ascertaining any and all facts relating to the conduct and management of the Bureau of Indian Affairs, and of recommending such changes in the administration of Indian Affairs as would promote the betterment of the service and the well-being of Indians, there is hereby constituted a commission to be known as the joint commission to investigate Indian affairs, to be composed of three Members of the Senate, to be appointed by the presiding officer of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker. That said commission be, and is hereby, directed, authorized, and empowered to examine into the conduct and management of the Bureau of Indian Affairs and all its branches and agencies, their organization and administration. The commission shall have power and authority to examine all books, documents, and papers in the said Bureau of Indian Affairs, its branches or agencies, relating to the administration of the business of said bureau, and shall have and is hereby granted authority to subpœna witnesses, compel their attendance, administer oaths, and to demand any and all books, documents, and papers of whatever nature relating to the affairs of Indians as conducted by said bureau, its branches and agencies. Said commission is hereby authorized to visit any Indian agency, school, institution, or other establishment under the jurisdiction and control of the Bureau of Indian Affairs or the Department of the Interior, and it shall be the duty of the Secretary of the Interior, the Commissioner of Indian Affairs and all other officers connected with the administration of Indian Affairs to aid the said commission and furnish all available information that may be demanded by said commission. The investigation hereby provided for shall be econducted by said commission may deem necessary in the proper prosecution of its work: Provided, That stenographers as employed shal

Mr. ASHURST. Mr. President, I feel that it is my duty to make some explanation of that proposed change. In section 25 of the bill it will be ascertained by adverting to page 75, line 22, that the following language came over from the other branch of Congress to this branch of Congress:

Sec. 25. That until the meeting of the Sixty-fifth Congress those members of the Committee on Indian Affairs of the House of Representatives, not less than five in number, who are Members elect to the Sixty-fifth Congress, are authorized to conduct hearings and investigate the conduct of Indian affairs by the Indian Bureau and other branches of the Indian Service, at Washington, D. C., and elsewhere, and the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated for expenses incident thereto.

I am not going to attempt to speak for the committee; the individual members of the committee are able to speak for themselves; but I will say that, upon a close reading of the paragraph, it will be ascertained that it is proposed that members of the Committee on Indian Affairs of the other House should have the power—and \$10,000 are appropriated for the expenditure—of conducting an investigation of the Bureau of Indian Affairs in Washington and elsewhere. It will also be observed that there is no provision made for the swearing of witnesses, for the taking of testimony, or for anything of that sort. It seemed to me to be a weak and inconclusive provision. The Committee on Indian Affairs of the Senate took the view that if an investigation were necessary and if the Committee on Indian Affairs were to investigate and to go upon various reservations they should have the power to subpæna witnesses, that they should have the power and should have the authority to reduce to writing the testimony adduced. Hence the Senate Committee on Indian Affairs drafted the language which appears in the Indian appropriation bill which was approved June 30, 1913, creating a joint commission on Indian affairs, to be composed of three Representatives, to be appointed by the Speaker of the House of Representatives, and three Senators, to be appointed by the Vice President of the United States, the presiding officer of the

Speaking for myself, and for myself alone, I do not see any necessity for such an investigation. I do not see any necessity for either the House provision or the committee provision being incorporated into the law. If, however, the Senate wishes to incorporate either provision I shall very cheerfully join with the Senate, because I do not wish to occupy the attitude that there should be no investigation. I have now made my individual position known. I repeat, that I know of no necessity for this proposed investigation, but if there should be an investigation I am sure the Senate of the United States should have some representation upon the investigating committee. I think I have stated the facts that ought to be stated to the Senate.

Mr. SMOOT. Mr. President, I should like to ask the Senator what was the impelling force that induced the committee to strike out the House provision and amend it by the Senate provision as contained in section 26?

Mr. ASHURST. As will be discovered, of course, upon a close reading of section 25 as it came to this body, it provided:

That until the meeting of the Sixty-fifth Congress those members the Committee on Indian Affairs of the House of Representatives, of less than five in number, who are Members elect to the Sixty-fifth Congress.

Mr. SMOOT. I followed what the Senator said, and that

provision is printed in the bill.

Mr. ASHURST. The House provision gave them the power and authority to make investigations of the Bureau of Indian Affairs in Washington, and to go upon the various reservations.

Mr. SMOOT. Do I understand-

Mr. ASHURST. Just a moment, if the Senator please. The reason which induced the Senate committee, in my judgment, to make the amendment was this: If the necessity exists for an investigation-which we do not admit or concede-surely the commission should be composed of Senators as well as Members of the other House, and surely it should have the power to subpena witnesses and reduce the testimony of those witnesses to writing. The reason for the adoption of the Senate amendment to me seems very clear, because under the House provision no authority is granted to reduce the testimony to writing, although possibly that power might be implied from the language of the bill. It is not, however, expressly given, and it is a matter of grave doubt now whether or not, even with the Senate committee language, such a joint commission would have the power to enforce the attendance of a witness, compel him to testify, and subject him to the pains and penalties of perjury if willfully he testified falsely. So the Senate committee en-deavored to strengthen the provision as best it could.

Mr. SMOOT. Well, let me ask the Senator was he in favor of

the Senate provision?

Mr. ASHURST. I was.

Mr. SMOOT. The Senator's statement, as it seemed to me, was not so strong that I would want to move that the Senate committee amendment be disagreed to, although I take it for granted from what the Senator said that he would rather like such a motion to be made; but, nevertheless, if the Senator thinks the Senate committee amendment is far preferable to the House provision, and that if we accept the Senate committee amendment and in conference it should finally be decided to have an investigation, the Senate committee amendment would provide for an investigation that is worth while-if that is the Senator's position, then we ought to keep the section in.

Mr. ASHURST. That is my attitude. Of course, the House of Representatives is the grand inquest of the Nation; it is the inquisitorial body; but the Senate committee did not wish out of hand to refuse to agree to the House provision, and substi-tuted as we thought the best language that we could find, and, I repeat, adopted the language providing for the old joint com-

mission of 1913.

The VICE PRESIDENT. Without objection, the amendment reported by the committee is agreed to. The first amendment passed over will be stated.

The Secretary. The first amendment passed over in the bill will be found on page 25, beginning on line 9.

Mr. SMOOT. Mr. President, there are a number of Senators who desire to be present when the reconsideration of the amendments passed over occurs, and it is for that reason that I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Chamberlain Chilton Clapp Culberson Ashurst Borah Brady Brandegee Bryan

Curtis Dillingham Fall Fletcher Gallinger

Gronna Harding Hitchcock Hollis

Husting Norris O'Gorman James Oliver Overman Page Phelan Johnson, Me. Johnson, S. Dak. Jones Kenyon Lane McCumber Martin, Va. Pittman Poindexter Ransdell

Robinson Robinson Saulsbury Shafroth Sheppard Smith, Ga. Smith, Md. Smoot Sterling Sutherland Thomas Tillman Underwood Vardaman Wadsworth Walsh Watson Williams

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. There is a quorum present.

The Secretary. The first amendment passed over will be found on page 25, beginning on line 9. The item reads as fol-

For support and education of 100 Indian pupils at the Fort Bidwell Indian School, California, including pay of superintendent, \$18,200; for general repairs and improvements, \$3,500.

At this point is the committee amendment, which, on line 12, proposes to strike out the words "in all, \$21,700" and to insert "for new school building, \$12,000; in all, \$33,700."

Mr. GRONNA. Mr. President, the other day, when we had this item under consideration, I made a statement which I think was not absolutely accurate. These Indians did, some years ago, receive allotments; but they were located upon lands that are very poor. Only a very small portion of the land can be irrigated, and only a very small portion of the land is fit for agriculture.

I wish to read for the information of the Senator from Utah

[Mr. SMOOT], who opposes this item so strongly—
Mr. SMOOT. No, Mr. President; the Senator from Utah simply wanted to learn the reasons why the new school building should be erected.

Mr. GRONNA. I will put it in this way, then: I shall be glad to give the Senator from Utah the information which he would like to have. I read from the thirty-third annual report of the Indian Rights Association. These men went out on nearly all the western reservations and made a thorough investigation of conditions among all these Indians; and I read from page 20 with reference to the Fort Bidwell school:

read from page 20 with reference to the Fort Bidwell school:

This agency is now in charge of French Gilman, who did such good work for many years on the Pima Reservation, in Arizona. There is no reservation except the 300 acres set apart for agency and school purposes. Mr. Gilman has about 700 Indians under his jurisdiction, and they are scattered throughout Modoc County, which is 75 miles square. There is a boarding school at the agency, with a capacity of 100 pupils, and three day schools scattered over Modoc County, the one at Alturas being built by the Indians themselves.

These Indians were allotted individual tracts of land in 1891 and in 1894, and although 64,000 acres of land were parceled out to them, not more than 8,000 acres are of any value agriculturally, and then only when there is water for irrigation; but as that important element is lacking, the possible arable land is practically useless. Most of the allotments are in the hills, covered with rocks. One could readily believe that the allotting agent merely assigned to the Indians various tracts from a plat while seated in an office, and that he either did not know, or did not care, whether the selections were good or bad. If these Indians are to make any real progress, the land question must be readjusted. Nearly all the able-bodied men are willing and anxious to work, but the employment that is open to them, on the various valley ranches, lasts only three or four months each year. Then it is a struggle for existence for the remainder of the year.

Then the commission goes on and speaks about the living conditions of those Indians, and about their school facilities.

Mr. LANE. Mr. President, I should like to ask the Senator

if they found the living conditions to be good?

Mr. GRONNA. I will say to the Senator from Oregon that the living conditions were very bad, and what was true of the living conditions was also true of the facilities for schools. I do not know of a school anywhere in the country where an appropriation is needed any more than it is in this school. These poor Indians, scattered as they are all over that country, are not tramps in the ordinary sense of the word. They are willing to work, but they are poor, and it is the duty of the United States Government to look after them, regardless of whether they have a reservation or not. I know that when the Senator from Utah and other Senators who are in favor of economy-and that is commendable, of course-know the circumstances of both these schools in California they will not oppose this appropria-The committee may have failed in many instances to do its full duty in getting all the information necessary, but let us remember that dealing with Indians is not the same as dealing with the white people of the United States, and let us not forget that much of the bloodshed that has been caused in the western countries was caused merely because of the narrow-mindedness of men who were then holding seats in this body.

Why, sir, I can recall, when I was a mere boy, when the Indian outbreak occurred in southern Minnesota when 300 white people

were murdered in the immediate vicinity where I lived; and why? Because the Congress of the United States refused to give to them what it actually owed them under treaty stipulations. More than 300 white people, as I say, were murdered at that time near my home. From time to time we have taken possession of lands which belonged to these people. They were here before we were here. For the Congress of the United States to say that we are unwilling at this time to appropriate small amounts of money for the civilization and education of the Indians is wrong, and it can not be justified by anyone.

Mr. LANE. Mr. President-

The PRESIDING OFFICER (Mr. HUSTING in the chair). Does the Senator from North Dakota yield to the Senator from

Mr. GRONNA. I do.

Mr. LANE. I should like to ask the Senator if he really and truly thinks we are civilizing them now, or educating them very

Mr. GRONNA. I will say to the Senator from Oregon-I know how deeply interested he is in the Indian question, and I think I might say that I agree with him in many of the amendments which he has suggested-that the Indians of this country have

The Senator from Oregon has been in the committee as well as I have, and he has heard the plea of those Indians as I have heard it; and I think we all agree that the untutored aborigines, unschooled in the arts and uneducated in letters according to our mode of civilization, is honest, courageous, and we all realize that the Indian is a man who has brains. I think the committee realizes that if their affairs had been left to the Indians in some instances they would have been better off than they are now. That may be true; but this is the condition, Mr. President: We have set aside certain reservations, certain small portions of the land that belonged to them. We have said that the Secretary of the Interior shall have jurisdiction over these unfortunate men. We say by law "You shall do thus and so," and it is not the fault of the Indian Office; it is not the fault of the Secretary of the Interior; it is the fault of Congress. Congress, sir, is responsible for many of the mistakes that have been made, because we place limitations upon these appropriations. We prescribe what shall be done with this money; and it is unfortunate, I say, to criticize the men who are holding these official positions. They, of course, have their limitations.

Mr. JOHNSON of South Dakota. Mr. President—
The PRESIDING OFFICER. Does the Senator from North

Dakota yield to the Senator from South Dakota?

Mr. GRONNA. Yes; I yield.

Mr. JOHNSON of South Dakota. I should like to ask the Senator from North Dakota if he does not think the laws Congress has passed with regard to the government of the Indians emanate largely from the Indian Bureau?

Mr. GRONNA. That may be true, Mr. President; and I do not approve of everything that has been done. The Senator from South Dakota knows that I have objected to many things that have been presented in the committees; but these men have been selected, and until Congress adopts a better system than the one we have now I say this wholesale criticism upon certain men is unwarranted. I think, perhaps—in fact, I know—that we could adopt a system that is better than the one we have adopted; but that is not the fault of the Secretary of the Interior, nor is it the fault of the Indian Bureau. It is the fault of Congress,

Congress has a right to appoint commissions to go out and investigate conditions among the Indians. We have on many occasions appointed commissions who have made their reports. Take the report made by the distinguished Senator from Arkansas [Mr. Robinson]. It is perhaps one of the most valuable reports that has ever been made to this body upon Indian affairs. How many Senators, I ask, have acquainted themselves with that report?

Mr. President, I do not care to delay the Senate to go into this question any further than to say this: Before any Senator objects to an appropriation for the education of the Indians, I hope he will look into this question and have all the information

available.

We have treaties pending to-day with the Indians that have not been fulfilled. The Indians let the Government have vast tracts of land. This Government agreed to do certain things for the Indians which have never been done. Take, for instance, the Sioux Indian country: The treaty made on the 29th of April, 1868, has never been kept by us. The Government of the United States solemnly promised that it would furnish We promised to furnish a schoolschools to the Indian children. house for every 30 Indian children, and also furnish them with teachers. Have we done that? This Government has violated every treaty that it has made with the Indians of the United States. I make this statement without any fear of successful contradiction.

There is not in this bill to exceed \$8,000,000 taken out of the Treasury of the United States as a gratuity for the civilization of the Indians. The balance of the amount appropriated in this bill—and the bill carries, I think, about \$12,000,000 in all—is all reimbursable. It belongs to the Indian funds. These men, about 260,000 of them in all, are our wards, and yet it is said that it is outrageous to take \$8,000,000 for what? To comply, in part, with the promises we have made more than a hundred years ago in some instances. Gratuitously, we are not giving them a penny. We are not even giving them what belongs to them; and if we were to carry out the treaties which we have with the Indians of the United States the Indian appropriation bill would be a large one. It would certainly be more than the bill pending before the Senate now.

Mr. JOHNSON of South Dakota, Mr. President—
The PRESIDING OFFICER. Will the Senator from North Dakota yield to the Senator from South Dakota?

Mr. GRONNA. I yield. Mr. JOHNSON of South Dakota. Mr. President, I am not opposed to the appropriation for school purposes that the Senator has in mind, but I merely wish to say in connection with his statement it is absolutely correct with regard to the schooling of children. We have in South Dakota about 1,500 children-Indian children-of school age who have no place provided for them to go to school. The treaty specifically provided that they should be provided for, and the law specifically made the same provision, yet that is the condition which exists in the State of South Dakota.

Mr. GRONNA. The Senator is correct; and what is true as to the condition in the Senator's State is true in other States. It is a deplorable condition. No one has criticized the Indian Office any more than I have.

The PRESIDING OFFICER. Will the Senator from North Dakota please suspend? The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The Secretary. A bill (H. R. 408) to provide for the development of water and the use of public lands in relation thereto, and for other purposes.

Mr. MYERS. I ask unanimous consent that the unfinished business be temporarily laid aside for the consideration of the Indian appropriation bill.

The PRESIDING OFFICER. If there be no objection, the unfinished business will be so laid aside. The Senator from North Dakota will proceed.

Mr. GRONNA. Mr. President, I have paid some attention to Indian affairs since I became a member of the committee. I have tried to discharge my duties as well as it is possible for me to discharge them. I am convinced that the Government must not refuse to appropriate money for the civilization and the education of the Indian children of the country, and wherever I find an appropriation in an Indian appropriation bill for school purposes, I want to say to this body it will not meet with any objection from me. There are provisions in this bill, I admit, of which I do not approve. I believe more in the appropriation of money for the civilization and education of the Indian children than I believe in improving the property of the Indian, because I believe it is better business to educate him and fit him for self-government than it is to appropriate money for the improvement of his land and then leave him in ignor-

I have objected to the way in which the Indian lands are being leased. I have objected to the existence of the great tribal herds; and only to-day one of the greatest chiefs of any Indian tribe, Chief Plentycoos, testified before our committee practically in effect substantiating what I have been contending, that the tribal herds should be divided up and given over to the Indians themselves, and let them put their own private brands on the cattle, because it is educational for the Indian to handle his own affairs; it will encourage him to thrift; it will have the tendency of making him able to take care of himself.

But, Mr. President, when it comes to appropriating a few dollars for the education of Indian children who are destitute because the white man robbed them of their belongings, you have no right, I say, to question the right of the committee to make appropriations for these institutions of learning.

was sorry to see the Senator from Utah [Mr. Smoot] make the point of order against the little item appropriating \$450 for three Indians, a few pairry dollars for men who bared their breasts against people of their own tribe, and yet we refuse to honor them for the services they did to the white man.

Mr. SMOOT. Mr. President-

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. GRONNA. Yes; I yield.
Mr. SMOOT. Certainly, the Senator is mistaken in relation to my reason for making the point of order against the payment of those three claims.

Mr. GRONNA. It is because the Senator from Utah does not understand the Indian question.

Mr. SMOOT. Of course, we need not discuss that at this time

Mr. GRONNA. The Senator does not care to discuss it at

Mr. SMOOT. I say there is no necessity of that. I admit I do not know very much about the Indian question, but I do know that if the Government of the United States owes those Indians anything at all for services rendered in 1863-\$150 apiece for three of them—the claim should pass through the regular course of all other claims. There is no question if there is any evidence at all but that they can be paid. I would pay them and think they ought to be paid; and I went so far as to say that if they were scouts of the Regular Army and had served the Government and fell within the law they ought to receive pensions, just the same as any other scouts in the Regu-

It is not because I have anything against the Indians, but it is the idea of picking out a claim here that has been existing, if existing at all, ever since 1863 and putting it on an appropriation bill. I did not think that was the proper course to pursue.

Mr. LODGE. May I ask, does not the Senator think that 54 years' consideration of it by Congress is a fair period for con-

Mr. SMOOT. I do not think it has been considered for 54

Mr. LODGE. The claim started 54 years ago.
Mr. SMOOT. But it is just of late that the claim has been brought to the attention of Congress, and there is no evidence here at all from any department; there is no record that there was any service performed. There is nothing to show that the service was rendered, and if we now pay the claim we acknowledge the service, and I think then they ought to have a pension if they did the service.

Mr. GRONNA. I will say to the Senator from Utah that this matter was very thoroughly considered by the committee, and it had all the information it needed to warrant it in placing this amount in the bill. These men have been refused this small The Senator from Utah realizes as much as I do, and as much as any other Senator here, the dissatisfaction which it makes among the civilized tribes, or among the half-civilized tribes, when a payment which is justly due them, and which these officials say is due them and to which they are entitled, for Congress to put its stamp of disapproval upon it. I say it is

Mr. SMOOT. If the Senator will introduce a bill for this purpose and have it referred to the Committee on Claims, they will report it out if it is a just claim, and the Senator from Utah will vote for it very readily.

Mr. GRONNA. I am also a member of the Committee on Claims, and I know something about how difficult it is to get a claim through the Claims Committee. The Senator knows that

Mr. JOHNSON of South Dakota. Mr. President-The PRESIDING OFFICER. Does the Senator from North

Dakota yield to the Senator from South Dakota?

Mr. GRONNA. I yield.
Mr. JOHNSON of South Dakota. I will merely say that I drafted a bill which is now before the Committee on Indian Affairs to pay this small amount, and I hope to have a favorable report upon it at the next meeting of the committee.

Mr. GRONNA. Mr. President, I want to apologize for having taken so much time of the Senate. I want to say that this item in the bill providing for an appropriation for schools in California is needed and it is for the Senate to decide. If you wish to cripple these institutions of poor, defenseless Indian children who are your wards, vote against them. If not, you will vote for them.

Mr. CUMMINS rose.

Mr. ASHURST. Mr. President, just a moment. I wish to say that nothing I can say would add anything to the very able speech of the Senator from North Dakota. He has covered the ground fully. I hope the debate on this item may now close, for the Senator has covered the ground completely. He has defended the committee most generously and set forth the reasons which induced the committee to make this increase.

Mr. SMOOT. I wish to say to the Senator from Arizona and also to the Senator from North Dakota that there was no criti- posals of the message are everywhere under discussion.

cism of the committee on the part of any Senator. The question arose as to whether the necessity was great enough at this time to appropriate money for new buildings. No Senator wants to interfere with the education of Indian children; but it was thought if it were just the mere fact of a new item perhaps it could wait for another year, with the Treasury in the condition it is to-day. Nobody objected. Questions were asked for information, and that has been given. I thank the Senator for what he has said.

Mr. ASHURST. I hope I may be indulged further to say I trust my attitude has not been one of objection in any way; in fact, I welcomed the questions put by the distinguished Senator from Utah. He performed a splendid service in asking the questions. I am not offended. I think we can have a vote on this question.

Mr. CUMMINS. I move that the Senate proceed to the consideration of Senate resolution 326, and upon the motion I desire to submit additional observations upon the subject involved.

Mr. ASHURST. Will the Senator from Iowa yield to me for moment?

Mr. CUMMINS. I yield to the Senator from Arizona. Mr. ASHURST. Of course, I recognize the right of the Senator from Iowa to make this motion, but I should like to have some agreement or some statement as to a reasonable time. should like to ask, provided it does not require a roll call, that at 3.30 o'clock this afternoon the Senate shall resume the consideration of the Indian appropriation bill; and I believe we can finish it if we work from 3.30 to 5.30.

Mr. CUMMINS. I desire to facilitate in every way possible the consideration and the passage of the Indian appropriation bill; but it will be impossible for me to predict with certainty the time that will be required in the discussion of my motion.

Mr. ASHURST. Then, let me make this suggestion, Mr. President, that at the conclusion of the discussion, after the disposition of the matter proposed by the Senator from Iowa, the Senate shall recur to the Indian appropriation bill.

Mr. CUMMINS. I have no objection to that whatever. The PRESIDING OFFICER. Is there any objection? Mr. WALSH. Mr. President, a parliamentary inquiry. The PRESIDING OFFICER. Does the Senator from Iowa

yield to the Senator from Montana?

Mr. CUMMINS. I yield for a question.

Mr. WALSH. I rise to a parliamentary inquiry. If the motion of the Senator from Iowa should prevail, I inquire whether the unfinished business would not be displaced?

The PRESIDING OFFICER. The Chair understands that it would.

Mr. JONES. I rise to a question of order. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Washington suggests the absence of a quorum. The Secretary will call the

The Secretary called the roll, and the following Senators answered to their names:

Ashurst Sheppard Smith, Ga Smith, S. C. Lodge McCumber Beckham Brady Brandegee Fletcher Gronna Martin, Va. Martine, N. J. Hitchcock Smoot Sutherland Brandegee Bryan Chamberlain Chilton Clapp Clark Culberson Cummins Husting James Johnson, S. Dak. Norris Oliver Thomas Page Pittman Poindexter Ransdell Robinson Thompson Vardaman Wadsworth Walsh Jones Kenyon La Follette Lane Watson Lewis Lippitt Saulsbury Shafroth Williams Dillingham

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. There is a quorum present.

FOREIGN POLICY.

Mr. CUMMINS. Mr. President, I regret that I feel compelled to bring forward this motion to the disadvantage, possibly, of the Indian appropriation bill. I apologize to the distinguished Senator in charge of that measure for the intrusion. Nevertheless, I can not feel that it is entirely inappropriate to consider the subject I am about to discuss in the midst of the Indian bill. We took this continent from the Indians by conquest, and we established and have maintained a Government to which they have never given their consent. In view of these things, the Indian appropriation bill is not altogether irrelevant when we come to consider the fundamental principles of government so learnedly announced a few days ago.

Mr. President, further reflection has only deepened my conviction that it is our imperative duty to appoint a time for the consideration of the President's message delivered to the Senate in person on the 22d day of January, instant. The general propublic press in this country and in every other is publishing volumes with regard to it. Eminent men throughout the world are every day making it the text of addresses to the people. Foreign powers are taking it for granted that the Government of the United States is not only ready, but anxious, to become a part of a new world sovereignty, a sovereignty which, to say the least, can only be established by the joint act of the President and the Senate. One branch of our treaty-making power has spoken. The President has in the most explicit terms told the Senate, and through it the Governments of all other countries, that it is the deliberate purpose to make these treaties a purpose, modified, I assume, by the implied provision, unless otherwise advised by the Senate or unless changed by public opinion. He has asked us for whatever assistance we can give him. Is it possible that under these circumstances we can refuse this call to the highest duty which has ever fallen upon this department of the Government? Is it possible that when it is proposed that we shall revolutionize our institutions, abandon all our traditions, surrender our sovereignty, transfer to a new nation or league our Army, our Navy, and with them our Treasury, to put at the disposal of a power higher than our own the lives and the fortunes of our men and women, to make the former fight and the latter suffer when commanded by an alien authority, we will still be met with the objection that the time spent in the Senate by a discussion of the proposal would be time wasted? Is it possible that there are Senators who believe that it is more important to pass appropriation bills, to debate water-power rights, to vote on further railway regulation, than to do our part in the formation of a sound, patriotic public opinion upon these fundamental principles of government and civilization? Mark you, I am not at this moment either condemning or approving the course marked out for us by the President. I am still endeavoring to make it clear that there is no other subject so vital as the one brought into the Senate by the Chief Executive when he announced his purpose to immediately initiate the movement so graphically described in his communication.

When my resolution was before the Senate a week ago it was urged that it provided only for discussion and not for action. intentionally so framed it, because I think no Senator ought to attempt a resolution declaring a policy until the whole subject is carefully considered in debate. In presenting the suggestion for discussion only I was following a long line of notable precedents. It has been a well-known procedure from the very beginning of free parliaments, legislatures, and congresses to take up for discussion purely speeches, addresses, and all kinds of communications from the throne or executive, and without any specific proposal for instant action. I need not recite instances of this practice, for the history of all free Governments is full of them. It is highly probable that following debate a resolution may be formulated which would record the action of the Senate as an organized body, but this is not necessary to the legitimacy of the discussion, however valuable it might be in the ultimate outcome.

I was not impressed with the reasons given for the motion to refer the resolution to the Committee on Foreign Relations. It could supply nothing that would be helpful in reaching a conclusion upon the wisdom or desirability of setting apart a time for the discussion of the message. If the discussion should result in a proposal for action, I would at once admit the pro-priety of sending any such resolution to the committee. I agree with the Senator from Massachusetts [Mr. Longe] that if time be regarded so valuable it will be conserved by the course I have proposed, for in any event the subject will be debated by every Senator who feels that it is his duty to express his opinions. But necessarily the debate which is thrust upon the Senate day after day simply because our rules permit a Senator to address himself to any topic, no matter what measure may be under consideration, will not accomplish the full purpose I If I have not misunderstood our duty, it can only be fulfilled by turning our attention to this subject for a reasonable time, to the exclusion of all other subjects. ought to deal with it in a solemn, continuous way. It ought not to creep in like a trespasser upon forbidden ground. It ought to be given a place in our deliberations commensurate with its transcendent importance.

If I had any reason to believe that my Democratic associates would permit a consideration of the resolution upon its merits and appoint a time for serious thought and expression upon the message, I would say no more. But, inasmuch as I have been led to believe that my resolution if taken up will be at once buried in the dust-covered archives of the Foreign Relations Committee, I intend to address myself, briefly I hope, to

mind to analyze the proposal and ascertain just what the President intends to do if foreign nations are willing to do it with him. I want to contribute what little I can to a full under-standing of the position in which we would finally discover ourselves if the new sovereign of the earth which he is seeking to

install were in fact in power.

The message overflows with just and beautiful sentiments so eternally right that they instantly command the approval of all lovers of humanity. Millions of our men and women hearing or reading these noble sentiments assume without further inquiry that what the President is about to do will bring justice to the world, abolish war, and maintain a permanent peace founded upon the rights of man, as we understand his rights in this country. It is very easy to lift up a banner inscribed with the watchword of every loving, loyal, and patriotic heart, and, without doing or saying more, the first instinct of every humanitarian is to proclaim his fealty to it. It is a sad spectacle, however, to see a flag raised in devotion to the heaven of peace leading a march straight to the hell of war. What the people of this country ought to be asking themselves is whether the course proposed by the President will establish nations which exist through the consent of their citizens and will secure permanent peace among them; and, above all, whether it will promote liberty, happiness, progress, and peace among the people of the United States.

It is because I have a deep desire to be of some help to my fellow countrymen in answering these inquiries that I devote myself to the task of separating, in the President's message, the universally accepted generalities, which mean nothing but pleasure to the ear, from the startling announcements with respect to the formation of a new and supreme government which is to command our resources in both blood and treasure.

I begin by affirming as my belief that if this country shall do what the President proposes we will be involved either in almost continuous war waged all over the world or we will be engaged in almost constant rebellion against the authority which he proposes to set up over us. No man shall accuse me of questioning the sincerity of the President in his attachment to the doctrine he advocates, nor must it be insisted that I doubt the honesty of his conviction that the new world power will fairly redivide the earth among nations and will be able to preserve peace among them. If I did not think that he is honest in this delusion, I would not be interested in the decision. If he stood alone as a proponent of a new theory in human affairs, it might not be necessary to make it the subject of grave consideration. But the truth is that the proposal has been before the world for centuries, has been at one time or another the dream of sages and philosophers, and in our own country was being urged by men of the highest prominence long before it attracted the attention of the Chief Executive. These facts make the action about to be taken by the President serious and formidable, and the suggestion calls upon those of us who believe that the plan can end in nothing but disaster to utter a note of warning. The movement to organize a world court and to broaden to its extreme limit the field of arbitration has always had my cordial approval, and I have never ceased to hope that in the progress of time war would become infrequent if not impossible; and it is only when it is attempted to confer upon such a tribunal or league or sovereignty, it matters not how it is described, the power to use armies and navies to enforce its decrees or to make contracts binding us to fight in a quarrel not our own that my opposition begins,

This is not to be an argument fortified by history and experience or an inquiry into human nature, which, after all, under-lies every sound conclusion, although the material for such a discussion is so abundant that it is difficult to withstand the temptation to reach out and take it. Upon this occasion I have assigned to myself the less interesting task of stating, as clearly as may be, the exact things which the President is about to do if other nations will join him. I want the people to apprehend fully the precise effect of the course he has declared and the terms in which he must embody the doctrine in treaties which

will carry it into execution.

The message opens with a reference to the note of December 18, in which the belligerent countries were asked to state the terms upon which peace might be established. I am not deeply versed in the finer ways of diplomacy, and it concerns me very little whether preliminary suggestions should have been made before the note was dispatched or not. I am quite willing to see some of the obsolete forms of diplomatic intercourse disappear, and I think the President was wholly right in propounding the question to the warring powers. As a neutral the United States is vitally interested in the struggle-first, for humanity's a phase which might be more pertinent if the President's announcement were itself before us for discussion. I have it in industrial life; and third, because it is full of danger to our own

peace. We have therefore a perfect title for every legitimate effort that will tend to restore the tranquillity of nations. The President was generally applauded, and I think he deserved the applause, for this attempt to bring on a discussion concerning the terms of peace.

The President then says:

It is inconceivable that the people of the United States should play no part in that great enterprise

Referring to peace

To take part in such a service will be the opportunity for which they have sought to prepare themselves by the very principles and purposes of their polity and the approved practices of their Government ever since the days when they set up a new nation in the high and honorable hope that it might in all that it was and did show mankind the way to liberty. They can not in honor withhold the service to which they are now about to be challenged. They do not wish to withhold it. But they owe it to themselves and to the other nations of the world to state the conditions under which they will feel free to render it.

Standing alone, as a general expression of high duty, I sincerely concur in every word of the paragraph I have quoted. While we ought to have nothing to do with the terms of peace in so far as they relate to either territory or reparation, we ought to have a seat at the council table when the subject of the prevention of future wars is under consideration. Our view ought to be heard when the powers of the earth are passing upon the freedom of business intercourse. Our influence ought to be felt when the future armament of nations is being determined. None of these things touch that isolation of our sovereignty so wisely taught by Washington, Jefferson, and Monroe. It has been and still is my hope that the end of the war in Europe will signalize a mighty advance toward the peaceful settlement of international controversies. It is impossible for me to doubt that the law of the sea will be rewritten, and that the mad competition in armies and navies will be restrained.

No one can question the further suggestion that the peace of the world would be greatly promoted if in the settlement of the war absolute justice were done and nations could be set up or torn down, enlarged or reduced, in accordance with-and I quote the President-

Elements that engage the confidence and satisfy the principles of the American Governments, elements consistent with their political faith and the practical convictions which the peoples of America have once for all embraced and undertaken to defend.

Or-and I quote him again-

Or—and I quote him again—

I speak of this not because of any desire to exalt an abstract political principle which has always been held very dear by those who have sought to build up liberty in America, but for the same reason that I have spoken of the other conditions of peace which seem to me clearly indispensable—because I wish frankly to uncover realities. Any peace which does not recognize and accept this principle will inevitably be upset. It will not rest upon the affections or the convictions of mankind. The ferment of spirit of whole populations will fight subtly and constantly against it, and all the world will sympathize. The world can be at peace only if its life is stable, and there can be no stability where the will is in rebellion, where there is not tranquillity of spirit and a sense of justice, of freedom, and of right.

Still I quote him:

I am proposing government by the consent of the governed.

To take the world as it is and redivide its territory and its people, observing these principles, is the work of the Almighty, and even His power and wisdom would be taxed to their very limits. Let us hope that the providence of God, aided by the example of those countries which do recognize these national beatitudes, will in the fullness of time and the evolution of mankind lead the world to this perfection. I for one am willing to pray for it and work for it. That, however, is not what the President proposes. To put it in very homely phrase, he wants the United States to sit down with the other powers of the earth and seriously attempt to agree upon a division of the earth and its peoples into sovereignties, guided, I assume, by the principles he so persuasively states; and, having so apportioned the population of the world among distinct Governments, that this universal council shall create a supreme power which, through armies and navies contributed by the several subordinate nations, will maintain the status thus established, by suppressing insurrections, repelling invasions, overcoming every effort of any single Government or combination of Governments to change the existing condition. The plan involves, of course, the denial to any such nation of the right to redress its own wrongs or to maintain its own honor. It contemplates complete crystallization, eternal fixity. It may be that there is in his mind the reserve thought that the league of nations, or supreme power of the world, can change the territorial limits of Governments or transfer a given people, with their consent, from one to another; but he does not make this point as clear as could be wished.

I do not intend to vex the debate with details nor test the soundness of the policy proposed by referring to its infinite difficulties and manifest inconsistencies. For instance, in the allot-

ment of the inhabitants of the earth to the various Governments. upon the principle that acquisition by conquest is fundamentally wrong and that every Government must exist upon the consent of the governed, what year would be taken to begin the application of the principle? Inasmuch as every country in the world, our own included, holds substantially all its territory through conquest, and was built up by overcoming and destroying weaker powers, the date of reorganization would become extremely important. These difficulties and inconsistencies are, however, somewhat inconsequential, because we know that when this council which the United States is to join enters upon this work of distributing national power no such lofty purpose will be observed, nor is it in any way possible to lift such a council out of the atmosphere of self-interest, a self-interest that would in all probability make the attempt not only abortive but absurd.

Reflect a moment on this subject. I have before me an article written by a very distinguished writer, to which I shall refer more at length somewhat later in my address, but I beg to read now a paragraph or two from his view of the message-and his view of the message is that of a friend, for I shall presently quote an extract in which he declares it to be the greatest utterance of modern times.

The President-

Says this writer, whom I will name hereafter-

The President mentions Poland because the Polish people are not at the moment under the Russian power. He says nothing of Finland, nor of Bohemia, nor of Prussian Posen, nor of Galicia, nor of Croatia, nor of Macedonia, nor of the Greeks in Asia Minor or Constantinople, nor of the Armenians, the Druses, the Arabs, the Egyptians. The principles that he lays down, if strictly applied, would devitalize Turkey and Austria-Hungary.

Of course, everybody recognizes that these principles applied to the Empire of Austria would destroy it entirely. It may be that it ought to be destroyed, but I hesitate to see the United States embark upon that enterprise. Again, this writer says:

States embark upon that enterprise. Again, this writer says:

The President's championship of the independence of Poland offends Russia and disappoints Germany. His statement that every great people "should be assured an outlet into the great highways of the sea," encourages Russia to hope for the Bosphorus. Here again President Wilson puts his finger on a nerve. A glance at the map will show that, so long as the Russians are a nation they will never enter into any agreement which recognizes as an accomplished and permanent fact the holding of Constantinople by another power. On the other hand, the Germans are in Constantinople, and are pledged to Turkey to "protect the independence" of that empire. Even to accept "neutralization" of the strait would mean to cut clean across the German spinal cord of rail communication between the North Sea and the Persian Gulf. Of course, if world peace can be brought about, the neutrality of the Bosphorus and Dardanelles can be maintained; and the same principle would naturally extend to the Suez Canal and the Panama Canal.

Referring again to the former paragraph, the writer con-

Referring again to the former paragraph, the writer concludes it in this way:

It would also unbind the political ties of the United States to the Philippine Islands and the five Latin-American dependencies. No peace confined simply to the determination of the present war can possibly carry out such a program.

I was interested last night on picking up an evening paper to read this dispatch from Berlin. It shows very clearly that my analysis, partially made, and hereafter to be completed, of the thought in the President's mind is not an imaginary one:

[By wireless to Sayville, N. Y.]

BERLIN, January 29.

The Overseas News Agency says the executive committee of the Indian National Party has sent to President Wilson a cablegram expressing gratitude "in the name of the 315,000,000 oppressed persons in India" for the President's address to the Senate.

The message asserts there can be no lasting world peace until India is freed from "ruthless plunder and exploitation at the hands of Great Britain, which has reduced a land once famous for its riches, moral excellence, and intellectual achievements, to a state of chronic poverty, famine, and complete moral and mental stagnation."

A part of the work therefore of this council would be to deliver India from the power of Great Britain and establish a government there more sympathetic with the people of that

Again, by what right does Great Britain hold the Boers? If we are to readjust the world upon these principles, the justice of which we all acknowledge, then we must take that part of Africa from Great Britain and fulfill the dream of the Boers themselves in their gallant struggle for liberty and independence.

What would we do ourselves in our relation to the West Indies? By what right do we hold Cuba in check? By what right do we enter day after day and month after month the Republics of Central America in order to suppress crime, in order to defend and maintain Governments which we ourselves establish within the borders of those countries?

I shall not pursue this thought, for I have said already quite enough to give us a fair comprehension of the work to which we are invited-the work of redividing the world, at the end of this

long period of conquest, into nationalities established upon the principles of justice to man and the consent of the governed.

But, Mr. President, these obstacles do not concern me just ow. The question which the American people must answer is whether they desire their Government to participate in any such effort, with the understanding that out of it is to grow a league of nations, or world authority, which will have jurisdiction not only to settle all international disputes but the power, through armies and navies, to coerce every nation into acceptance of its awards or laws.

There are some people of high station, great learning, and undoubted patriotism who do not see in the President's message the policy I have outlined, and it is my purpose now to direct your attention to those parts of the communication which seem to me decisive upon it. Speaking of the termination of the war,

The treaties and agreements which bring it to an end must embody terms which will create a peace that is worth guaranteeing and preserving, a peace that will win the approval of mankind, not merely a peace that will serve the several interests and immediate aims of the nations engaged. We shall have no voice in determining what those terms shall be, but we shall, I feel sure, have a voice in determining whether they shall be made lasting or not by guaranties of a universal covenant; and our judgment upon what is fundamental and essential as a condition precedent to permanency should be spoken now, not afterwards when it may be too late.

Again-

Mere agreements may not make peace secure. It will be absolutely necessary that a force be created as a guarantor of the permanency of the settlement so much greater than the force of any nation now engaged or any alliance hitherto formed or projected that no nation, no probable combination of nations could face or withstand it. If the peace presently to be made is to endure, it must be a peace made secure by the organized major force of mankind.

Again-

There must be, not a balance of power, but a community of power; not organized rivalries, but an organized common peace.

And again-

That service is nothing less than this, to add their authority-

That is, the authority of the United States-

and their power to the authority and force of other nations to guar-antee peace and justice throughout the world.

Right must be based upon the common strength, not upon the individual strength, of the nations upon whose concert peace will depend. Again-

Again—

I am proposing, as it were, that the nations should with one accord adopt the doctrine of President Monroe as the doctrine of the world; that no nation should seek to extend its polity over any other nation or people, but that every people should be left free to determine its own polity, its own way of development, unhindered, unthreatened, unafraid, the little along with the great and powerful.

I am proposing that all nations henceforth avoid entangling alliances which would draw them into competitions of power, catch them in a net of intrigue and selfish rivalry, and disturb their own affairs with influences intruded from without. There is no entangling alliance in a concert of power. When all unite to act in the same sense and with the same purpose all act in the common interest and are free to live their own lives under a common protection.

There is but one conclusion that can be drawn from these It is that over all the nations of the earth there shall be a common and supreme power, which will not only undertake to decide all the controversies which may lead to international disturbance, but which, having entered judgment upon them, will compel obedience. There is but one way in which obedience can always be compelled. The protesting or rebellious nation must be overcome by force of arms. arms, may I inquire? Arms of the superior power, I answer. This military force may be contributed voluntarily by certain of the nations which unite to form the supreme power under the compulsion only of a prior agreement, or it may be a force organized in an involuntary way through the exercise of the right of taxation. Broadly speaking, there are but two methods that can be employed in establishing the guaranty of which the President speaks. There could be an agreement among the nations of the world creating the league, giving it the jurisdiction to decide disputes, with a contractual obligation to furnish from time to time such armies, navies, or money as would enable the league to make successful war upon a recalcitrant member.

This plan has the weakness of giving to each member nation the right, or rather power, either to keep or break its contract when the event happens, and there is not a sane human being in the whole world who does not recognize that such a compact would be observed or violated as the sentiment or interest of the particular nation would dictate. For instance, suppose that we had entered into such a relation with the principal powers of the world and the universal league or court was in operation; suppose a dispute arose between Great Britain and Germany which promised war. The league assumes jurisdiction and decides the controversy in favor of Great Britain.

Germany then declares war and proceeds in her own way to protect what she has proclaimed to be her right. The league then calls upon the United States to furnish warships, troops, arms, munitions, and money to overcome Germany. What would the United States do? My answer is that it would do whatever its people at that time believed it was for the interests of the country to do. Under such circumstances the probabilities are that we would be drawn into the war, but upon which side no man dare assert.

Take the other form in which the world power may be organized. Imagine, if you can, the partial disarmament of the nations themselves, and that each one of them had transferred to the world power such part of its navy, such part of its army, and such part of its money as would give the supreme authority command over military forces greater than any nation or any reasonable combination of nations possessed. The dispute It is decided. Great Britain and Germany propose to th each other. The supreme power takes our ships, our arises. war with each other. men, our arms and munitions, and our money to execute a decree from which we may have dissented and with which our people may be wholly out of sympathy. Can it be possible that any person who has thought even casually upon the subject is able to reach the conclusion that any such disposition of the world's affairs will promote peace, or strengthen civilization, or sustain progress, or bring happiness to the human family? To me the thought is full of madness, and the very best that can be said of it is that it springs from an intense desire for a peaceful world and is bottomed upon a blind willingness to try any

experiment, however visionary and hopeless

Let us again imagine that the world power has been installed. with proper means for filling its treasury to raise the money necessary to provide itself with this overpowering military force. a force entirely at its command but which must be made up, of course, of all the nations of the earth. There will be American admirals, American generals, American arms and munitions. Imagine, now, a controversy between Japan and the United States, with a decision in favor of Japan, which we could not and would not accept. We would then witness a spectacle so monstrous even in a dream that one hardly dares to describe it. If the plan is workable our own ships, our own men, our own armament would be compelled to fight their own country into submission or absolutely extinguish it from the face of the earth. The thought of it is preposterous, and of course every man will reject the proposal the moment it comes to him in any such revolting form. If the President means that there shall be an understanding among nations that when war is threatened there shall be a concerted effort to draw together, if at the time each such nation can see that the welfare of its people will be protected in the effort, he would find many followers among those who are bending their energies toward some remedy for the horrors of war. But this is not the thought he has expressed, and I am dealing only with the inevitable results of the readjustment which he has proposed to us and to the world.

That I am right in the interpretation which I have put upon the message is further proven by the analogy which he finds between the Monroe doctrine and his doctrine of the world. I will not pause to point out that instead of analogy there is utter repugnance; but evidently there is a parallel in his mind, and that is sufficient for my present purposes. Those who think that the President does not intend that the decisions of the league of nations are to be executed by force have remember that if any foreign nation were to attempt to invade the American Monroe doctrine there is but one way for the United States to enforce it. There is but one way ever suggested by the statesmen of America in which it can be enforced. Without the force of arms, either actual or potential, behind it, our policy in this regard would be the emptiest bravado. A learned reasoner like the President could make no mistake in tracing the alleged analogy. It must necessarily be true that with him, at least, the world doctrine which he has espoused means that the world power will execute it with armored ships and shotted guns. To a man who believes that peace can be permanently maintained in this way there is some compensation for the humiliating reflection that the United States will be reduced to a mere principality, pursuing the path of obscurity to an ignominious future, doing the bidding of a higher power. But to those of us who believe that the plan proposed will provoke war instead of suppressing it, the announcement of the President comes with a shock which it is impossible to adequately describe.

In so far as I have been able, I have confined my observations to analysis, and I defer to a later day the ample evidence in which the history of nations is rich, showing the futility of the concert toward which we seem to be hastening. Nevertheless,

I can not resist the temptation to quote briefly from a notable article appearing in the New York Times of last Sunday, from the pen of one of our most eminent educators, Prof. Albert Bushnell Hart, of Harvard University. It was to this author I referred a few moments ago. Outdoing Elihu Root, when he called the President "the noble idealist," Prof. Hart, writing of the message, said:

It recalled the great speeches of Webster, in its appeal to the country in rounded and ringing sentences. As a state paper, this address will take its place alongside the most famous utterances of the Presidents * * It almost measures up to some of the terse and lofty messages of Lincoln. American literature will incorporate out of Wilson's address such phrases as "We show mankind a way to liberty," "The organized major force of mankind," "A community of power," "A peace without victory," "Freedom of life, not equipolse of power," "The free, constant, unthreatened intercourse of nations." It is a high doctrine, calling upon the world to be consistent with itself, to put into practice the principles of government and international intercourse upon which it professes to found civilization. "

I have cited this in order to make it perfectly plain that this

I have cited this in order to make it perfectly plain that this writer is not looking at the message from a hostile point of

After he had thus characterized the greatness of the mes sage—an introduction from which one might easily understand that the world is ripe for the proposed readjustment-he calmly proceeds to show how impossible it would be to take the first step in the President's plan, and comments upon it thus:

It is more difficult to make the principles of sovereignty and independence fit in with any form of world peace. The President does not commit himself to ultimate government by a judicial tribunal, which seems to be the main object of the world-court movement. He does incline toward the general plan which is pushed by the League to Enforce Peace.

I may say, in passing, that the President so far exceeds any proposal made by the League to Enforce Peace that he becomes a pioneer in this great undiscovered country.

After quoting further from the message in this regard, the writer adds:

If that means anything definite, it means an international police force of not less than 5,000,000 men, in which the share of the United States would be at least 500,000. There is a limit on the armament of the world; yet it is clear that unless some means is provided for confronting any big, aggressive nation that is determined to gain its end by force the whole scheme of universal peace is in danger.

Toward the end of the article there will be found this significant passage:

The one serious question that would be left is, of course, that for the United States to enter into an agreement for keeping the world peace by putting down disturbers by joint armed force would admit the right of armed forcign nations to send their armed forces to our neighborhood, or even into the United States. For instance, another civil war might call for international intervention.

This leads to the most serious difficulty in the way of general world peace, namely, that it aims at the crystallization—

I observed one or two Senators smile when I used that term in describing the work to which the President had set his hand; but I am not alone, at least, in that construction of his purpose. I read again:

This leads to the most serious difficulty in the way of general world peace, namely, that it aims at the crystallization of the face of the earth as it is now or will be when the new arrangements are made. Who is to give reasonable play to the irregular development of nations, to the growth of race elements inside of countries, to the rising of great communities out of the colonial States? Can a world peace league create a machinery of men so world wise, so benevolent, that they will take account of the irregular development of the world?

No more striking instance of the charm which the easy flowing sentences of the message holds for the heart and mind can be found than the article of this brilliant and thoughtful writer. He pours out his eulogy in unstinted measure, for he, like all of us, is yearning for peace—not alone the peace of the moment, but the peace of the future. The moment, however, that his reason resumes control he perceives and states a situation which defies the entire proposal. His concluding paragraph is the happiest contribution to the literature of the subject which has fallen under my eye. He concludes thus:

Whether that is finally possible or impossible, President Wilson has revived the belief of many fainting hearts, has pointed a way to the stoppage of the infernal death and destruction of the present war, with the hope that like wars may be prevented in the future. To cavil at phrases, to criticize sentences, to deny the world public spirit of President Wilson in this significant speech would be unpatriotic to our country and unfriendly to the interests of mankind.

I accord to the Chief Executive this vast public spirit which impels him to do whatever he can toward accomplishing peace; but this is the time-the only time it can be effectually done to ascertain just what he proposes that this country shall do in order that he may reach the haven of peace.

That is to say, speaking of the paragraph I have just read, if we strip the comment of its complimentary garb, we ought to honor the Chief Executive, as I am sure all of us do, for his great desire to bring the war to an end, and that it is to be hoped his suggestion may be followed by some plan which the United States can adopt with honor and safety.

Those of you who have read the last Saturday Evening Post must have been amazed in noting the extraordinary similarity between the President's message and an article by H. G. Wells, a distinguished English writer. The identity of thought must be, of course, a pure coincidence, but it is nevertheless extraordi-The President could not have followed the Englishman more faithfully had he been provided with an advance copy of the article about to appear. I do not quote from Mr. Wells for the purpose of impeaching the originality of the President, however, but to expel every doubt with respect to the end sought to be accomplished and the means which must be employed. Mr. Wells writes in this way:

Let me state the broad outlines of this pacification:

In the first place there would have to be an identical treaty between all the great powers of the world, binding them to certain things. It would provide—

That the few great industrial States capable of producing modern war equipment should take over and control completely the manufacture of all munitions of war in the world, and that they should absolutely close the supply of such material to all the other States in the world.

That they should set up an international tribunal for the discussion and settlement of international disputes. That they should maintain land and sea forces only up to a limit agreed upon, and for internal police use only, or for the purpose of enforcing the decisions of the tribunal. That they should all be bound to attack and suppress any power among them which increases its war equipment beyond its defined limits.

That much has been broached in several quarters—

That much has been broached in several quarters

As we all know-

As we all know—
but, so far, is not enough. It ignores the chief processes of that economic war which aids and abets and is inseparably a part of modern international conflicts. If we have to go as far as we have already stated in the matter of international controls, then we must go further and provide that the international tribunal should have power to consider and set aside all tariffs and localized privileges which seem grossly unfair or seriously irritating between the various States of the world. It should have power to pass or revise all new tariff, quarantine, allen-exclusion, or like legislation affecting international relations. Moreover, it should take over and extend the work of the International Bureau of Agriculture, at Rome, with a view to the control of all staple products. It should administer the sea law of the world and control and standardize freights in the common interests of mankind. Without these provisions it would be merely preventing the use of certain weapons; it would be doing nothing to prevent countries strangling or suffocating each other.

These things being arranged for the future, it would be further necessary to set up an international boundary commission, subject to certain defining conditions agreed upon by the belligerents, to redraw the map of Europe, Asia, and Africa.

Moreover, this international tribunal, if it was indeed to prevent war, would need also to have power to intervene in the affairs of any country or region in a state of open and manifest disorder, for the protection of foreign travelers and of persons and interests localized in that country but foreign to it.

Such an agreement as that would at once lift international politics out of the bloody and hopeless squalor of the present conflict. But it needs the attention of such a disengaged people as the American people to work it out and supply it with weight. It needs putting before the world with some sort of authority greater than its mere entire reasonableness. Otherwise it will not come before the minds

It has seemed to me that the President's message is a mere paraphrase in loftler, statelier tones, more beautifully and more clearly expressed, but still a paraphrase, of the doctrine which Mr. Wells on behalf of his countrymen has put before the American people.

The whole argument presented by Mr. Wells is that the United States must enter the disputes of Europe or chaos will ensue; a chaos in which we will be necessarily involved. That the nations of that continent are incapable of either right thinking or right doing. If this be true, there is no world league, in which the countries of Europe must be the dominant

power, that can either construct or maintain permanent peace.

The epigrammatic phrase in the President's message which is said to rival in its exalted spirit the most notable sayings of ancient or modern times, "It must be a peace without victory," is the final proof of complete bewilderment. In itself it is meaningless, for if the President intended to say that justice can not follow victory, the history of every age contradicts him. I am sure he felt this conflict between the epigram and the truth, for he immediately proceeded to declare that he must be allowed to put his own interpretation upon it, which was, in substance, that if the present war closed in a victory the triumphant powers would insist upon terms that would violate the principles which he had announced, and which we all recognize as the true basis of national existence. He knows, and we all know, that the belligerents totally disagree with respect to the cause of the war, the motives of those who brought it about, and what justice requires in bringing it to an end. In this passionate ferment of opinion we are asked, substantially, to force an agreement and then to fight for it through all the years to come.

I stand with the President in every moral effort which it is possible for him to exert to induce these warring people to end their devastating conflict, but I refuse to follow him when he leads the way toward the world sovereignty which he has pro-

Mr. HITCHCOCK. Mr. President, it is my opinion that the motion made by the Senator from Iowa to take up his resolution and consider it at this time is in-fact, if not technically, out of order. He proposes here in his resolution that the Senate shall devote some time to a discussion of an address delivered by the President of the United States to the Senate on January 22. I desire to call his attention to the fact that that address is not before the Senate. The Senate has acted upon it by referring it to the Committee on Foreign Relations, where it should properly go for consideration before it comes before the Senate.

At the proper time I shall take occasion to have this debate closed, because it seems to me manifestly unjust to the Senate and manifestly unfortunate that with only a few weeks of the session ahead of us, with a crowded calendar and night work in prospect, we should be detained with an academic discussion upon something not properly before the Senate.

I recognize, however, that the Senator from Iowa having brought this matter this afternoon before the Senate and having made certain interpretations of the President's address, it is proper to turn aside from our regular work for a short time to consider what the Senator has said.

Mr. President, in the first place, let me call attention to a The President's act in delivering this address and raising this great issue, not only in this country but in other nations of the world, has the substantial sanction of the people of the United States. At the Democratic national convention which met in St. Louis last summer and which nominated Woodrow Wilson for President the following plank was adopted. I shall read only that portion of it which is pertinent to what I have to say:

We hold that it is the duty of the United States to use its power, not only to make itself safe at home, but also to make secure its just interests throughout the world, and, both for this end and in the interest of humanity, to assist the world in securing settled peace and justice. We believe that every people has the right to choose the sovereignty under which it shall live; that the small States of the world have a right to enjoy from other nations the same respect for their sovereignty and for their territorial integrity that great and powerful nations expect and insist upon; and that the world has a right to be free from every disturbance of its peace that has its origin in aggression or disregard of the rights of peoples and nations; and we believe that the time has come when it is the duty of the United States to join with the other nations of the world in any feasible association that will effectively serve those principles, to maintain inviolate the complete security of the highway of the seas for the common and un hindered use of all nations.

Upon that platform the people reelected Woodrow Wilson President of the United States. I feel, therefore, justified in saying that when the President took occasion to deliver his address to the Senate, and thereby to take the first great step toward bringing about a league of nations for the preservation of the peace of the world, he was carrying out the declared will of the American people expressed at the ballot box at the last election, and not merely the decree of the party of which he is the head.

Mr. President, criticism is an easy matter. The President's address has been criticized in every nation of the world. It can be criticized here. It can be criticized in the committee to which it has been referred. But the fact remains that it will stand as the greatest document ever penned by man, considering the tremendous possibilities of its influence in the international affairs of the world. It has been received in every great country in the world. every great country in the world and read by millions of the people of the world, and it has met a responsive chord in every country. It is to-day an issue in every great nation, and it is to-day the greatest influence for hastening the advent of peace and bringing a close to this terrible war. That great document and bringing a close to this terrible war. which the Senator from Iowa has criticized here to-day, and upon which he asks the hasty judgment of the Senate, has hastened the advent of peace and probably saved millions of lives of the people of the nations at war.

Mr. President, there were obviously two purposes in the delivery of this message. One was to do what might be done toward hastening the conclusion of peace. Unquestionably and by general admission that influence is well at work by this time. The other was to suggest not a program, as the Senator from Iowa would say, but to suggest the principles upon which the United States might be willing after the end of the war to enter into a league of nations to guarantee the peace of the world. The President has suggested no program. and for much of the criticism which has fallen from the lips of the Senator from Iowa to-day I find no warrant whatever in the language of this document.

As far as the duty of the United States Senate is concerned. it would to my mind be next to a crime to do anything in this great body which would detract in the slightest degree from the

influence of the President's address in foreign lands where it is working for peace. It is obvious that the United States can be committed to no program of action until the Senate is consulted. and in due time undoubtedly the Senate will be consulted. To make controversy at this time, however, even to indicate to the world that there is any considerable dissent from the great principles laid down in the address, or any great dissent in the United States from the desire of the President to promote peace, would not only be a great misfortune but it seems to me that it would be next to a crime.

Mr. BORAH. Mr. President— The PRESIDING OFFICER (Mr. PITTMAN in the chair). Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. HITCHCOCK. I do.

Mr. BORAH. The Senator has suggested that in due time the Senate of the United States will be consulted, and that it will have to be consulted before any program is carried out or in any way put in such form that it would be binding upon it and the other nations of the world. I have observed in practically all the nations of Europe the question which is being propounded, the question which Sir Edward Grey propounded, the question which has been propounded in Berlin and other places, is whether or not the Senate of the United States, which must be consulted, will approve of the President's program. They understand perfectly that the President's policy or principles, or whatever they are, if carried into execution, must be determined through treaties, through some kind of a national obligation, and that the Senate of the United States must approve of those treaties and obligations. I think if the President's suggestions are to have their full effect in the European countries it must be known, as Sir Edward Grey said, whether the people of the United States and their Government are behind this proposition.

Therefore it seems to me to be quite proper that we crystallize our views, if possible, and let the foreign Governments know precisely how we feel about it, either pro or con.

Mr. HITCHCOCK. Mr. President, the immediate need of the world is to bring peace, and the President has said in his message, which is undoubtedly true, that with the terms of this peace we have nothing to do. Peace will come in Europe by the development of the demand for it among the people of Europe. That de and has been given a tremendous impetus in every belligerent country by the widespread circulation and discussion of the President's message. I would deplore as a terrible misfortune anything that might occur at this time in the Senate to detract from that effect, although I would be active as a Member of the Senate to assert the right of the Senate to pass upon the ultimate plan for entering into a league to enforce the peace of the world.
Mr. CUMMINS. Mr. President-

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. HITCHCOCK. I do.

Mr. CUMMINS. The Senator must be aware that there are a great many people who believe the message delivered by the President to the Senate instead of making for peace is making for war. I have no doubt the Senator from Nebraska believes that its influence will be profound in hastening peace. I very respectfully but insistently claim that it will have no such effect.

Mr. HITCHCCCK. I hope the Senator will not interrupt me. I was careful not to interrupt him, and I desire to speak as briefly as possible and to the point.

It seems to me that the question whether or not the President's message is going to shorten the present war is not subject It is already shortening the war.

to controversy. It is already shortening the war.

Mr. CUMMINS. Has the war come to an end?

Mr. HITCHCOCK. Since the President's message was delivered the sentiment of peace in every country of Europe has crystallized enormously.

Mr. WILLIAMS. The censorship has been removed.

Mr. HITCHCOCK. The censorship has been removed, and we are beginning now to get the true sentiment of Europe for

the first time, and Europe is beginning to get ours.

Mr. President, I think any intelligent American realizes that in every one of the great countries of Europe that are now plunging toward bankruptcy and possible repudiation there is a strong sentiment in favor of steps to secure peace. every one of those countries, both the members of the Teutonic alliance and the members of the entente alliance, are embarrassed with the difficulties of taking the first steps, and only by the aid of a great neutral power like the United States, power from outside, can those steps be taken which will inevitably shorten the war.
Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska vield to his colleague?

Mr. HITCHCOCK. Simply for a question. I can not yield for a longer interruption.

Mr. NORRIS. I will ask the Senator if he believes that any action taken by the Senate on the President's note would de-

tract from its beneficial effect?

Mr. HITCHCOCK. Mr. President, I think any criticism of it would be misunderstood abroad, no matter how high the motives are, such as the Senator from Iowa and my colleague from Nebraska undoubtedly are moved by. I think, moreover, that action is impossible, as we all know. We are now here within a few weeks of adjournment, as I have stated before. The business before us is probably more than we can attend to. To attempt at this time to enter into any serious discussion of this question is folly. There is no possible good to be derived from it.

Mr. NORRIS. Mr. President-

The PRESIDING OFFICER. Does the Senator from Nebraska yield further to his colleague?

Mr. HITCHCOCK. I yield for a question. I will ask my col-

league not to interrupt me.

Mr. NORRIS. I do not want to be placed in the attitude of criticizing the President. I have not offered any criticism. I have asked the Senator a question, and I want to repeat it. Does he believe any action taken by the Senate on the President's note would detract from its beneficial influence?

Mr. HITCHCOCK. I will answer yes, in order to make it

short.

Mr. NORRIS. Then let me ask the Senator another question. Did he have that idea in view when he introduced the resolu-tion in regard to the President's former note, asking the Senate to approve it, and which the Senate passed? Was he considering that it would detract from the effect of the President's note on that occasion?

Mr. HITCHCOCK. Mr. President, I think it is hardly necessary for my colleague to criticize my action on that occasion. am entirely satisfied with my effort and entirely satisfied with the nonpartisan verdict by which the Senate passed my resolu-

tion and indorsed the President's action. But now, Mr. President, let me refer briefly to some of the criticisms made by the eminent Senator from Iowa upon the

President's address

Mr. BORAH. Mr. President, may I make a suggestion? I do not wish to interrupt the Senator, but if this is going to a debate the Senator must understand that the debate is going to be continued. I have hesitated to push another resolution because I have no desire to force an extra session, but this address has been delivered here, it is of tremendous consequence and of tremendous moment, and if it is going to a debate, of course it is going to be debated. We should have a full and free presentation of all views.

Mr. HITCHCOCK. Mr. President, I am willing to have unanimous consent for an immediate vote upon the resolution

of the Senator from Iowa.

Mr. CUMMINS. That means-

Mr. HITCHCOCK. I am willing to discontinue the debate immediately, if that is the general consensus of opinion.

Mr. WILLIAMS, Let us vote now on the resolution. Let us

get unanimous consent to vote.

Mr. SMITH of Michigan. Mr. President, the ranking member of the Committee on Foreign Relations, the Senator from Massachusetts [Mr. Lodge], is prepared to address the Senate, and he should have an opportunity to do so, as well as other members of the committee.

Mr. CUMMINS. I wish to ask the Senator from Nebraska

upon what he asks for unanimous consent?

Mr. HITCHCOCK. I understood a note of criticism in the remarks of the Senator from Idaho [Mr. Borah], because I was proceeding to reply to some of the criticisms of the Senator from Iowa. I have not any desire to take up the time of the Senate. I am ready to vote now upon this resolution or to vote upon a motion to lay it on the table. I hesitated to make the latter motion, but I certainly do not think it is wise on the part of the Senate to go into an indefinite debate.

Mr. CUMMINS. I suggest to the Senator from Nebraska that my motion to take up the resolution has not yet been dis-Does the Senator from Nebraska suggest unanimous posed of. consent that my motion shall prevail and that the resolution

shall be taken up?

Mr. HITCHCOCK. No.
Mr. WILLIAMS. To take a vote on the motion and vote it

Mr. CUMMINS. Why vote it down? Mr. WILLIAMS. Vote down the motion.

Mr. CUMMINS. We can not tell. The Senate may not vote it down.

Mr. HITCHCOCK. Mr. President, I shall proceed for a few moments, inasmuch as unanimous consent seems to be out of the question, to reply to one or two of the criticisms made by the Senator from Iowa. His whole criticism is based upon the obvious error and assumption that President Wilson proposed a program to the United States and to the other nations of the world. The President was careful in his address to confine himself to the declaration of certain principles upon the adoption of which the United States might enter into a league to enforce the peace of the world. The President made no attempt to say what forces there should be or who should control them. He put emphasis upon the idea of disarmament rather than upon force. His idea was that the nations of the world should reverse their action of the past in preparing for war and reduce their armaments. He said nothing about a court to enforce the decrees. He said nothing about an independent power to supersede all the armies and navies of the world. He said nothing at all in favor of interfering with the internal affairs of the countries of the world. Yet the Senator from Iowa, if I understood him aright, declared that the President had proposed a plan which would result in an independent power of all the nations of the world interfering to suppress an insurrection in a single nation of the world.

Mr. CUMMINS. No, Mr. President; I did not assert that, but the very eminent writer from whom I quoted asserted it.

Mr. WILLIAMS. I think right there in connection with that the Senator from Iowa remarked that if we had another civil war this power might determine it.

Mr. CUMMINS and Mr. BORAH addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield; and if so, to whom?

Mr. HITCHCOCK. I yield to the Senator from Iowa.
Mr. CUMMINS. I beg pardon of the Senator, but what he has stated was a part of the quotation which I made from Albert Bushnell Hart.

Mr. HITCHCOCK. Mr. President, if the other quotations from the eminent authority quoted by the Senator from Iowa were of equal folly, they were certainly worthy of no consideration here at all, because if there was one thing in the President's address that was noticeably emphasized it was that every people should be left free to determine its own policy, its own way of development, unhindered, unthreatened, and unafraid.

Mr. CUMMINS. But not to go to war.

Mr. HITCHCOCK. So that the suggestion which I supposed the Senator from Iowa had indorsed, that a new central power to be created was to interfere in case of threatened insurrection, was obviously a straw man put up for purposes of destruction.

Mr. CUMMINS. But, Mr. President, I said nothing of the Some people might think the President's policy might lead to that result, but I was treating it solely from an exterior standpoint-the conflict between nations. Prof. Hart, however, is quite as firm an admirer of the President as can be the Senator from Nebraska.

Mr. HITCHCOCK. Well, Mr. President, the Senator from Iowa seems in some way to have gathered from the President's address the idea that this league of nations, which the President suggests, and which I think he should have the thanks of the American people for suggesting, involves in some way the creation of a new military and naval power in the world. He seems to think the President suggested an independent power to deprive nations of their sovereignty. Such a suggestion does not appear anywhere in the address, and it does not appear in the practice of nations. At this very moment we have two great leagues in the world fighting a war, and yet they have no supreme power; each one has its own navy; each one has its own army; and they are bound together simply by an agreement that they have made. We in the United States have been engaged in making treaties with the other nations of the world now for over a century

Mr. LIPPITT. Mr. President-

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Rhode Island?

Mr. HITCHCOCK. I will do so if the Senator will permit me to conclude this portion of my statement. It is hard for one who reads the President's address in a sympathetic spirit to see that it suggests anything else than a league of the nations of the world, bound by joint treaties with each other to live up to certain great principles for the welfare of humanity and the peace of the world. There is no thought and no suggestion here of militarism or of navalism in another form. On the contrary, the opposite is true. The suggestion is of disarmament; the suggestion is of smaller navies; the suggestion is of smaller

armies; the suggestion is of justice and reason to take the place of force and violence.

Mr. LIPPITT. Mr. President, will the Senator from Nebraska yield for a question?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Rhode Island?

Mr. HITCHCOCK. I yield for a question.
Mr. LIPPITT. If the President's address does not mean something similar or along the line of the doctrine which was quoted by the Senator from Iowa [Mr. Cummins] from Prof. Hart, what is the meaning of the President's expression in that address that the United States must join the force and authority of this nation with the force and authority of other nations to enforce their decrees? Does not that expression "force" mean join the Armies and Navies of the United States to the armies and navies of the other nations? I do not know what other interpretation could be put upon it.

Mr. HITCHCOCK. Mr. President, I repeat the President of the United States has proposed no program, but he has laid down certain principles which he outlines, which he does not even propose now for adoption. In the very outset of his address he assured the Senate that he desired merely to disclose to Senators without reserve the thought which had been in his

Mr. CUMMINS. The thought and purpose. Mr. WATSON. Mr. President, will the Senator from Nebraska yield to me?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. HITCHCOCK. I yield to the Senator from Indiana.

Mr. WATSON. I should like to ask the Senator from Nebraska to place an interpretation on these two sentences in the President's address:

That service is nothing less than this, to add their authority and their power to the authority and force of other nations to guarantee peace and justice throughout the world.

It will be absolutely necessary that a force be created as a guarantor of the permanency of the settlement so much greater than the force of any nation now engaged or any alliance hitherto formed or projected that no nation, no probable combination of nations, could face or with-

Does that not mean military force? Does not that mean military power? Does not that mean a combination of army and

navy? If not, what does it mean?

Mr. HITCHCOCK. Well, Mr. President, undoubtedly it means potential force; but the mere fact that the great powers of the world unite in a league for peace and make solemn pledges to each other to support certain great principles of government and certain great international policies will be sufficient to preserve the peace of the world, just as the creation of a police force in a city has the effect to establish order. So if the nations of the world can enter into a solemn agreement with each other that they will recognize the rights of man; that they will recognize the right of self-government; that they will recognize the rights of small nations; that they will not go to war without first submitting the question at issue to arbitration and to conferenceif such an agreement can be made, including the guarantee of the freedom of the seas, including the agreement upon a great reduction of armament—an enormous advance will be made toward establishing permanent peace. With the powers of the world all united upon certain great purposes for the admitted good of humanity, what reason is there to believe that any con-siderable power is going to rend such an agreement asunder after the terrible experiences of this war?

Does any Senator here doubt that every great nation of Europe regrets having been drawn into this war? Does any Senator here doubt that after this war is closed there will be such a development of democratic sentiment and of popular government in the nations of the Old World that such a war hereafter

will be very difficult to force upon the people?

Mr. President, personally I have this idea, to which I have clung concerning the peace of the world in the future. I believe that the future peace of the world is going to depend largely on two great reforms: First, self-government, because a people that govern themselves are going to be very slow to go to war; second, upon the publicity of diplomacy. It is secret diplomacy and the act of a few individuals in the great nations of Europe that have drawn the world into this terrible struggle; but every intelligent person who has read the signs of the times believes that, after this war is over, a new era will begin. There will be a determined movement of the people, a great development of the democracies of every country of the Old World, to attain to something of the conditions which we have in the United States, in which war can only be declared by the

legislative body, representing the people of the country, and in which treaties, before they go into effect to bind the country, must be submitted for ratification to the representatives of the people. Such a movement is already under way in Great Britain and has been for some years, but it is now gathering tremendous force. We shall live to see the day when secret diplomacy shall be ended in Great Britain and France and Germany and Russia; we shall live to see the day when war can only be declared by the representatives of the people in their parliaments or in their congresses. When such a time comes, do Senators think that any country will lightly break the agreements of the league to enforce peace that may be the great work of the future?

Mr. President, it seems to me that the Senators on the other side of the Chamber have a rather grave responsibility in this emergency. It seems to me that the people of the United States who in a rather nonpartisan way voted for the President because they knew he stood for peace, because they knew he would exert the great powers of his office for peace, are going to hold to a strict accountability public servants who undertake from partisan motives to handicap or to impede the

work which our great President has undertaken.

I feel confident that if any Senator on the other side of the Chamber tests public opinion in his own State he will find a great percentage of his Republican constituents as well as Democratic believe that the President has done a great thing, has done a noble act, has done an act that starts a new chapter in the history of the world. Those citizens will not be very tolerant with anyone who stands in the way of the success of that act, even though it is encompassed still with great difficulties and tremendous obstacles. There are obstacles, and the difficulties that are in the way are tremendous; but the object is so great that this country can well afford to take the lead in securing that object.

Mr. President, the present war has shown to the people of the United States that they are interested in the affairs of the world. So long as this war continues, it is an enormous embarrassment to the people of the United States; it is a great danger to the people of the United States at the present time. When this war broke out only a few countries of the world were engaged in it. All of the others declared their neutrality in the hope of staying out of it; but, one by one, other nations have been drawn into it, until to-day 13 nations of the world are involved in it. If it lasts long enough, others are likely to

be drawn into the awful disaster. Mr. THOMAS. Including ours.

Mr. HITCHCOCK. As the Senator from Colorado says, per-haps including ours. We do not know, but certainly the possibilities are terrible enough to warrant us, even from the most selfish of motives, to do all that we can to put an end to the struggle. Even if we were not moved by the cries of humanity; even if our hearts had become so hardened that we did not respond to the sufferings of the wounded and the dying by the millions; even if we had no sympathy for poor Europe that seems to be going to its ruin; even if we had no thought for possible anarchy that may come after this war, yet on the most selfish and narrow lines we have a deep interest in bringing it to a close.

Mr. President, I believe the President of the United States in delivering this message to the Senate has not only carried out the will of his party as expressed in the platform of St. Louis and carried out the instructions of the people of the United States at the last election, but I believe he has taken the step which will serve to develop and expand the great principles which lie at the very foundations of our Government.

When the thirteen Colonies, with their 3,000,000 people, declared themselves free and undertook to set up an independent government in this country there was a feeling that they could live by themselves and unto themselves. That time has gone by. The 3,000,000 people have become a hundred million people. The little string of States along the Atlantic coast has been stretched clear to the Pacific Ocean, and we now touch, as the result of the Spanish War, whether we desire it or not, the politics of Asia on one side, as we do the politics of Europe on the other side. New York and the Atlantic coast, which were a month or six weeks removed from Europe at the time our Republic was established, are now almost across the border from Europe. Time has almost ceased to be of importance between the Atlantic coast and the harbors of Europe.

The war broke out, and we found the whole affairs of the United States upset. We find our commerce roughly changed in its course; we find ourselves unable to carry on legitimate business with certain belligerents of Europe; we find our mails upon the seas seized in violation of international law; we

find ourselves prohibited from doing the business with neutral countries of Europe that we have the right to do under the terms of international law; we find vessels with Americans on board sunk in violation of international law. This administration now for more than two years has been struggling with these terrible difficulties and dangers. It has met with a success which has commended itself to the American people, but it may not be able to go on indefinitely. If this war goes from one chapter to another, and becomes in its final stages the desperate struggle of exhaustion and starvation, which it is likely to become if peace is not secured, the United States will have dangers to encounter which have not yet been encountered. So I say, Mr. President, we have a deep interest in anything that can be done to shorten this war. The President has taken a step, the first purpose of which is to shorten the war. Its second purpose is to secure, if possible, a league to enforce peace, if that peace can be established and that league can be formed man well-accepted American doctrines of justice and right and upon well-accepted American doctrines of justice and right and self-government.

Now, will any Senator do anything here that will serve to embarrass the President in his great work? If Senators are willing to interrupt the legislative program, if they are willing to make an extra session of this Congress necessary, will they still, beyond that, take up the time here in useless discussion upon a matter not before the Senate and for a purpose which the American people will interpret to be a purpose to embarrass the President?

Mr. President, I perhaps have gone further than I intended to go in making some reply to the remarks of the Senator from Iowa [Mr. Cummins]. I hope we may now lay aside this matter, which is already in the hands of the Committee on Foreign Relations, referred there by the vote of the Senate, and not properly before the Senate for discussion at this time. possible good can come from a discussion; and the inevitable interpretation of an effort to prolong the discussion will be that an attempt is being made to embarrass the President of the United States in a work which he has undertaken for the good of humanity, as well as in furthering the vital interests of the United States. I do not know whether it is possible to secure any agreement for a vote. I hope the Senator will not force me to resort to a motion to lay his motion on the table, but at some time that motion must be made if an end is not agreed upon to the discussion, because we must go on with the legislative work that is now pressing upon the Senate.

Mr. LODGE. Mr. President-

Mr. CUMMINS. Mr. President, I am not interposing any objection.

Mr. President, am I recognized?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. LODGE. I do not desire to interrupt the Senator from Nebraska. I thought he had concluded. I desire to be recognized in my own right.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. LODGE. Mr. President, moving to lay this motion on the table to-day would not prevent its renewal at any future

While I was absent I believe the Senator from Michigan stated that he understood I desired to speak upon this subject. I do; that is true. I intend to speak upon it briefly in the course of a few days, and I do not believe the Senate will refuse me that privilege. I do not believe, Mr. President, that it is possible to undertake to gag Senators and prevent their discussing any matter of importance not placed here by them but brought here

It is a question of great moment that has been brought here. It is in the public mind. There was a day in this country when it was undertaken even to deny the right of petition and prevent the discussion of slavery, but you can not prevent this discussion any more than you could prevent the discussion of slavery. What is in the public mind is going to be discussed. Discussion is not going to be prevented here or in the other House or in the press or anywhere else, and an attempt, I think, to prevent Senators from reasonably discussing the subject will hinder and not advance business. I am as anxious as anybody to have all the necessary business performed before the 4th of March, and I will do anything in my power to advance it; but I do not think that we shall reach that result by attempting to prevent Senators from speaking on this or any other subject which they deem of importance and which has been brought properly before the Senate, as this has been by the President.

No one appreciates more keenly than I do, Mr. President, the grave responsibility which rests upon all of us. It is a responsibility to perform our duty as we see it, and no threats from the suggested. The Secretary will call the roll.

Senator from Nebraska are going to deter me or any other Sena-tor from doing his duty as he sees it. We may be easily terrified, but we are not so easily terrified as that, and I think the best way is to allow the matter to go on in its natural manner. There is no desire on this side to delay the necessary business of the Senate.

Mr. HUGHES. Mr. President-

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New Jersey?

Mr. LODGE. I yield to the Senator, Mr. HUGHES. The Senator, I think, was not in the Chamber when the colloquy arose between the Senator from Nebraska [Mr. HITCHCOCK] and the Senator from Idaho [Mr. In that colloquy the Senator from Idaho, as I understood, intimated very strongly that if any further attempt was made to discuss this resolution on this side of the Chamber, it would lead to a protracted and prolonged discussion by Senators on the other side of the Chamber, who were against the resolution. That was what I gathered from his remarks, which caused the Senator from Nebraska to signify his willingness to cease the debate then, so far as he was concerned, and get a vote upon the pending motion by unanimous consent, or, in order to stop all further debate, to move to lay the resolution on the

Mr. LODGE. The resolution of the Senator from Iowa merely provides for fixing a time to discuss a particular subject. I have not the slightest desire to prevent a vote on that resolution.

Mr. HUGHES. That was all that was suggested.

Mr. LODGE. I have no desire to do that. I rose to say that I was not going to speak on the question of giving us time for the discussion. I wish to speak on the main question, the question which the Senator from Iowa [Mr. Cummins] has discussed with such ability and which the Senator from Nebraska [Mr. HITCHCOCK] does not wish others to speak of, although he himself has been discussing it for nearly three-quarters of an hour.

Mr. HUGHES. Mr. President, I am sure the Senator from Nebraska and a great many other Senators would like to have this situation cleared up to the extent of finding out whether or not there is objection on the other side to vote upon the resolution of the Senator from Iowa.

Mr. LODGE. It is not my resolution. I have not the slightest objection in the world to voting on it.

Mr. HUGHES. That is what I desire to find out.

Mr. LODGE. A vote on this resolution will not prevent the

discussion of the matters which are involved.

Mr. HUGHES. I have been here long enough to know that nothing prevents the discussion of anything in the Senate.

Mr. CUMMINS. Mr. President, let me suggest to the Senator from New Jersey that if he will help me to carry the motion which I have made, and no further discussion upon it is desired, we can easily get a vote on it; but we can not get a vote on the resolution until it is before the Senate.

Mr. WILLIAMS. Mr. President, everybody knows that no practical good is sought or expected or can be attained by this discussion at this time. There is not an honest man in the Chamber who would say that he expects any practical legislative result of any description from this discussion. The Senator from Massachusetts [Mr. Lodge] says there is no desire to delay the business of the Senate. Nobody cares what anybody's desire is, the act of delaying the business of the Senate is going

on without any practical purpose in view. The Senator from Massachusetts is exactly right. You can not prevent a Senator from talking upon any subject under the sun, but you can put him in the ridiculous attitude of talking about nothing before the Senate, and when a motion is made you can bring the Senate to a vote upon that motion by moving to lay that motion upon the table. Thank God, the Senate has that one privilege left as a legislative tody. Its other func-tions seem to be purely deliberative.

A motion has been made to take up a certain resolution, and that is the motion now pending. I do not think any Senator owes any apology to anybody when there are only 29 or 30 working days of this session left, when he undertakes to stop the useless or worse than useless expenditure of public time by moving to lay that motion upon the table, and I therefore make that motion now.

Mr. CUMMINS. Upon that, Mr. President, I call for the yeas

and nays.

The yeas and nays were ordered.

Mr. HITCHCOCK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Lippitt	Smith, Ga.
Bankhead	Gronna	Lodge	Smith, Mich.
Borah	Harding	Martin, Va.	Smith, S. C.
Brady	Hitchcock	Martine, N. J.	Smoot
Brandegee	Hollis	Myers	Thomas
Bryan	Hughes	Nelson -	Thompson
Chamberlain	Husting	Overman	Townsend
Chilton	James	Pittman	Underwood
Clapp	Johnson, Me.	Poindexter	Vardaman
Clark	Johnson, S. Dak.	Ransdell	Wadsworth
Culberson	Jones	Saulsbury	Warren .
Cummins	La Follette	Shafroth	Watson
Curtis	Lane	Sheppard	
Fall	Lewis	Shields	

Mr. LEWIS. I have been requested to announce that the Senator from Maryland [Mr. SMITH] and the Senator from Arkansas [Mr. Robinson] are detained on account of official busi-

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. There is a quorum present. The Senator from Mississippi [Mr. Williams] moves to lay on the table the motion of the Senator from Iowa [Mr. CUMMINS]. that question the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. Simmons]. In his absence I withhold my vote.

Mr. CLARK (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. Senator is absent from the city, and I therefore withhold my

vote. If at liberty to vote, I would vote "nay."

Mr. JONES (when his name was called). Upon the announcement I made on the other roll call I withhold my vote on this matter.

Mr. MYERS (when his name was called). I transfer my pair with the junior Senator from Connecticut [Mr. McLean] to the junior Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. SAULSBURY (when his name was called). my general pair with the junior Senator from Rhode Island [Mr. Colt] to the senior Senator from Tennessee [Mr. Lea] and vote "yea." I transfer

Mr. SMITH of Michigan (when his name was called). I have a pair with the junior Senator from Missouri [Mr. Reed]. I transfer that pair to the junior Senator from Maine [Mr. FERNALD] and vote "nay."

Mr. THOMPSON (when his name was called). I have a

pair with the junior Senator from Illinois [Mr. SHERMAN]. transfer that pair to the senior Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. Penrose] to the junior Senator from Maryland [Mr. Lee] and vote "yea." The roll call was concluded.

Mr. CURTIS (after having voted in the negative). I transfer my pair with the junior Senator from Georgia [Mr. Hardwick] to the senior Senator from California [Mr. Works] and will let my vote stand.

Mr. GALLINGER. I inquire whether the senior Senator from New York [Mr. O'GORMAN] has voted?

The PRESIDING OFFICER. He has not.

Mr. GALLINGER. I am paired with that Senator. I transfer the pair to the junior Senator from Utah [Mr. SUTHERLAND] and vote "nay."

I have been requested to announce that the Senator from Ohio [Mr. POMERENE] is detained on official busi-

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. Catron] with the Senator from Oklahoma [Mr. Owen]; and

The Senator from West Virginia [Mr. Goff] with the Senator from South Carolina [Mr. TILLMAN].

The result was announced-yeas 38, nays 30, as follows:

Ashurst Bankhead Beckham Broussard Bryan Chamberlain Chilton Culberson Fletcher Hitchcock	Hollis Hughes Husting James Johnson, Me. Johnson, S. Dak. Lane Lewis Martin, Va. Myers	Overman Phelan Pittman Ransdell Robinson Saulsbury Shafroth Sheppard Shields Smith, Ga.	Smith, M Smith, S. Thomas Thompso Underwo Vardama Waish Williams

	N	AYS-30.	ns di Hausainne
Borah Brady Brandegee Cummins Curtis Dillingham du Pont Fall	Gallinger Gronna Harding Kenyon La Follette Lippitt Lodge McCumber	Martine, N. J. Nelson Norris Oliver Page Poindexter Smith, Mich. Smoot	Sterling Townsend Wadsworth Warren Watson Weeks
	NOT	VOTING—28.	
Catron Clapp Clark Colt Fernald Goff Gore	Hardwick Jones Kern Kirby Lea, Tenn. Lee, Md. McLean	Newlands O'Gorman Owen Penrose Pomerene Reed Sherman	Simmons Smith, Ariz. Stone Sutherland Swanson Tillman Works

So Mr. Cummins's motion was laid on the table,

INDIAN APPROPRIATIONS.

Mr. ASHURST. I ask unanimous consent that the Senate proceed to the consideration of the Indian appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918.

The PRESIDING OFFICER. The pending amendment will be stated.

The Secretary. The pending amendment is on page 25, where it is proposed, in line 12, to strike out "in all, \$21,700,"

and to insert "for new school building, \$12,000; in all, \$33,700," so that the paragraph, if amended, will read:

For support and education of 100 Indian pupils at the Fort Bidwell Indian School, California, including pay of superintendent, \$18,200; for general repairs and improvements, \$3,500; for new school building, \$12,000; in all, \$33,700.

Mr. LANE. Mr. President, the Senator from North Dakota [Mr. Gronna] I think misunderstood my question with regard to the Fort Bidwell boarding school. I was not opposed, and am not opposed, to the establishment of Indian schools anywhere. I have become, I must say, a little bit skeptical in regard to the amount of good they do and in the manner in which they are being conducted and in which they have been conducted in the past. I am sorry to say so, but as a matter of fact their standards and the methods of management of those schools have not been just what the Indian is entitled to, in my opinion, or what the Members of this body and the other House of Congress believe them to be.

I am informed that the school at Fort Bidwell is located in an old fort, or barracks, buildings left there by the Army in the days when that country was being guarded against the depreda-tions of Indians; and I assume and do not doubt that they are in a bad state of repair. If they are, and if they have been for years, it is quite natural that it would not be a good place to educate children or to keep them. Children taken from their homes and put into schools, young children, mere children, are much impressed with their surroundings; and so I was in favor of the expenditure of money to build new and better buildings. Yet other institutions, where the buildings are newer and where the surroundings are, I presume, better than they are in that old barracks, are not carried on in a manner which justi-fies the expenditure of the money. The children would learn about as much and be better cared for in properly conducted day schools at home.

Mr. GRONNA. Mr. President—
The PRESIDING OFFICER (Mr. Sheppard in the chair). Does the Senator from Oregon yield to the Senator from North Dakota?

I yield.

d. C.

Mr. GRONNA. I hope that anything I may have said will not be understood either by the Senator from Oregon or by any other Senator as a criticism of him. I certainly did not intend to criticize the Senator from Oregon. What I did say was that many of these mistakes are the mistakes of Congress. . If these schools are not conducted properly, then it seems to me it is the duty of Congress to change the conditions and make them such that those who are in control of these wards of the Nation will be properly taken care of. It is in the power of Congress to do that, and if Congress fails to do it then we have failed

to do that, and if Congress tans to do it then we have lance to do our full duty.

Mr. LANE. Mr. President, I do not quite agree with the Senator upon that matter. Congress gave authority to a body of executive officers to do this work for them, so that they would not have to attend to it themselves. Congress can not what the country supervising the conduct and management. go about the country supervising the conduct and management of children and of schools, inspecting their clothing and their

food, and doing the thousand and one other things which it is necessary to do. They must and did delegate that authority to some one else. We receive our knowledge from the Bureau of Indian Affairs, whose specific duty it is to deal with these matters. The information should come to us in direct, simple, and explicit form, and it ought to be reliable, too, withal. That would allow us, then, either to do our duty or fail to do it, and the responsibility in that event would be upon us. But we receive all our information regarding the conduct of the affairs of the Indians from the Indian Bureau, whose duty it is to furnish it to us. They do so in a manner which is meager, unillustrating, and without a full statement of the facts.

Mr. GRONNA. Mr. President—
The PRESIDING OFFICER. Does the Senator from Oregon further yield to the Senator from North Dakota?

Mr. LANE. I yield.

Mr. GRONNA. If the Senator will pardon another interrup-tion, I also called attention to certain reports made by commissions appointed by the Congress. I called especial attention to the report made by the commission of which the distinguished Senator from Arkansas [Mr. Robinson] was chairman, and I asked the question, How many of the Members of the Senate have studied that report?

I will say to the Senator from Oregon that we have information gathered by these commissions, and it is valuable informa-We do not derive our information altogether from the Indian Bureau, because these commissions have made extensive reports which would be very valuable if they were followed out.

Mr. LANE. There is truth in the Senator's statement. reports of commissions are innumerable and without end; but I do not think any Senator has the time to read all of them, although really it is our duty to do so, and I suppose we are negligent in that regard. There was an incident which happened at the Fort Bidwell school a short time ago, which I related a day or two ago, where five little girls ran away from the institution into the hills. Evidently they did not like it there. One froze to death, an 8-year-old girl; the feet of two other little girls were frozen and had to be amputated, and two are still

Now, that can not be a homelike institution. The treatment is not of such a nature that a child loves it as it would a home; and even though it were a pleasant place, children do get homesick, and Indians more than the children of any other race with

which I am acquainted.

As I say, I am not impressed to the extent that I ought to be, perhaps, with the care and management of these boarding schools for children. I have visited some of them. I visited one a while back where I found leaky buildings, damp rooms, and no heat. The children were attending school in winter weather without heat. That condition was to be remedied before the winter was over, but the place had been allowed to run down through neglect. There were buildings with rotting sills, roofs leaking for lack of a shingle, and everything going downhill and deteriorating, and unnecessarily so, simply for the reason that they had not been kept in repair and given just ordinary care; and an appropriation of thousands of dollars was asked to build new buildings and to repair the old one. The comforts of a home were in a large degree absent. There were barren bedrooms and wards. Children who had come there to be trained in vocations, girls who had come to learn domestic science were kept in the kitchen for year after year washing dishes, peeling potatoes, scrubbing floors, and were unable to cook a meal. It was not a homelike condition, nor one of any particular advantage to the child. Many boys and young fellows were going to school but not learning a trade. In one school that I visited the boys were sent into a dairy to milk the cows, not in order to make dairymen or herdsmen of them, or to teach them to milk, or to separate the milk, or to make butter, but as a punishment, if you please. It was a disgrace to have to milk cows, visited upon them as such.

In one institution in which I visited I passed through a dormi-In one institution in which I visited I passed through a dormitory. It was vacant. I came back to it in half an hour, perhaps, and I saw a little boy in bed crying. I asked him what was the matter, and he said he had been whipped. I said, "For what?" He said, "For floating a boat in a pond." He had been playing with a boat in a pool left by the rain, and he had gotten his feet wet. I said, "Well, you were not hurt very much, were you?" He said, "I was." He was 6 years old, I think he told me, and it hurt, and he was crying. I said, "Well, I guess the woman would not beat you to amount to anything." He said, "She did"; and then she made him go to bed.

Another little fellow in another cot said, "I did not cry." I said. "Well. I wouldn't cry. little fellow, about a little switch-

I said, "Well, I wouldn't cry, little fellow, about a little switching." He said, "They don't switch us." I asked, "What do

they do?" He replied, "They take off our clothing, and we are beaten with a piece of rubber hose."

Now, I want you to think of that. I do not know whether you have ever been beaten with a switch or been hammered with a rubber hose; but I will say to you that a length of rubber hose 2 feet long, made of 3-inch hose pipe, or 3-inch caliber rubber hose, is the next thing to a deadly weapon. You can kill a man with it. I will guarantee you can take any Senator here and take a 3-foot length 4-inch hose and beat him to death with it. It is a bludgeon. It leaves no surface mark; there is no such external evidence like a switch would make, but it

reaches deep, and is the weapon of a cruel and cowardly person.

Such conditions are not ideal. There must be a change made for the better somehow. The larger boy students could help repair the building, put in tiling for drainage where necessary for drainage, and do the one hundred and one other things none of which are done at this time. We appropriate money for repairs which should be made in the institution itself. It was established to teach children vocational training. Why not give them practical instruction in such ways and at the same time keep the buildings in shipshape and good repair?
Mr. GRONNA. Mr. President—

Mr. LANE. I yield to the Senator.

Mr. GRONNA. I do not disagree with the Senator from Oregon, and I think he has made a much stronger case than I could hope to do. My complaint is that when the Committee on Indian Affairs brings in an appropriation bill providing that Congress shall appropriate a certain amount of money for the welfare of the Indians we are at all times met with the statement that the appropriations are exorbitant.

I will ask the Senator from Oregon, if he will permit me, is it not possible that the appropriations are insufficient, and that it will be impossible for the Indian Office or those whose duty it is too look after these wards to do the work with the amount of money appropriated? For that reason I say that it is the fault

of Congress and not the fault of the Indian Office.

Mr. LANE. That is the very point I was trying to make, that with the appropriations they receive, with care and economy and active interest in the affairs of the institution they could make the money go much further, and that much of the money is

As for the beneficial effect of the appropriation on a child in the way of education I would not like to say. I am beginning to doubt whether those children are securing many of the advantages which we try to obtain for them. I know they fall far short of receiving what they ought to. No; Congress has not done its duty, but is encumbered with the Indian Bureau. There are over 17,000 children out of school, with no opportunity to receive an education. That is wrong. But, on the other hand, much money has been wasted in the building of large institutions, which are mismanaged and neglected after the expenditure has been made.

In regard to those children who went out, one of whom died and the other two lost their feet, the Commissioner of Indian Affairs knew nothing about it. We knew nothing about it. Incidentally I happened to read it in a newspaper clipping which was mailed to me. The Indian Bureau said they had not heard of it.

There was a case which happened in another school which I dislike to relate. A young girl was taken sick. The physician diagnosed the case as pneumonia. She grew worse during the night. She had been placed in a hospital. They telephoned to the physician, who was away at a dance, as was the nurse. Two other Indian girls, 15 and 16 years old, were with her. The physician telephoned back to place here in a hot bath. They did, and in that bath she gave birth to a child. child died in the bathtub, and the girl mother a few days later also died. There were the two witnesses. One of them, I am informed, was sent to Alaska and the other to Montana. that physician dismissed? The Indian Bureau kindly asked him to go hence, and he was put upon another reservation, and the superintendent placed in charge of a reserve in another State.

We have no way of getting information in regard to the management of Indian affairs except incidentally. not time to be hunting down individual cases of injustice and wrong. It must go on with the larger work of looking after and attending to affairs in a general way. We have not time, as was shown here to-day, to attend to all of the ordinary affairs of legislation which are pressing upon us without full information concerning them. There are thousands of bills and resolutions before the body. No man has time to study them all or even to read them all. If he did, he would go insane; he can not analyze one-half of them. The bureau "system," as I said before, must be changed. There must be some simpler method. This one has grown for years and years with one error piled upon another for the reason that the whole method

and foundation of it is wrong. It is on a wrong foundation.

The Senator called attention to the fact that we had never done our duty by the Indians; that most wars were brought on through our injustice to the Indians; that we took their land away from them, and have not made an adequate return. That is true. I think I know that as well as the Senator. I have a copy of a report here that was made in 1857 upon Indian affairs on the Pacific to the President of the United States, who at that time was Franklin Pierce; it was made by Jefferson Davis when he was Secretary of War. The report is full of instances of injustice done to the Indians, and the manner in which wars were brought about, and how the Indians suffered, and the inordinate greed and injustice of the white race in securing possession of their land and other property.

One instance is related here of some Indians up in northern California who were invited to dinner by a certain captain. It was a local title; he was not a military officer, but he had gone to look out for some Indians who had been in trouble with some whites. The captain went up into that country and failed to find them, but happened to come across a number of friendly and innocent Indians, about 40 in number, and invited them to his camp at night for dinner. While they were eating he killed them—men, women, and children—and scalped them and took their scalps down and paraded himself as a hero in one of the northern towns of California. That brought on trouble with all the surrounding Indians. There is a report on it here from one of the Government officers, and the old Indians will tell you about it. I have heard them relate the circumstances and narrating the incident as it is reported here in the official report.

That brought on a war. The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The Secretary. The next amendment passed over is, on page 25, line 17, to strike out "in all, \$21,700," and insert "for new school building, \$9,000; in all, \$30,700," so as to read:

For support and education of 100 Indian pupils at the Greenville Indian School, California, including pay of superintendent, \$18,200; for general repairs and improvements, including laundry equipment, \$3,500; for new school building, \$9,000; in all, \$30,700.

The amendment was agreed to.

The Secretary. The next amendment passed over is, on page 25, after line 23, to insert:

For beginning the enlargement and improvement of the irrigation project upon the Torres Indian Reservation, Cal., for the irrigation of approximately 3,000 acres of Indian land, in accordance with the plans and estimates submitted by the chief engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, \$25,000, to remain available until expended and to be reimbursed to the United States in accordance with such rules and regulations as the Secretary of the Interior may prescribe: Provided, That the total cost of said irrigation project shall not exceed \$150,000.

Mr. SMOOT. May I ask who requested that that amendment

Mr. ASHURST. I believe the Senator from Georgia [Mr. SMITH] suggested that the amendment should go over.

The VICE PRESIDENT. The Senator from Missouri [Mr. REEDI

Mr. SMOOT. I do not know whether the Senator from Missouri [Mr. Reed] is in the city or not.

Mr. ASHURST. The amendment was discussed at some

length and fully explained last Saturday.

Mr. SMOOT. The only question in my mind was as to what Senator asked that it go over, because I thought he ought to be here if we are going to pass upon it at this time. I will ask the Senator from Arizona whether he knows if the Senator from Missouri [Mr. Reed] is in the city or not?

Mr. ASHURST. I do not know. I was not aware until this moment that he is the Senator who requested that it should go

Mr. CLAPP. I could not answer the Senator definitely, but I happened to observe that he did not answer to the roll call

Mr. SMOOT. I knew that, and therefore asked the question. Mr. PHELAN. I am informed that the Senator from Missouri is now in New York.

Mr. SMOOT. Then I do not ask that the amendment shall go

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The Secretary. The next amendment passed over is on page 27, beginning with line 6, where the committee proposes to insert the following:

That the last proviso of the act entitled "An act to provide for the disposition and sale of lands known as the Klamath River Indian Reservation," approved June 17, 1892, reading: "Provided further, That the proceeds arising from the sale of said lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the maintenance and education of the Indians now residing on said lands and their children," be, and the same is hereby, amended to read: "Provided further, That the proceeds arising from the sale of said lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the maintenance and education of the Indians and their children now residing on said lands and for the construction of roads, trails, and other improvements for their benefit."

Mr. LANE. On this amendment I will say that the Indians have petitioned to have these funds divided among them pro rata in order that they may improve the allotments which have been granted to them and which they are unable to farm for lack of funds. I had forgotten that I had raised a point against the amendment, but I was going to suggest that a proviso be placed in it that they, under the direction of the Secretary of the Interior, shall be paid per capita for the maintenance and improvement of their home allotments. If that amendment would be acceptable, I should like to offer it.

Mr. CLAPP. I think the chairman of the committee will

accept the amendment.

Mr. LANE. I ask the Senator from Arizona if he will accept the amendment?

Mr. ASHURST. I have no objection to the amendment, and as far as I have the power or authority I accept it.

Mr. LANE. I move, then, that it be divided per capita among the Indians, under the direction of the Secretary of the Interior, to be used for the improvement of their homes and allotments.

Mr. SMOOT. If that is adopted, it is absolutely contrary to

the first proviso.

Mr. LANE. Let the Senator make no mistake. The land will be sold, and then it will be administered for the building of trails. Of course it will be a benefit, it says so: but if you divert it to the use of the Indians for the maintenance of their homes and the improvement of their allotments, they will have a greater benefit.

Mr. SMOOT. Then the Senator does not want to amend it

by a proviso?

Mr. LANE. Yes; I propose to amend it in that manner.

Mr. FALL. I wish to suggest to the Senator unless there is an absolute direction that these funds shall be used in this way, and no other, they can at the present time be used in exactly this way in the discretion of the Secretary of the Interior.

Mr. LANE. For the improvement of the homes? Mr. FALL. Certainly. The maintenance of the Indians for the improvement of their homes in his discretion, and all you are proposing to do is to leave it to his discretion.

Mr. LANE. There is this difference: If it remains as it is, it will be administered so that the Indians will get none for their homes, and their desire is to have it diverted so as to have the money paid to them per capita.

Mr. FALL. I certainly have no objection, but I do not think

the Senator improves it by his amendment.

Mr. LANE. It is to be paid per capita to the Indians for

such use as they see fit.

Mr. SMOOT. May I ask the Senator a question? Is it the. Senator's intention to strike from the proviso the expenditure of this money for the construction of roads, trails, and other improvements for the benefit of the Indians?

Mr. LANE. It is my intention to get the money into the hands of the Indians to improve their homes and their farms. That is what they ask for. They petition for that. Is not that simple, plain English and a definite purpose? That does not mean building trails.

Mr. TOWNSEND. May I ask the Senator what the provision

would be if his amendment is adopted?

Mr. LANE. My understanding is that this timber, and I think it is valuable timber, worth millions upon millions of dollars, shall be sold and that the money is to be paid the Indians under the supervision of the Secretary of the Interior, to be expended upon the building of homes, the purchase of plows and horses, and for breaking up the land.

Mr. TOWNSEND. Do I understand the Senator to offer that

as a proviso?

Mr. LANE. As an amendment. I propose to strike out all

other purposes.

Mr. TOWNSEND. Then the Senator would offer it as a substitute.

Mr. LANE. As a substitute or an amendment.

Mr. FALL. I should like to ask the Senator, who is familiar with the conditions existing there, whether if this money is divided among the Indians per capita they will get the same

use of it in the improvement of their lands?

Mr. LANE. Not all of them. A majority of those Indians are very shrewd and capable business men. There are some of them that are incompetents, and I suppose they will go off and spend the money foolishly; but the Indian has a right once in a while to spend his money foolishly if he wants to do so; but they have never had any of it to expend so far.

Mr. FALL. I merely wanted to understand whether it was the Senator's idea that this money was to go to the individual

Indian to be used as he pleased.

Mr. LANE. Under the supervision, we will say, of the farmer, If he goes off on a spree, then, the farmer must Mr. FALL. go along with him?

Mr. LANE. If that is for the improvement of his farm; yes; but there is no whisky in that territory; it is dry territory.

Mr. FALL. My experience, having had a little to do with two or three farms, is that one farm may cost \$1,000, we will say, to put it in proper condition for production, and another may cost \$10,000, and the expenditure of each sum is absolutely necessary to achieve the result; but the Senator is proposing to divide this money per capita.

Mr. LANE. Yes.

Mr. FALL. All right; it is not my business; I have nothing

to do with it.

Mr. CURTIS. Mr. President, these Indians have about \$25,000 in the Treasury from the sale of timber. Under existing law it can be used "for the maintenance and education of the In-

dians now residing on said land and their children.

Now, it is desired to add another provision, to the effect that this money may be used "for the construction of roads, trails, and other improvements for their benefit." It seems that about 13 miles on the reservation are not covered by roads or trails, and the department says that it is very important to have authority to build the needed roads and trails so that the Indians may get their products to market. It is not the intention to use all the money for that purpose, but merely to use what is necessary to build the trail or road. It is still proposed to use a part of the money for the purposes mentioned in the first proviso; that is, for education and maintenance.

Mr. LANE. Mr. President, my attention had been diverted for a moment, but I am informed that the amendment has been

adopted. It is therefore useless to discuss it further.

Mr. TOWNSEND. The Senator ought to put his amendment in such shape that it would amount to something.

The VICE PRESIDENT. The Secretary has not the amendment to the amendment which is intended to be proposed by the Senator from Oregon.

Mr. CURTIS. I suggest that we pass over the amendment and return to it later, which will give the Senator the opportunity to draw his amendment to meet the conditions which he desires to remedy.

The VICE PRESIDENT. The amendment will be passed The Secretary will state the next committee amendment

which was passed over.

The Secretary. The next amendment which was passed over at the instance of Mr. Gronna is, on page 38, after line 3, where the committee proposed to insert the following clause:

where the committee proposed to insert the following clause:

That the Secretary of the Interior is hereby authorized to expend the sum of \$22,400 from any money now available for construction of irrigation systems on the Blackfeet Reservation, in Montana, in the purchase of lands embraced in the allotments of George W. Cook and David La Breche, described as lots 3 and 5, section 27, and lots 1 and 2, section 34, township 32 north, range 13 west, together with all the improvements thereon, in consideration of the relinquishment by the allottees of all their right, title, and interest in and to said lands and improvements, and of their right to select lieu land under the provisions of section 14 of the act of June 25, 1910 (36 Stat. L.. pp. 855, 859), and the release of all their claims whatsoever against the United States or the Blackfeet Tribe of Indians by reason of said lands being required for reservoir purposes in connection with the irrigation system on the aforesaid Indian reservation.

Mr. GRONNA. Mr. President, there is appropriated for this reservation \$25,000 for irrigation projects. I thought that to take \$22,400 out of that amount would, of course, leave but a very small sum for any other improvements. This irrigation project, however, is not in my State, but is in the State which the Senator from Montana [Mr. Walsh] in part so ably represents. As I understand, both Senators from that State desire this legislation, and so I wish to withdraw my objection to it.

Mr. SMOOT. Mr. President, I desire to ask the Senator from

Montana if the award in this case was not \$20,000 instead of

\$22,400?

Mr. WALSH. The award, as shown by the letter which was read yesterday, was something over \$22,000.

Mr. SMOOT. As the letter was read on yesterday by the Senator I understood the award was \$20,000, and that interest had been added.

Mr. WALSH. The award was something over \$22,000; but some time before the award was made a proposition was made by the Indians to take \$20,000. Then, in the settlement and adjustment interest was figured on what they offered to take from the time they offered to take it down to the time that the adjustment was made, and it figured out \$22,400. That was something less than the award.

The VICE PRESIDENT. The question is on agreeing to the

amendment.

The amendment was agreed to.
The VICE PRESIDENT. The Secretary will state the next

amendment passed over.

The Secretary. The next amendment passed over is, on page 41, beginning in line 11, where the committee proposed to

To enable the Secretary of the Interior to lease for the benefit of the Navajo Indians in New Mexico such railroad lands as he may deem necessary for their welfare, \$15,000, to be immediately available, and to be reimbursed under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. ASHURST. Mr. President, in view of the fact that that item will incur considerable opposition, I have not been wholly satisfied with the justification for it, and I ask the Senate to disagree to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The VICE PRESIDENT. The next amendment passed over will be stated.

The Secretary. The next amendment passed over will be found at the bottom of page 53, line 23, where the committee have reported to insert the following proviso:

Provided further. That after the lands have twice been offered for sale at public auction the Secretary of the Interior, under rules and regulations to be prescribed by him, shall cause to be sold to the highest bidder, in such manner and upon such terms as he may deem advisable, the surface of any lands remaining unsold and of any surface lands forfeited by reason of nonpayment of any part of the purchase price.

Mr. ASHURST. Mr. President, with reference to this amendment, the Senator from Oregon [Mr. Lane], who is in the Chamber, is very much opposed to it. I therefore ask that the Senate disagree to the amendment.

Mr. LANE. I second the request.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The Secretary. That completes the amendments of the committee which have been passed over with the exception of an amendment on page 27.

Mr. CLAPP. Mr. President, I will ask the Senator from Oregon if he has now prepared his amendment to that amend-

ment?

Mr. LANE. I have my amendment to the amendment prepared.

Mr. CLAPP. Then I will wait for the Senator to offer it. Mr. FALL. There is one amendment which we passed over, unless it has been reached to-day, from lines 11 to 16, inclusive, on page 41. The amendment was passed over yesterday afternoon.

Mr. ASHURST. If the Senator will pardon me, that amendment has been disagreed to.

Mr. FALL. I did not know that that action had been taken in reference to the amendment.

Mr. ASHURST. Yes; that amendment has been disagreed to. Mr. LANE. I now offer the amendment to the committee amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment

proposed by the Senator from Oregon will be stated.

The Secretary. On page 27, line 17, after the word "the" where it occurs before the word "maintenance," it is proposed to insert the words "pro rata improvement of individual Indian allotments and," so that it will read:

Provided further, That the proceeds arising from the sale of said lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the pro rata improvement of Individual Indian allotments and maintenance and education of the Indians and their children now residing on said lands.

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ASHURST. Mr. President, if that concludes the committee amendments, I have one amendment I desire to offer. I do not offer it on behalf of the committee, because I have no authority to do so, but I offer it in my own right, and I ask that it be read. It is to insert a new paragraph on page 57, after

The VICE PRESIDENT. The Secretary will state the amendment.

The Secretary. On page 57, after line 11, it is proposed to insert the following as a new paragraph:

That the surface of any segregated coal and asphalt lands of the Choctaw and Chickasaw Nations in the State of Oklahoma which have been or may be condemned under the laws of the State of Oklahoma for State penal institutions or for county or municipal purposes, as authorized by Indian apprepriation bill approved March 3, 1909, for State penal institutions or for county or municipal purposes, shall be construed to include the entire estate, except the asphalt reserved.

Mr. ASHURST. Mr. President, the end sought to be accomplished by that amendment is substantially as follows: This provision would affect the title of the State to subsurface lands on which is located the State prison at McAlester, and it is deemed essential that holders of adjacent mining property should not be permitted to invade the land beneath the surface on which the prison grounds are located.

This legislation is asked for by the Senator from Oklahoma [Mr. Owen], and is regarded as necessary. It will embrace and have to do with about 800 or 900 acres. The authorities of the State take the view that mining under the prison for coal or other material and metals would be a menace to the police jurisdiction of the institution. That is the justification which has been submitted to me.

Mr. SMOOT. Mr. President, as I gathered from the reading of the amendment, it is general in its application.
Mr. LA FOLLETTE. I so understood it.

Mr. SMOOT. It is not limited to any specific acreage. I may be mistaken, but that is as I understood the provision as

Mr. ASHURST. Let the amendment be stated again. It

may read in that way.

The VICE PRESIDENT. The Secretary will again state the amendment.

The Secretary against stated the amendment.

Mr. SMOOT. Mr. President, that is general legislation on an appropriation bill, and I make the point of order against it.

The VICE PRESIDENT. The point of order is sustained.

Mr. CLAPP. Mr. President, some years ago we passed a law creating a commission to enroll the Chippewas of Minnesota on the White River Reservation. At that time the district court decided that in order to be a mixed blood within the purview of the former law the individual had to have one-eighth Indian blood. Consequently, when this enrollment law was passed it provided that the commissioners should ascertain and designate the quantum of Indian blood in each individual. Subsequently the Supreme Court of the United States held that any degree of mixture was mixed blood within the language of the former law.

Now, the ascertainment of whether an individual is of mixed blood or not is a relatively easy matter compared with the ascertainment of the exact quantum of Indian blood, and the commissioners asked last year that the law be amended by simply providing that they should find whether the allottee was of mixed blood. A provision was inserted in one of the Indian appropriation bills—I think in a bill that failed—and then a bill was introduced in each House to correct this matter. That bill also provided that certain decrees of the probate court should be validated. To that provision of the bill objection was made, and when we reached it the other day on the calendar, owing to the objection, I asked that it be passed over. The

quantum of blood, since the Supreme Court has held that the ascertainment of the quantum is unnecessary, inasmuch as a mixed blood is a mixed blood. I assure the Senator that the amendment is not within the purview of any objection he has

Mr. LANE. Nor does it interfere with the rolls of the Indians?

Mr. CLAPP. Not in the least. It has been recommended by Secretary Lane in Public Document No. 993, part 2, Sixty-fourth Congress, first session.

Mr. PHELAN. Mr. President-

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from California?

Mr. CLAPP. With pleasure. Mr. PHELAN. I should like to ask the Senator, who seems familiar with the subject of mixed blood and races, why at one time certain American communities and distinguished statesmen encouraged the mingling of the blood of the Indian and of the white man, and, as I understand, proposed to subsidize marriages between them? Is the Senator aware that such is the historical fact?

Mr. CLAPP. I was not aware that they had ever been sub-

Mr. PHELAN. I have here an excerpt from the work of Senator Beveridge entitled "The Life of John Marshall," in which he states that, on motion of Patrick Henry, £10 sterling were offered, in a resolution proposed in the Legislature of Virginia, to white men who would marry Indian women, and Indian women were to be made an allowance for each child, I think, of £5. Such a measure passed second reading in the legislature at about the time when Patrick Henry was elected governor. I am not quite sure whether it was ever enacted into law; but John Marshall, in one of his letters, states that of all the bills introduced in that legislature he considered the measure referred to one of the most advantageous to the country. It is an interesting subject, when we are discriminating here against people of mixed bloods, to know that at one time it was considered a desirable thing in this country. It makes our obligation to the Indian greater and deeper.

Mr. CLAPP. I confess I never happened to run on to that historical fact, and it certainly is a matter of interest.

Mr. LANE. Mr. President, it would be of interest to the junior Senator from Mississippi [Mr. VARDAMAN] if he were here, I am quite sure.

Mr. PHELAN. I am only seeking enlightenment, and I see

that I have failed to obtain it.

Mr. PHELAN subsequently said: Mr. President, as the statement I have just made has been questioned, I should like to put the source of my authority in the RECORD, and I ask consent to print it in the RECORD.

The VICE PRESIDENT. What statement?

Mr. PHELAN. Concerning the historical fact that this Government once undertook to encourage intermarriage between the Indians and the whites by a proposition to offer subsidies.

The VICE PRESIDENT. In the absence of objection, per-

mission is granted.

Mr. LANE. Mr. President, I did not criticize the Senator. hope he does not think I did. I am glad to get that informa-It is something entirely new to me, but I knew how it would arouse the ire of my friend from Mississippi [Mr. VARDA-

The matter referred to is as follows:

[From the Los Angeles Express of Jan. 11, 1917.]

"A POET'S FANCY."

dar, owing to the objection, I asked that it be passed over. The department and the commissioners are now all agreed that the law should simply be amended so as to require only the ascertainment and recital of mixed blood, relieving the commissioners of the necessity of ascertaining the quantum of mixed blood. The Indian Office has also asked that the ascertainment shall not be evidence of or in any manner affect the question of the blood status of any other allottee involved in any suit by reason of the relationship of such allottee.

While it is true that this is perhaps general legislation, at the same time it is to carry into effect a law that is already on the statute books, and is one of those exigency matters which demand attention. I should therefore like to have the amendament which I shall send to the desk added at the end of the Minnesota items.

Mr. LANE. Mr. President, would not that amendment involve and complicate the affairs of a great many Indians?

Mr. CLAPP. Not at all. It has no relation, I think, to what the Senator has in mind. He undoubtedly received a letter protesting against that portion of the bill relating to the probate proceedings. This affects the law in no way, except that it relieves the commissioners are now all agreed that the secent and his special proposed in the second of the Puritains had not blended with the ribes of the wilders of the Puritains had not blended with the ribes of the wilders appear of the Puritains had not blended with the ribes of the wilders appear of the Puritains had not blended with the ribes of the wilders appear of the Puritains had not blended with the ribes of the wilders appear of the Puritains had not blended with the ribes of the wilders appear of the Puritains had not blended with the ribes of the wilders appear of the Puritains had not blended with the ribes of the wilders. The was represented that he regreted that the regreted that he regret

for them; that once each year the Indian husband of this white woman should be entitled to £3, with which the county court should buy clothes for him; that every child born of this Indian man and woman should be educated by the State between the age of 10 and 21 years, etc."

Having passed the house on its first and second reading this bill would have become a law had not Patrick Henry been elected governor of Virginia, and so, as Madison phrased it, "been taken out of the way." Patrick Henry was not alone in advocating this measure. John Marshall, who became Chief Justice of the United States in 1801, and, holding the office for 35 years, did more than any one other man to convert the States into a Nation, was an earnest advocate of Patrick Henry's measure. In his Life of John Marshall Senator Beveridge says: "He earnestly supported Henry's bill for subsidizing marriages of natives and whites and was disappointed by its defeat. 'We have rejected some bills,' writes Marshall (to Monroe, December, 1784) 'which, in my conception, would have been advantageous to the country. Among these I rank the bill for encouraging intermarriages with the Indians."

It will be seen, therefore, that while Disraeli's regret may have been, as Senator Phellan says, but the expression "of a poet's fancy," that "fancy" was a very earnest conviction on the part of such builders of the Nation as Patrick Henry and John Marshall.

Mr. CLAPP. Mr. President, I ask for the adoption of this

Mr. CLAPP. Mr. President, I ask for the adoption of this amendment.

Mr. President, I will ask the Senator if his Mr. CURTIS. amendment embodies the provisions of House bill 14721

Mr. CLAPP. It embodies the first part, but it eliminates the reference to the probate court—that is, if the Senator has in mind the bill that I think he has.

Mr. CURTIS. I should like to have it read again, so that I

may compare it.

The VICE PRESIDENT. The Secretary will state the amendment offered by the Senator from Minnesota.

The Secretary. It is proposed to add, at the end of the Minnesota items, on page 35, after line 12, the following:

nesota items, on page 35, after line 12, the following:

That the seventh paragraph of section 9 of an act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914," approved June 30, 1913, be, and the same is hereby, amended so as to read as follows:

"That the roll herein provided for shall be made in triplicate and shall show the allottment number or numbers, together with the description of the property allotted, and the name, age, sex, and whether the allottee is of full Indian blood or mixed blood. The roll shall also state whether the person named is living or dead; and, if dead, the approximate date of death shall be stated, when it can be ascertained, together with the age of such person at death, as near as practicable. No allotment nor the allottee thereof shall be enrolled where there is a suit now pending, or hereafter commences prior to the completion of such roll, to cancel any conveyance of such allotment until such suit has been finally determined; nor shall the enrollment of any allottee be evidence of or in any manner affect the question of blood status of any other allottee involved in any such suit by reason of relationship of such allottees."

The VICE PRESIDENT. The question is on agreeing to the

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CLAPP. I should like to insert in the Record a letter from the Department of Justice of this date, addressed to me and referring to this matter.

The VICE PRESIDENT. In the absence of objection, that

may be done.

The letter referred to is as follows:

DEPARTMENT OF JUSTICE, Washington, D. C., January 30, 1917.

Hon. Moses E. Clapp, United States Senate.

United States Senate.

My Dear Senator: In reference to H. R. 14731, providing for an amendment of paragraph 7 of section 9 of the act of June 30, 1913 (38 Stat., 88), I have just been informed by Representative Halvor Steenerson, who introduced this bill, and Mr. R. J. Powell, a member of the enrollment commission thereby affected, that Mr. Steenerson and the promoters of the bill are willing to accept the substitute recommended by the Secretary of the Interior in his letter to Hon. John H. Steenerson, chairman of the Committee on Indian Affairs of the House, dated July 6, 1916, and printed in a supplemental report, No. 993, part 2, Sixty-fourth Congress, first session.

The concurrence of the Department of Justice in the recommendation of the Secretary of the Interior was stated in his letter. There has been no change in the attitude of the departments in reference to this matter. I understand that it is feasible to incorporate the measure agreed upon in the Indian appropriation bill, now under consideration by the Senate, and we should be very glad if that could be accomplished. Very respectfully,

F. J. Kearful, Special Assistant to the Attorney General.

Mr. WARREN. Mr. President, I ask the attention of the chairman of the committee to a small amendment which I desire to offer, on page 75, line 13, after the numerals "\$150,000."

The VICE PRESIDENT. The amendment will be stated.

The Secretary. On page 75, line 13, before the word "re-

imbursable" at the end of the line, it is proposed to insert:

To enable the Secretary of the line, it is proposed to lisert:

To enable the Secretary of the Interior to make such additional surveys and examinations as may be required for the purpose of preparing and submitting with the estimates to be submitted before the first regular session of the Sixty-fifth Congress an estimate for the beginning of construction of a project for the watering of a portion of the conditionally ceded lands of the Wind River Reservation in substantial accordance with the plan outlined in House Pocument 1767 of the Sixty-fourth Congress, second session, or such modification of such plan as the said Secretary may approve, \$5,000.

Mr. ASHURST. This is a part of the reimbursable appropriation carried in the bill at page 75, lines 8 to 16?

Mr. WARREN. Yes. It is to go in just before the word reimbursable," on line 13, page 75.

Mr. ASHURST. And it is a part of this reimbursable ap-

propriation?

Mr. WARREN. Yes. Mr. ASHURST. I h

Mr. ASHURST. I have no objection, Mr. President. The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wyoming.

The amendment was agreed to.
Mr. FALL. Mr. President, I desire to call the attention of the chairman of the committee to an amendment on page 12 of the bill, line 15, after the figures "\$10,000." This is a lump appropriation for the pay of judges in the Indian country. I made an explanation to the Senate Saturday as to the status of the Pueblo Indians in New Mexico. In the justification of this requested appropriation of \$10,000 it appears that they propose to pay a judge, whom I spoke of Saturday, the sum of \$720 per year. The Pueblo Indians are very much opposed to the naming of any judge for them. In my judgment, there is no question that the law did not contemplate vesting in anyone any such power, and that to-day no one has any such power; but the Indians are not able to take this matter into the United States courts. I therefore offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated. The Secretary. On page 12, line 15, after the numerals "\$10,000," it is proposed to insert:

Provided, That no part of this nor of any other sum shall be used to pay any judge for the Pueblo Indians of New Mexico, and that no such judge shall be appointed for such Indians by any United States official cr employee.

Mr. ASHURST. Mr. President, I am familiar with the pur-

poses of the amendment, and I have no objection to it.

Mr. SMOOT. Mr. President, if that is the case, then the

Mr. SMOOT. All Frestdent, it that is the case, then the amount of \$10,000 is not necessary.

Mr. ASHURST. I think it is, Mr. President.

Mr. SMOOT. Outside of the payment of the judge in New Mexico?

Mr. ASHURST. Yes; I think it is, Mr. President. I hope the amount will not be reduced.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.
Mr. ROBINSON. Mr. President, I offer the following amendment: On page 13, line 5, I move to strike out "\$3" and insert in lieu thereof "\$4."

The VICE PRESIDENT. The amendment will be stated. The Secretary. On page 13, line 5, where the bill reads " and

actual traveling and incidental expenses, and \$3 per diem in lieu of subsistence when actually employed on duty," the Senator from Arkansas moves to strike out "\$3," and in lieu thereof to insert "\$4."

Mr. SMOOT. Mr. President, I will say to the Senator that their per diem has been \$3 for many years past, as he knows, of course

Mr. ROBINSON.

Mr. SMOOT. And if this is changed, it seems to me it ought to be changed in all the other appropriation bills, because the same reason that applies to an increase here would apply to other bills.

Mr. ROBINSON. Mr. President, concerning this amendment wish to say that the position of Indian inspector carried in this bill was created two years ago, I think. The service which these inspectors are required to perform carries them into the field, and for the most part keeps them away from home all the time. The per diem allowance is inadequate; \$4 would scarcely be adequate; but my attention has been called to the fact that they are compelled to pay out of their salary a considerable sum for subsistence, for which this allowance is intended to compensate them, and I think the amendment ought to prevail.

Mr. SMOOT. I will say to the Senator that the inspectors of the Indian Service living upon the Indian reservations are not put to nearly the expense to which many of the others are put.

Mr. ROBINSON. But, as the chairman of the committee re-

marks, they do not live on these reservations.

Mr. SMOOT. No; I know they do not live there, but I mean their work calls them there, and it seems to me that the expense to which the Indian inspectors are put would not be nearly so great as the expense to which the other inspectors are put who travel all over the country and have to live in cities or towns.

Mr. ROBINSON. Some of these inspectors. Mr. President, have had service in many States during the last year. They are frequently called upon to attend court in localities where they

are unable to maintain themselves upon this allowance. The allowance, in my judgment, is inadequate. I have made some investigation into it. I hope the Senator from Utah will not oppose the amendment.

Mr. SMOOT. If the Senator's amendment is agreed to, then, of course, we will have to increase the \$30,000 to \$40,000.

Mr. ROBINSON. No; that will not be necessary.

Mr. SMOOT. Then the \$30,000 is too much as it is. Mr. ROBINSON. I think the \$30,000 will be adequate. The

chairman of the committee thinks so, also.

Mr. ASHURST. Mr. President, the \$30,000 will be adequate, am very much in favor of the amendment of the Senator from Arkansas. These inspectors-and there are only six of them—are frequently called upon to assist the United States district attorneys in the preparation of cases, and very frequently they go from State to State. I am very sufficiently convinced that the per diem of \$3 is not sufficient.

Mr. SMOOT. Does the Senator say there are only six in-

spectors?

Mr. ASHURST. I think there are only six. Mr. SMOOT. What salary do they get?

Mr. ROBINSON. Twenty-five hundred dollars per annum.

Mr. SMOOT. Oh, no; the chief inspector gets not to exceed \$2,500, but all those inspectors certainly do not get \$2,500.

Mr. ROBINSON. I think the inspectors receive \$2,500 each. Mr. ASHURST. They each receive \$2,500, and there are only Mr. ASHURST. They each receive \$2,500, and there are only six in the service. They perform technical work. They are the confidential men upon whom the Department of the Interior is obliged to rely in the preparation of many cases.

Mr. SMOOT. Then, Mr. President, it seems to me that they must get \$5,000 each, if it requires \$30,000 to pay six of them.

Mr. ASHURST. That is the salary. Mr. SMOOT. No; that is the salary, per diem and all. I

am speaking of the per dlem as well.

Mr. ROBINSON. They are only allowed a pier diem when

they are actually in the field.

Mr. SMOOT. If they were allowed \$3 a day for 300 days, it would be \$900. Suppose they drew \$1,000 in the way of per diem and they got a salary of \$2,500; that would be \$3,500 for the salary and per diem expenses. Now, there are only six of them. That would be only \$21,000.

Mr. ROBINSON. But the Senator began his argument by

stating that the \$30,000 was inadequate.

Mr. SMOOT. No; I do not say that now, upon the statement

of the Senator.

Mr. ROBINSON. I understand that the Senator does not say so now; but I think the \$30,000 is more than ample to meet the requirements of the service if the amendment I have offered is agreed to.

Mr. SMOOT. Certainly, on the statement made by the Senator, it ought to be reduced now. Even with the \$4 per day it

ought to be reduced.

Mr. ROBINSON. Mr. President, during the last year all of the fund that was appropriated for this purpose was not used and the department turned back a considerable sum. I do not remember how many thousand dollars, but I think between six and ten thousand dollars was turned back last year.

Mr. SMOOT. Of course, if there are just six of these inspectors and they draw \$2,500 a year each, and their per diem is even \$4 a day, it is very easy to figure out just exactly what we ought to appropriate for them; and in any case the amount could not possibly exceed \$25,000. Why appropriate more than

Mr. ROBINSON. I am not asking the Senate to appropriate any lump sum. My amendment is not addressed to that fea-The amendment which I propose is addressed to the per

Mr. SMOOT. I recognize that; but they have got to be paid out of the lump sum.

Mr. ROBINSON. Certainly. The point I make is that the lump sum is adequate; that there is no necessity for increas-

Mr. SMOOT. Well, let it go into conference. Mr. FALL. Mr. President, I should like to ask, just for information, before voting on the amendment, whether it costs any more per diem for these inspectors than it does for the special agents, who get \$3 per diem. including sleeping-car fare, or who get sleeping-car fare aside from the \$3 per diem? And what about the \$3 per diem which is provided for the transportation and incidental expenses of all officers and clerks in the Bureau of Indian Affairs? Should not that be increased also? Is there a different scale of ilving? Mr. ROBINSON. Mr. President, in reply to the query of the

Senator from New Mexico, I think it is true that a more liberal

allowance should be made for the per diem of these inspectors than for the special agents to whom he refers. The character of work which the inspectors perform carries them into remote districts, and frequently compels them to incur expenses which the special agents do not necessarily incur. They are a different class of officers, and they perform a different class of service. Their services are on a broader scale and extend over a greater

Mr. FALL. I have no doubt the Senator is very familiar with the character of the expenses incurred by each class of employees and could explain the facts very satisfactorily to the Senate. I have not any objection to the amendment, except that it is another illustration of the asininity-if I may be allowed to use the word—of formulating, in the way we do, an Indian appropriation bill at every session of Congress. Some day or some time a different system is going to be inaugu-

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, on page 70 of the bill, after the semicolon in line 22, I move to add "for a storage battery, \$1,500, or so much thereof as may be necessary, the same to be immediately available."

The VICE PRESIDENT. The amendment will be stated.

The Secretary. On page 70, line 22, after the semicolon, it is proposed to insert "for a storage battery, \$1,500, or so much thereof as may be necessary, the same to be immediately avail-

Mr. LA FOLLETTE. Mr. President, one year ago an appropriation of \$2,500 was made for providing an electric-light plant for the Indian school at Tomah, Wis. They are buying their electric light from the city of Tomah, and have been paying \$170 a month for it. The rates have gone up, and from the 1st day of January they will be increased 100 per cent. One year ago we made an appropriation of \$2,500 for the purpose of purchasing a generator engine, switchboard, and storage battery. The amount appeared to be sufficient at the time to install a complete lighting system for this school; but the increase in the price of material has been such that the generator engine purchased under the legislation of last year absorbed \$2,042 of the appropriation and the switchboard \$368, leaving a balance of only \$90. It is necessary, in order to complete the plant, to have this storage battery; and from the best information I can get as to what it would cost, obtained from Mr. Woods, the Superintendent of the Capitol here, I fixed the amount of the appropriation at \$1,500, or so much thereof as may be neces-No more than is necessary will be expended. I trust the amendment will be adopted.

Without this expenditure that which has already been invested will be useless. With it we will make a saving on what they are now paying for the electric light that will in one year, at the rate which they are paying the company that supplies the electric current to this school, save almost as much as the total

Mr. ASHURST. Would the Senator from Wisconsin object to inserting the amendment after the semicolon in line 22?

Mr. LA FOLLETTE. That is where I offer it to be inserted. Mr. ASHURST. And change the numerals accordingly?

Mr. LA FOLLETTE. Yes.

The VICE PRESIDENT. The question is on agreeing to the

The amendment was agreed to.

Mr. CURTIS. I offer the following amendment in order to get the question in conference that this bill may await the action that will be taken on section 7 of the legislative, executive, and judicial appropriation bill for increasing the salaries of those officials who draw less than \$1,000. I ask that the amendment be read, and I ask for its adoption.

The VICE PRESIDENT. It will be read.

The Secretary. It is proposed to add as a new section the

Sec. 27. That to provide, during the fiscal year 1918, for increased compensation at the rate of 15 per cent per annum to employees who receive salaries at a rate per annum of \$480 or less, and for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of more than \$480 per annum and not exceeding \$1,000 per annum, so much as may be necessary is appropriated: Provided, That this section shall only apply to employees who are appropriated for in the act specifically and under lump sums or whose employment is authorized herein: Provided further, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

Mr. ASHURST. I would not wish to make a point of order if I could upon this amendment because, as the Senator from Kansas said, he would like to have it go to conference. He is entitled to that right and courtesy, but I should like to have read a short letter from the Secretary of the Interior upon a bill very similar to this amendment now proposed by the Senator.

The VICE PRESIDENT. The Secretary will read as re-

The Secretary read as follows:

THE SECRETARY OF THE INTERIOR, Washington, January 18, 1917.

Hon. Henry F. Ashurst,
Chairman Committee on Indian Affairs,
United States Senate.

Mr Dear Senator: I have your letter of January 6, requesting report upon proposed amendment to H. R. 18453, under which the compensation of employees in the Indian Service would be increased.

This question, of course, is one for Congress to determine; but it seems that if such an increase is to be granted it should be uniform and not differentiate between employees of the Government in different branches of the service.

Cordially, yours,

FRANKLIN K. LANE,

FRANKLIN K. LANE, Secretary.

Mr. SMOOT. The amendment is exactly the same as was adopted upon the legislative, executive, and judicial appropriation bill.

Mr. CURTIS. Identically.
Mr. ASHURST. I did not hear the Senator from Utah.
Mr. SMOOT. I asked the Senator from Kansas if his amendment is not identically the same in language as that which was adopted upon the legislative, executive, and judicial appropriation bill, and the Senator from Kansas said it is.

Mr. SHAFROTH. I will ask the Senator from Kansas whether the latter part of the amendment is the same?

Mr. CURTIS. It is the same, word for word.

Mr. ASHURST. It is the same as the provision which was

carried in the legislative, executive, and judicial appropriation bill?

Mr. SMOOT. It is the same identical amendment known as the Smoot amendment. If we are going to give it to one part of the Government employees, we ought to put it upon every appropriation bill, and I think the Senator will agree to that.

The amendment was agreed to.

Mr. ASHURST. Mr. President, considerable has been said in the way of implied but not malicious criticism with respect to the management of the office of the Commissioner of Indian Affairs. I have here an article which appears on page 270 of the Indian School Journal issued by the United States Indian School at Chilocco, Okla., printed by the pupils. I ask unani-mous consent that it may be printed in the Record without reading.
The VICE PRESIDENT. Without objection, it is so ordered.
Mr. FALL. For what department?
Mr. ASHURST. The Indian Department.

Mr. ASHURST. The Indian Department?
Mr. ASHURST. Let it be read. It is very short.
Mr. FALL. I should like to hear it.
The VICE PRESIDENT. Is there objection to reading the article? The Chair hears none.

The Secretary proceeded to read the article.

Mr. FALL. If I can I withdraw my request for the reading of this very interesting article, and withdraw any objection whatsoever to its printing. I think we all recognize the ear-

The VICE PRESIDENT. The article will go in the RECORD without reading in full.

The matter referred to is as follows:

The matter referred to is as follows:

It is a report of stupendous achievement that Commissioner Cato Selis has just submitted to the Secretary of the Interior. When one reads in the pamphlet the account of all that has been done he marvels that one man has had time and strength to carry out so successfully so many projects calling for much study and the exercise of great ability along so many distinct lines.

To have developed and carried out the "reimbursable" plan for helping poor but honest and industrious Indians to independence, to have waged a winning fight against the liquor traffic in and abour reservations, to have made dishonest guardians of Indian minors account for millions that they had confidently expected to make their own, to have waged so successful a health campaign, to have provided for the inauguration in the schools of the sane vocational course of instruction now in operation—each appearing a good-sized undertaking—along with the numerous other accomplishments scarcely, if at all, less important, and to have set all in harmonious motion was a gigantic task. The battle is still on against the crooked guardian, the grafter, and the booze peddler, against tuberculosis and trachoma, against all the physical dangers that beset the baby coming into the world; while cattle on a thousand hills belonging to the Indians ithousands of additional acres in cultivation, great numbers of Indians litving in complete independence who but yesterday were leaning upon the Government, all bear witness to the constructive power of the tireless, enthusiastic man at the head of the Indian Bureau.

No one is more desirous than the commissioner that the Indian Bureau go out of business at the earliest day that such closing can be accomplished with safety to the people from whom all Government props are being removed as rapidly as seems wise. He does not covet the emoluments of a job the holding of which costs him thousands of dollars annually from private resources; but the cry of the grafter and the assistant grafter for immediate removal of every impediment to the plying of their business does not convince or disturb him nor does it interfere with the vigorous performance of every duty.

Mr. CLAPP. Mr. President, there is a matter I desire to say a word about. In 1863, I think it was, following the Sioux massacre in Minnesota, Congress passed a law forfeiting the annuities due the Sioux Indians. There were two general groups of these Indians, the Sissetons and Wahpetons, and then the other group known as the Sasteins and Wangetons, and then the other group known as the Santee Sioux. Before my predecessor died he had taken up the effort to do justice to these Indians. Clearly the Government of the United States has no moral rights to forfeit the annuities due its wards because the wards revolt. He died before the work was completed. Some years ago we passed a law giving the Sissetons the right to bring an action. The bill has been introduced and has been passed several times by the Senate, giving the same right to the Santee Sioux. It was passed through the Senate at this Congress and is now in the House, but everyone knows the difficulty of getting legislation through the difficulty of getting legislation through the House.

I am going to ask to put that bill at the end of the Nebraska items as an amendment. I put it there because, although originally these Indians were entirely, I think, from the State of Minnesota, to-day a large portion of them, I think perhaps a major portion, live in the State of Nebraska, but a great many still remain in the State of Minnesota. The bill, as I said, has almody possed the Senate at the present Congress. already passed the Senate at the present Congress. A similar bill has passed Congress several times. I think it was on the Indian appropriation bill that failed two years ago, if my

memory serves me correctly.

The VICE PRESIDENT. The amendment will be stated. The Secretary. It is proposed to add the following as an additional section:

The VICE PRESIDENT. The amendment will be stated.

The Secretary. It is proposed to add the following as an additional section:

Sec. 28. That jurisdiction be, and hereby is, conferred upon the Court of Claims of the United States to hear, determine, and render final judgment for any balance found due the Medawakanton and Wahpakoota Bands of Sloux Indians, otherwise known as Santee Sloux. Indians, with right of appeal as in other cases, for any annuities which may be due to said bands of Indians under and by virtue of the treaties between said bands of Indians and the United States, dated September 29, 1837 (7 Stat. L., 538), and August 5, 1851 (10 Stat. L., 954), as if the act of forfeiture of the annuities of said bands, approved February 16, 1863, had not been passed; and said act of forfeiture and all subsequent acts and parts of acts and treaties inconsistent with this act are hereby repealed for the purposes hereof: Provided, That the court, in rendering judgment, shall ascertain and include therein the amount of accrued annuities under the treaty of September 29, 1837, up to the date of the passage of this act and shall determine and include the present value of the same and the capital sum of said annuity, which shall be in lieu of said perpetual annuity granted in said treaty; and to ascertain and set off against such amount so found all payments or other provisions, of every name and nature, made to or for said bands by the United States, or to or for any members thereof under the autority of any act of Congress, excluding treaties, since said act of forfeiture was passed, which are properly chargeable against said unpaid annuities.

That upon the rendition of such judgment, and in conformity therewith, the Secretary of the Interior is hereby directed to determine which of said Indians now living took part in said outbreak, and to prepare a roll of the persons entitled to share in said judgment by placing on said roll the names of all living members of the said bands residing in the United States at t

The amendment was agreed to.
Mr. SMOOT. The Senator from Georgia [Mr. SMITH] in the discussion yesterday gave notice he intended after the committee amendments were passed upon to move to strike out the paragraph beginning on page 52, line 21, down to and including line 5 on page 53.

Mr. ASHURST. I hope that action will not be taken. If the Senator will pardon me, this particular item has been carried in the bill now for three years. The Senator from Georgia has been a Member of the Senate during the time it Now, when the two Senators from Oklahoma most unfortunately are absent, both by reason of illness, I trust that such action will not be taken. It is an important item, and in my opinion it is a just and necessary item. Neither of the Senators from Oklahoma can be here for the reason I have stated. One is seriously ill at his home in this city and the other is ill in Oklahoma, and will not be here before the bill is passed. The item was carried in the bill in 1914 and 1916, and it was in the bill in 1915. No objection that I have ever heard to the item has been made in the Senate. This seems to be a most inopportune time to take up a serious item like this in the absence of both Senators from the State. I recognize the courtesy the Senator from Utah is extending to the Senator from Georgia in calling attention to it, but I am very anxious that this item shall be retained in the bill.

Mr. CLAPP. Will the Senator from Utah pardon me? Mr. SMOOT. Certainly.

Mr. CLAPP. I hardly think it would be fair to Oklahoma for this reason: Whatever may be said as to the wisdom or justice of the measure, and I think it is a very wise and just measure, in view of the large amount of their land that is held beyond the power of taxation, I believe we should make provision to assist them in their public schools. This has been in the bill right along as it came from the House, and I am inclined to think that possibly it might embarrass the State, without any notice whatever, when they have every reason or right to suppose it would be continued at least for a time, now suddenly to withdraw it. I think if the Senate feels it has been unwise to give this assistance or unwise to continue it, surely it is at least due to the State of Oklahoma that they have notice so that they may make necessary provision hereafter to take care of it, but suddenly to cut out that amount from what may properly be called the revenues of the State might very seriously embarrass them. It strikes me that without any notice it is hardly a fair thing to do, even if we had the power to do it.

Mr. SMOOT. Mr. President, I am not going to make a motion to strike it out. I simply did what I would want every other Senator to do if I were out of the Chamber when a bill was about to pass from the Committee of the Whole into the Senate, to call attention to the fact of a notice that had been

Mr. GRONNA. Wi Mr. SMOOT. Yes. Will the Senator from Utah yield to me?

Mr. GRONNA. I wish to say to the Senator from Utah that I have inquired into this matter and I am sure if we struck out the provision it would embarrass those people. It was stated by some Senator that the lands given to the Oklahoma Indians are taxable. I am informed that they are not. It would cripple the schools. We can not at this time let this item go out. As the chairman has said, it would hardly be fair to the Senators from Oklahoma to take out this item when they are both absent.

Mr. SMOOT. Of course, as I said, I do not know whether the Senator from North Dakota was in the Chamber. I am not going to make a motion, because I do not know enough about it to know whether it is right or whether it is wrong; but the Senator from Georgia [Mr. SMITH] gave notice yesterday that as soon as the committee amendments were disposed of he wished to make a motion to strike out this paragraph. I thought it was nothing more than fair to the Senator from Georgia to give him notice that the bill was about to pass from Committee of the Whole into the Senate.

Mr. O'GORMAN. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. ASHURST. Will the Senator from New York withhold

the motion?

Mr. O'GORMAN. The executive session will take only a few minutes.

Mr. ASHURST. I think we can pass the bill before the recess, and I do not want an executive session now. I shall call for the yeas and nays and do everything I can to resist the motion. I hope the Senator from New York will withdraw his I think we can conclude the consideration of the bill in a few minutes.

Mr. O'GORMAN. This is a very important bill, but it is not the only important business which is before the Senate of the United States. Under the program we have but 15 minutes be-

fore a recess will be taken, in any event, and there is some important executive business which can be disposed of in that time.

Mr. ASHURST. If the Senator will pardon me, I will assure him he will not do a bit of executive business. I shall consume the whole time.

Mr. O'GORMAN. I could not yield to any suggestion of that kind from any Senator, especially from one whose good opinion I value as highly as I do that of the Senator from Arizona. Upon reflection he must know that that is scarcely a fair proposition to advance.

Mr. ASHURST. I have had no notice of the motion. It was

made without consulting me.

Mr. O'GORMAN. The bill which the Senator has in charge I appreciate is a very important measure, and it will be dis-

posed of in due course, but we are to convene again at 8 o'clock.

Mr. ASHURST. If the Senator will pardon me, we could not in my judgment take up the Indian appropriation bill in the evening session. That is to be devoted wholly to the Porto Rican bill. I withdraw the apparent discourteous statement I made; but I am very earnest about this matter. I want to have this bill disposed of. It will go over until to-morrow if we go into executive session now. I hope the Senator from New York will withdraw the motion.

Mr. O'GORMAN. Will any injury be done to any interest

even if the bill goes over until to-morrow?

Mr. ASHURST. I am anxious always to have Democrats get into office just as quickly as they can, but I think the few nominations can wait one more day, having waited so long.

Mr. O'GORMAN. It will not interfere with the Senator's bill. I make that motion.

The VICE PRESIDENT. The Senator from New York moves

that the Senate proceed to the consideration of executive busi-

Mr. ASHURST. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). Owing to the pair I have with the senior Senator from North Carolina [Mr. Sim-Mons], who is absent, I am constrained to withhold my vote.

Mr. CLARK (when his name was called). I am paired with the senior Senator from Missouri [Mr. Stone], who is absent.

I therefore withhold my vote.

Mr. JAMES (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. Weeks]

and for that reason withhold my vote.

Mr. MYERS (when his name was called). I transfer my pair with the Senator from Connecticut [Mr. McLean] to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. He being absent, I withhold my vote.

Mr. THOMAS (when his name was called). In the absence of my pair, I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my

of my pair, I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair as on the last vote and vote "yea."

Mr. WILLIAMS (when his name was called). Transferring my pair with the Senator from Pennsylvania [Mr. Penrose] to the Senator from Maryland [Mr. Lee], I vote "yea."

The roll call was concluded.

Mr. JAMES. I transfer the general pair I have with the junior Senator from Massachusetts [Mr. Weeks] to the junior Senator from Arkansas [Mr. Kirby] and vote "yea."

Mr. SAULSBURY. I have a general pair with the junior Senator from Rhode Island [Mr. Colt] and therefore withhold

Mr. CURTIS (after having voted in the negative). I transfer my pair with the junior Senator from Georgia [Mr. Hardwick] to the senior Senator from California [Mr. Works] and will let my vote stand.

Mr. SMITH of Michigan (after having voted in the negative). I am paired with the junior Senator from Missouri [Mr. Reed]. transfer that pair to the junior Senator from Maine [Mr. FERNALD] and will let my vote stand.

Mr. THOMAS. I transfer my pair to the junior Senator from California [Mr. Phelan] and vote "yea."
Mr. GRONNA (after having voted in the negative). I have a general pair with the senior Senator from Maine [Mr. Johnstein son], which I transfer to the senior Senator from Idaho [Mr. BORAH] and will let my vote stand,
Mr. CLAPP. I transfer my pair to the senior Senator from
Iowa [Mr. CUMMINS] and vote "nay."

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. If he were present, he would vote "nay." The result was announced-yeas 16, nays 36, as follows: YEAS-16

	The Act of		
Broussard	James	O'Gorman	Thompson
Bryan	Lewis	Overman	Tillman
Chilton	Martin, Va.	Pittman	Underwood
Fletcher	Martine, N. J.	Thomas	Williams
	NAY	S-36.	
Ashurst	Hollis Johnson, S. Dak, Kenyon La Follette Lane Lippitt Lodge Myers Norris	Oliver	Smith, Mich.
Brady		Page	Smith, S. C.
Brandegee		Poindexter	Smoot
Chamberlain		Pomerene	Sterling
Clapp		Ransdell	Vardaman
Curtis		Robinson	Wadsworth
Fall		Shafroth	Walsh
Gronna		Sheppard	Warren
Harding		Smith, Ga.	Watson
Bankhead	Gallinger Goff Gore Hardwick Hitchcock Hughes Husting Johnson, Me. Jones Kern Kirby	Lea, Tenn,	Sherman
Beckham		Lee, Md.	Shields
Borah		McCumber	Simmons
Catron		McLean	Smith, Ariz,
Clark		Nelson	Smith, Md.
Colt		Newlands	Stone
Culberson		Owen	Sutherland
Cummins		Penrose	Swanson
Dillingham		Phelan	Townsend
du Pont		Reed	Weeks
Fernald		Saulsbury	Works

So the Senate refused to proceed to the consideration of executive business

The VICE PRESIDENT. The Indian appropriation bill is still before the Senate, as in Committee of the Whole, and open to amendment.

The bill was reported to the Senate as amended, and the

amendments were concurred in.

Mr. LANE. Mr. President, I had proposed to offer a substitute for the bill, but I do not find that amount of interest in matters pertaining to Poor Lo that I think he deserves, and so I will not offer it at this time. I'will, however, vote against the passage of the bill.

The amendments were ordered to be engrossed and the bill

to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass? The bill was passed.

EXECUTIVE SESSION.

Mr. O'GORMAN. I move that the Senate proceed to the consideration of executive business

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.), under the order previously made, the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

GOVERNMENT OF PORTO RICO.

The PRESIDING OFFICER (Mr. James in the chair). The special order is the Porto Rican bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes.

Mr. SHAFROTH. I ask unanimous consent that the further formal reading of the bill be dispensed with and that the bill be read for amendment.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. I will ask the Senator if that was not agreed to at the time the Senator had the bill brought up?

Mr. SHAFROTH. No; there was objection to it; the bill was read about halfway through and then the morning hour expired. I desire to have it read for action on the committee amendments and amendments following.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The first amendment of the committee will be stated.

The first amendment of the Committee on Pacific Islands and Porto Rico was, on page 1, after line 6, to insert the subhead "Bill of rights."

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 16, after the word "State," to insert "or any officer thereof," so as to make the clause read:

That no law granting a title of nobility shall be enacted, and no person holding any office of profit or trust under the government of Porto Rico shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign State, or any officer thereof.

The amendment was agreed to.

The next amendment was, on page 3, line 21, after the word "warrant," to insert "for arrest or search," so as to make the clause read:

That no warrant for arrest or search shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be selzed.

Mr. SMOOT. I will ask the Secretary to read the amendment again.

The Secretary again read the amendment.

Mr. SHAFROTH. I will state to the Senator that that is really a transposition. The same provision is found on page 5. It did not belong there and we transposed the paragraph to the point where it should be. I think it is exactly the same.

Mr. SMOOT. I find no amendment on page 5 of the bill.

Mr. SHAFROTH. When that is reached I will ask that it be stricken out. The Senator will notice in line 12, page 5, the same language is used-"that no warrant shall issue but upon probable cause.'

Mr. SMOOT. It is the Senator's intention to move to strike out those words?

Mr. SHAFROTH. Yes; transposing the language from that

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 4, line 20, after the word "institution," to insert "or association," and in line 22, after the word "such," to insert "and no appropriation shall be made for charitable, industrial, educational, or benevolent purposes to any person, corporation, or community not under the absolute control of Porto Rico," so as to make the clause read:

That no public money or property shall ever be appropriated, applied, donated, used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution or association, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such, and no appropriation shall be made for charitable, industrial, educational, or benevolent purposes to any person, corporation, or community not under the absolute control of Porto Rico. Contracting of polygamous or plural marriages hereafter is prohibited.

Mr. SHAFROTH. The committee would like to strike out the words "and no appropriation shall be made," because the same subject matter relates to it. It is simply surplus language. Insert the word "or."

The SECRETARY. Beginning the amendment with the word

The PRESIDING OFFICER. Without objection, the amendment will be so modified. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The next amendment was, on page 5, line 5, after the word "law," to insert "and on warrant drawn by the proper officer in pursuance thereof," so as to make the clause read:

That no money shall be paid out of the Treasury except in pursuance of an appropriation by law, and on warrant drawn by the proper officer in pursuance thereof.

The amendment was agreed to.

The next amendment was, on page 5, after line 6, to insert:

That the rule of taxation in Porto Rico shall be uniform.

The amendment was agreed to.

The next amendment was, on page 5, after line 7, to insert:

That all money collected for any tax levied or assessed for a special purpose shall be treated as a special fund in the Treasury and paid out for such purpose only, except upon the approval of the President of the United States.

The amendment was agreed to.

The reading of the bill was continued to line 15, page 5.

Mr. SHAFROTH. In behalf of the committee I move that lines 12, 13, 14, and 15 be stricken out because it is the same language that was inserted on page 3.

The PRESIDING OFFICER. The amendment will be stated. The Secretary. On page 5 in the House text strike out lines 12 to 15, inclusive, in the following words:

That no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

The amendment was agreed to.

Mr. SMOOT. I ask the Secretary to read the text of the bill now, because by simply stating the amendment it is impossible to follow the text to which the amendments apply. The formal reading of the bill was dispensed with, so I ask the

Secretary to read the whole of it.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary resumed the reading of the bill on page 5, line 16.

The next amendment was, in section 3, on page 6, line 8, before the word "municipality," to insert "subdivision or," so as to make the section read:

as to make the section read:

SEC. 3. That no export duties shall be levied or collected on exports from Porto Rico, but taxes and assessments on property, internal revenue, and license fees, and royalties for franchises, privlieges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by the Legislature of Porto Rico; and when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Porto Rico or any municipal government therein as may be provided by law, and to protect the public credit: Provided, however, That no public indebtedness of Porto Rico or of any subdivision or municipality thereof shall be authorized or allowed in excess of 7 per cent of the aggregate tax valuation of its property, and all bonds issued by the government of Porto Rico, or by its authority, shall be exempt from taxation by the Government of the United States, or by the government of Porto Rico or of any political or municipal subdivision thereof, or by any State, or by any county, municipality, or other municipal subdivision of any State or Territory of the United States, or by the District of Columbia. In computing the indebtedness of the people of Porto Rico, bonds issued by the people of Porto Rico secured by an equivalent amount of bonds of municipal corporations or school boards of Porto Rico shall not be counted.

Mr. SMOOT. I should like to ask the Senator having the bill in charge if it was the intention of those favoring the bill that 7 per cent shall be the aggregate amount of the indebtedness of the State or of the subdivision or of the municipality?

Mr. SHAFROTH. I will state to the Senator that that is the same provision which came from the House. It is the intention to limit the total amount of bonded indebtedness of the island to 7 per cent of the aggregate tax valuation of its

Mr. SMOOT. Does that mean 7 per cent of the indebtedness as far as the State is concerned or as far as the State and the

subdivision or the municipality are concerned?

Mr. SHAFROTH. It says "public indebtedness of Porto Rico."

Mr. SMOOT. "Or."

Mr. SHAFROTH (reading)-

Or of any subdivision or municipality thereof shall be authorized or lowed in excess of 7 per cent of the aggregate tax valuation of its allowed in

My understanding of that is that the municipality can have My understanding or that is that the municipality can have a bonded indebtedness of not exceeding 7 per cent of its valuation, and the Territory or the island can have a bonded indebtedness not exceeding 7 per cent of the tax valuation.

Mr. SMOOT. Or a subdivision?

Mr. SHAFROTH. I do not know.

Mr. SMOOT. Then the word "subdivision" should not be in

the bill.

Mr. SHAFROTH. It may be that they have some subdivisions, but I do not believe that they have for municipal purposes

Mr. SMOOT. What I was trying to learn was whether any subdivision of Porto Rico will be allowed to incur an indebtedness of 7 per cent of the value of the property of Porto Rico.

Mr. SHAFROTH. Evidently no subdivision would be allowed to incur an indebtedness in excess of 7 per cent of the tax valuation in that subdivision.

Mr. SMOOT. I hope that that construction will be placed upon it, but really it looks to me like the aggregate amount of indebtedness on the value of all property in Porto Rico, subdivision or municipality, shall never exceed 7 per cent.

Mr. SHAFROTH. You mean the total of it all?

Mr. SMOOT. Of it all.

Mr. SHAFROTH. They have no way, it seems to me, of deter-ining that amount. I think that provision is in the constitumining that amount. tions of most of the States.

Mr. SMOOT. In most of the States, of course, it only applies to 5 per cent of the valuation of the property.

Mr. SHAFROTH. That is true; but, for instance, in the city of Denver there is that same limitation; the State of Colorado has the same; and so in all the other counties. The city of Denver, being in Denver County, it would be the same. It might make a variation there.

Mr. SMOOT. The Senator knows, of course, that some cities allow 72 per cent; some allow 5 per cent; and some allow as low as 3 per cent.

Mr. SHAFROTH. That is right.

Mr. SMOOT. The authority for that, however, is always In other words, we are not passing a law for the This law says "the aggregate tax valuation of its prop-Does the Senator mean by it the Porto Rican property, or does he mean the Porto Rican property or the subdivision prop-

erty or the municipality property?

Mr. SHAFROTH. When it is applied to Porto Rico, its property; when applied to a municipality, then its property. The word "subdivision" was inserted there as a Senate committee amendment. It was not put in in the House. If the Senator

desires to have it stricken out I am perfectly willing that that shall be done

Mr. SMOOT. I do not care to have it stricken out if there is any good reason why it should remain.

Mr. SHAFROTH. It was thought that there are some political subdivisions there that are not in municipalities.

Mr. SMOOT. We certainly do not want to allow a political subdivision the right to incur an indebtedness up to 7 per cent

on the taxable valuation of property.

Mr. FALL. The county is a political subdivision, is it not?

Mr. SMOOT. A subdivision.

Mr. FALL. They have not any counties in Porto Rico, but under the old Spanish style in all Spanish countries it is the municipality. Municipality does not mean there what it means here. But the word "subdivision" is a definite word.

Mr. WARREN. Is not a school district?

Mr. FALL. They are political subdivisions. Under this wording they would be allowed 7 per cent. The county, or what corresponds to a county, would be allowed 7 per cent and the municipality would be allowed 7 per cent, and Porto Rico itself would be allowed 7 per cent. That would be my construction.

Mr. SMOOT. I ask the Senator if there are any subdivisions, Mr. FALL. Under the old Spanish law the municipalities did not comprise the limit of a city or town, but comprised a county 20 miles square. Sometimes they comprised 24 miles square, and it was known as a municipality.

Mr. SMOOT. I simply wish to know why this language was inserted, the House having passed the bill without it.

Mr. FALL. My judgment is that it is simply a conflict in understanding-the political subdivisions in Porto Rico-as to

what political subdivisions in Porto Rico are. Mr. WARREN. I should like to ask the Senator in charge of the bill a question. I understand he thinks it would allow 7 per cent indebtedness for Porto Rico, and they would yet have the liberty of 7 per cent in each municipality.

Mr. SHAFROTH. I think that would be correct.

Mr. WARREN. Does not the Senator think that is entirely too high a figure?

Mr. SHAFROTH. There are various checks on it besides

Mr. WARREN. The Territories-I recall the Territory of Wyoming and some others—by act of Congress were limited to 2 per cent, covering all kinds of indebtedness, and when they came in as States and adopted a constitution they kept within the limit, as I remember, of about 2 per cent, and then provided in cities and school districts different or specific percentages, according to what they did. For instance, a city could allow for sewerage and waterworks beyond the smaller limit that would apply as to ordinary expenses. It seems to me the Senator's understanding is right, and if we are going to have the law provide 7 per cent in Porto Rico and 7 per cent for the various school districts and the counties and subdivisions, whatever it may be, it is in the power of those communities to run away with the credit of their localities and of the country

Mr. SHAFROTH. They are interested in keeping the matter

down. There is no doubt about that.

Mr. WARREN. So is Cuba, and so have other countries

Mr. SHAFROTH. We have here exactly the same that was allowed in the Philippines bill.

Mr. WARREN. If we are going to have any limit at all, it ought to be one that would be restrictive in fact.

Mr. SMOOT. Let me ask the Senator from Colorado if he understands this to be the case. Under this provision there could be an indebtedness of 7 per cent on the aggregate tax valuation of the property of Porto Rico, and there could be the same amount on the municipality. That would be on that property 14 per cent. Then, if there is a subdivision in the municipality, there would be another 7 per cent, and that would

be upon the property in the subdivision 21 per cent.
Mr. SHAFROTH. If the Senator wants to cut out the subdivision, I am perfectly willing. I do not think it applies in many instances there. It may have been intended to apply to a sewer district or something of that kind.

Mr. SMOOT. Then we ought to say so, because in all the provisions authorizing the States to use their credit or borrow money it is always specifically stated, as the Senator from Wyoming [Mr. Warren] said, that the percentage shall be so much upon the taxable valuation of the property, and then they can borrow so much for internal improvements. This, it seems to me, is very loose. An authorization of 21 per cent of the tax-

able property in Porto Rico is pretty heavy.

Mr. VARDAMAN. Mr. President, if the Senator in charge of the bill will permit me, I suggest that this section go ever.

I think it might be clarified, and there is some little doubt about it. If we do not get through the bill to-night, there will be time to rectify it.

Mr. SHAFROTH. That will be satisfactory.

Mr. HARDING. I wish to ask the Senator from Colorado a question in relation to this section. Is it the intention of the sponsors of the bill to exempt all the subdivision and municipal bonds from Federal and State taxation?

Mr. SHAFROTH. I think that is the provision of the law. Mr. HARDING. That is a provision that is not granted to any State in the Union.

Mr. SHAFROTH. It may be, but it is the same provision

that we have extended to the Philippine Islands.

Mr. VARDAMAN. If the Senator from Ohio will yield to me for a moment, in the consideration of this bill it was thought that this special exemption should be given in order to make this security as attractive as possible. Those people there are undeveloped, and it is for the purpose of enabling them to develop their country to make the securities attractive by extending that exemption. It was thought by the committee that it would probably be better for those people.

Mr. HARDING. I have no insistent objection. I wondered

if the reading of the section was clear; that is all.

The PRESIDING OFFICER. Without objection, the section

will go over until to-morrow.

Mr. SMOOT. I should like to ask the Senator if it would not be very much better to have the native of Porto Rico make a declaration that he desires to become a citizen of the United States; that is, to provide just the reverse of the proposition in Then a person who had not sufficient interest to become a citizen, or who is indifferent as to whether or not he is a citizen, will not be covered into citizenship, unless he at least shows enough interest to make an application for citi-

Mr. SHAFROTH. I will state to the Senator from Utah that that matter has been the subject of a good deal of controversy in Porto Rico. When the island came into the possession of the United States the Porto Ricans all wanted to become citizens, and there was no protest. The Unionist Party, which is the strong party there, declared in favor of it. Afterwards, on account of certain differences, the Unionist Party declared for independence, and then they became violently opposed to coming into citizenship. Then there was a proposition which was presented here in Congress in favor of collective citizenship; that is, that all Porto Ricans should come into citizenship of the United States unless they file a declaration that they do not so desire.

Mr. President-Mr. FALL.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New Mexico?

Mr. SHAFROTH. I yield.

Mr. FALL. Has it not been the universal custom of the United States in the acquisition of any territory to embody exactly this provision in the treaty of acquisition? It was so in the case of Louisiana in 1803, of Florida in 1819, of New Mexico and California and Arizona and Texas in 1846. In the treaties and in the organic acts with reference to the acquisition of any of that territory there has been just this provision.

Mr. SHAFROTH. I think that is true.

Mr. FALL. All residents there were regarded as citizens of the United States, unless within a limited period of time they declared their intention to remain citizens of some other

Mr. SMOOT. There is, of course, this difference: In all the cases which the Senator from New Mexico has mentioned the territory was a part of this continent, adjoining the United States, and it became a part of the United States through purchase or otherwise. Does the Senator from New Mexico remember how it was as to any territory outside the continental limits of the United States?

Mr. FALL. There was the acquisition of Hawaii. Mr. SMOOT. How was it as to Hawaii? Mr. FALL. The residents of Hawaii all came in as citizens of the United States. Even the Japanese who were born in Hawaii are citizens of the United States. They are now increasing there much more rapidly than any other race we have

Mr. SMOOT. They constitute more than half of all the people of the island.

Mr. FALL. They will soon have control there. have Japanese Delegates in the Congress of the United States. Mr. SMOOT. I do not think there is any doubt about that.

Mr. SHAFROTH. Mr. President, I think the Senator from Utah will find that this provision is practically the provision which we have made in every similar instance. As I recollect,

the only reason it was not done in the first instance was because of the fact that we had the Philippine proposition at the same time. They did not know exactly what they wanted to do.

Mr. SMOOT. I thought it very strange that we should under-take to compel a person in Porto Rico, or in any territory over which we took control, to declare his intention not to become a citizen of the United States. I thought it would be very much better to have every one of them declare his intention to become a citizen of the United States. Then we should know that everyone who did so declare would at least have interest enough

in the matter to become a citizen.

Mr. FALL. The theory upon which this Government has ever acquired any further territory has always been that it proposed to erect sovereign States of the Union in that territory as soon as they were fitted for statehood. That has been the universal custom from time immemorial until the acquisition of the Philippine Islands after the war with Spain. It has been the universal custom to incorporate all the inhabitants in the acquired territory immediately as citizens of the United States, except where by treaty provision the mother country ceding that country to the United States required us to allow its citizens the privilege of remaining citizens of the country from which the territory was acquired, in the event they so desired.

For that reason, as I say, in the treaty by which we acquired Louisiana in 1803, Florida in 1819, and the Mexican territory in 1846, the mother country in each instance agreed by treaty that those who did not desire to become citizens of the United States should have the privilege of remaining citizens of France or of Spain or of Mexico, as the case might be. Those who did not within one year-which has been the period heretofore limitedfile a declaration of intention to remain citizens of the foreign country became incorporated immediately as citizens of the United States. Of course it was all upon the theory that eventually those Territories were to be erected into States.

Mr. VARDAMAN. Mr. President, in the hearings before the committee when it had under consideration this bill I was very much impressed by some of the Porto Ricans who came before the committee and gave testimony. I do not think there was one of them who did not deep down in his patriotic heart cherish the hope that some day his country might be an independent sovereign political entity; and down deep in my heart I sympathized with him. I do not think any man, however good he may be, is good enough to govern another man without that man's consent. I know the United States are not good enough to govern Porto Rico without Porto Rico's consent.

So far as I am personally concerned, I really think it is a misfortune for the United States to take that class of people into the body politic. They will never, no, not in a thousand years, understand the genius of our government or share our ideals of government; but the United States has taken this island; the investments that have been made there by American white men will induce the Government to continue to hold it; and if the island is going to become a part of this Republic, I do not see any other way to treat the inhabitants thereof. It is very much more convenient to do it in this way, by one dragnet act, than it would to require them to come individually and to make their requests to be made a part of the Government or to be made citizens of the United States.

We considered that matter carefully, and while I have no desire in the world to coerce them, I really had rather they would not become citizens of the United States. I think we have enough of that element in the body politic already to menace the Nation with mongrelization; but if the Porto Ricans are going to be held against their will, as we are holding them now, then we ought to legislate for their interests. We should make the coercion as palatable as possible.

Mr. FALL. It is our duty to give them some citizenship, is

it not?

Mr. VARDAMAN. I agree with the Senator that we ought to do that if we are going to hold them. We have taken them against their will; we are holding them now against their will. If it were submitted to a vote, there would not be 1 per cent who would vote in favor of becoming a part of these United States.

Mr. FALL. We have deprived them, however, of the protection of Spain. They can no longer appeal to their mother country as Spanish citizens; they can not appeal to the United States today as American citizens; they can not appeal, of course, to Porto Rico, because Porto Rico can not enforce their rights anywhere in the world they may go. We have placed these people in the most anomalous position that the people of almost any country were ever placed in; they are citizens of no country.

Mr. VARDAMAN. Absolutely; and I do not think that the

natives there are getting what they are entitled to.

Mr. SMOOT. Mr. President, did the testimony before the committee show such a condition existing as that just pictured by the Senator from Mississippi, that not 1 per cent of the Porto Rican people would vote in favor of becoming citizens of the

United States?

Mr. VARDAMAN. That was not stated in the testimony. There were some eloquent statements made before the committee. One young man appeared before the committee, with whom I was greatly impressed, who pleaded for the independence of Porto Rico, for the right to govern their own country, for the sanctity of their home that had been invaded and the sovereignty over which had been taken from them; but recognizing the fact, which any well-informed man who understands the Anglo-Saxon disposition in dealing with subject provinces will recognize, that independence is impossible, and since independence is not going to be given them, the majority of them expressed a desire to come in under the terms of this bill.

Mr. SMOOT. I asked the question of the Senator because I have received very many letters and petitions asking for the passage of legislation along this line, and also inclosing very many resolutions passed by organizations in Porto Rico-business organizations, religious organizations, and political organizations-and I thought from the correspondence that I have had and the information I have received that a great majority of the people of Porto Rico desired this legislation and preferred it

even to independence.

Mr. VARDAMAN. Oh, I do not think that any of them do,

but they realize that independence is impossible.

Mr. GRONNA. Mr. President, it is possible I may have misunderstood the statement of the distinguished Senator from Mississippi [Mr. Vardaman]; but if I interpret his statement correctly, it was to the effect that not to exceed 1 per cent of the Porto Ricans would vote to become citizens of the United

Mr. VARDAMAN. I stated that merely as my opinion. If the question of independence were submitted to them, to choose between being a dependency of the United States or having their independence, I do not believe I per cent of them would vote to become a part of the United States. If they should do otherwise they would prove themselves utterly unfit for citizenship in a free country, for a man who does not desire to be free and independent has not the elements of manhood in him essential to the making of a desirable citizen of this Republic.

Mr. GRONNA. That is exactly the way I understood the Senator from Mississippi. I was just going to say that it seems to me that it is not wise for us at this time to enact a law that will compel those people to become citizens of the United States. because that is not government by the consent of the governed.

Mr. SHAFROTH. Mr. President, if the Senator will allow me,

I differ with the Senator from Mississippi with relation to that There was a time when the parties to which I have referred insisted upon the right of independence, but since the European war broke out, and they see how helpless small nationalities are, they have ceased any agitation against this provision of the bill, and we have now in Washington representatives of the Unionist Party and representatives of the Republican Party, both satisfied with this very provision of the bill. For that reason, I believe that the great mass of the people down there are in favor of this provision.

Mr. GRONNA. Well, Mr. President, that statement does not help the situation at all. That would be a matter of fear, and

not a question of patriotism.

Mr. VARDAMAN. Mr. President, I will state, if the Senator will permit me, that, in my judgment, the conclusion reached by those people was brought about by our failure to give the Filipinos their independence. Those who have any intelligence realize that they are not going to be given their independence, and, since that is not going to be done, they prefer to have this bill. The Senator from Colorado is correct when he says that they would rather have this bill passed as it is than to live as they are living to-day. If, however, you will give them the slightest excuse to hope for independence, I repeat what I said, that I do not believe 1 per cent of them would prefer being a part, a subject province, of the United States to being independent; and it is perfectly natural that they should so feel; but if we do not enact this legislation now, our failure to do so will, I fear, serve to encourage those people to hope for the unattainable.

Mr. GRONNA. Or, in other words, we are simply giving them rights which they in the future will not exercise; we are giving them the same privileges that are given other citizens of the

Over 250,000 vote there now. They have exercised the privileges accorded them and they want to retain the privileges which accorded them and they want to retain the privileges which they have had all the time. So far as this provision is con-cerned, I am satisfied that they will not only consent to it, but that they will be glad to get it just as it has been written in

Mr. GRONNA. Well, Mr. President, we have had before us a bill which seeks to prevent certain people from entering our borders. Of course, I admit we are not under obligations to them as we are under obligations to the Porto Ricans, but under the immigration bill which we have had before us we exclude people who do want to come to our shores and who are anxious to become citizens of the United States. On the other hand, we are trying to pass a bill here to-night compelling the people of Porto Rico, unwilling though they may be, to become citizens of the United States.

Mr. President, I have always believed that patriotism is what makes the citizen; that the mere fact of passing a bill or enacting a law does not make for good citizenship. Unless the people whom we make citizens desire to become a part of our great Government, unless patriotic motives move them to ask for this great privilege, I do not think we are helping our Gov-

ernment by taking in a class of that kind.

Mr. HARDING. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Ohio?

Mr. GRONNA. Yes; I yield to the Senator. Mr. HARDING. I desire to ask the Senator from North Dakota if section 5 does not make it possible for any resident of Porto Rico to refrain from becoming a citizen if he so desires?

Mr. GRONNA. Yes; I understand that. But that is an entirely different thing. There may be many Porto Ricans who will not know in six months that a law has been passed by the United States Congress making them citizens of the United States, whether they want to be citizens or not.

Mr. HARDING. If that be true, I do not think it will make very much difference to such a citizen to what Government he

gives his allegiance.

Mr. GRONNA. Then, I want to ask the Senator is that the character of people that we want to have as citizens of the United States

Mr. HARDING, Well, in the uplifting work in which this Government is engaging I think it is becoming for us to make

worthy people of such as we can.

Mr. GRONNA. We have just been dealing with the aboriginies of this country, the American Indians, and we are com-plaining because we have to provide appropriations of public funds to civilize them and to educate them. We have heard a great deal of complaint on that account on this floor within the last two days. Now, we are taking in all classes of people and providing that anyone who lives in this country and on this island, whether it is a Jap or whether it is an Asiatic belonging

to any other country, shall be a citizen of the United States.

Mr. President, I shall not, of course, object—it would make very litle difference whether I should object or not—but I want at least to give these people a year to think it over. Six months is not sufficient time; and I desire to ask the Senator from Colorado if he would object to striking out "six months" and providing that the time shall be 12 months?

Mr. SHAFROTH. I accept that amendment. It is perfectly

satisfactory.

Mr. GRONNA. I make that suggestion.

The PRESIDING OFFICER. The amendment will be stated.

The Secretary. On page 7, line 13, it is proposed to strike out "six months" and insert "one year."

The amendment was agreed to.

Mr. SHAFROTH. Also in line 22 of the same page.

Mr. GRONNA. Yes; that is right.
The Secretary. It is also proposed, in line 22, to strike out The Secretary. It is also proposed, in line 22, to strike out six months" and insert "one year."
The amendment was agreed to.
Mr. GRONNA. Also in line 24.
The Secretary. In line 24, page 7, the same amendment is

proposed.

The amendment was agreed to.

Mr. SHAFROTH. Also in line 3 of page 8.

The Secretary. On page 8, line 3, it is proposed to strike out "six months" and insert "one year."

The amendment was agreed to.

The reading of the bill was resumed, and the Secretary read.

The reading of the bill was resumed, and the Secretary read to the end of section 7, the last section read being as follows:

United States, privileges which, according to the statements of members of the committee, they never will accept or exercise.

Mr. SHAFROTH. I do not understand the Senator. I think, if voting is a test, that they will exercise the privileges accorded.

SEC. 7. That all property which may have been acquired in Porto Rico by the United States under the cession of Spain in the treaty of peace entered into on the 10th day of December, 1898, in any public bridges, road houses, water powers, highways, unnavigable streams and the beds thereof, subterranean waters, mines or minerals under the surface of

private lands, all property which at the time of the cession belonged, under the laws of Spain then in force, to the various harbor works boards of Porto Rico, all the harbor shores, docks, slips, reclaimed lands, and all public lands and buildings not heretofore reserved by the United States for public purposes, is hereby placed under the control of the government of Porto Rico, to be administered for the benefit of the people of Porto Rico; and the Legislature of Porto Rico shall have authority, subject to the limitations imposed upon all its acts, to legislate with respect to all such matters as it may deem advisable: Provided, That the President may from time to time, in his discretion, convey to the people of Porto Rico such lands, buildings, or interests in lands or other property now owned by the United States and within the territorial limits of Porto Rico as in his opinion are no longer needed for purposes of the United States. And he may from time to time accept by legislative grant from Porto Rico any lands, buildings, or other interests or property which may be needed for public purposes by the United States.

Mr. WARREN. Mr. President, I should like to ask the Senator in charge of the bill a question. I am asking for information only: Have proper reservations been made for Army

and Navy posts? Mr. SHAFROTH. If the Senator will notice the language of the bill, it provides that certain property of the United States shall be placed under the control of Porto Rico. We do not lose the title to it, and it is intended that if we need it for military purposes we can use it. It is not the title that we grant to them, but simply the control of it for the time

Mr. WARREN. Does not the Senator think that they would naturally conclude that it amounts to the same thing? Does the Senator think that we should specifically retain anything further than what has been retained?

Mr. SHAFROTH. No; I do not think so. I think it is done for that very purpose. And it does not provide that this shall be done as to all of the property; it provides that it shall be done as to public lands and buildings not heretofore reserved.

Mr. WARREN. If our reservations have been complete, very well. I did not understand, however, that they were complete.

Mr. SHAFROTH. I think so. Mr. WARREN. Is not something further needed for the

Navy?

Mr. SHAFROTH. They have been for 18 years studying the question of what they needed down there. If the Senator in the meantime can suggest any amendment, I shall be glad to have him do so.

Mr. WARREN. No; I merely asked for that information, to know whether both the Army and Navy and other branches of the Government had considered the pendency of this bill and its terms so that they have made the reservations necessary. If the Senator can assure me that they have, that is all I desire.

Mr. SHAFROTH. I can state that this bill originally came from the War Department, and consequently they evidently did take that matter into consideration.

Mr. WARREN. So far as the War Department is concerned, yes; but not the Navy.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed,

The next amendment was, in section 9, page 11, line 10, after the words "United States," to strike out "whether on articles produced and used within the island or," and in line 13, after the words "United States," to insert "or consumed in the island," so as to make the section read:

SEC. 9. That the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Porto Rico as in the United States, except the internal-revenue laws: Provided, however, Hunted States, on articles produced under the internal-revenue laws of the United States, on articles produced in Porto Rico and transported to the United States, or consumed in the island, shall be covered into the treasury of Porto Rico.

The amendment was agreed to.

The next amendment was, in section 10, page 11, line 20, after the word "act," to strike out "must" and insert "shall," so as to make the section read:

SEC. 10. That all judicial process shall run in the name of "United States of America, ss, the President of the United States," and all penal or criminal prosecutions in the local courts shall be conducted in the name and by the authority of "The People of Porto Rico"; and all officials authorized by this act shall be citizens of the United States, and, before entering upon the duties of their respective offices, shall take an oath to support the Constitution of the United States and the laws of Porto Rico.

Mr. SHAFROTH. Mr. President, the committee has an amendment there which I should like to have presented, and it is this: Strike out, in line 20, the words "authorized by this act must" and insert in lieu thereof "and voters in Porto Rico," so that it will read: "And all officials and voters in Porto Rico shall be citizens of the United States."

The PRESIDING OFFICER. The amendment will be stated.

The Secretary. It is proposed, on page 11, line 20, to strike out "authorized by this act must" and insert "and voters in Porto Rico shall."

The amendment was agreed to.

Mr. SHAFROTH. I also want the word "officials" inserted after the word "offices," in line 22.

The PRESIDING OFFICER. The amendment will be stated. The Secretary. On page 11, line 22, after the word "offices," it is proposed to insert the word "officials."

Mr. SHAFROTH. So that it will read "officials shall take an oath to support the Constitution."

Mr. GRONNA. Mr. President, let us have that read. The PRESIDING OFFICER. The Secretary will again state the amendment.

The Secretary. Before the word "shall," on line 22, page 11, it is proposed to insert the word "officials."

Mr. WARREN. I will ask to have the Secretary read it as it will read after it has been amended.

The SECRETARY. So that it will read:

And all officials and voters in Porto Rico shall be citizens of the United States, and, before entering upon the duties of their respective offices, officials shall take an oath to support the Constitution of the United States and the laws of Porto Rico.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, in section 11, page 11, line 25, after the word "to," to insert "any official of," so as to make the section read:

SEC. 11. That all reports required by law to be made by the governor or heads of departments to any official of the United States shall hereafter be made to an executive department of the Government of the United States to be designated by the President, and the President is hereby authorized to place all matters pertaining to the government of Porto Rico in the jurisdiction of such department.

The amendment was agreed to.

The next amendment was, on page 12, line 6, to insert as a subhead "Executive department."

The amendment was agreed to.

The next amendment was, in section 13, page 14, line 6, after the word "and," to strike out "commissioner of education" and insert "treasurer," and in line 14, after the word "governor," to strike out "may be selected from the elected members of the senate and house of representatives, and," so as to make the clause read:

make the clause read:

That the following executive departments are hereby created: A department of justice, the head of which shall be designated as the attorney general; a department of finance, the head of which shall be designated as the treasurer; a department of the interior, the head of which shall be designated as the commissioner of the interior; a department of education, the head of which shall be designated as the commissioner of education; a department of agriculture and labor; the head of which shall be designated as the commissioner of agriculture and labor; and a department of health, the head of which shall be designated as the commissioner of health. The attorney general and treasurer shall be appointed by the President, by and with the advice and consent of the Senate of the United States, to hold office for four years and until their successors are appointed and qualified, unless sooner removed by the President. The heads of the four remaining departments shall be appointed by the governor, by and with the advice and consent of the senate of Porto Rico. The heads of departments appointed by the governor are appointed and qualified, unless sooner removed by the governor are appointed and qualified, unless sooner removed by the governor are appointed and qualified, unless sooner removed by the governor are appointed and qualified, unless sooner removed by the governor are appointed and qualified, unless sooner removed by the governor.

The amendment was agreed to. Mr. HARDING. Mr. President, I should like to ask the Senator in charge of the bill to revert to line 11, page 13, and senator in charge of the bir to revert to line 11, page 13, and ask him if he does not think it would improve the language of the section to strike out the pronoun "his" in line 11 and insert in place thereof "the President's"?

Mr. SHAFROTH. So that it will read how?

Mr. HARDING. So that it will read:

Until communication can be had with the President, and the President's decision therein made known.

Mr. SHAFROTH. I have no objection to that.
The PRESIDING OFFICER. The amendment will be stated.
The Secretary. On page 13, line 11, before the word "decision," it is proposed to strike out the word "his" and insert "the President's."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 14, line 20, after the word incumbency," to insert "and those appointed by the governor shall have resided in Porto Rico for at least one year prior to their appointment," so as to make the clause read:

Heads of departments shall reside in Porto Rico during their official incumbency, and those appointed by the governor shall have resided in Porto Rico for at least one year prior to their appointment.

The amendment was agreed to.

The next amendment was, on page 15, line 8, after the word "provided," to insert ": Provided, That the duties herein imposed upon the heads of departments shall not carry with them any additional compensation," so as to make the clause read:

The heads of departments shall collectively form a council to the governor, known as the executive council. They shall perform under the general supervision of the governor the duties hereinafter prescribed or which may hereafter be prescribed by law and such other duties, not inconsistent with law, as the governor, with the approval of the President may assign to them; and they shall make annual and such other reports to the governor as he may require, which shall be transmitted to the executive department of the Government of the United States to be designated by the President as herein provided: Provided, That the duties herein imposed upon the heads of departments shall not carry with them any additional compensation.

The amendment was agreed to.

The next amendment was, in section 14, page 15, line 19, before the words "in his judgment," to insert "directed by the governor or if," so as to make the section read:

SEC. 14. That the attorney general shall have charge of the administration of justice in Porto Rico; he shall be the legal adviser of the governor and the heads of departments and shall be responsible for the proper representation of the people of Porto Rico or its duly constituted officers in all actions and proceedings, civil or criminal, in the Supreme Court of Porto Rico in which the people of Porto Rico shall be interested or a party, and he may, if directed by the governor or if in his judgment the public interest requires it, represent the people of Porto Rico or its duly constituted officers in any other court or before any other officer or board in any action or proceeding, civil or criminal, in which the people of Porto Rico may be a party or be interested. He shall also perform such other duties not inconsistent herewith as may be prescribed by law.

The amendment was agreed to.

The next amendment was, in section 15, page 16, line 6, after the word "surety," to insert "or sureties," and in line 21, after the word "with," to insert "interest on deposits shall be required and paid into the treasury," so as to make the section read:

read:

SEC. 15. That the treasurer shall give bond, approved as to form by the attorney general of Porto Rico, in such sum as the legislature may require, not less, however, than the sum of \$125,000, with surety or sureties approved by the governor, and he shall collect and be the custodian of public funds, and shall disburse the same in accordance with law, on warrants signed by the auditor and countersigned by the governor, and perform such other duties as may be provided by law. He may designate banking institutions in Porto Rico and the United States as depositaries of the government of Porto Rico, subject to such conditions as may be prescribed by the governor, after they have filed with him satisfactory evidence of their sound financial condition and have deposited bonds of the United States or of the government of Porto Rico or other security satisfactory to the governor in such amounts as may be indicated by him; and no banking institution shall be designated a depositary of the government of Porto Rico until the foregoing conditions have been complied with. Interest on deposits shall be required and paid into the treasury.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in section 17, page 17, line 7, after the word "him," where it occurs the second time, to insert "subject to disapproval by the senate if it desires to act," and in line 11, after the word "approval," to insert "and he shall perform such other duties as may be prescribed by law," so as to make the section read:

SEC. 17. That the commissioner of education shall superintend public instruction throughout Porto Rico; all proposed disbursements on account thereof must be approved by him, and all courses of study shall be prepared by him, subject to disapproval by the senate if it desires to act. He shall prepare rules governing the selection of teachers, and appointments of teachers by local school boards shall be subject to his approval, and he shall perform such other duties as may be prescribed by law.

The amendment was agreed to.

The next amendment was, in section 18, page 17, line 18, after the word "develop," to insert "the agricultural interests and," so as to make the section read:

SEC. 18. That the commissioner of agriculture and labor shall have general charge of such bureaus and branches of government as have been or shall be legally constituted for the study, advancement, and benefit of agricultural and other industries, the chief purpose of this department being to foster, promote, and develop the agricultural interests and the welfare of the wage earners of Porto Rico, to improve their working conditions, and to advance their opportunities for profitable employment, and shall perform such other duties as may be prescribed by law.

The amendment was agreed to.

The next amendment was, in section 19, page 17, line 24, after the words "public health," to insert "and," and on page 18, line 1, after the word "sanitation," to strike out "and charities," so as to make the section read:

SEC. 19. That the commissioner of health shall have general charge of all matters relating to public health and sanitation, except such as relate to the conduct of maritime quarantine, and shall perform such other duties as may be prescribed by law.

The amendment was agreed to.

The next amendment was, in section 20, page 18, line 5, after the words "salary of," to strike out "\$6,500" and insert "\$5,000," so as to make the clause read:

SEC. 20. That there shall be appointed by the President an auditor, at an annual salary of \$5,000, for a term of four years and until his

successor is appointed and qualified, who shall examine, audit, and settle all accounts pertaining to the revenues and receipts, from whatever source, of the government of Porto Rico and of the municipal governments of Porto Rico, including public trust funds and funds derived from bond issues; and audit, in accordance with law and administrative regulations, all expenditures of funds or property pertaining to or held in trust by the government of Porto Rico or the municipalities or dependencies thereof. He shall perform a like duty with respect to all government branches.

The amendment was agreed to.

The next amendment was, on page 20, line 13, after the word "auditor," to strike out "and deputy auditor," so as to make the clause read:

The office of the auditor shall be under the general supervision of the governor and shall consist of the auditor and such necessary as-sistants as may be prescribed by law.

The amendment was agreed to.

The next amendment was, in section 21, page 20, line 18, after the words "writing to the," to strike out "governor, which appeal shall specifically set forth the particular action of the auditor to which exception is taken, with the reason and authorities relied on for reversing such decision. The decision of the governor in such case shall be final and conclusive" and insert "district court of the district wherein the auditor's office is situate, which appeal shall be based upon all of the papers, files, records, or data used before the auditor; and when said appeal is filed in said court, said appeal shall become an action pending in said court, and shall be governed by and subjected to all of the rules, proceedings, and processes pertaining to said court, including the right of appeal to the Supreme Court of court, including the right of appeal to the Supreme Court of Porto Rico; and in all such actions the people of Porto Rico shall be represented as in this act hereinbefore provided," so as to make the section read:

SEC. 21. That any person aggrieved by the action or decision of the auditor in the settlement of his account or claim may, within one year, take an appeal in writing to the district court of the district wherein the auditor's office is situate, which appeal shall be based upon all of the papers, files, records, or data used before the auditor; and when said appeal is filed in said court, said appeal shall become an action pending in said court, and shall be governed by and subjected to all of the rules, proceedings, and processes pertaining to said court, including the right of appeal to the Supreme Court of Porto Rico; and in all such actions the people of Porto Rico shall be represented as in this act hereinbefore provided.

Mr. SHAFROTH I wish to move a committee amendment

Mr. SHAFROTH. I wish to move a committee amendment there. In line 18, I move to strike out "one year" and insert "ninety days." It seems that the appeal from the auditor should be made in a shorter time.

The amendment to the amendment was agreed to.

Mr. LODGE. There is a mere verbal change that should be made, if I may suggest it to the Senator.

Mr. SHAFROTH. I will be glad to hear it.
Mr. LODGE. Why not strike out "of the," in line 25, and of the," in line 3?
Mr. SHAFROTH. Very well, I have no objection.
Mr. LODGE. I think it makes it a little smoother.

Mr. SHAFROTH. Probably it does.

The amendment to the amendment was agreed to.

Mr. LODGE. Again, on page 20, line 25, strike out the words of the."

Mr. SHAFROTH. The only words to be stricken out, I understand, in each instance are the words "of the." The PRESIDING OFFICER. "Of the."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The amendment as amended was agreed to.

The next amendment was, in section 22, page 21, line 16, after the word "legislature," to insert "and perform all of the duties of secretary of Porto Rico as now provided by law"; in line 21, after the word "shall," to strike out "designate" and insert "appoint"; and in the same line, after the word "some," to strike out "officer or employee of the government" and insert "person," so as to make the section read:

Sec. 22. That there shall be appointed by the governor, by and with the advice-and consent of the Senate of Porto Rico, an executive secretary at an annual salary of \$4,000, who shall record and preserve the minutes and proceedings of the public-service commission hereinafter provided for and the laws enacted by the legislature and all acts and proceedings of the governor, and promulgate all proclamations and orders of the governor and all laws enacted by the legislature, and perform all of the duties of secretary of Porto Rico as now provided by law, and perform such other duties as may be assigned to him by the Governor of Porto Rico. In the event of a vacancy in the office, or the absence, illness, or temporary disqualification of such officer, the governor shall appoint some person to discharge the functions of said office during such vacancy, absence, illness, or temporary disqualification.

Mr. LODGE. I move to strike out the words "of the" in line 16, so as to read: "and perform all the duties."

The amendment to the amendment was agreed to.

Mr. SHAFROTH. The committee desires to offer an amendment there. After the word "and," in line 16, page 21, insert: "until otherwise provided by the Legislature of Porto Rico."

The amendment to the amendment was agreed to.

Mr. SHAFROTH. I wish to offer another amendment for the committee. After the word "law," in line 17, page 21, I move to insert the words "except as otherwise specified in this

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 22, line 16, to insert as a subhead "Legislative department."

The amendment was agreed to.

The next amendment was, in section 25, page 22, line 17, after the word "legislative," to strike out "power" and insert "powers," so as to make the section read:

SEC. 25. That all local legislative powers in Porto Rico, except as herein otherwise provided, shall be vested in a legislature which shall consist of two houses, one the senate and the other the house of representatives, and the two houses shall be designated "the Legislature of Porto Rico."

The amendment was agreed to.
Mr. MARTINE of New Jersey. Mr. President, I should like
to ask the chairman of the committee whether it is proper at this juncture to interpose an amendment. I wish to move to strike out on page 23, beginning at the word "and" in line 10, "and who does not own in his individual right taxable property in Porto Rico to the value of not less than \$1,000 and assessed in his name and upon which he pays taxes."

Mr. SHAFROTH. I will state that we are reading the bill

now for action upon the committee amendments and when those are disposed of the bill will be open for individual amendments,

and the amendment will then be in order.

Mr. MARTINE of New Jersey. Very well.

Mr. KENYON. I should like to ask the Senator if in any event that amendment will not go over until to-morrow?

Mr. SHAFROTH. I do not know; I am trying to get the bill through to-night, but it does not look like it. The chances are that we will not get it through.

Mr. MARTINE of New Jersey. I trust the Senator will permit it to go over, for there are features which to my democratic thought are very objectionable. On page 24 I find another of a similar character, and then on page 37-

Mr. SHAFROTH. I will state to the Senator that he will be given an opportunity to express his views and to propose amend-ments, but I should like to run on for a little while and see whether or not we can not complete the bill to-night.

Mr. MARTINE of New Jersey. If that is understood, I shall

have no objection.

The PRESIDING OFFICER. There are several amendments proposed to the bill besides the committee amendments. Of course, the Senator from New Jersey can withhold his amendment until the committee amendments are acted upon.

The next amendment was in section 26, page 23, line 12, after "\$1,000," to insert "assessed in his name and upon which he

pays taxes," so as to read:

SEC. 26. That the Senate of Porto Rico shall consist of 19 members elected for terms of four years by the qualified electors of Porto Rico. Each of the seven senatorial districts defined as hereinafter provided shall have the right to elect two senators, and in addition thereto there shall be elected five senators at large. No person shall be a member of the Senate of Porto Rico who is not over 30 years of age, and who is not able to read and write either the Spanish or English language, and who has not been a resident of Porto Rico for at least two consecutive years, and, except in the case of senators at large, an actual resident of the senatorial district from which chosen for a period of at least one year prior to his election, and who does not own in his individual right taxable property in Porto Rico to the value of not less than \$1,000 assessed in his name and upon which he pays taxes.

The PRESIDING OFFICER. The amendment will go over. The next amendment was, in section 26, page 23, line 19, after the word "senate," to insert "for the session," and in line 22, before the word "elected," to insert "declared," so as to read:

Except as herein otherwise provided, the Senate of Porto Rico shall exercise all of the purely legislative powers and functions heretofore exercised by the executive council, including confirmation of appointments; but appointments made while the senate is not in session shall be effective either until disapproved or until the next adjournment of the senate for the session. In electing the five senators at large each elector shall be permitted to vote for but one candidate, and the five candidates receiving the largest number of votes shall be declared elector.

Mr. FLETCHER. I inquire of the Senator if he has thought out exactly how that system would work. For instance, each elector is to vote for only one of the five candidates for senator at large, and it might be possible that a man might be elected

senator who would not get over three or four votes.

Mr. SHAFROTH. I will state to the Senator the object of that is to have minerity representation and not the political system of putting up a set of nominees and sweeping them in by the same vote. It was thought wise in Porto Rico to have a minority representation, so that they could concentrate their vote on one, and by that means a minority of the voters down there would have one representative in the senate. That was

the object and purpose.

Mr. FLETCHER. I can see the object; but the point I have in mind is that the electors, for instance, can only vote for one and there are five to be elected. It might be possible that these electors will know A, B, C, and D, and perhaps will not know some one else who might be fit for the senate. They might not vote for more than four, and it might be that one man would get one vote and be elected senator.

Mr. SHAFROTH. I do not think there is any likelihood of that, because any man who gets a nomination from any political party will have some strength. The object is to give minority representation, so that there will not be a solid vote of one political party down there.

Mr. FLETCHER. It is supposed that there will be nomina-

tions before the election?

Mr. SHAFROTH. Oh, yes; there will be nominations before the election. For instance, the Socialist Party would have by that means an opportunity to have one man in the senate or in the house.

Mr. FALL. It would be perfectly feasible, however, to elect one, as the Senator from Florida suggests. Mr. SHAFROTH. It is not likely that there would be one

man not voted for.

Mr. FALL. Is it not possible?

Mr. SHAFROTH. It is possible, but hardly conceivable. The man would be nominated by a political party and he would get some votes

Mr. KENYON. Each candidate could vote for himself, I

take it.

Mr. FALL. If there is a provision that each candidate can vote for himself, in all probability under the provision five would be elected, but it is very possible there would be no opposing candidate if only five were candidates and they were all agreed and nominated by one convention or by two conventions getting The bodies would then have to mutually agree so as together. to enable them to elect five.

The next amendment was, in section 27, page 24, line 8, after the word "right," to strike out "taxable" and insert "and pay taxes upon," and in line 9, after the words "Porto Rico," to insert "of the assessed value of not less than \$500," so as to

make the section read:

make the section read:

SEC, 27. That the House of Representatives of Porto Rico shall consist of 39 members elected quadrennially by the qualified electors of Porto Rico, as hereinafter provided. Each of the representative districts hereinafter provided for shall have the right to elect one representative, and in addition thereto there shall be elected four representatives at large. No person shall be a member of the house of representatives who is not over 25 years of age, and who is not able to read and write either the Spanish or English language, and who does not own in his individual right and pay taxes upon property, real or personal, situated in Porto Rico, of the assessed value of not less than \$500, and, except in the case of representative at large, who has not been a bona fide resident of the district from which elected for at least one year prior to his election. In electing the four representatives at large, each elector shall be permitted to vote for but one candidate and the four candidates receiving the largest number of votes shall be elected.

Mr. MARTINE of New Jersey. I wish to make a reservation on page 24, line 7, beginning with the word "and" and encompassing that portion of the line and the eighth and ninth, down to and including the words "assessed value of not less than

Mr. SHAFROTH. That will come up at the time when individual amendments are offered.

The PRESIDING OFFICER. The amendment will be passed

The amendment was agreed to.

The next amendment was, in section 28, page 24, line 21, after the words "made by a," to strike out "commission of three persons to be appointed by the governor, one member of which shall be chosen by him from each of the two political parties casting the highest number of votes at the last general election, and the third member of which shall be chosen at his discretion," and insert "the executive council of Porto Rico"; on page 25, line 5, after the word "said," to strike out "commission" and insert "executive council"; in line 9, before the word "days," to strike out "ninety" and insert "thirty"; and in line 10, after the word "final," to strike out "In case said commission shall fail within such period to make a report redistricting the island, then the executive council of Porto Rico shall be empowered, and shall proceed at once, to redistrict the island as indicated, and their report, when approved by the governor, shall be final," so as to make the section read:

SEC. 28. That for the purpose of elections hereafter to the legislature the island of Porto Rico shall be divided into 35 representative districts, composed of contiguous and compact territory and established, so far as practicable, upon the basis of equal population. The division into and the demarcation of such districts shall be made by the executive council of Porto Rico. Division of districts shall be made as

nearly as practicable to conform to the topographical nature of the land, with regard to roads and other means of communication and to natural barriers. Said executive council shall also divide the island of Porto Rico into seven senatorial districts, each composed of five contiguous and compact representative districts. They shall make their report within 30 days after the approval of this act, which report, when approved by the governor, shall be final.

The amendment was agreed to.

The next amendment was, in section 29, page 26, line 6, after the word "boundaries," to insert "of senatorial and representative districts and," so as to make the section read:

Sec. 29. That the next election in Porto Rico shall be held in the year 1916 upon the date now provided by law, and that there shall then be chosen senators and representatives as herein provided. Thereafter such elections shall be held every four years. That all other elective officials, except those as to which it is otherwise provided in this act, shall be elected upon the same date, beginning with the year 1920, and that the term of office of all municipal officials expiring at the close of the year 1918 is hereby extended until the officials who may be elected to fill such municipal offices in 1920 shall have duly qualified: Provided, however, That nothing herein contained shall be construed to limit the right of the Legislature of Porto Rico at any time to revise the boundaries of senatorial and representative districts and of any municipality or to abolish any municipality and the officers provided therefor.

The amendment was agreed to.

Mr. GRONNA. I inquire of the Senator having the bill in charge if he does not wish to change the date on page 25?

Mr. VARDAMAN. Mr. President—
The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. VARDAMAN. I was just going to call attention to section 29, which provides that

Mr. GRONNA. The date 1916 should be changed. The PRESIDING OFFICER. The Chair will state to the Senator from Mississippi that the Chair has recognized the Senator from North Dakota, who is suggesting an amendment on page 25. Then the Chair will recognize the Senator from Mississippi.

Mr. VARDAMAN. That is all right.

Mr. GRONNA. The bill provides for an election in Porto Rico in 1916, and the date should be changed.

Mr. SHAFROTH. Yes; I recognize that that should be changed, but I thought we would take that up when the Senator from Washington [Mr. POINDEXTER] presents an amendment which he has introduced here, which somewhat changes it all, For that reason I ask that the paragraph may go over until the Senator from Washington presents his amendment, when individual amendments are in order.

The PRESIDING OFFICER. Does the Chair understand the

Senator from Colorado to accept the amendment changing the

Mr. SHAFROTH. No; I think we had better let the section go over without any amendment, because the Senator from Washington has a very comprehensive amendment which he is going to present.

The PRESIDING OFFICER. Without objection, the section

will go over.

The reading of the bill was resumed at section 30, on page 26. Mr. SHAFROTH. Mr. President, the committee has an amendment to offer at that point to strike out lines 9 and 10 and the first four words of line 11, on page 26, and to insert in lieu thereof the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the

amendment.

The Secretary. On page 26 it is proposed to strike out, beginning in line 9, the words "That the terms of office of senators and representatives shall be four years from the 1st of January following their election" and in lieu thereof to insert:

That the term of office of senators and representatives chosen by the first general election shall be until January 1, 1921, and the terms of office of senators and representatives chosen at subsequent elections shall be four years from the 2d of January following their election.

The amendment was agreed to.

The next amendment of the Committee on Pacific Islands and Porto Rico was, in section 30, page 26, line 17, after the word "occurred," to insert:

And no senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under the government of Porto Rico, nor be appointed to any office created by act of such legislature until four years after his term of office shall have

The amendment was agreed to.

The next amendment was, in section 31, page 26, line 25, after the words "per day," to insert "for the first 90 days of each regular session and \$1 per day for each additional day of such session," so as to make the section read:

SEC. 21. That members of the Senate and House of Representatives of Porto Rico shall receive compensation at the rate of \$7 per day for the first 90 days of each regular session and \$1 per day for each additional day of such session while in session and mileage for each session at the rate of 10 cents per kilometer for each kilometer actually

and necessarily traveled in going from their legislative districts to the capital and therefrom to their place of residence in their districts by the usual routes of travel.

The amendment was agreed to.

The reading of the bill was resumed and continued to section

33, on page 27.

Mr. SHAFROTH Mr. President, the committee has an amendment to offer at that point, to strike out, on page 27, from line 17 to 20 and to insert in lieu thereof the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by

the Senator from Colorado will be stated.

The Secretary. On page 27 it is proposed to strike out the following language:

That the first regular session of the Legislature of Porto Rico provided for by this act shall convene on the second Monday in February, 1917, and biennially thereafter.

And in lieu thereof to insert:

That the first regular session of the Legislature of Porto Rico provided for by this act shall convene on the 28th day after the next election provided for herein, and regular sessions of the legislature shall be held blennially thereafter, convening on the second Monday in February of the year 1919 and on the second Monday in February of each second year thereafter.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Pacific Islands and Porto Rico was, in section 33, page 27, line 20, after the word "thereafter," to strike out "but no regular session shall continue longer than 90 days, not including Sundays, holidays, or days during which both houses may by concurrent resolution, with the approval of the governor, have agreed to a recess"; on page 28, line 1, after the words "require it," to strike out "and shall call the senate in special session at least once each year on the second Monday in February of those years in which a regular session of the legislature is not provided for"; and in line 7, after the word "call," to insert " and he shall call the senate in special session at least once each year on the second Monday in February of those years in which a regular session of the legislature is not provided for," so as to read:

The governor may call special sessions of the legislature or of the senate at any time when in his opinion the public interest may require it, but no special session shall continue longer than 10 days, not including Sundays and holidays, and no legislation shall be considered at such session other than that specified in the call, and he shall call the senate in special session at least once each year on the second Monday in February of those years in which a regular session of the legislature is not provided for.

The amendment was agreed to.

The reading of the bill was resumed and continued to section 34, on page 28, line 14.

Mr. SHAFROTH. After the name "Porto Rico," in line 14. page 28, the committee desires to insert the words "except as hereinafter provided."

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Colorado.

The Secretary. On page 28, line 14, after the name "Porto Rico," it is proposed to insert "except as hereinafter provided," so as to read:

SEC. 34. That the enacting clause of the laws shall be as to acts, "Be it enacted by the Legislature of Porto Rico." and as to joint resolutions, "Be it resolved by the Legislature of Porto Rico," except as hereinafter provided.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on the Pacific Islands and Porto Rico was, in section 34, page 28, line 20, after the word "majority," to insert "yea-and-nay"; in line 21, after the word "house," to insert "and entered upon the journal"; and, in line 25, after the word "to," to strike out "that" and insert "the," so as to read:

"the," so as to read:

That the enacting clause of the laws shall be as to acts, "Be it enacted by the Legislature of Porto Rico," and as to joint resolutions, "Be it resolved by the Legislature of Porto Rico." Bills and joint resolutions may originate in either house. The governor shall submit at the opening of each regular session of the legislature a budget of receipts and expenditures, which shall be the basis of the ensuing biennial appropriation bill. No bill shall become a law until it be passed in each house by a majority yea-and-nay vote of all the members belonging to such house and entered upon the journal and be approved by the governor within 10 days thereafter. If when a bill that has been passed is presented to the governor for his signature he approves the same, he shall sign it; or if not, he shall return it, with his objections, to the house in which it originated, which house shall enter his objections at large on its journal and proceed to reconsider it.

The amendment was agreed to.

The amendment was agreed to.

The reading of the bill was resumed, and continued to line 14,

Mr. SHAFROTH. At that point, on line 14, after the word "law," I move to insert the amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado will be stated.

The Secretary. On page 29, line 14, after the word "law," it

is proposed to insert the following:

Provided, That the President of the United States shall approve or disapprove an act submitted to him under the provisions of this section within 90 days from and after its submission for his approval; and if not approved by him within such time, it shall become a law the same as if it has been specifically approved.

The amendment was agreed to.

The next amendment of the Committee on the Pacific Islands and Porto Rico was, in section 34, page 29, line 17, after the word "items," to insert "or any part or parts, portion or portions thereof"; in line 20, after the word "items," to insert "parts or portions thereof"; and, on page 30, line 1, before the word "days," to strike out "ten" and insert "thirty," so as to

rend:

If any bill presented to the governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving of the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items parts or portions thereof to which he objects, and the appropriation so objected to shall not take effect. If any bill shall not be returned by the governor within 16 days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the governor within 30 days after receipt by him; otherwise it shall not be a law.

The amendment was agreed to.

The next amendment was, on page 30, after line 15, to insert: The next amendment was, on page 30, after line 15, to insert:

Each house shall keep a journal of its proceedings, and may, in its discretion, from time to time publish the same, except such parts as require secrecy, and the yeas and nays on any question shall, at the desire of any two members, be entered on the journal.

The session of each house and of the committees of the whole shall be open, unless when the business is such as ought to be kept secret, in which event a motion must be passed by a yea-and-nay vote authorizing the secret session.

Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

or amended on its passage through either house as to change its eriginal purpose.

No act of the legislature shall take effect until 90 days after its passage, unless in case of emergency (which shall be expressed in the preamble or body of the act) the legislature shall by a vote of two-thirds of all the members elected to each house otherwise direct. No bill except the general appropriation bill for the expenses of the government only, introduced in either house of the legislature after the first 40 days of the session, shall become a law.

Mr. VARDAMAN. Mr. President, I should like to ask the Senator in charge of the bill a question in regard to the provision relating to secret sessions. I think that perhaps it has been changed since I read it and since it was considered in committee. What is the use of providing for secret sessions in the Porto Rican Legislature? Does the Senator think it is a good idea for Congress to bequeath to these people that unfortunate custom that prevails here?

Mr. SHAFROTH. There might come up for consideration by the Porto Rican Legislature some question which would make the holding of a secret session desirable. This provision is similar to general provisions in State constitutions; but if the Senator moves to strike it out, I shall not resist his motion.

Mr. VARDAMAN. I reserve the right to do so.

Mr. FALL. I will make the motion right now, and settle it. Mr. VARDAMAN. I think it will be better to strike it out.

I do not see any necessity for it at all.

If the Legislature of Porto Rico is authorized to legislate for the people of Porto Rico, it has itself enough in-telligence to know whether or not it ought to go into secret session. If it thinks it should, it can do so by vote, without the Congress of the United States imposing a secret session on them.

Mr. VARDAMAN. I hope the Senator will make that motion. Mr. SHAFROTH. Mr. President, this does not force secret sessions on them. It simply gives permission to hold such

Mr. FALL. They will be permitted to hold them if they have all the legislative powers we give them here, without saying anything on the subject.

Mr. VARDAMAN. I move that that provision be stricken from the bill.

Mr. SHAFROTH. The Senator does not mean the entire paragraph, as I understand it, but only from the word "open," in line 22.

Mr. VARDAMAN. I mean the provision in regard to secret

Mr. SHAFROTH. The part which the Senator moves to strike out is all after the word "open," in line 22, the remainder of that paragraph.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 30, line 22, after the word "open," it is proposed to strike out "unless when the business is such as ought to be kept secret, in which event a motion must be

passed by a yea-and-nay vote authorizing the secret session."
Mr. HARDING. Now, Mr. President, I should like to ask the
Senator in charge of the bill how the Legislature of Porto Rico can elect to hold a secret session under that provision in the organic law?

Mr. SHAFROTH. Well, we are striking out that part now, so that there will be no secret sessions held.

Mr. HARDING. I understand we are striking it out, so that the organic law will specifically provide that—

The sessions of each house and of the committees of the whole shall

Mr. SHAFROTH.

Mr. HARDING. If it is desired to leave it optional, the whole paragraph should be stricken out.

Mr. SHAFROTH. There seems to be objection to that. I am generally in favor of open sessions. This provision, however, was put in with the idea that it was wise to do so, but I have got to get this bill through.

Mr. VARDAMAN. Let it go out. It does no good, and may do some harm.

Mr. SHAFROTH. The objection which is made by the Senator from New Mexico and by the Senator from Mississippi is that they are opposed to any permission to hold secret sessions

Mr. FALL. I am opposed to secret sessions there or here or anywhere else.

Mr. SHAFROTH. So, I accept the amendment.

Mr. VARDAMAN. Very well; let it go out.
The PRESIDING OFFICER. The Chair will inquire what it is proposed to strike out? Is it proposed to strike out the whole paragraph or only the words after the word "open."

Mr. SHAFROTH. It is proposed to strike out all after the word "open," so that it will read:

The sessions of each house and of the committees of the whole shall

Mr. KENYON. Mr. President, that will leave the bill, then, so that the sessions of the legislative bodies of Porto Rico and of committees of the whole must be open.

Mr. SHAFROTH. I think so.

Mr. KENYON. Of course, I am very strongly in favor of that; but I think it smacks a good deal of hypocrisy for a body that holds secret sessions and keeps up the antiquated and hoary-headed fetich itself to impose open sessions on these

Mr. VARDAMAN. We are trying to tell the people of Porto Rico in their government to do what they ought to do, and not to do as we do.

Mr. KENYON. We had better reform ourselves first.
Mr. VARDAMAN. Well, some of us want to do that; but
we can not. We can, however, do this.
The PRESIDING OFFICER. Without objection, the amend-

ment is agreed to.

Mr. HARDING. Mr. President, I object to the acceptance of the amendment. I am not in accord with the Senators about I can understand that there are occasions when there must be secret sessions of a legislative body, notwithstanding the disposition to throw everything open. I am opposed to putting a provision in the organic law of Porto Rico that absolutely forbids the holding of such sessions. If anything is done, we ought to strike out the entire paragraph or else leave it as it is.

Mr. POINDEXTER. Mr. President—
The PRESIDING OFFICER. Does the Senator from Ohio

yield to the Senator from Washington?
Mr. HARDING. I do.
Mr. POINDEXTER. My understanding of the contention that has been made by certain Senators here is not that there shall never be any secret sessions of the senate. The Senate from Nebraska [Mr. Norris], for instance, who I know has been quite active in that matter, has simply contended for a change in the regular custom, so that instead of having the regular custom of secret sessions in connection with all executive business, his idea is that sessions should be open except in those special cases where the senate decides it necessary to have closed sessions.

While I am on my feet I should like to call attention to one other matter in this amendment which is now proposed to be stricken out, and that is the proviso that requires a yea-and-nay vote before a secret session is held. I think that is a very good provision, so that men who vote for a secret session will be known and their votes will be recorded. There is in that a good deal of the same sort of protection as in the provision of our own Constitution, which gives the right to a yea-and-nay vote under certain circumstances.

Mr. HARDING. The Senator from Washington will agree, will he not, that if the sentence be left in the organic actsessions of each house and of the committees of the whole shall be open "-no secret session will be possible; that it would not be lawful ever to hold a secret session?

Mr. POINDEXTER. I do agree to that, and what I have just said was intended to be in agreement with the Senator from

Ohio.

The PRESIDING OFFICER. Does the Senator from Ohio offer an amendment to strike out the words "the sessions of each house and of the committees of the whole shall be open "?

Mr. HARDING. I have some doubt about the wisdom of striking out the entire paragraph from line 21 to line 24, inclusive; but if anything is stricken out the entire paragraph should be stricken out. Personally, I am in favor of leaving it as it is, because we embody the suggested reform as affecting the United States Senate by leaving in the organic act as here provided a provision for the holding of secret sessions on motion, after a

Mr. SHAFROTH. We are trying to expedite matters as much as we can, for I do not know when I shall be able to get another session for the consideration of this bill, and I will ask the

Senator if he will consent to let that go over? Mr. HARDING. If the whole paragraph goes over, I have no objection.

Mr. SHAFROTH. Very well.

Mr. FALL. Mr. President, before the clause goes over I have one word I wish to say about it. The Senate of the United States could very well modify its rules and provide possibly for secret sessions for the consideration of foreign affairs and open sessions as to other matters. The Legislature of Porto Rico will have no right to consider foreign affairs; there will never be any foreign affairs or treaties or matters of that kind brought before the legislature of that island. The senate of Porto Rico may act, as is the case in the Senate of the United States, on nominations sent to it. The senate of Porto Rico may act in the matter of the confirmation of those officials who are appointed by the governor, but that would be the only case, reasoning by analogy, when they would go into secret ses-

I do not believe in secret sessions, and I do not believe in authorizing these people to hold secret sessions of their legislature when we are just making them citizens of the United States. I believe in compelling them to conduct the business that comes before them in open and not in secret session, particularly in view of the statement that has been made here by the chairman of the committee who has this bill in charge, that these very people would prefer, if possible, if they could bring it about, to become citizens of Porto Rico or to have an independent government and not remain citizens of the United States. We are conferring upon them, to my mind, the greatest privilege that a living human being can have, namely, citizen-ship of the United States; and I believe in compelling these people whom we are endeavoring to make American citizens to conduct the legislative business that we are placing in their hands in open and not in secret sessions.

Mr. SHAFROTH. Has the Senator any objection to letting this matter go over to a later time?

Mr. FALL. I have no objection to that, but I wanted to express myself now.

The PRESIDING OFFICER. Without objection, the para-

graph will be passed over.

Mr. President, I want to express my concur-Mr. JONES. rence in what the Senator from New Mexico [Mr. Fall] has While I am in favor sometimes of having secret sessions in the Senate, I think, as a general rule, the sessions of the Senate should be open. I can appreciate some situations that would warrant us in holding secret sessions, but I can not think of any condition of affairs that would warrant these people to transact their business in secret session. I do not remember of any case in connection with the organization of a Territorial government for any of the Territories that have subsequently become States where we have ever had any provision of this kind, and I should like to ask the chairman of the committee if there are such instances?

Mr. SHAFROTH. Yes; in the constitution of the State of Colorado this identical provision is found.

Mr. FALL. Yes; but not in the organic act by the Congress of the United States creating it a Territory.

Mr. SHAFROTH. No; but in the constitution of the State

a similar provision is found.

Mr. JONES. That is your State constitution.

Mr. SHAFROTH. I am not insisting upon it. The only thing I should like to do is to get this matter passed over, so that we can make some headway with the bill. No doubt if it comes up

Mr. JONES. Of course it will come up again if it is passed

Mr. SHAFROTH. Oh, yes; it will come up again. Mr. JONES. I think it ought to be stricken out.

The PRESIDING OFFICER. Without objection, the para-

graph will be passed over.

Mr. SHAFROTH. After the word "legislature," in line 6, page 31, I move to insert "except the general appropriation bills for the expenses of the government."

The PRESIDING OFFICER. The amendment to the amend-

ment will be stated.

The Secretary. On page 31, line 6, after the word "legislature," it is proposed to insert "except the general appropriation bills for the expenses of the government."

The amendment to the amendment was agreed to.

The Secretary resumed the reading of the amendment, as

No bill shall be considered or become a law unless referred to a committee, returned therefrom, and printed for the use of the members. No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any act which shall not be expressed in the title, such act shall be clearly expressed in its title; but if any subject shall be ended only as to so much thereof as shall not be so expressed.

Every bill shall be read at length, on three different days, in each house; all substantial amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill; and no bill shall become a law except by vote of a majority of all the members elected to each house, nor unless on its final passage the vote be taken by yeas and nays and the names of those voting be entered on the journal.

No amendment to any bill by one house shall be concurred in by the other, nor shall the report of any committee of conference be adopted in either house, except by a vote of a majority of the members elected thereto, taken by yeas and nays and the names of those voting recorded upon the journal thereof.

No law shall be revived, or amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended, or conferred shall be reenacted and published at length.

The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature, after their titles shall have been publicly read, immediately before signing; and the fact of signing shall be entered on the journal.

The legislature shall prescribe by law the number, duties, and compensation of the officers and employees of each house; and no pay-

diately before signing; and the fact of signing shall be entered on the journal.

The legislature shall prescribe by law the number, duties, and compensation of the officers and employees of each house; and no payment shall be made from the treasury, or be in any way authorized to any person, except to an acting officer or employee elected or appointed in pursuance of law.

No bill shall be passed giving any extra compensation to any public officer, servant or employee, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim made against Porto Rico without previous authority of law.

Except as otherwise provided in this act, no law shall extend the term of any public officer, or increase or diminish his salary or emoluments after his election or appointment, nor permit any officer or employee to draw compensation for more than one office or position.

All bills for raising revenue shall originate in the house of representatives, but the senate may propose amendments, as in case of other bills. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

The legislature shall not delegate to any special commission.

other appropriations shall be made by separate only, each embracing outone subject.

The legislature shall not delegate to any special commission, private
corporation, or association any power to make, supervise, or interfere
with any municipal improvement, money, property, or effects, whether
held in trust or otherwise, or to levy taxes, or to perform any municipal
function whatever.

No obligation or Hability of any person, association, or corporation,
held or owned by Porto Rico, or any municipal corporation therein, shall
ever be exchanged, transferred, remitted, released, or postponed, or in
any way diminished by the legislature, nor shall such Hability or obligation be extinguished except by payment thereof into the proper
treasury.

any way diminished by the legislature, nor small such information of congation be extinguished except by payment thereof into the proper treasury.

Every order, resolution, or vote to which the concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of business of the two houses, shall be presented to the governor, and before it shall take effect be approved by him, or, being disapproved, shall be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a structure.

Any person who shall, directly or indirectly, offer, give, or promise any money or thing of value, testimonial, privilege, or personal advantage to any executive or judicial officer or member of the legislature to influence him in the performance of any of his public or official duties, shall be deemed guilty of bribery, and be punished by a fine not exceeding \$5,000, or imprisonment not exceeding five years, or both.

The offense of corrupt solicitation of members of the legislature, or of public officers of Porto Rico, or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

A member who has a personal or private interest in any measure or bill proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon.

In case the available revenues of Porto Rico for any fiscal year are insufficient to meet all the appropriations made by the legislature for such year, such appropriations shall be paid in the following order:

Mr. SHAFROTH. In line 12, page 35, after the word "year," I move to insert "including available surplus in the insular

treasury."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The Secretary. In line 12, page 35, after the word "year," it is proposed to insert "including available surplus in the insular treasury."

The amendment to the amendment was agreed to.

Mr. CLAPP. Mr. President, what are we agreeing to now? Several amendments have been passed over, and some modifications have been made; but this is all one amendment.

The PRESIDING OFFICER. This is all one amendment proposed by the committee. The Senator from Colorado is merely perfecting his amendment. It will all come up for consideration as amended.

Mr. CLAPP. Yes; but what I am getting at is this: As we pass each of these paragraphs, is it understood that they are agreed to?

The PRESIDING OFFICER. This is all one amendment. The part the Secretary has been reading for some time is all one amendment.

Mr. CLAPP. That is what I said, but the chairman says "no." What I am getting at is this: I understand that the chairman is very anxious to have the bill read through instead of taking up these matters and disposing of them as we come to them. For that reason there are some things I do not care to-night to raise a question about.

Mr. SHAFROTH. I will state to the Senator from Minnesota that if, at any time, he wishes to recur to any of these provisions, I shall be perfectly willing to cooperate with him in any way to have the matter come before the Senate.

The PRESIDING OFFICER. The Chair desires to state that the matter commencing on page 30, line 16, on up as far as the Secretary has gone, is all one amendment.

Mr. CLAPP. All one amendment, and yet part of it has

been passed over. The PRESIDING OFFICER. And up to line 18, on page 36,

it is all one amendment. The Senator from Colorado is merely offering his amendments to the amendment to perfect it. Then it will be submitted for agreement or rejection. The Secretary will continue the reading of the amendment.

The Secretary resumed the reading of the amendment, as follows:

First class. The ordinary expenses of the legislative, executive, and judicial departments of the State government, and interest on any public debt, shall first be paid in full.

Second class. Appropriations for all institutions, such as the penitentiary, insane asylum, industrial school, and the like, where the inmates are confined involuntarily, shall next be paid in full.

Third class. Appropriations for education and educational and charitable institutions shall next be paid in full.

Fourth class. Appropriations for any other officer or officers, bureaus or boards, shall next be paid in full.

Fifth class. Appropriations for all other purposes shall next be paid. That in case there are not sufficient revenues for any fiscal year to meet in full the appropriations of said year for all of the said classes of appropriations, then said revenues shall be applied to the classes in the order above named, and if, after the payment of the prior classes in full, there are not sufficient revenues for any fiscal year to pay in full the appropriations for that year for the next class, then, in that event, whatever there may be to apply on account of appropriations for said class shall be distributed among said appropriations pro rata according as the amount of each appropriations for that class shall bear to the total amount of all of said appropriations for that class for said fiscal year.

Mr. SHAFROTH. Let me move an amendment there. After

Mr. SHAFROTH. Let me move an amendment there. After the word "year," in line 4, page 36, I move to insert "includ-ing available surplus in the insular treasury."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The Secretary. On page 36, line 4, after the word "year," it is proposed to insert "including available surplus in the insular treasury.

The amendment to the amendment was agreed to.

The Secretary resumed and concluded the reading of the amendment, as follows:

All appropriations and parts of appropriations for any fiscal year not paid by the revenues of such fiscal year shall not be or become an obligation of Porto Rico or the treasury thereof.

Mr. MARTINE of New Jersey. Now I ask that section 35, beginning on page 36 and running over onto page 37, may go over.

The PRESIDING OFFICER. If the Chair may be permitted, the question is on agreeing to the amendment as amended.

Mr. President, that refers to this entire amend-Mr. JONES. ment, commencing on page 30 and going to page 36. I wish to ask the chairman of the committee whether or not the committee is unanimously in favor of this amendment?
Mr. VARDAMAN. Mr. President——

Mr. SHAFROTH. Does the Senator mean this entire amendment?

Mr. JONES. Yes.

Mr. SHAFROTH. I do not think there was any objection

Mr. VARDAMAN. Mr. President, I rose to request the chairman of the committee to let this amendment go over. I do not I think when the State issues its obligations and the citizen buys them he ought to be protected. The average man who takes a State warrant does not know whether it is in the first or second class, but he has the right to indulge the presumption that it will be paid. I would rather limit the privilege of the Territory to incur these debts than to permit the citizen to buy them and then be defrauded of his money.

Mr. SHAFROTH. I will state to the Senator that the reason of that provision is this: We had in the State of Colorado no law with respect to the issuance of warrants of the first, second, third, fourth, and fifth class; and the result was that there were warrants issued until they piled up a debt, which was paid during my administration by the issuance of bonds to the extent of \$2,100,000, which the officers had issued according to the order in which the appropriations had been made. The legislature made vast quantities of appropriations in excess of the estimated revenues.

Now, we have found that by following this law, if you make an appropriation in excess of the revenue, it is no obligation whatever, and the auditor and the treasurer are forbidden to do it; and not since that time has there been a single warrant even issued by the various officers of the State of Colorado.

Mr. VARDAMAN. Does not the Senator think it would be better to make it a criminal offense for the legislators and for the fiscal officers of the State to issue these obligations of the State, and thereby protect the citizen who in good faith invests his money in State securities? The average man does not know, when a State warrant is handed to him, whether there is money in the treasury to pay it or not; and if there is not money in the treasury to pay it, if it happens to be one of the third or fourth class, this man is defrauded of his money. is simply justifying the Territory in repudiating its obligations to which I can not give my consent.

Mr. SHAFROTH. Oh, no. The object and purpose of that is to prevent the issuing of them. The people will understand that warrants of the fourth class will not be paid, and consequently the auditor will not issue them. That is a direction to the auditor not to issue them, and it is a direction to the

treasurer not to pay them.

Mr. FALL. Mr. President—
The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New Mexico?

Mr. SHAFROTH. I do.

Mr. FALL. The Senator from Washington [Mr. Jones] asked a moment ago if the committee was unanimous in this bill. Not, of course, due to any fault of the Senator who has charge of the bill, but merely my own fault, I, as one member of the committee, was not present when this bill was agreed upon.

Mr. SHAFROTH. That is true; and I am perfectly willing to let this go over

Mr. VARDAMAN. Let it go over.

Mr. FALL. Let me make this suggestion: We have got to deal with it at some time. You have got to take it up and take the time of the Senate with it at some time.

Mr. SHAFROTH. Yes; but the reason why I want as much

done as possible is so as to show that I am pretty well through with the bill, and I want another night for its consideration. If I state that I have only gotten through 10 or 12 pages, they will say, "Oh, you can not get through that bill in a week."

Mr. FALL. That may be all right, Mr. President; but we are proceeding upon a theory that never has been considered in the creation of an organic act for any Territory of the United States. The Senator has written here a constitution for a sovereign State. He has taken the constitution of the sovereign State of Colorado. Why did he not take the organic act of the Territory of Colorado as enacted by the Congress of the United States as an example?

Mr. SHAFROTH. These are limitations that it seems to me are very desirable, and have proven very desirable in my State.

Mr. FALL. Very well; I have the floor, I think, if the Senator will allow me to proceed.

Mr. SHAFROTH. Contains:

Mr. SHAFROTH. Certainly. Mr. FALL. Then the Senator can answer the objections which I am making.

You are suggesting to us that we pass one after another of these provisions. You limit the legislature as to what it can do by specifically providing for the island a constitution such as the people of the State of Colorado have provided for themselves in their sovereignty. The State of Colorado came in from a Territorial condition by permission of the United States. Prior to that time the people of Colorado had to refer every law that was enacted by the Legislature of Colorado to the Congress of the United States. The people of New Mexico had to do the same thing up until five years ago, until they came into the Union by consent of the Congress. They were not sovereign before that time. In the case of the people of Porto Rico, an island in the Atlantic where you are simply creating a lot of new American citizens, you are making them sovereign—as sovereign as the State of Colorado. The Congress of the United States retains no power to pass upon their acts. Why, sir, there never has been a measure of this kind presented to the Congress of the United States in the creation of a Territory. That is the objection.

Now, look at the absurdity of it. After adopting the constitution of the State of Colorado, with all of its limitations upon the legislative department, then you provide, in section 37:

That the legislative authority herein provided shall extend to all matters of a legislative character.

Without any restriction whatsoever, and still you do not provide that those acts of that legislature shall be referred back to the Congress of the United States for approval or disapproval. Not a State of this Union has ever been admitted which had been created into a Territorial form of government prior to its admission except it had that limitation in its organic act. Congress of the United States has maintained control. For the first time in the history of legislation in this country we are giving absolute constitutional government to the people of Porto Rico, who have never been citizens of the United States. Now,

these objections must be met at some time.

Mr. SHAFROTH. Mr. President, the provisions that are contained here and which are inserted are limitations. They are not grants.

Mr. FALL. Exactly; they are limitations.
Mr. SHAFROTH. Yes, sir.
Mr. FALL. Then you follow it by a general grant, which any court in the world would construe as conferring upon the legislature all other powers of any kind or character, and your limitation is gone.

Mr. SHAFROTH. Oh, no, Mr. President.

Mr. FALL. If you confer general powers and then limit those powers, they may be words of limitations. If you undertake to limit powers and then confer absolute, general powers, where is your limitation?

Mr. SHAFROTH. Why, here is our limitation, on page 28:

If when a bill that has been passed is presented to the governor for his signature he approves the same, he shall sign it; or if not, he shall return it, with his objections, to the house in which it originated, which house shall enter his objections at large on its journal and proceed to reconsider it.

Mr. FALL. That is simply conferring, not limiting.

Mr. SHAFROTH. Wait; that is a limitation.
Mr. FALL. Oh, no; it is simply conferring the legislative

power upon your appointed governor.

Mr. SHAFROTH. Yes; I understand; but there is another provision, if the Senator will wait just a minute, which I will show him:

If, after such reconsideration, two-thirds of all the members of that house shall agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members of that house it shall be sent to the governor, who, in case he shall then not approve, shall transmit the same to the President of the United States. The vote of each house shall be by yeas and nays, and the names of the members voting for and against shall be entered on the journal. If the President of the United States approve the same, he shall sign it and it shall become a law. If he shall not approve same, he shall return it to the governor so stating, and it shall not become a law. If any bill presented to the governor—

And so forth

And so forth.

Mr. FALL. Then you are conferring upon the Governor of Porto Rico powers that never were conferred upon the governor of any Territory in the history of the United States.

Mr. SHAFROTH. Well, I do not know about that. this: I know that the governor is appointed by the President of the United States and confirmed by the Senate.

Mr. FALL. As was the governor of every Territory.
Mr. SHAFROTH. And therefore he does not represent the
people of the Territory. Consequently, if there is any attempt upon the part of the legislature to do a thing that in any way is not in accordance with the views of the President, there is the governor to check it; and not only that, but the matter comes on appeal to the President of the United States. So it

seems to me that it is very well safeguarded.

Mr. FALL. Mr. President, to repeat again, every organic act—and I defy the Senator to show an exception—has contained

the provision which I have suggested, that the acts of the legislature should be referred to the Congress of the United States.

Mr. SHAFROTH. Well, now—
Mr. FALL. I will ask the Senator to suspend for one moment, please. Every organic act that I know anything of has vested in the governor of the Territory—the governor appointed by the President of the United States—the veto power, and it has been provided that the legislature could pass a bill over his veto. For the first time, now, you have made another innovation. You have provided that the governor, in the event he vetoes a bill, must forward his veto for approval or disapproval to the President of the United States.

Mr. SHAFROTH. Mr. President, the very statement which the Senator makes shows the inconvenience of having every act of the legislature of one of these possessions referred to the Congress of the United States. As chairman of this committee, I have had occasion to have presented to this Congress various bills from the Territory of Hawaii, and some of them have lain for two years without any action of approval whatever; and yet all of the acts of Hawaii do not have to be approved. Some of them do.

Mr. President, the very inconvenience of getting the Senate of the United States to reenact everything that the legislature of Porto Rico will do is something that, it seems to me, should not be the law as to Porto Rico. It appears to me that the limitations that are placed in the bill are limitations for the good of the people. Mr. FALL.

Mr. President-

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New Mexico?

Mr. SHAFROTH. I yield. Mr. FALL. The chairman does not know anything more about this bill than I do. There is a provision on page 30 that these laws shall be referred to the Congress of the United States, and Congress can nullify them. I did not know it; neither did he.

Mr. SHAFROTH. Of course, Congress could nullify them. There is no doubt about that. It always possesses that power,

Mr. FALL. I withdraw my objection.
The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. SHAFROTH. It does not say the law has to be ratified by the Congress. It simply says Congress reserves the right, and it is important that it should reserve the right. What the Senator was talking about was that in the Territorial days everything had to be ratified. Laws do not have to be ratified now

Mr. FALL. The Senator has been mistaken about one or two things to-night as to the contents of the bill; but the Senator did not make any such mistake as that, because the Senator has been familiar with the organic acts of the other Territories. He did not say they had to be referred for ratification to the Congress of the United States, but that they were referred by the organic act itself to the Congress of the United States. This provision on page 30 is the usual provision in organic acts. I simply overlooked the fact that the committee placed the provision in this bill.

Mr. SHAFROTH. Does the Senator withdraw his objection?

Mr. FALL. I have already withdrawn it.
Mr. SHAFROTH. All right.
Mr. JONES. It might be a small matter, but I wish to ask the chairman about the provision beginning on page 31, line 14, which says:

No bill shall be considered or become a law unless referred to a committee, and returned therefrom, and printed for the use of mem-

Does that mean that no bill can be considered that has been referred to a committee until after the committee has reported it?

Mr. SHAFROTH. Yes; it seems to me so.

Mr. JONES. Does it mean that if a committee sees fit to stifle a bill by not reporting it it can do it, that there is no remedy?

Mr. SHAFROTH. I suppose a minority report can be made. Mr. JONES. It is not a question of supposition. The question is what is meant by that language.

Mr. SHAFROTH. The object of the provision is to prevent the hasty consideration of bills. If the house or the senate are in favor of a measure they can require the committee to

Mr. JONES. That is not what I am trying to get at. Can the committee under this language here be discharged?

Mr. SHAFROTH. I suppose so. It seems to me that that can be done.

Mr. JONES. I doubt it very much. I think this gives the power into the hands of a committee to stifle legislation absolutely if it desires to do so.

Mr. SHAFROTH. Has the Senator any amendment to offer? Mr. JONES. I think we ought to have a provision there providing that either house may, by a majority vote, discharge a committee from the consideration of any measure referred to it.

Mr. SHAFROTH. If the Senator will propose that amend-

ment I will accept it.

Mr. JONES. I propose that amendment. In line 16, after the word "members," I move to insert the following proviso:

Provided. That either house may, by a majority vote, discharge a committee from the consideration of a measure and bring it before the body for consideration.

Mr. CLAPP. Would it not be better to have that language inserted after the word "therefrom," in line 15?

No bill shall be considered or become a law unless referred to a committee, returned therefrom, or discharged from further consideration by the committee in which the bill originated, and printed for the use of the members.

Mr. JONES. I rather think it reads better to put it in as a proviso, authorizing either house by a majority vote to discharge a committee from the consideration of a measure.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from Washington.

The Secretary. On page 31, line 15, after the word "members" and before the period, insert the following proviso:

Provided, That either house may by a majority vote discharge a committee from the consideration of a measure and bring it before the body for consideration.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The Chair hears none.

Mr. JONES. As I understand it, the whole amendment goes

Mr. SHAFROTH. And any other amendment to it. We will

The PRESIDING OFFICER. Without objection, then, the amendment proposed by the committee as modified will be agreed to except that part reserved by the Senator from Ohio [Mr. HARDING].

Mr. JONES. I do not understand the Chair. The PRESIDING OFFICER. The Chair says that, without objection, the amendment proposed and which has been read by the Secretary as modified by the amendments offered is

agreed to, except that part reserved by the Senator from Ohio.

Mr. JONES. I do not think that ought to be done, Mr.

President. The Senator from Mississippi has suggested some objections to the same, and I think the whole amendment ought

The PRESIDING OFFICER. Without objection, the whole amendment will go over. The Chair hears none.

Mr. SHAFROTH. Before we reach section 35 I should like on page 25, to strike out section 29 and insert in lieu thereof the following.

The PRESIDING OFFICER. It will be read.

The Secretary. On page 25, line 16, strike out the House

text, section 29, and insert:

text, section 29, and insert:

Sec. 29. The next election in Porto Rico shall be held in the year 1917 upon the 16th day of July. At such election there shall be chosen senators, representatives, a Resident Commissioner to the United States, and two public-service commissioners, as herein provided. Thereafter the elections shall be held on the first Tuesday after the first Monday in November, beginning with the year 1920, and every four years thereafter, and the terms of office of all municipal officials who have heretofore been elected, and whose terms would otherwise expire at the beginning of the year 1919, are hereby extended until the officials who may be elected to fill such offices in 1920 shall have been duly qualified: Provided, however, That nothing herein contained shall be construed to limit the right of the Legislature of Porto Rico at any time to revise the boundaries of senatorial and representative districts and of any municipality, or to abolish any municipality and the officers provided therefor.

Mr. LODGE. That seems to me to be a very important amendment. I have listened to it, but I must say I can not understand what the effect of it will be. I think the amendment ought to be printed and go over, so that we can see it.

The PRESIDING OFFICER. Is there objection? Mr. SHAFROTH. There is no objection.

The PRESIDING OFFICER. The Chair hears none, and the amendment will go over

The reading of the bill was continued.

The next amendment was, in section 35, page 36, line 24, after the words "Porto Rico," to strike out "who is not" and insert "unless he is"; on page 37, line 1, after the word "is," to strike out "not"; in the same line, after the word "or," to strike out "who is not" and insert "unless having the said qualification of citizenship and age he is"; and, in line 4, after the words "per annum," to insert "Provided, however, That all legally qualified electors of Porta Biog at the last ground clean. legally qualified electors of Porto Rico at the last general elec-

tion shall be entitled to register and vote at elections for 10 years from and after the passage of this act," so as to make the section read:

SEC. 35. That the qualified electors of Porto Rico, for any election whatsoever, shall consist of those citizens that will be hereafter registered in accordance with the terms of this act and of the laws of Porto Rico hereafter enacted. That no person shall be allowed to register as a voter or to vote in Porto Rico unless he is a citizen of the United States, over 21 years of age, and who is not able to read and write, or unless, having the said qualification of citizenship and age, he is a bona fide taxpayer in his own name in an amount of not less than \$3 per annum: Provided, however, That all legally qualified electors of Porto Rico at the last general election shall be entitled to register and vote at elections for 10 years from and after the passage of this act.

Mr. MARTINE of New Jersey. I ask that section 35 down to and including the words "per annum," in line 4, on page 37, may go over. I think I will propose a substitute for it.

Mr. SHAFROTH. There is no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment and the section goes over.

Mr. SHAFROTH. The committee desires to offer an amendment there, to strike out from lines 8 to 12, inclusive, on page

37, and to insert the following.

The PRESIDING OFFICER. The amendment will be stated. The Secretary. On page 37 strike out lines 8 to 12, inclusive, and insert:

That the qualified electors of Porto Rico shall at the next general election choose a Resident Commissioner to the United States, whose term of office shall begin on his qualification and shall continue until the 4th of March, 1921. At each subsequent election, beginning with the year 1920, the qualified electors of Porto Rico shall choose a Resident Commissioner to the United States, whose term of office shall be four years from the 4th of March following such general election.

The PRESIDING OFFICER. Without objection, the amend-

ment is agreed to.

Mr. FALL. Right there I suggest to the chairman of the committee that the section preceding section 35 went over, and if this is agreed to you will find yourself in this position: Under the amendment of the Senator from North Dakota the citizens of Porto Rico are given 12 months in which to declare their intentions to remain citizens of Porto Rico and not become citizens of the United States. I can make it for the Record, Mr. President, so that the Senator can read it to-morrow, if he can not hear it.

The PRESIDING OFFICER. The Senator from Colorado is being addressed by the Senator from New Mexico.

Mr. FALL. It is all right. The Senator from New Mexico wishes to place his remarks in the Record so that they may be read. The position the committee is going to find itself in is this, I am afraid: Under the amendment of the Senator from North Dakota the period in which every resident of Porto Rico has to determine in his own mind whether he will become a citizen of the United States or not has been extended for 12 months. The election provided in this bill must be held prior to 12 months. Yet the qualification for electors states that they shall be citizens of the United States. They will not be citizens of the United States until they have elected as to whether they will remain citizens of some other country. Or if you allow them all to vote and treat them all as citizens of the United States, then they can vote at the election and thereafter declare that they were not citizens of the United States. In the entire bill, unless you reconcile this by some means, you will have a conflict that will cause you a good deal of trouble.

Mr. SHAFROTH. Does the Senator desire that this amend-

ment shall go over?

Mr. FALL. I understood it had gone over. I was just making a suggestion.

Mr. SHAFROTH. No; but as for the last amendment I

offered-

Mr. FALL. I was not referring to the last one.

The PRESIDING OFFICER. Section 35 has already been passed over.

Mr. FLETCHER. As I understand the point the Senator from New Mexico makes, there will be 12 months to wait before anybody is qualified to vote.

Mr. FALL. Before we know whether they are qualified or

not.

Mr. FLETCHER. Exactly.

Mr. SHAFROTH. The law provides that they shall be quali-Mr. SHAFROTH. The law provides that they shall be qualified citizens of the United States unless within that time they file a protest. Everybody is presumed to be eligible who voted at the preceding election. It is not intended to take away their right.

Mr. FALL. The situation, I think, will be this: That every man in Porto Rico-Chinaman, Jap, Englishman, German, or anyone else-can vote at the first election unless you prohibit

his voting in some way.

Mr. SHAFROTH. It is limited to those who have voted at

the preceding election.

Mr. FALL. And others. You classify them. You are attempting to make qualified voters citizens of the United States, and properly so. No one but a citizen of the United States should be allowed to vote; but you are providing a 12 months' period in which a man can elect to become a citizen. The consequence is that they might all vote at the first election and thereafter declare that they were not going to become citizens of the United States.

Mr. SHAFROTH. The presumption is that they are citizens

and that they have the right of citizenship.

Mr. FALL. I can refer the Senator to a case that went to the Supreme Court of the United States from his own State, and also one that went from my State, in which that presumption

Mr. JONES. I wish to ask the chairman a question about the proviso in section 35. It is true it has gone over. I read it over rather hurriedly. It provides—

That all legally qualified electors of Porto Rico at the last general election shall be entitled to register and vote at elections for 10 years from and after the passage of this act.

What happens to them after 10 years?

Mr. SHAFROTH. I will state that there is an amendment which is going to be proposed either by the Senator from Washington [Mr. Poindexter] or by the Senator from New Jersey [Mr. MARTINE] which clarifies that and gives them the right to vote continuously without any limitation whatever. I wanted to defer any consideration of that until that amendment is

Mr. JONES. I did not know that.
Mr. SHAFROTH. I was personally in favor of that amendment, but some members of the committee objected, and we compromised on a 10-year basis. But that will come up when the proposition is presented.

Mr. JONES. Was it the idea of the committee to permit

these people to vote for 10 years and after that that they could

Mr. SHAFROTH. No; the provision and the intention

Mr. JONES. I mean was that the intention in the proviso? Mr. SHAFROTH. The only intention was to have an educational qualification, and that they should be permitted to vote for 10 years, in order to give them the opportunity for 10 years to qualify themselves to vote thereafter. That is the object. But I must say that I was not in favor of that except as a compromise. What I was in favor of was a different provision, which is contained in the amendment offered by the Senator from Washington [Mr. Poindexter], namely, that they should be entitled to vote just the same as they have been voting, without qualification.

Mr. JONES. That amendment is going to be proposed?

Mr. SHAFROTH. Yes; it is going to come up

The next amendment was, in section 36, page 38, line 3, before the words "years of age," to strike out "thirty" and insert "twenty-five," so as to make the section read:

"twenty-five," so as to make the section read:

SEC. 36. That the qualified electors of Porto Rico shall, at the general election in 1916, and every four years thereafter, choose a Resident Commissioner to the United States, whose term of office shall be four years from the 4th of March following, and who shall be entitled to receive official recognition as such Commissioner by all of the departments of the Government of the United States, upon presentation, through the Department of State, of a certificate of election of the governor of Porto R.co. The Resident Commissioner shall receive a salary, payable monthly by the United States, of \$7,500 per annum. Such Commissioner shall be allowed the same sum for stationery and for the pay of necessary clerk hire as is now allowed to Members of the House of Representatives of the United States; and he shall be allowed the sum of \$500 as mileage for each session of the House of Representatives and the franking privilege granted Members of Congress. No person shall be eligible to election as Resident Commissioner who is not a bona fide citizen of the United States and who is not more than 25 years of age, and who does not read and write the English language. In case of a vacancy in the office of Resident Commissioner by death, resignation, or otherwise, the governor, by and with the advice and consent of the senate, shall appoint a Resident Commissioner to fill the vacancy, who shall serve until the next general election and until his successor is elected and qualified.

The amendment was agreed to.

The next amendment was, in section 37, page 38, line 21, after the word "legislature," to insert: "but the legislature may in the interest of economy consolidate departments, or abolish any department, with the consent of the President of the United States," so as to make the clause read:

No executive department not provided for in this act shall be created by the legislature, but the legislature may in the interest of economy consolidate departments, or abolish any department, with the consent of the President of the United States.

Mr. JONES. I wish to ask about that amendment. First the text provides;

No executive department not provided for in this act shall be created by the legislature

Then the amendment provides:

but the legislature may in the interest of economy consolidate departments, or abolish any department, with the consent of the President of the United States.

Could Congress annul that?

Mr. SHAFROTH. I believe it could under the general provision there.

Mr. JONES. By an act that has the consent of the President? Mr. SHAFROTH. I think so, under the general provision that is contained in section 34, page 30, line 2:

All laws enacted by the Legislature of Porto Rico shall be reported to the Congress of the United States, as provided in section 23 of this act, which hereby reserves the power and authority to annul the same.

So evidently any law which they passed under this amendment would be repealable by the Congress of the United States.

Mr. JONES. As I understand this provision, the legislature may consolidate the departments. It is a little different from the other provisions. I judge the President does not have to give his express consent to the general acts of the legislature before they become effective.

Mr. SHAFROTH. No.
Mr. JONES. This provides that the law can not become effective without the consent of the President. It is different from the other provisions. I wanted to know whether if after the President gives his consent Congress can go on without the consent of the President and annul it.

Mr. SHAFROTH. I think so, because the act of Congress receives the consent of the President also in his approval of the

annulment which is made.

Mr. JONES. Then, does the act of dissent by Congress require the approval of the President?

Mr. SHAFROTH. I think so.

Mr. JONES. It does not say so.

Mr. SHAFROTH. Congress reserves the power and authority to annul the same. It is by act of Congress

Mr. JONES. The President is not a part of Congress. Mr. SHAFROTH. So far as signing the bill he is.

Mr. JONES. This does not provide that it shall be a bill. Congress can in any way express its dissent to these laws, and then they cease to exist.

Mr. SHAFROTH. I think not. The power is reserved to annul the same, and the only way is by a joint resolution or by a bill.

Mr. JONES. I think a concurrent resolution could accomplish the purpose. Mr. SHAFROTH.

I do not think so.

Mr. JONES. That is an act of Congress.

Mr. SHAFROTH. But the President is a part of Congress, with relation to the passage of bills. He must sign the bills. Mr. JONES. I do not think it would have to be done by a

bill

Mr. CLAPP. It is an affirmative act; but when it comes to a matter of negation, vested in Congress, as this bill provides, it is a question whether the President would have to sign it.

Mr. SHAFROTH (reading) All laws enacted by the Legislature of Porto Rico shall be reported to the Congress of the United States, as provided in section 23 of this act, which hereby reserves the power and authority to annul the

That is, to annul it by an act or by a joint resolution. I will state the object of the amendment. It was thought they might attempt to abolish some department there that is necessary to proper administration and which the President might feel should be retained. On that account we thought it was a wise provision to make in cases of that kind. They were given the power to abolish departments; but if the President dissents, then that would end it.

Mr. JONES. Mr. President, I am not questioning the wisdom of that, but what I was trying to get at was, after the President has given his consent, as expressly provided for here—and this can not, like general legislation enacted by the legislature, becan not, the general registation charter of the Resident has approved it—whether the general provision giving Congress the power to annul any act of the Porto Rican Legislature would apply in a case like this, so that Congress could annul the act after the President

has given his consent?

Mr. SHAFROTH. Yes; it seems to me that Congress could.
Mr. JONES. Then we would have a conflict between the
President and Congress, because the President can approve an act and then Congress can turn around and annul it, and, of

course, if the President should veto that act of Congress it would amount to nothing.

Mr. SHAFROTH. No; Mr. President, as a part of the legislative act the signature of the President is necessary, and it becomes, as a matter of fact, a part of the legislative act.

Mr. JONES. That is what I suggest. Then, in reference to this matter, if the Senator is correct, that the President must sign any resolution that Congress passes dissenting from the act of this legislature, we should have a case where the President, having approved the act of the local legislature, would necessarily disapprove the action of Congress in trying to annul it.

Mr. SHAFROTH. If he disapproves it, that is his privilege under the veto power, and Congress, of course, can pass it over his head. In that event the very act which the President signed is annulled, notwithstanding the fact that he signed the original act and made it a law.

Mr. JONES. Yes; but you have an inconsistent proposition here if you require the President to give his consent or his dissent to this act of the legislature before Congress is supposed to pass on it at all. I do not myself believe that this would require the action of Congress.

Mr. FLETCHER. It seems to me perfectly plain that this provision does not require the President to approve the legislation; but it is simply a limitation on the legislature. The legislature can not abolish a department or consolidate a department unless the President consents. If the President does consent to the legislation, he only consents that the legislature may do the act contemplated in accordance with this provision, but at the same time Congress has the power under the provision to annul that legislation.

Mr. JONES. After the President approves it?

Mr. FLETCHER. After the President has consented, so far as he is concerned, to the legislation consolidating or abolishing departments

Mr. JONES. That is an approval of it by the President, is it not?

Mr. FLETCHER. It is not left to him to approve the legis-

lation or to disapprove it.
Mr. JONES, Oh, yes, it is.
Mr. FLETCHER, He merely consents to the consolidation or the abolishment of departments.

Mr. JONES. But the legislature may in the interest of economy consolidate departments. How will it do so? legislation. Or it may abolish any department. How? By legislation, with the consent of the President. It passes such legislation and sends it to the President. If he objects to it, that ends it. If he approves, the consolidation becomes effective; and yet does the Senator contend that after the President has approved it and the consolidation has become effective, we can turn around and annul that?

Mr. FLETCHER. Undoubtedly.

Mr. JONES. If we can, we can do it without the President's

Mr. FLETCHER. Yes; we could do it. If the President's consent was not made necessary here, we could do it just the same whether the President consented or did not consent, or whether we allowed him to consent or not.

Mr. CLAPP. It does not present the inconsistency, I think, which the Senator from Washington thinks it does.

Mr. FLETCHER. I do not think the consent of the President has anything to do with the character of the legislation except to limit the power of the legislature.

Mr. CLAPP. For instance, the Governor of Porto Rico vetoes a bill and then it is passed over his veto. It is then sent to the President, and if he approves it, it becomes a law; yet that does not interfere at all with Congress subsequently repealing that law. The mere fact that the President acting in one capacity has approved an act, I do not think should be urged as an inconsistency, in view of the power lodged in Congress subsequently to repeal it.

Mr. JONES. Does the Senator think that after the President has approved a law that has been vetoed by the governor and which has been passed over his veto, Congress could not annul that law without the President's consent?

Mr. CLAPP. I am not certain whether under this provi-Mr. CLAPP. I am not certain whether that sion a mere annulment would require consent or not; but, even sion a mere annulment would require consent or not; but, even sion a mere annulment would require consent or not; but, even sion a mere annulment would require consent or not; but, even sion a mere annulment would require consent or not; but, even sion a mere annulment would require consent or not; but, even sion a mere annulment would require consent or not; but, even sion a mere annulment would require consent or not; but, even sion a mere annulment would require consent or not; but, even sion a mere annulment would require consent or not; but, even sion a mere annulment would require consent or not; but, even sion a mere annulment would require consent or not; but, even sion a mere annulment would require consent or not; but, even sion a mere annulment would require consent or not; but, even sion a mere annulment would require consent or not; but, even sion a mere annulment would require consent or not; but, even sion a mere annulment would require consent or not single consent o if it did, it would not present any serious inconsistency. The President to-day signs a bill, and to-morrow we repeal it, notwithstanding he has signed it.

Mr. JONES. But he has to sign the repealing act also.
Mr. CLAPP. I know he signs the repealing act; but the
Senator from Washington was rather urging that it would be inconsistent to expect that the President would approve of legislation enacted in Porto Rico and then afterwards sign a repeal of that same law. I do not see anything inconsistent in that.

Mr. JONES. That was not my position at all,

Mr. CLAPP. That is what I understood the Senator to contend for.

Mr. JONES. My position was that under the general provisions of this act we provide that laws passed by the legislature may be annulled by Congress. It does not provide for their approval by the President before they become laws; they become laws without the President's approval, and they continue laws unless Congress annuls them; but here is a particular provision with reference to a particular class of legislation under which, if the legislature by its legislative act sees fit to consolidate departments, that act does not become effective until the President consents to it; in other words, until the President approves it. The question which came up in my mind was whether under this particular section Congress would have the right to annul an act consolidating departments after it had been approved by the President.

Mr. CLAPP. I do not think that that would interfere at all with the right of Congress to annul that law. It becomes a law

not alone by the act of the legislature and the Governor of Porto Rico, but also by the act of the President, just as a law passed by the Legislature of Porto Rico and vetoed by the Governor of Porto Rico and passed over his veto and referred to the President and approved by the President becomes a law. Clearly Congress could just as readily repeal that act that had become a law through the exercise of the veto power and the subsequent approval by the President as it could repeal a law that went no further than the Legislature and the Governor of Porto Rico. So I do not think there could be any question

about that.

Mr. SHAFROTH. Mr. President, I ask that the reading of the bill be resumed.

The reading of the bill was resumed and continued to the following provision on page 39, beginning in line 7:

The terms of said elected commissioners shall commence on the 1st of January following their election—

Mr. SHAFROTH. Mr. President, on page 39 I move to strike out from line 5 to line 8, inclusive, and to insert in lieu thereof the amendment I send to the desk.

The PRESIDING OFFICER. The amendment will be stated. The Secretary. On page 39 it is proposed to strike out lines 5 to 8, inclusive, and insert:

to be elected by the qualified voters at the first general election to be held under this act and at each subsequent general election thereafter. The terms of said elective commissioners elected at the first general election shall commence on the twenty-eighth day following the said general election, and the terms of the said elective commissioners elected at each subsequent general election shall commence on the 2d day of January following their election.

The PRESIDING OFFICER. The amendment is agreed to, without objection.

Mr. SMOOT. Mr. President, it was hard to follow the amendment suggested, as it was read so rapidly. I tried to follow it, but I could not possibly make out what object the amendment intended to accomplish.

Mr. SHAFROTH. I will tell the Senator the object of the

amendment. This bill was reported in July last; it was expected that it would be passed shortly thereafter, and that elections would be held at a certain time following the passage of the bill. Inasmuch, however, as the bill has gone over until this time, it is necessary to adjust these matters so that the term of office of these commissioners will expire at a certain time. That is the object of the amendment.

Mr. SMOOT. I did not catch the meaning of it from the

reading.

Mr. VARDAMAN. Let the Secretary state the amendment again, and read it more slowly.

Mr. SMOOT. I did not catch the meaning of it from the reading, and if the Secretary will read it more slowly, then I can follow and see just what changes in the bill are proposed.

The PRESIDING OFFICER. The Secretary will again state the amendment.

The Secretary. On page 39 it is proposed to strike out lines 5 to 8, inclusive.

Mr. SMOOT. That is, down to the word "election," in line 8,

The PRESIDING OFFICER. It includes the word "and" in line 8.

Mr. SHAFROTH. The word "and" is also stricken out.

The Secretary. On page 39, after line 4, it is proposed to strike out "to be elected by the qualified voters at the first general election to be held under this act and quadrennially thereafter. The terms of said elective commissioners shall commence on the 1st of January following their election, and," and insert "to be elected by the qualified voters at the first general election to be held under this act, and at each subsequent general election thereafter.'

Mr. SMOOT. "And at each subsequent general election thereafter

The Secretary read as follows:

And at each subsequent general election thereafter.

Mr. SMOOT. Does that mean quadrennially?

Mr. SHAFROTH. It was intended to have this election in July, which would be shortly after the bill was reported, and then the terms of all officers would expire, I think, in January following the election, in which case it would have been proper to have described it as being quadrennially; but instead of that, it now being nearly the 1st of February and the bill not having yet been passed, the election can not be held until next July, and so it is necessary to make the first terms less than four years. That is the purpose and object of this amendment.

Mr. SMOOT. That is the general election provided for by

this amendment?

Mr. SHAFROTH. Yes.

Mr. SMOOT. I will ask the Secretary to state the rest of the amendment.

The Secretary read as follows:

The terms of said elective commissioners elected at the first general election shall commence on the twenty-eighth day following the said general election.

Mr. SMOOT. The twenty-eighth day? Mr. SHAFROTH. That is, four weeks afterwards. The Secretary resumed the reading of the amendment, and

shall commence on the twenty-eighth day following the said election, and the terms of the said elective commissioners elected at each subsequent general election shall commence on the 2d day of January following their election.

Mr. SHAFROTH. And thereafter there will be a four years'

term. The provision is necessary.

Mr. SMOOT. It may be all right, Mr. President, but I can not couple it up with the provision in the bill which it is proposed to strike out.

While I am on my feet I should like to ask the Senator if it would not be a good thing when we conclude to-night to have the bill reprinted with all the amendments which have been adopted, for there are very many of them?

Mr. SHAFROTH. I think it would be; but let us first finish the reading of the bill. It can be done inside of 20 minutes.

Mr. SMOOT. Perhaps so.

Mr. SHAFROTH. I think so. The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Colorado is agreed to.

The reading of the bill was resumed, and the Secretary pro-

ceeded to read section 39.

Mr. BROUSSARD. Mr. President, I will ask the Senator from Colorado if he will not pass over section 39 at this time, because I have an amendment to that section which I desire to offer.

Mr. SHAFROTH. Very well; that is satisfactory.

Mr. FALL. I should like section 38 also to be passed over.

Mr. SHAFROTH. Very well; that is satisfactory.
The PRESIDING OFFICER. Without objection, sections 38 and 39 will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on the Pacific Islands and Porto Rico was, in section 40, page 41, line 4, after the word "repealed," to insert:

Provided, That said head tax shall not apply to residents of Porto Rico coming and going either for business or social purposes.

So as to make the section read:

Sec. 40. That the exemption of aliens arriving in Porto Rico from the payment of the head tax provided by section 1 of the act of Congress of February 20, 1907, is hereby repealed: *Provided*, That said head tax shall not apply to residents of Porto Rico coming and going either for business or social purposes.

The amendment was agreed to.

The next amendment was, on page 41, line 7, to insert as a subhead "Judicial department."

The amendment was agreed to.

The next amendment was, in section 41, page 41, line 16, after the word "Senate," to insert "of the United States," so as to make the section read:

SEC. 41. That the judicial power shall be vested in the courts and tribunals of Porto Rico now established and in operation under and by virtue of existing laws. The jurisdiction of said courts and the form of procedure in them, and the various officers and attachés thereof, shall also continue to be as now provided until otherwise provided by law: Provided, however, That the chief justice and associate justices of the supreme court shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and the Legislature of Porto Rico shall have authority, from time to time as

it may see fit, not inconsistent with this act, to organize, modify, or rearrange the courts and their jurisdiction and procedure, except the District Court of the United States for Porto Rico.

The amendment was agreed to.

The next amendment was in section 42, page 42, line 20, after the words "United States," to strike out "Provided, however, That no person who declares his intention not to become a citizen of the United States in accordance with the provisions of section 5 of this act may thereafter be naturalized"; on page 43, line 2, after the words "United States," to strike out "not domiciled in Porto Rico"; and in line 4, after the words "value of," to strike out "\$3,000" and insert "\$2,000," so as to read:

of," to strike out "\$3,000" and insert "\$2,000," so as to read:

SEC. 42. That Porto Rico shall constitute a judicial district to be called "the district of Porto Rico." The President, by and with the advice and consent of the Senate, shall appoint one district judge, who shall serve for a term of four years and until his successor is appointed and qualified and whose salary shall be \$5,000 per annum. There shall be appointed in like manner a district attorney, whose salary shall be \$4,000 per annum, and a marshal for said district, whose salary shall be \$4,000 per annum, each for a term of four years unless sooner removed by the President. The district court for said district shall be called "the District Court of the United States for Porto Rico," and shall have power to appoint all necessary officials and assistants, including the clerk, interpreter, and such commissioners as may be necessary, who shall be entitled to the same fees and have like powers and duties as are exercised and performed by United States commissioners. Such district court shall have jurisdiction of all cases cognizable in the district courts shall have jurisdiction of all cases cognizable in the district courts of the United States, and shall proceed in the same manner. In addition said district court shall have jurisdiction for the naturalization of allens, and for this purpose residence in Porto Rico shall be counted in the same manner as residence elsewhere in the United States. Said district court shall have jurisdiction of all controversies where all of the parties on either side of the controversy are citizens or subjects of a foreign State or States, or citizens of a State, Territory, or District of the United States, wherein the matter in dispute exceeds, exclusive of interest or cost, the sum or value of \$2,000, and of all controversies in which there is a separable controversy involving such jurisdictional amount and in which all of the parties on either side of such separable controversy are citizens or subjects of the chara

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in section 44, page 45, line 3, after the words "prosecuted to," to insert "the Circuit Court of Appeals for the First Circuit and to," in line 5, after the words "United States," to insert "as now provided by law," and in the same line, after the word "law," to strike out "in any case wherein is involved the validity of any copyright, or in which is drawn and contains the strike the in question the validity of a treaty or statute of, or authority exercised under, the United States, or wherein the Constitution of the United States, or a treaty thereof, or an act of Congress is brought in question and the right claimed thereunder is denied, without regard to the sum or value of the matter in dispute, and in all other cases in which the sum or value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds the sum or value of \$5,000. Such writs of error and appeals shall be taken within the same time, in the same manner, and under the same regulations as writs of error and appeals are taken to the Supreme Court of the United States from the district courts," so as tomake the section read:

SEC. 44. That writs of error and appeals from the final judgments and decrees of the Supreme Court of Porto Rico may be taken and prosecuted to the Circuit Court of Appeals for the First Circuit and to the Supreme Court of the United States, as now provided by law.

The amendment was agreed to.

The next amendment was, in section 45, page 46, line 5, after the word "selected," to strike out "and" and insert a comma, and in the same line, after the word "drawn," to insert "and subject to exemption," so as to make the section read:

SEC. 45. That the qualifications of jurors as fixed by the local laws of Porto Rico shall not apply to jurors selected to serve in the District Court of the United States for Porto Rico; but the qualifications required of jurors in said court shall be that each shall be of the age of not less than 21 years and not over 65 years, a resident of Porto Rico for not less than one year, and have a sufficient knowledge of the English language to enable him to serve as a juror; they shall also be citizens of the United States. Juries for the said court shall be selected, drawn, and subject to exemption in accordance with the laws of Congress regulating the same in the United States courts in so far as locally applicable.

The amendment was agreed to.

The next amendment was, in section 46, page 46, line 14, after the words "Porto Rico," to insert:

Provided, That \$500 a year from such fees, fines, costs, and forfeitures shall be retained by the clerk and expended for law-library purposes under the direction of the judge.

So as to make the section read:

SEC. 46. That all such fees, fines, costs, and forfeitures as would be deposited to the credit of the United States if collected and paid into a district court of the United States shall become revenues of the United States when collected and paid into the District Court of the United States for Porto Rico: Provided, That \$500 a year from such fees, fines, costs, and forfeitures shall be retained by the cierk and expended for law-library purposes under the direction of the judge.

The amendment was agreed to.

The next amendment was, on page 47, line 24, to insert as a subhead, "Miscellaneous provisions."

The amendment was agreed to.

The next amendment was, in section 51, page 48, line 14, after the word "governor," to strike out "\$10,000" and insert \$5,000," so as to make the section read:

"\$5,000," so as to make the section read:

SEC. 51. That, except as in this act otherwise provided, the salaries of all the officials of Porto Rico not appointed by the President, including deputies, assistants, and other help, shall be such and be so paid out of the revenues of Porto Rico as shall from time to time be determined by the Legislature of Porto Rico and approved by the governor; and if the legislature shall fall to make an appropriation for such salaries, the salaries theretofore fixed shall be paid without the necessity of further appropriations therefor. The salaries of all officers and all expenses of the offices of the various officials of Porto Rico appointed as herein provided by the President shall also be paid out of the revenues of Porto Rico on warrant of the auditor, countersigned by the governor. The annual salaries of the following named officials appointed by the President and so to be paid shall be: The governor, \$8,000, in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of Porto Rico, with the furniture and effects therein, free of rental; heads of executive deputatives of the supreme court, \$5,000; associate justices of the supreme court, \$5,500 each.

Mr. SMOOT. Mr. President, I will ask the Senator why the

Mr. SMOOT. Mr. President, I will ask the Senator why the Governor of Porto Rico should be paid \$1,000 more than the Governor of Hawaii or the Governor of Alaska?

Mr. SHAFROTH. Mr. President, I will say that the organic act made the salary of the governor \$8,000, and it has been \$8,000 ever since. The House put the provision at \$10,000 and the Senate Committee on Pacific Islands and Porto Rico struck out \$10,000 and inserted \$8,000.

Mr. SMOOT. Even if that were the case, we could provide

now for the salary that the governors should receive hereafter.

Mr. SHAFROTH. Certainly.

Mr. SMOOT. I will tell the Senator why I asked the ques-on. I know that for the last four years the Governor of the Hawaiian Islands has asked for an increase, and it has been proposed many times that the Governor of Alaska should be paid a greater salary than is paid in Hawaii because of the extremely high cost of living in that country. You not only pay the governor \$8,000 here, but you provide that "in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of Porto Rico, with the furniture and effects therein, free of rental." Now, that is not

fair to the Governors of Hawaii and Alaska.

Mr. SHAFROTH. Oh, Mr. President, there is a difference between these possessions. Porto Rico has a population of

1,250,000.

Mr. SMOOT.

Mr. SMOOT. Yes. Mr. SHAFROTH. The Hawaiian Islands have a population of only about 250,000.

SMOOT. Yes. Mr. SHAFROTH. This palace that is given to the Governor of Porto Rico, it is true, is a large building-I have been in itbut it is necessary for the governor to have a sufficient salary to maintain himself. There are certain expenses there that he has to take care of, and we thought that to leave it just as it has been would be best. So we struck out \$10,000, which the House provided, and inserted \$8,000, the same that he has been getting ever since the islands came into the possession of the United States.

Mr. SMOOT. The Senator knows that the Governor of the Hawaiian Islands perhaps has more entertaining to do than the Governor of Porto Rico has. The Senator has been there, and he knows that the Governor of Hawaii is under the expense of maintaining a home-not only the running expenses of it, but he has to pay the rent of it, unless a particularly dear friend of his may allow him, part of the time, to live in his home, which I know has been the case. This is quite unfair, I think. not want to ask for a yea-and-nay vote on this, so I will ask the Senator to let it go over to-night.
Mr. SHAFROTH. Certainly.

Mr. SMOOT. Because I do want a record vote upon this proposition.

Mr. SHAFROTH. Very well. Mr. SMOOT. While asking that, I want to ask also to have the balance of the paragraph go over, because you provide here that the chief justice of the supreme court shall receive \$6,500, and you also provide that the associate justices of the supreme court shall receive \$5,500 each. Now, the chief justice of the Supreme Court of Hawaii receives \$6,000 and the associate justices of the Supreme Court of Hawaii receive \$5,500, just the same as is provided in this bill for the associate justices of Porto Rico. There is an inconsistency in that, and it ought to be corrected, because the Senator knows that in the very next appropriation bill that will be passed the salaries provided here will not be asked to be reduced, but the salaries that are paid to the chief justices of Hawaii and Alaska will be asked to be creased. So I ask that this may go over.

Mr. SHAFROTH. I join in the request that the whole para-

graph may go over.

The PRESIDING OFFICER. Without objection, the section will be passed over. The Secretary will continue the reading of

The reading of the bill was resumed.

The next amendment was, in section 55, page 50, line 3, after the word "public," to strike out "Provided, That the certificate by such notary shall be accompanied by the certificate of the executive secretary of Porto Rico to the effect that the notary taking such acknowledgment is in fact such notarial officer."

So as to make the section read:

Sec. 55. That deeds and other instruments affecting land situate in the District of Columbia, or any other Territory or possession of the United States, may be acknowledged in Porto Rico before any notary public appointed therein by proper authority, or any efficer therein who hax ex officio the powers of a notary public.

The amendment was agreed to.

The next amendment was, in section 57, page 51, line 4, after the word "constituted," to insert: "Provided, however, That all appointments made by the governor, by and with the advice and consent of the executive council as thus constituted, in the executive council as authorized by section 13 of this act, or in the office of executive secretary of Porto Rico, shall be regarded as temporary and shall expire not later than 20 days from and after the assembly and organization of the legislature hereinbefore provided, unless said appointments shall be ratified and made permanent by the said Senate of Porto Rico."

So as to make the section read:

So as to make the section read:

Sec. 57. That this act shall take effect upon approval, but until its provisions shall severally become operative, as hereinbefore provided, the corresponding legislative and executive functions of the government in Porto Rico shall continue to be exercised and in full force and operation as now provided by law; and the executive council shall, until the assembly and organization of the Legislature of Porto Rico as herein provided, consist of the attorney general, the treasurer, the commissioner of the interior, the commissioner of education, the commissioner of health, and the commissioner of agriculture and labor, and the five additional members as now provided by law. And any functions assigned to the Senate of Porto Rico by the provisions of this act shall, until this said senate has assembled and organized as herein provided, be exercised by the executive council as thus constituted: Provided, however, That all appointments made by the governor, by and with the advice and consent of the executive council as thus constituted, in the executive council as authorized by section 13 of this act, or in the office of executive secretary of Porto Rico, shall be regarded as temporary and shall expire not later than 20 days from and after the assembly and organization of the legislature hereinbefore provided, unless said appointments shall be ratified and made permanent by the said Senate of Porto Rico.

The amendment was agreed to.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. SMOOT. Mr. President, I now ask that the bill be printed with the amendments that have already been agreed to by the Senate.

Mr. SHAFROTH. I think that will be very confusing. I do not believe we will gain much by it, because so many of the

provisions have been passed over.

Mr. SMOOT. A number of amendments have been offered from the floor and agreed to; and I will ask that the amendments that have been agreed to may be printed in small capitals, so as to show the difference between those and the ones that have not been agreed to. Does the Senator think that when we begin to vote upon the bill the Senators who have not been here to-night, not having heard the amendments offered, will know anything about what the bill contains?

Mr. SHAFROTH. Of course, the RECORD will contain it all. Mr. SMOOT. The Senator knows, however, that Senators

do not always have time to read all of the RECORD.

Mr. SHAFROTH. I want to expedite matters in every way I can. If the Senator thinks any additional information would be given by what he proposes, I have no objection.

Mr. SMOOT. I certainly think it would, or else I would not

ask it.

Mr. SHAFROTH. Very well. I have no objection to it. The PRESIDING OFFICER. What is the request of the Senator?

Mr. SMOOT. This is what I desire done: In the case of all the amendments that have been offered on the floor of the Senate to-night and agreed to, I should like to have them printed in small capitals, the amendments still pending being printed in italics, and a reprint of the bill as amended. The amendments agreed to can be printed in small capitals, and then they would not interfere with the amendments that are now pending, which will be printed in italics

The PRESIDING OFFICER. Is there objection? The Chair

hears none, and it is so ordered.

The order was reduced to writing and agreed to, as follows: Ordered, That H. R. 9533 be printed showing the bill as amended in small capitals and stricken-through type, the amendments pending in Italics, and the paragraphs passed over in brackets.

Mr. VARDAMAN. Mr. President, I suggest to the Senator that we meet to-morrow night and finish this bill.

Mr. SMOOT. We can not agree to that to-night, Mr. President. That matter can be taken up to-morrow in the morning

Mr. SHAFROTH. I will state that that is one of the reasons why I did not want a reprint, because I do not believe it can be

Mr. SMOOT. Oh, yes. I will assure the Senator that it can be done just the same as the printing of any other matter.

WATER-POWER DEVELOPMENT.

Mr. SHAFROTH. I ask that the unfinished business, House

bill 408, be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. SHAFROTH. I move that the Senate adjourn. The motion was agreed to; and (at 10 o'clock and 50 minutes p. in.) the Senate adjourned until to-morrow, Wednesday, January 31, 1917, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 30, 1917.

POSTMASTERS.

ALABAMA.

Gordon T. Dannelly, Camden.

ARIZONA.

John Evans, Duncan.

CALIFORNIA.

Lucius R. Barrow, San Diego. William D. Browning, Strathmore. William E. Hunt, Kelseyville. C. Claire Smale, Raymond.

COLORADO.

Laura E. Wible, Deertrail.

CONNECTICUT.

William O. Burr, Fairfield. John S. Champlin, South Coventry.

INDIANA.

George M. Mount, Crothersville.

TOWA.

John T. Carey, Denison. John P. Fischbach, Granville. E. F. Gauss, Shenandoah. Frank L. Wacholz, Forest City.

MARYLAND.

William W. Hopkins, Bel Air. J. Frank Lednum, Preston. George E. Peeling, Asbestos.

MASSACHUSETTS.

Anna E. C. Barrett, Siasconset. Robert H. Lawrence, South Dartmouth. Walter B. Loring, Holden. Charles F. Skillings, Hathorne. Matthew D. E. Tower, Becket.

MISSOURI.

Walter E. Duncan, Newburg. Oberon C. Meadows, Licking.

MONTANA.

Peter Des Rosier, Browning. Earl A. Wheeler, Gilman.

NEW HAMPSHIRE.

Frank J. Aldrich, Pike. Earle A. Brooks, Franconia.

NORTH CAROLINA.

Fuller T. Currie, Pinehurst.

OHIO.

Mary June Dick, Harrison. Samuel Eichenbaum, Corning.

TENNESSEE.

K. W. Southern, Harrogate.

HOUSE OF REPRESENTATIVES.

Tuesday, January 30, 1917.

The House met at 11 o'clock a. m. The Chaplain, Rev. Henry N. Couden, D. D., offered the

following prayer:

We thank Thee, our Father in Heaven, that though men come and go, Thy Spirit lives on in the heart of each succeeding generation, bringing order out of chaos, harmony out of discord, peace out of war, good out of evil. For faith is stronger than doubt, hope than despair, love than hate. Make us, we pray Thee, tractable to the Spirit, that we may be led into the higher and purer realm of thought and action in the common daily duties of life; which in the last analysis is the test of a welldeveloped character for which we hope and aspire and pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 20209. An act to amend section 276 of an act entitled "An act to codify, revise, and amend the laws relating to the Judiciary," approved March 3, 1911.

The message also announced that the Senate had passed bills

of the following titles, in which the concurrence of the House

of Representatives was requested:

S. 7924. An act authorizing the county of Beltrami, Minn., to construct a bridge across the Mississippi River in said county; S. 6133. An act authorizing the Secretary of War to grant

to John D. Sherwood, of Spokane, Wash., the right to overflow certain lands on the Fort George Wright Military Reservation at Spokane, Wash., and to accept the conveyance to the United States of other lands to be designated by the Secretary of War and suitable for a rifle range in exchange for the land so overflowed; and

S. 7910. An act authorizing the city of Bemidji, Minn., to construct a bridge across the Mississippi River at or near that

place.

The message also announced that the Vice President had appointed Mr. Jones and Mr. Martine of New Jersey members of joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Labor.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its ap-

propriate committee, as indicated below:

S. 6133. An act authorizing the Secretary of War to grant to John D. Sherwood, of Spokane, Wash., the right to overflow certain lands on the Fort George Wright Military Reservation at Spokane, Wash., and to accept the conveyance to the United States of other lands to be designated by the Secretary of War and suitable for a rifle range in exchange for the land so over-flowed; to the Committee on Military Affairs.

REVENUE BILL.

Mr. KITCHIN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes. Pending that motion I would like to see if we can not come to some understanding in respect to general debate upon the bill. If it would be satisfactory to the gentleman from Michigan [Mr. Fordney], I suggest that we run along with general debate without fixing any definite time, with the hope that by, say, 2 o'clock to-morrow we can finish the general debate; and if not, we can then let it run along an hour longer, until 3 o'clock.

Mr. FORDNEY. Mr. Speaker, I think we need more time than that for general debate. I suggest that the gentleman let it run along until to-morrow at some late hour—say, 3 or 4

Mr. KITCHIN. That would be satisfactory to me. Mr. FORDNEY. I have requests for at least six or seven hours upon this side of the House.

Mr. KITCHIN. The bill is a short one—only 12 pages long and I would like to finish it to-morrow night.

Mr. FORDNEY. Will it be agreeable to run along with general debate until 4 o'clock to-morrow?

Mr. KITCHIN. Let us say 3 o'clock; and then, if we do not finish it, we can extend it for an hour longer.

Mr. MANN. Mr. Speaker, the gentleman says that he would

like to finish the bill to-morrow night-I presume he would like to finish it to-night. For the convenience of Members, is it the intention of the gentleman to ask the House to sit late to-morrow night to finish the bill or will we adjourn at 6 or 7 o'clock?

Mr. KITCHIN. I hope that we will not stay later than 7 o'clock. I think we can finish the reading of the bill, and then perhaps take the vote on the next morning.

Mr. MANN. I suggest to the gentleman that he make a request that the time for general debate be equally divided between himself and the gentleman from Michigan.

Mr. KITCHIN. Mr. Speaker, pending my motion to go into Committee of the Whole House on the state of the Union, I ask unanimous consent that the time for general debate be equally divided between myself and the gentleman from Michigan [Mr.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the time for general debate be equally divided between himself and the gentleman from Michigan. Is

There was no objection.

The SPEAKER. The question is on the motion of the gentle-man from North Carolina that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20573.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the revenue bill, with Mr. Sherley in the chair.

The Clerk reported the bill by title.

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. KITCHIN. Mr. Chairman, my purpose is, if not interrupted too much, to consume about 20 minutes in explanation of the bill and then reserve some time for myself in which to

I have often thought what a great genius a man would be if he could find some way to write a revenue bill entirely satisfactory to the people who would have to pay the tax under it. I have thought of every conceivable way for the last eight or ten years in which such a bill could be written, but I am just as far off from the discovery now as I was when I began. Of course every tax bill, it matters not how large, how small the tax, will meet with severe and violent opposition from the

man who will have to pay the tax under it.

We all realize the necessity for an additional revenue meas-That necessity has been created by the votes of the Republicans as well as the Democrats. I said, when I presented the bill at the last session, that if it had not been for the increase in the appropriations for the Army and the Navy and fortifications not a dollar of new taxes would have to be levied. I say now in respect to this bill that if there had not been any increase except the normal increase in appropriations for the Army, Navy, and fortifications last session and this session this bill would not be necessary. Every dollar of new taxes levied in the act of the last session and in this bill is made necessary by the votes of Democrats and Republicans alike for the marvelous increase of appropriations in the Army, Navy, and the fortification acts, which the advocates of those increases euphoniously call "preparedness." The responsibility can not be put by either side upon the other. Democrats and Republicans alike are responsible for the necessity for additional revenue legislation. Whether the additional legislation which the Republicans propose or which the Democrats present to the House is the wiser or better I shall discuss later.

The estimates by the Treasury Department of disbursements for the ensuing fiscal year ending June 30, 1918, for which we are appropriating this session, are \$1,368,445,000.

The total amount of revenue from all sources, exclusive of

the post office, including the big receipts from the revenue act of last session, is estimated for the next fiscal year to be \$1,001,750,000. This makes a difference of \$366,695,000, being the estimated excess of disbursements over receipts. If we deduct from that \$64,305,000, which is estimated to be in the general balance fund on June 30, 1917, we have \$302,390,000. Now, we should add to that \$100,000,000 in order to have a safe, wise,

working balance in the Treasury. It ought to be at least that much. This has been the opinion of the last several administrations. Sometimes it falls below that. It fell below that at times under the Roosevelt administration and at times under the Taft administration. It is less than that now. As stated, we ought to provide for at least \$100,000,000 as a general working-fund balance. Adding that, we have \$402,390,000, which we must meet either by proceeds of bonds or by additional revenue legislation, or both. We propose and recommend the issue of bonds, which I will explain later on in detail, to finance and reimburse the Treasury for expenditures on account of the Mexican situation, the construction of the Alaskan Railway, the armor-plate plant, and the purchase of the Danish West Indies, I think it was all agreed and understood by Republicans and and Democrats alike when we presented the revenue bill last session, that we would finance the Mexican situation expenditures by the issue of bonds. It has been the custom of not only this Nation but of all nations to defray such expenditures by bonds, because it is impossible to anticipate by revenue legislation how much will be required or how little. We did not know when we presented the revenue bill of last session whether the present situation or the then situation would exist 2 months, 5 months, or 12 months, and we could not know whether it would cost \$125,000,000, \$200,000,000, or what. So we did not provide in the revenue act for such expenditure.

Last session the Treasury Department estimated it would only cost about \$125,000,000. We did not expect to remain on the border so long, nor do we know now how much longer our troops, or some of them, will have to remain. The department now estimates that the total expenditures for the border trouble will by June 30, 1917, reach \$162,418,000. It is estimated by the department that by the end of the fiscal year 1918-June 30, 1918—the expenditures on account of the Alaskan Railway will amount to \$21,838,000. The armor-plate plant, authorized by last session's naval appropriation act, will cost \$11,000,000. For these expenditures the Treasury will be reimbursed by the proceeds of bonds. They total \$195,256,000. Deducting this from the \$402,390,000 will leave \$207,000,000 which is absolutely necessary to meet by additional revenue legislation. Now, gentlemen, we present a bill for the consideration of the Congress, which from some quarters will have more opposition, receive more protests and denunciation than any bill we could present, and yet, in the opinion of the majority of the members of the Committee on Ways and Means, it is the wisest and the most equitable and least burdensome bill that has yet been suggested. I shall first take up for explanation the portion of the bill over which there are the least contentions. We propose, in addition to the present authorization of Panama Canal bonds. to authorize the Secretary of the Treasury to issue \$100,000,000

of bonds.

The amount of Panama Canal bonds now available for issue is \$222,000,000. This with the additional \$100,000,000 authorized by the pending bill will make a total authorization of \$322,000,000. The authorization in this bill becomes necessary in order to finance by the proceeds of bonds the following: \$162,418,000, Mexican situation expenditures; \$35,000,000, the total authorized cost of the Alaska Railway; \$25,000,000 for the purchase of the Danish West Indies; \$11,000,000 for the armor-plate plant; \$50,000,000 for the requirements of the shipfor by sale of Panama Canal bonds; and \$20,000,000 for the nitrate plant, which also was authorized last session to be taken care of by the issue of bonds. This gives a total of \$303,418,000, The available amount of Panama Canal bonds, \$222,000,000, lacks \$81,000,000 of being enough to finance these specific objects to which I have alluded, and therefore this bill provides for an additional issue of bonds, not to exceed in the aggregate \$100,000,000.

In another section of the bill the Secretary of the Treasury is authorized to issue, instead of the \$200,000,000 now provided by law, \$300,000,000 of certificates of indebtedness. Under the present law, which is an unrepealed part of the Payne Act. the Secretary of the Treasury is authorized to issue \$200,000,000 of certificates of indebtedness, drawing 3 per cent interest, running not longer than one year, but the total amount of such outstanding certificates of indebtedness at any one time not to exceed \$200,000,000. This was incorporated in the Payne Act in order to take care of any temporary deficit during a current fis-cal year and is still the law. We increase that \$100,000,000, and instead of the \$200,000,000 now authorized, if this bill is enacted into law, the Secretary will be authorized to issue \$300,000,000. The reason for this is that income taxes and the excess-profit taxes provided for in this bill will all come into the Treasury practically during the months of May and June in a lump sum and not be spread proportionately over the year, like indirect taxes or like the internal revenue from beer, whisky, and

And so from about January until May and June, without such an issue of certificates, there would be a hiatus in col-lection of a large portion of the taxes, or a deficit amounting sometimes much over \$200,000,000. When the amount of income and excess-profit taxes is collected in May and June these certificates of indebtedness issued to supply this hiatus or deficit will be paid off.

The two taxing features of the bill are an increase in the estate tax and a tax on excess profits. In regard to the estate tax we simply increase the present rates 50 per cent. So the estate tax is exactly like it is in the present law, except that we increase each of the rates 50 per cent. In other words, where an estate now pays 1 per cent it will pay 1½ per cent; if it pays 2 per cent, it will pay 3 per cent, and so forth, all the way up.

Before discussing the excess-profits tax let me call attention to the first provision of the bill—that is, Title I:

This title provides that the receipts from the excess-profits tax and one-third of the receipts from the estate tax provided in this bill, together with \$175,000,000, the additional revenue collected from the taxes levied in the revenue act of September 8, 1916, shall be set aside as a special preparedness fund to be used toward defraying the expenses for the Army and Navy and fortifications. It is provided, however, that should there be no other money available in the Treasury to meet current obligations that the Secretary of the Treasury may use this fund for other purposes, but like sums so disbursed must be returned to this fund.

We made this provision that everyone in this country will know, and especially everyone who will pay a tax under this bill will know, that every dollar of it goes for increased appropriations for the Army and Navy and fortifications.

Mr. SWITZER. Will the gentleman yield? Mr. KITCHIN. I will.

Mr. SWITZER. As to the excess-profit tax, I would like to have an explanation as to whether a corporation would be allowed to exempt 8 per cent of its capital in addition to the \$5,000 referred to in the majority report,

Mr. KITCHIN. If the gentleman will wait a moment, I am going to reach that.

Every gentleman here knows that the tax measure last session and this tax measure are necessary because of the in-creased appropriations for the Army and Navy and fortifica-tions. We set side by the terms of Title I the taxes collected under this bill, with the earmarks of increased preparedness appropriations upon them, into a separate fund to be expended only for Army and Navy and fortification purposes. And we take \$175,000,000, annually collected under the last year's tax bill and add to that fund. We estimate that \$175,000,000 is the amount of additional revenue which that bill, made necessary by increases of appropriations for preparedness, raised over the revenues produced under the then existing law. And yet, in addition to such separate fund, on account of the immense appropriations for the Army and Navy and fortifications, we will have to take annually more than \$300,000,000 from the general fund to help defray such appropriations.

Now, as to the excess-profit tax. In the first place let me say that this excess-profit tax will in a large measure be paid by partnerships whose members and by corporations whose officers and directors, Democrats and Republicans, in every section of the country were loud clamorists for "preparedness;" who peremptorily demanded of Congress these huge increases of appropriations which make necessary this bill as well as the revenue act of last session. The advocate of such appropriations, who pays a tax under this bill and under the bill of last session, will know that not a dollar of it will go for so-called "pork barrels" in the river and harbor bill, or in the publicbuildings bill, or for any other so-called "pork barrel" bill, but every dollar of it will go for what he desired and what he demanded, namely, for increased appropriations for "preparedness." While many whose partnership or corporations will have to pay taxes under this bill will protest as loudly against this bill as they shouted for the big appropriations which it will

I am glad to say that some are patriotic enough, are fairminded enough, appreciate its equity enough, to approve this excess-profit tax, and will pay it willingly. Not all the preparedness advocates and clamorists are seized and dominated by the impulse of avarice. An officer and large stockholder of one corporation has told me that his corporation will pay \$100,000 by reason of the provisions of this bill. "I am willing to do it," said he. "My corporation ought to pay it. We demanded preparedness; we are willing to help pay for it. We know if we make sufficient profits for this Government to get \$100,000 from us we have made large and immense profits, and do not begrudge the Government the small part it gets. I wish we could make profits enough to pay the Government, under this bill, \$1,000,000 instead of \$100,000."

Mr. MADDEN. Will the gentleman yield to a question for information?

The CHAIRMAN. Will the gentleman yield to the gentleman from Illinois?

Mr. KITCHIN. I will.

What I would like to ask the gentleman Mr. MADDEN. from North Carolina is this: If he will be kind enough to tell the House why, in levying this tax on excess profits, the committee confined it exclusively to corporations, partnerships, joint-stock companies, and insurance companies, which in many cases are only organized because of the fact that the individuals who compose these companies have not sufficient money to engage in a business enterprise themselves, whereas the individual who is engaged in business by himself, on his own account, is so engaged because of the fact that he has sufficient capital to enter the business world without requiring the cooperation of other citizens with small means? Why the man, for example, with a sufficient amount of money to be able to run alone is exempt while the man or woman who have not enough money to go into business with on their own account and must combine with other people are taxed?

Mr. KITCHIN. I would have preferred for the gentleman

to have asked that long question-

Mr. MADDEN. It is a very simple question.
Mr. KITCHIN (continuing). And argument later on, because I was going to come to that. But I will answer the gentleman now. In the first place the gentleman's assumption is contrary to actual business experience. It is the copartner-ship and corporation that gather in combination large capital for large enterprise, and not the individual. In exceedingly rare cases there doubtless are individuals, who as such, engage in big business. But even the individual with ample capital for large enterprise prefers and usually does, for manifest reasons, engage in them through the agency of the corporation. This bill, as the gentleman says, taxes only corporations and copartnerships, and does not apply to individuals.

The individual in the present income-tax law pays not only the normal tax of 2 per cent, but is in addition chargeable with a surtax running from 1 per cent up to 13 per cent, graduated according to the amount of income. The corporation pays only the normal tax of 2 per cent; does not, like the individual, pay a surtax, whether its income is big or little. The partnership as such pays no income tax at all. This is one reason why we did not include individuals in the excess-profit tax provision.

Another reason is the administrative difficulty which such a tax on individuals would present. The individual, having no partner or others, like stockholders or officers of a corporation, to account to, as a rule keeps no books as to his investments, his capital, his surplus, and so forth. He is engaged in various activities from which he derives his income, and the capital invested in such activities would be most difficult to ascertain.

There was another consideration that weighed somewhat with the committee in not applying the excess-profit tax to the individual. Under the present income-tax law an individual with same capital, in same business as a copartnership, perhaps in competition with it, is entitled to only one exemption of \$3,000 if a single man, or \$4,000 if married; while each member of the partnership is entitled to \$3,000 if single, or \$4,000 if married. If there are three partners and all married, there would be an exemption of \$12,000, while the individual would have only \$4,000.

If we applied the excess-profit provision to individuals, then, in addition to the several exemptions of partners under the income-tax law, the several partners would have the advantage of deducting a reasonable amount for the several salaries of the partners for their personal services, while the individual, if allowed any deduction on this account, would only receive deduction for one—his salary. And the stockholders of a corporation, two or more, if officers or employers, for their personal services would be entitled to deduct the reasonable salaries of each as against the individual's deduction of one salary.

Mr. MADDEN. Now, Mr. Chairman, will the gentleman yield

for a further question? Mr. KITCHIN. I will,

Mr. MADDEN. I would like to have the gentleman from North Carolina say whether he believes the corporations are not owned by individuals, and that the individuals are taxed?

Mr. KITCHIN. Yes; corporations are owned by individuals, but you take an individual and consider what he can do himself, outside of combination with others, and you will find he can not become a trust or a monopolist to control the prices of articles of commerce or of the necessities of life.

Mr. MADDEN. Would this bill include a man like John

Wanamaker, who is running an individual concern?

Mr. KITCHIN. No; it would not include rare individuals like John Wanamaker, whose income runs into the hundreds of thousands and perhaps millions, but he pays under the in-come-tax law much more income tax than a corporation of like business and capital and income, because he pays a surtax and the corporation pays none,
Mr. MADDEN. Will the gentleman permit one more ques-

tion?

Mr. KITCHIN. Yes.
Mr. MADDEN. Where did the gentleman get his information that individuals do not keep books? How do you levy an income tax upon an individual if he does not keep books

Mr. KITCHIN. I remind the gentleman that the income under the income-tax law deals only with incomes and has nothing to do with the investments, amount of capital, surplus, and so forth. I know how much income I have, and the gentleman knows how much income he has, and yet it would be difficult to sit down and ascertain how much capital you have invested. We pay on the income, mattering not how much or

in what way our capital is invested.

The gentleman from Illinois [Mr. MADDEN] and the standpat Republicans generally are complaining that by this bill we permit the corporations and copartnerships to have an exemption of \$5,000. Why, gentlemen, who first gave corporations an exemption of \$5,000? The Republican Party. The gentleman from Illinois voted for it himself. In the Payne Act did we not have a corporation tax of 1 per cent, and did it not give to every corporation an exemption of \$5,000? In the income-tax law, as to incomes, we did exactly what you say we ought to -we did not give the corporations any exemptions at all. We did what the gentleman now says is right, and they did what the gentleman now says is wrong. [Applause on the Democratic side.]

Mr. MADDEN. I was asking the gentleman a question.

Mr. KITCHIN. Yes; the gentleman was asking me insinuat-[Laughter.] ing questions.

Mr. MADDEN. The gentleman ought not to put words into

someone else's mouth.

Mr. KITCHIN. You are satisfied with the \$5,000 corporation exemption?

Mr. MADDEN. I am satisfied that the Democrats have no consideration whatever for any business enterprise in the United States. [Applause on the Republican side.]
Mr. KITCHIN. That is the right reply——

No special consideration.

Mr. ASWELL, Mr. KITCHIN. Mr. KITCHIN. Everybody knows that 25 or 30 years ago a statement like that would have had the unanimous applause and approval of the Republicans in the House. It would have been new, but only about half a dozen applauded that because it has become so stale and unprofitable. [Applause and laughter on

the Democratic side.

I trust now I can have without interruption a few minutes in which to explain the nature and operation under the bill of the excess-profit tax. The bill provides for a tax of 8 per cent on the net profits or incomes of copartnerships and corporations which are in excess of, first, \$5,000, and, second, 8 per cent net profit on the "actual capital invested." Such net incomes or profits of a corporation is its next income shown by its incometax returns, under the present income-tax law-that is, we take the net income of a corporation according to such income-tax returns as the starting point or basis of calculation for the exemption or deduction and for the tax. Capital does not include borrowed money. On borrowed money they have a deduc-tion for interest. "Actual capital invested" means and includes (1) actual cash paid in, (2) the actual cash value at the time of payment of assets or property read in a the cash value. of payment of assets or property paid in other than cash, and (3) paid in or earned surplus and undivided profits employed in the business. Now, before this tax can attach to any copartnership or corporation, it must have the first, or \$5,000, exemption or deduction from the net profits, and then, in addition to the \$5,000, it must have a further exemption or deduction of 8 per cent clear net profit on the entire capital actually invested, including capital stock, surplus, and undivided profits, an exemption of 8 per cent clear profit after paying all taxes, overhead charges, salaries, labor and cost of raw material, wear and tear

of machinery and buildings, interest, and everything. Then the amount of net profit or income in excess of such exemptions is taxed 8 per cent. I am not such a business man like my friend from Illinois [Mr. MADDEN], but I will be glad to put everything I can save in any stock or any investment that would guarantee me clear 8 per cent net profit. It is twice as much as the widows and orphans of this country get on their little money loaned out, because on the average in this country, after paying municipal, county, and State taxes, they have left net about 4 per cent.

And yet before this tax attaches all corporations and all copartnerships, big and little, get \$5,000 flat exemption and then 8 per cent net profit upon the entire capital invested, includ-

ing paid-in or earned surplus and undivided profits.

Mr. PLATT. Would the gentleman be willing to put all his money in a mining stock that yielded no more than 8 per cent? If before anybody else gets any of my money Mr. KITCHIN. I am guaranteed \$5,000 and 8 per cent clear, I would be willing to put it anywhere, so far as this tax is concerned.

Mr. MADDEN. The gentleman talks about guaranteeing 8 per cent. I think if the gentleman and his party can guarantee 8 per cent, they can have every dollar that every investor

in the United States has got to invest.

Mr. KITCHIN. Of course, the gentleman misunderstood. I said before this tax attaches, and so far as this tax is concerned, there must be a guarantee of 8 per cent before the Government gets anything.

Mr. REAVIS. As I understand the purpose of the bill from reading it, and the gentleman's statement, it is to tax business-not to tax corporations or partnerships, but the business

of those institutions.

Mr. KITCHIN. It is to tax the excess of net profits or incomes of copartnerships and corporations, as I have just explained, except incomes of partnerships, derived from agricul-

ture or from personal services.

Mr. REAVIS. I am asking solely for personal information. If that is the purpose of the bill, why should not the profit of a business in the hands of an individual pay the same tax as

the profits of a business in the hands of a partnership or cor-

Mr. KITCHIN. I might not have answered that to the satisfaction of the gentleman when I replied to a similar question of the gentleman from Illinois, but the reasons I gave to him are the reasons why the individuals are not included in the provisions for the excess-profit tax.

Mr. SMITH of Michigan. I understood the gentleman to say that the capital invested in a corporation was not liable to this

tax up to 8 per cent.

Mr. KITCHIN. The excess of the net profits above (1) \$5,000, and (2) 8 per cent of the capital invested, including surplus and undivided profits, is liable to a tax of 8 per cent; that is, after deducting from the net profits or incomes these two exemptions the excess only is taxed at the rate of 8 per cent.

Mr. SMITH of Michigan. Take a railroad company, for instance, that has capital invested in its tracks, equipment, and

Would that be exempted?

Mr. KITCHIN. No; the gentleman does not understand me. The exemptions are \$5,000 and 8 per cent of the capital invested, including surplus and undivided profits. These two exemptions are deducted from the net profits or incomes before the tax of 8 per cent attaches, and it then attaches only on the profits or income in excess of the two exemptions. Let me illustrate. Take a corporation or a partnership, without any surplus or undivided profits but with a capital paid in, in cash or in assets turned in, of \$100,000. The entire capital invested is Now, before this tax attaches at all from the net profits or income there is first a deduction of \$5,000 and then a deduction of 8 per cent of the \$100,000 invested, which is \$8,000. Adding these two exemptions or deductions, we have \$13,000 to be deducted from the entire net profit or income before the corporation or copartnership is liable for any tax. So in the case of a \$100,000 corporation or copartnership, before the tax attaches at all it must make, clear of everything, a net profit upon its capital of over 13 per cent. If the corporation or copartner-ship makes 8 per cent, it is not taxed at all. If it makes 10 per ceut, it is not taxed at all. If it makes 12 or 13 per cent, it is not taxed at all, because there is no net profit or income in excess of the exemptions or deductions. But suppose it makes 15 per cent; in other words, makes \$15,000 profit on \$100,000? That is not much of a protective-tariff manufacturers' profit, I must admit, but it strikes me that is a mighty good profit, 15 per cent net, clear of everything. Now, you deduct \$13,000; that is, the flat deduction of \$5,000, plus 8 per cent upon the capital invested, which is \$8,000, totaling \$13,000. Deducting the \$13,000 from the entire net profit or income of \$15,000 leaves

\$2,000, which is the income or profit in excess of the exemptions or deductions allowed, called the excess profit. Upon this excess profit the bill provides for an 8 per cent tax. Eight per cent of this \$2,000 is \$160, the amount of tax this corporation or

partnership would have to pay.

Gentlemen, the man inside or outside of this Capitol who says that \$100,000 capital of a copartnership or corporation making \$15,000 clear net profit is burdened by having to pay \$160 to help support this Government, to help, in their own language, to prepare this Government for properly defending itself against attacks by the foreign powers of the world, is a mighty small, narrow, avaricious man. [Applause.] Suppose this \$100,000 capital stock corporation had a surplus and undivided profits of \$50,000, then the deductions or exemptions would be \$5,000 plus 8 per cent on the capital stock and surplus and undivided prof-Eight per cent of this would be \$12,000; adding to this the \$5,000 makes \$17,000 exemption from the net profits before the tax attaches; that is, it would have to make over 17 per cent on the capital stock before paying any tax.

SNYDER. Has not the gentleman overlooked the 2 per

cent that must be collected first?

Mr. KITCHIN. Oh, no; I have not overlooked that. That is the 2 per cent normal tax under the present income-tax law. This per cent, as well as all other taxes, is credited or deducted as part of the business expenses before arriving at the net profits or incomes

Mr. ADAIR. Would not the 2 per cent already paid under the other law be included as a part of the expense of the busi-

Mr. KITCHIN. Yes; certainly. It makes no difference how much the county tax, or city tax, or State tax, or income tax, or any other tax that is levied may be, the amount so paid is deducted and credited before the net profit is ascertained as a part of the expenses of the business. The copartnership or corporation must have as one of the exemptions 8 per cent net profit after paying all taxes, salaries, and every other expense of the business before this tax attaches at all. In other words, so far as this tax is concerned, it makes no difference whether the corporation or partnership pays \$1,000 or \$100,000 of city, county, State, and Federal taxes, that \$1,000 or \$100,000 must be deducted and allowed as part of the expenses of the business; and after déducting that, with all other expenses, it is entitled to the 8 per cent clear net profit plus \$5,000 before this tax is levied.

If the gentleman will pardon me, I have been a Mr. MANN. little under the weather and have not paid as much attention to this bill as otherwise I would, or perhaps I would not ask How do you arrive at the amount of capital invested? Here is the New York Central Railroad, for instance, which has a capital stock and a bonded indebtedness. what it pays in the way of dividends, but I think 5 per cent now. It may earn as a profit as much as 8 per cent a year, deducting a portion of it for depreciation and betterment, which I suppose is done under the rules of the Interstate Commerce Commission, carrying the same as surplus. Will you take the capital stock of the New York Central Railroad as the amount invested; or, if the Interstate Commerce Commission had valued the New York Central Railroad-which it has not yetwill you take their valuation as the amount of capital invested?

Mr. KITCHIN. No. The bill itself explains what is capital actually invested. It is cash actually paid in, the actual value of assets, at the time of payment, paid in other than cash-paid

in or earned surplus and undivided profits.

Mr. MANN. I venture to say in the case of the New York Central Railroad that it is impossible to arrive at those figures. Mr. KITCHIN. Then, in the case of bonds, the bill provides that it does not include borrowed money—which of course

covers bonds-by the corporation and partnership, but they deduct their 6 per cent or 4 per cent, or whatever it is, which they pay on the bonds, and thus they get the benefit of that.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. NORTON. The gentleman made the statement that there would be no 8 per cent tax at all until the corporation

had made 13 per cent upon its capital.

Mr. KITCHIN. That is in the case of a \$100,000 corporation, without surplus and undivided profits. If it has surplus and undivided profits the deduction would be more as the 8 per cent exemption would be calculated on such surplus and profits as well as on the capital stock.

Mr. NORTON. Of course. That is not true when the capital

is more than \$100,000.

Mr. KITCHIN. I am going to get to examples of corporations and partnerships of more than \$100,000 later on if not interrupted. But such larger corporations and partnerships

have exactly the same exemption, namely, the flat deduction of \$5,000 and the 8 per cent. Suppose we take a \$50,000 capital stock corporation. Before the tax attaches there must be the flat exemption of \$5,000 and the further exemption of 8 per cent on the capital, or \$4,000, which would total \$9,000. In other words, a \$50,000 corporation before the tax touches it must make 18 per cent on the capital stock. Let us now take a \$500,000 corporation or partnership. Before the tax attaches it has a \$5,000 exemption, and then 8 per cent upon \$500,000, or \$40,000, making a total exemption of \$45,000. Of course, the \$5,000 exemption does not cut as much figure in the amount of percentage of deduction in a \$500,000 corporation as it does in a corporation of \$100,000, but statistics show that a \$500,000 or larger corporation, in a large majority of cases, has surplus and undivided profits which will amount to as much as the capital stock; so that in a majority of cases a \$500,000 corporation having an equal amount in surplus and undivided profits will have exempted to it, in addition to the flat \$5,000, 8 per cent of the original capital and the surplus and undivided profits, making a little over 16 per cent on the original capital; that is, \$85,000 total exemption.

Mr. FORDNEY. Mr. Chairman, will the gentleman make the statement for the benefit of the House that he made to me in private conversation in respect to this? Suppose that a firm several years ago was organized with a captal of \$1,000,000, a sawmill and timber proposition, for instance. Since that time they have paid no dividends, but have added profits to the original capital to the extent of half a million dollars, while in the meantime the value of their property has enhanced another half a million dollars. The question is whether you are going to permit them to deduct a profit upon the million and a half or two millions, or what sums, or are you going to fix a date upon which time that value shall be based?

Mr. KITCHIN. Mr. Chairman, I want to say to the gentleman that in the case he cites, the 8 per cent deduction would be upon a million and a half dollars. In other words, you paid in first \$1,000,000. Then, instead of taking the dividends and putting them into your pocket you put them back into the company, say, a timber company, to the amount of \$500,000. That is your surplus or undivided profits. So your deduction would not be 8 per cent upon a million dollars, but would be 8 per cent upon the million and a half dollars. The bill provides that it is actual cash or assets paid in, and the surplus and undivided profits upon which the 8 per cent deduction is calculated. Now, then, in that case you would have, instead of a deduction or exemption of \$80,000, a deduction of \$120,000, plus the \$5,000 exemption. Let me ask you, between you and me, do you not think a concern that put in a few years ago a million dollars and then has \$500,000 of surplus and undivided profits and makes up on that \$125,000 clear money every year, is able and ought it not to help pay a little upon excess profits for the country's "preparedness"?

Mr. FORDNEY. I agree that that suggestion is right. But

suppose the \$1,000,000 were invested 20 years ago and no dividends paid since that time, but the profits returned to the extent

of half a million dollars?

Mr. KITCHIN. I understand that. A deduction, as I explained, of 8 per cent would be allowed on the half million dollars as well as on the original capital of \$1,000,000.

Mr. FORDNEY. But as the gentleman suggested to me. does he not believe that a fair valuation of that property should be had and that it should be permitted to earn a profit upon the valuation as of the date of the enactment of the law or certainly on March 1, 1913, the time when the income-tax amendment to the Constitution became effective?

Mr. KITCHIN. Mr. Chairman, that has somewhat disturbed me, to be perfectly candid, as I told the gentleman, in thinking the matter over in my own mind. I must confess that I have not yet arrived at a definite conclusion, but rather think the proper way is as the bill has it. We say in the bill cash paid in, and assets turned over or "paid in," the value of the assets taken at the time when turned over or paid in. It has occurred to me, and I want to say it to the members of the Committee on Ways and Means, and I have been somewhat worried over it, that it may be the proper thing to fix the date of the valuation of the assets turned over instead of cash as of March 1, 1913, the date of the income-tax amendment proclamation. However, I am inclined to the opinion that under all the circumstances, considering the administration difficulties involved, it is best to leave it as we present it in the bill.

Mr. FORDNEY. Such a provision was inserted in the act of September 8, 1916.

Mr. KITCHIN. Similar in some respects, but not in all. said to the gentleman this morning that I was going to think that over further and discuss the matter with my colleagues upon the committee and see what conclusion we can reach in respect to it.

Mr. HUSTED. Mr. Chairman, will the gentleman explain why the initial exemption is a fixed amount of \$5,000 instead of a certain percentage upon the capital and surplus and undivided profits? That would be a very small exemption in the case of a large corporation, but it might be a very large exemption in the case of a small concern.

Mr. KITCHIN. I would refer the gentleman to the Republicans who were the authors of the Payne Act, for in the minority views upon this bill they refer us back to that in order to get revenue, and I could have the gentleman ask them why they made a flat \$5,000 exemption to corporations, big and little, in the corporation-tax provisions just as we do in this In all income-tax laws in all countries there is a flat exemption. When we levied an income tax during the Civil War we had a flat exemption. Then the next income-tax law was passed under the Cleveland administration. That had a flat exemption of \$5,000. The next income tax, called an excise tax, was in the Payne Act of 1909. This was a tax of 1 per cent on incomes of corporations. It had a flat exemption of \$5,000. The next income tax is the present act now on the statute books, in which a flat exemption to individuals of \$3,000 in the case of a single person and \$4,000 in the case of a married person is allowed. So, following the precedents in our own country, based on sound and wise policy, we provided in this bill a flat exemption, and in addition a percentage exemption.

Mr. AUSTIN. Will the gentleman yield?
Mr. KITCHIN. I will.
Mr. AUSTIN. I received in my mail yesterday morning a letter from a manufacturer of pig iron in my district complaining of this proposed tax. Under existing law his company pays a State tax, a county tax, and pays a city tax and a national-income corporation tax. Now comes this additional tax. He wants to know whether your committee could not raise some of this money from the maker of foreign pig iron who ships his product here and sells in competition without

paying any tax. [Applause on the Republican side.]
Mr. KITCHIN. That is in substance the question every stand-pat Republican puts, and it is the question every man who makes tremendous profits and opposes this bill puts to us. Why not levy a protective tariff, they ask, so that they who are making the most exorbitant profits the world has ever known can enlarge their profits and shift the whole burden of this \$207,-000,000 not to the foreigner, but to the people who buy coffee and tea and sugar and clothes and lumber and other necessities Why not make the wage earner and the people who make no profits pay the tax? That is the question of difference

between us. The gentleman is asking——
Mr. AUSTIN. His firm has made an average of 4 per cent.

Mr. KITCHIN. Well, then, his firm under this bill will not pay a cent. [Applause on the Democratic side.] Now, the gentleman ought to write back and tell them that he has so manipulated things here that they will not have to pay one single dollar under this excess-profit tax. [Applause on the Democratic side. 1

Mr. AUSTIN. This firm has averaged since 1872 4 per cent.

Mr. KITCHIN. Four per cent only?

Mr. AUSTIN. It has averaged more than that of late, and comes within the provisions of this law on account of the increase in the production of pig iron on account of the European

Mr. KITCHIN. The gentleman says they are making an increased output and profit on account of the European war. How in the name of common sense can they have a foreign competitor in the home market when they are selling abroad and his European competitor can not sell here at all? [Applause on the Democratic side.]

Mr. AUSTIN. He will have plenty of competition at the close

of the war-

Mr. KITCHIN. But we do not know when it will close. may be six months, it may be six years. What we are after is to get the required revenue now for next year and for the next year. The gentleman's position is that he is for big appropriations for preparedness, but against any kind of a revenue bill that will raise the money to pay for it.

Mr. HULL of Tennessee. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. HULL of Tennessee. At the bottom of page 3 it says:

Every foreign corporation and partnership, including corporations and partnerships of the Philippine Islands and Porto Rico, shall pay for each taxable year a like tax upon the amount by which its net income received from all sources within the United States exceeds the sum of 8 per cent—

And so forth.

Then it proceeds to apply the tax as if it were a domestic corporation.

Mr. KITCHIN. Now, the gentleman, who poses as a good standpat Republican, says that in all the years since 1872, most of which were under Republican administrations, under Hayes, under Harrison, under McKinley, under Roosevelt, and under Taft, this company has not been able to earn but 4 per cent, but now, under the Wilson administration and the Democratic Party, it is earning much more than 8 per cent. [Applause on

the Democratic side.]

The gentleman, I suppose, thinks it would have been all right when they were earning 4 per cent in lean years to tax part of that profit, but now, under a Democratic administration, they are enabled to make much more than 8 per cent, we ought not to tax them at all. [Laughter.] This concern is a pretty good illustration, gentlemen, whether in my State or your State. of the cruel demands of avarice. Think of such a demand now when everyone knows that the cost of living is higher than ever before, that a man who receives a salary, the employee and the wage earner who receives a daily wage for his daily toil, are paying more to-day for something to live on and to keep body and soul together than ever before.

Every man knows that the advance of wages in this country has not kept step with the advance in the cost of living. Every man knows further that the profit makers, the manufacturers, the business enterprises, and industries in this country are making the most tremendous profits in all the history of industry. What is their proposition? "Do not tax us. We are reveling in orgies of profits. Restore for us a high protective tariff. Although the cost of living is higher than ever before, put this tax upon consumption, put it upon the employees, upon the laboring man, put it upon the lawyer, the doctor, the merchant, the farmer; put it somewhere that will cause the cost of living to go higher; put it somewhere, so that we, who are making the most exorbitant profits in all history, will, by a law which you write, be able to make out of the people larger profits and at the same time escape all taxation." [Applause.] That is the proposition of the gentleman and his party here.

Never, my countrymen, was the demand of avarice so bold, so cruel, so wicked, so inhumane, as this demand of my friend from Tennessee [Mr. Austin], and the demand of the Republican Party here. Restore the protective tariff. Put a tax on ten, on coffee, on lumber; put a higher tax on sugar; increase the tariff tax on underwear, on clothes, and on all necessities of life. This is the alternative which the Republicans offer. In these days of unprecedented advance in the cost of living our committee thought it would be an outrage upon the American people to propose any such bill as the op-ponents of this bill recommend. [Applause on the Democratic

side. l

Mr. AUSTIN. You are perfectly willing to add to the taxes of an American maker of pig iron, but you want to continue to put the product of the iron furnaces of Europe on the free list and not exact a farthing to help run this Government.

Mr. KITCHIN. Why do you put that ridiculous question to me when you admitted a few minutes ago that your company was shipping pig iron abroad in competition with the world and making more profits by over 100 per cent than at any time Will you not ever learn any better?

Mr. FESS. I would like to ask three questions. First, what was the theory of the exemption of agricultural associa-

tions?

Mr. KITCHIN. The gentleman means, of course, the income of partnership derived from agriculture. I will say to the gentleman from Ohio that that question has been asked a considerable number of times. There is one very serious objection to including it, namely, the difficulty in its administration. Who knows what is invested in land and farming? If you use fertilizer this year, how much of that fertilizer is consumed by the profit-making growing crop and how much goes over to next year in improvement of the soil, and next year, and so on. If you ditch it, if you put 10,000 yards of ditching on a farm, how much of that ditching can you charge up to the current year's crop or operating expenses, and how much as permanent improvement?

There are a thousand and one things that enter into farming operations that would be most difficult to say whether it is operating current expenses or is new capital put in, or should go to surplus. For more than a thousand years it has been the policy of every government—your party always claimed that it was its policy—to foster agriculture. There are many exceptions in the laws of this and all nations as to agriculture. understand that every country in the world, as I said yesterday in answer to the gentleman from Pennsylvania, that levies an excess profit tax exempts incomes from agriculture. Now, we thought if Canada could except her farmers, if Great Britain could except her farmers, if Germany could except her farmers, if Russia could except her farmers, that we, in framing this revenue bill, could afford to exempt ours. I ask the gentleman if he objects to it?

Mr. FESS. Yes; I do. Mr. KITCHIN. Does he object to excepting the farmers of Ohio from this bill?

Mr. FESS. I object to discriminating in favor of any farmers' association in Ohio or elsewhere who would fall within the provisions of this bill if you put it on other people. It seems to me it is inequitable.

Another question. I wanted to ask three questions before I

sat down.

Reverting to the interruption of the gentleman from Tennessee [Mr. Hull], in reading at the bottom of page 3, he says there is a provision for taxing foreign corporations. Does that mean that you will tax the profits of a foreign corporation domiciled in Europe that is selling in this country?

Mr. KITCHIN. Yes; the excess in proportion to the capital,

as is fully explained and set out on page 4 of the bill which you

have before you.

Mr. FESS. Is not this a foreign corporation that is doing business in this country?

Mr. KITCHIN. Yes; and it is taxed under this bill.

Mr. FESS. Now, this question: Referring to the declination to allow the revenue tariff suggested by my friend from Tennessee [Mr. Austin], you said you did not want to add to the increased cost of living by a protective tariff. Do we not have a

higher cost of living under your free-trade system?

Mr. KITCHIN. Yes; under the Underwood tariff act, but not because of the act. And if you Republicans would write a tariff increasing its rates, the cost of living would be that much higher. Shoes are higher now than they have ever been. Both shoes and hides are now on the free list. Your party put hides on the free list in the Payne Act and our party put shoes on the free list in the Underwood Act. Do not you believe that the price of shoes would be still higher if we were to put a 15 per cent tariff tax on them, and that it would cost the American manufacturer a little more to make them if we had a 15 per cent tariff tax on hides, which he would have to pay?

Mr. FESS. Certainly not; because you said when Republicans took the tariff off the price went up.

Mr. KITCHIN. Neither I nor any Democrat nor any Republican ever said that hides went up because the tariff was taken off. All claim that the price would necessarily be still higher if we were to put a tax of 15 per cent on them, as the Dingley The professed object of all Republicans in having a Act had. protective tariff is and always has been to enable the American manufacturer to get higher prices for his products in order to enable him to compete with the foreigner. If you do not believe that a high tariff enables the manufacturer to get a better price than he otherwise would get, what in the name of common sense do you want it, in the interest of protection to American industry, for. [Applause on the Democratic side.]

Mr. FESS. Let me answer that question. My friend said that placing leather on the free list, as the Republicans did, resulted in the price going up. I admit that. That is because you put it on the free list. Now, if you put it on the protected list the price will go down, would it not? [Applause and

Mr. KITCHIN. Well, gentlemen, that is the gentleman's argument. Of course, he as well as every other man here knows that I never said that putting leather on the free list caused it to go up. Everyone knows the only fellows that would make that idiotic argument are stand-pat Republicans like my friend from Ohio. If they believe that because hides went on the free list the price of hides went up, every Republican protectionist in the House would favor putting all the products of the manufacturers on the free list, because then they would better serve the interests of the manufacturers, by forcing up higher the prices of their products. [Laughter.]
Mr. FESS. Mr. Chairman, will the gentleman permit a fur-

ther interruption?

Mr. KITCHIN. Yes.

Mr. FESS. If you discourage home production by bringing American production into competition with that of Europe, and this increases foreign production, then the price will go That is what free trade does.

Mr. KITCHIN. Who is competing with us now? You say that this great prosperity is not because of the Wilson administration and is not because of Democratic legislation, but because nobody is competing with us here; that we are shipping goods abroad and getting high prices, competing with everybody on earth. But Republicans still insist that in order to

protect American industry, and incidentally to get \$200,000,000 and more of needed revenue, we should put the Payne tariff back on the statute books. It has been shown time and again that it is impossible to produce the revenue by restoring the protective-tariff Payne Act.

Mr. FESS. Is it not true that we imported \$577,000,000 more

goods than ever before and collected \$111,000,000 less?

Mr. KITCHIN. The Payne Act in its last and best year, and without war, produced \$353,000,000. The Underwood Act last year produced \$334,000,000. More than \$577,000,000 came in on the free list, and a billion dollars of imports on the free list came in last year, and those identical articles were on the free list under the Republican Payne Act. [Applause on the Democratic side.] We imported last year of articles on the free list \$159,000,000 of rubber, \$119,000,000 of raw silk, \$158,000,000 of hides and skins, \$59,000,000 of fibers, \$40,000,000 of cotton, \$35,000,000 of cocoa, \$20,000,000 of tea, \$115,000,000 of coffee, all of which, and millions more, were on the free list under your Payne Act. Why, then, do you complain and accuse us of bringing in these things free of duty? [Applause on the Democratic side.]

Mr. FORDNEY. Mr. Chairman, will the gentleman yield? Mr. KITCHIN. Yes. Mr. FORDNEY. The gentleman ought to know that there are at least 500 articles on the free list in the present tariff law that were also on the free list under the Payne law.

Mr. KITCHIN. And by far the greater part of free importations now are of articles which were on the free list in the

Payne Act.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes. Mr. ELSTON. Does the gentleman mean to say that there will be an exemption from the provisions of this bill of corporations such as we have in California for the raising of sugar beets? Does the gentleman classify such corporations as agricultural corporations?

Mr. KITCHIN. Oh, no. Do not think that the big sugar corporations out in California could put one like that over the Ways and Means Committee. [Laughter.] The agricultural exemption is applied to partnerships and not corporations. We have

got them all in, every one. [Applause on the Democratic side.]
Mr. ELSTON. For instance, take the case of some of our land barons. I have in mind the case of a \$40,000,000 estate, owned individually, or owned by a family group in partnership. Does the gentleman say that it is fair and equitable that a

tremendous estate like that should be exempted?

Mr. KITCHIN. For individuals of large estates, such as the gentleman indicates, yes; because they would have to pay a large surtax under the income-tax law; but if they are not individuals but copartnerships, then the income from agriculture would be excepted in this bill. But they are not copartner-ships, as the gentleman thinks, They are corporations. The big sugar corporations in California and elsewhere in this counwill pay the tax under this bill, and you do not blame us either, do you?

Mr. ELSTON. I will say to the gentleman that I am not against the principle of this excess-profits tax [applause on the Democratic side]; I believe that taxes should be put upon those best able to bear them. As to the equality, the fairness, and the uniformity of this tax, I think there can be valid objections. Taxes should be equal and uniform, and should not bear disproportionately on one class, or on industry almost exclusively

Mr. KITCHIN. It is uniform. The gentleman's first objection was that he thought we were going to exempt these big sugar corporations out there that would come in competition with the individual farmer. That was the gentleman's complaint. I showed the gentleman that they would be required to pay just as they should pay.

Mr. ALMON. Will the gentleman state which other countries have this excess-profit tax, and what the rates are in those coun-

tries as compared with this country?

Mr. KITCHIN. Great Britain has an excess-profit tax, and I understand it is 60 per cent. Her law bases the deduction upon the average per cent of profits the business was making for the three years before the war. For instance, if the per cent of profits for the three years prior to the war was 8 per cent, it deducts 8 per cent and taxes the excess profits 60 per cent. But I understand that the profits prior to the war were less than 8 per cent, and therefore the deduction is less. Germany has a little over 30 per cent, France has 40 per cent, and Russia has 40 per cent. Canada has 25 per cent, with a deduction of only 7 per cent for corporations and 10 per cent for others. Our deductions and exemptions are more than the deductions and exemptions of any other country, and we tax the excess of profits

Mr. FORDNEY. But is not that a war tax in Europe? Mr. KITCHIN. Yes; that is a war tax in Europe. Ma Many of you have been shouting preparedness in this country in order to get big appropriations out of the Treasury, until you have made the people think that our country is in as much danger as any of the warring nations in Europe, that the Japs are coming over from the west, and England, Germany, and France, and Russia are all coming from the east. We have been told that we are in deadly peril. We have been told by the jingoes that the belligerent nations, bankrupted and exhausted, just as soon as the war is over, looking over at America, with her big, rich, untouched resources, are going to join together and come over and conquer us, or make us indemnify them for all the losses in the war. That is the kind of stuff that your Navy League and your Security League and you Republicans and some of us good Democrats have been putting out to the country. [Applause.]
Mr. BUTLER. And the President of the United States. He

asked us to give him the biggest Navy in the world.

Mr. KITCHIN. As much as I think of the President of the United States—and I think he is one of the greatest we have ever had, and I have got as much confidence in him as I have in anyone-I have never said that the President of the United States was not sometimes as wrong as Republicans are all the [Applause and laughter.]

Mr. BUTLER again rose.

Mr. KITCHIN. Let me get through explaining this bill. Mr. BUTLER. Would the gentleman prefer that we should

not interrupt him?

Mr. KITCHIN. It is all right. I do not care. Go ahead. About the only thing Republicans are going to get out of this

thing is courtesy, so go ahead. [Laughter.]

Mr. BUTLER. The gentleman is always civil, and therefore it is a temptation to us to have a little bit of a dispute with him. We can not, however, forget the fact-although gentlemen may say we are always in the wrong-that the President of the United States speaks for the American people, and I am one of those who followed him in what he has advocated. Therefore, when the gentleman talks about these excessive appropriations, I want him to include the leader of the American people.

Mr. ADAIR. Is not our leader advocating this bill? Mr. KITCHIN. Yes. Whenever a Republican follows a Democratic President, he always follows him when the President is wrong, and never follows him when the President is right. [Applause and laughter.] My criticism of you is that the President has been right in ninety-nine cases out of a hundred, and you did not follow him in the ninety-nine cases wherein he was right, In this case the President, in my opinion, made a mistake, and

Mr. SWITZER. Will the gentleman yield?

Mr. KITCHIN. I yield to the gentleman from Ohio.

Mr. SWITZER. The gentleman seems to be informed as to the taxes that are levied in England.

Mr. KITCHIN. Does the gentleman mean excess-profit taxes? Mr. SWITZER. I mean the taxes that we are borrowing from

Mr. KITCHIN. Prior to the war?

Mr. SWITZER. Will the gentleman specify if there are any other taxes levied in England that we have not adopted, or are

not now trying to adopt?

Mr. KITCHIN. England has enough concern for the men and the women and children who must have food to eat and clothes to wear and blankets under which to sleep that she does not in times of peace, as the gentleman's party does, put a tax on these necessities of life in the interest of tariff barons.

Mr. MADDEN. How about the income tax?

Mr. KITCHIN. I am glad the gentleman mentioned it. Before the war Great Britain taxed incomes twice as much as our income-tax bill of 1914, and 50 per cent more than our income tax of last year. In other words, Great Britain before the war collected about \$240,000,000 in income taxes on total incomes 50 per cent less than ours.

Mr. MADDEN. Will the gentleman state the exemption in

England?

Mr. KITCHIN. I think the exemption was \$750. And yet the man whose income over \$750 is taxed did not pay as much taxes there as a man pays here who earns much less than that. You must remember that when he pays there a tax on incomes in excess of \$750, the rates of which is low on small incomes and is higher as the income increases, he does not pay anything like as much as one would here in poll taxes, in city, county, and State taxes. He pays no tax on hats, on shoes, on clothes; but the man who only gets \$3 a day here pays every one of these taxes. The man who gets \$3 a day, the wage earner, under a Federal indirect-tax system such as the gentleman's party favors,

with the State and county taxes, pays more taxes than the man in England paid who had an income of \$2,000.

Mr. DENISON. Will the gentleman state what reason governed the committee in determining the 8 per cent for excess

Mr. KITCHIN. To get the required amount of revenue. We put the exemption or deduction at 8 per cent, because we thought 8 per cent was a good, fair investment profit, and we did not want to make the tax burdensome to anybody. Does the gentleman think it should be higher or lower, or what would he put it at now?

Mr. DENISON. I was not speaking of the justness of the tax. I was asking the gentleman an intelligent question.

Mr. KITCHIN. And I am asking the gentleman an intelligent question.

Mr. DENISON. I wanted to know what consideration determined the committee in fixing it at 8 per cent.

Mr. KITCHIN. I have given the gentleman the information. Now, would the gentleman put it higher or lower?

Mr. DENISON. I would devise an entirely different system of taxation.

Mr. KITCHIN. What kind of a system would the gentleman devise?

Mr. DENISON. I would put a tariff on imports, myself. Mr. KITCHIN. Would the gentleman put a tariff on tea?

Mr. DENISON. No. sir Mr. KITCHIN. Would be put a tariff on coffee?

Mr. DENISON. No. sir.

Mr. KITCHIN. Would he put a tariff on wool?

Mr. DENISON.

Mr. KITCHIN. Would he put a tariff on lumber?

Mr. FORDNEY. Yes.

Mr. DENISON. Yes. [Laughter.]

Mr. KITCHIN. I do not think the gentleman from Michigan should coach the gentleman from Illinois. He is fully able to take care of himself. The gentleman said that he would tax wool. Of course, if you are going to put a tax on wool and thereby make the manufacturer pay more for it, then you, like the Republicans have done in every tariff they have written since 1867, must increase the tariff tax on the manufactured product—on clothing—as a compensatory duty for the increased duty on the raw material. The consumer would pay thereby a higher price for woolen clothes. Would not you do that?

Mr. DENISON. I rose to ask the gentleman a question, for information which he does not give, but puts to me 15 or 20

questions

Mr. KITCHIN. Oh, yes; the gentleman rose to tag me, but he won't allow me to tag him. [Laughter.]

Mr. DENISON. Does my friend consider that I am tagging him?

Mr. KITCHIN. Would the gentleman put a higher tariff on woolen goods that the people must have?

Would he put a higher tax on sugar than there is to-day? Will the gentleman answer yes or no?

Mr. DENISON. Does the gentleman want me to take the floor?

Mr. KITCHIN. Would you put a higher tax on sugar? Mr. DENISON. Yes, I would; just as the Democrats

Yes, I would; just as the Democrats did. Mr. KITCHIN. Yes; when sugar is higher than ever before, and the sugar companies are making millions of dollars profit out of the people, he would levy an additional tax on sugar and make the people pay it and at the same time enable the great sugar companies to make more profit still. That is their proposition. They want to levy by an increase of the tariff a tax whereby the cost of living to the consumer, to the wage earner, will be sent higher, and by which at the same time the manufacturers of sugar and woolen goods and of lumber can exact a higher price from the people and thereby swell their already swollen profits. But they refuse to take \$1 of that profit to help support the Government.

Mr. MOORE of Pennsylvania? Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. MOORE of Pennsylvania. In order to relieve this situation for a moment-

Mr. KITCHIN. When did the gentleman ever relieve a situa-

tion here? [Laughter.]
Mr. MOORE of Pennsylvania. I have helped the gentleman get a laugh from his own side.

Mr. KITCHIN. Why, it is the only side that feels good, that can laugh. You gentlemen have nothing to laugh over.

Mr. MOORE of Pennsylvania. Oh, we are just as much amused as the gentleman's side is. But while we are discussing

tleman kindly indicate whether the high cost of living is attributable in any way to the increased profits of the cotton producer?

Mr. KITCHIN. Oh, the gentleman from Pennsylvania just can not keep from being a little bit sectional. Why mention cotton of the South and not wheat and corn of the West.

Mr. MOORE of Pennsylvania. I would like the gentlemen on the other side to laugh a little bit now. Has the gentleman so shaped this bill that the cotton producer or the exporter pays a

single cent of this tax? Will the gentleman answer?

Mr. KITCHIN. The cotton producer pays no tax under this bill unless the producer is a corporation. Neither does the wheat, the corn, the grain, the truck, the live-stock producer, nor the producer of any other agricultural product, unless a corporation, pay any tax under this bill. Since the gentleman has mentioned cotton, let me tell him that, unlike the products of his State, there has not been in 50 years any tariff or any kind of protection on cotton. Our cotton goes out to the markets of the world in competition with millions of bales from India and Egypt, and we have never asked and do not ask for one single penny of tariff protection though \$40,000,000 worth of long staple cotton was imported here last year free in competition with our long staple cotton. We did not ask it when cotton went down to 6 cents a pound. Cotton is now 15 cents, it has been this season as high as 20 cents a pound, the highest it has reached in over 40 years. This good price was the result of the good sense and the economy of the farmers of the South, who said that instead of making a 16,000,000 bale crop and having a surthat instead of making a 16,000,000 bale crop and having a surplus of five or six million bales which, on account of war they could not export, they would cut down the acreage and make 11,000,000 bales. This high price does not compensate the loss in bales that the cotton farmer voluntarily incurred, and the loss in price he incurred in 1914 when the European war broke out. We lost on our cotton crop \$400,000,000 in the South, in 1914, and this 15 to 20 cent per pound cotton does not pay it back. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. The gentleman admits that cotton pays nothing in this bill. Will the gentleman deny that this bill is intended to levy a tax upon those who manufacture the raw cotton?

the raw cotton?

Mr. KITCHIN. Cotton pays or does not pay just exactly like wheat in the West, like truck, and grain, and dairying, and stock raising in the gentleman's own State and other States. If produced by a corporation and there is an excess profit it pays

a tax. If not, it, like other agricultural products, does not be.

Mr. MOORE of Pennsylvania. The gentleman wanders from the question, as usual. The tax is imposed upon the manufac-

turer of cotton and is not imposed upon the producer.

Mr. KITCHIN. The gentleman is enough to make anybody get away from the question. The tax will be paid by the manufacturers of cotton and by the manufacturers of other agricultural products provided the manufacturer is a corporation or copartnership and there is an excess profit.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. HUSTED. I think the gentleman stated as one of the reasons for exempting the profits of agriculture from the provisions of this bill the administrative difficulties in the enforce-

ment of the law.

Mr. KITCHIN. That is one of the reasons.

Mr. HUSTED. I want to ask whether he considers it more difficult to keep track of profits on the farm than of profits in a large manufacturing industry?

Mr. KITCHIN. It may be the gentleman is right. It may be

that it is easier to keep track of profits of any industry than one of these protective-tariff manufacturing industries. The tariff board here under Taft's administration could not get track of

them in everything.

Let me return to the excess-profits tax. An official of a big corporation came into my office yesterday to protest against this method of taxation, declaring that it was disastrous and confiscatory. I asked how much his corporation would have to pay under the bill and he said about \$500,000. "That sounds mighty big; that is a big tax," I said. "But, my friend, you have not given the other side. When you tell me that under this excess-profits tax your corporation will pay \$500,000, I tell you that that is evidence that it is making a most tremendous profit. Before the Government gets a cent of that \$500,000 your corporation shall have already had \$5,000 deducted and 8 per cent clear net profit on your capital stock, surplus, and undivided profits, which alone is a good investment profit, and in addition to that profit you have eleven times \$500,000, or \$5,500,000 of clear profit. In other words, after setting aside for your 8 per cent net profit on your investment and then the \$5,000 your corporation gets \$5,500,000 additional clear profits and the Government only gets \$500,000. That is

about one-twelfth of your profit in excess of \$5,000 and a net profit of 8 per cent." Now, can any man say that is an exorbitant or disastrous or burdensome tax for that concern to pay to help support and defend the Government under which it had made such immense profits?

Mr. BUTLER. Mr. Chairman, will it interrupt the gentle-

man if I should ask him a question or two?

Mr. KITCHIN. Not a bit.

Mr. BUTLER. I voted for some of these large appropriations and we have got to pay the price. I want to ask the gentleman a question or two.

Mr. KITCHIN. Surely.
Mr. BUTLER. I do not care about involving the country in debt if I do not help to pull it out. How much money have we to raise this year, or rather how much money are we short? Will the gentleman answer one or two questions so I can get it straight in my mind? I am not going to listen to all the speeches on this subject.

Mr. KITCHIN. According to the estimates of the depart-

ment

Mr. BUTLER. For this year?

Mr. KITCHIN. For 1918.

Mr. BUTLER. For the present year up until July 1, 1917. How much short will we be?

Mr. KITCHIN. This year, ending June 30, we will have the general balance fund reduced to about \$64,000,000. The excess of disbursements over receipts for this fiscal year, ending June 30, according to the estimates of the Treasury Department, will be between \$160,000,000 and \$170,000,000. But the gentleman and the House should understand that included in the estimated disbursements are the estimated expenditures on account of the Mexican trouble, amounting to \$162,418,000. This accounts for the apparently large excess of disbursements. These expenditures, as the House understands, were not provided for in the revenue act of last session. We intended then, and I so stated to the House, to meet such expenditures by bonds, and in this bill we are so providing. Out of the proceeds of the bonds the Treasury will be reimbursed to the amount so expended.

Mr. BUTLER. Now, how are we going to raise that? What is the gentleman's proposition?

Mr. KITCHIN. That excess of disbursements will be reimbursed to the extent of \$162,418,000 as just explained. The revenue bill of last session, most of which will be paid in May and June, together with part of the large general balance fund in the Treasury at the end of the last fiscal year, provides for the increase of preparedness appropriation of last session.

Mr. BUTLER. Will that raise a sufficient amount?
Mr. KITCHIN. Yes; that with part of the general balance fund, as stated, but it will reduce the balance in the general fund at the end of the present fiscal year to about \$64,000,000too low for the balance to be. Mr. BUTLER. Therefore it is not contemplated by this bill

we are to raise any revenue except to provide for the expendi-

tures of next year?

Mr. KITCHIN. For the next and following years. Mr. BUTLER. One or two questions more.

Mr. KITCHIN. Go ahead.

Mr. BUTLER. I would not disturb the gentleman, but he is well informed. I am not here for the purpose of provoking merriment but endeavoring to learn, for this is not a trifling business of putting \$400,000,000 or \$500,000,000 tax on the Amer-

Mr. KITCHIN. It is most serious; go ahead. Mr. BUTLER. How much do we propose to bond the Government for?

Mr. KITCHIN. We propose bond issues for the following purposes: One hundred and sixty-two million four hundred and eighteen thousand dollars for the Mexican situation.

Mr. BUTLER. Does that cover Vera Cruz?
Mr. KITCHIN. No; Vera Cruz is paid for. This is for the
Mexican border trouble. For the construction of the Alaskan Railroad, \$35,000,000.

Mr. BUTLER. I voted for that.

Mr. KITCHIN. For an armor-plate plant, \$11,000,000. Mr. BUTLER. I did not vote for that.

I want to know whether or not I can vote for this bond issue and vote for it separately?

Mr. KITCHIN. Twenty-five million dollars for the purchase of the Danish West Indies.

Mr. BUTLER. I approve of that.
Mr. KITCHIN. Bonds already authorized but not issued under the shipping act, \$50,000,000. Nitrate plant, \$20,000,000. These several items make \$303,418,000.

Mr. BUTLER. For which we are going to bond the country?

Mr. KITCHIN. Yes. We have available for issue \$222,-00,000 of Panama bonds. We require \$303,418,000 for the 000,000 of Panama bonds. We require \$303,418,000 for the specific objects mentioned. We propose now to authorize the Secretary of the Treasury to issue, in addition to the amount of Panama bonds available, as required to meet the expenditures on account of such objects, bonds not exceeding \$100,000,000.

Mr. BUTLER. Making how much?
Mr. KITCHIN. The whole bond issue, already authorized and to be authorized by this bill, \$322,000,000.

Now, that is not so bad-

Mr. BUTLER. No; it does not seem so large to me. [Laughter.] Although it is quite a little bit.

Mr. KITCHIN. Does the gentleman wish any more infor-

mation

Mr. BUTLER. Yes. And what sort of deficiency do we propose to make up for the balance of the tax you are about to levy? Will we have an opportunity to vote for the bond issue separate and apart?

Mr. KITCHIN. The tax we propose to levy is made necessary by increased appropriations for preparedness. Committee of the Whole you can offer an amendment to strike

out all except the bond provisions.

Mr. BUTLER. Yes; but does the gentleman propose to give us an opportunity? It will be a very lame attempt that I would make.

Mr. KITCHIN. I am going to explain how you can do it. You want to vote on the bond issue?

Mr. BUTLER. I am perfectly frank to say that I am willing to vote for the bond issue to pay for what is known as military preparedness which the Government has been making, because I helped to do that.

Mr. KITCHIN. You want to vote separately on the bond

question in this bill?

Mr. BUTLER. Yes. I would like to vote for the bond issue

that would cover this military, preparation.

Mr. KITCHIN. The bond issue is not for preparedness. The tax in the bill is for that. I will tell you how you can vote separately in the bond issue in the bill. If you do not care to offer amendment in Committee of the Whole, being opposed to the bill, get recognition from the Speaker, and then make a motion to recommit with instructions to strike out all portions of the bill except the bond provisions.

Mr. BUTLER. I am a little familiar with the rules of the House, but I know it would be rather a useless attempt for me to make, and therefore I do not see how I can vote for any part

of this bill.

Mr. KITCHIN. If you will make the motion to recommit and you are cut out from that motion to recommit, it will be because you are prevented by your colleagues and not by us.

Mr. BUTLER. I want to thank the gentleman for answer-

ing my questions.

Mr. KITCHIN. Do you thoroughly understand it now?
Mr. BUTLER. I do not. [Laughter.] Some day there will appear a man who can understand it.
Mr. GORDON. Will the gentleman yield for a question right

there?

Mr. KITCHIN. I will.

Mr. GORDON. Are the taxes provided for in this bill intended to pay for the increase of expenditures in the Army and Navy and in the fortifications bills for this year, with an excess over last year?

Mr. KITCHIN. Yes, sir; it covers that for which the gentlemen here, three-fourths of them on both sides, are going to vote.

Mr. KEARNS. How much?

Mr. KITCHIN. The estimates are \$164,000,000 increase over similar appropriation made last session, and \$520,000,000 over similar appropriation for fiscal year 1915-16. But understand the appropriation for preparedness for the last year took out of the general balance fund about \$75,000,000. And we should put that back or certainly enough to make \$100,000,000 in the general balance fund.

Mr. FERRIS. As I understand the chairman of the committee, there are about \$233,000,000 of contracts for which the Government stands committed, passed during the last session of Congress, in the Army bill. That will be one item.

Mr. KITCHIN. This tax continues. It is hoped that it, to-gether with existing revenue laws, will take care of the Gov-

ernment expenditures in the years hereafter.

Mr. FERRIS. These authorizations were made last year and

the Government stands committed?

Mr. KITCHIN. Yes; that is, for such authorizations as were made in the acts of last year, as long as they remain unre-

Mr. STAFFORD. Will the gentleman yield there?

Mr. KITCHIN. Yes, Mr. STAFFORD. What was the purpose of the last revenue bill, except to provide for these increased appropriations?

Mr. KITCHIN. You have increased them for the next year,

according to the estimates, by \$164,000,000 over last year, and last year's appropriation will, in addition to the new tax levy of last session, take about \$75,000,000 from the general balance

fund of last year.

Mr. STAFFORD. After we pass the Navy, military, and

Intifications bills.

Mr. FERRIS. These continuing contracts will not be com-

pleted in this fiscal year, but over a period of years,
Mr. KITCHIN. Such contracts as have been or will be made under a three-year program. I would like to call the attention of the House, and I wish I could that of the country, to the tremendous increases in the appropriations for preparedness we have been making. If we continue to yield to the jingo clamor, and go on increasing yearly such appropriations, I do not care which party is in, it is going to puzzle the brains and worry the wits of Congress to find means of procuring from taxation the amount necessary to finance such appropriations,

Now, just stop a moment and think! The largest appropriation for Army, Navy, and fortifications by over \$10,000,000 that Congress had ever passed before "preparedness" struck the country was in 1915 for the fiscal year 1915–1916. It amounted to \$258,000,000. Men in this House—Republicans and Democrats—held up their hands and said, "We will never go any further. We must call a halt." When this \$258,000,000 of appropriations was passed the European war had already been raging over six months. We knew every fact about the war that we know now. We knew about the big ships, the big guns, every military device, everything that we now know.

thought that was big then.

But then came along the Navy League and the Security League and these other so-called patriotic leagues, largely controlled by munition manufacturers and war traffickers and jingoes. They filled the very air with goblins of foreign injingoes. They filled the very air with goblins of foreign invasion. They, with the jingo press, sent to every nook and corner of the country tons of literature of deception. They alarmed the people into the belief or fear that our country was absolutely defenseless and helpless; that we existed only by the mercy of this or that foreign nation; that we had no ships, no guns, no army, no navy, no fortifications; that every minute we were in imminent danger of foreign invasion and conquest. Executive and Congress, taking fright, responded to the demands of a deceived and frightened people.

So instead of \$258,000,000 appropriated in a calmer and less nervous moment a year before, the administration and Congress, Democrats and Republicans, piled up preparedness appropriaexclusive of the Mexican situation, to the amount of \$613,000,000; and the estimates for this year are \$777,000,000! In other words, there is an increase in two years over the normal \$258,000,000, which was the largest up to that time in the history of the Government, of over \$873,000,000, an average increase yearly of \$436,500,000. For last year and this year we for Army, Navy, and fortifications alone make appropriations, and must provide taxes to pay it, of \$873,000,000 more than if we had just gone along with the regular, normal program and gradual annual increase. And this big annual increase will keep up, and

the big annual taxes will keep up also.

Our opponents tell us we could raise the needed revenue by a tariff. Gentlemen, it would be impossible for you to do it. There is not a man who has given study to this question, be he Republican or Democrat, that does not know it would be impossible to raise it with any kind of a tariff that you could devise-impossible to raise more than about \$400,000,000 by any kind of a tariff in normal times and not near that much now under present conditions-and you would then lack over \$350,000,000 annually, having enough to pay for preparedness appropriations alone, to say nothing of the hundreds of millions of dollars needed for other departments and functions of the Government. A member of your party, the gentleman from Iowa [Mr. Good] last session showed the impossibility of financing the increased appropriations for preparedness by a tariff or other methods of taxation formerly adopted by the Republican Party. I wish again to impress upon the House and the country, and especially

upon my Republican colleagues, the fact:

If during the four years of the Taft administration, with the Payne tariff act in force and all the other revenue measures then existing, there had been appropriated for the Army and the Navy and fortifications the same amount of appropriations that we made last session, for which you Republicans as well as most of the Democrats voted, and which we will make this session, for which you will vote, there would have been a deficit in the Treasury at the end of his administration of \$2,100,000,000. If the Payne Act and every revenue act that was on the books under the Taft administration had remained unchanged and were on the statute books now, to finance the appropriations for Army, Navy, and fortifications of last session and of this session, we would require additional taxation of \$900,000,000, and to finance them for four years would require over \$2,000,000,000 additional taxation.

Gentlemen, you know you can not raise it by a tariff. Yes; ou know it, In spite of the groundless statements in the minority report, the fact is that last year the Underwood Act, with its income-tax provision, produced and is now producing as much revenue as the Payne Act, with its corporation-tax provision, could have produced. While we produced less in customs receipts last year than the Payne Act would have produced, the difference was made good in the large excess of the income-tax receipts of the Underwood Act over the corporation-tax receipts of the Payne Act. The Payne Act corporation-tax provision would have yielded last year \$40,000,000, while the Underwood Act income-tax provision produced \$125,000,000. So, gentlemen, you would get nowhere with your Payne Act, which you ask to be restored to produce the necessary revenue, and you know it as well as I do. Every intelligent man knows that with higher duties the imports would have been obstructed and therefore reduced and the duties collected less. While our free-list articles during the war have greatly increased in importations, our dutiable articles, even under the lower rates of the Underwood Act, have decreased.

Now, just look at the facts as they are, as honest men and patriotic men, whether Republicans or Democrats, ought to do. As I have shown, it is impossible to raise by any kind of tariff the revenue required for increased preparedness. The Payne Act while in force in normal times when dutiable imports were unhindered by war raised in customs receipts only \$326,000,000 in 1910, only \$309,000,000 in 1911, \$304,000,000 in 1912, and \$312,-000,000 in 1913. Even if the Payne Act would produce as much now during the war as it then did, we would lack over \$450,-000,000 of having enough revenue from that source to defray the preparedness appropriations alone.

The responsibility this session, as it was last session, of presenting to Congress a bill to raise revenue sufficient to finance the huge appropriations for preparedness, for which Republicans and Democrats voted, was upon the Ways and Means Committee of the House. We knew we could not get it under any kind of a tariff. Last year we presented a bill so wise, so just, so equitable, and it so appealed to the conscience and judgment of patriotic men that for the first time in the history of revenue legislation the minority party failed in the Ways and Means Committee to get a majority of their own members to vote against the bill. Half of the Republican members of the Ways and Means Committee voted for that bill.

Forty Republicans upon the floor of the House voted for the bill, because they knew the money could not be raised by any method of taxation theretofore pursued by their party and that the bill provided for a fair and just way to get it. We are now under the absolute necessity of raising additional revenue, amounting to \$207,000,000 or more, for increased preparedness. We could have raised it out of consumption; we could have We could posraised it out of the necessities of the people. sibly have raised it by a tax upon tea and coffee and beer and whisky and tobacco and pig iron and petroleum and wool and shoes and clothes and food products and hundreds of other different articles of daily consumption of the people, and it would have required a tax on all of these articles to get suffi-We could have done that, but we felt it would cient revenue. not be right to do it now, when the cost of living to the people, to the wage earner, to the widow and orphan, has increased so much. In these days of the high cost of living the dollar of the wage earner, of the widow and the orphan goes a shorter way than ever before. It purchases less than ever before. We felt that it would be wrong-not only wrong but inhumane-for us to levy this \$207,000,000 extra taxes upon the consumption and the necessities of the people. We could have procured it by largely increasing the income tax. But in order to raise the required amount we would have had to make the normal tax tax from 2 per cent to 4 per cent, then, whether a man or a corporation made 2 per cent or 4 per cent upon his investment, or more or less, he would have to pay an income tax twice as large as he now pays. This would be a hardship on many who are making little or no net profit on investments. It would be too high. Take a \$100,000 partnership or corporation, of which I spoke awhile ago. Suppose we should try to raise the additional needed revenue by increasing the normal income tax to 4 per cent? If it made only 6 per cent, it would have to pay \$120

extra. Say it made only 4 per cent. On such increased normal tax it would have to pay \$80. But under the excess-profit tax plan it would pay nothing. Now, we felt that copartnerships and corporations, after allowing them the deduction of \$5,000 and then a deduction of a clear 8 per cent profit, could better afford to pay one-twelfth of the excess profit—that is, 8 per cent on such excess—not a big tax, to help make up this \$207,000,000, than levying an extra 2 per cent on all incomes, whether the profits were large or small.

While the cost of living is higher, while the purchasing power of the wage earner's, of the orphan's and widow's dollar is less than ever before, the profits of the profit makers are larger than ever before, and we felt that after giving them a reasonable deduction and exemption, which of themselves are a nice investment profit, it would be fairer and more just and least burdensome to make the excess profits bear the burden of this tax rather than put the burden upon the necessities of life and the consumption of the people and thus increase still higher the cost of

Mr. KELLEY. Will the gentleman yield?
Mr. KITCHIN. Yes; I yield to the gentleman from Michigan.
Mr. KELLEY. I think I appreciate the desire of the gentleman to make the well-to-do bear this tax; but does the gentleman think that by putting the tax on the well-to-do it will surely stay there?

Mr. KITCHIN. No; I do not think that tax will stay there on the well-to-do if the Republicans get control of Congress next time. I think they will take it off and put it on consumption and the necessities of the people. I want to say to some of the Democrats who want to vote against this bill, not because they think the bill is a bad one, but because they do not want to vote for any more taxes for increased appropriations for preparednessalthough I voted against the big fortification bill yesterday, as a number of us did, I found out then that an overwhelming majority are going to vote also for the increased appropriations for the Army and Navy demanded by the departments, and we have got to levy a tax in some way or other in order to meet them. The question is whether we Democrats shall levy a tax upon excess profits or whether we shall defeat this bill and wait until some time in the future—possibly next session, and an extra session at that—when it is possible for the Republicans, with a handful of wild preparedness Democrats, to force the burden of this tax upon the necessities of the men, women, and children of this

country. [Applause on the Democratic side.]

Mr. KELLEY. Under the provisions of this act undoubtedly the packers will be obliged to pay a certain tax. Does the gentleman think that will come out of the profits of the packers or will it come across the counter when the laboring man buys his meat?

Mr. KITCHIN. I know that the gentleman asks the question sincerely. I have thought about that same thing. Of course, when we put as we do an excise or specific tax on an article, such as the \$1.10 tax on a gallon of whisky, the distiller who such as the \$1.10 tax on a gallon of whisky, the distiller who sells it to the retailer adds that specific tax to the price, and in turn the retailer, with some profit on the investment, will add it to the price to the consumer. If we levy a specific tax on an article, whether on whisky, tobacco, or wheat, or meat or other articles, it is added to the price of the article all the way from producer to consumer. The seller knows exactly where and how much to add. But it is more difficult to transfer an income tax and I do not think it is done unless the power has a practitax, and I do not think it is done, unless the payer has a practical monopoly of the production or sale of an article. In such case he can transfer even his income tax to the consumer.

Mr. KELLEY. Take the case of the sugar refiner. Mr. KITCHIN. But of all the different schemes of taxation the excess-profit tax, under any circumstance, would be the most

difficult, almost impossible, to pass on to the consumer.
Mr. FESS. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. FESS. These bonds are to run for 50 years? Mr. KITCHIN. They run not to exceed 50 years. Mr. FESS. With the idea that there will be a better market

Mr. KITCHIN. Under the Panama Canal bond act they must run for 50 years. This bill provides that the Secretary of the Treasury can make them as well as the additional \$100,000,000 authorized by the bill have a maturity less than 50 years. They bear 3 per cent, payable quarterly.

Mr. FESS. What about the denomination?

Mr. KITCHIN. That is left to the Secretary of the Treasury. Mr. FESS. What about the market value? Mr. KITCHIN. They must be sold at not less than par or face value.

Mr. FESS. The gentleman has no idea what the bonds would sell for? The bonds of 1894 are quoted at 117.

Mr. KITCHIN. Such bonds as you mention could be used to secure national bank circulation or as security for Government deposits, and this added to the value of them.

Mr. FESS. These bonds are not security for national banks?

Mr. KITCHIN. These bonds would not be security for the circulation of national banks,

Mr. JAMES. Will the gentleman yield? Mr. KITCHIN. Yes.

Mr. JAMES. Section 201 provides:

That in addition to the taxes under existing laws there shall be levied, assessed, collected, and paid for each taxable year upon the net income of every corporation and partnership organized, authorized, or existing under the laws of the United States, or of any State, Territory, or District thereof, no matter how created or organized, excepting income derived from the business of life, heaith, and accident insurance combined in one policy issued on the weekly premium payment plan, a tax of 8 per cent, etc.

Has the gentleman thought about the application of that to

the building-loan associations?

Mr. KITCHIN. The same kind of insurance companies and building and loan associations that are exempt under the present income-tax law are exempted in the pending bill, and the exemption includes the associations to which the gentleman

Mr AUSTIN. Will the gentleman yield? Mr. KITCHIN. Certainly.

Is it not a fact that when we discussed the last revenue bill in this House, the Speaker, the gentleman from Missouri [Mr. CLARK], stated that he could take the tariff schedule and write a tariff bill that would produce twice the amount we are now receiving at the customhouse?

Mr. KITCHIN. That is what he said but was referring to normal times, when dutiable imports are unobstructed by war.

That is what I said to-day, in normal times.

Mr. AUSTIN. Did the Speaker refer to normal times?

Mr. KITCHIN. We understood that on account of the war the tariff then was not, and is not now, producing the normal amount. We are now receiving only about \$200,000,000 annually. What I understood him to mean was that by a tariff in normal times we could raise about \$400,000,000 and that was the limit. I have to-day taken the same position. As I said a while ago you could do it in normal times but you would have to abandon the Republican policy of the free list, you would have to abandon the Democratic policy of the free list, you would have to tax tea and coffee and hundreds of articles carried on the free list under both Republican and Democratic tariffs alike and would have to increase the duties on manufactured products immensely, in some cases over the Payne or Dingley or Underwood Acts in order to produce the \$400,000,000.

I was in hopes that the gentlemen on the Republican side could join in with the Democrats here and put this bill upon the statute books by a nonpartisan vote, as the fair and equitable thing to do. But from the questions that have been put to me I am certain that they do not want to help us raise any additional revenue, though they vote for and admit its necessity. I hope every Democrat will understand exactly what they are They are after forcing this country tack into a high protective tariff policy. I hope that no Democrat by his vote on this bill will give them encouragement in that effort. [Ap-

Gentlemen, this is not a political question. You can make all the politics out of it you want, but when you stand in the face of the facts-in face of the necessity of financing these tremendous appropriations for which you on both sides of the aisle voted, and for which the administration stands sponsor also, and when you consider the impossibility of raising anything like the required amount by a tariff, it is up to youup to you Democrats, up to you Republicans, to say whether we ought to get it out of the exorbitant excess profits of the profit makers, or whether we should levy it upon the necessities of life and the consumption of the people. Gentlemen, that is the question with which you are face to face. How are you going to vote? [Loud applause on Democratic side.]

Mr. FORDNEY. Mr. Chairman and gentlemen, for 2 hours and 10 minutes we have listened to some very interesting polite vaudeville. Note what the gentleman from North Carolina [Mr. KITCHIN] has said, and then read what the Congres-SIONAL RECORD will print as his speech, for if we can judge correctly from past experience there will be but little re-

semblance between the two.

I am going to confine myself for a few moments to some notes I have made, and then I shall cut loose from and en-deavor to explain some of the things from a Republican standpoint that have been presented by the gentleman from North Carolina

Since the enactment of the inefficient tariff act of October 3. 1913, this is the fourth so-called emergency revenue measure to be forced through Congress. It is interesting and instructive, in the consideration of this bill, to go back and refresh our memories in regard to the other three revenue bills and to re-view the reasons given by Members on the Democratic side of the House for their enactment.

The first was the so-called war tax or stamp tax of October 22, 1914, and the reason then given for the deficiency in revenue receipts was that the war in Europe was causing a loss of imports and customs receipts. The President came into this Chamber on September 4, 1914, and pointed with alarm to the fact that customs receipts for the month of August, 1914, were \$10,000,000 less than in August, 1913. He said the loss was due almost entirely to the war in Europe and not to a change in our tariff laws. Customs receipts for August, 1914, were approximately \$19,000,000, while during August, 1913, which, he neglected to tell us, was under a Republican tariff law, customs receipts exceeded \$30,000,000. But August, 1914, was not the first month that a loss in customs receipts was in evidence. In February, five months prior to the war and when no one believed such a war possible, customs receipts were but \$17,000,000. Why did not this alarm the President? It was \$2,000,000 less than the month of August that caused him such anxiety. For eight months prior to the war customs receipts averaged but \$22,200,000 per month, while the month of August, 1913, which the President evidently assumed to be a normal month, showed receipts amounting to \$30,934,000 from import There is every evidence that the cause for the decline duties. in customs receipts existed months before the var was thought of. It was the Underwood tariff law. That inefficient law, my friends, was the cause of the loss of customs receipts, and the war in Europe was but an excuse for the imposition of that objectionable so-called war tax in the time of peace.

The second revenue bill provided for the reenactment of the

stamp tax. It followed the first by some 16 months, and the reason given by the Democrats for its necessity was the con-

tinuation of the war in Europe.

The third member of the ever-increasing family of direct taxes was the revenue measure of September 8, 1916. It could hardly be blamed on a loss of imports, for imports during the calendar year of 1916 were over half a billion dollars greater than any previous year in our history. The reason given for that tax was the increased expenditures for the Army and Navy. The report on the bill reads in part as follows:

It is therefore deemed proper that in meeting the extraordinary expenditures for the Army and Navy our revenue system should be more evenly and equitably balanced and a larger portion of our necessary revenues collected from the incomes and inheritances of those deriving the most benefit and protection from the Government.

Now comes the fourth emergency revenue measure, so closely related to the other three. In asking for its passage the Democratic members of the Ways and Means Committee in their report show the increased appropriations for the Army and Navy, fortifications, and so forth, for the years 1917 and 1918 over the year 1916. This new revenue measure is to provide money for all the increased expenditures. However, have they forgotten that the act of September 8, 1916, was to provide for the very same thing? It leads us to wonder if the proceeds of the act of September 8, 1916, were not used for something besides the Army and Navy. And will the proceeds of this act be used for something other than Army and Navy expenditures?

It is indeed hard to believe that the majority Members of this House do not know that the Underwood tariff law is not producing sufficient revenue for the operation of the Government. Fifty million dollars additional customs receipts could be raised on sugar and wool. During the calendar year ending December 31, 1916, \$1,611,952,000 worth of imports were admitted free of duty, while but \$779,763,697 were on the dutiable list.

The fulfillment of campaign pledges is an old-time, threadbare boast of the Democratic Party. The following is a pledge in the

Democratic platform of 1916:

We reaffirm our belief in the doctrine of a tariff for the purpose of providing sufficient revenue for the operation of the Government economically administered and unreservedly indorse the Underwood tariff law as truly exemplifying that doctrine.

If the Democratic Party is sincere in this pledge, why resort to these objectionable and ever-increasing direct-tax measures? This is the fourth emergency revenue measure in less than two and one-half years. If Democrats are going to enact these laws more frequently than one a year, why worry about expenditures for more than a year at a time. In the report on this bill reference is made to the increased appropriations for the Army and Navy for this year and next year. to me that if the increased appropriations for but one year had been taken, it would not warrant the enormous additional amount of revenue which this bill proposes to collect.

The framers of the so-called excess-profit tax seek to justify the tax on the ground that any firm making more than 8 per cent on the capital invested can well bear additional taxation. I have in mind some firms that have had some pretty lean years. They are in debt and are not very hopeful for the period to follow the ending of the war in Europe. These firms will pay no dividends this year, but will pay this excess-profit tax. I believe there are many firms not on a sound financial basis that will be hit by this proposed law.

However, the greatest objection to this tax is not that it is oppressive, but that it is an additional attempt on the part of the administration to repudiate the policy of a tariff for protection. It is a refusal to recognize the revenue-raising possibilities of an adequate tariff law. It is a refusal to aid American industries in meeting changed conditions throughout the world that will follow the war in Europe. It is a declaration by Congress that American labor and American manufacturers must face ruinous competition from abroad without adequate tariff pro-tection. It means a return of conditions that prevailed in this country prior to the war in Europe. It means business depression, financial failures, and men out of employment.

In the preparation of the bill advice and suggestions from

Republicans was neither sought nor considered. Republican members of the Ways and Means Committee were given no opportunity to formally confer with the majority members, and Republicans should decline to accept the responsibility for

On account of the wonderful industrial activity throughout the world, occasioned by the war in Europe, manufacturing establishments in America have prospered and progressed in spite of adverse legislation. The progress will continue until the ending of hostilities in Europe. When peace does come, I believe America will awaken to very changed conditions throughout the world. Europe will have but little to buy from us and much to sell. Keen competition will exist and the struggle for commercial and industrial supremacy may find America woefully unprepared. Men who now seek to heap all the taxes upon industry will then realize the mistakes now being made. It will be argued that this is a tax on the rich; that it is a tax on excess profits. But, whatever it may be called, it is a direct tax, and will be reflected to some extent upon the cost of living. America needs a protective tariff to meet conditions after the war, and it is hard for me to conceive that our Democratic friends do not realize this fact. coming into office it has been their chief aim to repudiate the policy of protection. Additional revenue can be raised with ease by means of an adequate tariff law. The real big objection to this revenue bill is that it is a further attempt on the part of the party in power to repudiate the policy of protection. They ignore the revenue-raising possibilities of a tariff law. It is a refusal to consider the question of industrial preparedness to meet after-war conditions. Their refusal to consider the question of increasing tariff rates, whether they choose to call it for revenue or for protection, or both, is very menacing to American prosperity. The platforms of the Republican and Progressive Parties contained pledges for the establishment of an adequate tariff law. I am so convinced as to the correctness of our tariff policy that I believe it our duty to fight for it whenever opportunity is offered.

Mr. Chairman, a statement was made in error this morning about the amount of bends to be issued by this administration. The gentleman from North Carolina stated that there are \$220,000,000 of Panama bonds yet unissued. The fact is, the Treasury statement which I received this morning, giving the condition of the Treasury at the close of business on Saturday night last, shows that \$240,569,000 of Panama Government bonds remain yet unsold.

Mr. HELVERING. Mr. Chairman, will the gentleman yield? Mr. FORDNEY. Yes.

Mr. HELVERING. Of course, the statement was made to the gentleman yesterday as to that proposition that a certain amount of these had been set aside to meet expenses of the Postal Savings act, which reduced the amount to two hundred and twenty-one million and odd dollars.

Mr. FORDNEY. I beg the gentleman's pardon, but those bonds have not been sold. If so, your Treasury statement is false, because it says those bonds were yet unsold on Saturday

Mr. HELVERING. Not sold.

Mr. FORDNEY. Then why do you say that those \$22,000,000 have been disposed of?

Mr. HELVERING. I said they had been set aside to be disposed of for that purpose.

Mr. FORDNEY. But they have not been set aside, and they ought not to be set aside for that purpose. Those bonds were issued to be sold for the purpose of raising revenue to construct the Panama Canal.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. In just a minute. Under a Republican administration, prior to the 4th of March, 1913, \$165,820,000 was paid out of the general funds of the Treasury on account of the Panama Canal; \$134,000,000 of Panama bonds were sold, on which \$138,600,000 was received. Since March 4, 1913, the Democratic administration has expended \$106,300,000 for this account, which makes a total to date of \$410,720,000 spent on the Panama Canal. Further, when the Republican Party went out of power upon the 3d day of March, 1913, and turned over the Treasury to the Democrats there was \$126,664,000 in the Treasury over and above all liabilities of the Government, including in the liabilities all money on hand to redeem national-bank notes. You have not spent as much money on the Panama Canal as we left you in the Treasury; and, moreover, the Treasury statement of Saturday night shows \$112,000,000 of liabilities in the Treasury, not including warrants outstanding in the hands of disbursing officers amounting to \$74,375,000 and \$51,301,000 on deposit to redeem national-bank notes and the outstanding Treasurer's checks, which vary from three to eight million dollars. These items are not real assets, but are liabilities. Using the same method of bookkeeping employed to show the balance of \$126,664,000 on the 3d day of March, 1913, would show the total liabilities of the Treasury on Saturday last to be \$242,989,000, with total assets on hand of but \$205,-000,000 to meet those liabilities. Therefore, on Saturday night you had a deficit of \$37,109,000, and in addition to that you have expended the money we left you. You are getting along fine with your finances, are you not?

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. I do.

Mr. MOORE of Pennsylvania. Does the gentleman object to having the gentleman from Kansas [Mr. Helvering] state for what purpose the \$22,000,000 of Panama Canal bonds were set

Mr. FORDNEY. I would be very glad to have the gentleman state what they were set aside for.

Mr. HELVERING. The gentleman contends there are \$240,-

000,000 of Panama Canal bonds which the statement shows have not been sold. I simply rose to say that that amount was not available, and the amount carried in the report is \$220,000,000, because some of this money is intended to be used for the purpose of carrying forward the postal savings act which we enacted in the last Congress. That is the statement made to the committee by the Secretary of the Treasury.

Mr. SMITH of Michigan. There were only \$9,000,000 set

aside for that purpose.

Mr. FORDNEY. No matter whether it is \$9,000,000 or \$22,000,000, it is money that the Democrats owe, and they will not be able to pay it until bonds are sold. It is a Democratic ailment, however. They never have been in power for the last 55 years that they did not issue Government bonds, and not to pay for some permanent improvement but to pay the ordinary running expenses of the Government. [Applause on the Republican side.]

Mr. FARR. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. FARR. The Chairman of the Committee on Ways and Means [Mr. KITCHIN] made the statement that if the Republican Party had been in power, under its policies of protection, there would be at this time a deficit in the Treasury of about two billions of dollars. Will the gentleman state how under Republican policies we would have gotten the revenues even to meet the additional expenses for preparedness?

Mr. FORDNEY. I will. The average ad valorem rate of duty collected during the last calendar year under the Underwood tariff law was 910 per cent on all imports, dutiable and The average ad valorem rate during the entire life of the Payne tariff law was 191 per cent, or about two and onehalf points below the ad valorem rates in the Wilson Demo-cratic tariff law, about which we complain so much.

And yet it has been said by our Democratic friends that the rates in the Payne tariff law were excessively high. During this last calendar year, in answer to the gentleman's question, our imports were \$2,391,716,000. If the Payne rate had been in effect during the calendar year 1916-an average ad valorem of 194 per cent-there would have been placed in the Treasury of the United States as customs dues on those goods \$467,940,000, which is \$250,351,000 more than the amount collected under the Underwood tariff law. [Applause on the Republican side.]
Mr. HELVERING. Will the gentleman yield?

Mr. FORDNEY. Yes, sir.

Mr. HELVERING. I want to ask for information. Is that figured upon the rates that applied under the Payne-Aldrich law upon the articles imported and the rates they bore?

Mr. FORDNEY. It is the average ad valorem rate during the entire life of the Payne tariff law, four years or thereabouts.

Mr. HELVERING. But as a matter of fact the articles bearing a higher rate of duty have not been imported during the

last year. Is not that true?

Mr. FORDNEY. Oh, yes; they were imported; I beg the gentleman's pardon, and in addition let me say that in the calendar year 1916 our imports were \$571,000,000 greater than any previous year in the history of the Republic, notwithstanding the fact that the war is on in Europe and none of those products came from the central powers of Europe.

Mr. WM. ELZA WILLIAMS. Will the gentleman yield?

Mr. FORDNEY. I will.
Mr. WM. ELZA WILLIAMS. What proportion of the \$571,000,000 was dutiable under the Payne-Aldrich bill?

Mr. FORDNEY. About 51 per cent under the Payne law and 69 and a fraction under the Underwood tariff law. The gentleman from North Carolina [Mr. KITCHIN] a few moments ago said in his speech that everything in the Underwood tariff law that is on the free list was on the free list in the Payne tariff law. He is in error. There were at least 500 items in the Payne tariff law on the protected list that were put upon the free list in the Underwood tariff law, and but very few items on the protected list in the Underwood law were on the free list dur-

ing the life of the Payne tariff law.

Now, the gentleman said a few moments ago, in answer to a question presented by my beloved friend, the gentleman from Ohio [Mr. Fess], that increased duties on imports would add to the cost of the article to the consumer. Time has proven that the gentleman is in error. Every time that by a protective tariff law we have established and fostered an industry in this country producing an article that comes in competition with foreign imports, it has proven that keen competition at home lowers the price of that article in our own markets. [Applause on the Republican side.] As an illustration, when the McKinley law put a duty upon tin our Democratic friends in a vague propo sition fitted out hucksters in the States of Ohio, Indiana, and southern Michigan and sent them over the country to buy the farmers' products, butter and eggs, and exchange for them tin products, and when the price of the article made of tin was presented to the housewife, in holy horror she said, "Why, you are asking twice what I paid for the article heretofore. What is the reason?" The reply was, "Why, the McKinley tariff law did it." Democrats did this to deceive the people and succeeded.

Mr. EMERSON. Will the gentleman yield?

Mr. FORDNEY. I will.

That is the way President McKinley was Mr. EMERSON. defeated, I understand?

Mr. FORDNEY. That is the way President McKinley was defeated for Congress just after the enactment of the McKinley tariff law. Now, the fact is, and I know it and you know it, and every honest man will admit it, from the very day that we placed upon our statute books the McKinley tariff law, fostering that industry in the United States, the price of tin has gone down [applause on the Republican side], and under normal conditions, before the war in Europe, the price of tin in this country was not more than half what it was before the enactment of the McKinley tariff law.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. I will be glad to do so.

Mr. FESS. Is it not also a fact that instead of buying tin

from Europe we have become exporters of tin?

Mr. FORDNEY. Yes, sir; and we have now become a great manufacturing country in tin and we have exported tin ever since. There is one proof that the gentleman's statement is in error. Another statement: Before we began the production of steel rails in the United States the railroads of the State of Michigan paid \$110 per ton for steel rails imported from Europe. To-day there is a uniform price—and it has been kept uniform for years-of from \$26 to \$28 a ton, which yields a handsome profit to the steel mills producing it. It does not make any difference what article—the gentleman said the clothing of England was not taxed. The article in common use by the people he intimated was not taxed. We now have abnormal conditions owing to the war. Prior to the war in Europe England had I

four-tenths of 1 cent per pound duty on sugar. To-day the English Government imposes 3 cents a pound on imported sugar going into England. What is this? A war tax, of course it is; but prior to the war in Europe, gentlemen, although the Republican Party, as one of its cardinal principles, was never to put a tax upon any noncompetitive product, Great Britain, Canada, and France have had import duties on coffee of from 8 to 10 cents a pound, green, and 14 cents a pound when roasted, and 10 cents a pound on tea. The Republican Party never imposed a duty on tea or coffee except as a war measure during the Civil War and shortly after. The Tariff Board's report, in answer to the gentleman about clothing, showed that on the grades of woolen goods which they ran down and purchased in England, 16 samples of woolen goods, of medium grade, out of which clothing is made for the common people of this country, they found a duty under the Dingley and Payne tariff laws of 184 per cent ad valorem. The board purchased those samples, 16 in number, and brought them into this country, and found upon paying the duty those goods cost them \$1.18 a pound in the cloth.

But they found that the protective tariff on that article had so fostered the industry in this country that we were not only producing all those goods that we consumed in this country, but actually exporting some, and this grade of cloth was sold for 69 cents a pound instead of \$1.18 a pound, which would have been the price had they been imported and sold at their

imported cost duty paid.

Mr. BUTLER. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. BUTLER. I thank the gentleman very much. I remember the answer which the gentleman made to the question propounded to him by my colleague from Pennsylvania [Mr. FARR]. May I ask the gentleman to pursue that very interesting answer a little further? How could we, if the Republican Party had been in power, have provided the revenue that was necessary to take care of these large expenditures which this

Congress has made?

Mr. FORDNEY. I will answer that in this way: Taking the imports as they have come under the Underwood tariff law during the war in Europe-and the war in Europe has given us a greater protective tariff wall than was ever enacted by the Republican Party-in most articles of competition to-day we need no tariff at all. The prices are so abnormally high that our institutions need no protection while the war in Europe lasts. What you and I must guard against are conditions that will prevail after this war is over. And had we the Payne rates of duties in force and effect since the war in Europe, we would have had in round numbers \$500,000,000 more in customs dues. [Applause.] If we had collected that much money from customs receipts we would have no necessity for this painful, unjust, and discriminating tax upon a few of the people.

Mr. WM. ELZA WILLIAMS. May I ask the gentleman a

question just there?

Mr. FORDNEY. Yes, sir. Mr. WM. ELZA WILLIAMS. How do you arrive at that

Mr. FORDNEY. The difference between the ad valorem rates under the Underwood law and the average ad valorem rates collected under the Payne tariff law. If you take the imports and multiply by the average ad valorem duty collected under the Payne law it will give you those amounts, or thereabouts.

Mr. WM. ELZA WILLIAMS. I understood the gentleman to say that of this \$571,000,000 excess under the Payne-Aldrich bill 51 per cent were on the free list. That would leave about \$285,000,000 of dutiable goods, and at an average rate of something like 38 cents that would be about \$100,000,000 annually. The war has been running two years, and how would you

Mr. FORDNEY. On the imports of last year with the Payne rate of duty we would have collected, as I stated a few moments ago, \$248,794,000 in addition to the amount that was collected, namely, \$217,000,000.

Mr. WM. ELZA WILLIAMS. I understood your statement,

but I could not understand on what you base it

Mr. FORDNEY. Here are \$248,000,000 in 12 months. Your tariff law has been in operation over three years. Three years like the last one would mean a considerable amount of additional revenue.

Mr. WM. ELZA WILLIAMS. Just one more question. But you assume, do you not, that the same goods would have come in in the same proportion and the higher rates would have been

paid on these goods?

Mr. FORDNEY. During the war, my good friend, I do not believe there would be any difference in our imports. Under normal times certainly I would expect that not so many imports would come in had we had the Payne tariff rates upon our

statute books, but the war has brought about abnormal conditions all over the world. For instance, wool, that paid 11 cents a pound under the Payne tariff law, is now on the free list.

Mr. WM. ELZA WILLIAMS. I understand the gentleman that these abnormal conditions have shut out that class of goods that paid the highest tariff, and how can the gentleman reason that we would have gained an excess of \$300,000,000 a

year, or a total of \$500,000,000 since the war commenced?

Mr. FORDNEY. You have a war, my friend. I am talking about how much money you would have collected during the life of this Underwood bill because of the war in Europe, and not what will happen after the war is over. Now is the time we are talking about and not the future. I do say, and I believe, and I am firmly of that belief, that in normal times the protective tariff does exclude from our market many cheaply made goods from Europe.

Mr. MOORE of Pennsylvania. Mr. Chairman-

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Pennsylvania?

Mr. FORDNEY. I do.
Mr. MOORE of Pennsylvania. Did not the Democrats in passing the Underwood law declare long before the war that they intended to cut the customs revenues more than \$100,000,000

Mr. FORDNEY. Oh, yes.
Mr. MOORE of Pennsylvania. And is it not true that the imports have been increasing constantly since the war?

Mr. FORDNEY. Yes. The \$100,000,000 referred to was based on the importations under the Payne tariff law, not the imports under this Democratic tariff law. I say that if under this Underwood tariff law during this time we had collected the Payne tariff rates, we would have collected in round numbers \$500,000,000 more than we have collected, and the figures prove it

Mr. BUTLER. Will the gentleman yield?

Mr. FORDNEY. Yes.
Mr. BUTLER. If the gentleman will permit me, I am not down here for merriment or buffoonery at all; I am here to vote for some sort of a measure that will enable us to make good that which is wrong in the Treasury. Has the gentleman in his mind the figure that this extra preparedness has oc-

Mr. FORDNEY. I have, yes; in a way.

Mr. BUTLER. And if we had been economical and had avoided these other extreme exactions upon the Treasury, could we not have paid under our ordinary revenue and customs for this extra preparation?

Mr. FORDNEY. Yes, sir. Let me call the gentleman's attention to the extraordinary expenditures which are unneces-

sary, in my opinion.

Mr. BUTLER Very well. I wish you would.

Mr. FORDNEY. Our Democratic friends have passed through this House a bill for an armor-plate plant and authorized an appropriation of \$11,000,000.

Mr. BUTLER. And I am creditably informed by men who

ought to know that that proposal would cost nearly \$20,000,000.

Mr. FORDNEY. Oh, there is no doubt of it. Now, my friend, that item is not necessary at this time, for this reason: It was shown on the floor of this House last year, and was clearly presented by my colleague from Michigan [Mr. Kelley], that there are three armor-plate plants in the United States, the capacity of which is 32,000 tons of armor plate per We have consumed for many years past an average of about 10,000 tons of armor plate, so that the armor-plate plants in the hands of private corporations in this country are ample in capacity to supply us three times the amount of armor plate that we have been using.

It has been further shown that the Government of the United States has purchased its armor plate cheaper than any country in the world. Further than that, the owners of those plants say to the Government, "Do not build your Government plant, but come here and make a thorough examination of our costs, and we will accept the price that any commission fixes that you may send here, and furnish the armor plate at that rate per Therefore, I say there is absolutely no necessity for this

\$11,000,000 appropriation.

Again, a nitrate plant at \$20,000,000, to make fertilizer for the southern farmer, and nothing else under God's heaven—it is absolute folly to talk about anything else; that is what it will do, and nothing else. That is \$20,000,000 more that is will do, and nothing else. absolutely unnecessary.

Further, our Democratic friends have passed a ship-purchase bill under which they propose to spend \$50,000,000 to establish a merchant marine on the high seas.

Briefly let me tell you how absolutely foolish, silly, and nonsensical such a proposition is at this time. I can prove it to you, in my opinion-to my own satisfaction, at least. I know of two steamships, both English built. One was brought in under the American flag bearing my name, the Joseph W. Fordney. It cost \$238,000 about 12 years ago. Some 60 days ago that ship was sold for \$1,000,000 cash. I am sorry I had no interest in it. [Laughter.] The other, the Robert Dollar, another English-built ship, cost a like sum of approximately \$238,000, and it was sold in March, 1916—10 years old, mind you—for \$1,300,000 cash to an English firm.

Mr. Cramp, of the great shipbuilding concern of Philadelphia, several years ago before the Committee on the Merchant Marine and Fisheries, when I was a member of that committee, made this statement, that in the construction of a ship in this country nine-tenths of her total cost was labor and 10 per cent raw material. In fact, gentleman, at least 90 per cent of the total

cost of any manufactured article in America is labor.

Now, how about our labor in this country and abroad? Last fall I obtained from American consuls statements of the wages of skilled labor in England, France, and Japan, and as to the United States I got the information directly from the shipyards here, and this is what I found: Day wages of skilled labor in England last year, mind you, was \$9 a week, and when working by piecework, \$11.13. In the shipyards of Japan, owing to the activities of the shipyards there, wages had recently been advanced 10 per cent, and in December, 1916, Japanese skilled labor in their shipyards received 70 sen per day, or 34.9 cents in gold. In the United States our skilled labor received \$18 a week, or \$22.50 per week when working at piecework-double the wages in England, and ten times as great as in Japan.

Now, when 90 per cent of the cost of the construction of a ship is labor, and our labor cost is double that of any labor in any country in the world, how can we build ships and compete

with the people across the sea?

In addition to that, gentlemen, under our marine laws the officers of our ships under the American flag, both in the coastwise and the foreign trade, must be citizens of the United We can go into any other country in the world and employ the balance of our labor, as every other country in the world permits the owners of their ships to do, except that when England pays an admiralty subsidy their officers must then be citizens of England. But our American citizens as officers on board those ships will not work with the foreigners unless the foreigners get the American scale of wages. I have in mind three ships, gentlemen, the Robert Dollar, the Masama Maru, and another whose name I have forgotten, all owned by the Dollar Steamship Co. The horsepower of the ship measures the expense to a greater extent than the actual gross tonnage, and in these three ships the horsepower was almost identically the same, all about 410 horsepower, and the annual labor cost of the ship under the English flag as compared with the ship under the American flag was \$23,800 a year for the English ship less than the ship under the American flag, and the annual labor cost of the Japanese ship under the Japanese flag \$29,700 less than the ship under the American flag.

Now, taking into consideration the difference between our cost of construction and our labor cost and operating cost, and the fact that nearly every country in this world pays a subsidy to its ships except the United States, it is absolute folly to think that an American citizen can engage in foreign shipping and compete with any country in the world. [Applause on the Republican side.] Therefore, gentlemen, the \$50,000,000 that you propose to spend in this ship-purchase bill is absolutely thrown

away.

In addition to that there is another unnecessary expenditure

Mr. FESS. Mr. Chairman, will the gentleman yield right there?

Mr. FORDNEY. Yes.

What is the practical effect? Where can we buy Mr. FESS. any ships and where can we build any ships just now?

Mr. FORDNEY. I have demonstrated to you that if you go into the markets of the world and buy ships you will pay four or five times the price that they would sell for in normal times. I have shown that by demonstrating to you that one ship was sold for a million dollars which cost \$238,000, and another ship, which cost about the same amount, \$238,000, was sold for \$1,300,000, and she was 10 years old.

Now, under those circumstances do you believe it is practicable—do you believe that sane, sensible men will go into the markets of the world and attempt to buy ships now to establish a merchant marine to compete with the Japanese and other

foreigners?

Mr. FESS. That is out of the question. Where can we build them?

Mr. FORDNEY. We can build them at home at an additional cost over normal times and at an additional cost even in normal times.

Mr. FESS. Are not all the American shippards crowded now?

Mr. FORDNEY. I believe they are. Now, further than that, gentlemen, here is \$162,000,000 spent on the Mexican border to catch Villa; and did they catch him? No. I believe there were plenty of regular troops to patrol the border, without sending our State Militia down there and spending this \$162,000,000. [Applause.] But with your slogan that you kept us out of war, with this \$162,000,000, and the money raised by the Democratic Party, you elected a President.

Mr. DENISON. Will the gentleman yield for a further question?

Mr. FORDNEY. Yes. Mr. DENISON. This question is suggested by the one propounded by my colleague from Illinois [Mr. Wm. Elza Wil-LIAMS]. The gentleman from Michigan has stated the additional revenues that would have been collected under the Payne-Aldrich rates.

Mr. FORDNEY. Yes. Mr. DENISON. I want to ask the gentleman, in arriving at those figures that he gave a while ago, did he consider the actual imports that have come into the country during the last two years and the actual rates under the Payne-Aldrich bill?

Mr. FORDNEY. I took the actual imports under the Underwood tariff law and the amount collected under the Underwood tariff law, and then, applying the average rates under the Payne-Aldrich tariff, 19½ per cent, showed the difference that would be collected between the two laws. There is no question about

the correctness of that.

Now, let me tell you another thing. The gentleman said, How would we raise this money to meet this extraordinary situation?" I will tell you how we would raise it if you left it to us. We would adopt a reasonable, correct, equitable, protective tariff, the best that men's judgment could frame, and then, for this extraordinary expenditure in our Navy, we would undoubtedly issue bonds for that. [Applause on the Republican side.] That is what we would have done; and when we built the Panama Canal it was intended it should be built out of the proceeds of the sale of bonds, because our children and grandchildren and great-grandchildren will enjoy the Panama Canal, and it is only reasonable that bonds should be issued for the construction of that canal. If those things I have mentioned were paid out of the proceeds of bonds, a protective-tariff law would yield you more money than is necessary for all those other extravagances that you have put upon the people. Now, let me tell you something, gentlemen. I am not revealing any secrets. If it is within the power of the Republican Party, and I believe it is, within the next three or four weeks, by the best judgment of men on our side of the House, we will present to this House a protective-tariff measure for your consideration. [Applause on the Republican side.] We can not prepare it as scientifically as we could if we had extended hearings and got the exact existing conditions on many articles on which the rate of duty ought to be changed, but we can get somewhere near the correct rate of duty on imports, and if it is in our power to prepare it and present it in time we can show you that it would raise a sum in addition to what you are raising sufficient to meet all these normal expenses of the Government. I am ready to work overtime to help prepare that bill, and I know there are many gentlemen on that side of the House who would rather vote for a bill of that kind to-day or to-morrow than for the bill now before the House.

Let me say another thing. Just before the election in November last, on the second Thursday before election, the President of the United States was quoted as saying in a speech at Cincinnati that the great increase in our foreign commerce was due to the war to the extent of not to exceed 1 per cent. That

is what he is quoted as saying.

Mr. LONGWORTH. If the gentleman will permit, it was

4 per cent.
Mr. FORDNEY. In the paper from which I took the report he said 1 per cent.

Mr. LONGWORTH. Well, that is only a little worse.

Mr. FORDNEY. Here are the exports, a few of them, which went to the battle fields of Europe in large quantities. This list includes food, clothing, equipment, ammunition, and so forth. The increases in exportation of the same was due to the war.

Aluminum, we sold the last year of peace, 1913, \$966,000 worth. During the calendar year 1916 we exported \$14,100,000 worth, I

Was that not for the battle fields? Where are they using aluminum in Europe if it is not in the manufacture of articles for war? Aeroplanes, we exported in the last year of peace, \$86,000,

and last year \$4,000,000.

Automobiles, \$27,000,000 the last year of peace, and last year \$121,600,000.

Brass and manufactures thereof, going into ammunition, \$7,900,000 the last year of peace and \$315,000,000 this last year. That went to the battle fields, did it not?

Breadstuffs, the average exports from this country for a number of years prior to the war were \$203,000,000 per annum, but last year they were \$463,000,000. The war had something to do with those exports, had it not?

Cars for railways, chiefly to Russia, \$5,400,000 in the last year

peace, and in 1916, \$23,000,000.

Chemicals, largely used in making explosives, \$26,700,000 in the last year of peace and \$165,000,000 now.

Copper, \$143,000,000 before the war and \$226,000,000 now.

Explosives-which are not articles of household use in Eu--\$5,500,000 during the last year before the war, and in 1916, \$721,000,000, or nearly 14 per cent of all our exports, when our good President said that all of the things that went to the battle fields of Europe amounted to but 1 per cent. Nearly 14 per cent of all our exports were explosives last year. better or he did not know. He got his figures from the Secretary of Commerce, a Democrat, I suppose.

Mr. LONGWORTH. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. LONGWORTH. I merely wanted to ask him to explain what proportion of our total exports were made up of that list of articles?

Mr. FORDNEY. When I conclude the items I am going to

state that.

Horses and mules, \$5,000,000 in the last year of peace and

\$89,000,000 last year.

Sugar, \$1,800,000 before the war and \$96,000,000 now. Before the war England purchased her sugar from Germany; she buys it here now.

Meat and dairy products, \$160,000,000 before the war and \$307,000,000 now. Do you not think the war had something to do

Leather, \$59,000,000 before the war and \$157,000,000 now. Mr. WM. ELZA WILLIAMS. The gentleman has stated in

substance what President Wilson is reported to have said. Can the gentleman state his exact words and quote the words that the President used in the speech referred to?

Mr. FORDNEY. Not without the paper; but that is the substance of it—that but 1 per cent of our great foreign com-

merce was due to the war in Europe.

Mr. WM. ELZA WILLIAMS. I question the accuracy of the gentleman's information. I do not remember it that way, by any means.

Mr. GOODWIN of Arkansas. Will the gentleman yield?

Mr. FORDNEY. Yes. Mr. GOODWIN of Arkansas. The gentleman said he read the speech in a paper which quoted the President as saying per cent Mr. FORDNEY. One per cent—that was in the Detroit Free

Mr. GOODWIN of Arkansas. And the gentleman from Ohlo [Mr. Longworth] said he saw where it was stated at 4 per cent. Yes

Mr. FORDNEY. Mr. GOODWIN of Arkansas. Now, the gentleman says that

the correct figures are 14 per cent.

Mr. FORDNEY. Oh, no; I beg the gentleman's pardon I said the explosives alone were 14 per cent. The gentleman can not throw me off the track that way.

Now, of cotton manufactures before the war the exports were

\$55,000,000; now they are \$127,000,000.

Woolen manufactures, the normal year and the average for many years before the war were \$4,500,000; now, \$39,100,000. By the way, in the calendar year 1915 our exports of woolen goods were \$54,000,000, or \$15,000,000 more than last year.

Zinc and its manufactures before the war, \$1,100,000; now,

\$59,500,000.

Now, listen: Iron and steel, much of which went abroad as shrapnel, cannon, and guns, and all other kinds of munitions, steel explosives, amounted to \$893,849,000 last year, and the last year of peace, \$221,000,000. And yet the President talks about 1 per cent of the total!

Of these articles, 17 in number that I have mentioned, the last year before the war we exported \$1,002,000,000 worth; for the calendar year of 1916 we exported \$3,779,000,000 worth, an excess over the last year of peace of \$2,776,958.000, or over 66

per cent of all of our imports. [Applause on the Republican nide. | And yet in all other exports there has been a falling off. How near was the President right?

Now, gentlemen, I have taken up altogether too much time.

Mr. FESS. Will the gentleman yield?

Mr. FORDNEY. Yes

Mr. FESS. I have just sent for the Cincinnati Enquirer reporting the President's speech in the latter part of October. I am sure he said 1 per cent, for I took issue with him the next day. I want to state that the word, as I recall it, was "munitious." and as it excluded all other war exports except the munitions he probably was correct, for munitions would be firearms, guns, powder, explosives, not including dynamite.

Mr. FORDNEY. Why, the explosives alone exported were \$720,000,000 out of a total of \$3,700,000,000-more than 13 per cent in explosives alone. That does not include all articles of

Mr. LONGWORTH. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. LONGWORTH. I want to say that I read the statement in the Cincinnati Enquirer, and it said 1 per cent. That seemed so impossible that I asked a number of gentlemen who heard the speech, and they told me that the President said 4 per cent of all the exports, munitions, and so forth.

Mr. FESS. What I wanted to make plain was that the statement was entirely misleading to the American public, because we have not been talking about munitions, but war orders; and he excludes nine of the classes when he confines it to munitions. I think, with all due respect, that it was misleading to

Mr. FORDNEY. At all events, the people at the polls 10 or 12 days later took him at his word as being correct and elected him President of the United States. He is our President now; he is my President. I may agree with him sometimes, but I certainly disagree with him on the manner of raising the revenue for the running expenses of this Government that is

wholly impracticable from a democratic standpoint.

Your Underwood tariff law has been an absolute failure as a revenue producer, and you have twice had to resort to direct, oppressive, and discriminating taxes. You can raise any amount of revenue. The wealth of this country is very great. We could pay heavy taxes and still have plenty to buy bread and butter. Since 1860 under a protective tariff law the wealth of the United States has gone up from \$16,000,000,000, as shown by the census of 1860, to \$190,000,000,000, or \$174,000,000,000 increase under the influence of protective-tariff laws [applause on the Republican side], and we had a most disastrous civil Great Britain and Germany comwar during that time. bined have only \$162,000,000,000 of wealth, or had prior to the war, and they had several centuries the start of us. Therefore I say this great accumulation of wealth in the United States is very largely due to the policy of the Republican Party in the last half century. [Applause on the Republican side.]

Mr. GOODWIN of Arkansas. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. GOODWIN of Arkansas. I believe that the same statistics show the wealth of this country increased during the first

three years of the Wilson administration \$43,000,000.

Mr. FORDNEY. The gentleman does not mean to convey the idea to the American people that the increase in our exports since the war has been declared is due to the legislation on the part of the Democratic Party? If so, say so now.

Mr. GOODWIN of Arkansas. The increase has been under a

Democratic administration.

Mr. FORDNEY. I have shown you that more than two-thirds of all the exports have gone to the battle fields of Europe, and that in all the other exports there has been a falling off. Is the Democratic Party responsible for the war in Europe? If they are, they are entitled to the credit of these extraordinary [Applause on the Republican side.] exports.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. MOORE of Pennsylvania. Is not the gentleman from Michigan taking the gentleman from Arkansas too seriously, or does he think that the gentleman agreed with the President when he changed front on the tariff and came out for a tariff commission?

Mr. BUTLER. Will the gentleman yield?
Mr. FORDNEY. Yes.
Mr. BUTLER. I want to learn a little more. There is one thing to be said about the gentleman from Michigan, and that is he is serious, and it is necessary to have seriousness in this discussion. Did the gentleman from Michigan make any comparison of the income that we would have received in the year

1915 if we had continued the Republican legislation? The gentleman made the statement for 1916; how about 1915?

Mr. FORDNEY. I only compared the increased revenue to

the Government from a protective-tariff law.

By the way, our Democratic friends have repealed many of the stamp taxes, direct internal-revenue taxes, that we had upon our statute books when they came into power, and we would have received much more in that direction than the amount I have mentioned from an import duty. There is a deficit now of \$37,000,000 in the Treasury, and no man can deny it, though under their bookkeeping it is not shown; but if any national bank in the country adopted similar systems of bookkeeping the bank examiners, under the direction of the Secretary of the Treasury, would have every mother's son in the bank in jail in 24 hours for fraudulent bookkeeping. In addition to the \$37,000,000 now shown as a deficit, when we come to add up the assets we find one of \$12,535,000, money in the Treasury received from the Government of Greece for the sale of two battleships. That is in the Treasury as a part of miscellaneous receipts, although the act that authorized the sale of those ships provided that that money must be expended in the construction of a great dreadnaught, which has not yet been built, and the money is gone.

Mr. FESS. Mr. Chairman, what is the attitude of all the

European powers now toward the protective tariff?

Mr. FORDNEY. Prior to 1879 Germany adopted practically the English tariff law. When Bismarck appeared before the men in power he said, "I notice across the sea the people of the United States that have adopted a protective tariff law to protect themselves against the imports of cheap labor are prosperous, and that we are going back," and he recommended an increase of tariff rates on German goods, and immediately it was put into effect, and Germany prospered from that time on down as no other country in the world, except the United States, ever prospered; and the poor people of England have not increased in wealth. They are poor yet.

Mr. FESS. What is the attitude of the 5,000,000 members of

the English Federation of Labor, as announced in September

Mr. FORDNEY. I do not remember seeing that.

Mr. FESS. They recommended a protective tariff for Great

Mr. FORDNEY. My friends, let me say briefly that I am a Republican, without any apology, because I believe in Republican principles, and when you produce an article in this country that represents a dollar in labor costs, and your competitor across the sea can produce the same article with a labor cost of 50 cents, it is evident to every fair-thinking man that your competitor will put you out of business unless you are given protection sufficiently high to bring up his cost to your cost. If not, he will come into our markets and capture them, and I want to remind you that of the \$30,000,000,000 worth of stuff that we produced in the factory and on the farm last year, notwithstanding our great experts sent abroad, more than 90 per cent was consumed in the United States. The United States is the best market for American-made goods that there is in the world. Why give it to the foreigner and send your labering men to the street corners where, as in 1894, 1895, and 1896, they sit on boxes around the grecery stores and whittle sticks to pass time away. In those years a laboring man would go home and have his wife prepare a Cleveland badge for him. I heard a man once ask a lady what a Celevand badge was, and she said, "Oh, my, how ignorant you are. A Cleveland badge is a patch about 8 by 10 upon the seat of your pants." [Laughter.]
Mr. RAINEY. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. RAINEY. Does the gentleman mean that if we had continued in force the Payne-Aldrich Tariff Act it would have

met the present emergency?

Mr. FORDNEY. It would have met the present emergency except for the extraordinary expenditure in building up the proposed greatest Navy in the world and the increase in the Army. Going along as we were at that time, spending \$145,-000,000 a year upon our Navy and about \$100,000,000 a year upon our Army, the protective law would have yielded to us a sufficient amount of revenue without the raising of taxes by this direct income tax, as you are raising them.

Mr. WM, ELZA WILLIAMS. If that would have met the ordinary expenses, how would the gentleman have provided for

the extraordinary expenses?

Mr. FORDNEY. I have stated that before, though perhaps the gentleman was not present. I believe that the Panama Canal should have been constructed by the proceeds of the sale of Government bonds, to be placed upon our children, much of it, and our grandchildren in coming generations. If it be necessary-and I voted for it-to increase our great Navy, then I would vote to issue Government bonds to build that extraordinary Navy; but the method of raising revenue by the protective tariff would have taken care of the other necessary expenses of the Government, if we left off those foolish propositions which you have enacted into law, wholly unnecessary at this time.

Mr. FARR. That would have included the additional cost for preparedness?

Mr. FORDNEY. Oh, yes.

Mr. FARR. We would have raised enough to do that?

Mr. FORDNEY. Oh, yes. I have stated that going along as we were, spending \$100,000,000 a year upon our Army and about \$145,000,000 upon the Navy, we would have had plenty of revenue without resorting to any special taxes. [Applause.]

Mr. QUIN. Mr. Chairman, the gentleman classes as amongst the list of foolish items the \$162,000,000 for the Mexican border

expenses?

Mr. FORDNEY. I think that was an absolutely useless expenditure, because our Regular Army could have preserved peace, and you could have gotten just as near to capturing Villa as you have with the State Militia. [Laughter.]

Mr. QUIN. I wanted to ask how you would have prevented

that expenditure?

Mr. FORDNEY. I have said, and will repeat, that we had sufficient national troops to do it without all of this expenditure of \$162,000,000 in sending the boys from the various States of the Union down there to the border.

Mr. BUTLER. Will the gentleman yield?
Mr. FORDNEY. I do.
Mr. BUTLER. The gentleman understands, of course, that
Pershing is to withdraw from Mexico, and his troops are to be placed on the border, and that the State troops on the border are to be sent home. Why could not they furnish the protection necessary with the Regular Army?

Mr. FORDNEY. I want to say further, when Pershing was directed to go into Mexico he went 126 miles down into Mexico and reported that Villa was but 40 miles away, and the War Department said, "You stop right where you are." [Laughter.]

Mr. EMERSON. I would like to ask the gentleman a ques-The State troops were ordered to participate about the time of the Democratic national convention, and was it not at that time considered a matter of political expediency?

Mr. FORDNEY. I said at that time it was to elect a Democratic President, and it turned the trick. [Applause on the

Republican side.]

Was not that a good investment?

Mr. MILLER of Pennsylvania. Will the gentleman yield for

Mr. FORDNEY. Yes; one more question.
Mr. MILLER of Pennsylvania. Will the gentleman state the amount of new taxes that have been ordered since the first session of the Sixty-second Congress?

Mr. FORDNEY. I could give somewhere near it. Mr. MILLER of Pennsylvania. Well, approximately.

Mr. FORDNEY. Under the 1 per cent income tax for corporations and individuals, about \$70,000,000 was collected from those Now, then, it is estimated they will collect this two sources. year \$133,000,000 from the corporation tax and, I think, something like \$70,000,000 to \$80,000,000 from individual income taxes. This law now proposes to raise \$22,000,000 from inheritance taxes, and \$56,000,000 from copartnership, and \$170, 000,000 additional from corporations, insurance companies, joint-stock companies, and the like, or a total of \$248,000,000, a sum exactly equal to the amount that the Payne law would have raised on imports last year over and above that raised under the Underwood law. [Applause on the Republican side.]
Mr. MILLER of Pennsylvania. I thank the gentleman.

Mr. FORDNEY. Mr. Chairman, I thank the gentlemen of

the committee.

Mr. FORDNEY. Mr. Chairman, how much time have I used? The CHAIRMAN. The gentleman has used 1 hour and 15 minutes.

Mr. FORDNEY. I now yield 40 minutes to the gentleman

from Ohio [Mr. LONGWORTH]. [Applause.]
Mr. LONGWORTH. Mr. Chairman, I listened with great interest and with great pleasure, as I always do, when he speaks, to the grave, calm, and dispassionate explanation of this bill by the gentleman from North Carolina [Mr. Kitchin], but with all his eloquence and logic he has failed to satisfy me that it has any merit whatever. I am opposed to this bill. [Applause on the Republican side.] I am opposed to everything in it and everything about it, and I condemn the conditions that have

caused its introduction into this House. In thus announcing my opposition I do not think I will be accused of basing it on grounds of partisanship only. Gentlemen will remember that I supported a Democratic revenue bill not long ago, whether wisely or not I will not debate now. I voted for the bill offered by the gentleman from North Carolina last June, and I did it, as I then announced, for two reasons. In the first place, because I believed that the revenue it was designed to raise was necessary to pay for the preparedness program we had adopted; and, secondly, because I believed that its method of raising revenue, even though it did not include the obviously correct way of raising revenue-a duty on competing products of import-it was based in the main upon what I conceive to be Republican principles. I am not, then, making my attack upon this bill solely because it comes from a Democratic source. From whatever source this bill had come, under whatever circumstances it might have been introduced into this House, I would characterize it as the most obnoxious taxation measure I have seen since I was first elected a Member of Congress. [Applause on the Republican side.] In the first place, it starts with a deceptive and misleading title. It is called "A bill to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes." If it were not for the saving use of those words "other purposes" the title would be an unredeemed fraud upon its face. It is an adroitly constructed bill. It is made to appear that a portion of the revenue designed to be raised is to be segregated in what is called a "preparedness" fund; but you will observe that even this relatively insignificant portion of the amount carried is marred by the proviso at the end of the section which allows the Secretary of the Treasury to use this fund for "other purposes." It is not for preparedness that this bill is intended to provide. Even if the Secretary had no leeway with regard to the expenditure of this fund, and it was to be kept intact, it is a sham. It is because of the "other purposes" that the huge amounts of money that this bill carries are demanded. Allow me, my friends of the Democratic Party, to congratulate you upon one thing. If you have made a lamentable failure of raising the money necessary to support this Government you have made a monumental success in spending it. [Applause on the Republican side.] You have done something, it is true, toward preparedness; to that extent I congratulate you; but your main efforts have been successfully concentrated in the direction of "other purposes."

I shall not attempt to enumerate those other purposes. gentleman who preceded me mentioned a number of them. shall I attempt to count their cost. The gentleman from Michigan [Mr. FORDNEY] has stated, and other gentlemen will state, the figures in extenso. I will only suggest that they include ships to be brought under your new policy of Government ownership, nitrate and ammunition plants, obsolete before they are built, both of them, and utterly useless to this Government in time of war; the creation of thousands-and this the gentleman from Michigan forgot to mention-the creation of thousands of additional and useless offices since this administration came into power for the benefit of deserving Democrats; the huge expenses incident to your pitiful Mexican flasco we have just heard discussed; "pork" in vast quantities distributed in certain favored sections of this country; and many other forms of wanton and wasteful extravagance, the cost of which has

mounted into hundreds upon hundreds of millions.

As a matter of fact, this bill represents the final confession of the Democratic Party of its pathetic incompetence to successfully manage the business of this Nation. Had it come a few months ago, my friends, it would have been your deathbed confession. [Applause.] But with an adroitness worthy of a better cause you succeeded in deceiving the people before election as to the real condition of this country's finances. adopted the policy of postponement, and, I regret to say, it worked; but it will not work this time. [Applause.] You were wise enough to know that you had to put off paying the piper until after election, and you did it by the simple process, learned no doubt from a close study of the life and methods of the late Mr. Micawber, of failing to pay your debts. You pretend that the monumental settlement you are now forced to make is due to the program of preparedness which the enlightened sentiment of the American people forced upon you. I say that it is not preparedness for the national defense, but extravaganceextravagance, wild and reckless; extravagance run riot since the members of the Democratic Party laid violent hands upon the Treasury of the United States—that has brought about the desperate financial straits in which the Nation now finds itself.

In one policy, at least, you have been consistent from the beginning-to get what you could when the going was good. Any one of you who remembers his Mark Twain, and he could hardly do that without recalling his imperishable

Punch, brothers, punch with care, Punch in the presence of the passenjare,

will trace the source and inspiration of a verse I may be permitted to recite as my conception of a suitably inspiring war cry for the Democratic Party, to be used when in serried phalanx it makes its repeated raids upon the Treasury:

Dig, brothers, dig with glee,
Dig to the bottom of the Treasuree.
Shovel out the shekels for the Kissimmee,
Millions for nitrates on the Tennessee;
The South is in the saddle, you bet, by gee!
Dig to the bottom of the Treasuree.

[Applause.]

I think I am tempted to recite another verse:

Dig, brothers, dig with glee.
Why leave a nickel in the Treasuree?
Leave the accounting to William G.;
He can fake up a balance to a T.
The voters are plunged in lethargee;
Dig to the bottom of the Treasuree.

[Applause.]

If success is to be measured by the abundance of treasure you have abstracted, truly you are to be congratulated. not only dug to the bottom of the Treasury; you have dented the floor. The gentleman from Massachusetts [Mr. Gillett], the other day, and the gentleman from Michigan [Mr. FORDNEY], a few moments ago, conclusively proved that the alleged Treasury balance you see reported in the newspapers every morning is not a balance at all. It is not an asset; it is a liability; for the Treasury of the United States to-day, so far as having a cash balance available to pay our just debts is concerned, instead of being some \$90,000,000 to the good, is \$300,000,000 worse off than nothing.

Mr. MADDEN. Does not the gentleman know that the Democrats are always noted for being able to deal with a

Mr. LONGWORTH. Oh, yes. Of course, additional revenue is necessary. Millions upon millions must be raised by hook or crook. If you had made a frank statement of the situation, if you had brought in a bill which appeared on its face to be constructed in good faith, if you had proposed a revenue measure which provided higher duties upon competitive articles of import, I would have cheerfully supported it. I will never support such a revenue-raising measure as this. You propose in a time of profound peace to issue more than \$600,000,000 worth of bonds, designed for purposes all of which ought to be paid, most of which have always been paid, certainly when the Republican Party was in control, out of the current revenues. Worse than that, you propose as a means of raising a revenue of some \$225,000,000 a tax unique in the history of this country, a tax never before heard of either in time of peace or in time of war. You propose a tax upon business, a tax upon the business of the country, big and little, and particularly little; a tax based not upon magnitude of operation but upon economy of operation; a tax to be imposed simply and solely upon efficiency of production. You propose a tax which will be borne, in the main, not by men of large capital but by men of small capital. You propose to tax American citizens who by intelligent, progressive, and economical management of their resources have done a prosperous business and to let those of larger capital, but whose methods have been wasteful, extravagant, and unprogressive, go free

The result of this new policy, conceived apparently in praise of shiftlessness, wastefulness, and extravagance, will be to punish thrift, economy, and progress. And for such a policy I, for one, will never stand. [Applause.] Is it because of the pride you take in your management of the business of the country that you thus exempt from all taxation those who have managed their own business in similar fashion and put a penalty upon those who have managed their business otherwise? Possibly it may be fortunate that this tax is not extended to the salaries of Members of Congress. I certainly would not even hint it, but some evil-minded person might suggest that \$7,500 a year, based upon invested capital, which in this case I would assume to be the capital of brains and ability, invested in the service of the country, in the case of some gentlemen who support this bill would represent a return in excess of 8 per cent. [Laughter.]

You propose a tax of 8 per cent upon that portion of the income of substantially all partnerships and corporations, after deducting \$5,000, which is in excess of 8 per cent on the capital actually invested; and such capital is defined to be, first, actual cash paid in; second, the actual cash value at the time of payment of assets other than cash paid in; and, third, paid in or earned surplus and undivided profits used or employed in the business.

The suggestion of the gentleman from North Carolina [Mr. KITCHIN], that this tax is in any way comparable with or in any way similar to the excess profit taxes now imposed in Great Britain and Germany and Canada, is beside the mark. In the first place, those are war taxes, and I decline to vote for a war tax in this country in time of peace. In the second place, they are not calculated in the way that this is; they are not calculated upon capital actually invested. Why, such a proposition as this is utterly unenforceable. We are spending to-day millions of dollars in trying to find out the physical value of railroads, and do you expect that any railroad could make a return under this bill which would show its actual invested capital?

It is a fine time, gentlemen, in the world's history, to adopt a policy of penalizing efficiency, of penalizing here in America that for which every other nation in the world is striving as they never strove before. At a time when the average industrial efficiency of every country in Europe has increased, according to Government reports, anywhere from 50 to 200 per cent, you propose, instead of encouraging American enterprise, that it may be competent after the war is over to meet the tremendous competition that is inevitable, to make it pay a tax upon that which is essential for the industrial independence of the United States. [Applause on the Republican side.]

I say to you that such a policy is unrepublican; it is to the last degree un-American. It strikes at the very root of that policy which has made this Nation great and which has prevailed in America throughout most of the last centurypolicy of exalting the interests of American citizens above the

interests of citizens of any other country.

In one sense it is perhaps not unfortunate that this bill is here, because it emphasizes as no other measure possibly could the bedrock difference between the Republican and the Democratic Parties. For the very reason that it is entirely un-American, it is in the partisan sense essentially Democratic; for the very reason that it is un-American, it is in the same

sense un-Republican.

Gentlemen on that side of the aisle are fond of saying that we on this side are not united. If there be any truth in that, if it does apply to some matters of relative insignificance, it does not apply on fundamental issues like this. [Applause on the Republican side.] Upon an issue of Americanism there is no division in our ranks. [Applause on the Republican side.] vote solidly for the proposition that America shall be first. vote solidly for the proposition that America shall be efficient. We vote solidly for the proposition that it is the first and highest duty of Government to protect, at all hazards and under all circumstances, all American citizens, whether in their property and lives abroad or in their industry here at home. plause on the Republican side.]

Mr. FESS. Will my colleague yield at that point? Mr. LONGWORTH. With pleasure.

Mr. FESS. We all have appreciated your emphasis on penalizing efficiency and penalizing industrial preparedness. Is it not true that the entire argument of the chairman of the committee who presented the bill was also to penalize those who believe in the protection of the Government in national defense, stating that the clamor had been that we should defend and that therefore we are going to make them pay for it? is the idea of the punishment of the men who believe in defending the Nation?

Mr. LONGWORTH. Well, I confess it was somewhat difficult to follow definitely the exact thread of the argument of

the gentleman from North Carolina this morning.

Mr. FESS. I would like to ask this question: If that is the idea, the men who would fall under this law who have been opposed to the national defense program ought to be exempted from tax, according to that argument of the gentleman?

Mr. LONGWORTH. I regarded the gentleman's statement on

that proposition as something like this: That activity for preparedness for the national defense was a misdemeanor, and it therefore should be punished. [Laughter on the Republican side.]

Mr. FESS. That is it.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Certainly.
Mr. MOORE of Pennsylvania. The gentleman may not have recalled the thread of the remarks of the gentleman from North Carolina, but undoubtedly he recalls the peroration of the gentleman from North Carolina. If he does not, I shall refresh

Mr. LONGWORTH. I shall be glad.
Mr. MOORE of Pennsylvania. The gentleman from North Carolina, in his peroration, sounded a bugle call to rally round the standard that he had just unfurled to resist a possible Republican attempt to restore the protective-tariff system in this

country

Mr. LONGWORTH. Yes; and he also added, I believe, that while in ninety-nine cases the President had been right, in his belated advocacy of preparedness he was wrong. [Laughter on the Republican side.] The Democratic Party is arrayed solidly on the precise converse of the proposition I have laid down. From the day you took hold of the affairs of this country you have neglected no opportunity to show your contempt for the policy that American interests shall be held to be paramount to all others. At the outset you declared that it was no part of the duty of this Government to protect American property in Mexico; and when American citizens lawfully in Mexico besought protection, not only for their property but even for their lives and for the honor of their women, they were told to come home or take the consequences. At this point I will ask to insert a letter that I received from a constituent asking protection for an American, his wife, and nine children in Mexico. I ask unanimous consent to print the whole letter in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to print in the RECORD the letter he refers to. Is there

objection?

There was no objection. The letter is as follows:

2703 PARK AVENUE, WALNUT HILLS, Cincinnati, Ohio.

2703 PARK AVENUE, WALNUT HILLS, Cincinnati, Ohio.

My Dear Mr. Longworth: Will you kindly exert your influence in getting the Washington department to allow assistance to be given to an American citizen, with his wife and nine little children in Mexico City. This gentleman is a particular friend of my son, Dr. Richard Taft Taylor, whom you may remember.

My last letter from him was written February 28. Coming first to Washington, it reached me April 24. In it he states that they have only provisions enough to last four days, and then will be destitute again and left to their fate. He said he had repeatedly unavailingly asked further assistance of the Brazilian Legation. Just before Christmas I applied to Secretary Bryan to out of his abundance assist him as he knew what an estimable man Mr. Frisbie is, as he visited him a number of years ago at his former home in Jalapa, and he also knows that the Mexicans have taken from him and his family their valuable sugar mills, also \$350,000 worth of sugar, their large plantation, and destroyed \$50,000 worth of property, and the Government demanded as a loan about all the money he had in bank, \$20,000. This loss is recorded at Washington and amounts to \$1,500,000. Mr. Bryan also knows, for I wrote then to him, that they had to sell everything possible of their furniture, clothing, etc., for food, and were at that time in destitute condition, and, as Mr. Frisbie described them, "with hollow cheeks, emaciated forms, tight-drawn skin over their bones, and eyes red from insufficient food and clothing." Mr. Bryan communicated with Consul Silliman and, finding this to be true, ordered provisions enough given them by the Brazilian Legation to last one month. Mr. Frisbie wrote me that with this assistance, and what was sent by my son, Dr. Taylor, and me, they were actually saved from starvation. Consul Silliman also wrote to me they were in great need of assistance. The World's Work of February, 1909, contains a picture of Gen. John Frisbie and says that no American cause there

cans in distress.

Trusting you will do what you can for them. If you wish to know more who he is, Admiral Dewey will tell you, as he was a particular friend of his father. Also Hon, Fenton R. McCreery, of Michigan, a friend of his, urges me to ask your aid.

Yours, most respectfully,

Mrs. FMMA TAFT TAXLOR

Mrs. EMMA TAFT TAYLOR.

Mr. LONGWORTH. I will now read to you a letter that I received from a distinguished former official in this administration in reply to one I wrote him asking if something could not be done to help to protect the property and lives of this man and his wife and children. The letter well illustrates the policy

of this administration in regard to the sanctity of the life and property of American citizens abroad. This letter says:

DEPARTMENT OF STATE, Washington, May 22, 1915.

Hon. Nicholas Longworth,

House of Representatives.

Sin: I have the honor to acknowledge the receipt of a copy of the letter addressed to you by Mrs. Emma Taft Taylor, of Cincinnati, Ohio, dated May 3, 1915, relative to the maintenance of Mr. L. Platon Frisbie, his wife, and nine children at Mexico City, Mexico. In reply I regret to inform you that the funds at the disposal of the department are not sufficient to enable it to provide for the main-

tenance of Americans in Mexico City. Those who are without funds should avail themselves of the first opportunity to leave. The department will cooperate with the Mexican authorities to secure means of transportation for all Americans who wish to come to the United States. Free transportation will be furnished those who are absolutely destitute, but those who have property but are temporarily without funds will be required to furnish notes for whatever amounts may be advanced to them to bring them out of the country. Telegraphic instructions in the sense of the above were sent to the Brazilian minister at Mexico City on May 15, 1915.

If any of these Americans there wanted to come home, or if they valued their lives at all, they had to communicate with the Brazilian minister, who apparently was the only person with whom Mr. Bryan was in communication at that time.

Mr. CANNON. Who signed that letter?

Mr. LONGWORTH. I forgot to state. The conclusion of this

letter is-

I have the honor to be, sir, Your obedient servant,

He was not obedient in that case. I wanted him to do something to protect the life and the property of my constituent and of his wife and children, but he refused. I cite this as an illustration of the policy the Democratic Party has consistently pursued with reference to the interests of American citizens abroad. And from that day to this the same general policy has prevailed as to American citizens whether absent or present in this country. American interests are not rated first; they are rated last under this administration.

This new taxation scheme is the last and strongest link in the chain that the Democratic Party have been forging to shackle American business at home and abroad. The tax they propose is a direct tax on success; on success not necessarily great or distinguished, but just plain, ordinary, moderate success, the success that distinguishes efficiency from shiftless-

ness and thrift from wastefulness,
Mr. MADDEN. Will the gentleman yield for a question?

Mr. LONGWORTH. Yes.
Mr. MADDEN. Does this bill provide that the Secretary of the Treasury may send experts into all the business institutions of America to examine their books and ascertain their profits, and thereby have a system of espionage over all the business of America?

Mr. LONGWORTH. I do not understand that this bill does

that in terms

Mr. MADDEN. I think it does.

Mr. LONGWORTH. But I think it provides that all methods which may be used for the ascertainment of incomes, either under the corporation tax or under the individual tax law, may be used in this case, and it provides that every corporation or partnership shall make a return which shall show all the items with reference to their actual invested capital. I assume that those penalties would apply, as they do under the income-tax

Now, I wonder whether this represents the complete program of this method of taxation, or whether it is only the beginning. Unless you gentlemen of the Democratic Party make some pre tense of cutting down this wasteful expenditure of public money you will need more money this time next year. Do you propose then to stop at 8 per cent, or are you going to hike it up 50 per cent, as you have done within less than a year after passing your inheritance tax? Why stop at 50 per cent? Why stop at 100 per cent? Proceeding under your theory that success is a crime and prosperity a misdemeanor, why not confiscate everything above 8 per cent? The power to tax is the power to destroy. Why not destroy? Why not destroy all profits? Why not pass a law something like this, that all corporations or partnerships that make over 8 per cent shall contribute that excess to pay the losses of all partnerships and corporations that make less than 8 per cent? Why not pass a law—for that is the principle involved here—that no man may use in the development of his business more energy and brains than his least efficient competitor? That is the logical result of the policy adopted by this bill.

This bill is a direct blow at American industry, the industry of the man who works with his hands as well as of the man who works with his brain; for its tendency is going to be to block American progress, to destroy American efficiency, and to reduce American wages. From whatever point of view you consider it this is an un-American proposition, and I predict that the Democratic Party will live to rue the day when they foisted this monstrosity upon the American people. [Applause

on the Republican side.]

Mr. GORDON. Mr. Chairman, will the gentleman yield for a question?

Mr. LONGWORTH. Oh, I guess so. I will yield to my col-

league.

Mr. GORDON. Do you think this is as great a blow to American industry as it would be to put a tariff tax on raw

Mr. LONGWORTH I have not advocated a tariff on raw material.

Mr. GORDON. Then where would you raise this money you talk about? How would you raise it without taxing raw mate-

Mr. LONGWORTH. I know that the gentleman is probably the most advanced free trader in this House, and it would be rather bootless for me to suggest to him how a tariff can be for revenue and protection at the same time.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Yes.

TOWNER. The gentleman knows, I think, quite well that all over the agricultural portions of the United States there are farmers' associations, dairy associations, and grange associations in which the farmers invest small capital for the purpose of building a warehouse or creamery, or something of that kind, and cooperate in the manufacture, marketing, and sale of their products. They would all come under the provisions of this bill, would they not?

Mr. LONGWORTH. I suppose not. Partnerships are spe-

cifically exempted in this case.

Mr. TOWNER. Yes; but not the joint-stock companies. They are included with corporations.

Mr. LONGWORTH. Yes; I think that probably the gentleman is right.

Mr. ALLEN. Will the gentleman yield?

Mr. LONGWORTH. I yield to my colleague.

Mr. ALLEN. Did the gentleman ever hear of one of these

corporations or partnerships making over 8 per cent?

Mr. TOWNER. I will say to the gentleman that, as he well knows, there is no dividend declared in most of these associations, and the great difficulty in those cases is going to be that whatever is received from the sales of the creamery, we will say, is returned to the contributors and joint-stock owners of the association and constitutes really the price of their products. Now, it would be practically impossible, except by some arbitrary determination, to decide what is the amount of profit in a case of that kind.

Mr. ALLEN. The reason I make the inquiry is that I have

belonged to three of these associations for 20 years.

Mr. KITCHIN. Mr. Chairman, I yield 20 minutes to the gen-

tleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Chairman, I have listened with interest to the statistics of the gentleman from Michigan [Mr. Fordney] and to the good-natured criticism and the invective, not so goodnatured, of the gentleman from Ohio [Mr. Longworth]. of these addresses attempt to convey the impression that we are imposing a tax upon successful business; that we are imposing a burdensome tax upon small aggregations of capital; that in this measure and in the other measures which we have adopted during the present administration we have expressed our contempt for the policy that American interests are paramount wherever Americans can be found. These gentlemen insist with more vigor than logic that this is "only another attempt on the part of the Democracy to shackle business in this country."

I get the impression also from these two addresses that both these gentlemen believe that if the Republicans had been permitted to remain in power, if the rates of the Republican tariff bills had prevailed to this date, this situation could not exist and we would not now be called upon to meet these tremendous expenditures by this sort of a bill-expenditures made necessary by the fact that all the rest of the world is engaged in the most horrible war of all history, and that in this age of force in the world we must be prepared to maintain our neutrality and to protect and maintain the peace, prosperity, and happiness which prevails now in this favored land.

REPUBLICAN TARIFF THEORIES AND THE PRESENT EMERGENCY.

Now, suppose we had retained until this day the rates of Republican tariff laws. Could we meet now with that sort of a revenue these tremendous preparedness expenditures? preparedness program for 1917 and for 1918 require \$873,000,000 above the normal expenditures—\$436,000,000 per year above the usual expenditures of the War and Navy Departments. This program was considered necessary by the military experts up here in the War Department, and by the people generally throughout the country

If we had extended the rates of the McKinley bill to the present time, and if we were this year and every year collecting the highest amount of money we ever collected under the McKin-ley bill, we would be collecting only \$219,000,000 per year—

program of ours. In the Taft campaign you promised to lower the tariff rates if you succeeded in getting into power again in this country. You promised in your platform to revise the tariff in a special session of Congress if you elected your candidate. The country was not satisfied with that promise and said it must be a revision downward. You sent Mr. Taft in a swing around the circle, speaking in the important cities of this land, declaring that if he was reelected his reelection meant the reduction even of the rates which at no time under either the McKinley or the Dingley laws had yielded over \$330,000,000. But you did not keep your promise; you enacted the Payne-Aldrich bill and increased the tariff burdens upon the people of the land. Your Payne-Aldrich law yielded \$333,000,000 during the fiscal year of 1910, and that was the year in which it yielded the largest revenue; the next year was 1911, and it yielded \$318,-000,000.

Mr. TOWNER. Will the gentleman yield? Mr. RAINEY. Yes.

Mr. TOWNER. Of course the gentleman should take into consideration the largely increased importations. Does not the gentleman know that there is no encyclopedia or annual yearbook in the world that does not give 3 or 4 per cent difference between the Payne-Aldrich bill and the Dingley law?

Mr. RAINEY. I do not know what the large library of books the gentleman is quoting will show, but I know the statements

that I am making are true.

Mr. TOWNER. The gentleman can not point to any authority that coincides with his statement.

Mr. RAINEY. I call the gentleman's attention to the Treasury reports, and they will show that what I have said is true. We collected \$333,000,000 in 1910 under the Payne-Adrich bill, and \$318,000,000 in 1913. The increased collection under the Payne-Aldrich bill over the McKinley bill was over \$100,-000,000—of course more money was collected under the Dingley law than under the McKinley law, but not more than I have indicated.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. RAINEY.

Mr. MOORE of Pennsylvania. Is it not a fact that the ad valorem rates under the Payne law were less than under the

McKinley law?

Mr. RAINEY. No; the ad valorem rates were higher under the Payne-Aldrich bill than under the McKinley bill, and reports of your own exports show it. It may be possible that as a mathematical proposition the rates under the McKinley law indicated a higher percentage, perhaps due to an enlargement of the free list under the Payne-Aldrich law. But the Treasury records will show that under the McKinley law you collected an average duty per capita of \$2.25 and under the Payne-Aldrich law you collected an average duty per capita of \$3.40, which does not

indicate a substantial decrease in tariff burdens.

Mr. MOORE of Pennsylvania. I am speaking of the Dingley

hill.

Mr. RAINEY. I do not care to continue discussing ancient

Mr. FESS. Does not the gentleman mean the Dingley bill instead of the McKinley bill?

Mr. RAINEY. No; I want to call attention now to the Payne-Aldrich bill. Now, the point I want to make is this: These gentlemen insist that they could pay for the extra preparedness program, amounting to over \$436,000,000 a year, by levying tariff taxes. The most they ever succeeded in getting out of any Republican tariff law they got in 1910 out of the Payne-Aldrich law, and that amount was \$333,000,000, which entire amount is over \$100,000,000 less than the additions alone in the Army and the Navy and the fortifications supply bills, made necessary by these preparedness measures. You never got any more money than that out of the tariff in any one year during the life of the Republican Party, and that amount would not even pay this increase.

OUR PRESENT PROSPERITY AND DEMOCRATIC TARIFF POLICIES.

Now, I have always understood from my knowledge of economics that that nation in the world was the most prosperous which imported the most, which exported the most, which had in its favor the largest balance of trade, if any such combination as this could ever exist among the civilized nations of the modern world. At the present time we are exporting more from this country than any nation ever exported since the morning stars sang together. At the present time we are importing, month by month and year by year, more than any other nation ever imported. At the present time we have in our favor, month by month and year by year, the largest balance of trade any nation almost \$220,000,000 too small to even pay for this additional ever enjoyed-larger than we have ever enjoyed during all the

period of our history as a Nation; and yet these gentlemen say we are shackling business under this financial policy of ours.

The first thing we did in the Underwood tariff act was to establish what we said was a competitive tariff-was to take off \$80,000,000 of tax burdens from the people of this country and put those tax burdens where they ought to be, upon the large incomes of the country, upon the men who profited most under this Government, upon the men who were best able to If our manufacturing establishments are closed throughpay. If our manufacturing establishments are closed through-out the land, that might be evidence to which these gentlemen could point, but if they are working day and night and some of them even violating the Sunday laws, if they are doing all of that, they are not injured. Out in my State from the tall chimneys of 20,000 factories smoke rises all day long and from hundreds of them all night long, producing there in the third manufacturing State of the Union manufactured goods for all the world, and among those 20,000 factories less than half a dozen are engaged in the manufacture of war material. We are obtaining the highest prices ever obtained for American manufactured products in the history of the world. We are obtaining the highest prices ever obtained for farm produce. ing machinery throughout the States of the Union 7,000,000 skilled laborers work producing more manufactured goods in 12 months of time than any nation in the world ever produced in a like period of time. Is that an evidence of any shackling of the business of the country? Who ought to pay the burdens of Government? Ought the poor to pay these expenses? Ought we to saddle these preparedness expenses upon unsuccessful business, if you can find any unsuccessful business in this land at the present time? Is it not right that those men who have combined and who are enjoying their full measure of the prosperity which has come to the Nation should pay their full share of its burdens, especially the burdens imposed by a bill which proposes to raise money to place out in the oceans which surround their factories an iron wall of floating steel forts to protect them and to insure through the coming years the profits they now enjoy? The money we are collecting goes also to pay for land defenses and for the great armies provided in these preparedness measures for all of which Republicans in this House voted. Talk about a tax on small Is an aggregation of \$100,000 of capital a small business? Let us assume that it is. We exempt first in the profits of a company on an invested capital of \$100,000, or of any amount, \$5,000, and then we exempt from the operation of this tax 8 per cent of their profits. In other words, in order to subject that small business with an invested capital of \$100,000 to the provisions of this bill they must first make upon the capital they have invested 13 per cent, and if they make more than that we take not what they make more than that, but we take one-twelfth of what they make more than that. That is not a burden upon successful business. That is not a burden upon small business.

AN ANALYSIS OF OUR IMPORTATIONS IN 1916 IN CONNECTION WITH OUR INDUSTRIAL DEVELOPMENT.

For the 12 months ending with December last our imports amounted to \$2,391,716,000. For the 12 months ending December, 1911, when the Payne-Aldrich Act was in operation, our imports amouted to \$1,532,359,000. In other words, our imports under the present tariff law are nearly one billion more per year than they were under the Payne-Aldrich law. If we are bringing in manufactured goods in this enormous quantity, then we may be displacing the goods produced by our own factories throughout the land; but if we are not bringing in manufactured goods in quantities tremendously large, then we can not be hurting anyone. Therefore it is important, in order to meet the statistics advanced by the gentleman from Michigan [Mr. Fordner], simply to call attention to the facts. In 1916 we brought in \$21,500,000 more foodstuffs than we did under the Payne law in a crude condition, including food ani-We brought in during the calendar year 1916 nearly \$114,000,000 worth of foodstuffs partly or wholly manufactured more than we brought in in 1912. In other words, under our law which made it possible to bring in foodstuffs in larger quantities than it was possible to bring them in under the Payne law we brought in foodstuffs in larger quantities-\$134,000,000 more in 1916 than in 1911. Would you have kept them out by imposing a tariff? Prices of foodstuffs, you complain, are going up all the time. Where would they have been were it not for these wise provisions of the competitive Underwood tariff law? We brought in in 1916 nearly \$390,000,000 more of crude materials for use in manufacturing than we did in 1912, In other words, under this tariff law of ours we were compelled to bring in nearly \$389,000,000 more of crude materials with which to feed these great factories of ours, prospering, as they were, under the Underwood law, than we brought in in 1912.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. KITCHIN. Mr. Chairman, I yield 10 minutes more to the gentleman.

Mr. RAINEY. Mr. Chairman, during the year 1916 we brought in materials for further use in manufacturing to the amount of \$65,000,000 more than were brought in under the Payne-Aldrich law in 1912. In other words, in order to keep these factories going in 1916 we not only used all of the crude materials and the materials ready for further use in manufacturing that could possibly be obtained in this country, but we brought in \$455,-000,000 more of the kind of raw material which keeps 170,000 factories running throughout this land of ours than we brought in in 1912 under the Payne law. Did that hurt any industry in this country? I am comparing the calendar year 1916 with the calendar year 1912 for the reason that 1912 was a typical year under the Payne-Aldrich law.

Now, we come, in analyzing this import business, to which attention has been called, to the question of manufactured goods ready for consumption. Now, if under our bill we have brought in more manufactured goods ready for consumption than were brought in under Republican bills, then these manufacturers may have something of which to complain. During the 12 months ending with the month of December, 1916, we brought in of manufactured goods ready for consumption, ready for the consumer, \$45,000,000 worth less than we brought in in 1912 under the Payne-Aldrich bill. I know of no Member of this House who can use figures so effectively as the gentleman from Michigan [Mr. Fordney], but he uses always the statistics that represent his side of the question; but when you analyze, as I have here, the importations for 1916, to which he called attention, and compare them with the importations under the years of the Payne-Aldrich bill, it proves absolutely and conclusively that the Underwood tariff bill-competitive tariff bill, as we claim it to be-has done more to build up the industries of this country since it has been in force than all the Republican tariff bills that have ever passed through this House. [Applause on the Democratic side.]

Mr. PLATT. Will the gentleman yield? Mr. RAINEY. For a question only; not for a statement or a speech.

Mr. PLATT. If that be so, the Underwood bill must be the cause of the high cost of living also.

HIGH COST OF LIVING EXPLAINED BY REPUBLICAN LEADERS.

Mr. RAINEY. Now, in that connection I want to read from a speech delivered by one of the Republican leaders in this House in reply to the gentleman who has just interrupted me. want to read from the speech of the gentleman from Ohio [Mr. FESS], an able speech, made upon this floor during the first few days of his membership in this body, which was tremendously applauded on that side of the House; and if the gentleman was here at that time, he joined in the applause. gentleman from Ohio always makes a good speech on economic subjects, but he never made a better one than this. At that time prices were high and the charge was being made that prices were higher under the Payne-Aldrich bill than they had ever been before. The upward movement of prices commenced at that time. Now, I want to read from the speech of the gentleman from Ohio [Mr. FESS], made on the 25th day of April, 1913:

High prices should be interpreted the "cost of high living" rather than the "high cost of living." It is due to many causes. First, the well-to-do situation of the average man has placed him in a position to gratify increased demands. He is becoming more extravagant. He wants more, and his standards of living are gradually increasing. Secondly, the drift of population from country to city disturbs the balance between production and consumption. It increases the demand for consumption more rapidly than the supply of production. This also causes prices of products to go up. Thirdly, the multiplication and improvement of facilities for communication, making the world but one neighborhood, has a like tendency upward in prices. Fourthly, the increase in the number of the middlemen between the original producers and the ultimate consumer compels an upward trend of price to the consumer, though it might not change for the producer. The farmer who sells his fat cattle at a price that steak could sell at 15 cents will see the steer go through a half dozen different hands, each of which must have a margin, so that when it reaches the hotel table it will command more than three times the original price. Fifthly, another cause of high price is the great bulk of money in circulation in our country. These causes are conditions of industry and not results of tariff duties.

The gentleman discussed the matter along that line, defending the high prices under the Taft administration. I remember that prior to that time, on the 19th day of August, 1912, another leader on the Republican side, the gentleman from Washington [Mr. Humphrey], discussed also the high cost of living under the Taft administration. The gentleman from Washington [Mr. HUMPHREY] thought so much of this speech that he printed it in pamphlet form and sent each Member of Congress a copy of it.

In defense of the high cost of living under the Taft administration, among other things, the gentleman from Washington said:

From the carliest history of the race high prices have marked the growth of civilization. * * * So the history of high prices is to-day, as it has always been, the history of progress; the one invariably measures the other. To-day from every nation of the world our consular agents report this complaint about the high cost of living.

Speaking of the Payne-Aldrich bill, the gentleman from Washington in his speech said:

Ington in his speech said:

The tariff was reduced 25 per cent on dressed meats, and the price of dressed meats immediately went up.

The tariff was reduced on ham 20 per cent, and the price of ham immediately went up.

The man who claims that a reduction of the tariff means a reduction of the prices is at war with the facts, and is contradicting the entire history of the tariff legislation of this country.

* * It is true that it costs more to live to-day than ever before, but we are living better to-day than ever before. We live in better houses than ever before.

* * The luxury of to-day will be the necessity of to-morrow.

The luxury of to-day will be the necessity of to-morrow.

* * To-day we produce three times as much gold as we did 20 years ago. Perhaps this may have something to do with the increased cost of living.

* * As private expenses have increased, so have the expenses of Government.

* * Where do we have the most progress and prosperity and happiness? Where prices are high.

* * Where do we have low prices? In India, in China, and other Asiatic countries.

* * *

The gentleman from Washington proceeds to the conclusion of his speech with the following statement:

If cheap prices are wanted, then free trade is the remedy. Another Wilson bill will bring the result desired. There can be no doubt of that. Again we will have cheap meat and cheap clothing and cheap labor and still cheaper men.

The Republican speeches to which we have just listened indicate that this prophecy of the gentleman from Washington has not been realized. If we are to believe the addresses just delivered, prices are certainly not any lower than they were during the period of the Taft administration.

In commenting upon the approaching Democratic tariff billthe Underwood tariff bill-the gentleman from Washington concluded his speech as follows:

No one need fear that if a Democratic tariff law is placed upon our statute books that the high cost of living will not disappear and that high living will also disappear; free trade, free soup houses, and cheapness, and poverty, and want, and hunger, and famine, and Democracy will again bless this country of ours.

In the face of the prosperity which prevails in this country today and the high wages, the highest ever paid in the history of the Nation; in view of the fact that no man is without employment who is able to work and who wants to work, these prophecies seem at the present time particularly ridiculous. These speeches were in defense of the high prices, the high cost of living which prevailed during the Taft administration, and which the gentleman from Michigan [Mr. Fordney] and the gentleman from Ohio [Mr. Longworth] claim have not yet disappeared from the land.

Both of those gentlemen have correctly interpreted the reasons for high prices, and if the reason for high prices which prevailed in 1913 and immediately prior thereto is due to such causes as the gentleman from Ohio and the gentleman from Washington say in these speeches, then the increase in prices at this time is due in a still larger degree to the greater prosperity which prevails now throughout the land. We have poured month by month into our Treasury vaults here in this country a stream of the yellow gold, more than ever came to the vaults of any treasury of any country in the civilized world in a similar length of time. The importation of gold, while it brings in its train prosperity, brings also high prices, as the gentleman from Ohio knows.

Mr. FESS. Will the gentleman yield?

Mr. RAINEY. I yield to the gentleman. Mr. FESS. That speech was made when we were discussing the Underwood tariff bill, and was in reply to the charge of the gentlemen who had charge of the bill and others that the high cost of living was due to a protective tariff.

Mr. RAINEY. No matter what the occasion was for the gentleman's speech, his argument applies with greater force now than it did then. [Laughter and applause on the Democratic side.]

Mr. BROWNING. Will the gentleman yield?

Mr. RAINEY. I will.
Mr. BROWNING. Was it not the intention of the Democratic Party to cure all those evils when they came into power?

Mr. RAINEY. The Republican Party had been in power for 50 years of time, and I would like to see any party that could cure all the economic evils in less than 4 years of time that grew up under 50 years of Republican rule. [Applause on the Democratic side.

Mr. BROWNING. They can if they want to.

OUR ENORMOUS EXPORT BUSINESS UNDER DEMOCRATIC POLICIES.

Mr. RAINEY. Under this Democratic administration we are exporting goods. We are exporting at the rate of \$5,500,-000,000 worth of goods every year. For the 12 months ending last December we exported \$5,480,000,000 worth of goods, and we did this in spite of the fact that the great central nations of Europe, always among our best customers, were closed to us by the English blockade.

We did this in spite of the fact that almost half the civilized world was closed to our markets. We sent more manufactured goods in 1916 to Sweden and to Norway and to Denmark, countries at peace, than we ever sent before in the same period

of time in our history as a nation.

The CHAIRMAN. The time of the gentleman has expired.

The CHAIRMAN. The time of the gentleman has expired.
Mr. KITCHIN. Would the gentleman like more time?
Mr. RAINEY. I would like five minutes more.
Mr. KITCHIN. I yield to the gentleman five minutes more.
Mr. RAINEY. We exported more manufactured goods to Brazil, and to the Argentine Republic, and to Spain, and to the far-off countries of the Orient than we ever did before under Republican rule. These countries are not at war. Countries that were at war, countries that had formerly accepted our goods, that gave us in return their manufactured products, were closed to our markets. And so, under a Demo-cratic administration, with agents of the Department of Commerce at work in all sections of the civilized world finding markets for American goods, we have been able to send them in these increased quantities to all the countries of the world.

INCREASING OUR MERCHANT MARINE.

Ships? Of course, we are arranging to build and to buy ships. In order to carry this immense export commerce of ours we are compelled to acquire ships, and we have arranged for the building of them and for their purchase and for their sailing under the American flag, in a manner absolutely democratic—by methods which the people of this country approve.
The method you always stood for was to pour gold from the
Treasury into the sea in enormous subsidies—to pay money out of the Treasury to companies in order to induce them to operate ships. We have adopted a different plan than this.

REPUBLICAN LEADERS VOTED FOR PROPOSITIONS THEY NOW CONDEMN.

Here in this minority report you criticize the Democratic Party for "a series of doubtful Government enterprises, such as railroads in the frozen north," and so forth. This report challenging the Democratic Party for the Alaskan Railroad policy is signed by the gentleman from Massachusetts [Mr. Gardner], and that gentleman who now criticizes this method of developing Alaska voted for the Alaskan Railroad bill. This complaint as to this Democratic method for developing Alaska is signed by the gentleman from Nebraska [Mr. Sloan], and yet the gentleman from Nebraska voted for the Alaskan Railroad. This minority report criticizing these things is signed by the gentleman from Ohio [Mr. Longworth]. He was not a Member of Congress at that time. If he had been, probably he would also have voted for the development of the resources of Alaska.

GUNS AND AMMUNITION ONLY SMALL PART OF OUR EXPORTATIONS.

I want to conclude with the statement that we exported more goods in 1916 under these Democratic tariff measures and under this fiscal policy of ours which you condemn-we exported twice as much goods as you ever exported in any one year during any Republican administration.

Mr. FORDNEY. There was not any war in Europe during the Republican administration, was there? And is not that

the cause of your increased exports now?

Mr. RAINEY. The war in Europe accounts for some of these exports, but it does not account for the fact that in my State 19,995 factories are manufacturing goods day and night, many of them for export, and less than half a dozen factories are manufacturing war material. Less than 14 per cent of these exports consisted of ammunition and firearms. Take that out and you have remaining in the calendar year of 1916 an exportation as large as the combined exports of any two years under any Republican administration. [Applause.]

ERRONEOUS IMPRESSIONS AS TO EFFECT OF THIS BILL.

I have received a number of letters and telegrams from Illinois and from other States protesting against the proposed tax on excess profits. I am not in receipt of a single letter or telegram which conveys to me the impression that the person communicating with me understood what this bill is. A number of them think we are taxing profits 8 per cent. A number of them seem to think there is no exemption of \$5,000. Others think we are imposing an 8 per cent tax on all corporations and partnerships in the country computed on their capital invested.

Others seem to think that the proposition is to take all the profits of corporations and partnerships in excess of 8 per cent.

All records for misinformation on public questions appear to have been broken. Manufacturing associations throughout the country have advised their members to protest against this bill, incorrectly describing the terms of the bill in their communications to their members. I have before me the circular letter sent out by the Illinois Bankers' Association from its office in Chicago on the 24th day of January, 1917, to all members of the association. This letter was sent to me by a small banker, who would not be taxed a cent under the present bill, asking me to oppose the bill and to assist him in any possible way. This letter, sent out by the Illinois Bankers' Association, an exceedingly important organization, contains more than the usual amount of misinformation, due, I presume, to the fact stated in the last paragraph of the letter-that this communication was "the longest letter ever sent the membership."

Among other glaring inaccuracies the letter contains this statement:

As an illustration of how the proposed tax will work, a bank or other business with a capital of \$50,000, surplus and undivided profits of \$10,000, which earns 20 per cent net on its capital, or \$10,000 a year, would be entitled to a deduction of 8 per cent on the capital and surplus amounting to \$60,000, or \$4,800, leaving the difference between this amount and \$10,000, or \$5,200, upon which a tax of 8 per cent, amounting in this case to \$416, would have to be paid.

Under this bill such a bank as this would pay no tax at all. The \$5,000 exemption will leave only \$200 to which the tax of 8 per cent would apply. However, this bank would take out all of its taxes, including local taxes, before the 8 per cent tax would apply, and in all probability these taxes, which it would be permitted to deduct, would amount to more than \$200. Therefore, instead of paying \$416 per year this bank would pay no taxes whatever under this bill.

The statement of this letter as to the taxes larger banks would pay is just as erroneous. The letter entirely ignores the fact that before computing this tax the banks are permitted to take out their capital-stock tax and all other taxes.

Based upon these glaringly inaccurate statements, the secretary of the Illinois Bankers' Association, who sends out this communication, proceeds to argue for a protective tariff to prevent idle mills, and insists that with the existing direct taxation a protective tariff would produce adequate revenues, and so forth. No statement could be more inaccurate. No protective tariff ever devised by the Republican Party yielded more than \$333,000,000 per year. Our preparedness program alone amounts to over \$436,000,000 per year. The expenses of maintaining our Army and Navy before entering upon the present expensive program of preparedness generally demanded by the bankers throughout the country cost us over \$250,000,000 per In other words, the demands of our Army and Navy alone at the present time on the Treasury of the United States amount to over \$680,000,000 each year, and yet the secretary of the Illinois Bankers' Association presumes to suggest to all of the bankers that belong to this organization that a return to the Republican method of levying tariffs will meet not only the present expenses of maintaining our Army and Navy but a considerable part of the other expenses of conducting this great Government of ours. All the ingenuity of high-tariff Republican leaders was never able to obtain out of the tariff half enough money to pay the present expenses of maintaining our Army and Navy alone.

I know many Illinois bankers who are Democrats and who believe in honest methods of presenting economic questions and I know many Republican bankers who favor the same method of presenting an important matter like this through the influenmembership of the Illinois Bankers' Association. I am wondering if they approve such a letter as this.

THESE TAXES GO INTO SPECIAL PREPAREDNESS FUND.

Every dollar derived from this bill will go toward paying for our preparedness program, and goes into a special fund for that purpose. Every dollar derived from the last emergency bill, which is intended for the support of our preparedness program, is by this bill placed in the same fund. Whenever, as the result of the world peace negotiations which may follow the recent letter of President Wilson, it is possible to abandon our preparedness program this tax may cease. 'We exempt agriculture for the reason, among other reasons, that agriculture is exempted by all the nations which impose excess-profits tax. We exempt incomes-all professional incomes. Even the warring nations of Europe in a large measure exempt these incomes. We place this burden upon those who are prospering, upon those who are making money on account of the fact that the wise administration of affairs by this administration has made it possible for them to make money. We place this tax upon those citizens of the country who are making the largest profits, not those who

are making the smallest profits. Eight per cent profits, which we exempt, is to-day an exceedingly satisfactory profit on invested capital, and in this bill we take only one-twelfth of the profits above 8 per cent, plus the exemption of \$5,000, and all taxes, local. State, and Federal, come out also before this tax attaches.

No matter what we may think about the preparedness program now in progress, it has been adopted. Republican Members voted for it almost unanimously. This obligation has been incurred and it must be met. We have provided a way in which it can be met. I have heard from the other side no suggestions as to how these preparedness demands ought to be met, except that we ought to meet them by increasing the tax upon imports. The slightest examination of the subject demonstrates the absurdity of such a proposition as this.

Mr. Chairman, I yield back the balance of my time. [Applause.1

The CHAIRMAN. The time of the gentleman has expired. Mr. FORDNEY. Mr. Chairman, I yield 30 minutes to the gentleman from Nebraska [Mr. Sloan]. [Applause.]

Mr. SLOAN. Mr. Chairman, looking over a newspaper bearing date of March 19, 1913, I was struck with the following bold headlines: "Fight for economy-Wilson to wage a warfare on heavy expenditures."

With multiplied recommendations for novel expenditures and the veto of not a single appropriation, we are confronted with this bill. It is conclusive evidence of one war that was ended without victory.

I was interested in the statement of the gentleman from Illinois [Mr. RAINEY] who impoverished the English language in his glowing descriptions of the prosperity of the private establishments throughout the United States. So prosperous were they that they seemed to have excited the cupidity of the party in power. I marveled if his statement was correct and if every business concern in the United States had such prosperity. I wondered why. I thought it must have been, perhaps, largely on account of good management; and, if that is true, what can you say of the greatest business establishment in the United States—the Government itself—that finds itself to-day with \$30,000,000 less than no money at all.

It seems that the Government of the United States and the inefficients who are conducting it now are jealous of that socalled prosperity of individual affairs, and they want to lay the strong taxing hand upon them to even up affairs, because it is a crime under this administration to be solvent; it is a misdemeanor to be thrifty.

Four years from the 4th of next March the present administration took charge of the National Treasury. Making proper deduction for current items, so far as they can be definitely ascertained, we had a balance in the United States Treasury on March 3, 1913, of \$126,664,083.28. On January 26, 1917, observing the same rules of bookkeeping and classification of items, we have \$30,745,773.46, less than no money at all. We are in the position of the staggering insolvent who seeks to put off the evil day by "kiting checks." [Applause on the Republican side.]

The character of the times may well be suggested by the statement of the issues upon which the American electorate granted an extension to the administration. The first was that the President had "kept the country out of war"; the second, that the President favored protection to American industries, as was indicated in his Tariff Commission, which he forced down the throats of a reluctant majority. That the second shared with the first responsibility for the result is shown in that while the President was reelected by a plurality vote of all States, if all States are considered, and by a minority vote in all States, collectively speaking, where real elections were held, a House known to be protective was elected. A large majority of the collective votes for Congressmen was cast for Republican candi-

That both of these issues are now repudiated, the bill now being considered is evidence. First, this measure is urged on the ground of "war expenditures incurred." In other words. we are to raise this enormous sum of money to pay for the expenses of a war out of which the American people were told we had been kept. Second, the protection feature is repudiated by its omission from this bill and the further facts that nearly five months have elapsed since the tariff-commission law was enacted, and its membership is not even nominated, while those suggested by the press as having been selected are most radical free traders. So we have now had nearly four years of relative free trade, with a prospect of four years more. There is one advantage, dear a lesson as it is and dearer as it probably will be-there will be demonstrated to the people the difference between a sound business and political policy and the fatuous following of a time-worn and oft-discredited theory.

Right here let me say that there is not a protective feature in this bill. In the revenue measure of September 8, 1916, there were three protective features-dyestuffs, tariff commission, and dumping clause. Moreover our troops were invading Mexico and the promptings of patriotism suggested voting for more revenue. But now the troops are recalled and another war without a victory has found an end. It has been said that the defense of the Mexican campaign was the inspiration of the world-peace speech before the Senate.

Moreover, there seems to be no end to this administration's demand for money, persisting like the daughters of the horse-

leech: "Give, give, give."

The Treasury is now \$157,409,856.74 worse off than it was four years ago. Assuming that the "hand-to-mouth" system is to be followed until July 1, 1918, the provisions here imposed are to raise funds to keep the country going up to that time. To accomplish that it is here proposed to issue bonds in the sum of \$100,000,000 and use in addition \$222,000,000 heretofore authorized but unissued Panama Canal bonds; to authorize issuance of short-time loans to the extent of \$300,000,000; raise on inheritance tax \$32,000,000; raise on business \$320,000,000; a total of \$974,000,000.

Then, if we would ascertain how much it would cost to place the Treasury on July 1, 1918, in the condition it was four years ago, add to the last sum \$157,409,000, making a grand total cost to the Treasury of the United States of five years and four months of Democracy of \$1,131,409,000. It demonstrates the high cost of misgovernment—an expensive luxury—the most expensive since Imperial Rome went up in flames to amuse the music-mad emperor. [Applause on the Republican side.]
Mr. FARR. Mr. Chairman, will the gentleman yield there?
Mr. SLOAN. Yes.
Mr. FARR. Was that amount just mentioned the amount

Mr. FARR. Was that amount just mentioned the amount that this new bill will carry?

Mr. SLOAN. Oh, no. That is simply what it will take to put the Government financially in the same condition that it was in on March 4, 1913, indicating, as I said before, the high price of misgovernment.

Mr. FARR. Does the gentleman include there the revenue

bills passed during the last two sessions?

Mr. SLOAN. Oh, no. Those were small luxuries as compared with this.

Mr. REAVIS. Mr. Chairman, will the gentleman yield? Mr. SLOAN. Yes; I will yield to my colleague.

Does the gentleman think we have gotten our Mr. REAVIS.

money's worth?

Mr. SLOAN. No; I do not think we have gotten our money's worth. The only way we possibly could get our money's worth would be for those who have so ill conducted this Government to resign and give somebody else a chance to give us good government, and not misgovernment. [Applause on the Republican side.

The primary cause of our Treasury's downfall was when the Underwood law, the last word in tariff perfldy, was passed. It was passed by a majority segregating itself from a minority prepared and qualified to admonish and advise; by disregarding their few sound Members' advice; and, lastly, by surrendering their prerogative in duty fixing to the executive branch of the Government, where supreme confidence coupled with kindergarten capacity touched, seized, and bungled.

Of course, the Underwood tariff law, like the bill that is being considered now, should not be charged to that side of the House. The executive department of this Government took charge of that, and forced it down the throat of that Congress just as it is forcing down the throat of this Congress the in-

famous measure before us.

Mr. RAINEY. Mr. Chairman, will the gentleman yield? Mr. SLOAN. For a question.

Mr. RAINEY. I feel that I can not sit here and permit that statement to go unchallenged.

Mr. SLOAN. Well, whether the gentleman is sitting comfortably or uncomfortably, I make that statement.

Mr. RAINEY. What the gentleman says is not true. Mr. SLOAN. It is true. You know it is true. It is true here and elsewhere.

Mr. RAINEY. I was on the committee, and the gentleman was not, and I know more about it than the gentleman does: and I was one of the conferees, and the gentleman was not. am willing that my statement shall go against his wherever I am known.

Mr. SLOAN. Oh, you say you are willing that your word shall go against mine wherever you are known. Why do you not make it stronger and put it, "Wherever you are not known"? Give us a stronger statement. [Laughter,]

Mr. RAINEY. I am willing that my statement shall go against the gentleman's statement wherever the gentleman is known. [Laughter.]

Mr. SLOAN. As a measure professing to raise revenue, it reduced it. It did raise something-a disturbance in busines circles, which, had it not been for a great European war, would have left our industries generally where our Treasury is now

To brace our failing Treasury after the Underwood law, five applications of the tax pulmotor have been made. [Laughter on the Republican side.] First, the war-revenue law of October 22, 1914, with its obnoxious stamp tax and special tax on banks and other lines of business. Second, the extension of the fore-going act, dated December 17, 1915. Third, the reimposition of a considerable duty on sugar. Fourth, the war-revenue act of September 8, 1916, in which income taxes were doubled and inheritance taxes, peculiarly the province of the States, were taken over by the Government for revenue purposes. Fifth, the present bill.

Grover Cleveland once said that it was "a condition, not a theory, which confronts us." It is worse than that. Here we have an appalling "condition" caused by a bad "theory," and both confronting us. A boy lost his knife. His father advised him to seek for it where he lost it. We should seek to recoup our loss largely at the customhouse. But this the misguided, purblind, bigoted, reactionary majority refuse to do. Political consumptives, they rather keep on taking patent medicine and quack nostrums than to resort to bright sunshine and pure air.

Mr. GORDON. Mr. Chairman, will the gentleman yield? Mr. SLOAN. Just for a question, if it is relevant.

Mr. GORDON. Is it true or is it not that the Underwood law has produced more revenue in the same length of time since it was enacted than the Payne-Aldrich law did while it was in force?

Mr. SLOAN. It is not true that the Underwood law produced more import duties that the Payne-Aldrich law.

Mr. GORDON. Can you give us the figures?
Mr. SLOAN, I will put them in.
Mr. GORDON. I will say to the gentleman that Mr. Kitchin made that statement on the floor of the House and I have never heard it denied before.

Mr. SLOAN. Taking the average of the last two full fiscal years under the Payne law, which was \$308,704,656, and the only two full fiscal years we have had under the Underwood law, which was \$207,836,321, leaves the average Payne law duty income \$100,868,335 more than under the Underwood law.

Mr. TILSON. Will the gentleman yield to me?
Mr. SLOAN. I will.
Mr. TILSON. If I remember correctly, the gentleman from Illinois [Mr. RAINEY], in a very learned speech here, made it as one of his principal points that we collected \$100,000,000 less under the Underwood law than under the Payne law, and therefore removed \$100,000,000 from the shoulders of the people.

Mr. SLOAN. Yes; and if Mr. RAINEY were asked, he would say that statement of his very materially strengthened it. He

will admit it.

Mr. GORDON. Mr. Kitchin just stated to me that the Underwood law had produced \$17,000,000 more revenue than the Payne-Aldrich law did in the same length of time.

Mr. SLOAN. I think you have another guess coming.
Mr. GORDON. Will you put the figures in the Record?
Mr. SLOAN. Yes; as I have said, I will print the figures for this purpose, because I know you are a seeker after truth, and I would like to satisfy you. Whether it is your desire or not, I know it is your need.

To replenish the Treasury they would rather invade the tomb of the dead American than to exact justice from the greedy foreigner. They prefer to penalize home thrift to taking tribute from the alien whom our complacency made rich. They elect to bond our children and theirs for generations rather than hamper the stranger at our gates, who brings us little, pays no tax, and takes away much that we need.

Many of us prefer Americans, native or naturalized, to any-We would rather dominate the Western body else on earth. Hemisphere through the Monroe doctrine than to become a minor member of any world league. [Applause on Republican side.] The other side believes that water is thicker than blood, especially if that water is salt water, sanctified by the

passage to our shores of foreign goods. They like the foreign We favor American men and American merchandise. Mr. GORDON. Will the gentleman yield at that point?

Mr. SLOAN. For one question; yes.
Mr. GORDON. Do you still think that the foreigner pays the tariff?

Mr. SLOAN. Why, we know it; and if you had taken an advanced course, or even a kindergarten course, in political economy you would know that in the end, by and large, the foreigners pay it, because if you had traveled abroad and heard their wails when the McKinley bill was passed you would understand that. And if you did not know it, the foreigner knew it, and knew it was to his disadvantage.

Mr. GORDON. There was some complaint against that bill

in this country, too.

The CHAIRMAN (Mr. SHERLEY). The rule provides that gentlemen must not interrupt without addressing the Chair.

Mr. SLOAN. I like to have the gentleman indulged, because, like that animal described by Artemus Ward, he is a very amoosin' cuss." [Laughter.]

With their code of economic ethics the majority brings in this bill, this new evidence of their own folly and a new confession of failure of the Underwood law.

THE INHERITANCE TAX.

An inheritance tax under our system of government, while it may be defended as constitutional, was not intended to be resorted to by the United States except in extremity. It was expected to be left to the States, whose duties, among others, are to care for the unfortunate living and may properly, for that purpose, draw on the estate of the more affluent dead.

Life insurance companies are taxed. That, of course, in the final analysis comes out of the policyholder or his beneficiary another way of meeting the victim at the grave. There is to be extracted from the amount his loved ones are to receive a tribute such as Cæsar never demanded. [Laughter and ap-

plause.]

This is the second assault upon the dead by this Congress. You are placing the second toll taker at the gate of death to penalize the departure of the industrious. [Laughter on the

Republican side.] The first was last September.

To the majority nothing appears to aid the gasping breath of approaching dissolution like the fan of the consciencless taxgatherer. Bring the Government's collector that he may draw the death damp from the chilling brow with a tax warrant. Courageous 14-members of the Ways and Means Committee. With right of choice you become vultures instead of eagles. Deal harshly with the dying; they are helpless. Wrest from the orphans their birthright; they are defenseless. Extort from the widows; they are companionless. Shrouds, coffins, tombs, and taxes-cold comforters to mortal entering the valley of shadow. Verily the wages of free trade are grievous taxes and the end of Democracy is debt.

The sublime and beautiful Westminster funeral service has for decades been delivered over the remains of millions. To the triumphant challenge of "Grave where is thy victory?" there has been no defiant reply until the introduction of this bill, which answers the solemn inquiry by saying, "Down at the corner of Fifteenth and Pennsylvania Avenue, in the Treasury

Building." [Laughter.]

The story comes from the majority caucus in the form of a "leak": A Member whose partisanship did not blind him to the enormity of this measure proposed to thrust aside that old party emblem, the donkey, and substitute the hyena, the robber

In the olden time Zacchæus was a great gatherer of taxes and become noted as an eminent tree climber. Now our Zacchæus, far famed not only as a taxgatherer but also a revenue dissi-

pator, becomes a revenue porch climber.

BONDS.

The National Treasury during four years of this administration passed from repletion to emptiness, from abundance to

Mr. GORDON. Will the gentleman yield?
Mr. SLOAN. Yes; I will again indulge.
Mr. GORDON. How much of the revenue, after Mr. Wilson was inaugurated, has been devoted to the construction of the Panama Canal?

Mr. SLOAN. That is a very intelligent question.
Mr. GORDON. If the gentleman does not know, I will tell

him. It was \$81,000,000.

Mr. SLOAN. Now, I want to assure the Republicans, because I want to be square with them, I did not make an arrangement with the gentleman from Ohio to interrogate me as he has done.

[Laughter.]
Mr. MADDEN. I will tell the gentleman the amount—\$106,000,000 out of \$130,000,000 left in the Treasury by the

Republicans.

Mr. SLOAN. This measure calls for the sale of \$322,000,000 bonds and \$300,000,000 of short-time notes, or a total authorized increase of national indebtedness amounting to \$622,000,000. as evidenced by a slight decrease in the number of failures, why

This is an unwarranted assault upon the children living and those yet unborn.

During the late campaign we heard much about a beneficent child-labor law which many voted for because they believed in it, while others supported it because political exigencles dictated. The law was to prevent their little feet from running errands and their hands from arduous toll. We heard nothing about a contemplated interest-bearing indebtedness of \$622,000,000 to be laid upon their little backs to bear, together with grievous interest, on through life and down to the tomb; for if the ordinary running expenses of the Government can not be paid during profound peace at home, and in a period of foreign-war-stimulated prosperity, when can we hope for the payment of the principal debt?

Of course, the way for this enormous indebtedness was prepared by two smaller issues—first, \$20,000,000 for a nitrate plant; next, an issue of \$50,000,000 for a shipping bill; next note the increase by more than geometrical progression-\$622,-000,000. Bonds are common in this administration-bonds for breakfast; bonds for dinner; bonds for supper. Bonds! Bonds!

The boast of a cloakroom jester that a Democratic Congress can issue more bonds in 4 years than a Republican Congress can pay in the next 25 years looks like it might come true. When you first came into power your appropriations were somewhat limited by the surplus, but now that your appropriations are from a deficit your appropriations are as unhampered as a deficit is limitless. The battle cries of this majority promises in its dying days to be made good.

A bas la surplus! Viva la debt! Hoch der deficit! Long live the bond!

PROFITS.

The other provision of the measure is an 8 per cent tax on profits above 8 per cent realized on capital of corporations and partnerships, with a basic \$5,000 exemption. The rule adopted partnerships, with a basic \$5,000 exemption. The rule adopted seems to be that of "Donnybrook Fair"—if you see a head, hit it. [Laughter.] Smite success! Slug excellence! "Seest thou a man diligent in his business," lay for him, swat him, teach him to fail successfully. Show him the meteoric course of our Treasury for four years. It flashed, flamed, and fell

This administration came into power declaring its favor to the consumer, its enmity to the producer, and it is living up in part to its pledge. It has favored the indulger of his appetite; it has discriminated against the user of his hands. It is here penalizing the thrifty and protecting the spendthrift. It punishes solvency and rewards bankruptcy. [Laughter.]

This and the preceding Congress placed a tax on corporations;

placed an income tax on men composing corporations; placed a stamp tax to hamper business procedure; now will inflict a

special penalty upon profits.

Moreover, all or nearly all protection against unfair foreign

competition was removed.

The diplomatic genius of foreign Governments, the strategy of their commerce, unhampered, at our ports are delivering frontal attacks, while our Government, frenzied by its own Treasury's insolvency and seemingly jealous of the solvency of many business concerns, would tax them to their injury, instead of investing them with a shield for their proper defense.

There is a White House legend that the President upon signing that great "bill of business wrongs" known as the Underwood law, rapturously exclaimed, "By this act do we make business free." Referring recently to this incident a business man said, "If this is business freedom, how we would enjoy the

chains of tyranny.'

Early in this administration business men were told if they failed or their business course made any trouble they would be "hung as high as Haman." Now they are told that if they succeed they will be hamstrung by taxation. [Laughter.] I have heard of a man being between the devil and the deep sea. But that position was not a circumstance compared to the business man's position between Wilson and Kitchin. [Laughter.]

A burden upon business now is unwise because in the last four years business has suffered much. The total number of failures in 1909, 1910, 1911, and 1912 was 54,269, with liabilities of \$745,976,776, or an average per year of 13,567, with liabilities of \$186,494,194. The total number of failures in 1913, 1914, 1915, and 1916 was 73,061, with liabilities of \$1,107,309,799. or an average per year of 18,265, with liabilities of \$274,827,449.

With this large increase in the number of failures it is but

fair to believe that many have been upon the verge of failure. If business has generally improved during the last 12 months,

should they not be given a fair opportunity to strengthen themselves for the inevitable shock which must come when the war stimulus has been withdrawn?

The following table shows the number of failures and liabilities for the last eight years, involving the two four-year periods discussed:

	Number.	Liabilities.
1909. 1910. 1911. 1912.	12,924 12,652 13,241 15,452	\$154,603,465 201,757,097 186,498,823 203,117,391
Total for last 4 years under Republican administration. Average per year for last 4 years under Republican administration.	54, 269 13, 567	745, 976, 776 186, 494, 194
1913 1914 1915	15,632 18,280 22,156 16,993	250, 802, 536 357, 908, 859 302, 286, 148 196, 212, 256
Total for first 4 years under Democratic administra- tion. Average per year for first 4 years under Democratic admin- istration. Per cent of increase.	73,061 18,265 33	1, 107, 309, 799 274, 827, 449 47

But there is an exception of agricultural partnerships. For " much thanks." It serves but one purpose to show the low estimate the majority of the Ways and Means Committee have for the farmers. Both the committee and the farmers know that farm partnerships are negligible in this country. The exception relates largely to farm profits going into a partnership concern in nearly every case engaged in some other general line of business. The exception would not be of any value to the farmer at all, who in nearly every case conducts his farming operations as an individual.

Mr. RAINEY. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Yes.
Mr. RAINEY. Permit me to call the gentleman's attention to the fact that in his own State every arrangement between the owner of a farm and his tenant by which they divide crops is a partnership.

Mr. SLOAN. That is not a partnership. It is the relation

of lessor to lessee.

A mighty insignificant exception, after having by the Underwood law placed practically all northwestern farm products on the free list or radically reduced the duties, by which the Treasury has lost an average of \$60,000,000 per year; and this

And, further, bonds have been authorized at a time when they are not selling as well as formerly to buy ships at the highest price water craft ever commanded, one large purpose of which buying is to carry competing farm products from Argentina to enter our ports free. This exception may be a qualm of a cocained conscience on the part of the Ways and Means majority or its directing force; but if it is, we will wait till they have a real qualm.

This bill should be defeated. It is presented on account of the inexcusable extravagances of the last four years by the Congress and administration, surpassing the reckless abandon of the inebriated mariner. All of this was in violation of the 1912 Baltimore platform pledge of economy. That pledge was:

We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of the recent Republican Congress which have kept taxes high and reduced the purchasing power of the people's toil. We demand a return to that simplicity and economy which befits a democratic government and a reduction in the number of uscless offices, the salaries of which drain the substance of the people.

It should be defeated, because the opportunity is here and now to collect a large amount of needed revenue by returning to the sound tariff basis abandoned when the Underwood law was passed. There is nothing in this measure to obtain an additional dollar from the foreigner or protect an American

Before the war the best thought and policy of the leading nations of the earth was in the continuance or adoption of a nations of the earth was in the continuance or adoption of a protective policy, save Britain alone. Now, with the stern test of war, all the world sees the wisdom of a protective policy. All admit it, Britain included, except the fatuous, purblind party in power in this country.

The best demonstration of the wisdom of protection coming out of the fiery ordeal of war is Germany. She had spent enormous course in the development of protections and spent enormous course in the development of protections.

mous sums in the development of a navy, but she could not meet on even terms the "mistress of the seas." Her army was two and a half years ago, and is probably to-day, the most the products of the mine, forest, factory, and farm a large numerificative land fighting machine ever organized on earth. But

no well-informed man will place Germany's army at the head of German achievement. Though the German Army is now smaller in numbers than are its opposing forces, the disparity is not so remarkable. The large outstanding fact is her inclustrial organization. With territory less in area than the State of Texas, and that duplicated by her ally, she is matched against the grainfields of the world, the herds of the plain, and the fishes of the seven seas. Moreover, her forests 50 years ago largely denuded, now reclothed, and her mines a half century ago undiscovered and undeveloped, all under the genius and industry of that marvelous people for two and a half years have fed, clothed, armed, and munitioned her own and allied armies, sustained the civilians at home, and (deprecating any thought of forecasting results) stands with no enemy foot upon her soil.

How was this brought about? At the close of the Franco-Prussian War the two most commanding statesmen of the world were Bismarck and Gladstone. Both were free traders, and both so directed their nation's policies. Their stand before the world made during that decade free trade respectable, Gladstone persisted in his free-trade policy, and so did his successors until the present period. The two nations are now at war. England neglected producing those things at home which she needed in time of peace and time of war, and depended on her overmastering fleet to bring from the four corners of the earth the products of forest, farm, factory, and mine for use of her citizens and Government. It is well known to all that in this conflict were it not for her overmastering fleet Great Britain would have been starved within 90 days after the beginning of the war, and her munitions, for lack of home supplies, would have been exhausted. But Bismarck, looking down the decades along the line of the Empire's forecasted destiny, saw that it was necessary to reverse the policy of Germany. He examined the protective policy of America, and proceeded to perfect it under the theory of protecting the products of the forest, farm, factory, and mine, so that in the prosecution of the arts and the industries of peace, as well as in the stress of war, Germany could depend upon that which was produced at home to fill her every want.

Mr. FESS. Will the gentleman allow me to interrupt him

for a question?

Mr. SLOAN. If the gentleman will be brief. Mr. FESS. There is another thing. At the time Bismarck put the German Empire under the protective tariff they had 36,000,000 people and did not produce sufficient to feed themselves. To-day she has 68,000,000 people, and when the war broke out she was a large exporting nation of foodstuffs. I do not know anything that is stronger than that.

Mr. SLOAN. That is well said. This should be the policy of

America, throughout whose broad dominions there may be produced food for our hundred millions, whose products of our mines, forests, farms, and factories would be sufficient to meet

the demands of peace and the necessities of war.

This bill at this time should adopt that theory and, in plain terms, put it through the process of legislation to meet the condition which will confront us when this war has closed.

Taking the ad valorem rate of duty on all products imported in the four years of 1910, 1911, 1912, and 1913 and applying it to the imports of 1916, the amount of revenue would have exceeded that actually collected under the Underwood law by

\$213,224,815.

Of course, the lower rates and the extended free list would modify that to some extent. But as rates should be fixed with reference to the closing of the war at or before the reconvening of Congress next December we should take into account the fact that the war has been exercising a restraint upon imports. This is shown by the fact that during the last year before the war we received imports from Germany, Austria-Hungary, Belgium, and Turkey to the value of \$259,362,027, while last year they only amounted to \$17,007,498. So I submit another basis of the probable normal increase of import business from 1913 to 1916. From 1910 to 1913 imports increased 14 per cent, or \$219,580,276. Using this 14 per cent as a basis of increase, the imports for 1916 would have been \$1,914,025,929 and the increased revenue would have been \$158,686.631. It will be seen that working from these two bases the results are not so widely different. Accepting their average as approximately correct we have the probable annual increase of revenue under the rate of the 1909 act of \$185,955,723. This, extended over a period of 17 months, up to July 1, 1918, sought to be provided for in this bill, would give an increased revenue of \$263,451,431.

Further, by following the Republican platform in protecting

and which compete with our own products would be placed on the protected list and from which \$50,000,000 per year could be raised. Among these might be suggested asbestos, coal, copper, cotton, hair of cattle and horses, hides except kangaroo, mineral oils, and sulphate of ammonia.

This rule would leave on the free list all noncompetitive necessities, such as tea, coffee, rubber, and many drugs.

Do this and you will not have to use a bond, or you can cut out short-time notes, or you can leave further inheritance taxes to the States and cut down one-half the burden upon business

Reduced revenues at the ports can no longer be excused by the existence of war. The imports for the fiscal year of 1916 enormously exceeded those of any year in our history, and the prospect for 1917 indicates an increase over 1916 of nearly

Then, with the coming of peace, as come it must, with the public debts of the battling nations amounting to over \$100,000, 000,000, with an annual interest charge of over \$5,000,000,000, with the United States in possession of nearly one-half of the gold of the world and one-third of its wealth, industrial forces now at work, reinforced by 20,000,000 men from the disbanding ranks, will be hurling their products of farm, mine, forest, and factory upon our markets, which, even with a reasonable tariff at our ports, the flood will be enormously increased. I have little doubt that our imports will be, during the first two years after the close of the war, twice as great as they are now during the war. So, should the war close by October 1, 1917, a large increase of imports will be made long before the following July and the large part of our deficit met by collections from the foreigner of nearly \$400,000,000, American industries will have been protected, and the United States, taught by lessons of the great struggle, would be well on her way toward developing from her own resources all that this country might need under the blessings of peace or the stress of war.

But no; we have a debauched and depleted Treasury, assailed and defenseless industries. You are content with "taking no thought of the morrow."

It was during the reign of Louis XV of France. Unsuccessful foreign wars, like our own of the last two years, and un-bridled extravagances had emptied the national treasury. The advice of constitutional advisers was ignored for the more welcome soft-spoken suggestions of Mme. Pompadour. She was like some modern people who, accepting public position with a special jurisdiction, construe it to mean appointment as general manager. As troubles thickened about the aged monarch, he had a vision of what was to happen under his successor, including glimpses of the revolution and mutterings of the reign of terror. One day he asked Mme. Pompadour, "What of France after we are gone?" She answered with all her wisdom and wickedness, concentrating into the measure of a single phrase what this bill, with all its provisions, conditions, legal verbiage, and legislative rhetoric, conveys to an inquiring and despairing public, reckless, taunting, hopeless, "After us, the

Let the country understand that no Republican member of the Ways and Means Committee is in anywise responsible for one syllable of this legislative enormity. The eight minority mem-bers, representing, first, a majority of the votes cast in the election of 1914 and 1916, and, secondly, representing an overwhelming majority of those who are to materially contribute to the payment of the taxes to be levied and the debt created by this bill, were never admitted to their own committee room during the deliberations upon this bill until it was presented in its final form. And during that session reading of the bill was refused, as was also any time for consideration or deliberation.

That the first intimation of the substantial terms of the bill came when the Washington papers announced that President Wilson, Secretary McAdoo, and Chairman Kitchin had agreed on bonds and inheritance and profit taxes. What they agreed upon has not been changed, nor will any substantial change take place. To what a low estate has our House of Representatives fallen! The constitutional taxing body surrendering to the Executive and the Secretary of the Treasury!

Just at this time we are tempted to make some obvious comparisons between our first President and his Secretary of the Treasury and our last-Washington and Hamilton, Wilson and McAdoo-Washington delivering his Farewell Address to the country, Wilson his salutatory to the Senate; one admonishing the people, when the price of liberty and independence was yet fresh in their memories, to make no doubtful experiments, to retain a splendid isolation, and make no entangling alliances; the other, from our position of power, advised to take a doubtful position in a world league for enforced peace, the possi-bilities causing us to stand aghast; one, the argument of expe-rience had in battle, convention, and Cabinet; the other, the

plea of a theory, risking the progress and development of more than a century upon the doubtful issue of the greatest experiment ever proposed in history. It is a far cry from 1796 to 1917, but a mighty contrast between the strength and stability of Washington and the felicity and flexibility of Wilson.

Of the Secretaries, Hamilton started with an empty Treasury; he filled it. McAdoo started with a full Treasury; he emptied it. [Applause.]

Said Daniel Webster, speaking of the first Secretary:

He smote the rock of our national resources and an abundant stream of revenue burst forth. He touched the dead corpse of public credit and it sprang upon its feet.

Of McAdoo it might be said, "He smote the generous stream of our national revenues and the barren wall of deficit confronted him. He touched the living form of our national finances and it sank, a shriveled corpse."

This bill seeks to galvanize the corpse. [Applause.]

Mr. KITCHIN. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. Olney].
Mr. OLNEY. Mr. Chairman, I was one of the 13 men in the Democratic caucus who reserved the right to dissent from the majority report of the Ways and Means Committee. Perhaps it is just as well to have doubting Thomases once in a while, because they become more enthusiastic Matthews, Marks, Lukes, and Johns in the end.

I am supporting this bill this evening, gentlemen, as a good, sound business proposition. [Applause.] I have examined it from every standpoint, and I ask you on that side of the House why can not some of you at least, anyway, come over on this side of the House as liberal-minded, good business men and support this proposition? We can not raise the revenue consistently under a high protective tariff system.

I have listened with interest to the remarks of my good friend from Michigan [Mr. FORDNEY], and I believe he was right in opposing the Government shipping bill, as I opposed it, with one other Democrat, a year ago in this House as not being a good business proposition. This Government will go out into the market and purchase ships at four times their normal value under the shipping bill. But why can not you gentlemen also realize that this is a good business proposition? There are now 12 men left who are probably dissentient, but you remember the little piece of poetry that runs as follows:

Twelve little negroes looking up to heaven, One saw the light, and then there were eleven.

I trust we may go down the line until there will be left but seven, and then I believe that this bill will pass.

You claim, my friends on this side of the House, that under a protective tariff bill America can raise an enormous revenue from wool. Anticipating such a course as this, and being in the wool business in Boston, at 233 Sumner Street, which business I conduct through a partner, I asked that partner through a telegram if an embargo on wool still existed on the part of England toward the United States, and he telegraphs me as follows:

BOSTON, MASS., January 30, 1917.

Hon. RICHARD OLNEY, 2D. 489 House Office Building, Washington, D. C.:

Embargo tightly enforced; some indefinite talk of future release of small quantity wool under control of British Government. If released, quality of wool presumed will be burry and faulty, which can not be used by English manufacturers.

GORDON F. L. ROGERS.

It is well known to those on the other side of the House who are familiar with the wool situation that the only country in the world to-day which has increased its wool supply under war conditions is Australasia, and Australasia produces to-day a yearly crop of about 1,000,000,000 pounds, and under normal conditions in many years often half of that crop is shipped to this country.

And we, too, use a large supply of the New Zealand crop, the English wool, the Irish wool, the Scotch wool, and the Canadian wool, and if an embargo is placed upon these wools, where are we going to get the revenue by placing a tariff on wool?

Now, perhaps we could raise revenue from other commodities, but they would affect the wage earner to a greater or less extent to-day. What pleases me about this bill is that it affects me, and if I make an exorbitant profit on my wool business to-day I want to pay it to the Government.

The other night I exemplified before the caucus of this House my own case in confidence, and I took the caucus into my confidence when I said I presumably had a capital stock of about \$20,000, representing capital and undivided profits, and it figured out that my firm on the basis of \$8,000 profits in a normal year paid only \$112 tax, and my share of the tax was only

I know of a concern 40 miles from my house as the crow flies which is making a profit of \$15,000 a week upon war muni-

tions. I have often wondered how we could really get at those concerns which were making exorbitant profits upon war munitions, and this seems to me to be the best, the wisest, and the most feasible way. Figuring out that this concern makes in a year upon war munitions \$800,000 war profits, or \$15,000 a week, after 8 per cent on its capitalization is deducted-after a deduction of \$5,000, it would leave \$771,000-and 8 per cent of that, or \$61,680, is but a fair tax upon the enormous profit of \$800,000.

Mr. FESS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Ohio?

Mr. OLNEY. Yes.

Mr. FESS. The ammunition profits are not likely to con-

tinue after the war, are they?

Mr. OLNEY. That is all right, I will say to my good friend from Ohio; but this is an emergency measure that might be repealed after the war is over, and you or I do not know whether this war will continue a year, or two years, or six

Mr. FESS. Is it not the plan that this tax shall be permanent?

Mr. OLNEY. I do not so figure it out. Mr. FESS. May I ask the gentleman another question? Mr. OLNEY. Yes.

Mr. FESS. Does not the gentleman think this is going to be disappointing in the amount of revenue it will produce?

Mr. OLNEY. No; I do not really think so. I think lots of property will be uncovered and lots of profits uncovered which the Committee on Ways and Means can not estimate the existence of.

Perhaps there is one section of the bill which I would take exception to, and that is the section concerning the exemption of agricultural proceeds. I do not mean the exemption of intensive farming, where a man gets out with his overalls on and earns his living in that way; but I know of a concern in Massachusetts which purchases hogs and manufactures sausage and purchases and sells milk and cheese; to my knowledge its gross receipts in the last fiscal year were \$970,000. Now, it seems to me that that is a real business corporation, not a farm, and it should be taxed upon its profits.

Mr. KELLEY. Mr. Chairman, will the gentleman yield?
Mr. OLNEY. Yes.
Mr. KELLEY. Would the gentleman think that such a corporation as he speaks of ought to be classed as an agricultural

corporation?

Mr. OLNEY. I think so, under that section of the bill, and that is the reason why I would either like to see that section stricken out or have it changed so as to mean only intensive

Mr. KELLEY. Would it not exempt the Chicago packers?
Mr. OLNEY. It would not, according to my construction of the bill.

Mr. KELLEY. Would it exempt sugar packers? Mr. OLNEY. I do not think so.

Mr. KITCHIN. This bill does not exempt packers at all.

Mr. FESS. I would like to have the gentleman's view on the same question that I asked of the chairman of the committee. Does not the gentleman think it is a wrong method of legislation

to discriminate in favor of one as against another citizen?

Mr. OLNEY. No, sir; I do not; because I have always believed that brains, intelligence, and industry should be taxed as against those of our brothers who are perhaps more unfortunate. If I have a little more capacity than my brother, I am willing to

pay the difference in a tax. [Applause on the Democratic side.]

Mr. FESS. If the gentleman will permit, it has always appeared to me that a willingness to pay a tax to support the Government ought to be regarded as a virtue to be cultivated and the tax as not an evil to be shunned, and therefore it strikes me that we ought to cultivate the idea of supporting the Government by each one of us being willing to pay a tax.

Mr. OLNEY. My friend from Ohio probably believes in indirect taxation?

Mr. FESS. Yes; I do. Mr. OLNEY. Under normal conditions I myself believe probably in a so-called horizontal tax; but in these times, to my mind, there could be no better business proposition presented before the people of this country than to tax those corporations. and firms which are making exorbitant profits on account of the

European war. [Applause.]
Mr. KITCHIN. I will ask the gentleman from Michigan if

he wishes to yield any of his time now?

Mr. FORDNEY. I yield to the gentleman from New York [Mr. SNYDER] seven minutes.

The CHAIRMAN. The gentleman from New York [Mr. SNYDER] is recognized for seven minutes.

Mr. SNYDER. Mr. Chairman, I am going to vote against this bill, not because the revenue sought to be raised by it is not needed, but because I do not believe it is the right and proper way to raise such revenue at this time.

I favor most of the expenditures which are being made by Congress, and which were made at the last session. These include provision for the increase of the Army and the Navy with sufficient equipment, including the Aero Service, which should make us so strong on land and sea and in the air that no nation would dare attempt to invade our shores.

I also voted for and favored the expenditures for public buildings and for rivers and harbors, because I believe in progress. I believe you can not make one part of this great country prosperous without, indirectly at least, benefiting the entire

Nation.

What I object to is this method of taxation. Being a protectionist, of course, I believe in raising all revenue possible through the medium of tariff duties. This seems to me to be a much more equable and satisfactory method of raising revenues, especially as in most cases the exporter pays the duties.

If when the Democratic Party came into power it had continued for the last three years the Payne-Aldrich tariff bill exactly as it was, it would have been unnecessary to have increased the corporation or income taxes last year, neither would this excess

tax now proposed have been necessary.

This continued yearly burden that you gentlemen on the other side of the Chamber are putting on industry will in normal times depress and destroy initiative. Manufacturers and business men will not know what to expect; in fact, they do not now know what will next happen.

The viewpoint of the gentlemen who have the making of these tax measures seems to be centered only upon the man who has demonstrated his ability to make a dollar, and when they find

him to take that dollar away from him.

It is my belief that the men of this country who demonstrate the ability to create industries to the extent that they are sufficient in magnitude to compete with world conditions and competition will not submit year after year to this sort of legislation, They have reached a point where they do not so much object to taxation, but they do object to the methods used in collecting that tax by the servants of your Government; by men, either competent or incompetent, who come searching into their business affairs; men who appear at any time demanding to see their private ledgers, their profit accounts, or their corporation accounts, refusing sworn statements as to these accounts and these businesses.

The theory of these men and the theory of the party which is back of them seems evidently to be that any man who operates a business and makes money is a crook.

It is my belief that at least 98 per cent of the so-called manufacturers, merchants, and business men of this country are patriotic and willing to pay a fair share of the taxes of the Gov-ernment, but most of them resent this method of being searched every morning to see if they have anything left overnight that the Government can take from them.

It seems singular to me that any man who has sufficient strength in a community to be elected to a body such as this could possess a mind so narrow that he could believe the president and treasurer of a corporation, or two gentlemen who are partners in a business, would go before a notary and make false

oath to save a few dollars on a Government tax.

This method of "digging in"—it might be called a "ferret" system-to the affairs of the business men of this country is, in

my judgment, bound to kill the goose which lays the golden egg.

I believe the laboring men of this country, the farmers of this country, the ordinary gentleman who has retired from the farm to a home in the village to spend his last days quietly and peacefully, do not object to taxation.

Each of them wishes to pay his fair and proportionate share of the expenses necessary to the operation of this Government and making it the best operated Government in the world.

Each of them want it equipped and maintained on a basis that will permit every man and woman and child in America to go their way through the streets of any city at home or in any other country, peacefully, proudly, with their heads up, knowing that they are protected and guarded, efficiently and willingly, by the flag of this Republic.

They have contributed their tax for that protection freely and cheerfully and insist that it be so expended as to enable us to attain and maintain that position in the galaxy of nations.

[Applause.]

I yield back the remainder of my time.

The CHAIRMAN. The gentleman from New York yields

Mr. KITCHIN. I yield 10 minutes to the gentleman from Illinois [Mr. TAVENNER]. [Applause.]

[Mr. TAVENNER addressed the committee. See Appendix.]

Mr. FORDNEY. Mr. Chairman, may I ask the gentleman from North Carolina if now is the proper time to ask for permission to extend remarks in the RECORD?

Mr. KITCHIN. I will say to the gentleman it is customary to ask for that permission in the House, and I will ask that permission of the House this afternoon.

Mr. FORDNEY. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. Watson].

Mr. KITCHIN. And, Mr. Chairman, after this gentleman has finished I will move that the committee rise.

Mr. WATSON of Pennsylvania. Mr. Chairman, as my time is limited, I will not attempt to go into figures. The gentleman from Michigan very clearly made a statement relative to the import and export statistics, and if we followed his philosophy the committee would not have had to bring in this bill, loaded with direct taxes. I will vote against it, because I can not support a bill providing for a system of revenue which, in my opinion, will lower the wages of our workmen, bring adversity to our industries, and burden our people with excessive direct taxation.

One year ago, in my extension of remarks, I said:

The problem of taxation has been always a troublesome question for the Democratic Party to solve.

They did not find the solution in the Underwood Tariff Act, by which they endeavored to meet the expenses of the Government without increasing the taxes.

Inquire of history and you will learn that all free-trade administrations have had the same record—deficit in the Treasury.

My observation has been verified by the statement issued by the United States Treasury, and is evidenced by the national debt.

This bill proposes to devise the means by which the Nation's

obligations can be met.

The taxpaying people of our country will acquiesce in the assertion that this is the most unpopular revenue bill that ever has been presented to this House, and that it is in sympathy with the most extravagant administration in the history of American legislation.

The great Democratic Party withdrew from their economical principles when \$150,000,000 was deposited to their credit upon their elevation to power, and they have continued in that de-parture until the public debt has assumed the enormous proportions of hundreds of millions of dollars. [Applause on the Republican side.]

The gentlemen on that side of the aisle can well afford to bring this bill into the House and force its passage, because the people whom they represent will contribute a very small per-

centage of the taxes if this bill becomes a law.

The corporations and industries will pay a large part of the Federal taxes, and the few Eastern States, where they are mostly located, will enrich the Treasury by many millions, a large part of which, however, will be drawn to build post offices in the small towns and dredge shallow creeks in the privileged sections of the country.

The CHAIRMAN. The time of the gentleman has expired. Mr. FORDNEY. Mr. Chairman, I yield two minutes more

to the gentleman.

Mr. WATSON of Pennsylvania. The protective tariff of the Republican Party was the energy which developed our great resources and expanded our industries to that degree which has given us the position of being the richest Nation of the world, and now the Democratic Party depends upon that prosperity from which to collect a revenue to meet the unparalleled and in-temperate Democratic disbursement of the moneys of the public

You, my Democratic friends, refused to protect those industries by tariff legislation; therefore in your course you have been forced to issue bonds in order to raise a revenue to pay the current expenses of the Government in times of peace. Similar proceedings can not be found anywhere in the records of the

many Republican administrations.

Mr. Chairman, I fully recognize your right to legislate and your high privileges, but your policies will never maintain prosperity in our Nation. Your proposed plan of taxing the profits of corporate and private concerns is only another way of arriving at the direct taxation on their manufactured products. Thus you hope to raise a revenue to meet the Nation's debts, a scheme which not only fails to protect our industries but will add an additional burden by a direct taxation. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. WATSON of Pennsylvania. Mr. Chairman, I ask unani-

mous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. Warson] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KITCHIN. Mr. Chairman, I move that the committee do now rise,

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumer the chair, Mr. SHERLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20573, the revenue bill, and had come to no resolution thereon.

THE NAVAL ESTABLISHMENT.

Mr. PADGETT. Mr. Speaker—
The SPEAKER. For what purpose does the gentleman rise?
Mr. PADGETT. I rise for the purpose of reporting from the Committee on Naval Affairs a bill making appropriations for the Naval Service for the fiscal year 1918, and for other purposes, and to accompany it with a report (No. 1392).

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 20632) making appropriations for the Naval Service for the fiscal year ending June 30, 1918, and for other purposes.

The SPEAKER. The bill and report are referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. BROWNING. Mr. Speaker, I reserve all points of order

on the bill.

Mr. PADGETT. Mr. Speaker, I desire to ask that the minority members of the committee have to-morrow in which to

present minority views.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the minority members of the committee may have until to-morrow night to file their minority views. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. THOMAS S. WILLIAMS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a letter from Arthur N. Sager to George W. Perkins.

The SPEAKER. The gentleman from Illinois asks unanimous consent to print in the RECORD a letter from Arthur N. Sager to George W. Perkins. Is there objection?

Mr. DYER. Reserving the right to object, will the gentleman

give us some idea of what the letter is?

Mr. THOMAS S. WILLIAMS. It is a letter from Mr. Sager to Mr. Perkins in answer to a letter to him about the reorganization of the Republican Party.

Mr. DYER. I have no objection.
The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Speaker, I desire to beseech the House

for unanimous consent to insert in the Record a couple of letters from the Secretary of War.

The SPEAKER. The gentleman from Georgia [Mr. Adamson] asks leave to extend his remarks in the Record by inserting two letters from the Secretary of War. Is there objection? [After a pause.] The Chair hears none.

PRINT OF VETO MESSAGE (H. DOC. NO. 2003).

Mr. BURNETT. Mr. Speaker, I would like to ask unanimous consent for a print of the veto message on the immigration bill (H. R. 10384), if that can be done without interference with its status on the table, for the information of the House.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the President's veto message on the immigration bill shall be printed for information, it still being on

the Speaker's table.

Mr. STAFFORD. To be printed as a House document?
Mr. BURNETT. No; just for information.
Mr. STAFFORD. What for?
Mr. BURNETT. For printing in the RECORD.
Mr. MADDEN. To be distributed to Members of the House?
The SPEAKER. It has already been printed in the RECORD.
Mr. BURNETT. Then I ask that it be printed as a House ocument. ocument

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. KITCHIN, Mr. Speaker, I ask unanimous consent to dispense with the business on Calendar Wednesday in order to-

The SPEAKER. The gentleman from North Carolina asks unanimous consent to dispense with the business on Calendar Wednesday in order to-morrow.

Mr. MADDEN. Reserving the right to object, Mr. Speaker, is it the intention to continue in session to-morrow night if we have to run after 7 o'clock for the purpose of voting for

Mr. KITCHIN. No. I would like to run to-morrow night until 7, not later than 7.30 anyway. I say 7 o'clock. We are in hopes that we can finish to-morrow night at that time.

Mr. MADDEN. But if you can not reach a point where we can vote on it at that time

Mr. KITCHIN. It will go over until Thursday. The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a.m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

LEAVE TO PRINT ON REVENUE BILL.

Mr. KITCHIN. Mr. Speaker, I desire to make another unanimous-consent request. I ask unanimous consent that all Members who have spoken or will speak on the revenue bill be given the right to extend and revise their remarks in the RECORD.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, why does not the gentleman extend that to all Members

whether they speak or not?

Mr. KITCHIN. I understand they will have time to put in the Record anything they want. As to the gentlemen who have not spoken on the revenue bill, I ask unanimous consent that they be given the right to extend their remarks in the RECORD for five calendar days after the passage of the bill.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] makes two requests at once. The first one is that those who have spoken or may speak on this revenue bill have the right to extend and revise their remarks. Is there objection to that? [After a pause.] The Chair hears none.

The second request is that all gentlemen who do not speak have five calendar days in which to revise and extend their remarks. Is there objection? [After a pause.] The Chair hears

EXTENSION OF REMARKS.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill S. 706, pending in the House from the Committee on the Judiciary.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks on the bill S. 706, now pending in the House. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bill and

joint resolution of the following titles:

S. 7537. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the town of Allegany, county of Cattaraugus, N. Y.; and

S. J. Res. 202. Joint resolution to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 5, 1917.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 43 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Wednesday, January 31, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting a supplemental and additional estimate of appropriation for contingent expenses of Land Office, for the fiscal

year ending June 30, 1918 (H. Doc. No. 1999); to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Ohio River at Uniontown, Ky., with a view to removing the sand bar in front of the wharf or landing, and to determine whether a levee should be constructed in front of said town in the interest of navigation (H. Doc. No. 2000); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and estimate for the removal of shoal spots in the westerly entrance of the Point Judith Harbor of Refuge, Rhode Island, and in the harbor itself (H. Doc. No. 2001); to the Committee on Rivers and Harbors and ordered to be printed, with

4. A letter from the Secretary of Commerce, transmitting a detailed statement of the number of publications received and the number distributed by this department during the fiscal year 1916 (H. Doc. No. 2002); to the Committee on Expenditures in the Department of Commerce and ordered to be printed.

5. A letter from the Secretary of Commerce, transmitting petition from the employees in the office of the local inspectors of the Steamboat-Inspection Service, Oswego, N. Y., requesting an increase in their compensation on account of the increased cost of articles of common consumption; to the Committee on Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution (H. J. Res. 358) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect in March, 1917, etc., reported the same with amendment, accompanied by a report (No. 1375), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the Committee on the Library, to which was referred the joint resolution (H. J. Res. 347) authorizing the removal of the statue of Admiral Dupont, in Dupont Circle, in the city of Washington, D. C., and the erection of a memorial to Admiral Dupont in place thereof, reported the same without amendment, accompanied by a report (No. 1376), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 20574) granting the consent of Congress to the county commissioners of Decatur County, Ga., to reconstruct a bridge across the Flint River at Bainbridge, Ga., reported the same without amendment, accompanied by a report (No. 1877), which said bill and report were referred to the House Calendar.

Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 20082) to amend an act entitled "An act to authorize the establishment of a bureau of war-risk insurance in the Treasury Department," approved September 2, 1914, reported the same without amendment, accompanied by a report (No. 1378), which said bill and report were referred to the House Calendar.

Mr. MONTAGUE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 20534) granting the consent of Congress to Washington-Newport News Short Line, a corporation, to construct a bridge across the Potomac River, reported the same without amendment, accompanied by a report (No. 1379), which said bill and report were referred to the House Calendar.

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 1697) to declare Ollala Slough, in Lincoln County, Oreg., nonnavigable, reported the same without amendment, accompanied by a report (No. 1380), which said bill and report were referred to the House Calendar.

Mr. RAYBURN, from the Committee on Interstate and For-eign Commerce, to which was referred the bill (H. 3. 20535) permitting the Conway County bridge district to construct, maintain, and operate a bridge across the Arkansas River, in the State of Arkansas, reported the same with amendment, accompanied by a report (No. 1381), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 5985) authorizing the Commissioner of Navigation to cause the steamship Republic to be enrolled and licensed as a vessel of the United States, reported the same without amendment, accompanied by a report (No. 1373), which said bill and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on Military Affairs, to which was referred the bill (H. R. 19630) for the relief of Thomas Campbell, reported the same with amendment, accompanied by a report (No. 1374), which said bill and report

were referred to the Private Calendar. Mr. PETERS, from the Committee on Claims, to which was referred the bill (H. R. 16220) for the relief of First Lieut. Albert K. C. Palmer, United States Army, reported the same without amendment, accompanied by a report (No. 1382), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11312) for the relief of J. H. Livingston, reported the same with amendment, accompanied by a report (No. 1383), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 20424) for the relief of William S. Colvin, reported the same without amendment, accompanied by a report (No. 1384), which said bill and report were referred to the Private Calendar.

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 18618) for the relief of Wickliff Fry, for horse lost while hired by the United States Geological Survey, reported the same with amendment, accompanied by a report (No. 1385), which said bill and report were referred to the Private Calendar.

Mr. DIES, from the Committee on Claims, to which was referred the bill (H. R. 8788) for the relief of Lyman D. Drake, jr., reported the same with amendment, accompanied by a report (No. 1386), which said bill and report were referred to the Private Calendar.

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 10506) for the relief of Dr. F. C. Cady, reported the same with amendment, accompanied by a report (No. 1387), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (S. 2704) for the relief of Albert L. Ream, reported the same with amendment, accompanied by a report (No. 1388), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 12610) for the relief of Emma H. Ridley, reported the same without amendment, accompanied by a report (No. 1389), which said bill and report were referred to the Private Calendar.

Mr. FIELDS. from the Committee on Military Affairs, to which was referred the bill (S. 3973) for the relief of Clyde R. Altman, reported the same without amendment, accompanied by a report (No. 1390), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 4473) for the relief of Charles G. Griffa, reported the same without amendment, accompanied by a report (No. 1391), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:

By Mr. SCULLY: A bill (H. R. 20629) to provide for the commissioning of graduates of the United States Military Academy, and for other purposes; to the Committee on Military Affairs.

By Mr. SIMS: A bill (H. R. 20630) to authorize the President of the United States in certain emergencies to take possession of and operate the lines of a commerce carrier engaged in interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDBERGH: A bill (H. R. 20631) authorizing the county of Beltrami, Minn., to construct a bridge across the Mississippi River in said county; to the Committee on Interstate and Foreign Commerce.

By Mr. PADGETT: A bill (H. R. 20632) making appropriation for the naval service for the fiscal year ending June 30. 1918, and for other purposes; to the Committee of the Whole

House on the state of the Union.

By Mr. KINKAID: A bill (H. R. 20657) to amend clause 1, section 12, of the Federal farm-loan act to authorize loans to be made on lands under reclamation projects entered under the reclamation act, and lands in private ownership brought under such projects, on certain conditions; also on irrigated lands, other than the two classes specified, in certain cases; to the Committee on Banking and Currency.

By Mr. STEENERSON: Resolution (H. Res. 477) requesting the Attorney General of the United States to inform the House in regard to proceeding against the binder-twine monopoly; to the Committee on the Judiciary

Also, resolution (H. Res. 478) requesting the Secretary of State to inform the House if any action has been taken to secure relief from the Binder Twine Trust; to the Committee on

By Mr. GALLIVAN: Resolution (H. Res. 479) expressing the sense of the American Congress that there can be no permanent peace except upon the principle that Governments derive their powers from the consent of the governed; to the Committee on Foreign Affairs.

By Mr. BRITTEN: Resolution (H. Res. 480) directing the Committee on Foreign Affairs to investigate charges against American consular officers; to the Committee on Rules

By Mr. CARY: Resolution (H. Res. 481) providing for a congressional committee to investigate the condition of the Chicago River, and make recommendations thereto; to the Committee on Rules

By Mr. MANN: Concurrent resolution (H. Con. Res. 70) authorizing the printing of digest of contested election cases in the House of Representatives from 1901 to 1917, etc.; to the Committee on Printing.

By Mr. GANDY: Memorial from the Legislature of the State of South Dakota, requesting that Fort Meade, S. Dak., be designated as a citizens' training camp; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 20633) granting an increase of pension to Senora H. Hollenbeck; to the Committee on Pensions.

By Mr. BRITT: A bill (H. R. 20634) granting a pension to George Stillman; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 20635) granting an increase of pension to James K. P. Wayman; to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 20636) granting a pension to Mary Thompson; to the Committee on Pensions.

By Mr. CANTRILL: A bill (H. R. 20637) granting an in-

crease of pension to Mrs. Sallie M. Cohen, widow of Henry Cohen; to the Committee on Pensions.

Also, a bill (H. R. 20638) granting an increase of pension to F. G. McGuire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20639) granting an increase of pension to Joseph McGuire; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 20640) to increase the pensions

of the widows of the War with Mexico; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20641) granting a pension to Mrs. Frank Schultz; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 20642) granting an increase of pension to Mrs. Josephine Freeman, on account of invalid daughter; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 20643) granting a pension to Edwin J. Cholewa; to the Committee on Pensions.

By Mr. DICKINSON: A bill (H. R. 20644) for the relief of the heirs of William J. Crabtree, deceased; to the Committee on War Claims

Also, a bill (H. R. 20645) for the relief of the heirs of Ezekiel Evans, deceased; to the Committee on War Claims.

By Mr. GANDY: A bill (H. R. 20646) granting a pension to Carl J. Nelson; to the Committee on Pensions.

By Mr. GRIEST: A bill (H. R. 20647) granting a pension to

Milton Inners; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 20648) granting a pension to Kate E. Gilbert; to the Committee on Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 20649) granting an increase of pension to Newitt F. Gorrell; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 20650) granting an increase of pension to Winfield S. Barr; to the Committee on Invalid

By Mr. RAMSEYER: A bill (H. R. 20651) granting an increase of pension to Ezekiel Bogard; to the Committee on Invalid Pensions

By Mr. REILLY: A bill (H. R. 20652) granting a pension to Ferdinand Fetter; to the Committee on Invalid Pensions.

By Mr. ROWE: A bill (H. R. 20653) to waive the age limit in the appointment of Hal C. Sanborn; to the Committee on Military Affairs.

By Mr. RUSSELL of Missouri: A bill (H. R. 20654) granting an increase of pension to Oscar Grant; to the Committee on Invalid Pensions

By Mr. SHOUSE: A bill (H. R. 20655) granting an increase of pension to Edwin A. Welch; to the Committee on Invalid

By Mr. TINKHAM: A bill (H. R. 20656) granting an increase of pension to Samuel A. Maxfield; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of general grievance committee of Brotherhood of Railroad Trainmen, Burlington system, protesting against House bill 19730; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWNING: Petition of the Tabernacle Methodist Episcopal Church, of Camden, N. J., urging adoption of a constitutional amendment forbidding polygamy and polygamous cohabitation within the United States or any place subject to their jurisdiction; to the Committee on the Judiciary

By Mr. BRUCKNER: Protests from James M. Akin, Messrs. Bulkin & Rosenthal, James M. Brander, Joseph Camissa, Clift & Aldrich, Calef Bros., Daisy Whitehead Co., Sol Edman & Son, M. Falek & Son, Harry Goldstein, S. Geisman, M. E. Greenfield, Hart Kirtland Co., Samuel Jafe, Jesse Lazar, Oscar Levy, the Potter Textile Co., the Preston Shirt Co., Samstag & Hilder Bros., A. Steinhardt & Bro., L. Seigbert & Bro., and Joseph S. Whiteside, against regulation of radio communication; to the Committee on the Merchant Marine and Fisheries.

By Mr. BYRNS of Tennessee: Papers accompanying bill granting an increase of pension to James K. P. Wayman; to the Committee on Invalid Pensions.

By Mr. CARY: Petition of George C. Markham, protesting

against the passage of the revenue bill in its present form; to the Committee on Ways and Means.

Also, petition of Massachusetts State Board of Trade, favoring extension of the powers of the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce. By Mr. CLINE: Petition of Auburn (Ind.) citizens, protesting

the passage of the Post-Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of Grabill (Ind.) citizens, favoring the national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of citizens of Allen County, Ind., favoring the placing of an embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, petition of Fort Wayne (Ind.) citizens, favoring an embargo on food products to European countries; to the Committee on Interstate and Foreign Commerce.

By Mr. CURRY: Petition of Mrs. J. W. Duncan and 59 other women residents of Woodland, Cal., protesting against the Randall rider to the Post Office appropriation bill in reference to postal rates on second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of National Educators' Conservation Society, New York City, favoring the migratorybird treaty bill; to the Committee on the Public Lands.

Also, petition of Louis J. Robertson, protesting against the revenue bill; to the Committee on Ways and Means.

Also, petition of United Leather Workers of the World, Philadelphia, Pa., protesting against militarism; to the Committee

on Interstate and Foreign Commerce. Also, petition of Henry W. Thurston, member of criminal courts committee, New York City, favoring legislation to establish a probation system in the United States courts; to the Committee on the Judiciary.

Also, petition of Horace L. Houghton, chief probation officer, Woodbury County, Iowa, favoring legislation to establish a probation system in the United States courts; to the Committee on the Judiciary.

By Mr. DRUKKER: Petition adopted by the Board of Education of Paterson, N. J., favoring an appropriation for field service for training alien population of the United States for citizenship; to the Committee on Appropriations.

By Mr. EAGAN: Petition of A. N. Dell, Woodbury, N. J., favoring the Susan B. Anthony amendment; to the Committee on

the Judiciary.

Also, petition of central committee, Leather Workers of the World, Philadelphia Pa., protesting against militarism; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mary R. Hall, Montclair, N. J., favoring protection of migratory birds under the treaty with Canada; to

the Committee on Foreign Affairs.

Also, petition of National Educators' Conservation Society, New York City, protesting against the passage of Shields Adamson, Ferris-Myers dam bills; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of the Rockford (III.) Manufacturers' and Shipping Association, protesting against the proposed tax on profits above 8 per cent; to the Committee on Ways and Means.

Also, petition of John English, of Galion, Ohio, favoring the enactment of House bill 14428, to increase pensions of maimed soldiers of the Civil War; to the Committee on Invalid Pen-

By Mr. GALLIVAN: Petition of 59 citizens of fourth district of Massachusetts, protesting against prohibition legislation; to the Committee on the Judiciary.

Also, petition of 19 citizens of fourth district of Massachusetts, protesting against prohibition legislation; to the Committee on the Judiciary.

By Mr. GANDY: Petition of the First Presbyterian Church of Lead, S. Dak., for prohibition amendment to Constitution, prohibition in the District of Columbia, prohibiting interstate shipment of intoxicating liquors and use of mails for soliciting mail orders and to carry advertisement for intoxicating liquors; to the Committee on the Judiciary.

Also, petition of First Presbyterian Church, Lead, S. Dak., for Federal censorship of motion pictures and woman-suffrage amendment; to the Committee on the Judiciary

Also, petition of Deadwood (S. Dak.) Branch Woman's Christian Temperance Union, for Federal censorship of motion pictures and woman-suffrage amendment; to the Committee on the Judiciary.

Also, petition of 211 citizens of Lawrence County, S. Dak., for Federal censorship of motion pictures and woman-suffrage amendment; to the Committee on the Judiciary.

Also, petition of 22 citizens of Lawrence County, S. Dak., for prohibition amendment to Constitution, prohibition in the District of Columbia, prohibiting interstate shipment of intoxicating liquors, prohibiting use of mails for soliciting orders, and to carry advertisements for intoxicating liquors; to the Committee on the Judiciary.

Also, petition of 69 citizens of Lawrence County, S. Dak., adverse to Shields water-power bill; to the Committee on Interstate and Foreign Commerce.

By Mr. GARD: Memorial of the City Council of Hamilton, Ohio, protesting against the alleged food and cold-storage combination; to the Committee on the Judiciary.

By Mr. GRIEST: Petition of George N. Reynolds, Lancaster,

Pa., protesting against heavy tax on income of mutual life-insurance companies as proposed by the revenue bill; to the Committee on Ways and Means.

Also, petition of 69 citizens of Lancaster County, Pa., favoring a Christian amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of Columbia Church of God, Home Mission Society, and Presbyterian congregation, all of the city of Columbia, Pa., favoring the national constitutional prohibition amendment; to the Committee on the Judiciary

Also, petition of Christian Endeavor Society of the Methodist Church of Millersville, Pa., favoring the national constitutional

prohibition amendment; to the Committee on the Judiciary. By Mr. HOLLINGSWORTH: Memorial of Local Union No. United Mine Workers of America, in favor of creation of Federal food commission, to conserve food products; to the Committee on Interstate and Foreign Commerce.

Also, affidavits in support of House bill 5166, to increase pension of Dixon M. Hepburn; to the Committee on Invalid Pen-

By Mr. LINTHICUM: Petition of William H. Pierce, Baltimore, Md., favoring Niagara Falls water-power legislation; to the Committee on Foreign Affairs.

Also, petition of Woman's Christian Temperance Union, Baltimore, Md., favoring prohibition legislation; to the Committee on the District of Columbia.

Also, petition of Byron A. Shipley, representative of the Brotherhood of Railroad Trainmen, Baltimore, Md., protesting against House bill 19730; to the Committee on Interstate and Foreign Commerce.

Also, petition of B. Holly Smith, favoring the migratory bird

treaty bill; to the Committee on Foreign Affairs.

Also, petition of Mann & Co., patent attorneys, Baltimore, Md., protesting against legislation excluding liquor advertisements from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of Robert H. Jenkins and John Howland, favoring the migratory bird treaty bill; to the Committee on Foreign Affairs

By Mr. MANN: Petition of One hundred and nineteenth Street Commercial Club, Chicago, Ill., favoring 1-cent letter postage on local letters; to the Committee on the Post Office and Post Roads.

By Mr. OLNEY: Petition of South Congregational Church, Brockton, Mass., favoring Kenyon-Sims bill, House bill 3107, and Senate bill 3253, to forbid interstate transmission of race-gambling bets; to the Committee on the Judiciary.

By Mr. ROWE: Petition of board of managers Empire State Society, Sons of the American Revolution, favoring bills for the purchase of Monticello, former home of Thomas Jefferson; to the Committee on Public Buildings and Grounds.

Also, petition of John F. McClain, New York City, favoring

House bill 18542; to the Committee on Appropriations.

Also, petition of 61 citizens of Brooklyn, N. Y., protesting against prohibition legislation; to the Committee on the Judiciary.

By Mr. WATSON of Pennsylvania: Petition of sundry citizens of Doylestown, Pa., favoring the adoption of Senate joint resolu-

tion No. 1; to the Committee on the Judiciary.

By Mr. WINGO: Petition of 36 citizens of Fort Smith, Ark., favoring national woman suffrage amendment to the Constitution; to the Committee on the Judiciary.

SENATE.

Wednesday, January 31, 1917.

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee for the high sense of moral obligation Thou hast put into us all, and for the inward monitor that responds to the divine prompting. We thank Thee that Thy law stands guard over the rights of man, so that when we act upon falsehoods it is at the peril of our happiness and prosperity. We thank Thee that Thou hast given to us every demonstration of Thy actual providence and guidance. hold the reins of government. The nations of the earth are in Thy hands. We pray Thee to help us this day to live and act in accordance with this great divine central truth of all happiness in life. God rules over all; Thy will is law. We ask for Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I think we ought to have a quorum before beginning business. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Smith, S. C. Smoot Sterling Sutherland Thomas Thompson Tillnan Townsend Walsh Brady Brandegee Broussard Hardwick Norris O'Gorman Oliver Overman Hollis Husting Husting
James
Johnson, S. Dak.
Jones
Kenyon
La Follette
Lee, Md.
Lodge
McCumber
Martin, Va.
Martine, N. J.
Myers
Nelson Bryan Chamberlain Page Pittman Ransdell Reed Robinson Chilton Clapp Culberson Cummins Curtis Dillingham Fernald Saulsbury Shafroth Sheppard Smith, Ga. Smith, Md. Smith, Mich. Weeks Williams Works Fletcher Gallinger

Mr. CURTIS. I wish to announce that the Senator from New York [Mr. Wadsworth] is detained from the Senate on account of illness. He is paired with the Senator from New Hampshire [Mr. Hollis].

Mr. MARTINE of New Jersey. I rise to announce that the Senator from Oklahoma [Mr. Gore] is detained on account of

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present.

THE COMMITTEE ON MILITARY AFFAIRS.

Mr. CHAMBERLAIN. I desire to ask permission of the Senate to hold a meeting of the Committee on Military Affairs while the Senate is in session.

The VICE PRESIDENT. Is there objection? The Chair hears none.

EAST WASHINGTON HEIGHTS TRACTION CO.

The VICE PRESIDENT laid before the Senate the annual report of the East Washington Heights Traction Railroad Co. for the year ended December 31, 1916, which was referred to the Committee on the District of Columbia.

SENATOR FROM NEW JERSEY.

The VICE PRESIDENT. The Chair lays before the Senate the credentials of Joseph S. Freijnghuysen as a Senator from New Jersey for the term of six years from March 4, 1917, which will be printed in the RECORD and placed on the files.

The credentials are as follows:

STATE OF NEW JERSEY.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES

This is to certify that on the 7th day of November, 1916, JOSEPH S. FRELINGHUYSEN was duly chosen by the qualified electors of the State of New Jersey a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1917.

Witness: His excellency our governor, Walter E. Edge, and our seal hereto affixed at Trenton this 29th day of January, in the year of our Lord 1917.

[SEAL.]

[SEAL.]
By the governor:

WALTER E. EDGE.

THOMAS F. MARTIN, Secretary of State.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Porto Rico, praying that their native citizenship be not disposed of against their will, which were ordered to lie on the

Mr. OLIVER presented petitions of sundry citizens of Mercer and Lancaster Counties, in the State of Pennsylvania, praying for the enactment of legislation to found the Government of the United States on Christianity, which were referred to the Com-

mittee on the Judiciary, which was referred to the Vorkers' Nonpartisan He also presented a memorial of the Workers' Nonpartisan League of Blair County, Pa., remonstrating against the enactment of legislation providing for compulsory arbitration of transportation disputes, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Luzerne, Pa., remonstrating against the enactment of legislation to ex-clude liquor advertisements from the mails, which was ordered to lie on the table.

He also presented a petition of the Civic Club of Allegheny County, Pa., praying for the enactment of legislation to provide for the promotion of Americanization of immigrants through education, which was ordered to lie on the table.

Mr. WORKS. I have here a telegram from George I. Cochran, president of the Pacific Mutual Life Insurance Co., relating to some of the provisions in the revenue bill and calling attention to the manner in which we are doubling up taxes in this country. I should like to have it read.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The telegram was read and referred to the Committee on Finance, as follows:

Los Angeles, Cal., January 30, 1917.

JOHN D. WORKS, Washington, D. C .:

JOHN D. Works, Washington, D. C.:

The Pacific Mutual Life Insurance Co., a California institution and the largest company of its kind west of the Mississippi River, pays a large annual tax to the State of California of 2 per cent on its premiums. In addition to this it pays a similar tax to each State in which it transacts business, besides many other license taxes, etc.; in addition it pays a Federal income tax of over \$18,000 a year, and this year an additional excise tax to the Federal Government of about \$2,500 on its capital stock. And it is now proposed by the new Federal incometax bill to collect a further tax of 8 per cent on its profits, which would amount probably to about \$80,000 a year. In addition, when you remember that the profits of a life insurance company are largely sayings from mortality and earnings on reserves for the benefit of its policyholders, which are returned to them, you will readily see that these so-called profits are not the kind of profits which this emergency tax is intended to reach. We submit that life insurance is already tremendously taxed, and that this additional tax is simply in excess of the limit. We ask you in the name of our policyholders, who are over a hundred thousand in number, to use your influence to exempt life and accident insurance companies from this unjust tax.

George I. Cochran,

President Pacific Mutual Life Insurance Co

Mr. JONES. I have three telegrams very similar to the one just read. I will not ask that they be printed in the Record. I will simply state that one is from the Northern Life Insurance Co., of Seattle, another from Thomas A. Garrignes, general agent of the Northwestern Mutual Life Insurance Co., of Seattle, and the other from R. L. Rutter, president of the Western Union Life Insurance Co., of Spokane, Wash. I present them and move that they be referred to the Committee on Finance.

The motion was agreed to.

Mr. NORRIS presented a memorial of the Single Tax Association of Washington, D. C., remonstrating against the alleged deportation of Belgians by Germany, which was referred to the Committee on Foreign Relations.

Mr. LODGE presented a petition of the Massachusetts State Board of Trade, praying for the enactment of legislation to enable the New York, New Haven & Hartford Railroad to retain its Sound steamship lines; also for an increase in the membership of the Interstate Commerce Commission, etc., which was referred to the Committee on Interstate Commerce.

Mr. PHELAN presented a memorial of the Allied Printing Trades Council of San Francisco, Cal., and a memorial of the Labor Council of San Francisco, Cal., remonstrating against any change in the postal rates on second-class mail matter, which were referred to the Committee on Post Offices and Post

Mr. SMITH of South Carolina. I ask to have read at the desk a telegram I have received from the legislature of my State. I merely want it read into the RECORD so that I may submit some remarks on the subject to-morrow morning, and perhaps I may introduce a resolution with reference to it.

The VICE PRESIDENT. The Secretary will read the tele-

gram as requested.

The telegram was read, as follows: [Telegram.]

COLUMBIA, S. C., January 31, 1917.

Senator E. D. Smith,

United States Senate, Washington, D. C.:

The general assembly has adopted a resolution condemning an alleged clique or combination of operators or speculators on the New York Cotton Exchange, charging that there is speculation and short selling without intention of actual delivery, thereby depressing the future market to a point below actual purchase price with the intention of forcing holders of cotton to sell at a sacrifice. You are requested to urge upon the Department of Justice to take necessary steps to stop such acts if they be found to exist and to punish the violators. I am instructed to advise you of this action by wire.

M. M. Mann, Clerk of the Senate.

REPORTS OF COMMITTEE ON PUBLIC LANDS.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 41) to provide for agricultural entries on coal lands in Alaska, reported it with amendments and submitted a report (No. 1000) thereon.

He also, from the same committee, to which was referred the bill (S. 7767) relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land offices, reported it with an amendment and submitted a report (No. 1001) thereon.

STATUE OF ADMIRAL DUPONT.

Mr. WILLIAMS. From the Committee on the Library I report back favorably without amendment the joint resolution (S. J. Res. 205) authorizing the removal of the statue of Admiral Dupont in Dupont Circle, in the city of Washington, D. C., and the erection of a memorial to Admiral Dupont in place thereof. I request the immediate consideration of the joint resolution.

The VICE PRESIDENT. The joint resolution will be read. The Secretary read the joint resolution, as follows:

The Secretary read the joint resolution, as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission for the removal of the statue and pedestal and foundations of Admiral Dupont in Dupont Circle in the city of Washington, D. C., and the erection in place thereof within the circle of a memorial to said Admiral Dupont: Provided, That the present statue and pedestal may, after the completion of the memorial in place thereof, be turned over to the donors of the memorial for relocation outside the District of Columbia: Provided further, That the site and design of the memorial shall be approved by the Commission of Fine Arts, and that the United States shall be put to no expense in or by the removal of the statue, pedestal, and foundations and the erection of said memorial, complete: Provided further, That if the erection of this memorial shall not be begun within three years from and after the passage of this resolution the permission granted may, in the discretion of the Chief of Engineers, United States Army, be revoked at any time.

Mr. McCUMBER. Mr. President, I do not know how well

Mr. McCUMBER. Mr. President, I do not know how well acquainted the Senate is with this proposition, but I am free to admit that this is the first that I have heard of it; and so, of course, I have given it no consideration. I doubt if any Senators who are not members of the committee have given the matter any consideration. Therefore it seems to me that the resolution ought to go over until we can look into it. Mr. WILLIAMS. Mr. President, this is a favorable report from the Committee on the Library, to whom the matter was submitted. The members of the committee were polled, and they unanimously voted for the favorable report of the joint

resolution. There can be no objection to it.

Some of the friends and the family of Admiral Dupont regard the present statue of him in Dupont Circle as not being a work of art particularly; and it is not, as the Senator from North Dakota himself knows. The family and the friends of Admiral Dupont wish to erect a memorial instead of that statue, something better worthy of the place, and to put it It will cost the Government nothing either for the site or for the pedestal or for anything else in connection with it.

The old statue which is now there will be preserved and will be placed elsewhere by the people who originally contributed the money for its erection. I hope there will be no objection made to the consideration of the joint resolution.

Mr. McCUMBER. Mr. President, will the Senator from Mississippi explain why or how he can assure us that the present statue is not acceptable to the American people and to the Senate and that the new one will be more acceptable? Is that matter to be governed by the desire of relatives or by the desire and wishes of the people as to the character of monument

which should be erected?

Mr. WILLIAMS. The new memorial is to be submitted to the Commission of Fine Arts, as I understand. As a matter of fact, I understand that the designs have already been so sub-

mitted; but they are to meet with their approval.

Of course, the Senator from North Dakota knows that I have no way of determining what the opinion of the people of the United States would be upon the subject, and that I have no way of getting a plebiscite. I can only tell the Senator that in my own opinion this is one of the numerous statues of men, some of them on horseback and some of them off, that do not ornament the places where they stand; and, judging other people by myself—which is about the only way one can judge other people until he has talked with them or has had a plebiscite-I should say that the people of the United States disapprove of the present statue, whether they will approve of the new one or not.

Mr. McCUMBER. Let me ask the Senator, for information, whether the statue at Sheridan Circle was passed upon by the

Commission of Fine Arts?

Mr. WILLIAMS. I was not upon the Library Committee at that time, and I have no personal knowledge in regard to the matter. I do not know whether it was erected before the law creating the Fine Arts Commission was enacted or not; but if it had been passed upon by that commission, I will say the Commission of Fine Arts approved something that I, if I had been one of the commission, would not have approved. That is all I can say about that.

Mr. McCUMBER. I am a little inclined to say, if that is the judgment of the Fine Arts Commission, I am not in harmony

with their judgment.

Mr. WILLIAMS. That statue represents a wild and riotous horse, and its rider is sitting rather unsafely for a cavalryman.

Mr. BRANDEGEE. But he is still sitting.
Mr. GALLINGER. I think I am correct in saying that that statue was erected before authority was given to the Commission of Fine Arts to pass on such matters.

Mr. WILLIAMS. The Senator from New Hampshire was on the Library Committee long years before I was, and his in-

formation is good.

Mr. McCUMBER. I hope there is some excuse for the erection of that statue.

Mr. LODGE. Mr. President, I have no objection to the joint resolution, but merely, as a matter of curiosity, I wish to ask has the Senator any idea what the new memorial is to be?

Mr. WILLIAMS.' I have never seen the design, but I under-

stand that it has been already submitted to the Fine Arts Com-mission. In that, however, I may be mistaken; but it will be so submitted and it must meet with their approval before its acceptance.

Mr. JONES. Mr. President, I wanted to ask the same question of the Senator from Mississippi as that which was put by the Senator from Massachusetts. It seems that the Joint Comthe Senator from Massachusetts. It seems that the Joint Committee of Congress on the Library should have some say with reference to the approval of these designs. I should like to see a provision inserted in the resolution requiring the design, after it had been approved by the Fine Arts Commission, to be submitted to the Joint Committee of Congress on the Library.

Mr. GALLINGER. I hope the Senator from Mississippi will consent that that may be inserted.

Mr. WILLIAMS. I have no objection to that, although replying further to what the Senator from Washington Mr. Joyes 1

ing further to what the Senator from Washington [Mr. Jones]

has stated, I will say that I think the Commission of Fine Arts is really a more competent body than is my committee to judge of the artistic merits of such monuments, and that we would think several times before we would disapprove their judgment from an artistic standpoint. We might disapprove of an inscription or something like that, but before we took the place of architects, artists, sculptors, and painters who formulate the opinions of the Fine Arts Commission, I repeat we would think several times. I am perfectly willing, however, that the provision suggested by the Senator from Washington shall be inserted in the resolution; and I ask that it be inserted.

Mr. JONES. Mr. President, I am sure the committee would give such a matter very careful consideration before they would reject the judgment of the Fine Arts Commission, but the suggestion made by the Senator from North Dakota [Mr. Mc-CUMBER] a moment ago that there is a statue here that possibly may have been approved by the Fine Arts Commission that does not meet with the approval of others attracted my attention.

Mr. WILLIAMS. I understand from the Senator from New

Hampshire [Mr. Gallinger] that that statue was erected before the law requiring plans for monuments to be submitted to the

Fine Arts Commission was enacted.

Mr. JONES. I think, Mr. President, there ought to be some organization to pass upon these matters that will not be controlled entirely by artistic sentiments; that there ought to be somebody who will represent to a certain extent the ordinary people of the country. I should, therefore, like to have the amendment which I have suggested inserted in the resolution.

Mr. WILLIAMS. A work of art could not be passed upon better by anybody in the world than by a commission of artists, so far as that goes; but, of course, Congress has the say originally as to whether the deed sought to be celebrated by a monument is worth being celebrated; whether any appropriations are to be made or not, and all that; but, as I said, as to what inscription was to be made upon the monument, the committee might pass upon that. It might be possible that an inscription might be proposed that would violate our sense of patriotism or our ideas of propriety, but nothing of that sort is contemplated in this case.

I will accept the amendment suggested by the Senator from

Washington, and I ask that it be reported.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington [Mr. Jones] will be stated.

The Secretary. In the second proviso of the joint resolu-tion, after the words "Fine Arts," it is proposed to insert "and by the Joint Committee of Congress on the Library," so that

Provided further, That the site and design of the memorial shall be approved by the Commission of Fine Arts and by the Joint Committee of Congress on the Library.

Mr. WILLIAMS. That amendment is satisfactory to me. The VICE PRESIDENT. Is there objection to the present

consideration of the joint resolution?

Mr. NORRIS. Mr. President, I should like to ask the Senator from Mississippi when was the statue erected?

Mr. WILLIAMS. The Senator refers to the statue now in

Dupont Circle?

Mr. NORRIS. Yes.

Mr. WILLIAMS. I do not know; but it was there before I

came to Congress, and I came here in 1893.

Mr. NORRIS. What is wrong with the statue as it stands

It is just not pretty; that is about all. Mr. WILLIAMS.

Mr. GALLINGER. Just bad; that is all. Mr. WILLIAMS. Just bad. That is my judgment.

Mr. NORRIS. That is not the only statue in the city that is afflicted in that way, is it? Mr. GALLINGER. No.

Mr. WILLIAMS. No; it is not; I will say to the Senator there are-I started to say scores of them, but there are not that many. There are, however, several concerning which it may be said that it is a pity that they can not be taken down and something else put in their stead, especially those of the rearinghorse style.

Mr. GALLINGER. I think, Mr. President, in response to the Senator from Nebraska, we might properly say that there is a job lot of statues in the District of Columbia. This is a beginning. We are going to get rid of one of them if this joint reso-

lution passe

Mr. NORRIS. In my judgment that is one thing that we ought to consider. I do not profess to be a judge of such matters, and I do not want to set myself up here as a critic; but, President, if we are going to commence this business, will be endless, and our children who follow us will undo the work we have done when the styles change.

Mr. LODGE. The Government has nothing to do with this, Mr. NORRIS. Then, why are we passing a resolution if the Government has nothing to do with it?

Mr. LODGE. It is a gift to the Government.
Mr. GALLINGER. Those who desire to erect the statue must get permission to do so.

Mr. NORRIS. Exactly; but are we going to give permission to everybody who can afford to erect statues to use the parking spaces of the District of Columbia as they see fit?

Mr. GALLINGER. No; we are going to give permission to

erect one statue.

Mr. NORRIS. The statue of Admiral Dupont has been placed there as a representative of the American people; and, even though his relatives and friends are financially able to change the monument that was erected as a memorial to him, as the styles in monuments change from day to day and from year to year, if they want to do that it ought to be done on ground or in parks not owned by the people of the United States. It may be that a new statue ought to be erected, but it does not seem to me that we ought offhand here, without, as the Senator from North Dakota [Mr. McCumber] has said, anybody knowing anything about it except the committee, take up the resolution and pass it by unanimous consent. I do not like to object to a resolution of this kind, and yet it seems to me that when that monument was erected it was undoubtedly considered the finest thing out in monuments, but, it seems, like the clothes of the people, as time goes on and styles change monuments are changed, too.

As the Senator has said, there are other statues here of men on horses and men off horses that those versed in art do not like to look at, as they do not seem beautiful to them. that we ought to hesitate before we start in on these things. At least, we ought to be fully informed. A great many of us have passed that monument from day to day for the last 25 years, going to and coming from the House and from the Senate, and it probably never occurred to a large majority of the Representatives and Senators that there is anything wrong with it. There never was anything wrong with it, a Senator says. If there never was anything wrong with it, and there is not anything wrong with it now, then we ought to permit it to remain.

There is another thing that is in this resolution. It provides that the present statue can be erected elsewhere outside of the District of Columbia. If the friends and relatives of Admiral Dupont desire to construct a memorial to him, it seems to me that it would have been much better for us to designate another square, another circle, or park where that could be done and let the present statue remain where it is. For that reason I feel constrained to object to unanimous consent for the consideration of the joint resolution.

Mr. WILLIAMS. Mr. President, I hope the Senator will not do that. This is a unanimous report of the committee. considered the matter as carefully as it could be considered, and the Fine Arts Commission have also considered it. There can not be anybody harmed by it. I hope the Senator will not make the objection.

Mr. NORRIS. Does not the Senator think, if we passed this joint resolution, we are going to embark upon a program of changing all the statues and monuments in the District from time to time?

Mr. WILLIAMS. We are embarking upon nothing right now except this resolution.

Mr. NORRIS. Exactly.

Mr. WILLIAMS. If any other resolution should come before the Library Committee, the committee will consider it upon its merits and it will certainly not report it favorably to the Senate unless upon its merits it thinks it ought to be reported.

There are some monuments here that I would not have torn down; for instance, that celebrated illustration of mechanical ingenuity, the statue of Andrew Jackson in Lafayette Park.

Mr. NORRIS. I was going to ask the Senator about that That is not up to date, is it? That is out of style.

Mr. WILLIAMS. It may not be a work of art, but that monument has become a part of American history in such a way that I would not have it torn down any more than I would have torn down that very ugly monument to Lincoln which stands in front of the courthouse in Judiciary Square. This, however, is not a case of that sort at all, and I hope the Senator will withdraw his objection.

Mr. NORRIS. It seems to me that this is exactly that kind

of a case, as I understand it.

Mr. WILLIAMS. Oh, no; not at all.
Mr. NORRIS. This is an ugly monument, the Senator says, and he wants to take it down because it is ugly.

Mr. WILLIAMS. This joint resolution hands the present

Mr. WILLIAMS. This joint resolution hands the present monument back to its donors, who will do what they please

with it on some site outside of the District of Columbia, for, of course, we do not want two Dupont memorials in the District. I hope the Senator will withdraw his objection. If not, I shall be compelled to move that the joint resolution be taken up.

Mr. NORRIS. I should like an opportunity, at least, to look into it a little more, I will say to the Senator, and I think several other Senators feel the same way.

Mr. WILLIAMS. I move that the Senate proceed to the con-

sideration of the joint resolution.

Mr. NORRIS. I make the point of order that at this time in the proceedings of the Senate a motion is not in order.

The VICE PRESIDENT. The point of order will have to be

sustained.

Mr. WILLIAMS. Mr. President, just a word. I wish to say before we leave this subject that this joint resolution was not only reported favorably by our committee, but a similar resolution was reported favorably by the House Committee on the

Library as well. Mr. NORRIS. Mr. NORRIS. Now, let me make a request of the Senator. As I said in the beginning, I do not want to make an objection to what would be fair, but there are two or three other Senators, at least, who have spoken to me since this matter came up, who have expressed a wish to examine it. Can not the Senator withdraw his report and present it to-morrow, so that in the mean-time we may have an opportunity to consider it?

Mr. WILLIAMS. I do not see that I would accomplish any-thing by that, because I can ask unanimous consent for its con-

sideration to-morrow or move its consideration from the cal-

Mr. NORRIS. I will suggest to the Senator that within a day or two there may be no objection.

THE PEACE PROBLEM (S. DOC. NO. 700).

Mr. CHILTON, from the Committee on Printing, reported the following resolution (S. Res. 335), which was considered by unanimous consent and agreed to:

Resolved, That the pamphlet submitted by the Senator from Massachusetts [Mr. Lodge] on January 30, 1917, entitled "The Peace Problem," by John Bassett Moore, be printed as a Senate document.

WOMAN SUFFRAGE (S. DOC. NO. 692).

Mr. CHILTON, from the Committee on Printing, reported the following resolution (S. Res. 337), which was considered by unanimous consent and agreed to:

Resolved, That the manuscript submitted by the Senator from North Dakota [Mr. McCumer] on January 19, 1917, entitled "Biological and Sociological Aspects of the Woman Question," by Mrs. Annie Riley Hale, be printed as a Senate document.

WATCH-AND-WATCH SYSTEM (S. DOC. NO. 693).

Mr. CHILTON, from the Committee on Printing, reported the following resolution (S. Res. 338), which was considered by unanimous consent and agreed to:

Resolved, That the manuscript submitted by the Senator from Wisconsin [Mr. La Follette] on January 23, 1917, entitled "Watch-and-Watch at Sea," by Andrew Furuseth, president International Seamen's Union, be printed as a Senate document.

WATER-POWER DEVELOPMENT (S. DOC. NO. 697).

Mr. CHILTON, from the Committee on Printing, reported the following resolution (S. Res. 340), which was considered by unanimous consent and agreed to:

Resolved, That the pamphlet submitted by the Senator from Florida [Mr. FLETCHER] on January 19, 1917, entitled "The Position of Engineers Toward the Question of Water-Power Development in the West," by Henry Sturgis Drinker, LL. D., president of Lehigh University, be printed as a Senate document.

TRADE WITH SOUTH AMERICA (S. DOC. NO. 698).

Mr. CHILTON, from the Committee on Printing, reported the following resolution (S. Res. 341), which was considered by unanimous consent and agreed to:

Resolved, That the manuscript submitted by the Senator from Florida [Mr. FLETCHER] on December 21, 1916, entitled "Importance of our South American Trade," by Hon. Andrew J. Peters, Assistant Secretary of the Treasury, be printed as a Senate document.

THE SEAMEN'S ACT (S. DOC. NO. 694).

Mr. CHILTON, from the Committee on Printing, reported the following resolution (S. Res. 342), which was considered by unanimous consent and agreed to:

Resolved, That the manuscript submitted by the Senator from Wisconsin Mr. (LA FOLLETTE) on January 23, 1917, entitled "The Seamen's Act," by Andrew Furuseth, president International Seaman's Union, be printed as a Senate document.

THE MILITIA (S. DOC. NO. 695).

Mr. CHILTON, from the Committee on Printing, reported the following resolution (S. Res. 343), which was considered by unanimous consent and agreed to:

Resolved, That the manuscript submitted by the Senator from Oregon [Mr. Chamberlain] on January 12, 1917, entitled "Extracts from the Federalist, the Journals and Debates of Congress, and Other Papers

Relating to the Militia," compiled by Maj. James Brown Scott, judge advocate, Officers' Reserve Corps, United States Army, be printed as a Senate document.

DECISION ON WEBB-KENYON ACT (S. DOC. NO. 699).

Mr. CHILTON. From the Committee on Printing I report back an original resolution, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read. The resolution (S. Res. 336) was read, as follows:

Resolved, That the pamphlet submitted by the Senator from Nebraska [Mr. Norkis] on January 18, 1917, entitled "The Opinion of the Supreme Court of the United States on the Webb-Kenyon Liquor-Shipment Act," be printed as a Senate document.

Mr. GALLINGER. I will ask the Senator from Nebraska if it would not be well to have some additional copies printed?

Mr. NORRIS. I think perhaps that is a good suggestion.
Mr. CHILTON. I did not hear the Senator's remark. Mr. CHILTON. I did not hear the Senator's remark.
Mr. GALLINGER. I interrogated the Senator from Nebraska

as to whether it would not be well to have printed some additional copies of the decision on the Webb-Kenyon law. There is a great demand for it.

Mr. NORRIS. I will ask the Senator from West Virginia if the committee gave any consideration to that phase of the

Mr. CHILTON. I will say that there was some opposition in the committee to printing the matter at all. We finally thought, however, that it was of such importance that it ought to be printed.

Mr. NORRIS. Let me ask the Senator from West Virginia if he will not consent to the printing of, say, 10,000 additional

Mr. CHILTON. So far as I am concerned, I would; but— Mr. NORRIS. The Senator from New Hampshire suggests that 5,000 additional copies would be sufficient.

Mr. GALLINGER. For the Senate document room. The VICE PRESIDENT. The amendment will be stated.

The Secretary. It is proposed to add, at the end of the resolution, the following:

And that 5,000 additional copies be printed for the use of the Senate document room.

Mr. CHILTON. I will accept that amendment, so far as I am concerned.

The amendment was agreed to.

The resolution as amended was agreed to.

THE PENAL CODE (S. DOC. NO. 696).

Mr. CHILTON. From the Committee on Printing I report back an original resolution, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 339) was read, as follows:

Resolved, That the manuscript submitted by the Senator from Connecticut [Mr. Brandeger] on January 29, 1917, entitled "Memorandum on the History and Scope of the Laws Prohibiting Correspondence with a Foreign Government, and Acceptance of a Commission to Serve a Foreign State in War," by Charles Warren, Assistant Attorney General, be printed as a Senate document.

Mr. BRANDEGEE. Mr. President, how many copies does the resolution provide for? What is the rule in that respect?

Mr. CHILTON. I think it is thirteen hundred and some. Mr. BRANDEGEE. I will ask that 500 additional copies be printed for the use of the Senate document room,

Mr. CHILTON. I accept the amendment.

The VICE PRESIDENT. The amendment will be stated. The Secretary. At the end of the resolution it is proposed to

add: And that 500 additional copies be printed for the use of the Senate document room.

The amendment was agreed to.

The resolution, as amended, was agreed to.

SOUTH CAROLINA BOLL WEEVIL COMMISSION (S. DOC. NO. 701).

Mr. CHILTON. From the Committee on Printing I report back favorably with an amendment Senate resolution 312, to print the manuscript entitled "Report of the South Carolina Boll Weevil Commission, Bulletin No. 30, Clemson Agricultural College, of South Carolina," as a Senate document, and I ask unanimous consent for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment of the committee was, in line 4, after the word "document," to strike out "and that 100,000 additional copies be printed, of which 50,000 copies shall be for the use of the Senate document room and 50,000 for the use of the House document room," and insert a period, so as to make the resolution

Resolved, That the manuscript entitled "Report of the South Carolina Boll Weevil Commission, Bulletin No. 30, of Clemson Agricultural College, of South Carolina," be printed as a Senate document.

Mr. SMOOT. Mr. President, in relation to this report I desire to state for the RECORD only that I believe it is an unwise step to take to publish reports from the agricultural department of any particular State. Of course, the committee overruled me, and I shall not ask for a vote upon the matter; but I can not see why this report should be printed by the Government, at the expense of the Government, and enter the mails free, any more than the report of any agricultural college in the United States. I am not going to ask for a vote. The committee overruled me; and I simply desire to make this statement for the RECORD.

Mr. CHILTON. Mr. President, I will say in defense that the committee took the view that it was not the source of the document but the substance of the matter contained therein that should determine whether or not it should be printed as a public document, and upon that ground it was ordered to be reported

Mr. SMOOT. That is true, Mr. President; the committee did take that position; but I thought that after we had appropriated \$800,000 for the eradication of the boll weevil, and had had the Agricultural Department investigating this matter for a quarter of a century or more, they were better judges as to what is necessary to eliminate the boll weevil than any agricultural college in the United States. As long as we are spending nearly \$800,000 a year for this purpose I thought it was very unnecessary; but, as I say, Mr. President, that is for the RECORD only.

Mr. CHILTON. May I add this one remark? We have had

a number of reports from the Committee on Printing, embrac-ing a great many documents. I want to say to the Senate that the entire cost of all of these documents will not amount to \$750. I think we waste more time talking about it than is the

expense of having it printed.

Mr. SMQOT. We do not know how many reprints we may

Mr. CHILTON. That is all we have asked for to-day. The VICE PRESIDENT. The question is on agreeing to the amendment of the committee

The amendment was agreed to.

The resolution as amended was agreed to.

The VICE PRESIDENT. Are there further reports from the Committee on Printing?

Mr. CHILTON. No. Mr. President.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows: By Mr. MARTIN of Virginia:

A bill (S. 8090) granting the consent of Congress to Washington-Newport News Short Line, a corporation, to construct a bridge across the Potomac River; to the Committee on Com-

By Mr. PITTMAN:

A bill (S. 8091) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance; to the Committee on Post Offices and Post Roads.

By Mr. BROUSSARD:

A bill (S. 8092) for the relief of the estate of Loyeau Berhel,

A DIR (S. 8092) for the relief of the estate of Loyeau Berhel, deceased; to the Committee on Claims.

By Mr. SHEPPARD:
A bill (S. 8093) for the relief of Carl Clifton Krueger; to the Committee on Military Affairs.

By Mr. STERLING:

A bill (S. 8094) granting an increase of pension to T. A. Stevens; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 8095) granting an increase of pension to Henry Mygatt (with accompanying papers); to the Committee on

By Mr. MARTINE of New Jersey:
A bill (S. 8096) to place Albert Hamilton on the retired list of the United States Navy (with accompanying papers); to the Committee on Naval Affairs.

By Mr. SMITH of Maryland:

A bill (S. 8097) authorizing the construction of a military road from Washington City, D. C., to the Government reservation at Winthrop, Md., and making an appropriation therefor; to the Committee on Military Affairs.

By Mr. REED:
A bill (S. 8098) granting an increase of pension to Charles
B. Smith (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:
A bill (S. 8099) granting an increase of pension to Stephen Bennett Packard (with accompanying papers); and

A bill (S. 8100) granting an increase of pension to Albert H. Boon (with accompanying papers); to the Committee on Pen-

FLOOD CONTROL.

Mr. NORRIS submitted an amendment intended to be proposed by him to the bill (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes, which was ordered to lie on the table and be printed.

PUBLIC BUILDINGS.

Mr. SHEPPARD submitted two amendments intended to be proposed by him to the public-buildings bill (H. R. 18994), which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS (H. R. 20079).

Mr. NELSON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be

Mr. POINDEXTER submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

Mr. BROUSSARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. MARTIN of Virginia submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. WORKS submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed

Mr. FLETCHER submitted three amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

Mr. SHEPPARD submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. O'GORMAN submitted an amendment authorizing the Commissioners of the District of Columbia to place on the retired list of the fire department of the District of Columbia the name of William A. Schwertfeger and pay him out of the firemen's pension fund of the District of Columbia a pension at the rate of \$50 per month, etc., intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119). which was referred to the Committee on Appropriations and ordered to be printed.

Mr. POINDEXTER submitted an amendment proposing to appropriate \$50,000 for the purchase of the range now used by the District of Columbia National Guard as a rifle range lying and being in the District of Columbia and known as the "Ridge," containing 100 acres, more or less, intended to be proposed by him to the Army appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. SHEPPARD submitted an amendment proposing to appropriate \$20,000 for an international farm congress and soilproducts exposition to be held at Peoria, Ill., in conjunction with the International Farm Congress during the fiscal year ending June 30, 1918, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

LOLIE M. EARLE

Mr. LODGE submitted the following resolution (S. Res. 344), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Lolle M. Earle, widow of David M. Barle, late a messenger of the United States Senate, a sum equal to six months salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

POTOMAC REVER BRIDGE.

Mr. MARTIN of Virginia. From the Committee on Commerce I report back favorably without amendment the bill

(S. 8090) granting the consent of Congress to Washington-Newport News Short Line, a corporation, to construct a bridge across the Potomac River, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as fol-

Be it enacted, etc., That the consent of Congress is hereby granted to the Washington-Newport News Short Line, a corporation chartered under the laws of the State of Virginia, with principal place of business in the city of Newport News, State of Virginia, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Potomac River at a point suitable to the interests of navigation, at or near Riverside, in the county of Charles, in the State of Maryland, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. OLIVER. Mr. President I will eak if that hill has born.

Mr. OLIVER. Mr. President, I will ask if that bill has been submitted to the War Department?

Mr. MARTIN of Virginia. It has been submitted to the War

Department and approved by the department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FOREIGN POLICY.

Mr. LODGE. Mr. President, I desire to give notice that with the indulgence of the Senate I shall address the Senate briefly to-morrow at the conclusion of the routine morning business or at the conclusion of the speech of the Senator from North Dakota [Mr. McCumber], on the subject of the President's message and the resolution submitted by the Senator from Idaho [Mr. Borah] on the subject.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on January 30, 1917, approved and signed the following

S. 7359. An act authorizing the Delaware Railroad Co. to construct, maintain, and operate a bridge across the Nanticoke

River at Seaford, Sussex County, Del.; and

S. 7748. An act to authorize the United New Jersey Railroad & Canal Co., and such other corporation or individuals as may be associated with it, to construct a bridge across the portion of the Delaware River between the mainland of the county of Camden and State of New Jersey, and Petty Island, in said county and State.

PROHIBITION IN ALASKA.

Mr. JONES. Mr. President, under date of April 13, 1915, the Legislature of the Territory of Alaska submitted to the people of that Territory a proposition as to whether or not they would have prohibition in the Territory. At the election held in November of last year, in a large vote, the majority in favor of prohibition was 3,527, the vote for prohibition being 7,958 and the vote against prohibition 4,431. There is some doubt as to the power of the Legislature of Alaska to carry out that vote. In the House of Representatives a bill has been prepared by the Delegate, after conferring with the governor and the people of Alaska, and it has been considered by the committee and reported with an amendment. The Committee on Territories of the Senate has taken up that bill, and I have here authority from the committee for a favorable report, signed by all the members of the committee except two, and those two members have assured me that they would not, under the circumstances, object to the passage of the measure.

Under these circumstances, I submit the report of the committee and ask for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The SECRETARY. A bill (S. 7963) to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purpose

The VICE PRESIDENT. Is there any objection to the

present consideration of the bill?

Mr. SUTHERLAND. Mr. President, I should like to hear the bill read before giving consent for its present consideration.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary proceeded to read the bill.

The VICE PRESIDENT. There are certain amendments to

Mr. SUTHERLAND. I want to hear the bill read in full. The Secretary resumed and concluded the reading of the bill. Mr. SUTHERLAND. I should like to ask the Senator from Washington why it is necessary for Congress to enact legisla-

tion upon this subject. Why is it not left to the Legislature of

the Territory of Alaska to deal with it?

Mr. JONES. It is considered very doubtful whether under the act of Congress of August 24, 1912, the Legislative Assembly of Alaska have authority to do it. The House committee in its report says:

The act of Congress approved August 24, 1912, entitled "An act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes," contains specified limitations upon the power of the legislature in respect to the control of the liquor traffic, and makes it doubtful if that body has such powers as are sufficient to enable it to deal fully with that subject.

It is on account of that doubt that this legislation is proposed. Mr. SUTHERLAND. The people of Alaska, I understand, have voted upon this proposition and by a large majority determined in favor of prohibition. Of course, the will of the people ought to be carried out, we all agree to that, and I am in favor of any legislation which may be necessary to carry their will into operation. At the same time this is a very long and a somewhat involved bill. It contains a great number of provisions that I think ought to be carefully scrutinized.

I do not want to object to the consideration of the bill, and I am not going to object to it, but I wish to call attention to one or two matters in it and ask for an explanation of the Senator in charge of the bill. For example, I find on page 12 of the bill, in section 18, a provision to the effect that in order to convict

any person of a violation— Mr. JONES. What section?

Mr. SUTHERLAND. Section 18, unless the sections have been renumbered in the report.

Mr. JONES. They have not been, except toward the last.
Mr. SUTHERLAND. That section provides in substance
that in order to convict any person of a violation of the act,

among others, for selling alcoholic liquors, it shall not be necessary to prove the manufacture, the importing, the selling, and so on, but the evidence shall be sufficient if it shows that the person has kept on hand, stored, deposited, taken orders for, or has offered to sell or barter or exchange them for goods, and so forth—that that shall be sufficient to convict.

I ask the Senator whether he thinks it ought to be a rule of law that a person shall be convicted of selling liquors when the evidence shows that he has done nothing more than offer to sell them? In other words, his offering to sell and his selling are the same thing.

I do not understand that the law makes it an offense for anybody to offer to sell; it makes it an offense to sell, but the bill undertakes to provide that it shall be sufficient evidence

of sale to show that he offers to sell.

Mr. JONES. It seems to me if this law should be passed prohibiting these things and prohibiting persons having in their possession intoxicating liquors, except as provided in this act, that ought to be sufficient, and that we ought to have some rule of that kind, because I can not see any excuse for any person offering to sell under this law.

Mr. SUTHERLAND. I do not know of any case where the law has ever treated an attempt to commit an offense as a

commission of the offense itself.

Mr. JONES. I have not examined it, but my understanding is that this is the language of the Idaho law. I do not know

whether it has been so construed or not.

Mr. SUTHERLAND. That may be so or not. I notice another thing in the bill, that all houses, boats, boathouses, buildings, and so on, including drug stores where alcohol is stored, vended, and so on, which shall undertake to dispense alcoholic liquors shall be held, taken, and deemed common and public

And upon conviction thereof shall be subject to the penalties prescribed in section 1 of this act, and judgment shall be given that such house, boat, building, or other place, or any room therein, be abated or closed up as a place for the sale or keeping of such liquor contrary to law, as the court may determine.

Then it further provides, in section 20:

SEC. 20. That any United States district attorney for the Territory of Alaska may maintain an action in equity in the name of the United States to abate and perpetually enjoin such a nuisance as defined in the preceding section.

Thus far, of course, it is unobjectionable, but it goes on:

The injunction shall be granted at the commencement of the action, and no bond shall be required.

So, as I understand it, the bill recognizes that a drug store may be operated, and that under some circumstances intoxicating liquor may be sold by the drug store. A license, I understand, is to be issued by the district judge to drug stores for that purpose, and yet it declares that the district attorney, when he deems that a proprietor of a drug store has been violating the law, may maintain an action to abate and perpetually enjoin the drug store as a nuisance, to which I would not object,

but it provides further that that injunction shall be granted at the commencement of the action. In other words, an action is brought in which it is charged that the proprietor of a drug store has been violating the law, and, without hearing him upon the matter at all, the court, upon the action being instituted, ipso facto grants an injunction.

Mr. JONES. I am inclined to think that that provision may

be stricken out. I had not noticed it.

Mr. SUTHERLAND. Of course, an injunction ought not to be granted closing up the place as a public nuisance until it has been determined that it is a public nuisance.

Mr. JONES. I would have no objection myself to striking out those lines

Mr. SUTHERLAND. I notice another provision in section 21:

That if a tenant of a building or tenement is convicted of using such premises or any part thereof or maintaining a common nuisance, as hereinbefore defined, or of knowingly permitting such use by another, the conviction of such use shall render void the lease under which he holds and shall cause the right of possession to revert to the owner or lease or the state of the state of

That is quite proper thus far. If a man occupying premises has been convicted of using the premises in violation of the law, the lease should become void, and the owner of the property should be permitted to take possession. But this provides further that he "may, without process of law, make immediate entry upon the premises." It seems to me that that is rather an unusual provision. I am afraid a provision of that kind would likely lead to breaches of the peace. It may be a case, for example, where a druggist has been convicted. He has a right of appeal, and in the meantime he is undertaking to retain pos sion of the premises until the matter is finally determined in the highest court, yet under the provisions of this law the proprietor may instantly take possession without process of law.

Mr. JONES. What would the Senator suggest?

Mr. SUTHERLAND. I have not thought just how it might be amended. I have not heretofore read the bill, and I have only been able to follow it as it has been read hastily at the desk

with the copy I have before me.

Mr. JONES. Of course, I can see how that might bring about some of the conditions to which the Senator has referred, although we have a provision here that declares the lease void. Then the owner ought to have the right to take immediate possession. I do not think the language here would authorize him to violate the law or to cause a disturbance of the peace or anything of that sort; but I think the intention is that he shall have the right to proceed to take possession without having to

Mr. SUTHERLAND. Mr. President, it may be that that provision is all right, but the matter struck me at first blush as being out of the ordinary, and so I called the Senator's attention to it. Then I call his attention to section 28, which further provides:

Sec. 28. That prosecutions for violations of the provisions of this act shall be on information filed by any such officer or any private prosecutor before any justice of the peace or district judge, or upon indictment by any grand jury of the Territory of Alaska—

And so on. That seems to allow a private person to file an information against anyone he may see fit. I think usuallythe Senator may know better about that than I-the power to file an information is confined to an officer, to a prosecuting attorney. It seems to me to be very unusual to allow a private individual to file an information. If he has knowledge or information which induces him to believe that the law is being violated, he should report the matter to some prosecuting officer and that prosecuting officer, after hearing his statement and becoming convinced that there is a prima facie case, should file the information.

Mr. JONES. I think the Senator from Utah is correct about

that.

Mr. SUTHERLAND. I doubt the wisdom of allowing such a power as that to be vested in the hands of every private individual who may use it for improper purposes

Mr. JONES. I think that is right; and if the bill is considered I would consent to strike out the words "or any private prosecutor."

Mr. SUTHERLAND. Merely strike out the words "any private prosecutor.'

Mr. SUTHERLAND. Those are the only things I noticed in the hasty reading of the bill which should be amended, except I want to ask the Senator this question: I find that the first section on page 2, the penal clause of the section, provides that upon conviction the person convicted-

shall be fined not more than \$1,000, or shall be imprisoned in the Federal jail for a period of not more than one year-

And so on. As I understand, the statutes of the United States permit the incarceration of persons convicted of crime in other jails than those maintained under Federal authority. Does the Senator mean to limit the imprisonment to a Federal jail? I do not know what the situation may be in Alaska; but such a provision as this may result in some embarrassment if jails are maintained by the Territory separate and apart from Federal authority. I suggest to the Senator that it would be better to strike out the words "in the Federal jail," because they add nothing to the bill.

Mr. JONES. I think the Senator is correct about that.

Mr. SUTHERLAND. If we say a convicted person shall be imprisoned for a period of not more than one year, he may be imprisoned wherever the law allows him to be imprisoned.

I also suggest that the phrase "in the discretion of the court"

be stricken out, because the words are meaningless. Those words are found on page 2, at the end of the section.

The VICE PRESIDENT. Is there objection to the present

consideration of the bill?

Mr. UNDERWOOD. Mr. President, for a short time I desire to reserve the right to object. I do not, however, care to interrupt the present discussion.

Mr. JONES. I did not understand the last suggestion of the

Senator from Utah.

Mr. SUTHERLAND. I have merely made this suggestion to the Senator from Washington. It is a matter of no particular consequence, except that it is an unnecessary provision to insert in the discretion of the court." Of course, where a judge is empowered to impose a penalty, within limits his discretion must be exercised.

Mr. JONES. Yes. I do not think those words make any

difference.

Mr. SUTHERLAND. It is a matter of taste more than anything else.

I notice that in another provision this bill seems to make it an offense punishable by fine or imprisonment for any person to have possession of any intoxicating liquor. Am I correct about

Mr. JONES. Yes. After a certain date and contrary to the

terms of the permit.

Mr. SUTHERLAND. Yes. I understand that if the law goes into effect, it will be an offense for any person to have possession of intoxicating liquor; so that if any person going into Alaska for any reason whatever should carry a small quantity of whisky or brandy, he immediately would become subject to the penalties of the law and subject to imprisonment. I want to understand whether I am correct about that.

Mr. JONES. Yes; that is correct; that is what the law is called—"a bone-dry law." It is the law which was passed in Oregon and in Idaho, and which very likely will pass in the State

of Washington before long.

Mr. SUTHERLAND. I confess that I do not like that sort of interference with the liberty of the citizen. I think it is going altogether too far, and I think it is likely, ultimately, to bring these prohibition laws into disrepute. However, that was not what I had in mind in calling the Senator's attention to the matter and ascertaining what the bill provided; but I notice the bill also provides that it shall be an offense for any person to deal any intoxicating lignor in any public place. If it is to drink any intoxicating liquor in any public place. an offense to have in one's possession any quantity of intoxicating liquor, why is it necessary to limit the penal quality of his consuming it to public places?

Mr. JONES. I think the suggestion of the Senator would be good, unless it might be possible for someone to have liquor in his possession under a permit granted pursuant to the terms of this act, and be in a place where he might drink it. Outside

of that there would not be any use for that provision. Mr. SUTHERLAND. If the Senator can enlighten me about that, may I ask is there any way by which a person could have in his possession in Alaska, after this law goes into effect, any quantity of intoxicating liquor?

Mr. JONES. Oh, yes; permits may be granted. Mr. SUTHERLAND. There is a provision for pure alcohol to be used for mechanical purposes, and so on; but, as I understand, a person there can not under any circumstances have the slightest quantity of brandy, for example, in his posses-

Mr. JONES. Section 15 goes so far as to cover any intoxicating liquor of any kind. Of course, it does not specify the particular kind that a person might drink in a public place.

Mr. SUTHERLAND. Is there anything in the action taken by the people of Alaska to indicate that they desire a law so drastic as this?

drastic as this?

Mr. JONES. Well, here is the bill submitted by the Legislature of Alaska to the people of the Territory. It is found in the House report on the subject. As I stated a while ago, the House Committee on Territories took this matter up very carefully and had hearings on it, and our committee has reported the bill just as the House reported it. In that report submitted by the House committee are given the terms of the act passed by the Territorial legislature:

Section 1. That there shall be submitted to the electors of the Territory of Alaska at the next general election held for the purpose of electing members of the legislature of said Territory the question of whether they are or are not in favor of the sale, manufacture, barter, or exchange of intoxicating liquors within said Territory after the 1st day of January, 1918.

Mr. SUTHERLAND. Was there nothing in the act about the use or possession?

Mr. JONES. No. The language is "sale, manufacture, barter, or exchange."

Mr. SUTHERLAND. This proposed law, then, does go beyoud the provisions of the referendum?

Mr. JONES. It may go a little bit further as to terms.

SEC. 2. There shall be printed in large type upon every ticket or ballot prepared for said general election in each division of said Territory the words: "Vote for one"; and the following explanatory note shall be printed on every ballot setting forth the manner of marking the ballot.

Here is the notice to the voters:

Note.—Against the manufacture or sale of intoxicating liquors in Alaska after January 1, 1918, place cross (X) opposite "Dry"—

The word "Dry" is in quotation marks-

In favor of the same, place cross (X) opposite "Wet."

That is the notice that was given to the voters. Of course, the terms of the act of the legislature are not quite so broad as those of this bill

Mr. SUTHERLAND. Of course, the words "Wet" and "Dry" were simply intended to be a shorthand expression of the things that are particularized in the document the Senator has already read.

Mr. JONES. Yes; and yet I do not believe that we could very confidently assume that all the voters had read the terms of the act itself, but they voted according to what they understood the terms "Dry" and "Wet" to signify.

Mr. SUTHERLAND. I asked that question, because, as the

Senator knows

Mr. ROBINSON. Mr. President—
Mr. SUTHERLAND. If the Senator will permit me to finish
my statement, I asked that question because the Senator from Washington very well knows there are a variety of prohibition laws in the United States passed under the authority of referendums. In Idaho, for example, the law is exceedingly drastic. It prevents the possession of intoxicating liquors. The people of Idaho evidently want that kind of a law; and, if they want it, they ought to have it. The people of my own State want that kind of a law, and they are going to get it, and they ought to have it if they want it; but there are other States where the people do not desire to go that far, and where it is perfectly people do not desire to go that far, and where it is perfectly manifest that the majority sentiment of the State would not tolerate a law that goes that far. If we are to pass a law to carry out the will of the people of Alaska, we ought to carry out their will, if it can be ascertained; but, so far as that will has been exhibited by the terms of the referendum which the Senator has read, it is that they desire to prohibit the sale, manufacture,

and barter of intoxicating liquors—

Mr. JONES. And also the exchange.

Mr. SUTHERLAND. But that they do not intend to prohibit the use and possession of intoxicating liquor within the Territorial and the control of the control of

the tse and possession of the restaurant of the tory. The whole question is whether we desire to go beyond the expressed desires of the people of Alaska in this legislation.

Mr. ROBINSON. Mr. President—

Mr. JONES. I can see that this bill goes further than the technical terms of the act submitted to the people of Alaska, but the bill has been prepared after very careful consideration with the Delegate from Alaska, with Gov. Strong, of Alaska, and with members of the Alaskan Legislature. It meets with their approval; and, so far as I know, there have come no pro-tests from anybody in Alaska against the terms of this proposed

law. I now yield to the Senator from Arkansas.

Mr. ROBINSON. Mr. President, I have been trying for some time to inquire of the Senator whether or not the Legislature of Alaska has passed a prohibition bill pursuant to the referendum to which he has referred?

Mr. JONES. No; the Legislature of Alaska that was elected last fall, I think, has not yet met. I do not know whether or not the Senator was in the Chamber when the matter was dis-cussed, but there is very grave doubt as to whether the Legis-lature of Alaska has authority to deal with this matter under the act of Congress providing for the legislative assembly.

Mr. ROBINSON. In any event, the Legislature of Alaska has not passed or attempted to pass a prohibition bill for Alaska?

No; it has not had time to meet.

Mr. ROBINSON. But the general subject has been referred to the people of Alaska and voted upon and approved?

Mr. JONES. Yes; and the vote was nearly two to

Mr. JONES. Yes; and the vote was nearly two to one.
Mr. ROBINSON. I heard in part the reading of the notice
the Senator says was printed upon the ballot. In a general way that merely submitted the question of prohibition to the people of Alaska and was approved by them. If this measure is passed by Congress, it does not contemplate subsequent action by the Alaskan Legislature?

Mr. JONES.

The VICE PRESIDENT. Is there objection to the present

consideration of the bill?

Mr. MARTINE of New Jersey. Mr. President, it seems to me that this is the most drastic and arbitrary proposition that could be very well conceived, and I can not see in the indorsement that the Senator reads from Alaska any authority to pass a bill of this character. The notice that the people of Alaska voted on did not contemplate that a man should not give or should not have in his possession alcohol for his own purposes. if he chose to have it.

Mr. JONES. It contemplates that he should not give. I

think that is certain.

Mr. MARTINE of New Jersey. It does not say so. Mr. JONES. It says "exchange." The Territorial act says:

The question of whether they are or are not in favor of the sale, manufacture, barter, or exchange of intoxicating liquors.

Mr. MARTINE of New Jersey. Well, a man might exchange liquor without selling it; but I think this a most arbitrary measure. I am opposed to the principle of prohibition wherever it may be invoked. I insist that it has accomplished no good, and I believe it will accomplish no good in Alaska. I think the committee have gone far beyond their authority in in-

dorsing this wholesale proposition.

Before this bill shall become a law for Alaska, it seems to me that there should be a provision for a referendum of the people there. I insist that the vote that was cast in Alaska was in nowise a referendum on the subject of "bone-dry" prohibition. If the people of Alaska want it, let them have it; but I shall insist that there shall be a proviso in these words:

Provided, That this act shall become operative only when ratified by the legal voters of the Territory of Alaska.

I offer that as an amendment.

It seems to me that interference with the rights of personal liberty is going to a degree beyond reason. I do not believe that the citizens of Alaska contemplated that a man would commit a crime by having in his possession alcohol for his own purposes or by giving it away if the recipient might want it and he should be willing to hand it to him. It is a step too drastic and too un-American for me to stomach under any consideration.

Mr. JONES. Mr. President, of course, I knew the attitude of the Senator from New Jersey.

Mr. MARTINE of New Jersey. Yes.

Mr. JONES. I appreciate it, and I know that he is sincere and earnest in it-

Mr. MARTINE of New Jersey. I am earnest in it.

Mr. JONES. Just as much so as I am in my attitude. Mr. MARTINE of New Jersey. I told the Senator yesterday that I would not object to the consideration of the bill. The bill is here for consideration, I believe legitimately and properly, but I trust the Senate will not give its sanction or indorsement to such an un-American, unreasonable, unfair, and unjust proposition as is contained in this bill. If this principle is correct, then carry it to every other Territory; carry it to the islands of Hawali and elsewhere; but I believe that it would be a misfortune for the people thereof and a step backward for

the United States The VICE PRESIDENT. Is there objection to the present

consideration of the bill?

Mr. UNDERWOOD. Mr. President, I am thoroughly in favor of this question being settled by the people of each State and District. If the people of Alaska want to make it a crime for a citizen of that Territory to have in his possession or to drink alcoholic liquors, I think that is a question for the people there to determine; but, as I understand, that question has not been determined by the people of Alaska. Now, I should like to know whether the Senator from Washington is willing to make this bill conform to what the people of Alaska actually voted on?

Mr. JONES. Mr. President, I want to say that it is not entirely clear even to my mind that the people did not vote upon the proposition contained in this bill. Of course, I concede that the bill in its first section goes a little further than the terms of the act of the legislature, and yet when the legislature provided that on the ballot there should simply be printed the words "wet" and "dry," there might be a broader significance placed upon those words than upon the first section of the bill.

I wish to repeat what I said a moment ago, that the Delegate from Alaska, who represents those people so far as they have representation in Congress, as a matter of fact prepared this bill in conjunction with the governor and members of the Alaska Legislature, and they are satisfied with it; in fact, they want it; and I take it that that, together with the expression of the people, ought to be sufficient warrant for us to go even so far as this bill does. Of course, rather than have no legislation at all, I would be willing to have the bill amended in a reasonable way, if the Senator thinks it is absolutely necessary to amend it.

Mr. UNDERWOOD. I will say to the Senator that my objection to the bill is not captious. I have very confirmed views of my own on these questions, and I think those views are right. They may be wrong, but I think they are right. My own view is that these problems must be worked out by the people to accomplish any result; and I am perfectly willing

to submit to that gauge.

If the people of Alaska have asked for legislation of this kind, I am willing to go so far as having the Congress of the United States confirm their wish, although I recognize that that is not exactly in conformity with my view. Of course, an objection will kill the bill at this stage of the proceedings. If, by an objection, this bill is killed, the Legislature of Alaska

will enact a law; and then if that law is not satisfactory to the people of Alaska they can repeal it.

Now, I have no doubt that the Legislature of Alaska can enact part of this law. They can prohibit the sale of liquor in Alaska. It may be doubtful as to whether they could enact the commerce features of the bill. I realize that, and perhaps only the Congress of the United States could do that; but the commerce features of the bill help to enforce the law, and I am not going to object for that reason. The Senator realizes, however, that if this matter is sent to the Legislature of Alaska, and the people of Alaska change their minds, it will not be so difficult for them to repeal the law. If we pass it in the Congress of the United States, it will be there forever, practically, because they can not come down here and get it repealed, and because then it will stand for repeal as it stands to-day for its enactment; it will practically take unanimous consent to get it through.

I merely want to voice the wishes of these people. I think

the law is more drastic than the Legislature of Alaska could pass for them, but I have not any objection to the law being drastic if that is the will of those people. As I understand, this is a "bone-dry" bill. Is that correct?

Mr. JONES. Yes; that is correct.

Mr. UNDERWOOD. If you are going to have prohibition, I think that is the way you should prohibit. I believe you should either have prohibition or you should not. I do not believe in "blind tigers" and subterfuges.

Mr. JONES. Let me suggest to the Senator that I think a

great many of the people who actually voted with the words "wet" and "dry" had that in mind, too.

Mr. UNDERWOOD. Yes; I realize that; but now let me submit this to the Senator's view: There are serious penalties in this law. I do not know where we have ever gone in the history of lawmaking of the world toward controlling men's personal appetites by law where it did not interfere with some one else. The law is going a long way when you step in and say what a man shall drink and what he shall eat and say that it shall be a crime if he does not conform to the law.

The extent to which legislation has gone heretofore, as I understand it, has been that when the abuse of a man's personal appetites involved the peace and dignity of the neighborhood and the rights of his fellow citizens, then the law checked it. For instance, if a man got drunk they sent him to jail. Now, it is not against my view at all to make this bill effective. If you are going to have a prohibition bill, make it as drastic as you wish, because I do not believe in having a subterfuge. If you are going to let men drink liquor, regulate it, and regulate it properly. If you are going to have prohibition, stop it entirely. But I do think that you are going a long way, and a dangerous way, when you prescribe that the man who takes a drink of liquor shall be guilty of a crime subject to heavy fine and long imprisonment. It may be a reflection on his character for years to come.

Maybe the Delegate has agreed to it; maybe the governor has agreed to it; but do the people of that district realize that a boy f good character who may be in Alaska may be guilty of violating this law, and he will have to carry with him for the balance of his life the brand of having gone to prison for one small

Mr. JONES. Mr. President, the Senator does not overlook

the fact that the penalty is not more than \$1,000.

Mr. UNDERWOOD. I understand that, and I think the Senator is to be congratulated on that, because that is a better provision in this bill than in many of the bills I have seen, because you leave it discretionary with the judge.

Mr. JONES. And the imprisonment is not more than a year. Mr. UNDERWOOD. I understand.

Mr. JONES. It may be one or the other, and the judge may only fine him \$1, and no doubt he will take into account all

of these things that the Senator suggests.

Mr. UNDERWOOD. But you may have a judge who will look upon these questions without leniency, and I think the Senator is going a long way when he seeks to make a personal habit a crime. So far as I am concerned, I will say this: I do not know whether anybody else desires to object or not. I have not heard of any Senator who does. If the Senator will have not heard of any Senator who does. strike out that provision in his bill, so far as I am concerned, he can pass it before 1 o'clock.

Mr. JONES. Which provision is that?

Mr. UNDERWOOD. The one that makes it a crime for a man to take a drink himself and applies it to the person. I

do not remember exactly where it is in the bill.

Mr. JONES. Of course the general framework of the bill is on the drastic lines that have been referred to, and I do not know where we could put on an amendment that would meet just what the Senator has in mind.

Mr. UNDERWOOD. I can not recall the place.

Mr. JONES. The bill is framed upon those drastic lines. The VICE PRESIDENT. Section 17.

Mr. UNDERWOOD. I have no objection to the drastic lines, so far as the barter and sale is concerned, or the shipment of the liquor. If we are going to have it, have it drastic; but I do think you are going too far. I agree to this because the people of Alaska have agreed to it. I would not have agreed to it without their having had a chance to pass on it themselves, but they have passed on it. They have agreed to it, and their will should be carried out, but I do not think we should carry out anything more than their will in this matter.

Mr. JONES. Would this meet the idea of the Senator? On

the first page of the bill it provides:

It shall be unlawful for any person, house, association, firm, company, club, or corporation, his, its, or their agents, officers, clerks, or servants, to manufacture, sell, give, or otherwise dispose of any intoxicating liquor or alcohol of any kind in the Territory of Alaska, or to have in his or its possession.

Would it meet the views of the Senator to strike out the

words "or to have in his or its possession"?

Mr. UNDERWOOD. I will say to the Senator that I have no objection to his prohibiting people from having liquor in their possession; but, as I understand this bill, you prohibit them from drinking.

Mr. ROBINSON. In a public place.

Mr. JONES. In a public place. Mr. ROBINSON. That is section 15.

Mr. JONES. Yes; that is, in a public place.

Mr. UNDERWOOD. Well, any place may be a public place.

Mr. JONES. No.

Mr. UNDERWOOD. A room in a hotel has been held to be public place under the gambling statutes.

Mr. JONES. The bill prescribes what a public place is, Mr. ROBINSON. And it also includes some specifications, as

Or in or upon any passenger coach, street car, boat, or in or upon any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, or waiting room—

And so forth.

Mr. MARTINE of New Jersey. Suppose it were his own vehicle. Suppose it were his own private conveyance. He would have no right-

Mr. ROBINSON. It would not apply unless it were used for

the transportation of passengers.

Mr. MARTINE of New Jersey. Well, it might have been used for the transportation of passengers and yet be his own private vehicle. Mr. ROBINSON. Then he would be prohibited from taking

a drink in it.

Mr. MARTINE of New Jersey. That would be a most arbitrary and drastic and un-American proposition.

Mr. ROBINSON. It would not have to be in a public place. The Senator from New Jersey is right, I think, in his construction of it. The provisions are in the alternative. The first provision is-

That any person who shall in any public place . . drink-

Shall be subject to the penalty.

Then the next provision is in the alternative:

Or in or about any depot, platform-

And so forth.

Mr. JONES. Yes; but that is "upon any passenger coach, street car," and so forth.

Mr. ROBINSON. "Or upon any other vehicle commonly used

for the transportation of passengers "-a carriage, a taxicab, or

anything of that kind.

Mr. MARTINE of New Jersey. It would apply to a man's

own phaeton.

Mr. ROBINSON. A taxicab, carriage, or anything else used for the transportation of passengers, would come within the prohibition.

Mr. JONES. The use by a man of his own carriage, however, for his own family purposes would not come within the prohi-

bition.

Mr. ROBINSON. No; but if he used a taxicab for the transportation of passengers he could not drink in the taxicab, even if there were no passengers there.

Mr. JONES. Yes.

Mr. MARTINE of New Jersey. Of course not, under this w. I can not believe it possible that that could pass the law.

Mr. UNDERWOOD. So far as I am personally concerned, I have no objection to that feature of the bill which prohibits people from drinking in a public conveyance; but, as I say, a hotel has been construed in this country—I do not know how it would be in Alaska—to be a public place. Your private room in a hotel is construed to be a public place and has been held so under the gambling law. A man might take a drink of liquor in his own private room in a hotel and be guilty of an offense

m his own private room in a note; and be guilty of an offense which would send him to jail.

Now, I think that is further than these people want to go. I do not want to interfere with the bill. I see that it is approaching the hour of 1 o'clock. The people of Alaska have voted for it. I am willing to take the Senator's word, if he will agree with me that that part of the bill will be modified so that the personal use will not be made a crime. In other words, if you will make your bill live up to what the people have declared for I will not make any objection. have declared for, I will not make any objection.

Mr. MARTINE of New Jersey. But, Mr. President, they did

not vote for this bill. Mr. UNDERWOOD.

Well, I know.

Mr. MARTINE of New Jersey. They voted for certain features, but not for this drastic bill. There would be quite a different result, I apprehend, if this bill were submitted to the people of Alaska.

Mr. JONES. Mr. President, the people of Alaska have voted.
Mr. MARTINE of New Jersey. Not on this bill.
Mr. JONES. Not upon the particular terms of this bill; of course not. You never would submit this bill in its terms to the people of Alaska, and if you had a ballot you would not have the property of the property of the people. it printed; you would simply have certain questions. They have voted on the questions of "wet" and "dry." They have voted, 2 to 1, "dry." This bill has been prepared by the Delegate from Alaska, who represents those people and is responsible to them; and it is approved by the governor and by members of the legislature. It does seem to me that we are going a long way in finding means by which we can justify an objection, or a vote against it, on the ground that the people of Alaska are not for it. I hope there will be no objection to it.

Mr. SUTHERLAND.

Mr. SUTHERLAND. Mr. President, I should like to ask the Senator whether he thinks the Legislature of Alaska, elected by the people of Alaska, who passed upon this referendum, could interpret the will of the people of that Territory better than Congress, sitting here in Washington?

Mr. JONES. Of course, the individual members there would

no doubt know better the sentiments around generally among the people than we do. I think that is true. But I do think also that they probably would not know it any better than the Delegate from Alaska, who has just been through the campaign Delegate from Alaska, who has just been through the campaign and throughout the Territory, and who knows the sentiments of the people pretty well, and who has been representing them for a great many years. Of course, that is the opinion of one man, and it may not be as good, of course, as the opinion of different members of the legislature. I admit that.

Mr. BRANDEGEE, Mr. President, has unanimous consent heavy detailed for the consideration of the hills.

been obtained for the consideration of the bill?

The VICE PRESIDENT. Not yet. Mr. LIPPITT, Mr. President, do I understand that this bill

has been approved by the Legislature of Alaska?

Mr. JONES. The Senator from Rhode Island was not in the Chamber when I made my statement on that point. I have here a copy of the legislative act submitting the question of prohibition to the people of Alaska, and they voted upon the proposition, there being the words "wet" and "dry" on the ballot, and they voted "dry." Of course, that act has not been submitted to the Legislature of Alaska. The Legislature of Alaska has not

Mr. LIPPITT. Did I not understand the Senator to say that it had been approved by the governor of Alaska and the Dele-

gate from Alaska?

Mr. JONES. Yes. Mr. LIPPITT. And individual members of the legislature? Mr. JONES. And individual members of the legislature.

Mr. LIPPITT. That is, it is a bill that has had the general approval of the authorities in and around Alaska?

Mr. JONES. Yes; that is true.

Mr. MARTINE of New Jersey. Mr. President, I think the Senator is laboring under a mistake. This bill did not have the approval of the governor of Alaska.

Mr. JONES. This bill has been framed in conjunction or

consultation with the governor of Alaska.

Mr. MARTINE of New Jersey. Have the governor of Alaska

and these various commissioners indorsed it?

Mr. JONES. I do not know that he has seen the actual written bill; but he knows the terms of the bill. He knows that it prohibits personal use and all that sort of thing, and he ap-

Mr. MARTINE of New Jersey. How do these men know that the people of Alaska approve this bill?

Mr. JONES. Well, they know it in the same way that the Senator knows the sentiments of the people of his State.

Mr. MARTINE of New Jersey. I only know that by the result of their vote on the referendum. They only know that the people of Alaska indorsed that proposition, which is widely different from this. The Senator himself admits that this is infinitely more drastic.

Mr. JONES. No; I do not admit that. Mr. MARTINE of New Jersey. Well, the Senator said so. Mr. JONES. Not infinitely more drastic; not very widely. It

is a little more drastic; yes.

Mr. MARTINE of New Jersey. I do not want to put any words in the Senator's mouth. He has troubles enough to

answer for.

Mr. JONES. Yes; that is true. Mr. UNDERWOOD. Mr. President, I should like to ask the Senator if he will agree to amend his bill by striking out, on page 9, in lines 17 and 18, the words "who shall in any public place or," and let it read:

That any person in or upon any passenger coach, street car "-

And so forth. If he will strike those words out of the bill,

and agree that they shall stay out in conference—
Mr. JONES. "That any person who shall"—then strike out in any public place"?

Mr. UNDERWOOD. Yes.

Mr. JONES. So that it will read:

That any person who shall, in or upon any passenger coach?

Mr. UNDERWOOD. No; not "in or upon any passenger coach." I am not objecting to the use of those words.
Mr. JONES. What are the words? Oh, the words "in any

oach. I all lot objecting to a constant of the words?

Mr. JONES. What are the words?

Mr. UNDERWOOD. Yes.

Mr. JONES. So that it will read:

That any person who shall, in or upon any passenger coach?

Mr. UNDERWOOD. Yes. As I understand, that is the only place where it refers to personal use, is it not? Is there any other provision in the bill as to personal use?

Mr. JONES. In the first section it prohibits any person from

having liquor in his possession unless he has a permit.

Mr. UNDERWOOD. I do not object to that.

Mr. JONES. Yes; I will agree to strike out those words. Mr. UNDERWOOD. Will the Senator agree to strike them out and stand with it in conference?

Mr. JONES. I will stand with it as far as I can, Mr. UNDERWOOD. Then I have no objection to make, Mr. President.

Mr. MARTINE of New Jersey. Mr. President, will the Senator accept my amendment or proviso— Mr. JONES. No; I can not accept it.

Mr. MARTINE of New Jersey (reading)-

Provided, however, That this bill shall become operative only when ratified by the legal voters of the Territory of Alaska?

Mr. JONES. No; I can not accept that. If the Senate should vote it on, of course, it would be a part of the bill, but I can not accept it myself.

Mr. MARTINE of New Jersey. Then the Senator refuses to give the people of Alaska the opportunity to vote on this proposition?

Mr. JONES. I am trying to carry out the vote of the people of Alaska

Mr. MARTINE of New Jersey. I do not think the Senator is.

I think he is trying to negative it.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Territories with amendments.

The VICE PRESIDENT. The Secretary will state the amendments of the committee.

The first amendment was, on page 2, line 5, after the word "alcohol," to insert the word "and."

The amendment was agreed to.

The next amendment was, on page 2, line 5, after the word "liquors," to strike out all down to and including the word "beverages," on line 8, and to insert "including all alcoholic compounds classed by the United States Internal-Revenue Bureau as compound liquors."

The amendment was agreed to.

The next amendment was to strike out all of section 30, as follows:

SEC. 30. That for the purposes of supplying any deficiency in the revenues of the Territory of Alaska by reason of the loss of moneys from licenses for the sale of intoxicating liquors there is hereby appropriated the sum of \$100,000, to be expended solely for the establishment and maintenance of public schools in Alaska, to be expended under the direction of the authority now having the disposition of the "Alaska fund."

The amendment was agreed to.

The SECRETARY. It is proposed to strike out, on page 9, in lines 17 and 18, the words "in any public place or," so as to read: Sec. 15. That any person who shall, in or upon any passenger coach, street car, etc.

The amendment was agreed to.
Mr. JONES. On page 2, line 6, before the words "per cent,"
I move to insert the word "two."

The amendment was agreed to.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The Secretary. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes

Mr. JONES. I think we can finish this bill in three or four minutes. I ask the Senator from Montana if he will consent to lay aside temporarily the unfinished business for that pur-

pose? Mr. MYERS. If it will take only 3 or 4 minutes, or even if

it will take 15 or 20 minutes, I would not object.

Mr. JONES. The Senator can call up the unfinished business at any time, if it takes longer than we expect. I think it will not, however.

Mr. MYERS. I want some limit of time. Would the Senator be willing to ask unanimous consent to proceed with the bill for not exceeding 30 minutes?

Mr. JONES. Of course, I realize that the Senator can take my bill off the floor at any time he sees fit.

Mr. MYERS. If the Senator makes the request that the Senate shall consider the bill not exceeding 30 minutes, or so

much thereof as may be necessary, I shall not object.

Mr. JONES. I will make that request.

The VICE PRESIDENT. Without objection, the unfinished business is temporarily laid aside for not exceeding 30 minutes. The next amendment, suggested by the Senator from Utah [Mr. SUTHERLAND], will be stated.

The Secretary. On page 2, lines 16 and 17, strike out the words "in the Federal jail."

Mr. JONES. I have no objection to that.

The amendment was agreed to.
The Secretary. On page 2, lines 18 and 19, after the word "imprisonment," strike out the words "in the discretion of the court."

Mr. JONES. I have no objection to that amendment.

The amendment was agreed to.

Mr. JONES. There is another amendment to be proposed by the Senator from Utah.

Mr. SUTHERLAND. On page 14 the words "the injunction shall be granted at the commencement of the action" be stricken out.

Mr. JONES. Yes; in lines 1, 2, and 3:

The injunction shall be granted at the commencement of the action, and no bond shall be required.

Mr. SUTHERLAND. I have no objection to the provision for a hond

The Secretary. Page 14, lines 2 and 3, strike out the words: The injunction shall be granted at the commencement of the action, and no bond shall be required.

Mr. JONES. The words "no bond shall be required" are to be left in, beginning the word "no" with a capital letter.

The Secretary. Strike out the words "The injunction shall

be granted at the commencement of the action and," and begin the word "no" with a capital.

The amendment was agreed to.

Mr. JONES. I think in line 15 the Senator suggested an amendment. Would the Senator insist on that?

Mr. SUTHERLAND. I will not insist upon it. I called the Senator's attention to the words "without process of law" in

line 15. It strikes me as being an unusual position.

Mr. JONES. I do not believe it will bring the difficulty the

Senator suggested. I prefer to leave it in.

Mr. SUTHERLAND. On page 16, line 16, I move to strike out the words "or any private prosecutor."

The amendment was agreed to.

Mr. JONES. I think the Senator from New Jersey [Mr. Mar-TINE] wishes to offer an amendment.

Mr. MARTINE of New Jersey. I offer a proviso to come in at the end of line 4, on page 18.

The VICE PRESIDENT. The proviso will be read.

The Secretary. At the end of line 4, page 18, insert:

Provided, however, That this act shall become operative only when ratified by the legal voters of the Territory of Alaska.

Mr. JONES. I hope the Senate will not add that proviso to

the bill. The bill is intended, I take it, to carry out the vote already had in the Territory. I shall not take the time of the Senate to discuss it.

Mr. MARTINE of New Jersey. Mr. President, I trust, in contradiction with the Senator's statement, that the act may be ratified by a vote of the people. I think it would be a very serious reflection upon the intelligence and integrity of this great body to refuse the people of Alaska an opportunity to vote on a question that affects them so directly in their personal liberty.

The VICE PRESIDENT. The question is on agreeing to the

amendment.

The amendment was rejected.

Mr. BRANDEGEE. I move to strike out section 34 of the bill and to insert in lieu thereof the proviso I send to the desk. The VICE PRESIDENT. The amendment will be stated.

The Secretary. It is proposed to strike out the last section of the bill and to insert:

Provided, That this act shall not take effect until approved by the Legislature of Alaska.

Mr. JONES. I hope that amendment will not be agreed to. The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Connecticut.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WATER-POWER DEVELOPMENT.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business

The Senate, as in Committe of the Whole, resumed the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. SHAFROTH. Mr. President, I ask unanimous consent that House bill 9533, to provide a civil government for Porto Rico, and for other purposes, be made the unfinished business for 8 o'clock to-night.

Mr. BRANDEGEE. I make a point of order that the motion is not in order.

The VICE PRESIDENT. The Chair has ruled some seven times in two days that a bill can not be made the unfinished business by a motion.

Mr. LANE. Mr. President, in relation to this motion-The VICE PRESIDENT. There is no motion.

Mr. LANE. This request.

The VICE PRESIDENT. The Chair sustains the point of order that you can not make a bill the unfinished business except by the state of business

Mr. SHAFROTH. Then I desire to move that House bill 9533, entitled "An act to provide a civil government for Porto Rico, and for other purposes," be made a special order for to-night at 8 o'clock.

Mr. SMOOT. Mr. President, I wish to say to the Senator from Colorado that that would do no good whatever, because if the motion carries, to-night when the unfinished business is laid be-

fore the Senate I shall object to laying it aside.

I wish to state to the Senator why I take that position. To-day there is no appropriation bill to be placed before the Senate, and yet some Senators are advocating night sessions in order to complete certain legislation before adjournment. doubt but that we can pass all necessary legislation during this session if the appropriation bills will be kept before the Senate for consideration and not force consideration of bills that we know will not become law. There is no necessity to hold night sessions at this time for the consideration of the Porto Rican bill, and I do not know how long it will take to pass the waterpower bill, but even if the water-power bill passes, I do not believe it will become a law at this session.

I have no doubt that the Senator from Colorado can get a vote during a day session to take up the Porto Rican bill, because I believe a majority of the Senate want to have it passed, and I think if he would make the motion now it would carry. But be that as it may, I want to say to the Senator that when the unfinished business is laid before the Senate to-night, if we hold a night session, I shall object to

Mr. SHAFROTH. I will state to the Senator that I am perfectly willing to proceed with the Porto Rican bill now, and I would prefer to do it; but I have gotten the consent of the Senator from Montana several times and I do not feel like interfering with the unfinished business. If the Senator from Montana, with his consent, would let me proceed to-night,

I would be very glad to proceed.

Mr. SMOOT. I say to the Senator from Montana I have no doubt but that we could pass the Porto Rican bill before the close of the session to-day and get it out of the way. I shall not make the motion, but in order to hasten the legislation that will pass this body, I think the proper course would be to lay the water-power bill aside and take up the Porto

Rican bill at this time.

Mr. LANE. Mr. President, I should like to oblige the Senator from Colorado, but the fact is we had a session here last night on the Porto Rican bill at which there were about six present; and the bill was a jumble, apparently, of contradictions which had to be corrected, and we practically wasted our time. If we are going to hold a night session of the Senate I am willing to stay here, if other Senators will come and stay; but if they do not I am not going to come to listen to a lot of explanations which do not explain. Last night nearly everyone went away, "Some to the rising sun, and some to the setting moon," it may be; but at any rate they did not stay here. I think the Senator had better perfect his bill and let us work at it in the daytime. I do not propose to stay here at night when there is no quorum present.

Mr. SHAFROTH. I should like to proceed with the bill, and if the Senator from Montana will give me leave, I would be glad to move that it be taken up for consideration now.

Mr. MYERS. I would not want to displace the unfinished

business by a motion to take it up.

Mr. SHAFROTH. Can we not temporarily lay aside the un-

finished business?

Mr. MYERS. I would like to accommodate the Senator, but the water-power bill has been the unfinished business now for about three weeks, and in that length of time it has not been debated more than one day. It has had to give way to appropriation bills for the last three weeks and is liable to give way at any time to other appropriation bills, and unless we dispose of it sooner or later the Senate will get tired of drifting the bill along in this way and displace it with some other bill. I should like to have it debated a day or two, or two or three days, and try to bring it to a vote and get it out of the way, and then take up other measures seriatum.

Mr. GALLINGER. Will the Senator from Colorado per-

mit me?

Mr. SHAFROTH. I yield to the Senator from New Hampshire, if I have the floor.

Mr. GALLINGER. I wanted to express my solicitude in

reference to the legislative program that is before us, and especially about the legislative program that we read about in

the newspapers. I will ask the Senator from Colorado if there has been a failure to agree upon a program of legislation both in the Democratic caucus and on the part of the steering committee of the Democratic Party?

Mr. SHAFROTH. The Senator from Indiana [Mr. KERN] can tell you. I am not a member of the steering committee.

Mr. GALLINGER. The Senator is a member of the caucus, I suppose. As the newspapers relate it, I have no other information, not having been admitted to that inner circle, the Democratic caucus has taken up this question of a legislative program, and I should like to know if there is a failure both on the part of the caucus and the steering committee to give us information as to what we may expect to have for consideration during the remaining few weeks of the session.

Mr. KERN. I hope, Mr. President, that the Senator from New Hampshire will not catechize us on every newspaper rumor

that is printed.

Mr. BRANDEGEE. We want something authoritative.

Mr. KERN. I violate no confidence, however, when I say that the steering committee agreed on a program which was submitted to the conference; the conference referred it back to the steering committee; and there it rests.

Mr. GALLINGER. That is a very lucid explanation. I now know where the legislative program is, which I did not know

before. I thank the Senator for giving me that information.

Mr. BRANDEGEE. I should like to know if the steering

committee is now at the helm. [Laughter.]

Mr. ROBINSON. I hope the anxiety of the Senator from Mr. ROBINSON. I nope the anxiety of the Senator from New Hampshire and the Senator from Connecticut may be speedily relieved, Mr. President. Mr. GALLINGER. Thank you. Mr. SMOOT. Did I understand the Senator from Montana

to say that he is willing to lay the unfinished business aside for the consideration of the Porto Rican bill.

Mr. MYERS. No; I am not. I was explaining why I am not willing. I prefer to have the bill kept before the Senate for the next two or three days, if it is necessary to consider it so long and an appropriation bill does not interfere, and let us see if we can not get a vote on it and get it out of the way.

Mr. VARDAMAN. The Senator from Montana insists upon

considering the bill now?

Mr. MYERS. Yes; I am insisting upon it, Mr. President. Mr. VARDAMAN. I submit, Mr. President, that this bill ought to be disposed of. It has been before the Senate a long The debate has been exhaustive-really, I do not see how anything new can be said on either side of the question. It strikes me that the last word has been spoken. Now, if the Senate is going to consider it with a view of passing it at this session, let us proceed with it at once. If that can not be done, in order to use the few precious moments left before the final adjournment in March, I would suggest that we take up the Porto Rican bill and get that out of the way. I hardly think there will be much opposition to the Porto Rican bill. It does seem to me very imprudent and unwise for the Senate to be hesitating, dillydallying, over a matter when there are so many bills of vital importance to the American people that should be considered. Let us do something, and do it now, that

Mr. MYERS. If the Senator will permit me, that is just the reason why I want to have the bill considered now. Some day, before very long, some Senator may move to take up some other bill, and the motion may prevail and displace this bill as the unfinished business

Mr. VARDAMAN. It is the unfinished business now and is before the Senate. It does not require a vote to take it up. I hope the Senate will pardon me for any manifestation of impatience, but I am so much interested in the flood-control bill, which must be passed at this session or the interests of my people will sadly suffer, that any unnecessary delay fills me with alarm.

It is before the Senate. Mr. MYERS.

Mr. ROBINSON. I should like to ask the Senator from Montana if he thinks it possible to secure a unanimous-consent agreement to have a vote on the water-power bill some day in the future?

Mr. MYERS. I would be glad to have that done. I do not

know whether it is possible or not.

Mr. SMOOT. I can settle that very quickly. It will not be

Mr. ROBINSON. I am very much surprised at the statement of the Senator from Utah.

Mr. SMOOT. I see from the smile upon the Senator's face that he is surprised.

Mr. ROBINSON. The Senator from Utah expressed a few moments ago great solicitude that the water-power bill should be disposed of, or at least that it should be kept before the Senate, and in view of that fact I thought he would consent to an agreement about it.

Mr. SMOOT. The Senator misunderstood me.
Mr. VARDAMAN. I call for the regular order.
The PRESIDING OFFICER (Mr. Works in the chair). The

question is on the motion of the Senator from Colorado to make the Porto Rican bill the special order for 8 o'clock this evening.

Mr. GALLINGER, Is that a motion?

The PRESIDING OFFICER. It is a motion.

Mr. SHAFROTH. I make that motion. I hope the Senator from Utah will not object.

Mr. SMOOT. So that there may be no misunderstanding about it, the Senator from Utah is going to object. Not only that, the Senator from Utah will insist that the unfinished business be kept before the Senate to-night if the Senate holds a There is no necessity at present for holding a night I want it understood that no matter what bill is before the Senate, if a night session is forced at this time I shall insist that there shall be a quorum present, and not like last evening when there were about seven or eight Senators present.

Mr. SHAFROTH. I will ask the Senator from Utah if he

will agree to let me change the motion so as to have a session

to-morrow night?

Mr. SMOOT. No, Mr. President; I would not agree to that. If it was necessary to hold night sessions to get through with a legislative program I would not object, but up to the present time it is unnecessary to hold night sessions, as we are unable to report the appropriation bills to the Senate for consideration. I do not propose to have night sessions if I can prevent them until they become necessary to pass bills that have a chance of becoming law.

Mr. VARDAMAN. Why can not we take up the water-power

bill and vote upon it this morning?

Mr. SMOOT. We can not vote upon it because a good many

Senators want to speak upon it.

Mr. VARDAMAN. Let the Senators who want to speak be heard, and let us proceed with it. Let us do something, and not consume the whole morning in discussing a question of order. The time is limited, and much remains to be done. Profitless and impertinent discussion is almost a criminal prodigality of precious time.

The PRESIDING OFFICER. The question is on the motion of the Senator from Colorado to make the Porto Rican bill a

special order for this evening at 8 o'clock.

The motion was not agreed to. The PRESIDING OFFICER. The unfinished business is before the Senate.

Mr. GALLINGER. Mr. President, I think we ought to have a

quorum. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the

The Secretary called the roll, and the following Senators answered to their names:

Martin, Va. Myers Nelson Norris Overman Smith, Md. Smoot Sterling Ashurst Beckham Gallinger Harding Hardwick Hollis

Borah Brandegee Broussard Thomas Thompson Tillman Husting Broussard Bryan Chamberlain Chilton Clapp Culberson Curtis James Page Pitiman Tillman Townsend Underwood Vardaman Walsh Watson Williams Johnson, S. Dak. Jones Kenyon Kern La Follette Poindexter Pomerene Ransdell Reed Robinson du Pont Fall Lane Lippitt Shafroth Sheppard Smith, Ga. Works Lodge McCumber Fletcher

Mr. OVERMAN. My colleague [Mr. Simmons] is detained at home on account of illness. I will let this statement stand for the day.

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. There is a quorum present.

Mr. SHAFROTH obtained the floor.

Mr. THOMAS. Will my colleague yield to me for a moment?

Mr. SHAFROTH. I yield.

Mr. THOMAS. I wish to say to the Senator having charge of the bill that the senior Senator from Arizona [Mr. Smith] has offered a substitute for this measure, which I have promised to move at the appropriate time, and when the Senate is ready to vote I assume the Senator is familiar with the nature of the substitute of the Senator from Arizona.

Mr. MYERS. No; I am not.

Mr. THOMAS. It provides for a transfer of the power sites to the State. I thought it was right that I should give notice to the Senator of my purpose in regard to that subject.

Mr. MYERS. I am very glad the Senator did. I thank him.

EXECUTIVE SESSION.

Mr. MARTIN of Virginia. Mr. President, as I believe it will be agreeable to the Senator from Colorado, and I am sure it will commend itself to the good sense of the Senate, I move that the Senate proceed to the consideration of executive busi-

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened.

RECESS

Mr. WALSH. Prior to moving a recess of the Senate, I desire to give notice that on to-morrow, Thursday, I shall ask the Senate to remain in session until into the night, if necessary, to complete, if possible, the consideration of the bill which is the unfinished business. I now move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 5 minutes

m.) the Senate took a recess until to-morrow, Thursday,

February 1, 1917, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate January 31, 1917.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. Armand Durant. Twelfth Infantry, to be second lieutenant of Field Artillery, with rank from November 30, 1916. Second Lieut. Barnwell Rhett Legge, Sixth Field Artillery, to

be second lieutenant of Infantry, with rank from November 30,

PROVISIONAL APPOINTMENTS AS SECOND LIEUTENANTS IN THE ARMY.

CAVALRY ARM.

Joseph M. Hurt, jr., of Virginia. George I. Speer, of Delaware. Charles B. Duncan, of Tennessee. Ferris M. Angevine, of Massachusetts. Julian W. Cunningham, of the District of Columbia. Sam George Fuller, at large. Luther Byron Ballou, of Kansas. Clinton Albert Pierce, of New York. Thomas McFarland Cockrill, of Missouri. Delmore Stephen Wood, of California. George William Lyman Prettyman, of New York. Thomas McIlvaine Turner, of New York. Horace Lyle Hudson, of Utah. Lawrence Cordell Frizzell, of Georgia. Jean Frederick Sabin, of Wisconsin. Robert Fulton White, of North Carolina. Henry Davis Jay, of Pennsylvania. George Ralph Barker, of Georgia. Ray Lawrence Burnell, of Maine. Arthur Winton Hartman, of Pennsylvania. John William Berry, of Texas, Joseph Nixon Marx, of New York.
Joseph Nixon Marx, of New York.
Corpl. Rinaldo L. Coe, Troop K, Seventeenth Cavalry.
First Class Pvt. Harold John Duffey, Headquarters Troop, Sixth Cavalry. Sergt. Jay Kenneth Colwell, Troop K, Twelfth Cavalry. Sergt. Amory Coffin Cotchett, Medical Department. Corpl. Otis Porter, Troop A, Fifteenth Cavalry.

Corpl. Victor Kerney, Company D, First Telegraph Battalion, Signal Corps.

Corpl. Arthur C. D. Anderson, Troop B, Third Cavalry. Sergt. Alan Bartle Edson, Quartermaster Corps.

Corpl, Folsome Reed Parker, Coast Artillery Corps, Saddler Emory Moses Mace, Company B, Third Regiment of Engineers

Corpl. Harry Howell Dunn, Troop L, Fifth Cavalry. Corpl. Renn Lawrence, Troop A, Sixteenth Cavalry, Corpl. Fred H. Clark, Troop G, Third Cavalry.

First Class Pvt. Joseph Allen Covington, Company B, First ield Battalion, Signal Corps.

Mess Sergt. John L. Rice, Troop D, Twelfth Cavalry, Second Lieut. Nelson Mark Imboden, Infantry Officers' Re-

Capt. John Elliott, Cavalry Officers' Reserve Corps.

Second Lieut. Randolph Dickins, Infantry Officers' Reserve

Second Lieut. John Newton Steele, Infantry Officers' Reserve

Capt. George H. Carruth, First Infantry, Louisiana National

Second Lieut, Eugene M. Dwyer, Sixty-eighth Infantry, New York National Guard.

Second Lieut. Fredrick John Holzbaur, Second Infantry, Pennsylvania National Guard.

Second Lieut. Wharton Girard Ingram, Second Field Artillery, Pennsylvania National Guard.

Second Lieut. Edward Semple Moale, Twenty-second Engineers, New York National Guard.

Second Lieut. Adrian St. John, Twenty-second Engineers, New York National Guard.

INFANTRY ARM.

James D. Basey, of Oregon. Ray M. O'Day, of Washington. Alan Pendleton, of Pennsylvania. Merritt Elijah Olmstead, of Oklahoma, Benjamin F. Caffey, jr., of Utah. Hadyn Potter Mayers, of Texas. Hadyn Potter Mayers, of Texas.
Rogers Murchison Wilson, of Georgia.
Henry Ephraim Mosher, of New York.
Albin Krill Kupfer, of New York.
Augustine Joseph Zerbee, of Ohio.
Arthur Blaine Hutchinson, of Iowa. Lauritz Daniel Simonson, of Connecticut. Carl Reah Perkins, of Ohio. Stanley Morton Muckleston, of Wisconsin. Franklin Washington Cheney, of Georgia. George Francis Wellage, of Texas. George Francis Weilage, of Texas.

Alfred F. Biles, jr., of Oregon.

Charles Turner Hearin, of Alabama.

Hugh Mackay Davis, of Maryland.

John Frederick Fredin, jr., of Minnesota.

James Bowdoin Wise, jr., of Virginia.

Thomas Alexander Langford, of Connecticut. Harry Lispenard Kimmell, of the District of Columbia. Clarence Maxwell Culp, of Indiana. Charles Benjamin Kehoe, of North Carolina. Philip Shaw Wood, of Texas. Sheldon Eliot Hoadley, of New York, Harvey Cecil Kearney, of Nebraska. Arthur Wallace Stedman, jr., of Colorado. Arthur Postell Jervey, of South Carolina. Starr Sedgwick Eaton, of Wisconsin. Oliver Franklin Holden, of Texas. Maurice Percy Walker of Pennsylvania. Thomas Liggett Lamoreux, of New York. Daniel Newton Murphy, of Texas. Adlai Cyrus Young, of Wisconsin. Alexander Newton Stark, jr., of Virginia. Clinton Inness McClure, of Kansas. Roy Charles Lemach Graham, of New Hampshire. Arthur Franklin Joseph Holben, of Pennsylvania. Lloyd Bebb Russell, of Kansas. George Sawtelle, at large. John Edwin Gough, of Pennsylvania. Leonard Almy Smith, of Connecticut. John Waldemar Thompson, of Wisconsin. Philip Overstreet, of Illinois. Lara Paul Good, of Indiana. George A. McDonald, of Texas George Maltby Wright, jr., of Ohio. Archie Arrington Farmer, of North Carolina, John Thomas Fisher, of California. Edwin Eugene Elliott, of Minnesota. Charles Sabin Ferrin, of Vermont. George Warner Titus, of California. Samuel David Mann, of Ohio. John Carver Adams, of Oregon. Robert Gilpin Ervin, of Pennsylvania. Edward Lodge McKee, jr., of Indiana. Sergt. Gilbert S. Harter, Company F, Fifteenth Infantry, Sergt. John Warren Cotton, First Aero Squadron, Signal Corps.

Pvt. Ralph Edward Wallace, Company G, Third Regiment of Engineers

Sergt, Lawrence Wellburn Fagg, Medical Department, Army

First Class Private Maury Mann, Company C, Third Regiment of Engineers.

Corpl. Rupert L. Purdon, Company G, Thirty-fourth Infantry. Pvt. (First Class) Richard S. Jones, Ordnance Department, Sergt. William Carleton Hanna, Medical Department. Corpl. Leon G. Harer, Coast Artillery Corps

First Sergt, Edwin Mack Scott, Coast Artillery Corps, Sergt, Paul J. Dowling, Company E, Second Regiment of Engi-

Corpl. John Herbert Jones, School Detachment, Aviation Section, Signal Corp.

Corpl. Rufus E. Wicker, Company F, Third Regiment of

Sergt. Charles L. Briscoe, Medical Department. Corpl. Roy O. Wren, Quartermaster Corps

Sergt, Hermann Charles Dempewolf, Company E, Second Regiment of Engineers

Pvt. Paul Ireton Jones, Company E, Second Telegraph Battalion, Signal Corps,

Sergt. Frank Everett Hinton, Company D, Second Infantry. Corpl. Frank Patrick Tuohy, Company C, Third Regiment of

Sergt. John R. Hermann, Company I, Eighth Infantry,

Pvt. Louis T. Roberts, Coast Artillery Corps, Sergt. James Minch Palmer, Medical Department.

Sergt. Ralph A. W. Pearson, School Detachment, Aviation Section, Signal Corps.

Corpl. Alfred Millard, Company H, Twenty-seventh Infantry. Pvt. Harry H, Ambs, Company M, Twenty-ninth Infantry.

Corpl. William H. Bittenbender, Company D, Twenty-seventh Q. M. Sergt. Raymond H. Bishop, Quartermaster Corps

Sergt, Henry D. Mitchell, Company D, Thirty-first Infantry. Pvt. First Class James A. Summersett, jr., School Detachment, Aviation Section, Signal Corps.

Corpl. Hugh Coskery Gilchrist, Company F. Sixth Infantry.

Sergt. Allen T. Veatch, Quartermaster Corps.

First Class Pvt. Sigurd J. Simonsen, Company M, Signal Corps. Sergt. Thomas G. Bond, Medical Department.

Sergt. John E. Haywood, Quartermaster Corr

Second Lieut, Willis Henry Hale, Infantry Officers' Reserve

Second Lieut. Noe Calhoun Killian, Infantry Officers' Reserve

Corps.
Second Lieut, Walter Ray Mann, Infantry Officers' Reserve

Second Lieut. Henry Wideman Lee, Infantry Officers' Reserve Corps

Second Lieut, Frederick R. Baker, Coast Artillery Corps, North Carolina National Guard. First Lieut, Ernest Hill Burt, Field Artillery, Connecticut

National Guard.

Second Lieut, Albert Francis Christensen, Second Infantry,

Massachusetts National Guard. Second Lieut. William H. Coacher, Fourth Infantry, South

Dakota National Guard. First Lieut. John Colford Daly, Signal Corps, Massachusetts National Guard.

Capt. Clarence P. Evers, Fourth Infantry, South Dakota National Guard.

Second Lieut, Kirke B. Everson, Fifth Infantry, Massachusetts National Guard.

Second Lieut, Ray Parker Harrison, Third Infantry, Indiana National Guard.

Second Lieut, John Taylor Henderson, Second Infantry, Idaho National Guard.

First Lieut, Edward Scott Johnston; Second Infantry, Indiana National Guard.

First Lieut, Herman Frederick Kramer, Fifth Infantry, Nebraska National Guard.

Capt. Le Roy Lutes, Fourth Infantry, Illinois National Guard. Capt. Sidney Freudenthal Mashbir, First Infantry, Arizona National Guard.

Second Lieut, William Stirling Maxwell, Second Infantry,

Illinois National Guard.
First Lieut, William Cheney Moore, First Infantry, Kentucky National Guard.

Second Lieut, Paul Everton Peabody, Seventh Infantry, California National Guard.

Second Lieut. Albion Smith, Fifth Infantry, Georgia National Guard.

First Lieut. Oliver John Troster, Fourth Infantry, Illinois National Guard.

Second Lieut. Edwin Daviess Patrick, Second Infantry, Indiana National Guard.

Frank August Heileman, of Missouri.

FIELD ARTILLERY ARM.

Stacy Knopf, of Pennsylvania. James M. Garrett, jr., of Alabama, David M. Pope, of Illinois. Harry B. Weston, of Pennsylvania. Eugene Henry Willenbucher, of New Jersey. Louis C. Arthur, jr., of North Carolina. John Flavel Hubbard, of New York.

Franklin McKenzie Davison, of Illinois. William Edgar Shepherd, jr., of New York. Corpl. John Oliver Hoskins, Company D, Third Regiment of Engineers

Supply Sergt. William Clarke, Battery A, Second Field Ar-

Sergt. Albert R. Ives, Battery C, Second Field Artillery. Corpl. Arthur Brigham, jr., Battery C, Third Field Artillery. Corpl. William McKinley Jackson, Battery D, Fourth Field Artillery

Battalion Sergt. Maj. Joseph A. Sheridan, Second Field Artillery.
First Lieut. Charles W. Gallaher, Company A, Engineers, Iowa National Guard.

Second Lieut, Laurence V. Houston, Texas National Guard. Second Lieut. Hugh Chapman Minton, First Infantry, Virginia National Guard.

COAST ARTILLERY CORPS.

Evan C. Seamon, of Pennsylvania. Clarence E. Cotter, of Utah. Gordon Bennett Welch, of Kansas. James Moore Evans, of Virginia. Cedric Ferris Maguire, of New York, Edward Eugene Murphy, of Massachusetts. Marshall McDiarmid Williams, jr., of North Carolina. Edward Clarence Seeds, of Iowa. Edison Albert Lynn, of California. Milton Pierce Morrill, of Minnesota. Guy Humphrey Drewry, of Virginia. Raphael Saul Chavin, of New York. John Lester Scott, of Maine. Alva Franklin Englehart, of Missouri. Sergt. Ira Benjamin Hill, Coast Artillery Corps. Master Electrician Berthold Vogel, Coast Artillery Corps. Corp. Odes Tillman Pogue, Coast Artillery Corps. Radio Sergt. William Chason, Coast Artillery Corps.

PROMOTIONS AND APPOINTMENTS IN THE NAVY. The following-named captains to be rear admirals in the

Navy from the 29th day of August, 1916: Harry McL. P. Huse, an additional number in grade, Robert S. Griffin, an additional number in grade, George E. Burd, an additional number in grade, James H. Oliver, an additional number in grade,

John Hood, and William S. Sims.

Lieut. Commander William C. Watts to be a commander in the Navy from the 29th day of August, 1916.

Lieut. Charles S. Joyce to be a lieutenant commander in the Navy from the 29th day of August, 1916.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 29th day of August, 1916:

George W. Simpson, Paul E. Speicher, and Guy C. Barnes.

Ensign Charles W. McNair to be a lieutenant (junior grade) in the Navy from the 8th day of June, 1915.

The following-named boatswains to be chief boatswains in the Navy from the 21st day of June, 1916:

Ernest Heilmann, and John B. Hupp.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 19th day of January, 1917:

George J. Eckel, a citizen of New York, Luther F. Warren, a citizen of New York, and John T. Bennett, a citizen of Mississippi.

POSTMASTERS.

ALABAMA.

Joseph C. Boone to be postmaster at Berry, Ala. Office became presidential January 1, 1917.

Zenella K. Glover to be postmaster at Millport, Ala. Office became presidential January 1, 1917.

ARKANSAS.

Thomas R. Willson to be postmaster at Ola, Ark. Office became presidential January 1, 1917.

William D. Yancey to be postmaster at Van Buren, Ark., in place of H. C. Pernot, deceased.

George H. Francis to be postmaster at Patagonia, Ariz. Office became presidential January 1, 1917.

Thomas J. Durfee to be postmaster at Bieber, Cal. Office became presidential October 1, 1916.

William D. Thornton to be postmaster at Yosemite, Cal. Office became presidential October 1, 1916.

Herbert S. Watson to be postmaster at Tahoe, Cal. Office became presidential October 1, 1916.

Adelbert E. Humeston to be postmaster at Collbran, Colo. Office became presidential October 1, 1916.

Charles W. Pierce to be postmaster at Boynton, Fla. Office became presidential October 1, 1916.

Robert W. Swearingen to be postmaster at Avon Park, Fla. Office became presidential January 1, 1917.

N. Macon Thornton to be postmaster at Ormond Beach, Fla. Office became presidential October 1, 1916.

GEORGIA.

George L. Lemon to be postmaster at Acworth, Ga., in place of Mattie Mitchell. Incumbent's commission expired August 1, 1916

HAWAII.

D. H. MacAdam to be postmaster at Honolulu, Hawaii, in place of W. F. Young, resigned.

Thomas E. Cahill to be postmaster at Lake Bluff, Ill. Office became presidential July 1, 1915.

Edna Clemons to be postmaster at Weldon, Ill. Office became presidential October 1, 1916.

Charles A. Heffern to be postmaster at Ashkum, Ill. Office became presidential October 1, 1916.

Frank W. Squire to be postmaster at Godfrey, Ill. Office became presidential October 1, 1916.

INDIANA.

John F. Bond to be postmaster at Nashville, Ind. Office became presidential October 1, 1916.

Ethel J. Pinney to be postmaster at La Crosse, Ind. Office became presidential October 1, 1916.

Fred J. Tam to be postmaster at Idaville, Ind. Office became presidential October 1, 1916.

Albert Tagge to be postmaster at Hartley, Iowa, in place of Eugene B. Peck, removed.

A. J. Palas to be postmaster at Elkader, Iowa, in place of Carl Reinecke, jr., removed.

Fred R. Parker to be postmaster at Moorhead, Iowa. Office

became presidential October 1, 1916.

MAINE.

Harvey F. Mansfield to be postmaster at Jonesport, Me. Office became presidential January 1, 1917.

MARYLAND.

Robert McI. Shower to be postmaster at Manchester, Md. Office became presidential January 1, 1917.

MASSACHUSETTS.

Lewis N. Gilman to be postmaster at Allerton, Mass. Office became presidential October 1, 1916.

William M. Knowles to be postmaster at Brewster, Mass. Office became presidential October 1, 1916.

MICHIGAN.

George E. Goul to be postmaster at Sand Lake, Mich., in place of John Butler, deceased.

MINNESOTA.

Halvor Lee to be postmaster at Gary, Minn. Office became presidential October 1, 1916.

Samuel A. Nystrom to be postmaster at Watertown, Minn. Office became presidential October 1, 1916.

John S. Stensrud to be postmaster at Canby, Minn., in place of John S. Stansrud. Incumbent's commission expired May 31, 1914.

MISSISSIPPI.

George D. Myers to be postmaster at Byhalia, Miss. Office became presidential October 1, 1916,

MISSOURI.

Amelia C. Walters to be postmaster at Gorin, Mo. Office became presidential January 1, 1917.

MONTANA

Ulysses H. Nottingham to be postmaster at Bearcreek, Mont. Office became presidential October 1, 1916.

NEBRASKA.

Emil H. Mack to be postmaster at Petersburg, Nebr., in place of Gus Diers, removed.

NEW HAMPSHIRE.

Benjamin H. Dodge to be postmaster at New Boston, N. H. Office became presidential January 1, 1917.

NEW YORK.

James B. Fitch to be postmaster at Mooers, N. Y. Office be-

came presidential January 1, 1917.

Thomas A. McMahon to be postmaster at Far Rockaway, N. Y., in place of William J. McVay, deceased.

OHIO.

E. L. Churchill to be postmaster at Metamora, Ohio. Office became presidential October 1, 1916.

OKLAHOMA.

John L. Homan, jr., to be postmaster at Eufaula, Okla., in place of Walter T. Fears, resigned.

Randolph Laurence to be postmaster at Roff, Okla., in place of Emma Dale. Incumbent's commission expired July 13, 1916.

PENNSYLVANIA.

Mabel E. Davidson to be postmaster at Ulster, Pa. Office became presidential October 1, 1916.

William T. Hetler to be postmaster at Nescopeck, Pa. Office

became presidential October 1, 1916.

J. K. Wiley to be postmaster at Mount Union, Pa., in place of Alonzo W. Jones, deceased.

SOUTH DAKOTA.

Charles L. Brady to be postmaster at Buffalo, S. Dak. Office became presidential October 1, 1916.

WASHINGTON.

Sadie Haight to be postmaster at Creston, Wash. Office became presidential October 1, 1916.

William J. Meade to be postmaster at Pe Ell, Wash. Office became presidential October 1, 1916.

WEST VIRGINIA.

James E. Billups to be postmaster at Hurricane, W. Va. Office became presidential January 1, 1917.

Otis Merton Carroll to be postmaster at McMechen, W. Va., in place of Isaiah Stephens. Incumbent's commission expired July 29, 1916.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 31, 1917. ASSISTANT UNITED STATES TREASURER.

William H. McClendon to be Assistant Treasurer of the United States at New Orleans.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Pay Director Samuel McGowan to be pay director, with rank of rear admiral.

Medical Inspector William C. Braisted to be medical director, with rank of rear admiral.

Civil Engineer Frederic R. Harris to be civil engineer, with rank of rear admiral.

The following-named lieutenants to be lieutenant command-

Robert W. Kessler.

Paul P. Blackburn.

Christopher R. P. Rodgers.

The following-named lieutenants (junior grade) to be lieu-

Henry C. Gearing, jr. Grattan C. Dichman. Charles C. Windsor.

Edward H. Loftin.

Charles L. Best. Cary W. Magruder.

Henry E. Parsons.

James G. Stevens.

Ensign Ralph Martin to be a lieutenant (junior grade).

Gunner William T. McNiff to be a chief gunner. Pay clerk William T. Williams to be a chief pay clerk.

Lieut. Frank B. Freyer to be a lieutenant commander.

The following-named lieutenants to be lieutenant command-

Andrew C. Pickens.

Prentiss P. Bassett.

Allen B. Reed.

The following-named lieutenants (junior grade) to be lieutenants:

George C. Logan.

Elmo H. Williams. John F. Cox.

William F. Gresham. Ralph G. Walling.

Ensign Maxwell Case to be a lieutenant (junior grade).

Harold W. Welington to be an assistant surgeon in the Medical Reserve Corps

Lieut, Cleon W. Mauldin to be a lieutenant commander.

The following-named ensigns to be lieutenants (junior grade): Charles N. Ingraham.

Robert H. Grayson.

Paul W. Wilson to be an assistant surgeon in the Medical Reserve Corps

The following-named citizens to be assistant surgeons in the

Medical Reserve Corps: James M. Howard.

Albert E. Leggett.

Alexander B. Hepler.

E. Arthur Stephens.

Jesse W. Allen. Horace E. Spruance, Leo C. Thyson,

William R. Levis.

Leonard Hays.

William E. Glanville.

Park M. Barrett.

Julius C. Sosnowski.

Ashton E. Neely. Rolland R. Gasser.

Ross T. McIntire.

William H. Fickel.

Philip J. Murphy. Benjamin V. McClanahan.

Erik G. Hakansson, Karl L. Vehe. Leon W. McGrath.

William G. Bodie. Howard E. Gardner.

John R. White.

The following-named citizens to be dental surgeons:

Ralph B. Snapp.

George M. Frazier. Frederick C. Vossbeck.

Edward M. Slack.

Frank S. Tichy.

POSTMASTERS.

ARKANSAS.

Gabe D. Anderson, Okolona. O. F. Craig, Newark.

W. E. Dickson, Waldo.

Oscar L. Green, Plainview.

Muzette M. Hunter, Amity. Amy Jane Stewart, Greenwood.

GEORGIA.

Kate Harris, Leesburg. John N. Mangham, Zebulon Nicholas L. Tankersley, Ellijay.

ILLINOIS.

Eva Carson, Mahomet. Orrie Dunbar, Newark.

Philip A. Dwyer, Stonington. Ellen O. Johnson, Galatia.

Charles Koenig, Brookfield. Lulu F. Ross, London Mills. Miles B. Sloan, Victoria.

LOUISIANA.

Edward S. Hart, Elton. Samuel Lisso, McNary. Charles C. Subra, Convent.

MISSISSIPPI.

Joseph E. Lane, Flora.

NEW JERSEY.

William J. Christian, Stoneharbor. Herbert C. Dodge, Sparta.

John Matthews, Hudson Heights. Lorenzo B. Shivers, Anglesea.

NEW YORK,

Cora T. Chadeayne, Firthcliffe. George T. Luce, Hartwick.

PENNSYLVANIA.

John J. Coughlin, Shenandoah. Ella T. Cronin, Centerville. Charles V. Johnston, Woolrich, Michael S. Kerney, Drexel Hill. C. M. McGinnis, Genesee. John W. Manning, Elkins Park. TEXAS.

William D. Lawrence, Bryan. Charles W. McCoppin, Riviera. Charles A. Tiner, Lavernia.

Harry B. La Rue, Warm Springs. Alexander L. Martin, Catawba Sanatorium. Joel W. Semones, Hillsville, John N. Walker, Mineral.

WASHINGTON.

I. Wells Littlejohn, Pateros.

HOUSE OF REPRESENTATIVES.

Wednesday, January 31, 1917.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Our Father, who art in Heaven, Creator, Upholder, and Sustainer of all, create within us clean hearts and renew a right spirit within us; that we may pass through the ordeals of this day untouched by the blighting influences of sin, that our work may be acceptable unto Thee. In the name and spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and ap-

proved.

ABRAHAM LINCOLN'S BIRTHDAY.

Mr. MANN rose.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. MANN. Mr. Speaker, I rise to ask unanimous consent that on February 12, Lincoln's birthday, my colleague, Mr. Chiperfield, be permitted to address the House for 40 minutes

on the subject of Abraham Lincoln.

The SPEAKER. The gentleman from Illinois asks unanimous consent that on the 12th day of February, the same being Abraham Lincoln's birthday, Mr. Chiperfield, of Illinois, may be permitted to address the House for not exceeding 40 minutes on

the life and character of Abraham Lincoln—
Mr. MANN. Immediately after the reading of the Journal. The SPEAKER. Yes; immediately after the reading of the Journal. The Chair will ask the gentleman if that is Wednesday?

Mr. RUSSELL of Missouri. No; that is Monday.

The SPEAKER. Is there objection?

There was no objection.

Mr. KITCHIN. Mr. Speaker, I also want to make a unanimous-consent request that Mr. Dill, of Washington, be given 15 minutes in which to make an address after Mr. Chiperfield on the same subject.

The gentleman from North Carolina asks The SPEAKER. unanimous consent that the gentleman from Washington [Mr. Dill] be permitted to make an address not to exceed 15 minutes, immediately following the address of Mr. Chiperfield. Is there

Mr. RUSSELL of Missouri. Mr. Speaker, reserving the right to object, I simply want to request that I may be permitted to read the Lincoln Gettysburg speech first, and then the addresses

will follow

The SPEAKER. The gentleman from Missouri asks unanimous consent that he be permitted on that day, ahead of these two gentlemen who have asked to speak, to read the Gettysburg speech of Abraham Lincoln. Is there objection?
Mr. MANN. That is, preceding the others?
The SPEAKER. Yes. Is there objection?

There was no objection.

Mr. MANN. What became of the request of Mr. Kitchin? The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

EXTENSION OF REMARKS.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of public expenditures,
The SPEAKER. The gentleman from Missouri asks unani-

mous consent to extend his remarks in the RECORD on the subject of public expenditures. Is there objection?

There was no objection.

MINORITY REPORT ON THE REVENUE BILL (H. REPT. NO. 1366, PT. 2).

Mr. FORDNEY. Mr. Speaker, 1 neglected yesterday to ask to have printed the minority report as part 2 of the majority report on the present revenue bill. I make that request now. The SPEAKER. The recollection of the Chair is that the

gentleman from North Carolina [Mr. Kitchin] got that leave yesterday. Is there objection to the request of the gentleman from Michigan presenting the minority views on the revenue

There was no objection.

LEAVE OF ABSENCE.

Mr. ALLEN. Mr. Speaker, I ask unanimous consent that Mr. Ashbrook be excused for one week on account of illness. The SPEAKER. The gentleman from Ohio asks unanimous

consent that his colleague [Mr. Ashbrook] be excused from attendance on the House for one week on account of illness. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. Hill] be privileged to extend his remarks in the Record by printing a report on the chemical industries of the United States and their relation to national preparedness.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the gentleman from Connecticut [Mr. Hill] be permitted to extend his remarks. Is there objection?

There was no objection.

Mr. CANDLER of Mississippi. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a statement showing the imports and exports of the United States and the amount of gold coming in and going out of the

country.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD on the subject of the imports and exports of the United States and the gold going out and coming into the United States. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, does the gentleman want to print under that the full report—
Mr. CANDLER of Mississippi. No, sir—
Mr. MANN. Printed semimonthly or monthly?

Mr. CANDLER of Mississippi. No; just a short statement; very short.

The SPEAKER. Is there objection?

There was no objection.

Following is the statement referred to:

LEADS WORLD IN TRADE—UNITED STATES NOW FIRST, BOTH AS BUYER AND SELLER—NEARLY \$8,000,000,000 THE TOTAL FOR 1916, OR ABOUT \$2,000,000,000 AHEAD OF 1915.

\$2,000,000,000 AHEAD OF 1915.

The United States has taken the lead as the world's greatest buyer and seller, final statistics of last year's foreign commerce announced yesterday by the Department of Commerce showing the new world trade record as \$7,873,000,000. December's exports amounted to \$521,-000,000, the largest month on record. Indications are that 1917 might even surpass the enormous foreign business of last year.

Exports amounted to \$5,481,000,000 and imports aggregated \$2,392,-000,000. Exports showed a gain of \$1,926,000,000 over 1915 and imports increased \$613,000,000.

The balance of trade was \$3,089,000,000 in favor of the United States, compared with \$1,776,000,000 in 1915.

The net inward gold movement was \$530,000,000, another record, comparing with \$421,000,000 in 1915. The gold imports amounted to \$686,000,000, compared with \$415,000,000 in 1915. The gold exports were \$156,000,000, compared with \$31,000,000 in 1915 and \$223,000,000 in 1914.

The December gold exports were \$158,000,000, a very high new record, the exports being \$28,000,000.

REVENUE BILL.

Mr. KITCHIN. Mr. Speaker, I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 20573,

The SPEAKER. The gentleman from North Carolina moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20573. The question is on agreeing to that mo-

The motion was agreed to.

The SPEAKER. The gentleman from Kentucky [Mr. Sher-

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20573, the revenue bill.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20573. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

Mr. FORDNEY. Mr. Chairman, I want to make a statement this morning to correct a statement that I made yesterday. When questioned by the gentleman from Illinois [Mr. Wm. Elza Williams], I stated that the amount of revenue that would have been collected under the Payne rate, if we had had the same amount of imports during the life of the Underwood tariff law thus far, would be about \$600,000,000. It would not be that amount. I have the exact figures. It would be \$506,000,000. But it must be remembered that under the Underwood law the Payne rates of duty were collected on wool for two months, on woolen goods for three months, and on sugar for five months. Taking those items from the amount collected under the Underwood tariff law, it would make in round numbers \$520,000,000 more than has been collected.

Mr. Chairman, I yield 30 minutes to the gentleman from Pennsylvania [Mr. Moore]. [Applause on the Republican side.] Mr. MOORE of Pennsylvania. Mr. Chairman, I suffer a

Mr. MOORE of Pennsylvania. Mr. Chairman, I suffer a great embarrassment this morning in undertaking to address the House upon this very important and extraordinary revenue measure. I came into the House yesterday morning to learn what it was all about, having, as a member of the minority of the committee, not much opportunity to ascertain the views of the majority with respect to the real purposes of the bill. In common with my fellow members of the minority I relied upon the chairman of the committee to explain fully what the bill meant and the necessity for it. The chairman of the committee made a remarkable speech. It was the finest piece of oral pirouetting we have seen on the floor of this House for at least a decade, and it was attuned to a situation that was mournful enough, in view of the fact that the gentle man from North Carolina admitted in the course of his remarks that in all things he was not in harmony with the great leader of his party. It seemed to me that if, as a member of the minority, I could gather information from that speech, it would be valuable in any attempt this morning to answer; but I have looked in the Congressional Record for that speech in vain. The only reference to it is a two-line notice which says:

Mr. KITCHIN addressed the committee. His remarks will appear hereafter.

I fell back upon my other distinguished fellow member of the majority of the Ways and Means Committee, the gentleman from Illinois [Mr. RAINEY], hoping to obtain some inspiration or some material from him that might qualify me, as a member of the minority, properly to size up this situation and vote for the bill if he could convince me that the bill was right. The gentleman from Illinois [Mr. RAINEY] was very deliberate in presenting his array of facts and figures, but they were so numerous that, failing to take notes of them, I fell back again upon the custom of some of us in this House, of looking up the speech in the RECORD this morning in order that I might investigate the facts, and if I found them accurate, vote intelligently for or against this measure. But, lo and behold, on examining the Record this morning I find the situation as to Mr. RAINEY very much as it is with respect to the leader of the majority, the gentleman from North Carolina. The RECORD simply indicates that-

Mr. Rainey addressed the committee. His remarks will appear here after.

Now, having no real information as to the necessity for the introduction of a bill that proposes to levy more than \$400,000,000 additional taxes upon the people of the United States, just \$4 a head for every man, woman, and child in the land, I had hoped we might have these explanations and speeches in the Record this morning, but they are not there.

Mr. DICKINSON. Does not the Record also show that the speeches of the gentleman from Michigan [Mr. FORDNEY] and the gentleman from Nebraska [Mr. Sloan], both members of

the Ways and Means Committee, are withheld?

Mr. MOORE of Pennsylvania. That is true, but I was familiar with those speeches. [Laughter.] I understand the policy of this side of the House, but I could not understand the gyrations and variations of belief as they were put to us yesterday by the gentlemen on the other side.

Mr. SLOAN. Will the gentieman yield? Mr. MOORE of Pennsylvania. I will.

Mr. SLOAN. May we not be excused for following the fashion so well set by the two leaders on the Democratic side?

Mr. MOORE of Pennsylvania. Yes, surely; but I think it would be very difficult to follow them when their speeches were mostly motion, and when the motion does not appear in the Record. I think we can safely say to our distinguished friend from North Carolina [Mr. Kitchin] that his speech does not appear because he had no particular desire to have it appear just now. We did not get his bill in time to go over it very carefully, and his speech was our sole reliance before we vote this afternoon. Hence it would be highly inexpedient, from the viewpoint of the majority, to have their views thoroughly understood by the minority before the time for voting comes.

We will have no chance to-day, my brethren, to go over the facts, figures, and arguments as they were presented by the distinguished gentlemen who were the heavy spokesmen for this

revenue legislation.

Perhaps my friend from North Carolina has no particular heart in this business. Perhaps he has no desire to tax the people of this land. In his brilliant word picture of yesterday the gentleman referred to the "avarice of a few," to grinding corporations, and so forth; not forgetting "the poor working girls" for whom he pleaded, but I question whether he was altogether in earnest about it. He was following the beaten Democratic path and doing the best he could to support a President and a policy with which he does not at heart agree. In this he is like many other of our Democratic friends.

When they were berating the industries of this country in 1911, they had no notion that they would ever be up against a situation such as this. They believed, because they had been convincing themselves for 16 years, that if they could over-throw the Republican protective tariff system and get the offices, they would be able to take care of the exchequer of the Nation. They had no thought that their losses would ever exceed the \$100,000,000 that they conceded would be lost on the tariff. They believed they could make that up by an income tax. In all this they find they have failed. They found that the income tax which was to make good the \$100,000,000 loss of customs revenue was utterly inadequate, and so they had to increase it.

But my sympathy goes out to the gentleman from North Carolina, whose speech we heard yesterday but which we do not find in the Record this morning. He has been the most un-fortunate of all the floor leaders of this House within the knowledge of any sitting Member. He has occupied a position more trying than that of any one of his Democratic predecessors, from Champ Clark down. He has become what he least expected he would become—the great deficiency leader of the Congress of the United States. [Applause on the Republican side.] He has brought in no bill here of consequence that has not had linked with it the question, "Where shall we find the money? His whole position, unhappy in the extreme, has been like unto that of the general who never won a victory, whose report to the commander in chief constantly read, "I regret to say." There has been no hope for the gentleman from North Carolina. He has differed with his President. He has differed with his party policy, but still he has been obliged, in order that the wild horses upon the other side might be held together, to come in and say, "You, the people of the United States, trusted us, but I regret to say we have got to tax you just a little more." First, it was the \$100,000,000 that were taken away from the customs and put directly upon the backs of the people. Then it was another \$100,000,000, because the first \$100,000,000 was not sufficient, and that second \$100,000,000 involved the imposition not only of an income tax upon a few of the people but it involved a direct tax upon all the people in the form of stamp duties levied upon the consumers of the land. Then came a complete reversal of policy, in which the gentleman from North Carolina had no heart; he had to go back on the Democratic attitude upon the sugar tariff. It was a complete reversal of front, and at the instance of the President of the United States. The gentleman was obliged to bring in a sugar-tariff law, and he did it in the old familiar way: "I regret to say it, but we have not enough money under an income tax twice imposed, with a stamp tax included. I regret to say that we still have not the money to make good our promises, and we will have to revoke, repeal, and go back upon our time-honored policy. do not believe in a tariff on sugar, but, dear people, we are obliged to tax it to avoid a deficiency."

Oh, the gentleman from North Carolina yesterday spoke of the "avarice" of the men of industry, the men who toil, the men who have produced something in this land. It sounded like the old times prior to 1912. In his final appeal to the cohorts on the other side, he begged them to stand together as a man, lest the

Republican avalanche, favoring a protective-tariff system, should sweep over this body once again. I want you to remember his peroration, for with fervid eloquence, almost breathless, appealing to his side, he said in substance: "Be on your guard, Democrats, lest these Republicans again come into power and adopt a protective-tariff system." The gentleman remembers the Democratic platform at St. Louis last year, and, believing in a freetrade policy, is on his guard against the tariff-commission wedge now incorporated in the platform along with the Underwood tariff law.

He complained also of "compensatory duties," which he held to be anothema, and yet the gentleman from North Carolina, when it came to the Virginia peanut in the Underwood tariff law, stood by the peanut. I commend him for it. He was in favor of the peanut grown in Virginia and North Carolina because the Japanese peanut, coming thousands of miles over the sea and 2,000 miles over land, could be sold in Chicago cheaper than the Virginia peanut could be sold there. The gentleman stood for a tariff on citrus fruits. That was all right, because citrus fruits grow down in Florida, and they want them protected against foreign competition.

When it came to the Angora goat of Texas, oh, how the gentleman stood for compensatory duties! I have the Underwood tariff law in my hand, and I read from page 34, section 305. Listen, all ye free-trade Democrats, who do not believe in compensatory duties, listen and see whether or not when the Angora goat is gored you stand up to your party principles for one

single minute:

Hair of the Angora goat, alpaca, and other like animals, and all hair on the skin of such animals, 15 per cent ad valorem.

They raise Angora goats in Texas. Do you get onto that, my sheep-growing friends in the cooler climate? But listen when you complain of compensatory duties:

Tops, made from the hair of the Angora goat, alpaca, and other like animals, 20 per cent ad valorem.

That is compensatory-

Yarn, made of the hair of the Angora goat, alpaca, and other like animals, 25 per cent ad valorem.

Cloth and all manufactures of every description made by any process, wholly or in chief value of the hair of the Angora goat, alpaca, and other like animals, not specially provided for in this section, 40 per cent ad valorem.

Observe how they piled it up. There must be labor to be protected down in Texas when it comes to the hair of the Angora goat. But we do not stop there:

Plushes, velvets, and all other pile fabrics, cut or uncut, woven or knit, whether or not the pile covers the entire surface, made wholly or partly of the hair of the Angora goat, alpaca, or other animal, and articles made wholly or in chief value of such plushes, velvets, or pile fabrics, 45 per cent ad valorem.

A total of 145 per cent on the dear little Angora goat of Texas! But the gentleman complains about "compensatory duties" when we try to protect the sheep of the United States and the

industries engaged in fabricating the wool.

My friend speaks of the Underwood tariff law as a beneficent law. We will not go into lengthy details, for I have not the time, but take the single item of condensed milk, which Europe is crying for now-condensed milk for women and babies and of war-stricken Europe-and let us see how they treat condensed milk. We make a great deal of that in the Northern States. It is on the Underwood free list; manufactured abroad, it is brought into the United States free. How does the American manufacturer and producer of condensed milk stand in competition with that freely admitted condensed milk from foreign countries? He must pay a duty on the sugar that goes into the condensed milk. That is a Democratic sugar duty? He must pay a duty on the tin that goes into the cans that contain the condensed milk, and he must pay a duty on the label that is wrapped around the condensed milk. And yet Democrats like the gentleman from North Carolina contend that we can manufacture condensed milk, pay the duties on the raw material, and compete with the article that comes in free.

Mr. GORDON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. No; I can not yield, for I

have not the time.

Now, take the article of haircloth. We have a duty in the Underwood bill on haircloth of 15 per cent on the finished cloth. The American manufacturer, who buys the raw material, must pay 25 per cent on the yarn that he brings here to manufacture into haircloth; 25 per cent against the raw material and 15 per cent against the finished product. Think of it.

My friend from Illinois [Mr. RAINEY] who would not stand for an interruption as to his tariff data, and we can not contradict him now because his speech does not appear in the legond this morning, stated that the Payne law contained duties higher on the average than the Dingley law; at least I so

understood him. We tried to circumvent that statement yesterday; we tried to get it into his remarks that he was wrong; but the gentleman would not yield. I want to say now that the commercial statistics issued by the Democratic Secretary of Commerce will give the gentleman from Illinois the correct information, which is that the average ad valorem duties paid under the Dingley law were 23.88 per cent and under the Payne law the average ad valorem duties were 18.54 per cent. So the Payne law duties were much lower-were 5 per cent ad valorem lower, in fact—than the duties in the Dingley law.

Mr. Chairman, the gentleman proposes to tax people 8 per cent on all profits above 8 per cent and a net profit of \$5,000 a year, and he states frankly to the House that this is to be borne by a certain class of people. In a colloquy on the day before his speech of yesterday the gentleman from North Carolina [Mr. Kitchin]—and I give him credit for his statement—denied that he had said, as was published, that nearly all of this burden was to be levied upon the people who lived north of Mason and Dixon's line. I say the gentleman denied he made that statement, and yet in the RECORD it appears that he admitted that these taxes were to be levied almost entirely upon the people in the North. I am not trying to raise any sectional question, but go to your records-I have not the time now—and make a comparison of the taxes paid by four great Northern States—New York, Pennsylvania, Massachusetts, and Illinois-and compare them with the entire taxes, and you will observe that four States in this Union pay the bulk of all of the income and special corporation taxes that this body has levied upon them.

Mr. KITCHIN. Mr. Chairman, will the gentleman yield? Mr. MOORE of Pennsylvania. Yes.

Mr. KITCHIN. Some one has informed me-I had my attention distracted for the moment-that the gentleman has just made the statement that I said that these taxes would be paid north of Mason and Dixon line.

Mr. MOORE of Pennsylvania. I said that the gentleman de-nied that he used the words "Mason and Dixon line," but admitted in the RECORD that most of these taxes were to go upon northern industries.

Mr. KITCHIN. I did not say that. I said most of the taxes would be collected probably in the Northern States, and ninetenths of the appropriations for which these taxes are levied would go to the Northern States, States like the gentleman's-Pennsylvania, Massachusetts, and New York. I said I made no complaint about that, because it was natural; they had the better facilities for building ships and making munitions. I would like to have that explanation go into the RECORD.

Mr. MOORE of Pennsylvania. The gentleman made substantially that statement about the shipbuilding in Pennsylvania on Monday, but on Saturday the gentleman did say that most of these taxes were to be imposed upon the North. think the gentleman said, but it appears in the RECORD of Saturday, I think, in a controversy with the gentleman from North Dakota [Mr. Norton], that most of these taxes—90 per cent of them-were to be levied upon the North.

Mr. KITCHIN. I never said anything of the kind. Mr. GARDNER. Mr. Chairman, will the gentleman yield? Mr. MOORE of Pennsylvania. Yes.

Mr. GARDNER. It is true, whether he said it or not, is it not?

Mr. MOORE of Pennsylvania. Yes; it is true. Mr. GARDNER. Then what is the use of arguing about it?

Mr. MOORE of Pennsylvania. The only point is, that the gentleman from North Carolina avoids the use of the words "Mason and Dixon line."

Mr. KITCHIN. No; I never said the taxes would come from the North; I said the appropriations would go there, and I say it now, and they should go there-you have the facilities for building ships and manufacturing munitions. I said, for instance, take the Fore River Shipbuilding Co., in the city of Boston. That will get more of these appropriations for which this tax is levied than the entire South and 15 Western States. I am not complaining about it,

Mr. MOORE of Pennsylvania. I say to the gentleman now, quoting from the speech made by the gentleman from Illinois [Mr. Mann] at the last session of Congress, speaking of the former year, that last year Illinois paid of the corporation tax \$5,579,551; New York, \$14,941,893; Pennsylvania, \$6,792,030. The three States of New York, Pennsylvania, and Illinois paid \$27,313,474, while the 48 States and Territories of the United States paid \$56,000,000. Of the income tax Illinois paid in that year, in round figures, \$5,000,000; New York, \$30,000,000; Pennsylvania, \$6,000,000. These three States paid \$41,000,000 of the individual income tax of \$67,000,000. So the statement is true that these Northern States will pay the bulk of this tax. As to the income tax, only 330,000 people pay directly. That

is about one-third of 1 per cent of our population.

Now, I wish to clear up this matter for the gentleman from North Carolina [Mr. KITCHIN], because I would do him no injustice and have no thought of raising a sectional question; but in the debate on Saturday, January 27, 1917, as will be found on page 2130 of the Recorp, I find the following colloquy:

Mr. Norton. Will the gentleman yield? Where does the gentleman think the tax will fall—south of Mason and Dixon's line?

Mr. Kitchin. I think most, or the greater part, will be levied north of Mason and Dixon's line. All these fellows who live in States that will pay a large part of this tax can get rid of the location argument by removing down to my town of Scotland Neck and pay the tax from there.

Mr. KITCHIN. They can.
Mr. MOORE of Pennsylvania. The gentleman did say what I said he said, that this tax would be levied upon the Northern States; and the only alternative the gentleman has is that we shall raze our industries, that we shall stop the wheels of progress, that we shall say to the men of capital, "Cut down your enterprises"; that we shall say to the man who wants to double his plant, "Do not do it, but move to Scotland Neck; there you can live in comfort and peace." But, Mr. Chairman, I feel there is a spirit of progress in this country that will not consent to forever bask in the sunshine of the beautiful, the sylvan environment of Scotland Neck.

Mr. Chairman, the gentleman seems to think he is imposing this tax upon the rich. That statement has been made time and again; it is the argument of the proletariat—"levy these deficiency taxes against the rich; do not let the rich escape." I am going to ask the gentleman from North Carolina, and I wish I had three or four minutes more in which to do it, whether he thinks the poor will not participate in this 8 per cent tax? I ask him whether the poor did not participate in the payment of the income tax, whether the widow who had been left a little estate by her husband and who had given some of it to charity was not obliged to withdraw her charitable contributions because of the payment of this income tax? I want to ask whether there is a single Member upon the Democratic side of the House who has not silently and involuntarily protested against the deduction from his salary of the 1 per cent, followed by the 2 per cent tax imposed upon him by this kind of revenue legislation? I want to know if they have not inwardly protested against the payment of this tax?

But that is a small matter. I have here before me a statement regarding certain investments made in various parts of the United States—savings funds, the savings of men, women, and children who deposit \$300 a year and not more. They are the domestics, they are the workmen, they are the people in the mills, they are the thrifty women who are laying by the cigar money of their husbands. One of these savings institutions has

\$150,000,000 on deposit.

I want to ask the gentleman from North Carolina whether he knows that this \$150,000,000 of poor men's savings is invested in railroad enterprises, in municipal improvements, in every State of this Union where loans and mortgages are supposed to be safe? The gentleman should be informed that his 8 per cent tax will not be levied on the railroads, corporations, partnerships, and otherwise, so much as it will be upon the savings invested in them. The poor as well as the rich will have to pay in order to meet the deficiency which has been brought about by this Democratic administration. Ask where the money of these poor people has gone? To the Beech Creek Extension Co., to the Chicago & Erie Railroad Co., to the Winston-Salem Southbound Railroad, to the Pennsylvania Steel Co., to a thousand and one others; and that brings me to another point. Do you really think you are confining your 8 per cent tax to the rich? Do you consider that you are taking it from the poor men who share in the profits of their employers? From the United States Steel Corporation down, many workmen are now owners of the stocks and bonds of the companies by which they are employed. These are the men who are going to pay your tax. I have not the time to deal further with the speech of the gentleman from North Carolina; I can only regret it has not been published. The people should have a chance to read that speech. Had they done so they would probably have said something that Congress would have listened to.

Even with such meager newspaper reports as have gone out about this new and unfair tax there has been a rising protest. The mail this morning and the telegraph wires are bearing the information from home, from the men who are to be affected, from the business men who are beginning to understand what this tax means. They want to be heard—— The CHAIRMAN. The time of the gentleman has expired. this tax means.

Mr. MOORE of Pennsylvania. If that speech had been duly acclaimed even Scotland Neck would know what this revenue bill means; that it bears upon the poor as well as the rich. Oh, if the great business world had been informed before this vote there would have been such an avalanche of protests to this House that even the Democratic Party could not resist them. [Applause on the Republican side.]

The CHAIRMAN. Does the gentleman from North Carolina

desire recognition?

Mr. FORDNEY. Mr. Chairman, I yield half a minute to the gentleman from Massachusetts [Mr. Gillett] to make a state-

Mr. GILLETT. Mr. Chairman, I wish to print under the rule an argument by the Massachusetts Mutual Life Insurance Co., of Springfield, Mass., protesting against this bill as applying to mutual life insurance companies.

The CHAIRMAN. Is there objection? [After a pause.] The

Chair hears none.

Mr. KITCHIN. Mr. Chairman, I yield 20 minutes to the gentleman from Missouri [Mr. Dickinson]. [Applause.]
Mr. DICKINSON. Mr. Chairman, the Committee on Ways and

Means, of which I am a member, has presented to the House the pending revenue bill. This revenue legislation is deemed neces-sary because of the need of funds to help meet the extraordinary large appropriations for the Military and Naval Establishments and fortifications.

I have received numerous telegrams and letters from various sections of the country, none so far from the district which I have the honor to represent, protesting against this proposed revenue measure, levying taxes upon excess profits, on the ground that it is confiscatory and unjust to certain business interests

that will be subject to the payment of these taxes.

Under "Title II, excess-profits tax" there is placed a tax of 8 per cent on the net profits of corporations, joint-stock companies or associations, insurance companies, and partnerships, which are in excess of \$5,000 and in excess of an amount equivalent to 8 per cent of the actual capital investment. before the tax attaches there is a flat deduction of \$5,000 from the total net profits and a further deduction of 8 per cent on the actual capital investment. I am satisfied that upon a fair and full investigation of the provisions of the bill it will not appear as harsh as on first impression to those who fear that they will be unduly burdened by the provisions thereof.

The same kind of arguments and objections were made against the enactment of the income tax. The people of the United States favored the income tax, and they amended the Constitution of the United States and compelled action by Congress to the end that those having large incomes should bear a fair

share of the burdens of Government.

All taxes are confiscatory. It is an appropriation by the Federal Government, State, county, and other municipal governments, of sufficient taxes from the earnings of individuals, corporations, and associations to bear the expenses of government, which is necessary and exists wherever there is civilization and government, and no good citizen should object to contributing his fair share as a contribution exacted for the purposes needed to keep up the many affairs of government, which throws its protecting arm around the life and property of every citizen and business in the country. Nobody wants to pay taxes, and everybody wants to shift the burden onto others.

In these abnormal times, resulting from war conditions that affect the entire business world and which has put in fear the civilization of every country, enormous war profits are being made principally by large concerns doing enormous business. These concerns should pay a large share of these excess profit When these war conditions shall pass away and war profits shall cease and profits generally become more normal, then the amounts to be paid by many business concerns will lessen and in some instances disappear, and possibly the necessity for the levy and collection of such taxes upon excess profits may no longer exist. In any event, when such excess profits disappear the taxes will not be collected.

I know that the business world was more or less startled by the first impression of this proposed measure as given out by the press, and surface impressions were had regarding its effect and burden which ought to disappear upon a fair study and con-

sideration of this revenue measure.

Let us illustrate the application of this measure as applied, say, to a corporation of \$100,000 capital which yields an annual net profit of \$20,000, after deducting all expenses of every character, payments for material and labor, rents, salaries, taxes, and so forth. Fortunate, indeed, is the concern of that amount of capital that earns \$20,000 net profits after deducting all these expenses that come out before you have a net profit. Prices are too large, the exactions for the price of their productions are too great, that enable a concern to obtain so large net profits, But let us see how much that corporation would have to pay under this measure.

After deducting expenses of every kind and character, then deduct a flat exemption of \$5,000, which leaves \$15,000; then deduct 8 per cent of the \$100,000, actual capital invested, and it leaves \$7,000 upon which to levy the 8 per cent tax proposed in this revenue bill—8 per cent of the remaining \$7,000 would be \$560, or 8 per cent of the excess profits after all deductions, the tax to be paid under this measure, leaving 92 per cent of excess profits, to be added to the other deductions as exemptions, to be retained by the corporations or partnership.

Suppose that the net profits were \$15,000. Make the first deduction of \$5,000 and then 8 per cent of the \$100,000, being \$8,000, and it would leave just \$2,000 upon which to levy the 8 per cent tax, or just \$160 to be paid.

Suppose that the \$100,000 capital stock, capital actually invested, earns only \$10,000 net profits, and that is a magnificent return, after paying all expenses of every kind and character. Deduct now the \$5,000 from the \$10,000 profits, and then deduct the 8 per cent of the \$100,000 capital stock, which would in this case mean a deduction of \$13,000, as in the other illustrations, and there would be nothing left upon which to levy this 8 per cent tax

Would not this concern, which gets only \$10,000 net profits and pays no tax, be glad to have \$15,000 instead of \$10,000 annual net profits, out of which to pay \$160 tax? Would it not be more than glad to have \$20,000 annual profits out of which to pay \$560 tax?

Greedy and avaricious, indeed, is the concern exacting such enormous contributions from the general public by the sale of its high-priced productions and which then cries aloud against the confiscation of a reasonable amount to pay the enormous burdens of government; that seeks under extraordinary conditions to make preparations for the protection of those who get by reason of these conditions enormous profits.

I am satisfied that the people of this country will approve this just measure, which takes a reasonable contribution from the enormous profits to meet the expenses of extraordinary condi-When these war clouds shall pass and peace shall come to all the world and normal conditions shall result, as hoped for by the masses in every country, then the necessity for this legislation with changed conditions may no longer exist.

Here in these abnormal times, with conditions causing enormous appropriations, voted for by the Republican minority with singular unanimity whenever an appropriation bill is presented for the purpose of meeting preparedness and for amendments seeking to further enlarge the appropriations when revenue measures are proposed by the Democratic majority to raise the moneys to meet these increased appropriations, made possible by their votes, they cry out against the reasonable methods proposed to meet these expenditures, and they hark back to the high-protective tariff system that would shift the burden upon the consuming public and proclaim to Congress and to the country that the Payne-Aldrich tariff law would meet the situation and should be reenacted to meet these conditions, when they know that it is impossible for a period of four years at least to reenact the Payne-Aldrich tariff law or any similar measure. In what an anomalous position are they before the country when they vote for large appropriations. Day before yesterday, when the fortifications appropriation bill was up for passage, with increases far above former fortifications bills by many millions, there were 64 votes cast against the bill, of whom there were only half a dozen Republicans. Would it not be far more consistent if, by their opposition they are enabled to defeat revenue measures necessary to supply the money to meet the increased appropriations, they would vote against those increased appropriations and then avoid the necessity for new revenue measures and cease crying out against the extravagance of the Democratic Party when the increases are caused by their

They continuously vote for more battleships, more fortifications, larger armies, and larger navies, and then proclaim to the world that those who reap the benefits shall be relieved of taxation; that those who get the greatest benefits from the Govern-ment, which throws its protecting arm about them and their

property, shall pay nothing.
Why do you cry out against Democratic extravagance when you seek to make the appropriations larger than the Democratic majority is willing to go? Why do you urge increases upon every appropriation bill against the opposition of the Democratic Why do you hark back to the Payne-Aldrich tariff measure when you know that the highest amount paid by it was \$333,000,000? How far would that go in payment of annual appropriations of one and a half billion dollars, or nearly five

times as much as the revenue obtainable under such measure? Would you reject this revenue bill and then levy a tax upon coffee and tea and wool and an increased amount upon sugarthese things which go into the daily life of the consuming public? Would you make the burdens of living harder still under abnormal conditions in order to save a reasonable tax being levied upon enormous profits?

The Payne-Aldrich bill is dead for all time. The people of this country will not go back to the high protective-tariff system. They will not reverse the verdict of the American people that sent to a tremendous defeat the party and the administra-tion that thrust upon the country the Payne-Aldrich tariff measure, the provisions of which are well known to all the country. We have declared that a large part of the expenses of Government shall be paid by the levying of taxes internal and taxes upon large incomes, and I believe the more people become familiar with the provisions of this measure the more they will conclude that it is an absolutely just measure. The most of the people, regardless of which party they belong to, be-lieve that the excess war profits and the abnormal profits that come from abnormal conditions, which conditions bring about the necessity for enormous appropriations, should bear these added burdens and that those who reap the benefits of those conditions ought to help pay for those added expenditures.

It is no argument to say that it falls more largely upon one section than upon another. It has been well said that the added appropriations will go to, and those expenditures will be made in, those sections, wherever located, that are able to manufacture these munitions of war and great armaments; and it matters little to the people whether they are located in one section or another. Every section of this country would be glad to have the wealth in their section, and would be glad to pay the small, reasonable tax. It has been said that it will fall upon small concerns. I do not believe it. Large concerns are making large war profits from the manufacture of munitions for war and large concerns are providing war materials.

There will not be, in my judgment, a serious protest against this measure when it is thoroughly understood. When conditions like now shall pass away, when excessive war profits shall cease, when abnormal profits shall be a thing of the past. then this revenue measure will yield far less. If profits and prices become reasonable, the law may stand, but the necessity for it, in a measure, will have passed.

I favor this measure now. If excessive profits continue in peace times, it should continue to be the law. The existence of the law will doubtless be helpful and tend to repress excessive profits from goods sold to the consuming public and thus at the same time tend to reduce the high cost of living. But I repeat that, regardless of party, the masses of the country, struggling now because of high prices, prefer and will approve and will stand for and demand that those who reap immense profits, whether partnerships or corporations or individuals, shall help to bear a fairer share of the burdens of government than heretofore. Wherever there are governments and wherever civilization exists, expenses of government do exist and taxes will have to be levied. The only equitable system of taxation is that which is similar to the taxation levied in States, where they pay in proportion to what they have. And if a system that seeks to make the toiling millions pay, and great wealth does not pay its fair share of the burdens of government, it is wrong.

Mr. MEEKER. Will the gentleman yield for a question?

Mr. DICKINSON. Yes.

Mr. MEEKER. What is the justice, as conceived by the gentleman from Missouri, in exempting agricultural partnerships

and settling this on industrial partnerships instead?

Mr. DICKINSON. I do not think I could answer any better than by calling attention to the question asked on yesterday of the majority leader and the answer made by him. If the gentleman was present, he heard it. It was made at considerable

A MEMBER. It is in the RECORD.

Mr. FORDNEY. No; it is not.
Mr. MEEKER. It is not in the Record.
Mr. DICKINSON. And, besides, we are following, I understand, the example of the great and old countries of the world, where agriculture is exempted. From my viewpoint I think it ought to be exempted. It can not be as readily determined or collected. They, however, are not exempted under the income-tax law. Individuals are not levied upon under this proposed They are exempted from the provisions of this, except so far as they enter into and are interested in partnerships and in corporations; and the greater the number of individuals who enter into those partnerships and corporations the amount paid will be divided among them and will be appreciably small.

Mr. MEEKER. Just a word. I asked the question as to the gentleman's conception of the justice of the thing. Suppose Tom Smith and Bill Jones are running a store in a partnership and their income is over \$5,000. Sam White and Bill Smith are operating a farm at the edge of the town and their income is \$15,000. The storekeepers pay under this partnership, and those farmers out there, who could buy these fellows times over, are

Mr. DICKINSON. Do you think you could get at the income very easily and readily by seeking to levy it upon the agricultural interests? Proceeding further, it would be difficult of administration if applied to the agricultural interests, and difficult to determine their net incomes. Their capital in a large measure is their land, of no fixed value, their expenses heavy, and fortunate indeed is the farmer who is able to realize 8 per cent on his capital invested. Take out all the exemptions permitted under this law, and not one farmer in a thousand would have such a net income as is permitted under this law before he would be liable to taxation.

The farmer is the producer of the necessaries of life, and the life of the Nation is dependent upon his labor and activities and

the food products of the farm.

Partnerships or corporations having only \$5,000 incomes pay nothing. Five thousand dollars is deducted from their net incomes, after all prior deductions for expenses, and then 8 per cent of the capital is further deducted from the net income before there is any levy of the 8 per cent on the balance, leaving 92 per cent of the balance for the business concerns. It means only a taking of about 1 per cent of the net profits of a business concern with a capital of \$100,000 and a net income of \$15,000, and no tax collected if the net income is much below that on such amount of capital.

This bill seeks to collect only from those having excessive profits, and those who reap large war profits in times of distress should help to bear the burdens of Government, increased by reason of the very conditions that add to the wealth of those who flourish and fatten on the misfortunes of the country.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Bell having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed with amendments the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed joint esolution of the following title, in which the concurrence of the

House of Representatives was requested:

S. J. Res. 203. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1917.

THE REVENUE BILL.

The committee resumed its session.

Mr. FORDNEY. Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. Madden]. [Applause.]
Mr. MADDEN. Mr. Chairman, I can not allow this further

burden to be placed upon the backs of an already overburdened people without a word of protest.

I see the gentleman from Ohio [Mr. Gordon] laughing. does not pay any of the tax. He can afford to laugh. [Laughter.]

You were given power on the promise that you would conduct the Government economically; but from the first day you took over the Government you entered upon a system of extravagance the like of which has never been known. When you were appealing for power you complained of the extravagance of the Republican Party, of how it had increased the cost of living. You cried aloud for a chance to show how you could prevent extravagance and reduce the cost of living. You have The expenditures under your management have done neither. more than doubled and the living cost has gone up more than 50 per cent.

You have imposed taxes upon every form of business activity. until to-day the people are crying aloud for relief. During the 16 years of Republican management of the Nation the Government was run on an economical business basis. No excessive burdens of taxation were levied upon the people. Business was

looked upon as a legitimate part of American life.

But how all this has changed since you came into power!
You complained of the large appropriations made by the Republicans when they were in power, but you will recall that the largest appropriation ever made by them for a single year was \$1,026,682,881.72, while your appropriations for the current of that power they never overlook a chance to lighten the bur-

fiscal year, including contracts and authorizations, amounted to \$1,947,259,048.64. You will recall that during Republican control the American Navy was maintained at second place among the navies of the world and that the Panama Canal was built out of the ordinary revenues of the Government. You can not have forgotten that when you took over the Government you found \$130,000,000 in the Treasury, over and above every outstanding current obligation. Your memory must be clear as to how you allowed the Navy to drop to fourth place, while your expenditures in other directions emptied the Treasury and forced upon the country new and abnormal systems of taxation, under the weight of which the people are groaning to-day.

But you are not satisfied with the load you have already placed upon the people's back, and hence you are here again, for the fourth time in the four years of your power, to propose still more novel means of extracting money from the pockets of the people in order that you may continue to practice your

extravagant habits.

What is it that you now propose? What are the expenditures for the fiscal year 1918 to be? It is asserted in the report of the Democratic members of the Committee on Ways and

Mr. REILLY. Mr. Chairman, will the gentleman yield? Mr. MADDEN. In just a moment. It is asserted that the revenues from sources of taxation previously provided will be \$1,001,750,000. Add to this the \$325,000,000 from postal receipts and we have \$1,326,750,000. This bill proposes the issue of \$340,000,000 of bonds and \$300,000,000 in certificates of indebtedness. It proposes to raise \$248,000,000 by a tax of 8 per cent on the profits of all business corporations, copartnerships, joint-stock companies, and insurance companies over 8 per cent and \$22,000,000 by an increase of 50 per cent in the inheritance tax, thus making a grand total of \$2,336,750,000, which you propose to expend during the fiscal year 1918, \$910,000,000 of which is to be raised under the bill now before

And this is what you call economy. Shades of economy as practiced by the Democratic Party. Compare with this that \$1,026,682,881.72 which you characterized as extravagance under Republican rule, and then ask the people what they think of your promise and your performance. Ask the business men of the country how long they intend to submit to such iniquities. Is there to be no relief from this continued injustice? Are the people to go on forever without calling a halt to such extravagance?

You have squandered \$162,000,000 to no purpose in the Mexican-border fiasco, \$25,000,000 in the Vera Cruz incident, \$35,000,000 in Alaska, \$11,000,000 in an armor-plate plant, \$20,000,000 in a nitrate plant, \$50,000,000 in a ship-purchase scheme, \$50,600,000 in a scheme for flood control, which means nothing but the reclamation of privately owned lands. spent last year \$40,000,000 on the river and harbor bill, much of which went into dry creeks, where you were compelled to dig artesian wells to furnish the water. [Laughter on the Republican side.] You have increased the number of men on the pay roll at an annual cost of \$50,000,000.

You have indulged in other wasteful and inexcusable extravagances too numerous to mention, and now you find it necessary to force the business industries to admit the Government of the United States into partnership with them to the extent of sharing in a certain percentage of their profits. You do not make any guaranty that the earning power of those companies will be increased on account of the copartnership into which you have forced them to admit the Government. You have opened the ports of America to the free entry of foreign-made goods, to be sold in competition with the goods of those whose profits you compel them to share with the Government. You give the foreigner the American market free, while you continue to impose new burdens upon our own people. If a reasonable customs duty had been imposed at the customhouses during the 30 months that have elapsed since the outbreak of the European war, the Treasury would have been \$500,000,000 richer and the imposition of the present tax unnecessary,
But no; you would not do that. The American people must be

exploited, while the people of the world elsewhere are allowed to ship into American ports during the year 1916 \$571,000,000 more of their products than in any other single year of the country's history, while the revenues from that source are \$100,-000,000 less

The Northern States pay 94 per cent of the expenses of the Government of the United States, and the Southern States pay 6 per cent. When the Democratic Party is in power the South is in control, and the people who pay 6 per cent of the bills have the power to tax those who pay 94 per cent; and in the exercise dens of the people of their own section, while they give no consideration whatever to the rights of those who live in other sections of the country. Business efficiency is taxed by an inefficient majority in this House-

Mr. REILLY. Mr. Chairman, will the gentleman yield? Mr. MADDEN. Whose lack of knowledge-I decline to

vield-The CHAIRMAN. The gentleman declines to yield-

Mr. MADDEN. And reckless extravagance have run the finances of the country upon the rock of bankruptcy, beyond the hope of repair. [Applause on the Republican side.]

You gentlemen know nothing whatever about the industrial side of American life. We have 250,000 corporations engaged in the development of the business of America, and they have over

\$250,000,000,000 invested in those enterprises

There are more than 10,000 different kinds of business; and you men who are in control of the affairs of the Nation to-day, without any knowledge of any business, presume to say that you can tell how best to regulate the conduct of those busi-You impose a tax upon those who have not sufficient means to engage in business for themselves, and therefore are obliged to combine in the form of corporations. You impose this tax upon those of moderate means who in combination are obliged to enter into partnerships, but you allow to go scot-free the man with millions of dollars to invest who is able to stand alone, and you give as the excuse that he pays a surtax upon his income. But all men who have incomes pay the income tax on equal terms, regardless of whether their incomes be great or small, if the income be above \$4,000 a year; and every man, whether he be engaged in business by himself or in partnership with some one else, ought to pay the tax levied upon the American people on the basis of equality. [Applause on the Republican side.]

Mr. LONGWORTH. Will the gentleman yield?

Mr. MADDEN. Yes; I yield. Mr. LONGWORTH. In regard to one particular kind of business, how does the gentleman think this tax would affect

Mr. MADDEN. The newspaper with \$100,000 capital and \$200,000 good will should be allowed an exemption of \$29,000 before the tax applies; but under the provisions of this bill

only \$13,000 exemption will be allowed.

Mr. LONGWORTH. Will it not affect them rather more seriously than other corporations in this way: The return provided for under this law is to get at the actually invested capital. What is the invested capital of a newspaper property? the value of the original cash put in, the value of the plant, the assets, and the accumulated surplus? No account whatever is taken of the ability of the manager or anything of that sort; and it occurs to me that scarcely a newspaper in this country would escape paying a large tax under this bill.

Mr. MADDEN. All corporate organizations will be unjustly discriminated against under this tax, while all individual enter-

prises will be permitted to go scot-free.

Mr. TAGGART. Will the gentleman yield?
Mr. MADDEN. I decline to yield. Take a man like John
Wanamaker, for example, who is conducting his business as a private individual. He is not taxed under this bill, and yet he has one of the greatest enterprises in America. You tax those who are unable to bear the burden, and you allow the man with millions invested in an individual enterprise to escape these You may think you can continue on in this extravagant waste of public money, and that an unsuspecting, confiding people will allow you to continue to impose these unjust and unjustifiable burdens upon their backs; but the time will come when they will tell you what your duty is. They will demand more economy and better business management in the affairs of the Government than you have given any evidence of your ability to apply.

Mr. MEEKER. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MEEKER. In the gentleman's opinion would a certain business man who under oath has said that he made \$476,000 because a great English statesman used the word "but"

exempted from paying a tax on the \$476,000?

Mr. MADDEN. He would have absolutely no tax to pay under this bill; yet this man, Barney Baruch, has testified under oath that because of the leak giving information as to the possible issue of a peace note by the President of the United he took advantage of the stock market and made \$476,000, not one dollar of which will be taxed under this bill. [Applause on the Republican side.]

Mr. GORDON. Mr. Chairman, will the gentleman yield to

me there?

Mr. FORDNEY. Mr. Chairman, I yield one minute to the gentleman from Virginia [Mr. Slemp].

Mr. SLEMP. Mr. Chairman, I ask unanimous consent to ex-

tend my remarks in the RECORD.

The CHAIRMAN. That privilege has already been granted.
Mr. KITCHIN. I yield to the gentleman from Massachusetts [Mr. GALLIVAN] such time as he may consume.
Mr. GALLIVAN. Mr. Chairman, I am always interested and

always entertained whenever the gentleman from Illinois [Mr. MADDEN] gets into action. Sometimes I agree with him; but in his speech he made one reference with which I disagree, and because I am going to vote for this bill I think it is incumbent upon me to contribute at least a few words to this discussion.

If this bill passes to-day, and I know it will, the South will not be responsible. As a Northern Democrat I am willing to share the responsibility of the action of the majority on this [Applause on the Democratic side.] In my judgment, Mr. Chairman, this bill provides the best possible manner in which these badly needed revenues of the Government can be secured. Of course, no tax is ever a popular tax, but I believe that the proposition now under consideration has at least this merit, namely, that the little fellow in this country who has to pay exorbitant sums for what he eats and what he wears, who has to struggle hard day by day to make both ends meet, has for once, in revenue-raising times, been overlooked by the tax More power to the Government along these lines, and all praise to the leader who has made this possible! [Applause on the Democratic side.] Mr. Chairman, I want to take this opportunity to say this word, in fairness, of appreciation and admiration for the Democratic leader in this House [Mr. KITCHIN]. [Applause on the Democratic side.] I have been reading in the daily press certain severe strictures in reference to the alleged statements of the distinguished gentleman from North Carolina [Mr. Kitchin] in explanation of the bill now under consideration when he addressed a caucus of his Democratic colleagues on Friday night last. The charge has been made that the gentleman attempted to draw sectional lines, and that in a burst of assurance he informed the Democrats who come from his section of the country that not a dollar of this tax would be raised "below Mason and Dixon line."

I was present at that caucus, Mr. Chairman, and I listened with careful attention to the gentleman's speech, and I can say to this House that no such expression emanated from him. [Applause on the Democratic side.] It is true that he said there what he has said in this committee, that the money to be raised in the manner provided for in this bill would find its way to the Northern States almost exclusively, to the shipyards, to the munition shops, to the cloth factories, to the shoe factories. Not the faintest whisper of a suggestion came from the gentleman that we were taxing the North as against the South. my membership in Congress I have carefully observed the distinguished gentleman from North Carolina, and I have learned to appreciate and to admire him as a broad-minded, capable, patriotic American, the peer of any man in the Congress of the United States in loyalty and devotion to that flag and all it represents. [Applause.] He is no sectionalist, and I stand here to-day to pay my tribute of respect and regard for him and to express the hope that in the not far distant future he may receive from even the partisan press of this country the welldeserved appreciation which is due a man who has worked so untiringly and devotedly for his country. [Applause.]

I am concerned over something else just now, in which we all

are or ought to be interested.

Mr. Chairman, I believe the time has come when this Congres must act to break down the intolerably high cost of food and by its action put to rout the whole gang of unscrupulous speculators who have been waxing fat and growing foolish in their undreamed-of prosperity. [Applause.] We have learned to our sorrow that everything we eat, from "the apples that blush in the sunlight and glisten in the rain" to the potatoes that blink their dull eyes on our dinner table, is subject to the greed of every manipulator that touches them from the time they fall from the tree or come out of the earth.

Mr. Chairman, it will reflect the very greatest credit on this Congress if we will get into action at once. I believe that we can and we ought to solve the difficulty, as far as food is concerned. Rising prices due to artificial causes are evidence that the workers and producers in this country are being cheated by

speculators, gamblers, and thimbleriggers.

Take, for instance, rice. There are upward of 9,000,000 pockets in the South to-day-a much larger crop than we ever raised in past years—and still the market has been advanced fully half a cent a pound in the past month by the manipulators in the North. Beans are out of sight altogether, but I have not the slightest doubt that this is due to the fact that Armour & Co. are to-day one of the largest factors in the country.

The much-despised bean that you and I have so frequently eaten of a Sunday morning is in the neighborhood of 28 cents That is since Armour has gotten control of the product, even to owning farms to raise them on. Armour practically controls the soda-fountain sirups, canned pineapple and peaches, has a good grip on canned corn and peas, eggs, butter, cheese, and is now laying the wires to get a strong grip on the rice output of the country.

Swift & Co. tried to control the soap industry, but Procter & Gamble were too much for them; however, Swift is the main

factor in beef, poultry, salt fish, glue, and tallow.

To show you to what limit they go to gouge the little fellow I might cite the instance of a poor fellow who gathers the bones and trimmings at the small restaurants in Boston and pays \$1 a hundred for them. That is all they are worth. Swift's man, or at least the Swift crowd trading under the name of the Hinckley Rendering Co., has offered to present the owners of the Chinese restaurants with a box of wool soap a month if the Chinaman would sell him the stuff at the same price that the other fellow was paying.

Is that not on a level with the man who would steal a penny

from a little child?

The rule with Swift and Armour is to hire only those between 18 and 35 years of age. Swift has in force a compulsory insurance. Armour works an old-age pension, but, Mr. Chairman, can not you read between the lines? When a man gets beyond the certain age something crops up that means dismissal. is how it looks to me.

If combinations are given a free hand, it will be only a few years when the small dealer will be a thing of the past, the public will be one mass of serfs to the few, and, as the people attain the age of two score and ten, their resting place will be

the almshouse.

Mr. Chairman, we can produce anything in this country as cheap, if not cheaper, than any other country, and a moderate tariff is all we require. It is the only country in the world that can live within itself, and for that reason prices on commodities

should not be so outrageously high.

An embargo on foodstuffs would soon lower prices. I cited the rice instance. We have taken Japan rice seed and raised more Japan type rice to the acre in Texas than they could raise in Japan. Instead of buying Japan rice from Japan, we sell the Japs their favorite type rice. The Japs cradle out their rice by hand in harvesting. We have a machine that will harvest more rice in one hour than 20 Japs can harvest in one day. Do we need protection on rice?

The Japs sell cotton cloth in China for much less than we do, but the Chinese tell me that the Japanese cotton falls down in two or three washings, while the American-made cloth will last

for many months.

With a high tariff manufactured products in this country will remain high and the surplus dumped abroad at a ridiculously We have a corporation here to-day that produces dyestuffs about as cheaply as they can do it in Germany and equally as good. Before the war Germany sold blue cyanite for 12½ cents a pound. Thirty per cent duty brought it above 16 cents a pound. It was sold at from 25 to 50 cents a pound. To-day the American corporation has the various buyers pinned to a contract at \$2.75 a pound, and, while they have been producing the stuff since summer time, they have stalled off deliveries until New Year's; in the meantime those who are obliged to buy are referred to a middleman, who exacts \$5.50 a obliged to buy are referred to a landstand, pound for immediate delivery. In 1915, 7,000,000 pounds of direct black were sold at 65 cents a pound. With the raw material cheaper this year, the company has forced consumers to pay 95 cents a pound. It is said that the corporation in ques-tion has made a profit in excess of \$20,000,000 in two years, and one of the members is said to have declared that they were making so much money they did not know what to do with it.

Mr. Chairman, it has been well said that the world has gone mad over fictitious value and inflated prices. Everything seems to have lost its genuine value in the bewildering figures of its arbitrary price. Nowadays everybody is gambling with everything. May I be permitted here to quote from a recent article by a former brilliant Member of this body, Hon. Martin W. Lit-tleton, of New York, who states a solid truth when he says:

I am liberal enough to allow that anyone who wishes to gamble and juggle and corner may do so if he is gambling and juggling and cornering with others who have the same chance he has, but if I were a sort of benevolent despot I would strangle the men who dared to gamble or juggle with or corner the things which mankind must eat and wear. Better a thousand times the archaic fare table, with the persistent idiot hurling himself against the prevailing percentage; better the poker game, with its sudden, short, sharp thrill, and its ensuing sadness; bet-

ter all the old forms of gambling, with their classical paraphernalia, for only a few went under.

But to convert the great rich earth into a vast gambling table, with all of nature's beautiful and necessary products as the pawns and wagers, until everything is stamped with a gambling value, and every human being drawn into the game whether he plays or not, and everyone suffering the losses whether he wagers or not, and nobody but the dealer reaping the profits—this is demoralization; this is not commerce—this is chicanery; this is not economics—this is conspiracy; this is not business—this is blackmail!

[Applause.]

Mr. KITCHIN. Mr. Chairman, I yield 10 minutes to the gen-

tleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Chairman, the pending revenue bill is to raise the necessary revenues for the support of the Government. The minority is always ready and active in voting for appropriations and even increased appropriations, but on this, as on all other revenue bills, they fight it, vote against it, protest it, and throw every obstruction in front of it within their power. True, they are in the minority and as a party carrying no responsibility in levying revenues sufficient to support the Government. Every speech made on that side of the aisle to-day in-dicates their willingness and delight to defeat and embarrass the Public Treasury of the United States. All that is vicious and partisan in American politics has been well exemplified in the debate during the last two days.

UNDERWOOD LAW APPROVED BY THE PEOPLE-PAYNE LAW REJECTED.

Nearly every Republican participating in this debate has roundly assaulted the Underwood law and has richly eulogized the Payne law. In the language of the lawyer, these two bills

are res adjudicata.

At the first presidential election in 1912 after the enactment of the Payne law, William Howard Taft, the Republican nominee for the presidency, was overwhelmingly defeated, carrying but the two small States of Utah and Vermont in the entire Union and only receiving a popular vote of 3,484,956. In the same election, Woodrow Wilson, the nominee of the Democratic Party, received a popular vote of 6,293,019. This verdict speaks louder than anything said upon this floor by the representatives of the Republican Party during the last two days of the debate. This speaks in words loud and clear that the American people disapprove the Payne law-there could be no other version of it. In 1916, it being the first presidential election after the enactment of the Underwood bill, Woodrow Wilson, the nominee of the Democratic Party, received on a popular vote 9,120,757 votes, the largest popular vote ever accorded a candidate for the presidency on any ticket in any election in the history of the Republic. [Applause.]

You may pile up your denunciations mountain high on the floor of this House in this partisan debate; you may vote against this bill on a strictly party vote; you may let the center aisle divide the two parties in this House, but the thoughtful people of this Republic will not uphold you in your course. nominee for the presidency in recent campaign assumed the rôle of a carping critic, assailing every achievement of the Wilson administration, and his carpings, his protests, his objections, and his fault-finding were swept aside, and full approval given to the Wilson administration. [Applause on the

Democratic side. 1

Appropriations have been large, it is true, but they have been made in response to a well-developed, well-distributed sentiment throughout the country for adequate military and naval prethroughout the country for adequate mintary and haval pre-paredness, plus the good roads bill, plus the shipping bill, plus the Alaskan Railroad bill—practically all of which you voted for and supported, as the Record will show. For example, the first preparedness bill was passed by a vote of 402 yeas to 2 nays; 194 Democrats voted yes; no Democrat voted no; 190 Republicans voted yes; 1 Republican voted no; 1 Socialist [Applause,] voted no.

The last Army appropriation bill carrying \$267,595,530.10 was passed without even the dignity of a roll call. It carried an additional \$13,800,000 of authorizations and contracts for which the Government stands committed. That also passed without

the dignity of a roll call.

The Navy appropriation bill carrying \$269,996,254 passed the House June 2, 1916, by a vote of 360 to 4; 190 Democrats voted yes; no Democrat voted no; 169 Republicans voted yes; 2 Republicans voted no; 1 Socialist and 1 Prohibitionist voted no. In addition this bill carried \$225,243,000 in authorizations and contracts for which the Government stands committed.

The Alaskan Railroad bill providing \$35,000,000 for the construction of railroads in Alaska to open up that unused and undeveloped Territory, passed the House February 18, 1914. One hundred and sixty-five Democrats voted yes; 68 Democrats voted no; 67 Republicans voted yes; 18 Republicans voted no.
At the risk of being burdensome I could go on and in each

case show that the Republicans have voted for all of these ap-

propriations, for all these contracts and authorizations, and now when it comes time to raise revenue to pay for these expenditures made pursuant to practically the unanimous vote of this House, you on the Republican side of the aisle refuse to respond in helping to raise the revenue to pay the bill. No thoughtful man in this House or out of it can truthfully say that the sentiment for preparedness and increased appropriations was brought about by the Democratic Party, was perpetuated by the Democratic Party, or consummated by the Democratic Party. You not only voted for the preparedness bills, but, as a rule, you tried to make them larger by amendments offered and voted for. [Applause on the Democratic side.]

You scream out a jargon of untruths about our extravagance, but no speaker throughout this debate has filed a bill of particulars or cited any particular bill, or any specific extrava-gance of which you complain. Your denunciations are evasive, partisan, beclouding, and usually untrue.

THE SHIPPING OR MERCHANT-MARINE BILL.

Much has been said against the appropriation of \$50,000,000 to inaugurate and establish an adequate merchant marine in this country. You of the Republican Party for 50 years have failed to enact an adequate merchant-marine law. There was none on the statute books when we came into power. There is no adequate merchant marine in existence now. The American people are entitled to an adequate merchant-marine law. You Republicans failed them. We delivered the goods. [Applause on the Democratic side.1

There are three ways to get an adequate merchant-marine law: First, by ship subsidy. You Republicans have tried to do that and failed. Second, by private capital going in and constructing the ships and installing an adequate merchant marine. We have waited 50 years for this, and it has never materialized.

The third way is by purchasing the ships, building them, and enacting an adequate merchant-marine law. This the Democratic Congress and the Democratic administration did, and the American people have already approved it, and will continue to approve it; and as soon as the law gets into operation it will be the greatest blessing the country has ever had. [Applause on the Democratic side.]

EXPENDITURES IN MEXICO.

It is true the expenditures for border trouble have been heavy, but you Republicans have voted for every expenditure that was made for the expedition into Mexico and operations along the border, and you have screamed out against us and railed against us in season and out of season because we did not spend more and go farther into Mexico than we did. The real truth is the expenditures we have made have been in response to a welldeveloped, uniform demand on the part of the people of the country that we (1) have adequate preparedness, (2) that we have a good-roads law, (3) that we develop Alaska, and (4) that we have an adequate merchant marine. These are the main items for which the increased appropriations have been

We have responded to this demand as the people have expected to do. You helped enact every one of them; now you are unwilling to pay for them. We have enacted the laws they have expected us to enact. The revenue bill under consideration will be used to pay the bills that the American people asked us to You of the Republican side may in partisanship oppose us and protest. You of the Republican side may scream extravagance and attack our bills and our achievements; but the American people will not be misled, and are not now being misled, by your carpings, your objections, and your abuse. [Prolonged applause on the Democratic side.]

REPUBLICANS ASSERT THIS BILL IS A TAXING OF THRIFT AND A REWARDING OF INDOLENCE.

The Republican side of this Chamber, on the heels of a stinging, blighting defeat, like a drowning man grasping at a straw, still clinging to your old theory of protecting the corporations, shielding the trusts and the privileged few, are asserting that this bill is a tax upon thrift and a rewarding of indolence. deny your charges; I assert them to be false and misleading. In truth and in fact, what we are doing is providing that those able to pay and whose earnings yield an income of more than \$5,000 annually plus 8 per cent on their entire invested capital

for the poor and poverty-stricken and for those in mental anguish and pain. You of the Republican side would at the customhouse tax the coat on the back of the toiler, tax the shoes on the feet of the school children, tax the calico dress worn by the poor washerwoman, and let big business, big incomes, and corporate wealth go free, untaxed, unmolested.

This revenue issue has twice gone to the American people within the past four years, and each time they have answered it in our favor, and they have cast disfavor upon you on the other side of the aisle. What there is in recent events to stimulate you and cause you to bring forth these discordant notes is more than common reason can fathom or understand.

I assert the rule to be as it should be, and that is that those who are able to pay should pay, and that is all that this bill does. The rule is not a new one, neither is it an unjust one, to provide that the strong shall at all times care for the weak. Under the Monroe doctrine, to which we are all committed, the strong Nation cares for the weak one. What is true of countries is true of individuals. The father in strength and ability to earn cares for the family; the strong brother cares for the weaker one. So it has always been in the past, so will it always be in the future; so it is in the lives of men, the history of nations, and so it is in this bill.

To the healthy mind and pulse of men, as well as nations, there is more pleasure in giving than in receiving. At first blush this statement seems platonic and impractical; but only on yesterday we had a golden example of this truism fully exemplified. The gentleman from Massachusetts [Mr. Olney], a small business man, took the floor in his own right and announced how happy he was to be able to earn enough so that he might be able to care well for himself, his business, and family and contribute toward the support of the government of us all. I was proud of him then, as I am proud of him now. Prouder still am I of the noble sentiment that prompted the words that fell from his lips.

MANY GOOD MEN IN THIS HOUSE THINK THE PREPAREDNESS PROGRAM TOO LARGE LAST YEAR AND TOO LARGE AGAIN THIS YEAR.

The question as to whether our preparedness program was too large last year and again too large this year is a question for future history to determine. Many good men on our side of the House are of the opinion that the program is too large. With that view I am largely in accord; but at the same breath I must in truth, in candor, and in honesty recognize the fact that the great majority in both branches of Congress does not Therefore agree with this idea and does not agree with me. it becomes my salient duty, as well as the salient duty of the other Members on the Democratic side of this House, to provide sufficient revenue to pay for the program which the majority of both branches of Congress has already enacted and will enact before the adjournment of this Congress. To do otherwise is to first promise and then refuse to pay; to do otherwise is to assume obligations and refuse to meet them. To pursue such a course smacks of dishonor, smacks of partisan politics, smacks of prank playing, for which the American people have never stood in the past and for which they will never stand in the future. To me this debt for which this bill is levied has been honestly contracted and should be honestly paid. province and perhaps the doubtful commission of the minority to protest and rail against this and everything else the majority does; but in turn it is our patent duty upon this side of the House to raise revenue to pay the honest debts and honest obligations that the Congress has created. [Loud applause.]

Mr. FORDNEY. Mr. Chairman, I now yield to the gentleman from Connecticut [Mr. OAKEY].
Mr. OAKEY. Mr. Chairman, I rise to ask unanimous consent to print in the RECORD the protest of the Connectleut Mutual Life Insurance Co. of Hartford, Conn., through their

attorney, Mr. Lucius F. Robinson, of that city.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks in the Record in the manner stated. Is there objection?

There was no objection.

The letter referred to is as follows:

HARTFORD, CONN., January 29, 1917.

Hon. P. Davis Oakey,
House of Representatives, Washington, D. C.

\$5,000 annually plus 8 per cent on their entire invested capital stock net shall pay this additional tax and that the toilers and farmers and poor people of the country shall be exempt from it. Your long schooling in fostering the trusts, your long practice of bowing to the rich and scorning the poor is but being exemplified on the floor of this House during this debate. [Applause.]

We of the Democratic faith will, with this as with all other bills, be honest, square, and fair with capital, but at the same time we will at least pause and cast a sigh and have a care

representing a margin of safety in the value of assets over estimated liabilities. The net income of these companies under the income-tax act may be very small in a given year or it may be an amount which would represent a very large percentage of the previous small book surplus. In the latter case a tax based on the excess of the so-called net income over 8 per cent of the book surplus would mean a heavy tax. Such a result is wholly inconsistent with the intent to tax excess profits and to my mind is preposterous. If the bill does apply to mutual insurance and works in the way which I have indicated we wish to make every possible effort to remedy it.

Yours, very truly,

Lucius F. Robinson.

Mr. FORDNEY. Mr. Chairman, I yield 20 minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, I do not believe that I can justly be charged with being one who is unable to consider these revenue bills from other than a partisan and a political In company with the gentleman from Ohio [Mr. LONGWORTH], and with many others upon this side of the House, I voted for the previous revenue bill. I voted for it because I thought there was more good than bad in it and for other reasons which I stated at the time. I have considered this bill carefully and impartially, and from any standpoint I am able to that it is my deliberate judgment that it ought not to be voted for either by any Republican or by any Democrat. This bill ought to be entitled "A bill to make it a crime to organize a copartnership or a corporation, and defining the penalties It penalizes those who attempt to cooperate and therefor." organize either corporatoins or copartnerships.

The bill is prepared in accordance with no principle, no theory; indeed it violates, as I shall show, every principle of taxation and every theory of just government. It works unfairly not only between those whom it exempts on the one hand but between those that it taxes on the other, but it also worked unfairly and unjustly between the classes which it taxes, because it works unfairly between different corporations and different copartnerships. It is a bill that often strikes at the weak while often exempting the wealthy and the millionaire. It is a tax that will be difficult of collection, under which evasion and fraud will run riot, because it is a bill whose taxations will be estimated by self-assessments, each party fixing

the sum which he believes he ought to be taxed upon.

Now, Mr. Chairman, such a bill as this is not in my judgment worthy of the vote of any Member of this House. I have much sympathy with my Democratic friends upon the other side, whose ranks are so sadly depleted by the last election as the results of their votes during the last session. [Applause upon the Republican side.] I want to help them, because they will need more sympathy after they have voted for this bill. I want them to be prepared for what will happen after they have given their approval to this measure, so I am going to tell them some questions that they will have to answer when they get home and some explanations that they will have to make. When they go back to their constituents they will be shown a copartnership, we will say, of four members with a capital of \$20,000, which makes a profit of \$10,000 a year, engaged in some general business in one of our smaller or large cities. the street is another concern of exactly the same kind, doing exactly the same business, with the same capital, and making the same profits, but which an individual owns in its entirety. The copartnership will be taxed under this bill, but the individual will not be. And what explanation will they give when the members of that copartnership ask why they should be taxed when the man across the street is exempt?

Will they say to him, as the gentleman from North Carolina said yesterday, "Oh, this is a small amount, it is a trifling sum you will have to pay." Let us see about that. If they undertake to give any such explanation as that they will find that the man with whom they are talking will take out his pad and pencil and make a few computations. We will suppose there are four persons in this copartnership. The profits of their business are \$10,000 a year. Five thousand dollars will be deducted and then you will have 8 per cent on the capital. you figure it out you will find that this little copartnership will have to pay \$272 a year. Will they tell that man this is nothing? Will they tell him it is a trifling sum to pay on a capital of \$20,000 in addition to all the State, county, and city taxes that the partnership pays? With one "fell swoop" this bill will more than double the taxes of the partnership and put an income tax on each partner of nearly 3 per cent. Will any of our Democratic friends be able to tell him why he should pay something close to 3 per cent on his annual income, which will be less than \$2,500 a year as divided among four of them? Will they explain why he should have to pay something close to a 3 per cent tax when his neighbor across the road, possibly a man who has an income of over \$19,000, only pays 2 per cent? What excuse will they give for this discrimination? How will they explain why they voted for anything so unfair? Oh, I think possibly there might be one explanation which would be the ex-

planation which was given by the landlord who was presenting a most extortionate bill to a guest at his hotel when the guest indignantly asked, "What excuse can you give for attempting to rob me in this manner? Can you give any answer, any excuse, any reason?" And the landlord said, "Yes, sir; I can."
"What is it?" "I need the money." [Laughter and applause on the Republican side.] That is the only excuse that can ever be made for voting for a bill that is so unfair and so unjust in its provisions as this bill. Yes; the gentlemen upon the other side need the money, they need it to pay for the expenses of the Mexican expedition, which has made us the laughing stock of the world. They need it to pay the salaries of the 15,000 officeholders who have been added during this administration. They need it to pay for the nitrate plant to be located upon some southern river and to develop southern waterways. need it to pay for the ships to be bought at extravagant prices to sail in competition with nations that can operate at half the expense that we can. They need it to pay the bills for all of this wild extravagance that has been going on during the present administration.

Mr. FESS. Will the gentleman yield? Mr. GREEN of Iowa. Just for a short question.

Mr. FESS. What is included under this exemption "personal

Mr. GREEN of Iowa. I was just coming to that and was going on to show the injustice of this bill. The exemptions allowed to a partnership are specified very particularly in section 205 of the bill, and it will be found that they are exactly the same as the exemptions allowed an individual under the incometax law. It is plain, therefore, that no allowance can be made for personal services in a partnership unless the income results entirely from personal services, so that the partnership is entirely exempted from the provisions of the bill as provided in another section.

Let us take some concrete examples and the injustice and wrong of this bill becomes very plain. For example, take a law partnership. Here the profits are derived entirely from personal services and consequently are exempted in this bill. They may make \$50,000 or \$100,000 a year and they will pay nothing, but across the street from them is a small commercial partnership making perhaps \$10,000 or \$20,000 a year, a great portion of which is derived from the personal services of the They are the ones who will have to pay this tax. and how will my friends upon the other side explain why they should exempt this wealthy firm of lawyers who may make \$100,000 a year and tax this copartnership to the extent of 2 or 3 per cent upon their income?

Mr. FESS. Would a stock brokerage company fall under the

head of personal services? Is not that all personal?

Mr. GREEN of Iowa. Unless capital was employed in the business the profits of a brokerage firm would fall under the head of personal services and even if it made \$100,000 a month it would not be taxed.

This bill is not an excess profits tax. It does not tax all profits over 8 per cent, conceding they appear to be unreason-

able and so high that they ought to be taxed.

It taxes such profits only in the hands of certain parties who may be connected with corporations and copartnerships and elsewhere lets them go free. The man who runs 100,000 acres of land or more, as some men do in the State of California, or 30,000 acres, which one estate operates in the State of Illinoisit makes no matter how much profit there is made from it-will pay nothing under his bill. The man who has a herd of cattle or sheep valued at half a million dollars, or even herds that are worth \$1,000,000, or a copartnership owning such a herd. operating out in Colorado, Wyoming, or Montana, will pay nothing under this bill.

Mr. Chairman, if this bill had provided that one citizen out of every three who had made profits in excess of \$5,000 and 8 per cent upon his capital should pay this tax, it would be just as fair between those who are compelled to pay it and those who are exempted, and would be more fair than this bill is

as between those who are subject to its provisions. Do gentlemen think that they can go back home in the face of all these unjust discriminations, for which no excuse whatever can be given, and answer fairly and reasonably a question from a constituent as to why "I should pay this tax, being a member of a copartnership, and another, who is not a member of a copartnership, should go free "?

Take the example of two banks. I can see them right now, out in one of the towns of my district. Each has a capital of \$50,000. We will say that they made last year \$15,000, each one of them, it being a good year, and we will suppose that they lost nothing by bad debts. One is run by a corporation, in which a few men are associated; the other is run by an individual. The one that is run by an individual, doing the same business, carrying it on in the same manner, making the same profit, will pay not a cent. How much will the corporation

He pays 2 per cent on his income.

Mr. GREEN of Iowa. Oh, yes; and the man that is in the corporation will also pay 2 per cent upon his income; he and his associates will pay an additional 2 per cent more because they are running a corporation, and they will pay this tax, amounting to over \$700. Altogether the corporation will pay nearly \$1,000 more than the other party pays who is running exactly the same business and making the same profits. [Ap-Will gentlemen be able to explain that? I think not.

Mr. HOWARD. Will the gentleman yield for one question?

Mr. GREEN of Iowa. I shall have to decline to yield.
Mr. HOWARD. I know the gentleman wants to be fair.

Mr. GREEN of Iowa. Yes: and I am fair.

Mr. HOWARD. Did not your party put a tax on corporations and did not tax incomes of individuals when you were in

Mr. GREEN of Iowa. Yes: a 1 per cent tax on the net income.

Mr. HOWARD. Then, why do you say that?

Mr. GREEN of Iowa. Because there are certain special privileges conferred upon all corporations, and for that reason they might properly pay a tax which is merely nominal and would hardly be noticed by the stockholders. But why should they pay tax to this extent, which will seriously affect every small stockholder and every member of a corporation, no matter how small his income or how little his property?

Mr. KELLEY. May I suggest to my friend that at that time

the income tax was not available.

Mr. GREEN of Iowa. The gentleman from Michigan is quite

Mr. HOWARD. You did not confine it to corporations exercising the power of eminent domain. If you had, then you

would have been in an exclusive class.

Mr. GREEN of Iowa. I can not yield further. The gentleman from North Carolina [Mr. Kitchin] stated yesterday a similar tax had been imposed by foreign Governments. The gentleman is entirely mistaken. In England, France, Russia, in all of these countries, with the exception of Germany, which only imposes the tax upon corporations or associations similar to corporations, they have not exempted individuals. impose the tax in a manner that has at least the semblance of equality and fairness. In England and France the tax is upon the business whether conducted by an individual, copartnership, or corporation. It is conceded in these countries that there is much unfairness and injustice worked by its operation, although levied much more equitably than ours. I can imagine what a storm of protest would break forth in these countries if the individual was entirely exempted. Moreover, these nations do not impose the tax upon capital or a tax upon profits in excess of a certain sum made upon capital. With them the tax is a genuine excess-profit tax; that is, it is upon the excess profits over those received under normal years, and to get at the normal profit they take the average of a certain number of years before the war; and this leads me to consider how unfairly the manner of levying the tax in this bill affects all concerns subject to its provisions whether they be partnerships or corporations. That which would be a reasonable profit in one kind of business would not be in another. It all depends upon the risk which is taken. A large milling company which makes a standard product always in demand, such as flour, and is always able to go out into the open market and buy its material as cheaply as its competitor might well be contented with a profit of 4 per cent, because it could reasonably expect to make it every year. People must have flour, but the position of a big miller would be very different from that of the small manufacturer who makes some article in the nature of a luxury, the demand for which must depend on whether we have good or bad times. Such a one in good times would probably have a large profit, and in bad times will run at a loss, if he runs at all. The laws of these other nations which have levied an excess-profit tax allow for all this, but this bill, which, if it becomes a law, will always and every where work unfairly, makes no such allowance. I commend to the attention of the majority of the Committee on Ways and Means, under whose direction this bill was prepared, a study of the statutes and laws of other nations in this respect. I assure them they would be greatly benefited by such a study, as it is quite evident they have not given them even a cursory examination.

But even if European nations had adopted this plan, what excuse would it be? Mr. Chairman, I have said some very un-complimentary things at various times with reference to the financial management of the affairs of this Nation by the Democratic Party. I know, as gentlemen on this side have stated to-day, that there is now in the Treasury a deficiency instead of a free working balance. But I never have stated and I never have claimed, as some gentlemen on the other side seem to conthat the Democratic administration has brought this Nation to the financial straits of the European countries which are now at war. Those nations have squeezed the rich and ground the poor. They are grasping like drowning men for every source of revenue. Finally, they have reached out and adopted a plan for a tax not so bad, not so unfair, not so unjust as this tax, and yet which they concede to be harsh, oppressive, and unequal to some extent. Now we are told that because these nations under these circumstances have imposed this tax; that we, in time of peace, must be made to bear the same burdens as these nations which are straining every resource to obtain funds to prosecute the most gigantic war known in

Mr. Chairman, so far I have not been discussing this bill from a political standpoint. I have considered its provisions simply with reference to whether it would work out fairly and justly, as any tax imposed ought to work; whether it would tax equally those who were engaged in like business and under like circumstances. But there is one other matter concerning which I wish to speak before I close. This bill does not really touch the great issue that ought to be before this Congress. While these nations who are now engaged in Europe in a life and death struggle, while they are exhausting every effort in order to conquer if possible, still their statesmen find some time and some room for their energies in preparing for what must come when peace is declared, but we-we who ought to profit both by experience and opportunity-are drifting day by day toward the inevitable catastrophe that was pictured for us before the war began and which must inevitably come after its close. And what is being done? Nothing. What remedy do they offer? None except to further hamper business and attempt to fetter further enterprise and progress, for an unjust and unfair tax always has this result.

Our friends across the aisle are blind to the future and forgetful of the past. We remember how, less than three months after the enactment of the Underwood fariff, the business failures in this country reached the very peak, surpassing anything we had ever had known before both in volume and amount. Through the weary months of the fore part of the year 1914 we watched our exports decrease and imports increase. We saw our revenues decline; we saw our gold commence to go abroad. We saw our workmen out of employment, and depression in every rank of business. The war, and the war alone, saved us from a business panic such as we had never known before.

And now, when there will come-for it must come after this war is closed—a trade war which in its intensity will rival the present armed conflict now going on, we make no preparation for it, but leave wide the avenues through which foreign goods may flood our ports. We set up no dam and no breakwater at this time, when we might, by a proper and reasonable protective-tariff instead of this bill, raise millions to defray our expenses, protect our markets, and maintain our prosperity. The Democratic Party writes, as it always has done when any great issue has been before it, "Failure" upon the doors of this House. [Applause on the Republican side.]

Mr. REAVIS. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Iowa yield to

the gentleman from Nebraska? Mr. GREEN of Iowa. If I have any further time I will.

Mr. REAVIS. I noticed in an article last week that prior to the war in Europe, or the year before the war, approximately 50 per cent of the importations into the Empire of Russia were purchased of Germany alone. With the feeling of bitterness that will exist between these nations, Germany and Russia, when this war is over, how many of German goods will Russia buy, and where, excepting in the United States, can Germany

recoup that lost commerce?

Mr. GREEN of Iowa. Nowhere that I know of, I will have to answer the gentleman. Our country will become a dumping ground for European and Asiatic manufactures. We will be obliged to face, after the war closes, a struggle for our markets such as we have never known before. We ought to prepare for it. But this bill makes no preparation whatever. plause on the Republican side.]

Mr. KITCHIN. Mr. Chairman, I will ask the gentleman from Pennsylvania [Mr. Moore] if he desires to use some time?

Mr. MOORE of Pennsylvania. Shall we go on?

Mr. KITCHIN. Yes; go on.
Mr. MOORE of Pennsylvania, Mr. Chairman, by authority of the gentleman from Michigan [Mr. Fordney], I yield 20 minutes to the gentleman from Michigan [Mr. Kelley].

The CHAIRMAN. The gentleman from Michigan [Mr. Ker-

LEY] is recognized for 20 minutes.

Mr. KELLEY. Mr. Chairman, there is scarcely a thoughtful business man in the United States who does not look forward with more or less apprehension to the time when American business men will have to fight for trade instead of having business thrust upon them, as is the case to-day. It is a matter of common knowledge, I think, to all men in this body, anyhow, that our three great competitors across the sea—England, France, and Germany—will be more efficiently prepared for business when this war closes than they were when the war started. And yet, as the distinguished gentleman from Iowa [Mr. Green] has just stated, we are to interpose no obstacle to what will probably be the sharpest competition we have ever known, except the Underwood tariff law—the lowest tariff law ever in force in America, and a law that lets in absolutely free

now 70 per cent of all our imports.

Now, it has been stated by gentlemen on the other side that the Underwood tariff law will be sufficient for that day; that we are living under it now, and enjoying prosperity such as we have seldom, if ever, enjoyed in the history of the Republic. The American people should not be mislead by our present-day The man in business who goes blindly forward on the theory that present conditions are normal will be apt to wake up some morning to find his business in the hands of a receiver. We ought, like sensible people, to carefully examine the basis upon which our prosperity rests. It must be remembered that trade conditions are most favorable to this country just now, not through the operation of the Underwood law or any other law, but by the circumstance of war. Since the beginning of the war competition from abroad has ceased in many lines, and from certain countries altogether. Why, at this time a large part of the Continent of Europe is shut out of the American markets altogether by the operation of war. For two years and a half the great German Empire has not been able to come into the American market at all.

The same thing is true of Austria. It is true of Belgium. It is true of Russia, or practically so. And because of the need for war supplies Great Britain and France have had to turn their energies from competitive lines to prepare their people to carry on this gigantic war that is going on on the other side. And so it happens that there never was an hour in the history of this Republic, even under the highest protective tariff, when the American people controlled and enjoyed so large a percentage of our own domestic markets as we enjoy to-day. [Applause on the Republican side.] Why, if there ever was any doubt about the value of protection this war has furnished abundant proofs, because we are now enjoying the highest rate of protection we have ever enjoyed in the history of this Republic, not through the operation of law but because of the operation of war. [Applause on the Republican side.]

Not only that, but when this great war came on we started

Not only that, but when this great war came on we started in upon a period of exportation unparalleled in the history of modern nations. Last month our exports from the United States amounted to \$517,000,000. Multiply that by 12 and you get \$6,200,000,000, which will represent our export trade for the current year if we go on as we are going now. The highwater mark of our exports prior to the war was \$2,000,000,000 per annum. So that we not only find ourselves in possession of a larger percentage of our own domestic trade than ever before, but on top of that a surplus annual foreign trade of approximately \$4,000,000,000. Under such circumstances it would be a strange thing if we did not prosper. I do not know how much a billion dollars is, any more than you do, but it is a corking lot of money. I know that. [Laughter.]

Some little time ago I thought I would try to find out what this tremendous export trade meant in day's work for men, because, after all, that is the test of the value of any trade or business. So I took a trip for a couple of weeks along the Atlantic seaboard, starting in at Hopewell, Va. I found a town down there of approximately 50,000 people. Two years and a half ago there was no such place on the map as Hopewell, Va., although the industries of the city are now employing 20,000 men. What are they making there? Guncotton. What is guncotton? It is the first step in the manufacture of smokeless powder. They are using a thousand bales of cotton a day down there, at \$100 a bale, or \$100,000 worth of cotton a day in that one plant.

What kind of a looking town is Hopewell, Va.? The business district of the city is, in the main, built up in the most femporary fashion, and the resident section is made up of three and four room houses covered with tar paper. Why build a town of 50,000 inhabitants in that temporary fashion? Why, the business which supports the town is a temporary business.

The city was not there when the war started, and when the war ends it will probably disappear just as quickly as it came. The question that particularly concerns us here and which you will have to answer on that side of the aisle is what will the 20,000 men at Hopewell do when they cease their temporary employment in which they are now engaged? [Applause on the Republican side,]

Then I went up to Eddystone, just outside of Chester, Pa. I found there a new plant employing 14,000 men at a shift, and three shifts a day, making 42,000 men in that one plant. What were they making? Rifles and sabers for Great Britain and France. What will those 42,000 men find employment at when they stop making rifles and sabers for Great Britain and France?

Then I went to the works of the Midvale Steel Co., just outside of the city of Philadelphia. I saw there 20,000 extra men making guns, shells, and ammunition of all descriptions for the allies. I went into one great shop, where they were making huge shells, each requiring a thousand pounds of steel, and they were turning out a thousand shells a day. A million pounds of steel were being used in that one shop every day for the manufacture of shells.

Then I went to the great Bethlehem Steel Co.'s plant at Bethlehem, Pa. They are the Krupps of America. They make the mammoth guns for the Navy and for our coast fortifications. I found them making field guns, gun carriages, shells, fuses, and ammunition of all kinds, all ready to be shipped to the armies in the field on the French frontier. That great company has an extra force of 50,000 men. Before the war commenced they had 23,000 men. Now they employ 73,000 men. The extra 50,000 men are engaged largely upon this temporary business, this business of supplying the allied armies with munitions of war. What will these 50,000 extra men do when this temporary employment ceases? Why, they will probably be looking for jobs now held by other men. Then I went up to the flourishing city of Bridgeport, Conn. I saw there one entirely new factory, more than half a mile long, 300 feet wide, and five stories high, employing 10,000 men, and not a single American order in the plant. What were they making there? They were turning out 5,000 rifles and sabers every day for France and Russia. What will these 10,000 men do when they quit making rifles and sabers for France and Russia? Only a half a mile away this same company owns another plant employing 10,000 more extra men making ammunition, and still another plant at Ilion, N. Y., employing 10,000 more men in the same line. The Remington Arms Co. has 30,000 extra men working on orders contingent on the duration of the war in Europe, and the du Ponts have 50,000 extra men making powder for export—all temporary business.

These temporary orders are not confined to the munition business, as some seem to think. Make no mistake about that. I went farther up into New England and visited a great cotton mill in Manchester, N. H., where, under the operations of the Underwood tariff law, the better grades of business had slipped away from them. They were nearly ready to close down when the war began. When I was there they were running night and day, three shifts, and making what? Making duck for stretchers and tents for the armies of the Old World.

The same thing was true in many of the woolen mills in New England, where they are making soldiers' uniforms, woolen blankets, and all that sort of thing for the armies of Europe. I saw hundreds of men in great shoe factories around Boston making military shoes for the armies of the Old World. So that when this war stops it does not take a philosopher to understand that we are bound to lose a tremendous amount of export business. Four billion dollars of exports-what does that mean? Why, if you estimate that three-quarters of the value of an article represents labor and one-quarter material, that means \$3,000,000,000 worth of labor in this \$4,000,000,000 surplus of foreign export trade. If you allow a thousand dollars a year per man, you have by this tremendous extra foreign business given employment on our shores to 3,000,000 workingmen who will not have that employment when the temporary work upon which they are engaged ceases. [Applause on the Republican side.]

Now, it may be said by some hopeful people that we are going right on exporting just the same when the war ends; that they are going to need our products to build up the destroyed and ruined places of the Old World. But let us not deceive ourselves unnecessarily about that.

Who are our great competitors over there? England, France, and Germany. What industries have been destroyed in Germany? Why, no hostile foot has been planted on German soil since the war began. When I think of it, it is to me the marvel of the world that out of their own industries, single-handed and

practically alone, without any aid from the outside world, the German people have been able, not only to take care of their peace needs, but they have been able to supply everything that their great armies have needed in the field for two and one-half years. Have you any idea that a nation with factories capable of supplying the needs of a great war, such as is going on over there, is going to come to us for great quantities of our products when peace comes? I fear that such is an idle hope:

The same thing is true of France. Of course, a few industries have been taken over by Germany in northern France. But in the main the industries of France are upon a firmer foundation than ever before. All unnecessary expense of production has been eliminated and her factories are more efficient to-day than they have ever been in the history of that wonderful country.

What factories have been destroyed in England during this war? Why, no hostile foot has been planted on English soil in a thousand years. Her industries have not been destroyed. On the contrary, they have never been so well organized as now. The other day Mr. Hurley, chairman of the Federal Trade Commission, a commission appointed by President Wilson, told the bankers in a speech at Cincinnati, when he warned American business men as to the character of the competition which they must be prepared to meet at the close of the war, that England has made more progress in industry, has cut more corners, and has increased her industrial efficiency more in the last 30 months than in 30 years preceding the war. That is the opinion of an expert appointed by President Wilson to study just this sort of thing, but I fear our Democratic friends are not profiting much by the warning sounded by Mr. Hurley. And, men representing the people of the United States, do you not think that at a time when we are bound to lose a tremendous amount of foreign business, approximating something in the neighborhood of three or four billion dollars, we ought to have sense enough to at least see to it that our American business, our normal domestic trade, should at least be preserved for the people of the United States? [Applause on the Republican side.] Just one more thought in conclusion. When the First Congress met in this country, two great governmental policies were inaugurated which have vitally affected the life of the Republic through the century and a quarter of its existence. One of these policies related to our domestic affairs and the other to our foreign affairs.

Under Washington we set out to build up here a new and better civilization by protecting ourselves against the cheaper conditions of other less favored lands. The first important step of the new Republic was the enactment of a protective tariff. [Applause on the Republican side.] Now, I have always believed that when the Lord gave us the heart of this great continent, rich in natural resources beyond the dreams of men, somehow or other He intended that there should be built up here under a new sky, in a new land, under a new flag, a new civilization which would be higher and cleaner and freer and more enduring than any other civilization in the world. [Applause.] And I have always believed that we should protect that civilization against all cheaper and meaner civilizations throughout the world. [Applause on the Republican side.]

throughout the world. [Applause on the Republican side.]

The other grent policy that Washington left us as a rich legacy of wisdom to guide us in our international relations was that while we should maintain friendly and cordial relations with all the nations of the world, we should make alliances with none. [Applause.] And so, gentlemen of the House, it seems to me that these two great historic doctrines may well command our continued allegiance—doctrines adhered to by our people through stress and storm and prosperity alike during the whole of our national existence, and through the observance of which our country has steadily advanced from the lowlands until it occupies a commanding place among the nations of the earth. [Prolonged applause on Republican side.]

Mr. FORDNEY. I yield one minute to the gentleman from Wyoming [Mr. Mondell].

Mr. MONDELL. Mr. Chairman, the time allotted me is an exceedingly brief period in which to call attention to the monumental faults and follies of this Democratic Congress in its appropriations and expenditures, and to discuss its seemingly measureless incapacity to wisely or equitably provide the funds to fill the abysmal and yawning chasm of deficit which its reckless expenditure has created, and yet it must suffice.

The enormous additional burdens which the American people are to be called upon to bear immediately and in future years under this tax bill is the first installment of the price the people are to pay for the continuation in power of this Democratic régime. Few expenditures or appropriations, however enormous or indefensible, were refused or denied which held out the slightest hope or promise of contributing a few votes to the support of the Democratic candidates. This scheme of wholesale legislative and appropriation persuasion, amounting almost to

bribery, having produced a bare majority for the administration, the people are now called upon to pay the price.

Preparedness is the stock excuse and apology for the abysmal Treasury deficit; and to make preparedness do service as the all-covering mantle for a countless multitude of sins a hundred millions squandered along the Mexican border, another hundred millions worse than wasted in shipping boards, nitrate plants, and unnecessary and superfluous West Indian islands are included under the all-embracing title of "preparedness."

cluded under the all-embracing title of "preparedness."

But assuming for the sake of argument that every dollar of the expenditures made and contemplated, on account of which these taxes are to be levied and hundreds of millions of bonds issued, was necessary, the plan proposed in this legislation for meeting these enermous expenditures still reveals the colossal inaptitude of the Democratic Party to wisely, fairly, or equitably levy and assess the burdens of government. Had the Payne-Aldrich tariff bill remained on the statute books, with its percentage of average duties on imports, our Treasury to-day in stead of exhibiting the pitiful picture of bankruptcy glossed over by forced entries and misleading bookkeeping, would contain a sum large enough to meet all present obligations and carry the Nation far in the future, even under present enormous expenditures, without additional revenue legislation.

The enactment of a fair and reasonable tariff law at this time, notwithstanding all that we have lost by reason of our failure to have such a law on the statute books the past three years, would still produce, under our present volume of importations, enough to largely, if not entirely, pay for even the extravagant appropriations of this Congress.

Such protective tariff legislation would tend to reduce the cost of living by encouraging domestic production to compete with foreign imports. It would lay the burden of unusual expenditures very largely upon those in foreign lands who seek our markets, rather than, as in the case of this bill, upon those whose energy and enterprise are the bone and sinew of our industry. Such legislation would constitute a bulwark of true and absolutely essential preparedness. It would arm and equip the Nation industrially and financially to meet the inevitable industrial invasions which the coming of international peace will precipitate. Such is the legislation which the Republican Party would present as the alternative of this measure.

This measure, having its genesis in reckless and spendthrift extravagance, accentuates the burdens thus accumulated by mortgaging the future to meet the obligations of the present, and by laying the burden of the residue not upon the foreigner seeking our markets and our citizens generally as they may be assumed or adjudged to have been benefited by the expenditures which have been made, but upon thrift, intelligence, and capacity as exercised and exemplified by citizens engaged in certain lines of business.

The measure is, however, in entire harmony with the general attitude of the Democratic Congress, which, ignoring the principles of sound statesmanship and appropriating with reckless and almost criminal extravagance, now lays the tax burden present and future unfairly and inequitably through crude and temporary makeshifts devoid of all semblance of a fixed, permanent, or defensible fiscal policy.

temporary makesimus devolt of an seminance of a fixed, permanent, or defensible fiscal policy.

I admit that one is scarcely justified in expecting even a semblance of legislative wisdom and sanity from the Democratic majority, but the way of wisdom is in this case so plain and the necessity of a policy of preparation against the fierce competition of our industrial rivals at the close of the European war has been so widely and so generally admitted by men of all political parties, including men on the Democratic side in this Congress, that there did seem reasonable ground to expect that in providing for the deficits which their appropriations have produced the Democratic majority would to a certain extent at least avail itself of the extraordinary opportunity for securing revenues through customs duties which the present hour presents and the future will even more largely afford.

But it seems that the Democratic majority, whatever may be the views or opinions of certain of its members relative to the wisdom and advisability of increasing certain tariff rates, is still under the control of the bourbon free-trade element of the party and refuses in the present as in the past to be guided by reason or taught by experience. [Applause on the Republican side.]

Mr. KITCHIN. I yield 10 minutes to the gentleman from Rhode Island [Mr. O'SHAUNESSY].

Mr. O'SHAUNESSY. Mr. Chairman and gentlemen of the committee, I wish to add my testimony to that of the distinguished gentleman from Massachusetts [Mr. Gallivan], who gave us a correct account of what took place in the Democratic caucus the other night. It seems a pity that the press of the country should misrepresent so patriotic, so distinguished, and

so honest a Representative as the gentleman from North Carolina, CLAUDE KITCHIN, [Applause.] I wish to say that at no time in the consideration that the caucus gave to this Democratic measure was there anything said by the gentleman from North Carolina which would inject into the discussion of this proposition the narrow sectionalism which is always hungered for by some people in their endeavor to create and to maintain a difference between the different parts of this country, a thing that I unreservedly condemn as unpatriotic, unmanly, unjust, and unfair. [Applause.] To me as an American the South is as great a section as the North or the East or the West, and those people who give garbled accounts of what takes place in Democratic caucuses would be better engaged if, instead of crying out in their Oliver Twist fashion for more protective tariffs, they would fasten their eyes upon the American flag rather than upon the cash box. [Applause.] We have had in this country a splendid propaganda for preparedness, and as a Democrat I want to say that I believe in preparedness. I believe in a navy that shall be a real, efficient first line of defense. I believe in the strengthening of our Army. I differ very much with some of my colleagues on this side of the Chamber in my conception of the necessity for preparation. I have as yet for realize that human nature has changed very much. I have frequently stated that I do not believe any prophylactic has as yet been discovered for the arena thirst. In other words, men will fight, and, much as I applaud the lofty sentiments contained in the masterful address of the President of the United States to the Senate, hoping for the day when armaments shall be no more and when peace shall reign upon earth, to me it is almost futile to expect it. But I want to applaud him now for the majesty of his reasoning, for the beneficence of his thought, for the wonderful feeling he gives out in that address for humanity and its burdens. [Applause.] Yet I believe in preparation,

I suppose I voted for those great measures with as much pleasure as any man in this House. I was glad to see our Army increased. I was glad, above all things, to see the Navy increased. How these appropriations have jumped! From \$250,-000,000, I believe, for the fiscal year ending June 30, 1915, \$258,000,000 for the fiscal year ending June 30, 1916, \$613,000,000 for the fiscal year ending June 30, 1917, and the estimates for the year ending June 30, 1918, \$777,000,000, for preparation. Our last naval bill alone carried \$313,000,000, and the naval bill that has just been reported carries \$351,000,000. For the protection of our country and the perpetuation of its institutions I would vote twice that amount, if necessary. [Applause.] And I say to you gentlemen who criticize this bill, I am not a pessimist. I take no stock in the doleful views of the gentlemen upon the other side of the Chamber who say that when the war is over our factories will collapse. The head of the great United States Steel Corporation, supposedly familiar with business, and speaking for an industry which is presumably the barometer of trade, tells us that that company is booked up with orders for 1917 and 1918, and the Bethlehem Steel Co. says to the United States Government: "We can not build your ships. We are overloaded with orders, and we are praying for a cessation of this prosperity in order that we may do some of your work.'

Mr. FARR. Will the gentleman yield?

Mr. O'SHAUNESSY. I will.

Mr. FARR. The Bethlehem Steel Co. is willing to build these ships at the Fore River yard. The gentleman is making an erroneous statement.

Mr. O'SHAUNESSY. I saw the statement that they were loaded up with orders. Perhaps they have had a change of heart. I hope so. The hearings before the Navy Committee established the truth of it.

Mr. EAGLE. Mr. Chairman, will the gentleman yield?

Mr. O'SHAUNESSY. Yes.

Mr. EAGLE. I noticed a statement by President E. H. Gary, of the United States Steel Corporation, a few months ago in which in substance he stated that more than 75 per cent of the bookings of the United States Steel Corporation were for domestic consumption and not for foreign export.

Mr. O'SHAUNESSY. Mr. Chairman, I was just about to refer to what the gentleman from Texas has so well said, that it is not war contracts to-day upon which they are predicating their great prosperity, it is for peaceful industries. I am a New England Democrat, proud to vote for this bill, and I want to say to gentlemen upon the other side that I have met many men, Democrats-and, yes, many Republicans-down in my section of the country who rejoice that they are privileged to pay an income tax to the Government of the United States, and speaking for myself, small though my possessions may be, I am glad that I shall have the opportunity soon to pay twice the amount this year that it was last year in order to show my fidelity to the Government.

Mr. MILLER of Delaware. Would the gentleman be willing to pay three taxes?

Mr. O'SHAUNESSY. Yes; if need be for this Government of ours for preparedness. [Applause on the Democratic side.] It is a peculiar situation, an anomalous one, indeed, and if I were to give political advice to the gentlemen on the other side of the Chamber I would tell them to look to the future for their political positions. How are you going to explain to your constituents, my friends, that you went out and fought for pre-paredness; that you sang with the multitude in America the hymn of preparation; that you witnessed with joy the great and majestic processions moving through our cities, and, forsooth, when the bill came before the House of Representatives to provide the funds you ran away? Oh, what a theme for the Democrat looking for the seat of a Republican! I give you this advice gratis [laughter], and I trust that when the roll is called your patriotic spirits will dominate your commercial instincts. [Applause on the Democratic side.] I hope that instincts. [Applause on the Democratic sue.] I hope that you will remember that we should be prepared, that the taxes have to be gathered. Oh, what a pitiful spectacle you will the stump when you go forth and say, "I tried, present upon the stump when you go forth and say, "I tried, my fellow workingmen," when you meet them near the factory doors, where hands are soiled with toil, "to put the tax upon your broad shoulders, my fellow workingmen; I wanted to take it from your pocket in the guise of increased tariffs, repudiated by the American people when they turned the Republican Party out of power and condemned Mr. Taft for his supine indifference to the needs and necessities of the American people.

Ah, that will be a sad day when you will try to justify your case, and then you will say to them, "I will tell you what the Democrats wanted to do instead. They had a bill down there and they wanted to tax the excess profits of corporations and copartnerships. They were running wild with their financial schemes to recuperate the Treasury. They wanted to levy a tax on industry after the industry had made 13, 14, 15, 16, 18, 20 per cent, and yet, as the friend of the workingman, I protested and said, 'Do not touch that sacred pile made by American industry.'" Where will you get off? [Laughter.] Oh, say you, leave this sacred pile of wealth created by American industry alone. These captains of industry and the people associated with them cried out with all their voice and strength for preparedness; they wanted a mighty Navy and an efficient Army, but when the time comes to pay the bill they say, "Do not touch my sacred pile of gold, but go to the workingman and get it from him." I think you mistake the temper of the American business man. I would feel ashamed of my country, I would feel that their eyes were forever upon profits, that they were recreant to the Stars and Stripes if they were to say, as you say they are ready to say, that they are not ready and willing to contribute to a fund that shall make us invincible before the world. [Applause on the Democratic side.]
Mr. FORDNEY. Mr. Chairman, I yield now to th

Mr. Chairman, I yield now to the gentle-

man from Ohio [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman and gentlemen of the House, as the son of a Union soldier I regret this continual bringing up of sectionalism in this House. I do not protest against this bill because it may be sectional. What I do protest against is that of the tax that is attempted to be levied in it and is levied in it 95 per cent is to be paid by Republicans, North and South. Bugles are sounding taps along the Rio Grande to-night, taps to the glory of the flag, taps to the honor of the Nation. thus ends what was inaugurated a few months ago by a Democratic President for political expediency. This little political expediency matter cost the country over \$160,000,000, and represents the contribution of the American people to the Democratic campaign fund. It is now admitted by the withdrawal of these National Guardsmen, without accomplishing the purposes for which they were sent, that it was unnecessary to send them to the border.

Nothing has been accomplished by this enormous expense to the people. This army that was sent forth a few months ago to uphold national honor is now in full retreat, the objects and purposes for which it was sent forth unaccomplished.

Before all the nations of the earth we stand marked as The Democratic Party, in order to procure the muchneeded revenue, instead of using Congress to enact legislation that not only would produce revenue but at the same time advance and protect the citizens of this country in their lawful pursuits uses the methods used by the pickpocket and takes from the citizens of this country, and mostly from Republicans, for 95 per cent of this profit tax will be paid by Republicans,

money which justly belongs to them.

Not content with the methods of the pickpocket, they are using the methods of the grave robber and taxing the estates

of those who have been so unfortunate as not to have died before this law was enacted.

What protection does the Democratic Congress give these

people for this additional tax that they do not now enjoy?

It has been very cleverly devised, however, so that it will fall very lightly upon those who voted to reelect our illustrious President and to fall very heavily upon those who dared vote against him. But the Democratic Party knows where to place the taxes so that it will be borne most heavily by those who do not dance to its music. My city alone will pay over \$12,000,000 in additional taxes because of this bill.

If the Nation was at war this might be justifiable, but for a party that kept itself in power because of the fact that it kept

us out of war, I see no justification for this bill

Mr. Kitchin says this bill was devised to place the tax upon those who were most enthusiastic for "preparedness," but is that the real reason? Is not the concealed reason the fact that

this tax will be born mostly by Republicans?
This is class legislation, against the institutions of a free government, such as ours founded in equal rights to all and special privileges to none. Other methods could have been devised to raise this tax, but our good Democratic friends decided that the best way was to place it where it would do the least harm to the Democratic Party. Our fathers taught us that taxation without representation was tyranny, but the teachings of our fathers have no terror for the "unterrified Democracy."

If it cost \$160,000,000 to carry on this war with Mexico, in which one battle was fought, what would it cost to carry on a war with a first-class power under a Democratic administration? As far as the bond issuing feature of this bill is concerned, I can simply say issuing bonds is a Democratic habit.

Mr. FORDNEY. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. Hamilton].

Mr. HAMILTON of Michigan. Mr. Chairman, it was a favorite aphorism of the late P. T. Barnum, who for many years ran the greatest show on earth, that the people like to be hum-

In the last election the people were called upon to decide whether from then on we should have "intellectualized emoexpressed in language or plain business sense; whether we should have protection or more kinds of direct taxes-and the people decided in favor of more language and more taxes.

This is a government by majorities. As a man thinketh, so is he, and as a majority think, so goes the Republic.

It was a good deal of a billboard campaign, this last campaign, and one of the most moving and emetic pictures was that of an emotional female in the foreground with arms extended toward the Chief Executive thanking God for Wilson "because he kept us out of war," and it worked; Barnum was right. [Laughter.]

A gentleman connected with the Chicago Tribune, Mr. B. L. Taylor, also proposed a vote of thanks to the Lord for Carranza "because he kept us out of Mexico" [laughter on the Republican side], but his suggestion arrived too late in the cam-

paign for adequate consideration.

This billboard feature of the campaign was supplemented by an executive publicity service which in four years had gained high efficiency

There is nothing like a publicity bureau.

I have known statesmen with no other asset above mediocrity than a well-financed publicity bureau to advertise themselves from day to day until not only the people thought them indispensable but they themselves thought so. Barnum was right. [Laughter.]

One of the specialties of the Executive publicity service has been "crises," in which the Chief Executive dominated each

situation with supernatural intelligence—and it worked.

"The changing circumstances of the world" lent themselves to headline politics until we had a crisis nearly every morning before the election; and last summer, when for a moment there was nothing else "to holler about," as the newsboys say, the President's publicity bureau took advantage of an epidemic of sharks up along the New Jersey coast and announced in glaring headlines that the President would suppress all sharks within the 3-mile limit and hold them to strict accountability. [Laughter on the Republican side.]

Not only did these billboards and these headlines stir emotional people to extravagant thanksgiving for the continuity of Mr. Wilson in a wicked world, but every job-holding Democrat lifted up his voice in glad, melodious acclaim until even plain people, whose only function is to pay taxes, felt it a privi-lege to be assessed to advance the "new freedom" and other things they did not understand.

Mr. Wilson is a good deal of an expert in political and crowd psychology. He knows the value of suggestion and has exemplified it on his party and the emotional fringe around it.

Once, when the Washington Post March was popular, John Philip Sousa, passing an organ grinder on the street, was disturbed at his inartistic rendering of the march and stopped to show him how. Passing that way an hour later his attention was attracted by a crowd gathered around the organ, on which was hung a huge placard, on which were written these words, "The Washington Post March as played upon this instrument by John Philip Sousa, the composer." And the organ was playing to good business. Barnum was right. [Laughter.]
In-discussing party policies it has always been thought neces-

sary to ascertain first whether a party has any policies, and if it has any policies to-day it has always been thought advisable

to ascertain whether it is likely to have any policies to-morrow.

And in trying to determine whether it is likely to have any policies te-morrow, it has always been considered advisable to ascertain what it did with its policies day before yesterday.

But in view of the vote of last November, it is obviously futile to inquire what the policies of the Democratic party were yesterday, or what they are likely to be to-morrow. [Laughter on the Republican side.]

In view of the result it was of no avail in the last campaign to discuss the administration's Mexican inconsistencies.

It was of no use to quote the President's Indianapolis declaration that because the nations of Europe had taken as much time as they pleased to shed as much blood as they pleased, the right to shed blood should not be denied to Mexico because she was weak.

It was of no use to quote his declaration that so long as he was President no one should "butt in" in Mexico, because "we can not in the circumstances be partisans of either party in Mexico," and his constant violation of his own announced policy.

It was of no use to call attention to the fact that having driven Huerta out he set Villa up because "we could not in the circumstances be partisans of either party in Mexico." [Laughter on the Republican side.] And having pulled Villa down he set Carranza up because "we could not in the cir-cumstances be partisans of either party in Mexico." [Renewed

And it was of no use to call attention to the fact that because we could not in the circumstances be partisans of either party in Mexico" he supplied each bandit in turn with arms and ammunition by removing the embargo on munitions and that thereupon each bandit turned our guns upon us.

It was of no avail in the last campaign to remind the people that the Democratic party had gone into power on the declara-tion that protection was the unconstitutional cause of high prices, which they proposed to reduce by reducing duties with-out injury to any legitimate industry; and it was of no avail to remind them that the Democratic Party had not kept its word.

It was of no use to remind the people that the Democratic Party had promised "simplicity and economy and the rigid enforcement of the civil-service laws"; and it was of no use to remind them that the Democratic Party had not kept its word.

It was of no use to remind the people that the Democratic Party had declared in its platform that its "promises were made to be kept in office as well as relied on before election," and it was of no use to remind the people that the Democratic Party had not kept its word.

To argue the question now would be an argument after the verdict.

The public memory seems to be short. There is no argument that will have convincing effect except the argument of disaster. Barnum was right. [Laughter on the Republican side.]

Roswell G. Horr, of Michigan, used to say the Republican Party was different from the Democratic Party. He said if the Republican Party was not different from the Democratic Party, there would not be any difference.

Well, one difference between the Republican Party and the Democratic Party is that the Republican Party had the habit of putting more into the Treasury every day than it took out, and the Democratic Party has the habit of taking more out

every day than it puts in.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. Does the gentleman desire more time? Mr. HAMILTON of Michigan. Oh, no; let it go. [Cries of

Mr. FORDNEY. I yield the gentleman five minutes more.

Mr. HAMILTON of Michigan. The Democratic Party went into power with a balance in the Federal Treasury of \$153,-000,000, left there by the Republican Party after 16 years of prosperity, during which we had been paying our debts out of normal revenues derived from duties levied for the protection of American labor and American industry.

Then, the country ran itself for seven months on the balance left in the Federal Treasury by the Republican Party and the

proceeds of Republican legislation.

Meanwhile an extra session of Congress was busy preparing a bill for the introduction of the "new freedom," and on the night of October 3, 1913, at 9 o'clock and 10 minutes, eastern time, foreign goods of the estimated value of \$170,000,000, which had theretofore been held in bonded warehouses, came in to displace the products of American labor and American industry under the invitation extended by the Underwood law.

This was the beginning of a flood of foreign importations which, notwithstanding the war in Europe, has kept on increasing until the importations for the fiscal year ended June 30 last amounted to \$2,198,000,000, exceeding the importations for the fiscal year 1915 by \$524,000,000 and exceeding the average annual importations under the Payne-Aldrich law from 1911 to

1914 by \$476,000,000.

Importations for the fiscal year from July 1 last down to and including December last, have been coming in at the rate of more than \$184,000,000 a month and at the rate of more

than \$2,000,000,000 a year.

Notwithstanding the importations under the invitation extended by the Underwood law, the revenue has kept on falling off and this bill is the third of its kind to supplement the failure of the Underwood law to yield sufficient revenue to run the

On September 4, 1914, 11 months to a day from the date the Underwood law went into effect, and 35 days after the war began, the President came before Congress and asked for a tax of \$100,000,000 on the people because he said the falling off of revenue was "in chief part" due to the falling off of importations caused by the war in Europe.

But there had been no falling off of importations; on the contrary, importations had exceeded the importations of the corresponding months the year before by \$94,000,000; and there had been no war in Europe during 10 months of the 11 months of the Underwood law, and therefore the war in Europe could not have caused a falling off of importations, if there had been a falling off of importations; but there was no falling off of importations. Otherwise, the President's statement was correct. [Laughter on the Republican side.]

Again, December 7, 1915, the President came before Congress and asked for new methods of taxation, and again the tax screw was applied to the American people. And now again a new turn is given to the tax screw and in addition to the tax screw, bonds are authorized to the amount of \$322,000,000, and in addition to that an unbonded debt of \$300,000,000 is authorized, and in addition to that the inheritance tax is raised 50 per cent. But judging from the last election, the people like it.

Barnum was right.

Gentlemen seek to justify this heavy tax by war and pre-paredness expenditures, but they have constantly violated their promise of "simplicity and economy" and "unnecessarily piled up the public expenditures" against the protest of the Demo-

cratic chairman of the Appropriations Committee.

They have gone on spending money enough to ballast a railroad with \$20 gold pieces from here to New York, without knowing or caring much where the money was coming from; but, as Senator Taggart, a Democratic Senator from Indiana, said on August 12 last, "These increases in appropriations can not go on forever. There must and will be a day of reckoning." Some people thought there would be a reckoning last November,

but the people voted the other way. Barnum was right.

Along about Thanksgiving time two friends of mine met
and one said: "Bill, what's that yaller all up around y'r
ears?" And Bill said, "Bin eatin' punkin' pie and I reckin'
I bit a little too fer in." [Laughter.]

Gentlemen have been biting a little "too fer in."

We are prosperous, but to boast of our prosperity would be like a convention of undertakers referring feelingly to an epidemic of cholera.

Eleven hundred miles of trenches in Europe are red with the blood of thousands killed, maimed, and disabled with shot and shell made in America, the manufacture of which has revived the fires in our furnaces which a Democratic tariff law put out. In the fiscal year ended June 30 last our exports amounted

to \$4,345,000,000, and they have continued during the last six months at the rate of more than \$470,000,000 a month. A large part of these exports are munitions exports.

But when they stack arms in Europe all this must end. Our munitions market abroad will end, and our people now engaged in the munitions business will go out of the munitions business and our workmen employed in the munitions business will go out of work

Then the men in the trenches will go back to work, go back to work burdened with debt, go back to work at low wages.

And the nations now at war will seek markets for their products. They will not trade on terms of amity with each other for a time.

Germany and Russia, Germany and Great Britain, Germany and France, will not be likely to trade on terms of amity for some time

The prows of the ships of the nations of Europe now at war will turn this way, not only because this is the great, affluent market of the world, but because the Underwood law invites their coming, and these foreign importations will displace the products of American labor.

We shall be hit going and coming. The Secretary of Commerce admits that this flood of importations will "threaten the

very existence of our industries."

This is what he says:

When the war shall close the public control of railroads in foreign lands, the semioficial chambers of commerce, the publicly fostered organizations, which control great industries will all exist and will all be used in an effort to recover lost commerce.

The outreach of American industries—nay, their very existence in our own land in some cases—will be resisted to the full, and every stratagem of industrial war will be exerted against them.

And nothing is being done to meet this condition except to levy more taxes and contract more debts.

But the people like it, judging from the last election. Barnum [Applause and laughter on the Republican side.]

was right. [Appliates and laughter on the Republican side.]
Mr. FORDNEY. Mr. Chairman, I yield 15 minutes to the gentleman from Oklahoma [Mr. Mosgan].
Mr. MORGAN of Oklahoma. Mr. Chairman, the object of the bill under consideration—H. R. 20573—is to provide additional revenue to meet the expenditures of the Federal Government for the fiscal year ending June 30, 1918. For this year the Ways and Means Committee estimates that the total expenditures of the Government will be \$1,711,000,000 and that receipts of the Government will be \$1,111,000,000 and that receipts under Government will be as follows: From customs receipts under the Underwood tariff law, \$230,000,000; from ordinary internal-revenue receipts, \$325,000,000; from emergency revenue and re-ceipts from munition manufacturers and estate tax, \$134,000,000; from corporation income tax, \$133,000,000; from individual income tax, \$111,750,000; from miscellaneous sources, \$56,000,000; from Panama Canal tolls, \$10,000,000; and from deposits from postal savings bonds, \$2,000,000. The Ways and Means Committee estimates that Congress must provide additional revenue for 1918 to the amount of \$402,389,939.

PROVISIONS OF THE BILL.

Under the provisions of this bill an "excess-profits" tax is levied upon corporations, joint-stock companies, insurance companies, and partnerships of 8 per cent after allowing an exemption of \$5,000 in profits and an exemption of 8 per cent profit on the actual capital invested in any concern taxed. It is estimated that \$226,000,000 will be raised under this tax. The estate tax, in force under existing law, is increased 50 per cent. Under this provision it is estimated that \$22,000,000 additional revenue will be provided. Under these two provisions it is estimated that \$248,000,000 additional revenue will be provided The bill further authorizes the issuance of bonds to the amount of \$303,418,000. Under existing law the Secretary of the Treas ury has power to issue certificates of indebtedness to the amount of \$200,000,000. The proposed act authorizes the issuing of additional certificates of indebtedness to the amount of \$100,000,000.

POSITION OF THE REPUBLICAN PARTY.

The Republican Party is not opposed to direct taxation. When in power it enacted laws which authorized such taxation. The Payne-Aldrich Tariff Act, enacted by a Republican Congress and signed by a Republican President, contained a provision levying a tax upon the profits of corporations. That provision, in a modified form, is in force to-day. A Republican Congress passed the resolution proposing the income-tax amendment to the Constitution. By virtue thereof the present income-tax law of to-day is valid. The Republican Party is not opposed to the taxation of wealth. It believes that the great wealth of the country should pay its just share of taxation. It believes that the rich rather than the poor should bear the chief burden of Government-National, State, and local.

The Republican Party is not opposed to the individual or corporation income tax or to any other form of direct taxation by the Federal Government, when levied under proper circum-

stances and conditions.

The Republican Party is opposed to all forms of direct taxation by the Federal Government:

 When the object or effect of such taxation is to displace, supplant, or destroy the policy of protection and to establish permanently in lieu thereof a tariff-for-revenue-only policy.

When such taxation is relied upon as the chief source of revenue for the National Government.

3. When existing tariff laws afford neither adequate protection nor sufficient revenue.

The conditions set forth in the three foregoing paragraphs exist to-day. Therefore the Republican Party can not support the pending bill authorizing large additional direct taxes. As our names are called on the final passage of this bill Republican Representatives will vote against this measure. In this way we will register our solemn protest against the abandonment of the policy of protection which has contributed so much to the greatness of our country and to the welfare of the American people. In this way we will express our emphatic dissent against committing this Government permanently to a policy of tariff for revenue only, combined, as it must be, with vexatious, onerous, burdensome, and oppressive direct taxes which will grow, increase, expand, and multiply at each succeeding session of Congress.

The present Democratic administration has made a record for introducing and passing bills through Congress "to provide revenue for the Government." Four such bills have been presented. The first was the Underwood tariff bill, which became a law the 3d day of October, 1913; the second was the emergency revenue measure, which was approved October 22, 1914; the third was the general revenue act, which was signed by the President and became effective September 8, 1916; and now, before six months have elapsed, we are to enact a fourth revenue measure which imposes annually more than \$200,000,000 additional direct taxes upon the people and authorizes the President, in time of peace, through the sale of bonds and the issuing of certificates of indebtedness, to increase the national debt by \$400,000,000.

In the number of revenue bills and in the total amount of taxes authorized to be levied and collected thereunder, the four years of Democratic rule. extending from March 4, 1913, to March 4, 1917, will stand absolutely without a parallel in history of our country. Mr. Chairman, in all sincerity I express the hope that never again in the history of the Nation will there be another four years in which Congress will pass so many revenue bills, authorize such large expenditures, make such large appropriations, and increase to such an enormous and alarming extent the direct taxes upon the people of the United States.

REPUBLICAN PARTY FOR PROTECTION.

The Republican Party is in favor of a protective-tariff policy, for the economic benefits thereof, and because it is the most effective and least burdensome method of national taxation.

It has stood for this policy since 1860, when it promulgated the platform upon which it won its first national victory and elected the first Republican President, the immortal Abraham Lincoln.

The two great political parties of the Nation differ as to the purpose or purposes for which a tariff may be levied. It has long been one of the chief doctrines of the Democratic Party that there is no constitutional authority to levy a tariff duty except for one purpose-to provide revenue. Fortunately for the country, the founders of the Republican Party, statesmen and patriots as they were, took the position that a tariff could be levied for purposes other than that of raising revenue. They declared that the tariff should be made a shield to safeguard the interests of both labor and capital-an armor to protect our industrial forces from destructive competition from abroad-and a sun in our industrial world, sending forth its invigorating and life-giving rays to promote growth in our industries, to extend our trade, to expand our commerce, to enlarge our business, to develop our natural resources, to increase our wealth, to secure industrial and commercial supremacy and independence, to give strength, security, and power to the Republic, and to carry blessings to the homes and firesides of our people throughout the length and breadth of the land.

The Republican Party believes that the Underwood tariff law now in force:

1. Is a failure as a revenue producer.

That it does not afford adequate protection to American labor and American capital.

3. That it cripples our commerce, restricts our trade, and without compensation or benefits surrenders our home market to the manufacturers, merchants, and producers of other nations.

DIRECT TAXES OF PEDERAL GOVERNMENT CONFLICT WITH STATE AND LOCAL GOVERNMENTS.

The Republican Party believes that direct taxes levied by the Federal Government interfere with the system of taxes used by State and local governments, and when levied the vast cost of such governments and the character of taxation used to provide revenue therefor should be considered.

Congress controls the expenditures of the Federal Government. Within the limitations of the Constitution it determines the amount and character of taxes levied for national purposes. Congress has no control over the State and local governments; it is not responsible for their expenditures or debts, and does not determine the amount or character of taxes levied by these governments.

But whenever there is a measure before Congress which contemplates the enlargement of national expenditures, which authorizes a large increase in the national debt, which proposes to augment and multiply direct taxes to obtain national revenues we should have in mind what it cost the people to run the State and local governments, the amount, kind, and character of taxes levied by such governments, and the existing outstanding indebtedness of such governments. Furthermore, we should take in consideration the amount of individual, corporate, and other private indebtedness. In 1913 it cost the people of this country \$2,014,369,626 to run their State and local governments. port of such governments they paid an annual tax of \$22 per To meet this immense expenditure required a property tax of 1.94 per cent upon all property taxed upon an ad valorem To meet the expenses of their State and local governments the people of the United States are to-day, on an average, paying 2 per cent upon the assessed valuation of their property. An eminent English authority recently estimated that the total annual savings of the people of the United States were \$4,500,-000,000. According to this authority, the people of the United States for the support of their State and local governments are each year expending an amount almost equal to one-half of their annual savings. It is a stupendous blunder to go on from year to year increasing the expenditures of the Federal Government and multiplying the direct taxes levied thereby, and ignore the stupendous cost of State and local governments, which must be met by direct taxes in some form.

INCREASE OF NATIONAL DEBT.

The proposition to increase the national debt through the sale of bonds and the issuing of certificates of indebtedness must be considered in connection with the existing public and private indebtedness. In 1913 the total debt of all our governments—Federal, State, county, village, town, city, and other incorporated places—was \$4,850,460,713. Making allowance for a small increase during the last four years the amount to-day exceeds \$5,000,000,000. This means an annual interest charge upon the people of \$200,000,000. It is a per capita debt on the people of \$49.97. On an average it is a debt on each family of about \$250. Of the total public indebtedness in 1913 the State and local governments owed \$3,821,896,658. The amount now owed by these governments unquestionably exceeds \$4,000,000,000. The State and local governments are levying direct taxes upon the people to pay the annual interest charge on this indebtedness and to provide for the liquidation of the principal in the future.

Still, Mr. Chairman, our public indebtedness, vast though it is insignificant compared with what our people owe individually and through partnerships, associations, and corporations. High authority estimates that our farmers owe \$6,000,000,000, an average of about \$1,000 aplece. Our business corporations, in bonds and other indebtedness, in 1913 owed \$37,000,000,000. This corporate indebtedness alone is a per capita indebtedness for the people of the United States of \$400 and a debt for each family of about \$2,000. After all, the debts of our corporations are primarily debts of the people. corporations have no way of paying either the principal or interest of their indebtedness except by levying a tax in some form upon the industries, the products, the business, the earnings, and savings of the people. The total of public and private indebtedness, including debts of all our Governments, as well as the debts of individuals, partnerships, associations, and corporations, is certainly not less than \$50,000,000,000. This is equal to one-fourth of the entire national wealth. Upon this stupendous debt the people pay an annual interest charge of \$2,500,000,000, an annual per capita cost of \$27, requiring a yearly contribution from each family of \$100.

Think, will you, that the payment of interest upon our public and private indebtedness requires one-half of the annual savings of our great people. It seems to me that the Democratic Party, that has control of our affairs to-day, the party that brings this bill in here for us to vote upon, utterly fails to comprehend the great burden of taxation that is now resting upon the people of the United States. [Applause.] There never has been a time in the history of this country, even in the stress of war, when our people were taxed so heavily as they are this very day and hour, and that taxation has increased by leaps and bounds during the last four years. So we Republican Representatives as our names are called on the final vote on this bill will answer "no" as a protest against the abandonment of the policy of protection. [Applause.]

of the policy of protection. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORGAN of Oklahoma. May I have a few minutes more?

Mr. FORDNEY. I yield five minutes more to the gentleman from Oklahoma.

Mr. MORGAN of Oklahoma. I repeat, Mr. Chairman, as Republicans we will answer "no" as a protest against the abandonment of the great American policy of protection, against increasing the burden of direct taxes upon the people, against enlarging the amount of public and private indebtedness which rests upon the industries, the property, and the earnings of the people of this country.

the people of this country.

Mr. FORDNEY. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. GARDNER]. [Applause.]

Mr. GARDNER. Mr. Chairman, I heard the eloquent Repre-

Mr. GARDNER. Mr. Chairman, I heard the eloquent Representative from Rhode Island and Providence Plantations say how much he rejoiced and what pride it gave him to find that he could contribute by his income tax to the cost of this Government

Well, a year or two ago the gentleman from Rhode Island and Providence Plantations, and the rest of the Democratic side of the House, were given the opportunity to extend that blessed taxation privilege by reducing the amount of income which is exempt from payment of the income tax. As the income-tax provision passed the House, persons possessing \$4,000 income or less were exempt from the income tax. Afterwards, to be sure, the exemption was reduced to \$3,000 by the Senate, but even that amount as an exemption is unreasonably high. If the gentleman from Rhode Island and Providence Plantations really means that he believes that the people of this country would be proud and glad to contribute to the income tax, I for one shall cheerfully join with him in getting the exemption reduced so that it will only apply to incomes of \$1,500 per annum or less.

I have heard to-day a great deal of discussion about the principle of taxation. There is no such thing as a principle of taxation. Some philosopher has said that the only sound principle of taxation is the greatest amount of feathers for the least amount of squalling. Apparently that is so, nowadays. Translated into the action of the Democratic Party, the true principle of taxation is the greatest number of ducats for the least loss in votes. I do not suppose that any of you, demagogic as some of the speeches in this House to-day have been, expect to gain any votes by any form of taxation.

I voted for your revenue bill last year raising the income tax and inheritance tax away up. I voted for it because I believed it was necessary to raise the money for preparedness. On the other hand, this revenue bill now before us is contrived for the purpose of raising extra funds, because you have been spending money like drunken sailors.

Whatever anyone may say about these proposed taxes, they are going to be collected in the North. "Yes," some gentleman says; "but it was in New York where this great cry for preparedness centered." Well, if the doctrine of preparedness was wrong, you ought to have voted against it, gentlemen. If it was right, the whole country ought to pay for it. To say that because the agitation centered in New York, that therefore New York ought to pay the bill, would be like saying that because the agitation against slavery centered in Kansas, therefore Kansas ought to pay for the cost of the Civil War. The agitation for good roads centered in the country districts. Would that circumstance have been a good reason for making the country districts exclusively pay for those good roads? The movement for Civil War pensions started in the Grand Army of the Republic. According to the principles of the wise men of the southern side of this House, you ought to have made the Grand Army of the Republic pay the taxes to raise the money with which to pay those pensions?

You say, "But why should I who live in far Texas vote for these preparedness measures? I neither wish to vote for them nor to pay the bill. You northerners must vote for them and pay the bills, too." Down in Texas, to be sure, you people are out of the way of attack from the armies and navies of Europe. You are safe. But safe as you are from the attacks of the armies and navies of Europe, you are nothing like as safe as my constituents were from the attacks of Villa and Carranza,

and yet we New Englanders must pay a huge share of \$162,000,000 to protect the borders of Texas, Arizona, and New Mexico from Villa and Carranza. For heaven's sake, why not impose on Texas, Arizona, and New Mexico, by your line of reasoning, the entire cost of protecting the borders?

Now, my friends, there is no reason on earth for exempting the great sugar concerns of Louisiana, and the great cottonplanting concerns, and the great cattle concerns of Texas from the incidence of this tax on corporation profits, except that you do not want to make those southern interests mad by requiring them to pay their share of this tax.

I heard the gentleman from North Carolina [Mr. Kitchin] explaining how in Europe they remit the taxation of the poor peasants. He told us that that was the reason why we ought to exclude from taxation these southern corporations which are engaged in agricultural pursuits. I should like to hear the observations of some of my friends down in Texas in these large cattle corporations when they read the account of the gentleman's speech and find themselves spoken of as "peasants." The "peasantry" from the great cattle section of Texas ought to be taxed just as much as anybody else.

This sectionalism breeds sectionalism, my friends. There would be no sectionalism in this country if somebody did not start the ball rolling. And if you want sectionalism you will get enough of it by and by. Down in Florida last November 81,000 white men voted for President of the United States. In New York 1,698,000 white men voted for President of the United States. Over 20 times as many white men voted in New York as in Florida, and yet the representation of Florida in the United States Senate is exactly the same as the representation of New York. If you are starting something on sectionalism, do you suppose that New York is going to tolerate forever the fact that the vote of one white man in Florida counts 20 times as much as the vote of one white man in New York?

Oh, somebody says that the Constitution reserves to the States the right to equal representation in the Senate. Some one points out that it requires the unanimous vote of the States to change that particular part of the Constitution which deals with representations in the United States Senate. True enough, but we shall amend the offending clause of the Constitution first. In other words, we shall first alter Article V of the Constitution so as to make that entire instrument amendable by a vote of three-fourths of the States. With that amendment once adopted we shall have little trouble in making the Senate representative of the people in proportion to population. Speaking of the Constitution, have you forgotten that the fourteenth amendment imposes on us here in Congress the duty of reducing your representation, if you southerners do not allow a vote to your negroes, that is, to your unorganized labor? You do not let the negroes vote in the South.

If you want to force this talk about sectionalism, here is what is going to happen. Why, my friends, you think that you can count on the Democratic Party in the North. You can not do so. They believe in exactly the opposite things from what you believe in. You in the South have disfranchised your common laborer, the negro. You in the South pass laws permitting hours of labor and conditions in your factories which we will not tolerate in the North. Why? Because your votes are cast by your planters and your labor vote is disqualified because it is black.

As I have heard it claimed that the Constitution can not be amended so as to give a fair deal in the Senate to the big States, I submit herewith a proposed amendment to the Constitution which will put us on the track of securing in the Senate representation in proportion to the size of our States. You know that Article V of the Constitution now provides, among other things, "that no State, without its consent, shall be deprived of equal suffrage in the Senate." Well and good; we shall begin by repealing that particular part of Article V. When it is repealed and a reasonable way provided for amending the Constitution so far as representation in the Senate is concerned, our next step will be to take advantage of this change in the Constitution to secure still another change granting representation in the Senate to the various States in proportion to their population.

Here is the first constitutional change which has been suggested, to wit, joint resolution (H. J. Res. —) proposing an amendment to Article V of the Constitution of the United States for the purpose of rescinding the provision that proportional representation in the United States Senate shall not be established against the protest of any State adversely affected:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following amendment be proposed to the legislatures of the several States, which, when ratified by three-fourths of said legislatures, shall be valid to all intents and purposes as part

of the Constitution, namely, in lieu of Article V of the Constitution of the United States of America the following shall be proposed as an amendment to the Constitution:

"ABT. V. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress."

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. HELVERING. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. LONDON].

The CHAIRMAN. The gentleman from New York is recog-

nized for 10 minutes.

Mr. LONDON. Mr. Chairman and gentlemen, in 10 minutes, speaking on a subject of this magnitude, one can give expression to a sense of pain only. All taxes, whether they are called income taxes or whether they are taxes paid in the form of a tariff, are paid by the men and women who work. matter who sends the check for the tax to the tax collector, the taxes are paid by the people who contribute useful service. Therefore all this talk of the Republicans to the effect that if a high protective tariff were imposed the people would not be taxed is logically as indefensible as the argument of the Democrats that because in the first instance the tax is payable by the rich, the poor people will not be called upon ultimately to pay them.

Income is derived either from property or from service, and in order that there may be income from property somebody must be rendering service, so that it is the man who renders service that pays the burden of taxation. The man who works for a living is very seldom rich. If the gentleman from Ohio [Mr. EMERSON] is right in his statement that he is opposed to the proposed tax because the Republicans will have to pay it, then according to my theory very few Republicans work for a liv-

ing. [Laughter.]

know that my voice is like the voice of one crying in the wilderness. I am not an obstructionist, and I would cheerfully aid the party in power, responsible for the conduct of the Government in this Congress, to carry through necessary revenue legislation. But when I read the title of the bill, "A bill to provide increased revenue to defray the expenses for the increased appropriations for the Army and Navy and the extension of fortifications," I can not get myself to vote for it.

You on the Republican side talk deprecatingly about the

promise to reduce the high cost of living having been disregarded by the Democrats, and the Democrats, of course, have no remedy to offer for the high cost of living. What is the Republican remedy for the high cost of living? A protective tariff? Can you imagine that a protective tariff will reduce the cost of living? Is anybody bold enough to suggest the thought that

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield there?

Mr. LONDON. Yes.

Mr. COOPER of Ohio. Has the gentleman heard any Republican say that a protective tariff will reduce the high cost of

Mr. LONDON. No; they are not as stupid as all that. [Laughter.] All I say is that the argument they advance, that a protective tariff is the solution of all ills, is not a sound argument.

Mr. GARLAND. Mr. Chairman, will the gentleman yield? Mr. LONDON. Yes.

Mr. GARLAND. Have you not heard the Democrats say that a lowering of the tariff would reduce the cost of living?

[Laughter on the Republican side.]

Mr. LONDON. Oh, neither the Republicans nor the Democrats know how to tackle these problems. [Laughter.] The high cost of living will not be reduced as long as a minority of the people have it within their power to tax the great masses by owning the means of production and transportation. As long as a minority of the people control the means of production and distribution they will charge such prices as they can get. They who own and control the means necessary to keep people alive own and control the lives of the people.

Now, I am opposed to this bill because every man, woman, and child will be taxed \$10 a year to pay for preparedness which there is no earthly use for. The people ask for bread and shoes and clothing and shelter, and you give them cannon, fortifications, and artillery. As I predicted on the 18th of January, 1915, the Democrats have fallen into the trap which the Republicans prepared for them. Some Democrats say they are opposed to the preparedness expenditures because they l

are reckless, unreasonable, and criminal, but that they are compelled to vote for a measure to raise the revenue so long as a preparedness program of huge dimensions has been adopted. Why should you act as accomplices to a crime?

If the preparedness agitation is criminal and reckless and exorbitant and imposes burdens upon the people which the people should not be called upon to bear, why do you vote for these appropriation bills? How can you vote to raise revenue

for a thing that you are opposed to?

Then there is one more danger, one more menace, that I want to warn you against. For years the protectionist interests have ruled the country. They were powerful; they were giants financially and industrially. Now you are facing a new menace, a new danger, a new aristocracy of cash, a new power of finance. One billion dollars will be poured out of the pockets of the people of the United States and out of Uncle Sam's Treasury into the pockets of the war traffickers. They will be supplied with a billion dollars, which will be used to corrupt, to defile, to dictate the editorials of your newspapers, to make and unmake men, and to shape public opinion. A new aristocracy, a new power, a new danger is being created by this \$1,000,000,000 appropriation out of the pockets of the people. If you were serious, if you were earnest about the interests of the people, the problem of the high cost of living should occupy your attention now. Stop fortifying. You are not in immediate danger. No German professor has invented a powder which will dry up the Atlantic so that the Kaiser may march an army upon Boston and New York. Up to 1898 you had only 24,000 soldiers. You had more police officers than soldiers. You were not invaded by anybody; you were not menaced by any power. You were not in any danger. What is this all about? You Democrats know that there is no reason behind the cry for preparedness except the artificial cry stimulated by munition interests, as a great many Republicans know. But the trouble with both of you is that your are hidebound by machine rules. You have to vote as your leaders tell you to vote, and you subordinate your reason, you eliminate your independence, you do away with your own thinking. The President was frightened by the impetus that was given to the preparedness campaign, and he in turn frightened the Democrats, and they yielded against their own judgment and their own sentiments. Gentlemen, I ask you to call a halt to this preparedness compaign. I call upon you to devote the remaining days of this session of Congress to the problem of the high cost of living; I call upon you to legislate for the people instead of legislating to create an aristocracy of munition interests. [Applause.]

Mr. HELVERING. I yield 10 minutes to the gentleman from hio [Mr. Gordon]. [Applause.]

Ohio [Mr. GORDON]. [Applause.]
Mr. GORDON. Mr. Chairman, since this debate commenced I have been endeavoring to get some information by interrupting some of the Republican speakers, but I have not succeeded in getting any up to date. They all declined to yield. Therefore I ask not to be interrupted while I endeavor to furnish the House with a little information upon the bill which is now pending before us.

I had hoped that no additional taxation would be necessary this year. After the increase of last year I had hoped that perhaps the expenditures in the Army, Navy, and fortifications bills might be kept down, so as to render new and additional taxes unnecessary. I still hope that there may be some reduction in these enormous estimates for these purposes. But judging the future by the past I confess that I am not very

sanguine of such a result.

The question before the House is the imposition of taxes to raise revenue to maintain the Government. It seems to me that it is beside the point to insist, as the preceding speaker did, that he was opposed to some of these appropriations which have been made, and therefore he would refuse to vote taxes to pay the expenses of the Government. Applying his logic, however, to our friends upon the other side who have consistently and persistently endeavored to increase these appropriations away above and beyond what have been made, they ought to be estopped at least from charging extravagance upon this side The truth is that this debate on the Republican of the House. side has degenerated into a mere partisan harangue. Gentlemen get up here and read speeches that are senseless, filled with partisan malice, and that throw no light at all upon the question before the House. [Laughter.]

Twenty-three years ago this month, Mr. Chairman, one of the greatest men who ever occupied a seat in the American Congress, the late Tom L. Johnson, of Ohio, uttered a great truth upon this floor on the subject of taxation when he said, "Any tax upon what men have is to be preferred to a tax upon what men need." I commend this utterance to our Republican friends who are advising the laying of tariff taxes upon the necessities of life, which men, women, and children paid under the Payne-Aldrich law upon nearly everything they ate, drank, and wore. What intelligent American citizen really believes we ought to reimpose these taxes upon consumption, and

thereby further increase the high cost of living?

1 endeavored to elicit from one of the Republican members of the Ways and Means Committee, who complained of the deficiency in revenue under the Underwood law, a statement as to the amount of revenue raised by that law up to the commencement of the European war as compared with the revenue raised under the Payne law for a similar preceding period. He denied that the revenues raised under the Underwood law were greater than those under the Payne law. I have obtained from the clerk of the Committee on Ways and Means the exact figures upon this subject, and they are as follows:

\$229, 772, 378, 32 76, 289, 548, 98

Total (Underwood law) _____ 306, 061, 927. 30

260, 881, 088, 32 35, 049, 748, 48

Total (Payne-Aldrich law) _____ 295, 930, 836. 80

Mr. KELLEY. Will the gentleman yield? 'Mr. GORDON. No.

Mr. KELLEY. Did he not say tariff revenues?
Mr. GORDON. I did not. This distinguished member of the Ways and Means Committee [Mr. Sloan] said in reply to my inquiry that he still believed the foreigner paid the tariff. He was answered by one of the oldest and most distinguished Members upon the other side this morning, the gentleman from Pennsylvania [Mr. Moore], who also declined to yield, and who said in his address that the manufacturers of condensed milk paid a tariff on the sugar and tin with which they put it up. Strange that these Pennsylvania manufacturers do not know how to make the foreigner pay the tariff. [Laughter.] All the light this House needs upon this measure, in my judgment, was furnished by the distinguished gentleman from North Carolina [Mr. KITCHIN] in his opening speech in the debate on this bill. The political gadflies on the Republican side succeeded in stinging him sufficiently to stir him up, and he afforded us a most exhilarating, intelligent, and comprehensive analysis by his observations and in the answers to the questions as to the terms and provisions in this bill. He has not been replied to. believe his speech is unanswerable.

A MEMBER. Where is it?

Mr. GORDON. My distinguished colleague from Ohio [Mr. Longworth], who is the only gentleman on the Republican side who has not withheld his remarks for revision in the debate of yesterday, said that he had voted for the bill offered by the gentleman from North Carolina last June, and he says:

I did it, as I then announced, for two reasons: In the first place, because I believed the revenue it was designed to raise was necessary to pay for the preparedness program we adopted; and, secondly, I believed its method of raising the revenue, even though it did not include the obviously correct way of raising revenue—a duty on competing products of imports—it was based in the main upon what I conceive to be Republican principles.

The gentleman from Massachusetts [Mr. Gardner] made about the same statement a few minutes ago. Now, if the bill of last year, which imposed an inheritance tax and a tax upon incomes of partnerships and corporations, was a just and proper measure, consistent with Republican policies why is not this bill that simply increases those taxes also wise and consistent and in line with Republican policies? It seems to me these observations, gentlemen, disclose the utter hypocrisy of the contentions of those who are opposing this bill.

Mr. LONGWORTH. Will the gentleman yield? I would not

if I were he. [Laughter.]
Mr. GORDON. No; I think not. [Laughter.] The truth about it is, gentlemen, of course taxes are always unpopular. It is foolish talk indulged in by gentlemen on that side of the House that in some way, somehow, taxation may be made pleasant to those who are required to pay the taxes. It is ridiculous. I do say that these taxes imposed by this bill are very much to be preferred to the taxes which you gentlemen would impose upon the consumption of the necessities of life. I believe as between these two methods of taxation we can go before the American people as we have during the past seven years and defeat you A facetious newspaper correspondent became humorous in

describing in a Republican newspaper of this city the result of the recent election in Ohio; in that "slaughter of the innocents"

huge Republican majorities melted away like snow before the noonday sun, and in all parts of the State were enormously reduced or disappeared entirely. The largest Republican ma-jority in any county outside of Hamilton was 1,548. Wilson carried the State by over 90,000, receiving 604,161 votes, the largest vote ever cast in the State for a candidate for President, and in his comment this correspondent said the Republicans were routed all along the line and retreated to Hamilton County, "where they dug themselves in." Judging from the recent partial report of the United States grand jury in Cincinnati, returning indictments against 99 defendants for election frauds, with more likely to follow any day, they must have dug them-

selves into the ballot boxes pretty deep.

The outrageous methods resorted to in the late campaign to defeat President Wilson for reelection seem to have stimulated and encouraged a resort to misrepresentation and calumny in the discussion of public questions. This is demonstrated by the character of the discussion of this bill on the Republican side of the Chamber, and is further illustrated by the campaign now being waged in Ohio for what is called "presidential suffrage for women." If Ananias and Sapphira had risen from the for women." If Ananias and Sapphira had risen from the tomb and assumed the management and control of the suffrage columns of certain Ohio newspapers, the misrepresentations would not be more flagrant than they have been. It is contended that both political parties in Ohio are pledged by their platforms of last year to enact a law authorizing women to vote for presidential electors, when in truth and in fact neither party is pledged to any such thing. The only platform declaration by either party in Ohio having any reference to the question are the national platforms, the principles of which were generally indorsed in the State conventions of the two parties. The Democratic national platform adopted at St. Louis June 16, 1916, reads on suffrage as follows:

We recommend the extension of the franchise to the women of the country by the States upon the same terms as to men.

The Republican national platform adopted at Chicago on June 10, 1916, reads on suffrage as follows:

The Republican Party, reaffirming its faith in government of the people, by the people, for the people, as a measure of justice to one-half the adult people of the country, favors the extension of the suffrage to women, but recognizes the right of each State to settle this question for itself.

Not one line in either of these platforms or in either of the Ohio platforms of the political parties on the subject of presidential suffrage for women, and, except a general indorsement of their national platforms by the two leading parties, not one word was said on the subject of suffrage by either of them.

And in the light of the State's history it is no wonder; in 1912 the State constitutional convention recommended woman suffrage and other amendments on suffrage; all were defeated at the polls. In 1914 an amendment granting full suffrage to women was again placed upon the official ballot, and in the largest vote ever cast in the State up to that time, it was voted down by 183,000 majority.

In the light of these undisputed facts an attempt to confer upon women the privilege of voting for presidential electors by an act of the general assembly, and without a vote of the people, would be treason to the principle of representative government, a fraudulent usurpation of power on the part of the general assembly, and an attempt to force upon the people of the State a proposition which they have not only never indorsed, but have overwhelmingly rejected at the last opportunity they were afforded to speak upon the question.

The power to enact this legislation is claimed under the language of the Federal Constitution, which provides that—

Each State shall appoint, in such manner as the legislature thereof may direct, a number of (presidential) electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

But the constitution of Ohio provides that "no person shall be appointed or elected to any office in this State who is not an elector," and elector is defined in the same instrument as "a male white citizen 21 years old."

The authority to join in the "appointment" of presidential electors, by authority of the legislature, is an office and a very important one at that, and the general assembly is prohibited from conferring it upon any other than "male citizens 21 years

Mr. FORDNEY. Mr. Chairman, I yield 10 minutes to the gentleman from South Dakota [Mr. Dillon].

Mr. DILLON. Mr. Chairman, I will first call attention to the excess-profit tax. Under the provisions of this bill corporations and partnerships must pay a tax on their excess profits. The corporation, whether large or small, is entitled, first, to an exemption of \$5,000 and, second, to an exemption

of 8 per cent of the actual capital invested. On the balance of the net income a tax of 8 per cent is levied. Likewise foreign corporations and partnerships are taxed in the same manner on the amount of the net profits derived from business transacted in the United States.

Will it not be impossible to carry out the administrative features of this bill? The corporation will make its return. Its valuation is simply a mere matter of opinion. No administrative officer has any power to fix the valuation. Exact justice can not be done unless a physical valuation of all of these corporation and partnership properties is made. No one can be charged with perjury for fixing an excessive valuation on his property, because he merely expresses an opinion as to value. Therefore the tax will rest unequally against the taxable corporations and partnerships.

It would be easy for a large corporation to add a million or two to its valuation, and no administrative officer could dispute This bill invites the corporations to water their stock and bonds. By increasing stock and bonds the net income on which the tax is based would be reduced. It also would invite the directors to increase salaries of officials holding stock in order to reduce the net taxable income.

The portion of this bill that seeks to levy an excess-profit tax against foreign corporations and partnerships is somewhat We reduce our tariff duties and invite the foreigner to bring his cheap-labor products into the best market in the world and take away our gold. Then we say, "For this concession we will expect you to pay a tax on net income derived from business in this country above specified exemptions." We love the foreigner so much that we give him the same exemptions as we give our own people, but we will not require him to pay any municipal, county, or State taxes. We leave those burdens to be borne by our own people.

Further, the business of a foreign corporation or partner-ship can be carried on by an individual without any tax what-ever. Do any of you believe that the provision relative to foreign corporations and partnerships can be made effective? The plan is to have the foreign corporation or partnership send its goods here, and we are to allow them to pass through our customhouse practically without custom duties. They are surrendered to the agent of the foreign concern, who is invited to make all the profit he can in the United States. After they get the profits in their pockets we send them a blank, telling them they must pay us a tax of 8 per cent on their profits above exemptions.

Would any of you do business in that way? The time and place to get our money is at the customhouse, because we then have a lien on the property. To send the blank to the foreigner and ask him to pay taxes is a huge joke. Suppose they refuse to make a return, how are you going to punish them? Will you punish them by black listing? The only true system is to get the money at the customhouse. [Applause on the Republican side.1

If it shall be our national policy to levy an excess profit tax we should immediately pass the Rayburn bill to regulate the issue of stocks and bonds of all corporations and companies doing interstate business. As a reminder I might call attention to this important bill.

In the Sixty-third Congress it was heralded as an administration measure. I was glad to support it, believing it would do the business. It passed the House on June 5, 1914, by a vote of 325 to 12. It then went to the Senate and on July 23, 1914, the Senator from Nevada [Mr. Newlands], chairman of the Committee on Interstate Commerce, presented a unanimous report recommending the passage of the bill.

Possibly some Member who is transfer in the control of the contro

Possibly some Member who is in touch with the administra-tion could tell us why this important measure was peacefully put to sleep in the middle of the second session of the Sixtythird Congress, since which time there has been no real resurrection of the administration program. Where are the shouting cohorts who proclaimed that this was to be the towering achievement of the administration?

The gentleman from Texas [Mr. RAYBURN] reintroduced his meritorious bill in the Sixty-fourth Congress and it has now been on the calendar nearly one year, but its backers have taken to the woods. It is no longer labeled an administration bill. It is no real secret that Senate joint resolution No. 60 got its inspiration from an effort to sidetrack the Rayburn bill. Let us all get in behind the Rayburn bill and secure its passage and give to the country an act that will effectively regulate the issue of stocks and bonds. By so doing we can form a basis for the new and novel system of taxation proposed in this bill.

THE ESTATE TAX.

I wish briefly to call the attention of the House to the inheritance tax features of this bill. When the revenue bill was before the House in July, 1916, I said:

before the House in July, 1916, I said:

The authority conferred upon Congress by section 8 of Article I of the Constitution, namely, "To lay and collect taxes, duties, imposts, and excises," is a sufficient grant of power for levying a tax on succession to property of a decedent. Uniformity is required by the following provision: "That all duties, imposts, and excises shall be uniform throughout the United States. The Constitution further provides," Direct taxes shall be apportioned among the several States."

If this tax is on the property, it would be a direct tax and would be unconstitutional because there is no apportionment provision in the bill. In 1894 an act was passed laying a tax on incomes from all classes of property, but no apportionment was made. Its validity rested upon the assumption that it came within the classification of taxes, duties, excise, and imposts which was subject to the rule of uniformity but not subject to the rule of apportionment. The act was held unconstitutional on the ground that it was a direct tax on property.

held unconstitutional on the ground that it was a direct tax on property.

The Supreme Court, in Pollock v. Farmer's Loan & Trust Co. (158 U. S., 161) held that the income tax provided for a direct tax and was void for want of apportionment. To get away from this effect the sixteenth amendment to the Constitution was adopted, which provides, "the Congress shall have power to lay and collect taxes on incomes from whatever source derived without apportionment among the several States and without regard to any census or enumeration. It is evident that the sixteenth amendment applies only to incomes and takes incomes out of the apportionment rule.

The tax on inheritance should be a tax upon succession, a tax on the right to succeed to property. It is not a tax on property. There being no natural right to inherit, the legislative department of Government has the right to fix the conditions upon which the succession may be permitted.

The tax percentages are imposed upon the amount of the net estate, en masse, after having deducted cost of administration, debts, and an exemption of \$50,000. No provision is made for a tax on legacies or on the distributive shares nor is there any tax on the right of the heirs or legatees to succeed to the same. The tax is on the aggregate amount of the decedent's property and not upon the amount of the distributive shares.

The inheritance tax has never been regarded as a direct tax on property, but has always been levied against the right of succession. Under the laws of France, Germany, and other European countries the inheritance tax is enforced by way of stamp The first Federal inheritance-tax act of July 6, 1797, and the subsequent acts of June 30, 1864, and June 13, 1898, all recognize the levy as against the successor.

In Knowlton v. Moore (178 U. S., 41) the court, in passing

upon this statute, used this language:

An inheritance tax is not one on property but one on the succession. The right to take property by devise or descent is a creature of the law and not a matter of right, a privilege, and therefore the authority which permits it may impose conditions upon it.

The court further says:

The statute clearly imposes the duties on legacies or distributive shares and not upon the whole personal estate.

In United States v. Perkins (163 U. S., 625) it is said:

The tax is not a tax upon the property itself but upon its transmission by will or descent.

In Snyder v. Bettman (190 U.S., 249) it is held:

The taxes are not imposed upon the property itself but on the right to succeed thereto.

The tax is now imposed upon the mass of the estate and not upon each legatee or beneficiary. The exemption of \$50,000 is likewise an exemption on the whole estate. No provision is made for an exemption for an heir or legatee.

It is a tax against the property held temporarily by the executor or administrator, and is a direct tax, because it does not levy the tax upon the right of succession. No one would claim that this tax could be imposed upon the decedent if living. right of the administrator or executor in the property is that of trustee for the beneficiaries. If he pays the tax, no provision is made for a charge against the beneficiaries. How is he to settle the rights between numerous beneficiaries where the tax is increased in proportion to the value of the estate? If it be argued that the administrator would be required to pay the tax in the first instance and collect it from the heirs or legatees, then it becomes pertinent to know in what ratio he is to assess the heirs and legatees.

All legatees and heirs are jointly assessed regardless of the amount of their shares. If there be but one legatee, he would be entitled to \$50,000 exemption, while if there are 100 legatees and

heirs they would be jointly entitled to but one exemption.

There would be no difficulty if the tax was levied on each legatee or distributive share, but when the rate each is to pay is increased by the value of the property received by other legatees you have all kinds of confusion. We tax separate legatees, regardless of the property received. The tax is measured by the value of all property received by the numerous legatees or heirs. For instance, the tax on the house of A, a

legatee, valued at \$1,000, would be determined by the value of numerous other houses, and the tax on A's house would be increased in proportion to the increase of the value of the prop-

erty of the other legatees.

Suppose that a decedent willed all of his property, of the value of \$60,000, to a hospital. Deducting the exemption, the hospital would pay \$150 inheritance tax. If a millionaire across the street willed the same hospital \$60,000 and distributed among numerous legatees the balance of his estate, valued at \$4,940,000, the hospital would have to pay an inheritance tax of \$4,293. To obtain these bequests the hospital would be required to pay over twenty-eight times as much tax for the second bequest as for the first of the same amount.

The exemption of \$50,000 should apply equally to those succeeding to the estate, or be a classification to each person similarly situated. Every issue of a decedent who may receive property should be entitled to the same amount of exemption, because the property he is to receive is to bear a share of the

tax

In Black against State. One hundred and thirteenth Wisconsin, page 205, and Ninetieth American Statutes, page 853, it was held that a statute authorizing an inheritance tax where the whole estate was of a specified amount or more, but not authorizing such tax where the estate was less than that amount in value, the beneficiaries being in the same class and the tax being levied without regard to the amount received by the individual beneficiary, was unconstitutional as being arbitrary and unlawful discrimination between beneficiaries of the same class.

If the tax can be taken from his distributive share, the heir ought to be entitled to a definite, fixed amount of exemption. As it is, if the decedent leaves his entire estate to one son, the son has an exemption of \$50,000. If, on the other hand, the de-

cedent leaves surviving him 10 sons, they have to join in an exemption and each son has only \$5,000 exemption.

The framers of the act overlooked all the congressional acts heretofore passed imposing a tax upon the right of succession to property, and have overlooked the fact that the tax must rest against the legatee or heir who receives the distributive share of the estate. The tax not being levied on the succession to property of the decedent, but on the property itself, becomes direct tax, which must be apportioned among the several States.

The people of the United States have been heavily taxed by municipal, county, and State authorities. The disposition of the present administration is to seize all of these sources of revenue heretofore employed by the States and to levy additional

direct taxes.

In time of peace we must have a stamp tax, an income tax, a corporation tax, a munition tax, an inheritance tax, an excessprofit tax, a foreign-corporation tax, and we must constantly be increasing these taxes. We must, in addition, issue bonds; we must sell our Panama bonds, and we must issue certificates of indebtedness, all to take care of the extravagant expenditures of public money. It seems that this administration has shown an incapacity to operate the fiscal affairs of the Government. [Applause on the Republican side.]

Mr. FORDNEY. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. Reavis].

[Mr. REAVIS addressed the committee. See Appendix.]

Mr. HELVERING. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. Quin].

Mr. QUIN. Mr. Chairman and gentlemen, in the 10 minutes allotted to me I propose to discuss the bill and not to discuss sectionalism. It was, indeed, a matter of grievance to me to hear some of the gentlemen upon this side and our friends upon the Republican side inject sectionalism into this discus-I brush aside with contempt the statements of the distinguished Republican, Mr. GARDNER, of Massachusetts. would not waste my time to answer the charge that he attempts to make against the South. The South is always able to ignore such petty, narrow, contemptible threats as the gentleman made on this floor. This bill was brought out here for the purpose of paying a debt, a debt that the gentleman from the State of Massachusetts was the chief exponent in making. This is a portion of the debt of preparedness. It is proposed to raise \$226,000,000 from the excess profits of copartnerships and corporations, and \$22,000,000 as an inheritance tax from the mighty and powerful in finance who die; and who objects to I wish to say that the gentlemen on this floor who object to this bill want to go out into the farms and workshops of America and place the burden for increased preparedness on of America and place the burden for increased property the men who did not bring it about. They want to go to the man who sweats and toils and place on his back this \$248,-000,000 that is to pay the increased portion of preparedness.

shall continue to fight to keep that tax from falling on the farmer and laborer. Let us place it on wealth, where is belongs. We took out of the wealthy class last year \$175,000,000, and we must raise in addition to that sum this year \$248,-000,000. We have three years more to increase this program. I was not one of those who made it necessary to bring about this excessive taxation. I fought against this. It was the great corporate interests, the great wealthy class of this country who forced the propaganda of preparedness upon this Re-It was the erstwhile leader of the Republican Party, ex-President Roosevelt, who went about over this country preaching the doctrine of preparedness, and now, my friends, if those who followed him, if the chief cohorts of the great and powerful interests, if predatory wealth in this country have forced Congress to bring upon it this debt, I ask who should pay it? I think the bill that the gentleman from North Carolina [Mr. KITCHIN] and his committee has brought out placing this tax on wealth, \$226,000,000, on the excess profits of corporations, and the rest of it upon inheritance, embodies the most sensible and reasonable way to raise the revenue. Is it possible that any corporation in the United States, after declaring 13 per cent dividends above all expenses, above its overhead charges, above all other charges, would object to paying one-twelfth of the profits in excess of that to the United States Government to pay for preparedness that the corporate interests of this country wanted? Certainly it would be criminal for us to raise this money by taxing the toiling millions

who now are carrying all they can stand up under.

Some of our Republican friends are very much disturbed because the farmers are exempted from this tax. I feel thankful that the Democratic Party can feel for the farmer and forces that sentiment into law. The farmers and all other laboring men have their eyes on Congress. Will you gentlemen on that side go back to your districts and tell the farmers you desired to place this preparedness burden on them? That is what you must do if you vote against the bill you have been speaking against all day. Are you protecting the corporations and the rich and powerful? Do you desire to make the toilers pay all the taxes? Why do you oppose the inheritance tax? Is it possible that any man who during his life has made the sum of \$5,000,000 or \$4,000,000 or \$3,000,000 or \$50,000,000 would object to a portion of that up to 15 per cent being taken to pay for protecting those whom he leaves behind, those who inherit this fortune, those who did not toil or spin to make that great fortune? I claim that it is sensible and practicable, that it is right, honest, and just. To my mind there could not be a fairer tax than one which comes from corporations and copartnerships that we guarantee shall be free from this tax until they have had 13 per cent net revenue. Certainly it would be fair to the man whom this Government is protecting with all its beneficent laws, with its Army and Navy, with its fortifications, with its swords and guns and ammunition, which has allowed him to build up a fortune of \$50,000,000 or \$100,000,000, to take away a small per cent of that after he is dead and gone. honest man who has an income of \$50,000,000 could object to the Government taking a fair percentage for the Government's expense and see that it is safely handed to those to whom he wishes to hand it. The American people indorse our revenue bill, and in response to the gentleman from Michigan [Mr. HAMILTON], who said that they wanted to be humbugged, I will say that they were not humbugged when they reelected a Democratic President. They knew all the facts. They knew the outrageous program that the Republicans had enacted for the last 20 years. They knew the outrageous humbug that the Republican Party had perpetrated when they put the protective tariff on the American people. They knew what a humbug it was that the Republicans proposed to take \$8 out of the pocket of every farmer and laboring man in the United States and give it over to some plutocratic, wealthy manufacturer, and only one single dollar out of every eight dollars collected with the eagle on it found its way into the Treasury of the United States. That was the humbug which the American voter voted against. The people rejoiced over our progressive legislation. voted that sentiment all the way from the Gulf of Mexico to Minnesota. They voted that honest sentiment against Republican humbuggery all the way from the rock-ribbed State of New Hampshire clear over to California.

The American people indorsed the program of the Democratic Party. They indorsed the program to which my good friend from Michigan [Mr. Forder] alluded of spending \$162,000,000 for keeping the soldiery on the Mexican border to elect a Democratic President. That was the best investment the American people ever made. If they were put there for the purpose of keeping Mr. Hughes and the Republican Party out of high places of power for four years more, that \$162,000,000 saved the American people many billions of dollars. [Applause on the Democratic side.] It saved from enactment many outrageous laws that we know Mr. Hughes and those who stood behind him as his shadows proposed to put upon the statute books to override the rights of the plain people of America. [Applause on the Democratic side.] That is the reason the people of this country indorsed the Democratic Party. That is the reason that the man who drives the hack voted against the Republican Party last fall. That is the reason that the American people are going to insist upon Democrats organizing the House of Representatives this next time, I will say to my friend from the State of Nebraska [Mr. Reavis]. That is the reason that the American people propose that wealth shall bear its just share of taxation instead of burdening the man who really produces the wealth of this country. None of you gentlemen on that side have shown that a protective tariff bill could pay the enormous appropriations that are being made. Any sensible and practical man knows that the Payne-Aldrich bill could not pay all of the appropriations that have been made upon the Treasury of this country. [Applause on the Democratic side.] If these can not be raised except by direct taxation, can you find a better source than an income tax? Can you find a better source than an inheritance tax? Can you find a better source than to tax excess profits of those who are securing more than a reasonable profit? Can you find a better source than these have enumerated to raise this revenue in the North, the South, the East, or the West? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIN. I thank you, gentleman. Mr. KITCHIN. Mr. Chairman, I yield to the gentleman from

Massachusetts [Mr. OLNEY].

Mr. Chairman, I just want to correct an impression which I gave the House last evening in my speech that the United States received from Australia for many years a half of the Australian clip. That is an exaggerated statement, which I desire to correct. In normal years we use from 100,000,000 to 150,000,000 pounds of wool raised by Great Britain and its colonies; but this correction does not destroy the argument that we would really receive but little revenue the imposition of a tax on wool, on account of the embargo of Great Britain and the little wool being shipped by the warring nations. [Applause on the Democratic side.]

Mr. MILLER of Pennsylvania. Mr. Chairman, the bill before the House, submitted by the chairman of the Ways and Means Committee [Mr. Kitchin of North Carolina] January 29, 1917, and now under discussion, proposes to assess and collect from citizens of the United States, by direct taxation, \$1,417,444,029. Every citizen of the United States who performs labor—menial, skilled, or professional, with hand or brain—will be compelled to help pay that amount, either directly or indirectly. It takes money out of the pocket to pay the tax; it does not put one cent

back in the pocket.

A custom or tariff duty is also a tax, and the consumer pays it indirectly. The foreign importer of foreign-made goods pays the duty into the Treasury for the privilege granted him in getting his wares into the United States. If the wares come in competition with goods made in this country it enables the manufacturer to get a better price, and thus enables him to compete with the foreign manufacturer. It enables him also to pay a higher wage to his employees than the foreign laborer gets. It gives increased sales to the home merchant. It gives a better and a home market to the farmer. It enables the lawyer, the doctor, and every professional man in the United States to get better and surer returns and larger fees. It gives every child, native and foreign born, an opportunity to attend better schools. has developed industries. It has helped to make the United States, in the past 50 years the richest and most prosperous country in the world, and has enabled the laborers to band together in brotherhoods and unions and not only demand but obtain some of their rights, as no other laborers anywhere else can do or has done. Even the President and the Congress of the United States recently gave a quick ear to its demands and obeyed its commands. In every truth the laboring people of the United States are "the people." Politicians listen to them.

Mr. Chairman, off and on for 50 years I have been making political speeches and during all that time I believed in a protective tariff as enunciated by the Republican Party, but I never in making a political speech claimed that the foreign manufacturer paid the tax; I never claimed that. on the Democratic side.] I admit that the consumers pay the tax just as the people pay the post-office stamp tax, just they pay the internal-revenue taxes, and just as they pay the other taxes assessed and collected by the Government. also claim that aside from the post-office stamp tax that there is not a single tax levied by the Government that puts a dollar

in an American's pocket except a customs tax. The foreign manufacturer receives less for his goods than he would if there was no customs duty; there is some revenue added to the Treasthe American manufacturer is protected in his home market, and I believe both manufacturer and laborer in the end have each more money in their pockets than they would have if the foreign goods that come in competition with American-made goods came into the United States free of duty.

Can you indicate a man whose pocket will be enriched by the passage of this bill? Every dollar of it comes out of the people. I agree with the gentleman from New York [Mr. LONDON | that it is not the rich alone who pay these taxes. It is every man in the United States, be he rich or poor. I expect there will be assessed against me for the coming year over \$100 of income tax, including the surtax. Am I going to pay it? Not by a long shot. The people who have me doing their legal business will pay it. The Government of the United States. that put some money in my pocket this year as a Congressman, will pay some of it. And who put the money into the United States Treasury? The people. Many of us have not made a dollar last year outside our salary. I have been near to fooling my time away during the past year. [Laughter.] How am I going to pay it? I am going to get it from the people who give me something. As a rule, when I talk standing on my feet, somebody pays me for it. I would get along as well and make as much money if I did not talk at all now, and would accomplish as much for my constituents.

I am opposed to this bill for one particular reason and that is that many of the purposes for which it is proposed to use the money to be raised are not necessary. We appropriated last year \$600,000,000 for the Army and Navy. What was the total of appropriations? About \$1,600,000,000. How much more did we appropriate for the Army and Navy last year than before? About \$250,000,000. Where did the balance of the money—\$350,000,000—go to? Into rat holes, river and harbor bills, armor-plate and nitrate plants, merchant marine, catching Villa "dead or alive," and fooling with Carranza and others.

The gentleman from Mississippi [Mr. Quin] stated a moment ago that the people of the United States indorsed the Democratic policies in November last. I deny it, They indorsed Woodrow Wilson but not the legislation of the Democratic Party. If Woodrow Wilson had been no stronger than the Democratic policies, he would have been defeated overwhelmingly. Why do I say that? Four years ago this side of the House—the Democratic—had over 100 majority. Now they have less than 30. In the next Congress, Mr. Chairman, they have not any. [Applause.] Why did the people change the majority? Because they were dissatisfied with what was done by Congress. That is why they threw the Republicans out of power some years ago [laughter], and we deserved it. not deny that. We had been acting badly, but not nearly as badly as the Democratic majority. [Laughter and applause.] Why, our appropriations never got to the measly sum of a billion. We never could reach a billion with all our extravagance, and yet you jumped \$100,000,000 over the last Republican Congress the first year you got into power, and you jumped last year \$700,000,000 larger than ever the Republican Party dared to.

Mr. GORDON. Did you not vote for some of them?
Mr. MILLER of Pennsylvania. Yes; I was bamboozled into
voting for the merchant marine. I was led to believe that if I voted for the merchant-marine bill there would not be so much appropriated for the Navy. That was where I was bamboozled. [Laughter.] That is where you were bamboozled. [Laughter]

And I tell you, gentlemen, that when you pass this bill you will not only have 3 less than a majority in the Sixty-fifth Congress, but you will have 50 less than a majority in the Sixty-sixth Congress. It will not be a question of the independents organizing the House, as it is now. The Republicans will have such a majority that they will organize it easily, and they will just do what they please with you, gentlemen, just what you have done with them. [Laughter.]

What are the excess taxes that the Democratic Party has been putting onto us? The country does not know it. ought to have a publicity bureau, to let them know what these increased taxes are. Let me enumerate some of them. I am directing this particularly to the Democratic side of the House, because you will be on the mourners' bench in 1919. three years of 1914, 1915, and 1916 the Democratic Party levied and collected by the so-called war tax, in round numbers, \$136,000,000; and they collected in excess in those three years of what the Republican Party had collected on incomes, individual and corporation, \$132,250,000. From those two items in the three years they collected, in excess of what the Republican Party ever collected from such sources, \$273,198,000. That is going some."

But that is not a patch as to what you are doing now. What do you propose now? You propose by this bill and by revenue acts already on the statute books to collect this coming year \$134,000,000 on incomes, corporate and individual. You propose to collect on munitions and estate tax \$133,000,000. And you propose to collect on individuals \$111,750,000; or, in those three items, \$378,750,000.

That is not all. In addition to all that you propose to put your hand into Uncle Sam's pocket and extract \$222,000,000 of Panama Railroad bonds, that the Republican Party thought they had laid away. What they ought to have done was to have burned them. That is where they made a mistake.

You also propose to collect from corporations on all receipts profits over 8 per cent \$226,000,000. You propose to issue Treasury notes of \$100,000,000. In those three items in this bill, in addition to what was levied heretofore and was annually collected, you propose to collect \$548,000,000. Add that to the other items of excess taxes, of new taxes that my friend from New York [Mr. London] said the people had to pay-and he is right-add that to those taxes, and what does it amount to? It amounts to the round sum of \$1,417,444,029-almost a billion and five hundred millions of dollars. Do you suppose the people will stand Do you suppose that in 1918 you will not hear from the people from the Atlantic to the Pacific, from the Lakes to the Southern States, and from the farmers in every agricultural State, who will condemn you, and will assist in turning you out of office. [Applause.]

Personally I have great respect for many gentlemen on the Democratic side of the House. I have formed many acquaint-ances that are dear to me, but your policies are reprehensible. If the Republicans will vote against this bill solidly, as I believe they will, enough Democrats may join them to defeat it. The country will not suffer, and at the extra session which will be called, if this bill is defeated, the Republicans and independents will organize the House, and pass a bill that the people

will approve.

The taxes proposed to be assessed and collected by this bill, as enumerated by the chairman of the Ways and Means Committee [Mr. Kitchin] in the report submitted by him with the bill, are as follows:

Estimated revenue under present law. Customs	\$230, 000, 000 325, 000, 000
Total	555, 000, 000
Estimated revenue under this bill: Tax on excess profits over 8 per cent on capital of corporations On capital of partnerships.	170, 000, 000 56, 000, 000
Emergency revenues and receipts from munition manufacturers and estate taxes	134, 000, 000
Income tax; Corporation Individual	133, 000, 000 111, 750, 000
Sale of Panama Canal bonds 3 per cent certificates to be issued by the Secretary of	222, 000, 000
the Treasury	100, 000, 000
Total	1, 481, 750, 000
Deduct estimated balance in general fund, June 30,	64, 305, 971
Release to be agreeded and collected	1 417 444 090

Balance to be assessed and collected______ 1. 417. 444. 029 I submit, Mr. Chairman, that such an extravagant, unjust, and

unwise bill should be defeated.

Mr. FORDNEY. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. Garland].

Mr. GARLAND. Mr. Chairman and gentlemen of this committee, I do not think that all of the eloquence that has been heard here or all the figures that have been compiled here will make one tota of difference when it comes to a vote on this question. The Republicans are going to vote, and rightfully, for what they believe in, a protective-tariff measure, and against this measure. The Democrats are going to vote for this measure, because it is a "get-by" measure only with them, and has been so stated time and time again. It is only for the present, something to pass us by.

When you come to measuring the difference between a proposition that will give protection to American industries and American workmen and a "get-by" measure of this kind, for the moment I want to retrospect to the time when these things

the moment I want to retrospect to the time when these things were in operation and prove their conclusions.

I remember from 1892 to 1896, when we had another Democratic administration in the White House and at both ends of the Capitol, and they worked their sweet will, so far as passing measures for revenue were concerned. They omitted to protect the working people of this country and the industries of this country, and as a consequence pestilence, famine, chaos, and distress came over the land. At that time I was the head of a great labor organization, and it became my duty to go over the

country trying to get employment for the men I represented. I remember we had to voluntarily reduce our wages, and from the incoming of that administration until the outgoing of it four years afterwards, year after year, yea, month after month, we were called together of our own accord in the hope of getting something to do.

But the mills remained idle; the wheels stopped; the mines closed, and the grass and the weeds grew up around and even into the doors of the factories. The whistle no longer sounded, and men stood in knots and groups, in distress, questioning the possibility of ever seeing better times again. then, when 1896 came, men were eager for an opportunity to go to the polls again, and they went there and voted; and the entire administration was changed and a protective-tariff bill passed, and, miraculously as it may seem, in six months' time every old tub of a manufactory was working again, labor was fully employed, wages were leaping higher and higher all the time, and the bells rang and the whistles blew for people to come to work, and happiness reigned in the land.

That went on until four years ago, in 1912, and then came a catastrophe in which there was a split in the Republican Party. No other cause in God Almighty's world changed the complexion of this country. The Democrats came into power again, and they went at it as usual-blindly for the time beingout looking forward, and they passed another low-tariff bill, and from the moment that it passed things started backward. And two years after that great successful event that they heralded here on the floor-two years after that all we had to do was to walk around and look at the people, idle, in order to be elected to the Congress of the United States, and we cut down your great majority 75 in that one year. Then two years passed by, and now you quote the election just passed as being a great victory! Was it? You elected one man, but the great mass of the people of the United States repudiated you by sending a larger number of Republicans into the Congress than there were before. [Applause on the Republican side.]

Everyone will admit that the war in Europe can not be kept going very much longer, and just so sure as the saying goes. "After the flood comes the deluge," just so sure will we see this country overrun with cheap foreign-made goods unless we protect the industries of this country and the workingmen of this country by passing a protective tariff, and it seems to me that now is the proper time to do it; and if the Republicans of this House had the power, they would pass that kind of a bill instead of the one that you offer here. We must not forget that the men in foreign countries have been taught a lesson of economy in living in the trenches in the last 2½ years that will be one of the elements of their possibility of working cheaper, to reestablish the industries in their countries, and, in addition to that, the factories and the mines and the mills have taken from the homes the women and children and employed them and have given them the skill that belonged to only man's hand before this war, and they will add their assistance to the cheapening of foreign-made goods. There will be no provisions there as to child labor or hours which women work, and we will have this to contend with.

I note that it delights some Democrats to allude to the fact that at times articles may be sold abroad cheaper than they are sold here in this country, and they attempt to use that as an argument against a protective tariff. They do not take into consideration that the drawback established by a protectivetariff bill and which is in all protective-tariff bills is yielding to the importers in this country who bring in raw material or materials only partially made up for the purpose of manufacturing those materials, and giving employment to our workmen in doing so, into a finished product, from five to seven million dollars a year. In other words, anyone who brings in from foreign countries raw material or partially raw material and employs workingmen to make up that raw material into a finished article, in whole or in part, to be shipped abroad, receives from the Government a drawback on the tariff duties that they are required to pay of 99 per cent. In other words, the Government only retains 1 per cent to pay clerical work in the transaction. These articles go abroad and are sold into foreign countries as of American manufacture.

Our Democratic friends do not tell you that these articles are

sold abroad after having been manufactured here in that way. Mr. Chairman, I think that now is the time for the Democratic Party to take heed of their action, if they expect to be returned to Congress by the people of this country, and in taking heed pass a new protective-tariff bill whereby to collect needed

revenue.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FORDNEY. Mr. Chairman, I yi gentleman from Michigan [Mr. SMITH.] Mr. Chairman, I yield 10 minutes to the

The CHAIRMAN. The gentleman from Michigan is recog-

nized for 10 minutes.

Mr. SMITH of Michigan. Mr. Chairman and gentlemen of the committee, I did not have a very good opinion of this bill after reading it, but in order to prove that it is a bad bill I call your attention to the fact that as soon as the gentleman from New York [Mr. London] read the title of the bill, he said

he was going to vote against it.

Now, that must prove it to be a pretty bad bill. The catchy part of the bill, it seems to me, is that which says it is a tax upon the excess profits of corporations. That is what will catch the people. Now, I want, before I undertake to present it to you, after the method in which the President presents his messages, to see if I have a correct understanding of this tax on excess profits, and if I am wrong I would like to be corrected now, because I think the country will want this informa-And so I will take as an example a corporation of \$100,000, which was used here yesterday as an illustration; and, first, as I understand the facts, the corporation will figure up its entire income for the year, and it will deduct from that, first, the cost of operation. Next, it deducts all taxes paid. Third, it deducts \$5,000 from its capital stock or its capital invested.

Mr. MADDEN. From its profits.

Mr. SAUNDERS. Deducts it from its profits.
Mr. SMITH of Michigan. Yes; \$5,000 from its profits. So much more in favor of the corporation. And fourth, the corporation deducts 8 per cent upon its capital stock or property invested in the corporation.

Mr. SAUNDERS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. Yes.

Mr. SAUNDERS. You have omitted one element. In addition to what has been recited it deducts 8 per cent on the capital stock, undivided profits, and surplus, and then it pays 8

per cent on the excess over that.

Mr. SMITH of Michigan. Yes. I thank the gentleman for the correction. That is 8 per cent further. Now, if that where all that the corporation had to-pay, it might be that there would not be serious objection. But as shown further on we all know that a corporation pays a tax to the State upon the original capital. It pays a further State tax upon all the increase of the capi-In Michigan it pays a commission on all new stocks and bonds authorized, and once a year is levied a State, county, school, district, and highway tax, and other special taxes. Once a year also a tax is levied by the city and municipality. Then along comes Uncle Sam with a tax on special stock. Again he appears and taxes the earnings above a small amount. Then in case any of the earnings of the company are distributed, either as dividends or as capital, and certificates issued to the stockholders, Uncle Sam again levies a tax on the individual if he happens to hold any considerable amount of interest in the company; and then on top of all this a corporation is the target for all sorts of charities, including foreign relief funds, local charities, hospitals, churches, celebrations of all kinds, ad infinitum.

Mr. Chairman, in the consideration of the pending bill I do not

overlook the fact that it requires money to carry on this great Government of ours. I was about to say that the greatest question before the American people at the present moment is how to raise sufficient revenue to carry on the Government. It certo raise summent revenue to carry on the Government. It certainly has furnished perplexities without number for our Democratic brethren, and the end is not yet. How to raise the revenue for simply carrying on the Government and paying the expenses of running the Government are questions to be met, and it is a problem about which there are party and individual differ-

ences.

But great as this question is, it is not as important to the United States as the question of whether or not we ought to embroil our Nation in European affairs, European politics, or the European war. To avoid entangling alliances was the advice of Washington; and while that great and beloved American patriot has long since passed from the scene of action, and there have been many changes in our domestic affairs since his day, still time has proven the value of his advice and wisdom, and we have felt safe in following his dictation.

It is not original with me to say that if we ever form, engage,

or enter into European politics, that if we ever form an alliance with European nations, that if we become a party to preserve their national existence, it will be permanent, and we will never as a Nation be able to withdraw or be released from our obligations. Here we should hesitate long and be sure of our gations. Here we should hesitate long and be sure of our ground before taking the step. We started out to be an independent Nation. We are an independent Nation. Our forefathers of Revolutionary times endured hardships almost indescribable to cleave us from our mother country, and then told us to keep independent and alone. President Monroe not only set his approval upon such a course, but has promulgated a doctrine that has further marked out and defined the course we should pursue.

Grover Cleveland even in the matter of settling a boundary dispute between nations on the Western Hemisphere claimed it would be a violation of the Monroe doctrine to permit a foreign country by force to interfere in extending such boundary into the domain of an adjoining country, and threatened to declare war to maintain the principles of the Monroe doctrine.

Why we should now engage in the politics and affairs and undertake to dictate terms to foreign countries, make a treaty, or agree to become a party to the conduct of their affairs is not

altogether plain, however praiseworthy.

Should we become a party to an agreement to preserve the integrity of Turkey? It has been the dream of the Christian world to rescue the sepulcher, and yet this is one of the Nations . who would come in first under such an agreement, protocol, treaty, convention, or concert of nations as would provide for the stability of their boundary and the autonomy of government in foreign countries.

After the domain of Turkey shall have been secured, next might come Manchuria, Tripoli, Abyssinia, Fiji, or the Cannibal Isles. Are we to fight for them? And who would call out and direct the army? Ought we under present conditions to use the strength of our Army and Navy to enforce peace in Europe, even "without victory"? Washington, the greatest of patriots, the one premier American, whose conscious presence is ever about us and whose country and Republic we are sworn to uphold, in his farewell address stated:

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations to have with them as little political connection as possible.

I know Tennyson has pictured such a time, and we have all prayed for that time to come ever since, but he first prophesied

Heard the heavens fill with shouting, and there rain'd a ghastly dew From the nations' airy navies grappling in the central blue.

I notice that there is much mentioned in the press that if we wish to vindicate our rights we should take a peep over into Mexico. I am for peace and order. I think we have had a greater reason for going into Mexico with our Army and preserving peace and order and assisting in maintaining a protectorate government there than we did in Cuba or the Philippines.

It did not cause any heart thrill of a warm-blooded American citizen to send our Navy to Vera Cruz and shell a helpless city, or to march our soldiers into the heart of Mexico and march them out again. Our Mexican policy has been one of ignominous failure, and it has done its share to deplete our Treasury. In future generations this will be known as the war of the President, with the most powerful Nation on earth on one side and the most distracted on the other.

This talk about corporate misdeeds and unjustifiable American investments in Mexico may do to prejudice a nonthinking public, but the slaughter of American citizens is not the way to adjust American investments either in foreign or domestic If we are for peace, and speed the day, Mexico is a affairs.

good place to show our convictions.

I admit that it is easier to tell what ought to have been done by looking back over past experiences than it is to tell what should be done in the future. Now it is easy to see that Huerta should have been recognized. Why he was not looks more like putting up a bluff against Huerta at this angle than it did to consummate a diplomatic adjustment of our obligations to protect American citizens in foreign countries or strengthen our relations with that sister Republic situated here on our own We did not even have the satisfaction of a salute from him. We have done more for Villa and Carranza than we did for Huerta, and we owe them less respect. Huerta may have obtained the Presidency by revolution, but so did every President of the Republic from the conquest of Hidalgo to the present time. And it will be so with the next ruler, whether it be Carranza or Villa. But we have now marched our soldiers out of Mexico; here comes the flag and here comes the fife and drum. We have finally determined upon a Mexican policy, "Go to it" interpreted to mean "let them fight it out among themselves." Every one of the soldiers going into that country went there to do his duty; every one of them was a hero; but in time to come he will not be proud of the experience or achievements of the American Army or Navy on that occasion. The net result—Villa shot in the leg, a long hike, and a \$150,000,000 addition to the deficiency of the Treasury.

The appropriations needed to carry on the Government for the next fiscal year, and which must be provided for, exceed

\$2,000,000,000. They exceed the estimate submitted at the beginning of the last session by \$368,961,845, and exclusive of deficiencies and miscellaneous items exceed the appropriations for the current fiscal year by \$181,936,211. This is the statement put into the RECORD by the minority chairman of the Committee on Appropriations, and with the added remark that every appropriation bill is increased over the amount carried for the current year, with the exception of the river and harbor bill.

We are and have been at peace with all the world. now engaged in providing ways and means of raising this vast How are we to raise it and how should we raise it? are the questions. The present bill, among other ways, provides for the issuance of Government bonds. Some of this bond money will be used to pay current expenses. With that I am not in sympathy and do not agree. While aiming to reach the overreaching corporations, it metes out a staggering blow to the legitimate manufacturer and sends a shock through our domestic concerns engaged in close competitive trade and pursuits, employing labor and paying a just wage. The tax is measured by the amount of business done. I am not in accord with this method of direct taxation. I stand for the American manufacturer against the foreign manufacturer. I am for the American laborer and for a fair wage and a legitimate return to the employer of labor. I believe in a protective tariff. My district stands for it, and the State of Michigan stands for a protective tariff, not for the protection alone but as the best way of raising our revenue.

Among the items going to make up the deficiency of the Treasury and calling for the issue of bonds and a new method of taxation are to be found:

To purchase ships 5 For constructing a nitrate plant 2	2, 000, 000 0, 000, 000 0, 000, 000 0, 000, 000	
--------------------------------------------------------	----------------------------------------------------------	--

In all

Of course, having spent the \$162,000,000 already in Mexico, we must now raise it somehow, but we could by hook or crook defer the others to a more opportune time. Until the Republicans are restored to power, and then it will not be necessary to raise it at all.

My colleague, Mr. FORDNEY, of Michigan, demonstrated yesterday very clearly that under a Republican protective tariff properly levied, carrying no greater rate than the Payne bill, would have paid even for these expenditures, and the sale of the Panama bonds would have met the additional appropriations now proposed. When the Republicans went out and the Democrats came into power there was a cash balance of \$130,000,000 to the credit of the Government in the Treasury of the United States. Now, we have a deficiency of \$300,000,000. This change was brought about since the change of administration, and we have been at peace with all the world all the time. So say our Democratic brethren.

THE PROPOSED BILL.

The proposed bill is divided into four separate parts called titles, viz, Title I, which specifies that the revenue collected under Title II of this act and one-third of the receipts collected under Title III, together with the additional revenue collected under the act of September 8, 1916, to the extent of \$175,000,000, shall constitute a special preparedness fund; Title II, the excess profits tax; Title III, the amended estate tax; and Title IV, miscellaneous, which provides (1) for a bond issue, (2) for the issue of additional certificates of indebtedness, and (3) that the Commissioner of Internal Revenue may have authority, within his discretion, to require a corporation to state in its return to whom it has paid dividends and the amount thereof.

TITLE I-SPECIAL PREPAREDNESS FUND.

This title provides that the receipts from the excess profits tax and one-third of the receipts from the estate tax provided in this bill, together with \$175,000,000, the additional revenue collected from the taxes levied in the revenue act of September 8, 1916, shall be set aside as a special preparedness fund to be used toward defraying the expenses for the Army and Navy and fortifications. It is provided, however, that should there be no other money available in the Treasury to meet current obligations that the Secretary of the Treasury may use this fund for other purposes, but any sums so disbursed must be returned to this fund.

TITLE IL.

Which is too long to quote, provides for a new and additional tax on corporations and is called "excess-profit tax" on its net income.

Under it a corporation first determines its gross profits. Then from these gross profits deduct, first, the cost of operation; second, all taxes paid; third, \$5,000 in cash; fourth, 8 per cent on the total value of the capital stock or property invested in the corporation; fifth, then 8 per cent goes to the Government.

Then the corporation must pay to the Government 8 percent on the balance after the above deductions are made. This might seem reasonable, but when we take into consideration what corporations now pay, it will be found to be an added burden and takes from the surplus earnings of the association.

But it is said that a corporation making more than 8 per cent upon its investment ought to be willing to pay this additional Already corporations are singled out for meeting many local demands. A letter just received states on corporations:

- 1. A tax is levied by the State on the original capital at the time of

- incorporation.

 2. A further tax by the State is levied on all increases of capital.

 3. The Michigan Securities commission have to be paid a tax on all new stock or bonds authorized.

 4. Once a year a tax is levied for State, county, school district, country roads, and other special objects.

 5. Once a year a tax is levied by the city or municipality.

 6. Along comes "Uncle Sam" with a tax on capital stock.

 7. Again he appears and taxes the earnings above a small amount.

 8. Then, in case any of the earnings of a company are distributed, either as dividends or kept in the company and capitalized, and certificates issued to the stockholders, then "Uncle Sam" again levies a tax on the individual, if he happens to hold any considerable amount of interest in the company.

of interest in the company.

9. On top of that, corporations are the targets of all sorts of charities, including foreign relief funds, local charities, Young Men's Christian Association, Young Women's Christian Association, hospitals, churches, public celebrations of all kinds, etc., ad infinitum.

We all have our burdens, and corporations and manufacturers are not exempt. I am opposed to this bill. [Applause on the Republican side.]

Mr. KITCHIN. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. REILLY] 10 minutes.

Mr. REILLY. Mr. Chairman, the pending bill is correctly entitled "A bill to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications," because without these increased appropriations there would be no occasion for a special revenue measure.

The revenue bill of the last session of Congress should also have been thus entitled, because if it were not for the increased appropriations for national defense made during that session there would have been no occasion for new revenue legislation.

The Underwood tariff bill, with its income-tax feature, has surpassed the expectations of its framers as a revenue producer. In the first year of its existence, before the war, it produced \$10,000,000 more revenue than the Payne-Aldrich tariff bill did in its last year. If the European war had not intervened, the Underwood tariff bill would have met every revenue requirement of the Government.

From the beginning of civil government two systems of taxation have had their advocates, and it might be said that many of the great contests of the world have been waged around the question of taxation. The right to tax and the method of exercising that right have been two great issues that have often resulted in conflicts. One of these systems is known as the direct and the other as the indirect system of taxation. The indirect system of taxation has always been favored by the wealthy classes, and is represented in legislation by tariff duties which place the tax upon consumption, while the direct system of taxation, represented in this country by the income tax and the inheritance tax, taxes a man according to his ability to pay.

The Republican Party has always stood for the indirect system of taxation-the taxing of a man's necessities-while the Democratic Party has always been the advocate of the direct system of taxation, which taxes a man according to his ability

to pay,
During the present administration the Democratic Party has demonstrated its friendliness for the direct system of taxation by the enactment of an income-tax law and an inheritance-tax law, and by proposing for enactment into a law of the pending measure, which provides for an excess-profit tax.

These three great taxation measures, whereby the wealth of the country will be compelled to pay its just share of the taxes necessary for the support of the Government, will during the next fiscal year bring into the United States Treasury approximately \$500,000,000 that our Republican friends would have raised through tariff duties, under which, according to distinguished leaders of their own party, the tariff barons would be able to collect \$3 for every dollar that found its way into the National Treasury. In other words, if our Republican friends could have their way, the people of the United States would have to pay \$1,500,000,000 as consumption taxes in order that \$500,000,000 of revenue might be placed in the National Treasury.

Our Republican friends would raise this huge sum needed to finance our program of preparedness by going back to the

Payne-Aldrich tariff bill, a bill that was so iniquitous as a taxing measure as to call forth the most strenuous opposition and denunciation from many of the leaders in their own party. The Hon. H. E. Miles, of Racine, Wis., a distinguished Republican and leading manufacturer, and who at one time was president of the National Association of Manufacturers, declared that the tariff graft was the greatest steal in the world, and that it robbed the American people of five hundred millions a year. The Hon. Francis E. McGovern, twice Republican governor of the State of Wisconsin and once a Republican candidate for the United States Senate, declared that the Dingley tariff law robbed the people of \$500,000,000 a year, and that during its 10 years of existence had unjustly taken from the consumers of this country \$5,000,000,000. The Hon. Albert Cummins, twice Republican governor of the State of Iowa and now Republican United States Senator from that State, declared that—

All of the robberies committed by all the insurance companies in all times past did not amount to one-fifth of the robberies committed under the Dingley law in a single year.

The late United States Senator Dolliver, of Iowa, a brilliant and distinguished Republican leader, made a terrific attack in the United States Senate on the Payne-Aldrich bill, denouncing it as the high-water mark of iniquitous taxation and viciously upbraiding his party for its perfidy in passing the same.

Let me inform you, my Republican friends, that even if you were disposed to go back to the service of the tariff barons and write another Payne-Aldrich bill, you could not come within a gunshot of raising the necessary revenue to finance the preparedness program of the present Congress, the enormous appropriations for which you are equally responsible with the Democratic membership of this House.

Why, your dear old Aldrich law, that represented protection run mad, raised through customs duties only \$333,000,000 in 1910, its first year; \$314,000,000 in its second year; \$311,000,000, its third year; and only \$318,000,000 its last year. At no time during its four years of existence did it come within \$15,000,000 of collecting the receipts of its first year. And why? Because in your desire to serve the tariff barons you had put the tariff rates so high that many of them were prohibitive.

If the Payne-Aldrich bill had remained on the statute books during the war until the present time, and no new revenue legislation had been enacted, the National Treasury would be confronted with a much larger deficit than it has to contend with to-day, for the reason that since the war began the importations of tariff-bearing articles or articles that carried tariff duties in the Payne-Aldrich bill has fallen off, with the exception of wool, which was placed on the free list in the Underwood bill.

The contention of the gentleman from Michigan [Mr. Fordner] that his party would raise the necessary revenue to support the National Government to-day by a tariff is ridiculous, in view of the fact that when his party was in full control in this House at a time when the expenditures of the Government were hundreds of millions annually below what they are to-day it confessed its inability to raise sufficient revenue under tariff duties by levying a tax upon business in the shape of a corporation tax—a tax that the gentleman now rails against as a tax on thrift.

It seems that some of the Republican Members of this House are in favor of tariff duties because they believe that the foreigner pays the tax. I really did not expect to hear the argument, that the foreigner paid the tax, advanced in this debate. And I was much gratified to hear the gentleman from Pennsylvania [Mr. Miller] state a few moments ago that he had been making Republican speeches for 50 years, and that he had never attempted to argue that the foreigner pays the tax. I congratulate the gentleman from Pennsylvania, and I assure him that it is a real pleasure to the Members on this side of the House to learn that there is at least one Member on the Republican side of this Chamber who refuses to sit still and permit members of his own party to argue that the foreigner pays the tax, without entering his solemn protest against such a line of argument.

Everybody knows the argument that the foreigner pays the tax has done valiant service for the tariff barons in many a political campaign, but I assumed that by general consent among Republicans the argument had been abandoned as unworthy of presentation to intelligent human beings. And I take it that this abondonment took place when the Republican Party promised the people of the United States, in its 1908 platform, to reduce the tariff if returned to power. Of course, if the foreigner paid the tax, no party, not even the Republican Party, would have been justified in reducing the tariff, and thereby transferring the burden of taxation from the shoulders of the foreigner to the shoulders of our American citizens.

I want to say to our Republican friends that if you believed in 1908 the bunk that some of you talk to-day, that the foreigner pays the tax, your platform plank on the tariff in 1908 was a treasonable betrayal of the people of this country.

The pending bill increases by 50 per cent existing rates in the present inheritance-tax law; it levies an excess profits tax on corporations, co-partnerships, and joint-stock companies of 8 per cent on the net earnings; in excess of 8 per cent on the capital invested, plus \$5,000. It is estimated that these two provisions of the present bill will bring into the Treasury annually about \$240,000,000 in revenue.

The bill also provides for the issuing of \$303,000,000 of bonds. These bonds are to take care of the expenditures incurred in the mobilization of our troops on the Mexican border, in the building of the Alaskan railroads, in the purchase of the Danish West Indies Islands, in the building of a nitrate plant, in the construction of a Government armor-plate plant, and in the upbuilding of a merchant marine.

While this measure in all its particulars does not meet with my approval, still on the whole I believe that it provides the best method for raising the revenue necessary to take care of our preparedness program. Under its terms the tax burden of preparedness is placed where, in my judgment, it ought to be placed—upon wealth, upon those who are best able to pay, and not, as our Republican friends would have, upon all who consume, without regard to their ability to pay.

There has been much said in this debate about the reckless extravagance of the present administration, and it has been charged that if the Democratic Party had been as economical in its administration of the affairs of the Nation as the Republican party was there would be no occasion for emergency revenue legislation.

There is only one real way of determining the question as to whether or not the Democratic Party has been more extravagant in the expenditure of public funds than the Republican Party, and that is by a comparison of records. I marveled as I sat in this debate and listened to some of my friends on the other side of this aisle extolling the economical record of the Republican Party, and I wondered if the gentlemen who were speaking of their party's record in the matter of appropriations really knew what that record was, or were they speaking as they hoped it was.

In the 12-year period beginning with Grover Cleveland's first administration and ending with his last administration, two-thirds Democratic period, appropriations for a single Congress were increased from \$655,000,000 in the Forty-eighth Congress to \$954,000,000 in the Fifty-fourth Congress, or about 50 per cent increase, while in the 12-year period of exclusive Republican rule, under Presidents McKinley and Roosevelt, appropriations were increased for a single Congress from \$954,000,000 in the Fifty-fourth Congress to \$2,114,000,000 in the Sixtieth Congress, or an increase of more than 100 per cent, and during President Roosevelt's last four years the appropriations were increased more than \$750,000,000 over the appropriations for his first four years.

It might be observed in passing that the enormous increases in appropriations of \$750,000,000 during Roosevelt's last term over his first term occurred when our country was at peace with the world and when there were only ordinary appropriations made for the national defense.

If we eliminate expenditures for the maintenance of the Post Office—which, by the way, should be eliminated in all comparisons of appropriations for the reason that as a general proposition the Post Office is self-sustaining under Democratic rule—we find that the present administration during the Sixty-third Congress increased expenditures of the Government about \$50,000.000 over the limit reached in the Sixtieth Congress, a Republican Congress, Mr. Roosevelt's last Congress, six years prior. While the said Sixtieth Congress, a Republican Congress, increased the appropriations, eliminated appropriations for post offices, more than three hundred and fifty millions over the total appropriations for the Fifty-seventh Congress, six years prior.

appropriations for the Fifty-seventh Congress, six years prior.

As a further comparison, if we take the Sixty-second and Sixty-third Congresses, the first two Congresses in which the Democratic Party was in full control in this House, and compare the appropriations of these two Congresses with the two immediately preceding Republican Congresses, we find, eliminating Post Office appropriations, that the total appropriations for these two Democratic Congresses were only seventy millions more than the appropriations for the two immediately preceding Republican Congresses, while during the said two preceding Republican Congresses appropriations were increased more than four hundred and fifty millions over the two immediately preceding Republican Congresses.

Increased appropriations in both Democratic periods herein compared with former Republican periods are made up largely of appropriations for the support of the Post Office, for the upbuilding of the Navy, and the strengthening of the Army, and for more liberal pensions for the old soldiers.

I take it that none of our Republican friends who have denounced the Democratic Party as a party of extravagance will stand on the floor of this House or elsewhere and condemn the Democratic Party for its liberal treatment of the veterans of our wars, for increasing the appropriations for the Army and the Navy, and for the expansion of our postal facilities.

Thus it would appear that if we eliminate the increased appropriations of the present administration concerning which there is no conflict or dispute the Democratic Party during its first four years of complete control in this House has kept the ordinary expenditures of the Government down to about what they were under Republican rule at periods of four and six years prior to the Democratic Party's control in this House, an accomplishment that points to economy and not to extravagance in appropriations in view of the record of the Republican Party in increasing by leaps and bounds appropria-

tions for the support of the Government.

However, while the Republican Party during its 16 years of power paid practically no attention to economizing in national expenditures and left a record of reckless extravagance in appropriations unequaled by any party in the history of this Government, it is a fact that during President Taft's first two years an effort was made by that party to economize, and strange as it may seem, the party that prides itself on being the party of national defense began its record of economy by cutting down the appropriations for the Army and the Navy. During the first two years of President Taft's administration appropriations for the Navy were reduced from \$136,000,000 in the last session of the Sixtieth Congress to \$131,000,000 and \$126,000,000 in the first and second sessions, respectively, of the Sixty-first Con-gress, and the appropriations for the Army were cut down from \$101,000,000 in the last session of the Sixtieth Congress to \$95,000,000 and \$93,000,000 in the first and second sessions, respectively, of the Sixty-first Congress, President Taft's first Con-The reduction in the Army and Navy appropriations in President Taft's first Congress, together with decreased appropriations for pensions, were largely responsible for the showing of economy made by the Republican Party in the Sixty-first

I believe that the gentleman from Illinois [Mr. MADDEN] made a statement to-day that the Republican Party made the American Navy the second navy in the world. Whether that statement be true or not, the fact remains that the Republican Party began to unmake our Navy and our Army in the first and second sessions of President Taft's first Congress by cutting down appropriations for the support of both of these arms of our

national defense.

We have heard much in this debate about Democratic pork—river and harbor and public-buildings bills. Let us appeal to the Record again, which shows that President Taft during his administration signed river and harbor bills and public-buildings bills—pork bills now, but wise and economical appropriations then-that carried almost \$90,000,000 more than what President Wilson during his first term will sign if he signs the public-buildings bill and the river and harbor bill recently passed by this House. In other words, my dear Republican friends, your Republican President Taft, as chief of your economical party, permitted legislation carrying \$250,000,000 of so-called river and harbor and public-buildings graft to become laws, while President Wilson in the same length of time, as the head of what is termed an extravagant Democratic administration, will permit, if he sign all of these bills passed by this House to date, only \$159,000,000 of such legislation to pass

Now, my Republican friends, are you not really ashamed of yourselves to be talking about this administration as a porkbarrel administration, in view of the record of your own party

along the line of pork?

The gentleman from Nebraska [Mr. REAVIS] stated a few moments ago that he had not voted for the public-buildings bill or the river and harbor bill, and that he was not responsible for all the increased appropriations of the present Congress. I congratulate the gentleman on his vote, and will state that I have not voted for a river and harbor bill or a public-buildings bill during my almost four years' service in this House; but I desire to call the gentleman's attention to the fact that in his opposition to large appropriations he is very lonely on his side of this Chamber. He has but few associates in his fight for economy, because it is a matter of common knowledge and of record that practically every effort to reduce appro-

priations during the present Congress has met with the almost solid opposition of the Republican side of this House.

I venture the statement that no party in the future will be able to reduce the ordinary expenditures of this Government. The Government is growing, growing rapidly by the establishment of bureaus and boards. People are demanding that the Government do so many things for them not heretofore considered governmental duties that the ordinary governmental expenses must necessarily increase, and all that any party can hope to do as the watchful guardian of the Public Treasury is to keep the ordinary appropriations from increasing unrea-

While I do not claim that the Democratic Party has done all that it should do in the way of curtailing and economizing in public expenditures, it does appear from the record, to use the language of the gentleman from Pennsylvania, Gen. Hulings, who occupied a seat on the Republican side of this Chamber in the Sixty-third Congress, that "it lies not in the mouth of the Republican Party to charge the Democratic Party with extravagance.'

I have made no reference to the appropriations of the present, the Sixty-fourth, Congress for the reason that more than \$1,000,-000,000 of the increased appropriations of this Congress already made or to be made are and will be the answer of Congress to an apparent public demand for increased expenditures for the national defense, and for these increased appropriations the Republican side of this Chamber must share equal responsibility with the Democratic side.

The gentleman from Pennsylvania [Mr. GARLAND] indulged the House this afternoon with a tariff argument that must have caused some of his colleagues on his side of the Chamber to retire to the cloakroom so that they could indulge in a quiet laugh.

I presume the gentleman thought that, inasmuch as others on his side had seen fit to urge in this debate the argument that the foreigner pays the tax, he was justified in bringing forth from the political grave of the past another of the tariff barons' arguments, to wit, that the Wilson Democratic tariff act of 1894 brought on the panic of 1893.

I have no doubt at all but that the gentleman from Pennsylvania has heard the 1893 tariff panic argument so often from Republican campaign speakers in the past that he has really come to believe that there is something in it.

Of course, all who are familiar with the history of the great panic of the nineties know that the said panic began in May, 1893, about 2 months after Benjamin Harrison left the White House, and 14 months before the Wilson tariff bill became a law.

According to the argument of the high-tariff advocates, the panic of 1893 was caused by a reduction of the tariff duties in the Wilson tariff bill, which reduced duties permitted our markets to be flooded with foreign-made goods and caused our factories to be closed and our laboring men to be thrown out of employment. This argument sounds well, and it has rendered great service to the Republican Party in several campaigns, but unfortunately the argument is based upon supposed facts and not

There was no flooding of our markets with foreign-made goods during any part of Grover Cleveland's administration or during the life of the Wilson tariff bill.

During the four fiscal years of Cleveland's administration and the life of the Wilson tariff bill our total imports were \$400,-000,000 less than during the four previous years of Harrison's administration under the McKinley tariff law, and for the fiscal year ending 1894, the first year of Cleveland's last administration, our imports of manufactured articles and articles for further use in manufacturing, the only two lines of imports that competed with American factories and American laboring men, were \$133,000,000 less than our imports of the same kind of articles for the previous year under Republican rule.

During President Cleveland's last four years our imports of manufactured articles and articles for further use in manufacturing were \$221,000,000 less than the imports of the same kind of articles during the previous four years of President Harrison's administration; during each of the fiscal years of President Cleveland's last administration, before and after the passage of the Wilson tariff bill, our imports of manufactured articles and articles for further use in manufacturing did not equal for a single year, not to say exceed, the imports of the same kind of articles of the corresponding years of President Harrison's

administration under a Republican tariff law.

The record of exports during the Cleveland second administration and the life of the Wilson tariff law does not indicate that our factories and our laboring men could have suffered any

loss of business or employment because of the passage of the Wilson Tariff Act.

During the first fiscal year of the second Cleveland administration our exports of manufactured articles and manufactured articles for further use in manufacturing, exports that meant employment for American factories and American laboring men, increased \$24,000,000 over the previous fiscal year under the Republican tariff and Republican rule, and the total exports of manufactured articles and articles for further use in manufacturing, during the four fiscal years of Cleveland's second administration and the Wilson tariff law. show an increase of \$249,000,000 over the previous four years of Republican rule under a Republican tariff law. The last year of the so-called free trade Democratic Wilson Tariff Act our exports of manufactured goods and manufactured goods for further use in manufacturing, reached the high-water mark of \$311,000,000, an increase of 75 per cent over the last year of Benjamin Harrison's administration, and our total exports for the last year of the Wilson tariff bill also reached the high-water mark of \$1,032,000,000, or \$17,000,000 more than the best Republican fiscal year of 1893.

In view of the foregoing record of decreasing imports and increasing exports of manufactured articles and manufactured articles for further use in manufacturing, during President Cleveland's second term and during the life of the Wilson Democratic tariff law, it is no wonder that the late Senator Doliver, an able Republican leader, declared in the 1910 tariff debate in the United States Senate that he never believed that the Wilson tariff law brought on the panic of 1893.

What sane man could believe that a law that was not passed until 14 months after the panic began could have been responsible for the panic? What sane man could believe, in view of the customhouse record of that period, which tells of fewer manufactured goods coming into our country and more manufactured goods going out from our country to other markets, that such conditions could be responsible for a panic?

The gentleman from Pennsylvania [Mr. Garland] also charged that the Underwood tariff bill had ruined American industries and deprived millions of our workingmen of their jobs, by permitting through lower duties foreign manufacturers to flood our markets with their wares. Again the gentleman from Pennsylvania is simply repeating the arguments of the tariff barons, arguments based upon supposed and not real facts.

With all due respect to the distinguished gentlemen who have been talking about the rulnous effect of the Underwood tariff bill upon our industries, let me state that the records of imports and exports do not show that there has been any unusual increased importation of the manufactured products of the world into our country to compete with our factories and our laboring men since the enactment of the Underwood tariff law. The fact of the matter is, the record shows that our factories and our laboring men have had less competition from the manufactured products of foreign countries since the Underwood bill became a law than they would have had if the importation record of the Payne-Aldrich bill had continued down to the present time.

During the fiscal year 1913, the last fiscal year of the Payne-Aldrich bill, our imports of manufactured articles ready for use and manufactured articles for further use in manufacturing increased more than one hundred millions over the imports of the same kind of articles for the previous fiscal year. the fiscal year 1914, the first fiscal year of the Underwood tariff bill, our imports of manufactured articles ready for use and manufactured articles for further use in manufacturing increased only eleven million over the imports of the same kind of articles in the fiscal year 1913, the last year of the Payne-Aldrich bill; during the fiscal year 1915, under the Underwood tariff bill, our imports of the same kind of articles amounted to one hundred and eighty million less than the imports for the last fiscal year of the Payne-Aldrich tariff bill; and for the fiscal year 1916 our imports of the same kind of articles, manufactured ready for use and manufactured articles for further use in manufacturing, amounted to eighty-two million less than the last year of the Payne-Aldrich tariff bill, the fiscal year of

Where are the manufactured goods the product of foreign cheap labor we have been told came to this country after the passage of the Underwood bill that closed so many of our factories? Is it possible that these importations of foreign goods existed only in the imagination of the high-tariff advocates? Well, it looks very much, from the record, that such is the case. Increased importations? No; decreased importations to the amount of more than two hundred million is the record of the Underwood bill down to the fiscal year ending June 30, 1916, in the matter of manufactured articles ready for use and manufactured articles ready for use and manufactured.

factured articles for further use in manufacturing, two lines of imports calculated to take business from our manufacturers and work from our laboring men.

It has been charged in this debate, not only that the Underwood bill had seriously crippled American industries before the war broke out but also the charge has been made that when the European war is over, judging by present imports, our markets will be flooded with foreign-made goods and our industries ruined. In this after-the-war argument we recognize an old friend of the recent campaign. During the political battle that has passed into history the Republican spellbinders, when they did not think it safe to announce to an intelligent audience that the foreigner paid the tariff tax, put in their time in telling the laboring men, the business men, the manufacturers, and the farmers what was going to happen to this country when the war was over.

The Republican stump orator would exclaim, if our imports from foreign countries can increase \$500,000,000 in a single year, when 20,000,000 of the workingmen of Europe are engaged in destroying each other upon the fields of battle, what will become of our industries when the war is over and these millions of men are returned to the workshops of Europe?

Of course, such an unqualified statement was calculated to terrify American manufacturers and American workingmen. There can be no doubt at all but that the after-the-war argument was worked to the limit by our Republican friends, and in many places it was a success as a vote winner.

The record, as I have shown, disproves completely the charge that our manufacturers received any ruinous competition from foreign countries before the war, as a result of the passage of the Underwood tariff bill. The record also disproves the charge that our industries are menaced or will be menaced when the war is over, because of the fact that we imported last year \$500,000,000 more of foreign goods than we imported a year ago.

It is true that our imports during the last fiscal year increased \$500,000,000 over what they were a year ago, but what kind of products made up this enormous increase of imports? Manufactured products ready for use or consumption? Manufactured products to be used in further manufacturing? No. The record discloses that this large increase of \$500,000,000 in our imports in a single year was made up largely, if not entirely, of raw materials for use in our factories, and as shown by the records during the fiscal year, of this enormous increase in our imports of all classes of articles, \$82,000,000 less of manufactured articles ready for use and manufactured articles for further use in manufacturing were imported than the last fiscal year of the Payne-Aldrich bill. In other words, while our total volume of imports for the last fiscal year exceeded by several hundred million dollars our total volume of imports for the last year of the Payne-Aldrich bill, our manufacturers and our laboring men had to contend with \$82,000,000 less of competition from foreign countries.

There is a vast difference between importing into our country raw materials for use in our factories and the importing of manufactured articles ready for sale. The importing of manufactured articles ready for sale may take work from our factories and laboring men, while the importing of raw materials gives work to our factories and our laboring men. You can not close the factories of this country by importing large quantities of raw materials.

Both parties in the past have stood for free raw materials as essential for our industrial development. The fact of the matter is, the large increased importations of raw materials during the past fiscal year, and which fact was taken advantage of by our Republican friends in the recent campaign for the purpose of terrifying the business and laboring world, made it possible for our factories to break all records in turning out manufactured products, and without the hundreds of millions of increased importations of raw materials many of our factories would have been idle and hundreds of thousands of workingmen out of employment.

I do not know what will happen after this terrible European war is over. The gentleman from Michigan [Mr. Kelley], who made an eloquent speech this afternoon, telling of the large number of our men that were employed to-day on foreign orders, orders resulting from the European war, does not know what the industrial conditions will be when this great war is over. No living man can foretell what economic industrial conditions are going to follow in the wake of Europe's mad war. History furnishes no parallel by which to judge of coming events. However, I do know that in the Underwood tariff bill we have the highest tariff rates of any protective-tariff country in the world, except Russia, to protect our industries from foreign competition. I do know that we have an antidumping law designed to prevent

the flooding of our markets with cheap, foreign products after the war, and I do know that the present administration has pro-Tariff Commission with powers to investigate and to advise Congress as to the tariff rates necessary to meet any changes in economic conditions that may exist when Europe once more becomes a land of peace.

Mr. FORDNEY. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. SMITH].

Mr. SMITH of Minnesota. Mr. Chairman, if you want to

please a man, tickle his stomach; if you want to displease him, strike his pocketbook. When you come to the raising of taxes, you always affect the pocketbook. The question that is before us for consideration is whether or not the bill that the ma-jority has offered is such a measure as we can support, notwith-

standing it will affect the pocketbook.

H. R. 20073 is only another instance of the incompetency and extravagance of the present administration in its handling of our domestic affairs. This makes the fourth revenue bill that it has adopted within four years-something that has never happened before since the creation of the Government, not even during the Civil War—and the strange thing about it is that each of your revenue bills is less scientific and more unsound than its predecessor. Judging by your last attempt either you have not tried to frame an intelligent measure or you do not know how. You have taken the simplest way, and that is to tax a few fellows whom you think have some money. You claim this to be the effect of your bill. In this you are incorrect as usual. Under your administration of affairs the Federal Government will have to collect \$2,300,000,000 in taxes for the fiscal year ending June 30, 1918, to pay for your recklessness, while the American people under a Republican administration in the fiscal year ending June 30, 1913, were only required to raise \$664,000,000 to defray the expenses of the Federal Government and \$1,466,000,000 to defray the expenses of State. county, and municipal governments. You are now compelling county, and municipal governments. You are now compelling the American people to pay more than \$200,000,000 more for carrying on the Federal Government than it cost in 1913 to pay all the expenses of running the Federal Government as well as the State and municipal governments. Prior to your taking over the administration of affairs the amount of State, county, and municipal taxes was twice the amount spent for carrying on the affairs of the Federal Government, but since you got control it has cost the Federal Government \$833,000,000 more to carry on its affairs than it cost the States, countles, and municipalities of this country to carry on their governments in 1913. In view of these facts it is not surprising that you are ready to cover up your shortcomings, be what they may.

The imposition of an inheritance tax by the Federal Govern-

ment will work a great injustice to the laboring classes of our country, because it will rob them of the ability to maintain a home, which is just the reverse of what the authors of this bill claim for it. They claim that its great merit lies in the fact that it taxes the rich and lets the man of average means go scot free. I take issue with them on this proposition, and I am confident that I can demonstrate beyond question that a Federal inheritance tax will work a hardship on the masses of our people, because it will materially increase their State,

county, and city taxes.

As a general proposition I am in favor of an inheritance tax. No one familiar with the subject of taxation would in this hour of progress proclaim against it. However, I am opposed to the Federal Government imposing such a tax, because by doing so it robs the States of the ability to obtain revenue from inheritances. Forty-two of our forty-eight States are now

deriving a considerable revenue from this tax.

It is not a new legislative invention for raising public funds, but, on the contrary, has been in vogue since very early times, Gibbons, the historian, claims that Emperor Augustus originated this method of taxation to support the Roman Army. It was introduced into Great Britain in 1780 by Lord North, and has been resorted to by nearly all of the European countries. 1826 Pennsylvania adopted it, since which date 41 other States of the Union have made it a part of their tax system. From the standpoint of those who agree with the French tax commissioner, that "the science of taxation consists in plucking the most feathers with the least squawking," it is perfect,

The ability or faculty to pay has come to be the test in determining the justice of this tax, as has been well stated by the Supreme Court of Minnesota in State against Bazille, Ninetyseventh Minnesota, page 11. Seligman, in his excellent work on taxation, has this to say in reference to the ability-to-pay test:

That it is not only the basis of taxation but the goal toward which society is steadily working. It lies instinctively and unconsciously at the bottom of all our endeavors at reform.

Notwithstanding we are in full accord with this method of raising revenue, we recognize a very serious objection to it when it is resorted to to fill the coffers of the Federal Treasury at the expense of the small property owner, as does the present bill. When the Federal Government attempts to impose new and additional taxes upon the people it should take into consideration the tax burdens that its citizens are already carrying in the

support of their municipalities, counties, and States.

Under our dual system of government State and local taxes greatly exceed in amount Federal taxes, except when the Democrats are in power, and this condition will prevail so long as the States continue to perform their part of the contract of union, which was to do everything possible for the enlightenment, comfort, and happiness of the people within their borders not expressly delegated to and undertaken by the Federal Government. Realizing their obligations to their citizens, the States have vied with each other in establishing and maintaining excellent public-school systems, extending to rich and poor alike on terms of absolute equality the opportunity to get an education; in building asylums, reformatories, and prisons for the unfortunates; in establishing and maintaining free hospitals for the sick and infirm; and in a thousand other ways helping the people in their battle against the vicissitudes of nature. The things that affect us in our everyday life can be better performed by the States and municipalities; they are closer to the public. Through their personal touch and intimate knowledge, local officials can better discharge their duties and obligations to the people than the Federal officials, who are far removed from the home life of the average citizen and who are more chiefly concerned with formulating and initiating our foreign Until recently the officers of the Federal Government gave but little of their time to foreign affairs.

But since the Spanish-American War the isolation of the United States is past. With its passing a colossal responsibility has been imposed upon the General Government which at times monopolizes its attention to the exclusion of everything else. Therefore, instead of surrendering to the Federal Government matters of local concern, as has become the custom of late, we should resist every effort which, if successful, will deprive the State of exercising power and control over matters inherently Those functions of government that are local in their character belong to the States and should be jealously guarded. For the last 127 years we have adhered to this basic principle, and in the light of the success that has come to us, it would be an act of folly to abandon it. Instead of decreasing the activities of the State they should be materially increased, and as they are increased there will be a corresponding increase of local taxes. In 1913, under existing conditions, the American people paid in taxes for all governmental purposes—Federal,

State, and local-the following sums:

General Government____ State County Municipalities Municipalities

It will be seen from the foregoing that the head of the average American family is compelled to pay \$75.50 per year for the support of his State and municipality, and \$32.30 for the Federal Government, making in all a tax of \$110 per family. fore the bulk of Federal taxes have been derived from duties on imposts, and excise duties, such as that imposed on tobacco and liquors. When the majority of the State constitutions were framed the only form of taxation provided for was that on property. The authors of these documents were more concerned about "the rule of equality of taxation" than they were over a new source of revenue, as the old sources were then but slightly tapped. HOME OWNERS.

Taxes were not burdensome as now. In our modern city the mechanic, artisan, and man of small means could afford to own his own home. Alas! That time is rapidly passing and the enactment of this measure will materially hasten it. It is claimed by the proponents of this bill, the Democratic Party, that it is designed to make those who can best afford it pay this tax. If this is its only effect, then the only objection that could be urged against it is that it is unnecessary. While I am satisfied that under anything like an economic and business administration of our public affairs this tax would be unnecessary, I am not going to attack it on that ground, but on the ground that it takes from the States their only indirect source of revenue, which they must retain if they expect to remain a community of home owners.

By the Constitution of the United States the great source of

revenue to be found in duties on imports was reserved to the

General Government alone, and it was the policy of the founders of the Government to use the duties on imposts as the normal source of the national revenue. The field of direct taxation was left to the States, and it was tacitly understood that this field was not to be invaded by the General Government except in times of stress. As the activities of the State and municipal governments broadened and increased additional revenues had to be secured, and 42 of the 48 States have passed inheritancetax laws to meet this ever-increasing demand for funds with which to not only carry on the ordinary functions of government but to perfect and extend the public-school system, to provide more liberally for dependents, and in other ways to bring home to the people more of the blessings of a wise and munificent Government.

Every dollar raised by the States in this way relieves the small property owner of a part of his tax burden and tends to keep the tax at a point where he could meet it and save his home. The effect of this bill will be to deprive the States from ever-increasing inheritance-tax rates, and thus limiting this source of revenue to its present amount. The excuse offered for such a performance is that the States never have derived a very large revenue from this tax. Neither did the Federal Government derive any tax at all from incomes until very recently.

If the Federal Government forecloses the State's opportunity to increase its revenue from inheritances because it has not as yet worked this field to the limit, can not the States follow the same line of argument with equal justification and demand that the Government limit or abandon its tax on incomes because it failed to impose an income tax until very recently? If under a wise national policy State, county, and municipal taxes amount to nearly three times Federal taxes, as I have clearly shown, should the only special source from which the State derives a part of its revenue be appropriated by the Federal Government when the latter has at its command a number of sources from which it can derive revenue without interfering with the State tax system?

ADMINISTRATIVE FEATURES ARE BURDENSOME.

The administrative features of the Federal inheritance-tax law are unjust in that they place an unnecessary burden upon an estate. Under section 208 of the revenue act passed by the Sixty-fourth Congress the collector of internal revenue is forced to sell the property of an estate within 14 months after the decedent's death, unless the tax has been paid prior to that time. Many times this would result in considerable loss to the estate.

It is often a question of judgment when a piece of property will bring most. On such questions the judgment of the representative of the estate is worth far more than that of the average collector of revenues, who is apt to know but little or nothing about local conditions or the value of the property. Thus the court may decide there is reasonable cause for delay, but this is after suit is brought and expenses incurred. Neither the collector nor the representative of the estate has the power under the present law to determine when a reasonable cause for delay exists. That is left to the court. Section 208 can be stricken from the law without in any way impairing the chances of the Federal Government getting the tax due it in the orderly administration of the estate under State laws. There is no necessity for such drastic legislation as this, for under State laws the court has power to order the property sold to pay any charge against the estate and to remove a representative should he fail to obey such an order of the court. The collector has access to the State court the same as any other party inter-ested in the administration of the estate. Then why compel the collector to interfere with the administration of an estate when such interference is bound to work hardship on the estate and an interference with and a supersedence of State laws and courts? The collector must bring suit in the Federal court. He is not permitted to apply for relief to the court in which the estate is being administered, but must seek relief in a Federal court. I trust that at least section 208 will be amended so as to make it possible for the collector to intervene in the State court having jurisdiction of the estate. You are demonstrating beyond any question of doubt your incompetency to administer the affairs of this great Government. [Applause on the Republican side.]

Mr. KITCHIN. I yield 10 minutes to the gentleman from

Texas [Mr. Callaway].

Mr. Callaway].

Mr. Chairman, I am not going to vote for this bill, but I am going to vote against it for wholly different reasons than any given by the Republicans. I am going to vote against it because I know there is no necessity for spending the money to be raised by this bill to increase the armaments of this country at this time. I am a member of the Committee on Naval Affairs. We had months of hearings a year ago from

experts to enable us to determine the necessities for increases in the Navy, and I challenge any man to go through the 4,000 pages of hearings and, taking them as a whole, honestly say that any necessity for additional naval equipment to meet any emergency

Notwithstanding that, last year the appropriations amounted to \$313,300,555 for the Navy, \$262,596,530 for the Army, and \$25,774,550 for fortifications. This does not include what was carried in the urgent deficiency bill, which ran the appropriations for military purposes up to \$660,338,923, nearly three times as much as had ever before been spent in the history of this country; and this year they have been increased over last year to such an extent that the chairman of the Ways and Means Committee, Mr. Kitchin, in presenting this bill says that if we would only confine ourselves to the expenditures that we made last year, which were nearly three times as much as ever before in the history of the country, we would not have to impose this tax. For that reason I am against this bill. Not only is the tax a burden on the people, and on the whole people talk about different people escaping the tax; it is always shifted down from the man up the ladder to the man at the bottom; he can not shift it [applause]; we are burdening the people and every industry with this additional tax to enlarge the Army and Navy; that is not necessary, and jeopardizes the very existence of the institutions that our fathers fought to establish. If we had to have this revenue this would be a better mode of taxation than the tariff. If we had to have the revenue it is about the best method of levying it we can find, and I want to congratulate the committee on their method. But I do not congratulate them on yielding to the pressure from the Appropriations Committees and bringing in this bill, and I do not congratulate them when they tell me that they were not in favor of the appropriations, that they know they ought not to be made; that they know if the Democrats had economized even in their preparedness bills this year it would not have to be made, but they can not help it, because the different committees have made the appropriations, or all prepared to make the appropriations, and we are necessarily bound to raise the fund. The Ways and Means Committee is a general committee selected from the whole country. They know what the needs are, and they know there is no need of these additional expenditures, but the Committees on Naval and Military Affairs are made up differently. These committees are self-constituted committees, coming from localities that are directly benefited by the appropriations for military purposes. Look at the Committee on Naval Affairs made up of men from the different localities con-Naval Affairs made up of men from the different localities containing navy yards, ordnance factories, and so forth, that are forced by the demands of their constituency to make every effort to raise the appropriations higher and higher and higher.

Mr. TILSON. Will the gentleman yield?

Mr. CALLAWAY. You can look to the other committees—just in a moment—of this House. I analyzed the Committee on the committee of the committee o

Rivers and Harbors and showed how it was made up from places that had rivers and harbors they wanted to appropriate for, and the people from their respective districts pressing them for the highest appropriations; and then the Ways and Means Committee, calling itself logical, says that now, of course, "we know these appropriations were not and are not necessary, but these committees have made them, and when they have been made necessarily we are bound to raise the funds to meet them." If the Ways and Means Committee would say to these different committees, "If you make appropriations that you can not justify you can not get the money to carry them out "; and if you had iron down your backs and they knew you meant what you said they would not make such appropriations. What do you say to them? "Now, if you committees make appropriations and pledge the Congress and the country necessarily we will have to go on and raise the revenue." Tell them that your rear is open, attack you there, and drive you from your economic stand.

I now yield to the gentleman.

Mr. TILSON. I know the gentleman wishes to be accurate, and I wish to challenge the gentleman's statement so far as the Committee on Military Affairs is concerned. So far as my own appointment on that committee is concerned I have no interests in my district that ever asked for any military appropriation whatsoever.

Mr. CALLAWAY. Oh, that is true. I do not come from a naval section either; but the majority of the committee you serve on do, and the majority of the committee I serve on do.

Mr. FIELDS. Has the gentleman considered what district and what sections of the country the Committee on Military Affairs comes from?

Mr. CALLAWAY. Yes, sir.

Mr. FIELDS. Has the gentleman analyzed it?

Mr. CALLAWAY. I analyzed the different committees, because this is a thing I have argued in this House before. It is the truth. The Democratic Party, when it met at St. Louis last June, recognized the very thing that I have suggested here today, and in platform said:

We favor a return by the House of Representatives to its former practice of initiating and preparing all appropriation bills through a single committee chosen from its membership, in order that responsibility may be centered, expenditures standardized and made uniform, and waste and duplications in the public service avoided. We favor this as a practicable first step toward a budget system.

They saw the storm was rising then. As a gentleman on the Republican side said, we have had to deal four times with revenue bills made necessary by these awful expenditures that never occurred to us at the time we brought in the first revenue measure and could not have been foreseen, because there was no reason or foundation for them.

The St. Louis 1916 platform is the first platform of the Democratic Party since 1876 that did not pledge us to economy and denounce extravagance.

In 1876 we said in our platform:

We denounce the improvidence which in 11 years of peace has taken from the people in Federal taxes thirteen times the whole amount of legal-tender notes and squandered four times their sum in useless expense without accumulating any reserve for their redemption.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CALLAWAY. Give me five minutes more.

Mr. KITCHIN. I hate to give a Democrat who is going to vote against the bill any more time, but suppose I compromise with you and give you two minutes more?

Mr. CALLAWAY. I can not do anything with this awful proposition in two minutes.

Mr. KITCHIN. Then I will give you three minutes.
The CHAIRMAN. The gentleman from Texas is recognized

for three minutes.

Mr. CALLAWAY. What had been the expenditures of that year which we denounced in the Democratic platform? They were \$338,128,199 for all departments of Government. the Army for that year they were \$27,933,830, for fortifications they were \$850,000, for the Navy they were \$17,001,006.

In 1880 we congratulated the country upon the honesty and thrift of a Democratic Congress because it had reduced the total expenditures \$40,000,000 a year.

In 1884 we said in our platform:

The Democracy pledges itself to purify the administration from corruption and to restore economy in the public expenses.

And that year the Republicans had spent on the Army \$24 684,250, on fortifications \$670,000, and on the Navy \$15,894,434. Their total expenditures for that year for all purposes of Government was less than the naval appropriation bill carries for this year as it passes the House, and God knows where it will be when it comes back from the Senate. The total expenditures that year were \$355,297,875 for every department of Government.

In 1896 we said in the Democratic platform:

We denounce the profligate waste of the money wrung from the people by oppressive taxation and the lavish appropriations of recent Re-publican Congresses, which have kept taxes high, while the labor that pays them is unemployed.

In that year-we spent \$23,225,608 on the Army, \$1,904,557 on fortifications, \$29,416,245 on the Navy, and the entire expenditures for all departments of Government were \$457,088,344 less than was expended last year on the Army and Navy alone.

In our platform of 1900 we said:

We denounce the lavish appropriations of recent Republican Congresses, which have kept taxes high and which threaten the perpetuation of the oppressive war levies.

And that year the Republicans spent \$80,430,204 on the Army, \$4,909,902 on fortifications, \$48,099,969 on the Navy, and spent for all purposes and for every department of the Government \$690,667,188, \$200,000,000 less than will be appropriated this year for the Army and Navy alone.

In 1904 we denounced the profligate waste of the Republican Party and said in our platform:

Large reductions can easily be made in the annual expenditures of the Government without impairing the efficiency of any branch of the public service, and we shall insist upon the strictest economy and frugality compatible with vigorous and efficient civil, military, and naval administration as a right of the people too clear to be denied or withheld.

That year the Republicans spent \$77,888,752 on the Army, \$7,188,416 on fortifications, and \$81,826,791 on the Navy and for all purposes and to take care of every department of Government the expenditures were \$736,578,402, less than will be spent this year on the Army and Navy alone.

In 1908 we even went so far in our platform as to specify the enormous amounts of the people's money that the Republicans had wasted. We said:

The Republican Congress in the session just ended made appropriations amounting to \$1,008,000,000, exceeding the total expenditures of the past fiscal year by \$90,000,000.

The expenditures that year for the Army were \$78,634,582, for fortifications \$6,889,011, on the Navy \$98,950,507, and the total expenditures, as named in the platform, were very little in excess of what will this year be appropriated for the Army and Navy and fortifications alone.

In 1912 we said:

We call the attention of the patriotic citizens of our country to the Democratic Party's record of efficiency, economy, and constructive legislation.

And it has passed the great supply bills, which lessen waste and extravagance, and which reduce the annual expenses of the Government by many millions of dollars.

That was the record the Democratic Party went before the country on in 1912 as an earnest of what they would do if they were elected. They were elected by an overwhelming and un-precedented vote. That year the Republican administration had spent \$93,374,755 on the Army, \$5,473,770 on fortifications, \$126,478,338 on the Navy, and for all purposes of government \$979,382,852, very little more than this Democratic administration will spend on the Army and Navy and fortifications this year, and I predict decidedly less than they will waste on the Army and Navy and fortifications in 1917.

The fortifications bill for last year as it passed the House carried \$21,997,000. When it came back from the Senate and passed the House it carried \$25,747,000. This year as it passed the House it carried two and one-half times as much as it did when it passed the House last year, or \$51,396,593. If the Senate raises that in the same proportion as it did the fortifications hill a reason of the same proportion as it did the fortifications hill a reason of the same proportion as it did the fortifications hill a reason of the same proportion as it did the fortifications hill a reason of the same proportion as it did the fortifications hill a reason of the same proportion as it did the fortifications hill a reason of the same proportion as it did the fortifications hill a reason of the same proportion as it did the fortifications hill a reason of the same proportion as it did the fortifications hill a reason of the same proportion as it did the fortifications hill a reason of the same proportion as it did the same tions bill a year ago, it will carry over \$63,000,000 when it comes

back from the Senate

The naval bill has been reported from the committee, carrying \$351,453,000. Last year as it was reported from the committee and went through the House on first passage it carried \$241,-449,000. As it came back from the Senate and finally passed the House it carried \$313,384,000. I predict that it will be increased in greater proportion this year by the Senate than it was a year ago. If so, when it comes back from the Senate and passes the House it will carry \$475,000,000, and there is not a mortal son of Adam that can give a reasonable and sensible reason for the most of the expenditures in the naval bill this They are for battleships and battle cruisers that can not possibly be completed within less than three to four years, and no sane mortal who is honest can give a decent reason for an appropriation at this time for something that we can not get within less than three or four years.

Yet the Ways and Means Committee allows these military

expenditures to be hoisted by the newspapers of this country and the clamor from the ammunition manufacturers to force them to bring in this revenue bill saddling additional burdens on the already bent backs of the American toiling masses.

Mr. FORDNEY. Mr. Chairman, I yield 10 minutes to the

gentleman from Illinois [Mr. FULLER].

Mr. FULLER. Mr. Chairman, I have been much interested in listening to the gentleman who has just addressed the committee [Mr. Callaway] in his reading of extracts from Democratic platforms of former years, wherein the Republican Party was charged with extravagance in appropriations and the Democratic Party promised retrenchment and reform by reducing appropriations and administering the Government on an economical basis. I observe that the gentleman's colleagues on the other side of the House did not relish reference to those platform promises, in view of the fact that since they came into power appropriations have increased by hundreds of millions of dollars over any former years when the Republican Party was in control.

However, it is well to remember that Democratic platforms are always like the platforms of railway cars-made to get in on and not to stand on.

For instance, here is an extract from the latest national Democratic platform, the one adopted at St. Louis last year. It is as follows:

We reaffirm our belief in the doctrine of a tariff for the purpose of providing sufficient revenue for the operation of the Government, economically administered.

If that platform declaration meant anything, then in view of the fact that their tariff act of 1913, the Underwood Act, does not produce sufficient revenue for the operation of the Government; in view of the fact that customs revenues have decreased

under that act more than a hundred million dollars a year, although imports have greatly increased; and in view of the fact that there is a constantly growing deficit in revenues of something like a million dollars a day, I want to ask our Democratic friends why they do not carry out their platform declaration and provide a tariff "sufficient for the operation of the Government" instead of still further burdening the people by new systems of direct taxation, as provided in this Can it be possible that they are afraid if the tariff question is opened up at all that there might be in the outcome some protection given to American industries, American labor, and American interests? Are they still of the opinion that American interests are entitled to no consideration, no protection, against competition from foreign interests that invade our markets and pay nothing for the support of this Government?

In my judgment it is high time that we should all agree that American interests should have adequate protection against foreign competition instead of being constantly penalized more and more, while foreign competitors go scot-free, so far as contributing anything to the support of this Government or for the privilege of entering our markets in direct competition with American industries.

I am for America-America first and America efficient.

Now, I am in favor of preparedness—preparedness for possible future wars, which I hope will never come. But I am much more in favor of immediate preparedness for peace, which certainly will come, and for the conditions, whatever they may be, which will certainly follow when the terrible war across the sea comes to an end, whether by peace with victory or peace without victory. The worst possible way to prepare for peace and the commercial war that is sure to follow is to further penalize American industries, as is proposed by this bill. These industries are already highly taxed; many of them are taxed almost to death in the localities where they exist. They are taxed for State purposes, for county, for city, for roads and bridges, for schools, and every other conceivable local purpose. Then an income tax of 1 per cent was put upon them by Congress for Federal purposes; then you proceeded to double that tax and made it 2 per cent; and then you taxed them again upon their capital stock, surplus, and undivided profits; and now you propose by this bill to hit them again; and if by any possibility propose by this bill to firt them again; and it by any possibility they are able to live and make any profit after paying all these taxes you propose to levy a further tax on such profits. I wonder if our Democratic friends ever stopped to think that ultimately all taxes are paid by the people, the workers who produce all wealth. Not directly, perhaps, but in some way or other corporations must get from the people, and do get from them all and everything they are compelled to new So, bow. them, all and everything they are compelled to pay. So, how-ever you may say that you exempt the great body of the people they are the ones who in the final analysis create all wealth and pay all bills. You have said and reiterated time and again in platforms, on this floor, and everywhere that the tariff was the direct cause of the high cost of living. You said you would reduce the high cost of living by repealing Republican tariff laws. You kept part of the promise. You repealed the Republican tariff law, and you substituted the Underwood law, but the cost of living kept on soaring, and after three and a half years of that law is now higher than ever before. You do not say anything now about the tariff being the cause of the high cost of living. That claim has been very emphatically disproved, and at tremendous cost to the people. I will tell you one reason for the high cost of living: It is the constantly increasing cost of government and the burdensome taxes levied on the people, and this bill, if it becomes a law, will inevitably still further increase the cost of living.

The corporations will pay, of course, and to get the money with which to pay they will levy toll on the people—the consumer of their products. The more taxes the manufacturers of food products, of clothing, or of any general necessity, the more they are compelled to pay, the higher will be the price of food, of clothing, of all necessities which they manufacture, which the people must have, and for which they must pay. I must be brief in the time I have. The only reason I can conceive for this method of taxation—a method never heard of before and never advocated by any political party in this country-is derived from the idea that corporations have no souls, and that you are hitting only a few and exempting the great body of the people from the payment of these taxes. But the people will not be deceived. They know they are the ones who must pay, if not directly, then indirectly; but none the less certainly they are the ones who must pay. For instance, you tax life insurance companies, mutual companies, as well as stock companies. Who suffers from the payment of such tax? Let me read a tele-

gram which I have received from the president of one of these companies. He says:

Proposed emergency revenue measure is unjust and unfair to holders of life-insurance policies. Three pertinent fundamental facts apparently ignored: First, ever 70 per cent of life insurance is mutual; second, including participating business of stock companies, over 86 per cent of life-insurance policies are participating; third, the burden of all taxes on the income of life-insurance funds falls upon the policyholder. The average size of an ordinary life policy decreased from \$2,580 in 1894 to \$1,850 in 1915, showing that over 7,000,000 ordinary life policyholders upon whom tax would fall are providing only this modest sum for their beneficiaries. The 25,000,000 industrial policyholders would also be taxed on their average policies of only \$134 each for their families. We believe this measure as it affects life insurance is wrong in principle, and if enacted into a law will place an unjust burden upon over 32,000,000 policyholders of the United States. We earnestly hope you will see your way clear to secure the exemption of life insurance from this measure.

This gives a fair statement of the number of people affected

This gives a fair statement of the number of people affected by the tax proposed on life insurance companies, but which in reality falls on the policyholders.

It is much the same with many other corporations, stock companies, and copartnerships. The stock, or interests, are largely held by people of very moderate means, who depend on the income derived therefrom for their living and the support of their families.

The wage earner, too, in all industries, will also suffer, for if the industry giving him employment can not make a reasonable profit, after payment of taxes and other expenses, then either wages must be reduced or the business must cease, causing either reduction of wages or loss of employment.

And how about the justice of levying this tax on copartnerships and not on individuals. Here, we will say, side by side are two establishments engaged in the same line of business. One is owned by two or more copartners, the other by one indi-The copartnership would be taxed under this bill and the individual doing precisely the same business, making precisely the same profit, is not taxed. What justification can there possibly be for such discrimination?

This entire measure, in my opinion, is wrong in principle, unjust in its discrimination, unfair to the business interests of the country, and has no other argument in its favor but the desperate need of money to make good that which has been lavishly and extravagantly appropriated by a Democratic Congress and to bring into the Treasury a part of what has been lost to the Government by the repeal of the Republican tariff act and the substitution therefor of the Underwood Democratic tariff law. If the Republican protective-tariff law had been in force until this time, and if importations had been no greater than they are now, there would have been no necessity whatever for this legislation. The remedy is apparent to anyone who will give the matter unprejudiced thought. That is to restore to the statute books a protective-tariff law, which will not only produce "sufficient revenue for the operation of the Government economically administered" but which at the same time will afford to the industries of the country that protection which they enjoyed under Republican administrations and which made this country the most prosperous of any country on earth.

I believe in the time-honored American doctrine of a protective tariff, and I believe in the doctrine announced in the last national Democratic platform-

A tariff for the purpose of providing sufficient revenue for the opera-

This is good American doctrine, and has been such from the days of our first President, the Father of our Country. may well, in these times, recall the wise advice of Washington, who advocated this doctrine and advised that this country at all times should put America and American interests first, expecting favors from no other country, treating all fairly, interfering not at all in their political entanglements, entering into no league with any, but in substance to "paddle our own canoe" and avoid entangling alliances with any other nation on earth, [Applause on the Republican side.]

Mr. FORDNEY. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. FESS].

The CHAIRMAN (Mr. SAUNDERS). The gentleman from Ohio is recognized for 10 minutes.

Mr. FESS. Mr. Chairman, while the measure before us is one to raise revenue and probably ought not, therefore, to be discussed as a partisan issue or from a partisan standpoint, yet on both sides of the Chamber it is emphasized that this bill does differentiate the two parties upon the matter of raising revenue, The policies are to be contested, because they differentiate one political party from the other. Facts undisputed may suggest one thing to one group and another thing to another group.

But I want to call the attention of my Democratic friends to

what has taken place. The protective tariff was superseded on

October 4, 1913, by the revenue-only tariff, the nearest approach to free trade; and when that was put on the statute books certain things were promised, not one of which has been fulfilled. One of the things promised was sufficient revenue to run the Government. And while Democratic Members have been saying that they object to a protective tariff, there is one thing that my Democratic friends must recognize: We never were compelled to issue bonds during a protective-tariff régime to get the money necessary to run the Government. The burdens on the consumer were never so heavy under a protective tariff as under free trade. [Applause on the Republican side.] And you have never held control of the Government that you did not have to issue bonds, not since the Civil War. [Applause on the Republican side.]

The protective system first stimulates American business, invests American capital, employs American labor at the standards of American living, and, in addition to that, it always collects enough revenue to run the Government and, even under the Payne law, we collected enough to build the Panama Canal, in addition to running the Government. [Applause on the Repub-

lican side.]

Our Democratic friends come in and say, "We will supersede it by a tariff measure to collect revenue," and gave the country the Underwood bill October 4, 1913. Just 11 months to the day after you put it on the statute books the President stood at this place and confessed its failure and asked us to pass an emergency bill, and called it "a war tax" at the very moment that he was boasting that we were at peace with all the world.

That was on September 4, 1914, and on October 22 of that year you put the infamous stamp tax upon the American people, calling it "a war tax," when it was a Democratic deficiency tax and ought to have been so named. [Applause on the Re-

publican side.]

Then in December, one year later, you came again and voted to continue this tax for another year. That was the third move confessing the weakness of the Underwood bill. That was in December, 1915. Then you came in on the 8th of last September and made a fourth confession that your bill had broken down and asked us to pass an additional measure, and said, "We will increase the rate on incomes, and we will put certain classes of our citizens under special taxation." That was done at the behest of the President of the United States. The President appeared here in this place on the 7th of December, 1915, and said, "We will not issue bonds," and gave his reasons why we should not issue bonds. We Republicans had said that you would issue bonds, because that is Democratic. [Laughter on the Republican side.] You have never run the Government without doing that. The one time since the Civil War you had control you issued bonds—1895. You can not run the Government without borrowing money. You never have. [Applause on the Republican side.] You Democrats said you would not issue bonds. I have the speech of the President, December 7, 1915, in my hand. He said:

The obvious moral of the figures here is that it is the plain counsel of prudence to continue the present taxes under the present revenuestamp tax.

I for one do not believe that the people of this country approve of postponing the payment of their bills. Borrowing money is short-sighted finance.

Mr. SLOAN. Mr. Chairman, will the gentleman yield a moment just there?

Mr. FESS. In a moment. He continued:

It seems to me a clear dictate of prudent statesmanship and frank finance that in what we do we should undertake to pay as we go. The new bill should be paid by internal taxation,

This was the statement of the Democratic head, that we will not issue bonds because it is not good finance.

Mr. SLOAN. What was the date of that speech? The date of a presidential speech becomes a very important item in

recent years. Mr. FESS. December 7, 1915, was when this speech was made, right here. Now, a year later a bill comes in here proposing to issue bonds to the amount of \$600,000,000, long and short term bonds.

Mr. MADDEN. Six hundred and forty million dollars.

Mr. FESS. Six hundred and forty million dollars; \$100,000,000 in addition to the Panama bonds, \$300,000,000 shorttime bonds, certificates of indebtedness, with the understanding that while you fell short a year ago, another year you will fall short again, and we will be called upon to issue bonds to make up the deficit. So your short-term will be equivalent to

Will the gentleman put in at this moment the things that the President suggested should be taxed to

raise that deficit?

I will.

Mr. MEEKER. And then what actually was taxed?

Mr. FESS. I will put that in. That is mighty good stuff. [Laughter and applause on the Republican side.] He said:

We will continue the tax on sugar.

[Applause on the Republican side.]

That is a confession that your Underwood bill broke down, because free sugar was by presidential decree the test of Democratic policy.

A tax of 1 cent per gallon on gasoline.

Mr. MADDEN. Did they do that?

Mr. FESS. No: they were cowards and would not do it. That is why they did not do it. [Applause on the Republican

A tax of 50 cents per horsepower on automobiles.

Mr. MADDEN. Did they dare to do that?

Mr. FESS. They did not dare to do that. Why did they not? There were many votes that they wanted. Why do they not put a tax upon agriculturists in this bill? Because they are cowards and they are afraid to do it. While I oppose this sort of legislation, if I favored it I would treat all alike. would not show favors to win votes.

The President continued a stamp tax on bank checks, which

also was resisted from same reason.

Mr. HILLIARD. Will the gentleman yield?

Mr. FESS. Yes.

Mr. HILLIARD. We got the votes, did we not?

Mr. FESS. You won this election on a triple deception. You said the country was prosperous, due to your legislation, and any man who can think two thoughts in a row, knows there is nothing in that. Had it not been for the war in Europe it would have been quite a different story. You said, "We have kept you out of war," and you are asking in this bill for \$162,-000,000 and the issuance of bonds to that amount now to take care of the Mexican war. This was the second deception.

The third was your pretended eight-hour-day law which has

no eight-hour feature in it.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Yes.

Mr. BYRNES of South Carolina. A majority of 100,000 in Ohio voted different from you, did they not? [Applause on the Democratic side.]

Mr. FESS. Ohio was flooded with as much and similar bombast as the wicked, shameful surrender of the American Congress to the four brotherhoods, whose votes were asked in that election in 1916. That is why Ohio went wrong.

Mr. LONDON. Will the gentleman yield to me?

Will the gentleman yield to me?

Mr. FESS. I will yield to the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. CARAWAY. Will the gentleman yield?
Mr. KITCHIN. I yield to the gentleman from Ohio 2 minutes more to let him answer some of these questions.

Mr. FESS. I yield to the gentleman from New York [Mr.

Mr. LONDON. I will ask the gentleman whether it was under Republican rule that the majority of the American people were made so stupid that they believed the Democrats and could be fooled by Democrats?

Mr. FESS. I will say to my friend from New York that the Republicans are never responsible for Democrats. They do not

undertake such a responsibility.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. FESS. Yes; I will yield.
Mr. BYRNES of South Carolina. Does the gentleman mean to say that the people of Ohio are so unintelligent that they can be deceived by the bombastic arguments he has referred to?

Mr. FESS. The people of Ohio temporarily united and lined

up with South Carolina. They will not do it later, mark my words. They will go with Illinois and Michigan and Pennsylvania and New York and New England, and not with South Carolina and Mississippi, sir.

Mr. BYRNES of South Carolina. Have not the people of Ohio by their votes said with whom they would line up, notwithstanding the expression of opinion of the gentleman from

Ohio? [Applause on the Democratic side.]

Mr. FESS. There will be another vote that will be an intelli-

gent vote, and you will see the result.

Mr. CROSSER. Will the gentleman yield?
Mr. FESS. After the evaporation of the socialism and the single tax and the other isms and funny things that will pass

away, Ohio will get back on her feet again.

Mr. CARAWAY. Will the gentleman yield? Mr. FESS. I yield to my friend from Arkansas. Mr. CARAWAY. When that intelligent vote is cast in Ohio does the gentleman expect to come back here? [Applause and laughter on the Democratic side.]

Mr. FESS. The gentleman from the seventh Ohio district got a greater majority than the total vote cast in the State of Arkansas. [Laughter and applause on the Republican side.]

Mr. Chairman, as to this bill, I am opposed to it. It is drafted upon the basis of punishing thrift. It penalizes efficient industry. Its author boldly declares that those who are in favor of national defense must be subject to this tax. But the bill does not discriminate in favor of those who do not favor it unless he lives in the Southland,

The bill, like most legislation of this administration, is framed as a net to catch votes, and is therefore discrimination in favor of one as against another class of our citizens. It includes the group of small capitalists or business men who go together as partners to carry on a business, but exempts the millionaire if he does not belong to a partnership or corporation, no matter how large his profits.

It exempts the agriculturist no matter how large the profits of the corporation or partnership to which he belongs. It exempts personal service no matter how large the profits of the corporation or partnership of a law firm which does personal service, nor the stock-brokerage firm which does personal service for customers.

From the argument of the proponents this preventive measure will have a disappointing result. "The power to tax is the power to destroy," said our greatest Chief Justice. We have used this power to destroy the State bank issuance of bills of credit. It is as effective as a repeal of the law.

We use the power "to tax" to destroy the evil of the liquor business. If we tax the successful enterprise because it is profitable, it will not be long until the profits will be lessened, if not destroyed.

They claim that this is fixing the burden upon the rich. Of course, no one seriously believes that. The burden laid upon business will be passed on to the customer of the firm; otherwise, business will not be run. It can not be carried on unless profit will recompense the risk.

The bill proposes to collect nearly \$250,000,000 from this one source. I give it as my opinion it will not do it.

It also proposes to raise \$22,000,000 from inheritance tax, and thus further rob the States of this source of revenue. The enormity of this measure is observed when we note there is provision for raising \$910,000,000. This is the program of economy we have heard so much about. Four emergency measures to bolster up your Underwood bill, and that in three years.

If the Democrats would stop their wasteful extravagance and proceed to inaugurate a protective system which produces the pecessary revenue, the country would not face this situation:

necessity revenue, the country would not know the	· Cuttorous
Alaskan railway	\$35,000,000
Purchase of ships	50, 000, 000
Flood control in Mississippi River	45, 000, 000
Nitrate plant	20, 000, 000
Armor-plate plant	11, 000, 000
Public buildings	38, 000, 000
Rivers and harbors	38, 000, 000
Extra offices	40, 000, 000

These are but a few of the items of this orgy of expenditures. The Mexican fiasco will reach at least \$200,000,000 in a short time. All these items are in addition to the regular annual appropriations. In the embarrassment of this irresponsible waste we are told it is all due to preparedness, and the already overburdened citizens must submit to extra direct tax of this sort.

Did we have a protective tariff which would make the foreigner seeking to sell in our markets pay toward the expenses of the Government, we would not see the enormity of \$590,000,000 increase in imports in the 11 months of 1916 over the same period of 1913 and \$100,000,000 less revenue collected.

This legislation is distinctly Democratic—first, supplying deficits by borrowing money and class legislation. The second mark is the character of the National Treasury, turning by bookkeeping a deficit into a balance without adding a dollar.

When the Democrats took hold of the Government the net balance in general fund was over \$146,000,000. This did not include the \$122,000,000 charged for other purposes.

The following facts taken from the daily statement of the Treasury Department will be illuminating:

Tremany Department with be manually	
Apr. 15, 1913	\$146, 765, 968
May 15, 1913	134, 316, 042
June 14, 1913	136, 832, 667
June 30, 1913	164, 703, 689
July 30, 1913	131, 700, 624
Aug. 30, 1913	127, 746, 187
Sept. 30, 1913	123, 416, 613
Oct. 3 (when Underwood bill took effect)	123, 425, 531
Oct. 30. 1913	124, 739, 371
Nov. 28, 1913 (Payne tariff still operating on wool and	
sugar)	119, 297, 889

[22] [[1] [1] [2] [2] [2] [2] [2] [2] [2] [2] [2] [2	
Dec. 30, 1913	\$108, 656, 230
Jan. 30, 1914	102, 919, 314
Feb. 28, 1914	92, 866, 547
Mar. 30, 1914	90, 348, 436
Apr. 30, 1914 (Payne tariff still operating on sugar)	80, 237, 515
May 30, 1914	74, 151, 012
June 30, 1914 (this increase due to income tax)	145, 835, 502
July 30, 1914	
July 30, 1914 Aug. 30, 1914	143, 392, 219
Aug. 90, 1014	121, 481, 399
Sept. 30, 1914 Oct. 20, 1914	112, 204, 309
Oct. 20, 1914	94, 545, 171
Dec. 1, stamp tax, to raise, as proposed	100, 000, 000
Dec. 30, 1914	66, 960, 703
Jan. 30, 1915	57, 020, 589
Feb. 27, 1915	42, 636, 065
Mar. 30, 1915	34, 764, 734
Apr. 30, 1915	20, 815, 534
May 30, 1915	14, 996, 057
June 30, 1915 (increase due to income tax)	82, 025, 716
July 30, 1915	67, 046, 067
Aug. 30, 1915	52, 723, 742
Sept. 30, 1915	40, 898, 894
Oct. 1, 1915 (change in bookkeeping in which \$80,000,000	20,000,002
were added overnight)	128, 063, 545
many of the state	220, 000, 020

Months.	New book- keeping.	Real balance.
Oct. 30, 1915. Dec. 1, 1915. Dec. 30, 1915. Jan. 30, 1916. Feb. 29, 1916. Mar. 30, 1916. Apr. 30, 1916. Sept. 1, 1916. Sept. 1, 1916.	\$122, 249, 095 117, 185, 394 109, 893, 494 111, 176, 813 117, 170, 215 124, 134, 454 129, 628, 249 208, 849, 621	\$37, 988, 842 31, 251, 223 24, 982, 061 23, 167, 287 21, 171, 175 16, 631, 45- 15, 135, 38 63, 184, 298

¹ War tax. ² Increase of foreign imports to pay for munitions. September 8, 1916, new bill.

THIRD RELIEF MEASURE.

Months.	New book- keeping.	Real balance.
Dec. 4, 1916. Dec. 30, 1916. Jan. 27, 1917.		\$4, 155, 229 1 18, 562, 245 1 32, 190, 918

Deficit.

To-day's statement carries a balance of \$93,156,307. The outstanding charges against the Treasury are to credit of disbursing officers \$75,594,526, and national bank and Federal reserve bank notes assumed by the United States \$51,111,231, making a total charge of \$126,695,757. This makes a deficit in the Treasury to-day of \$33,539,450. Were this character of bookkeeping in vogue in April 15, 1913, the balance in the Treasury, instead of \$146,000,000, as carried by daily statement, would be \$248,779,105.

In other words, notwithstanding the three preceding relief measures to bolster up the Underwood bill, of which this is the fourth relief, the Treasury is to-day shy \$155,303,085 of what it was when the Democrats took charge.

This fourth relief measure is but temporary. It is easy to borrow money by issuing bonds as herein proposed, and as every man knew would come with the Democratic Party in power, but it does not cure the evil. While we are concerned about the necessary revenue, we must not overlook the immediate future.

I now desire to speak upon the "Outlook for American business"

The one thing all must admit is that the present business situation must not be taken as a normal basis for the future. This abnormal condition is measured by the price current in all markets. Imperative demands in war-torn Europe, which has involved an indebtedness of over \$50,000,000,000, or fifty times our own national debt, have been and are still reflected in our trade. The war situation enables this country to name its own price for war necessities. It has made possible an export trade which has given us a balance of near \$2,000,000,000 in one year and has brought here the largest store of gold ever collected by one country.

At the close of the war Europe will be compelled to do two things: Reduce the debt and secure the needed gold supply to avoid a paper basis. These accomplishments can be reached in but one way, to wit, turn the balance of trade against us. This will be attempted by (1) ceasing to buy from us save such articles of imperative necessity, such as cotton, corn, and so forth, which must be had, and (2) selling the European product to us.

The war has stimulated production in both the entente and central powers as never before. Speaking on the President's peace proposal, Lloyd-George said, among other things:

There are many shortcomings in our business, our commerce, our industry. The war is settling them all right in the most marvelous way.

You ask a great business man like my friend Lord Pirrie what is going on in those great factories throughout Great Britain and Ireland. Old machinery is scrapped ["Hear, hear!"] the newest, the best, and the latest is set up; slipshod and wasteful methods are scrapped, and hampering customs discontinued. Millions are brought into the labor market to help to produce who were before purely consumers.

This corrects the erroneous opinion that Europe's industries are prostrate. Intense productive ability has been greatly stimulated in both belligerents by the fires of war, so that competing

ability with this country is increased.

In England 4,000,000 men have been called to the colors. least 1,000,000 women have entered the industries to help fill places that the soldier vacated. These women are doing well their work at such wages as never before paid them. At the close of the war they will refuse to give up this work. It will compel a competition in the English labor market which will force the price to its lowest ebb. The goods produced by these laborers will enter the open market to meet the American pro-

In Germany there are at least 3,000,000 war prisoners at work in the industries at the price of prisoner's allowance-about 8 cents per day. There are being thus stored billions of dollars' worth of goods to be sold in the open market when the war is over. Europe, in need of funds to pay the annual interest charge on her war debt, which charge will be greater than the entire budget before the war, will easily command the world's markets against this country, and will easily turn the balance of trade in her favor, and thus secure back the gold lost in the war. This is America's problem that faces her. How do we propose to meet it? It can not be done by business heckling. While all Europe is favoring production, we here are constantly hindering it. Our legislation proceeds upon the basis that the business man must me watched in order to protect the country against him. Laws are enacted discriminating against him and in favor of exempted classes.

In 1913 Congress appropriated money to prosecute the business man, but exempted laborer and farmer from prosecution for the same offense. Then, later, the same discrimination was written into law in the Clayton bill. Then, still later, the same exemption was written in the income-tax law. And now we propose to jam through the House the fourth emergency-revenue law, to raise \$910,000,000, a portion of which is to be fixed upon a class of citizens and expressly exempting specified classes.

This cycle of thinking which surrounds all business success

with the air of suspicion and which leads our legislators to penalize the man who succeeds and exempts others is un-American and must in time ripen into the inevitable fruits of national distress. It is such cycle that makes possible such shameful performance and national humiliation as the country underwent, and is still undergoing, when its National Congress joined the President in a complete surrender to four leaders of four brotherhoods in enacting a law that all parties now concerned are straining every nerve to undo, or at least to modify.

Mr. Chairman, if we do not voluntarily change our attitude

toward personal initiative and achievement, to cease penalizing those who organize to compete with the world in its production, we will do it later when our country's labor and capital shall be prostrated. The immediate guaranty against this legislative mania is the education of a proper public spirit toward enter-

I am not a business man and am not prejudiced against or for them, but I know that you can not injure the producer without injuring the consumer.

Such measures as these, openly claimed as punitive by its author, to punish the enterprising citizen because the country demanded a state of national defense, when by cutting off wicked and wasteful extravagance the necessity would not appear, is but a comment upon the character of the administration now in power.

Mr. FORDNEY. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. Cooper].

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to extend the remarks that I made this morning in the RECORD.

The CHAIRMAN. The gentleman already has that privilege. Mr. GARDNER. I also ask unanimous consent to further extend my remarks by printing some data relative to the halibut fisheries of the Pacific.

Mr. HOWARD. Reserving the right to object, I should like to know which speech the gentleman made that he refers to?

The CHAIRMAN. The Chair will say that all Members who

have spoken have a right to extend their remarks in the Record, but the gentleman from Massachusetts makes a further request to extend his remarks on a special subject.

Mr. HOWARD. I understood this was some extraneous

The CHAIRMAN. Is there objection?

There was no objection. Mr. FORDNEY. Mr. C

Mr. FORDNEY. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. Cooper].

Mr. COOPER of Ohio. Mr. Chairman, I shall vote against this bill because I am opposed to the method of direct taxation in it. I shall vote with the gentleman from Michigan [Mr. FORDNEY] to recommit the bill with a provision attached to it to provide for raising the revenue by a protective tariff. [Applause on the Republican side.]

I am for a protective tariff, not only from the standpoint of raising revenue but from the standpoint of the protection of the American workingman and American industries. My good, genial, and timid friend from Ohio [Mr. Gordon] made a statement on the floor this afternoon that if you pass a protectivetariff bill it increases the burden of taxation on the workingmen of this country. I would like to ask my friend this question: Was the workingman of this country ever burdened with taxes under a protective-tariff system like they are under this present free-trade Democratic administration?

Mr. GORDON. Will the gentleman yield?

Mr. COOPER of Ohio. No; I can not yield; I have only five minutes. [Laughter on the Democratic side.] I have heard a great deal to-day about the burden of taxation being placed on industry and not on the workingman. Let me say that you can not tax the industry unless you also tax the men that work in that industry. You are trying to fool the workingmen like you tried to fool them last fall. What did you do to them last fall? You told them you stood for an eight-hour day. Then the President of the United States said that the eight-hour day was not a question to arbitrate. What did you do? You brought in the lemon of the Adamson bill and passed it and led the workingmen to believe that you stood for an eight-hour day. Why do

met to believe that yet sood and the sood of the not you carry out your promises?

Mr. CROSSER. Will the gentleman yield?

Mr. COOPER of Ohio. Not now. Why do not you carry out your promises to the workingmen of this country? Why do not you pass an eight-hour a day law; you have the votes. No; instead of that, what are you doing? President Wilson, who stood on that platform, solicited the workingmen's vote, claiming he was their friend, is now trying to force through this Congress a compulsory system of arbitration which will involve the workingmen of this country in involuntary servitude. [Applause on the Republican side.]

This is the reward that the working people of this country are getting for the support that they gave to President Wilson and the Democratic Party last fall. Oh, but you say, we must have the Democratic Party last Ian. On, but you say, we must have the taxes because we want preparedness. We have had an example of the Democratic inefficiency of preparedness. What have we done? We have spent \$180,000,000 to mobilize the Army, marched them down into Mexico, with the orders from President Wilson to get Villa, "dead or alive," this bandit who has ravished and murdered American women and children. [Applause on the Republican side.] Under this present administration the Stars and Stripes have been insulted, been spit upon, tied to the tail of a donkey, and dragged through a foreign street. There was a time when the old flag would have protected an American citizen on American soil, but it will not do it under this Democratic administration. [Applause on the Republican side.1

A number of years ago a young Englishman was arrested for a political offense in Cuba. He was tried by a Spanish court-martial and sentenced to be shot. He appealed to the American consul and the English consul to try to save his life. But the Spanish Government would not listen to the appeal; he was walked out at daylight, stood up against the wall, the officer of the firing squad came out and said, "Get ready, take aim." At that moment the American consul ran out, wrapped the Stars and Stripes around the man, and said, "Shoot, if you dare." Did they shoot? No. Their fingers became paralyzed and the guns dropped, and the old Stars and Stripes saved the life of a British subject.

But what a difference now. Only a short time ago, when a number of American citizens were fleeing for their lives to the British embassy in Mexico, one brave American woman, the mother of children, who still had faith in the old American flag, stood on the balcony, and, tearing down the flag, wrapped it around her, and said to the Mexicans, "Now, shoot if you dare!" Did they shoot? Crack went the rifles, and the bullets pierced the Old Flag, and that brave American woman fell dead, the old Stars and Stripes soaking up her life's blood. We sent our soldiers down into Mexico to avenge the death of that woman, and avenge the death of the soldiers at Carrizal, and now we witness the disgraceful spectacle of their marching out of Mexico again, with dead or alive Villa following after them,

and yet you say you want this money for preparedness. In conclusion, let me say that the great question before the American people to-day is not the high cost of living; it is not the Adamson bill; it is not preparedness. The great question before the American people to-day is this, Will the United States Government protect its industries and its workers after the European war is over from foreign competition? There is only one way that you can do this, and that is to rewrite once more and place upon the statute books the protective tariff policy of William McKinley. [Applause on the Republican side.]

Mr. KITCHIN. Mr. Chairman, I yield two minutes to the

gentleman from Colorado [Mr. KEATING].

Mr. KEATING. Mr. Chairman, I think it is only right that a statement should be made concerning the record made by the gentleman from Ohio [Mr. Cooper] who has just addressed the House. He referred to the Adamson eight-hour bill as "the lemon" with which the Democratic Party sought to deceive the workingmen of this country. The records of this House will show that the gentleman from Ohio [Mr. Cooper], having secured a copy of the so-called Adamson eight-hour bill, having received it in confidence, proceeded to introduce it as his bill. [Applause on the Democratic side.]

Mr. COOPER of Ohio. Mr. Chairman-

Mr. KEATING. The records of this House will show that when the bill was before this House

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman

yield?

Mr. KEATING. The gentleman from Ohio made a speech in support of this "lemon." [Applause on the Democratic side.] apport of this "lemon." [Applause on the Democratic side.]
Mr. COOPER of Ohio. Mr. Chairman, I am sure the gentleman does not want to be unfair; he does not want to make a

Mr. KEATING. The RECORD will show that when the roll

misstatement. was called

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?
Mr. KEATING. I can not yield now.
The CHAIRMAN. The gentleman declines to yield now.
Mr. KEATING. The RECORD will show that when the roll

was called on the passage of the bill the gentleman from Ohio

voted for it. [Applause on the Democratic side.]

What is more, the records of the last campaign will show that every man authorized to speak for the great railroad brotherhoods of the country, and the gentleman is a member of one of those brotherhoods, and he knows that I speak the truth when I say this—every authorized leader of the great railroad brotherhoods in this country indorsed the Adamson eight-hour bill. [Applause on the Democratic side.]

The time of the gentleman from Colorado The CHAIRMAN.

Mr. KITCHIN. Mr. Chairman, I yield five minutes to the

gentleman from Pennsylvania [Mr. BAILEY].
Mr. FORDNEY. Mr. Chairman, would the gentleman yield to me for two minutes at this time?

Mr. KITCHIN. Oh, just let the gentleman from Pennsylvania get through.

Mr. BAILEY. Oh, let him have it. Mr. FORDNEY. I wanted to let the gentleman from Ohio answer the gentleman from Colorado, if the gentleman will be courteous enough.

Mr. KITCHIN. The gentleman can do that after the gen-

tleman from Pennsylvania is through.

Mr. FORDNEY. Very well.
The CHAIRMAN. The gentleman from Pennsylvania is rec-

ognized for five minutes.

Mr. BAILEY. Mr. Chairman, while I shall vote for this bill, let me say first of all that I do so with a protest, not against its method, but against the occasion which has made it necesan occasion brought about by a monstrous extravagance into which the country has been plunged by a militarist propaganda as wicked, as indefensible, and as indifferent to our free institutions as an open revolt against them could possibly be.

The title of the bill before us is perhaps its chief merit. There is poetic justice in its provisions. It places the burden where it belongs. It calls upon those who have joined in this death dance of imperialism to pay the fiddler. It invites the propagandists of fear and force to walk up to the captain's counter and pay the score for their stupendous folly. And by so much it is a measure which challenges admiration, while compelling a tribute of adverse oratory from the champions of privi-lege on the Republican side that is more sincere than any words of praise could be.

But in the title of the bill its purpose is honestly revealed. It is "to provide increased revenue to defray the expenses of !

the increased appropriations for the Army and Navy and the extensions of fortifications." There is the whole story. The bill is framed for no other purpose. It is not to meet the ordinary expenses of government. These have been amply provided for in the Underwood tariff and in the income-tax legislation, for which the Democratic Party can justly claim the The staggering demands upon the Treasury which this bill is designed to meet come not from governmental activities which make for the comfort, the happiness, and the prosperity of our people, but from that hateful source which vaunts the strong arm, which decries reason and justice, which ignores the teachings of Jesus Christ, which puts its trust in the sword, and which despises democracy and all for which democracy stands.

It is frankly regretted by me that it has been deemed expedient if not absolutely necessary that the invitation this bill gives to the militarists to go the limit in their profligate and indefensible appropriations for Army and Navy has been extended. My thought has been that the leadership on this side should have taxed their every resource in the effort to restrain the profligacy which we here and now in effect condone. But I am not unaware of the tactical reasons which have constrained the apparent surrender. For I know and you know and the country ought to know that if this apparent surrender had not been made an infinitely worse situation might and, indeed, would have developed, a situation for which our Republican friends so ardently long, and which would be so very welcome to the powerful interests which would saddle the crushing burden of militarism on the necessities of the toiling millions instead of letting any part of it rest upon themselves.

It is hardly necessary for me to repeat protests voiced so many times by me on this floor against these monstrous appropriations for war purposes in a time of peace. But I do so once more because I wish in an especial manner in connection with my protest to draw attention to the vital fact that in making them we are doing more to defeat the peace movement to which President Wilson has been devoting his great influence than his worst enemy could wish. For how shall the peoples of other countries be brought to believe in the sincerity of his purpose as set forth in his epoch-making peace speech when they read in immediate connection therewith the story of what the American Congress is doing in building up the greatest fighting machine that it ever entered into the mind of man to create?

I protest against this amazing folly for this reason. I protest against it because I am a friend of peace, because I sympathize with war-torn Europe, because I hate war with a consuming hatred, because I love democracy and fear that militarism which is democracy's inveterate enemy, and because I desire with my whole heart and my whole strength that President Wilson shall crown his great career with the premotion of a peace without victory which shall endure.

Mr. FORDNEY. Mr. Chairman, I now yield two minutes to

the gentleman from Ohio [Mr. Cooper].

Mr. COOPER of Ohio. Mr. Chairman, it was not my intention to say anything further on this bill this afternoon, but I want to emphatically deny the statement that the gentleman from Colorado [Mr. Keating] made on this floor a few moments ago. I say it is an absolute falsehood when he says that I procured a copy of the Adamson bill and tried to introduce it into this House under my own name, and I challenge him in the presence of this body of men to stand up here and give proof for his statement that he made a few moments ago. It is true that I did stand on this floor during the consideration of the Adamson bill, and I spoke for 10 minutes, but my whole talk was in defense and in behalf of the railroad men of this country, with whom I was associated for 20 years, and not one word did I say in favor of the Adamson bill.

Mr. GORDON and others. You voted for it, did you not?

Mr. COOPER of Ohio. I repeat again, that the statement

that the gentleman from Colorado [Mr. KEATING] made here a few moments ago is a falsehood.

Mr. FLOOD. How did you vote? Mr. FORDNEY. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. FARR].

Mr. KITCHIN. Mr. Chairman, I yield one minute to the gentleman from Colorado [Mr. Keating].
Mr. KEATING. Mr. Chairman, in justice to the gentleman

from Ohio [Mr. Coopes]—
The CHAIRMAN. The gentleman from Colorado is recog-

nized for one minute.

Mr. KEATING. Mr. Chairman, when I made the statement a few minutes ago concerning the gentleman's introduction of the eight-hour bill I did so in good faith, relying upon my memory. I have just gone to the Congressional Record and

verified the truth of what the gentleman has just said. came back to the floor so as to make this statement-and I think it should be made right here—that the statement concerning the gentleman introducing an eight-hour bill was a mistake on my part, which I wish to withdraw and apologize to the gentleman for having made it. [Applause.] Now, just a moment. But, so far as the remainder of my statement is concerned, that he spoke for the bill, that he voted for the bill, that the leaders of the great railway brotherhoods supported the bill at all times and approved it, that statement stands without modification, and the Record in that particular will speak for itself.

The CHAIRMAN. The time of the gentleman has expired. Mr. FARR. Mr. Chairman, if the Republicans in the last campaign had handled the real question before the American people as our Representatives did so forcefully and instructively yesterday and to-day, there would not have been any question about a different result. [Applause on the Republican The American people ought to have discovered the fact that direct methods of taxation made necessary by a tariff for revenue, free-trade tariff law, are not only the most cumberous, the most expensive but the most disastrous to the country. But we on this side failed to meet the real issue, did not go out into the highways and byways and instruct people along this line of thought, and the result is that we gave the Presidency to Mr. Wilson, not only on a silver platter but on a golden platter.

Mr. FERRIS. Is it not true that the gentleman's nominee of the Republican Party went to almost every nook and corner in this country with his speeches, and is it not also true that the President of the United States [Mr. Wilson] remained dignifiedly at home?

Mr. FARR. Oh, no; Mr. Wilson did not remain dignifiedly at home.

Mr. FERRIS. He did.

Mr. FARR. Mr. Chairman, I refuse to yield further to the gentleman who is taking up my time. I desire to be courteous, but I want him also to be.

Mr. FERRIS. All right; go ahead.
Mr. FARR. Mr. Hughes, it is true, went all over this country and delivered strong, forceful speeches and presented many, many good thoughts to the American people, but the real issue, the matter of protection to American industries, he failed to present in that vigorous, enlightening way that he could have done. [Applause on the Republican side.]

We look over this great country and see the wonderful development industrially and realize that as a result of the Republican idea of a tariff it has become the greatest manufacturing country in the world. That in itself tells the story. Now, following the enactment of the Underwood bill, its injury to our industries and its failure to provide sufficient revenues, there began a career of high financing, of frenzied financing, on the part of the Democratic Party to raise money by direct taxation. When the American people take out their pads and pencils they will be simply appalled to find that in the four years of Democratic administration nearly \$1,000,000,000 in direct taxes have been heaped upon the American people, as much as two years of the Civil War cost.

Mr. MADDEN. Will the gentleman yield?

Mr. MADDEN. Will the gentleman yield:
Mr. FARR. I will.
Mr. MADDEN. This bill provides for raising \$910,000,000.
Mr. FARR. Yes; additionally to the billion I mentioned.
The Democratic Party was responsible for the increase in freight rates in 1914.

Mr. GORDON. How is the Democratic Party responsible? Mr. FARR. I have not yielded to the gentleman, and I will ask the Chair

The CHAIRMAN. Gentlemen will please not interrupt the gentleman who has the floor without his permission.

Mr. FARR. Under administrative pressure there was wrung from the Interstate Commerce Commission, against its judgment, an increase in freight rates for the western roads and a general increase in passenger rates all over the country that will total from three to five hundred million dollars during President Wilson's first administration. This is practically a direct tax upon the people. Additionally, there was enacted an emergency war tax that in three years will produce about \$200,000,000 more, and an income tax, which we did not get the benefit of under the Payne-Aldrich tariff law, bringing about \$210,000,000 more. Again, there was a revenue bill of last September which will yield about \$200,000,000, and I am not sure whether I am right or not in saying that bonds were issued

for the cost of the Mexican trouble.

Mr. GORDON. No; the gentleman is wrong.

Mr. FARR. I understand that cost is provided for in this

You will find by totaling these different amounts that for the four years of the present administration about \$1,000,000,000 in direct taxation has been placed upon the people, and that in this bill you are adding \$910,000,000 more, meaning \$20 for each man, woman, and child in the United States in addition to their present tax burdens to be added to the high cost of living. And the great bulk of these taxes will be continuous.

Now, the gentlemen laugh, but that is true. Let them disprove

my statement.

Mr. GORDON. This bill only reaches \$200,000,000, man.

Mr. FARR. Nine hundred and ten million dollars in the issue of bonds, note certificates, and new and additional taxation, as follows: Bonds, \$340,000,000; note certificates, \$300,000,000; new taxation; \$248,000,000; increased inheritance tax, \$22,000,000. Total, \$910,000,000.

I was very much interested in the eloquent talk of the gentleman from Michigan [Mr. Kelley]. He gave us a graphic verbal object lesson that should make the party in power stop, look, and listen, and ought to have been an incentive to that party to enact legislation along tariff lines to provide the money so badly needed and at the same time protect this country against cheap

foreign-made goods at the close of the war.

I voted for the revenue bill last September. I voted for it for one reason, because it contained a provision for a tariff commission. I believed that the Democratic Party earnestly, sincerely intended to increase tariff rates for necessary revenue to meet their vast expenditures, and with this would go incidental protection to our industries. The gentleman from Michigan [Mr. Hamilton] to-day quoted Barnum as saying that the American people can be fooled. I was fooled by that provision in that

Now, I think the Democratic Party has missed an opportunity to show its good faith to the American people by not utilizing the Tariff Commission to point out the many features in the Underwood law, so favorable to foreign-made goods and menacing to American industries.

Now, supplementary to the talk of the gentleman from Michigan [Mr. Kelley] as to our industrial unpreparedness in this

country, the greatest Europe is in the making that ever faced civilization. With 15 nations at war the importations from for-

eign countries have been the largest in our history

England, battling for its life, sold us many millions of dollars more of goods last year than it ever sold us before. France sold us more goods last year than it ever before sold us. sold us more goods. Italy sold us more goods; so did Canada. When these nations are at peace and the millions of men are back in civil activities, their needs will be great and productive power tremendous. Under the present tariff law we can not prevent their goods from invading our markets and displacing our wage earners; the billions of war orders will have ceased, and millions of our men will be out of work. We should be prepared for that competition by laws that will safeguard and foster our own industries, but we are not.

I believe, as the gentleman from Michigan [Mr. FORDNEY] stated yesterday, that under the provisions of the Payne bill we would have realized from five hundred million to six hundred million dollars more than we have under the Underwood bill. On wool and woolens alone up to July 31 last year we lost \$142,000,000 in revenues. Wool is higher, clothing is higher, and in the reduction of the tariff on sugar we have lost, up to date, \$50,000,000 in revenues, and sugar is higher. In addition to the injury the lowering of the tariff on sugar caused to the beet-sugar industries in the West and the cane-sugar industry in Louisiana, there has been a great loss of revenue to the American people, which you are now making up by direct taxation; and sugar is higher and wool is higher, and the opportunities remain for the foreign invasion that will result in the greatest disaster,

commercially and industrially, in the history of this country.

Mr. GORDON. Will the gentleman yield at that point? If taking the tariff off of sugar and wool has made them higher, how

do you figure that it hurts the American industry?

Mr. FARR. Because you destroy for the time being the canesugar industry in Louisiana. The cane-sugar industry, I am informed by a Louisiana Representative, is only 50 per cent of its efficiency before the reduction of the tariff on sugar

Mr. GORDON. If it made the price higher, how did it hurt them? Answer that, will you?

Mr. FARR. It destroyed the industry. They are not making

Mr. KITCHIN. Mr. Chairman, I yield five minutes to the

gentleman from Georgia [Mr. Howard].

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, I have heard everything discussed since yesterday in connection with this bill, from the free and unlimited coinage of pig iron to the reincarnation of the soul. [Laughter.] I am very much amused at the chameleonlike rapidity with which some of you gentlemen on that side have changed. I was particularly amused at my good friend from Ohio [Mr. Cooper].

I could not help but think of November, or probably the latter part of October. When Mr. Hughes was over in Ohio he went into the gentleman's district. He denounced the Adamson bill and the Democratic administration and everything connected with it. And before the dust had settled behind the automobile that took Mr. Hughes away from that particular point where he had spoken in the gentleman's district, the gentleman took the same platform, the same spot Mr. Hughes had occupied, and he denounced the Republican candidate for President of the United States and declared himself standing with President Wilson and his policy, and he was reelected. Now, I dare him to deny it, and I will give him my time.

Mr. COOPER of Ohio. Mr. Chairman— Mr. HOWARD. Did not you do that? Did not you denounce your candidate for President of the United States for his opposition to the eight-hour bill?

Mr. EMERSON. No; he did not. Mr. COOPER of Ohio. On the contrary, I will say to the gentleman that I made speeches, not only in Ohio but in other States of the Union, advocating the election of Charles E. Hughes for President. [Applause on the Republican side.]

Mr. HOWARD. That is the redefeated so overwhelmingly in Ohio. That is the reason probably why he was

Mr. STAFFORD. Another fake charge without any basis!

[Laughter.]

Mr. HOWARD. My heavens, if I had to account to my Maker for as many fake charges as you have made I certainly would not make such an assertion. I can not help but think about a little bird that we have down in our section of the country that we call the "calico sapsucker." [Laughter.] He will light on a tree, and then he will hit it with his beak several times, and then he will run around on the opposite side of the tree and look, and I have often wondered what he was looking on the other side of it for; and finally an old negro told me that the sapsucker thought every time he pecked the tree he knocked a hole slap through it. [Laughter.] And the speech of my beloved friend from Ohio [Mr. FESS] and also the speech of my distinguished and able friend from Massachusetts [Mr. GARDNER] remind me very much of that little bird. [Renewed

Mr. Chairman, I am for this bill, and I will tell you why I am for it. First, when I was a boy on the farm I always loved to plow a fat mule. I never did like to plow a poor mule. Now, all you Republicans like to plow a lean mule. You do not like fat mules. You abhor using that which is best suited at your hands. You want to saddle this tax on the poor folks, That is what you want to do by a protective tariff instead of this just tax levied on those most able to bear it after allow-

ing liberal allowances in way of exemptions.

Another thing is, I have been taught that it was an honorable thing when I gave a check on my bank to see to it that that check was honored, even if it took the last penny I possessed on earth to pay it. [Applause on the Democratic side.] gentlemen last year gave a check upon the Treasury of your country to pay for this preparedness that you voted for, and now you come up and say to the banker, "Dishonor that check; I repudiate it." [Applause on the Democratic side.]

Then, what do you offer? Why, the gentleman from Massachusetts [Mr. Gardner] offers a unique remedy. He offers

a force bill.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. KITCHIN. Mr. Chairman, I yield five minutes more to

the gentleman. The CHAIRMAN. The gentleman from Georgia is recognized

for five minutes more.

Mr. HOWARD. And it is a godsend to the tranquility of this country and the brotherly affection that exists between all sections of the country that there have been but few men in this Union that had the temerity to even suggest such a thing as a force bill on the people of the South, and I thank God that that sentiment has been confined to one small area in this country,

and by but few even there.

You talk about representation. Why, I can take a lady's pocket handkerchief and almost cover the area of five little States up there in your section of the country. Let us see what they are. Delaware, with 202,000 population, has got two Senators; Rhode Island, with 542,000, has got two Senators; New Hampshire, with 430,000, has got two Senators; Vermont, with 355,000, has got two Senators; and Maine, with 742,000, has got two Senators. All together they make a total of 2,273,000 people, with five times the representation of the Empire State of the South, Georgia, that has got 2,609,000 popula-tion. There is a little handful of people in the New England and North Atlantic States that have got five times the repre-

sentation that the people of Georgia have got, while our population equals all of them put together. [Applause on the Demo-

I want to say to the gentleman now that he can talk all he wants to about the negro. The negro in the State of Georgia is not disfranchised.

Mr. GARDNER. Does he vote?

Mr. HOWARD. I will not yield now. I have got only five minutes, and I want to put this in the RECORD. Years ago, when the people of this country were excited, at a time when reason had not resumed its sway, you attempted to put on our necks the heel of the black man, but shortly a freedman, the people of the South said then that with the help of God we would repudiate that action. We have repudiated it, and the thinking, unbiased, unprejudiced people from one end of this Nation to the other have repudiated the fourteenth and fifteenth amendments to the Constitution of the United States. I will say to the gentleman from Massachusetts that it is true we have borne the burden and worn the yoke of caring for the colored race in this country. To-day there are over eight and one-half million of them in our section; but in the five States that I have just mentioned, the five North Atlantic States, the foreignborn population, according to the census of 1910, exclusive of Massachusetts, was 1,825,110.

Mr. GARDNER. Will the gentleman yield?

Mr. HOWARD. Yes.
Mr. GARDNER. The people there who are not A. P. A.'s are very proud of them.

Mr. HOWARD. Oh, well, a native-born negro is just about as good as some of these anarchists that come over from foreign countries. I am talking about citizenship. Why, Mr. Lincoln had figured out to the last penny what it would cost to transport every negro in the Southern States to Central America, and he figured that it would cost \$88.54 a head to deport them to the South American countries. Ah, gentlemen, when you get up here and talk about cutting down the representation of the South, and say that the South is in the saddle, and all that rot, you are trying to prejudice people in the Northern States against the people of the South. The people of this country accepted graciously the services rendered the country by those from the South in this body. They showed their appreciation by reelecting Woodrow Wilson and giving us majorities in both Houses of Congress.

Mr. GARDNER. Will the gentleman from Michigan give me

two or three minutes?

Mr. FORDNEY. I yield two minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, we are going to reduce the representation of the South-because we will have the Democratic Party of the North helping us and demanding of us to do it-unless you let your labor vote. You have disfranchised your unorganized labor in the South, and in the North the Democratic Party depends on labor. The Democratic Party

Mr. HOWARD. Will the gentleman yield? Mr. GARDNER. Just wait a moment, Keep your patience. I will yield in a moment. The Democratic Party in the North depends on labor. In New England the votes of the Democratic Party came from the Irish, and in the last campaign its finances came largely from the international bankers in New York. Now, you want the votes of those Irish round about election time. What do you do with the Irish Members of Congress when you get them? Why, there is just one of them whom you have recognized, John J. Fitzgerald. You made him chairman of the Committee on Appropriations because you could not help yourselves, because he was the smartest man on your side, and very likely in the whole House. [Applause.]
Mr. HOWARD. Is the gentleman really serious? Do you

think that you will ever reduce the representation of the South? Mr. GARDNER. Seriously, sooner or later, as sure as the sun is to rise, the American people will not have unequal representation. You have either got to let your negroes vote, because in the South the negro vote is the labor vote-the unorganized

labor vote—that is why you voted against the child-labor bill.

Mr. HOWARD. I voted for the child-labor bill.

Mr. GARDNER. It is because you have disfranchised labor in your part of the country, and that is where you are going to break down.

Mr. HOWARD. Will the gentleman yield?

Mr. KITCHIN. I yield to the gentleman from Georgia one

Mr. HOWARD. The gentleman from Massachusetts would Mr. HOWARD. The gentleman from Massachusetts would not yield when his time had not expired. I just want to say this to the gentleman, and I want to say it on the floor of the American House of Representatives: If you are serious, and you believe what you say—if the American Congress ever passes a force bill reducing the representation of the people of the South in the House of their fathers, it will bring about a situation that will be most deplorable in all sections of this country. I predict with absolute confidence that it will never be seriously at-

Mr. FORDNEY. Mr. Chairman, I yield five minutes to the

gentleman from Ohio [Mr. SWITZER].

Mr. SWITZER. Mr. Chairman, I can not say that I am for Ohio, Mr. Gomon, that the guiding wisdom to lead this body in its deliberation on the pending bill flows from only one fountain, that sparkling stream which gushes forth from the healthful pineries of the great State of North Carolina. Unlike the gentleman from Rhode Island, I have not yet learned of any mass meeting being held among the people of my district for the purpose of sending petitions to this body to vote upon their industries the discriminatory tax carried in the pending bill.

But I can assure the gentleman that they will patriotically

respond with their share of these discriminating burdens, although the incomes from which it will be taken are produced in the main by the labor of the pig-iron furnaces, coal mines,

and the railways of my district.

and the railways of my district.

Neither can I agree with my colleague from the great State of Pennsylvania that the foreigner never pays the protective-tariff tax. On the other hand, I believe that in many instances protective-tariff taxes are paid by the foreigner, and I think every business man in this body will bear testimony that when protective-tariff duties are reduced, frequently, on many occasions, the reduced duties are pocketed entirely by the importer.

I for one firmly believe in the doctrine of protecting American Industries and American labor by levying a duty on imports

can industries and American labor by levying a duty on imports sufficiently large for that purpose, the cardinal principle of the Republican Party. I want to say, with all deference to some of my colleagues on this side of the House, that no sop in a Democratic revenue bill in the shape of piecemeal protection or a Democratic revenue bill in the snape of piecemeal protection or a half-baked dumping proposition, or a provision to create a tariff commission to prevent the raising of tariff duties sufficiently high to adequately protect American industry, has never yet caught my vote. The fundamental principle of the Democratic Party as far back as I can recollect has always been an industry depend for the collection of tariff duties will defent to insistent demand for the collection of tariff duties sufficient to defray the operating expenses of the Government economically administered.

As the taxing power authorized in the pending bill violates both the Republican protective policy and the Democratic tariff for revenue principle I can see no reason why it should have the

support of any Republican or Democrat.

But the Democratic majority of this House, goaded onward by the pressing necessity of raising additional revenue to de-fray the operating expenses of the Government, which seem to be mounting skyward year by year, have thrown to the winds their time-honored guiding principle for the raising of taxes and have come out flat-footedly for a discriminatory direct-taxation

True, the bill carries a provision to the effect that the receipts collected under title 2 and one-third of the receipts collected under title 3 of the proposed measure, shall constitute a separate fund in the Treasury Department from which shall be paid all expenditures on account of acts heretofore passed and hereafter passed appropriating money for national preparedness and that such fund shall hereafter be annually credited with the receipts from the sources heretofore referred to estimated at \$175,000,000.

But when we read the short and simple proviso at the end of this requirement, authorizing the Secretary of the Treasury to use such funds for other purposes, and in the light of the statement of the gentleman from North Carolina in charge of the bill that money from this fund must necessarily be used for other purposes, and presumably for the purpose of paying operating expenses of the Government, it is clearly observable that the page and a half devoted to the creation and description of this imaginary and bookkeeping fund is pure, unadulterated, political bunk. A childish performance emanating from the elusive and delusive minds of the Democratic members of the Ways and Means Committee. The proviso states that when there has been a subtraction from the fund on account of some abstraction made by the Secretary of the Treasury that the fund shall be reimbursed, but there is no direction or provision for raising the money for making such reimbursement. So far as we now know, it will likely be done by again increasing the inheritance tax 50 per cent and adding another 8 per cent on the so-called excess profits of corporations and copartnerships. As the bill provides for the selling of Panama Canal bonds and the authorization and selling of other bonds and the issuing of certificates of indebtedness, in all, to the amount of \$640,000,000, ample provision is therefore made for taking care of the increased expenditures on account of preparedness by borrowing, and, judging by the past,

I have no doubt but that the full limit of authority to borrow, and more will be resorted to before the convening of the Sixty-

fifth Congress

When the last semiannual exigency revenue bill was under consideration by the House in July, 1915, I took occasion to state that our Democratic friends in my opinion had exhausted the list of known sources usually resorted to for the purpose of raising taxes. The introduction of the pending semiannual revenue bill further confirms that opinion. It brings to light no new subjects of taxation. This bill simply provides a 50 per cent increase of the existing inheritance taxes and an additional income tax on the incomes of corporations and partner-ships over and above a stated \$5,000 exemption plus 8 per cent of the invested capital of the corporation or partnership. This additional burdened income is denominated by the bill as "excess profits." By national statute we arbitrarily provide that By national statute we arbitrarily provide that all incomes of corporations and partnerships exceeding \$5,000 and 8 per cent of the paid-in capital are excessive profits-so excessive and exorbitant as even to shock the conscience of a Democratic Congress, and by a legislative decree they are con-demned to the use of the general welfare to be appropriated and used in whole or in part as may best suit the whim and caprice of the Congress. I have been informed that some years ago President Castro of Venezuela, desiring to obtain possession of certain asphalt lands and property then operated by an American company under some concession theretofore granted by that Republic, issued a proclamation of sequestration and under this simple device he took over the much coveted property in the twinkling of an eye, without expense and with the expenditure of but little effort.

Now, we have the spectacle of a Democratic Congress aping the performance of President Castro, and in response to an echo from the Spanish Main proposing by legislative act to sequestrate all the income of corporations and partnerships in excess of \$5,000 and a certain per cent of paid-in capital by outlawing such gains as "excessive profits" and making them the lawful prey of a starved and famishing Democratic administration. I suppose that the arbitrary judgment of the majority of the Ways and Means Committee as to what constitutes excessive profits is based solely upon the needs of the Democratic

administration for additional revenue.

I will not vote for any revenue bill carrying permanent rates of direct taxation until there has first been levied upon imports sufficient duties to adequately protect American industries and thereby protect American labor in conformity to the well-known Republican policy of protection. I shall therefore cast my vote against the pending bill. [Applause on the Republican side.]
Mr. KITCHIN. Mr. Chairman, I yield five minutes to the

gentleman from Texas [Mr. BLACK]

Mr. BLACK. Mr. Chairman, I think it is quite clear to any Member of the House that some additional taxation is neces sary to meet the imperative needs of the Government at this time, and I am going to vote for this bill because I believe that it is a just bill, an equitable bill, and places the tax burden where it ought to rest. It is always impossible to frame a tax measure that satisfies everybody, and the pending bill will not do that, but I do not believe that any just criticism can be lodged against it. I do not suppose that there has ever been a legislative body in the world where there was a greater display of inconsistency manifested by some of its members than our Republican friends have displayed in their actual voting upon the appropriation bills which have passed through this House and their subsequent mock heroics for economy. In the debate which has been had on this bill they have declaimed loudly concerning extravagant expenditures under the Democratic administration, and yet it is an indisputable fact that an analysis of the votes of this House will show that they have supported the majority of the appropriation bills that have been passed during this administration, and in many cases the records will show that they have tried to load the bills down with additional amounts. In fact, only a few days ago a prominent Republican Member, in the course of the debate on the public-buildings bill, said that one of his policies was to vote for every appropriation bill that came before the House and to vote against all measures to raise revenue. ment is typical of the attitude of the Republican Party as it is represented in the Congress of the United States to-day. A year ago when we passed the bill reorganizing the standing Army and providing for a federated State militia and when we passed the naval bill, which authorized and appropriated for the greatest naval-construction program in the history of the country, and one which will tax to their limit our naval-construction for several years to come, the Republican Members of the House moved to recommit these bills to their respective committees with instructions to adopt amendments which would have added greatly to their aggregate amount of expenditure.

Æsop in his Book of Fables tells us of a groom that used to spend whole days in currycombing and rubbing down his horse, but at the same time stole his feed. "Alas," said the horse, "if you really wish to see me in good condition, you should groom me less and feed me more." [Laughter and applause on the Democratic side.] If our Republican colleagues really want to see the Treasury of the United States in that good condition which they so often profess, they should feed it more with their votes and groom it less with their idle talk. [Laughter and applause on the Democratic side.]

Go put your creed into your deed Nor speak with double tongues.

Witness a few examples of their so-called economy as reflected in some of the votes which have been taken on bills in the present session of Congress. When the legislative, executive, and judicial appropriation bill was before the House a rule was brought in to make in order an amendment providing for a horizontal increase in the salaries of Government employees of 10 per cent for those receiving less than \$1,200 per year and of 5 per cent for those receiving not less than \$1,200 per year and not more than \$1,800. There were cast against the rule 75 votes, and only 8 of them were Republican votes, and yet if that amendment is adopted on all the bills-and it looks now that it may be—it will entail an expenditure of many millions of dollars. I voted against the amendment, because I did not believe that the Treasury of the United States was in proper condition to justify these expenditures for these increases at the present time. And, then, on the same bill when the amendment was offered to increase the compensation of secretaries of Members of Congress from \$1,500 to \$2,000 per annum, entailing an additional expenditure of \$220,000, how did these watchdogs of the Treasury vote on that amendment? One hundred and twentyseven voted for it and 57 against it, while only 58 Democrats voted in favor of it and 111 Democrats voted against it. I voted against it because of the needs for economy in the public expenditures at this time. Now, in the face of your record as manifested by your actual voting, to your plea for economy and your pretense along that line, I would say to you Republican Members:

Do not, as some ungracious pastors do, Show me the steep and thorny way to heaven; Whiles, like a puff'd and reckless libertine, Himself the primrose path of dalliance treads, And recks not his own read.

[Applause on the Democratic side.]

EXTENSION OF REMARKS.

Now, Mr. Chairman, I see that the time assigned me by Majority Leader Mr. Kitchin for speaking in behalf of this revenue bill has expired, and so without taking up any further time of the House I will extend my remarks in the Record at this juncture, concluding briefly what I have to say. Now, it is well known to the Members of this House, both Democrats and Republicans, that the need for these additional revenues is occasioned by the unusual and unprecedented expenditures for the preparedness measures, namely, for the Army, Navy, and coast fortifications. Were it not for these increases no additional revenue measure would be necessary at all at this time and, as a matter of fact, we could provide for the reduction of some revenue measures that we already have.

In order to make it perfectly clear how largely these appropriations for military and naval purposes have increased within the last two years, I offer the following comparative statement of these appropriations for the fiscal years of 1916 and 1917 and the estimates for 1918. These appropriations for 1918 will be made at this session of Congress, and bid fair to come fully up to the estimates, and it is entirely possible that conditions may arise which will cause them to exceed these estimates before they finally pass both Houses of Congress. Here is the comparative statement which I wish to offer at this time:

	Appropriations, fiscal year ending June 30—							
Item.	1916	1917	19181					
Appropriation bill: Army Navy Fortifications	\$101, 974, 195. 87 149, 661, 864. 88 6, 060, 216. 90	\$267, 596, 530. 10 313, 300, 555. 84 25, 747, 550. 00	\$298, 636, 011. 28 379, 151, 701. 67 56, 999, 481. 21					
Sundry civil— Arsenals Military posts. Supplemental estimates for Army and Navy.	653, 600. 00 570, 924. 99	5, 214, 395. 00 1, 727, 859. 99	6, 435, 700.00 8, 841, 890.23 27, 500, 000.00					
Total	258, 920, 802. 64	613, 586, 890. 93	2 777, 564, 784. 39					

¹ Estimates. ² Does not include any estimates for the Mexican situation,

Thus it will be seen that the appropriations for Army and Navy purposes increased \$354,606,088.29 in 1917 over 1916, or a gain of 136 per cent, and the estimates for 1918, which are to be appropriated for by this Congress are \$163,977,893.46 more than we appropriated for these same purposes at the last session of Congress and \$518,643,981.75 more than for the fiscal year of 1916, or a gain of over 200 per cent over 1916.

And it should be remembered that these enormous appropriations have not only received the sanction of a majority on the Republican side of the House, but, like Alexander the Great, who sighed because there were no more worlds to conquer, they have sighed for still greater appropriations and have criticized Democratic leadership for not adding on more. But Democrats have no fear of that criticism. Under the leadership of our administration a naval building program has been adopted which when completed will unquestionably make the United States the second naval power in the world, and an Army bill has been passed which provides for our national defense on the land.

HOW SHALL THE ADDITIONAL AMOUNT NEEDED BE RAISED?

The Republicans come in here, under the leadership of their members of the Ways and Means Committee, and suggest, as they call it, a return to the "good old days" of the Payne-Aldrich tariff law. Why, gentlemen of this House, the Payne-Aldrich tariff law in the greatest year of its history would lack \$400,000,000 of paying the total cost of the preparedness measures for 1918; yea, it would lack nearly \$200,000,000 of paying just the increases alone in these measures in 1918 over those of 1916.

The Payne-Aldrich tariff law only raised about \$333,000,000 in the greatest year of its history, and the estimated cost for these preparedness measures for 1918 is \$777,564,784.39, as I have shown.

Direct taxes! Of course, we have to have them. No tariff law that could be devised by mortal man would raise enough revenue to meet these enormous expenditures.

Rates that might be designed to do so would be so high that they would shut out importations altogether of articles which are now coming in under a more moderate rate. The Republican side of this House know these facts and are merely resurrecting the old tariff shibboleth to make talk and revive a dying hope.

Their predicament reminds me of a story of an embarrassed youth, who felt called upon to relieve the sudden cessation of conversation which often overtakes the most brilliant social circle. With much confusion the halting and stammering youth turned to the daughter of the hostess, who was not present in the room, and inquired: "Ho-how is yo-your ma? N-not th-that I gi-give a cent, bu-but it makes ta-talk." The Republican Party, without an issue and floundering from pillar to post, in their extremity can think of nothing to talk about save the old and threadbare issue of the tariff.

Its very hoariness with age, will bring a smile to every thoughtful American citizen, and call to mind the familiar lines of Holmes:

I know it is a sin
For me to sit and grin
At him here;
But the old three-cornered hat,
And the breeches and all that,
Are so queer!

The American people repudiated the Republican policy of exorbitant tariff rates in 1910. They did it again in 1912, and again in 1916, and would undoubtedly still do so if the question were further submitted to them. The Democratic policy of a tariff for revenue only has received the ample indorsement of the American people, and our party is fully justified in obeying their mandate.

THE REVENUE PROVISIONS OF THIS BILL ARE JUST AND EQUITABLE.

It has been charged by the opponents of this measure during the debate that the method of raising revenue which it provides is discriminatory and will be sectional in its application. Of course, an examination of the measure by any fair-minded man will disclose that these charges have no foundation in fact.

The principal and only new feature of the bill is that which provides for a tax on excess profits of corporations and partnerships. Now, let us see what taxes are levied by this provision of the bill.

In the first place, every corporation and partnership is allowed to earn \$5,000 profit in each year regardless of the size of its capital stock or amount invested in the business before there is any tax at all. Then, in addition to this exemption of \$5,000, each corporation and partnership is permitted to earn 8 per cent profit before there is any tax. Therefore, after a corporation or partnership has earned \$5,000 and, in addition to that, 8 per cent net profit on the actual amount of capital invested

in the business in any one fiscal year, then all profits in excess of that are taxed at the rate of 8 per cent. Simply that and nothing more. For instance, a concern with \$100,000 invested in the business would have an exemption of \$5,000, and then would be permitted to earn 8 per cent more, which would be \$8,000, making in all \$13,000, before any taxes would have to be paid. Corporations and partnerships, whether they be located North, East, South, or West, will, of course, have the tax to pay if they come within its provisions. There is no sectionalism in

If there are more of these excess profits in the East than in any other section of the United States, then that is their good fortune, and I do not see what right they have to complain. If they are making more money than any other section of the country, then they have larger interests to be protected and are better able to pay and ought to have to do it.

I do not see how that proposition can be successfully disputed. Besides that, if it be true that they will pay a larger amount under the terms of this bill than any other section of the country, it is also equally true that the larger part of the expenditures in the construction of the preparedness building program will be spent there and will be returned to them through the regular channels of trade.

From any standpoint I do not see how any successful criticism can be lodged against the excess-profits provision of this bill. It is estimated that it will raise \$226,000,000 for the fiscal year 1918, and that will be sufficient to meet the additional needs of the Government unless unforeseen expenditures arise.

CONCLUSION.

I favor an economical administration of the Federal Government, and my votes in this House will back up my statement absolutely. I do not favor a parsimonious policy, but one of business judgment and efficiency, and I think undoubtedly a great many savings could be effected without impairment of the Government service. Any unnecessary tax is an unjust tax. These, however, are unusual times, and unforeseen conditions Additional revenue is imperative. How shall we raise it? In these days when the cost of living has mounted so high as to tax the utmost resources of the poor to meet it I think it would be nothing less than criminal to put a tax on consumption by means of increasing the tariff duties.

This revenue bill does not do that, but places the burden on the corporation or partnership, which is enjoying unusual and excess profits. Is that right? I think so, and I gladly cast my vote for it, believing that the ends of justice will thereby be served, and "the foundations of justice are that no one shall be harmed, and, next, that the common weal be served."

Mr. FORDNEY. Mr. Chairman, I have only one more gentle-

man to speak in general debate, and I yield five minutes to the gentleman from New York [Mr. PLATT].

Mr. PLATT. Mr. Chairman, I was very much interested in various things that the gentleman from Georgia [Mr. Howard]

spoke of, and especially in his comparison of Georgia with certain of the smaller Northern States; but I notice that he did not mention, when he was talking about the Northern States that had so much population and two Senators, the great State of New York, with 10,000,000 people and only two Senators, a State as large in population as the whole tier of Southern States from South Carolina to Louisiana, and having as many Representatives in this House.

Mr. Chairman, we have had the most remarkable exhibition upon this revenue bill from those in advocacy of it that I think has ever occurred on the floor of this House. It has been brought in here frankly as a scheme for punishing the people who want to protect the country from a possible foreign inva-sion. It comes from the North Carolina school of pacifists, and its advocates openly declare that it was designed to make the people who have demanded preparedness pay for it-the people of the North-and to exempt as far as possible others; that it was designed to discourage and defeat preparedness. a very queer way to accomplish that purpose. You put a tax upon a comparatively small number of people whom you say are able to bear it, and they probably are, but you certainly do not thereby decrease the popularity of preparedness. If you had the courage of your convictions, if the Democratic Party were not a party of cowards, as has already been said; if it believed, as it professes, in a tariff for revenue only; if it had dared to live up to its principle and had put a tariff upon the best revenue-producing articles, as tariff-for-revenue nations do, namely, tea and coffee, you would have gotten a revenue and perhaps might have brought home to all the people the cost of preparedness. But now you are putting a tax upon a few and the rest of the people will not much complain, though I believe nearly all of the people are patriotic and willing to pay what may be necessary to safeguard our liberties.

If, as some of you frankly say, your purpose is to hinder pre-paredness, it is singular that you have copied your tax bill from the very European countries where militarism is most rampant. If your purpose is to try to hurt preparedness, you will not accomplish it in this way. Your tax, furthermore, is unfair. The excess upon profits tax is a tax on business, a tax which will be

charged, to a large extent, back upon the people.

Mr. Bernard Baruch testified in New York the other day that he made \$476,168 in 11 days in selling stocks short and covering on the falling market, and he complained that if he had known about the President's peace message a little earlier he could have made another four or five hundred thousand dollars by covering his sales a little later. Does this bill put a tax of a cent upon him? Not one cent. It taxes business and encourages speculation. It does not tax the man who piles up cotton or wheat or anything else in the warehouse and holds it for a higher price. It encourages that sort of thing. It is a bill to increase the cost of living, to tax business so that the tax can be put back upon the people as a part of the cost of living. That is the way you will find it will work out when you put it on the statute books. [Applause on the Republican side.]

As to the increase in the estates tax, or inheritance tax, I regard the encroachment of the Federal Government upon this source of revenue for the States as wholly unwarranted.

There never was a time, Mr. Chairman, when the question of protection to American industries was more vital to the people of this country than now. When the war in Europe ends everybody knows-most Democrats admit it-that the Underwood tariff will bring disaster upon the country. I believe that the President himself, if he really believed his peace notes and messages would produce any results inside of another year, would be advocating at least some increases in the tariff, increases that would afford some increase of protection and a considerable increase in revenue. But this bill is an evidence of how blind the Democratic Party still is to the real needs of the country and how necessary the restoration of the Republican Party to real safety and prosperity for our industries and our

Mr. KITCHIN. Mr. Chairman, I yield three minutes to the gentleman from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. Chairman and gentlemen of the committee, the gentleman from Ohio, Dr. FESS, made a statement a minute ago upon the floor of this House that he received a larger Republican majority in his district in the election last November than there were votes cast in my State at that election. I have heard something of the manner of voting in Ohio. I remember to have read something about Adams County in that State [laughter], and if the gentleman's statement is true, and he certainly with a title could not afford to make a statement that was not true, then he got more votes in his district than he has men and women, black and white. If that is the way you count your majorities in Ohio, you certainly ought to be returned to this House. There is not, however, any sense in making a statement of that kind. He gets no credit for a statement of that kind, even with his friends, for they certainly know that it is incorrect. However their voting may be in his State and their count I do not know, but I do know that he has no such majority as that.

Mr. EMERSON. Mr. Chairman, why, the Democrats did not

have nerve enough to nominate anybody against him. Mr. CARAWAY. Oh, I understand; perhaps it is the ignorant vote that the gentleman complained of in the State of Ohio. I presume that he was referring to the same class of people he mentioned when he made a statement, as I have heard he did, that in the District of Columbia he was unwilling to have a referendum because the District of Columbia contained 120,000 illiterate, ignorant negroes, and I understand his district contains about the same number.

Mr. FESS. Will the gentleman yield there?

Mr. CARAWAY. Yes. Mr. FESS. That statement is not true.

Mr. CARAWAY Did not the gentleman make that statement?

I did not.

Mr. CARAWAY. Or anything like it?

Mr. FESS. No, sir; nor anything like it. Mr. CARAWAY. Where did the gentleman make the speech that he was against a referendum-

Mr. FESS. I have made none.

Mr. CARAWAY. None at all?

Mr. FESS. No, str. Mr. CARAWAY. Well, I shall wait until another witness is called, because, after the gentleman's reckless statement of the majority he received, I fear to accept any other statement he shall make.

Mr. FORDNEY. I yield two minutes to the gentleman from

Mr. FESS. Mr. Chairman, I regret that my friend has intimated that I made a statement that I did not make, because I do not want to be put in the position of categorically denying a statement that would seem to be discourteous to him, but I made no such statement as that about the referendum or about the negro vote, but, on the other hand, I am very exacting in the statement that such a statement that I would not submit to a referendum because of the colored vote is as far as possible from my meaning and also from all that I have said or ever Should I judge from what I know of the colored man I would not hesitate to leave the temperance issue with him. Now, in regard to the vote. The vote in the seven districts in Arkansas, according to this almanac of 1916, for Congressmen is 37,262.

Mr. CARAWAY. From the whole seven districts?

Mr. FESS.

Mr. CARAWAY. The gentleman has not got a statement of that kind.

Mr. FESS. Yes, sir; in this book.

Mr. CARAWAY. It must have been published in Ohio.

Mr. FESS. The gentleman can not get away with a thing like

Mr. CARAWAY. I can get away with whoever says that is the truth, because it is absolutely not telling the truth because more votes than that were cast in some districts of the State-

A Member. What districts? Mr. FESS. There are seven districts with 37,262 votes recorded for the Democratic candidate in the seven districts and only a little over 5,000 for all candidates other than a Democrat, and now-wait a minute-in my district, the seventh Ohio, my majority was 37,128, and there were two other candidates, a Socialist as well as a Democrat.

Mr. CARAWAY. It makes no difference who said that;

that statement is absolutely not true, even if it is in a book.

Mr. FESS. It is here

Mr. CARAWAY. I do not care.
The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. Just a moment. I would not make a statement that would be unkind-

Mr. FORDNEY. I yield the gentleman one minute additional. Mr. FESS. It has been stated that my majority was because

I had no opposition.

Mr. GORDON. From a Democrat. Mr. FESS. I had a Democratic candidate and I had a Socialist candidate against me.

Mr. GORDON. Who put up the Democratic candidate?

Mr. FESS. I suppose the gentleman's party did; I did not. Mr. GORDON. He was not nominated.

Mr. FESS. But he came from my own county seat of Xenia. I know more about it than the gentleman. [Laughter and applause on the Republican side.] The facts are—Mr. Chairman, I would like to say this: There is not any group of people that I think more of personally than the group that sit on that side of the Chamber. [Applause.] I say that positively and sincerely; but when we come to discuss issues and men jump up and interrupt me I am pretty apt to do like the gentleman from North Carolina, I hit back; but I aim to do so within the limits of the facts. Now, these figures I gave are from the World Almanac, which I sent for, and I repeat them. The seven districts in that State cast but 37,262 votes, according to this book of 1916, while my majority was 37,128. Let it stand at that. [Applause on the Republican side.]

Mr. KITCHIN. Mr. Chairman, I suppose the difference between the gentleman from Ohio and the gentleman from Arkansas is that the gentleman from Ohio is referring to the general election and the gentleman from Arkansas thinks he is referring

to the primaries.

Mr. CARAWAY. Will the gentleman yield to me? I will say that in the regular vote in 1916 there were nearly 200,000 votes cast in the congressional election.

Mr. KITCHIN. In the primary?
Mr. CARAWAY. In the general election this last November, and I can get the certificate.

Mr. FESS. Mr. Chairman—— Mr. CARAWAY. There is no use to argue. I got 21,000 votes

Mr. KITCHIN. I suggest they put it in the RECORD to-

Mr. FESS. The 1917 almanac which has just been handed me gives your vote at 21,000. This 1916 copy is the one that I have, and it gives the vote: (1) CARAWAY, 4,806; (2) OLDFIELD, 5,253; (3) TILLMAN, 7,588; (4) WINGO, 5,166; (5) JACOWAY, 5,586; (6) TAYLOR, 4,110; (7) GOODWIN, 4,756.

Mr. CARAWAY. Now, what is the rest of that? Will not the gentleman be fair enough to correct his own statement?

Mr. FESS. I will. This 1917 copy which I now have says,

Caraway, 21,000; Oldfield, 17,000." Mr. Caraway. And what was his opposition vote?

Mr. FESS. Sixteen thousand.

Mr. CARAWAY. That made considerably over 30,000.

Mr. FESS. The 1916 almanac, the one I had-not having examined the 1917 almanac—gives it as I gave it to you. I see it refers to the election of 1914 instead of 1916.

Mr. CARAWAY. Whoever published that other was as inaccurate as any statement you made about your majority. The gentleman admits now his statement was wrong

Mr. FESS. I admit I was wrong as to the election of 1916,

due to my having the wrong book.

Mr. KITCHIN. I understand the gentleman from Michigan [Mr. FORDNEY] has consumed all of his time.

Mr. FORDNEY. In general debate.
Mr. KITCHIN. In general debate. I have remaining about 25 minutes, and I will take that to-morrow morning, I believe. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Sherley, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20573, the revenue bill, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. COLEMAN. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a speech delivered by Representative WILLIAM R. Wood, of Indiana, before the Pittsburgh Tariff Club on Monday of this week on the subject "William McKinley."

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by printing a speech made by the gentleman from Indiana [Mr. Wood] at Pittsburgh recently on the life and character of William McKinley. Is there objection? [After a pause.] The Chair hears none.

Mr. MORIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article on the

question of educating the alien.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by inserting an article as to education of aliens. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 20209. An act to amend section 276 of an act entitled "An act to codify, revise, and amend the laws relating to the

judiciary," approved March 3, 1911; and H. R. 217. An act to authorize the sale of school property in the city of Denver, Colo., and for other purposes.

SENATE JOINT RESOLUTION AND BILL REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution and bill of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below: S. J. Res. 198. Joint resolution providing for the confirmation

of the agreements between the States of South Dakota, Montana, and Idaho and the United States relating to the selection of lieu or indemnity lands; to the Committee on the Public Lands.

S. 7561. An act to amend an act entitled "An act for the erection of United States prisons and for the imprisonment of United States prisoners, and for other purposes," to fix the terms of office of the superintendent of prisons, the wardens, and the deputy wardens, to provide for their appointment, and for other purposes; to the Committee on the Judiciary.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 59 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Thursday, February 1, 1917, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CARAWAY, from the Committee on the Judiciary, to which was referred the bill (S. 7644) to create a new division of the northern judicial district of Texas and to provide for terms of court at Wichita Falls, Tex., and for a clerk for said court, and for other purposes, reported the same without amendment, accompanied by a report (No. 1394), which said bill and report were referred to the Committee of the Whole

House on the state of the Union.

Mr. TIMBERLAKE, from the Committee on the Public Lands, to which was referred the bill (H. R. 18825) to amend an act entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes," reported the same with amendment, accompanied by a report (No. 1395), which said bill and report were referred to the Committee of the Whole House on the state of

Mr. HAYDEN, from the Committee on the Public Lands, to which was referred the bill (H. R. 19781) relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land offices, reported the same with amendment, accompanied by a report (No. 1396), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SMITH of Texas, from the Committee on Irrigation of Arid Lands, to which was referred the bill (H. R. 17743) authorizing Anton Hiersche to select other land in lieu of land now owned by him, required for reclamation purposes, reported the same without amendment, accompanied by a report (No. 1393), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 5938) granting an increase of pension to William Wells, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CHURCH: A bill (H. R. 20658) granting consent to the county of Madera, Cal., and its successors and assigns, the right to divert the waters of the San Joaquin, Fresno, and Chowchilla Rivers; to the Committee on Rivers and Harbors.

By Mr. SMITH of Texas: A bill (H. R. 20659) for the aid of commissioned officers of the Medical Reserve Corps and of

officers of Reserve Corps; to the Committee on Military Affairs, By Mr. MOON: A bill (H. R. 20660) authorizing the Postmaster General to increase prices for certain supplies to conform to abnormal market conditions; to the Committee on the Post Office and Post Roads.

By Mr. GLASS: A bill (H. R. 20661) to amend the act approved December 23, 1913, known as the Federal Reserve Act. as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916; to the Committee on Banking and Currency

By Mr. CARY: A bill (H. R. 20662) providing for an advisory referendum by the people of the District of Columbia on certain questions relating to municipal self-government and representation in Congress; to the Committee on the District of Columbia.

By Mr. ANTHONY: Resolution (H. Res. 482) requesting the Secretary of War for certain information with reference to attack on American troops at Carrizal; to the Committee on Military Affairs.

By Mr. NOLAN: Memorial of the Legislature of California petitioning action by Congress legalizing claims of locators in oil regions in California; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:

By Mr. CHARLES: A bill (H. R. 20663) granting an increase of pension to Daniel C. Hewitt; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 20664) for the relief of Albert J. Weber; to the Committee on Claims.

By Mr. ESCH: A bill (H. R. 20665) granting an increase of pension to Jesse Mather; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 20666) granting a pension to Gabriel S. Henderson; to the Committee on Pensions.

By Mr. FLOOD: A bill (H. R. 20667) granting a pension to Mrs. Emms K. Brockman, widow of John Brockman, it at the

Mrs. Emma K. Brockman, widow of John Brockman; to the Committee on Pensions.

By Mr. FREEMAN: A bill (H. R. 20668) granting an increase

of pension to Mary Ann Wilson; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 20669) granting an increase of pension to James C. Rutherford; to the Committee on Invalid Pensions.

By Mr. LIEBEL: A bill (H. R. 20670) for the relief of the officers and enlisted men of McLane's Pennsylvania Regiment and their widows and children; to the Committee on Military Affairs.

Also, a bill (H. R. 20671) granting a pension to Nellie R. Pearce; to the Committee on Pensions.

Also, a bill (H. R. 20672) granting a pension to Marinda Maynard; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 20673) granting an increase of pension to Robert H. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20674) granting a pension to Theodore Hansen; to the Committee on Pensions.

By Mr. McCRACKEN: A bill (H. R. 20675) for the relief of Jacob Mull; to the Committee on Military Affairs.

By Mr. MORRISON: A bill (H. R. 20676) granting an increase of pension to Oren M. Harlan, to the Committee on Inva-

lid Pensions. By Mr. NORTH: A bill (H. R. 20677) granting an increase of pension to Ananias Wonders; to the Committee on Invalid

By Mr. PRATT: A bill (H. R. 20678) granting an increase of pension to William B. Porter; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 20679) granting an increase of pension to Michael Dial; to the Committee on Invalid Pensions.

By Mr. SCHALL (by request): A bill (H. R. 20680) conferring jurisdiction on the Court of Claims to hear and determine all claims against the United States for sums alleged to be due to the descendants of the Eastern or Emigrant Band of Cherokee Indians and to render judgment therein; to the Committee on In-

dian Affairs.

By Mr. TAGGART: A bill (H. R. 20681) granting an increase of pension to Susan St. John; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20682) granting an increase of pension to

Jesse G. Layton; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 20683) granting a pension

to Richard R. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20684) granting a pension to Edgar Norton; to the Committee on Pensions.

By Mr. VAN DYKE: A bill (H. R. 20685) for the relief of Vincent M. McKinnon; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid

on the Clerk's desk and referred as follows:

By Mr. BROWNE: Petition of railway mail clerks, post-office clerks, letter carriers, and rural delivery clerks of Marshfield, Wis., asking for increased pay; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Petition of Frank W. Treis, jr., and sundry

citizens of Milwaukee, Wis., protesting against the passage of the Bankhead-Randall bills; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of Massachusetts State Board of Trade, favoring increase of membership of Interstate Commerce Commission and the extension of its powers; to the Committee on Interstate and Foreign Commerce.

Also, petition of Abe Stein & Co., of New York, protesting

Also, petition of Mrs. Kate E. Jacobson, member of National Probation Association of Hackensack, N. J., favoring Senate bill 1092 and House bill 42 to establish a probation system in the United States courts; to the Committee on the Judiciary.

Also, petition of Anne Delia Melvin, juvenile probation officer, Hartford, Conn., favoring Senate bill 1092 and House bill 42 to establish a probation system in the United States courts; to

the Committee on the Judiciary.

Also, petition of Frank L. Graves, probation officer, of Brooklyn, N. Y., favoring Senate bill 1092 and House bill 42 to establish a probation system in the United States courts; to the Com-

mittee on the Judiciary.

By Mr. DOOLING: Petition of National Educators' Conservation Society, protesting against the water-power bills now before Congress; to the Committee on Interstate and Foreign Com-

Also, petition of the New York Churchman's Association, of New York, protesting against the attitude of the Imperial German Government toward Belgium; to the Committee on Foreign

By Mr. DOWELL: Petition of Friends' Church of Indianola, Iowa, and United Presbyterian prayer meeting of Indianola, Iowa, favoring national constitutional prohibition; to the Com-

mittee on the Judiciary.

By Mr. EAGAN: Petitions of Mrs. H. S. Palmer, Glen Ridge; H. St. J. Weed, East Orange; Ernest Napier, secretary of National Association of Game and Fish Commissioners, East Orange; and Katherine W. Bolles, East Orange, all in the State Orange; and Katherine W. Bolles, East Orange, all in the State of New Jersey; William Sumner Appleton, Boston, Mass.; and W. P. Wright, Penns Grove, N. J.; all favoring the passage of House bill 20080, known as the migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of National Educators' Conservation Society, New York, protesting against the Shields-Adamson and Ferris-Myers water-power bills; to the Committee on Interstate and Foreign Commerce

and Foreign Commerce.

Also, petition of Brotherhood of Maintenance-of-Way Employees, American railways; to the Committee on Interstate

and Foreign Commerce.

By Mr. FULLER: Petition of Amos Churchill, Monica, Cal., favoring the passage of House bill 14428 to increase pensions of maimed soldiers of the Civil War; to the Committee on Invalid Pensions.

Also, petition of the Ottawa (Ill.) Banking & Trust Co., protesting against the proposed tax on profits; to the Committee on

Ways and Means.

By Mr. GALLIVAN: Petition of Massachusetts State Board of Trade, favoring increase of membership of Interstate Commerce Commission and extension of its powers; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Suffolk, Mass., protesting against prohibition legislation; to the Committee on the Judi-

By Mr. HAWLEY: Petition of Woman's Christian Temperance Union, Shedds; the Ladies' Society, Eugene; and the Congregational Woman's Missionary Society, Corvallis, all in the State of Oregon, favoring national prohibition amendment to the Constitution; to the Committee on Rules.

By Mr. HICKS: Petition of sundry citizens of Islip, Suffolk County, N. Y., favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. HILLIARD: Petition of John Collin Methodist Episcopal Church, the North Denver Seventh-day Adventist Sabbath School, Broadway Baptist Church, and North Congregational Church, all of Denver, Colo., favoring the national constitutional prohibition amendment; to the Committee on the Judiciary.
By Mr. HOLLINGSWORTH: Memorial of Colerain Farmers'

Institute, Belmont County, Ohio, against military training in the schools of the United States; to the Committee on Military

Affairs.

By Mr. JOHNSON of Washington: Petition of citizens of Puyallup, Wash., favoring exclusion of liquor advertising from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of South Bend, Wash., favoring national constitutional prohibition; to the Committee on the

By Mr. LIEBEL: Papers to accompany House bill 20672, granting a pension to Marinda Maynard; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 20671, granting a pension to Nellie R. Pearce; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 20670, for the relief of the survivors of McLane's Pennsylvania Regiment and their widows and children; to the Committee on Military Affairs.

By Mr. MORIN: Petition of the Massachusetts State Board of Trade, of Boston, Mass., with reference to Federal regulation of railway rates, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mr. John H. Duxbury, legislative representa-tive of Three Brothers' Lodge, No. 235, of Pittsburgh, Pa., with reference to food embargo; to the Committee on Interstate and

Foreign Commerce.

By Mr. PAIGE of Massachusetts; Petition of the First Bap-tist Church, First Congregational Church, and Congregational Christian Endeavor Society, all of West Boylston, Mass., favoring national constitutional prohibition; to the Committee on the

By Mr. PRATT: Petition of Rev. H. Clay Milliman, B. S. Thompson, and sundry other citizens of Addison, N. Y.; favoring a prohibition amendment to the Constitution of the United

States; to the Committee on the Judiciary.

Also, petition of Young Men's Bible Class of the State Street

Also, petition of Young Men's Bible Class of the State Street Methodist Episcopal Church, of Ithaca, N. Y., favoring prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of William H. Hanna, of Brooklyn, N. Y., protesting against the passage of House bill 18986, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

Also, petition of A. Emerson Palmer, secretary of the Board of Education, New York City, favoring appropriation by Congress of \$50,000 for the education of alien citizens of this

country; to the Committee on Appropriations.

Also, petition of Isaac Cortelyou, secretary of Brooklyn Board of Real Estate Brokers, Brooklyn, N. Y., opposing placing of a Federal tax on real-estate mortgages; to the Committee on

Ways and Means.

Also, petition of State Fish, Game, and Forest League of New York, favoring the enactment of a Federal game law which shall permit the promulgation of regulations fixing uniform bag limits and prohibiting the sale of domestic game throughout the United States, and favoring the passage by Congress of a proper and suitable enabling act to give effect to the treaty recently perfected between the Governments of the United States and Great Britain and an appropriation of \$500,000 to enforce said law; to the Committee on Foreign

By Mr. SMITH of Michigan: Petition of G. D. Fuller, of Kalamazoo, Mich., protesting against Federal revenue tax on corporate earnings; to the Committee on Ways and Means.

B. Mr. SNELL: Petition of Daniel A. Ferguson, stated clerk of the Presbytery of St. Lawrence, representing the Presbyterian constituency of St. Lawrence and Jefferson Counties, expressing the desire of its members that the sale of intoxicating liquors as a beverage shall be prohibited in Washington, D. C.; to the Committee on the District of Columbia.

By Mr. TAGUE: Petition of the Massachusetts State Board of Trade, favoring increase of membership of Interstate Commerce Commission and the extension of its powers; to the Com-

mittee on Interstate and Foreign Commerce.

By Mr. TILSON: Petition of Massachusetts State Board of Trade, favoring House bill 19779, permitting the New York, New Haven & Hartford Railroad Co. to retain control of its steamship lines; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS of Ohio: Petition of the B. F. Goodrich Co., of Akron, Ohio, protesting against the enactment of 8 per cent income tax on corporations as proposed by the revenue

bill; to the Committee on Ways and Means.

SENATE.

THURSDAY, February 1, 1917.

(Legislative day of Wednesday, January 31, 1917.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

GOVERNMENT OF PORTO RICO.

Mr. SHAFROTH. Mr. President, I move that the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, be made the special order for to-night at 8 o'clock. I first ask unanimous consent that this may be done.

Mr. SMOOT. Mr. President, all I have to say is—to repeat what I said yesterday—that if the order is made, as soon as the unfinished business is laid before the Senate to-night I shall object to its being laid aside. I will say to the Senator again there is no need of night sessions at this time. If appropriation bills are presented here, there will be no disposition whatever to delay their passage; but why take the time of the Senate in a night session to discuss a bill that can pass this body within a couple of hours at any time in the day.

Mr. SHAFROTH. That is just what I received in reply to my requests last session. Time after time I tried to get consid-

eration, and every time something intervened.

Mr. BRANDEGEE. Mr. President, I rise to a question of order that the motion is not debatable, and I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Myers Nelson Norris Overman Page Pittman Brady Brandegee Hollis Hughes Smith, S. C. Smoot Sterling Sutherland Thomas Bryan Chamberlain Chilton James Johnson, Me. Johnson, S. Dak. Chiton Clapp Culberson Curtis Dillingham Fernald Fletcher Gallinger Harding Hardwick Townsend Jones Townsend Underwood Vardaman Walsh Watson Weeks Williams Works Kenyon
La Follette
Lane
Lee, Md,
Lewis
Lodge
McCumber Poindexter Pomerene Ransdell Robinson Shafroth Sheppard Shields Martin, Va. Martine, N. J. Simmons Smith, Mich. Hitchcock

Mr. CURTIS. I desire to announce the absence of the Senator from Illinois [Mr. Sherman] on account of death in his family.

I will let this announcement stand for the day.

Mr. MARTINE of New Jersey. I have been requested to Mr. MARTINE of New Jersey. I have been requested to announce that the Senator from Oklahoma [Mr. Gore] is detained on account of illness.

The VICE PRESIDENT. Fifty-eight Senators have an-

swered to the roll call. There is a quorum present.

Mr. SHAFROTH. I ask that my request for unanimous consent be submitted to the Senate that House bill 9533 be made a special order for 8 o'clock to-night.

Mr. LEWIS. If there be a night session.

Mr. SHAFROTH. I suppose there will be a night session.
Mr. BRANDEGEE. I object, Mr. President,
Mr. SHAFROTH. I move that the Porto Rican bill be made

the special order for 8 o'clock this evening.

Mr. CLAPP. Will the Senator withhold his motion, that I may make a request that will not take more than an instant of time?

Mr. SHAFROTH. I withhold the motion for that purpose.

THE COMMITTEE ON INDIAN AFFAIRS

Mr. CLAPP. In behalf of the chairman of the Committee on Indian Affairs, I ask that permission be given that committee to sit during the session of the Senate.

The VICE PRESIDENT. Is there objection? The Chair

hears none.

THE COMMITTEE ON POST OFFICES AND POST ROADS.

Mr. HARDWICK. I make the same request in behalf of the Committee on Post Offices and Post Roads.

The VICE PRESIDENT. Is there objection? The Chair

hears none.

FORTIFICATIONS APPROPRIATIONS.

Mr. BRYAN. Mr. President-

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Florida? Mr. SHAFROTH. I yield.

Mr. BRYAN. From the Committee on Appropriations I report back favorably without amendment the bill (H. R. 20453) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and I submit report (No. 1002) thereon. I am also directed to give notice that at the very first opportunity I shall ask the Senate to take up and consider this bill.

The VICE PRESIDENT. The bill will be placed on the cal-

THE REVENUE.

Mr. TOWNSEND. Mr. President-

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Michigan?

Mr. SHAFROTH, I yield.

Mr. TOWNSEND. I desire to present and have printed in the Record resolutions adopted by the Manufacturers' Association of the State of Michigan relative to the proposed revenue

There being no objection, the resolutions were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

DETROIT, MICH., January 31, 1917.

Hon. CHARLES E. TOWNSEND, Washington, D. C .:

Hon. Charles E. Townsend, Washington, D. O.:

I am directed to transmit to you the following resolution:

"Resolved, That the manufacturers and other business representatives here assembled under the auspices of the Michigan Manufacturers' Association do hereby approve of the action of Congress heretofore taken and now proposed looking toward the adequate defense of our country; but we wish to voice our unqualified disapproval of that part of the pian being considered in Congress to finance such defense and other expenditures by what is known as the tax on the so-called excess profits of corporations and copartnerships."

In taking this position we assert our earnest belief that any proper defense of this country must rest upon a prosperous state of industry and commerce and upon assured employment of labor. We declare our belief that the laying of this special tax upon the profits of industry and commerce must inevitably result in the curtaliment of effort, the limitation of legitimate business development, and the depression of all conditions of employment. We find by a recent statement of Hon. Edward N. Hurley, retiring chairman of the Federal Trade Commission, that the immediate burden of this tax will fall upon not more than approximately 60,000 business concerns, without counting banking, railroad, and public-utility corporations.

Such a tax will penalize ability, energy, and efficiency, and if imposed will surely have the effect of retarding the profit-sharing plans which are being introduced for the benefit of employees by so many manufacturing and mercantile institutions.

We assert that the cost of a proper program of national defense, to which support we are heartily committed, should be equitably distributed upon all property and in part over a term of years bearing suitable relation to the lasting benefits proposed to be created by the program of defense.

In view of these facts we hereby declare our opposition to the proposed measure in its present form, and place this assembly on record as viger

MICHIGAN MANUFACTURERS' ASSOCIATION, By J. G. HOFFMAN, Secretary.

GOVERNMENT OF PORTO RICO.

Mr. NORRIS. Mr. President-The VICE PRESIDENT. Does the Senator from Colorado

yield to the Senator from Nebraska?

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. Can the Senator from Colorado, with a motion pending, yield the floor to other Senators for as long a time as he desires? The VICE PRESIDENT. No; he can not do that; but the

Chair did not know a motion was pending.

Mr. BRANDEGEE. I understood the Senator from Colorado to make that motion.

Mr. SHAFROTH. I move-

Mr. NORRIS. Will the Senator permit me just a moment to make a request?

Mr. SHAFROTH. I yield to the Senator from Nebraska. Mr. BRANDEGEE. I object. Mr. SHAFROTH. I move that the bill (H. R. 9533) to pro-

Mr. SHAFROTH. I move that the bill (H. R. 953) to provide a civil government for Porto Rico, and for other purposes, be made the special order for to-night at 8 o'clock.

Mr. WALSH. Mr. President, I want to say a word on the motion of the Senator from Colorado. I am glad to see so many Senators here this morning. We are continuing the business of yesterday. The unfinished business, House bill to make the Senator. The whole

408, the water-power bill, is now before the Senate. The whole time of the session yesterday was consumed by the Senator from Colorado, who now makes this motion in the discussion of the unfinished business, the water-power bill. He gave a very enlightening address. Senators are very desirous, I am

sure, of having him complete it.

The Senator expressed the view yesterday that the country would be interested in reading his address. I do not know whether the Senator will be able to complete his address to-day or not; but in any case, Mr. President, it seems to me that the Senator ought to be quite willing to expedite the disposi-tion of the unfinished business and then take up the Porto Rican government bill. I beg to assure him that I shall be very glad to help him get consideration of that measure; but, Mr. President, when we are recessing from one day to another and remaining in continuous session even until the night why, pray, should we discontinue the unfinished business and take up the Porto Rican bill?

The Senator from Colorado could speedily dispose of the

pending bill by abbreviating as much as possible his discussion of the pending measure and securing as many of the Senators who believe with him on the matter as he can to act in like manner. We would then be able to take up the act in like manner. Porto Rican bill and the other important measures which are before us; but I trust now that the motion of the Senator from

Colorado will not prevail. I do not believe that for the dispatch of business in this Chamber it is a good thing to suspend the work we are engaged in, that is taking an awful lot of time, I regret to say,

and that ought to be disposed of either one way or the other, and to lay that aside and take up some other measure. This bill has been placed before the Senate by the vote of the Senate as the business which ought now to engage its attention, unless something in the nature of emergency legislation, appropriation bills, revenue legislation, or something of that kind may intervene.

Mr. SHAFROTH. I wish to say in reply to the Senator from Montana that it was the understanding we were to have morning hours, so that I might get an opportunity to present the Porto Rican bill. I have tried not to interfere with the unfinished business, but if it becomes necessary I shall be compelled to move the consideration of the Porto Rican bill in preference to the bill which the Senator has in charge. I have tried to avoid that; I do not want to do it; but the Porto Rican bill is one of the very important bills before the Senate, and I must say when I am proposing to put it off to a time when likely a quorum may not be had it is interfering very slightly with the Senator from Montana.

Mr. WALSH. If the Senator will pardon me, I will be very glad to give the Senator a morning hour.

Mr. SHAFROTH. We took a recess yesterday, and we have not any morning hour.

Mr. WALSH. If the Senator will agree to unanimous consent

to vote on the pending measure— Mr. SHAFROTH. Oh, no, Mr. President; that measure is before the Senate now, and out in my part of the country it is regarded as the most important measure to us that ever has been presented to the Congress of the United States. If the Senator thinks we are not going to be heard, he is mistaken. I am not going unnecessarily to consume the time. I think I

will finish in an hour this morning if I am not interrupted; but, Mr. President, all must know that it is a measure which fastens upon our country a landlordship and the seizure of our waters that belong to the States that we are not going to stand, if by argument we can avoid it. I do not propose to filibuster in the matter, but it is the most important measure that has been before Congress, in my judgment, for years and years. All I want is to take up the time of an evening's session. I want this Porto Rican bill to be concluded just as quickly as possible, and if it car be gotten through with by a unanimous-consent agreement I will step aside and let the Senator proceed; but I must insist upon my motion to have the Porto Rican bill made a special order for to-night at 8 o'clock.

The VICE PRESIDENT. The question is on the motion of

the Senator from Colorado.

Mr. WALSH. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'Gor-MAN], who I believe is absent. I therefore withhold my vote.

Mr. JONES (when his name was called). The junior Senator from Virginia [Mr. Swanson] is necessarily absent on account of illness. I am paired with him for the day, and therefore withhold my vote. I will allow this announcement to stand with reference to any other roll call which may be taken to-day.

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLean], which in his absence I transfer to the Senator from Arizona [Mr. SMITH] and

Mr. OVERMAN (when his name was called). I have a pair with the junior Senator from Wyoming [Mr. Warren]. I transfer that pair to the Senator from Alabama [Mr. Bankhead] and vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. Goff] to the Senator from Tennessee [Mr. Lea] and vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. Penrose] to the senior Senator from Nevada [Mr. NEWLANDS] and vote nav.

The roll call was concluded.

Mr. MARTIN of Virginia. Mr. President, I desire to state that my colleague [Mr. Swanson] is detained from the Chamber by sickness. I shall not repeat this statement, because my colleague will not likely be in his seat for several days. While not dangerously sick, he is having quite a serious spell, and there is no likelihood of his being able to get to the Senate for some days.

Mr. JAMES. I transfer the general pair which I have with the junior Senator from Massachusetts [Mr. Weeks] to the junior Senator from Arkansas [Mr. Kirby] and vote "yea." Mr. SMITH of South Carolina (after having voted in the

affirmative). I voted a moment ago, but I now notice that the senior Senator from South Dakota [Mr. Sterling], with whom

I am paired, is absent. I transfer that pair to the junior Senator from Wisconsin [Mr. Husting] and will let my vote stand.

Mr. CLARK. I desire to announce my pair with the senior Senator from Missouri [Mr. Stone] and withhold my vote.
Mr. DILLINGHAM (after having voted in the affirmative).

I am obliged to withdraw my vote, as I have a pair with the senior Senator from Maryland [Mr. Smith], who is not present. Mr. CURTIS. I desire to inquire whether the junior Senator from Georgia [Mr. HARDWICK] has voted?

The VICE PRESIDENT. The Chair is informed that he has

Mr. CURTIS. I am paired with that Senator, and therefore withhold my vote

Mr. UNDERWOOD. I desire to announce the absence of my colleague, the senior Senator from Alabama [Mr. BANKHEAD]. on account of sickness

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. Catron] with the Senator from Oklahoma [Mr. Owen];

The Senator from West Virginia [Mr. Goff] with the Senator from South Carolina [Mr. TILLMAN]; and

The Senator from Illinois [Mr. SHERMAN] with the Senator from Kansas [Mr. THOMPSON].

The roll call resulted-yeas 35, nays 20, as follows:

YEAS-35.

Broussard Fernald Fletcher Gronna Harding Hughes James Johnson, S. Dak.	La Foliette Lippitt Lodge McCumber Martin, Va. Nelson Page Poindexter	Ransoell Robinson Shafroth Shields Simmons Smith, Mich. Smith, S. C. Smoot Sutherland	Tillman Townsend Underwood Vardaman Wadsworth Watson Works
	N/	YS-20.	re the trouble sign
Ashurst Brandegee Bryan Chamberlain Chilton	Culberson Fall Hollis Johnson, Me. Lewis	Myers Norris Oliver Overman Pittman	Pomerene Sheppard Smith, Ga. Walsh Williams
	NOT Y	OTING-41.	
Bankhead Beckham Borah Catron Clapp Clark Coit Cummins Curtis Dillingham du Pont	Gallinger Goff Gore Hardwick Hitchcock Husting Jones Kern Kirby Lane Lea, Tenn.	Lee, Md. McLean Martine, N. J. Newlands O'Gorman Owen Penrose Phelan Reed Saulsbury Sherman	Smith, Ariz. Smith, Md. Sterling Stone Swanson Thompson Warren Weeks

The VICE PRESIDENT. On the motion of the Senator from Colorado [Mr. Shafroth] to make the Porto Rican bill the special order at 8 o'clock to-night the yeas are 35 and the nays are 20. It not having received the necessary two-thirds vote, the motion is lost. The unfinished business is now before the Senate.

DEALING IN COTTON FUTURES.

Mr. SMITH of South Carolina. I ask unanimous consent, out of order, to submit the resolution which I send to the desk, and desire that it lie on the table.

Mr. GALLINGER. Mr. President, let the resolution be read. The VICE PRESIDENT. The resolution will be read. The Secretary read the resolution (S. Res. 345), as follows:

Whereas complaint has come from farmers, merchants, business organizations, and also a memorial from the Legislature of South Carolina, complaining that the practice of the New York Cotton Exchange in buying and selling contracts below what local spot cotton can be bought in the South; and
Whereas this practice is demoralizing to the domestic and foreign cotton trade, in that it makes impossible legitimate hedging against purchase and sale: Therefore be it

Resolved, That the Attorney General is hereby directed to proceed at once to investigate the transactions in buying and selling contracts on the New York Cotton Exchange and ascertain whether such transactions are unlawful and in restraint of trade.

The VICE PRESIDENT. The resolution will lie on the table and be printed.

ADMINISTRATION OF JUSTICE.

Mr. TOWNSEND. Mr. President, out of order, I desire to present, and to ask to have printed as a public document, a bulletin sent out by the American Judicature Society with reference to promoting the efficient administration of justice. ask that it be referred to the Committee on Printing.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

ADDRESS BY FRANKLIN W. HOBBS.

Mr. GALLINGER, Mr. President, I present a document entitled "Textiles—The Backbone of New England," it being an

address by Franklin W. Hobbs before the Boston Art Club. I ask that it be referred to the Committee on Printing, as I desire to have it printed as a public document.

The VICE PRESIDENT. The document will be referred to the Committee on Printing.

WORLD PEACE.

Mr. McCUMBER. Mr. President, I gave notice a few days ago that I would discuss a resolution which I introduced pertaining to the address of the President. I wish to discuss that very briefly this morning, and I will ask, without reading, that the resolution may be inserted in the RECORD at this point, and that it may constitute a portion of my remarks.

The VICE PRESIDENT. Without objection, that action will

The resolution (S. Res. 333) submitted by Mr. McCumber January 30, 1917, is as follows:

January 30, 1917, is as follows:

Resolved, That while the Senate joins with the President in the earnest hope for a speedy termination of the war now devasating the greater portion of the earth, that such war may be brought to an end without crushing any of the great peoples engaged therein, and that a world compact for the preservation of peace and the diminution of armaments so conditioned that this country can with honor and national safety subscribe to its terms and join in its enforcement may be entered into by all the great nations of the earth, as suggested in the address of the President before the Senate on January 22, 1917, the Senate nevertheless regrets that it is unable to agree with the President either on the major propositions that the peace must be a peace without victory or the many other matters which the President suggests as conditions precedent to the entrance of this country into such a compact; but no matter how this war may end, this country, deeply impressed with its slaughter, its devastation, and its baneful influence on civilization and progress, should stand ready at all times, irrespective of the terms of peace which the necessity of any belligerent may compel it to accept, to exercise its influence and to act jointly with other world powers to strengthen the bonds of international comity and good will, and to lend its moral and physical support to the end that no such war may ever again blacken the earth.

Mr. McCUMBER. Mr. President, we awakened this morning

Mr. McCUMBER. Mr. President, we awakened this morning to meet a most serious situation, so critical in its nature as to not only warrant but demand the laying aside of all matters of ordinary legislation and giving our immediate and patriotic consideration to matters of grave and vital interest-matters in which our national honor is already involved and our future peace and safety may be at stake.

The Senator from Massachusetts [Mr. Longe] and myself gave notice of a purpose to discuss the recent address of the President concerning a world peace. The note received last evening from one of the belligerents, which foreshadows an era of devastation, slaughter, and starvation far beyond the horrors which have already shocked the world, brings home to us with impressive force the efforts of the President to check further slaughter and bring about an honorable peace, and demands of us in this critical hour that we should leave no word unspoken, no act undone to impress upon these battling nations the imperative duty they owe to humanity to cease this monstrous slaughter and unite with this country in a compact for the preservation of a lasting peace, fair and honorable to all.

The note is in the hands of the President, and it would be inopportune, it seems to me, for the Senate to invade the field of diplomacy, over which the President alone, under our Constitution, has jurisdiction. But we well may, and should, give proper aid to the endeavor of the President to secure a world peace, and this can be done without the slightest invasion of the field of diplomacy

Mr. President, while I may not agree with all the conditions which the President lays down, and as I construe his message, the observation of which must precede our entrance into any world compact for the enforcement of peace, I do agree most heartily with the general principle of a world federation for enforced arbitration when so guarded as to assure fundamental and inherent national rights. And I can not allow the addresses made in this Senate proclaiming the everlasting isola-tion of this country from world concerns, except wherein we may see fit to force ourselves for selfish commercial interest, to stand as the unchallenged sentiments of this body, and, above all, I do not wish to be classed with those who scoff at the idea of a world-enforced peace, in the maintenance of which this country shall take an honored part.

Reading the past in the alphabet of unchanging hereditary emotions, I assume the cave man whose size enabled him to club to death anyone whose actions contravened his purposes, robbed and plundered his weaker neighbor with impunity, also scoffed at the suggestion that he should be bound by any other law than his own sweet will. I assume that he declared as a Utopian dream the suggestion that the people of a tribe could live without each one being armed to the teeth and ever alert to defend himself or to use his bludgeon to enforce his individual rights. I assume that he declared as preposterous and visionary the suggestion of a union of all of the people of his tribe to com-

pel each member to accord to the others the same right he claimed for himself. I assume that he regarded any surrender of a moiety of his sovereignty over himself and his action to the will or conscience of others as most dangerous to his individual safety, and that he talked about his honor and his vital interest as though he alone were the great "I am" of the universe. But whatever may have been his conjectures, it is certain that a time did arise in the evolution of the human family when he was compelled to submit such differences to the judgment of his neighbors, when he was compelled to admit that the rights of humanity in general were greater and more important than the rights of any single individual.

'And, Mr. President, out of this necessity for restraining the power of the stronger man and protecting the rights of the weaker grew the institution of government among men. Our civilization of to-day, with all its glory of mental endowment; with all its mighty achievements in the realms of science, literature, art, philosophy; with all its genius of production; with all its comforts and luxuries, and with all its consequent eapability for happiness, is but the legacy which we as a people received from that first government in that far-off age when public sense of justice had so ripened and intensified and united that it said to the man with the greater physical power, "Lay down that club and arbitrate"; that said to the weaker man, "Fear not, your cause is our cause, the cause of humanity, and by the united strength of the many we will protect you against

the power of the stronger." I am not so sure as some of the Members of this body that time is not very near at hand when all Governments, are but communities multiplied, will be compelled to abide by the same rules of morality in their relations to each other that they enforce upon their own citizens in all of their interrelations; and as I am compelled to recognize that all our civilization and all its blessings flow from this ancient source of civil government, a government which protected the weak from the strong, that created courts of arbitration to pass judgment upon the right and justice of individual actions, so I know that the advancement of this rule of right into the realm of international relations will result in greater blessings, comforts, and happiness than the world has ever yet dreamed of. am not certain, Mr. President, that we have actually reached that period, but I have an abiding conviction that it is very near

We all realize that we are passing through a mighty world change, a change fraught with uncertainties and possibilities which no one is bold enough to assert that he comprehends. For centuries the progress of the world was comparatively slow, almost imperceptible. There was little progress in human vocations, trades, and business from the days of the Pharaohs to the birth of Lincoln. Suddenly we note a portentous awakening.

We have progressed more in the last 75 years than during the previous 5,000 years of recorded history. Our progress has been so phenomenal as to astound even ourselves. These long centuries seemed to have been centuries of preparation only, the slow embryonic development of the human family. In the light of this wonderful presaging world activity who may say that this mighty slaughter, the greatest the world has ever known, may not be the birth throes which shall usher humanity into the realm of "peace on earth, good will toward men," that will lead mankind into a new world, where that vast human energy which has heretofore been wasted in preparation for its own destruction shall be henceforth directed toward the preservation and aggrandizement of human life, a world relieved from the ever-increasing burden of armies and navies and pensions; a world in which these almost boundless wasted energies shall be turned into channels of productiveness that will give to our children's children a world of plenty, a civilization freed from the haunting fear of the monster of war.

I am in accord with the general idea proclaimed, not originated, by the President, an idea which has been discussed by and which has sunk deep into the hearts and minds of our people, too deep to be scoffed away, that as all of the people in the world have the same individual rights, so all nations have the same national rights; and that while each one must work out its own national destiny neither has the right to destroy the other, to subjugate it, or absorb it for its own aggrandizement.

It might be well for us to remember that the evolutionary processes of nature, working their inexorable changes in physical structure, labor with the same patient and persistent industry on our mental faculties and, supplemented by an everincreasing international intercourse, point always toward a broader humanity.

Mr. President, nations of this day are not divided by blood but by physical boundaries, by rivers, mountains, and seas.

Since the beginning of commerce among people these frail boundaries have been crossed and recrossed and the blood of one infused into the veins of the other, and this, supplemented by war and conquest, by annexations and assimilation, have so commingled the blood of this dominant Aryan race that no one can claim a purely local heritage; and this blood relationship of all the nations of Europe with this country is far closer than we are wont to consider.

We, whose citizenship is made up of all the divers nationalities from every land of Europe, can not but recognize that it is our own blood that is being shed, our own brothers that are being slaughtered in this conflict, and we can not with any sense of duty or humanity say "This is not our concern." By every tie of blood, by every sentiment of the heart, it is our concern. And it is our moral as well as our national duty to bend every effort to the end that no such hideous war shall ever again blacken the world with its worse than murder.

Mr. President, this broader and growing idea of national duty in no sense will diminish our devotion to our own country and its interests. Can anyone assert that the institution of government among men, whereby each citizen or subject binds himself to uphold its laws, to shield the weaker against the stronger, to enforce equity and fair dealing between all members of his society, has to any extent diminished his loyalty and devotion to his own family? Has it not rather strengthened the fidelity to and added to the security of the home in every land?

While I do not speak, and perhaps no one man can speak, for the views of the League for the Enforcement of Peace, I can not refrain from expressing the conviction that the consensus of opinion of those who proclaim the doctrine of a world-enforced peace differs very materially from what has been declared to be their doctrine in some of the speeches made in the Senate. think few indeed would be the number of persons who would contend that a world compact would either compel or allow an interference with the purely domestic affairs of any one Government. The compact must be a compact of independent nations, each free to work out its own national destiny, commercial or otherwise, but each bound to conform in its international conduct to a code that all shall regard and adopt as a code of international right and justice, and, Mr. President, one which all must adopt before they can enter into such an agreement.

And we may well ask ourselves right here, Why should any

nation be exempt from that moral code which governs its people? Why should not each and every nation submit itself to the rule that it rob no other nation of its liberty or its territory; that it murder not its people; that it deprive it not of its natural rights; that it take no advantage of its weakness? And why should not all the great nations of the world unite to check international wrong and compel international right, just the same as centuries ago all the people of a nation united to check individual wrong and compel individual right?

While I feel that there are certain fundamental principles of government that are as unchanging as human nature itself, I must recognize that the world conditions of to-day are not the world conditions of 150 years ago; that the questions which confront this Government to-day in its relation to world matters are not the questions which confronted it in 1783. Europe and all the world are far closer to us to-day than was Central or South America when the Monroe doctrine was proclaimed. We are living in everyday contact and communion with all the world, and can not, if we would, isolate ourselves from European and Asiatic questions, or refrain from taking part in the settlement of world problems in which we have as vital interest as other great powers.

Mr. President, there appeared in the New York World of January 30 an editorial entitled "1796 or 1917?" I think it is so apt and pertinent to this proposition that I shall ask that it may be read. It is short, and I have eliminated from it one clause which seemed to be a criticism on those Senators who took a view in opposition to that expressed in the editorial.

ask that the Secretary may read it.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

1796 OR 1917?

The policy of isolation that was urged upon the American people in Washington's Farewell Address was constructed upon this hypothesis:

"Europe has a set of primary interests which to us have no, or a very remote, connection. Hence she must be engaged in frequent controversies the causes of which are essentially foreign to our concerns."

This was true in 1796 when the United States was a great experiment in self-government, when there was no steamship, no railroad, no cable, no wireless, when the Republic was geographically, as well as politically, isolated from the rest of the world; but is it true to-day?

Will anybody affirm that the primary interests of British democracy differ essentially from our own primary interests? Or French democracy? Or 'Italian democracy?' Or even the mass of Germans for whom Maximilian Harden alone has the courage and vision to be the

spokesman? Various European Governments may have interests which are foreign to our interests; but even there can we say that those interests do not concern us?

June 28, 1914, a double murder was committed in a street of Sarajevo, a town in Bosnia. Although the victims were an Austrian Archduke and Archduchess, nothing in 1796 would have been of less concern to the United States than a crime perpetrated in a Balkan Province of Austria-Hungary.

Yet this murder in Sarajevo brought the United States to the verge of another civil war. It will cost the American people thousands of millions of dollars in taxation. It has set back for half a century the work of assimilating the immigrant population of this country. It has diverted the mind of the Nation from its most vital domestic problems. It has all but embroiled us in the most ghastly war of human history. It has complicated our affairs with the whole world, disorganized all internal affairs, and in a way left us denstionalized, divided into hostile camps of European tribesmen.

If the fundamental principle of Washington's Farewell Address still has vital force, what happened in Sarajevo was "essentially foreign to our concerns." Nevertheless, we all know what has befallen us, and the question is whether we are to sit by and permit it to happen again without having anything to say about it.

Had there been almost any kind of council of the nations, this war could never have taken place. Conference and discussion alone would have averted it. The war was possible only because a secret and tortuous diplomacy made it possible. But had Vienna, dealing at first with Belgrade and then with Petrograd, known that it would have been no ultimatum to Serbia.

This war marked the collapse of the system of entangling alliances intriguing for the balance of power. Civilization in its own interest is now compelled to take a step forward. Is American democracy to hold aloof? Have we no obligations whatever to the rest of mankind which would impel us to throw our influence into t

Before many months have elapsed the American people must decide for themselves whether the United States, in relation to the other nations, is living in the year 1796 or the year 1917. Are they ready to cooperate with the other great countries in the common interest, or are they by the policy of isolation to invite the other great countries to cooperate against them? It will inevitably be one or the other.

Mr. McCUMBER. Mr. President, were there any doubt in the minds of the American people or in the minds of the Senators in this Chamber as to whether we are affected by European conditions, it seems to me that the note from a great belligerent power to the United States which we read this morning has brought home to us the fact that we are interested in those affairs and that we can not escape our obligations as American citizens to assert our rights that may be threatened and the possibility of conflict brought to our very doors.

I am not so certain, however, that the President in his message speaks the well-digested conviction of the American people when he declares the conditions or the limitations which must govern our engagement to join the other powers of the world in the enforcement of peace. Unquestionably he speaks the opinion of President Wilson and all those who, accepting his views on every question as their Koran, closing the doors of their own judgment, follow it with more than commendable partisan fidelity. But I doubt very much if he expresses the consensus of the American judgment when he leaves the realm of generalities and assumes to enter into the details and conditions of a world compact.

While I find it difficult to understand just what the President means by many of the general phrases used by him, and I am certain that others will find like difficulty, there are a number of more or less explicit declarations upon which I think he will find quite a divergence of American view. In fact, I am very doubtful if the American people as a whole are ready to enter into a combination with the nations of the world to furnish soldiers and sailors and war equipment to settle the differences of every Balkan State that might be dissatisfied with its situation or condition. But, assuming that the majority of the American people are ready to declare a world Monroe doctrine and become a party to its enforcement, I do not believe they will agree to all the conditions prescribed by the President, nor do I believe that the other nations of the world will do so. I do not see how it would be possible for a single one of them, much less-all of them, to subscribe to some of the conditions and purposes declared by him. I can hardly understand from what source he derives his authority to declare that there should be a united, independent, an autonomous Poland. I do not know why he has any greater right to say that this will be a condition precedent to any world agreement than that there should be an independent, an autonomous Korea; any more right than Germany or France or Japan would have to declare that there must be a free, independent, and autonomous Philippine government.

I may be allowed to express some surprise that while the President was marking the outlines of a new European map he should have laid aside his pencil the moment he had outlined a new Poland. I know that the status of Alsace and Lorraine has been for years an enforced status, and it seems to me that if we are going into the details of European geographical changes

the President ought not to stop with Poland.

If he is expressing, as he assumes to express, the views of the American people, I venture to suggest that they have as strong a conviction in the matter of Serbia, Belgium, Roumania, and Turkey as they have in the matter of Poland. the annual massacres of Armenians and other Christian people subject to the rule of the Turk, and the atrocities of that country in the present war, I am not so sure that the American people would not be just as desirous to see those Christian countries freed from Turkish rule as to see an independent Poland. And I confess I am unable to comprehend how this arrangement can be secured without at least a partial victory. I can scarcely believe in the light of history that the American people are ready to enter into a world compact to maintain Turkey in Europe.

Again, I might frankly ask if, as the President states, "there must be not a balance of power but a unity of power, not organized rivalries but an organized common peace," what particular difference does it make to the smaller Provinces of Europe or Asia whether they are under the domination of one country or another, so long as their right to develop as a people

or race is assured?

While admiring the diction and phrase-making elegance of the address, I would be doing my own judgment a serious injustice did I not frankly confess that I think the message as a whole is very far from being clear.

When the President says

No peace can last or ought to last which does not recognize and accept the principle that Governments derive all their just powers from the consent of the governed—

And when he further states-

Any peace which does not recognize and accept this principle will inevitably be upset—

Does he mean thereby to intimate that all monarchies now governed by a king or emperor, whether claiming to rule by divine right or otherwise, must be superseded by a representative form of government which shall select its own head before we can enter into this world compact? If all the monarchs of the world are to be dethroned before we can have this world compact, I fear we are yet far from port. If he does not mean this, will some one explain just what he does mean by these quoted expressions?

I assume some would answer that they have a right under this theory to declare that they prefer an emperor or a king to rule under the hereditary principle. But, Mr. President, there may be Provinces under that Government that do not so prefer,

and prefer not to support a monarchy.

Again he says:

No right anywhere exists to hand peoples about from sovereignty to sovereignty as if they were property.

Well, it so happens that Alsace and Lorraine were handed over by France to Germany as the purchase price of peace, the discontinuance of the slaughter and starvation of the French people. Does the President mean, then, that these two Provinces thus obtained may not be returned to France? So, too, we must remember that these same Provinces were wrested by France from Germany about a century ago. In revising the map of Europe where would the President place these Provinces? Or is this sentence open to the construction that under the principle that "governments derive all their just powers from the consent of the governed" these Provinces should express by a vote or otherwise their allegiance to the one or the other Government, or their desire to give such allegiance to neither?

Again, under this same principle that "governments derive all their just powers from the consent of the governed," does the President propose as a condition precedent to our entering into this world compact that Great Britain should relinquish her African, her Asiatic possessions, or her rule over Ireland, if the peoples of those countries should so elect? Are not the propositions laid down by the President not only chaotic in themselves. but such as would produce greater chaos throughout the world?

Again says the President:

So far as practicable, moreover, every great people now struggling toward a full development of its resources and of its powers should be assured a direct outlet to the great highways of the sea.

Where this can not be done by cession of territory it can no doubt be done by the neutralization of direct rights of way under the general guaranty which will assure the peace itself.

Does that mean that a right of way must be given to Switzerland across foreign territory so that she may reach the sea? A right of way, of course, carries with it the right to pro-

tect and improve that way, which really means ceded sovereignty to Switzerland. Must all these conditions precedent be fully acquiesced in by foreign Governments before we can join in this league for the enforcement of peace? If they must be, then, instead of pointing the way for universally imposed peace, the President has pushed further afield than ever before this hope of a world agreement.

Again the President says:

And the paths of the sea must alike in law and in fact be free. The freedom of the seas is the sine qua non of peace, equality, and cooperation.

Certainly the President would not have the public believe that in time of peace the sea is not free to every vessel of every nation alike. The sea always has been free. No nation has ever yet been so vain as to claim the right to dominate or control this highway of the world in time of peace. He can not mean that the seas shall be free in time of war, because if we enter into this world agreement then there can be no war and no occasion for the declaration. The power that assures the freedom of the seas is the same power that prevents war. I do not know what he means and probably no two persons in the whole country would agree upon what is intended by this phrase. We know that in time of war the blockade has always been recognized by the civilized powers of the world-not only recognized but acted upon by every nation; that a power at war with another has the same right to weaken its adversary by striking at its contraband on the sea as it would at its support on land. But as war is to be abolished under this world compact the assertion that we must guarantee the freedom of the seas, which has never been questioned, it seems to me, hardly justifies the serious consideration given by the President.

Again the President says:

I am proposing, as it were, that the nations should with one accord adopt the doctrine of President Monroe as the doctrine of the world; that no nation should seek to extend its polity over any other nation or people, but that every people should be left free to determine its own polity.

And again in this connection:

I am proposing government by the consent of the governed.

If that means anything, and the President says that he has spoken with the utmost explicitness, it means the right of the people of any section or province to discontinue its connection with any Government and to set up an independent government. It is probably well for this country that one seriously holding these views was not elected President of the United States in

Mr. President, while I believe that the world has progressed sufficiently to recognize that all the inhabitants of this sphere have a right to live on it and to live in peace, with an assurance of protection, each to develop according to his capabilities, and while I believe that the great nations of the world, including the United States, can well afford to abandon their exclusiveness and extend to each other the hand of fraternity and good fellowship, I am quite certain that no one citizen of the United States can assume to bind this country or all the rest of the world as to what the conditions for a peace compact shall be. Much less, Mr. President, do I believe that these nations which have been pouring out their lifeblood in streams that incarmine two-thirds of the world, making sacrifices and suffering horrors beyond words of expression for what they deem is necessary for their future life, peace, and safety, will allow any other nation, which has fattened on their miseries, to fix the details or remap Europe. And any suggestion on the part of this country to remodel European forms of government or reconstruct the map of Europe will be taken about as seriously as our Mexican threats or our submarine notes.

It may be well to look for a moment at the fundamental proposition involved in any world compact. Every thinking man knows that a government by nations, a world compact for peace, must be analogous to a compact of individuals to form an agreement for individual protection and peace. Three things are absolutely essential for such a compact: First, an agreement as to inherent rights of nations, their duties and their obligations to each other. Until that has been definitely agreed upon the first step is impossible. Second, a court to pass judgment whenever any member nation is charged with a breach of this agreement; and, third, a power furnished by each nation in proportion to its importance and ability, to enforce that judgment and compel obedience on the part of every member to the rules agreed to by it and declared by a great international tribunal.

This international legislature must not only prescribe a code of international duties and obligations of each of the signatory powers toward each other but toward all the balance of the world. It must be manifest to everyone that this confederacy

of the nations must be a voluntary confederation in the first instance. It must be apparent to everyone that no nation will enter into such a compact until its boundaries—its territorial limits—are recognized by all the others. What, then, becomes of the declaration that this must be a war without a victory? The chances that these territorial questions can be settled permanently without a victory on one side or the other seem to me to be extremely remote. It goes without saying that the territorial limits, including the colonial possessions of the several countries, must be settled before a world congress can even be proposed.

In this conclave of nations must necessarily be discussed and settled the color question, unless it is exclusively a combination of white races. The rights of the yellow people to become citzens of white nations must be settled, and settled to the satisfaction of the yellow people themselves, before they will become

parties to the compact.

One can not fail to observe the delicacy, the complexity, the vast scope of the subjects that will have to be settled by this great international legislature. Nor can he fail to observe how little and insignificant must be the demand of a single individual, whether he be emperor or president, that such and such things should precede our entrance into the great field which affects not only our people but all the people of the world.

I, of course, agree with the suggestion of the President that if this world agreement is entered into there would be no occasion for a purely American Monroe doctrine, as every American nation and every other nation in the world would obligate itself to maintain the territorial integrity of every nation on both continents, as against the covetous designs of any other country. This combination of practically all the world, for the purpose of maintaining peace among all peoples, can in no sense be declared to be an alliance, entangling or otherwise. It is no more an entangling alliance than the compact of our States for a general government, because for the one purpose, the specific purpose of enforcing national morality, it is a world government.

I do not make this statement with the idea of compassing the very many questions that will arise, but merely for the purpose of suggesting the vastness of the undertaking. Every thinking man, every man who recognizes the law of evolution in the world and in the universe, can not blind himself to the fact that in time nations will disappear or be merged into the greater world government. I do not say that we will ever reach a time in which there will be no war. We have had civil government for many thousands of years, but murder, robberies, and thefts continue among the people. On the whole, however, that civil government has given us a security which has been the foundation of all human progress and a world security which will allow the present waste in energies of the earth to be utilized for the benefit of the world—will give a new impetus, which must result in a grander civilization than the world has ever known.

Mr. President, a world agreement for enforced peace can be consummated by the great powers without endangering the safety or impairing the international right of any nation; but the conditions prescribed by the President of the United States as the basis of such an agreement, I am certain, will find favor neither in this country nor any other country now battling for a great principle, and I earnestly hope those conditions will not be pressed as essential prerequisites to a world-assured peace toward which millions of armament-ridden, tax-burdened people have looked with longing hearts through years of weary toil and

savage wars.

It was my purpose, Mr. President, in this address to consider the position in which the American people have been placed by our notes concerning undersea craft and their uses in war, and to bring before the Senate the critical situation in which we should soon find ourselves; but events have hurried themselves beyond my expectations, and the situation is now upon us and with all its dangers is now before the Executive of this country, and I would consider it most inopportune for me at this time to discuss that question while it is in the hands of the President.

LEAGUE TO ENFORCE PEACE.

Mr. LODGE. Let me say, first, Mr. President, that I shall make no allusion whatever to the note from Germany which has startled the country this morning. That note is in the hands of the President, in the hands of the Chief Executive. It places upon him a great responsibility, and no word shall fall from my lips which by any possibility could embarrass him in dealing with that note. I shall confine myself absolutely to the propositions of the recent address by the President to the Senate.

Mr. President, I have cherished an earnest hope that we might conclude the necessary business of Congress before the 4th of March and spare to ourselves and to the country the misfortune of another summer session. It is therefore with extreme reluctance that I venture to take any time in discussing a subject not immediately connected with the measures now demanding action if we are to avoid an extra session. I can find justification for doing so only in the extreme seriousness of the questions forced upon the attention of Congress by the President's address delivered in the Senate Chamber on Monday, the 22d of January. Moreover, the President was kind enough to say that he sought this opportunity to address us because he thought that he owed it to us, as the council associated with him in the final determination of our international obligations, to disclose to us without reserve the thought and purpose that had been taking form in his mind in regard to the duty of our Government in the days to come when it will be necessary to lay afresh and upon a new plan the foundations of peace among the nations.

The President has thus recognized the duties imposed upon the Senate by the Constitution in regard to our foreign relations and has invited an expression of our opinions. We have abundant evidence of the gravity of the questions thus presented. newspaper press and others, employing generous if inaccurate language, have decorated the speech with the adjective language, have decorated the speech with the adjective "epochal," which calls at once to mind the movement of giaciers and vast tracts of geologic time. I shall content myself with a simpler word and say that the President's utterances in this Chamber, especially as he declared that he said what the people of the United States would wish him to say, and that he was setting forth the principles of mankind, are in a high degree important. I do not think that the failure on the part of the Senate to discuss the President's statements would imply either approval or disapproval or would by implication bind either the Senate or the country to any given course of action. But none the less it seems to me most desirable that as we were chosen in this instance to be the medium of communication with foreign nations and with the people of the United States we should at least give our own understanding of what the President proposed.

It is not necessary, of course, to say anything as to the many general and just observations made by the President in regard to the horrors and miseries of war, or the dangers and complications with which the present conflict threatens the United States, or as to his or our duty as servants of humanity. Of course, we all agree most heartily with the proposition that peace—just and righteous peace—is infinitely better than war; that virtue is better than vice; that, in Browning's words—

It's wiser being good than bad; It's safer being meek than fierce; It's fitter being sane than mad.

In all these declarations we must be cordially and thoroughly of one mind. All that I desire to do is to speak briefly of the substantive propositions contained in the President's address and, by analysis, discover, if I can, to precisely what policies and course of action he is undertaking to commit the country. We have a right—indeed, it is our duty—to learn, if possible, just what the President means and whither he is trying to lead us. To attain this object we must, in his own language, "uncover the realities."

As I understand it, the President is aiming at two objects, both in the highest degree admirable—to bring to an end the war now raging in Europe, and to make provision for the future and permanent peace of the world. It is to the promotion of the second purpose that he proposes action on the part of the United States, saying that we should frankly formulate the conditions upon which this Government would feel justified in asking our people to approve its firm and solemn adherence to a league for peace. He then proceeds to state the two purposes in this way:

poses in this way:

The present war must first be ended; but we owe it to candor and to a just regard for the opinion of mankind to say that, so far as our participation in guaranties of future peace is concerned, it makes a great deal of difference in what way and upon what terms it is ended. The treaties and agreements which bring it to an end must embody terms which will create a peace that is worth guaranteeing and preserving, a peace that will win the approval of mankind, not merely a peace that will serve the several interests and immediate aims of the nations engaged. We shall have no voice in determining what those terms shall be, but we shall, I feel sure, have a voice in determining whether they shall be made lasting or not by the guaranties of a universal covenant; and our judgment upon what is fundamental and essential as a condition precedent to permanency should be spoken now, not afterwards, when it may be too late.

It will be observed that in this paragraph of his address the

It will be observed that in this paragraph of his address the President says explicitly that the first condition precedent to any action for a league for peace must be the ending of the present war. He then declares that the treaties and agreements

which bring the war to an end must create a peace which is worth guaranteeing and preserving. He says further that we shall have no voice in determining what those terms shall be, but that they can never be lasting or permanent unless they meet with our approval. It seems to me that this is equivalent to saying that we are to have no voice in what the terms of the peace which ends the present war shall be, but that at the same time the terms must be what we approve or we shall not be able to enter into any future league to preserve the peace of the world. In other words, our action is to be conditioned upon the terms of a peace which we have no voice in determining. If the belligerents when they come to make peace do not make all the terms satisfactory to us, they can not look to us to aid in making that peace lasting and permanent. The President then goes on to lay down the general principles upon which the terms of the peace, in which we are to have no voice, shall be based if the peace thus obtained is to be a peace worth having.

In the first place, it must be a peace without victory. It is not

quite clear just what this means, unless it is intended to be a declaration in the interest of one group of belligerents who, having abandoned the original hope of complete victory, wish to make peace in the most advantageous way now open to them. This interpretation must be at once dismissed, for it is not to be supposed for a moment that this can be the President's object, because we all know how devoted he is to neutrality-how it has been his belief from the beginning that it was the duty of the American people to be neutral even in their thoughts-and he is, of course, well aware that it is as easy to be unneutral in forcing a peace favorable to one side as it is to help one side against the other while war is raging. Peace without victory can only mean therefore that neither side is to gain anything by the terms of peace through victory in the field, because if there are no victories on either side there can be neither gains nor losses in the final settlement except through the voluntary self-sacrifice and generosity of the combatants; in other words, all the lives have been given in this war and all the money spent in vain, and Europe is to emerge from the conflict in exactly the same situation as when she entered it. It seems to me incredible that people who have made such awful sacrifices as have been made by the belliger-erts should be content to forego the prospect of victory, in the hope of bringing the war to an end, with everything left just as it was. In such a result they might well think that all their efforts and losses, all their miseries and sorrows and sacrifices were a criminal and hideous futility. Both sides have been inspired by the hope of victory; both sides are still so inspired. Some of the belligerents, at least, believe that the one object of the war is to win a victory which will assure a permanent peace and would regard a reproduction of the old conditions, with all their menacing possibilities, as something far worse than war. They are determined that the dark peril which has over-shadowed their own lives and threatened the independence and very existence of their own countries shall not be permitted to darken the future and be a curse to their children and their children's children. For this they are fighting and suffering and dying. Perhaps they ought not to think in this way; perhaps they ought to feel as the President does. But we must deal with things as they are; we must uncover realities, and there is no doubt of the reality of the desire among many of the great nations of Europe to close this war with a victory which will give them a peace worth having, and not a mere breathing space filled with the upbuilding of crushing armaments and then another and a worse war. Such, I think, is their point of view; but as a practical question for us, dealing with a condition on which we are to build a future league for peace to which we are to be a party, how are we going to provide that it shall be a peace without victory? How are we to arrange that there shall be no victories?

The President says that a peace won by victory would leave a bitter memory upon which peace terms could not rest permanently but only as upon quicksand. There has been pretty constant fighting in this unhappy world ever since the time when history begins its records, and in speaking of lasting peace in terms of history we can only speak comparatively. I think, however, that I am not mistaken in saying that since the fall of the Roman Empire the longest period of general peace which Europe and the Western World have enjoyed was during the forty years following the Battle of Waterloo. During that time there were, of course, a few small and unimportant wars, but there was no great general conflict among great nations anywhere, and yet the peace of 1815 was a peace imposed upon France by the victorious allies if ever such a thing happened in the history of mankind. There was an attempt to settle that Napoleonic war by a treaty "without victory" and between equals. The treaty was signed at Amiens on March 27, 1802.

This "peace without victory" lasted exactly thirteen months and nineteen days, and then war came again and continued for twelve years, and was ended by a peace through victory of the most absolute kind, and that peace has lasted between England and France for a hundred years and has never been broken. war with Spain ended with a peace based on the complete victory of the United States by land and sea. There is no reason to suppose that because it was a peace obtained by victory it is not a lasting peace. I might cite other examples, but one affirmative instance is enough to shatter a universal negative. Frenchman said, "No generalization is ever completely true, not It is a little hasty, therefore, to say that no peace can endure which is the fruit of victory. The peace which lasts is the peace which rests on justice and righteousness, and if it is a just and righteous peace it makes no difference whether it is based on the compromises and concessions of treaties or upon victories in the field. But I return to and repeat the main question before I leave this point. If peace without victory is to be a condition precedent of lasting peace to be maintained by the covenant in which we are to take part, how are we practically to compel or secure the existence of such a condition?

The next condition precedent stated by the President without which we can have no peace that "can last or ought to last" the universal acceptance of the idea that governments derive all their just powers from the consent of the governed, and that any peace which does not recognize and accept this principle will inevitably be upset. Must the fact that any given government rests on the consent of the governed be determined by a popular vote or by the general acceptance by the people of the existing form of government? Who is to decide whether the principle is recognized under the different governments of the world with whom we are to form the League for Peace "supported by the organized major force of mankind"? If the recognition of this principle is to be essential to the lasting peace which we are to support—and every American, of course, believes in and admires the principle—what is to be done about Korea, or Hindustan, or Alsace-Lorraine, or the Trentino, or the Slav Provinces of Austria, or the Danish Duchies? Does the government of Austria, or the Danish Duchies? Does the government of Armenia by Turkey, with its organized massacres, rest on the consent of the governed; and if it does not, are we to take steps to remedy it, or is Turkey to be excluded from the league, or is the league to coerce Turkey to an observance of our principles? As a preliminary of the peace which we are to help enforce must we insist that it can not exist if there are any people under any Government who have been handed from sovereignty to sovereignty as if they were property? I am not contesting the justice of the principle—far from it—but we may well ask how we are going to compel the adoption of that principle by other Governments, and this is no idle question but a real and practical one which can not be evaded. If we enter upon this most desirable reform of other nations, there may be people sufficiently malevelent to ask whether we secured Louisiana by a vote of the people of that territory, or California and other acquisitions from Mexico, or the Philippines, or Porto Rico, or even Alaska, where there were Russian inhabitants who were handed over for a price, very much like property or as serfs adscripti glebae.

The next condition precedent where I should like to "uncover the reality" is that to obtain a firm and lasting peace we must have "freedom of the seas." The President does not say whether it is the high seas or all seas. Let us assume that it is the high seas. The demand must apply either to time of war or time of peace, or both; but for many, many years there has been no interference with the freedom of the seas in time of peace. I think we may therefore assume again that the President's "freedom of the seas" must mean the freedom of the seas in time of war. Is the plan, then, to compel all nations to abandom the rights of belligerents to blockade a hostile port in time of war or to seize contraband going to their enemy? To attain this end we should have to begin by sweeping away all existing doctrines as to the rights of belligerents at sea in time of war—doctrines which were so widely extended in regard to contraband and blockade by the decisions of our own Supreme Court during our Civil War. These doctrines were established by us in the face of very general opposition and have been since accepted and acted upon by belligerents in other wars as the sound construction of international rights. We should therefore have to begin at once by tearing down the fabric of law on this point which we ourselves created and built up.

In the temporary Record of January 26, on page 2376, there is a printed code prepared by a committee of the American Institute of International Law, which has been accepted by the institute and is to be presented to the twenty-one American Republics. This code deals with the freedom of commerce, the rights and duties of belligerents, and the rights and duties of

neutrals in time of war. The committee was appointed to deal with this subject on the suggestion of Mr. Lansing, and this code is the result. I have no right to infer that this code represents what the President meant by the freedom of the seas in his recent address, but it embodies in concrete form some of the supposed cases which I have just suggested to the Senate. To state the propositions of the code fully-still more to discuss its detailswould occupy hours, and I have only minutes to spare; but what Mr. Temple said when he presented it covers, in a general way, the general purposes of the code. Mr. Temple said:

The seas are already free'in time of peace. The new code provides for the freedom of the seas in time of war. It abolishes blockade entirely, forbids interference with the mails, declares that merchant ships of the enemy, as well as those of neutrals, shall be free from capture, and abolishes the right of visit and search. Even vessels carrying contraband may in no case be confiscated or sunk under any pretext whatever, though the contraband itself may be confiscated or destroyed by the captor.

These are the radical changes which I have just been imagining as possible and this code, if adopted, would sweep away practically all the most important belligerent rights at sea which have hitherto existed, as well as the doctrines which we extended and laid down during our Civil War and the decisions of our Supreme Court. I do not suppose that there is any idea of overthrowing and sweeping away international law, the work of centuries, in regard to beiligerent rights at sea during the present war, which began with the old system fully recognized by the world and which could not now be altered, except by an entire breach of neutrality if attempted by neutrals. I assume that this new code is to take effect after the

There are only two comments which I desire to make upon it. One is that if it embodies the freedom of the seas spoken of by the President in general terms it would require for its enforcement the navies of all nations who were parties to the league for peace, for, if belligerents engaged in war rested their rights on existing law and long-established usage they could only be brought into obedience to the new code by force, and, as I have already said, we should then, as a party to the league, be obliged by force of arms to take our share in preventing the exercise of these long-established rights. The conference of neutrals provided for in the code would be looked to for its maintenance, and the occurrences of the present war do not give us much hope that such a conference would be very effective in future wars.

My other comment is this: There has been no violation of the rights of neutrals so glaring as the planting of contact mines on the high seas. That is a method of destruction without warrant of international law or the customs and usages of A contact mine is no respecter of persons. It is just as likely to destroy a perfectly innocent ship without contraband and on a perfectly innocent voyage as it is to destroy the warship of a belligerent. No worse attack upon the rights of neutrals could have been made than by this planting of contact mines on the high seas. So far as I am aware no neutral has protested against it-certainly no neutral has protested effectively-and I observe with some surprise that in all this long code for the protection of neutral rights upon the seas in time of war there is not one word said to prevent the planting of contact mines upon the high seas. If this code represents the President's conception of the freedom of the high seas it is in this respect, at least, very imperfect. It will also be observed that in this code it is provided that-

In important cases the conference may authorize severe measures against the belligerent or against the neutrals refusing to respect the rights and duties of neutrality.

Such measures may be public blame, pecuniary indemnity, commercial boycott, and even the use of international force, to be determined by

So that whether or not a league for peace is created, under the conference of neutrals proposed by this code we should be obliged to take very strong measures for the enforcement of neutral rights as agreed to by the conference, and at the bidding of the majority of the conference we should be forced into war in order to compel the belligerents to obey our rules. Therefore this proposal does not differ in essence from the league for peace supported by the major force of mankind. Whether the cases which I have supposed or the new code suggested by the Institute represent the freedom of the sens it would seem as if the enforcement of this new doctrine would surely involve us, and those nations which sign the covenant with us, in every war which might occur between maritime

Closely allied with this proposition for the freedom of the seas, the President tells us, is the limitation of armaments and the cooperation of the navies of the world in keeping the seas free and safe. This, as I have just pointed out, would

involve the use of our Navy in any war where the belligerents saw fit to exercise their long-established rights. The limitation of armaments, although not made by the President a condition precedent for lasting peace, is treated by him as of great importance and opens up some very difficult questions. If all naval armaments are to be limited, or, still more, if they are to be abolished, the result would be to leave the nation having the largest mercantile marine in complete control of the seas if war occurred, because, if there were no naval ships, the nation which could arm and put affoat the greatest number of merchant vesels for naval purposes would, of course, be supreme in the absence of ships of war. Before entering upon the free-dom of the seas, allied with the limitation of armaments, it would be well to consider whether the world would thereby be left under a system which, in time of war, would confer absolute power upon the nation possessing the largest mercantile marine.

It will also be necessary for the firm and lasting peace, which the league proposed by the President is to bring about, that every great people now struggling toward a full development of its resources and its powers be assured a direct outlet to the sea. The President confines this important right to the "great peoples," which does not seem to harmonize entirely with his earlier proposition that there must be no difference, recognized or implied, between big nations and small, "between those which are powerful and those which are weak," or with the declaration that the equality of nations, upon which peace must be founded, must be an equality of rights. If the right of access to the sea is to be confined, as the President says, to "every great people," small nations are excluded. We have ample access to two great oceans, so that this proposed reform of the President has the enormous advantage of being wholly altruistic. It is entirely for the benefit of others.

Coming down to the practical question, in order that we may obtain lasting peace are we to see to it that a direct right of way to Constantinople shall be secured to Russia that she may reach the Mediterranean, and to Germany that she may have a direct route to Bagdad and the Persian Gulf? Must we see to it that if Italy regains the Trentino, Trieste shall be kept open so that Germany and Austria may have access to the Mediterranean, and are Servia and Switzerland to be deprived of the right of way giving them access to the sea because they are small? Are we to bring the doctrine into the American Hemisphere and provide that Bolivia and Paraguay shall have direct access to the sea? Are we to carry the doctrine to Asia and make sure that Afghanistan has a right of way to the sea, or is Afghanistan excluded as a small power? It seems to me that this plan for securing free access to the sea to all the great nations of Europe, and still more to the nations, both great and small, would involve us in some very difficult questions wholly outside our proper sphere of influence; and yet the President states this as one of the essentials for the lasting peace which we are to covenant to bring about and to enforce.

The President says that he proposes, as it were, nations with one accord should adopt the doctrine of President Monroe as the doctrine of the world. In the effort which I am making to uncover the realities which lie behind the President's propositions and to avoid "the soft concealments" to which he justly objects, I do not find it easy to determine precisely what is meant by making the doctrine of President Monroe the doctrine of the world. Let me begin by quoting the doctrine as stated by President Monroe. The Monroe doctrine appears, as everyone knows, in the President's annual message of December 2, 1823. The first is connected It is found in two separate passages. with the statement made by the President as to the proposition of the Russian Government to arrange by negotiation the respective rights of the two nations upon the northwest coast of this continent. President Monroe then says:

In the discussions to which this interest has given rise and in the arrangements by which they may terminate the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.

The second declaration of the doctrine occurs in connection with that portion of the message devoted to South America and to the purposes of the Holy Alliance, and is as follows:

We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered, and shall not interfere. But with the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of

oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfavorable disposition toward the United States.

John Quincy Adams, who formulated, and President Monroe, who proclaimed the doctrine which rightly bears the latter's name, were eminent men of very large experience, both in public affairs at home and in diplomacy. They knew well the values of words. Mr. Adams was a scholar with a remarkable power of expression. No doubt they could both, if they had seen fit, have said something which meant nothing, for that is an art as old as language itself. But it may be doubted if either was able or would have consented to say something which might mean anything. They were upright, straightforward men, and Mr. Monroe stated his famous doctrine in plain, unmistakable terms which he who ran might read. When we examine the message of 1823 it will be observed that the Monroe doctrine is strictly local in its application; that is, it applies only to the American-Hemisphere and is based on the theory that there are two spheres in the world which are entirely separate in their political How are we to reframe the first portion of the Monroe doctrine so as to give it a world-wide application? It asserts that the American Continents are not to be considered as subjects for future colonization by any European power. How is this proposition to be turned into a world doctrine? the European powers accepted that doctrine and agreed with us that they would attempt no colonization here we should have the recognition of the doctrine by European powers, but the doctrine would apply to the same territory as before. are we to make it a world doctrine in any other way? are we to turn into a world doctrine President Monroe's second statement that he should regard it as an unfriendly act if any European power interfered with the independence of any American Government? Is the transformation to be effected by having Europe and Asia and Africa adopt a doctrine that there shall be no colonies established by any power on any of those great continents and that if, for example, any European power should establish a new colony somewhere in Africa we should regard it as an unfriendly act? It has been suggested that the Monroe doctrine would cover the protection of small nations. The Monroe doctrine has nothing to do with the rights of small or great powers as such. Its declared purpose was simply to protect the independence of all American States, great and small, from the interference of Europe and to prohibit European colonization. How can it be said that it concerns the rights of small States when Argentina and Brazil have taken control of Paraguay, when Chile has by force of arms annexed part of Peru, and when we took by conquest the larger part of Mexico, and no one, either at home or abroad, ever suggested that these acts constituted in any way an infraction of the Monroe doc-The Monroe doctrine defined our position and defined nobody else's position, and if we are to extend that doctrine to the other nations the only sanction it could carry would be that we should regard European colonization in all continents as an unfriendly act. Or does the President's proposition mean that the Monroe doctrine is to be extended to all the world and thereby be abandoned under the law laid down by John Fiske in regard to myths-that when we find a story of something which has happened everywhere we may be quite sure that it never happened anywhere-so that if we have a Monroe doctrine everywhere we may be perfectly certain that it will not exist anywhere? If we are to abandon the Monroe doctrine, this is one way of doing it.

I have tried very briefly to set forth the conditions precedent which the President says are essential to a lasting peace. have endeavored in a very general and imperfect way to "un-cover the realities" and to get rid of all "soft concealments." Now, having clearly in our minds these conditions precedent, vital to the establishment of a lasting peace which we are to help bring about, I desire to consider the part which we are to take in maintaining it. Let me say at the outset by way of preface that it seems to me unwise to entangle the question of what shall be done to make peace permanent after the conclusion of the present war with the peace which is to terminate this war. It confuses two wholly distinct questions, and is certainly injurious to the prospect of the success of any attempt to make the peace which comes at the end of this war permanent. It tends also to create ill feeling toward the United States on one side or the other, and perhaps on both, and the influence of the United States in behalf of the future peace of the world will not be increased but will, I fear, be sadly diminished if we endeavor, directly or indirectly, to meddle with the terms of the peace which shall conclude the present war, because in so doing we should inevitably take sides with one group of belligerents or with another.

Let us now consider what has already been done in behalf of mankind under the of world peace and what it is proposed we shall do in the ever and always force.

future, because that question has been forced upon us. All international associations or agreements for the promotion of the world's peace have hitherto been voluntary; that is, there has been no sanction behind the decisions of the international tribunals or behind the international agreements. If any signatory of the agreements or treaties, or any party to an arbitration, declined to be bound by a decision of the tribunal which had been created or by the provisions of an international convention, there was no means of compelling such signatory to abide by them, a fact which has been most dismally demonstrated since

this war began. The chief practical result of international associations for the promotion of peace has taken the form of arrangements for the arbitration of disputed questions. The subjects of these arbitrations have been limited and the submission of the na-tions to the international tribunals and their decisions has been purely voluntary. Much good has been obtained by voluntary arbitration. Many minor questions which a hundred years ago led to reprisals, and sometimes to war, have been removed from the region of armed hostilities and brought within the range of peaceable settlement. Voluntary arbitrations, which have gone on in steadily increasing number and in the promotion of which on in steadily increasing number and in the promotion of which the United States has played a large, creditable, and influen-tial part, have now reached, as they were certain to do, their natural limits; that is, they have been made to include in prac-tice all the questions which can at present be covered by volun-tary arbitration. The efforts which have been made to carry voluntary arbitration beyond its proper sphere—like our recent treatile involving a very delay and attempting to deal with treaties involving a year's delay and attempting to deal with the vital interests of nations—are useless but by no means harmless. They are indeed distinctly mischievous, because in time of stress and peril no nation would regard them, and a treaty which can not be or will not be scrupulously fulfilled is infinitely worse than no treaty at all. No greater harm can be done to the cause of peace between the nations than to make treaties which will not be under all conditions scrupulously ob-The disregard of treaties is a most prolific cause of war. Nothing has done more to envenom feeling in the present war or to prolong it than the disregard of the treaty guaranteeing the neutrality of Belgium and the further disregard of The Hague conventions, for this has implanted in the minds of men the belief that treaties bring no settlement and are not worth the paper upon which they are written; that the only security of peace is to be found in the destruction of the enemy and in placing an opponent in a physical condition where he is unable to renew war, because there is no assurance of safety in

a duly ratified treaty.

If, then, voluntary arbitration and voluntary agreements, by convention or otherwise, without any sanction, have reached their limits, what is the next step? There is only one possible advance, and that is to put a sanction behind the decision of an international tribunal or behind an agreement of the nations; in other words, to create a power to enforce the decree of the international courts or the provisions of the international agree-There is no other solution. I have given a great deal of thought to this question and I admit that at first it seemed to me that it might be possible to put force behind the world's The peace and order of towns and cities, of states and nations, are all maintained by force. The force may not be displayed-usually there is no necessity for doing soorder exists in our towns, in our cities, in our States, and in our Nation, and the decrees of our courts are enforced solely because of the existence of overwhelming force behind them. It is known that behind the decrees of the courts of the United States there is an irresistible force. If the peace of the world is to be maintained as the peace of a city or the internal peace of a nation is maintained, it must be maintained in the same way-by force. To make an agreement among the nations for the maintenance of peace and leave it to each nation to decide whether its force should be used in a given case to prevent war between two or more other nations of the world, does not advance us at all; we are still under the voluntary system. There is no escape from the conclusion that if we are to go beyond purely voluntary arbitration and purely voluntary agreements, actual international force must be placed behind the decisions or the agreements. There is no halfway house to The system must be either voluntary or there must be force behind the agreement or the decision. It makes no difference whether that force is expressed by armies and navies, or by economic coercion, as suggested by Sir Frederick Pollock. It is always force, and it is of little consequence whether the recalcitrant nation is brought to obedience by armed men and all the circumstance of war, or by commercial ruin, popular suffering and perhaps starvation, inflicted by the major force of mankind under the direction of the League for Peace. It is

Everyone must feel, as I do, the enormous importance of securing in some way the peace of the world and relieving the future of humanity from such awful struggles as that which is now going on in Europe, but if the only advance is to be made through the creation of an international force we are brought face to face with the difficulties of that system. The President sees this clearly. He proposes that we should adhere to a league for peace and then says:

It will be absolutely necessary that a force be created as a guarantor of the permanency of the settlement so much greater than the force of any nation now engaged or any alliance hitherto formed or projected that no nation, no probable combination of nations could face or withstand it. If the peace presently to be made is to endure, it must be a peace made secure by the organized major force of mankind.

Nothing could be plainer or more direct than that statement, and if we are to advance from the voluntary stage it must be. as the President says, by a league for peace behind which is the organized major force of mankind. I fully agree with the President that if we are to have a league such as he describes and are to enforce peace it must be done in just the way he has stated. As a general proposition nothing could be more attractive for those who desire the peace of the world. I confess that when I first began to consider it some two years ago it presented great attractions to me, but the more I have thought about it the more serious the difficulties in the way of its ac-complishment seem to be. This is a matter which can not be determined by verbal adherence to a general principle. Every-thing here depends upon the details. In the first place, a league to enforce the peace of the world and create a major force of mankind to carry out the purposes of the league must be made by treaty or convention among the nations agreeing, ment must be of the most solemn and binding kind, The agree-When disputes arise among nations, whether such nations are members of the lengue or not, those disputes must either be determined by an international tribunal created by the treaties agreed to by the members of the league, or they must be settled by representatives of the league after due consideration. So far all is simple. It is no new thing to create international tribunals or to make agreements as to methods to be employed in war, the rights of neutrals, and the many other subjects how covered by the voluntary Hague conventions. The first difficulty comes when the league is confronted by the refusal of a nation involved in dispute with another nation to abide by the decision of the league when that decision has been rendered by an international tribunal, or in any other way. Submission to such a decision can only be compelled as submission to a decision of the court is compelled—by force—in this case the organized major force of mankind. If, therefore, a decision has been made in a dispute between nations by the tribunal and authority of the league, all the members of the league are bound by their treaties to contribute their share toward the enforcement of the decision, and if a recalcitrant nation resists, it means war and the vindication of the power of the league which control of the major force of organized mankind. which has the The authorities of the league would, of necessity, have the power to call on every member of the league to send out its quota to the forces of the league, and the nations forming the league would find themselves, of necessity, involved in war.

The first question that would occur to any one of us is what the numbers of the league force will be. I will not venture a guess myself, but I will quote the opinion of Prof. Albert Bushnell Hart, the distinguished historian, a close student and high authority on all American policies and a most friendly critic of the President's address. In a very interesting article in the New York Times of January 28, 1917, Prof. Hart says:

He (the President) does incline toward the general plan which is pushed by the League to Enforce Peace. For, he says: "It will be absolutely necessary that a force be created as a guarantor of the permanency of the settlement so much greater than the force of any nation now engaged, or any alliance hitherto formed or projected, that no nation, no probable combination, could face or withstand it."

If that means anything definite, it means an international police force of not less than 5,000,000, men, in which the share of the United States would be at least 500,000.

There is the estimate of a dispassionate and competent observer. Will it not be worth while to pause a moment before we commit ourselves to an army of 500,000 men, to be held ready for war at the pleasure of other nations in whose councils we shall have but one vote if we are true to the President's

policy of the equality of nations?

Arrangements would have to be made for the command of the forces of the lengue, and the commander would have to be taken from some one of the signatory nations. The quota or units of the international army and navy would have to be inspected at least annually. The inspectors would be of necessity officers of the league's army and navy. Are we ready to have our Army and Navy inspected and reported upon at regular intervals by the officers of foreign services? It may be

said by those who wish to have the world's peace assured by force, without using force to do it, why conjure up these phantoms of unpleasant possibilities? My reply is that they are not phantoms but simply the realities which it is our duty to uncover and upon which the whole scheme is founded. can not make effective a league for peace, "supported by the organized major force of mankind," by language or high-sounding phrases, which fall so agreeably upon the ear, when there is no thought behind it. The forces of the league must consist of an army and navy. They must have rifles and machine guns and cannon, battleships and battle cruisers, submarines and aeroplanes, and all the terrific machinery of modern war. They can not set that machinery in motion by "calling spirits from the vasty deep" like Glendower. They must have men of flesh and blood to man their ships and fire their guns, and these men must be officered and commanded. Then when they order these forces to move they can enforce peace, and they will do it by war, if necessary, in which each member of the league must bear its part. Representatives of the league would thus be vested with the authority to make war and to put the league forces under the control of some commander whom they should select.

If we are to adhere to the principle of the equality of nations

laid down by the President, each nation, great and small, having equality of rights, would have an equal voice in the decision of the league, and a majority would set the forces of the league in motion. It might happen that the majority would be composed of the smaller and weaker nations, who, if they are to have equality of rights, would thus be enabled to precipitate the greater nations into war, into a war perhaps with one of the greatest nations of the league. In the present state of human nature and public opinion is it probable that any nation will bind itself to go to war at the command of other nations and furnish its army and navy to be disposed of as the majority of other nations may see fit? It seems to me that it is hardly possible, and yet in what other way can we come to the practical side of this question? In what other way are you to enforce the decisions of the league? If you undertake to limit the questions of disputes between nations which the league shall decide, you will not be able to go beyond the limits already imposed in voluntary arbitration, and there will be no need of force. If a real advance is to be made, you must go beyond those limitations, you must agree to submit to the decision of the league questions which no nation will now admit to be arbitrable. You would be compelled, if a decree of the league were resisted, to go to war without any action on the part of Congress and wholly on the command of other nations. We are all anxious to promote peace in every possible way, but if we are to maintain the peace of the world by force it can only be maintained in the way I have described, and no amount of shouting about the blessings of peace will relieve us from the obligations or the necessities imposed by putting force behind the peace of the world as we

put it behind the peace of a city.

Let us now consider this plan from our own point of view alone and with reference solely to the United States. The policy of the United States hitherto has been the policy laid down by Washington and its corollary expressed in the message of President Monroe. Washington declared that we had a set of interests separate from those of Europe and that European political questions did not concern us. Monroe declared that we had a set of questions which did not concern Europe, and that, as we did not meddle with Europe, Europe must not meddle with us. These doctrines were approved and stated with great force and explicitness by Jefferson. From the time of their enunciation these policies have been followed and adhered to by the United I have the greatest possible reverence for the precepts of Washington; no wiser, no more far-seeing man ever lived. only wish that we had followed all his precepts as closely as we have that which he laid down as to our relations with Europe. But I have no superstition in regard to Washington's policy, nor do I think he had. He set forth his policy under conditions not unlike those which now exist, and he stated very explicitly that we should not involve ourselves in any way in the ordinary vicissitudes of European politics. I think he meant that we should hold ourselves aloof and that this should be our guiding rule. I am far from thinking that the man who won the Revo-lution largely through the alliance with France would have suggested that there could be no possible situation in which it might not be well for us to form an alliance with some other nation or nations. But that situation certainly has hitherto never arisen. The wisdom of Washington's policy, supplemented by that of Monroe, has been demonstrated by the experience of more than a century, and this at least must be said, that we should not depart from it without most powerful reasons and without knowing exactly where that departure would lead.

We are now invited to depart from it by giving our adherence to a league for peace when the present war closes, without knowing how far it is proposed to go or what is to be demanded of us. If an effective league for peace among the nations is to be made it must be one backed by the force which the President has described. Are we prepared to commit ourselves to a purely general proposition without knowing where we are going or what is to be demanded of us, except that we shall be compelled to furnish our quota of military and naval forces to the service of a league in which we shall have but one voice? We are asked to place ourselves in a position where our military forces could be used for war by the decree of other nations. This would be a very momentous step. Surely we ought to pause and consider very carefully and know every detail before we commit ourselves to any vague, general propositions involving such serious results and responsibilities.

The first service which the United States can render to the cause of peace is to preserve its own. I do not mean within its own borders, but to preserve its peace with the other nations of the earth. This can be done in only one way-by the most absolute and scrupulous observance of every treaty or agreement that we enter into; by the termination of all treaties for arbitration, which we know well we should not under certain conditions and in time of stress regard, for no such war-breeding treaties ought to cumber the ground; and, lastly, by the establishment of such national defenses, both by land and sea, as to insure our country, so far as it can be done, from wanton attack. When we have taken steps to insure our own peace and have national defenses sufficient for that purpose, the next step, if we are to become members of this league for peace, would be to put our national forces, or a portion of them, at the disposition of the league under conditions established by the terms of the treaty which creates the league. If we are not prepared to take these obligations; if we are not ready to submit questions which we consider of vital interest to the decision of the league; if we are not fully prepared to carry out all our obligations which a league for peace would necessarily require, we had better restrict ourselves to the voluntary arbitration, which we know can be carried out, until the people of the United States are ready to go further. A league for peace has a most encouraging sound, but this is altogether too grave a question to be satisfied with words. We must realize that a league for peace means putting force behind peace and making war on any nation which does not obey the decisions of the It may be that the world's peace can be secured in this manner, but we should not attempt it without a full appreciation of just what it involves. Effective leagues for peace can not be sustained by language alone nor by moral suasion as their only weapons. I reiterate with all possible emphasis that when they pass beyond the present voluntary stage they must be sustained by men and arms, and if we are ready to assume that responsibility then we may proceed to take the necessary steps, but not otherwise.

Let me take two examples of questions which we must be prepared to face as members of a league for peace "supported by the major force of mankind." If, as I have already said, such a league is formed, it must deal with questions of vital interest and go beyond the limitations of voluntary agreements, for if it does not there will be no advance on the present conditions. Assume that such a league has been formed, with the powers which I have outlined. China and Japan, we will say, acting on the principles of the brotherhood of man which this league is to embody, come before the representatives of the league and demand for their people the right of free emigration to Canada, Australia, and New Zealand, which now practically exclude them. Suppose the league decides that the people of China and Japan ought not to be deprived of the right to migrate anywhere, and that Canada, Australia, and New Zealand, backed by England, decline to accept this decision. The league will then proceed to enforce its decision, and we shall find ourselves obliged to furnish our quota to a force which will compel the admission of Asiatic labor to Canada. Are we prepared to make war upon Canada in such a cause as this, our quota of the forces of the league perhaps being under the orders of a Japanese commander in chief? Let us turn the question the other way. Suppose the Asiatic powers demand the free admission of their labor to the United States, and we resist, and the decision of the league goes against us, are we going to accept it? Is it possible that anyone who wishes to preserve our standards of life and labor can be drawn into a scheme, veiled by glit-tering and glancing generalities, which would take from us our sovereign right to decide alone and for ourselves the vital question of the exclusion of Mongolian and Asiatic labor? These are not fanciful cases drawn from the region of the imagination. They are actual, living questions of the utmost

vitality and peril to-day. In them is involved that deepest of human instincts which seeks not only to prevent an impossible competition in labor but to maintain the purity of the race. Are we prepared to make any agreement which would put us in such a position as that? Before we give our adhesion to a league for peace let us consider all these contingencies. The time will not be wasted which we give to such consideration.

I hear already the clamor of those who have been shricking for peace at any price and denouncing all armaments, rising around us with the passionate demand that we shall imme-diately join a league for peace, about the details of which they neither know nor care, but which will compel the establish-ment of large naval and military forces and which may plunge us into war in any quarter of the globe at any moment at the bidding of other nations. Such is the magic of a word to those who are content with vocal sounds and ask only that the word they love be shouted with sufficient loudness. But they, too, if they persist, will meet the day when words are vain, when there is no help or shelter in language, and when they must face relentless, unforgiving realities. I know well the question which can be put to me, and probably will be put to me here and elsewhere: "Are you, then, unwilling to use the power and influence of the United States for the promotion of the permanent peace of the world?" Not at all; there is nothing that I have so much at heart. But I do not, in my eagerness to promote the permanent peace of the world, desire to involve this country in a scheme which may create a situation worse than that which now exists. Sometimes it is better to "bear the ills we have than fly to others that we know not of." There are measures which will promote peace and which are wholly practicable. The first and most important is the protection of our own peace against foreign attack. That can only be done by national defense, and we have no adequate national defense now. We have no means of repelling the invasion of a great power as it must be repelled, and such weakness, combined with great wealth, constitutes an invitation and a temptation to war. Against that danger we should insure ourselves by adequate national flefenses, and by reducing the danger of war being forced upon us we to that extent promote the peace of mankind and we likewise put ourselves in a position where our influence and power in the world for the maintenance of general peace would be enormously increased. The next thing to which we ought to address ourselves on the conclusion of this war should be the rehabilitation and reestablishment of international law. International law represents a great mass of customs and usages which have become law and which have been observed, cited, and referred to by the nations. International law has had an ever-increasing power in guiding and controlling the conduct of nations toward each other. The fact that it has been violated and disregarded in many instances during the present conflict is no reason for adopting the counsel of despair and saying that it is of no value and must be abandoned. It is of enormous value and should be restored and upbuilt on the conclusion of this war with all the energy and influence which we can bring to bear. We should try also, within the necessary and natural limits, to extend the use of voluntary arbitration, so far as possible, and create, as we can well do, a powerful public opinion behind the system and behind the maintenance of peace. We can also do much in urging a general reduction of armaments by all nations.

It may be said that these are but slight improvements and but moderate advances. This may all be true, but what I propose has at least this merit-it is not visionary, and I suggest nothing which is not practical and reasonable and which will not, within its limitations, do substantial good. If there is any way in which we can go further without creating a worse condition nobody will be more rejoiced than I; but I do not wish to plunge blindly forward, misled by phrases and generalities, into undertakings which threaten worse results than the imperfect conditions now existing. We are as a people altogether too prone to be satisfied with words; to believe that we advance the cause of peace or any good cause merely by shouting for it. When we approach such questions as are involved in our relations with the other nations of the earth and such a mighty issue as the maintenance of the world's peace, to be misled by words and to take words for deeds would be a fatal error. Whatever we decide to do, let us know precisely what we are doing and what we may reasonably expect.

As an example of what I mean, let me call your attention to the resolution offered by the Senator from Idaho. It meets with my full approval at the present time, for I now see in this tortured and distracted world nothing but peril in abandoning our long and well established policies, which have behind them not only the authority of Washington and Jefferson and Adams and Monroe but a long acceptance by the American people.

Let it not be forgotten that if we pass that resolution we close the door for the time being, so far as the Senate is concerned, upon a proposition that we should join a league for peace backed by the organized major force of mankind. This resolution commits us without reserve to the policy, in regard to foreign nations, of Washington, Monroe, and Jefferson, whose statements are as clear as the unclouded sun at noonday, and are not collections of double-meaning words under which men can hide and say they mean anything or nothing. Let there be no mistake about what we are doing in this direction. not have our action misunderstood there any more than I should wish to see a mistake made if resolutions were adopted in a sense to which I was opposed. There is no lurking place for a league for peace "supported by the organized major force of mankind" in the sentences of George Washington and Thomas Jefferson set forth in the preamble to which the resolution of the Senator from Idaho declares our allegiance.

This war will end; the passions of mankind will die down; individual ambitions will vanish with the evanescent beings who cherish them; but the Republic and the American people will remain. Let us beware how we take any steps which may precipitate this country and the people who are to come after us, and whose inheritance it is, into dangers which no man can foresee. We can not secure our own safety or build up the lasting peace of the world upon peace at any price. The peace of the world, to be enduring, must be based on righteousness at any cost. [Applause in the galleries.]

The PRESIDING OFFICER (Mr. Hollis in the chair). Under the rules of the Senate occupants of the galleries are not permitted to applaud. The Sergeant at Arms will be ordered to clear the galleries if the occupants of the galleries again

exhibit manifestations of approval or disapproval.

Mr. HITCHCOCK. Mr. President, I take the liberty of inserting in the Record at this time extracts from a very interesting address delivered by Henry Cabot Lodge, bachelor of arts, doctor of philosophy, and bachelor of laws, a few months ago. I quote from him, as follows, on the subject of the league of peace:

I think that is a remarkable record-

Referring to arbitration treaties-

We have carried the principle of voluntary arbitration to its limit, and it is well to recognize that it has a limit, because when we undertake to put into treaties for voluntary arbitration questions which no nation, when the stress comes, will submit to arbitration, we do not advance the cause of peace, but quite the reverse; for we do vast mischief by making treaties which we know in our hearts we are not prepared to carry out when the time comes. The limit of voluntary arbitration has, I think, been reached. Much has been achieved by it. It has taken out of the range of arms a large mass of questions which once were causes, frequently of war, constantly of reprisals, and by the general consent of civilized mankind has put them before a tribunal and had them there decided. If we have reached the limit of voluntary arbitration what is the next step? I think the next step is that which this league proposes, and that is to put force behind international peace. We may not solve it in that way it can be solved in no other.

Omitting a portion, I proceed to read upon page 106 of the report of the proceedings of the League to Enforce Peace, as follows:

It was a year ago that in delivering the chancellor's address at Union College I made an argument on this theory: That if we were to promote international peace at the close of the present terrible war, if we were to restore international law as it must be restored, we must find some way in which the united forces of the nations could be put behind the cause of peace and law. I said then that my hearers might think that I was picturing a Utopia, but it is in the search for Utopias that great discoveries have been made. "Not failure, but low aim, is the crime."

Mr. LODGE and Mr. THOMAS addressed the Chair. The PRESIDING OFFICER. The Senator from Massa-

Mr. LODGE. Mr. President, I am very much obliged to the Senator from Nebraska [Mr. HITCHCOCK] for reading those two statements of mine into the RECORD. I think they were very good statements. The Senator omitted to notice, however, that in my speech here this morning I very frankly stated that after the consideration I have given to the subject I have

changed my mind upon it.

Mr. HITCHCOCK. I perhaps omitted to note that fact; but the speech from which I have quoted was delivered in May last. Mr. THOMAS. Mr. President, because of the shortness of the session I have hesitated to join in the discussion of the President's address to the Senate. But since none of the ap-

propriation bills are ready for consideration, I may be pardoned, since two addresses have been delivered to the Senate upon the subject, for adding something to the general discussion.

By way of preliminary, let me say, Mr. President, that the nations of the world are indebted to the President for voicing at this time the earnest and sincere desire for the close of the

present awful conflict as soon as it is possible, and for suggesting the basis of a permanent peace. We may sympathize with allies or with Teutons; we may believe that there can be no permanent peace on this earth; we may doubt the wisdom or the policy of any suggested method of peace, but all peoples have that yearning for it which comes from a long travail of blood and tears; and the President, in concentrating their attention upon the subject and in directing their thought to the terms upon which a permanent peace can alone be founded, has powerfully promoted the cause of peace, has aroused the thoughts of men upon that mighty subject, and diverted them for the time from the excitements and the passions of the war.

The President speaks in behalf of a peace which will end the present war and prevent the recurrence of others. I have read his message many times, Mr. President, and each time with a clearer comprehension of his purpose, which I do not think has

been adverted to upon this floor.

The message possesses three prominent features: The first, an announcement that with the terms of the peace to succeed the present war we can have nothing to do; the second, that a peace to be lasting must be founded upon the conditions which he outlines; and the last, that the conditions thus outlined are entirely in harmony with American policies and American traditions. He recognizes our common interest in a peace whose terms will permit us to aid in making it perpetually effective. The peace which may succeed the present war may or may not involve such conditions. If it does not, it will not be lasting; if it does, this Nation will be justified in using all of its strength and all of its power in maintaining it in common with other na-tions. Hence he speaks of the "duty of our Government in the days to come when it will be necessary to lay afresh and upon a new plan the foundations of peace among the nations. This presupposes that old plans of peace have failed in the past and that new plans, upon new foundations, are essential if war shall permanently cease.

We may, Mr. President, assert without the fear of successful contradiction that the foundations of every peace between nations since the dawn of civilization have proven impermanent and the peace based upon them has been but a truce. The Senator from Massachusetts [Mr. Longs] has emphasized the fact that the longest period of peace since the fall of the Roman Empire was that which succeeded the treaty of Vienna of 1815, and which lasted for but 40 years. Some time ago I read the assertion that in the last 3,500 years only 350 were years of peace between the nations, and that the remainder of that immense period was disfigured by wars, sometimes of a general and at other times of a local nature. The President, therefore, is beyond question right when he declares that oif we are to establish a permanent peace "it will be necessary to lay afresh and upon a new plan the foundations of peace among the naand that the duty we owe to other nations requires us to state the conditions under which we may feel free to join the plan for maintaining it. His purpose, therefore, is to proclaim to the nations and peoples of the earth the conditions upon which, and upon which alone, this mighty Republic will join hands with the other nations in maintaining for all time harmonious relations with and between them; and without an observance of such conditions the inference plainly is that we can not do so. He asserts no right to any voice in determining what the terms of peace between the belligerents shall be, but he does direct their attention to the sort of peace that is worth guaranteeing, and such a peace to be lasting must be made so by the organized force of mankind.

It may be, Mr. President, that a peace supported only by the organized force of mankind may mean a peace disfigured and punctuated by many serious conflicts; but I fully agree with the Senator from Massachusetts that a combination of nations for the purpose of continuing harmonious relations between themselves and the rest of the world must have the sanction of a force behind it sufficiently formidable to make its decrees permanently effective. We know of no other manner in which organized society can maintain its laws, preserve and protect the lives of its members, and extend the protection of the community to the preservation of their rights and their property. In the last analysis every decree of mankind, whether domestic or foreign, must, if resisted, find its support in organized force. No Government without the power to enforce law and order can call itself a government; no Government without it can guarante the sanctity and protection of the laws to its meanest citizen; and therefore, Mr. President, whether permanent peace on this earth be a dream or a possible reality, the fundamental fact behind it all must be the ability somewhere to make the decrees, the treaties, the obligations, and the covenants between the nations effective as against those who for any cause would seek to

disregard them.

The President announces that our contribution to that organized force requires a peace founded upon a community of interest, not a balance of power. Who doubts it? Every peace that has been declared between warring nations of Europe for centuries has been one in which each of them sought to establish and maintain a balance of power, an equilibrium so nearly adjusted, the one scale to the other, as automatically to continue harmonious relations between them, and by that means make their arrangements effective. But, Mr. President, no more dangerous and unstable basis for a lasting peace between the nations could be devised. The present war is in itself the most tremendously effective answer to its failure as a basis of the adjustment of differences between nations. A community of interest may be impossible, but balance of power as the basis of any treaty between the present warring nations should not, and can not, command the support, and certainly not the obligation, of this Government to aid in maintaining it.

The President also says, justly, that such a peace must be one between equals, not between victor and vanquished. The last have been the peace agreements of the past, and they have failed.

I am not now, Mr. President, discussing the soundness or the possibility of making these suggestions of the President effective; I am merely emphasizing the fact that the conditions which he outlined as a basis of lasting peace are fundamentally different from those underlying every peace of history, and that some other foundation is essential if the peace of the future is not to share the fate of those which have succeeded the wars of the past.

Mr. President, we know—it is human nature, and nations are aggregates of individuals—that a peace dictated by the victor to the vanquished leaves behind it the sting of hatred and resentment. In 1871 Prussia dictated its terms of peace to prostrate France and demanded heavy indemnities both of money and of territory. The wresting from France, as one of these terms, of the two great principalities of Alsace and Lorraine has been the fruitful cause of bitter animosity and deep-seated racial hatred between the Frenchman and the German from that date to this. On the one side the victor, in possession of what he had wrested from the vanquished, and on the other side the hope and the dream of the time that would come in the fullness of the nation's development when the wrong would be righted, the nation's honor restored, and the integrity of its territory reestablished. That feeling has done much, has been most potent, in creating this war and in determining its prosecution to final exhaustion.

I might mention other instances, Mr. President, but suffice it to say history reveals no exceptions. The peace imposed as the result of victory is a peace founded upon the sands, and is inevitably followed by a recurrence of hostilities whenever the time seems to be propitious or the occasion promising.

Such a peace, therefore, as may be lasting, the President says, must be one between equals, not between victor and vanquished. These last have been the peace agreements of the past and they have failed, and a peace between equals must be one founded on equality of right and may not fail. I might add, Mr. President, that the right must be based upon the common rather than the individual strength of the nations upon whose concert peace must depend. Moreover, such a peace as we can aid in enforcing must "recognize and accept the principle that governments derive all their just powers from the consent of the governed, and that no right anywhere exists to hand peoples about from sovereignty to sovereignty as if they were property." Otherwise, they will be inevitably upset.

Is not that true? Does not the entire history of the world justify the President in asserting that a peace founded upon any other principle will be inevitably upset? It may be that such a peace will not be enduring. It certainly is true that, if human experience is to be our guide, no peace of the past which has ignored that principle has proven lasting unless the vanquished has been utterly crushed or destroyed.

Mr. President, reference has been made in these discussions to the result of the Civil War in this country as a peace imposed by the victor upon the vanquished which has been lasting and beneficent. During the first few years of its existence, consequent upon the bitter animosities engendered by the war, it was indeed a peace imposed by a great conquering people upon a subjugated section. I am free to say that if those conditions had persisted, if the attitude of the North in 1866 and 1867 and 1868 and 1869 toward the South had become the settled, permanent policy of the Nation, the peace of 1865 would have disappeared long since and the hatreds and resentments born of those unequal and terrible conditions would have long ago involved this mighty people in renewed civil strife and bloodshed. But it became in time the peace of equals, a peace virtually

without victory, a peace in which all rights of the vanquished were restored, a peace which enabled the conquered people again to take their place as parts of a common Nation, equal under the law, entitled to and enjoying all the privileges of a common Republic. It therefore has become an enduring peace, founded upon the principles and established by the common consent of the Nation.

When Britain finally overcame the South African Republics she gave to them a peace based largely upon the principle of the consent of the governed. She turned over that immense domain to those who had inhabited it, who had fought against her, and stretched over them the protecting shield of her own great power, while conferring upon them her own policy of liberty and self-government. That has proven a lasting peace, and the marvel of it is that within 20 years of its date the Boer fights side by side with the Briton in defense of the Empire, under the same flag, and against a common foe.

Empire, under the same flag, and against a common foe.

These are examples, Mr. President, which justify the Chief Magistrate in declaring that a peace without victory—that is, a peace in which the victor takes not the advantage of the conqueror but-gives to the vanquished that consideration to which it would be entitled were conditions reversed—is the peace that this Nation can aid in enforcing and making permanent, and the only peace which would justify such action.

The President says that we can aid in guaranteeing—and I do not assume to give his exact language—no peace which denies to nations a direct outlet to the great highways of the sea, for the freedom of the seas is the sine qua non of peace, equality, and cooperation. It has been asked this morning, Mr. President, whether this means that Paraguay and Bolivia and Switzerland must be given rights of way to the sea, and how these rights of way are to be determined and guaranteed. Attention is also directed to the fact that the President declares that the great peoples must possess these rights, and that there is a contradiction between the sentiments expressed in other parts of the message and that dealing with this particular subject.

Mr. President, this criticism might be sustained if we confined ourselves to a consideration of the first sentence relating to the subject. The President says:

So far as practicable, moreover, every great people now struggling toward a full development of its resources and of its powers should be assured a direct outlet to the great highways of the sea.

But he also says:

No doubt a somewhat radical reconsideration of many of the rules of international practice hitherto thought to be established may be necessary in order to make the seas indeed free and common in practically all circumstances for the use of mankind, but the motive for such changes is convincing and compelling. There can be no trust or intimacy between the peoples of the world without them. The free, constant, unthreatened intercourse of nations is an essential part of the process of peace and of development.

Taken, therefore, as a whole this suggestion of the President is universal. The fact that a nation has not a seacoast, the fact that between the sea and itself lie the territories of other nations, should not deny it that right of free intercourse, by ways of the sea, for which all nations are struggling, and without which there must ever be difficulty and friction between them.

Mr. President, from times immemorial the right to the use of the sea has been a right common to all mankind. The aspiration of every nation on earth for an outlet to the sea is inborn and unquenchable. No people and no country ever existed at any time which did not look forward with longing to an outlet upon the ocean, to contact with that great highway at the shores of which the dominion of men must cease, whose illimitable wilderness is subject to the common dominion by the common use of all the peoples of the earth.

A few years ago Serbia conquered an outlet to the sea. It was taken from her by the stronger power of Austria, when peace returned to her. The dream of Russia for centuries has been an ice-free port. She has always struggled for it. It is as essential to her people as the very air that they breathe. Without it she is isolated; with it she becomes one of the great family of nations. Her commerce is restricted, her progress is thwarted, her enterprise is dwarfed and crippled so long as she is kept from those outlets through which, and through which alone, she can mingle in full and unrestricted commercial intercourse with the other nations of the world. Half the battles that have been fought during the last century have had, among other things, that object—the right of access to the ocean—and with access to the ocean come all those privileges, all those opportunities, all those accessories to development which flow from the common use of that one highway of all the nations. It is therefore, Mr. President, the sine qua non, as the President has said, to any peace having sufficient basis of possible perma-

nence to justify a league of nations of which we shall be one to make it effective and continuous.

Nor is a sense of safety and equality at all consistent with the building and maintaining of great preponderating armaments. Mr. President, the building of huge armaments by land and by sea, the constant growth of both during the past 25 years with the nations upon the Continent of Europe, the enormous burden which their expense has placed upon the productive energies of the people, the suspicion and resentment necessarily attendant upon their extension-these things have done as much to bring about the holocaust in Europe as any other one condition.

Great armaments are as inconsistent with the peace of nations as are armed individuals in communities inconsistent with peace in private life. It may be true that the arming of one nation prompts and requires the arming of others, so that none may be taken unaware; but we can not escape the fact that armaments designed for protection are a prime cause of modern wars. Of course, I know, Mr. President, that every expansion of our Army and of our Navy is designed to keep pace with the expansion of the armies and navies of other countries, as their continued expansions are prompted in turn by our own. I am also aware that the basis of all of them is the idea of national defense; but they lead to aggressions just as certainly as the law of gravitation operates; albeit, every nation engaged in this war is fighting a war of defense. None are aggressors. Each claims that its rights and its liberties have been invaded, and each is therefore upon the defensive. This ghastly apology for war and bloodshed, eagerly accepted by the peoples con-cerned, can not impose upon the enlightened judgment of mankind.

The President has therefore called attention to the fact that a peace worth preserving must be one involving a diminution of armaments by all the nations, so that this prime cause of international irritation may be reduced to the lowest unit consistent with the general purpose. With these essentials, there may be a peace worth enforcing, but without them no peace can long endure.

Mr. President, let me ask whether the arrangement that is proposed is one which, if it could be consummated, would receive the approval or disapproval of the American people?

Let us suppose that after this war shall be ended the nations meeting for the common purpose can agree upon a system of permanent peace based upon the principles and the conditions outlined in the message of the President of the United States. Is there a man or woman in this great Republic who would not be eager to contribute to its maintenance, who would not enthusiastically support the Government in announcing the American purpose to contribute with arms, if necessary, but certainly with the entire moral force and influence of the Nation, to its permanent continuance?

Think of it, Mr. President! A peace recognizing the freedom of the seas; a peace wherein the vanquished are given rights and authority and recognition, not as conquered but as equals; a peace wherein community of power succeeds the theory of balance of power; a peace in which armaments shall be limited; a peace recognizing the great principle underlying the Declara-tion of Independence, that all just powers are derived from the consent of the governed; a peace extending the principles of the Monroe doctrine-I care nothing for its specific limitationsto the political conduct of all the nations of the earth!

Why, Mr. President, this is one of the most lofty conceptions of a peace founded on righteousness that has ever fallen from the lips of a statesman. Some have said it is not a new one, and that is so; but for the first time the attention of the world is directed, by a man high in responsibility as the spokesman of a hundred millions of people, to conditions long ignored and disregarded, but which must be recognized and applied if the nations shall be and remain at peace with each other.

I dare not believe it possible of realization, Mr. President. have no rational hope that the nations now engaged in war, the majority of which are strangers to these lofty conceptions of duty and of government, can be induced to accept the President's proposal as the basis of an enduring or of any peace. The most we can hope for from this message is that the attention of the world will be focused upon the evanescence of previous peace arrangements and upon the necessity of adopting new conditions and new principles for their foundation if war is to be avoided hereafter. And the leaven of time will work so that, while we may not avail ourselves of these noble suggestions, the generations to come, perceiving their worth and their essentials, will adopt them as standards for the regulation of the conduct of the nations.

Mr. President, I regret that this address did not go a step further, for I can not rid myself of the opinion that were a peace possible between the present warring nations, were a peace treaty possible to all the nations of the earth embodying every concept of the President, it could not be a lasting peace; for freedom of the seas, valuable and essential as it is to any permanent arrangement of harmony between the nations, can not prove enduring or effective unless freedom of trade shall be recognized and established; and that is a dream to which no nation, until our modern conceptions of commercial conditions shall change fundamentally, would give its approval.

Mr. President, we must reflect, in considering a great proposal of this sort, that modern wars have been commercial wars. They have been the outgrowth of trade rivalries and competitions, struggles between nations for the traffic of others. has brought them into contact and collision, resulting in war, in bloodshed, and breach of treaties. You can no more prevent controversy when the trades of the nations are surrounded by legislative restrictions which mean nothing more nor less than trade wars than you can prevent one man from striking back when he is struck by another. Modern commerce breeds controversy and conflict; controversy and conflict breed misunderstandings and resentments; and these in turn breed war and

rumors of war.

What Germany wanted was a place in the sun. What England feared was the vast expansion of Germany's international com-These are the underlying causes of this tremendous conflict, as they have been of minor ones in the past, and as they will be of those to come. Not, Mr. President, until the nations, suffering and desolate, shall adopt the ideas and sentiments of the President of the United States-not until trade between the nations shall be as the trade between the States of this Union has been ever since its foundation-can conflicts between nations be avoided and all peoples remain at peace

So I am unable to see wherein we can hope or expect that the application of the President's doctrine to the great struggle now waging across the seas can be made as effective as he believes it may be, unless there be a further recognition of the inevitable consequence of trade restrictions placed by nations upon each other to safeguard their own interests in the struggle for universal trade.

Why are we building a Navy here? Why is the President urging us to pass an enactment under which our merchants and manufacturers may combine to secure themselves against the competition of other nations in the struggle sure to be made for the traffic of the world? Simply because, Mr. President, there is an instinctive and inevitable recognition of the fact that commerce breeds hostilities, that protection requires armaments, and that wars are inevitable through the conflicts which come between rival national interests abroad.

But, Mr. President, there is another feature of this message to which I referred-and I shall take but little time in discussing it-I refer to the fact that the principles suggested and the plan outlined by the President are in entire accord with American principles and American policies. He has departed in no sense from any of them. He has outlined the harmony existing between every one of them and our traditions and our policies. It is true, Mr. President, that we have kept free from what are called entangling alliances; that we have a policy distinct unto ourselves; that we are the guardians of the nations of the New World; and that our isolation during the first century of our existence has been almost complete. It is true that we have not been involved in the contests of other nations with each other, and that we have pursued a course consistent with the views and the advice of the first Chief Magistrate.

But, Mr. President, we have nevertheless been unconsciously expanding. Our growing strength and wealth and power, our political and financial importance, the expansion of our trade relations, have for years brought us into ever-increasing and more frequent contact with other nations, and with the interests which they represent, with the policies they pursue. We have taken part in many councils. Ours was one of the prominent members of The Hague conventions. We participated in the Declaration of London. We had representatives at the conference at Algeciras, through whose ministrations war between France and Germany was happily averted. We are told, and I do not know that it has ever been contradicted, that we have become a world power, and that our attitude as a world power is one justification for the constantly increasing demands for a large Army and Navy. This war has made New York City the financial center of the world. We are becoming a great creditor Nation. We propose to establish a merchant fleet upon the seas, and have legislated for it. We are reaching out for the trade of South America and the Orient. We are concerned at the invasion of Chinese territory by Japan. In 1898 we went to war with Spain, and one of the conditions there imposed was the transfer of the Philippine Islands to the Government of the United States. This was a grave injustice. We there, Mr. President, in my judgment, committed an act not only irreconcilable with the principles and institutions of this Republic but we did violence to that Monroe doctrine which is the common sentiment of the people of this country and the common principle of all political parties.

We are therefore, Mr. President, occupying a far different position in world affairs than in the days of Washington and of Jefferson, far different from the days immediately succeeding the Civil War. In the meantime mechanical inventions of all kinds are making the world smaller. There is no longer isolation anywhere. The telephone and telegraph penetrate all the dark continents of the world. Modern methods of locomotion are as familiar to travelers in the wilderness of Africa and Australia as they are upon the streets of an American city. The wireless telegraph flashes its message through the air and is caught by listening ears the world over. The President the other day listened to the voice of the operator of a wireless telephone at Honolulu. The air has been conquered. Airships now float above us, sometimes bent upon missions of peace, more frequently used as destructive engines of war. With all these conditions, Mr. President, it is as impossible for the Government of the United States to remain isolated, to be any longer unconcerned with the affairs of the world, as it is for it to become stationary and cease growing altogether.

I commend to the consideration of the Senate an article in the North American Review for February entitled "Isolation and other policies," consisting of seven pages. It is a well-considered article upon this subject. It calls attention to the fact that the warnings and advice of Gen. Washington and the policies of Mr. Jefferson had reference to the internal affairs of the older countries and could not have been applied, as they were not applied in practice, to their external affairs. In the letter which Mr. Jefferson wrote to President Monroe, wherein was outlined his construction of the afterwards celebrated Monroe doctrine, and which was succeeded by the message of December, 1823, outlining that immortal policy, Mr. Jefferson said:

One nation, most of all, could disturb us in this pursuit; she now offers to lead, aid, and accompany us in it. * * * Great Britain is the nation which can do us the most harm of any or all on earth, and with her on our side we need not fear the whole world. With her, then, we should most sedulously cherish a cordial friendship, and nothing would tend more to knit our affections than to be fighting once more, side by side, in the same cause. * * If we can effect a division in the body of the European powers, and draw over to our side its most powerful member, surely we should do it.

The writer says:

In other words, as already suggested, we were to seek an Anglo-American alliance with which to oppose and probably to fight the holy alliance. That was the policy of Jefferson.

Mr. Jefferson was a many-sided man, Mr. President. He was informed on many subjects, and at different periods of his life he was an advocate of widely different views of things which had been the object of his previous attention. He was always progressive.

To claim therefore, Mr. President, that because the President's outline of a possible permanent peace disturbs our international relations as they have heretofore existed, and in conception at least requires us to embark upon a wider field of political activity, is merely to shut our eyes to existing conditions from which we can not escape.

Hence, Mr. President, there can be no question but that any peace to be made which shall be permanent in its character must address itself to the American idea of justice and of right, must appeal to the people on this side of the ocean and to all of them, or it will only amount to a truce between the nations, a breathing spell, to be followed by greater horrors yet to come.

If, then, this outline of a possible permanent peace not only harmonizes with American Institutions and American traditions but proposes to make them the basis of government everywhere as outlined in treaty relations, it merely recognizes that in the future as in the immediate past we shall in all our relations, both domestic and foreign, be intimately concerned and affected by any arrangements which may succeed an armistice, which I hope will soon be declared.

Mr. President, some time ago there was a meeting of representatives of the allied powers in Paris, whose purpose was to outline an arrangement regarding trade relations subsequent to the war, the prime object of which was to exclude the Teutonic Empires from all the markets of the allies and if possible from all the markets of the world. Prior to or about that time we were informed of the outlines of a zollverein between the Teutonic Empires, evidently having the same purpose in view

Teutonic Empires, evidently having the same purpose in view.

A peace, Mr. President, imposed by the victor upon the vanquished, if these agreements are of any consequence whatever,

will be a peace designed to make them effective in behalf of the dictating power's and against the interests of those which are vanquished. Have we no interest in this? Must we abandon our foreign trade? Must we forego all efforts to expand it? Must we declare and put into operation a policy of continental isolation, and permit this trade war, for that is what it will be, to go on, affecting us and all other nations now neutral as well as those which are immediately concerned in the treaty of peace? Can we, if we view our position from the low standard of our material commercial welfare in the future, expect that any arrangement between the nations closing the war can be made that does not affect us directly or indirectly?

Yet when I listened to the eloquent speech of the Senator from Massachusetts this morning I wondered whether, consistent with the policies and counsels of another age, bound by the policies which were then obvious and essential, we should with folded hands stand idly by and permit the great procession to pass us, carrying with it our interests, our welfare, our future, without concerning ourselves about it, without suggestions as to what the world's permanent peace must be, without proclaiming to the warring nations that their negotiations and peace arrangements must be satisfactory to us if they are expected to endure forever.

Mr. President, it was not only the right but the duty of the Chief Magistrate of this Nation to proclaim from this Chamber, in the presence of that body which, with himself, divides the responsibility of framing and ratifying treaties with foreign powers, the conditions of a desired and enduring peace.

Mr. President, I have spoken longer than I intended. Let me say by way of summary that the views now under discussion are of the loftiest and noblest character. They focus the attention of mankind upon the great subject of peace and the terms and conditions which must underlie it if it is to become permanent, and that it will be productive of immense benefit by diverting the thoughts of the people away from the excitements and passions of conflict and focusing them upon the great cause of international harmony, that it will hasten the good day when the armies will be abandoned, when this carnival of slaughter and destruction will end, and when the desolated nations of Europe will slowly rise to their feet once more and begin the slow, perilous, and arduous work of rehabilitation.

Let me say further that beyond this material benefit I doubt whether it will be possible to secure as fundamentals in any peace arrangement the greater part of the principles for which the President contends. Human nature is the same as it always has been. Man is a fighting animal. He is a selfish animal. He loves and hates; he fears and he hopes. As the units, so the nations are. The things which have caused war in the past are the things which will cause war in the future. Competition between peoples, the racial hatreds existing everywhere, the suspicions and resentments engendered through commercial strife, differences of understanding, and, above all, increasing armaments—these, Mr. President, will make war a part of the lot of the human race until its nature shall be greatly changed, profoundly altered, by the civilizing and humane tendencies of the future, if they can be altered at all. Men fight their wars until exhaustion or victory comes. They rest at arms until upon some fresh occasion, forgetting the horrors and desolation and blood-shed of the past, they spring to arms once more.

But these fundamental principles upon which alone a lasting peace can be founded, now brought to the attention of the people of all the world, and their discussion and consideration of them, must be fraught with good. I trust that it will hasten the day when the sound of cannon and the echoes of conflict will disappear, and when the nations of the earth may once more dwell for a time in peace together.

FORTIFICATIONS APPROPRIATION BILL.

Mr. BRYAN. Mr. President, I ask the Senator from Montana if he will agree to lay aside the unfinished business in order that I may call up the fortifications appropriation bill.

Mr. MYERS. I ask unanimous consent that the unfinished business be temporarily laid aside for the consideration of the fortifications appropriation bill.

The PRESIDING OFFICER (Mr. Lee of Maryland in the chair). The Chair hears no objection, and it is so ordered.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 20453) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

McCumber Martin, Va. Myers Norris Overman Smith, Ga. Smith, Md. Smith, Mich. Smith, S. C. Beckham Fernald Fletcher Hitchcock Borah Brandegee Bryan Chamberlain Hughes Husting Smcot Sutherland Thomas Thompson Overman Page Phelan Poindexter Ransdell Robinson Saulsbury Shafroth Shennard Chilton Clapp Clark James Johnson, S. Dak. Jones Kenyon Kern La Follette Lee, Md. Lewis Culberson Cummins Curtis Dillingham Tillman Wadsworth Warren Watson Williams du Pont Fall Sheppard Simmons Lippitt

Mr. CURTIS. I desire to announce that the Senator from Connecticut [Mr. McLean] is absent on account of illness.

The PRESIDING OFFICER (Mr. Thompson in the chair). Fifty-six Senators have answered to their names. There is a quorum present. The Secretary will read the bill.

The Secretary read the bill. Mr. BRYAN. Mr. President, I offer the amendment, which send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Florida will be stated.

The Secretary. On page 13, line 6, after the word "acts," it is proposed to insert the following:

Provided, That the Chief of Ordnance is authorized, in his discretion, to enter into a contract for the lease of such suitable space for a period not to exceed five years, at an annual rental not to exceed \$15,000.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

Mr. BRYAN. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.
The Secretary. After the word "Government," on page 13, line 15, it is proposed to strike out the remainder of the section and to insert in lieu thereof the following:

When such can be determined by consideration of previous or current manufacture of the same or similar materiel: Provided, however, That whenever in the opinion of the President the situation is such as to justify such action, he may waive the limitations contained in this section.

The amendment was agreed to.

Mr. BRYAN. I now offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Florida will be stated.

The Secretary. On page 13, after the word "arsenals," in line 24, it is proposed to strike out the words "most economical rate of production" and to insert "full capacity upon a basis of eight hours' work per day."

The PRESIDING OFFICER. Without objection, the amend-

ment will be agreed to. The Chair hears none.

Mr. BRYAN. Mr. President, that completes the committee amendments.

Mr. SMOOT. Mr. President, I wish briefly to refer to the proviso found in section 6 of the bill. That proviso refers to what is commonly known as the Taylor system, and also provides for the prevention of the payment of a premium or bonus to any employee in addition to his regular wages. This is the first time that such a provision has been put into a fortifications appropriation bill.

Mr. TOWNSEND. It was in the fortifications bill last year. Mr. SMOOT. Perhaps, Mr. President, I should have said last year was the first time such a provision was inserted, although I notice that the testimony, which I hold in my hand, says that this is the first time it was inserted.

I do not intend, Mr. President, to ask for a record vote upon this matter, because I do not believe time enough has elapsed since the vote of the Senate when this matter was last under consideration for the country to really understand what it means or for Senators to have had an opportunity to investigate the question as to what it has cost the Government since this provision was placed in operation in the different appropriation bills. I desire, however, to take just a short time, so that it may appear in the RECORD, to read a part of the testimony which was given before the Committee on Appropriations of the Senate touching this subject. I read from the hearings before that committee as follows:

Senator JONES. That proviso is the same as we have put in several times heretofore. It has pretty nearly become a policy.

The Senator from Washington had reference to the proviso then in section 6 of the bill.

then in section 6 of the bill.

Gen. Crozier. The current measure is the first fortifications bill in which it appears.

Senator Jones. Yes; but it has been in the military bill and in the naval bill.

Senator Bryan. We have thrashed it out pretty thoroughly, General. It was in the naval bill and the year before it was in the Army bill.

Gen. Crozier. As I say, it is in the fortifications bill for the first time this year. I do not intend to take up your time by going over the same ground with regard to that proviso as I have gone over before, but I thought that if this provision is left in the bill it ought to be left there in the light of some little information which I can give you concerning the effect which it would have.

Senator Jones. I think we ought to have that.

Gen. Crozier. I instructed the commanding officer at the Watertown Arsenal to keep careful records of the effects of the provisions, and particularly of the provision forbidding the payment of any premium or bonus or cash reward to any employee in addition to his regular wages.

or bonus or cash reward to any employee in addition to his regular wages.

Senator Jones. That is the only place under this bill where this provision operates, practically?

Gen. Crozier. It is the only one where it has really been effective, because the Watertown Arsenal is the only arsenal where I had been paying these premiums. I have been paying at other arsenals upon the piecework system, and that has been held by the comptroller not to be forbidden by this legislation.

The difference between piecework payment and a premium payment, as it has been defined in the question which was asked the comptroller, is this, that the piecework payment is a payment for output only, without any guaranteed minimum. A man gets so much a piece, and if he makes a greater number he gets a larger sum and if he makes a smaller number he gets a smaller sum, but there is no limit either way. A premium payment is a payment for output, but with a minimum limit. That is to say, the workman's day's wages are guaranteed to him in any case, and then he is given a payment for output in such a way that if he exceeds a certain amount he gets a premium, bonus, or cash reward in addition to his regular wages, and therefore what this provision has prevented is the possibility of guaranteeing to the workman a minimum, but it does not prohibit a mode of paying which does not set a minimum. In other words, the thing it prohibits is the thing which is most advantageous to the workman. However, that is not the point upon which I wanted to speak. That is just a definition. Senator Jones, I am glad to know that the comptroller held this provision not to apply to piecework.

Gen. Crozier. Yes; he has held that, and we are paying on the piecework basis at most arsenals and for a very large amount of the work we are doing. Practically all the work in the manufacture of rifles and small-arms ammunition, practically all the work in the manufacture of rifles and small-arms ammunition, practically all the work in the manufacture of rifles and small-arms

Mr. JONES. Mr. President, I desire to ask the Senator from Utah if he read a statement as coming from me to the effect, as I understood it, that I was glad that the comptroller had held that this provision did not apply to piecework? Mr. SMOOT. The record of the testimony shows that the

Senator stated:

I am glad that the comptroller held this provision not to apply to piecework.

Mr. JONES. That is a mistake. I did not say that. I said I was surprised to know that he had held that it did not apply to piecework.

In explanation of the matter just read, Mr. Mr. SMOOT. President, I wish to say to the Senator from Washington, as he well knows, that the testimony has not been printed and the transcript from which I read is just as it came from the hands of the reporter.

'Mr. JONES. Yes; and no one has had an opportunity to look over it and to make corrections. The reporter evidently understood me to say "I was glad," when, as a matter of fact, I said "I was surprised."

Mr. SMOOT. I will continue the reading of the hearing, as

At the Watertown Arsenal, where this premium has been forbidden, we have kept some records of certain jobs that had been done under the premium system and that were afterwards done under the regular day-rate system, and I have here a list of them which I think I might leave with you, Mr. Chairman. You can publish this table in the record if it is worth while.

Senator Jones. I would like to have it in the record.

Senator BRYAN. Is it in such shape that it could be printed in the record?

Senator DRYAN. Is it in such shape that it could be printed in the record?

Gen. Crozier. I think so. These figures explain themselves pretty well. I will call attention to one or two cases only. The first case is one in which a workman had a job of retapping the bases of some 4.7-inch shells, and on the premium system he did 100 of them in 10 hours. After he had finished those 100, this new law came into operation and he was given another 100 for the regular day wages, and he took 22.95 hours to do that 100. To do 100 shells he took in one case 10 hours and in the other case 22.95 hours. If he had taken seven and five one-hundredths of an hour more, it would have been exactly three times as long that he took to do the same work in the second case as in the first case. He carned 16½ per cent premium above his regular pay when he had this job on premium, and during the preceding six months had averaged 35 per cent premium over and above his day's pay whenever he was given these premium jobs. But

I ask to print the entire table in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it will be

Mr. SMOOT. I continue reading from the testimony of Gen.

Crozier;

Senator Bryan. I want to get that a little more concretely, if I can. What was his day's wage, then, before this proviso went into effect? What was his average day's wage? Have you got that?

Gen. Crozier. I have not got that here; but I suppose that man would be such as would get something like \$3 a day.
Senator Bryan. What was it afterwards?

Gen. Crozier. With a wage of \$3 a day he, on the premium system, earned something over 16 per cent premium, so that he would get \$3.48 a day; and after the premium was prohibited he would get simply the \$3 a day.

Senator Bryan. So that this proviso operated, if you are correct, to reduce his salary about 50 cents a day?

Gen. Crozier. Yes; and it increased the time which he required to do the same work about 200 per cent.

Senator Jones. In other words, it cost the Government over \$6 for doing what it cost \$3.48 to have him do before?

Gen. Crozier. It cost the Government about \$9.
Senator Jones. Oh, I see; the increase was 200 per cent, making it three times as much?

Gen. Crozier. Yes.
Senator Jones. \$9 a day was what it cost in the second place?

Gen. Crozier. Yes.
Senator Bryan. And he got less money per day?

Gen. Crozier. Yes.
Senator Bryan. And he did not do as much work?

Gen. Crozier. He did not do as much work.

I might proceed, Mr. President, to read at greater length the

I might proceed, Mr. President, to read at greater length the testimony of Gen. Crozier, but it is unnecessary to do so. The table submitted by Gen. Crozier, which I have asked to have inserted in the RECORD, shows the comparative time of the per-formance of the identical jobs in the arsenal shops when executed under the day wage and under the premium system. summarize, I may say that the average ratio in the machine shop is two and two-tenths times more under the day wage system than under the premium system. In the foundry it was one and six-tenths more

Mr. THOMAS. Does that refer to time?

Mr. SMOOT. Yes; to time; and it costs proportionately that much more also—in the smith shop two and one-tenth times more and in the yard gang one and eight-tenths times more.

Mr. President, so that the order number, the operation and name of piece, the date of the work, the employee's number, the number of pieces completed, the total time taken in hours, the time taken per piece, the premium percentage earned, the ratio of time taken when not on premium to that taken when on premium, the mode of performance, and the remarks made by the department may all be in the RECORD so that all can see and, if they are interested, can check the statement of Gen. Crozier, I have asked that the entire table be printed in the RECORD at the close of my remarks.

Mr. THOMAS. Mr. President, I should like to ask the Senator if he thinks he will accomplish anything by that?

Mr. SMOOT. Yes; not at this time, perhaps; but I believe that by calling the attention of the Senate and calling the attention of the public to what the abolition of the premium system is going to cost the Government of the United States—and, as I understand, its abolishment was not in accord with the wishes of the employees of the arsenals—there will be a demand made by the people that the present system be changed, and that provisos such as the one placed in section 6 of this bill will not be placed in appropriation bills in the future.

Mr. THOMAS. Let me ask the Senator if he knows whether

the employees affected by this and similar provisos in other bills are among those who are petitioning for an increase of com-

pensation?

Mr. SMOOT. Mr. President, I can not say as to that, because I have had no petition from them asking for an increase in compensation; but I presume they, like all other employees of the Government, would gladly receive it.

APPENDIX.

The table submitted by Mr. Smoot is as follows:

Tabulation showing comparative times of performance of identical jobs in the arsenal shops when executed under the day wage and premium systems.

Order No.	Operation and name of piece.	Date,	Man's number,	Num- ber of pieces com- pleted.	Total time taken.	Time taken per piece.	Pre- mium per cent earned,	Ratio of time taken when not on premium to that taken ou premium.	Mode of performance,	Remarks.
	Retap base, 4,7-inch shell		1 262 1 262	100	Hours. 10 22.95	Hours, 0.10 .23	16.50	Hours.	On premium Not on premium	(Both jobs done by same man; second job done day after premium payments were suspended. (35.10 per cent.) (Both jobs done by same
	Cut-off band trunniondo		1 275 1 275	31 9	9.80 6.45	.32	3.6	2.3	On premium Not on premium	man; second job done day
2105-21 2105-21	Cut off anglesdo	Apr. 15, 1916 Sept. 29, 1916	1 275 1 275	2 2	2.55 7.05	1.28 3.53		2.8	On premium Not on premium	Both jobs done by same man. No premium earned on premium jobs
2105-41	Boring bearing platedo	Aug. 25, 1916 Sept. 1-5, 1916	83 111 120 1108 97	4 4 4 4 2	1.50 2.35 4.75 13.80 5.15	.38 .59 1.19 3.45 2.58	6.7 30 18	1.6 2.9	On premium Not on premium On premium Not on premium On premium	Second job done a few days after premium ceased. (28.19 per cent.)
2105-80 9696-852	guidedo Reaming bolt holes in 14-inch chassis.	Sept. 20, 1916 Feb. 15, 1916	1 95 71	2 1	10.60 19	5.30 19	43.4	3.6	Not on premium On premium	(34 per cent.)
9696-108	do Milling flats on band trunniondo Putting on pinion on recoil roller.	Aug. 31, 1916	97 1 95 1 152	1 8 4 19	68 12.83 14.05 23.65	68 1.60 3.51 1.24	24	2.2	Not on premium On premium Not on premium	(31.71 per cent.) (34 per cent.) Both jobs done by same
9696-108 1818-21	Boring caps for 700-pound shell.	Sept. 7, 1916 May 8, 1916	81 and 66	22 39	39.70 84.75	1.80 2.17	26.7	1.4	Not on premium	man (10.80 per cent).
1318-21	dododoRough turning band trun-	Oct. 31, 1916 Apr. 3, 1916 Oct. 24, 1916 Aug. 31, 1916	168 and 193	8 39 18 8	23. 60 76. 25 56 45. 70	2.95 1.96 3.11 5.71	35. 2	1.6	Not on premium On premium Not on premium Not premium	Two of the three jobs by
9598-103 1699-103	dodoCutting slots in spring hub	Oct. 24, 1916	1 166 1 353 109 1 120	7 10 41 30	19.50 55.40 11.25 13.85	2.79 5.54 .27 .46	21.79 56.7	2 1.7	Premium Not on premium On premium Not on premium	
9598-95 1699-95			331 1 121	30	8.33	.20	43	2.3	On premium Not on premium	(17.64 per cent.)
9598-43	range pointers. Boring elevating-gear brackets for shafts.	Oct. 30, 1914	1 87 and 94	41	146	3.56	35.6	1.4	On premium	(19.84 per cent.)

Where a figure in parentheses is shown in column of "Remarks," it indicates the average premium earned by this man when working on premium during the 6 months ending June 30, 1916.

Tabulation showing comparative times of performance of identical jobs in the arsenal shops when executed under the day wage and premium systems-Continued.

Order No.	Operation and name of piece.	Date,	Man's number.	Num- ber of pieces com- pleted.	Total time taken.	Time taken per piece.	Pre- mium per cent earned.	Ratio of time taken when not on premium to that taken on premium.	Mode of performance.	Remarks.
9598-43	Counter boring internally elevator gear brackets for shafts.	Oct. 8, 1914	1 87 and 94	41	Hours. 17.50	Hours. 0.43	30 .	Hours. 4.4	On premium	(19.84 per cent.)
1699-43 9696-76	do	Oct. 7, 1916 Mar. 27, 1916	1 87 143	30 1	59 17. 10	1.97 17.10	27.5	1.6	Not on premium	Second job done a few day after premiums ceased.
9696-76 1265-226	Assembling springs in spring rod group.	Aug. 17, 1916 June 9, 1916	1 223 222 and 351 329, 299,	1 2	28. 20 23	28, 20 11, 50	39.1	2	Not on premium	Second job done a few day after premiums ceased.
1265-226 9696-202 2207-4	Boring upper bushingsdo.	Aug. 24, 1916	96, and 263 95 1 174	16 20	70 12.50 28.70	23.33 .78 1.43	18	1.8	On premium Not on premium	(29.46 per cent.)
9598-62 1099-62	Filing burs on elevator worm shaft.	Jan. 1, 1915 Aug. 28, 1916	112	41 30	10.33	. 25	66. 6	1.7	On premium Not on premium	(24.62 per cent.)
9598-57		Feb. 13, 1915	1 122	41	5. 30	.13		1.7	Rated card	Both jobs done by same man. Rated card mean premium temporarily
1699-57	nut. do	Aug. 11, 1916	1 122	30	6.75	. 22			Not on premium	suspended on card which had been issued. (5.1 per cent.)
9598-18 1699-18	Driving rivets in traveling handwheel.	Mar. 10, 1915	198	41 30	6.75	.16	18.1	2.8	On premium Not on premium	(17.46 per cent.)
1546-2 2189-11 2189-2	Slotting 4.7-inch base plugdoCutting off 4.7-inch shell	Sept. 15, 1916 May 10, 1916 Sept. 15, 1916 July 21, 1916 Sept. 21, 1916	1 122 1 122 277	100 20 100	2. 66 2. 25 9. 10	.026 .11 .09	46. 8 33. 2	1.8	On premium Not on premium	Same man on both jobs (5.17 per cent.)
2189-2 2189-2	Finish turning 4.7-inch shell	Sept. 21, 1916 June 19, 22, 23 Sept. 16, 1916	1 216 82	100 50. 5	16.70 32 48.60	.167	38.3	1.5	Not on premium	(16.28 per cent.) Same man on both jobs.
2189-2 2189-2 2189-2	do. Rough turning 4.7-inch shelldo	June 12-13, 1916 Sept. 14, 1916	82 353 353	50 46 34	16 16	.97 .35 .47	34.4	1.3	On premium Not on premium	Do.
9332-11 9696-980 2189-2	Milling slot in plungerdo	July 16, 1914 Aug. 14, 1916 June 22, 1916	87 108 1130	30 12 30	12 11.55 16	.40 .96 .53	6. 25 54. 7	2.4	On premium Not on premium On premium	Second job done a few day after premium ceased. Same man on both jobs
2546-2 8972-1	Polishing point 6-inch A. P. shell.	Oct. 26, 1916 Feb. 24, 1916	1 130 235	10 79	16 11	1.60	18, 2	1.8	On premium	(33.44 per cent). (28.15 per cens.)
9336-1 9598-43	Turning bosses on elevating gear bracket.	Nov. 23, 1916 Oct. 30, 1914	1 364 186	30 27	7.50 9.58	.25	18.6	1.9	Not on premium	(21.19 per cent.)
1699-43 2189-2 2546-2 9632-1	Slotting 4.7-inch shelldo	Nov. 13, 1916 May 24, 1916 Nov. 1, 1916 Mar. 9, 1914	1 155 292 1 292 136	30 100 45 17	19.50 6.20 4.75 37.25	.65 .06 .11 2,19	30.6	1.8		Same man on both jobs (12.79 per cent.)
2383-12 709-10	dummy projectilesdo. Boring holes in tray for truck.	Oct. 16, 1916 Aug. 4, 1915	79 120	8 9	27 8.00	3.37 .89	43.8	4.8	Not on premium	}(19.84 per cent.
2431-8 2189-2 2189-2	Milling threads in 4.7-inch shell	Oct. 9, 1916	1 87 1 292 1 292	100 100	17.00 10.05 14.75	4. 25 .10 .15	50.2	1.5	Not on premium	Same man on both jobs
2189-2	Grinding bourrelet of 4.7-inch shell.	Aug. 3, 1916	254 254	100	4.80 5.85	.05	71.9	1,2	On premium	Same man on both jobs.
2324-89 2745-98 2818-3	Molding spring cylinder strapsdo	Nov. 25, 1916 Oct. 29, 1914	19 16 4	2 2	2.75 9.55 4.53	2.75 4.77 2.26	27.3	1.7	On premium Not on premium	} Do.
2818-3 1910-3 3039-7M1	Molding shot-truck bodies	Nov. 27, 1916 Oct. 11, 1915 Nov. 27, 1916	8 11	2 2 2 1	7.00 7.83 5.25	3.50 3.91 5.25	39.4	1.3	On premium Not on premium	
1910-3 2911-4A 2324-141	Chipping shot-truck bodies	Oct. 11, 1915 Nov. 13, 1916 May 23, 1916	88 98 88	1 1	3.67 2.70 5.50	1.83 2.70 .92	31.7	2.1	Not on premium	
2745-152 2289	do	Aug. 8, 1916 Mar 20 1916	141	1 6 6 25	11.20	1.90	30,9	1.2	On premium Not on premium On premium	(25.18 per cent.)
2289 DMT	Dressing tools	Nov. 25, 1916 Aug. 18, 1916	9 5 10	25 20 6 3 26 18	2.33 2.30 3.75	.09 .11 .62	32	2.1	Not on premium	Vor et cont t
DMT 2289	Redressing old chisels	Sept. 29, 1916 Mar. 29, 1916	18	3 26	4.00 1.50	1.3	34.3	1.5	Not on premium	(21.81 per cent.)
5413 AYT-2284. AYT-2284.	Forging points on pickaxes	Sept. 22, 1916 July 20, 1916	18 9 5 9 5	12	1.60 2.00	.09 .17 .69	22	4.1	Not on premium	
AYT-2284. 484-637	Forging recoil cylinder wrenches.	Oct. 19, 21, 1916 Dec. 15, 1914	5	12 5	8, 30 35, 08	7.02	12	1.5	Not on premium On premium	(20.72 per cent.)
2851-16		Oct. 24, 1916	1 45	16	163.35	1,000			Not on premium	
DFTG	Hauling hard coaldo	Nov. 16, 1915 Aug. 3, 1916	19 1 30	Lbs. 1,600 1,500	.17	lbs. .11 .23	44.1	2.1	On premium Not on premium	(30.87 per cent.)
DFTG	Hauling sea coaldo	Nov. 23, 1915 Aug. 8, 1916	19	Load.	.17	Load. .17 .35	47	2.1	On premium Not on premium	(30.87 per-cent.)
DFTA DFTH DFTA	Unloading pig iron do Piling pig iron do	July 30, 1915 Oct. 6, 1916 July 30, 1915 Oct. 10, 1916	8 16 8 37	Lbs. 41,350 47,650 54,490 76,100	4, 50 6, 40 4, 33 12, 35	1,000 lbs. .11 .13 .08 .16	30.8	1.2	On premium Not on premium On premium Not on premium	

Where a figure in parentheses is shown in column of "Remarks," it indicates the average premium earned by this man when working on premium during the 6 months ending June 30, 1916.

 Machine shop.
 2.2
 Smith shop.
 2.1

 Foundry.
 1.6
 Yard gang.
 1.8

Mr. THOMAS. I certainly hope, Mr. President, that the Sena-tor's efforts to call public attention to the injurious character of the present system and its effect upon the amount of time required for the performance of this work and the accompanying increased cost to the Government will be noticed. The entire system is wrong, in my judgment, and I was impressed with that fact in reading the protest of the men who are affected by the proviso when the matter was first called to my attention four or five years ago. Since then, however, it has become a habit to put such a proviso in all bills, and I do not know that we are able to expunge them. I wish we were. There is no question that it is a combination of petition and politics that puts the Government work in a position that is entirely inconsistent with the efficient and systematic methods used in private manufacturing enterprises. I can not see how it possibly hurts the employees; on the contrary, it makes them better workman; it gives them better wages; penalizes nobody; and benefits the Government. Probably those are the reasons why it is inserted.

Mr. TOWNSEND. Mr. President, I wish to state in connection with this matter that last year the fortifications bill con-

tained exactly this same proviso.

Mr. THOMAS. It did.

Mr. TOWNSEND. At that time I inserted in the Record, as the Senator from Utah [Mr. Smoot] has done to-day, the testimony of Gen. Crozier. I was satisfied at that time, as I think a majority of the subcommittee were, that this provision was the result of interference brought from outside to increase the cost to the Government of the work done at the arsenals; that it was an attempt to create and extend jobs of employment. I was satisfied then from the testimony that if the men had been left to themselves they would have favored the premium system, for, as the Senator from Colorado [Mr. Thomas] has said, it certainly was in their favor so far as money was concerned, and there was not one scrap of evidence before the committee to show that the men were overworked under the efficiency plan. There were men who came to us individually at our offices, not in the employ of the Government but connected with outside organizations, who said that it might be abused; that the employees might be overworked; that men ambitious to earn money might go beyond their physical powers; but that no actual abuse had been known in the Government service. On the contrary, labor in the Watertown Arsenal was well pleased to earn the premiums, and at the same time the people were better served.

It occurred to me then, as it does now, when the burdens of this Government are so exceedingly heavy, when the future looks so dark, and the necessity for military and industrial preparation seems to be so great, that politics ought not to enter into Government appropriations to compel the Congress to vote away the people's money in a reckless manner. If the premium system is abused or can be abused, it can be very readily corrected and controlled, because there is not a Senator or a Representative who would tolerate a system that would be inhumane to the men; but here is a system, as it seemed to me and, I repeat, as it seemed to a majority of the committee, that provided an incentive to the Government employees to do good work, to earn better wages, and to save the country a vast sum

of money.

I did not quite understand the amendment offered by the Senator from Florida [Mr. BRYAN]. Is that also an amendment to limit the efficiency of the employee? Mr. BRYAN. No, Mr. President; that amendment had an

entirely different purpose.

Mr. TOWNSEND. I did not object to it because I felt sure the Senator would not introduce any such thing, but I did not clearly hear it.

The purpose of it was to allow the Chief of Mr. BRYAN. Ordnance to avail himself of private factories. He thinks that is very desirable, and the committee agreed with him as to that. Mr. TOWNSEND. I merely rose to say this much, because I

presented the same matter a year ago, when a similar bill was up, and yet it received no support on the part of the Senate.

Mr. JONES. Mr. President, just a word. This proviso covers two things. One is commonly known as the stop-watch method and the other the premium or bonus system. I have been opposed rather strongly to the stop-watch method, and I am still opposed to it. I have not had anything presented to me that showed that there was any merit in that proposal. I have had very much doubt in my mind, however, as to the wisdom of abolishing the premium or bonus system; but, as has been stated, it had been abolished by provisos in several different bills—the naval appropriation bill and the Army appropriation bill-and if we were going to have such provisos in those bills, I could see no objection to having a similar one in the fortifications bill; in fact, if we have the new system in operation as to one part of

the Government work, I think it should be put into operation as to all.

Mr. THOMAS. We ought to put it in operation in the departments here.

Mr. JONES. Yes; that might be done. Now, this is the first specific testimony, I may say, that we have had, or at least that has come to my attention, as to the exact working of the proposal of abolishing the premium and bonus system, and it is very interesting to me from that standpoint, because it seems to me that it furnishes us information which should have our careful consideration, especially from the Government standpoint; and it also furnishes information that it seems to me should be given very careful consideration upon the part of the workmen who are affected, because I think the sole ground upon which this legislation has been enacted heretofore has been upon the basis of benefit to the workmen; yet, according to the testimony of Gen. Crozier, it has not only not benefited the workmen, but has in a pecuniary way worked to their distinct disadvantage.

These laborers at the Watertown Arsenal apparently have not objected to the effect that it has had on them in the last year or two. They have not submitted any protest to the department; and so we have a right, I think, to assume that they are satisfied to accept less wages for their work than they had been getting heretofore, even though the work has been just as

hard, possibly, as before.

I hope that the facts set out, especially in this statement here, showing the time that it has taken to do work under the provisions of the current law as compared with the time taken to do the same work before this law went into effect, and the compensation that the employees have received under the bonus system, and the compensation that they have been receiving under the system as provided for in this proviso, will be given very careful consideration and attention, not only by the public but especially by the laboring people of the country who are interested in the matter.

I just want to call attention to one statement which I think is a mistake in the testimony of Gen. Crozier. It is where he states that the cost to the Government or the time to the Government is three times what it was under the bonus system; in other words, that where we formerly paid the laborer \$3 the Government has had to pay nine. Now, I got the impression that we had to pay six, and he said, "No; nine." I think he is wrong, and I am going to call attention to why I think so.

He was talking about the first item on this list when that testimony was given. That shows that the time taken under the bonus system was represented by 10, and the time taken under this system was 22.95, or a ratio of 2.3. Now, that is only an increase of 1 time, or 100 per cent. It is 2.3 times what it was before, not 3 times what it was before.

Mr. SMOOT. To be fair to Gen. Crozier, his statement was that if the man had taken 7.05 hours more, then he would have worked 30 hours, which would have been three times as much, Mr. JONES. Oh, well; but that is practically the addition

of another day.

Mr. SMOOT. Of course, the percentage is worked out there on the basis of 10 hours and 22.95 hours; but the general says that if the employee had taken this much more time then it would have been, of course, three times as much; which the general is right, of course, in saying.

Mr. JONES. I did not remember his making that statement.

Mr. SMOOT, That statement is here, however.

Mr. JONES. We do not want to put anything into this statement that is not here. This statement says that the total time taken for doing a certain amount of work was represented by 10, and the time taken to do it under this system was 22.95, or a ratio of 2.3. That is, it took 2.3 times as long to do it under the bill as we have it as it did before.

Mr. TOWNSEND. Therefore it costs 2.3 times as much. Mr. JONES. Yes; therefore it cost 2.3 times as much, so that a \$3 day would cost a little over \$6 a day.

Mr. THOMAS. No; it would cost \$9. Mr. JONES. Two and three-tenths times that would be a little over \$6.60; but he says \$9.

Mr. SMOOT. The general qualifies that, I will say to the

Mr. JONES. I am glad to bring that out, so that it will appear correctly in the RECORD; but I had a wrong impression even then. I thought he meant that for one day's work at \$3 we have to pay \$9, or three days' wages.

Of course, the Senator will find that the report Mr. SMOOT. as submitted, which he now holds in his hands, gives the exact time and the exact percentage of increase.

Mr. JONES. Yes.

Mr. SMOOT. And I will say to the Senator that the total ratio, figured upon all of the items named in that report, as I stated, is correct.

Mr. JONES. Oh, yes; I do not doubt that. That was all that

wanted to call attention to.

Mr. HUGHES. Mr. President, we are all more or less familiar with the contest that is going on between the Houses and the heads of the various bureaus with reference to this stop-watch or Taylor system. Now, it amazes me that Senators can be imposed upon so easily as they seem to be by the proponents of this system. Certainly no man who has had industrial experience would pay the slightest attention to the superficial statements upon which the advocacy of this system and other systems like it is based.

The fallacy of attempting to draw any inference from a statement such as has just been read into the RECORD by the Senator from Utah is illustrated by an incident cited in an article which appeared in the Saturday Evening Post of the issue of one week ago, where, in a munition factory, a girl was put at a certain task which up to that time had been performed by a man, and it was discovered that where a good man, doing his best, could turn out 10 of these particular articles in an hour this girl, without previous training and as a mere experi-

mentalist, turned out 65.

Mr. SMOOT. Mr. President-The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Utah?
Mr. HUGHES. I do.
Mr. SMOOT. So that the Senator will not misunderstand

the report, I wish to say that in the column "Remarks" it is stated that both jobs were done by the same man, and that the second job was done the day after the premium payment was suspended; so the comparison made by the Senator is not applicable.

Mr. HUGHES. Oh, I know. Of course, I heard the Senator y that it was done by the same man. That is not what I say that it was done by the same man. That is not what I am talking about at all. The question all the time was whether in 10 hours this man was doing a day's work, or whether in 22 hours he was doing more than a day's work. The question is, What is a day's work? and it is not going to be determined by the amount of work that a man does under premium conditions

Do Senators know what a factory means that is run under premium conditions? I rather think not; but I will say this to you: The premium factories are the slaughterhouses of the The premium factories are the places where they grind up the fiber and the tissue of the children of this country and turn them into dividends.

Mr. THOMAS. Mr. President-

The PRESIDING OFFICER. Does the Senator from New

Jersey yield to the Senator from Colorado?

Mr. HUGHES. Not just now. The premium factories are the places where they hire pacemakers at secretly advanced wages, where they give them dope, cod-liver oil, whisky, to keep them screwed up to a high pitch of performance, and then take the output of these men for the short period that they are able to make this output and try to raise the general level of the production of the shop to that standard.

Why, anybody from an industrial town is familiar with it and knows exactly how it is brought about. The object of these gentlemen is to make the human cog in their industrial enterprises perform up to the full limit of endurance all the time, taking into account nothing of the time before a man reaches his maturity or his ability to perform at the highest speed, and taking no account of him after he passes over the level and begins to descend; but so nearly as possible they want to eliminate everybody except the perfectly fit man and keep everybody straining and struggling to keep up to that standard of produc-We can not stop that in private concerns, but we can stop it in factories and arsenals and navy yards that are controlled and operated by the United States Government, and we should stop it.

Mr. TOWNSEND. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Michigan?

Mr. HUGHES. Certainly.

Mr. TOWNSEND. Does the Senator maintain that that system of coercion has been adopted in any of the Government departments?

Mr. HUGHES. 'I say that men have complained bitterly to me about this system that was in operation at this very arsenal. Somebody here attempts to show that their wages have been reduced; that they have been anything but benefited by the

abandonment of the system. But, as the Senator from Washington [Mr. Jones] very justly said, they have not complained.

The Senator knows, as I know, that after we commenced building battleships in the Government yards we were able to make private employers bring down their prices, and we were able to make them speed up their production. There is absoable to make them speed up their production. There is absolutely nothing to prevent Gen. Crozier from setting a task for any man in that arsenal. He can investigate and ascertain what he thinks ought to be a fair day's work, and he can set the man that stint; and if he does not do it, he can discharge him. What is to prevent it? Let him do that; but, for Heaven's sake, do not let us set the seal of our approval upon this other system, designed to drive men beyond the limit of human endurance, to keep the specters of want and hunger urging them on, so that the work of the Government is to be done by men at their top notch of speed and efficiency, and they must inevitably go into the discard the moment they have passed the crest.

Mr. THOMAS. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Colorado?

Mr. HUGHES. Yes. Mr. THOMAS. Does the Senator consider the Ford Automobile Co. an institution which grinds the faces of its men?

Mr. HUGHES. I do not know anything about the Ford Co. except that it established a minimum wage of \$5 a day, and that it was not necessary for a man to produce any extraordinary amount of work in order to get that wage.

Mr. THOMAS. My understanding is that the Ford establishment is one in which the highest efficiency is attained, and it is done by the methods condemned by this provision of the bill. It certainly has not operated to the injury of any workmen, because they are clamoring for employment. Mr. Ford's establishment pays the highest wages and produces the cheapest product of any institution in the United States.

Mr. HUGHES. Well, I know how cleverly and skillfully and ingeniously this propaganda is carried on. I have heard statements made that were so utterly and outrageously false that it was not worth anybody's time to deny them, because people relied on the very absurdity of the statements themselves to

carry their own refutation.

I have heard it deliberately stated on the floor in another chamber that a certain pump in the navy yard cost \$3,500 to construct, and that the same pump could be purchased in the open market That statement was put into the RECORD at 2 or 3 o'clock in the morning, in a low tone of voice, by a gentleman who wanted it to be in the RECORD, and who wanted to call it to somebody's attention at some later time in order to help on this propaganda to strike down Government construction of battleships, and that result was cleverly brought about by charging on that pump the whole overhead expense of the particular place where the pump was constructed. By a system of bookkeeping and account keeping it was possible to demonstrate that that pump did cost that much money.

am indifferent to the views that the Senator from Utah holds on this subject. He has a right to hold them, and he has a right to urge them. My object in getting into this discussion at this time is to prevent its appearing that these statements and conclusions drawn from them are permitted to pass unchal-

lenged.

Mr. SMOOT. Mr. President

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Utah?

Mr. HUGHES. I yield the floor. Mr. SMOOT. Mr. President, the Senator has left the Cham-I wanted to ask him a question, but I will make a state-

ment now that the Senator has gone.

The Senator did not deny that the statements made by Gen. Crozier are incorrect, and his statement and story about a pump has nothing whatever to do with the actual facts existing in one of our Government arsenals. The operator under the premium system for the retapping of the base of one hundred 4.7-inch shells in August, 1916, took 10 hours, and the very day after the premium payments were suspended that same man, working upon the same sized shells, took 22.95 hours to do 100 shells. The Senator can not say that that man was doped and that he was fed whisky by our Government, thus enabling him to do an increased amount of work while in that condition. What made the change? Why, everyone knows what made it. We know it to be a fact that the man could finish 100 shells in 10 hours when receiving a premium, and we know that beginning the very day the premium was discontinued it took 22 hours and ninety-five one-hundredths of an hour to do the same work that was before done in 10 hours.

Mr. HUGHES. Mr. President-

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Jersey?

Mr. SMOOT. Yes; I yield.
Mr. HUGHES. Was the man discharged?
Mr. SMOOT. I do not know. I do not think they had the right to discharge him. It may be he is under the civil service.

Mr. HUGHES. Why, the Senator knows better than that.
Mr. SMOOT. No; I do not know better than that.
Mr. HUGHES. Well, I do. I know that no mechanic in the arsenals is under the civil service.

Mr. NORRIS. Mr. President—
Mr. SMOOT. Mr. President, nearly every employee of the Government is under the civil service. I will not say that this man is, because I have not looked it up.

Mr. HUGHES. The Senator knows he is not, and they could

discharge him if he were under the civil service.

Mr. NORRIS. I was going to say that the civil service would not protect him if he had not done his duty. He could be discharged just the same.

Mr. SMOOT. Oh, well, the man may claim that he did his

duty

Mr. NORRIS. Maybe he did. I do not know. Mr. HUGHES. Maybe he did.

Mr. SMOOT. Well, then, if he did his duty when he took 22.95 hours he certainly used more than superhuman efforts to do it before. I do not believe it, Mr. President. That is the difference between the Senator and myself; and it is not only this one man. The list can be gone over, and it will apply not to every man in the arsenal, but to a great percentage of them; and I do not believe there was ever any effort on the part of the Government to drive or force these men to extra exertion when they were working under the premium system. They did the work just as they desired to do it. All that the Government required was that the work should be done in a first-class and workmanlike manner.

Now, if there is any Senator who wants to dispute the figures or statements, then I think we ought to call upon Gen. Crozier to substantiate them; but I do not believe there is any Senator who doubts that the statements made are not absolutely correct.

Mr. OLIVER. Mr. President, when Gen. Crozier appeared before the subcommittee that had charge of this bill I asked him what was the result of his experience in connection with the enforcement of this premium or bonus system, and, from his observation and from the reports that he had received of its operation in this arsenal, what effect this system had upon the health and welfare of the men who were working under it. He stated, and it appears in the hearing, that the effect, if anything, was beneficial; that he never saw the slightest evidence of any ill effect upon the men who were working under this system.

The Senator from New Jersey [Mr. Hughes] alludes to the propaganda in favor of this system. I tell you, Mr. President, the propaganda is all on the other side. It is in the direction of discouraging the industrious and ambitious workmen and of reducing all to the level of mediocrity, or reducing the best to the level of the poorest workman. I do not see how Senators having regard for the interests of their country can stand here and vote to abolish a system which undoubtedly leads to economy in the operation of the workshops and arsenals of the country.

I was willing to have this bill reported from the committee containing this proviso, because, from the votes at the last session of Congress and the session before, I despaired of having it stricken out of the bill; but if any attempt is made to eliminate it I will vote to do so. I know that in the military bill at the session before the last, and in the naval bill at the last session, I made such an attempt, and failed. I sincerely hope that some Senator will move to strike it out, so that we can have an opportunity to vote upon it.

Mr. BRYAN. Mr. President, I will simply suggest to the Senator that the matter was thoroughly tested out at least two years ago, I believe on the naval appropriation bill. An item similar to this was stricken out by the Senate at that time, and in conference it was found impossible to get the House to recede from the provision. Then a similar provision was put on the military bill. Finally the whole matter came here to be voted upon and discussed and debated in the Senate, and the Senate finally reached the conclusion that it was going to stand by an item of this sort on these bills. Consequently the Committee on Appropriations saw no reason to have the fight over again on this bill

Mr. OLIVER. I am familiar with all those circumstances Mr. President, and for that reason I did not oppose the action of the committee in reporting the bill containing this proviso.

Mr. THOMAS. Mr. President, I recall distinctly taking some part in the discussion of this proviso when it was presented in the naval bill two or three years ago. My attention was called to the subject by letters and petitions from men affected by its operations and protesting against its enactment. I made some inquiry and concluded that the system was productive of much benefit to the people concerned, a great many of whom had, upon the strength of the bonuses they were able to earn, bought homes, and were relying upon these added compensations to meet their payments and secure permanent homes.

There is no question but that this system is susceptible of reat abuse. There is no doubt that many complaints made great abuse. with regard to its operation in private enterprises are well founded, not only in this country but in Great Britain; but, Mr. President, that can be said of every system which has its bad

as well as its good features.

If this system in the arsenals and workshops of the United States had the effect as stated by the Senator from New Jersey, I am sure I would be the last one in the world to advocate it and one of the first to condemn it. I do not think, however, that it has had or can have that effect. We are living in an age of efficiency. I am one of the advocates of Government manufacture of all of its munitions of war and supplies. We can not expect the Government to do that unless it can produce these articles at a price commensurate with what they can be produced by private enterprise. If we have a system of this kind, under the practical operation of which the same kind of work costs more than twice as much as it costs elsewhere, and a system which, however humanely designed, operates to injure the employee and at the same time to penalize the Government, then the commonest business principles, the plainest duty that we as Representatives of the people owe to our constituencies, require us to see to it that this kind of legislation, class legislation, is not incorporated and crystallized into these great supply bills.

There is no question but if this clause is retained in the bill it should be retained in all the others. We should not, in other words, make one rule for one class of workmen and another rule for some of the others or for all the others.

is the unfortunate feature of a proviso of this kind.

It may be that in some of the factories and great establishments of the country men are speeded up by giving them stimulants that injure them physically and exhaust their power and vitality by the great drain made upon them for the immediate purpose. If that is so, it is deplorable. If that is so, it should be punished. It ought to be made criminal for any employer to be guilty of such practices, and he should receive the consequence, not only of the penal statutes of the country but he ought to be pilloried by public opinion. But such does not seem to be the record of a great many of the modern estab-I referred the Senator from New Jersey to the most conspicuous one in the country perhaps where efficiency is made one of the standards of employment, where each man is expected to do his part of the work, and where he is paid accordingly for it, his hours being limited to the usual number of eight, and the product being the most enormous in the world in proportion to the amount of labor expended upon it.

There is a most illuminating article in the current number of the Century Magazine by a gentleman evidently of socialistic tendencies and who describes the organization of the manufacturing industries in Great Britain consequent upon the war. He makes the striking statement that the British workman has just discovered two things very essential to his prosperity. One is efficiency and the other is the quantum of production. In proportion as the wage earner is fit and in proportion to his production is his compensation; and it needs scarcely be added that the compensation at present received by the British workman is greater than he ever got in the past. Of course, war

conditions have much to do with it. But the conservatism of the British workman, aroused by the

oppression of employers, has resulted in the very curious situation that the great mass of people dependent upon their own labors for their livelihood seem to feel that the smaller the production and the less the wealth of the country the greater will be their own compensation. Of course the same line of argument would carry logically to the conclusion that if you produce nothing at all, you will get better wages than though you were engaged in producing to the limit.

I do not think, Mr. President, that this proviso should be stricken out. Like other Senators who have expressed themselves here, I do not propose to make a motion to that effect, because it is useless. It has crystallized into all these bills so that it has become, as a matter of course, our practice to accept it and act upon it. Members of the committee have just

informed the Senate that, in view of the failure of the Senate, even where the proviso has been stricken out, to make their action effective in conference, they did not deem it worth while to further protest against it. Consequently, I have no doubt it will become a law; and if it does, then, as I said, the same proviso should be incorporated and made the law in all the other supply bills that will come before us. But I believe that public sentiment will be educated to a point where the workmen themselves and those who honestly and earnestly, as the Senator from New Jersey, believe in the necessity of it for the protec-tion of the laboring men will find it to their interest to discard it.

Mr. SMOOT. I heard the Senator from New Jersey [Mr. Hughes] make the statement a year ago that the private concerns of the country administered dope and whisky in order to stimulate employees to greater effort and for the greater output of the product they were working upon. I undertook to find out whether there was such an institution. I began with the largest and have asked the question of employees and of the heads of many of our leading institutions. I want to say to the Senator that so far I have been unable to find an institution of that kind. Perhaps the Senator knows who they are. I think the country ought to know if there are institutions that administer dope and whisky to their employees to stimulate them to greater effort.

Mr. HUGHES. I know it of my own personal knowledge. I know an institution where the men work under the influence of stimulants of various kinds and a great many of them were secretly paid more money than they were supposed to receive in order to set a high standard of accomplishment and drive everybody else in the factory up to that standard. I do not want to name the factory, but there are a great many of them, will say. It is a natural development of the premium or piecework system to work men up to the highest pitch and discharge them when they are unable to retain that standard.

Mr. SMOOT. I will say to the Senator that as far as my experience is concerned, as an employer of men, the best way to obtain the highest standard of efficiency and to keep them in the best condition physically is to prohibit the use of all dope or whisky, and enforce it. When a man has whisky and dope in his system I do not believe it is possible for him to do the same amount of work or the same class of work as the man who has a clean body into which whisky and dope never

Mr. HUGHES. Everybody, of course, knows there is great ground of complaint. I agree with the Senator absolutely, but at the same time everybody admits that they are operating under stimulants of one form or another, so that for a short time production can be stimulated and carried to a greater height in certain lines of employment, where machinery enters into the equation of production. Whether the Senator knows about it or not, I do know about it. I know because I am from an industrial city and have spent all my time in an industrial community. I know the effect of piecework and the premium system, and I am doing my duty as I see it. The Senator will do his duty as he sees it; but so long as I am a Member of this body I shall resent any attempt to introduce that infernal system into any factories for which I am in any part responsible.

Mr. THOMAS. I have no doubt that the Senator from New Jersey has knowledge of the practices he has stated, but if I were he and had the same knowledge I would publish the names of every such employer in the Congressional Record and let the world know who they are and what their conduct toward their employees has been. However, that is a matter for the Senator to determine for himself.

Before I leave the floor, Mr. President, I want to refer to the bill itself and ask one or two questions of the Senator having charge of it. I should like to ask the Senator whether the amount reported as the amount carried by the bill, which is identical with the bill as it passed the House, does not also contain an authorization of a greater amount?

Mr. BRYAN. It does, Mr. President. The bill contains appropriations for \$51,396,593 and an authorization for an additional amount aggregating \$9,459,000, making a total of \$60,-855,000.

Mr. THOMAS. Then this fortifications appropriation bill for the fiscal year 1918 makes a straight appropriation of \$51,-396,593, and in addition to that authorizes nearly \$10,000,000 more, or a total in excess of \$60,000,000. The appropriation for the current year for fortification purposes was \$25,747,550. A deficiency of \$1,200,000 was disclosed some time ago and covered by our deficiency bill. So the appropriation last year is barely one-half the amount of this appropriation. The appropriation for last year of \$26,000,000 was more than four times

the appropriation of 1916, which was the largest appropriation made for the purpose since 1905, when it exceeded \$7,000,000.

Mr. BRYAN. I am sure the Senator wants to get the figures

accurately. The aggregate appropriation for 1917 was \$28,-547,550, with an authorization of \$13,800,000, which authorization has to be taken care of in this bill.

Mr. THOMAS. I thank the Senator for correcting me, but while that reduces the proportion between the appropriation for the current year and the appropriation carried by the bill it makes the proportion between the appropriation for the current year and that immediately preceding it much more glaring.

Mr. President, we have expended since 1889 for fortifications, if the figures given by the committee are reliable-and I have no doubt they are—a total of \$204,677,360.90. That sum has been distributed over all the intervening years. This bill carries one-fourth as much as we have expended in 28 years preceding.

It may be that the country's defenses require this enormous sum to be expended in enlarged and additional fortifications. If it is necessary, then, of course, it is our duty to make the appropriation by increasing the taxes upon the public, but I am unable, Mr. President, to conceive of conditions under which this sum is necessary, if we are to take the statements of those in control of our coast defenses as authoritative. Gen. Weaver. before the Committees on Military Affairs of the Senate and of the House, last year declared that our system of coast defenses was the best in the world. I do not pretend to give his identical language, but he said that with a greater elevation to our guns and an increase in the force of men to man them, no further armaments were necessary. He declared that the elevation of the guns to a greater angle, thereby increasing the range, would make it impossible for any modern fleet to come within range of them and live. He called attention to the fact, and emphasized it to my satisfaction at least, that the force of men provided for by our military bills was inadequate to an emergency that might arise and require their services. Of course, provision is made for manning the fortifications, one half by Regular troops and the other to be furnished by contingents drawn from the militia. and the quota of the Regular troops actually provided is less than the half required.

Mr. WARREN. Will the Senator allow me to interrupt him?

Mr. THOMAS. With pleasure.
Mr. WARREN. The Senator is speaking of the amount carried by the bill as if it were all for fortifications or emplacement work. Of the total expenditure, the Senator must remember a great portion of it is for munitions of war, cannon, machine, and other gun equipment, and of that, every year, a certain amount is consumed. We are providing here also for a large addition for machinery, and so forth. There have been times in former years, when but few guns were in place and a lack of men for the guns prevailed, and it is a matter of record in former years, when we did not at times have powder enough in some of the exposed points in the United States to last throughout 10 minutes of active warfare if the few guns in place were put in use; and powder enough to last 20 minutes or half an hour was considered the maximum.

I do not wish to dispute the Senator's figures at all, but quite a large portion of this expenditure must be charged, not on new emplacements but on fortifications in place, and to munitions and the strengthening of supplies and reserves.

Mr. THOMAS. Mr. President, it is always a pleasure to be interrupted by the junior Senator from Wyoming, and particularly as to any matter affecting our military affairs, because his service upon that committee has made him extremely familiar with all the details both of coast defenses and of the Army. His information, therefore, is much more extensive and more reliable than mine. I do not think, however, that there has ever been a time, certainly not within recent years, when the amount of ammunition for our coast defenses could be utilized or exhausted in 10 or 15 minutes.

Mr. WARREN. There certainly have been times, at certain points, when such condition existed, and it is a matter of

record.

Mr. THOMAS. It is true that for prolonged sieges our ammunition supplies might prove ineffective or insufficient, but, Mr. President, I find here on page 5 an appropriation of \$6,900,000 for the purchase, manufacture, and testing of mountain guns, field and siege cannon, including their carriages, sights, and so forth.

Mr. BRYAN. Mr. President—— Mr. THOMAS. I will yield in just a moment. I also find on the same page, for purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, \$9,231,000, with an authorization

to enter into contracts or otherwise incur obligations for the purposes above mentioned not to exceed \$2,200,000 in addition to the appropriations herein and heretofore made. Now I yield

Mr. BRYAN. Those appropriations for mountain, field, and siege guns and ammunition make up the whole amount of the bill for armament of fortifications, \$14,210,000, and authorizations \$4,200,000 more. That has not to do with the subject of the seacoast at all. That is applied to the Regular Army, to the artillery and the ammunition.

Mr. THOMAS. Let me ask the Senator whether previous

fortifications bills have not contained similar items.

Mr. BRYAN. Oh, yes; in other words, they have always provided for the artillery for the Regular Army, not for the

Mr. THOMAS. In other words, the bill covers the same items that have been covered by identical bills of previous Congresses. Making all allowance for that, Mr. President, we are still confronted with the fact that over \$50,000,000, more than 100 per cent more than was ever before required or asked, is embodied in this bill for these purpose

I deny, Mr. President, that there is any exigency now or likely to be which justifies at this time this prodigious increase

in the annual fortifications bill.

I notice also that out of this huge sum of money the amount of \$26,000, on page 7, is provided for purchase, manufacture, and testing of submarine mine material and other accessories for submarine mine purposes. I am not a military man or a naval man; I do not pretend to any expert knowledge in those departments; but I think it is a matter of common observation that a few modern submarine mines are more effectual defenses to a harbor than all the coast fortifications in the world. The great fleet of England is powerless to-day to approach within cannon fire of a single German harbor, not alone because of submarines but because of the sowing of the channels and passages with submarine mines, the locations of which are known only to the enemy.

Out of this sixty million-odd dollars only \$26,000 is to be expended for the purpose of testing material and a method for our protection that is superior from every standpoint to the modern coast fortification. I can only draw the conclusion that the manufacture of this cannon and ammunition is far more profitable than the manufacture of a few submarine mines, and provision is therefore made for them at the expense of a

proper supply of mines.

Mr. President, I shall not take up the valuable time of the Senate. I am merely protesting against this bill and others carrying at this time such enormously increased appropriations without a full explanation as to their necessity. only going far beyond anything in the aggregate of appropriations in preceding years, but we seem to be actuated by a recklessness and extravagance of expenditures that will inevitably require a constant increase of our tax rate in one direction and huge bond issues for posterity to take care of in the other.

Mr. BRYAN. Mr. President, I am aware that I am tres-

passing on the kindness of the Senator from Montana, and I do not intend to take up any time of the Senate. I think I ought to say, in view of what the Senator from Colorado has said, that while it is true that the amount carried in the bill is very large, yet it is in harmony with the policy adopted by

the last Congress.

The Senator from Colorado himself is a distinguished member of the Committee on Military Affairs. The bill which came out of that committee requires the maintenance of an Army of so many hundred thousand men. That Army will be perfectly useless unless it has guns to protect it. This bill provides the heavy ordnance for the Regular Army, as well as the amounts necessary for seacoast defenses. Indeed, the bill is divided into two general parts-seacoast fortifications and Field Artillery. A policy has been adopted of providing within four years sufficient heavy artillery for the Regular Army, and also of completing our seacoast fortifications. One appropriation bill carrying out that idea has already passed Congress. This is the second one. The amounts provided, while large, are the proportionate amounts required to carry out the plan.

The bill was reported to the Senate as amended, and the

amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 8090) granting the consent of Congress to Wash- sions.

ington-Newport News Short Line, a corporation, to construct a bridge across the Potomac River.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and

they were thereupon signed by the Vice President: S. 7537. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the town of Allegany, county of

Cattaraugus, N. Y.; H. R. 217. An act to authorize the sale of school property in

the city of Denver, Colo., and for other purposes;

H. R. 20209. An act to amend section 276 of an act entitled "An act to codify, revise, and amend the laws relating to the

judiciary," approved March 3, 1911; andS. J. Res. 202. Joint resolution to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 5, 1917.

PETITIONS AND MEMORIALS.

Mr. PHELAN presented a memorial of Local Division No. 282, Order of Railway Conductors, of Needles, Cal., remonstrating against the enactment of legislation to promote the safety of employees and travelers on railroads, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the San Francisco Advertising Club, of California, praying that an appropriation be made for the improvement of the national parks, which was referred to the

Committee on Public Lands.

Mr. JOHNSON of Maine presented petitions of sundry citizens of Bar Harbor, Waterville, Portland, and Greenville, all in the State of Maine, praying for national prohibition, which were ordered to lie on the table.

Mr. THOMPSON. I desire to present a concurrent resolution which has been passed by the Legislature of Kansas, now in session, urging the passage of the so-called Anthony suffrage amendment. I shall not ask that it be read, but simply that it may be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate concurrent resolution No. 12.

Senate concurrent resolution No. 12.

Whereas the granting of suffrage to the women of Kansas has resulted beneficially to the State and has been a great advantage to the men and women of Kansas, and is a helpful influence in all public affairs and legislation; and
Whereas the withholding of the right to vote from women of other States is an injustice and deprives the Nation of the direct participation in the Government of a large part of the people: Be it Resolved by the Senate of the State of Kansas (the House of Representatives concurring therein). That the Senators and Representatives in Congress from the State of Kansas are hereby requested to vote in favor of the Susan B. Anthony amendment, which seeks to terminate the discrimination against women and to urge upon Congress a submission of that amendment to the States for ratification.

Resolved, That a copy of this resolution be sent to each Senator and Representative in Congress from the State of Kansas, to be presented by them to the Congress of the United States.

I hereby certify that the above concurrent resolution originated in the senate, and passed that body January 24, 1917.

W. Y. Morgan,

President of the Senate.
E. D. George,
Secretary of the Senate.

Passed the house January 26, 1917.

A. M. KEENE, Speaker of the House. CLARENCE W. MILLER, Chief Clerk of the House.

Approved January 30. 1917.

ARTHUR CAPPER, Governor.

AGRICULTURAL APPROPRIATIONS.

Mr. SMITH of South Carolina, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, reported it with amendments and submitted a report (No. 1003) thereon.

The VICE PRESIDENT. The bill will be placed on the cal-

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FERNALD: A bill (S. 8101) granting an increase of pension to Harriet E.

Howard (with accompanying papers); and A bill (S. 8102) granting an increase of pension to Phoebe W. Chase (with accompanying papers); to the Committee on PenBy Mr. HUGHES:

A bill (S. 8103) for the relief of George Wingate; to the Committee on Military Affairs.

By Mr. CHILTON:

A bill (S. 8104) granting an increase of pension to Michael Shelines (with accompanying paper); to the Committee on Pen-

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JOHNSON of Maine submitted an amendment proposing to appropriate \$10,000 for the protection and improvement of the Sieur de Monts National Monument in Maine, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SHEPPARD submitted an amendment proposing to appropriate \$25,000 for investigating and improvement of the pecan industry, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was ordered to lie on the

table and be printed.

He also submitted an amendment proposing that in the per-formance of the duties required of the Department of Agriculture by the sections of the act relating to the Bureau of Markets, the Secretary of Agriculture shall have power to administer oaths, subpœna witnesses, and compel the production of books and papers, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was ordered to lie on the table and be printed.

He also submitted an amendment proposing to increase the appropriation for experiments in dairying and live-stock production in semiarid and irrigated districts of western United States from \$23,604 to \$40,000, etc., in order that the Government plant at Dalhart, Tex., for investigating dairying and meat production enterprises on semiarid and irrigated lands may be preserved, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was ordered to lie on the table and be printed.

RIVER AND HARBOR APPROPRIATIONS (H. R. 20079).

Mr. OLIVER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be

Mr. SMITH of Michigan submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

WATER-POWER DEVELOPMENT.

Mr. MYERS. Mr. President, I ask that the unfinished business be laid before the Senate.

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll and the following Senators answered to their names:

Borah	Husting	Phelan	Sutherland
Brandegee	James	Pittman	Thomas
Bryan	Johnson, S. Dak.	Pomerene	Thompson
Chamberlain	Jones	Ransdell	Townsend
Chilton	Kenyon	Robinson	Underwood
Cummins	Lewis	Saulsbury	Vardaman
Dillingham	Lippitt	Shafroth	Wadsworth
du Pont	Martin, Va.	Sheppard	Walsh
Fall	Martine, N. J.	Shields	Warren
Fletcher	Myers	Simmons	Weeks
Hardwick	Nelson	Smith, Ga.	Williams
Hitchcock	Oliver	Smith, Mich.	
Hollis	Overman	Smith, S. C.	
Unchas	Pago	Smoot	

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. There is a quorum present.

Mr. MYERS. Mr. President, I ask that the unfinished busi-

ness be now laid before the Senate.

The VICE PRESIDENT. The unfinished business is before

the Senate as in Committee of the Whole.

Mr. TOWNSEND. I object to laying the bill before the Senate, as in Committee of the Whole, by unanimous consent, Mr. President. That will have to be done on motion. I believe this bill is simply being used as a buffer to prevent the consideration of other legislation, and I do not care to sit quietly by and allow it to be done, if it can possibly be prevented.

Mr. MYERS. Is it the ruling of the Chair that the bill is

before the Senate?

The VICE PRESIDENT. The Chair assumed that it was before the Senate.

Mr MYERS, Then I have nothing further to say.

The VICE PRESIDENT. The Chair understood that the unfinished business was before the Senate before the roll call was ordered

Mr. SMOOT. That is, that it was presented to the Senate before the roll call?

The VICE PRESIDENT. The Chair so assumed; yes.

Mr. TOWNSEND. I was not aware of that fact but supposed that the Senator from Montana had asked that It be laid before the Senate now.

Mr. SMOOT. I know that the Senator from Montana had asked that that be done, when I immediately called for a quorum. I do not know whether the Senator's request was

granted or not.

The VICE PRESIDENT. It was done as it always has been so done. That is all the Chair can say about it. If the Chair had known that there would have been any objection, of course, it would not have been done. The bill is before the Senate, as in Committee of the Whole, and the question is on the committee amendment.

Mr. FALL. Mr. President, I should like to ask for information whether the Senator from Colorado [Mr. Shafroth] has concluded his remarks upon this bill? I understand that he had the floor when the bill was last under consideration.

Mr. SHAFROTH. No; I have not concluded my remarks, and I should be glad to proceed now.

The VICE PRESIDENT. The Chair recognizes the Senator from Colorado.

Mr. SHAFROTH resumed the speech begun by him on yester-

After having spoken for some time,

Mr. VARDAMAN. With the permission of the Senator from Colorado, I suggest that it is now very nearly 6 o'clock, and I ask the Senator if he would be willing to have a recess taken at this point until 8 o'clock to-night, and then proceed after dinner? Mr. SHAFROTH. Very well.

Mr. VARDAMAN. Will that suit the Senator?

Mr. SHAFROTH. Yes.

RECESS.

Mr. VARDAMAN. I move that the Senate take a recess until 8 o'clock to-night.

Mr. GALLINGER. I hope the Senators who want this recess will see that there will be a quorum to-night.

Mr. VARDAMAN. I will not guarantee that we will have a

Mr. SHAFROTH. Whether there is a quorum here or not, I hope that I shall be permitted to conclude my remarks. The Senator can then call for a quorum if he wishes, but I want to conclude.

Mr. WALSH. Mr. President, what was the suggestion that was made concerning the calling of a quorum? I did not hear it.

Mr. SMOOT. No suggestion was made of the absence of a quorum. The Senator from New Hampshire [Mr. Gallinger] said he hoped there would be a quorum to-night. The Senator from Colorado said that he hoped there would not be a call for a quorum until he could conclude his remarks.

Mr. GALLINGER. There certainly will not be as far as the Senator's remarks are concerned; but if we are going to legislate

to-night, I think we ought to have a quorum.

Mr. LEWIS. The Senator means, in case there is to be any

voting?

Mr. GALLINGER. Yes; any voting.
The PRESIDING OFFICER (Mr. HUSTING in the chair). The Senator from Mississippi moves that the Senate take a recess until 8 o'clock to-night.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m. The PRESIDING OFFICER (Mr. James in the chair). Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the President of the United States having returned to the House of Representatives in which it originated the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States, with his objections thereto, the House proceeded in pursuance of the Constitution to reconsider the same; and

Resolved, That the said bill do pass, two-thirds of the House

agreeing to pass the same.

WATER-POWER DEVELOPMENT.

The PRESIDING OFFICER. The Senate resumes the consideration of House bill 408, the unfinished business.

The Senate, in Committee of the Whole, resumed the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto,

Mr. SHAFROTH. Mr. President, the bill now before the Senate provides for the leasing of the water powers by the Federal Government. To that or to any other form of leasing by the National Government I am absolutely opposed, because I believe it is depriving the State of a right which it possesses, and it seems to me it would deprive the States of their sovereignty.

I recognize, Mr. President, that the bill may be so phrased that the Supreme Court might hold there was no declaration of a policy of Government perpetually to own these lands, and by resolving all doubts in favor of the legislation it is quite possible the act might be held to be not unconstitutional. But, Mr. President, this bill means the establishment of a permanent policy on the part of the Government perpetually to own and control these lands. If that be true, and if that be the intention and the purpose of the bill, I have no doubt that it is

contrary to the Constitution.

Mr. President, you can readily see why the public lands of the United States or the water powers of the United States were never intended by the framers of our Constitution or by our system of government, which is created by that Constitution, to be permanently held by the National Government. The reason for that is apparent. It is because in extreme cases the National Government could deprive the States of anything to tax, and by that exercise of power could destroy the States, for the power to exempt from taxation is equally as destructive as is the power of taxation.

Mr. President, exemption from taxation is considered as of slight consequence. It is lightly treated, with the indifferent remark, "Oh, such property is merely exempt from taxation"; but the importance of the policy depends upon the quantity of

property which is exempted from taxation.

Not only that, but when you recognize the fact that we have a constitutional provision which says that the United States Government shall guarantee a government republican in form to the States you can readily see that such exemption has the effect of annulling that provision when you deprive the State of the means of sustaining a government republican in form. When we look at the question of taxation and realize that exemption from taxation means expenditures upon the part of the State of enormous amounts of money I can not see how any person who believes in the rights of the States to tax property within the limits of the States can agree to a bill of this kind.

Mr. President, what does exemption from taxation mean? It means that the State is bound to impose a sufficiently higher amount of taxes upon the property that is in private ownership to maintain a government not only over the private lands but also over the very Government lands that are reserved. In any one year such taxation would amount to a very great sum, and in a long series of years it would be crushing to the State.

Mr. President, out in my section of the country the payment of taxes for 30 years with a reasonable interest upon each yearly payment is equal to the value of the land that is taxed in the State. So it is apparent that when the Government holds perpetually, or holds for 30 years, title to land, which places it in the favored position of exemption from State taxation, it is making the State incur expenditures for government which are making the State incur expenditures for government which are equal to the value of the very land which the Government by reason of its ownership refuses to sell or part from the title. Thus it will readily be seen how serious it is to the Western States when a policy of perpetual ownership is proposed for the National Government. It is crushing to the State; it is forcing those persons who own lands and have title to them to pay an encorrous tax placed upon them. For instance in my State enormous tax placed upon them. For instance, in my State there are about thirteen or fourteen million acres of land that are reserved, besides water-power sites, coal lands, and several other exemptions that are made.

Mr. MYERS. Mr. President, I should like to ask the Senator

a question.

The PRESIDING OFFICER (Mr. Works in the chair) Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. SHAFROTH. I yield.

Mr. MYERS. I should like to ask the Senator if he can state how much public land in his State is now withdrawn for prospective water-power sites?

Mr. SHAFROTH. I can not tell the Senator exactly; but there is a considerable amount so withdrawn.

Mr. MYERS. Is it not a very inconsiderable amount?

Mr. SHAFROTH. Oh, that may be in individual instances, Mr. President, but the total of withdrawals amounts to some sixteen or eighteen million acres.

Mr. MYERS. Yes; but I do not like these small withdrawals for water sites thrown in with the tremendous amount of withdrawals for forest reserves.

Mr. SHAFROTH. It is the same policy.
Mr. BORAH. Mr. President—
The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. SHAFROTH. I yield to the Senator from Idaho.

Mr. BORAH. The Senator from Colorado made the remark which I was going to make. It is a part and parcel of the same system and policy. It is a prop to the same scheme of universal bureaucracy

Mr. MYERS. But for very different reasons and on different

grounds. There is a differentiation.

Mr. BORAH. No; it seems to me it is not for different reasons at all; it is for the same reason exactly; that is, to prevent this property going on to the roll where it can be taxed and where it can be made to bear a portion of the burdens of the

Mr. MYERS. It is looking to different results, however. I think there is a great deal of difference in withdrawing a small tract of land for power-site purposes and withdrawing many thousands of acres to have forest guards control it, to keep out fire, and for other purposes.

Mr. SMOOT. Mr. President—
The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. SHAFROTH. I yield.

Mr. SMOOT. I will say to the Senator from Montana [Mr. Myers] that the small amount of acreage withdrawn for waterpower sites does not necessarily cover all of the lands that are made absolutely worthless, so far as entry is concerned, through such small withdrawals. For instance, in some of the States there have been withdrawn lands 1 mile upon both sides of a river from its head to its mouth, and nothing can get past the withdrawal. Therefore, Mr. President, it is not only the question of the small acreage that is withdrawn for water-power sites, but it is the acreage that is made absolutely useless, so far as the entry upon the land of any citizen of the United States is concerned.

Mr. MYERS. The right may be abused, but the fact that it is abused does not contravene the rightfulness of the withdrawal of a proper amount of land for water-power purposes. If an excessive area is withdrawn it is an abuse of the right,

that is all.

Mr. SHAFROTH. Mr. President, I now want to take up the suggestion which has been made by the Senator from Montana [Mr. Myers]. The Senator says that these little water-power site withdrawals do not amount to much, because they are small in area. Mr. President, they are more iniquitous than any other kind of withdrawals. When a water-power plant is erected on the water-power site there is no law in existence which will permit the State to tax either the lands or any works that may be placed upon them. You can, therefore, readily see what an enormous loss that is to the State. Those water-power site withdrawals have not only retarded the development of the West, but even if the water-power sites are developed under the leasing system they can not be taxed.

Mr. MYERS. But if the Senator will permit me—

The PRESIDING OFFICER. Does the Senator from Colo-

rado yield to the Senator from Montana?

Mr. SHAFROTH. I yield.

Mr. MYERS. Such land might be assessed and taxed \$1.25 an acre, or \$2 or \$3 an acre, or something like that, and yet a tax put by the State on the waterworks of a power plant might bring thousands of dollars into the State treasury.

Mr. SHAFROTH. Yes; but you can not put any tax on the

works of the power plant established on the water site.

Mr. MYERS. We do it in Montana. Mr. SHAFROTH. You can not do it where there is a leasing system, and I have the authorities right here to prove my

Mr. POMERENE. Mr. President-

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. SHAFROTH. Yes. Mr. POMERENE. Do I understand the Senator's position to be that such improvements as might be made either in the construction of a dam or the placing of machinery there could not be taxed?

Mr. SHAFROTH. Not so long as the Government holds title. Mr. POMERENE. Can not the Government confer the au-

thority upon the State to tax?

Mr. SHAFROTH. It might, but it never has done so.

Mr. POMERENE. But why can it not be done? What objec-

tion is there to doing it?

Mr. SHAFROTH. It may be done, but, as a matter of fact, it has not been done. I want to say that it will not be done, and the reason it can not be done and will not be done is because it would give the States the power to absolutely destroy the property of the General Government.

Mr. POMERENE. I concede that as a general proposition if no such authority is conferred upon the State by the Federal Government, but I know of no reason why the Federal Government man not say to the State government, "You may tax all these improvements according to any particular rule.

Mr. SHAFROTH. Now, let me say to the Senator that this matter has been before committees for a number of years, that they have reported a number of bills, and that not one of those bills for leasing of water-power sites or for leasing coal lands or for any other lands of the United States has contained a provision affirming the power of the State to tax.

Mr. POMERENE. There may be a grave question as to

whether or not it would be politic to do it.

Mr. SHAFROTH. That may be; but it has certainly never been done.

Mr. POMERENE. But the question of policy is one thing and the question of power is another.

Mr. SHAFROTH. Certainly; but this bill does not contain

that power, and I am discussing this bill.

Mr. POMERENE. But there is no reason why the bill could not contain such power.

Mr. SHAFROTH. Oh, no; certainly not.

Mr. THOMAS and Mr. FALL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colo-

rado yield; and, if so, to whom?
Mr. SHAFROTH. I yield to my colleague.

Mr. THOMAS. Mr. President, I merely wish to say that if the Senator from Ohio assumes that that ought to be done, the substitute of the Senator from Arizona [Mr. SMITH] goes a step further, for it transfers these sites to the States. I hope the Senator from Ohio will give us the aid of his vote in behalf of that substitute.

Mr. POMERENE. Mr. President, I have been trying to get some information in the course of this debate which would enable me to settle this proposition, at least satisfactorily to my own mind. It is perhaps a Gordian knot, so far as I am concerned, for I have not as yet been able to satisfy myself as to what should be done.

Mr. FALL. Mr. President—
The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New Mexico?

Mr. SHAFROTH. I yield.

Mr. FALL. On the line of the suggestion made by the Senator from Ohio [Mr. POMERENE] I wish to ask, Does the Senator from Ohio think that we could finance a water-power proposition where the State had the right to tax it, and the National Government also had a right to tax it, and the National Government

placed-restrictions over it?

Mr. POMERENE. That might add somewhat to the difficul-ties, but I have no doubt in my own mind that if we should clearly define the powers which are conferred upon the State, such a proposition could be financed. I know of no reason why you could not finance a proposition which was subject to one or two taxing powers quite as well as if it were subject to only one taxing-power. In my own State, for instance, when it comes to the question of the taxing power, we levy a State tax, the municipal councils levy a municipal tax, the commissioners of the county levy a county tax, the board of education levies a tax for school purposes, and the township levies a township tax for township purposes.

Mr. FALL. But those taxes are regulated and limited by constitutional provisions in the Senator's State.

Mr. POMERENE. Very well; and could not that be done in

this case?

Mr. FALL. Certainly it could be done here, if it should be done: but the Senator is dealing with the remaining public lands of the United States, and in his State and other States an entirely opposite theory has been adopted by the Government, and the public lands have been disposed of under entirely distinct and opposite theories. The Senator does not understand, and it is hard to make Senators from riparian rights States understand, that the Government of the United States has no property in these waters, but that they belong to the States of the West. It is not a question of the vested rights of the riparian proprietors.

Mr. POMERENE. Mr. President, I was not discussing the question of riparian proprietors or anything of that sort.

Mr. FALL. Mr. President, all that the Senators from the Western States are interested in is in endeavoring to vest in these States exactly the power the Senator would vest them with if they had the right of taxation.

Mr. POMERENE. Mr. President, I have not expressed my opinion either in favor of the Senator's views or against them. My attention was challenged by the statement made by the Senator from Colorado to the effect that a State could not tax

this property. Mr. FALL.

That is true.

Mr. SHAFROTH. Not without the consent of the United

Mr. POMERENE. Certainly; but that qualification was not made. I see no sound reason why the Congress of the United States can not confer that authority upon the States.

Congress never has done so, and never Mr. SHAFROTH.

will, in my opinion.

Mr. POMERENE. That may all be so.

Mr. BORAH. Mr. President, may I call the attention of the able Senator from Ohio, who, I know, is entirely familiar with these constitutional questions, to a case decided by the Supreme Court of the United States, which came up from Tennessee? I understand the reasoning in that case, the court placed it beyond the power of the Government to permit these properties to be taxed so long as the title remained in the Government. I do not know whether the Senator's attention has been called to that case

Mr. POMERENE. No; it has not been.

Mr. BORAH. It is a very far-reaching decision.

Mr. SHAFROTH. It is the case of Van Brocklin against the State of Tennessee, reported in One hundred and seventeenth United States, page 151.

Mr. POMERENE. I concede the proposition that, if no authority is conferred by the Federal Government upon the State government to tax such land, then the State government can

not exercise that power.

Mr. BORAH. Exactly; but the decision of the Supreme Court in this case seems to turn upon the proposition that the property is constitutionally protected if it belongs to the United States Government; that it is beyond the range of the power of Congress to make it the subject of taxation, because the Constitution itself withholds it from taxation in that it does not permit the taxing of the property of one sovereignty by another sovereignty.

Mr. POMERENE. Without its consent.

Mr. NORRIS. Will the Senator from Idaho permit me to make a suggestion there?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. SHAFROTH. I yield.

Mr. NORRIS. In connection with what the Senator from Idaho [Mr. Borah] has said, it seems to me that we ought to draw this distinction, which, I think, is as far as the case referred to goes; that is, if the Government of the United States on its land constructed a dam and other necessary buildings and works, they would not be taxable; but, as I remember that case, it held that while if the Government leased this particular land that it owned, the State could not tax the land, it could tax any improvements that the lessee might put on it.

Mr. SHAFROTH. I must differ from the Senator, and I

should like to read my authority.

Mr. NORRIS. I am going to listen to the Senator with a

great deal of interest on that proposition.

Mr. MYERS. Mr. President, I should like to ask the Sena-tor from Idaho if that case holds that the property belonging to the United States can not be taxed by the State, or that the net profits growing out of a business conducted on that property can not be taxed by the State?

Mr. BORAH. Of course, the specific and concrete proposition of net profits was not involved in that case, but I think that Senators who will examine the case will find that it has practically excluded the power of Congress to transfer the subject matter of taxation between sovereignties. If there is going to be any consent given, it would have to be by a constitutional amendment and not by an act of Congress.

Mr. NORRIS. Mr. President, let me call the Senator's attention to this: The statement would be true as to land owned by the Government, and I think the case referred to probably so held; but does the Senator think that it would require a constitutional amendment to enable the State to impose taxes on improvements made on land leased by the Government?

Mr. BORAH. I need only call the Senator's attention to a thoroughly established principle of law, which the Senator, upon reflection, will recall, that improvements which are permanently attached to the real estate become real estate.

Mr. NORRIS. Ordinarily, yes; but there is another princi-ple well recognized, that the owner of real estate can lease it, and the lessee can put up improvements under a provision in the lease, and they are taxed separately in the States, so far as I know

Mr. SHAFROTH. I think the Senator is entirely mistaken

in regard to that.

Mr. NORRIS. I am going to listen to the Senator's argument with a great deal of interest. I do not believe the case referred to-I have not read it recently, although I am somewhat familiar with it-carries out the idea suggested.

Mr. SHAFROTH. I read from the syllabus of that case: Property of the United States is exempt by the Constitution of the United States from taxation under the authority of a State.

Mr. NORRIS. Exactly. The improvements-the dams and uildings—are not the property of the United States. Mr. BORAH. But, Mr. President—

NORRIS. They will be constructed under a lease under this bill.

Mr. BORAH. Under the law they are the property of the United States, because they have become permanently attached to the land and are a part of it.

Mr. MYERS. Mr. President-

Mr. SHAFROTH. I yield to the Senator.

Mr. MYERS. I should like to ask the Senator from Colorado this question: The Senator from Colorado has been speaking of the realty which belongs to the United States, or of improvements on that realty. How about the net profits growing out of a business operated on that land? Does he hold they are not taxable by the State?

Mr. SHAFROTH. Yes, sir; and I think I can so demon-

Mr. MYERS. I should like to have the Senator give some

authorities on that point.

Mr. SHAFROTH. According to the authorities, they are not in any manner taxable. Before I read from the decisions I will state that they go to the extent of holding that when the Federal Government uses an instrumentality of any kind in carrying out any undertaking of the Government there can not be taxed in any manner the product, the franchise, or anything that would have a tendency to injure or impair that enterprise of the Government. The Government here is proposing to lease water-power sites, as they are termed. Some of us think it is proposing to lease water which does not belong to the Government any more than the Mississippi River belongs to me; but waiving that for the time being-

Mr. NORRIS. Mr. President, before the Senator enters on the discussion of the proposition he has laid down I should like to call his attention to the fact that his colleague [Mr. Thomas] a week or so ago, on this same bill, when it was before the Senate, devoted two or three days to an exceedingly interesting legal argument, a part of which was to demonstrate exactly the opposite contention, as I understand; that is, that the States had a right to condemn the public lands of the United States for the purpose of building dams and constructing works under

State laws

Mr. SHAFROTH. That has nothing whatever to do with this proposition, I will say to the Senator; that is a different proposition altogether.

Mr. NORRIS. It is the opposite of the Senator's position, as

I see it.

Mr. SHAFROTH. It is not the opposite of the proposition

for which I am contending.

Mr. SMOOT. Mr. President, right in that connection perhaps it will be just as well to call the attention of the Senator to an article by Mr. King, chief counsel of the Reclamation Service, in which he states:

The statutes of your State make provision for this class of assessments, and the Supreme Court of California—also the supreme courts of some other States—have held tax assessments of this nature to be valid and enforceable.

That is not what I had reference to.

Mr. SHAFROTH. That refers to improvements on home-

Mr. SMOOT. That refers to the question of taxing improvements on homesteads. In other words, an entryman can enter public land and make \$100,000 worth or more of improvements on the land, and the State in which the land is located can not impose one cent of taxes on the property or improvements until title passes from the Government of the United States. Mr. King goes even further than that and says:

Permanent improvements are appurtenant to, and accordingly a part of, the land itself, hence not taxable unless the lands upon which located are taxable.

And on this subject he refers to the case decided by the United States Supreme Court of Sterns against Minnesota and other decisions of the same court.

He goes further and holds that it is very doubtful indeed whether a State can impose taxes on improvements on public lands until all liens held by the Government against the lands are paid. In other words, the Government has provided that in connection with the reclamation projects the payments for moneys advanced by the Government shall be extended over a period of 20 years, and the land held as security, and if the position taken by Mr. King, chief counsel of the Reclamation Service, is correct, the States in which the reclamation projects are located can not impose a dollar of taxes on such land until the last or twentieth payment to the Government for money advanced for the reclamation project is paid back to the Govern-

Mr. MYERS. Mr. President, that is contrary to decisions of the Supreme Court of Montana, of California, and a number of other States. It is simply the opinion of one lawyer against a number of supreme court decisions.

Mr. SMOOT. Mr. King cites here a number of decisions of

the Supreme Court upholding his position.

Mr. NORRIS. Mr. President, the case put by the Senator from Utah, it seems to me, is not analogous to the water-power proposition, because that refers to land that the Government has not pretended to lease but is going ultimately to convey in fee simple to the man who has constructed a permanent build-There is an entirely different proposition of law involved. I think there is no doubt that the Senator from Montana [Mr. MYERS] is right, that the length to which Mr. King goes is contrary to the decisions of the Supreme Court of the United States. as well as the decisions of the State courts. They have held, as I remember the decisions now, that where a homesteader takes a piece of land and has complied with the law under which he is entitled to a patent for the land, the land itself becomes taxable from that time on, even though he has not made final proof, even though he has not received a patent, and even though he has not made application for a patent.

Mr. SHAFROTH. I will say to the Senator that the distinction made is that whenever the locator has the equitable title and nothing whatever remains to be done upon his part, then the land and the improvements can be taxed; but the courts have held that if there is any charge unpaid—for instance, if there are fees unpaid—the land with the improvements can not

be made the subject of taxation.

Now, Mr. President, I want to read along that line-Mr. HUSTING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. SHAFROTH. I yield to the Senator from Wisconsin. Mr. HUSTING. I should like to ask the Senator a question in regard to improvements. The law which recognizes that improvements become a part of the land recognizes such to be the case in the absence of any agreement to the contrary. Does the Senator mean to say that the United States in leasing its land can not legally provide in the lease itself that the improve-ments shall not constitute a part of the freehold, but shall be separate and apart therefrom, and subject to taxation on the part of the State?

Mr. BORAH. Mr. President, I want to make the suggestion that the laws of real estate and the laws of property in my State and in the Senator's State are not controlled by the acts of Congress; they are controlled by the State. If the law of the legislature of my State designates certain things to be real estate, that makes them real estate; and an act of Congress to

the contrary can not change the status.

Mr. HUSTING. I want to suggest to the Senator that where the United States and a freeholder in the Senator's State make an agreement to the effect that the improvements shall not constitute a part of the freehold, that is a statement of fact and not a legal proposition; and, therefore, the courts will recognize it as a contract between the parties who made it; that is to say, the land is real estate and the improvements are personal property.
Mr. SHAFROTH. Now, Mr. President-

Mr. HUSTING. If the Senator will pardon me-in other words, is it not perfectly competent for two individuals in the Senator's State to enter into an agreement whereby one may erect a building upon a leasehold, with the understanding that at the termination of the lease he may remove his property from the leasehold?

Mr. BORAH. Mr. President, the fixing of the status of property as real estate or personal property is done by the statutes of our States. It can not be controlled altogether by individual contract. A party may go upon real estate and so attach his improvements to it that they never become real estate-that is, that they are not fixed and permanently attached to the real estate, and therefore always remain personal property-and take them off; but if he attaches his personal property permanently to the real estate, and it becomes definite and fixed, it is real estate, and a contract will not change it.

Mr. SHAFROTH. It will not change it so far as taxation is

concerned.

Mr. STERLING. Mr. President-

The PRESIDING OFFICER. Does the Senator from Colo-

rado yiela to the Senator from South Dakota?

Mr. SHAFROTH. I want to answer the Senator's question. will yield to the Senator from South Dakota in just a moment. Now, I want to call attention to why the States would never consent to that. The State has a first lien now upon the land and upon the building that has been erected by the tenant. Is it going to divide that total property and assess part of it to the owner of the real estate and part of it to the owner of the building? If that is to be the case, it makes a first lien upon all

of it subject to two different liens-one upon a segregated part of the value of the entire enterprise, and the other part something that may be wiped out entirely by a change of conditions.

Mr. HUSTING and Mr. STERLING addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado yield, and to whom?

Mr. SHAFROTH. I yield to the Senator from Wisconsin.

Mr. HUSTING. I understand, of course, that a State-say the State of Colorado—can not tax a piece of property that belongs to the United States. But where the United States agrees with a person who wants to make improvements upon real estate and gives the State of Colorado permission to treat the improvements as an integral part of the real estate, the question then is whether the State of Colorado would want to take advantage of an arrangement which is made for its benefit.

Mr. SHAFROTH. Why, that is not in this bill. This bill does not provide any such thing.

Mr. HUSTING. Can we not put it in this bill?

Mr. SHAFROTH. I do not know. The Senator from Utah indicates that he thinks it is a constitutional question. Even if it is, it is not in this bill, and it has not been reported in any bill that has ever come to the Congress of the United States with reference to these western lands.

Mr. HUSTING. I want to say to the Senator from Idaho that, without knowing very much about the particular laws of Idaho, I submit that if there is a dam site which is improved, and a provision is put in this bill or in some other bill which declares that these improvements shall be treated as personal property, the Legislature of Idaho can, if it wants to,

tax them as personal property.

Mr. SHAFROTH. Mr. President, the inquiry which the Senator started out with was this: If a man leased his private property to another upon which the lessee planned to erect houses, whether the leasehold would not be subject to taxation by the State and also by the Government. I believe a State could pass such a law as that; but the difficulty would be in the insufficiency of the security, and a State will not commit such error. Say that a piece of real estate is worth \$50,000 and the improvements are worth \$50,000. Is it conceivable that a State would adopt an arrangement by which the property would be divided and impose a tax upon the land of only \$50,000 and likewise tax the improvements only \$50,000. The result would be, in a great many instances, after a few years, the improvements would sell for almost nothing under taxation or a very small amount, and thus the State would lose, whereas if the State had imposed the total tax of \$100,000 on the real estate, with everything that is on it, it would not lose a cent. It waives the first lien for a second lien, and no State that I know of has done

Mr. STERLING and Mr. HUSTING addressed the Chair. The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from South Dakota?

Mr. SHAFROTH. I yield to the Senator.
Mr. STERLING. I think probably the Senator's view has already been partly given in the discussion he has just made; but I want to ask him if, under the laws of his State of Colorado, the interest of the lessee under this water-power bill would not be a leasehold interest? It would be a leasehold interest, would it not?

Mr. SHAFROTH. Yes; it would be a leasehold interest. Mr. STERLING. Under the laws of the State of Colorado,

would not that leasehold interest be taxable?

Mr. SHAFROTH. Not when the Government holds the title; no. I have the authorities here on that point.

Mr. STERLING. Has the Senator any authority to the effect that that leasehold interest on the part of the lessee would not be taxable?

Mr. SHAFROTH. I have this situation, which is indorsed by any number of authorities, that whenever the Government undertakes any enterprise the State has not the power to tax

mr. STERLING. Mr. President—
Mr. SHAFROTH. Wait a moment, please. Whenever it leases property for the purpose of generating power, and refers to the manner in which a tax shall be put on the water itself, it is done for the very purpose, as it is claimed, of developing power. You can not tax any instrumentality or agency of the

power. You can not tax any instrumentality or agency of the Government; and that very thing is an agency.

Mr. STERLING. Mr. President, I want to know if this is the Senator's position, namely, that because the Government leases land for the purpose of a water-power site, therefore that leasehold interest held by the lessee becomes an enterprise or an instrumentality of the Government.

an instrumentality of the Government?

Mr. SHAFROTH. Why, certainly it does.

Mr. HUSTING. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. SHAFROTH. I am not getting along very logically in this discussion.

Mr. HUSTING. I should like to put my question before the Senator leaves that branch of the subject.

Mr. SHAFROTH. Very well.

Mr. HUSTING. I am asking whatever questions I ask in good faith.

Mr. SHAFROTH. I know that. I know the Senator is very earnest in this matter.

Mr. HUSTING. The Senator stated that I had started out with the proposition of a private landholder and a lessee who made improvements upon the land.

Mr. SHAFROTH. Yes, sir. Mr. HUSTING. The proposition I started out with was that real estate and improvements thereon can be severable in law and in fact by an agreement to that effect.

Mr. SHAFROTH. Not as against the taxing power.
Mr. HUSTING. The taxing power in the State of Colorado is an act of the legislature, is it not?

Mr. SHAFROTH. Certainly; and if the legislature authorizes that, it can be done,

Mr. HUSTING. That act can be amended or repealed at the pleasure of the Legislature of Colorado?

Mr. SHAFROTH. Certainly.

Mr. HUSTING. Now, the proposition is that where Government lands are used for the purpose of water-power development, it can be made possible, in the act itself or in some other acts, for the State of Colorado to tax the improvements upon the Government lands if it is provided in the contract between the Government and its lessee that that shall be done, and that the State of Colorado, for instance, may tax them, subject only to the will of the Legislature of Colorado.

Mr. SHAFROTH. Well, Mr. President, of course it may be, although the position taken by the Senator from Idaho is that it is a constitutional matter, and consequently can not be waived even by the Congress of the United States. But eliminating that, if the Congress of the United States were to say that all of this property, including the land, should be the sub-ject of taxation, the State, of course, could tax it.

Mr. FALL. Mr. President, will the Senator allow me to make just a suggestion to him?

The PRESIDING OFFICER. Does the S rado yield to the Senator from New Mexico? Does the Senator from Colo-

Mr. SHAFROTH. Yes.

Mr. FALL. I do not want to interrupt the Senator, but I should like to put a question along the line he is now discussing. Suppose that the State taxes the improvements and sells the improvements for taxes; who takes the leasehold estate? Under this bill the State can not do it. Then can the State tax? It can not acquire the estate.

Mr. SHAFROTH. I will call the attention of the Senator, right there, to another difficulty. One of these water-power plants, as the Senator knows, consists principally of a tunnel driven through rock. How are you going to levy upon a tunnel, a hole in the ground? That constitutes the principal part of the expenditure. There is one in my State down at Glenwood Springs. I think an expenditure of some \$7,000,000 has been made there. If you are going to separate something from the realty, it is inseparable in a case of that kind. The house that might be erected would be, perhaps, separable; but even in that case, as I shall show here, you have not the

right to tax it.

Mr. FALL. The difficulty that the Senator's bill will meet with is in the bill which we are discussing. We are not discussing something that theoretically might be done. We are discussing this bill. This bill provides that the Government of the United States can, within its pleasure, take over the entire work after the expiration of a certain length of time. Now, suppose that the State has taxed that property. It has not been able to dispose of the property, under a tax sale, to anyone else. It has not been able to buy it in for taxes itself and run it, because the Government of the United States will not grant the State the leasehold estate in it. It is precluded from getting it by a limitation upon those who can secure it. Very well. Ten thousand dollars of taxes are due. The Government of the United States expects to take over the property under the provisions of this bill. The Government of the United States takes it over without paying the taxes. That is all.

Mr. NORRIS. That does not relieve the man who owes the

taxes from their payment, by any means.

Mr. FALL. Oh, well; that is a different proposition.

Mr. NORRIS. No.

Mr. FALL. We are talking about this estate; and that is exactly the mistake that the Senator has made in his discussion of the taxation upon improvements on public land. He has

made that same mistake.

Mr. NORRIS. But, Mr. President, even though all that be true, it does not follow from that that the property is not tax-The State may tax a horse, and the horse may die after That does not relieve the man who did own the horse from the payment of the tax, and yet there is no way to levy on the horse to collect the tax. The State can levy on something else that he has, if he has anything else. If he has not, they can not get it.

Mr. FALL. That is exactly what we are talking about. The

State may have a power, but it has no remedy.

Mr. NORRIS. It has just the same remedy that it has on all

other personal property that is liable to taxation.

Mr. SHAFROTH. Now I want to devote just a few minutes to the proposition announced by the Senator from Nebraska [Mr. Norris] concerning the taxation of lands that belonged to the Government at a certain time. I have here a decision in 179 United States Reports, at page 223. I read from page 251, which announces the doctrine that you can not tax the lands of the Government when the equitable title has gone out of the Government, although the patent has not been issued; but that if anything, no matter how slight it is, remains to be performed by the person who dies, or his assignee, the land is not subject to taxation, no matter how long it remains uncomplied with. Here is the decision. I read from page 251.

Mr. HUSTING. Will the Senator give me the citation again?

Mr. SHAFROTH. The citation is One hundred and seventyninth United States, at page 251. It is a very elaborate case, however, and the beginning of the case is at page 223. It is the

case of Stearns against Minnesota.

Mr. President, before the Senator enters upon Mr. WORKS. that phase of the matter, let me suggest another result that might follow the right of the State to tax this property. Under the provisions of this bill, the Government not only retains the title in itself but it reserves the right to take over the property at the end of the lease. Now, if the State were permitted to tax the property and could enforce it by the sale of the property, that would deprive the Government of that right.

Mr. SHAFROTH. Why, it is the taxing of an agency or an instrumentality of the United States Government.

Mr. WORKS. Certainly.

Mr. SHAFROTH. Now, Mr. President, I want to refer to that, which is one of the first questions that was asked. This decision says:

It is true, as has been held in the ordinary administration of the affairs of the Land Department, that whenever full payment has been made to the United States and the full equitable title has passed to an individual purchaser or homesteader, the mere delay in furnishing to such purchaser or homesteader the legal evidence of his title does not relieve the land from ordinary State taxation.

But it has also been held that until the very last moment that liens or equitable rights of the United States are extinguished, no matter how trivial or small may be the right or the lien reserved, the land is not subject to State taxation.

Now, Mr. President, they refer to the fact that a land grant was made, and it provided that the company after the location and completion of its road should pay the costs of survey, and those costs remained for 20 years unpaid for the very purpose of avoiding State taxation. The State taxed the land; but when

the question came to the Supreme Court, the Supreme Court

No; as long as something remains undone upon the part of the per-son who acquires the title, or is to acquire the title, that land can not be made the subject of taxation.

It also said:

If Congress wants to do otherwise, it should pass a law removing that condition or declare that it should enforce its lien for a survey which was made years before.

A railroad company avoided taxation for more than 20 years on that very claim, and then that principle was enunciated, and it has been affirmed in repeated decisions of the Supreme Court of the United States.

Here is a payment of rents each year to the United States Government. Even if it should say that it would convey this title-and it does not pretend even to say that it will convey it-but even if it were the kind of a case where we would want private ownership to acquire the property, as long as that yearly payment is made neither the land nor anything that belongs upon the land in the shape of an improvement can be made the subject of taxation.

Mr. WORKS. Mr. President-

Mr. SHAFROTH. I yield to the Senator from California, Mr. WORKS. I want to go a little bit further than the suggestion I made a moment ago. In this instance the Government may not only take over the property it has leased, but it

is specifically provided that it shall take over all of the property; that is, the property that is attached to the property leased and the water rights that have been obtained from the States. It seems to me perfectly clear under those circumstances that if you should allow the States to tax what may possibly go back to the Government you would interfere with the operations of the Government and not the tenant alone.

Mr. SHAFROTH. I have not any doubt, Mr. President, that the decision is absolutely sound. It never has been overruled. It is a late decision, rendered in 1900. That decision asserts plainly and clearly, as a complete answer to the Senator from Nebraska, that where the equitable title has left the Government, where nothing remains to be done by the purchaser or by the entryman or by the locator, then it is the subject of taxation, and the land can be taxed; but no matter how trivial or how small may be the thing to be done by the locator or the entryman before he is entitled to his patent, if it remains undone the Supreme Court of the United States says the land can not be made subject to taxation by the State,

Mr. NORRIS. Mr. President, if the Senator will permit me, I had that very case in mind—I think it is the same case, although I did not remember the case itself—when I laid down the proposition that I did to the Senator. I think the case the Senator has just read bears out emphatically the statement

of the claim that I made in regard to taxation.

SHAFROTH. Now, what are those statements and claims?

Mr. NORRIS. Whenever there is anything else to be done by the homesteader to get title, then the land becomes taxable under the State laws. That is the proposition I laid down.

Mr. SHAFROTH. Certainly; that is true; but here is a proposition that there shell be paid to the United States Gov.

proposition that there shall be paid to the United States Government each year a certain amount per horsepower.

Mr. NORRIS. But the Senator forgets that there is not any attempt in this bill to convey to the lessee the title to the land.

There is no attempt to do that.

Mr. SHAFROTH. Surely, then, it makes it that much stronger that such property can not be made subject to taxa-

Mr. NORRIS. No; the cases referred to would apply if this bill attempted to convey away the title. Then everything would have to be done before the land would be taxable. That has not anything to do with a lot of wires and other things that may be 20 miles away from the Government land.

Mr. SHAFROTH. Is it possible that the Senator would contend that where property that can be made the subject of taxation, when everything that is required by the act to be per-formed on the part of the individual has been complied with, and if something is not done that is required it can not be taxed, yet in the case of a leasing of land by the United States with a requirement as to the construction of a water-power plant thereon, requiring a close and intimate relation between the individual and the Government all the time, it can be made the subject of taxation? Why, this case is infinitely stronger than the very case to which the Senator refers against the right of the State to tax.

Mr. NORRIS. If the Senator will be kind enough to permit

me a further interruption-

Mr. SHAFROTH. I yield.

Mr. NORRIS. It seems to me the Senator does not get the distinction between the rights of the lessee and the rights of the lessor. The United States Government in this bill does not attempt to convey title to the land of the United States, and I am not contending that that land would be subject to taxation. I did not agree with the Senator's colleague [Mr. THOMAS] the other day when he argued that the State of Colorado, for instance, would have a right to condemn public land and take it for irrigation purposes. I think the first case re-ferred to awhile ago completely refutes that. But if the Senator's contention is right, when a man leases under a contract a piece of land, and in the lease it is provided that he shall erect a building on it, the minute he erects the building on it the land itself becomes liable for the payment of the taxes on the building. The Senator would not contend that, would he? Could there not be a contract made between a lessor and a lessee by which the building constructed on the land would be assessed as personal property to one man and the real estate to another?

Mr. SHAFROTH. Why, I most unquestionably say that it should be taxed with the land, as a part of the land, and you

Mr. NORRIS. Ordinarily not; but I think it is just as the Senator from Wisconsin [Mr. Husting] pointed out. An agreement can be made between the owner of the land and the man who constructs the building or puts up any other improvement by which the one will be real estate and the other will be taxed as personal property and will remain so. I have in mind now an instance of that kind where a building constructed on a lot is assessed as personal property and the land itself is assessed to a different man as real estate because of the agreement under which the building was constructed.

I have an idea that the Senator can find, if he will look them up, hundreds of cases where buildings have been constructed on Government land. Take the case of the great hotel down here at the entrance of Chesapeake Bay, constructed, as I am told, on Government land. I have an idea that the Senator will find that the owners of the hotel are paying taxes to the State of Virginia on the building, although the title to the land upon which the hotel is constructed is in the Government of the

United States.

The fact that they might lose their lien, while it goes to the method of collection of the tax, does not go to the fundamental principle involved. If the house that I speak of that the lessee constructs on the land is burned, then any lien that the State might have on it is destroyed; or perhaps it would not have any lien; but it does not destroy the tax. It is the same with any other personal property. While under most State laws it is made a lien upon the personal property assessed, it becomes a lien likewise upon all other personal property under most of the laws; but whether it did it or whether it did not would not

have anything to do with the legal right to tax.

Mr. SHAFROTH. Mr. President, a contract can be made between individuals, but it can not abrogate the taxing laws of a State. It can not be said to a State by a mere contract between two individuals, "We will, by a contract between ourselves, deprive the State of the right to impose the full tax upon that real estate, including the building, and make it severable, so that the real estate shall be taxed at one half and the building shall be taxed at the other half." That might be effective as between the parties that agreed to it, but it can not be effective as against the State; and the reason is obvious. States would

lose millions and millions of dollars by permitting a great feesimple estate to be divided up into leasehold estates, and thereby assuming a second lien for half of the value of the property.

Mr. WORKS. Mr. President-

Mr. SHAFROTH. I yield to the Senator from California. Mr. WORKS. Will the Senator allow me to put a question

to the Senator from Nebraska?

Mr. SHAFROTH. I shall be very glad to have the Senator do so.

Mr. WORKS. The Senator from Nebraska contends that the power of taxation exists in the State as against the property placed upon the leased land. The Government leases the bare land. Everything necessary to make it useful for the generation and distribution of power must be done by the lessee. property placed upon it belongs to the lessee. Now, suppose the State should levy a tax upon the property used for the generation and distribution of power. It must follow that the State has a right to sell the property if the taxes become delinquent, as in other cases. Suppose that should be done under the provisions of this bill and that the State should buy in the

property belonging to the lessee. What situation would we be in then?

Mr. NORRIS, Mr. President, the Senator assumes in his question something that I will not admit, and that is that the right to tax would necessarily include the right to sell at public sale the property so taxed. Ordinarily it does do that, but that

is not involved in it. It is not necessary for the taxation right.

Mr. WORKS, Mr. President, the Senator simply admits away his whole claim, because if the Government can not enforce the tax it is equivalent to saying that it can not tax.

Mr. NORRIS. I do not admit that.
Mr. WORKS. That is what it amounts to.

Mr. NORRIS. Let me ask the Senator a question. Suppose I am taxed on a horse and buggy that I own, and the horse dies and the buggy is burned up. Does that pay the tax?

Mr. WORKS. No. That is easy. But I do not know what it has to do with this question.

Mr. NORRIS. I think it is easy myself, but it is not any easier than the question put to me. When the Senator asked me the question he said, "That includes the right to sell this property"; but the right to tax property does not necessarily include-although as a rule it does include-the right to sell under a lien the specific property taxed.

Mr. WORKS. Mr. President, if the right of taxation exists, as a matter of course the right to enforce that tax must go with

it or the right to tax is of no consequence whatever.

Mr. NORRIS. Yes; but the right does not necessarily mean the right to enforce it on any particular property. It may be a lien on any other personal property that the man has.

Mr. WORKS. The Senator says I have assumed something,

but he has not answered my question under that assumption.

Mr. NORRIS. I should be glad to answer the question if the Senator would include in it nothing but what in my judgment makes a fair question of it. He assumes in it something that makes it impossible to answer it, however, except to suit his idea of it.

Mr. SUTHERLAND. Mr. President, will the Senator yield

to me?

Mr. SHAFROTH. I yield to the Senator from Utah.

Mr. SUTHERLAND. I was going to make this suggestion to the Senator from Colorado, with whose argument I agree: It has been determined over and over again that the power to tax involves the power to destroy.

Mr. SHAFROTH. Certainly. Mr. SUTHERLAND. Indeed, it has been utilized for that very purpose by Congress. We taxed the State bank issue out of existence. We taxed oleomargarine in certain forms out of existence by exercising the power of taxation; so that that is one sovereign power that has no limit. A State, unless there is some provision in the Constitution otherwise interfering, may tax a piece of property to its full value or half of its value.

Mr. SHAFROTH. Certainly.
Mr. SUTHERLAND. Now, that is the underlying principle upon which these cases are based, namely, that the power to tax is the power to destroy. Therefore, if the States were permitted to impose taxes in such a way as to interfere with the operations of the Federal Government, they might stop the exercise of some function altogether, and, conversely, if the Government of the United States were permitted to tax in such a way as to interfere with the sovereign functions of the

State, the same result might follow.

Now, here is a case where Congress, in passing this bill, is operating under a provision of the Constitution, namely, that provision which provides for disposing of the property of the United States. Congress concludes to dispose of that property by leasing it. Now, if the leasehold interest that is acquired by the lessee in the property can be taxed by the State, it can be taxed at such an amount as will put an end to that method of the United States Government dealing with the matter at all. In other words, under the guise of taxation the State may utterly destroy that sovereign power of the United States to lease its lands; and for that reason, it seems to me, it falls clearly within the principle which the Senator has been discussing.

Mr. SHAFROTH. I fully agree with the Senator.

Now, returning to that proposition, I wish to read the authority in the Northern Pacific Railroad Co. against Traill County, found in One hundred and fifteenth United States, at page 600:

The provisions in the act of July 17, 1870 (16 Stat., 291; on p. 305), that the lands granted to the Northern Pacific Railroad Co. by the act of July 2, 1864 (13 Stat., 365), shall not be conveyed to the company, or any party entitled thereto, "until there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the company or party in interest," exempts

these lands from State or Territorial taxation until such payment is

made into the Treasury.

The Northern Pacific Railroad Co. has acquired no equitable interest in the lands so granted to it by reason of completing its road and thus earning the granted lands, which is subject to State or Territorial taxation before such payment is made into the Treasury of the United States.

This is considered in the latter part of the decision, and I want to read an extract from it on page 610. It says:

This is considered in the latter part of the decision, and I want to read an extract from it on page 610. It says:

The United States made a magnificent grant to this company of lands equal in quantity to forty or fifty thousand square miles, an area as large as an average State of the Union. It thought proper to require of the grantee the payment of the costs of making the surveys necessary to the location and ascertalment of these lands. To secure the payment of those expenses it decided to retain the legal title in its own hands until they were paid. The Government was, as to these costs, in the condition of a trustee in a conveyance to secure payment of money. But if the land was liable to be sold for taxes due to State, Territorial, or county organizations, this security would be easily lost.

No sale of land for taxes, no taxes can be assessed on any property, but by virtue of the sovereign authority in whose jurisdiction it is done. If not assessed by direct act of the legislature itself, it must, to be valid, be done under authority of a law enacted by such legislature. A valid sale, therefore, for taxes, being the highest exercise of sovereign power of the State, must carry the title to the property sold, and if it does not do this, it is because the assessment is vold.

It follows that if the assessment of these taxes is valid and the proceedings well conducted, the sale confers a title paramount to all others, and thereby destroys the lien of the United States for the costs of surveying these lands. If, on the other hand, the sale would not confer such a title, it is because there exists no authority to make it.

At all events the holder of the equitable title to these lands has a right to prevent a sale which would have the effect of impeding the United States in the assertion of the right to them until these costs are pald.

We are aware of the use being made of this principle by the companies who, having earned the lands, neglect to pay these costs in order to prevent taxation. The remedy lies wit

Mr. HUSTING. Will the Senator give me the citation?

Mr. SHAFROTH. The citation is One hundred and fifteenth United States, page 600.

Mr. WALSH. Before the Senator passes from that it might be interesting to have the fact stated that after that decision was rendered by the Supreme Court of the United States Congress expressly made the lands taxable.

Mr. SHAFROTH. Certainly; that could be done. Mr. WALSH. Then they became taxable.

Mr. SHAFROTH. But for years and years the railroad company escaped taxation, notwithstanding the land was there and was receiving the protection of the Government, and the State, and the county. It shows that unless there is legislation which provides that the land shall be subject to taxation it can not be taxed so long as anything remains undone on the part of the applicant or the grantee.

Mr. WALSH. Let me ask the Senator, Can not all that be overcome by a simple provision that it shall be taxable?

Mr. SHAFROTH. We never had a bill like that, and the

bill in its present shape does not contain such a provision.

Mr. WALSH. That is what Congress did in reference to

those lands, was it not?

Mr. SHAFROTH. Those are lands which were parted with It was a grant to the Northern Pacific Railroad.

Mr. WALSH. I am asking the Senator the simple question as to whether the difficulty proposed in that decision was not obviated by an act of Congress making the lands taxable.

Mr. SHAFROTH. It may be. Yes; that could be done. Mr. WALSH. And can not the difficulty the Senator is now

talking about be obviated by a simple provision making these lands taxable?

Mr. SHAFROTH. But the bill before us does not contemplate any such right conferred upon the State. Senators talk all right, but when it comes to examining the question of taxation, recognizing in that function of government the power to destroy, then they begin to hesitate, to express doubt, and finally to oppose such a provision in the bill. If you would refer the question to the Attorney General, I think you would get an opinion to the effect that you had better not amend the bill to that extent; that it is too dangerous a proposition to give the States the power to tax. Yet-unless you do give them power to tax you are absolutely doing the negative of that which the Federal Government is getting the benefit of, namely, making the owners of private lands in the States pay all the taxes to the Government over their own private lands, and also over the Government lands.

Colo. It is supposed to have been given a right of way which is subject of taxation. But after the passage of the act granting a revocable permit all of a sudden Mr. Garfield, just two days before he went out of office, revoked 40 permits of waterpower plants.

A plant was at that time constructed and was furnishing electricity to the city of Denver for power purposes, for street car lines, and for lighting the city, yet the result has been that the county has been deprived of the income from taxation that would accrue from an assessment of \$7,000,000. When such a legitimate income is taken away it will be seen how grave a wrong is being done to the States in attempting to impose upon us a system which places the perpetual ownership of these lands in the Government. It never was the intention of the framers of the Constitution that there should be any land within the borders of a State which should be exempt from taxation by that State, because when you deprive a State of the means of taxation, if you deprive it to a sufficient extent, you can destroy it.

Mr. HUSTING. Mr. President-

Mr. SHAFROTH. I yield to the Senator.

Mr. HUSTING. I should like to ask the Senator whether he knows any special instances where the Government has put ten, fifteen, or twenty million dollars in irrigation projects which it proposes to hold in perpetuity, and whether the Senator ever objected to laws of the United States doing that thing?

Mr. SHAFROTH. If the Senator will look at those irrigation projects, he will find that the Government provides after it has gotten its money back that it shall turn over those lands to the There is not a single suggestion in that to indicate that the Government is going to hold those lands in perpetuity.

I will ask the Senator another question, Mr. HUSTING. whether, pending that time, while it is exempt from taxation, the Government has not built water-power dams which it proposes to hold in perpetuity?

Mr. SHAFROTH. If it is doing it, it is an outrage. That is

all I can say as to that.

Mr. HUSTING. An outrage? Mr. SHAFROTH. It is an outrage, when, as a matter of fact, proposes to exempt land in a State forever from taxation. It can do it. I concede that the public domain in my State, as long as they reserve it, of course they can hold it. There is no doubt about that. We are helpless; we are powerless. It never was the intention of the Constitution to permit it; but there is no remedy that exists for it.

Mr. HUSTING. The Senator did not understand me. I mean

did not the Government actually construct dams and vote millions of dollars for the construction of dams which it proposes to hold in perpetuity, and whether the Senator objected to the United States engaging in those enterprises?

Mr. SHAFROTH. I presume the Senator refers to the reclamation act. I was one of the persons who helped frame that act about 16 or 17 years ago.

Mr. WORKS. Mr. President——

Mr. SHAFROTH. In just a moment. By that reclamation act it was provided that the Government, under the Interior Department, should construct various dams and various water plants for the purpose of irrigation. The act provides that there shall be so much paid each year; and when it is all paid for, then it is turned over to an organization of those persons who have paid for it. It is not perpetual ownership

Mr. HUSTING. There is nothing in the law that obligates

the individual to take it over, is there?

Mr. SHAFROTH. I can say this: It is manifestly to their interest to do that.

Mr. HUSTING. But if they never take it over, the United States can hold these lands and these works in perpetuity?

Mr. SHAFROTH, The Government makes an assessment upon those people, and requires them to enter into a contract before it will undertake the construction of the dam, by which they are to pay so much per acre for the water that is furnished to them under the irrigation system. That contract is a lien upon their land, and, consequently, if there is a failure upon their part to pay the land is forfeited to the Government. It is not in all instances Government land. There are lands now under that reclamation system that for 20, 30, and 40 years have been private property in the hands of citizens.

I yield to the Senator from California.

Mr. WORKS. The reclamation act was intended to enable the Government to sell and dispose of its lands and for no other Mr. President, just take an illustration.
Mr. WORKS. Mr. President—
Mr. SHAFROTH. I will yield in just a moment. Here is a plant costing some \$7,000,000 down near Glenwood Springs, lands finally and ultimately, and not only the lands but the water works themselves. It has no relation whatever to the general subject matter here, and that is that the ultimate purpose of the Government is not only to hold the lands under lease but to take them over finally and perpetually.

Mr. SHAFROTH. Mr. President, I want to read a case in the United States Supreme Court Reports, volume 133, page 496, Wisconsin Central Railroad Co. against Price County.

labus is as follows:

No State has power to tax the property of the United States within its

No State has power to tax the property of the United States within its limits.

Where Congress has prescribed conditions upon which portions of the public domain may be alienated, and has provided that upon the performance of the conditions a patent shall issue to the done or purchaser, and all such conditions have been compiled with, and the tract to be alienated is distinctly defined, and nothing remains but to issue the patent, then the donee or purchaser is to be treated as the beneficial owner of the land, holding it as his own property, subject to State and local taxation; but when an official executive act, prescribed by law, remains to be done before the tract can be distinctly defined and before a patent can issue, the legal and equitable titles remain in the United States, and the land is not subject to local taxation.

This was one of the old railroad grants made, I think, before the surveys. It is an insignificant thing compared to the total grant, or to the value of it, or to the value of the taxes that the State was endeavoring to impose upon the land; but there is the

same doctrine enunciated in that decision.

Mr. President, the relation between the Federal Government and the States is plainly indicated by these illustrations, and they show that when the Federal Government erected a State it never intended, and no construction can be made that it did intend, to hold property in perpetuity. The old decision is that of Pollard's Lessee against Hagan. It was a case directly in point, and is reported in Third Howard United States, at page 212. I am reading from page 223:

The right which belongs to the society or to the sovereign of disposing, in case of necessity, and for the public safety, of all the wealth contained in the State is called the eminent domain. It is evident that this right is, in certain cases, necessary to him who governs, and is, consequently, a part of the empire or sovereign power. (Vat. Law of Nations, sec. 244.) This definition shows that the eminent domain, although a sovereign power, does not include all sovereign power, and this explains the sense in which it is used in this opinion. The compact made between the United States and the State of Georgia was sanctioned by the Constitution of the United States, by the third section of the fourth article, of which it is declared that "New States may be admitted by the Congress into this Union, but no new States may be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States or parts of States, without the consent of the legislatures of the States concerned, as well as of Congress."

You can readily see if they have the power to make a State within a State they have the power to annihilate a State, and they have no right to do that under the Constitution.

When Alabama was admitted into the Union on an equal footing with the original States—

The original States had no public lands belonging to the United States Government-

United States Government—
she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession, except so far as this right was diminished by the public lands remaining in the possession and under the control of the United States, for the temporary purposes provided for in the deed of cession and the legislative acts connected with it. Nothing remained to the United States, according to the terms of the agreement, but the public lands. And if an express stipulation had been inserted in the agreement granting the municipal right of sovereignty and eminent domain to the United States, such stipulation would have been void and inoperative, because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain within the limits of a State or elsewhere, except in the cases in which it is expressly granted.

Mr. President, what does that mean? It means that the

Mr. President, what does that mean? It means that the sovereignty of the State, so far as jurisdiction is concerned, so far as the exercise of the police power is concerned, so far as the exercise of sovereignty is concerned, is in the State. It means that the Federal Government when it has land in a State is simply in the position of a private owner in the State, except by virtue of the fact that it can not be taxed. It can be the subject of taxation perhaps by act of Congress, but it can not be taxed unless there is an act of Congress; and as the Senator from Idaho suggested, it is a constitutional question whether Congress has even the power to submit the lands of

the United States to taxation.

Mr. President, even if the Government had the right per-petually to own these lands, even if this was not a temporary right, a temporary holding, and that decision has been affirmed in any number of cases, it seems to me, even if that were the case, it would be wrong for the United States to hold in Colorado 13,000,000 acres of land and in addition the areas reserved on the water-power sites and on the coal lands, which in Colorado have been valued by the Geological Survey as equivalent to \$500,000,000, and to decree that all that land shall be

exempt from taxation for State, for county, and for school

purposes.

Mr. President, it is easy to see what injury is done to the State, what enormous losses the State must sustain, and how great a burden is placed upon the holders of private property when the State has to maintain government not only upon the land which is owned by private individuals but also upon the lands which are owned by the United States Government.

Mr. President, the clause of the Constitution is that-

The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States.

That is what it says. It does not say it shall lease them. The most permanent form of investment and of permanent holding is the leasing of land and the payment of rentals. Consequently, when you undertake to hold these lands perpetually and to lease them by the payment of yearly exactions, you are going contrary to the spirit of the law, and though by artful wording you may make the act so that the Supreme Court will wording you may make the act so that the Supreme Court will not declare it unconstitutional, if you would put into the bill your exact meaning, namely, that you propose to hold these lands perpetually, I have no doubt the Supreme Court of the United States in view of that very decision would hold the act to be unconstitutional.

But, Mr. President, the answer comes that the Government can make a lease, and it will be mighty hard for the Supreme Court of the United States to say that an act of Congress is unconstitutional when the lease contains a limit of time. Fifty years is a very small period of time in the history of a nation, and it can not say when it made a lease for 50 years it is anything more than a temporary holding and a temporary arrangement with the parties.

But, Mr. President, the parties that are back of the movement mean to maintain a perpetual ownership in the Govern-ment and mean that these lands shall never get into private

ownership.

Mr. President, I want to read from the Encyclopedia of Law and Procedure, page 15. I come now to the proposition as to whether this property can be subject to taxation in any form, either upon profits or upon the product, or upon any conceivable system that might be devised.

I contend, Mr. President, that whenever you attempt to levy a tax of any kind, either a stamp tax, a tax on a franchise, or a tax of any nature whatever, by the State as against that which the Government of the United States is using as a means

to an end of its own, you can not enforce any such taxation.

I read from Two hundred and twenty-first United States
Supreme Court Reports, at page 404, Sargent against Herrick:

The mere location of a land warrant does not operate as a payment of the purchase price and does not operate to pass the equitable title from the United States.

A State is without power to tax public lands which have been located under warrant until the equitable title has passed from the United

States.

Although if the locator had been the lawful owner of the warrant location would have entitled him to patent, if the Land Office found him not to be the lawful owner, location does not operate to pass the title until he substitutes and pays the Government price, and meanwhile the United States has such an interest in the land as renders its taxation by the State invalid.

At page 406 the court says:

As the State was without power to tax the land until the equitable title passed from the United States, and as that title did not pass until there was a full compliance with all the conditions upon which the right to a patent depended, it is apparent that the validity of the tax title depends upon the question whether the location of the warrant in 1857 without more gave a right to a patent.

They hold conclusively that a formal certificate of election was issued in 1858; that there was then, in fact, no payment for the land, and the Government received nothing until 1888. There were 30 years when the land was exempt from State taxation, although a warrant had been issued which upon the surrender of that warrant would have entitled the party to a patent.

Mr. President, I want to go now to the question of the taxation of an enterprise of any kind that the Government is under-taking. The proposition that I assert is that whenever the Government undertakes an enterprise a State has not the power nor the right to tax any instrumentality or agency of the Government in the carrying out of its design. In other words, Mr. President, as in the case of the Maryand State Bank, there was a stamp tax imposed upon bills issued by that national bank. The State of Maryland said it had the right because the property was not the property of the United States; that the bills it proposed to tax did not belong to the United States; but the Supreme Court held that in the establishment of a banking system you could destroy that banking system by taxation. It was only a few cents on each bill, but if you have a right to impose

1 cent you would have the right to impose the full value of the bill, because the power of taxation, as has been said by the Senator from Utah, is the power to destroy. It is unlimited. You may destroy, according to that. At the present time over in Europe we are seeing such large taxation imposed that it reminds me of the fact that taxation can be made practically to the full value of the property taxed.

In that case they justified it on the ground that they were sovereign. They justified it on the ground that they did not, as a matter of fact, interfere with the Government, because the subject of taxation did not belong to the Government. But the finding of the court was that it interfered with the establishment and the operation of that bank. The bank did not belong to the United States; it was under a banking system. Consequently, it goes to the extent of saying that wherever the Government undertakes anything that it thinks is necessary for the exercise of its powers as a Government, any attempt on the part of the State to cripple that undertaking is void. Consequently, it was held that that power to tax placed upon an instrument itself was void because of the fact that it might be used to the extent of crippling the very bank which the Treasury of the United States had authorized to be in operation.

Mr. HUSTING. Mr. President-

Mr. SHAFROTH. I yield to the Senator. Mr. HUSTING. I do not want to interrupt the Senator on this or any other similar case he has cited, but in this case as in all the other previous cases, I presume, and in all the succeeding cases along that same point, the court does not hold that the State has not a right to tax upon constitutional grounds or for

constitutional reasons, but merely because—
Mr. SHAFROTH. The only case I know upon that is the one in One hundred and fifteenth United States, in which the court says that the right or the power of taxation by the State is

prohibited by the Constitution.

Mr. WALSH. Will the Senator from Wisconsin pardon me? addressed a question to the Senator from Colorado a little while ago in the hope that we might abbreviate this discussion. suppose the Senator will concede if the bill should provide that the interest of the lessee could be taxed, if we made such a provision in the bill-

Mr. SHAFROTH. No; I doubt it very much.

Mr. WALSH. I will say to the Senator I would be glad to join him in putting a provision in the bill here that whatever

interest the lessee has shall be subject to taxation.

Mr. SHAFROTH. Mr. President, here is the difficulty that comes in there. Our laws have got to be uniform in the States. When you attempt to say what shall be required to tax a leasehold estate it not only affects this proposition but it affects every other proposition. I want to say in a matter of taxation as between private parties I do not know of a single State that permits it, although I believe that if the State were to enact a law it could do so.

Mr. WALSH. I have a decision here showing that that is just what they did in the State of Nevada, and showing that it was entirely justified by the decisions of the Supreme Court of the

Mr. HUSTING. I wish to ask the Senator a question.

Mr. SHAFROTH. Let me first answer the Senator from Montana. I can readily see why a State would never consent to segregate a fee-simple title that carries with it the valuation not only of the land but also of the buildings upon it, and say that it shall be divided because the owners of the property want it divided, the State to take a first lieu for, say, \$50,000 on the land and then take a second lieu for \$50,000 on the building. I should think if it were put in there by some kind of legerdemain and reasoning the State would conclude it was not wise to do it.

Mr. HUSTING. Perhaps the Senator is right, taking that as a proposition of their own, but if the United States gave a leasehold upon a dam sight and improvements and they were declared to be severally taxable by the States, the State of Colorado would not hesitate through its legislature to see to it that the proper amount of tax was levied on the improvement.

Mr. SHAFROTH. You can readily see that our laws have to be uniform as to taxation.
Mr. HUSTING. This act will be uniform throughout the

United States upon this point.

Mr. SHAFROTH. I do not mean the act of Congress, I mean the legislation of the State. If it becomes necessary to pass a State act, it must be uniform.

a State act, it must be uniform.

Mr. WALSH and Mr. HUSTING addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado yield, and, if so, to whom?

Mr. SHAFROTH. I yield to the Senator from Montana.

Mr. WALSH. I want to know if they did not do that in the State of Colorado; if they did not tax the interests of the rail-

road company in a right of way, the fee to which belongs to the United States?

Mr. SHAFROTH. No. I was on the board of equalization of that State when I was its governor, and we never did any-thing of the kind. I will state to the Senator now merely an illustration. The Chicago, Burlington & Quincy Railroad ex-tends through the State of Colorado and the ownership of it is in what? It is in the Burlington & Missouri River Railroad, in Nebraska. You do not find two assessments; you do not find one assessment against one railroad company and another assessment against the other. You can readily see that a State would be foolish to segregate and divide the assessments be-tween the two, and say: "We will take a second lien on something, and for half of the value we will take a first lien." State would never do that. It would be foolish to do it. There is one assessment made against those roads, although the Burlington & Missouri River Railroad, in Nebraska, which has the title, makes a lease to the Chicago, Burlington & Quincy Railroad for, I think it is, 100 years, or it may be for 999 years. There is no such thing as dividing those assessments in the case of railroads.

Mr. WALSH. That was not what I asked the Senator. asked the Senator if there were any railroads in his State which have a right of way over the public lands granted by the Government of the United States, the Government owning the fee?

Mr. SHAFROTH. Yes.

Mr. WALSH. And whether the railroad right of way itselfthe right of occupancy of the land—is not taxed?
Mr. SHAFROTH. It is.

Mr. WALSH. Exactly.

Mr. SHAFROTH. But that has nothing to do with this case, Mr. President. Here is a railroad which has been built from the Mississippi River to the Pacific Ocean, which has a right of way, and there the equitable title has parted from the Government; it exercises no authority over it, but it comes within the lines of these decisions and can be subject to State authority. The Government has got nothing further to do with it; it can be made the subject of judgment, of execution, and forced sale by a sheriff.

Mr. President, there are two cases cited in this majority re-

Mr. WALSH. Mr. President, will the Senator from Colorado once more yield to me?

The PRESIDING OFFICER (Mr. Hollis in the chair). Does the Senator from Colorado yield to the Senator from Mon-

Mr. SHAFROTH. I yield. Mr. WALSH. If the Senator will pardon me, I should like to call his attention to a decision upon the point that he is discussing, in which the possessory title is segregated and separate from the title in fee, and the possessory title is made subject

Mr. SHAFROTH. That is the case of a mining claim, is it

Mr. WALSH. No; it is not the case of a mining claim, but it is the case of a railroad right of way.

Mr. SHAFROTH. What decision is it?

Mr. WALSH. It is the State of Nevada against the Central Pacific Railroad Co. I read from page 258, Twenty-first Nevada Reports. That opinion says:

Pacific Railroad Co. I read from page 258, Twenty-first Nevada Reports. That opinion says:

Generally, it is the full ownership—the title in fee of lands, or what is equivalent to it—that is assessed. In the absence of a showing to the contrary, it is presumed that the assessment is based upon this title. It is believed that the case of possessory claims to the public lands is the only exception to this rule.

But in the new States and Territories, where the settlements were generally in advance of the public surveys, it was found that often large and valuable properties were situated upon land to which no title could be obtained. Under such circumstances it became a necessity that some rule should be found for determining in whom the right to this property lay, and the most natural as well as equitable was that it belonged to the first possessor or his grantees. Accordingly, such possession has been treated as title sufficient to maintain trespass, ejectment, and many other actions. Such possessory interests have been subject to contract and sale almost as freely as title in fee. They descend to the helr and constitute assets of the estate in the hands of the executor or administrator. But such possession to be of any validity must be actual and substantial. It "must be an actual occupation, a complete subjugation to the will and control, a pedis possessio. The mere assertion of title, the casual or occasional doing of some act upon the premises, have never been held sufficient. *

By actual possession is meant a subjection to the will and dominion of the claimant, and is usually evidenced by occupation, by a substantial inclosure, by cultivation, or by appropriate use, according to the particular locality and quality of the property." Unable to tax the land itself, by reason of the title being in the United States, the plan was evolved of taxing this possession and possessory right, as something separate and distinct from the title and which was, in all other ways, treated as property. There were then two tit

the possession that is presumed to follow the title. The very situation which induced the legislature to adopt the scheme of taxing possessory claims shows that it was actual possession that was meant. If the title was in the individual, the land was what was taxed. If it was public land and unoccupied, there was nothing subject to taxation. If occupied, it was the actual possession of the land, with the improvements placed thereon, that constituted the property to be assessed.

Upon the basis of that reasoning the court held, as I read from the syllabus, as follows:

Since the act of Congress of July 10, 1886, the surveyed but unpatented lands within the grant to the Central Pacific Railroad are no longer exempt from taxation by reason of the Government lien thereon for the costs of surveying, etc. The conditions contained in that act to the effect that the lien shall continue and that the United States may become a preferred purchaser at any tax sale of such land control such sales, and there is no necessity for a legislative acceptance by the States of the conditions of the act.

Congress, having full control over the public domain, may make it subject to State taxation upon such conditions as are deemed proper, and then, if so taxed, it must be done subject to those conditions.

The act of July 10, 1886, is a grant to the States of the right to tax lands in which the United States still has such an interest as renders them exempt, and, being beneficial, its acceptance by the grantee will be presumed.

The title or interest of the United States in the public lands will not be affected where only the possessory claim to the land is assessed. Such assessment will only reach the taxpayer's interest in the land.

Under section 1108, General Statutes, it is a good answer for a defendant when assessed for a possessory claim to land to deny such claim and plead that whatever claim it has is exempt from taxation.

The possessory claim to public land which may be taxed as something separate and distinct from the title in fee is an actual possession and not a constructive possession or a mere claim to the land. Mortgang and leasing public land do not constitute actual possession thereof.

Upon that ground the State of Nevada taxes the right of way

Upon that ground the State of Nevada taxes the right of way

of the railroad company over public lands.

Mr. SHAFROTH. Mr. President, there is no doubt that the right of way of a railroad has been regarded as something in which the Government does not claim any interest. It is distinguishable entirely from those decisions where it is stated that something is to be done by which title is to be acquired. It does not fall within that category, and the two decisions which are cited in the majority report are of the same nature. They are as to mining claims, and consequently do not come within that class.

Mr. President, I have not seen the Nevada opinion, which has been quoted by the Senator from Montana, but I must say that it is in exact harmony, so far as right-of-way taxation is concerned, with every other decision of which I have heard. That is something that the Government does not claim any interest

in, and by virtue of that it permits its taxation.

In a mining claim—and it is of the same character—whenever a man discovers a lode or a vein one of the decisions of the Supreme Court goes on the basis that it is his; that he does not have to buy it from the United States Government; that there is no obligation upon his part ever to pay for it, because, as is known, he does what is called assessment work amounting to \$100 each year upon the claim. He can do that for a thousand years and never acquire title to the claim; yet he owns it and can convey it, and it is subject to taxation. But, Mr. President, it is because of the fact that there is nothing further to be done; that there is no payment of money due the Government on that claim. It is true, if he desires to get a patent and to avoid the assessment work which has to be done every year, he is required to perform work of the amount of \$500. He then gets his patent from the United States Government. But under the laws of the United States there is no requirement that that should be done. Consequently under these very decisions it is a possessory title, which has been made the subject of taxation and which can be made the subject of taxation.

Another case which has been referred to was a case where ores were seized that had been taken out of a mine the title to which had not been parted with by a patent from the United States Government. But we treat that as something upon which we can levy as personal property or which can be levied upon on the other ground that it is a possessory title which the owners have, which can be made the subject of taxation. Whenever, however, we come to the property of the United States, where the United States retains an interest which it desires to assert and which it desires to keep, you will find that none of the decisions permits such property to be the subject of taxation.

Mr. WALSH. I trust the Senator from Colorado will not be annoyed if I ask him to yield to me again?
Mr. SHAFROTH. No; certainly not.

Mr. WALSH. Let me read for the Senator an extract from section 6250 of the Colorado statutes.

Mr. SHAFROTH. I yield to the Senator for that purpose.

Mr. WALSH. That section reads as follows:

Undivided interests scheduled: Any person who has or claims to have an undivided interest in lands or any lien upon any parcel or tract of

land, or any inchoate interest, possessory interest, equitable, or other estate less than the fee, may specify in his schedule such undivided share, estate, or interest for the assessment of taxes thereon in like manner and with like effect as estates of entireties or estates in fee simple are required to be specified in the schedule; and all such undivided estates, shares, or interests, and such liens and inchoate estate so specified, shall be assessed and advertised for sale and sold for the nonpayment of any tax assessed thereon and redeemed from such sale in like manner and with like effect as estates in fee and entireties are assessed, advertised, sold, and redeemed from sales for taxes in the manner provided by law. An undivided interest may be redeemed upon payment of a ratable share of the sum required to redeem the whole, even though the whole shall have been sold.

Mr. SHAFROTH. But suppose the title is, in the United.

Mr. SHAFROTH. But suppose the title is in the United States Government?

Mr. WALSH. That is just exactly what is intended here. If there is a possessory interest, that possessory interest can be taxed under the laws of the State of Colorado.

Mr. SHAFROTH. If one has a possessory interest, it can be

subject to taxation if there is nothing due, no obligation due to the United States.

Now I want to read from Cooley on Taxation as bearing

directly on this point. I read from page 129:

directly on this point. I read from page 129:

National and State powers exclusive.—It is the theory of our system of government that the State and the Nation alike are to exercise their powers, respectively, in as full and ample a manner as the proper departments of government shall determine to be needful and just, and as might be done by any other sovereignty whatsoever. This theory by necessary implication excludes wholly any interference by either the State or the Nation with an independent exercise by the other of its constitutional powers. If it were otherwise, neither Government would be supreme within what has been set apart for its exclusive sphere; but, on the other hand, would be liable at any time to be crippled, embarrassed, and perhaps wholly obstructed in its operations at the will or caprice of those who for the time being wielded the authority of the other. And that an exercise of the power to tax might have that effect is manifest from a consideration of the nature of the power. Any "power which in its nature acknowledges no limits," and which, even in a lawful and legitimate exercise, may be carried to the extent of an absolute appropriation of property or destruction of the franchise or privilege upon which it is exerted, must, as a power of one sovereignty, be incapable of being admitted within the jurisdiction of another for exercise at the discretion of the power wielding it. And the State and the Nation having each their separate and distinct sphere, within which they are permitted by the fundamental law to exercise independent authority, the principle which excludes from one sovereignty the taxing power of another is as much applicable within the American Union to the taxation of State and Nation, respectively, as it is elsewhere.

Mr. Provident the difficulty with the signature page of their separate with the signature page in the separate within the page of their separate and states and the same page of another is as much applicable within the American Union to the taxation of State

Mr. President, the difficulty with the situation here is that Senators have been talking about cases where the title of property is in individuals, as to which an entirely different principle applies as compared to cases where the Government controls through an agency some enterprise which it has undertaken.

Mr. HUSTING. Mr. President——

Mr. SHAFROTH. If the Senator will allow me to finish this clause first, I will yield to him.

Mr. HUSTING. Very well. Mr. SHAFROTH. Before reading further from Cooley under the heading "Federal agencies," however, I will say that it is our claim that when the Government provides for leasing a water-power site for the construction of a water-power plant thereon it is carrying out an enterprise of the Government and that the Government does not part with the title, but this bill provides that it shall hold the title and shall grant 50-year leases for the purpose of having the enterprise conducted. Mr. Cooley says, on page 130 of the work from which I have already quoted:

Federal agencies.—It follows as a necessary and inevitable conclusion that the means or agencies provided or selected by the Federal Government as necessary or convenient to the exercise of its functions can not be subjected to the taxing power of the States—

Under this bill there is an agency provided. A lease is made; lessees are authorized to conduct a business; they are to generate power, and the power is to be divided and distributed among the people upon reasonable terms; but it is an enterprise undertaken by the Federal Government, and consequently everything in the nature of a means of conducting this enterprise is an agency for carrying out the will of the Government, and, therefore, comes within the doctrine laid down in Mr. Cooley's work on Taxation, under the heading "Federal Agen-

Mr. Cooley says:

It follows as a necessary and inevitable conclusion that the means or agencies provided or selected by the Federal Government as necessary or convenient to the exercise of its functions can not be subjected to the taxing power of the States, since, if they could be, a State dissatisfied therewith, or disposed for any reason to cripple or hamper the operations of the Federal Government, might tax them to an extent that would impair their usefulness, or even put them out of existence.

That is the reason, Mr. President, why such agencies are not permitted to be the subject of taxation. Now, I yield to the Senator from Wisconsin.

Mr. HUSTING. Mr. President, I should like to get the Senator's position on this question: Does the Senator contend that any of the cases read by him, or which he has cited, are in any way in conflict with the proposition that the Government can in contracting with a licensee or appropriator of water provide that the improvements may be taxed by the State in which they are located? I should like to know whether the Senator takes issue with the assertion of the right of the Government to contract with individuals or corporations so that a State may lawfully tax such properties within a State?

Mr. SHAFROTH. Mr. President, if the United States Government were to provide that the realty and the improvements thereon should be subject to taxation by the State for State, county, and school purposes, I believe, as a matter of fact, it could do so; but that is a power which is not given in this bill.

Mr. HUSTING. I understand that. I merely wanted to get

the Senator's position.

Mr. SHAFROTH. The Senator from Idaho [Mr. Borah], it will be understood, does not agree with me in that. He says that the Congress has not that power. I think the Congress has the power, but Congress does not provide in this bill that the property shall be subject to taxation; and consequenly Senators will appreciate the evil effects which are bound to be felt by the States in not having such property subject to taxation. For instance, a water-power plant is erected at an expenditure of \$10,000,000 in one of the mountainous counties of my State and it is not subject to taxation. Perhaps the value of that water-power plant as compared to the total valuation of the property of the county is one-fourth or one-fifth of the whole. Is it right, as a matter of fact, to have that property exempt from taxation for State purposes, for county purposes, and for school purposes? Yet this bill does not provide for any taxation for such purposes.

Mr. MYERS. Mr. President, as I understand the Senator, he really would rather not have the investment there at all than

to have it there not subject to taxation?

Mr. SHAFROTH. Mr. President, it can readily be seen what that would mean in the end. In your State, I have no doubt, as well as in mine, the payment of taxes on property for 30 years is equal to the value of the property assessed; and if such property is going to be exempt perpetually from taxation, it will make the people who pay taxes on private property pay for what would be legitimate taxes upon the property exempted to the extent of the full value thereof every 30 years. It can readily be seen what a terrible hardship that would work on the per-

sons who pay taxes in the State on private property.

Mr. President, as to the matter of taxation of the instrument or means, even if there exists the right to segregate property into classes, I do not know of a State that makes such segregations. I admit that a State has a right to say that it will divide an estate; that it will consider the real estate itself as one item and the improvements upon it as another item and assess them separately; but I know of no State that actually does so. It may be that some State has adopted such a system; but it seems to me that sad experience would demonstrate to them its unwisdom, because when an entire property is assessed as one estate, as a fee-simple estate, then the taxing power has a first lien for the taxes upon all of the property, upon the real estate, and upon the personal property as well. It can be seen what a hardship might result in some instances if, as a matter of fact, the two classes of property had to be separated. If on a piece of land that is worth \$100,000 there are erected improvements of a value of \$100,000 and the fee-simple title is subjected to an assessment merely upon the valuation of \$100,000 and a separate assessment is made upon the improvements amounting to \$100,000, and the effort is made to get the assessment out of the improvements, it will be found to be a very difficult matter. There may be a tax of \$4,000 of \$5,000 upon them. It becomes a question as to whether the party will operate or how he will operate; any number of difficulties will be encountered; and, consequently, it would be very hard to find any bidders if it were attempted to sell the property. The State would be unwise to divide an estate when it has the power and the means to count it as one estate and to have a first lien for the taxes upon all of the estate, including the improvements thereon.

Mr. President, that suggestion has been referred to many times, but the State would not undertake to do that, in my judgment, even if it could do it. When we consider this whole enterprise as being conducted by an agency of the Government, when we take into consideration that the Government is undertaking this thing for the purpose of developing power and is using these instrumentalities and means for the purpose of carrying out that object, it will readily be seen that it comes clearly within the doctrine of Mr. Cooley, which I will again read:

Federal agencies: It follows as a necessary and inevitable conclusion, that the means or agencies provided or selected by the Federal Government as necessary or convenient to the exercise of its functions can not be subjected to the taxing power of the States, since, if they

could be, a State dissatisfied therewith, or disposed for any reason to cripple or hamper the operations of the Federal Government, might tax them to an extent that would impair their usefulness, or even put them out of existence.

It will readily be seen that under that reasoning the State has not the taxing power. He says so expressly and gives as a reason for the statement that the State might tax to death any enterprise of the Government. Under this bill the Federal Government proposes to make leases and to constitute an agency to carry out the enterprise, so that it comes clearly within the definition which is made by Mr. Cooley, a great author on taxation

and constitutional limitations.

It seems to me, first, that no property can be subject to State taxation, real estate or anything on real estate, where the title remains in the Government, unless the terms and conditions of the grant have been complied with by the grantee, and no matter how insignificant the thing to be done, if it remains undone, the property is not subject to State taxation. For example, I cite the case of the Northern Pacific Railroad Co., where they had simply to pay the amount of the cost of surveys of the road. but which they held up for 20 or 30 years for the purpose of avoiding taxation. Notwithstanding that, the Supreme Court of the United States held that the lands were not subject to taxation. because the railroad company had not complied with the terms of the grant, not having paid an insignificant sum for the survey of the land. So that in that view of the case we have no right to assess either the real estate or anything upon the real estate.

Senators say we can assess the leasehold upon that property. If it were a leasehold as between individuals and the State authority gave power to divide it, then, as a matter of fact, I believe we could, but this is not the case of an individual on one side and an individual on the other; it is the case of the Government on one side and a Government agency upon the other, and consequently we have no power either to tax the property of the United States Government, namely, the real estate, nor have we the power to tax the means, namely, the leasehold estate, which the Government employs for the purpose of carrying on its own enterprise for the public good. So, Mr. President, it seems to me that under any view of this matter these lands can not be the subject of taxation unless there is a direct and specific provision placed in the bill authorizing the property to be subject to taxation.

Mr. President, that being clear, as it seems to me, I want to look at this decision from which the Senator from Montana has

read. This is the Twenty-first Nevada, at page 247:

Railroad companies—Taxation of surveyed, unpatented lands: Since the act of Congress of July 10, 1886, the surveyed but unpatented lands within the grant to the Central Pacific Railroad are no longer exempt from taxation by reason of the Government lien thereon for the costs of surveying, etc.

The Government relieved that; but, Mr. President, it does not seem that that is the right of way. There may be some-thing afterwards, but within this is the right of way. That relates to the land grant. It relates to the alternate sections that were granted under the act of Congress to this railroad company in aid of the construction of the road.

The conditions contained in that act to the effect that the lien shall continue and that the United States may become a preferred purchaser at any tax sale of such land, control such sales, and there is no necessity for a legislative acceptance by the States of the conditions

Mr. President, that carries out exactly what we were contending-namely, that as long as the most insignificant thing in the world remains to be done upon the part of the grantee the State has no right to tax the property. It took an act of Congress, passed July 10, 1886, to give the State the right to tax that property, although these fees for the survey of the lands had not been paid by the company.

Public domain—taxation subject to conditions imposed by Congress, Congress, having full control over the public domain, may make it subject to State taxation—

I think so. The Senator from Idaho [Mr. Borah] indicated the other way, but I think Congress has that power-

upon such conditions as are deemed proper; and then, if so taxed, it must be done subject to those conditions.

Taxation—Right granted to States—Acceptance presumed: The act of July 10, 1886, is a grant to the States of the right to tax lands in which the United States still has such an interest as renders them exempt; and, being beneficial, its acceptance by the grantee will be presumed.

Mr. President, in that very syllabus it can be seen that the converse of that proposition is also true; that is, that if there is anything that is to be done by the grantee for the United States Government that has not been done, then there is no power to tax; and this bill does not provide any exemption from taxation. This bill does not provide the power of the State to tax. It simply would come under the general rule that the State government has no right to tax anything that belongs to the Federal Government nor to tax any agency which the Federal Government may use in accomplishing any enterprise of its own.

Assessment—Interest affected: The title or interest of the United States in the public lands will not be affected where only the possessory claim to the land is assessed. Such assessment will only reach the taxpayer's interest in the land.

The syllabus is not sufficiently elaborate to indicate what that refers to.

refers to.

Idem.—Plea of exemption from taxation: Under section 1108, General Statutes, it is a good answer for a defendant when assessed for a possessory claim to land to deny such claim and plead that whatever claim it has is exempt from taxation.

Public lands.—Nature of possessory claim subject to taxation: The possessory claim to public land which may be taxed as something separate and distinct from the title in fee is an actual possession and not a constructive possession or a mere claim to the land. Mortgaging and leasing public land do not constitute actual possession thereof.

Payment of taxes—Tender—Demand for receipt: Where upon payment of taxes the statute requires the tax receiver to give a receipt a tender of taxes is not rendered invalid because such receipt is demanded.

Mr. President, this opinion is too long to read, but I will read this part with relation to possessory claims, at page 256:

Mr. President, this opinion is too long to read, but I will read this part with relation to possessory claims, at page 256:

Possessory claim to unsurveyed lands: The answer denies that the defendent had any possession, possessory claim, or possessory interest in the land assessed, or any right or interest therein, except such as it derived under the land grants already mentioned. It is contended that this is insufficient, because it does not comply with General Statute, section 1108, and deny "all claim, title, or interest in the property assessed."

All real estate, whether it is the title in fee or the possessory claim that is assessed, is to be assessed to the owner; if it is not, the assessment is void. Sometimes, however, there is more than one person claiming to be the owner, and jutice does not require that the rule stated shall be extended further than is necessary for the protection of the parties interested in the property. It is often difficult to determine among several claimants who the true owner is, and the statute has consequently provided that the one to whom it is assessed must, to avoid the assessment, not only plead that he is not the owner, but also deny all claim, title or interest in the property. But section 1108 provides for several defenses, besides this denial—among others, that the property is exempt from taxation. The defendant may plead any or all of these defenses or set up one as to part of the property and others as to the rest. If he is assessed for the laind itself instead of the possessory claim, and the title is still in the Government, under the plea of exemption of United States property he may escape all taxation. Land held under the preemption or homestead law is exempt from taxation until the issuance of the final certificate, and this is a defense available to the preemption or homestead law is exempt from taxation until the issuance of the final certificate, and this is a defense available to the preemption or homestead claimant. But here we have a case where there m

Mr. President, this opinion is too long to read in full; but in the matter of the land grant of alternate sections, it has been held, as I have shown, in One hundred and fifteenth United States and in other decisions, that if anything whatever remains to be done upon the part of the grantee or upon the part of the homesteader or upon the part of the claimant of any kind, the title remains in the Government, not subject to taxation; and the only ground upon which these water-power sites and the improvements constructed upon the same can become the subject of taxation under those decisions is to make them expressly so by an act of Congress. That is not done, nor intended to be

done, by this act.

But, Mr. President, in the case of lands there is no agency here. In the case of the construction of water-power plants for the purpose of having an enterprise conducted under the sanction and control of the Government there is an agency, there is a means employed by the Government, and everything that enters into that means or that agency is exempt from taxation, because otherwise you could destroy the enterprise. If the power of taxation means the power to destroy, the power of taxation exercised upon these water-power plants can become the object of destruction; and thus the Federal Government may lose all of its intended means of benefit to the people of the United States by reason of the construction of the waterpower plant and the operation thereof.

It seems to me to be plain and clear, therefore, that inasmuch as an annual amount is to be paid by the individual, even if it were provided that these water-power sites could be deeded in fee simple by the Government to the individual, as long as there is a yearly stipend to be provided, there is a condition there

which has not been and can not be complied with according to the terms of the act itself, and therefore the land and the improvements can not be taxed. But even if that were out of the way, this is an enterprise undertaken by the Government, and the means that are used by the Government for that purpose can not be the subject of taxation; in other words, the water-power plant; because the sale of the water-power plant might destroy the very enterprise which the Government is undertaking. Even if the contention which is made by the Senator in the majority report as to a possessory title on real estate—the two cases upon mining claims that I referred to—were applicable to a case of this kind, Mr. President, that would not be fair to the State.

In the case of mining claims the Government recognizes that the discoverer is the owner of the vein in one decision—the one that the Senator refers to—and in the other decision it treats the matter of the product of the mine, severed from the mine, as personal property, and therefore as the subject of taxation. But, Mr. President, if that is a governmental means if it is an agency-severing it from the real estate does not make it the subject of taxation, because you can kill an enterprise by taking the product and confiscating it just as well as you can kill the enterprise by direct taxation upon the plant

itself.

I supposed, Mr. President, that it was and is recognized that a State has a right, in its sovereign capacity, to tax every root of land within its borders. If it has not that right, it is not a sovereign; and whenever the United States Government exempted lands from taxation until disposed of by the Federal Government, it meant never to impair the object and purpose

of State government.

Mr. President, even if these matters were not legal, even if the Federal Government had certain rights with relation to the land, nevertheless it would be eminently unfair to the States. This is a dual form of government. We have the National Government for national affairs; we have the State government for State affairs. The powers of taxation have been usually divided, with the major power to raise taxes lodged in the Federal Government. The Federal Government raises taxes much easier than the States do. The duties of the governments are divided. The National Government must support a Navy; it must support an Army; they are necessary for the protection of the entire country. But the State has various burdens that it must bear, and they are under the sanction of the Federal Government. It is provided in the Federal Constitution that there shall be a government, republican in form, in each one of the States of the Union. In order to make a government republican in form, in its good and true sense, it is necessary that there should be education; it is necessary that we should have schools; it is necessary that we should have universities. And that requires the expenditure of hundreds of millions of dollars. By whom is that done? That is done by the States; that is not done by the National Government, and yet the National Government is as much interested in the results as the States are interested in them. It is as much the duty of the Government to see that the man who votes for President is well qualified as it is for the State to see that the man who votes for governor shall be educationally qualified. We know that in our Republic it is the general information, the general education of the people, that permits them to determine questions for themselves as to what is a wise policy or what is not; and they manifest that in their votes, registering their judgment upon the wisdom of a policy.

Therefore, when we consider that this government is dual in

form—the National Government having duties relating to things of a national character and the State government having certain other duties to perform—and that they work together, instead of there being a divergence, instead of the National Government keeping millions and millions of acres of land exempt from taxation by the States, it ought to afford the means by which the State can raise revenue for the purpose of performing this part of its duty; namely, for the purpose of supplying money for the education of the people and for the

maintenance of schools.

Why, Mr. President, the outlay upon the part of the States in maintenance of schools is perfectly enormous. We have over 5,000 teachers in the State of Colorado, and we are a State of comparatively small population. We have school buildings that run up into the hundreds of millions of dollars, not constructed by the United States Government but constructed by taxation upon the people, upon their private property. It is manifestly unfair for the Government to say: "It is true that I have a partnership with you, but I will make the owners of the private property in the State of Colorado not only maintain county government and State government over all of the lands, whether they are Government lands or whether they are private lands, but I will make them support the schools of the State without contribution, except in a merely nominal form," which, I think, in our State amounts to \$1.38 per capita, which is a mere bagatelle compared to what the State is required to pay.

Consequently, Mr. President, it is wrong for this Government to say that these lands shall not be subject to taxation forever, when the very purpose of levying the tax is to raise money for State governmental purposes that are just as essential and just as important for the existence of the Federal Government itself as any other branch of the Federal Government.

Consequently, we find that in this dual government and in this partnership between the State and the Federal Government the State has the worst of it, because it has a great many more burdens to bear than the National Government. The States have 48 legislatures to pay. The States have 48 chief executives to pay. The States have 48 attorneys general to pay. The States have 48 of each of the other State officers to pay; and in addition to that they have all the county officers to pay. Consequently, it is a burden which, when imposed, is imposed to the detriment of the Federal Government itself.

Mr. President, in view of those circumstances, no matter what the law is, no matter if you can levy on a leasehold, you can never get the full value out of it. No matter what the law may be, it is unfair to provide that these lands shall be exempt

from taxation.

Why, Mr. President, we passed a bill here three or four years ago called the Alaskan coal-leasing bill, and I then called attention to the fact that the lands in private ownership in the Territory of Alaska were only one-half of 1 per cent. How they are ever going to expect Alaska, when it has lands that can be taxed to the extent of only one-half of 1 per cent, to maintain a State government, I can not understand. I can not see how the owners of private property can maintain government over those vast stretches of land when any such small amount of land is in private ownership. You will find, when you go to create a State and transfer the revenues to the State treasury instead of to the Federal Treasury, that that government can not be exercised by the State of Alaska, if it ever should be created a State.

By the way, Mr. President, I predicted at that time that there would not be a single lease taken out in the Territory of Alaska. It has been nearly three years since that time, and I inquired recently as to whether a lease had been taken out, and they told me no, not one. There have been applications for some, but evidently the conditions of the lease have been

so onerous that it has not been agreed upon as yet.

But that is a divergence from this part of the discussion. The proposition which I am discussing is the fairness of exempting perpetually from taxation Government land in a State.

Mr. President, we have another clause in the enabling act of each State which provides that all States, when admitted, shall be admitted upon equal terms with the original States in every respect whatsoever. That is the language used. What does that mean? Does it mean that the power of taxation can be permanently withheld from the State? Does it mean, as a matter of fact, that in Massachusetts, where they can tax every foot of land, the Government can withhold these public lands forever from taxation? When you take that in connection with the other clause of the Constitution which provides that Congress shall have the power to dispose of the public lands, it seems to me it ought to become clear that it is the duty of Congress to dispose of the lands if it wants to treat the States It seems to me that unless it does that it is not right and fair to the States, by which this Government is supported

Why, we do not find that in Ohio. Ohio did not give up all its resources. We do not find that water powers have been retained by the Federal Government there. We do not find that all the public lands in Indiana were reserved or withheld from taxation, nor in Illinois, nor in Missouri, nor in Kansas. But as quickly as you get to the Rocky Mountain States, which are the most difficult of all to get settlers for, the most difficult of all in which to raise money for the purpose of supporting schools and State and county governments, then the line is drawn, and we have to have gigantic reserves, running to the extent of millions and millions of acres, exempt from taxation.

Mr. President, it is not fair. Is that the "equal treatment" that we are guaranteed in the enabling act given to the State of Colorado, that it shall be admitted upon equal terms with the original States—not the intermediate States, but the original 13 States—in every respect whatsoever? Is that a fair course of action upon the part of the Federal Government?

The Senator from Wisconsin [Mr. Husting] has said that something might be put in this bill granting the right of taxation. If you are going to have a leasing bill, unquestionably it ought to be done, I have not any doubt about that; but it is not in the bill, and I find no amendment offered to that effect. Yet, Mr. President, if it gets to the House of Representatives I recognize the fact that they will strike it out, because they will say, "Why, you are putting in the State government the power to annihilate all of these things by taxation."

No, Mr. President, it is not fair. It is not fair to the Western States; it is not fair to the States that have public domain in them, that have these reservoir sites in them. You can readily see that where these water-power sites cost an enormous amount of money they pay a considerable portion of the total taxes that are raised for school purposes and for county purposes and

State purposes.

Mr. President, Colorado and all of these Western States are acting fairly with the Federal Government. We pay taxes to the Federal Government, It is estimated that over \$5,000,000 is paid in Federal taxes by the State of Colorado. The State should do it. It is a part of the Union, and it should be made to pay the same proportion as other States of the Union. We raise, by State taxation, a little over \$1,400,000. I never imagined, until I looked up the question, that we were paying three times as much—nay, more than that—to the Federal Government in the shape of taxation as we were collecting for our own State government; and yet that is the exact fact which exists in the State of Colorado, and I have not any doubt but that it is the same condition that exists in the other Western States.

Mr. President, if we are to pay our proportion of the taxes to the Federal Government, and all these other States have obtained their resources free, have never had them reserved from taxation, have never had them exempt, is it fair to us, especially when we came into the Union under a clause that said that we should have the rights of the original 13 States in every respect whatsoever? It is clearly inharmonious with the system of our Government that there should be such a thing as perpetual ownership of the land upon the part of the Federal

Government.

Mr. President, there seems to be some objection to lands being taken up for power purposes, for coal purposes, for mineral purposes, because it is feared that the person who takes them up will make some profit out of the undertaking. Mr. President, take the coal fields or the water-power plants. What has made the value of that coal field? It has been the inhabitants of the State. It has been the immigration which they have drawn there; it has been the development and settlement of the State. That is what creates values. Those coal lands would have remained for 6,000 years longer without any value attaching to them if it had not been for the citizens developing the States. Is it possible that the Government, now seizing the opportunity and advancement of price by reason of the various works and actions of the citizens of the States, should assume the position that these permits are too valuable to be granted under ordinary laws, and that it will require them to be leased, and will place such a value upon the coal lands that the people will not pay for them?

Mr. President, after reserving these coal lands it was known that the power was only temporary. It was known, as a matter of fact, that Congress had never sanctioned the withholding of lands from entry except temporarily. Every act that was passed says so. Every statement with relation to taking up coal lands or modifying or reserving them says specifically "temporarily to withhold."

Mr. President, is it possible that when they are withheld, in order to avoid and get around the temporary nature of the holding, the Government should say, "We have a right to value these lands, and therefore we will value this section of coal lands at \$500 an acre"? That means that nobody can take up the lands. We will value the water-power site. If it is going to be a proposition of sale, instead of what it is fairly worth or what it would fairly bring under a condemnation procedure, we will say that this water-power site is worth \$500,000.

Mr. President, when reservations are made under these conditions we open them to entry. They have opened up the coal lands to entry, but they have opened them up at such prices that people will not take them. Years have elapsed, and how many acres of coal lands have been taken? I read a report, I think it was last year, that 1,200 acres of coal lands had been taken up in the United States in one year. Is that a development of coal land? Suppose you take the water-power sites. How many of them have been taken up? Possibly a very limited number.

Mr. President, as Senators have said repeatedly from the other side, the water-power situation is deplorable, because nobody

will undertake these enterprises.

Mr. President, there has been tinkering with this question of the water-power site by the so-called conservationists, and every time they ever touched it they have made it worse. When I first came to Congress the right to locate a waterpower plant was just like the right to locate a railroad. filed your plat with the Secretary of the Interior, and after it was checked over and approved the right of way existed the same as the right of way for a railroad. The State imposed by reason of its ownership of the waters certain requirements in regard to filing. It has a system by which in filing upon a water-power site or filing upon a canal for irrigation purposes you must also make a survey, and you must file it with the State engineer. You must do a certain amount of work upon it each year, and in order to prevent monopolization it was provided that they should be forfeited unless the enterprises were completed in a certain length of time.

Under that State law enormous development was had in the State of California. I do not mean such a development as possibly would take place again, because there has been for some 8 or 10 years a cessation in development by reason of this very act of Congress. But, Mr. President, until these laws were passed by Congress there was a healthy development. water powers of Colorado are very large, and there were filings and sites were selected; yet as a matter of fact only 41 per cent of the water-power sites of our State have been taken up

Mr. HUSTING. Mr. President-

Mr. SHAFROTH. I yield to the Senator from Wisconsin. Mr. HUSTING. I wish to ask the Senator whether the water-power sites are on the public land or whether they are in private ownership?

Mr. SHAFROTH. Of course, there were some filed on before the revocable permit, and of course they are subject to taxation, and they are of course owned-

Mr. HUSTING. They have not been developed?

Mr. SHAFROTH. Oh, not all that were located upon, because some failed to get their bonds issued and failed to raise the capital.

Mr. HUSTING. I merely wish to ask the Senator whether in those power sites that have not been developed in the franchise or permit they hold there are any of these conditions?

Mr. SHAFROTH. A franchise never holds in the State of

Colorado if there is an abandonment, and if the work is not completed within the time specified you have a right to go and locate on that land.

Mr. HUSTING. The Senator misunderstands me. I asked him whether these holders of permits in Colorado were hindered from development by any onerous conditions or too exacting conditions in the permit.

Mr. SHAFROTH. I think that nearly all the filings that were made previous to the passage of the act of 1901 were completed

and they are operating plants now.

Mr. HUSTING. The point I wanted to get from the Senator is whether it is not a fact that the State of Colorado imposes no conditions whatever except speedy development.

Mr. SHAFROTH. It provides that there shall be development

and that the rate shall be reasonable.

Mr. HUSTING. That is all?

Mr. SHAFROTH. We have a utilities commission that is doing most excellent work and has regulated some of these very companies, although the companies they are attempting to regulate are not so much power companies as franchise companies. They are the ones that exact the big prices. I know one plant where the municipality furnishes its light at one-half a cent per kilowatt hour to the distributing company, and that distributing company has been selling at 7, 8, 9, and 10 cents a kilowatt hour.

Mr. HUSTING. The question of reasonable rates would apply to the power whether it was produced from coal or not?

Mr. SHAFROTH. Certainly.

Mr. HUSTING. Consequently the question of reasonable rates would not be a condition at all in so far as the power is being used by private enterprise.

Mr. SHAFROTH. You mean for an individual?

Mr. HUSTING. Yes.
Mr. SHAFROTH. There are very few of those, probably.
Generally they are very small. The big companies are companies that sell to the mines around the Leadville district, in the Cripple Creek district, in the Telluride district, in the Silverton district, and also in the coal fields of the Trinidad district and various other parts of the State, and also in cities and towns. A great deal of the electrical power for the city of Denver is furnished from a plant 250 miles away.

Mr. HUSTING. The State of Colorado, as far as it has any jurisdiction over these sites or the development of water power, did grant in perpetuity and make no restriction of any substantial sort in the way of giving permits to build. In view of that fact, I want to ask the Senator why all the water powers in Colorado have not been developed under those favorable conditions?

Mr. FALL. Will the Senator allow me for a moment?

Mr. SHAFROTH. I yield.

Mr. FALL. The Senator from Wisconsin possibly does not understand that the State of Colorado does not own any water-power sites at all unless upon some land donated by the Government of the United States heretofore to the State which happens to be upon a stream that might constitute a waterpower site. The Senator has reference to the water-power proposition. In the State of Colorado the State grants the right to the water. The individual secures the site for the use of the water from private individuals wherever he may. exactly what we are complaining about, that the United States as proprietor has withdrawn all such sites from entry, and therefore while the individual may be able to acquire from the State the right to the use of the water he can not acquire the place to use it.

Mr. HUSTING. I wish to say to the Senator that I have made no statement which indicated that I thought the State

owned the land.

Mr. FALL. You said the State parted with the water-power

Mr. HUSTING. I beg the Senator's pardon, I do not think
I said anything of that kind.
Mr. FALL. Then I misunderstood you.
Mr. HUSTING. I said, as far as they had jurisdiction over

the development of water power.

Mr. FALL. The Senator was talking about water-power

sites and not jurisdiction over them.

Mr. SHAFROTH. Mr. President, the Senator has suggested that inasmuch as the State did not place any restriction or curbing upon these water-power companies it has not attended to its duty, and therefore these rights of way should be limited or restricted by the Federal Government.

Mr. FALL. Will the Senator yield for a moment?

Mr. SHAFROTH. I yield.

Mr. FALL. I wish the Senator would make clear to the Senator from Wisconsin, as well as to the other Senators, this one point: The measure of title to water under the laws of the State of Colorado, as well as all the other States of the West, is the beneficial use thereof. There can not be any such thing as a monopoly in water obtained from any State in the West for an unlimited time. In other words, by acquiring the right from the State for the use of water for irrigation or any other purpose the party can not rest on his right to create a monopoly and prevent other people from using those rights. always a limit of time under the laws of Colorado and the other States within which the power must be generated or the water must be used; and failing the use of it within that time forfeiture ipso facto takes place, and it is subject to acquisition by any other individual.

Mr. HUSTING. May I ask the Senator from New Mexico a

question?

Mr. FALL. Certainly; but I am speaking in the time of the Senator from Colorado.

Mr. HUSTING. I understand that if the parties having the permit have actually developed it according to the time limited in the grant or permit they then have a perpetual right to use the water.

Mr. FALL. The Senator does not understand it at all. The Senator is from a riparian-rights State. The measure of the title to that water is the continuous beneficial use. You can acquire no title to the water itself in any of the arid States.

Mr. HUSTING. The Senator seems to misunderstand me. Mr. FALL. You acquire title to the use of the water and the State always places a limitation upon it. If the State does not do it by statute, the courts have invariably done so. Wherever a person may have acquired and even used beneficially for 50 years the water of a stream for irrigation or any other purpose, if he evidences an intention even to abandon the use of that water it at once becomes, under the laws of the State, subject to appropriation and acquisition as against him by any indi-

vidual desiring to acquire it.

Mr. HUSTING. I am not speaking of the abandonment of the right. I am assuming that the party is going to continue in the exercise of his right under these permits. I say as long as they comply with the terms of the permit you have given them a perpetual right.

Mr. FALL. Certainly. We do not limit it for a number of years, although the State can do so if it chooses. It has not

Mr. SHAFROTH. Now, I want to discuss the particular point which the Senator has suggested. It is our contention that this right of way should be exactly the same as the right of way of I think that one of the greatest evils that has arisen in determining the location of sites is the making of a contract with an electric lighting company or a street car company or any other public-service company for a definite length of time and upon charges fixed as high as it can make them. In every instance you will find the city gets the worst of the contract. When it makes a contract giving a franchise in the streets for the transmission of electricity or any other use of the streets that it desires, the utilities commission of the State is stopped from changing the rate fixed by the contract, and that has been a curse to consumers. When a company comes into a municipality and says, "I will construct an electric-light plant here and give you \$10,000 or \$20,000 or \$100,000 for a franchise for 20 years, and I will charge 8 cents or 10 cents per kilowatt hour," the city is always the loser, because the contract is based upon conditions as they exist on that date, and yet within a year or two or three years after that time an invention will reduce the cost of producing the electricity a half or two-thirds. The Tungsten burner, invented in the last 8 or 10 years, generates the same amount of light as was formerly had at twice the present cost. In every contract that is made with a city the city thinks it is getting the \$100,000 as a bonus, and it is a fine thing, when it has contracted at that rate, say, 8 cents per kilowatt hour. other words, if it was subject to the determination of the utilities commission, of course, the contract would not be bad.

But, Mr. President, when you place obstructions in these matters the more difficulties you have to encounter and the less will be the chance that you are ever going to get anyone to undertake an enterprise of this kind. A company will take the position that it can stand the regulations of the State utilities commission, which may reduce rates so that there will be little profit in the enterprise, but when it has to run up against the United States Government and have its lease forfeited, and has to pay so much for each horsepower that is generated, then, Mr. President, you can readily see that the company will not undertake the enterprise at all.

I want to say to the Senator from Wisconsin that the very complication of making it go through various hands before you can get the absolute right to operate a plant is the obstruction that causes no development whatever.

Mr. President, I said, before the Senator from Wisconsin interrupted me, that every time the conservationists had attempted to tinker with the laws of the United States with relation to water power they had invariably complicated matters worse than they were before. I was in the House of Representa-tives at the time the act of 1901 which provided for irrevocable permits was passed. There came to the Committee on Public Lands, of which I was a member, some members of this con-servation propaganda. They said, "Now, we want a revocable permit. We find that there have been various fake companies that have been putting filings on these water-power sites without any intention whatever of ever completing a plant, and if we have a revocable permit then all we have to do is to revoke it." I reminded one of them that it was a great power to place in any one man's hands, as in the hands of the Secretary of the Interior. He said, "No; it is not; the Government will never revoke a legitimate enterprise; this is for the purpose of development; this is to be done so that the water-power site will become available; this is for the very purpose of letting legitimate companies go and develop the water powers which are now going to waste." He called attention to the fact, and said, "Why, revocable permits are not serious." He said you will find that national-bank charters are all revocable, and yet nobody ever heard of one being revoked unless there was just cause for it. He also said the street car companies of the city of Washington contain a revocable provision in their charters, but nobody ever heard of the franchises of any of those companies being forfeited. It is said, "There is no trouble if you will simply give us this power to revoke these permits, then you will have great development in your western country.'

Mr. President, I did not believe in it; I thought it was too great a power to be placed in the hands of one man; and it was too great, because two days before one of the secretaries went out of office, 40 permits for enterprises that were in most instances fully constructed and in operation were revoked, without any citation to their projectors, without any cause being alleged, but simply because the Secretary of the Interior had

that power. Since that time people have said, "We will not build."

In 1890, Mr. President, Congress found that there would not be any development so long as there was a revocable permit, unless they did something else, and Congress said it takes something more than that to stop the frauds which it was claimed existed in monopolizing water-power sites; not that one water-power company was doing this, but they claimed that the people were doing it for speculative purposes, so as to sell out to some legitimate enterprise, and that they would put so high a figure upon it that the legitimate enterprise would not pay it. So they said, "We will enact another law."

In 1910 we proposed to prevent people from filing on these claims for anything else but water-power purposes; and in order to control that absolutely it was said, "We will give the right of withdrawal."

The contention at that time, Mr. President, was that under the homestead act, under scrip of various kinds, men would file on a water-power site and get title to it, and that so long as those sites were open to such entries you would find that being done; that somebody, by reason of a filing, would be in possession of something for which he could exact money from persons who wanted to undertake an enterprise of that kind. So they said, "Now, we will stop that by giving authority to the President to withdraw all water sites from the public domain, and you will then have development; that will prevent a man from having a homestead claim on a power site and holding up those desiring to work it for a half million dollars before they could undertake construction. It was said that would open up development and that the Government would, as a matter of fact, aid and assist in the development of this work.

Mr. President, that was the second act of Congress on the subject, and it was the act which, above all others, prevented the development of water power in my State. Instead of its being a private individual who would be holding up a desiring purchaser it was the Government who was holding him up. In addition to that, it put us in a still worse condition, because so long as the individual held the water-power site we could tax it; but when the Government of the United States held it we could not tax it. As a matter of fact, nobody would make any development of water power under those circumstances. So here is a third attempt now in this bill to remedy the situation; and if you will notice the wording of the bill it is "to develop water power."

Mr. President, you will find when it comes to the development of water power that you will not get it, because the conditions which have been imposed by the United States Government have been made so onerous. The Government has acted so inconsiderately toward the people who have attempted to exercise the right to file upon water-power sites that they have no confidence in the Government. They feel that if a system of that kind is established and they should undertake to start an enterprise it will be putting a noose around their necks which will strangle them.

What do we find has been the action under this very system which has been proposed? Mr. President, there was such an enterprise out in California. I do not know any of the parties engaged in it, but I read of it in the report, which I have not here; so I will state it from the testimony which was taken before the Committee on Public Lands. It seems that on Lake Spalding—which, I understand, is a large lake composed of many thousand of acres in California—there was a company organized before any revocable permit was required by the Government that went out and filed upon it and constructed their plant and which was entitled under all the rules of law to complete an enterprise there on private land.

It seems that after that revocable permit was required it was necessary for them, in order to let the water out of the lake, to build 1,320 feet of conduit on Government land. They made application to the Secretary of the Interior, I think, about eight years ago. He said, "No; not unless you will enter into a lease by which your whole system shall contribute and pay to the Government a certain amount of money." They said, "It is only 1,320 feet which we require, and this enterprise is enormous; it is an enterprise that includes thousands of acres of land." To this, Mr. President, the Secretary said: "No; unless you enter into this lease, you can not construct the proposed conduit over the Government land." By means of running a siphon they could keep on their own land. To run their pipes over the Government land necessary to be passed over would be inexpensive; it would cost, I think, ten or twelve thousand dollars; but in order to make a siphon on their own land and avoid the boundaries of the Government land they had to pay for the construction of that

conduit \$60,000. That is the treatment they received at the hands of the Federal Government. Is there any excuse for that?

At that time there was at the head of the conservation movement a man who said that he was going to force the Western States into a leasing system. It was his determination that they should adopt that system. Consequently, no favors whatever were granted for the purpose of avoiding expense. Is that fair? Can anybody be expected to take out permits or to take out leases when Government officials act in such a way as that? I have not any doubt that gentleman believes that the leasing system is the best; I have not any doubt that he thinks it would be better for the community in the long run; but look at it from the other side.

I do not know these people; I do not believe I have ever met one of them; but, Mr. President, that is the testimony which appeared in evidence before the Committee on Public Lands.

Mr. THOMAS. Mr. President-

Mr. SHAFROTH. I yield to the Senator. Mr. THOMAS. The Senator has been speaking now a long time, and it is quite evident we will reach no conclusion to-night. With his permission, I venture the suggestion to the Senator from Montana that the Senate do now adjourn.

Mr. WALSH. Mr. President, it is only now half past 4 o'clock. Mr. SHAFROTH. Suppose we go on until 5 o'clock.

Mr. MARTIN of Virginia. We will not be able to reach any

conclusion to-night.

Mr. SHAFROTH. But this debate is going in the Record and some people out West are going to read it. They have passed resolutions concerning it, and there is not a word spoken on the question which they do not read if they can get it. If you think that this is a question that the people of the West are not interested in you are mistaken.

Mr. THOMAS. I do not desire to insist upon the suggestion, if the Senator desires to go on; but, as suggested by the Senator from Virginia [Mr. MARTIN], the fact that no conclusion is possible to-night and the fact that the Senator has been speaking a long time suggested to my mind the expediency of adjourning.

I do not, however, insist upon it.

Mr. SHAFROTH. Mr. President, I do not wish to call for a quorum to make any suggestion of that sort. I hope, as a matter of fact, to get through shortly, although probably not this evening. I might be able to do so, if I could have condensed my remarks; but I have had in charge the Porto Rican bill, which has monopolized all my time, and consequently I have not had the opportunity to prepare my argument in concrete form as I desired to present it. Nevertheless, if that is not agreeable, I am perfectly willing to let the matter go over.

Mr. FALL. Mr. President, will the Senator allow me a suggestion there?

Mr. SHAFROTH. Certainly.
Mr. FALL. I think that this matter should be discussed, and it is going to be discussed here as long as it is kept as a club over the heads of the Members of the body by remaining as the unfinished business; and, so far as I am concerned, so long as it remains the unfinished business, I shall feel inclined from now on to object to any unanimous consent to lay it aside. I think that as we have it before us, we had better discuss it and

get through with it.

Of course, it is disappointing, I know, for a Senator to make a speech on a subject which is of such vital and material interest to the people of a great portion of this country, and to know that various Senators will come in when the bill comes to a vote and say, "How shall we vote on this question?" Of course, that is discouraging; but that is one of those things which we have to meet in the Senate of the United States. We all do it. We stay out when we ourselves are not interested in a question, and then come back and ask some other Senator how we shall vote on the pending proposition. As the Senator says, however, he can at least get his remarks into the RECORD, and possibly some persons may read them and become informed on the subject

The people of this country do not know, and a majority of Senators who live outside of the civil-law country, outside of the Territory of the Louisiana Purchase, who live where they have the old common law, do not understand at all the ques-tions involved in this matter; and I think the Senator should proceed and that we should conclude this discussion and take a vote upon the bill. So far as I am concerned, I have no desire to filibuster at all, but I think that this is a matter that

ought to be settled one way or the other.

Mr. SHAFROTH. I will suggest to the Senator that there are a good many people who watch these proceedings. is not a session of the legislature in the State of Colorado which does not pass resolutions condemning this water-power proposi-

Mr. FALL, Mr. President, I agree that there are several million people who are very materially interested, but they happen to be living in sparsely settled sections of the country.

Mr. WALSH. Mr. President, I want to add my testimonial to the assurances given by Senators that there is a vast number of people out West who are interested in this legislation, who are interested in getting some legislation, and if the legislation before us is not agreeable to Senators I think they will all agree with me that the people out there are begging for some legislation

on this subject.

Mr. FALL. I say, Mr. President, that, so far as I am con-cerned, I believe that this legislation is the most serious attack that has ever been made upon the principles upon which this Government was founded. I am firmly and seriously convinced that legislation along this line is an absolute overturning of the democratic principles upon which our forefathers established this Government, and that there has not been a more serious question presented for the consideration of the Congress of the Unifed States since 1846, at any rate, than is presented here by this bill. It is a turning point, possibly. Either we continue along the line of the policy adopted in 1846 with reference to the disposition of our public lands and natural resources in the West, or we make an entire and radical change. That change means that we strike the most vital blow at the State-rights doctrine that has ever been struck in this country. Yet. Mr. President, I, for one, assert that I would prefer to-day that that blow be struck so that we may accommodate ourselves to the new conditions, that we may go home to our people and tell them that we are to become a Nation of tenant farmers, and not a Nation in the West of freemen with free homes; but that we are to hold even our homes subject to the will of a bureau; that all of our great resources are to be developed through the whim of some man, the Secretary of the Interior Department or some other department, or rather through his whim founded upon the action of some \$65 clerk, or upon the action of some man not officially connected with the department or with the Government of the United States who is running a press bureau and who is building up a sentiment among the people of the East, who have had the pie that they were entitled to, who have eaten it, and now want to eat ours.

Mr. WALSH. Mr. President, before the Senator takes his sent I desire to make an inquiry of him. The Senator is a constructive statesman and not an obstructive statesman.

Mr. FALL. I thank the Senator.

Mr. WALSH. I desire to inquire of the Senator whether he will accompany his remarks with the tender of a bill express-Mr. WALSH. ing his views, and whether he will take the judgment of the Senate upon the lines upon which legislation ought to be enacted?

Mr. FALL. I will say to the Senator that I will meet him on that proposition at any time. I know the Senator is just as seriously and sincerely in earnest in his desire to build up his country as I am, and while we may differ as to methods and as to what is best, I will take the sentiment of the Congress of the United States, and I will offer now as a substitute for the pending bill, the bill introduced by the Senator from Arizona [Mr. Smith], ceding the water-power rights and water-power sites to the States of the West.

Mr. WALSH. That is a good suggestion, and I trust the Sena-tor will speedily discuss that matter.

Mr. FALL. I will. Mr. WALSH. And take the judgment of the Senate on this matter and pass it along.

Mr. FALL. I intend to speak upon it at the earliest moment, and I am willing to remain here until the dark hours of evening, I shall not engage in any filibuster or in any attempt to delay action on this bill; and it was for that reason that I announced that I had about come to the conclusion that I would not allow the pending bill, the unfinished business, to be laid aside by unanimous consent from now on, but that we must decide it

and must settle it in one way or another.

Mr. SHAFROTH. Mr. President, it is true there are few Senators present; it is true that I can probably get a few more here by calling for a quorum; but the eloquent speech of the Senator from New Mexico [Mr. Fall] will go into the Record, and he will find that there are many men in Colorado, in New Mexico, in Utah, in California, and in other Western States who will read it and be absolutely wonderstruck that any person can think of enacting legislation that would be contrary to the views which he has expressed. It may take time to develop this position. As a matter of fact, we are making great headway, and I feel satisfied that right now, if a vote were taken, we would defeat this bill. But, Mr. President, a substitute bill might be offered, and it might go to conference; but what would

come of the bill when the House conferees, who are all extremely against our position, is another question.

Mr. President, I do not want to consume unnecessary time, but I want to discuss this question fairly, and I want to have my remarks, even if there are very few Senators present, printed in the RECORD.

Mr. President, I was describing the testimony before the Committee on Public Lands of the Senate with respect to one enterprise. I want to say to you that the same order that revoked the permit of that organization also revoked the permit of the plant that furnishes electricity to the city of Denver, a plant that was already constructed, a plant that some six or seven million dollars was invested in, without any citation to show cause, and without any charge that they had not faithfully complied with the provisions of the law, both of the State and of the Nation.

Mr. CLAPP. Mr. President— Mr. SHAFROTH. I yield to the Senator from Minnesota.

Mr. CLAPP. I should like to ask the Senator what reason was alleged for revoking the license of a going concern. Where men got a license and did not go on to develop the property, I can see that it would be very proper, after a reasonable time, to revoke it, but, as I understand, this was a going concern.

Mr. SHAFROTH. This was a going concern, furnishing electricity to the city of Denver for street car purposes and for electric-lighting purposes. I will state that the department said: "We will not revoke this permit if you will enter into a contract with us agreeing to pay \$1 per horsepower for the power generated by you." Those were the terms, and the company replied: "Why, that would be an expenditure on our part of \$20,000 a year, and we can not do it." They offered to give a smaller amount, but \$1 per horsepower per year was the ultimate amount that had to be paid, and because they said: "No; these plants have been constructed, as we supposed, under an existing right, and therefore we will not do it," the matter has been in litigation ever since. The department gave notice to them to get off the public domain, and the company answered: "We will do it when the court tells us to do so"; and that case has been in court from that day to this.

Mr. FALL. Mr. President, will the Senator yield to me right there for a moment to recite another case?

Mr. SHAFROTH. I will.

Mr. FALL. Last year the Congress of the United States passed a law granting a right of way across the Lincoln Forest Reserve, in New Mexico, for a pipe line. This was done by a special act—the first time, I venture to say, that anything of that kind had been done. The reason for it, of course, must have been an unusual one, and it was.

The water along the El Paso & Southwestern Railroad in New Mexico is charged with sulphuric acid to some extent, and consequently can not be used for boiler purposes in making steam. For years the railroad company had been compelled to maintain expensive treating plants a few miles apart to treat the water before it could be used for the boilers. They went across into Lincoln County and purchased outright from individuals there, whose titles date back anywhere from 10 to 40 years, their farms and water rights, expended \$150,000, had the water measured, and then undertook to pump this water-it was pure water, water that was fitted for boiler purposes-across the divide, at an expense of \$1,250,000, for the purpose of furnishing soft water, or water fitted for boiler purposes, for the engines of that road.

They secured a temporary or revocable permit. Under this permit they constructed their pipe lines. permit they constructed their pipe lines. They were notified finally that that permit would be revoked. Upon inquiry as to the reason for it they were informed that at a point below the point at which they had their pumping station the Marine Hospital Service, a branch of the Treasury Department of the United States, had the management of a sanitarium, and that they had concluded that they would irrigate some 250 acres of land, irrespective of the prior rights of the farmers below them and of the prior rights which had been acquired by this company from the farmers above them. They had no rights whatsoever to the water. They did not undertake to comply with the laws of the State, although the laws of the Congress of the United States said they must do so before they could acquire any rights. They simply claimed that they had the power to force certain concessions from this railroad company. In other words, it was required to give up a portion of the water which it had acquired by purchase for the irrigation of certain lands upon this Government reserve, so that the people below would not be able to enjoin them because they were taking their water. Without compensation they were to take this water. It was not a question of going into court and establishing prior rights, or a question as to whether the railroad company had a right to the water, admitting that, but simply a question of arbitrarily saying: "You must do suchand-such a thing.

Now, this was the Treasury Department. The Forestry Service, a part of the Agricultural Department, notified the railroad company that they were going to forfelt and revoke their pipeline rights. The matter was taken up. The Interior Department said: "Why, we have no objection. There should be a permanent right of way granted. These people have fully comperating their absolutely plied with the law. They are only exercising their absolutely legal rights.

In view of the controversy over this water, however, the company went upon another stream entirely, which did not flow through this marine-hospital reserve, the waters of which could not reach the marine-hospital reserve, and expended \$250,000 in acquiring title to that water. They said, "All right; we have a dispute here about this water; we will concede anything in the world to the Government; we will go and buy water that we have no dispute about." The reply was, "Very well; but you can not have a right of way for your pipe line for your water which you own, not in conflict or claimed by the Government at all, entirely off this reserve." "Why?" "Why, because you will not do what we want you to do. You will not surrender your property over here on this stream which does pass through the reserve; and unless you will surrender to our demand, unless you will allow us to hold you up there, unless you will allow the Treasury Department to hold you up on the stream which we know as the Bonito, then you shall not have any right, irrevocable or otherwise, to a pipe line from the stream which we know as Eagle Creek."

Now, this was the condition. The Department of the Interior looked into the matter and said, "Why, the company has the right absolutely, and so far as we can assist you in any way we will do so." The Forestry Service said, "We can not see any particular reason why we should not allow you to continue to run this pipe line, but the Treasury Department does not want us to do it, and therefore we will not do it." compelled to appeal to the Congress of the United States against these departments. We were compelled to come in here and ask for relief, and we secured it from the Congress of the United

Mr. SHAFROTH. Mr. President, that simply illustrates the fact that the Government is the worst landlord on earth. It is a bad landlord, because the officials are afraid of criticism if they waive anything. If they do not demand strict compliance with every provision of the lease they think, "Oh, I will be subject to criticism, and what is the use? I will just demand the very thing called for by the lease. If a man has not paid at a certain time, if the provision is that we should forfeit, why, then the forfeit must go."

Mr. CLAPP. Mr. President—
The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. SHAFROTH. Yes.

Mr. CLAPP. In the case the Senator referred to, where they evoked or sought to revoke the license of the company furnishing light to the city of Denver under the State law, did the State or the local authorities have a right to impose such tax as they saw fit upon the property and the exercise of the right

Mr. SHAFROTH. Under the supposition that it had the right of way which the railroad company had, I think, they imposed taxes upon it; but if the other provision is made, and it is made revocable and recognized as Government land, they

will not have the right to impose taxes. Mr. CLAPP. No; but what I was getting at was this: Of course, I believe in the local right rather than the Federal right. If there was no local right, then there might have been justification-I am not prepared to pass on that-for demanding an increased payment from the company; so I was trying to ascertain whether it was within the power of the local authorities to assess this company upon its property or its rights.

Mr. SHAFROTH. Why, I think they did, and they paid the assessment voluntarily, until this revocation came along. If it is once established that it is Government land, and if they enter into a lease with the Government-which the Government is trying to force them to do—why, of course, then it becomes subject to these decisions which say that it can not be the subject of taxation.

Mr. President, I want to say that the men who are trying to force this leasing system upon the West are honest. They think that is the one remedy to prevent monopoly. They think that as a matter of fact the people will be much better off, while I think to the contrary. I think that the more restrictions you impose the higher will have to be their charges, and

the higher rates the public-utility commissions of our State will have to allow them to charge. If they have to pay something to the Federal Government and then have to make other charges, even if you make a charge here and permit the State to tax it, all of that is going to add together and make a larger sum and that is going to be reflected in increased charges against the people who have to buy this electricity. For that reason it seems to me that the simpler you make the process the better it will be for the patrons of the company.

Mr. CLAPP. Yes; and I want to ask the Senator if it is not true that whatever burden or tax is imposed ought to be imposed by the local authorities that have to deal with the problem of the reflection of that tax back upon the community, and the problem of encouraging in a new community the enlistment of capital in enterprises of this kind, rather than to leave that power to an authority two or three thousand miles away that has only one possible interest, and that is to show on the page of a book account a receipt to the Government?

Mr. SHAFROTH. I thoroughly agree with the Senator. think it would be a tremendous mistake for this Government to create a bureau that will control these matters, with the various inspectors and the various forms of machinery that it will be necessary for them to have, the accounting departments which it will be necessary to have to check up as to the amount of rents received, and the various other things that seem to me to be an intereference on the part of the National Government

with the local affairs of the State. Mr. President, when the session closed on yesterday I was discussing the proposition as to the leases of water-power sites proposed to be made by the Government. I have said repeatedly that in every attempt that has been made toward leasing by the Government it has provided such stringent terms that the system has proven a failure. I hold in my hand a copy of a leasing application and lease covering the terms and conditions proposed to be embodied in a lease for water-power sites. to call attention to a few of the restrictions and provisions made in the contract for lease and to consider whether any company would enter into a lease of this kind, and would erect a waterpower plant under such a lease investing millions of dollars with consequent risk of a large amount of capital.

Mr. President, all through this lease there are limitations, impositions, and requirements, terms of forfeiture, and provisions of that nature that will, as a matter of fact, make it very difficult for any person to embark on such an enterprise in view of the past experience which lessees have had with the Government.

In article 6 of the lease, under "Power stipulations," there is contained this Item:

contained this item:

That it is understood, if upon any one of the dates specified in article 4 hereof, unless the time is extended by the written approval of the Secretary, after a showing by the permittee satisfactory to the Secretary, and filed with the district forester prior to said date, that such beginning of construction of that part of the project works required to have been begun on the specified date has been prevented by engineering difficulties that could not reasonably have been foreseen, or by other special and peculiar cause beyond the control of the permittee, that thereupon the permission to occupy and use national-forest lands for all parts of said project works the construction of which has not been begun on said date shall terminate and become void, and that the permit, in so far as such part of said project works is concerned, shall become of no effect.

Ant. VII. That it is understood that the date specified in Article V hereof for the completion of construction and the beginning of operation of the several parts of the project works will be extended only on the written approval of the Secretary, after a showing by the permittee satisfactory to the Secretary, that the completion of construction and beginning of operation has been prevented by engineering difficulties that could not reasonably have been foreseen, or by other special and peculiar cause beyond the control of the permittee, and if such extension be not approved that thereupon the permission to occupy and use national-forest lands for such parts of said project works shall terminate and become void, and that the permit, in so far only as such parts of said project works are concerned, shall become of no effect.

Mr. President, article 8 provides:

Mr. President, article 8 provides:

Mr. President, article 8 provides:

That, except when prevented by unavoidable absence of contingencies, the permittee will, after the completion of construction as required in article 5 hereof, operate in good faith and as continuously as may be possible under prevailing market requirements the project works constructed and/or maintained, in whole or in part, under the permit; that the permittee will neither discontinue the operation of said project works nor reduce the amount of power developed or transmitted by the same at such a time or in such a manner as to reduce the output of the electric energy required by the consuming public, or to increase the market price therefor, or to discriminate between consumers, or to prejudice the public interest; and that if there is discontinuance of operation or reduction of the amount of power generated or transmitted for a continuous period of more than 30 days or for an aggregate period of more than 90 days in any calendar year the permittee will notify the district forester of the fact of such discontinuance or reduction, and of the reasons therefor.

Throughout the contract there are forfeiture clauses and

Throughout the contract there are forfeiture clauses and other harsh terms. It contains provisions, Mr. President, as to the amount that shall be paid per annum "for the unexpired portion of the calendar year for the first full calendar year of the survey-construction period, and similarly for the first year

10 cents per horsepower" and thereafter running over each year 10 cents more, until the tenth year and thereafter, when the amount is \$1. Then follows a provision that seems to me to show the intention of the department, as follows:

It being understood that said estimated rental capacity may be adjusted annually by the Secretary to provide for changes in ownership of lands in reservoir sites and on water-conduit lines and for charges in length of primary transmission; and it being further understood that at any time not less than 10 years after the issuance of the permit, or after the last revision of rates of rental charged thereunder, the Secretary may review such rental rates and impose such new rental rates as he may decide to be reasonable and proper.

Mr. President, this seems to be the form which they have I understand in some instances, at any rate, it is the form printed by the department. If this be the manner in which these rentals are to be paid, there are very few corporations that will ever undertake to construct a plant.

It is provided further:

ART. 13. That it is understood, if any part of the aforesaid rental charge, payable as hereinbefore provided, shall, after due notice has been given, be in arrears for 90 days, that then and thereupon the permit shall be subject to revocation by the Secretary.

That has been changed in the bill, but the evident intention of the Forest Service was to make the permits revocable by the Secretary.

That the decision of the Secretary shall be final as to all matters of fact upon which the calculation of the capacities or rental charges depends.

Mr. President, there are any number of such provisions here. I will not read them all, but there are certain requirements such as this:

To dispose of all brush, refuse, or unused timber on national forest lands resulting from the construction, maintenance, and/or operation of the project works as may be required by the Secretary.

To build and repair roads and trails, as required by the Secretary, whenever any existing roads or trails are destroyed or injured by the construction work or flooding under the permit; and to build and maintain necessary and suitable crossings for all roads and trails which intersect the water conduit, if any, constructed, maintained, and/or operated under the permit.

Mr. President, here is another one:

Mr. President, here is another one:

23. To pay in advance to the United States depository or officer as above set forth in article 10 hereof, to be placed to the credit of the United States, the full value, as fixed by the Secretary, of all timber cut, injured, or destroyed on national forest lands in the construction, maintenance, and/or operation of the project works.

To pay, on demand of the Secretary, to the United States depository or officer, as above set forth in article 10 hereof, to be placed to the credit of the United States, full value for all damage to the lands or other property of the United States resulting from the breaking of, or the overflowing, leaking, or seeping of water from the project works constructed, maintained, and/or operated under the permit, and for all other damage to the lands or other property of the United States caused by the neglect of the permittee or of the employees, contractors, or employees of the contractors of the permittee.

Mr. President, I will not go through all of these: but I have

Mr. President, I will not go through all of these; but I have noted here, on the next page, article 25, article 27, and article

28 as containing harsh provisions.

It does seem to me, in view of that condition, and of the evident purpose and intent of the Forest Service, particularly, to impose harsh terms, that to ask us to take our waters which belong to the States and turn them over to the National Government so that the National Government can use them at will, and so that it can collect revenue for the use of that water power, is something in which every man who believes in the existence of any State rights ought to refuse to concur.

Mr. President, it has been admitted by the Senators generally that the waters of nonnavigable streams belong to the States. That is admitted in the report, and if it were not admitted in the report hundreds of decisions to that effect could be cited. We find also that in the constitution of Colorado there is a provision that the waters belong to the public for the purpose of appropriation by the citizens of the State. We find that that constitution was approved when the State was admitted into the Union. We find also, and we recognize it as a rule, that the United States owns these lands as a proprietor. It may enforce some rules that may indicate a little different opinion, but the majority of the decisions are to the effect that it owns these lands as proprietor, and, as proprietor, it ought to consent that the State or its agencies should have the right to sue the United States in a condemnation proceeding for the purpose of acquiring water-power sites upon payment of just com-The State constitution—the very one that was appensation. proved at the time of the admission of Colorado into the Union-provided that rights of way may be condemned, and that the property may be taken upon the payment of just compensa-

This can not be done against the United States because the United States will not permit a State or an individual to bring suit against it; it in okes the doctrines that we can not sue our sovereign. The right is there, as a matter of fact, to condemn the land; but, as my colleague said, there is not a remedial right.

No way has been provided by law by which service can be had upon the United States Government. But is it fair that the United States Government should play the dog in the manger, and say: "While you have this right, and you have it as against Government land, yet, notwithstanding, I will not give you the right to condemn this public property that you have a right to condemn, because you can not get service upon me, because you can not sue your sovereign"?

Is that right? Is it fair? Is there any justice in it? Is it proper that the United States Government should shield itself behind such a proposition as that and expect the confidence of the people of the States that are affected? It seems to me that it is not fair.

The question of the appropriation of these waters arises from the fact that in this bill there is attempted the subterfuge of making this ownership of land determine the right to control the water. Inasmuch as water power and the use of waters is considered, in all of the decisions of our State, as being superior, and as being of such a nature that you can, for the use of that water, condemn any land, it seems to me that it is an outrage upon the State, under the guise of a lease of land, to take possession and control of the waters of our State.

Mr. President, in the case of an individual, if a railroad company wanted to run a railroad through the land of a farmer, it would be considered a great outrage if that farmer should say: "I will not permit it," if he had the power to do it. You would say that no great public enterprises would ever be undertaken, none of them could ever be accomplished; and the reason would be that if that farmer could oppose the extension, every other person through whose land the railroad company might attempt to construct its road could do the same thing, and thus there would be no enterprises started at all.

When the Government says, "We will not let a corporation organized under the State of Colorado condemn this land which we hold there; we will not permit the work to be done"; it means absolutely that you are revoking the very power of eminent domain of the State and which is recognized by the Constitution of the United States.

But Senators may say that in the railroad case it is the individual opposing the public. Mr. President, the weakness of that argument is that no matter what the object of the individual was, no matter if it was for the most beneficial purpose on earth that he refused the railroad permission to go through his land, nevertheless the courts would not tolerate for a minute such a refusal, and nobody would maintain that it was right or equitable that the individual should refuse to permit a railroad upon payment of just compensation to be constructed through his land. The Government of the United States with respect to its lands is identically in that position, except that by virtue of its not being subject to being sued without its consent the laws of the State can not become effective.

That is not right. It is not fair. It is a condition that men in ordinary dealings would not even negotiate about. They would consider it to be an outrage. You do consider it an outrage in the case of an individual. It might be said that he is using his land for a private purpose; but even if that individual says, "I do not want this railroad to come through my land unless it pays a part of its net earnings to the public," would it in justice have any better right? It would not. If an individual should say, "Before this railroad goes through my land I want an agreement that the railroad shall pay to the public a certain percentage of its net earnings," you would say such a proposition was ridiculous; and yet that is exactly what the United States Government is doing right now in assuming the position that before permission is given to construct a water-power plant upon the public domain the promoters of the enterprise must agree to divide their profits with the Federal Government.

It may be that the charges are not at first large; but the power to impose any charge implies the power at a subsequent time to impose a greater rate, and it is easy to see the danger that lurks in such legislation.

Mr. President, it seems to me to be plain that this bill is constructed, not for the purpose of renting land, but for the purpose of utilizing and renting the water. I do not see how any person can read the provisions of the bill, I do not see how anyone can read the provisions of the leases that have been prepared for application to construct the water-power plants without concluding that it is an arrangement for leasing of the water, and not of leasing the land. But the issue in dodged in this bill. Those behind this bill know that the Federal Government has no right to lease that which does not belong to it, and they know that it is conceded in this very report which is made by their side that the Federal Government has no power whatever to lease the waters of a State or to control them in any way.

Mr. President, the title of this report is:
Development of Water Power.

That is the subject. Take the bill itself, and what is it? It is a bill—

To provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

The "public lands" referred to there seem to be an incidental matter, but it is the tail that wags the dog in this instance, because there the Government, by reason of its sovereign capacity, says it will not permit the State to sue under its eminent-domain rights or permit any agency of the State to maintain an action therefor, and thus it blocks the enterprise unless acceptance of its terms is made.

Mr. President, is that right? Is that fair to the State? Is that an equal partnership between the State and the Nation in the development of these resources of the State?

It may be that some Senators think they are doing a high and an honorable thing in providing that the Federal Government regulate the rates and that the Government will do what is fair. Mr. President, we have had some regulation by the Federal Government. It has not been satisfactory to our people; but is it possible that we have to take what the United States Government says shall be done with respect to these waters? Is it possible that the sovereignty of a State can be wined out in any such way as that?

Mr. President, they still deny that this is a leasing of the water. They say it is a leasing of the land. Now, let us see. Not only are these expressions in the bill itself and in the report itself, but, Mr. President, they are in this contract which is drawn on behalf of the Government with the lessee, or which they proposed to make. Of course they will have to change some of it. I recognize that. I want to read from the proposed lease contract, however, to see whether it is the intention to charge according to the water and the water power instead of charging rent for the land itself.

Here on the ninth page—these pages are not numbered, but it is on the ninth page—is this language:

"Nominal stream flow" means the sum of (a) the flow determined by averaging the values estimated for the natural mean flow for the two-month (calendar) minimum-flow period in each successive five-year period or major fraction thereof, and (b) the stream flow made available from storage by project works not under the permit.

Why, Mr. President, would a lessor of a water-power site put in any such provision as that? Would he not say, "Is it possible that these definitions in regard to 'nominal stream flow' and the extent of it in a certain two-months period of the year have anything to do with me?" Is it possible that a man who owned the land would think of putting such a proposition as that to a water-power company that had come to him and said, "I want a lease of your land for the purpose of constructing a water-power plant"?

Mr. President, nobody but some one who is interested in the water power itself would do that, and this shows that the dominant factor in this whole lease is the renting of power, the renting of water. Nobody else could ever think of putting such a provision in a lease.

Let me read a little further:

" Load factor " means the ratio of average-power output to maximum-power output.

What is that in there for? Is there anything in this that would indicate that the land is to be taken and condemned, or that the value of the land can be fairly estimated or ascertained by any such course? I think not, Mr. President. It clearly indicates that this whole system is made up for the purpose of controlling the water powers and absolutely leasing the water powers, for that is the only thing of value there.

Mr. President, the next provision is as follows:

"Total capacity of the power site" means the continued product of (a) the factor 0.08.

And then it has, as a footnote:

The factor 0.08 represents the horsepower at 70 per cent efficiency of a second-foot of water falling through a head of 1 foot.

Would any such provision be demanded by a man who owns a water-power site, and wants to lease it to a man who desires to construct a water-power plant? Why, certainly it would not. He would describe the boundaries of his land, and say: "I will lease this to you for such a length of time, at so much," with no forfeiture except for the nonpayment of the rent itself.

So, Mr. President, it goes on:

(2) The average effective head in feet-

The head of the water measured in cubic feet.

(3) The stream flow estimated to be available at the intake (in second-feet-

That is, so many cubic feet per second-

and in amount not to exceed the maximum hydraulic capacity of the project works) considered as the sum of (a) the nominal stream flow and (b) stream flow made available from storage by project works under

and (b) stream now made available, the permit; and (4) A factor not less than the average load factor of the power system, representing the degree of practicable utilization of the stream flow estimated to be available, and based on the extent of fore-bay storage and the load factor of the power system.

Mr. President, what do those provisions mean? They can mean but one thing, and that is that the parties who are in control of the machinery for the use of these water-power sites are using it for the purpose of measuring and for the purpose of leasing and for the purpose of controlling the water which all the authorities in the United States courts say belongs to the State.

If you want to put a clause in the bill that this shall become available upon the action of the State or the vote of the State by its legislature, that would be something that might be worth talking about, but when you consider that this is a confiscation, it seems to me, of that which clearly belongs to the State, I can not understand why Senators can sit here and say that they want their States invaded for the purpose of letting the Federal Government control these waters and take away that right which all the authorities say belongs to the State.

Rental capacity of the power site means the capacity on which the rental charges are based. Unless otherwise ordered by the Secretary, it will be determined by making the following deductions from the total capacity of the power site.

What are all these references? Mr. President, they are references which show that the object of this bill is to turn over to the United States Government these waters that belong to the States. It has no more right to lease the waters which do not belong to it than I have to give a lease to the Mississippi River.

In this same lease proposed by the department is the following:

Whenever power projects include water-conduit or intake reservoir sites not wholly on national-forest lands, a deduction will be made from that part of the total capacity of the power site which is due to the use of the nominal stream flow. This deduction will be, in per cent, the sum of (1) the product of the proportion of the average effective head obtained from the dam by the per cent of submerged lands below the flow line fixed by the average effective head that are not national-forest lands, and (2) the product of the proportion of the average effective head obtained from the water conduit by the per cent of the length of said conduit which is not located on national-forest lands.

Can anyone conclude from this paragraph that it is only a leasing of land?

Mr. President, I do not want to read all of this form of lease. It is full of just those things which will demonstrate to any fair-minded man, it seems to me, that the object and purpose is to turn over to the Federal Government these water powers and to utilize them under the controlling power of the Federal Government.

Now, take many of the other provisions that are here. I can not read them all, but here is one on about page 12—the pages are not numbered:

are not numbered:

Or any permanent change in the nominal stream flow, due to storage or otherwise, shall result in an increase or decrease in the total capacity of the power site, or of either part thereof, or of both, as said capacities are hereinbefore taken, said increased or decreased power capacities shall, from the beginning of the calendar year next succeeding the date of such approval, or of such change in nominal stream flow, be deemed and taken to be, for the purposes of this stipulation, the capacities of the power site occupied and used, in whole or in part under the permit; and it being further understood that if at any time not less than 10 years after the original, or after the last preceding determination of the said total capacity of the power site, or of either part thereof, or of both, either the permittee or the Secretary, on the ground of the inaccuracy, insufficiency, or inapplicability of the data upon which said original or said last preceding determination of said capacities was made, shall apply for or give notice of review of said original or said last preceding determination of the capacities shall be made, and the said redetermined capacities shall, for the purposes of this stipulation, and from the beginning of the next calendar year, be deemed and taken to be the capacities of the power site occupied and used in whole or in part under the permit.

At whose determination? At the determination of the Secre-

At whose determination? At the determination of the Secre-The other side has no voice in it whatever.

Mr. President, in view of the wording of the bill and in view of the terms of these leases, considering that it is claimed to be not a leasing of the water power but is a leasing of the site, I do not see how they can transpose it and, in effect, base the lease upon the water, but represent that it is a rental for the site only.

Mr. President, the charges specified in this permit, beginning at the first year with a very nominal sum, run for the tenth and each succeeding year \$1 per horsepower. That tax would be crushing to a water-power plant. We have an enterprise in Colorado which generates 20,000 horsepower. Is that company going to be required to pay \$20,000 a year? Is it possible that it shall be required to pay that charge? If it is required to make such a large payment, do we not know the rule that where there is an initial charge it is collected from the consumer; that the cost to the owner of the water-power plant is going to be reflected two, three, and four fold upon the consumer; and consequently such charges are going to make it infinitely harder upon the consumer?

Mr. President, we who live in the Western States want rates as cheaply as we reasonably can obtain. We do not want these water-power sites turned over to people who can plunder us. We are the people who are interested. Why should people away off somewhere else say, "We are looking after your interest; you do not seem to be capable of doing so"? Is it possible that we are going to take the view that under a State government which performs every other function creditably to the United States and to its citizens, yet in its regulation of power companies it will fall short of its duty?

Mr. President, we know in this provision here, specifying the amount the companies will have to pay per horsepower, the result will be that the consumer will have to pay a great deal more. But is it possible that we who are interested in our people and want as low rates as possible should be regarded as being incapable of obtaining for them low rates, but we must have a double machinery, with a bureau here in Washington controlling and attempting in every way to monopolize the

control of all the waters of the State?

I recognize that there is an amendment pending providing for a low charge per horsepower, but there is opposition to it, and likely it will not be adopted. No matter what the charge may be, it is wrong when imposed by the Federal Government, which has no right or title to the water which creates the power. It is true also that the bill provides that one-half of the charges collected shall be paid to the State and one-half to the reclamation fund; but what right has it to prescribe any charges when it does not own the water? If the Federal Government makes the distribution of the charges one way to-day, what is to prevent it appropriating all of it to its own use in the future? The State, or any agency thereof, is entitled to rights of way for power plants upon payment of just compensation, and that is what we are contending for.

I wish to take up another feature of this question. It seems to me it is a little presumptuous on the part of people living thousands of miles from my State taking the stand that they are going to control that water for our benefit, that they know how to check high rates better than we do. We have provided in our State for a utilities commission, and I am glad to bear testimony to its general excellence. It is regulating

rates and it is making them reasonable.

The water-power men are not the ones who have imposed exorbitant charges. The exorbitant charges have been caused by action of those men who have procured a contract with a city, giving them the right to its streets for 20 years, sometimes by payment of a bonus amounting to as much as \$100,000, and they acquiring the right by contract with the city to charge 8, 9, or 10 cents per kilowatt hour. They are the ones who are making the great profits, if there are profits. As to the waterpower plant of which I know, because I was in a lawsuit that was against that water-power plant, I found that they entered into a contract with the city to supply the franchise company of that city with water at one-half a cent a kilowatt hour, whilst consumers pay no doubt in that city 7, 8, and probably 9 cents a kilowatt hour.

Mr. President, is it proper to say to the people out there, "These waters are yours, it is true, but we are going to put extra charges on its use." We will admit the charges must be reflected in the increased price the consumer must pay. recognize that principle as fundamental, but we want to have control of it. We think some good will come out of such an arrangement. Federal control in State affairs has never resulted in benefit.

Mr. President, there are other difficulties which will arise in the administration of this provision of this bill. We have a system of uses of water out in our State that is going to come directly in conflict with its administration. If you pass this bill and put under the Secretary of the Interior or anyone else in the Federal Government the right to control reservoirs, conduits, and the plants themselves you are going to cause no end of conflicts. Ever since Colorado was a Territory we have had a system of laws providing for the generation of power and for the irrigation of land. We provided in our State that the uses of water shall be graded. We have a highest use, the domestic use. The State has a right to say that the irrigation use and the power use must be subordinate to the domestic use.

The irrigation use is placed higher than the power use in our States. You can condemn water appropriated for any of these lower uses for a higher use.

Now, suppose a company undertakes to construct a reservoir under a lease given by the Federal Government. What is the effect? They are under the police power of the State. The State engineer has the power to declare that a reservoir is unsafe and order it torn down. Will it ever be taken down? No; the United States Government will decline to permit it. There you have a conflict, an irreconcilable conflict, between the authorities of the State and the authorities of the Nation.

Mr. President, this demonstrates to my mind that the States having certain powers in local government, that as to those powers the National Government ought not to interfere.

Let us go a little further. As you may know, these reservoir sites are not usually used for power purposes. The intake of a power plant is generally an open ditch leading from the stream at a low grade, and then by reason of the fall of the stream the water is conducted through a conduit. It gains relatively upon the stream, and so at the end of 3, 4, or 5 miles the water is put into a pipe with a pretty steep descent, and thus the power is generated. It does not require a dam of more than 10 or 15 feet at the intake. The Glenwood Dam, to which I have referred a number of times, is about 10 feet high—enough to make a head of water there, just so it will run into the conduit that leads to the water-power plant.

Mr. President, I hope they never will construct reservoirs for water-power purposes only in my State, and I will give the reason why I hope this will not be done: The season of the year when the water is the lowest in the stream is the winter, and then it is necessary to have the water flow uninterruptedly from the reservoir in order to generate power; but in Colorado we need this water for irrigation more than we do for power purposes, and consequently if it is let loose in the wintertime the farming industry will lose the benefit of it. Consequently I never want to see a reservoir site a part of a system of power plants. I do not want to have a reservoir constructed under those circumstances.

You can readily see what a disadvantage it would be to the farmers if the Government through lessees should put up hugh reservoirs and let loose the waters thereof in winter, when their

power plants would need it most.

I hope there never will be a reservoir constructed for the sole purpose of generating power. If there is, it will be a waste. That simply demonstrates why the States ought to have the control of these matters instead of the National Government. It shows that whenever you have a conflict between two jurisdictions you are going to have trouble. It is bound to come. Consequently this bill will become a breeder of trouble, in my judgment.

Now, Mr. President, let us consider another phase of the question. As Senators know, the State engineer is authorized to inspect reservoirs as they are being constructed. If he believes that a reservoir is weak, he has a right to order that the That is the exercise of a police power water be turned out. which must be lodged somewhere, for when that reservoir is full of water it may become dangerous. The dams of reservoirs break every once in a while, and somebody must have the power to prevent destruction of lives and property below. the State engineer goes to one of these reservoirs that has been constructed by a lessee of the United States and says, "My dear sir, this reservoir is dangerous. I want you to let the water out of it; I want you to let it out for 40 feet, and then I will consider whether the dam is strong enough to safely hold even that quantity of water." What will be the result in that case? You will find the lessee, who is always looking to the Federal Government, rushing down to the Secretary of the Interior with the complaint that the State is threatening to ruin his enterprise by requiring that water be let out of the reservoir which he has built at a great expense in order to generate power. If the Secretary backs up the man who has the lease, there would immediately be a conflict between the Federal and State authorities. The trouble is bound to come. I do not see how it can be avoided. Is Federal interference right? Is that the fair and equal treatment which is guaranteed to every State in the Union in its enabling act, which says that the rights of the States shall be equal in every respect whatsoever? Has the Government, through lessees, tried to go into Connecticut or Maine or Massachusetts and erect a plant of that kind, which gives discretion and control over the nonnavigable waters, as is contemplated in this bill? Oh, no. You can see, You can see, Mr. President, we are getting into trouble every time we create a double jurisdiction with respect to this matter.

Mr. WALSH. Mr. President-

The PRESIDING OFFICER (Mr. HUSTING in the chair). Does the Senator from Colorado yield to the Senator from Montana?

Mr. SHAFBOTH. I yield.

Mr. WALSH. Is not that the very purpose of the Shields

Mr. SHAFROTH. I voted for the Shields bill. I do not like its leasing provisions, but I recognize that on a navigable stream the Government does own something in the water. It holds the right to say that you shall not obstruct the navigable stream. That is a jurisdiction in the Federal Government which in my judgment gives it a right to exercise some control, some kind of discretion in reference to such dams.

Mr. WALSH. That was not the point. As I understood the Senator, he objected to the Federal Government going into the State and exercising any jurisdiction whatever over the construction of a dam, because whenever it did so it would come

in conflict with the State authority.

Mr. SHAFROTH. It will clearly come in conflict with the State as to these nonnavigable streams. I will concede that to the Senator. As a matter of fact, I am not in love with the leasing feature of the Shields bill. The Senator is greatly mistaken.

Mr. WALSH. May I interrupt the Senator once more?

Mr. SHAFROTH. Yes, sir.

Mr. WALSH. Suppose the other way. Suppose you give a perpetual grant to construct a dam across a navigable stream that would seem to the Senator quite right, but the Government will still prescribe exactly the conditions under which the dam shall be built, just how it shall be built, what fishways there shall be, as every bill and as the present law prescribes. So you have to have the same control that the Senator deplores as a feature of this bill.

Mr. SHAFROTH. I deplored that feature in the Shields bill, but I recognize that where there is a navigable stream the Government has some control over it by reason of being in a position to pass upon questions as to whether certain works constitute obstructions to navigation. I can readily see that we have to yield something because of that; but as to water to which the United States Government does not have a particle of title, I can not see in fairness why the matter should be turned over to the Federal Government.

Mr. WALSH. But that is another question. The Senator

is not now complaining about that

Mr. SHAFROTH. I am complaining about that every minute and every second during this entire discussion.

Mr. WALSH. But, in addition to that, the Senator makes the further complaint—

Mr. SHAFROTH. Yes; I make a further complaint.

Mr. WALSH. The Senator makes the further complaint that the Government would have the supervision of the construction of this dam, and that therefore it would come in conflict with the State authorities.

Mr. SHAFROTH. Yes, sir.

Mr. WALSH. The present law in relation to the construction of dams in navigable streams gives the Federal Government authority over their construction.

Mr. SHAFROTH. That is true, but that is of necessity. This, however, is not of necessity, because these waters are waters solely and purely in the State, the title to which remains in the State. Consequently, as a matter of fact, the Federal Government has nothing to do with it and should have

nothing to do with it.

Mr. President, you can readily appreciate another feature connected with the distribution of water in Colorado. We have a complete system there for the distribution of water. We have decrees of courts as to the same—decrees for power purposes, decrees for irrigation purposes, decrees for domestic purposes. We have water commissioners, or sometimes called river commissioners. They have a right to go to a man's headgate and shut it down and to say to him, "You can not get any more water; your decree is later in priority than the decree of this other man; there is not enough water for both of you." They have a right to shut down the gates in the case of water that is used for nower purposes in the same way.

used for power purposes in the same way.

Mr. President, those commissioners are officers of the law. They have a right to make arrests. There are 75 or 80 of those officers in my State, each having a certain district. They control the matter; they are armed with decrees from the courts of the State, decrees providing for the right of the appropriator to so many cubic feet of water per second as of date of, say, January 1, 1860. The next decree may be for water appropriated on January 1, 1865, and so forth. Those decrees are somewhat complicated, because a ditch, after it is constructed, may be enlarged, and consequently it may have two priorities. If there is not enough water to cover both priorities, the commissioners must shut down the later priority.

Such an officer is bound to come in conflict with the officer of the United States, who has to do with the waters which are run through a plant where power is generated for a lessee of the National Government. The Government officer may say, "Well, I do not recognize your State decree." So there will be a conflict there, and people will get warm about it. You will find when the rights of a farmer whose crop is burning up are infringed or interfered with that there is going to be some serious trouble. Is it right that the Federal Government should step into our State and attempt to assume a control of that nature? It would do so unquestionably if it thought that its rights were being infringed upon, and the State at the same time would immediately think that it would have a right under its decrees to determine these things.

Mr. President, the interference of the Federal Government in the attempt to control by lease water-power projects is some thing that is inconsistent with our system of Government. was never intended that the Nation should interfere by going into the State and attempting to control local matters of that kind. So it would be inconsistent for a State to attempt to control something that is purely national, such as a military reservation in a State, such as a mint in a State, or such as a post

office in a State.

Mr. President, the power of taxation by the State is expressly waived forever in those instances. Before any of those Government institutions can be established the act of Congress always provides that the buildings shall not be erected unless the State government cedes jurisdiction over the territory upon which the governmental function is to be exercised. So, whenever a State officer attempts to go there and attempts to perform any official act the Federal authorities say: "Hold off; this is exclusively within the jurisdiction of the Federal Government; it has been made so by your own legislature; and for that reason you can not exercise any power here."

Here, where water-power plants will be upon a stream the water of which is used for other purposes, the determination as to what shall be done as to letting the water into or out of a reservoir affects the flow of the entire stream, and, therefore, affects every farmer who draws water from that stream for irrigation. It will be seen, therefore, that we are going to get into complications that will be serious indeed; and if they are not, it will be merely because the power and domination of the Federal Government will compel obedience, and the sacrifice of property on the part of the people of the State will follow.

Mr. President, I can not understand how any persons who would lock into this matter and see the enormous difficulties and tremendous conflicts involved would want the Federal Government to come in and attempt to take possession of the

streams of their State.

Mr. WALSH, Mr. President—
The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. SHAFROTH. I yield. Mr. WALSH. I should like to inquire of the Senator from Colorado if I understood him aright? I understood him to say-it does not seem possible that he could have said so-that he was opposed to the construction of reservoirs in any State

as appurtenances to the development of power.

Mr. SHAFROTH. Mr. President, I say this: I say that I hope the reservoir sites will all be taken for irrigation purposes. believe that there will be a conflict whenever the attempt is made to irrigate from a stream which has on it reservoirs purely for power purposes. The Senator can see in just a moment that whenever water is impounded in a reservoir for power purposes only it is going to be let loose in the wintertime, when the farmers below will not need it.

Mr. WALSH. I remember the general line of the Senator's

argument.

Mr. SHAFROTH. That was the line of my argument.

Mr. WALSH. But I want to know whether the Senator would advocate an amendment of the law of his State so as to prohibit the construction of reservoirs for power purposes?

Mr. SHAFROTH. I do not know that I should be willing to go that far; but I must say that such reservoirs involve a danger, because conflicts are bound to arise; and, so far as I am individually concerned, I hope that all of the reservoir sites will be taken for irrigation and domestic purposes, for unquestionably the times when the waters will be let loose for irrigation purposes and power purposes will be different. By reason of that fact the use of the water for power purposes is going to interfere with the use of water for irrigation purposes

It is possible that electricity may become so costly and may be so generally needed that the power purposes might become dominant and be of more value to the people of the State. In that event perhaps it would be well to construct reservoirs for power purposes instead of for irrigation purposes; but that is l

not the condition now, nor is it anticipated that it will ever become the condition.

Mr. WALSH. Then am I right in assuming that the Senator from Colorado is not really anxious about any water-power development at all?

Mr. SHAFROTH. Oh, yes, Mr. President; I am. I recently met on the street the man who was the State engineer of Colorado when I was governor. I asked him whether there had been any water-power development in the State. "No," he said, "not since permits were revoked by the Government."

Mr. WALSH. Mr. President, did the Senator ask the State engineer if there had been any water-power development in

Montana?

Mr. SHAFROTH. No. He was the State engineer of Colorade; he was not the State engineer of Montana. I am referring to my own State. But I have noticed that the Senator from Montana has repeatedly said that the water-power development throughout the entire United States is at a standstill, and that he urges the passage of this bill in order to overcome that emergency condition, as he terms it. My Colorado friend, Mr. Comstock, also said that if the law were in force as it was when he was first appointed State engineer there would be a hundred million dollars placed in the State of Colorado for the development of water power, and he is a conservative man. But, Mr. President, you can appreciate these difficulties, and you can see what enormous wrongs are going to be perpetrated upon the people of the States by the Federal Government invading the States and confiscating property that unquestionably belongs to the States.

I desire to close before we adjourn, and I will try to get along as fast as I can. We also have laws in the States requiring diligence in the work upon reservoirs. There will also be requirements as to diligence provided by the rules and regulations which will be promulgated under the proposed leasing system by the National Government. When there is a conflict of that kind what will be done? The State law requires that a certain work shall be done in a certain length of time. If it is not done, then some one else has a right to file on the site. In the case of a site owned by the Federal Government is it going to let anybody file on it? Oh, no; it is going to insist upon its own way in defiance of State law. The Federal Government can grant extensions of time in construction, and thereby absolutely nullify the law of the State in this respect. Is that right? Is it fair? Is that the equal treatment that we were guaranteed when we came into the Union, when we were assured that we were entitled to and should receive equal treatment with the original States in every respect whatsoever? Oh, no, Mr. President; that is not fair. And I can not understand why men who advocate a bill of this kind can not appreciate the difficulties that are bound to arise and the conflicts that are bound to grow out of the situation, whereby the State is going to be subordinated in every particular when there is a conflict of jurisdiction between it and the Federal Government.

Mr. President, the State has the power to condemn any reservoir in the State of Colorado as unsafe and to order it to be torn down. Is the Federal Government going to permit that when it requires one of its lessees to construct a dam? Is it going to say to the State: "Yes, you are supreme and your officer can determine the question"? It is necessary to have such officers, because some one has to determine whether a reservoir is unsafe, for thousands of people may live below that reservoir, and the breaking of the reservoir might destroy their lives. Consequently we have got to lodge somewhere the power to ascertain whether the reservoir is unsafe, and that is lodged in the State engineer.

It all simply shows that the relations between the Nation and the State are distinct and separate and should be kept distinct and separate; that we have no right to mix the two together; that we have no right in fairness to our obligations to the Constitution and our form of Government to say that the National Government can invade a State and exercise powers that absolutely belong to the States.

Mr. WALSH. Mr. President-

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. SHAFROTH. I yield to the Senator.
Mr. WALSH. Then, what will the Senator do in the case of a navigable stream? The Government of the United States has authorized the construction of a dam across the Connecticut River, but, as I understand, the Senator asserts the doctrine that the Government of the United States has no power to invade the State of Connecticut and say how that dam shall be

Mr. SHAFROTH. Oh, the Senator is mistaken. That is a navigable stream, is it not?

Mr. WALSH. Certainly, it is a navigable stream.

Mr. SHAFROTH. That makes all the difference in the world. The National Government has a right in that instance in the interests of navigation and of interstate commerce, according to the Constitution of the United States. Under the Constitution the Government has jurisdiction. It does not even own the waters of navigable streams, but it has a veto power, and it has a right to say that an obstruction can not be put in a stream, and under that leeway and that little clause of the Constitution, of course, it has the right to withhold a permit for any improvements, unless they meet with governmental approval.

Mr. BRANDEGEE. The National Government has the right

to authorize the construction of a bridge, has it not?

Mr. SHAFROTH. Not as against the State.
Mr. BRANDEGEE. How does it authorize bridges over navi-

gable streams, then? It is necessary to have a permit from the Mr. SHAFROTH. State in order to do that.

Mr. BRANDEGEE. Not at all.
Mr. SHAFROTH. Oh, yes; it is. There must either be a general law or a specific provision in regard to it. The State can say that a bridge shall not be built. It might be at an improper place, or might be dangerous, or there might be any number of objections which the State can urge, and the State has the power to say that bridge shall not be built.

Mr. BRANDEGEE. The State would have the power to say

that a bridge that is unsafe should not be built, of course, but it would not have the power to say that a bridge should not be

built across a navigable river.

Mr. SHAFROTH. I do not know as to that. The State has a right to say that it shall not be built at all. The powers of the Federal Government and the State government are not equal, and the State has the power to say that that stream shall not be bridged or that it shall be bridged.

Mr. WALSH. Mr. President—
The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. SHAFROTH. Yes.

Mr. WALSH. I am rather inclined to agree with the Senator from Colorado that in the case of a dam across a navigable stream the State could prescribe the conditions of construction. If that is correct, if that is the law, the courts will be obliged to enforce that law; and where is the conflict that the Senator is afraid of?

Mr. SHAFROTH. I want to tell the Senator

Mr. WALSH. That is to say, the State of Colorado passes a law requiring that every dam constructed in the State of Colorado shall be constructed in accordance with the plans and specifications prescribed by the State engineer of the State of Colorado, but a dam is constructed without complying with those specifications, and the constructor of the dam is arrested. Then comes up the question whether the State of Colorado has the power to pass that law, and if it is determined that it has that power the constructor of the dam will be punished, and thereafter there will be no trouble about it at all. Now, where is the awful conflict which the Senator so much dreads?

Mr. SHAFROTH. I will tell the Senator where the conflict is. It is in the physical interference on the part of the Federal Government, which does not seem to want to do what is right, or else there would not have been 40 permits revoked two days before one Secretary of the Interior went out of office, without giving anyone notice, without preferring any charges or indicating at all that there had been any noncompliance with the

terms of the law.

Mr. President, there is one statement in the hearings I should like to read just to show the manner in which the people of the West have been mistreated with respect to the administration of these matters. They have been mistreated, and, furthermore, the people have not the means to combat the United States Government. You must remember that when a person undertakes a job of that kind, with all the lawyers employed by the National Government at high salaries, he is going to get into difficulties financially, even if he is absolutely right. There is recorded on page 83 of the hearings on the water-power bill one of the most flagrant outrages that I ever knew perpetrated in the world, and I will read it into the Record in order that people may see and know what it is. I quote from a witness before the Public Lands Committee, a Mr. Britton, who said:

I want to deploy for a moment from a discussion of the bill to illustrate what has happened in one of our districts in California, as descriptive of the great injustice that may be done by such regulations as are here proposed within this bill. The Pacific Gas & Electric Co., in 1912, undertook the proposition of building a dam in the South Yuba

River and by the waters impounded there, through aqueducts, pipe lines, and power houses, to develop practically 200,000 horsepower. The company owned in fee simple the lands surrounding Lake Spaulding and the lands and the waters of the old Lake Spaulding. It evened in fee simple all the land involved in the aqueduct excepting a portion of a quarter section of forest-reserve land. It owned in fee simple every other part of that power development down to its ultimate use, including the transmission lines, except a small portion from the power houses to the centers of distribution.

At the upper end of the lake to be created by this big dam and the enlargement of the present lake then in existence were practically 28 acres of land cornering on the forest reserve, off to the northern end of the lake, 28 acres, more or less, of land—I think not to exceed 30—which would be submerged at certain contours following the height of the dam as raised. The Agricultural Department demanded that the Pacific Gas & Electric Co. take out a permit to cover all of its entire properties, including the right to regulate not only the power houses directly contingent to the Lake Spaulding development, but also every one of their power houses, there being 10 of them in the large system of this company, and to abide by all the rules and regulations prescribed by the Department of Agriculture, because, forsooth, in all of this large development, involving over \$60,000,000 of invested capital, and this new development, entailing an expenditure of finally over \$10,000,000, there were 28 acres of land that would be ultimately submerged and the water used out of this great reservoir for the purpose of not only the generation of power under the control and regulation of a State commission fixing rates and charges, but the water being used also for the irrigation at the present time of over 20,000 acres of fertile land of the State, and the possible use of that water, after it had been used for power, to irrigate over 50,000 additional acres.

There was a great, big enterprise. The company owned every particle of the land except 28 acres, and when they built this new construction it flooded that land, and the department would not let them occupy that land unless they submitted to the rules and regulations of the department as to lessees. Why, Mr. President, they have that matter in court yet, as I understand. But that same company had another little experience there.

Mr. SMOOT. Mr. President

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. SHAFROTH. I do.

Mr. SMOOT. I want to call the attention of the Senator to the fact that that is not an isolated case.

Mr. SHAFROTH. I have not any doubt about it.

Mr. SMOOT. There are many such cases in different parts of this country

Mr. SHAFROTH. They said:

We protested, and were unfortunately forced to bring suit against the Secretary of Agriculture to determine whether he had constitutionally any right to demand of us the permit that he required we should take out.

A revocable permit, after they had owned a fee-simple title! Mr. President, that was not all in that case. I want to read what occurred at the afternoon session, for it is still worse than that. I understand that if they do not win the suit the only recourse they have is to build a wall that will cost, as I am told, \$70,000 to keep the water off that 28 acres of land that is not worth \$20 an acre, and yet that was the requirement; and that is the kind of a noose that we are putting around our necks.

Mr. President, Mr. Britton goes on:

Mr. President, Mr. Britton goes on:

I was discussing, as I recall it, just before adjournment, the question of the occupancy of the forest-reserve lands by the Pacific Gas & Electric Co., and was about to speak of another feature as showing the great injustice to developments of that character by the rules and regulations now enforced.

We had made, as early as 1905, preliminary surveys from the outlet of the reservoir to the site of the power plant, to secure the largest fall possible and the greatest utilization of the water. In making that survey it passed over a certain section of land which was not, at that time, involved in the forest reserve, but which subsequently and before the construction was begun and before the operation of that plant was placed in the forest reserve, but the only part that affected our construction was a matter of 1,320 feet crossing a quarter section of the forest-reserve lands. The construction of the canal or aqueduct carrying the water, to an extent ultimately of 400 second-feet, passed, as I told you this morning, over land owned by the company, and the aqueduct over the 1,320 feet of forest-reserve lands would have cost, in construction, somewhere between \$12,000 and \$15,000.

I personally made application to the Secretary of Agriculture to secure a temporary permit without tying ourselves to all the other regulations of the department to pass over and occupy this 1,320 feet of forest-reserve lands pending the determination of the suit brought in the Federal court against us to determine the constitutional rights of the Secretary to enforce the rules and regulations. That was declined, and rather than submit to those rules and regulations the company was compelled, at an expense approximately of \$60,000, to build a siphon on its own land to get around this 1,320 feet of land.

Mr. President, is there a private landlord who would ever

Mr. President, is there a private landlord who would ever deny the right to occupy that 1,320 feet?

[The conclusion of Mr. Shafroth's speech will be found in the Appendix.]

Mr. ROBINSON. Mr. President, i speak, I move that the Senate adjourn. Mr. President, if no one else wishes to

Mr. WALSH. Will the Senator make that a motion for a

Mr. ROBINSON. Yes; I move that the Senate take a recess

until 11 o'clock to-morrow morning.

Mr. SMOOT. Let me ask the Senator from Arkansas to move that the Senate adjourn. I make that request for this reason: This morning we began at 11 o'clock after having recessed from the night before, and I am quite sure that there has been more time taken up by Senators coming in at any time of the day and asking permission to introduce this resoluthe of the day and asking permission to introduce this resolu-tion and that bill and this report than if we had had a morn-ing hour and had the whole of them presented at once. The request is not for the purpose of delay. It is only in the interest of an orderly way of conducting the business of the Senate, and to save time. I believe that we save time every time we adjourn, unless there is some matter as to which we all agree that there shall be no introduction of bills or any other business while it is under consideration. I will ask the Senator from Montana if his experience has not been exactly the same?

Mr. WALSH. Mr. President, I wish I could agree with the Senator from Utah about that matter, but I can not. My experience is quite the reverse. The morning business is taken up. Various matters are disposed of. Bills are introduced, and some Senator wants to make a speech explaining his bill. Another presents a petition; he has something to say in connection with the petition, and, of course, he wants to have it go out to his constituents. Two hours are easily consumed in this way in the morning. When it is desired for any purpose at all to expedite a bill the consideration of which has been long delayed, it is the uniform practice of the Senate—recently, at least—to recess from day to day so that it will be taken up and gotten

out of the way.

I am sincerely hopeful that to-morrow morning we shall be able to agree by unanimous consent to vote on this measure; and I shall ask to-morrow morning, on the convening of the Senate, unanimous consent to vote on this measure not later than 4 o'clock on Saturday afternoon. That leaves two days still for debate on the bill.

Mr. SHAFROTH. Mr. President, does not the Senator realize that whenever you fix a time for a vote, nothing whatever is said on the bill until the very morning and the very hour when the time is set for the vote? Take the prohibition bill. Because a great debate was going to occur on it it was set off for 10 or 15 days, and yet not one word was said on it until the very morning of the day when the vote was to be taken.

We want a discussion of these matters, because we believe that if the people understand them they will vote with us, and for that reason we want to hear the discussion. I do not believe I have consumed one minute of time that was not occupied directly in the discussion of the bill.

Mr. SMOOT. Mr. President-

The PRESIDING OFFICER. The Senator from Arkansas [Mr. Robinson] has the floor.

Mr. SMOOT. I simply wish to say to the Senator that I will

withdraw my request.

Mr. ROBINSON. Mr. President, I will say to the Senator from Montana that if possible I should like to have an adjournment. A number of Senators have expressed to me a desire to introduce bills and resolutions. Some of us do not insist upon breaking into the orderly procedure here to introduce bills and resolutions, but if the Senator from Montana, who is in charge of the bill, prefers to move to take a recess, I shall yield to him for the purpose of doing so.

Mr. JONES. It will take a quorum to take a recess. I shall

not object to adjourning until 11 o'clock.

Mr. JAMES. We can recess by unanimous consent. Mr. FALL. Mr. President, I should like to suggest to the Senator from Montana that if he makes the request which he has indicated he would make, he will have possibly a day's debate on the question as to whether he can get unanimous consent, not on the bill at all but on the question of granting unanimous consent. He is just laying out a day's work for himself

Mr. WALSH. That would be interesting. If it is the pur-ose of the Senator from New Mexico at this stage of the public business, with all the important legislation that is before us, to take that course, the sooner we learn about it the better, perhaps, it will be.

Mr. FALL. The Senator from Montana must not misunderstand the Senator from New Mexico.

Mr. WALSH. Under what circumstances, permit me to inquire, would the Senator from New Mexico expect to debate for a day the question as to whether we could have unanimous consent to vote?

Mr. FALL. I should like to ask the Senator how many unanimous-consent agreements he has seen adopted in the Senate until after hours of debate on some question concerning the unanimous-consent agreement? That is what I had reference to.

I want to say to the Senator that, so far as the Senator from New Mexico is concerned, there will not be one moment of filibustering against this bill. I am one man who is opposed to this bill who will vote on it at any time, even without discuss-

Mr. WALSH. The Senator from New Mexico gave me that assurance on yesterday, and so I was surprised to hear the Senator suggest in the Senate here that there will be a day's debate upon a simple request for a unanimous-consent agree-

Mr. FALL, Mr. President, in view of the statement of the Senator from New Mexico to the Senator from Montana, the Senator from Montana was not justified in making even the suggestion that the Senator from New Mexico proposed to filibuster on this bill.

Mr. WALSH. I take the judgment of the Senator from New Mexico upon the matter, then, and say that I was not justified.

Mr. FALL. Merely from my experience in the Senate, which has been similar to that of the Senator from Montana, I say that whenever a question of unanimous consent on a matter of this kind is suggested there will be a day's debate, or hours of debate, on the unanimous-consent agreement, entirely aside from the question at issue. I now give notice, Mr. President, that to-morrow morning I shall address the Senate on the pending measure; and, further than that, I am going to object to laying aside the unfinished business now for taking up anything else.

Mr. ROBINSON. What is the wish of the Senator from Mon-

Mr. WALSH. I shall be glad to defer to the wish of the Senator from Arkansas.

Mr. ROBINSON. I move that the Senate adjourn.

The motion was agreed to; and (at 9 o'clock and 55 minutes p. m., Thursday, February 1, 1917) the Senate adjourned until to-morrow, Friday, February 2, 1917, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 1, 1917.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

O Thou, who art able to heal our moral and spiritual in-firmities and to impart strength for the daily duties of life, inspire us with wisdom, courage, and fortitude to meet the changing conditions as they unfold themselves hour by hour; that we may be profitable servants unto Thee and unto the people here represented on the floor of this House; that with brave and manly hearts we may stand to our convictions with minds ever open to higher and larger conceptions through Him who was the embodiment of truth, justice, mercy, and righteousness, and who died a martyr to His convictions. Amen

The Journal of the proceedings of yesterday was read and ap-

EULOGIES OF THE LATE SENATOR CLARKE, OF ARKANSAS.

Mr. OLDFIELD. Mr. Speaker, I ask unanimous consent that Sunday, February 18, 1917, be set aside for addresses upon the life and character and public services of the Hon. J. P. CLARKE, late a Senator from the State of Arkansas.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that Sunday, the 18th of February, be set aside for the purpose of delivering speeches on the life and character of the late Senator Clarke, of Arkansas. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. MURRAY rose.

The SPEAKER. For what purpose does the gentleman from Oklahoma rise?

Mr. MURRAY. I desire to ask unanimous consent to extend my remarks in the RECORD on the amendment I have introduced providing for a cumulative electoral and suffrage system.

The SPEAKER. The gentleman from Oklahoma asks unanimoush consent to extend his remarks in the RECORD on the sub-ject of a constitutional amendment which he has introduced looking to cumulative voting. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8090. An act granting the consent of Congress to Washington-Newport News Short Line, a corporation, to construct a bridge across the Potomac River; and

S. 7963. An act to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes.

BRIDGE ACROSS THE POTOMAC RIVER.

Mr. ADAMSON. Mr. Speaker, there is a Senate bill on the Speaker's table and an identical measure on the Calendar of the House, reported from the Committee on Interstate and Foreign Commerce. I ask the Speaker to lay the Senate bill before the

The SPEAKER. The Chair lays the bill before the House. The Clerk will report it.

The Clerk read as follows:

A bill (S. 8090) granting the consent of Congress to Washington-Newport News Short Line, a corporation, to construct a bridge across the Potomac River.

the Potomac River.

Be it enacted, etc., That the consent of Congress is hereby granted to the Washington-Newport News Short Line, a corporation chartered under the laws of the State of Virginia, with principal place of business in the city of Newport News, State of Virginia, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Potomac River at a point suitable to the interests of navigation, at or near Riverside, in the county of Charles, in the State of Maryland, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. MANN. Mr. Speaker, would the gentleman from Georgia

yield for a moment?

Mr. ADAMSON. Certainly.

Mr. MANN. Is there any bridge over the Potomac now

Mr. MANN. Is there any bridge over the recent south of Washington?

Mr. ADAMSON. There is not.

Mr. MANN. Of course, the Potomac River, I suppose, up to that point is used more or less by the war vessels of the Gov-ernment. Is the gentleman sure that, in approving the plan, the War Department will be able to protect all the interests of the Government?

Mr. ADAMSON. The committee has that assurance, Mr. Speaker, I will say in response to the gentleman. As he knows, there are other rivers similarly situated in the United States on which bridges have been permitted, and the general bridge law, which the gentleman himself drew, authorizes the War De-

partment to protect the interests of the Government.

I will further state that the War Department has knowledge

of the bridge that the railroad is ready to construct, and has made a preliminary investigation of the matter, and the department is satisfied that it can protect the interests of navigation. I will state, further, that this section of Virginia, as you all know, is cut off from all communication with the Capital except by a line of steamships, and you have to make a detour in getting to and from that region. The country thereabouts needs development and needs transportation.

Mr. MANN. This is to construct a short line carees the

Mr. MANN. This is to construct a short line across the Potomac River and to come into Washington on the north side

of the Potomac?

Mr. ADAMSON. It comes up on the west side until it reaches this bridge, and then it comes up on the east side.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. STAFFORD. How far below Washington is it proposed to erect this bridge?

Mr. ADAMSON. My information is that it is from 25 to 30

Mr. STAFFORD. In crossing rather large navigable waters the modern, up-to-date policy is, instead of erecting a bridge that may interfere with navigation, to construct a tunnel. For instance, in Detroit the Michigan Central has constructed a tunnel, and in New York it is the same way. I would like to direct this inquiry to the gentleman: Whether it is possible, by reason of the depth of water, to construct a tunnel at some convenient point down there?

Mr. ADAMSON. I have heard two suggestions made about this bridge. One is that it will be constructed so high that it will not obstruct navigation, and the other is that it can be provided with a draw. But the War Department has satisfied itself that it can build the bridge without obstructing navigation. I am informed by the gentleman from Virginia [Mr. Jones] that

the Navy Department also holds to that opinion.

Mr. STAFFORD. It ought to be, in any event, constructed so as not to interfere with the navigability of the stream.

Mr. ADAMSON. I am advised that the plans will not interfere with the movement of war vessels. The matter has had the

attention of the Navy as well as that of the War Department.

The SPEAKER. The question is on the third reading of the

Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. Adamson, a motion to reconsider the vote

whereby the bill was passed was laid on the table.
On motion of Mr. Adamson, the House bill (H. R. 20534) of similar import was laid on the table.

PERMITS FOR INAUGURAL CEREMONIES.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous con-sent to call up for present consideration House joint resolution

The SPEAKER. The Clerk will report it. The Clerk read the title, as follows:

Joint resolution (H. J. Res. 358) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect on March 4, 1917, etc.

The SPEAKER. Is there objection to the present consideration of the House joint resolution?

There was no objection.
The SPEAKER. The Clerk will report the joint resolution. Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent that the joint resolution may be considered in the House as

in Committee of the Whole.

The SPEAKER. The gentleman from Florida asks unanimous consent that the House joint resolution be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the joint resolution. The Clerk read as follows:

There was no objection.

The SPEAKER. The Clerk will report the joint resolution. The Clerk read as follows:

Resolved, etc., That the Secretary of War is hereby authorized to grant permits, under such restrictions as he may deem necessary to the committee on inaugural ceremonies for the use of any reservations or other public spaces in the city of Washington under his control on the occasion of the inauguration of the President elect on the 4th day of March, 1917. Provided, That in his opinion no serious or permanent injuries will be thereby inflicted upon such reservations or public spaces or statuary thereon; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion from under their control as they may deem proper and necessary: Provided, however, That all stands or platforms that may be erected in the public spaces aforesaid, including such as may be erected in connection with the display of fireworks, shall be under the supervision of the said inaugural committee and in accordance with the plans and designs to be approved by the Engineer Commissioner of the District of Columbia tendent of the United States Capitol Eudling and Grounds: And provided further, That the reservations or public spaces occupied by the stands or other structures shall be promptly restored to their original condition before such occupation and that the inaugural committee shall indemnify the War Department for any damage of any kind whatsoever upon such reservations or spaces by reason of such use.

Bereby authorized to permit the committee on illumination of the inaugural committee for the inaugural ceremonies, March, 1917, every necessary and in the nearest practicable connection with the present supply of light, for the purpose of effecting the said illumination: Provided, That if it shall be necessary to erect wires for illumination: Provided, That if it shall be necessary to erect wires for illumination: Provided, That the structure is a provided parther, That the server and par

shall give bond, with security satisfactory to the Secretary of War, to do the same.

Sec. 4. That the Commissioners of the District of Columbia be, and they are hereby, authorized to permit the Western Union Telegraph Co. and the Postal Telegraph Co. to extend overhead wires to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within 10 days after the conclusion of the ceremonies on the 4th day of March, 1917.

SEC. 5. That the Superintendent of the United States Capitol Building and Grounds is hereby authorized to permit the inaugural committee to use for the temporary quartering of troops participating in said inauguration, so much of the United States courthouse, in Judiclary Square, in the city of Washington, as in his judgment is available for such use: Provided, That the inaugural committee shall indemnify the United States for any damage of any kind whatsoever to said courthouse by reason of such use.

With the following committee amendments:

With the following committee amendments:

Page 1, line 8, strike out the words "on the fourth day of" and insert in lieu thereof the word "in."

The amendment was agreed to.

Page 2, line 16, after the word "their," strike out the word "original."

The amendment was agreed to.

Page 2, line 22, after the word "for," strike out the word "the" and insert the word "said."

The amendment was agreed to.

Page 2, line 23, strike out the words "March, 1917."

The amendment was agreed to.

Page 4, line 21, after the word "of," strike out the word "the" and insert in lieu thereof the word "said."

The amendment was agreed to.

Page 4, line 22, strike out the words "March 4, 1917."

The amendment was agreed to.

Page 5, line 17, after the word "ceremonies," insert a period.

Mr. MANN. There is no such amendment as that in the printed bill. That amendment does not go in there.

The Clerk read as follows:

Page 5, line 18, strike out the words "on the 4th day of March, 1917."

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I notice that there is no date fixed for the inaugural ceremonies. When are they to occur? Will the gentleman state that as a matter of information?

Mr. CLARK of Florida. The committee understood they were

to occur on March 5.

Mr. MANN. Has there been any other instance in the history of the Government where the inauguration occurred on March 5?

I have not examined to see.

Mr. CLARK of Florida. I do not know.

Mr. BARNHART. If the gentleman will permit me to answer, I notice by the newspaper reports that there have been other instances, and that in each instance the President took the onth both on Sunday and on the day following.

Mr. CLARK of Florida. This joint resolution is with refer-

ence to the inaugural ceremonies.

ence to the inaugural ceremonies.

Mr. BARNHART. I know; but the date March 4 was stricken out for the purpose of making it clear that this would apply to the inauguration, whether held on March 4 or March 5.

Mr. MANN. The inaugural exercises will take place, as I learn from the gentleman, on March 5. I apprehend that there will be no practical hiatus in the office of the President, whether he is sworn in on March 4 or on March 5. There are always a few minutes after the theoretical end of March 5. at noon on March minutes after the theoretical end of March 3, at noon on March

4, before the President is sworn in, anyhow.

Mr. BARNHART. The gentleman from Illinois will agree with me, I think, that inasmuch as we have an extraordinary President he ought to be sworn in on both the 4th and 5th this

time, so as to make sure that we get him.

Mr. MANN. I will admit that swearing him every day of the year will not make him observe fully his duties of office, or preserve the rights of the Congress, as far as that is concerned.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent the title of the joint resolution was amended by striking out after the word "elect" the words "on March 4," and inserting in lieu thereof the words "in March."

On motion of Mr. Clark of Florida, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

MAINTENANCE OF PUBLIC ORDER DURING THE INAUGURAL CERE-MONIES.

Mr. PAGE of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 203, to provide for the maintenance of public order and the

protection of life and property in connection with the presidential inaugural ceremonies in 1917.

The SPEAKER. The Chair lays the joint resolution before the House. The Clerk will report it.

The Clerk read as follows:

The Clerk read as follows:

Resolved, etc., That \$35,000, or so much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia in equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from the 28th of February to the 10th of March, 1917, both inclusive, including the employment of personal services, payment of allowances, traveling expenses, hire of means of transportation, and other incidental expenses in the discretion of the commissioners. Said commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property and fixing fares by public conveyance, and to make special regulations respecting the standing, movements, and operating of vehicles of whatever character or kind during said period and fixing fares to be charged for the use of the same. Such regulations shall be in force one week prior to said inauguration, during said inauguration, and one week subsequent thereto, and shall be published in one or more of the daily newspapers published in the District of Columbia, and in such other manner as the commissioners may deem best to acquaint the public with the same; and no penalty prescribed for the violation of any of such regulations shall be enforced until five days after such publication. Any person violating any of such regulations shall be hisle for each such offense to a fine not to exceed \$100 in the police court of said District, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than 60 days. And the sum of \$5,000, or so much thereof as may be necessary, is hereby likewise appropriated, to be expended by the Commissioners of the District of Columbia for the construction, rent, maintenance, and expenses incident to the operation of temporary public-comf

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I have not seen this resolution, and I do not think it has been printed as it passed the Senate. What is the difference between this resolu-

mr. PAGE of North Carolina. It is identical, with the exception of the amount appropriated; and it is my purpose to move to amend this resolution to make it accord in the amount ap-

mr. MANN. This carries now \$40,000.

Mr. PAGE of North Carolina. This carries now \$40,000. I propose to move to amend it so as to make it \$25,000, which was the amount carried in the resolution four years ago and in the resolution eight years ago for this identical purpose.

Mr. GARNER. Reserving the right to object, does the gentleman hope to retain in the joint resolution the amount carried four years ago and eight years ago instead of what is now carried in the resolution?

Mr. PAGE of North Carolina. I certainly do. I see no reason

why it should not be retained.

The SPEAKER. Is there objection?

There was no objection.
The SPEAKER. This is on the Union Calendar.
Mr. PAGE of North Carolina. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from North Carolina asks

unanimous consent to consider this joint resolution in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. PAGE of North Carolina. Mr. Speaker, this resolution as it comes from the Senate is identical in verbiage with resolutions passed for this purpose on former occasions, and, as I have just indicated, in reply to the interrogation of the gentle-man from Illinois [Mr. Mann], the only difference is in the amount that it undertakes to appropriate. I find upon investigation that for the last two inaugurals, both in 1908 and in 1912, the same amount was appropriated for that purpose, and at the proper time I shall move to amend the joint resolution so as to make it conform to the amount appropriated in the past.

The SPEAKER. The gentleman can offer the amendment

Mr. PAGE of North Carolina. Mr. Speaker, in line 3, on page, I move to strike out "\$35,000" and insert in lieu thereof \$23,000."

The SPEAKER. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 1, line 3, by striking out "\$35,000" and inserting in lieu thereof "\$23,000."

The amendment was agreed to.
Mr. PAGE of North Carolina. Mr. Speaker, I move to amend, on page 2, line 22, by striking out "five thousand" and inserting "two thousand."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 22, by striking out "five thousand" and inserting "two thousand."

Mr. RUCKER of Missouri rose.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. RUCKER of Missouri. I want to discuss this and another

matter for five minutes.

The SPEAKER. The gentleman is recognized for five minutes. Mr. RUCKER of Missouri. Mr. Speaker, I avail myself of this opportunity to make a statement in response to many inquiries I am receiving every day. They relate to the distribution of tickets to the inaugural platform in front of the Capitol. Let me say very briefly that four years ago I think we secured the largest allotment of tickets for distribution for the membership of the House that had ever been received. We then had seven tickets for each Member-two tickets for each Member elect—to the platform, plus one to the Senate gallery, making eight tickets to each Member. This year, through the persuasiveness and fidelity of my associates on your committee, we have been able to do a little better for the House. [Applause.] This year, for the first time, we have allotted tickets to both of the great national committees, Republican and Democratic, in equal numbers. We allot 10 tickets extra to the Speaker, and for the first time we have made an allotment of 10 extra tickets to the majority leader and 10 extra tickets to the minority leader

After having made these allotments, I think I am safe in saying to the membership that we will have for distribution 9 tickets to the platform for each Member, plus 1 to the Senate

gallery, making 10 as against 8 four years ago.

Members elect-that is, Members who are elected to the next Congress and who are not Members of the current Congress, four years ago received two tickets, but this year we will be able to give them three tickets.

Now, if there is any gentleman who desires to ask me a question I will try to answer it; otherwise I have completed my

statement.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman a question for information, but not in regard to tickets. I believe the practice is for the Senate to meet and swear in the Vice President and then proceed to the platform outside, where the President takes the oath of office. My recollection is that the House has remained in session until noon of March 4, and then proceeded as a body to the Senate. But this year the House will not be in session on the morning of March 5. Is it the intention of the committee to provide that the Members of the House shall meet in the Hall of the House by noon on March 5 and march in a body to the Senate, as has been done hitherto, but always when we were, in fact, in session?

Mr. RUCKER of Missouri. I will say to the gentleman that matter has not been particularly discussed by the committee, although in a general way it is the understanding of the committee that the House, on somebody's suggestion, will convene in the Hall of the House between 11 and 12 o'clock on March 5,

and move from here in a body to the Senate.

Mr. MANN. I think it would be very desirable for the House to meet informally on Monday, March 5, and at the proper time proceed to the Senate. Of course, there will be no organization and no Speaker.

Mr. RUCKER of Missouri. That suggestion will be made to the House, and it is hoped that the House will respond to it generously and unanimously.

The SPEAKER. The question is on the amendment offered

by the gentleman from North Carolina [Mr. PAGE].

The amendment was considered and agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. Page of North Carolina, a motion to recon-

sider the vote whereby the joint resolution was passed, was laid on the table.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Indian appropriation bill, disagree to all the Senate amendments, and ask for a conference.

Mr. MANN. I have not seen a copy of the bill printed with the Senate amendments.

Mr. STEPHENS of Texas. I have it here.

Mr. MANN. I have not been able to get one, and I wish the gentleman would let it go over until we have an opportunity

Mr. STEPHENS of Texas. I am willing for it to go over.

Mr. MANN. We could not get a copy yesterday, and I have not had a copy this morning.

Mr. STEPHENS of Texas. Mr. Speaker, I withdraw my request for the present.

MINORITY VIEWS ON THE NAVAL BILL (H. REPT. 1392, PT. 2).

Mr. PADGETT. Mr. Speaker, Tuesday afternoon leave was granted for the filing of minority views upon the naval appropriation bill (H. R. 20632), during yesterday. They were not filed, and a request has been made that they be filed to-day. make the request that the minority may have to-day to file minority views on the naval appropriation bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the minority members of the Naval Committee have to-day to file minority views on the naval appropriation bill. Is there objection?

There was no objection.

THE REVENUE BILL.

Mr. KITCHIN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the revenue bill; and pending that I ask unanimous consent that all general debate be concluded in 25 minutes.

The SPEAKER. The gentleman from North Carolina moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the revenue bill, and, pending that, asks unanimous consent that general debate close in 25 minutes. Is there objection?

There was no objection. The motion of Mr. KITCHIN was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SHERLEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 20578) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

Mr. KITCHIN. Mr. Chairman, in concluding this debate I trust that the House will permit me to express profound regret that many statements on both sides of the aisle have been made in this discussion that ought not to have been made. There never was a time in the history of our Republic, when at this moment the 10,000 wires that stretch the earth are flashing the anxiety of the American people over the grave and I may say tragic situation that confronts them, that patriotism demanded more emphatically than now the conquering of every sectional prejudice and the dissipation of every sectional thought. [Applause.] It is no time, my countrymen, for crimination and recrimination. It is incumbent on every American citizen who loves his country, be he Republican or Democrat, to forget that there ever was a difference between the sections of this

country. [Applause.]

It is the duty of every patriotic Representative in this Chamber, be he Democrat or Republican, to frown down upon any statement coming from either side or from any source that will tend in the slightest degree to rekindle sectional animosity. [Applause.] It is incumbent upon every American citizen who [Applause.] It is incumbent upon every American citizen who loves his country, and is doubly incumbent upon the American Representative in this House, to do everything that will promote at all times, and especially in this hour, national unity, national love, national fraternity. [Applause.] Let Republicans and Democrats alike throughout our country resolve to consecrate anew all of their patriotism, all of their wisdom, all of their courage, all of their loyalty—and all of their coolness—to the one country, to the one Union, to the one flag. [Applause.] I shall say nothing in this debate, as I have never said anything in any debate, or any discussion of any measure, here or elsewhere, which will in any way tend to revive sectional feeling or draw sectional lines, although the metropolitan press continues to assert and reassert daily that in preparing press continues to assert and reassert daily that in preparing and presenting the pending bill I did so. Mr. Chairman, I repeat, I have never uttered a sentiment here or elsewhere in my life that would in any way tend to rekindle sectional feeling or produce sectional prejudice. [Applause.] I am and have been a partisan Democrat, and many of you are and have been partisan Republicans, and you esteem me no less and I esteem you no less for it. We both know that we are honest in our views upon the issues that divide the two parties. But I have never permitted my political partisanship to entertain a sectional thought.

Returning now to the pending bill, I desire to put the real, palpable, incontestable facts before this House and

the country, and then when the vote is taken the judgment of the House will be asked of Republicans and Democrats. We know, every Republican and Democrat, it matters not how it came about, that we are under the absolute necessity of raising an additional amount of revenue in excess of the revenues to be produced by existing laws to the amount of at least \$200,000,000. We do know, however one side or the other may charge extravagance, that the necessity for the large tax measure of last session and for the revenue bill which we now present was created not by Republicans alone, not by Democrats alone, but by the joint action of Republicans and Democrats in the House and Republicans and Democrats at the other end of the Capitol, and by the administration. We know, every one of us, and the people throughout this country ought to know, that we would not have been under the necessity of presenting a tax measure at the last session, or this bill at this session, had not the demands of the people, or of some of the people, per-suaded or forced Congress to enter upon a career of unparalleled increases of appropriations for the Army and Navy and fortifications. Whether right or wrong, wise or unwise, proper or improper, that is the fact. Republicans more solidly than Democrats voted for these increased appropriations, but Democrats voted for them as solidly as they ought, and I thought at the time more solidly than they ought. The responsibility for the need of increased revenues at the last session and at this session is upon Democrats and Republicans alike. The taxpayers of the country must realize the inevitable fact that we can not have big preparedness without big appropriations, and we can not have big appropriations without having big taxation. If the people demand of Congress large and unparalleled increase of appropriations for militarism, Congress must of necessity demand of the people large and unparalleled increase of taxation. Taxes will yearly increase as long as the appropriations for the Army and Navy yearly increase. Taxes will never be reduced until appropriations for the Army and Navy are reduced.

Yesterday in debate and the day before I heard our colleagues upon the other side say-and I know it was said in the heat of debate and, perhaps, for political purposes, for their constituents at home-that but for Democratic extravagance in appropriations in the rivers and harbors bills, and in the public-buildings bills during Wilson's administration, not one dollar of additional taxation would have to be raised. Oh, my friends, there is not one word of truth in it, and when you reflect you yourselves know it is not true. On the contrary, even if we strike out the public-buildings bill which passed the House recently-and it has not yet passed the Senate, and not a dollar, even should the bill become law, will be appropriated for the ensuing fiscal year of 1918—if we were to strike out both the public-buildings bill and the rivers and harbors bill, neither of which has yet passed the Senate, and if Congress had accepted the amendments which Republicans proposed last session and are proposing at this session to the appropriation bills, we would be compelled to raise one hundred million dollars more than we are providing for in this bill. Every Republican here who has taken the time to reflect at all knows that. Let us see about this alleged Democratic extravagance in the rivers and harbors and public-buildings bills. If I make a mistake in any statement of fact, I want some Republican Member of the respective committees to correct me. The Democrats under Woodrow Wilson's administration, even if we include the rivers and harbors bill, which has just passed the House and has not yet passed the Senate, have economized by millions in appropriations for rivers and harbors, as compared with such appropriations under the Taft administration. The Congress during Mr. Taft's administration appropriated \$50,000,000 more, in its four years, than the Democrats, even including the rivers and harbors bill now before the Senate and not yet passed, have under Mr. Wilson's administration. [Applause on the Democratic side.]

Under Mr. Taft's administration for four years Congress authorized \$177,000,000 of appropriations for rivers and harbors, while the Democrats under Mr. Wilson's four years, including the bill that has not yet passed the Senate, appropriated, though the growth of the country and of commerce demanded more appropriations, only \$127,000,000. Ah, gentlemen, no Republican can be honest with himself and honest with this House and honest with his constituents and continue to make the charge that on account of extravagance in the rivers and harbors appropriation bill we are under the necessity of raising this revenue. One more fact. Let this be known by us here and by the people of the country who desire to know the truth, that of the \$127,000,000 appropriated by the Democratic Congress under Wilson's administration, including the last bill passed by the House and now in the Senate, more than five out of every six dollars go to complete or further projects to

which the Government was committed by Congress under Mr. Taft's and Mr. Roosevelt's administrations, and not under Mr. Wilson's. [Applause on the Democratic side.]

Less than \$20,000,000 of the \$127,000,000 that we appropriated

Less than \$20,000,000 of the \$127,000,000 that we appropriated in the last four years goes for new projects under the Wilson administration. I remind gentlemen that the rivers and harbors bill now in the Senate, which Republicans denounce, received in this House a majority of Republicans voting.

How about the public-buildings bill, for which Republicans denounce us? I want to state the facts, and then appeal to the conscience and the judgment of honest Republicans here and elsewhere to refute and condemn the charge, by whomever made, that the Democratic Congress has been wasteful and extravagant with respect to public-buildings bills.

Under Mr. Roosevelt's four years, when the country was not nearly so wealthy, when there was not nearly so large a population, when the demand and the necessity for public buildings were not near so urgent, there were authorized \$61,000,00 in public-buildings bills, while under Mr. Wilson's four years' administration up to this moment Congress has enacted into law no public-buildings bill; and if we assume that the bill recently passed by the House will pass the Senate—and I do not believe it will—theu we shall have appropriated only \$32,000,000. [Applause on the Democratic side.] Be it further known that this public-buildings bill, for which Republicans now denounce us, and which has not yet passed the Senate, received in the House an overwhelming majority of the Republicans voting.

What else? Under the four years of Taft's administration the Congress passed public-buildings bills amounting to \$75,000,000, two and a half times more than the total amount under the four years of Woodrow Wilson's administration, even if the \$32,000,000 public-buildings bill becomes a law. [Applause on the Democratic side.] Now, gentlemen, there is plenty of politics, and there are plenty of issues upon which gentlemen can display their partisanship, but it is not right, it is not square dealing, for Representatives of the people to stand here on this floor and denounce and charge one party with extravagance in rivers and harbors and public-buildings bills, or in any bill, without stating the whole truth. [Applause on the Democratic side.]

The gentlemen who made these charges ought in justice to themselves, in justice to truth, have the manhood to get up here and confess that they were wrong and admit that, certainly as compared with the bills under Republican administrations, there has been no extravagance in rivers and harbors and in public-buildings bills under Woodrow Wilson's administration, but most commendable economy. [Applause on the Democratic side.] But these appropriations, small as they are in comparison with the appropriations under the Taft administration and under the Roosevelt administration, are not responsible for a dollar of the tax which will be produced by the revenue bill of last session or the tax which will be produced by this bill if it becomes law. Now, gentlemen, the Republicans and Demo-crats alike are responsible for this unparalleled increase in "preparedness" appropriations; Republicans and Democrats "preparedness" appropriations; Republicans and Democrats alike are responsible for the necessity of producing additional revenue, but the difference between the Democrats and Republicans, as has been shown in this debate, and I fear will be shown in the vote, is that recognizing their joint responsi-bility of such increased appropriations the Democrats have the courage to share in or take the responsibility of providing means to defray them, while the Republicans run away and are too unmanly to stand here and help finance the very appropriations for which they voted and relieve the very financial situation they created. [Applause on the Democratic side.] I wish here to call their attention and to call the attention of the House and of the country to the fact that from the time the people, Republicans and Democrats alike, began to demand these huge increases of appropriations for "preparedness"-and they did not demand it until the war had made a slaughterhouse of Europe and had brought fright into the minds and hearts of all neutral people the world over-every time a bill has been presented to Congress to provide money to meet such preparedness appropriations the Republican Party on this floor has almost solidly voted against it. [Applause on the Democratic side.]

I want to call the attention of the country that while urgently demanding and persistently voting for the largest appropriations at any time suggested, the Republicans in this House, when confronted with the duty of financing them, have never yet been willing to sacrifice the cause of a protective tariff, the cause of the tariff barons, to the cause of their country's preparedness and defense. [Applause on the Democratic side.] They voted for them, but when it comes down to providing means for defraying the appropriations they say, "No; we will let the country go unprepared, even in the hour of impending

crisis, if by such preparation we must touch one jot or tittle of our tariff policy or cross for one moment the demands of our tariff-fattened favorites." [Applause on the Democratic side,] In order to rally "the boys" to the standard of Republican solidarity in the House our opponents abandon discussion of the merits of the pending bill, raise the old battle cry of "tariff and protection to American industries," and, to procure the required revenue, audaciously demand a return to the Payne-Aldrich Protective Tariff Act. Why try to fool anybody by such appeal and demand? Do you not know—yes; every minority Republican member of the Ways and Means Committee knows, absolutely knows, that it is absolutely impossible to raise the necessary amount of revenue to take care of the increased appropriations for preparedness by a protective tariff or by any tariff. [Applause on the Democratic side.] I am going to show it so clearly, to bring proof so incontestable, that not a Republican can deny or dispute it.

I ask the careful attention of gentlemen here, and I wish every man in the country, Republican and Democrat, could hear while I recount these facts. The largest amount of customs receipts and taxes ever collected in any one year under the Payne high protective tariff act, and all other revenue laws under the Taft administration, was \$663,000,000. This was the last year of the Payne Act and the Taft administration.

The estimates of appropriations for the fiscal year 1918, for which this Congress must appropriate, and for which Republicans will vote almost to a man, for the Army, Navy, and fortifications alone, are \$777,000,000. [Applause on the Democratic side.1

One hundred and fourteen millions more for Army, Navy, and fortifications alone for the next fiscal year than the biggest amount collected in any one year under the Taft administration from the Payne Tariff Act and every other source of taxa-

Let me repeat. The total amount of money collected from all sources of taxation during the life of the Payne-Aldrich Act, under the Taft administration, from customs receipts, Act, under the Tart administration, from customs receipts, corporation tax, from internal revenue, the tax on liquor, beer, and tobacco, from every kind of tax in the year 1912—13, the biggest collection year under Taft and the Payne Act, was \$663,000,000. The estimates of appropriation for 1918 for the Army, Navy, and fortifications alone for which this Congress will appropriate, and for which you Republicans are voting, is \$777,000,000—over \$100,000,000 more than the total amount of taxes raised from all sources in the best year. total amount of taxes raised from all sources in the best year of Taft's administration and the Payne Act. And yet with of Tait's administration and the Payne Act. And yet with that bald, stark-naked fact staring you in the face you have the audacity to attempt to fool the House, and attempt to fool the American people, with the statement that the way to finance this \$777,000,000 and the more than \$500,000,000 required for other functions of the Government is to have the Payne-Aldrich or some other protective tariff measure encoded.

Let me remind the gentlemen that the customs duties collected under the Payne Act, in its last year, was only

Mr. FORDNEY. Will the gentleman yield for a minute?
Mr. KITCHIN. Yes.
Mr. FORDNEY. It has not been so contended by any man speaking from this side of the House. Will the gentleman pardon me a little further?

Mr. KITCHIN. Yes.

Mr. FORDNEY. The proposition from the Republican side of the House has been—and I as well as others made that state-ment—that to provide for this increase in the Navy and the Army, and the money spent on the Panama Canal, it should be taken care of by a bond issue.

Mr. KITCHIN. Why, you do not say that in the report which you signed yourself and wrote yourself. You demanded a pro-

tective tariff to get the revenue. [Applause on the Democratic

Mr. FORDNEY. I pointed out to the gentleman in my remarks that if the rates of duty provided for in the Payne tariff law had been in effect last year they would have furnished an additional amount of \$248,000,000, the exact amount you proposed to raise from direct taxes in this bill. And that is as far as we went. [Applause.]

Mr. KITCHIN. And I have shown time and again on this floor

how impossible it was to raise that amount by your tariff. I hold in my hand the minority report, signed and written by the gentleman himself. I read:

To meet this deplorable condition of our National Treasury two radical courses should be followed:

Proper and rigid economy observed in all appropriations.
 A return to the sound fiscal system of four years ago—

[Loud applause on the Republican side].

Gentlemen, I trust that applause upon the part of his Republican colleagues does not mean the refutation of the statement relative to bonds which the gentleman solemnly made upon the floor a while ago. [Applause on the Democratic side.] In answer to the statement I made that they propose a return to the Payne-Aldrich or some protective tariff act for the production of revenue, after I have proved that it was impossible to do it, the gentleman gets upon this floor and deliberately says that Republicans do not ask that, that they ask for bonds with which to meet the revenue requirements. Republicans then applaud when I show that the ranking minority member of the Ways and Means Committee [Mr. FORDNEY] flatly misrepresented the position which he and his colleagues on the committee took less than 24 hours ago. I would have applauded that myself. [Applause on the Democratic side.]

I hold in my hands the minority report, filed yesterday morning, signed by J. W. FORDNEY, A. P. GARDNER, J. H. MOORE, W. R. GREEN, CHARLES H. SLOAN, NICHOLAS LONGWORTH, and G. W. FARCHILD, the minority members of the Ways and Means Committee, and it demands not bonds but a return to the Payne or some protective tariff act to meet the revenue requirements. We proved in the debate yesterday after the filing of that report that it was impossible to do this by a tariff, and to-day they realize that we have knocked them from that position, and now, for the first time, we hear a demand by the opponents of this measure for bonds to meet the preparedness

appropriations.

Mr. FORDNEY. If the gentleman will look at the date of the report, he will find that it was presented and printed on January 29, and not on yesterday.

Mr. KITCHIN. Mine is January blank. I never saw or received the report until yesterday morning.

Mr. FORDNEY. Get the report made by the minority members and you will find it was made and printed on January 29. Mr. KITCHIN. I have it in my hands. I said you changed your position in 24 hours, but we will make it that you changed your position in 48 hours.

Mr. FORDNEY. It does not make any difference—
Mr. KITCHIN. My point is—
Mr. FORDNEY. Will the gentleman yield?
Mr. KITCHIN. I will yield. Go ahead.
Mr. FORDNEY. Will the gentleman be fair? I have always been fair with you.

Mr. KITCHIN. Yes. Mr. FORDNEY. You You have misstated the statements and remarks from this side of the House when you make the statement that we have recommended that to take care of this extraordinary expenditure in the Army and Navy we propose to

raise it from a tariff law.

Mr. KITCHIN. That is what you have put in the report. That is what you demanded last session when the last revenue bill was pending by which to raise money for preparedness

Mr. FORDNEY. Nothing of the kind. It is the direct tax that we propose to offset that you have provided for in your bill.

Mr. KITCHIN. Look at that report. Is not that your name, the first to the report? Who forged your name to that? [Applause on the Democratic side.]

Mr. FORDNEY. Nobody. [Laughter.] And nobody but you is misrepresenting what I said in the report, either.

Mr. KITCHIN. Will you please, without omitting anything, read that yourself to the House?

Mr. FORDNEY. I will reply to you in my own time.

Mr. KITCHIN. Now, let me read exactly what you yourself said in that report which was filed exactly what you yourself.

said in that report, which was filed, as you say, on January 29, and show to the House how completely it repudiates and con-

tradicts your position and declarations to-day.

Mr. FORDNEY. Read it all, in order to be fair.

Mr. KITCHIN. Here is the way the gentleman and his mi-

nority colleagues say we should get this money. Remember every dollar of it is for preparedness:

A return to the sound fiscal system of four years ago, under which our national debt was gradually and substantially being reduced. Prudent national enterprises were being met and their expense paid. A safe and substantial surplus was maintained in the Treasury, and a reasonable protection to American industries maintained, which contributed largely toward full and constant employment at good wages to our labor, and gave a fair opportunity to American capital.

[Applause on the Republican side.]

They demand a return to the fiscal system of four years ago. What was that? The Payne-Aldrich Act. Let me read further from this remarkable minority report and settle this little dispute between the gentleman and myself. On the very first page which he himself wrote they

urge a return to the policy of economy and the immediate adoption of an adequate tariff law not only to provide a large amount of additional revenue but to afford protection to American industries.

[Applause on the Democratic side.]

There is not a suggestion or word about bonds from beginning to the end of the gentleman's report. Forty-eight hours ago you were going to meet the appropriations by a protective tariff, but now you are going to finance them by an issue of bonds. They have been telling the people that the only way to keep Japan from landing on the western coast, and France and Russia and Germany and Great Britain from landing on the eastern coast, after the European war is over and from conquering us and capturing you and me and our wives and children is to tremendously increase the military appropriations. You Republicans are scared, and you have been scaring the country, and yet you have not the manhood and the courage to help finance your own fright [applause on the Democratic side] but are so unmanly and so selfish that you wish to put that burden off on your children and grandchildren by a bond issue and make them pay the bonds. [Applause on the Democratic I would rather be branded a legislative idiot and stand for the impossible thing of raising the needed revenue by a protective tariff, for which up until to-day you stood, than to stand here, a legislative coward, insisting upon putting burdens on the shoulders of my children, for my benefit and my protection, which I am unwilling to put on my own shoulders. [Applause on the Democratic side.]

Be it remembered that these preparedness appropriations which Republicans now propose to finance by issue of bonds and force our children to pay are not war-time but peace-time ap-They will recur each year as other necessary propriations. expenses of the Government will, and if we continue to follow the war traffickers and jingoes, will increase each year. as their advocates claim, are our guarantors of peace. They are

intended to frighten other nations off.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that

the gentleman's time be extended.

Mr. KITCHIN. I think the gentleman from Michigan trenched on my time for some minutes. I do not know whether that is the way you can do it or not.

Mr. MANN. You can read the first paragraph of the bill and then get unanimous consent for 10 minutes.

Mr. KITCHIN. Well, let the first paragraph be read by the

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled—

TITLE I .- SPECIAL PREPAREDNESS FUND.

Mr. FORDNEY. The gentleman's time might be extended. The gentleman was very fair with me and gave me more of his time than he disposed of on his side. I ask unanimous consent that the gentleman from North Carolina may—

The CHAIRMAN. The committee has no power to change

the time that has been fixed. The Clerk has read the first

paragraph

Mr. KITCHIN. I move to strike out the last word. Mr. MANN. The Clerk did not read all of the first paragraph.

Mr. KITCHIN. Let the Clerk go ahead.
The CHAIRMAN. The Clerk will read the first section.

The Clerk read as follows:

TITLE I .- SPECIAL PREPAREDNESS FUND.

TITLE I.—SPECIAL PREPAREDNESS FUND.

Section 1. That the receipts from the tax imposed by Title II and one-third of the receipts from the tax imposed by Title III of this act shall constitute a separate fund in the Treasury to be used only for the expenditures incurred under the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916; the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916; and the act entitled "An act making appropriations for fortifications and other works of defense, for the armanent thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," approved July 6, 1916, or any other act or acts subsequent thereto making appropriations for Army, Navy, or fortification purposes. In addition to such receipts from the taxes imposed under Titles II and III of this act, there shall be credited annually, beginning with the fiscal year ending June 30, 1918, to such separate fund, the sum of \$175,000,000, such sum being the estimated additional revenue to be derived under the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, in excess of the revenue to be derived under then existing laws: Provided, That the Secretary of the Treasury may use such fund for other purposes, but such fund shall be relimbursed for any portion thereof so used.

Mr. KITCHIN, Mr. Chairman, I stated a moment ago that

policy of the Republican Party, the Democratic Party, or any other party that has ever written a tariff. If you could com-bine the policies of all parties on the tariff you could not get more than \$400,000,000 of revenue from it, while, on account of the enormous increases, the appropriations for preparedness alone at this session will be \$777,000,000. I have shown you that preparedness of itself will cost annually \$114,000,000 more than the total amount of revenue that was ever collected in any one year from all sources of taxation, including the Payne Tariff Act, under Republican administration, or any administration, up to 1915. If we add to that the \$160,000,000 to be appropriated for pensions, we have a total annual appropriation for preparedness and pensions alone of \$937,000,000, which is \$274,-000,000 more than the total amount of taxes collected from all sources in 1913, the biggest collection year of the Payne Act, and the Republican administration. In addition to the pension and preparedness appropriations, about \$450,000,000 are required for other functions of the Government. Let me again put this further fact in the RECORD, a fact that I emphasized day before yesterday: If in each of the four years under the Taft administration and the Payne Tariff Act and all other then existing revenue laws Congress had appropriated as much for military preparedness as Congress, according to the esti-mates and demands of the administration, will appropriate this session, and the Republicans will vote almost to a man for them, or as Congress appropriated last session, for which the Republicans voted, Taft would have turned over to Wilson the very day he was inaugurated a bankrupted Treasury, with a deficit of \$2,114,000,000! [Applause on the Democratic side.] And yet the Republicans are trying to fool the country into the belief that they could finance preparedness by a protective tariff!

Our opponents argue with us, and when we are not convinced they threaten us, and in their threats they discredit the humanity, the integrity, and the patriotism of the honest manufacturer and business man of this country. In a half dozen speeches made yesterday by Republicans in this debate we are given notice that if we do put this tax upon the profit makers, if we do put this tax upon the manufacturers, who are making more profits than ever before in the history of American industry, these manufacturers and business men will not pay a cent of it, but that they will deliberately shift it to their labor. How can they shift it to their labor? Either by increasing the hours of labor, by reducing the wages of labor, or by increasing the price of the necessities of life which labor must have in order to live. [Applause on the Democratic side.] The Republicans, in the name of the business men and manufacturers, make the bold challenge that if we dare to touch even a penny of the immense pile of wealth and profits which in the last four years of the Democratic administration the business men and manufacturers have piled up they will make labor pay every dollar of it back to them. The Republicans have them saying to their labor, "We know that the cost of living to you and your wife and children is higher than ever before; we know that the dollar your daily toil earns will buy less than ever before; we know that your increase of wages has not halfway kept pace with the increased cost of living; we know that you never clam-ored a moment for these increased appropriations for preparedness; we know that we, your employers, did clamor, dld demand the enormous appropriations. We notify you and we warn the Democrats that, while from your loyal toil and sweat we have piled up our billions of wealth and profits, if the Democrats pass this bill our Government shall not take one penny from that pile, but we propose to shift to you the payment of every cent of the tax proposed to finance the country's defense

Were I a Republican I would rather abandon every policy of my party, even protection, than to put my party in the position of bringing such an indictment of cruelty and inhumanity against the honest, patriotic business man and manufacturer of

our country. [Applause on the Democratic side.]
Gentlemen, I want to say to the business men and manufacturers of this country that I, the Democratic chairman of the Ways and Means Committee, have more confidence in your patriotism, in your humanity, in your integrity, in your sense of justice than have these Republican gentlemen who so indict you. [Applause on the Democratic side.] I want to say to you that I believe a majority of the business men and manufacturers in this country who demand these increased appropriations are honest enough, patriotic enough, have a sense of fairness and equity enough to willingly pay this small tithe of their immense profits. In the name of the humanity and the integ-Mr. KITCHIN. Mr. Chairman, I stated a moment ago that it was absolutely impossible to raise this revenue by any kind of a tariff that may be written in accordance with either the against them. [Applause on the Democratic side.]

Now, gentlemen, the plain question before the House is, How shall we procure the required amount to meet the big increase

of preparedness?

Two propositions are presented. One is the Democratic proposition—a tax upon excess or surplus profits. The other is the Republican proposition—restore the protective tariff. the proof is conclusive that such a tariff would not produce the required amount; but let us assume that it will. sition the Republicans insist that the tax should be levied on consumption, on the necessities of life; that it should be levied on tea and coffe and flour and meat, on hosiery and underwear, on blankets and clothing, on hats and shoes-on everything that people must eat, drink, and wear to sustain life. cost of living is higher than ever before, though the advance in wages has not halfway kept pace with the advance in the cost of living, though the purchasing power of the dollar, and especially the dollar of the wage earner and the widow and the orphan is less to-day than ever before, they insist by their proposition that the cost of living should be made higher, that the purchasing power of the dollar should be reduced still lower. They insist that, though the wealth accumulators of the counthe big business men and manufacturers-demanded and forced these huge appropriations they shall be exempt from taxation to defray them.

They insist that—though the big business men and manufacturers are making the most enormous profits in the history of industry-the whole burden of this tax shall be shifted from them to the people, and especially to the wage earner, and that by the inevitable operation of their proposed protective tariff these same manufacturers shall be enabled to increase, out of the necessities of the people, their already swollen profits. In other words, they insist that those most able to pay shall be exempt from any tax and that those least able shall be made to pay it; that from those who have not it shall be taken, and to them who have it shall be given. That, sirs, is the Republican

In these days of the high cost of living we Democrats felt that would be an act of inhumanity to force by law that cost still higher by putting the required tax upon the necessities of lifeupon what the people must eat, drink, and wear. [Applause on the Democratic side.]

We knew that such a tax would fall most heavily on the mechanics, the wage earners, the widows, and orphans.

According to the most available statistics, the clear net profits of partnerships and corporations taxable under this measure ex-

ceed annually \$5,500,000,000.

Of these immense profits over \$3,500,000,000 are exempt from the tax by the deduction or exemption provisions of the bill. The tax only attaches to the \$3,000,000,000 in excess of these

Rather than force those who make no profits, who accumulate no wealth, who have no excess over the bare means of existence to pay for these big appropriations by a tax upon their necessities of life we concluded that the most just, the most humane, and the least burdensome way was to take from these billions of excess profits a small part to help prepare our country to defend itself against foreign invasion, to help prepare our country to protect, in the hour of danger, the very wealth that produces these billions of profits and which Republicans insist should be exempt from all taxation. [Applause on the Democratic side.] That, sirs, is the Democratic proposition, upon which we appeal

to the House and the country for judgment.

In preparing and advocating this bill I will tell you what was in my thought and how I personally felt. I knew that not one officer in a hundred of a corporation, not one member in a hundred of a partnership that will pay one penny under this bill will ever enlist, in time of war, as a private soldier to defend his country. I knew, too, that when war came it was the men who accumulate no wealth, who make no excess profits that at the bugle's first sound would go to the front. These are the men who are going to be called upon in the dangerous hour of the country's destiny to sacrifice, not income, not profits, but blood, and limbs, and lives. [Applause on the Democratic side.]

And I said to myself that as long as I was a Member of this

House, these men, so far as I could prevent, should never be taxed one penny to prepare this country for war, but I would try by law to make it the duty of wealth to furnish in times of peace the instruments with which in time of war the brave boys from field and factory and mine and counter, who have no wealth, who make no profits, will be called upon to defend not only their country, but that very wealth. [Applause on the Demo-

cratic side.]

If it be the right thing for these patriotic men who are unable to make profits, who are unable to accumulate wealth, to go out at the trumpet's call and pay in time of war with their blood and their limbs and their lives their country's demands, it is only right that the men who accumulate large wealth, who make large profits, and who in the time of danger will never face the enemy, shall pay, in time of peace, out of their incomes and profits for the ships and guns with which these brave, loyal defenders of their country must fight. [Applause on the Democratic side.1

Let me say to my Democratic colleagues who, like myself, oppose the large and extravagant increases in appropriations for military preparedness that we can not, as some claim, reduce or prevent further increases in such appropriations by the defeat of this bill. I know that these enormous appropriations are going to come in spite of my and your protest, in spite of my and your efforts. You and I can not prevent them. Now, it is up to us. Do you want to defeat this bill and force an extra session, and encourage the Republicans to believe or hope that in the next Congress they can get enough protective-tariff Democrats to join with them and foist again a high protective tariff upon the country? Fellow Democrats, can you afford to help them do it? I, like many of you, am against this big, unparalleled program for preparedness. They can not build the ships authorized in 10 years, and before they build the last ones the first will be obsolete. I am against it, but I can not prevent it. But if I can not prevent it, I do want to have some say as to how the taxes are to be levied with which to pay for that program. [Applause on the Democratic side.]

I know that if this bill is defeated it will mean an extra session. I know that tariff-reform Democrats, like most of you, will have little or no say-so in the writing of a revenue bill at an extra session, because enough Democrats can be secured then to join with the solid vote of the Republicans to put upon the statute books the highest and most oppressive tariff ever written. You can not afford to do it. We, you, are to decide which of the two propositions you will stand for—the Republican proposition to tax consumption, the necessities of life, or the Demo-cratic proposition to tax the surplus profits of wealth. Who proposes to tax consumption? A solid Republican Party in this House. They have drawn this aisle with a chalk line, and the party lash never cracked so loudly and effectively as during the last two days to drive every Republican into line to vote against this bill in the hope that a protective tariff may come. Ah, gentlemen, if the Republicans can be so loyal to their policies and principles, in God's name why can not the Democrats be as loyal to theirs? [Applause on the Democratic side.] The proposition which they present has back of it the solidarity of the Republican Party in this House and this country. It has back of it every man who opposed the Underwood bill; it has back of it everyone who opposed the enactment of the income tax; it has back of it every man who opposed the inheritance tax; it has back of it every man who opposed the revenue measure of last year, so just and so wise that 40 Republicans-for the first time in the history of revenue legislation-broke ranks and voted for it. The same influences that have fought the Demo-cratic Party in every step it has taken in its long march for revenue reform are fighting this bill; and, fellow Democrats, you can not afford to line up and touch elbows with the solid Republican phalanx that in the defeat of this bill see an opportunity to restore their revenue policies to the statute books. [Applause on the Democratic side.]

Let me say to you that for weeks, for months, night after night and day after day, the 14 Democratic members of the Ways and Means Committee looked down every possible avenue for revenue. They considered every subject, every method of taxation suggested inside and outside the Capitol. moned to the task before them all their industry, all their wits, all their wisdom, and finally concluded unanimously that this bill was the wisest, the most equitable, and the least burdensome of all methods of taxation suggested.

While I have reminded you of the opposition to this bill, I want to say that every Member in this House who is a friend of revenue reform, a friend of the income tax, a friend of just taxation, should be a friend of this bill and should vote to put the tax on those the best able to bear it and not upon those the least able to bear it. [Applause on the Democratic side.] I want to tell you that the widows and orphans, whose income from their money loaned is not over half as large as the 8 per cent exemptions, are friends of this bill; every man that labors, every mechanic, every workman on the farm, in the shop, in the factory, in the mine, or elsewhere who gets his living by daily toil and does not want his dollar reduced in its purchasing power over the necessities of life is a friend of this bill. The Democratic Members on the Ways and Means Committee are united behind the bill. The membership of the Democratic caucus is for the bill, and the great Democratic administration,

the President, the Secretary of the Treasury, heartily indorse

this bill. [Applause on the Democratic side.]

My Democratic friends, reconsider, take the second thought, do not do the rash thing and go against the people, the wage earners, the orphans, the widows, the whole membership of the Ways and Means Committee, the Democratic House, the Democratic administration, and join hands with our Republican friends and thus encourage them in the hope by the defeat of this measure that they can hereafter destroy the policies you have been fighting for all your lives. [Applause on the Democratic side.]

I was in hopes-I know now by this debate it can not be that every man in the House, Republican and Democrat, in his vote on this important measure could forget his political partisanship and let the patriotic instincts of the loyal American heart inside of this Capitol predominate over the demand of commercial avarice outside of this Capitol. [Prolonged applause

on the Democratic side.]

Mr. MANN. Mr. Chairman, I might remind the Chair that although the clock at the Chair's desk may have stopped the

clock over the Chair's head is still running.

The CHAIRMAN. With the permission of the gentleman the Chair would like to make a statement. It was apparent to the Chair that the House desired that the gentleman from North Carolina might be able to complete his remarks. waived an hour and a half due his side in general debate, and while the Committee of the Whole House on the state of the Union can not increase the time for general debate during the reading of the bill he was given 10 minutes, and it seemed to the Chair that it would expedite matters and be in accord with the plain desire of the committee if he was not interrupted exactly upon the expiration of 10 minutes and so the Chair somewhat extended the time.

Mr. MANN. It is not the duty of the Chair to extend the time on his own motion, though I did not call attention to it for that purpose, but I do not desire the Chair to let me run on

ad libitum.

Mr. FITZGERALD. I hope he will not.

Mr. MANN. Mr. Chairman, I speak with considerable difficulty owing to a slight physical ailment, and shall address the House for only a very few minutes. Permit me to suggest to the Democratic side of the House in response to a statement made by the gentleman from North Carolina [Mr. Kitchin] that the party whip or the party lash has not been used upon the Republican side of the House in connection with this bill. [Applause on the Republican side.] The party lash on the Republican side of the House is seldom effective, whether an effort be made to use it or not. We appeal to the intelligence of Members, we do not depend upon orders from the White House for our way of thinking. [Applause on the Republican side.] We do not depend upon the gentleman from North Carolina to crack the whip as he has just been endeavoring to crack it, with a sad appeal to his side of the House. We endeavor to be patriotic, we endeavor to do the thing which we believe is for the best interest of our country and our people, and we have had no occasion this time even to make any special appeal of any kind, because some of the provisions in the bill pending before us are so bad that nobody would be for them except under the stress of partisan administrative appeal, and that does not appeal [Applause on the Republican side.]

Mr. Chairman, we could raise a large portion of the additional money needed in this time of emergency by additional revenue legislation. We are met with an emergency. We appreciate the fact that there is an emergency in the country that is the cause of the preparedness legislation. We foresaw it ahead of you gentlemen on the other side of the aisle. You are merely catching up with us. Everyone in the country recognizes the fact that there is some emergency at the present time in the world and in this country. A majority of the people of the country have believed in putting the country in condition for defense and for protection of its rights. This requires additional legislation. The gentleman from North Carolina [Mr. KITCHIN] said he did not believe in the issuance of bonds for the purpose, because he was not willing to pass on to his children the payment for preparation now in the present emer-I have been taught to believe by experience and observation in life that the greatest value that comes to a man or a concern, and it applies also to a country by acquiring good credit, is the power to borrow money in a time of emergency to tide him over. The gentleman from North Carolina says that fortifications are temporary, not permanent; that the construction of battleships to-day is purely temporary. Of course, they are not permament, though they last over a series of years. He is opposed to the issuance of bonds that we might properly issue to prepare for the present emergency, and which we could The gentleman from North Carolina [Mr. Kitchin] speaks of

take care of during a series of years by additional revenue raised from a proper protective tariff. [Applause on the Republican side.] But, Mr. Chairman, think of the irony of the gentleman from North Carolina when he states that he is opposed to the issuance of bonds to construct permanent fortifications, to provide permanent improvements in the Navy, to provide battleships which last for a series of years, and then says he is in favor of the issuance of bonds that our children and grandchildren must pay for the benefit they will receive from our fiasco in Mexico! [Applause and laughter on the Republican side.] He proposes an issue of bonds to the extent of \$162,000,000 to pay past expenses for what? Our little trouble on the border of Mexico. What benefit will your children get from that? He proposes that your children shall pay for that benefit by the issuance of bonds. "Consistency, thou art a jewel"-never known on the Democratic side of the House. [Applause and laughter on the Republican side.]

Mr. FORDNEY. Mr. Chairman, I move to strike out the last word. First, in reply to the remarks made by the gentleman

from North Carolina

Mr. KITCHIN. Mr. Chairman, before the gentleman begins. can we not have some understanding that we shall vote on this

paragraph after the gentleman is through?

Mr. FORDNEY. Personally I do not want more than 5 or 10

Mr. BUTLER. How long would the gentleman like? I have listened to the gentleman from North Carolina for 25 minutes under an extension of 10 minutes,
Mr. FORDNEY. The gentleman from North Carolina was

very fair about the time on yesterday.

Mr. KITCHIN, Mr. Chairman, I desire to say to the gentleman from Pennsylvania and to others that it was understood by the gentleman from Michigan that I should have a little longer time to-day, because yesterday the other side was ahead by two

Mr. BUTLER. I am not objecting to it.

Mr. KITCHIN. I am willing that the gentleman from Michigan shall have all the time he wants, but I do desire to begin the consideration of the bill under the five-minute rule, as was agreed on yesterday, just as soon as the general debate was over.

I am willing that the gentleman shall have what time he desires.

Mr. MANN. Mr. Chairman, permit me to make a statement to this side of the House. There was a suggestion made that general debate should be limited and closed earlier than it was. Of course, the gentleman from North Carolina [Mr. KITCHIN], if he had the votes, and probably he had them, had the power to close debate. General debate ran along through yesterday, and the gentleman from Michigan [Mr. FORDNEY] and myself agreed to expedite the consideration of the bill as far as we could reasonably, without cutting off the rights of Members on this side of the House to offer amendments and to discuss the bill. We have no desire to delay, and only desire to protect our rights. I have never known gentlemen upon this side of the House to abuse that privilege.

Mr. KITCHIN. I suggest to the gentleman from Michigan that he proceed and take whatever time he desires, and after that let both sides try and hurry the matter along under the five-minute rule without using any more time than is necessary.

Mr. FORDNEY. I shall not take more than 10 minutes. The CHAIRMAN. Is there objection to the gentleman from Michigan proceeding for 10 minutes? [After a pause,] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman from North Carolina have any one on his side to reply to the gentleman from Michigan? Mr. KITCHIN. No.

Mr. MOORE of Pennsylvania. Because if he has I would like to have five minutes

Mr. KITCHIN. Oh, no; we will go right into the five-minute

Mr. MOORE of Pennsylvania. The gentleman is going to close after this on this paragraph?

Mr. KITCHIN. Yes.
Mr. FORDNEY. Mr. Chairman, I want to call the attention of the members of the House to the fact that I do not believe the gentleman from North Carolina [Mr. KITCHIN] or any Member on the Democratic side of the House can point to anything in any revenue legislation that has been passed by the Democratic Party in the last four years that gives any encouragement to any industry in the United States, or to American labor.

First. They passed the Underwood tariff law reducing the duties on imports, which discouraged both capital and labor in the United States and encouraged both capital and labor abroad.

the extravagance of the Republican Party and the great economy of the Democratic Party. Let me call the attention of the gentleman to the situation to-day. There has been no increase in the Army or the Navy, notwithstanding the fact that such laws have been put upon the statute books by our Democratic friends, authorizing an increase both in the Army and the Navy. There has been no substantial increase in either, yet when the Republican Party went out of power March 4, 1913, let me repeat, that over and above all the liabilities of this Government they left in the Treasury \$130,000,000 for the Democrats to use in their coming extravagance.

In addition to that the Democrats sold and received \$12,535,000 from the proceeds of the sale of two battleships to Greece, which money went into the general fund on the 10th day of July, 1914. In addition to that there has been returned to the Treasury of the United States, under the provisions of your revenue laws enacted last year, stamps to the extent of from three to five million dollars which have not been redeemed and not any acknowledgement of a remittance has been given since November last by the Treasury Department. Again, there is \$5,000,000 of Treasury certificates outstanding, a liability of the Government. \$130,000,000 to those items and you have a deficit of \$187,000,000 in four years. That is the situation of the Treasury to-day. addition to that, as was pointed out yesterday by myself, if we had had the Payne-Aldrich rates of duty in effect since the operation of the Underwood tariff law you would have collected, in round numbers, \$515,000,000 more from customs duties than you have collected [applause on the Republican side], making a total deficit in those items mentioned to-day of \$702,535,000 since you came into power. You have not met any extraordinary expenditure of Government. What have you done with this surplus? If you had permitted to remain upon the statute books the Republican wise revenue laws you would have no occasion for this law which my good friend from North Carolina has so eloquently appealed to the Members on that side of the House to [Applause on the Republican side.] If that is not a party whip, what is a party whip? There has not been a suggestion made by any man to my knowledge on this side of the House that a single man on the Republican side of the House should be influenced to vote for or against this measure. [Applause on the Republican side.] I believe, I firmly hope, that there is not a Republican or a Progressive on this side of the aisle who will stultify himself by voting for this damnable meas-[Applause on the Democratic side.]

Mr. KELLEY. Will the gentleman yield? Mr. FORDNEY. I yield to the gentleman. Mr. KELLEY. I would like to inquire of my colleague how

much revenue could be raised by an increase of 10 per cent on

the Underwood rates?

Mr. FORDNEY. If the gentleman means a sliding scale of 10 per cent on all articles on the free and protected list as provided for in the Underwood law, based on imports of last year, we would have collected \$248,000,000 more than has been col-

Mr. HELVERING. Will the gentleman yield?

Mr. FORDNEY. I do.

Mr. HELVERING. Is the gentleman in favor of that propo-

Mr. FORDNEY. Oh, no; I will show to the gentleman what I am in favor of before we finish this bill, good sound Republican legislation [applause on the Republican side] which you have [Applause on the Republican side.]

Mr. SMITH of Michigan. Will the gentleman yield? Mr. FORDNEY. I will.

Mr. SMITH of Michigan. The gentleman is on the Ways and Means Committee, is he not? Mr. FORDNEY. Yes, sir.

Mr. SMITH of Michigan. Was this bill ever considered by

your committee before being reported?

Mr. FORDNEY. The Republican members of the Ways and Means Committee were never called together until the bill had been introduced and a report made and placed in their hands, two days before, in which this Democratic report stated, "Your committee reports back to the House this bill without amend-[Applause on the Republican side.] When the chairman presented that bill for consideration in full committee I made the statement that it was nonsense to spend any time considering it, owing to the statement in their report made two days beforehand, and a vote was immediately taken, and it was a strictly party vote, all Republicans voting against a favorable report on the bill. We are complaining, gentlemen, not of the increase in the Army and the Navy. We do not refuse to join you in some equitable method of raising revenue to meet the additional enormous expenses, as we have stated on the floor of the House; and I repeat, as far as I am person-

ally concerned, we are ready to join and vote for a bond issue for these extraordinary increases in our Navy and for the money spent on the Panama Canal that will be enjoyed by our children and our great grandchildren, and it is only fair that that great and enormous expense should be placed on some future generations, in view of the fact that your appropriations for general expense of this Government is greater by hundreds of millions of dollars than the appropriations of any previous Congress in the history of the Republic. [Applause on the Republican side.] Your nitrate plant, your armor-plate plant, your ship-purchase bill, and a whole lot of other absolutely unnecessary expenditures at this time are absolutely nonsensical when you are busted financially. [Applause on the Republican side.] That is what we are complaining about.

Mr. HELVERING. Will the gentleman yield? Mr. FORDNEY. I will.

Mr. HELVERING. The gentleman made a statement a few moments ago that not a single bill had been passed by a Democratic Congress which would prove a help to business in any

Mr. FORDNEY. A revenue bill; no revenue bill.

Mr. HELVERING. Let me ask the gentleman-

Mr. FORDNEY. Yes.

Mr. HELVERING. Did the gentleman see the report of the commission or league for foreign trade which met in Pitts-burgh on last Saturday which indorsed the shipping bill which the gentleman just mentioned?

Mr. FORDNEY. Is the shipping bill a revenue bill?

Mr. HELVERING. The gentleman said legislation— Mr. FORDNEY. I am talking about revenue bills and said revenue bills, and I say if I had a 10-year-old boy who was fool enough to propose to establish a merchant marine under existing conditions as a business proposition, I would put him over my knee and paddle better sense into his head. [Applause on the Republican side.]

Will the gentleman yield?

Mr. HELVERING. Will the gentleman yield?
Mr. FORDNEY. Yes; I will yield.
Mr. HELVERING. And at the time the shipping bill was being considered the gentleman stated that he would rather put upon the people of this country a subsidy.

Mr. FORDNEY. I never said anything of that kind in your presence or in any other man's presence.

Mr. HELVERING. I want to be fair to the gentleman.

Mr. FORDNEY. I never voted for a subsidy bill in this House; never. I would favor a subsidy if all conditions were favorable. I have opposed it on the lines on which it was presented. But let me say to you, my friend, my objection to the shipping bill, as I point out now, and I will not take too much time of the House, is that abnormal conditions all over this world prevail, and neither an American citizen, the Government of the United States, nor any man on earth can buy a ship made in this or in any other country at less than four times its normal value at this time. As I pointed out the other day, I knew of two ships that were built 10 years ago, one of them, and the other 12 years ago, at a cost of less than \$250,000 each. One of them has been recently sold for \$1,000,000 cash and the other for \$1,300,000 cash.

The CHAIRMAN. The time of the gentleman has expired. Mr. FORDNEY. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. FORDNEY. I pointed again that the proprietors of the great shipyards of this country came before the Committee on the Merchant Marine and Fisheries and stated that 90 per cent of the cost of construction of a ship is labor, and that our labor is from two to ten times higher than the skilled labor in the shipyards of any other country in the world, and that alone is a bar to the building in this country of ships to go into foreign trade.

In addition to that extra cost, our marine laws, as I have pointed out, provide that all officers must be American citizens, and although it is a fact that our shipowners can go into other countries of the world and employ the balance of their labor, our labor laws and regulations make it impossible to do that, for the reason that the officers on board a ship under our flag will not work with a foreigner until he receives the American scale of wages.

And again, there is not an important country in the world, except the United States, that does not pay a subsidy to her ships. And with that difference in the cost of construction, and the great additional cost of labor in operating, and the subsidy received by the competitor, it is impossible for an American citizen or the United States Government to engage in foreign shipping to-day in a successful manner. That is my objec-

tion. [Applause.]

And I say that your \$50,000,000 appropriated to purchase ships at this time, when the whole world knows the conditions are abnormal in cost of living, in cost of production, and in every cost all over the world, is nonsense. These plants that you have proposed you could well defer until a time when you could raise revenue.

We object to your direct tax, gentlemen. That is the difference between the Republican Party and the Democratic method of raising revenue to meet the normal or the ordinary running expenses of the Government. We propose a protective tariff law that will build up our institutions in this country and furnish employment to American labor, in order that that American labor and our American citizens will have more purchasing power to buy the agricultural and manufactured products produced in this country, instead of encouraging both capital and labor in foreign lands. [Applause on the Republican side.]

The CHAIRMAN. Without objection, the pro forma amend-

ment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

TITLE II .- EXCESS-PROFITS TAX.

SEC. 200. That when used in this title—
The term "corporation" includes joint-stock companies or associations, and insurance companies;
The term "United States" means only the States, the Territories of Alaska and Hawaii, and the District of Columbia; and
The term "taxable year" means the 12 months ending December 31, except in the case of a corporation or partnership allowed to fix its own fiscal year, in which case it means such fiscal year. The first taxable year shall be the year ending December 31, 1917.

Mr. MOODE of Ponysylvania, Mr. Cheirmenn I move to strike

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

It was stated recently by the gentleman from North Carolina [Mr. KITCHIN] that Republicans are as much responsible for this legislation as are the Democrats; that they are responsible for the preparedness agitation equally with our friends upon the other side. He has overlooked a number of very material facts, to which I desire to call the attention of the committee.

Our President was the original peace President, so far as the present agitation for preparedness is concerned. It will be recalled that the fires had to be burned under the President of the United States before he became an advocate of preparedness. One or two of his earlier messages in this House declared for peace, and I am inclined to think that those addresses converted a number of Democrats to the theory of peace, to a firm and abiding faith in the peace policy. But a change came over the dreams, even of the President of the United States, and on December 7, 1915, he came into this House and, addressing the Members of the Senate and House, said in support of a plan for the armanent of the United States and for the increase in the Navy and military forces:

The obvious moral of the figures is that it is a plain counsel of prudence to continue all of the present taxes—

That is to say, the direct taxes that were levied because the customs taxes had failed, owing to the Democratic tariff lawor their equivalents, and confine ourselves to the problem of providing one hundred and twelve millions of new revenue rather than two hundred and ninety-seven millions.

The President was confronting a condition that was not anticinated when the customs revenues were cut down. If was a condition for which Republicans were certainly not alone responsible. The country had been talking about preparedness when the President was talking peace. The President drifted into the preparedness business in response to a sentiment that had been gradually arising in the country. When at last the President turned to preparedness the Government was financially embarrassed, and so the President, finding himself unable to proceed with his program, put the usual question:

How shall we obtain the new revenue?

It was the usual Democratic question.

We are frequently reminded-

Said the President-

that there are many millions of bonds which the Treasury is authorized under existing law to sell to reimburse the sums paid out of current revenues for the construction of the Panama Canal, and it is true that bonds to the amount of approximately \$222,000,000 are now available for that purpose. Prior to 1913 \$134,631,980 of these bonds had actually been sold to recoup the expenditures at the Isthmus, and now constitute a considerable item of the public debt.

The President knew he had authority to issue bonds to meet the then existing indebtedness, but the President did not want to issue bonds, because he said:

But I, for one, do not believe that the people of this country approve of postponing the payment of their bills. Borrowing money is short-sighted finance. It can be justified only when permanent things are to be accomplished which many generations will certainly benefit by and which it seems hardly fair that a single generation should pay for. The objects we are now proposing to spend money for can not be so

classified, except in the sense that everything wisely done may be said to be done in the interest of posterity as well as in our own. It seems to me a clear dictate of prudent statesmanship and frank finance that in what we are now, I hope, about to undertake we should pay as we go. The people of the country are entitled to know just what burdens of taxation they are to carry, and to know from the outset, now. The new bills should be paid by internal taxation.

I repeat, the President did not want to issue bonds: he told the Congress how his new internal revenue was to be raised. It was to be raised by taxing gasoline, by taxing the horsepower of automobiles, by taxing internal-explosion engines, and by taxing bank checks.

The Democratic Party, and particularly the present floor leader of the party, did not agree with the President as to the new forms of taxation which the President suggested. Democratic leader, however, did then agree with the President, as he does agree with the President now, that no bonds should be issued—but bonds are to be issued. The time has come when, in the ordinary course of events and under the conditions of delinquency that prevail, the President of the United States and the Democratic leader both are obliged to come to this House and to the country and to succumb to the issuing of bonds. It is the last blow, but they have to come to it.

The CHAIRMAN. The time of the gentleman from Pennsyl-

vania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to continue for three minutes. Is there objection?

There was on objection.

Mr. MOORE of Pennsylvania. Who was it that brought about this new condition in the Congress of the United States? What part did the President play in it? The President himself started on a preparedness journey over this country in January of last year, just one year ago. He toured the country, not in the interest of peace, which he had previously advocated in this House, but he toured it in the interest of preparedness. The gentleman from Oklahoma [Mr. Ferris] yesterday indicated that we on this side of the House were responsible for this.

Mr. FERRIS. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Pennsylvania

yield to the gentleman from Oklahoma?

Mr. MOORE of Pennsylvania. I can not in three minutes. The President started this agitation in New York on January. He imbibed the warlike spirit there. Then, next he spoke in Pittsburgh, where he found the country in great danger. At Cleveland the sparks of the great conflagration were beginning to fly all around. Then he went on to Detroit and to Chicago and Des Moines and Kansas City and St. Louis, and by the time he got back to Washington he was thoroughly convinced that the whole country was on the verge of a volcano and that we must prepare for war.

My friend from Texas Mr. Dies over there did not agree with him then. I do not know whether he agrees with him now or not, because the gentleman from Texas was a consistent advocate of peace. But the President of the United States drove the people of the country into the thought that we must have a

larger Army and a larger Navy in the United States. Still the President did not want to issue bonds. He did not want to go down in history alongside of the only two Presidents who ever did issue bonds to meet the current expenses of the Government. But this bill as presented by the able gentleman from North Carolina [Mr. KITCHIN] does at last put the President in the historic group of bond-issuing Presidents. He stands now with James Buchanan, the first Democrat who was obliged to issue bonds to meet the current expenses of the Government, and with Grover Cleveland, the second President who was obliged to issue bonds for the same purpose. So, gentlemen, we have the "trinity of Buchanan, Cleveland, and Wilson," the three Democratic presidential proofs of the incompetency of the Democratic Party to run this Government in times of peace without issuing bonds to pay the current expenses. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Pennsyl-

vania has again expired.

Mr. DIES. Mr. Chairman, if I vote for this bill, as I may do, it will not be because I am for the bill, because it is as bitter a pill, if I swallow it-and I never know when my stomach is going to rebel against a bitter pill—it will be the bitterest pill I have ever swallowed in this House. [Applause and laughter on the Republican side.] Not that I have any sympathy with your objections to it over there. [Laughter on the Democratic side.] My objection to this bill is because it proposes to raise money to increase the expenditures for the Army and the Navy and fortifications, which I think are large enough already.

When the fortification bill came on I did not find any Republicans to speak of that were against it. You were pushing us into that expenditure. The debate on this bill has conclusively shown to me that you want to appropriate the money, that you are going to vote for the Army increases and for the Navy increases. You are not in sympathy with my position, which is that the money is to be worse than wasted. You give me no encouragement in my effort to prevent this great peaceful Republic from being converted into a military Government. You are pushing preparedness advocates on this side of the Chamber into every sort of expenditure.

Your objection to the bill is that you do not want the money to be taken from the pockets of the wealthy. You want it to be taken by a consumption tax. You do not want to tax a man in proportion to the wealth that he owns in this world, but in proportion to the shoes and clothes and raiment and food that

he wears and eats.

If I vote for this bill, it will be to prevent you from inflicting upon this Government a tax not according to the wealth of the people, but according to their wants. [Applause on the Democratic side.] If you can show me the slightest prospect of holding the Army and the Navy bills down to the appropriations of last year, there is not any force in this world to make me vote for this bill to raise revenue to increase those appropriations. But you have notified me and you have notified the country that you intend to vote for the Army and Navy increase, and between you and me there can be nothing in common, because you want to raise the money by means of a protective tariff and I am opposed to that way of raising the revenues to run this Government. I would rather take the money to be raised by this bill and carry it out into the ocean and dump it there than to spend it to convert this peaceful Republic into a military government. [Applause on the Democratic side.] But seeing that you are determined to increase the appropriations, seeing that nothing will satisfy your souls but to constantly increase these appropriations for the Army and the Navy, you leave me no choice except to help select the method of the taxation itself. And, you know, I get a sort of grim, unstatesmanlike satisfaction out of this thing that I am compelled to swallow-this thing that stinks to heaven [laughter]-and that is in the reflection that this unjust tax, this revenue bill to raise the money for a needless waste of the substance of the people, comes very largely from those who have howled this country into this hysteria about preparedness.

I had the honor to make a little speech over here in New York at the beginning of this row, and I told them then they would pay the bill, and I told them that I knew of no better way to stop this needless waste of public treasure for the building of great armaments and the building up of a great standing army in this country than by taxing those people who have the influence over, who have the control of, the public press of the country, those who are the high and mighty ones, than by making them go down and get their money. [Applause on the Dem-

ocratic side.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. DIES. I ask unanimous consent, Mr. Chairman, to proceed for five minutes. I have not occupied any time in the gen-

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

I believe in this Republic. I believe in it as a student of history, and I have small patience with those who proclaim that it is now following out the genius of the founders of this Government. This year we will spend in preparedness, so called, more money than any civilized nation ever spent in time of peace on an army and navy and fortifications in two years. We need not make wry faces at Germany. And I want to tell this House something else. From \$95,000,000 that you spent for the Army two or three years ago you now propose to spend approximately \$400,000,000, and you are not getting an army. You are not going to get an army, my friends. No nation in this world ever in time of peace could have a large standing army without compulsory military service. France, after the war of 1870 with her neighbor, Germany, could not get Frenchmen to go into the army except under compulsion. Germany, with all the love of her population for the fatherland, could not get a large standing army without compulsory military service. No nation upon this earth that ever did exist was able to maintain a large standing army in time of peace without putting the shackles on the young men of the country and driving them into military service under a compulsory system. You talk about raising the money to have a standing army in this country. What have you got to-day? Mr. I You could not get the 20,000 men that you appropriated for in is read,

the last Congress. You can not get them. You can not get them to go into the standing Army of this country. not got it to-day, and you can take all the wealth of this country that you can wring from the blood of the commerce of this country, first through one system of taxation and then through another; you may tax incomes, you may tax inheritances, you may tax profits, you may go to the farm, you may exhaust every source of revenue in this country by taxing them all, and you can never have a standing army until you have compulsory military service. And the reason why I wish to throw myself across the path of this thing is because I see it coming. The President says his mind on this question is to let. Every general, every admiral, every military expert in the country will tell you that compulsory military service is coming. They are only fertilizing the field by heavy taxation to-day. To-morrow they will be here to test you on the question of passing a compulsory military service bill in this Congress. I will join a Republican against it, as I would join the Republican Party now against this bill if they did not propose to give us a worse one to accomplish the same purpose. If the Republican Party stood here to-day to say that these needless ex-penses should stop, and if they asked me to join with them in that purpose, I would do so at all hazard; but you Republicans only ask me to help you defeat one form of revenue in order that you may fasten a more onerous one in its stead upon the . country. That is the trouble with you.

As I say, it gravels me like hell to vote for this bill. not deceived into believing that the rich will pay all of this tax. We Democrats, when we opposed the tariff tax, were accustomed to say that the big corporations paid the tax at the customhouse and then put it on the consumer when he bought the boots, or the iron, or the steel, or the clothes, or the other things that he consumed. Just so it will be with this tax. When you take from the Bethlehem Steel Co., when you take from the United States Steel Corporation, when you take from the other great corporations of this country the money which will be paid in taxes under this bill, wherever they are able-and in most cases they will be able to do it—they will pass it on down to those who toil in the fields and work in the workshops of this country, just as they pass down every other tax. But with all of its iniquity it is not so bad as the one you Republicans would give us in its stead; and if I vote for it, it will not be because I love it, for I detest it. It will be not that I love Caesar less-I do not love anything involved in this situationit will not be because I despise it less, but because I despise your substitute more. [Applause and laughter.]
Mr. KITCHIN. Mr. Chairman, we have had four speeches

this morning not directly on the amendment, and I believe it is the tacit understanding that we shall now proceed to offer bona fide amendments, to discuss the merits of the amendments,

and to vote on them.

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it. Mr. LONGWORTH. Is it proposed to read this bill by sec-

tions or by titles?

Mr. MANN. By sections.

The CHAIRMAN. The understanding of the Chair is that the Clerk will read the bill by sections.

Mr. MANN. The first section and title were identical. I

think it should be read by sections, although it is customary to read such bills by paragraphs.

Mr. KITCHIN. The other bills have been in sections and

paragraphs, and this is in sections and titles.

Mr. LONGWORTH. Then I desire to inquire at what point will a motion be in order to strike out the sections included in Title II?

Mr. KITCHIN. The gentleman, I think, could do that when

the last section was read.

Mr. MANN. I think under the rules of the House it would require a separate motion on each section, but I ask unanimous of Title II to move to strike out all of Title II.

Mr. KITCHIN. I agree to that. That will be all right.

The CHAIRMAN. The gentleman from Illinois asks unani-

mous consent that after the reading of the sections under Title II it shall be in order to strike out all of those sections. Is there objection?

There was no objection.

Mr. MEEKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentelman will state it.

Mr. MEEKER. In case that question is put to a vote and Title II is not stricken out, then will it be in order to offer

amendments to the sections?

Mr. KITCHIN. The gentleman can do that as each section

The CHAIRMAN. Amendments to the sections under Title II will be in order as each section is read.

Mr. BENNET. Mr. Chairman, I move to strike out the words

and insurance companies" in line 25, page 2.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. Benner: Page 2, line 25, strike out the words "and insurance companies."

Mr. BENNET. Mr. Chairman, the gentleman from North Carolina spoke about putting these taxes on the larger and more competitive business interests of the country. Without commenting at all about that portion of his speech, I call the attention of the House to the fact that insurance companies do not come under that head. I call the attention of the gen-tleman from Texas [Mr. Dies] who just spoke so feelingly on the matter that here is a provision which puts the tax directly and immediately upon the poor people, for of course insurance companies are the medium through which people not of the wealthier classes, as a rule, but people of the business classes the lesser business classes, the mechanics, the clerks with small incomes, make some provision for those whom he hopes will live after him. The farmer relies to a very large extent for supplementing his revenue upon the insurance policy. It is proposed by this unnecessary inclusion of insurance companies to impose these high taxes immediately upon every holder of a life-insurance policy in the United States of America, mutual, corporate, and every other form. It does not seem to me that the amendment requires any extended discussion; the point is so obvious that I hope the House will sustain the amendment and strike out these words.

I am opposed to the entire bill. It is a direct blow at the industrial life of the city and State which I represent in part. I hope that before this bill finally passes it will receive the attention both of our city and State governments. My colleague [Mr. FAIRCHILD], who represents our State on the Committee on Ways and Means, has taken the matter up with our legislature, and I hope that that body will put our State formally

on record against this bill.

The field of Democratic blunder in revenue administration affords opportunity for indefinite criticism. I shall, however, under the circumstances of the present debate, confine myself to a single additional comment on this most recent handicap to American industry pending before us. The proposal of an excess profit tax of 8 per cent upon annual profits above 8 per cent might more accurately be described as a proposal to pauperize the States for the encouragement of Federal extravagance, to penalize industrial enterprise, to restrict reproductive industrial investment, lessen opportunity for employment, and raise ignorance of the conditions that conduce to national pros-

perity to a commanding position in national administration. Personally, I object to raising revenue for the Nation by a deliberate and unnecessary invasion of the established domain of State taxation, while ignoring those easily ascertainable, collectible, and equitable and exclusive sources of Federal impost which have historically yielded returns commensurate with our needs, without unduly burdening our citizens or trespassing upon the subjects of direct tax, where our States alone find

substantial support.

The report of the State tax commission of my own State presents very clearly the difficulty which the richest Commonwealth of the Union is finding in securing sufficient revenue to meet its requirements. During the years between 1890 and 1915, while my own State has experimented in indirect taxation, there has been only five years in which it was not necessary for the State to levy direct taxes in addition to the immense revenue which its unique situation and resources enable it to obtain by indirect means. The cost of State government is growing like that of national government, but if a Commonwealth possessing the exceptional resources of the greatest commercial and industrial wealth in the Union is compelled to admit that its efforts to secure sufficient revenue from indirect taxation is a special failure, what will be the effect of this last and greatest step in the field of direct Federal taxation upon those poorer Commonwealths whose industrial life is yet in its those poorer Commonwealths whose industrial life is yet in its infancy? I admire the courage, the enterprise, and I applaud the success of the southern manufacturer, who, in the face of many discouraging circumstances, is contributing so much to the development of our southern Commonwealths under many adverse conditions. Yet I can not perceive how the nascent industry of the South, in whose development I take as great a pride of I do in that of my own great State can have to at pride as I do in that of my own great State, can hope to at once contribute to the needs of the State and survive the burden of this last Democratic handicap upon industrial progress.

Let me direct the attention of the majority to a pamphlet entitled "Assessed valuation of property and amounts and

rates of levy for the years 1860 to 1912." It was compiled by a present member of the Federal Trade Commission, the Hon. William Harris, then head of the Bureau of Census. 41 you will find the tax rates of all the States for 1912. will perceive these rates range from \$1.02 per \$100 of assessed value in Kansas to \$4.73 per \$100 in New Mexico. It is generally admitted that rates have now risen approximately 25 per cent between 1912 and 1916.

It is therefore safe to assume that corporate business is presently paying to the States upon assessed value an average rate of not less than 24 per cent for State, county, and local pur-To this you now add a 2 per cent net corporate income tax, a tax of 50 cents per thousand upon the value of each corporation's stock issue above \$99,000. If the industrial organization contributes in any way to what you have termed "munition" manufacture, it pays upon the profits derived from these sources 121 per cent, and to this you now add an excess profit tax of 8 per cent upon all net income above 8 per cent. Can the gentleman believe that as a business proposal the subject of impost can bear this load and yet adequately bear the burden which the State must impose?

If you tell me that State appraisal is faulty, I can answer in the light of experience that increased valuation has never decreased a tax rate, because history, especially in New York City, demonstrates that valuations are increased only for the

purpose of raising revenue at a prevailing rate.

Moreover, let me call your attention to a fact which your own experience must verify. Individuals largely escape personal taxes. Corporations can not. State legislatures pursue corporations until they secure adequate personal-tax returns. States are therefore getting from corporate property substantially all it is within their power to get. In New York, Ohio, California, and Massachusetts they are taxing corporate franchises as well as their real and personal property. Even now the State of California is so impressed with the danger of the present conflict between State and Federal taxes that the State tax commission has recommended a convention of all the States to urge upon this Congress a definite plan of separating State and Federal fields of taxation.

For years the gentlemen of the majority have proudly ac-claimed themselves the peculiar guardians of the States' rights. To-day they are coming dangerously near being State pick-pockets. The great field of taxation upon exports is forever closed to the States. Are you forever closing it to the Nation? It was exclusively yielded to you not only to protect each State against the imposts of the other but to give you a field of revenue that would prevent you from unduly trespassing upon the only means by which our 48 Commonwealths can sustain their

public necessities.

If you are not impressed with the dangers which lie in killing the industrial goose that lays the golden eggs of Federal support, I appeal to that sense of reiterated regard for the rights of the State which should at least keep you from taking all the

By the form of the excess-profit tax you lay your extraordinary burdens upon manufacture and merchandising, because these forms of business are largely conducted in corporate form. You are substantially exempting agriculture, doubtless in the belief that you can gull the farmer into believing that you rid him of your additional tax burdens. Yet he must buy what others make to meet his needs, and if they can not translate their tax they themselves can not ultimately pay it. You undertake to hide your tax in the farmer's plow. You dare not write it where he can see it and realize that congressional extravagance

is exacting tribute from every household.

Surely the gentleman recognizes that the larger processes of industry and commerce can be successfully carried on only in corporate form, yet you are arbitrarily discriminating, by the very form of your measure, between the doing of business in corporate as distinguished from individual capacity. If it is your deliberate determination to discourage the corporate form of business, you have adopted the best means of doing so. If it is your idea to turn back the hands of time, to place a premium upon the disintegration of business combinations and encourage the formulation of new schemes, to return to individual modes of doing business and place in every man's hands ruder tools for doing business the size of ours, I congratulate you on the method you are adopting. If you want to turn us back into a Nation that uses a hand shovel instead of a steam shovel, an ox cart instead of a railroad train, a hand flail instead of a thrasher, you do well to exert your power to penalize business in corporate form and give tax exemption to those who do it in

individual capacity.

It must be equally obvious that if you overburden existing enterprise, you operate to restrict its extension and exercise birth

control over the growth of the business family,

But your philosophy is false. Your excess-profit tax is not an excess-profit tax, as its title would suggest. In actual operation it would prove to be a tax upon not merely normal but often subnormal profit, for your plan utterly ignores the practical and varying risk of all forms of business which necessarily rely upon the larger return of their successful years to meet the actual and probably lessened returns of leaner years. Thus a corporation may show net profits of 12 per cent this year. On 4 per cent of that you would charge an excess-profit tax, yet if last year their profit was 8 per cent, in the preceding year 6 per cent, and in the year before that 4 per cent, you will perceive that their average profit during the four-year period was but 71 per cent. Can gentlemen with any practical judgment believe that in such conditions there is any opportunity for the accumulation of a protective surplus or any assurance to investors?

Most of all, can the gentlemen not clearly perceive that you are deliberately laying a penal tax upon the most valuable of national assets, initiative and energy, for you discourage bold

enterprise and give your disapproval to the pioneer.

As a fundamental and general rule, risk and profit are closely associated. In stable, well-established lines of industry that particular business earns relatively small profits which tend to approximate correct interest rates. If an expansion of demand or changed conditions bring about higher returns, the entrance of new capital into the field tends to restore the old rate of income; and the safer the general character of the industry the more immediate will be the response of capital to any increase in established returns. We accept it as a general principle that the safest investment is usually the one that carries the lowest

On the other hand, high profits are associated with high risk. It is the pioneer-the man who carries the banner of industry where none or only a few dare follow-who makes the high profit while this period of high risk obtains. When the pioneer days are past and the industry becomes safe for general investment the profits of the pioneer fall, and for one pioneer who succeeds and who by success adds to national prosperity and wealth and

progress there are a hundred who fail.

At the present we need more than ever before the pioneer spirit to develop our national resources and to extend our trade to other lands. We never needed the fullest and freest exercise of the American qualities of invention, enterprise, initiative, and energy more than now. The safe, solid, and stable business will not normally return excess profits that would come under the proposed law. The tax will chiefly reach the pioneer. The very fact that the principle of taxing excess profits is accepted and established will go far to deter men from taking the risks neces sary to develop new enterprise. Once the principle is established, who can tell what the particular rate of the tax will be, or whether in the hand of a radical government it might not amount to confiscation?

Upon particular classes of business the proposed tax will be an oppressive and unfair charge. The corporation organized to develop and manufacture patented articles is a special instance of the pioneer. Large sums may be spent in developing or acquiring the original invention. Oftentimes many of these preliminary expenses are not of such a character as can be capitalized in the form of stock, especially under the stricter class of State laws. From the beginning the whole venture is involved in the greatest risk, not only in the success of the particular invention but in finding a demand for it on the market. Recompense for all initial costs and risks must be secured in a limited term; that is, the life of the patent. After that the rules of competition will force the returns down to ordinary and normal levels of corporate income. To the excess profits over ordinary return, which are hoped to be secured during the life of the patent, the inventor and the promoter must therefore look for the chief inducement for their ingenuity and enterprise and To such excess profits they also can properly look for reimbursement for losses in previous unsuccessful endeavor, as well as costs of experimentation and promotion. Such charges as these should fairly come out of the pominal profits accruing from any successful invention before it could be fairly said that actual profits exist.

Many of the same considerations apply to the business of mining, where much preliminary cost is often entailed and where the nominal yearly profits really represent a reduction of the value of the investment, inasmuch as ore once mined can not be mined again. Other businesses could be named in which, by their very nature, the above elements are present to a greater or less degree, and in which in all equity and fairness there should be charged to going profits items of either preliminary or prospective expense, or both. Where such conditions are inherent in the nature of the business, taxation of going profits becomes inequitable and directly affects the incentive for enter-

ing into such business in the first instance.

The excess-profit tax is, moreover, a proposal violating the most elementary principles of sound taxation. It is fundamental that a tax should be so laid as to be certain and regular in its return, that expenditures may be predicated upon it with security. The amount of excess profits within the terms of this measure is entirely conjectural. It will vary with the changing conditions of business, and the contraction and expansion of industrial returns will be followed by an inflation and deflation of the tax return within unknown limits. You not only can not rely upon any fixed amount of returns from this source but by its very nature your mode of taxation will tend toward the establishment of new expenditures that can not be sustained. You are deliberately setting on foot a scheme that promotes extravagance and expenditure resting upon conjectural returns.

The chairman of the Ways and Means Committee has not hesitated to frankly declare that the burden of this tax will fall north of Mason and Dixon's line. He is among the first to deplore the introduction of sectionalism into political discussion, yet he has been the first to make sectional tax burdens the subject of an appeal to political constituents. The gentleman and his associates apparently blind themselves to patent facts of economic relation. Sectionalism persists only in the mind and conduct of the gentlemen who use their control of government to penalize industry in the erroneous belief that they can unduly burden any part of this country without compelling the section from which they come to participate in the penalties which they impose. Southern cotton is spun by northern mills; northern capital is pouring into southern factories. The agriculture of the South finds its largest customers in the more populated States of the North and Middle West. All the forms of communication which give value to our common life represent the common investments of the Nation. So intimate has become the relationship between all the parts of our business being that an injury done to industry that lessens its buying, employing, or producing power is reflected in every section of the Nation. Imperil the credit that underlies the great banking centers of my own State and the smaller establishment that ministers to the needs of a southern constituency trembles on its foundations. Handicap the operation and extension of the mills of the North and you do it at the expense of the planter of the The political bigotry that permits the gentlemen of the majority to believe they can work injury to a constituency other than their own and profit by it does as little credit to their intelligence as to their sense of justice.

For 10 years gentlemen have done what they could to wreck the New York Cotton Exchange. They have injured it to some extent, but how much more have they injured themselves?

There was no support in the cotton market this morning. Gentlemen had worked their will on the New York Cotton Exchange, but the cotton farmer of the South who saw his product drop \$25 a bale is probably wondering what his Representatives have gained for him by their fight against free trading on our exchange,

Mr. FULLER. Mr. Chairman, it seems to me that the amendment offered by the gentleman from New York will not accomplish the object which he desires. Even if you strike out insurance companies, I think they would be included under the terms "corporation" and "joint-stock companies." I suggest a further amendment to section 201, page 3, lines 17 and 18. If you strike out, after the word "insurance," the words "combined in one policy issued on the weekly premium plan," you will exempt life insurance companies.

Mr. BENNET. I will say that my colleague from New York [Mr. Dempsey] has that amendment prepared, and I believe the gentleman from Pennsylvania [Mr. Moore] has also one prepared.

Mr. FULLER. I have an amendment of that kind which I proposed to offer, but if you cover the ground I have no objection. All I want is to see that life insurance companies are exempt, because that interests more than half of the people of the United

Mr. BENNET. If the gentleman will state his substitute, perhaps it is preferable to mine.

Mr. FULLER. My amendment is to strike out, in lines 17 and 18, page 3, after the word "insurance," the words "combined in one policy issued on the weekly premium payment plan."

The CHAIRMAN. That amendment is not in order until that

section has been read.

Mr. PARKER of New Jersey. Mr. Chairman, I have an amendment to the amendment offered by the gentleman from New York. I offer as a substitute for the amendment of the gentleman from New York the words "insurance companies excepting purely mutual insurance companies."

Mr. BENNET. The gentleman's amendment is not a substitute, although it is a preferential amendment.

The CHAIRMAN. The Clerk will read the amendment. The Clerk read as follows:

Amend the amendment, page 2, line 25, by adding, after the word "companies," the words "excepting purely mutual companies."

Mr. PARKER of New Jersey. Mr. Chairman, the business of

mutual insurance is one that is carried on entirely for the benefit of the people. Not a dollar goes into the hands of any stockholder or corporation. The moneys that are received are all paid in by the people interested as their share of the business of the company. The money paid out is of the following classes: Their expenses of the business, which would be deducted under all circumstances. The return premiums, which are especially ordered to be deducted. Page 15 of the act, at the end of section 12, has this deduction:

And life insurance companies shall not include as income in any year such portion of any actual premium received from any individual policyholder as shall have been paid back or credited to such individual policyholder, or treated as an abatement of premium of such individual policyholder.

But, besides this, every life insurance company has to put by in what they call a reserve parts of the premium, or of their interest on investment, as a reserve for the payment of policies which do not belong to them. As long as that reserve remains in their hands there is not a dollar that goes to that company as profits. Nevertheless, under the old law the Secretary of the Treasury tried his best to hold that all receipts by the companies for the benefit of the policyholders and to be returned to the people should be charged as their income; whereas these are the policyholders' payments for their own benefit on their pol-icies, which is all going to be returned to the policyholders. I see no reason why mutual companies doing a purely mutual business should be taxed as if they were making profits, because if they do a large business they are receiving millions of dollars in premiums and not paying out so much in losses, because they had to put the money by in a reserve. The companies are saving for the people, not for themselves. It is not profits; it is a charity done for the whole people of the United States, which had to be put under careful laws to see that it was executed rightly. That is done under the laws of the several States in order to do justice to the people and so that the companies shall not make profits for anyone. I ask, therefore, that purely mutual companies shall be exempt from the extra profit tax, because in justice they make no profit whatever. [Applause.]
Mr. KITCHIN. Mr. Chairman, the whole question is whether

mutual companies be excluded from the operation of this tax. The Chairman will notice that in line 25, page 2, the words "insurance companies" are used, and section 201, page 3, in line 15, is another place where an amendment can be offered to

except mutual insurance companies.

I ask unanimous consent that amendments to section 201 and section 200 with respect to excepting mutual insurance companies be considered together, and that all debate on the two sections and all amendments thereto be closed in 20 minutes, 15 minutes to be controlled by the gentleman from Pennsylvania [Mr. Moore] and 5 minutes by myself.

Mr. MANN. Section 201 has not yet been read.

Mr. KITCHIN. I ask unanimous consent that that be considered, because if one amendment is adopted the other ought to be. One is dependent upon the other, and I think we can save time in this way and put it more clearly before the House.

Mr. PARKER of New Jersey. Mr. Chairman, it seems to me that we can dispose of this particular amendment first.

Mr. KITCHIN. They are interdependent. If one section is amended, the other curett to be

amended, the other ought to be.

Mr. PARKER of New Jersey. We want to determine whether this will include mutual companies.

Mr. KITCHIN. I know; but this will come up in my request. Mr. PARKER of New Jersey. I ask for a vote upon my amendment first.

Mr. MOORE of Pennsylvania. Mr. Chairman, I will ask the gentleman from North Carolina whether he intends to insist on the bill as it is written?

Mr. KITCHIN. Yes.

Mr. MOORE of Pennsylvania. The gentleman will oppose an amendment to either section?

Mr. KITCHIN. Yes.

Mr. MOORE of Pennsylvania. I understand we can not agree upon that?
Mr. KITCHIN. We can not.

Mr. MOORE of Pennsylvania. I intended to offer an amendment to section 201 along the line that other gentlemen have entioned. What is the gentleman's request as to time? Mr. MANN. This is what the gentleman desires to domentioned.

unanimous consent that section 201 may be read, and that amendments may be in order then to both sections, sections 200

Mr. KITCHIN. Yes; and with a further request that all debate upon the sections and amendments thereto close in 20 minutes, 15 minutes to be controlled by the gentleman from Pennsylvania [Mr. Moore] and 5 minutes by myself.

Mr. MANN. I think there ought to be more than 20 minutes

of debate allowed.

Mr. KITCHIN. Make it 25, and the gentleman from Pennsylvania to control 20 minutes and I to control 5.

Mr. MOORE of Pennsylvania, Mr. Chairman, can not the gentleman make it half an hour?

Mr. KITCHIN. Well, one-half an hour-20 minutes to be controlled by the gentleman from Pennsylvania and 10 minutes by

Mr. MANN. This side would like to have 30 minutes.

Mr. KITCHIN. Let us put it at 25 minutes for that side, and I

will control 5 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that section 201 may be read at this time, that amendments to sections 200 and 201 shall be in order, and that all debate upon the two sections and all amendments thereto shall close in 30 minutes-25 minutes to be controlled by the gentleman from Pennsylvania [Mr. Moore] and 5 minutes by the gentleman from North Carolina [Mr. KITCHIN]. Is there objection?

Mr. LONGWORTH. Mr. Chairman, I reserve the right to

object.

Mr. BURNETT. Mr. Chairman, reserving the right to object, desire to propound a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURNETT. Mr. Chairman, as I understand the request

Mr. KITCHIN. Yes.

Mr. BURNETT. I would not object to that, but I have an amendment to the \$5,000 exemption which I desire to offer.

Mr. STAFFORD. As I understand the request it is that de-

bate shall close upon all amendments.

The CHAIRMAN. Does the Chair understand that the gentleman from North Carolina desires to limit debate upon all amendments or upon only those that relate to insurance companies?

Mr. KITCHIN. Mr. Chairman, I would like to have it upon

all amendments. Why not offer the amendment at this time, I will ask the gentleman from Alabama?

Mr. BURNETT. I want five minutes upon it. Mr. KITCHIN. Very well. Make it 35 minutes, 5 minutes of that time to be given to the gentleman from Alabama upon his amendment.

The CHAIRMAN. The gentleman from North Carolina modifies his request, that the debate may conclude in 35 minutes, 25 minutes of that time to be controlled by the gentleman from Pennsylvania [Mr. Moore] and 10 minutes to be controlled by the gentleman from North Carolina [Mr. Kitchin]. Is there objection?

Mr. LONGWORTH. Mr. Chairman, reserving the right to object, I desire to offer an amendment, which, I think, will not be objected to by the gentleman from North Carolina. I desire to add to section 200, as it now stands, after the words "in-surance companies," the words "but not building and loan as-I would like to ask the gentleman whether it is sociations."

his intention to oppose an amendment of that kind?

Mr. KITCHIN. Building and loan associations are already excepted. This bill excepts all corporations, insurance companies, and joint-stock companies that are exempted and excepted under the income-tax law. It does not apply to what the

gentleman has in mind.

Mr. LONGWORTH. Under those circumstances I do not wish to offer the amendment.

Mr. KITCHIN. Those are exempted under the present law. Mr. LONGWORTH. I wanted to be perfectly certain that they were not included here.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina? [After a pause.] hears none, and the Clerk will read section 201.

The Clerk read as follows:

The Clerk read as follows;

SEC. 201. That in addition to the taxes under existing laws there shall be levied, assessed, collected, and paid for each taxable year upon the net income of every corporation and partnership organized, authorized, or existing under the laws of the United States, or of any State, Territory, or District thereof, no matter how created or organized, excepting income derived from the business of life, health, and accident insurance combined in one policy issued on the weekly premium-payment plan, a tax of 8 per cent of the amount by which such net income exceeds the sum of (a) \$5,000 and (b) 8 per cent of the actual capital invested.

Every foreign corporation and partnership, including corporations and partnerships of the Philippine Islands and Porto Rico, shall pay for each taxable year a like tax upon the amount by which its net income received from all sources within the United States exceeds the sum of (a) 8 per cent of the actual capital invested and used or employed in the business in the United States, and (b) that proportion of

\$5,000 which the entire actual capital invested and used or employed in the business in the United States bears to the entire actual capital invested; and in case no such capital is used or employed in the business in the United States the tax shall be imposed upon that portion of such net income which is in excess of the sum of (a) 8 per cent of that proportion of the entire actual capital invested and used or employed in the business which the net income from sources within the United States bears to the entire net income, and (b) that proportion of \$5,000 which the net income from sources within the United States bears to the entire net income.

Mr. MOORE of Pennsylvania. Mr. Chairman, should amend-

ments be introduced now or as gentlemen are recognized?

The CHAIRMAN. The Chair will recognize anyone for an amendment to the section now.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Is the amendment of the gentleman from New Jersey still pending?

The CHAIRMAN. Yes; there are two amendments pending-

the amendment offered by the gentleman from New York and the amendment offered by the gentleman from New Jersey.

Mr. MOORE of Pennsylvania. Then, Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the two pending amendments may be again reported.

The CHAIRMAN. The Chair will put the request after the Clerk has reported the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Page 3, line 18, after the word "plan." insert the words "and from the business of life insurance companies issuing policies upon the mutual plan."

Mr. MOORE of Pennsylvania. Mr. Chairman, the purpose of this amendment is to relieve the mutual life insurance companies of the taxes which would otherwise be imposed by this bill. I understand that certain mutual companies are not included in the income-tax law but the mutual life companies are, and it would be an unnecessary hardship upon the members of those associations who participate in the distribution of their own money to have this 8 per cent tax added. There are no profits, as such, arising from the business of a mutual insurance company. The money is paid in by the members and it is returned to the members, and there are no such profits or accretions as are usually regarded as profits in a business concern. When the income-tax law was before the House the thought generally was that the mutual companies should be excepted and certain mutual companies were excepted in the

Mr. FULLER. Will the gentleman yield? Mr. MOORE of Pennsylvania. I will. Mr. FULLER. Would it not be well to have an amendment where you mention policies issued on the mutual plan to say "or participating companies that are not purely mutual issuing participating policies," so that the dividends and earnings go to It might not be a mutual company and yet issue the insurer? participating policies.

Mr. MOORE of Pennsylvania. It seems to me that question

would be covered by the amendment that is already at the

Mr. FULLER. I think it would be better to say mutual or

participating policies, and there are many such.
Mr. MOORE of Pennsylvania. It might tend to complicate the situation as involving stock companies. If the gentleman thinks "participating" would not prejudice the mutual feature of it, I have no objection, but I hope the gentleman will discuss that matter when his time comes to discuss it.

Now, the whole theory of the mutual life insurance companies, as I understand it, is to relieve a community or a State of a very great burden-that of caring for the poor and the dis-It is a theory that holds in foreign countries, particularly in England, and it is the basis upon which these mutual companies are organized and conducted in the United States. A great deal has been said about what England does in matters of this kind. I am informed that England, which was the parent of income-tax legislation, exempts one-sixth of the amount of income if devoted to life insurance. If a man dies without insurance and leaves a widow and a family of children, their only recourse, if they are dependents, is to go to the State, and the State must bear the burden of their maintenance. The mutual company steps in by virtue of the contributions of its members and relieves the State of the burden of taxation that must necessarily ensue if such independent provision were not made for the maintenance of the widow and the orphans or the beneficiaries of the family. I do not care to make a lengthy statement on this subject, except to say that it is a

matter of economy to any government, State or National, to have these insurance companies established with a view of encouraging the members to take care of themselves in their

dependency, and that is actually done.

Mr. BUTLER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. BUTLER. Will the gentleman tell us to what extent the mutual companies are relieved from the operation of the existing law?

Mr. MOORE of Pennsylvania. Well, there are certain companies that are relieved, certain mutual companies, agricultural companies

Mr. BUTLER. Yes.

Mr. MOORE of Pennsylvania. All mutual insurance companies, I think, except life, are exempt from the income tax.

Mr. BUTLER. Now, will the companies that are being relieved from taxation under the existing law be relieved under

Mr. MOORE of Pennsylvania. I understand so. This bill brings in the mutual companies—I mean the life companies. Their taxes would be increased from 2 to 10 per cent. It is rank discrimination in this instance in the matter of mutual companies now intended to be included. Mr. Chairman, how much time remains of my 25 minutes?

The CHAIRMAN. Twenty-one minutes.

Mr. MOORE of Pennsylvania. I yield three minutes to the gentleman from Pennsylvania [Mr. FARR].

Mr. FARR. Mr. Chairman, I am in favor of the amendment excepting mutual life insurance companies from taxation under the provisions of this bill. This burden will fall particularly hard upon poor, struggling people who are endeavoring to carry insurance to provide for their families after their departure from this earth, and I think an exception ought to be made in such cases. In connection with this I desire the Clerk to read this telegram that expresses my views and the opposition of the agent of a very large insurance company in protest against this bill taxing those companies.

The CHAIRMAN. The Clerk will read the telegram in the

gentleman's time.

The Clerk read as follows:

SCRANTON, PA., January 31, 1917.

Hon. John R. Farr.

Congress Hall Hotel, Washington, D. C.:

In behalf of mutual life insurance companies I desire to enter a protest against the passage of the Federal emergency revenue measure in its present form. I regard it as being unfair and unjust to them, and the reasons for this conclusion will be placed before you later. In the meantime please use your endeavors to secure a fair hearing for the companies on this measure.

J. D. James.

Mr. FARR. I yield back any time I have not used.
Mr. MOORE of Pennsylvania. Mr. Chairman, I yield five
minutes to the gentleman from New York [Mr. DEMPSEY].
Mr. DEMPSEY. Mr. Chairman, I would like for my amend-

ment to be read first.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, lines 16, 17, and 18; in line 16 strike out the word "and" and insert "or" in place thereof, and in lines 17 and 18 strike out the words "combined in one policy issued on the weekly premium-payment plan."

Mr. DEMPSEY. Mr. Chairman and gentlemen, the committee which prepared this bill has inserted an exception exempting policies where they are issued for life, health, and accident, combined, on the weekly payment plan. Now, that is a very proper provision; but if it is proper, then the amendment proposed is equally proper. The purpose of exempting the kind of policy which is exempted is to encourage those who otherwise would not provide for their families upon their death to take policies, and in that way leave something for those who would be left without means of support.

Now, is there any insurance which is not issued upon that basis? I think that you will all agree upon consideration that there is none. The man of small means, the salaried man, the workman take insurance policies for that reason, and for that reason alone; and for what reason does the man of large means take insurance? Why, he can not take it as an investment, because everyone concedes that you can do better in normal times, and much better in such times as this, by a great variety of investment. You can derive larger income in many ways than you can from insurance; and it is questionable whether you derive substantially any income at all from insurance. The man of large means takes insurance and takes it only because he is about to embark on large risks, and he wants in the event of his death or in the event of the miscarriage of the undertaking in which he is about to engage, to provide for that casualty. I say to you now that what you should do is to extend this exemption so that the man of large means will be encouraged to promote prosperity, to undertake great undertakings, to employ labor, to take great risks, where he may win or may lose; and encourage the man of small means to take insurance, whether he takes it by this particular plan or by any other plan.

Mr. Chairman, I yield back the balance of my time.
Mr. MOORE of Pennsylvania. Mr. Chairman, I yield three
minutes to the gentleman from New Hampshire [Mr. WASON].
Mr. WASON. Mr. Chairman, I would like to offer the following amendment to section 201 of the bill.

The CHAIRMAN. The gentleman from New Hampshire offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. Wason: Page 3, line 18, after the word "plan," insert: "and further excepting income of every corporation or partnership authorized or existing under the laws of the United States or any State, Territory, or District thereof, that is divided annually among employees of such corporation or partnership."

Mr. WASON. Mr. Chairman, I hope the genial chairman of the Committee on Ways and Means will consider this helpful amendment to the laboring classes in our industries. He has professed, and his side of the House has professed, by frequent utterances, to be favorable to the laboring classes, and I desire to read a couple of lines from the RECORD, uttered by the distinguished gentleman from Oklahoma [Mr. Ferris], in which he said:

What we

Meaning Democrats-

are doing is providing that those people who pay and whose earnings yield an income of more than \$5,000 plus 8 per cent on their entire invested capital stock, net, shall pay this additional tax, and that the tollers, and farmers, and poor people of the country shall be exempt from it.

Those sentiments, I believe, are the sentiments of the chairman of this committee, and I want to say that the purpose of this amendment is this: In these days of prosperity many of the employers of labor who have been successful in the last two years in their business have seen fit, in addition to repeatedly raising the wages of their employees, to divide yearly a part of their surplus earnings with those employees. Under the bill as it stands before the committee at this time, without this amendment, a corporation which has cash on hand, accumulated as I have indicated, will have to pay the tax to the Government, and then they can divide the balance, if they wish, with their em-

Mr. Chairman, I believe that the mite or the tithe that is taken from that fund that is about to be divided among the employees should not go to the Government of the United States but should go to the employee, and increase his dividend therefrom that

much more.

I trust that my distinguished friend from North Carolina [Mr. KITCHIN] will note the purpose of this amendment, offered in the interest of the honest toiler, which he and I admire and are willing to aid in all matters that make for his benefit that are reasonable and right. It is from the toiler in these institutions that the money will be taken if this amendment is rejected. I trust the gentleman will accept it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I yield one
minute to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, I have received a number of telegrams from California, from responsible citizens, in opposition to this provision of the bill. I ask unanimous consent that I may insert them in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the Record by inserting the telegrams referred to. Is there objection? [After a pause.] The Chair hears none.

Mr. KAHN. Mr. Chairman, I yield back the balance of my

The following are the telegrams referred to:

SAN FRANCISCO, CAL., January 30, 1917.

Hon. Julius Kahn, House of Representatives, Washington, D. C.:

Eight per cent tax proposed by Democrats on profits life insurance companies, less certain deductions, will seriously increase cost to policyholders, who have voluntarily protected themselves by taking out life insurance. In our opinion it is a tax on a man who is doing right thing by protecting dependents. Urge you vigorously oppose it.

GEORGE D. CLARK.
GEORGE A. MOORE.
VICTOR ETIENNE, Jr.

Los Angeles, Cal., January 30, 1917.

Hon. Julius Kahn, House of Representatives, Washington, D. C.:

The Pacific Mutual Life Insurance Co., a California institution, and the largest company of its kind west of the Mississippi River, pays a

large annual tax to the State of California of 2 per cent on its premiums. In addition to this, it pays a similar tax to each State in which it transacts business, besides many other license taxes, etc. In addition, it pays a Federal income tax of over \$18,000 a year, and this year an additional excise tax to the Federal Government of about \$2,500 on its capital stock. And it is now proposed by the new Federal income-tax bill to collect a further tax of 8 per cent on its profits, which would amount probably to about \$80,000 a year in addition. When you remember that the profits of a life insurance company are largely savings from mortality and earnings on reserves for the benefit of its policyholders which are returned to them, you will readily see that these so-called profits are not the kind of profits which this emergency tax is intended to reach. We submit that life insurance is already tremendously taxed, and that this additional tax is simply in excess of the limit. We ask you in the name of our policyholders, who are over 100,000 in number, to use your influence to exempt life and accident insurance companies from this unfust tax.

GEORGE I. COCHRAN,

GEORGE I. COCHRAN,
President Pacific Mutual Life Insurance Co.

Mr. MOORE of Pennsyqlvania. Mr. Chairman, I yield to the

gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, I am in favor of the amendment to exempt insurance companies from the operation of this profit tax. It is a system which really takes from the beneficiaries of the policies after the one who has purchased the policy is dead and gone. It is a system of grave robbery, to which the Government of the United States should not be committed. It would seem to me that the statesmanship of this House could find some way of meeting the exorbitant expenditures which have been voted rather than taking from the widow and orphan that fund which ripens by reason of the death of father or relative.

I submit here several telegrams which I have received or have had handed me as a part of my remarks:

LINCOLN, NEBR., January 29, 1917.

CHARLES H. SLOAN, M. C., Washington, D. C.:

Emergency-revenue measure proposes 8 per cent tax on insurance funds. Calling this tax on savings an excess-profit tax, is ridiculous. Show it up. Please furnish copy of bill.

C. PETROS PETERSON.

OMAHA, NEBR., January 30, 1917.

Hon. Charles H. Sloan,

House of Representatives, Washington D. C.:

The Life Underwriters' Association of Nebraska, representing more than 200 agents, authorize me in behalf of mutual life insurance companies to enter a protest against the passage of the Federal emergency-revenue measure in its present form. They regard it as being unfair and unjust to the companies; and the reasons for this conclusion will be placed before you later. In the meantime please use your endeavors to secure a fair hearing for the companies on this measure.

FRANKLIN MANN, President.

Hon. C. F. Curry,

House of Representatives, Washington D. C.:

The Pacific Mutual Lifte Insurance Co., a California institution, and the largest company of its kind west of the Mississippi River, pays a large annual tax to the State of California of 2 per cent on its premiums. In addition to this it pays a similar tax to each State in which it transacts business, besides many other license taxes, etc. In addition, it pays a Federal income tax of over \$18,000 a year, and this year an additional excise tax to the Federal Government of about \$2,500 on its capital stock, and it is now proposed by the new Federal incometax bill to collect a further tax of 8 per cent on its profits, which would amount probably to about \$80,000 a year. In addition, when you remember that the profits of a life insurance company are largely savings from mortality and earnings on reserves for the benefit of its policyholders which are returned to them you will readily see that these so-called profits are not the kind of profits which this emergency tax is intended to reach. We submit that life insurance is already tremendously taxed, and that this additional tax is simply in excess of the limit. We ask you in the name of our policyholders, who are over a hundred thousand in number, to use your influence to exempt life and accident insurance companies from this unjust tax.

President Pacific Mutual Life Insurance Co.

**Mr. Chairman, it seems to me that the time-honored constitu-

Mr. Chairman, it seems to me that the time-honored constitutional policy which we find in article 1, section 8 of the Constitution, enumerating the powers of Congress, should be our guide. It is as follows:

To lay and collect taxes, duties, imposts, and excises; to pay debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

This clearly shows what the fathers thought should be the principal source of revenue for the support of the Government. It seems to me that the men who were wise then handed down to us a system that is especially wise and desirable now. Not entirely to the exclusion of the more modern methods, but it still should remain the principal method. I should rather collect money necessary to run this Government very largely at the ports, to be paid by the foreigner, than to collect it from the widow, the orphan, or the fairly prosperous business here in our own country.

To demonstrate the advisability of collecting revenues at our ports I submit the following tables, which show the wisdom of following the constitutional method laid down by the fathers for the major portion of our national governmental support.

Table A shows the imports, free and dutiable, duties collected and average ad valorem rates for the four years under the Payne-Aldrich law and the three years under the Underwood law; also the average per year under both laws and the per cent of increase or decrease.

of increase or decrease.

Table B shows the increased importations of foodstuffs under the Underwood law.

Table C shows the imports, duties collected, and average ad valorem rates under the different schedules for 1897 to 1916, inclusive.

Table D shows imports of certain farm products for stated similar periods under both laws, rates of duties, and estimated loss of revenue.

TABLE A .- Imports for consumption and duties for years ending June 30.

	Free.	Va	lues.	Per cent of free.	Total duties collected.	Average ad valorem rate of duty on—		Duty col-	
Year.		Dutiable.	Total.			Dutiable.	Free and dutiable.	lected per capita.	per capita.
1915. 1916. Average 1910, 1911, 1912, and 1913, Payne-Aldrich law.	\$761, 353, 117 776, 963, 955 881, 512, 987 986, 972, 333 1, 152, 392, 059 1, 032, 863, 558 1, 495, 881, 357 826, 700, 598 1, 227, 045, 658	\$785, 756, 020 750, 981, 697 759, 209, 915 779, 717, 079 754, 008, 335 615, 522, 722 683, 153, 244 768, 916, 427 684, 228, 100	\$1,547,109,137 1,527,945,652 1,640,722,902 1,766,689,412 1,906,400,394 1,648,386,280 2,179,034,601 1,620,616,778 1,911,273,758	49. 21 50. 85 53. 73 55. 87 60. 45 62. 66 68. 65 52. 41 63. 92	\$326, 561, 683 309, 965, 692 304, 899, 365 312, 509, 945 283, 719, 081 205, 946, 842 209, 725, 801 313, 484, 171 233, 130, 574	41. 52 41. 22 40. 12 40. 05 37. 60 33. 43 30. 67 40. 75 33. 90	21. 11 20. 29 18. 58 17. 69 14. 88 12. 49 9. 62 19. 41 12. 33	\$3. 50 3. 25 3. 15 3. 17 2. 83 2. 03 2. 03 3. 26 2. 29	\$16, 5 16, 0 16, 9 17, 9 19, 0 16, 2 21, 0 16, 8 18, 7
Per cent of increase		ii	17	21	25	16	36	29	11

TABLE B .- Imports of certain classes of merchandise for year ending June.

	Pa	yne-Aldrich la	w.		Underwood law		Total for three years under	Total for three years under	Per cent of increase or decrease.
	1911	1912	1913	11914	1915	1916	Payne- Aldrich law, 1911,1912,1913.	Underwood law, 1914,1915,1916.	
Free of duty: Foodstuffs in crude condition and food animals Foodstuffs partly or wholly manufactured	Dollars. 147, 262, 425 12, 338, 851	Dollars. 180, 127, 316 16, 629, 233	Dollars. 179, 848, 290 11, 131, 619	Dollars. 201, 868, 045 37, 201, 700	Dollars. 196, 762, 824 51, 073, 388	Dollars. 217, 246, 847 35, 821, 684	Dollars. 507, 238, 031 40, 099, 703	Dollars. 615, 877, 716 124, 096, 772	206
Total free	159, 601, 276	196, 756, 549	190, 979, 909	239, 069, 745	247, 836, 212	253, 068, 531	547, 337, 734	739, 974, 488	3.
Dutiable: Foodstuffs in crude condition and food animals. Foodstuffs partly or wholly manufactured.	33, 932, 438 159, 667, 650	50, 230, 914 179, 471, 375	31, 609, 819 183, 548, 923	46, 079, 576 190, 442, 629	27, 166, 740 234, 651, 703	34, 586, 947 273, 887, 033	115, 773, 171 522, 687, 948	107, 833, 253 698, 981, 365	- (
Total dutiable	193,600,088	229,702,289	215, 158, 742	236,522,205	261,818,443	308,473,980	638, 451, 119	806,804,628	20
Free and dutiable: Foodstuffs in crude condition and food animals. Foodstuffs partly or wholly manufactured. Total free and dutiable	181, 194, 863 172, 006, 501 353, 101, 384	230, 358, 230 196, 100, 608 426, 458, 838	211, 458, 109 194, 680, 542 406, 138, 641	247, 947, 621 227, 644, 329 475, 591, 950	223, 929, 564 285, 725, 091 509, 654, 655	251, 833, 794 309, 708, 717 561, 542, 511	623, 011, 202 562, 787, 651 1, 185, 698, 843	723, 710, 979 823, 078, 137 1, 546, 789, 116	10
Total imports of merchandise	1, 527, 226, 105		1, 812, 978, 234	1, 893, 925, 657	1, 674, 169, 740	2, 197, 883, 510	4, 983, 469, 273	5, 765, 978, 907	1.

¹ Three months of this year was under Payne-Aldrich law.

Table C.—Imported dutiable merchandise entered for consumption: Values, duties collected, and ad valorem rates, 1894 to 1916, by schedules of the respective tariffs in force in the years named.1

Year ended June 30—	Schedule A.—Chemicals, oils, and paints.			Schedule B.—Earths, earthenware, and glassware.			Schedule C.—Metals, and manufactures of.			Schedule D.—Wood, and manu factures of.		
	Values.	Duties col- lected.	Average ad valo- rem rates.	Values.	Duties col- lected.	Average ad valo- rem rates.	Values.	Duties col- lected.	Average ad valo- rem rates.	Values.	Duties col- lected.	Average ad valo- rem rates
	Dollars.	Dollars.	Per cent.	Dollars.	Dollars.	Per cent.	Dollars.	Dollars.	Per cent.	Dollars.	Dollars.	Per cent
1897	19,003,638	5,440,024 6,146,884	28. 63	21, 166, 515	7,605,169	35. 93	23,603,665	8,955,132	37.94	1,485,479	339,974	22. 8
1898	19,513,037	6, 146, 884	31.50	15, 192, 178	7,387,433	48. 63	18, 847, 123	8, 454, 289	44. 86	5,341,083	1,205,278	22.1
1899	21,570,616	7,009,695	32.50	17, 244, 220	8,863,349	51.40	18, 152, 727	7,809,281	43.02	5,341,083 7,568,420	1,671,048	22.
1900	26, 955, 991	8, 184, 044	30.36	20,090,172	10, 106, 541	50.31	29,089,333	11, 280, 853	38.78	11,711,446	2,351,940	20.
1901	26, 414, 360	7, 415, 496	28, 07	20, 166, 399	10,301,486	51.08	28, 631, 743	10,922,077	38. 15	10,635,183	2,049,457	19.
1902	29,991,974	8, 499, 709	28, 34	21, 424, 011	11, 365, 381	53.05	38, 870, 207	14,973,244	38. 52	14, 556, 267	2,572,527	17.6
1903	31, 249, 644	8,980,673	28.74	25, 735, 463	13, 320, 181	51.76	65, 164, 750	22, 368, 210	34.33	16,659,208	2,814,734	16.
1904	30, 808, 543	8,813,962	28.61	24,704,368	13, 163, 258	53, 28	40,011,304	15, 682, 484	39. 20	14, 449, 585	2,463,948	17.0
1905	31,010,996	8,845,176	28.52	23, 126, 296	12, 193, 546	52.73	36, 327, 218	14, 448, 673	39.77	16, 707, 735	2,750,017	16.4
1906	33, 481, 921	9,664,910	28. 87	26,589,979	13,749,020	51.71	50, 917, 147	18,769,616	36.86	22,760,988	3,650,271	16.0
1907	40, 246, 137	11,124,088	27.64	31,306,009	15, 350, 019	49.03	67, 148, 963	21, 882, 145 16, 003, 780	32.59	22,760,988 24,472,483	3,701,201	15.
1908	39, 127, 306	10, 530, 174	26. 91	26, 224, 241	13, 250, 558	50.53	45, 279, 789	16,003,780	35.34	23,349,686	3,301,256	14.
1909	42,936,600	11, 217, 784	26.13	21, 148, 142	10,641,572	50.32	41, 103, 417	15,656,102	38, 09	23, 285, 386	3,140,844	13.4
1910	42,021,558	11,072,239	26.41	24,774,251	12, 467, 509	50.33	66, 960, 781	22, 333, 344	33.35	27, 489, 155	3, 184, 697	11.
1911	48, 869, 382	12,563,788	25, 71	24, 495, 258	12,669,182	51.72	58, 757, 341	18,869,321	32, 11	24,709,532	2,959,669	11.
1912	47, 235, 641	12, 239, 742	25.91	21, 994, 265	11, 156, 221	50.72	50, 491, 870	17, 346, 221	34.35	24, 414, 943	3,042,834	12.
1913	49, 386, 692	13, 017, 094	26, 36	23,001,873	11, 385, 195	49.50	64, 299, 772	20, 513, 874	31.90	27,851,295	3, 408, 227	12.
1914	60, 314, 179	13,099,663	21.72	25, 222, 093	10, 187, 128	40.39	50,742,814	12, 190, 222	24.02	12, 181, 772	1,618,723	13.5
1915	54,098,081	11, 221, 795	20.74	18, 141, 905	6,804,909	37.51	31, 835, 773	6,990,064	21.96	4, 456, 846	708,531	15.1
1916	52, 806, 178	9,309,151	17.63	13, 023, 527	4, 676, 615	38.91	33, 244, 863	6,308,568	18.98	4,583,269	659,795	14.

¹ The figures of this table do not in most instances agree with those under corresponding heads in the table following, owing to the fact that the schedules of the tariff and the classifications of the Bureau of Foreign and Domestic Commerce do not fully coincide as to the articles included.

Cars one observed	Schedule E	.—Sugar, n	olasses,	Schedule F	,—Tobacco, factures of.	and manu-	Schedule (Agriculti and provision	iral prod-		I.—Spirits, wher beverage:		
Year ended June 30—	Values.	Duties col- lected.	Average ad valo- rem rates.	Values.	Duties col- lected.	Average ad valo- rem rates.	Values.	Duties col- lected.	Average ad valo- rem rates.	Values.	Duties col- lected.	Average ad valo- rem rates.	
1897 1898 1890 1800 1901 1902 1903 1904 1905 1806 1806 1807 1808 1909 1910 1911 1912 1913 1914 1915 1916	Dollars. 98, 283, 469 38, 330, 580 38, 330, 580 81, 227, 498 80, 890, 937 87, 079, 079 61, 116, 367 65, 999, 660 77, 598, 629 91, 577, 274 86, 133, 491 82, 784, 081 83, 626, 684 79, 877, 463 105, 744, 519 91, 447, 551 105, 255, 115 157, 570, 801 205, 512, 242	Dollars. 41, 346, 400 29, 695, 301 61, 660, 942 57, 823, 285 63, 089, 412 53, 040, 877 63, 625, 731 58, 152, 347 51, 442, 112 52, 648, 866 60, 338, 523 50, 168, 155 66, 414, 434 53, 105, 357 55, 807, 457 49, 607, 651 55, 875, 639	Per cent. 42.07 77.47 75.91 71.48 72.45 86.79 96.46 74.65 56.17 61.12 65.03 59.99 60.35 52.28 53.95 54.18 58.48 57.15 31.48 27.19	Dollars. 18, 782, 759 8, 225, 482 9, 371, 597 13, 597, 162 15, 055, 501 16, 331, 536 18, 298, 789 17, 875, 683 20, 725, 297 22, 917, 352 29, 959, 081 26, 495, 243 27, 332, 038 29, 581, 469 27, 332, 038 29, 581, 469 24, 747, 433 31, 16, 052 32, 437, 433 23, 332, 220 29, 499, 102 30, 195, 472	Dollars. 20, 971, 882 9, 916, 183 10, 627, 399 14, 382, 305 16, 655, 744 18, 786, 035 21, 891, 687 21, 176, 293 22, 689, 611 23, 927, 700 25, 125, 037 22, 160, 689 23, 299, 458 24, 124, 239 25, 571, 508 26, 748, 124 26, 882, 273 24, 875, 246 27, 580, 595	Per cent. 111. 66 120. 55 113. 40 105. 77 110. 63 114. 85 119. 63 118. 46 109. 48 109. 48 104. 187. 20 83. 64 85, 14 81. 55 87. 82 82. 18 82. 46 83. 17 84. 33 91. 34	Dollars. 33,716,958 29,533,286 32,505,236 35,762,588 38,596,704 43,682,461 46,221,428 49,013,792 47,570,416 53,888,946 63,720,855 69,69,535 71,719,009 84,872,747 105,974,044 117,711,156 99,798,484 117,711,156 99,798,484 1122,304,972 87,672,955 94,634,995	Dollars. 8, 613, 987 11, 608, 121 12, 743, 785 13, 183, 635 13, 183, 635 16, 012, 639 16, 529, 144 18, 126, 575 19, 203, 886 21, 618, 559 23, 633, 333 25, 160, 516 28, 744, 295 34, 146, 071 27, 754, 578 24, 817, 322 18, 035, 830 16, 164, 123	Per cent. 25. 55 38. 88 39. 21 36. 86 35. 23 34. 46 32. 41 33. 65 30. 14 31. 06 32. 95 29. 64 27. 21 29. 01 27. 81 20. 29 20. 57 17. 08	Dollars. 11, 880, 430 9, 319, 646 11, 072, 774 12, 897, 506 14, 099, 924 15, 387, 757 16, 784, 608 17, 120, 014 17, 912, 332 19, 669, 398 23, 083, 420, 21, 419, 770 23, 381, 943 25, 315, 878 20, 534, 501 20, 731, 233 22, 372, 476 21, 763, 934 14, 392, 643 17, 330, 417	Dollars. 8, 136, 014 6, 026, 607 7, 490, 074 8, 828, 660 9, 533, 524 10, 562, 022 11, 646, 532 12, 105, 528 12, 547, 900 14, 009, 516 16, 318, 120 15, 213, 085 16, 144, 031 18, 113, 512 17, 298, 858 17, 409, 815 19, 475, 562 19, 674, 992 13, 404, 931 15, 550, 582	Per ccnt. 68. 43 64. 66 67. 64 68. 45 67. 61 68. 73 69. 39 70. 71 70. 05 71. 22 70. 60 71. 05 84. 99 83. 98 87. 05 90. 40 93. 14 89. 73	
	Schedule I	-Cotton mar	nufactures.	Schedule jute, an	J.—Flax, he d manufactu	mp, and ires of.	Schedule	Schedule K.—Wool, and manufactures of.			Schedule L.—Silks and silk goods.		
Year ended June 30—	Values.	Duties collected.	Average ad valo- rem rates.	Values.	Duties collected.	Average ad valo- rem rates.	Values.	Duties collected.	Average ad valo- rem rates.	Values.	Duties collected.	Average ad valo- rem rates.	
1897 1898 1899 1900 1901 1902 1903 1903 1905 1906 1906 1907 1908 1909 1910 1911 1911 1912 1913 1914 1915	Dollars. 22, 650, 234 14, 663, 418 17, 002, 769 20, 684, 578 19, 558, 242 21, 129, 139 25, 332, 216 23, 442, 23, 216 25, 656, 366 361 31, 857, 017 31, 577, 132 26, 234, 150 26, 204, 150 27, 288, 310, 523 26, 204, 150 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360 25, 057, 288, 360	Dollars. 9, 903, 896 7, 500, 252 8, 934, 913 10, 565, 562 9, 715, 747 10, 422, 930 11, 944, 300 11, 035, 018 12, 292, 896 13, 619, 191 12, 325, 584 13, 619, 191 12, 325, 584 11, 081, 514 9, 220, 486 6, 442, 047 5, 938, 827	47.04	Dollars. 34, 852, 448 33, 704, 889 44, 412, 454 54, 732, 531 57, 689, 270 68, 123, 903 71, 297, 682 71, 440, 146 73, 284, 154 92, 055, 209 114, 124, 372 96, 177, 446, 91 114, 124, 372 96, 177, 446, 91 108, 698, 102 116, 587, 298, 108 108, 698, 102 116, 587, 298, 102 116, 587, 298, 103 130, 051, 243 30, 943, 574	Dollars. 14, 110, 685 15, 712, 121 20, 892, 285 25, 701, 451 26, 218, 962 25, 701, 451 26, 218, 962 33, 694, 804 33, 190, 646 32, 898, 490, 490, 953 41, 921, 732 42, 144, 980 49, 580, 953 44, 921, 732 47, 033, 000 49, 082, 348 48, 911, 742 19, 913, 704 1, 87, 794, 568 8, 619, 140	Per cent. 40. 49 46. 62 47. 04 46. 96 45. 46 45. 05 46. 55 46. 05 46. 08 45. 38 43. 72 43. 59 46. 21 46. 75 47. 34 45. 14 41. 95 35. 26 29. 27 27. 85	Dollare. 48, 902, 866 18, 390, 631 22, 342, 090 30, 656, 717 30, 727, 663 35, 363, 788 40, 560, 037 39, 962, 548 53, 465, 490 63, 265, 115 62, 831, 601 45, 822, 495 62, 831, 601 45, 822, 495 48, 391, 374 45, 335, 616 48, 361, 374 45, 335, 618 45, 352, 938	Dollars. 22, 702, 726 13, 057, 164 17, 239, 152 21, 537, 428 22, 1575, 104 25, 396, 923 29, 195, 736 27, 252, 492 23, 307, 578 37, 988, 695 36, 561, 217 28, 945, 246 41, 904, 850 28, 982, 553 27, 072, 116 25, 833, 028 16, 957, 341 9, 911, 637 6, 128, 567	Per cent. 46. 42 71. 12 77. 12 77. 12 77. 58 70. 21 74. 64 71. 98 68. 19 61. 87 60. 02 58. 19 62. 95 63. 17 59. 23 59. 89 56. 98 63. 33 33	Dollars. 26, 517, 092 22, 639, 597 25, 026, 504 30, 358, 771 26, 836, 267 32, 242, 228 36, 047, 873 31, 483, 007 31, 483, 007 31, 755, 212 31, 001, 307 32, 245, 923 30, 993, 562 22, 571, 510 29, 224, 018 34, 039, 755 23, 998, 167 22, 304, 619	Dollars. 12, 421, 970 12, 231, 681 13, 506, 135, 506, 135, 506, 135, 771, 795 14, 245, 693 17, 293, 290 19, 276, 546 16, 610, 210 17, 510, 133 17, 351, 095 20, 313, 706 16, 493, 078 16, 284, 117 17, 1023, 622 16, 553, 251 12, 995, 231 14, 811, 561 15, 376, 795 11, 927, 952	Per cent. 46.85 54.03 53.97 51.95 53.12 53.47 52.76 53.45 52.24 52.33 51.94 52.53 52.71 51.80 50.68 45.17 42.47 42.14	
				Schedule M.—Pulp, papers, and books.			Schedule N.—Sundries.			Tea.			
Year en	ded June 30-			Values.	Duties col- lected.	Average ad valorem rates.	Values.	Duties col- lected.	Average ad valorem rates.	Values.	Duties collected.	Average ad valorem rates.	
1897				8, 047, 824 9, 907, 819 10, 771, 259 11, 974, 859 14, 173, 917 20, 005, 025 22, 335, 007 22, 764, 740 24, 832, 627	Dollars. 1, 200, 043 1, 202, 328 1, 349, 575 1, 764, 834 1, 702, 776 1, 896, 456 2, 220, 756 2, 379, 354 3, 020, 980 4, 136, 029 4, 141, 633 4, 412, 020 4, 888, 671 5, 001, 232 3, 114, 380 1, 938, 769 1, 257, 726	21. 28 21. 62 21. 41 20. 45 22. 25 21. 19	Dollars. 41, 184, 008 56, 868, 214 66, 420, 314 77, 801, 314 77, 801, 314 78, 193, 074 88, 627, 841 88, 422, 646 78, 680, 617 129, 640, 146 133, 902, 951, 951 144, 516, 374 113, 862, 410 120, 594, 291 109, 949, 968 182, 312, 687 144, 587, 674 100, 816, 766 123, 485, 312	Dollars. 10, 081, 293 14, 073, 599 16, 272, 012 18, 706, 306 17, 912, 848 20, 180, 984 20, 843, 433 18, 767, 420 20, 771, 250 26, 600, 776 29, 892, 107 24, 475, 066 26, 387, 061 29, 133, 889 27, 448, 145 26, 831, 900 37, 158, 685 48, 533, 937 7, 158, 600 39, 495, 871	23. 17 24. 16 25. 17 24. 72 24. 03		Dollars. 41, 322 4, 812, 607 8, 008, 636 8, 259, 357 7, 882, 607 2, 178, 278		

¹ Laces, embroideries, etc., formerly included in Schedule J, are, under the law of Oct. 3, 1913, included in Schedule N.

An examination of the foregoing statistics for the years 1897, 1912, and 1916 will show the following facts:

(1) That Schedule G in 1897 in point of view of dutiable imports ranked No. 5, in 1912 it ranked No. 1, but in 1916 had dropped to No. 3.

(2) That Schedule G as a revenue producer among the schedules in 1897 ranked ninth, in 1912 had risen to third, but in 1916 dropped to fourth.
(3) That Schedule G in 1897 showed dutiable importations of only \$33,716,958, in 1912 it had risen to \$117,711,156, and 1916

had fallen to \$94,634,995; Schedule G in 1897 produced only \$8,613,987 revenue, in 1912 it increased in revenue to \$34,146,017, but in 1916 decrease in revenue reduced to \$16,164,123.

(4) That while Schedule G in 1897 had but 8 per cent of the dutiable imports, in 1912 it had risen to 14 per cent, and in 1916 decreased to 7 per cent.

(5) That while Schedule G in 1897 produced only 5 per cent of the import revenues, in 1912 it produced 11 per cent, and in 1916 only 7 per cent.

(6) Between 1897 and 1912 Schedule G increased as a revenue producer by 296 per cent, but from 1912 to 1916 decreased by 52 per cent:

Table D.—Imports into the United States of certain farm products for 9 months ending June 30, 1914, under tariff law of 1913, together with imports of same articles for 9 months ending June 30, 1913, under the tariff law of 1909, and the per cent of increase. Also the imports of the same articles for 12 months ending Oct. 1, 1915, and 12 months ending Oct. 1, 1914, and the per cent of increase under the Underwood law; total imports of these articles two years ending Oct. 1, 1913, under the Payne-Aldrich law, and imports of same articles for first three years ending Oct. 1, 1915, and per cent of increase; also imports of these articles for the last three years ending Oct. 1, 1915, under Payne-Aldrich law, and imports of same articles for first three years ending Oct. 1, 1915, under the Underwood law, and the per cent of increase; also rates of duty on these articles under both laws.—Estimated revenue if duties under Payne-Aldrich law had been collected on the imports for the first three years under the Underwood law; actual duties collected under the Underwood law and estimated loss of revenue for the three years.

[Footnotes at end of table 1]

			[Foot	notes at end of	f table.]					
Products.	Imports for of Oct., 1912, inclusive, of Aldrich tar	nine months, to June, 1913, ander Payne- iff law.	Imports for Oct., 1913, inclusive, t wood tariff	nine months, to June, 1914, under Under- law.	Per cent of in- crease or de-	Imports for la Payne-Ald Oct. 1, 191 1913, inclus	ast year under rich tariff law, 2, to Sept. 30, dve.	Imports for fi Underwood Oct. 1, 191 1914, inclus	rst year under 1 tariff law, 3, to Sept. 30, dve.	Per cent of in- crease or de-
	Quantity.	Value.	Quantity.	Value.	crease.1	Quantity.	Value.	Quantity.	Value.	crease.1
Cattle 3number Horses 3do Sheep 2do. Animals other, incl. live poultry 4.	366, 130 7, 852 13, 330	\$5,771,094 1,386,086 75,127 201,027	717, 812 29, 911 221, 129	\$16, 252, 798 1, 803, 930 491, 648 562, 915	96 280 1,558 180	516, 686 10, 960 15, 920	\$8,215,014 2,187,185 115,883 319,346	856,062 33,638 259,911	\$20,718,850 2,230,394 669,729 645,316	6, 11, 1,53, 10, 6, 2,02,
Cattle 2. number Horses 3. do Sheep 2. do Animals other, incl. live poultry 4 Bread and biscuits 4 Corn 4. bushels Oats 7. do Wheat 8. bushels Hay 9. tons	274, 733 79, 966 472, 385 106, 026	207, 353 160, 761 37, 678 368, 856 956, 812	11,843,166 22,276,137 1,971,367 143,865	366, 934 7, 598, 702 7, 882, 733 1, 755, 939 1, 410, 738	76 4,210 29,145 317 35	808, 941 87, 988 479, 955 132, 947	255, 737 479, 302 40, 782 374, 912 1, 180, 464	17, 191, 352 22, 611, 683 20, 099, 358 158, 608	420, 505 10, 865, 689 8, 026, 012 1, 858, 394 1, 569, 617	2,02
Beef and veal 1911 pounds. Mutton and lamb 1913 do Pork 1913 do Prepared and preserved meat 1912 Bacon and ham 1913 pounds. All other meats 1914		1,103,949	176,333,072 12,690,920 4,594,702 2,008,960	15,140,173 11,122,294 537,946 1,676,360 383,669 772,205	1,677		1,696,622	236, 187, 677 16, 472, 715 15, 552, 255 6, 136, 722	2,470,432 1,942,362	
			563, 868	19,622,647 143,672 2,227,856	-3 27	753, 660	174, 592 2, 480, 980	664, 747	28, 288, 303 168, 085 3, 042, 643	
Sausage and bologna ¹⁵ . pounds Sausage casings ¹⁵ . Milk and cream ² Butter and substitutes ¹¹ pounds. Cheese and substitutes ¹² do. Eggs ²¹ dozen Beans ¹⁵ bushels Onions ²⁶ do. Peus ²¹ do. Potatoes ²² do. Wool, unmanufactured ²⁴ pounds.	980, 622 38, 084, 797 1, 099, 434 711, 511 573, 770 657, 112 308, 960	131,440 1,753,179 807,521 258,367 7,027,405 154,368 1,383,695 361,222 1,074,849 279,103	7, 390, 147 48, 090, 810 5, 832, 725 1, 416, 566 810, 956 771, 023 3, 622, 166	19, 622, 647 143, 672 2, 227, 856 2, 020, 452 1, 647, 408 8, 774, 541 1, 059, 592 2, 504, 214 742, 291 1, 638, 709 1, 745, 084 1, 378, 995	150 652 26 430 99 41 17 1,072	1,432,497 51,478,300 967,297 877,625 752,577 332,787	1,426,103 364,420 9,263,557 205,824 1,835,144 528,135 1,285,414 296,801	8,426,954 56,432,541 1,649,155 1,075,792 988,287 3,642,920	3,750,798 1,874,658 10,426,030	
All other vegetables 23. Wool, unmanufactured 24. pounds	136, 169, 730	279,103 1.172,387 25,054,880	224, 912, 077	1,378,995 49,060,745	- 17 66	152, 330, 381	1,431,874 29,184,902	239, 641, 509	1,612,117 61,067,153	
Total		49, 727, 159		130, 692, 543	162		63,342,993		166, 020, 946	162
Products.	Imports for le ending Oct der Payne-	ast two years . 1, 1913, un- Aldrich law.	Imports for ending Oct der Underv	first 2 years t. 1, 1915, un- wood law.	Per cent of in- crease or de-	Imports for ending Oct der Payne-	last 3 years . 1, 1913, un- Aldrich law.	Imports for ending Oct der Underv	first 3 years . 1, 1916, un- wood law.	Per cent of in- crease
	Quantity.	Value.	Quantity.	Value.	crease.	Quantity.	Value.	Quantity.	Value.	or de- crease.
Cattle 2number Horses 3do Sheep 2do Animals, other, including live	853, 298 17, 079 36, 629	\$13, 290, 373 3, 883, 884 225, 849	1, 321, 293 46, 182 418, 689	\$39, 370, 793 3, 022, 760 1, 278, 985	54 170 1,043	1, 062, 844 26, 219 78, 174	\$16, 571, 043 6, 418, 214 494, 269	1, 673, 880 60, 158 660, 657	\$52, 092, 181 32, 078, 533 2, 319, 043	57 129 745
Cattle 2number Horses 3 do Sheep 2 do Animals, other, including live poultry 4 Bread and biscuits 5 Corn 6 bushels Oats 7 do Wheat 8 do Hay 9 tons	1, 474, 493 3, 351, 831 3, 501, 187 2, 996, 758	529, 908 536, 747 853, 369 1, 344, 811 2, 656, 216 3, 198, 985	24, 880, 919 22, 935, 513 3, 289, 329 183, 617	1, 449, 335 680, 484 15, 453, 242 8, 193, 585 3, 123, 162 1, 949, 775	154 28 1,594 584 - 8 -94	1, 526, 815 3, 451, 853 4, 020, 256 3, 333, 578	854, 659 914, 200 891, 242 1, 384, 410 3, 132, 998 5, 744, 898	28, 220, 583 23, 592, 426 9, 617, 690 211, 461	1, 975, 305 889, 914 17, 187, 826 8, 486, 507 9, 876, 173 2, 386, 854	131 - 2 1,748 583 139 - 93
Beef and veal ¹⁰ ¹¹ pounds. Mutton and lamb ¹⁰ ¹¹ do Pork ¹⁰ ¹¹ do Prepared and preserved meat ¹⁰ ¹² Bacon and ham ¹⁰ ¹³ pounds. All other meats ¹⁰ ¹⁴		2, 804, 198	373, 722, 737 29, 406, 132 21, 230, 583 9, 694, 121	33, 245, 476 2, 693, 363 2, 593, 920 2, 967, 675 1, 564, 647 2, 702, 468	1,531		4,011,954	439, 971, 060 48, 682, 222 23, 142, 041 10, 239, 275	39, 971, 046 4, 396, 102 2, 796, 487 3, 316, 420 1, 660, 996 4, 387, 795	1,309
Sausage and bologna ¹⁵ , pounds. Sausage casings ¹⁵ Milk and cream ² Butter and substitutes ¹⁵ , pounds. Cheese and substitutes ¹⁷ , do. Eggs ² ¹⁸ , dozen Beans ¹⁹ , bushels Onions ²⁰ , do	1,769,559	363, 509 4, 936, 512 2, 365, 792 541, 006 18, 378, 551 362, 094	11 986 999	45, 767, 849	200 200 448 3	2, 677, 037 3, 107, 762 143, 092, 024	7, 496, 475 3, 779, 891 781, 837	12,026,684	56, 528, 846 226, 825 1, 601, 381	-66 -86 417 286 -6
Eggs ² 18 dozen Beans 19 bushels. Onions 20 do. Peas 21 do. Potatoes 22 do. Wool, manufactured 24 pounds.	2, 233, 038 1, 987, 949 2, 245, 869 1, 852, 090 14, 058, 449	362, 094 3, 654, 578 1, 694, 527 3, 237, 417 7, 460, 418 3, 294, 835 68, 569, 519	101, 925, 904 9, 991, 890 2, 364, 581 1, 794, 555 1, 645, 484 4, 604, 370	1, 532, 556 4, 043, 137 1, 498, 129 4, 506, 348 2, 020, 574 3, 065, 499 133, 635, 386	307 18 -20 -11 -71 - 6	3, 107, 762 143, 092, 024 3, 885, 660 3, 141, 711 3, 549, 495 2, 378, 586 14, 299, 331	588, 191 5, 665, 514 2, 080, 349 4, 109, 353 7, 712, 676 5, 718, 972	9, 779, 453 3, 821, 310 2, 863, 195 2, 521, 385 4, 230, 856	2, 879, 944 27, 118, 382 1, 658, 100 6, 114, 299 2, 446, 847 6, 712, 151 2, 352, 683 4, 946, 244 271, 454, 208	151 5 -19 6 -70 -13
Total		Charles Co.	570, 483, 312	305, 935, 672	50	527, 694, 921		1, 076, 996, 029	271, 484, 208 539, 301, 397	104

Table D.-Imports into the United States of certain farm products for 9 months ending June 80, 1914, under tariff law of 1913, etc. -Continued.

Products.	Rates under Payne-Aldrich law.	Rates under Underwood law.	Estimated revenue, Payne- Aldrich rates applied to imports first three years under Under- wood law.	Revenue collected under Underwood rates.	Estimated loss of revenue for three years on these articles alone.
Cattle 2 number	27.07 per cent	Free	\$14, 101, 353		\$14, 101, 353
Horses 3	35.04 per cent	10 per cent	11, 240, 317	\$3, 207, 853	8, 032, 464
Sheep ² do Animals, other, including live poultry ⁴ .	16.41 per cent	Free			380, 554
Animais, other, including live politry *	16.02 per cent	6.43 per cent \$595,186 free; bal-	316, 443 311, 469	126, 012 73, 682	190, 431
Diese and Disents	at 20 per cent,	ance, 25 per cent.	Q11, 409	10,082	237, 787
Corn # bushels	15 cents bushel	Free	4, 233, 087		4, 233, 087
Oats 7 do	do	.06 cent bushel	3, 538, 863	1, 515, 545	2, 023, 318
Wheat s do do	25 cents bushel	10 cents bushel	2, 464, 422	961, 769	1, 502, 553
Hay 9tons	\$4 per ton	\$2 per ton	845, 814	422, 922	422, 922
Beef and veal 10 11pounds	1½ cents pound	Free	6, 599, 565		6, 599, 565
Mutton and lamb to 11do	do	do	730, 233		730, 233
Pork ¹⁰ 11 do. Prepared and preserved meat ¹⁰ 12 pounds. Bacon and ham ¹⁰ 13 pounds.	do	do	347, 130		
Prepared and preserved ment 10 12	25 per cent	do			
All other meats 10 14 pounds.	.04 cent pound	do	409, 571 438, 779		409, 571 438, 779
All Office means	10 per cent				400, 119
			9, 354, 383		
Sausage and bologna 15. pounds Sausage casings 15		Freedo			
Milk and cream 2	Croom 5 conto col	do			1, 766, 356
and deam	lon; milk, 26.86		1,700,500		1, 700, 500
Butter and substitutes 16pounds	.06 cent pound	.024 cent pound	721,601	300, 667	420, 934
Cheese and substitutes 17do	do	20 per cent	8, 036, 001	5, 423, 676	2, 612, 32
Eggs ² 18 dozen	.05 cent dozen	Free	488, 972		488, 972
Beans 19bushels	45 cents bushel	25 cents bushel	1, 494, 589	830, 227	664, 362
Onions ²⁰ do	40 cents bushel	20 cents bushel	1, 145, 278	572, 639	572, 639
Peas ¹¹ do	at 45 cents bushel; at 25 cents bushel.	at 20 cents bushel; at 10 cents bushel.	731, 201	302, 565	428, 636
Potatoes #do	25 cents bushel	\$1,762,585 free; balance, 10 per cent.	1,057,714	59,009	998, 705
All other vegetables 33	25 per cent	15 per cent	1, 236, 561	741, 936	494, 625
Wool, unmanufactured 24 pounds.	43.61 per cent	\$6,412,007 at 15 per	1 -, 500, 001	11,000	201,000
		cent October and	119, 394, 263	961, 801	} 117, 139, 911
		November,1903,old law; balance free.	119, 591, 205	1, 292, 521	111, 139, 911
		ian, barance nee.			van 000 110
Total		*************	182, 859, 271	16, 792, 824	166, 066, 447

- 1 Per cent of increase figured on quantities, where quantities are given; otherwise on values.
 2 Free on and after Oct. 3, 1913.
 2 Duty reduced from 30 per head where value not over \$150, 25 per cent ad valorem, where value over \$150 per head, to 10 per cent ad valorem.
 4 Live poultry reduced from 3 cents per pound to 1 cent per pound; dead, from 5 cents per pound to 2 cents per pound.
 5 Either placed on free list or duty reduced about one-half.
 6 Free on and after Oct. 3, 1913. Duty was 15 cents per bushel.
 7 Duty reduced from 15 cents per bushel to 6 cents per bushel.
 8 Free il imported from countries which impose no duties on like imports from United States, otherwise 10 cents per bushel. Duty was 25 cents per bushel.
 9 Duty reduced from \$4 per ton to \$2 per ton.
 10 Included in all other meat products prior to July 1, 1913.
 11 Free on and after Oct. 3, 1913. Duty was 15 cents per pound.
 12 Free on and after Oct. 3, 1913. Duty was 25 per cent ad valorem.
 13 Free on and after Oct. 3, 1913. Duty was 4 cents per pound.
 14 Free on and after Oct. 3, 1913. Duty was 4 cents per pound.
 15 Free on and after Oct. 3, 1913. Duty was 10 per cent ad valorem.
 16 Prec under both laws.
 17 Duty reduced from 6 cents per pound to 24 cents per pound.
 18 Included in all other articles prior to Oct. 3, 1913.
 19 Duty reduced from 6 cents per boushel to 25 cents per bushel.
 10 Duty reduced from 40 cents per bushel to 20 cents, per bushel.
 10 Duty reduced from 40 cents per bushel to 20 cents, and from 25 cents per bushel.
 10 Duty reduced from 40 cents per bushel to 20 cents, and from 25 cents per bushel.
 10 Duty reduced from 5 cents per bushel to 20 cents, and from 25 cents per bushel.
 10 Duty reduced from 25 per cent ad valorem to 15 per cent ad valorem.
 10 Duty reduced from 25 per cent ad valorem to 15 per cent ad valorem.
 11 Practically all free of duty since Dec. 1, 1913. October and November, 1913, were under old law.
 12 Practically all free of duty since Dec. 1, 1913. October and November, 1913, were under old law.

By July 1, 1918, probable loss of revenue on these articles would be \$262,938,378.

A study of the foregoing tables would seem to convince almost anyone of the large amount of revenues that the present administration has been throwing away and demonstrate the special favors we have been extending to the foreigners and the special burdens that we are placing upon business and upon our own people. Further, it will be readily seen that not only would a large amount of revenue have been collected, but our industries in this country would have been fairly protected against unwarranted competition had we followed the suggestions of the minority report filed with this bill in adhering to-

(1) Proper and rigid economy observed in all appropriations.
(2) The sound fiscal system of four years ago, under which our national debt was gradually and substantially being reduced; prudent national enterprises were being met and their expenses paid; a safe and substantial surplus was maintained in the Treasury and a reasonable protection to American industries maintained, which contributed greatly toward full and constant employment at good wages to our labor and gave a fair opportunity to American capital.

Mr. SLOAN. I yield back the balance of my time.

Mr. MOORE of Pennsylvania. Mr. Chairman, how much time is remaining on this side?

The CHAIRMAN. Twelve minutes,

Mr. MOORE of Pennsylvania. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. Fuller].

Mr. FULLER. Mr. Chairman, I will not offer the amendment I proposed a few minutes ago, because the amendment offered by the gentleman from New York [Mr. Dempsey] covers precisely the ground that I proposed to cover. I think the amendment is sufficient to cover the entire claim that we make, that these companies-life insurance, health insurance, and accident insurance companies-should be exempted from the payment of this tax, if the tax is justified in any case. These companies exist for the benefit of the people who are left dependent, perhaps, by the death of the protector of the family, and if anything on earth ought to be exempt it is insurance policies of this kind.

I do not see how, under the arguments made by the gentlemen on the other side yesterday, they can for a moment justify this kind of a tax against the funds provided for those who may be left destitute when the head of the family is taken away. I sincerely hope that either the amendment offered by the gentleman from New York [Mr. Dempsey] or that of the gentleman from Pennsylvania [Mr. Moore] may be adopted. I think either one perhaps covers the ground, but the one offered by the gentleman from New York perhaps more thoroughly, according to my view, than any of the others. I also favor the amendment introduced by the gentleman from New Hampshire [Mr. Wason], which, however, is on a different subject.

The CHAIRMAN. The time of the gentleman from Illinois

has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I yield three minutes to the gentleman from Delaware [Mr. MILLER].

The CHAIRMAN. The gentleman from Delaware is recog-

nized for three minutes.

Mr. MILLER of Delaware. Mr. Chairman, I shall support the amendments offered to sections 200 and 201 of this bill as they relate to insurance companies, because I think any amendment that will perform a legislative operation on this bill is a good move and should be adopted.

Further, I believe that the first amendment offered by the gentleman from New Jersey [Mr. Parker] exempting mutual insurance companies is unassailable and one that the majority in this House may well consider and adopt at this time.

In the few minutes remaining I am going to hand to the Clerk to read a portion of a letter that I received to-day which covers fully my views on the matter of taxing these insurance com-

The CHAIRMAN. Without objection, the Clerk will read the

The Clerk read as follows:

The Clerk read as follows:

Unlike any other country in the world, civilized or uncivilized, the United States already imposes a tax of over \$1,000,000 per month upon American policyholders—to be exact, \$13,676,096 last year. These taxes in 1890 aggregated \$2,000,000; last year, \$13,676,096. This premium tax imposed would have furnished insurance protection of \$500 each to 1,159,200 more families, now left without a dollar, and yet it is estimated that the United States is paying for dependency in various ways—organized channels, public and private—between \$350,000,000 and \$400,000,000 per annum, not including the amount paid in Government pensions.

Why should legislation seek constantly to restrict expenses of life insurance companies, yet compel officers to pay this one increasing arbitrary, excessive, and unjust expense?

Why not label laws taxing life insurance policyholders "An act to restrict trifft and providence by taxation"; "An act to encourage dependency"; "An act to tax almshouses, orphanages, and philanthropic institutions"?

"If village neighbors collected \$1,000 for a destitute widow and her orphans and were met at her house by a taxgatherer demanding \$70, he would probably be mobbed. Yet this is what our States take from every \$1,000 paid to the widows."—Haley Fiske.

Yours, very truly,

W. W. KNOX.

Mr. MHLLER of Delaware. Mr. Chairman, I ask unanimous

Mr. MILLER of Delaware. Mr. Chairman, I ask unanimous consent to further extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Delaware asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MILLER of Delaware. I yield back what remains of my

The CHAIRMAN. The gentleman's time has expired.
Mr. MOORE of Pennsylvania. Mr. Chairman, I yield two
minutes to the gentleman from Iowa [Mr. Dowell].

The CHAIRMAN. The gentleman from Iowa is recognized

Mr. DOWELL. Mr. Chairman, in the time allotted to me I shall be unable to discuss any of the provisions of the bill. As I understand it you are seeking here to levy a tax on mutual companies or associations, or, rather, you are seeking to tax the funds which have been laid aside for the widows and the orphans after the policyholders have died. It seems to me that you should not increase the tax on the funds which have been placed in the hands of these companies or associations for the purpose of assisting the widows and orphans after those upon whom they were dependent have gone.

I have received a number of telegrams protesting against the increase of the taxes on these funds, and, while I recognize this bill can not be amended, it occurs to me these protests

should be considered.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, how much time remains to me?

The CHAIRMAN. Five minutes.

Mr. MOORE of Pennsylvania. Does the gentleman from North Carolina desire to proceed? We are within five minutes of the expiration of our time.

Mr. KITCHIN. I will close with five minutes.

Mr. MOORE of Pennsylvania. With but one speech on that

Mr. KITCHIN. Yes. We have but one other speaker. Mr. MOORE of Pennsylvania. Then I yield five minutes, Mr. Chairman, to the gentleman from Oregon [Mr. McArthur]. fraternal and labor organizations?

The CHAIRMAN. The gentleman from Oregon is recognized for five minutes

Mr. McARTHUR. Mr. Chairman, the ground has been so thoroughly covered by other gentlemen on this side of the aisle that I do not deem it necessary to enumerate the very potent arguments that have been advanced against this proposition to levy a tax on industry and thrift. 'I wish, however, to include in what I have to say a couple of telegrams that I have received from people in my district relative to this matter. I yield back the balance of my time.

Following are the telegrams referred to:

PORTLAND, OREG., January 29, 1917.

Hon. C. N. McArthur, Washington, D. C.:

Some of us Oregonians are very much interested in the developments of local life insurance companies, and it strikes us that the proposed emergency revenue applied to life insurance acts as a burden upon the small income of life insurance policyholders, and appears to us a tax upon the thrift that the small individual is making to protect his family, thereby relieving the State of a burden which too often falls upon it.

C. F. ADAMS.

PORTLAND, OREG., January 30, 1917.

C. N. McArthur, Washington, D. C.:

Newspaper reports indicate new Federal revenue bill would levy tax of 8 per cent annually on insurance companies on net income exceeding \$5,000 and percentage on capital invested, in addition to present taxes. In the case of mutual assessment life insurance associations, all savings are held in trust for sole purpose of protecting policyholders and beneficiaries in same manner and for same purpose as are accumulations of fraternal societies; hence by all means exempt them from this special text.

C. A. SHEPPARD.

Mr. MOORE of Pennsylvania. Mr. Chairman, I yield one minute to the gentleman from South Dakota [Mr. DILLON].

The CHAIRMAN. The gentleman from South Dakota is

recognized for one minute.

Mr. DILLON. Mr. Chairman, in behalf of numerous policyholders of my State I want to enter a protest against the feature of this bill that seeks to levy-a tax upon the funds accumulated for the widows and the orphans, and as a part of my remarks I ask unanimous consent to incorporate in the RECORD three protests that I have received. I yield back the time I have not consumed.

Following are the telegrams referred to:

PIERRE, S. DAK., January 28, 1917.

Hon. C. H. Dillon, House of Representatives, Washington, D. C.:

Proposed emergency revenue measure agreed to by Democratic House caucus imposes oppressive tax on insurance companies operating in South Dakota, which must be shifted to policyholders. Please do all you can to eliminate.

LORING E. GAFFEY, President First National Life Insurance Co.

SIOUX FALLS, S. DAK., January 30, 1917.

Hon. C. H. Dillon,

House of Representatives, Washington, D. C.:

House of Representatives, Washington, D. C...
In behalf of mutual life insurance companies I desire to enter a protest against passage of Federal emergency revenue measure in its present form. I regard it as being unfair and unjust to them, and reasons for this conclusion will be placed before you later. In meantime please use your endeavors to secure fair hearing for companies on this measure.

JOHN MALLANNEY.

WATERTOWN, S. DAK., January 29, 1917.

Hon. C. H. Dillon,
House of Representatives, Washington, D. C.: Three hundred stockholders and officers of Dakota Life Insurance Co. protest against enactment of Federal emergency revenue measure, and hope you can see your way clear to oppose and defeat the assassination of life insurance business.

JOHN B. HATEN, President.

Mr. MOORE of Pennsylvania. Mr. Chairmau, I yield one minute to my colleague from Pennsylvania [Mr. GARLAND]. The CHAIRMAN. The gentleman from Pennsylvania is rec-

ognized for one minute.

Mr. GARLAND. Mr. Chairman, there is one point in connection with this bill that I want to call to the attention of the Members of this House, and especially I want to attract the attention of the chairman of the committee who has this bill in charge. Labor organizations and fraternal organizations, many of them, which are giving sick and funeral benefits to their members, accumulate funds, and with those funds they purchase homes and lay by considerable money for the purpose of paying sick and death benefits.

Now, the chairman states to me that this amendment would not include them for the reason that they are not taxed an income tax. But supposing the collector of income tax decides that they are taxable, which he is likely to do at any time. Is there not any way you can arrange in this bill to exempt those organizations from a tax of that kind-a tax on the funds of

Mr. KITCHIN. I will say to the gentleman that all the insurance companies that are excepted in the income tax are stated just as clearly as they can be, and this bill excepts the same incomes of all kinds from the operations of this bill as are excepted in the income-tax law.

Mr. GARLAND. The gentleman thinks the collector of the income tax would not decide that labor and fraternal organiza-

tions are included?

Mr. KITCHIN. Of course, if he concludes contrary to the plain words of the statute, they would have an appeal to the Supreme Court.

Mr. GARLAND. I simply wanted to be assured on that point.

Mr. KITCHIN. Yes. Mr. GARLAND. I w I wanted that to be in the RECORD.

Mr. MOORE of Pennsylvania. How much time is remaining,

The CHAIRMAN. The gentleman has two minutes remaining, Mr. MOORE of Pennsylvania. I yield one minute to the gentleman from Connecticut [Mr. Oakey].

Mr. OAKEY. Mr. Chairman, I come from one of the great homes of life insurance, and for the last few days have received a great number of protests against this provision of the bill. In the moment allowed me I want simply to join hands and heart with the gentlemen who are making this protest against taxing the policyholders of the mutual life insurance companies of America. Their voice goes out to you, my colleagues, as well as that of the officers who conduct these great companies, asking you to strike from this measure this unjust and unfair provision, and I ask you in all sincerity to help us do it.

Mr. MOORE of Pennsylvania. Mr. Chairman, I had intended to yield the last minute to the gentleman from Iowa [Mr. Good], but he has kindly turned it back to me in order that I may say a word or two about amendments that are of very great importance; one offered by the gentleman from New Hampshire [Mr. Wason], which proposes to exempt corporations or partnerships where the employees participate in the profits; that is to say, where there is an actual profit-sharing by the employees. Then the mutual life insurance amendments. I hope we may have careful consideration of these proposals to exempt mutual

companies from the operation of this tax.

The mutual life insurance company is the last thing in the world that ought to be taxed in war time or any other time. It makes no profits like the business concern makes. It has no opportunity to make such profits. It is not in the profit-making business, and in war time in particular it stands in the stead of the Government, whose funds are depleted, to take care of the widows and orphans that the Government can not possibly take care of. It seems to me that in the interest of that humanity of which the gentleman from North Carolina [Mr. KITCHIN] spoke so feelingly in the earlier part of his address these two amendments should be agreed to.

Mr. KITCHIN. Mr. Chairman, I yield two minutes to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. Burnert: Amend line 20, on page 3, by striking out "\$5,000" and inserting "\$10,000" in Heu thereof.

Mr. BURNETT. Mr. Chairman, the speech of the chairman of the Ways and Means Committee was most eloquent and able—one of the ablest I have ever heard fall from the lips of any Representative on this floor. The purposes of the bill as outlined by him are perfectly right, if it accomplishes what the gentleman thinks it will. I agree with him that those who have been piling up their millions as a result of war conditions and those who, by every means, fair and foul, have been helping to get up this hysteria in favor of preparedness and pilling up millions of dollars of expense on the Federal Treasury, should pay the expenses necessarily incurred thereby. But he said that the bill would exempt those who were the innocent victims of such wild extravagance. In that the gentleman is mistaken. All over the country, and especially throughout the Middle West, the West, and the South, there have been for several years banking and business institutions growing up in which the working people and the farmers own the main part of the stock. The gentleman attempts to answer that by saying that when you exempt \$5,000 and then 8 per cent additional it will never affect any of those people. In ordinary or lean years that would be a correct proposition; but the last few years have been years of great prosperity to those people, and many of these banking and business institutions have been making perhaps 25 or 30 per cent, and gentlemen from all over the country are going to find when this bill is put into operation back to the policyholders.

that they will receive protests from those people who are not responsible for existing conditions and who are not protected by the small exemption of \$5,000. It is in the interest of such as these that I offer this amendment. The chairman of the Ways and Means Committee says that my amendment, if adopted, will cut down the revenue proposed by this bill in the amount of twenty-five or thirty million dollars. My answer to that is that by cutting out one battleship from the proposed naval program we will not need that twenty-five or thirty million dollars

Mr. ADAIR. Will the gentleman yield?

Mr. BURNETT. I have only five minutes, and I hope my

colleague will not insist.

Therefore, in the utmost good faith, Mr. Chairman, I insist that this amendment ought to be adopted for the purpose of carrying out the objects that the gentleman from North Carolina [Mr. Kitchin] has said were the purposes of this bill, and which I admit to be legitimate. Therefore I say that when we come to vote on this section that amendment ought to be adopted by which the earnings of these people, thousands of whom have earned their little money by the sweat of their brows and put it into these partnerships and corporations, may be protected by an increase of the maximum exemption to \$10,000 instead of \$5,000.

Mr. Chairman, I yield back the remainder of my time. The CHAIRMAN. The gentleman from North Carolina The gentleman from North Carolina [Mr.

KITCHIN] is recognized for five and one-half minutes.

Mr. KITCHIN. Mr. Chairman, I hope the amendment of the gentleman from Alabama [Mr. BURNETT] will not be adopted. I do not think he understands exactly the operation of the excess profits provision, because hardly any of the corporations or copartnerships to which he refers will be touched by this If his amendment were adopted the small corporations to which he refers, say those having a capital of \$25,000, would have to make a 48 per cent profit before the tax would touch them at all. Corporations of \$50,000 would have to make 28 per cent net profit before this tax would attach, and corporations with \$100,000 would have to make a net profit of 18 per cent before the tax would attach. I think the exemption in the gentleman's amendment is entirely too high. It ought not to be adopted, and if adopted we would lose about \$25,000,000 in revenue.

Mr. BURNETT. Could we not cut it off of one battleship? Mr. KITCHIN. If we could do that, Now I want to ad-Now I want to address myself to the amendment offered with respect to exempting mutual insurance companies. Why, gentlemen, the policy-holders in this country will not feel the sensation of the loss of a penny by the operation of this law. Every insurance company, fraternal beneficiary society, or any other kind of insurance company that is exempted under the present income-tax

law is exempted from the operation of this bill.

Mr. STAFFORD. Will the gentleman yield?

Mr. KITCHIN. No; I have not time. I can not be interrupted, because I have not time. Mutual insurance companies which now have to pay taxes under the present income-tax law will have to pay under this law, and those which are exempted

under that law will be exempted under this.

Let me say to the House that the 20 largest insurance companies in this country have reserves aggregating nearly \$4,000,-To-day these 20 largest insurance companies of the United States have an income from the invested reserve outside of what the policyholders pay, outside of the excess of assets over their legal reserve, amounting to \$200,000,000. And yet, there are so many exemptions and deductions under the incometax law that they paid last year only about \$300,000 income tax; and under the present income-tax law, paying double the normal tax, they will pay about \$600,000. All other corporations with anything like the assets these companies have will pay many times that amount under the operation of this law as compared with the amount these insurance companies will pay. this tax the 20 insurance companies will pay about \$1,000,000. This taxes only the net income. Every dollar of the premium returned to the policyholders is deducted. The tax can not fall on the policyholder, and I trust that no man will vote for the amendment on the ground that it falls on the policyholder. If the insurance companies are opposed to this tax let them pay the excess of the net income over the 8 per cent deduction to the policy-holder as a refund, to which it rightfully belongs.

Mr. PARKER of New Jersey. Do not they have to put by a

trust fund in what is called the reserve?

Mr. KITCHIN. That is not taxed now.

Mr. PARKER of New Jersey. Yes; it is taxed.
Mr. KITCHIN. The net income will be taxed, not that put aside as a reserve. If they do not want the tax, let them send it

The CHAIRMAN. The gentleman's time has expired, all time has expired, and the question is on the amendment offered by the gentleman from New Jersey [Mr. PARKER], which the Clerk will report.

The Clerk read as follows:

Page 2, line 5, after the word "companies," insert "excepting purely mutual insurance companies,"

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. Moore of Pennsylvania) there were 111 ayes and 113 noes.

Mr. MANN. I ask for tellers.

Tellers were ordered.

The Chair appointed as tellers the gentleman from Ohio [Mr. ALLEN] and the gentleman from New Jersey [Mr. PARKER]

The committee again divided, and the tellers reported that there were 133 ayes and 171 noes.

So the amendment was rejected. The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BENNET], which the Clerk will report.

The Clerk read as follows:

Page 2, line 25, strike out the words "and insurance companies."

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Pennsylvania [Mr. Moore], which the Clerk will report.

The Clerk read as follows:

Page 3, line 18, after the word "plan," insert "and from the business of life insurance companies issuing policies upon the mutual plan." The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York [Mr. Dempsey], which the Clerk will report.

The Clerk read as follows:

Page 3, lines 16, 17, and 18: Line 16, strike out "and" and insert "or" in place thereof; after the word "insurance," line 17, strike out "combined in one policy issued on the weekly-premium payment plan."

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New Hampshire [Mr. WASON], which the Clerk will report.

The Clerk read as follows:

On page 3, line 18, after the word "plan," insert "and further excepting income of every corporation and partnership organized, authorized, or existing under the laws of the United States, or any State, Territory, or District thereof that is divided annually among employees of such corporation or partnership."

The question was taken; and on a division (demanded by Mr. Wason) there were 115 ayes and 137 noes.

So the amendment was lost.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Alabama [Mr. Burnett], which the Clerk will report.

The Clerk read as follows:

Amend, line 20, page 3, by striking out "\$5,000" and inserting "\$10,000."

The question was taken; and on a division (demanded by Mr. Bennet) there were—ayes 102, noes 127.

So the amendment was rejected.

Mr. DILLON rose.

The CHAIRMAN. All debate has been exhausted on this

A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. DILLON. I understood that applied only to the insur-

ance features of the section.

The CHAIRMAN. The Chair particularly asked the gentleman from North Carolina [Mr. KITCHIN] whether his request for unanimous consent was that debate should be closed on all amendments to the paragraph, and he replied that it was, and it was with that understanding that debate would close. The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

Sec. 203. That the tax herein imposed upon corporations and partnerships shall be computed upon the basis of the net income shown by their income-tax returns under Tile I of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, or under this title, and shall be assessed and collected at the same time and in the same manner as the income tax due under Title I of such act of September 8, 1916: Provided, That for the purpose of this title a partnership shall have the same privilege with reference to fixing its fiscal year as is accorded corporations under section 13 (a) of Title I of such act of September 8, 1916: And provided further, That where a corporation or partnership makes return prior to March 1, 1918, covering its own fiscal year and includes therein any income received during the calendar year ending December 31, 1916, the tax herein imposed shall be that proportion of the tax based upon such full fiscal year which the time from January 1, 1917, to the end of such fiscal year bears to the full fiscal year.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from North Carolina if he is certain, before we come to the next section, that mutual building and loan associations are covered by the exemptions in section 204?

Mr. KITCHIN. The same kind of mutual building and loan associations that are exempted under the income-tax law are exempted under this. This bill specifically says so in another

Mr. BENNET. As I recall it, the income-tax law exempts the

ordinary building and loan association?

Mr. KITCHIN. Yes. I remember discussing the matter with the gentleman when we were considering the income-tax law at the last session. The same companies that he thought ought to be exempted and which were exempted in the income-tax law are exempted here.

Mr. ALLEN. Mr. Chairman, I will say this to the gentleman from New York, that I talked to the president of the National Association of Building and Loan Associations, and he is en-

tirely satisfied.

Mr. BENNET. Very well.

Mr. MANN. Mr. Chairman, I do not see any possibility of getting through with this bill until after the dinner hour.

Mr. KITCHIN. Oh, I should think we could easily.

Mr. MANN. Well, I am a pretty good guesser about what the House does

Mr. KITCHIN. Of course the gentleman can prevent it if he

Mr. MANN. I am not trying to prevent it. I would like to expedite it. What I want to get at is this: I think it is fair to the House to know whether it is the intention of the gentleman from Alabama to keep the House here to-night until we have a final vote upon the veto message of the President upon the immigration bill. If the gentleman from Alabama does not know now, I wish he would canvass the subject and let us know later.

Mr. KITCHIN. I know there are a few gentlemen on this side, and, I think, on the other side, who have made arrange-

ments to go home.

Mr. MANN. I understand; but I am asking for information for the benefit of the Members of the House. Undoubtedly the House will do what the gentleman from Alabama desires to have done.

Mr. KITCHIN. Does the gentleman from Alabama desire to hold the Members here to get a final vote upon the veto message

of the President on the immigration bill?

Mr. BURNETT. I do.

Mr. MANN. No matter how late it may be?

Mr. BURNETT. That is correct.

Mr. MANN. Very well.
The CHAIRMAN. The gentleman from Tennessee is recognized for five minutes.

Mr. AUSTIN. Mr. Chairman, I wish to voice my earnest protest against the passage of the pending revenue bill. I wish to do it in the name of the business men and manufacturers of the great industrial district which I have the honor to represent. I wish also to do it in the interest of the deserving men engaged in the mining, lumbering, and manufacturing business throughout the Southern States-in the name of every cotton mill, every knitting mill, every textile plant, every marble mill, every coal company, every iron furnace, every steel mill, and every business corporation in the South. I wish to do it in the name of the commercial and business organizations of the cities of the South. If we were to take a vote to-day of the progressive business men whose money and energy and enterprise are building up and developing the wonderful resources of the South, that vote would, in my opinion, be practically unanimous against this un-American bill. [Applause on the Republican side.1

I am opposed to a low tariff and direct taxation by the Federal Government-the same system of taxation which has filled Great Britain with paupers. I protest against my country adopting the system and method of taxation used in that counbecause it has filled and overcrowded public hospitals, asylums, almshouses, and poorhouses with the plain common In Great Britain one out of every four persons who die is buried at public expense. Under their system of taxation, with a population of 45,000,000 people in 1911, they had 1,057,000 paupers, as against 64,000 paupers in the United States the same year, with a population of 91,000,000, under a protective tariff law. Fifty-three per cent of their people over 75 years of age are cared for in the poorhouses. As I recall it, the prime minister of England recently made the statement that out of 475,000 people who had passed away 425,000 died without leaving a farthing apiece. And yet the party now in power has committed

Congress to a tariff for revenue only, a low tariff, and is to-day by this bill forcing upon the American people a system of direct taxation-the same system which has made paupers of countless thousands of the working people of Great Britain. I protest against following the tariff for revenue only and direct taxation laws of Great Britain, which have filled that land with poverty, misery, unhappiness, and created an army of over a million paupers. I stand for the American protective-tariff system, which has made this country the marvel, the envy, and the admiration of the world, made it the richest, the most favored, and the most prosperous land beneath the sun.

The gentleman from North Carolina [Mr. KITCHIN], the Democratic leader, appeals to the entire Republican side to favor the pending bill because it practically voted for prepared-In supporting that legislation the Republicans did not commit themselves to raising the money to meet it by a system of direct taxation by the Federal Government. I submit this challenge or test to the gentleman from North Carolina: Bring in a protective-tariff bill to meet this emergency, to cover the cost of preparedness, and every man on this side of the House will vote for it. [Applause on the Republican side.] When in a majority the Republicans passed the appropriation bills to run the Government—for the Army and the Navy, and so forth the Democratic side voted with them in favor of said bills. Later, when a protective-tariff measure to raise the needed money to meet the expense the Democrats and Republicans had voted to incur was introduced, the Democratic side, including the Member from North Carolina, voted against the protectivetariff bill.

The Democratic leader [Mr. KITCHIN] complains and attempts to defend his side against the charge of extravagance, and now let me call his attention to the statement made by the gentleman from New York [Mr. FITZGERALD], the Democratic chairman of the Committee on Appropriations of this House, in which he said that the Democratic Members had been so reckless, so extravagant, so wasteful of the public funds that at times he felt tempted to resign his position. The gentleman from Mississippi [Mr. Sisson] and the gentleman from North Carolina [Mr. Page], both Democratic members of the Committee on Appropriations, appealed to their Democratic colleagues to stop their wasteful extravagance of public money. The gentleman from Mississippi [Mr. Sisson] said that the Democratic side owed the Republican Members an apology in view of the charge in the Democratic national platform that the Republicans were wasteful and extravagant.

The bill under consideration provides for new and additional taxation amounting to \$248,000,000. Now, this is about equal to the following items of expenses authorized by a Democratic Congress over Republican opposition and caused by the administration's mistakes in handling the Mexican question:

Armor-plate plant	\$50, 000, 000 20, 000, 000 11, 000, 000 160, 000, 000
-------------------	-----------------------------------------------------------------

In this table is not included the expenses of capturing Vera Cruz, Mexico, or the thousands of new offices created by a Democratic Congress over the protest of the Republicans. All of these expenditures now calling for more taxes is chargeable to a Democratic Congress and administration and not to the Republican Members of Congres

Now, the gentleman from North Carolina, in answer to my question to know if the money we needed to run the Government could not be raised by taxing foreign manufacturers for the use of our market, especially those whose goods were coming in free without paying a duty at our customhouses, replied that raw materials were placed on the free list for the benefit

of our manufacturers.

In this connection I wish to call his attention to the fact that there are over a hundred different kinds of manufactured articles on the free list, and the value of these articles coming into this country runs into millions of dollars. These same articles are manufactured in the United States. We exact no taxes or duties on these foreign-made goods, but the American manufactures are taxed in cities, counties, and States, and the party in power proposes in the pending bill to add additional Federal or national taxes and at the same time refuses to make the foreign manufacturer whose goods are on the free list pay a cent to meet the running expenses of our Government. I protest against this unjust, unwise, and unfair treatment of the American business men and manufacturers.

The Republican Members of this House demand that before you lay the additional burden carried in the bill under consideration upon the American business man you exact taxation from the foreign manufacturers and exporters now flooding the American market with foreign-made goods. [Applause on the Republican side.] We now have the lowest tariff law ever enacted in the history of this country, the average duty less than 10 per cent, with over 70 per cent of the foreign imports on the

Mr. GORDON. And the greatest prosperity in the history of the country

Mr. AUSTIN. Yes; on account of the European war, and in spite of the Underwood low-tariff law, which filled our country with 4,000,000 idle workingmen in 10 months. [Applause on the Republican side. 1

The Republican Members of this House stand for military and naval preparedness, and they stand equally firm for industrial preparedness to meet conditions which will confront us at the close of the war in Europe. The Democratic leader [Mr. KITCHIN] and others have during this debate criticized and condemned the Payne-Aldrich tariff law. I am proud of the fact that my vote aided in passing that great measure, which was supplanted by the existing Underwood low-tariff law, which the gentleman from North Carolina greatly assisted in preparing and passing through Congress. Prior to the European war, during normal times, both of these tariff laws were tested. Under the Payne-Aldrich law every American plant was running full time, every man in America could find employment at good wages, sufficient money was raised to meet the expenses of the Government, the balance of trade was in our favor, a surplus in the Treasury of \$126,664,000 when the law was repealed. Prosperity and good times were on every hand-from ocean to ocean, in every State, county, city, village, and community. Within 10 months after the repeal of the Payne-Aldrich law and the substitution of the Underwood law the land was full of idle men, plants were closed down, one-third of our railroads were placed in the hands of receivers, more than 18,000 businesses failed, one-third of the steel mills were closed, and 270,000 miners were idle for the want of work. Public soup houses were opened throughout the land, our balance of trade was wiped out, and the \$126,664,000 we turned over to the Wilson administration was soon used up. Our exports fell off \$158,000,000, and imports from foreign lands increased \$100,000,000. Had the Payne-Aldrich law continued in force the Treasury Department would have collected \$500,000,000 more at our customhouses and the direct taxes provided in the pending bill would have been unnecessary.

The coming of the horrible war in Europe saved our country from one of the most disastrous business, commercial, and financial panics in the history of the world; yet, in the face of this record, certain gentlemen on the other side of the House condemn the Payne-Aldrich tariff law and praise the Underwood tariff law and insist that we shall live under it when the war closes in Europe. What we insist upon is not only an adequate Army and Navy, but we insist upon wise and patriotic legis-lation which will protect the American workshop and the American wage earner against cheap competition from abroad. [Applause on the Republican side.]

FREE LIST.

The following is a list of manufactured goods and products on the free list-shipped into the United States by our foreign competitors without paying any tax or tariff duty to the American Government:

Bagging, barbed wire, leather belting, Bibles, blankets, books, boots, brass, burlaps, cash registers, cast-iron pipe, cement, coal, coke, copper plates, bars, ingots or pigs, cotton gins, dyestuffs, fencing, barbed and galvanized wire, flat rails, iron and steel, galvanized wire, glass plates, gloves, granite, gunpowder, handle bolts, sewing machines, harness, harvesters, hides, hoop iron or steel, horseshoes and nails, ingots, iron ore, iron or steel bands, iron and steel billets, iron or steel nails, rails, and scrap, leather, boots and shoes, harness, saddles, linotype machines, loops of iron, lumber, certain machines, mowers, nails, needles, paper, pigs, copper, iron pipe, cast iron, plows, printing paper, pulp woods, rails, flat, iron or steel, railway bars, iron or steel, reapers, shingles, shoes, sole leather, spikes, staves, T rails, iron or steel, tacks, thrashing machines, type-setting machines, typewriters, wagons and carts, wire, barbed fence, galvanized nails, staples, wood pulp, wrought and cast iron, wrought-iron and steel nails

Mr. HARDY. Mr. Chairman, it is remarkable to me how difficult it is for one to see who does not wish to see. I could not help thinking when the gentleman from Tennessee [Mr. AUSTIN] was talking about poverty-stricken England under what he called her free-trade laws, of how he closed his eyes about the conditions that prevail in Italy, France, and Germany under what he calls protective-tariff laws. [Applause on the Democratic side.] The truth is, every time a tariff bill comes

up those gentlemen are urging American workmen be protected from the pauper labor of Italy, Germany, and France, which have high-tariff laws. Knowing the unfairness of the comparison, you select America, the country having the richest resources and lightest burdens of taxation, to compare with England, instead of comparing England with other countries similarly situated. You know that England to-day has the highest wages of any European country and has more progress and more prosperity. Of course, you prefer to compare England with America. Now, I want to take up, not having had an opportunity to discuss this measure, the question of the methods of taxation involved in this law. It is easy to show that wealth always prefers indirect taxation as by a tariff to direct taxes, because the tariff places the burden of taxation upon the shoulders of the poor and the reasonably well to do, and wealth escapes. Now, the most just tax on earth up to this tax was the income tax. I would rather to-day pay a tax of 10 per cent on my net income than 1 per cent on my assets. I would rather pay a tax of 50 per cent on the excess profits under this bill than to pay a tax of 1 per cent on my assets. But because this is the richest and wealthiest country in the world, whenever you try to reach great wealth by taxation it is objected to. This is not a sectional issue. In a measure it is a class issue. It seeks to place some proportion of the burdens of taxation on the wealth, the specially great wealth, of this country. you tax an income over and above the reasonable expenditures of the family, you have taxed competency and efficiency. you put a tax on the shoulders and the backs of the poor you are taxing poverty, as you do under a tariff, but when you go further, as this bill does, and propose to tax wealth at all you have a fight. This bill allows to the wealthy man all his current expenditures and then \$5,000 flat, and then 8 per cent net profits on his whole investment, and then puts a tax upon the excess profits. When you strike the class affected at all by this law, you strike a class which always, by reason of some unjust or unfair law or practice, has made a profit in excess of a reasonable profit, and I want to tell you right now, you watch what I am saying. It is not a north or south or east or west question. Oh, you say, this tax comes from the North. It does not. You say it will shift down to the shoulders of the poorer That is true, as far as it can be made to do it; but the fact is, an income tax is the most difficult to shift to the shoulders of the poor, and that is the reason why great aggregations of wealth always oppose it, and the fact that it will be almost impossible to shift this excess profits tax to the shoulders of the poor is the reason why we find a solid array on that side of the House, and the gentleman from the South, from Tennessee, talking against it. The gentleman from Tennessee talks about taxing the manufacturing industries of the South, and I have even heard gentlemen here talk about this bill being a tax on widows and orphans who own stocks and shares in great corporations.

Well, even widows and orphans when their shares make a net profit, after paying all taxes, insurance, interest, and a flat \$5,000, in excess of 8 per cent, are not going to complain. But we know that the money and the assets of the widow and the orphan are most generally invested in stocks and credits on which they do not get 4 per cent, and it is crocodile tears these gentlemen are shedding over the woes of the widow and

orphan under the tax in this bill. Now, you talk about threats to shift this burden to the backs of the poor at last. I want to give gentlemen who represent the big interests a little warning. The time will come, if poverty is still burdened harder and harder by the ingenuity of wealth, when the masses will rise, and they will make income taxes not what they are but far more, and make this excess tax not an eighth, but more. I want to tell you that some plan will be devised to make wealth pay its just proportion of taxes, and this is the best plan yet suggested. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

Mr. HARDY. Mr. Chairman, I ask leave to revise and extend

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

SEC. 204. That corporations exempt from tax under the provisions of section 11 of Title I of the act approved September 8, 1916, and partnerships carrying on or doing the same business shall be exempt from the provisions of this title, and the tax imposed by this title shall not attach to incomes of partnerships derived from agriculture or from personal services.

Mr. MEEKER. Mr. Chairman, I move to strike out at the bottom of page 5, line 25, beginning with the word "and," the remainder of the section.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, line 25, after the word "title" strike out the remainder of the section.

Mr. KITCHIN. Can we not agree on this to limit the debate to 10 minutes, I to take 2 minutes and you gentlemen to take 8? Mr. MEEKER. That is satisfactory.

Mr. KITCHIN. Then I ask that.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on this amendment and all amendments to the paragraph shall end in 10 minutes. objection?

objection? [After a pause.] The Chair hears none.

Mr. MEEKER. Mr. Chairman, this amendment will assist the patriotic gentlemen who seem to think they have a monopoly on it, those who sit on the other side of the aisle, in raising more funds. This is not to cut out income, but this is to add And inasmuch as most of the ranchmen are from Texas and Oklahoma and out through that country, and the sugar planters, through partnerships, have more than \$5,000 income, we might see a patriotic uprising here on the part of the ruralists once in a while. It has been very interesting, all the way through, to see that the patriotism comes from the rural districts but the funds from the cities. So this little proviso or exemption you have slipped into this bill because you do not want to tax the peasantry. We all know how much of a peasant is a farmer whose income is over \$5,000. We all know what a humble life the members of an agricutural partnership live, who can only make \$5,000 clear, traveling around in Cadillac automobiles and things of that sort, while the storekeepers in the town, who have partnerships, that may not make as much money as the farmer makes, will, under this bill, be compelled to come in and pay their share. The only reason that the farmer is exempted is not because of your particular fear of any peasant being affected by this, for you know it is not true. But it is the same old bunk and piffle that we have heard here for the last two years. You have voted millions to aid the farmer and the agriculturist, but you have not the nerve to take a cent away from the rich farmer to make him help pay the bill. If you just strike this out we will see how patriotic you are, you from the short-grass country and down amongst the sugar-cane districts of the South and out in Texas.

Now, as to your personal service. Your good friend who in some way or other never heard of a leak, though he made a million by accident; we have a sworn statement of how much he made in one day, so we can get a part of it. Attorneys. physicians, dentists, and of all these men who during this socalled Democratic prosperity which we are enjoying, and which I prefer to call "European prosperity in America," the men who, if anybody, are making money by the millions and tens of millions, are the brokers of this country who are dealing in "war babies." All we need to do is to cut this out and they "war babies." All we need to do is to cut this out and they will pay their share. Leave it in and they will be exempt. This does not reduce your income; it increases it. It does not

take a penny from any poor farmer.

I have gotten tired of that kind of talk here on the floor of the House. As to this exemption of \$5,000, you can not give one single, sane reason why you should compel two men operating a store in a partnership that will make over \$5,000 a year to pay, while two men operating a farm at the edge of the same town, or a sheep ranch, who may clear \$100,000 a year will go [Applause on the Republican side.] It is the absoscot free. lute absurdity of the situation that appeals to me. Talk about justice! There is not a man on this side of the floor who dares to say that that bill all the way through pretends to be a just law in the way of collecting taxes. You do not defend it on that ground. Your only defense is that you must have the money. And were it not for that you could not get a corporal's guard on that side of the aisle to vote for the bill, and you the CHAIRMAN. The time of the gentleman has expired.

Mr. MEEKER. I ask for two minutes more.

Mr. KITCHIN. The gentleman has used 5 minutes. The

debate is limited to 10.

Mr. MEEKER. I ask for two minutes more, then.
The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MEEKER. Now, then, you have tried to leave the silly impression on this country that the men on the other side of the aisle, the Republicans, are opposing this bill because they do not want to pay their debts and their obligations. Do not forget the fact, gentlemen, that since 1896, when we fought out the question of paying 100 cents on the dollar, the country has understood who stands for paying their debts. [Applause on the Republican side.] Here is the point: We are not objecting to the appropriation for protection, but you men are insisting on putting the American manufacturer at an additional disadvantage by not only refusing to compel the foreign merchant to pay his just share of these taxes, but by laying an additional tax burden on the American manufacturer and producer and merchant above what we already have.

Never have I heard a man on that side of this floor since I have been here who has stood up for the American manufacturer as against the foreign manufacturer. [Applause on the Republican side]. We have never yet, and we never will. hold in my hand a letter which I wish to extend in the RECORD. I ask unanimous consent, Mr. Chairman, to extend my remarks by putting this in the RECORD to show how a manufacturing concern feels as to who will pay this tax. [Applause on the Republican side.]

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the Record by printing the letter referred to. Is there objection?

There was no objection.

Following is the letter referred to:

St. Louis. Mo., January 30, 1917.

Hon. Jacob Merker, House of Representatives, Washington, D. C.

DEAR MR. CONGRESSMAN: We noticed last night by the papers that there is a bill either now before Congress or will be introduced which provides for a tax on profits of corporations in excess of 8 per cent of the capital and an addition of \$5,000 in addition to all other Federal

We hope you will oppose the passing of this bill. If enacted into law, it will cause legitimate business corporations a great deal of inconvenience and expense, at least for a year or two, until they can raise their prices enough to cover their additional expense. Ultimately this burden will be borne by the consumer and will increase the cost of living to that extent.

The effect of this law will be to increase the cost of living a great deal more than a protective tariff on imported goods, for the reason that the tariff on the imported goods, which is ultimately paid by the consumer, is effective and is paid only on the imported goods which the consumer uses, whereas this tax on excess profits of corporations will be a burden on every consumer, because the tax evidently is to apply on all kinds of corporations, those producing necessities as well as luxuries.

on all kinds of corporations, those producing necessities as well aluxuries.

We notice in one of the big Chicago daily papers the statement is made that it was the intention of the committee where this bill originated to fix the law so that it would apply mostly to the population north of the Mason and Dixon line. We don't know whether that statement is correct or not as to the intention of the framers of the bill, but the effect will be that the population of the entire country, no matter where living, will bear the burden ultimately as produced by this bill.

The inconvenience, however, resulting from the bill, if made a law, will be first felt by the management and stockholders of the larger corporations, to be passed on to the public as soon as possible.

Thanking you in advance for your consideration, we are.

Yours. very truly,

Loose-Wiles Biscuit Co.,

LOOSE-WILES BISCUIT Co., HANFORD MAIN, Sales Manager.

Mr. KITCHIN. Mr. Chairman, of course I do not desire to reply to the real hostility which the gentleman from St. Louis [Mr. Meeker] holds against the country farmer. I have seen men from cities before, but not often in this House, who really "have it in" for those who live outside of the corporate limits of a big city. Of course, they want everybody living on the outside of the corporate limits of a big city to pay all the taxes and have no exemption. In fact, the gentleman is one of the few men that I have come in contact with who has a contempt for the man who lives out in the country, the farmer.

There are the two reasons that I gave the other day why we exempt agricultural copartnerships. The first is that we believe the governments of other countries refrain from taxing agriculture, and the second is that it is more difficult to administer such taxes in the farming business than anywhere else.

England in levying her excess profits tax exempts farmers. I understand Russia, France, and Germany in levying their excess profits tax exempt agriculture. England exempts the farmer that the gentleman from St. Louis has so much contempt for, this fellow who lives out in the country and is making a living for himself and his wife and family and furnishes the food supply for the people who live in cities like St. Louis and for all mankind. [Laughter.]

We exempt the copartnership income from personal service, because personal-service incomes of corporation officers are not taxable under this bill. For instance, we wanted to put the members of a copartnership or firm in the same status as the members of a copartnership or firm in the same status as the managers of large corporations. You say here that a man who receives \$50 (2.2), if we had not exempted him, would be taxed. If a lawyer ross into a corporation like a big insurance company, or if he is a big stockholder, and he is paid \$50,000 for his personal services, he would not have to pay a tax on his income from personal services under this bill, but both the partner and the corporation officer will have to pay their income

tax upon their net income. That is the reason why we exempted the personal services. I hope the amendment will be voted down

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. MEEKER].

The question was taken, and the amendment was rejected. Mr. MANN. Mr. Chairman, I move to strike out the last word if the debate on that section has not been closed.

The CHAIRMAN. The debate on that section has been closed, the Chair will say to the gentleman. The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

Sc. 205. That every corporation having a net income of \$5,000 or more for the taxable year making a return under Title I of such act of September S, 1916, shall for the purposes of this title include in such return a detailed statement of the actual capital invested.

Every partnership having a net income of \$5,000 or more for the taxable year shall render a correct return of the income of the partnership for the taxable year, setting forth specifically the actual capital invested and the gross income for such year and the deductions hereinafter allowed. Such returns shall be rendered at the same time and in the same manner and form as is prescribed for income-tax returns under Title I of such act of September S, 1916. In computing net income of the partnership for the purposes of this title there shall be allowed like deductions as are allowed to individuals in sections 5 (a) and 6 (a) of such act of September S, 1916.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. GREEN of Iowa. I would like to offer something more than a formal amendment to this section if I thought there would be any use in offering it. Its provisions are so unfair, so unjust, with reference to its exemptions that I am at a loss to understand how any gentleman in this House can afford to vote for it.

The gentleman from North Carolina [Mr. KITCHIN], the distinguished chairman of the committee to which I belong, stated to-day that the opposition to this bill from the gentlemen upon this side was based solely upon the ground that we are in favor of indirect taxation. He also stated that the only complaint that was made upon this bill with reference to extravagance was with reference to the river and harbor bill and appropriations for post-office buildings. The gentleman was entirely mis-taken so far as his statement applies to myself. The gentleman probably made the statement unwittingly, because fortunately or unfortunately he did not hear the remarks I made yesterday. I did not object to this bill solely on account of the general character of its taxation nor on account of the items he mentions. I objected to this bill because its provisions are so unfair and unjust, because it is so unfair between those which are exempt and those which are taxed, because it is so unfair between those classes that are taxed, that no man can justify the bill.

The gentleman from North Carolina in speaking a moment ago referred to firms of lawyers. I wish to call attention to a firm in the city where I live, one making \$50,000 a year by professional services, and another, a commercial partnership with four partners, each making something like \$10,000 or \$15,000 a year. These gentleman who are members of a law firm, because their incomes are derived solely from professional services, will pay nothing under this bill, whereas those in the commercial organization, although their incomes are derived from personal services and perhaps largely from the service which the partners render, have to pay a high tax under this bill. Is there anyone who can justify a tax measure which is imposed in accordance with such a plan?

I say "plan," but there is really no plan in this bill, no theory, when it exempts entirely the income of individuals. The gentleman said the other day, when he opened this debate, that other countries did this. What other country? England or Germany or France? This is not an excess profit tax in any just sense of the term. It is not a tax on what a man might receive over and above the profits of a normal year. It is simply bit or miss catch as catch can here and there measure with a hit or miss, catch as catch can, here and there measure, without any just plan, or rhyme or reason, or right. Certain persons who happen to receive an income from their business of over \$5,000 and 8 per cent on their capital, however small it may be, are taxed.

Here is a little partnership who use, say \$20,000 in their business. They have only \$10,000 of their own, and they borrow the rest of it. Did the gentleman ever figure out how much taxes they would pay if they happened to make \$10,000, which, divided among the four partners, if there were four partners, would give them only \$2,500 apiece. Why, they would pay somewhere between \$200 and \$300, nearer the latter sum. Right across the street from them is another man carrying on exactly this same business, but owning it individually. He would not pay a cent under this bill. Is there anyone who can justify the imposition of this tax upon any such principle as that? Why have they

done it? Simply because they hoped it would reach so few in its operation that there would not be a great amount of complaint. The gentleman from North Carolina said the other day that there would be a great deal of denunciation of this tax. That part of his statement was true, and when he and other gentlemen go home, after having voted for this bill, and are shown these inequalities, they will hear from their constituents. The American people have been carelessly, thoughtlessly, and often willingly and patriotically, paying their taxes. Each patriotic citizen ought to be willing to pay his taxes, and doubtless he is, but he wants other men in the same circumstances to pay the same amount that he does, and the people will demand [Applause on the Republican side.]

Mr. MANN. Mr. Chairman, I really want to get a little information. Take the case where there is a corporation with, say, \$1,000,000 capital invested and a partnership of the same amount, and each makes a profit of \$100,000 before any salaries are paid. Of course, in the partnership you can not pay salaries, I take it; but the corporation can pay salaries and usually does. The corporation pays salaries enough to absorb all of the profits above the 8 per cent and the \$5,000. Now, does this bill in such a case as that discriminate in favor of the corporation

as against the partnership?

Mr. KITCHIN. No; I would not take it that way. I would say that the copartnership could pay reasonable salaries also to each one of the partners in a business like a mercantile or manufacturing business, just as a corporation pays its officers. Frequently they do. But take both cases that the gentleman puts; they are subject to the operation of the income-tax law.

Mr. MANN. Oh, no-

Mr. KITCHIN. Wait a minute.

Mr. MANN. The gentleman is mistaken about that, because the income-tax law does not apply to partnerships at all. It

applies to partners, not to partnerships.

Mr. KITCHIN. It applies to corporations, and we put corporations and copartnerships on the same terms of equality in Now, the members of a copartnership can pay reasonable salaries. If, in the case of the corporation, they can charge enough to absorb all except 8 per cent, why, they could do it now under the income-tax law and absorb all the income; but they are not permitted to do that. They can get around the income tax just as much as they can get around the excess profits tax.

Mr. MANN. They are permitted to pay reasonable salaries

to corporation officers.

Mr. KITCHIN. But that is not the proposition the gentleman put. The gentleman said suppose they should go on and raise the salaries enough to absorb all the profits.

Mr. MANN. I did not say anything about raising salaries.

Mr. KITCHIN. Or giving them salaries.

Mr. MANN. I said paying ordinary, reasonable salaries. Mr. KITCHIN. No; the gentleman did not say that. Mr. MANN. I said, "pay salaries." I assumed that. I d I assumed that. I did not say anything about raising salaries.

Mr. KITCHIN. No; the gentleman said pay them enough to absorb all except 8 per cent.

That would be only \$20,000, which would not be Mr. MANN. exorbitant in the case I put.

Mr. KITCHIN. Will the gentleman put the case, then?

Mr. MANN. I did put the case. In the case of the partners. they agree among themselves that each one will draw out so That is all right. That is not the payment of a salary. A paftner gets a profit for his services and investment, whatever it may be. He may get a credit on the books, but how can the partners as against this law pay salaries to themselves?

Mr. KITCHIN. I will answer the gentleman. In a business

copartnership, of course they might hire some one to attend to the business and go away and give more attention to something else, and in such a case they could not pay salaries to themselves, but if, instead of hiring some one to do it, they should perform the services themselves, they would be allowed under the law a reasonable amount for salaries as a part of their operating expenses before beginning to compute net profits, exactly as in the case of a corporation.

Mr. MANN. I hope that the Treasury Department will not only read this statement of the gentleman from North Carolina, but that they will cut it out and paste it on the wall in front of them, and construe the law in that way. I am very confident no law has ever been construed in that way before.

Mr. KITCHIN. I am just as confident, as I am that I am here, that they will not construe it in any other way.

Mr. MANN. I hope the gentleman is right.

Mr. KITCHIN. I thought about that. We thrashed that over, and I am pretty certain that the present Treasury Depart-1

ment would construe it that way, because it is right and just, and they ought to do it.

The CHAIRMAN. The time of the gentleman has expired. Without objection the pro forma amendment will be considered as withdrawn.

Mr. DALLINGER. Mr. Chairman, I move to strike out the last two words. I listened with a great deal of interest to the gentleman from North Carolina [Mr. KITCHIN] and also to the gentleman from Wisconsin yesterday, when they ridiculed in the most scathing language the idea, that the foreign producer would ever, under any circumstances, pay any portion of the tariff tax. Now, I propose in the few minutes I have to discuss this question of a tariff simply as a revenue producer without

any reference to the question of protection.

When the Underwood tariff bill was passed the Treasury of the United States was deprived of over \$200,000,000 of revenue, which might have paid the deficit caused by the appropriations made by the Democratic majority. Now, if the gentleman from North Carolina and the gentleman from Wisconsin are correct the people of this country, by the passage of the Underwood tariff bill, were relieved of over \$200,000,000 of taxes on consumption. I challenge any man on the Democratic side to state any commodity that was reduced in price to the American consumer as the result of the passage of the Underwood tariff law. [Applause on the Republican side.] Now, if the price was not reduced, who profited by the taking off of the tariff tax? There is only one answer—the foreign producer. Let me give you one example. Time will not permit me to give more. This is an illustration that applies right in New England. The Payne-This is an Aldrich law levied a duty of \$4 a ton on hay coming from Canada. The Underwood bill reduced that tax to \$2 a ton. Hay sold for just the same price. Who profited? There is only one answer—the Canadian producer of hay. I do not pretend to say what the causes are for the present economic conditions of the world, but I know, and every man who has studied the question knows, that the conditions being as they are and as they will be after the close of the European war, if you should try to raise this revenue, as we suggest, by increasing tariff duties, the foreign producer would pay a very large part of the \$200,000,000 which you refuse to raise in that way. [Applause on the Republican side.] We on the Republican side of the House simply say that we would raise this money by a tariff tax on competitive articles and thus get the revenue; make the foreign producer pay a part of the expenses of our Government and at the same time put this country in a position to meet the terrific competition that is certain to come when the European war closes. [Applause on the Republican side.]

The Clerk read as follows:

SEC. 207. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all necessary regulations for carrying out the provisions of this title, and may require any corporation or partnership subject to the provisions of this title to furnish him with such facts, data, and information as in his judgment are necessary to collect the tax provided for in this title.

Mr. LONGWORTH. Mr. Chairman, I move to strike out all of Title II.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out all of Title II, beginning with line 22, page 2, down to and including line 15, on page 7.

Mr. KITCHIN. Mr. Chairman, I would like to ask the gentleman from Ohio if we can not limit the debate. How much time does the gentleman want?

Mr. LONGWORTH. So far as I am concerned, I only want five minutes. I have already gone into the merits of the question.

Mr. KITCHIN. Mr. Chairman, I ask that all debate close in 25 minutes on the title and amendments thereto, and that the gentleman from Ohio may control 15 minutes and I 10 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on the title and amendments thereto close in 25 minutes, 15 minutes to be controlled by the gentleman from Ohio [Mr. Longworth] and 10 minutes by himself. Is there objection?

There was no objection.

Mr. LONGWORTH. Mr. Chairman, the effect of this amendment, if adopted, will be to strike from this bill what I regard as its most obnoxious provision, to wit, the tax imposed upon excess profits.

The gentleman from North Carolina this morning, in his very eloquent speech, laid down an entirely novel proposition. effect of his statement was that in any revenue bill brought in by one party, which happened to be in power, to raise revenue made necessary for any reason, whether by extravagance, as in this case, or revenue necessary to support the Government, that objection to that form of taxation was unpatriotic. He said that it was the part of patriotism for this side to support every item in this bill whether we agreed with it or not. Is it not apparent that the logical conclusion of that proposition would have led the gentleman from North Carolina to have voted for the Payne bill in this House, whereas his vote in favor of that bill was conspicuous by its absence, as I recall. We are opposed to all of this bill, but we are opposed particularly to that section in it which lays a direct tax on efficiency of production.

Let me call the attention of gentlemen to one class of corporations which will be particularly injuriously affected by this excess-profit tax. I refer to those corporations which desseminate throughout the country information for the use of the people. Newspapers above all other corporations will be called upon to pay this tax. Why? Because under the terms of this bill no corporation engaged in publishing a newspaper can take into consideration the value of its good will; in other words, that which makes a newspaper a success-enterprise, economy of management, and ability of management-is taxed in this bill. The plant of a newspaper is relatively of small signifi-Probably in the average newspaper of this country its actual plant is not 20 per cent of its value as a going institution. And yet, under this bill no newspaper can consider as a part of the capital upon which these excess taxes are imposed anything except cash value of the plant and of its assets. There is not a newspaper published in this country, I venture to say, which is a going concern, that does not make more than per cent on its capital as provided in this bill, and I do not think this is a wise or a proper time to put a heavy tax upon the newspapers of this country when you consider that they are called upon to pay twice as much this year for print paper as they paid last year.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. BYRNES of South Carolina. I was about to ask the gentleman that question. Does the gentleman place any de-pendence upon the statements of the newspapers at this time that the cost of paper renders it impossible for them to make any money? If that is so, how does the gentleman believe that they are in danger of paying the excess-profit tax provided for in this bill?

Mr. LONGWORTH. If the gentleman pleases, every newspaper in this country depends for its success upon the ability and efficiency of its management. Now, at this particular time when they are under that disadvantage of having to pay twice as much for raw material, is it not a poor time to come in and tax them more? I do not believe in these taxes imposed upon partnerships or individuals It is a tax on efficiency and not a tax on the magnitude of operations.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. GREEN of Iowa. I believe the gentleman from Texas said that he would not object to a 50 per cent tax in this bill.

said that he would not object to a 30 per cent dix in this bill.

It would not strike him at all, would it?

Mr. LONGWORTH. Not at all. Now, I yield five minutes to the gentleman from Pennsylvania [Mr. KREIDER].

Mr. KREIDER. Mr. Chairman, I shall not speak against the methods of taxation embodled in this bill, but I desire to the methods of taxation embodled in this bill, but I desire the methods of taxation embodled in this bill, but I desire the methods of taxation embodled in this bill, but I desire the methods of taxation embodled in this bill, but I desire the methods of taxation embodled in this bill, but I desire the methods of taxation embodled in this bill, but I desire the methods of taxation embodled in this bill. call the attention of our Democratic friends who are responsible for the legislation enacted in the Sixty-third and Sixty-fourth Congresses to a few facts that seem to be pertinent. I do not want to speak from a partisan standpoint, but I would like to call their attention with all sincerity to the condition of the country. I take it that the passage of this bill is intended to bring in a revenue to the Government not only for the year of 1917 but for the years to come.

I want to call your attention to the fact, which you know, that in this country at this time the prices of labor, of commodities, of food, of everything that we eat and use, everything that is bought and sold, have been doubled and redoubled. Our manufacturing industries have been run to their fullest capacity; in fact, they have doubled up on their capacity, and profits have been abnormal and enormous, and no doubt at the present time this bill will bring in a large revenue; but let me call your attention to the fact that the European countries that are now engaged in war have not dismanifed their mills, nor their factories, but, if the press reports can be believed. they are producing and manufacturing more goods in the belligerent countries such as England and France than they were When the millions of men now in the Army before the war. return from the trenches, together with the men who are now engaged in supplying those in the trenches with munitions of war and the sustenance which they need, join the army now engaged in useful production, where do you suppose these people will find a market for their goods? They will be upon my time to the gentleman from Illinois [Mr. Mann].

a low basis of cost, whereas in the United States we will be upon an extremely high level and basis of cost. Do you think for one moment that we can compete in neutral markets and hold our trade? Do you think for a moment that we can even command and retain our own markets for our own industries? Why, gentlemen, you know that every civilized country on earth to-day has a protective tariff, with the exception of England: and England, the defender and champion of free trade, is now preparing to build up her industries and the foundation of that industrial structure will be her own home market, and the chief corner stone of it will be a protective tariff. Is this country to open her market to the manufacturers of the world while all other countries protect their markets by tariff laws? Gentlemen, if we needed a protective tariff for no other purpose, we need it for the purpose of making reciprocal treaty relations with foreign countries that do have protective tariff laws, so as to give our industries and our labor such advantages as may be gained by these treaties. [Applause on the Republican side.]

Mr. KITCHIN. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. Kent].
Mr. KENT. Mr. Chairman, if I were talking for myself as an individual I certainly would be opposed to this bill. It is an attempt to secure money, necessary money, and necessarily from those that have it. It has been alleged that it is a tax on efficiency, and those who advocate that the bill should be beaten because it is a tax on efficiency at the same time stand for a protective tariff, which often means a bounty on inefficiency. [Applause on the Democratic side.] What we ought to have is I do not see how we are going to get it a tax on privilege. right away, and all we can do is to obtain it step by step. This tax is a hard tax upon any man with property to die under, but at the same time we must realize that the right of inheritance is one that is furnished only by the protection of society, and therefore we can have no more righteous tax than a tax to protect the society that protects the dead man in transferring his property to posterity.

All of us have been guilty of voting for bills that are called extravagant, we all have been scared by the war situation, and I do not think we have been wrong or cowardly in our scare. We have all known that this country is upon the verge of trouble, and I, who have advocated every possible means of keeping out of trouble, have felt in duty bound to stand for such measures that recognize the necessity for preparedness and such as will help us to be adequately ready for trouble if it is forced upon us. If there has been extravagance we are all of us to blame. Here and now I as a nonpartisan wish to state that I have seldom seen a bill representing fool extravagance emanate from the Democratic side of the House that did not get a measure of enthusiastic support from the Republican side, and oftentimes that support was confessedly dishonest and furnished for the specific object of putting the Democratic Party in a hole. TADplause on the Democratic side.] I make this statement deliberately and as a matter of my own knowledge. Here we are together, Democrats and Republicans, and I humbly and incidentally in the middle of the road, facing a tremendous deficit. How are we going to get funds? Are we going to get them by taxing those that can afford to pay by a direct tax that our people will feel and that will make them call for an accounting, or are we going upon the absurd assumption urged by some Republicans that the foreigner can be made to pay our taxes for us? I claim that the best way we can raise revenue at a time like this is to put the tax directly upon the people that can afford to pay and to make them realize thereby that they are responsible for the situation in which we find ourselves, in so far as they are responsible. In such case they will call for an accounting of methods of expenditure of the taxes levied. The protective tariff is an indirect method and, to my mind, a cowardly method of providing revenue, although I have much sympathy with the idea of fostering industries that ought to be encouraged, if by a start given by such protection they can eventually become strong and self-supporting; but under other conditions the protective tariff bears most heavily upon those least able to bear it.

This bill, with all its faults-and I could criticize it in many of its details-levies a direct tax upon existing wealth that is going to drive into our people the necessity of knowing the state of our public affairs, a knowledge of what is needed for pre-paredness, and will force those who have a surplus to pay the

I as a person in the class of those who have a surplus am glad to be able to make my contribution to the Nation's needs through

this direct taxation. [Applause on the Democratic side.]
Mr. LONGWORTH. Mr. Chairman, I yield the remainder of

Mr. MANN. Mr. Chairman, I should not have arisen at all except for the speech of the gentleman from California [Mr. Kent] and one statement that he made therein. Of course he and I do not agree on the tariff system. I am not going to discuss that. I understood the gentleman to say, and he said that he spoke from his own knowledge, that Republicans had fre-quently voted for appropriations in order to put the Democrats in a hole. The gentleman may have so voted himself, not as a Republican but as representing Independents. I say the statement is absolutely without foundation in fact, so far as the Republican side of the House is concerned. [Applause on the Republican side.] I think I can speak with some knowledge. I am here in the House and have given attention to appropriations in the House, close attention, for many years. There is always a disposition on the part of Members on each side to vote with the Member of their own side who offers an amendment. As I say, the gentleman from California can speak for himself, not for the Republicans; but I can speak for the Republican side of the House, and I speak with knowledge, and I know that we have never voted for appropriations unless we believed the granting of the appropriations was for the benefit of the country itself. [Applause on the Republican side.]
Mr. KENT. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. KENT. Did the gentleman vote for the original Shackleford good-roads bill in the Sixty-second Congress?

Mr. MANN. I do not remember whether I did or not. I know the gentleman did not believe in it. Mr. KENT.

Mr. MANN. The gentleman is mistaken. I made a speech on the subject.

Mr. STAFFORD. The gentleman from California is rarely

here to testify.

Mr. MANN. The gentleman from California is speaking wildly. I did not vote for the roads bill the last time. I said when the first roads bill was before the House that the cities in normal times could well afford to help the country. I be-lieved it then, and I believe it now. The gentleman from California, as highly as I regard him, does not carry my conscience within his

Mr. KENT. I would hate to have the job. [Applause on the

Democratic side.]

Mr. MANN. Well, it would improve the gentleman's conscience very considerably. The gentleman from California have ing found he made a misstatement, now gets surly about it, I regret to say

Mr. KITCHIN. Mr. Chairman, has the gentleman on the other side consumed all his time.

The CHAIRMAN. The gentleman has one minute remaining, Mr. LONGWORTH. I yield the gentleman that one minute. Mr. KITCHIN. Mr. Chairman, I hope this amendment will

be voted down because the provision is very vital to the bill. The gentelman from Ohio [Mr. Longworth] moves to strike out the excess-profit tax, which is very vital to the bill, and I hope the committee will vote down his proposition emphatically. call for a vote.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Ohio.

The question was taken, and the Chairman announced the noes appeared to have it.

On a division (demanded by Mr. MANN) there were-ayes 129, noes 146.

Mr. MANN. Mr. Chairman, I ask for tellers.

The tellers were ordered.

The committee again divided; and the tellers (Mr. Mann and Mr. Allen) announced that there were—ayes 142, noes 191.

So the amendment was rejected.

The Clerk read as follows:

TITLE III .- ESTATE TAX.

TITLE III.—ESTATE TAX.

SEC. 300. That section 201, Title II, of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, be, and the same is hereby, amended to read as follows:

"SEC. 201. That a tax (hereinafter in this title referred to as the tax), equal to the following percentages of the value of the net estate, to be determined as provided in section 203, is hereby imposed upon the transfer of the net estate of every decedent dying after the passage of this act, whether a resident or nonresident of the United States:

"One and one-half per cent of the amount of such net estate not in excess of \$50,000;

"Three per cent of the amount by which such net estate exceeds \$50,000 and does not exceed \$150,000;

"Four and one-half per cent of the amount by which such net estate exceeds \$150,000 and does not exceed \$450,000;

"Six per cent of the amount by which such net estate exceeds \$250,000 and does not exceed \$450,000;

"Seven and one-half per cent of the amount by which such net estate exceeds \$450,000 and does not exceed \$1,000,000;

"Nine per cent of the amount by which such net estate exceeds \$1,000,000 and does not exceed \$2,000,000;

"Ten and one-half per cent of the amount by which such net estate exceeds \$1,000,000 and does not exceed \$2,000,000;

"Ten and one-half per cent of the amount by which such net estate exceeds \$2,000,000 and does not exceed \$2,000,000;

"Twelve per cent of the amount by which such net estate exceeds \$3,000,000 and does not exceed \$4,000,000;
"Thirteen and one-half per cent of the amount by which such net estate exceeds \$4,000,000 and does not exceed \$5,000,000; and "Fifteen per cent of the amount by which such net estate exceeds \$5,000,000."

Mr. FULLER. Mr. Chairman, I move to strike out, on page 8,

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amend, on page 8, by striking out lines 4 and 5.

Mr. FULLER. Mr. Chairman, it is proposed by this para-

graph-Mr. KITCHIN. Mr. Chairman, before the gentleman proceeds, can not we have some time limit within which we may

make amendments and discuss this section? Mr. MANN. We would like to have 20 minutes on this side on the section.

Mr. KITCHIN. Mr. Chairman, I will ask that all debate of the section and all amendments thereto close in 25 minutes, 20 minutes to the other side and 5 minutes for this.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on this section and amendments thereto close in 25 minutes. Is there objection? [After

The Chair hears none.

Mr. FULLER. Mr. Chairman, it has been said very many times in this debate that the tax would not be upon the poor people, but upon those best able to pay. Under this provision of the bill every estate, if it does not amount to more than \$100, is compelled to pay a tax of 1½ per cent on that estate. It is a proposition to tax the widow's mite and the orphan's pittance. The expense alone of enforcing this provision upon small estates would be more in very many cases than the amount realized. It is, in my judgment, the most unjust provision in this entire A widow left with nothing but her homestead worth \$1,000 would be compelled to pay, under this provision, an inheritance tax of 1½ per cent, or \$15 upon her little homestead before she had a clear title to it. I insist that if there is any justice in this kind of legislation that there should be a limit of exemption where estates would not be taxed. In very many cases, probably in the great majority of cases, the estates are very small, and it would be a hardship such as we have never before known in any taxing system if a widow left with a small estate of a few hundred dollars or a thousand dollars was compelled to pay this tax.

Mr. HELVERING. Will the gentleman yield?

Mr. FULLER. I will.

Mr. HELVERING. Is the gentleman aware of the fact that

there is a \$50,000 exemption in this bill?

Mr. FULLER. No; there is no exemption whatever under this provision. It says "1½ per cent of the amount of such net estate not in excess of \$50,000." When it exceeds \$50,000 up to

\$150,000, it is 3 per cent.

Mr. HELVERING. I will say to the gentleman before the net estate tax commences to apply there is a \$50,000 exemption.

Mr. FULLER. There is no exemption provided by this bill if as a lawyer I am able to read. It is 1½ per cent of the amount of such net estate not in excess of \$50,000. That is the first provision. That is what I propose to strike out, and then it would leave the exemption of \$50,000 as claimed.

Mr. HELVERING. If the gentleman will allow, I will say that the same exemption applies to this law as applied to the tax law which we passed a year ago, and there is a \$50,000

exemption before any tax applies.

Mr. FULLER. Then why this provision? It certainly should be stricken out, because it would have no place in the bill. Under this bill the provision reads that all estates not in excess

of \$50,000 shall pay a tax of 1½ per cent.

If you are correct in your opinion, then this amendment certainly should prevail. I think there should be an exemption of

\$50,000, as in the former law.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. FULLER. Certainly.

Mr. GREEN of Iowa. I think the gentleman is mistaken about that. The old law read "1 per cent of the amount of such net estate," meaning the amount above \$50,000. Now they have made this, instead of 1 per cent, 11 per cent, increas-

ing it 50 per cent.

Mr. FULLER. Where is the exemption here?

Mr. GREEN of Iowa. It is in the further provisions of the law that we enacted, in the last revenue law.

Mr. FULLER. It rewrites this section 201?

Mr. GREEN of Iowa. To which this is an amendment, as the gentleman well understands. It amends the provisions of the former law so as to read in the manner that is now provided in this law.

Mr. FULLER. Then, there can be no objection to striking out this provision, and then it would be clear, because the next

clause provides for a tax on an amount in excess of \$50,000.

Mr. GREEN of Iowa. No. This provision here applies to the amount above \$50,000, reaching up to \$100,000, if you take all the law together. The trouble is we have got only a small proportion of the law before us in this bill. The rest of it is found in the bill that we enacted last year.

Mr. ROBERTS of Massachusetts. Will the gentleman yield?

Mr GREEN of Iowa, Yes

Mr. ROBERTS of Massachusetts. Can the gentleman tell me what section of the act of last year contains the exemptions? Was it section 201?

Mr. GREEN of Iowa. It is in section 203. The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GREEN of Iowa. Mr. Chairman, a parliamentary in-

The CHAIRMAN. The gentleman will state it.

Mr. GREEN of Iowa. I wish to offer an amendment to this section—a different amendment—and, as I understand, some time has been provided for me. At what point should it be offered? After this amendment is disposed of?

The CHAIRMAN. Heretofore amendments have been offered under similar agreement and considered as pending. The Chair will recognize the gentleman now for offering an amendment.

Mr. GREEN of Iowa. I will offer an amendment and then be heard on it later.

Mr. KITCHIN. Offer it and let it be pending.
The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Green of Iowa: Page 9, after line 2, insert a new paragraph, as follows:
"Sec. 203. Paragraph 2 of subdivision 8. An exemption of \$50,000 and a further exemption of such a sum, if any, as shall be devised or bequeathed solely for public, benevolent, or charitable uses or pur-

The CHAIRMAN. Does the gentleman desire recognition? Mr. GREEN of Iowa. Yes.
The CHAIRMAN. The gentleman is recognized for five

minutes

Mr. GREEN of Iowa. Mr. Chairman, in the reading of this amendment, which is hardly intelligible by itself, the committee will need to bear in mind that we are amending the law which we enacted last year by reference to the provisions of that bill. I offer now a further amendment to one of the sections in the

Among the exemptions in the old law was one for \$50,000 before any tax could be imposed at all. My amendment adds to this a further provision to the effect that any sum bequeathed for charitable, benevolent, or public purposes shall also be ex-

empted.

Now, Mr. Chairman, it was said by one speaker here that we had reached so far in our taxation in order to carry on the expenses of this Government that it was necessary to rob the cradle and the grave. However correct that may be, we certainly have reached a point, as the law now stands, so that we are taxing our hospitals, we are taxing our homes for the aged, we are taxing any sum that is offered for benevolent and public purposes whatever. The gentleman from North Carolina [Mr. Kitchin], in his very able speech on yesterday, said that this tax was patterned after the tax which has been imposed by the Governments of Europe. I do not know of any Government that has gotten so far in its system of taxation that it has felt compelled to tax the sums that are to go to hospitals or to charitable purposes generally. If so, I have not been able to find it. But, if that is true, the extravagance of this administration has brought us to a point where we are lower even than Governments which are engaged in a life and death struggle to maintain their very existence, and grasping for every possible resource in the way of tax. What excuse can be given for this provision? Why should we tax these sums that go entirely for benevolent purposes, and then afterwards award some public help to those who would otherwise be benefited by them? This provision is like the other provisions of the bill. It is without excuse or justification. [Applause on the Republican side.]

Mr. MORGAN of Oklahoma. Mr. Chairman— The CHAIRMAN. The gentleman from Oklahoma is recog-

nized for five minutes.

Mr. MORGAN of Oklahoma. Mr. Chairman, I wish in the time I have to call attention to the amount of tax which the State of Oklahoma paid in 1916. Oklahoma is a new State, Under the ordinary internal-revenue tax her people paid \$31,251.57 in taxation. But under the emergency-revenue act and the income tax on corporations and individuals, under act of October 3, 1913, she paid \$1,336,000 in 1916. In all direct

internal-revenue taxes Oklahoma in 1916 paid \$1,361,289.06. In 1917, under the act of September 8, 1916, the direct taxes of Oklahoma to support the Federal Government practically will be doubled, making us a tax for 1917 of probably \$3,000,000. And under this new act we are now about to pass we may add more than half a million more, requiring the people of Oklahoma under your system of taxation to pay nearly \$4,000,000 of direct taxes. We, of course, do not stand with great States like New York and Illinois and Pennsylvania in the amount of taxes we pay, but the amount of taxes we pay make a remarkable showing compared with the amount paid by many States, and are an index to our great natural resources, our extensive business, and progressive character of our citizens. With less than 10 years of Statehood Oklahoma is contributing a highly creditable amount to support the Federal Government. To show this let There were 31 States in this Union me make some comparisons. in 1916 that paid less individual-income tax than was paid by the people of Oklahoma. In the Union as a sovereign State less than 10 years, yet in the personal-income tax paid the Federal Government 31 States trail behind Oklahoma. Twenty-four States paid less corporation-income tax than Oklahoma, and 21 States paid less of the so-called emergency revenue. Out of 22 States west of the Mississippi River only Texas, Missouri, Minnesota, and California paid more taxes under the individual-income tax last year than did Oklahoma. There are 10 States in this Union which, combined together, did not on the individualincome tax pay as much last year as did Oklahoma. These 10 States are Arizona, Arkansas, Idaho, Mississippi, Nevada, New Mexico, North Dakota, South Dakota, Wyoming, and Utah. The total paid by these 10 States was \$420,095.81.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman

yield?

Mr. MORGAN of Oklahoma. Yes. Mr. SMITH of Michigan. I was much surprised to hear that Oklahoma paid more individual income tax than Iowa.

Mr. MORGAN of Oklahoma. That is true. Oklahoma paid

more than Iowa, and more than the great State of Indiana, and more than Colorado. In 1916, Oklahoma, in individual income tax, paid \$489,440.08, Iowa paid \$277,098.45, and Indiana paid \$410,320.06, and Colorado paid \$342,478.80.

Think about that, my friends. Oklahoma, on the individual income tax, paid more than Indiana, more than Iowa, more than Colorado; three times as much as either West Virginia, Maine, or Nebraska; nearly three times as much as the State of Kentucky, four times as much as New Hampshire or Oregon, five times as much as Utah, six times as much as South Carolina, seven times as much as Mississippi, ten times as much as Idaho, seven times a twelve times as much as North Dakota, twenty-four times as much as South Dakota, and ninety-seven times more than was paid by Nevada. [Applause.]. The following Southern States, 12 in number, in 1916 paid less individual income tax than was paid by Oklahoma, namely, Alabama, Arkansas, Florida, Georgia, South Carolina, Tennessee, Virginia, and West Virginia. Now, then, in all seriousness, if this direct tax was not levied

upon the people of Oklahoma by the Federal Government the people there could utilize this tax upon this great wealth that we are building up in that great State to lift the burden off the taxpayers, who must support the State government and the county and city and other local governments. That is my chief objection to this system of taxation. I want to see this \$3,000,000 used to relieve the burdens of our home taxpayers in support of the local governments.

I am glad, if I can not agree with my Democratic friends from Oklahoma as to the kind of taxation that we should levy, that we all agree that, for its age—Oklahoma has been only 10 years in the Union—the State of Oklahoma, in her wealth, in her resources, in her industries, and in the character of her people is not equaled by any other State in the Union. [Applause. 1

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. FULLER. Mr. Chairman, I withdraw the amendment that I offered.

The CHAIRMAN. Without objection, the amendment of the

gentleman is withdrawn.

There was no objection.

Mr. KITCHIN. I am sorry, of course, that I can not agree with the gentlemen from Iowa [Mr. Green] and Oklahoma [Mr. Morgan]. I can not agree with them as to the method. I wish we could agree. I ask for a vote, Mr. Chairman. Mr. GREEN of Iowa. Mr. Chairman, I ask that my amend-

ment may be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Iowa The Clerk read as follows:

Amendment offered by Mr. Green of Iowa: On page 4, after line 2, insert a new paragraph, as follows:

"SEC. 203. Paragraph 2 of subdivision (a). An exemption of \$50,000, and the further exemption of such a sum, if any, as shall be devised or bequeathed solely for public, benevolent, or charitable uses or purposes."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. GREEN].

The question was taken, and the chairman announced that the "noes" seemed to have it.

Mr. GREEN of Iowa. A division, Mr. Chairman.
The CHAIRMAN. A division is demanded.
The committee divided; and there were—ayes 102, noes 127.

So the amendment was rejected. The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV -- MISCELLANEOUS.

The Clerk read as follows:

TITLE IY.—MISCELLANEOUS.

SEC. 400. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time such sums as in his judgment may be required to meet public expenditures on account of the Mexican situation, the construction of the armorplate plant, the construction of the Alaskan Railway, and the purchase of the Danish West Indies, or to reimburse the Treasury for such expenditures, and to prepare and issue therefor bonds of the United States not exceeding in the aggregate \$100,000,000, in such form as he may prescribe, bearing interest payable quarterly at a rate not exceeding 3 per cent per annum; and such bonds shall be payable, principal and interest, in United States gold coin of the present standard of value, and both principal and interest shall be exempt from all taxes or duties of the United States as well as from taxation in any form by or under State, municipal, or local authority, and shall not be receivable by the Treasurer of the United States as security for the issue of circulating notes to national banks: Provided, That such bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, glving all citizens of the United States an equal opportunity therefor, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated to pay the expenses of preparing, advertising, and issuing the same: And provided further, That in addition to such issue of bonds the Secretary of the Treasury may prepare and issue for the purposes specified in this section any portion of the bonds of the United States now available for issue under authority of section 39 of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, this is a bondissuing paragraph.

Mr. KITCHIN. Mr. Chairman, before the gentleman from Pennsylvania begins, can we limit the time for debate on the amendment? Let us vote on it in five minutes. Mr. MOORE of Pennsylvania. I merely wish to speak for

five minutes

Mr. KITCHIN. Mr. Chairman, I move that all debate on this section and amendments thereto close in 15 minutes

The CHAIRMAN. The gentleman from North Carolina moves that debate on this section and all amendments thereto close in 15 minutes. The question is on agreeing to that motion.

The motion was agreed to.
The CHAIRMAN. The gentleman from Pennsylvania [Mr. Moore] is recognized.

Mr. MOORE of Pennsylvania. Mr. Chairman, a great deal has been said about the policies of the two parties in the course We have now reached the bond-issuing paraof this debate. or this debate. We have now reached the bond-issuing paragraph of this bill. It is a sad story from the Democratic viewpoint. The next paragraph, relating to certificates of indebtedness, will be equally sad, because in each instance the dear old Democratic Party, that professes to believe in "paying as you go," is obliged to resort to Republican constructive measures to secure money to get itself out of debt. You find in this paragraph that the Secretary of the Treasury is authorized to borrow money under the provisions of what may be briefly called the Spanish-American War act, which was unquestionably a Republican measure.

The President of the United States has had the power right along to issue certificates of indebtedness under that act, but he did not want to become a bond-issuing President.

In the paragraph under consideration authority is obtained

was a Republican measure. It will be borne in mind that the Republicans passed the Panama Canal act, and that they did not issue all the bonds authorized under that act to construct the Panama Canal, but that they did take in money enough as they went along to pay as they went and to pay for the Panama Canal almost entirely out of the current revenues of the United States.

When the gentlemen on the other side want to contrast the constructive policies of the two parties they should remember that every bill that has been brought into this House from the Committee on Ways and Means since the Democrats have been in power has been a bill to tax the people to create revenue. They want to remember also that many of these taxes are being raised from the masses of the people, despite the fact that the Republican administration never had to tax the people directly. but provided always for the current expenses of the Government and for many permanent improvements, like the Panama Canal, out of revenues obtained for current expenses derived very largely from the much-berated Republican protective-tariff law.

Mr. SLOAN. Mr. Chairman, will the gentleman yield? Mr. MOORE of Pennsylvania. Yes.

Mr. SLOAN. Will the gentleman explain why this bond issue

was not proposed last year instead of now?

Mr. MOORE of Pennsylvania. The President had just as much authority last year to issue bonds as he has now; but the President was afraid to go to the country prior to the election with a bond issue staring him in the face. [Applause on the Republican side.] And the Democratic Party, knowing it would have to meet these deficiencies, knowing it would have to provide for greater deficiencies, waited until after the November election before it dared to bring this bill into the House

And is this all? My brothers upon the Republican side of the House, read the paragraphs that we are now approaching and observe that provision is being made for future expenditures, and discretion is being given to the Secretary of the Treasury. Then recur to page 2 and read the proviso beginning in line 18, where, after the issue of the Panama Canal bonds for the purpose of meeting the Mexican war expenditures, the Secretary of the Treasury is given authority to use the Mexican war funds as he may see fit "for other purposes." In other words, we are doing an extraordinary thing, a thing that would shame the legislature of an average State or the councilmanic body of an average municipality. We are giving to the Secretary of the Treasury the power to divert funds which are being voted now for the purpose of meeting expenditures upon the Mexican border, to use them "for other purposes," which other purposes can mean nothing else than new deficiencies that the Treasury will have to meet, despite the enormous taxes that we are now about to levy to meet the present emergency. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Iowa [Mr. Good] is recognized for five

Mr. GOOD. Mr. Chairman, I move to strike out the section and to insert a new section in lieu thereof.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. Good: Strike out section 400, beginning in line 9, page 9, and ending in line 4, page 11, and substitute the following:

"SEC. 400. That there shall be levied, collected, and paid on all distilled spirits in bond at the time of the passage of this act, or that have been or that may be then or thereafter produced in the United States, on which the tax is not paid before that day, a tax of \$1.25 on each proof gallon or wine gallon then below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon. And section 3252, as amended by section 1 of the act of March 3, 1875, and as further amended by section 48 of the act of March 28, 1894, is hereby amended accordingly."

Mr. KITCHIN. Mr. Chairman, I make a point of order against the amendment.

Mr. GOOD. Will the gentleman reserve his point of order?

Mr. KITCHIN. Do not let us reserve it.

Mr. GOOD. I want to make a statement with regard to it. think I can give the gentleman some information that, perhaps, he does not possess, or, possibly, he would have included this in the bill.

Mr. KITCHIN. bill? We are anxi KITCHIN. Will not the gentleman offer it on another We are anxious to get to the immigration bill.

Mr. GOOD. I ask the gentleman to reserve the point of order

for a moment

Mr. KITCHIN. I will say to the gentleman from Iowa that, of course, he could not make any better argument than I could as to why we should tax some other things than this particular for the issuing of bonds under the Panama Canal act. That thing. I thoroughly appreciate his position and he appreciates mine, and I really want to get this bill through, so that we can take up the immigration bill.

Mr. GOOD. I want only five minutes.

I know; but do not let us talk about it. Mr. KITCHIN. Let us take it up at some other time-to-morrow.

Mr. GOOD. I move to strike out the last word.

Mr. MANN. I should like to be heard on the point of order for a moment.

The CHAIRMAN. The Chair will hear the gentleman. On what does the gentleman from North Carolina base his point

Mr. KITCHIN. On clause 3 of Rule XXI.

That rule provides that an amendment to a Mr. MANN. revenue bill shall not be in order which is not germane to the bill or germane to the item to which it is offered as an amendment. I am well aware of the rulings, which have been very strict, and it is undoubtedly the fact that there have been several bills before the House when very distinguished gentlemen have been put in the chair for the purpose of ruling that you could not add anything to the bill by way of amendment, and that you could not take anything away from the bill by way of amendment, that altered the terms and effect of the bill. But what are we? A legislative body. Here we have a bill to produce revenue. The gentleman from North Carolina [Mr. Kitchin] appeared to the patriotism of both sides of the House to raise revenue which he said was needed. Now, when we get into the committee to determine how we will raise revenue he Insists that nobody except himself shall have the right to have any judgment. If this is ruled out of order, we must raise revenue, not in the way the House wants to raise revenue, but in the way the gentleman from North Carolina [Mr. Kitchin] wants to raise revenue.

This is a bill to raise revenue. I contend that, it being a bill to raise revenue by the levy of excise taxes, it is in order to offer an amendment to raise revenue by any kind of an excise tax.

The CHAIRMAN. Does the gentleman from North Carolina desire to be heard?

Mr. KITCHIN. No, Mr. Chairman. The CHAIRMAN. The Chair is ready to rule. The language of the rule in regard to revenue bills is different from the language of the rule as to bills generally, and is much stricter. The language of the rule is:

No amendment shall be in order to any bill affecting revenue which is not germane to the subject matter of the bill; nor shall any amendment to any item of such bill be in order which does not directly relate to the item to which the amendment is proposed.

The gentleman offers an amendment to strike out the section and to insert as a new section an amendment levying an additional tax upon distilled spirits. The Chair thinks that plainly, under the language of the rule that has just been read, the amendment is not germane and that it is subject to the point of order. The Chair sustains the point of order.

Mr. MANN. I respectfully appeal from the decision of the

Chair.

The CHAIRMAN. The gentleman from Illinois appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee? The Chair will be glad to have the vote taken by tellers, and suggests the gentleman from Illinois [Mr. Mann] and the gentleman from North Carolina [Mr. KITCHIN].

Mr. MANN. Let the gentleman from Iowa [Mr. Good] act in

Mr. KITCHIN. And the gentleman from Ohio [Mr. ALLEN]

The CHAIRMAN. The gentleman from Ohio [Mr. ALLEN] and the gentleman from Iowa [Mr. Good] will take their places as tellers.

The question is, Shall the decision of the Chair stand as the judgment of the committee?

The committee divided; and the tellers reported—ayes 166,

Accordingly the decision of the Chair was sustained.

Mr. GOOD. I move to strike out the last word. The CHAIRMAN. The gentleman from Iowa is recognized for

Mr. Chairman, I can recall quite distinctly the argument made by the gentleman from North Carolina [Mr. Kitchin] when the Payne bill was before this House. I recall the many arguments he has made since that time on bills to raise revenue. There has been one thing above all others that he has advocated until this bill is brought before this House, and that is to levy a tax upon the luxuries of life. That has been the chord upon which he has played, the one thing the gentleman has been urging. This bill, instead of following the

direction of the Secretary of the Treasury and levying a tax on luxuries, levies a tax on thrift, a tax upon success.

In this bill the gentleman from North Carolina and his com-

mittee refuses, and the Democratic caucus refuses, to levy an additional tax of 15 cents a gallon on distilled spirits, yet the Secretary of the Treasury urges such a tam. Secretary McAdoo said that that tax alone would bring into the Treasury every Who would feel the burden? Why, my \$50,000,000. friends, in Great Britain they are levying a tax on whisky all the way from \$3.40 a gallon to \$4.12 a gallon. France levies a tax on whisky of \$1.56 a gallon, Russia levies a tax on whisky of \$1.60 a gallon, and yet this Democratic side of the House refuses to levy a tax in this country of \$1.25 a gallon. That would be a lower tax than that exacted in any other country in the world on booze.

Mr. RANDALL. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. RANDALL. Does the gentleman believe in raising revenue to run the Government by taxing the liquor traffic, or does he believe in prohibition, as his State does?

Mr. GOOD. I believe in prohibition, and I believe in that great pronouncement by the Supreme Court of the United States that "the power to tax is the power to destroy," and if you want to destroy the liquor traffic you can not do it in any quicker or more efficient way than by taxing it out of business.

Mr. RANDALL. Why do not you do it that way in Iowa?

Mr. GOOD. We did pretty well; we taxed part of the saloons out of existence by a high-license tax and thereby so molded public sentiment that the people demanded that the saloons should be removed entirely, and then we legislated the rest out of existence. [Applause on the Republican side.]

Mr. RANDALL. You failed, and finally adopted prohibition.
Mr. GOOD. I have no sympathy with that kind of prohibition that when the test comes to support what would bring real prohibition refuses to do so. [Applause on the Republican side.] The power to tax is the power to destroy. If you would prohibit, why not destroy the traffic? I have made this motion to include only a tax of \$1.25 on a gallon. That is a lower tax than is exacted in any country in the world. I did it because it was recommended by the Secretary of the Treasury. I would place a tax on whisky as high as that exacted by Great Britain, and that act alone would help to destroy the liquor traffic in this country. But you refuse to help destroy. Have you taxed luxuries? No. Have you taxed those things that would bring in a large revenue, as suggested by the Secretary of the Treasury, without inflicting a hardship on anyone? No. Instead you reach down into the pockets of the men whose industry helps them to live, but you leave the earnings of the millionaire to go untaxed; you allow the products of the distillery to go untaxed. [Applause on the Republican side.]

Mr. KITCHIN. Mr. Chairman, I wish I could believe that the gentleman from Iowa and the gentlemen on the Republican who applauded him are really sincere in their desire to lift the burdens of taxation to the extent of raising the whisky tax and thereby taking some of the burdens of taxation off the people. I can say that the gentleman is not sincere and the gentlemen who applauded him are not sincere. The party is not sincere, unless they have changed their convictions lately.

You had an opportunity to tax whisky more than \$1.10 a gallon. You were in power 16 years, and you dared not raise the tax a cent. [Applause on the Democratic side.] Not only that, but I want to denounce it as a piece of legislative hypocrisy when the gentleman brings his amendment to this bill and

wants action upon it. When this country was hanging in the balance, when 50,000 or more men were marching to the bugle call to battle, when the Navy went to the Philippines and to Santiago, when we needed millions of money to expend in the Spanish-American War, the Republican Party, your party, without a single dissent-ing vote, passed an emergency tax law, and you did not raise the revenue on whisky one single copper cent. [Applause on the Democratic side.] Another thing, when you wanted to relieve the people and reduce the tariff in 1909, when you passed the Payne-Aldrich Act, instead of increasing the tax on whisky you put it on lumber, which the poor man in the country used to build his hovel and the farmer to put up his buildings. [Applause on the Democratic side.] You increased the tax on articles of necessity, but you dared not touch the revenue on whisky. You dared not put your finger tip on the saloon keeper or the distiller of the country, and you let it remain at \$1.10 per gallon. [Applause on the Democratic side.]

The gentleman from Iowa voted for the Payne-Aldrich Act. He never suggested taking off the tax on lumber and placing it on whisky. Not only that, in 1898, 1899, and 1900 the tax on beer was \$2 a barrel. The Republicans reduced it to \$1 a barrel. And yet the gentleman from Iowa comes here and tells us that we ought to puf a tax on the necessities of the people and to put a higher tax on whisky. Does not the gentleman know that he has not been candid with the House, and does he not know that he and the people who applauded him were in power 16 years and during the Spanish-American War? That they reduced the tax on beer and put a tax on lumber when they had the opportunity to increase the tax on whisky shows that they are not sincere now. [Applause on the Democratic side.]

Mr. GOOD. Mr. Chairman, will the gentleman yield?
The CHAIRMAN. The time of the gentleman from North
Carolina has expired. The Clerk will read.

The Clerk read as follows:

CERTIFICATES OF INDEBTEDNESS.

SEC. 401. That section 32 of an act entitled "An act providing ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, as amended by section 40 of an act entitled "An act to provide revenue, equalize dutles, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, be, and the same is hereby, amended to read as follows:

"SEC 32. That the Secretary of the Treasury is authorized to borrow, from time to time, at a rate of interest not exceeding 3 per cent per annum, such sum or sums as, in his judgment, may be necessary to meet public expenditures, and to issue therefor certificates of indebtedness in such form and in such denominations as he may prescribe; and each certificate so issued shall be payable, with the interest accrued thereon, at such time, not exceeding one year from the date of its issue, as the Secretary of the Treasury may prescribe: Provided, That the sum of such certificates outstanding shall at no time exceed \$300,000,000, and the provisions of existing law respecting counterfeiting and other fraudulent practices are hereby extended to the bonds and certificates of indebtedness authorized by this act."

Mr. MOORE of Pennsylvania. Mr. Chairman. I move to

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word, and I would like to have the attention of the chairman of the Committee on Ways and Means. As I understand it, this is an amendment to the so-called Payne-Aldrich law?

Mr. KITCHIN. Yes. Mr. MOORE of Pennsylvania. Will the gentleman explain

wherein it differs from the existing law?

Mr. KITCHIN. Under the existing law the Secretary of the Treasury has power to issue \$200,000,000. This substitutes \$300,000,000 for the \$200,000,000, so that instead of having the power to issue \$200,000,000 he has the power to issue \$300,-000,000 of certificates.

Mr. MOORE of Pennsylvania. Mr. Chairman, I am obliged to the gentleman for that statement, and I would like the House to note at this point, that the much maligned Payne-Aldrich Act is now a life-saver to our friends on the other side. [Laughter on the Republican side.]

Mr. KITCHIN. And a sinker for the gentleman's side.

[Laughter on the Democratic side.]

Mr. MOORE of Pennsylvania. We are recovering gradually, and as we make the facts known it will be easier for us to slide into power, in due course. I call the attention of the House to the fact that the Payne-Aldrich law, which no Democrat could ever stand for, gave authority to the Secretary of the Treasury to issue as high as \$200,000,000 of certificates so that he might raise money if he happened to get into difficulties, which we assumed he would get into if the Democratic Party repealed the protective tariff features of the Payne-Aldrich law.

Here again we have a concrete illustration of the hopelessness and the helplessness of the Democratic Party when it constructive policies. The cry still is: "Whither comes to constructive policies. The cry still is: shall we go? Where shall we raise the money?" H Here is the Payne-Aldrich tariff law, which provided that the Secretary of the Treasury may issue \$200,000,000 of certificates. The Democrats did not want to go to the Payne-Aldrich tariff law before election-oh, no, that would be too dangerous; that would incriminate the Democratic Party; but now that the election is over and the administration needs more than \$200,000,000 we find the Democratic Party resorting to the provisions of the Payne-Aldrich tariff law, adding \$100,000,000 more to its \$200,000, 000 life buoy, but denouncing it still. There they go, gentlemen, with all their delinquencies marching triumphantly under the banner of the Payne-Aldrich tariff law-there is where they get the money. [Laughter and applause on the Republican

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk concluded the reading of the bill.

Mr. KITCHIN. Mr. Chairman, I move that the committee do now rise and report the bill with a favorable recommendation to the House.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Sherley, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20573) to pro- Dies

vide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes, and had directed him to report the same back to the House with the recommendation that the bill do pass.

Mr. KITCHIN. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

Mr. FORDNEY. Mr. Speaker, I offer the following motion to recommit, which I send to the Clerk's desk and ask to have read. The Clerk read as follows:

Mr. FORDNEY moves to recommit H. R. 20573 to the Committee on Ways and Means with instructions to amend the bill so as to raise an equitable portion of the required revenue from a protective tariff "sufficient to protect adequately American industry and American labor, and to be so adjusted as to prevent undue exactions by monopolies or trusts," paying particular attention to the conditions inevitable at the close of the present European war, with a view to insuring the industrial independence of the United States.

Mr. KITCHIN. Mr. Speaker, I make the point of order against that motion to recommit. It is contrary to Rule XXI, paragraph 3. We passed on that same point at the last session.

The SPEAKER. Does the gentleman from Michigan desire to be heard upon the point of order?

Mr. FORDNEY. No.
The SPEAKER. The Chair ruled upon this proposition once before, and rules the same way now. The point of order is sus-

Mr. MANN. Mr. Speaker, I respectfully appeal from the decision of the Chair.

Mr. CRISP. Mr. Speaker, I move to lay that appeal on the

table.

The SPEAKER. The question is on laying the appeal on the

Mr. MANN. Mr. Speaker, upon that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 213, nays 196, answered "present" 2, not voting 22, as follows:

YEAS-213.

Abercrombie	Dill	Johnson, Ky.	Rubey
Adair	Dixon	Jones	Rucker, Mo.
Adamson	Dooling	Keating	Russell, Mo.
Aiken	Doolittle	Kent	Sabath
Alexander	Doremus	Kettner	Saunders
Allen	Doughton	Key, Ohio	Sears
Almon	Dupré	Kincheloe	Shackleford
Ashbrook	Eagan	Kitchin	Shallenberger
Aswell	Eagle	Konop	Sherley
Ayres	Edwards	Lazaro	Sherwood
Bailey	Estopinal	Lee	Shouse
Barkley	Evans	Lesher	Sims
Barnhart	Farley	Lever	Sisson
Bell	Ferris	Lewis	Slayden
Black	Fields	Lieb	Small
Blackmon	Fitzgerald	Linthicum	Smith, N. Y.
Booher	Flood	Littlepage	
Borland	Flynn	Lloyd	Smith, Tex.
Bruckner	Gallagher	Lobeck	Sparkman
Brumbaugh	Gallivan		Steagall
Buchanan, Ill.		London	Stedman
Buchanan, Tex.	Gandy	McAndrews	Steele, Iowa
	Gard	McClintic	Steele, Pa.
Burgess	Garner	McDermott	Stephens, Miss.
Burke	Glass	McGillicuddy	Stephens, Nebr.
Burnett	Godwin, N. C.	McKellar	Stephens, Tex.
Byrnes, S. C. Byrns, Tenn.	Goodwin, Ark.	McLemore	Stone
Byrns, Tenn.	Gordon	Maher	Stout
Caldwell	Gray, Ala.	Mays	Sumners
Callaway	Gray, Ind.	Montague	Taggart
Candler, Miss.	Gregg	Moon	Tague
Cantrill	Griffin	Morgan, La.	Talbott
Caraway	Hamili	Morrison	Tavenner
Carew	Hamlin	Moss	Taylor, Ark.
Carlin	Hardy	Murray	Taylor, Colo.
Carter, Okla	Harrison, Miss.	Neely	Thomas
Casey	Harrison, Va.	Nicholls, S. C.	Thompson
Church	Hastings	Oldfield	Tillman
Clark, Fla.	Hayden	Oliver	Van Dyke
Cline	Heffin	Olney	Venable
Coady	Helm	O'Shaunessy	Vinson
Collier	Helvering	Overmyer	Walker
Connelly	Hensley	Padgett	Watkins
Conry	Hilliard	Page, N. C.	Watson, Va.
Cox	Holland	Park	Webb
Crisp	Hood	Phelan	Whaley
Crosser	Houston	Price	Williams, W. E.
Cullop	Howard	Quin	Wilson, Fla.
Dale, N. Y.	Huddleston	Rainey	Wilson, La.
Davis, Tex.		Raker	Wingo
Decker	Hughes Hulbert	Rauch	Wise
Dent	Hull, Tenn.	Rayburn	Young, Tex.
	Humphreys, Miss.	Reilly	
Dickinson	Igoe	Riordan	TO RESERVE TO BE NOT
Dies	Jacoway	Rouse	

NAYS-196.

Langley Lehlbach

Anderson Anthony Austin Bacharach Barchfeld Beales Benedict Bowers Britt Britten Browne Browning Butler Cannon Capstick Carter, Mass. Cary Chandler, N. Y. Charles
Coleman
Cooper, Ohio.
Cooper, W. Va.
Cooper, Wis.
Copley
Costello
Crago
Cramton
Curry
Dale, Vt.
Dallinger
Danforth
Darrow Charles Darrow Davis, Minn. Dempsey Denison Dillon Dowell Drukker Dunn Dyer Edmonds Ellsworth Elston Emerson Esch Fairchild Farr Fess Focht

Foss
Frear
Freeman
Fuller
Gardner
Garland
Gillett
Glynn
Good
Gould
Graham
Gray, N. J.
Green, Iowa
Green, Iowa
Green, Wass.
Greene, Vt.
Griest
Guernsey
Hamilton, Mich.
Hamilton, N. Y.
Hasskell
Haugen
Hawley
Hayes
Heaton
Helgesen
Hernandez Hernandez Hicks Hill Hollingsworth Hollingswor Hopwood Howell Hull, Iowa. Husted Hutchinson James Johnson, S. Dak. Johnson, Wash.

Kahn Kearns Keister Kelley

Lenibach
Longworth
Loud
McArthur
McCracken
McCulloch
McFadden
McKenzle
McKinley
McLaughlin
Madden
Magee
Mann
Mapes
Martin
Matthews
Meeker
Miller, Del.
Miller, Pa.
Mondell
Moore, Pa.
Moores, Ind.
Morgan, Okla.
Morin
Mott
Mudd
Nelson
Nichols, Mich. Nichols, Mich Nolan North Norton Oakey Paige, Mass. Parker, N. J. Parker, N. Y. Peters Platt Porter Powers Pratt Ramseyer Randall Reavis Ricketts

Roberts, Mass. Roberts, Nev. Rodenberg

Rowe Rowland Russell, Ohio Sanford Sanford Schall Scott, Mich. Scott, Pa. Sells Siegel Sinnott Slemp Sloan Smith, Idaho Smith, Mich. Smith, Minn. Snell Snyder Stafford Steenerson Sterling Stiness Sulloway Sweet Swift Switzer Temple Tilson Timberlake Tinkham Towner Treadway Vare
Volstead
Walsh
Ward
Wason
Watson, Pa.
Wheeler Williams, T. S. Williams, Ohie, Wilson, Ill. Winslow Wood, Ind. Woods, Iowa. Woodyard Young, N. Dak.

Kelley Kennedy, Iowa. Kennedy, R. I. Kless, Pa. King Kinkaid Kreider Lafean La Follette Rogers ANSWERED "PRESENT"-2. Bennet Pou

NOT VOTING-22.

Beakes Campbell Chiperfield Davenport Driscoll

Fordney

Liebel Lindbergh Garrett Hart Lindber
Henry Loft
Hinds Mooney
Humphrey, Wash. Oglesby
Lenroot Patten

Ragsdale Rucker, Ga. Scully Sutherland

So the motion to lay on the table was agreed to. The Clerk announced the following pairs: Mr. LOFT with Mr. HUMPHREY of Washington.

Mr. Foster (for laying appeal on table) with Mr. Bennet (against).

Mr. Scully (for) with Mr. Habt (against).
Mr. Henry (for) with Mr. Campbell (against).
Mr. Garrett (for) with Mr. Lenroot (against).
Mr. Patten (for) with Mr. Chiperfield (against).

Mr. Pou (for) with Mr. Hinds (against).
Mr. Dou (for) with Mr. Mooney (against).
Mr. Liebel (for) with Mr. Mooney (against).
Mr. Davenport (for) with Mr. Sutherland (against).
Mr. BENNET. Mr. Speaker, I voted "no." I think my pair with Mr. Foster ought to be extended to cover this vote, and I therefore withdraw my vote and answer present.

The name of Mr. Benner was called, and he answered " Present."

The result of the vote was announced as above recorded. Mr. FORDNEY. Mr. Speaker, I desire to make the following motion to recommit.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

I move to recommit the bill H. R. 20573 to the Committee on Ways and Means with instructions to that committee to report the bill back to the House immediately, with the following amendments:

Strike out all of "Title II—Excess-profits tax," being sections 200, 201, 202, 203, 204, 205, 206, and 207, reading as follows:

"TITLE 11-EXCESS-PROFITS TAX.

"Sec. 200. That when used in this title—
"The term 'corporation' includes joint-stock companies or associations, and insurance companies;
"The term 'United States' means only the States, the Territories of Alaska and Hawaii, and the District of Columbia; and
"The term 'taxable year' means the 12 months ending December 31, except in the case of a corporation or partnership allowed to fix its own fiscal year, in which case it means such fiscal year. The first taxable year shall be the year ending December 31, 1917.
"Sec. 201. That in addition to the taxes under existing laws there shall be levied, assessed, collected, and paid for each taxable year upon the net income of every corporation and partnership organized, authorized, or existing under the laws of the United States, or of any State, Territory, or District thereof, no matter how created or organized, excepting income derived from the business of life, health, and accident

insurance combined in one policy issued on the weekly premium payment plan, a tax of 8 per cent of the amount by which such net income exceeds the sum of (a) \$5,000 and (b) 8 per cent of the actual capital invested.

insurance combined in one policy issued on the weekly premium payment plan, a tax of 8 per cent of the amount by which such net income exceeds the sum of (a.) \$5,000 and (b) 8 per cent of the actual capital invested.

"Every foreign corporation and partnership, including corporations and received from all sources within the United States, and Porto Rice, shall pay for each taxable year a like tax upon the United States exceeds the sum of (a.) 8 per cent of the actual capital invested and used or employed in the business in the United States, and (b) that proportion of \$5,000 which the entire actual capital invested and used or employed in the business in the United States bears to the entire nectual capital invested and used or employed in the business which the united States bears to the entire nectual capital invested and used or employed in the business which the necked states the tax shall be imposed upon that portion of such net income which is in excess of the sum of (a.) 8 per cent of that proportion of the entire net income, and (b) that proportion of such net income which is in excess of the sum of (a.) 8 per cent of that proportion of the entire net income, and (b) that proportion bears to the entire net income.

"Sac. 202. That for the purpose of this title, actual capital invested means (1) actual cash paid in, (2) the actual cash value, at the time of payment, of assets other than cash paid in, and (3) paid in or earned surplus and undivided profits used or employed in the business; but does not include money or other purposet; by borrowed by the corporation of the corporation and partnerships shall be computed upon the basis of the net income shown by their income-tax returns under Title I of the act entitled 'An act to increase the revenue, and for other purposes,' approved September 8, 1916. Provided, That for the purpose of this title and are the same privale with the provisions of this capital partnership shall have the same privilege with reference to fixing its fiscal year as is accorded cor

During the reading of the motion to recommit,

Mr. MANN. Mr. Speaker, I ask unanimous consent that the reading of Title II be dispensed with and that it be printed in

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. KITCHIN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit. Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were-yeas 187, nays 219, answering "present" 3, not voting 24, as follows:

YEAS 187.

Crago Cramton Curry Dale, Vt. Dallinger Danforth Anthony Austin Bacharach Barchfeld Beales Benedict Caldwell Drukker Candwell Cannon Capstick Carter, Mass. Cary Chandler, N. Y. Dunn Dyer Edmonds Ellsworth Elston Charles Coleman Cooper, Ohio Cooper, W. Va. Copley Costello Darrow Davis, Minn. Dempsey Denison Dillon Bowers Britt Britten Esch Fairchild Farr Browne Fess Focht Browning Butler Dowell Fordney

Foss Frear Freeman	Johnson, Wash. Kahn Kearns	Moores, Ind. Morgan, Okla.	Slemp Sloan Smith, Idaho
Fuller	Keister	Morin .	Smith, Mich.
Gardner	Kelley	Mott	Smith, Minn.
Garland Gillett	Kennedy, Iowa	Mudd Nichola Mich	Snell Snyder
Glynn	Kennedy, R. I. Kless, Pa.	Nichols, Mich.	Stafford
Good	King	Norton	Sterling
Gould	Kinkaid	Oakey	Stiness
Graham Gray, N. J.	Kreider Lafean	Paige, Mass.	Sulloway Sweet
Green, Iowa	La Follette	Parker, N. J. Parker, N. Y.	Swift
Greene, Mass. Greene, Vt.	Langley	Peters	Switzer
Greene, vt. Griest	Lehlbach Longworth	Platt Porter	Temple Tilson
Guernsey	Loud	Powers	Timberlake
Hadley	McArthur	Pratt	Tinkham
Hamilton, Mich.	McCracken McCulloch	Ramseyer Reavis	Towner Treadway
Hamilton, N. Y. Haskell	McFadden	Ricketts	Vare
Hawley	McKenzie	Roberts, Mass. Roberts, Nev.	Volstead
Hayes .	McKinley McLaughlin	Roberts, Nev.	Walsh
Heaton Hernandez	Madden	Rodenberg Rogers	Ward Wason
Hicks	Magee	Rowe	Watson, Pa.
Hill	Mann	Rowland	Wheeler
Hollingsworth	Mapes Martin	Russell, Ohio Sanford	Williams, T. S. Williams, Ohio
Hopwood Howell	Matthews	Schall	Wilson, Ill.
Hull, Iowa	Meeker	Scott, Mich. Scott, Pa.	Winslow
Husted	Miller, Del.	Scott, Pa.	Wood, Ind. Woodyard
Hutchinson James	Miller, Del. Miller, Minn. Miller, Pa.	Sells Siegel	Young, N. Dak.
Johnson, S. Dak.	Mondell	Sinnott	Think a series of the series
		S—219.	
Abercrombie	DIII	Jones	Riordan
Adair Adamson	Dixon Dooling	Keating Kent	Rouse Rubey
Alken	Doolittle	Kettner	Rucker, Ga.
Alexander	Doremus	Key, Ohlo	Rucker, Mo. Russell, Mo.
Allen	Dupré	Kincheloe	Russell, Mo.
Almon Anderson	Eagan Eagle	Kitchin Konop	Sabath Saunders
Ashbrook	Edwards	Lazaro	Sears
Aswell	Estopinal	Lee	Shackleford
Ayres Bailey	Evans Farley	Lesher Lever	Shallenberger Sherley
Barkley	Ferris	Lewis	Sherwood
Barnhart	Fields	Lieb	Shouse
Bell	Fitzgerald	Lindbergh Linthicum	Sims Sisson
Black Blackmon	Flood Flynn	Littlepage	Slayden
Booher	Gallagher	Lloyd	Small
Borland	Gallivan	Lobeck	Smith, N. Y. Smith, Tex.
Bruckner Brumbaugh	Gandy Gard	McAndrews McClintic	Sparkman
Buchanan, III.	Garner	McDermott	Sparkman Steagall
Buchanan, Tex.	Glass	McGillicuddy	Stedman
Burgess	Godwin, N. C. Goodwin, Ark.	McKellar McLemore	Steele, lowa
Burke Burnett	Gordon	Maher	Steele, Iowa Steele, Pa. Stephens, Miss
Byrnes, S. C. Byrns, Tenn.	Gray, Ala. Gray, Ind.	Mays	Stephens, Nebr Stephens, Tex.
Byrns, Tenn.	Gray, Ind.	Montague	Stephens, Tex.
Callaway Candler, Miss.	Gregg Griffin	Moon Morgan, La.	Stone Stout
Cantril	Hamill	Morrison	Sumners
Caraway	Hamlin	Moss	Taggart
Carew Carlin	Hardy Harrison Mice	Murray Neely	Tague Talbott
Carter, Okla.	Harrison, Miss. Harrison, Va.	Nelson	Tavenner
Casey	Hastings	Nicholls, S. C.	Taylor, Ark.
Church Clark Fla	Hayden	Nolan	Taylor, Colo. Thomas
Clark, Fla Cline	Heflin Helgesen	Oglesby Oldfield	Thomas
Coady	Helm	Oliver	Tillman
Collier	Helvering	Olney	Van Dyke
Connelly	Hensley Hilliard	O'Shaunessy Overmyer	Venable Vinson
Cooper, Wis.	Holland	Padgett	Walker
Cox Crisp	Hood	Park	Watkins
Crisp	Houston	Phelan	Watson, Va.
Crosser	Howard Huddleston	Price Ouin	Webb Whaley
Cullop Dale, N. Y.	Hughes	Ragsdale	Williams, W. E
Davis, ICA.	Hulbert	Rainey	Wilson, Fla.
Decker	Hull, Tenn. Humphreys, Mis	Raker S Randall	Wilson, La. Wingo
Dent Dewalt	Igoe Igoe	Rauch	Wise
Dickinson	Jacoway	Rayburn	Young, Tex.
Dies	Johnson, Ky.	Reilly	will more nad
Bannat District		"PRESENT"—	
Bennet	Emerson NOT V	London OTING 24.	
Ronkos	Foster NOT V	Humphrey, Was	sh. Patten
Beakes Campbell	Garrett	Lenroot	Pou
Chiperfield	Hart	Liebel	Scully
Davenport	Haugen	Loft	Steenerson
The state of the s	Henry	Mooney	Sutherland
Doughton Driscoll	Hinds	Page, N. C.	Woods, Iowa

Mr. Sutherland (for) with Mr. Davenport (against).
Mr. Humphrey of Washington (for) with Mr. Beakes

Mr. HINDS (for) with Mr. Pou (against).

(against).

Mr. Lenboot (for) with Mr. Garrett (against). Mr. CAMPBELL (for) with Mr. HENRY (against). Mr. Mooney (for) with Mr. Liebel (against). Mr. HART (for) with Mr. Scully (against) Mr. Bennet (for) with Mr. Foster (against) Mr. Chiperfield (for) with Mr. Patten (against). The result of the vote was announced as above recorded.
The SPEAKER. The question is on the passage of the bill.
Mr. MANN. Mr. Speaker, on that I demand the yeas and

The yeas and nays were ordered.

The SPEAKER. Those in favor of passing the bill will when their names are called, answer "yea"; those opposed will

VETO OF IMMIGRATION BILL.

Mr. MANN. Mr. Speaker, before we commence to call the roll, by unanimous consent can we again get information in reference to the immigration bill (H. R. 10384) for the conven-

The SPEAKER. Will the gentleman from Alabama [Mr. Burnerr] please explain what is going to happen? [Laughter.]
Mr. Burnett. What is the query, Mr. Speaker?
Mr. MANN. Pending the roll call on the final passage of this bill, it would be very greatly to the convenience of all the Members of the House if we knew what was going to be done about the consideration of the immigration bill about the consideration of the immigration bill.

Mr. BURNETT. We will go through the vote to-night. I am willing to have a half hour's debate, 15 minutes to a side, if the gentleman from Illinois [Mr. Sabath], representing the

other side, is willing. Mr. MANN. Is it certain that there will be at least half an hour's debate after the conclusion of this roll call before we have

another roll call?

Mr. BURNETT. Mr. FITZGERALD. Is that all the debate? Mr. BURNETT. That is all that we can agree on.

Mr. MANN. It may be more.

Mr. SABATH. I wish to state, Mr. Speaker, that I do not desire to detain the House. Although we agreed yesterday on an hour and a half, I am willing, if I can get the consent of others on our side, to cut the time down to 30 or 40 minutes. I am willing personally to bring that about.

Mr. FITZGERALD. Can we know definitely, Mr. Speaker,

how much debate there will be?

Mr. MANN. We might reach an agreement now.

Mr. SABATH. I am willing to agree now to let it be 40 minutes, 20 minutes to a side. That cuts the time down in half. Is that satisfactory?

Mr. BURNETT. Yes, The SPEAKER. The gentleman from Alabama [Mr. Bur-NETT] asks unanimous consent that on the immigration bill the debate shall not exceed 40 minutes, half of that time to be controlled by himself and half to be controlled by the gentleman

from Illinois [Mr. Sabath].

Mr. MANN. Let us figure out the time if we can. We will be through the present roll call at 10 minutes to 7. Can we have an agreement that the vote on the immigration bill shall be had

Mr. BURNETT. Yes; at 7.30.

Mr. MANN. I suggest to the gentleman from Alabama to make that request.

Mr. BURNETT. That is a good suggestion. I make that

request, Mr. Speaker.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the vote on the immigration veto shall be had at half past 7. Is there objection? [After a pause.] The Chair hears none.

REVENUE BILL.

The SPEAKER. The Clerk will call the roll, and those in favor of passing the revenue bill will answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 211, nays 196, answered "present" 4, not voting 22, as follows:

	YEA	8—211.	
percrombie	Bell	Byrns, Tenn.	Connelly
dair	Black	Candler, Miss.	Conry
lamson	Blackmon	Cantrill	Cox
ken	Booher	Caraway	Crisp
exander	Borland	Carew	Crosser
len	Bruckner	Carlin	Cullop
mon	Brumbaugh	Carter, Okla.	Dale, N. Y.
shbrook	Buchanan, III.	Casey	Davis, Tex.
swell	Buchanan, Tex.	Church	Decker
yres	Burgess	Clark, Fla.	Dent
ailey	Burke	Cline	Dewalt
arkley	Burnett	Coady	Dickinson
arnhart	Byrnes, S. C.	Collier	Dies

Dill	Hensley	Moon	Sisson
Dixon	Hilliard	Morgan, La.	Slayden
Dooling Doolittle	Holland Hood	Morrison Moss	Small Smith, N. Y.
Doremus	Houston	Murray	Smith, Tex.
Dupré Eagan	Howard Huddleston	Neely Nicholls, S. C.	Sparkman Steagall
Eagle	Hughes Hulbert	Oglesby	Stedman
Edwards	Hulbert Hull Tonn	Oldfield	Steele, Iowa
Estopinal Evans	Hull, Tenn. Humphreys, Miss	Oliver Olney	Steele, Pa. Stephens, Miss.
Farley	Igoe	O'Shaunessy	Stephens, Nebr Stephens, Tex.
Ferris Fields	Jacoway Johnson, Ky.	Overmyer Padgett	Stephens, Tex. Stone
Fitzgerald	Jones	Park	Stout
Flood	Keating Kent	Phelan Price	Sumners
Flynn Gallagher	Kettner	Quin	Taggart Tague
Gallivan	Key, Ohio	Ragsdale	Tague Talbott
Gandy Gard	Kincheloe Kitchin	Rainey Raker	Tavenner Taylor Ark
Garner	Konop	Randall	Taylor, Ark. Taylor, Colo.
Glass	Lazaro Lee	Rauch Rayburn	Thomas
Godwin, N. C. Goodwin, Ark.	Lesher	Reilly	Thompson Tillman
Gordon	Lever	Riordan	Van Dyke
Gray, Ala. Gray, Ind.	Lewis Lieb	Rouse	Venable Vinson
Gregg Griffin	Linthicum	Rucker, Ga.	Walker
Griffin	Littlepage Lloyd	Rucker, Mo. Russell, Mo.	Watkins
Hamill Hamlin	McAndrews	Sabath	Watson, Va. Webb
Hardy	McClintie	Saunders	Whalev
Harrison, Miss. Harrison, Va.	McDermott McGillicuddy	Sears Shackleford	Williams, W. E. Wilson, Fla. Wilson, La.
Hustings	McKellar	Shallenberger	Wilson, La.
Hayden Heffin	McLemore Maher	Sherley Sherwood	Wingo Wise
Helm	Mays	Shouse	Young, Tex.
Helvering	Montague NAV	Sims S—196.	
Anderson	Farr	Kinkaid	Roberts, Mass. Roberts, Nev.
Anthony Austin	Fess Focht	Kreider Lafean	Roberts, Nev. Rodenberg
Bacharach	Fordney	La Follette	Rogers
Barchfeld Beales	Foss Freeman	Langley Lehlbach	Rowe Rowland
Benedict	Fuller	London	Russell, Ohio
Bowers	Gardner	Longworth	Sanford
Britt Britten	Garland Gillett	Loud McArthur	Schall Scott, Mich,
Browne	Glynn	McCracken	Scott, Pa.
Browning	Good	McCulloch	Sells
Butler Caldwell	Gould Graham	McFadden McKenzie	Siegel Sinnott
Callaway	Gray, N. J.	McKinley	Slemp
Cannon Capstick	Green, Iowa Greene Mass	McLaughlin Madden	Sloan Smith, Idaho
Carter, Mass.	Greene, Mass. Greene, Vt.	Magee	Smith, Mich.
Cary	Griest	Mann	Smith, Minn.
Chandler, N. Y. Charles	Guernsey Hadley	Mapes Martin	Snell Snyder
Coleman	Hamilton, Mich.	Matthews	Stafford
Cooper, Ohio	Hamilton, N. Y. Haskell	Meeker Miller, Del.	Sterling Stiness
Cooper, Ohlo Cooper, W. Va. Cooper, Wis.	Haugen	Miller, Minn.	Sulloway
Copley Costello	Hawley	Miller, Pa. Mondell	Sweet
Crago	Hayes Heaton	Moore, Pa.	Swift Switzer
Cramton	Helgesen	Moores, Ind.	Temple
Curry Dale, Vt.	Hernandez Hicks	Morgan, Okla. Morin	Tilson Timberlake
Dallinger	Hill	Mott	Tinkham
Danforth	Hollingsworth	Mudd Nelson	Towner
Darrow Davis, Minn.	Hopwood Howell	Nichols, Mich.	Treadway Vare
Dempsey	Hull, Iowa	North	Volstead
Denison Dillon	Husted Hutchinson	Norton Oakey	Walsh Ward
Doughton	James	Page, N. C.	Wason
Dowell	Johnson, S. Dak.	Paige, Mass.	Watson, Pa.
Drukker Dunn	Johnson, Wash. Kahn	Parker, N. J. Parker, N. Y.	Wheeler Williams, T. S.
Dyer	Kearns	Peters	Williams, Ohio
Edmonds Ellsworth	Keister Kelley	Porter Powers	Wilson, Ill. Winslow
Elston	Kennedy, Iowa	Pratt	Wood, Ind.
Emerson	Kennedy, R. I.	Ramseyer	Woods, Iowa
Esch Fairchild	Kless, Pa. King	Reavis Ricketts	Woodyard Young, N. Dak
Bennet	Lindbergh	PRESENT "-4. Nolan	Pou
Ponkos	NOT VO		Diett
Beakes Campbell	Frear Garrett	Lenroot Liebel	Platt Scully
Chiperfield	Hart	Lobeck	Steenerson
Davenport	Henry	Loft	Sutherland
Driscoll	Hinds	Mooney	

So the bill was passed.

The Clerk announced the following additional pairs: On this vote:

Mr. Lobeck (for) with Mr. Frear (against).

Mr. Davenport (for) with Mr. Sutherland (against).
Mr. Beakes (for) with Mr. Humphrey of Washington

Mr. Pou (for) with Mr. Hinds (against). Mr. Garrett (for) with Mr. Lenroot (against).

Mr. Henry (for) with Mr. Campbell (against).
Mr. Liebel (for) with Mr. Mooney (against).
Mr. Scully (for) with Mr. Hart (against).
Mr. Foster (for) with Mr. Bennet (against).
Mr. Patten (for) with Mr. Chiperfield (against). The result of the vote was announced as above recorded. On motion of Mr. Kitchin, a motion to reconsider the vote by which the bill was passed was laid on the table.

MINORITY VIEWS ON BANKING AND CURRENCY BILLS.

Mr. LINDBERGH. Mr. Speaker, I ask unanimous consent to file minority views on three bills that have just been reported out of the Banking and Currency Committee, H. R. 20538, H. R. 20539, and H. R. 20540.

The SPEAKER. Without objection, the request will be granted.

CLOTHING FOR MEMBERS OF NATIONAL GUARD.

Mr. HELGESEN. Mr. Speaker, I ask unanimous consent to print in the RECORD a concurrent resolution passed by the North Dakota Legislature on January 27, relative to the North Dakota militia boys who are to return from the Mexican border.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to extend his remarks about the militia. Is there objection?

There was no objection. The concurrent resolution referred to is as follows:

OFFICE OF SECRETARY OF STATE OF NORTH DAKOTA.

I, Thomas Hall, secretary of state of the State of North Dakota, do hereby certify that the following is a true and complete copy of a certain resolution adopted by the Senate and House of Representatives of the Fifteenth Legislative Assembly of the State of North Dakota on Saturday, January 27, 1917.

[SEAL.]

THOMAS HALL,

Concurrent resolution. (Introduced by Mr. Mostad.)

Concurrent resolution. (Introduced by Mr. Mostad.)

Whereas the rules and regulations of the War Department of the United States will not permit the soldiers of the National Guard who are returning from the Mexican border to wear their uniforms and overcoats after being mustered out of active service, except when performing active duties as National Guardsman; and

Whereas the soldiers of the North Dakota regiment who have been stationed on the Mexican border are returning from a climate which is semitropical into a climate which is extremely cold; and

Whereas these men will not be in a condition to stand the rigors of this northern climate without being warmly clothed, and many of them will not have the means wherewith to purchase the necessary clothing: Therefore be it

Therefore be it

Resolved, That we, the members of the fifteenth legislative assembly, petition the President of the United States, the Secretary of War, and Congress to pass the necessary laws or to issue the necessary orders that will give the soldiers their overcoats, or at least permit the use of said overcoats until climatic conditions have so changed that their wear will not be necessary. Be it further

Resolved, That the secretary of state be instructed to send a copy of these resolutions to the President of the United States, to the Secretary of War, and to each of our Senators and Representatives in Congress. That we urge our Representatives and Senators in Congress to use their efforts to bring about the results requested in these resolutions.

VETO OF IMMIGRATION BILL.

Mr. BURNETT. Mr. Speaker, I desire now to call up the veto message of the President on the immigration bill (H. R. 10384), and I move that on reconsideration the House pass the same, the veto of the President to the contrary notwithstanding. We have an agreement that the vote shall be taken at 7.30 o'clock, which will allow 40 minutes' debate, 20 minutes to be controlled by the gentleman from Illinois [Mr. SABATH] and 20 minutes by

Mr. SABATH. Mr. Speaker, that is perfectly satisfactory to me, and in view of the fact that we have five minutes remain-ing, I ask unanimous consent that in those five minutes the President's veto message be read, at the conclusion of the de-

The SPEAKER. The gentleman from Alabama [Mr. Burnett] asks to take from the Speaker's table the immigration bill and the President's veto message of the same, and the gentleman from Illinois [Mr. Sabath] asks that after the 40 minutes of debate the remaining 5 minutes be consumed in reading

the President's message. Is there objection?

Mr. GARDNER. Mr. Speaker, reserving the right to object, would it not be a good plan to read the message first?

Mr. BURNETT. That was what I understood to be the gentleman's request.

Mr. SABATH. In view of the fact that there are so few Members here now, I think we owe it to the President as well as to the Members of the House that the message be read when the Members are here.

Mr. GARDNER. Mr. Speaker, I should be sorry to object,

but I think the message should be read first.

Mr. SABATH. I will say to the gentleman that notwithstanding our previous agreement that there should be an hour
and a half for general debate, I gladly yielded to a request to

shorten the time, notwithstanding there were a great many gentlemen desirous of securing recognition on the bill. I yielded for the convenience of the membership, and for that reason I hope the gentleman from Massachusetts will not object.

The SPEAKER. The Chair is inclined to think that as this veto message has been on the table for two or three days by unanimous consent, it ought to be read, and if the gentleman from Illinois wants it read at the conclusion of the debate, the Chair sees no objection.

Mr. BURNETT. I think the more orderly procedure would

be to read it at the beginning.

The SPEAKER. The Chair suggested that under the practice of the House, and under the rules, the message having been on the Speaker's table for two or three days, it ought to be read at the beginning of the debate. The Chair lays it before the House

Mr. SABATH. Mr. Speaker, that is the reason I ask unanimous consent that it be read at the conclusion of the debate.

The gentleman from Illinois asks that the The SPEAKER. message be read at the conclusion of the debate. Is there objection?

Mr. BURNETT. Mr. Speaker, I object, because I think the more orderly procedure would be to read it now. The SPEAKER. The gentleman from Alabama objects, and

the Clerk will read the bill by title, and then read the message. The Clerk read the title of the bill (H. R. 10384) to regulate

the immigration of aliens to, and the residence of aliens in, the

The SPEAKER. The Clerk will read the veto message of the President.

The Clerk read as follows:

To the House of Representatives:

I very much regret to return this bill (H. R. 10384, "An act to regulate the immigration of allens to, and the residence of allens in, the United States") without my signature. In most of the provisions of the bill I should be very glad to concur, but I can not rid myself of the conviction that the literacy test constitutes a radical change in the policy of the Nation which is not justified in principle. It is not a test of character, of quality, or of personal fitness, but would operate in most cases merely as a penalty for lack of opportunity in the country from which the alien seeking admission came. The opportunity to gain an education is in many cases one of the chief opportunities sought by the immigrant in coming to the United States, and our ex-perience in the past has not been that the illiterate immigrant is as such an undesirable immigrant. Tests of quality and of purpose can not be objected to on principle, but tests of opportunity surely may be.

Moreover, even if this test might be equitably insisted on, one of the exceptions proposed to its application involves a provision which might lead to very delicate and hazardous diplomatic situations. The bill exempts from the operation of the literacy test "all aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith." Such a provision, so applied and administered, would oblige the officer concerned in effect to pass judgment upon the laws and practices of a foreign Government and declare that they did or did not constitute religious persecution. This would, to say the least, be a most invidious function for any administrative officer of this Government to perform, and it is not only possible but probable that very serious questions of international justice and comity would arise between this Government and the Government or Governments thus officially condemned should it exercise be attempted. I dare say that these consequences were not in the minds of the proponents of this provision, but the provision separately and in itself renders it unwise for me to give my assent to this legislation in its present form.

WOODROW WILSON.

THE WHITE House, January 29, 1917.

The SPEAKER. The gentleman from Alabama moves that on reconsideration of the immigration bill, the House pass the bill, the objections of the President of the United States to the contrary notwithstanding. The gentleman from Alabama

is recognized for 20 minutes.

Mr. BURNETT. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Speaker, the President in his veto message calls attention to a certain clause which was included

in the immigration bill at the request of the Jewish people, a clause which enables persons of their faith, or of any harassed religious faith, to come into the country in spite of the fact that they can not read. Under the terms of this proposed law such persons are admissible to the United States provided that they can convince the immigration officials that they are fleeing either from oppressive religious laws or from religious perse-

either from oppressive religious laws of from religious perse-cution at the hands of the people of some foreign country. The President declares that the clause in question imposes on our administrative officers the duty of passing "judgment upon the laws and practices of a foreign Government." He says that such a function is most "invidious" and that it may lead to very delicate and hazardous diplomatic situations.

With all due respect to the President, there is nothing in his argument. We have had in the immigration law for years and years a provision which requires our administrative officers to pass judgment upon the laws and practices of a foreign Government" whenever an alien immigrant seeking admission to this country claims to be the victim of political persecution. This new provision to which the President objects merely adds

Mr. BENNET. Will the gentleman yield?

Mr. GARDNER. Not just now. This is an intricate subject.

Mr. BENNET. I will not interrupt the gentleman. Mr. GARDNER. The existing immigration law, in section 2, among other things, provides-

That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude.

That is in the law at present. That provision has been on the statute book for many years, and the administrative officers have again and again been obliged to exercise this function which the President describes as invidious; that is to say, the function of passing "judgment upon the laws and practices of a foreign Government." The new clause, to which the Presiof a foreign Government. The new clause, to which the Frest-dent objects, merely grants to religious refugees a special ex-emption analogous to that enjoyed hitherto by political refugees. Moreover, we have with 23 different nations treaties which by their terms forbid the extradition from American soil of

any sojourner from a foreign land who is pursued by his own Government solely because of a political offense. In observing the provisions of these treaties as well as in the execution of our immigration laws, it has long been the duty of our adminis-trative officers to exercise precisely this discrimination which alarms the President.

What difference does it make to a foreign nation whether our administrative officers indict it and its people for religious oppression rather than for political oppression? For years every time we have admitted Irish and Prussian refugees to this country we have indicted foreign nations for political oppression. It has not led us to the verge of war. Why should we be alarmed if possibly at some time in the future our action might be construed into an indictment against an act of religious oppression?

Many a time have our administrative officers been called upon "to pass judgment upon the laws and practices of foreign Governments." Let us consider the case of Mylius, the Englishman. This is known as United States ex rel. Mylius against Uhl. Mylius was an Englishman who had been con-victed of an exceptionally slanderous criminal libel, involving the succession to the throne of Great Britain. Mylius was convicted not of lese majeste, not of treason, but of criminal libel. Our immigration authorities passed "judgment upon the laws and practices of a foreign Government" and decided against Mylius. The court reversed that decision, deciding that the

offense of Mylins was political.

I leave the Mylins case and come to one more recent. certain man named Sichinsky was, in 1908, convicted of the murder of the governor of Galicia, in Austria. Sichinsky was convicted of murder, not of treason or lese majeste. "Insidiconvicted of indrucer, not of treason of less inalests. Instar-ous murder" was the charge. In 1915 Sichinsky fled to this country. Our immigration authorities refused him admission because they held that the crime of murder involved moral turpitude. The question came to the Department of Labor. The Assistant Secretary of Labor, Louis F. Post, passed "judgment upon the laws and practices of a foreign Government." By Mr. Post's order, in December, 1915, Sichinsky was admitted to this country because, as the Assistant Secretary of Labor looked on the matter, the murder of Galicia's governor was purely a political offense.

The SPEAKER pro tempore. The time of the gentleman

from Massachusetts has expired.

Mr. SABATH. Mr. Speaker, I yield to the gentleman from New York [Mr. Siegel] 10 minutes, some of which time I under-

stand he desires to yield to some gentleman on that side of the

Mr. SIEGEL. Mr. Speaker, first I ask unanimous consent to extend my remarks in the RECORD.

Mr. BURNETT. Mr. Speaker, if the gentleman will permit, I ask unanimous consent that all gentlemen may have five legislative days in which to extend their remarks upon this bill.

The SPEAKER pro tempore [Mr. LINTHICUM]. The gentleman from Alabama asks unanimous consent that all gentlemen may have five legislative days in which to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. SIEGEL. Mr. Speaker, the eyes of the Nation are centered on what we are about to do here to-day. Four times the immigration bill with its illiteracy test has been vetoed by our Presidents who have been elected not by one State but by the people of the entire country. The press of the United States as shown by its editorials is in favor of sustaining the veto of President Wilson. The leading Democratic newspaper, the New York World, in a short editorial on January 30, expressed itself as follows:

President Wilson's veto of the immigration bill was expected, his reasons for that action were prophetically understood, when the measure was passed in Congress. A broken and blood-stained Europe will have after the war few men to spare from tasks of restoration. In any case, no man is proved unfit for American citizenship by the fact that he is ambitious enough for his children to leave a land that neglected to give him an education.

Later, I shall read extracts from other leading newspapers

which have taken the same view.

The Merchants Association of New York, the Republican County Committee of the County of New York, the New York Produce Exchange and a large number of other eminent bodies and educators of the land have expressed themselves in opposition to the immigration bill on account of the literacy test contained therein.

Ex-President Taft has not changed his views as his letter read by me on the floor of this House last March showed. The country can not find laborers to-day, whether it be for the fac-tories or whether it be servant girls for ordinary house work.

In New York City we are unable to find men to take jobs as street cleaners although it means employment for life, medical

attendance and a pension for old age.

The great trouble to-day is that the rough work will not be done by the educated American. Every one seems to be seeking employment where manual labor is not required.

To enact a bill at the present time containing a literacy test is to shut the doors of the United States to those who would come here, if come they do, to perform the rough manual labor which the average American has declined to do during the past

Mr. Speaker, the present Speaker of the House is admired by all who know him. He is fearless and courageous in the expression of his views. He has served the country for a long time most faithfully and has been a public servant who has carried with him the respect of American citizenship, regardless of party affiliations. What he says is usually expressed by him after mature deliberation and after he has reached deep convictions of mind that he is right. It is proper, therefore, that I read at this point his written views, given to the Washington Post on April 9 last, showing that he does not believe that we will have a flood of immigration after the war. He says:

will have a flood of immigration after the war. He says:

Many of our people view with grave apprehension the prospect of a vastly increased immigration into this country when peace is established beyond the seas—which is another figment of imagination. The chances are that the immigration into this country for a decade, perhaps for a generation, will be negligible; for good and sufficient reasons. Because so many have been killed, crippled, or incapacitated by disease, by exposure in camp, on the march or in the field, the prospect is that every man or woman desiring employment at home will be able to find it at a higher wage than heretofore. Therefore and thereby the temptation to emigrate will be diminished. Many persons seem to think that the only reason why-immigrants come to America is because they desire to live in a Republic. No doubt that is the reason why many do come hither, but many others—a majority perhaps—come because of the greater rewards for labor, whether skilled or unskilled, whether of brain or of brawn. It is confidently submitted that both these motives are rational and honorable. These two classes embrace the bulk of the immigrants to American shores, not to mention the comparatively few who flee from religious or political persecutions, and others who, like the Knight of La Mancha, come in quest of ventures. It is safe to say that 95 per cent of all who emigrate from Europe leave the land of their birth with regret—a regret inherent in human nature itself and honorable to the human heart.

It is also safe to say that if the rewards of toil are even approximately equal in their own country and in another, most folks the wide world over prefer to stay in their native land, amid the scenes of childhood and in company with kindred and friends. It is not to Americans alone that the anthem, "Home Sweet Home," appeals, but to all the people of the earth.

When this stupendous conflict closes, laborers of every kind will be so scarce in the belligerent countries that wages are as certain to ris

them as the sun is to shine, and just as wages increase, so emigration will decrease. It is bound to be so. It can not be otherwise.

Not more than two cases need be advanced to sustain the conclusion as to reduced immigration into this country.

The first mighty army of our immigrants came from Ireland because of the hard conditions prevailing at home, particularly as to religious freedom, education, rents, and ownership of land. Almost exactly in proportion as conditions have improved in Ireland, the Irish have ceased to emigrate—for no people are more ardent lovers of their native land.

Following the vast Irish immigration came that of the Germans, vaster still. Until some thirty or forty years ago our principal supply of immigrants came from Germany. When the present war began, the great stream of German immigrants had dwindled almost to the vanishing point. What was the reason for this shrinkage? It is clear that it was because the great industrial awakening of Germany—one of the most astounding phenomena of modern times—gave employment at home to hundreds of thousands at higher wages in new kinds of work. That was among the chief of the herculean labors Bismarck performed for his country. Germans found employment at home at more remunerative wages than were obtainable prior to the great industrial awakening, and the number of immigrants from the Fatherland grew constantly smaller, year by year, until it practically ceased altogether.

I repeat that that was one of the main benefactions which Bismarck wrought for Germany, for it made her one of the foremost manufacturing and exporting nations of the globe. And the truth is that no statesman or leader of men ever worked more persistently and industriously at any self-imposed task than the Kalser Wilhelm II has labored to increase the manufactures and exports of Germany.

Query: If improved conditions as to the rewards of labor in Ireland and Germany, whence so many of our most desirable immigrants came in the earlier day, diminished the emigration from tho

Let me at this time read a letter from the president of the university and commissioner of education of the State of New York, Dr. John Finley, wherein he says:

ersity and community.

The John Finley, wherein he says.

THE UNIVERSITY OF THE STATE OF NEW YORK,

THE STATE DEPARTMENT OF EDUCATION,

OFFICE OF THE PRESIDENT OF THE UNIVERSITY

AND COMMISSIONER OF EDUCATION,

Albany, January 22, 1916.

Dear Mr. Siegel: I held my answer to your letter thinking that I should be able to write you at greater length, but I have not as yet found it possible to do so.

I can only say this at the moment: That my attitude with regard to the literacy test would not be affected by the volume of the immigration, my point being that this (the literacy test) does not furnish a satisfactory test. It is true that it might diminish the volume, but I can not see that it would furnish a means for distinguishing between the desirable and the undesirable.

I hope I shall find time to set forth the matter more fully a little later.

Sincerely yours,

To the Hon. ISAAC SIEGEL, House of Representatives.

Mr. Speaker, it affords me great pleasure to read the following letter from one of America's best-known philanthropists and active citizens:

NEW YORK, January 30, 1917.

Hon. Isaac Siegel,

House of Representatives, Washington, D. C.

Dear Mr. Siegel: I take the liberty of writing you regarding the immigration bill, which has just been vetoed by the President, and is again before Congress for action, as I thought you would like to have my views on this important measure.

The bill, because of the literacy test, would have the effect of excluding those whose sole offense is that they have, without fault of their own, been denied the benefit of an education. It is not a test of character and would deprive the United States of valuable economic forces. In my opinion, the cause of illiteracy in most cases is lack of opportunity, and I do not think such lack of opportunity should bar those who wish to enter this country. They may later on acquire an education, but even if they did not their illiteracy would not affect their descendants, for they would very likely secure an education, and judging from the past there is a good chance that they would become worthy and loyal citizens. The parents of some of our best citizens were illiterate when they came here, and I think it would be a great mistake if men and women of sourd mind and body, who are industrious and law-abiding, are deprived of the right to take up their homes in this country.

I hope you will do what you can to defeat this bill.

Yours, very truly,

Adoleh Lewisohn.

ADOLPH LEWISOHN.

Mr. Speaker, this land has grown in size, in wealth, in numbers, in commerce and manufacture during the entire time that immigrants have been coming here in large numbers. Statistics prove beyond fear of contradiction that where the immigrant has settled in large numbers the greatest progress has been made in education, manufacture, and commerce. Laws for the protection of children and women from long hours of labor and for the general improvement of their working conditions and surroundings have been enacted in those very States. Workmen's compensation acts have been put into force. The hours of labor have been lessened. Labor unions have made their greatest progress therein. In those same States more men have enest progress therein. In those same States more men have enlisted in the Army and Navy of the United States and answered the call of the President in the past year, entirely out of proportion to the population of their States, than from those States where the immigrant is practically unknown. The smallest percentage of illiteracy is found in those States where the proportion of the foreign born is the greatest.

New York City, with its great foreign-born population, points with pride to its numerous schoolhouses and libraries and to the fact that its industries and commerce have been built up by the immigrant and his descendants. It asks you to take a glance at its educational institutions, and there you will find that 90 per cent of those who are attending its colleges, high schools, and night schools during the entire year, including summer, are either immigrants or their children.

Not a single Representative on the floor of this House from New York City has ever cast his vote in favor of an immigration bill that contained the literacy test. Who knows the immigrant and his children better than these Representatives who were born amongst them, lived near them, attended school with them, and sat side by side with them at colleges and universities?

Who attends the opera, even though it be in the galleries, the best theatrical productions, the museums of art and natural history in the city of New York? Who encourages in every way education, and strives hardest to give his children the best that money can afford in the line of education? Who tries in every way to see that his children take advantage of the opportunities that this country affords? Who makes the most use of our public libraries? In every instance you will find that it is the immigrant who is willingly making those sacrifices

Mr. Speaker, I might give statistics showing that a large number of the members of the board of education of the city of New York, the Supreme Court of the State of New York, the civil service, both Federal and State, are all filled by immigrants or their children. They are rendering yeoman service in helping to make our Republic greater, grander, and nobler. They are doing their share to instill a spirit of real true Americanism which recognizes only one allegiance, and that allegiance is to

our flag, country, and institutions.

Much has been said by some gentlemen, who favor the literacy test, that illiteracy produces crime. An investigation made by me shows that in the State of New York the number of illiterates in State prisons was not greater than the number of high-school and college graduates. The following statistics show the populations of various cities and the number of arrests made in each one of them:

City.	Popula- tion.	Arrests, 1916.
San Francisco, Cal.	416,912	51, 430
Birmingham, Ala	132,685	14, 408
Columbus, Ohio	181, 511	8, 933
	127,628	13, 220
Washington, D. C	331,069	39, 377
Cleveland, Ohio	560, 663	20, 524
Jacksonville, Fla	57, 699	9,459
Oklahoma City, Okla	64: 205	7,200
Cincinnati, Ohio	363, 591	26,066
Providence, R.1	224, 326	10, 183
Los Angeles, Cal	319, 198	45,024
Los Angeles, Cal Newark, N. J Wilkes Barre, Pa	347, 469	11, 230
	67, 105	3, 347
Milwaukee, Wis	373, 857	11, 292
Detroit, Mich	465, 766	45, 587
Rochester, N. Y.	218, 149	7,799
Philadelphia, Pa	1,549.008	95, 783
Denver, Colo	213, 381	10,045
St. Louis, Mo	687,029	38, 439

An examination by anyone interested establishes the fact that crime is no greater in the cities where the foreign population is large than in those cities where the native-born population predominates. One example is the city of St. Louis. Its population is 687,029. Its number of arrests for 1916 was 38,439, with only 142 being unable to read or write. The city of Washington, the number of arrests was 39,377, with a population according to the census of 1910 of 331,069. The other statistics of the city of St. Louis are contained in a letter which I read:

DEPARTMENT OF POLICE, City of St. Louis, January 6, 1917.

Hon. ISAAC SIEGEL, M. C., House of Representatives, Washington, D. C.

DEAR SIR: Replying to your letter of January 4, 1917, re statistics of arrests made by the St. Louis police department during the year 1916. I append the following:

	roro, r appear the ronoung.	STATE OF THE PARTY
	 Total number of arrests Total number of convictions (record of convictions not kept). 	38, 439
	3. Total number of arrests for misdemeanors	23, 163
	4. Total number of arrests for felonies	15, 276 34, 861
	6. Arrests, foreign born	3, 578
	7. Number able to read and write	
Ġ	Very truly, yours,	142

WM. YOUNG, Chief of Police.

Mr. Speaker, on the 25th of this month Cardingl Gibbons issued the following statement:

It is disappointing to many thoughtful citizens that the immigration bill has passed both Houses of Congress. By this measure illiterates will, in the future, be excluded from entrance into this country. It is to be hoped that Mr. Wilson will act with the same good judgment as he has done on a former like occasion and veto the bill. Slimilar bills have been vetoed by preceding Presidents, who have been cognizant of the harmful effect this test of literacy would have upon desirable immigration.

ILLITERACY NOT IGNORANCE.

Illiteracy should not be confounded with ignorance. There is an old axiom which reads that "Intellectual attainments are not the test of virtue." Many of the most dangerous members of the community are men of keen and trained intellect, but of depraved morals. The normal, sturdy illiterate has a receptive mind, capable of early development. Had the United States refused such illiterates from the beginning of our Government, our country would have lost the benefit of their virtue, thrift, industry, and enterprising spirit. And the descendants of such forbears are an honor to their fathers and a credit and an asset to our country, for they have been rapidly incorporated and identified with the native population by the assimilating process of education and the common use of the English tongue. In consequence of this, it would be hard to differentiate the children of foreign immigrants from those of native American parents.

I have so often expressed my personal views in regard to the

I have so often expressed my personal views in regard to the literacy test that I believe that the best interests of the immigrant and the country can be served by inserting here the four messages vetoing the respective immigration bills containing the literacy test. These messages are respectively as follows:

President Grover Cleveland's veto message:

MARCH 2, 1897.

To the House of Representatives:

To the House of Representatives:

I hereby return without approval House bill No. 7864, entitled "An act to amend the immigration laws of the United States."

By the first section of this bill it is proposed to amend section 1 of the act of March 3, 1891, relating to immigration by adding to the classes of aliens thereby excluded from admission to the United States the following:

"All persons physically capable and over 16 years of age who can not read and write the English language or some other language * * *."

A radical departure from our national policy relating to immigrants is here presented. Heretofore we have welcomed all who came to us from other lands except those whose moral or physical condition or history threatened danger to our national welfare and safety. Relying upon the zealous watchfulness of our people to prevent injury to our political and social fabric, we have encouraged those coming from foreign countries to cast their lot with us and join in the development of our vast domain, securing in return a share in the blessings of American citizenship.

eign countries to cast their lot with us and join in the development of our vast domain, securing in return a share in the blessings of American citizenship.

A century's stupendous growth, largely due to the assimilation and thrift of millions of sturdy and patriotic adopted citizens, attests the success of this generous and free-handed policy which, while guarding the people's interests, exacts from our immigrants only physical and moral soundness and a willingness and ability to work.

A contemplation of the grand results of this policy can not fail to rouse a sentiment in its defense, for however it might have been regarded as an original proposition and viewed as an experiment, its accomplishments are such that if it is to be uprooted at this late day its disadvantages should be plainly apparent and the substitute adopted should be just and adequate, free from uncertainties, and guarded against difficult or oppressive administration.

It is not claimed, I believe, that the time has come for the further restriction of immigration on the ground that an excess of population overcrowds our land.

It is said, however, that the quality of recent immigration is undestrable. The time is quite within recent memory when the same thing was said of lumigrants who, with their descendants, are now numbered among our best citizens.

A careful examination of this bill has convinced me that for the reasons given and others not specifically stated its provisions are unnecessarily harsh and oppressive, and that its defects in construction would cause vexation and its operation would result in harm to our citizens.

GROVER CLEVELAND.

The veto message of President William Howard Taft: To the Senate:

To the Senate:

I return herewith, without my approval, S. 3175.

I do this with great reluctance. The bill contains many valuable amendments to the present immigration law which will insure greater certainty in excluding undesirable immigrants.

The bill received strong support in both Houses and was recommended by an able commission after an extended investigation and carefully drawn conclusions.

But I can not make up my mind to sign a bill which in its chief provision violates a principle that ought, in my opinion, to be upheld in dealing with our immigration. I refer to the literacy test. For the reasons stated in Secretary Nagel's letter to me, I can not approve that test. The Secretary's letter accompanies this.

WM. H. Taft. WM. H. TAFT.

THE WHITE HOUSE, Washington, February 14, 1913.

The first veto message of President Woodrow Wilson:

To the House of Representatives:

To the House of Representatives:

It is with unaffected regret that I find myself constrained by clear conviction to return this bill (H. R. 6060, "An act to regulate the immigration of aliens to and the residence of aliens in the United States") without my signature. Not only do I feel it to be a very serious matter to exercise the power of veto in any case, because it involves opposing the single judgment of the President to the judgment of a majority of both the Houses of the Congress, a step which no man who realizes his own liability to error can take without great hesitation, but also because this particular bill is in so many important respects admirable, well conceived, and desirable. Its enactment into law would undoubtedly enhance the efficiency and improve the methods of handling the important branch of the public service to which it relates. But candor and a sense of duty with regard to the responsibility so clearly imposed upon me by the Constitution in matters of legislation leave me no choice but to dissent.

In two particulars of vital consequence this bill embodies a radical departure from the traditional and long-established policy of this country, a policy in which our people have conceived the very character of their Government to be expressed, the very mission and spirit of the Nation in respect of its relations to the peoples of the world outside their borders. It seeks to all but close entirely the gates of asylum which have always been open to those who could find nowhere else the right and opportunity of constitutional agitation for what they conceived to be the natural and inalienable rights of men; and it excludes those to whom the opportunities of elementary education have been denied, without regard to their character, their purposes, or their natural capacity.

Restrictions like these, adopted earlier in our history as a Nation, would very materially have altered the course and cooled the humane ardors of our politics. The right of political asylum has brought to this country many a man of noble character and elevated purpose who was marked as an outlaw in his own less fortunate land, and who has yet become an ornament to our citizenship and to our public councils. The children and the compatitiots of these illustrious Americans must stand amazed to see the representatives of their Nation now resolved, in the fullness of our national strength and at the maturity of, our great institutions, to risk turning such men back from our shores without test of quality or purpose. It is difficult for me to believe that the full effect of this feature of the bill was realized when it was framed which it is here cast.

The literacy test and the tests and restrictions which accompany it constitute an even more radical change in the policy of the Nation. Hitherto we have generously kept our doors open to all who were not unfitted by reason of disease or incapacity for self-support or such personal records and antecedents as were likely to make them a menace to our peace and order or to the wholesome and essential re

THE WHITE HOUSE, 28 January, 1915.

The President's second veto message is as follows:

The President's second veto message is as follows:

I very much regret to return this bill without my signature.

In most of the provisions of the bill I should be very glad to concur, but I can not rid myself of the conviction that the literacy test constitutes a radical change in the policy of the nation which is not justified in principle. It is not a test of character, of quality, or of personal fitness, but would operate in most cases merely as a penalty for lack of opportunity in the country from which the alien seeking admission came. The opportunities sought by the immigrant in coming to the United States, and our experience in the past has not been that the illiterate immigrant is as such an undesirable immigrant. Tests of quality and of purpose can not be objected to on principle, but tests of opportunity surely may be.

Moreover, even if this test might be equitably insisted on, one of the exceptions proposed to its application involves a provision which might lead to very delicate and hazardous diplomatic situations.

The bill exempts from the operation of the literacy test "all aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith."

against the alien or the race to which he belongs because of his religious faith."

Such a provision, so applied and administered, would oblige the officer concerned in effect to pass judgment upon the laws and practices of a foreign government, and declare that they did or did not constitute religious persecutions. This would, to say the least, be a most invidious function for any administrative officer of this Government to perform, and it is not only possible, but probable, that very serious questions of international justice and comity would arise between this Government and the government or governments thus officially condemned, should its exercise be adopted.

I dare say that these consequences were not in the mind of the proponents of this provision, but the provision separately and in itself renders it unwise for me to give my assent to this legislation in its present form.

Let me at this time quote a letter which I received from Commissioner of Immigration Frederic C. Howe, which reads as follows:

U. S. DEPARTMENT OF LABOR, IMMIGRATION SERVICE,
OFFICE OF COMMISSIONER OF IMMIGRATION,
Ellis Island, New York Harbor, N. Y., January 17, 1917.

Hen. Isaac Siegel,

Member of Congress, Washington, D. C.

Mr Dean Mr. Siegel: I have not seen the newspaper abstract of
my speech at Detroit a week ago last Sunday, but most newspaper
abstracts are very incomplete. What I did say was that all opinions
as to immigration after the war were merely conjectural, but that we
were faced with the possibility of emigration out of this country after

the war. I have a great deal of evidence to this effect from all over the country, which is corroborated by the statements of the steamship lines and railroad companies. The causes for this probable emigration are a desire to revisit the countries from which foreigners have been excluded for nearly three years, anxiety about their relatives, and a very general belief on the part of certain aliens that land is going to be cheap in Europe, especially central Europe, and that they can invest their savings there in a homestead on conditions far more satisfactory to them than in this country. In addition to that it is quite possible that wages will be high in Germany, England, France, and parts of central Europe, which will serve as a suction not only to take people out of this country but to keep foreigners at home.

I have no doubt but that the wide socialization of industry that has taken place will be continued for some years to come from necessity if from no other reason. And if high wages prevail abroad and the countries look after their people in an intelligent way, and if in addition to that it is more difficult to emigrate, it is quite likely that immigration will remain at a low ebb.

On the other hand, the 20,000,000 men who have been at the war front have undoubtedly been made restive and adventurous; there are widows and families back home, and many friends in this country would like to care for them; while Russia, Hungary, and Poland have suffered so acutely during the war and are so badly organized internally that it is quite probable that many persons will seek America from these countries. My own opinion is that we will have a very heavy immigration from central Europe, but that the immigration from western Europe will not be materially changed. Of course, industrial conditions in this country will influence immigration, as it always does, as will the actions taken by European countries to either restrict or encourage emigration.

All this is a mental gamble, I admit, and your opinion is just as

the actions taken by European emigration.

All this is a mental gamble, I admit, and your opinion is just as valuable as mine. I am merely giving you the net results gained from talking with a good many persons from Europe, as well as with bankers, railroad and steamship men, and employers in this country.

Very sincerely, yours,

Frederic C. Howe.

Mr. Speaker, the following is the statement issued by the Merchants Association of the city of New York, condemning the immigration bill on account of its literacy test:

the immigration bill on account of its literacy test:

"The matter was brought to the attention of the board of directors at its last meeting, and the literacy test was carefully considered," said the announcement. "The association created a committee a dozen years ago to study the question of immigration. That committee came to the conclusion that the manual labor necessary for the constructive development of the United States, such as reclamation projects, railroad building, and water works construction, could be obtained only through immigration, and that a large proportion of such manual labor, so necessary to the development of the country, would be debarred by an educational or literacy test.

"The directors unanimously adopted the following:
"*Resolved, That the enactment of any immigration restriction measure based upon the application of a literacy test would be detrimental and injurious to the development of the country, and therefore should be opposed, and that the association congratulates the President of the United States upon the former veto of a similar measure and urge him likewise to veto the pending measure."

Following also. Mr. Speaker, is the resolution adopted by the

Following also, Mr. Speaker, is the resolution adopted by the New York Produce Exchange on January 27, 1917:

NEW YORK PRODUCE EXCHANGE, New York, January 27, 1917. H. R. 19384.

Hon, ISAAC SIEGEL.

H. R. 10384.

Dran Sir: In reference to House resolution 10384, "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States." the New York Produce Exchange has carefully examined the text of the bill as passed by the House of Representatives April 8, 1916, and the Senate December 14, and desires to enter a vigorous protest against the passage of this bill unless the literacy test as contained in the paragraph on page 9, beginning with line 15, to page 11, line 7, is eliminated, for the following reasons:

First. The aliens who will be most affected if this bill should become a law would be common laborers, farm laborers, miners, those engaged on railroad construction work, subways, teamsters, draymen, servants, etc. The reports of the Commissioner General of immigration for the five years before the war, as from 1909 to 1913, inclusive, show that there arrived in the United States aliens over 14 years of age who could not read or write, 1,074,163, or 24 per cent of the whole number admitted. These people would have been excluded if this bill had been a law during those years, not because of any moral or physical defect, but simply because in most cases they have lacked the opportunity to learn to read. Second. We are short of laborers now and our information leads us to believe that after the war is over there will be a great many aliens in this State who will return to Europe, and we are convinced that there will be a greater shortage of laborers for several years after the close of the war than we have now. We believe that the commercial competition of the United States with foreign nations will be so strenuous that no slightest unnecessary handicap should be imposed upon our industries. We believe this literacy test would be a serious handicap, and if it becomes a law, that it will injure the business of the State of New York and of the whole country.

Third. The naturalization laws of the United States do not require an alien to be able to read and write to become a c

L. B. Howe, Secretary.

On March 31 last the New York Evening Sun printed the following editorial:

LITERACY TEST AGAIN.

It is growing to be a custom with Congress to send the President an immigration bill with a literacy clause to veto. The House played true

to form lately in voting the literacy test into the Burnett immigration bill, that all might see how the faithful Represenative stands ready at all times and in all ways to serve the native workingman.

The test now put forward provides that aliens, to graduate from Ellis Island, must know how to read and write each his own language. It is hard to see how ability to read the Hungarian bards will avail a laborer in a rolling mill or how a good working knowledge of Russian script will help a New York housemaid. Very little is to be gained by the country in requiring such exotic accomplishments of intending settlers.

On December 17 the New York Sun editorially said:

On December 17 the New York Sun editorially said:

The literacy test for immigrants is a child of prejudice and selfishness. Its imposition at any time in the Nation's history would have retarded the progress of the country and deprived us of thousands of loyal and devoted citizens who contributed by their own efforts and through their offspring to the upbuilding and defense of the United States.

Three Presidents—Cleveland, Taft, and Wilson—have vetoed this disastrous, unstatesmanlike restriction. To Mr. Wilson another opportunity is to be given to reject it; and that opportunity comes at a time when depleted labor markets, industries crippled by lack of workers, and commercial conditions exposing our present and future need of able-bodied immigrants must impress on the intelligence of disinterested observers the folly of locking the door to any individual of good health, honest mind, and friendly disposition.

Mr Wilson has already given the final evidence of his understanding of this project. We hope no presumed mandate of legislative reiteration will cause him to abandon his defense of what has been and should remain a cardinal principle of American policy.

On Monday last the Washington Star contained this editorial:

THE LITERACY TEST.

The Literacy test.

Three Presidents have vetoed the proposition to make literacy a test for immigrants. Mr. Cleveland did so March 2, 1897, on the eve of leaving office, and Mr. Taft February 14, 1913, on the eve of his retirement. Yesterday's was Mr. Wilson's second veto. The first occurred almost to a day two years ago.

An effort will be made to pass the bill over the veto, and its friends, pointing to sentiment already declared in both House and Senate on the measure, expect to succeed.

Congress in singularly insistent on this test. It has been 20 years since the question was first presented to Mr. Cleveland; and he rejected the proposition on much the same grounds that subsequently influenced Mr. Taft, and have twice influenced Mr. Wilson. Two Democratic Presidents and one Republican President have taken the same view.

The argument against the test is simple and direct, and does not rest on theory. It is susceptible of proof that some of our best citizens found their opportunity to acquire an education after reaching this country. In part that opportunity had attracted them; and when they had gained it they improved it to the extent that they were enabled to improve all the other opportunities of the country, and thus take places among the country's best supporters. A literacy test would have excluded them, forced them to continue their hard lives in the countries of their nativity, and deprived America of recruits of genuine worth.

The immigration laws might and should be improved. There is sentiment in support of that proposition. The gates have been swinging inwardly too freely. We have received some very undesirable persons, and too speedily admitted them to citizenship. But as a rule they have not been illiterates. They did not come to us to help strengthen the country and increase its attraction as a land of promise. Their aims and ends were of another order, and they have pursued them to their advantage and to the country's discredit. A literacy test would not have barred them.

If Congress over

The Washington Post on January 31, 1917, expressed itself as follows:

AGAINST THE LITERACY TEST.

The persistence with which Congress puts through immigration measures containing a literacy test is only equaled by the unfalling regularity with which Presidents, irrespective of party, veto the bills because of the abnoxious feature of legislation contained therein.

This clearly points to a difference of attitude, if not of conviction, between the legislative body and the chief executive in their respective views on this proposition. The question naturally arises as to which is right.

views on this proposition. The question naturally arises as to which is right.

If the basis of consideration be that of the principles of our established government or of the instinctive feelings of the people, there can hardly be any doubt that both the principles and the spirit have been correctly interpreted by the Presidents who rejected the assumption that an inability to read determines the kind of citizenship that is not to be welcomed to our shores.

Neither is there any reason to believe that the human elements so long regarded as desirable are desirable no longer. The man who wants to come, even though illiterate, has given evidences of the promptings of movement toward a better goal as already resident within him. He is looking for a better country and freer opportunities. These gained, he has already brought a measure of appreciation that angurs well for his future.

Moreover, the illiterate immigrant, if of the right sort otherwise,

his future.

Moreover, the illiterate immigrant, if of the right sort otherwise, customarily holds an education in the highest respect. It has been remarked that none are so desirous of educating their children as these new arrivals, most of them undergoing much personal privation without a murmur if only that which they were denied might be the possession of the generation that is to follow them.

Again, the natural tendency of education is to lead the educated out of certain lines of work that must be performed. These lines are accepted gratefully by the illiterate immigrant. He usually is brought up to hard work and accepts it uncomplainingly. Thus a steady stream of genuine "desirables" is obtained under the present immigration laws, in so far as the absence of a literacy test is involved.

The literacy test will never solve the problem of keeping out undesirable immigration. Most of Europe's worst material can read and write. If the law needs strengthening in order to protect the United States against the entrance of the criminal or defective, a literacy test will never accomplish the desired end.

Only a few days previous the Washington Post printed the following editorial:

CHEAP LABOR.

The danger that there will be a heavy influx of cheap labor importations after the war is far greater than the danger of an influx of laborers. Nearly all the economists in the United States agree that European nations will seek to recoup their losses at the close of the war by underselling in the American market. The economists are by no means convinced, however, that there will be an increase in immigration.

Yet Congress has taken steps to restrict immigration, while no steps are taken to restrict cheap-labor importations. It may turn out that there will be a series labor shortage in the United States at the close of the war. Certainly there is such a shortage now. Measures may be taken by the European nations to restrict emigration, but it is a foregone conclusion that they will take no such steps to restrict their experts.

foregone conclusion that they will take no such steps to restrict their exports.

The literacy test, which Congress recently approved, probably is the most foolish and un-American test that could be devised. Many immigrants who can neither read nor write make excellent American citizens. Many of them come here for the particular object of educating themselves and their children. Having no anarchistic teachings to unlearn, they are good material for citizenship.

Many of the immigrants who can read and write, on the other hand, make poor citizens. The theories they have already formed may be wholly in conflict with the spirit of American institutions. They may be unwilling to do any work that is required of them.

Plainly the literacy test is not an effort to improve immigration, but is an effort to restrict it. If the purpose is to reduce the supply of cheap labor because it is not desirable that American workingmen should compete with such labor, it would be far better to strike the evil at its source by establishing a protective tariff that will minimize the importation of products made by cheap labor abroad.

The New York Times sums up the whole question, on January 31, 1917, in an editorial which reads as follows:

The New York Times sums up the whole question, on January 31, 1917, in an editorial which reads as follows:

The immigration bill which, by the unsound and untenable literacy test, seeks to exclude foreign labor at the demand of organized labor. Mr. Cleveland and Mr. Taft vetoed similar measures setting up a similar test. The present bill includes many desirable restrictions and provisions. Its framers have sought ingeniously, but in vain, to atone by these for its essential and fatal theory and principle. The unconquerable objections to a literacy test have been stated again and again in the last generation. Mr. Without summarizes them, and again in the last generation. Mr. Without summarizes them for a uncorrected of quality, or of personal fitness, but would operate in most cases merely as a penalty for lack of opportunity in the country from which the alien seeking admission came.

"The opportunity to gain an education is in many cases one of the chief opportunities sought by the immigrant in coming to the United States, and our experience in the past has not been that the illiterate immigrant is, as such, an undesirable immigrant. Tests of quality and of purpose can not be objected to on principle, but tests of opportunity surely may be:

"Aware of its weakness. It was the avowed means of the unavowed purpose of keeping out foreign labor and keeping up the price of the domestic supply so curtailed.

Furthermore, Mr. Wilson turns against the makers of the unavowed purpose of keeping out foreign labor and keeping up the price of the domestic supply so curtailed.

Furthermore, Mr. Wilson turns against the makers of the bill a provision adroitly inserted to dull the edge of the literacy test and to appeal to the generous sympathies of himself and all Americans with the victims of religious persecution. That provision acromy from the literacy test aliens "who shall prove to the satisfaction of the proper limits of religious persecution. That provision adroitly inserted to any other propagalors and the proper la

Mr. Speaker, I have in my congressional district thousands of men, women, and children who came from Italy. I know from my own knowledge that the Italian immigrant is a hard and conscientious worker endeavoring in every way to give his children an education. Reference has been previously made by me to the fact that 12 per cent of those attending Columbia University are either Italian immigrants or their children. because of the fact that frequent reference has been made here that the Italian immigrant is undesirable that I take great pleasure in reading parts of the address delivered by Mr. Philip Troup at New Haven, Conn. Amongst other things, he said:

that the Italian immigrant is undesirable that I take great pleasure in reading parts of the address delivered by Mr. Philip Troup at New Haven, Conn. Amongst other things, he said:

The sons of every nation are so proud of their contribution to American progress that we sometimes forget that the late comer may be taking up this work where our fathers left it off. Italian immigration to this country is such a comparatively recent and rapid event that it has not received the recognition and attention it deserves. Previous to his coming American knowledge of the Italian was commonly confined to the single fact that the discoverer of this country, Christopher Columbus, was born an Italian. Even our scholars were more concerned about the dead Roman Empire than about living modern Italy. Prior to 1890 we had little thought of a possible generous Italian contribution to our national growth. I use these words, "generous contribution to our national growth," advisedly, because when it is considered that 85 per cent of Italians who have come to America were between the ages of 18 and 45 and that every one of these able-bodied workers must have cost his native land not less than \$1,100 apiece to rear to maturity, it can be readily computed that from the economic standpoint alone. It is sometimes complained among trade unionists that the unskilled immigrant curtalls in some way the chances of American-born skilled labor. On the contrary, it is immigration that assures skilled labor that supply of help to do the rough work which must be a preliminary to all industrial enterprise. There is not, in fact, a single case in which immigration has not tended to increase rather than diminish the demand for skilled workers. Stop immigration into this country to-day, even decrease its flow, and thousands of skilled workers will by force of necessity find themselves listed in the ranks of the drawers of water and the hewers of wood. If the American standard of labor and living has been hard many the stop of the summary of the immigra

California and Louisiana to attract reason land?

There are to-day 242,000,000 acres of fertile unimproved farm lands in the South alone clamoring to nature for cultivation. Here is an area 75 times the size of Connecticut. Nearly half of this land lies east of the Mississippi River, and no section of God's green earth offers such a field for diversified and intensive farming. Moreover, of all the immigration to this country, the intelligent southerner concedes that that from Italy is the best adapted for the agricultural and industrial upbuilding of the South.

Vet we sometimes hear alarmists fearsomely fulminate about the dan-

to this country, the intelligent southerner concedes that that from Italy is the best adapted for the agricultural and industrial upbuilding of the South.

Yet we sometimes hear alarmists fearsomely fulminate about the danger of America being overrun by immigration. In this connection it might be well to point out that just prior to the European war little Beigium herself was supporting a population in proportion to its area 25 times as great to the square mile as our present population in the United States to-day is about one-fourteenth per square mile of that in Italy; yet the Italian Government has for many years been complaining about and trying to check the drain of its working population to this country. As a matter of fact, compared to its population, less immigration is coming to this country to-day and has come during the past 10 years than came between 1890 and 1900 or even between 1890 and 1890. The United States really has no cause to fear that she will get too much immigration. On the contrary, because of the European conflict, there is a very real danger that for many years to come we will not get enough of it.

It is conceded, however, by some people who favor a more drastic restriction of immigration that while we have plenty of room here, we still have not the proper means to handle, distribute, and assimulate the immigration that is coming to us. The remedy for this condition, however, is not to be found in checking a proper and productive flow of labor into this country which is so badly needed; but rather in its better distribution after it reaches our shores.

The chief trouble, therefore, with our foreign immigration in general and our Italian immigration in particular is to be found rather with how we handle it, not with our getting too much of it. Economically, what America and every nation needs is not less production and wealth, but a fairer distribution of the wealth it creates. Likewise, what we need is not less immigrant labor; but rather a better distribution of those immigrants ha

exclude it, and a far more desirable course than to permit it to congest in our cities to its own and our own detriment. We have concentrated our attention altogether too much in recent years in filtering immigration and not enough upon diffusing it.

The latest proposal for the filtration of immigration * * * is to apply the so-called literacy or educational test. Under this un-American plan the immigrant, no matter how skilled, or honest, or willing he may be, is to be barred out unless he can read so many sentences from a Federal Constitution designed by its framers so that the oppressed and lowly of all nations might enjoy unhampered, in this land at least, life, liberty, and the pursuit of happiness. And all this is actually proposed in the very face of the fact that hundreds of thousands of illiterate immigrants have been the very bone and sinew of our national growth—blazing the trail of our ever onward march westward, opening our mines, reclaiming our waste lands, building our cities. I have known too many illiterate people with a love of work and service in their souls and too many educated people without it; too many uneducated saints and too many educated sinners to take very much stock in a literacy test as a measure of character or indication of fitness for American citizenship. If Almighty God in His infinite wisdom had ever intended the soil of America to be reserved merely for those fortunate enough to have enjoyed educational advantages in their own lands, then it is really too bad that Christopher Columbus was ever allowed to discover this new world with an illiterate crew.

Then there is that class of snob in whom pride of race has such an

infinite wissions had ever intended the soil of America to be reserved minitte wissions had ever intended the soil of America to be reserved annages in their own lands, then it is really too bad that Christopher Columbus was ever allowed to discover this new world with an illiterate crew.

Then there is that class of snob in whom pride of race has such an ancient and fishy smell that it is their constant fear that the purity of their aristocratic blood will be defiled by the allen invasion from southern Europe. Here we have an old concert in a new dress. Daniel save funeral expenses its corpse has been sneaking about mother earth ever since, forgetful that after all the great nations and races have been those of mingled bloods and that good blood, like good tobacco, depends upon the mixture.

The American Nation is in fact great because we also are a mixed race, a veritable congress of nations. Let a people breed in and in and it will England Yankee stock can thank God to-day that a new infusion of immigrant blood is saving it from itself. The salvation of America comes to us not in the cabin de luxe, but in the steerage of our occan liners. The cradle of America's future rests as truly in the hold of the Mayfoscer when she put into Plymouth Harbor in 1620.

And why in this process of transhiston of the blood of all the nations of the control of the line of all the nations of the control of the line of all the nations of the control of the line of all the nations of the line of line of the lin

evidence that the Italian is the stuff out of which the future American can be made.

No! Sons of Italy, real Americans have no fears about Italian immigration. The son of Italy in America is taking care of himself very nicely and will, we hope, continue to do so in increasing numbers. There is not a teacher in our public schools who will not gladly attest to the progress of the children of Italian extraction and the splendid and farreaching effect of their training and education in the Italian homes.

Americans with the true spirit of this land in their souls have too much faith in our public schools to fear the effects of immigration. Every time, in fact, that I note the children of foreign birth and extraction come marching down our public-school steps carrying just as lustily "The Star-Spangled Banner" as any of the native-born children, I know the grand old flag and the grand old Nation of our fathers is safe.

Mr. Speaker, I hope that the House to-day will not forget the traditions which have helped to make this Republic so powerful

I hope that it will not go on record to-day in favor of shutting the gates of the United States to those who may come here after the war, mentally, morally, and physically fit to become citizens of the United States, but whose only crime has been that their native country has not given them an opportunity to receive an education. Let us be guided in the future by the lessons of the past. Let us welcome to our shores those who are able to enter under our present immigration laws and who desire to come here to become citizens of our great Republic, prepared to earn their living by the sweat of their brows, adopt American customs, and, if the time ever comes, be prepared to give to the Nation life, limb, and property in defense of our

common flag and country.

I yield eight minutes to the gentleman from Illinois [Mr. Can-

NON]. [Applause.]

Mr. CANNON. Mr. Speaker, I have some hesitation in taking the time, as I believe only 20 minutes on a side is allowed. I have talked about the policy of this kind of legislation upon several occasions heretofore in this House, and I believe have voted to sustain the President's veto in all the different messages and shall so vote again to-day. Think of it! Here we are, and how many of us can trace back beyond one generation? Some of us can trace back two generations, some three, some four, and some only one. I am not afraid of any immigration that will come under existing law from any Caucasian country to the United States, as that law stands to-day. We have a good many immigrants in Illinois and in the Middle West, as you have in the East, that came here to better their condition. They talk about the Dagoes. Mr. Speaker, the Dagoes average better labor and better saving, according to their numbers, than an equivalent number of people who have been here for two or three generations. I am not afraid of them. Oh, the man that comes to plunder and the blackhander are refined gentlemen. They can speak, as a rule, several languages. There are several of us in the House who, if the literacy test had been applied when our forebears came here, would not be here in this country to-day. Why should we grow proud? Go down here to Lafay-ette Square and look at the monuments erected there, to Lafayette, to Rochambeau, to Kosciusko, to Steuben, and then one in front of the National Theater to Pulaski, who helped us gain our independence. Mr. Speaker, I do not desire to abuse any portion of our citizens, but I can not understand why it is that that portion of our citizenship which comes from the South, with a large colored population, desire to exclude this immigration. The farmers' boys, the tradesmen's boys, the business men's boys in the country are not doing common labor. Nay, nay, They do not go into the mines; they do not go upon the public works; they do not tamp the ties. Much of that work, and the raising of cotton and the work upon the railways down South is done by the African, but let me tell you that with the cessation of immigration during the present war from the other side of the ocean, we are feeling very sadly the loss of people for com-

There was much talk—and it was pure campaign talk—about the negroes coming north to vote the Republican ticket, and all that kind of stuff. Those negroes were coming north to labor, because they got a better wage than they got down South. [Applause.] And I am almost afraid to say how many are coming now, because I may not be accurate, but certainly by the tens of thousands they are coming north. You gentlemen of the South will feel it, and, without personally criticizing, I want to say that I would to God that you could have had the German and the Irish and the Belgian and the Italian in the Southland, for if you had you would have made better progress than you have, though you have made great progress as it is. I can not understand why it is that we are so anxious to close the doors, and while I am not a prophet nor the son of a prophet, in the near future if you pass this law it will be repealed, as it ought to be repealed. Oh, you may say that organized labor or those who lead organized labor do not want this immigration to come. I fail to understand why it is that men who have come here and have become naturalized are so ready to shut the door in the face of their relatives and friends. It is not for me to help them, because I have been here a little longer than some of them have.

I can not say much about the matter, Mr. Speaker. I stand here to support the action of the President of the United States in this veto message. He is my President now. You elected him and he is your President, and while he is mine I have never failed by word or vote to sustain him when I believed his official action

was right. [Applause.]
The SPEAKER pro tempore. The time of the gentleman from

Illinois has expired.

Mr. BURNETT. Mr. Speaker, we will consume our time in

one speech.

Mr. SABATH. Mr. Speaker, that being the case, I yield five minutes to the gentleman from Massachusetts [Mr. GALLIVAN].
Mr. GALLIVAN. Mr. Speaker, neither can I understand why my good friends from the South are in favor of this bill, and I regret that the eloquent champion of the President of the United States, the gentleman from Alabama [Mr. HEFLIN], whom I see just entering the Hall, has not taken the floor at this time, when the President of this great Republic is on trial to defend Woodrow Wilson. Do you recall his thrilling words the last time the President of the United States was on trial? Why, this building rocked with his eloquence, and lest you

forget, let me repeat it.

Standing on this aisle and appealing to his southern comrades, the gentleman from Alabama said, "Where does the South stand, God bless her, in this hour of divided loyalty? Where stands Tennessee, the home of Gen. Jackson, who conquered the flower of the British Army at New Orleans; what will be the answer of the Old North State, with King's Mountain standing there as an everlasting monument to her patriotism and courage." What will be her answer to-night when for the first time in the administration of Woodrow Wilson, a successful attempt, I am afraid, will be made to override his veto. And then my good friend went on to say, "What says the Old Dominion, the State of Washington and Madison, who laid the foundations of the Republic? Where stands Kentucky, the home of Beck and Clay, and the birthplace of Lincoln and Davis, the two leaders of the conflict that resulted in cementing the sections in the bonds of an everlasting Union? Where in this critical hour stands the splendid old Commonwealth of South Carolina, the home of Calhoun and Hayne? Where will Mississippi be found, the home of Prentiss, George, Lamar, and JOHN SHARP WILLIAMS? What says Alabama, the home of John Sharp Williams? What says Alabama, the home of Admiral Semmes, William Yancey, and John T. Morgan"—and the home of the distinguished champion of Woodrow Wilson on every other occasion. [Laughter.] "On her soil, Mr. on every other occasion. [Laughter.] "On her soil, Mr. Speaker, stood the first capital of the Confederacy, and here she stands to-day in the glorious sisterhood, loyally supporting the President of the United States. Louisiana, Florida, and all the other States in the South join hands with the patriotic Representatives in other sections, standing solidly behind the great President of the United States." Text taken not from the Gospel, but from the inspired words of my good friend from Alabama. [Laughter.]

Now, Mr. Speaker, where stands the President of the United

States to-night?

The literacy test is not a test of character, of quality, or personal fitness, but would operate in most cases merely as a penalty for lack of opportunity in the country from which the alien seeking admission came. Our experience in the past has not been that the illiterate is as such, an undesirable immigrant.

That is where the great President of the United States stands, and I would like to see the gentleman from Alabama stand

with him. [Applause.]

He seems to forget that only the other day his ancestors and those of his colleagues were aliens. They came from England and France, from Ireland and Scotland, from Germany and Russia, from Italy and Poland, and though that great stream of fresh and revivifying blood has ceased to flow into the South, it still comes to us in the North and helps to renew the energies and the courage of our people. Yes, the immigrant has come by the millions into the North. Wherever he has gone schools have sprung up, industries have flourished, trade has increased, prosperity has bloomed, and patriotism, peace, law, order, intelligence, and happiness follow in his footsteps.

This constant addition of new men and new blood to the Republic is as necessary for the health and refreshment, the expansion and continuance of civilization and all it means today as always. Immigration, the advent of new men, new blood, new brains and brawn in our land, is not a question of philanthropy for America; it is a matter of life or death, for the nation that seeks to arrest or stifle the natural laws of life and movement must eventually pay the penalty of lawlessness in stagnation and arrested growth. In my judgment immigration is power and wealth for the land which draws it, and only national perversity and legislative stupidity will deprive us of its blessings.

May I at this time call the attention of the House to a very few of the many messages that have come to me on this question? I have had hundreds of similar letters and telegrams: NEW YORK, January 30, 1917.

Hon. J. A. Gallivan,

House of Representatives, Washington, D. C.

DEAR MR. Gallivan: I take the liberty of writing you regarding the immigration bill, which has just been vetoed by the President and is again before Congress for action, as I thought you would like to have my views on this important measure.

The bill, because of the literacy test, would have the effect of excluding those whose sole offense is that they have, without fault of their own, been denied the benefit of an education. It is not a test of character and would deprive the United States of valuable economic forces. In my opinion the cause of illiteracy in most cases is lack of opportunity, and I do not think such lack of opportunity should bar those who wish to enter this country. They may later on acquire an education, but even if they did not their illiteracy would not affect their descendants, for they would very likely secure an education, and judging from the past there is a good chance that they would become worthy and loyal citizens. The parents of some of our best citizens were illiterate when they came here, and I think it would be a great mistake if men and women of sound mind and body, who are industrious and law-abiding, are deprived of the right to take up their homes in this country.

I hope you will do what you can to defeat this bill.

Yours, very truly,

ADOLPH LEWISOHN.

ADOLPH LEWISOHN.

BOSTON, MASS., January 31, 1917.

Hon. James A. Gallivan, University Club, Washington, D. C.:

Officers and members of Bnai Brith lodges in Boston applaud the action of President Wilson for his vetoing the immigration bill. We hope and pray that you will champion our cause and succeed as in the past in having the veto sustained.

LEON L. SILBERT,
President American Lodge,
JACOB WASSERMAN,
President Massachusetts Lodge.

BOSTON, MASS., January 31, 1917.

Boston, Mass., January 31, 1917.

Hon, James A. Gallivan,
University Club, Washington, D. C.:

Associated Young Men's and Young Women's Hebrew Associations of New England, comprising 78 organizations and a membership of over 15,000, in behalf of New England jewry appeal to you and through you to Congress to vote to uphold President's veto of immigration bill.

Albert Hurwitz,
President Young Men's Hebrew Association of New England.

Eva Olim,
President Young Women's Hebrew Associations of New England.

BOSTON, MASS., January 31, 1917.

Hon. J. A. GALLIVAN, Washington D. C.:

The presidents of the Italian societies representing the Italian colony of Boston entirely protest against the literacy test bill, which not only injures the interests of the best immigrants, but also the vital interests of this great country. Therefore, we feel sure that for the sake of humanity and justice you will vote against said bill.

JOS. PISTORINO,

President, for the Committee, ITS North Street.

BOSTON, MASS., January 31, 1917.

Hon. James A. Gallivan,

University Club, Washington, D. C.:

Boston Young Men's Hebrew Association, 1,500 members, extend thanks through you to President for courageous veto of immigration bill. Urge your best efforts sustain President's veto. Boston jews ask Congress support President. J. L. WISEMAN, President.

BOSTON, MASS., January 31, 1917.

Hon. James A. Gallivan, Washington, D. C .:

Elated at President Wilson's veto immigration bill. Hope you w lead the fight, as in the past, for sustaining veto in House.

New Century Club. Hope you will

By DAVID A. LOURIE. Mr. BURNETT. Mr. Speaker, I yield three minutes to the

gentleman from Alabama [Mr. Heflin]. [Applause.]

Mr. HEFLIN. Mr. Speaker, the eloquent gentleman from Massachusetts [Mr. Gallivan] has read my speech much better than I delivered it here a year ago. At that time I was pleading with gentlemen here to stand by the President in his controversy with a foreign country and to-day I am pleading with the Members of this House to protect the people of the United States from the deadly evil of undesirable immigrants now coming in from foreign countries.

Mr. Speaker, I regret to have to differ with the President on this all-important question, but gentlemen will remember that I voted to pass this same bill over the veto of President Taft and nearly four years ago I voted to pass it over President Wilson's veto, so when I vote to-night to pass this bill over the President's veto. Mr. Speaker, I am consistent with the record that I made

on this question before Mr. Wilson became President.

One gentleman has referred to the fact that there are not very many foreigners in my district and that that is the reason that I declare so boldly for restricted immigration. I do not believe that any number of foreigners in my district would keep me from doing what I thought was for the best interest of my country. But, Mr. Speaker, if the presence of any considerable number of foreigners in a congressional district in the United States does intimidate the Representative so that he is afraid to speak his honest convictions on this question, I submit to this House and to the country that it is high time that we declare to all concerned that this country has been accounted that this country has been accounted that the country has been accounted to the country that the country has been accounted to the country that the country has been accounted to the country that the country has been accounted to the country that the country has been accounted to the country that the co cerned that this country shall not become the dumping ground for the criminal hordes and refuse of other countries. [Ap-

plause.] Let us appeal to the good citizens who have come into our country from other lands to join with us in protecting and preserving American ideals and institutions,

It is fortunate that there are enough districts here like mine still free to speak for America-districts where the people are in favor of safeguarding our institutions and of protecting our country against the unfit and undesirable citizens of other countries.

Some of the Members here seem to be afraid that they will offend the foreign element in their districts if they vote to restrict immigration. I wonder if these gentlemen have ever thought about what might happen to them if the native element should resent their failure to vote for restricted immigration.

But unfortunately there are some situations in this country where some kind of influences seem to operate on some of the Members of this body so as to cause them to vote always against any restriction of immigration. In some places, if enough foreigners locate to erect a banana stand, sell hot tamales, or turn the crank of a street hand organ, straightway the Member from that district becomes a staunch advocate of unrestricted immigration.

Mr. GALLIVAN. Will the gentleman yield? Mr. HEFLIN. I have but little time.

Mr. GALLIVAN. Is there any stand of that kind up at the White House?

Mr. HEFLIN. Oh, no. On a former occasion, Mr. Speaker, I called attention to the fact that a few years ago the new King of Denmark pardoned 700 criminals, and the people of Denmark, unwilling that they should be turned loose upon their country, purchased tickets for these Denmark criminals and sent them over to the United States. Just a little while ago, Mr. Speaker, the present chairman of the Committee on Immigration, Mr. Burnett, of Alabama, was in Sicily learning what he could about this immigration question; and he asked the people there, "What has become of the bandits that used to give you so much trouble?" and they answered, "They have all gone to America."

Gentlemen of this House, we owe a duty to that flag hanging there above the Speaker's chair. Thomas Jefferson said more

than 100 years ago:

While we are providing for the fortification of our country against a foreign foe, I am in favor of fortifying it against the influx of undesirable immigration.

[Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. SABATH. I yield one minute to the gentleman from

New York [Mr. LONDON].

Mr. LONDON. Mr. Speaker, I just want to register my final protest against this monstrosity, the result of ignorance, of prejudice, of sectionalism, of that narrow selfishness which

robs one of his sympathy for his fellow man.

The nationalities, some of whose children will be excluded from the shores of America through this iniquitous measure, have contributed more than their share to the civilization of the world. They are all of the same human stock. Give them the same opportunity which has been extended to the immigrant of the past, whether literate or illiterate, and they will all rise to the dignity of American citizenship and help you build and maintain a free and great Republic forever and evermore. [Applause.]
Mr. SABATH. Mr. Speaker, I yield one minute to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Speaker, I shall vote to sustain the presidential veto, not as a supporter of the President but as a man believing in American institutions and the conditions under which this country has prospered. We have assimilated into our citizenship those who have come to our shores willing to assume its responsibilities and its benefits. It is worthy of recognition that two previous Presidents, in addition to President Wilson—one Democrat and one Republican—have both vetoed this same general bill. No matter what other points may be covered in the bill the literacy test is the one distinctive feature. In view of the history of the country, of the noted men and women who have contributed to its success, who themselves or their parents would have been excluded from coming here had a literacy test been law ought not to be edopted now. Our history is filled with notable examples of the successes which have followed immigration here of illiterates. The State of Massachusetts can offer its share of examples. Just one illustration. A four power is share of examples. Just one illustration: A few years ago this subject was up in Republican State convention in Massachusetts. delegate arose, one of the leading business men of Worcester and at that time its mayor, who said, in effect, "If the literacy test was law I never could have come to this country." This is only one of many possible illustrations. The literacy test is unAmerican, undemocratic, unpatriotic. I will gladly support and gladly vote for a moral or physical test of a rigid kind. We want to exclude from our citizenship those not morally or physically fit, but not those who have lacked opportunity to secure the rudiments of education. [Applause.]

Mr. SABATH. Mr. Speaker, the gentleman from Alabama would like to make this House and the people of the country believe that he is a greater American than Jefferson, Cleve-land, or our great President, Mr. Wilson. If he were familiar with the people residing in the North, he would not dare to make the statements that he has made to-night.

Mr. HEFLIN. Will the gentleman yield?

Mr. SABATH. No; I have not the time. I wish to say, Mr. Speaker, I yield to no one in my patriotism and my love for our country, and the same applies to 99 per cent of those immigrants for whom we are pleading. Oh, Mr. Speaker, three times hefore

Mr. FOCHT. Mr. Speaker, I would like to ask the gentleman a question.

Mr. SABATH. Oh, you know that I have not the time. I am willing to discuss the question with the gentleman, but not now. The SPEAKER. The gentleman from Illinois declines to vield.

Mr. SABATH. Mr. Speaker, three times before the immigration bill containing the literacy test has been vetoed; three Presidents of this great and glorious country have thus properly expressed their disapproval of this un-American measure. The first time was in 1897, when President Cleveland refused to give his sanction to a bill containing this obnoxious provision. shall read, for the benefit of the membership of the House, President Cleveland's message returning the bill without his signature:

To the House of Representatives:

I hereby return without approval House bill No. 7864, entitled "An act to amend the immigration laws of the United States."

By the first section of this bill it is proposed to amend section 1 of the act of March 3, 1891, relating to immigration by adding to the classes of aliens thereby excluded from admision to the United States

the act of March 3, 1891, relating to immigration by adding to the classes of aliens thereby excluded from admision to the United States the following:

"All persons physically capable and over 16 years of age who can not read and write the English language or some other language * * *."

A radical departure from our national policy relating to immigrants is here presented. Heretofore we have welcomed all who came to us from other lands except those whose moral or physical condition or history threatened danger to our national welfare and safety. Relying upon the zealous watchfulness of our people to prevent injury to our political and social fabric, we have encouraged those coming from foreign countries to cast their lot with us and join in the development of our vast domain, securing in return a share in the blessings of American citizenship.

our vast domain, securing in return a share in the blessings of American citizenship.

A century's stupendous growth, largely due to the assimilation and thrift of millions of sturdy and patriotic adopted citizens, attests the success of this generous and free-handed policy which, while guarding the people's interests, exacts from our immigrants only physical and moral soundness and a willingness and ability to work.

A contemplation of the grand results of this policy can not fail to rouse a sentiment in its defense, for however it might have been regarded as an original proposition and viewed as an experiment, its accomplishments are such that if it is to be uprooted at this late day its disadvantages should be plainly apparent and the substitute adopted should be just and adequate, free from uncertainties, and guarded against difficult or oppressive administration.

It is not claimed, I believe, that the time has come for the further restriction of immigration on the ground that an excess of population overcrowds our land.

It is said, however, that the quality of recent immigration is undesirable. The time is quite within recent memory when the same thing was said of immigrants who, with their descendants, are now numbered among our best citizens.

A careful examination of this bill has convinced me that for the reasons given and others not specifically stated its provisions are unnecessarily harsh and oppressive, and that its defects in construction would cause vexation and its operation would result in harm to our citizens.

GROVER CLEVELAND.

Mr. Speaker, the second time that a President of the United States refused to indorse this shameless test was when President Taft, upon the recommendation of the Secretary of Labor, Charles Nagel, returned the bill to the Senate with the statement that I will insert:

I return herewith, without my approval, S. 3175.

I do this with great rejuctance. The bill contains many valuable amendments to the present immigration law which will insure greater certainty in excluding undestrable immigrants.

The bill received strong support in both Houses and was recommended by an able commission after an extended investigation and carefully drawn conclusions.

But I can not make up my mind to sign a bill which in its chief provision violates a principle that ought, in my opinion, to be upheld in dealing with our immigration. I refer to the literacy test. For the reasons stated in Secretary Nagle's letter to me, I can not approve that test. The Secretary's letter accompanies this.

WM. H. Tapt,

WM. H. TAFT.

THE WHITE HOUSE, Washington, February 14, 1913.

DEPARTMENT OF COMMERCE AND LABOR,

Washington, February 12, 1913.

MY DEAR MR. PRESIDENT: On the 4th instant Mr. Hilles, by your direction, sent me Senate bill 3175, "An act to regulate the immigration of aliens to and the residence of aliens in the United States," with the request that I inform you at my earliest convenience if I know of any objection to its approval. I now return the bill with my comments.

In view of the number of the support of the number of the number

tion of allens to and the residence of allens in the United States, with the request that I inform you at my earliest convenience if I know of any objection to its approval. I now return the bill with my comments.

In view of the number of hearings and the general discussion that have been had no more than a brief reference to many of the points will be necessary. The following are some of the objections that have been raised:

First. No exception has been made in behalf of Hawaii. You have been assured that it is proposed to meet this objection by joint resolution. Even if this plan should not be carried out, I do not regard the objection as sufficiently serious to affect the merits of the bill.

Second. The provision that persons shall be excluded who can not become elligible under existing law to become citizens of the United States by naturalization is obscure, because it leaves unsettled the question as to who are to be regarded as white persons. But this is merely a perpetuation of the uncertainty which is now to be found in the naturalization law.

Third. The provision that the Secretary may determine in advance upon application whether it is necessary to import skilled labor in any particular instance, that this decision shall be held in abeyance for 30 days, and that in the meantime anyone objecting may appeal to the district courts to try de novo such question of necessity is unsatisfactory. The provision for the appeal to the courts is probably unconstitutional, but even if the entire provision proves ineffective the law will be left substantially where it is, and so this does not constitute a grave objection to the bill.

Fourth. The provision that the Secretary may detail immigrants or immigrant passengers is objected to by foreign countries, but inasmuch as this is left to the discretion of the Secretary, and it is understood, for illustration, that Italy insists upon such practice with respect to all steamship companies taking immigrants from her shores, it does not seem to me that this is a cont

With respect to the literacy test, I feel compelled to state a different conclusion. In my opinion this is a provision of controlling importance, not only because of the immediate effect which it may have upon immigration and the embarrassment and cost it may impose upon the service, but because it involves a principle of far-reaching consequence with respect to which your attitude will be regarded with profound interest.

service, but occause it involves a principle of far-reaching consequence with respect to which your attitude will be regarded with profound interest.

The provision as it now appears will require careful reading. In some measure the group system is adopted—that is, one qualified immigrant may bring in certain members of his family—but the effect seems to be that a qualified alien may bring in members of his family who may themseives be disqualified, whereas a disqualified member would exclude all dependent members of his family, no matter how well qualified they might otherwise be. In other words, a father who can read a dialect might bring in an entire family of absolutely fillerate people, barring his sons over 16 years of age, whereas a father who can read a dialect would bring about the exclusion of his entire family, although every one of them can read and write.

Furthermore, the distinction in favor of the female members of the family as against the male members does not seem to me to rest upon sound reason. Sentimentally, of course, it appeals, but industrially considered it does not appear to me that the distinction is sound. Furthermore, there is no provision for the admission of aliens who have been domiciled here and who have simply gone abroad for a visit. The test would absolutely exclude them upon return.

In the administration of this law very considerable embarrassment will be experienced. This, at least, is the judgment of members of the immigration force, upon whose recommendations I rely. Delay will necessarily ensue at all ports, but on the borders of Canada and Mexico that delay will almost necessarily result in great friction and constant complaint. Furthermore, the force will have to be very considerably increased, and the appropriation will probably be in excess of present sums expended by as much as a million dollars. The force of interpreters will have to be largely increased, and, practically speaking, the bureau will have to be largely increased, and, practically speaking, the burea

will it be possible for the officials in charge to exercise anything like supervision.

Apart from these considerations, I am of the opinion that this provision can not be defended upon its merits. It was originally urged as a selective test. For some time recommendations in its support upon that ground have been brought to our attention. The matter has been considered from that point of view, and I became completely satisfied that upon that ground the test could not be sustained. The older argument is now abandoned, and in the later conferences, at least, the ground is taken that the provision is to be defended as a practical measure to exclude a large proportion of undesirable immigrants from certain countries. The measure proposes to reach its result by indirection, and is defended purely upon the ground of practical policy, the final purpose being to reduce the quantity of cheap labor in this country. I can not accept this argument. No doubt the law would exclude a considerable percentage of immigration from southern Italy, among the Poles, the Mexicans, and the Greeks. This exclusion would embrace probably in large part undersirables, but also a great many desirable people, and the embarrassment, expense, and distress to those who seek to enter would be out of all proportion to any good that can possibly be promised for this measure.

My observation leads me to the conclusion that, so far as the merits

this measure.

My observation leads me to the conclusion that, so far as the merits of the individual immigrant are concerned, the test is altogether overestimated. The people who come from the countries named are

frequently liliterate because opportunities have been denied them. The oppression with which these people have to contend in modern times is not religious, but it consists of a denial of the opportunity to acquire reading and writing. Frequently the attempt to learn to read and write the language of the particular people is discouraged by the government, and these immigrants in coming to our shores are really striving to free themselves from the conditions under which they have been compelled to live.

So far as the industrial conditions are concerned, I think the question has been superficially considered. We need labor in this country, and the natives are unwilling to do the work which the aliens come over to do. It is perfectly true that in a few cities and localities there are congested conditions. It is equally true that in very much larger areas we are practically without help. In my judgment, no sufficiently earnest and intelligent effort has been made to bring our wants and our supply together, and so far the same forces that give the chief support to this provision of the new bill have stubbornly resisted any effort looking to an intelligent distribution of new immigration to meet the needs of our vast country. In my judgment, no such drastic measure based upon a ground which is untrue and urged for a reason which we are unwilling to assert should be adopted until we have at least exhausted the possibilities of a rational distribution of these new forces.

Furthermore, there is a misapprehension as to the character of the people who come over here to remain. It is true that in certain localities newly arrived aliens live under deplorable conditions. Just as much may be said of certain localities that have been inhabited for a hundred years by natives of this country. These are not the general conditions, but they are the exceptions. It is true that a very considerable portion of immigrants do not come to remain, but return after they have acquired some means certainly must be admitted to have left with

southern.

Again, an examination of the aliens who come to stay is of great significance. During the last fiscal year 838,172 aliens came to our shores, although the net immigration of the year was only a trifle above 400,000. But while we received of skilled labor 127,016, and only 35,898 returned, we received servants 116,529, and only 13,449 returned; we received farm laborers 184,154, and only 3,978 returned; it appears that laborers came in the number of 135,726, while 209,279 returned. These figures ought to demonstrate that we get substantially what we most need and what we can not ourselves supply, and that we get rid of what we least need and what seems to furnish, in the minds of many, the chief justification for the bill now under discussion.

tially what we most need and what we can not ourselves supply, and that we get rid of what we least need and what seems to furnish, in the minds of many, the chief justification for the bill now under discussion.

The census returns show conclusively that the importance of illiteracy among aliens is overestimated, and that these people are prompt after their arrival to avail of the opportunities which this country affords. While, according to the reports of the Bureau of Immigration, about 25 per cent of the incoming aliens are illiterate, the census shows that among the foreign-born people of such States as New York and Massachusetts, where most of the congestion complained of has taken place, the proportion of illiteracy represents only about 13 per cent.

I am persuaded that this provision of the bill is in principle of very great consequence, and that it is based upon a fallacy in undertaking to apply a test which is not calculated to reach the truth and to find relief from a danger which really does not exist. This provision of the bill is new, and it is radical. It goes to the heart of the measure. It does not permit of compromise, and, much as I regret it, because the other provisions of the measure are in most respects excellent and in no respect really objectionable, I am forced to advise that you do not approve this bill.

Very sincerely, yours,

Charles Nagel,

Very sincerely, yours,

CHARLES NAGEL, Secretary.

The PRESIDENT.

Mr. Speaker, the third time that this bill containing this unjustifiable test was returned to Congress, it was our President, Woodrow Wilson, who, on the 28th day of January, 1915, condemned the literacy test in the following words:

TO THE HOUSE OF REPRESENTATIVES :

To the House of Representatives:

It is with unaffected regret that I find myself constrained by clear conviction to return this bill (H. R. 6060, "An act to regulate the immigration of aliens to and the residence of aliens in the United States") without my signature. Not only do I feel it to be a very serious matter to exercise the power of veto in any case, because it involves opposing the single judgment of the President to the judgment of a majority of both the Houses of the Congress, a step which no man who realizes his own liability to error can take without great hesitation, but also because this particular bill is in so many important respects admirable, well conceived, and desirable. Its enactment into law would undoubtedly enhance the efficiency and improve the methods of handling the important branch of the public service to which it relates. But candor and a sense of duty with regard to the responsibility so clearly imposed upon me by the Constitution in matters of legislation leave me no choice but to dissent.

In two particulars of vital consequence this bill embodies a radical departure from the traditional and long-established policy of this country, a policy in which our people have conceived the very character of their Government to be expressed, the very mission and spirit of the Nation in respect of its relations to the peoples of the world outside their borders. It seeks to all but close entirely the gates of asylum

which have always been open to those who could find nowhere else the right and opportunity of constitutional agitation for what they conceived to be the natural and inalienable rights of men; and it excludes those to whom the opportunities of elementary education have been denied, without regard to their character, their purposes, or their natural cancelity.

ceived to be the natural and inalienable rights of men; and it excludes those to whom the opportunities of elementary education have been denied, without regard to their character, their purposes, or their natural capacity.

Restrictions like these, adopted earlier in our history as a Nation, would very materially have altered the course and cooled the humane ardors of our politics. The right of political asylum has brought to this country many a man of noble character and elevated purpose who was marked as an outlaw in his own less fortunate land, and who has yet become an ornament to our citizenship and to our public councils. The children and the compatriots of these illustrious Americans must stand amazed to see the representatives of their Nation now resolved, in the fullness of our national strength and at the maturity of our great institutions, to risk turning such men back from our shores without test of quality or purpose. It is difficult for me to believe that the full effect of this feature of the bill was realized when it was framed and adopted, and it is impossible for me to assent to it in the form in which it is here cast.

The literacy test and the tests and restrictions which accompany it constitute an even more radical change in the policy of the Nation. Hitherto we have generously kept our doors open to all who were not unfitted by reason of disease or incapacity for self-support or such personal records and antecedents as were likely to make them a menace to our peace and order or to the wholesome and essential relationships of life. In this bill it is proposed to turn away from tests of character or of personal fitness, but tests of opportunity. Those who come seeking opportunity are not to be admitted unless they have already had one of the chief of the opportunities they seek, the opportunity of education. The object of such provisions is restriction, not selection.

If the people of this country have made up their minds to limit the number of immigrants by arbitrary tests and so reverse

nounce their wish. The matter is too runsultant to therewise.

I have no pride of opinion in this question. I am not foolish enough to profess to know the wishes and ideals of America better than the body of her chosen representatives know them. I only want instruction direct from those whose fortunes, with ours and all men's, are involved.

Woodrow Wilson.

THE WHITE HOUSE, 28 January, 1915.

Each time, Mr. Speaker, the House of Representatives re-fused to override the President's veto, and I hope and trust that before you gentlemen depart from the traditions of long-established policy you will carefully consider your act. In my humble opinion at no time has it been so important and so much in the interests of this country that we should sustain the President in his veto as it is to-day.
On January 29, 1917, President Wilson for the second time

returned the immigration bill, containing the literacy test, to the House of Representatives without his approval, and I shall read, for the information of the gentlemen of the House, his message accompanying the bill:

To the House of Representatives:

message accompanying the bill:

To the House of Representatives:

I very much regret to return this bill (H. R. 10384, "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States") without my signature. In most of the provisions of the bill I should be very glad to concur, but I can not rid myself of the conviction that the literacy test constitutes a radical change in the policy of the Nation which is not justified in principle. It is not a test of character, of quality, or of personal fitness, but would operate In most cases merely as a penalty for lack of opportunity in the country from which the allen seeking admission came. The opportunity to gain an education is in many cases one of the chief opportunities sought by the immigrant in coming to the United States, and our experience in the past has not been that the illiterate immigrant is as such an undesirable immigrant. Tests of quality and of purpose can not be objected to on principle, but tests of opportunity surely may be.

Moreover, even if this test might be equitably insisted on, one of the exceptions proposed to its application involves a provision which might lead to very delicate and hazardous diplomatic situations. The bill exempts from the operation of the literacy test "all aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution he evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith." Such a provision, so applied and administered, would oblige the officer concerned in effect to pass judgment upon the laws and practices of a foreign Government and declare that they did or did not constitute religious persecution. This would, to say the least, be a most invidious function for any administrative officer of this Government to perform, and it is not only possible but p

The WHITE HOUSE, January 29, 1917.

Mr. Speaker, I can not believe that a country, which from its inception, has stood for liberty and freedom, and which has been recognized as a haven of refuge for the persecuted and oppressed of all the suffering people of the world, will now shut the gates upon them and refuse them the benefits of this great and glorious land.

I can not, Mr. Speaker, and gentlemen, help but believe that a large number of Members, who, I am informed, are about to cast their votes in favor of passing the bill over the President's veto, will do so under a misapprehension. I feel that if they were familiar with the present immigration law, and the rules and regulations of the Department of Labor, and knew how strictly the law was being enforced, they would not cast their votes erroneously, as it appears they are about to do.

For this reason I shall again call the attention of the House to some of the provisions of the present law and try to offset

the effect of the misrepresentations that have been made from time to time by certain restrictionists in their mad desire to gain the votes of Members who have not had the time or the opportunity to familiarize themselves with the true facts. The following are some of those who are excluded under section 3 of the present law: Idiots, imbeclies, feeble-minded, epileptics, insane persons, those who have been insane within five years, those who have had two or more attacks of insanity, paupers, beggars, persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease, those who have been convicted or admit having committed a felony or other crime or misde-meanor involving moral turpitude, polygamists, anarchists, persons who believe in or advocate the overthrow by force of established government, immoral men and women or those who come here for immoral purposes, contract laborers, persons whose tickets have been paid for with money of another or those whose passage has been paid for with money of another or those whose passage has been paid by any association, society, municipality, or foreign government, children under 16 years of age not accompanied by one or both of their parents, and, last but not least, all persons likely to become a public charge, and all persons who are found to be mentally or physically defective, such mental or physical defect being of a nature affecting their publication. ability to earn a living.

The last two provisions give the immigration authorities such a wide range of power as will enable them to bar most any man or woman who is not in every way perfect physically as well as mentally

In addition to this provision the rules and regulations promulgated by the Department of Labor from year to year are such that to-day it is within the power of the department to permit only those to enter whom the department desires to accept. I feel satisfied that even the most rabid restrictionist can not charge the department with not enforcing each and every provision of the act, as well as the rules and regulations tending toward restriction.

For the past two years immigration has been nearly at a standstill. Immigration from the southern section of Europe has been practically nil. Notwithstanding this fact the department has barred or deported a larger percentage of immigrants than ever before in the history of the Nation.

In 1915 out of 326,700 arriving immigrants 24,111 were de-

barred

In 1916 out of 298,000 arriving immigrants 18,867 were debarred.

This is not taking into consideration the 2,564 persons deported in 1915, nor the 2,781 persons deported in 1916.

The above proves that we not only have a very stringent law but that it is vigorously enforced.

I realize that there are some Members who do not desire to be enlightened or to become familiar with the actual facts—who are blinded by prejudice to such an extent that they can not see nor hear. To them I am not appealing, nor do I care to try to convince them that a great mistake would be committed if this bill should pass in its present form. These are the gentlemen who do not care to know that in the year 1915 the difference between immigration and emigration was only 50,070, and in the year 1916 only 25,941

Nor will I try to show them that the majority of those who came in 1915 and 1916 were of English, French, German, Scotch, Scandinavian, and Spanish blood. They are not anxious to know that the majority of those debarred as well as those deported belong to the so-called favored nationalities.

In fact, nothing that I or anyone else can say would wipe out the prejudice, which has been instilled in them, against the immigrant—the immigrant who has helped to develop our country, who at all times has demonstrated his worth, his faithfulness, and loyalty to our country and its flag; immigrants who have helped to make this the greatest agricultural as well

as industrial Nation of the world, immigrants who have helped to open the markets of the world to our products and have helped to make the country greater and more prosperous than any other.

In view of the fact that the restrictionists were not able to maintain the position which they originally assumed, they hit upon a scheme which they thought would be popular and appeal to the people. They started to advocate the so-called literacy test, preaching and heralding the slogan that we do not want the ignorant, illiterate foreigner.

If they would be honest and sincere, they would have to admit that illiteracy is not ignorance, and that the literacy test will not keep out the so-called dangerous and troublesome immigrant, as I have frequently pointed out on the floor of the House.

Mr. Speaker, a few years ago Mr. L. S. Amanson wrote a short poem which expresses the case of the immigrant with eloquence and exactness. I shall read that poem with a few slight variations:

A MESSAGE TO CONGRESS FROM THE MEN AT THE GATE.

We've dug your million ditches;
We've built your endless roads;
We've fetched your wood and water,
And bent beneath the loads.
We've done the lowly labor
Despised by your own breed;
And now you won't admit us
Because we can not read.

Oh, statesmen, high in Congress,
From North, South, East, and West,
You render valued service,
As pen and tongue you test.
The sons are like the fathers,
Hard work is not their creed;
They won't swing picks and shovels,
But then—they all can gead.

We've given honest labor
And liked our humble lot;
Our children learn the letters
Their fathers haven't got.
We've fled from persecution
And served you in your need;
But now you would debar us
Because we can not read.

Most crooks are educated
And to the manner born;
Their white hands show no callous;
They look on us with scorn.
Mere learning is not virtue,
The word is not the deed;
Disdain, then, not your toilers
Because they can not read.

Good friends, if we are brothers,
Why do you raise this test?
Will talk, then, till your acres
And feed your people best?
Rich children, trained as idlers,
Some workers you must need;
Don't bar our only refuge
Because we can not read.

Your farms are half deserted— Up goes the price of bread! Your boasted education Turns men to dudes instead. We bring our picks and shovels To meet your greatest need; Don't shut the gates upon us Because we can not read.

Mr. Speaker, I will now read an editorial from the Washington Post of January 25, 1917, in which the following comment is made on the literary test:

The literacy test, which Congress recently approved, probably is the most foolish and un-American test that could be devised. Many immigrants who can neither read nor write make excellent American citizens. Many of them come here for the particular object of educating themselves and their children. Having no anarchistic teachings to unlearn, they are good material for citizenship.

Many of the immigrants who can read and write, on the other hand, make poor citizens. The theories they have already formed may be wholly in conflict with the spirit of American institutions. They may be unwilling to do any work that is required of them.

In a statement issued by Cardinal Gibbons on January 25, four days before the President vetoed the bill which we are now considering, the following opinion was expressed:

It is disappointing to many thoughtful citizens that the immigration bill has passed both Houses of Congress. By this measure illiterates will in the future be excluded from entrance into this country. It is to be hoped that Mr. Wilson will act with the same good judgment as he has done on a former like occasion and veto the bill. Similar bills have been vetoed by preceding Presidents, who have been conizant of the harmful effects this test of literacy would have upon desirable immigration.

the harmful effects this test of literacy would have speak gration.

Illiteracy should not be confounded with ignorance. There is an old axiom which reads that "intellectual attainments are not the test of virtue." Many of the most dangerous members of the community are men of keen and trained intellect but of deprayed morals. The normal sturdy illiterate has a receptive mind, capable of early development. Had the United States refused such illiterates from the beginning of our Government, our country would have lost the benefit of their virtue.

thrift, industry, and enterprising spirit. And the descendants of such forbears are an honor to their fathers and a credit and an asset to our country, for they have been rapidly incorporated and identified with the native population by the assimilating process of education and the common use of the English tongue. In consequence of this it would be hard to differentiate the children of foreign immigrants from those of native American parents.

Mr. Speaker, it has been said that at the close of the present European conflict there will be a great influx of immigrants into the United States. On the contrary, thousands upon thousands of American citizens and aliens, as soon as the war is over, will depart for the fatherland and for the Old World to take the places of their older brothers and fathers who have been killed in this terrible war.

Some try to make us believe that immigration, after the war is over, will increase, but these statements can not be substantiated.

Europe will need every healthy citizen to help to rebuild its industries, and those who are not of sound mind and body can not enter the United States under the present immigration law.

Those who could come here under the present law the foreign Governments will not permit to come, as they will be needed at home.

Mr. Speaker, I will not detain the House any longer, but I a strange land.

For this reason it is only the individual who is brave enough and determined enough to better his condition in life who has the moral courage to take such a step. It is this character of man that first settled upon our shores, and it is this character of man, coming to our shores in constantly increasing num-do want to say that it is not easy to break home ties; it is not easy to leave one's native land, no matter what the conditions are under which the people of a particular country may be living. It is not easy to abandon home and friends and depart for bers, who has made possible the tremendous growth of our

country. [Applause.] The SPEAKER. The time of the gentleman from Illinois

has expired.

Mr. BURNETT. Mr. Speaker, the old, old argument that has been made by gentlemen opposed to this bill every time a veto has been considered is, "You must stand by the President,"

whether that veto stands for the people or not.

I am not going to criticize the President. I believe that he is a great President and a great man. But the appeal that gentlemen have made ought not to swerve men who on their oaths are responsible to the people that sent them here. The President himself, in his veto message two years ago, referring to the illiteracy test, said:

Has any political party ever avowed a policy of restriction in this fundamental manner, gone to the country on it, and been commissioned to control its legislation?

Mr. Speaker, that message as well as this message shows that the President has not had the opportunity to give the subject the careful and thorough investigation that the Representatives of the people, who are responsible to the people, have done. Before that time both the Republican Party and the Democratic Party had made platform declarations on the subject. The Republican Party in its platform of 1896 had declared specifically for the test and went to the people and was commissioned by them to control legislation. The Democratic Party as far back as 1896 declared in its national platform in favor of the exclusion of all pauper labor.

The President refers in his message of last Monday to the lack

of educational opportunity of illiterate aliens.

Mr. Speaker, in these days lack of opportunity among the most illiterate people who come here does not exist. They come principally from southern Italy; and of the north Italians not more than 5 per cent are illiterate, and yet they, the north and south Italians, live under the same king, the same parliament, the same compulsory education laws; and while the north Italian does embrace the opportunity he has had, the south Italian does not. We get literates from south Italy, which shows that men can make their own opportunity if they want to, in so far as an elementary education is concerned.

Mr. Speaker, the President also gives another reason for the veto. He gives as his second reason, which reason I see my distinguished friend, the gentleman from Illinois [Mr. Sabath], has not discussed, that the exemption from the test of persons fleeing solely to escape religious persecution imposes an invidious function on our immigration officials. He says he disapproves the provision that was put in at the instance of the gentle-man from Illinois [Mr. Sabath] himself, and now the gentle-man's support of the veto of the President puts him in the attitude of voting to disown his own child. In the goodness of their hearts the members of our committee and of this Congress have

said that those who are fleeing from religious persecution should be admitted, whether that persecution was manifested by law, by overt acts, or by governmental regulations.

The President gives as his reason that that provision allows an administrative officer to pass upon the laws and regulations of other countries. As has been said in this debate by the gentleman from Massachusetts [Mr. GARDNER], we have had a law for many years which provides that persons who have been convicted of, or who admit the commission of, a felony or other crime or misdemeanor involving moral turpitude are to be excluded, and in the same section it says:

Nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude.

That provision involves the same kind of function as the one the President gives as his second reason for vetoing the bill. Yet, no such trouble as the President fears has ever arisen from such function.

We should not lose sight of the fact that the bill contains much other needed legislation which the President says he favors, and in this connection I wish to read the following article from the editorial page of the New York Times of last Monday. It was written by Prof. Robert De C. Ward, of Harvard University. Prof. Ward says:

in this connection I wish to read the following article from the editorial page of the New York Times of last Monday. It was written by Prof. Robert De C. Ward, of Harvard University. Prof. Ward says:

In your editorial article in the Times for January 20 entitled "The labor exclusion bill," you say: "The new bill is against the entry of desirables. It is not in the interest of public morality or public health." May I take the liberty of differing with you most emphatically in this view? I hold no brief at this time for the reading test. It seems to me, however, that most of those who attack this provision have not read the immigration bill at all and to not realize that this bill covers about discussed reading test. With the many exceptions which are made in its application, this provision seems to me a rather unimportant part of the bill as a whole. It certainly is not worth all the fuss that is being made over it. It is in regard to the rest of the bill—the 58 or 39 pages of the world of the workings. Its provisions, as the Commissioner General or speak. The new bill, in my judgment, a distinctly fact assistance to speak. The new bill, in my judgment, a distinctly fact assistance of its workings. Its provisions, as the Commissioner General is mand of its workings. Its provisions, as the Commissioner General is mand of its workings. Its provisions, as the Commissioner General is mand of its workings. Its provisions, as the Commissioner General is mand of its workings. Its provisions, as the Commissioner General is mand of the investigations conducted variously but in particular by the immigration commission, created under the act of 1907, the report of which, comprising visions of this bill "have been drawn with great care and for the enforcement of various statutes regulating immigration, and of the investigations conducted variously but in particular by the immigration conducted variously but in particular by the immigration conducted with the provision of mentally and physically and of otherwise mid and ot

tension of the deportation period has been urged, year in and year out, by heads of institutions who have had to do with dependent, defective, and delinquent aliens, by organized charitable societies, and, perhaps most strongly, by the former Commissioner of Immigration at the port of New York, the Hon. William Williams, whose thorough, sane, and illuminating study of the whole immigration problem has contributed greatly to our understanding of the subject. It is the conviction of all the unprejudiced experts who have studied this problem that a five-year deportation period would relieve our penal and charitable institutions of an enormous financial burden, reaching into the millions of dollars, and would rid our communities of large numbers of defectives who otherwise would remain here, many of them a burden upon State or city, and many of them starting long lines of defective and delinquent children.

children.

The new bill strengthens the provisions of existing law regarding the "white-slave" traffic; makes the inspection of steerage quarters more thorough; compels steamship companies, when deporting aliens, to give such aliens as good quarters as those for which they paid on the voyage to this country; makes possible the expulsion from the country of alien anarchists and criminals, even when they have become such after entry; and in many other ways provides for the welfare of the alien as well as for the welfare of the United States.

Gentlemen have talked here about the South wanting this legislation, as if the South alone wanted it. Mr. Speaker, the pressure for this bill comes more strongly from the workingmen of the North, where they feel the effect of pauper competition. Three millions of the American Federation of Labor, 1,000,000 farmers in the National Grange-I have their resolution here a million or two of farmers in the Farmers' Congress, thousands of members of patriotic organizations, and others. begging Members to-day to stand by their people, to stand by their convictions. There is no sectionalism in this bill. The President is just one branch of this Government. Three hundred and seven, against eighty-seven, Members of this House said last March that the people of the country wanted this legislation. Are we now, by appeals to stand by the President—and that is all they have—to be diverted from what our people want and what is right in order that 307 may bow to the will of one man?

Mr. Speaker, I want, as briefly as possible, to give an analysis of the most important new legislation in this bill, as I am sure that it will soon become a law. The head tax is increased from \$4 to \$8 for admission of aliens. However, we exempt from this tax children under 16 years of age who accompany their father or

The present law exacts this tax of all aliens, including even babes in the arms of the mother. The exception referred to in favor of children under 16 years of age will prevent this tax bringing in quite double the revenue now derived from that source, but the fact that in the new law it is exacted of alien seamen and some others now exempted will bring it up to almost

double what we now receive.

In section 3 we add to the excluded classes many who are either mentally or physically afflicted not now excluded; also persons who advocate or teach the unlawful destruction of prop-This will keep out the militant suffragettes of England and other persons advocating like principles. While I am not an advocate of woman's suffrage, yet be it said to the credit of nearly all the good women of America who favor equal suffrage that they are trying to get that legislation by sane and peaceful Even those who are trying to exploit themselves by picketing the White House grounds get no sympathy from the great majority of the women who are from principle advocating woman's suffrage, and the three members of the Immigration Committee from equal-suffrage States were among the strongest advocates of this provision of the bill.

The law excluding contract laborers and those in any way assisted, induced, or solicited to come to this country, and against those who induce, assist, or solicit them to come has been

greatly strengthened.

Asiatics excluded by the geographical boundary in section 3 of the bill embrace Hindus and several hundred millions of other people on the continent of Asia and islands adjacent thereto. These people are beginning to come to the Pacific coast in large numbers, and but for this exclusion law would soon become a serious menace to our country.

The Chinese-exclusion law is not interfered with except to be greatly strengthened, and we now have a gentleman's agreement with Japan by which passports are refused the coolies of that Empire, who are thus kept out. A provision is placed in this law by which no alien can be admitted who is now in any way excluded from or prevented from entering the United States. Should Japan at any time violate or abrogate this agreement, eo instanti this provision would keep them out.

The storm center of this bill is and has ever been the illiteracy test. This excludes all aliens over 16 years of age who are unable to read at least 30 ordinary words of English or some other language or dialect, including Hebrew or Yiddish. However, any admissible alien, or any alien heretofore admitted is permitted to send for or bring in his father or grandfather

over 65 years of age, his wife, mother, grandmother, or his unmarried or widowed daughter without regard to the illiteracy test, if they are otherwise admissible.

These exceptions are made so as not to keep out dependent

relatives on account of their being unable to read.

In order that our country may continue, as it has always been, the haven for those oppressed on account of religious belief, we except from the reading test all aliens seeking admission to avoid religious persecution, whether such persecution is evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith. This exception will effect not only many Russian Jews, but many Protestants and Catholics from Armenia and other countries. The literacy-test provision has for many years been the subject of earnest and sometimes bitter controversy.

In 1897 a somewhat similar provision was vetoed by President Cleveland. The House promptly passed it over his veto by a large margin, but, as it only reached the Senate for action on the veto on the 4th of March in the closing hours of that Congress and of Mr. Cleveland's administration, it was not acted on by that body. There was some excuse for the veto of President Cleveland, for at that time the tremendous alien immigration from southern Europe to this country had not set in. During the year 1897 the total foreign immigration to this country was only 230,832, while for the year ending June 30, 1914, it was 1,218,480.

The south Italians alone coming in during the last fiscal year before the war in Europe were 251,612, or 20,000 more than came in from all countries during the year of President Cleveland's So it will be seen that no such necessity for the law existed then as now.

Of course, with the war raging in Europe, the number of arrivals has greatly decreased, but when the war is over hundreds of thousands of the denizens of the slums of European and of Asiatic cities will rush to our shores unless they are kept out by

In 1913 President Taft vetoed the bill and the Senate passed it. over his veto by a vote of 4 to 1, but it failed of passage over his veto in the House by only a few votes

In 1915 President Wilson vetoed the bill and it failed of pas-

sage over the veto by only eight votes.

Last March the bill passed this House by a vote of 307 to 87, and a few weeks ago it passed the Senate by 64 to 7.

Unless many Representatives and Senators go back on this recent vote, it will now be passed over the President's veto in

both Houses by a large majority.

Twelve years ago, at my own request, I was assigned to the Committee on Immigration and began the study of this important question. During that session the Senate passed a bill containing the illiteracy test, but that provision was stricken out by the House, and in conference an agreement was reached providing for a commission to investigate the subject of immigration both in the United States and foreign countries and to report its conclusions to Congress.

I was appointed as a member of that commission, and with five others visited Europe, where we made extensive investiga-tions. Several of us went to Sicily, and to me the conditions there seemed worse than I had ever dreamed of.

We visited many other countries in Europe and made extensive

investigations both in that country and our own.

When we began our investigations only three or four of us believed that the reading test was the best plan for restricting immigration, but after three years of earnest, careful investigation all the nine joined in the following statements and recommendations:

The investigations of the commission show an oversupply of unskilled labor in basic industries to an extent which indicates an oversupply of unskilled labor in the industries of the country as a whole, and therefore demand legislation which will at the present time restrict the further admission of such unskilled labor. * * *

As far as possible the aliens excluded should be those who, by reason of their personal qualities, would least readily be assimilated or would make the least desirable citizens.

The commission as a whole recommends restriction as demanded by economic, moral, and social considerations, furnishes in its report reasons for such restrictions, and points out methods by which Congress can attain the desired result if its judgment coincides with that of the commission.

Eight out of the nine, after citing various methods of restriction, concurred in the following:

A majority of the commission favor the reading and writing test as the most feasible single method of restricting undesirable immigration.

It is certainly interesting, and we believe important, to know some of the reasons which led the commission up to these conclusions, and we will make a few extracts from the "Brief statement of conclusions and recommendations of the commission." On page 25 of this statement they say:

The proportion of the more serious crimes of homicide, blackmail, and robbery, as well as the least serious offenses, is greater among the foreign born. The disproportion in this regard is due principally to the prevalence of homicides and other crimes of personal violence among Italians and to the violation of city ordinances previously mentioned.

On pages 29 and 30 they say:

On pages 29 and 30 they say:

It is certain that southern and eastern European immigrants have almost completely monopolized unskilled labor activities in many of the more important industries. This phase of the industrial situation was made the most important and exhaustive feature of the commission's investigation, and the results show that while the competition of these immigrants has had little, if any, effect on the highly skilled trades, nevertheless, through lack of industrial progress and by reason of large and constant reenforcement from abroad, it has kept conditions in the semiskilled and unskilled occupations from advancing.

Several elements peculiar to the new immigrants contributed to this result. They came from countries where low economic conditions prevailed and where conditions of labor were bad. They were content to accept wages and conditions which the native American and immigrants of the older class had come to regard as unsatisfactory. They were not, as a rule, engaged at lower wages than had been paid to the older workmen for the same class of labor, but their presence in constantly increasing numbers prevented progress among the older wage-earning class, and as a result that class of employees was gradually replaced. An instance of this displacement is shown in the experience in the bituminous coal mines of western Pennsylvania. This section of the bituminous field was the one first entered by the new immigrants, and the displacement of the old workers was soon under way. Some of them entered other occupations and many of them migrated to the coal fields of the Middle West. Later these fields were also invaded by the new immigrants, and large numbers of the old workers again migrated to the mines of the Southwest, where they still predominate. The effect of the new immigration is clearly shown in the western Pennsylvania fields, where the average wage of the bituminous coal worker is 42 cents a day below the average wage of the Middle West and Southwest. Incidentally, hours of labor ar

The recent report of the Committee on Industrial Relations on their investigations at Youngstown, Ohio, shows that conditions there are even more horrible than those which our commission found in Pennsylvania. I will read only the following short extract from that report:

Babies of the workers die at an appalling rate. Forty-one per cent of all deaths in Youngstown during 1913, according to United States census figures, were of children under 5 years of age.

The average head of a family among foreign-born steel workers, who constitute over 70 per cent of the entire force, earns less than \$500 a

constitute over 70 per cent of the entire force, earns less than \$500 a year.

The workers and their families live in squalid, overcrowded houses. A trachoma epidemic at East Youngstown grew so menacing that the Youngstown Sheet & Tube Co., whose armed guards on January 7 killed 3 strikers and wounded 25, had to take drastic measures to save the human part of its equipment.

Sanitary conditions in Youngstown in the districts where the steel workers live are frightful. The administration of the health laws is lax, and open garbage boxes and dry privies abound.

For years, until the present demand for unskilled labor gave them a choice of jobs, the steel workers have been forced to accept whatever the Steel Corporation and its followers cared to give them or to starve. This condition of helplessness and economic slavery was forced on them by a policy that kept, with the aid of charity, two men for every job and that ruthlessly crushed any attempt of the employees to organize.

The Youngstown strike was a sign to the owners and managers of the American steel industry that the end will come; that they can not forever adhere to their present policy of depressing wages below a decent standard by maintaining a vast horde of helpless immigrants in a condition of economic subserviency, throwing them on charity during times of depression, paying less than a living wage during times of prosperity, and during all times brutallizing them either by imposing excessive hours of employment or by imposing the enforced leisure that breeds fear and pauperization.

Even around Birmingham and Gadsden, Ala, the honest Amer-

Even around Birmingham and Gadsden, Ala., the honest American laborer is being forced into competition with that low class of illiterate immigrants from southern Europe who are brought here to beat down the price of the workingman's sweat and toll and thus take the bread from the mouths of his wife and children. A few years ago I asked a large mine operator in Alabama who were his poorest laborers. He replied: "The south Italans." I asked if they were poorer than the Negro. He said: 'Infinitely poorer." I asked: "Why, then, do you employ them?" He answered: "To keep down the price of wages." ians."

Gentlemen, that is true, and that is why the big industries all over the country have spent thousands of dollars during the last 10 years to delay this bill. It has teeth in it and they know it.

My Republican brother and I may differ honestly as to whether a protective tariff is best for the workingman, but I can not see how any friend of the man who tolls can want to keep out the foreign goods that compete with those he makes here and yet want to open the floodgates to those who beat down his wages and erect standards of living repulsive to any man who loves his home and those whom God has given him to protect and support.

The distinguished gentleman from Illinois [Mr. Cannon] says the bill does not keep out the blackhand assassin, because he can read and write. The illiteracy test, it is true, does not keep out that class, but as is shown by Mr. Ward in the article just !

quoted, there are other sections of the bill that do debar him. But the illiteracy test keeps out the illiterate and vicious alien

But the illiteracy test keeps out the illiterate and vicious alien who is the easy tool in the hands of his blackhand leader.

In the I. W. W. strike at Lawrence, Mass., a few years ago the educated blackhander led the long procession and stirred them to frenzy and to crime, but behind him was the horde of illiterates with a bomb in one hand and a banner in the other on which was inscribed "No God, no law, no master." But you ask, Whom will it keep out? It will keep out 40 per cent of the south Italians, the Partney one the Turks, and the Syrians: south Italians, the Portuguese, the Turks, and the Syrians; about 30 per cent of the Greeks, the Poles, the Magyars, and other

races in southern Europe, and about 80 per cent of the Mexicans. It will not keep out one-half of 1 per cent of the English, Irish, Scotch, Germans, Bohemians, Swiss, French, Scandinavians and the other peoples of northwestern Europe. That is, it will not keep out five in a thousand of those who come to become American citizens and to make their homes among us.

For instance, during the fiscal year ending June 30, 1914, 33,898 Irish came in, and of these only 359 over 14 years of age could not read and write, and nearly all of these were of the classes exempted from the illiteracy test. As to the Jews, very few adult males are unable to read their Yiddish or Hebrew prayer book, and most of the Jews who can not read Yiddish or Hebrew are wives, mothers, or daughters, who are excepted, and nearly all are fleeing from religious persecution.

So you will see that neither the Jews nor the northwestern Europeans are excluded scarcely at all. I have gone pretty fully into the purpose and effect of the illiteracy test because of the fact that it has been grossly misunderstood and misrepresented. A few years ago as learned a man as Cardinal Gibbons wrote a letter, which was printed in the papers of the country, stating that an alien fairly well educated in his own language would be debarred under this bill if he could not read English. showed that his Eminence had never even read the bill.

Many others have heralded such statements abroad and aroused the antagonism of thousands of foreigners, the people of whose countries are in no wise affected by the bill.

Mr. Speaker, in passing this bill over the veto of the President, we are responding to the demand of millions of people who are working on the farms, in the factories, in the stores, and thousands of others who do not want to see American civilization undermined, and who do not want to see American standards of moral and economic life subverted. In the South the Farmers' Union with two millions of members has repeatedly indorsed it.

Is this not the propitious time to put up the bars? Your votes to-day will show which side you are on. If the steamship companies and the great industries are your masters, serve them. If you owe your allegiance to America and your people, say so this day.

The SPEAKER. The question is, Will the House on reconsideration agree to pass this bill H. R. 10384, the objections of the President of the United States to the contrary notwithstand-

ing? The Clerk will call the roll.

Mr. SABATH. Mr. Speaker, in view of the fact that only a very few Members were present when the message was read I again ask unanimous consent that the President's message be again read.

SEVERAL MEMBERS. No, no! The SPEAKER. The gentleman from Illinois asks unanimous consent

Mr. DYER. I call for the regular order.

The SPEAKER. This is the regular order, to submit the gentleman's request. The gentleman from Illinois [Mr. Sabath] asks unanimous consent that the President's message be again read. Is there objection?

Mr. MEEKER. I object. Mr. REAVIS. I object.

The SPEAKER. Objection is made. Those in favor of passing this bill over the President's veto will, when their names are called, answer "yea," those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 287, nays 106, answered "present" 3, not voting 37.

YEAS-287.

Abercrombie Adair Adamson Aiken Alexander Austin Barkley Beales Bell Buchanan, Ill. Burnett Butler Butler Byrnes, S. C. Byrns, Tenn. Callaway Candler, Miss. Cantrill Capstick Caraway Carlin Benedict Black Blackmon Allen Almon Anderson Anthony Ashbrook Aswell Bowers Britt

Carter, Okla.
Church
Cline
Coleman
Collier
Connelly
Cooper, Ohio
Cooper, W. Va.
Cooper Wis.
Copley
Costello

Cox Crago Crisp Curry
Dale, Vt.
Danforth
Darrow
Davis, Minn.
Davis, Tex. Decker Dempsey Denison Dewalt Dickinson Dies Dill Dillon Dixon Doolittle Doughton Dowell Drukker Dunh Dyer Eagle Edwards Ellsworth Elston Emerson Esch Evans Farr Ferris Fess Fields Flood Focht Foss Fuller Gandy Gard Gardner Garland Godwin, N. C. Godwin, N. C. Good Win, Ark. Gray, Ala. Gray, N. J. Green, Iowa Greene, Vt. Gregg Griest Guernsey Guernsey Hadley Hamilton, Mich. Hamilton, N. Y. Hamlin Harrison, Miss. Harrison, Va.

Hastings Haugen Hawley 정 Hayden Hayes Heaton Heffin Helgesen Helm Helvering Hensley Hernandez Hilliard Holland Hood Hopwood Houston Howard Huddleston Hughes Hull, Iowa Hull, Tenn. Humphreys, Miss Husted Hutchinson Jacoway Johnson, Ky. Johnson, Wash. Jones Kearns Keating Keister Kelley Kennedy, Iowa Kent Kettner Key, Ohlo Kiess, Pa. Kincholoe King Kinkaid Kitchin Kitchin Kreider Lafean La Follette Langley Lazaro Lee Lehlbach Lesher Lesier Lewis Lindbergh Linthicum Littlepage Lloyd Lloyd Longworth McArthur McClintic McCulloch McFadden

McKellar McKenzie McKluley McLaughlin McLemore Mann Mapes Matthews Meeker Miller, Minn, Miller, Pa. Mondell Morgan, La. Morgan, La. Morgan, Okla. Morrison Moss Mott Mudd Murray Neely Nelson Nicholls, S. C. Nolan North Oldfield Oliver Olney Overmyer Padgett Page, N. C. Park Parker, N. J. Parker, N. Y. Peters Porter Porter Powers Pratt Price Quin Ragsdale Rainey Raker Ramsever Ramseyer Randall Rayburn Reavis Ricketts Roberts. Nev. Rodenberg Rogers Rouse Rouse Rowland Rubey Rucker, Ga. Rucker, Mo. Russell, Mo. Russell, Ohio Saunders Schall Scott, Mich. Scott, Pa.

Sears Sells Shackleford Shalienberger Sims Sinnott Sisson Slayden Slemp Sloan Small Smith, Idaho Smith, Mich. Smith, Minn. Smith, Tex. Snyder Sparkman Steagall Stedman Steele, Iowa Steele, Pa. Steenerson Stephens, Miss. Stephens, Nebr. Stephens, Tex. Sterling Stout Stout Sulloway Sumners Sweet Switzer Talbott
Tavenner
Taylor, Ark.
Taylor, Colo.
Temple
Thomas Thompson Tillman Timberlake Van Dyke Venable Vinson Volstead Walker Wason Watkins Watson, Pa. Watson, Va. Webb Wheeler Williams, T. S. Wilson, Fla. Wilson, Ill. Wilson, La. Wilson, La. Wingo Wise Woodyard Young, N. Dak. Young, Tex.

NAYS-106.

Bacharach Doremus Bailey Barchfeld Barnhart Booher Borland Bruckner Brumbaugh Buchanan, Tex. Burgess Burke Caldwell Cannon Carew Carter, Mass. Chandler, N. Y. Charles Coady Conry Cramton Cullop Dale, N. Y. Dallinger Dooling

Bennet

Dupré Engan Edmonds Estopinal Farley Fitzgerald Flynn Fordney Freeman Gallagher Gallivan Glynn Gordon Gould Graham Greene, Mass. Griffin Hamill Hardy Haskell Howell Hulbert Igoe James Kahn Kennedy, R. I.

Konop Lieb Lobeck London Loud McAndrews McCracken McDermott McGillicuddy Madden Magee Maher Martin Loud Martin Mays Moore, Pa. Moores, Ind. Morin Nichols, Mich, Norton Oakey Oglesby O'Shaunessy Paige, Mass. Phelan Rauch Reilly Riordan

Stiness Stone Swift Taggart Tague Tilson Tinkham Towner Treadway Vare Walsh Williams, W. E. Winslow Wood, Ind. Woods, Iowa

Roberts, Mass.

Rowe Sabath Sanford

Sherley Sherwood Siegel Smith, N. Y.

Snell

Stafford

ANSWERED "PRESENT"-3.

Cary

Miller, Del.

NOT VOTING-37.

Frear Garrett Glass Pou Scully Shouse Ayres Beakes Campbell Johnson, S. Dak. Lenroot Lever Liebel Glass Gray, Ind. Hart Henry Hill Hinds Chiperfield Clark, Fla. Davenport Sutherland Ward Whaley Williams, Ohio Loft Montague Moon Mooney Dent Driscoll Fairchild Foster Patten Hollingsworth Patte Humphrey, Wash. Platt

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President of the United States to the contrary notwithstanding.

The following pairs were announced:

On this vote:

Mr. Johnson of South Dakota and Mr. Hinds (for passage over veto) with Mr. MILLER of Delaware (against)

Mr. Ayres and Mr. Hart (for passage over veto) with Mr. Beakes (against)

Mr. Mooney and Mr. Sutherland (for passage over veto) with Mr. Liebel (against)

Mr. Chiperfield and Mr. Foster (for passage over veto) with Mr. PATTEN (against)

Mr. Montague and Mr. Dent (for passage over veto) with Mr. Cary (against).

Mr. Campbell and Mr. Lenboot (for passage over veto) with Mr. Benner (against).

Mr. FREAR and Mr. HILL (for passage over veto) with Mr.

LOFT (against). Mr. HENRY and Mr. GARRETT (for passage over veto) with Mr.

Scully (against) Mr. Pou and Mr. Lever (for passage over veto) with Mr.

WARD (against) Mr. Glass and Mr. Shouse (for passage over veto) with Mr.

WHALEY (against). Mr. Gray of Indiana and Mr. Clark of Florida (for passage

over veto) with Mr. FARCHIED (against).

Mr. BENNET. Mr. Speaker, I find that the gentleman from Kansas, Mr. CAMPBELL, and the gentleman from Wisconsin, Mr. Lenboot, on the Rules Committee, with whom I am paired, have not reached the city in time to vote upon this bill. fore, regretfully, withdraw my vote in the negative and answer

The result of the vote was then announced as above recorded.

ADJOURNMENT.

And then, on motion of Mr. KITCHIN (at 8 o'clock and 2 minutes p. m.), the House adjourned until to-morrow, Friday, February 2, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Commissioner of Internal Revenue, submitting a supplemental and additional estimate of appropriation to be available March 1, 1917, increasing the compensation of the head of the miscellaneous division, Office of Commissioner of Internal Revenue (H. Doc. No. 2004); to the Committee on Appropriations and ordered to be printed.

2. A letter from the president of the Chesapeake & Potomac

Telephone Co., transmitting a report of the Chesapeake & Potomac Telephone Co. to the Congress of the United States for the year 1916 (H. Doc. No. 1931, pt. 2); to the Committee on the District of Columbia and ordered to be printed.

3. A letter from the president of the East Washington Heights Traction Railroad Co., transmitting report of the East Washington Heights Traction Railroad Co. for the year ending December 31, 1916 (H. Doc. No. 2005); to the Committee on the District of Columbia and ordered to be printed.

4. A letter from the president of the Washington Railway & Electric Co., transmitting report of the City & Suburban Railway of Washington for the year ended December 31, 1916 (H. Doc. No. 2006); to the Committee on the District of Columbia and ordered to be printed.

5. A letter from the president of the Washington Railway & Electric Co., transmitting report of the Washington Railway & Electric Co. for the year ended December 31, 1917 (H. Doc. No. 2007); to the Committee on the District of Columbia and ordered to be printed.

6. A letter from the president of the Washington Gas Light Co., transmitting a detailed statement of the business of the Washington Gas Light Co., with a list of its stockholders, for the year ending December 31, 1916 (H. Doc. No. 2008); to the Committee on the District of Columbia and ordered to be printed.

7. A letter from the president of the Capital Traction Co., transmitting report of the Capital Traction Co. for the year ending December 31, 1916 (H. Doc. No. 2009); to the Committee on the District of Columbia and ordered to be printed.

8. A letter from the president of the Georgetown Gas Light Co., transmitting a detailed statement of the business of the Georgetown Gas Light Co., together with a list of stockholders for the year ending December 31, 1916 (H. Doc. No. 2010); to the Committee on the District of Columbia and ordered to be printed.

9. A letter from the president of the Potomac Electric Power Co., transmitting a report of the Potomac Electric Power Co., for the year ending December 31, 1916 (H. Doc. No. 2011); to the Committee on the District of Columbia and ordered to be printed.

10. A letter from the president of the Washington Railway & Electric Power Co., transmitting a report of the Washington Interurban Railroad Co. for the year ended December 31, 1916 (H. Doc. No. 2012); to the Committee on the District of

Columbia and ordered to be printed.

11. A letter from the president of the Washington Railway & Electric Co., transmitting a report of the Georgetown & Tennallytown Railway Co. for the year ended December 31, 1916 (H. Doc. No. 2013); to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (H. R. 7632) to provide for a homestead entry on water-power sites, reported the same without amendment, accompanied by a report (No. 1398), which said bill and report were referred to the Committee of the Whole House

on the state of the Union.

Mr. HAYDEN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 15733) to authorize the advancement of funds to survey, construct, and maintain roads, trails, and bridges within Indian reservations, reported the same with amendment, accompanied by a report (No. 1399), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 14620) to extend the provisions of section 2455 of the Revised Statutes of the United States, as amended, relating to the sale of isolated tracts of the public domain, to ceded Chippewa Indian lands in the State of Minnesota, reported the same with amendment, accompanied by a report (No. 1400), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 19731) to validate certain public-land entries, reported the same with amendment, accompanied by a report (No. 1401), which said bill and report were referred to the Committee

of the Whole House on the state of the Union.

Mr. GRAHAM, from the Committee on the Judiciary, to which was referred the bill (H. R. 16212) to confer jurisdiction on the Court of Claims, reported the same without amendment, accompanied by a report (No. 1403), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. TIMBERLAKE, from the Committee on the Public Lands,

to which was referred the bill (H. R. 20037) for the relief of Guy A. Richards, Jesse L. Robbins, Isaac M. C. Grimes, William L. Irvine, and David Cox, reported the same with amendment, accompanied by a report (No. 1397), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 4602) for the relief of George T. Larkin, reported the same without amendment, accompanied by a report (No. 1402), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:
By Mr. RANDALL: A bill (H. R. 20686) to amend the postal

laws; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 20687) to amend the postal laws; to the

Committee on the Post Office and Post Roads.

By Mr. ADAIR (by request): A bill (H. R. 20688) to amend an act entitled "State or Territorial homes pensions of inmates (collection)," act of March 4, 1911 (25 Stat. L., 450); to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 20689) providing for qualifications of special examiner in the Bureau of Indian Affairs;

to the Committee on Indian Affairs.

Also, a bill (H. R. 20690) providing for judicial practice in the Bureau of Indian Affairs; to the Committee on Indian Affairs.

By Mr. HAYDEN: A bill (H. R. 20691) providing for an additional judge for the district of Arizona; to the Committee on the Judiciary.

By Mr. SPARKMAN: A bill (H. R. 20692) to create an additional judge in the southern district of Florida; to the Com-

mittee on the Judiciary.

By Mr. MILLER of Minnesota: A bill (H. R. 20713) authorizing the city of Bemidji, Minn., to construct a bridge across the Mississippi River at or near that place; to the Committee on Interstate and Foreign Commerce.

By Mr. MURRAY: Joint resolution (H. J. Res. 363) proposing an amendment to the Constitution of the United States, defining suffrage and establishing a cumulative system or an equitable electorate; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:

By Mr. BENEDICT: A bill (H. R. 20693) granting a pension

to William Barth; to the Committee on Pensions.

By Mr. BOOHER: A bill (H. R. 20694) granting an increase of pension to Armilda Hays; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 20695) granting an increase of pension to Louis Auguste Zurcher; to the Committee on Invalid Pensions.

By Mr. GRAY of Indiana: A bill (H. R. 20696) granting an increase of pension to George P. Beach; to the Committee on

Invalid Pensions. Also, a bill (H. R. 20697) granting an increase of pension to Samuel P. Walker; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 20698) granting an increase of pension to John Sanders; to the Committee on Invalid

By Mr. GUERNSEY: A bill (H. R. 20699) granting an increase of pension to Cyrus H. Allen; to the Committee on Invalid Pen-

By Mr. KAHN: A bill (H. R. 20700) granting an increase of pension to Leonard F. Van Inwagen; to the Committee on Invalid Pensions

By Mr. KENNEDY of Rhode Island: A bill (H. R. 20701) granting a pension to Louis M. Rheaume; to the Committee on

By Mr. McFADDEN: A bill (H. R. 20702) granting an increase of pension to Capt. Henry H. Crane; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN: A bill (H. R. 20703) granting an increase of pension to Johanna E. Waalkes; to the Committee on

By Mr. MOON: A bill (H. R. 20704) granting an increase of pension to George W. Swafford; to the Committee on Invalid

By Mr. OVERMYER: A bill (H. R. 20705) granting an increase of pension to Capt. Henry H. Crane; to the Committee on

Also, a bill (H. R. 20706) for the relief of Benjamin F. Church; to the Committee on Military Affairs.

By Mr. PRATT: A bill (H. R. 20707) granting an increase of pension to Emmet Ellis; to the Committee on Invalid Pensions. Also, a bill (H. R. 20708) granting an increase of pension to

George R. White; to the Committee on Invalid Pensions. By Mr. RANDALL: A bill (H. R. 20709) to remove the charge of desertion from the record of Charles R. Stevens; to the Committee on Military Affairs.

By Mr. SULLOWAY: A bill (H. R. 20710) granting a pension to Walter E. Ellis; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 20711) granting a pension to Hiram Metcalf; to the Committee on Invalid Pensions. By Mr. SWEET: A bill (H. R. 20712) granting an increase

of pension to Alvin Eck; to the Committee on Invalid Pensions. By Mr. HULBERT: A bill (H. R. 20714) granting a pension to Mary Slater; to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 20715) granting an increase of pension to Rebecca Morris; to the Committee on Pen-

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid

on the Clerk's desk and referred as follows:

By Mr. BAILEY: Petition of H. E. Peters, W. H. S. Bahn, C. B. Williams, W. W. Weaver, A. L. Peters, C. J. Leasure, H. D. Colby, Guy R. Naugle, J. J. Smetzer, G. L. Nonemaker, R. C. Haulman, W. B. Horton, E. J. Norton, J. L. Masemore, E. J. Fox, A. G. Nonemaker, B. F. Barr, G. P. Wagner, E. G. Orr, J. H. Grey, Thomas E. Kearns, Samuel H. Smith, C. S. Buck, J. G. Shiro, W. H. Bender, C. E. Keiper, Robert C. Malone, George A. Long, Labert Liver and Market a John Lingenfelter, R. H. Lincoln, C. C. Anderson, C. C. Myers John Lingenfelter, R. H. Lincoln, C. C. Anderson, C. C. Myers, A. P. Merritts, William Deffenbaugh, J. T. Vanzandt, S. E. Filler, C. F. Kauffman, C. C. Cloines, W. J. Dillon, W. C. Leonard, C. W. Sayers, E. W. Border, H. E. Specht, D. L. Snyder, C. S. Ammerman, William Kelly, W. S. Bernett, E. E. Kirby, William Brown, J. W. Smiley, W. W. Grove, R. McCauley, John Gunnett, G. W. Moore, George Emerick, S. T. Moffit, G. F. Snyder, W. B. Goodman, W. M. Sellers, Joseph Settle, A. H. Meckley, W. E. Shafer, I. M. Heck, D. R. Donnelly, L. F. Bramen, Frank Snider, A. P. Fields, W. R. Reed, F. M. Anderson, M. Gantz, H. B. Curry, J. F. Freed, F. G. Keyser, J. E. Wilkins, and C. Webb, all of Altoona; G. F. Smouse, D. F. Bardell, and G. A. Madden, of Hollidaysburg; William Bowen, F. R. Bowen, and S. A. Eckerrod, all of Johns-William Bowen, F. R. Bowen, and S. A. Eckenrod, all of Johnstown; J. A. Phillips, of Greensburg; D. G. Pahel, of Conemaugh; and H. J. Harencome, of Bellwood, all in the State of Pennsylvania, for the passage of an act placing an embargo on the shipment of foodstuffs abroad; to the Committee on Interstate and Foreign Commerce.

By Mr. BRUCKNER: Petition of Samuel Cupples Envelope Co., favoring passage of bill to increase prices for certain supplies in connection with paper business; to the Committee on

the Post Office and Post Roads.

Also, petition of New York Produce Exchange, against literacy test in the immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of United Leather Workers of the World, Central Committee, against militarism; to the Committee on Military Affairs.

Also, petition of Herbert L. Burgess, of New York City, against imposing tax on profits exceeding 8 per cent; to the Committee on Ways and Means.

Also, petition of Brotherhood of Railroad Signalmen, against passage of the Randall mail-exclusion bill; to the Committee

on the Post Office and Post Roads.

Also, petition of National Educators' Conservation Society, New York City, against passage of the Shields-Adamson and the Ferris-Myers water-power bills; to the Committee on Interstate and Foreign Commerce.

Also, petitions of William C. and A. Edward Lester and others, of New York, favoring passage of House bill 20080, migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. CARY: Petitions of Carl & Walter Mueller, H. Sentz, Joseph B. Doe, and F. P. Mann, of Milwaukee, and Game Protective Association of Stevens Point, Wis., favoring passage of bills for protection of migratory birds; to the Committee on Foreign Affairs.

Also, petition signed by Frank Bauer and 3,000 other citizens of Milwaukee, Wis., protesting against passage of House bills 1785 and 18986, Senate bills 4429 and 1082, and House joint resolution 84; to the Committee on the Post Office and Post

Also, petition of Edwin Zedler, C. I. Foster, H. L. Foster, Edgar Roberstein, J. W. Foster, and William Hass, all of Milwaukee, Wis., urging passage of Senator Chamberlain's bill for universal military training and service; to the Committee on Military Affairs.

Also, petition by William Hass, J. Edgar Roberttun, J. W. Foster, C. F. Foster, H. L. Foster, John D. Barnes, and Edwin Zedler, all of Milwaukee, Wis., urging passage of Flood migratory-bird bill; to the Committee on Foreign Affairs.

By Mr. CHARLES: Petition of sundry citizens of thirtieth New York district, favoring national prohibition; to the Com-

mittee on the Judiciary.

By Mr. COOPER of West Virginia: Petition of 160 railroad employees, urging the passage of a proper eight-hour law; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Petition of the Associated Charities of Minneapolis, Minn., favoring passage of bill to establish

a probation system in connection with the Federal courts; to the Committee on the Judiciary.

Also, petition of Goodwin Car Co., of New York, favoring amendment to House bill 8234, section 5; to the Committee on Labor.

Also, petitions of Donald Campbell and other citizens of the State of New York, favoring passage of House bill 20080, "migratory-bird treaty act"; to the Committee on Foreign Affairs.

Also, memorial of National Grange, Patrons of Husbandry, favoring passage of the Borland resolution for an investigation of the Beef Trust; to the Committee on Agriculture.

Also, petition of Adolph Lewisohn, against passage of the

immigration bill with literacy test; to the Committee on Immi-

gration and Naturalization.

By Mr. DALLINGER: Memorial of Americans of Lithuanian birth, relative to appointment of a consul to be stationed in Lithuania, who can speak Lithuanian; to the Committee on Foreign Affairs.

By Mr. DOREMUS: Petition of Arthur Hathaway and sundry other citizens of Detroit, Mich., asking for discontinuance of the present target range in the city of Detroit, Mich.; to the Committee on Military Affairs.

By Mr. EAGAN: Petition of R. H. Sweet and sundry citizens

of the State of New Jersey, favoring passage of House bill 20080, for protection of migratory birds; to the Committee on Foreign Affairs

By Mr. FULLER: Petition of Stewart-Warner Speedometer

Co., of Chicago, Ill., opposing the proposed 8 per cent tax on profits; to the Committee on Ways and Means.

Also, petition of C. M. Parker, of Lincoln, Nebr., favoring passage of House bill 14428, to increase pensions of maimed soldiers of the Civil War; to the Committee on Invalid Pen-

Also, petition of National Farmers' Union, favoring the Burnett immigration bill; to the Committee on Immigration and

Also, petition of Dr. Aline Bradley, of Fairbanks, Alaska, favoring prohibition of the liquor traffic in Alaska; to the Com-

favoring prohibition of the liquor traffic in Alaska; to the Committee on the Territories.

By Mr. GALLIVAN: Petitions of sundry citizens of Boston, Mass., against passage of the Randall mail-exclusion bill, etc.; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Memorial of J. W. Eckenrode & Son, of Lancaster, Pa., against proposed increased taxes on mutual life insurance companies; to the Committee on Ways and Means.

By Mr. HAMLIN: Papers to accompany House bill 20583, to increase pension of Nancy C. Mays; to the Committee on Invalid Pensions.

lid Pensions.

By Mr. HAYES: Petition of voters of Santa Cruz and King City, Cal., against mail exclusion and prohibition bill; to the Committee on the Post Office and Post Roads.

By Mr. KONOP: Petition of Sam Green et al., of Seymour, Wis., asking for investigation of sisal industry and price of twine; to the Committee on Agriculture.

By Mr. LINTHICUM: Petitions of Sarah W. Weaver and other citizens of Maryland, favoring passage of House bill 20080, relative to migratory-bird protection; to the Committee on Foreign

Also, petitions of Charles R. Minn and Samuel H. Albert, of Baltimore, Md., against passage of the Randall mail-exclusion bill; to the Committee on the Post Office and Post Roads.

Also, petitions of Heineman Bros. and Schloss Bros. & Co., of Baltimore, Md., favoring appropriation for Government seed-breeding station at Greenville, Tex.; to the Committee on Agri-

By Mr. MEEKER: Petition of Carpenters' District Council of St. Louis, Mo., favoring appropriation for the Naturalization Bureau; to the Committee on Appropriations.

By Mr. MOON: Papers to accompany House bill 20704, for the relief of George W. Swafford; to the Committee on Invalid Pensions.

By Mr. MORIN: Petition of Mr. William Sumner Appleton, of Boston, Mass.; Miss Mary O. Darlington, of Sharpsburg, Pa.; and Mr. A. H. Robinson, of Pittsburgh, Pa., in support of the migratory-bird treaty bill; to the Committee on Foreign Affairs.

By Mr. POWERS: Petitions of Pentecostal Church, London; Epworth League, London; Young Men of Baptist Church, London; Baptist Sunday School of Livingston; Presbyterian Church and Sunday School of Livingston, all in the State of Kentucky, favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. PRATT: Petition of H. M. Champlin, Bank of Hammondsport, and sundry other business men and business firms of Hammondsport, N. Y., urging a referendum amendment to the District appropriation bill; to the Committee on the District of

Also, petition of Baptist Church of Snyder Hill, Tompkins County, N. Y., Rev. L. Rowe Williams, pastor, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Women's Christian Temperance Union of West Groton, N. Y., Mrs. Lorena Bossard, president, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Ladies' Aid Society, Snyder Hill, Tompkins County, N. Y., Mrs. S. P. Willsey, president, favoring national prohibition; to the Committee on the Judiciary.

By Mr. RANDALL: Memorial of Los Angeles (Cal.) Chamber of Commerce, favoring adequate protection of navigation on the

Pacific Ocean; to the Committee on Appropriations.

By Mr. REILLY: Memorial of Presbyterian Congregation of Omro, Wis., favoring bills prohibiting polygamy, etc.; to the Committee on the Judiciary.

By Mr. ROWE: Petitions of sundry citizens and business people of New York City, against passage of the Federal emergency-revenue measure in its present form; to the Committee on Ways and Means.

Also, petition of New York Produce Exchange, against literacy test in the immigration bill; to the Committee on Immigration and Naturalization.

STEENERSON: Memorial of Tri-County Farmers' Club, of Ulen, Minn., protesting against proposed embargo on foodstuffs and farm products; to the Committee on Interstate and Foreign Commerce.

By Mr. WARD: Petition of W. L. Comstock and others, of Hensonville, Big Hollow, and East Jewett, N. Y., favoring submission of a prohibition amendment to the Constitution of the United States to the States for their action; to the Committee on the Judiciary.

SENATE.

FRIDAY, February 2, 1917.

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the God of the nations of all the earth, we come to invoke Thy blessing upon us at this critical hour of our Nation's history. We pray that as Thou hast led us forth into a large place and established us in our national life upon the great principles of justice and righteousness Thou wilt still lead If Thou dost bring us to the point of testing the devotion of the heart of the Nation to the great changeless principles of righteousness, we pray that we may be found true, and that in every trial we may be willing to make such sacrifice as may be necessary to maintain that for which our Nation has been brought into existence. Guide us this day by the light of Thy Divine counsel. Bless those who are in places of great responsibility in this hour, and may the spirit of God rule over us and protect us from every evil way, and lead us in the paths of righteousness. For Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Wednesday, January 31, 1917, was read and approved.

REPORT OF CAPITAL TRACTION CO. (H. DOC. NO. 2009).

The VICE PRESIDENT laid before the Senate the annual report of the Capital Traction Co. for the year ended December 31, 1916, which was referred to the Committee on the District of Columbia and ordered to be printed.

CITY & SUBURBAN RAILWAY (H. DOC. NO. 2006).

The VICE PRESIDENT laid before the Senate the annual report of the City & Suburban Railway of Washington, D. C., for the year ended December 31, 1916, which was referred to the Committee on the District of Columbia and ordered to be

WASHINGTON RAILWAY & ELECTRIC CO. (H. DOC. NO. 2007).

The VICE PRESIDENT laid before the Senate the annual report of the Washington Railway & Electric Co. for the year ended December 31, 1916, which was referred to the Committee on the District of Columbia and ordered to be printed.

WASHINGTON INTERURBAN RAILWAY CO. (H. DOC. NO. 2012).

The VICE PRESIDENT laid before the Senate the annual report of the Washington Interurban Railway Co. for the year ended December 31, 1916, which was referred to the Committee on the District of Columbia and ordered to be printed.

GEORGETOWN & TENNALLYTOWN RAILWAY CO. (F. DOC. NO. 2013).

The VICE PRESIDENT laid before the Senate the annual report of the Georgetown & Tennallytown Railway Co. for the year ended December 31, 1916, which was referred to the Committee on the District of Columbia and ordered to be printed.

WASHINGTON & OLD DOMINION RAILWAY (H. DOC. NO. 2016).

The VICE PRESIDENT laid before the Senate the annual report of the Washington & Old Dominion Railway for the year ended December 31, 1916, which was referred to the Committee on the District of Columbia and ordered to be printed.

GEORGETOWN GAS LIGHT CO. (H. DOC. NO. 2010).

The VICE PRESIDENT laid before the Senate the annual report of the Georgetown Gas Light Co. for the year ended December 31, 1916, which was referred to the Committee on the District of Columbia and ordered to be printed.

CHESAPEAKE & POTOMAC TELEPHONE CO. (H. DOC. NO. 1931, PT. 2).

The VICE PRESIDENT laid before the Senate the annual report of the Chesapeake & Potomac Telephone Co. for the year ended December 31, 1916, to be substituted for the report submitted to the Senate on January 11, 1917, in which the results of the operations of the company for the month of December 31, 1916, were estimated, which was referred to the Committee on the District of Columbia and ordered to be printed.

POTOMAC ELECTRIC POWER CO. (H. DOC. NO. 2011).

The VICE PRESIDENT laid before the Senate the annual report of the Potomac Electric Power Co. for the year ended December 31, 1916, which was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 203) to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1917, with amendments, in which it requested the concurrence of the

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 20573. An act to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes; and

H. J. Res. 358. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect in March, 1917, etc.

SENATOR FROM RHODE ISLAND.

The VICE PRESIDENT. The Chair lays before the Senate the credentials of Peter Goelet Gerry, Senator elect from the State of Rhode Island, which will be inserted in the RECORD, and placed on the files of the Senate.

The credentials are as follows:

By his excellency, R. Livingston Beeckman, governor, captain general, and commander in chief of the State of Rhode Island and Providence Plantations.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, 1916, Peter Goelet Gerry was duly chosen by the qualified electors of the State of Rhode Island and Providence Plantations a Senator from said State, to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1917.

Witness: His excellency our governor, R. Livingston Beeckman, and our seal hereto affixed at Providence this 15th day of January, in the year of our Lord 1917.

By his excellency the governor:

[SEAL.]

R. LIVINGSTON BEECKMAN.

R. LIVINGSTON BEECKMAN. J. FRED PARKER, Secretary of State.

PETITIONS AND MEMORIALS.

Mr. ROBINSON. I present a petition from certain settlers upon the so-called Golden Lake area of alleged public lands in the State of Arkansas relating to controversies pending before the Commissioner of the General Land Office. I ask that this petition and the name of one of the petitioners be printed in the RECORD, together with a letter in response to the petition from the Commissioner of the General Land Office addressed to myself, explaining the situation of the controversy.

There being no objection, the petition and letter were referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

BASSETT, ARK., January 11, 1917.

To the Hon. JOE T. ROBINSON, United States Senate, Washington, D. C.:

United States Senate, Washington, D. C.:

The undersigned settlers upon Golden Lake, claimed as Government land, respectfully represent that many of them have been settlers on said area, claiming the same as United States public land for five years; that petition has been pending for a survey of said land for said length of time; that proof was taken about three years ago as to the character of the area and that the decision of the Register and Receiver of the United States Land Office held said land to be public land, on or about the 1st of February, 1915, and that said case was appealed by adverse claimants to the Commissioner of the General Land Office and the same has been pending ever since, before said office; that in the meantime numerous arrests have been made of the settlers, several of them have been incarcerated in jall, and within the past 60 days three more arrests, charging various settlers with trespass, have been made, and that a settled policy has now been adopted by the opposition to harass and annoy the settlers on said area.

In view of these facts, the undersigned feel that they are entitled to speedy action on the part of the General Land Office in order to set at rest the tumultuous condition prevailing in the community, and to adjudicate the rights of the settlers on this land.

We therefore respectfully ask and urge that you use your good offices as our representative in procuring speedy decision by the Commissioner of the General Land Office.

JOHN CREWS ROSE (And others).

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, Washington, January 27, 1917.

Hon. Joe T. Robinson.
United States Senate.

United States Scnate.

My Dear Senator: I have the honor to acknowledge the receipt of your letter of January 19, 1917, with which you inclosed a petition signed by 108 alleged settlers upon lands within the area of so-called Golden Lake, northeastern Arkansas, requesting that immediate action be taken by this office with a view to rendering a decision pertaining to the question of title to the lands therein, and in reply to your request to be advised fully relative to the status of the case I will state that the matter is now under consideration and that it is expected that a decision will be rendered by this office some time within the next 30 or 60 days.

Reference was made in the petition to the fact that a decision had

or 60 days.

Reference was made in the petition to the fact that a decision had been rendered by the register and receiver of the United States land office, Little Rock, Ark. I will state that a decision was not rendered by those officers, but that their action consisted merely in making a recommendation. The delay in this case is due to the fact that considerable work has been required in assisting in the preparation for suits of certain cases involving the question of title to the so-called sunk land and other certain so-called lake-land areas in northeastern Arkansas, and also to the fact that the record in the case involving the question of title to so-called Golden Lake is voluminous, and that the importance of the interests involved necessitate careful consideration thereof.

I am returning herewith the petition inclosed by you, as per your request.

Very respectfully,

CLAY TALLMAN,

CLAY TALLMAN, Commissioner.

Mr. ROBINSON presented a petition of sundry citizens of Fort Smith, Ark., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Cherry Valley, Ark., remonstrating against any change in the postal rate on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. POINDEXTER presented a petition of sundry citizens of Bellingham, Wash., praying for the adoption of certain amendments to the act creating the Mount Baker National Park, in the State of Washington, which was referred to the

Park, in the State of Washington,
Committee on Public Lands.

He also presented a petition of Pomona Grange, No. 210,
Patrons of Husbandry, of Trout Lake, Wash., praying for the
enactment of legislation to prevent railroads charging more for short hauls than long hauls, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Publishers' Convention of the Review and Herald Publishing Association, of the District of Columbia, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. WORKS. I have a telegram from the Chamber of Com-

merce of Sacramento, Cal., relating to the revenue bill that I ask may be printed in the Record and referred to the Commit-

tee on Finance.

There being no objection, the telegram was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

SACRAMENTO, CAL., February 1, 1917.

Hon. John D. Works, Washington, D. C.:

Inasmuch as life insurance companies organized or transacting business in California are now required to pay a State tax of 2 per cent

of their gross annual premium receipts, a Federal income tax of 2 per cent of their net annual incomes, a Federal excise tax of 50 cents per thousand dollars of paid-up capital, surplus, and undivided profits, besides numerous State licenses and department fees, we are convinced that the business of life insurance is already overtaxed and undue penalties imposed upon policyholders and their dependents. We therefore respectfully urge you to work and vote against incorporation in emergency revenue measure of any provision imposing additional taxes upon life insurance.

THE CHAMBER OF COMMERCE OF SACRAMENTO.

Mr. McCUMBER. I present a concurrent resolution adopted by the Legislature of the State of North Dakota, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the concurrent resolution was re-ferred to the Committee on Military Affairs and ordered to be

printed in the RECORD, as follows:

OFFICE OF SECRETARY OF STATE OF NORTH DAKOTA.

I, Thomas Hall, secretary of state of the State of North Dakota, do hereby certify that the following is a true and complete copy of a certain resolution adopted by the Senate and House of Representatives of the Fifteenth Legislative Assembly of the State of North Dakota on Saturday, January 27, 1917.

[SEAL.]

THOMAS HALL, Secretary of State. Concurrent resolution. (Introduced by Mr. Mostad.)

Concurrent resolution. (Introduced by Mr. Mostad.)

Whereas the rules and regulations of the War Department of the United States will not permit the soldiers of the National Guard who are returning from the Mexican border to wear their uniforms and overcoats after being mustered out of active service except when performing active duties as National Guardsmen; and Whereas the soldiers of the North Dakota regiment who have been stationed on the Mexican border are returning from a climate which is semitropical into a climate which is extremely cold; and Whereas these men will not be in a condition to stand the rigors of this northern climate without being warmly clothed, and many of them will not have the means wherewith to purchase the necessary clothing: Therefore be it Resolved, That we, the members of the Fifteenth Legislative Assembly petition the President of the United States, the Secretary of War, and Congress to pass the necessary laws or to issue the necessary orders that will give the soldiers their overcoats, or at least permit the use of said overcoats until climatic conditions have so changed that their wear will not be necessary: Be it further

Resolved, That the secretary of state be instructed to send a copy of these resolutions to the President of the United States, to the Secretary of War, and to each of our Senators and Representatives in Congress; that we urge our Representatives and Senators in Congress to use their efforts to bring about the results requested in these resolutions.

resolutions.

Mr. STONE presented petitions of sundry citizens of Missouri, praying for national prohibition, which were ordered to lie on

He also presented a petition of the congregation of St. James Evangelical Church, of St. Louis, Mo., praying for peace in Europe, which was referred to the Committee on Foreign Re-

He also presented a memorial of Local Union, No. 1226, United Mine Workers of America, of Novinger, Mo., remonstrating against the high cost of living, which was referred to the Committee on the Judiciary.

He also presented a petition of the Shoe Repairers' Association of St. Louis, Mo., praying for the placing of an embargo on leather, which was referred to the Committee on Foreign Rela-

He also presented a petition of Local Union No. 998, Brotherhood of Carpenters and Joiners of America, of Springfield, Mo., praying for the repeal of the draft clause of the so-called Hay-Chamberlain law, which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union of St. Louis, Mo., praying for the enactment of legislation to prohibit the interstate transmission of race-gam-bling odds and bets, and also for the Federal censorship of mo-tion pictures, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Carpenters District Council, of St. Louis, Mo., praying for the use of surplus funds from naturalization sources for the education of immigrants, which was ordered to lie on the table.

Mr. GRONNA. I have a telegram from the Commercial Club, of Fairbanks, Alaska, relating to the shipment of liquor in that

Territory, which I ask to have printed in the Record.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

FAIRBANKS, ALASKA, February 2, 1917.

Senator ASLE J. GRONNA, United States Senate, Washington, D. C.:

Informed Seattle papers published article sent you by Aline Bradley, of this place, stating people of interior want liquor shipments to interior prohibited after May 1. If such statements were made, entirely erroneous; no action taken or expression made by people of interior. Sentiment that of small clique. Believe, in justice to liquor merchants now in business, that importation of liquor should be permitted until

September; otherwise it means confiscation of their investment and dis-crimination against people of interior, as outside shipments can not be received until after July 1.

FAIRBANKS COMMERCIAL CLUB.

Mr. GRONNA presented a concurrent resolution of the legis-lature of North Dakota, praying that the National Guardsmen returning from the border may be permitted to wear their uniforms, and especially their overcoats, until climatic conditions change, making such clothing unnecessary, which was referred to the Committee on Military Affairs.

Mr. HUGHES presented petitions of sundry citizens of New Jersey, praying for the passage of the immigration bill over the President's veto, which were ordered to lie on the table.

He also presented petitions of sundry citizens of New Jersey, praying for national prohibition, which were ordered to lie on

He also presented petitions of sundry citizens of New Jersey, praying for the use of surplus moneys from naturalization sources for the education of immigrants, which were ordered to

lie on the table.

Mr. PHELAN presented a petition of the Merchants' Association of Fresno, Cal., praying for the enactment of legislation to develop and improve the national parks, which was referred to the Committee on Public Lauds.

He also presented a petition of the Federation of Churches of San Diego, Cal., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling odds and bets, which was referred to the Committee on Interstate Com-

PENSIONS AND INCREASE OF PENSIONS.

Mr. JOHNSON of Maine, from the Committee on Pensions, submitted a report (No. 1005) accompanied by a bill (S. 8113) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

eretofore referred to that committee:
S. 228. Clara Talbot.
S. 347. C. Ella Hartwell.
S. 1640. John Fleegle.
S. 1751. William J. Pfaff,
S. 1765. Lewis G. Smith.
S. 2279. John S. Miles.
S. 2324. Ella A. Paine.
S. 2604. John P. Hicks.
S. 2623. Abreham Swango. S. 2604. John P. Hicks.
S. 2623. Abraham Swango.
S. 2628. Peter Egan.
S. 2631. Samuel Tibbets.
S. 2651. Thomas F. Stockton.
S. 2672. Martha Beard.
S. 2676. George P. T. Douglas.
S. 2793. James C. Young.
S. 2795. Daniel E. Washburn, alias David E. Washburn.
S. 2814. Henry S. Lane.
S. 2836. William Smith.
S. 2923. Williamson R. Barton. S. 2836. William Smith.
S. 2923. Williamson R. Barton.
S. 2947. Henry Moullenhour.
S. 2967. Lillie N. Babbitt.
S. 3111. Charles Mallatte.

S. 3171. Charles Manatee,
S. 3171. William H. Beal,
S. 3173. Mary R. Rash,
S. 3227. John Willford,
S. 3274. Catherine C. Lay,
S. 3293. Joel A. Griffin,
S. 3319. Hiram Muir,
S. 3410. Lesse Danny S. 3419. Jesse Denny. S. 3420. William H. Branaman. S. 3720. William H. Drahaman, S. 3760. Berry H. Smith, S. 3993. Charles S. Thompson, S. 3994. Jonas O. Johnson,

S. 3994. Johas O. Johnson.
S. 4001. Joseph Beckwith.
S. 4002. Thomas J. Yount.
S. 4208. John A. Fike.
S. 4225. John P. Ham.
S. 4300. Otis B. Patterson.
S. 4317. Thomas J. Lowery. S. 4317. Thomas J. Lowery. S. 4354. Gustavus A. Kindblade. S. 4410. Alfred Slippey. S. 4521. Andrew F. Johnson. S. 4566. Lemuel Stokes. S. 4007. Patrick Kine.

S. 4613. Alphonzo J. Cunningham, S. 4687. Delano Myers.

S. 4737. Isaac Weaver.

 S. 4738. Niles H. Arnold.
 S. 4742. Jesse W. Casteel.
 S. 4849. Phylow A. Heath. S. 4905. William Brumette. S. 4914. John C. Smith. S. 4943. Jerome Goforth. S. 5061. John Christian Holmann.

S. 5112. John A. Vanderhoff. S. 5122. Samuel B. Swift. S. 5155. John Irvin.

S. 5267. James P. Hardin. S. 5276. Harvey W. Cory. S. 5284. Josiah Sadler. S. 5318. Elijah Cox. 8, 5470. Hugh Findlay. 8, 5587. Allen J. Freeland. 8, 5587. William Hanger. 8, 5694. George W. Hupp. 8, 5760. Paul Sullivan, alias Matthias G. Clark. 8, 5787. Mary C. Hill.

S. 5821. Emil Schincke. S. 5828. Garrett F. Cowan. S. 5849. John French. S. 5873. Lewis Fulton. S. 6084. William H. Hayes. S. 6134. Stephen O. Meyers. S. 6163. Mary J. Lynch. S. 6165. Charles H. Minson.

S. 6169. Charles A. Potter. S. 6269. George A. Crowley. S. 6295. James H. Colby. S. 6321. James Duke. S. 6325. Loren E. Steward. S. 6357. William H. Harris.

S. 6391. Whilam H. Harris.
S. 6401. Stephen Sutton,
S. 6409. Martin V. Rand.
S. 6427. Edward T. McClannahan,
S. 6428. John W. Munsell.
S. 6467. George W. Sperry.
S. 6478. Philip Zong.
S. 6524. Deniel Sheedy.

S. 6524. Daniel Sheesly. S. 6656. William Dougherty. S. 6689. Jerome Dornsife. S. 6705. Andrew G. Anderson, S. 6722. Alice R. Finney. S. 6734. Riley Damon.

S. 6753. Mary J. Pierson. S. 6768. William L. Holmes. S. 6772. Benjamin F. Goodwin.

S. 6772. Benjamin F. Goodwin.
S. 6774. Alvah Babbedge.
S. 6775. Stephen H. Goodridge.
S. 6778. Philander W. Danforth.
S. 6833. Henry H. Staubus.
S. 6844. Henry J. Austin.
S. 6887. Theodore M. Davis.
S. 6896. William F. Morgan.
S. 6898. King S. Hill.
S. 6902. Claudius Lane.
S. 6903. George H. Keniston.

Olinia Transco. S. 6903. George H. Keniston. S. 6904. Frederick E. Partridge. S. 6917. John O. Boubar, alias James Rockwell.

S. 6919. Benjamin F. Martin. S. 6927. Charles H. Dunton, S. 6927. Charles H. Duble.
S. 6928, Henry Ramsdell.
S. 6936. John G. Jackson.
S. 6937. Norris J. Thomas,
S. 6953. David F. Sanborn. 8. 6963. David F. Sanborn.
8. 6963. Abraham Frakes.
8. 6985. John A. Sears.
8. 7015. Thomas B. Wiggin.
8. 7019. John D. Whitted.
8. 7022. Peter Lynch.
8. 7036. Mary A. Cooper.
8. 7045. Francis J. Curtis.
8. 7048. James D. Fletcher.

S. 7048. James D. Fletcher.
S. 7048. James D. Fletcher.
S. 7052. John W. Laughlin.
S. 7055. Joseph A. Manning.
S. 7057. Christopher C. Brummet.
S. 7058. Charles F. Knowlton.
S. 7063. Asa L. Bushnell.
S. 7076. Egbert Hall.
S. 7083. Benjamin F. Spangler.
S. 7103. Lemnel C. Kittrell

S. 7103. Lemuel C. Kittrell, S. 7104. John M. James. S. 7105. Philip C. Cooter,

```
S. 7106. Benjamin F. White.
 S. 7110. Benjamin Johnson.
S. 7111. Sylvester E. Stone.
S. 7112. William P. Duncan.
 S. 7113. John A. Rice.
S. 7114. Josiah Brewer.
 S. 7119. Nannie C. Cole.
S. 7146. Andrew J. Persons.
 S. 4147. George H. Hatch.
S. 4147. George H. Hatch.
S. 7149. Henry D. Owen.
S. 7150. James H. Call.
S. 7159. Daniel E. Stoneburner.
 S. 7164. John J. Randall.
S. 7177. Charles H. Slocum.
S. 7178. David H. St. Clair.
S. 7180. William M. Robertson.
S. 7191. Bradford P. Sparrow.
S. 7192. Aaron Rowell.
 S. 7192. Aaron Rowell.
S. 7196. John M. Gowdy.
S. 7204. Robert Summerville,
S. 7206. William L. Miles.
S. 7207. Albert C. White.
 S. 7209. Moses Tarbox, jr.
S. 7210. George Tarbox.
 S. 7211. Samuel Wentworth.
 S. 7215. Patrick Murphy.
 S. 7217. Frank J. Davis.
S. 7219. Lester Holway.
 S. 7224. Nelson L. Nourse.
S. 7225. Henry H. Steward.
 S. 7241. Francis M, Whips.
S. 7243. Oluf Volkerts.
 S. 7246. Jeremiah Ferguson.
S. 7247. Perry Green.
S. 7252. John A. Crozier.
S. 7275. Hartman K. Wismer.
 S. 7278. Charles B. Greenhalgh.
S. 7303. John Eltzroth.
S. 7319. Carrie E. Carter.
S. 7324. Joseph Cook.
 S. 7325. James W. Divelbiss.
S. 7328. Emily S. Robinson.
S. 7325. Hally S. Robinson.
S. 7335. Jonathan A. Deaver,
S. 7335. Melisa Hogan.
S. 7341. Michael H. Carr,
S. 7344. James Olds.
 S. 7352. George M. Kelley.
S. 7363. Jane Smith.
S. 7369. Josiah Woodbury.
S. 7406. John Lee, alias James Riley,
S. 7416. Marion A. Holman,
S. 7417. William A. Black.
S. 7420. John G. Coburn.
S. 7421. Charles N. Spear.
S. 7422. Albert Adams.
S. 7431. Charles E. Brown.
 S. 7432. Annie Earnest.
S. 7435. Emerson G. Reeves.
 S. 7444. Robert Thomas.
S. 7469. Mary L. Campbell,
 S. 7474. Frederick Clark.
 S. 7476. Joseph E. Reynolds.
 S. 7480. Aletha E. Reynolds,
S. 7482. James R. Eaton.
      7493. Howard E. Hoadley.
7507. James A. Montgomery.
7509. James Hill.
S. 7509. James Hill.
S. 7533. James M. Goodrich,
S. 7539. Augustus Wagner.
S. 7542. Tarrence Murray.
S. 7543. John A. Schmitt.
S. 7544. Lena S. Fenn.
S. 7564. Emily N. Robinson,
S. 7568. Jennie M. Hobbs.
S. 7569. William Abbott.
S. 7585. George Whitcher.
S. 7585. George Whitcher,
S. 7585. George Whitcher,
S. 7599. Ellen A. Sawyer,
S. 7600. Caleb P. Nash.
S. 7603. Joseph Carter,
S. 7621. Angenette Barber,
S. 7648. Emma L. Porter,
S. 7660. Richard L. K. Grant,
S. 7661. George H. Nutting,
S. 7662. Albert S. Fornsworth
                     Albert S. Farnsworth.
       7662.
 S. 7665. Warren Seaward.
```

S. 7669. Alphonso Wingate. S. 7671. Joseph P. Dore. S. 7676. William H. Lindsey. S. 7677. Joseph D. Dunn. S. 7681. Edmond Gould. S. 7683. George W. Brawn. S. 7687. Barbara E. Wooddell. S. 7688. John Drown. S. 7688. John Drown.
S. 7689. Milton M. Adamson.
S. 7690. Aldrich S. Luther.
S. 7702. Margert S. Dustin.
S. 7704. Jennie A. Cressman.
S. 7715. Vilos E. Bryant.
S. 7725. Martha R. Griswold. S. 7725. Martina R. Griswold. S. 7734. Hiram J. George. S. 7739. Mary P. Moody. S. 7743. Thomas B. Jones. S. 7749. Charles H. Hack. S. 7765. Albert P. Sheldon. S. 7771. Joseph M. Donnohue. S. 7771. Joseph M. Donnol S. 7772. James Brooks. S. 7773. James Matox. S. 7787. James P. Taylor. S. 7792. James H. Drown, S. 7797. George M. Jaco. S. 7799. Charles Ellis. S. 7799. Charles Ellis.
S. 7800. Henry D. Baxter.
S. 7804. Ella R. Brown.
S. 7804. Ella R. Bridges.
S. 7812. Mary J. Welch.
S. 7819. George W. Cushman.
S. 7820. William J. Kelsey.
S. 7823. Franklin B. Nutt.
S. 7824. Abraham Bachelder.
S. 7835. William C. Hoffman. 7835. William C. Hoffman, 7865. Cyrillus B. Ayres. 7892. James Johnson. 7899. Daniel Loftis, 7900. George F. Thayer, 7903. Michael Burns. S. 7904. Michael Burns, S. 7904. George E. Cross, S. 7912. Ada M. Kennedy, S. 7913. Nelson W. Adams, S. 7916. David F. Rudd, S. 7931. Lucy E. McCord, S. 7977. Silas B. Garlick, S. 7978. Nathen H. Appeleb S. 7978. Nathan H. Applebee, S. 7984. Dallas Wamsley. S. 8018. Theodore A. Maltby. S. 8033. Charles Minor.

Mr. JOHNSON of Maine, from the Committee on Pensions, to which was referred the bill (H. R. 19937) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 1006) thereon.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. SMITH of Maryland. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, and I submit a report (No. 1004) thereon. I desire to say that it is my intention to call up this bill for consideration immediately upon the conclusion of the Agricultural appropriation bill conclusion of the Agricultural appropriation bill.

The VICE PRESIDENT. The bill will be placed on the

calendar.

PENSIONS TO COMMISSIONED OFFICERS (S. DOC. NO. 702).

Mr. CHILTON, from the Committee on Printing, to which was referred Senate resolution 327, submitted by Mr. Johnson of Maine on the 23d ultimo, reported it without amendment, and it was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That Senate Document No. 108, Fifty-sixth Congress, first session, entitled "Pensions to commissioned officers, etc., United States Army, etc.," with additions and corrections to January 1, 1917, be reprinted as a Senate document.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBINSON:

A bill (8. 8105) granting the consent of Congress to the Conway County Bridge District to construct, maintain, and operate a

bridge across the Arkansas River, in the State of Arkansas; to the Committee on Commerce.

By Mr. McCUMBER:

A bill (S. 8106) granting an increase of pension to Thomas Lovell (with accompanying papers); to the Committee on Pen-

A bill (S. 8107) for the relief of Edward Vanderhoof; and A bill (S. 8108) for the relief of William W. Rust; to the Committee on Public Lands.

By Mr. PAGE:

A bill (S. 8110) granting an increase of pension to Leroy S. Griswold (with accompanying papers); to the Committee on

A bill (S. 8111) granting an increase of pension to Alexander B. Tadlock; and

A bill (S. 8112) granting an increase of pension to Robert H. M. Donnelly; to the Committee on Pensions.

COAST SUBMARINES.

By Mr. POINDEXTER:

A bill (S. 8109) providing for the construction of 80 coast submarines and 20 fleet submarines.

Mr. POINDEXTER. Mr. President, I ask leave to say a

word in regard to the bill.

I have introduced it as a special provision to be in addition to any provision that may be made for additions to the Navy in the general naval appropriation bill. It provides that a portion of the submarines provided for in the bill shall be constructed on the Pacific coast. Regardless of any recent international incident, altogether in a general way, I wish to call attention to the fact that the Pacific coast is in a wholly unprotected condition. The provision of this bill for submaniance is producted to the condition. rines is probably the most economical that could possibly be conceived of for the protection of our coast. Of course, it is entirely supplementary to the other branches of the Navy. It is not intended in any way at all to take the place of naval vessels of other descriptions.

If the number of submarines provided for in the bill should be constructed the United States would have about 200 serviceable submarines, which is a small number compared to the number in some other navies of the world. The most complete guarantee of the defense of the country is strength at sea. Mastery at sea is complete defense at home. That proposition is so obvious and so axiomatic that I feel we can afford to expend the money necessary for the construction of this addition to the Navy, and that as a matter of fact we can not afford

The VICE PRESIDENT. The bill will be placed on the calendar.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SHAFROTH submitted an amendment proposing to increase the appropriation for horticultural investigations from \$62,740 to \$70,240, and that \$7,500 of this amount be available for a study of the cultivated and wild forms of potatoes occurring in the petato-producing regions of South America, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was ordered to lie on the table and be

Mr. WADSWORTH submitted an amendment authorizing the Postmaster General to have full authority to grant to any employee in the Postal Service not to exceed two weeks sick leave in any one year with pay, intended to be proposed by him to the Post Office appropriation bill (H. R. 19410), which was referred to the Committee on Post Offices and Post Roads

and ordered to be printed.

Mr. UNDERWOOD submitted an amendment proposing to amend the act of August 30, 1890, providing for an inspection of meats for exportation so as to authorize the Secretary of Agriculture to permit the admission of tick-infested cattle from Mexico, South and Central America, the islands of the Gulf of Mexico, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was ordered to lie on the table and be printed.

Mr. POINDEXTER submitted an amendment proposing to appropriate \$3,000 to be used in the destruction and eradication of the coules cricket in the State of Washington, intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was ordered to lie on the table and be printed.

He also submitted an amendment providing that \$4,000 shall be expended by the Secretary of Agriculture in cooperative work

in forage-crop investigation in the State of Washington east of the Cascade Mountains be used under the direction of the Office of Forage Crop Investigations of the Department of Agriculture in cooperation with the Washington State Experiment Station. etc., intended to be proposed by him to the Agricultural appro-priation bill (H. R. 19359), which was ordered to lie on the table and be printed.

RIVER AND HARBOR APPROPRIATION (H. R. 20079).

Mr. WORKS submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

Mr. RANSDELL submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

THE REVENUE.

Mr. SHIELDS submitted three amendments intended to be proposed by him to the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

Mr. UNDERWOOD submitted an amendment intended to be proposed by him to the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes, which was referred to the Committee on

Finance and ordered to be printed.

PROPOSED INTERNATIONAL TRIBUNAL.

Mr. SHAFROTH. I submit a resolution, which I ask be read at the desk and referred to the Committee on Foreign Relations. The VICE PRESIDENT. The resolution will be read. The Secretary read the resolution (S. Res. 346), as follows:

The Secretary read the resolution (S. Res. 346), as follows:

Resolved, That it is the advice of the Senate that the President should endeavor, after the close of the existing European war, to negotiate with a sufficient number of the sovereign States a treaty open to all nations providing for the establishment and support of an international tribunal which shall recognize and maintain the territorial integrity of each nation as it exists at the time of the ratification of such treaty as against foreign aggression, and shall have sufficient military and naval establishments and funds contributed by the signatory powers to enforce its decrees. Such treaty to provide that the signatory powers shall submit to such tribunal all disputes threatening war between them and that each nation shall select from the total membership equal and predetermined number of judges who shall be joined by another or other judges selected by mutual agreement or by lot; the decision of a majority of the judges thus selected shall constitute the decree of the tribunal and be final.

The treaty shall further provide that the naval and military establishments of the signatory powers shall be reduced to limits agreed upon and requisite for the enforcement of their domestic laws, peace and order.

The VICE PRESIDENT. The resolution will be referred to the Committee on Foreign Relations.

COUNTING OF ELECTORAL VOTES.

Mr. KERN. I submit a resolution, which I send to the desk and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 347), as follows:

Resolved, That the tellers on the part of the Senate authorized by the concurrent resolution of the two Houses relating to the counting of the electoral vote for President and Vice President of the United States be appointed by the President of the Senate.

The resolution was agreed to.

The VICE PRESIDENT. The Chair appoints as the tellers on the part of the Senate the Senator from Indiana [Mr. Kern] and the Senator from Vermont [Mr. DILLINGHAM].

DEALING IN COTTON FUTURES.

Mr. SMITH of South Carolina. I ask that Senate resolution 345, that went over on yesterday, be now taken up.

The VICE PRESIDENT. The Chair lays before the Senato

the following resolution coming over from yesterday.

The Secretary read Senate resolution 345, submitted yesterday by Mr. SMITH of South Carolina, as follows:

Whereas complaint has come from farmers, merchants, business organizations, and also a memorial from the Legislature of South Carolina complaining that the practice of the New York Cotton Exchange in buying and selling contracts below what local spot cotton can be bought in the South; and

Whereas this practice is demoralizing to the domestic and foreign cotton trade, in that it makes impossible legitimate hedging against purchase and sale: Therefore be it

Resolved, That the Attorney General is hereby directed to proceed at once to investigate the transactions in buying and selling contracts on the New York Cotton Exchange and ascertain whether such transactions are unlawful and in restraint of trade.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE PRESIDENT. There is a continuing order of the Senate that immediately following the reading of the Journal on the 22d day of February of each year Washington's Farewell Address shall be read in the Senate by a Senator who is designated for the purpose by the Presiding Officer. The Chair designates for the reading of such address this year Mr. Works, the Senator from California.

NIGHT SESSION FOR THE CALENDAR.

Mr. ROBINSON. Mr. President, I desire to submit a request for unanimous consent.

I ask unanimous consent that not later than 6 o'clock this afternoon the Senate be in recess until 8 o'clock this evening; that upon the reconvening of the Senate after the recess it shall be in order to consider unobjected bills and resolutions on the calendar under Rule VIII; and that not later than 11 o'clock to-night the Senate be in recess until 11 o'clock to-morrow.

The VICE PRESIDENT. The Senator from Arkansas submits a request for the following unanimous-consent agreement: That not later than 6 o'clock this evening the Senate take a recess until 8 o'clock this evening, at which time unobjected bills upon the calendar under Rule VIII shall be considered, and that not later than 11 o'clock to-night a recess be taken until 11 o'clock to-morrow.

Mr. SMOOT. Mr. President, I merely wish to ask the Senator to include in the request that we begin with the calendar

at Order of Business 763, where we left off.

Mr. CHILTON. I will object if that is done.

Mr. SMOOT. Then I will withdraw the suggestion and allow all the bills, and so forth, to be gone over again that we went over the last time.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

SOUTH CAROLINA BOLL WEEVIL COMMISSION (S. DOC. NO. 701).

Mr. TILLMAN. On January 31 the Senator from West Virginia [Mr. Chilton] reported from the Committee on Printing Senate resolution 312 and it was considered and agreed to. I move that the vote by which the resolution was adopted be reconsidered in order that I may move certain amendments.

The VICE PRESIDENT. The motion to reconsider is

agreed to.

Mr. TILLMAN. In line 3 of the resolution, before the words of Clemson," I move to strike out "Thirty" and insert "Twenty," and in line 4, after the word "printed," insert "with accompanying illustrations."

The VICE PRESIDENT. The question is on the adoption

of the amendments.

The amendments were agreed to.

The resolution as amended was agreed to, as follows:

Resolved, That the manuscript entitled "Report of the South Carolina Boll Weevil Commission, Bulletin No. 20 of Clemson Agricultural College, of South Carolina," be printed, with accompanying illustrations, as a Senate document.

EULOGIES ON THE LATE REPRESENTATIVES BROWN AND MOSS.

Mr. CHILTON. Mr. President, I wish to give notice that on Saturday, the 24th of February, I will ask the Senate to take appropriate action upon the life and character of the late William G. Brown, Jr., and the late Hunter H. Moss, Jr., Representatives from West Virginia in Congress, who have died during the present session.

THE INAUGURATION.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 203) to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1917, which were, on page 1, line 3, to strike out "\$35,000" and insert "\$23,000," and on page 2, line 22, to strike out "\$5,000" and insert "\$2,000." Mr. WALSH. I have been requested by the Senator from Maryland [Mr. SMITH] to ask that the Senate concur in the

amendments of the House

The VICE PRESIDENT. The amendments are concurred in.

HOUSE BILL AND JOINT RESOLUTION REFERRED.

H. R. 20573. An act to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes, was read twice by its title and referred to the Committee on Finance.

H. J. Res. 358. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect in March, 1917. etc., was read twice by its title and referred to the Committee on the District of Columbia.

REGULATION OF IMMIGRATION-VETO MESSAGE.

The VICE PRESIDENT. Is there further morning business? If there be none, the morning business is closed.

Mr. SMITH of South Carolina. Mr. President, I ask that the message from the House of Representatives with reference to the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States, be now laid before the Senate

The VICE PRESIDENT. As is the duty of the Chair, the Chair lays before the Senate the message from the House of Representatives referred to by the Senator from South Carolina, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES
OF THE UNITED STATES,
February 1, 1917.

The President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States, with his objections thereto, the House proceeded, in pursuance of the Constitution, to reconsider the same; and Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Mr. LODGE. Mr. President, I ask for the reading of the President's veto message, as the Constitution requires.

The VICE PRESIDENT. The Chair thinks it is the duty of the Chair now to direct that the message of the President of the United States (H. Doc. No. 2003) be read.

The Secretary read as follows:

To the House of Representatives:

I very much regret to return this bill (H. R. 10384, "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States") without my signature. In most of the provisions of the bill I should be very glad to concur, but I can not rid myself of the conviction that the literacy test constitutes a radical change in the policy of the Nation which is not justified in principle. It is not a test of character, of quality, or of personal fitness, but would operate in most cases merely as a penalty for lack of opportunity in the country from which the alien seeking admission came. The opportunity to gain an education is in many cases one of the chief opportunities sought by the immigrant in coming to the United States, and our experience in the past has not been that the illiterate immigrant is as such an undesirable immigrant. Tests of quality and of purpose can not be objected to on principle, but tests of opportunity surely may be.

Moreover, even if this test might be equitably insisted on, one of the exceptions proposed to its application involves a provision which might lead to very delicate and hazardous diplomatic situations. The bill exempts from the operation of the literacy test "all aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith." Such a provision, so applied and administered, would oblige the officer concerned in effect to pass judgment upon the laws and practices of a foreign Government and declare that they did or did not constitute religious persecution. This would, to say the least, be a most invidious function for any administrative officer of this Government to perform, and it is not only possible but probable that very serious questions of international justice and comity would arise between this Government and the Government or Governments thus officially condemned should its exercise be attempted. I dare say that these consequences were not in the minds of the proponents of this provision but the provision separately and in itself renders it unwise for me to give my assent to this legislation in its present form.

WOODROW WILSON.

THE WHITE HOUSE, January 29, 1917.

The VICE PRESIDENT. The question is, Shall the bill pass on reconsideration? The Constitution requires that a yea-and-

nay vote shall be had on the question.

Mr. REED. Mr. President, I hope that this matter may go over at least until to-morrow. I desire to submit some remarks upon it. It has been impossible, on account of some important matters, for me to be in the Senate for the last two days or to give any attention to the particular veto message that is now before us. Indeed, I have just heard it read for the first time.

In addition to that, my colleague, the Senator from Missouri [Mr. Stone], has been absent, and while I do not speak with authority, I feel sure that he will desire to say something on this veto message. He is, I understand, now on his way from Missouri to Washington, and will, I think, arrive some time during the afternoon. I have not the slightest desire to delay a vote on the reconsideration of the bill on the veto further than is necessary to address myself to the message.

I do not think that I should take over probably an hour of time to complete my remarks, but I am not prepared to speak this morning. If the matter can go over until to-morrow, I shall then be prepared to proceed. I ask the chairman of the commit-

tee to allow the matter to go over until to-morrow.

Mr. SMITH of South Carolina. Mr. President, this matter, as of course is well known to every Senator, is one which has been before us more or less continuously for 20 years. Every phase of it has been thoroughly discussed. The grounds for the President's veto are in part the very grounds of the previous vetoes Several Senators have indicated to me a desire that we should have a vote at once, if possible. I have no desire to cut off any speech, but on account of the pressure of time and the necessity for as great expedition as possible I feel it to be my duty to insist that we shall dispose of this matter as speedily as may be. Of course it is to be left entirely with the Senate to decide; but I shall insist that this matter shall be brought to as speedy a conclusion as possible. The Senator from Missouri has indicated a desire that it go over until to-morrow. It would be almost impossible for us to consider it to-morrow, that being Saturday, in view of matters which are pressing. On Monday other Sena-tors have indicated their desire to be absent on account of pressing engagements which they had made, not knowing at what time this bill would be before us.

I am sure the Senator from Missouri appreciates the fact that prompt action is essential, and that the Senate, outside of himself perhaps, are ready for a vote. I know of no other Senator to add anything to the literature of this 20-year discussion. Therefore, with all due respect to the request the Senator has made for my consent to a postponement, while I shall have to allow the Senate to take such action as it sees fit, for myself I shall insist that we proceed with the consideration of the matter.

Mr. REED. Mr. President, the Senator is in error when he states that this bill has been before Congress for over 20 years.

Mr. LODGE. Mr. President, will the Senator from Missouri allow me to interrupt him?

Mr. REED. Yes.

Mr. LODGE. In 1896 I had charge of a bill containing the literacy test, a bill substantially like this, which was vetoed by President Cleveland. It has been discussed certainly, within my knowledge, from that day to this, a little over 20 years.

Mr. REED. Mr. President, there has been an immigration

Mr. LODGE. But it contained the literacy test.

Mr. REED. There has been an immigration bill before Congress in one form or another during the period of time the Senator states, or approximately that period, which is just what I was going to say, but this bill is not identical with the other bills. It is true that it contains one of the elements of the other bill, the literacy test; but this bill has many other elements in it and affects hundreds of thousands and millions of people who were not affected by the old bills, and it is in that light and with reference to those phases that I want to be heard.

The President vetoed this bill, and his message is entitled to careful and respectful consideration. There is no occasion for any tremendous haste; there is no emergency confronting the country; there is no great influx of immigration threatened within the next three or four days; we will not be overwhelmed by hordes of ignorant foreigners within the next three or four days; we will suffer nothing by giving to the President's mes-sage a decent consideration; and if the votes are here after discussion to pass this iniquitous and outrageous bill over the President's veto, they will be here, and they can be effectively

There are some other reasons why we ought to proceed with a little care, and I might say, in the first place, one of those reasons is that you will save no time by attempting to force a

You will not get a vote to-day.

Mr. SMITH of South Carolina. Mr. President, if the Senator will allow me, I am entirely indifferent to any threat of that kind, because I am simply attempting to discharge my duty as I see it. The time of this session is very short; and of all the matters that could be brought before us, this is the best understood. If the Senator wants to assume the responsibility of filibustering on this bill, or delaying it on account of the request I have made that we should have immediate consideration of the subject, I think I can safely say that no other business will be transacted until this bill, which meets the overwhelming approval of both the other House and of this body, has been disposed of. The responsibility of delaying the orderly discharge of the business that is pressing upon us will then not lie at my door.

Mr. REED. Well, Mr. President, I made no threat, but the Senator makes one in very direct terms; and let me say to him that, not professing to possess that high courage which he attributes to himself, I have no fear either of threats. I have proffered a very reasonable request that this matter shall go over until to-morrow. I have said that if it does go over until to-morrow I shall make my remarks in a very limited space of

Mr. SMITH of South Carolina. Mr. President, if the Senator will allow me, let me submit this proposition to him, that we take a vote of the Senate as to whether or not it desires that this matter shall go over. I am perfectly willing to submit it to the tribunal that has the matter in charge.

Mr. REED. We may have to take that vote; and after having preferred my request to the Senator I intended to submit

the matter to a vote.

Mr. LODGE. Mr. President-

The VICE PRESIDENT. Does the Senator from Missourl yield to the Senator from Massachusetts?

Mr. LODGE. No; I do not want to interrupt the Senator. I was only going to make a suggestion.

Mr. REED. I am entirely willing to yield.

Mr. LODGE. I was merely going to suggest that this is a matter which, of course, the Senate must dispose of. It seems to me that if the Senator desires to be heard time ought to be allowed to him, of course, to be heard; but I do think that this matter ought not to be postponed unless a time is fixed for taking a vote.

Mr. REED. I am agreeable to that. Mr. LODGE. If that can be brought about, I see no objection, and I offer that suggestion to the Senator from South Carolina that we fix a time to take the vote.

Mr. REED. What time would the Senator suggest? Mr. LODGE. Well, I should say to-morrow at 3 o'clock. Mr. REED. I would suggest a little later hour than that, because there ought to be time allowed for a few of the Members of the Senate who may want to be heard to speak upon

it within reasonable limits.

Mr. LODGE. It is only that to-morrow will be Saturday, when there is apt to be rather a thin attendance. Otherwise, I would be willing to fix any hour.

Mr. REED. Well, how would Monday at 3 o'clock do? Mr. LODGE. I am not chairman of the committee, but if an

hour could be fixed I would agree to the request.

Mr. SMITH of South Carolina. Mr. President, I do not see any objection to fixing 3 o'clock to-morrow as the time to vote. The only fear I have is that there may be at that time a slim attendance, but I presume that that could be obviated by giving notice now and let the Members of the Senate understand that we will begin voting on this question to-morrow promptly at 3 o'clock. It has been suggested that the matter go over until As to-morrow will be Saturday, if it is agreeable to those interested in discussing the question, I will suggest, then, that the vote be taken at 4 o'clock on Monday.

Mr. REED. That is agreeable to me.

The VICE PRESIDENT. The Chair must make a suggestion. The Chair suggests that the laying down of this message from the House of Representatives be withdraw from the record of to-day and stricken out, because the Chair has a very distinct opinion that the Constitution of the United States requires that when we take up a matter of this kind we have got to go ahead with it. The Chair is very clearly of the opinion that we have not any right to delay a matter of this sort when it is once taken up for consideration. The Chair is not offering an objection to going on on Monday, but the Chair thinks that if the matter is postponed until that day the record of to-day should be stricken out, and that the Chair should lay the message down on Monday.

Mr. REED. I ask unanimous consent that the record of to-day with reference to this bill be expunged, and that on Monday at 4 o'clock the Senate proceed to vote upon the bill.

Mr. WORKS. Mr. President, it seems to me that it would be a rather remarkable proceeding on the part of the Senate to undertake to evade a constitutional requirement by expunging part of its record. I should not like to see anything of that sort done, myself. I think it would be very much better for the Senate to proceed in regular order, as suggested by the Chair, rather than to take a step of that kind; and if unanimous consent is asked I shall certainly object so far as the record being expunged is concerned.

Mr. SMITH of South Carolina. Mr. President, do I understand that the Chair ruled that once the matter was laid before the Senate we would have to proceed to its consideration, or withdraw the laying of the message before the Senate?

The VICE PRESIDENT. No; the Chair was not proposing definitely to rule upon the question. The Chair was stating that it was the Chair's opinion that it was the duty of the Senate to proceed, but unless it could be adjusted the Chair was proposing to leave that question to the Senate. The Chair thought he had no right, in view of the constitutional provision, to let it pass by without calling attention to it.
Mr. LODGE. Mr. President, I think when the veto of Presi-

dent Taft on this same bill was before the Senate it was then held, in practice at least, that we could fix a time to take a

vote; and it went over a day, I think.

The VICE PRESIDENT. And that that was a fair construction of the word "proceed"?

Mr. WALSH. Mr. President— Mr. LODGE. That was the construction given to it in practice. I do not think there was any ruling on it. The language of the Constitution is "shall proceed"; and it has always seemed to me that the strict construction would mean that they shall proceed at once; I mean, that the matter should take precedence and be dealt with; but I do not think there is a direct ruling upon that point.

The VICE PRESIDENT. It is not a matter of any moment to the Chair, and the Chair hopes that will be understood; but

it is a matter that ought to be settled now.

Mr. WALSH. Mr. President, I was going to say that I had in mind the language of the Constitution when the Chair made the suggestion which he did; but I think the language is to be construed with reference to the other language, which gives to the Senate the power to determine the rules of its proceedings; and if it adopts a rule in relation to this matter, it occurs to me that that falls within the requirements of the Constitution. But it does seem to me that in any case, Mr. President, we could hardly admit the proposition that as soon as a message comes here we must dismiss the consideration of everything, no matter how transcendently important it may be, for the consideration of the veto message of the President, possibly on some utterly unimportant local measure.

The VICE PRESIDENT. The Chair is now satisfied with

what the Chair has said; and if the Senator from Missouri will be kind enough to withdraw the portion of his request as to striking out the record, the Chair will have the roll called to see whether the hour of 4 o'clock on Monday can be set for the

vote.

Mr. REED. I do. I ask unanimous consent that the Senate proceed to vote upon the bill H. R. 10384, which has been vetoed by the President, on Monday next at 4 o'clock.

The Secretary. The Senator from Missouri asks unanimous

consent that on Monday, February 5, 1917, at not later than 4 o'clock p. m., the Senate will proceed to vote upon the question, Shall the bill H. R. 10384 pass on reconsideration?

The VICE PRESIDENT. Is there any objection?

Mr. LODGE. "The objections of the President to the contrary notwithstanding.

Mr. BRANDEGEE. That was not the request of the Senator. The Senator said "at 4 o'clock."

"At 4 o'clock." I did not say "not later than 4 Mr. REED. o'clock.'

Mr. GALLINGER. Does that preclude the opportunity for discussion at any time?

Mr. REED. Not between this time and 4 o'clock on Monday. It would not preclude the possibility of discussion between now and 4 o'clock on Monday.

Mr. GALLINGER. But it will not be before the Senate, will it? If we make an order to vote on it at 4 o'clock, it is on the table in the meantime.

Mr. REED. I apprehend it would be subject to discussion under the general rules of debate in the Senate. Anybody can speak on it.

Mr. LODGE. It can be laid before the Senate at any mo-

ment on motion of the chairman.

Mr. SMITH of South Carolina. Do I understand that this motion is that at 4 o'clock on the 5th of February the actual voting shall begin, and that all debate or discussion of it shall precede that honr?

Mr. REED. Certainly.

Mr. SMITH of South Carolina. Very well.

Mr. WALSH. Mr. President, it occurs to me that the concluding language of the proposed unanimous-consent agreement is quite inapt. It may be in accordance with the precedents here, but this is not a reconsideration at all. It occurs to me that that language should be stricken out, and the question should be, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. LODGE. That is the vote, and that is the way it ought to be expressed; but if the Senator will allow me—
The VICE PRESIDENT. That is not the Constitution, and

that is not the way it has ever been done heretofore.

Mr. LODGE. If the Senator will allow me, the language of the Constitution is "reconsider"; and that was held by Mr. Carlisle, who was one of the ablest parliamentarians that ever occupied the chair of the House, that "reconsider" meant "consider again"; that it could not be used in the narrow parliamentary sense, because there was no opportunity to reconsider in a vote.

Mr. REED. My request was a very simple one. I do not know what the language is as the Secretary wrote it; but my request was that at 4 o'clock on Monday we proceed to vote upon the bill H. R. 10384.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Martin, Va. Martine, N. J. Myers Nelson Norris Oliver Overman Ashurst Gallinger Smith, Md. Smith, Mich. Smith, S. C. Gronna Harding Hitchcock Hollis Beckham Brady Brandegee Smoot Sterling Sutherland Thomas Thompson Tillman Vardaman Wadsworth Bryan Chamberlain Hughes Husting Chilton Clark Overman James Page Pittman Johnson, S. Dak. Colt Culberson Cummins Poindexter Ransdell Kenyon La Follette Curtis Dillingham du Pont Fall Reed Robinson Walsh Lane Lee, Md. Lewis Warren Watson Saulsbury Shafroth Weeks Williams Fernald Lodge McCumber Sheppard Simmons

Mr. CURTIS. I desire to announce that the junior Senator from Connecticut [Mr. McLean] is absent on account of illness. will ask to have this announcement stand for the day.

Mr. MARTINE of New Jersey. I wish to announce that the Senator from Oklahoma [Mr. Gore] is absent owing to illness.

I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty-eight Senators have answered to the roll call. There is a quorum present. The Senator from Missouri [Mr. Reed] presents a request for the following unanimous-consent agreement.

The SECRETARY. The Senator from Missouri asks unanimous consent in the following words: That at 4 o'clock on Monday we

proceed to vote upon the bill H. R. 10384.

Mr. LODGE. Mr. President, I think that request for unanimous consent ought to be put in the form in which the question is put by the Chair under the precedents and under the Constitution.

Mr. ROBINSON. What is the bill?

Mr. LODGE. The immigration bill-whether the bill shall pass, the objections of the President to the contrary notwithstanding.

The VICE PRESIDENT. The Chair, of course, does not think that is the question.

Mr. LODGE. I was only taking it from the precedents of the Senate

The VICE PRESIDENT. The precedents are not that way. The precedents are that the question before the Senate shall be, Shall the bill pass on reconsideration?

Mr. WALSH. Mr. President, this is a very small matter; the particular form is of no great consequence; but I am very sure that that language does not express the idea conveyed by the Constitution. The Constitution provides that if the bill is vetoed by the President it must be presented with his objections to that

House in which it originated, which House shall proceed to reconsider it. That means to talk about it, to debate it. goes on to say that after such reconsideration-when the reconsideration is entirely completed and ended and out of the wayif it shall be adopted by two-thirds, it shall become a law. the question is not, Shall the bill pass on reconsideration? It is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

The VICE PRESIDENT. Where is the constitutional au-

thority for that?

Mr. WALSH. I read from section 7 of Article I:

Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States. If he approve, he shall sign it; but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal and proceed to reconsider it.

Now.

If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if ap-proved by two-thirds of that House it shall become a law.

The Constitution clearly provides that there shall be a reconsideration of the bill, a renewal of the debate upon the bill, and then, after that debate is concluded and the reconsideration is ended, that there shall be a vote upon it.

Mr. LODGE. The Senator agrees with me that it is a re-

consideration in the sense of considering again?

Mr. WALSH. Undoubtedly. "Considering" means to think about it; and you vote after the reconsideration is concluded.

The VICE PRESIDENT. There is not any doubt about that. The only question that can possibly arise is whether the Constitution means that after it has been reconsidered the bill shall pass, or whether the bill shall pass the veto of the President of the United States to the contrary notwithstanding. The Chair is saying that there is not anything in the Constitution that authorizes the Chair in anywise to refer in putting the question to the veto of the President of the United States.

Mr. LODGE. Mr. President, if the President will permit me, I was led to think that it was the usual form which is stated in the Precedents of the United States Senate, at the

bottom of page 610:

The President Officer. Shall this bill pass, the objections of the President of the United States to the contrary notwithstanding? * * * Two-thirds of the Senators present having voted in the affirmative, the bill is passed, notwithstanding the objections of the President, and the title will be agreed to, if there be no objection.

Yesterday in the House-

The SPEAKER. Those in favor of passing this bill over the President's

Which is the same thing-

will, when their names are called, answer "yea."

I think that is the usual form of putting the question; but

that is a detail which is not important.

Mr. REED. Mr. President, it seems to me that we are taking time upon matters that are utterly immaterial. The plain purpose of the Constitution is that when a bill has been vetoed it shall come back to the House in which it originated, and that House shall proceed to again vote upon that bill. Now, what difference does it make whether in putting the question "Shall the bill pass?" it be put in the form "Shall the bill pass?" or "Shall the bill pass notwithstanding the veto of the President?" or "Shall the bill be passed over the President's The exact form is not material.

Mr. GALLINGER. I will ask the Senator if there is no ·difference inasmuch as it requires a two-thirds vote to override the veto and a majority vote would pass the bill?

Mr. REED. It will require that vote in any event, but what will control is the fact with reference to the situation of the bill instead of the exact form of the vote. If the bill is before us at all now, having once passed Congress, it is because the President has sent it back, and he has sent it back in the only way he could send it back—by vetoing it. Therefore, it comes before us a vetoed bill. When we vote on it we vote on it as a vetoed bill. Whether the Chair in putting the vote says "Shall the bill pass notwithstanding the veto?" or "Shall the bill be passed over the veto?" or "Shall the bill be passed?" it seems to me the form is immaterial.

Now, one word more and then I am through. It was with that view I framed the unanimous-consent agreement that we shall proceed to vote upon the bill. If it is deemed necessary to put it in the form "Shall the bill pass notwithstanding the veto?" we are voting upon the bill. If it should be in the form Speaker Clark put it yesterday, "Shall the bill be passed over the President's veto?" we are voting upon the bill. The

language that I employed is broad and general language which will permit a vote.

The VICE PRESIDENT. The Chair does not care how it is

put. It can be put in any way.

Mr. LODGE. Mr. President, the unanimous-consent agreement in the form asked for by the Senator from Missouri is the ordinary passage of a bill. This is the passage of a bill

over the veto, which is a very different thing.

The VICE PRESIDENT. Let the Senator put that in then.

Mr. LODGE. I should object to the unanimous consent unless it expresses that this is the passage of the bill over the veto, in accordance with the form prescribed by the Constitution.

The VICE PRESIDENT. The Secretary will restate the unanimous-consent agreement now.

The Secretary. The Senator from Missouri asks unanimous consent-

That on Monday, February 5, 1917, at 4 o'clock p. m., the Senate will proceed to vote upon the question, "Shall the blit (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States, pass, the objections of the President of the United States to the contrary notwithstanding?"

Mr. REED. That is entirely satisfactory.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the agreement is entered into.

Mr. REED. I desire to give notice that to-morrow morning as soon as the business of the Senate will permit I shall ask permission to address the Senate upon the veto message of the President.

Mr. REED subsequently said: I ask that the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States-the immigration bill-be printed as the bill was presented to the President of the United

States for his signature.

The VICE PRESIDENT. Without objection, that order will

be made.

MESSAGE FROM THE HOUSE.

message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House had passed the bill (S. 7963) to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Stephens of Texas, Mr. Carter of Oklahoma, and Mr. Campbell managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 20453) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Sherley, Mr. Rauch, and Mr. GILLETT managers at the conference on the part of the House.

INDIAN APPROPRIATIONS.

The VICE PRESIDENT laid before the State the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ASHURST. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the

Chair.

The motion was agreed to, and the Vice President appointed Mr. ASHURST, Mr. MYERS, and Mr. CLAPP conferees on the part of the Senate.

FORTIFICATIONS APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 20453) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses

Mr. BRYAN. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the

The motion was agreed to, and the Vice President appointed Mr. BRYAN, Mr. UNDERWOOD, and Mr. OLIVER conferees on the part of the Senate.

WATER-POWER DEVELOPMENT.

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. WALSH. I move that the Senate proceed to the consideration of House bill 408, the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. FALL. Mr. President, I do not propose to attempt to deliver a set speech upon the subject now pending. This proposed law has been very thoroughly discussed already by eminent Senators. The debate has continued for some time. are several propositions involved in the pending legislation which I think merit very serious consideration and justify all the time that has been taken by this body in the consideration of the proposed bill, and, as a matter of fact, justify giving to

this measure all the time necessary for a final settlement.

Mr. President, the question of the disposition of the public lands of the United States long prior to this particular session of Congress and the last session has received merited consideration. The policy with reference to the disposition of the public lands and the settlement of public-land States was adopted after a report made to the Senate of the United States in 1846. We have a certain school of public men in this country who, of course, naturally are born and exhibit themselves in a democracy, who are not governed by any precedent, who are restless under any restraint, and are always making new discoveries in

the field of politics and government.

Prior to 1846 we had a different system for the disposition of the public lands and the public resources of the country from that which has obtained since. The same contentions exactly for the retention by the Government of the United States of the control over and ownership of its public resources were agitated long prior to the birth of some of the eminent gentlemen who are engaged now in carrying on that propaganda through the public press and in the Congress of the United States and in the Departments of the United States.

For instance, with reference to mining, prior to 1846 the Government of the United States established the policy or practice of leasing its mines, not selling outright, not allowing the individual to acquire the right of ownership. Even in lead mines, for example, the argument was just as we hear it now with reference to the retention by the United States Government for naval purposes of oil lands, that the Government of the United States needed the lead with which to make bullets, and therefore it should retain its property in all lead mines throughout the United States. Legislation of this character was enacted and the Government proceeded to lease the mines.

Mr. SHAFROTH. I suggest to the Senator that in the very act concerning the leasing of the lead mines in Missouri, under the theory that it was a governmental function in the manufacture of munitions of war, it was expressly provided that there should be a portion in kind, and they would take that

much of the lead.

Mr. FALL. Exactly. It is the same argument exactly that was used here by the Senator from Montana, for example, in following out the theories of the department in undertaking to enact into legislation a proposition allowing a Government monopoly in radium-bearing ore. The same proposition is now pending before the Naval Affairs Committee after coming from the Public Lands Committee with reference to the leasing of the oil land. The same propositions exactly were discussed here for 40 years in this Chamber, and finally once for all, as we thought, or it was thought, at least, by those who were legislating here at that time, definitely settled after the incoming of the Breese report made by the committee of this body of which the then Senator from Illinois, afterwards, I believe, chief justice of that State, was the chairman.

It was after the world had been electrified by the great speech Daniel Webster made in reply to Hayne upon exactly this proposition, the proposition of the disposition of the public lands of the United States, because the Senator saw the opportunity to urge upon the people of the United States the preservation of and that apparently the supply is yet sufficient to facilitate the

this great Union. His speech upon that phase of the subject aroused the enthusiasm of all the citizens alike all over the United States in every section, but the cause of the controversy was lost sight of. We have all forgotten, unless we have had occasion to read the contemporaneous history, that the subject under discussion was the Foote resolution with reference to the public-land laws and the public-land surveys and the general subject of the disposition of the public lands.

I am going to read one or two extracts from the Breese report. January 27, 1846, in the Senate of the United States, Mr. Breese made the following report from the Committee on Public Lands. I am not going to undertake to go into it fully, Mr. President. It is a very lengthy, a very interesting, and a very instructive report. I have some extracts from it. Among other

things the committee used the following language:

things the committee used the following language:

Your committee will not enter upon the argument of it and will dismiss it with the single remark that when the United States accepted the cession of the Northwestern Territory, the acceptance was on the express condition and under a pledge to form it into distinct republican States, "and to admit them as members of the Federal Union, having the same rights of freedom, sovereignty, and independence as the other States." This pledge, your committee believe, would not be redeemed by merely dividing the surface into States and giving them names, but it includes a pledge to sell the lands, so that they may be settled and thus form States. No other mode of disposing of them can be regarded as a compilance with that pledge.

Continuing:

Conceding the right exists to own the lands, the power, in view of these compacts to reserve them from sale, is seriously questioned. If a small quantity can be reserved, by the same power the whole domain may be, for where can the power be limited? If mineral lands can be reserved, may not arable lands likewise, and any governmental purpose, as connected with its various wants, be urged to justify the act, and thus the compacts be wholly defeated?

Again:

Again:

Although it might be desirable for the United States to possess within itself a supply of lead, it is no less so that it should be independent in the articles of cotton, iron, hemp, all munitions of war, and provisions; yet no one would seriously propose to set apart from sale and settlement any portion of the public lands on which to raise or fabricate either or consent that this Government, erected in consummate wisdom for great national purposes, should be engaged in such subordinate and uncongenial pursuits. All experience shows, your committee think, that operations of this nature, including mining and the manufacture of lead, can with much greater propriety and with far more beneficial results be left to the free and unfettered energies of individuals; and of supplies of these kinds the Federal Government should be not the producer, though numerous agents of doubtful creation and a dependent tenantry, but purchasers in the market in fair competition with all others. Now, no interest is felt by the tenant in the improvement of the property itself; he does not become fixed in his employment to any spot—

And so forth.

And so forth.

I shall not undertake in the limited time at my command to read into the Record and comment upon this entire report. I wili say, however, that considering the report itself, taking the debates in the Congress of the United States, when the one man who had the courage to stand up and represent the people of the Western country, Thomas H. Benton, stood here for 15 years fighting for equal rights of the people of the public-land States of the West, that Benton was enabled finally to engraft upon the legislation of this country his idea. I shall not undertake, as I said, to go into details in the discussion of this question. It is sufficient to say that, whether right or wrong, the policy then adopted, after consideration by the eminent men with reference to the mineral wealth of the country, for instance, with reference to the precious metals alone, to say nothing of the coal and the iron and the minerals of that character, added over \$5,000,000,000 to the accumulated wealth of the country; that it has settled a magnificent domain, which of itself politically settled the recent election; that under the provision of the legislation then enacted civilization prior to that time confined practically to the East extended to California, and we built up a magnificent domain, undreamed of even by Jefferson at the time of the Louisiana Purchase, because Jefferson thought, and the other leaders at that time thought, that never would this country of ours be developed toward the West beyond the Rocky Mountains.

Sir, we have had again in the last few years an agitation in this country for the reservation of the public domain. This agitation originated very largely through the statements—and this was more than 11 years ago—then made, and made over the signature of the same men who are yet carrying on the agitation, that the destruction of the timber of the United States was so great that, proceeding at the same rate, there would not be one tree left in the yellow-pine forests of the South within 11 years; and yet, sir, the statistics of the lumber industry and of the turpentine and naval stores industry will show that from year to year the production of yellow pine in the South has increased from the period when these predictions were made, building of the necessary houses and the other structures to be made of lumber.

Mr. SHAFROTH. If the Senator does not object to an interruption-

Mr. FALL, Not at all.

Mr. SHAFROTH. I should like to call his attention to the fact that there can never be a serious shortage in lumber, because under irrigation 1 inch can be added to the body of a tree every year. Consequently we have an inexhaustible field for raising timber which can never be exhausted.

Mr. FALL. Possibly the fact to which the Senator refersthat timber can be raised rapidly under irrigation—is one of the reasons why the present administration of the United States should be seeking in every way to restrain the use of the irrigation water in the West. That may be in connection with their timber industry, of which they are so careful.

Statements were also made at that time, Mr. President, that the coal resources of the country were practically exhausted, or that within a few years they would be exhausted; yet the fact remains that the Government of the United States has withdrawn from entry in my State alone, and still holds under withdrawal, not only the coal under the surface but the surface land, over 6,000,000 acres of as fine coal land as there is in the United States, containing, according to the best Government reports, over 60,000,000,000 tons of coal.

Mr. SHAFROTH. If the Senator will allow me, I will state that the withdrawals in the State of Colorado constitute, according to the Geological Survey, 371,000,000,000 tons of coalsufficient to supply the total necessities of the world, at the present rate of consumption, for over 250 years.

Mr. FALL. Mr. President, we have agitation in this country, and we, as a people, are sentimental; our sympathies are very easily worked upon; but two years ago certain eminent scientists announced the fact that radium had been discovered as a cure for cancer. They further proceeded to announce, and others following along in their wake proceeded to announce, the fact that the radium industry in the United States was in the hands of a monopoly, and that it was necessary that Congress should take immediate action to break the monopoly because of the interests of the people of the United States; because of the fact that this dread disease, cancer, was devastating the country; and that this great cure then discovered—radium—was in the grasp of a few monopolists, who were largely located in Pittsburgh, Pa.

The Secretary of the Interior of the United States sent a report to Congress insisting upon immediate action on the sub-A bill was introduced providing for immediate action; and what was it? That permission be granted to the Secretary of the Interior, or that Congress enact a law, withdrawing from any entry whatsoever or from any disposition all lands containing ores of carnotite, from which radium is produced, or of mines containing pitchblende, which is also one of the sources of radium. That bill was seriously insisted upon. It came from the Committee on Mines, under a report made by the eminent chairman of that committee, himself a representative of a western mining State. Immediate consideration of the measure was insisted upon at that time.

Mr. President, the objection of some of us from the Western States that the Secretary of the Interior did not know what he was doing, did not understand the subject at all, was treated with contempt. Minority members of the committee could scarcely receive a patient hearing upon their objections, and yet, sir, the effect of that proposed law would have been to withdraw every acre of land in what is known as the Permian-Juras-sic area of the United States. That withdrawal would have covered the entire half of my State of New Mexico, practically all of the State of Utah, and more than half of the State of the Senator from Montana [Mr. WALSH] himself, who introduced the bill. It would have covered practically two-thirds of the State of Colorado; it would have withdrawn from any acquisition or disposition hundreds of millions of acres of land, because carnotite ores are found in this geological formation alone.

It would have gone further, sir. It would have placed in the hands of the Secretary of the Interior of the United States abso-lute control over every silver, gold, and copper mine hereafter located in the United States, until it was affirmatively proven that the ores found along with those metals did not contain radium-bearing ores or pitchblende. Pitchblende is found only in the veins or in the matrices of ores accompanying gold, silver, or copper, and it is found only below the 200-foot level in a mine. The Secretary of the Interior and those advising him knew not what they did, unless it was their intention to paralyze the mining industry of the United States, and unless it was their intention to make a great national reserve of the majority of the States in the West. That could not have been their intention,

Mr. President, I presume, because they have abandoned that proposed legislation. They brought in, however, another bill with reference to radium-bearing ores, but have not pressed it.

Mr. WORKS. Mr. President— Mr. FALL. I yield to the Senator.

Mr. WORKS. I want to suggest in that connection that it has been very thoroughly demonstrated since that time that radium is not a cure for cancer.

Mr. FALL. I am glad the Senator has offered that suggestion, as, of course, it is very pertinent to the statement which I am making. As a matter of fact, it has been found that an ordinary glass tube will produce a ray, practically at a cost of nothing, that has exactly the same beneficial effect or a more beneficial effect than radium rays; and, as the Senator has said, it is now very seriously doubted if there is any remaining doubt upon the subject at all, that the radium treatment is beneficial to cancer.

But withdrawals for every possible conceivable purpose are constantly being made. The effort is seriously being made—and it might as well be understood by the public now-to change this Government of ours into a state socialistic government, whether the people of the United States want it or whether they do not. They might just as well face the issue, and they might as well understand that the trend of the legislation, the intention of the legislation of the character now under consideration, is to put the Government of the United States in competition with individuals in every line of business in the United States. Within four years you will be confronted with a proposition to acquire all the lines of transportation within the United States. are now being confronted with the proposition that the United States of America itself will go into the business of controlling the development of mines, of lands, and of water for the purpose of providing hydroelectric power. I say go into business. Yes; because this bill itself provides that the United States Government shall go into business. This bill limits the time in which the grantee under its provisions shall conduct his work, and then provides that, upon giving notice to him, the United States Government can terminate his lease and take over the production of electric power upon the site. This is one of the insidious attempts that are being made in that direction. The radium bill, so called, was one; the oil-leasing bill was another; the 640-acre homestead bill, which some Senators here were so insistent upon passing for the benefit of the people of the West, was another. Read it and read the circular just issued by the Secretary of the Interior and see the "jokers" in it.

Mr. WORKS. Mr. President—
The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from California?

Mr. FALL. I yield. Mr. WORKS. Will the Senator allow me to call his attention to the fact that there is a very great difference between the bill that is now before the Senate and those referred to by the Senator-for example, the oil-leasing bill-in the fact that this involves an interference with the rights of the State in the use of the water, which is the most serious feature of it, to my

I thank the Senator. I will say to the Senator that I intend to take up that phase of the question. I am now simply discussing the tendency of the legislation of the National Government with reference to its own domain, its own resources; and I shall later touch upon the question of interference with State property.

Not only is there the tendency toward State socialism, which is so apparent to everyone, but a tendency absolutely to wipe out all State lines and State rights, making this not a great Nation of independent States, as it came to be as the result of the Civil War, but now to wipe out State lines and make this a great centralized government. I want to say to you, sir, that the peril which I see is not so much in the tendency toward a pure democracy which was rejected by our forefathers in forming this Government, but in the fact that, outrunning that tendency toward pure democracy, is the tendency toward State socialism, which, in my judgment, can not exist in a democracy.

Mr. President, reference has been made in this discussion to Indian reserves and to forest reserves—to the latter particularly. I do not know, sir, in the Western States of the United States one man who has given a moment's thought to this subject who is opposed to the proper conservation of the natural resources of the United States. I do not know one man who is opposed to the proper conservation of forest areas in the United States. Those of us who understand, as some of the eastern people do not, that we can not raise crops in our country except with the use of water by irrigation know that it is necessary in order to perpetuate irrigation that the springs themselves, the sources of the water, be protected, which necessarily means that the timber area upon which the snow may lie and the rains may fall shall be protected in order that the waters may not be carried off in torrential floods to the ocean or go to waste upon the bare sands of the desert.

There are no better or truer conservationists in the United States of America than the people of the West who are opposing the administration of the forest reserves from Washington, D. C. United States of America. We oppose the administration of those reserves; we oppose bureaucracy; we oppose any system or any scheme by which thousands and hundred of thousands, aye, millions, of acres of our land susceptible of settlement are re-served from settlement that a financial statement may be made here, through the Forestry Bureau reports, to the effect that their income upon the forest reserves has met a certain proportion of their expenses. The income from the forest reserves in New Mexico is nine-tenths derived from the grazing of the cattle and the sheep of the people of New Mexico on that portion of the forest reserve upon which a tree does not exist and can not be made to grow. Why, sir, I can produce affidavits here—and their truthfulness can not be denied by the Government officers themselves—showing that in one reservation in the State of Arizona the guide accompanying a Government forest inspector, camping 30 miles within the limits of that reserve, was compelled to buy, for the purpose of making a camp, firewood which had itself been brought for more than 30 miles.

Mr. WADSWORTH rose.

Mr. FALL. I yield to the Senator from New York. Mr. WADSWORTH. Can the Senator inform the Senate as to the percentage of the forest reserves in his State which is used

for grazing purposes?

Mr. FALL. I can only do so approximately, Mr. President. I have here a report from the Forestry Service as to the number of cattle or sheep per acre which can be grazed upon the forests in New Mexico, and in making this report they show the elimination of a portion of the reserves as entirely unfitted for

any grazing purposes. I propose to read that later.

An anomalous condition has arisen with reference to the protests against the inclusion in the forest reserves of these great grazing areas. When the extensions were made the little cattlemen and sheepmen all around the borders of the reserves, of course, objected to them. They were cut off, cut away. Owning their little ranches on the borders of a forest reserve, they could not graze upon it until they had secured the privilege from some clerk sent by the bureau in Washington, who passed on the case with arbitrary power. Great difficulty, of course, was experienced. In the case of the people living around the reserve, and particularly the smaller men, although the use book says that the preference shall be given to the smaller men, it could not be given to all of them; and, aside from that, preferential right is obtained under the use book of the forest reserve by the purchase of the prior existing rights of another party. Preferential rights once given for grazing carry with them preferential rights from year to year.

Under the system in Arizona and New Mexico, sir, hundreds and even thousands of stockmen were driven away entirely. The big fellow who had been able to protect himself with the expenditure of anywhere from \$10,000 to \$100,000 or \$1,000,000 in the acquisition of various ranches and water holes and land could stay. The little man was driven away, and gradually the man who stayed has acquired the grazing rights on the forest reserves; and to-day, if you offer a proposition here to eliminate the grazing lands, you are confronted with a petition from the bankers and the business men with whom this large cattle company does business protesting against the elimination, because there is no one else to interfere. The little fellow has lost his all and gone, hunted him another home, another range for his cattle. To-day the forest reserves of the United States constitute the greatest monopoly in the cattle-grazing industry in the United States, and whenever you attempt now to throw open a portion of one of these reserves for entry under this 640-acre homestead bill which we passed it will be met by the protests of the stock associations of Arizona and New Mexico, or the southwestern country, and all the allied interests which they can bring to bear.

Mr. MYERS. Mr. President—
The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Montana?

Mr. FALL. With pleasure.

Mr. FALL. With pleasure. Mr. MYERS. I want to say that practically all of the opposition to the 640-acre homestead bill of which the Senator speaks came from large live-stock men, sheep owners and cattle owners. That was practically the entire opposition to the bill, and they opposed it from start to finish.

Mr. FALL. That may be absolutely true, but I do not know why the Senator should seek to inject it in here. I do not

understand exactly where it is apropos. However, I will get to your 640-acre homestead bill in a moment.

Mr. MYERS. I thought the Senator was speaking of the 640-

acre homestead bill at that time.

Mr. FALL. Possibly the Senator did not understand the point I was making. I said that the opposition to throwing open any of the forest reserves to-day, to making them subject to the 640-acre homestead bill, would come from the great cattle companies and the great cattle men having preferential rights, grazing permits, on those reserves. That is exactly the point that the Senator himself is trying to make, as I understand, so we are not in disagreement about that. I presume the Senator has had furnished him from the department a copy of the instructions sent out to the registers and receivers under his 640acre homestead bill.

Mr. MYERS. No; I have not received them.
Mr. FALL. I shall be glad to furnish the Senator with a copy, then. I should like to ask the Senator what, in his judgment, is the procedure under which anyone could acquire a mining right under this 640-acre bill?

Mr. MYERS. What is the Senator's question? Mr. FALL. I should like to ask the Senator what, in his judgment, would be the procedure necessary for any person to acquire a mining right under this 640-acre homestead bill. The Senator will remember that the mineral rights were all held by the United States.

Mr. MYERS. You would apply for the right to enter, the same as upon any other public land. I know of nothing to

prevent it.

Mr. FALL. The Senator does not know how you would go about it?

Mr. MYERS. In the usual manner provided by law for locating a mining claim. I do not know of anything to prevent any person from doing that.

Mr. FALL. If the Senator will read the instructions and read the law itself, which I will not go into fully in detail, he

will find-

Mr. MYERS. I have read the law a number of times. I have not read any instructions. I have not seen any instruc-

Mr. FALL. I think the Senator does not need to go to the instructions if he will reread his own law.

Mr. President, if I had time I should like to go through these instructions, provided I could get one or two of the eastern or southern Senators either to listen to or to read my comments upon it. I am hopeless, however, as to that end; but I want to call attention, nevertheless, to the system.

I have here Circular No. 523, furnished me from the depart-

ment:

Stock-raising homesteads—act of December 29, 1916. (Public, No. 0.) Instructions—

To the registers and receivers.

I should just like to ask anyone here, even from the Western States, or a lawyer, what he thinks of the process through which an humble applicant for a home upon the remaining public domain of the United States must go, and what is going to happen to him.

In the first place-

The lands to be designated are those the surface of which is, in the opinion of the Secretary of the Interior, chiefly valuable for grazing and raising forage crops.

Not one purpose, but two. I pointed that out to the Senate, and pointed it out to the committee. Now, we will see what the Secretary says about it.

Lands * * * chiefly valuable for grazing and raising forage crops, which do not contain merchantable timber, are not susceptible of irrigation from any known source of water supply, and are of such character that 640 acres are reasonably required to support a family. The classification will be made, so far as practicable, so as to exclude lands that are not chiefly valuable for grazing and raising forage crops, either because too valuable for such use or too poor for such use.

Now, imagine where you start from. Did the Senator from Idaho [Mr. Borah], although he, like myself, opposed the provisions of this bill, dream that this construction could be placed upon it? The Senator will excuse me for addressing him directly; but he is so much interested, as I am, in the matter of the public domain, that I could not refrain from calling his attention to this most remarkable statement.

Now, sir, they are authorized and directed to classify the lands. To render them subject to the 640-acre homestead entry, the Secretary of the Interior says, they will be so classified that the are neither too valuable nor of too little use:

The classification will be made, so far as practicable, so as to exclude lands that are not chiefly valuable for grazing and raising forage crops, either because too valuable for such use or too poor for such use. Lands which are capable of producing valuable crops of grain or other food cereal or fruit are not subject to designation.

Why, forage crops are particularly the nonsaccharine sorghums, which are grain crops. The kafir corn, the milo maize, the nonsaccharine sorghums, are the forage crops which we understand who are to undertake to cultivate the great arid West, and they are grain crops; but-

Lands which are capable of producing valuable crops of grain or other food cereal are not subject to designation and entry under this act.

They are-

Disposable under the 160-acre or 320-acre homestead law, according to their character. Lands of such arid or poor character that they are worthless or fit only for occasional grazing in connection with large areas of other land are not subject to designation and entry under this act.

No. sir: they remain subject to entry under the 160-acre homestead act.

Mr. President, should it be necessary, to enlighten the Senate or the public upon the subject of our lands generally, to go fully into a discussion of a matter of this kind? But I want to go a little further for my own satisfaction. Let us see what a man must do to obtain a designation of the land before he can enter it :

The proviso to section 2 of the act confers a preference right of entry upon a person pursuant to whose petition land has been designated. Any person qualified to make an original or an additional entry under this act may file an application to enter a compact body of unappropriated, unreserved, surveyed public land—

And so forth.

He must, when he files said application, pay the regular fee and commissions; and, if the tract is ceded Indian land he must at that time pay that part of its price ordinarily required when entry is made. All petitions for the designation of lands presented on behalf of individual applicants should be filed in the local land office. Individual petitions for designation will not be considered unless they are filed in connection with applications to make entry under the act.

The petition must be in the form of an affidavit, executed in duplicate,

Now, here is this poor homesteader for whom we are legislating. He must make a petition to have the land designated and subject to his entry. He must make a petition in the form of an affidavit, executed in duplicate and corroborated by at least two witnesses who are familiar with the character of the land. I will say, shortly, that it is required that the affidavit of the applicant himself shall be to the effect that he knows every legal subdivision of the land; that he knows what is growing on it; he must describe the character of scrub growth, the character of grass, what kind of grass it is; he must say whether it is fitted for winter, summer, or fall range; he must declare what character of salt brush or sage brush grows upon it; he must show the mesquite brush upon every 40 acres; he must be thoroughly familiar with every legal subdivision of the entire 640 acres, and he must produce two witnesses who have been with him over every portion of it, and they shall corroborate his affidavit as to the exact character of the land and the growth, if any, thereupon. That is one of the things that must be done; and it is suggested here that to facilitate matters this poor homesteader going from some other country into New Mexico, for instance, to secure a home, shall, in addition to the two witnesses, take along with him a thoroughly competent surveyor and have his survey made, and then it would be very beneficial also if he had a plat and maps made, and it would be more beneficial if he carried with him a photographer and had photographs made of the land and the character thereof.

It is believed that the requirements of these regulations as to furnishing a description of the land can properly be met only by a careful examination of the lands by the applicant, preferably assisted by a competent surveyor.

Now, you can not enter the land, you can not have it designated, if it has any water upon it with which irrigation may be pursued; in other words, if there is any known supply of water for irrigation purposes, either under the ground or above it. Therefore, when you make your application to have the land designated, you must show whether there is any running water anywhere in the neighborhood. You must trace it on your map with a surveyor, marking the lines of the public-land surveys, and tying the watercourse to those public-land surveys to show just where there is irrigation water; and if you can show that it can be irrigated, of course your application is rejected. You must also show whether there are any wells on the land; if not, whether there are any wells in the neighborhood, and, if so, whether there is any water within 50 feet, either flowing above the surface through artesian flow or which can be raised from a depth of 50 feet by pumping for irrigation. You must make affidavit to all these facts; and if you show that there is such a source of water, then necessarily your application is rejected.

Mr. WADSWORTH. Mr. President, will the Senator, if he cares to do so, explain to the Senate what object there would be

on the part of any civilized man in going on a 640-acre tract of land where there was no water whatsoever, particularly if the water which he can not use may be within 50 feet of the surface?

Mr. FALL. Oh, he must have water for stock purposes, or he can not get his land; but the water must not be sufficient for any irrigation purpose. If there is not water on the land itself in which he proposes to water his stock, he must show that he has the right to water somewhere else where his cattle grazing upon the land can get to the water. Oh, they understand, of course, that even in the desert of the West cattle and sheep have to have something to drink. They really understand that over at the department, apparently.

Mr. WADSWORTH. I am glad to be relieved upon that point, because the regulations as read by the Senator would indicate

that the department is attempting

Mr. FALL. Oh, they say all this must be done so that they can ascertain whether it would ever be possible for a man to raise a little garden of vegetables for his family, or make a living and attempt to make a home and build up the country

In other words, it is in accord with the general trend of opinion in some quarters now, as indicated by an eloquent speech from one of the Senators here last night, that it should be the policy of the Government to protect sagebrush or a tree in preference to a human being upon the land in a new State, that no longer should we have any consideration, as we have had in the past, for building up the home. The policy now is not to make a home. The policy now is not to cultivate a tree, because upon no reservation in my part of the country is any attempt made to cultivate a tree. If a portion of a forest reserve in my part of the country is cut over, nature is allowed to do the rest. The only attempt in New Mexico to cultivate trees or to reforest forest reserves has been below the timber line. The Senator from Colorado [Mr. Shafroth] spoke of forests in his State being above the timber line. Pine timber does not grow in New Mexico at a lower elevation than 6,000 feet, and merchantable timber not at that elevation. Below 6,000 feet there is nothing except scrub, possibly a little cedar and juniper, but not used for commercial purposes at all. Above 6,500 feet there is the Douglas fir, our mountain variety of yellow pine, spruce, birch, and other timber of that kind.

In our southern country of New Mexico there are only one or two mountains in the entire State which rise above the timber line, but we have at an elevation of 6,500 feet and on up timber growing; below that no timber. But the water supply generally comes from the timbered area upon the forest reserves. Throwing around the timbered area all the extensions of the forest reserve and taking in the grazing lands gives a monopoly and an income for the forest reserve.

Mr. MYERS. At this point, the hour of 1 o'clock having arrived, the unfinished business comes regularly before the Senate; but, of course, it is now before the Senate.

The PRESIDING OFFICER (Mr. Walsh in the chair).

Chair rules it is now before the Senate.

Mr. FALL. Mr. President, I am not going to detain the Senate much longer. If the United States proposes to adopt the policy of reservation and of restraining and restricting population, if they prefer the sagebrush and cactus to the man, if they no longer want to build up homes where little children can live and be educated, then, for God's sake, let those of us who have been trying to build up the West know it as soon as possible, that we may in some way help our people to adapt themselves to the new condition of affairs.

Mr. MYERS. May I ask the Senator a question?

Mr. FALL. Certainly.

Mr. MYERS. I ask the Senator if he considers that the objections to the 640-acre homestead bill-objections to the rules and regulations governing the enforcement of the law by the Interior Department—form any argument against the leasing of

public lands expressly for the development of water power?

Mr. FALL. The Senator is very serious minded. It has been
my misfortune that I have not been able to have him understand the general trend of my argument. I am discussing a policy. I think it is an argument against the water power.

Mr. MYERS. I understand the trend of the Senator's argument. After drawing the deduction, he will, of course, argue in favor of letting the public domain be settled up without undue restriction or opposition, so as to support population and families; but is he in favor of permitting homestead entries on these sites which are valuable for water-power development, as was the case up to 10, 15, or 20 years ago?

Mr. FALL. Yes; I favor their disposition in any way under

heaven so the public can get the benefit of them.

Mr. President, there seems to be an idea in the mind of the gentleman and others of his school that in some way this water which is running over the rocks there is being conserved for the benefit of the people. Countless millions of horsepower are going into the sea.

Mr. MYERS. It is going to waste because it can not be pre-

Mr. FALL. Why not? Because of an arbitrary determination of the law, illegal under the laws of the United States, as I shall undertake to show before I conclude my argument, not by act of Congress but by usurpation of power through one of the bureaus. That is how it is being prevented; not by the people of the State.

Mr. President, there has been another policy pursued by this country, and it was not only a policy but it was a principle upon which the Government itself was founded. It was the right of the Government, upon one hand, to maintain control even in the State over the navigable waters of the United States, and the absolute right, upon the other hand, of the State to the entire control and ownership of the nonnavigable waters within its boundaries.

Legislation of this kind is a violation and reversal of the policy of the United States as laid down by Webster and others in dealing with the public lands. It is a violation of the principles of the Government as established by Washington, Madison, Jefferson, Monroe, Jay, and Hamilton, and the others who formed or advised in the formation of our Constitution.

Mr. President, allow me for just a moment to call the attention of Senators to a matter concerning which possibly many of them have given but little thought. The general impression, of course, is, without thinking, that the laws which we had in existence when we achieved our independence from England were naturally the laws of the entire United States. not take the common law from England, but we did take the common-law proceedings and decisions and precedents as governing upon us, or, rather, as instructive and advisory in the decisions of all matters.

But, sir, when we acquired the great domain which Thomas Jefferson secured for us west of the Mississippi, and the portion of which had formerly belonged to France, covering portions of the States of Indiana, Illinois, and the Northwestern States, when we acquired in 1803 the Louisiana Territory, we took that Territory under the civil law and not the common law. Supreme Court of the United States has decided that in that portion of the Territory over which the civil law had pre-vailed prior to its acquisition until further disposition by Congress or authorized local legislation, the civil law remained in

Under the common law, as we understood it and as we yet understand it, the property of the lands along nonnavigable streams was that of a riparian owner. In other words, in the States in which irrigation was not the custom, as under the common law, generally a landowner along a nonnavigable stream had a right to see that the water flowed by the banks of his land in undiminished quantity, and he could protect his rights in the court against anyone undertaking to interfere with him.

This was the law of riparian rights. Some Senators apparently have the idea that the United States Government, being a landowner in the Western States of the Union, would stand in the same position as would a riparian-right owner, we will say, in the State of Maryland. That is an entirely incorrect opinion of the law. Riparian rights did not exist under the civil law. When we acquired New Mexico in 1846 we settled the title to Texas, acquired New Mexico and Arizona and California, and a quit claim to a part of Colorado and other portions of the West from Mexico we, as decided by the Supreme Court of the United States, took that country under the laws in existence at the time we took it over, those laws to remain in full force and effect until they were changed, unless they were entirely in conflict with the Constitution of the United States

The Territory of New Mexico was immediately organized by the Congress of the United States, as was the Territory of California, the Territory of New Mexico when organized embracing all the present area of the State of Arizona, and for many years thereafter embracing all this territory. The first many years thereafter embracing all this territory. act of the Legislature of the Territory of New Mexico was to declare affirmatively two propositions. One was that the law of prior appropriations of water should always exist. Of course, that was merely a legislative act, but at that time they understood it to be in the nature of a constitutional provision, and it has always been recognized and followed. The other was that instead of the dower right, as existing under the common law, the community law should remain in New Mexico forever in existence, that the wife should be a partner with her husband, and all property accumulated should be divided between the two, and equally the property of the two.

In 1849 the rush of the gold seekers came to California and spread over the entire western country, passing over the American Desert. They found in their placer mining it was necessary to use large bodies of water, and this water ran through the public domain of the United States. Prior to 1866 there was no legislative declaration on the part

of the United States as to the difference between the laws applicable to the West, or the arid lands, and those applicable to the East, but in 1866 the Congress of the United States, by affirmative legislation, recognized the necessity for a difference in the methods and customs, and did away, so far as the United States was concerned, with any riparian-right doctrine in the waters or in the lands of the West.

Mr. STERLING. Mr. President—
The PRESIDING OFFICER. Does the Senator from New

Mexico yield to the Senator from South Dakota?

Mr. FALL. Certainly.
Mr. STERLING. I wish to ask the Senator a question there. Is not the distinction between the common law in regard to riparlan rights and the law as applied in the Western States not a difference between the civil law and the common law in that respect, but that the law as applied to the Western States is simply local law, and the courts early took cognizance of the difference in the conditions between the western and semiarid regions and the regions farther east, and denied the application of the doctrine of riparian rights to that western country,

rather than basing it upon any principle of the civil law?

Mr. FALL. The first cases which were decided along this line, the California case and those following, were all based on the fact that we inherited the civil law, and the civil law itself did do away with the law of riparian rights, which is the truth. The first law ever written—that is, of which we have any knowledge-is a collection of civil laws, and Justinian himself recognizes the law of prior appropriation as applicable. Italy had then as now great irrigation systems. Spain had then as now great irrigation systems. France itself had then and has now great irrigation systems. The civil-law countries recognized irrigation and recognized the use of the water of all the nonnavigable streams for irrigation first and then for the other uses later.

Mr. STERLING rose.

Mr. FALL. I will say to the Senator, if he will allow me to conclude just now, no law of riparian rights was known under the civil law except the law of "ribereños." That was the law by which in some jurisdictions an owner of land along a river had a preferential right to the use of water by irrigation as opposed to the right of one owning land behind him.

Mr. STERLING. Mr. President, I recognize the distinction between the civil law and the common law with reference to waters flowing over the surface of the land, under the common law the owner of the lower land having the right to throw back the water. Under the civil law the lower land was subject to the easement of the higher land, which was the dominant estate, the lower land being the servient estate and being subject to take the water flowing from the higher land, but I did not think there was this difference between the civil and the common law in regard to riparian rights.

Mr. FALL. Mr. President, as an interesting matter, I might say to the Senator that by the Legislature of Louisiana in 1819, upon the organization of the Territory of Louisiana, the civil law pertaining in Louisiana was adopted as the foundation of the laws of the State of Louisiana. What is known as "Las Siete Partidas" was a collection of laws made by Alphonso the Wise in 1228, and the first known printed collection of laws printed somewhere about 1258. The Legislature of Louisiana ordered a translation of this collection of laws and a codification in so far as applicable to the conditions in Louisiana. The Senator may find in that codification made by Alphonso the Wise the law of prior appropriation recognized. He will find also, if he will go back even further to the statutory law, the very first collection of statutes ever published, or attempted to be published, was Ley del Toro, the first Spanish book upon the subject.

Spain was, as, of course, the Presiding Officer recognizes and a number of Senators understand, at that time the most civilized power after the Roman Empire-the most civilized civil-law country, at any rate—and was mistress of at least one-half the world. At one time, I think, it is claimed by historians Spain dominated more territory in a more thorough way than ever France dominated under Napoleon. Spain gave to all the civillaw countries her law, as I said. I refer Senators again to Ley del Toro, and they will recall also the civil law, also the Code Napoleon. Even the codification of the civil law made by Napoleon Bonaparte recognized the law of prior appropriation as distinguished from the law of riparian rights.

In 1866 the Congress of the United States, dealing with the mining conditions which had grown out of the development of land in California and the placer mines in California, passed an act. I may call attention to it later. I thought I had it here in one of the volumes. Under the provisions of that act the law of prior appropriation was recognized. It was to the effect that anyone who had obtained a right to the use of waters from any stream in any portion of the arid West, by appropriation or otherwise, under the local laws and customs should have the absolute right of way across the public domain of the United States for the use of such water.

The second provision of the law was to the effect that in every patent thereafter written or signed by the President of the United States there should be the reservation that this patent was granted subject to the canal rights or ditch rights of anyone whomsoever desiring to use the water to pass the water over his land; in other words, reserving to the individual the absolute right to cross private lands, although patented by the United States Government, following the general trend of legislation in our country giving even to a private individual the use of waters by appropriation, the rights of the sovereign delegating to him the rights of eminent domain. The decision of the Supreme Court of the United States in the case of Basey v. Gallagher (20 Wallace) was the first case decided by this tribunal of ours recognizing the law of prior appropriations.

Mr. STERLING. Did it recognize it as the civil law?
Mr. FALL. No; it did not; but subsequent decisions of the court did. I may say to the Senator I was not going very fully into that, because we all recognize, who know anything about it, that the law of prior appropriation as contradistinguished from the law of riparian rights did not exist in the West, and I was simply explaining to those Senators who do not know it, and I suppose who want to know, how it came into existence. As a matter of fact, whether it was a part of the civil law or not was immaterial to the point under discussion. It is the law now.

Mr. President, the consequence is that the United States, and I ask Senators to understand it, has no right as a riparian proprietor in any stream in the Western country; that is, except navigable streams. In one or two States riparian rights in modified form have been recognized, but unless it has been affirmatively given by local legislation the United States does not stand as a riparian owner of any land on the nonnavigable streams in any Western State. No one else does, no individual does, the State does not itself. The waters in the Western States are to be waters subject to appropriation under rules and regulations adopted by the State, and subject to appropriation by any qualified appropriator.

Mr. President, we are faced with this anomalous proposition. Following the act of 1866 and the various other acts of Congress the lands mentioned in this bill here can be acquired, rights of way across them can be used for irrigation or for mining, and under one of the statutes at least and applicable to certain conditions, for manufacturing purposes. We are faced with this proposition. It is not understood generally. The United States may have 50 withdrawals on a stream, each of which is subject to the conditions in the bill, and under the laws of the United States, as they exist now, I can go upon the first withdrawal above and take every drop of water out of the stream, if I have acquired the right to do it from the State, and use it for irrigation purposes and destroy it and not turn a drop of it back anywhere in the stream. This right is recognized not only by the Supreme Court of the United States, but by the direct acts of Congress. I can make this appropriation for mining or irrigation purposes on these withdrawn power sites and absolutely take the water. But because the law itself did not state affirmatively that the right of way was also for the development of hydraulic power, the Secretary of the Interior, without any authority of Congress, rather than the general act allowing him to withdraw lands for general purposes, withdrew these sites from settlement in violation of the spirit. I believe if the United States were to allow a suit to be brought, as suggested by the Senator from Colorado, it would be held that he did it in defiance of the law.

The gentlemen who are supporting this bill say that they are protecting the rights of the people in the great property which is their heritage, and yet they will admit to you that you can take under the law of the United States to-day and the laws of the States every drop of the water out of these streams and apply it to irrigation purposes and not turn a drop of it back; that you can take every drop of it for mining purposes and waste it away after you have had this individual use of it and not turn it back and take it over the same withdrawn sections

A part of this great propaganda is that the inheritance of the people is to be taken away from them, and that therefore you must stop the monopoly, as they claim, of the hydraulic power;

and we hear a great deal about the monopoly of the hydraulic power of the United States. I say to you, Mr. President, that before the Congress of the United States go very much further talking about the development of natural resources and the reservation of the great heritage of the people they had better consider for a few moments this great power that is going to waste out here near Washington at Great Falls that might be used for the benefit of the people. I say to you, sir, if this power lay in my State or in any Western State and we had the right to use the land on the stream for development of power the poverty-stricken State of New Mexico or Arizona or any other State in the West would have had this great power harnessed long ago and working for the benefit of the people of the United States.

The theory of the conservationist is that we will not do the thing for you and you shall not do it for yourself.

In so far as this particular bill is concerned, except as it is establishing a principle, except as going to the same extent as the Senate has attempted to go and as Government bureaus have attempted to go with the radium bill and with other measures of that kind, reaching out to pull back and to hold here in Washington control over natural resources, this great heritage of the people, to be administered by bureaus here in Washington—were it not for the fact that it is in line with the same desire apparent in the actions of some people and in the declarations of some people, and were it not a matter of principle, so far as the effect of it in my State is concerned, it would have very little effect; but I do not believe, sir, in State socialism. If we are to have State socialism I think that at least so long as we have a political unit known as the State socialism should be confined within State limits.

I do not believe that it is possible for this country to live with state socialism existing and a bureaucratic government administering the affairs of the country from Washington. That is precisely the trouble with your 640-acre homestead law. The difficulty was inherent in the law itself. I attempted to point it out to Senators who were favoring it. I made no strong opposition to it; for they wanted it. The difficulty was in their own legislation. It is almost impossible for the Secretary of the Interior to construe that law. Some of the Senators laughed at the absurdity of the Secretary's proposal here with reference to the classification of land. You had tied his hands and had bound him so that he was compelled to adopt this proposition as to classification, or else he was compelled to override the act of Congress itself.

The trouble is not only with the bureaus, but it is the shirking of the duty of the Congress of the United States to legislate with reference to these matters. You pass a law and you leave it to the departments to put it into effect. You deputize them to legislate for you. "What is the Constitution now between friends"? It amounts to nothing. What are State rights? Why, we trade State rights any day for an appropriation of \$250 for a local institution in a county.

Mr. President, these are some of my objections to this bill. I am not opposed, as I have undertaken to say, to conservation generally; but I am opposed to reservation. I am one of those who believe that it is better to produce a child and to give a home to a man than it is to undertake to cultivate a tree upon soil which will not sprout the seed. I am one of those who believe that even as we have administered our resources in the West—wastefully, just as you people are wasting here the power which is going into the sea every day past our cities—we have wasted in some respects our resources in the West. It has cost us more per ton of ore to mine the ore from the bowels of the earth, possibly, than it should have cost; it has cost us more to manufacture a pound of copper, possibly, than it should have cost. It is true we have allowed the large companies to acquire valuable mining properties in the West; but what have you, the Congress of the United States, done? You have put it into the power of an alien to take all the millions of dollars out of the earth that can be found in it and apply them to his own purposes, although you have said he can not get a patent to the surface of the ground; and you have never amended your laws.

surface of the ground; and you have never amended your laws.

Mr. President, what will be the effect of the passage of this act? The State owns the water; that is conceded in the act itself. The Government of the United States owns the land. A party applying for a right of way or for a lease must first acquire from the State the right to the use of the water. He must then acquire from the Secretary of the Interior the right to use the land upon which to place the water and the structures for its use. The consequence is that there are three estates at least involved; that is, the estate of the United States as the owner of the fee—while it is true that men of my class claim that it is simply a trust—the ownership of the United States in the fee of the soil; the ownership of the State in the water itself;

and the estate of the appropriator of the water in the water itself, being a revocable estate or a forfeitable estate, which can return to the State at any time. We then have the leasehold. The party developing the water power is the lessee of the United States. He is the holder of an estate under the State under certain conditions of performance, the violation of which restores the estate to the State itself. We have, therefore, an anomalous condition of affairs. Admitting the State's ownership in the waters, this bill seeks to adopt the principle that the Government of the United States, having its land, may collect a rental upon the use of the State's waters by the permission granted to the lessee to build a power house upon the land; yet, sir, as I stated yesterday afternoon, it is not only in the matter of State rights that the Constitution is being violated in the attempt to enact this character of legislation, in my judgment. There can be no right, in my judgment, in the United States—holding, as I do, that it is a trustee for the benefit of all the people of the United States of the public lands and resources—there can be no right in the United States, in my opinion, to grant this character of estate. Certainly it has not been the policy heretofore to grant this character of estate; certainly it has never been the policy of the United States, even as far as we have gone in the last few years in the interference with the rights of the States, to undertake to maintain domination over that which the United States has admitted by legislation and by precedent belongs absolutely to the State itself; that is, the waters of the State. Yet we now propose to hold jurisdiction or domination over this estate, the property the sovereign State loaned by it to the individual, but we also provide that in the event we choose to do so, at the expiration of a certain length of time, we shall take over all that individual's right and will proceed to run this business ourselves. This is a provision of the bill which we are asked now to enact into law. Of course we object to it.

Mr. President, I only want to refer incidentally to one or two other matters. We want to clear the record. There is some little controversy about certain decisions of the Supreme Court of the United States in the matter of the right of the State to tax, and so forth. I have no doubt in my own mind that the Congress of the United States can place an amendment on this bill authorizing the State governments to tax these power sites. There is now no such amendment. I have no doubt, however, of the proposition that Congress can enact such legislation.

One of the Senators here last night referred to the fact that there was one woman in the State of Texas who had 1,600,000 acres of land, and referred to the fact that the United States Government had given to the railroads of the country 155,000,000 acres of land, and stated that, remembering things of that kind, he did not propose to vote away any more of the people's heritage.

The trouble with that argument, Mr. President, is that the western people are not asking anything; they are not asking any donations. They did not give these lands to the railroads, but it was the Congress of the United States, on the recommendation of the bureaus of the United States Government, that gave the lands to the railroads. The States are not responsible for it. That is exactly our objection. We do not want the control of the lands left here; we do not want it to be possible for people not understanding the conditions to legislate for those conditions as they actually exist upon the ground.

As to this great estate of 1,600,000 acres held by one woman, the Senator who made the statement, of course, did not know—he had received his information from some one else who possibly did not know—that it was not under any disposition of the lands by the State of Texas that this lady acquired this very great estate. The State of Texas was a portion of the State of Coahuila and Texas, a part of the Mexican Republic, prior to 1836 or 1837. The State of Texas was then one of the geographical divisions of the State of Coahuila and Texas. It had representatives in the Mexican Legislature. Stephen Austin and son had a great concession from the Mexican Government for the settlement of a magnificent empire estate. He had great grants of land conditioned upon his placing residents upon those lands. Possibly it was unfortunate that this system was adopted by the Mexican Government, because it certainly resulted in the colonists placed there by Austin wresting the great empire of Texas from the Mexican Republic; but, nevertheless, those are historical facts.

The lands that are spoken of, lying in great, enormous bodies, and now owned by Mrs. King, of Cleberg, were largely Spanish land grants. They are not even lands granted by the Republic of Texas, or granted by the State of Coahulla and Texas, or granted by the Mexican Government to the Austin colonists, but are largely original Spanish land grants. The colonists for special services had a head right to a league and labor of land,

containing 4,428 acres. Therefore, instead of locating 160 acres at a time, they located 4,428 acres. Texas, on her magnificent domain, allowed her soldiers, both those who fought in the Mexican War and those who had fought in the Civil War, to obtain head rights, which they could locate anywhere, amounting to as much as 4,400 acres. They recognized the fact that one could not live on 160 acres of land of this character. eastern part of the State the rainfall area had been settled up, and this great estate of 1,600,000 acres is in a part of the State which has become valuable by the development of railroads opening up the country, until a portion of it is actually bringing such a high price now, after having been held in private ownership for something like 60 years, that I think 10,000 acres out of the entire estate have been sold in recent years for \$25 per acre. It is a grazing proposition, requiring from 30 to 40 acres for a cow, just as in my State it is the requirement.

I have here a document, with which I shall not encumber the RECORD, containing a letter from the Forestry Bureau. I must, however, in answer to the question of the Senator from New York [Mr. Wadsworth], call attention to that one particular letter. In answer to my query of the department as to what their experience was as to the number of acres that were required in New Mexico to graze one head of cattle, the answer was:

Ten acres to one sheep, 38.4 acres to one cow, excluding, however, the broken country which did not bear grass or which was beyond the ready reach of the cattle.

This is the character of the country. Why, sir, the Spaniards knew what they were doing, and had it not been for the system adopted by the Spanish Government, by which nearly one-third of my State had been granted long prior to its incoming to the Union, we would not have been able to maintain a State government to-day.

The people of New Mexico are not responsible for the fact that there are 2,000,000 acres of land in the Maxwell land grant; they are not responsible for the fact that there are 1,000,000 acres in the Tierro Anarillo land grant; they are not responsible for the fact that there are 1,000,000 acres in the Armentares land grant, owned by a great California syndicate; nor are they responsible for the fact that on that great domain it requires 40 acres for a cow to subsist, and that a family located on 640 acres, such as you are giving us out of your great wealth and out of your charity, at the very best could expect to graze but 16 head of cattle—not milch cows, not dairy cows, but 16 head of range cattle.

These are the conditions in New Mexico. Who is responsible for those large grants? It has been maintained for years as to practically every one of the grants which I have mentioned that when the patents to the lands constituting those grants were confirmed by the Congress of the United States by special act they covered from three to ten times the land originally granted. Those confirmations were made specially by the Congress of the United States, and not by the people of the State. We have not granted away any great domain.

The suggestion which I have just made may be illuminated

The suggestion which I have just made may be illuminated by reciting the fact that the court of private land claims, which finally passed upon the title of the remaining Spanish land grants in my State and those in Arizona and in California, in my State invariably cut the amount of the area very materially from that claimed by the claimants. These are just general conditions. This is merely a desultory attempt at enlightenment to give the people generally something upon which to form an opinion.

I desire to say again, by way of emphasis, that legislation of this character is an entire change of policy on the part of the United States. It is a deadly blow at State rights. These are States now; they are no longer Territories; and this legislation proposes to strike a deadly blow at them. Furthermore, it is a long step toward, national state socialism and imposes an inevitable restriction upon the development and the prosperity of the great western country. These are the conditions.

I do not believe in reservation of surface land under any circumstances. I believe that reservation of surface land means restriction of population, for the people must have land upon which to live. Although opposed in principle, because I believe that it is very bad policy to the Government of the United States engaging in any form of State or Government ownership, I am not so bitterly opposed to reservations or restrictions upon the disposition of the minerals under the surface, because the same principle as to population does not apply.

principle as to population does not apply.

On first entering this body I insisted that there must be no disposition of the property, even of the Government, in a State which would deprive that State of the revenues to which it was naturally entitled. Therefore, I have not been so bitterly opposed to the reservation of mineral wealth, even the coal

under the public lands of my State, for example, provided that out of every cent of revenue the Government of the United States exacts from those working the property some portion of that revenue is turned over to the State for local self-government, else it is a self-evident fact, needing no proof, that the State can not maintain its local self-government, and will be forced to come here and apply to the Congress of the United States and ask, as Indians upon a reservation ask, for a cash appropriation every year for the support of our State and local governments.

If you are going to enter upon this policy, then be guarded about it; have some respect for the rights of the people who have gone into the western country, and legislate with some understanding. Remember that in the disposition even of the waters, of the coal, of the minerals, and particularly of the surface land, legislation which may be just and may fit the State of Montana may not apply to New Mexico or to Arizona. Remember that the 640-acre homestead bill, with the exception of a few thousand acres in New Mexico which might come under its provisions, constitutes to a person seeking to take advantage of it a liability and not an asset. How is a family going to live upon the land? How is it possible under the provisions of that law for any family actually to comply with the law, make a home, and acquire title to 640 acres?

Mr. WALSH. Mr. President—

The PRESIDING OFFICER (Mr. Thompson in the chair).
Does the Senator from New Mexico yield to the Senator from Montana?

Mr. FALL. I yield. Mr. WALSH. I thought possibly inasmuch as the Senator is evidently in error as to my attitude in respect to the 640-acre homestead law that he would like to be corrected. know that the Senator is advised of the fact that that bill never did meet with my approval.

Mr. FALL. The Senator will pardon me if I appeared to be directing personally my remarks toward him. The Senator will realize that he is the one Senator, possibly, who is paying any attention to the remarks of the Senator from New Mexico, and for that reason I have been directing my remarks to the Senator because he appeared to have some little interest in this matter.

Mr. WALSH. Mr. President, the remarks of the Senator naturally would lead to the conclusion that the 640-acre homestead bill was imposed upon the people of the West by some body in the East. The fact about the matter is that I yielded my objection to it because there was practical unanimity on the part of the representatives from the West in favor of that

Mr. FALL. The Senator is simply misinformed as to that, because there was not that unanimity which he thought there was on the part of western Senators. I think that one or two western Senators, including the colleague of the Senator from Montana, who is chairman of the committee, supported the bill and appeared to be very sincerely and very wholeheartedly in

Mr. WALSH. I merely desired to express my understanding of the matter, that the 640-acre homestead bill originated with

and was urged by the representatives of the West.

Mr. FALL. If the Senator will recognize one from the Southwest as a western Senator, I can say that it did not meet with my approval at all, and I do not think it met with the approval of various other Senators from the Northwest, the West, and the Southwest.

Mr. WORKS. Mr. President—
The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from California?

Mr. FALL. I yield. Mr. WORKS. I happen to be a member of the Committee on Public Lands, and I know there was a great deal of opposition in that committee to the 640-acre homestead bill. I impressed with it myself, but I did not make any active opposition to it because some of the Senators from other States said it would be of value in their States. I did not think it would be in California, and, while I did not believe in it, I did not actively oppose it.

Mr. FALL. That was the position of the Senator from New Mexico. I did not favor it. I was not present at the time the vote was cast. Had I been present, I should not have voted for the bill because of my objections to it. I would have been favorable, as I am favorable now, to any possible measure which will cut loose from the Department of the Interior or from any bureau of the Government any of the resources of my State, and, although I do believe that the 640-acre bill will prove a delusion and a snare and a liability rather than an asset, it will finally result in putting lands generally into

larger bodies and into private ownership where they can be taxed for purposes of local self-government.

Mr. WALSH. Mr. President

The PRESIDING OFFICER. Does the Senator from New Mexico yield further to the Senator from Montana?

Mr. FALL. I do.

Mr. WALSH. My only purpose, Mr. President, in referring to this matter at all was that I thought the remarks of the Senator were calculated to leave upon the country the impression that the 640-acre homestead bill originated with the bureau or department officers or somebody in the East who was imposing an unwelcome policy upon the West.

Mr. FALL. Well, sir, if the Senator insists upon the history of the 640-acre homestead bill going into the Record, he can find it in the report on the Ferris bill, and he will be possibly rather enlightened by reading that report. It originated with a Member who lives in a State which is largely a nonpublic

land State of the West.

Mr. President, I have been referring to differences in local conditions, because they exist and they should govern legislation as well with reference to water powers, as I have said, as with reference to mineral development or as to surface development or population and settlement. What is applicable to Montana is not applicable to New Mexico. What does all this mean? It means that in the handling of the public domain it is impossible intelligently to handle it from Washington. Let the Congress of the United States pass such safeguards as it sees fit in order to provide that the natural resources shall not be monopolized generally, and let the administration of those laws and of those resources be confided to the localities where the resources them-selves are situated. Let this be done under the general supervisory power of Congress or of the department which it may intrust with the business, but give us local self-government, and you will not have the trouble with reference to the disposition of the public lands, the great heritage of the people, which is now experienced.

Why, Mr. President, it costs double the amount of morey to administer the forest reserves in New Mexico than is received from them. I stood here four years ago and offered a compact between the Legislature of New Mexico and the United States Government or the Agricultural Department under which we would take the forest reserves in New Mexico and administer them under the laws of Congress and under the direction of the Department of Agriculture itself and under the direction of the Department of Agriculture itself and under the Use Book without one cent of cost to the Treasury of the United States. I could not get that proposal accepted. To-day I have protests, particularly from the stockmen in the State of Arizona, at the action of the Forestry Bureau under the Agricultural Department of the United States in attempting to raise grazing fees on these lands from \$1 per head to \$2 per head. The department knows nothing of the conditions. In the State of Montana there are nutritious grasses which will develop a beef cow or a beef animal. Our cattle are shipped from our region of country, which is a breeding country, to Montana, Wyoming, and other States and put upon the grasses there. We can not develop them; we ship at 11 and 12 months to the pastures in other States; and then in the other States they sell to feeders after they have fattened the cow or the beef animal. We can not do that in our portion of the country. In Montana and other States they can pay \$2 per head for grazing privileges, while we can not pay that amount in our country, where we are simply raising breeding animals, and where 40 acres to a cow quired. The people here do not understand the conditions. The Secretary of the Interior knows nothing about them. average Senator knows the conditions in his own State, but nothing about those in any other State.

Complaint is made of the great landholdings, as I have said, and I have referred to the great areas in my State embraced in land grants. Why were they granted? Do you suppose the Spaniards were not empire builders and did not know how to build? The greatest pioneers that the world has ever known were the old Conquistadores, who brought civilization in the State of New Mexico before the Pilgrims landed at Plymouth They granted these great grazing areas because they knew while 50,000 acres sounds like an enormous estate-and it is claimed now that such estates deprive the people of this great Union of their heritage—that in the State of New Mexico 50,000 acres will at best support 1,000 head of cattle. Spaniards were true pioneers, and they knew what they were doing. We still had Bentons from the West in 1846 to fix the policy under which we developed our Territory; but we have no Bentons now. We have, however, some who, for one reason or another, are following the suggestions thrown out by the Secretary of the Interior; so that we have almost surrendered all legislative prerogatives to a bureaucracy.

Mr. WALSH. Mr. President, in the course of the remarks of the Senator from New Mexico [Mr. Fall] he said as follows, referring to the subject of radium:

referring to the subject of radium:

A bill was introduced providing for immediate action, and what was it? That permission be granted to the Secretary of the Interior, or that Congress enact a law, withdrawing from any entry whatsoever or from any disposition all lands containing ores of carnotite, from which radium is produced, or of mines containing pitchblende, which is also one of the sources of radium. That bill was seriously insisted upon. It came from the Committee on Mines, under a report made by the eminent chairman of that committee, himself a representative of a western mining State. Immediate consideration of the measure was insisted upon at that time.

Mr. President, the objection of some of us from the Western States that the Secretary of the Interior did not know what he was doing, did not understand the subject at all, was treated with contempt. Minority members of the committee could scarcely receive a patient hearing upon their objections; and yet, sir, the effect of that proposed law would have been to withdraw every acre of land in what is known as the Permian Jurassic area of the United States. That withdrawal would have covered the entire half of my State of New Mexico, practically all of the State of Utah, and more than half of the State of the Senator from Montana [Mr. Walsh] himself, who introduced the bill.

The Senator from New Mexico was speaking from recollection of something that transpired in the Sixty-third Congress, a matter of two years ago. I hold in my hand the bill referred to by the Senator, Senate bill 4405 of the Sixty-third Congress, second session. As it does not provide for the withdrawal of one acre of land, I ask that it be incorporated in the RECORD at this point, without reading

The PRESIDING OFFICER. Without objection, it will be so ordered.

The bill as proposed to be amended by the Committee on Mines and Mining is as follows:

A bill (8. 4405) to provide for and encourage the prospecting, mining, and treatment of radium-bearing ores in lands belonging to the United States, for the purpose of securing an adequate supply of radium for Government and other hospitals in the United States, and for other

and treatment of radium-bearing ores in lands belonging to the United States. But he purpose of securing an adequate supply of radium for Government and other hospitals in the United States, and for other purposes.

Be it enacted, etc., That hereafter all deposits of carnotite, pitch-blende, or other ores containing radium in sufficient quantity for extraction, in lands belonging to the United States, and the lands containing same, shall be subject to exploration, occupation, and purchase under the mining laws upon condition that said radium-bearing ores shall be exclusively sold and delivered to the United States as herein-after provided, and the exclusive right of the United States to purchase and receive said ores from the owners of such lands, their lessees and assigns, together with the right of the United States to enter upon the lands so patented and mine, develop, and remove said radium-bearing ores in the event that the patentee, his lessees or assigns, of the market value of the said ores so mined and removed, as fixed by the Secretary of the Interior under the provisions of section 4 of this act, less the cost of mining and removing same, shall be expressly reserved in any and all patents which may hereafter be issued for lands located under this act. Provided, That if the United States shall at any time fall or refuse to purchase any such lands so located, whether patented or unpatented, upon the tender of the same for sail in carload lots at any radiroad station, or such a such patenter of the same for sail in carload lots at any radiroad station, or such and the such provided, the said of the said

tions on lands located as herein provided for shall at all times be subject to inspection by authorized representatives of the Secretary of the Interior, and the locators or patentees of such lands, their lessees and assigns, shall transmit annually to the Secretary of the Interior or to his authorized representative, on blanks to be furnished by him, a statement of all developments, the nature thereof, and the quantity of ore mined.

Sec. 6. That there is hereby appropriated for the erection and general equipment of a suitable building or buildings for radium extraction the sum of \$150,000, and for the necessary expenses connected with the purchase and treatment of radium-bearing ores and the extraction of radium therefrom during the fiscal year ending June 30, 1915, the further sum of \$300,000.

Sec. 7. That nothing herein contained shall be construed to affect or abridge the right, in good faith, to locate or appropriate (under existing laws) any public lands, whether mineral or otherwise, not known by the locator or appropriator to be of value because of any radium-bearing ores therein, and any patent issued for such lands so located or appropriated shall be unlimited in character except as in such laws provided, anything in this act to the contrary notwithstanding.

Sec. 8. Except as herein provided the general laws in relation to the disposition of mining lands shall be applicable to the lands in this act referred to containing radium-bearing ores.

Mr. WALSH. Mr. President, I likewise have before me a

Mr. WALSH. Mr. President, I likewise have before me a copy of the hearings had upon that bill. They were quite extensive. Contrary to what might be inferred from the remarks of the Senator from New Mexico, every opportunity was given to those who were opposed to the bill to be heard at length by the committee. There were examined, among others antagonistic to the bill, O. B. Barlow, of Montrose, Colo.; Joseph M. Flannery, of Pittsburgh, Pa.; Thomas R. Henahan, of Denver, Colo., State mining inspector of the State of Colorado; Thomas V. Curran, of Placerville, Colo.; Hon. W. H. King, of Salt Lake City, Utah; and W. L. Cummings, of Placerville, Colo.; and the record will show that the Senator from New Mexico, being present at most of the hearings, interrogated the witnesses to whatever extent he cared to do so.

I am quite sure that so far as the committee, at least, was concerned every opportunity was given to the Senator from New Mexico and all other members of the committee opposed to the bill to express at length whatever views they might have concerning the measure, and also to interrogate all witnesses who were called before the committee.

This I say in justice to the committee and to myself.

Mr. FALL. Mr. President, the Senator is very sensitive. I do not care to get into a controversy with the Senator. I am a member of that committee. I appeared before that committee. I sought to offer certain amendments. I remember exactly what the consequence was and what treatment I had. When the Senator brought in the bill and put it on the calendar I made certain personal requests of him, which are usually accorded to any Senator making them, with reference to absenting myself for two or three days on particular matters to go to New York. The Senator will recall that when I remind him of it. The Senator could not grant me the request.

It is matters of this kind to which I have reference, simply as showing that undoubtedly the Senator was perfectly sincere in thinking that it was necessary to enact this legislation immediately to save the people of the United States from the great cancer trouble. I do not care to go into details. I am a pretty frank man if it is necessary to be so.

Mr. WALSH. The Senator from Montana has never changed his view about it. I understood that the Senator from New Mexico had a different view about the matter. sired to get the record straight on it; that is all. I merely de-

Mr. FALL. I have nothing but a very kindly feeling for the Senator, and I do not care to get into any personal controversy. I made the statement, and if necessary I can furnish details which I think will convince anyone as to the correctness of the statement I made.

Mr. SMITH of South Carolina. Mr. President, I move that the Senate proceed to the consideration of House bill 19359, the

Agricultural appropriation bill.

Mr. WALSH. Mr. President, I trust the Senator will withdraw that motion. I understood that it was the Senator's desire that the Senate proceed to the consideration of that measure. If he will withdraw the motion, I will ask unanimous consent to lay aside the unfinished business temporarily for the consideration of the Agricultural bill.

Mr. SMITH of South Carolina. Certainly. Mr. FALL. Mr. President, I think I shall have to object to the request for unanimous consent. The bill that the Senator is advocating has been held over us here now for some time. The history of it has been made. Another bill was before the Senate, or sought to be brought before the Senate, and a Democratic caucus was held, and it was decided to displace that bill with the present bill. That statement has been made, and I am simply reiterating statements that have been made to the Sen-It was agreed to displace it, although it was not agreed in this caucus, I believe, to bind certain Senators to vote for the water-power bill. Still it was to be brought up and was

to displace the Townsend retired-officers' bill. It has served

The PRESIDING OFFICER (Mr. THOMPSON in the chair). Does the Senator object?

Mr. FALL. I am arguing the question as to the request for unanimous consent. If I am speaking in the time of the Senator from Montana, very well.

The PRESIDING OFFICER. No; does the Senator object? I am undertaking to explain what my object will be if I do object. I do not understand that I have not the privilege of making that explanation.

The PRESIDING OFFICER. Certainly the Senator has Mr. WALSH. If I have any right to the floor, I very gladly

I am very sorry if I interrupted the Senator.

Mr. WALSH. Not at all. Mr. FALL. I thought the Senator had made a request and was through with it.

I was glad to yield to the Senator.

The PRESIDING OFFICER. The Senator from Montana The Senator from New Mexico will under-

Certainly; the Senator can take the floor, then. The PRESIDING OFFICER. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside for the purpose of taking up House bill 19359.

And upon that request I addressed the Senate. The PRESIDING OFFICER. Is there an objection?

Mr. FALL. Mr. President, I obtained recognition, did I not, from the Presiding Officer?

The PRESIDING OFFICER. The Senator from New Mexico

is recognized.

Very well. Mr. President, I feel that I should Mr. FALL. object to this request for unanimous consent, and I desire to give my reasons for doing it, some of which I have already explained to some extent.

This bill has been laid aside now for a discussion of other measures and still is brought back, pending, hanging over us all There has been some attempt, at least, toward insinuations that there has been a filibuster on the part of some Senators against the consideration of the bill. I want to vote for or against it. I want a chance to vote upon it. I will do anything to facilitate that object. It will not be facilitated by simply hanging it as a club over my head and that of other Senators opposed to it and laying it aside from time to time to consider the business which the Senate is going to settle. You know perfectly well that you have no idea in the world of passing the bill that is now pending. You know that you want to consider matters of importance, and you expect to do it. I do not mean that the Senator who has charge of the bill has no hope of passing it. He may have some hope of that character, but I think the majority of the Senators know perfectly well that this bill is not going to pass, and they are simply using it for some reason as a buffer.

I realize that the appropriation bill should be taken up. am perfectly willing to agree with the Senator to take it up, but I am not willing to agree to any more unanimous consents, keeping this bill here in the way of everything else. I shall have to object.

The PRESIDING OFFICER. There is an objection.

Mr. WORKS. Mr. President, will the Senator withhold the objection for just a moment?

Mr. FALL. I will. Mr. WORKS. Mr. President, I suppose I am as much opposed to this bill as any other Senator, but I think the Senator from Montana is perfectly sincere in his efforts to secure its passage. I think he and I would both like to see these waterpower sites developed, and I had hoped that out of this discussion might come some bill that would be satisfactory to all of us that would bring about that result.

I am utterly opposed to the bill in its present form, because I do not believe in a leasing system, to begin with, and for the further reason, generally speaking, that it is a violation of the right of the States to control the waters flowing within the limits of the States. So far the Senator from Montana and I are

about as widely divided as could be possible.

But there has been a proposition presented here, or there will be, to turn over this whole matter to the States and allow them to deal with it. I think that would be a very proper way of disposing of the whole question, because the most important part of the property that is going to make these water-power sites valuable is the water itself, and that belongs to the States. If the two could be brought together under the supervision and control of the States, I think that would be a happy disposition of the whole subject.

On the other hand, Mr. President, I have introduced here a substitute for the committee amendment that provides for the absolute sale of these water-power sites, with a view of bringing about the same result. I should be glad to have that proposition submitted to the Senate and determined. If a bill of that kind could be agreed upon, it would bring about what the Senator from Montana wants, probably not in the way he wants it. but at least it would develop water-power sites within the State of Montana and the other Western States. So that I have no disposition myself to prevent the consideration of this bill, to the end and with the hope that some result may be reached that will be satisfactory to the representatives of the Western States. Therefore I hope that the Senator from New Mexico will not insist on his objection to temporarily laying aside this bill in order that it may receive proper consideration.

Mr. WALSH. Mr. President, I feel that I should like to appeal to the Senator from New Mexico in the same way. I am very sure that he realizes the necessity for some legislation upon this very important question; and I appeal to the Senator from

Colorado in the same way.

There are amendments or proposed substitutes for this bill.

These represent three different ideas. The bill before us represents the idea that these lands ought to be leased out for a period of 50 years. The Senator from California has offered a substitute which provides another plan, namely, that these lands shall be put up and sold outright to those who desire to develop them. The Senator from Arizona, as I understand, has another substitute, which provides that these lands shall be transferred to the States in which they lie.

Now, why should we not take the judgment of the Senate upon which one of these three systems ought to be adopted? And if any one is we can then seek to modify the proposal so as

to get general concurrence.

I do not exactly like to feel that any Senator would simply like to postpone this matter without having any solution what-ever arrived at, or even the judgment of the Senate taken concerning the particular method of disposition that ought to be exercised. I hope that we may be able to keep this measure before the Senate and get a vote on these substitutes, or one of them at least, and then upon the final matter.

Mr. SMOOT. Mr. President, has the Senator from New Mexico concluded?

Mr. FALL. I have concluded, but both the Senators have

been appealing to me to withdraw my objection.

Mr. SMOOT. If the Senator has concluded his remarks, according to a promise that I made to another Senator I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is

suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Hitchcock	Martin, Va.	Smith, S. C.
Borah	Hollis	Myers	Smoot
Chilton	Hughes	Nelson	Sutherland
Clapp	Husting	Norris	Thomas
Clark	James	Overman	Thompson
Colt	Johnson, Me.	Page	Tillman
Culberson	Johnson, S. Dak.	Pittman	Underwood
Cummins	Jones	Poindexter	Vardaman
Curtis	Kenyon	Ransdell	Wadsworth
Dillingham	Kern	Reed	Walsh
du Pont	La Follette	Saulsbury	Warren
Fall	Lane	Shafroth	Watson
Fernald	Lewis	Sheppard	Weeks
Gallinger	Lippitt	Shields	Williams
Gronna	Lodge	Smith, Md.	Works

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Oregon [Mr. CHAMBERLAIN] on account of official business.

The PRESIDING OFFICER. Sixty Senators have answered to their names. There is a quorum present. The Senator from Montana [Mr. Walsh] has asked unanimous consent to lay aside the unfinished business for the purpose of taking up House bill 19359, the Agricultural appropriation bill.

Mr. FALL. Mr. President, I object to the unanimous con-

The PRESIDING OFFICER. Objection is made.

AGRICULTURAL APPROPRIATIONS.

Mr. SMITH of South Carolina. I move, then, that the Senate

proceed to the consideration of House bill 19359.

Mr. MYERS. Mr. President, I do not believe that motion ought to prevail. It looks to me like simply a plan to displace the unfinished business. I am sorry the Senator from New Mexico objected to the request for unanimous consent to lay it aside. The Senator must see that if this motion prevails it will displace the unfinished business, and I hardly think the Senator from New Mexico would want to displace it. I thought he would be willing for it to stay before the Senate a day or two longer, a few days longer, to give it a fair chance of getting to a vote.

Of course, the Senator having made his objection, which is his privilege, if this motion prevails it will displace the unfinished business. I shall vote against the motion, and hope it will not prevail.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Carolina.

Mr. MYERS. On that I call for the yeas and nays. The yeas and nays were ordered, and the Secretary pro-

ceeded to call the roll.

Mr. LANE (when Mr. Chamberlain's name was called). wish to announce that my colleague [Mr. Chamberlain] is absent on official business, and that he has a pair with the junior Senator from Pennsylvania [Mr. OLIVER]

Mr. CLARK (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], who is absent. I transfer that pair to the senior Senator from Connecticut [Mr. Brandegee] and vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN]. In his absence I withhold my vote.

Mr. JONES (when his name was called). The junior Senator from Virginia [Mr. Swanson] is necessarily absent on account of illness, and I am paired with him for the day. I therefore withhold my vote.

Mr. MYERS (when his name was called). I transfer my pair with the junior Senator from Connecticut [Mr. McLean] who is absent, to the junior Senator from Arizona [Mr. SMITH], and vote "nay.

Mr. THOMAS (when his name was called). Has the senior Senator from North Dakota [Mr. McCumber] voted?

The PRESIDING OFFICER. He has not.

Mr. THOMAS. I have a pair with that Senator and therefore withhold my vote. Were I at liberty to vote, I should vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. Goff] to the senior Senator from Tennessee [Mr. Lea] and vote "yea."

Mr. WALSH (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. Lippitt] to the Senator from Nevada [Mr. NEWLANDS] and vote "nay.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Alabama [Mr. BANKHEAD] and vote "yea.

The roll call was concluded.

Mr. UNDERWOOD. I transfer my pair with the junior Senator from Ohio [Mr. Harding] to the junior Senator from Louisiana [Mr. Broussard] and vote "yea."

Mr. THOMAS. I transfer my pair with the senior Senator from North Dakota [Mr. McCumber] to the junior Senator from Arkansas [Mr. Kirby] and vote "nay."

Mr. VARDAMAN (after having voted in the affirmative). I desire to inquire if the Senator from Idaho [Mr. Brady] has voted.

The PRESIDING OFFICER. He has not.

Mr. VARDAMAN. I am paired with that Senator. I transfer my pair with that Senator to the Senator from Maryland [Mr. LEE] and let my vote stand.

Mr. SMITH of Georgia. I transfer my pair with the Senator from Massachusetts [Mr. Lodge] to the junior Senator from California [Mr. Phelan] and vote "yea."

Mr. SIMMONS (after having voted in the affirmative). I wish to income whether the junior Senator from Minnesota

wish to inquire whether the junior Senator from Minnesota

[Mr. CLAPP] has voted.

The PRESIDING OFFICER. He has not voted.

Mr. SIMMONS. I am paired with that Senator, and not being able to get a transfer I withdraw my vote.

Mr. HOLLIS. I was requested to state that the senior Senator from Ohio [Mr. Pomerene] is detained on official business.

Mr. SIMMONS. I transfer my pair with the Senator from Minnesota [Mr. Clapp] to the Senator from Ohio [Mr. Pomerene] and vote "yea."

Mr. KERN. I desire to announce that the Senator from Oregon [Mr. Chambeelain], the Senator from Arkansas [Mr. Rob-INSON], and the Senator from Ohio [Mr. POMERENE] are absent on official business

The result was announced—yeas 55, nays 11, as follows:

YEAS-55.

Dillingham du Pont Fernald Fletcher Beckham Borah Culberson Cummins Bryan Clark

Hardwick Hitchcock Hughes

James Johnson, Me. Johnson, S. Dak. Kern La Follette Lane Lippitt Lodge Martin, Va. Martine, N. J.	Norris Overman Page Poindexter Ransdell Reed Robinson Saulsbury Shafroth Sheppard	Shields Simmons Smith, Ga. Smith, Md. Smith, Mich. Smith, S. C. Smoot Sutherland Thompson Tillman	Townsend Underwood Vardaman Wadsworth Warren Watson Weeks Williams Works
24.62	N	AYS-11.	
Chilton Fall Hollis	Husting Kenyon Lewis	Myers Pittman Sterling	Thomas Walsh
	NOT	VOTING-30.	
Ashurst Bankhead Brady Brandegee Broussard Catron Chamberlain Clapp	Gallinger Goff Gore Harding Jones Kirby Lea, Tenn. Lee, Md.	McCumber McLean Nelson Newlands O'Gorman Oliver Owen Penrose	Phelan Pomerene Sherman Smith, Ariz. Stone Swanson

So the motion was agreed to; and the Senate as in Committee of the Whole proceeded to consider the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. SMITH of South Carolina. I ask that the formal reading of the bill be dispensed with and that it be read for action on the committee amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Agriculture and Forestry was, under the head of "Department of Agriculture," subhead "Office of the Secretary," in the item of appropriation for "Salaries, Office of the Secretary of Agriculture," on page 2, for "Salaries, Office of the Secretary of Agriculture," on page 2, line 7, after the words "Secretary of Agriculture," to strike out "\$2,500" and insert "\$3,000," so as to read:

Salaries, Office of the Secretary of Agriculture: Secretary of Agriculture, \$12,000; Assistant Secretary of Agriculture, \$5,000; solicitor, \$5,000; chief cierk, \$3,000, and \$500 additional as custodian of buildings; private secretary to the Secretary of Agriculture, \$3,000.

Mr. SMOOT. Mr. President, that is about the only increase in salaries in the bill, as far as I have examined the bill in the short time I have had it before me. May I ask the Senator from South Carolina if this is the only increase of salary in the bill?

Mr. SMITH of South Carolina. There are only two others. There are three in the whole bill.

Mr. SMOOT. Of course, the appropriation bills that have passed so far have passed without a single increase in salary, and that seems to be the settled policy of the Committee on Appropriations.

Mr. SMITH of South Carolina. If the Senator will allow me, I should like to state the reason which prompted the committee to this action, and I think it will meet his objection.

The Agricultural Department has grown so enormously and there have been added so many bureaus and divisions, and its work has been extended until those who are charged with the responsibility of meeting the requirements of new legislation from time to time have been so burdened that it takes practically the entire time of this private secretary. In increasing the salary of the private secretary of the Secretary of Agriculture we looked upon him as in the immediate official family of the Secretary of Agriculture. The fact was brought to our attention and the committee unanimously deemed it wise where great labor and responsibility were placed upon these officials to compensate them in this way. There are only three of these increases in the bill, and we thought we were justified in making them.

Mr. SMOOT. I take it for granted that everything the Senator says is absolutely correct, but it not only applies in this one case here but it applies to many cases that were brought to the attention of the Committee on Appropriations, particularly in the consideration of the legislative, executive, and judicial appropriation bill. I know that there are employees of the Census Bureau whose salaries without doubt ought to have been increased.

There are one or two in the Treasury Department and there are others in other departments of our Government. I should have said that the committee even went so far as to increase these particular salaries, but after a complete consideration of the bill the committee decided that the only course that could be pursued without criticism by a great many of the employees of the department would be to adopt a policy, and that was that this year there should be no increases in salaries.

To be consistent, it seems to me that all the committees having appropriation bills in charge should follow the same policy. If not, the Committee on Appropriations will be pointed to as the only committee having appropriation bills in charge that has followed it, and there would be severe criticism of them in some quarters for adhering to a policy that they thought ought to be followed in all the other appropriation bills.

I wish to say to the Senator frankly that I have not heard the details as to why this particular officer ought to receive an increase, but I do not hesitate to say that the committee thought that the testimony was sufficient that he should receive the increase, just as the Committee on Appropriations thought that there ought to be an increase in salary of certain officers the appropriation for whom was carried in the legislative, executive, and judicial appropriation bill.

Mr. VARDAMAN. Mr. President, I was not present in the Chamber when the Senator began. May I ask to what item he

Mr. SMOOT. I was calling attention to the increase in the salary of the private secretary of the Secretary of Agriculture and making a statement as to what has been the policy of the Committee on Appropriations as to an increase in salaries so far in all the bills it has had under consideration. If in the Agricultural appropriation bill we are to increase salaries, it seems to me that the Committee on Appropriations, which has so many of the bills under its control, should follow the same I think there ought to be uniformity in the matter. The District appropriation bill was reported this morning, and the policy has been just the same as it was on the legislative, executive, and judicial appropriation bill. There is no increase of salaries in that bill.

I ask the Senator from South Carolina if he does not think that that same policy ought to be carried out by all the committees having appropriation bills in charge?

Mr. SMITH of South Carolina. I wish to state to the Senator and to the Senate that it was the disposition of the committee, I am quite sure it was of the acting chairman and of the entire committee, to cut down the appropriations just as much as economy and efficiency would justify, but after we have added in the last two or three years the grain grading, and added the Market Bureau, and added other things that will come under the administration directly of the Secretary of Agriculture, and after their work had been increased so greatly this increase seemed to be so justifiable that, though we did not allow any increases elsewhere, yet at three particular points where there seemed to have been an accumulation of the work, where it had to be distributed, the committee felt justified in raising the salaries slightly.

Mr. GALLINGER. Will the Senator permit me?

Mr. SMITH of South Carolina. Certainly.
Mr. GALLINGER. I regret the action of the committee in increasing any salary. In the legislative bill I was extremely anxious to have an increase given to a man whose responsibilities are great, but it was argued that no increase should be allowed. No increase was allowed in the District of Columbia appropriation bill. I think I am permitted to say this. We made increases in a good many cases, but at the urgent request of the chairman of the Committee on Appropriations and of Senators every one of them was stricken out this morning.

Mr. SMITH of South Carolina. Let me make a statement to the Senator. This amendment records the feeling of justice of the Committee on Agriculture and Forestry upon the specific facts furnished to them. If it is the judgment of the Senate that we should adhere to a uniform rule, and that there shall be no infraction of that rule, then it absolves us from all the responsibility which necessarily rests upon us under the merits of the specific case.

Mr. GALLINGER. That is the precise rule which was invoked in the committee this morning. Of course, the Senate can do what it pleases about it. I think we ought to have a general rule.

Mr. BRYAN. Mr. President-

Mr. SMITH of South Carolina. I yield to the Senator from Florida.

Mr. BRYAN. I think it is a good time to establish the rule right now. The committee having in charge the legislative, executive, and judicial appropriation bill did not increase any salaries, and there were just as many meritorious cases on that bill as there can be upon this bill.

Mr. ROBINSON. Take the case of the chief clerk of the

Census Office.

Mr. BRYAN. That is not the only one. We were told if we did not increase his salary \$500 we were liable to lose him. The committee did not increase the salary. There was another

case referred to by the Senator from New Hampshire. There were innumerable cases. This morning the District appropriation bill was reported from the subcommittee, and I think I can say it contained no increases in salary; and so far as the Committee on Appropriations are concerned it seemed to us indefensible to take up one bill and adopt one policy and then have another bill coming out of the same committee and adopt a different policy, and then to have the Committee on Agriculture and Forestry come along with their appropriation bill and suggest a third policy. There ought to be one general policy laid down. In this bill there are only three increases in salaries, and I think the chairman of the committee can very well afford to forego those increases this year and let us treat everybody

Mr. SMITH of South Carolina. In justification of the Committee on Agriculture and Forestry I want to say that the committee to which the Senator refers took its action and the Senate ratified it. Any other committee having appropriation bills in charge takes its action and the Senate ratifies it or not. We have taken our action, and now it is for the Senate to say what it is going to do.

Mr. ROBINSON. Mr. President, I merely want to say that I think this amendment should not be agreed to, for the reason that if it is agreed to it will probably justify a great many increases that have not been allowed by the Committee on Appropriations in bills that have been already reported to the Senate. As stated by the Senator from Utah and the Senator from Florida, we have adopted a plan whereby the salaries of the class to which this belongs shall not be increased. We have made the rule general. There is certainly less necessity and justification for increasing the salary of the private secretary of the Secretary of Agriculture than there is for an increase in many other cases in the way of salaries where increases have not been granted, and where the salaries will not be increased by reason of the action of the Committee on Appropriations.

I cite the instance of the chief clerk of the Bureau of the Census. The decennial census is coming on. The work in that bureau is enormously increased and will be during the next fiscal year. The chief clerk is one of the most efficient men in the Government service; nobody disputes that; the evidence is conclusive upon that point, yet in order to adhere to the principle which the Appropriations Committee established, and in order to practice some degree of economy in the case of clerical positions of that class we did not allow him the increase. We did not allow any increases.

So in the few instances in which the Committee on Agriculture have felt induced not to put that rule into effect, I express the hope that the Senate will not grant the increase, because if you do you will have an almost unlimited debate on items in the other bills, which are even more easily justified than the item now under consideration. We cut down in some instances the allowance made by the House of Representatives

upon that same theory.

Mr. SMITH of Georgia. Mr. President, I wish to say just a word in explanation of the action of the Committee on Agriculture with reference to this particular increase, and after saying that I am disposed to join with the balance of the Senate in adhering to the rule adopted by the Committee on Appropriations.

The Department of Agriculture has only one Assistant Secretary. It has grown to be one of the largest departments in the Government service. The private secretary to the Secretary of Agriculture, within the knowledge of the members of the committee does provide the secretary to the secretary of the committee does be a secretary to the secretary of the secretary to the secretary of the secretary to the secretary of the secretary to the secretary to the secretary of the secretary to the secretary to the secretary of the secretary to the secretary of the secretary to the secretary to the secretary of the secretary to the seconomic transfer to the secretary to the secretary to the secreta mittee, does practically the work of an Assistant Secretary of the department. It was owing to our personal knowledge of the work we have put on him and the great efficiency with which he performed the work that we felt he was due the increase. I still think so, but I am willing to conform for the present to the policy that exists. I am sure he does not perform merely the work of a private secretary, but to a very large extent the work of an Assistant Secretary. Yet I shall not insist upon the increase.

Mr. SMOOT. I have not the least doubt but that the statement just made by the Senator from Georgia is absolutely correct, and yet admitting that it is correct I believe it would be and yet admitting that it is correct I believe it would be an unjust act on the part of the Senate now to increase even this worthy employee's salary.

Mr. VARDAMAN. Will the Senator permit me to ask him a question just there?

Mr. SMOOT. Certainly. Mr. VARDAMAN. Does the Senator think that the work that this man is doing—or to put it more correctly, will the performance of the functions of his place deserve greater compensation than that proposed to be given in this bill?

Mr. SMOOT. It is not worth any more than the work that is being done by a great many other men in the employment of the

Mr. VARDAMAN. Does not the Senator think in view of what the man's work is worth he ought to be paid the amount carried in the amendment? The Government is able to pay for the services of its employees. I question the morality of a law which would compel or permit a man to work for the Government at a salary less than the work is worth.

Mr. SMOOT. In view of the attitude that has been taken by the committee I would have to say no, because this is not the only department of the Government that has grown. I call the attention of the Senator to nearly every one of the departments of our Government to-day. They appeal to the Committee on Appropriations and base their appeal upon the fact that the work

has immensely increased. We know it has done so.

Mr. OVERMAN. In the Navy and War Departments, and especially in the Census Bureau, that is the case. The Senator will remember that the Census Committee were unanimously of the opinion, as the Senator from Arkansas has stated, that that man in the Census Bureau has more work on his shoulders than probably he ought to have.

Mr. VARDAMAN. Then I think the committee was derelict

in its duty in not giving him an increase of salary.

Mr. OVERMAN. If we had gone into an increase of salaries, we would have had to have gone into the Navy Department, because the Senator knows how much work is imposed on the Secretary and the private secretary there. We adopted a general policy that we would not increase anybody's salary this year.

Mr. VARDAMAN. I do not believe in legislating that way. In a case so distinctly and admittedly meritorious as the committee evidently thought this was, it seems to me the laborer ought to be given just and fair compensation. I believe the laborer is always worthy of his hire, even though he may be working for the United States Government.

Mr. SMOOT. Mr. President-

Mr. VARDAMAN. I want to say in this connection, if the Senator will permit me, I did not rise to protest against the injustice that may be done by refusing to give this man an I am not informed as to the merits of the case; I am willing to take the committee's judgment; but I do from the bottom of my heart desire to see the terms and provisions of the bill properly carried out. I believe that this is the most important appropriation bill that Congress will be called upon to pass. I think the Government derives more benefit from the money invested through the Agricultural Department than through any other department of the Government. I do not want it hampered, hindered, or crippled in any way in the administration of its affairs by underpaying the men who are to

Mr. SMOOT. Mr. President, I do not know a Senator who would do anything to interfere with the splendid work that is being done by the Department of Agriculture. I think myself that the work which is imposed upon this private secretary has greatly increased as has been stated, but there should be consistency in the action of the Senate, and as long as taken the position in the past and the Senate upheld the committee in that position, that there should be no increase of salaries, I believe a different rule should not apply in this particular case any more than in other cases that are just as worthy. I call to mind now that there is hardly a chief clerk of any of the departments who was not recommended by the head of the department for an increase.

Mr. SMITH of South Carolina. Mr. President, I merely wish to explain that the committee has exercised its judgment. Now, if the Senate is going to establish the rule that has been adopted voluntarily by another committee and recommended to the Senate I have no more to say. I just want a vote and see

how the Senate stands.

Mr. SMOOT. I think the Senator is correct, and I am perfectly willing to have a vote at this time.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The question is on agreeing to the amendment.

The amendment was rejected.

The Secretary continued the reading of the bill.

The next amendment was, in the item of appropriation for "Salaries, Office of the Secretary of Agriculture," on page 4, line 8, after the words "in all," to strike out "\$412,010" and insert "\$412,510," so as to read:

Twenty-one laborers or messenger boys, at \$480 each; 1 messenger or messenger boy, \$360; 1 charwoman, \$540; 3 charwomen, at \$480 each; 15 charwomen, at \$240 each; for extra labor and emergency employments, \$12,000; in all, \$412,510.

The PRESIDING OFFICER. The question is upon the amendment of the committee.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 5, line 7, after the words "Secretary of Agriculture," to strike out "\$717,820" and insert "\$718,320," So as to make the clause read:
Total for Office of the Secretary of Agriculture, \$718,320.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. GALLINGER. Mr. President, with reference to an item which has been passed over, I want to ask the acting chairman of the committee if he has ever looked into this item relating to the Office of Farm Management with a view to determining whether we might not save some money in connection with that particular office. That is an office, as I understand, where men are detailed from the Agricultural Department to go out into the country and to teach the farmers how to farm. They visit the farmers, have conversations with them, and are supposed to instruct them how they can raise potatoes, wheat, beans, and other desirable products; when to plant them, I suppose, and when to harvest them. I have looked into the matter somewhat, and I think the work is almost useless and that really very little, if any, good comes from it.

I know it is a provision which has come to us from the other

House; but notwithstanding that, I trust, if the acting chairman, who is a very industrious Senator, has not looked into it this year, that as an influential member of that committee he will just visualize it a little before the next bill comes in, for I am so thoroughly satisfied that there is a waste here that might well be saved that I should like to have it at least examined

with care.

Mr. SMITH of South Carolina. I shall be very glad, Mr. President, to investigate this department, as well as other

departments.

Mr. GALLINGER. There is a gentleman at the head of this office who is considered to be a scientist, an expert man along this line; but, of course, he himself can do very little, even if he had time to do it. However, he details men to go down into South Carolina, I suppose. They have never reached New Hampshire yet, but they will probably come there after a while and tell the farmers of New Hampshire how to pull rocks, how to build stone walls, how deep they should plow, when they should plant, and when they should harvest. The old farmer will look upon it as a joke, and the men will come back to Washington and draw their salaries. That is the view I take of this office. I should like very much if the Senator from South Carolina would look into the matter somewhat carefully.

Mr. SMITH of South Carolina. Mr. President, as I have said, I shall be very glad to investigate this department as well as others. I think, however, that the Senator from New Hampshire may have gotten an erroneous idea in regard to the matter by virtue of these men not having visited New Hampshire. I am quite sure that much good has been done by them; but I desire to say that I agree with the Senator that not only in the Agricultural Department but in several other of our departments we have numbers of men who, as Paul said about the Jews, have "a zeal of God, but not according to knowledge." I think, however, it would be well for us to scrutinize the matter very carefully, and I heartily agree with the Senator that that should be done. I think, however, in this particular instance this bill represents as close a scrutiny perhaps as any bill in reference to the Department of Agriculture has ever had within the time which has been given to us for the purpose.

Mr. GALLINGER. The amount of \$237,380 is appropriated for this office, and, among other things, for instance, for "one clerk or photographer." I do not know what they are photo-They have four clerks or map tracers, three clerks or map tracers, and one lantern-slide colorist. Just what those men are doing when they visit the farm, whether they are taking photographs of the barns or of the sheds or of the houses or of

the trees or of the fields, I do not know.

Mr. THOMAS. Mr. President, perhaps by some mistake these employees have been wrongly classified. From what the Senator from New Hampshire states, I should imagine they belonged to

the Forestry Service. [Laughter.]
Mr. GALLINGER. I should think that would be a more appropriate place for them. I have, however, looked into this matter a little, and I have read some debates in another body in regard to it. I have been profoundly impressed with the feeling that this is one place where a saving could be made. I know the bill has been scrutinized; I think it is a very clean bill; and I am greatly in favor of liberal appropriations; but, after all, it does seem to me absurd that clerks should be sent out from the Department of Agriculture to tell the farmers how to farm.

Mr. SMOOT. Mr. President, is it not true that a great deal of the work that was formerly done by the Office of Farm Management is now being done through the extension work of our

agricultural colleges?

Mr. SMITH of South Carolina. In order that the Senator may understand the terminology here used and the functions which this division is called upon to discharge, which are in different fields, I desire to say that the Farm Management Office has done a particular kind of work. The photographs to which the Senator from New Hampshire refers are taken by them of different kinds of buildings, barns, cow sheds, buildings in which chickens and other fowl may be housed. They make photographs showing how plowing may be done. An ocular demonstration is worth a whole book. A man does not care whether a description be in Latin, Greek, French, or German if he can see depicted the thing that he desires to see. These officers are doing a great work. They are getting out bulletins along this line that have particular reference to farm manage-

There are departments of the Government which seem to duplicate work, but upon a close scrutiny the Senator will find that this legislation is framed as clearly and has been scrutinized as closely as it is possible to do and still obtain efficiency.

Mr. SMOOT. For the consideration of the Senator from South Carolina, when he is framing this paragraph next year, I desire to call his attention to the fact that I believe this is the only appropriation bill that carries such salaries as \$2,520, \$1,020, \$930, and so forth. There may be some reasons for it, but all the other appropriation bills either carry a salary of \$2,500 or \$2,550 or \$2,750; but in this bill we notice amounts inserted such as never occur in any other appropriation bill.

Mr. SMITH of South Carolina. I think the Senator from Utah will find that the reason for these apparently odd amounts or fractional parts of a hundred dollars is because the amounts are made up largely from per diems which have been given. think the Senator will find that these amounts would commend themselves to him, rather than otherwise, because they show a close calculation as to what would be the real value of the

services rendered.

Mr. SMOOT. I will say that this is the only appropriation bill which carries any such odd amounts in salaries paid to Government employees.

Mr. SMITH of South Carolina. I think the Senator will find the reason to be as I have stated it.

Mr. TOWNSEND. Mr. President, I do not like to have the item passed over without protesting against the suggestion that this Farm Management Division of the Department of Agriculture is of little use. I believe it is one of the most useful services which the Department of Agriculture has established. may not have reached all parts of the country, but I think those States where it has been tried will testify that it has been of real, practical use.

It stands to reason that even experienced farmers, to whom the Senator from New Hampshire [Mr. Gallinger] has referred, do not know all of the modern methods of farming. If farming had reached perfection, there would be no need of the Department of Agriculture. It has been my experience that such farmers are very anxious, indeed, to come in contact not with "clerks" from the Agricultural Department but with experienced and trained men in the particular forms of agriculture which these instructors are sent out to demonstrate and teach. So I do not want it understood that this department is of no particular benefit to the farmers. I repeat that I know of nothing that is of more real, practical service and that is more beneficial to the farmers in all communities which these officers have visited than is this particular service.

Mr. JONES. Mr. President, I think it might be well, in connection with this discussion with reference to farm management, to call attention to the statement of Mr. Spillman in the hearings before the committee of the other House, and to give some examples of what is done under this particular appropriation. I agree with the Senator from Michigan [Mr. Townsend] in his statement that this work is accomplishing a great deal of good.

Mr. Spillman says here:

The records we get show that always-

Referring to a source of particular loss in connection with different dangers that come to the farmer and his crops, and so

Mr. Spillman. The records we get show that always; we show just where the defect that caused the loss is, because we get a very complete and detailed statement of the entire business of the farm.

Mr. Doollittle. Doesn't the farmer know himself, before you make a survey, in a case of that kind?

Mr. Spillman. Frequently not; very frequently not. For instance, in one case we made a survey of a farm that was thought to be one of the profitable farms of the county in which it was located, and the

farmer lacked \$751 of making anything. Now, he attributed his loss to the fact that he had rather poor dairy cows, and that, indeed, was one of the factors, but we found that his loss was due principally to the fact that he had 52.5 acres of apples in a region where apples were not the proper thing. Now, the man was very enthusiastic about apples. After we pointed out to him that it was not the type of farm for apples, he was still very enthusiastic about apples. But since then he has had to give up his farm; and some time the new man will have to go in and try to pull out the apples, because they are in the wrong place.

Mr. Helesen. Speaking of profitable cows and some that are not, isn't it a fact that profitable cows are extremely scarce; I will say the highest class of cows are extremely scarce; but a cow does not need to be the highest class in order to be profitable. For instance, cost of production includes the farmer's labor, and it may be that the farmer has not anything else to put that labor to. For instance, the farmer may do \$25 worth of work a year for each of his cows, but it is frequently during the winter when he would not be doing anything else. Mr. Hawley. But all he needs to do is to get a good bull?

Mr. Spillman. Yes; but that takes time.

Mr. Hawley. He can not get good stock any other way.

Mr. Spillman. That is the very best way. We had a case where there was a 500-acre farm that had been run for quite a number of years and had never paid a single cent of return to the owner. There was a tenant on it who was making a fairly good living and barely paying the expenses of the farm. The owners of this farm, a couple of bankers, called in a man from the Office of Farm Management to examine the farm and tell them what was wrong with it. He made three recommendations to the owners. In the first place, our man happened to be an experienced dairy farmer, and he pointed out that they had, say, 4 cows there that were worth keeping, and 16 that were not paying their way. He recommended selling tho make a profit.

Then there was another suggestion by a member of the committee, and Mr. Spillman replied:

It is an extremely difficult matter, I will admit; but these men did

that.

Now, the next recommendation was that on this 500-acre farm they do away, as much as possible, with two-horse implements and get four and five horse implements; so that one man, instead of plowing 1½ acres a day would plow 4 or 5 acres a day. They did that.

Then he made the recommendation that in addition to paying the tenant the same salary he was getting, they should give him 10 per cent of the profits of the farm. At first the owners objected to that; they said the profits belonged to them. Our man said to them: "Yes; it is true the profits belonged to them. Our man said to them: "Yes; it is true the profits belong to you, but you are not getting any profits at all now, and under this arrangement you will get \$9 for every dollar he gets." The next year that farm paid 6 per cent on the investment, just through the adoption of those three suggestions.

Mr. President I will not take the time of the Senate further.

Mr. President, I will not take the time of the Senate further. What I have read indicates to some extent the character of work that is done under the farm-management item, and I presume that the instances of good it has accomplished could be multiplied very greatly.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, under the subhead "Weather Bureau," on page 9, line 1, after the word "aerology," to strike out "\$1,302,870" and insert "\$1,301,190," and in line 2, after the word "exceed," to strike out "\$664,180" and insert "\$662,500," so as to make the clause read:

For necessary expenses outside of the city of Washington incident to collecting and disseminating meteorological, climatological, and marine information, and for investigations in meteorology, climatology, seismology, evaporation, and aerology, \$1,301,190, including not to exceed \$662,500 for salaries, \$114,940 for special observations and reports, and \$294,750 for telegraphing and telephoning.

The amendment was agreed to.

The next amendment was, on page 9, after line 5, to insert: For the establishment and maintenance of a Weather Bureau station at Greenville, S. C., \$20,000, or so much thereof as may be necessary.

Mr. THOMAS. Mr. President, I should like to inquire of the Senator having in charge this bill, whether this expenditure is really needed at this time?

Mr. SMITH of South Carolina. I will state to the Senator that this matter was up last year-

Mr. THOMAS. Did we not make an appropriation last year

for this identical purpose?

Mr. SMITH of South Carolina. No; not last year.
Mr. THOMAS. Well, the year before last?
Mr. SMITH of South Carolina. No; I think not. The Senator will recall that the department has recommended that a weather bureau be established on the eastern slope of the Blue Ridge Range for the purpose of studying the daily changes of weather incident to that mountain chain; and they state in a communication which was before the committee that Greenville is at a point where the mountains taper off, and it is the best place to establish a station to study and forecast the local changes incident to that mountain chain. I have that letter

Mr. THOMAS. Let me ask the Senator how many weather bureaus there are in that section of the country?

Mr. SMITH of South Carolina. This will be the only one that I know of.

Mr. THOMAS. Can the Senator inform me where the nearest one is?

Mr. SMITH of South Carolina. I think the nearest one, perhaps, is at Norfolk, Va., at a place where the conditions are totally different from those at Greenville. I will state to the Senator that the information we have here indicates that this is perhaps the most advantageous point for the location of a weather bureau. The main Weather Bureau can predict the general trend of the "lows" and the "highs" throughout the entire country; but the changes incident to that mountain chain east of those mountains affect Florida, Georgia, North Carolina, and South Carolina, and a station established at Greenville would put us in a position where we could be notified of a change which now can not generally be forcasted.

Mr. THOMAS. Mr. President, this bill is in one respect sui The Senate Committee on Agriculture reports the bill generis. back to the Senate with an aggregate which is less than that carried by the bill as it passed the House. That being the case, I will not make any objection to this appropriation, as something might be started which would lead to the usual result—that is, an increase instead of a decrease in appropria-

Mr. JONES. Mr. President, I should like to ask the Senator in charge of the bill whether any estimate was sent down by the department for this item?

Mr. SMITH of South Carolina. Yes.

Mr. JONES. Did the estimate cover the location of the weather bureau at Greenville?

Mr. SMITH of South Carolina. Yes.

Mr. JONES. Was this estimate contained in the Book of Estimates, or was it a recommendation contained in a formal

Mr. SMITH of South Carolina. I can state that it was estimated for by the department. The full committee considered and unanimously adopted this item.

Mr. JONES. As I understand, then, it was in the Book of Estimates

Mr. SMITH of South Carolina. I am not advised as to that;

do not know; I presume it is not. Mr. JONES. That is what I understand is meant by our rule in connection with the consideration of legislation when we require an estimate to be sent down, and not a mere letter from the department recommending an item of appropriation.

Mr. SMITH of South Carolina. But the Senator will also recall that there is a provision in the rules as to an amend-ment being reported by a standing committee. The committee received the estimate and the information and then recommended the appropriation.

Mr. JONES. I was not really suggesting a point of order, but I wanted to get at whether this was really one of the items which the department considered of sufficient importance to be

included in the annual estimates sent to Congress.

Mr. SMITH of South Carolina. I do not know as to that. Mr. JONES. I will say to the Senator that I have not been able to find out myself, and therefore it occurred to me that

Mr. SMITH of Georgia. Mr. President, we have made three increases, I think, that were not in the original estimates of the Treasury Department, but were recommended to us by the department subsequently. One is \$300,000 to fight a rust that has gotten into the white-pine trees, with the view of stopping the rust from crossing the Mississippi, and checking it in the East; one is this; and one is \$20,000 to resist a disease that has just developed in pecans. Those three are the only additions we made. They came as recommendations, and were not in the original departmental estimates.

Now, I want to ask the Senator from Georgia Mr JONES whether or not he considers this item of such importance as to warrant him in voting for it notwithstanding his declarations heretofore that he did not propose to vote for any appropriation

that was not absolutely necessary?

Mr. SMITH of Georgia. I really have not given any special investigation to this item myself. I know that there was a report from the Secretary of Agriculture in favor of it.

Mr. JONES. It occurred to me that this was a matter that we could very well put over for another year. I imagine that this has been urged, even before, by the Weather Bureau, and

we have put it over from time to time. I merely suggest that.

I think I will simply ask for a vote of the Senate. I will not ask for a roll call or anything of that kind. I simply did not wish to have it go through without objection.

The PRESIDING OFFICER. The question is on the amend-

ment of the committee.

Mr. SMITH of South Carolina. Mr. President, before the vote is taken I want to state that the whole discussion apparently grows out of the fact that the location of this proposed

station happens to be Greenville, S. C., in the home State of the acting chairman of the committee. Now, I have not been greedy about any of these things, but I do know that the topographical formation of that country indicates this, as the Secretary says, as the most advantageous place for all the area east of the mountains in that vicinity, and I hope the Senate will retain it in the bill.

Mr. JONES. I do not want the Senator to understand that I am opposing this station because it is to be located at Greenville. I think if they need a station along there so urgently now, very likely Greenville is the proper place to put it.

Mr. SMITH of South Carolina. I want to state, as a farmer on the coastal plain, with all my property there, that there is not a place where it would be of more benefit than the coastal plain, extending along the whole line where it is affected by the Blue Ridge Mountains. This goes beyond any question of economy. It goes to the protection of the farmers whose property lies between the Blue Ridge and the coast.

The PRESIDING OFFICER. The question is on agreeing

to the amendment of the committee. [Putting the question.]

By the sound the noes appear to have it.

Mr. SMITH of South Carolina. I ask that the vote be taken again, Mr. President. The amendment reads "\$20,000, or so much thereof as may be necessary." I do not know that it will be necessary to spend so much, but I ask the Chair to submit the question again. I am quite sure that the Members of the Senate do not think I am asking for a thing that is not needed.

Mr. TOWNSEND. Mr. President, it is very embarrassing to oppose a proposition which is offered by the chairman of the committee which affects his State directly, and I am not opposing it as strongly as I would oppose it if it were presented under any other circumstances. But it seems to me that if we are going to try to follow the idea of economy at all this is one of the items that surely should be eliminated. There are thousands of things which the Members of the Senate can suggest for which possibly the interests of real economy would demand that appropriations should be made. But if we are starting out with the idea of reducing the expenses of the Government this establishment, without which the country has endured so long, it seems to me, could be dispensed with or could be put off until a better season, when we perhaps will have more money. In other words, Mr. President, I can not understand how we could justify the appropriation of this amount of money and refuse to appropriate money for the salaries of men who, we all know, are grossly underpaid.

As I said, I dislike very much to oppose a measure that is proposed by the chairman and located in his own State; but if the Senate is really going to be consistent, if it is really going to look after the interests of the Government and practice real economy, this is one of the items that could be dispensed with

without embarrassing anybody.

Mr. VARDAMAN. Mr. President, as to the merits or the real necessity for this appropriation I can not speak, but I take it that the committee, after carefully considering the question, reached the conclusion that it is needed. If it is needed, the United States is just as well able to establish that station today as it will be next year, or ever was in its history

This country never was quite so prosperous, taking the country generally, as it is to-day, and if this station is needed the

Government is able to pay for it.

I am opposed to crippling the work of this great department of the Government on the plea of poverty. If you want to economize, cut out some of your battleships, and do not appropriate the enormous sums for armies and navies that are not needed; but do not cripple the Agricultural Department in the

great work it is doing for the American people.

Mr. GRONNA. Mr. President, the committee reported this item after they had heard the arguments, and I think it was the unanimous opinion of the committee that this item should go into the bill. The Senator from Michigan [Mr. Townsend] calls attention to the fact that it is not in the interest of economy to appropriate \$20,000 for this Weather Bureau station. If the Weather Bureau does any work at all in the interest of anyone living on land, it must be in the interest of the farmer. After the experience that they have had in this particular country, in South Carolina, with the tremendous storms which swept through the country about a year or two ago, destroying millions of dollars' worth of property, as I understand, it seems to me that it is in the interest of economy. It is a small amount. was shown by the Senator from South Carolina and by others that it was necessary, and that it would be beneficial to the public, to have a station at this particular point, or somewhere near this point. For that reason the committee unanimously reported it out.

Mr. JONES. Mr. President, I have been very much interested in the suggestions of the Senator from North Dakota, and yet I am somewhat puzzled to know how the establishment of this station at Greenville would have diverted that storm to some other locality.

Mr. GRONNA. Mr. President, if the Senator wishes to be facetious, I shall go into the matter a little more fully. Of course the Senator from Washington, not being a layman, prob-

ably can not understand what I was going to say.

If the function of the Weather Bureau is good for anything, it is for the purpose of sending out warnings to the farmers of the country, thus enabling them to prepare for storms, frost, and other changes in weather conditions. It might have been possible, I will say to the Senator from Washington, for the people of that particular vicinity, if they had had warning of this storm, to have taken care of some of the property that was destroyed. I do not wish to have the Senator from Washington misinterpret what I intended to say if I did not explain myself

Mr. JONES. Of course I did not intend to misinterpret the Senator. I am very glad indeed that he has pointed out some of the particulars with reference to this matter. I should have been glad if he had gone more into details with reference to this storm, so that we would know something about what sort of a storm it was, what damage it did, about what time of the year it came, and if he had pointed out how the establishment of this station there could have assisted the farmers in that

locality.

I know that these weather stations are of great benefit to the farmers under many circumstances and in many ways. that in my locality, where we raise fruit, it is sometimes of very great importance that the farmers should get notice as to probable changes in the temperature, so that they can take steps to protect their fruit from frost, as they do very frequently, by means of smudges and things like that. I did not know whether there was any condition like that down at Greenville or not. I should have been glad to have had some-Mr. President, I agree with many of the suggestions made

by the Senator from Mississippi. I called attention to this item more because of the statements that I have heard from a great many of our friends on the other side with reference to their desire to economize, or, rather, the necessity for keeping down the appropriations. I am not in favor myself of cutting out the necessary appropriations for the development of the industries of our country, and I do not believe it is a real

economy

Mr. GRONNA.

Mr. GRONNA. Mr. President—
The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from North Dakota?

Mr. JONES. I yield to the Senator.

Mr. GRONNA. May I ask the Senator from Washington if he believes it would be in the interest of the farmers of the State which he so ably represents to have a weather bureau to advise the people when to build smudges in order to protect their fruit from frost?

Mr. JONES. I thought I suggested something of that sort

just a little while ago.

Mr. GRONNA. We have such appropriations as that in this

Why, yes; that is a good thing.

Mr. GRONNA. This is simply laying the foundation for exactly the same thing that we have in the State of Wash-

Mr. JONES. I was trying to get at things like that, showing the necessity for this Weather Bureau station at Greenville now. If conditions like that exist there, and they need this station, I do not think it is economy to cut it out; and I have not been especially opposing this item. I have been asking for information in reference to it and the necessity for it. I have heard several Senators on the other side say that they did not propose to vote for items that were not absolutely necessary now, because of the state of the Treasury and because of the necessity for raising a large amount of revenue; so I wanted to get at the facts that warranted and showed the great necessity for this item now. As I understand, this item has been urged

for several years before this.

Mr. GRONNA. It was estimated for a year ago.

Mr. JONES. But it has not been provided for.

Mr. GRONNA. I will say to the Senator that it was estimated for by the Secretary a year ago.

Mr. JONES. Yes; but the committee did not provide for it.
Mr. GRONNA. It did not at that time.
Mr. JONES. Then I wanted to find out whether the need for it was more urgent now than it was then.

Mr. GRONNA. It is more urgent, because they have had frequent storms since that time, and the people who are living in that part of the country think that they would be benefited by having this station. This station will be just exactly like other stations that we have in the United States. We not only have them in the continental United States but we have them in Panama; and it seems to me that it is as important to build them along the coast of South Carolina or along the Atlantic coast as to build them at Panama. The Senator, I believe, is an advocate of preparedness. It seems to me that this is one of the things that helps make for preparedness.

Mr. JONES. There are some kinds of preparedness of which am in favor; and I rather expected that the argument on behalf of this item would finally get around to the necessity for preparedness, because that is the basis of most of our arguments for these different items whenever we have not anything else.

Mr. GALLINGER. Mr. President, the Senator, of course, in the light of preparedness, believes in cyclone cellars in some of

the States?

Mr. JONES. I have had no experience with cyclones. do not have them in my part of the country. We are not afraid of them there. The Senator will have to call upon Senators from other States for experience in connection with cyclones.

Mr. GALLINGER. I have seen the cellars, and I have thought that they constituted a very good form of preparedness.

Mr. JONES. Yes; that is true.

Now, Mr. President, I am not going to take further time. I took enough interest in the matter, however, to look at our weather map out here to see how many weather-bureau stations there are down along the Atlantic coast. I imagine that there are stations around there that had notice of that storm that came up and probably published these notices, but possibly the people of Greenville did not see them in time to get to their places of refuge.

Mr. NORRIS. Mr. President, these weather stations are quite important for the benefit of the farmer. Whether they should be close together or far apart depends to a great extent upon the condition and topography of the country. In some places it is necessary to have them closer together than others; and I suppose the appropriation for this particular station is impor-

tant for other reasons in addition to agriculture,

If you want to economize, the place to commence is in the little items where there might be some benefit to the farmer, or the business man, or the laboring man. Cut off parks for the children; cut off things of this kind, necessary for good agricultural development; but do not cut down the Army, or the fortifications, or the Navy. If this were a battleship, it would be lack of patriotism if you dared to criticize it, and you would

either lack in patriotism or in bravery.

But, Mr. President, you can couple this particular item up with the charmed word "preparedness." It is located not very far from the coast, and it would give notice to our mariners and our Navy located off the eastern coast of the approaching storm as it came across the mountains. It might save some of our battleships, some of our torpedo boats, or something of that kind. If the Naval Affairs Committee had brought in this item, there would not have been any objection made to it; but the Agricultural Committee is supposed to base its reasons for these appropriations on a different foundation. Here is one, however, that will work both ways, and as long as you can couple it up with the Army or the Navy it makes the appropriation absolutely safe, even though it does do the farmer some good.

Mr. GALLINGER. It makes it sacred.

Mr. NORRIS. It makes it sacred; yes. It takes it away out

of the domain of criticism. It settles it absolutely.

It seems to me, therefore, that for all the reasons that move us to make appropriations of millions we ought to add this little appropriation that will save a battleship as well as help the farmer raise the crops.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 9, line 9, after the word expenses," to strike out "\$1,450,420" and insert "\$1,468,740," so as to make the clause read:

In all, for general expenses, \$1,468,740.

The amendment was agreed to.

The next amendment was, on page 9, line 10, after the words "Weather Bureau," to strike out "\$1,778,320" and insert "\$1,796,640," so as to make the clause read:

Total for Weather Bureau, \$1,796,640.

The amendment was agreed to.

The reading of the bill was resumed, and the Secretary read to line 24, on page 9, as follows

Salaries, Bureau of Animal Industry: One chief of bureau, \$5,000; 1 chief clerk, \$2,500; 1 editor and compiler, \$2,250; 1 executive assistant, \$2,500; 2 executive clerks, at \$2,000 each; 6 clerks, class 4; 1 clerk, \$1,680; 14 clerks, class 3; 1 assistant in live-stock investigations, \$1,600; 2 clerks, at \$1,500 each; 24 clerks, class 2; 2 clerks, at \$1,320 each; 1 clerk, \$1,300; 1 clerk, \$1,260; 51 clerks, class 1; 1 clerk, \$1,100; 1 clerk, \$1,800; 59 clerks, at \$1,000 each; 2 clerks, at \$960 each; 105 clerks, at \$900 each; 1 architect, \$2,000; 1 illustrator, \$1,400; 1 laboratory aid, \$1,200; 1 laboratory helper, \$1,200.

Mr. SMOOT. Mr. President, may I ask the Senator what the difference is between "one laboratory aid" and "one laboratory helper"? The salary is the same.

Mr. SMITH of South Carolina. To what line is the Senator

referring?

Mr. SMOOT. I am referring to page 9, beginning on line 23-"one laboratory aid, \$1,200; one laboratory helper, \$1,200." there any difference between them?

Mr. SMITH of South Carolina. I suppose one has some skilled knowledge and the other is just a mere helper. I really am not

posted as to that.

Mr SMOOT. Then, if that be the case, they should not be

Mr. SMOOT. Then, if that be the case, they should not be paid the same salary.

Mr. SMITH of South Carolina. I suppose the amount of work would justify it. I really do not know.

Mr. SMOOT. It seems to me it ought to be either "two laboratory aids" or "two laboratory helpers."

The reading of the bill was resumed, and the Secretary read to line 16, on page 13, the last paragraph read being as follows:

to line 16, on page 13, the last paragraph read being as follows:

For all necessary expenses for the eradication of southern cattle ticks, \$631,560, of which sum \$50,000 may be used for live stock and dairy demonstration work, in cooperation with the States Relations Service, in areas freed of ticks, and of this amount no part shall be used in the purchase of animals: Provided, however, That no part of this appropriation shall be used in the purchase of materials for or in the construction of dipping vats upon land not owned solely by the United States, except at fairs or expositions where the Department of Agriculture makes exhibits or demonstrations; nor shall any part of this appropriation be used in the purchase of materials or mixtures for use in dipping vats except in experimental or demonstration work carried on by the officials or agents of the Bureau of Animal Industry.

Mr. WADSWORTH. Mr. President, my own recollection is

Mr. WADSWORTH. Mr. President, my own recollection is somewhat vague as to what were the purposes of the committee in connection with this item for the eradication of the Texasfever tick. I know that it had been the intention of the committee to examine more closely into the uses to which the \$50,000 which was to be subtracted from the total appropriation was directed. If it is in order at this time to discuss a matter in the bill which does not relate to an amendment made by the Senate committee, my own idea is that the \$50,000 which is taken away from the Texas-fever tick appropriation and devoted to the purpose of demonstrating the value of dairy work in the area freed from the Texas-fever tick, involves a duplication of work; for, as I understand, we already have a Dairy Division in the Department of Agriculture.

My inquiry is not hostile, of course, to the committee.

Mr. SMITH of South Carolina. I know that, Mr. President, but I would suggest to the Senator that that is the first time my attention has been specifically called to this matter; and I shall be glad if he will just reserve the right to offer an amendment at that point-he has that right, of course, either in Committee of the Whole or in the Senate-and let us go on with the bill for committee amendments, and then revert to this at the proper time.

Mr. WADSWORTH. The bill is being read now for com-

mittee amendments?

Mr. SMITH of South Carolina. Yes; it is just being read for committee amendments.

The reading of the bill was resumed.

The next amendment was, under the subhead "Bureau of Animal Industry," on page 14, line 3, after the word "expenses," to strike out "\$250,300" and insert "\$262,580," so as to read:

For all necessary expenses for investigations and experiments in animal husbandry; for experiments in animal feeding and breeding, including cooperation with the State agricultural experiment stations, including repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all other necessary expenses, \$262,580.

Mr. SMITH of Georgia. I think there is an error in the figures. The committee, as I recall it, added \$12,280 to the

House figures for the sheep experiment station in Idaho, but we took off \$8,380 from the same appropriation for experimenta-tion in poultry breeding, including the breeding of ostriches, and so forth. In making the report from the committee the entire \$12,280 has been added, when it should have been \$12,280 less \$8,380 from the proviso on page 14, lines 7 and 8. So those figures, instead of being \$262,580, should be reduced \$8,380.

Mr. SMITH of South Carolina. The Senator from Georgia is correct

Mr. SMITH of Georgia. I move that the committee amendment placing the figures at \$262,580 be reduced \$8,380, making \$254,200

Mr. SMITH of South Carolina. That is right. The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 14, in line 8, after the word "appropriated," to strike out "\$45,380" and insert "\$37,000," and in line 9, after the word "breeding," to strike out "including the feeding and breeding of ostriches and insert vestigations and experiments in the study of the ostrich in-dustry" and insert "Provided further, That of the sum thus appropriated \$12,280 may be used for the equipment and maintenance of the United States sheep experiment station in Fremont County, Idaho, including repairs and additions to and the erection of necessary buildings to furnish facilities for the investigation of problems pertaining to the sheep and wool industry on the farms and ranges of the Western States," so as to read:

Provided, That of the sum thus appropriated \$22,840 may be used for experiments in the breeding and maintenance of horses for military purposes: Provided further, That of the sum thus appropriated \$37,000 may be used for experiments in poultry feeding and breeding: Provided further, That of the sum thus appropriated \$12,280 may be used for the equipment and maintenance of the United States sheep experiment station in Fremont County, Idaho, including repairs and additions to and the erection of necessary buildings to furnish facilities for the investigation of problems pertaining to the sheep and wool industry on the farms and ranges of the Western States.

The amendment was agreed to

The amendment was agreed to.

The next amendment was, on page 14, line 20, after the word animals," to strike out "investigation of tuberculosis in cattle," so as to make the clause read:

For all necessary expenses for scientific investigations in diseases of animals, including the maintenance and improvement of the bureau experiment station at Bethesda, Md., and the necessary alterations of buildings thereon, and the necessary expenses for investigations of tuberculin, serums, antitoxins, and analogous products, \$134,600: Provided, That of said sum \$50,000 may be used for researches concerning the cause, modes of spread, and methods of treatment and prevention of the disease of contagious abortion of animals.

Mr. SMOOT. The words "the investigation of tuberculosis in cattle" has been carried in the Agricultural appropriation bill for many years. Is it stricken out on the theory that all necessary expenses for the scientific investigation of the diseases of animals include the investigation of tuberculosis?

Mr. SMITH of South Carolina. Yes; we had a communication from the department to the effect that it would in no wise diminish at all but simply emphasize the object of the appro-

Mr. SMOOT. That is what I took the action to be. Mr. SMITH of Georgia. There was this further purpose: The department is investigating tuberculosis in other animals besides cattle, and if we put in this provision simply for cattle it would indicate that the department was improperly using the money for the investigation of the investigation. money for the investigation of tuberculosis in other animals.

Mr. SMOOT. I interpreted the action of the committee correctly. I simply want to say that, to my mind, the money could not be expended in any better way than in the investigation of tuberculosis in cattle or other animals. The evil effects from it are so far-reaching that one can hardly realize them.

Mr. SMITH of Georgia. The language used here is entirely

unnecessary.

The amendment was agreed to.

The next amendment was, on page 16, line 6, after the word expenses," to strike out "\$2,586,056" and insert "\$2,598,336," so as to make the clause read:

In all, for general expenses, \$2,598,336.

Mr. SMOOT. That total should be changed in conformity with the change that was made on page 14, line 4.

The PRESIDING OFFICER (Mr. Norris in the chair). If there is no objection, the clerks will be authorized to make changes in all totals.

The next amendment was, on page 16, line 13, after the words sum of," to strike out "\$501,620" and insert "\$400,000," so as to make the clause read:

Meat inspection, Bureau of Animal Industry: For additional expenses in carrying out the provisions of the meat-inspection act of June 30, 1906 (34 Stat. L., 674), there is hereby appropriated for the fiscal year ending June 30, 1918, the sum of \$400,000.

Mr. GALLINGER. I will inquire of the acting chairman of the committee what are the conditions that warrant the deduction of the appropriation for meat inspectors from \$501,620 to

\$400,000? I presume there is some good reason for it, but I

would like to know what it is.

Mr. SMITH of South Carolina. We found that the estimate last year and the act of last year carried only \$344,500. The estimate this year was \$575,360. The House allowed \$501,620. The Senate committee in investigating it did not see any evidence of any increase in the force or any new method by which the inspection could be aided other than under the law of last year, and they allowed an increase from \$344,500, which was the amount in the act of last year, to the amount of \$400,000.

Mr. GALLINGER. Does the Secretary of Agriculture give

any reason for his estimate, which is above the amount the

House placed in the bill?

Mr. SMITH of South Carolina. It calls for more force, more men were to be employed, and he recommended the extension of the work along the line of increasing the force for the purpose of inspection. In order to do that, we would have had to make the extra appropriation.

Mr. GALLINGER. Then, the other body acted rather care-lessly in putting in this largely increased appropriation with-

out providing an additional force, it seems to me.

Mr. SMITH of South Carolina. The Senator will understand that even the increase the committee allowed would grant a partial increase of force about as much as we thought would be justified. The House allowed a larger sum and the department estimated for a still larger sum. This is really in the judgment of the committee the proper amount at this time to be appro-

Mr. GALLINGER. It is certainly one of the most important works that the Department of Agriculture has ever taken up, and with what little knowledge I have of this kind I should say we ought to be very liberal in our appropriations for that purpose. But I have not looked into it, and the committee may looked into it, and, of course, I raise no objection, except I But I have not looked into it, and the committee have

wanted a little information; that was all.

Mr. JONES. I suggest that this question of meat inspection is an important matter, one in which everyone is very much interested in the whole country, and we ought to appropriate whatever is necessary to properly administer the law which we passed for meat inspection. I wish to ask the acting chairman of the committee whether the Secretary of Agriculture has been consulted, and whether he can do the work that ought to be done with this appropriation of \$40,000?

Mr. SMITH of Georgia. We had before us the statement of the officer in charge of this work, and we read carefully his argument in favor of the increase. It lacked detailed specification calculated to carry conviction that so much was needed. We thought we were giving all that was required under the

statement made by him.
Of course, the Secretary furnishes us the figures from the bureau. The head of the bureau came before the House committee and made an argument in favor of this increase. did not think he sustained in his statement a case that justified so large an increase; it was too general and too indefinite, and our conclusion was that the increase we gave would accomplish all that he indicated he could do efficiently.

Mr. JONES. I understand the original estimate made by the department was something like \$575,000, so that the House in making an allowance of \$501,620 reduced the amount estimated by the department as necessary to do the work by some \$70,000. They apparently convinced the House that they should have \$501,000, and I take it from what the Senator says the

committee did not call the representative of the department before it in reference to the matter.

Mr. SMITH of Georgia. No; we read carefully the argument made by him before the House committee asking for the increase, and we were unable to figure how a greater increase than we allowed could be sustained.

Mr. JONES. Does not the Senator think it would have been advisable for the committee to have called the representative down and asked him for some detailed information?

Mr. SMITH of Georgia. If we had thought so, we would

Mr. JONES. It occurs to me it would have been a wise thing. I am not going to oppose the proposed reduction, because the

matter will be in conference.

Mr. SMITH of Georgia. It involves a suggestion that perhaps in some places double shifts were required, and it indicated, without sufficient definiteness, the use of the money. My own view of appropriations of this kind when estimated by the department is that unless they can show you really what they want they do not make out their case. They ought to be able to indicate that they are going to use the money in a certain specific way, especially when it is given a lump sum. I am not fond of

lump-sum appropriations, anyhow, and when they come and ask for an increase in a lump sum and deal simply in generalities and can not say so much for such work and such work for the

fiscal year it is too general to justify our granting it.

Mr. JONES. I agree with very much the Senator suggests, but apparently the bill is framed very largely on the theory and system of lump-sum appropriations. Of course the representatives of the bureau would certainly point out to the committee considerably in detail how it expected to use these various sums of money, and when the committee thought they ought to cut down the appropriation over \$100,000 for carrying out such an important act it seems to me it would have been wise to have called in the representative of the department and obtained detailed information in reference to it, and ascertained what the effect would be upon the service by cutting it down in this way.

Of course I would not favor the suggestion if the Senator thinks the department had in mind any increases of pay, but it might be necessary to have double shifts and things like that to carry out effectively the meat-inspection law. That is all I care to say in reference to it. It is a matter that will probably be before the conferees, and it can be corrected if it is shown that this is not the proper amount to appropriate.

Mr. SMOOT. May I ask the Senator if after the bill was printed the committee received any protests on account of the reduction of the appropriation to \$400,000?

Mr. SMITH of Georgia. Not that I have seen or heard. Mr. SMOOT. The Senator has not been approached on the

matter?

Mr. SMITH of Georgia. Not at all. Mr. SMOOT. My experience is, Mr. President, that wherever a committee cut an appropriation and the head of the bureau thinks that the decrease is too much every member of the committee is apprised of it immediately after the action is taken. If the notice has been given and no objection from the department filed, I think we are perfectly safe in allowing the reduction to be agreed to.

Mr. SMITH of Georgia. We gave them \$6,000 more than they needed last year and there has been no indication that what they had last year did not enable them to do the work effi-

ciently.

Mr. JONES. I agree with the suggestion of the Senator from Utah, but I call attention to the fact that the bill was just reported yesterday and the print of it was out this morning, and they have not had time to get around.

Mr. SMOOT. The Senator is a member of the Committee on Appropriations and I think he knows that it does not take more than an hour and fifteen minutes after a bill has been printed for the committee to hear from the department when any reduction is made.

Mr. JONES. It does not take very long.

Mr. SMITH of Georgia. This reduction was made several

The amendment was agreed to.

The next amendment was, on page 16, line 14, after the words "Bureau of Animal Industry," to strike out "\$3,528,046" and insert "\$3,438,706," so as to make the clause read:

Total for Bureau of Animal Industry, \$3,438,706.

Mr. SMOOT. The total will have to be changed.

The PRESIDING OFFICER. The clerks will correct the total.

Mr. GALLINGER. Before those long items are read under the heading "Bureau of Plant Industry," I wish to ask the chairman of the committee a question. I notice that on pages 27, 28, and 29 the provision for the purchase and distribution of valuable seeds is stricken from the bill, and yet in the paragraph that is about to be read there is a provision for one executive assistant in seed distribution, one superintendent of seed weighing and mailing, one seed inspector, one seed warehouseman, another seed warehouseman, and still another seed warehouseman. Of course those officials will not be required if there is no distribution of seed. I presume there is a large number of persons included in this paragraph who will be dispensed with.

Mr. SMITH of South Carolina. I should like to state to the Senator that striking out the paragraph for seed distribution has reference to the ordinary little flower and garden seed distribution. There is not stricken from the bill the distribution of rare seeds, the selected and pedigreed seeds, that have been developed for field use. That distribution is extended, and really results in tremendous good to farmers throughout the country

Mr. GALLINGER. What are those pedigreed seeds, I will ask the Senator?

Mr. SMITH of South Carolina. That is a term we sometimes apply in the animal industry. It means that a cross is made. I will illustrate it with cotton: You have an ordinary seed of cotton which you cross with a finer variety and blend it in a certain environment of climate and humidity, until by selection you get a fixed type of a staple superior perhaps to the parent seed. In that way those seeds are distributed throughout the country in such quantities as to illustrate their superiority in production and in fiber.

There grew up what was known as the Indiana Corn Seed Breeders' Association. The department here are taking up that work. They are developing a particular type of corn so that after planting and selecting they find that it "types" itself, as they call it. They send that seed corn out through the

country

I will state to the Senator right in this connection, for I know he is interested in the reduction of the cost of living and in the improvement of the production of our fields, that I have seen on my own farm selected seed furnished by the Government of the United States planted with nothing but a row between, to which were applied the same fertilizer and the same cultivation, and which, of course, had the same season, being in the same locality, which produced from 25 to 30 per cent more to the acre for the same labor than the ordinary seed would produce.

Mr. VARDAMAN. Mr. President, will the Senator from South Carolina allow me to interrupt him for a moment?

Mr. GALLINGER. Just a word. Mr. VARDAMAN. I was merely going to make an observation.

Mr. GALLINGER. I yield to the Senator from Mississippi.
Mr. VARDAMAN. I know of an instance in my own State
where a farmer has pursued the course which has been outlined by the Senator from South Carolina [Mr. SMITH] in the
judicious selection of seeds and the breeding of plants, and he has developed a corn which will produce under the same circumstances and conditions, on the same land, more than twice as much as will the ordinary corn. He has developed a corn there which, under proper cultivation, will make from 75 to 100 bushels to the acre. I, therefore, submit that the Government of the United States can not invest a small amount of money more profitably to the tillers of the soil particularly and to the American people generally than in the prosecution of this line of study. Agriculture in the United States is in its infancy, and I am quite sure that a dollar invested in teaching a man how to grow plants, analyze the soil, cultivate the land, raise hogs, cows, horses, and other live stock, and otherwise properly manage his farm will yield the largest returns of any money appropriated by the Congress.

Mr. SMITH of South Carolina. If the Senator now will allow

me, I merely desire to make one observation, because it may help us further on in the consideration of this bill. There have been so many deceptions and frauds practiced in advertising and selling by irresponsible parties of what purported to be rare seed, seed which is capable of producing fabulous results, that the people at large will not even buy from an advertiser who is a responsible man. So that there is untold benefit to be derived from the activities of the Government in this direction, because the people have confidence in what the Government does, and they realize that when the Government undertakes a work of this kind and issues bulletins regarding it, the statements made Then, small packages of the seed are sent to the are true. farmers who plant the seed in a seed patch, and the next year they are able to plant a crop from that seed. There is not a department that has in it elements of greater actual benefit to all the people of America than has the Agricultural Department, and the proper seed distribution by the department is one of

the most important of these elements.

As I have said, the farmers will not buy even from responsible and honest seed breeders unless they know them personally, for the reason I have already indicated, but when the department sends out small packages of different varieties of seed the recipients test the seed in their plots, and they find the type is true, and the production is true. So the production of cereals and fibers in this country is being revolutionized.

Mr. GALLINGER. Mr. President, I have no doubt what the Senator says is according to the book. I am one of those who do not believe in striking out this provision for seed distribu-

tion.

Mr. SMITH of South Carolina. Neither do I.
Mr. GALLINGER. As the Senator knows, I have always opposed striking out that provision, but I have been in the minority in this body, and to my gratification the item has always been restored in conference, as I imagine it will be this year, but I am a little confused about it.

The paragraph stricken out is:

Purchase and distribution of valuable seeds: For purchase, propagation, testing, and congressional distribution of valuable seeds.

There are two or three other paragraphs remaining, however, one reading:

For investigations in foreign seed and plant introduction, including the study, collection, purchase, testing, propagation, and distribution of rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries and from our possessions, and for experiments with reference to their introduction and cultivation in this country, \$93,040.

Another is-

For the purchase, propagation, testing, and distribution of new and rare seeds; for the investigation and improvement of grasses, alfalfa, clover, and other forage crops, including the investigation of the utilization of cacti and other dry-land plants; and to conduct investigations to determine the most effective methods of eradicating weeds, \$139,180: Provided, That of this amount not to exceed \$60,000 may be used for the purchase and distribution of such new and rare seeds.

Mr. President, that is rather a confusing statement to have in a bill. The first item is for the investigation of foreign seeds, and an appropriation of \$93,040 is made for that purpose. The next item, which includes the eradication of weeds-and I approve of eradicating weeds, although I do not think the Agricultural Department is making great progress in that work-is for \$139,180, and then-

For general administrative expenses connected with the above-mentioned lines of investigation, * * * \$31,020.

Then we find "For purchase, propagation, testing, and congressional distributing of valuable seeds," there was an appropriation by the House of \$243,720. That is stricken out. Now, I call the attention of the Senator from South Carolina to the fact that, beyond a doubt, the officials to whom I have called attention, are all of them high-salaried officials and have something to do at least with the item that is stricken out. They administer the distribution of those seeds with a great corps of clerks who are employed in the department, as I happen to know; and I simply wanted to call the Senator's attention to the fact that if the paragraph stricken out is not restored, the paragraph which the Secretary is about to read, ought to be

Mr. SMITH of South Carolina, Mr. President, I heartily agree with the Senator; but the method of weeding them out would consume this session, perhaps, if not longer. I want to take occasion to say now that, as a member of the committeeand I can only speak for the committee; and this amendment was adopted by a majority vote—I, for one, want to state here and now, that I believe that what is ridiculed as a fraud and deception in the distribution of seeds, I doubt not appears to be true to our urban population; I doubt not that it is true in the eyes of those who have ample means of securing proper seeds when they want them; but I know of my own knowledge thousands of familes who, through this means, get their only idea of the difference between fresh seeds, that will germinate and be of value in their small gardens, and poor seeds.

Mr. GALLINGER. And those families largely have gardens, when they would not have them were it not for the distribution

of these seeds.

Mr. SMITH of South Carolina. That is absolutely true.
Mr. GALLINGER. But what I want to emphasize to the Senator is that I think he ought to strike something out of this paragraph; that if the paragraph proposed to be stricken out remains out of the bill there will be nothing for the conferees to do regarding this other paragraph; and something ought to be done as to it. I think that the Senator might well pass it and look into it a little further.

Mr. SMITH of South Carolina. I am perfectly willing to do

Mr. GALLINGER. I think we ought to amend it in some way, so as to throw it into conference.

Mr. SMITH of South Carolina. Very well.

Mr. GALLINGER. Then let that paragraph be passed over for the present.

Mr. SMITH of South Carolina. That is agreeable; and I will ask that the paragraph be passed over.

The PRESIDING OFFICER. Without objection, the paragraph will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 19, line 7, after the word "fruits," to strike out "\$71,415" and insert "\$76,415: Provided, That \$8,000 of said amount shall be available for the investigation of diseases of the pecan," so as to make the clause read:

For the investigation of diseases of orchard and other fruits, \$76,415: Provided, That \$8,000 of said amount shall be available for the investigation of diseases of the pecan.

Mr. GALLINGER. Mr. President, the pecan is a very luscious I happen to have a particular fondness for it, and I am glad that we are going to safeguard it and see that it is not destroyed; but I will call the attention of the Senator from South Carolina to the fact that I think we are overdoing it a We have a provision of \$8,000 for the investigation of the diseases of the pecan. Then, on page 25, we have an appropriation of \$14,000 "for the investigation and improvement of the pecan, and methods of growing, harvesting, packing, and shipping," and on page 55 we have a still further provision:

For investigations of insects affecting deciduous fruits, orchards, vineyards, and nuts, \$83,380: Provided, That \$9,600 of said sum shall be available for the investigation of insects affecting the pecan and method of control of same.

It may be that we ought to make these three appropriations for the protection and improvement of the industry of raising pecans, but, as I said a moment ago, it seems to me that we are overdoing the thing a little, and I should like to hear from the acting chairman of the committee as to the facts.

Mr. SMITH of Georgia. Mr. President, there is some mistake in the figures. The sum we agreed upon was \$20,000, to be distributed at the proper places, but, instead of that, the bill contains items aggregating \$30,000 in three different places.

Mr. GALLINGER. Yes.
Mr. SMITH of Georgia. The amount agreed upon was \$20,000.
Mr. GALLINGER. There is an appropriation of \$8,000; then an appropriation of \$14,000, which makes \$22,000; and then an appropriation of \$9,600, making an appropriation of \$31,600

Mr. SMITH of South Carolina. Mr. President, there must be some mistake in the print. The amount allowed was \$20,000, and it was to be in the specific items providing for investigations. I assure the Senator that there must be a typographical error or some mistake in calculation, because the total amount allowed

Mr. GALLINGER. I will ask the Senator from South Caro-

lina if that can not be put in as one item?

Mr. SMITH of South Carolina. I myself thought that it would be better, but the proponent of this appropriation, who is also a member of the committee and familiar with the work, asked that it be put under different heads.

Now, I suggest to the Senator, as there is a desire to go into executive session, that we let this matter go over, and I ask that the bill be temporarily laid aside for the purpose of having an executive session.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the bill is temporarily laid aside.

EXECUTIVE SESSION.

Mr. CHILTON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 1 hour and 25 minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.), under the order previously made, the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

THE CALENDAR.

The PRESIDING OFFICER (Mr. Robinson in the chair). Under the order heretofore fixed the Senate will proceed to the consideration of unobjected bills on the calendar under Rule VIII. The first business on the calendar will be stated.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States conferring upon women the right of suffrage was announced as first in order upon the calendar

Mr. SMOOT. When we vote upon this joint resolution I desire that there shall be a full attendance of the Senate. Therefore I object to its consideration and ask that it may go over.

The PRESIDING OFFICER. Objection being made, the joint

resolution will be passed over.

The bill (S. 2406) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, was announced as next in order.

Mr. SMOOT: At the request of a Senator I ask that the bill

Mr. SHIELDS. I did not hear the Senator.

Mr. SMOOT. I was requested by a Senator to ask that the

Mr. SHIELDS. The bill has been on the calendar a good while. It was on the calendar during the last session.

Mr. SMOOT. I am perfectly aware of it, but I promised a Senator that I would object, and I have done so.

The PRESIDING OFFICER. Objection is made, and the bill will go over.

The bill (S. 2730) to fix the compensation of assistant appraisers of merchandise, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will go over.

Senate resolution No. 7, providing that any Senator upon his own request may be recorded and counted as present in order to constitute a quorum, was announced as next in order on the

Mr. SMOOT. Let that go over. The PRESIDING OFFICER. The resolution will go over.

Senate resolution 20, for the appointment of a committee of Senators to examine into questions relating to the acquisition or construction of manufacturing plants to supply the Army and Navy with arms, armament, etc., was announced as the next business on the calendar.

Mr. WARREN. Let the resolution go over. The PRESIDING OFFICER. It will go over.

The bill (S. 3551) relating to the procedure in the United States courts was announced as next in order.

Mr. SMOOT. Let that go over.
The PRESIDING OFFICER. The bill will go over.
The resolution (H. J. Res. 145) authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States, was announced as next in order.

Mr. SMOOT. Let that go over.
The PRESIDING OFFICER. The joint resolution will go

The bill (S. 1107) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications was announced as next in order.

Mr. FLETCHER. Let the bill go over. There is another bill on the calendar which will take the place of it at the proper

The PRESIDING OFFICER. The bill will go over.

The bill (S. 645) to provide for the closing of barber shops in the District of Columbia on Sunday was announced as next in order.

Mr. WARREN. Let the bill go over

The PRESIDING OFFICER. It will go over.

The resolution (S. Res. 107) relative to leasing of Osage oil lands was announced as next in order.

Mr. SMOOT. Let it go over.

The PRESIDING OFFICER. It will go over.

The bill (S. 1100) to pay the balance due the loyal Creek Indians on the award made by the Senate on February 16, 1903, as announced as next in order.

Mr. CURTIS. Let that go over. The PRESIDING OFFICER. It will go over.

The bill (S. 1096) to provide for carrying into effect of the greement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901, and supplemental agreement of June 30, 1902, and other laws and treaties with said tribe of Indians was announced as next in order.

Mr. CURTIS. Let that go over. The PRESIDING OFFICER. The bill will go over.

The bill (S. 3927) for the relief of the legal representatives of Francis Busch, deceased, was announced as next in order.

Mr. SMOOT. All the bills we have now reached are from the Committee on Post Offices and Post Roads, and I ask that they may go over, because there is a general bill covering them all.

The Secretary. Senate bill 4884, House bill 8592, House bill 9291, House bill 9458, House bill 9459, House bill 9556, House bill 9635, House bill 5986, House bill 10963, and

House bill 3447.

Mr. SHEPPARD. I do not think the bill (S. 4418) to establish game sanctuaries in national forests, and for other purposes, comes within the objection of the Senator from Utah.

Mr. SMOOT. I will object to that bill at the same time. The PRESIDING OFFICER. The bills will go over.

SUMMER RESIDENCE HOMESTEADS.

The bill (S. 1065) to provide for summer residence home-steads, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments in section 1, page 1, line 6, after the word "States," to insert "or who has filed his declaration of intention to become such"; in section 3, page 3, line 7, after the word "they," to insert "if at that time citizens of the United States" and in section 3, page 4, line 13, after the word "that," to insert

"if merchantable timber exists in commercial quantities upon any public land so entered or patented there shall be reserved in the entry and patent the right of the United States, under general rules and regulations to be issued by the Secretary of the Interior, to cut and dispose of or to authorize the cutting and disposition of such timber, and," so as to make the bill read:

in the entry and patent the right of the United States, under general rules and regulations to be issued by the Secretary of the Interior, to cut and dispose of or to authorize the cutting and disposition of such timber, and," so as to make the built read:

Be it enacted, etc., That from and after the passage of this act it shall be lawful for any person who is the head of a family, or was has arrived at the age of 21 years, and is a citizen of the United States, or who has filed his declaration of intention to become such, to make a summer residence homestead entry for not exceeding 10 acres of non-mineral vacant public lands within or without national forests, subject to the terms and conditions hereafter set forth: Provided, That no importance of the comming of the act until such lands have been derror under the Secretary of Agriculture: And provided further, That no ares shall have a frontage of more than 20 rods on any lake or running stream when within any rational forest.

Size, 2. That where the lands entered have been surveyed the entries shall canform to aliquot parts of legal subdivisions, but where the lands the General Land Office, at the expense of the homestead applicant, in square or rectangular tracts, conforming as nearly as practicable with the United Stites system of public-land surveys. That after filing a homestead entry under the provisions of this act in the proper United States land office the entrynan may have six months within which to commence the improvements upon the lands so entered.

Six 1. The provisions of this act in the proper United States land office the entrynan may have six months within which to commence the improvements upon the lands so entered.

Six 1. The states of the proper states of the commence of the proper states of the commence of the provisions of this act in the proper United States in the proper state of the proper state of the commence of the proper

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUITS IN THE SUPREME COURT.

The bill (S. 5126) giving the consent of the United States for the bringing of certain suits in the Supreme Court of the United States, and for other purposes, was announced as next

Mr. SMOOT. I know nothing about the bill, but I know it has been objected to on every occasion when the calendar was called.

Mr. CHILTON. I can not hear what the Senator says

Mr. SMOOT. I say I know nothing about the bill in its details. I simply stated that upon every occasion when the calendar has been up there has been objection to its consideration. I do not feel like objecting to it, nor has anyone asked me to-night to object to it. Therefore I shall not do so at this time.

Mr. CHILTON. I hope the Senator will not object. It is a ery important bill.
Mr. SMOOT. I do not know as to that.

There being no objection, the bill was considered as in Committee of the Whole. It was read, as follows:

Be it enacted, etc., That any State which now has or hereafter shall have a cause for action against the United States, which, as between individuals, would be cognizable in a court of justice, is hereby authorized to sue the United States thereon in the Supreme Court of the United States. The United States shall have the right in any such suit to interpose any counterclaim, set-off, equitable or other defense which could be made by the defendant were such suit between individuals.

SEC. 2. That process against, and notices to, the United States in any such suit may be served upon the Attorney General.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time. and passed.

BILLS, ETC., PASSED OVER.

The bill (H. R. 54) to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China was announced as next in

The PRESIDING OFFICER. The bill is in the Senate and open to amendment.

Mr. SMITH of Georgia. I object to the further consideration of the bill

The PRESIDING OFFICER. Objection is made and the bill

The bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil

Mr., and for other purposes, was announced as next in order.
Mr. SMOOT. Let the bill go over.
The PRESIDING OFFICER. The bill will go over.
The bill (H. R. 406) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium was announced as next in order.

Mr. SMOOT. Let the bill go over.
The PRESIDING OFFICER. The bill will go over.

The bill (S. 5206) for the relief of mail contractors was an-

nounced as next in order.

Mr. SMOOT. This bill was reported from the Committee on Claims by the Senator from Arkansas [Mr. ROBINSON]. I understand that there are a few names in the bill which was reported from the Post Office Committee that are not in this bill. The object of the two bills reported is exactly the same, but the bill reported from the Post Office Committee has all the names of the contractors provided for in this way. I suggest to the Senator from Arkansas that it would be very much better, it seems to me, if we are going to pass a bill, to pass the one in which all the names are included.

Mr. ROBINSON. I have no objection to considering the other bill, because, if I recollect correctly, that has already passed

the House.

te House. I am not sure about that, however, Mr. SMOOT. I rather think that is the case. I will look it up in a moment.

Mr. ROBINSON. I ask that the bill be passed over for the present.

The PRESIDING OFFICER (Mr. Walsh in the chair). The bill will be passed over.

The bill (S. 4060) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor or in any prison or reformatory was announced as next in order.

Mr. SMOOT. Let that go over.
The PRESIDING OFFICER. The bill will go over.
Mr. HUGHES. Does the Senator object to that bill?
Mr. SMOOT. I promised a Senator before coming here tonight that I would object to it. I have no objection myself to having the bill taken up and considered, but the Senator told me he had an engagement to-night and unless I would object to it he would have to break his engagement. I told the Senator from Georgia [Mr. SMITH], when he spoke to me in relation to it, that I would have to object to it.

The PRESIDING OFFICER. Objection is made, and the bill

The resolution authorizing the Committee on Fisheries to employ a stenographer to report hearings held before the committee was announced as next in order.

Mr. JOHNSON of Maine. Let that go over.

The PRESIDING OFFICER. The resolution will go over.

The bill (S. 2215) to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service was announced as next in order.

Mr. SMOOT. Let the bill go over. The PRESIDING OFFICER. The bill will go over. The bill (S. 5854) to provide for the erection, furnishing, and equipping of a building in the city of Washington, D. C., for the Department of Justice was announced as next in order.

Let the bill go over. Mr. WARREN.

The PRESIDING OFFICER. It will go over.

The bill (H, R. 308) to amend the act to regulate commerce, as amended, and for other purposes, was announced as next in

Mr. SMOOT. I ask that the bill may go over. The PRESIDING OFFICER. It will go over.

The bill (S. 681) providing for the election of a delegate to the House of Representatives from the District of Columbia,

and for other purposes, was announced as next in order.

Mr. SMITH of Georgia. Let the bill go over.

The PRESIDING OFFICER. It will go over.

Senate resolution 195, amending Rule XXII of the standing

rules of the Senate, was announced as next in order.
Mr. BRYAN. Let the resolution go over.

The PRESIDING OFFICER. It will go over.

ARTESIAN WELLS.

The bill (S. 5772) to provide for the sinking of artesian wells, and for other purposes, was announced as next in order.

Mr. SMOOT. Is there an amendment to that bill to make it general? What I mean to ask is whether it is a local bill applying only to Montana.

Mr. MYERS. It applies only to Montana.

Mr. SMOOT. Was it not the understanding that if we re-

ported the bill it would be a general bill?

Mr. MYERS. Not in this bill. At the last session there was an amendment made to the Agricultural appropriation bill for a general investigation, but it was defeated in the Senate or went out on a point of order, I do not know which.

It was passed in the Senate and went to con-Mr. SMOOT.

ference and was lost.

Mr. MYERS. It dropped out in conference. This is only a local bill. I would not have any objection to its being made general, if the amount is increased.

Mr. SMOOT. The object of the bill is a worthy one, but it ought to be a bill that applies to all the arid and semiarid land

Mr. MYERS. If the amount is not increased, with the limit of \$25,000, it would not amount to anything in a general bill.

Mr. SMOOT. That is one quarter of all that is asked for general work in all of the States.

Mr. MYERS. If the amount was increased to \$100,000, I would not object.

The PRESIDING OFFICER (Mr. Robinson in the chair). Is there any objection to the consideration of the bill?

Mr. SMOOT. I will not object if the bill is amended so as to make it general, but I do object if it is going to apply only to one State

Mr. MYERS. If we consider it so that the bill will be open to amendment, I will vote for such an amendment.

Mr. SMITH of Georgia. I would have to object if amended so

as to make an appropriation of \$100,000.

Mr. MYERS. The Senator can vote against the amendment.

The PRESIDING OFFICER. Is there objection to the consideration of the bill? The Chair hears no objection.

Mr. SMITH of Georgia. I have the right to object at any time in the process of the bill, I understand.

Mr. MYERS. The Senator can help to vote down the amendment

Mr. SMOOT. So that there will be no further time spent upon it to-night, I shall ask that the bill go over, and then I will take up the question with the Senator from Montana. I shall be perfectly willing then that we move to take it up for consideration.

Mr. SMITH of Georgia. I should like to say if we appropriate a small sum and let the Secretary of the Interior take it and find out whether he can do any good with it, I would not object. But I do not want to appropriate \$100,000 and just turn it loose.

Mr. SMOOT. The trouble with that, I will say to the Senator

from Georgia, is this: If we limit it to one district within one State it may prove a success or the work may prove a failure, and if it proves a failure we never would make an appropriation for any other State.

Mr. SMITH of Georgia. I would be glad to confer with the Senator from Montana and the Senator from Utah about it and see if we can not agree upon a plan.

Mr. MYERS. I will ask the Senator if it were amended at this time so as to include Montana and Utah would there be

Mr. SMITH of Georgia. I shall object.

Mr. STERLING. There are other States than Utah and Montana to which it should be made to apply.

Mr. JONES. The State of Washington needs work of this

I should like to have the bill go over.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

ALLEN M. HILLER.

The bill (H. R. 1024) for the relief of Allen M. Hiller was considered in Committee of the Whole. It provides that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Allen M. Hiller, who was a first lieutenant in Company G, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as an officer of said company and regiment on the 28th day of June, 1865, but no back pay or pension be allowed prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RILLS PASSED OVER

The bill (S. 5437) to further amend the act of Congress entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," approved June 25, 1910, to extend the same to elections for United States Senators and for presidential electors, and to regulate, control, and limit campaign and other contributions and expenditures in connection with such elections, and to define corrupt practices in connection therewith, and for other purposes, was announced as next in order.

Mr. SMOOT. Let the bill go over. The PRESIDING OFFICER. It will go over.

The bill (H. R. 6097) to ratify the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish was announced as next in order

Mr. JONES. While I should like very much indeed to have that bill passed, I know the Senator from Oregon [Mr. Lane] is very much opposed to it, and therefore I will ask to have it go

The PRESIDING OFFICER. The bill will go over. The bill (S. 3444) to provide for a permanent exhibit of the resources of the States of the Union in or near Washington, D. C., was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. MARTINE of New Jersey. I hope the bill may be considered. I have been solicited by scores of people all over the

It only takes \$500-

Mr. SMOOT. We just authorized here the other day an exhibit in all the departments of the Government during the inauguration. If we begin the practice of providing for permanent exhibits of the States in the city of Washington, I do not know where we are going to land. We have had here, I suppose, for the last six years at least 20 such bills reported, not as to Washington but as to other parts of the country. I do not think the Government ought to embark in the business.

Mr. MARTINE of New Jersey. The Senator understands that .

the various States will provide the exhibits?

Mr. SMOOT. I understand that.

The PRESIDING OFFICER. Objection is made.

The bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, was announced as next in order. The PRESIDING OFFICER. Is there objection to the consid-

eration of the bill?

Mr. POMERENE. I object.

Mr. SMOOT. I have no objection whatever to the consideration of the bill if it can be done

The PRESIDING OFFICER. Objection is made.

Mr. SHAFROTH. I should like very much to have the bill considered.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 3351) to amend the act of August 30, 1890, was announced as next in order.

Mr. SHEPPARD. Let the bill go over.

The PRESIDING OFFICER. It will go over.

AID TO ROADS IN ARIZONA.

The bill (S. 865) granting to the State of Arizona public lands for the construction, repair, and maintenance of public roads was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, on page 1, line 4, after the name "Arizona," to strike out "two hundred and fifty" and insert "Colorado, Idaho, Montana, New Mexico, Nevada, Utah, Wyoming, North Dakota, California, Oregon, and Washington, each, five hundred," so as to make the clause read:

That there is hereby granted and conveyed to the State of Arizona, Colorado, Idaho, Montana, New Mexico, Nevada, Utah, Wyoming, North Dakota, California, Oregon, and Washington, each, 500,000 acres of unreserved, nonmineral, surveyed public lands, the proceeds of the sales of which shall be used solely for the purpose of constructing, repairing, and maintaining public wagon roads."

The amendment was agreed to.

The next amendment was, in section 2, on page 2, line 2, after the word "commission," to insert "or State land board, or in case any State shall have no such board or commission, then and in that case by the governor of each State, respectively "; in line 10, after the word "patent," to strike out "to said State of Arizona" and insert "to the respective States"; and in line 13, after the word "State," to strike out "of Arizona," so as to make the section read:

Make the section read:

Sec. 2. That said lands shall be selected under the authority and direction of the State land commission or State land board, or in case any State shall have no such board or commission, then and in that case by the governor of each State, respectively, within the period of one year after the passage of this act, and may be designated and selected under the supervision of the Secretary of the Interior from any lands in the State of the character described in section 1 hereof. The Secretary of the Interior is hereby authorized and directed to issue United States patent to the respective States as soon as the selection or designation thereof has been certified to his office by the governor of the State, the designation to be made by legal subdivisions of the public land surveys.

The amendment was agreed to.

The next amendment was, in section 3, on page 2, line 17, after the word "notice," to strike out "as the governor of the State" and insert "and under such conditions as the legislature of each State," and in line 23, after the word "granted," to insert:

Provided. That said lands not sold by said State under the provisions hereof may, under such regulations as the legislature of each State may prescribe, be leased for periods of not less than five years, and such lands shall not be subject to entry under any of the land laws of the United States, but shall be reserved for the purpose aforesaid.

So as to make the section read:

Sec. 3. That the lands herein granted shall be sold, after issuance of patent, by the proper authority of the State at public auction, after such notice and under such conditions as the legislature of each State may prescribe and in such units not exceeding one section, or 640 acres, as he may prescribe, no one individual, association, or corporation to be permitted to acquire more than 5 per cent of the total area herein granted: Provided, That said lands not sold by said State under the provisions hereof may, under such regulations as the legislature of each State may prescribe, be leased for periods of not less than five years, and such lands shall not be subject to entry under any of the land laws of the United States, but shall be reserved for the purpose aforesaid.

The amendment was agreed to.

Mr. JAMES. What is the pending bill, which seems to be giving away several hundred thousand acres of land to various States? It seems as though some information ought to be given about it.

Mr. WARREN. It is a bill which was reported by the Senator from Arizona [Mr. Smith]. There were individual bills as to all the arid States, providing for a grant of from one to two million acres of land each. The Interior Department reported on them, recommending that there should be allowed a less number of acres to each and that such grants should be assembled in one bill and made general as to the arid States. So this bill provides for a grant to the arid States alone of a certain number of acres of land each of the unused, non-mineral, nontimber land, public United States lands, the pro-ceeds from the sale of which are to be devoted to the building of public roads. I think it is a good bill and that it ought to pass. I will say that it had the unanimous support of the committee.

Mr. JAMES. Does it leave any land out there at all belonging to the Government?

Mr. WARREN. I will say to the Senator that it leaves a few million acres, and we should like to have the Senator from Kentucky take fifty or sixty million acres out of Wyoming.

Mr. JAMES. I should not like to fool with such a small

amount of land. [Laughter.] Mr. SHIELDS. Mr. Presid Mr. SHIELDS. Mr. President, I want to say to the Senator from Kentucky that there will be 92 per cent of the land in Arizona still belonging to the Federal Government, and that this

Mr. JAMES. I thought it was several hundred thousand acres of land, and that it might not be out of place even to make an inquiry about it; but, as it seems that the committee has

reported favorably on the bill and as everybody out there gets part of the land, of course I shall not make any objection.

Mr. FLETCHER. What I can not understand is the exist-

ence of so much arid and worthless land in the arid States when we hear so much about their glory, their prosperity, and their wealth.

Mr. WALSH. Mr. President, I do not happen to be a member of the Public Lands Committee, but I desire to inquire of the chairman whether the committee considered the advisability of placing any restrictions whatever upon the sale of these lands?

Mr. MYERS. I do not know. Mr. WALSH. The chairman of the committee will recall that Mr. WALSH. in all grants which were made to the State of Montana, to the State of North Dakota, to the State of South Dakota, to the State of Washington, and, my recollection is, to Idaho, to Utah, and to all of the new States—the four States I first mentioned I can speak positively about—it is provided that the lands must be sold at public auction for not less than \$10 per acre. I am very sure that that policy has the unqualified approval of the people of our State.

Mr. WARREN. Was that not provided by a statute of the

State?

Mr. WALSH. No; it was provided by the enabling act.
Mr. WARREN. That has not been so in all cases.
Mr. SMOOT. I will say that it is not so as to the State of

Utah and as to some of the other States, but it is true as to the four States first mentioned by the Senator from Montana.

Mr. WALSH. It is so as to the four States which I first mentioned. They can not sell an acre of land granted to the State at less than \$10 an acre, and must sell the lands at public auction. Consequently they are obliged to hold the lands and simply to lease them until in the course of time they are sold for that amount.

Mr. SMOOT. Mr. President, the Senator from Montana will remember that that question was very thoroughly discussed in the Senate at the time the grant was made to the State of Nevada. In that grant the Senate finally decided to limit the minimum price at which land could be sold.

Mr. WALSH. It was limited to \$2.50 an acre, my recollec-

tion is.

Mr. SMOOT. It was either \$1.50 or \$2.50 an acre, I have forgotten which. I will say to the Senator, however, that so far as Utah is concerned I doubt very much whether we could select lands now that would sell at public auction for \$10 an acre. The department has tried to sell Indian lands that were remaining in the Uncompander Indian Reservation and also in the Unitah Reservation, and those lands were sold at public auction as low as 50 cents an acre, when the department ceased to sell them. It has tried twice to sell those lands and received bids for them, but could not get \$1.25 an acre for them, which the department thinks it ought to get, and which I think it ought to get. So I will say to the Senator that in some of the States to fix a limit of \$10 an acre would be entirely out of the question. Mr. WALSH.

Mr. WALSH. Mr. President, I will say that I had not in mind at all the idea of fixing a \$10 limit applicable to the lands in all of these States. What I did have in mind was to provide that the sale of these lands should be subject to the same restrictions as are provided by the existing laws in respect to

lands heretofore granted to the States.

Mr. WARREN. Mr. President, so far as Wyoming is concerned, our constitution provides for a price of \$10 an acre.

Mr. WALSH. It is exactly the same in Montana, because Montana expressly accepted the terms of the enabling act; but of course that applies only to land granted at that time, and does not contemplate future grants. This would therefore be freed from the operation of the constitutional provision as well This would therefore be as from the enabling act itself.

Mr. SHIELDS. Mr. President-

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Tennessee?

Mr. WALSH. I yield to the Senator. Mr. SHIELDS. Perhaps the Senator will remember that when the bill granting to the State of Nevada, I believe, about 7,000,000 acres of land for school purposes was before the Senate early in this Congress the question arose as to the minimum price for which those lands should be sold; and in a colloquy between the Senator from Nevada [Mr. PITTMAN] and the Senator from Utah [Mr. SMOOT] the fact was brought out that in the State of Utah and in other arid States-Nevada and I think Arizona—the minimum restriction was \$1.50 an acre. member that distinctly, and by calling it to the attention of the Senator perhaps he, too, will remember it. I suggest that, from what has been said here about these arid lands in Arizona, anything like a limitation of \$10 an acre would prevent the sale of

the lands entirely.

Mr. WALSH. I am quite in accord with that idea; and, in order to test this matter, I offer the following amendment, to he section 4 of the bill:

SEC. 4. That any restrictions upon the sale of lands heretofore granted to any of such States, respectively, shall apply to the lands herebry granted.

Mr. SMOOT. There may be restrictions, I will say to the Senator, other than the one as to price; and if that were the case, of course we could not handle these lands.

Mr. WALSH. Exactly. I am telling the Senator that not only is there a restriction as to price, but also as to the manner of sale. In the case of the four States which I have mentioned it is also provided that the land must be sold at public auction.

There may be other restrictions upon grants in other States which, if applied to these lands, would make it impossible for the State to dispose of them. I am not objecting to the principle of the proposed amendment at all; nor would I object to the amendment itself unless there are restrictions upon some of the other grants made to the States of such a character that they could not be applied to these lands.

Mr. WALSH. I will say to the Senator from Utah that I find it difficult to conceive what the restrictions might be, because these lands are to be granted just the same as the other lands were granted; and whatever restrictions there are upon the sale of the other lands the lands granted under this bill would bear the same restrictions.

Mr. SMOOT. No. For instance, there were grants of land to the State of Montana, to the State of Utah, and to every other Western State of so many hundred thousand acres for school They are restricted to that purpose.

Mr. WALSH. But that is not the language of the proposed amendment. The proposed amendment refers merely to restrictions upon the sale, and not upon the use to which the proceeds are to be applied.

Mr. SMOOT. If it only applies to the sale of the land, I have no objection.

Mr. HUGHES. Mr. President-

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New Jersey?

Mr. WALSH. Yes.

Mr. HUGHES. I presume the Senator is aware that there are certain restrictions on the sale of the land covered by this bill.

Mr. SHAFROTH. It shall be sold under such conditions as

the legislature may prescribe.

Mr. HUGHES. The bill provides that the land shall be sold at public auction, after advertisement, "and under such condi-

tions as the legislature of each State may prescribe."

Mr. SHAFROTH. Mr. President, it is pretty safe to trust the legislature of a State. The State will endeavor to get all it possibly can out of this land for road construction, and, in my opinion, no better use could be devised for the proceeds of the sale of this land than the construction of public roads. Unless we make a grant of this kind soon, it is likely that all the land of any value will be taken up, and for that reason we will not get any.

Mr. SMOOT. Furthermore, every State will be interested in selling the lands at just as high a price as can possibly be obtained, because of the fact that every dollar of the proceeds will go to the building of roads within the State.

Mr. SHAFROTH. Certainly, and inasmuch as so much of the public land is in reserves in the States, it seems to me that the Government ought to freely grant such a request upon the part of the Western States.

Mr. WALSH. Mr. President, I recognize all this, and I can bear testimony with the other Senators from the West to the fact that the Western States are very carefully conserving the grants of land made to them; but at the same time this policy has been adopted; it is rather a wise policy, and this is an exceedingly large grant. I can not see when lands are granted for school purposes, granted for the purpose of constructing public buildings, granted for the purpose of aiding the State universities, and for every other public purpose of that character, and it is provided in the act making the grants that those lands shall not be sold except at public auction-not at private sale but at public auction—and shall not be sold for less than a certain price per acre, why we should not throw the same safeguards about the great grant that is proposed to be made by this

Mr. SMOOT. I hope the amendment of the Senator will be accepted.

Mr. MYERS. Mr. President, in reference to the question of my colleague [Mr. Walsh], I will say that I do not know that

the feature of the matter referred to by him was considered in the committee. The bill was drawn by a subcommittee, to which were referred a large number of bills providing for donations of public lands to different Western States, and the subcommittee evolved one bill as a substitute for all of the others, and the full committee ratified the action of the subcommittee. I think the feeling of the full committee was that it was safe to make these grants to the States; that the States, through their State officials and legislatures, would carefully guard the treasure which had been committed to them, and would see that the lands were not sold for inadequate prices,

So far as I am concerned, I think that a great deal of what is left of the public lands of Montana would not bring \$10 an acre; certainly they would not bring it now or for a number of years to come; and I am rather inclined to believe that the State officials and Legislature of Montana would sufficiently safeguard the The idea was to donate these lands for public roads: and I assume that the States want to sell them as soon as they can in order to get out of them whatever money they may be worth or whatever they will bring, so as to use the money on the public roads now and not wait quite a number of years until

the land might bring \$10 an acre.

Mr. WALSH. Mr. President, that is just what I am afraid of. I am afraid that the desire to convert these lands into cash at once will be so impelling, that there will be so many arguments advanced in favor of that policy, that the bars will be let down and they will be sold for a less price. My colleague will remember very well that when the grant was made upon the admission of our State into the Union in 1889 we selected lands all over the State, and very few of them could be sold at \$10 an acre or anything like \$10 an acre; but with the advance in the price of land they are being sold pretty rapidly at \$10 an acre, and they are going even higher than that now. So it is not unlikely that, if we select 500,000 acres of land now we would have to take land that we could not sell for \$2 an acre, but the price of land is going up, and in the meantime the lands will be leased.

Mr. SHAFROTH. Mr. President, it seems to me that when the State gets these lands it is going to sell them for the best price it can get. We have not a restriction of \$10 an acre in our State, but \$3.50, and yet we have sold land at \$54 an acre.

Mr. WALSH. Then, this restriction will fix the minimum price of these lands in Colorado at \$3.50.

Mr. SHAFROTH. That may be. I want the bill to pass, and I would rather have it passed even with the amendment than not to pass at all. I believe, however, it is safeguarded sufficiently well as it stands.

Mr. WARREN. Does not the Senator know that lands are sold at public sale, as has been stated, in Colorado as well as

in Wyoming?

Mr. SHAFROTH. I am perfectly willing to have the amendment adopted, if we can not get the bill through as it is.

Mr. WARREN. I think we can trust the legislatures of the States to take care of the matter, in view of the interest they will have, because every dollar received is to be expended for

Mr. SHAFROTH. Mr. President, will the Senator from Montana state the amendment he desires?

Mr. WALSH. I have offered it.

The PRESIDING OFFICER. Without objection, the Secretary will state the amendment.

The Secretary. On page 3, after line 4, it is proposed to insert the following:

SEC. 4. That any restrictions upon the sale of lands heretofore granted to any of said States, respectively, shall apply to the lands hereby granted.

Mr. MYERS. Mr. President, speaking for myself, I think we need the good roads now, and I believe the bill would be better without the amendment.

Mr. JONES. Mr. President, I want to see this bill pass, but if that amendment is put upon it I am satisfied that the State of Washington will never get any advantage from it at all. There are only a few million acres of public land in that State that have not been reserved, either in forest reservations other reserves, and I am satisfied that we could not find a 160-acre tract of public land in the State of Washington that would sell at \$10 an acre, and most of it I am satisfied would be considered to be selling at a good price if it brought \$1.25 or \$1.50 an acre. As has been suggested, our people will take good care of this land. They are taking good care of their other lands. When the original grants were made to the State there was a great deal of public land in the State to select from, but the best of the land has been taken up, and the poor land is all that is now left

Mr. WARREN. That is more or less so in Wyoming, also.

Mr. JONES. If \$10 an acre was the price fixed for the sale of the land in our State we could not get anything like that. The amendment of the Senator from Montana would simply make this bill practically nugatory so far as the State of Washington is concerned. I hope the bill will pass, but I hope that amendment will be defeated.

Mr. WALSH. Let me make an inquiry of the Senator from

Washington.

Mr. JONES. Certainly.

Mr. WALSH. You have these restrictions in the grants heretofore made to the State of Washington?

Mr. JONES. Oh, yes. Mr. WALSH. Have ye Have you not filled up your grant?

Mr. JONES. No; we have not. The State is at work now taking out such land as is left, worth \$2 or \$3 an acre, and probably not that; but about 20,000,000 acres in our State were put in forest reserves before the State could make its selection, and it has now very little to select from. We are trying to get the Government to assist us in exchanging our lands within the limits of forest reserves and get them in blocks, but the State so far has not been able to fill out the grant that it has.

Mr. WALSH. Can the Senator give us an idea about what

proportion of the grant is filled?

Mr. JONES. Well, there is a large portion of it filled. I do not know how many acres are not; but I know that only a few days ago I received a telegram from the public-land commissioner of the State of Washington, asking me to see the Secretary of the Interior and endeavor to have him reserve some of the public lands from the operation of the 640-acre homestead law until he could get them surveyed and ready to file on-some 30.000 or 40,000 acres.

Mr. WALSH. I dare say there are many thousand acres of the land selected by the State of Washington worth very much

more than \$10 an acre.

Mr. JONES. That is true; but they were selected when we had an abundance of public lands in the State. Much of our land was selected away back in 1889, when we had 150,000

people. We now have a million and a half people.

Mr. WALSH. Let me inquire of the Senator from Washington also whether they did not select lands of very great extent, that were at the time worth much less than \$10, but are now worth

much more than that amount?

Mr. JONES. No: I do not think so, Mr. President. I think most of the lands selected 10, 12, or 15 years ago would have been considered worth \$10 an acre, and much of them even more than that.

Mr. WALSH. I think this is a very reasonable provision. Mr. WARREN. Mr. President, I hope the Senator from Montana will withdraw his amendment, and, with me, have confidence in the legislatures of these States that they will take good care of these lands. The selections will be different now in all these States than when the school sections in place were taken or when other lands were selected since. The best lands have been taken and the poor lands left. I hope they will all bring \$10 an acre, but it may be that in some cases they will bring much less. The bill certainly was well considered, and for a long time, by a number of Senators interested in this subject. I do not believe that the amendment is necessary, and I do not believe that it should be adopted.

Mr. PITTMAN. Mr. President, this provision does not affect our State at all, because we have no such restrictions in our State; nor does it affect, as I recollect, the State of Arizona. This bill was originally introduced by the Senator from Arizona, and these other States have been added to it. The amendment of the Senator from Montana involves the whole principle underlying this question, and that is whether the particular

locality can not or will not protect itself.

Mr. WILLIAMS. Mr. President, may I ask the Senator a question right there? He knows better than I do about this

Mr. PITTMAN. I yield to the Senator from Mississippi.
Mr. WILLIAMS. Is it or is it not a fact—I have heard it was-that you could hardly select the number of acres necessary in Arizona out of land that could be relied upon to sell for any-

thing much-25 or 50 cents an acre, a great deal of it? Mr. PITTMAN. I have ridden over Arizona, but I am not so familiar with it as I am with my own State, although I think the conditions there are quite similar. I will state that we have had the homestead law in the State of Nevada for 50 years, and during that time there have only been 1,000 homesteaders who have proved up; and out of the 70,000,000 acres in that State less than a million acres have gone into private ownership through that beneficent law, while the State of Oklahoma has been settled up entirely, and other States where they have rainfall have been settled up.

Mr. WILLIAMS. Is not Arizona pretty much in your condi-

Mr. PITTMAN. Arizona is practically in the same condition. For instance, take the desert-land law. That does not require residence. It requires a certain amount of development each year; and yet in the forty-odd years that the National Government have pretended to settle up the lands of our State they have only patented 34,000 acres out of 70,000,000.

Mr. JAMES. Mr. President, will the Senator yield for a

question?

Mr. PITTMAN. Yes; I yield. Mr. JAMES. This bill provides that this land shall be sold Mr. JAMES. under such conditions as the legislature of the State may impose. What conditions does the Senator imagine that his own State, or the other States there, would impose in regard to price-any condition, or just put it up to the highest bidder?

Mr. PITTMAN. I imagine that our State would do this: That it would classify the lands, and, if there were possibly 5,000 acres or 10,000 or 20,000 acres that were more valuable than the rest, that they would place a minimum value on that area of \$3 or \$4 or \$5 an acre, and say that they would not dispose of it for less, but for as much more as they could get under

the terms of this bill at public auction.

The public-auction clause in this bill is the best protection you have, because you have people who know the value of the land standing there to bid against each other for it. That determines the value of the land. The legislatures would have their State officers fix a minimum price on different characters of land. They would classify it. We can not classify lands standing here; and I want to say to you now that in the State of Nevada and the State of Arizona, to place a ten-dollar limit upon land would be absolutely prohibitive. You might as well not pass this bill, and why should we stand here year after year and pass absurd bills that are not developing that western territory?

To-day 90 per cent—yes, 93 per cent—of all the land in our State is not subject to taxation. Ninety-three per cent of the land of our State is owned by the Federal Government, and the Federal Government constantly declines to enact any legislation that will enable us to support the State. Why? Because the representatives of the National Government here do not understand the conditions existing in my State, and I regret to say that every time a bill is offered here that allows any discretion to the local people in a State we have a distinguished Senator like the Senator from Montana afraid that those people out in that State can not protect themselves with regard to the

Mi SHIELDS. Mr. President-

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Tennessee?

Mr. PITTMAN. I do. Mr. SHIELDS. I should like to ask the Senator a question. I find that in section 3 of this bill it provides-

That the lands herein granted shall be sold, after issuance of patent, by the proper authority of the State at public auction, after such notice and under such conditions as the legislature of each State may prescribe and in such units not exceeding one section, or 640 acres, as he may prescribe, no one individual, association, or corporation to be permitted to acquire more than 5 per cent of the total area herein granted.

It appears that thus it is left entirely to the general assemblies of these several States to protect the interests of the people of those States. Now, I am not familiar with the people of these particular Western States except the Representatives of those States that I have met here, generally. My acquaintance with the inhabitants of those States consists largely of my acquaintance with their Representatives. It occurs to me that the people of these States are amply able to protect their interests, and are honest enough to do it, and will do it.

I want to ask the Senator whether or not he considers the general assemblies of those States honest and capable and able to protect their own internal affairs and to administer their

own local matters; and do they do it?

Mr. PITTMAN. Mr. President—
Mr. BRYAN. Mr. President, a parliamentary inquiry.
The PRESIDING OFFICER. The Senator from Florida will

state his parliamentary inquiry.

Mr. BRYAN. Was not the unanimous-consent agreement en-

tered into to proceed under Rule VIII?
The PRESIDING OFFICER. It was

Mr. BRYAN. As I understand Rule VIII, it provides that no Senator can speak more than once nor longer than five minutes. We have spent nearly an hour on this particular bill, and Senators have spoken not only more than five minutes but more than once.

Mr. SMOOT. I hope the Senator will not object in this in-

The PRESIDING OFFICER. If the Senator from Florida makes that point of order, the Chair will be compelled to sustain it.

Mr. BRYAN. I shall not make the point of order, but if we are here to consider the calendar under Rule VIII we ought to do it.

Mr. PITTMAN. I concede that the point of order is well ken. I have not spoken before since I have been here this taken. session, and I apologize to the Senator from Florida for having annoyed him thus far. If he will pardon me while I simply answer the Senator for a second, without raising the point of order. I will desist

I think the only obstruction so far that the West has had has been from other portions of the country. I think in the matters as to which they have been permitted to pass local legislation they have been quite successful, and I do not think any one questions either their ability or their desire to protect themselves and the people within their limits.

On account of the point of order I will not discuss this mat-

ter any further.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Montana [Mr. Walsh].

The amendment was rejected.

Mr. STERLING. Mr. President, I do not know why the State of South Dakota has not been included in the list of States that shall have these grants. It seems to me that my State is in the same class with Montana and North Dakota and the other States named; and I therefore move as an amendment, after the words "North Dakota," in line 5, to insert the words "South Dakota,"

Mr. SMOOT. I will say to the Senator that the only reason why South Dakota was not included was because the Senators from South Dakota had not introduced a bill on the same subject. I have no objection to South Dakota being included.

The PRESIDING OFFICER. The Secretary will state the amendment.

The Secretary. On page 1, line 5, after the words "North Dakota" and the comma, it is proposed to insert "South Dakota."

The amendment was agreed to.

Mr. JAMES. Mr. President, there is a correction that ought to be made in the bill, it seems to me, if it is going to pass-that is, if this is a correct copy I have of the bill. It says, "and under such conditions as the legislature of each State may prescribe, and in such units, not exceeding one section, or 640 acres, as he may prescribe." It refers to the legislature as "he." me as though that ought to be corrected.

Mr. PITTMAN. It should read "as may be prescribed." Mr. MYERS. I will ask that it be amended to read "it," changing the word "he" to "it."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Montana.

The amendment was agreed to.

Mr. SHEPPARD. Mr. President, I wish to ask the Senator from Kentucky if he was inspired to make that suggestion by the fact that these are equal-suffrage States?

Mr. JAMES. No; I was not inspired by that fact. thought I would endeavor to correct the phraseology of the bill, if it was going to pass.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was amended so as to read: "A bill granting to certain States public lands for the construction, repair, and maintenance of public roads."

BARKHAUSEN COAL & DOCK CO.

The bill (H. R. 11293) for the relief of Barkhausen Coal & Dock Co., of Green Bay, Wis., was announced as next in order.

Mr. BRYAN. That bill is adversely reported, and I think it should be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

GOTTLOB SCHLECT, MAURICE D. HIGGINS, ET AL.

The bill (H. R. 12742) for the relief of Gottlob Schlect and Maurice D. Higgins, and for the relief of the heirs and legal representatives of Valentine Brasch, was considered as in Committee of the Whole. It proposes to pay to the Barkhausen Coal & Dock Co., of Green Bay, Wis., out of any moneys in the Treasury not otherwise appropriated, \$163.17, being the sum allowed to said company by the Secretary of the Interior to cover cost of coal and hauling charges thereon, for the Pine Ridge Indian School and Agency, S. Dak.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEW ORLEANS, BATON ROUGE & VICKSBURG RAILBOAD CO.

The bill (H. R. 540) for the relief of settlers within the limits of the grant to the New Orleans, Baton Rouge & Vicksburg Railroad Co. was announced as next in order.

Mr. POMERENE. Let that bill go over.
Mr. RANSDELL. Mr. President, I hope the Senator will not insist on objecting to this bill. It is a matter that affects a great many people of very small means in my State. It has passed the House of Representatives twice and I have endeavored to have it considered by the Senate a number of times, but without success. I hope we can have a vote on it to-night.

Mr. POMERENE. Mr. President, there is a minority report in this case, and there are many people in my State who are very much interested in this bill. It will not pass without con-

siderable discussion.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

BERNARD A. SCHAAF.

The bill (H. R. 8267) to place Bernard A. Schaaf on the retired list of the Army was considered as in Committee of the Whole. It authorizes the President of the United States to place Bernard A. Schaaf, formerly first sergeant of Company K. Eighth Regiment United States Infantry, and later a lieutenant of Philippine Scouts, on the retired list of the Army with the rank, pay, and allowance of a master signal electrician, and provides that in computing the soldier's pay credit shall be given for all his continuous service in the Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS OF INTERPLEADER BY INSURANCE COMPANIES, ETC.

The bill (H. R. 12541) authorizing insurance companies and fraternal beneficiary societies to file bills of interpleader was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, on page 1, line 8, before the word "claimants," to insert "bona fide"; on page 2, line 6, after the word "society," to strike out "offers to deposit" and insert "deposits"; on the same page, line 7, before the word "abide," to strike out "to"; on page 3, line 2, before the word "the," to strike out "either"; and on the same line, after the word beneficiaries," to strike out "or the assignee or assignees, or any of them," so as to make the bill read:

"beneficiaries," to strike out "or the assignee or assignees, or any of them," so as to make the bill read:

Be it enacted, etc., That the district courts of the United States shall have original cognizance to entertain suits in equity begun by bills of interpleader where the same are filed by any insurance company or fraternal beneficiary society, duly verified, and where it is made to appear by such bill that one or more persons, being bona fide claimants against such company or society, reside within the jurisdiction of said court; that such company or society has made or issued some policy of insurance or certificate of membership providing for the payment of a sum of money of at least \$500 as insurance or benefits to a beneficiary or beneficiarles or to the heirs, next of kin, or legal representative of the person insurance or member; that two or more adverse claimants, citizens of different States, are claiming or-may claim to be entitled to such insurance or benefits and that such company or society deposits the amount of such insurance or benefits with the clerk of said court and ablde the judgment of said court. In all such cases the court shall have the power to issue its process for said claimants, returnable at such time as the said court or a judge thereof shall determine, which shall be addressed to and served by the United States marshals for the respective districts wherein said claimants reside or may be found; to hear said bill of interpleader and decide thereon according to the practice in equity; to discharge said complainant from further liability upon the payment of said insurance or benefit as directed by the court, less complainant's actual court costs; and shall have the power to make such orders and decrees as may be suitable and proper and to issue the necessary writs usual and customary in such cases for the purpose of carrying out such orders and decrees: Provided, That in all cases where a beneficiary or beneficiaries are named in the policy of insurance or certificate of membershi

Mr. HUGHES. Mr. President, I am interested in the passage of this bill, but I should like to have it passed without amendment. The Senator from Tennessee [Mr. Shields] reported the bill, and with the report are certain amendments. If he is disposed to insist upon the amendments, rather than jeopardize the passage of the bill I will agree to them; but the situation is like this:

I regard the amendments as immaterial; but the bill has already passed the House, and if it is amended here there is very grave danger that it will not again pass the House. I should just like to have the Senate pass on the bill by a viva voce vote and take my chances on the decision of the Chair, if the Senator from Tennessee is satisfied with that disposition.

Mr. SMOOT. I wish to say to the Senator that there have been objections to this measure. I have not been asked to object to it to-night, and I am not going to; but if it is to be changed from the way it was reported by the committee, not knowing what the changes are, I should have to object to its consideration.

Mr. HUGHES. I will say to the Senator that nobody is interested in these amendments except the Senator from Tennessee [Mr. Shields], and he is here. I regard the amendments as more or less immaterial; but, as I have said, I am afraid the bill will not be acted upon by the House.

Mr. SMOOT. Oh, there is plenty of time for that.
Mr. SHIELDS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Tennessee?

Mr. HUGHES. Certainly. Mr. SHIELDS. I will say to the Senator from Utah that some comparatively immaterial amendments to this bill were offered by me in committee. I think all of them are good amendments, but there is only one that I would insist upon if it would in any wise jeopardize the passage of the bill, and it is the last one. That, I think, is a material amendment and ought to be made, and I must insist upon it. But the others I do not think

Mr. HUGHES. Then I will say to the Senator that, so far as I am concerned, I will agree to have the amendments adopted.
The PRESIDING OFFICER. The question is on the amendments reported by the committee.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AUSTIN G. TAINTER.

The bill (H. R. 2638) for the relief of Austin G. Tainter was announced as next in order.

Mr. BRYAN. Mr. CLAPP. Mr. President, that bill is adversely reported. Mr. President, it is true that the committee reported that bill adversely. I have sent for the House report, but

failed to get it, and I have only the Senate report.

This man, who was a mail employee, was injured, and the railroad company-as railroad companies are apt to be-were in a hurry to get a settlement, and they got a settlement out of It turns out-I think the House report shows that factthat the man was permanently injured, injured much worse than he thought he was at the time of the settlement. He had a 60day leave of absence, but it became permanent because of the permanent injury, and the committee were so much impressed with the merit of the claim that while they did report adversely they did not recommend the indefinite postponement of the bill.

Now, I know the man. I know something of the circumalthough he now lives in Los Angeles, and I wish the bill might pass. I regret that I have not the House report to show the reason why the House passed the bill favorably.

Mr. JAMES. How much does the bill provide that he shall

Mr. CLAPP. One thousand six hundred and fifty dollars. will say to the Senator that the bill passed the House in that form.

Mr. BRYAN. Mr. President, there was no obligation on the Government to pay for that injury. The man was injured pre-Government to pay for that injury. The Govsumably by the negligence of the railroad company. The Govsumably by the negligence of the railroad company. He was injured through no fault of the Government. The only fault was on the part of the railroad company, and he settled with the railroad company. The accident happened 14 years ago. I see no possible claim against the Government.

Mr. CLAPP. He was injured in the line of his duty. I do not know what means were employed to bring about the settlement, but everyone here who has had anything to do with matters of that kind knows the promptness with which railroad companies settle with a man under those circumstances. If they had not got him to settle with them, there would have been no suggestion here but that the Government ought to have paid him something.

Mr. BRYAN. If he went and surrendered a right that he ought not to have surrendered to the railroad company, is that any reason why he should come and ask the Government to make it good? What claim has he?

Mr. CLAPP. The very report of the Senate committee is practically an admission that the settlement is urged as a reason why they should not pay him anything that he settled with the railroad company; and I say again had he not inadvertently settled with the company at a time when he knew little of his injury there would be no question here to-day but that Congress would allow him a reasonable compensation on account of the permanent injuries he received in the line of duty.

Mr. PITTMAN. Mr. President, a parliamentary inquiry.
The PRESIDING OFFICER. The Senator from Nevada will state it.

Mr. PITTMAN. Are we proceeding under Rule VIII? The PRESIDING OFFICER. We are.

Mr. BRYAN. I asked the Senator from Minnesota a question, and I believe I am entitled to five minutes

Mr. PITTMAN. Does not Rule VIII limit a Senator to one speech as to each subject?

The PRESIDING OFFICER. It does. Mr. BRYAN. Here is a man who was injured in a railway wreck. He had a right of action against the railroad company for every dollar of injury he suffered. He settled that right of action for \$250. Surely that is no fault of the Government. If he was imposed upon in the settlement, he could have brought a suit notwithstanding and pleaded that imposition at the trial. I can not see on what theory we are going to pay \$1,650 14 years after the accident, when just shortly after it he settled it himself for \$250.

Mr. CLAPP. He settled with the railroad company. could not have set aside that settlement unless he had been able to show that he was ignorant and did not know what he was doing when he settled. It is merely a question of inade-

quacy of compensation.

Mr. BRYAN. I think the law of any State will protect a

man who is imposed upon in a settlement.

Mr. CLAPP. You can not say that he was imposed upon because he was not an ignorant man. I realize the adverse report of the committee. I have done my duty to the claimant and that is all I have to say on the subject.

The PRESIDING OFFICER. Does the Senator from Florida

move the indefinite postponement of the bill?

Mr. BRYAN. I do. The PRESIDING OFFICER. The question is on the indefinite postponement of the bill.

The motion was agreed to.

FISH HATCHERIES.

The bill (S. 4811) to establish a fish-cultural station at some point in the State of Louisiana was announced as next in order. Mr. KENYON. I should like to ask the chairman of the Committee on Fisheries a question. How does it happen that this item was not included in what is generally known as the omnibus fish-hatchery bill. That provides a State hatchery for

Mr. HUGHES. I object.

The PRESIDING OFFICER. Objection is made, and the bill

The bill (S. 4970) to establish a fish hatchery in the State of Delaware was announced as next in order.

Mr. HUGHES. Let that go over.

The PRESIDING OFFICER. The bill will go over.

PORT OF ASTORIA, OREG.

The bill (S. 5395) to repeal sections 2588, 2589, and 2590 of the Revised Statutes of the United States was announced as next

Mr. SHAFROTH. I think there ought to be some explanation

of those sections.

Mr. BRYAN. I find the explanation in the report of the Committee on Commerce.

Mr. JONES. The report is very short.

Mr. SHAFROTH. I have not had time to read it.

Mr. BRYAN (reading)-

The sections of the Revised Statutes which the bill seeks to repeal require the masters of vessels entering the Columbia River bound for Portland, Oreg., to exhibit their papers to the collector of customs at the port of Astoria and take on board an inspector, and also when bound to sea to leave a copy of their manifests at Astoria. This procedure entails delay and expense, and does not tend in any way to increase the protection to the revenue.

I am of the opinion, therefore, that it would be advisable to repeal the sections of the Revised Statutes mentioned in the bill, and recommend that the said bill be enacted into law.

Very truly, yours,

B. R. Newton,

Acting Secretary.

B. R. NEWTON, Acting Secretary.

Astoria, as Senators may know, is near the mouth of the Columbia River. Portland is about 100 miles up the river. I think the bill ought to pass. I am not especially interested in it, but the Senators from Oregon are I know, and I have no objection to it.

There being no objection, the bill was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That sections 2588, 2589, and 2590 of the Revised Statutes of the United States be, and the same hereby are, repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT GREENLAW.

The bill (H. R. 2180) for the relief of Albert Greenlaw was considered as in Committee of the Whole. It directs the Postmaster General to credit the accounts of Albert Greenlaw, post-master at Eastport, Me., in the sum of \$3,378.02, due the United States on account of post-office funds embezzled by Ernest A. Farris, assistant at the Eastport (Me.) post office during several years, ending December, 1912. But nothing therein contained shall be taken as releasing any other person or persons from liability to the United States on account of said embezzlements or in any manner affecting such liabilities.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAIL CONTRACTORS.

The bill (H. R. 11150) for the relief of mail contractors was announced as next in order.

Mr. SMOOT. I stated in the beginning in asking that the Senate bill upon this same subject matter be passed over, that this bill is a House bill reported from the Committee on Post Offices and Post Roads, and that it contains all the names of the claimants.

The bill carries an appropriation of \$196,000. There have been and are now a number of Senators who are absent to-night who are opposed to it. None of them have asked me to object to-night. Therefore, I shall not object to the considera-tion of the bill. I will say to Senators that the bill has been hefore Congress many, many years.

Mr. VARDAMAN. It is asserted that these claims have been

due for 55 years.

Mr. SMOOT. At least that long, and there has always been objection to their payment in the past. I suppose if they are to be paid, this is the proper way to pay them. I understand from the department that this bill will include all those who have claims against the Government, and therefore I shall not object to its consideration.

Mr. ROBINSON. Will the Senator yield to me for a mo-

Mr. VARDAMAN. That is my understanding. Mr. ROBINSON. Careful provision is made for the auditing of the claims. They have, in fact, already been audited and should have been paid a great many years ago.

Mr. VARDAMAN. I hope the bill my pass.

Mr. JAMES. Are any of the people living to whom these

debts are due?

Mr. ROBINSON. A great many of them. Mr. VARDAMAN. Yes; some of them. They are very old. One of these bills providing for the settlement of an account was passed by the Senate last summer. It was for the settlement of the claim an old gentleman had against the Government and his heir, his son, corresponded with me about it. I think he was 80 years old. There are quite a number of old people interested in the claims, and many of them have written to me that if they did not get this money within the next year or two it would do them no good. The bill, however, provides for payment to the heirs and how it shall be distributed. There is no trouble in that respect.

Mr. HUGHES. I object to the consideration of the bill.

Mr. VARDAMAN. It is simply doing tardy justice.
The PRESIDING OFFICER (Mr. POMERENE in the chair). Objection is made.

Mr. VARDAMAN. Does some one object? Mr. ROBINSON. I hope the Senator from New Jersey will withdraw his objection. The bill can be passed very quickly.

Mr. HUGHES. I will say-

Mr. ROBINSON. Let me make a brief statement. All these claims are meritorious and they have been pending before Congress for a long time. The committee has gone to the trouble to obtain the necessary information in order to report them all in an omnibus measure. The Committee on Claims has adopted the policy of not reporting separate bills upon this subject. the Senator from New Jersey now to adhere to his objection will be to occasion a further delay and prevent the passage of this meritorious measure, which everybody who investigates it will see ought to be passed and the Government wants to have it passed.

The PRESIDING OFFICER. Does the Senator from New Jersey withdraw his objection?

bill appropriating various sums of money to various people. There is no report accompanying it.

Mr. ROBINSON. There is a very voluminous report accompanying it.

Mr. HUGHES. It does not appear here on my file. Mr. ROBINSON. The Committee on Claims reported almost exactly an identical bill with the amount carried in the bill reported by the Post Office Committee. It proposed to pay a few hundred dollars less than the amount carried in this bill, but the whole subject has been gone through with by both the Post Office Committee and the Committee on Claims. When the bill reported by the Committee on Claims was reached on the calendar, as I recall it, the Senator from Utah suggested that the bill be passed over for certain reasons, and especially because this bill had already passed the House of Representa-

Mr. HUGHES. I will say to the Senator that I have here a letter from the Postmaster General which says that his department has no objection to the bill, and it also makes some reference to the facts in another communication.

Mr. ROBINSON. I have in my hands here report No. 701, submitted by the Senator from Mississippi [Mr. Vardaman], which contains full information regarding the whole subject. It also contains a part of the testimony taken at the hearing before the House committee on the bill.

Mr. HUGHES. I know there are claims enough lying around about the corridors of the Capitol to bankrupt the Government at present and to bankrupt the Government the most prosperous day it ever saw, claims that can be made to appear very good by ex parte statements by those who are interested in them. I had not the information I now have when I made my objection. In view of the light thrown upon these claims by the statement of the Postmaster General, as far as I am concerned, I withdraw the objection.

Mr. SMOOT. There is one thing I should like to say to the Senator from Mississippi if we are going to pass the bill. I am not going to object to its passage, but I call attention to the proviso on page 4 of the bill. I want the Senator to follow the reading of the proviso carefully:

Provided further, That the Secretary of the Treasury shall require in the case of each claim before making payment, that any agent, attorney, firm of attorneys, or any person engaged heretofore or hereafter in preparing, presenting, or prosecuting said claim, shall file with him a waiver of all said fees in excess of 20 per cent, and upon receipt of such waiver the Secretary of the Treasury shall pay, out of the amount found due the claimant, to said agent, attorney, firm of attorneys, or other person holding a power of attorney to represent the claimant, a fee not in excess of 20 per cent of the amount allowed and shall pay the residue to the claimant direct by warrant on the Treasury.

In reading it, I doubt very much whether that would prevent the attorney or the agent or the firm of attorneys from carrying out perhaps an agreement which was made when the claim was first brought out by the attorney or the firm of attorneys and pay that attorney or firm of attorneys perhaps 50 per cent or 60 per cent, as the original agreement might be. It is true it provides that he shall file a waiver and they shall pay him only 20 per cent; but in all pension cases it is specifically stated that they shall not be allowed more than 10 per cent or 20 per cent, as the case may be. I have not any doubt in the world but that the attorneys who will collect these claims have a written contract with all the claimants to be paid 50 per cent of the amount collected. Does not the Senator believe we ought to put that in stronger terms, so as to protect these claimants and see that they get the money instead of the claim agents?

Mr. VARDAMAN. I agree with the Senator from Utah that these people ought to be protected. That was the purpose of the provision which he has read. If they see fit, however, to give more to the attorney after the money is collected, I do not see how Congress could control that.

Mr. SMOOT. We could control it in this way: We could make

it unlawful for them to collect more than 10 per cent.

Mr. VARDAMAN. I should be very glad to accept that amendment if the Senator will propose it. I am very desirous of protecting these people, but it seems to me the Government is not very much more anxious to settle with them and give them what is due them than the lawyers. If the Senator will propose

the amendment, I will accept it.

Mr. SMOOT. I propose that it shall be unlawful for any agent, attorney, firm of attorneys, or any person named heretofore or hereafter in preparing, presenting, or prosecuting said claims to receive more than 20 per cent of the amount of the

claim allowed under the provision of this bill.

Mr. JAMES. Mr. President, if that is the amendment the Senator is going to offer to the bill, I think it already makes such Mr. HUGHES. I have not withdrawn it. I should like to get a chance to make a statement myself as soon as Senators are through. I did not want to interrupt them. This is an omnibus of all his claims except 20 per cent. He settles with the Treasury, and the Treasury pays him 20 per cent. Any person could plead that in estoppel of any further claim, it seems to me.

Mr. SMOOT. In estoppel of any further collection from the party at the time, but we always include a provision in pension bills making it unlawful to do it then or any time thereafter, even though they collected the money.

Mr. VARDAMAN. I will accept the amendment offered by the Senator from Utah.

Mr. JAMES. I am not going to object, but I want to read this clause in the bill:

Shall file with him a waiver of all said fees in excess of 20 per cent.

Mr. SMOOT. That does not make it unlawful.

Mr. JAMES. I know it does not make it unlawful; but if he files a waiver then any person against whom he could make any claim in any court that I know of would merely set up in answer that he had waived it, and he had been settled with, and he would be estopped from collecting anything in addition. But in order to put it beyond all doubt, so far as I am concerned,

I have no objection to offer to the amendment.

Mr. ROBINSON. Mr. President, I feel that I ought to make this suggestion. It is doubtful to me whether such a provision as that suggested by the Senator from Utah would be valid in case an attorney has a contract for the collection of the claim. I doubt whether you can make it criminal for him to carry out his contract, but you can, in the way it is provided in the bill, prevent him from receiving more than the 20 per cent which the bill authorizes him to receive upon proof of his right to receive anything. I believe the provision in the bill is about the best one that can be devised to give fair protection to the elaimant.

Mr. WILLIAMS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. I yield.

Mr. WILLIAMS. I heard the language of the bill read—read very hurriedly, of course—but is the Senator of the opinion that the attorney could not hold up this claim nearly forever by simply not making a waiver? These claims are not to be paid, as I heard the language, until after the attorney files his waiver. Suppose he does not do it?

Mr. ROBINSON. The claim would not be paid without fur-

ther action by Congress.

Mr. WILLIAMS. If that is the case that language ought to be reformed so as to state that before 80 per cent of any of these claims have been paid by the Treasury the attorney shall file a waiver.

Mr. VARDAMAN. I think the amendment aggested by the Senator from Utah will meet every objection. They can fight

it out as to the constitutionality.

Mr. WILLIAMS. We ought not to allow the claimant to be

punished by the attorney failing to file a waiver.

Mr. VARDAMAN. I think the amendment suggested by the

of the Senator from Mississippi.

Mr. ROBINSON. I think there is force in the suggestion which the Senator from Mississippi makes, but I doubt whether you can make it criminal for a man to carry out a contract which was not criminal when he made the contract.

Mr. SMOOT. I will say that I am only proposing the usual language that is put in all bills of pension claims. Perhaps it is not the exact wording, but I know the substance is the same as I have suggested.

Mr. JAMES. There was a limitation placed in the war-

claims bill that we passed.

Mr. VARDAMAN. I accept the amendment of the Senator from Utah.

Mr. JAMES. Mr. President—
The PRESIDING OFFICER. The Chair desires the attention of Senators for a moment. The Senator from Utah [Mr. Smoot] has suggested an amendment, but he has not sent it to the Secretary's desk. The Secretary, therefore, is not able to ascertain where the Senator desires the amendment inserted.

Mr. SMOOT. It is to strike out all after the words "Provided further," on page 4, line 4, down to and including the word "Treasury," on line 16, and to insert what I have suggested in lieu thereof. If the Secretary desires me to read it, I will read it and send it to the desk later. What I desire to insert is:

That it shall be unlawful for any agent, attorney, firm of attorneys, or any person engaged heretofore or hereafter in preparing, presenting, or prosecuting said claim to charge more than 20 per cent—

Mr. ROBINSON. I suggest that the Senator make it read "to charge or receive."

Mr. SMOOT (reading)-

To charge or receive more than 20 per cent of the claim.

Mr. WILLIAMS. Twenty per cent of the amount herein ap-

propriated for the claim.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Utah as modified.

The amendment as modified was agreed to, as follows:
Strike out, after the words "Provided further," on page 4,
line 4, down to and including the word "Treasury," on line 16, and insert in lieu thereof:

That it shall be unlawful for any agent, attorney, firm of attorneys, or any person engaged heretofore or hereafter in preparing, presenting, or prosecuting said claim to charge or receive more than 20 per cent of the amount herein appropriated in satisfaction of the

Mr. WILLIAMS. I desire to ask the Senator from Utah a nuestion. Was the amendment he just proposed a substitute for the provision which is now in the bill?

Mr. SMOOT. Yes.
Mr. WILLIAMS. Very well; but, if not, then the bill should be further amended:

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to he read a third time.

The bill was read a third time and passed.

BILLS PASSED OVER.

The bill (8, 6204) to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the several States, was announced as next in order.

Mr. MYERS. Mr. President, I hope there will be no objection made at this time to the consideration of that bill, but I ask that it be passed over for the present, as I desire to get

some data in regard to it.

Mr. SMOOT. I ask that the bill be passed over.
Mr. MYERS. I ask that it be passed over temporarily, to be

again recurred to.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 3773) to cancel the allotment of Davie Skootah on the Lummi Reservation, Wash., and reallot the lands included therein, was announced as next in order.
Mr. JONES. Let that bill go over.

The PRESIDING OFFICER. The bill goes over.

ALBERT GREENLAW.

Mr. HUGHES. I desire to enter a motion to reconsider the vote by which the bill (H. R. 2180) for the relief of Albert Greenlaw was passed.

The PRESIDING OFFICER (Mr. Robinson in the chair). The Senator from New Jersey moves to reconsider the vote by

which the bill named by him was passed.

Mr. HUGHES. I intended to ask for an explanation of the bill before it was passed, but no Senator said a word about it. I was engaged in reading the report at the time of its passage. In view of the information which is contained in the report on the bill, I desire to enter a motion to reconsider. I suppose we might as well dispose of the bill now as at any other time.

The bill provides for the payment of \$3,378.02 to one Albert Greenlaw, former postmaster at Eastport, Me. It seems that one Ernest A. Farris, who was assistant postmaster at Eastport, Me., during several years ending December, 1912, had embezzled \$4,878.03, and the postmaster was held responsible under his bond. This bill is now to relieve him and to return to him the money that he was compelled to pay. I notice that the Post Office Department says, in relation to the case, that if this postmaster "had given proper supervision to the finances of the office the former assistant postmaster would not have been able to cover up the shortage as stated." I also quote from the letter of the Postmaster General, as follows:

In a long line of decisions by the Supreme Court of the United States the rule has been laid down that public officers are held to the highest degree of accountability under their bonds for the public funds intrusted to their care, being relieved from liability only in the cases of loss due to the act of God or the public enemy. (See U. S. v. Prescott, 3 How. (U. S.), 578; U. S. v. Morgan. 11 How. (U. S.), 154; U. S. v. Thomas, 15 Wall. (U. S.), 337.)

In view of the fact that under the postal laws and regulations postmasters are responsible on their official bonds for the defalcations of their subordinates, it is not believed an exception should be made in this case.

Mr. SMOOT. Mr. President, I will say to the Senator from New Jersey that the Senator from Michigan [Mr. Townsend], who reported the bill, is out of the Chamber at this time. Will the Senator from New Jersey not, therefore, ask that the bill go over for the present and let us take it up later?

Mr. HUGHES. Let the vote by which the bill was passed be reconsidered.

Mr. SMOOT. Certainly.

The PRESIDING OFFICER. Without objection, the vote by which the bill was passed will be reconsidered. The Chair

Mr. HUGHES. Now, I ask that the bill go over. The PRESIDING OFFICER. The bill goes over,

SUMMER RESIDENCE HOMESTEADS.

Mr. MYERS. Mr. President, I was not present when the bill (S. 1065) to provide for summer residence homesteads, and for other purposes, was passed. It was not my desire that that bill should pass to-night. If I had been present when it came up, I should have objected. I ask that the vote by which the bill was passed be reconsidered. It is my own bill, I will say, I suppose there will be no objection to my request, which I desire the Presiding Officer to put.

The PRESIDING OFFICER. Without objection, the vote by which the bill referred to by the Senator from Montana was passed will be reconsidered. The Chair hears none.

Mr. MYERS. I now move that the bill be indefinitely postponed.

The PRESIDING OFFICER. The Senator from Montana moves that the bill be indefinitely postponed. If there be no objection, it will be so ordered. The Chair hears none.

LANDS FOR EDUCATIONAL PURPOSES.

Mr. WALSH. Mr. President, I now suggest that we recur to Senate bill 6204.

The PRESIDING OFFICER. The bill will be stated by title. The Secretary. A bill (S. 6204) to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the several States.

Mr. SMOOT. I ask that that bill go over.

Mr. MYERS. I hope that bill will not go over.
Mr. SMOOT. It will be impossible to pass the bill during the remainder of the evening.

The PRESIDING OFFICER. Objection is made.

Mr. MYERS. I merely want to say that the bill applies to all Western States, and I think it would be beneficial to Utah as well as to all the other Western States.

Mr. SMOOT. If the bill should pass without certain amendments we might just as well give the balance of the State of Utah over. It will take more than the remainder of the night to discuss this bill.

Mr. MYERS. If the Senator objects, very well.

Mr. JONES. I desire to say that my State is very much interested in this measure and is very anxious to have it passed. I am sorry that we can not take the bill up and pass it to-night.

Mr. MYERS. I should very much like to have the bill passed. The PRESIDING OFFICER. Objection is made to the consideration of the bill. The Secretary will state the next bill on the calendar.

BUSINESS PASSED OVER.

The bill (S. 5335) conferring upon tribes of Indians the right to recall their agents or superintendents, was announced as

Mr. CURTIS. Let that bill go over, Mr. President. The PRESIDING OFFICER. The bill goes over. The bill (H. R. 11939) for the relief of William Guy was announced as next in order.

Mr. HUGHES. Let that bill go over, Mr. President. The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BRYAN. Let it go over, Mr. President. The PRESIDING OFFICER. The bill goes over.

The joint resolution (S. J. Res. 92) relative to the construction on the site selected of the central heating, lighting, and power plant authorized by the provisions of the sundry civil appropriation act approved June 23, 1913, was announced as next in order.

Mr. JONES. Let that go over, Mr. President, The PRESIDING OFFICER. The joint resolution goes over. The bill (H. R. 14889) for the relief of the heirs of Jackson J. Mash, deceased, was announced as next in order.

Mr. SMOOT. For what does that bill provide?

The Secretary read the bill, as follows:

Be it cnacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, from any money in the Treasury not otherwise appropriated, to the heirs of Jackson J. Mash, deceased, the sum of \$146.29, for services performed by the said Jackson J. Mash as postmaster at Duncanville, Ga., under commission dated June 15, 1835.

Mr. SMOOT. That will be included in the omnibus claims bill. I should judge, as I understood from the report on that bill that it covered all of the claims for services rendered in post offices. I therefore ask that the bill go over.

The PRESIDING OFFICER. The bill goes over.

The bill (H. R. 153) to create a bureau of labor safety in the

Department of Labor was announced as next in order.

Mr. SMOOT. Let that bill go over.
Mr. HUGHES. Mr. President, I will ask the Senator if there is any real objection to that bill? I should like to have it passed,

Mr. SMOOT. There is objection.

The PRESIDING OFFICER. The bill will be passed over. The bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government was announced as next in order.

Mr. JONES. Let that bill go over. The PRESIDING OFFICER. The bill will be passed over. The bill (H. R. 204) to promote the efficiency of the Public Health Service was announced as next in order.

Mr. SMOOT. Let that bill go over.
The PRESIDING OFFICER. The bill will be passed over. Mr. RANSDELL. Mr. President, I hope the Senator will not insist on his objection to that bill. It is a bill in which the Public Health Service is very much interested.

Mr. SMOOT. I told the Senator a few moments ago why I

objected. I ask that Calendar No. 686, being Senate bill 5885,

also go over.

Mr. RANSDELL. I ask the Senator if he will help me to get these bills up later? They are bills in which the public are very much interested. One is to promote the efficiency of the Public Health Service and the other to take care of indigent tuberculous persons

Mr. SMOOT. I will say to the Senator that he knows exactly what my position is. The Senator from California wants to be present when these bills are considered, as he desires to state

his position regarding them.

Mr. RANSDELL. Is he sick this evening, or is there any

good reason why he should not be present?

Mr. SMOOT. I do not know whether he is sick or not. He told me that it was absolutely impossible for him to be present this evening.

Mr. RANSDELL. I hope he will be here the next time these bills are reached, because they are measures of great importance.

The bill (S. 5885) to provide Federal aid in caring for indigent tuberculous persons, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that bill go over.
The PRESIDING OFFICER. The bill will be passed over. The bill (S. 4857) granting an extension of patent to Thomas A. Dicks was announced as next in order.

Mr. SMOOT. Let that bill go over.
The PRESIDING OFFICER. The bill will be passed over. The bill (S. 6178) to exempt from taxation certain property of the Congressional Club in Washington, D. C., was announced

as next in order.

Mr. CURTIS. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 6715) to amend an act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914," approved June 30, 1913, was announced

as next in order.

Mr. CLAPP. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

CHURCH PROPERTY AT KEYSER, W. VA.

The bill (S. 1989) for the relief of the Methodist Episcopal Church and the Presbyterian Church, Keyser, W. Va., was announced as next in order.

Mr. HUGHES. Let that bill go over.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. HUGHES. I ask that it go over. The PRESIDING OFFICER. Objection is made.

Mr. CHILTON. That bill has been reported favorably by the committee.

Several Senators. Regular order!

Mr. CHILTON. Mr. President, I understand the Senator from New Jersey will withdraw his objection to the bill.

Mr. JAMES. The Senator from New Jersey has withdrawn

his objection, I understand.

Mr. HUGHES. Mr. President, I withdraw the objection.

The PRESIDING OFFICER. Is there objection to the pres-

ent consideration of the bill?

Mr. BRYAN. Mr. President, I objected to this bill the other night, and was lectured somewhat by the Senator from New Hampshire for doing so. I now find that the bill provides for a claim that ought to be presented to the Confederate States of America instead of to the United States. Two churches in Keyser, W. Va., were destroyed by the Federal Army, and this bill proposes to provide that the Government of the United States shall pay for them. That is according to the report of the findings of the Court of Claims.

Mr. SMOOT. Is this one of them? Mr. BRYAN. There are two of them here, both churches being included in one bill.

Mr. SMOOT. Then, I shall object. Mr. JAMES. Mr. President, this bill was reported favor-

ably by the Committee on Claims.

Mr. CHILTON. Mr. President, you can often state something that will look very bad on its face, but when you hear all of it you find it is not the fact.

Mr. BRYAN. Let me read the findings. Mr. CHILTON. Just one moment. I know what the findings are.

Mr. BRYAN. I do not want to be taken off the floor. Mr. CHILTON. Very well. Mr. BRYAN. The findings are identical as to the two cases. One was a Methodist Church and the other was a Presbyterian Church. I read from the findings:

On or about April 1, 1862, the military forces of the United States took possession of said church building in the town of Keyser and occupied the same for a bakery to bake bread and other provisions for the troops of the United States, and continued to so occupy said building until on or about November 28, 1864, when it was destroyed by the Confederate forces under Gen. Rosser, who made a raid into said town and destroyed the church building, together with other buildings occupied by the military authority of the United States for military purposes.

purposes.

The reasonable value of the building at the time of its destruction by the Confederate forces as aforesaid was about the sum of \$1,500, no part of which appears to have been paid.

That is the amount claimed in this bill.

No evidence is offered to show the rental value of said property or what damage, if any, was done to the building by the United States troops during said occupancy.

There is the same identical finding with reference to the other church.

Mr. CHILTON. Mr. President—
The PRESIDING OFFICER. Has the Senator from Florida concluded his remarks?

Mr. BRYAN. Yes.

The PRESIDING OFFICER. The Senator from West Vir-

ginia is recognized.

Mr. OHILTON. Mr. President, I take John's horse from his possession and use it, and, while I have it in my possession, Jack forcibly kills the horse, and when I am sued for the value of the horse I reply that I did not injure him, but that Jack did. The United States Government took possession of the two churches in good condition and used them as storehouses, used them for all military and public purposes, and the churches had no control of them whatever. While the churches were in the control of the United States Government the Confederates came along, destroyed the stores and destroyed the churches, and now the United States say that they are not responsible, but that the Confederate government is.

The Court of Claims very properly held that the Government of the United States is responsible, it having forcibly taken the churches from the possession of the lawful owners, having used them for its purposes, and they being destroyed whilst in its possession. That finding of the court is true as a proposition of law and it is true as a proposition of justice.

Now, let us see what the report of the committee says. It

A bill for the relief of this church was sent to the Court of Claims, which found that the church as a church was loyal to the Government of the United States, and that from April 1, 1862, to November 28, 1864, said church building was occupied and used by the military forces of the United States for a bakery to bake bread and other provisions for the troops of the United States Army there. That nothing has ever been paid for the loss or use and occupation of said church, and that it was worth \$1,500 at the time.

From examination of evidence submitted to the Court of Claims, and from other evidence presented, this committee is satisfied that when the United States troops took possession of said church it was in good condition as a church, and had floor, pews, pulpit, doors, windows, etc., and that the building was in such condition as a church usually is when used for worship.

That said troops removed nearly all of both ends of the church and drove through the building from end to end with loaded wagons.

That said troops removed considerable on one side of the church and built there a large oven of bricks and stones and mortar, and that for

two years and eight months the church was used as a bakery by said United States troops, and that when said church was deserted by the troops there was nothing left of it except the roof, one side, part of the other side, and the four corners sustaining the roof, and all this in a broken and battered condition.

Mr. BRYAN. Let me ask the Senator-

Mr. CHILTON. One second. I am nearly through. The report continues:

One of the witnesses who testified in the Court of Claims case says that when said troops took possession of the church it was in the good condition hereinbefore mentioned, and when they left there was nothing but the skeleton above suggested, and that it was wholly unfitted for use as a church without rebuilding, and that the rental value of the church was \$1,500.

Mr. BRYAN. The Senator does not find that in the findings of the Court of Claims.

Mr. CHILTON. The report says one of the witnesses who testified in the Court of Claims says that, and your committee so report.

Mr. BRYAN. To whom did he tell that?

Mr. CHILTON. I do not know. I was not on the committee. This is the report:

This testimony is corroborated and, the committee believes, fairly states the facts of the case.

Mr. President, while what the Senator has said is literally true if nothing else was stated, yet in the light of all the facts it does a great injustice to these claimants. I submit that there never was a clearer case from a legal standpoint, nor a more

just claim in the broader field of equity and good conscience.

Mr. WILLIAMS. The Senator's position is that the two
churches were ruined before the Confederates destroyed them?

Mr. CHILTON. Yes; but even taking the case put by the Senator from Florida, it would be unconscionable that the United States would take possession of a church, and while they had possession of it let somebody else tear it down and then say they are not responsible.

Mr. BRYAN. All these statements are in the nature of exparte statements. We can not discuss this question in five minutes. I am not concerned about it, except for the reason that all church claims were considered and reported upon in an omnibus claims bill two years ago. These two churches could not come up to the rules of the Committee on Claims at that time, and the junior Senator from West Virginia was on the subcommittee that considered the omnibus bill. To now pass the claim of these two churches would open the door to claims for any property that was used by the troops of the United States during the Civil War. For that reason I am bound to object to the consideration of the bill.

Mr. LANE. Mr. President, it is quite evident that there is a difference of opinion in regard to this matter. It is worthy of consideration, and I ask that the bill go over.

Mr. CHILTON. It has already gone over.

The PRESIDING OFFICER. The bill has been passed over.

FISH-CULTURAL STATION, UNICOI COUNTY, TENN.

The bill (H. R. 11474) authorizing the Secretary of Commerce to permit the construction of a public highway through the fishcultural station in Unicoi County, Tenn., was considered as in Committee of the Whole. It authorizes the Secretary of Commerce to convey to the road commissioners of Unicoi County, Tenn., a right of way for a public highway, not more than 20 feet wide, through the property of the United States in Unicol County, Tenn., used as a fish-cultural station and hatchery, provided that such conveyance of right of way shall not be construed as affecting the right or title of the United States in said property or as in violation of any stipulation or condition in the conveyance of the same to the United States, and on the further condition that the land or right of way authorized to be conveyed hereunder shall be constructed and maintained as a highway free of any expense to the United States, and all work thereon shall be such as not to interfere with the operations and efficiency of said fish-cultural station, and in a manner satis-

there. It takes very little of it. It is a very short right of way. It not only is necessary in order to complete a road across the country there, but, as I said, it is for the benefit of both the Government and the county of Unicoi. I have not read this bill for some time, but I was impressed with its meritorious character when it first came over here, and I examined it.

Mr. HUGHES. I am not objecting to the passage of the bill. I am simply proposing that that amendment-which, in my judgment, always should be attached to acts granting away rights belonging to the people—should be incorporated in the bill. It is the universal practice of the Congress to provide some such language as I have suggested, and I do not think it will in any way militate against the people who are asking for this right, and it will reserve whatever rights we have in case the Government or the people desire at any time to resume possession of them.

Mr. SHIELDS. Did the Senator notice the concluding paragraph there?-

And all work thereon shall be such as not to interfere with the opera-tions and efficiency of said fish-cultural station, and in a manner satis-factory to the Secretary of Commerce.

Mr. HUGHES. Yes. Mr. SHIELDS. It seems to me that is ample protection. wish to say this to the Senator in regard to it: The pike which they expect to put through this fish hatchery has been completed right up to it, and the work is, in effect, suspended for the want of this measure. In fact, part of it was constructed in the belief that the bill had actually passed here, as it passed the House some time ago. This is a mountain country, and it is absolutely necessary, in order to complete this road, to go through this fish hatchery. It is impossible to get a right of way at any other place. At this late time in the session, if it should go over to the House for concurrence in an amendment, it is very improbable that it would be finally agreed to and passed; and it is a

matter of great importance to those people.

Mr. HUGHES. The Senator remembers that he sent me to the other House with some amendments which I had to get concurred in, and I am in the same position with my bill that the Senator is with this; but that is not my object, of course, in suggesting this amendment. I have never knowingly permitted a bill of this character to pass without attempting, and nearly always successfully, to have incorporated in it the amendment that I now propose. Somebody called my attention to-day to the fact that the absence of that language in the grant that permitted the construction of the Keokuk Dam makes it absolutely and utterly impossible for the United States Government to exercise any control over those who received that right and that privilege

at the hands of the Government. Mr. SHIELDS. Mr. President, if the Senator will allow me to interrupt him, this is a mere easement over a portion of the land belonging to the Government there, not over 100 or 200 yards wide.

Mr. HUGHES. I understand that.
Mr. SHIELDS. It is a very small thing, and yet it is a very necessary thing in order to complete this pike from one part of

this little county to another.

Mr. HUGHES. If I thought I were throwing any real obstacle in the way of the people who want this done, I would not offer this amendment, but I am satisfied that I am not, and I do not feel justified in permitting this absolute right to be granted without retaining in Congress the power to resume it if at any time it thinks it is for the best interests of everybody concerned to resume it.

Mr. WILLIAMS. Mr. President, it is getting pretty close to 10 o'clock.

Mr. HUGHES. I have never seen a bill of this character drawn without that language in it, and I do not think the Senator would have any objection to it.

Mr. SHIELDS. I have no objection to the amendment except for the fact that it might defeat the enactment of the bill at this session of Congress, and it is a very material matter to have it enacted.

Mr. HUGHES. I think the Senator will find that the other Chamber will be very willing to acquiesce in this amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

USE OF PUBLIC-SCHOOL BUILDINGS IN THE DISTRICT OF COLUMBIA.

The bill (S. 5800) to provide for the use of public-school buildings in the District of Columbia as community forums, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

DESECRATION OF FLAG OF THE UNITED STATES.

The bill (H. R. 14822) to prevent and punish the desecration, mutilation, or improper use, within the District of Columbia, of the flag of the United States of America, was considered as in Committee of the Whole.

Mr. POMERENE. That bill was read the other day, Mr. President

The PRESIDING OFFICER. The bill has been read. Is there objection to its present consideration?

Mr. SMOOT. Mr. President, I have no objection, but when the bill was up for consideration before I think my colleague [Mr. SUTHERLAND] stated that he had some amendment to offer to the bill. Does the Senator from Ohio know what the amendment was:

Mr. POMERENE. I think the Senator is in error in that respect. He did ask this question—I have not the RECORD before me, and I quote from memory only: He asked why it should not apply to the entire United States? My answer to that question was that the people who are forming this flag association, and who are back of this legislation, have bills or laws now in each of the several States, but there was no bill with respect to the District of Columbia. Now, let this be passed with respect to the District of Columbia.

Mr. SMOOT. I am not going to object. I only wanted to know if the Senator knew what the amendment was that my colleague wished to offer.

Mr. POMERENE. That was the substance of it. I am quite sure I am right about it. .

Mr. SMOOT. I think my colleague was right, that legislation

of this kind ought to apply to every State in the Union. Mr. POMERENE. There is State legislation of that kind

applying to other States. The PRESIDING OFFICER. If there be no amendment to

be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 6904) authorizing the conveyance of the United States jail and land on which the same is located at Guthrie, Okla., to Logan County, Okla., was announced as next in order

Mr. PITTMAN. Let that go over. The PRESIDING OFFICER. The bill will be passed over. The bill (S. 6823) authorizing the Secretary of the Interior to make further survey of the Pecos River and Valley in Texas and New Mexico to determine the feasibility and cost of an irrigation project thereon was announced as next in order.

Mr. SMOOT. Let that go over. The PRESIDING OFFICER. The bill will be passed over.

PUBLIC PARK, SALIDA, COLO.

The bill (H. R. 21) authorizing the city of Salida, Colo., to purchase certain public lands for public-park purposes was considered as in Committee of the Whole. It authorizes the city of Salida, Chaffee County, Colo., for a period of five years, to purchase, and the Secretary of the Interior is directed to convey to the city for public-park purposes for the use and benefit of the city, the following-described lands or so much thereof as the city may desire, to wit: The south half of section 25, and the southeast quarter of section 26, township 51 north, range 8 east, New Mexico principal meridian, known as Box Canon, containing 480 acres, more or less. It also provides that the said conveyance shall be made of the said lands to the said city by the Secretary of the Interior upon the payment by said city for the said lands, or such portions thereof as they may select, at the rate of \$1.25 per acre, and patent shall be issued to said city for the said land selected to have and to hold for public-park purposes, provided that the conveyance hereby authorized shall not include any lands which at the date of the issuance of patent shall be covered by a valid existing bona fide right or claim initiated under the laws of the United States; provided further, that there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted, and all necessary use of the land for extracting the same; and provided further, that said city shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described; and that if the said land shall not be used as a public park, the same, or such parts thereof not so used, shall revert to the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLATHEAD INDIAN RESERVATION, MONT.

The bill (S. 6716) to provide for stock-watering privileges on certain unallotted lands on the Flathead Indian Reservation, Mont., was announced as next in order.

Mr. CURTIS. Mr. President, I notice that this is a bill affecting an Indian reservation, and yet it seems to have been reported from the Public Lands Committee. The report is not in the file on my desk, and I will ask that the bill go over.

Mr. MYERS. Mr. President, I wish the Senator would reconsider that determination. The last time the bill was reached the Senator from Utah [Mr. Smoot] objected; but he does not do so at this time, and now the Senator from Kansas objects. I just want to say a word or two in regard to it. I can explain the bill in about a minute so clearly, I think, that the Senator from Kansas will thoroughly understand it, and then I will ask him if he will object.

Mr. CURTIS. I will withhold my objection.
Mr. MYERS. Yes; I should like to explain the bill first.

The facts of the case are these: Along the Flathead River in the Flathead Indian Reservation there is a strip of rough and broken land. It is not Indian land any more, because the Indians were allotted their land and the rest of the land was

opened to entry.

Mr. CURTIS. Mr. President, I have a copy of the report now, and I will withdraw my objection. The passage of the bill is recommended by the department.

Mr. MYERS. I thank the Senator.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bid. It provides that the act of April 23, 1904 (33 Stat. L., p. 302), entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana," and all amendments thereto, shall be amended by adding thereto the following section:

SEC. 26. That the Secretary of the Interior be, and he hereby is, authorized and directed to designate as valuable for stock-watering purposes such of the unallotted and unreserved lands of the Flathead Indian Reservation which border on streams as may be subject to settlement and disposal under sections 9 and 13 of this act. Lands so designated shall be disposed of under the terms of this act, subject to the condition, which shall be expressed in all patents issued for lands so designated, that existing trails crossing said lands shall be kept open to the extent necessary to provide access for live stock to streams adjacent to said lands. The Secretary of the Interior is authorized and directed to perform all acts necessary to the enforcement of this condition.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (H. R. 8492) to restore homestead rights in certain cases was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

INTERSTATE TRANSPORTATION OF IMMATURE CALVES.

The bill (H. R. 549) to regulate the interstate transportation of immature calves was considered as in Committee of the

The bill had been reported from the Committee on Interstate Commerce, with an amendment, on page 2, line 1, after the word "old," to strike out the remainder of the bill down to and including the words "twelve hours," in line 7, so as to make the bill read:

bill read:

Be it enacted, etc., That no person, firm, or corporation shall ship or deliver for shipment, nor shall any common carrier nor the receiver, trustee, or lessee thereof, receive for transportation or transport from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia any live calf not accompanied by its mother unless the same is 4 weeks old or over: Provided, That the Secretary of Agriculture may make rules and regulations permitting, in cases of emergency only, the shipment in interstate commerce of live calves less than 4 weeks old.

SEC. 2. That any person, firm, or corporation, or any common carrier or the receiver, trustee, or lessee thereof, who shall violate any of the provisions of this act shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$20 nor more than \$50 for each calf offered for shipment, shipped, or received for transportation or transported in violation of any of the provisions of this act.

The amendment was agreed to.

Mr. SHIELDS. Mr. President, I wish to offer an amendment on page 1, line 9, after the word "four," to strike out the word "weeks" and insert the word "months," so as to make it read:

Unless the same is 4 months old or over.

Mr. HUGHES. Mr. President, does that language apply to

the calf or its mother?

Mr. SHIELDS. The calf. The Senator never saw a mother less than four months old. [Laughter.]

The PRESIDING OFFICER. The amendment will be stated. The Secretary. On page 1, line 9, it is proposed to strike out the word "weeks" and insert the word "months," so that it will read:

Unless the same is 4 months old or over.

Mr. GRONNA. Mr. President, I object to the further consideration of the bill.

Mr. ROBINSON. Mr. President, I hope the Senator from North Dakota will see fit to withdraw his objection. This measure has been put forward by a number of humane societies which are very much interested in its passage, and certain conditions existing in the country make necessary this legislation. I see that a great many Senators are treating the subject humorously, including the Senator from New Jersey [Mr. Hughes]; but, in spite of that, Mr. President, the bill deals with a real difficulty, and a real evil, and meets a necessity. I hope the Senator from North Dakota will withdraw his objection

Mr. GRONNA. May I ask the Senator from Arkansas what is the need for this legislation?

Mr. ROBINSON. Yes; I shall be very glad to state the need. It is intended to prevent the very brutal practice, which is quite general in some parts of the country, of the slaughter of young calves; and it seeks to prevent this evil through the commerce power, which is the only practical way I know of to deal with the matter as a national evil.

Mr. WILLIAMS. The Senator means the slaughter of veal, or sucking calves?

Mr. ROBINSON. Yes; certainly.

Where would people get their veal? Mr. WILLIAMS. Mr. ROBINSON. They would have to do without it in the case of calves under 4 weeks old.

Mr. GRONNA. May I ask the Senator whether it is the purpose of this bill to increase the meat supply of the country?

Mr. ROBINSON. It is intended also to conserve the food supply of the country. A large number—I can not state from memory approximately the number—but a large number of im-A large number-I can not state from mature calves are annually slaughtered for veal, and it is the purpose of this bill to prevent that practice.

Mr. KLNYON. I should like to ask the Senator whether this

will tend to reduce the high cost of living?

Mr. JAMES. Yes; it will reduce the calves. Mr. ROBINSON. Of course Senators may treat the subject lightly if they want to, but I have stated that it is a serious

Mr. CLAPP. Mr. President, will the Senator yield for a moment?

Mr. ROBINSON. I will.

Mr. CLAPP. I do not think the subject is one to be dealt with lightly. Of course it is a grave matter for Congress to take steps toward interfering with the free disposition by producers of their stock. On the other hand, I think in the year 1912, which was the last year that I examined the figures, in many of the States in this Union the number of cows actually decreased because of the slaughter of calves. There were three States, I think-Missouri, North Dakota, and Minnesota-that made considerable gains. If my memory serves me right, in the State of Iowa, one of the great agricultural States of this Union, there was a falling off; and the killing of these immature calves is a serious question affecting the increase of live stock. After a calf reaches the age of 4 months there is less temptation to kill the animal, because the value of the animal is not so great in proportion to the weight of the animal as in the case of the smaller and younger calves

Mr. President, I admit that it is a very serious thing for us to undertake to interfere with the ordinary sale of property by the man who has produced the property. At the same time I do think the wholesale slaughter of young calves that has taken place in this country in the last few years is a menace to the food supply of this country; and if under the idea of the humane side of this matter we are justified, I for one feel justified in voting for a bill that will lessen the slaughter of imma-

ture calves

Mr. ROBINSON. Mr. President, I want to conclude what I have to say by reading a very brief statement made by Dr. A. D. Melvin, Chief of the Bureau of Animal Industry of the Department of Agriculture, in a memorandum supplementing his early testimony before the House Committee on Interstate and Foreign Commerce. He said:

The shipment for slaughter of very young calves in interstate commerce has grown into a practice. The reports of department agents and officials of State sanitary live-stock boards and of the State and National live-stock humane associations show that shippers of live stock take young calves not yet weaned, and therefore incapable of taking any other kind of nourishment than milk, separate them from their mothers,

and ship them to distant points in interstate commerce. At the time of slaughter these young animals have often been separated from their mothers for three or four days or more.

Mr. GRONNA. Mr. President-

The PRESIDING OFFICER (Mr. Walsh in the chair) Does the Senator from Arkansas yield to the Senator from North Dakota?

Mr. ROBINSON. I yield.

Mr. GRONNA. Is it not possible that this is laying the foundation for another bureau or another division with the appointment of a number of men to enforce this particular law?

Mr. ROBINSON. It will, of course, require the adoption of some regulations on the part of the Secretary of Agriculture for the enforcement of the act. It is not thought that in the enforcement of the law he will require any large number of employees to enforce it.

Mr. GRONNA. I am very sorry that I disagree with the distinguished Senator, and I shall insist upon my objection.

Mr. SHIELDS. I should like the Senator from North Dakota to withhold his objection for a moment.

Mr. GRONNA. I will withhold it, but I shall ultimately

insist upon it.

insist upon it.

Mr. SHIELDS. This is a very important and a very serious question. I have some statistics that demonstrate fully what the Senator from Minnesota has said. The statistics show that in 1909 there were in this country 71,099,000 head of cattle. They further show that in 1916 the supply had decreased to 61,441,000, or there were nearly 10,000,000 less cattle in the United States in 1916 than in 1909. They further show that in 1916 there were calves two or three weeks old slaughtered for veal numbering 2,048,022. That is something alarming, I respectfully submit to the Senator, and it is an evil that ought to be remedied. Everyone knows the immense increase in the price of cattle in the last few years, which has added greatly to the cost of living, so that very few people can indulge in the article of diet, beef. article of diet, beef.

This subject is not one that is entirely new. It has been discussed a great deal. It has given the Agricultural Department a great deal of concern, and is giving the whole country concern. That is especially the case in my State. While for-merly we raised enough cattle to answer all our purposes for grazing and fattening and export, we now have to go to other States and import cattle for those purposes. We do not raise calves sufficient to answer the demand for grazing in that State. That is so in many other States. One of the great causes is the sacrifice of calves while they are only a few weeks old. It is for that reason that I offered the amendment making

the limit four months instead of four weeks.

Mr. GRONNA. Mr. President—
The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from North Dakota?

Mr. SHIELDS. I do, Mr. GRONNA. I wish to ask the Senator from Tennessee if he has considered that there are very often cases where a farmer will have a dairy herd. He wishes to dispose, of course, of the male calves. He does not want to raise the male calves. Shall the United States take it upon itself to be the guardian over a man who has such a herd and say when he shall dispose of male calves?

Mr. SHIELDS. I have some statistics, too, upon that subject, as well as some facts that I wish to state to the Senator.

Mr. GRONNA. If the Senator will permit another interrup-tion, what is the difference whether the farmer sells a male calf when 4 weeks old or whether he sells it when 4 months old?

Mr. SHIELDS. It concerns the supply of cattle and affects

the price of meat in the United States.

I should like to call attention to some facts stated in an article in the Weekly News Letter. I believe it is a paper issued by the Agricultural Department. I will read only a few

sentences from a very recent number upon that subject.
Mr. SMOOT. Mr. President, a parliamentary inquiry.
The PRESIDING OFFICER. The Senator will state it. Mr. SMOOT. Has objection been made to the consideration

of the bill? The PRESIDING OFFICER. The Chair understands that no objection has been made, and the bill is now pending.

Mr. GRONNA. I said that I would ultimately insist upon an objection, but the Senator from Tennessee wanted to be heard and I stated that I would withdraw it temporarily.

Mr. SMOOT. That is as I understood it.

Mr. SHIELDS. I asked the Senator to withhold his objection until I could make a statement, and he did so.

Mr. SMOOT. If the Senator is going to object, it does seem to me that we ought not to waste time further on the bill.

Mr. SHIELDS. The Senator has not objected yet, and of course I have a right to speak to the question.

The PRESIDING OFFICER. The Senator from Tennessee

has the floor.

Mr. SMOOT. As the Senator from North Dakota said he was going to object, I shall object now, in order that we may go on with the calendar.

The PRESIDING OFFICER. The Senator from Utah ob-

Mr. SHIELDS. Of course, the Senator from North Dakota might not have made the objection had he heard my statement. I should like to finish my remarks on the subject and place be-fore the Senate the facts I desire to state.

Mr. GRONNA. I trust the Senator from Utah will not take

the Senator from Tennessee off the floor. I was very glad to withhold the objection in order to allow the Senator from

Tennessee to make a statement.

Mr. SMOOT. I made my objection on the basis that the Senator from North Dakota was going to object when the statement was made. If that is the case, why should we spend any more time upon the bill?

Mr. SHIELDS. But the Senator from North Dakota withdrew his objection in order that he might hear my request

to him to not insist upon his objection.

Mr. SMOOT. If the Senator asks me to withdraw my objection, as the Senator from North Dakota said he is going

to object, I shall withdraw my objections.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SHIELDS. I am going to briefly state the facts as they appear in this publication.

The PRESIDING OFFICER. The Chair will state to the Senator from Tennessee that he has been occupying the floor for five minutes now, but several interruptions were made for which he was in no sense responsible, and the Chair will hold that he has two and one-half minutes more.

Mr. SHIELDS. I thank the Chair. This article in the

Weekly News Letter is as follows:

CAN THE SLAUGHTER OF CALVES BE LESSENED?

CAN THE SLAUGHTER OF CALVES BE LESSENED?

The slaughter of young calves is one of the serious phases of the problem of the maintenance of our country's beef supply. Statistics indicate that the slaughter of such animals is increasing rapidly, due primarily to an increase in the demand for veal, in spite of the fact that veal is ordinarily sold at an extremely high price per pound.

These veal calves are largely drawn from the dairy districts, but with the growth in the demand for veal other sections are marketing as veal in considerable numbers calves that, if kept and fattened, would have made good beef steers. The market for stockers and feeders is therefore affected.

Various suggestions have been made to prevent this, even such radical ones as legislation to prohibit entirely the slaughter of calves, The fact is not always recognized, however, that this practice is purely economic. In dairy districts milk production is the chief business and calves are an incident, valuable only to replenish the milking stock or for such revenue as may be obtained from their sale as veal. As the average dairyman must keep the number of his surplus calves as soon as possible. As there is not ordinarily any market for such calves except for veal, veal they become. The slaughter of calves in districts which are not exclusively devoted to dairying probably has as its governing factor a market near by which pays more for calves as veal than as stockers.

A comparison of English and American methods in this respect sheds some light on this problem. In England men make a business of buying young calves throughout the dairy districts, to be raised on milk substitutes and subsequently fattened for beef. In England the dairy cows are largely shorthorns, whose calves are valuable for beef production. In the United States, on the other hand, the cows of the dairy districts are principally of the strictly dairy breeds (pure breds or grades) or natives with no breeding, and the calves from such cows have, as a rule, little value as feede

labor but of skill also. In England skilled farm labor is cheaper than in the United States.

Another possible solution of the problem would be an increase in mutton consumption in the United States. We consume annually per capita 7½ pounds of veal, which is 4 per cent of our total meat consumption; the people of Great Britain eat 4 pounds of veal per capita annually, which is 3 per cent of their annual per capita meat consumption. We consume 6½ pounds of mutton and lamb per capita, which is about 4 per cent of our total, whereas the British people consume 26 pounds of mutton and lamb per capita, which is 22 per cent of their annual meat consumption.

consumption.

An increase in our mutton consumption at the expense of the consumption of veal would, of course, tend to make calves less valuable as veal and would encourage a system of breeding which would bring them into demand as stockers. An increase in mutton consumption would also encourage the farm raising of sheep, and this could be brought about on dairy farms without affecting the economy of management from the

dairy standpoint. A small flock of sheep on a farm will increase the productiveness of the farm, keep the farm clean of weeds, and add to the family meat supply without entailing serious additional expense for feed, labor, or shelter.

Mr. JAMES. Will the Senator yield for a question. The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Kentucky?

Mr. SHIELDS. I do.

Mr. JAMES. As I understand the bill it provides that a farmer can not ship a calf 4 weeks old from one State into another unless it is accompanied by its mother, but the butchers can kill that calf 4 weeks old and Armour & Co. or any purchaser can ship and sell it from one State to another. If the committee wanted to conserve the beef supply and the thing to do was to prevent the killing of a young calf, why was it that they did not make provision against the shipment of veal?

Mr. SHIELDS. If we can get the bill through, that amendment will be offered so as to effect the very object the Senator has suggested and not allow even a calf or veal to be shipped.

Mr. JAMES. It seems to me that that is the way to get at

it, if we are going to do it at all.

Mr. LEE of Maryland. Will the Senator yield for a ques-

Mr. LEE of Maryland. I should like to ask the Senator how he will help the beef question by conserving the very cattle that are not beef animals and are not profitably raised for beef

Mr. SHIELDS. That is the very question I was speaking of when interrupted. I will state, further, that in this article, as is known to every cattleman, it is stated that by crossing dairy cattle with beef steers a good steer can be produced, and that it is done constantly in a great many dairies. Thus not only a good dairy cow can be used for dairy purposes, but good and valuable beef cattle are produced in that way. That is a very common practice and is done in a great many States, I would say in a majority of the States. In that way a great sacrifice of cattle, nearly 2,000,000 a year, could be prevented in the United States and our beef supply greatly increased, and, of course, the cost of beef reduced to people who need it. As stated in this article, veal is the highest priced beef and can only be used by a comparatively small number of people who are able to pay for it, while the great mass are deprived of cheap beef. I think it is a very meritorious measure, and I hope the Senator from North Dakota will not make an objection to the bill.

Mr. GRONNA. Mr. President, this is a bill which I think is fundamentally wrong. It interferes with private business. For the Government to assume to become the guardian of the private

individual I think is wrong. I ask that it may go over.

The PRESIDING OFFICER (Mr. Robinson in the chair). Objection is made, and the bill goes over.

HOMESTEAD RIGHTS.

Mr. GRONNA. May I ask what became of Order of Business 726, the bill (H. R. 8492) to restore homestead rights in certain cases?

Mr. CLAPP. I was just going to ask that that bill be consid-The Senator from Utah objected to it under a misappre-

Mr. GRONNA. I have had a great deal of correspondence about that particular bill. A great many people are anxious

that it should be passed.

Mr. SMOOT. I was going to call the attention of the Senate to this bill and state how I came to object. I forget who handed me the bill and stated that the Senator from Minnesota [Mr. Nelson] requested that I should object to the consideration of it this evening. I am now informed by the clerk of the Senator from Minnesota [Mr. Nelson] that instead of asking me to object to it he asked that no objection be made to it. Whoever carried the information to me from the Senator from Minnesota was mistaken or else I was mistaken in what he stated. Therefore I ask that the bill be considered.

The PRESIDING OFFICER. The Senator from Utah asks that the Senate recur to the bill (H. R. 8492) to restore home-

stead rights in certain cases.

Mr. HUGHES. I object.

The PRESIDING OFFICER. Objection is made.

ROCKY MOUNTAIN NATIONAL PARK.

The bill (H. R. 10124) to add certain lands to the Rocky Mountain National Park, Colo., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the eastern boundary line of the Rocky Mountain National Park between the section corner common to sections 2 and 3, township 3 north, and sections 34 and 35, township 4 north, range 73 west, and the township corner common to townships 5 and 6 north, ranges 72 and 73 west, is hereby changed so as to read as follows:

"Beginning at a point on the present eastern boundary line of the Rocky Mountain National Park, Colo., which is the northwest corner of section 2 and the northeast corner of section 3, township 3 north, range 73 west of the sixth principal meridian, Colorado, running thence east along the township line to its intersection with the main hydrographic divide east of Cow Creek, between section 31, township 4 north, and section 6, township 3 north, range 72 west; thence northwesterly following along said hydrographic divide, passing over Twin Sisters, The Crags, passing west of Lily Lake, and continuing along said hydrographic divide, passing over Twin Sisters, The Crags, passing west of Lily Lake, and continuing along said hydrographic divide, now between Aspen Brook and Fish Creek and passing over Lily Mountain and Gianttrack Mountain to a point which is the southeast corner of section 34 and the southwest corner of section 35, township 5 north, range 73 west; thence north along the section lines between sections 34 and 35, 26 and 27, 22 and 23, 14 and 15, to the quarter corner common to sections 14 and 15, all in township 5 north, range 73 west; thence east along quarter-section line, through sections of said quarter-section line through section 18 to the quarter corner common to sections 18 and 17, township 5 north, range 72 west; thence north along the section line between sections 18 and 17, 7 and 8, 5 and 6, all in township 5 north, range 72 west, to that point which is the northeast corner of section 6 and the northwest corner of section 5 in said township and range; thence west along the township line to the township corner common to townships 5 and 6 north, ranges 72 and 73 west, which is on the present eastern boundary line of the Rocky Mountain National Park, Colo."

And the lands lying between the present existing eastern boundary and the eastern boundary as changed by this act between said section corner common to townships 5 and 6 north, ranges 72 and 73 west, he hereby reserved and withdrawn from set

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOMESTEAD RIGHTS.

Mr. CLAPP. I ask unanimous consent to recur to the bill (H. R. 8492) to restore homestead rights in certain cases, the objection being made, I think, inadvertently.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent to recur to House bill 8492.

Mr. HUGHES. Is that the bill I objected to? The PRESIDING OFFICER. It is.

Mr. HUGHES. I do not now object.

There being no objection; the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments, on page 1, line 4, after the word "laws," to strike out "pursuant to purchase by competitive bids for" and insert "and paid," and in line 6, before the words "per acre," to strike out "\$5" and insert "\$4," so as to make the bill read:

Be it enacted, etc., That from and after the passage of this act any person who has heretofore entered under the homestead laws, and paid a price equivalent to or greater than \$4 per acre, lands embraced in a ceded Indian reservation, shall, upon proof of such fact, if otherwise qualified, be entitled to the benefits of the homestead law as though such former entry had not been made: Provided, That the provisions of this act shall not apply to any person who has failed to pay the full price for his former entry, or whose former entry was canceled for fraud.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LANDS FOR EDUCATIONAL PURPOSES.

The bill (H. R. 15096) to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educa-tional purposes in lieu of those appropriated," and to author-ize an exchange of lands between the United States and the several States was announced as next in order.

Mr. SMOOT. Let that go over.
The PRESIDING OFFICER. The bill will be passed over.

DISTRICT JUVENILE COURT.

The bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia," and for other purposes, was announced as next in order.

Mr. SMITH of Georgia. Let the bill go over.

Mr. POMERENE. Mr. President

Mr. SMITH of Georgia. This is quite a long bill. There are several amendments reported from the committee. I suggest that it is impossible to finish it in an hour.

Mr. POMERENE. We have just occupied half an hour in discussing calves. I hope we can take a little time to discuss the boys and girls here in the District of Columbia.

Mr. SMITH of Georgia. Yes; it is my appreciation of children that causes me to insist that this important measure be

not passed without due consideration and opportunity to per-

Mr. POMERENE. We might just as well take up the time now

The PRESIDING OFFICER. Objection is made, and the bill

CLEVELAND L. SHORT.

The bill (S. 3735) for the relief of Cleveland L. Short was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. It will go over.

JOSEPH A. JENNINGS.

The bill (H. R. 6732) for the relief of Joseph A. Jennings was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. It will go over.

CHARLES L. MOORE

The bill (H. R. 8452) for the relief of Charles L. Moore was considered as in Committee of the Whole. It proposes to pay to Charles L. Moore, of Pesotum, Ill., \$26, the amount being due him for extra pay and disallowed October 9, 1901.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BRODIE.

The bill (H. R. 12240) for the relief of John Brodie was considered as in Committee of the Whole. It proposes to pay to John Brodie, of San Francisco, Cal., \$1,000, on account of personal injuries received by him through the explosion of a box of percussion caps while loading the United States Army transport Sherman, in San Francisco Harbor, on the 22d day of September, 1899; but no sum of money due or to become due to the said John Brodie under this act shall be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, but shall inure to the benefit of the said John Brodie.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH MANNING. The bill (H. R. 12145) for the relief of Joseph Manning was announced as next in order.

Mr. SMOOT. Let that go over. The PRESIDING OFFICER. The bill will go over.

MRS. JENNIE BUTTNER.

The bill (H. R. 13820) for the relief of Mrs. Jennie Buttner was considered as in Committee of the Whole. It proposes to pay Jennie Buttner, widow of the late Morris S. Buttner, \$1,380 as compensation to her for the loss of her husband, who, on the 27th day of February, 1916, died of typhus fever contracted while in discharge of his official duties as mounted inspector of the United States Immigration Service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GERTIE FOSS.

The bill (H. R. 14572) for the relief of Gertie Foss was considered as in Committee of the Whole. It proposes to pay \$1,170 to Gertie Foss, widow of Olaf Foss, late gunner in the Revenue-Cutter Service, who was injured while in the discharge of his official duty on October 8, 1913, and later died on November 11, 1913, as the result of such injuries.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALMA PROVOST.

The bill (H. R. 14784) for the relief of Alma Provost was considered as in Committee of the Whole. It proposes to pay \$540 to compensate Alma Provost, of Martin, S. Dak., for permanent bodily injuries sustained by her on the 1st day of February, 1915, at the Government Indian school at Rapid City, S. Dak., while engaged in work required of her under the direction of persons in charge of said school.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

P. H. AYLETT.

The bill (H. R. 14645) for the relief of the legal representative of P. H. Aylett was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will go over.

Mr. BRYAN. What is the objection? These are House bills reported from the Committee on Claims, and the committee very carefully considered them. I do not see why we should continue to postpone their consideration.

Mr. SMOOT. I want to know more about it.

CLEVELAND L. SHORT.

Mr. BRYAN. They are all personal-injury cases that come within the well-known rule laid down by the committee of the House and the committee of the Senate.

Mr. SMOOT. Some of them do not show a report. For instance, there is the bill (S. 3735) for the relief of Cleveland L. Short. It says that he either fell off or was pushed off the train.

Mr. BRYAN. That bill was not passed?

Mr. SMOOT. No; I objected to it.
Mr. BRYAN. Yes; I remember.
Mr. LEE of Maryland. I will say that that is a bill which I reported, and if we are going to pass over these measures there will, I fear, be no time for their consideration later.

Mr. SMOOT. From the report I do not think the bill ought to pass. In the other cases I have had time to read the reports: but I objected to that bill because I do not know upon the report that it should pass.

Mr. LEE of Maryland. Will the Senator permit me to make a statement of the case, pending which, if he will withdraw his objection, I would be glad to have him do so.

Mr. SMOOT. There is no necessity in relation to Senate bill 3735, if the report is right-and I take it for granted that it is, because the Senator made it.

Mr. LEE of Maryland. That is the case of an employee who was earning \$150 per month, and was pushed by somebody behind him off a platform.

Mr. SMOOT. He may have fallen off.

Mr. LEE of Maryland. Peradventure; but the statement is to the effect that he was pushed off.

Mr. SMOOT. The statement of the department is that he

either fell off or was pushed off.

Mr. LEE of Maryland. According to the man's own statement he was pushed off, and his right foot was cut off by reason of being thrust under the train. The theory of the bill, as I under-stand it, is that of the workmen's compensation act. We have just passed a workmen's compensation act that will give a man injured from thirty to sixty dollars a month, as he may be compensated by the commission for that purpose. There is no theory of liability. This man is in a very serious condition, being crippled for life, and the question arises whether the Senate that passed the compensation act one minute will the next minute say that there is nothing in that theory. The committee tried to act with some degree of consistency. A man is seriously injured in the course of his business as an employee of the Isthmian Canal, and it does seem to me that the Senator from Utah should not interpose an objection against the bill. He may have voted against the workmen's compensation bill, but under all the circumstance

Mr. SMOOT. No; the Senator from Utah did not vote against

Mr. LEE of Maryland. I am glad to hear that he did not; but I wish he were more consistent in this matter. I think it would be well if he would let the Senate vote on the question, and see if the Senate will not be consistent with its general ideas on the subject

Mr. BRYAN. Mr. President, if the Senator will permit me, I think the situation with reference to calendar No. 745, being Senate bill 3735, and calendar No. 746, being House bill 6732, is this: If the injury had occurred subsequent to the passage of the act of 1909 the claimant would have received compensation under that act. If it occurred before the passage of the act it has been the custom of the committees of both Houses to treat those cases just as if the injury had occurred subsequent to the passage of the act, instead of prior to its passage. That has been the policy of both committees.

The PRESIDING OFFICER. The bill will be passed over.

P. H. AYLETT.

Mr. SMOOT. Mr. President, in connection with Order of Business No. 757, House bill 14645, I observe that there is a bond to be given to the Government in the Aylett case, and therefore I will withdraw my objection to the consideration of that bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14645) for the relief of the legal representative of P. H. Aylett. It proposes to pay to the legal representative of P. H. Aylett, deceased, \$595, that being the amount of Treasury draft No. 5845, issued April 18, 1861, in favor of P. H. Aylett, United States attorney for the eastern district of Virginia, in payment of attendance, travel, and fees from January 1 to April 3, 1861, the draft having been lost and standing unpaid on the records of the Treasury Department; but before payment the legal representative of P. H. Aylett shall deliver to the Secretary of the Treasury a good and sufficient bond, with the surety to be approved by the Secretary of the Treasury, to indemnify the United States against all losses, costs, or damage incurred by reason of making the payment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH A. JENNINGS.

The PRESIDING OFFICER. The Secretary will state the next bill on the calendar.

Mr. JAMES. Mr. President, I should like to inquire what objection was urged against Calendar No. 746, being the bill (H. R. 6732) for the relief of Joseph A. Jennings? That is a bill which has passed the House and appropriates \$2,500 for a man who lost his arm working for the Government at the navy yard in Washington. It seems to me that we ought not to "make fish of one and flesh of another" by appropriating for some claimants and denying relief to others. The bill seems some claimants and denying relief to others. to me to be meritorious, and has been favorably reported by the committee

The PRESIDING OFFICER. Does the Senator from Ken-

tucky ask to return to that bill?

Mr. JAMES. I ask unanimous consent for the consideration

of that bill.

Mr. SMOOT. There is nothing in the Senate committee report to show what the House report is. It is merely referred to in the Senate report.

Mr. LEE of Maryland. I will read the House report to the

Senator. I happen to have that report here.

Mr. SMOOT. I have not the House report here, but upon the face of the Senate report I can not tell how much the department has already paid this man.

Mr. LEE of Maryland. He has not received anything, and the

accident occurred several years ago.

Mr. SMOOT. He received during that time 30 days' pay.

That is what the committee say.

Mr. LEE of Maryland. The Senator is talking about a differ-

ent case. Mr. SMOOT. I am talking about the case of Joseph A. Jen-

The PRESIDING OFFICER. The Senator from Kentucky asks unanimous consent to recur to Calendar No. 746, being the bill (H. R. 6732) for the relief of Joseph A. Jennings. Is there objection?

Mr. SMOOT. Wait just a moment

Mr. JAMES. The claimant in this case lost an arm while working in the navy yard at Washington. The House has passed a bill giving him \$2,500, and the Senate committee reports it unanimously. The Senate report says that he lost his arm by reason of being injured by a traveling crane.

Mr. SMOOT. All the information I get from that report is

The facts in detail are set forth in House Report No. 146, Sixty-fourth Congress, first session.

Mr. JAMES. The report says:

This bill as it passed the House provides for the payment of \$2,500 to Joseph A. Jennings by reason of the amputation of his left arm, incurred by him while employed as a painter in the gua-carriage shop of the navy yard at Washington, D. C., the arm having been run over by a traveling crane, causing the necessary amputation of the arm above the elbow, the claimant being at the time about 25 years of age and having served previously as first sergeant in Company L, in the First Regiment District of Columbia Volunteer Infantry, in the

War with Spain.

The facts in detail are fully set forth in House Report No. 146, Shxty-fourth Congress, first session.

Now, it does look to me as if the bill ought to be passed, and I hope the Senator will not object. I do not even know the man: I do not know who introduced the bill, or anything about it.

Mr. SMOOT. And the Senator from Utah does not know him,

either, or know anything about the case.

Mr. JAMES. I am satisfied of that; but I think it is a meritorious claim. The man lost his arm, and the House recognized that he had a meritorious claim; it reported the bill favorably, and it passed that body.

Mr. LEE of Maryland. Mr. President, if the Senator from Utah will read an extract from the House report referred to, I think he will be satisfied. The report of the House committee

At that time the crane was standing 40 or 50 feet north of where Jennings was. Jennings was compelled, and did stoop down, with his face toward the floor, and reached down one hand for the purpose of hanging a rod which was used to lock the scaffolding on one of the girders. The proof shows that before looking downward he looked toward the crane and saw it was standing still. Without the bell being rung to give warning of any kind, and while Jennings was in a stooping

position, reaching down for a part of the scaffolding, as stated above, the crane struck him, and in order to prevent himself falling he threw his left arm on the girder which supported the track of the crane, and immediately a wheel of the crane ran over his arm, cutting it off near the shoulder. The affidavits and proof, hereto attached, show, we think, conclusively.

immediately a wheel of the crane ran over his arm, cutting it off near the shoulder. The affidavits and proof, hereto attached, show, we think, conclusively—

First. That on the 14th day of August, 1899, the claimant, Joseph A. Jennings, was an the employ of the United States Government in the navy yard at Washington.

Second. That he was employed as a painter by said Government and was in the discharge of his duty when injured.

Third. That it was either the rule or the custom where he was employed to notify employees of the moving of the crane forward or backward by the ringing of a bell, and that either at this time said bell was not rung, or the noise of the machinery was such as to prevent its being heard by Jennings or those in his immediate vicinity.

Fourth. That Jennings was exercising due care and caution in the performance of the duty assigned him; that it was necessary for him to do that which he was doing, and that before stooping over for the purpose of receiving and adjusting certain scaffolding, he exercised proper care and diligence in looking and seeing that the crane was standing still.

Fifth. That the Government was negligent in not providing proper caution or signals to warn him of his danger.

Sixth. That Jennings himself was ordinarily prudent and careful and did not by his own negligence proximately contribute to the injury.

Seventh. If in this case the Government was a private corporation, partnership, or individual, Jennings would have a right of action against it or them upon which he could recover in an action at law.

That was the finding of the House committee.

That was the finding of the House committee.

Mr. SMOOT. How much has already been paid him? Mr. LEE of Maryland. Nothing at all, so far as I know.

Mr. SMOOT. The Senator says "so far as he knows"; but what does the department report upon it? I have not a thing here in my files to show what the department has reported.

Mr. LEE of Maryland. The report of the House committee says that there was no payment to him. There was no fund from which to pay him, and he had to stop work when he got his arm cut off.

Mr. SMOOT. That is not what I am asking. In all such cases the Committee on Claims used to ask for a report from the department as to the facts in the case. I do not know of any other claims of this character on which a report from the department or the head of the department has not been asked

Mr. LEE of Maryland. Here are a number of letters of condolence to this man from people in the navy yard, saying that he was entitled to consideration, and all that sort of

thing, and there was no compensation paid him.

Mr. SMOOT. I know that nearly every department of the Government, when an employee is injured, pays his doctor's bill, pays his expenses, and pays his salary up to the time when he returns to service. I know that has been done in many cases.

Mr. BRYAN. Mr. President, here is a letter from the Sec-

retary of the Navy.

Mr. SMOOT. That is what I want to know. What does

the Secretary say?

Mr. BRYAN. I suggest that we pass over this bill temporarily, and the Senator can read it.

Mr. HUGHES. I ask unanimous consent that the bill be passed over without prejudice.

Mr. JAMES. Let it be passed over temporarily.

The PRESIDING OFFICER. The bill will be passed over.

ESTATE OF JAMES A. CHAMBERLAIN.

The bill (H. R. 13106) for the relief of the trustee and parties who are now or who may hereafter become interested in the estate of James A. Chamberlain under the terms of his will was considered as in Committee of the Whole. It proposes to pay to Ferdinand M. Holmes, trust officer of the Old Colony Trust Co., Boston, Mass., which institution is trustee of the estate of James A. Chamberlain, \$1,600, which sum is for the redemption of the following United States 6 per cent coupon bonds, issued under the act of March 3, 1865 (consols of 1865), namely: Bond No. 56743, for \$100, included in the fifty-third call; bond No. 17626, for \$500, included in the forty-ninth call; bond No. 83794, for \$1,000, included in the fifty-third call, with interest from July 1, 1871, to the dates on which said bonds ceased to bear interest, said bonds and interest coupons attached, dated January 1, 1872, and subsequently, which are outstanding, having been lost by the said Chamberlain on or about January 5, 1872; but Ferdinand M. Holmes shall first file in the Treasury a bond in a penal sum equal to double the amount of principal of the bonds and the interest accrued thereon, with good and sufficient surety, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any loss on account of the redemption of the bonds and the payment of the accrued interest thereon.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. BAGGOTT.

The bill (H. R. 3223) for the relief of John W. Baggott was announced as next in order.

Mr. HUGHES. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

EVERETT H. CORSON.

The bill (H. R. 1358) for the relief of Everett H. Corson was considered as in Committee of the Whole. It proposes to pay to Everett H. Corson, an employee of the Department of the Interior, General Land Office, \$1,237, as full compensation for permanent injuries and damages received by him in an accident caused by a runaway, without any contributory negligence and while in the discharge of his official duties, on the 23d of

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

N. FERRO.

The bill (H. R. 1568) for the relief of N. Ferro was announced as next in order.

The PRESIDING OFFICER. Is there objection to the con-

sideration of the bill?

Mr. HUGHES. Mr. President, there does not seem to be any explanation of this bill at all. The bare statement is made in the report that the bill provides \$872 to reimburse this man. I do not think we ought to get in the habit of passing such bills without any information concerning them.

The PRESIDING OFFICER. Is there objection to the

present consideration of the bill?

Mr. HUGHES. I object.
The PRESIDING OFFICER. Objection is made, and the bill

SARAH E. ELLIOTT.

The bill (H. R. 3238) for the relief of Sarah E. Elliott was considered as in Committee of the Whole. It proposes that \$1,073 be paid to Sarah E. Elliott, to compensate her for the death of her husband, James K. P. Elliott, accidentally killed on April 10, 1901, while in the discharge of his duty in the service of the Government of the United States in the Mare Island Navy Yard.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 1568) to correct the military record of Adolph F. Hitchler was announced as next in order.

Mr. HUGHES. I ask that that bill go over

The PRESIDING OFFICER. The bill will be passed over.

EDWARD F. M'DERMOTT, ALIAS JAMES WILLIAMS.

The bill (H. R. 6145) for the relief of Edward F. McDermott, alias James Williams, was considered as in Committee of the

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 7, after the word "Infantry," to strike out "and was subsequently transferred to Company C, Eleventh Regiment, Pennsylvania Volunteer Infantry"; and, on page 2, line 1, after the word "pension," to insert "bounty, nor other emolument," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Edward F. McDermott, who served as James Williams in Company C, Ninetieth Regiment Pennsylvania Volunteer Infantry, now a resident of New York, shall hereafter be held to have been honorably discharged from the military service of the United States on the 24th day of October, 1864: Provided, That no pension, bounty, nor other emolument shall accrue prior to the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PUBLIC BUILDING AT CANON CITY, COLO.

The bill (S. 4450) to provide for the erection of a public building at Canon City, Colo., upon a site heretofore acquired by the United States, was considered as in Committee of the Whole.

The bill had been reported by the Committee on Public Buildings and Grounds with amendments.

The first amendment was, on line 6, after the word "suitable," to insert the word "fireproof."

The amendment was agreed to.

The next amendment was, in line 8, after the words "post office," to insert "the Department of Agriculture, and Civil Service Commission."

The amendment was agreed to.

Mr. WALSH. Mr. President, I desire to inquire if some Senator can tell us why this bill does not go in the omnibus public-buildings bill?

Mr. SHAFROTH. It very likely will go on that bill, because it is a Senate bill, and otherwise would not have much chance of passing the House at this session; but if the omnibus publicbuildings bill is considered, I want the sanction of the Senate as to this measure by having it pass the bill now. This site has already been purchased, and has been available for a number of years. This building is needed, and I should like to have the bill passed.

Mr. WALSH. I am simply trying to learn how it is that we pass an omnibus public-buildings bill——
Mr. SHAFROTH. We have not passed it yet, and I do not

know whether it will be passed.

Mr. WALSH. I am trying to ascertain why we prepare an

omnibus public-buildings bill and then pass special bills providing for the construction of particular public buildings.

Mr. HUGHES. I will say to the Senator that the reason why the omnibus public-buildings bill will not in all probability pass is because it is loaded down with items such as this. Here is a proposal to expend something like \$80,000 to erect a public building in a town of 5,000 inhabitants

Mr. SHAFROTH. Seven thousand inhabitants, with receipts

enough to justify it.

Mr. HUGHES. I am going to object to this bill in spite

of that swarming population.

Mr. SHAFROTH. The population of Canon City was 5,000 and over, according to the United States census six years ago; and, while some States in the Union may not grow, I assure the Senator that Colorado is growing.

The PRESIDING OFFICER. Is there objection to the con-

sideration of the bill?

Mr. HUGHES. I will withhold the objection until the Senator makes his statement, provided he does not intend to make a long statement

Mr. SHAFROTH. I do not desire to make a long statement. I recognize the fact that if an omnibus public-buildings bill is not enacted this bill will not go through, but here is a city that has been trying to get a public building for years. The Govhas been trying to get a public building for years. ernment has purchased a site there, and that site is lying there without any improvements whatever upon it.

Mr. WILLIAMS. They want a sight of money to cover that

[Laughter.]

Mr. SHAFROTH. Evidently it was determined by the United States Congress that there should be a public building there, because they appropriated money for the site, and it seems to me that that site ought to be covered now.

Mr. HUGHES. Will the Senator accept the omnibus public-

buildings bill as an amendment to this bill?

Mr. SHAFROTH. I do not want to take any chances of that

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. HUGHES. I object.

The PRESIDING OFFICER. Objection is made.

LEGAL REPRESENTATIVES OF NAPOLEON B. GIDDINGS.

The bill (H. R. 8057) for the relief of the legal representatives of Napoleon B. Giddings was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to cause to be investigated the circumstances of the alleged taking from Napoleon B. Giddings, in January, 1847, at Santa Fe, N. Mex., and depositing with A. B. Dyer, lieutenant of ordnance, United States Army. by order of Sterling Price, colonel commanding the Army in New Mexico at that time, of 140 kegs of gunpowder, and to ascertain and determine the reasonable market value of such powder at that time and place, not to exceed the value of \$1,950, and whether the same or any part thereof was ever returned or delivered back to said Giddings, and the final disposition of such powder; and if the same, or any part thereof, was never returned to or delivered back to said Giddings, and in the opinion of such Secretary the circumstances of the case render the United States liable for the value of such powder, then to certify to the Secretary of the Treasury the amount of the reasonable market value at that time and place of the amount of the reasonable market value at that time and place of the amount of the Treasury is hereby authorized and directed to cause to be paid to the legal representatives of said Napoleon B. Giddings the said amount so certified by the Secretary of War to be the reasonable market value of such powder as aforesaid.

The bill was reported to the Senate without amendment,

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed,

S. E. BENNETT.

The bill (H. R. 11745) for the relief of S. E. Bennett was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay \$133.60 to S. E. Bennett, veterinary inspector, to reimburse him for expenditures made by him under the direction of the chief clerk of the Bureau of Animal Industry, Department of Agriculture.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA C. PARRETT.

The bill (H. R. 10173) for the relief of Anna C. Parrett was considered as in Committee of the Whole. It proposes to pay to Anna C. Parrett, dependent mother of Ralph G. Dusell, who lost his life by accidental drowning on July 13, 1915, while in the employ of the Biological Survey, \$900, that being the amount of the annual salary which he was receiving from the department at the time of his death.

Mr. SMOOT. Mr. President, I should like to know in what

State the man was drowned?

The PRESIDING OFFICER. The Chair will inform the

Senator from Utah that the bill does not state.

Mr. SMOOT. I have a case that is exactly similar, of a man who while in the Government service was drowned in a river in the State of Idaho. I have written to the department in relation to the matter, but they state that they are not responsible in any way and report against the claim. Now, I want to know whether there is an adverse report from the department in this case; because if there is, I will know how to act in relation to the claim to which I have referred and shall ask the same report from the committee as is made in this case.

Mr. ROBINSON. Mr. President, the report contains a letter from the Secretary of Agriculture, and he does not report unfavorably upon the bill. The facts are—

Mr. SMOOT. Is it a favorable report?

Mr. HUGHES. The letter says there was an accidental drowning, I will say to the Senator, and that the man was drowned while in the performance of his duty. The Secretary draws no conclusions.

Mr. ROBINSON. The statement in the Secretary's letter, which is germane to the inquiry of the Senator from Utah, is as

Mr. Dusell's camp was pitched about 50 yards from the channel and on ground where under ordinary circumstances there was no danger from high waters. During the early evening of the 12th of July a light shower fell at camp, and on the morning of July 13 at about 4 a. m. the men were awakened by water in their tents, and in less than five minutes the entire camp, including tents and supplies, was carried away by the food. While attempting to reach higher ground, Mr. Dusell was carried away by the current, and two of the other men narrowly escaped drowning in trying to rescue him. Mr. Dusell was 21 years of age and had dependent upon him an invalid mother and three sisters, one of the sisters 17 years old, and the others, twins, 11 years old. Other than the salary and expenses due him from the Government at the time of his death, Mr. Dusell left no estate.

The facts are stated in the report, and I think the bill should

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GERTRUDE BECHERER.

The bill (H. R. 3296) for the relief of Gertrude Becherer was announced as next in order, and the Secretary read the bill.

Mr. HUGHES. Mr. President, there is distinctly an adverse report in this case. I hesitate to make objection, as I am not familiar with what the practice has been in regard to these matters, and my sympathies are with the survivors of employees who have been killed, but there seems to be an adverse report here. I read as follows:

A claim for compensation on account of his death was filed by Mrs. Becherer, under the provisions of the compensation act of May 30, 1908, but the same was disapproved by the Department of Commerce and Labor because the service in which the deceased was employed did not come within the scope of that act.

I think the bill had better go over.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

IDA TURNER.

The bill (H. R. 14978) for the relief of Ida Turner was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$840 to Ida Turner, widow of Andrew F. Turner, late a guard at the United States penitentiary at Leavenworth, Kans., who, while in the discharge of his duties as guard, was stabbed to death by a prisoner.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 12135) to reimburse D. H. Carpenter, postmaster at Seddon, Ala., for money and stamps stolen from said

post office at Seddon, Ala., and repaid by him to the Post Office Department, was announced as next in order.

Mr. HUGHES. Let that go over.

The PRESIDING OFFICER. The bill will be passed over. The bill (H. R. 6267) to reimburse Tennie A. Anderson, postmaster at Maplewood, Fayette County, W. Va., for money orders and postage stamps stolen, was announced as next in order.

Mr. HUGHES. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LENA GARAGNON.

The bill (S. 6867) for the relief of Lena Garagnon was announced as next in order.

Mr. HUGHES. For the present I am going to object to that bill. I have not had a chance to look into it. Unless there is some explanation of the bill I will be compelled to object,

Mr. SHEPPARD. Has the Senator examined the report? Mr. HUGHES. I am trying to find it. I will read it while

the Senator is explaining the bill.

Mr. SHEPPARD. As I understand, Mr. President, this lady was run down in the streets of San Antonio by an artillery caisson, the horses attached to which became unmanageable. They threw the caisson against her carriage and disabled her and a companion who was riding with her. The War Department has examined the case and, I understand, if I remember correctly, has made a favorable report, deeming it a meritorious case.

Mr. HUGHES. Charles G. Treat, colonel of the Third Field Artillery, commanding, winds up his communication to the Commanding General of the Southern Department of the Army with the following statement:

My final judgment was that it was an unavoidable accident,

If we are going to adopt the theory that every time an unavoidable accident occurs, and the Government is in any way connected with it, it must necessarily be the sufferer and must pay under any and all circumstances, this would be a proper claim. I do not find here any recommendation from anybody, and unless there is some good grounds stated, I shall have to object to the consideration of this bill.

Mr. SHEPPARD. I was under the impression that the de-

partment had favorably recommended it.

Mr. HUGHES. I will say to the Senator that I do not find any favorable recommendation from anybody, and I will ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ETHEL FREDERICKSON AND DAUGHTER.

The bill (S. 6868) for the relief of Ethel Frederickson and daughter Ethel, was announced as next in order.

Mr. HUGHES. That is the very same thing. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

TENNIE A. ANDERSON.

Mr. CHILTON. Mr. President, I will ask the Senator from New Jersey if he has examined the record in the case of Order of Business 780, House bill 6267? Did he object advisedly?

Mr. HUGHES. I objected advisedly. I was advised to object. Mr. CHILTON. That is a bill that has passed the House and was reported favorably by the Senate committee. I will ask the Senator if he will withdraw his objection so that I may take two minutes to explain it?

Mr. HUGHES. I shall be glad to do fhat.

The PRESIDING OFFICER. The Senator from West Virginia asks that we recur to Order of Business 780, House bill Without objection, it will be so ordered.

Mr. CHILTON. In the first place, the bill involves only \$152. The claimant is a poor woman who can not afford to lose this money. She was the postmistress at Maplewood, W. Va., and the postal funds were kept in a drawer in a desk which happened not to be locked; but the room in which the post office was kept was securely locked, had a good, strong door upon it, and entrance was made into the post office through the ceiling above. They bored a hole and in that way got a start, cut out a section of the ceiling, let ladders or a rope down, and got into the building in that way.

Of course the little desk or drawer in which the money was kept would have been no protection against that kind of a burglary. They took the money. That is the admitted fact. Now, this case has been passed by the House; and it does seem to me that the Senate is engaged in a pretty small busi-

ness to withhold from a poor woman money taken from the post office of the Government under circumstances of that kind.

Of course, the Post Office Department has a regular way of reporting that if she had kept the drawer locked or the desk locked she might not have lost the money. That is ridiculous here, however. Burglars who go up to the top of a building, bore a hole down, and force an entrance into the post office would not have paid any attention to the little desk that she had there if it had been locked.

Those are the circumstances, and there is no use in putting it off. Let us say she shall not have it or let us give it to her

ow. I ask for a vote.

Mr. HUGHES. Mr. President, there is a postal regulation to the effect that all postal employees, under certain circumstances, such as were present on this occasion, shall keep the drawer or receptacle containing the money locked. They ought to know and undoubtedly do know that provision pretty thoroughly, and they know that if they do not lock up the money and protect it they will be held responsible.

It is not simply the amount of money that is involved in this case. If we are going to wipe out these restrictions which the Government, out of its years and years and years of experience in handling these matters, has seen fit to throw around its own money we will be confronted with a flood of claims from retiring postmasters with reference to money stolen or alleged to

have been stolen.

I am very sorry for the woman who lost this money, but she ought to send her claim for sympathy to the man who took the The United States Government had nothing to do money.

with it.

Mr. CHILTON. Mr. President, I have this to say: The postoffice regulations are made for sneak thieves and not for burglars and train robbers. Of course, that is the law. She would not be here if she could get reimbursement within the postal regulations. All I ask is, let us have a vote on it. If the Senate does not want to give it to her, let her know it now, but it is now ready. The bill has been passed by the House, and it is up here, and whatever the Senate does will be the end of it. Why put off these things and keep forever holding out hope to these people? Let us get rid of it, one way or the other.

Mr. HUGHES. This involves only \$141 and \$10.77.
Mr. CHILTON. One hundred and fifty-two dollars.
Mr. HUGHES. One hundred and fifty-two dollars; but the

next case, under precisely similar circumstances, may involve

Mr. CHILTON: If the circumstances are the same, the Senate ought to pay it.

Mr. HUGHES. I do not believe they ought to pay it. Mr. CHILTON. Well, let the Senate decide and not the Sena-The case is here.

Mr. HUGHES. I am perfectly willing to submit it to the Senate.

Mr. SMOOT. Mr. President, I am going to object, and I will tell the Senator why. The postmaster at Morgan City—and there are several others in the State—not only had the money in his safe, but it was locked, and the safe was broken into and the money stolen; and yet I have had an adverse report for the last four or five years upon repaying to the postmaster at Morgan City \$113, I think, that was stolen. Until we decide upon treating all these claims alike, I shall object to any consideration of this one.

The PRESIDING OFFICER. Objection is made.
Mr. CHILTON, Mr. President, I have a notion to move to

take up the bill notwithstanding the objection.

The PRESIDING OFFICER. The Chair understands that would not be in order under the unanimous-consent agreement. Mr. CHILTON. Well, I did not make the motion.

BILL PASSED OVER.

The bill (S. 1289) for preventing the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded lin-

seed oil, turpentine, or paint was announced as next in order.

Mr. BRYAN. Mr. President, that is a bill of 13 pages.

There is nobody here to explain it. I ask that it go over.

Mr. WILLIAMS. Let that bill go over. I want to look into it.

The PRESIDING OFFICER. The bill will be passed over.

EXCHANGE OF LANDS IN HAWAII.

The bill (S. 4360) authorizing the President to exchange land set aside for military purposes in the Territory of Hawaii for private land was considered as in Committee of the Whole. It authorizes the President of the United States to exchange public lands set aside for military purposes in the Territory of Hawaii, where not needed for such purposes, for private lands of practically equal value in the same Territory that are needed for military purposes, the lands so acquired by exchange to be given thereby the same status as lands set aside from the public domain by the President for military purposes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

KENESAW MEMORIAL ASSOCIATION

The bill (H. R. 9547) authorizing the acceptance by the United States Government from the Kenesaw Memorial Association of Illinois of a proposed gift of land on the Kenesaw battle field, in the State of Georgia, was considered as in Committee of the Whole. It authorizes the Secretary of War to accept from the Kenesaw Memorial Association, a corporation organized under the laws of the State of Illinois, a gift of certain land, with all the improvements thereon, comprising a part of the Kenesaw battile field, said land being described as lot No. 116 and the east half of lot No. 107 in the nineteenth district and second section, in the county of Cobb and State of Georgia, and upon which a monument has been erected to certain organizations that participated in the fighting on Kenesaw Mountain: Provided, That no expense shall be incurred by the United States in carrying out the provisions of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN B. HOOVER.

The bill (H. R. 5262) for the relief of John B. Hoover was considered as in Committee of the Whole. It proposes to pay to John B. Hoover \$145.30, being the amount expended by him out of his personal funds for medical services of agency physician during his incumbency as superintendent at Fort McDermit Indian School, from July 1, 1909, to October 15, 1909.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 12426) to authorize mining for metalliferous minerals on Indian reservations was announced as next in order.

Mr. SMOOT. Let that go over.
The PRESIDING OFFICER. The bill will be passed over. The bill (S. 583) relating to the disposal of coal and mineral deposits in Indian lands was announced as next in order.

Mr. SMOOT. Let that go over.
The PRESIDING OFFICER. The bill will be passed over. The bill (H. R. 7763) for the relief of Stephen J. Simpson was

announced as next in order.

Mr. HUGHES. I will ask to have that bill go over unless there is an explanation of it. I do not propose to let any of these bills pass restoring to a deserter an honorable-discharge status on the record unless there is an explanation. I do not find any report with the bill.

The PRESIDING OFFICER. Is there an objection?

Mr. HUGHES. I object.

The PRESIDING OFFICER. The bill will be passed over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 18181) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

Mr. WILLIAMS. Let that go over.

Mr. JOHNSON of Maine. Mr. President, I hope the Senator will let that bill pass to-night. It is a House omnibus pension bill that has been here for a long time.

Mr. WILLIAMS. Very well; I will withdraw the objection.
The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on

rage 2, line 7, before the words "per month," to strike out "\$30" and insert "\$24," so as to make the clause read:

The name of Robert Leeson, late of Company D, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, after line 20, to strike out:

The name of Mary Lenz, widow of Max Lenz, late of Companies F and E, First Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, line 7, before the words "per month," to strike out "\$50" and insert "\$36," so as to make the clause read:

The name of Josiah Swails, late of Company D, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 21, before the words "per month," to strike out "\$36" and insert "\$30," so as to make the clause read:

The name of Horace L. Brown, late of Company I, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 13, before the words "per month," to strike out "\$30" and insert "\$24," so as to make the clause read:

The name of Joseph Walker, late of Company B, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was on page 9, line 4, after the word "One," to strike out "Hundred" and insert "hundred," and in line 6, before the words "per month," to strike out "\$30" and insert "\$24," so as to make the clause read:

The name of Alexander Wilson, late of Company D, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, after line 10, to strike out:

The name of George F. Derr, late of Company C, First Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 12, after the word "Militia," to strike out "Volunteer," so as to make the clause read:

The name of Ransom W. Dwyer, late of Company B. Seventy-seventh Regiment New York State Militia Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 22, to strike out:

The name of John B. Cason, late of Company A, First Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 5, before the words "per month," to strike out "\$36" and insert "\$24," so as to make the clause read:

The name of Adam Lambert, late of Company G, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, line 11, before the word "late," to strike out the name "Cotrell" and insert "Cottrell," so as to make the clause read:

The name of Francis M. Cottrell, late of Company G, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving

The amendment was agreed to.

The next amendment was, on page 17, after line 14, to strike out:

The name of Catherine Steele, helpless and dependent child of Mason A. Steele, late of Company H, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 20, line 10, before the words "per month," to strike out "\$30" and insert "\$24," so as to make the clause read:

The name of Ferdinand Opperman, late of Company K, Sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, after line 2, to strike out:

The name of Serelda Pargin, widow of David Pargin, late of Company I, Eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 22, line 19, before the words "per month," to strike out "\$27" and insert "\$24," so as to make the clause read:

The name of Nelson W. Haskell, late of Company D. Second Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 11, before the words "per month," to strike out "\$40" and insert "\$30," so as to make the clause read:

The name of Thomas W. Elliott, late of Company A, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 24, before the words "per month," to strike out "\$30" and insert "\$24," so as to make the clause read:

The name of Henry H. Stevens, late of Company K. One hundred and first and Fifty-eighth Regiments Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, line 7, before the words "per month," to strike out "\$40" and insert "\$30," so as to make the clause read:

The name of James Cottman, late of Company C, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, after line 4, to strike out:

The name of Laura E. Smith, widow of Theodore C. Smith, late of Company F, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 27, line 7, before the words "per month," to strike out "\$50" and insert "\$40," so as to make the clause read:

The name of Parker T. Gibbs, late of Company G, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 19, before the word "Veteran," to insert "Fourteenth Regiment," so as to make the clause read:

The name of William H. Weaver, late of Company A, Eleventh New Jersey Infantry, and Company H, Fourteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, line 14, before the word "Regiment," to strike out "Twefth" and insert "Twelfth," so as to make the clause read:

The name of Samuel L. Kennedy, late of Company I, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, line 23, before the words "per month," to strike out "\$30" and insert "\$24," so as to make the clause read:

The name of Robert W. Ross, late of Company E, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, line 14, before the name "Lambert," to strike out "Issac" and insert "Isaac," so as to make the clause read:

The name of Isaac Lambert, late of Company D, Forty-eighth Regiment Iowa Infantry, and Company K, Fifty-first Regiment Missourl Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, after line 2, to strike out:

The name of Frances McGee, widow of Jonas McGee, late of Company F, One hundred and first Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 33, line 5, before the words "per month," to strike out "\$30" and insert "\$24," so as to make the clause read:

The name of Robert W. Johnson, late of Company B, Fourth Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 33, after line 14, to strike out:

The name of Green Williams, late of Company H, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 35, line 1, after the word "Volunteer," to insert "Colored," so as to make the clause

The name of Miles Beckwith, now known as Miles Turner, late of Company M, Fourth Regiment United States Volunteer Colored Heavy Artillery, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 35, line 22, before the words "per month," to strike out "\$50" and insert "\$40," so as to make the clause read:

The name of Nathan Baker, late of Company A, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, after line 10, to strike

The name of Joseph L. Reel, late of Company D, Fifth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, after line 18, to strike

The name of William Sprouse, late of Company C, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 40, line 19, before the words "per month," to strike out "\$40" and insert "\$30," so as to make the clause read:

The name of Michael Russell, late of Company II, Fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 40, line 23, before the words "per month," to strike out "\$36" and insert "\$30," so as to make the clause read:

The name of Frederick Mayer, late of Company B, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 41, after line 16, to strike out:

The name of John E. Opdyke, late of Company D. Twenty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 43, after line 12, to strike

The name of Whitfield H. Lance, late of Company I, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 44, after line 8, to strike

The name of James J. Short, late of Company H. First Regiment Alabama Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 45, line 18, after the word "hundred," to insert "and," so as to make the clause read:

The name of Harvey Sallade, late of Company D, Thirty-third Regiment, and Company K, One hundred and fifty-fifth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 50, line 14, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry," so as to make the clause read:

The name of Gilbert O. Hoffman, late of Company K, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 52, line 1, before the words "per month," to strike out "\$40" and insert "\$30," so as to make the clause read:

The name of Byron See, late of Company K, Thirty-fifth New York Infantry, and Company B, Twentieth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per menth in lieu of that he is now receiving.

Mr. JOHNSON of Maine. Mr. President, I ask that this committee amendment be rejected.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The next amendment was, on page 53, line 22, before the word "widow," to strike out "alleged," so as to make the clause read:

The name of Elizabeth C. Wallace, widow of James H. Wallace, late of Company G, Twentieth Regiment Kentucky Infantry and Troop D, Sixth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$20 per month.

The amendment was agreed to.

Mr. JOHNSON of Maine. I offer the following amendments to the bill, as the claimants have died since the bill passed the

The PRESIDING OFFICER. The amendments will be stated.

The Secretary. On page 6 strike out lines 11, 12, 13, and 14 in the case of Margaret Wilson.

The amendment was agreed to.

The Secretary. On page 8, line 17, after the word "that," insert the words "he is" in the case of James M. Gibbons.

The amendment was agreed to.

The Secretary. On page 10 strike out lines 15, 16, 17, 18, and 19 in the case of John L. Andrews, as the claimant has died since the bill passed the House.

The amendment was agreed to.

The SECRETARY. On page 11, line 20, after the word "Mounted," strike out "Cavalry" and insert in lieu thereof the word "Infantry" in the case of William M. Horrad.

The amendment was agreed to.

The Secretary. On page 15 strike out lines 23 and 24 and on page 16 strike out lines 1 and 2 in the case of Carroll C. M. Frame, the claimant having died since the bill passed the House. The amendment was agreed to.

The Secretary. On page 23, line 15, after the word "that,"

insert "he is" in the case of Wyatt L. Starrett.

The amendment was agreed to.

The Secretary. On page 25 strike out lines 5, 6, 7, and 8 in the case of James Cottman, the claimant having died since the bill passed the House.

The amendment was agreed to.

The Secretary. On page 28, line 1, after the word "George," strike out "W" and insert in lieu thereof the letter "F" in the case of George F. Cooper.

The amendment was agreed to.

The SECRETARY. On page 38, strike out lines 12, 13, 14, 15, and 16, in the case of William G. Jackson, the claimant having died since the bill passed the House.

The amendment was agreed to.

The Secretary. On page 46, strike out lines 1, 2, 3, and 4, in the case of Edgar W. Rose, the claimant having died since the bill passed the House.

The amendment was agreed to.

The Secretary. On page 50, strike out lines 21, 22, 23, and 24, in the case of Samuel P. Young, the claimant having died since the bill passed the House.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (S. 7486) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors, was announced as next in order. It proposes to pension the following-named persons at the rates stated:

Celia A Blodgett, widow of Benjamin F. Blodgett, late of Company F, First Regiment United States Volunteer Sharp-shooters, \$12 per month.

William W. Olmsted, late of Company K, Twenty-first Regiment Iowa Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

John W. Hendrickson, late of Independent Battery H, Pennsylvania Volunteer Light Artillery, and Company C, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, \$27 per month in lieu of that he is now receiving.

Aaron C. Rodocker, late of Company G, Eighth Regiment

Indiana Volunteer Cavalry, \$36 per month in lieu of that he is

now receiving.

John J. Schliessmann, late of Company A, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Richard Mitchell, late of Company G, Seventh Regiment Indiana Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Blanche F. Nash, widow of Guy T. Nash, late of Company C, Twelfth Regiment Vermont Militia Infantry, \$20 per month in lieu of that she is now receiving.

John Mayfield, late of Company D, Sixth Regiment Iowa Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

William W. Prine, late of Company G, Thirtieth Regiment Illinois Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

John H. Jarrett, late of Company H, Fourth Regiment West Virginia Volunteer Infantry, \$50 per month in lieu of that he is receiving.

William Richey, late of Company M, Twenty-first Regiment Indiana Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Mary P. Ross, widow of Henry S. Ross, late of Company E, Eighty-seventh Regiment Indiana Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Isaac R. Johnson, late of Company B, Thirty-ninth Regiment Illinois Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Walton, late of Company B, One hundred and Columbus thirty-seventh Regiment Indiana Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Sada Gleeson, widow of William J. Gleeson, late of Company, Fortieth Regiment Missouri Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Severn L. Parks, late of Company A, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, \$24 per month.

Ellen Rush, widow of Ebenezer C. Rush, late of Company E,
Fourth Regiment Vermont Volunteer Infantry, \$12 per month.

George A. Blose, late of Company C, Second Battalion Penn-

sylvania Militia Infantry, \$30 per month in lieu of that he is now receiving.

Elizabeth Lander, widow of David D. Lander, late of Company H, Forty-fourth Regiment New York Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

George D. Smith, late of Company K. Second Regiment New York Volunteer Infantry, \$36 per month in lieu of that he is now receiving

William J. Crocker, late of Company A, First Regiment Wis-consin Volunteer Infantry, and Seventh Independent Battery Wisconsin Volunteer Light Artillery, \$40 per month in lieu of that he is now receiving.

Peter Sheplar, late of Company G, Eleventh Regiment Pennsylvania Volunteer Infantry, \$36 per month in lieu of that he is now receiving

La Fayette Piatt, late of Company H, One hundred and twelfth Regiment Illinois Volunteer Infantry, \$50 per month in

lieu of that he is now receiving.

Cornelius T. Ham, late of Seventh Company, unassigned,
Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Joseph C. Patterson, late of Company G, Eighth Regiment Iowa Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

Mathias Eyer, late of Company D, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, \$30 per month in

lieu of that he is now receiving.

Emily P. Hubbard, widow of George M. Hubbard, late first lieutenant and quartermaster, Seventy-third Regiment Indiana Volunteer Infantry, \$24 per month in lieu of that she is now receiving.

William H. Cleland, late of Company F, One hundred and thirty-eighth Regiment Illinois Volunteer Infantry, \$27 per

month in lieu of that he is now receiving.

James K. Wesley, late of Company I, Forty-ninth Regiment Kentucky Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Henry M. Bryant, late of Company F, Twelfth Regiment Michigan Volunteer Infantry, \$27 per month in lieu of that he is now receiving.

Samuel D. Sherman, late of Company K, Ninety-fifth Regiment Illinois Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Elmore Y. Chase, late surgeon United States Volunteers, \$40 per month in lieu of that he is now receiving.

John E. Madison, late of Company H, Ninth Regiment, and Company K, Second Regiment, New York Volunteer Heavy Artillery, \$30 per month in lieu of that he is now receiving.

John Elliott, late of Company K, Eighteenth Regiment Michieux Volunteer, 150 per month in lieu of that he is now receiving.

gan Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

William C. Pope, late of Company B, Twenty-fourth Regiment Michigan Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Leona B. Haucke, widow of Albert Haucke, late of Company D, Fifty-fifth Regiment Kentucky Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Jacob W. Perkins, alias William West, late of Company L, Third Regiment Wisconsin Volunteer Cavalry, \$30 per monthin lieu of that he is now receiving.

Levi J. Richardson, late of Company I, Sixth Regiment Ohio Volunteer Cavalry, and Company B, First Regiment Veteran

Reserve Corps, \$40 per month in lieu of that he is now receiving. Niels Attleson, late of Company E, Twelfth Regiment Wisconsin Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Frederick A. Churchill, late topographical engineer, captain, and volunteer aid-de-camp to Gen. McClellan and Gen. A. E. Burnside, United States Army, \$20 per month.

James B. Thornton, late of Company H, Fifteenth Regiment Michigan Volunteer Infantry, \$27 per month in lieu of that he is now receiving.

John N. McClure, late of Company A, Eighty-ninth Regiment Indiana Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

James T. Piggott, late of Company F, One hundred and sixteenth Regiment Ohio Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Thomas J. Harrison, late of Company D, Sixteenth Regiment Indiana Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Henry H. Niles, late of U. S. S. Moose, United States Navy, \$30 per month in lieu of that he is now receiving.

Ephraim Smith, late of Company I, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Edgar P. Lewis, late of Company K, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Solomon Terpenning, late of Company I, Sixth Regiment Minnesota Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Charles Reed, late of Company A, Thirty-third Regiment Wisconsin Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

John C. Cook, late of Company F, Eighth Regiment Michigan Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

Joseph A. Miller, late of Company D, Third Regiment, Potomac Home Brigade, Maryland Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

John Stouffer, late of Capt: Sanno's independent company, Pennsylvania Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

James S. Sisson, late of Company B, One hundred and ninetythird Regiment Ohio Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

John Unferfate, late of Company B, One hundred and eighty-seventh Regiment New York Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

George R. Gibney, late of Company B, One hundred and fifty-fourth Regiment Ohio Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

George M. Kimble, late of Company K, Sixty-sixth Regiment Ohio Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Charles N. Chatto, late of U. S. S. Nipsic, United States Navy, \$30 per month in lieu of that he is now receiving.

Wylie Brown, late of Company A, Forty-third Regiment Ohio

Volunteer Infantry, \$12 per month.

Charles Asa Clark, late of Company I, Fourteenth Regiment Kansas Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Louis A. Allor, late of Company E, and first lieutenant and adjutant, Twenty-second Regiment Michigan Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Edwin D. Sweet, late of Company D, Twenty-sixth Regiment Connecticut Volunteer Infantry, \$30 per month in lieu of that he is now receiving. George O. Whitman, late of Company K, Twenty-second Regi-

ment Connecticut Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Alexander Faries, late of Company A, Sixth Regiment Delaware Volunteer Infantry, and Company F, Seventh Regiment Delaware Volunteer Infantry, \$21 per month.

Thomas B. Williams, late of Company K, One hundred and

sixteenth Regiment Pennsylvania Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Lemuel Evans, late of Company D, First Regiment Kansas Volunteer Infantry, \$36 per month in lieu of that he is now

John Walker, late of Company G, Twenty-second Regiment, and Company G, Twenty-ninth Regiment, Michigan Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

William H. Bradley, late of Company G, First Regiment Pennsylvania Reserve Volunteer Infantry, and medical cadet, United States Army, \$50 per month in lieu of that he is now receiving. Charles R. Stuart, late of Company H, Sixtieth Regiment

Massachusetts Militia Infantry, \$30 per month in lieu of that he is now receiving.

Eliakim Byard, late of Company D, Twenty-sixth Regiment Maine Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Jasper Trimble, late of Company A, Nineteenth Regiment Iowa Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

George G. Tuell, late of Company A, First Battalion Maine Volunteer Sharpshooters, and Company A, Twentieth Regiment Maine Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Matilda A. Bickford, widow of George H. Bickford, late of Company K, Twentieth Regiment Maine Volunteer Infantry, and Twenty-third Company, Second Battalion, Veteran Reserve Corps, \$20 per month in lieu of that she is now receiving.

Bailey Mitchell, late of U. S. S. Huron, United States Navy,

\$50 per month in lieu of that he is now receiving.

Robert H. Keller, late of Company B, Eighth Regiment Indiana Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

Sylvester Clark, late of the Seventh Battery, Indiana Volunteer Light Artillery, \$50 per month in lieu of that he is now

receiving.

George W. Ward, late of Company D, First Regiment Maine Volunteer Cavalry, \$50 per month in lieu of that he is now

Francis J. Cousens, late of Companies H and F, Thirtieth Regiment Maine Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Simon Ridenour, late of Company G, One hundred and eleventh Regiment Ohio Volunteer Infantry, \$30 per month in Heu of that he is now receiving.

Jefferson Foncannon, late of Company K, One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Angelia T. Mosier, widow of Byron Mosier, late of Company G. Thirtieth Regiment Wisconsin Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Nathan J. Way, late of Company I, Engineers of the West, Missouri Volunteers, \$30 per month in lieu of that he is now receiving.

Enoch Jones, late of the United States Marine Corps, \$36 per

month in lieu of that he is now receiving.

John W. Torrance, late of Companies F and D; One hundred and twenty-sixth Regiment New York Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Charles Ainsworth, late of Company C, Ninth Regiment Vermont Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Charles Gilmore, late of Company A, Seventy-seventh Regiment Ohio Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

William J. Love, late of Company F, Tenth Regiment Missouri Volunteer Infantry, \$50 per month in lieu of that he is now

Benjamin Tackitt, late of Company B, Thirty-ninth Regiment Kentucky Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Grace Elizabeth Brown, helpless and dependent daughter of Thomas E. Brown, late of U. S. S. Vermont, United States Navy, \$12 per month.

Boadicea T. Dinsmore, former widow of Sewell C. Gray, late captain, Company A, Sixth Regiment Maine Volunteer Infantry,

\$30 per month in lieu of that she is now receiving. Henry B. Burgh, late lieutenant colonel Ninth Regiment Illinois Volunteer Cavalry, \$50 per month in lieu of that he is now receiving.

Henry C. Tulleys, late of Company H, Eighty-ninth Regiment Ohio Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Ephraim J. Allen, late of Company C, Seventy-fourth Regiment Illinois Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Edwin Rogers, late of Company G, Fortieth Regiment, and Company A, First Regiment, Wisconsin Volunteer Infantry, \$27 per month in lieu of that he is now receiving.

George Banghart, late of Company A, Twelfth Regiment Illinois Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Lucy E. Sturdevant, widow of Marcus Sturdevant, late of Company I, Nineteenth Regiment Wisconsin Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Toyger Peterson, late of Company G, Fifth Regiment Wisconsin Volunteer Infantry, \$30 per month in lieu of that he is now receiving

Royal E. Dake, late commissary sergeant First Regiment New York Veteran Volunteer Cavalry, \$40 per month in lieu of that he is now receiving.

Frederick W. Mase, late of Company D, Thirty-second Regiment Wisconsin Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Ruth A. McMillan, widow of Jonathan H. McMillan, late of Company B, Twelfth Regiment, and captain Company K, Twenty-third Regiment, Ohio Volunteer Infantry, \$24 per month in lieu of that she is now receiving.

Sarah Wright, widow of William H. Wright, late captain Company C, Fifth Regiment Vermont Volunteer Infantry, \$24 per month in lieu of that she is now receiving.

John Lamberson, late of Company D, Twenty-ninth Regiment Ohio Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Frank T. Bolton, late of Company H, Fourth Regiment Indiana Volunteer Cavalry, \$50 per month in lieu of that he is

now receiving.

Frances I, Wallace, widow of William A. Wallace, late of Company E, Thirteenth Regiment New York State Militia Infantry, \$12 per month.

Edward Neugent, late captain Company A, One hundred and seventh Regiment Illinois Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Jeremiah B. Davis, late of Company E, First Regiment New Hampshire Volunteer Cavalry, \$30 per month in lieu of that he

is now receiving.

John S. Stearns, late of Companies D and B, Forty-third Regiment Illinois Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Henry W. Gash, late of Company A, Sixteenth Regiment Illinois Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Ferdinand Davis, late of Company K, First Regiment United States Veteran Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

John Cooper, late of Company D, One hundred and fourteenth Regiment Illinois Volunteer Infantry, \$40 per month in lieu of that he is now receiving:

John Hudson, late of Company E, Twenty-third Regiment, and unassigned, Twenty-ninth Regiment, Iowa Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Henry Dalton Selby, late of Company E, Third Regiment Pennsylvania Volunteer Cavalry, \$50 per month in lieu of that he is now receiving.

John L. Fisher, late of Company D, Eleventh Regiment Illinois Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Andrew M. Vanover, late of Company H, Sixty-sixth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Lewis Mensch, late of Company G, One hundred and seventysecond Regiment Pennsylvania Drafted Militia Infantry, \$30 per month in lieu of that he is now receiving.

Samuel Holliday, late of Company I, Thirty-ninth Regiment Iowa Volunteer Infantry, \$40 per month in lieu of that he is now receiving

Horace N. Holbrook, late of Company A, Sixteenth Regiment Wisconsin Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

John K. Mayo, late of Company L, Sixth Regiment Missouri Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

Robert F. Hedrick, late of Company D, Fourth Regiment Illinois Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Calvin Sharpnack, late of Company C, First Battalion Pennsylvania Volunteer Infantry, \$24 per month in lieu of that he is now receiving

Charles E. Collins, late of Company D, Twenty-first Regiment Maine Volunteer Infantry, \$36 per month in lieu of that he is now receiving

John R. Sparrow, late of Company I, Sixteenth Regiment Maine Volunteer Infantry, \$50 per month in lieu of that he is now receiving

Reynold D. W. Campbell, late of Company F, Sixth Regiment Maine Volunteer Infantry, \$50 per menth in lieu of that he is now receiving.

James M. Treat, late of Company E, Nineteenth Regiment Maine Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Louisa A. Atherton, widow of Daniel W. Atherton, late of Company B, Ninety-ninth Regiment New York Volunteer Infantry, \$30 per month in lieu of that she is now receiving.

Ezekiel P. Rowell, late of Company I, Fourteenth Regiment Maine Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Aura V. Thurston, widow of James H. Thurston, late of Company A, Twenty-ninth Regiment Maine Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Henry G. Mitchell, late of Company A, Twenty-ninth Regiment Maine Volunteer Infantry, \$40 per month in lieu of that

he is now receiving.

John W. Sperry, late of Company K, Seventh Regiment Iowa Volunteer Infantry, \$40 per month in lieu of that he is now re-

Luther B. Johnson, late of Company C, First Regiment Iowa Volunteer Cavalry, \$50 per month in lieu of that he is now re-

Edward F. Griswold, late captain Company F. First Regiment Vermont Volunteer Heavy Artillery, \$50 per month in lieu of that he is now receiving.

Henry H. Frampton, late of Company I, Sixty-fifth Regiment Illinois Volunteer Infantry, \$36 per month in lieu of that he is

now receiving.

William F. Wilson, late of Company H, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, \$40 per month in lieu of that he is now receiving.

Charles Edgar Mason, late of Company I, One hundred and forty-second Regiment Illinois Volunteer Infantry, \$30 per

month in lieu of that he is now receiving.

Jonas H. Upton, late of Company D, Tenth Regiment Iowa
Volunteer Infantry, \$40 per month in lieu of that he is now re-

David Galbreath, late of Company K, Second Regiment Iowa Volunteer Cavalry, \$50 per month in lieu of that he is now re-

John Cook, late of Battery B, First Regiment Rhode Island Volunteer Light Artillery, \$21 per month in lieu of that he is now receiving.

Joseph S. Morgan, late of Company B, Twentieth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is

now receiving.

Watkin Countryman, late of Company A, Thirty-third Regiment Wisconsin Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Anna E. Tenney, helpless and dependent daughter of Samuel Tenney, late of Company D, Maine Volunteer Coast Guards,

\$12 per month.

Theodore Gerrish, late of Company H, Twentieth Regiment Maine Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Charles P. Betts, late of Company I, Twenty-sixth Regiment New Jersey Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

William R. Browning, late of Company I, One hundred and forty-ninth Regiment Ohio National Guard Infantry, \$40 per

month in lien of that he is now receiving.

Jennie Jamison, now Beamer, late nurse, Medical Department, United States Volunteers, and widow of Marion Beamer, late of Company A, Forty-first Regiment Illinois Volunteer Infantry, \$24 per month in lieu of that she is now receiving.

Mary J. Crandell, widow of David Crandell, late of Company

K. Thirty-sixth Regiment Wisconsin Volunteer Infantry, \$12

per month.

Charles Washington, late of Company K, One hundred and sixteenth Regiment United States Colored Volunteer Infantry, \$30 per month in lieu of that he is now receiving

Hugh Stevens, late of Company D, Thirty-third Regiment Iowa Volunteer Infantry, \$50 per month in lieu of that he is now re-

Adna H. Bowen, late second lieutenant Company F, Fifteenth Regiment Michigan Volunteer Infantry, and major, Sixth Regiment United States Colored Volunteer Cavalry, \$50 per month in lieu of that he is now receiving.

Paul Strause, late of Company K, Forty-seventh Regiment Pennsylvania Volunteer Infantry, \$40 per month in lieu of that

he is now receiving.

John L. Skinner, late of Company G, Thirteenth Regiment Maryland Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

William W. Nally, late of Company C, Sixth Battalion District of Columbia Militia Infantry, \$21 per month.

Andrew Goodwin, late of Company E, Seventh Regiment New Hampshire Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Henry Thompson, late of Company H, Seventy-fourth Regiment Indiana Volunteer Infantry, \$40 per month in lieu of

that he is now receiving.

Jacob R. Stillwagon, late of Company D, Ninth Regiment
Kansas Volunteer Cavalry, \$40 per month in lieu of that he is now receiving.

William S. Rowe, late of Company D. Second Regiment Missouri Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Thomas L. Irwin, late acting assistant surgeon, United States

Army, \$21 per month.

Maurice M. Kaighn, late of Company F, One hundred and ninety-seventh Regiment Pennsylvania Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Stephen P. Colby, late second lieutenant Company F. Fifteenth Regiment New Hampshire Volunteer Infantry, \$30 per

month in lieu of that he is now receiving.

Job Wilbur, late of Company A, Twenty-ninth Regiment Michigan Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Minnie J. Hodge, widow of Allen T. Hodge, late of Company, First Battalion Massachusetts Volunteer Heavy Artillery,

Martin Pool, late of Company C, Forty-second Regiment Illinois Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Margaret Stevenson, widow of Grandson F. Stevenson, late of Company A, Thirty-sixth Regiment Iowa Volunteer Infantry,

\$20 per month in lieu of that she is now receiving.
Samuel C. Clossin, late of Company B, Second Regiment Iowa Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Isaac R. Atlee, late of Company E, Forty-fifth Regiment Iowa Volunteer Infantry, \$24 per month in lieu of that he is now

Thomas Brown, late of Company D, Fifteenth Regiment Iowa Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

John R. Simpson, late of Company G, First Regiment New York Volunteer Marine Artillery, \$30 per month in lieu of that he is now receiving.

Theodore Longfellow, late of Company G, Fifty-seventh Regiment, and Company G, Fifty-ninth Regiment, Massachusetts Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Kate M. White, widow of Henry A. White, late of Company C. Sixteenth Regiment Connecticut Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Joseph C. Predmore, late of Company G, Eighty-ninth Regiment Ohio Volunteer Infantry, \$50 per month in lieu of that he is now receiving

James S. White, late of Company H, Twenty-eighth Regiment Illinois Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Josephine E. Ure, widow of William Ure, late of Company H, One hundred and fortieth Regiment Illinois Volunteer Infan-

try, \$20 per month in lieu of that she is now receiving.

William Beauchamp, late unassigned, Thirty-ninth Regiment
Missouri Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Mettie Sanders, widow of Henry Sanders, late of Company H, Forty-second Regiment Missouri Volunteer Infantry, \$20 per

month in lieu of that she is now receiving.

Sidney M. Smith, late of Company K, Seventh Regiment Kansas Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Joseph Chapman, late of Company C, Forty-ninth Regiment Wisconsin Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

John C. Mayer, late of Company E, Fifth Regiment Iowa Volunteer Cavalry, \$30 per month in lieu of that he is now receiving

William F. Wahl, late of Company G, First Regiment Delaware Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

John Stevens, late of Company A, Fourth Regiment West Virginia Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Timothy Welch, late of Company H, Thirtieth Regiment Maine Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Charles F. Smith, late of Company C, Eighth Regiment New Hampshire Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

George Maybury, late of Company D, Second Regiment Maine Volunteer Cavalry, \$86 per month in lieu of that he is now

Moses E. Lowell, late of Company A, Twenty-seventh Regiment Maine Volunteer Infantry, and Battery E, First Regiment Maine Volunteer Light Artillery, \$40 per month in lieu of that he is

Levi G. Foss, late of Company G, Thirty-first Regiment Maine Volunteer Infantry, \$30 per menth in lieu of that he is now receiving.

Ida M. Paine, widow of Joseph C. Paine, late of Company B, First Regiment Massachusetts Volunteer Infantry, \$12 per

month.

George F. Boothby, late of Company E, First Regiment Maine Volunteer Cavalry, \$36 per month in lieu of that he is now

Thomas King, late first lieutenant Company F, Ninety-second Regiment United States Colored Volunteer Infantry, \$50 per

month in lieu of that he is now receiving.

Anna C. Stahel, widow of John Stahel, late captain Company
K, Second Regiment Wisconsin Volunteer Infantry, \$30 per

month in lieu of that she is now receiving.

Reason D. Evensizer, late of Company G, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Charles F. Penley, late of Company C, Seventeenth Regiment Maine Volunteer Infantry, \$50 per month in lieu of that he is now receiving

Barber B. Durgin, late of Company K, Twelfth Regiment Maine Volunteer Infantry, \$36 per month in lieu of that he is now receiving

Mr. JOHNSON of Maine. I offer the following amendments to the bill, the claimants having died since the bill was intro-

The PRESIDING OFFICER, The amendments will be stated.

The Secretary. On page 11, strike out lines 10, 11, 12, and 13 in the case of Louis A. Allor.

The amendment was agreed to.

On page 15, strike out lines 12, 13, 14, and The SECRETARY. 15 in the case of Charles Ainsworth.

The amendment was agreed to. The SECRETARY. On page 16, strike out lines 15, 16, 17, and 18 in the case of Henry C. Tulleys.

The amendment was agreed to.

The Secretary. On page 20, strike out lines 23 and 24 and, on page 21, lines 1 and 2, strike out the case of John K. Mayo.

he amendment was agreed to. The bill was reported to the Senate as amended, and the

amendments were concurred in. The bill was ordered to be engrossed for a third reading,

was read the third time, and passed.

BILLS, ETC., PASSED OVER.

The bill (S. 1092) for the establishment of a probation system in the United States courts, except in the District of Columbia, was announced as next in order.

Mr. JONES. Let that go over.
Mr. HUGHES. Mr. President—
Mr. JONES. I have examined the bill, and I do not want it taken up at this time.

Mr. WALSH subsequently said: Mr. President, I should like to inquire of the Senator from Washington if we may hope to get consideration for the probation bill the next time it is reached on the calendar?

Mr. JONES. I have examined the bill rather hurriedly tonight, and I do not want to have it passed without examining into it a little further.

The PRESIDING OFFICER. Objection is made. The bill will be passed over.

The joint resolution (S. J. Res. 55) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. SMOOT. Let that go over. The PRESIDING OFFICER. The joint resolution will be

The bill (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes, was announced as next in order.

Mr. SMOOT. Of course, it would be impossible to consider this bill to-night. I therefore ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Senate stands in recess until 11 o'clock to-morrow morning

Mr. SMOOT. Is it a recess or an adjournment? I thought it was to be an adjournment.

The PRESIDING OFFICER. No; the agreement was for a

Thereupon (at 11 o'clock p. m.) the Senate took a recess until to-morrow, Saturday, February 3, 1917, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 2, 1917. PUBLIC HEALTH SERVICE.

Passed Asst. Surg. Wade H. Frost to be surgeon in the Public Health Service, to rank as such from February 3, 1917.

This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. Eugene H. Mullan to be surgeon in the Public Health Service, to rank as such from February 2, 1917.

This officer has served the required time in his present grade and has passed the necessary examination for promotion.

PROMOTION IN THE ARMY.

MEDICAL CORPS.

Capt. Edgar King, Medical Corps, to be major from January 30, 1917, vice Maj. George H. Crabtree, retired from active service January 29, 1917.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 2, 1917.

POSTMASTERS.

NEW YORK.

James B. Fitch, Mooers. Thomas A. McMahon, Far Rockaway.

REJECTION.

Executive nomination rejected by the Senate February 2, 1917. POSTMASTER.

Robert W. Swearingen to be postmaster at Avon Park, Fla.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 2, 1917.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the follow-

ing prayer:
O Lord God Almighty, ever present in the hearts of men; swayed by Thy influence, upheld by the power of Thy majesty, help us with perfect faith and confidence to go forward to the grave issues of the hour, assured that all will be well; for Thine is the kingdom and the power, and the glory, forever. Amen.

The Journal of the proceedings of yesterday was read and ap-

proved.

LEAVE OF ABSENCE.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that the leave granted to Representative HUMPHREY, of Washington, be extended for an indefinite period on account of illness

The SPEAKER. Is there objection? There was no objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I call up the bill H. R. 18542, the legislative, executive, and judicial appropriation bill, and ask unanimous consent to take the same from the

Speaker's table, disagree to the Senate amendments, and agree to the conference asked by the Senate.

Mr. STEENERSON. Mr. Speaker, reserving the right to object, I would like to call attention to amendment No. 61, on page 120, and inquire whether or not in the event that amendment be not eliminated in conference the House will have an opportunity to vote separately on it? It is in regard to postmasters being placed within the classified civil service.

Mr. MANN. Does the gentleman desire to move to concur in the amendment?

Mr. STEENERSON. I desire to disagree.

Mr. MANN. Mr. Speaker, I will state to both gentlemen that I shall insist upon the right to move to concur in that Senate amendment, and have a vote upon it in the House. That will take care of the proposition of the gentleman.

Mr. STEENERSON. I wanted to be sure that it would not be agreed to unless the House had an opportunity to vote upon it

separately.

Mr. MANN. I am going to ask the House to vote upon it to-day, if this bill comes up to-day. Mr. FITZGERALD. A number of gentleman have gone away.

Mr. BYRNS of Tennessee. Mr. Speaker, I will state to the gentleman from Minnesota that the conferees of course would give the House an opportunity to vote upon the amendment, if it is not asked for to-day, as the gentleman from Illinois suggests he intends to do.

Mr. SISSON. Mr. Speaker, as one of the conferees, I will state to the gentleman from Illinois that so far as I am concerned, and I believe I state the position of the chairman of the subcommittee, the conferees would not agree to that amendment until it is submitted to the House.

Mr. MANN. That is what I am afraid of. I think it will be very easily receded from by the other body, and I propose to have a vote on it before the conferees get a whack at it if I can, and that is said without any reflection at all upon the

conferees

Mr SISSON In a matter involving the rights of every Member of the House, in a matter in which at the present time every Democratic Member is interested, and in which at some day in the very far distant future the Republicans may be interested, I would not undertake to decide it myself, in view of the fact that it has never been submitted to the House for its consideration one way or the other.

Mr. MANN. I want to help the gentleman out by having it submitted to the House.

Mr. GARNER. To-day?
Mr. MANN. To-day. I want to know how many of these promises made before election were sincere and how many were

Mr. SIMS. Mr. Speaker, reserving the right to object, I wish to move to concur in Senate amendment No. 5 with an amend-

ment. That is the amendment in regard to clerk hire.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take the legislative, executive, and judicial appropriation bill from the Speaker's table, disagree to all of the Senate amendments, and agree to the conference asked by the Senate. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I am willing to grant the request, so far as I am concerned, to take the bill from the Speaker's table and lay it before the House

for consideration in the House.

Mr. BORLAND. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. BORLAND. Would it be in order at this time to move to concur in amendment No. 61?

The SPEAKER. Nothing is in order except the request of the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman

from Illinois indicate just what amendments he desires to

Mr. MANN. After you get the bill before the House I think there are two or three amendments that gentlemen desire

to call attention to.

Mr. BYRNS of Tennessee. 'I thought we might now disagree to all of those amendments as to which there is no desire to have debate and then take the bill up for the consideration of the other amendments.

Mr. MANN. I think the other way is a simpler way to

get at it.

Mr. BYRNS of Tennessee. Mr. Speaker, I ask unanimous consent to take the bill from the Speaker's table.

Mr. FITZGERALD. Can the gentleman from Illinois not indicate the amendments he desires to discuss, so as to eliminate long delay? The naval appropriation bill is ready to be taken

Mr. MANN. I desire that the House shall have an opportunity to vote upon amendment No. 20, on page 37, providing for an assistant to the Secretary of the Treasury, before it is finally agreed to in conference. I do not ask for a vote upon that this morning. I also think that the House should have an opportunity to vote upon amendment No. 71, which is in respect to increased compensation of clerks, unless the Senate recedes from their amendment.

Mr. FITZGERALD. The gentleman means the Smoot amend-

ment?

Mr. MANN. Unless the Senate recedes from the Smoot amendment I desire that the House shall have an opportunity to vote upon it. These are the only two amendments to which I desire to call attention, except No. 61, where I shall move to concur in the Senate amendment.

Mr. FITZGERALD. Which is that, the post-office amend-

ment?

Mr. MANN. Yes.
Mr. BYRNS of Tennessee. I will state to the gentleman the conferees will give the House an opportunity to vote upon

those amendments.

Mr. GARNER. Why not disagree to all the amendments except No. 61 and take a vote and send the bill to conference?

Mr. MANN. As far as I am concerned I am perfectly willing to do so.

Mr. FOSTER. There is amendment No. 58 in reference to the Board of Education-

Mr. SIMS. I desire to offer an amendment to agree to amend-

ment No. 5 with an amendment.

Mr. MANN. I think myself the better way is the way I suggested, to bring the bill before the House to be considered in the House and then ask whether any gentleman desires to withhold temporary disagreement to a Senate amendment and disagree to three or four at once and easily dispose of those later, before getting into a controversy over a whole lot of them.

Mr. FITZGERALD. The gentleman asks unanimous consent

to disagree to all the Senate amendments except-

Mr. MANN. Make that request after we get the bill before the House.

Mr. FITZGERALD. If we get it before the House, we get

into a discussion—

Mr. BYRNS of Tennessee. Mr. Speaker, I ask unanimous consent to take the bill from the Speaker's table and that the House disagree to all the Senate amendments except Senate

amendments Nos. 5 and 61.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the bill be taken from the Speaker's table and that all the Senate amendments except Nos. 5 and 61 be dis-

agreed to. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, and I do not intend to object, I want to bring the attention of the gentleman to amendment 58. That amendment presents new matter and also prescribes punishment by a fine and imprisonment. I should like to know if the gentleman is

informed as to the purpose of this amendment.

Mr. BYRNS of Tennessee. What page?

Mr. MOORE of Pennsylvania. Page 103, amendment No. 58. Mr. BYRNS of Tennessee. I will state to the gentleman that amendment, as I understand it, was adopted on account of a custom which has grown up— Mr. MOORE of Pennsylvania. It has not been adopted, as I

understand.

Mr. BYRNS of Tennessee. I mean by the Senate. Mr. MOORE of Pennsylvania. Adopted on one side?

Mr. BYRNS of Tennessee. On account of a custom that has grown up in the Bureau of Education which resulted in putting upon the pay roll outsiders—that is, men not officially connected with the Government-and giving them a nominal salary of, say, dollar a year. Mr. MOORE of Pennsylvania. Men and women?

Mr. BYRNS of Tennessee. Men and women, as I understand it, and this amendment was adopted by the Senate for the

Mr. MOORE of Pennsylvania. I wish to say to the gentleman

while the practice may be subject to question—
Mr. FITZGERALD. It is absolutely indefensible.

Mr. MOORE of Pennsylvania. The gentleman from New York may have that opinion about it.

Mr. FITZGERALD. I can demonstrate it.

Mr. MOORE of Pennsylvania. My attention has been drawn to the fact that the Chief of the Bureau of Education has been obtaining the services of some expert persons who have been writing on topics useful to the people, and that they have been paid a nominal salary of \$1 per annum, and have been obtaining the franking privilege. Am I right about that?

Mr. BYRNS of Tennessee. That is the charge that has been

Mr. MOORE of Pennsylvania. Well, does the gentleman know or can he inform the House whence come these charges that the practice has been unfair to the Government?

Mr. FITZGERALD. I make that charge now.

Mr. MOORE of Pennsylvania. The gentleman is capable of

making most any charge.

Mr. FITZGERALD. And of proving all the charges I make; not like the gentleman from Philadelphia, who makes charges and can not prove them.

Mr. BYRNS of Tennessee. I will say to the gentleman that practice is being followed and has been followed for quite a number of years, and the question naturally arises whether or not it is a proper policy to permit outside parties to write up their own personal and individual views upon educational problems of a controversial nature and send them over the country

at the expense of the Government, under the franking privilege.

Mr. MOORE of Pennsylvania. If they are merely individual views, that would be reprehensible; but is it not a fact that up to the present time no views written by these individuals have gone out that have not had the approval of the Commissioner of the Bureau of Education, and is it not a fact they have been

published under his direction?

Mr. BYRNS of Tennessee. I take it that in all cases these publications have been sent out officially, with the approval of the Commissioner of Education, but it is very questionable whether the people should be put to the expense of exploiting the views of individuals in private life, who are under no official responsibility to the people.

Mr. MOORE of Pennsylvania. May I ask the gentleman if the pamphlet entitled "Care of the Baby" was sent out in this way?

Mr. FITZGERALD. No.

Mr. MOORE of Pennsylvania. That was a very proper and wery useful pamphlet, which has gone all over the United States.
Mr. FOSTER. That came from the Children's Bureau.
Mr. FITZGERALD. That comes from the Children's Bureau.
Mr. MOORE of Pennsylvania. My attention has been called

to the fact that some very worthy persons, public-spirited persons, have been dedicating a great deal of their private service to the Bureau of Education. It may be that some of them have been exploiting their personal views, but many of them have undoubtedly been rendering a self-sacrificing service to the Government. I call the gentleman's attention to this fact because the fanflare seems to have arisen in another body and to have been agitated by a person named Allen, who apparently has had some association with some of the persons who have been making this complaint.

Mr. KING. Will the gentleman yield? The SPEAKER. Does the gentleman from Tennessee [Mr.

Byans] yield to the gentleman from Illinois?

Mr. KING. Will the gentleman yield for just a moment?

Mr. BYRNS of Tennessee. I yield to the gentleman from Illi-

Mr. KING. I would like to ask the gentleman from Tennessee

if it is not a fact-

Mr. MOORE of Pennsylvania. Mr. Speaker, pardon me a coment. I think I had the floor. The gentleman from Missouri had asked a question, and I was about to answer. I reserve

The SPEAKER. The gentleman will proceed.

Mr. MEEKER. I simply wanted to ask the gentleman from Pennsylvania

The SPEAKER. The gentleman from Pennsylvania reserves

the right to object.

Mr. BYRNS of Tennessee. Mr. Speaker, I am informed that there was a general impression on the part of a great many Members that the day would be consumed in a general discus-

sion of the naval appropriation bill.

The SPEAKER. That is true.

Mr. BYRNS of Tennessee. And I have no disposition to call this bill up and embarrass any Members who may be absent under that impression, and for that reason I withdraw my request for the present.

The SPEAKER. The gentleman from Tennessee withdraws

his request.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move to take from the Speaker's table the bill H. R. 18453, the Indian appropriation bill, disagree to the Senate amendments, and ask for a conference on the disagreeing votes of the two Houses.

The SPEAKER. The gentleman from Texas asks unanimous consent to take from the Speaker's table the Indian appropriation bill, disagree to all the Senate amendments, and ask for a conference. Is there objection? [After a pause.] The Chair

The SPEAKER announced the following conferees: Mr. Ste-PHENS of Texas, Mr. Carter of Oklahoma, and Mr. Campbell.

PROHIBITION IN ALASKA.

Mr. HOUSTON. Mr. Speaker-

The SPEAKER. The gentleman from Tennessee [Mr. Hous-

TON] is recognized.

Mr. HOUSTON. Mr. Speaker, I am directed by the Committee on the Territories to call up the bill (S. 7963) to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes. The Committee on the Territories have considered and reported a similar bill and have recommended it for passage.

The SPEAKER. The Chair lays before the House the bill

S. 7963, the gentleman from Tennessee [Mr. Houston] stating that there is a similar bill on the House Calendar. The Clerk

will report the bill.

The Clerk read as follows:

A bill (S. 7963) to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes.

Mr. CALDWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CALDWELL. Under what rule of the House is this bill called up?

The SPEAKER. Under Rule XXIV. The bill was read, as follows:

The SPEAKER. Under Rule XXIV.

The bill was read, as follows:

Be it enacted, etc., That on and after the 1st day of January, A. D.

1918, it shall be unlawful for any person, house, association, firm, company, club, or corporation, his, its, or their agents, officers, clerks, or servants, to manufacture, sell, give, or otherwise dispose of any intoxicating liquor or alcohol of any kind in the Territory of Alaska, or to have in his or its possession or to transport any intoxicating liquor acohol in the Territory of Alaska unless the same was procured and is so possessed and transported as hereinafter provided.

Whenever the term "liquor," "Intoxicating liquor," or "intoxicating liquors" is used in this act it shall be deemed to include whisky, brandy, rum, gin, wine, ale, porter, beer, cordials, hard or fermented cider, alcoholic bitters, ethyl alcohol, and all mait liquors, including all alcoholic compounds classed by the United States Internal-Revenue Bureau as "compound liquors": Provided, That this act shall not apply to methyl or wood alcohol.

That any person or persons, or any house, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants, who shall, directly or indirectly, violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$1,000 or shall be imprisoned for a period of not more than one year, or by both such fine and imprisonment.

Sec. 2. That before a pharmacist shall be authorized to transport pure alcohol for scientific, artistic, or mechanical purposes or for compounding or preparing medicines, as provided by this act, he shall procure a permit for that purpose from the judge of the district court in the division where the applicant resides.

Sec. 3. That to procure such permit a pharmacist shall make and file with the clerk of the said district court a statement in writing, under oath, stating that he

"Permit to pharmacists to transport pure alcohol for compounding, preparing, and preserving medicines only or for scientific, artistic, or mechanical purposes.

"DISTRICT COURT, Territory of Alaska, ss:

"Territory of Alaska, ss:

"a pharmacist, residing at _____, is hereby permitted to transport pure alcohol for compounding, preparing, and preserving medicines only or for scientific, artistic, or mechanical purposes. This permit can only be used for one shipment and will be void after six months from the date of issue.

"By order of the district court aforesaid.

"Dated this ____ day of _____, 19____."

"Judge of the District Court."

SEC. 5. That said permit mentioned in section 4 hereof shall be issued upon forms supplied by the clerk of the district court, and shall contain the permit, a copy of the application for permit, and a copy of the provisions of section 6 of this act, and shall be issued under the seal of the said court and shall be void for transportation purposes after six months from the date of issuance. The clerk of said district court shall keep in a separate book provided for that purpose a record of permits issued under this act, wherein shall be entered the date and the number thereof, the person to whom issued, and the purpose for which issued.

which issued.

Sec. 6. That said permit shall be attached to and remain affixed in a conspicuous place upon any package or parcel containing pure alcohol imported into or shipped in the Territory of Alaska, and when so affixed shall authorize any common carrier or any person operating a boat or vehicle for the transportation of goods, wares, or merchandise within the Territory of Alaska to transport, ship, or carry such pure alcohol. Any person so transporting such alcohol shall, before the delivery of such package or parcel, cancel said permit and so deface the same that it can not be used again.

Sec. 7. That all express companies, railroad companies, public or

same that it can not be used again.

SEC. 7. That all express companies, railroad companies, public or private carriers, are hereby required to keep a separate book in which shall be entered, immediately upon receipt thereof, the name of the person to whom pure alcohol is shipped, from what city or town and State the same was shipped, and the name of the shipper, the amount and kind received, the date when received, the date when delivered, and to whom delivered, after which record there shall be a blank space in which the consignee shall be required to sign his own name, in ink, before such pure alcohol is delivered to such consignee, which book shall be open to the inspection of the public at any time during business hours of the company, and shall not be removed from the place where the same is required to be kept. A copy of entries upon any such record herein provided to be kept, when certified to by the agent of any express or railroad company or any public or private carrier in charge of the same shall constitute prima facie evidence of the facts therein stated in any court of the Territory.

It shall be unlawful for any person, house, association, firm, com-

It shall be unlawful for any person, house, association, firm, company, club, or corporation, his, its, or their agents, officers, clerks, or servants, to ship alcohol or intoxicating liquor to a false or fictitious name or person, or any person to receive or receipt for alcohol or intoxicating liquor in a false or fictitious name.

Sec. 8. That any common carrier or any person operating a boat or vehicle for the transportation of goods, wares, or merchandise may accept for transportation and may transport to any place within the Territory of Alaska shipments of wine for sacramental purposes when there is attached to such shipment a certificate in substantially the following form:

"I (or we) certify that this package contains only ——— (amount)

following form:

"I (or we) certify that this package contains only — (amount) of — (wine), which has been ordered by — who represents himself to be a duly authorized and officiating priest or minister of the — church at —, and that said wine is desired for sacramental purposes only.

(Signature of shipper.)

SEC. 9. That whenever a shipment of wines for sacramental purposes shall have been transported for delivery within the Territory of Alaska the delivering agent of the transportation company must refuse to deliver the same unless it is accompanied by the certificate prescribed in section 8 of this act, and then only to the person to whom the same is addressed or upon his written order. The transportation company must keep a record of all shipments and deliveries of wines for sacramental purposes and must preserve for a period of one year after their receipt all certificates accompanying such shipments and all written orders upon which deliveries may be made. Such records must be open to the inspection of the public at any time during office hours.

SEC. 10. That any person who shall desire to purchase pure alcohol for scientific, artistic, or mechanical purposes shall apply to the district court aforesaid for a permit for that purpose. To procure such permit he shall make and file with the clerk of the district court a statement in writing, under oath, stating that he desires to purchase pure alcohol for scientific, artistic, or mechanical purposes as provided by this act, and giving his name and residence and the place at which such pure alcohol is to be used.

SEC. 11. That if the judge of said district court is satisfied of the good faith of the applicant he shall issue to said applicant a permit to purchase a reasonable amount of pure alcohol for scientific, artistic, or mechanical purposes. The original of said permit shall have attached thereto a duplicate copy, and each shall be numbered with the same number and be in substantially the following form:

"DISTRICT COURT, "Territory of Alaska, ss:"

"DISTRICT COURT, ____ DIVISION, ____ Territory of Alaska, ss:

"______, residing at ______, is hereby permitted to purchase pure alcohol in the amount of _______, (here insert quantity), to be used for scientific, artistic, or mechanical purposes. This permit can only be used for one purchase, and the copy thereof attached hereto shall be conspicuously pasted upon the package containing said alcohol, and this permit to purchase shall be void after 90 days from the date

"By order of the district court aforesaid.
"Dated this — day of ———, 19—.

"Judge of the District Court."

"By order of the district court aforesaid.

"By order of the district court aforesaid.

"Judge of the District Court."

Sec. 12. That the permit mentioned in section 11 shall authorize the applicant to purchase and any pharmaciet to sell and eliver to him the quantity named in the said permit. The permit shall be canceled, kept, and retained on file for at least one year by the pharmacist so selling said pure alcohol, and the copy of said permit shall be canceled, kept, and retained on file for at least one year by the pharmacist so selling said pure alcohol, and shall so remain upon said receptacle so long as the same shall contain alcohol. Said permit and copy shall only authorize one purchase and sale. It shall be unlawful for any pharmacist to sell pure alcohol without the permit and copy shall only authorize one purchase and sale. It shall be unlawful for any pharmacist to sell pure alcohol without the permit and copy shall only authorize one purchase and sale. It shall be unlawful for any person owning, leasing, or occupying or in possession or control of any premises, building, vehicle, car, or boat to knowingly permit thereon or therein the manufacture, transportation, disposal, or the keeping of intoxicating liquor with intent to manufacture, transport, or dispose of the same in violation of the same same person who shall in or upon appropriate of the same same sam

to take into his possession and safely keep, to be produced as evidence when required, all alcoholic liquors and all the means of dispensing the same, also all the paraphernalia or part of the paraphernalia of a barrom or other alcoholic liquor establishment, and any United States internal-revenue tax receipt or certificate for the manufacture or sale of alcoholic liquor, effective for the period of time covering the alleged offense, and forthwith report all the facts to the district attorney or his deputy, and such alcoholic liquor or the means for dispensing same, or the paraphernalia of a barroom or other alcoholic liquor establishment, or any United States internal-revenue tax receipt or certificate for the sale of alcoholic liquor, effective as aforesaid, shall be prima facie evidence of the violation of the provisions of this act.

SEC. 18. That it shall not be necessary, in order to convict any person, company, house, association, copartnership, club, or corporation, his, its, or their agents, officers, clerks, or servants of manufacturing, importing, or selling alcoholic liquors, to prove the actual manufacturing, importing, sale, delivery of, or payment for any alcoholic liquors, but the evidence of having or keeping them in hand, stored or deposited, taking orders for, or offering to sell or barter, or exchanging them for goods or merchandise, or giving them away, shall be sufficient to convict; ror shall it be necessary in a warrant, information, or indictment to specify the particular kind of alcoholic liquor which is made the subject of a charge of violation of this act.

SEC. 19. That all houses, boats, boathouses, buildings, clubrooms, and places of every description, including drug stores, where alcoholic liquors are manufactured, stored, sold, or vended, given away, or furnished contrary to law, including those in which clubs, orders, or associations sell, barter, give away, distribute, or device whatever, as provided in this act, shall be held, taken, and deemed common and public nuisance, sha

the sale or keeping of such liquor contrary to law, as the court may determine.

Sec. 20. That any United States district attorney for the Territory of Alaska may maintain an action in equity in the name of the United States to abate and perpetually enjoin such a nuisance as defined in the preceding section. No bond shall be required. Any person violating the terms of any injunction granted in such proceedings shall be punished for contempt by a fine of not more than \$500 or by imprisonment in the Federal jail for not more than six months, or both such fine and imprisonment, in the discretion of the court.

Sec. 21. That if a tenant of a building or tenement is convicted of using such premises or any part thereof or maintaining a common nuisance, as hereinbefore defined, or of knowingly permitting such use by another, the conviction of such use shall render void the lease under which he holds and shall cause the right of possession to revert to the owner or lessor, who may, without process of law, make immediate entry upon the premises, or may avail himself of the remedy provided for the forcible detention thereof.

Sec. 22. That anyone who knowingly permits any building owned or leased by him or under his control, or any part thereof, to be used in maintaining a common nuisance hereinbefore described in section 19 of this act, neglects to take all reasonable measures to eject therefrom the person so using the same, shall be deemed guilty of assisting in maintaining such nuisance.

Sec. 23. That no property right of any kind shall exist in alcoholic liquors or beverages illegally manufactured, received, possessed, or stored under this act, and in all such cases the liquors are forfeited to the United States and may be searched for and seized and ordered to be destroyed by the court after a conviction, when such liquors have been seized for use as evidence, or upon satisfactory evidence to the court presented by the district attorney that such liquors have been seized for use as evidence, or upon satisfactory ev

SEC. 24. That any person convicted of a violation of any of the provisions of this act where the punishment therefor is not herein specifically provided shall be punished as provided by section 1 of this

SEC. 25. That in case a pharmacist is convicted under the provisions of this act the judge of the district court, in addition to the penalty provided in this act, may, in his discretion, revoke his license to practice pharmacy, and thereafter he shall not receive a license for one

tice pharmacy, and thereafter he shall not receive a license for one year.

SEC. 26. That the issuance by the United States of any internal revenue special tax stamp or receipt to any person as a dealer in intoxicating liquors shall be prima facie evidence of the sale of intoxicating liquors by such person during the time the stamp or receipt is in force and effect.

A copy of such stamp or receipt or of the record of the issuance thereof, certified to by a United States internal-revenue officer having charge of such record, is admissible as evidence in like case and with like effect as the original stamp or receipt.

SEC. 27. That it shall be the duty of the governor of Alaska, the United States marshals and their deputies, mayors, and members of town councils, town marshals, and police officers of all incorporated towns in Alaska, all Federal game wardens, agents of the Bureau of Fisheries and Forestry Service, customs collectors and their deputies, employees of the Bureau of Education, prosecuting attorneys and their deputies, and all other Federal and Territorial executive officers to enforce the provisions of this act.

SEC. 28. That prosecutions for violations of the provisions of this act shall be on information filed by any such officer before any justice of the peace or district judge, or upon indictment by any grand jury of the Territory of Alaska, and said United States district attorney or this deputy shall file such information upon the presentation to him or his assistants of sworn information that the law has been violated: and in such prosecutions anyone making a false oath to any material fact shall be deemed guilty of perjury.

SEC. 29. That any person, company, or corporation who shall import or carry liquors into or upon the Territorial waters of Alaska in or upon any steamship, steamboat, vessel, boat, or other water craft, or shall permit the same to be so imported or carried into or upon said waters, except under the provisions of this act, shall be guilty of a misdemeanor, and upon convi

SEC. 30. That in addition to the power now exercised the judges of the district courts of Alaska may grant liquor licenses for any period of time less than one year upon a pro rata of the license fee for one year, but not to extend beyond the 1st day of January, 1918, under the provisions of law now in force there so far as the same are appli-

cable.

SEC. 31. That the Legislature of the Territory of Alaska may pass additional legislation in aid of the enforcement of this act not inconsistent with its provisions.

SEC. 32. That in the interpretation of this act words of the singular number shall be deemed to include their plurals, and words of the masculine gender shall be deemed to include the feminine, as the case may be

may be.
Src. 33. That this act shall be in full force and effect on and after the 1st day of January, 1918, and all laws and parts of laws inconsistent herewith be, and they are hereby, repealed as of that date.

The SPEAKER. The question is-

Mr. SLAYDEN. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. SLAYDEN. To learn the parliamentary status. I could not hear, but I understand the gentleman proposes to take from the Speaker's table Senate bill 7963 and pass it. Is that the request?

Mr. HOUSTON. Yes, sir.
Mr. SLAYDEN. Mr. Speaker, it is a very extraordinary bill, a very extraordinary invasion of the rights of individuals, and I would like to know of the gentleman if we can not have some

discussion of it?

Mr. HOUSTON. I will state to the gentleman that it is not my intention to try to cut off discussion. I would be willing to have a reasonable amount of it, even willing to have amendments offered. I do not propose to cut off anything of that sort. Of course, we do not want to have a great deal of time

Mr. SLAYDEN. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The geutleman will state it.
Mr. SLAYDEN. Is it in order to take up this bill?
The SPEAKER. Of course it is. The status of it is this: The gentleman said he was not listening at the time.

Mr. SLAYDEN. Mr. Speaker, I am satisfied with the statement as to the status of it. I simply was not able to hear.

The SPEAKER. The Chair will state the status so that everybody can understand. Clause 2 of Rule XXIV states:

House bills with Senate amendments which do not require considera-tion in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House and not required to be considered in the Committee of the Whole.

Now, the Chair did not have time to examine these two long bills. He took the word of the gentleman from Tennessee [Mr. Houston] that these bills are substantially the same; and if so,

this bill is in order.

Mr. SLAYDEN. I have no doubt if the gentleman from Tennessee [Mr. Houston] says that, it is true. That was not But I did want to see that there was some little time for the discussion of it.

The SPEAKER. There is no trouble about that. If some gentleman will make a suggestion about the time, the suggestion

may be agreed to.

Mr. FERRIS. Mr. Speaker, I just want to suggest to the gentleman from Texas that the Alaska people have voted on this proposition, and it was carried more than 2 to 1.

Mr. MANN. That is not the question.

Mr. HOUSTON. Mr. Speaker, I would state to the gentle-man from Texas [Mr. Slayden] that I am willing to fix a time for discussion and for offering amendments. I am not disposed to want to cut off discussion on amendments, even.

Mr. GARNER rose. The SPEAKER. For what purpose does the gentleman rise? Mr. GARNER. Under the rules of the House, as I understand it, the gentleman from Tennessee [Mr. Houston] has

an hour in his own right.

The SPEAKER. That is what the Chair just stated.

Mr. GARNER. If he desires to yield to my colleague from Texas [Mr. SLAYDEN] or the gentleman from Oklahoma, he can do so, to offer amendments, or discuss the bill, or otherwise conduct themselves, in his hour?

The SPEAKER. Within the hour they can debate this ques tion. Without the previous question being moved, they could do so for the next 10 weeks. [Laughter.]

Mr. MANN. If he yields to anybody to offer an amendment, he loses the floor thereby.

Mr. HOUSTON. I want to make this statement now, in order to be candid and fair. I have no disposition to cut off debate or opportunity for amendment. I may want to move the previous question later on, in order to close the debate. Now a

parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. I can yield time out of my hour?

The SPEAKER. For debate.

Mr. HOUSTON. After amendments are offered, have I lost the hour?

The SPEAKER. The gentleman from Illinois [Mr. MANN] just warned the gentleman. The gentleman probably did not hear him, and the Chair will state it over again. If the gentleman from Tennessee yields the floor for amendments, he loses the floor. He can yield for debate but not for amendments.

Mr. SLAYDEN. Mr. Speaker, how much time has the gentleman to permit full discussion of the bill?

Mr. HOUSTON. I am willing to make it an hour on a side, or half an hour

Mr. FITZGERALD. Mr. Speaker, as the naval appropria-tion bill is ready and the committee is ready to take it up, I

raise the question of consideration.

The SPEAKER. The gentleman from New York raises the question of consideration, and the question is whether the House will now consider that bill. Those in favor will say aye"; those opposed "no."

The question was taken, and the Speaker announced that the

noes seemed to have it.

Mr. GARNER. A division, Mr. Speaker.

The SPEAKER. A division is demanded. Those in favor of considering this Alaskan bill at the present time will rise and stand until they are counted. [After counting.] Eightyfour gentlemen have risen.

Mr. CANNON. Mr. Speaker, a parliamentary inquiry. The SPEAKER. The gentleman will state it.

Mr. CANNON. If the House should refuse to consider this bill and should proceed to the consideration of the naval appropriation bill, on the completion of that bill would it be in order then to call up this bill?

The SPEAKER. The Chair thinks it could be called by this process, by which it has been called up this morning.

Mr. FITZGERALD. I ask unanimous consent that I may make a personal statement for two minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for two minutes. Mr. BURNETT. Mr. Speaker, we were dividing, as I understand. I make the point of order that that would not be in

order. Mr. FITZGERALD. Let me explain the situation.

The SPEAKER. Does the gentleman from Alabama object? Mr. BURNETT. I object.

The SPEAKER. The gentleman from Alabama objects. Those opposed to the consideration of this bill will rise and stand until they are counted. [After counting.] On this vote the ayes are 84 and the noes are 64.

Mr. GALLIVAN. Mr. Speaker, I make the point of order

that there is no quorum present.

Mr. MOORE of Pennsylvania. I make the point that there

is no quorum present.

The SPEAKER. The gentleman from Massachusetts [Mr. GALLIVAN] makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and eighty-six gentlemen are present, not a quorum. Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of considering this bill at this time when their names are called will answer "yea"; those opposed will answer "nay."

Mr. BRITTEN. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. BRITTEN. If the nays are successful on this roll call,

will the naval bill then be in order?

The SPEAKER. It will. The Clerk will call the roll.

The question was taken; and there were—yeas 240, nays 104, answered "present" 1, not voting 88, as follows: VEAS 240

1.04	413 4TU-	
Candler, Miss. Caraway Carlin Carter, Okia. Chiperfield Church Cline Colleman Collier Connelly Cooper, Ohio Cooper, W. Va. Cooper, W. Va. Cooper, Wis. Copley Cox	Dickinson Dies Dill Dill Dillon Dixon Doclittle Doremus Dowell Drukker Dunn Edwards Ellsworth Elston Emerson Esch	Foster Freeman Fuller Gandy Garner Garrett Glass Good Goodwin, Ark. Gray, Ala. Gray, Ind. Green, Iowa Greene, Vt. Gregg Hadley Hamilton Mich
Cooper, Wis. Copley Cox Cramton	Emerson Esch Evans	Greene, Vt. Gregg Hadley Hamilton, Mich
Curry Dale, Vt. Davis, Tex. Decker	Ferris Fess Fields Flood	Hamilton, N. Y. Hamilin Hardy Harrison, Miss, Harrison, Va. Hastings
	Candler, Miss. Caraway Carlin Carter, Okia. Chiperfield Church Cline Colleman Collier Connelly Cooper, W. Va. Cooper, W. Va. Cooper, Wis. Copley Cox Cramton Crisp Curry Dale, Vt. Davis, Tex.	Caraway Carlin Carter, Okla. Chiperfield Dixon Church Cline Coleman Collier Cooper, Ohio Cooper, W. Va. Cooper, W. Va. Cooper, W. Va. Cooper, W. Va. Corisp Cramton Crisp Cramton Curry Cu

	La Follette Langley	Peters Porter	Stephens, Nebr. Stephens, Tex
Hayden	Lee	Powers ,	Sterling
Heflin Helgesen	Lenroot Lever	Pratt Quin	Stout
Helm -	Lewis	Ragsdale	Sumners
Helvering	Lieb	Rainey	Sweet
Hensley	Lindbergh	Raker	Taggart
Hernandez Hicks	Littlepage Lloyd	Ramseyer Randall	Taylor, Ark. Taylor, Colo.
Hilliard	Lobeck	Rauch	Temple
Holland	McClintie	Rayburn	Thomas
Hollingsworth Hood	McCracken McFadden	Ricketts Rubey	Thompson Tillman
Hopwood	McGillicuddy	Rucker, Ga.	Timberlake
Houston	McKellar	Rucker, Mo.	Tinkham
Howard Huddleston	McLaughlin	Russell, Mo.	Towner
Hughes	Mapes Mays	Saunders Scott, Mich.	Venable Vinson
Hull, Tenn.	Miller, Del.	Sears	Volstead
Jumphreys, Miss	. Miller, Pa.	Sells	Walker
Tutchinson Tacoway	Mondell Montague	Shackleford Shallenberger	Walsh Wason
lames	Moon	Shouse	Watkins
ohnson, Ky.	Morgan, La.	Sims	·Watson, Va.
ohnson, Wash.	Morgan, Okla.	Sinnott	Webb
Cearns Ceating	Morrison Murray	Sisson Slemp	Whaley Wheeler
Keister	Neely	Sloan	Williams, T. S.
Kelley	Nicholis, S. C.	Smith, Idaho	Williams, Ohio
Kennedy, Iowa	North	Smith, Mich.	Williams, Ohio Wilson, Fla.
Kent Kettner	Norton Oldfield	Smith, Tex. Snell	Wilson, Ill.
dess, Pa.	Oldneid	Steagull	Wilson, La. Wingo
Kincheloe	Padgett	Stedman	Woods, Iowa
Cinkaid	Page, N. C. Park	Steele, Iowa	Woodyard
Citchin Creider	Park Parker, N. Y.	Steenerson Steeners Miss	Young, N. Dak. Young, Tex.
- Citaba		Stephens, Miss. YS 104.	Toung, Ita.
llen	20 00		Pon
Allen Ashbrook	Dupré Eagan	Lazaro Lehlbach	Pou Reilly
Bailey	Eagle	Lesher	Riordan
Britten	Estopinal	McAndrews	Roberts, Mass.
Browning Buchanan III	Farley	McArthur McDermott	Roberts, Nev.
Buchanan, Ill. Burgess	Fitzgerald Flynn	McLemore	Rogers Rouse
Burke	Fordney	Madden	Rowland
Caldwell	Foss	Magee	Sabath
Cannon Cantrill	Gallagher Gallivan	Maher	Schall
Capstick	Gardner	Mann Martin	Sherley Sherwood
Carter, Mass.	Garland	Meeker	Slayden
Cary	Glynn	Moore, Pa.	Slayden Smith, N. Y.
lasey	Godwin, N. C.	Moores, Ind.	Snyder
Chandler, N. Y. Charles	Gordon Gould	Morin Mott	Stafford Steele, Pa.
Coady	Gray, N. J.	Nichols, Mich.	Stiness
rago	Greene, Mass.	Nolan	Stone
rosser	Griffin	Oakey	Tague Talbott
Cullop Canforth	Haskell Hull, Iowa	O'Shaunessy	Tilson
	Igoe	Overmyer	Treadway
Darrow	YF-1-	Parker, N. J.	Ward
Davis, Minn.	Kahn		Watson, Pa.
Davis, Minn. Dempsey	Kennedy, R. I.	Phelan	
Davis, Minn. Dempsey	Kennedy, R. I. Key, Ohio	Platt	Wood, Ind.
Davis, Minn. Dempsey	Kennedy, R. I. Key, Ohio ANSWERED	Platt "PRESENT"—1.	
Davis, Minn. Dempsey	Kennedy, R. I. Key, Ohio ANSWERED L	Platt "PRESENT"—1. ondon	
Davis, Minn. Dempsey Dewalt	Kennedy, R. I. Key, Ohio ANSWERED L NOT V	Platt "PRESENT"—1. ondon OTING—88.	Wood, Ind.
Davis, Minn. Dempsey Dewalt	Kennedy, R. I. Key, Ohio ANSWERED L	Platt "PRESENT"—1. ondon	
Davis, Minn. Dempsey Dewalt Liken Bacharach Barchfeld	Kennedy, R. I. Key, Ohio ANSWERED L NOT Vo Doughton Driscoll Dyer	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop	Wood, Ind. Rodenberg Rowe Russell, Ohio
olempsey Dempsey Dewalt diken Sacharach Barchfeld Beakes	Kennedy, R. I. Key, Ohio ANSWERED L NOT V Doughton Driscoll Dyer Edmonds	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean	Rodenberg Rowe Russell, Ohio Sanford
lavis, Minn. Dempsey Dewalt Liken Barchfeld Beakes Beales	Kennedy, R. I. Key, Ohio ANSWERED L NOT V Doughton Driscoil Dyer Edmonds Fairchild	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa.
oavis, Minn. Dempsey Dewalt Liken Lacharach Lachfeld Leakes Leales Leales	Kennedy, R. I. Key, Ohio ANSWERED L NOT V Doughton Driscoll Dyer Edmonds Fairchild Frear Gard	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel Linthicum Loft	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Siegel
oavis, Minn. Dempsey Dewalt liken sacharach sachfeld seakes seales Bell senedict	Kennedy, R. I. Key, Ohio ANSWERED L NOT Vo Doughton Driscoil Dyer Edmonds Fairchild Frear Gard Gillett	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel Linthicum Loft Longworth	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Slegel Small
olempsey Dempsey Dewalt diken Sacharach Sacharach Sachfeld Seakes Seales Sell Senedict Sennet Sowers	Kennedy, R. I. Key, Ohlo ANSWERED L NOT V Doughton Driscoll Dyer Edmonds Falrchild Frear Gard Gillett Graham	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel Linthicum Loft Longworth Loud	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Siegel Small Smith, Minn.
lavis, Minn. Dempsey D	Kennedy, R. I. Key, Ohlo ANSWERED L NOT V Doughton Driscoll Dyer Edmonds Fairchild Frear Gard Gillett Graham Griest	Platt "PRESENT"—1. ondon OTING—88. Jones King Konep Lafean Liebel Linthicum Loft Longworth Loud McCulloch	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Siegel Small Smith, Minn. Sparkman
diken ciken ciken ciken cicken	Kennedy, R. I. Key, Ohlo ANSWERED L NOT V Doughton Driscoll Dyer Edmonds Fairchild Frear Gard Gillett Graham Griest Guernsey Hamill	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel Linthicum Loft Longworth Loud McCulloch McKenzie McKinley	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Siegel Small Smith, Minn. Sparkman Sutherland Swift
olempsey Dempsey Demps	Kennedy, R. I. Key, Ohlo ANSWERED L NOT V Doughton Driscoll Dyer Edmonds Fairchild Frear Gard Gillett Graham Griest Guernsey Hamill Hart	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel Linthicum Loft Longworth Loud McCulloch McKenzie McKinley Matthews	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Slegel Small Smith, Minn. Sparkman Sutherland Swift Swift Switzer
ciken ciken cacharach cacharach cacharach cacharach cacharach cached cackes cales cales cales cales canet connet c	Kennedy, R. I. Key, Ohlo ANSWERED L NOT V Doughton Driscoll Dyer Edmonds Falrchild Frear Gard Gillett Graham Griest Guernsey Hamill Hart Hayes	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel Linthicum Loft Longworth Loud McCulloch McKenzie McKinley Matthews Miller, Minn.	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Slegel Small Smith, Minn. Sparkman Sutherland Swift Switzer Tavenner
avis, Minn. Dempsey De	Kennedy, R. I. Key, Ohio ANSWERED L NOT V Doughton Driscoll Dyer Edmonds Fairchild Frear Gard Gillett Graham Griest Guernsey Hamill Hart Hayes Heaton	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel Linthicum Loft Longworth Loud McCulloch McKenzie McKinley Matthews Miller, Minn. Mooney	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Siegel Small Smith, Minn. Sparkman Sutherland Swift Switzer Tavenner Van Dyke
avis, Minn. Dempsey De	Kennedy, R. I. Key, Ohlo ANSWERED L NOT V Doughton Driscoll Dyer Edmonds Fairchild Frear Gard Gillett Graham Griest Guernsey Hamill Hart Hayes Heaton Henry Hill	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel Linthicum Loft Longworth Loud McCulloch McKenzie McKinley Matthews Miller, Minn. Mooney Moss Mudd	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Siegel Small Smith, Minn. Sparkman Sutherland Swift Switzer Tavenner Van Dyke Vare Williams, W. E.
diken claiment diken claiment diken claiment diken claiment diken claiment diken claiment comment comm	Kennedy, R. I. Key, Ohlo ANSWERED L NOT V Doughton Driscoll Dyer Edmonds Fairchild Frear Gard Gillett Graham Griest Guernsey Hamill Hart Hayes Heaton Henry Hill Hinds	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel Linthicum Loft Longworth Loud McCulloch McKenzie McKinley Matthews Miller, Minn. Mooney Moss Mudd Nelson	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Siegel Small Smith, Minn. Sparkman Sutherland Swift Switzer Tavenner Van Dyke Vare Williams, W. E. Winslow
diken dacharach darchfeld deakes deales dell deakes deales dell deakes denedict dennet dowers druckner	Kennedy, R. I. Key, Ohlo ANSWERED L NOT V Doughton Driscoll Dyer Edmonds Falrchild Frear Gard Gillett Graham Griest Guernsey Hamill Hart Hayes Heaton Henry Hill Hinds Howell	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel Linthicum Loft Longworth Loud McCulloch McKenzie McKinley Matthews Miller, Minn. Mooney Moss Mudd Nelson Oglesby	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Siegel Small Smith, Minn. Sparkman Sutherland Swift Switzer Tavenner Van Dyke Vare Williams, W. E.
oliken clacker	Kennedy, R. I. Key, Ohlo ANSWERED L NOT V Doughton Driscoll Dyer Edmonds Falrchild Frear Gard Gillett Graham Griest Guernsey Hamill Hart Hayes Heaton Henry Hill Hinds Howell	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel Linthicum Loft Longworth Loud McCulloch McKenzie McKinley Matthews Miller, Minn. Mooney Moss Mudd Nelson Oglesby	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Siegel Small Smith, Minn. Sparkman Sutherland Swift Switzer Tavenner Van Dyke Vare Williams, W. E. Winslow
oliken Gacharach Bacharach Barchfeld Backes Beales Bell Bennet Bowers Brunchner Brumbaugh Buchanan, Tex. Callaway Campbell Carew Clark, Fla. Conry Costel'o Cale, N. Y. Callinger Cavenport Conty Costel'o	Kennedy, R. I. Key, Ohlo ANSWERED L NOT VI Doughton Driscoll Dyer Edmonds Fairchild Frear Gard Gillett Graham Griest Guernsey Hamill Hart Hayes Heaton Henry Hill Hinds Howell Hulbert Humphrey, Wasi	Platt "PRESENT"—1. ondon OTING—88. Jones King Konep Lafean Liebel Linthicum Lott Longworth Loud McCulloch McKenzie McKinley Matthews Miller, Minn. Mooney Moss Mudd Nelson Oglesby Paige, Mass. h. Patten Price	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Siegel Small Smith, Minn. Sparkman Sutherland Swift Switzer Tavenner Van Dyke Vare Williams, W. E. Winslow
oliken cacharach	Kennedy, R. I. Key, Ohlo ANSWERED L NOT V Doughton Driscoll Dyer Edmonds Fairchild Frear Gard Gillett Graham Griest Guernsey Hamill Hart Hayes Heaton Henry Hill Hinds Howell Hulbert Humphrey, Was Johnson, S. Dak.	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel Linthicum Loft Longworth Loud McCulloch McKenzie McKinley Matthews Miller, Minn. Mooney Moss Mudd Nelson Oglesby Paige, Mass. h. Patten Price Reavis	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Siegel Small Smith, Minn. Sparkman Sutherland Swift Switzer Tavenner Van Dyke Vare Williams, W. E. Winslow
oliken claiken	Kennedy, R. I. Key, Ohlo ANSWERED L NOT V Doughton Driscoll Dyer Edmonds Fairchild Frear Gard Gillett Graham Griest Guernsey Hamill Hart Hayes Heaton Henry Hill Hulbert Humphrey, Was Husted Johnson, S. Dak e agreed to come	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel Linthicum Loft Longworth Loud McCulloch McKenzie McKinley Matthews Miller, Minn. Mooney Moss Mudd Nelson Oglesby Paige, Mass. Patten Price Reavis sider the bill.	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Siegel Small Smith, Minn. Sparkman Sutherland Swift Switzer Tavenner Van Dyke Vare Williams, W. E. Winslow
oliken sacharach sacharach sacharach sachfeld seakes seales sell senedict sennet sowers struckner struckne	Kennedy, R. I. Key, Ohlo ANSWERED L NOT VI Doughton Driscoll Dyer Edmonds Falrchild Frear Gard Gillett Graham Griest Guernsey Hamill Hart Hayes Heaton Henry Hill Hinds Howell Hulbert Humphrey, Was Husted Johnson, S. Dak. e agreed to com nnounced the fe	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel Linthicum Loft Longworth Loud McCulloch McKenzie McKinley Matthews Miller, Minn. Mooney Moss Mudd Nelson Oglesby Paige, Mass. h. Patten Price Reavis sider the bill. ollowing pairs:	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Slegel Small Smith, Minn. Sparkman Sutherland Swift Swiftzer Tavenner Van Dyke Vare Williams, W. E. Winslow Wise
oliken dacharach dacharach darchfeld deakes deales dell deakes deales dell deakes deales denedict dennet dowers druckner	Kennedy, R. I. Key, Ohlo ANSWERED L NOT VI Doughton Driscoll Dyer Edmonds Fairchild Frear Gard Gillett Graham Griest Guernsey Hamill Hart Hayes Heaton Henry Hill Hinds Howell Hulbert Humphrey, Wasi Husted Johnson, S. Dak. e agreed to commounced the form	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel Linthicum Loft Longworth Loud McCulloch McKenzie McKinley Matthews Miller, Minn. Mooney Moss Mudd Nelson Oglesby Paige, Mass. h. Patten Price Reavis sider the bill. ollowing pairs: IGE of Massachu	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Siegel Small Smith, Minn. Sparkman Sutherland Swift Switzer Tavenner Van Dyke Vare Williams, W. E. Winslow Wise
owis, Minn. Dempsey De	Kennedy, R. I. Key, Ohlo ANSWERED L NOT VI Doughton Driscoll Dyer Edmonds Fairchild Frear Gard Gillett Graham Griest Guernsey Hamill Hart Hayes Heaton Henry Hill Hinds Howell Hulbert Humphrey, Was Husted Johnson, S. Dak. e agreed to commounced the feer with Mr. Pa	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel Linthicum Loft Longworth Loud McCulloch McKenzie McKinley Matthews Miller, Minn. Mooney Moss Mudd Nelson Oglesby Paige, Mass. h. Patten Price Reavis sider the bill. ollowing pairs: IGE of Massachu th Mr. MILLER o	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Siegel Small Smith, Minn. Sparkman Sutherland Swift Switzer Tavenner Van Dyke Vare Williams, W. E. Winslow Wise
owis, Minn. Dempsey De	Kennedy, R. I. Key, Ohlo ANSWERED L NOT VI Doughton Driscoll Dyer Edmonds Fairchild Frear Gard Gillett Graham Griest Guernsey Hamill Hart Hayes Heaton Henry Hill Hinds Howell Hulbert Humphrey, Wasi Husted Johnson, S. Dak. e agreed to commounced the form	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel Linthicum Loft Longworth Loud McCulloch McKenzie McKinley Matthews Miller, Minn. Mooney Moss Mudd Nelson Oglesby Paige, Mass. h. Patten Price Reavis sider the bill. ollowing pairs: IGE of Massachu th Mr. MILLER o	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Siegel Small Smith, Minn. Sparkman Sutherland Swift Switzer Tavenner Van Dyke Vare Williams, W. E. Winslow Wise
onvis, Minn. Dempsey D	Kennedy, R. I. Key, Ohlo ANSWERED L NOT VI Doughton Driscoll Dyer Edmonds Fairchild Frear Gard Gillett Graham Griest Guernsey Hamill Hart Hayes Heaton Henry Hill Hinds Howell Hulbert Humphrey, Wasi Usted Johnson, S. Dak. e agreed to commounced the fe Er with Mr. PA LA WILLIAMS with Mr. RODENBI	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel Linthicum Loft Longworth Loud McCulloch McKenzie McKinley Matthews Miller, Minn. Mooney Moss Mudd Nelson Oglesby Paige, Mass. h. Patten Price Reavis sider the bill. bllowing pairs: IGE of Massachu th Mr. MILLER o	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Siegel Small Smith, Minn. Sparkman Sutherland Swift Switzer Tavenner Van Dyke Vare Williams, W. E. Winslow Wise
oliken sacharach sacharach sacharach sarchfeld seakes seales sell senedict sennet sowers struckner strumbaugh suchanan, Tex. 'allaway 'ampbell 'arew 'lalaway 'ostel'o bale, N. Y. ballinger avenport ent oooling So the Hous The Clerk at Mr. TAVENNI Mr. WISE WI Mr. WISE WI Mr. WISE WI Mr. AIKEN V	Kennedy, R. I. Key, Ohlo ANSWERED L NOT VI Doughton Driscoll Dyer Edmonds Falrchild Frear Gard Gillett Graham Griest Guernsey Hamill Hart Hayes Heaton Henry Hill Hulbert Humphrey, Wasi Husted Johnson, S. Dak e agreed to commounced the feer with Mr. Pa Law WILLIAMS with Mr. RODENBE	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel Linthicum Loft Longworth Loud McCulloch McKenzie McKinley Matthews Miller, Minn. Mooney Moss Mudd Nelson Oglesby Paige, Mass. h. Patten Price Reavis sider the bill. ollowing pairs: IGE of Massachu th Mr. MILLER of ERG. RACH.	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Slegel Small Smith, Minn. Sparkman Sutherland Swift Switzer Tavenner Van Dyke Vare Williams, W. E. Winslow Wise
onvis, Minn. Dempsey D	Kennedy, R. I. Key, Ohlo ANSWERED L NOT VI Doughton Driscoll Dyer Edmonds Fairchild Frear Gard Gillett Graham Griest Guernsey Hamill Hart Hayes Heaton Henry Hill Hinds Howell Hulbert Humphrey, Was Husted Johnson, S. Dak. e agreed to commounced the for ER with Mr. Pa LAA WILLIAMS WI tth Mr. RODENBI yith Mr. BACHA tth Mr. BARCHA	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel Linthicum Loft Longworth Loud McCulloch McKenzie McKinley Matthews Miller, Minn. Mooney Moss Mudd Nelson Oglesby Paige, Mass. h. Patten Price Reavis sider the bill. ollowing pairs: IGE of Massachu th Mr. MILLER of ERG. RACH.	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Siegel Small Smith, Minn. Sparkman Sutherland Swift Switzer Tavenner Van Dyke Vare Williams, W. E. Winslow Wise
oliken Gacharach Sarchfeld Sacharach Sarchfeld Seakes Seale Seales Sell Sowers Sruckner Brumbaugh Suchanan, Tex. Sallaway Sampbell Sarew Clark, Fla. Conry Costel'o Dale, N. Y. Dallinger Davenport Dent Dooling So the Hous The Clerk an Mr. Tavenni Mr. WM. ELZ Mr. WISE Wi Mr. BELL Wi Mr. BELL Wi Mr. BELL Wi	Kennedy, R. I. Key, Ohlo ANSWERED L NOT VI Doughton Driscoll Dyer Edmonds Fairchild Frear Gard Gillett Graham Griest Guernsey Hamill Hart Hayes Heaton Henry Hill Hinds Howell Hulbert Humphrey, Was Husted Johnson, S. Dak. e agreed to commounced the form of	Platt "PRESENT"—1. ondon OTING—88. Jones King Konep Lafean Liebel Linthicum Loft Longworth Loud McCulloch McKenzie McKinley Matthews Miller, Minn. Mooney Moss Mudd Nelson Oglesby Paige, Mass. h. Patten Price Reavis Sidler the bill. billowing pairs: IGE of Massachu ith Mr. MILLER of ERG. RACH. ELD. WERS.	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Siegel Small Smith, Minn. Sparkman Sutherland Swift Switzer Tavenner Van Dyke Vare Williams, W. E. Winslow Wise
owis, Minn. Dempsey De	Kennedy, R. I. Key, Ohlo ANSWERED L NOT VI Doughton Driscoll Dyer Edmonds Fairchild Frear Gard Gillett Graham Griest Guernsey Hamill Hart Hayes Heaton Henry Hill Hinds Howell Hulbert Humphrey, Was Husted Johnson, S. Dak. e agreed to commounced the fe fre with Mr. Pa LA WILLIAMS wi th Mr. RODENBI vith Mr. BACHA th Mr. BOAN of Texas wi	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel Linthicum Loft Longworth Loud McCulloch McKenzie McKinley Matthews Miller, Minn. Mooney Moss Mudd Nelson Oglesby Paige, Mass. h. Patten Price Reavis sider the bill. bllowing pairs: IGE of Massachu th Mr. MILLER o ERG. RACH. ELD. WWERS. tth Mr. COSTELLO	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Slegel Small Smith, Minn. Sparkman Sutherland Swift Switzer Tavenner Van Dyke Vare Williams, W. E. Winslow Wise
liken lacharach	Kennedy, R. I. Key, Ohlo ANSWERED L NOT VI Doughton Driscoll Dyer Edmonds Fairchild Frear Gard Gillett Graham Griest Guernsey Hamill Hart Hayes Heaton Henry Hill Hinds Howell Hulbert Humphrey, Was Husted Johnson, S. Dak. e agreed to commounced the for the commounced the form the commounced the form with Mr. Pa A WILLIAMS with Mr. Pa A WILLIAMS with Mr. Bochak th Mr. BACHA th Mr. BACHA th Mr. BACHA th Mr. BACHA an of Texas with Mr. Da An of Texas with Mr. Da An of Texas with Mr. Da	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel Linthicum Loft Longworth Loud McCulloch McKenzie McKinley Matthews Miller, Minn. Mooney Moss Mudd Nelson Oglesby Paige, Mass. h. Patten Price Reavis sider the bill. bllowing pairs: IGE of Massachu th Mr. MILLER o ERG. RACH. ELD. WWERS. tth Mr. COSTELLO	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Siegel Small Smith, Minn. Sparkman Sutherland Swift Switzer Tavenner Van Dyke Vare Williams, W. E. Winslow Wise
diken sacharach sacharach sacharach sarchfeld seakes seales sell senedict sennet sowers struckner struckne	Kennedy, R. I. Key, Ohlo ANSWERED L NOT VI Doughton Driscoll Dyer Edmonds Fairchild Frear Gard Gillett Graham Griest Guernsey Hamill Hart Hayes Heaton Henry Hill Hulbert Humphrey, Was Howell Hulbert Humphrey, Was Howell Hulbert Humphrey, Was Howell Hulbert Humphrey, Was Howell Humbert Humphrey, Was Howell Humphrey, Was How	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel Linthicum Loft Longworth Loud McCulloch McKenzie McKinley Matthews Miller, Minn. Mooney Moss Mudd Nelson Oglesby Paige, Mass. h. Patten Price Reavis sider the bill. ollowing pairs: IGE of Massachu th Mr. Miller o ERG. RACH. ELD. WERS. ith Mr. COSTELLO LILLINGER.	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Siegel Small Smith, Minn. Sparkman Sutherland Swift Switzer Tavenner Van Dyke Vare Williams, W. E. Winslow Wise
ciken cacharach	Kennedy, R. I. Key, Ohlo ANSWERED L NOT VI Doughton Driscoll Dyer Edmonds Fairchild Frear Gard Gillett Graham Griest Guernsey Hamill Hart Hayes Heaton Henry Hill Hinds Howell Hulbert Humphrey, Was Husted Johnson, S. Dak. e agreed to commounced the for the commounced the form with Mr. Pacha A WILLIAMS with Mr. Rodennel With Mr. Bacha th Mr. Bacha	Platt "PRESENT"—1. ondon OTING—88. Jones King Konop Lafean Liebel Linthicum Loft Longworth Loud McCulloch McKenzie McKinley Matthews Miller, Minn. Mooney Moss Mudd Nelson Oglesby Paige, Mass. h. Patten Price Reavis sider the bill. ollowing pairs: IGE of Massachu th Mr. Miller o ERG. RACH. ELD. WERS. ith Mr. COSTELLO LILLINGER.	Rodenberg Rowe Russell, Ohio Sanford Scott, Pa. Scully Siegel Small Smith, Minn. Sparkman Sutherland Swift Switzer Tavenner Van Dyke Vare Williams, W. E. Winslow Wise

Mr. Dooling with Mr. Hill. Mr. Doughton with Mr. Hinds.

Mr. GARD with Mr. HOWELL. Mr. HAMILL with Mr. HULL of Iowa, Mr. HART with Mr. HUSTED. Mr. HULBERT with Mr. KING. Mr. Jones with Mr. LAFEAN. Mr. Konop with Mr. Longworth.
Mr. Liebel with Mr. Mudd.
Mr. Moss with Mr. McCulloch.
Mr. Oglesby with Mr. McKenzie. Mr. Price with Mr. Winslow. Mr. Sparkman with Mr. Sutherland. Mr. HENRY with Mr. MOONEY. Mr. GARRETT with Mr. CAMPBELL. Mr. LINTHICUM with Mr. HUMPHREY of Washington. Mr. Patten with Mr. Beales,
Mr. Liebel with Mr. Frear,
Mr. Clark of Florida with Mr. Fairchild.
Mr. Davenport with Mr. Graham. Mr. Scully with Mr. Griest. Mr. Loft with Mr. Guernsey.
Mr. Beakes with Mr. Bennet.
Mr. Brumbaugh with Mr. Johnson of South Dakota.
Mr. Van Dyke with Mr. Heaton. Mr. Driscoll with Mr. McKinley.

The result of the vote was announced as above recorded. The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors. The House determines to consider this Alaskan bill at this time. Mr. HOUSTON. Mr. Speaker, I stated to the House that I was willing to have some time for the discussion of this matter and would not make any attempt to cut off amendments. want to be perfectly candid and frank and to say to the House that I do not feel as generous in regard to that matter now: the parliamentary situation has changed from what I expected, and, after all, I do not feel that that is necessary.

This is a bill to prohibit the manufacture and sale of alcoholic liquors in the Territory of Alaska, and for other purposes. In 1915 the Territorial Legislature of Alaska passed an act submitting to the voters of the Territory for them to determine the question whether they wanted to prohibit the manufacture and sale of alcoholic liquors. That election was held on the 7th of November last, and as a result of it the voters of Alaska by a majority of 3,527, or by a vote of almost 2 to 1, voted in favor of prohibiting the manufacture and sale of alcoholic drinks in

Mr. BUTLER. Will the gentleman yield?
Mr. HOUSTON. I do not yield for the present. The people of Alaska having voted on this question, and having spoken in no uncertain terms in regard to their wishes in the matter, the Delegate from Alaska [Mr. Wickersham] introduced into this House a bill for the purpose of carrying out the wishes and views of the people as expressed in that election. This bill was worked upon by the Committee on the Territories and considered at some length. We had hearings, having before and considered at some length. We had hearings, having before us different people from Alaska. We had before us members of the legislature of that Territory. All of them approved this bill. We have letters from the governor of Alaska approving this bill. So far as we get it, the almost unanimous expression that we have received from the Territory of Alaska is in favor of this bill.

Mr. MANN. Will the gentleman yield for a question?

Mr. HOUSTON. Yes.
Mr. MANN. The House bill, substantially similar to the Senate bill now under consideration, was introduced by the Delegate from Alaska [Mr. WICKERSHAM]? Mr. HOUSTON. Yes.

Mr. MANN. And reported to the House substantially without any change whatever-a slight change of the verbiage in one

Mr. HOUSTON. Does the gentleman mean reported to the House without change from the form in which it was introduced?

Mr. MANN.

Mr. HOUSTON. Oh, no. It was changed in many respects.

Mr. MANN. The bill that was reported to the House?

Mr. HOUSTON. Yes. That bill was considered by the Committee on the Territories for a number of days, and quite a number of amendments were made, and after we had perfected the bill there were so many changes in it that we thought it better that it should be reintroduced, so the Delegate from Alaska reintroduced the bill in form in which it had been perfected by the committee.

Mr. MANN. The Delegate introduced the bill that was reported to the House by the committee, and I assume took the responsibility of being in favor of the bill which he introduced, Mr. HOUSTON. I think that is a very fair presumption.

Mr. MANN. So that the bill as it now comes before the House received in advance the approval of the Delegate from Alaska by the introduction by him of the House bill that was reported to the House by the committee. That is correct, is it

Mr. HOUSTON. If I follow the gentleman correctly, that is right.

Mr. MANN. So that if anybody is to be criticized, it will be the Delegate from Alaska, who will have to take his chances before the people of Alaska.

Mr. HOUSTON. Yes; and I think the Delegate may felicitate himself upon the fact that, judging from the expressions of opinion and the reports that have come from Alaska, the people there are heartily in accord with him and in full sym-

pathy with this measure. [Applause.]

Mr. SMITH of New York. Will the gentleman yield?

Mr. HOUSTON. I prefer not to yield just now. I want to call attention to the fact that this bill is what is called a bone-dry

It is a bill to prevent the manufacture and sale of intoxicating liquors in the Territory of Alaska. I believe that this bill will accomplish that purpose. I believe it will prevent the manufacture and sale, and that is a very important thing for that Territory. Its provisions may be considered drastic somewhat, but they are complete and ample to carry out the pur-poses of real and genuine prohibition. It is not subject to the criticism that is often made against prohibition measures and prohibitionists that they are in favor of prohibition that will prohibit the poor man, the man without means, from getting intoxicating liquor, but that the man with money, the man with ample wealth, can secure transportation and get it. This bill absolutely applies the same rule to all and one alike—the man who loves liquor and is able to get it shipped to him and the men who are not able to do this are put upon the same footing. The man who sends to another State to get his liquor can not exercise that privilege in Alaska because the provisions of the bill prevent it.

Among the provisions in this bill are many similar to the prohibition laws of the State of Idaho. Several sections are similar to the sections in what is known as the Sheppard bill lately passed by the Senate. you may call a bone-dry bill. Take it all together, it is what

I want to call attention to some of the evidence we had in support of this by the people of Alaska. I call attention to a letter signed by a senator of the Territorial legislature, and also by a member of the house of representatives in the Territorial legislature. I shall not take the time to read these letters, but I will ask that they be inserted as part of my remarks.

The letter is as follows:

WASHINGTON, D. C., February 1, 1917.

Hon. W. C. Houston, Chairman Committee on Territories, House of Representatives.

Chairman Committee on Territories, House of Representatives.

Deár Sir: We, the undersigned members of the Legislature of Alaska, being in Washington, respectfully urge upon you the immediate passage of the prohibition law for Alaska. We have examined the bill which has just passed the Senate, S. 7963, and we approve it, and we think the people of Alaska are in favor of a bone-dry prohibition law, such as this is, and we earnestly recommend its passage by the House of Representatives. The vote was not so much against saloons in Alaska as it was against alcoholic liquor.

Respectfully,

DAN A. SUTHERLAND.

DAN A. SUTHERLAND,
Member of the Territorial Senate.
JAMES P. DALY,
Member of the Territorial Legislature.

We also had letters from the governor, and we had members of the Territorial senate before the committee when we were having hearings in this case. We had before us some of the temperance workers and speakers who canvassed the Territory of Alaska before the election November 7, 1916. Some ladies were before the committee who were interested in this work and are very familiar with conditions up there, and who say they know the sentiment of the people, and that they indorse this bill.

Mr. GORDON. Will the gentleman yield?
Mr. HOUSTON. Certainly.
Mr. GORDON. Who fixes the qualifications of the voters in

Mr. HOUSTON. The qualifications are fixed by Congress.

Mr. GORDON. Do both men and women vote up there? Mr. HOUSTON. Yes.

What was the total vote in the election? Mr. GORDON.

Mr. HOUSTON. It was almost two to one. I quoted the numbers a little while ago.

Mr. GORDON. That is, the vote of men and women in the Territory.

Mr. HOUSTON. The vote was 7,958 dry and 4,431 wet, and that was a very large vote.

Mr. GALLAGHER. How many of those votes were cast by

Mr. HOUSTON. I can not tell the gentleman, but it was the largest vote ever polled in the Territory of Alaska.

Mr. FESS. Will the gentleman yield?

Mr. HOUSTON. I will.

Mr. FESS. Under the present law, could the wish of the people of Alaska, as expressed in the election, be carried into

effect without this legislation?

Mr. HOUSTON. I am glad the gentleman asked that question. I was just coming to it. Under the organic law passed by Congress the question of regulating the traffic and sale of alcoholic liquors is reserved to Congress. Here is a section that I will give from the organic act:

Nor shall intoxicating liquor be manufactured or sold except under such regulations and restrictions as Congress shall provide.

The people of Alaska are looking for Congress to pass this legislation. They are anxious to have this legislation. It was submitted to them on the 7th of November, at the time of the general election. They got an expression from the people of Alaska, and now they expect Congress to give them the legislation.

Mr. LANGLEY. Will the gentleman yield?
Mr. HOUSTON. Yes.
Mr. LANGLEY. The gentleman says this is the largest vote ever cast in Alaska; does he happen to know what the vote was

for the Delegates to Congress?

Mr. HOUSTON. I do not; but there is a statement in the hearings that this is the largest vote ever cast, and I take it that it is true

Mr. MADDEN. Will the gentleman from Tennessee yield? Mr. HOUSTON. I will.

Mr. MADDEN. The organic act provides that intoxicating liquor can not be manufactured or sold in the Territory of Alaska without the authority of law enacted by Congress. Have they the authority now for the manufacture and sale of intoxicating liquor?

Mr. HOUSTON. Yes; they have. Congress authorized the sale and provided a license system by taxation and the right to run open saloons in Alaska as they do at the present time. These people can not secure legislation on the subject, and they look to Congress to give them the relief, and it is now up to Congress.

I want to call attention to one feature of the bill which I am not going to discuss, but to which the committee gave careful consideration and which was considered in the Senate. Before I get to that, I desire to say a word in behalf of this being a "bone-dry" bill, so called. A very large number of the inhabitants of the Territory of Alaska are Indians, almost half of them-not half now, but up to two or three years ago about half-a people that it was thought needed the benefit of prohibitory laws more especially than did the white people, just as it was considered by this Government and by Congress that the Indians who lived in the Indian Territory needed drastic provisions and stricter regulations to prevent them from having liquor, and Congress did prevent liquor going in there. These people are up there and they are at the mercy of the liquor seller. including the blind tiger and the wildcatter, and this bill seeks to so fix it and safeguard it that these methods shall cease, so that the Indians can not be victimized and wronged as they have been to such a great extent by those who for the mere love of money and the profit they can make have been willing to make brutes and beasts of the native Indian for the lucre they got out of it.

Mr. SABATH. Mr. Speaker, will the gentleman yield? Mr. HOUSTON. Not now. Mr. SABATH. I desire to ask a question for information. Mr. HOUSTON. Not now. I want to get through with another statement that I have in mind. I want to take up now the question of the liquors that shall be excluded. This excludes all alcoholic liquors, attempting to cover the field widely. It has been a very difficult matter to establish standards and set a rule that would enable the prohibitory laws to accomplish the end in view, so that it can not be evaded one way or the other. For instance, take the use of patent medicines. They have been resorted to and have been used as a substitute for liquor, and it has been difficult to establish a rule that would prevent their use.

We had a provision in the bill that none of that kind of medicine containing a certain percentage of alcohol should be shipped into Alaska. Upon careful consideration and consultation with the experts from the Pure Food Bureau and from the Chemical Department of the Agricultural Department and with the Chief of the Law Division of the Internal-Revenue Bureau we have,

we think, solved the question. I believe we have a classification that will come nearer to covering this than has been found elsewhere, and that is expressed in the words "including all alcoholic compounds classed by the United States Internal-Revenue Bureau as compound liquor."

Mr. SLAYDEN. Mr. Speaker, is the gentleman reading from

the bill?

Mr. HOUSTON. Yes; from page 2, at the end of the second That is a classification that I believe will fix it so that it will be easily determined when parties have offended against the law, when they have transported or sold liquor in violation of the law.

Mr. SLAYDEN. Mr. Speaker, will the gentleman yield?

Mr. HOUSTON. Not now.

Mr. SLAYDEN. I do not want to interrupt the gentleman, but I want to ask a question about the bill. As I understand it, we are considering S. 7963, but that is not the bill the gentleman is reading from.

Mr. HOUSTON. I am reading from S. 7963 as it was passed

by the Senate and sent to the Speaker's table.

Mr. HAMLIN. Mr. Speaker, in explanation to the gentleman from Texas [Mr. Slayden] I might state that the Senate and our committee amended the bill the gentleman has before him in the particular to which the chairman refers.

Mr. SLAYDEN. I do not find any reference to it. Mr. HOUSTON. Mr. Speaker, liquors that are classed as compound liquors by the Internal-Revenue Bureau are liquors upon which the Internal-Revenue Department will levy a license We have a provision that covers that case fully. prietary or patent medicines, or any medicine in which is allowed the use of alcohol as a preservative or as a solvent, as fixed by the United States Pharmacopæia, providing that in every ounce of the mixture there shall be a dose of medicine of some valuable drug for an adult person. That is the kind that Medicines other than that, that have liquors in them, as classified as alcoholic compounds, and are taxed when being sold, and that gives us not only a good classification but it gives us the benefit and the aid of the Internal-Revenue Department in order to fix it and to prevent the sale of these prohibited

Mr. SAUNDERS. Mr. Speaker, will the gentleman yield?

Mr. HOUSTON. Yes.

Mr. SAUNDERS. I have often heard the statement made on the floor of this House by gentlemen opposing legislation of this character, that they would be for a prohibition bill that prohibited. I understand from what the gentleman has stated here that the gentlemen who are looking for a bill of that character will find it in this particular measure.

Mr. HOUSTON. There is no doubt about that.
Mr. SAUNDERS. So that we can have universal support of

Mr. HOUSTON. Men who want a bill that will prohibit I think will find the article they are hunting for in this measure.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. HOUSTON. Yes.

Mr. SABATH. Is there any provision in this bill that pro-hibits the importation into Alaska of any liquor?

Mr. HOUSTON. Yes; that is prohibited.
Mr. SABATH. Under the bill you can not bring it in in any Way?

Mr. HOUSTON. No; you can not make it there or have it in your possession, only as provided in this bill for medical purposes and for scientific and sacramental purposes.

Mr. SABATH. Then it is all right.

Mr. IGOE. Mr. Chairman, the committee in reporting this bill to the House, and the chairman in speaking of it, states that the people of Alaska have voted for this measure. Is it not true that the measure submitted to the vote of the people of Alaska was for the prohibition of the manufacture and sale and the denial of licenses for that purpose, and has not the committee brought in here a different bill from that for which the people of Alaska voted?

Mr. HOUSTON. I think we have brought in a bill here that will accomplish the purpose for which they voted. They voted to prohibit the manufacture and sale of whisky. will do it, and that is an answer to the question. [Applause.]

Mr. IGOE and Mr. LANGLEY rose.

The SPEAKER. To whom does the gentleman yield? Mr. HOUSTON. To the gentleman from Missouri.

Mr. IGOE. The act which was submitted provided that if the people voted dry that no wholesale or retail liquor license shall be issued for the sale, manufacture, barter, or exchange. Now, that was the question they voted upon.

Mr. HOUSTON. That was the question as was recited in the caption of the act. In order to carry out that purpose they have prepared a bill to do that, and, as I stated, the bill might appear to be very drastic, and it is, but it is the interpretation of their action that those representing them have given it. Now, I can not yield any longer. I want to say, Mr. Speaker, that I am willing to yield a portion of my time for discussion to other Members. I am willing to yield to those who are opposed to the measure.

Will the gentleman yield? Mr. LANGLEY.

Mr. HOUSTON. Does the gentleman want some time? Mr. LANGLEY. I just wanted to inquire what is meant by Is that a prohibition bill which actually probone-dry." hibits?

Mr. HOUSTON. That is what the bill endeavors to do. Mr. LANGLEY. That is what is meant by a "bone-dry" bill? I wanted to know.

Mr. JOHNSON of Kentucky. Mr. Speaker, I would like to ask the gentleman what be means by "pure" alcohol?

Mr. HOUSTON. As I understand it, that is grain alcohol, ethyl alcohol; but I am not an expert upon the classification.

Mr. JOHNSON of Kentucky. If I am correctly informed,

there is no such thing as pure alcohol.

Mr. HOUSTON. As I understand it, the term used is in

distinction from wood or methyl alcohol.

Mr. JOHNSON of Kentucky. The gentleman permits the use of pure alcohol and speaks of pure alcohol in many places in the bill. I would suggest for the purpose of perfecting the bill that wherever this word "pure" appears that he use the word ethyl" and that will correct it.

Mr. HOUSTON. I will not agree to any amendment of that

Mr. SABATH. Will the gentleman yield for a question? Mr. HOUSTON. No. Does the gentleman want some time?

Mr. SABATH. No.

Mr. CANNON. Will the gentleman yield me two minutes? Mr. HOUSTON. Yes, sir; I will yield two minutes to the gen-

tleman from Illinois.

Mr. CANNON. Mr. Speaker, in that two minutes I want to say the gentleman admits the people of Alaska have voted two to one for this legislation, and in further consideration of the fact that nearly half the people of that far distant country are interested in it and of the fact they are for dry legislation, while I voted, not having had time to read the bill, against its consideration, believing it was our duty to take up the naval bill in the present situation of the United States and of the world, and that the gentleman could have called up his bill when the naval bill was concluded, I therefore voted against its consideration; but the people of Alaska having spoken two to one, I bow to the vote under the conditions existing in laska. [Applause.] Mr. HOUSTON. Mr. Speaker, if no gentleman wants to be Alaska.

heard in opposition to the bill-

Mr. MEEKER. I would like to be heard in opposition to the bill.

Mr. HOUSTON. Mr. Speaker, I yield five minutes to the

gentleman from Missouri [Mr. MEEKER].

Mr. MEEKER, Mr. Speaker, I only want sufficient time to call attention to the difference between the bill that was voted on in Alaska and the one that is here proposed. The Alaska bill or measure that was voted on was a bone-dry measure. You have it before you in the hearings and in the little report that is given here. I say that the thing the people of Alaska voted upon was against the manufacture or sale of intoxicating liquors in Alaska after January 1, 1918. I do not find that they voted there that the law of the land should be changed and the laws of evidence, that we have had invoked in the courts of the world for some hundreds of years, that the presence of liquor in a man's home will no longer be simply prima facie evidence of his guilt but will be sufficient to convict him.

Mr. LANGLEY. Is that provision contained in the bill? Mr. MEEKER. That is in this bill; that we are come to a time when the wine served at the Lord's table is marked as practically outlawed, so that the clergyman who stands up and talks about all this stuff nevertheless has a special permit for himself; that the intent of the people of Alaska was the intent and is the intent of every prohibitionist agitator, that, though he does not want the other fellow to have it, he still can get his. The people of Alaska did not vote for a bone-dry bill.

Mr. RANDALL. Will the gentleman yield for a question?

Mr. MEEKER. Yes.
Mr. RANDALL. I do not want the gentleman to feel that the question is personal, and the second question I will ask will answer the purpose. Was the gentleman the pastor of the Pilgrims Hill Congregational Church in St. Louis in 1906, and

Mr. MEEKER. If the gentleman wants personalities, he can get them from the record.

Mr. RANDALL. My purpose in asking the question was to ask whether he held the same views at that time he is express-

ing now

Mr. MEEKER. Absolutely; and long before, and the gentle-man campaigned the country for years before resigning. Now, does the gentleman want to ask any more personal questions? If he does, this is the time to ask them.

Mr. RANDALL. I want to know how— Mr. MEEKER. The gentleman has obtained some very valuable information.

He wanted to know if I was opposed to prohibition while I still was pastor of a church. I certainly was, I opposed it for years, and at my own expense in the 1910 campaign fought it in the State of Missouri. I am against hypocrisy anywhere, in the church or out of it. I offered a resolution to the preachers of St. Louis when they were for the prohibition bill to pledge themselves for total abstinence. It got two votes. I was one of them. [Laughter.] The prohibition resolution was one of them. [Laughter.] The prohibition resolution passed. This bill, as is proposed in this section 18, is an illustration of the extent to which people of this type of mind will go if they can have their way.

Mr. RUCKER of Missouri. If there are enough of them, they will have their way, will they not?

Mr. MEEKER. Oh, no.

Mr. RUCKER of Missouri. I think they will.

Mr. MEEKER. It is not a question, I believe, any longer as to whether men are going to have their liquor or not, for they are going to have it; but in this Alaska bill the next thing we will be called upon to do will be to make appropriations to enforce this law or add to it. We are now spending \$150,000 a year in doing it in various Indian territory countries. I remember last year we proposed an amendment to increase it \$200,000, and the antisaloon gentlemen opposed it.

The SPEAKER pro tempore. The time of the gentleman has

expired.

Mr. MEEKER. May I have five minutes more? Mr. HOUSTON. I yield to the gentleman. Mr. MEEKER. Now, here is in this provision of this bill, and which was called attention to by the chairman of the committee, the proviso that such proprietary medicines as are classed by the Department of Internal Revenue as coming under the control of the Government, and so marked as compounds, shall be shut out. I would like to ask before the close of this hour that some one would give us the list of those which are classified and those which are not. And I would like to ask the gentleman on this floor in this legislation that is being now proposed as to whether from the standpoint of the checking of the spread of alcoholism-

Will the gentleman yield? Mr. HAMLIN.

Mr. MEEKER. Yes.
Mr. HAMLIN. I have here a list of proprietary medicines that are barred by the ruling of the Internal-Revenue Depart-

Mr. MEEKER. Will you kindly read it? Mr. HAMLIN. I will hand it to you, and you can read it. It is changed from time to time as they become convinced that the predominating element in any preparation is alcohol and can possibly be used for beverage purposes, and then they require a tax to be paid upon it.

Mr. MEEKER. Do I understand the gentleman to say that any proprietary medicine upon which a tax is paid is barred

by this bill?

Mr. HAMLIN. Absolutely. The internal-revenue tax is paid on account of its principal constituent part being alcohol, so that it could be used for beverage purposes, like Peruna and stuff of that kind.

Mr. MEEKER. Will Peruna be admitted or barred?

Mr. HAMLIN. It will undoubtedly be barred, I think, unless they reduce the quantity of alcohol in it.

Mr. MEEKER. Of course, if they do, it is not Peruna.

There are only about 65 of these pets of the Antisaloon League that run 10 to 60 per cent alcohol that are protected in this country, and their friends see to it in the District bill that they are all taken care of. I supposed that there would be a pro-vision in this bill, but probably they have not seen this one. We are friendly to the fellow who pays our bills, even though dry, so that we can manufacture 5,000 barrels of alcohol in this District every year, even if we have prohibition.

Now, in this bill that is now before the House, if section 18

is left to stand as it now is, it means that the United States Congress has by its action proposed to change the laws of evidence

that have stood in the courts of the world no one knows how

Mr. McCRACKEN. Will the gentleman yield right there?

Mr. MEEKER. Yes.

Mr. McCRACKEN. Does not the gentleman know that the Supreme Court of the United States, in a case which came up in West Virginia a short time ago, sustained and held this very section as a proper section?

Mr. MEEKER. I beg the gentleman's pardon-

Mr. McCRACKEN. It is exactly true.

Mr. MEEKER. Not on the wording on page 13, I think. I think you will not find any court that has ruled on that.

Mr. GALLIVAN. What is the wording?
Mr. MEEKER. I will read the entire paragraph. It is as

SEC. 18. That it shall not be necessary, in order to convict any person, company, house, association, copartnership, club, or corporation, his, its, or their agents, officers, clerks, or servants of manufacturing, importing, or selling alcoholic liquors, to prove the actual manufacture, importing, sale, delivery of, or payment for any alcoholic liquors, but the evidence of having or keeping them in hand, stored or deposited, taking orders for, or offering to sell or barter, or exchanging them for goods or merchandise, or giving them away, shall be sufficient to convict; nor shall it be necessary in a warrant, information, or indictment to specify the particular kind of alcoholic liquor which is made the subject of a charge of violation of this act.

That is, if a home is found with liquor in it, whether it be a gallon of wine or a pint of wine, that is no longer merely prima facie, but sufficient evidence to convict that man of selling liquor in the Territory of Alaska in violation of this law.

Mr. SLAYDEN. Even cider. Mr. MEEKER. Even cider.

Now, gentleman, I am not going to take any more time of the Congress now on this bill, but I want to say to you that the thing you see in that section, which is put there by those men who would enforce this bone-dry bill, is not in contravention alone of a man's right so far as the consumption of wine is concerned, which is granted to the church, but it is an assault direct upon the laws of evidence whereby men up to date have supposed they were free men in this country.

Mr. MANN. Mr. Speaker, will the gentleman yield for a minute more? I would like to ask him a question.
Mr. HOUSTON. Yes; I will yield to the gentleman one

minute.

The SPEAKER pro tempore. The gentleman from Tennessee yields to the gentleman from Missouri [Mr. MEEKER] one minute more.

The gentleman has just stated that the having in possession under this bill was sufficient to convict one of selling the liquor. Is not the very first section of this bill a provision against the having in possession of one any liquor? The having in possession is not evidence to convict of selling, but evidence of having-having in violation of the law.

Mr. MEEKER. Do not the first two lines of that section specifically state that "it shall not be necessary," and so forth, following down, but simply the holding of it shall be sufficient

to convict?

Mr. MANN. Here is the first section of the bill, which makes it a misdemeanor to have or to hold in one's possession any liquor.

Mr. MEEKER. I beg the gentleman's pardon. shall be sufficient to convict for selling, manufacturing, import-That is what this is-to convict for in the section

Mr. LENROOT. Mr. Speaker, will the gentleman yield? Mr. MEEKER. Yes.
Mr. LENROOT. The penalty is exactly the same in 1 The penalty is exactly the same in both cases, so that having it in his possession constitutes a violation of the law.

Mr. HOUSTON. Mr. Speaker, I yield to the gentleman from Texas [Mr. Slayden] eight minutes

The gentleman from Texas is

The SPEAKER pro tempore. recognized for eight minutes.

Mr. SLAYDEN. Mr. Speaker, when the distinguished ex-Speaker of this House [Mr. CANNON] made the statement a few minutes ago—and he is a pretty good Democrat in many respects—that he bowed to the verdict of the people and accepted it, there was quite a lot of applause. the people of Alaska had passed on this question for them-selves, and that he accepted their verdict; and that statement had an unusual amount of applause. I observed some of the gentlemen who were applauding, and I wondered then whether, when that proposition is put up to them again, as a privilege that may be granted to the people of the District of Columbia, who are at least partially civilized and educated, whether, I say, they will applaud and support that sentiment then. [Applause.]

I very much doubt it, because consistency is not a conspicuous virtue among the people who advocate laws for the regulation and control and the tyrannical governance of other men's habits. [Applause.] I belong to a party that traditionally has been opposed to sumptuary legislation. opposition to sumptuary legislation in the platforms of the party. I have found it in the teachings of the fathers of the party. But I find distressingly few people now who call themselves "Democrats" who have any respect for those principles or such teachings.

Mr. McCRACKEN. Mr. Speaker, will the gentleman yield? Mr. SLAYDEN. No; I regret I have not the time.

The SPEAKER pro tempore. The gentleman declines to

Mr. SLAYDEN. I have only a very brief time, and I do

want to try to say what I had in my mind.

Now, the question has arisen and some difference of opinion exists between the gentleman from Illinois [Mr. Mann] and the gentleman from Missouri [Mr. MEEKER] as to the meaning of the language in section 18 of this bill, which I regard as a most extraordinary provision and a very dangerous assault on the liberties of individuals. That clause of section 18, as I read it, says this:

That it shall not be necessary, in order to convict any person, company, house, association, copartnership, club, or corporation, his, its, or their agents, officers, clerks, or servants of manufacturing, importing, or selling alcoholic liquors, to prove the actual manufacture, importing, sale, delivery of, or payment for any alcoholic liquors, but the evidence of having or keeping them in hand, stored or deposited, taking orders for, or offering to sell or barter, or exchanging them for goods or merchandise, or giving them away, shall be sufficient to convict.

The section is perhaps not as clearly expressed as the authors of it thought when they put it into the bill, but it is clear enough to indicate that if a citizen of Alaska should have the misfortune to be given a bottle of good, rich, Rhine wine or a bottle of wine from the sunny slopes of the hills of northern France or of Spain, and should have that mild intoxicant in his posses sion, hoping in a spirit of hospitality some time to entertain a prohibitionist friend, to warm the cockles of his heart [laughter], he would be carrying on his person or in his house evidence enough to convict him of a serious offense and subject himself to the penalty that would be imposed on him by this zeal that men have for the regulation of other men's habits.

They do not try to punish men guilty of the disgusting offense of drunkenness. Oh, no. But they propose to punish the sober man, the decent man, the law-abiding citizen who does claim some personal privileges, who thought that he had inherited from his American fathers and his European ancestry, who struggled for centuries to establish individual rights, the privilege of standing up as a man and regulating his own conduct. But it is not true any longer, Mr. Speaker, and the zeal and fanaticism—if I may be pardoned for the use of a word that I hope will not be thought offensive by anyone—that is behind this legislation is dangerous to the liberties of the people. I tell you, sir, the zeal which is manifested in this class of legislation is the same that sometimes appeals to the views of a majority of the same that sometimes appears to the views of a majority of the people of any country that this or that or the other theologi-cal tenet is the correct thing, and then no man may dare to entertain a different opinion. That same spirit has sent men to the gibbet and made martyrs at the stake. I heard a prohibi-tionist—and, strange to say, a young man—last summer in my own State, where the question was being discussed, say that if he had the power-and he hoped to have it, with his associates he would send to prison any man who dared to take a drink of liquor. Now, that young man frankly expressed what is in the hearts and in the minds of many other people.

I hope that sometime there will revive a spirit of independence and individualism among the American people, and that once more men may have admitted rights just because they are men. Personally, I do not much value the privilege of drinking liquors. I am not a drinking man. I have had antiprohibition-ists in my district denounce me as a prohibitionist because they had never seen me in their drinking establishments. But I do care enough about the privilege, the right to regulate my own habits, and as a Democrat I believe in the ancient doctrines of the party, and I believe that no association in politics or otherwise should assume the right to regulate my personal habits, either as to my food, drink, or raiment. Just so I despise and condemn any association of religious zealots when they undertake to direct my views in regard to such matters.

Now, it has been pretended here that this is specifically the matter voted on by the people of Alaska. It is not. It is different. It differs enough for gentlemen to have pronounced views, perhaps to support one and condemn the other, both being prohibition measures. We all know that there are prohibition measures that do not prohibit, and some of us ap-

parently believe that there are prohibition measures that do prohibit. Any of them are sufficient to prohibit me or any other man who has a high regard for the spirit of the law, as well as for its letter, when in a community that tries to prohibit. But I do know from personal observation that the extremely dry prohibitory laws in some States have not been enforced and, I am told, could not be. I live in a brewing town, and yet the biggest pile of beer kegs I ever saw in my lifewere all empty, I was told, when I saw them, but at one time they had been full—was piled up in the city of Bangor, Me., where there had been prohibition for half a century. [Laughter.] I do know that in dry counties in my own State the express companies and transportation lines, when it was permitted, made more money carrying liquor packages to such communities than they made on the same quantity of traffic in any other direction.

Mr. HAMLIN. In view of that statement, does not the gentleman think this section 18, which he complained about, is a

pretty good provision?

Mr. SLAYDEN. I do not think it is a good provision that a man shall be imprisoned or punished severely because he happens to have in his possession a bottle of wine which, under other circumstances, might be used, as the gentleman from Missouri [Mr. Meeker] says, in a religious ceremony.

Mr. HAMLIN. The condition the gentleman has just described in Maine and in his own State could not exist if that

provision were enforced.

Mr. SLAYDEN. I did not describe the conditions in Maine or in my own State. The SPEAKER.

The time of the gentleman has expired. Mr. HOUSTON. I yield two minutes to the gentleman from

California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, the report of the Commissioner of Internal Revenue, made public a few days ago, shows that despite the fact that prohibition legislation is being enacted throughout the country, the revenue received from whisky was greater than it ever was before in the history of the country. That report, on page 9, discloses that 140,656,103 gallons of distilled spirits were manufactured in 1915. In 1916 the total manufacture of distilled spirits upon which an internal-revenue tax was collected amounted to 253,283,273 gallons, or an increase of practically 80 per cent. The report shows on the other hand that the revenue received from beer is falling off. In other words, whenever you pass prohibition legislation, you drive people to strong drink. You compel them to take whisky where they had been accustomed to take beer or light wines. Prohibition legislation makes men into liars, sneaks, and hypocrites, and the crop will be materially increased in the Territory of Alaska if this bill becomes a law. The first law that was ever given to man was in effect a prohibition law. The first law that was ever violated by man was a prohibition law. Take the story in the Bible. Adam and Eve were given the Garden of Eden to hold, to enjoy, and to possess all their lives. When the Almighty gave it to them He said, practically, "But over there is one tree the fruit of which I prohibit you from eating." That was the first prohibition law. As soon as He was out of sight they broke the law, and they are of the fruit of that tree. Then, like a liar, a sneak, and a hypocrite, Adam blamed it on the woman. [Laughter.]

Mr. DAVIS of Texas. Will the gentleman yield?

Mr. KAHN. No; I can not yield. They tell us that the use of liquor has ruined many a man. Go into the State prisons of this country and you will find many a man there who will tell you he was brought to his ruin by some woman. Do you want to kill off all women on that account? [Laughter.] You will find many a woman in the State prisons who blames her downfall upon some man. Do you want to kill off all the men on that account? [Laughter and applause.] It would be as sensible as trying to prevent the use of liquor by the passage of prohibition legislation.

Mr. HOUSTON. I yield seven minutes to the Delegate from

Alaska [Mr. WICKERSHAM].

Mr. WICKERSHAM. Mr. Speaker, I understand from the last speaker [Mr. KAHN] that anybody who favors a bone-dry prohibition law in the Territory of Alaska is a liar and a sneak. Well, I stand here urging upon this House that such a bill be passed for the people of the Territory of Alaska, because they have asked for it, and I am not a liar and I am not a sneak. [Applause.] I am not a prohibitionist myself and I am not the man who initiated this act. It was brought about by the people of the Territory of Alaska, who are a good people and a clean people, and it ought not to lie in the mouth of any gentleman to denounce them upon this floor as liars and sneaks, and I resent it. [Applause.] They are as good as any set of

people in the United States, and they stand as well before the

Mr. KREIDER. Will the gentleman yield?
Mr. WICKERSHAM. Yes.
Mr. KREIDER. To rectify the erroneous impression in the mind of the Delegate from Alaska, the gentleman from California [Mr. Kahn] did not apply those epithets to the men who favor this bill.

Mr. WICKERSHAM. The House heard what he said.

Mr. KREIDER. He applied them to Adam, when he placed the blame on Eve.

Mr. WICKERSHAM. Yes; and then he applied them to the prohibitionists

Mr. KREIDER. No.

Mr. WICKERSHAM. Mr. Speaker, the people of the Territory of Alaska on April 13, 1915, passed an act submitting this matter to a vote of the people of the Territory. It was provided in that bill that-

There shall be submitted to the electors of the Territory of Alaska at the next general election held for the purpose of electing members of the legislature of said Territory the question of whether they are or are not in favor of the sale, manufacture, barter, or exchange of intoxicating liquors within said Territory after the 1st day of January, 1918.

The bill provided the form of ballot, and provided the question should be submitted to a vote of the people at the general election on the 7th day of November, 1916. It was submitted to the people of the Territory at that time, and it was carried by a vote of 7,958 in favor and 4,431 against, and by a majority of 3,527. It was adopted by the people at that election, when the largest vote ever cast in the Territory of Alaska was placed in the ballot box. More people voted at that election than had ever voted at any other election in the Territory. Some gentlemen have asked if the women voted. Yes. How many? About 1 have asked if the women voted. Yes, How many? About 1 out of 5 of the votes cast in the Territory of Alaska were cast by women, and by a majority of more than 3,500, or almost a vote of 2 to 1, those people declared in favor of a bone-dry law in that Territory. Oh, but some gentleman points out the fact that there is some slight difference between the wording of the act of the Territorial legislature submitting this matter and the bull before the Horse sed twithfully those is and the bill before the House, and truthfully there is.

To the people of the Territory was submitted the question whether they should have a wet or a dry law in that Territory, and upon the ballot, if you were in favor of wet, you voted wet and if you were in favor of dry you voted dry. They voted dry by almost 2 to 1. That put it up to me, as their Delegate in this Congress, to secure the passage of a bill such as they wanted and such as they voted for. I drew this bill. It was sent to the Committee on Territories and there amended in some respects. The committee then asked me to reintroduce it, which I did. Thereupon the committee reported the second bill which

I introduced and recommended that it do pass.

In the meantime, before this House could act, the second bill introduced by me was introduced in the Senate by Senator Jones, of Washington, and passed by the Senate, and is now pending in this House. It is a copy of the bill reported by the committee in the House and now pending before this body for

Now, the bill is substantially a copy of the Idaho act, and every clause which gentlemen have criticized is in the Idaho It is the law in Utah; it is the law in many other States which have passed dry laws. It is not the law in such States as Washington where they do not have bone-dry laws, but where the legislatures are at work now to give them a bone-dry law.

Mr. LANGLEY. It is the law that was passed upon by the

Supreme Court.

Mr. WICKERSHAM. Yes; it is substantially the law that was passed upon by the Supreme Court. Now, the people of Alaska have a clear understanding of this bill, which has been submitted in exact terms to the governor of the Territory of Alaska, who approved of it in a written communication to me, which you will find in the hearings before the House committee It has been presented to a member of the Territorial senate and a member of the Territorial house, both of whom are in this city, and has been approved by them. It has been approved by the Territorial Delegate from Alaska and by everybody in the

Territory of Alaska to whom it has been submitted.

We have about 50,000 white people in Alaska and twenty-five to thirty thousand Indians. We have bootleggers selling liquor throughout the Territory, and undoubtedly if this bill shall pass they will continue to do it if the suggestions of gentlemen on the floor shall prevail. If the great God-given right to have a bottle of whisky in your possession is of such serious moment to some of the gentlemen, let me call attention to what would happen in Alaska if that right is retained in this bill. If a man may lawfully have a bottle of whisky in his pocket or in his cabin in the standing that I should offer an amendment on the floor if I

Territory of Alaska, we might as well not pass this bill. Every bootlegger might then lawfully go through the Territory with a bottle of whisky in the back part of his trousers, and he could not be restrained. If any man might have a bottle of whisky in his cabin for the purpose of trading it off to an Indian or a white man, if he had that great constitutional right, that God-given right over which gentlemen rave to have it in his own home, you might as well not pass this law. The argument made by the gentleman on that question is an argument for the bootlegger, and for the bootlegger alone. [Applause.] The good man in Alaska whom they have used as an example does not want that right. It is a right taken away from him by the first section of the bill, and if you allow it generally, to the bootlegger and violator of the law, you might as well not pass this bill. [Applause.

Mr. HOUSTON. Mr. Speaker, I yield one minute to the

gentleman from Kentucky [Mr. Sherley].

Mr. SHERLEY. Mr. Speaker, I am opposed to prohibition ws. Whenever that question is in issue in my State, I shall so vote; but the people of Alaska, I think, have a right to determine this question. They have determined it. For my part, if we are going to have a prohibition law in Alaska, I want to see it just as stringent as it is possible to make it, because I do not believe in pretending to do a thing and then not doing it. If you are going to have prohibition laws, then I want to have real prohibition laws, and I know of nothing that will change the sentiment of a number of gentlemen so quickly as to enforce the sentiment of a number of gentlemen so quickly as to enforce upon them the prohibition they express touching others. But, aside from all that, I believe in the right of the people to govern themselves. Alaska has declared its desire for prohibition, and for my part I shall vote for the bill. [Applause.]

Mr. HOUSTON. Mr. Speaker, I yield three minutes to the gentleman from California [Mr. RANDALL].

Mr. Speaker, I want to offer a concrete libra-

Mr. RANDALL. Mr. Speaker, I want to offer a concrete illustration this morning to prove that the liquor traffic, as well as most of those who speak for it, are ashamed of themselves. Every Member of this House has received in his mail to-day a letter containing booze literature under return card labeled "The United Press Association of Cleveland." I took occasion to secure from the general manager of the United Press Associations, one of the great news-gathering associations of the country, a statement of this matter which is being circulated, and in my time I ask to have it read at the desk.

The Clerk read as follows:

STATEMENT BY W. W. HAWKINS, GENERAL MANAGER UNITED PRESS ASSOCIATIONS OF NEW YORK.

The following was sent out on advice of our counsel in view of the fact that liquor propaganda has been sent broadcast throughout the country by a concern known as the United Press Association:

"New York, February 1.

"New York, February 1.

"A concern operating out of Cleveland, Ohio, is sending newspapers and Members of Congress in the country a great deal of free literature favorable to the liquor interests. This copy comes in envelopes bearing the return address, 'The United Press Association, Cleveland." "The United Press Associations, with general offices at New York and bureaus in many cities throughout the country, is in no way connected with or responsible for the concern that is sending out this anti-prohibition propaganda, and it has instituted proceedings to enjoin the methods which make it appear that the United Press Associations has abandoned its course of distributing only regular news matter."

Mr. HOUSTON. Mr. Speekers Legis legis legis and present a confidence and the country of the present and the country of the c

Mr. HOUSTON. Mr. Speaker, I ask leave to print as a part of my remarks a part of the Treasurer's decision marked T. D.

Now I move the previous question on the bill. The SPEAKER. In the first place, the gentleman from Tennessee asks unanimous consent to extend his remarks in the

Mr. MANN. What is the matter the gentleman wishes to print? Mr. HOUSTON. It is a document gotten out by the Internal-Revenue Department marked "A Treasury decision."

Mr. MANN. I have no objection. The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The matter is as follows:

[From Treasury Decisions 1843.]

In order for a manufacturer or a dealer to be exempt under the provisions of section 3246, Revised Statutes, from special-tax liability on account of the manufacture or sale of an alcoholic compound containing drugs or medicines the preparation must conform to the following

taining drugs or medicines the preparation must conform to the following standard:

First. Alcohol: The preparation must contain no more alcohol than is necessary for the legitimate purposes of extraction, solution, or preservation.

Second. Medicaments: As the minimum dosage each 1 ounce liquid of the completed preparation must carry in it approximately an average United States Pharmacopoxia dose for an adult of some drug or drugs of recognized therapeutic value, either singly or in compatible combination.

Mr. CURRY. Mr. Speaker, I am a member of the Committee on Territories that reported this bill, with the express under-

wished to do so. I do not want to be deprived of that privilege by the chairman of the committee.

Mr. MANN. If there was an understanding to that effect-Mr. HOUSTON. Mr. Speaker, in the discussion of this bill before the committee the gentleman from California, having voted to report the bill, said that he would like to offer an amendment, and I told him that any member of the committee would have the right to offer an amendment, but since the action of

the House this morning I have changed my position on that. If the gentleman had been here at the time, we might have had an understanding, but I do not think he would be authorized to offer it now.

Mr. BUTLER. Why can it not be arranged that the gentleman

can offer his amendment?

Mr. FERRIS. Mr. Speaker, I make the point of order that the gentleman from Tennessee has moved the previous question,

and the previous question is not debatable.

Mr. CANNON. Mr. Speaker, by unanimous consent the gentle-man could be permitted to offer his amendment without depriv-ing the gentleman from Tennessee of the privilege of moving the previous question; and in all fairness, under the statement of both gentlemen, the amendment should be offered. I do not know what it is.

Mr. HOUSTON. Mr. Speaker, I would be delighted to make the request, and I ask unanimous consent that the gentleman from California be permitted to offer his amendment, with the understanding that after that is acted upon I shall have the

right to move the previous question.

Mr. FERRIS. What about debate upon it?

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from California be permitted to offer his amendment without taking the gentleman from Tennessee off the floor. The SPEAKER. The gentleman from Tennessee asks unani-

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from California [Mr. Curry] be permitted to offer his amendment without taking the gentle-man from Tennessee [Mr. Houston] off the floor. Is there objection?

Mr. POWERS. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. POWERS. I would like to have about one minute in which to discuss this bill, and I would like to know if I could get in under that arrangement?

The SPEAKER. The gentleman could not. Mr. MOORE of Pennsylvania. Mr. Speaker, is it not the understanding that this bill can be debated under the five-minute rule, as usual?

The SPEAKER. No; the gentleman from Tennessee has just

moved the previous question.

Mr. MOORE of Pennsylvania. My recollection is, if the Chair will permit, that the gentleman from Tennessee stated

there would be opportunity to offer amendments.

The SPEAKER. That is true; but the rules of the House prohibit it in the circumstances. That is, if he yields to any prohibit it in the circumstances. That is, if he yields to any gentleman to offer an amendment, he loses the floor, and when the gentleman from Tennessee was informed of that, he de-clined to yield for the purpose of offering an amendment.

Mr. MOORE of Pennsylvania. May I be permitted to ask the gentleman from Tennessee if he did not make the proposition

that the bill would be open to amendment?

Mr. HOUSTON. Mr. Speaker, I said at the beginning that I was unwilling to take any step to cut off amendment, and would allow reasonable time for debate and amendment, so far as I was concerned; but after that, when the effort was made to throw us out of position, to prevent consideration of the bill, and prolong the matter, and I found I could not yield the floor without losing the opportunity of having a vote upon it to-day, then I stated, in the beginning of my remarks, that I would move the previous question before yielding the floor.

The SPEAKER. There is no trouble about the matter.

Mr. MOORE of Pennsylvania. Mr. Speaker, there is just this trouble, that when the gentleman made that announcement I for one fell back in my place, satisfied that we would have an opportunity to discuss the bill under the five-minute rule. undertook to interrogate the gentleman from Tennessee, and he declined to be interrogated; so that the effect, so far as I am concerned, is that debate was cut off.

The SPEAKER. The gentleman has his remedy—all gentlemen have their remedy—in voting down the previous question. If that be done, they can debate this thing until noon the 4th of March. Is there objection to the request of the gentleman from Illinois [Mr. Mann]? [After a pause.] The Chair hears none, and the gentleman from California will send up his amendment.

Mr. CURRY. Mr. Speaker, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Page 17, line 4, after the word "may" strike out the balance of the section and insert in lieu thereof the following:

"Amend or repeal this act: Provided, That before this act shall be repealed the question of repeal shall be submitted to a referendum vote of the registered voters in the Territory of Alaska."

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question now is on the amendment offered by the gentleman from California.

The question was taken; and on a division (demanded by Mr. Gallivan) there were—ayes 54, noes 133.

Mr. CALDWELL. Mr. Speaker, I make the point of order

that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and thirty-eight Members present, a quorum.

So the amendment was rejected.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. Houston, a motion to reconsider the vote by which the bill was passed was laid on the table.

The House bill (H. R. 20361) of similar tenor was ordered to

lie on the table.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend and revise my remarks in the Record and that all other gentlemen shall have five legislative days in which to extend

The SPEAKER. The gentleman from Tennessee asks unanimous consent that all gentlemen have five legislative days in

which to extend their remarks. Is there objection?

Mr. MANN. Mr. Speaker, I object. Mr. SABATH. Mr. Speaker, I object. Mr. HOUSTON. Mr. Speaker, I ask unanimous consent that may extend my remarks in the RECORD.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think this is one of those cases where the Record ought to show what really took place. I have no objection to the gentleman extending remarks on the subject of prohibition, for or against, but I think the Record ought to show what took place on this bill, and I hope the gentleman will not make his request.

Mr. HOUSTON. Mr. Speaker, if I can have one minute, I will Mr. Speaker, I ask unanimous consent withdraw that request.

to have one minute in which to make a statement.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for one minute in which to make a statement. Is

nere objection? [After a pause.] The Chair hears none. Mr. HOUSTON. Mr. Speaker, I made this request for the purpose not that I wished to extend my remarks but that I may make clear, if I did not do so in the remarks already made, that the parliamentary situation that developed here this morning changed the conditions of my relation to the members of the committee and other Members of the House to whom I had said that I would be perfectly willing to give opportunity to offer amendments, and the matter was discussed in the committee

Mr. MANN. I do not think anybody has any idea of accusing the gentleman from Tennessee of bad faith, unfairness, or any-

thing of the kind.

Mr. HOUSTON. I want the House to know that after the gentleman from Illinois made the statement which developed the situation that I felt I would not be justified in yielding the floor for amendment, but that I should move the previous question.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 20453, the fortifications bill, to disagree to the Senate amendments, and ask for a conference

The SPEAKER. The gentleman from Kentucky asks unanimous consent to take the fortifications bill from the table, to disagree to the Senate amendments, and ask for a conference. Is there objection? [After a pause.] The Chair hears none, The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 20453) making appropriations for fortifications and her works of defense, for the armament thereof, for the procurement heavy ordnance, for trial and service, and for other purposes.

The SPEAKER. The Clerk will report the conferees. The Clerk read as follows:

Mr. SHERLEY, Mr. RAUCH, and Mr. GILLETT.

NAVAL APPROPRIATIONS.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole on the state of the Union for the consideration of the bill (H. R. 20632) making appropriations for the Naval Establishment for the fiscal year 1918, and for other purposes; and, pending that motion, I want to ask if we can not agree upon time for general debate.

Mr. BUTLER. How much time does the gentleman suggest?
Mr. PADGETT. I desire to expedite the passage of the bill as much as possible and I would be glad to hurry it along as much as I can.

Mr. BUTLER. Mr. Speaker, I have been requested by gentlemen sitting upon our side to obtain a short period of time for general debate. Now, these gentlemen, I understand, are in favor of this bill; I am certainly in favor of the bill, and probably I should not control the time, then. If we could, I should like to have on this side not over two hours. Does the gentleman from Illinois wish some time?

Mr. MANN. I may want half an hour.

Mr. BUTLER. Mr. Speaker, I would ask for two and a half hours. I think with that I would have time enough to give the gentleman from Illinois half an hour.

Mr. MANN. I think two hours and a half is little enough. I have never known it to get through before without two and a

half days.

Mr. KITCHIN. If two hours and a half are had on that side by those in favor of the bill and two and a half hours on this side by those in favor of the bill, I would suggest that those who oppose the bill should have at least an hour and a half.

Mr. MANN. I can assure the gentleman from North Carolina on this side we never draw the line between those opposed to and those in favor of the bill. The gentleman from Pennsylvania would be glad to yield to anyone on this side reasonable time who is opposed to the bill.

Mr. KITCHIN. I would like to say there is a minority report filed and signed by several members of the committee, and I think they ought to have at least an hour and a half of that time, to be controlled by the gentleman from Alabama [Mr. Or type]

Mr. PADGETT. I would state, Mr. Speaker, that I am willing to agree to two and a half hours to a side, and out of my time I will yield an hour and a half to Mr. OLIVER for those

opposed.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that general debate on this bill be limited to five hours, one half to be controlled by the gentleman from Pennsylvania [Mr. Butler] and the other half by the gentleman from Tennessee [Mr. Padgett], with the understanding that the gentleman from Alabama [Mr. OLIVER] is to control one and a half hours—

Mr. PADGETT. That I will yield him one hour and a half of

my time.

The SPEAKER. That the gentleman from Alabama [Mr. OLIVER] is to control one hour and a half of the time of the gentleman from Tennessee. Is there objection?

Mr. BUTLER. Is it understood we have two hours and a

half on this side?

The SPEAKER. Yes; to be controlled by the gentleman from Pennsylvania, and two and a half hours to be controlled by the gentleman from Tennessee, who agrees to yield an hour and a half to the gentleman from Alabama [Mr. Oliver] to be controlled by him. Is there objection? [After a pause.] The Chair hears none. The question is on going into the Committee of the Whole for the purpose of considering the naval appropriation bill.

Mr. MANN. Is it the intention to ask the House to meet at 11 o'clock to-morrow morning?

Mr. PADGETT. Yes, sir.

Mr. MANN. I think it would be wise to do so now.

HOUR OF MEETING TO-MORROW.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow

The SPEAKER. The gentleman from Tennessee asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none. The question is on the motion to go into the Committee of the Whole House on the state of the Union.

The question was taken, and the motion was agreed to.

NAVAL APPROPRIATION BILL.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration

of the bill H. R. 20632, with Mr. PAGE of North Carolina in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20632, the naval appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, I shall not consume much of the time in making a statement to the House now. As we proceed with the reading of the bill under the five-minute rule, I will be pleased to answer such questions as anyone may desire and to give such information as I may be able to furnish.

This bill is in keeping and is carrying out the legislative program as authorized at the last session of the Congress. It will be remembered that at that time a certain program was provided, beginning within three years, and last year we made appropriations for the first year's program of the three-year program. In this bill we are making appropriations for the portion of the three-year program of the second year, leaving remaining about one-third of the program for the appropriation of next year. The bill contains very little legislation. Last year the bill containd a very great amount of legislation, reorganizing the Naval Establishment very extensively. But the bill this year, I might say, is strictly an appropriation bill, and these appropriations are explained in detail and fully and clearly in the printed report.

I shall reserve the remainder of my time, and I will ask the gentleman from Pennsylvania [Mr. Butler] to use a portion of

his.

Mr. BUTLER. Mr. Chairman, I desire to yield 30 minutes of the time allotted to this side to the gentleman from Illinois [Mr. Britten] a member of the Committee on Naval Affairs.

The CHAIRMAN. The gentleman from Illinois [Mr. BRIT-

TEN] is recognized for 30 minutes.

Mr. BRITTEN, Mr. Chairman.

Mr. BRITTEN. Mr. Chairman, I heartily agree with the chairman of the committee in his statement that this bill merely follows the authorization in the first session of the present Congress, and it is not my intention to in any way criticize the bill, at least from the standpoint of the amount of money it carries. As "big-navy" men—and we on this side of the aisle take pride in calling ourselves such—have no cause to complain against the Sixty-third or the Sixty-fourth Congress in appropriations for the Navy. But, my dear gentlemen, appropriations and authori-

zations do not give us a Navy.

Now that the present administration has had four years of incumbency, during three-quarters of which time the United States has been constantly poised upon the very brink of a precipice of frightfulness, into which it might have been drawn, and where it to-day stands quivering between a declaration of war and the resumption of an apparently fruitless endeavor for world peace, it is only proper, it is only fair to the people of the country that they be advised now as to how much the fighting efficiency of the Navy has been improved by the present administration in the four years it has been in complete control of both Houses of Congress, in complete control of the purse-strings of the Government. And I am going to try to show the House as briefly as possible just how much the fighting efficiency of the Navy has been increased under the Wilson administration. And when I have concluded I am satisfied-and I am not talking from a partisan standpoint; there is no election staring us in the face; your President and my President is going to be with us for four years more-when I have concluded, you gentlemen on that side of the House will have goose skins. You should tremble at the thought of our unpreparedness for a terrible conflict.

Mr. ALEXANDER. Will the gentleman yield at that point?

Mr. BRITTEN. For a question.

Mr. ALEXANDER. Does the gentleman think this is a fine time to advertise to the nations of Europe our weakness, if we have any?

Mr. BRITTEN. If a weakness exists, all nations know it. They have naval attachés here. They know it just as well as my good friend the judge does. I will be very glad to furnish it to our own people as well.

Mr. LEVER. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. LEVER. What is the purpose of advertising this weak-

Mr. BRITTEN. It is not a matter of advertising a weakness. It is an attempt on my part to remedy a sad state of affairs in the Navy

Mr. LEVER. What does the gentleman hope to accomplish by it?

Mr. BRITTEN. I should like to see an improvement in the business administration of the Navy Department, which is to-day a howling farce, and I think the gentleman will agree with me after I have presented my few figures, which come from the Navy Department.

Mr. LEVER. I am afraid I will not; but I will listen to the gentleman.

Mr. GARDNER. Has not that same question been raised many times the last two years in order to suppress debate on

Mr. BRITTEN. It has. It makes very little difference to me whether you gentlemen come from Missouri or Louisiana or from Idaho. Our people are entitled to know the status of the Navy to-day, not merely as it affects the fleet on the high seas but the Navy as a whole. Including the amount carried in the bill now under discussion, the present administration will have appropriated the enormous sum of \$961,000,000 for naval expenditures, covering a period of the world's greatest unrest, and our people ought to know just how much the Wilson administration has increased the fighting efficiency of the Navy. Appropriations alone never made a fighting force. It takes men and ships in training to win battles, and not authorizations or talk in the Halls of Congress

Mr. RUBEY. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. RUBEY. While the gentleman is discussing the Wilson administration and the weakness of it in regard to the Navy, will he also go back and discuss that question during the régime of Mr. Taft and Mr. Roosevelt and previous administrations?
Mr. BRITTEN. Yes. And I will be very glad to call to the

attention of the gentleman the fact that during the Taft administration we authorized some submarines which are not yet completed. Also, that some of the submarines authorized six years ago are being constructed in Government yards.

One minute; you want me to answer you, I am sure. Some of these 500-ton submarines, costing less than a million dollars, capable of being completed within six months, and authorized under the Taft administration, are being built in Government navy yards, under the present Navy Department, where they have the control of the money, the men, the materials, and everything entering into their construction, and still it will take five or six years to complete them.

Now, if the gentlemen over there will not interrupt me for a moment, I have a few figures from the Navy Department that indicate the ships authorized under the Taft administration may not be completed under President Wilson's two terms of eight years at the present rate of progress.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield? Mr. BRITTEN. In a moment. Then I will yield to the gentleman. As I said before, I am not finding fault with the amount of money that has been authorized. We in the House certainly have been liberal. We have appropriated almost a billion of dollars for the Navy in four years. Let us see now, for our own satisfaction, just how much the fighting efficiency of the Navy has been increased; and, after all, it is fighting efficiency that counts on the high seas.

Mr. MONTAGUE. Will the gentleman permit me to ask him a question now?

Mr. BRITTEN. All right; I will.
Mr. MONTAGUE. I know very little about this question, but
did not Admiral Dewey, in an interview he gave out, take the
opposite position from that now taken by the gentleman?
Mr. BRITTEN. What position do you assume that I am

taking?

Mr. MONTAGUE. I am a little in doubt about it.

Mr. BRITTEN. Well, inasmuch as the gentleman is in doubt,

Mr. MONTAGUE. The gentleman is taking a partisan position. Did not Admiral Dewey practically say that the Navy was in better condition to-day, man for man, ship for ship, efficiency for efficiency, than ever before? Do you agree with Admiral

Mr. BRITTEN. Mr. BRITTEN. Yes; I agree with Admiral Dewey. Mr. MONTAGUE. Then you contradict yourself.

Mr. BRITTEN. Every ship referred to by Admiral Dewey was authorized under previous administrations.

Mr. MONTAGUE. But he did not say that.

The CHAIRMAN. The gentleman will suspend a moment. The Chair desires to say that if gentlemen wish to interrupt the speaker, if they will address the Chair he will endeavor to observe the rules of the House and procure them the opportunity if he can. But gentlemen should not interrupt the speaker without first securing permission.

Mr. BRITTEN. I can understand how gentlemen on that side of the House will take unkindly suggestions coming from us when we attempt to show that the fighting value of the Navy

has not been increased under their administration.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield? Mr. BRITTEN. No; I can not.
The CHAIRMAN. The gentleman declines to yield.
Mr. BRITTEN. I can not yield to my good friend who has

made himself famous by a minority report.

It is almost a year since our President said that the Government of the United States could have no choice but to sever diplomatic realtions with the German Empire unless it immediately abandoned its then method of submarine warfare against passenger and freight carrying vessels. This means war, and with it must come the knowledge of the preparedness of our Navy to defend the Nation's honor, unless we or they back down.

And do not you gentlemen realize that during three-fourths of the entire time of the present administration's incumbency in office we have had a terrible war in Europe and the entire world has been upset?

Recognizing the offensive as well as defensive fighting value of submarines, which should be constructed in six months' time, does it not cause you to blush with shame when you realize that the present administration will not place in commission a single one of these destructive engines of war authorized under President Wilson's two Congresses. Of the 59 submarines authorized, exclusive of the bill now under consideration, the N-1, which was 78 per cent completed on January 10, is probably the nearest to completion, and at its present rate of progress should be fit for sea duty with a trained crew one year from now, or five years after the President's first inauguration.

The thorough inefficiency of the present Navy Department is all the more accentuated by the ridiculous but sad information contained in the report of the Chief of the Bureau of Construction and Repair, dated January 10, 1917, showing that four of the eight L-type boats authorized under the Taft administration in August, 1912—five years ago—are still uncompleted, most of them being between 85 and 90 per cent finished.

The L-8, authorized during the last session of the Taft administration and being built at the Portsmouth Navy Yard under complete control of the Navy Department, is now 92 per cent completed as to hull and about 48 per cent completed as to machinery. If one is to take the figures seriously, this Government-built sea dog will not be completed during the eight years of President Wilson's two terms.

With American shipbuilders completing 20 submarines for England in five months, as well as an 800-ton submarine of the U-53 German type for Spain in 12 months, does not the business administration of the Navy Department stand out as a monumental failure?

Mr. GARNER. How many have been authorized during this administration?

Mr. TALBOTT. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Will the gentleman from Illinois yield to the gentleman from Maryland?

Mr. BRITTEN.

Mr. TALBOTT. Will you please tell me the price paid by a foreign Government for the submarines built in Massachusetts? And were they all of one type?

Mr. BRITTEN. If the gentlemen of the House will pardon my expression, I will say "Price be damned!" [Applause on the Republican side.] What difference does it make what the submarine costs if you have them to defend your country when they are needed? They are worth a million dollars apiece, are they not, in time of war? [Applause on the Republican side.] Suppose they do cost a couple of hundred thousand dollars more—and I am going to go into these figures in a moment, if you will permit me.

The Secretary is a gentleman and a scholar, but he has shown desire to throttle big business. It does not make any difference whether a company has been supplying soap, tobacco, or armor to the Navy. It gets at ends with the Secretary, and it leaves in disgust, and the result is it does not desire to compete on future business. In the case of soap the Secretary concluded that our "jackie" should not use the highly perfumed kind. Castile was better. "Jackie," however, differed with him. Even at less money he knew what he wanted.

Now, a jackie is a peculiar fellow. If he wants perfumed soap, he wants it. It is he who is paying for it. If he wants

a certain kind of chewing tobacco, that is his business. It is not up to the Secretary to force something else upon him. that is what the Secretary has attempted, and thousands of pounds of tobacco have either been dumped into the sea or sold at a loss, because the Secretary tried to force on them something that they did not want. It was not my intention to go into this, and I have merely recited it to show that there is a lack of business administration in the Navy Department.

Let us take the case of submarines. Replying to my friend, I say up to the present Congress we have authorized 59 sub-

Mr. GARNER. During the present administration?

Mr. BRITTEN. Exclusive of what are carried in the present

Mr. GARNER. In addition to what are carried in the present

Mr. BRITTEN. Yes; and not a single one of them has been commissioned. Some of them from the Taft administration are still being completed in Government yards, which are under the complete control of the Secretary of the Navy. That is the shameful part of this thing.

Mr. LEVER. How many submarines were authorized under the Taft administration, and how many were completed under

the Taft administration?

Mr. BRITTEN. I am glad to tell the gentleman how many were authorized under the Taft administration, and I am glad to tell the gentleman how many have not been completed under this administration.

How many were completed under the Taft Mr. LEVER. administration?

Mr. BRITTEN. Here is the Yearbook for 1916. The gentle-

man is at liberty to go through it.

Mr. LEVER. The gentleman knows I am not a member of the Naval Committee, and I am not very familiar with this. am trying to get information.

Mr. BRITTEN. The Taft administration is dead; but we are bound to have four years more of this administration, and let

us see if we can not improve it a bit.

Mr. LEVER. If the gentleman will permit, if he is going to criticize this administration for not doing something, as he claims, he ought to be willing to give the House the benefit of the facts, and of his knowledge as a member of the Naval Committee as to what a prior administration has done in the same

Mr. BRITTEN. I should like to go into that very thoroughly with the gentleman. He will understand that under the Taft administration there was an entirely different condition of affairs. The entire world was not in a state of unrest, and was not torn up by a terrible war which was lacerating a great percentage of its population. The gentleman realizes that conditions then and now are entirely different; and, after all, what difference does it make? This administration is undergoing a most trying period as far as foreign affairs are concerned, and because of that we should at least employ common, ordinary, everyday business methods in the conduct of our military and naval departments.

Mr. SAUNDERS. Will the gentleman yield?

Mr. EMERSON. Will the gentleman yield for a question? Mr. BRITTEN. I must decline to yield for just a few

Mr. EMERSON. Right at this point-

Mr. BRITTEN. I will yield.

Mr. EMERSON. Has the gentleman forgotten, in all this excitement about war, that we reelected President Wilson because

he was going to keep us out of war?

Mr. BRITTEN. Yes; we reelected President Wilson because he has kept us out of war, and I hope to God that in the next few days he will continue to be "too proud to fight." Now let us go into the submarine question, if you please. As I said a little while ago, we have authorized 59 submarines up to and exclusive of the present bill. Let us see their condition in the course of construction. I am sure these figures will interest some of you gentlemen who want a big Navy and who are partial to submarines. We authorized eight in August, 1912, under President Taft. It will surprise you gentlemen to know that only four of those have been completed. Think of it! In the session prior to the last of the Taft administration we authorized eight little submarines and only four of them are completed at the present time. Let me tell you how far advanced they are.

Mr. COOPER of Wisconsin. The gentleman said something

about the second session.

Mr. BRITTEN. The second session prior to the last one, in August, 1912. The last one ended March 4, 1913.

Mr. COOPER of Wisconsin. August, 1912, was during the last Congress of the Taft administration.

Mr. BRITTEN. Yes; but the last session of that Congress ended on March 4, 1913.

Mr. GARDNER. If the gentleman will allow me, four of the submarines authorized August 22, 1912, are uncompleted, and one authorized March 4, 1913.

Mr. BRITTEN. That is true; and I am going to show you how near completion they are, and you gentlemen can draw your own conclusions as to when they will be finished. I will show you by actual figures that at the present rate of construction President Wilson will have to be reelected a third time in order to finish a submarine,

Mr. KELLEY. The gentleman is not advocating that, is he? Mr. BRITTEN. Not yet. Of the four authorized in August, Not yet. Of the four authorized in August, 1912, almost five years ago, they average between 85 and 90 per cent of completion, some 79 per cent completed, and so on. During the last session of Congress under President Taft we authorized four little boats. The construction of one of the four was sent to the Portsmouth, N. H., Navy Yard by Secretary Daniels. The machinery for that ship is now 47.85 per cent completed, or less than half completed. It was authorized four years ago, and is being built in a Government yard.

Mr. HOWARD. Will the gentleman allow me to ask him a

question?

Mr. BRITTEN. Not now. In the present bill the Secretary asks the House for \$12,000,000 additional to the \$6,000,000 given him last year with which to equip Government navy yards. I am going to show you how construction has progressed in Government navy yards.

Mr. LONDON. Will the gentleman yield?
Mr. BRITTEN. No; I can not. On June 30, 1914, we authorized eight submarines of the N type. Will it surprise you, gentlemen, to know that the ship or hull, meaning the superstructure of one of these boats, is 27.1 per cent completed? Why, at that rate it will take 16 years to complete these ships, and we all recognize the fighting value, offensive and defensive, of submarines.

Now, go along to March 3, 1915, and here is a scandalous ate of affairs. The O-1 and the O-2, little \$800,000 ships, each state of affairs. one being sent to a Government yard so that we could rush them to completion-it was after the scare in Europe and we wanted submarines to defend harbors-one went to Portsmouth and the other to the Puget Sound Government yard, because we were going to rush them to completion and show private builders what the Government could do in building ships-2 years old, and

each of these ships 0 per cent completed.

Mr. DICKINSON. Will the gentleman yield?

Mr. BRITTEN. Not now. If it takes two years to have 0 per cent completed, how many years will it take to have these ships 100 per cent completed? [Laughter and applause on the Republican side.] Figure that out yourself. I hope that the Democratic administration will not last long enough to complete these ships. [Laughter.]

Mr. WM. ELZA WILLIAMS. Will the gentleman yield?

Mr. BRITTEN. For a question. Mr. WM. ELZA WILLIAMS. Let me ask my colleague if during the Taft administration any contracts

Mr. BRITTEN. Oh, if the gentleman is going to talk about the dead, let us forget it. [Laughter.] Mr. WM. ELZA WILLIAMS. I want to ask the gentleman a

question.

Mr. BRITTEN. All right, ask the question, but do not talk about the Taft administration.

Mr. WM, ELZA WILLIAMS. Was there any time limit within which these contracts should be completed?

Mr. BRITTEN. I will not answer the question, because the gentleman is dealing with the dead. Let us talk about something that applies to the present.

Mr. WM. ELZA WILLIAMS. The gentleman finds fault with

the administration because these ships have not been completed,

Mr. BRITTEN. Was the country at war at that time? Mr. WM. ELZA WILLIAMS. I am asking the gentleman if was any time limit on these

Mr. BRITTEN. I suppose that there was.
Mr. WM. ELZA WILLIAMS. No; there was not, and it is

the fault of you gentlemen.

Mr. BRITTEN. It was not my fault; I was not here at the time, I am sorry to say. The two ships that I am talking about now were authorized in 1915, after the war in Europe had progressed seven months, and the world was strained and frightened, and we wanted these ships badly, so we sent each to Government yards, where we could control their construction. After being there two years they are 0 per cent completed.

Now, let us get away from submarines and take up the destroyers. Torpedo-boat destroyers are light ships, about 1,100 tons, costing a million and a half dollars each. They have no heavy armor or armament, but depend almost entirely on the torpedo tubes and torpedoes for offensive warfare. These are the ships that did such wonderful work for Germany off Skagerrak last year, the only big naval battle they have had during this war, when they dashed in among the British warships and put two or three dreadnaughts out of commission.

Mr. DICKINSON. Mr. Chairman, I am very much interested

in the gentleman's remarks, may I ask a question?

Mr. BRITTEN. I will yield for a question.

Mr. DICKINSON. I am much interested in the statement.

Will the gentleman give to the House the real reason and cause for the delays that he is calling the attention of the House to?

Mr. BRITTEN. I said a little while ago to the gentlemen in the House that the real reason for the cause of the delay and failure to construct these ships on time is that we lack in the Navy Department to-day proper business administration to carry any contract successfully into effect, [Applause on the Republican side.]

Mr. DICKINSON. What is the reason and cause in the mind

of the administration?

Mr. BRITTEN. I am sorry to say that I can not see into the mind of the administration. It may be light, but you can't see through it. Now, let us talk of the torpedo-boat destroyers. On June 30, 1914, we authorized six torpedo-boat destroyers. Four of these have been completed and commissioned. Of the other two, one is 96.7 per cent complete and the other is 99 per cent complete. It will please my good friends in the House who are partial to navy yard construction to know that the one of the two remaining uncompleted is being built in a Government navy yard, and, as usual, the navy yard ships are behind all the others authorized at that particular time.

On March 3, 1915, we authorized six more torpedo-boat destroyers. Remember, gentlemen, they are of 1,100-ton displacement, carry no extensive arms or armament, and should be quickly constructed. One of these is in the Norfolk Navy Yard for construction, and the other one is being constructed at the Seattle Construction Co. Will it surprise you to learn that in two years on the construction of these ships, one of them is 2.3 per cent completed and the other is 5.6 per cent completed. Think of it! That will mean—50 times 2 are 100—that in 100 years from now these two ships will be completed. [Laughter.]

Mr. EMERSON. They are very good in carrying doubtful

States, are they not?

Mr. BRITTEN. Oh, yes; in time of peace. I have a very interesting statement to make concerning the construction of the transport Henderson. That was authorized under the Taft administration. The Navy needed a big transport; we did not have one; therefore it was desired quickly. One of the first things our Secretary of the Navy did was to advertise for bids for this transport, and he prescribed in the notice that he sent out to prospective bidders that the ship must be completed within 24 months.

The CHAIRMAN. The time of the gentleman from Illinois

Mr. BRITTEN. I will ask the gentleman from Pennsylvania to give me 30 minutes more. I have yielded quite freely

Mr. BUTLER. That is true, and I shall not yield to the gentleman unless he shall insist on going on with his speech, because time is precious. [Laughter.] I yield the gentleman

Mr. GOODWIN of Arkansas rose.

Mr. BRITTEN. I can not yield. This ship, the Henderson, was authorized four years ago, and the request sent out for bids by the present Navy Department distinctly said that no bid would be considered by the department that specified more than 24 months for the completiton of the same, because they wanted it quickly. It was further prescribed that a penalty of \$150 a day would be imposed for failure of any contractor to deliver that ship within 24 months. Bids were taken. Secretary of the Navy with his usual desire to play a little politics and favor navy yards gave the construction of the transport Henderson to the Philadelphia yard. I am not going to criticize the navy yard, because it is a very good yard, but will you gentlemen be surprised to learn that that ship is not completed to-day, and at that rate the Navy Department owes itself \$108,000 penalty at the present time. Its hull is 94 per cent completed and its machinery 73 per cent completed. This is a little \$2,000,000 transport, which has been under construction for four years in a navy yard under the complete control of the present administration, and the bids varied very slightly between the Government bid and the bid of the lowest bidder.

About that time we also needed a supply ship that had been authorized under the Taft administration. It was called the

Bridge, a little ship costing \$1,300,000.

The Secretary of the Navy realized the value of a supply ship—we had to have it quickly, so in a notice he sent to the various contracting concerns bidding on the construction of same he said to them that no bid would be considered that prescribed more than 22 months to complete the ship, and that for every day over 22 months it would take to complete the ship the contractor should be penalized \$150. I do not infer, it is not up to me to even suggest, that any figures may have been juggled by anybody, but it is surprising to observe that the Boston Navy Yard's bid was but a few dollars below the bid of the lowest private bidder. I will not say that any chicanery or deceit was practiced, but I have a notation here that says:

After receipt of bids the department requested some or all of the navy yards to check over their estimates and revise, if necessary.

Mr. GARDNER. Mr. Chairman, will the gentleman yield? Mr. BRITTEN. Not now. Is it not perfectly natural that the navy yard might have been told the amount of the low bidder in order that they could come below it and get the contract, and if so, let us see the result. Twenty-two months was the time specified, and the penalty was \$150 a day. The Boston Navy Yard has been at that ship all during the present administration, and I find that its machinery is 57.11 per cent completed, so that at the present rate of construction in another three or four years the ship will be completed. It should have been completed within 22 months, and would have been by one of the private bidders who was low and offered to do the business in 22 months or suffer enormous penalty. At the rate of penalty prescribed for the bidders the Navy Department owes the Government about \$120,000 for the delay.

Mr. GARDNER. Mr. Chairman, will the gentleman yield? Mr. BRITTEN. I have only a few minutes. The gentleman realizes that. Will he give me some of his time?

Mr. GARDNER. I only have half an hour.

Mr. BRITTEN. That is all I had, and I am a member of the committee. [Laughter.] Of course, it would not be fair for any big Navy man to say that the administration should complete a battleship in four years, a dreadnaught, because we are working under very adverse conditions nowadays in our navy The minority says that the war in Europe may be over in a few days, and that we will not need any ships then and that we had better delay. Let us see just what has been done.

Exclusive of the pending bill, the present administration has authorized 13 first-line fighting ships, all of which are far from completion, and therefore not to be considered in our program of national defense in the event of war in the immediate future. The dreadnaught Idaho, being constructed by the New York Ship Bullding Co, is 64.5 per cent completed and is ahead of her nearest rival, while the big ships being constructed in Government yards are, as usual, the tallenders. Three battleships were authorized in June, 1914. One is being built in the New York Navy Yard, the other two are being built by private con-Will it surprise you to learn that the one being built in the New York Navy Yard, a sister ship to the other two, is 20 per cent completed as far as machinery is concerned, and the other two are 60 and 66 per cent completed as to machinery, or 300 per cent nearer completion than the one in the navy Let us see about the two authorized two years agothe California, being constructed in the Mare Island Navy Yard, the other, the Tennessee, being constructed in the New York Navy Yard, two big dreadnaughts being constructed by the administration in Government yards.

Mr. KELLEY. The gentleman means, to be constructed? Mr. BRITTEN. One of them, the *Tennessee*, after two years, is no per cent completed on machinery, no per cent completed as to hull. How would you gentlemen feel about placing in the hands of the present administration, with such apparent lack of efficiency, the affairs of your Government during a great war with some foreign power equipped to fight? The one in the California yard at Mare Island, 2 years old, is no per cent completed so far as machinery is concerned, and 1.9 per cent completed as far as hull is concerned.

And so it goes with all the work that has been contracted for

under this administration.

Mr. FESS. At that rate how long will it take to complete it?
Mr. BRITTEN. The gentleman wants to know how long it
will take to complete it. The gentleman is a college professor, and if he can figure out the time the Navy Department will be

Mr. MAHER. Will the gentleman tell us how long it took to

complete the Arizona?

Mr. BRITTEN. I just have a little more to say during my few remaining minutes. Now, we get down to what, in the parlance of the street, is called the milk in the coconut.

As a résumé of the increase in fighting value of the Navy authorized and commissioned under President Wilson's administration we have the grand total of no submarines, no battleships, no hospital or supply ships, and but four small destroyers of 1,100 tons each.

Does it not give you "goose skin" when our country's unpreparedness for a great emergency is so apparent, and do you not hope that the President will continue to be "too proud to fight '

Do you realize that right at this moment, if you please, we are on the verge of breaking off diplomatic relations with one of the most powerful fighting countries of the world? And we hear the cry that the Navy to-day, man for man and ship for ship, is the greatest Navy in the world. Yet if we are dragged into that terrible European war you will be told that a large part of our Navy can not go to sea because of a shortage in ordinary seamen. Yes; ship for ship in cold steel, tied to a dock, we are the equal of the best; but unfortunately for us our enemy will not tie his ships to a foreign dock and match them against ours in that way. He will have full crews, properly trained, for every ship, while ours will be manned as best they

Mr. OLIVER. Will the gentleman yield?
Mr. BRITTEN. I will yield to the gentleman for a question.
Mr. OLIVER. Will the gentleman consent to write into the bill the House is now considering that no battleship shall be let unless it can be constructed within 36 months, and no submarine shall be let unless it can be constructed within 8 months

Mr. BRITTEN. The gentleman is making a speech in my time. I do not control what should be written into the bill; but I will say this, that the present administration of the Navy Department, through its lack of business ability, has destroyed competition in every line of materials that go into the Navy, whether it go on the Jacky's back, in the Jacky's stomach, or whether it go on the Jacky's back, in the Jacky's stomach, or in the construction of the ship. There is no question about that. [Applause on the Republican side.]

Mr. CALLAWAY. Will the gentleman yield?

Mr. BRITTEN. I can not right now; the gentleman will get

his own time. Do you gentlemen realize that more than 50 per cent of the tonnage of our Navy is at the present moment tied up to the docks in the various yards and our various harbors because we have not sufficient men to man them? Do you realize that the fighting value of a ship does not lie in its ton-nage, it does not lie in its guns, but it lies in the men behind the guns? It lies in their ability to accept a command and carry it out successfully, quickly, and shoot and hit the mark. That can not be done by a lot of green seamen that are taken from citizenry. It takes a year to train men to carry out their orders and man the immense fighting machines. There are all kinds of mechanism, radio, firing devices, that a boy from the street can not control; and then we have the nerve to say to the country that, man for man and ship for ship, our Navy is equal to that of any navy in the world. Well, we have, if they keep theirs tied up to the docks on the other side and we keep our own, as they are, tied to the docks on this side. Then we are equal. But men are as necessary as ships. Neither can operate without the other. [Applause.]

Mr. Chairman, I yield back any time I may not have used.
The CHAIRMAN. The gentleman yields back two minutes.
Mr. BROWNING. Mr. Chairman, I yield 30 minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, one of the gentlemen a minute ago asked when the Arizona was authorized. It was authorized on the 4th of March, 1913, and in order that there shall be no confusion in discussing why the Arizona was built more quickly than some other vessels have been built, I call attention to Secretary Daniels's evidence on page 720 of this year's hearings before the Naval Committee. Secretary Daniels said:

We did some extra work on the Arisona in order to get her out speedily. We have not regular three shifts on any large proportion of the work. It is only when we can not get the men to hurry the work out. It has been very difficult to get the men for more than one shift. We have therefore had to go to overtime, which is very costly.

I merely call attention to that statement so that in discussing the case of the Arizona you may not overlook the fact that it was not altogether built on an eight-hour single-shift basis. SHORTAGE OF ENLISTED MEN.

The authorized enlisted strength of the Navy is 77,956 men. We are short of that number by 24,500, as Admiral Palmer told me this morning. In other words, for every three men which we need to man our ships we have got two. Now, it is no wonder that in order to man this Arizona when it was com-

missioned in October, three years and six months after it was authorized, it was necessary to rob the battleships Kansas, and Vermont, and New Hampshire of their crews. (See morning papers of Oct. 18, 1916.) That is precisely what was done. All three of those battleships were sent to cold storage, or "in reserve," as it is euphemistically called, and yet the oldest of them was not quite 10 years in commission. Yet they went to cold storage, and we took their crews for the Arizona. Furthermore, according to Associated Press dispatches of May 13, 1916, Secretary Daniels on that day ordered the battleships New Jersey, Virginia, Rhode Island, Nebraska, Connecticut, and Louisiana to be put "in reserve," with their crews reduced 60 per cent, so as to provide men for a destroyer division and for the new dreadnaughts Oklahoma and Nevada. Now, that is what comes from this business of opposing year after year the increase in the number of enlisted men in the Navy. Secretary Daniels changed his policy last year, and we authorized a large increase in the number of bluejackets, but we are not getting the men. This year the Secretary comes along and suggests two plans, both of them good, to make the service more attractive to the enlisted men. One of these plans was adopted by the Naval Committee and is included in this bill. The other plan was turned down.

Secretary Daniels asked that he be permitted annually to appoint to the Naval Academy 100 enlisted men, provided that appoint to the Naval Academy too consister them the can show the requisite fitness. The Committee on Naval Affairs, wisely, in my opinion, has adopted this suggestion. He also asked that the pay of enlisted men should be increased \$5 per month. This was the suggestion which the committee negatived. The Secretary testified that 90 per cent of those enlisted men had somebody depending on them. It is true that they are paid more than a soldier or a marine; but that does not alter the fact that their pay is inadequate. The base pay of a third-class seaman in the Navy is \$17.60 a month, and the base pay of a private soldier or marine is only \$15 a month, with clothes, lodging, victuals, and courts-martial all thrown in free of charge. Now, that pay is not enough. You have got to pay men what they are worth in this world if you want them

to work cheerfully.

THE CONSEQUENCES OF UNDERMANNING OUR NAVY.

I have been looking into some rather interesting figures to see just exactly what the consequence of undermanning our vessels has been.

A certain prize is awarded annually to our battleships. It is known as the "engineering trophy." Our battleships and our largest cruisers compete for this trophy. Article XIX of the rules under which the award is made disqualifies any ship which has been in a navy yard for more than 150 days during the year. In the last fiscal year 15 battleships and 7 large cruisers were disqualified for that engineering trophy because for over five months they were wallowing in a navy yard, and only 10 battleships and 1 large cruiser qualified for the trophy. During the last fiscal year we had 33 battleships. Fifteen of them were disqualified for the reason which I have given, three venerable survivors of the Spanish War were out of commission, and the other five were disqualified for various reasons. Only 10 battleships out of the whole 33 could qualify for the engineering trophy. (See Navy Department letter to commanders in chief, No. 27832–256, July 25, 1916.) Now, that is what comes of not having men enough in your Navy. That is the condition to-day, with 24,500 men short in the Navy.

DELAYS IN CONSTRUCTION.

Now, I am going on to this question of procrastination and delay in the actual building of the ships which Congress has authorized. Excuses and explanations which failed to explain have been offered by the bushel. I am perfectly willing to admit, so as to save any gentlemen asking me the question, that the delay was exactly as bad under Republican administration as it is now. But the world was not on fire in those times and sparks were not flying on every side.

The fastest capital ship in the fighting line of the United States Navy is the *Delaware*, with a speed of 21½ nautical miles per hour. The fastest ship in the British Navy, a battle cruiser of the fighting line, is the *Princess Royal*, whose speed is 34½ nautical miles, according to our Navy Yearbook, which cites press reports in support of its statement. The fastest capital fighting ship in the German Navy is the battle cruiser Seydlitz,

with a speed of 29 nautical miles per hour.

We have never built any battle cruisers. Foreign nations have been building them; and, finally, last year we decided to construct four. Recently the Secretary of the Navy opened bids for those four. One of the bidders would not specify any time limit for delivery. Two of the bidders named 48 months and the fourth named 51 months as the period. Later on, in testifying before the Naval Committe, one of the bidders shortened the period to 46 months. So if this bill goes through by March 4, and if the Secretary of the Navy signs the contracts at once, it will be the 1st of January, 1921, before the United States has its first battle cruiser completed, 13 years after Great Britain's first battle cruiser was completed and 10 years after Germany's first battle cruiser was completed.

Mr. WM. ELZA WILLIAMS. Will the gentleman yield?

Mr. GARDNER. Certainly.

Mr. WM. ELZA WILLIAMS. As the gentleman is informed on these matters, I would like to hear from him as to the remedy for the conditions about which he complains.

Mr. GARDNER. I am coming to that in a few minutes.

Our new Navy law last summer was a good law so far as the building program was concerned, but it seems to be fundamentally impossible for the Navy Department to push the construction through to a conclusion in the way that business men must push matters through to a conclusion or else go to the wall. When we are faced with a trifling difficulty like insufficient draftsmen we wait a year before we correct it.

Last year it was found that the "ways" in the Government yard at Mare Island were not sufficiently long for the construction of a battleship. We had not foreseen it. We had to wait for months until the Cuyama was off those "ways" before we could extend them. We do not look ahead. This shortage of labor could have been foreseen. This overcrowding of private ship-yards ought not to have taken us by surprise. The fact is that the lack of business methods in the Navy Department is grotesque. It was so under Republican management, and it continues to be so under Democratic management, in spite of the conflagration in Europe.

Since President Wilson's inauguration nearly four years have elapsed; but no Navy appropriation bill under his administration was passed until June 30, 1914. In that bill and in the bills since that time Congress has authorized the immediate construction of 110 war vessels of all kinds, counting the 66 vessels authorized last summer for immediate construction. Of this number of ships of all sorts, as the gentleman who preceded me [Mr. Britten] said, only four have been completed; four destroyers-the Sampson, the Rowan, the Wilkes, and the Davis. Not a battleship, not a battle cruiser, not a submarine, not an auxiliary has been pushed through to completion, except ships authorized before Mr. Wilson was President. Those 4 destroyers are the only vessels out of 110 authorized under the present administration which have been finished. Last March we commissioned for the first time the superdreadnaught Nevada and last May we commissioned the Oklahoma. How long ago do you suppose that Congress first voted money for the Nevada and for the Oklahoma? Over five years before they were put in commission. The Arizona made a much better record. It was three years and nine months from the time she was authorized until the time she was put in commission.

I hold in my hand the Navy and Marine Corps List and Directory for January, 1917. It is the last number published. It shows that the keels have not yet been laid for any of the 30 submarines authorized last year. It also shows that the Navy Department has 33 other uncompleted submarines on its hands authorized in years prior to 1916.

Now, the gentleman from Illinois [Mr. Britten] has told you about the submarines, and you have heard the facts which he presented. He took those facts from the bulletin of the Bureau of Construction and Repair. If he had also looked in the Navy and Marine Corps List and Directory, he would have found two more submarines whose names do not appear in his list, the G-2 and the G-3. The G-2 was authorized in 1908 and is now 92 per cent complete. The G-3 was authorized in 1909 and is now 89½ per cent complete. In both instances the contract was forfeited by the Lake Co. and Uncle Sam has not finished the boats yet. Besides these two vessels, 4 of the unfinished submarines were authorized in 1912, 1 in 1913, 8 in 1914, 8 in 1915, and 30 were authorized in 1916. Three of the 33 unfinsubmarines authorized prior to 1916 are fleet submarines Fleet submarines are the big 1,200-ton submarines, which can follow the fleet and fight anywhere. The first one we authorized was the submarine Schley. It is known as Fleet Submarine No. 1. We authorized it on June 30, 1914. On March 19, 1915, nine months later, Secretary Daniels made a contract for the completion of the Schley in three years, so that in March, 1918, Uncle Sam will have his first finished fleet submarine. Then, again, on March 3, 1915, we authorized two more fleet sub-marines. On October 2, 1916, one year and a half later, the Secretary of the Navy signed contracts for their construction. The contract calls for the completion of one of them in two years and of the other one in two years and two months.

I have looked through the reports of the Chief of the Bureau of Construction and Repair, and I find that for our 30 submarines which are being constructed under contract 20 months is the shortest period, while 36 months is the longest period within which delivery is stipulated.

Now, what sort of a way of building a Navy is that when the

world is on fire?

Mr. FITZGERALD, Mr. Chairman, will the gentleman yield for a question?

Mr. GARDNER. Yes.

Mr. FITZGERALD. Did anyone offer to build in a shorter time?

Mr. GARDNER. I do not know.

Mr. FITZGERALD. If nobody would offer, what would you do?

Mr. GARDNER. I am coming to the remedy later. Now, as the gentleman from Illinois [Mr. Britten] has told you, the Fore River Shipbuilding Corporation built 10 submarines of the H class for the British Government. They were put together near Montreal and shipped off to Europe on their own bottoms in five months after the contract was made. [Naval Committee hearings, Jan. 17, 1917, p. 1040.] The company got a very high price, of course. They were all of the same pattern.

I want to present to you this thought: There are only two cofferdams which we can extemporize for our protection while we are building up a permanent system of preparedness. There are only two ways in which we can improvise a temporary defense against possible trouble within the next year or so. One way is by building submarines and the other is by increasing our Regular Army.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman

yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Michigan?

Mr. GARDNER. Yes.

Mr. SMITH of Michigan. Would you think it as important to recruit the men to operate the ships that we have already constructed as it is to devote so much energy to the construction

of new ships?

Mr. GARDNER. Oh, I think both courses are absolutely This year the General Board recommended that we should build four battleships. The Secretary of the Navy and the committee have reduced that number to three. The General Board recommended the building of two battle cruisers. The ecretary and the committee have reduced the number to one. The General Board recommended 4 scouts and 20 destroyers. The Secretary and the committee reduced the number to 3 scouts and 15 destroyers. The General Board recommended nine fleet submarines. Secretary Daniels recommended four, and the committee recommended none. The General Board recommended 18 coast submarines, Secretary Daniels recommended 14. The committee has decided on 18 submarines, big ones, I am glad to say, of the 800-ton type. [Naval Committee hearings, Dec. 11, 1916, p. 723.] As to those little submarines, of which we have authorized a good many heretofore, the European war shows that their radius of action is so limited that they are not in the same class as these 18 big coast submarines which it is proposed to authorize in this bill. Eight hundred tons, by the way, is about the tonnage of the U-53, which came into Newport Harbor last autumn.

Undoubtedly the Secretary of the Navy and the committee will say that the reason why they did not recommend the complete program of the General Board this year is because of the congestion in navy yards and private shipyards. They will tell you that the capacity of our private shipyards is not sufficient to take care of the program laid down by the General Board. That is precisely what the Secretary claimed last year. The Secretary of the Navy, along about Christmas time in 1915, just after he had recommended a meager shadow of the preparedness program of the General Board of the Navy, said that the capacity of the navy yards and the private shipbuilding yards of this country would be exhausted by a building program calling for five capital ships. Later testimony showed that over

twice that number could be cared for.

Congress overruled the Secretary of the Navy, and we provided a big program. We ought to do the same thing this year. It is my sober judgment—gentlemen have asked me for my remedy for the delay in construction—it is my sober judgment that we ought to pass a law giving to the President the right to compel private shipyards, in cases of emergency, to put aside private work where it interferes with the progress of Government work. And, furthermore, I for one would cheerfully vote for a resolution declaring that such an emergency exists at the present time. It is no use shilly-shallying with the preparedness program merely because private yards are overcrowded with private busi-

ness and the Government yards are insufficiently equipped to do our work. The Secretary of the Navy in his annual report suggested the possibility that he might need additional legislation to compel the cooperation of private yards. In his report he submitted nothing in the way of legislation, and so at my request the gentleman from New Jersey [Mr. Browning], at one of the hearings, asked the Secretary whether he did not have some legislation to propose along that line. The Secretary agreed to do so, and a little later he did submit legislation along that line, quite inadequate for the purpose, I think, because it only gave him the power of compulsion after contracts had been made with private shipyards. But be it effective or be it ineffective, it was not pressed in the committee, and it is not contained in this bill, not even that mild provision for com-

As to whether or not warships can be built more cheaply and more quickly and better in Government or in private yards, I do not know, and nobody else knows, because no system of bookkeeping has ever yet been adopted which any council of chartered accountants would agree on as a fair system. You can argue from now until doomsday, and you will come to no conclusion until you have an impartial commission to examine into the facts. I am very glad, however, to vote the money requested by the Secretary of the Navy for the extension of the facilities of Government navy yards. We must have plenty of facilities for Government building in any event. But just now it seems to me that the one thing necessary is speedy construction, and that at the present time gentlemen ought not to be guided by considerations of a penny saved or a penny gained. If I had the decision of the question, I should build our ships wherever they can be built most quickly.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. GARDNER. Yes. Mr. MADDEN. Would not the gentleman accompany that by the enlistment of sufficient men to man the ships after they are

Mr. GARDNER. I have not the slightest doubt that getting the men is merely a question of paying them. I am going to address this House a little later about the question of enlistment, because I have been in touch with the noncommissioned officers of five different regiments who have been on recruiting

Mr. MADDEN. Unless we do something of that sort, there would not be much use in speeding up the construction of the

Mr. GARDNER. I quite agree with the gentleman. I am going to offer an amendment to increase the pay of the men.

Mr. KELLEY. The gentleman spoke of forcing private shipyards to build more speedily. Does the gentleman think it would be wise to commandeer these private shipyards under the circumstances which we are facing now?

Mr. GARDNER. Certainly I do, portions of them. I see no other remedy. I do not like it. I do not like compulsion myself, and I do not agree with the Secretary that these private yards have been misbehaving themselves, but that is not the point. It is no use discussing whether this sort of inefficiency existed under Republican administration. It is no use arguing as to how many ships were authorized at one time and how many at another, how many under one administration and how many under another. That sort of talk has nothing to do with the problem in hand. We are discussing now what we need to make the country safe.

Mr. WM. ELZA WILLIAMS. I think I fully appreciate the force of what the gentleman has said about commandeering. Is that practicable in time of peace? I understand, of course, that if we were involved in war, the President would have that power and authority; but is it practicable or is it constitutional

Mr. GARDNER. I should try it and see. I should put the

burden on the other fellow of going into court.

Mr. HOWARD. What is the gentleman's opinion about the further construction of these small submarines that have proven themselves to be of little use, in the light of foreign experience? I understand we are constructing some 33 or 39 of this small type that the gentleman spoke of.

Mr. GARDNER. A great many of them.

Mr. HOWARD. Would not the gentleman oppose the construction of that type of submarines that the experience of for-

eign navies has shown to be ineffective?

Mr. GARDNER. I do not know. I am not on the Naval Committee. I have no doubt the committee discussed that question with the officers who appeared before it. I am not an expert. My mind is merely a crucible into which a lot of ideas have been poured, and I am trying to give you the precipitate in the cru-

cible, but I do not know how to answer that question. If I had my mind made up on it. I should answer.

Mr. FARR. Does not the gentleman think these smaller boats could be used effectively in coastwise work?

Mr. GARDNER. We have such an enormous coast line that that may be true.

Mr. FESS. Will the gentleman yield?

Mr. GARDNER. Yes.

Mr. FESS. I have been interested in the question whether the Government should construct these ships in Government yards or in private yards. Whatever be our policy, we at least should not cripple the private yards to such an extent that we could not utilize them.

Mr. GARDNER. I agree with the gentleman absolutely. We should be careful not to cripple the private yards, but I consider that such an emergency exists at the present time as makes it imperative for the Government to be given the power of compulsion. I should give everybody a square deal, but I should get things done.

Mr. SMITH of Michigan. I understood the gentleman immediately preceding you to say that there had been authorized under the present administration \$960,000,000 for the con-

struction of warships and war vessels.

Mr. GARDNER. I do not know the figures. Mr. SMITH of Michigan. Can the gentleman give us information as to how much has been appropriated for the purpose and used in the construction of battleships during this administration, and how many are completed.

Mr. GARDNER. No; I do not know. Mr. SMITH of Michigan. How many have been completed? Mr. GARDNER. There are only four ships, all destroyers, which have been completed that were authorized during this administration. The gentleman remembers that this administration came in on March 4, 1913. The first appropriation bill to be passed after that date was approved June 30, 1914. Of the ships authorized June 30, 1914, and since that time, only four have been put in commission. The Rowan, the Sampson, which is the one that had the collision the other day, the Davis, and the Wilkes.

Mr. OLDFIELD. Will the gentleman yield? Mr. GARDNER. Yes.

Mr. OLDFIELD. The gentleman stated that it was his purpose to offer an amendment increasing the pay of the enlisted men, both in the Army and the Navy.

Mr. GARDNER. Yes Mr. OLDFIELD, W

Will the gentleman state how much he

proposes to increase it?

Mr, GARDNER. In the Navy I am going to take Secretary Daniels's recommendation of \$5 per month for each man. That will make the base pay of a third-class seaman \$22.60 per month. A third-class seaman, which is the lowest paid grade in the Navy, now gets \$17.60 as his base pay, against \$15 for a private in the Marine Corps and \$15 for a private in the Army. When the Army bill comes along I am going to try and raise the pay of the enlisted men in the Army. It seems to me that a man has a better opportunity in the Navy than in the Army,

Mr. OLDFIELD. What would it cost at the figures the gentleman has given?

Mr. GARDNER. The Secretary figures that the Navy increase would amount to \$3,600,000 additional per annum. schedule of pay for the Army, which goes all through the branches of enlisted men, figures out over \$25,000,000 more per annum than the existing schedule.

Mr. OLDFIELD. Does the gentleman think that will obtain

a sufficient number of men?

Mr. GARDNER. I am quite confident of it, if we shorten the period of enlistment. The time of the gentleman from Massa-The CHAIRMAN.

chusetts has expired.

Mr. PADGETT. Mr. Chairman, I desire to say that I have reserved the greater portion of my time, and at the conclusion I purpose to reply to some things that have been said which I do not wish to say now. I yield an hour and a half to the gentleman from Alabama [Mr. OLIVER] for the use of himself and those to whom he may wish to yield.

The CHAIRMAN. The gentleman from Alabama is recognized for I have and 20 minutes.

The CHAIRMAN. The gentleman from Alabama is recognized for 1 hour and 30 minutes.

Mr. OLIVER. Mr. Chairman and gentlemen of the committee, in view of the statement just made by the gentleman from Tennessee [Mr. Padgett] that he would furnish to the committee some informing and accurate data in answer to the many misleading, inaccurate, and reckless assertions you have just listened to from the gentleman from Illinois [Mr. BRITTEN],

I will not now take time to further discuss the same. At the conclusion of my remarks I will insert a table showing the vessels ordered during the term of every four-year administration, commencing with the year 1901, including the present, and showing the number of vessels completed during each administration and the percentage of work done on those not completed. A mere glance at this table will refute fully the views entertained by the gentleman from Illinois [Mr. BRITTEN], and will clearly demonstrate that the record of achievements under the present administration constitutes far more than the mere basis of a favorable comparison with that of previous administrations. Unquestionably too much time has been given in the past for the completion of naval vessels, and these long delays in deliveries have probably occurred under every administration since 1901, and before that even. Now the important question for this Congress to settle is how to avoid these delays in future.

The sincerity of the gentleman from Illinois [Mr. Britten] in registering complaints against what he terms long delays in the building of ships for our Navy is open to serious question, since he now stands ready to authorize and direct the Secretary of the Navy to give to private shipbuilders a time limit of from 48 to 52 months to build capital ships in, although these same companies assured him, and the other members of the committee, before the authorization for such ships was given, that they could be built within 38 months, and if a bonus was offered an earlier completion could be had. He is also now willing to give these same shipbuilders 42 months to build scout cruisers in, although the same parties assured us before the scout cruisers were authorized that they could readily build them in 32 months, and sooner if a bonus for speedy construction was provided. The gentleman from Illinois [Mr. Britten], at the last session of Congress, less than six months ago, with eight other members of the committee, filed a minority report in which it was asserted that both battle cruisers and battleships could be built in less than 30 months, and scout cruisers in less than 20 months, and they strongly insisted that these maximum time limits should be fixed by Congress in making the appropriations for such ships, so as to insure the building of them speedily and within the limits of time so prescribed. Yet he and the others, who signed such report so recently, are now demanding for the shipbuilders 48 to 52 months for capital ships, and 42 months for scout cruisers, and at the same time are urging a large increase in the appropriations for such ships, even with the

The only explanation they offer for this sudden change is that the shipbuilders now claim that labor is so scarce that it is impossible for them, on this account, to promise earlier construction. I beg to remind these gentlemen that these same shipbuilders informed the committee last year that their plants were being worked to full capacity and that labor was then just as scarce if not more so than now.

The Bethlehem Steel Co. owns the Fore River Shipbuilding Co., of Quincy, Mass., and the Union Iron Works, of San Francisco Col. cisco, Cal; and these two plants together now have from four to five thousand more laborers than they had last year, when they gave assurances to the committee that the maximum time which they would require for the building of capital ships would be 38 months. The other shipbuilding plants have certainly as many, if not more, laborers now than they had last year, when like assurances were made to the committee, and the Government yards have 5,000 more laborers than they had last year. These figures, which no one will now rise on the floor to dispute, show clearly that the claim of shipbuilders that scarcity of labor is alone responsible for their inability at this time to make good the assurance and promises which they gave the committee when the building program was being considered, is

not substantiated by the facts. [Applause.]

The real, underlying reason is this: That shipbuilders are now enjoying an abundance of profitable private work, which can be completed in comparatively short periods of time, and they are anxious to get Government contracts, at the high prices now prevailing, with long-time limits, so that they can complete such contracts at their leisure when the European war

over and normal prices and conditions return. Six members of the Naval Committee were so convinced that the facts above recited were true, we have felt impelled to dis-sent from the majority report and to submit herewith for your consideration some suggestions in the form of a minority report, which I earnestly invite your thoughtful and careful study of.

This is not the time for further discussing the academic question as to whether our Navy should be strengthened, both 1

as to material and personnel. This question was finally settled more than five months ago in this Congress by practically a unanimous vote, and a three-year building program adopted, carrying the largest appropriation ever voted for a similar purpose by any Government at one time during peace or war. Those of us who now dissent from the majority report are not seeking in any way to oppose or hinder the prompt carrying out of the three-year building program, so authorized by you on August 29, 1916. It is of the utmost importance, however, that judgment and discretion be used in spending the large appropriations which Congress is now willing to vote for the Navy, and inspired by this desire alone certain members of the Committee on Naval Affairs in their minority report endeavor to show by a recital of admitted facts that the completion of this three-year building program can be really hastened and a saving of both time and money accomplished at the same time. [Applause.]

I now ask your careful attention to this, the minority, report:

saving of both time and money accomplished at the same time. [Applause.]

I now ask your careful attention to this, the minority, report:

The undersigned members of the Committee on Naval Affairs dissent from the report, submitted by the chairman of the committee, in respect to the appropriations providing for three additional battleships, one battle cruisers, and three scout cruisers, to be built during the fiscal year 1918, and assign, in part, as their reason the following:

Four battle cruisers and three scout cruisers, authorized and appropriated for by this Congress at the close of its first session have not yet been let, and the Secretary of the Navy, in a letter on this subject to "The department has done its utmost in this connection about getting ready to build these ships, but finds that the private shipbuilders of the country are unable or unwilling to complete the program with any assurance of speed in completion, even at prices which the department regards as unreasonably high."

The report of the committee at the first session of this Congress pointed out and specially emphasized the Navy's imperative present need of these two types of ships, and the chairman of the committee, in a speech on the floor of the House, urged the speedy building of these ships to the exclusion of battleships. If there was necessity then for foreign powers are steadily increasing these types of vessels, which they already possess in considerable numbers.

The committee, in recognition of these facts and to insure the construction of these ships, has in the present bill recommended an authorized increase in the appropriation for each of said battle cruisers of from \$3,000,000 to \$8,000,000, and have further recommended an appropriation of \$12.000,000 to \$8,000,000, and have further recommended an appropriation of \$12.000,000 to \$8,000,000, and have further recommended an appropriation of \$12.000,000 to \$15,000,000 carried in the last bill, to enable the Secretary of the Navy to equip the Government to one with a subjec

capacity.

An expert from the Navy Department estimates that the materials for a battle cruiser, which will now cost approximately \$11,000,000, could, in normal times be bought for \$6,000,000, and that the present cost of labor is-from 22½ to 30 per cent over normal times.

Officials of some of the shipbuilding companies stated that it would require 9 or 10 months to equip their yards for the building of battle cruisers, and that such equipment would entail an expense of about \$1,000,000, and that at the conclusion of the European war this additional equipment would be worth about 50 per cent of the present cost for installation, since they claim there will then occur a horizontal drop in the cost of materials and the cost of building. They assign this as a reason for requiring the Government to include in the overhead charges demanded for the building of battle cruisers on the percentage basis, hereinbefore referred to, a special depreciation charge of \$500,000. In other words, the Government must, as a penalty for the conclusion of the European war, pay shipbuilding companies who may now make contracts with the Government the sum of \$500,000, which represents their estimated difference of the price of a permanent improvement built at this time and what the same improvement would cost if built when peace is restored.

Without undertaking to now set out in detail further facts justifying our dissent from the report of the majority of the committee, we beg to state that it is our opinion and judgment—

First That a postponement of appropriations at this time for the four additional capital ships and the three additional scout cruisers, carried in the present bill, will materially aid the Navy Department in providing the best possible terms for the construction of the battle cruisers and scout cruisers, which were authorized and appropriated for at the first session of this Congress, and are still uncontracted for.

Second. The delay in appropriating for the building of additional ships of the types of those now appropriated for, and uncontracted for, until the next Congress meets will result in a reasonably probable saving of many millions of dollars to the Government, and at the same time will probably insure an earlier completion of said ships than if now appropriated for and a long time limit thereby impliedly given for their completion.

will probably insure an earlier completion of said ships than if now appropriated for and a long time limit thereby impliedly given for their completion.

In support of these conclusions the following facts may be briefly adverted to, namely:

With the shipyards already overcrowded with Government and private work and all labor available for building ships being now worked to its full capacity, it is a mistake to largely increase the Government contracts to be let out until some promise of real competition by shipbuilding plants can be assured. This competition will be assured:

First. When the European war is concluded (and this is not beyond the pale of reasonable probabilities during the present year).

Second. When our navy yards are equipped to build any type of ships that Congress may order (and this may be accomplished, so the Navy Department advises, with the appropriation carried in this bill for such purpose, in the same limit of time that will be required for private shipbuilding companies to equip yards for the building of battle cruisers).

It will be noted that we have not dissented from that part of the bill carrying appropriations for additional destroyers, submarines, and other ships, contracts for the construction of which the Navy Department has heretofore been able to secure, and we suggest that if the appropriation for additional capital ships and scout cruisers is postponed until the next Congress meets the Secretary of the Navy can be authorized to prepare the necessary drawings and specifications for said ships, so that bids may be asked for thereon in time for the submission of the same to the first session of the next Congress, which can then make immediate appropriation therefor if advisable.

It may be interesting to call attention to the five-year building program which the President in his annual message at the first session of this Congress recommended and which the Navy Department then strongly urged. An examination of this five-year program will disclose that if appropriations f

have been substantially complied with for the fiscal years of 1914. Int 1918.

In conclusion, we will state that the bill as reported simply follows the authorizations provided for in the bill passed about five months ago by this Congress and does not undertake to provide a building program for any emergency. If a real emergency should arise, the Government would at once commandeer all navy yards and would wholly change the building program authorized in the bill passed at the first session of this Congress, and by thus assuming control of all private shipbuilding yards and devoting the same to the building of Government ships the completion of any building program required would be largely hastened, and it would be a serious mistake to have contracts outstanding whereby the Government had impliedly assented to a time limit of 48 months or more on some of its capital ships and 41 or 42 months on its scout cruisers. Even if there should exist in the minds of some ground for apprehending that emergency legislation may be required, this but suggests the wisdom of the recommendations hereinbefore made, so as to prevent committing the Government to contracts that would not be completed within the limit of time required.

Mr. Chairman, the report speaks for itself, and if there be

Mr. Chairman, the report speaks for itself, and if there be any Member of this House who desires to question the accuracy of the facts therein set out, or the correctness of the conclusions drawn therefrom, we stand ready to substantiate the same by

proof of an indisputable character, we think.

If the exigency is such as to now demand speedy construction of ships, which you in August last authorized, then the President should by this bill be given authority in his discretion to commandeer private shipbuilding and supply plants. He should also be provided by this bill with all necessary funds and clothed with full discretion as to the spending of such funds in the construction of the three-year building program and such additional naval small craft as to him may seem necessary. If this power is conferred on the President, the objections raised by the minority report will have been largely met and you will thus have probably well and best insured the speedy construction of the types of ships now most urgently peeded to give proper balance and real afficiency to contract the speedy construction of the types of ships now most urgently peeded to give proper balance and real afficiency to contract the speeds of the same and real afficiency to contract the same and real afficiency. gently needed to give proper balance and real efficiency to your [Applause.]

Even though the President is clothed by this bill, and I think he should be, with authority in an emergency to commandeer private shipbuilding and supply plants and is supplied with funds sufficient to build speedily any and all vessels authorized in the three-year program above referred to, and such additional small naval craft as he may determine, it is still supremely important, by way of providing for the possible contingency of such emergency authority not being exercised, that there be written into this bill, by way of amendment, some directions that will insure first the building of battle cruisers and next a maximum time limit of not exceeding 38 months for the com-pletion of any ship herein appropriated for. No one will ques-tion what naval experts now advise as to the importance of adding battle cruisers to our fleet, even if it results in temporarily postponing the further building of battleships, and certainly no one will seriously question the justice and reason-

ableness of insisting that private shipbuilders, when given ship contracts, shall complete such vessels within 38 months.

Notice is now given that when the paragraph providing for new construction is read I will endeavor to insure the observance of the above suggestions by proposing two amendments, as follows:

Amend, on page 58, line 13, by inserting, after the word "each," the following proviso: "Provided, That no money herein appropriated shall be expended in the construction of any vessel unless the period of time for the final completion of said vessel shall be fixed at not exceeding 38 months."

Amend, on page 58, line 13 by inserting, after the word "each," the following proviso: "Provided, That no money herein appropriated shall be expended in the construction of battleships until contracts shall be first made for the construction of the battle cruisers herein appropriated for."

If these amendments should not be adopted, I will at the proper time offer a motion to recommit and thereby seek to have the appropriations now carried for two battleships so changed as to provide for the construction therewith of 15 additional destroyers and 12 additional submarines. Both of these types of vessels will add to the efficiency of the fleet and will be speedily available if an emergency arises. We also know the Secretary can secure contracts for their completion within a reasonable time.

The motion to recommit will read:

Strike out all appropriations for two of the three battleships now carried in the bill and insert in lieu thereof appropriations for the construction of 30 destroyers instead of 15 and for 30 submarines instead of 18, the type and cost of such additional destroyers and submarines to be the same as those now carried in the bill.

The conditions at present make it signally appropriate to substantially repeat what was said by me when this Congress approved at its last session the large naval program, which

we are now providing further appropriations to carry out:

"In the preparation of this and the previous bill we have not been unmindful that Congress, in providing for our Navy, should consider any potential dangers from without that ad-dress themselves to the calm judgment of reason, yet we have not undertaken, and I hope we never will, to prepare for national aggression, and so long as our preparedness is impressed with the character of self-defense, as opposed to aggression, there can be no merit in the argument that we are drifting into militarism. All recognize that an adequate Navy is the best bulwark of our safety if the time should ever come when necessity and might become the supreme law. Yet our people have never, and I hope will never, give assent to that declaration attributed to Lord Nelson in the years gone by to the effect that "a line of battleships is the best negotiator in Europe."

"Our country looks with confident hope to the time when peaceful argument can be relied upon in the settlement of national differences, and it is significant that representative citizens from every section now discuss in serious and hopeful vein the probability, after the close of that almost indescribable struggle across the ocean, that the nations of the world by common consent establish along practical lines some tribunal to which differences can be referred for advice and determination, subject to the final approval of the nations involved. There is now a continuous appropriation of \$200,000, which may be expended at the discretion of the President, in calling an international conference looking to this end. "It is but a recognition of that human truth that to strike a

blow in wrath is simply the operation of passion, but to manfully restrain national passion, even under provocation, is the result of human reasoning. If civilization means anything be-sides the mere technical achievement, it is self-restraint, and the degree it is practiced is the measure of our real culture. It should be practiced by nations as well as by individuals.

"And in the building program of the future, while it must be

always sufficient for adequate defense, may we always re-member that a Navy more powerful than is necessary for defensive purposes might invite its abuse and might prove, instead of a protection, a menace to the peace of the world and to our own liberty. Surely none of us will ever want to see our country in the rôle of an international bully. Let us hold to those traditions we have always been taught and which enjoin on us to always set the world an example in the love of liberty and peace and in the ways of justice and fair, dealing in all our relations with others.

What a nation does exclusively for themselves passes away; what they have done for the world remains. For a nation to place all people of all lands under a debt of conscious obligation, because of her real service to humanity, for that nation to send forth light from her high places to illumine the earth, to realize within herself that real righteousness which exalteth a nation, to champion the cause of justice, and to sacrifice the glory of conquest for the right of universal peace—this is indeed to conquer the world, and happy are they who can play a part [Prolonged applause.]

Mr. Chairman, under leave to extend my remarks in the RECORD I insert the following as an answer to statements made by the

gentleman from Illinois [Mr. BRITTEN]

"Statements have also been made during the discussion of this bill reflecting upon the rapidity with which work has been pushed upon ships authorized in this administration, one favorite allegation being that no ship authorized in President Wilson's administration will be completed before his present term expires. In this form this statement, I think, is incorrect, as a number of the vessels authorized in this administration will be completed before the 4th of March, 1917.

"As regards capital ships, not only for this administration but for all other administrations, this statement is correct, and for a very simple reason. Each administration begins on the 4th of The first Congress of the administration assembles in the following December. The first naval bill of an administration is passed some time in the following summer, or some 15 months after the administration begins. The result is that from the first authorization of a capital ship to the expiration of an administration is about two years and nine months only, and this time is inadequate to prepare plans, advertise, award contracts, and complete the construction of a capital ship.

"As a matter of fact, progress that has been made on ships authorized in this administration and the prospective progress between now and March 4, 1917, compare very favorably with

that of preceding administrations.

The table below shows the number of vessels authorized during the first two years of the present and the three preceding administrations, and their average percentage of completion at the end of the administration, the percentages being estimated as regards the work under the present administration between now and March 4 next.

Progress of work on naval vessels authorized during first two years of the present and three preceding administrations.

treet is an a trivial of the fact in a	Administrations.								
	901-1905	1905-1909	1909-1913	1913-1917					
Battleships authorized first two years Average percentage of completion at end	7	2	4						
of administration	49	75	52	58					
Destroyers authorized first two years		5	14	12					
of administration.		66	87	93					
Submarines authorized first two years Average percentage of completion at end		8	8	26					
of administration		69	65	88					

Percentages for March 4, 1917, estimated from present and prospective progress.

"The table below gives a list of all vessels, both authorized and completed, during one administration since the administra-tion beginning March 4, 1901. As before, the completion esti-mated during this administration is estimated, but there is no reason at the present time to doubt the accuracy of the estimates:

All vessels of the Navy authorized and completed during the same administration.

1901–1905	1905–1909	1909–1913	1913–1917		
2 tugs	None	2 tugs	6 destroyers. 1 submarine. 1 fuel ship.		

"Particular stress has been laid in some statements upon the fact that vessels being built directly by the Government are much behind sister vessels being built by contract, it being stated, for instance, that the Mississippi and Idaho, being built by contract, are 100 and 200 per cent ahead of the sister vessel New Mexico, being built at the New York Navy Yard. This is another case of figure juggling. When these three vessels were authorized by Congress, it was directed by the law that one of them should be built in a navy yard. The navy yard, New York, was the only yard fitted at that time to build battleships, and the single ways at that yard were already occupied by an earlier battleship—the Arizona. It was necessary to get this battleship launched and out of the way before the construction of the New Mexico could be undertaken. Hence the New Mexico was started some six months later than the sister vessels being built by contract. At the time she was started her sister vessels—using the methods of the critics—were some thousands per cent ahead of her, instead of a puny one or two hundred. On May 1, when the

New Mexico's keel had been laid some six and one-half months, and that of the most advanced sister vessel over 15 months, the total percentage of completion was 59 in the case of the latter and 26 in the case of the former. The other sister vessel-the Mississippi-which had been under construction only a little over a year, was 44 per cent advanced.

"As a matter of fact, at the present time work on the New Mexico is being pushed to the limit. This limit is fixed at present by the number of men available in the shipfitting trades. Many more men could and would be worked if the prevailing scarcity of skilled labor did not prevent them from being obtained. Though it has not been possible to obtain sufficient men to work shifts upon this vessel, certain shops are being worked night and day, and upon the ship itself the single shift available is being worked overtime at materially increased expense wherever it will facilitate speed.

"The truth is that the backward status of the New Mexico, as compared with the Mississippi and Idaho, is due primarily to the requirement of the law that she should be built in a navy yard when the ways were already occupied. Since laying the keel, her progress compares favorably with the progress of sister vessels for the same period, and she is now gaining on the latter.

"The Shaw, building at the Mare Island Navy Yard—the first destroyer to be constructed in a Government navy yard is progressing thoroughly satisfactorily, and there is no reason to doubt that she will meet her estimated date of completion, which is January 1, 1917, or only a month or two behind the date for completion of sister vessels building by contract. This is not a bad showing for the first Government-built destroyer where material had to be shipped to the Pacific coast, 3,000 miles away.

"The critics are still repeating the story that England had 20 submarines completed in the United States last year in five months. They do not give the facts, which are that 10 submarines were assembled for England in Canada and 10 built in the United States. The time was not 5 months but 10 months, and these submarines were duplicates of an old class of small submarines built for the United States, which the critics now allege are worthless.

The submarines being built for the United States are very different boats, and much superior. The submarines authorized two years ago vary from 56 to 63 per cent in their completion, with the exception of the Schley. The fact that on May 1 the Schley was only 121 per cent completed is the foundation for the allegation that, as regards the submarines authorized in 1914, 'some of these ships are 5 per cent completed.' The Schley was contracted for a good deal more than a year ago, the contract date of completion being March 19, 1918, and the contractors express confidence in completing her by their contract date.

"Quite as rapid progress has been made by the Wilson administration as under any former administration. This, too, in the face of the fact that to-day every shipbuilding yard is overcrowded with work; it is difficult to secure material, and it is impossible to obtain enough skilled labor to carry the three shifts which the Secretary of the Navy has been endeavoring to put at work to hasten construction. Under former administrations it was easier to obtain material quickly, there was a surplus of labor looking for work, and it was much easier to rush work than under present conditions. Democratic prosperity has done many good things, but the demand for skilled labor has made it impossible to secure enough labor to enable that quick construction which the Navy Department is doing everything possible to secure.

"It may be interesting to here state that Mr. Foss in 1907, while chairman of the Naval Committee, stated on the floor of this House, as will appear from the Congressional Record, that the battleship Nebraska had been building more than six years and was only then nearing completion, and that many of the other ships building were then more than two years over contract time.

The CHAIRMAN. The gentleman from Alabama reserves the balance of his time. He has consumed 40 minutes.

Mr. PADGETT. Mr. Chairman, I wanted to yield my time

to myself.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. Butler or the gentleman from Massachusetts [Mr. Roberts]

Mr. ROBERTS of Massachusetts. Mr. Chairman, the Republican side has used an hour and a quarter, one-half of the time allotted to them, and we expected naturally that the other side would use as much time.

Mr. OLIVER. How much time have you used?

Mr. ROBERTS of Massachusetts. An hour and a quarter-

one-half of our time. You have used about 43 minutes.

Mr. MANN. I think if we meet at 11 o'clock in the morning we might as well rise, anyhow. We are going to meet at 11. That is already fixed.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the naval appropriation bill (H. R. 20632) and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed with amendments the bill (H. R. 20453) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. J. Res. 203) to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1917.

The message also announced that the President had approved

and signed bills of the following titles:

On January 27, 1917:

S. 7536. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River in the borough of Warren and township of Pleasant, Warren County, Pa.; and

S. 7538. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River in Glade and Kinzua Townships, Warren County, Pa.

On January 30, 1917:

S. 7359. An act authorizing the Delaware Railroad Co. to construct, maintain, and operate a bridge across the Nanticoke

River at Seaford, Sussex County, Del.; and

S. 7748. An act to authorize the United New Jersey Railroad & Canal Co., and such other corporation or individuals as may be associated with it, to construct a bridge across the portion of the Delaware River between the mainland of the county of Camden and State of New Jersey and Petty Island, in said county and State.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bill and joint resolution of the following titles:

S. 8090. An act granting the consent of Congress to Washington-Newport News Short Line, a corporation, to construct a

bridge across the Potomac River; and

S. J. Res. 203. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1917.

ENROLLED BILLS TRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 217. An act to authorize the sale of school property in

the city of Denver, Colo., and for other purposes; and

H. R. 20209. An act to amend section 276 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

LEAVE TO EXTEND REMARKS.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing two memorials of the Oklahoma Legislature with reference to pending legislation.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the Record by printing certain resolutions of the Oklahoma Legislature. objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now

The motion was agreed to; accordingly (at 4 o'clock and 48 minutes p. m.) the House adjourned until to-morrow, Saturday, February 3, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting estimates of deficiencies in appropriations required by the War Department to complete the service of the fiscal year ending June 30, 1917 (H. Doc. No. 2014); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a report showing the number of documents received and distributed by the Treasury Department during the calendar year ended December 31, 1916 (H. Doc. No. 2015); to the Committee on Expenditures in the Treasury Department and ordered to be

3. A letter from the president of the Washington & Old Dominion Railway Co., transmitting report of the Washington & Old Dominion Railway for the 12 months ended December 31, 1916 (H. Doc. No. 2016); to the Committee on the District of Columbia and ordered to be printed.

4. A letter from the treasurer of the Washington-Virginia Railway Co., transmitting report of the Washington-Virginia Railway Co. for the year ended December 31, 1916 (H. Doc. No. 2017); to the Committee on the District of Columbia and

ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting an amendment to section 411 of the revenue act approved September 8, 1916, which section provides for the redemption of documentary stamps issued under the emergency revenue act of October 22, 1914, and the joint resolution continuing that act (H. Doc. No. 2018); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Navy, submitting a tentative draft of legislation for incorporation in the general deficiency bill (H. Doc. No. 2019); to the Committee on Appropri-

ations and ordered to be printed.

7. A letter from the Secretary of the Navy, submitting a tentative draft of legislation for incorporation in the general defi-ciency appropriation bill (H. Doc. No. 2020); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows

Mr. MOON, from the Committee on the Post Office and Post Roads, to which was referred the bill (H. R. 20660), authorizing the Postmaster General to increase prices for certain supplies to conform to abnormal market conditions, reported the same without amendment, accompanied by a report (No. 1404), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GLASS, from the Committee on Banking and Currency, to which was referred the bill (H. R. 20661) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916, reported the same without amendment, accompanied by a report (No. 1406), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 4932) for the relief of the heirs of Oscar Chrysler, reported the same with amendment, accompanied by a report (No. 1405), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 6194) for the relief of William Wooster, reported the same with amendment, accompanied by a report (No. 1407), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 19809) for the relief of Frank S. Ingalls, reported the same without amendment, accompanied by a report (No. 1408), which said bill and report were referred to the Private

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 16073) for the relief of the Mc-

Clintic-Marshall Construction Co., reported the same with amendment, accompanied by a report (No. 1409), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:
By Mr. EMERSON: A bill (H. R. 20716) to punish stenographers, clerks, and other employees who betray secrets which come to them from their superior officers or otherwise; to the

Committee on the Judiciary.

By Mr. HULL of Iowa: A bill (H. R. 20717) for the expenditure and use of moneys due the estate of deceased colored soldiers, sailors, and marines of the Civil War; to the Committee on Military Affairs.

By Mr. ANTHONY: Memorial of the Legislature of the State

of Kansas, favoring national woman-suffrage amendment; to

the Committee on the Judiciary.

By Mr. CARTER of Oklahoma: Memorial of the Legislature of the State of Oklahoma to authorize the sale of the coal and asphalt deposits of the Choctaw and Chickasaw Nations to the end that the Choctaw and Chickasaw Indians may receive the just value thereof; to the Committee on Indian Affairs.

Also, a memorial of the Legislature of the State of Oklahoma to authorize the Osage Indians to lease lands containing oil, gas, coal, and other minerals before title passes from them; to the

Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under cause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:

By Mr. CONRY: A bill (H. R. 20718) to waive the age limit and disqualification of being married in the appointment of Abraham J. Willner as a second lieutenant in the United States Army; to the Committee on Military Affairs.

By Mr. CRAMTON: A bill (H. R. 20719) granting a pension to

George W. Bellaw; to the Committee on Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 20720) granting a pension to Mary J. Welch; to the Committee on Invalid

By Mr. HAYDEN: A bill (H. R. 20721) to extend the time limit of the timber-cutting rights of the Saginaw and Manistee Lumber Co. on lands in the Coconino and Tusayan National Forests, Arizona, and for other purposes; to the Committee on the Public Lands.

By Mr. KEARNS: A bill (H. R. 20722) granting an increase of pension to Joseph L. Shields; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 20723) granting an increase of pension to George W. Moore; to the Committee on Invalid

By Mr. PETERS: A bill (H. R. 20724) granting an increase of pension to Benjamin Maddox; to the Committee on Invalid

By Mr. PLATT: A bill (H. R. 20725) granting an increase of pension to Annie M. Owens: to the Committee on Invalid Pen-

By Mr. SMITH of Michigan: A bill (H. R. 20726) granting an increase of pension to Henry C. Holbrook; to the Committee on Invalid Pensions.

By Mr. VINSON: A bill (H. R. 20727) for the relief of Elizabeth R. Nicholls and Joanna L. Nicholls, heirs of Joshua Nicholls; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Chamber of Commerce of the United States of America against literacy test in the immigration bill; to the Committee on Immigration and Naturalization.

By Mr. ANTHONY: Petition of A. W. Smith and other members of the Christadelphian Ecclesia, of Topeka, Kans., praying for exemption from military service; to the Committee on Military Affairs.

Also, memorial of Baptist Church and Sunday School and Women's Christian Temperance Union, of Wathena, and Blair Union Sunday School, of Blair, Kans., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY: Petition of B. Pickman Mann, Albert Harper, Aaron L. Applebaum, J. T. Exnicino, V. T. Lassagne, T. P. Edinburg, D. N. Halstead, and A. J. Cory, Washington, D. C., and Emil F. Lange, Vienna, Va., for the passage of House bill 13281, to promote better trade relations with Latin America; to the Committee on Ways and Means.

Also, petition of United Leather Workers of the World, against militarism; to the Committee on Military Affairs.

By Mr. DALE of New York: Petitions of sundry citizens of Brooklyn, N. Y., against taxing life insurance companies; to the Committee on Ways and Means.

Also, petitions of A. B. Wymer and others, of the United States, favoring passage of bill to establish a probation system in United

States courts; to the Committee on the Judiciary.

Also, petition of the National Association of Life Underwriters, favoring passage of House bill 19617, to incorporate the National Association of Life Underwriters; to the Committee on the Judiciary.

Also, petition of Loose-Wiles Biscuit Co., of New York City, against section in revenue bill relative to taxing earnings of corporations; to the Committee on Ways and Means.

Also, petitions of G. L. Nicoll and E. B. Lord, of New York City, favoring passage of House bill 20080, for protection of migratory birds; to the Committee on Foreign Affairs.

By Mr. EAGAN: Petition of the Short Hills (N. J.) Garden Club and others, favoring passage of House bill 20080, for pro-tection of migratory birds; to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of Winnebago National Bank, of Rockford, Ill., protesting against proposed tax on profits, etc.;

to the Committee on Ways and Means.

Also, petition of American Bottle Co., of Chicago, Ill., protesting against prohibitory legislation; to the Committee on the Judiciary.

By Mr. GALLIVAN: Petitions of sundry members of the Massachusetts Branch of the League to Enforce Peace, relative to adoption by the United States of the league's proposals; to the Committee on Foreign Affairs.

By Mr. HICKS: Petition of sundry citizens of Nassau County, Y., favoring national prohibition; to the Committee on the

Judiciary.

By Mr. LINTHICUM; Petition of D. K. E. Fisher, of Baltimore, Md., favoring passage of House bill 20080, for protection

of migratory birds; to the Committee on Foreign Affairs.

Also, petition of Menorah Lodge, No. 771, Independent Order
B'nai B'rith, Baltimore, Md., against literacy test in immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of Maryland Lithographing Co., George J. Pugh, and Frank E. Pertz, of Baltimore, Md., against Randall mail-exclusion bill; to the Committee on the Post Office and

By Mr. MEEKER: Petition of Shoe Repairers' Association of St. Louis, Mo., favoring an embargo on leather; to the Committee on Foreign Affairs.

By Mr. MORIN: Petition of Mrs. A. P. Gillespie, Miss Jessie Myers, Mrs. Elizabeth D. Williams, Miss Margaret Fisher, and Miss Frances Balph, of Pittsburgh, Pa., with reference to Federal suffrage amendment; to the Committee on the Judiciary.

By Mr. MOTT: Memorial of Rotary Club of Watertown, N. Y., favoring bill to educate immigrants in America; to the Com-

mittee on Education.

Also, memorial of Railway Business Association, relative to railroad legislation; to the Committee on Interstate and Foreign

By Mr. ROWE: Petition of A. Eden, of Brooklyn, N. Y., favoring passage of House bill 20080, to protect migratory birds; to the Committee on Foreign Affairs.

Also, petition of New York Churchmen's Association, relative to deportation of Belgians; to the Committee on Foreign Af-

Also, petition of citizens of New York, protesting against pro-

hibitory legislation; to the Committee on the Judiciary.

Also, memorial of the Humanitarian Cult, favoring Susan B. Anthony amendment to the Constitution; to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Papers to accompany House bill 20283, for pension for Luther W. Holmes; to the Committee on Invalid Pensions.

Also, petition of Rev. J. Vander Meulen and 60 citizens of Kalamazoo, Mich., favoring Christian amendment to the Constitution of the United States; to the Committee on the Judi-

By Mr. SNYDER: Petition of sundry citizens of Herkimer, N. Y., favoring prohibition for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of sundry citizens of thirty-third New York district, favoring passage of House bill 20080, relative to migratory birds; to the Committee on Foreign Affairs.

By Mr. STEELE of Iowa: Petition of 72 citizens of Sioux City, Iowa, favoring Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

SENATE.

SATURDAY, February 3, 1917.

(Legislative day of Friday, February 2, 1917.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the reces

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators an-

swered to their names:

Ashurst Gallinger Oliver Overman Smith, S. C. Beckham Brady Brandegee Gronna Husting Johnson, S. Dak. Smoot Sterling Page Pittman Stone Sutherland Thomas Thompson Tillman Johnson, S. Da Jones Kenyon Kern La Follette Lane Lodge Martin, Va. Martine, N. J. Myers Brandegee Bryan Chamberlain Chilton Clapp Colt Poindexter Pomerene Reed Robinson Tillman Townsend Underwood Vardaman Walsh Williams Saulsbury Shafroth Sheppard Sherman Culberson Curtis Dillingham Fernald Smith, Ga. Smith, Md.

Mr. MARTINE of New Jersey. I rise to announce the absence of the Senator from Oklahoma [Mr. Gore] owing to illness. ask that this announcement may stand for the day.

Mr. PITTMAN. I wish to announce that the senior Senator from Nevada [Mr. Newlands] has been detained from the Senate for several days by illness.

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. There is a quorum present.

SENATOR FROM MARYLAND.

The VICE PRESIDENT. The Chair lays before the Senate the credentials of Joseph Irwin France, chosen by the qualified electors of the State of Maryland a Senator from that State for the term beginning March 4, 1917, which will be printed in the RECORD and placed on the files.

The credentials are as follows:

STATE OF MARYLAND, EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, 1916, Joseph Irwin France was duly chosen by the qualified electors of the State of Maryland a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1917.

Witness his excellency our governor, Emerson C. Harrington, and our seal hereto affixed at Annapolis, Md., this 31st day of January, in the year of our Lord 1917.

EMERSON C. HARRINGTON, Governor.

[SEAL.] By the governor:

THOMAS W. SIMMONS, Secretary of State.

SENATOR FROM MINNESOTA.

The VICE PRESIDENT. The Chair lays before the Senate the credentials of Frank B. Kelloge, chosen by the qualified electors of the State of Minnesota a Senator from that State for the term beginning March 4, 1917, which will be printed in the RECORD and placed on the files.

The credentials are as follows:

STATE OF MINNESOTA, EXECUTIVE DEPARTMENT, ST. PAUL.

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 1916, Frank B. Kellogg was duly chosen by the qualified electors of the State of Minnesota a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1917.

Witness his excellency our governor, J. A. A. Burnquist, and our seal hereto affixed at St. Paul, this 28th day of November, in the year of our Lord 1916.

J. A. A. BURNQUIST, Governor. JULIUS A. SCHMAHL, Secretary of State.

[SEAL.]

GOVERNMENT OF PORTO RICO.

Mr. SHAFROTH. I ask unanimous consent that House bill 9533, to provide a civil government for Porto Rico, and for other purposes, be made the special order for Monday evening

at 8 o'clock. I think we can finish it clearly at that time.

Mr. WILLIAMS. Mr. President, ordinarily I would have no objection to that, but just at this moment I do not think I could agree to make anything the exclusive business of the Senate at any particular moment for any considerable length of time. understand the request embodies the idea that nothing else shall be considered.

Mr. SHAFROTH. I will withdraw that part and just make it a special order for Monday evening.

Mr. WILLIAMS. There may be matters arising of very vital importance, and it may be very advisable-

Mr. SHAFROTH. I withdraw that portion of the request. ask that the request be submitted.

The VICE PRESIDENT. What is the request now?
Mr. SHAFROTH. The request is for unanimous consent that House bill 9533, to provide a civil government for Porto Rico, and for other purposes, be made the special order for Monday evening at 8 o'clock.

The VICE PRESIDENT. That, the Chair understands, is

what the Senator from Mississippi objected to.

Mr. SHAFROTH. No; I understood that there was coupled with that that nothing else should be considered. He objected to that portion of the request.

The VICE PRESIDENT. Then, just what will it be?

Mr. SMOOT. I shall object if that is left out.

Mr. SHAFROTH. I move that House bill 9533, to provide a civil government for Porto Rico, and for other purposes, be made the special order for Monday evening at 8 o'clock.

Mr. SMOOT. If the Senator will ask unanimous consent that nothing else shall be considered that evening, I have no ob-

jection.

Mr. SHAFROTH. I can give that personal consent, but we have just heard the objection made by the Senator from Mississippi. He will not consent to it if that is made a part of it.

Mr. SMOOT. Then let the Senator incorporate that in his

motion.

Mr. SHAFROTH. No; that can not be done. That is the difficulty. A call for a quorum would end the session if any business would interfere with it, and the Senator would not be willing to consent to that. This is a bill which has been before the Senate now for more than six months, and I have been trying time after time to get it up for consideration.

Mr. SMOOT. Why does not the Senator move to take it up during the day?

Mr. SHAFROTH. Because we can not get time during the day. Here is an appropriation bill before us now the consideration of which is going to last longer than Monday night. I can not get the bill through except in this way. I ask that the motion be put.

The VICE PRESIDENT. The Senator from Colorado moves that on Monday evening at 8 o'clock what is commonly known as the Porto Rican civil government bill be made the special order of the Senate. It requires a two-thirds vote. [Putting the question.]

On a division, the motion was not agreed to.

WILLIAM LOWELL HILL.

Mr. LODGE. If the Senator from South Carolina will allow me, I desire to ask for a recommittal to the Committee on Naval Affairs of the bill (S. 7288) providing for the appointment of Chief Boatswain William Lowell Hill as a commander in the

United States Navy. It is a report I made from that committee.

The VICE PRESIDENT. Is there objection? The Chair
hears none, and it is so ordered. The unfinished business is be-

fore the Senate.

AGRICULTURAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19359) making appropriation for the Department of Agriculture for the fiscal year ending-June 30, 1918,

Mr. SMITH of South Carolina. Mr. President, when we laid aside the agricultural appropriation bill yesterday afternoon we had under discussion the appropriation for the investigation of diseases of the pecan. I wish to explain that appropriation, The question was raised as to why the amount had been increased, and it seemed confusing on the face of it.

On page 19 appears the appropriation-

For the investigation of diseases of orchard and other fruits, \$76,415: Provided, That \$8,000 of said amount shall be available for the investigation of diseases of the pecan.

On page 25 there appears-

For the investigation and improvement of fruits, and the methods of fruit growing, harvesting, packing, storing, handling, and shipping, etc., \$112,200: Provided, That \$14,000 of said amount shall be available for the investigation and improvement of the pecan, and methods of growing, harvesting, packing, and shipping of same.

Then, on page 55-

For investigations of insects affecting deciduous fruits, orchards, vineyards and nuts, \$83,380: Provided, That \$9,600 of said sum shall be available for the investigation of insects affecting the pecan and method of control of same.

It appears by adding those specially provided items the amount exceeds \$20,000, which it does, but the present law provides that \$3,000 under the first head shall be used for pecans. We simply add \$5,000 on the first page. For cultural

investigation the present law allows \$4,000, and we added \$10,000. For the last item, under the Bureau of Entomology, the present law allowed \$4,600 in reference to the pecan, and we added \$5,000. So the real increase over what was specially provided last year is exactly \$20,000.

Mr. JONES. I do not understand that it is an increase over

the last appropriation, but the question is what the appropriation is in this bill. I understood yesterday that it was really the idea of the committee to appropriate \$20,000 for this specific

Mr. SMITH of South Carolina. That is exactly what was the specific purpose, in excess of what was specifically provided

Mr. JONES. Of course, that is quite different. The House apparently made no special appropriation for beginning the investigation for which this bill, as a matter of fact, appropriates over \$30,000 for this special investigation.

Mr. SMITH of South Carolina. Including last year's appro-

priation for this purpose.

Mr. JONES. Last year's appropriation has already been

Mr. SMITH of South Carolina, I understand. Mr. JONES. This does not incorporate that. This appropriates \$30,000 additional.

Mr. SMITH of South Carolina. No; it does not. There is now provided in the bill \$14,000 for that specific work.

Mr. JONES. In what bill?

Mr. SMITH of South Carolina. In the old bill and in this. Mr. JONES. Yes; in the old bill. That is an appropriation

distinct in itself, and now you appropriate \$30,000 more.

Mr. SMITH of South Carolina. We do not. Let me explain it to the Senator. The Agricultural Department sent a letter. I will just read the letter and then the Senator will understand thoroughly just what we have done:

It is evidently the purpose of these amendments to provide for an enlargement of the investigational work of the Bureau of Plant Industry on the diseases of the pecan and the improvement of pecan varieties and cultural methods, and for the work of the Bureau of Entomology on the investigation of insects affecting the pecan by providing increases for these three lines of work as follows—

Now, here is the table:

Bureau of Plant Industry, present annual expenses, pecan diseases, investigations, \$3,000.

Proposed increase, \$5,000.

Mr. JONES. You propose to appropriate \$3,000 and then \$5,000 more.

Mr. SMITH of South Carolina. Surely.

Mr. JONES. That makes \$8,000.

Mr. SMITH of South Carolina. I was speaking of the Senate committee amendment.

Mr. JONES. That is what I am talking about.

Mr. SMITH of South Carolina. But the Senate committee amendment does not appropriate \$8,000.

Mr. JONES. It says \$14,000 of this sum shall be used for that purpose

Mr. SMITH of South Carolina. There was already \$3,000 set

Mr. SMITH of south Carolina. There was already \$5,000 set aside by the department for this special work.

Mr. JONES. And this is \$14,000 more. You have included that \$3,000 in this \$14,000, for that was a separate appropriation.

Mr. SMITH of South Carolina. There is a lump sum, out of which for this special investigation \$3,000 will be set aside, whether this \$8,000 is appropriated or not. We simply specialize it; we take the \$3,000 which was appropriated last year, and which will be used again this year under the general terms of the bill, and make it specific. So the Senate committee only raised the amount that is going to be used anyway \$5,000, in the first instance, plus \$3,000. The department have indicated to us that they are going to use half of the amount provided for in this general appropriation; they say they are going to use

Mr. JONES. Out of the lump-sum appropriation for the current year the bill sets aside a certain sum for the investigation of the pecan. This bill takes care of the next current year, independent of the present current year, and this item, as I understand it, has nothing to do with the present current year.

Mr. SMITH of South Carolina. Let me call the Senator's

attention to this language:

For the investigation of diseases of orchard and other fruits, \$76,415.

If the Senator will notice, he will see that we have merely raised that \$5,000, the House having appropriated \$71,415.

ask the Senator to examine the bill on that point.

Mr. JONES. That does not make any difference.

Mr. SMITH of South Carolina, The point I am making is that the Secretary of Agriculture says that out of this general appropriation for the diseases of orchard and other fruits he has set aside and will set aside out of this \$76,415, as he did last year, \$3,000. There were subsequent facts brought to his attention that justified him in recommending to us that the Senate committee increase what the House had allowed in the lump sum by \$5,000 in the first instance, in order that there might be \$8,000 available for the pecan investigation.

Mr. JONES. For the next year?

Mr. SMITH of South Carolina. Yes; for the next year.
Mr. JONES. So that the amount we are appropriating, then,

for this purpose is that full amount; it is in addition to the appropriation for the current year.

Mr. SMITH of South Carolina. I have not disputed that. Mr. JONES. That has nothing to do with this appropriation.
Mr. SMITH of South Carolina. I am simply saying that the
Senate committee has not increased the total amount \$30,000.

Mr. JONES. I am not talking about that.

Mr. SMITH of South Carolina. That was the bone of contention

Mr. JONES. What I am talking about is that the committee is setting aside for the pecan industry for the next current year

Mr. SMITH of South Carolina. That is what it is doing; but it has not increased the general appropriation by \$30,000.

Mr. JONES. I am not talking about the general increase. What I am trying to get at is, What has been set aside for the pecan investigation? Are you taking of the lump-sum appropriation \$30,000 for that purpose?

Mr. SMITH of South Carolina. We have taken the \$11,000

We have taken the \$11,000 available this year, and have added \$20,000 for the pecan industry, making \$31,000 in all. That is exactly what we have done.

Mr. JONES. You are setting aside over \$30,000 for the pecan

industry for next year, and taking it out of this lump-sum appropriation.

Mr. SMITH of South Carolina. Yes; but we have not increased the House provision by \$30,000; and that was the point Mr. SMITH of South Carolina. as to which I was confused in my mind. I did not know just exactly what the Senator from Washington was trying to get

Mr. JONES. What I am trying to get at is the exact amount we are setting aside, especially for the pecan industry.

Mr. SMITH of South Carolina. That is correct;

contention was made yesterday that the Senate committee was increasing the amount \$30,000. It had only increased it \$20,000, but had made a specific appropriation of \$31,000, as the Senator

Mr. SMOOT. Mr. President, if the Secretary of Agriculture has a right, out of the lump-sum appropriation, to set aside \$3,000, why has he not a perfect right to set aside \$8,000 of the appropriation and simply increase the amount appropriated? That would be the proper way to do it.

Mr. SMITH of South Carolina. No; I beg pardon.
Mr. SMOOT. If the Secretary of Agriculture has a right to set aside \$3,000 for this purpose, under the provisions of the bill he can set aside \$50,000.

Mr. SMITH of South Carolina. Surely he could; but he ought to use his discretion in the expenditure of a lump sum.

Mr. SMOOT. Certainly he ought to use his discretion. Mr. SMITH of South Carolina. There are other things that need to be looked after. He could only, in justice to those other objects, set aside \$3,000, and that is what he has done. That is

perfectly clear. Mr. SMOOT. I am not saying what he will do; I am saying what, under the provisions of the bill, he could do.

Mr. SMITH of South Carolina. Oh, surely, he could refuse

to spend any of it, for that matter.

Mr. SMOOT. What I am trying to get clear here, if the Senator will permit me, is, if the Senate committee had increased the appropriation from \$71,450 to \$76,450, that would have been an increase of \$5,000, and there would have been no necessity of inserting the proviso here-

That \$8,000 of said amount shall be available for the investigation of diseases of the pecan.

Mr. SMITH of South Carolina. Suppose the Senate committee, as suggested by a Senator near me, thought it was wise to specify the particular plan, which it did, because of the peculiar conditions, which I do not think it necessary to take up the time of the Senate to explain, what then? A new disease has occurred. This industry is growing by leaps and bounds; it is getting to be a very important one. They have now discovered that by a new process of grafting they can take the paper-shell pecan and graft it on to the little common stock, and in a year or two they will have a tree bearing the finest nut, as against waiting for six years' maturity if the seed are planted. These are things of importance to us. It is coming into the realm of our oil-bearing fruit. It is essential for those who have millions of dollars invested to know what is the best

method by which they can increase this wonderful production of American horticulture. We thought that it was proper, as this is a new disease which has arisen, to specifically divide this appropriation and put these specific amounts where they would do the most good, and, exercising our judgment, we did it.

Mr. SMITH of Georgia. Mr. President-

Mr. SMOOT. I will yield to the Senator in just a minute. Mr. President, these appropriations are made for specific purposes; that is, the appropriation of \$8,000 is for the investigation of diseases of orchard and other fruits. The Secretary of Agriculture has no authority whatever to use the money for the purposes mentioned by the Senator from South Carolina. He has a right under this bill to expend it for investigating diseases of orchard and other fruits. Then, on page 55, he is given authority to make an investigation of insects affecting the pecan. That has nothing whatever to do with what the Senator has just said the appropriation was for. Then, I notice here an amendment offered by the Senator from Texas to this very bill

For investigation and improvement of the pecan industry and eradication of diseases peculiar thereto, \$25,000.

That, of course, has not yet been adopted, and I do not know whether or not the Senator from Texas expects it to be adopted; but the only appropriation that there is in this bill for the investigation and improvement of fruits is found on page 25.

Mr. SMITH of South Carolina. Mr. President, there is no use of the Senator from Utah trying to belittle this matter. The Senate Committee on Agriculture certainly had sense and judgment enough to know that in connection with the question of improvement would also be involved the question of grafting and of diseases. If the Senator knows anything about the hickory tree or knows anything about this particular nut-bearing tree, he knows also that there is a little worm that in the spring cuts off the fruit-bearing ramifications or the branches that bear the fruit. There is also a disease of the tree not caused by an insect, but a disease in the tree that affects its life, its circulation. That is a question of such importance to this country that we, in our judgment, thought we should follow the recommendation of the Secretary of Agriculture and should appropriate the \$20,000 and divide it between these three important items in order that the whole question might be specifically provided for.

Mr. SMOOT. Mr. President, the Senator from Utah does not want to belittle the appropriation made in this bill for the in-Mr. President, the Senator from Utah does not vestigation of the diseases of orchard and other fruits, which, of course, would include the pecan; nor does the Senator from Utah want to belittle the appropriation for the investigation of insects affecting the pecan; but the Senator from Utah noticed that both of these items-and no one will suggest that there should not be an appropriation for these purposes-amount to the same sum that is appropriated on page 25 of the bill for the investigation of methods of harvesting, packing, storing, handling, and shipping; in other words, there is \$10,000 appropriated for this purpose, only \$5,000 additional to what the department had last year for the investigation of the diseases of the pecan, and \$5,000 for the investigation of insects affect-

ing the pecan. Mr. SMITH of South Carolina. On page 25, did the Senator read the word "growing"? That is the most important feature

Mr. SMOOT. Yes; it includes "growing." Mr. SMITH of South Carolina. The investigation of methods

of "growing" is the most important feature of it.

Mr. SMOOT. It is the most important feature. feature that the Government ought to interest itself in is to try to show the pecan grower how to eliminate diseases of the tree and how to eliminate insects affecting the tree. I do not think we ought to appropriate money to investigate packing, storing, handling, and shipping. I think that is going too far

Mr. SMITH of South Carolina. That comes under the general head of "growing," and that is what we had reference to. Now, let me ask the Senator from Utah, is he opposing the appropriation? We are appropriating millions of dollars for the improvement of corn seed; we are appropriating millions of dollars for the improvement of different food crops; and this is right along the same line. It is a rich food crop. The Senator from Utah, I think, had an amendment on one of these bills appropriating money to treat diseases of wild ducks on a lake in Utah. I want to know who is going to get the ducks?

Mr. SMOOT. But we did not have any appropriation for investigating how to kill them or how to ship them or how to take care of them or how to pack them.

Mr. SMITH of South Carolina. I presume we were merely getting ready for all that.

Mr. SMOOT. That appropriation was made to eliminate dis-The Senator from Utah does not object to any appropriation that will tend to teach the farmer how to get rid of a disease affecting a tree or to teach the farmer how to get rid of insects, just as appropriations of millions of dollars have been made for the eradication of the boll weevil.

Mr. SMITH of Georgia. Mr. President, will the Senator from

Utah yield to me for a moment?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. SMITH of Georgia. These amendments are placed in the language and at the places suggested by the Secretary of Agriculture. We have exactly followed his recommendations I have his letter in my hand, and I will reupon the subject. peat that we took his exact language and his exact recommendations and followed them.

I agree with the Senator in one respect. I do not like the way these bills are made up; but we are not in a position to change them at this session. If we act at all, we have got to act under the old plan. It is my purpose to take up with the Secretary of Agriculture during the coming vacation, if we have a vacation, the possibility of some system of consolidation and doing away with what seems to be a scattering method of appropriation.

If the Senator will yield to me for just a moment fur-

ther

Mr. SMOOT. I yield.

Mr. SMITH of Georgia. We determined, for illustration, that \$300,000 ought to be appropriated to fight the disease of the white pine. That was recommended by the Secretary of Agriculture; but instead of putting that into a general appropriation, we specified that he must use it for that purpose.

Mr. SMOOT. That was proper.

Mr. SMITH of Georgia. Then we concluded that \$20,000 more, in addition to the \$11,000 that is being spent under the existing appropriation, could with propriety be spent upon the pecan tree. We had an appeal for an additional appropriation to study the problems of grafting. I do not think it will be a continuing appropriation. I think they will soon complete that work; but the department has expressed a desire for such an appropriation and also for \$10,000 to handle a new disease which has made its appearance in the pecan tree. The pecan industry is one that is growing rapidly. It is being found that pecans can be raised successfully in cold climates wherever the hickorynut tree grows. At first I was indisposed to help, but after conferring with the department I became satisfied that it was a wise appropriation, and I will read the Senator just what the Secretary said.

Mr. SMOOT. I think it has been read, and I think perhaps

the Secretary was correct in it; but what I want to call attention to is this: The Secretary of Agriculture called this matter to the attention of the House, and the House did not think it was necessary to put in these words, specifically naming pecans, and I do not believe it is necessary now. If the Senate Committee on Agriculture desires to increase the appropriations, well and good, and as long as the Secretary of Agriculture says that he wants the increase for that purpose, why, let him have the increase. Let him decide as to whether this increase should

be spent for this particular purpose.

I say that for this reason: Suppose we appropriate the \$20,000 and specifically say that it shall be spent for this purpose, and for no other purpose. Conditions may arise under which it would not be necessary to spend that amount of money. I think the Secretary of Agriculture ought to have the authority, and he has under the increased appropriation in a lump sum; but in this way he would have no authority to spend the money for any other purpose than is named in the proviso. I think it is a poor way of legislating.

Mr. SMITH of Georgia. Mr. President, we did not wish to give the additional \$20,000 unless it was needed for this purpose. We would not have increased the appropriation except for this particular purpose; and if the Secretary finds he does not need it for this purpose then we expect him to turn it back into the

Treasury

Mr. SMOOT. Of course, Mr. President, that may have been the case; but here on the very first item you have increased it \$5,000 and instructed him to use \$8,000 of it for this purpose.

Mr. SMITH of Georgia. Because he already uses \$4,000 for this purpose.

Mr. SMOOT. No; \$3,000. Mr. SMITH of Georgia. Three thousand dollars, as shown by his classification of expenditures. He asked for the additional sum to be used for this purpose, and he asked us to do it in this language-I read from his letter:

Page 18, line 16, strike out "\$71,415" and in lieu thereof insert the following: "\$76,415: Provided, That \$8,000 of said amount shall be available for the investigation of diseases of the pecan."

That is the very language of the recommendation of the Secretary of Agriculture.

Mr. SMOOT. I see it is.

Mr. SMITH of Georgia. Now, we were willing to give him the additional \$5,000 for this purpose, but not for any other. We thought he had enough for the other purposes, but if he needed this sum for this purpose we were willing to give it to

Mr. SMOOT. Of course, the House thought he had enough

without the increase.

Mr. SMITH of Georgia. When we know what we want it for, I think it is always wise to tell him to use it for what we want it for. I really take just the other view from that suggested by the Senator, and I think he has, usually-that if we know what we want money spent for we had better tell them to spend it for that purpose than to turn it loose indefi-

Mr. SMOOT. That is true wherever the whole amount of a lump sum can be segregated; but in this amendment we take \$3,000 that has been set aside already out of a lump sum by the Secretary of Agriculture, add to that \$5,000 upon his recommendation, and then take it out of a lump-sum appropria-

Mr. SMITH of South Carolina. Mr. President, if the Senator from Utah will allow me one minute, I will state that that matter was subsequently brought to the attention of the Senate committee after the bill had left the House. It was not brought to the House committee, but was brought to us as a pressing emergency. That is the reason why we authorized this specific work, under the advice of the Secretary of Agriculture.

Mr. SMITH of Georgia. The Senator will find also that we have in a number of other places, from large lump funds, specified that certain parts should be used in a certain way. For instance, we determined that it was desirable to make some sheep tests in Idaho, and we said, as to the lump sum: "Provided, however, That a certain amount of this shall be used in this way," because we wanted it used in that way.

Mr. SMOOT. Mr. President, that is perfectly correct where it is a new item entirely, as, for instance, in the establishment of the sheep investigation in Idaho. I think \$12,700 was the amount provided in the bill for that purpose.

Mr. BRADY. Twelve thousand seven hundred and eighty

dollars.

Mr. SMOOT. Twelve thousand seven hundred and eighty dollars. I forgot the \$80. That is a new item entirely. The appropriation is increased just that amount, and I think that in that case it ought to be specified, and that the committee did perfectly right. But here it is entirely a different proposition.

However, I shall say no more about it.

Mr. VARDAMAN. Mr. President, I believe that we under-

stand this question, or, rather, we understand what the Senators think about it, and I suggest that we vote on it.

The VICE PRESIDENT. The question is on the committee amendment, which will be stated.

The Secretary. On page 19, beginning on line 7, the following amendment is proposed:

Strike out "\$71,415" and the semicolon and insert "\$76,415: Provided, That \$8,000 of said amount shall be available for the investigation of diseases of the pecan."

Mr. BRADY. Mr. President, there has been so much discussion about this item that I simply wish to ask the Senator having the bill in charge a question relative to the real increase. As a member of the committee, after hearing all the discussion that took place before the committee, my understanding is that the intent of the committee was simply to increase this appropriation \$20,000, and that in increasing the appropria-tion \$20,000 we assumed the right and responsibility of specifying where the appropriation should be used. Am I correct in that?

Mr. SMITH of South Carolina. That is correct. Mr. BRADY. For that reason, Mr. President, I think it is only fair to say that the committee gave this item very careful consideration; and after discussing the matter it was the unanimous judgment of the committee that the appropriation should be increased, and that the money should be used as specified in the bill.

The VICE PRESIDENT. The question is on agreeing to the

amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 20, after line 10, to insert:

For applying such methods of eradication on control of the white-pine blister rust as in the judgment of the Secretary of Agriculture may be necessary, including the payment of such expenses and the employment of such persons and means in the city of Washington

and elsewhere, in cooperation with such authorities of the States concerned, organizations, or individuals as he may deem necessary to accomplish such purposes, \$300,000, of which \$150,000 shall be immediately available; and, in the discretion of the Secretary of Agriculture, of the remaining \$150,000 no expenditures shall be made until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities or by individuals or organizations for the accomplishment of such purpose: Provided, That no part of the money herein appropriated shall be used to pay the cost or value of trees or other property injured or destroyed.

Mr. GALLINGER. Mr. President, in the first line of that amendment manifestly the word "on" should be "or," as the Senator will see if he will look at it.

Mr. SMITH of South Carolina. Yes; I ask that that amendment be made.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The Secretary. It is proposed to change the word "on" before the word "control," in line 11, to read "or," so that it will read "of eradication or control."

The amendment to the amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, I wish to say just one word about this amendment. This is the only really large increase that the Committee on Agriculture has added to the The evidence satisfied us that the white-pine House bill. blister rust had become a very serious menace to the white pine; that it had seriously injured them in the northeastern section of the country; and that it was spreading on toward the Mississippi. It was the opinion of the department that steps might be taken to prevent it from passing the Mississippi and to check it in its tendency toward the middle Northern States, and perhaps even lessen it in the Northeastern States. While and perhaps even lessen it in the Northeastern States. While the appropriation is large, we believed that the importance of the subject justified it, and it was the unanimous decision of the committee that this large appropriation should be made.

Mr. GALLINGER. Mr. President, just a word. As I have taken a very great interest in this matter, it is extremely gratifying to me that the committee has made so liberal an

appropriation. There are two hundred and sixty millions and more of white pine in this country that are threatened with destruction. We know what has happened to the chestnut trees, and had we taken that matter in hand as vigorously as it is proposed to take this disease of the white pine, I am satisfied that we might have saved the chestnut trees of the country, but they are practically destroyed.

I am glad, Mr. President, that the amendment is in the bill

and hope it will be agreed to.

The VICE PRESIDENT, The question is on the amend-

ment of the committee as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 22, line 1, after the words "United States," to strike out "\$75,010" and insert "\$90,010: Provided, That not less than \$15,000 of this sum shall be used for experiments in cotton-seed interbreeding," so as to make the clause read:

For acclimatization and adaptation investigations of cotton, corn, and other crops introduced from tropical regions, and for the improvement of cotton and other fiber plants by cultural methods, breeding, and selection, and for determining the feasibility of increasing the production of hard fibers outside of the continental United States, \$90,010: Provided, That not less than \$15,000 of this sum shall be used for experiments in cotton-seed interbreeding.

The amendment was agreed to.

The reading of the bill was resumed, and the Secretary read to line 9, on page 23, the last paragraph read being as follows:

For the investigation and improvement of cereals and methods of cereal production, and the study of cereal diseases, and for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases, and for the investigation and improvement of broom corn and methods of broom-corn production, \$176,505: Provided, That \$40,000 shall be set aside for the study of corn improvement and methods of corn production: Provided also, That \$20,000 shall be set aside for the investigation of the diseases of wheat, oats, and barley known as black rust and stripe rust.

Mr. JONES. Mr. President, I simply wish to ask the Senator having charge of the bill how long we have been making special appropriations for the study of corn improvement and methods of corn production?

Mr. SMITH of South Carolina. I can not answer that question. I know the investigation is still in process of develop-

ment.

Mr. JONES. What I desire to ascertain is whether or not this is the first time that a special amount has been set aside for that purpose. I do not remember having seen a provision of that sort before in the Agricultural bill. It may have been there; but in this item we take \$40,000 out of the lump sum and direct that it be applied specially for that purpose. I should like to know whether this is the first time the provision has been that

way, or whether we have been doing that heretofore.

Mr. SMITH of South Carolina. In the report of the Department of Agriculture for the fiscal year 1917, on page 156, I observe that this work began in 1901. We have been setting aside appropriations for the purpose and the work has been carried on.

Mr. JONES. Does that mean that the work began then, or that we then began setting aside a specific amount for this

purpose?

Mr. SMITH of South Carolina. It seems from the text here that we have been setting aside a specific amount for the purpose, for it says that this work has been under specific experimental tests in different environments. It has been carried on in Nevada, Montana, Colorado, Nebraska, South Dakota North Dakota, Wisconsin, Michigan, Ohio, Missouri, Arkansas, Texas, Louisiana, Mississippi, Georgia, South Carolina, Virginia, and New York. It seems, I will say to the Senator, that the department by this experimentation has discovered the very peculiar fact that in the case of corn bred, say, in the Senator's State and corn bred in a place some distance away, if the seed is interchanged it will not breed back to type; so that they have bred these varieties in the different environments in order to get the variety best adapted to each.

Mr. JONES. Is that the reason why we can not get any

good corn bread any more?

Mr. SMITH of South Carolina. No; I think the reason we do not get any good corn bread any more is because they really are not housing the corn before it is put on the market. It is husked in the open, allowed to stand out in the rain, and readily absorbs the moisture, so that a kind of deterioration sets in and you get a kind of a bitter, musty stuff.

Mr. JONES. I think if we had good corn we could get good corn bread when you find some one who knows how to make it.

Mr. SMITH of South Carolina. If the Senator will visit me some time, I will give him good pone corn bread.

Mr. JONES. I wish the Senator would suggest something to the restaurant down here as to how to make corn bread.

Mr. MARTINE of New Jersey. I suggest that the Senator from South Carolina invite the entire Senate.

Mr. SMITH of South Carolina. I will be delighted to do so. The reading of the bill was resumed, at line 10, on page 23. The next amendment was, on page 24, line 15, after the word "distribution," to insert "except within the district now covered thereby, in accordance with Bulletin No. 2, issued by the superintendent of the Northern Great Forest Section, Mandan, N. Dak., October 12, 1914," and, in line 22, after the word "purposes," to strike out "in the States of North and South Dakots, west of the one hundredth meridian and in Montane. Dakota west of the one hundredth meridian, and in Montana and Wyoming east of the 5,000-foot contour line," so as to make the clause read:

For the investigation and improvement of methods of crop production under subhumid, semiarid, or dry-land conditions, \$160,000: Provided, That the limitation in this act as to the cost of farm buildings shall not apply to this paragraph: Provided further, That no part of this appropriation shall be used in the free distribution, or propagation for free distribution, except within the district now covered thereby, in accordance with Bulletin No. 2, issued by the superintendent of the Northern Great Forest Section, Mandan, N. Dak., October 12, 1914, of cuttings, seedlings, or trees of willow, box elder, ash, caragana, or other common varieties of fruit, ornamental, or shelter-belt in the Northern Great Plains area, except for experimental or demonstration purposes.

Mr. GRONNA. Mr. President, at my request the Committee on Agriculture was kind enough to insert the same language that was inserted in the bill last year. I find, however, upon a close examination of the language which came from the House, that it is clearer than the provision which I asked to have substituted. I also find that there was a typographical error in the bulletin referred to. I therefore ask that the amendment of the committee, which is the amendment that I proposed, be disagreed to.

The amendment was rejected.

The next amendment was, on page 25, line 8, after the word "countries," to strike out "\$102,200" and insert "\$112,200: Provided, That \$14,000 of said amount shall be available for the investigation and improvement of the pecan, and methods of growing, harvesting, packing, and shipping of same," so as to make the clause read:

For the investigation and improvement of fruits, and the methods of fruit growing, harvesting, packing, storing, handling, and shipping, and for experimental shipments of fruits within the United States and to foreign countries, \$112,200: Provided, That \$14,000 of said amount shall be available for the investigation and improvement of the pecan, and methods of growing, harvesting, packing, and shipping of same.

The amendment was agreed to.

THE REVENUE.

Mr. THOMAS. Mr. President, out of order I ask unanimous consent to submit an amendment to the so-called revenue bill

(H. R. 20573), and I ask that the same be read and printed.

The PRESIDING OFFICER (Mr. Robinson in the chair). Is there objection? The Chair hears none, and the Secretary will read the proposed amendment.

The Secretary read as follows:

The Secretary read as follows:

Strike out line 4, page 11, and insert "Treasury notes."

Strike out lines 15 to 24, inclusive, on page 11, and lines-1, 2, 3, and 4 on page 12, and insert the following:

"That for the purpose of defraying the expense to be incurred in placing the Nation in a state of military and naval preparedness, the Secretary of the Treasury shall be authorized to issue on the credit of the United States not to exceed \$500,000,000 of United States notes not bearing interest, payable to bearer at the United States Treasury, and of such denominations as he may deem expedient, not less than \$5 each, to be paid to all who shall supply material to and for the Army and Navy of the United States of whatever character and description and in compensation therefor. That such notes shall be redeemable in coin at the pleasure of the Secretary on and after the year anno Domini 1935, and shall be receivable in payment of all taxes, internal duties, excises, debts, and demands of every kind due to the United States of every kind whatsoever; and shall be also lawful money and a legal tender in payment of all debts, public and private, within the United States.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

LIQUOR-TRAFFIC PROPAGANDA.

Mr. SHEPPARD. Mr. President, I wish to direct the attention of the Senate to the fact that a concern calling itself the United Press Association has been sending over the country free newspaper copy favoring the liquor interests. This copy is sent out under an envelope bearing the return address, "The United Press Association, Cleveland." The impression has thus been created that the famous association so familiarly known as the "United Press" is sending out this copy. The United Press has taken notice of the fact and has issued a statement which I ask to have the Secretary read. The proper name of the United Press is "United Press Associations," and the head office of this great organization is located in the city of New York.

The PRESIDING OFFICER. Without objection, the Secre-

tary will read as requested.

The Secretary read as follows:

EDITORS: The following is sent on advice of our counsel for your information and for publication if desired. In view of the fact that the liquor propaganda referred to above has been sent to many newspapers not receiving the United Press service we will greatly appreciate the publication of this disavowal.

W. H. HAWKINS.

NEW YORK, January 30.

A concern operating out of Cleveland, Ohio, is sending newspapers in the country a great deal of free copy favorable to the liquor interests. This copy comes in envelopes bearing the return address "The United Press Association, Cleveland"

The United Press Associations, with general offices in New York and bureaus in many cities throughout the country, is in no way connected with or responsible for the concern that is sending out this antiprohibition propaganda, and it has instructed its attorneys to institute proceedings to enjoin the methods which make it appear that the United Press Associations has abandoned its course of distributing only regular news matter.

Mr. SHEPPARD. This is merely another illustration of the methods pursued by the liquor traffic in the endeavor to perpetuate its existence in this country.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a concurrent resolution (H. Con. Res. 71) providing that the two Houses of Congress assemble in the Hall of the House of Representatives on Saturday, the 3d day of February, 1917, at 2 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them, in which it requested the concurrence of the Senate.

The message also announced that Mr. Norton had been appointed as one of the managers on the part of the House in the place of Mr. Campbell in the conference between the two Houses on the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolu-tion, and they were thereupon signed by the Vice President:

S. 8090. An act granting the consent of Congress to Washington-Newport News Short Line, a corporation, to construct a bridge across the Potomac River; and

S. J. Res. 203. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1917.

JOINT MEETING OF THE TWO HOUSES.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was read:

House concurrent resolution 71.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Saturday, the 3d day of February, 1917, at 2 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make

Mr. KERN. I move the adoption of the concurrent resolution.

The concurrent resolution was agreed to.

AGRICULTURAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June

The reading of the bill was continued to page 26, line 7. Mr. JONES. I should like to ask the Senator in charge of the

bill what results have come from the farm across the river here. Mr. SMITH of South Carolina. I will state that it is just one of the regular experimental farms on which the Govern-

ment is making experiments.

Mr. GALLINGER. I will answer the Senator from Washington that there has been one very important result achieved, and that is the Government has built a good road between the Potomac River and Alexandria, Va. That is a very valuable result.

Mr. JONES. As to Virginia, it is all right.

Mr. SMITH of South Carolina. In the program of work for the fiscal year 1917 the department says in its note that the object is to maintain a field laboratory for the various bureaus and offices of the Department of Agriculture. This is owned by the Department of Agriculture. It began in 1900.

In general the land is being gradually improved and drainage systems extended. Additional areas have been rendered suitable and assigned to experimental work.

This is Government property.

Mr. JONES. I know, but what I wanted to get at is what results have come from the experiments over there.

Mr. SMITH of South Carolina. I suppose they have dis-tributed different seeds grown there adapted to different localities throughout the country. It is just like an experiment station in any State, they experiment as to the production of different seeds and distribute them. It comes under the general class of experimental work.

Mr. JONES. I know, but what I wanted to get at is, has anything concrete been brought to the attention of the committee that has resulted from experiments there that will be

of benefit and has been of benefit?

Mr. SMITH of South Carolina. No more than you would

find from other experimental farms.

Mr. JONES. That does not give me the information. I am trying to find out what the results are on this farm.

Mr. SMITH of Georgia. Mr. President, I think it can be discriminated somewhat from the other farms. As I understand it, the immediate men in the department here use this land, and they want the money for their own special experiments. Just how they find the results, I do not know; but the scientists in the department here use it not in connection with the State of Virginia but for their personal experimentations from time to time on every kind of subject that they are investigating and that they want to experiment with. That is my understanding of it. How they subsequently use the results of their experiments, I do not know; but they have asked for this appropriation for their personal work.

Mr. JONES. When the committee considers the Agricultural appropriation bill another time, I think it would be a good idea if they would go a little into detail and find out what particular good the people are getting out of this farm and from the twentyodd thousand dollars that we are expending yearly in connection with it. I have passed by the farm on the road that has been constructed to Alexandria, which, of course, is very nice for people wanting to go there. It shows that Virginia has some good roads, anyhow, even if we can not get connections to Richmond. I should like to know what good they have done for the corn grower, for instance. I notice that they have an

orchard there. I should like to know what good they have brought out for the orchardists for this section of the country: whether they have been able to give them any advice that has been of benefit or whether they have developed anything there of benefit. I notice that they seem to grow wheat, and I think oats and grasses of different kinds. I wish to know whether they have done anything more there than the ordinary farmers around here are doing in the growing of fruit or in the growing of corn or wheat or oats.

Mr. SMITH of South Carolina. I should like to state to the Senator from Washington that all these matters are very easily ascertainable. We have set apart certain experimental stations throughout the country and we do not ask what is done specifically at one of them. The general result is for the benefit of the country at large. As I said a moment ago, the department is having different seeds propagated in different localities in order that they may be used advantageously.

Let me suggest to the Senator that he made that Mr. JONES. statement, I think, a little too broad. They do not determine anything about beneficial irrigation in the Yakima Valley or anything about production out in my part of the country.

Mr. SMITH of South Carolina. I will say to the Senator from Washington that there was brought out in the hearings before the House committee information on this very point. If he will turn to pages 192 and 193, I think he will be thoroughly satisfied. If he wants a specific report as to what has been the beneficial result, I will be very glad to interrogate the department upon that matter.

Mr. JONES. I want the Senator to understand that I am not suggesting that there have not been beneficial results, but I am trying to find out what they are, if there are beneficial results. If there are beneficial results, and I think there are, I should like to know what they are. That is what I am trying to get at. I was not intimating at all that there are not good results

coming from this farm.

Mr. VARDAMAN. Mr. President, if the Senator will pardon me, all that information can readily be obtained from the bulletins issued by the department. I take it that the farm is being used and developed and cultivated to experiment with plants grown in this latitude. There are plants that would probably be experimented with here that would not suit the western country. It seems to me that for everything which can be grown in this latitude it is a very fine thing to have a farm here under the direct observation and supervision of the Agricultural Department. The work that has been done by it can be known by simply reading the bulletins that are issued, which cover the work on that farm,

Mr. JONES. The Senator from Mississippi knows that we do not have time to read all the bulletins and all the various documents that are gotten out by the various departments with reference to their activities. I thought that possibly the Committee on Agriculture and Forestry, having special charge of this matter and special consideration of this bill, might have gone into it with some of the representatives of the department. They could furnish this information in much less time than I could get it by reading all the various bulletins. I should like to read them, and I know they are interesting, but I have not

time to do it. Mr. BRADY. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. Certainly. Mr. SMITH of South Carolina. If the Senator from Idaho will allow me a minute, here are some of the facts:

Dr. TAYLOR. Item 99 covers the work at Arlington farm which, as the result of the enlargement of the area that has now become available for experimental use through the reclamation of the marsh land formerly unavailable for commercial use, requires improvement; and we need \$7,500 for that enlarged area. There is about 60 acres.

The CHAIRMAN. How would you use that \$7,500—for putting in tile

drains?

Dr. TAYLOR. That will be used in draining and for some small buildings required for tools and that sort of thing.

He goes on to give the special reasons:

He goes on to give the special reasons:

The Chairman. How many buildings, just one or two?

Dr. Taxlor. I think only some tool sheds and such things. I do not know that a detailed estimate of those has been submitted.

The Chairman. It says here that your buildings are to consist of a cement reservoir to cost \$3,000. That will leave \$4,500 to put in tile drainage and buy your equipment.

Dr. Taxlor. That reservoir is needed for the water supply of the present improved portion of the farm. This building estimate covers the whole operation at Arlington farm.

Mr. Steele. Why is it that you can not raise fruit over there?

Dr. Taxlor. Fruit?

Mr. Steele. Yes.

Dr. Taxlor. Certain fruits succeed very well there, Mr. Steele. There is this, however, to be said with reference to the peach and other stone fruits that under tidewater and river bottom conditions in this middle Atlantic section fungus diseases are much more trouble-some.

He goes on to show how by spraying and by different experiments they found how to improve the orchards. Then he covers the different items that you will find in the hearings before the Committee on Agriculture of the House.

Mr. JONES. Is that information that fruit growers did not have before they commenced experimenting there? We have had information with reference to spraying fruit, and all that

sort of thing, for a good many years in our section of the country.

Mr. SMITH of South Carolina. The Senator from Washington does not pretend to say that they are not improving the methods by which they are eradicating peach rot or the fungus that causes the peach to rot, when at maturity the peach suddenly develops a black rot which almost destroys the entire The old Bordeaux mixture attempted to correct that. They have improved the methods of spraying now so that you can eradicate it without picking over the tree carefully and destroying it. Each year they are improving the methods. Here is a fine place to investigate the matter locally and disseminate the information through like territory.

Mr. BRADY. If the Senator from Washington will permit me, I will say that it is the wish of the department to improve this experimental farm here near Washington for demonstrations under the direct charge of the Department of Agriculture.

Where we have an experimental station in Idaho or in Washington or in South Carolina the department finds they are too far away to test out certain plants or to make certain experiments, which they can do, however, if they have such stations in close proximity to the department where the work can be done. I have studied the matter very carefully, and I believe if the Senator from Washington will read the report of the Secretary of Agriculture he will be satisfied that this appropriation should be made.

Mr. JONES. Does the Senator think that general experiments here on the Arlington farm would be of any substantial benefit out in his country?

Mr. BRADY. I think they would in the broad sense. I will ask the Senator from Washington if he thinks that an experimental farm in Washington or in Idaho would have any specific beneficial effect on the District of Columbia?

Mr. JONES. I doubt it very much.

Mr. BRADY. Well, that is precisely the condition which exists relative to this farm.

Mr. JONES. If the Senator from Idaho agrees with me on that point, he agrees with me on the suggestion that the experiments here are of no special benefit out there. I do not say they are not beneficial here, but what I am trying to get at is what are the benefits that have come from this farm and in return for the twenty-odd thousand dollars that we are spending year

The Senator from Georgia [Mr. SMITH] suggested that the officials here wanted to have their personal investigations and experiments. He did not mean that they were to be for their personal benefit, but for the particular work they had in charge they wanted them here.

Mr. SMITH of Georgia. In order that they might personally

see the work in progress

Mr. JONES. But what I want to get at now is, what do they tell us they have been able to accomplish there, if anything?

Mr. BRADY. It would take up too much of the time of the Senate to state to the Senator from Washington in full the report that has been made by the Secretary of Agriculture relative to the Arlington farm.

Mr. JONES. Could the Senator tell me one or two things Mr. BRADY. As the Senator from South Carolina says, they have demonstrated-

Mr. JONES. Will the Senator from Idaho tell me something different from what the Senator from South Carolina told me?

Mr. BRADY. I can only in a general way state that the purpose of the department is to make specific demonstrations on the Arlington farm, under their personal supervision, as to plants, trees, and shrubs, the utility of which to some other parts of the country has not been fully demonstrated.

Mr. JONES. Has the Chief of the Bureau of Plant Industry made any experiments that he has pointed out which have

been of any benefit?

Mr. BRADY. I merely rose for the purpose of suggesting to the Senator in charge of the bill that, in order to get this information properly before the Senate and the country, he insert in the Record what the Secretary of Agriculture has to say relative to this particular item. As members of the committee, we do not have time to go into every detail of these matters, but we must depend largely on the recommendations of the Secretary of Agriculture relative to particular projects. I do not myself believe that the Secretary of Agriculture would recommend that we continue this experimental farm at Arlington

did he not believe that it was of some specific benefit to the people of the country as a whole.

Mr. JONES. Of course if we go on that theory in making appropriations, and so on, we shall spread out almost everywhere and take almost all the money that we have in sight and all the money that is in prospect, for the department certainly make their recommendations; and if we simply assume that because they have made a recommendation great benefit will result, we might just as well say, "Well, whatever you send down we shall appropriate for."

I do not mean to suggest that they do not estimate for what they think they ought to have, and for beneficial purposes; but we have to pass on that to some extent also. That is the reason why I am merely asking for some information as to what is being accomplished by all this money that we are proposing to appropriate.

Mr. BRADY. I will say to the Senator from Washington that it is the earnest aim of the committee to secure all the informa-

tion that we can before acting on particular items.

Mr. JONES. I know that. Mr. BRADY. Some of the Some of the members of the committee brought records to show us that the Government had given Washington, Idaho, and many other States of the West a hundred million dollars for the purpose of developing our irrigation resources.

Mr. JONES. Did the Senator say \$100,000,000?

Mr. BRADY. Yes; \$100,000,000.

Mr. JONES. When did they give us that?

Mr. BRADY. That was the record that the Senator from Louisiana [Mr. RANSDELL] brought in. I did not think it had been so much.

Mr. JONES. No; they have not given us that amount, and what they have given us we are paying back.

Mr. BRADY. We are paying every cent of it back.

Mr. SMITH of Georgia. The amount given by the National Government has been \$116,000,000, and it has gotten \$6,000,000

Mr. JONES. I know that; but we are obligated for it all; we are going to pay it, and it will come back.

Mr. SMITH of Georgia. Oh!

Mr. JONES. I want to say to the Senator from Georgia that on a project near my home town we have paid back to the Government over a million dollars already for money that was spent there, and every dollar of it will come back to the Gov-

Mr. BRADY. Idaho is paying back the money she received in just the same way, and we intend to pay it all back; but the point I wanted to make was that the Senators from the South do not have time to investigate every detail of the appropriations asked for by us. They have to depend largely upon our honesty and integrity that the money will be expended for useful purposes and will be returned to the Government, and I have no hesitation in saying that the people of the West will return the money

Very frequently on this floor it is charged that we are not going to pay it back-I do not mean the charge is made by any particular Senator, but every once in a while somebody says the money will never be paid back; but the Senator from Idaho knows it will be paid back.

Mr. BRADY. There may have been intimations of that kind, but I do not believe that any western man has any such thought, and I do not believe that the people of the East, when they are properly informed, will doubt for a moment that every dollar of this money will be paid back.

I might say, in passing, that the lands that have been re claimed are producing crops now that are worth over \$20,000,000 a year, which, in a direct way, must necessarily be of benefit to the entire country. But the point I wanted to make—
Mr. JONES. If the Senator will permit me, I think his esti-

mate is very low.

Mr. BRADY. I myself think it would be found to be over \$30,000,000 if we could get the exact figures, but I think the last report of the Reclamation Service shows that it is a very large amount, and it will increase every year.

Returning to the Arlington farm-for we seem to have drifted away from the original subject-I was in favor of that provision, for the reason that I believed the recommendations that have been made by the Agricultural Department were justified. That farm may not be of any direct benefit to the people of Washington or to the State of Idaho, but I do believe it will be a direct benefit to the Nation, as a whole; and I am satisfied that the experiments which have been and are being conducted

there have been made and are being made in good faith. Mr. JONES. I hope the Senator from Idaho will not un-derstand that I am opposing this item or suggesting that it has not been made in good faith, or because it may not be of benefit to our section that the work ought to be discontinued. Nothing of that kind entered my thoughts.

Mr. SMITH of Georgia. If the Senator desires to strike out the item, I suggest that he move that it be stricken out.

do not care whether it is stricken out or not.

Mr. JONES. I have just told the Senator and the Senate that I have not even suggested that I am opposed to it. I am simply trying to get information; and if Senators are opposed to giving that information, or if because a Senator inquires for information they think he has some ulterior motive, of course we had better just not try to get it.

Mr. SMITH of South Carolina. Mr. President, I think the Senator is right. In justification of the appropriation for this farm, and in answer to his question, I desire to read the conclusion from the testimony of Dr. Taylor before the House committee, so that the Senator may understand what is being done.

Mr. BRADY. That is what I should like to have done, and

that was the purpose for which I rose.

Mr. SMITH of South Carolina. I read from Dr. Taylor's testimony, as follows:

Dr. Taylor. No; there are certain lines of experimentation with reference to plant diseases and certain of them with reference to insects affecting plants in which certain plots are left deliberately unprotected and untreated in order to determine as quickly as possible the resistance of those several varieties to these troubles. For instance there is one block of seedling pear trees there under test. They have been grown by systematic crossing of relatively blight-resistant pears with our best pears, such as the Seckel, Bartlett, and pears of that type, which are planted there and left exposed to pearblight infection without attempting to protect them in order to determine through natural selection whether there is any one of those hybrids which is resistant enough and good enough to constitute a commercial pear that would be relatively free from blight. And in the case of the insect work, although that should be discussed by the Bureau of Entomology, certain blocks have been planted specifically with reference to the determination of their relative immunity or relative resistance to this attack, and certain of them also for the test of spray mixtures, to ascertain the strength and character of mixture that the tree would endure. It is felt better to risk trees that are owned by the department in these tests than it is to go into a commercial privately owned orchard and risk damaging the trees. The strength of those has to be determined somewhere by actual test, and a good deal of that is being done at Arlington farm. It does not represent demonstration work, and should not be so regarded. In fact, there is little of the field planting at Arlington farm that should be regarded as a demonstration of just how to do a thing. It is rather a testing place, an out-of-door laboratory.

Mr. JONES. Mr. President, that is something like what I was

Mr. JONES. Mr. President, that is something like what I was trying to get at. I hope the members of the committee will not think, because I have been asking these questions, that I have intimated or that I have an idea that the committee is not doing its duty. Such a thing as that never occurred to me. I know that the committee can not inquire into all these different items. I know very well with reference to bills brought before committees of which I am a member that there are many things about them concerning which I do not know; but if any Senator not a member of the committee—and Senators must rely upon the committee for information—should ask as to any particular item about which I did not have information, or that the committee had not inquired about, it would be simply an incentive to look into that, of course, in the future. I want the members of the committee to disabuse their minds of any idea that I am intimating that the committee has not done its duty or that the committee is not disposed to do its duty, or anything of that sort. I have no thought of that kind at all.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 27, line 5, after the word "expenses," to strike out "\$2,111,530" and insert "\$2,441,530," so as to make the clause read:

In all, for general expenses, \$2,441,530.

Mr. SMOOT. I ask that the next amendment of the committee, striking out the provision on pages 27, 28, and 29, for the "purchase and distribution of valuable seeds," including the amendment of the total on page 29, line 21, be passed over.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, under the subhead "Forest Service," on page 35, line 8, after the word "Arizona," to strike out "\$9,044" and insert "\$8,044," so as to make the clause read:

Coronado National Forest, Ariz., \$8,044.

The amendment was agreed to.

The next amendment was, on page 36, line 21, after the words "New Mexico," to strike out "\$8,067" and insert "\$6,067," so as to make the clause read:

Lincoln National Forest, N. Mex., \$6,067.

The amendment was agreed to.

The next amendment was, on page 38, line 8, after "\$6,165," to insert "Provided further, That the cost of any building erected at the nurseries on the Nebraska National Forest may amount to but shall not exceed \$1,000," so as to make the clause read:

to but shall not exceed \$1,000," so as to make the clause read:

Nebraska National Forest, Nebr., \$1,165; and to extend the work to
the Niobrara division thereot, \$5,000: Provided, That from the nurseries on said forest the Secretary of Agriculture, under such rules and
regulations as he may prescribe, may furnish young trees free, so far
as they may be spared, to residents of the territory covered by "An act
increasing the area of homesteads in a portion of Nebraska," approved
April 28, 1904: Provided further, That the Secretary of Agriculture is
authorized to use so much of any of the funds herein appropriated for
the Nebraska National Forest as may be necessary to acquire by purchase or condemnation lands in Nebraska which he may deem necessary
and suitable for nursery sites to be used for the purpose of growing
trees for planting on the Nebraska National Forest. So much, not exceding \$1,200, of any funds hereafter appropriated for the Nebraska
National Forest for any fiscal year to and including the fiscal year ending June 30, 1920, as may be necessary, shall be available for the purchase of land now under lease and used as a nursery site for the
Niobrara division of the Nebraska National Forest, \$6,165: Provided
further, That the cost of any building erected at the nurseries on the
Nebraska National Forest may amount to but shall not exceed \$1,000.

The amendment was agreed to

The amendment was agreed to.

The next amendment was, on page 41, line 6, after the word "act," to insert: "Provided, That hereafter, all moneys received on account of permits for hunting, fishing, or camping, on lands acquired under authority of said act, or any amendment or ex-tension thereof, shall be disposed of as is provided by existing law for the disposition of receipts from national forests, \$66,100," so as to make the clause read:

Additional national forests created or to be created under section 11 of the act of March 1, 1911 (36 Stat. L., p. 963), and lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted for the purposes of said act: Provided, That hereafter, all moneys received on account of permits for hunting, fishing, or camping, on lands acquired under authority of said act, or any amendment or extension thereof, shall be disposed of as is provided by existing law for the disposition of receipts from national forests, \$66,100.

The amendment was agreed to.

The next amendment was, on page 41, line 25, after the word forests," to strike out "\$1,816,367" and insert "\$1,813,367," so as to make the clause read:

In all, for the use, maintenance, improvement, protection, and general administration of the specified national forests, \$1,813,367.

The amendment was agreed to.

The reading of the bill was resumed, and the Secretary read to line 11 on page 45, the last paragraph read being as follows:

to line 11 on page 45, the last paragraph read being as follows:

For the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the national forests, \$450,000: Provided, That not to exceed \$50,000 may be expended for the construction and maintenance of boundary and range division fences, counting corrals, stock driveways and bridges, and the development of stock watering places on the national forests: And provided further, That no part of the money herein appropriated shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forest Service and in furtherance of the works, aims, and objects specified and authorized in and by this appropriation: And provided also, That no part of this appropriation shall be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons without discrimination, including newspaper and magazine writers and publishers, of any facts or official information of value to the public.

Mr. SMOOT. Mr. President. I desire to ask the Senator

Mr. SMOOT. Mr. President, I desire to ask the Senator having the bill in charge if he will not accept an amendment striking out the word "and," on page 44, line 23, and then, in line 24, inserting, after the word "places," the words "and the eradication of poisonous plants"?

Mr. SMITH of South Carolina. Then how would the sen-

Mr. SMOOT. It would then read:

Counting corrals, stock driveways and bridges, the development of stock-watering places, and the eradication of poisonous plants on the national forests.

I just want to make a statement to the Senator as to why I ask this. At least 5,500 head of cattle have been lost annually during the last three years from poisonous plants on ranges within the national forests. The value of the stock lost annually is approximately \$300,000. The loss in my own State in 1916 was reported as 1,300 head. In some places on the forests

they can be fenced. In other places it is absolutely impossible, Mr. SMITH of South Carolina. I will say to the Senator that the department have indicated a desire for such an amendment.

Mr. SMOOT. I know they have, and I hope the Senator will accept it.

SMITH of South Carolina. That is all right; I accept it.

The PRESIDING OFFICER. The Secretary will state the amendment.

The Secretary. On page 44, line 23, it is proposed to strike out the second word "and"; and after the word "places," in line 24, it is proposed to insert a comma and the words "and the eradication of poisonous plants."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 45, line 12, after the word "expenses," to strike out "\$3,263,275" and insert "\$3,260,275," so as to make the clause read:

In all, for general expenses, \$3,260,275.

The amendment was agreed to.

The next amendment was, on page 46, line 1, after the words "Forest Service," to strike out "\$5,711,075" and insert "\$5,708,-075," so as to make the clause read:

Total for Forest Service, \$5,708,075.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Chemistry," on page 49, line 6, after the words "Animal Industry," to strike out "\$50,000" and insert "\$40,000," so as to make the clause read:

For investigating the preparation for market, handling, grading, packing, freezing, drying, storing, transportation, and preservation of poultry and eggs, and for experimental shipments of poultry and eggs within the United States, in cooperation with the Bureau of Markets and the Bureau of Animal Industry, \$40,000.

The amendment was agreed to.

The next amendment was, on page 49, line 10, after the word "food," to strike out "\$18,600" and insert "\$14,000," so as to make the clause read:

For investigating the handling, grading, packing, canning, freezing, storing, and transportation of fish, and for experimental shipments of fish, for the utilization of waste products, and the development of new sources of food, \$14,000.

The amendment was agreed to.

The next amendment was, on page 49, line 18, after the word "organism," to strike out "\$15,000" and insert "\$10,000," so as to make the clause read:

For the biological investigation of food and drug products and substances used in the manufacture thereof, including investigations of the physiological effects of such products on the human organism, \$10,000.

Mr. NORRIS. As to this item regarding the biological investigation of food and drug products and substances, it is one estimated by the department at \$15,000, passed by the House at \$15,000, and the Senate committee reduced it. There was no investigation made by the Senate committee. I have had the matter called to my attention since the action of the committee, I have made somewhat an investigation of it, and it seems to me that the committee made a mistake. I believe that this particular investigation, while it is purely and entirely scientific, is of very great benefit in giving information, and will result in giving information of great value in regard to the various

foods that should be given to animals.

It is a comparatively new proposition. The investigations are somewhat new. Some of the investigations that are being car-The investigations are ried on by this particular bureau are carried on nowhere else. They have already given some very valuable information in regard to a balanced ration for food for various animals. For in-For instance, they have given a great deal of consideration to the food value of the peanut. They have found that in one respect it has a food value superior to corn, and by using some of it in connection with corn it would make a balanced ration that would greatly increase the weight of any animal to which it was fed. They have made an investigation in regard to Kafir, sometimes called Kafir corn, that has added greatly to its use and to the information in regard to it. It is really in its infancy, and it seems to me that it gives to the feeders a scientific knowledge that they ought to have. This bureau proposes now to apply the information that they have gained in regard to the investigation of these various food products in actual experiments and in feeding cattle and hogs. It enables them to give information at various times to the farmers who are feeding various kinds of stock as to the fat-producing qualities, the weightproducing qualities of the various foods that they may utilize.

It seems to me, therefore, that we ought to disagree to this amendment. I hope therefore the amendment will be dis-

agreed to.

Mr. SMITH of South Carolina. I agree with the position taken by the Senator from Nebraska, who is also a member of There has grown up quite a lot of useful knowlthe committee. edge in this matter. They have investigated and found that the extraction of oil from certain seeds and certain fruit does not affect the food value at all after the oil has been extracted. They are making these experiments, as the Senator pointed out, on peanuts. They experimented with cotton seed and found you might take the oil from it and it would not affect its food value at all. The experiments along this line are of wonderful

benefit in that they will enable the farmers or the owner of the seed to first get the commercial value from a partial manufacturing process; that he can get the oil and then he can get the food value and the fertilizer value.

I am rather inclined to take the House appropriation, and so far as the acting chairman of the committee is concerned I agree that the amendment of the committee shall be rejected.

The amendment was rejected.

The next amendment was, on page 51, line 4, after the word expenses," to strike out "\$849,201" and insert "\$829,601," so as to make the clause read:

In all, for general expenses, \$829,601.

The amendment was agreed to.

The next amendment was, on page 51, line 5, after the words "Bureau of Chemistry," to strike out "\$1,212,191" and insert "\$1,192,591," so as to make the clause read:

Total for Bureau of Chemistry, \$1,192,591.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Entomology," on page 55, line 4, after the word "nuts," to strike out "\$78,380" and insert "\$83,380: Provided, That \$9,600 of said sum shall be available for the investigation of insects affecting the pecan and method of control of same," so as to make the clause read:

For investigations of insects affecting deciduous fruits, orchards, vineyards, and nuts, \$83,380: Provided, That \$9,600 of said sum shall be available for the investigation of insects affecting the pecan and method of control of same.

The amendment was agreed to.

The next amendment was, on page 55, line 14, after "\$89,400," to insert "of which sum \$10,000 shall be immediately available," so as to make the clause read:

For investigations of insects affecting southern field crops, including insects affecting cotton, tobacco, rice, sugar cane, etc., and the cigarette beetle and Argentine ant, \$89,400, of which sum \$10,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 56, line 12, after the word expenses," to strike out "\$519,250" and insert "\$524,250," so as to make the clause read:

In all, for general expenses, \$524,250.

The amendment was agreed to.

The next amendment was, on page 57, line 13, after the words Bureau of Entomology," to strike out "\$926,480" and insert \$931,480," so as to make the clause read:

Total for Bureau of Entomology, \$931,480.

The amendment was agreed to.

The reading of the bill was continued to line 26, page 57, at the end of the items for the Bureau of Biological Survey.

Mr. UNDERWOOD. I desire to offer an amendment after line 26.

Mr. SMITH of South Carolina. The committee amendments are first to be acted upon.

The PRESIDING OFFICER. What does the Senator from

Alabama propose

Mr. UNDERWOOD. I wanted to offer an amendment at this point, but I understand we are considering only committee amendments.

The PRESIDING OFFICER. That is true.

Mr. UNDERWOOD. I will withhold it for the present. The reading of the bill was continued.

The next amendment was, under the subhead "Bureau of Biological Survey," on page 59, line 15, after the word "demonstrations," to insert "upon the lands of the United States," so as to read:

For investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry, including experiments and demonstrations upon the lands of the United States in destroying wolves, coyotes, prairie dogs, and other animals injurious to agriculture and animal husbandry, and for investigations and experiments in connection with rearing of fur-bearing animals, including mink and marten, \$395,540.

The amendment was agreed to.

The next amendment was, on page 60, line 23, after the word "them," to strike out "\$15,000" and insert "\$12,560," so as to make the clause read:

For general administrative expenses connected with the above-mentioned lines of work, including cooperation with other Federal bureaus, departments, boards, and commissions, on request from them, \$12,560.

The amendment was agreed to.

The next amendment was, on page 60, line 24, after the word "expenses," to strike out "\$548,140" and insert "\$545,700," so as to make the clause read:

In all, for general expenses, \$545,700.

The amendment was agreed to.

The next amendment was, on page 60, line 25, after the words "Bureau of Biological Survey," to strike out "\$594,510" and insert "\$592,070," so as to make the clause read:

Total for Bureau of Biological Survey, \$592,070.

The amendment was agreed to.

The next amendment was, under the subhead "Division of Publications," on page 61, line 14, after the words "chief of division," to strike out "\$3,500" and insert "\$3,750," so as to

Salaries, Division of Publications: One editor, who shall be chief of division, \$3,750; one editor, who shall be assistant chief of division, \$2,500; one chief clerk, \$2,000.

Mr. BRYAN. I call attention to this amendment.

Mr. GALLINGER. That ought to be disagreed to. The amendment was rejected.

The next amendment was, in the item of appropriation for salaries, Division of Publications, on page 62, line 18, after the words "in all," to strike out "\$181,920" and insert "\$182,-170." so as to read:

Two messengers or messenger boys, at \$360 each; one laborer, \$840; two laborers, at \$600 each; three charwomen, at \$480 each; three charwomen, at \$240 each; in all, \$182,170.

Mr. GALLINGER. That ought to be disagreed to.

The amendment was rejected.

The next amendment was, one page 63, line 6, after the word "films," to strike out "to educational institutions or associations for agricultural education not organized for profit," so as to make the clause read:

For photographic equipment and for photographic materials and artists tools and supplies, \$17,000: Provided, That the Secretary of Agriculture is authorized, under such rules and regulations and subject to such conditions as he may prescribe, to loan, rent, or sell copies of films, all moneys received from such rentals or sales to be covered into the Treasury of the United States as miscellaneous

Mr. BRADY. I ask that that amendment be passed over for

The VICE PRESIDENT. Is there objection? The Chair

hears none.

Mr. GALLINGER. I will ask the Senator in charge of the bill if this amendment is intended to give discretion to the department to loan these films to all parties who may apply. This seems to be a restriction in the bill.

Mr. BRADY. The bill as it stands without the amendment

would permit the department to loan or sell the films to all

Mr. GALLINGER. That is what I understood.

Mr. BRADY. The amendment which I propose to offer reads: Provided, That when films are loaned or sold, educational institu-tions or associations for agricultural education not organized for profit shall be given preference.

I do not believe that we should restrict the sale of these films to educational institutions; but I believe it would be well to give them the preference over persons dealing in films for profit, who might rush in and purchase all the films that would be most desirable, and thus deprive the educational institutions of the privilege of securing any at all. At the proper time I

propose to offer that amendment.

Mr. GALLINGER. I think by all means the educational institutions ought to have a preference. I am not quite sure that it ought not to be largely guarded so that irresponsible persons could not be considered at all. I am afraid the paragraph

itself is not very well guarded.

Mr. SMITH of South Carolina. Let me state to the Senator from New Hampshire that we investigated this matter thoroughly along the line of the amendment suggested by the Senator from Idaho; but it was our idea that certain films representing conditions would be educational, even where they were not sold to educational institutions or agricultural associations; that the general public would see them, and that to place this restriction upon them might seriously restrict the opportunities for education by a popular demonstration. The Sena-tor from Idaho gives notice that at the proper time, when we are through with the committee amendments, he will offer the amendment he suggested, and then the Senate can use its discretion in the matter.

The VICE PRESIDENT. The amendment is passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 63, line 19, after the words "Division of Publications," to strike out "\$213,990" and insert "\$214,240," so as to make the clause read:

Total for Division of Publications, \$214,240.

The amendment was rejected.

The next amendment was, under the subhead "Bureau of Crop Estimates," on page 63, line 23, before the word "clerks,"

where it occurs the second time, to strike out "eleven" and insert "nine"; in line 25, after the words "at \$1,000 each," to strike out "twenty-five" and insert "twenty-four"; on page 64, line 2, before the word "messengers," to strike out "five" and insert "two"; and in line 6, after the words "in all," to strike out "\$129,140" and insert "\$122,880," so as to make the clause read:

Salaries, Bureau of Crop Estimates: One statistician, who shall be chief of bureau, \$4,000; 1 chief clerk, \$1,800; 6 clerks, class 4; 9 clerks, class 3; 15 clerks, class 2; 1 clerk, \$1,300; 19 clerks, class 1; 19 clerks, at \$1,000 each; 24 clerks, at \$900 each; 2 messengers, at \$40 each; 2 messengers or laborers, at \$720 each; 2 messenger boys, or laborers, at \$600 each; 1 messenger, messenger boy, or laborer, \$480; 1 charwoman, messenger, or laborer, \$540; 2 charwomen, messenger boys, or laborers, at \$360 each; in all, \$122,880.

The amendment was agreed to.

The next amendment was, on page 64, line 12, after the words as follows," to insert:

Provided, That hereafter the Monthly Crop Report shall be printed and distributed on or before the 12th day of each month.

So as to make the clause read:

General expenses, Bureau of Crop Estimates: For all necessary expenses for collecting, compiling, abstracting, analyzing, summarizing, and interpreting data relating to agriculture; for making and publishing periodically crop and live-stock estimates, including acreage, yield, and value of farm products, as follows: Provided, Tara hereafter the Monthly Crop Report shall be printed and distributed on or before the 12th day of each month.

Mr. JONES. Mr. President, I desire to ask the chairman of the committee why that limitation is put into the bill?

Mr. SMITH of South Carolina. Heretofore the printing of these reports was so retarded that they were issued sometimes as much as three months after the report was ready.

Mr. JONES. Did the committee take into consideration the matter of getting data from the far Western States that must

necessarily go into the making up of these reports?

Mr. SMITH of South Carolina. Yes; and the department have that data at the time of the issuance of the report. What we desire to accomplish here is to insure the printing in case the matter is all in hand. According to our investigation, the delay heretofore has been unjustifiable, and we thought that as the printing was largely done by the department itself, they had in hand all the data needed for the purpose.

Mr. JONES. Does the Senator think that all of the data that they usually include in one of these reports would be available so as to be put into the report and printed on the 12th of the

month?

Mr. SMITH of South Carolina. Yes.

Mr. JONES. Then, I think this is a very good provision. Mr. SMOOT. Mr. President, if that is the case, then the proposed amendment will not change the present situation. Every month there is a bulletin issued. I do not know that it contains all the information which the department may have, but there has never been a month in which there has not been a bulletin issued. This proviso reads:

Provided, That hereafter the Monthly Crop Report shall be printed and distributed on or before the 12th day of each month.

Mr. SMITH of South Carolina. That is what we had reference to—the crop report that we want for the month in order to know what was the condition for the month preceding. We wanted it so as to have the benefit of that information. If the report should come at the last of the month, what good would it be to us?

Mr. SMOOT. Mr. President, I will say to the Senator from South Carolina that I have always understood that in the monthly bulletin all of the information which the department has is printed, and I suppose it would be so even under this proposed amendment; but does the Senator from South Carolina say that the department has had crop reports and withheld them from publication for three months?

Mr. SMITH of South Carolina. No; it was on account of a confusion as to the printing. Some of the printing, as I undercontains as to the printing. Some of the printing, as I understand, was done at one place and some at another place. That caused the delay. The facts were brought out before the committee. I do not charge the department with intentionally withholding or delaying the printing of the report, but they had

absolute discretion as to when it should be printed.

The result was that complaints came in to such an extent that we thought it wise to restrict it, and we had recommendations to the effect that the printing of the report should be restricted to not later than the 12th of the month. After all the facts were brought before us-with some of the causes of the delay I do not charge my mind—the committee felt justified in recommending the monthly bulletin which should be issued, giving the information as to the previous month, should not be later than the 12th of the next succeeding month. That recommendation was unanimously adopted, and the department thinks it will have the desired effect.

Mr. SMOOT. Mr. President, the Senator from South Carolina must understand that I am not objecting to the amendment; I am simply saying that the bulletin is printed in one place, but the preparation of the material for the bulletin may come from different bureaus of the department.

Mr. SMITH of South Carolina. We ascertained that fact,

but the department has all of the material.

Mr. SMOOT. The delay may have been caused as I have suggested, and not because the bulletin has been printed in

different places.

Mr. SMITH of South Carolina. The committee was very careful to investigate the very point which the Senator from Washington [Mr. Jones] raised; that is, whether the publication of this report at that date would exclude certain data so far as it related to distant States, and we concluded that it

Mr. JONES. Does this printing refer to what is designated as

the Crop Report?

Mr. SMITH of South Carolina. It refers to that along with the bulletin.

Mr. SMOOT. This refers to the bulletin.

Mr. SMITH of South Carolina. It refers to the bulletin as to crop conditions. Now, I want to call the Senator's attention to the fact that the data are gathered as of date of the 25th, so that the crop month runs from the 25th of one month to the 25th of another month, so we propose to give from the 25th of one month until the 12th of the next month for the printing. Most of the data, I will say, are gathered by telegraph.

Mr. JONES. I can see how there might occur under this

provision what, as I understand, the Senator from Utah [Mr. Smoot] suggested. This amendment does not specify that the monthly report of one month shall be printed by the 12th of

the succeeding month.

Mr. SMITH of South Carolina. But that is what is under-

stood.

Mr. JONES. I think that is the purpose aimed at, but I was going to suggest that if the department are behind in the printing of these reports three months when this law goes into effect, then they could bring that data out the next month and still the next month, and yet be three months behind all the time.

Mr. SMITH of South Carolina. But the understanding as to this provision is that the report shall be printed as stated;

that is the purpose of it.

Mr. JONES. But that will not be brought about by the language used in the amendment. Does the Senator think that under the amendment the department will do that?

Mr. SMITH of South Carolina. I think so. Mr. JONES. If we made the language a little bit more specific, so that it would require the department to do just what they probably will do when the statement of the Senator is

known, I think it would be preferable.

Mr. SMITH of South Carolina. I think this will cover it.

Mr. JONES. But when we put language in the bill to accomplish a certain thing, I think it would be better if we so framed the language as to require them to do what we expect to have done.

The VICE PRESIDENT. Without objection, the amendment

is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 64, line 20, after the word "investigations," to strike out "\$179,950" and insert "\$175,872," so as to make the clause read:

Salaries, travel, and other necessary expenses of employees out of the city of Washington engaged in field investigations, \$175,872.

The amendment was agreed to.

The next amendment was, on page 64, line 22, after the word "expenses," to strike out "\$204,650" and insert "\$200,572," so as to make the clause read:

In all, for general expenses, \$200,572.

The amendment was agreed to.

The next amendment was, on page 64, line 23, after the words "Bureau of Crop Estimates," to strike out "\$333,790" and insert "\$323,452," so as to make the clause read:

Total for Bureau of Crop Estimates, \$323,452.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under the subhead "Library, Department of Agriculture," on page 65, line 3, before the word "clerks," where it occurs the first time, to strike out "seven" and insert "six," and in line 8, after the words "in all," to strike out "\$33,060" and insert "\$32,160," so as to make the clause read:

Salaries, library, Department of Agriculture: One librarian, \$2,000; 1 clerk, class 3; 1 clerk, class 2; 5 clerks, class 1; 3 clerks, at \$1,080

each; 3 clerks, at \$1,020 each; 4 clerks, at \$1,000 each; 6 clerks, at \$900 each; 1 clerk, \$840; 1 junior library assistant, messenger, or messenger boy, \$720; 1 junior library assistant or messenger boy, \$660; 3 junior library assistants or messenger boys, at \$600 each; 1 messenger, messenger boy, or laborer, \$480; 2 charwomen, at \$480 each; in all, \$32,160.

The amendment was agreed to.

The next amendment was, on page 65, line 15, after the word "expenses," to strike out "\$22,000" and insert "\$18,000," so as to make the clause read:

General expenses, library: For books of reference, technical and scientific books, papers, and periodicals, and for expenses incurred in completing imperfect series; for the employment of additional assistants in the city of Washington and elsewhere; for official traveling expenses, and for library fixtures, library cards, supplies, and for all other necessary expenses, \$18,000.

Mr. GALLINGER. Mr. President, I want to inquire of the Senator in charge of the bill what knowledge he has concerning the employment of messenger boys in the Agricultural Department? I observe running through the bill the term is used, "messenger or messenger boy," and the salary is fixed such as is paid messengers. In some of the other appropriation bills messenger boys are differentiated, and they are paid, I think, about \$480. I will ask the Senator from Utah about that. Mr. SMOOT. They are paid \$480.

Mr. GALLINGER. Running through this bill, I repeat, the term is used "messenger, or messenger boy."
Mr. SMOOT. Some of them are paid \$720.

Mr. GALLINGER. With salaries at \$720, \$660, and so Worth. Does the Senator from South Carolina know how that is?

Mr. SMITH of South Carolina. I really am unable to give the Senator any information as to that. In running over this bill we depended largely upon the other House and upon the hearings held there. We took some things in the bill for granted.

Mr. GALLINGER. Of course, there ought to be uniformity,

so far as we can reach uniformity in these different classes of employees. In the other bills of which I have had knowledge the messenger boy is separated from the messenger and is paid less compensation, as would be natural and proper; but in this bill the term is used "messenger or messenger boy," giving the salaries at about the figure that messengers are appropriated for.

Mr. SMITH of South Carolina. It attracted my attention. I notice in the paragraph we have just had before us it says "messenger boy, or laborers, \$480." I am not positive as to

just what constitutes the messenger at a higher salary.

Mr. WARREN. Mr. President, I will say to the Senator from South Carolina that the Agricultural bill is framed on a different basis as to salaries than other appropriation bills, and it always has been so. The salaries are fixed entirely independent of the legislative, executive, and judicial appropriation bill. The explanation, to my mind, as to these messengers and messenger boys has been that a certain class of them are boys who not only have their present occupation but who are pursuing a line of education looking to higher places in the department.

Mr. SMITH of South Carolina. I suspected something of

that sort.

Mr. WARREN. But the Agricultural Department is founded upon a special law, and has grown up by itself. Senators will notice all through the bill that instead of all the salaries being fixed by classes 1, 2, 3, 4, and so forth, many of them are provided at so much each, and that there are different classes of salaries breaking the hundred dollars; for instance, salaries of \$1,140, \$1,160, and so on.

The VICE PRESIDENT. Without objection, the amendment

is agreed to.

The reading of the bill was resumed.

The reading of the only was testing the next amendment of the Committee on Agriculture was, on page 65, line 16, after the word "library," to strike out "\$55,060" and insert "\$50,160," so as to make the clause read: Total for library, \$50,160.

The amendment was agreed to.

to the value of the buildings?

The reading of the bill was resumed, and the Secretary read down to the item on page 66, line 9, beginning with the subhead "Rent in the District of Columbia."

Mr. VARDAMAN. Mr. President, I desire to ask the Senator

in charge of the bill if he knows what rent is being paid now for the buildings for the Agricultural Department, and does he know what percentage the rent the Government is paying bears

Mr. SMITH of South Carolina. Well, the Government is now paying \$143,000 a year rent for buildings for the Agricultural Department. Just what per cent that is of the value of the buildings I am unable to tell the Senator; but that matter came before us, and we thought that it was not good business to be renting buildings when we own sufficient ground and have ample space for the use and convenience of the Agricultural Department. Hence, we put in the amendment which the Senator will see, beginning in line 13, on page 66.

Mr. VARDAMAN. Are the buildings now rented near the Agricultural Department?

Mr. SMITH of South Carolina. No; they are scattered all about.

Mr. VARDAMAN. All over the city?

Mr. SMITH of South Carolina. Yes; just like all other buildings rented by the Government are.

Mr. VARDAMAN. The Senator states that he does not know the percentage of the value of the buildings that the Government is paying in rent?

Mr. SMITH of South Carolina. I do not know.

Mr. VARDAMAN. A year or two ago this question came up with reference to the Post Office Department, and in one instance it developed that the Government was paying 16 per cent on the value of the building it rented. It strikes me as very poor business, when the Government of the United States can borrow money for 21 per cent, to pay the enormous rental that is being paid for buildings. It does not look good on the face.

Mr. SMOOT. Mr. President— Mr. VARDAMAN. I yield to the Senator from Utah.

Mr. SMOOT. I wish to say to the Senator that there has been a joint committee already appointed for the purpose of investigating that subject.

Mr. VARDAMAN. When was that committee appointed-a

couple of years ago, was it not?

Mr. SMOOT. No; I will say to the Senator it was appointed in the closing days of the last session of Congress. That committee at present is making the investigation, not only as to the rent of buildings for the Agricultural Department, the floor space occupied, and so forth, but as to every other department of the Government. The committee hopes before long to have a report ready to present to Congress, with certain recommendations; and I am quite sure that the recommendations will be such, if adopted, as to do away with just such conditions as the Senator has cited.

Mr. VARDAMAN. Well, "'tis a consummation devoutly to be wish'd." I have never understood why the policy of renting buildings for Government use should have been inaugurated in the first instance. I can account for it upon one theory, and one alone, and that is to give somebody a profit upon an invest-The custom is discreditable to the good judgment of Congress, and if persisted in after the matter has been called to the attention of Congress, it reflects upon the integrity and good faith of the Congress.

Mr. GALLINGER. Mr. President, it was not many years ago that the Agricultural Department was housed in one building, but an appropriation was made for additional buildings, and two other buildings were constructed in close proximity to the original building. Now, it seems that that department has outgrown these three buildings, and is spending in rent \$183,000 a year. If my mental arithmetic is not at fault, we could erect a \$5,000,000 building and not pay any greater interest than that; and it does seem to me that we ought to have relief in this regard.

Mr. VARDAMAN. Mr. President, I want to state in this connection, that we do not need a \$5,000,000 building; but Congress can provide for the erection of a building that will serve all purposes and meet all the requirements for a very much less sum. We can pretty nearly erect a building for the rental we pay per annum.

Mr. GALLINGER. Mr. President— Mr. VARDAMAN. I desire to say, further, Mr. President, if the Senator will permit me, that, so far as the growth of this department is concerned, that is gratifying to me. In the beginning this department amounted to very little. I have observed its growth with a great deal of interest, because I really think, as I have said so often heretofore upon the floor of the Senate, that the money invested in the development of agriculture brings a larger return to the American people than the money invested in any other department. I have noticed the increased production of land due largely to the progressive and intelligent aid rendered by the agents of this department. The farmer is learning to analyze the soil; he is learning to breed plants so as to more than double the production of the soil; in every way the condition of the farm is being improved, and farm life is being made more attractive to the people. I think it is a great work; and Congress can not do too much to forward that character of enterprise. As a matter of fact, we all understand that upon the products of the farm all the superstructure of commerce rests. It will be noted that when propitious seasons come and the farmer is able to properly till | utes p. m.

his soil, intelligently manage the affairs of his farm, there is plenty in his home, and from his fertile fields is gathered the wheat and the corn and the cotton and all the grain that feed and clothe the world, the railroads are running on schedule time with heavily loaded trains, the merchant collects his bills, the doctor is not forgotten, the humble preacher dons a new suit of clothes, and the lawyer gets his share. The banks are filled to overflowing with "somebody else's money," and the life-giving current of commerce rushes through the arteries of trade like the freshets from the mountain side. But paralyze the strong arm of the farmer, send a blight upon his crops, unfavorable seasons to hinder his efforts, the current of trade, dries up and the whole superstructure languishes and dies. It is well for the Congress to be prudent and economical, but to be niggardly in its appropriation for this department is a crime against all the people.

Mr. GALLINGER. Mr. President, I quite agree with the Senator from Mississippi, but I want the Senator from Mississippi not to misunderstand me in regard to my suggestion about a \$5,000,000 building. I meant to say that, if necessary, we could construct a building costing \$5,000,000, and that it would not cost the Government any more than to pay the amount

of rent it is now paying.

Mr. VARDAMAN. I understood the Senator thoroughly. It was just an illustration to show the mistake we are making by pursuing this policy.

Mr. GALLINGER. Yes; and what I think an extravagance. Mr. VARDAMAN.

Mr. VARDAMAN. Yes; I so understood the Senator. Mr. SMITH of South Carolina. Mr. President, I desire to call attention to the amendment put in this bill by the Agricultural Committee. Already certain plans and specifications have been prepared for what is to be known as the "middle building." The two new buildings of the Agricultural Department were erected when Mr. Wilson was Secretary of Agriculture. The idea at that time was to erect two buildings as wings and to construct the middle or the main structure between the two. The Committee on Agriculture thought that they would appoint members of the committee to investigate and see what could be done, in cooperation with the Secretary of Agriculture, and report to Congress not later than December, 1917, in order to get rid of this intolerable condition of paying \$150,000 a year rent-

Mr. GALLINGER. The amount, I think, is \$183,000. Mr. SMITH of South Carolina. For buildings, when we have ample ground, and the plans have already been prepared for an additional building. It would be infinitely better for the Government to issue bonds and to erect adequate buildings than to go on renting scattered buildings all over the city, causing inconvenience to those who desire to visit the departments, necessitating their running all over the city and to go into all sorts of nooks and corners in order to get information which they desire. I hope this amendment will stand, because it provides for a specific committee, charged with a specific work, which has already in a sense been undertaken. The committee will be enabled to do the work and to report to Congress.

Mr. GALLINGER. I will venture to suggest to my friend the Senator from South Carolina, who doubtless will be on the committee, if one shall be constituted, that I trust the committee will make a very careful investigation of the floor space now occupied by the three buildings which we do own, with a view to determining whether the space might not be economized. There is a disposition on the part of every department to have possession of as much space as they can possibly get, and I have some knowledge, I think, of certain instances where more space is being occupied than is absolutely necessary.

Mr. SMITH of South Carolina. I am glad the Senator has called my attention to that. I shall certainly investigate it, if

I am a member of the committee.

JOINT MEETING OF THE TWO HOUSES.

The VICE PRESIDENT (at 1 o'clock and 52 minutes p. m.). The hour having arrived at which, in accordance with the concurrent resolution of the Congress of the United States the two Houses are to assemble in joint session, the Senate will now proceed to the Hall of the House of Representatives to listen to an address by the President of the United States. The Sergeant at Arms will carry out the order of the Senate.

Thereupon the Senate, preceded by its Sergeant at Arms and headed by the Vice President and its Secretary, proceeded to the Hall of the House of Representatives.

The Senate returned to its Chamber at 2 o'clock and 20 min-

ADDRESS BY THE PRESIDENT OF THE UNITED STATES.

The address of the President of the United States this day delivered to the two Houses of Congress in joint session is as

GENTLEMEN OF THE CONGRESS: The Imperial German Government on the thirty-first of January announced to this Government and to the governments of the other neutral nations that on and after the first day of February, the present month, it would adopt a policy with regard to the use of submarines against all shipping seeking to pass through certain designated areas of the high seas to which it is clearly my duty to call your attention.

Let me remind the Congress that on the eighteenth of April last, in view of the sinking on the twenty-fourth of March of the cross-channel passenger steamer SUSSEX by a German submarine, without summons or warning, and the consequent loss of the lives of several citizens of the United States who were passengers aboard her, this Government addressed a note to the Imperial German Government in which it made the following

declaration:

"If it is still the purpose of the Imperial Government to prosecute relentless and indiscriminate warfare against vessels of commerce by the use of submarines without regard to what the Government of the United States must consider the sacred and indisputable rules of international law and the universally recognized dictates of humanity, the Government of the United States is at last forced to the conclusion that there is but one course it can pursue. Unless the Imperial Government should now immediately declare and effect an abandonment of its present methods of submarine warfare against passenger and freight-carrying but to sever diplomatic relations with the German Empire altogether."

In reply to this declaration the Imperial German Government

gave this Government the following assurance:

"The German Government is prepared to do its utmost to confine the operations of war for the rest of its duration to the fighting forces of the belligerents, thereby also insuring the freedom of the seas, a principle upon which the German Government believes, now as before, to be in agreement with the Government of the United States.

"The German Government, guided by this idea, notifies the Government of the United States that the German naval forces have received the following orders: In accordance with the general principles of visit and search and destruction of merchant vessels recognized by international law, such vessels, both within and without the area declared as naval war zone, shall not be sunk without warning and without saving human lives, unless these ships attempt to escape or offer resistance.

"But," it added, "neutrals can not expect that Germany, forced to fight for her existence, shall, for the sake of neutral interest, restrict the use of an effective weapon if her enemy is permitted to continue to apply at will methods of warfare violating the rules of international law. Such a demand would be incompatible with the character of neutrality, and the German Government is convinced that the Government of the United States does not think of making such a demand, knowing that the Government of the United States has repeatedly declared that it is determined to restore the principle of the freedom of the seas, from whatever quarter it has been vio-

To this the Government of the United States replied on the eighth of May, accepting, of course, the assurances given, but

"The Government of the United States feels it necessary to state that it takes it for granted that the Imperial German Government does not intend to imply that the maintenance of its newly announced policy is in any way contingent upon the course or result of diplomatic negotiations between the Government of the United States and any other belligerent Government, notwithstanding the fact that certain passages in the Imperial Government's note of the 4th instant might appear to be susceptible of that construction. In order, however, to avoid any possible misunderstanding, the Government of the United States notifies the Imperial Government that it can not for a moment entertain, much less discuss, a suggestion that respect by German naval authorities for the rights of citizens of the United States upon the high seas should in any way or in the slightest degree be made contingent upon the conduct of any other Government affecting the rights of neutrals and noncombatants. Responsibility in such matters is single, not joint: absolute, not relative.

To this note of the eighth of May the Imperial German Government made no reply.

On the thirty-first of January, the Wednesday of the present week, the German Ambassador handed to the Secretary of State, along with a formal note, a memorandum which contains

the following statement:
"The Imperial Government, therefore, does not doubt that the Government of the United States will understand the situation thus forced upon Germany by the Entente-Allies' brutal methods of war and by their determination to destroy the Central Powers, and that the Government of the United States will further realize that the now openly disclosed intentions of the Entente-Allies give back to Germany the freedom of action which she reserved in her note addressed to the Government of the United States on May 4, 1916.

"Under these circumstances Germany will meet the illegal measures of her enemies by forcibly preventing after February 1, 1917, in a zone around Great Britain, France, Italy, and in the Eastern Mediterranean all navigation, that of neutrals included, from and to England and from and to France, etc., etc. All

ships met within the zone will be sunk."

I think that you will agree with me that, in view of this declaration, which suddenly and without prior intimation of any kind deliberately withdraws the solemn assurance given in the Imperial Government's note of the fourth of May, this Government has no alternative consistent with the dignity and honour of the United States but to take the course which, in its note of the eighteenth of April, 1916, it announced that it would take in the event that the German Government did not declare and effect an abandonment of the methods of submarine warfare which it was then employing and to which it now purposes again to resort.

I have, therefore, directed the Secretary of State to announce to His Excellency the German Ambassador that all diplomatic relations between the United States and the German Empire are severed, and that the American Ambassador at Berlin will immediately be withdrawn; and, in accordance with this de-

cision, to hand to His Excellency his passports.

Notwithstanding this unexpected action of the German Government, this sudden and deeply deplorable renunciation of its assurances, given this Government at one of the most critical moments of tension in the relations of the two governments, I refuse to believe that it is the intention of the German authorities to do in fact what they have warned us they will feel at liberty to do. I can not bring myself to believe that they will indeed pay no regard to the ancient friendship between their people and our own or to the solemn obligations which have been exchanged between them and destroy American ships and take the lives of American citizens in the wilful prosecution of the ruthless naval programme they have announced their intention to adopt. Only actual overt acts on their part can make me believe it even now.

If this inveterate confidence on my part in the sobriety and prudent foresight of their purpose should uphappily prove unfounded; if American ships and American lives should in fact be sacrificed by their naval commanders in heedless contravention of the just and reasonable understandings of international law and the obvious dictates of humanity, I shall take the liberty of coming again before the Congress, to ask that authority be given me to use any means that may be necessary for the protection of our seamen and our people in the prosecution of their peaceful and legitimate errands on the high seas. I can do nothing less. I take it for granted that all neutral govern-ments will take the same course.

We do not desire any hostile conflict with the Imperial German Government. We are the sincere friends of the German people and earnestly desire to remain at peace with the Government which speaks for them. We shall not believe that they are hostile to us unless and until we are obliged to believe it; and we purpose nothing more than the reasonable defense of the undoubted rights of our people. We wish to serve no selfish ends. We seek merely to stand true alike in thought and in action to the immemorial principles of our people which I sought to express in my address to the Senate only two weeks ago, seek merely to vindicate our right to liberty and justice and an unmolested life. These are the bases of peace, not war. God grant we may not be challenged to defend them by acts of wilful injustice on the part of the Government of Germany!

AGRICULTURAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918.

The VICE PRESIDENT. The Secretary will continue the reading of the bill,

The reading of the bill was resumed.

The next amendment was, under the subhead "Rent in the District of Columbia," on page 66, line 13, after "\$143,689" to insert: "Provided, That a joint committee to be composed of three Members of the Senate, appointed by the President of the Senate, and three Members of the House, appointed by the Speaker of the House, is hereby constituted, who shall investigate the amount of floor space required by the Department of Agriculture for its various activities in the city of Washington, the annual rental now paid by the department, the land available for the erection of Government-owned buildings to meet the needs of the department, together with the cost of erecting the same, and report to Congress not later than the first Monday in December, 1917," so as to make the clause read:

Rent of buildings, Department of Agriculture: For rent of buildings and parts of buildings in the District of Columbia, for use of the various bureaus, divisions, and offices of the Department of Agriculture, \$143,689: Provided, That a joint committee to be composed of three Members of the Senate, appointed by the President of the Senate, and three Members of the House, appointed by the Speaker of the House, is hereby constituted, who shall investigate the amount of floor space required by the Department of Agriculture for its various activities in the city of Washington, the annual rental now paid by the department, the land available for the erection of Government-owned buildings to meet the needs of the department, together with the cost of erecting the same, and report to Congress not later than the first Monday in December, 1917.

Mr. SMOOT. Mr. President, I will ask the Senator in charge of the bill if he thinks this proviso is necessary, in view of the fact that another committee has already been appointed for the investigation of the very matter covered by this amendment?

Mr. SMITH of South Carolina. Let me make this suggestion

to the Senator: This committee would not in any way interfere with the other, and might be helpful if its attention were devoted to just the one specific work. There is no appropriation for anything. It costs us nothing; and we might be able to aid you in expediting the very work for which your committee is appointed generally. I think it would be helpful rather than

Mr. SMOOT. I should not like to have the two committees make separate investigations and two reports. It seems to me that one committee ought to make a report covering the whole subject matter.

Mr. SMITH of Georgia. What progress has the other commit-

tee made?

Mr. SMOOT. We have made a great deal of progress. We now have floor space mapped out, and the work is going on every day. The amount of rents paid has been tabulated, of course. The question that is being considered now is as to the space in the buildings occupied by different departments, and who are occupying more space than is absolutely necessary for the employees they have, and who have not enough.

I will say to the Senator that there is some feeling between the heads of the departments as to floor space in many of the buildings. Take the State, War and Navy Building: There is not complete accord there. It is going to take some time to make the investigation, and some time to decide upon where is the best location, and what it is going to cost the Government, and about what the buildings will cost; also, to show whether it would be profitable to us, on the basis of 3 per cent interest per annum, to erect all the buildings necessary.

I wish to say that I have no doubt in my own mind, as far as

I wish to say that I have no doubt in my own mind, as far as the investigations have gone, that when the report is made we are going to get rid of the renting of a great many of these segregated buildings all through the District and have Government buildings erected. They will be fireproof; they will be better arranged; the employees will be better taken care of, and I believe at less expense to the Government of the United

Mr. SMITH of South Carolina. Does not the Senator think it would expedite matters if the Senate sees fit to adopt this amendment and this committee is appointed, when our work will be restricted entirely to an investigation by the Agricultural Committees of the two Houses as to the needs of the Agricultural Department, and, as I suggested before the recess was taken, some progress has already been made looking to the matter of floor space and the proper housing of the Agricultural Department on our own ground?

Mr. SMOOT. I will say to the Senator that if the Agricultural Committee of the Senate feel that it is necessary, now that the attention of the committee has been called to the fact that another committee has already been appointed, I shall not

object.
Mr. SMITH of South Carolina. I think it would expedite matters, and I do not see where there would be any conflict; and it would help meet a condition that has come specifically to our attention.

Mr. SMITH of Georgia. Mr. President, the Agricultural Committee has been appropriating now for several years large sums of money for rents. We appropriate this year \$126,000 for rents.

Mr. SMOOT. One hundred and forty-three thousand dollars. Mr. SMITH of Georgia. One hundred and forty-three thousand dollars for rents—\$20,000 more. We simply thought we were not justified in voting that appropriation when we had the ground all around the building, when half that amount would pay the interest on vastly better buildings; and we thought we would like to look into that branch of the question, anyhow. This department is separate from the other departments and it has its land there. We have plenty of land.

Mr. SMOOT. I will say to the Senator that if an appropriation were made to-day to build the central building between the two wings that have already been built for the Agricultural Department, there would be sufficient room there to house properly, and in a first-class way, all of the employees of the Agricultural Department.

Mr. SMITH of Georgia. Our committee felt that we would be glad to look into this matter, too; and of course any committee that is appointed will cooperate with the other committee.

Mr. BRADY. Mr. President, the Committee on Agriculture and Forestry have no desire whatever to interfere in any way with the committee that is now at work securing information along the same lines that we expect to secure under this amend-I was under the impression that this committee of three Members from the Senate and three from the House was to be appointed from the membership of the Agricultural Committees, with the thought of working out some plan that would be proper and beneficial for the Agricultural Department. When that is done I believe it will be well for this committee to report to the larger committee, of which the Senator from Utah speaks, and let you have the information we secure. But the members of our committee feel that something should be done relative to this particular department for the purpose of lowering, as much as possible, the expenses of that department, and that is the reason why this amendment was placed in the bill by the committee. It was adopted unanimously.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was continued to line 24 on page 68.

Mr. SMOOT. Will the Senator in charge of the bill inform the Senate what percentage of these appropriations is paid to employees in the city of Washington? I ask the question because I notice that this is the only appropriation bill which carries lump sums and provides that out of those lump sums there shall be paid not a stated amount but an authorization given to the Secretary of the department or head of the bureau to pay employees in the city of Washington. I notice on the next page:

For farmers' cooperative demonstration work outside of the cotton belt, including the employment of labor in the city of Washington and elsewhere, supplies, and all other necessary expenses, \$578,240.

In almost all other appropriation bills, I will say to the Senator, all the employees in the District of Columbia are specifically provided for and named in the bill and the rate paid to them, and the lump-sum appropriation is for general expenses attached to the department or work outside the limits of the United States. But I notice all the way through this appropriation bill there is allowed a lump-sum appropriation to employ persons in the District of Columbia. Has the Senator made any investigation into that matter?

Mr. SMITH of South Carolina. I do not know what the relative-per cent of the employees in the city is to those outside. I only know in a general way that very often there is a transfer from the District to field work, that when one becomes thoroughly competent to do the work according to the regulations of the department he is transferred to field work outside the city. I would imagine it would be a very hard matter to arrive at any way of fixing the status of clerks and the salary of employees of the department in this city in relation to those in the field, because it works both ways. I know that in certain cases after they have had field experience they are transferred here, and it is impossible for me to give information even as to the relative number.

Mr. SMOOT. I can plainly see that the number employed in the field can not be provided for specifically; but it does seem to me that we do know what the clerical work in the department here in Washington will be, and we ought to provide that that clerical work shall be done in the District of Columbia, and a specific appropriation made for so many clerks, so many messengers, so many laborers, and so forth.

Mr. SMITH of South Carolina. I suggest to the Senator that the difficulty there would be that in the rapidly expanding work of the department you could not provide any such fixed appropriation for those who are employed here.

Mr. SMOOT. We do it in all the other departments.

Mr. SMITH of South Carolina. I think the nature of the Agricultural Department perhaps, as the Senator from Wyoming [Mr. WARREN] pointed out this morning, is different from practically any other department we have. We are continually adding to the Agricultural Department functions that a few years ago we did not dream of, and in the administration of the different bureaus and departments that we have added to it, it is necessary for them to have, now at least, a lump sum, so that they may transfer employees here to the field or vice

In this connection I wish to say to the Senator, for fear I may be misunderstood, that I am not an advocate of this lump-sum system. It invites an easy road to the expenditure of money that may not be warranted, and I will join the Senator and others in the Senate in trying to have specific appropriations rather than a lump sum, which leaves it to the discretion of some head of a department to use it as he may see fit.

Mr. SMOOT. The Senator is perfectly right in that, because anyone who has had any experience at all with lump-sum appropriations by our Government knows that the most extravagant use of public funds comes through lump-sum appropriations. The heads of the various departments and bureaus would never think of spending money as they do if it was specifically provided for, but as long as it is in a lump sum, no report being made, it comes easy and goes easy, and there is the most extravagant expenditure of the public money in that way.

Mr. SMITH of South Carolina. The Senator knows as well as I do that it would be a stupendous task now to begin to weed out and fix the salaries of these employees; but it is a matter which calls for our attention, and I think when we come to the preparation of the next appropriation bill we should serve notice on the House that if they do not take up the work the Senate proposes, as far as it is able, to reduce it to a clear understanding of what we are doing.

Mr. SMOOT. I hope the Senator will.

Mr. BRADY. Mr. President, I desire to ask the Senator from Utah a question relative to the clauses of the bill he has just been discussing. He is, as we all know, certainly well advised on these matters of legislation. I was a little surprised to hear him make the statement that there are included more of these lump-sum appropriations in this appropriation bill than in any other appropriation bill.

Mr. SMOOT. I will say that in nearly all the other appropriation bills we cut out such items. The Committee on Appropriations has required that the clerks and employees shall be named specifically, and, whether they are clerks, messengers, stenographers, chief clerks, or under any other designation, the appropriation describes their status and their work. As I said the other day in asking that such a provision be stricken out of the legislative, executive, and judicial appropriation bill, there is a tendency all the time to get this very wording into the appropriation bills. Then, if the department getting a lump appropriation want 10 clerks, they go and get 10; if they want 20, they go and get 20; and sometimes, if they think they need 30, they will go and get 30. I am speaking now of employees in the District of Columbia. When they are specifically provided for we can say to the head of a department or bureau, "Where are you going to place these employees, and what are they going to do?" but in the case of a lump-sum appropriation

the committee can not do that.

Mr. BRADY. The Senator feels that that tendency has been greater in the Agricultural appropriation bill than any other appropriation bill?

Mr. SMOOT. There is not any doubt about it at all; and I was very glad to hear the acting chairman say that before the next Agricultural appropriation bill is finally drafted he is going to take up the question and see himself if these employees can not be specifically appropriated for.

Mr. BRADY. We have tried to accomplish the very purpose

the Senator suggests. I hope that the Senator in charge of the bill will be able to accomplish something along that line.

Mr. BRYAN. It seems to me that the paragraph under discussion, giving a lump-sum appropriation, appropriates the amount required by law to be spent under the Hatch-Morrill Act in each State for agricultural experiment stations.

Mr. SMOOT. I spoke of the item on page 68 and referred to the item on page 69, "for farmers' cooperative demonstration work outside of the cotton belt."

Mr. BRYAN. That may be open to objection, but the items on pages 67 and 68 are not. I did not know that we had reached the item on page 69.

Mr. SMOOT. I referred to the item on page 69; and not only that, but, I will say to the Senator, all through the bill I have noticed provisions of the same character. I simply wanted to call attention to it, and I am satisfied with the statement made by the Senator in charge of the bill.

Mr. BRYAN. But it does not apply to the items on pages 67

The reading of the bill was resumed and continued to page 70, line 25

Mr. JONES. I wish to ask the Senator in charge of the bill whether the appropriation of \$10,000 for the experiment station in Alaska is all that is estimated by the Secretary of Agricul-

Mr. SMITH of South Carolina. I beg the Senator's pardon. Mr. JONES. I ask the Senator in charge of the bill whether this appropriation of \$10,000 to be "immediately available for the location, equipment, and maintenance of an agricultural experiment station in the Matanuska Valley" is a sufficient

Mr. SMITH of South Carolina. The Secretary so stated.

Mr. JONES. He thinks that is all that is necessary?

Mr. SMITH of South Carolina. Yes.

Mr. JONES. I will say that I am very glad, indeed, to see this provision in the bill.

The reading of the bill was continued. The next amendment was, under the subhead "States Relations Service," on page 71, line 9, after the word "expenses," to strike out "\$39,000" and

insert "\$35,000," so as to make the clause read: To enable the Secretary of Agriculture to investigate the relative utility and economy of agricultural products for food, clothing, and other uses in the home, with special suggestions of plans and methods for the more effective utilization of such products for these purposes, with the cooperation of other bureaus of the department, and to disseminate useful information on this subject, including the employment of labor in the city of Washington and elsewhere, supplies, and all other necessary expenses, \$35,000.

The amendment was agreed to.

The next amendment was, one page 71, line 16, after the "expenses," to strike out "\$2,976,580" and insert "\$2,-972,580," so as to make the clause read:

In all, for general expenses, \$2,972,580.

The amendment was agreed to.

The next amendment was, on page 71, line 17, after the words "States Relations Service," to strike out "\$3,111,600" and insert "\$3,107,660," so as to make the clause read:

Total for States Relations Service, \$3,107,660.

The reading of the bill was continued to page 72, line 20. Mr. JONES. I wish to ask the Senator in charge of the bill a question. Line 19 reads, "Seven laborers, messenger boys, or charwomen, at \$480 each." Does that mean that the Secretary can employ seven charwomen or seven messenger boys or seven laborers, or does it mean that he can employ seven of each class? Or does it mean if he employs seven charwomen he has no money then for laborers covered by that item?

Mr. SMITH of South Carolina. I will say frankly my attention has not been called to that item, because, as I said before, this matter was carefully gone over by the House.

Mr. JONES. I recognize that it is the House text.

Mr. SMITH of South Carolina. But the Senator will see that under the language, "seven laborers, messengers boys, or charwomen," it may be that at certain times he will want to employ some laborers and then he may want to employ some messenger boys or charwomen. He is restricted to the total number of seven for the year. He can employ but seven, but he is given a discretion during the year as to whom he may employ. He can not go above seven with this amount appro-

Mr. JONES. Then he might-it is mere supposition-employ seven charwomen one month, seven laborers another month, and seven messenger boys another month.

Mr. SMITH of South Carolina. Yes; as the necessities of the case might require.

Mr. JONES. But is it not true that where they need charwomen they need them all the year? I suppose that there is about the same amount of work all the year around that

charwomen are supposed to do.

Mr. SMITH of South Carolina. I am not advised as to that. presume the department fixes it as the necessities require. I

think they would have a certain latitude.

Mr. JONES. I think probably this was gone into a little while ago. If it was, I would not ask the Senator a question again, but it strikes me that this bill in connection with employees of this kind is framed a little differently from the

other appropriation bills. Now, why is that?

Mr. SMITH of South Carolina. I do not know whether the Senator was present when the Senator from Wyoming [Mr. WARREN] called attention to it. It is framed not so much after the manner of the ordinary statutory roll but has reference to day laborers. You will see a fractional part of a hundred dollars, for instance, four hundred and twenty and eight hundred and forty, as the Senator from Wyoming pointed out. That is because they figured it upon the cost of the day labor that they would employ from time to time, and not as a salary upon the ordinary basis.

Mr. JONES. That is the reason why you put this indefinite provision in here as to the class and character of the employees? Mr. SMITH of South Carolina. That is the case.

The reading of the bill was resumed and continued to page 73, line 14.

Mr. JONES. I wish to ask the Senator from South Carolina if he can tell me whether the Bureau of Roads has reached any definite conclusion as to what are the best methods of constructing roads in the different sections of the country?

Mr. SMITH of South Carolina. As I understand it, they are now engaged in that very work. The good roads act was only passed last year, but previous to that the department had taken up the work. They are issuing bulletins giving expert advice as to the best method of constructing roads in different parts of the country. For instance, in the case of the sand and clay roads they have developed a plan by which the sand and clay road is perhaps made the most durable in the world by mixing a certain degree of moisture with sand and clay and see ing that the bed is thoroughly drained, and then by coating it with sand and clay. I have had a little experience with that myself. Under the auspices of the department they have issued bulletins of standard sand and clay roads and a standard macadam road, giving advice after experimentation over here at Arlington.

Mr. JONES. Have they reached a point in their experimental road building where they can say to the people in the State of Illinois, for instance, a certain character of road building is

the best for your section?

Mr. SMITH of South Carolina. I am not advised as to that. I think they have experimented to a point where they do not absolutely say this is the best, but that it is the best at this stage of our investigations. I know they have changed something of the constituent elements in the manner of preparing the sand and clay road, but it looks to me very much like there will not be any further improvement, because it stands the wear and tear of very heavy vehicles and also the extraordinary wear and tear of automobiles.

Mr. JONES. So the Senator would think that they have about reached the end of expenditures along that particular

line?

Mr. SMITH of South Carolina. I think so, I think in a very few years perhaps it will be standardized and scarcely anything more will be required.

Mr. JONES. I understand that this bureau has been experimenting in building roads for a good many years. What I wanted to get at was whether they had gone so far as to be able to determine in this or that section of the country as to what class of road building was best adapted to that section.

Mr. SMITH of South Carolina. Within my own knowledge, to speak affirmatively and speaking in reference to my section, they have, I think, about standardized the sand and clay road.

I agree with the point the Senator is getting at. He wishes to know when the experimentations along lines capable of standardization will stop so that we can for all time rest upon their findings. I think we are approaching that.

SUBMARINE WARFARE.

Mr. LEWIS. Will the Senator from South Carolina allow me to tender a resolution? I ask unanimous consent to adopt a resolution. It will not take one minute. There will be no debate and no objection. It is merely to get information.

Mr. SMITH of South, Carolina. I have no objection if it

does not call for debate.

Mr. LEWIS. I will not allow any debate if there is objection. It is merely to obtain a document for the information of the Senate. May I have the resolution read at this time and ask unanimous consent that it be adopted?

Mr. SMOOT. Let it be read.

The VICE PRESIDENT. The resolution will be read. The Secretary read the resolution (S. Res. 349), as follows:

Resolved, That the Secretary of State, if not incompatible with public service, transmit to the United States Senate a correct copy of the message and accompanying memoranda from the Imperial Government of Germany advising of the resumption of submarine warfare against the neutral and other countries of date February, 1917.

Mr. GALLINGER. I do not want to be technical, but does not the Senator from Illinois think "public interest" would be

better than "public service"?

Mr. LEWIS. Yes, Mr. President, if the Clerk will be so kind as to substitute the word suggested by the Senator from New Hampshire, "public interest." I thank the Senator. I ask that the resolution be changed and I ask for unanimous consent to adopt the resolution.

The VICE PRESIDENT. Is there objection? The Chair

hears none, and the resolution is agreed to. Mr. LEWIS. I thank the Senator from South Carolina.

CONSTRUCTION OF BATTLESHIPS.

Mr. TILLMAN. I send to the desk the following resolution and ask unanimous consent for its present consideration. I think when the resolution is read it will be seen that it is very important.

The resolution (S. Res. 348) was read, considered by unani-

mous consent, and agreed to, as follows:

Resolved, That the Secretary of the Navy be directed to furnish the Senate a statement showing the present status of the appropriation of \$6,000,000 made in the act of August 29, 1916, known as the naval appropriation bill, which authorized him to improve and equip the navy yards at Puget Sound, Philadelphia, Norfolk, New York, Boston, Portsmouth, Charleston, and New Orleans for the construction of ships at such yards, giving amount expended and to be expended at each yard, and the conditions at each of those yards for building the ships heretofore ordered to be constructed.

AGRICULTURAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918.

Mr. STERLING. Mr. President, I wish to ask the Senator from South Carolina if he does not think, in lines 8, 9, and 10, on page 73, the inquiries on the part of the department are too limited? The word "management" is used and the inquiry is to be made in regard to systems of road management. From the Senator's discussion a moment ago I infer that road con-struction is the thing the department has been doing, that it has been investigating methods of road construction.

Mr. SMITH of South Carolina. The Senator will find that

the next paragraph reads:

For investigations of the best methods of road making, especially ordinary sand-clay and dirt roads, and the best kinds of road-making materials, and for furnishing expert advice on road building and maintenance.

Very well. Then I should like to inquire of the Senator-and I am obliged to him for calling my attention to that paragraph—what is the inquiry made in regard to road management as provided in lines 8, 9, and 10? To what does

that particularly refer?

Mr. SMITH of South Carolina. That refers to upkeep after the road has been constructed. For instance, with the sand-clay road they have found that the use of what they call a split-log drag, which is formed of two pieces of material, either steel or wood, about 8 or 10 inches, set at an angle so that it will scrape the entire road, or at least one side at one time, with the angle so set that as it goes over it scrapes the dirt into the center. They have discovered that if it is done at a certain time, just after a rain, the vehicles coming over it after three or four days, it is all the work that is necessary. It will smooth

the surface and make it almost as hard as an asphalt pavement.

Mr. STERLING. I call the attention of the Senator now. to the paragraph in lines 15 and 16 on the same page, in which there is appropriated \$51,220. I ask him if that does not relate

to and cover the very point he has been discussing?

Mr. SMITH of South Carolina. For conducting field experiments?

Mr. STERLING. "For investigations of the chemical and physical character of road materials." It seems to me that we are rather duplicating appropriations here and that there is no

need of both these appropriations.

Mr. SMITH of South Carolina. Here is the idea: This plan has been prepared by the department. It will be necessary, perhaps, in order to save time, to read from a statement furnished the committee. I may state that there is different material found in different places with which they are experimenting. They have had great success with some, and this is to continue such experiments. The provision is:

For investigations of the chemical and physical character of road materials,

Now, I will read to the Senator from the memorandum furnished us:

Road-material investigations (p. 71, line 3): The work under this item consists primarily of laboratory investigations, and may be divided into two parts: (1) Routine testing and analyses of road materials, and (2) research work regarding road materials.

Hunting it, finding it, and then testing it out after it is found.

The routine testing and analyses embrace physical tests to determine by impact, abrasion, etc., the hardness, toughness, cementing value, and other qualities of road materials, and also chemical and microscopic analyses to determine their mineral constituents.

The research work covers investigations of the properties, suitability, and applicability of concrete for road and bridge construction; investigations of the properties and uses of the various asphalts, oils, tars, and other binders and dust preventives for road construction, and maintenance; the standardization of methods of testing road materials; and the development and maintenance of the various instruments and appliances for the testing and research work of the Office of Public Roads and Rural Engineering.

So the Senator will see that though the terminology, used here.

So the Senator will see that, though the terminology used here seems to indicate duplication, upon investigation he will find that they divide themselves very clearly into different classes, which need expert and differentiated attention.

Mr. STERLING. The term "management" on page 73, line 8, is a pretty broad term, I admit; and under the Senator's interpretation of it, if I understood him correctly a while ago, it includes an examination into the materials of road construction. If it includes that, Mr. President, it also includes an examination of the material used in road repair, as I think the Senator

Mr. SMITH of South Carolina. The best way I can illustrate that is in road construction. I take a piece of paper, if I am an architect, and draw you a plan of a house; but that not building the house; that is merely showing you how to build the house. When I have already given you the plan it is for you to determine what material you will use in filling out the contour or the general physical aspect of the house which I propose that you shall build. If the Senator will take these three items seriatim he will find first:

For inquiries in regard to systems of road management-

That is, how best to keep them up; how are you going to keep up your asphalt roads? How are you going to keep up your sand and clay roads; how are you going to keep up your dirt roads, if you have no sand or clay; where by drainage you have constructed a road and are trying to keep it in proper

Mr. GALLINGER. Mr. President, does not the Senator from South Carolina think that those who built the roads know how

to repair them? Mr. SMITH of South Carolina. We did not. I know that the split-log drag is a marvel, and I wish the Senator from New Hampshire could see it in operation. Until it was demonstrated, no one knew when there was dampness in the road, if you scraped the road just where the wheels of the vehicles or the hoofs of the animals or the erosion of the water in the incline had cut little canals, that by dragging with the splitlog drag at a certain time when the rain had passed you would need no other work on the road.

Mr. GALLINGER. I presume the Senator from South Caro-

lina is talking about dirt roads.

Mr. SMITH of South Carolina. I am talking about the sand and clay roads that are mentioned here. Suppose they developed the experimentation, let me ask the Senator if he supposes that a resident on a road is going to go out there and experiment as to what is going to keep it up and how to man-

Mr. GALLINGER. I will tell the Senator what I think. think the system which they have in Europe-I am not now speaking of dirt roads-and the system we are adopting in New England is the proper system for our roads. There we have the material along the roadside and are constructing roads costing from \$5,000 to \$10,000 a mile, and we have men looking after the sections of road and repairing them as soon as they are torn out to any extent.

Mr. SMITH of South Carolina. With us in the South it may not be necessary to make this investigation, as has been indicated by the Senator from Washington. The present system may prove an absolute success, and perhaps we do not need any further demonstrations or any further lessons as to road management, but I should imagine that out in the West, where they have difficulties with the soil, it might be very important that the Government should appoint men who have the ability, the time, the energy, and the engineering knowledge to experiment and to work with different materials, so as to ascertain if they can discover something with which they can make a per-

Mr. GALLINGER. Of course, I am not familiar with the character of roads of which the Senator from South Carolina speaks. The Government, however, has built a very good macadam road between the Potomac River and Arlington, much to my gratification. I always thought Virginia ought to have done it; but the Government has done it. The Government has built that road, but it is no better than the roads which for 10

years we have been building in the North. They can not teach us anything about building macadam roads. I hope they will discontinue that experiment, at least. The trouble is that these men never stop.

Mr. SMITH of South Carolina. I see the Senator has the same object in view that the Senator from Washington had in view; but I want to state to the Senator, from my knowledge of the West, of the Southwest, and of the South, that there is vast room for a splendid work to be done, not at such great expense on the part of the Government as it would be to instruct us how best to accomplish that end.

The Senator must not forget that only last year we passed a good-roads law-a cooperative law-a law which calls on the States to do a certain part and the Government of the United States to do a certain part. It is very essential that none of the money shall be dissipated in useless experiments, and it would not be if we could concentrate it at some one place, where, under the auspices of the Government, a type of road is fixed and then construct that type of road throughout the entire region where it is intended to apply the fund.

Mr. GALLINGER. That doubtless is so. A small fraction of that money has gone to New Hampshire, I am gratified to say. We have a man there employed by the State who will take care of that appropriation and use it just as economically and as successfully as can the experts over in Arlington or in the District of Columbia.

Mr. SMITH of South Carolina. I am happy to tell the Senator from New Hampshire that with the advent of the automobile and its constant improvement, and that improvement in turn calling for good roads, the Senator from New Hampshire and the Senator from South Carolina stand a better chance to become neighbors. It is a common interest, and I hope it will be as much to the Senator's benefit to have ready transportation down into our section as it will be to us to have ready transportation into his section.

It does not mean how much is appropriated for New Hamp-shire, but how perfect the roads shall be in New Hampshire, coupling it with the next State, and the next State, so that the facilities for transportation will benefit us all.

Mr. GALLINGER. Well, New Hampshire stands pretty well in that regard, and I am glad to know that there is a revival of interest in South Carolina and in other Southern States with reference to the construction of good roads, for certainly they have not had them in the past.

The reading of the bill was resumed and continued to line 5, page 74, the last clause read being as follows:

For investigating and reporting upon the utilization of water in farm irrigation, including the best methods to apply in practice; the different kinds of power and appliances, and the development of equipment for farm irrigation; the flow of water in ditches, pipes, and other conduits.

Mr. GALLINGER. Mr. President, I do not like to criticize any part of this bill, particularly the text as it came from the other body; but there are so many things in the bill that strike me as being semiabsurd, to say the least, that I can not help noticing them. For instance, in the item which has just been read at the top of page 74, we are proposing to appropriate money to determine "the flow of water in ditches, pipes, and other conduits." Does that mean we desire to find out whether or not water runs down hill or up hill, or what does it mean?

Mr. SMITH of South Carolina. To what water has the Senator from New Hampshire reference, I inquire, so that I may get the continuity?

Mr. GALLINGER. I think I know how water runs in ditches without having a bureau of the Government tell me. The same law that causes it to run in ditches causes it to run in pipe and in conduits.

Mr. SMITH of South Carolina. But this provision has reference to water on arid lands in the West, I presume. I will read what the department has to say with reference to it:

Farm irrigation investigations (page 71, line 14): The work done under this item consists of experiments to ascertain the best methods of controlling water in irrigation; to determine the adaptation of pumping machinery to supplying water for irrigation, including the cost of installation, maintenance, and operation of wells and pumping machinery; to develop the best types of appliances and equipment for irrigation purposes; to test the accuracy of formulas for the flow of water in conduits of various kinds, and to work out new formulas in order that conduits may be properly designed to carry the water which they are intended to convey; to improve and standardize devices for measuring water for irrigation; and to determine the effect of customs, regulations, and laws upon the economic use of water in irrigation and upon the success of irrigational development.

Mr. GALLINGER. The explanation does not explain; but I have performed my duty in calling attention to the matter. If they can get water for irrigation purposes I imagine they will find a way to run it through the ditches to the lands. I think they will do that without our appropriating money for the pur-

Mr. SMITH of South Carolina. Mr. President, I want to say in justification of the acting chairman of the committee that this whole matter is absolutely foreign to my section of the country. To get water on the land is not our problem, but our problem is to get it off. So the very antipodes of this would be true in my section.

Mr. GALLINGER. Even that, getting water off irrigated lands, Mr. President, is a proposition that confronts us now, and we have been asked for appropriations for that purpose. First, it is proposed to irrigate the lands, and, then, to get rid of the That is an anomalous fact, but it exists.

Mr. SMITH of South Carolina. I understand that where they irrigate hillsides the seepage in the valleys produces disastrous effects, and they are trying to find some method to

Mr. LANE. Mr. President, I assume that the acting chairman of the committee is familiar with the fact that the best authorities on irrigation in this country and those who have had the most experience with it-an experience that dates back over 300 years-are the Pueblo Indians. The Spaniards, when they came to our country, found the Pueblo Indians with systems of irrigation perfectly adapted to all conditions of agriculture which they had in that climate. They had irrigation systems perhaps a thousand years old, and they had been used so long that the stone conduits had moss on them. They had been constructed hundreds and hundreds of years before the white man I assume, then, that the information regarding this matter will be sought from them and that a Pueblo Indian will be put in charge of the investigation. We can get a Pueblo Indian to do the work for about \$25 a month, and we can save large appropriations if we will employ one to take charge of that work. I merely suggest that to the Senator as a matter of

Mr. SMITH of South Carolina. Mr. President, I desire to in vindication of the acting chairman of the committee, that if the Senator wants to take that attitude, or if he states that to be the fact, in reference to his section of the country, as a mater of course it will have to go as authoritative. I take it for granted, however, that those interested in irrigation out in his section would like to have some other advice, because, if I remember correctly, the Senator from Utah wanted \$100,000 or more to bore wells in the ground and to prospect for wells, to see whether or not water could be obtained. Pueblo Indian could furnish that information, too.

Mr. LANE. I think he could furnish it about as well as anyone else, although the Pueblos do not dig wells; but after they secure a supply of water they know perfectly well-no one knows better, as is conceded by everybody, although they live in Arizona, not in Oregon-how to manage it for the irrigation and reclamation of lands. They have been practicing irrigation apparently for hundreds and hundreds of years, and perhaps for thousands of years, with entire success, until the white man came along and got the supply of water in his hands, leaving the Indian without it.

Mr. SMITH of South Carolina. Mr. President, just a word in reply in regard to the great irrigating work being done by the Department of Agriculture. I take it for granted that they are doing in that department the work intrusted to them as honestly as the work of the other departments is being done.

Mr. LANE. I think, however, that, like the Senator, they have overlooked the experience and success of the Pueblo Indians, and have not gone and consulted the real, true, available source of information; but are experimenting now to find out what the Indians, after thousands of years of experiment, already have ascertained.

Mr. SMITH of South Carolina. That may be true; but, be that as it may, the point I am making for the committee is that if it is the opinion of the United States Senate that the Agricultural Department is a fraud, that it is absolutely squandering millions of dollars a year, then the thing to do is not to come here and make the point that we are ridiculous-for that makes us ridiculous, as we are the ones who furnish the money-but let us abolish the whole business.

I do say, however, in reference to road building and to the different activities of the department in my section, that they have been worth every cent that they have cost us.

Mr. LANE. Mr. President, in regard to irrigation, I think that is exactly the condition. They are making us ridiculous, and if the Senator will offer a motion to strike this item out, I will gladly support it; ineed, I think we would not lose much if we cut the whole bill out, so far as that is concerned.

Mr. POMERENE. Mr. President, in connection with the discussion of the subject of drainage and good roads, I want to make an observation or two. I think if the provisions of the bill were somewhat modified so as to drain out one of the bureaucrats in the department it would be doing a good service to the country. It came to my knowledge probably a year ago that the head of the Good Roads Bureau provided specifications for bids for culverts. There are manufacturers of culverts in my State and also in Alabama. Those manufacturers make what is called a nestable culvert. They had a patent upon it, but the specifications were so framed that no bids would be received on a patented culvert. As a result, the department was deprived of getting the better class of culverts, and we have this anomalous condition: The Congress of the United States voting large sums of money for the maintenance of a Patent Office for the encouragement of invention and a bureaucrat in the Agricul-tural Department discouraging invention by saying, "I will tural Department discouraging invention by saying, "I will receive no bids on any patented culvert." The manufacturers who brought this information to me were not asking favors. They simply wanted to have the specifications so changed that bids could be presented either on patented or unpatented culverts, and they ought to have had that privilege, but this bureaucrat said " no.'

Mr. BRADY. Mr. President, I should like to ask the Senator from Ohio whether he thinks it would be better to abolish the Agricultural Department or discharge the man who acts in that manner?

Mr. POMERENE. No; I have the very highest regard for the Agricultural Department generally, but I would not like to express in public what I think about the head of that bureau.

Mr. GALLINGER. Mr. President, the suggestion of the Senator from South Carolina that the Agricultural Department ought to be abolished if it is not doing good work certainly was not inspired by any expression of mine. I think the Agricultural Department is doing very great work, but the difficulty in that department, as in every other department, is that a bureau starts on a small scale and grows more rapidly than anything else in on a smart scale that grows more rapidly than anything else in nature. After a while it becomes unwieldy and reaches out for more and more appropriations, and, in my judgment, becomes, in some instances, harmful rather than helpful. The very instance that the Senator from Ohio [Mr. Pomerene] has suggested is in point, and I feel sure that the time will come when there will be a careful inquiry into all these things.

In connection with the matter of road building I wish to say that there are five or six different items, each covering pretty nearly the same ground, the only difference being in the amount of the appropriation in each case. We are appropriating money for purposes for which every intelligent man in the country knows it is entirely useless to appropriate. The Agriculture Department may tell a farmer something about the soil, but it can not tell an intelligent farmer how to do the ordinary things that farmers have been doing since the days of Abraham, and yet we are making appropriations for such purposes all along the line.

I should like to see the time come, although I probably never will see it, when there will be a careful investigation into these matters by somebody to ascertain how much of the work is duplicated, and whether or not we are making profligate expenditures, so that, without any reference to any personal feeling or the charge that we are assailing the department itself, we may try to reach more sane and sensible conclusions than we seem in very many instances able to reach now

There are a great many things in this bill that might have been criticized. The Senator from South Carolina is not responsible for them at all. The bill comes to us from another body, I think, very crudely framed. Now, let me call attention to just one little item, on page 74, in line 5, reading:

The duty, apportionment, and measurement of irrigation water.

For heaven's sake, what is the "duty of irrigation water"? Mr. BRADY. Mr. President—

Mr. SMITH of South Carolina. That refers to the charges that are made when the dams are being constructed and leaks occur.

Mr. GALLINGER. That means a charge, does it?

Mr. SMITH of South Carolina. I so understand.
Mr. GALLINGER. Well, "duty" is a very unfortunate word.
Mr. BRADY. Mr. President—

The PRESIDING OFFICER (Mr. CHAMBERLAIN in the chair), Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. GALLINGER. I yield.

Mr. BRADY. Before leaving that subject I should like to ask the Senator from New Hampshire what he understands the words "duty of irrigation water" to mean.

Mr. GALLINGER. I give it up.

Mr. BRADY. The duty of water is one of the most important things that the farmer has to decide in an irrigation

Mr. GALLINGER. Well, will the Senator explain what it means?

Mr. BRADY. I will be glad to do so. 'The "duty of water" refers to the amount of water required to irrigate a particular piece of land in a manner that will produce the best crops, and the very best work that has been done by the irrigationists in the Government employ has been to assist us in demonstrating what the duty of water really is. In my State in the early days, before it was determined accurately, we used to figure that 1 cubic inch of water flowing continually was sufficient to irrigate 1 acre of land, and we so provided in the law. perience, however, have demonstrated to us that we were en-tirely wrong, and that we could not determine by law what the duty of water is, but that we must determine it by experimentation. The result has been that to-day we are measuring water under the laws of our State by the cubic foot, instead of by the continuous flow of cubic inches, and are now determining how many cubic feet of water are required per acre properly to irrigate an acre of land. It is something that means a great deal to the western people. One acre of land may be irrigated with 1 cubic foot of water; another acre may require 2 cubic feet of water, and another acre may require 3 cubic feet of water.

Under the great Carey projects our land board, consisting of the chief executive of the State, State engineer, our secretary of state, our attorney general, and the superintendent of public instruction, five of the elective officers of the State, determine what the duty of water is for a particular piece of land. In one instance they have placed it at 1 foot per acre covering several thousand acres of land, where millions of dollars have been invested in reclamation projects; in another instance they have placed it at 2 feet per acre, and in other instances it has been discovered that it required almost 3 feet per acre. The question now that the people of that western country are trying to decide is whether or not, when there is required a duty of water

greater than 3 feet per acre, it pays at all to irrigate that land.

These are questions that must be solved; they must not be treated lightly. I know full well the Senator from New Hampshire does not mean to do so, and certainly will not when he understands the real situation. While to an eastern man, who has had no experience in irrigation, the expression may seem strange and absurd, to a western man, to a farmer on irrigated land, living there, striving to build a home by the assistance of the Government, it means everything in the world; and I hope that Senators in discussing this matter may realize that the duty of water means very much to the man who irrigates land in the West.

Mr. THOMAS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. BRADY. Certainly.
Mr. THOMAS. Mr. President, I merely wish to add that the "duty of water," as it is understood in the West, means the amount of water essential to the irrigation of an acre of land. It has a technical meaning that is very familiar to the people of the West. However, I quite agree with the criticism which the Senator from New Hampshire makes regarding the appropriation itself. The "duty of water" is ascertained and understood by the men who use it-

Mr. GALLINGER. Certainly.
Mr. THOMAS. By the farmers out in Idaho and Colorado and other States who by actual experience know what it is; but this entire section, like others to which I may refer before this bill is finally voted upon, is designed to appropriate a lot of money to ascertain things that we know a great deal about already, and that the inhabitants of the West can ascertain much better than a paid corps of employees, however intelligent and earnest they may be, sent out there from other sections of the country.

Mr. GALLINGER. Mr. President, the Senators from Idaho and Colorado have given me the information I wanted. It might have been answered in a single phrase that the word "duty" is a technical word understood by certain men who are engaged in this work; and while I think it is an unfortunate word, and that they might have found a better word than that, still I yield to the superior knowledge of Senators who have had experience in these matters.

I still think, however, to repeat what perhaps I ought not to, that this Bureau of Road Making, or whatever it is called, is growing very rapidly, and that it is going to reach a point before a great while when it will have to be halted in some way. The duplication of work, on page 73, is to me rather startling. Of course, Senators can differentiate and can use technical phrases

to make it appear that the work is not duplicated, but, as a matter of fact, it is. They inquire in regard to systems of road management; then they investigate the best methods of road making; then they conduct field experiments in various methods of road construction. Perhaps there are technical meanings of the words "making" and "construction" that I do not under-stand. So it runs along through the bill, and when we get through this one bureau accumulates \$300,000 or thereabouts for the work in which they are engaged. While they may be doing great work for some sections of the country, the work they are doing has very little interest or advantage to other sections of the country.

However, if they can by any process or any ingenuity devise methods that will improve the roads in some sections of this country, I shall be delighted. I tried once or twice a little while ago to get to Mount Vernon in a vehicle, and did not succeed very well. I can get to Alexandria now, at the expense of the Government; and I know that in other sections of the country a man takes his life in his hands if he tries to go anywhere, especially in the rainy season.

I am in favor of giving reasonable appropriations from the Government to encourage this enterprise, but I really do not believe that we need in the city of Washington a great corps of clerks and assistants and experts to teach the people of this country how to build roads. That is my judgment.

I notice in one of these items an appropriation for "assistants and labor." I suppose the assistants do not work. I could not

and labor. I suppose the assistants do not work. I could not interpret it in any other way.

Mr. BRADY. Mr. President—

The PRESIDING OFFICER (Mr. VARDAMAN in the chair).

Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. GALLINGER. I yield the floor.

Mr. BRADY. I wish to ask the Senator from New Hampshire, while he is discussing the items on page 73, which items he feels are duplications?

Mr. GALLINGER. Oh, I think they are all duplications. Mr. BRADY. Well, let me read the paragraph commencing on line 8, page 73, where it says:

For inquiries in regard to systems of road management throughout the United States, and for giving expert advice on this subject, \$41,040.

Mr. GALLINGER. What does the Senator understand by the words "road management" in that sense?

Mr. BRADY. My understanding is that they mean to investigate under what method the roads have been placed in the best condition; whether it is under the management of the precincts, or under the management of the road districts, or under the management of the State administration.

I am in hearty accord with the Senator from New Hampshire along any line that will reduce the expenses of this Government, and especially the extravagance in employing a large number of unnecessary clerks; but in a large undertaking like this I believe we should give these things very careful and fair consideration. Not referring in any sense to the Senator from New Hampshire-who, I feel, always desires to be fair with us western men-I must say that every time the Agricultural bill comes before the Senate and every time it is discussed it seems to me that some Senators take the view of it that we are trying to take away something from this Government. I do not believe that such is the case. I believe that the Agricultural Department and the Agricultural Committees of both the House and Senate have used every effort to hold down these expenses just as much as possible under existing conditions.

Referring to the specific items to which the Senator from New Hampshire refers, we have recently appropriated something like \$75,000,000 for the construction of roads in these United States, to be duplicated by the States, making in all an expenditure of \$150,000,000 for that purpose. It is a great undertaking. Does any Senator here presume that if an association of business men were going to invest \$150,000,000 along some line in which they had never invested that amount before, they would not make inquiries in regard to systems of management throughout the United States, and secure expert advice on the subject? Do the Senators believe that those men investing \$150,000,000 would not try to make investigations of the best methods of construction along the lines in which they were investing their money; would not attempt to make investigations along the line of conducting field experiments in methods of construction of properties similar to those in which they were going to invest their money?

It is a sane business proposition. We are investing \$150,000,000, and we are spending by these appropriations \$41,000, \$141,000, \$51,000, and \$60,000 in making experiments and investigations so as to enable us to know how that money will be spent economically.

As has been said on the floor here to-day, there may be some small inconsistencies; but the purpose of the men who framed this bill, the purpose of the Agricultural Department, has been to secure the greatest good for the greatest number. The farmers of this country are entitled to just exactly as much consideration as the investors of this country, the bankers, or the corporations of this country. I am not one of those who try to belittle other undertakings of business men of this Nation. I believe that they should all have an equal chance, and the farmer of America, if I understand his purposes—and I think I do wants only an even chance. He does not want any advantage over any other citizen, organization, or corporation. mittee has approved these small appropriations for experimental and demonstration purposes. I do not want to feel as though our efforts are not appreciated when in my simple way I tried to impress upon the Senate the facts that I believe that the farmers of this country are entitled to more consideration than they are receiving at our hands. I believe this appropriation is fair and just, and that these sections of the bill should be enacted

Mr. GALLINGER. Mr. President, just a word. I do not know to whom the Senator refers. I certainly never have sneered at the Senator from Idaho. I think he is one of the most valuable Members of the Senate, and when he speaks on a subject such as he has just addressed himself to he speaks with a certain degree of authority that we all respect. I want the Senator to know that I had no purpose of belittling him in any way or of criticizing him in any way.

Mr. BRADY. I certainly made the statement in my remarks that I did not refer to the Senator from New Hampshire,

Mr. GALLINGER. I asked a question of the Senator from South Carolina as to what the word "management" meant, and he gave me a definition, and then I asked the Senator from Idaho and he gave me an entirely different definition. content, however, with the information I received. It has not enlightened me at all; but they did the best they could, and I am satisfied with it.

Mr. BRADY. I am sorry, indeed, if I have not enlightened the Senator in any way. I wish to say to the Senator from New Hampshire that my immediate remarks were not at all in reference to him, and I think if he will read my remarks he will see that I plainly stated so in making them.

Mr. GALLINGER. Very well.

Mr. BRADY. I have found him voting on many occasions for things to upbuild and help the West that have been beneficial in many ways

Mr. THOMAS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. BRADY. I do. Mr. THOMAS. I merely wish to assure the Senator from Idaho that while I differ with him as regards the importance and need of this appropriation, I certainly had no intention of reflecting either upon his judgment or upon his standing here as a Senator. The Senator is one of the most useful members of this body, and has been so long connected with great enterprises having for their object the reclamation of western lands and benefit to western people that his judgment is entitled to the highest respect. So if I said anything that even sounded like a reflection upon the Senator's view of the matter, I am

Mr. BRADY. I did not think the Senator from Colorado reflected upon me in any manner whatever.

Mr. STERLING. Mr. President—
The PRESIDING OFFICER, Does the Senator from Idaho

yield to the Senator from South Dakota? Mr. BRADY. I yield to the Senator from South Dakota.

Mr. STERLING. I was very much interested in the Senator's discussion and in his definition of the word "management" as used here on line 8. Just as has been said by the Senator from New Hampshire, the definition given by the Senator from Idaho is altogether different from the definition given by the Senator from South Carolina. I myself asked the Senator from South Carolina in regard to the word "management," and his construction of that word would embrace the very things set forth in the next two paragraphs of the bill. Therefore, I thought I was justified in insisting that there was some duplication here, and that there was not any need of all these three appropriations.

I appreciate the force of the Senator's definition of the word "management." It seems to me he gives a reasonable construction to and interpretation of that word as here used, and that it refers to the management of the roads by precinct, county, or State authority, and not to material that enters into the repair

or construction.

Mr. BRADY. And to determine which has been most successful.

Mr. STERLING. The idea is to give the Federal authority some supervision over that matter, so as to ascertain which is

the best management, probably.

Mr. BRADY. The Senator is quite correct in his statement as to what my thought was in expressing my views; but take the four paragraphs here. If you will read them carefully, you will see that the first refers to management, the second to investigations, the third to physical character, and the fourth to experiments and methods. It seems to me that those are the four things that any association of business men would investigate before investing their money; and that is the reason why I feel that we should consider all four of them as a whole.

Mr. STERLING. Mr. President—
The PRESIDING OFFICER. Does the Senator from Idaho further yield to the Senator from South Dakota?

Mr. BRADY. I do. Mr. STERLING. I just want to say to the Senator from Idaho that the only question I have in regard to the item embraced in lines 11 to 15, or either of the other two items, is as to whether each one does not provide for work and for supervision that should be done by the local or State authorities themselves, and whether it is not a needless expense upon the part of the Government.

Now, I have not fully made up my mind in that regard. is a question whether or not the communities themselves, the counties or the States in which these improvements are to be made, are not in the end better off when they themselves and the men within the States or the counties take the initiative and think out some of these problems for themselves rather than to always rely upon the General Government to do it allnot only to furnish the information, but, as in many cases, actually do the work.

Mr. BRADY. I think the remarks of the Senator from South Dakota are very pertinent, indeed; and that is just exactly the reason why I think these investigations should be made. We will investigate, with this small appropriation, road management; we will make other investigations of the methods; we will make other investigations of the physical character; and we will make other investigations in the line of field experiments in regard to the different methods that the States have undertaken and tried. And then we will decide just how far we shall go in assisting those States in carrying on this work.

I agree with the Senator that it is the duty of these States to take the initiative. We have passed the law, however; we have appropriated \$75,000,000; we have asked the States to contribute their part; and now I feel that it is only fair and right and just to the States and to ourselves and to the taxpayers and to the public that we should make a thorough and

complete investigation before expending any more money.

The PRESIDING OFFICER. The Secretary will continue

the reading of the bill.

The reading of the bill was resumed, beginning on line 5, page 75.

The next amendment was, under the subhead "Office of Public Roads and Rural Engineering," on page 75, line 14, after the word "experiments," to strike out "\$16,000" and insert "\$12,600," so as to make the clause read:

For general administrative expenses connected with the above-mentioned lines of investigations and experiments, \$12,600.

The amendment was agreed to.

The next amendment was, on page 75, line 23, after the word "expenses," to strike out "\$606,240" and insert "\$602,840," so as to make the clause read:

In all, for general expenses, \$602,840.

The amendment was agreed to.

The next amendment was, on page 75, line 24, after the words Office of Public Roads and Rural Engineering," to strike out \$701,600" and insert "\$698,200," so as to make the clause read:

Total for Office of Public Roads and Rural Engineering, \$698,200.

The amendment was agreed to.

The next amendment was, under the subhead of "Bureau of Markets," on page 77, line 18, after "\$184,740," to insert "of which sum \$40,000 shall be immediately available," so as to make the clause read:

For collecting and distributing, by telegraph, mail, and otherwise, timely information on the supply, commercial movement, disposition, and market prices of fruits and vegetables, \$184,740, of which sum \$40,000 shall be immediately available.

The amendment was agreed to.

The reading of the bill was resumed, and the Secretary read to line 12, on page 78, the last paragraph read being as follows: To enable the Secretary of Agriculture to gather from stockmen, live-stock associations, State live-stock and agricultural boards, common carriers, stockyards, commission firms, live-stock exchanges, slaughtering and meat-packing companies, and others information relative to the number of different classes and grades of marketable live stock, especially cattle, hogs, and sheep in the principal live-stock feeding districts and growing sections; prices, receipts, and shipments of the different classes and grades of cattle, hogs, and sheep at live-stock market centers; prices of meats and meat food products and the amounts of such products in storage; to compile and publish such information at such frequent intervals as most effectively to guide producers, consumers, and distributors in the sale and purchase of live stock, meats, and other animal products; and to gather and publish any related information pertaining to marketing and distribution of live stock, meats, and animal by-products, the sum of \$66,800.

Mr. BRYAN. Mr. President, I want to call the attention of the committee to a class of work that it seems to me could be done by this department better than any other department of the Government, and to a class of work that ought to be done, in my judgment, by some of the departments.

In looking through the items of appropriation I observe, on page 77, an appropriation of \$289,000 for the purpose of acquiring, and acquainting people with, useful information on sub-jects connected with the marketing and distributing of farm products. The next item is an appropriation of \$184,000 to acquaint them with market prices of fruits and vegetables. The next item is an appropriation of \$66,000 to enable the Secretary to gather information as to the different classes and grades of live stock, etc. Then we reach an item that has been stricken out of the House bill. Perhaps it is stricken out because it is thought that the work to be done is very largely that of investigating the manipulation of markets. Then, following that, is a provision for the expenditure of \$48,000 to investigate the condition of cotton. The next item is for the purpose of enabling the Secretary to make studies of cooperation among the farmers, and it appropriates \$30,000. Then we come to an item at the bottom of page 79 appropriating \$106,000 for the purpose of investigating the handling, grading, and transportation of grain. Still further on we come to several items to enforce certain acts of Congress, one being the cotton-futures act, for which \$98,000 is appropriated; then, to enable the Secretary to carry into effect the provisions of the grain-standards act, the considerable sum of \$519,000 is appropriated.

Mr. President, in every part of the country farmers are engaged in marketing fruits and vegetables which are shipped to the great commercial centers. A great proportion of these shipments are made to commission merchants. When a shipment is made to a commission merchant by a farmer living thousands of miles away, very frequently the report comes back to him that the fruits or vegetables were received in bad condition. The farmer has no means of knowing whether that statement is correct or not. Many of them believe, whether they are justified in that belief or not, that advantage is taken of their inability to question the accuracy of the statement. Even if the statement is correct, Mr. President, the particular shipment involved may be small in amount, and may not justify the bringing of a suit to collect against the transportation company whose delay in delivery caused the fruits or vegetables to be in a decayed con-

If this department which has undertaken to fix the standards and marketing of grain could in some way place agents at the great cities to which the fruits and vegetables are shipped and from which they are distributed to the smaller markets, I do not hesitate to say that I believe the benefit would equal any benefit conferred by the provisions of this bill.

Mr. President-Mr. GRONNA.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from North Dakota?

Mr. BRYAN. I do.

Mr. GRONNA. Is it the understanding of the Senator from Florida that the \$50,000 which has been stricken out would be

used for that purpose?

Mr. BRYAN. No; I will say to the Senator that I have not that impression; neither do I see any provision in the bill that would enable the department to do the thing I have in mind.

Mr. GRONNA. Mr. President—

Mr. BRYAN. If the Senator will permit me just a little

further

Mr. GRONNA. I was simply going to say to the Senator that I am heartily in favor of putting something into the bill to protect the shippers, because I have had some experience in that line and know something about it; and as one of the members of the committee, I shall be very glad to cooperate with the Senator from Florida.

Mr. BRYAN. It has occurred to me, Mr. President, that perhaps in carrying out the various activities here provided for there would be located in these large cities agents of the Department of Agriculture who could be of assistance in remedying the situation I have attempted to bring to the attention of the Senate. For example, if it could be made the

duty of the consignee of fruits or vegetables, in case he intended to claim that they had arrived in bad order, to report to an agent of the Bureau of Markets and get his certificate upon the fact, and then if we could provide that that certificate should be prima facie evidence of the truth, it would enable the farmer back in the State from which the goods came to bring suit. But as things are now, if he could bring a suit and prove his case it would cost him a prohibitive amount to gather up the evidence; and, moreover, there would be great difficulty in the first place in ever ascertaining whether or not the statement made to him was correct.

From what I have learned on this subject I believe it is true that the farmers throughout the country are imposed upon by many commission merchants. The temptation is very great for a man of irresponsible character to set up a commission I do not mean to say that that obtains as a rule, because there are commission merchants who have been long established and who have held the confidence of shippers from my State, I know, for half a century, but new concerns spring up and they get business. They will promise before the shipping season comes on that they will take the truck. The farmer agrees to ship it to him and he is unable to collect. The fruit or vegetables leave the point of shipment in good condition and when they arrive at the market it is claimed that they are in had condition.

I mention this not with any idea that it can be taken care of upon this bill, because it would have to be in the nature of general legislation, but I wish to call the attention of the committee to it and I hope they will call the attention of the department to it, so that something along this line may be done. I am not familiar enough with the bureau of markets to know whether they have such men in great cities like New York, Philadelphia, Chicago, and St. Louis—

Mr. SMITH of Georgia. Will the Senator allow me to inter-

rupt him for just a moment?
Mr. BRYAN. I yield.
Mr. SMITH of Georgia. I will not take the Senator off the floor. I will say to him that the director of the bureau of markets has been studying this question and has during the past year undertaken to experiment in an effort to work along the line the Senator suggests at two cities. Of course, he has not funds enough under this appropriation to carry it into practical operation. He has said to me that it ought to be done, and if it was done at about 25 cities in the United States that would cover the present demand of the producers of foodstuffs that are of a perishable character. I feel sure that by the time another bill comes around the test will have been made sufficiently for the Department of Agriculture to give us a definite suggestion on the subject.

Mr. BRYAN. I am very glad to have that statement from the Senator from Georgia. I do not see anything very difficult in the department having in those cities agents, when the goods are claimed to be in a bad condition, to inspect them and give

are claimed to be in a bad condition, to inspect them and give a certificate, and let that certificate be prima facie evidence of the truth of the statement made.

Mr. SMITH of South Carolina. I wish to state that this matter was brought to the attention of the department who have under investigation the question brought out by the Senator from Florida. They are heartily in accord on the identical point he has been emphasizing. I will read into the Record just what the department says in reference to the amendment which was offered on the floor of the House.

Mr. TOWNSEND. Which amendment is the Senator speaking

about?

Mr. SMITH of South Carolina. On page 78, beginning with line 13, the Secretary of Agriculture says:

This item was inserted on the floor of the House. It seems to me that it is defective in two particulars. The appropriation is too small to make possible a satisfactory inquiry over so important and wide a field. It does not give the department the power it would need to make a conclusive inquiry—that is, to compel the production of the

necessary facts.

I am on record to the effect that such an investigation had better be made by the Federal Trade Commission. It appears that the Federal Trade Commission's power to investigate may be limited to corporations doing an interstate business with a view to discover whether the antitrust laws are violated.

Mr. BRYAN. I did not have special reference to the language stricken out, I will say to the Senator; but on the general situa-tion under the heading of Bureau of Markets, in considering these various items, I thought it worth while to call the attention of the committee to it.

Mr. SMITH of South Carolina. Without reading further, I wish to make a statement. The committee went over this very field. The Secretary seemed to be of opinion that the Trade Commission could take care of it from their point of view, but that it would require a larger appropriation and a more comprehensive and a more thoroughly worked-out system would be justified, but not one in this crude and imperfect way. I hope that in conference we may be able to find some way to meet the very urgent necessity indicated by the Senator from Florida.

I wish to ask the Senator a question Mr. TOWNSEND. before he takes his seat.

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Michigan?

Mr. SMITH of South Carolina. I do.

Mr. TOWNSEND. What argument does the Senator offer for striking out lines 13 to 19, relative to food products, which does

not apply to the next item?

Mr. SMITH of South Carolina. I was just about to read further what the Secretary of Agriculture had to say. Without reading it into the Record I will state that the Secretary of Agriculture informed the committee that he thought this could be taken care of by the Trade Commission, who were to look into any fraud practiced by shippers.

Mr. TOWNSEND, Why could not that duty be also conferred upon the Trade Commission relative to cotton. I see that the next item is an appropriation of \$48,000, among other

things, for developing the market of cotton.

Mr. SMITH of South Carolina. I do not think that has anything to do with this item; it is not in the same class of business, for the reason that it has no reference to any fraudulent act or a perishable crop. The point the Senator from Florida makes is that certain truck is shipped and the reply is that it was received in bad order. The paragraph to which the Senator now refers is as to what is the best method of marketing cotton, whether collectively or individually, or at what points. Cotton is totally indestructible if kept away from fire and weather. is not in the same class as the shipments complained of by the

Senator from Florida.

Mr. TOWNSEND. I realize that, but it is an appropriation of \$48,000 for that purpose, whereas this other provision which has in view a most desirable object and which, as the Senator from Georgia suggests, the \$50,000 could be used in certain places to make a demonstration as to possible fraud or injustice practiced upon the farmer, and it might be useful in enlightening

the rest of the country

I understand that this appropriation of \$50,000 did not comprehend the investigation of the subject for the whole United States, but it did comprehend the idea of making an investigation to determine whether in any place these frauds were being practiced, and if that demonstration were once made it would be very easy for Congress then to proceed to act upon the matter in an intelligent manner.

The Senator misunderstood me. Mr. SMITH of Georgia. The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Georgia?

Mr. TOWNSEND. I have the floor through the courtesy of

the Senator from South Carolina.

Mr. SMITH of South Carolina. I yield, Mr. SMITH of Georgia. I did not make myself clear if the Senator gained the impression that these tests were being made in matters that are covered by the provision we struck out. understand its real object was to conduct investigations to determine the extent, manner, and methods of any manipulation of the markets or control of the visible supply of foodstuffs by individuals, groups, associations, combinations, or corporations. I think this provision placed in the bill upon the floor had in view placing upon the Department of Agriculture the duty of going out and investigating the combinations that are supposed to have been made to control the price of foodstuffs, especially of wheat and meats. The Department of Agriculture advised us that this investigation of illegal combinations to interfere with the handling of food products seemed to be already covered by the act creating the Federal Trade Commission, and that the Department of Agriculture had no authority to compel the production of books, to subpœna witnesses, and to conduct the investigation in a way that would bring results.

The Secretary suggested that if we undertook to put this class of investigation upon the department we ought also to give him power and authority by which he could conduct it, and he sent us a bill to that effect. Upon examination it was per fectly plain to us that the bill was general legislation and that one objection would stop it. There was, as I recall it, one objection in the committee, and we concluded that we need not

undertake it.

The class of work to which I was referring is entirely different work. It is the stationing of an expert in a city to watch and advise as to the real condition of perishable products that come into the city and make some investigations, not with the power of action but just for information, as to the extent to which the

rights of the farmers were disregarded in the treatment of their

perishable products in the city.

Mr. TOWNSEND. I certainly would not wish to advocate the incorporation of any provision in the bill which would be a vain thing or which would cover ground that was prepared by another commission. I had thought, however, that this had in mind some very important matters which should be investigated. We have been talking about the high cost of living. We have had various speculations indulged as to what that cause is. It has seemed to me for some months that the Department of Agriculture having agents throughout the United States coming into contact with the farmer and his market might be able to make some suggestions that would be of real service; but if the Trade Commission has taken this up, I would not, of course, vote for an additional appropriation, because it would be simply a waste of money if the subject was covered

Mr. SMITH of Georgia. I do not claim that it is being properly covered. I do not think it is; but the Secretary of Agriculture said, "You must give me some power to subpœna witnesses and to produce books and to force the production of testimony or else you put a responsibility upon me with my hands tied." He said, "If you do that; if you give me the authority and the power, please, also authorize me to act in cooperation with the Federal Trade Commission that we may not duplicate our work." Some of us were disposed to support an amendment which would have amounted to general legislation in its power as we thought it ought to be done, but we became satisfied that it would go off on a single objection, and that objection would

Mr. TOWNSEND. Does the Senator believe that a point of order would be made against an amendment to the provision inserted by the House for the purpose of making that provision effective? It would not be a new provision. It appropriates money to make an investigation. The Senate provision would simply be an amendment to make it effective so that the department could make the investigation and make it of value.

Mr. SMITH of Georgia. The reason stated in the House, I

think, why they did not give fuller power was that the trend of the House was to avoid anything in the shape of general legislation, and we concluded that the amendment sent us by the Secretary of Agriculture could not be used. If the Senator has such an amendment and it is not objected to, I will vote for it.

will not object to it.

be made to it.

Mr. GRONNA. Mr. President, I took some part in the debate when this provision was considered in committee. I understood from what explanation was made to me that the provision suggested by the Secretary of Agriculture was simply for the purpose of giving the Department of Agriculture or the Secretary of Agriculture the same power that the Trade Commission now has. If an amendment is offered on this floor giving the Secretary of Agriculture the power asked for by the Senator from Florida to investigate the marketing of food products and perishable goods, I certainly shall not object to it. I think it would be very wholesome legislation.

Mr. SMITH of Georgia. Will the Senator yield to me a

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. GRONNA. I yield.

Mr. SMITH of Georgia. I do not think what the Senator from Florida asked for really has any relation to the provision on page 78 that we struck out. The Senator from Florida was considering simply agents in the cities to watch the treatment of perishable goods sent in by farmers. The provision we struck out proposed to place upon the Secretary of Agriculture the duty of making investigations into trade combinations and trade monopolies, not with reference to perishable goods but with reference especially, as we viewed it, to meat and to grain, and so forth, in the great distributing centers. He said, "I can not do that unless you give me additional power," and he sent us a bill quite elaborately prepared to that end. We recognized the fact that the Trade Commission has that authority now, although we did not claim that it was performing it.

Mr. GRONNA. That is exactly the way I understood it; but I simply wanted to express my sentiment that the suggestion of the Senator from Florida appeals to me, and if there is any way in which we can insert a provision in the Agricultural appro-priation bill, either now or in the next bill, I am heartily in

favor of it.

Mr. BRYAN. I am glad that so many members of the committee feel that way about it. It occurs to me perhaps if the amendment striking out the language in the House is agreed to that would throw the matter into conference, and it may be that after consultation with the Secretary of Agriculture a provision of that kind could be reported back from the conference committee. It is not a very difficult thing, it seems to me, to provide for. I would not have one of these agents in any of the cities go to the trouble to investigate all the shipments, because that would be an insurmountable task, but we could provide that upon the claim by the consignee of the perishable goods that they were in bad order he must notify the agent if we had one there and get a certificate from him; otherwise the goods would be considered as arriving in good order.

I have no doubt that with this amendment agreed to, the conference committee can, after consultation with the Secretary, report something of value. He knows what agents he has already in the cities and how much burden it would be to undertake this work, whether we should have to employ new people or people already in the employ of the Government could give it their attention.

Mr. THOMAS. Mr. President, I am very glad that the Senator having charge of the bill explained the reason for the insertion of this clause in the bill by the House. It seemed to me, when my attention was first attracted to it, to constitute perhaps the most important feature of the bill, since its apparent purpose was to investigate and make some provision against what is generally known as the high cost of living. I welcomed the appearance of this clause when the bill was sent over from the other House as the beginning of a proper method of dealing with the subject, but I think we have gone at it wrong end to. We are proposing to elevate the salaries of the employees of the Government for the purpose of meeting the advances in the cost of living, and by so doing we are proposing to place a premium on that practice which has made the request for an increase of salaries necessary. I am satisfied that if we proceed along that line of legislation, those receiving the increased wage will derive no great benefit from it, because those who control food products can elevate their prices much more rapidly than can the Government increase the salaries of its employees. In such a race the inequality is apparent. Therefore, by the process which is now being experimented with in these supply

bills, instead of doing away with the evil, we are only feeding it.
So I was anxious to ascertain why the Senate committee had
determined to make this excision. I think the explanation that has been made is quite satisfactory. At the same time, I regret that the proposed amendment of the Department of Agriculture was not incorporated in the bill, notwithstanding the danger that it would encounter if a point of order should be made against it, because, Mr. President, of all the important things before this Congress, certainly none is more important than that some effort should be made to restrict, if not to do away entirely with, the enormous and unreasonable and extortionate rise in the prices of the necessities of life.

Of course, the rise consequent upon the vast influx of gold in the United States is perfectly understandable and perfectly natural and perhaps unavoidable, but where groups of men, associating themselves together, not only are enabled to take advantage of this normal influence upon prices, but can also advance them beyond all reason and to the point of extortion, certainly this Government owes it as a duty to the public to ascertain whether or not it has the power; and if it has, then to exert that power in the shape of legislation for the purpose of doing away with this intolerable evil.

I noticed only a day or two ago in one of the local newspapers an announcement of the advance of 5 cents per pound in the price of meats. There is no occasion for it except the opportunity and the power to extort that additional sum from the masses of the people, and unless the Government can ascertain some remedy for this evil we must not be surprised if the people shall take the law into their own hands, because when monopoly goes to the point of cornering food supplies, in times of peace particularly, and placing its own price upon products to the con-suming public, either the Government must interfere to prevent it or the people must not be blamed if they take the law into their own hands.

Some time ago we read the accounts of a great egg monopoly in Chicago, which was being investigated. Soon afterwards we were informed that the investigation disclosed that those engaged in the business of cornering eggs and demanding an exorbitant price for them were violating no law. Certainly that must have referred to statute law, because there was a violation of moral law and a violation of the old common law against regrating and engrossing, which every lawyer will at once recognize. Then came the announcement that the principal head of the Egg Trust was decidedly boastful in his assertion, not only of the vast amount of money that he had made through this manipulation, but of the fact that he had done it with impunity. If the next morning I had seen in the Chicago newspapers that the long-

suffering public of that great city had gone at night to that man's house, taken him out of his bed, and hanged him to a lamppost, I should have read it, I confess, with a great deal of quiet satisfaction, because it is enough for a man to commit an act of that kind without boasting of it and announcing to the world the impotence of the Government under which he lives to prevent that sort of exaction.

It will come to that, Mr. President, and, if it does and when it does, I think I voice a common sentiment when I say that no man will express surprise, and very few will express much regret, unless, of course, we can in the meantime set abroad some agencies which will at least tend to produce the desired

Of course, I can very readily understand that a widespread condition of this sort can not be very well overcome by a modest appropriation of \$50,000 to be expended in the mere making of an investigation.

Mr. GALLINGER. Mr. President-

Mr. THOMAS. I yield to the Senator from New Hampshire. Mr. GALLINGER. It has been impressed upon my mind that prices are, without any reason, being arbitrarily increased all along the line. The Senator from Colorado calls attention to the fact that the announcement was made that the increase in the price of meats, I believe, would be 5 cents a pound.

Mr. THOMAS. A few days ago there was some such statement in the newspapers, as I was told.

Mr. GALLINGER. I presume the Senator from Colorado received the same letter that I did not long ago from the Swift Co. I am not acquainted with the gentlemen who are running that great company; but I was quite surprised in reading that letter—assuming that they told the truth—to learn that they were getting a profit of but one-fourth of a cent a pound on live cattle and one-quarter of a cent a pound on the meat when it was prepared for market. That shows conclusively, assuming that it is correct, that these prices are largely imposed upon the consuming public by the middle man and by the retailer. For that reason, I think it will be a very difficult matter to regulate; and yet it ought to be regulated, if it can possibly be done.

I simply wanted to put that into the RECORD as it has come to me from that great firm. Of course, I have no way of deter-mining whether or not it is absolutely accurate; but I state

simply the plain fact as it was communicated to me.

Mr. THOMAS. Mr. President, I am obliged to the Senator from New Hampshire for reminding me of that circumstance. I received a similar letter from the same firm, and I read it with some degree of surprise. Of course, I am not prepared to say that the statement is not correct; yet it is true that the packers are flourishing as they never before flourished, and their vast operations are constantly increasing. So we must take the statement in connection with the very evident fact that their prosperity is unbounded and perhaps unusual even for such great concerns. There is no doubt, however, Mr. President, that very much of this exorbitance in the prices of the necessities of life is due to the middle man, because the middle man is also combining with, and not only combining with but entering into relations with the wholesaler, which are so drastic that no outsider can purchase by wholesale unless he belongs to the middlemen's association.

We all know that some time ago a practice existed-and I presume the practice still exists—among some commission merchants of reporting goods sent to them to be sold upon commission as badly damaged and in poor condition, in consequence of which the consignor receives a very small amount for his consignment, while at the same time the goods were sold and disposed of, I might say, almost as a custom in some sections of the country a few years ago, at most excellent prices, and be-cause of the fact that they were in good condition and not subject to the report which the consignor received; in other words, the middleman, on the one hand, representing to the owner of the commodities that his goods were not in good condition and settling with him for a small price, while, on the other hand, selling to the consumer at the ordinary price and putting the difference in his pocket. That is one illustration of the manner in which the combination of the middlemen works.

I was about to say when the Senator from New Hampshire interrupted that I hope the Trade Commission is carrying on investigations that are going to lead to something. I have the best of feeling toward the Trade Commission. I was not impressed when the act creating that commission was passed that it would be productive of much benefit, and I have not had occasion since then to change my mind very materially, but it certainly has the authority, if it will exercise it, to carry on investigations along some lines in regard to the necessities of life that would be sufficient at least to attract the attention of Congress to the difficulty in such way as to enable them to legislate swiftly and intelligently concerning it, for it is perhaps the greatest of all our duties now, if we can do so, to bring down the price of the necessities of life, so that the man of ordinary wage and of ordinary salary can live decently and support his family. Therefore, I was surprised when I saw the excision of this part of the bill, and I am glad that a very satisfactory explanation has been made of the reasons for it.

Mr. BRYAN. Mr. President, is the amendment on page 78

now pending?

Mr. SMITH of South Carolina. It is.

Mr. BRYAN. In lieu of that amendment I move the amendment which I send to the desk.

The PRESIDING OFFICER (Mr. Myers in the chair). The amendment to the amendment will be stated.

The Secretary. In lieu of the portion proposed to be stricken out insert the following—

Mr. BRYAN. Strike out the words in the House fext and in lieu insert—the committee amendment simply strikes out the House text.

The Secretary. Strike out lines 13 to 19, on page 79, in the following words:

To make investigation relating to the production, transportation, storage, preparation, marketing, manufacture, and distribution of agricultural food products, including the extent, manner, and methods of any manipulation of the markets or control of the visible supply of such food products or any of them by any individuals, groups, associations, combinations, or corporations, \$50,000.

And insert

To enable the Secretary of Agriculture to investigate and certify to shippers the condition as to soundness of fruits and vegetables when received at markets under such rules and regulations as he may prescribe, \$25,000: Provided, That the certificates issued by the authorized agents of the department shall be received in all courts as prima facte evidence of the truth of the statements therein contained.

Mr. SMITH of South Carolina. Mr. President, I think that amendment is proper, and the committee has no objection to it.

I think it will cover the ground.

Mr. JONES. Mr. President, I hope the amendment of the Senator from Florida [Mr. Bryan] will be agreed to. I was rather surprised when I read the lines here to see that they were stricken out by the committee. It seemed to me they covered a very important phase of our commercial life, and I felt that the committee must have had some very overpowering reason for striking them out. I am glad that the amendment has been proposed by the Senator from Florida, and I hope that it will be adopted, because it seems to me that it will assure putting the whole matter in conference, and I have no doubt that then the conferees will be able to work out something, if this amendment does not, that will take care of a situation that needs looking after.

I merely want to add that in my section of the country, which is a fruit-growing and vegetable-producing section, I have heard many times of instances where farmers have consigned their fruits or their vegetables to market and the report has come back that the commodities were in bad condition, and in some circumstances a bill for freight was sent to them. They have no means of ascertaining the truth or falsity of such representations; and it seems to me we can not do anything better for the interests of the farmers and producers of the country than to get some plan worked out along the line of the suggestion of the

Senator from Florida.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida to the amendment offered by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMITH of South Carolina. Mr. President, I am very desirous of getting over the committee amendments, and, as I presume Senators are now familiar with the House text, I will ask the Secretary to read from now on the committee amendments, so that we may consider and get through with them.

Mr. JONES. I understand that when the Secretary gets

Mr. JONES. I understand that when the Secretary gets through reading the bill and the committee amendments the

Senator is going to close the work for to-day.

Mr. SMITH of South Carolina. Yes; I have to do that. The PRESIDING OFFICER. The Secretary will state the

next amendment reported by the committee.

The next amendment reported by the Committee on Agriculture and Forestry was, on page 78, line 23, after the word "cotton," to strike out "\$53,000" and insert "\$48,000," so as to make the clause read:

For investigating, demonstrating, and promoting the use of standards for the different grades, qualities, and conditions of cotton, and for investigating the ginning, grading, stapling, baling, marketing, compressing, and tare of cotton, \$48,000.

The amendment was agreed to.

The next amendment was, on page 79, line 20, after "\$106,590," to insert: "Provided, That \$25,000, or so much thereof as may be necessary, may be used by the Secretary of Agriculture to install a small experimental flour mill and other apparatus, and chemical and baking laboratories, for the purpose of aiding him in establishing standards of quality and condition of wheat and other grains, as required by the act of Congress approved August 11, 1916, known as the United States grain standards act," so as to make the clause read:

For investigating the handling, grading, and transportation of grain, including the grain sorghums, for the purpose of fixing definite grades thereof, \$166,590: Provided, That \$25,000, or so much thereof as may be necessary, may be used by the Secretary of Agriculture to install a small experimental flour mill and other apparatus, and chemical and baking laboratories, for the purpose of alding him in establishing standards of quality and condition of wheat and other grains, as required by the act of Congress approved August 11, 1916, known as the United States grain standards act.

Mr. GALLINGER. Mr. President, I will ask the Senator in charge of the bill if this amendment came from the department?

Mr. SMITH of South Carolina. I will state that the Senator from North Dakota [Mr. Gronna] is the author of this amend-

ment and can explain it fully.

Mr. GALLINGER. It is rather a startling proposition that the Government is going to establish a little flour mill and chemical and baking laboratories; but we are drifting along that line pretty rapidly, taking out of the hands of private enterprise and private initiative the affairs of the public, and passing them over to the paternal care of the Government of the United States.

Mr. SMITH of South Carolina. I will state to the Senator that no such proposition was made to the committee, but this amendment, as the Senator from North Dakota will explain, was simply to provide a means for testing the quality of certain grain that might be deceptive in looks, and thus aid in grading

wheat and testing its bread-making qualities.

Mr. GALLINGER. I think the department could find somewhere an old flour mill already built, and if they will come to my section of the country I will accommodate them; but perhaps we have got to go into the building of a flour mill and enter into competition with Corby Bros. Possibly that is so.

Mr. GRONNA. Mr. President, I regret exceedingly that my physical condition to-day is such that I may not be able to explain this item satisfactorily to the Senate. I desire to say, however, that I believe, after I have made the explanation,

there will be no opposition to it.

There has been provided in the Agricultural College of North Dakota a small flour mill. I say a "flour mill," but it is a very simple affair. We only have to go back a century or two to find that a flour mill was a rounded stone and the implements used were simple and inexpensive. How much it would cost the Department of Agriculture to install this mill in quarters which they already own I do not know; but I do know that it cost very little to the agricultural college at Fargo.

I have here before me a paper published in my State giving results of experiments which have been made in testing wheat of different weights. Everybody knows that this year in the United States, in the spring-wheat belt, we had what we call a poor crop. We had excessive heat and the kernels were shriveled up so that the wheat was exceedingly light, weighing all the way from 40 to 50 pounds a bushel instead of 60 pounds a bushel.

Now, the question is, How is the Department of Agriculture to grade this wheat and do justice to the producer and to the consumer?

I have here this report—and it is an official report—issued by the food commissioner of our State; and while I will not take the time of the Senate to go into it as fully as I should like to, I want to say that this little mill located in the agricultural college took 600 samples of wheat and ground them into flour. The report gives the laboratory numbers of some of them. Some of this wheat weighed 39 pounds to the bushel, some 46 pounds to the bushel, other specimens 47, 41½, 49½, 49½, 52½, and 38, showing all the different weights. The price of that wheat was based upon its weight, and this report shows that there was a very slight difference in the real value of a bushel of wheat by weight. The difference in the market price, however, on all these samples, on an average, was 85 cents per bushel.

Mr. TOWNSEND. The difference in price?

Mr. GRONNA. The difference in price in the selling market and the milling price was 85 cents a bushel. That was the average, and it ran as high as \$1.03 per bushel.

Mr. TOWNSEND. The Senator does not mean the difference?

Mr. GRONNA. Yes; I mean the difference in the price per bushel. The Senator knows that wheat this year is abnormally high. In Minneapolis and in Duluth there has been paid for wheat above \$2 per bushel. The farmers received for that wheat all the way from 75 cents to 90 cents per bushel. You understand that the farmers had to give 60 pounds to the bushel, although the wheat required to make a bushel weighed all the way between 39 and 52 pounds.

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. GRONNA. Yes; I shall be glad to.
Mr. GALLINGER. Do I correctly understand the Senator to say that when wheat is quoted at \$2 per bushel in the markets of the United States the farmer gets only about 75 cents a bushel for it?

Mr. GRONNA. I say that for some of this light, shrunken wheat the farmers received as low a price as 75 cents per bushel, and I sold some for that price myself.

Mr. GALLINGER. I want to ask the Senator further-and I dislike exceedingly to disturb him or to delay the consideration

Mr. GRONNA. No; I am very glad to yield to the Senator.

Mr. GALLINGER. That wheat, of course, would not be quoted for \$2 per bushel in any market, would it?

Mr. GRONNA. No. The quotations are based upon No. 1 hard, No. 1 northern, No. 2 northern, and so on.
Mr. GALLINGER. That is what I supposed.

Mr. GRONNA. But I want to show the Senator the real value of this wheat. The wheat that weighed 39 pounds to the bushel had a milling value of \$1.88. The wheat weighing 46 pounds had a milling value of \$1.96, and the wheat that weighed 47 pounds had a milling value of \$2.01. That was at the mill, of course. So, Mr. President, it simply goes to show the enormous profit that is made by somebody and the sacrifice that is being made by the producer; and it certainly does not help the con-sumer. The consumer pays the price based upon the high quality of wheat, and not upon the low quality of wheat.

This has been made an issue in my State. More than 45,000 farmers resolved themselves into a league called the Nonpartisan League. They are publishing a paper, which is their own, called the Nonpartisan Leader. They are publishing to-day a daily paper called the Courier News. They have established the first paper with their own funds. They have bought this daily paper with their own money. They have built, with their own money, a terminal elevator located at St. Paul, holding 1,000,000 bushels of grain and costing \$500,000.

Mr. President, it is a serious proposition with us. We raised. in 1915, in North Dakota, 155,000,000 bushels of wheat. Make a reduction of 10 cents per bushel and see what that amounts to. In the United States we produced that very same year more than a billion bushels. At 1 cent a bushel that amounts to \$10,000,000; at 10 cents it is ten times that much, or \$100,000,000, which is sacrificed by the producer and which does not help the consumer.

Mr. President, I know of no other way to remedy this condition than to appropriate money to enable the Secretary of Agriculture to make milling tests—and this is the proper place for it, in order to carry out the standard grain-grades act-to permit the Secretary of Agriculture to install a little flouring mill somewhere in the Department of Agriculture, which will not cost very much; to establish a baking laboratory; to establish a chemical laboratory; and to fix the standards which we authorized in the grain-standards act a year ago. This, I say, is the only way in which the Secretary of Agriculture can do justice to the producers and to the consumers; and I sincerely hope there will be no objection to it.

Mr. TOWNSEND. Mr. President, may I ask the Senator a question?

Mr. GRONNA. Certainly.

Mr. TOWNSEND. I am very much interested in this matter, because the explanation puts some little reason in it, whereas it seemed to me to be without reason upon reading it. I should like to ask, however, if such a test is made at Fargo of the wheat which happens to come there, whether that would be a sufficient guide to establish the bread value of wheat raised in Michigan or Indiana or any other State outside of that par-

ticular wheat belt in the Northwest?

Mr. GRONNA. Yes; I will say to the Senator that it will apply in the same way to all. Of course, in years when we have a crop of heavy wheat it may not be of so much value; but every year we have some shrunken wheat, we have some late-sown grain in every State, I take it—I know we have in our State and of course that makes a lower quality. Now, it is not only the mill at Fargo that has ground this particular wheat.

Mr. TOWNSEND. I know the Senator is an expert authority on that subject, and that is the reason why I asked the question. Mr. GRONNA. It will be applied to the winter wheat, of course, the same as it is to the spring wheat.

Mr. TOWNSEND. What I can not quite understand, and what the Senator probably can make clear to me, is how this test would be of any value except in regard to the particular wheat

Mr. GRONNA. The Senator, of course, knows that under the grain-grading act the Secretary of Agriculture now issues licenses to all inspectors.

Mr. TOWNSEND. Yes.

Mr. GRONNA. It is really under the supervision of the Federal Government. Now, if in any market-we will say in Detroit, Mich .- some farmer complains of the grade, all that he has to do is to ask the inspector to send to Washington a sample large enough so that it can be ground into flour sufficient to make a loaf of bread.

Mr. TOWNSEND. Where is this mill to be located?

Mr. GRONNA. Right here in the city of Washington, in the Agricultural Department. I take it that they have room enough It only requires a small, inexpensive mill,

Mr. TOWNSEND. So as I understand it, then, the Senator's idea is that these various samples of wheat, where the owner or shipper desires a test, are to be sent to this mill?

Mr. GRONNA. Yes, sir. Mr. TOWNSEND, And thus they will get a judgment on that

particular class of wheat?

Mr. GRONNA. Yes; this appropriation is merely for the purpose of conducting research work, of testing the grain, so that the Secretary of Agriculture will be enabled to fix a standard that will do justice, as I said a moment ago, both to the producer and to the consumer. That is the idea.

Mr. GALLINGER. Mr. President, if the Senator will permit

Mr. GRONNA. Yes.
Mr. GALLINGER. The very thing that troubled the Senator from Michigan troubles me. I could not quite see how the establishment of a mill in one State could be utilized to determine the quality of the grain or of the bread in a distant State.

Mr. GRONNA. It is not to be established in my State at all.

Mr. GALLINGER. No.
Mr. GRONNA. It is to be established here in the city of Washington, or wherever the Secretary deems best-perhaps up in New Hampshire; I do not know.

Mr. GALLINGER. No.
Mr. GRONNA. Wherever the Secretary thinks best.

Mr. GALLINGER. I think it ought to be here, and I think we ought to specify that in the amendment.

Mr. GRONNA. I was satisfied to leave that to the judgment of the Secretary. Undoubtedly it would be established here, I am quite sure that it would be.

Mr. GALLINGER. It ought to be here if we have a mill, I think.

Mr. GRONNA. I have some tables here, Mr. President. would take too much time to go into them in detail, and I do not wish to delay the Senate unduly. I ask unanimous consent that this full report may be printed in connection with my remarks.

The PRESIDING OFFICER. Without objection, that will be cone. The Chair hears no objection, and it is so ordered.

The matter referred to is as follows:

NOTHER BROADSIDE FROM LADD-FOOD COMMISSIONER ISSUES NEW OFFICIAL BULLETIN ON LIGHT-WEIGHT WHEAT GROUND AT MINNESOTA COMMERCIAL MILL.

SOTA COMMERCIAL MILL.

Dr. E. F. Ladd, North Dakota pure-food commissioner and president of the agricultural college, has issued another broadside in regard to the 1916 crop of light-weight wheat. The new bulletin, out last week, tells of the milling of rust-hit, light-weight wheat at the now famous Maine Roller Mill at Phelps, Minn. It is an official report, with official tests and figures, confirming the unofficial investigations of the non-partisan newspaper which had a series of articles on this and other custom Minnesota mills which have proved that the so-called poorer grades of wheat, especially that bought by elevators and mills since last year, make in most instances as good, and sometimes better, bread than heavier wheat, though the farmers are forced to part with it for a song.

r a song. Dr. Ladd's latest bulletin follows:

THE MAINE MILL.

[By Dr. E. F. Ladd, State food commissioner.]

There has been a feeling that the tests made upon the experimental mill at the agricultural college might not represent the results which are obtained in the commercial milling of wheat. For the purpose of gathering information on this point, and to determine to what extent there might be a variation in results in the commercial mill from those secured in the experimental mill at the college, it has seemed best to gather some data. We were informed that at Phelps, Minn. (Underwood post office), was located the Maine Roller Mills, with W. E. Thomas as proprietor, from whom much valuable information might be

gathered. On writing for information, the following letter was re-

MILLER OF MAINE WRITES TO LADD.

PHELPS (UNDERWOOD POST OFFICE), MINN., November 27, 1916.

Prof. E. F. LADD, President North Dakota Agricultural College.

President North Dakota Agricultural College.

Dear Sir: Replying to your inquiry of the 21st instant, regarding value of light-weight wheat and amount and quality of flour it will produce, will say that I am grinding for the farmers, running night and day, on wheat which tests from 35 pounds to 53 or 54 pounds to the bushel, and it is surprising what an amount of flour some of the light-weight wheat is turning out. Wheat that tests 37 pounds per bushel, perfectly clean and ready for milling, is turning out 25 pounds flour per bushel. Some wheat testing 38 pounds in the dirt is making 28 to 30 pounds, and it is good flour, too; it is strong and rises quick and makes light, nice bread, but it is a trifle more yellow than flour made from the best grades of wheat.

I am grinding for cash and asking the farmers to bring me 30-bushel grists and am making them flour out of their own wheat as nearly as possible. I charge them 15 cents a bushel for grinding and I give them back their screenings and all the flour the wheat will make, and bran and shorts enough to make up 58 pounds for every 60 they bring here.

The wheat is cleaned through six different cleaning machines before it is ground, and from three of these machines the dust is blown out of the mill, so I am sure there is from 1½ pounds to 2 pounds waste in cleaning and grinding.

The farmers are all well pleased with this way of grinding and are getting more flour from their wheat than they expected to get. Some of them wonder where it all comes from. They are coming 30 to 35 miles from all directions, and some of them waiting for their grists three or four days. We are swamped with wheat, and lots of it is piled up on the ground outside of the mill. The farmers are finding out that this low-grade wheat will make flour, and lots of it.

Yours, respectfully,

W. E. Thomas.

W. E. Thomas.

Investigators sent to obtain facts.

Having received the foregoing it was deemed desirable to have a personal inspection made and more complete data gathered. Therefore Thomas Sanderson and W. C. Palmer were requested to make the investigation. They report that they found farmers coming with grists from 30 to 35 miles from all directions; some coming through towns and villages in which are located up-to-date commercial mills. The wheat came faster than could be ground and there were accumulated outside of the mill at least 1,000 sacks of wheat.

In reply to requests for information, Mr. Thomas stated:

"My customers all know now that I want, if possible, a grist of at least 30 bushels. Of course, I get some that are smaller, but I like them to run not less than 30 bushels, if possible. Each farmer's grist is taken in and weighed, and then run over six different cleaning machines, the screenings taken out of the wheat, weighed, and returned to the farmer. The clean wheat is run through the mill and we re-

turn to the farmer all the flour from his grist and feed enough to make 58 pounds for every bushel of wheat he has after deducting the weight of screenings from the gross weight for grinding, and I find the farmers are all well satisfied."

The mill is run by water power and has a capacity of 85 barrels of flour in 24 hours when working on good wheat. The building is three stories above the basement, heated with hot water.

GRIST-BOOK DATA SHOW THE RESULTS.

GRIST-BOOK DATA SHOW THE RESULTS.

The following data were taken from the grist book at the mill office and is a copy of about 2½ pages of the same. The first 19 entries were taken from work done the first part of October when the bran and shorts were weighed separately. The balance of the data was taken just prior to and during the time Messrs. Sanderson and Palmer were at the mill. Mr. Carl Shole, who had a grist at the mill and got the results of the last grist as shown in Table I, informed us that the best offer he could get on the market for his wheat was \$1.50 per bushel when No. 1 northern was selling at \$1.81 per bushel. This would give him a market value of \$1.37 for his wheat based on values shown in the table below, or a gross profit of 68 cents per bushel. On this grist of 31 bushels and 10 pounds this would be \$21.19 less 15 cents per bushel for grinding, leaving \$16.51 and a profit over value of wheat of 38.66 per cent. The average of these 49 grists, as shown by the table and based on local values quoted in Fergus Falls December 2, 1916, would be a gross profit of \$7 cents per bushel; and on the average grist of 29 bushels and 23 pounds would be \$25.56 less 15 cents per bushel for grinding, leaving \$21.15, a profit over value of wheat of 65.44 per cent.

MARKET VALUES AT FERGUS FALLS DECEMBER 2, 1916.

As quoted to Messrs. Sanderson and Palmer at one of the commercial mills, were as follows:

Patent flour, \$5.15 per sack of 98 pounds; straight flour, \$5.05 per sack of 98 pounds—very little going out; low grade, \$2.50 to \$3 per sack of 98 pounds; bran, \$30 per ton; shorts, \$32 per ton—mixed feed \$31 per ton; No. 1 wheat, \$1.68 per bushel; no grade, test weight, 40 pounds, 96 cents per bushel.

The values used in the deductions in the following tables are the same as above, except the straight flour, which we assume to be worth \$5 per 100 pounds, low grade \$2.50, screenings 75 cents per 100 pounds, and as the average test weight of the samples on which this data was obtainable was 45 pounds we have assumed the wheat to be worth \$1.10 per bushel.

Of the data in the following table, No. I, the first 10 columns were taken from. Mr. W. E. Thomas's grist book, the next 6 columns are the percentages of the different mill products of each lot of wheat, and the last column the value of the mill products from a bushel based on the percentage of products as shown and at the market values above quoted.

In Table II will be found the milling and baking results of five different grists that were milled while Messrs. Sanderson and Palmer were at the mill. These represent a fair average of the wheat coming to the mill.

TABLE I .- Milling results taken from Phelps Mill grist book, Dec. 1, 1916.

Date.		Weight per bushel.	Before cleaning.		Sereen-	Clean wheat.		Straight	Low-	and and		Per cent	
	Name of producer.		Bushels.	Pounds.	ings, clean.	Bushels,	Pounds.	flour.	grade flour.	Bran.	Shorts.	lost in milling.	mill products
Oet. 7 10 10 10 10 11 11 11 11 11 14 14	Tweeten T. Mokler P. R. Sande A. Swanson Olaf Isakson William Lutch	39 46 47 41.5 49.5 49.5 52.5 38	34 39 30 28 30 38 30 29 32 39 27	36 51 33 18 7 39 3 32 24 20 18	213 140 400 68 307 272 36 39 88 225 72	31 37 23 27 25 34 29 28 30 35 26	3 31 53 10 7 27 53 56 35 6	Pounds. 846 1,127 770 850 705 885 950 911 1,025 1,090 866	Pounds. 40 50 62 36 34 57 38 40 90 29 26	Pounds. 610 666 369 460 474 692 481 483 463 630 416	Pounds. 305 333 184 230 237 345 340 241 226 315 207	3.38 3.45 3.48 3.38 3.35 3.32 3.28 3.31 3.45 3.25 5.50	\$1.8 1.9 2.1 2.0 1.9 1.8 2.6 2.6 2.6 2.6 2.6 2.0

Table II.—Milling and baking results from wheat secured at Phelps, milled at North Dakota Experiment Station, and milling results of the same wheat milled at Phelps, flour from same baked at North Dakota Experiment Station.

SAMPLES MILLED AT NORTH DAKOTA EXPERIMENT STATION

Laboratory number.	Weight per bushel.							Loaf	Score.		
	Before cleaning.	After cleaning.	Loss in cleaning.	Flour.	Feed.	Loss in mill.	Water absorbed.	volume (c.c.)	Color.	Texture.	Receipts.
3381 3382 3383 3384 3385	Pounds. 44 50 33.5 40.5 56.5	Pounds. 47.5 54.5 39 46 57	Per cent. 13.61 6.85 21.66 15.67 .77	Per cent. 57.45 62.97 47.91 57.63 62.93	Per cent. 38.39 33.19 45.09 36.85 32.33	Per cent. 4.16 3.84 7.00 5.52 4.74	Per cent. 54.7 54.1 57.1 56.5 52.9	2,370 2,335 2,380 2,290 2,340	89 93 79 55 93	90 92 85 68 95	Per bu. \$2.1418 2.2086 1.9541 2.1421 2.1920
		SAMPLES	MILLED A	T PHELPS,	MINN.		Chile Cont	Y.O.	KILES I	2017/01/10	
2381 3382 3383 3384 3385	44 50 33.5 40.5 56.5	47.5 54.5 39 46 57	12.43 4.88 14.31 13.66 .96	46. 27 51. 04 38. 52 51. 33 59. 18	49.67 42.13 58.20 45.50 37.57	4.06 6.83 3.28 3.17 3.25	51.5 50.0 51.8 51.5 51.5	2,370 2,400 2,410 2,735 2,215	91 94 91 89 92	89 88 88 88 90	\$1,9060 1,9450 1,7610 2,0245 2,1291

Having secured a sample of the flour and a sample of the wheat from each of these five grists they were given the following laboratory num-

SAMPLES GIVEN LABORATORY NUMBER

3381. Wheat from Emil Schleske, Fergus Falls, Minn., R. R. No. 5. 3381a. Milled at Phelps mill, same wheat as 3381. 3382. Peter O. Jensen, Dalton, Minn., R. R. No. 3.—wheat. 3382a. Milled at Phelps mill, same wheat as 3382. 3383. C. J. Damlo, Richville, Minn.—wheat. 3383a. Milled at Phelps mill—same wheat as 3383. 3384. Emil Stub, Elizabeth, Minn., R. R. No. 1.—wheat. 3384a. Milled at Phelps mill—same wheat as 3383. 3384. Emil Stub, Elizabeth, Minn., Rox 16—wheat. 3385a. Milled at Phelps mill—same wheat as 3385. In compiling the data for these samples the percentage of low-grade flour is added to the percentage of straight flour and the sum is used as total flour in the data from the Phelps mill, and it is assumed to be worth \$5 per 100 pounds. And in the data for the samples milled in the experimental mill the percentage of bran and shorts are added together, using the sum as total feed and assuming it to be worth \$1.55 per 100 pounds.

The baking results as shown are for the straight flour without the low grade added for the Phelps mill, and as will be observed by the percentage of flour obtained, the amount represented by the baking results as shown are for this total flour for the experimental mill.

COMMERCIAL MILLS GET BETTER SHOWING.

COMMERCIAL MILLS GET BETTER SHOWING,

results as shown are for this total flour for the experimental mill.

COMMERCIAL MILLS GET EETTER SHOWING.

To compare actual results as shown by the figures from the Phelps mill with the work done in a commercial mill would hardly be a fair comparison, because the commercial miller has a much better chance to make a good clean-up than a mill running under the conditions existing in this one. In the commercial mill the wheat is all blended, and the stream of wheat coming on the rolls is kept as nearly alike as is possible to do for days or even weeks at a time, giving the miller a chance to make determinations and know exactly what he is doing in the matter of quantity as well as quality of products obtained, whereas a mill doing a gristing business may have fairly good wheat for a while and other grists may go to the other extreme. The matter of adjusting the mill to suit the two extremes in this crop is almost a physical impossibility and get the best results possible from each grist. If this mill was doing an exchange business and could keep the amount of wheat ahead which they had piled up in sacks with a chance to blend so as to make an even run of wheat on the mill it would be possible to make a better clean-up and a more satisfactory flour to all of their customers. This method, however, would not be as fair to the individual farmer.

All of the farmers who came to the mill while there were interviewed. Many of them were having wheat ground every year; two had the second grist in this year; others had tried their flour at home; and they were all satisfied with the results of their business transactions at the mill, also with the bread obtained from the flour at home; and they were all satisfied with the results of their business transactions at the mill, also with the bread obtained from the flour at home; and they were all satisfied with the results of their business transactions at the mill, also with the bread obtained from the flour at home; These statements seem to be conclusively proven by the figu

ard straight flour and only one of those milled at Phelps scores below a standard patent.

The average market value of this wheat is \$1.10 per bushel; the average value of the mill products from a bushel milled here is \$2.13, or a gross gain of \$1.03 per bushel; and the average value of the mill products from a bushel as milled at Phelps is \$1.95, or a gross gain of \$5 cents per bushel.

The amount of wheat milled during the 24 hours spent in the vicinity of the Phelps mill was 319 bushels 3 pounds, gross weight, from which the farmers received the following mill products:

Screenings—1,613 pounds, at 75 cents per 100 pounds.

\$12.10
Straight flour—8,309 pounds, at \$5 per 100 pounds.

\$12.10
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$13.45
\$

Total number of pounds, 18,468.

Value-319 bushels 3 pounds, at \$1.10 per bushel__ Gross gain______Less grinding charge, 15 cents per bushel______

Net gain to farmers ____.

GET GOOD BREAD FROM THIS FLOUR.

From the data already given it would seem that the results at the commercial grist mill do not differ materially from the data secured at the experimental mill. The higher percentage of total flour, being due to a better cleaning up in the experimental mill at the end of each cut-off than in the case of the commercial grist mill.

From the cut illustrating the loaves of bread it is clearly evident that the flour produced at both the commercial and the experimental mills is capable of producing a good loaf of bread. The upper row in the cut shows the bread produced from flour made at the experimental mill, while the lower row is from that produced at the commercial mill at Phelps, Minn. At the extreme left in each case the loaf of bread is made from the standard flour of the crop of 1909, and does not show any advantages over the bread produced from some of the other flours of the commercial mill or of the experimental mill.

Mr. GALLINGER. Mr. President, the Senator from North Dakota has elucidated this matter and put it in a form that really modifies the amendment, so far as my views are concerned.

Mr. GRONNA. I am glad of that.

Mr. GALLINGER. I shall feel constrained, however, to vote against the amendment, because I do not like putting these matters in the hands of the Government. But my vote will not count for much. I have no doubt the amendment will be adopted.

Mr. GRONNA. Mr. President, I want the Senator from New Hampshire to be satisfied. I fear that I have not fully explained it. This is simply for the purpose of enabling the Secretary of Agriculture to make tests. It is for research work. The committee has no idea that any flour will be manufactured for any other purpose than to make these tests.

Mr. GALLINGER. Mr. President, has the Senator any objection to inserting, after the word "laboratory," the words "in the

city of Washington"?

Mr. GRONNA. No; I have no objection whatever.
Mr. GALLINGER. I offer that amendment, then.
The PRESIDING OFFICER. The question is on the amend-

ment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 80, line 6, after the words "Bureau of Markets," to strike out "\$20,105" and insert "\$15,105," so as to make the clause read:

For general administrative expenses in connection with the lines of investigation, experiment, and demonstration conducted in the Bureau of Markets, \$15,105.

The amendment was agreed to.

The next amendment was, on page 80, line 7, after the word expenses," to strike out "\$844,395" and insert "\$784,395," so as to make the clause read:

In all, for general expenses, \$784,395.

The amendment was agreed to.

The next amendment was, on page 81, line 6, after the words "Bureau of Markets," to strike out "\$1,719,575" and insert \$1,659,575," so as to make the clause read:

Total for Bureau of Markets, \$1,659,575.

The amendment was agreed to.

The next amendment was, on page 81, after line 6, to insert:

Hereafter, in the performance of the duties required of the Department of Agriculture by the sections of this act relating to the Bureau of Markets, the Secretary of Agriculture shall have power to administer oaths, subpœna witnesses, and compel the production of books and

Mr. JONES. Mr. President, I simply wish to suggest to the Senator in charge of the bill that it seems to me that it would be better to use the word "provisions" instead of the word "sections" in that amendment. There are no sections, as we generally know them, in the bill. It is all one section.

Mr. SMITH of South Carolina. I have no objection to that amendment.

350, 96

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment was, under the subhead "Federal Horticultural Board," on page 83, after line 10, to insert:

cultural Board," on page 83, after line 10, to insert:

To enable the Secretary of Agriculture to meet the emergency caused by the existence of the pink boll worm of cotton in Mexico and the movement of some 500 carloads of cotton seed from the infested districts in Mexico to milling points in Texas and elsewhere, and to prevent the establishment of such insect in Texas or in any other State by providing for adequate inspection and the employment of all means necessary under rules and regulations to be prescribed by him to prohibit the movement of cotton and cotton seed from Mexico into the United States, including the examination of baggage and railroad cars or other means of conveyance and the cleaning and disinfection thereof; to inspect mills in Texas or elsewhere in the United States to which Mexican cotton seed has been taken for milling; to supervise the destruction, by manufacture or otherwise, of such seed and the thorough clean-up of the mills and premises; to conduct local surveys and inspections of cotton fields in the vicinity of such mills and ports of entry in order to detect any instances of local infestation; and to determine and conduct such control measures in cooperation with the State of Texas or other States concerned as may be necessary to stamp out such infestation, including rent outside of the District of Columbia, employment of labor in the city of Washington and elsewhere, and all other necessary expenses, \$50,000, available immediately and until expended.

Mr. GALLINGER. Mr. President, if the Senator from South

Mr. GALLINGER. Mr. President, if the Senator from South Carolina will give me his attention, the most that I have been able to do in connection with this bill is to criticize a little language. The first part of this amendment reads:

To enable the Secretary of Agriculture to meet the emergency caused by the existence of the pink boll worm of cotton.

Does not the Senator think it would be better language to say "pink cotton-boll worm"?

Mr. SMITH of South Carolina. How does it read here?

have not noticed the language.

Mr. GALLINGER. "Pink boll worm of cotton."

Mr. SMITH of South Carolina. That is its color. The worm is pink.

Mr. GALLINGER. I understand: but would it not be better

Mr. SMITH of South Carolina. We want to designate it.
There are different kinds. This is the one that is likely to come here from Mexico, and it is pink.

Mr. GALLINGER. I understand. I do not propose to change the color. However, if the Senator is satisfied with it, all right. Now, does not the Senator think that in line 16, where it says "and to prevent the establishment of such insect," it would be

better to say "the introduction and spread"?

Mr. SMITH of South Carolina. This is an amendment suggested by the department, and they used the terms that I suppose were satisfactory to them.

Mr. GALLINGER. Very well. If it came from the depart-

Mr. GALLINGER. Very well. If it came from the department, I have nothing to say. I just thought that the Senator,

in writing the amendment, perhaps did it in a hurry.

Mr. SMITH of South Carolina. No; this came from the de

Mr. GALLINGER. There is no objection, although I think what I have suggested would be the better language. However, I shall not urge it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I want to ask the Senator from South Carolina a little further about this "pink boll worm of cotton." This is a new pest, is it, that has appeared?

Mr. SMITH of South Carolina. Yes; a new one that has appeared in Mexico, as the weevil did.

Mr. GALLINGER. The weevil destroys a portion of the cot-

ton and this worm attacks the boll?

Mr. SMITH of South Carolina. No; it is a misnomer to call it a boll weevil. It really destroys the little shape in which the flower appears before it blooms. This worm attacks the boll

Mr. GALLINGER. I think I have read somewhere that this worm attacks the boll itself.

Mr. SMITH of South Carolina. Yes.

Mr. GALLINGER. Which the weevil does not.

Mr. SMITH of South Carolina. Yes.

Mr. GALLINGER. So that the cotton producers have now two enemies to combat, which is pretty serious.

Mr. SMITH of South Carolina. Yes; that is, in the form of

They have numerous ones otherwise.

Mr. THOMAS. The color of this worm, Mr. President, indicates that it is a child of the revolution. [Laughter.]

The reading of the bill was resumed.

The next amendment was, on page 84, line 11, after the word "expenses," to strike out "\$54,500" and insert "\$104,500," so as to make the clause read:

In all, for general expenses, \$104,500.

The amendment was agreed to.

The next amendment was, on page 84, line 12, after the words "Federal Horticultural Board," to strike out "\$75,000" and insert "\$125,000," so as to make the clause read:

Total for Federal Horticultural Board, \$125,000.

The amendment was agreed to.

The next amendment was, on page 84, after line 12, to insert:

The amendment was agreed to.

The next amendment was, on page 84, after line 12, to insert:

That section 8 of an act entitled "An act to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes," approved August 20, 1912, be, and the same is hereby, amended so as to read as follows:

"Sec. 8. That the Secretary of Agriculture is authorized and directed to quarantine any State, Territory, or District of the United States, or any portion thereof, when he shall determine that such quarantine is necessary to prevent the spread of a dangerous plant disease or insect infestation, new to or not theretofore widely prevalent or distributed within and throughout the United States; and the Secretary of Agriculture is directed to give notice of the establishment of such quarantine to common carriers doing business in or through such quarantine area, and shall publish in such newspapers in the quarantine. That no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport from any quarantined State or Territory or District of the United States, or from any quarantined partion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, or any class

of stone or quarry products, or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine except as hereinafter
provided. That it shall be unlawful to move, or allow to be moved, any
class of nursery stock or any other class of plants, fruits, vegetables,
roots, bulbs, seeds, or other plant products, or any class of stone or
quarry products or any other article of any character whatsoever,
capable of carrying any dangerous plant disease or insect infestation,
specified in the notice of quarantine hereinbefore provided, and regardless of the use for which the same is intended, from any quarantined
State or Territory or District of the United States or quarantined portion thereof, into or through any other State or Territory or District,
in manner or method or under conditions other than those prescribed
by the Secretary of Agriculture. That it shall be the duty of the Secretary of Agriculture, when the public interests will permit, to make and
promulgate rules and regulations which shall permit and govern the
inspection, disinfection, certification, and method and manner of delivery and shipment of the class of nursery stock or of any other class
of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products,
or any class of stone or quarry products, or any other article of any
character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine hereinbefore provided, and regardless of the use for which the same is intended, from a quarantined State or Territory or District of the United
States, or quarantined State or Territory or District of the United
States, or quarantine portion thereof, into or through any other State
or Territory or District; and the Secretary of Agriculture shall give
notice of such rules and regulations as hereinbefore provided in this
section for the notice of the establishment of quarantine: Provi

The amendment was agreed to.

The next amendment was, on page 87, line 17, after the word "work," to strike out "\$24,241,091" and insert "\$24,204,623," so as to make the clause read:

Total, Department of Agriculture, for routine and ordinary work, \$24,204,623.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous," on page 87, line 25, after the word "elsewhere," to strike out "\$40,000" and insert "\$50,000," so as to make the clause read:

Demonstrations on reclamation projects: To enable the Secretary of Agriculture to encourage and aid in the agricultural development of the Government reclamation projects; to assist, through demonstrations, advice, and in other ways, settlers on the projects; and for the employment of persons and means necessary in the city of Washington and elsewhere, \$50,000.

The amendment was agreed to.

The next amendment was, on page 89, line 7, after the word "elsewhere," to strike out "\$23,604" and insert "\$40,000," so as to make the clause read:

Experiments in dairying and live-stock production in semiarid and irrigated districts of the western United States: To enable the Secretary of Agriculture to conduct investigations and experiments in problems connected with the establishment of dairying and meat-production enterprises on the semiarid and irrigated lands of the western United States, including the purchase of live stock, the erection of barns and other necessary buildings, and the employment of necessary persons and means in the city of Washington and elsewhere, \$40,000.

The amendment was agreed to.

The next amendment was, on page 90, line 19, after the words "the sum of," to strike out "\$1,250,000" and insert "\$1,000,000," so as to make the clause read:

So as to make the clause read:

Eradication of foot-and-mouth and other contagious diseases of animals: In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals which, in the opinion of the Secretary of Agriculture, threatens the live-stock industry of the country, he may expend in the city of Washington or elsewhere, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000,000, which sum is hereby appropriated, or so much thereof as he determines to be necessary, in the arrest and eradication of any such disease, including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States, of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances, when such owner has complied with all lawful quarantine regulations.

The amendment was agreed to

The amendment was agreed to.

The next amendment was, on page 92, line 1, after the words "Department of Agriculture," to strike out "\$25,714,695" and insert "\$25,454,623," so as to make the clause read:

Total carried by this bill for the Department of Agriculture, \$25,454,623.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 92, line 8, after the words "rate of," to strike out "10" and insert "15"; in line 10, after the words "per annum," to insert "of \$480 or"; in line 11, after the word "less," to strike out "than \$1,200"; in line 12, before the words "per centum," to strike out "5" and insert "10"; in line 14, after the words "rate of," to strike out "not"; in the same line, before the words "per annum," to strike out "\$1,800" and insert "\$480"; and in line 15, before

the words "per annum," to strike out "less than \$1,200" and insert "exceeding \$1,000," so as to make the paragraph read:

Insert "exceeding \$1,000," so as to make the paragraph read:

That to provide, during the fiscal year 1918, for all persons employed under the Department of Agriculture, including on the lumpsum rolls only those persons who are carried thereon at the close of the fiscal year ending June 30, 1917, increased compensation at the rate of 15 per cent per annum to such employees who receive salaries or wages from such department at a rate per annum of \$480 or less, and increased compensation at a rate of 10 per cent per annum to such employees who receive salaries or wages from such department at a rate of more than \$480 per annum and not exceeding \$1,000 per annum, so much as may be necessary is hereby appropriated: Provided, That the increased compensation provided by this section shall not apply to persons whose duties require only a portion of their time, except charwomen, or whose services are needed for brief periods at itnervals, or to any persons who receive a part of their salaries or wages from any outside sources under cooperative arrangements with the Department of Agriculture: Provided further, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 93, after line 3, to insert:

The President is hereby authorized to extend invitations to other nations to appoint delegates or representatives to the International Farm Congress, to be held at Peoria, Ill., in connection with the International Soil Products Exposition, during the fiscal year 1918: Provided. That no appropriation shall be granted or used for the expenses of delegates.

The amendment was agreed to.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented petitions of sundry citizens of Laconia and Jaffrey, in the State of New Hampshire, praying for the enactment of legislation for the protection of migratory birds, which were ordered to lie on the table.

Mr. WADSWORTH presented petitions of sundry citizens of New York, praying for national prohibition, which were ordered

to lie on the table.

Mr. PHELAN presented a petition of the California State
Daughters of the American Revolution Club, praying that a
statue of Joaquin Miller be placed in the vicinity of the present site of his cottage in Rock Creek Park, D. C., which was referred to the Committee on the Library.

He also presented a petition of the Chamber of Commerce of San Luis Obispo, Cal., praying for the enactment of legislation to improve and develop the national parks, which was referred

to the Committee on Public Lands.

Mr. STONE presented a petition of the Trades and Labor Assembly of Springfield, Mo., praying for Government ownership of all great public utilities, which was referred to the Committee on Interstate Commerce.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows

By Mr. DU PONT:

A bill (S. 8114) authorizing the President to appoint to the grade of major general on the retired list of the Army any brigadier general now borne on said list with certain military service; to the Committee on Military Affairs.

By Mr. SHEPPARD:

A bill (S. 8115) for a Federal building and site at Bowie, Tex.; to the Committee on Public Buildings and Grounds.

Mr. LODGE:

A bill (S. 8116) granting a pension to John S. Dodge (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 8117) granting a pension to Kate E. LeVelley (with accompanying papers); to the Committee on Pensions. By Mr. JOHNSON of Maine:

A bill (S. 8118) granting an increase of pension to Michael Callahan (with accompanying papers); to the Committee on

By Mr. OVERMAN:

A bill (S. 8119) to amend and reenact section 10 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; and

A joint resolution (S. J. Res. 206) extending until January 8, 1918, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; to the Committee on the Judiciary.

RIVER AND HARBOR APPROPRIATIONS (H. R. 20079).

Mr. ROBINSON submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

Mr. REED submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered

to be printed.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. SHEPPARD submitted an amendment proposing to appropriate \$5,000 for a survey of the oyster beds of Texas, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMITH of South Carolina. I move that the Senate

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m., Saturday, February 3, 1917) the Senate adjourned until Monday, February 5, 1917, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 3, 1917.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Our Father in Heaven, we appeal to Thee with all the fervor of soul for wisdom to guide us in the impending crisis, that we may be permitted to maintain as a neutral Nation peace with all the world. Guide our President, his advisers, and all others who have the Nation's welfare at heart to an amicable adjustment of all international questions, that we may pursue our way with justice and equity to all in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and ap-

INDIAN APPROPRIATION BILL.

The SPEAKER. The gentleman from Kansas [Mr. Campbell] notifies the Chair that it is impossible for him to serve as a conferee on the Indian appropriation bill (H. R. 18453). The Chair therefore appoints the gentleman from North Dakota [Mr. Norron] in his stead.

JOINT SESSION OF SENATE AND HOUSE.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent for immediate consideration of the concurrent resolution which I send to the Clerk's desk

The Clerk read as follows:

House concurrent resolution 71.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Saturday, the 3d day of February, 1917, at 2 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

Mr. MANN. Mr. Speaker, will the gentleman from North Carolina inform the House whether, so far as he knows, there is an expectation of any action by the House to-day?

Mr. KITCHIN. No; none that I know of. There was simply a notice that the President desired to communicate with Con-

The concurrent resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 20453) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, had agreed to the conference asked for by the House, and had appointed Mr. BRYAN, Mr. UNDERWOOD,

and Mr. OLIVER as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918, had agreed to the conference asked for by the House and had appointed Mr. ASHURST, Mr. MYERS, and Mr. CLAPP as the conferees on the part of the Senate.

The message also announced that the Senate had passed with-

out amendment bills of the following titles:

H. R. 1024. An act for the relief of Allen M. Hiller; H. R. 10124. An act to add certain lands to the Rocky Mountain National Park, Colo,;

H. R. 8452. An act for the relief of Charles L. Moore;

H. R. 13820. An act for the relief of Mrs. Jennie Buttner H. R. 9547. An act authorizing the acceptance by the United States Government from the Kenesaw Memorial Association, of Illinois, of a proposed gift of land on the Kenesaw battle field in the State of Georgia;

H. R. 5262. An act for the relief of John B. Hoover; H. R. 1358. An act for the relief of Everett H. Corson; H. R. 3238. An act for the relief of Sarah E. Elliott;

H. R. 8057. An act for the relief of the legal representatives of Napoleon B. Giddings;

H. R. 11745. An act for the relief of S. E. Bennett;

H. R. 10173. An act for the relief of Anna C. Parrett;

H. R. 14978. An act for the relief of Ida Turner H. R. 12240. An act for the relief of John Brodie;

H. R. 14572. An act for the relief of Gertie Foss; H. R. 14784. An act for the relief of Alma Provost;

H. R. 14645. An act for the relief of the legal representative of P. H. Aylett;

H. R. 13106. An act for the relief of the trustee and parties who are now or who may hereafter become interested in the estate of James A. Chamberlain under the terms of his will; H. R. 12742. An act for the relief of Gottlob Schlect and Maurice D. Higgins, and for the relief of the heirs and legal representatives of Valentine Breach.

representatives of Valentine Brasch;

H. R. 8267. An act to place Bernard A. Schaaf on the retired

list of the Army;

H. R. 14822. An act to prevent and punish the desecration, mutilation, or improper use within the District of Columbia, of the flag of the United States of America; and H. R. 21. An act authorizing the city of Salida, Colo., to pur-

chase certain public lands for public-park purposes.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 12541. An act authorizing insurance companies and fra-ternal beneficiary societies to file bills of interpleader;

H. R. 11150. An act for the relief of mail contractors; H. R. 11474. An act authorizing the Secretary of Commerce to permit the construction of a public highway through the fishcultural station in Unicoi County, Tenn.;

H. R. 6145. An act for the relief of Edward F. McDermott, alias James Williams;

H. P. 6400

H. R. 8492. An act to restore homestead rights in certain cases;

H. R. 18181. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said

The message also announced that the Senate had passed without amendment the following concurrent resolution:

House concurrent resolution 71.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Saturday, the 3d day of February, 1917, at 2 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

EDWARD F. M'DERMOTT, ALIAS JAMES WILLIAMS.

Mr. CALDWELL. Mr. Speaker, by direction of the Committee on Military Affairs, I ask the Speaker to lay before the House the bill H. R. 6145, a bill for the relief of Edward F. McDermott, alias James Williams.

The SPEAKER laid before the House the bill (H. R. 6145) for the relief of Edward F. McDermott, alias James Williams,

with Senate amendments.

The Senate amendments were read and agreed to.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill (H. R. 20632).

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, with Mr. Page of North

Carolina in the chair.

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. Wm. Elza WILLIAMS].

Mr. BUTLER. Mr. Chairman, I yield 10 minutes additional to the gentleman.

The CHAIRMAN. The gentleman from Illinois is recognized

for 15 minutes.

Mr. WM. ELZA WILLIAMS. Mr. Chairman, the principal objection, the only objection, in fact, that has thus far been urged in this debate against this bill making an appropriation of

\$351,000,000 for our Naval Establishment is found in the argument advanced by members of the committee and others opposed to the bill, that the construction authorized by the bill can not completed in time for use in case of immediate hostilities, unless such hostilities should be protracted over a long period of time, and therefore authorizes a useless and unnecessary expenditure of public funds. The reasons assigned in support of this objection lie in the fact that we are already behind in naval construction, that contracts heretofore let have not been fulfilled according to specifications and time limit, and that contracts for the capital ships authorized in the last naval appropriation bill have not yet been let and their construction undertaken. It may be, it no doubt is, pertinent to inquire the reasons for the delay complained of. Some gentlemen place the blame in one place and some in another. The distinguished and important member of the committee, my esteemed colleague [Mr. BRITTEN], who, if not numerically, is intellectually the ranking Republican member of the Committee on Naval Affairs, blames the Secretary of the Navy, while the gentleman from Massachusetts [Mr. Gardner] frankly confesses that both parties are equally at fault, and that Republican administrations and Democratic administrations have been alike derelict and in default in providing those agencies and means of defense seemingly so necessary at this moment. If the cause has not been avoidable, if the contingency ought to have been and with reasonable foresight and precaution could have been foreseen and provided for, then no doubt the gentleman from Massachusetts is right in locating the blame not only in the present but relating it back to former administrations, and I much prefer to accept his version of the case rather than the irresponsible, whimsical, and garrulous vaporings of my distinguished colleague. The gentleman from Illinois, who imagines that there is a peculiar significance in the name, some kind of relation between his name and the Navy, fails to comprehend why no one takes him seriously, and has seen fit to severely criticize the present Secretary of the Navy and attach to him all blame for conditions, which the gentleman from Massachusetts says have existed for 20 years, and which everyone but the gentleman from Illinois knows are beyond the control of the Secretary.

Mr. Chairman, I understand the fact is that it has been impossible to let contracts for the construction of much of the work authorized in the last naval appropriation bill within the limits fixed by Congress, because of the fact that it has been impossible to secure skilled labor in sufficient numbers and because of excessive and exorbitant prices of materials entering into naval construction. To these reasons may be added the attempted extortion by sordid, selfish, unnatural, and unpatriotic manufacturers in our own country, who have taken advantage of market conditions, both of labor and materials growing out of the European war, and who would satiate their rapacious spirit of greed and avarice by giving preference to foreign orders for war munitions, and who by a system of commercial brigandage would imperil the existence of their own Government in the hour of emergency. This is clearly illustrated in the recent contract let by the Secretary of the Navy for armor-piercing shells to an English firm of manufacturers, who, notwithstanding the fact that the English manufacturers of war munitions are taxed to the utmost for home supply, underbid the American munition factories \$200 per shell, while at the same time our domestic plants were filling foreign orders in competition with the English manufacturer in his own market. The gentleman from Massachusetts points a remedy, and says we should commandeer the American steel plants and shipyards and compel them to accept Government contracts for the manufacture of munitions, naval supplies, and ships in preference to all other orders, foreign or domestic, at a reasonable profit. This may be done in time of war, but I question the constitutional power of the President to exercise confiscatory powers of this character in time of peace. The Secretary of the Navy has not had the power of fixing the prices, reserving a reasonable profit to the manufacturer, nor the power to compel the steel plants and private shipyards to enter into contracts and undertake the fulfillment of orders for munitions, shipbuilding, and the like, and in consequence without fault of his has been unable to let contracts within the authority conferred upon him by Congress

Gentlemen may disclaim partisan motive for their charges, but the criticism indulged and the motive therefor are too illy disguised to deceive any one. I served during the Sixty-third Congress on the Committee on Naval Affairs, and it was my privilege to become well acquainted with Secretary Daniels, and feel assured that I am within the limit of candor and truth when I say he has been actuated in every step by the highest ideals and the loftiest motives, and that he has discharged the arduous duties of his office with a zeal, fidelity, integrity, and ability equal to that of any former incumbent of that great office.

[Applause.]

The fact that we are delayed in naval construction by reason of conditions beyond our control is not a sufficient argument, to my mind, that would justify us in calling a halt and throwing up our hands in the face of the gravest danger and most imminent peril that has confronted us as a Nation since the close of the Civil War. [Applause.] No man knows what a day will bring forth. Our President has taken the justified and humane position that the high seas shall be kept open to the commerce of the world, and that merchant ships shall not be sunk without notice and opportunity to the passengers and crews to escape and reach a place of safety, except under certain conditions within the limitations of international law, and that the innovation of submarine warfare can not create an exception to nor change and avoid existing law, without the consent of all nations affected. The greatest military power on earth conceded our contention nine months ago, and gave promise that our interpretation of international law would thereafter be observed. That same power has within a few days notified the President that it will not longer observe its promise, but that, now equipped with an immense flotilla of submarines, it intends to go forth with relentless fury and prey upon the commerce of the earth. Not only that, it has undertaken, with an arrogance and defiance unparalleled in the world's history, to prescribe for us and dictate the conditions under which American commerce may be borne to the markets of Europe, to the very width of the stripe and the tone of the colors that shall herald the coming of a merchant vessel flying the American flag. The President, in an ultimatum last April, said that unless the method theretofore employed in submarine warfare against passenger and freight carrying vessels should be immediately abandoned, "the Government of the United States can have no choice but to sever diplomatic relations" with the offending nation. As much as I deprecate war, so abhorrent and appalling, I can see no way, in view of the present attitude of Germany, that we could have avoided the severance of diplomatic relations, with all the fateful consequences that will inevitably follow, and I, in common with this House and the American people, indorse and approve the course the President has this day pursued in breaking with Germany.

What is our duty under conditions of this kind in the face of danger involving the honor and imperiling the existence of our country? Certainly my answer will find no response in a do-nothing policy. This is not the time to hesitate and pause. There is but one course open to us, and that is to provide for immediate and future contingencies, and trust to the ingenuity, skill, and patriotism of the American people to find a way to

speed construction.

If war comes, the President will find a way under the Constitution without action on the part of Congress to advance and hasten the construction of all work heretofore authorized and that may be authorized in this bill and by any emergency legislation that may be called for, and, to my mind, it is no good argument against this bill to urge the delay which has heretofore unavoidably occurred; and I am sure no good purpose can be attained by criticism of the character which has been indulged by the gentleman from Illinois [Mr. Britten] and the gentleman from Texas [Mr. Callaway]. Such action does not commend to me the patriotism and the Americanism of those who would criticize the administration at a time when the statements and attitude of Members of the American Congress antagonizing the administration will afford so much comfort to the enemy abroad. [Applause.]

Mr. Chairman, my attention has been called to an editorial appearing in the Chicago Tribune of date February 1, which seemed to me to deserve some consideration or attention in connection with this bill. That paper has been one of the loudest and most rampant publications in America in favor of the most extensive—in fact, almost unlimited—war preparation, and with its large circulation and prestige has exercised no little influence on the mind of the public in favor of preparedness. The editorial to which I refer reads as follows:

EXCESS PROFITS AND EXCESS BRASS.

Congress has been compelled by public sentiment to appropriate large amounts of money to enlarge the Navy. It ardently desires also to scatter post offices and Federal courthouses throughout the villages of the South. Combined, the sums make it necessary to bring more money into the Federal Treasury from taxes. Chairman Clauma Kitchin, of the Ways and Means Committee, is the man who must devise the means for getting the money.

The proposal which pleases him the most is the tax on excess profits of corporations. It pleases him because it will be borne entirely by the North.

North.

"You can tell your people," he argued to the southern Democrats who have shown themselves eager for pork, "that practically all of this tax will go north of the Mason and Dixon line. The preparedness agitation has its hotbed in such cities as New York."

It is highly satisfactory in Mr. Kirchin's enlightened philosophy to build post offices and dredge rivers in the South with money taken

principally from other sections of the country, but when such a local issue as national defense comes up the North should be made to pay the bills.

The South is willing to contribute somewhat to the erection of its own post offices, but national defense is so extravagant that the southern Democracy does not want to contribute to it. If the North is crazy enough to want a Navy, the North ought to pay for it.

Mr. Kitchin not only admits that this proposed excess-profits tax discriminates in favor of the South, but he rejoices in the discrimination. It tickles him silly to think of penalizing patriotism. "Excess-profits taxes," he said in ecstatic manner, "will fall chiefly on those who have been clamoring for preparedness."

The proposed excess-profits tax is discriminatory in other ways than geographical. Large profits of partnerships are not to be taxed; large profits in individual enterprise, like farming, are not to be taxed. There is already one tax on incomes, and it is to be increased. Owners of stock in corporate enterprises are to be taxed a second time. Profits in other forms of industry are to be left untouched.

Mr. Kitchin and his pacifist southern friends are good spenders, but they want to spend other people's money.

It appears to me, when a gentleman of known probity and

It appears to me, when a gentleman of known probity and integrity, such as the distinguished chairman of the Ways and Means Committee, has stated that the language attrib-uted to him in this editorial was never spoken by him, that a great newspaper, whose influence and success in a large measure necessarily depends upon its reliability as a purveyor of political information would hesitate before editorially sanctioning or giving credence to a statement which every Democratic Member present at the caucus on the revenue bill knows to be false. I was present and heard what was said, and say to the membership of this House that Mr. Kitchin never said that "practically all of this tax will go north of the Mason and Dixon's line." In response to my request, Mr. KITCHIN has furnished me with a statement in which he says:

I said in caucus, as every man present knows, in answer to intimations that the larger portion of the tax would be collected north, that most of the appropriations, perhaps aine-tenths, for which the tax would be levied would be expended in the North, and properly so, because these States were better prepared to build ships, make munitions of war, etc. I never mentioned the Mason and Dixon's line, never uttered in the caucus or elsewhere any sentiment akin to that attributed to me.

The Tribune could find no legitimate argument, either against the revenue bill which was rendered necessary by the preparedness program advocated by it nor against the present Navy bill, which carries with it an appropriation of \$351,000,000; but is so blindly partisan and so bent on prejudicing the minds of its readers against the administration and a Democratic Congress that unjustifiably and with manifest purpose to deceive and mislead editorially puts words in the mouth of the chairman of the Ways and Means Committee which it knows are at least controverted and, in fact, denied by the man whose integrity the Tribune would hardly dare question.

Mr. SMITH of Michigan. Will the gentleman yield? Mr. WM. ELZA WILLIAMS. I will.

Mr. SMITH of Michigan. Whether or not it would be true if Mr. Kitchin had said that a large part of the revenue would be collected in the North.

Mr. WM. ELZA WILLIAMS. I presume that if the tax was collected in proportion to the population and wealth of the country and the interests to be protected the bulk of it would be paid in the North. Everybody knows that our preparedness program and the expenditure or authorization of nearly a billion five hundred million dollars during this administration for the Army and Navy has rendered a new revenue bill necessary, and that the comparatively meager appropriations for rivers and harbors and public buildings, a mere drop in the bucket, contribute practically nothing to the condition of the Treasury, which requires either the issuance of bonds or taxation in addition to that heretofore authorized and provided for.

The public-buildings bill, which recently passed the House, and may not pass the Senate, carries with it an appropriation of but \$32,000,000, and the rivers and harbors bill \$38,000,000, and are the only public-buildings and rivers and harbors bills passed during this entire administration which carry appropriations for new projects, and represent but one twenty-sixth part of the total appropriations during this administration for the combined purposes of public buildings, river improvement, and the Army and Navy. In view of these figures, it is absurd to say that "combined the sums make it necessary to bring more money into the Federal Treasury from taxes." The viciousness of the editorial referred to, after all, does not consist so much in the misleading and deceptive assumption of fact, as in its patent effort to array section against section, solely for partisan purposes. In the first place, the same Democratic Congress, constituted with the same committees and chairmanships that voted appropriations for rivers and harbors and public buildings, is the same Congress that has furnished the country with the great preparedness program so essential to meet the alarming conditions with which we stand face to face, and it does seem strange indeed that a newspaper which has placed

so much stress and importance on the question of preparedness can not be big enough and broad enough to accord a meed of praise to the Congress which has carried out the preparedness program which it advocates, and can not for the moment abstain from partisan sectional flings and insinuations. As to the publicbuildings bill, the fact is that there is equally as large a percentage of the authorization provided for in the North as in the South, and as large a proportion of questionable enter-prises, where the population and receipts of the office would not seem to justify the appropriation. As to the rivers and harbors bill, necessarily a larger proportion is expended in the South than in the North, because there the rivers of the great Central West, comprising three-fourths of the United States, converge and discharge their waters, and improvement of navigation in that section is as necessary to the North as it is to that section farther south, through whose lines of river transportation the products of the farm and factory of the North must find cheap transportation and outlet to the markets of the world.

Mr. Chairman, these observations are only incidental and have consumed more of my time than I intended. I favor this bill in its entirety. I would favor it if war were not imminent; and when I realize that we have severed diplomatic relations with the great German nation, I can not understand the theory on which any patriotic citizen can oppose it. The wires at this moment are burdened with the intelligence being carried to the remotest corners of the world that the United States has this day broken with Germany and awaits only an overt act, which God forbid, when a declaration of war may become necessary. Under these conditions and at this time, as one of the Representatives of the third greatest State in this Union, I feel it my duty to promote this bill and to sustain the President in every effort he may make to maintain the honor and the integrity of our Nation and the glory of its flag. [Applause.]
Mr. PADGETT. Mr. Chairman, I believe that the gentleman

from Alabama [Mr. OLIVER] desires to yield some of his time to the gentleman from Texas.

Mr. OLIVER. Mr. Chairman, I yield 30 minutes to the gentleman from Texas [Mr. CALLAWAY].

Mr. CALLAWAY. Mr. Chairman, I reckon that I might be called a belligerent pacifist. I am ready to fight those of this country who want to drive us into war.

Without any thought of what the future is going to say about me, without any political ambition and with but one concern, and that the future welfare of a hundred million people and the future of this Republic, with independence and liberty to her citizenship, I say to you I would not go to war and plunge a hundred million people into the consuming horrors of this unprecedented war because Germany threatens to violate our lawful right to navigate a 20-mile zone around the British

As certain as we live the submarine is going to revolutionize the present system of warfare and make it necessary to rewrite international law which was formulated prior to its advent as a potent and controlling factor in sea warfare, and therefore not recognized in present law. Under present law a nation to maintain a blockade must be able to enforce it by control of the surface of the sea. Submarines can not, out of their very nature, effectively operate against commerce under such restrictions Are nations going to abandon this most effective sea weapon, or will the regulations be modified to meet this new development? In my judgment the law will be modified so as to grant the fullest use to this most powerful factor in sea warfare.

Not with my vote nor my action in this House will we jump into war because these old standards of international law are not adhered to, and the whole thing of stopping neutral ships is not followed out in accordance with international law as adhered to under other conditions. The submarine is the only sea weapon Germany has that she can use in her present condition, and if she complies with recognized law she can not effectively use that. She claims she is fighting for her very existence. I am not willing to involve this country in an unprecedented world war because she in a death grapple incidentally injures us in violation of that law. We are told by proponents of this bill that an emergency confronts us. I pointed out a year ago that there could not be a single battleship nor battle cruiser built that would meet any emergency if we were confronted by an emergency. We are told now that there is a new emergency confronting us. I ask you to answer if what I stated a year ago was not then true and is not to-day the truth? Not a single ship provided for under that program is now ready for action. ask you again if it is not a fact that the nearest approach that we have to any of the things provided for under that program is a contract for submarines, made in December last, that will deliver us the first one in 22 months, and a submarine per month

after that? Does that meet any emergency? Is not your program that you passed at the last session of Congress, which bellicose statesmen demanded as a preparation to meet an emergency. an unqualified fraud?

Mr. BROWNING. Mr. Chairman, will the gentleman yield?

Mr. CALLAWAY. Yes.
Mr. BROWNING. The gentleman from Texas is speaking of a five-year program. It was a three-year program that we adopted at the last session of Congress.

Mr. CALLAWAY. A five-year program was the one you first

wanted to adopt.

Mr. BROWNING. I did not want to adopt any five-year

program.

Mr. CALLAWAY. Make it a three-year program. It does not change the thing one particle. It is the same proposition. These warriors, acting under that three-year program, submit a bill that will cost, according to the estimates of the department, \$392,000,000. The committee trimmed it down, by deferring some of the appropriations, to \$354,000,000, and in that included appropriations for additional battleships of \$55,000,000 that the minority report wants to cut out. We have not even a contract for any of the battle cruisers provided for in the last year's bill, and no prospect of a contract for battle cruisers in the future should we adopt this bill. We have a contract, executed in December last, for the battleships, and they are to be constructed within 48 to 52 months.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. CALLAWAY.

Mr. SLOAN. Will the gentleman state now or during his speech what war craft have been finished during the last 12

Mr. CALLAWAY. I could not name the different things that have been finished within the year; but nothing has been finished provided for in the three-year program that was demanded by the warriors. We ought to be reasonable men. Not an item in the program nor within this bill can possibly be constructed in time to meet the emergency they tell us now exists. Then why make this appropriation further than to carry out

the items already begun and contracted for?

There is not a man in this House who knows anything about the evidence before our committee nor the conditions in this country who will deny that if war comes we can get the emergency equipment needed. Did not the Bethlehem Steel Co. tell our committee last year, and we submitted that to this House, that so far as ordnance is concerned they can turn it out as fast as we want it? One gentleman on the committee asked the question, Suppose we should get into war and the demand should be a war demand? The president of that company answered that it made no difference what the demand was, "You need have no fear that the American manufacturer can meet the demand." Asked about submarines, the Bathlet Asked about submarines, the Bethlehem Steel Co. said, when they were asked how many submarines they could turn out and how fast, that they could turn them out without limit.

Mr. KEARNS. How fast?

Mr. CALLAWAY. Without limit. The submarine is the war craft that is now being used. The submarine is the war craft that is doing the business. Suppose we are dragged into this. Let us be sensible. The allied nations to-day have unqualified control of the surface of the sea. All of the surface fleet that Germany has is bottled up. She is in exactly the same position so far as the surface craft is concerned as though she had none. The only thing she has on the high seas is her submarines. Can we add anything to an absolute and unqualified control of the surface of the sea should we engage in this war on the side of the allies? Not a single thing.

Mr. KEARNS. Mr. Chairman, will the gentleman yield? Mr. CALLAWAY. Wait until I get through with this statement and then I will yield. We can not add anything to the unqualified control of the surface of the seas. Then why talk about building surface craft to meet an emergency that we say now exists that possibly will involve us in a war on the side of the allies against Germany? There is no reason for it, nor can the three-year program add anything to that equipment. At present prices we have to pay from 50 to 100 per cent more than we would have to pay under normal conditions, and if the war goes on we can and will commandeer yards and use them for public business. Then why not hold on to see what the demand is and shift our building to meet the emergency under war conditions and not pass this bill that does not provide for any emergency and which could not furnish anything should we become involved? I yield to the gentleman.

Mr. KEARNS. The gentleman has stated that in the hear-

ings before his committee the Bethlehem Steel Co. representative had made a statement that that company could get out submarines as fast as the United States would want them at any time. How soon could they get out one submarine if we were to order it to-day? How long would it be before they would have that submarine ready?

Mr. CALLAWAY. Mr. Edison said we could have it ready in

Mr. KEARNS. And the Bethlehem Steel Co. can manufacture

a submarine from beginning to end in 15 days?

Mr. CALLAWAY. Well, this is what the Bethlehem Steel Co. said in reply to the question:

The program as outlined in No. 1 could be more than doubled, or 4 battleships or battle cruisers, to be delivered in 38 months; 8 scout cruisers, to be delivered in 32 months; 16 destroyers, to be delivered in 24 months; 20 auxiliary vessels, to be delivered in 24 months; submarines in unlimited numbers.

Mr. KEARNS. Well, how soon could they turn out these unlimited numbers for the Government?

Mr. CALLAWAY. They did not say how soon but they gave the months for the others. I suppose they meant from that statement they could turn them out according to the types already designed as fast as you need them; that is what they

say.

Mr. KEARNS. It certainly takes some time to build a sub-

marine?

Mr. CALLAWAY. Oh, yes; it takes some time to build a submarine and it takes some time to build a 3-inch shell, but they say they can furnish all we want as quick as we want them.

Mr. KEARNS. Of course it does, and I was trying to get at

the facts.

Mr. CALLAWAY. I suppose it takes some time to build a Ford automobile. I suppose the Bethlehem Steel figured they would do like Mr. Edison says, give one part of it to this concern and another part to another concern and another to another and then assemble them all together and you can build the submarines as fast as you want them.

Mr. KEARNS. I am asking for facts, I want information.

Suppose we ordered 50 submarines and want them to-day, how long would it be before we could get them?

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. KEARNS. The gentleman has yielded to me. How long would it be before we could get those 50 submarines delivered to the Government?

Mr. CALLAWAY. Mr. Edison says as quick as you want to.

Mr. KEARNS. We would want them in five minutes—no—Mr. BUCHANAN of Illinois. Will the gentleman yield at that point? Did not the president of the Fore River Shipbuilding Co. state that after they had made a contract to build submarines to deliver to France or Great Britain-I have forgotten whichin 10 months, that after the contract was let the time for delivery to Great Britain was 10 months?

Mr. HENSLEY. If the gentleman will permit, the contract was for delivery in England within 10 months, and it would take only 5 months, as I understand it, to complete the submarines.

Mr. KEARNS. How many were there? Mr. HENSLEY. They contracted for 20, and they were ready to deliver 10.

Mr. KEARNS. How long did it take to build the 20 submarines?

marines?

The CHAIRMAN. The gentleman from Texas has the floor.
Mr. KELLEY. Will the gentleman yield?
Mr. CALLAWAY. I will.
Mr. KELLEY. In answer to the query of the gentleman, as I remember the testimony, Mr. Grace said that it would take a certain number of months to deliver the first—six or seven months—and after that they could turn out a certain number every week; I have forgotten the number.

Mr. CALLAWAY. That was for developing the type and starting at that time. Now, in regard to this contract, I want

to show in what a predicament we would be, so far as appro-

priations in this bill are concerned, should we pass it.

Mr. KEARNS. Will the gentleman yield for a question?
Mr. CALLAWAY. Just as soon as I get through with this statement. Material is twice as high, or from 25 per cent to 200 per cent higher now than under ordinary conditions, and the different concerns in making their contracts give themselves the benefit of present prices and time to deliver. They have given benefit of present prices and time to deliver. They have given themselves from 22 months for submarines to 4 years for battle-ships. Suppose we really got into trouble. We do not want these things in 22 months, we do not want battleships in three or four years, but we want them now.

Mr. MADDEN. Will the gentleman yield?

Mr. CALLAWAY. So we are bound up in contracts if we proceed under the terms of this bill or under the program of

amount appropriated in this bill up at present prices for ships to be delivered possibly after every need for them has passed. Now I yield to the gentleman from Indiana.

Mr. CLINE. What I wanted to inquire was this: Has the Government decided upon any specific type of submarine that

we ought to go and construct?

Mr. CALLAWAY. The Government decided a year ago on the Schley type seagoing and a small 450-ton coast submarine. This year they have reversed themselves and adopted a type different from that of a year ago. This bill provides for wholly a new type of 850 tons that we have never had in this country.

Mr. MADDEN. Will the gentleman yield?
Mr. CALLAWAY. Yes, sir.
Mr. MADDEN. I just wanted to ask the gentleman from Texas how soon we would be able to complete a battleship under this program if we had to wait until our own armor-plate plant is ready?

Mr. CALLAWAY. We can complete a battleship, though we wait to construct our armor-plate plant, long before it is worth a dime. The battleship is a fraud.

Notwithstanding what naval officers may say or how loath they may be to give up magnificent floating palaces that provide all the comforts and conveniences of modern life for the submarine that is uninhabitable and only a work ship, the foreign war shows that the battleship is worthless.

Mr. PLATT. Will the gentleman yield?
Mr. CALLAWAY. I will.
Mr. PLATT. As a defense against the battleships and cruisers, has not the submarine in this war been proved a

It has been used against merchant ships.

Mr. CALLAWAY. I asked all the naval officers who appeared before our committee what a battleship would do in face of a submarine, and they said it would run in a zigzag course. I asked, "Can a battleship or cruiser fight a submarine?" "No." asked, "Can a battleship or cruiser fight a submarine?" "No."
"What can she do in the presence of a submarine or in submarine territory?" The reply was, "She could run in a zigzag course." There is your battleship. Naval officers tell us
that submarines have not accomplished anything in the foreign
war, but when confronted with the facts as to what occurred at
the Dardanelles they are confounded. I will quote AshmeadBartlett, famous English war correspondent, on what occurred
at the Dardanelles. The British effected a landing on April 25 at the Dardanelles. The British effected a landing on April 25,

Up to May 20 an immense fleet of predreadnaught battleships was able to lie off the coast and render the expeditionary army immense moral support by protecting its flanks and encouraging the troops, who love to hear the great shells whistling over their heads. On May 13 the Goliath was sunk in the straits during the night by torpedo attack. On May 20 the first submarine was sighted. The entire fleet had to weigh anchor and steer about to avoid giving a sitting shot.

And now we come to these superdreadnaughts that my friend from Illnois [Mr. Foss] told you were the fighting strength of the Navy. Dreadnaught! The dread nothing. Watch what they did at the Dardanelles:

danelles:
The more valuable battleships, like the Queen Elizabeth, the Agamemnon, and the Lord Nelson (they are among the finest ships affoat) faded away toward the west and were not seen again. On May 25 the Vengeance was narrowly missed by a torpedo and the battleship Triumph was sunk. On May 27 the battleship Majestic was also sunk. On the following day there was not a single battleship off the Gallipoli coast. All had been obliged to fly to protected harbors for safety.

And the statement was that when the last battleship was sunk the smoke from stacks of the light surface craft, there to guard against submarine attack, which steamed toward the stricken vessel to rescue the drowning, obscured the sun, and they never knew from what source the shot came that turned her belly to the sun. I asked Secretary Daniels, when he was before our committee, why the German battleships and the battle cruisers had not been destroyed by submarines, and he said they were locked up in the Kiel Canal.

Mr. PLATT. The gentleman must admit that the British send out destroyers and cruisers to hunt submarines with success

right along.

Mr. CALLAWAY. I will not admit such a thing, because if they had any success, why are we confronted with the Germans surrounding Great Britain in a cordon of submarines and defying the world to send supplies to them?

Mr. PLATT. Will the gentleman yield further?

Mr. CALLAWAY. Yes.

Mr. PLATT. Is it not true that the British have captured and

destroyed from 100 to 150 German submarines?

Mr. CALLAWAY. I do not know whether it is or not. Mr. CALLAWAY. I do not know whether it is or not.
Mr. PLATT. That is what our Navy Department says.
Mr. CALLAWAY. Possibly they stated that for military rea-

or four years, but we want them now.

Mr. MADDEN. Will the gentleman yield?

Mr. CALLAWAY. So we are bound up in contracts if we proceed under the terms of this bill or under the program of last year, and instead of facilitating matters it would tie the

reports sometimes for military reasons, and you can not rely on We asked him what evidence he had, and he said, "The way they went down, that the stern and prow stuck out of the water after the middle had gone under, showing that she was blown in two in the middle, and nothing could have blown her in two in the middle but a submarine torpedo.

The trouble is that we are too everlastingly ignorant and credulous. Let us look at these things as they appear and reason them out like honest, capable men, and then call in our honest judgment and not be so helplessly dependent on interested experts and the public press. In Congress we are dominated by the press. I do not care anything about the newspaper reports. I am as unconcerned about what the newspapers say as I am of what posterity may say. What I want is a Government that insures liberty of thought and action, and does not grind the faces of the people for a lot of folderol and flummery.

Listen! Here is how we are dominated. Let me quote from Mr. RAINEY, of Illinois, member of the Ways and Means Committee. Talk about economy:

Mr. RAINEY. We are face to face with the proposition of lowering the income exemption to \$1,000, and even if you do that also you will not raise this enormous sum of money. You can not progress here by proceeding along the line of least resistence. You can not conceal your head in the sand and flounder around here helplessly listening to the demands of 500,000 Government employees who want their salaries

Mr. Sims. May I ask the gentleman a question?
Mr. Rainey. Yes, sir.
Mr. Sims. I fully agree with what the gentleman says, but is it not a fact that the estimates for military and naval expenditures this year are \$300,000,000 more than they were last year?
Mr. Rainey. That is exactly true.
Mr. Sims. and all the world talking peace and permanent peace.
Mr. Rainey. And when we discuss lowering those expenditures for the Army and Navy from every metropolitan paper in this country comes the charge that we are guilty of treason against this Government. You can not lower those estimates.

Because the metropolitan press says that we are guilty of treason against this Government? Let me tell you something. This was written out and handed me by a man in a position to know. He would not allow his name disclosed unless he be brought before a proper tribunal, with power to summon witnesses, and put them on oath and follow the investigation to a conclusion, because he feared he would be fired from his job and he knew he would be hounded to death by newspapers.

and he knew he would be hounded to death by newspapers.

In March, 1915, the J. P. Morgan interests, the steel, shipbuilding, and powder interests, and their subsidiary organizations, got together 12 men high up in the newspaper world and employed them to select the most influential newspapers in the United States and sufficient number of them to control generally the policy of the daily press of the United States.

These 12 men worked the problem out by selecting 179 newspapers, and then began, by an elimination process, to retain only those necessary for the purpose of controlling the general policy of the daily press throughout the country. They found it was only necessary to purchase the control of 25 of the greatest papers. The 25 papers were agreed upon; emissaries were sent to purchase the policy, national and international, of these papers; an agreement was reached; the policy of the papers was bought, to be paid for by the month; an editor was furnished for each paper to properly supervise and editinformation regarding the questions of preparedness, militarism, financial policies, and other things of national and international nature considered vital to the interests of the purchasers.

This contract is in existence at the present time, and it accounts for the news columns of the daily press of the country being filled with all sorts of preparedness arguments and misrepresentations as to the present condition of the United States Army and Navy, and the possibility and probability of the United States being attacked by foreign foes.

This policy also included the suppression of everything in opposi-

sibility and probability of the United States below.

This policy also included the suppression of everything in opposition to the wishes of the interests served. The effectiveness of this scheme has been conclusively demonstrated by the character of stuff carried in the daily press throughout the country since March, 1915. They have resorted to anything necessary to commercialize public sentiment and sandbag the National Congress into making extravagant and wasteful appropriations for the Army and Navy under the false pretense that it was necessary. Their stock argument is that it is "patriotism." They are playing on every prejudice and passion of the American people.

And here we have it.

What does Mr. RAINEY say when we talk about cutting down the military appropriations which are responsible for our deficit? "You can not do it, because the metropolitan press would denounce every one of us as traitors."

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Nebraska?

Mr. CALLAWAY. Yes.

Mr. SLOAN. I quite approve of a great many of the things the gentleman has said; but, speaking of capital ships, is not the large difference between the navies of Great Britain and of Germany the predominance of capital ships in the British Navy, and as a result have we not the open ports of Great Britain and the closed ports of Germany?

Mr. CALLAWAY. I can not understand, if we have the open ports of Great Britain, why we are raising such a howl at this time because Germany has closed them. We are confronted with this proposition where, according to the gentleman from Nebraska, the ports of Great Britain are open, and held open by the predominant fleets of the allies, which outnumber the ships of Germany three to one and so far as effectiveness is concerned, they are a thousand times the superior of Germany's fleet, and yet we are thinking of jumping into the war ourselves to open English ports. The allies' fleets have unqualified command of the surface of the sea, to which we could not add one iota by the addition of our entire fleet.

Mr. BURNETT. Mr. Chairman, will the gentleman yield

Mr. CALLAWAY. Yes.
Mr. BURNETT. Is it not true that the same metropolitan press are the ones that are always howling "pork barrel"

against the public buildings bill and the river and harbor bill?

Mr. CALLAWAY. Yes; but their preparedness "pork" is pork by the hogshead instead of by the barrel. They delude the public. They how at a little thing and favor the big. I am against river and harbor pork and all other kinds of pork. But all these other kinds of pork we are talking about are a mere bagatelle as compared with this. Mr. SMITH of Michigan. Mr. Chairman, will the gentleman

yield?

Mr. CALLAWAY. I have but one minute, but I will yield to the gentleman.

Mr. SMITH of Michigan. Is it true that if our merchant ships are accompanied by a destroyer they would be able to make these ports in safety?

Mr. CALLAWAY. I have just stated that the British forces were accompanied by all the kinds of ships in the Dardanelles campaign, and yet all those ships left there when a German submarine appeared and began to sink battleships. A destroyer is as powerless in the presence of a submarine as is a battleship itself. Through a periscope not broader than your hand the submarine can ascertain the position of a battleship without the battleship being aware of its presence. Do you not remember one submarine sank three British battleships, and they went down without knowing where the shots came from?

The CHAIRMAN. The time of the gentleman from Texas

has expired.

Mr. RAINEY. Mr. Chairman, I yield to the gentleman five minutes

The CHAIRMAN. The gentleman is recognized for five minutes more.

Mr. CALLAWAY. The thing that I am interested in with respect to this bill and the thing that the minority is trying to cut out, that is beyond question of no benefit at all, is the additional authorization of capital ships that we can not possibly get in time for use in any emergency; an authorization that would tie up our money so that even if an emergency comes we could not use it for other things; an authorization that would give the department the right to make contracts at the enormous advance over even the prices that we have at the present time. I believe we ought to save that money to use in an emergency, should an emergency come.

If we get into war with Germany on the side of the allies at this time, what can we do? We can not send a man to that country, and our fleet will not be worth anything to them. They outnumber Germany now three to one. They have Germany bottled up. They have absolute control of the surface of the seas. You can not add anything to complete control.

We can furnish money; then why divert our money to the manufacturers who have grown rich already beyond the dreams of avarice, supplying materials and munitions to the belligerents at four prices?

Mr. CLINE. Mr. Chairman, will the gentleman yield? Mr. CALLAWAY. Yes.

Mr. CLINE. How many ships have we had contracts for under the present authorization?

Mr. CALLAWAY. The battleships have been contracted for and the battle cruisers have not been contracted for.

Mr. CLINE. Have some of the types been reversed?

Mr. CALLAWAY. We have not a single submarine of the type which this bill provides.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. CALLAWAY. Yes.

Mr. FESS. The House is interested in the gentleman's statement that if we are drawn into the European war a single American soldier will not be sent to Europe. I would like to know why the gentleman makes that statement.

Mr. CALLAWAY. For the same reason I make the statement that our surface craft would be worth nothing to them. The allies together now have all the men they can concentrate on the lines, and what more do they want? They also have all the surface craft that they need to completely control the surface of the sea. What more do they want?

Mr. FESS. It is irreconcilable to me that we shall be drawn

into the war and not be called upon to send-

Mr. CALLAWAY. I hope it is irreconcilable to everybody, and that we will not be drawn in. [Applause.] I can not conceive of America rushing into a war over the character of fighting that Germany is going to engage in against the allies, not us, in a little zone of 20 miles surrounding the isles of Great Britain. I can not see why our children should have a debt imposed upon them that they will not be able to shake off in two generations, because of the character of warfare Germany is going to carry on against the allies in a little zone of 20 miles around Great Britain. I can not see sufficient cause for involving 100,000,000 American lives and their future because of the character of warfare Germany is going to conduct against the allies in a little scope of 20 miles around the isles of Great Britain.

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentle-

man yield?

Mr. CALLAWAY. Yes.
Mr. BUCHANAN of Illinois. I just want to read from the hearings a statement of Admiral Badger bearing out the position of the gentleman.

Mr. CALLAWAY. I hope the gentleman will read it quickly. Mr. BUCHANAN of Illinois. This is what I wish to read:

The CHAIRMAN. Is it not a fact that the mines, submarines, and aircraft prevented the great fleet controlled by the allies from invading the shores of the enemy?

Admiral Baders. I think it has had a very considerable effect, not forgetting the fortifications.

Mr. BUCHANAN of Illinois. Has it not been the main thing?

Admiral BADGER. Yes; I should say it has been the main thing.

[Applause,]

By unanimous consent, Mr. ESTOPINAL, Mr. BUCHANAN of Illinois, Mr. Stephens of Nebraska, Mr. Bailey, Mr. Gallivan, Mr. Tague, and Mr. Connelly were given leave to extend remarks in the RECORD.

Mr. BUTLER. Mr. Chairman, I yield 30 minutes to the gentleman from Pennsylvania [Mr. FARR], a member of the

Naval Affairs Committee.

The CHAIRMAN. The gentleman from Pennsylvania is recog-

nized for 30 minutes.

Mr. FARR. Mr. Chairman, it is a matter of great astonishment to me that at this time, with a great crisis confronting us, men on this floor should advocate a retarding of the movement for preparedness, so essential to the protection of the rights of this great country. A little more than 100 years ago similar sentiments were expressed on this floor, and for that reason we were compelled to submit to all kinds of imposition and forced to tolerate conditions similar to those which exist to-day, because we were not equipped to contend for our rights. That is the condition in which this great country is to-day.

Mr. CALLAWAY. Will the gentleman yield? Mr. FARR. Let me proceed a little while.

The CHAIRMAN. The gentleman declines to yield.

Mr. FARR. We are no better prepared than we were in 1812, and relatively, on close analysis, we are less prepared than we were in those days. The men who at that time opposed the plan to have this country prepared to defend its people, its rights, and its property carried with them to their graves a tremendous responsibility, because in all our history if one thing stands out more than another it is the sacrifices that we were compelled to make on account of our unprepared condition. The War of 1812, as well as several of the wars which followed that tragedy, ought to have been averted. And experts tell us that while we might not have prevented the Civil War, it should have been closed in six months if we had been prepared to blockade the ports of the South. That may not be true, but what a blessed thing it would have been had we been able to stop that awful war in six months, thereby escaping the rancorous, bitter feeling, the great loss of life, and destruction of property that occurred after the first six months of that dreadful contest. Now, we are just where we were in 1812, and right on this spot we are as vulnerable, or more so, than we were at that time. Experts frankly tell us that it will not be difficult for an enemy to invade Washington and get into Baltimore, New York, and Boston. We have 119 unfortified places on our Atlantic coast where the enemy could invade us easily. That seems so ridiculous as to be almost preposterous, but the facts will confirm the truth of these statements.

The great admiral who has so recently passed to his reward pleaded with his country almost with his last breath to get into a state of preparedness, and had we carried out his urgent recommendations and those of his associates on the General Board, by 1921 we would have had 48 battleships, of which 40 would now be equipped for service. To-day we have only 12 ready for action. Every expert tells us that if we go out with our 12 battleships without battle cruisers, of which we have none, we will be in the position of a man fighting with his eyes blindfolded. This Nation would have no eyes for its Navy with which to locate its enemy. The situation to-day is just what it was a year ago. Great Britain has twice the naval strength of Germany, and Germany with Austria, and, I believe, without Austria is transported. without Austria, is twice as strong as we are. If we had carried out the injunction of Admiral Dewey and his colleagues there would be no trouble confronting us to-day. We would not be compelled to meet this crisis. There would have been no attempt to hold up our commerce and to kill our people, as has been done.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. FARR. Not just now. When Admiral Dewey at Manila Bay said, "Gridley, you may fire when ready," Gridley was ready and fired, and we know the result. The Spanish Navy was not ready, and our Navy, in a better state of preparation,

had an easy victory.

Every expert who has appeared before the Committee on Naval Affairs concedes that the submarine is a dangerous enemy—a sneaking, dangerous, menacing craft, but not one says there is any possibility of its displacing the great battle-ships. If a cordon of submarines extended along the entire Atlantic coast the enemy could invade our shores unless we had sufficient battleships to act in cooperation with the submarines. We have 3,000 miles of coast line on the Atlantic and some 3,000 more on the Pacific

What is the situation on the Pacific? Admiral Winslow—and no one will question his integrity, his sincerity, or his patriotism—stated to us without hesitancy that one modern ship would be able to destroy the entire Pacific fleet. That is true

to-day.

What has the Navy of Great Britain done, and to what extent has the submarine interfered with her fleet? How has Great Britain transported nearly 5,000,000 soldiers to different ports in this great war field with the loss of hardly a transport? How could she have done it unless the big ship was more powerful than the submarine? How could she cross the English Channel as many times as she has with all of the troops, with the millions and millions of tons of munitions of war, with the millions of tons of foodstuffs, unless she had absolute control of the situation there? Great Britain's powerful fleet has been her salvation and that of her allies. Without it she would have been crushed.

There are people who believe that when we have completed the present program of 10 battleships and 6 battle cruisers, which will require about five years to build, we shall be second in the world's navy. Let us not deceive ourselves. We are poor fourth to-day, no change between now and last year; indeed, I think, if anything, we have lost ground—that France, notwithstanding she is engaged in war, has built more ships than we have; that Germany has increased her fleet very largely, and we know that Great Britain has. At the best we shall be third.

Germany has wonderful building facilities. She can construct at one time, or have in construction at one time, 25 dreadnaughts, and that will not interfere with her building a

great many of the smaller ships.

England has facilities practically as great as Germany.

What now concerns us more than anything else is the construc-

tion of ships that we have authorized.

There is trouble somewhere. I am not going to say an un-kind word against anybody. I am not in harmony with all the talk against Secretary Daniels. I think Mr. Daniels is an earnest, honest, patriotic man. [Applause.] He has done many good things for the Navy and is a sincere advocate of preparedness, but there is a weakness somewhere in the system. The apparent friction between the Secretary and the private shipbuilders is unfortunate and to be deplored. Therein seems to be the cause of delay in construction of the needed

Neither do I concur in this attack on our munition makers or our shipbuilders. I regard it as contemptible. If we have war, we can not succeed without them. I can not conceive of a man with normal characteristics who would want to-day to plunge us into war in order to make money. I can not conceive that any such human being as that is in existence, and I do not believe there is. I believe these shipbuilders and munition makers are just as patriotic as people in other vocations. I think they want to serve this Government, but there is a difference of opinion between the Secretary of the Navy and the shipbuilders. There is a state of unfriendliness, a friction, that should not prevail. It is the duty of the Navy Department and the shipbuilders, particularly in this time of stress, to harmonize their differences so that we may go on with the construction of this program. The country needs the ships.

There appeared before the committee Mr. Ferguson, representing the Newport News Shipbuilding Co., which has built many ships for the Government. He said, "The Secretary, Mr. Daniels, and I are personally good friends. But," he continued, "if I could see that Mr. Daniels would consider the shipbuilding people in a friendly sense, we at Newport News by this time would have had the ways ready for the beginning of the construc-tion of a battle cruiser." That was his frank statement to our committee. That was a vital point, and I shall quote from the hearings to emphasize it:

Mr. FARR. Did I correctly understand you to say that if the Navy Department were just friendly toward the shipbuilding interests, your company would be now ready to begin the construction of a battle cruiser?

Cruiser?

Mr. Ferguson. I meant friendly in the business sense. They are very friendly in a personal sense.

Mr. Farr. Yes; but the sense that concerns us is the business sense.

Mr. Ferguson. Yes. If we had felt that the attitude of the Navy Department toward us was favorable in a business sense, and that we could get contracts from them, we would have put in the ways to take a battle cruiser. At least, I would have so recommended.

We have felt, whether we are right or wrong, that the Navy Department would not give us work which it itself could do; and, as I understand, that has been the attitude of Congress. Now, that does not encourage you to extend your plant.

Mr. Farr. And regardless of the price at which you are willing to do the work?

Mr. FARR. And regardless of the pirce at which you the work?

Mr. FERGUSON. If price becomes the criterion, we are entitled to fair treatment. Congress can get facts as to costs in navy yards. I think that it is not fair to presume to do a thing for a reason when that reason is not the true and complete reason.

That is the situation, and I want to say that there seems to be the obstacle in the way of building more expeditiously.

Mr. BROWNING. Mr. Chairman, will the gentleman yield?

Mr. FARR. Yes.

Mr. BROWNING. Did he not also say that they had 72 per cent of the yards in Government contracts?

Mr. FARR. Yes.

Mr. BROWNING. And another one of the yards has also the same amount-72 per cent-taken up with Government con-

Mr. FARR. Yes. Mr. Chairman, great difficulties confront us as regards the construction of the battle cruiser. I can not imagine anything more wonderful in mechanism than this battle cruiser. It is the greatest ship ever conceived. It has 180,000 horsepower, and it will go through the water at the rate of 40 miles an hour. It used to take 40 days to cross the ocean, and this ship would go over in 4 days or thereabouts. These shipbuilders are in doubt concerning this proposed greyhound of the ocean. They frankly admit that there are many experiments connected with it. They are not ready on the instant to make contracts for it, and there has been a growing congestion in the yards. The price of material has advanced and the cost of labor greatly increased. I met a delegation of my constituents in Philadelphia on my way here on Sunday night, working at Eddystone, unskilled men, men who were taught to do something with munitions, and yet who were getting higher pay than the skilled men in our navy yards. Those conditions confront the shipbuilders. Because they do exist is no warrant to make the charge of unpatriotism against them or attempting to take advantage of our Government. They have just so much money for their business. They have to consider things as they are, and if it costs them more to do this work they must get more money for what they do.
Mr. FOSS. Mr. Chairman, will the gentleman yield?

Mr. FARR. Yes.

Mr. FOSS. Has the Navy Department gotten out plans and

specifications for this battle cruiser as yet?

Mr. FARR. I think they are practically ready, and I will ask the gentleman from New Jersey [Mr. Browning] to speak as to that.

Mr. BROWNING. Yes.

Mr. FOSS. Have they been submitted to the private shipbuilders?

Mr. FARR. I think they have been submitted. There is a difference as to the amount of money.

Mr. ROBERTS of Massachusetts. Mr. Chairman, if the gen-

tleman will permit, they have called for bids on four of them. Mr. FOSS. Have any bids been submitted up to this time?

Mr. FARR. I think bids have been submitted, prices have been submitted, and propositions made that these yards are willing to go right on with the building of these ships.

Mr. FOSS. What is the trouble? Mr. FARR. The friction between the Secretary of the Navy and the private shipbuilders—this apparent unfriendliness that Mr. Ferguson in his sincerity and honest told us prevailed.

Mr. FOSS. It seems to me that at a time like this they

ought to all pull together.

Mr. FARR. I want to say to the gentleman that is the statement I want to press upon this House. There ought to be no friction at this time; that it is our duty not only to back the President with our sentiment but to give him the means to protect our country, and we have not got them to-day.

Mr. BROWNING. Mr. Chairman, I just want to say to the gentleman from Illinois [Mr. Foss] that the bids are only in a tentative condition. They have not made an out-and-out bid.

It is upon the percentage plan.

Mr. FARR. The proposition which the Fore River Shipbuilding Co., which is a subsidiary of the Bethlehem Steel Co., made was this: That if the amount asked by the ship company was not satisfactory they would produce their books and provide full information as to cost to the Federal Trade Commission and build the ships for the sum determined by that commission. The obstacle in the way is the friction between the department and the private interests. Let them get together and build the ships, and let them start battle cruisers, without which we would be absolutely helpless as against any reasonably formidable navy.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentle-

man yield?

Mr. FARR.

Mr. MILLER of Minnesota. I understand that one of the difficulties is the time that the contractors require to build these battle cruisers, running into a large number of years. Can the gentleman inform the committee whether, in view of an emergency which might arise, they could not expedite that a

Mr. FARR. It is difficult with present congestion in work to expedite it, but I believe, however, it can be done.

Mr. MILLER of Minnesota. England has built that type of ship in one year.

Mr. FARR. Oh, no.

Mr. MILLER of Minnesota. Yes; she has.

Mr. FARR. England has put down a ship—that is, constructed a ship from the laying of the keel—I do not know how much work preliminary to the laying of the keel is necessary, and I would ask Mr. Browning as to that-

Mr. BROWNING. They can make arrangements for the material and have it on hand when the keel is laid so that they can go right on with the work, but no battle cruiser can be constructed in two years.

Mr. FARR. How long does it take to prepare for the laying of the keel?

Mr. BROWNING. It would not take very long for that.

Mr. FARR. A few months?

Mr. BROWNING. A few months.

Mr. FARR. I will state to the gentleman from Minnesota that England is building battleships in two years and two months from the laying of the keel to the first commission. That was before the outbreak of the war.

Mr. MILLER of Minnesota. I mean battle cruisers.

Mr. FARR. The battle cruisers we contemplate are so much larger, more powerful and speedy than the ordizary battle cruisers that builders say there is much that is experimental connected with their construction. The battle cruiser of the existing size, I believe, can be built as quickly as a battleship.

There are many clouds hanging over us. This Mexican situ-

ation is not settled, and if it were not for this great war in Europe foreign interests would have intervened before this.

When this war is closed unless peace comes to Mexico we must look for trouble there. Then look across the Pacific Ocean to Japan. The differences between us and Japan with respect to what California did have not been settled, and never so long as the Japanese character continues as it is to-day will they forgive this country for discriminating against their citizenship. I do not believe that Japan wants to fight this country and I know we do not want to fight Japan, but there are human elements that we can not dominate or determine.

The foreign view of the Monroe doctrine is that it is a question of might and not of right, and more and more as the South American Republics and the Central American countries develop in business opportunities will the question of the Monroe doctrine be an acute one. I realize we are spending a lot of money for the Navy, and sometimes it is a question of how

we shall get this money, but we have either got to go on and build a fleet powerful enough to protect our interests or else stop building. Unless we have a fleet that is strong enough to protect us it is a useless fleet. If we are to have a navy, it must be strong enough to protect our country, strong enough to deter an enemy from attacking us, and strong enough if they do attack us to win. Any other kind of a navy is a worthless navy, and every dollar spent on a navy that will not be suffi-ciently strong to defend and protect us is a dollar wrongfully and uselessly spent. [Applause.]

Mr. BUTLER. Mr. Chairman, in my own time I would like to say this: That if I were to be consulted alone I would have this committee rise and pass this bill unanimously to-day before the President of the United States reaches this House. [Applause.] But, inasmuch as I am but one Member of it and can not control the order of the House, I will ask the House to listen to the gentleman from Ohio [Mr. Fess] for five minutes.

Mr. FESS. Mr. Chairman, the newspaper that I hold in my hand carries a headline that is ominous. Severing diplomatic relations with a great country is not tantamount to war, but may lead to it. The hour has passed for us to speculate upon what is to come. We are neither militarists, militants, nor pacifists. We ought not to be partial to one or to the other, but certainly we ought all to be strictly American this hour. [Applause.] I do not believe it is the best policy now to discuss unduly what we ought to do. I think the hour of debate ought to be past. If I had the right, which I have not, I would move that we pass this bill immediately. [Applause.] Differences of opinion on detail count for nothing, but whether we are going to say to the world at this time that nothing will deter us for one moment from standing solidly behind the President at this hour of crisis is all important. [Applause.] Nothing that would question that decision ought to come from this Chamber at this time. I hope, speaking as a Member who is not inclined to be free from criticism of those in authority, but always independent in my criticism when I think it justified, I hope that there will fall from the lips of no man here such criticism that might be regarded by the powers of Europe as unfriendly to the situation that the President now is placed in. I therefore simply speak my own convictions that we ought with one voice, without a dissenting vote, pass this bill immediately, calling upon the country, too, that every skilled laborer and every private shipyard employing them should be utilized to the fullest extent to put the United States immediately in a position of defense. [Applause.]
Mr. CANNON. Will the gentleman yield for a question?

Mr. FESS. I will.

Mr. CANNON. I have listened to the gentleman with much interest. I am not particularly familiar with the details of this bill, which carries money into the hundreds of millions of dollars, most of it to be expended for a building program reaching through the years. I am not quite in harmony with passing What we need now in our present condition, I dare say, is something for immediate defense.

Mr. BUTLER. If the gentleman will permit, I will state that we had a resolution ready to offer which will authorize the Government to proceed immediately to the construction of the existing program, throwing aside all sorts of other work in the yards so that this program may be completed at once.

Mr. CANNON. Very well. Rumor says that the President is to be here at 2 o'clock—I believe the House has been notified-to ask us to take into consideration what he has to say. I would like to hear what he has to say. I stand second to no man for helping by my vote to provide for the public defense, but let us wait until 2 o'clock. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. MANN. Mr. Chairman, will the gentleman from Pennsylvania yield me a minute?

Mr. BUTLER. I will be glad to do so, or even a longer time.

I think the House on this occasion will not cut us off.

Mr. MANN. Mr. Chairman, if anybody is going to take decided or decisive action, the wisest thing is to keep cool. [Ap-And I think what we need just now is to keep cool, wait for what the President has to say to us, and keep cool then [applause]: and whatever we do, do it, and not get excited.

Mr. PADGETT. I yield to the gentleman from Alabama [Mr.

OLIVER].

Mr. OLIVER. Mr. Chairman and gentlemen of the committee, it has been asserted by the gentleman from Pennsylvania [Mr. FARR] that he was surprised that anyone should now be willing to delay a building program. I have the greatest respect for the gentleman from Pennsylvania, but I must say that if to anyone's action delay can be charged, it might be to the gen-tleman from Pennsylvania [Mr. FARR]. Mr. FARR. Will the gentleman yield there?

Mr. OLIVER. Not at present. In the report of the minerity, which I hope you have read, it is clearly shown that you can not hasten the building of the program authorized and appropriated for at the last term, unless heed is given to the suggestions of the Secretary of the Navy, in which he calls attention to the fact that the shipbuilders are now unwilling to construct, or even undertake to construct, your program unless given a time limit of from 48 to 52 months, although the same shipbuilders had assured Congress, before the appropriations were made last August, that they could, yea, were fully prepared to construct these ships within 38 months. The minority have said, and now repeat, that it would be a mistake to appropriate for additional capital ships and scout cruisers until you can provide some method to insure the construction of the seven ships of these same types heretofore appropriated for, and which the Secretary has been unable to have shipbuilding companies contract for, either within the limit of time or amount fixed by Congress

Certainly this Congress will not now consent to give private shipbuilding companies 48 months to build battle cruisers in, when the same companies assured us that they could be built within 38 months, and will not give 42 months to these companies to construct scout cruisers, when they assured us that they could be constructed in 32 months. The same companies stated that the construction of these ships could be hastened and final completion had earlier than the limits just named, and Congress appropriated a bonus of 20 per cent to secure earlier con-The companies now demand the bonus of 20 per cent struction over and above the amounts fixed and appropriated as a fair price for building these ships within 38 and 32 months, respectively, and in addition thereto demand that the time limit shall he fixed at 48 and 42 months, respectively.

Why should we now double the number of these types of ships, although imperatively needed at this time by the fleet, when you find that those who control, or think they control, the building of these ships will use what they know to be your great need simply as an opportunity to demand more time and a larger sum for the building of the ships than we are advised should be

given?

Mr. FARR. Will the gentleman yield at that point?

Mr. OLIVER. Not now.

Mr. FARR. I will wait until you are ready.

Mr. OLIVER. We pointed out in the minority report this fact, that if an emergency arises the Government should and would, no doubt, commandeer all shipbuilding yards and build not only the program authorized last year but might add thereto, and in this way construct the entire three-year program in half the time, which private shipbuilding companies now demand exorbitant prices for. Why, since we are agreed as to the immediate need of these ships, should we delay their completion for four years just to meet the unreasonable demands as to time and price demanded by the shipbuilding companies, and which the gentleman seeks to defend?

It is significant that last year you appropriated for each of the capital ships \$16,500,000, and for each of the scout cruisers \$5,000,000; and in view of the assurance of the shipbuilding companies that they could, by speeding up construction, complete the battle cruisers in less than 38 months and the scout cruisers in less than 32 months, you appropriated for speedy construction 20 per cent additional for each battle cruiser and 20 per cent

additional for each scout cruiser.

The Secretary promptly advertised Now, what do we find? for bids on these ships, and the shipbuilders then demanded approximately \$20,000,000 for the construction of the battle cruisers and approximately \$6,000,000 for the construction of the scout cruisers; and, in addition thereto, 48 months as a time limit to build the battle cruisers and 42 months to build the scout cruisers, and actually urged on the Secretary of the Navy that the contracts should be awarded them, since, although the 20 per cent which they had included in their bid was appropriated as a bonus for speedy construction, yet since they then claimed that the battle cruisers could not possibly be built earlier than 48 months and the scout cruisers earlier than 42 months this, they told the Secretary of the Navy, would meet the requirement of Congress for speedy construction.

There are some whom, it seems, are now willing to give this additional price and this additional time in order to secure contracts from these shipbuilding companies. The minority is opposed to this, because they feel, as pointed out in their report, that the ships can and should be constructed earlier and for less

money.

Now, in all fairness I ask, Who is trying to delay the building of ships for the Navy? Read the minority report, and you will find that if you will provide in this bill authority for the

President to commandeer the shipbuilding plants and supply plants, so that the Government can take charge of them and see that these ships are built, the purposes of the minority report will have been fully met. [Applause.] The sole motive and purpose of the minority was to insure speedy construction, without yielding long time and large profits to shipbuilders. The report of the minority distinctly points out that they do not dissent from a single appropriation in the proposed building program, except where the Secretary has been unable to let ships of that same type previously appropriated for. Yet the gentleman undertakes to defend the shipbuilding plants under these conditions and to assert that the Secretary of the Navy is unfriendly to "big business."

The Secretary has been a real and loyal friend to the Nation. He has defied the subsidized press. He has defied the paid advertisements of the Bethlehem Co. and has said to Congress and to the committee: "My duty is to the Nation. You have authorized a building program, you have said what you wanted to pay for it and the time within which it should be completed, and so far as it lies within my power I shall not suffer these companies to demand more, either in money or in time." [Applause.] And let me say now you will find that, if an exigency should occur, your Navy to-day is stronger than ever before, and that they can shoot with wonderful accuracy. You will find, further, that it is better organized than ever before, and no matter to what duty you may call it, it will be ready to efficiently answer your call and uphold the proud traditions of your past. [Applause,

Mr. FARR. Now, will the gentleman yield there just for a moment?

Mr. OLIVER. I will.

Mr. FARR. Will not the gentleman admit that in all my talk I have not said one unkind word relative to the Secretary of the Navy? And will he not also say that during all our hearings last year—the extended hearings—I was among the earnest ones contending for the equipping of the Government yards in order to build these ships? Do you not recall that?

Mr. OLIVER. I am glad to say that the gentleman has been a genuine friend to a greater and more efficient Navy, and at no hearing has the gentleman ever intimated that the Secretary was not doing his full duty, and doing it to the best of his ability. But the things I complain of are not what the gentle-man has said or done in the past, but what he in the heat of debate to-day has thoughtlessly, as I think, given expression to, impliedly charging an effort on the part of some to delay this building program and that there was some justification for the claim of shipbuilders that the Secretary of the Navy was unfriendly to big business. Those statements are not in keeping with the past record of the gentleman, so far as my knowledge extends, and that is why I was so surprised that the gentleman should have given utterance to them on the floor to-day.

Mr. FARR. Did I not quote a shipbuilder—Mr. Ferguson, a friend of Mr. Daniels, in a personal sense—and did I not use his testimony that was before us?

Mr. OLIVER. Yes; and Mr. Ferguson became friendly only when, after a few questions, if you will read the record, his attention was called to the feeling he was exhibiting in his references to negotiations between the Navy Department and the Newport News Shipbuilding Co., and was asked this question: "You are an ex-naval officer, are you not, and have not always entertained the views now expressed against the Government going into the building of its ships and the improvement of its And if you will read the hearings you will find that he had softened down considerably before saying that his relationships were so very friendly with the Secretary, in response to the questions of the gentleman from Pennsylvania. [Applause.] Oh, when you make statements let all the facts come out, because no man can get a true idea of the picture unless he knows all the facts and circumstances that attend the taking of it.

Mr. FARR. Will the gentleman permit me to say that that is the very thing we do want?

Mr. OLIVER. I am glad the gentleman insists that he has always defended the Navy under the present administration.

Mr. FARR. Oh, no; I did not say that. It is not an ade-

quate Navy, and I want one that is adequate.

Mr. OLIVER. It is deserving of anyone's defense, and the day will come when those who are in charge, and whose motives have been impugned by disappointed contractors and by a subsidized press, will be fully vindicated. It will be found in the hour of need that the Navy, which some, for selfish purposes, have sneeringly referred to, fully justifies Admiral Dewey's recent tribute, "that it is now more efficient and better able to meet any emergency than ever before, and its efficiency limitation is one of size only." [Applause.]

Mr. Chairman, I will here insert as a part of my remarks the minority report.

Mr. OLIVER, from the Committee on Naval Affairs, submitted the fol-

MINORITY REPORT.

[To accompany H. R. 20632.]

MM. OLIVER, from the Committee on Naval Affairs, submitted the following

MINORITY REPORT.

[To accompany II. R. 20632.]

The undersigned members of the Committee on Naval Affairs dissent from the report, submitted by the chairman of the committee, in respect to the report, submitted by the chairman of the committee, in respect to attile cruiser, and three scout cruisers, to be built during the state of the committee of the committee, and the Secretary of the Navy, in a letter on this subject to the country are unable or unwilling to complete the program with any assurance of speed in completion, even at prices which the department. The report of the committee at the first session of this Congress pointed out and specially emphasized the Navy's imperative present need?

The report of the committee at the first session of this Congress pointed out and specially emphasized the Navy's imperative present need speech out of year of tables, and the chairman of the committee, in a speech out of year of tables, and the chairman of the committee, in a speech out of year of tables, and the chairman of the committee, in a speech out of year of the committee, and the committee of the building of these types, the reasons are now more compelling, since a speech out of year of the committee, in a speech out of the second of battleships. If there was necessity then for the building of these types, the reasons are now more compelling, since a speech out of the second of t

With the shipyards already overcrowded with Government and private work and all labor available for building ships being now worked to its full capacity, it is a mistake to largely increase the Government contracts to be let out until some promise of real competition by shipbuilding plants can be assured. This competition will be assured:

First, When the European war is concluded (and this is not beyond the pale of reasonable probabilities during the present year).

Second. When our navy yards are equipped to build any type of ships that Congress may order (and this may be accomplished, so the Navy Department advises, with the appropriation carried in this bill for such purpose, in the same limit of time that will be required for private shipbuilding companies to equip their yards for the building of battle cruisers).

building companies to equip their yards for the building of battle cruisers).

It will be noted that we have not dissented from that part of the bill carrying appropriations for additional destroyers, submarines, and other ships, contracts for the construction of which the Navy Department has heretofore been able to secure, and we suggest that if the appropriation for additional capital ships and scout cruisers is postponed until the next Congress meets the Secretary of the Navy can be authorized to prepare the necessary drawings and specifications for said ships, so that hids may be asked for thereon in time for the submission of the same to the first session of the next Congress, which can then make immediate appropriation therefor if advisable.

It may be interesting to call attention to the five-year building program, which the President in his annual message at the first session of this Congress recommended and which the Navy Department then strongly urged. An examination of this five-year program will disclose that if appropriations for additional capital ships and scout cruisers are now postponed until the next Congress meets the building proposals recommended in the five-year program referred to will by this Congress have been substantially compiled with for the fiscal years of 1917 and 1918.

In conclusion, we will state that the bill as reported simply follows

have been substantially complied with for the fiscal years of 1917 and 1918.

In conclusion, we will state that the bill as reported simply follows the authorizations provided for in the bill passed about five months ago by this Congress and does not undertake to provide a building program for any emergency. If a real emergency should arise, the Government would at once commandeer all navy yards and would wholly change the building program authorized in the bill passed at the first session of this Congress, and by thus assuming control of all private shipbuilding yards and devoting the same to the building of Government ships the completion of any building program required would be largely hastened, and it would be a serious mistake to have contracts outstanding whereby the Government had impliedly assented to a time limit of 48 months or more on some of its capital ships and 41 or 42 months on its scout cruisers. Even if there should exist in the minds of some ground for apprehending that emergency legislation may be required, this but suggests the wisdom of the recommendations hereinbefore made, so as to prevent committing the Government to contracts that would not be completed within the limit of time required.

WILLIAM B. OLIVER.

WILLIAM B. OLIVER WALTER L. HENSLEY, OSCAR CALLAWAY, JOHN R. CONNELLY, FINLY H. GRAY, FRANK BUCHANAN,

Mr. Chairman, I yield back my time.

The CHAIRMAN. The gentleman has two minutes remaining. Mr. SAUNDERS. Mr. Chairman, will the gentleman yield there for a question?

Mr. OLIVER. Yes.

Mr. SAUNDERS. I want to ask this question: If we are confronted with an emergency, one that develops quickly-and it looks as if we are-is it not idle to talk about building the authorizations made in 1916 to meet this emergency? Have we not to complete the work on the old authorizations in order to in any wise deal with the emergency?

Mr. OLIVER. Unquestionably so, and the only way to do it is to give authority to commandeer the steel plants and yards

should the emergency arise.

Mr. SAUNDERS. The gentleman feels that to continue along the lines of the authorizations of 1916 is really to enfeeble our

Mr. OLIVER. Yes; you may change your whole program, as you suggest, by reason of the conditions that may arise at any

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BUTLER. Mr. Chairman, I yield 30 minutes to the gentleman from Michigan [Mr. Kelley].

The CHAIRMAN. The gentleman from Michigan [Mr. Kel-

LEY] is recognized for 30 minutes.

Mr. KELLEY. Mr. Chairman and gentlemen, I do not say that I could not under any circumstances be induced to make a partisan speech. We all indulge in that here at times. my judgment this is one of the times when there should be no partisanship displayed-a time when we are considering the question of the defense of the whole country.

There has been a good deal said during the course of the debate about the present state of preparedness of the Navy. A good deal has been said about the length of time that it has taken the Government to build the ships authorized by Conand I want to say here that this is practically the only criticism of the Navy under the present management that I have heretofore indulged in, namely, that the department did not quite seem to realize that it could not proceed in troublesome days in the same deliberate manner in which we had proceeded for years before, when there was no cloud in the sky.

It may possibly be recalled by some of you gentlemen that shortly after the President made a trip through the country urging the country to build a greater Navy, particularly, I introduced a resolution in the House calling attention to the fact that at that time we had under construction \$185,000,000 worth of ships. I made a statement upon that resolution in which I said it seemed to me that the Navy Department ought to take notice of that fact and bring about, if possible, a more speedy construction. While I have found more or less fault with the department because of the slow progress made, I have not been as critical as some, because I realize that there were some reasons why certain types of ships have taken a long time to construct.

Let us first take up the question of the submarine. It is true that it takes but a few months to build a submarine, and I think that has been one of the real reasons why they have not been built. We have really been experimenting all the time with the submarine, knowing that when the time came, if such a time should ever come when we would need them, that was one of the easiest types of ships to put into the water and would require the shortest length of time of any of the ships of the Navy for construction.

You gentlemen will realize that when we started in with the submarine it was a very small ship of 65 tons displacement, and the steady progress of the submarine has been toward a constantly increasing size, until a session or two ago when we authorized submarines with as high a displacement as 1,100

The reason why we have been trying to get a larger submarine is because the larger you get it the more efficient a weapon of warfare it becomes. In the first place, a small submarine is most uncomfortable for the men in even an ordinary sea. A little craft of 200 or 300 tons displacement, tossed out there on the sea, is like a cork on the waves, and the men become deathly seasick, and after a few days upon a submarine they have to come ashore and rest up for a number of days. Further than that, with a small submarine you can not go very far away from home. You can not take enough provisions. You can not take oil enough for fuel to go far. You can not take the necessary torpedoes for a long cruise. So the Navy Department from the beginning has steadily tried to work up to a larger submarine. Every time the size has been increased the difficulties of construction have been increased. When they got so they could make a 200-ton submarine they said, "Let us try a 300-ton submarine," and when they got the engines for a 300-ton submarine to work efficiently they said, "Now, let us go to 400 tons," and then 500 tons, and now in this bill we are providing for 800 tons and discarding the manufacture of the small ones altogether. Every time we have increased the size of these ships all kinds of engine difficulties have been encountered, and the Government necessarily assisted in this experimental work as far as it could. As I recollect, one submarine company failed utterly and the Government had to take those ships over and complete them. And so, while a number of these submarines have been a long time in construction, the fact that perfected types could be constructed quickly and that the weapon was in its infancy are probably the chief reasons for many delays. That, I think, would have been a perfectly valid excuse until this great war on the other side started, but for the two years and a half that that war has been going on I have been firmly of the belief that we should have com-pleted the best submarine that we knew how to make and get the country ready with as many of them as we possibly could.

But that is neither here nor there. We did not do it. We took the other course, and the question now is what to do in the future?

The same policy has been pursued about the battleships. I have complained particularly about the two battleships that were authorized on the 3d of March, 1915, two years ago, which have not yet even been started. The Secretary of the Navy, undoubtedly exercising the best judgment that he had, awarded the building of those ships to our navy yards, one in New York and one in San Francisco. The reason given for that was that the bids of the private companies were not within the limit of cost. It has been stated that had certain elements of expense which the Secretary of the Navy had a right to exclude, been excluded, they might have been awarded to private yards. But be that as it may, one of them was awarded to the Mare Island yard and one to the New York yard. At the Mare Island yard there was at that time no equipment for building such a ship, and Congress was not in session. We adjourned on the 4th of March, and there was no way for the Secretary of the Navy to get an authorization until Congress convened again in December.

When Congress did convene, a resolution was introduced by the distinguished chairman, Mr. PADGETT, and passed through the House, to fix up the Mare Island Navy Yard, which was done. The ship could not be started in the New York yard until a ship already under construction there was launched and out of the way. That ship has not yet been launched, so that the keel of the ship awarded to the New York yard has not yet been laid

Mr. PADGETT. There were no bids submitted by private contractors for either one of those ships within the limit of cost, and the navy yards proposed to build them within the limit of

cost, and that forced them into the navy yards.

Mr. KELLEY. I think I made that statement. Perhaps the chairman of the committee was not listening to me all the time. I stated that the bids were not within the limit of cost, but I was under the impression that there were certain charges, such as paying for the expense of the trial trips, which the Secretary of the Navy had a right to exclude if he wanted to do so, which would have brought the bids within the limit of cost. I may not be quite accurate as to that. But be that as it may, looking backward over the situation, we can realize that it was rather expensive to defer the building of those ships.

Mr. BROWNING. If the gentleman will allow me, what he

says could have been eliminated, is correct.

Mr. KELLEY. You will understand that the award of these two ships to the navy yards was not upon a guaranty of completion at the price named, but merely upon an estimate by the yards. Since that time, of course, the price of material has increased 30 or 40 per cent, so that the chances are that when we come to buy the material and count the cost which the Government will have to pay for these two ships to be built in the New York yard and the Mare Island yard, we will lose something like a million dollars on each ship because of the rise in the price of material.

But be that as it may, the question whether we lost or whether we gained in the matter of price, under the present circumstances, is not of great consequence, because the fact remains that two great ships, carrying each twelve 14-inch guns, firing shells weighing 1,400 pounds each, and with gun power enough to hurl those projectiles nine miles and put them through 14 inches of steel at that distance—two great ships of that

kind authorized two years ago have not yet been started.

Mr. MADDEN. Was not their range 18 miles?

Mr. KELLEY. I want to be moderate in stating the dis-Now, those were the two ships which have been delayed, and I have stated the reason for the delay.

Mr. FOSS. What ships are those?

Mr. KELLEY. The California and the Tennessee.

Mr. FOSS. Have they not been started yet?

Mr. KELLEY. No; except, of course, some of the material

has been purchased and is ready for the ship.

Mr. FOSS. Why were they not contracted for at the time? Mr. KELLEY. I think I stated just before my friend from Illinois came in that the Mare Island yard was not equipped to construct ships when ordered there. The New York yard had the New Mexico on the ways, and this new ship could not be laid down in the New York yard until the New Mexcio was

Mr. FOSS. Could not they be built by private contract? Mr. KELLEY. Bids were received, but they were not quite within the limit of cost. But, as I stated a moment ago, the Secretary of the Navy had the power to eliminate certain charges, such as a charge for the trial trip, and if he had, it would have brought the bids within the limit of cost, and they would have been awarded to a private shippard and three-fourths finished by this time. Ships of the same general type that were authorized by Congress many months later are now 50 or 60 per cent completed.

Mr. PADGETT. If he had waived those charges they would

have had to come out of other appropriations.

Mr. KELLEY. Yes; but I understand in more recent contracts they have adopted that course, or at least they are contemplating that course in awards to be made.

Mr. PADGETT. Not in awards. The shipbuilders are trying to get the department to do it in the case of battle cruisers, but the department has declined.

Mr. KELLEY. What we have gained by that course we have lost ten times over by the rapid rise in the cost of material. I am not blaming the Secretary of the Navy for not having the gift of prophecy to see the rise in the cost of material or labor but am simply stating a fact.

Mr. OLIVER. Will the gentleman yield?

Mr. KELLEY. Yes.

Mr. OLIVER. Congress at the last session ratified what was done in relation to building the ship in the Mare Island yard by appropriating \$500,000 to equip the yard.

Mr. KELLEY. I am only stating the facts and explaining how the delay of two years has come about in the construction of these two great dreadnaughts which ought to be at this time almost fully completed.

Mr. TREADWAY. Will the gentleman yield?

Mr. KELLEY. Yes.

Mr. TREADWAY. The gentleman is discussing the delay in the construction of authorized vessels. That same question has been discussed on the floor in the last day or two. May I ask the gentleman if he intends to offer any cure therefor?

Mr. KELLEY. I do; I will discuss that in a moment.
Mr. WINGO. Will the gentleman yield?
Mr. KELLEY. I will.
Mr. WINGO. How many capital ships that are not yet completed and how many of these authorized ships under contract have been let? In other words, what is the total number of capital ships authorized and not completed, and how many have not been started?

Mr. PADGETT. The gentleman will find all of that in the

hearings

Mr. KELLEY. Then I will not take the time to answer the gentleman from Arkansas now.

Mr. SAUNDERS. Will the gentleman yield?
Mr. KELLEY. Yes.
Mr. SAUNDERS. I want to get some information as to the details of construction or authorizations made by this House. I understand the gentleman refers to two ships authorized two years ago.

Mr. KELLEY. Just two years ago.

Mr. SAUNDERS. After the authorization is made, what in the due course of things is the next thing to do looking to the ultimate construction?

Mr. KELLEY. After the authorization the plans are pre-

pared.

Mr. SAUNDERS. Are these plans of a nature that calls for careful work?

Mr. KELLEY. I will say that three ships authorized by the House six months later than the two ships I speak of are half completed

Mr. SAUNDERS. The same type of ship?

Mr. KELLEY. Yes; but better and bigger ships. Mr. SAUNDERS. What is the explanation of the delay in

these two particular ships?

Mr. KELLEY. I have explained that three times already, but to satisfy the gentleman, who has come in since I started to speak, I will state it again. I do not know as I ought to take the time to explain it again, but the gentleman from Virginia

is interested in this matter and I will go over it once more.

Mr. SAUNDERS. I wanted information on this point. There are of necessity certain preliminaries that have to take place. I want to know if there was any negligent delay in this matter.

Mr. KELLEY. No; the situation is this: The Secretary advertised for bids and those bids came in. They were outside of the limit of cost. So the Secretary accepted an estimate from the Mare Island Navy Yard and also an estimate from the New York yard. The Mare Island yard was not equipped to build this type of ship, and we had to build ways and get extra machinery. Congress was not in session, as I recollect, and so it had to go over until Congress did convene in order to fix up the ward to build the philar. fix up the yard to build the ships.

In the New York yard there was another ship previously on the ways, and we could not construct this ship until the other was launched, and that has not been launched yet. So the two

Now, the bids, as I say, were outside the limit of cost. There are certain charges that the Secretary of the Navy has the right to waive if he desires. One of these is the charge for conducting the trial trip; another, the cost of insuring the ship during the progress of construction. All of these are optional with the Secretary, and he might have waived them and awarded the contracts to private yards. Had he done so he would have lost a few thousand dollars, but he would have saved a million dollars on the cost of the raw material for each ship. I am not blaming the Secretary for not having the foresight to have seen that.

Mr. SAUNDERS. What I wanted to ask was whether there was anything in good administration that the Secretary ought to have done with reference to the facts of the situation as understood that he did not do.

Mr. KELLEY. I am blaming the Secretary only because we were living in a time of war. If we had been living in a time of

peace it would have been all right to postpone the work as

Mr. CANNON. When all this was taking place the Secretary knew that the world was then on fire and the sparks might

explode in this country at any time.

Mr. KELLEY. That is the proposition. The distinguished gentleman from Illinois has stated my objection that at that time when we ought to have been putting our house in order, when even the President was insisting that conditions were dangerous, and shortly after made a trip through the country in which he said it had been very hard for him to keep the country out of war, and from the further fact that he was elected at the last election because he had kept the country out of war, the Secretary should not have delayed the building of these two great dreadnaughts for two years.

Mr. SAUNDERS. I am not trying to get into that sort of

thing. I am trying to develop the facts.

Mr. KELLEY. I will ask the gentleman not to take too much

of my time.

Mr. SAUNDERS. I have not taken much of the gentleman's time. I want to ascertain if there was anything that the Secretary in good administration ought to have done which he did not do, and what that was. That is all that I wanted to deter-

Mr. KELLEY. I am telling the gentleman that, in my judgment, under these conditions, with the world on fire as it was

Mr. SAUNDERS. That he had authority

Mr. KELLEY. I would have let the contract to a private contractor instead of letting it to a yard which could not be gotten ready for six months, even after Congress had convened to appropriate the money.

Mr. SAUNDERS. In other words, that he had the authority

to have done something-

Mr. KELLEY. Yes; he had.

Mr. SAUNDERS. And if he had exercised that authority in the course of good administration, these ships would be more advanced than they are now?

Mr. KELLEY. These ships would have been two-thirds done.

Mr. SAUNDERS. That is all I want to develop.

Mr. OLIVER. Mr. Chairman, will the gentleman yield?

Mr. KELLEY. Yes.

Mr. OLIVER. I know that the gentleman wants to be entirely fair in presenting all of the facts connected with those ships, and in reply to the gentleman from Virginia [Mr. SAUNDERS], I am sure the gentleman from Michigan will state that part of the delay was occasioned by an inquiry on the part of the Engineering Department into the question of how the ships could be made immune from torpedo attack.

Mr. KELLEY. Oh, yes.
Mr. OLIVER. And that report was filed with the committee, and that inquiry did lead to very material changes.

Mr. SAUNDERS. I wanted to get those facts.

Mr. KELLEY. I will say to the gentleman that the inquiry business has been carried too far, in times like this, and that instead of making so much inquiry we ought to build something that we know we can build. Now, in reference to the delay in the construction of new work.

Mr. PADGETT. Mr. Chairman, would it suit the convenience of the gentleman from Michigan to suspend his argument at this point and let the committee rise, so that the House may stand in recess until about 5 minutes of 2 o'clock?

Mr. KELLEY. I am entirely willing to yield for that pur-

Mr. BUTLER. Mr. Chairman, I intend to ask unanimous consent before we go back into the committee that the gentle-man may have a few minutes of additional time. He has been

interrupted a great deal.

Mr. PADGETT. That can not be done in the committee.

Mr. BUTLER. I intend to do that in the House.

The CHAIRMAN. The Chair will state that the gentleman

from Pennsylvania has only three minutes remaining.

Mr. BUTLER. Mr. Chairman, I am going to try to get some

more time when we are in the House.

Mr. KELLEY. I will defer to the suggestion of the gentle-

man from Tennessee, Mr. Chairman.
Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Page of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20632 and had come to no resolution thereon.

RECESS.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent that the House stand in recess until 1 o'clock and 55 minutes p. m. The CPEAKER. The gentleman from Tennessee asks unanimous consent that the House stand in recess until 1 o'clock and 55 minutes p. m. Is there objection?

There was no objection.

Accordingly (at 1 o'clock and 25 minutes p. m.) the House stood in recess until 1 o'clock and 55 minutes p. m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker.

SPEAKER PRO TEMPORE FOR TO-MORROW.

The SPEAKER. The Speaker appoints the gentleman from Georgia [Mr. Adamson] to preside over the House to-morrow.

JOINT MEETING OF THE SENATE AND HOUSE.

At 1 o'clock and 55 minutes p. m. the Doorkeeper, J. J. Sinnott, announced the Vice President of the United States and the Members of the United States Senate.

The Members of the House rose.

The Senate, preceded by the Vice President and by their Secretary and Sergeant at Arms, entered the Chamber.

The Vice President took the chair at the right of the Speaker and the Members of the Senate took the seats reserved for

The SPEAKER. On the part of the House the Chair appoints Messrs, Kitchin, Fitzgerald, Flood, Mann, and Cooper of Wisconsin as a committee to wait on the President and escort him into the House. The Vice President will make the aunouncement for the Senate.

The VICE PRESIDENT. The Vice President appoints Senators Kern, Stone, Simmons, Gallinger, and Wadsworth.

At 2 o'clock and 1 minute p. m. the President of the United States, escorted by the committee of Senators and Representa-tives, entered the Hall of the House and stood at the Clerk's desk amid prolonged applause.

The SPEAKER. Gentlemen of the Sixty-fourth Congress, I present the President of the United States. [Applause.]

ADDRESS OF THE PRESIDENT.

The PRESIDENT. Mr. Speaker, Mr. President, and gentle-men of the Congress, the Imperial German Government on the thirty-first of January announced to this Government and to the governments of the other neutral nations that on and after the first day of February, the present month, it would adopt a policy with regard to the use of submarines against all shipping seeking to pass through certain designated areas of the high seas to

which it is clearly my duty to call your attention.

Let me remind the Congress that on the eighteenth of April last, in view of the sinking on the twenty-fourth of March of the cross-channel passenger steamer SUSSEX by a German submarine, without summons or warning, and the consequent loss of the lives of several citizens of the United States who were passengers aboard her, this Government addressed a note to the Imperial German Government in which it made the following

declaration:
"If it is still the purpose of the Imperial Government to prosecute relentless and indiscriminate warfare against vessels of commerce by the use of submarines without regard to what the Government of the United States must consider the sacred and indisputable rules of international law and the universally recognized dictates of humanity, the Government of the United States is at last forced to the conclusion that there is but one course it can pursue. Unless the Imperial Government should now immediately declare and effect an abandonment of its present methods of submarine warfare against passenger and freight-carrying vessels, the Government of the United States can have no choice but to sever diplomatic relations with the German Empire altogether."

In reply to this declaration the Imperial German Government

gave this Government the following assurance:

"The German Government is prepared to do its utmost to confine the operations of war for the rest of its duration to the fighting forces of the belligerents, thereby also insuring the freedom of the seas, a principle upon which the German Government believes, now as before, to be in agreement with the Government of the United States.

The German Government, guided by this idea, notifies the Government of the United States that the German naval forces have received the following orders: In accordance with the general principles of visit and search and destruction of merchant vessels recognized by international law, such vessels,

both within and without the area declared as naval war zone, shall not be sunk without warning and without saving human

lives, unless these ships attempt to escape or offer resistance.

"But," it added, "neutrals can not expect that Germany, forced to fight for her existence, shall, for the sake of neutral interest, restrict the use of an effective weapon if her enemy is permitted to continue to apply at will methods of warfare violating the rules of international law. Such a demand would be incompatible with the character of neutrality, and the German Government is convinced that the Government of the United States does not think of making such a demand, knowing that the Government of the United States has repeatedly declared that it is determined to restore the principle of the freedom of the seas, from whatever quarter it has been vio-Inted.

To this the Government of the United States replied on the eighth of May, accepting, of course, the assurances given, but adding

"The Government of the United States feels it necessary to state that it takes it for granted that the Imperial German Government does not intend to imply that the maintenance of its newly announced policy is in any way contingent upon the course or result of diplomatic negotiations between the Government of the United States and other than the course of the United States and other than the course of the United States and other than the course of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and other than the state of the United States and the state ment of the United States and any other belligerent Government, notwithstanding the fact that certain passages in the Imperial Government's note of the 4th instant might appear to be susceptible of that construction. In order, however, to avoid any possible misunderstanding, the Government of the United States notifies the Imperial Government that it can not for a moment entertain, much less discuss, a suggestion that respect by German naval authorities for the rights of citizens of the United States upon the high seas should in any way or in the slightest degree be made contingent upon the conduct of any other Government affecting the rights of neutrals and noncombatants. Responsibility in such matters is single, not joint; absolute, not relative.'

To this note of the eighth of May the Imperial German Gov-

ernment made no reply.

On the thirty-first of January, the Wednesday of the present week, the German Ambassador handed to the Secretary of State, along with a formal note, a memorandum which contains the following statement:

"The Imperial Government, therefore, does not doubt that the Government of the United States will understand the situation thus forced upon Germany by the Entente-Allies' brutal methods of war and by their determination to destroy the Central Powers, and that the Government of the United States will further realize that the now openly disclosed intentions of the Entente-Allies give back to Germany the freedom of action which she reserves in her note addressed to the Government of the United States on May 4, 1916.

Under these circumstances Germany will meet the illegal measures of her enemies by forcibly preventing after February 1, 1917, in a zone around Great Britain, France, Italy, and in the Eastern Mediterranean all navigation, that of neutrals included, from and to England and from and to France, etc., etc.

All ships met within the zone will be sunk.' I think that you will agree with me that, in view of this declaration, which suddenly and without prior intimation of any kind deliberately withdraws the solemn assurance given in the Imperial Government's note of the fourth of May, 1916, this Government has no alternative consistent with the dignity and honour of the United States but to take the course which, in its note of the eighteenth of April, 1916, it announced that it would take in the event that the German Government did not declare and effect an abandonment of the methods of submarine warfare which it was then employing and to which it

now purposes again to resort.

I have, therefore, directed the Secretary of State to an nounce to His Excellency the German Ambassador that all diplomatic relations between the United States and the German Empire are severed [applause] and that the American Ambassador at Berlin will immediately be withdrawn; and, in accordance with this decision, to hand to His Excellency his

Notwithstanding this unexpected action of the German Gov ernment, this sudden and deeply deplorable renunciation of its assurances, given this Government at one of the most critical moments of tension in the relations of the two governments, I refuse to believe that it is the intention of the German authorities to do in fact what they have warned us they will feel at liberty to do. I cannot bring myself to believe that they will indeed pay no regard to the ancient friendship between their people and our own or to the solemn obligations which have been exchanged between them and destroy American ships

and take the lives of American citizens in the wilful prosecution of the ruthless naval programme they have announced their intention to adopt. Only actual overt acts on their part can make me believe it even now. [Applause.]

If this inveterate confidence on my part in the sobriety and prudent foresight of their purpose should unhappily prove unfounded; if American ships and American lives should in fact be sacrificed by their naval commanders in heedless contravention of the just and reasonable understandings of international law and the obvious dictates of humanity, I shall take the liberty of coming again before the Congress, to ask that authority be given me to use any means that may be necessary for the protection of our seamen and our people in the prosecution of their peaceful and legitimate errands on the high seas. [Applause.] I can do nothing less. I take it for granted that all neutral governments will take the same course.

We do not desire any hostile conflict with the Imperial German Government. We are the sincere friends of the German people and earnestly desire to remain at peace with the Government which speaks for them. We shall not believe that they are hostile to us unless and until we are obliged to believe it; and we purpose nothing more than the reasonable defense of the undoubted rights of our people. We wish to serve no selfish ends. We seek merely to stand true alike in thought and in action to the immemorial principles of our people which I sought to express in my address to the Senate only two weeks ago, - seek merely to vindicate our right to liberty and justice and an unmolested life. These are the bases of peace, not war. God grant we may not be challenged to defend them by acts of wilful injustice on the part of the Government of Germany! [Applause.]

At 2 o'clock and 16 minutes the President retired from the Hall of the House.

Thereupon the Vice President and Members of the Senate returned to their Chamber,

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20632, the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20632, the naval appropriation bill, with Mr. Page of North Carolina in the chair.

The CHAIRMAN. The House is in the Committee of the

Whole House on the state of the Union for the further consideration of the bill H. R. 20632, the title of which the Clerk will

The Clerk read as follows:

A bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes.

Mr. BUTLER. Mr. Chairman, how much time have we remaining on this side, if any?

The CHAIRMAN. The gentleman from Pennsylvania has one

minute remaining.

Mr. BUTLER. And the gentleman from Michigan [Mr. Keller] has how much remaining?

The CHAIRMAN. That is the only minute that is remaining. If the gentleman from Pennsylvania will allow, the Chair desires to state the gentleman from Michigan had three minutes remaining when the committee rose.

Mr. PADGETT. Mr. Chairman, before the gentleman from Michigan begins, I understood the Chair to announce that he had

Michigan begins, I understood the chair to discuss three minutes remaining?

The CHAIRMAN. He has three minutes remaining.

Mr. PADGETT. The gentleman from Pennsylvania [Mr. Butler] has one minute which he proposes to yield to the gentleman from Michigan, as he informed me, and I have 52 minutes remaining, and I was going to yield 12 minutes of my time to the gentleman from Michigan.

The CHAIRMAN. The gentleman from Pennsylvania has one minute remaining, which he yields to the gentleman from Michigan.

minute remaining, which he yields to the gentleman from Michigan, and the gentleman from Tennessee yields 12 minutes additional, and the gentleman from Michigan is recognized for 16

minutes.

Mr. KELLEY. Mr. Chairman, before the House went into recess I was discussing the delays in the construction of the Navy in the past, and now I want to discuss the question of the construction of the ships heretofore authorized that are not now begun or contracted for. In the bill we passed in August we authorized the construction of four dreadnaughts and four battle cruisers.

Mr. CRISP. Will the gentleman yield for me to ask him a

Mr. KELLEY. I have only 16 minutes.

Mr. CRISP. I want to make a suggestion to the gentleman. I would like to know if under existing conditions, when we should all be careful of what we say and do, if the gentleman would not be willing for the chairman of the committee to ask unanimous consent that the bill be read through without discussion, reported to the House, and passed by unanimous consent. [Applause.]

Mr. MANN. Mr. Chairman, I will relieve the gentleman from Michigan from answering the question; I should object.

Mr. KELLEY. Mr. Chairman, as I was saying in the last bill, we authorized the construction of four dreadnaughts and four battle cruisers. Contracts have already been awarded for the construction of the four dreadnaughts, but as yet no contracts have been awarded for the four battle cruisers. son why no contracts have been awarded for the battle cruisers is that the bids ran about \$2,000,000 in excess of the amount authorized in the bill last August. Under those circumstances it was impossible, of course, for the Secretary of the Navy to let a contract for those ships. Now, in the bill which was passed in August we realized that it would be pretty difficult both for the Government and the shipbuilders to ascertain what would be a fair price for ships of this character, as they were entirely a new type of ship, especially at a time when the prices of labor and materials were constantly rising. Business men naturally hesitate about going into a \$20,000,000 contract, or thereabouts, covering a period of three or four years, when the price of labor and materials is steadily advancing. So we put in the bill at that time a provision that if it were advisable and the circumstances at the time warranted it the Secretary of the Navy might enter into a contract for these ships upon a percentage plan—that is, the Government to pay for the cost of the labor and material and a contract property of the cost of the labor and material and a contract property of the cost of the labor and material and a contract property of the cost of the labor and material and a contract property of the cost of the labor and material and a contract property of the cost of the labor and t and material and a certain percentage for overhead and profit on top of that. This is the only kind of a bid that any of the shipbuilders of the country desired to make, and it seemed, in the judgment of the department and in the judgment of the shipbuilders, that under all the circumstances it was a reasonable sort of contract to make at a time when nobody could tell what the price of labor or materials might be month by month. As I say, the estimate of cost is higher than that provided in the bill, and so this bill provides for increasing the authorization from sixteen and a half million dollars for machinery and hull to \$19,000,000. Now, of course, if the contracts are awarded on that basis, as the construction of the ships proceeds, if the price of labor or material falls, then Congress will get the benefit of such decline in price, and so it is thought that with this authorization of \$19,000,000 there will be no difficulty, probably, in arranging for the contracts of all the ships of this type which were authorized in the last bill.

But the time for construction which these shipbuilders place finally after much canvassing of the situation between themselves and the Government, is 46 months at the best. This introduces a further element of delay which was not contemplated by Congress when the authorization was made and which under all the circumstances of the situation to-day, it seems to me should not be permitted if there is any way to avoid it. Now, this bill makes an appropriation for three more dreadnaughts and one more battle cruiser. There will be no difficulty in making contracts for these ships probably on the same basis as the others. But the time question, as is proposed by the present authorization, is 44 to 46 months. Now, the reason which they give for not being able to complete these ships any sooner than 46 months is the fact that they claim it is absolutely impossible to get the labor with which to do the work; that it is not a question of material, or question of extending the facilities, because they are willing to extend them and have them all ready by the time the material is ready, but that it is absolutely impossible to increase the number of shifts because the entire shipbuilding skill of the country is already employed. Much of it, of course, employed upon private contracts for American citizens and for citizens of foreign countries.

And so we come squarely up to this proposition, it seems to me: This Government is entitled to have such protection as we here, representing the American people, deem it wise that we should provide. But it is utter folly for us, it seems to me, under the conditions now confronting the country, to make contracts that will run over 46 months before the ships are ready.

Now, the Secretary of the Navy himself has suggested a remedy in the form of some proposed legislation, and I will read

the Secretary's proposition:

Draft of proposed provision for insertion in the naval appropriation bill giving the Navy Department authority to require private manu-facturers to give preference to Government work.

In all cases where contracts have been made or orders placed for ships, or munitions, or material entering into the construction of ships or the making of munitions, the Secretary of the Navy is hereby authorized and empowered, when in his judgment the exigencies of the public service demand it, to require the contractor or the individual company, association, or corporation with which such order may have been placed to give preference to the fulfillment thereof and precedence of the work over all other work except for the Government.

Now, gentlemen, if we are going to have these ships, there is only one way to get them. There is not labor enough of this character in the United States to complete the work for private individuals now in these yards and also complete the work for the Government inside of a period of 46 months. therefore, it seems to me, in justice to the people of the country at large, we ought to take steps in this bill to see to it that the protection of the American people is attended to first before other work is carried on. Now, as I take it, there is no other course open. I know of no other possible way. Forty-four to forty-six months is too long a time, but if we withdraw the men from private contracts and put them onto these Government contracts and perhaps temporarily suspend the eight-hour provision, so that the men might work 10 hours instead of 8-and I am only suggesting that—we could shorten the time of construction of these ships from 46 months to somewhere about 20 months. And that perhaps might even be shortened. rate, it seems to me, whatever the future may have in store for this great people, we ought not to take any chances by deferring the needed and necessary work for this Government for anything like 44 months. [Applause.]
Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. KELLEY. I can not yield just now.

The gentleman from Alabama [Mr. OLIVER] has made a minority report, a gentleman for whom I have the very highest esteem and who has rendered great service to this House in the Committee on Naval Affairs. His objection to this appropriation for ships is not because he does not desire that the ships shall be built, but that they are being deferred too long. And, while he is in company on the minority report with some members of the committee who perhaps would not build any ships at all, I want to say for the distinguished gentleman from Alabama that I believe if this provision, or some such provision, is inserted in the bill as would insure the speedy construction of these ships, he will withdraw his support from those making the minority report.

Mr. OLIVER. And I think I can state that is true of every

member who signed the minority report.

Mr. O'SHAUNESSY. Will the gentleman yield at that point? would like to get it straight in the Record as to why there is a delay. Is it due to the refusal of the private shipowners to do the work for the Government?

Mr. KELLEY. No; they can not get the men to do it. They are willing to do the work without any question, willing to go ahead and make the necessary improvements to get their yards ready, so as not to delay the construction of the ships, but the shortage of men, owing to the great amount of work in the private yards of the country, makes it impossible to do this work in any shorter period of time. And that is why the Government of the United States, exercising its sovereign authority, is entitled to go into these yards and ask that the Government . business be given precedence.

Now, it seems to me, if we are going to be sure as a people, that the rights of our citizens are to be protected everywhere in the world, when they are where they have a right to be, and when they are behaving themselves. And I want to say that the nation that does not protect its citizens on land or on sea, under these circumstances, is apt to wake up too late to find that, on the other hand, it has lost the protection of its citizens.

plause.] This matter of protection is not a one-sided proposition. the American people should ever get it into their heads that they were to be called upon when the Government was in danger, but that the Government would not respond in like degree when the citizen was in danger, the beginning of the decline of patriotism and love of country would be at hand.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Tennessee [Mr. Padgett] is recognized for 40 minutes.

Mr. PADGETT. Mr. Chairman and gentlemen of the House, this is an hour for reflection and serious consideration, and I desire to address myself to the best intelligence and patriotism and wisdom of the Members of the House.

It has been my practice as well as my belief in the years gone by that there should be no partisanship in the Navy or in the legislation for the Navy. It has been my conviction that parti-sanship should stop at the water's edge, if not before, and I believe that under the circumstances and conditions in which we find ourselves at this time that sentiment will find a cordial reception and expression from every Member of the House.

In the discussion that has taken place there are two matters that have been presented to which I desire to call attention: One of them, that was presented in one phase, but which during the discussion has been very much modified and mollified, was that there should be a postponement of the construction of the battleships and the battle cruisers and the scout cruisers proposed in the pending appropriation bill. That may be an unimportant matter as to which Members may disagree, but to me it is a very important question. In the last session of the Congress this House by a very large majority, free from partisanship, in which both sides joined, adopted a three-year program to build a definite number of battleships, battle cruisers, submarines, torepod-boat destroyers, and other auxiliary ships not necessary to enumerate in detail, and in the bill last year we made appropriation for the immediate construction of a certain number of these vessels of various types. We are now approaching the question of appropriating for the second year's portion of the three-year program.

Let me sum up in a few words. In the last session of Congress by solemn enactment of law we declared in favor of and provided for a definite program of construction. hands to the plow. I do not propose to look back. We made a covenant with the people, and I regard that covenant with the people of this country with the same sincerity and solemnity as I regard a covenant with my God. [Applause.] Gentlemen, this is not the hour to hesitate. In this hour "he who hesitates is lost, and he who doubts is damned." [Applause.]

Again, my friends, I shall take no further notice of that, because I do not believe there is any serious purpose or intention on the part of the membership of this House not to carry out in the utmost good faith the program that was determined upon at the last session of the Congress.

Now, another question has been raised, and that was a very severe criticism of the administration of the Navy Department. The gentleman from Illinois [Mr. Britten], a member of the committee, deemed it proper, in very caustic language and by a demeanor that indicated an intense feeling, to subject, or attempt to subject, the Secretary of the Navy to a very severe arraignment and criticism with reference to the construction of ships, and I deem it well to call attention to some of the mat-

ters with reference to that. The gentleman from Illinois called attention to the submarines. Let me invite your attention for a moment, if you please, to some matters in that respect. You will bear in mind, as was so well explained by the gentleman from Michigan [Mr. Kelley], who has just taken his seat, that the submarine has been and is now in a state of development and transition. He stated that the first submarine was of about 200 tons' surface displacement. He overstated it. They were about 65 feet long and of about 65 tons' displacement, as I now remember. They were very small. Construction of a number of them was authorized June 7, 1900. The contracts were signed August 25, 1900. The contract date of completion was April 25, eight months. The contracts provided for the completion of these little 65-foot 65-ton submarines in eight months. And yet, as a matter of fact, they were not completed, one of them, until June 24, 1903, and the earliest one on January 9, 1903; in other words, more than two years after the time of expected completion.

Why? Because there developed difficulties—things that were never contemplated. Complications arose, so that in respect of these small submarines that they contracted to deliver in eight months they were two years and eight months in delivering them.

Several years ago, when Admiral Cone, Chief of the Bureau of Steam Engineering, was before our committee during the administration as chairman of the distinguished gentleman from Illinois [Mr. Foss], the question was asked, "What about the engines in the submarine?" They were telling us of the troubles and the difficulties, and I asked, "How many parts or pieces are there in one of these engines?" And he said, "Between 1,400 and 1,500 different pieces." Later on, by reason of improvements and developments, they had reduced them down to 700 or 800 pieces.

You see at once in this an illustration of some of the troubles that have been encountered. We have not yet been able to get satisfactory storage facilities or batteries for the electricity. Only a few months ago experimenting with the Edison battery in a submarine there was an explosion that killed 5 or 6 work-men and injured 8 or 10 or 12 additional workmen,

rest on what we had. The duty of the administration to the people of this country was to progress and secure the very best that could be had in the study and development of the submarine construction, as well as in the batteries, in the engines, and in the hull and machinery. I could take up, if you please, the history of this and show you that it has been one continued development in all the types. As they have progressed from a better to a better and still better submarine they have experienced difficulties. My friends, bear in mind also when you read in the newspapers about foreign accomplishments, that they are advertising their exceptional successes, and that in this country we are advertising our failures.

You can take the same thing with reference to destroyers and the same with reference to the building of battleships. back in the other days, when the battleships were of a displacement of from 12,000 to 16,000 tons or up to about 20,000 tons displacement, they were from six to seven years in constructing them, though they were much simpler. And you could take the various other types. I am mentioning this not for the purpose of invidious comparison, but to show you that this administration and the preceding administrations have had their same difficulties, and it has always been to me a matter of confort that, as chairman of this committee during the latter two years of the administration of President Taft, when there was a Republican Secretary of the Navy, I realized and appreciated the difficulties under which we were laboring in these matters, and I attempted to lend him a helping hand, and not to go after him in bickering and in violent denunciation and criticism. [Applause.] The department had its difficulties and its troubles, and upon several occasions the former Secretary of the Navy saw fit to express to me his thanks and his appreciation of the way in which I had labored and cooperated with

Mr. BUTLER. Mr. Chairman, will the gentleman yield? Mr. PADGETT. Yes. Mr. BUTLER. The gentleman knows my great feeling for

him, but I have been on that committee, and the gentleman may know that we had differences with Secretary Meyer when he was there

Mr. PADGETT. Certainly. I did not agree with his policy in many respects. Many of his policies I did not agree with. I have not seen fit to agree with all the policies of the present Secretary. And yet, as a matter of fact, while I have differed with him upon many of his policies, while I saw fit to criticize some of his acts, I always saw fit to do so upon the merits of the matter.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?
Mr. PADGETT. Yes,
Mr. TOWNER. I think we will all agree that no matter what may have been done in the past, we ought to do everything we can to expedite the work now.

Mr. PADGETT. Exactly.

Mr. TOWNER. I want to ask the gentleman this question. It has been stated to me that there is a feeling in the Government, by those who are immediately in charge of the work in the Government yards, that they will not operate more than one shift of workmen a day. That is, they discourage it. They do not attempt to operate more than one shift a day. What can the gentleman say to the House with regard to that? Is there anything in that?

Mr. PADGETT. Let me read you something that bears on that question. And that brings us to the question of labor.

Mr. TOWNER. Let me make this further inquiry, so that the gentleman can give attention to that if he will, because I think in the minds of most Members of the House that is the most important proposition now.

Mr. PADGETT. Yes. Mr. TOWNER. The gentleman knows I made the inquiry to ascertain the fact about it, because I think it is vastly important that we should do everything we can to expedite the work.

Mr. PADGETT. Just exactly so.
Mr. TOWNER. I made that inquiry with regard to Government plants. It is stated with regard to private plants that in the past private plants have always put the Government work at a disadvantage, because whenever a more paying contract was made they wanted to be able to take workmen away from the Government work, and have done so continuously. What is the fact in regard to that? I do not limit the criticism to this administration. I want it to apply to any administration. If we can remedy those conditions we ought to do so.

Mr. PADGETT. I shall take that up very fully a little ter. It has also been said that the present administration was These troubles have been well spoken of by the gentleman lacking in business adaptation and business success, and that from Michigan [Mr. Kelley]. We have not been content to it was making no progress and accomplishing nothing for the Navy. I want to call your attention, if you please, to a fact or two. I am reading from a table sent down by the General Board of the Navy. The Delaware was the first ship constructed that is now recognized as a dreadnaught, and it is taken as the basis, and represents a fighting value or efficiency of 100. Those that have been constructed since show you whether there is development, whether there is progress and efficiency in the work of the department. Take for instance the Arizona. It represents a fighting efficiency of 230.84. The New Mexico represents 267.83. The Mississippi and Idaho the same. They are sister ships, authorized at the same time. The Tennessee and California represent a fighting value or efficiency of 273, as against 100 for the Delaware, which is taken for the standard. Last year we authorized four battleships to be known as the Colorado, Maryland, Washington, and West Virginia. Each of these represents a fighting value or efficiency of 286.

In the bill now pending we are providing for three battleships of larger tonnage and larger guns, and they represent a fighting efficiency of 380 as compared with 100, the standard of the first

dreadnaught, or nearly four times its fighting efficiency.

The same may be said of the submarines and the torpedo boats. Why, you hear gentlemen speak of our torpedo boats. I will read to you in a moment what Capt. Sims said about torpedo boats. First, I want to call your attention to another matter, as to whether there has been any increase in efficiency. Take the increase in officers. Under Mr. Roosevelt's administra-tion, in the last four years of it, there were appointed to the Naval Academy 978. In the four years of Taft's administration, 945; under Wilson, 1,473 in three years.

Take the enlistments. Under Mr. Roosevelt in 1905 we had authorized 37,000 men. In 1908 the number was raised to 44,500.

In 1909, under Mr. Taft, it was still the same. In 1912, under Mr. Taft, the authorization was raised to 51,500. Under Mr. Wilson it has been raised to 78,200, with an additional emergency provision for still more.

Take the pavy-yard increase in the number of men working, On June 1, 1913, there were 16,898 men working in the navy yards. In 1916 there were 24,383. Take the daily pay. In 1912 the daily pay was \$46,027.35. In 1916 it was \$73,091.12. Comparison of pay showing daily pay: In 1912 it was \$2,723, and in 1916, \$2,997.

Take the enlisted men promoted. Warrant officers appointed ensigns: Under Roosevelt 10, under Taft 3, and under Wilson 17. Mr. LONGWORTH. Before the gentleman leaves that, can he

state what is the present actual shortage in enlisted men? Mr. PADGETT. Yes; we have at the present time to-day enlisted men 53,441, and in addition we have 1,309 assigned to the Naval Militia, not a part of the Naval Militia but training and developing, making 54,750 in enlisted personnel, exclusive

of prisoners Mr. LONGWORTH. Out of the total authorization of how many?

Mr. PADGETT. Seventy-eight thousand two hundred.

Mr. LONGWORTH. Can the gentleman tell what the gain in the past year has been?

Mr. PADGETT. I can give you the gain for the last three months. In the bill that we passed on the 29th of August last we made an increase in benefits for enlisted men, and that had to be advertised over the country and gotten out to the people. In November we had a net gain of 384 over the discharges. In December we had a gain of 573, and in January we had a net gain of 1,344.

I have a monthly statement of the increases or decreases only as far back as 1913, but beyond that the records do not show.

In November, 1913, the net gain was 1,623. In 1914, November 102. In November, 1915, it was a loss of 14, and in 1916 it was a gain of 384. In December, 1913, there was a net gain In 1914 there was a net gain of 39. In 1915 there was a net loss of 151. In December, 1916, there was a net gain of 573. In January, 1914, there was a net gain of 798, and in 1915 there was a net gain of 375. In January, 1916, there was a net gain of 576, and in January, 1917, there was a net gain

Mr. LONGWORTH. One more question. How near does the present authorization bring the Navy to the full fighting strength?

Mr. PADGETT. If the authorization was full, it would take care of all the ships that we have ready and in commission. It would not take care of those not completed. We have a number of ships that are not completed. The present authorization will take care of all the ships completed.

Mr. TOWNER. Before the gentleman leaves that point, the principal question I would like to have discussed is why the Government yards can not work more than one shift a day.

Other yards are working two and three shifts a day. There is hardly a munition factory but what is working two or three shifts. Our emergency is just as great as theirs, and why can not the Government yards work more than one shift?

Mr. PADGETT. The Government is working but one shift a day for the reason that shipbuilding yards in this country can only work one shift a day. The gentleman is in error in saying that private yards are working more than one shift a They can hardly get the labor for one shift a day. The labor question is the trouble. I want to say to the gentleman that there has been a great deal of criticism of the Government and the private shipbuilders. I want to be entirely fair to both. I do not want to stand here and improperly criticize either one of them. Both of them are up against the same difficulties and the same trouble. Let me give you some statements. We had shipbuilders before us, and we went into this matter very fully with them. We had Mr. Powell, president of the Fore River Shipbuilding Co., and he said

It seems to me, in looking over the testimony that the committee has heard for the last two days, that very little stress has been laid on what is really the one big important topic, and that is that the carrying out of this program does not depend on facilities; it depends on labor.

Again, he said:

The important factor that controls the building of these ships at the present time is the skilled iron-working trades, and until we can boost up our production along those lines, the production of ships can not be increased. It does not make a bit of difference whether this committee gives the Secretary of the Navy all the money there is in the Treasury to put into the building of ships, ways and shops in Government yards; you are not going to get your ships built any faster than the supply of skilled labor in the metal-working trades is built up.

Mr. Roberts. Do you know whether or not the other private yards have had the same difficulty in getting their labor?

Mr. POWELL, I know that some of them have; yes. This is not a local question; it is a national question to-day.

Mr. SABATH. When was the report made of the shortage of labor?

Mr. PADGETT. This that I am reading from is January 15, 1917, in the hearings before the committee. And, then, here is Mr. Mull, from the Cramp shipbuilding yards. Speaking of the troubles they have, he says:

In the last year we hired 8,407 men to gain 1,916.
Mr. ROBERTS, It is about like the enlistments in the Army and Navy?
Mr. Mull. A little worse.

Then Mr. Knox says:

Then Mr. Knox says:

Mr. Browning. I think the difficulty is further back than that. I will give you my personal opinion now. I do not believe that it is possible for this program to be completed, either by the private builders or by the Government yards, in the length of time that the Navy Department or the Government or your committee hope to get it, for, the reason that the labor does not exist. I think it makes very little difference whether you appropriate six million or twelve million or eighteen million or any number of millions of dollars more. There is only just so much shipbuilding labor in this country, as I see it, and that labor can only build those ships in a certain length of time. You can not make this shipbuilding labor in time to finish this program in the few months that you hope.

Furthermore, Mr. Snyder, vice president of the Bethlehem Corporation, stated:

It should be understood that labor competent to do work of this kind must be especially trained. Shipbuilding construction on a large scale is new in this country, and the necessary men already trained to do such work are simply not to be found. Some 61 per cent of the steel workers in our Fore River plant, for instance, have been with the company less than one year, and in order to do the work now in hand we have found it necessary to organize systematic forces of instruction, which are now being conducted at all our plants in an effort to develop skilled workmen.

I am simply calling your attention to what we have run up against. Again, I refer to statement of Mr. Snyder, the vice president of one of the companies, speaking of the fact that this labor has to be educated, has to be trained; and Mr. Powell stated to the committee that they had established schools and were, at their own expense, training and educating and developing the labor to expedite shipbuilding. These private yards are up against that. The Navy Department offi-cials say that they are up against that also. There has sprung up in this country a number of commercial shipbuilding yards that have started up overnight since the beginning of this war, and they are taking commercial ships only. They do not take Government work at all; they do not ask for it; they do not Those concerns are offering such large prices that bid for it. Those concerns are offering such large prices that they are taking the labor from these yards that do Government work and putting that labor into private commercial industry. One of them, Mr. Powell, said that at a certain date—I have forgotten the date, but it is in the hearings—their company had 5,000 employees on their pay roll, and that, notwithstanding all of their efforts, they had been cut down to 3,000.

Just here I wish to read what Capt. Sims stated about torpedo boats in the Skagerrack battle in reply to comments of Mr.

Mr. OLIVER. What was the effect of the torpedo attack?
Capt. Sims. The effect of the torpedo fire was more or less disappointing. We would have expected it to be more effective than it was. The torpedo destroyers they have there are not as powerful as ours. Their boats are sometimes fitted with 3 or 4 torpedo tubes, while we have from 6 to 12 tubes. Our newest destroyers have 4 triple tubes, or 12 altogether. Many of them are less able boats than ours are; but they were not driven home the way we would have expected when opportunities occurred like that.

I new yield to the groutlemen from Misseuvi

I now yield to the gentleman from Missouri.

Mr. CLARK of Missouri. Mr. Chairman, a year ago I propounded some questions to the gentleman from Tennessee PADGETT] and also to the gentleman from Pennsylvania [Mr. Butler], and I never did get very much information from either. What I asked then and what I ask now is how does it happen that other nations can construct battleships so much more quickly than we can?

Mr. PADGETT. We have the list there showing the time,

and if the gentleman will examine that he will find that there is not a very great difference between our country and England

in time of peace.

Mr. CLARK of Missouri. What about war times?

Mr. PADGETT. In war times they commandeer and force the labor into the shipyards.

Mr. CLARK of Missouri. What is the least time in which

England ever builds a battleship?

Mr. PADGETT. I think it is about two years and two months. I think that is the best time they have ever made, from the laying of the keel until the boat is in commission.

Mr. CLARK of Missouri. We have been going on here for the last two or three years voting large amounts of money to build battleships. If we can not get them when we need them, what is the sense of voting the money?

Mr. PADGETT. We are building just as fast as we can.
England is an old shipbuilding country.

Mr. CLARK of Missouri. But we have been building ships in this country for 125 or 130 years.

Mr. PADGETT. Oh, but in a very limited way.

Mr. CLARK of Missouri. Can not a navy yard that can con-

struct a merchant ship build a battleship?

Mr. PADGETT. But the navy yards do not construct commercial ships. We have had only one navy yard in this country up to last year that attempted to build battleships.

Mr. CLARK of Missouri. We have plenty of money, and there is no trouble of getting it if we have not got it; and what is the reason they do not put all of these navy yards or building establishments to constructing battleships?

Mr. PADGETT. Simply because there is not one of them that is fitted up for it. It takes millions of dollars to fit a navy yard for building a battleship, and in the bill last August we carried an appropriation of \$6,000,000 to authorize the Secretary of the Navy to equip certain yards, and he is going ahead with it. In this very bill we are submitting an additional appropriation of \$12,000,000 to enable him to do it,

but that does not relieve the labor situation.

Mr. CLARK of Missouri. What I was trying to get at is whether we can not go on and build these battleships that we have authorized. We must have such be seen as the size of t have authorized.

ave authorized. We must have eight or ten of them authorized. Mr. PADGETT. There are five in course of construction, and then there are four that were authorized in August last,

Mr. CLARK of Missouri. The way we are dawdling along we are liable to get these battleships constructed about three or

four or five years after we need them.

Mr. PADGETT. I hope it will not be as bad as that: but the Navy Department is doing the best it can with the labor in the Bear in mind this, and we must not overlook it: England is a country of large capacity for building ships. It is a great industry there. They build ships for all the world. We have not even been building for ourselves, except our naval ships. England has a large population, millions of people, who are engaged in the shipbuilding industry as laborers. not got them; we have not trained them; we have not developed them. Since this war came on there has sprung up this great demand for ships, and, as I said, yards have sprung up all over the country for the building of ships, and they are paying tre-mendous prices for the labor. One of the gentlemen stated that they were paying ordinary workmen \$6.50 a day.

The CHAIRMAN. The time of the gentleman from Tennessee

has expired. All time has expired.

Mr. CLARK of Missouri. Mr. Chairman, I ask that the gentleman have five minutes more.

The CHAIRMAN. The time was fixed in the House. The Clerk will read.

The Clerk read as follows:

PAY, MISCELLANEOUS,

The Secretary of the Navy shall send to Congress at the beginning of its next regular session a complete schedule or list showing the amount of money of all pay and for all allowances for each grade of officers in the Navy, including retired officers, and for all officers included in this act and for all enlisted men so included.

Mr. PADGETT. Mr. Chairman, I move to strike out the last word. Does the gentleman from Missouri desire to ask me any

more questions?

Mr. CLARK of Missouri. No; I do not want to ask any more questions.

Mr. O'SHAUNESSY. Mr. Chairman, will the gentleman yield?

Mr. PADGETT.

Mr. O'SHAUNESSY. The preparedness movement in which we have been engaged, I assume, is a recognition of the fact that there is need of ships, pretty nearly as much as if we were at war. Has anything been done to counteract the movement

of transferring men from Government yards to private yards?
Mr. PADGETT. They are bidding against each other. private yards are trying to get all of the men they can, but the

navy yards have been holding their forces pretty well.

Mr. O'SHAUNESSY. Yes; but the gentleman mentioned one case where 2,000 men were lost.

Mr. PADGETT. They went to private yards. Mr. O'SHAUNESSY. From Government yards?

Mr. PADGETT. No, sir; they went from a private yard to another private yard. For instance, the Fore River Co.; the president of that company, Mr. Powell, stated that he had 5,000 men on his pay roll working, and that when these other yards had sprung up over the country they had no nucleus and they needed men to come in there, and they are paying extraordinary wages, and that they have taken away from the old-established yards that are building Government work, as these new works that are bidding for commercial work had two or three times the profits they could get out of Government work.

Mr. O'SHAUNESSY. I want to ask the gentleman this question: Are these men who are being transferred from private yard to private yard qualified to do the work in Government

yards?

Mr. PADGETT. Yes, sir.

Mr. O'SHAUNESSY. Now, is the necessity so great that there should be some method of commandeering their services?

Mr. PADGETT. Well, that is the question the gentleman is prepared to answer as well as I am.

Mr. O'SHAUNESSY. I thought the committee might have given that question consideration.

Mr. PADGETT. I will say here it is my purpose, and I have here an amendment which I will read for information and as a tentative draft. This is an amendment suggested by the Secretary, with this change: That instead of authorizing the Secretary of the Navy the authority is given to the President of the United States.

Mr. GARNER. Will the gentleman yield?
Mr. PADGETT. I will.
Mr. GARNER. If I understood the gentleman's statement correctly, it is this: That Congress has appropriated the money; that the ships are being built as fast as labor can be secured to build them.

Mr. PADGETT. Yes, sir. Mr. GARNER. And if the fault lies anywhere at all, it is the fault of not having trained labor in this country to build ships?
Mr. PADGETT. That is just what it is. And not only that,

you must bear in mind that in a battleship there is somewhere from three to four million dollars' worth of steel that has to be manufactured in the steel plants. They have to have their trained metal workers, and they are short there. The armor plate is made by the private manufacturers, and that requires time.

Mr. MADDEN. Will the gentleman yield?
Mr. PADGETT. I will.
Mr. MADDEN. The gentleman from Tennessee does not want to convey to the House the impression that you can not get steel from the steel plants or the armor plate from the armor-plate plants and at the time lead the country and the House to believe we ought to build an armor-plate plant that would not be able to build a pound of armor plate in the next 25 years?

Mr. PADGETT. I do not know how long it will take them. Of course, there have been delays in time. I am only calling attention to what Mr. Knox, the president of the Bethlehem Steel Co., stated about getting steel. I have it here. He said they were up against the question of getting steel and they had several times been in a famine where they could not get from the manufacturers what they needed in steel.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman from Tennessee this question: With all of these appropriations that we have made for battleships, because we supposed we might need them, are we building a battleship any faster now than two or three years ago?

Mr. PADGETT. About the same rate. Those that have been authorized in the bill passed the 29th of August they had to advertise for bids, and the bids were opened, I believe, in November and the contracts awarded early in December. They have to give out their orders when the contractors get them; they have to give out orders for three and a half or four million dollars' worth of steel plate, steel fittings, and so forth, that go into the ships, and they have to be manufactured and manufactured according to specifications.

Mr. CLARK of Missouri. Well, now, these newspapers are always bullyragging Congress about Congress being stingy about these appropriations

Mr. PADGETT. Yes; and there is no ground for bully-

Mr. CLARK of Missouri. Not a bit in the world; it is all a lie; but what I wanted to know is, is there any way known to man by which we can hurry up the building of the battleships?

Mr. PADGETT. The only one I know of is for the Government to exercise the right of eminent domain on labor, which we call commandeering, and put them into the yards.

The CHAIRMAN. The time of the gentleman has expired. Mr. PADGETT. Mr. Chairman, I would like to have five

Mr. CLARK of Missouri. Mr. Chairman, I ask that the gentleman be given five minutes, as we have taken up his time.

The CHAIRMAN. Is there objection? [After a pause.] The

Mr. PADGETT. Mr. Chairman, I want to make another statement in this connection while I think of it: The officers of the Fore River Co., the Newport News Co., and the New York Shipbuilding Co. have stated that at the present time from 71.6 to 75 per cent of their building facilities are occupied with Government work. The lowest one was 71.6 and the highest one was about 74.4 per cent at the present time devoted to Government

Mr. MADDEN. Will the gentleman yield?

Mr. PADGETT. Yes.
Mr. MADDEN. In the last year's bill, the current year's bill, we provided \$6,000,000 to rehabilitate the Government navy yards.

Mr. PADGETT. Yes. Mr. MADDEN. And this bill provides \$12,000,000, I understand, so that would make \$18,000,000.

Yes. Mr. PADGETT.

Mr. MADDEN. Now, will the gentleman be able to state to the House how long it is going to take the Navy Department to spend this \$18,000,000 so it can put itself in a position to do any work in the construction of battleships?

Mr. PADGETT. About from a year to a year and a half.

Mr. MADDEN. And up to that time nothing whatever can

be done in the way of construction?

Mr. PADGETT. A great deal can be done. Let me explain that if the contracts be awarded, as I stated a moment ago, they give out contracts for steel, for plates, fittings, and all that, amounting to three and one-half or four million dollars. They have to be manufactured according to specifications to meet the particular work for which they are intended.

Mr. MADDEN. And they assemble that in anticipation of pre-paring the yards?

Mr. PADGETT. Yes, sir. They spoke about the battleship Tennessee in the New York Navy Yard. I have a letter here from the Secretary of the Navy, dated to-day, and I ask permission to insert it in the Record, explaining about the construction and what has been attempted. I do not have time to read it.

The CHAIRMAN. The gentleman from Tennessee [Mr. Padg-ETT] asks unanimous consent to insert in the RECORD a letter from the Secretary of the Navy referred to. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

NAVY DEPARTMENT, Washington, February 8, 1917.

Washington, February 8, 1917.

My Dear Mr. Padgett: Replying to your request for information bearing upon alleged delays in the construction of naval vessels under this administration, the following is furnished:

When I took office I found a number of vessels just authorized by the act of March 4, 1913. Although these vessels were authorized technically in the preceding administration, of course their construction has been wholly under this administration. All vessels prior to March 4, 1913, had been contracted for by my predecessor, except three submarines, for which bids had been opened in December, 1912, and awards made by my predecessor, though the contracts had not been formally signed. These contracts were signed on March 15, 1913. But within the first year the company to which the awards had been

made found itself in financial difficulty, and it was necessary to abrogate the contracts. In the case of two vessels whose construction was advanced, the Government, as provided by the contract, took them over commissioned February 6-March 23, 1915. With a new company completely me unavoidable delay, contracted for with a new company completely me unavoidable delay, contracted for with a new company completely me unavoidable delay, contracted for with a new company completely me unavoidable delay, contracted for with a new company completely me unavoidable delay, contracted for with a new company completely me unavoidable delay, contracted for with a new company completely me unavoidable delay contracted for until 1914. These vessels are now and under finally contracted for until 1914. These vessels are now and should be delivered about a year behind their contract time.

The other submarines authorized at the same time did not have the same complications in connection with their contract and have now been delivered, but they also were in every case a good deal more and the same complications in connection with their contract and have company building submarines the result as regards time would have company building submarines the result as regards time would have company building submarines the result as regards time would have company building submarines the result as regards time would have of having only one private concern able to undertake the construction of submarine vessels.

In this connection it may be remarked that one of the submarines delivered within their contract period.

Statements have been made that fuerious highly the contract time. Statements have been made that fuerious delivers the completed within their contract period.

Statements have been made that fuerious highly the company to the result of the fuerious delivery to the fuerious delivery. The private fuerious delivery to the fuerious

completed within less than two years each from the date of laying the keel.

As regards destroyers: The first navy-yard-built destroyer was the Shaw, ordered built at the navy yard, Mare Island, because the estimate of the yard was far below the estimate of private contractors for vessels of the same class. Other work in hand delayed somewhat the laying of the keel of this vessel, but the keel was laid February 7, 1916, and the vessel is now practically completed, a very few months behind sister vessels. This would seem to be a fairly creditable record. There has been delay in the destroyer being built at Norfolk owing to the destructive fire at that yard.

As regards battleships: The record of this administration in connection with their construction is far different from that alleged. The Arizona, authorized March 4, 1913, built entirely under this administration, was commissioned in October. 1916. This time compares favorably with that of any previous battleship, particularly when it is considered that the Arizona is much larger than any vessel previously constructed. The Arizona was three years and seven months from authorization to commissioning. The Pennsylvania, a sister vessel built by contract was 3 years and 10 months. The New Mexico, which succeeded the Arizona, was directed by law to be built in a navy yard, and the New York Navy Yard was the only yard available for it. The Arizona occupied the only battleship ways at that yard, resulting in some delay in laying the keel.

It is true that the work upon the New Mexico, owing primarily to the shortage of labor, has not advanced as rapidly as the department would have liked, but the record of the New York yard on this vessel is creditable. Of the three sister vessels—New Mexico, Idaho, and Mississippi—the former being built at the New York Navy Yard and the latter by contract, the New Mexico hull construction progressed 44.4 per cent during the calendar year 1916, the Mississippi progressed 30.4 per cent, and the Idaho 17.7 per cent. At the present rate of progress it may be expected that the New Mexico will be completed certainly before one of the sister vessels building by contract, and probably before both of them. In the case of the Tennessee and California, as has been repeatedly explained, it was originally intended to huild these vessels by contract. There was delay in advertisement due to the necessity of making changes in the designs as a result of experience in the European war to date. When advertised, no bids were received which would enable the vessels to be constructed within the limits of cost set by Congress. This necessitated their assignment to navy yards, requiring the Mare Island yard to be fitted up, and has involved delay in the laying of the keel of the Tennessee until the New Mexico at New York can be launched.

So far from nothing being done, the material for these ships was advertised immediately when it was found they would have to be built in navy yards, and contracts for it placed in December, 1915, at prices but little more than this at Mare Island for the California, whose keel was laid in October last. The total progress of the Tennessee and a good deal more than this at Mare Island for the California, whose keel was laid in October last. The total progress of the Tennessee as measured by the standard methods of the department is 11 per cent to February I. The machinery is under contract, and the contract provides for delivery well within the necessary time, not to delay the vessels.

It is a matter o

Hon. Lemuel P. Padgett, M. C., Chairman Committee on Naval Affairs, House of Representatives.

Mr. PADGETT. The keel of the ship Tennessee has not yet been laid. There were no bids received within the limit fixed by Congress, and they have assigned the Tennessee to the New York Navy Yard and the California to the Mare Island Navy Yard for construction. In the New York Navy Yard, on the ways, was the battleship New Mexico. The Secretary has met this labor condition that has delayed the construction of the New Mexico somewhat, so that the Tennessee has not been placed upon the ways. But in the meantime he has been gathering and assembling the materials that go into that ship, and I have his letter here to-day stating that he has more than 7,000 tons of that material already assembled awaiting the opportunity to get to work upon the ship, and when they do

that they will expedite the work. They are prepared for it.

Now, one of the shipbuilders—I forget which one it was, but it is in the hearings-stated that if the contracts were awarded to the shipbuilding companies they would have to construct their ways. They have not ways for battle cruisers. A battle cruiser is so much longer than a battleship that they would have to construct these ways for it themselves. I asked, "How long will it take you?" He said, "At least a year." I then said to him, "Suppose we give you two, what about two ways?" He said, "One way in 12 and the other one some months longer than that." "But," I said to him, "Would that delay the final completion of the battle cruiser, the length of time it took to build the ways?" He said, "It would not delay at all, for the reason that while we were building the ways we would be carrying on concurrently the assembling and the manufacture of the materials that go into the ship that we have to have when we begin the construction."

Mr. MADDEN. They would not assemble it, they would simply store it. They could not assemble it until they got the material where the ship is to be built. Assembling means put-

ting them together.

Mr. PADGETT. They would get them together up there. mean gather them together and get them where they can put them into shape.

Mr. CLARK of Missouri. Have there been any improvements made in battleships in the last 12 or 18 months?

Mr. PADGETT. Yes, sir. I just read a moment ago—
The CHAIRMAN. The time of the gentleman has again ex-

Mr. CLARK of Missouri. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for 10 minutes.

The CHAIRMAN. Is there objection? [After a pause

[After a pause.]

The Chair hears none. Mr. PADGETT. The first dreadnaught that was constructed was known as the Delaware. The South Carolina and Michigan were constructed prior to that time, and for a while were designated as dreadnaughts, but they are classed in what is called the predreadnaught type of ship. They are all battleships. Then the Delaware is taken as a standard of comparison. That represents the fighting efficiency of 100. The Tennessee and the California, that were authorized in the session of Congress before the last, represent a fighting efficiency of 273, and the four ships that were authorized on the 29th of August last represent a fighting efficiency of 286, because there are improvements made in the designing and in the contemplated construction. And in this present bill that we are now considering we are recommending the construction of three battleships that represent a fighting efficiency of 380. In other words, nearly four times the fighting efficiency and value of the Delaware that was the first

dreadnaught a few years ago. Mr. ALEXANDER. Will the gentleman yield now?
Mr. PADGETT. I yield to the gentleman from Missouri.

Mr. ALEXANDER. I followed the gentleman closely, and gather from his argument that the problem is a labor problem.

Mr. PADGETT. Largely so, from what they tell us.

Mr. ALEXANDER. If these yards as equipped have skilled

men enough to work two or three shifts a day, that would largely solve the problem?

Mr. BUTLER. It would.
Mr. PADGETT. Yes, sir.
Mr. ALEXANDER. Then how can we simplify it by expending \$12,000,000 to fit up other shipyards when we have not the skilled labor to efficiently build ships in the shipyards already in commission?

Mr. PADGETT. The question is this: There is more than a question of labor in the phase in which you state it. The question is of competition between the Government and the private shipbuilders. The department believes that in many instances the private shipbullders ask them exorbitant prices and that the Government yards, as is insisted by the Secretary of the Navy, should be equipped to do construction, and then he would be prepared to construct in the Government yards, and he would purpose to give two-thirds of the construction to private yards and he would do one-third of it in the Government yards if he could get satisfactory prices from the private shipbuilders. But if he can not get satisfactory prices and satisfactory terms on time limits, then the Government would undertake to build them. And it would be a competition in the Government getting the

And it would be a competition in the Government getting labor from the private yards.

Mr. GALLAGHER. Will the gentleman yield?

Mr. PADGETT. Yes, sir.

Mr. GALLAGHER. I want to ask the gentleman this question: Is it not a fact that it is more the fault of Congress than the Navy Department that we have not now the facilities to go ahead and build battleships?

Mr. PADGETT. No, sir; I can not say that Congress is at fault, because the question of Government construction is a ques-

tion and a policy that has arisen in late years.

Mr. GALLAGHER. Have they not kept on here trying to deny the right of the Government to construct battleships to a

great extent and to do away with navy yards also?

Mr. PADGETT. I will answer the gentleman by saying that the policy in general has been to build in the private yards until

mr. GALLAGHER. I know it was considered a joke on the floor of the House when it was mentioned that three or four battleships were to be constructed in Government yards.

Mr. SAUNDERS. Mr. Chairman, will the gentleman yield

Mr. PADGETT. With pleasure. Mr. SAUNDERS. The gentleman from Tennessee has been giving some facts that I was trying to elicit in a colloquy a little while ago with the gentleman from Michigan [Mr. Kel-I do not care to ask about the preparedness program authorized last year, because we all understand that practically little could have been done under that in the limited time that has elapsed since that authorization; but what I want to ask is this, with respect to the authorization which antedates that time: Has there been on the part of the department or on the part of the Secretary of the Navy any negligent delay, particularly with respect to those two ships that were authorized some time ago?

Mr. PADGETT. No; none whatever. I have inserted in the Record a letter from the Secretary, which gives the whole history of that matter. The gentleman was speaking of those two battleships?

Mr. SAUNDERS. Yes. Has there been any delay that could

be called negligent delay?

Mr. PADGETT. No. I will give you the facts. In the first place, after those ships were authorized the war broke out in Europe, shortly following, and there were developments coming from that, so that the department thought it would be very advisable to take advantage of those developments and to vary to that extent the construction of these two ships from preced-

ing types, and so they changed somewhat their plans.

In addition to that, no bids were received within the limit of cost, and the Secretary could not award those ships to private bidders because their bids exceeded the limits fixed by Congress. Thereupon the Secretary came to the first meeting of the Congress afterwards and laid all the facts before the Congress in the letter which I have put in the Record, and Congress passed a resolution appropriating \$500,000 to fit up the navy yard at Mare Island for the construction of one, and several hundred thousand dollars-I do not remember the precise amount-for additional facilities at the navy yard at New York. And then the department started to assemble and get together all the

material, which takes a year or more to get.

Mr. SAUNDERS. Then in altering the plans of those two particular battleships, in order to get the benefit of the developments, he was then only exercising the discretion for which he should be commended instead of condemned?

Mr. PADGETT. Yes. I have so stated on several occasions. Mr. KELLEY. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes. Mr. KELLEY. Does not the gentleman think, as the matter has turned out now, that these two ships must be built in private yards where the price can not be named? Is not the Government thereby likely to lose two or three million dollars? The gentleman and I agree partly as to the facts.

Mr. PADGETT. Yes; we agree as to the facts. You know what the Irishman said, that "One's hindsight was better than one's foresight by a damned sight." [Laughter.]

Mr. KELLEY. Yes; and I said I did not blame the Secretary

for not being able to foresee the conditions. I agree with the statement of the gentleman from Tennessee.

Mr. Chairman, will the gentleman yield? Mr. GARDNER.

Mr. PADGETT. Yes

Mr. GARDNER. The gentleman from Tennessee is going to offer the amendment when we get to the right place, allowing certain powers to the President to compel the execution of contracts made with private parties?

Mr. PADGETT. Yes. I have modified it somewhat. I have

made it to read in the beginning-

In all cases where contracts have been made or may hereafter be made or orders heretofore or hereafter placed for ships—

So as to make it apply to the past as well as to the present

Mr. GARNER. Will the gentleman be good enough to read it, so that we can turn it over in our minds before we get through it?

Mr. GARDNER. It is rather long.

Mr. GARNER. It is only a page of paper.
Mr. PADGETT. It is not very long. Here is what I propose to offer tentatively; I read it now for information:

In all cases where contracts have been made or may hereafter be made or orders heretofore or hereafter placed for ships, or munitions, or material entering into the construction of ships or the making of munitions, the President is hereby authorized and empowered, when in his judgment the exigencies of the public service demand it, to require the contractor or the individual, company, association, or corporation with which such order may have been placed to give preference to the fulfillment thereof and precedence of the work over all other work except work for the Government, and compliance with the requirements of the President in such cases shall be obligatory on the contractor or the individual, company, association, or corporation to which the same may be directed, subject to liability for damages to the Government for breach of contract: Provided, That in case of delay, neglect, or refusal on the part of a contractor or an individual, company, association, or corporation with which such orders may have been placed to proceed with the work to the satisfaction of the President, he may declare such contract or order forfeited and may take possession of the plant, shops, or works of the contractor, individual, company, association, or corporation and proceed with the completion of the work and charge to the account of the contractor, individual, company, association, or corporation all costs of completing the work in excess of the CHAIRMAN. The time of the gentleman from Tennessee

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent

that the gentleman from Tennessee may have 10 minutes.

The CHAIRMAN. Is there objection to the request of the

gentleman from Massachusetts?

There was no objection.

Mr. GARDNER. Now, that amendment which has been proposed in the hearing of the gentlemen present only takes care of the situation when a contract has already been made.

Mr. PADGETT. I have proposed "hereafter made" too.

Mr. GARDNER. Yes; but if they decline to make a contract hereafter, then you have no way of compelling them. You have no way of commandeering the whole yard or any part of

that yard.

Now, the gentleman remembers that when we passed the national-defense act last year we put into that act a pro-

Mr. PADGETT. I see the gentleman's point clearly before he states it, and if he will submit his suggestions I will be glad to consider them

Mr. GARDNER. I have an amendment, and I will be very glad to offer it. I have it drawn. It was drawn on the principle of the national-defense act of last year, with an extension.

Mr. MADDEN. Will the gentleman allow me to make a suggestion in connection with his proposed amendment?

Mr. PADGETT. I yield to the gentleman from Illinois. Mr. MADDEN. I notice that in the amendment which the gentleman proposes there is no provision to compensate the man whose property is taken over by the Government for any loss that he may sustain by reason of the Government taking possession of that property, although there is a provision that compels him to pay any excess cost that may be incurred by the Govnment. It does not seem to me that is fair or right.

Mr. FITZGERALD. It is not legal either. That is more im-

portant. You can not take a man's property without compensat-

ing him for it.

Mr. PADGETT. I am bringing this before you tentatively, Mr. FITZGERALD. Will the gentleman from Tennessee yield for a question?

Mr. PADGETT. I yield to the gentleman from New York.
Mr. FITZGERALD. I understand the gentleman has read
the provision for the information of the committee.

Mr. PADGETT. It is simply tentative, because I want to get the benefit of the suggestions of gentlemen.

Mr. FITZGERALD. The gentleman from Illinois [Mr. Mad-DEN] has pointed out what may be a very serious objection, that you are proposing to take property without any provision for compensation. That can not be done. Now, there is another suggestion that the gentleman ought to consider, and that is the power of Congress to change, or to modify, or to interfere with a contract already in existence. We can not now pass any law that adds to a contract a condition not in it, and declare it forfeited if that condition be not fulfilled.

Mr. MANN. Why not? Mr. PADGETT. I think Congress might do it by paying damages.

Mr. FITZGERALD. Oh, no.

Mr. PADGETT. By paying the additional cost, I think Congress has the power.

Mr. FITZGERALD. I do not think it has. Mr. PADGETT. I think the limitation the gentleman has in mind is upon States, and not upon Congress.

Mr. LOUD. Will the gentleman yield for a question?

Mr. PADGETT. I yield to the gentleman from Michigan. Mr. LOUD. Would it not be well to embody in the amendment some provision doing away for the time being with the eight-hour limitation upon Government employees and Government contracts, by which the President might be empowered to set it

aside temporarily in case of emergency?

Mr. PADGETT. The shipbuilders who were before us stated that their workmen individually would be glad of an opportunity to work more than eight hours. They say that it is almost unanimous on the part of the workmen. That is one of the limitations upon the capacity to build. The Government can get only men enough for one shift. These private yards can get only men enough for one shift, and they can work them. can get only men enough for one shift, and they can work them only eight hours. Mr. Powell stated that he got it directly from one of the members of an English shipbuilding company, who told him personally, as he expressed it, over the table, that in England they work 24 hours, and work two shifts, one of them, as I remember, 14 hours and the other 10 hours, and that that is the way they are building ships there at the present time. But you know, as well as I know, that when you come to tamper with the eight-hour law, there are many Members in this House who would not follow the chairman of the committee.

Mr. CANNON. Will the gentleman yield? Mr. ROBERTS of Massachusetts. Will the gentleman yield?

Mr. PADGETT. Let me yield to the gentleman from Illinois first.

Mr. CANNON. Does the gentleman believe there is a single Member of this House or of the Senate, or a patriotic citizen anywhere, who, if the stress of war were upon us, would hesitate to provide the proper legislation to enable men to have the opportunity to work who were willing to work, all the labor unions to the contrary notwithstanding?

Mr. PADGETT. The gentleman has expressed his opinion, and each one is able to judge for himself of the temper of the individual Members of the House as well as I am. I have seen something in this House from time to time with reference to labor legislation. Personally I have always believed that an individual had as much right to sell any amount of his labor as he had to sell any amount of his corn or wheat.

Mr. CANNON. I am speaking now of a war condition.
Mr. PADGETT. You may be given an opportunity to test that matter

Mr. FITZGERALD. There is nothing in the law, as I under-

stand it, that prevents men working.

Mr. ROBERTS of Massachusetts. I had not understood heretofore that the chairman of the committee purposed to offer the amendment that he read a few moments ago

Mr. PADGETT. The gentleman will understand that the conditions are shifting and changing very rapidly at this time.

Mr. ROBERTS of Massachusetts. I understand that very well, and that is my purpose in endeavoring to offer a suggestion to the chairman of the committee, which I think will help his amendment, if adopted.

I shall be glad to receive it.

Mr. ROBERTS of Massachusetts. As I understand from the reading, he proposes to permit the President to take charge of private shipbuilding yards where the Government has a contract being performed, or where it hereafter makes a contract to be performed. Now, that is very well as far as it goes.

Mr. PADGETT. We also have under consideration a proposition with reference to taking them over where there is no

contract.

Mr. ROBERTS of Massachusetts. I did not understand the

gentleman had such a provision.

Mr. PADGETT. My amendment did not propose that, but the gentleman's colleague from Massachusetts [Mr. Gardner] called attention to that, and I asked him to let me have it for the benefit of consideration, and it is a well-suggested amendment; and the gentleman from New York [Mr. Fitzgerald] also made a valuable suggestion with reference to providing compensation.

Mr. BUTLER. The payment of damages.

Mr. PADGETT. With reference to providing in the law wh

With reference to providing in the law what the courts would enforce, namely, compensation for the taking

of property, if it should be taken.

Mr. ROBERTS of Massachusetts. I should like to suggest to the chairman, for his still further consideration, an addition to his amendment permitting the President, by his Executive order, to close private shipyards in order that the men might be taken out of the private yards and mobilized in such yards as the Government desires to use for construction. My object in that is to get at the shipbuilding establishments around the Great Lakes with which we do not make any naval contracts. There are thousands and thousands of tons of commercial ships being built every year on the Great Lakes, and there are thousands upon thousands of skilled shipbuilders around the Great Lakes who, under the amendment proposed by the chairman of our committee, could not be reached unless there were some power in the President to close down those yards. There is no object in making contracts with those yards, because you could not get their product out into the ocean where we need it, but we do want the benefit of the services of the men employed there.

Mr. MANN. Will the gentleman from Tennessee allow me to ask the gentleman from Massachusetts [Mr. Roberts] a question

in his time?

Mr. PADGETT. Yes.

Mr. MANN. Whether he thinks the Government of the United States should be permitted to go on the Great Lakes and personally seize possession of workmen and take them down to Massachusetts and put them in a shipyard there and set them to work? That is a fair and easy question.

Mr. ROBERTS of Massachusetts. That is a fair and easy

question, and I will say this in answer

Mr. PADGETT. It is an easy question to ask.
Mr. ROBERTS of Massachusetts. When we are in war and need the services of skilled men to build fighting ships I am ready go to any extent to compel private shipyards on the Great Lakes to let go of the skilled workmen, that they may come down on the seacoast-Massachusetts, if you please, or elsewhere-and get employment.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

[By unanimous consent, Mr. Padgett's time was extended five

minutes.

Mr. PADGETT. I want to say that the suggestion of the gentleman from Massachusetts leads us far afield, and I am not prepared just now to discuss that.

Mr. GARNER. Will the gentleman yield?

Mr. PADGETT. Certainly.

Mr. GARNER. If I understood the gentleman from Tennessee, he said that the workmen who are now engaged in building ships in Government shipyards are almost universally in favor of

Mr. PADGETT. I did not say Government yards. The shipbuilders told us that the men working in private yards favor that; but I have not gotten that from the men themselves. My authority is in the printed hearings.

Mr. GARNER. Is there anything in the law that prohibits

them from working more than eight hours a day?

Mr. PADGETT. Yes; by direct statute, passed several years ago by Congress, which expressly provides that all private yards doing Government work by contract shall operate their yards upon an eight-hour basis.

Mr. GARNER. Does that prohibit men working more than

eight hours a day?

Mr. BROWNING. I want to say that it not only says that

they shall work only eight hours, but eight hours in one day.

Mr. GARNER. That is what I want to get at. I want to ask the gentleman whether or not the law prohibits them from working more than eight hours in this way: Suppose they work eight hours and desire to work overtime.

prohibit them from doing so?
Mr. PADGETT. It does. I will go still further. I asked Mr. Knox if that eight hours was a basic day, and if men wanted to work more than eight hours they could do so if they were paid extra. He said no; that although he had about 71 and a fraction per cent of his facilities engaged in Government work he could not operate his plant for 71 per cent on an eighthour basis and the remaining 29 per cent on another basis. Therefore he had to operate the whole establishment on an eight-hour basis.

Mr. FITZGERALD. The eight-hour law applies to the Government plant in the same way?
Mr. PADGETT. Yes.

Mr. FITZGERALD. They work more than eight hours a day in the Government yards.

Mr. PADGETT. No; except in emergencies.
Mr. FITZGERALD. Yes; and they are doing it right now in the Government yards, and they pay them overtime. Eight hours a day is a standard day's work; but if they work more than eight hours a day they pay them extra wages. They are working two shifts now.

Mr. OLIVER. Will the gentleman yield?

Mr. PADGETT. Yes.
Mr. OLIVER. There seems to be a feeling on the part of the House that a resolution of the kind the chairman has indicated should pass. I suggest that in view of the very great importance of that matter, in view of the fact that some doubt exists in the minds of some Members as to the exact authority and power of Congress in the matter, it might be well to refer it to the Department of Justice.

Mr. PADGETT. I will say that I thought when I got all the suggestions I would take the matter up personally in regard to framing the matter; but if we should send it officially down there to the Department of Justice I do not know when we

would get it back.

Mr. BROWNING. Will the gentleman yield? Mr. PADGETT. Yes.

Mr. BROWNING. I want to make a statement for the benefit of Members. The employees in the New York Shipbuilding Co. waited on me and asked if I could not introduce a bill that would allow 48 hours a week, so that they could have a Saturday half holiday, as every establishment in the city of Camden has. I introduced such a bill and had it referred to the Committee on Labor, and that committee refused to report the bill out. Mr. Knox said that he was perfectly willing that they should have the 48 hours a week, and stated how much efficiency he lost by these men not working Saturday afternoon. The bill is now pending before the Committee on Labor.

Mr. KINCHELOE. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. KINCHELOE. I ask this question for information. understood the chairman to say that there are nine battleships authorized, five of which are partly constructed. Is that correct? Mr. PADGETT.

Mr. PADGETT. Yes.
Mr. KINCHELOE. The information I want is, if the three additional battleships and the scout cruisers are authorized un-der this bill, if the appropriation is agreed to, can any one of them or how many of them can be completed in the year 1918?

Mr. PADGETT. They can all be begun, but none of them can

be completed, because you can not build them in that short time. They can begin the construction of them. The shortest time that the shipbuilding companies bid on a battle cruiser in a written bid was 48 months, and one other 51 months, and the other one did not fix any time limit at all, but said it would do it as quick as it could. In consultation with the Secretary of the Navy in personal conversation the Secretary tried to see if he could not get them to agree to shorten the time, and they did verbally say that they would take 46 months, but that is

practically four years.

Mr. KINCHELOE. Can they all be completed in the year 1918, even if none of the ships were authorized under this bill?

Mr. PADGETT. Not all; some will be. Four of the battle-ships that were authorized in the bill of August 29, 1916—the contracts were let in December and they are just assembling the

material and getting ready.

There were four battle cruisers authorized in the act of August 29, 1916, but no contracts have been made for any of them. We have not been able to get the contracts. The ship-builders say that they can not build them under \$19,000,000. The limit of cost fixed in the act is \$16,500,000. We have a pro-vision in this bill increasing the limit of cost to \$19,000,000, so that the Secretary can make contracts or proceed with the con-struction himself. We authorized also four scout cruisers.

The Secretary advertised, and under the first advertisement he got one bid. The limit of cost was \$5,000,000. He got one bid for \$4,875,000 or \$4,975,000, I have forgotten which. He accepted that bid and awarded the contract. He then advertised the second time for the remaining three. He got bids for two and no bids for one, and the bids for two were upon the basis that if one were awarded it would cost \$5,900,000, and if two were awarded it would be \$5,825,000 each. In this bill we propose to raise the limit of cost to \$6,000,000 upon those. Under all of these bids there must be a leeway for changes, and the smallest safe margin would be 5 per cent.

Mr. KINCHELOE. Then, if I understand the chairman of

the committee, the only expedition that could be made in carrying out this naval program by voting to appropriate the money to build the battleships and cruisers set forth in the bill would simply be that the contracts could be closed at an

earlier date?

Mr. PADGETT. Oh, no; the men could go ahead and get ready to build them. If contracts were made with private yards, a number of yards have said that they would enlarge their facilities, and the Government is asking for money to enlarge its facilities, and the Government is asking for money to enlarge its facilities, and while they were enlarging the facilities, in the private yards and in the navy yards, they would be getting together and assembling the materials. It takes a year to have the materials prepared. All of these steel products, amounting to three and a half or four million dollars for one of the battleships, have to be constructed according to specifi-

Mr. KINCHELOE. The point I am trying to get at is this: I understood the chairman to say that the program already authorized for 1917 could not be carried to completion in 1918.

Mr. PADGETT. You can not complete it. You can go ahead with the contracts, and the sooner you begin the sooner you will complete it.

Mr. KINCHELOE. If the 1917 authorizations can not be completed in 1918-

Mr. PADGETT. The contracts can be made for them.
Mr. KINCHELOE. Certainly, they could be made, but can
we expedite the business any more by appropriating for this
authorization when last year's authorization can not be completed in 1918?

Mr. PADGETT. We knew it could not be completed when we made the authorization. You can not build a battleship under three or four years.

The time of the gentleman from Tennessee The CHAIRMAN.

has again expired.

Mr. NOLAN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NOLAN. Mr. Chairman, I know the chairman of the committee wants to be fair, as he always is on the question of the attitude of the labor organizations and the eight-hour day. In discussing the attitude of labor organizations with the gen-

tleman from Illinois, I understood the gentleman to say that the labor organizations were opposed to working overtime?

I have been so informed. Mr. PADGETT.

Mr. NOLAN. Does not the chairman know that in each and every one of our navy yards in time of emergency the men work. and are now working, over eight hours a day and being paid overtime?

Mr. PADGETT. Yes; the law provides for it in case of emergency, but in these private yards they are limited to eight hours.

Mr. NOLAN. Let me follow that up by saying this: If you intend to legislate for the taking over of these private establishments. ments by the Government, is it not reasonable to assume that the

same conditions will prevail there?

Mr. PADGETT. They may, but I am simply speaking in general terms of the extreme sensitiveness of the labor organiza-tions with reference to interference with the eight-hour law. I remember that several years ago we had before our committee the same proposition that the gentleman from New Jersey [Mr. BROWNING] spoke of a moment ago, which was to establish a 48-hour week instead of eight hours a day for six days in the week, and the labor organizations had numbers of their repre-

sentatives come before us and they solidly opposed it. Mr. LOUD. Mr. Chairman, the gentleman does not state that correctly. It is not eight hours for six days in the week, but it is eight hours for five days and four hours for Saturday, making

44 hours for the week.

Mr. NOLAN. The gentleman is mistaken. The private yards can work six days a week at eight hours a day.

Mr. PADGETT. That is correct; that is what the law authorizes. I do not know what the practice is.

Mr. LOUD. Custom will not permit it. Mr. NOLAN. Excepting during three months; that is the custom in the navy yards. Mr. PADGETT. Yes.

Mr. NOLAN. The gentleman wants to be fair. Does the gentleman think that any labor organization in the country in time of emergency or in time of stress, when called upon to render patriotic service to the country, would object to their members working 16 or 18 hours a day?

Mr. PADGETT. I think not, and I sincerely hope not.
Mr. SHERWOOD. Mr. Chairman, I want to ask the gentleman a question, which I consider to be the one vital question of the whole controversy, and that is, What will be the value of these dreadnaughts when they are built? Now, early in the war in Europe three armed British cruisers, manned by 2,440 experts, were sent to the bottom of the North Sea by one submarine, costing the Kaiser \$380,000, manned by 12 undersea experts, and there were 1,242 sailors food for sharks. More men less their lives in 40 minutes then were lest in five years in the lost their lives in 40 minutes than were lost in five years in the War of the American Revolution. Furthermore, the Queen Elizabeth, the greatest dreadnaught ever constructed since the world began, was set affoat. We read in the London papers what that great dreadnaught, the Queen Elizabeth, would do in the Dardanelles. They were going to sail up the Dardanelles and bombard the imperial castle of the Sultan of Turkey and throw the imperial harem into hysterics. Now, what did all this vast array of the ships of Italy, of France, and of England do in the Dardanelles? It was stated on the floor this morning by a member of the ships of the same law of the sam by a member of the gentleman's Naval Committee that one German submarine put them out of commission. Now, another question is this, and this is a vital question: If the dreadnaught is obsolete in Europe—and it does not take a military expert, a man with as much brains as two gray geese should know it—that the dreadnaught will be obsolete in our oceans in case we have a war.

Mr. PADGETT. I would agree with the gentleman if I could admit his premises, but I can not admit them. Every naval officer who appeared before the Committee on Naval Affairs and every naval authority clearly showed that the command—

Mr. SHERWOOD. What is a naval authority good for in

the presence of actual experience in ocean warfare?

Mr. PADGETT. It is very clearly shown that the command of the sea is absolutely controlled by the big guns, and if we were to do away with the large ships carrying the big guns they could destroy the submarines in very short order. They must operate and be protected under the big guns.

Mr. DEWALT. Referring to the amendment proposing to take over the different shippards and manufacturing plants, is it not true that the managers, directors, and the president of one of the largest munitions plants of this country, which also controls the Fore River Shipyard, has repeatedly expressed his willingness and their willingness to turn over their plants to the Government and let the Government manage them, at their own expense, without any charge at all except such expenses?

Mr. PADGETT. I am not prepared to say in the language in which the gentleman stated it. I understood from them that they said they were willing to devote all their facilities to Government manufacture, but I did not understand that they would turn it over to the Government, under Government administration.

Mr. DEWALT. Just one more question. Was not the statement of Mr. Grace, of the Bethlehem Steel Co., and of Mr. Schwab, of the Bethlehem Steel Co.-they controlling the Fore River yard-that they would turn over, or allow the Government to control their plant, even to the exclusion of private contracts which they had, they being patriotic citizens?

Mr. PADGETT. I have not had any conversation with Mr. Schwab; he has not been before the committee.

Mr. DEWALT. Did not Mr. Grace's statement— Mr. PADGETT. Mr. Grace was before the committee last year with reference to the armor-plate matter. The shipbuilding construction was not gone into, as I remember, at that time, but we were then discussing the armor-plate matter.

Mr. DEWALT. Does not the gentleman know as a fact that Mr. Grace did make such a statement and was willing to abide by it, so far as the promise to the committee was concerned?

Mr. PADGETT. I do not recall it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLIVER. Mr. Chairman, I ask unanimous consent to

revise and extend my remarks in the Record on this bill.

The CHAIRMAN. Is there objection to the request of the zentleman? [After a pause.] The Chair hears none.

Mr. FARR. Mr. Chairman, I would ask the same privilege.

Mr. GARDNER. I make the same request.

Mr. GARDNER. I make the same request.

The CHAIRMAN. Is there objection to these requests?

The Chair hears none.

Mr. BUTLER. Mr. Chairman, endeavoring to answer the question put to the chairman of our committee by my colleague from Pennsylvania [Mr. Dewalt], I remember with great distinctness the answer that was made by Mr. Grace, the president of the Bethlehem Steel Co., that if the Government needs their plant it is at the Government's disposal. Knowing these people as I do, I venture to say now that if the Government needs their plants for the purpose of preparing us for the sea the Government will have them at once. I know some of these business giants well enough to know they will not stand behind any technicality which the courts might afford them in an effort to retain these plants if our need is at hand. If the Government requires the assistance of these cannon makers and these shipbuilders, that assistance will be rendered immediately. Now Mr. Chairman, our Speaker last year asked me some questions which I endeavored to answer. I find that he is dissatisfied with the answer which I gave him, and I am also dissatisfied with it. I told him then if the appropriations could be increased that this great construction could be accomplished at an early date. I did not know then of the great difficulties the shipbuilders and manufacturers were having in procuring skilled labor. I believe it was largely owing to the inquiry which he made that this House offered a bonus of 20 per cent to the shipbuilders to complete within a reasonable time these ships of war. Now, we put the question to the shipbuilders, and they said 20 per cent bonus would do us no good.

That will satisfy your mind that the difficulty is not there. The 20 per cent upon a \$19,000,000 battleship would, as you say, be \$4,000,000, nearly, a tremendous bonus. The answer was that it would not enable them to obtain the necessary skilled labor to complete these ships with the promptness we demanded. It is my recollection that the answer was made that in this country about 60,000 men were engaged in shipbuilding, and perhaps nearly one-half of that number engaged in the manufacture of commercial ships. The situation, to my mind, is quite plain that if by any manner or by any method or by any means they will put aside for the time being the work upon commercial ships we can finish the ships provided for and included in the program within 25 or 30 months. If the yards partly filled with the ships of commerce, about one-third, according to my recollection, are not relieved, the delay will be one-third longer. And I do not believe it is a question of money, sir. No. These builders and makers alike all answered the question when put to them that it was a question of labor and material alone.

I believe the whole problem could be solved by seizing the yards, if necessary. I do not believe that step will be nec-If this House will authorize this Government to negotiate with these builders, they will construct these ships. The Union Iron works have no ships to-day. They are capable of preparing within six or eight months to construct two of the largest ships of war. The offer was made by Mr.

Powell, the president of the Fore River Shipbuilding Co. to put this yard in order at once for warship construction under certain conditions, and, with others, join in the absorption of this whole program. Of course it will be necessary to increase these proposed appropriations to enable these shipbuilders to prepare for the great undertaking. Some of them will be ready when their ways are completed. It is my judgment, however, if we start at once and put the authority in the proper place, and if great expedition and great skill are used, within six or eight months we will have this whole program upon the ways. These ships can not be built in a day. They can not be built in a vear.

The best offer they will make to us now is the long term of 46 months, which is greatly disappointing to men like me. would ask this committee-I would ask this House-to help us make a program. We will work it out with you quietly and reason with you here in our common effort to assist our Government to devise some means that will give it the great armament. First of all, let us plan to lay aside the commercial ships. If

we do that we are a long way ahead.

Then, let us appeal to the workingmen. I know that they will never desert their country. I have lived among them, and I know them well. They will feel that the country needs their services, and they will not hesitate. They will volunteer for their country's cause as they have always done. Let us suspend the eight-hour law, if necessary, during the grave emergency, to be left to the judgment of the President of the United States. [Applause.] . I do not believe that any American who realizes that at this very hour we are standing in a place of peril will for one moment object to suspending the operation of this law, to be again put in force when the dark hour passes, in the judgment of the President. The men may then work for 10 hours a day, or 12 hours a day, as the workmen may see fit. Then three shifts can be obtained. It is a fact that the Bethlehem Steel Co. built 20 submarines for England in six months, and those ships are to-day employed in the North Sea by England.

The CHAIRMAN. The time of the gentleman has expired. Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks that the gentleman from Pennsylvania have five minutes more. Is there objection. [After a pause.] The Chair hears none. Mr. NOLAN. Will the gentleman yield?

Mr. BUTLER. I will.
Mr. NOLAN. I do not believe the gentleman intended to state that the Union Iron Works were idle at the present time? Mr. BUTLER. No, sir. Mr. NOLAN. I believe he meant to say that they were idle

so far as Government ships are concerned?

Mr. BUTLER. Yes, sir.

Mr. NOLAN. Does the gentleman know that they have on the books to-day \$85,000,000 to \$100,000,000 of private contracts?

Mr. BUTLER. I understand they have a great deal of work, Mr. NOLAN. In regard to the statement that it is difficult to get skilled mechanics, does the gentleman know that the Union Iron Works has increased its force at Alameda and San Francisco from 3,500 to 10,000, and that it is not a question at the time of getting skilled men as much as it is a question of paying them?

Mr. TAGUE. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. TAGUE. I would like to ask the gentleman if it is not a fact that some of these private shipyards have established yards in Canada and have sent a good many of our good me-

chanics over there to take care of them?

I do not know. What I know I will speak of, Mr. BUTLER. and of what I do not know I will remain silent. We have nothing more than the statement of the president of this shipping company, the Fore River Shipbuilding Co., that they could build and would build, and begin to build at once, as soon as they could extend their ways, two of these great big battle cruisers at the Union Iron Works. I was never at the Union Iron Works, and therefore never saw them, but I have seen the president of the Union Iron Works, a very responsible man,

Mr. NOLAN. Mr. McGregor?

Mr. BUTLER. No.

Mr. NOLAN. Then you have not seen the president of the

Union Iron Works.

Mr. BUTLER. Those works, as I am informed, are controlled by the Bethlehem Works.

Mr. NOLAN. The Union Iron Works are controlled by Mr. McGregor.

Mr. BUTLER. I beg the gentleman's pardon. I did not see Mr. McGregor. I saw Mr. Powell, who speaks for the Union Iron Works. Let that be as it may, there is room there to construct ships, and I have heard of no complaint of wages received in these shipyards. This Government offered 20 per cent bonus to the shipbuilders to complete this program, and they say they can not use this bonus. As against that and in accord with

Mr. PADGETT. Will the gentleman permit me to interrupt him just a moment?

Mr. BUTLER. Yes, sir.
Mr. PADGETT. Notwithstanding the 20 per cent bonus that was provided every shipbuilder in the country refused to bid for it, and they all stated before our committee that they would not bid for it in the future or make contracts upon that assumption

because of the labor question.

And then, just in that same connection, I want to say a word about the submarines which were authorized and for which contracts were made. There are only two concerns in the United States that contract or bid for submarines. The lowest term that they bid for was 26 months. The Secretary declined to make contracts or accept their bids for that time. By negotiation they finally cut the time down to 23 months. A premium of \$700 a day was offered them for every day that they will shorten the 23 months in completing the submarines. And yet it is said that the Secretary has not been endeavoring to hasten the construction. Now, that shows you how anxious the de-partment was and how far they are going to get these submarines. The total amount of the premium not to exceed the 20

per cent authorized by law.

Mr. BUTLER. Mr. Chairman, the chairman of the Committee on Naval Affairs is absolutely accurate in his statement, and I want now, while I am here and on my feet, to be allowed to say that I believe that in the effort to have this program constructed in obedience to the demand made by Congress the Navy Department under the circumstances has done its best. I do not believe, if we have any differences of opinion-and we do have, and have heretofore ventilated those differences on the floor and made them known to the public-that now is the time to speak of them. I want, however, to say, and I believe it is only just to say, that the department under the circumstances has done its best to get this program under way. We might differ as to methods employed. Another party might be willing to go further in the expenditure of money and make greater efforts to reconcile differences to complete the program than the other.

But let me give you the situation now as I have it. The Secretary of the Navy and these shipbuilders do not greatly differ on the price or cost of ships. We are not confronted with a question of wages. It may be that many men do not go to the navy yards. But I happen to live quite near to one, and I believe they do. They may not be quite satisfied with the wages they receive, but the trouble is not here. The steel that is in one ship is the same kind of steel that goes into another ship. What it costs the shipbuilder, I do not know; because in some instances the shipbuilder makes it himself. But I believe from statements made and from what I have learned that there is but little difference in the cost of the raw material used in either the navy yard or the private yard.

Mr. NOLAN. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.
Mr. NOLAN. I think the gentleman misunderstood me in what I said about wages. I said that the Union Iron Works had in two years' time increased the force of their men from 3,500 to 10,000. It is easier for us to get men than for some of the shipyards of the East to get them. In the East the munition factories have been able to offer more money and greater inducements to mechanics than we give in the shipyards.

Mr. BUTLER. The gentleman from California is correct. I

know that in my district there is the greatest munition factory ever seen on the earth, and my constituents who are employed in this factory are receiving, perhaps, from \$5 to \$8 a day for

their labor.

Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. KELLEY. Just for this, in connection with the suggestion of the gentleman from California [Mr. Nolan], that the Union Iron Works build no Government ships.

Mr. BUTLER. No.

Mr. KELLEY. And in these days of shipbuilding for private concerns the profits are immensely large, larger than for Government yards or for yards where Government ships are built, and the tendency for yards not doing Government work is to take the labor away from the yards that are doing Government The CHAIRMAN. The time of the gentleman from Pennlvania has again expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that

the gentleman may have two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.
The CHAIRMAN. The gentleman from Pennsylvania will

proceed for two minutes more.

Mr. BUTLER. Mr. Chairman, if I can sum up in a word, in answer to the query that our Speaker put to us, that if we will authorize the Government to use such means as we have authority to give to the Government either to seize these yards or to compact with the owners of the yards, to the end that they will agree to lay aside all the commercial work in their yards, we can not only absorb this program but complete it at an early date. We can further hasten it by authorizing the President of the United States, when in his judgment a great emergency exists, to suspend the eight-hour law during that emergency, so that men who care to work more than eight hours may have the opportunity to do so.

Mr. Chairman, it is not a question of money that we have to solve. It is a question of opportunity; that is all. Give it to the Government and it can complete the program with prompt-

ness. [Applause.]

Mr. MANN. Mr. Chairman, if it would not be improper, I would like to ask the chairman of the committee about the bill before reading it under the five-minute rule. We have not com-menced doing anything but general debate. What is the meaning and purpose of this paragraph providing that "The Secretary of the Navy shall send to Congress at the beginning of its next regular session a complete schedule or list," and so forth, as to the pay and allowances of each grade?

Mr. PADGETTE The number of Complete is the pay and allowances of each grade?

Mr. PADGETT. The number of officers is being increased every year, and the number of enlisted men is being increased every year, and this report is intended to keep Congress advised

as to the status during the current year.

Mr. MANN. I had supposed that when this paragraph first went into the law that it was designed to give Congress information which we have never been able to extract and which would enable us to know how much a naval officer gets under his pay and the various kinds of allowances that are given. But I ascertained, when I read the report made in accordance with this provision, that that is not the purpose. I have read the report. That information is furnished to the committee, anyhow.

It is the total pay of the Navy. That is all that it amounts to.

Mr. PADGETT. It gives detailed information as to the number of officers, the various grades in which officers are employed, and the enlisted men, and the ratings of the men, and

the number.

Mr. MANN. It bunches it as to the men, and you can not ascertain from that how many men are drawing \$50 a month, or how many are drawing \$40 a month, or \$20 a month, or anything of the sort. You can not ascertain from this how many naval officers are getting longevity pay for 5 years and how many are getting it for 20 years. The purpose of this item in the first place was to get that information. The Navy Department does not give it. What is the use of keeping it in the law? However, Mr. Chairman-

Mr. PADGETT. Just a moment. If the gentleman will take,

for instance, Appendix E in the estimates

Mr. MANN. Oh, I am not taking Appendix E in the estimates

Mr. PADGETT. This is the report that is sent down.

Mr. MANN. I have read the report made by the Secretary of the Navy in compliance with this requirement in the law.

Mr. PADGETT. Yes; but he sends down as a part of that report in the estimate the list, and here is the active list of the line, and the Medical Corps and the Pay Corps—
Mr. MANN. That is the regular estimate. That is the state-

ment always furnished in the estimates.

Mr. PADGETT. Yes. It comes down with the estimates as

part of them.

Mr. MANN. Yes; that is a part of the estimates, but this was in addition to the estimates, and it means nothing, except the expense of printing a document of Congress. However, I really rose to suggest that this is Saturday, and we met at 11 o'clock, and have had a rather exciting day, and before we really get into the bill I think we ought to have a little rest.

Mr. PADGETT. Mr. Chairman, may I ask the Speaker of the House, can we have Monday?

Mr. MANN. Monday is unanimous-consent day.

Mr. PADGETT. Can we dispense with it?

Mr. CLARK of Missouri. No.

Mr. PADGETT. Then we will not get back to the bill until

Tuesday,
Mr. CLARK of Missouri, Mr. Chairman, inasmuch as I started this shindy that has run here for about an hour and a

half, I would like to have five minutes.

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] is recognized for five minutes.

Mr. CLARK of Missouri. First, I want to ask the chairman of the Committee on Naval Affairs how it happens that it took from August last until now to let these contracts to build these

new ships?

Mr. PADGETT. The naval appropriation bill was passed on the 29th of August. The contracts were let, I believe, either the latter part of November or early in December. Under the law the department is required to advertise for a number of days, and then the contracts had to be prepared, and so forth. There has been no delay in that.

Mr. CLARK of Missouri. I started this interlocutory per-formance to get some information; I have secured a good deal; and it turns out that nobody can give the rest. The whole object I have in view is to have this program expedited. Notwithstanding what some people say in the newspapers, Congress

is not stingy with the Army or the Navy.

Mr. BUTLER. That is right.
Mr. CLARK of Missouri. We have voted them all the money that seemed reasonable and proper, and I am sick and tired of having Congress hammered all the time and never given the slightest credit for anything that we do. [Applause.]

the first proposition.

The gentleman from Pennsylvania [Mr. Butler] and the chairman of the committee, Mr. Padgett, have both been very kind about contributing information, and some of it is very valuable. I am in favor of giving the President of the United States the power to commandeer these shipbuilding yards if he needs them. But the United States Government must be honest and just. It can not afford to be anything else, and if these private parties are damaged by this process of commandeering, then the Government ought to compensate them for it, and I have no sort of doubt but that it will-not a bit of doubt. I think if we get into trouble-and I hope we will not-the percentage of the American people in high life or low life or middle life, laboring men or professional men, merchants and business men, farmers, and every sort of men, who will prove recreant to the best interests of the country, is almost infinitesimal, I do not care a straw whether they were born in this country or born across the seanot a particle. [Applause.]

I believe the union-labor men of this country, if they felt it was necessary, would be willing to work 14 or 15 hours a day to save this Republic from humiliation or defeat. Of course there has been a great deal of unwise talk in the United States in the last two or three years about who are the most patriotic. My judgment is that we are all patriotic when the time comes, and the only difference on earth that there ever has been between us on that is on the question of expediency and what is best to be done. I am glad to learn from these gentlemen that the shipbuilders and these other people are willing to do their part if we need their services and need them quick. But, as I see it, the great trouble about these battleships—and it has been pestering me ever since I first studied about them—is that if you build one of the things to-day it is

out of fashion to-morrow.

Mr. MANN. Will the gentleman yield for a question?
Mr. CLARK of Missouri. Yes.
Mr. MANN. Does the gentleman think that is any reason why

a lady should not buy a hat?

Mr. CLARK of Missouri. No; not a bit in the world. The hat business is all right, but it is different with a ship.

Mr. MANN. The hat is out of fashion to-morrow.

Mr. PADGETT. Will the gentleman yield just a moment? Mr. CLARK of Missouri. Yes.

Mr. PADGETT. Battleship construction began comparatively a few years ago.

Mr. CLARK of Missouri. Yes; I know that.

Mr. BUTLER. Twenty-four years ago.

Mr. PADGETT. And it has been going through a process of transition and development. When I first went on the Naval Committee, 12 years ago, we were building battleships of 12,000 and 15,000 tons' surface displacement, carrying four 12-inch guns, costing \$5,000,000. We are proposing in this bill to build battleships of 42,500 tons displacement that carry twelve 16-inch guns. These ships that were carried, as compared with the Delaware, represent a fighting efficiency of about 25 or 30, while the ones we are proposing in this bill represent a fighting efficiency value of 380. That shows the marked progress. The ships we are building now and for several years past are not

going out of fashion, but we are reaching up to the limit of achievement.

Mr. CLARK of Missouri. Now, with all due respect to the chairman, and everybody else, the chairman does not know that. Nobody can tell that some genius is not going to make an invention to-morrow revolutionizing the whole business. I am in favor of going on with the program. I am in favor of this bill. I am in favor of the resolution that the chairman talks about. When we had this subject up a year ago I asked the question if any battleship was recognized to be the queen bee of the whole business; and if it was, why, instead of fooling around and making new plans every time they want to build a new ship, they did not take that one for a model, reach into the pigeonhole, pull out the specifications, and copy them. I have come to the conclusion after hearing the debate that that plan I suggested is absolutely impracticable.

The committee is doing the best it can, and it seems to me the department is; but, if it is necessary, I am in favor of taking every shipbuilding yard into the hands of the Government and putting these great sea fighters on the ocean at the earliest pos-sible date, with all the resources that the American Republic

will furnish. [Applause.]

Mr. BUTLER. Will the gentleman yield?

Mr. CLARK of Missouri. Certainly.

Did I understand the gentleman to say that Mr. BUTLER. he is in favor of having this program completed at a very early date, not having in his mind the condition abroad, which may involve us, but, Congress having authorized the program to be built, that we should proceed to complete it as quickly as possible?

Mr. CLARK of Missouri. Precisely; with not a minute of delay about it; without reference to any particular nation, but with reference to all the nations on the face of God's earth which would attack us. We are not building battleships for purposes of aggression, but for defense-solely for defense.

Mr. BURNETT. Will the gentleman yield? Mr. CLARK of Missouri. Yes.

Mr. BURNETT. When they say they can not complete these ships within 48 or 52 months, does the Speaker believe that they are lying about it?

Mr. CLARK of Missouri. No; I do not, because they all

testify clearly and you can not have any doubt about it.
Mr. BURNETT. They say they can not do it. Mr. CLARK of Missouri. I know that they do.

Mr. BURNETT. Does the Speaker think they are lying? Mr. CLARK of Missouri. No; I do not, because they are talking about things they know about and of which I know

very little, Mr. BURNETT. They know whether they can complete the

Mr. CLARK of Missouri. Yes.

Mr. CLARK of Missouri. Yes.

Mr. CLARK of Missouri. Yos; I think they are lying?

Mr. CLARK of Missouri. No; I think they are telling the truth.

Mr. BUTLER. Does the gentleman from Missouri—
Mr. BURNETT. I am interrogating the gentleman from Missouri. How does the gentleman reconcile those statements when they say they can not do it, and you say they are not lying about it?

Mr. CLARK of Missouri. I say that if you commandeer the shipyards you can carry it out on schedule time.

Mr. BURNETT. Who can commandeer them?

Mr. CLARK of Missouri. We authorize the President to do it. Mr. BURNETT. Does the gentleman think that the President

can have it done in a shorter time?

Mr. CLARK of Missouri. Yes; if he can commandeer the shipyards and put them to building battleships instead of commercial ships. I think they can do it within the time the gentleman has been talking about.

Mr. BURNETT. Does the Speaker believe that we ought to do that when they are lying about the time they can do this in?
Mr. CLARK of Missouri. I think they are not lying about it.

Mr. BUTLER. I hope the gentleman from Alabama will not go away. The Secretary of the Navy through his chief con-structor, Admiral Taylor, in whom we have the greatest con-fidence, says that he could not build the ships in the navy yards in less time.

Mr. BURNETT. Then that settles it.
Mr. CLARK of Missouri. No; it does not.
Mr. BURNETT. Does the gentleman think that Admiral Taylor is lying?

Mr. CLARK of Missouri. No.

Mr. BURNETT. He puts him in the same position as the

Mr. CLARK of Missouri. The gentleman from Alabama leaves out the main proposition that has been discussed, or proposed in the resolution that we are to discuss, and that is that which gives the President of the United States the authority to take over all the shipbuilding yards and hurry this program up if it is necessary.

Mr. BURNETT. Does this bill do that?

Mr. CLARK of Missouri. This bill will do it if we can get votes enough next Tuesday.

Mr. BURNETT. Is it in the bill now?

Mr. CLARK of Missouri. No; it is not, but it will be before Tuesday night.

Mr. BURNETT. I hope so. Mr. MANN. Mr. Chairman, I make the point of order that

there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Page of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20632, the naval appropriation bill, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5126. An act giving the consent of the United States for the bringing of certain suits in the Supreme Court of the United

States, and for other purposes;

S. 865. An act granting to certain States public lands for the construction, repair, and maintenance of public roads;

S. 5395. An act to repeal sections 2588, 2589, and 2590 of the

Revised Statutes of the United States;

S. 6716. An act to provide for stock-watering privileges on certain unallotted lands on the Flathead Indian Reservation,

S. 4360. An act authorizing the President to exchange land set aside for military purposes in the Territory of Hawaii for private land; and

S. 7486. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors,

EXTENSION OF REMARKS.

Mr. COLEMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the retirement of Federal judges

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now

The motion was agreed to; accordingly (at 4 o'clock and 46 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Sunday, February 4, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

 A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting a supplemental estimate of appropriation for the service for the fiscal year 1918 (H. Doc. No. 2021); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting an estimate for the reappropriation of the unexpended balance on June 30, 1917, for new fence at St. Elizabeth's Hospital to be made available for expenditure during the fiscal year ending June 30, 1918 (H. Doc. No. 2022); to the Com-mittee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, requesting an increase of salaries of certain messengers of the War Department (H. Doc. No. 2023); to the Committee on Military Affairs and

ordered to be printed.

4. A letter from the Secretary of War, submitting tentative names of persons, firms, or corporations who draft of a provision of legislation for incorporation in the tax; to the Committee on Ways and Means.

general deficiency appropriation bill (H. Doc. No. 2024); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Governor of the Federal Reserve Board. transmitting annual report of the Federal Reserve Board, covering operations for the year 1916 (H. Doc. No. 1888); to the Committee on Banking and Currency and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 20297) granting the consent of Congress to the county of Beltrami, Minn., construct a bridge across the Mississippi River in said county, reported the same with amendment, accompanied by a report (No. 1410), which said bill and report were referred to the House Calendar.

Mr. STOUT, from the Committee on the Public Lands, to which was referred the bill (S. 4761) providing for the classification, appraisal, and disposal of certain lands within the former Fort Peck Indian Reservation, Mont., reported the same without amendment, accompanied by a report (No. 1415), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee to which was referred the bill (S. 6829) to provide for the disposition of public lands withdrawn and improved under the provisions of the reclamation laws, and which are no longer needed in connection with said laws, reported the same without amendment, accompanied by a report (No. 1416), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2, of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STOUT, from the Committee on the Public Lands, to which was referred the bill (H. R. 6130) to authorize the issue of a patent to certain land in Alabama to William M. Wilson, reported the same without amendment, accompanied by a report (No. 1411), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 6671) to validate the homestead entries of Anna W. Thrailkill, reported the same without amendment, accompanied by a report (No. 1412), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 784) to authorize the sale of certain lands at or near Belton, Mont., for hotel purposes, reported the same without amendment, accompanied by a report (No. 1413), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 6783) for the relief of William F. Carter, reported the same without amendment, accompanied by a report (No. 1414), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 20628) for the relief of Elizabeth R. Nicholls and Joanna L. Nicholls, heirs of Joshua Nicholls, and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:

By Mr. SANFORD: A bill (H. R. 20728) to provide for the
military and naval training of the citizens; to the Committee

on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 20729) to amend section 76, chapter 5, of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March

3, 1911; to the Committee on the Judiciary.

By Mr. SLOAN: A bill (H. R. 20730) authorizing internalrevenue collectors of the United States to transmit lists of
names of persons, firms, or corporations who have paid revenue

By Mr. STEENERSON: Resolution (H. Res. 483) directing the Secretary of War to furnish copies of cablegrams between the Bureau of Insular Affairs and the Governor General of the Philippines, relative to the binder-twine monopoly; to the Committee on Insular Affairs.

By Mr. SLOAN: Memorial of the Legislature of the State of Nebraska, favoring an amendment to the revenue laws requiring internal-revenue collectors to furnish the governors of the several States lists of persons and firms who have paid revenue taxes on sale or manufacture of liquors; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:
By Mr. AIKEN: A bill (H. R. 20731) granting an increase of pension to Emma F. Buchanan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20732) granting a pension to Samuel W. Dickson; to the Committee on Pensions.

By Mr. BLACK: A bill (H. R. 20733) granting a pension to Julian A. Wiggins, Company M, First Texas Infantry, United

States Army; to the Committee on Pensions.

By Mr. CRAMTON: A bill (H. R. 20734) granting an increase of pension to Thomas C. Thodey; to the Committee on Invalid Pensions

By Mr. COADY: A bill (H. R. 20735) granting a pension to William L. Buck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20736) granting a pension to George F. to the Committee on Pensions.

By Mr. DILL: A bill (H. R. 20737) granting a pension to Frederick E. Bogart; to the Committee on Invalid Pensions.
Also, a bill (H. R. 20738) for the relief of The Pateros Trans-

fer Co., D. J. Garrison, secretary, Pateros, Wash.; to the Committee on Claims.

By Mr. FESS: A bill (H. R. 20739) granting an increase of pension to Wilson Gaskill; to the Committee on Invalid Pen-

By Mr. HOUSTON: A bill (H. R. 20740) granting an increase of pension to Annie N. Sullivan; to the Committee on Pensions.

Also, a bill (H. R. 20741) granting an increase of pension to

Margaret R. Brevard; to the Committee on Pensions. By Mr. JACOWAY: A bill (H. R. 20742) for the relief of

Marion H. Henderson; to the Committee on Claims. Also, a bill (H. R. 20743) for the relief of Elizabeth Granger and Mary Granger, daughters of Dan B. Granger, deceased; to the Committee on Claims.

Also, a bill (H. R. 20744) for the relief of William D. Kirkland; to the Committee on Claims.

By Mr. RAKER: A bill (H. R. 20745) granting a pension to George W. Keenan; to the Committee on Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 20746) granting a pension to Mrs. Ophalai Barnes; to the Committee on Invalid

By Mr. WILSON of Illinois: A bill (H. R. 20747) granting an increase of pension to James H. Flynn; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Ruthenian National Union, favoring House joint resolution 350, relative to funds for relief of the Ruthenians; to the Committee on Foreign Affairs.

By Mr. CAREW: Petition of New York Produce Exchange, against literacy test in immigration bill; to the Committee on Immigration and Naturalization.

By Mr. DALE of New York: Petition of Mary D. Davis, of Altoona, Pa., relative to bill to establish a probation system in the United States courts; to the Committee on the Judiciary

Also, petition of the American Forestry Association, relative to the pine-blister disease; to the Committee on Agriculture.

By Mr. DAVIS of Minnesota: Petitions of farmers in vicinity of Franklin and Cairo, and Progressive Farmers' Club, of Cairo, Minn., relative to cooperation of the States of Minnesota, North and South Dakota, Wisconsin, and Iowa with the United States to control flood waters and proper outlet drainage; to the Committee on Rivers and Harbors.

By Mr. EAGAN: Petition of R. N. Harper, favoring passage of Senate joint resolution 157, relative to caring for Confederate veterans during reunion; to the Committee on Appropriations.

Also, petition of the American Forestry Association, relative to measure for fighting pine blister; to the Committee on Agri-

Also, petition of E. B. Lord and M. L. Parmly, of the State of New Jersey, favoring passage of House bill 20080, to protect migratory birds; to the Committee on Foreign Affairs.

Also, petition of the National League Branch No. 35, Government Employees, relative to the placing of St. Elizabeth's Hospital on eight-hour basis; to the Committee on Appropria-

By Mr. ESCH: Petition of Milwaukee Daily Newspaper Publishers' Association, against passage of House bill 15843, corrupt-practice act; to the Committee on the Judiciary

Also, memorial of American Forestry Association, relative to the pine-blister disease; to the Committee on Agriculture.

Also, memorial of Milwaukee Daily Newspaper Publishers' Association, against passage of mail-exclusion bills; to the Committee on the Post Office and Post Roads.

By Mr. FLYNN: Petition of United Leather Workers of the

World, against militarism; to the Committee on Military Affairs.

Also, petition of sundry citizens of New York, against pro-hibitory legislation; to the Committee on the Judiciary. By Mr. FULLER: Petition of board of governors of the Illinois

State Bar Association, favoring increase of salaries of Federal judges; to the Committee on the Judiciary.

By Mr. GALLIVAN: Petition of sundry members of the Massachusetts Branch of the League to Enforce Peace, relative to the adoption of the league's proposals by the United States; to the Committee on Foreign Affairs.

Also, petition of the American Forestry Association, relative to a national quarantine of the pine-blister disease; to the Committee on Agriculture

By Mr. HOLLINGSWORTH: Memorial of Local Union, No. 1840, United Mine Workers of America, Shady Side, Ohio, relative to investigating high cost of living; to the Committee on Interstate and Foreign Commerce.

By Mr. KING: Petition of Frank B. Gamel and sundry citizens of Rio, Ill., urging passage of prohibitory legislation; to

the Committee on the Judiciary.

Also, petition of the South Side Boat Club, of Quincy, Ill., signed by Messrs. A. G. Weisenburger, Elmer Mertz, and A. B. Weisenburger, urging the establishment of an armor plant at Quincy, Ill.; to the Committee on Naval Affairs.

By Mr. MEEKER: Memorial of Women's Christian Temperance Union Federation, of St. Louis, Mo., favoring censorship of motion pictures; to the Committee on Education.

Also, Memorial of the Women's Christian Temperance Union Federation, of St. Louis, Mo., favoring passage of House bill 3107, relative to race gambling bets; to the Committee on the Judiciary.

By Mr. MOTT: Memorial of International Forestry Association, favoring measures toward eliminating pine blister; to the Committee on Agriculture.

By Mr. NELSON: Petition of sundry farmers of the State of Wisconsin, asking for investigation of the binder-twine situation, with a view to obtaining relief from excessive prices; to the Committee on Agriculture.

By Mr. OLNEY: Petition of citizens of Brockton, Mass., relative to lengthening hours during which migratory birds can be legally hunted; to the Committee on Foreign Affairs.

By Mr. PRATT: Petition of H. D. Bailey, R. T. Holand, and sundry others of the Methodist Church of Enfield Center, N. Y., favoring national prohibition; to the Committee on the Judiciary

By Mr. RAKER: Memorial of Los Angeles (Cal.) Chamber of Commerce, favoring bill for protection for navigators along the Pacific coast; to the Committee on Appropriations.

Also, memorial of the Philadelphia Committee, against bill to discontinue pneumatic mail-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of Schmidt Lithograph Co., of San Francisco, Cal., against House bill 18986, mail-exclusion bill; to the Committee on the Post Office and Post Roads.

Also, petition of the Manufacturers and Dealers' Association of America, against prohibitory legislation; to the Committee on the Judiciary

Also, petition of E. S. Brashers, relative to a referendum on prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petitions of California Associated Societies for Conservation of Wild Life and California Audubon Society, against amending game-sanctuary bill; to the Committee on Agriculture.

Also, petition of Julius Gabriel, of San Francisco, and Federated Trades Council of Sacramento, Cal., against passage of mail-exclusion bills; to the Committee on the Post Office and

Also, petition of Federation of Applied Arts and Sciences, Los Angeles, Cal., favoring passage of vocational-education bill; to the Committee on Education.

Also, petition of Langley & Michaels Co., of San Francisco, Cal., favoring passage of Kern-Doremus bill; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Minnesota: Memorial of the City Council of Minneapolis, Minn., favoring food embargo; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Minnesota Anti-Saloon League, favoring prohibitory legislation; to the Committee on the Judiciary.

Also, memorial of Coopers' International Union, Labor Union No. 62, of Minneapolis, Minn., protesting against prohibitory legislation; to the Committee on the Judiciary.

Also, petition of A. N. Chadbourn, of Minneapolis, Minn., favoring prohibitory legislation; to the Committee on the Judi-

Also, petitions of 335 citizens of Minneapolis, Minn., against prohibitory legislation; to the Committee on the Judiciary.

Also, petition of Brotherhood of Railway Trainmen, Local 804, against passage of the Adamson bill; to the Committee on Interstate and Foreign Commerce.

By Mr. STAFFORD: Petition of citizens of the first congressional district of Wisconsin, protesting against prohibitory legislation; to the Committee on the Judiciary.

By Mr. SULLOWAY: Petition of citizens of Jaffrey, N. H., favoring passage of House bill 20080, for protection of migratory

birds; to the Committee on Foreign Affairs. Also, petition of John W. Ashman and others, of Laconia, N. H., favoring passage of House bill 20080, for protection of

migratory birds; to the Committee on Foreign Affairs. By Mr. YOUNG of North Dakota: Petition of Mrs. Svenagard and others, of Bowdon, N. Dak., favoring legislation to prohibit sending liquor advertisements through the mails; to the Committee on the Post Office and Post Roads.

HOUSE OF REPRESENTATIVES.

SUNDAY, February 4, 1917.

The House met at 12 o'clock noon, and was called to order by Mr. Adamson as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord, our God, whose name evokes awe, reverence, gratitude, trust, which men hallow upon their lips in worship, be with us, we beeseech Thee, as we assemble on this holy Sabbath day to pay our tribute in sacred memory to a Member of this House who has been called to the higher life, and who was chosen by his constituents year after year to represent their interests, an earnest of the trust reposed in his ability, sincerity, and nobility of purpose. His heart went out not only to the interests of his people but to his State and nation only to the interests of his people but to his State and nation with patriotic zeal and fervor, a consistent member of the church of his choice, an earnest and faithful worker in the Sunday school, beloved by all. Peace be to his ashes and repose to his soul. Be Thou with his colleagues, friends, his bereaved wife and children, that they may cherish his memory, copy his virtues, and look forward with faith to a happy reunion beyond the confines of this world, where peace, joy, and happiness shall reign forever. Through Him who lived and died that we might know Thee and dwell with Thee evermore.

The SPEAKER pro tempore. The Clerk will read the Journal. Mr. CRISP. Mr. Speaker, I ask unanimous consent that the reading of the Journal be dispensed with.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. Crisp] asks unanimous consent that the reading of the Journal be dispensed with. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the special order for this day's session.

THE LATE REPRESENTATIVE TRIBBLE, OF GEORGIA.

The Clerk read as follows:

On motion of Mr. Rucker of Georgia, by unanimous consent, Ordered, That Sunday, February 1, 1917, be set apart for addresses upon the life, character, and public services of Hon. Samuel J. Tribble, late a Representative from the State of Georgia.

Mr. BELL. Mr. Speaker, I offer the following resolutions which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 484.

Resolved, That the business of the House be now suspended in order that opportunity may be given for tribute to the memory of Hon. SAMUEL J. TRIBBLE, late a Member of this House from the State of

SAMUEL J. TRIBBLE, late a Member of this Resolved. That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned. Resolved. That the Clerk communicate these resolutions to the Senate.

Resolved That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolutions.

The question was taken and the resolutions were unanimously agreed to.

Mr. EDWARDS. Mr. Speaker, these are always sad occasions, and out of them should come lessons to the living as well as tributes to the dead; and I earnestly hope the tributes to-day will at least give a measure of comfort and consolation to the bereaved family and to the thousands of friends who loved the late Congressman Samuel J. Tribble, to whose tender memory these eulogies are paid as our last tribute of respect and affection.

It is called death, but there is no death for those who be-lieve in God and live true to that belief. The body passes away and goes to its last long sleep to awaken no more until the dawn of the morning on that great day when "we shall know each other as we are known" in that beautiful realm beyond this vale of tears, and we miss our friend Mr. TRIBBLE from the places where we used to see him-he has gone to that long sleep-but there is no death for such a soul as was a part of the Christian-hearted SAMUEL J. TRIBBLE. His body is dead, but for the soul of the Christlike there is no death, and his spirit, tender and courageous, has winged its flight to mansions in the sky to claim its sweet reward in that "Temple not made with hands, eternal in the heavens," where it was bidden with the glad greetings of "Well done, thou good and faithful serv--enter thou in the joys of my heavenly kingdom.

"SAM," as he was affectionately called by his friends, has left testimony of a noble character among men; and he has left a record, pure and spotless, worthy of our emulation. The memory of him is so sweet and full of tender thoughts, and there is so much to commend his life to us, in the blameless way in which he lived and moved among us, that this should be an hour of rejoicing rather than one of sorrow and grief. Try as we may, sorrow and grief can hardly be taken from death; there is that something about it that strikes awe to the human heart, and but for the hope of eternity and the salvation of the soul I can not see how anyone could meet the awful ordeal. The promises of salvation and of eternal life, the hope of resurrection, with which God's word is so abounding, takes the sting away from death and robs the grave of its victory; and to those who keep His commandments and walk in the path of uprightness, as did our friend TRIBBLE, death and the grave are but gateways to a more delightful realm and death has no terrors.

It was while I was a student at the University of Georgia in 1897 that I first had the pleasure of meeting Mr. TRIBBLE. I only knew him casually and did not have an intimate friendship with him until after he came to Congress. He had not been long a member of the House before he had impressed himself upon his colleagues, both Democrats and Republicans, as an able and fearless legislator, guided by but one light and that light was his conscience. He had not long been a mem-ber of this House before he had won the friendship and esteem of all his fellows, and all respected him for his determination,

at all times, to stand for what he thought was right.

Since I became a Member of Congress, 10 years ago, I have seen many occasions of this kind, and many good men with whom we have served here have been called "from labor to and have answered death's unavoidable summons, and their fellows have felt a keen loss and deep grief; but I have not known of a death of any Congressman that caused deeper grief and over which there was more genuine regret than was expressed by his colleagues in the House and the Senate when the sad news of Sam's death reached them. He made warm friends and his friends loved him, because he loved his friends and was true to them. He was fearless and tireless in the performance of his duties, yet he was one of the most tender-hearted men I have ever known and one of the most obliging.

I can hardly think of the late Congressman Anderson Roddenberry, of Georgia, who served here so ably, without thinking of the late Congressman TRIBBLE. They were strong friends and worked together like brothers and they were almost as devoted as brothers. I recall, soon after Mr. Roddenberry died, Sam said to me one day: "Roddenberry hastened his death by hard work," and it was true; but it was true also in Sam Tribble's case. He was a slave to duty and took but little thought of his own physical weakness. We are all frail and realize often when it is too late that we have taken too little thought of the frailty of the body. His only thought was to serve, and to do something worth while for his people and his country.

Mr. Tribble was a lawyer; and a good one, too; he was solicitor of the city court in his home city of Athens, Ga., and later was elected solicitor general of the western circuit of Georgia. It is known that he filled these positions of homor and responsibility with that splendid ability which later marked him in Congress as a faithful public servant. He was elected to the Sixty-second Congress, and reelected to the Sixty-third, Sixty-fourth, and Sixty-fifth Congresses. In looking over his biographical sketch in the Congressional Directory, I was impressed with the statement made therein:

Elected to the Sixty-second Congress, and reelected to the Sixty-third and Sixty-fourth Congresses without opposition.

He meant, and we all understand it, that he had no opposition in the general elections. He had opposition in the primary elections, and always won with splendid majorities, attesting his great popularity with his constituents; but Sam was too considerate and too modest, afraid he would wound some one, if he made reference to his battles in the primary elections, so he merely refers to the general elections and makes no reference whatever to the primary elections, in which he proved himself one of the best campaigners ever known to Georgians. This is so like the man—a brave fighter when fighting had to be done, but modest, considerate, and forgiving as a victor—never boastful, rather meek, until he was stirred to action, and then he was as brave as a lion and fought with the fury of a storm, but was always fair and honorable, regardless of who his antagonist was or what the cause of battle.

Mr. Tribble was a self-made man, and did his task well in the making, for I have never heard anyone say other of him than that "he was a good man." The fact that the people, early in his young manhood, elevated him to important positions and promoted him to higher honors, indicated that he merited and held their confidence and esteem. As a Member of Congress, he was able, diligent, and faithful. He was a true American and as patriotic a man as I have ever known. He was tireless in his services for his country and carried, at all times, the welfare of his country on his heart and his mind, and never missed an opportunity to advance, as he saw it, the best interest of the whole country. He was an apostle of genuine Americanism.

I fear many public men are not appreciative of the suffrage of their fellow men. Sam Tribble was. He loved the people of the Eighth District of Georgia, and they loved him, too, as was evidenced by the thousands who came from cities, villages, and farms, far and near, to pay a last tribute of respect to their dead Congressman and friend when the remains were carried home for burial. It was particularly noticeable and sad to me to see in the large crowd gathered to attend the funeral, men from every walk of life, a great number of farmers to whom Sam was always so faithful, who had come great distances to say a last farewell to Sam and to get a last sight of his honest face, who, with tear-dimmed eyes and bowed heads, had the appearance of soldiers who had lost their chieftain after many battles. I knew the love deep down in those noble hearts-I had been through political battles, just about like Sam had gone through with, and I knew that human hearts in order to love a man as Mr. TRIBBLE's constituents loved him, were necessarily reflecting a deep and true affection which he

In political campaigns the strongest ties are formed between men, and that Congressman who does not love a constituency which has time and time again stood by and honored him with their votes and support is void of all the real tender human sensibilities and is unworthy of a place in the great National Congress. I did not know how deeply and truly I loved my friends and constituents, who have kept me here for 10 years, until I announced that I would not again be a candidate for the House; and my friends from all over the first Georgia district began to write me and express regret. It brought to my mind and my heart a more tender thought and affection for my constituency than I had ever had, for the trials in which they had proven true friendships came over me in a flood of memories, and I hope the fragrance of those sweet memories will abide with me until the end. When I saw men of all callings at Sam's funeral, weeping, in many cases, like little children, I knew why Sam had been invincible as a campaigner in the eighth, for it brought home to me the memory of friends

who have stood so loyally by me in my battles, and I said in my own heart, here is the secret of his political successes—his hold on the people.

When the train, upon which Mr. TRIBBLE's remains were carried, and on which was the funeral party, neared the boundary line of the eighth Georgia district on its sad mission, friends would board it to express sympathy and regret; and as we reached the eighth district large crowds, with sad faces, would stand about the depots and in their appearances could be read the unmistakable evidence of deep grief and great sorrow. His people, as I have said, were devoted to him and properly so, for he was a true friend, a good man, and a splendid Congressman and they hated to give him up. The grief of his constituents was so pronounced that along with the great sympathy I felt for his bereaved family and his close personal friends I found myself keenly sympathizing with the whole people of the district who seemed to realize what the loss meant to them. The people who congregated at the depots knew Sam was on that train and they seemed to long for a sight of him, for a warm clasp of his hand, and for the sound of his earnest voice, his usual friendly greetings, as on his former returns from Washington to the "red old hills of Georgia," but alas! his manly form was lifeless, his strong hand was cold, his voice which he had so often raised in defense of his people was forever silent; and his thousands of friends were broken-hearted and sad as it dawned upon them that Sam was returning for the last time to be buried in the dear "red old hills of Georgia." which had always been close to his heart and over which he had romped and played as a boy, where he had lived as a man, and where he wished to be buried.

In his death Georgia lost a noble and beloved son of whom the State was justly proud, and the Nation lost a true citizen and one of its ablest statesmen. His wife lost a devoted and splendid husband and his children a tender and affectionate father. His wife, one of the most charming and able ladies in Georgia, had been a great help to Mr. Tribble in his career, and no tribute to his achievements can be paid this great man without carrying coupled with it also a deserved tribute to his devoted wife.

From the activities at the National Capitol, where he did his last and best work for his district, his State, and his country, his remains were taken back to Athens, the beautiful and classic city, where he had made his home for many years, and there, in the heart of his district, laid to rest.

the heart of his district, laid to rest.

If no marble shaft is ever erected to this distinguished Georgian to proclaim for all time his splendid qualities of heart and mind, there is builded to him a monument, larger, taller, and far more sublime than any piece of marble that will perpetuate and keep his memory ever fresh and green, a lasting monument of genuine love and admiration in the hearts and affections of noble and appreciative friends.

Mr. BELL. Mr. Speaker, it is with sorrowful hearts that we are on this occasion reminded of the passing away of one of our colleagues to whom we were all so closely attached, and one who had, during his active service here as a Member of the Sixty-second, Sixty-third, and Sixty-fourth Congresses, made many loyal and admiring friends. He was elected to the Sixty-fifth Congress by the people of his district by an overwfielming majority.

I was personally acquainted with Mr. TRIBBLE for more than 20 years, during which time he always convinced me of his earnestness and enthusiasm in matters of interest to those whom he represented. When I first knew our departed friend he was in the active practice of law, and afterwards was elected and served four years as solicitor general of his judicial circuit, which position he filled with credit and distinction. He received his first nomination to Congress over one of the ablest men our country has known for many years, and for this reason the public watched his career with interest. He was a hard worker, a very enthusiastic, wide-awake Representative and did much good for the district and the people he represented and for the country generally. He was a member of the Committee on Naval Affairs, which is one of the great committees of Congress. He was always at his post of duty and could be found at his seat at the opening of each session of Congress and was one of the last to remain upon the floor at the hour of adjournment. Truly he performed his duty well and we and the country may truthfully say that the Congress has lost one of its most valuable Members. One of the most inspiring characteristics of this man was his willingness to aid his friends and those worthy of recognition. He would go his full length for his colleagues and for any meritorious matter in which any of them were directly interested. He was positive in his declarations and ready at all times to defend any position he might take and always stood firm in his convictions. He had a resolute will, a determination undaunted by fear, and was never satisfied unless he had accomplished that which in his heart he believed just and proper. Courage was the mainspring of his make-up, and nothing but positive proof of error would turn him from his course.

He was thoroughly convinced that to serve a constituency meant something to him, and no idle moments can be charged to him in the performance of his duty. A confidential statement made to him was absolutely safe and lingered in the deep recesses of his heart. He was proud of his wife and children and had the fullest measure of their love and esteem.

His sudden demise was a great shock to us all and his passing from among us is an irreparable loss to our body. We shall never forget his sojourn with us. We will oft remember the brightness of his face and the pleasant communications with him. He was indeed kind and generous, and the courtesy with which he responded to all his colleagues was commendatory and his desire for the success of his coworkers was unselfish. He has gone from among us, but we shall not forget him. We shall not forget his labors. We shall not forget the many hours he unrelentingly worked for his people and his country. He is now at rest.

Brother, thou are gone before us; and thy saintly soul is flown Where tears are wiped from every eye and sorrow is unknown, From the burden of the flesh and from care and fear released, Where the wicked cease from troubling and the weary are at rest.

Sin can never taunt thee now, no doubt thy faith assail,
Nor thy meek trust in Jesus Christ and the Holy Spirit fail:
And there thou'rt sure to meet the good, whom on earth thou lovedst
best,
Where the wicked cease from troubling and the weary are at rest.

And when the Lord shall summon us, whom thou hast left behind, May we, untainted by the world, as sure a welcome find, May each, like thee, depart in peace, to be a glorious guest, Where the wicked cease from troubling and the weary are at rest.

Mr. AUSTIN. Mr. Speaker, I wish to add my tribute of respect, friendship, and admiration for our late colleague, the Hon. Samuel J. Trible, who served the people of the eighth congressional district of the State of Georgia with zeal, industry, and ability for six years as a Member of this House. He was a useful, faithful Member, always at his post of duty, and ever watchful of the interests of his constituents. He enjoyed the confidence and good will not only of every Member of the Democratic side of this House but every Republican who enjoyed his acquaintance or had knowledge of his many worthy qualities. We did not always agree with his position on public questions, which constantly divide the membership of this body, but it can be truthfully said that at all times he had the courage of his convictions. He was open, honest, and conscientious in the discharge of his duties. He was not a trimmer, not a dodger, not a demagogue. He was an honest, fearless, manly man. He fairly earned and deserved the love and admiration of his loyal constituents and the friendship and respect of his colleagues here in Congress.

I met Mr. Tribble soon after his election to the Sixty-second

I met Mr. Tribble soon after his election to the Sixty-second Congress, and our friendship continued up to the time of his untimely death. In the passing of our colleague Georgia lost one of its true and devoted sons and his district a faithful, efficient, untiring public servant.

To live in hearts we leave behind Is not to die.

Mr. HUGHES. Mr. Speaker, one of the most delightful conversations I ever had with the distinguished gentleman whose death we mourn to-day was here in this Chamber the day he was stricken. Apparently in the best of health, he was in a reflective mood, and those ties which bind true friends together, those tender feelings which ennoble friendly intercourse, seemed stronger that day between us than ever before, though we had always been the best of friends since our acquaintance began.

We talked of our pleasant and happy relations during our service in this House, and I am glad that I then had the opportunity to tell him how deeply I appreciated his friendship. It was one of those quiet hours when men are drawn close to each other and speak their feelings. Late that afternoon I learned of his sudden illness and hastened to the hospital, where were gathered many of his friends and colleagues, shocked, grieved, awaiting the fateful words they were so soon to hear. The call which we all must answer had come to him suddenly, almost in the twinkling of an eye, and he was soon to answer. Before his sun had reached its zenith and the shadows were falling to the east his day was ended. Always ready to meet the great emergencies of life, he was ready to answer the last call, for he had led a Christian life and heeded the mandate: "Be ye ready; the summons cometh quickly."

In the full glory of a brilliant young manhood, when success was crowning his efforts and the fine promise of goals yet untouched held their lure and hope, as he looked up the mountain whose paths he was climbing so surely and fast, his untimely death at least carried the blessing that goes to those whose ship goes down "when eager winds are kissing every sail."

Always enjoying the confidence and trust of those with whom he came in contact, he was early chosen a leader of his fellows. A lawyer by profession, he was made the prosecuting attorney for his county and for his judicial circuit before he came to Congress. His work in the discharge of his duties was always characterized by a fine sense of fairness, intelligent effort, and the utmost zeal.

I never knew a public man who labored more industriously for those whose commission he held than did Samuel J. Tribble. No wish of a constituent was too small to receive his considerate personal attention, no task too great for him to undertake for them. He died in the service of his people, giving the very best that was in him to their cause. An incessant worker, he overtaxed his strength in the performance of his duties. He fell in battle. He was inspired in his fight for his people by the same intrepid feeling that moved Washington at the head of the noble Army of the Revolution from White Plains to Yorktown. Tingling in his blood when the Great Commander called him from the service of his people was the same patriotism which coursed through the veins of Jackson as he fell at Chancellorsville.

His service to his country was great. His life is worthy of emulation. He made an impress on the time in which he lived. But it is as Sam Tribble, my friend, that I shall always think of him and mourn his loss. The Nation has lost a patriot, but I have lost a friend.

In his home he was happy, for his good wife always shared the fortunes of his life with a generous encouragement whether the days were dark or bright. She was ever willing to share his trials along with his successes, and there was a perfect sympathy between them. With his family the State and Nation share his loss,

Mr. TRIBBLE left to his family and his people a heritage far more priceless than gold—a life well lived and filled with service, and we are reminded that—

A good name is rather to be chosen than great riches, And loving favor rather than silver or gold.

Mr. PLATT. Mr. Speaker, there is not a great deal that I can say that has not already been said in the way of tribute to my late friend, the Hon. SAMUEL J. TRIBBLE, of Georgia, but what little I can say I want to say. In the matter of friendships among Members of this House there is no North, no South, no East, and no West. I suppose that Democrats perhaps more naturally form their friendships among Democrats than among Republicans, and Republicans more naturally form their friendships among Republicans than among Democrats, but the strongest friendships in this House often cross party lines, and there is, of course, no partisanship in friendships. It might be interesting to say a word or two as to how some of these friendships originate. Some come from living as neighbors in the same hotel perhaps, or in the same neighborhood of the city, or from belonging to the same church or fraternal organization; some come from service on committees; some of them come from the very antagonism which springs up across the aisle between Republicans and Democrats, as a man comes to love a worthy foe, and there are other ways doubtless in which they begin.

My friendship for Mr. TRIBBLE came from the fact that he had been my neighbor in the House Office Building and I have seen a great deal of him in a casual way as we passed each other in the corridors and went up and down on the same elevator and occasionally visited each other and did for each other the usual small favors, as Members of Congress, in the way of exchange of documents and information, and other little helps back and forth from one to the other. So I came to know him soon after my first service began in the Sixty-third Congress and it is a singular fact that when I came down here in December for the opening of this session Mr. TRIBBLE was the first Member of Congress whom I met. I took a car from somewhere up near the Treasury building and came down to the farther entrance of the House Office Building and as I started to get out I saw Mr. TRIBBLE in front of me. We got off the car together, walked up the corridors and took the elevator together for our respective offices, and talked over the coming events of the session. He looked well and told me that he was very well—yet only a day later he was stricken with his fatal illness. I was very much shocked. I felt I had lost a personal friend, and I can hardly say how much it affected me as I at once recalled the fact that he had been the first Member of Congress whom I had seen after my arrival here for the session and the fact that he had been my neighbor over in the House Office Building for so long a time. Of course, I had not enjoyed the pleasure of the long friendship with Mr. Trible that his colleagues from the State of Georgia have enjoyed, but the friendship I have had with him is a very precious memory to me. This House has lost a most worthy Member and our country an able, valued representative.

Mr. HOWARD. Mr. Speaker, one of the strange things about life is, that we never fully appreciate our friends and our loved ones until they are called to the other world.

We see this man and that man occupying places of trust and honor, and those who have not attained such places of distinction never stop to consider the struggle, the deprivation, and the toil that made his goal possible.

Of all the men it has been my pleasure to know who now hold and have heretofore held a public office, none deserved the confidence and affection of his constituents more than did our dear departed friend, Samuel J. Tribble. A more faithful, solicitous, or conscientious man never filled a public office. His paramount thought was of the betterment and happiness of his people. To lighten their burden, to be helpful to those who had the least of this world's blessing controlled his voice and vote.

He was the most indefatigable worker I have ever known. No task was too burdensome for his undertaking if it was for his people. He literally worked himself to death in serving those people he loved and who so sincerely loved him.

He loved the South. He was proud of his State. Whenever his section or his State was directly or indirectly in the balance, his voice was always heard in forceful and eloquent defense of his people.

He was a true friend—brave, courageous, honest, and humble. He said to me one day: "The longer I serve my people the more humble I am. To have the confidence of nearly 300,000 Georgians should make any man humble."

He was a most affectionate and thoughtful husband and father. I never knew a more miserable man when separated from his family. His last rational thought was of them

from his family. His last rational thought was of them.

He was held in the highest esteem by the membership of the House. No matter what difference of opinion may have existed about his position on public questions, all men knew he possessed an honest heart and intellect.

Mr. Speaker, as his friend I was a constant watcher at his bedside. I with thousands of friends hoped against hope. God in His infinite wisdom had laid the hand of death upon his brow. As I looked into his honest face for the last time I could not but think of how well it was with his soul. What childlike faith he had in God! How he had striven to serve Him! How clean and noble his life was! How charitable he was! How ready his hand to help the poor! What an example his life had been to his manly and devoted son just stepping into manhood.

As I clasped his palsied hand for the last time I thanked God that I had known him and loved him, and as I stepped into the chill of a winter's night I felt that I should return to his side and whisper one word to cheer him on his flight to God. I would have said:

O just and faithful knight of God: Ride on, the prize is near.

Mr. FARR. Mr. Speaker, it was a tremendous shock to me to hear of the death of Samuel J. Tribble. My heart went out to his devoted, helpful wife and children in their sad affliction. I realized, too, the Congress had suffered a great loss.

It was my good fortune and pleasure at the beginning of his congressional career to have become acquainted with Mr. Trible. We both came to this great body in the Sixty-second Congress. We occupied near-by offices and came in almost daily contact. Later we were associates on the Committee on Naval Affairs during the period of deepest interest in the great arm of the sea, when policies of tremendous importance were being inaugurated. Many differences prevailed, and feeling and tension at times were sharp and intense. With this association with Samuel J. Tribble I had opportunities to know much about him. Happily, we here learn to know each other as men—not as partisans—and set our value on the qualities of mind and heart each other possess. That which first impressed me was his close, happy family relations, an index so expressive of that which is best in life and man. Always did his great sincerity impress me, and his high sense of right and nobility of character stamped themselves at every turn.

themselves at every turn.

He was devoted to his official duties, industrious, studious; indeed, so strenuous in his earnestness and activity that he

seemed loath to lose a minute in his love of service. The outpouring of people at the funeral services at his home fully attested the great love of his neighbors. It was so sincere, so marked, so general, that, in itself, proved that a kind, strong, high-minded, thoroughly serviceable man had passed to his reward, and their grief and expressions showed how fully they appreciated the great loss they suffered. Samuel J. Tribble earned this tribute by his deeds of love and service to mankind. After all he profits most who serves best.

There is a lesson in the sudden death of our dear departed colleague. The last day comes to all of us. We know not what moment the summons may come. Let duty be our constant watchword and faithful service our guide, ever remembering, no matter what the station in life, that "the charities that soothe, and heal, and bless, lie scattered at the feet of men like flowers."

Mr. DAVIS of Texas. Mr. Speaker, I came to add my presence in commemorating this occasion.

The death of the Hon. Samuel J. Tribble gives remarkable accent to that sacred proverb which says, "In the midst of life there is death." In the heyday of a useful, intellectual, and vigorous life, the shadows of death were thrown athwart his path, and he lay down to rest in eternity and sweet communion with those who serve and obey God.

His life and example ought to be assimilated into the life of the young American everywhere. He stands in just fulfillment of that proposition that Christ gave to the twelve when He had just returned from the Mount of Transfiguration and found in the valley the twelve contending among themselves as to who should be the greatest in Heaven. He turned to them stating that "He who would be greatest of all must be servant of all." Mr. Tribele's life fulfilled that proposition. His life was a life of service to his country, to humanity, and to God. And we ought to profit by his life and example, for we find:

There will be a place we know not where, And time we know not when, When God Divine in justice there, Will judge the deeds of men.

And to be prepared for that judgment and get a decree in our favor in that eventful epoch in the universe ought to be the full hope and fruition of all human existence.

Mr. TRIBBLE in the very midst of life met death. He met death in the service of his country, and that service began in the vigor of his young manhood in the call of his State and his country, and in the midst of that service he was called to the Great Beyond.

I simply rose to add my presence and these few remarks in honor of a distinguished son of Georgia, and a splendid, typical American citizen.

Mr. LEE. Mr. Speaker, as a boy in north Georgia I looked with admiration upon the foothills that bordered my father's farm. When I first traveled the then seeming great distance of some 20 miles to the famous Lookout Mountain, from whose summit visitors looked over seven States, three battle fields, and numberless mountain peaks, I thought that here in the "heaven-kissing hills" is represented God's best illustration of the eternal, the everlasting. When some years later my mind became absorbed in the history of nations and the growth of governments, I felt that in the development of men, made in the image of their Maker, the purpose of the Almighty was shown—the continuing problem of the universe was outlined.

I now believe that the most everlasting thing in the contemplation of the human mind—the most fixed thing in men and in governments—is character. The soul, the spirit, the immortal part of him whom we memorialize to-day found its keynote, its essence, and its strength in his pure and splendid character.

No truer man ever breathed the breath of life than Samuel Joel Tribble. He died in the very flush of manhood—47 years of age when the summons came. He was a native of Franklin County, one of the so-called country counties of Georgia, on the northern tier, near the South Carolina border, where the mountain air is bracing, where thought is pure, where contamination by evil influences is unknown. As a boy he was an easy favorite in the county schools; as a student in the State University at Athens he soon ranked with the highest; choosing the law as a special course, he was speedily recognized as one of the leaders in the legal department.

His university and law courses completed, he "hung out his shingle" in this classical educational center of the South and begun the practice of law. His adaptability to public service soon became evident, and he was elected solicitor of the city court, serving five years in that office, and was then called to a

further four years' service as solicitor general of the western circuit. The constituency of the eighth congressional district of Georgia were not slow to recognize the value of representation in Congress by such a man, and elected him to serve in the Sixty-second Congress. So fully did he meet all their expectations that they elected him to the Sixty-third and again to the Sixty-fourth Congresses.

From the very moment of his admission to the membership of this House Mr. TRIBBLE applied himself with singleness of purpose and unflagging assiduity to the work of legislation. Never losing sight of the interests of the people of his district, he never failed to keep before his mind's eye the larger interest of the country. The most important committee assignment given him when he took his seat here was to the Committee on Naval Affairs, and he continued there until the end. The chairmain of that committee and his associates testify to the faithfulness, the industry, the high intelligence, and the intense patriotism with which Mr. Tribble applied himself to the difficult work before that committee at every session, and which was particularly onerous when the momentous events of contemporaneous history enlarged its activities. He was unfailing in his attendance upon all sessions; any amount of labor assigned to him was borne cheerfully. Whatever the subject which he was called upon to investigate was exhausted by the minutest research.

With almost unerring instinct he knew how to separate the wheat from the chaff. With the acumen of the trained lawyer he distinguished between the true and the false; nothing that bore the faintest resemblance to wrong could escape his notice, and with like discernment he saw the good points of a proposition. In the great work accomplished by the Committee on Naval Affairs during the past few sessions of Congress Mr. Tribbia bore a share which will entitle him to honorable remembrance throughout the coming years.

The chief of the Confederate forces during the Civil War, Gen. Robert E. Lee, was fond of saying that "duty is the sublimest word in the English language." This thought found an echo in the heart of Mr. TRIBBLE and guided his course at all times and in all circumstances. His devotion to duty, his courage, his strong adherence to his convictions were salient characteristics, distinguishing him both in his public and private life.

With Mr. Trible conviction, the sense of duty, never yielded to expediency. Because a thing was popular, this did not commend it to his consideration or influence his action whenever his conviction ran counter. This policy of his was most strikingly illustrated in his course on private pensions. He was a consistent and persistent opponent of private pension legislation. He was firm in his belief that the general pension laws were liberal enough, both in their original frame and in the interpretation given them by the officials charged with their execution, to obviate the necessity of supplementing them with private pensions for persons who happened to be fortunate enough to have friends and advocates in Congress.

No doubt Mr. TRIBBLE at times aroused resentment among his colleagues by his opposition in this regard, but he never allowed this to deter him from the course which he had marked out for himself and of the correctness of which his conception of duty did not leave him in doubt. I am quite sure that the kindly feelings which he cultivated in his intercourse with his fellow Members must frequently have suffered a severe pang when they came in conflict with the stern dictates of conceived duty, but I am equally sure that his colleagues finally bore him no ill will because of his opposition, for they could not fail to recognize and appreciate the high sense of moral obligation which determined his action.

In a Republic like ours the conscientious man is the greatest asset of the State. The citizenry of a democracy must be animated by high ideals to be fruitful of the best service. Such a citizen was Mr. Trible. He had set his ideals high before him, and they were his guiding stars through life. Mr. Trible carried his idealism into every action of his life. It was not enough for him to do the thing which it was obviously his duty to do, but he constantly strove for something better and higher. If he ever had chosen a motto for himself it must have been "Excelsior." His thoughts were always lifted above the common; they were aimed at the best in life; they reached up to those higher realms where truth reigns supreme.

Those who live are those who struggle.

Measured by this, Mr. TRIBBLE may well be said to have lived a splendid life, for he never ceased to struggle for that which is good, that which is noble, that which elevates character. In his nature Mr. TRIBBLE partook of much of the mountains in whose vicinity he was born and had been reared. Firmness, rugged honesty, unyielding determination in the face of adverse influ-

ences, perseverance under difficulties, self-reliance were distinguishing traits in his moral make-up. Yet withal his was a kindly spirit. He was lovable to a degree, but not a spendthrift in his friendships. When he once had made a friend, however, he did "grapple him to his soul with hooks of steel," and was then as self-sacrificing as such a nature could prompt a man to be. No man was ever loved and respected more fully by his neighbors than was he. They knew that they could always rely upon him for friendly aid whenever aid was needed. They knew that if they came to him for advice it would come from the heart and would be given after patient consideration. He was a man whom children loved, and that is the best test of the kindliness of a man's nature.

Mr. Tribble was a model husband and father. In his home life he was governed by the same lofty ideals which animated his public career. To his wife he was the ever loving, considerate companion; to his children the ever faithful counselor and close friend. They received from him the best that his mind and heart could offer them. Praise was ever given in lavish measure and reproach was softened by gentle words.

reproach was softened by gentle words.

Disraeli, in his speech on the death of the Duke of Wellington, in the House of Commons, said:

The Duke of Wellington has left to this country a great legacy, greater even than his fame—he has left to us the contemplation of his character.

No one will gainsay the declaration that the contemplation of a fine character is something whereby every man may profit. And thus we may to-day gather new inspiration for the work which we are appointed to do by pondering the character and the life of our departed colleague and friend. Surely, we can profit by the contemplation of his high sense of duty; by the consideration of his earnestness in his application to his work, of his conscientiousness in the discharge of every task that came to his hands. From such a study we may well gather new inspiration.

Mr. CRISP. Mr. Speaker, we have assembled to-day to pay tribute to one of Nature's noblemen, to one who loved God and his fellow man, for such a man was Hon. S. J. TRIBBLE, our late colleague in this august Assembly.

Mr. Tribble, in the very prime of life, vigorous, energetic, full of hope, and desirous of being of service to the people who had honored him, was suddenly called from his sphere of usefulness by the Great Architect of the Universe. Surely "God moves in a mysterious way, His wonders to perform."

moves in a mysterious way, His wonders to perform."

On the opening day of this session of Congress, I sat in the House with Mr. TRIBBLE, and we discussed pending legislation, and he was full of ambition and determination to render splendid service to his district, State, and Nation. I never saw him in better spirits or seemingly in better health. On the following morning my heart was inexpressibly grieved and shocked to learn that my friend had had a stroke of apoplexy, and was at death's door, in a hospital. I hastened to his bedside, but human love and friendship and the best of medical skill availed not, and on the 8th day of December the soul of our friend returned to the God who gave it.

Mr. Tribble held many positions of trust and honor and fully measured up to the requirements of each of them. He was a devoted husband, a loving father, a sincere and loyal friend, and the world is brighter and better for his having lived in it. He was my friend, true and tried. I loved him in life, and shall ever cherish his memory.

With a number of his colleagues, I accompanied his remains to the beautiful, classic city of Athens, Ga., his former home. On the following day, in the Presbyterian Church, his funeral was held. The church was filled with beautiful floral offerings, evidencing the love and esteem in which he was held, and a great concourse of sorrowing friends assembled to do him honor. The large edifice was inadequate to accommodate his many friends, and thousands could not gain admittance to the church. The funeral services were conducted by Dr. Lynch, of the Baptist, and Dr. Hill, of the Presbyterian Church, each delivering able and impressive orations which I incorporate in this, my simple tribute to my friend.

We believe in the immortality of the soul; therefore, let us hope, in the bright and better world, once again we shall know Mr. TRIBBLE and be with him forevermore.

There is no death,
The stars go down to rise upon a fairer shore
And bright in heaven's jeweled crown,
They shine forevermore.

And ever near us tho' unseen The nearer immortal spirit treads, For all the boundless universe is life, There are no dead.

Discourse at the funeral service of Congressman S. J. Trib-BLE, by Rev. James William Lynch, D. D., pastor of the First Baptist Church, Athens, Ga.

ETERNITY IN THE HEART.

God has surprised us. We are shocked, pained, and grieved. For the moment the nightmare of oppressive mystery paralyzes us. We are as those who have frightful dreams in the night and wish for the light of the coming day.

THE TIMELINESS OF GOD.

In the dark and fell hour, so seemingly rude and ruthless, I come to lay upon your gashed hearts the comfort and hope of a beautiful scripture, "He hath made everything beautiful in its time: also He hath set eternity in their heart." In the eyes of God everything is beautiful in its time and place, for He sees it in the light of His all-revealing eternity. Though our hearts are stunned and paralyzed, God has put in them the ballast of a deathless hope.

THE DEATHLESS HOPE.

By the deathless hope I mean to designate the hope of immortality. The thirst for a future, personal, and conscious existence is the supreme passion of the soul. The moaning hunger of life is life—continued, personal, family-related, and consciously happy.

AGE AND EXPRESSION OF THE HOPE.

This hope is old as the soul and a part of it. The writer of Ecclesiastes—a book Voltaire read and Ingersoil praised—declares that God has set eternity in the heart. This eternal hope the Hebrews embalmed in their holy writings, the Egyptians builded in their pyramids, prehistoric man symbolized on his rude implements of toil and weapons of war, and in all ages sculpture has given to its expression the finest stroke, painting the softest touch, poetry the gladdest note, and devotion the most sacred utterance.

THE RETICENCE OF MOSES.

The reticence of Moses on the question may be explained—the matter had been overdone in Egypt. In that land of pyramids, tombs, and mummies, immortality was only another word for superstitious idolatry. The nations' literature was called the "Book of the Dead." The enslaved Israelites needed to be organized and taught, not the masonry of sepulture and art of embalming, but the laws of hygiene and jurisprudence, not how to die and be buried, but how to be healthy and strong and long-lived. The great Prophet succeeded—the Jews are the healthiest people and most persistent race in the world.

NO LIE IN NATURE.

Though we may not affirm that the universality of the deathless hope proves the reality of an endless life, yet we do conclude that it constitutes a strong presumption in its favor. In the realm of nature there is no unsatisfied want—no emptiness without a corresponding fullness. The eye wants vision, and there is light; the ear wants sound, and there is music; the nose wants smell and there is fragrance; the mouth wants taste, and there is food; the nerves want thrill, and there is touch; the mind wants thought, and there is truth, revealed and axiomatic; the heart wants love, and there is friend-ship; the soul wants life, and there is 60d. "My soul thirsteth for God, for the living God." If there be no future existence, this eternity in the heart is the only lie in nature.

THOUGHTS BEFORE THINGS.

Our faith in the doctrine will largely depend upon whether we assume the primacy and preeminence of mind or matter. For my part I find it easier to believe in the eternity of mind than to believe in the eternity of matter. Thoughts are greater than things. I believe they are older. All things were first thoughts. The modern loom is Arkwright's thought dressed up in iron; the locomotive is Stephenson's thought harnessed to steel; the ocean liner is Fulton's thought under steam; the stars are God's thoughts on fire; the Lord Christ was the Word made flesh. Our bodies decay and fall, but we pass away thinking.

THE GREAT ASSUMPTION.

Much of our practical knowledge is based upon assumptions. We can not prove anything in its genesis. Mathematics rests upon the assumption that one is one and twice one is two. We can not prove it. The great truths are axiomatic. God has put them in the mind as He has put eternity in the heart. They admit of no demonstration. Our use of them is an act of faith. God is the Great Assumption sumption.

THE LAW OF CORRESPONDENCE.

The Law of correspondence.

To everything in the universe there has been given a sphere of existence corresponding to its nature. The planet Jupiter has an orbit of a thousand million miles. Some trees live a thousand years and more. The white elephant of India does service for a century, Now, man is greater than trees and elephants and planets. It is unreasonable to believe that they have larger spaces and longer lives. We are all greater than our dreams. "They that turn many to righteousness shall shine as the stars forever."

AN ETERNAL NECESSITY.

Moreover, the hope is an eternal necessity. Without it society would not hold together or civilization advance. The great apostie truly says, "If we have only hoped in Christ in this life, we are of all men most pitiable," Once let materialistic philosophy filter down into the common mind and selfishness would become dominant and regnant. Wheels would reverse and take us back to mere animalism. Epicures do not make missionaries or martyrs or soldiers. The world must have men who endure as seeing Him who is invisible, "We are saved by hope," God has put this telescope in our hearts and we look not upon things seen but unseen, for these are eternal. With John Fiske I believe in the "sweet reasonableness of God." This infinitude of space and these multitudinous worlds mean something. Nothing is wasted in God's hands. With Him there is a thing for every place and a place for everything, "In My Father's house are many mansions. I go to prepare a place for you."

THE SUPREME COURT OF THE UNIVERSE.

The inequalities of condition and miscarriages of justice in the

The inequalities of condition and miscarriages of justice in the social world at least hint a final settlement and adjudication of human affairs. Not many lawyers are infidels. They believe in laws and laws are made; they do not make themselves. Old Abraham asked, "Will not the Judge of all the earth do right?" It is the first moral

question raised in the Bible and the question can only finally and satisfactorily be answered in the Supreme Court of the Universe. Nothing is settled until it is settled right, but many decisions here will have to be appealed to the Great Assize. I have found the deathless hope weakest in physicists and surgeons, men who work in matter; and I have found it strongest in teachers, jurists, and statesmen, men who work in mind.

THE WORLD'S GREATEST REASONER.

THE WORLD'S GREATEST REASONER.

The world's greatest intellect, for pure and unaided reason, reached the conviction of a life beyond. I refer to Plato of the Greeks. The words of his classic interpreter, Addison, have almost the immortality of their theme:

"It must be so—Plato, thou reasonest well!—
Else whence this pleasing hope, this fond desire, This longing after immortality?

Or whence this secret dread, and inward horror, Of falling into naught? Why shrinks the soul Back on herself, and startles at destruction?

"Tis the divinity that stirs within us;
"Tis heaven itself that points out an hereafter, And intimates eternity to man.
Eternity! thou pleasing, dreadful thought.
The stars shall fade away, the Sun himself Grow dim with age, and nature sink in years, But thou shalt flourish in immortal youth, Unhurt amidst the war of elements,
The wrecks of matter, and the crush of worlds."

But after all has been said that can be said from the standpoint of science, philosophy, poetry, and reason, it remains, as revelation declares, that Christ brought life and immortality into light. The universal hope blossomed on His lips. He spoke words of familiarity, candor, and assurance. He called spirits back from the silence, and talked with heavenly visitants. He turned loose resurgent forces that still work upward. Out of His empty tomb came the great White Day, our Sabbath, witnessing every week and forever to His resurrection.

THE KEYS OF DEATH AND HADES.

John of Patmos saw Him in glory and heard Him say, "I am He that liveth, and was dead; and, behold, I am alive forevermore, Amen; and have the keys of hades and death." The "keys" are doubtless the symbols of experience and authority. Our Lord has tasted death for every man, and He has power to unlock all doors. He has the key to every experience in our life, every pain in our fiesh, every wound in our heart, every perplexity in our mind—every condition, situation, state, and place through which the soul must pass. He will meet us in death with the keys; at the grave with the keys; at the gates of heaven with the keys; at the grave with the keys; at the gates of heaven with the keys. The compressed eternity in our hearts will expand into the eternity of ageless time, boundless space, endless life, infinite beauty, and all-perfect knowledge. We shall be with Him and like Him, and we shall know Him and ours and all, even as we are known. The deathless seed in the heart will flower forever in a deathless world.

"God does not send us strange flowers every year:

God does not send us strange flowers every year;
When the spring winds blow o'er pleasant places,
The same dear things lift up the same fair faces,
The violet is here.
It all comes back—the odor, grace, and hue,
Each sweet relation of its life repeated;
It is the thing we knew.
So after the death winter it will be;
God will not put strange sights in heavenly places;
The old love will look out from the old faces;
Veilchen, I shall have thee!"

Remarks at the funeral of Congressman S. J. Tribble by his friend Dr. E. L. Hill.

"FRIENDSHIP."

The gifted and brilliant Goldsmith put in the mouth of one of his characters, who occupied the sacred office and lived the holy life, the disparaging words,

The gifted and brilliant Goldsmith put in the mouth of one of his characters, who occupied the sacred office and lived the holy life, the disparaging words,

"And what is friendship but a name,
A charm to lull to sleep;
A shade to follow wealth and fame,
And leave the wretch to weep."

If this is a true conception of friendship, then better by far eliminate the thought from the human mind, and eradicate the sentiment from the human heart, and erase the word from the human language; but this is not a true interpretation of friendship. Friendship is the richest gift of one soul to another; and more precious than gold and silver. When Cyrus gave Artabazus, one of his courtiers, a gold cup, he gave Crysanthus, his favorite friend, a kiss. And Artabazus said to Cyrus, his great general, "The gold in my cup is not so precious as the sweetness in the kiss of friendship, which you have given Crysanthus." This was the ancient way of expressing the priceless value of friendship. The life which has not been blessed with friendship's fragrant love is not worth living; and impoverished indeed is that life which has not been graced with true friends. We Americans can almost feel our hearts move with forgiveness and certainly with pity when we see that military genius, Benedict Arnold, who trified with his honor and betrayed his country, lying upon his death bed in a garret in the metropolis of the world; and hear his physician ask him if there is anything he would have, and hear him reply, "Yes, only a friend." The essential worth of friendship was duly appreciated by the great Master Teacher who had nothing more valuable to give his disciples and nothing they coveted more, and hence he said to them, "Henceforth I call you not servants. I have called you friends."

Hon. S. J. Tribbus gave expression in life to no other virtue more strikingly than that of loyalty to his friends. Standing on yonder street corner engaged in conversation with him one day, he pointed to a man who passed by, and said, "That man is my friend, and I

I am honored to have been numbered among those who claimed him as a friend. Ten years ago I came to this city, a stranger in a strange land, and the third home into which I was invited was that of Mr. Tribble. I well remember that ideal little cottage home on Prince Avenue, with the charms of a warm hospitality and the delights of magnetic personalities. From that evening my friend constantly expressed his genial interest in me and mine. His every effort was put forth to make me comfortable in that same little cottage, the few months that I occupied it as my home. When he was called into a larger sphere of usefulness, I thought perhaps his mind would be so engulfed in the larger interest of life he would drift away from local interests and persons, but from time to time he wrote me of his service and plans in Congress, and never falled to give me the warm hand grasp when I met him on our streets here.

But this friendship, like yonder mountain stream which springs from a pure fountain head and moves along its course for a time and then darts from sight underground, until farther down in the valley it appears again larger and richer and grander and more powerful, has been interrupted for a season by its passage through the grave, but soon will appear grander and larger and stronger in that world of endless and congenial associations. Until then I bid my friend, good-bye.

Mr. PADGETT. Mr. Speaker, it is with a sense of personal bereavement that I appear to-day. When Mr. TRIBBLE came to Congress it was the good fortune of our committee that he should be assigned as a member thereof, and during the years of his service I had opportunity of close association with him, an association that, as the years continued and our work grew in volume and importance, became closer, and our friendship was cemented into a more hallowed compact. I esteemed him very highly, and I am justified in saying that he had the esteem, confidence, and admiration of every member of the committee. We esteemed him for his worth, we admired him for his ability, and we loved him for his friendship.

Mr. Tribble was a man of positive convictions. It was not a question in his convictions, as commonly expressed, of "milk and He believed something. He believed it in a positive way. He believed there were duties to be performed in life, and that belief was positive. He believed that there was work to be accomplished by a Member of Congress, and that was a positive belief with him, and he asserted it. He was a man who had the courage of his convictions. He was not afraid to express them, and he did express them when he felt that it was his duty so

He was not only positive in his convictions, not only had the courage of them, but he was sincere in his beliefs. His beliefs and his convictions found lodgment in his heart and received the sanction of his judgment and the approval of his intelligence. No one can help but admire one who is positive in his character, who is courageous in his convictions, and who is sincere in his beliefs.

Again, Mr. Speaker, a thing that may be spoken to his credit and is worthy of emulation is that he was not too stubborn to learn. There is a great deal in that. Every Member who comes to Congress comes as a new man. There is a broad field here that before coming he has never explored. There are many subjects here which in their full phase and full view he has not attempted to survey. There are many questions here that he has not had either the time, the opportunity, or the privilege of Sometimes we find a man so set in his ways, so prejudiced in his convictions, that he is too stubborn to learn. It is to be said to the credit of anyone, when he comes into a larger field of experience and observation, when he comes into a line of new duties, of untried labors, that he is not too stubborn to learn by experience and by enlarged opportunities and extended privileges. And I do not know of anyone in my association, in committee work, in private friendship, and in observation in the House that better illustrated that than our friend, Mr. TRIBBLE. He was frank, open, and sincere, and a man with feeling, with noble purpose, not too stubborn to learn, and developed year after year as he served in this House, and he was enlarging the sphere of his usefulness and improving all of his opportunities. It is something that can be spoken to his credit and is worthy of emulation.

Again, Mr. Speaker, he was polite and courteous. I think I might emphasize that especially. Politeness is one of the virtues of life that I sometimes think in the stir and bustle and the confusion of our present life is sometimes overlooked. I some-times think that this generation does not give that attention and that consideration to the virtue of politeness that characterized our fathers and our forebears. It is a virtue, however, that yields the greatest dividends of any in life. It costs nothing, and yet it is the polish, it is the finish in character that marks the gentleman, that makes us close to our friends, that makes us congenial in company and in society. There may be a rough diamond and we esteem it as a diamond; but its beauty, its brilliancy, its value, is brought out and exemplified when it is polished. And politeness, courteous demeanor, courteous and polite character, is the finished-diamond quality of our lives.

Mr. Tribble in his personal conduct and association illustrated these virtues. It is said:

Our lives are songs; God writes the words, And we set them to music at pleasure; The song grows sad, or sweet, or glad, As we choose to fashion the measure.

The song of life for Mr. TRIBBLE was a glad song. He realized the true philosophy contained in that little verse, that he could fashion the song of his life and make it sad, sweet, or glad, and he chose to make it sweet and glad. Its harmony was pure, its melody was inspiring; and although we have laid him away to rest, the sweetness and the melody of that song are not hushed.

Mr. ADAMSON. Mr. Speaker, we are glad to hear from the great chairman of the great committee on which our late friend, Mr. Tribble, performed such excellent work, Mr. Padgett of Tennessee, the words of praise and esteem and affection to which we have just listened. He is the best witness in this House as to the facts about which he talks, and his commenda-

tion is high praise indeed.

All important events and conspicuous men afford opportunity for instruction, and we can not make progress if we fail to observe and embrace the opportunities. Of course, we all hear though we neglect and do not often bear in mind, the great truth that "in the midst of life we are in death," and the importance of that injunction, "Be ye also ready," and the suddenness with which death comes and cuts off the most promising and useful in life. But there are other lessons that can be learned from the lives of such men as Samuel J. Tribble. His life is an exemplification of the genius and value of our institutions, of the wide-open door which our institutions afford of opportunity for all to rise, to do well, to achieve usefulness, to make themselves illustrious, and to bless mankind.

Although we had a general knowledge of Mr. Tribble as a lawyer in Georgia and as solicitor general of his circuit, there was very little general knowledge in Georgia of the real character of the man. But when suddenly and unexpectedly to us all at a distance from his district he defeated for Congress one we at that time thought the most brilliant man in Georgia or in Congress—at least many of us thought so—a man who had been most illustrious in his State, a man who by his wisdom and achievements in this House stood as the peer at the highest, and who would have been chairman of the Committee on Foreign Affairs if he had been reelected, we were led to wonder and inquire who was Mr. Tribble. We were prompted to think there must be something in him, and something known to his constituents not known to the balance of the State; and so with much curiosity we observed his coming and his performance

We found on nearer acquaintance that he had in him those elements of heart and mind and character that had endeared him to the people who knew him the best; that as solicitor general he had enforced justice with some discriminating de-gree of judgment and some element of tender mercy; that even as prosecuting officer, who had for four years enforced the law, he was yet popular, and that the people among whom he had lived, the people whom he had served, had elected him to Congress over the great and popular man whom he challenged in the battle for preference. We found that though he was not born to titles nor wealth nor influence, he had taken his chances among the poor boys in America; that he had used the few opportunities afforded him; that he had utilized every advantage; that he had learned to realize that-

The heights by great men reached and kept Were not attained by sudden flight, But they, while their companions slept, Were tolling upward in the night.

And that with a resolute determination that would take no denial he proceeded step by step to inform his mind, to develop his character, until he had commanded that degree of confidence that elected him as solicitor general, in which office he made good and justified the confidence which afterwards secured his election to Congress.

He realized, even when he came to Congress, that he was not at the top, that he was only an humble beginner in the field of statesmanship, and he accordingly selected the men of experience and wisdom here and sought counsel of them, and sat at the feet of Gamaliel, and adopted for himself the strictest and most careful doctrines of statesmanship. He realized that—

Heaven is not gained by a sudden bound; But we climb the ladder by which we rise From the lowly earth to the vaulted skies Round by round.

And he toiled without ceasing day and night, performing the routine duties the arduous nature of which unfortunately the people do not always understand and appreciate. Sometimes they think a seat in Congress is a sinecure; that a man has nothing to do but come here and roll in luxury and have an easy time

and a frolic all the time.

If they could take Samuel J. Tribble as an exemplar and notice him, a poor man, with great demands for expenditure always upon him, his time so occupied by public duties that he could not give attention to private finances, always at work, always working for other people, they would realize that such a man is doing something for his fellow men in return for the

great honors they are conferring upon him.

I do not want to forget to state another thing that we discovered upon nearer acquaintance. I may say we also realized the truth of the Scripture which says that "Whoso findeth a good wife findeth a good thing," and that in his wife he had secured a veritable helpmeet who in all his trials and in all his labors had labored and sympathized with him, and who in all his triumphs had rejoiced with him, and in most cases had been conspicuous in securing them. Their union was blessed with two delightful and splendid children, who blessed them by being good and intelligent children; and it seemed that all the elements of happiness and usefulness surrounded Mr. Tribrie when he saddened us all by unexpectedly taking his departure for the other world

It is a pleasure to me, Mr. Speaker, in the midst of our sadness at his loss, to testify this much to his usefulness to his people and his country, and the confidence his fellow Members reposed in him, and the pleasure his acquaintance afforded us all.

Mr. PARK. Mr. Speaker, within the brief period of six years four Georgia Senators, Steve Clay, Joe Terrell, A. O. Bacon, and William S. West have passed on their way, and three Members of this body, Jim Griggs, Anderson Roddenbery, and Sam Tribble have answered the roll. The natural conclusion may reasonably be drawn that life in Washington is not conducive to longevity—seven Members of Congress in six years, or an average of over one a year. The last to die was Samuel J. Tribble, of Athens, Ga., whose life and services we meet here to commemorate to-day.

His life and history are marked by strenuous effort. Above all he was a clean-cut, uncompromising, honest, and generous fighter who bore upon his political body many honorable scars, and I may add that in my opinion his strenuous exertion leading to a wonderful victory over a strong opponent in the last campaign was the direct proximate cause of his death. He had grown to be a skillful, watchful, and efficient legislator; he got results; he was ever ready either for service or for sacrifice; and the people of his district evidenced their great appreciation of his services by an overwhelming majority of some 12,000 in the last primary.

He would hardly have had opposition again in 10 years; and having reached this satisfactory state in public life when he could work for his district and State untrammeled by the dread of near opposition; when his efficiency was at its best an unaccountable thing happened as it often happens. The end of what appeared the beginning of a most useful public life came

suddenly.

It was hard to die under such circumstances and conditions, yet when I first saw him after he was stricken I realized that he knew that the clock had struck twelve for him and he apparently had no deep regrets at leaving but for the parting with family and friends. He met and faced the common foe calmly and resignedly. With Dr. Davenport White and a trained nurse at Providence Hospital I was in a condition to know, if any one could, the state of his mind. I was the last person to whom he spoke. Right here I wish to remark in an aside of the wonderfully delicate structure of the human body. With every faculty at its best, mentally and physically, and the red blood coursing at full tide, there came a slight rupture of a minute capillary within the skull near the right temple, through which only one red blood corpuscle could pass at a time, and this little seeping leak formed a clot no bigger, perhaps, than a small pinhead and this caused the pressure which induced paralysis, and either the clot would not absorb or the little leak would not stop, and this little thing stopped the wonderful machinery which in action is life; and, then "the golden bowl was broken and the silver chord was loosed," and his spirit winged its way to the God who made it, and now we trust he is at perfect rest.

now we trust he is at perfect rest.

Sam Tribble's friendship was as pure and true as the "unchanging blue." He was such a friend as one could trust without fear of betrayal with the innermost secrets of his soul; and how rare is such friendship! Such unwavering loyalty! Among the most sacred words to me relating to the conduct of man to man is "friend," and "friendship." Friendship amidst one's difficulties, friendship that clings to one when others doubt his motives and misconstrue his conduct—

"friendship, the cordial drop that makes the bitter draught of life go down!"

He was great because he loved his country, his home, his district, his State, his section, and there was not a conscious moment when he would not, if he deemed it needful, have freely sacrificed his life on his country's altar.

His conscience was his guide through this life to another. He followed its dictates, true as the needle to the pole, and there rises before my mental vision the lines of Burns to his

young friend, to heed his conscience:

Its slightest touches instant pause, Debar all side pretences, And resolutely keep her laws Uncaring consequences.

He left a brilliant and devoted wife, one who was more helpmeet than most wives can be to their husbands. She was his daily consulting companion at all times and everywhere; he left a noble and manly son, who will surely follow in his footsteps along the pathways of duty; he left a beautiful and affectionate daughter who loved him devotedly; and he left many true and tried friends who mourn his death.

We all loved him, we love his memory, and trust that in the future we will meet and live together again. If for no reason given in the Inspired Writings, "by the same token that the death-devoted Greek knew that he would meet again his own

Clemanthe" we know that we will meet again.

"As Ion begins his preparation for sacrifice at the command at Athens, Clemanthe his beloved fiancé exclaims, "And shall we never see each other?" and, after a pause, Ion answers, "Yes! I have asked that dreadful question of the hills that look eternal; of the flowing streams that lucid flow forever; of the stars, amid whose fields of azure my raised spirit hath trod in glory; all were dumb; but now, while I thus gaze upon thy living face, I feel the love that kindles through its beauty can never wholly perish; we shall meet again."

never wholly perish; we shall meet again."

Some philosopher has wisely or unwisely said that death is man's best friend. And what is death to him who meets it with

an upright heart?

A quiet haven where his shattered bark Harbors secure 'til the rough storm is past, Perhaps a passage overhung with clouds, But at its entrance a few leagues beyond, Opening to kinder skles and milder suns, And seas pacific as the soul that seeks them.

A deserving and beautiful compliment was paid to him by the two able and Christian ministers who conducted his funeral exercises at the old Presbyterian Church at Athens, the seat of learning, the alma mater of so many distinguished Georgians. His pallbearers were among the wealthiest and most respected men of that center of learning; but higher than sermons and distinguished pallbearers was the simple and, to me, touching testimonial of the multitude of plain people who came from the edges of his district with increasing numbers as they came to view in solemn silence the last rites of the man they had loved and learned to love more and more as they knew him better and better.

SAM TRIBBLE was an independent character. "He walked a highway of his own and kept the company of his self-respect." He seldom sought advice, he worked out his own problems. He flared with righteous indignation at any slight assault made by Members on his State or his people, and he struck back like the reflex action of a nerve-pricked muscle. He was responsible for his acts because they were peculiarly his own. "Like Tenpasses's pardner he played a lone hand."

The close of such a life as his is in keeping with its general tenor—calm, peaceful, resigned, hopeful—leaving to his family and friends the inestimable heritage of a well-spent life in

service of God and fellow man.

Mr. WISE. Mr. Speaker, the House of Representatives has set apart this hour to pay tribute to the work, life, and character of our departed colleague, the late lamented SAMUEL J. TRIBBLE.

I had known him for quite a number of years casually, but from the beginning of my term here we were thrown together almost daily until Congress adjourned, discussing our work, the different items of legislation, and the best and proper way to proceed. Being a new Member, I always felt free to discuss anything with him and obtain suggestions from him. In our constant association and work together I learned to know him, I believe, as he really was—a kind, courteous, lovable Christian gentleman.

He was dependable, always at his post, seeking the truth and right in everything, doing his duty to his people and to his country. His whole ambition here was that he might serve his people; to the trust reposed in him by them he was always faithful and true. He had a fine and delicate sense of justice

and the power to discriminate accurately, being able to separate the good from the evil, the true from the false; and, when convinced in his own mind of the right course to pursue, he possessed the moral courage to stand by his convictions. His mind and heart were always open to the cry of the distressed, the poor, the needy, the oppressed, wherever found; and, be it said to his everlasting credit and honor, he was always ready to help them.

I could not pay him higher tribute; nay, if he now knows—and who will say he does not—he would not have me say more, nor consider anything a higher honor or greater tribute than to say he was the servant, the friend of the poor, the needy, the friendless, the weak, the oppressed.

He was just finishing his third term here and had been reelected for another term, showing the faith and confidence his constituents had in him. He devoted his whole time and energy to their interests. His loyalty and majesty of character are shown in his life work. He was of a modest demeanor, and had no desire to appear other than he really was. He avoided show and ostentatious display.

SAM TRIBBLE was a man, great, not in the large accumulation of wealth, not in his own estimation, though holding high positions of honor and trust, but great in humility of life and of that moral character which enables one to withstand and overcome all obstacles, and do right under all circumstances, as he saw it.

His early training and life were such as to bring him in contact with that class of his fellow citizens which made him familiar with the wants, needs, hopes, ambitions, and desires of the great mass of tollers of his district and of the Nation, and his sympathy always went out to them, and he labored tirelessly for their welfare. A striking illustration of their appreciation and esteem was shown at his funeral, when men from all walks of life, and especially such as I have referred to, from all over his district in large numbers attended and showed their grief for him who had always kept them in mind and was faithful to their every interest and trust.

We need more such men in public life, in high positions, in legislative halls especially. He was a very useful Member here, and we will continue to miss him.

He is not dead; he has only passed through the gates into that unknown land, into a newer and larger life, waiting and watching for those he loved, free from all pain and sorrow. But our friend and colleague is with us no more. He appreceded us, but we are reminded that we too must travel the same road; whether at some early date or in the distant future, may we have so lived that it may be said of us, as it can truly be said of him, that he was a noble, true, and honest man; that the world is better on account of his life; that he contributed some to the sum total of human goodness and made many happier.

Earth seems more sweet to live upon, more full of love, because of him.

It was a sad privilege to attend his funeral. The sorrowful crowd which gathered long before the hour of the funeral, the procession which accompanied his remains to its last resting place, the large floral offerings laid by friends upon his bier, and the look of sadness and grief upon the faces of all who gathered to pay last tribute of love and respect to his memory, showed the real esteem in which our colleague was held by his colleagues, his fellow townsmen, and the people of his State.

Now, as we meet in this hall where he labored and spent much time so pleasantly, and realizing that he is to meet with us no more, our hearts are filled with grief and we feel deeply the loss we have sustained. When we remember how he was so suddenly striken, his sufferings, how we watched by his side, hoping against hope, and then how he slipped away, we are overwhelmed in our sorrow. We have reached that place where earthly help is of no avail in our suffering; yet we can look beyond the clouds that overshadow us and through faith see the star of hope, and remember the assuring promise of Him who said,

I am the resurrection and the life; whosoever believeth in me, though he were dead, yet shall he live again. And whosoever liveth and believeth in me, he shall never die.

His death was a distinct loss, not only to his district and State, but to the Nation. People, out of gratitude for service rendered throughout the past, in all ages, have built imposing monuments in memory of the lives, characters, deeds, and virtues of their dead; they remind us and generations following of their many lovable traits and accomplishments, inspiring us to nobler deeds and better lives; but greater than monuments of marble, than fame, and wealth is the rich heritage left to his family and friends. A life that amid all of its temptations, it worries, and disappointments "had kept the whiteness

of his soul." Had lived the true life, worthy, and well spent in the service of his people.

[Mr. WALKER addressed the House. See Appendix.]

Mr. WALKER. Mr. Speaker, I ask unanimous consent that all Members may be allowed 10 or 15 days to revise and extend remarks.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. WALKER] requests unanimous consent that general leave to print for all Members be given for 15 days. Is there objection? (After a pause.) The Chair hears none and it is so ordered.

Mr. VINSON. Mr. Speaker, from the time when God said, "Let there be light," and there was light, the evidence He gave us of His power and purpose was discoverable in three things, and they are, that He implanted in the human heart the sentiment of love, inspired respect for life, and reverence for death.

Centuries before the cross was erected on Calvary, where was consummated the sublimest of all sacrifices, the ancients worshiped their mythical gods under the belief that they were children of earth and that by their wisdom and power they had transmuted themselves into gods and were instrumental and capable, from their homes afar off, of controlling the destinies of earth; that all changes of season, climate, thunderstorms, and tempests, all ills of mankind, his sorrows, his misfortunes, blessings, and comforts, came either from the wrath, whim, or pleasure of these beings.

It is related by the historians that it was no uncommon custom among the ancients to offer up human sacrifice to the

gods and to the spirits of departed friends.

The progress and enlightenment of mankind has changed even the appearance of the bloody sacrifice, and we have gathered here to-day to perform a sad but most appropriate duty, under a beautiful custom of this great lawmaking body, for the purpose of speaking in kindness and sorrow of a departed Member; to refresh our memories with copious drafts from the fountain of love and charity made by our departed colleague while living among us; to revive sweet thoughts and pleasant recollections; to place upon the altar of friendship a sprig of evergreen—a little forget-me-not.

When we met early in December for the last session of the Sixty-fourth Congress, knowing the frailty and uncertainty of life, we knew that ere this Congress expired by limitation on March 4 of the coming year there would be some of us whose voice would become silent, who would sink into that dreamless sleep which kisses down the eyelids still; whose form would be absent from this chamber; whose seat would be vacant; some who, at the beckoning of the pale messenger that never tires and never pities, would lay aside forever the burden and cares of this life and be piloted to the "misty dim regions of Weir," where hope is the creator and faith the defender, and within one week of the day we convened the soul of Hon. Samuel J. Tribble had appeared before its Maker.

On the 4th of December, Mr. Tribble was in his seat, well and happy, and joined his fellow Members in extending congratulations to those who had won reelection in November and genuine sympathy to the unfortunate ones whose terms must terminate March next. There was then no indication that the angel of death hovered so closely about our beloved colleague who had just been reelected to the Sixty-fifth Congress and during his sojourn in Washington as a Member of the House had become so popular with all of those with whom he came in contact.

Death is always sad, but it is peculiarly so when it strikes at a shining mark and cuts down and terminates a life but half spent at the moment the zenith of success and happiness has been attained, as it did in this instance. It is such cases which cause us to realize how mysterious life itself is, and how uncertain.

Death has since then again visited our body and summoned to his eternal home another able, valued, and popular Member, Hon. David E. Finley, of South Carolina. Georgia, with sorrow's pain still fresh in her breast and tears not yet dry from her own loss, extends loving sympathy to her sister Commonwealth across the Savannah in the sudden and sad bereavement which has come upon her.

which has come upon her.

Perhaps in all Georgia no man's life furnishes greater inspiration and incentive to hope for the young man of that State than does that of Mr. Tribrie. Born in a small hamlet, Samuel J. Tribrie, by hard work in the open air during his early boyhood days, laid the foundation for a strong constitution, which was strengthened in after life by freedom from any evil habits. He possessed three predominating and cardinal virtues—fidelity, sobriety, and industry—to which were added a

fund of great common sense and a wonderful knowledge of human nature. Without influence and starting without means in early life, by hard work he overcame one obstacle after another and made for himself a pathway through life marked at every milestone by singular success, in each instance due almost entirely to his wonderful industry, strong integrity, absolute sobriety, and constant faithfulness and fidelity to trusts confided to him.

He laid hold of his opportunities, and nobly and grandly he rounded out a magnificent character. It is, after all, the character that we work out of our opportunities, whatever our ability, that marks the measure and the fullness and the grandeur of the man. He was true to his fellow men, true to his duties, true to his associates, true and loyal to his friends, a devoted husband and father. We are better for our association with him, and the world is better that he lived and labored.

To those who knew him best it seemed as if he had placed and

constantly kept before him that great motto:

To thine own self be true, And it must follow, as the night the day, Thou canst not then be false to any man.

And by closely and constantly adhering to this simple but hard rule of life he steadily moved on from a country boy without influence to honorable membership in the greatest body of law-makers for the greatest Nation in the world, and there made for makers for the greatest Nation in the world, and there made for himself a reputation for character, industry, ability, and courage that commanded and gave to him at all times the esteem and respect of his fellow Members, who are gathered to-day to pay tribute to him and his life's work, unfortunately terminated before he was 48 years of age and just in fullest prime.

Surely no man could hope to do more. He is sincerely mourned and sadly missed by the wide circle of friends and ac-

quaintances he had made.

He, the young and strong, who cherished Noble longings for the strife, By the roadside fell and perished, Weary with the march of life.

Mr. HEFLIN. Mr. Speaker, again the death angel has invaded the ranks of our membership, and he has taken away one of the bravest and best Members of this body.

Sam Tribble was my friend, and I was deeply grieved when

heard that he was dead. Here he labored earnestly and faith-

He was an able and industrious Member of Congress, cheerful

and enthusiastic in all his labors.

Just a little while ago, Mr. Speaker, we saw him engaging in the debates in this House and we heard him answering the rollcalls. But we can hear him speak no more-and he has answered his last roll-call here. In the midst of a busy and a useful life death touched him and he fell asleep. In the providence of God I believe that his name has been added to the list of the faithful over yonder, and that his splendid spirit is at rest forevermore. God bless and comfort his loved ones.

Mr. RUCKER of Georgia. Mr. Speaker, when Mr. TRIBBLE left Athens on Friday preceding the meeting of Congress in December he seemed full of health, happiness, and brilliancy, and there was nothing to indicate that we would have the services of today commemorative of his services in this House, and yet God in His providence has so ordered and he is profoundly mourned by the people of the eighth congressional district, into whose confidence and affection he had dug himself deeply. They loved him in life, they deplore him in death, and in him they knew they had a friend in whom there was no shadow of turning.

He went directly to the people and made himself known to them, learned their wants, was interested in what they desired, and served them faithfully. The eighth district of Georgia has had many illustrious Representatives. It has had upon this floor as its Representatives Howell Cobb, Benjamin H. Hill, Parks Bell, Emory Speer, William M. Howard, and many an illustrious person. It never had a Representative more true to the people, more watchful of their interests, more solicitous of their good than our lamented friend.

I first knew Mr. Tribble when he came as a student to the University of Georgia at Athens from the county of Franklina good old rock-ribbed Democratic county. He was graduated from the university with distinguished honors, succeeding here as everywhere else and commencing the practice of law at Athens with the Hon. Edward T. Brown, a great lawyer and a

man enjoying an excellent practice.

Mr. Tribble made good from the beginning because he brought into the practice of his profession high intelligence, sterling integrity, untiring energy, and a faithfulness that characterized his every act.

After a few years he became a candidate for the office of solicitor general in the western circuit, and was elected. He gave equal rights to all and special privileges to none, the high and the low, the rich and the poor alike. There was no bitterness in his prosecutions but fairness and justice, and he left no wounds, because everyone recognized that fair play was the order of the day. He won the office by a tremendous vote over a strong field, for even this early the people had become to know him and to love him. After he retired from the office of solicitor general he continued the practice of law for a year or two and then announced his candidacy for Congress, in opposition to the Hon. William M. Howard, a long-time Member of this House who was known for his intelligence and high character and deemed invincible.

This race was in 1910 and one of the hottest that we ever had

in the eighth congressional district—a district in which there has been many a hard fight, and as much fine campaigning as in any district in this great country. He faced every shape of power and influence and conquered all. He made good in Congress from the beginning. He never got a letter he did not answer promptly. He attended to every request made of him and got favorable action, and the people soon came to know that they had one at Washington who could be relied upon

in all contingencies.

In the two succeeding elections he had no opposition but in 1916 he was opposed by Hon. Thomas J. Brown, of Elbert County, a gentleman of high standing and character, and he triumphed by a large majority, and at the time he was taken away it seemed that he had silenced opposition, that he had gotten out over the rough waters and out in the open sea where every prospect pleased.

In all his public career he had the support and help of his wife, possessed of every grace of mind and heart, of his lovely

daughter and his noble son.

In his first campaign I believe he visited every home and every citizen in the eighth congressional district and he knew every voter personally. His style of campaigning was novel.

His services here have been beautifully portrayed by his fellow Members. They knew him, loved him, and are aware of the excellence of his service, of his interest in his constituents, and

his unswerving integrity.

I never knew a man who had more of the elements that commend one to the love of those he comes in contact with than Sam Tribble. It was not hard for him to make friends with the people. He loved them and they loved him. I observe, Mr. Speaker, that whenever you love anybody you will find them loving you, and when they love you you may know you love them.

He had a kind heart and a generous disposition and he sought to find good in every person, and he found it. Speaking of kindness I desire here to produce some words spoken by Senator Benj. H. Hill, years ago in the United States Senate:

Mr. President, we are told that when God created the heavens and the earth on the third day He said, "Let the earth bring forth grass, the herb yielding seed, and the fruit tree yielding fruit after his kind, whose seed is in itself, upon the earth; and it was so." From that day to this it has been so. Yet all these seeds must be sown in their season and in a climate adapted to their nature, else they will perish. But, sir, there is seed which will bear fruit in all seasons and in every clime under the heavens. Plant it in the cold where the snows never melt, or in the heat where the frosts never come; scatter it on the naked rocks or in the most fertile soil; drop it in the water or on the land and everywhere, every seed will germinate and grow and reward the sower. It is tilled by a hand that never thes; it is watched by an eye that never sleeps; it is trained by a power that tempers all the elements to its healthiest maturity. That seed, sir, is kindness, and I have garnered its fruits when and where they were least expected.

I was standing at Heardmont, in Elbert County, Ga., near the banks of the Savannah River, when the train bearing the body home came upon the long bridge that spans the mighty river into Elbert County, Ga., and as the train crossed that mighty stream there was a low mournful shriek of the whistle, and I felt that the engineer driving the train was thinking of the dear dead he was carrying home, and he evidenced it by that mournful blast, and it came home to me, SAM TRIBBLE is coming home, coming into Elbert County, which was the storm center of his first race—coming home to be laid away in the beautiful cemetery at Athens, which overlooks the Oconee River, his last resting place. There never was a more beautiful cemetery. There never was interred in its soil a nobler Georgian. Home—a place dear in life, precious in death-more genuine pleasure therein to be found than can be found in all the splendors and glories of the earth. Those at home are the father, mother, the wife, the children, the grandchildren, dear relatives. They never go back on us and love us to the end. They will never turn their backs on us.

And, Mr. Speaker, I remember with so much pleasure this fact, that Mr. TRIBBLE not only professed the Christian religion but

he practiced it, which is a far better thing.

see him now, when on Sabbath evenings when at home, he would go into East Athens, a part of the city lived in by Godfearing men and women, and he visited the Sunday schools and singing schools. Nothing interested him more than this work, and he brought sunshine and happiness whenever he entered the door. What a sweet reflection this is.

I am the resurrection and the life, saith the Lord; he that believeth in me, though he were dead, yet shall he live," and

whosoever liveth and believeth shall never die.

Life's fitful fever ended, he sleeps well, and may he renew his wasted strength and refresh his fatigued faculties in the balmy breezes of Heaven's happy home. May a kind Providence rest his mighty soul in eternal peace.

The SPEAKER pro tempore. Under the resolution already adopted the House stands adjourned until Monday, February 5,

1917, at 12 o'clock noon.

Accordingly (at 1 o'clock and 58 minutes p. m.) the House adjourned to meet to-morrow, Monday, February 5, 1917, at 12

SENATE.

Monday, February 5, 1917.

The Senate met at 11 o'clock a. m.

Rev. J. L. Kibler, of the city of Washington, offered the

following prayer

O God, our Father in heaven, we feel deeply our dependence upon Thee and upon Thy kind providence. We know not what a day may bring forth. In the midst of life we are in death. Guide us, we pray Thee, and guide all the affairs of our great country, that we may have life, and that we may have it more abundantly. Bless Thy servant, the President of the United States, his Cabinet, the Members of Congress, and all who are in positions of authority that they may have wisdom and grace to guide us through these perilous times in a safe way, and that the blessings of peace may speedily come to all the world. We ask it all in Jesus' name. Amen.

The Secretary proceeded to read the Journal of the proceedings

of the legislative day of Friday, February 2, 1917, when, on request of Mr. James and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SUBMARINE WARFARE.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of State, transmitting, in response to a resolution of the 3d instant, a translation of the note addressed to him on January 31, 1917, by the German ambassador at Washington, together with translations of the two memoranda which accompanied it. The communication and accompanying papers will be printed in the RECORD and referred to the Committee on Foreign Relations.

The matter referred to is as follows:

To the Senate:

To the Senate:

In compliance with the resolution adopted by the Senate on February 3, 1917, requesting the Secretary of State, if not incompatible with the public interest, to transmit to the Senate a correct copy of the message and accompanying memoranda from the Imperial German Government advising of the resumption of submarine warfare against neutral and other countries, of date February, 1917, the undersigned the Secretary of State has the honor to transmit to the Senate herewith a translation of the note addressed to him on January 31, 1917, by the German ambassador at Washington, together with translations of the two memoranda which accompanied it.

These appear to be the documents called for by the Senate resolution.

DEPARTMENT OF STATE, Washington, February 3, 1917.

(File No. 763.72/3179.)

THE GERMAN AMBASSADOR TO THE SECRETARY OF STATE. [Translation.]

GERMAN EMBASSY, Washington, January 31, 1917.

Washington, January 31, 1917.

Mr. Secretary of State: Your Excellency were good enough to transmit to the Imperial Government a copy of the message which the President of the United States of America addressed to the Senate on the 22d instant. The Imperial Government has given it the earnest consideration which the President's statements deserve, inspired as they are by a deep sentiment of responsibility. It is highly gratifying to the Imperial Government to ascertain that the main tendencies of this important statement correspond largely to the desires and principles professed by Germany. These principles especially include self-government and equality of rights for all nations. Germany would be sincerely glad if in recognition of this principle countries like Ireland and India, which do not enjoy the benefits of political independence, should now obtain their freedom. The German people also repudiate all alliances which serve to force the countries into a competition for might and to involve them in a net of selfish intrigues. On the other hand, Germany will gladly cooperate in all efforts to prevent future wars. The freedom of the seas, being a preliminary condition of the free existence of nations

and the peaceful intercourse between them as well as the open door for the commerce of all nations, has always formed part of the leading principles of Germany's political program. All the more the Imperial Government regrets that the attitude of her enemies who are so entirely opposed to peace makes it impossible for the world at present to bring about the realization of these lofty ideals. Germany and her alies were ready to enter now into a discussion of peace and had set of their peoples. Their aims, as has been expressly stated in the read of December 12, 1916, were not directed toward the destruction or annihilation of their enemies and were, according to their conviction, perfectly compatible with the rights of the other nations. As to Belgium, for which such warm and cordial sympathy is felt in the United States, the chancellor had declared only a few weeks previously that its annexation had never formed part of Germany's intentions. The peace to be set to be such that the sum was to provide for such conditions in that country, which such earning and the such as the such as

[Inclosure 1.] MEMORANDUM.

After bluntly refusing Germany's peace offer the entente powers, stated in their note addressed to the American Government, that they are determined to continue the war in order to deprive Germany of German Provinces in the west and the east, to destroy Austria-Hungary, and to annihilate Turkey. In waging war with such aims, the entente allies are violating all rules of international law, as they prevent the legitimate trade of neutrals with the central powers, and of the neutrals among themselves: Germany has, so far, not made unrestricted use of the weapon which she possesses in her submarines. Since the entente powers, however, have made it impossible to come to an understanding based upon equality of rights of all nations, as proposed by the central powers and have instead declared only such a peace to be possible, which shall be dictated by the entente allies and shall result in the destruction and humiliation of the central powers, Germany is unable further to forego the full use of her submarines. The Imperial Government, therefore does not doubt that the Government of the United States will understand the situation thus forced upon Germany by the entente allies' brutal methods of war and by their determination to destroy the central powers, and that the Government of the United States will further realize that the now openly disclosed intentions of the entente allies give back to Germany the freedom of the action which she reserved in her note addressed to the Government of the United States on May 4, 1916.

Under these circumstances Germany will meet the illegal measures of her enemies by forcibly preventing after February 1, 1917, in a zone around Great Britain, France, Italy, and in the eastern Mediterranean all navigation, that of neutrals included, from and to England and from and to France, etc. All ships met within that zone will be sunk.

The Imperial Government is confident that this measure will result in a speedy termination of the United States has so much at heart. Like the Government of th

Imperial Government hopes all the more for such an understanding of her position, as the neutrals have under the pressure of the entente powers, suffered great losses, being forced by them either to give up their entire trade or to limit it according to conditions arbitrarily determined by German's enemies in violation of international law.

[Inclosure 2.1 MEMORANDUM.

[Inclosure 2.]

MEMORANDUM.

From February 1, 1917, all sea traffic will be stopped with every available weapon and without further notice in the following blockade zones around Great Britain, France, Italy, and in the eastern Mediterranean:

In the north: The zone is confined by a line at a distance of 20 sea miles along the Dutch coast to Terschelling Fire Ship, the degree of longitude from Terschelling Fire Ship to Udsire, a line from there across the point 62° north 0° longitude to 62° north 5° west, farther to a point 3 sea miles south of the southern point of the Farce Islands, from there across point 62° north 10° west to 61° north 15° west, farther to 43° north, 15° west, then 50° north 20° west to 47° north 20° west, farther to 43° north, 15° west, then along the degree of latitude 43° north to 20 sea miles from Cape Finisterre and at a distance of 20 sea miles along the north coast of Spain to the French boundary.

In the south: The Mediterranean.

For neutral ships remains open: The sea west of the line Point del'Espiquette to 38° 20° north and 6° east, also north and west of a zone 61 sea miles wide along the north African coast, beginning at 2° longitude west. For the connection of this sea zone with Greece there is provided a zone of a width of 20 sea miles north and east of the following line: Thirty-eight degrees north and 6° east to 38° north and 10° east to 33° north and 11° 30° east to 34° north and 11° 30° east to 34° north and 12° 30′ east.

From there leads a zone 20 sea miles wide west of 22° 30′ eastern longitude into Greek territorial waters.

Neutral ships navigating these blockade zones do so at their own risk. Although care has been taken that neutral ships which are on their way toward ports of the blockade zones on February 1, 1917, and have come in the vicinity of the latter, will be spared during a sificiently long period it is strongly advised to warn them with all available means in order to cause their return.

Neutral ships which on February 1 are in ports of the blockade zon

ANNUAL REPORT OF COMMISSIONER OF PATENTS (H. DOC. NO. 2027).

The VICE PRESIDENT laid before the Senate the annual report of the Commissioner of Patents for the year ended December 31, 1916, which was referred to the Committee on Patents and ordered to be printed,

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions filed by the court in the following causes:

Annie K. Squier, widow (remarried) of Samuel Ingraham, deceased, v. The United States (S. Doc. No. 704); and

Arthur E. Colgate, administrator of the estate of Clinton G. Colgate, deceased, v. The United States (S. Doc. No. 705).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 21. An act authorizing the city of Salida, Colo., to pur-

chase certain public lands for public-park purposes; H. R. 1024. An act for the relief of Allen M. Hiller;

H. R. 1358. An act for the relief of Everett H. Corson; H. R. 3238. An act for the relief of Sarah E. Elliott;

H. R. 5262. An act for the relief of John B. Hoover; H. R. 8057. An act for the relief of the legal representatives

of Napoleon B. Giddings

H. R. 8267. An act to place Bernard A. Schaaf on the retired list of the Army;

H. R. 8452. An act for the relief of Charles L. Moore;

H. R. 10173. An act for the relief of Anna C. Parrett; H. R. 11745. An act for the relief of S. E. Bennett;

H. R. 12240. An act for the relief of John Brodie;

H. R. 12742. An act for the relief of Gottlob Schlect and Maurice D. Higgins and for the relief of the heirs and legal representatives of Valentine Brasch:

H. R. 13106. An act for the relief of the trustee and parties who are now or who may hereafter become interested in the estate of James A. Chamberlain under the terms of his will;

H. R. 13820. An act for the relief of Mrs. Jennie Buttner;

H. R. 14572. An act for the relief of Gertie Foss;

H. R. 14645. An act for the relief of the legal representatives of P. H. Aylett;

H. R. 14784. An act for the relief of Alma Provost;

H. R. 14822. An act to prevent and punish the desecration, mutilation, or improper use, within the District of Columbia, of the flag of the United States of America; and H. R. 14978. An act for the relief of Ida Turner.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram from the Legislature of South Dakota, transmitting a copy of a concurrent resolution adopted by the legislature pledging the support of the people of that State to the President and the Congress in the present crisis, which was ordered to lie on the table and to be printed in the RECORD, as follows:

PIERRE, S. DAK., February 4, 1917.

The President of the Senate, Washington, D. C. Concurrent resolution.

Be it resolved by the House of Representatives of South Dakota (the Senate concurring), That we, the Legislative Assembly representing the people of the State of South Dakota, do in this crisis hereby pledge our support to the President and Congress of the United States in any stand they may take to defend and protect the honor and dignity of our Nation and to preserve to our citizens their rights and privi-

lege.

Be it further resolved, That a copy of this resolution be forthwith messaged by wire by the secretary of thate to the President of the United States and to the presiding officer of each House of the National

FRANK M. ROOD, Secretary of South Dakota.

The VICE PRESIDENT presented a telegram, in the nature of a petition, from the Bible class of the First Presbyterian Church of Pittston, Pa., praying for national prohibition, which was ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of the United States, remonstrating against the literacy test in the immigration bill, commending the President for his veto of that bill, and praying that Congress eliminate the literacy clause from the measure, which was ordered to lie on the table.

He also presented a telegram, in the nature of a petition, from the executive council of the New York State Federation of Labor, indorsing the President's action in severing diplomatic relations with Germany and pledging their support, which was

referred to the Committee on Foreign Relations.

Mr. SMITH of Michigan. I have received a number of telegrams from mutual life insurance companies and others in my State protesting against the passage of the pending emergency revenue bill in its present form, and asking an opportunity to be heard.

I have one from H. B. Coleman, of Kalamazoo, Mich., which is fairly indicative of the others, and I will ask that it be printed in the RECORD without reading.

There being no objection, the telegrams were referred to the Committee on Finance and the one indicated ordered to be printed in the RECORD, as follows:

KALAMAZOO, MICH., January 30, 1917.

WM. ALDEN SMITH, Washington, D. C .:

In behalf of the mutual life insurance companies I desire to enter a protest against the passage of the Federal emergency-revenue measure in its present form. I regard it as being unfair and unjust to them, and the reasons for this conclusion will be placed before you later. In the meantime, please use your endeavors to secure a fair hearing from the companies on this measure.

Mr. SMITH of Michigan. I have also telegrams from the Michigan Manufacturers' Association protesting against the passage of the revenue bill in that it discriminates against manufacturers and other business associations.

I present a protest from Hon. Cornelius Van Loo, one of the prominent citizens of Michigan, and if I may be indulged for a moment I will read a sentence or two from this protest. It comes from Zeeland, Mich., and is addressed to myself.

We note there is a Federal revenue bill now pending which carries a provision for taxing all profits of a corporation in excess of 8 per cent on their capital. We do not understand whether this is to take the place of the income tax we now have to pay or is in addition thereto. If it takes the place of it, then it is to be preferred, if the rate be not excessive. If we are correctly informed, that rate is to be 8 per cent, which would be outrageous. Under the present income tax law we pay on all profits or income, while if a man gets his income from another

source than corporate earnings he has, if married, \$4,000 exempt, otherwise \$3.000. By consequence, if our business were not corporate but I owned it alone I would have \$4,000 exempt, while now we pay on the whole. How does that work? We have 35 stockholders, many poor people, for small amounts only. They have to stand their share, small, it is true, but the principle is vicious. For instance, Mrs. Gertrude Vereeke holds 33 shares which her dead Rusband left her. What she requires to live beyond the income from this she has to earn by scrubbing and washing. Yet she must help pay this income tax. If anyone can make out that that is right, I should like to hear the argument. We also are now required to pay a tax on stock, if above the value of \$99,000. That is a tax—and it must be paid in advance—for the privilege of doing business, for the privilege of working so one can earn his living. The idea seems to be, pay a tax or you have no right to live, to exist. I do not see what we are coming to, and when the money is raised we waste it catching (not catching) Villa and not getting salute of 21 guns to restore the honer of our flag. O Statesmanship, what folly and nonsense and oppression are committed in thy name.

I am reading that as a fair sample of protests which come to

I am reading that as a fair sample of protests which come to me daily and which emphasize the utter lack of sympathy of the people with this proposed taxation.

Mr. SMITH of Georgia. I wish to say to the Senator from Michigan that to-morrow at 10 o'clock we will hear the insurance people in the office of the Committee on Education and Labor.

Mr. SMITH of Michigan. I thank the Senator. Mr. SMITH of Georgia. I take it for granted that the general representatives of the insurance companies will speak for all

Mr. SMITH of Michigan. I am very much obliged to the Senator.

Mr. SMITH of Georgia. The Subcommittee on Finance has in charge the business of insurance, and there is question as to what is really the desire of the insurance companies. I understand they do not object to paying on their profits, but they do not wish to be taxed on the trust funds of their policyholders.

Mr. SMITH of Michigan. I am very much obliged to the Senator from Georgia. I hope they are giving careful thought to that phase of this question,

Mr. SMITH of Georgia. We are, and a subcommittee consisting of three Democrats will sit to-morrow and hear them. Mr. SMOOT. Did I understand the Senator to say that the

Committee on Education and Labor will hear them? Mr. SMITH of Georgia. No; I said in the office of the Com-

mittee on Education and Labor.

Mr. SMOOT. That will be three members of the majority of the Finance Committee?

Mr. SMITH of Georgia. Three members of the majority of the Finance Committee will sit to-morrow morning and hear them.

The VICE PRESIDENT. The memorials will be referred to the Committee on Finance.

Mr. SMITH of Michigan presented a telegram, in the nature of a petition, from the Board of Commerce, of Marshall, Mich., praying for an appropriation for the erection of a new postoffice building in that city, which was referred to the Committee on Public Buildings and Grounds.

Mr. CURTIS. I present a concurrent resolution of the Legislature of Kansas, which I ask may be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to lie on the table and to be printed in the RECORD, as

Senate concurrent resolution 12.

Senate concurrent resolution 12.

Whereas the granting of suffrage to the women of Kansas has resulted beneficially to the State and has been a great advantage to the men and women of Kansas and is a helpful influence in all public affairs and legislation; and

Whereas the withholding of the right to vote from women of other States is an injustice and deprives the Nation of the direct participation in the Government of a large part of the people: Be it Resolved by the Senate of the State of Kansas (the House of Representatives concurring therein). That the Senators and Representatives in Congress from the State of Kansas are hereby requested to vote in favor of the Susan B. Anthony amendment, which seeks to terminate the discrimination against women and to urge upon Congress a submission of that amendment to the States for ratification.

Resolved, That a copy of this resolution be sent to each Senator and Representative in Congress from the States of Kansas, to be presented by them to the Congress of the United States.

I hereby certify that the above concurrent resolution originated in the senate and passed that body January 24, 1917.

W. Y. Morgan,

W. Y. MORGAN, President of the Senate. E. D. George, Secretary of the Senate.

Passed the house January 26, 1917.

A. M. KEENE,
Speaker of the House.
CLARENCE W. MILLER,
Chief Clerk of the House.

Approved January 30, 1917.

ABTHUR CAPPER, Governor.

Mr. CURTIS. I present a concurrent resolution of the Legislature of Kansas, which I ask to have printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the concurrent resolution was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the Record, as follows:

STATE OF KANSAS, DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, J. T. Botkin, secretary of state of the State of Kansas, do hereby certify that the following and hereto attached is a true copy of house concurrent resolution No. 15, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed my official seal.

Done at the city of Topeka this 1st day of February, A. D. 1917.

J. T. Botkin, Secretary of State.

House concurrent resolution 15.

Whereas the southwestern portion of the State of Kansas is located in what is known as the semiarid belt at the foot of the Rocky Mountains; and
Whereas the Cimarron River flows through this portion of the State of

Kansas; and
Whereas the Government of the United States has made surveys for reservoir sites for the purpose of reclaiming the semiarid belt at the foot of the Rocky Mountains: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas (the Senate concurring therein):

(the Senate concurring therein):

Section 1. That the Legislature of the State of Kansas request the Secretary of the Interior and the Congress of the United States to erect a plant on the highest general level near the west line of the State of Kansas, on the Cimarron River, for the purpose of reclaiming the semi-arid portions of southwest Kansas by means of subirrigation.

Sec. 2. That the secretary of state be directed to forward to the Secretary of the Interior of the United States, to the Vice President, and to the Speaker of the House of Representatives of the United State a copy of this resolution, and that a copy be also forwarded by the secretary of state to each Representative and Senator of the State of Kansas in the Congress of the United States.

I hereby certify that the above concurrent resolution originated in the house and passed that body January 23, 1917.

A. M. Kerre.

A. M. KEHNE,

Speaker of the House.

Charence W. Miller,

Chief Clerk of the House.

Passed the senate January 25, 1917.

W. Y. Morgan,
President of the Senate.
E. D. George,
Secretary of the Senate.

Approved January 30, 1917.

ARTHUR CAPPER, Governor.

Mr. JONES. I present a joint memorial of the Legislature of the State of Washington, urging the adoption of an amendment to the Constitution granting woman suffrage. I ask that it may be printed in the RECORD.

The joint memorial was ordered to lie on the table and to be

printed in the RECORD, as follows:

United States of America, The State of Washington, Department of State.

To all to whom these presents shall come:

To all to whom these presents shall come:

I. I. M. Howell, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 3, of the fifteenth session of the Legislature of the State of Washington, with the original copy of said memorial as enrelied, now on file in this office, and find the same to be a full, true, and correct copy of said original, and of the whole thereof, together with all official indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the capitol, at Olympia, this 30th day of January, A. D. 1917.

[SEAL.]

I. M. Howell, Secretary of State.

Senate joint memorial No. 3.

To the President and the Congress of the United States:

We, the Senate and the House of Representatives of the State of Washington, memorialize your honorable body to submit to the States for ratification the amendment new pending granting to the women of the United States the elective franchise.

Passed the senate January 16, 1917.

Louis F. HALT, President of the Senate.

Passed the house January 25, 1917.

GUY E. KELLY, Speaker of the House.

(Indorsed.)

STATE OF WASHINGTON, 88:

Filed in the office of secretary of state January 29, 1917, at 2.45 p. m. I. M. Howeld, Secretary of State.

Mr. JONES. I have also a telegram here from Mr. J. W. Maxwell, of Seattle, Wash., pointing out reasons for the establishment of a thirteenth Federal reserve bank at Seattle. I ask that it may be printed in the RECORD and referred to the Committee on Banking and Currency.

There being no objection, the telegram was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

SEATTLE, WASH., February 3, 1917.

Senator WESLEY L. JONES, Washington, D. C.:

Senator Wesley L. Jones,

Washington, D. C.:

Your attention has no doubt been called to the disturbance among some of our banking institutions in Seattle and surrounding neighborhood. The clearing house association is of the opinion the matter is now entirely under control, as everything is normal. This, however, proves a contention which we have made since the passage of the Federal reserve act, and that is to the effect that Seattle, or rather the Pacific Northwest, is at too great a distance from any of the Federal reserve banks to do us any good in case of emergency. This assertion has proved itself without a question of doubt within the last week. While the Federal reserve officers at San Francisco were ready and willing to do everything they could, it was impossible to take advantage of anything on account of the distance. We have persistently requested that a branch be located in Seattle on account of the time it naturally takes to do business between Seattle and San Francisco. Reply to a letter written here can not be had for about five or six days. This would also be the same condition if Seattle was connected with the Federal reserve bank at Minneapolis. We fully realize that the reason a bank was not established in Seattle was for the fact that the capital necessary under the present act could not be obtained. While the business of this country may not be as voluminous as other parts, it does not seem right that we who contribute everything to the Federal reserve act that the banks do in other parts of the country should not have the quick protection which it affords in establishing the banks. Kansas City and St. Louis were each given one, and they are within a short distance of each other, while this part of the country is left entirely to itself. Is it not possible for Congress to amend the Federal reserve act creating another Federal reserve bank, which should be called No. 13, and the same located in Seattle? With the fast growing shipping interests and the needs of Alaska, as well as the busine

Mr. NORRIS. I have here a resolution passed by the Senate of the Nebraska Legislature, memorializing Congress on the subject of the tax levied by the Federal Government on the manufacture and sale of liquor. I ask unanimous consent that the Secretary may read the resolution.

There being no objection, the resolution was read and ordered to lie on the table, as follows:

Resolution.

Resolution.

Whereas under existing Federal laws any person engaged in the manufacture or sale of malt, spirituous, or vinous liquors is required to pay a tax to the Federal Government; and

Whereas the Federal statute levying such tax is purely a revenue measure, and was enacted neither to encourage nor discourage the sale of such liquors, nor to embarrass or interfere with the police regulations of the several States in respect to such liquors; and

Whereas it is a matter of common knowledge that comparatively few violators of such police regulations take the hazard of engaging in the manufacture or sale of such liquors without payment of the tax levied by the Federal Government, and a knowledge of those who had paid such tax to the Federal Government would be of great value to those charged with the duty of enforcing our State police regulations in respect to such liquors: Therefore

Resolved—

Resolved—

I. That we respectfully memorialize Congress to amend said revenue law by adding thereto the requirement that the collectors of such revenue be required to mail the governors of the several States and Territories each month a list showing the name and address of each person in the respective States who has paid such tax for the then current fiscal year.

II. That a copy hereof be transmitted to our Senators and Representatives in Congress.

Mr. NORRIS. In connection with the memorial of the Senate of the Nebraska Legislature, which I have just presented, I desire to have printed in the RECORD section 3240 of the Revised Statutes as amended and approved June 21, 1906. To a great extent I think the request contained in the memorial has been complied with, inasmuch as the existing law provides, to a certain extent at least, for the thing asked for.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[Public, No. 263.]

[Public, No. 263.]

An act to amend the internal-revenue laws so as to provide for furnishing certified copies of certain records.

Be it enacted, etc., That chapter 3 of the Revised Statutes of the United States be, and hereby is, amended in section 3240 so as to read:

"Sec. 3240. Each collector of internal revenue shall, under regulations of the Commissioner of Internal Revenue, place and keep conspicuously in his office, for public inspection, an alphabetical list of the names of all persons who shall have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes have been paid, and upon application of any prosecuting officer of any State, county, or municipality he shall furnish a certified copy thereof, as of a public record, for which a fee of \$1 for each 100 words or fraction thereof in the copy or copies so requested may be charged."

Approved June 21, 1906.

Mr. GALLINGER. I present a telegram, which I ask to have

Mr. GALLINGER. I present a telegram, which I ask to have read and lie on the table.

There being no objection, the telegram was read and ordered to lie on the table, as follows:

NEW YORK CITY, N. Y., February 3, 1917.

Senator Jacob H. Gallinger.

United States Senator, Washington, D. C.:

Hundreds of thousands of women who do not wish to vote or run the Government do pray that no war or threat of war action shall be taken by this country, and that the Senator representing us as well as our voting brothers and husbands shall hesitate to cause our country to enter into this horrble struggle as combatants. Justice and peace should be the ruling American principle.

Mr. THOMPSON. I present a concurrent resolution of the Legislature of the State of Kansas, now in session, urging the erection of an irrigation plant on the west line of the State of Kansas on the Cimarron River for the purpose of reclaiming the semiarid section of southwestern Kansas. I ask to have it printed in the RECORD.

The VICE PRESIDENT. Has it not already been ordered printed in the RECORD?

Mr. CURTIS. I will state to my colleague that it has already

Mr. CURTIS. I will state to my colleague that it has already been presented by me and ordered printed in the Record.

Mr. THOMPSON. Very well; I withdraw the request.

Mr. TOWNSEND. I present a petition requesting the Cangress and the President to keep the country out of the European war. I ask that it be printed in the Record.

There being no objection, the petition was referred to the Committee on Foreign Relations and ordered to be printed in the Preson as follows: the RECORD, as follows:

This resolution of protest was adopted by citizens of Frankenhurst Township, Bay County, Mich., January 26, 1917:

To the President and Congress of the United States of America:

Whereas there is at present in various localities of our country a propaganda at work to create enmity against the central powers of Europe and their allies, with which countries the United States have always been at peace, and whose people or governments have never threatened the integrity, independence, or honor of the United

never threatened the integrity, independence, or honor of the United States; and
Whereas said propaganda fostered by the pro-British press in the
United States is making every endeavor to cause our Government to
sever the friendly relations with Germany and her allies and to
openly espouse the cause of the entente; and
Whereas neither the people nor the Government of the United States
are in duty bound to pass judgment on the warring nations of
Europe; and

Whereas the Government of the United States has not offered a protest against the unlawful blockade of German and neutral ports by the entente with the avowed intent to starve the whole nation; and Whereas our Government has not protested against the embargo placed by England on Red Cross supplies intended for Germany, nor against the deportation of thousands of men, women, and children from East Prussia, Poland, and Galicia by Russia to Siberia, where those deported are left to starvation; and

Whereas our Government did not see fit to protest against the violation of Greece's neutrality, which country has been outrageously invaded and blockaded by the entente powers, intending to subject Greece to the wishes of the entente allies by a policy of starvation; and

Whereas we sincerely regret the conditions in Belgium, whose Govern-

whereas we sincerely regret the conditions in Belgium, whose Government has permitted itself to be sovereignized by England and France long before the present war broke out, to espouse the cause of the entente, and whose people now, by reason of England's high-handed act regarding Belgium imports and exports, are brought to the verge of ruin; and

or run; and
rhereas some people of the United States are furnishing a large portion of the means with which to carry on this war, and without which
means England would have had to accept the hand of peace which Germany and her allies so generously offered to them: Therefore be it

many and her allies so generously offered to them: Therefore be it

Resolved, That we, as loyal citizens of our country, most respectfully
but earnestly request our President and Congress to do all in their
power to keep the United States from getting embroiled in the European
war. We ask, furthermore, that the President and Congress not give
ear to the reports of alleged "barbarisms" pretendedly committed by
Germany in deporting laboring men of Belgium to Germany that they
may earn an honest living by work, which, due to England's restrictions
on Belgium's trade was made impossible by them at home, this report
of barbarisms of the Germans being merely a pretext to further the ends
of those that circulate them. And, finally, that we ask our Government
to warn all Americans not to travel or take passage on afmed merchantmen of the warring nations, nor on ships carrying munitions for them,
as the travel on such ships could produce the only possible excuse for
the United States to enter into the present European war on the side
of the entente allies.

Most respectfully,

Andrew Weiss, President,

Andrew Weiss, President, W. H. Lohrmann, Secretary, Frankenhurst Citizens' League.

Mr. WADSWORTH. I ask to have printed in the RECORD a telegram which I have received from representatives of various German and Austro-Hungarian organizations, societies, and fraternities representing a total membership aggregating 100,000. Their representatives met in the city of New York and took what believe to be very significant action.
The VICE PRESIDENT. Does the Senator desire to have it

printed in the RECORD without reading?

Mr. WADSWORTH. I would prefer to have the Secretary

There being no objection, the telegram was read and referred to the Committee on Foreign Relations, as follows:

Hon. James Wadsworth,

United States Senate, Washington, D. C.

Dear Senators: In the name of over 500 representatives of various German and Austro-Hungarian organizations, societies, and fraternities, with a membership of more than 100,000, and now assembled at Arion Hall, New York City, having sworn unqualified loyalty and allegiance to this country and its President, pray and beg of you to make every effort to preserve peace.

Most sincerely,

Ludwig Nissen, Henry Weissman, Rev. Dr. Carl Popke, Dr. Gustav Scholer, Dr. A. Von Grimm, Dr. Emanuel Baruch, Christ Rebhan, Albert Zapfe, Dr. Louis Haupt, Louis Brass, Dr. C. C. Lienbarth, Henry Paris, Ino. Reynolds, Chas. Sanger, H. Holzhauser, B. Kleinschmidt, Dr. G. Rodemann, Joseph Peter, Julius Koechig, Frank J. Fuchs, Otto Will, Henry Arrah, Conrad Moeller, W. Saier, L. Abgdschein, Jno. F. Becker, Otto C. H. Madag, Theo. Dietrich, H. W. Dittinger, H. F. Stange, Richard M. Schmidt, John G. Roth, Rudolph Cronau, Herm V. Letkeman, Oscar Weigel, Heinrich Abeles, Hermann Koch, Martin Brockmann, F. A. Schurmann, Ignatz, Neymayer, Morris Cukor, Dr. Edw. Pollak, Mrs. L. Brass, Mrs. Albert Zapfe, Mrs. A. Schurmann, Ignatz, Neymayer, Morris Cukor, Dr. Edw. Pollak, Mrs. L. Brass, Mrs. Albert Zapfe, Mrs. A. Schurmann, Ignatz, Neymayer, Morris Cukor, Dr. Edw. Pollak, Mrs. C. Harnischger, Mrs. E. J. Dornhoeher, Mrs. M. Micheles, Mrs. P. Hovemann, Mrs. K. Mosson, Mrs. M. Richter, Mrs. B. Herr, Mrs. F. Steinen, Mrs. H. Melsmann, Mrs. B. Herr, Mrs. F. Steinen, Mrs. H. Weismann, Mrs. B. Herr, Mrs. F. Steinen, Mrs. H. Weismann, Mrs. B. Herr, Mrs. F. Steinen, Mrs. H. Weismann, Mrs. B. Abeles, Mrs. R. M. Schmidt, Mrs. Theod. Dietrich, and others.

Mr. GRONNA. I have a telegram from Harry Cutler, chair-

Mr. GRONNA. I have a telegram from Harry Cutler, chairman of the commission on immigration, relative to the President's veto of the immigration bill, which I ask to have printed

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

BUFFALO, N. Y., February 4, 1917.

Hon. A. J. Gronna,

2219 California Street, Washington, D. C.:

The delegates of district No. 1, Independent Order B'nai B'rith, in convention assembled earnestly urge you to sustain the President's veto of the Burnett immigration bill. It is not a test of character, and is un-American. While it bars many desirable immigrants, it does not prevent the admission of undesirables.

HARRY CUILER.

HARRY CUTLER, Chairman Commission on Immigration.

Mr. GRONNA. I present a telegram from the Pioneer Life Insurance Co. of North Dakota, which I ask may be printed in the Record unless it has been offered by my colleague this

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

FARGO, D. DAK., February 3, 1917.

Hon. ASLE J. GRONNA, United States Senate, Washington, D. C.:

United States Senate, Washington, D. C.:

Proposed Federal emergency revenue measure, if it applies to life insurance companies, will lay an unfair tax on the thrift of over 30,000,000 policyholders of this country, whose policies are already too heavily taxed. They are already more heavily taxed than the policies of war-ridden England, France, and Germany, where, in spite of the terrible need of money for the Government, the fact is recognized that men should be encouraged to insure their lives, and thus at death have the Commonwealth relieved of the burdens of caring for the families. Every penny of taxes levied on life insurance companies is paid by policyholders in increased cost of protection. We hope you will use your influence to have life insurance companies excepted from the provision of this proposed law.

THE PIONEER LIFE INSURANCE CO. OF NORTH DAKOTA

Mr. CHILTON. I desire to have printed in the RECORD, without reading, a telegram in the nature of a petition.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

CHARLESTON, W. VA., February 3, 1917.

Hon. W. E. CHILTON, Washington, D. C.:

The Johnston Bird Club at its last meeting unanimously adopted a resolution asking you to support Senate bill No. 7858, known as the migratory-bird treaty act. We are doing all we can to protect bird life in this State.

ROBERT LEE SELL, President.

Mr. CHILTON. I have received a telegram from Harry Cutler, chairman of the commission on immigration, urging support of the President's veto of the Burnett immigration bill, which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

BUFFALO, N. Y., February 4, 1917.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.:
The delegates of district No. 1, Independent Order B'nai B'rith, in convention assembled, earnestly urge you to sustain the President's

veto of the Burnett immigration bill. It is not a test of character and is un-American. While it bars many desirable immigrants, it does not prevent the admission of undesirables.

HARRY CUTLER, Chairman Commission on Immigration.

Mr. CHAMBERLAIN. I desire to present three separate joint memorials addressed to the Congress of the United States by the Legislative Assembly of the State of Oregon, and I ask that they be printed in the RECORD.

The joint memorials were ordered to lie on the table and to be

printed in the RECORD, as follows:

Senate joint memorial 11.

Memorial to the Congress of the United States of America:

Memorial to the Congress of the United States of America:

Whereas there is now pending in the Congress of the United States legislation designed to encourage the development of the water-power resources of the Nation; and Whereas the State of Oregon and other Western States are blessed with bountiful natural resources, largely undeveloped, among which is water power; and Whereas, although water power in said States is available in abundance, only a very small percentage has been developed; and Whereas numerous water-power sites of large commercial possibilities are located in the public domain or in navigable streams; and Whereas existing Federal laws and regulations are so inadequate and restrictive that development of water power in the public domain and in navigable streams has practically ceased; and Whereas electrical power at a cost to justify its use in the conversion of our natural resources into finished, marketable products, in the reclamation of lands at present unproductive, and in the transformation of the motive power of rail transportation is wholly dependent upon the economical production of power on a large scale; and Whereas the essence of conservation is intelligent and economical utilization of natural resources to serve the economic necessities and desires of our people, and to conserve those natural resources that are exhaustible; and
Whereas the use of exhaustible resource as water power can be used results in economic waste, which is indefensible when it can be civil ated; and
Whereas since legislation necessary to encourage development of water power has been a constant subject of study, investigation, and discussion for years, it is the judgment of your memorialists that the time is at hand for action: Therefore be it

Resolved, That the Legislature of the State of Oregon, in twenty-ninth session assembled, respectifuly urges upon the Congress of the

cussion for years, it is the judgment of your memorialists that the time is at hand for action: Therefore be it

Resolved, That the Legislature of the State of Oregon, in twenty-ninth session assembled, respectfully urges upon the Congress of the United States the absolute and urgent necessity of the development of water power in order that natural resources may be utilized to create new wealth by the settlement of lands, the development of agriculture, the establishment of manufactures of varied nature, and the economy and comfort of rail facilities of transportation may be enhanced, the means of transportation enlarged and made cheaper and traffic congestion relieved by opening to navigation waterways incapable of use because of natural obstructions removable by water-power development in navigable streams, and adequate national defense may be alded, all of which will contribute to the increase and diversification of agriculture, commerce, and industry, and as a consequence promote economic security; and respectfully petitions that Congress at its present session enact legislation that will encourage investment in the development of these resources, consistent with adequate guaranties for the protection and safeguard of the public interest; and be it further

Resolved, That we, your memorialists, however, do not indorse any particular bill now pending before the Congress of the United States; and be it further

Resolved, That our Senators and Representatives in Congress be requested to make every effort to carry out the purposes of the foregoing memorial: And be it further

Resolved, That a copy of this memorial, duly signed by the president of the senate and the speaker of the house and attested by the chief clerks of the two houses, be forthwith forwarded to each of Oregon's Senators and Representatives in Congress.

Concurred in by the house January 25, 1917.

R. N. Stanfield,

Gus C. Moser,

Adopted by the senate January 23, 1917.

Gus C. Moser, President of the Senate.

STATE OF OREGON, SENATE CHAMBER.

STATE OF OREGON, SENATE CHAMBER.

I, J. W. Cochran, chief clerk of the Senate of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify:
That I have carefully compared the annexed copy of senate joint memorial No. 11. Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 23, 1917, and concurred in by the house January 25, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In witness whereof I have hereunto set my hand this 29th day of January, 1917.

J. W. Cochran,
Chief Clerk Senate,
Twenty-ninth Legislative Assembly of the State of Oregon.
State of Oregon,
House of Representatives.

I, W. F. Drager, chief clerk of the House of Representatives of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify:

That I have carefully compared the annexed copy of senate joint memorial No. 11, Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 23, 1917, and concurred in by the house January 25, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof. a full, true, and correct transcript thereof.

In witness whereof I have hereunto set my hand this 29th day of January, 1917.

W. F. DRAGER,

W. F. Drager,
Chief Clerk House,
Twenty-ninth Legislative Assembly of the State of Oregon.

Senate joint memorial 13.

o the honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that—

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that—

Whereas a large portion of the State of Oregon is infested with coyotes and other predatory animals and the said predatory animals at all times destroy property of the citizens of Oregon and destroy the wild game and the birds of the State of Oregon; and

Whereas at this time the said animals are affected with rabies and on this account are unusually dangerous and are spreading rabies and by this means causing death among the live stock of all kinds and at times menacing life of the citizens of the State of Oregon and of other Western States; and

Whereas the Biological Survey of the United States Department of Agriculture has been aiding the citizens of the State of Oregon and other Western States in the eradication of rabies and in extermination of predatory animals referred to and have been very successful in the campaign which they have organized, and are able to carry out the said campaign more effectually than the several States have been able to do; and

Whereas the State of Oregon is financially unable to carry on this program for the eradication of rables in an adequate manner and it is essential that the Biological Survey continue its investigation and efforts in order that the said predatory animals may be exterminated and the money already expended may not be wholly lost: Therefore be it

Besolved by the Senate of Oregon (the House of Representatives concurring). That the Congress of the United States be, and it is hereby, memorialized to appropriate at an early date, by special appropriation, adequate funds for the use of the Bureau of Biological Survey of the United States Department of Agriculture in its campaign to prevent the spread of rables and to cradicate rables and exterminate wild predatory animals; be it further

Resolved, That after concurrence of the house of representatives herein the chief clerk of the senate shall transmit copies of this memorial to the Senators and Representatives in Congress from the State of Oregon and to the Secretary of Agriculture of the United States.

Concurred in by the house January 25, 1917.

R. N. STANNIELD.

R. N. STANFIELD, Speaker of the House.

Adopted by the senate January 23, 1917.

Gus C. Moser, President of the Senate.

STATE OF OREGON, SENATE CHAMBER

STATE OF OREGON, SENATE CHAMBER.

I. J. W. Cochran, chief clerk of the Senate of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify:

That I have carefully compared the annexed copy of senate joint memorial No. 13. Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 23, 1917, and concurred in by the house January 25, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof. In witness whereof I have hereunto set my hand this 29th day of January, 1917.

J. W. COCHRAN, Other Clerk Senate, Twenty-ninth Legislative Assembly of the State of Oregon.

Senate joint memorial 12.

Senate joint memorial 12.

Whereas 12 States of the Union, among which is Oregon, by constitutional amendment or legislative enactments have extended the right of suffrage to women; and
Whereas in those States where such privilege has been exercised it has brought about great improvement in the moral welfare and economic conditions throughout said States; and
Whereas there is now pending in the Congress of the United States a measure known as the Susan B. Anthony amendment to the Constitution of the United States, the purpose of which measure is to propose an amendment to the Constitution of the United States extending and giving throughout the United States the right of suffrage to women; Therefore be it.

Resolved by the senate (the house of representatives assuming)

Resolved by the senate (the house of representatives concurring). That the Congress of the United States be, and it is hereby, memorialized to take favorable action on said proposed mensure; be it further Resolved, That after the concurrence of the house of representatives herein the chief clerk of the senate be, and he hereby is, instructed to transmit copies of this memorial to the Members of the Oregon delegation in Coppess

tion in Congress.

Concurred in by the house January 25, 1917.

R. N. STANFIELD. Speaker of the House.

Adopted by the senate January 23, 1917.

GUS C. MOSER, President of the Senate. STATE OF OREGON, SENATE CHAMBER.

I, J. W. Cochran, chief clerk of the Senate of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 12. Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 23, 1917, and concurred in by the house January 25, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In witness whereof I have hereunto set my hand this 29th day of January, 1917.

J. W. COCHRAN, Chief Clerk Senate, Twenty-ninth Legislative Assembly of the State of Oregon.

Mr. PHELAN presented a petition of the California Associated Societies for the Conservation of Wild Life, of Berkeley, Cal., praying for the protection of migratory birds and for the establishment of bird sanctuaries, which was ordered to lie on the

He also presented a petition of Ketterlin Bros., of Santa Rosa, Cal., praying for the enactment of legislation to establish 1-cent drop-letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. OLIVER presented a telegram in the nature of a petition from the Bible class of the First Presbyterian Church, of Wilkes-Barre, Pa., praying for national prohibition during the period of hostilities should war be declared against Germany,

which was ordered to lie on the table.

Mr. KENYON presented petitions of the congregation of the First Congregational Church of Cedar Rapids, the Congregational Church of Edgewood, and of sundry citizens of Blairsburg, all in the State of Iowa, praying for national prohibition, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Sioux City and Hamburg, in the State of Iowa, remonstrating against any change in the second-class postal rates, which were referred to

the Committee on Post Offices and Post Roads.

He also presented a petition of the Trades and Labor Assembly of Des Moines, Iowa, praying for the placing of an embargo on food products, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Des Moines (Iowa) Branch of the National Association of Letter Carriers, praying for an increase in the salaries of postal clerks, which was referred to the Committee on Post Offices and Post Roads.

Mr. KERN. Mr. President, several commercial organizations in the country have recently passed resolutions protesting against the passage of the bill providing for a tax on excess earnings of corporations. I have received a few protests from corporations in my State against the enactment of that legislation, but this morning I have a letter from the manager of the Liberty Light & Power Co., of Richmond, Ind., a corporation with extensive interests in my State, which breathes such a patriotic spirit that I desire to have it read, in order that it may appear in the RECORD.

The VICE PRESIDENT. The Secretary will read as re-

quested.

The Secretary read the letter, as follows:

RICHMOND, IND., January 31, 1917.

Hon. John W. Kern, United States Senator.

DEAR SIR: Referring to the House bill to place a tax of 8 per cent on all excess earnings of \$5,000 or more, our company is in the class that would come under this tax, and we wish to inform you that we will gladly do our part. Indiana is willing to pay her share.

With best regards, we remain.

THE LIBERTY LIGHT & POWER CO., R. S. ASHE, President.

REPORTS OF COMMITTEES.

Mr. JOHNSON of Maine, from the Committee on Pensions, submitted a report (No. 1007) accompanied by a bill (S. 8120) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills, heretofore referred to that committee:

S. 1919. William W. Cook.

S. 1933. Charles Milk.

S. 2566. William R. Dority.

S. 2607. Joseph P. Sullivan.

S. 2861. William H. Merritt. S. 2922. William C. Worthen.

S. 3158. John T. Edson.

3163. Celestine Lacy.

S. 3192. Homer T. Barnett. S. 3232. Bessie D. Blu.

S. 3719. Maurice H. Myers.

4018. Robert H. Cowan.

S. 4057. Peter Downey. S. 4077. Charles H. Craddock.

S. 4078. Herman L. Shank.

S. 4110. Clarence A. Hunt.

S. 4135. Guss E. Gurtz.

S. 4186. Arthur Leland.

S. 4187. William H. Jones.

4264. Victor F. Marshall.

S. 4314. Joseph O. Dennison, S. 4320. Thomas R. Peak.

S. 4391. Edwin C. Gasque. S. 4423. Vernon D. Bennitt.

S. 4475. Horace M. Patton, S. 4529. Robert J. May.

S. 4530. Arthur Isert. S. 4535. Elsie M. Duryee. S. 4535. Elsie M. Duryee,
S. 4596. Francis M. Moore.
S. 4638. Charles F. Johnson,
S. 4754. Lucius V. Hubbard,
S. 4845. George L. Aldrich,
S. 4898. Albert G. Daugherty,
S. 5023. Nanette W. Sheffield,
S. 5087. Andrew E. Waterman,
S. 5167. Lewis W. Hill,
S. 5214. Milton T. Benham,
S. 5248. Robert O. Dunn,
S. 5265. George W. Smith,
S. 5303. Gordon Hinton,
S. 5365. J. Augustus Thilman, S. 5365. J. Augustus Thilman, S. 5405. Francis Roy. S. 5431. Frank G. Schutt, jr. S. 5510. James Cunningham. S. 5627. Robert M. Watkins. S. 5628. Stephen H. Whitman. 8, 5628. Stephen H. Whitms 8, 5631, Adelbert R. Burke, 8, 5791. Mary R. Edwards, 8, 5844. Wilbur C. Gahret, 8, 5846. James G. Rollins, 8, 5862. Frank W. Brown, 8, 5930. Walter H. Sterling, 8, 5930. Walter R. Nowie S. 5930. Waiter H. Sterling.
S. 5935. Walter P. Norris.
S. 5939. Edmond de Jarnac.
S. 5951. Charles H. Kelley.
S. 6004. Frank H. Latham.
S. 6008. Charles William Finley.
S. 6070. Florence V. Handbury.
S. 6207. Mary Jane Bowman.
S. 6233. Durbin L. Badley.
S. 6233. Mary Battle S. 6276. Mary Battle.
S. 6280. Mary H. Trimble.
S. 6319. James Pickett.
S. 6323. Ander J. Heatley.
S. 6333. Robert Starkey. 6346. Alice Hathaway. S S. 6417. George J. Ham. S. 6425. Rittle Wilson. S. 6473. Charles M. Way. S. 6488. John Safranek. S. 6531. Walter K. Neal. S. 6553. Robert W. Irvine. S. 6605, Eugenia L. Williams, S. 6649. Mary B. Orner. S. 6674. John W. McCown. S. 6719. Henry Ferguson. S. 6735. Elizabeth Bellion. S. 6770. Arthur H. King. S. 6777. Charles H. Bachelder, S. 6803. John W. Thomas. S. 6866. Fred D. Abbott. S. 6877. Mary T. Seay. S. 6897. Daniel I. Jeinei. 6912. Albert S. Clouse. 6941. Frank J. Conway. 6958. Leonard P. Kehrmeyer. S. 6994. Thomas B. Jeffries. 7009. Bertha C. Pratt. 7011. Harry C. Chute. 7043. Emma E. Normoyle. 7085. Milton M. Lile. S. 7109. Anna B. Davis. 7141. Flora G. Redman. 7143. Elizabeth J. Anderson. S 7163. Maude Deignan. 7183. Perry Ryals. 7230. Bertha M. Shaw. 7238. Charles A. Dobratz. 7268. Annie A. Haines. 7339. Emory C. Powers. 7479. Lavina A. E. Rogers. 7515. Letta D. Webster. 7656. Mary Renfroe. S. 7790. Emma E. Barrett. S. 7932. Martha P. Johnson. S. 8017. William H. Van Name.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (H. R. 10697) for the relief of S. Spencer Carr, reported it without amendment and submitted a report (No. 1008) thereon. GRANTING OF INAUGURAL PERMITS (S. REPT. 1009).

Mr. SMITH of Maryland. From the Committee on the District of Columbia I report back favorably without amendment the joint resolution (H. J. Res. 358) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect in March, 1917, and so forth, and I ask for its immediate consideration.

Mr. GALLINGER and Mr. SMOOT. Let it be read.
The VICE PRESIDENT. The joint resolution will be read.
The joint resolution was read, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONFEDERATE VETERANS' REUNION.

Mr. SMITH of Maryland. From the Committee on Appropria-tions I report back favorably without amendment the joint resolution (S. J. Res. 157) giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the reunion of the Confederate Veterans' Association, to be held in the District of Columbia in the year 1917, and for other purposes incident to said encampment, and I ask for its present consideration.

Mr. GALLINGER. Let the joint resolution be reported. The Secretary read the joint resolution, as follows

Mr. GALLINGER. Let the joint resolution be reported.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the Commissioners of the District of Columbia are hereby authorized and directed to make such special regulations for the occasion of the reunion of the Confederate Veterans' Association, which will take place in the District of Columbia in the year 1917, as they shall deem advisable for the preservation of public order and the protection of life and property, to be in force one week prior the protection of life and property, to be in force one week prior the protection of life and property, to be in force one week prior the protection of life and property, to be in force one week prior the protection of life and property, to be in force one week prior the protection of life and property, to be in force one week prior the protection of the daily newspapers of the District of Columbia and no penalty prescribed for the violation of such regulations shall be enforced until the days after such publication; and said commissioners are authorized and directed to establish a special schedule of fares applicable to public conveyances in said District during the period aforesaid. Any schedule of fares shall, upon conviction thereof in the police court of the said District, be liable for such offense to a fine not to exceed \$100, and in default of payment of such fine imprisonment in the workhouse or jail of said District for not longer than 60 days. This resolution shall take effect immediately upon its approval, and the sum of \$11,000 or so much thereof as may be necessary, payable from any mes of the District of rollowing and provisions of section 1 of this joint resolution, \$1,000 of which shall be available for the construction, maintenance, and operation of public-comfort stations and information booths, under the direction of a section 1 of the provisions of section 1 of this joint resolution, \$1,000 of which shall be available for the construction and population of the confederate Vetera

such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington as they may deem proper and necessary: Provided, however, That all stands and platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said citizens' executive committee and in accordance with plans and designs to be approved by the SuperIntendent of the Capitol, the Commissioner of Public Buildings and Grounds, and the building inspector of the District of Columbia.

Sec. 6. That the Secretary of War is hereby authorized to loan to the chairman of the medical department of the citizens' executive committee for said reunion, or his successor in said office, for the purpose of caring for the sick, injured, and infirm on the occasion of said reunion, such hospital tents and camp appliances and other necessaries, hospital furniture, and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the encampment: Provided, That the said chairman, or his successor in said office, shall indemnify the War Department for any loss to such hospital tents and appliances as aforesaid not necessarily incident to such use.

Mr. GALLINGER. Mr. President, I observe that in that joint

Mr. GALLINGER. Mr. President, I observe that in that joint resolution the very proper provision is incorporated that the charges for transportation shall be fixed by schedule by the Commissioners of the District of Columbia, as I remember it. I will suggest to the Senator from Maryland [Mr. Smith], who is taking great interest in the presidential inaugural ceremonies as well as in the pending matter, that I hope in some resolution or bill some authority will be given to some one in the District of Columbia to fix the charges for transportation during the inaugural ceremonies, because I know from knowledge that on some former occasions there have been most exorbitant and outrageous charges imposed upon the people who have come to Washington to attend the inauguration. I think it would be a very commendable thing to provide some such restriction.

Mr. SMITH of Maryland. I think it is a very good suggestion which the Senator from New Hampshire makes, and the probabilities are that there will be some such regulation made.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMITH of Maryland subsequently said: For the information of the Senator from New Hampshire and others, I wish to say that the fixing of fares for public conveyances at the inaugural ceremonies was included in the joint resolution I introduced, and which was reported by me and passed a few days ago, providing for the maintenance of public order and the protection of life and property in connection with the inaugural ceremonies. It was not necessary to have it appear in the joint resolution to-day, as it had already been incorporated.

DOCUMENTS RELATIVE TO GEN. WASHINGTON.

Mr. WILLIAMS. From the Committee on the Library I report back favorably without amendment Senate resolution 297, transferring certain papers relating to the death of Gen. Washington from the files of the Senate to the custody of the Librarian of Congress, and I ask unanimous consent for its present consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

And agreed to, as follows:

Resolved, That the Secretary of the Senate is authorized and directed to transfer to the custody of the Librarian of Congress the following documents, which are now in the files of the Senate, namely:

The message of President John Adams, December 19, 1799;
Letter of Tobias Lear to the President, December 15, 1799;
Address of the Senate to the President, December 23, 1799, and the answer of the President, December 23, 1799;
Address of the House to the President, and his answer, December 19, 1799;
Message of the President, January 8, 1800; and
A letter of Martha Washington to the President, December 31, 1799;
All pertaining to the death of Gen. Washington.

PORTRAIT OF JOSEPH HENRY.

Mr. WILLIAMS. From the Committee on the Library I report back favorably without amendment Senate resolution 334, authorizing the Sergeant at Arms of the Senate to transfer the portrait of Joseph Henry from the office of the Sergeant at Arms to the Smithsonian Institution, and I ask unanimous consent for its present consideration

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Sergeant at Arms of the Senate be, and he is hereby, authorized and directed to transfer to the Smithsonian Institution the portrait of Joseph Heary, the first Secretary of that Institution, now hanging in the office of the Sergeant at Arms of the Senate.

DAUGHTERS OF 1812.

Mr. WILLIAMS. From the Committee on the Library I report back favorably without amendment the joint resolution (H. J. Res. 230) authorizing the National Society, United States Daughters of 1812, to file its historical material in the

Smithsonian Institution and to make annual reports to the secretary thereof, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GOVERNMENT OF PORTO RICO.

Mr. SHAFROTH. I ask unanimous consent that House bill 9533, to provide a civil government for Porto Rico, and for other purposes, be made the special order for to-night at 8 o'clock

Mr. GALLINGER. Let the morning business first be completed. I have been waiting for some time.

Mr. SHAFROTH. Very well.

PUBLIC BUILDING AT STAMFORD, CONN.

Mr. MARTINE of New Jersey. From the Committee on Public Buildings and Grounds I report back favorably without amendment the bill (8, 8062) to provide for the purchase of additional land for the enlargement of the site of the public building at Stamford Conn. and I ask unanimous consent for building at Stamford, Conn., and I ask unanimous consent for its immediate consideration. I call the attention of the Senator from Connecticut [Mr. Brandeger] to the report.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which was read, as fol-

Be it enacted, etc., That not exceeding \$5,000 of the unexpended balance of appropriation beretofore made for the acquisition of a site and the erection of a post-office building at Stamford, Conn., be, and the same is hereby, made available for the acquisition by purchase, condemnation, or otherwise, of such land as the Secretary of the Treasury may deem necessary for the enlargement of said site so as to provide better accommodations for the transaction of the postal business.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BRANDEGEE. Mr. President, I ask permission at this point to have inserted in the RECORD a letter received from the ecretary of the Treasury in relation to the matter.

The VICE PRESIDENT. Without objection, it is so ordered. The letter referred to is as follows:

TREASURY DEPARTMENT, Washington, January 26, 1917.

Hon. Frank B. Brandeger, United States Senate.

United States Senate.

My Dear Senator: An informal message from the Post Office Department to-day stated that you had inquired whether that department would take the initiative in obtaining an authorization from Congress for the enlargement of the Federal building site at Stamford, Conn., and that that department had stated it was a matter for the Treasury Department's attention.

The custodian of the Federal building had already brought to this department's attention the necessity for additional land, and the Comptroller of the Treasury had been asked whether existing legislation would permit the enlargement of the site. The comptroller has just decided that additional legislation is necessary to authorize the department to buy more land, notwithstanding there remains of the limit of cost for said building sufficient money to pay for such enlargement if authorized.

From the representations of the custodian it is apparent that more land should be acquired to provide properly for the transaction of the postal business. This department, therefore, would be gratified if you would undertake to obtain the required legislative authority. A draft of what would probably be sufficient is inclosed.

Respectfully,

B. R. Newton,

B. R. NEWTON, Assistant Secretary.

TREASURY DEPARTMENT, Washington, January 30, 1917.

Hon. FRANK B. BRANDEGEE, United States Senate.

United States Senate.

My Dear Senator: Receipt is acknowledged, by reference from the Post Office Department, of certain correspondence had with you relative to the matter of the acquisition of additional land adjacent to the Federal building site at Stamford, Conn.

A draft of bill providing for the above was forwarded to you by this department the 26th instant, together with the views of the department regarding this matter.

The correspondence is returned herewith as requested.

Very truly, yours,

B. R. Newton.

B. R. NEWTON, Assistant Secretary.

POST OFFICE DEPARTMENT, FIRST ASSISTANT POSTMASTER GENERAL, Washington, January 26, 1917.

Hon. FRANK B. BRANDEGEE, United States Senate.

Mx Dear Senator: I am to-day in receipt of the papers forwarded to this bureau by you relative to the advisability of acquiring additional land adjacent to the Federal building at Stamford, Conn. As this matter is under the jurisdiction of the Treasury Department, I

have taken the liberty of forwarding them to that department, with the request that they be returned to you after they have served their

request that they be recalled upon for a full report regarding the purpose.

The postmaster has been called upon for a full report regarding the project, and when it is received an appropriate recommendation will be submitted to the Treasury Department.

J. C. Koons,

Very truly, yours,

First Assistant Postmaster General.

Be it enacted, etc., That not exceeding \$5,000 of the unexpended balance of appropriations heretofore made for the acquisition of a site and the erection of a post-office building at Stamford, Conn., be, and the same is hereby, made available for the acquisition, by purchase, condemnation, or otherwise, of such land as the Secretary of the Treasury may deem necessary for the enlargement of said site so as to provide better accommodations for the transaction of the postal business.

BATTLE FIELD OF GUILFORD COURTHOUSE.

Mr. DU PONT. From the Committee on Military Affairs I report back favorably with amendments the bill (H. R. 8229) to establish a national military park on the battle field of Guilford Courthouse. I ask unanimous consent for the present consideration of the bill.

Mr. OVERMAN. Mr. President, I hope unanimous consent will be given. The committee has stricken out the appropria-The battle field of Guilford Courthouse, of course, is historic ground. The bill passed the House unanimously after a speech had been made by "Uncle Joe." Cannon, who was born near this battle ground. It is one of the most historic spots in America. Some 40 or 50 patriotic citizens of North Carolina have established this park at their own expense, built roads, and beautified it. There are many monuments there now, and all that is asked is that the Government take over the park and protect it. I hope there will be no objection to the immediate consideration of the bill.

Mr. WADSWORTH. Do I understand that the Senator from North Carolina asks unanimous consent for the immediate con-

sideration of the bill?

Mr. DU PONT. I have asked unanimous consent.

Mr. OVERMAN. The bill comes with a unanim The bill comes with a unanimous report from the committee.

Mr. WADSWORTH. Let me ask the Senator whether it has been the policy of the Government to take over such battle

fields generally? Mr. OVERMAN. The Government has taken over some. The

Gettysburg battle field has been taken over, and there are many others which also have been taken over, but whether the Government has taken over battle grounds generally I do not know. The Battle of Guilford Courthouse is historic and is recognized now as having been the turning point in the Revolutionary War. As I have stated, a number of patriotic citizens of North Carolina have made a park of this place. It only embraces 125 acres of ground, and a number of monuments are already erected

Mr. DU PONT. Mr. President, I desire to say to the Senator from New York that Congress has already appropriated a handsome sum for an equestrian statue of Gen. Greene, which has been erected on the battle field at Guilford Courthouse. This battle field is of special importance and interest, as it was the scene of some of the hardest fighting during the Revolutionary War. I think it would be a highly proper thing to pass this bill. It only provides for putting the ground under the care of the Secretary of War and allowing him to take charge of it. There is no appropriation attached to the bill as amended by the Sen-

ate Military Committee.

Mr. WADSWORTH. Mr. President, I know it is not a pleasant thing to call attention to a bill of this sort in a hostile manner. I realize, of course, the tremendous importance of the contest that occurred upon this ground, and I for one appreciate the generosity of the people of that community who have pur-chased the land and now offer it to the Government free of

Mr. OVERMAN. Mr. President, I want to inform the Senator that this tract was purchased about 30 years ago. They have furnished the money for it, built roads through it, beautified it, and there are now a large number of monuments there. Among them are two monuments which the Government erected—a beautiful monument to Gen. Greene and a monument to Gen. Nash, who was killed at Germantown, with which the Senator is very familiar. The Government has an interest in it, and all we want to do is for the Government to have a caretaker there to look There is scarcely any money at all involved in it. It is only 125 acres of land; and, as I say, the Government already has this great monument there to Gen. Greene, one of the most beautiful monuments in the country; also one to Gen. Nash and one to Gen. Davidson, who fell at Cowans Ford. I think the Government has such an interest in the battle field that it ought to

take it over, and I hope the Senator will not object to the consideration of the bill

Mr. WADSWORTH. Do I understand that these monu-

ments are already erected?

Mr. OVERMAN. Yes; they are already erected and paid for.

Mr. WADSWORTH. Are the monuments now in the care of the Federal Government?

Mr. OVERMAN. No; they are not. That is what I think we ought to do—have a caretaker there to look after them and superintend the grounds. There is no appropriation asked for in this bill.

Mr. WADSWORTH. Of course that will appear later.

Mr. OVERMAN. I suppose that is provided for now in the general fund for the maintenance of parks, and so forth. It does not require an appropriation. It may require an appropriation of \$1,000 or \$2,000, or something like that, I do not know; but this bill does not provide for any, because the Secretary of War has informed the committee that he can take it over. These great monuments there, as I say, to Gen. Greene and Gen. Nash, ought to be cared for by this great Government. We have spent the money there; the monuments are all finished, and have been unveiled and dedicated.

Mr. WADSWORTH. Mr. President, in view of the fact. that the Federal Government has already assisted in the erection of monuments upon this battle field, and as I understand the Senator from North Carolina to say that they are now in charge of the Federal Government, I shall not press the objection at this time to the proposition that the Government shall take over the battle field; but I do desire to call the attention of the Senator from North Carolina and other Senators who may be interested-

Mr. OVERMAN. I do not want to say that the Federal Government now has charge of them. The Senator misunder-stood me. I said that the Federal Government has erected the monuments I mentioned, and a few patriotic gentlemen have charge of this tract now, and they want to dedicate it to the Government. Besides these monuments there are various pri-vate ones. It is a great place for having Fourth of July and other patriotic celebrations. I think the Federal Government is interested in it.

Mr. GALLINGER. Mr. President, if the Senator from New York will permit me, I will ask the Senator from North Carolina if all these monuments were authorized and paid for by the General Government?

Mr. OVERMAN. Not one of them, except, as I have stated, those to Gens. Greene, Nash, and Davidson. All others were paid for at private expense.

Mr. GALLINGER. So that if some of us who think that Stark's monument ought to be on every battle field of the Revolution should take a notion to have his monument there, we would have an opportunity?

Mr. OVERMAN. I should like to see a monument there to the great man from Delaware who was the hero of that great battle; and from Rhode Island there was Gen. Greene, and others from Virginia and Maryland did some great work there. I should like to see some monuments erected there by other States; but we are not asking for that at present.

Mr. DU PONT. Mr. President, I will say to the Senator from New York that the people of Delaware are very deeply interested in this battle field.

Mr. WADSWORTH. I yield to the Senator from Delaware. Mr. DU PONT. In the Revolutionary War the Continental troops from the State of Delaware immortalized themselves on that battle field.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

Mr. WADSWORTH. Mr. President, before withdrawing the objection, I simply desire to call the attention of Senators who are interested in this matter to the fact that it will be found, as years go by, that there are many, many battle fields all over the United States which will suddenly acquire tremendous importance, and an effort will be made, very naturally, and perhaps very properly, to have the Federal Government take them over.

My attention has been called to this prospect very recently by reason of the fact that there are at least two very large and important communities in the State of New York who purpose requesting the Federal Government to take over battle fields. One is the battle field of Oriskany, on the Mohawk River, at which there was fought during the War of the Revolution a contest certainly of equal importance with that fought at Guilford Courthouse, and probably more so. Another project has been brought to my attention for the Federal Government to take over a battle field near the city of Elmira, in the southern portion of the State of New York; and I have no doubt that if the Federal

Government once embarks upon the policy of taking over battle fields upon which it is alleged that contests of great and farreaching importance were waged, there will be no end to it.

I am in complete sympathy, of course, with the generous purpose expressed by the Senator from North Carolina and the people of that community who have done so much to erect permanent memorials upon that particular battle field; but I want to call the attention of the Senate to the fact that propositions of this sort are not exactly in the same class as that involved at Gettysburg or at Chattanooga, which were made great national cemeteries and around which have grown up great memorials of a strictly national character.

In view of the fact that, as the Senator from North Carolina says, the Federal Government has already erected one monument upon this particular battle field, I shall not press an objection at this time to this bill. I shall, however, upon the general policy of acquiring battle fields, insist that the Senate under-

stand the prospect.

Mr. POMERENE. Mr. President, in view of the suggestions made by other Senators, I desire also to remind the Senate that there are a number of battle fields in Ohio in which patriotic societies are interested. I am referring to the battles with the Indians; but that was not what I rose to speak about. At the present time there is no suitable monument erected to the memory of the first President Harrison. I have a bill for this purpose pending now before the Senate, and at the proper time I hope to ask for a suitable appropriation to erect a monument to his memory. If these matters are to be taken up at this particular time or in the near future, I hope that we shall not forget the first President Harrison.

The VICE PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which has been reported from the Committee on Military Affairs, with amendments.

The first amendment was, on page 5, after line 5, to strike

out sections 4 and 5, as follows:

out sections 4 and 5, as follows:

Sec. 4. That the affairs of the Guilford Courthouse National Military Park shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, to be appointed by him, one of whom shall be a resident of Guilford County, State of North Carolina; such resident commissioner shall be chairman of the board so appointed and shall also act as secretary of the commission. Said commissioners shall have an office in the city of Greensboro, State of North Carolina, and shall be paid such compensation as the Secretary of War shall deem reasonable and just, not to exceed, however, \$2,000 per annum for the resident commissioners and \$500 each per annum for the nonresident commissioners.

Sec. 5. That it shall be the duty of the commission named in the preceding section, under the direction of the Secretary of War, to open or repair such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of War may determine, all lines of battle of the troops engaged in the Battle of Guilford Courthouse and other historical points of interest pertaining to the battle within the park or its vicinity; and the said commission in establishing this military park shall also have authority, under the direction of the Secretary of War, to employ such labor and services and to obtain such supplies and material as may be necessary to the establishment of said park, under such regulations as he may consider best for the interest of the Government, and the Secretary of War shall make and enforce all needed regulations for the care of the park.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 6, after line 9, to insert as a new section the following:

a new section the following:

SEC. 4. That the affairs of the Guilford Courthouse National Military
Park shall be subject to the supervision and direction of the Secretary
of War, and it shall be the duty of the War Department, under the
direction of the Secretary of War, to open or repair such roads as may
be necessary to the purposes of the park and to ascertain and mark
with historical tablets or otherwise, as the Secretary of War may determine, all lines of battle of the troops engaged in the Battle of Guilford
Courthouse and other historical points of interest pertaining to the
battle within the park or its vicinity; and the Secretary of War, in
establishing this military park, is authorized to employ such labor
and services and to obtain such supplies and material as may be necessary to the establishment of said park; under such regulations as he
may consider best for the interest of the Government, and the Secretary of War shall make and enforce all needed regulations for the care
of the park.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 6, line 10, to change the number of the section from 6 to 5.

The amendment was agreed to.

The next amendment was, on page 6, line 20, after the words "Secretary of War," to strike out "which approval shall be based upon formal written reports, which must be made to him in each case by the commissioners of the park," so as to make the section read:

SEC. 5. That it shall be lawful for any State that had troops engaged in the battle of Guilford Courthouse to enter upon the lands of the Guilford Courthouse National Military Park for the purpose of ascerzalning and marking the lines of battle of its troops engaged therein: Provided, That before any such lines are permanently designated the

position of the lines and the proposed methods of marking them, by monuments, tablets, or otherwise, shall be submitted to and approved by the Secretary of War; and all such lines, designs, and inscriptions for the same shall first receive the written approval of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 6, line 23, to change the number of the section from 7 to 6.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time and passed.

MISSISSIPPI RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with amendments the bill (S. 8003) authorizing the county of Morrison, Minn., to construct a bridge across the Mississippi River in said county, and I submit a report (No. 1010) thereon. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Com-

mittee of the Whole.

The amendments were, in line 6, after the words "Mississippl River," to insert "at a point suitable to the interests of naviga-tion"; at the end of the bill to insert "in accordance with the provisions of the act entitled 'An act to regulate the construc-tion of bridges over navigable waters,' approved March 23, 1906"; and to add a new section, as follows:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

So as to make the bill read:

Be it enacted, etc., That the county of Morrison, in the State of Minnesota, be, and it is hereby, authorized to construct, maintain, and operate a highway bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation in section 8, township 127 north, range 29 west of the fifth principal meridian, and section 32, township 39 north, range 32 west of the fourth principal meridian, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHEYENNE INDIAN RESERVATION.

Mr. JOHNSON of South Dakota. From the Committee on Indian Affairs I report back favorably with an amendment the bill (S. 5648) authorizing and directing the Secretary of the Interior to furnish certain information relative to the employment of members of the Lower Yanktonai Tribe and Two Kettle Band of the Cheyenne Indian Reservation, S. Dak., as scouts in 1863, and I submit a report (No. 1011) thereon, and I ask for its present consideration.

There being no objection, the bill was considered as in Com-

mittee of the Whole.

The amendment was to strike out all after the enacting clause

and insert:

That there is hereby appropriated out of any money in the Treasury not otherwise appropriated, for compensation of Fast Walker, D. K. How, and Not Afraid of Bear, all of the Crow Creek Reservation, S. Dak., for services rendered while acting as scouts under Gen. Sully and Lieut. Col. John Pattee in the year 1863, the sum of \$150 each; in all, \$450.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Fast Walker, D. K. How, and Not Afraid of Bear."

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows

By Mr. PITTMAN:

A bill (S. 8121) to provide for the application of the reclama-tion law to irrigation districts; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. WADSWORTH:

A bill (S. 8122) providing for the erection and completion of a public building in the Borough of The Bronx, New York City, in the State of New York; to the Committee on Public Buildings and Grounds.

By Mr. POMERENE:

A bill (S. 8123) to amend an act entitled "An act to regulate commerce," as amended, in respect of car service, and for other purposes; to the Committee on Interstate Commerce.

By Mr. GALLINGER:

A bill (S. 8124) granting an increase of pension to Henry S. Silsby (with accompanying papers); to the Committee on Pen-

By Mr. SHIELDS:

A bill (S. 8125) granting an increase of pension to George W. Gray: to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 8126) to extend the time for the cutting of timber on the Coconino and Tusayan National Forests in Arizona; to the Committee on Public Lands.

By Mr. WEEKS: A bill (S. 8127) granting an increase of pension to Dennis W. Riordan (with accompanying papers);
A bill (S. 8128) granting an increase of pension to John H.

Wells (with accompanying papers); and

A bill (S. 8129) granting an increase of pension to Lewis Seymour (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS:
A bill (S. 8130) granting an increase of pension to Robert
Johnston; to the Committee on Pensions.
By Mr. PENROSE:

A bill (S. 8131) granting an increase of pension to Samuel H. Brooks

A bill (S. 8132) granting an increase of pension to Emma C.

Hill (with accompanying papers); and
A bill (S. 8133) granting an increase of pension to Andrew Reese (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 8134) for the relief of John C. Hall (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 8135) granting a pension to Susan J. St. John;

A bill (S. 8136) granting a pension to David Feighny;

A bill (S. 8137) granting a pension to Malinda Kiniston (with accompanying papers);

A bill (S. 8138) granting an increase of pension to Thomas Carpenter Moore (with accompanying papers);

A bill (S. 8139) granting an increase of pension to Davis B. Wilcoxson (with accompanying papers);
A bill (S. 8140) granting an increase of pension to Ephraim

Briggs (with accompanying papers);
A bill (S. 8141) granting an increase of pension to Andrew F.

Maxwell (with accompanying papers);
A bill (S. 8142) granting an increase of pension to Joseph

McCoy (with accompanying papers); and
A bill (S. 8143) granting a pension to Josephine Mater
Roberds (with accompanying papers); to the Committee on Pensions.

A bill (S. 8144) directing the Interstate Commerce Commission to supervise and direct the leasing of certain real estate owned or controlled by railroads and electric interurban railways engaged in the transportation of interstate business; to the Committee on Interstate Commerce.

By Mr. JOHNSON of Maine:

A bill (S. 8145) granting an increase of pension to Charles Wiley (with accompanying papers);

A bill (S. 8146) granting a pension to Sadie E. Devault (with accompanying papers); and

A bill (S. 8147) granting an increase of pension to John W. Davis (with accompanying papers); to the Committee on Pen-

By Mr. OVERMAN:

A bill (S. 8148) to define and punish espionage; to the Committee on the Judiciary.

By Mr. JAMES: A bill (S. 8149) granting a pension to Isaac F. Allen (with accompanying papers);

A bill (S. 8150) granting an increase of pension to William H.

Kelsay (with accompanying papers); and A bill (S. 8151) granting a pension to John Magowan (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 8152) granting an increase of pension to Samuel E. Palmer; to the Committee on Pensions.

Mr. Mr. WADSWORTH:

A joint resolution (S. J. Res. 207) amending Article V of the Constitution of the United States by providing that, to be ef-

fective, amendments to the Constitution shall be ratified within six years; to the Committee on the Judiciary.

RIVER AND HARBOR APPROPRIATIONS (H. R. 20079).

Mr. RANSDELL submitted three amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be

printed.

Mr. JONES submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

Mr. SHIELDS submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

THE REVENUE.

Mr. SAULSBURY submitted an amendment intended to be proposed by him to the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes, which was referred to the Committee on Fi-

mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes, which was referred to the Committee on Finance

other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. CUMMINS submitted an amendment intended to be proposed by him to the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes, which was referred to the Committee on Finance and ordered to be printed. and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LEWIS submitted eight amendments intended to be proposed by him to the Post Office appropriation bill (H. R. 19410), which were referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. PENROSE submitted an amendment providing that all employees of the Metropolitan police department of the District of Columbia shall receive 30 days' annual and 30 days' sick leave with pay in any one calendar year, etc., intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was ordered to lie on the table and be printed.

RELATIONS WITH GERMANY.

Mr. STONE. Mr. President, I offer the resolution which I send to the desk.

The VICE PRESIDENT. The resolution will be read. The Secretary read the resolution (S. Res. 351), as follows:

The Secretary read the resolution (S. Res. 351), as follows: Whereas the President has, for the reasons stated in his address delivered to the Congress in joint session on February 3, 1917, severed diplomatic relations with the Imperial German Government by the recall of the American ambassador at Berlin and by handing his passports to the German ambassador at Berlin and by handing his passports to the German ambassador at Washington; and Whereas notwithstanding this severance of diplomatic intercourse the President has expressed his desire to avoid conflict with the Imperial German Government; and Whereas the President declared in his said address that if in his judgment occasion should arise for further action in the premises on the matter to the Congress and ask the authority of the Congress to use such means as he might deem necessary for the protection of American seamen and people in the prosecution of their peaceful and legitimate errands on the high seas: Therefore be it *Resolved*, That the Senate approves the action taken by the President as set forth in his address delivered before the joint session of the Congress as above stated.

Mr. STONE. Mr. President, I ask unanimous consent for

Mr. STONE. Mr. President, I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. Is there any objection?
Mr. OLIVER. Mr. President, of course not intending to object, but, feeling that this is a matter of extreme importance, and that the vote should be as emphatic as possible, I suggest the absence of a quorum.
The VICE PRESIDENT.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

TO IL CT CO. CO.	ALUXE PROFITE OF	
rady	Curtis	
ryan	Dillingham	
namberlain	du Pont	
app	Gallinger	
ark	Gronna .	
olt	Harding .	

Hardwick Hollis Hughes Husting Johnson, S. Dak. Kenyon Kern Kirby La Follette Johnson, Me.

Townsend Wadsworth Walsh Watson Weeks Williams

Smith, Ga. Smith, Md. Smith, Mich. Smith, S. C. Smoot Lewis Lodge McCumber Martin, Va. Martine, N. J. Poindexter Pomerene Robinson Saulsbury Shafroth Sheppard Sherman Shields Simmons Norris Oliver Sterling Stone Thompson Tillman Page Pittman

Mr. MARTINE of New Jersey. I desire to announce the absence of the Senator from Oklahoma [Mr. Gore] and the Senator from Louisiana [Mr. Broussard] on account of illness. I ask that this announcement may stand for the day

Mr. PITTMAN. I announce the absence of the senior Senator from Nevada [Mr. Newlands], who is confined to his residence

by illness

Mr. CLARK. I wish to announce that the Senator from North Carolina [Mr. Overman], the Senator from West Virginia [Mr. Chilton], the Senator from Missouri [Mr. Reed], the Senator from Minnesota [Mr. Nelson], the Senator from Utah [Mr. Sutherland], the Senator from Connecticut [Mr. Bran-DEGEE], the Senator from Iowa [Mr. Cummins], and the Senator from Texas [Mr. Culberson] are absent on business of the

Senate.
The VICE PRESIDENT. Fifty-eight Senators have answered

to the roll call. There is a quorum present.

Mr. STONE. Mr. President, I have been requested by Senators to allow the resolution to go over until to-morrow morning; and that there may be no objection to my request for present consideration, I will myself ask that it lie over until to-morrow.

The VICE PRESIDENT. The resolution will lie over, under

the rule, until to-morrow.

THE PATENT OFFICE.

Mr. GALLINGER. When the legislative, executive, and judicial appropriation bill was under consideration there was an amendment offered to it directing the Committee on Patents to make an investigation of the Patent Office. I supposed that that was a movement in the nature of a grievance, and as I have great confidence in the Commissioner of Patents, I made an objection, which took the amendment out of the bill. I have since learned that the sole purpose of the amendment was to give the Committee on Patents authority to look into the needs of the Patent Office, which I happen to know are imperative. As I can not restore the item to the legislative, and so forth, appropriation bill, I submit a resolution, which I ask unanimous consent to have considered at the present time.

The VICE PRESIDENT. The Secretary will read the reso-

lution.

The resolution (S. Res. 350) was read, as follows:

Resolved, That the Committee on Patents be, and it is hereby, directed to investigate the needs of the Patent Office respecting both its force and its equipment and to report to the Senate at the opening of the next session of the Congress.

Mr. JAMES. Mr. President, I know that what the Senator from New Hampshire states is true, because the Commissioner of Patents himself came to me with the amendment which I gave to the Senator from North Carolina [Mr. Overman] and asked him to present. Its purpose was to ascertain the needs and requirements of the Patent Office. I think the resolution ought to be passed.

The resolution was considered by unanimous consent and

agreed to.

NOMINATION OF DR. CARY T. GRAYSON.

Mr. POINDEXTER. I ask that the resolution I offered on Friday last be laid before the Senate.

The VICE PRESIDENT. The Chair would inquire whether

the resolution was not offered in executive session?

Mr. POINDEXTER. It was not, in this sense, that unanimous consent was granted that it should be offered as in legislative session.

Mr. JAMES. I think the Senator is mistaken about that. I think the Senator rose to offer it, and did offer it without any request of that sort.

Mr. POINDEXTER. No; the Senator from Kentucky is mistaken.

Mr. JAMES. I do not think so.

Mr. CHILTON. There is nothing in the RECORD about it.
Mr. JAMES. I was watching the matter pretty closely, and

I remember very accurately, I think, as to what occurred.

Mr. CHILTON. There is nothing in the RECORD to show

that it was offered.

Mr. JAMES. The Record does not disclose that it was offered in legislative session. Of course, the Senate speaks only by

Mr. POINDEXTER. It could not have been offered very well for the purpose I have in view in any other way. I have

the most distinct recollection of having offered the resolution, accompanied by the request that it be considered as in legislative session.

The VICE PRESIDENT. Does the RECORD show it?

Mr. POINDEXTER. I do not know whether there is any record of it or not.

The VICE PRESIDENT. There would be if offered as in legislative session.

Mr. POINDEXTER. Not necessarily.

Mr. WILLIAMS. If in executive session the Senator might move as in legislative session that it be so considered, but we are not in executive session and it is out of order.

The VICE PRESIDENT. That is not the point. The point is whether it was submitted heretofore as in legislative session. Mr. WILLIAMS. That does not change the situation.

The VICE PRESIDENT. If permission was granted, it does.

Mr. WILLIAMS. But it was not.

The VICE PRESIDENT. That is what the Chair is trying to find out.

Mr. POINDEXTER. I do not know whether the Senator from Mississippi was present or not, but permission was granted by unanimous consent for the introduction of the resolution as in legislative session.

Mr. WILLIAMS. It may be that I am mistaken, but I do not so understand it. Of course, if the Senate in executive session gave permission for its introduction in legislative session, then the Senator has the right, but my recollection is that that was not done. I may be mistaken.

Mr. POINDEXTER. The Senator might very well not have heard that. There was a colloquy, if I may be permitted to refer to it in the most general way, between the Senator from Georgia and myself upon my request that the matter go over under the rule until the next legislative day. The first statement which was made in connection with the resolution was that it be introduced as in legislative session. I asked unanimous consent to introduce the resolution as in legislative session, and the inquiry was made by the Secretary to know what was to be done with it. I stated at that time that it would go over one day under the rule. Those were the exact proceedings. Of course there is no record of it, because there was no reporter present, but it was not an executive matter. It was not submitted as an executive matter. It was submitted on the assumption that under Rule XXXVI, section 2, a motion or resolution is in order to proceed to executive business in open session, and that the resolution is in order in open session as a part of legislative business.

Mr. WILLIAMS. I understood the Senator to make that request, but I did not understand that the Senate passed the resolution in executive session; and unless the Senate in executive session did pass the resolution which he offered, which was that this matter should be considered in legislative session, then it

can not be so considered.

Mr. POINDEXTER. In view of the fact that there is a controversy about that matter, at the suggestion of one of my colleagues I will withdraw the request which I have just made, and I will submit the resolution now in legislative session, and ask that it go over under the rule and lie on the table until to-morrow.

Mr. WILLIAMS. I merely want to give notice to the Senator that when the Senator calls up the resolution for consideration I shall, of course, move to go into executive session to consider it.

The VICE PRESIDENT. The Senator from Washington offers a resolution, which will be read.

The Secretary read the resolution (S. Res. 352), as follows:

Resolved, That further consideration of the nomination of Cary T. Grayson to be medical director, with the rank of rear admiral, in the Navy shall be in open executive session.

The VICE PRESIDENT. The resolution goes over under the

NIGHT SESSION FOR THE CALENDAR.

Mr. ROBINSON. Mr. President, I desire to submit a request for unanimous consent. I ask unanimous consent that on tomorrow, February 6, the Senate take a recess at not later than 6 o'clock p. m. to 8 o'clock p. m., and that upon the reconvening of the Senate at 8 o'clock it shall be in order to resume the consideration of the calendar under Rule VIII at Calendar No. 802, and that the Senate take a recess at not later than 11 o'clock p. m. until 11 o'clock the following morning.

The VICE PRESIDENT. Is there any objection?
Mr. BRANDEGEE. Is that for unobjected bills only?

Mr. SIMMONS. I did not understand the Senator. Is that

request for to-night or to-morrow night?
Mr. ROBINSON. To-morrow night.
The VICE PRESIDENT. Is there objection?

Mr. BRANDEGEE. Before I give my consent I should like to know whether the request includes unobjected bills only?
Mr. ROBINSON. Unobjected bills on the calendar under Rule VIII.

Mr. JAMES. Let me ask the Senator why he proposes to commence with Order of Business No. 802?

Mr. ROBINSON. That is where we left off the last night

when the Senate had under consideration the calendar. If we do not do that, the probabilities are that we will never be able to reach the unobjected bills which are far down on the calendar.

Mr. JAMES. There are some bills, I suggest to the Senator, to which objection was made for reasons which can be entirely

Mr. ROBINSON. The Senator can recur to them by unanimous consent,

Mr. JAMES. Very well.

Mr. GALLINGER. It ought to be the understanding that that can be done.

Mr. ROBINSON. Yes; there will be no objection.
The VICE PRESIDENT. Is there objection?
Mr. GALLINGER. Does the proposed agreement provide for a recess at not later than 11 o'clock to-morrow night?
Mr. ROBINSON. At not later than 11 o'clock.
The VICE PRESIDENT. Is there objection? The Chair

hears none, and the agreement is entered into.

RELATIONS WITH GERMANY.

Mr. WORKS. Mr. President, I desire to give notice that on Wednesday morning, immediately after the close of the routine morning business, I will address the Senate on our relations with Germany.

GOVERNMENT OF PORTO RICO.

Mr. SHAFROTH. Mr. President, I ask unanimous consent that the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, be made the special order for 8 o'clock to-night.

Mr. SMOOT. Will the Senator couple with that the request

that no other business shall be considered?

Mr. SHAFROTH. Mr. President, I am between two fires. One Senator is saying that if one thing is inserted in the agreement he will object and another Senator is intimating that if it is not in he will object. I call the attention of the Senator from Mississippi [Mr. Williams] to the fact that the Senator from Utah is requesting that nothing further be done during the night session than the consideration of the Porto Rican government bill.

Mr. WILLIAMS. Mr. President, I am perfectly willing that that bill shall be made the special order, to begin at the time referred to by the Senator from Colorado, but if that is done no other business could be transacted, except upon a vote of the Senate displacing that bill. I am not, however, willing that by a unanimous-consent agreement-which itself could not be set aside under the ruling of the Chair, even by unanimous consentanything should be taken up to the exclusion positively of all other possible business. I think the Senator from Utah will upon reflection agree with me. We are in a pretty acute situation; there is no telling what may arise at any moment, and the Senate ought not to adopt a unanimous-consent agreement to consider any legislation to the exclusion of other possible business, even of the most vital importance.

Mr. JAMES. An exception might be made as to emergency

Mr. WILLIAMS. If the request is worded in a way to except emergency legislation, I shall not object to it.

Mr. SHAFROTH. I am willing to have the request worded

Mr. SMOOT. I shall be content if the unanimous-consent agreement be worded in such way that the only exception will

include special and emergency cases.

Mr. WILLIAMS. Then let the wording of the unanimousconsent agreement be in that way. As I now understand, the request of the Senator from Colorado [Mr. Shafroth] is that the Porto Rican government bill shall be made the special order at 8 o'clock to-night, to the exclusion of all other business, except possible special emergency legislation.

Mr. SHAFROTH. I accept that suggestion, Mr. President. The VICE PRESIDENT. Is there objection to the request for

unanimous consent?

Mr. JONES. Mr. President, I have no special objection to the Porto Rican bill, but I desire to notify the Senator from Colorado and the Senate that if legislation of that kind is to be considered to-night there will have to be a quorum here when the session begins.

Mr. SHAFROTH. I hope the Senator from Washington will

not make that condition.

Mr. JONES. Why not? If we are going to hold night sessions, why should we not have a quorum of the Senate here to do business

Mr. SHAFROTH. The reason is that there are not enough Senators interested in the measure to come here at night.

Mr. JONES. If unanimous consent is given, I want it un-

derstood that it is given on that condition. Mr. SHAFROTH. I ask the unanimous-consent agreement to

which I have referred, and I will try to induce the Senator to change his position.

The VICE PRESIDENT. There seems to be no objection.

Mr. JONES. The Senator from Colorado had better not make that statement, or he may have more trouble in getting a quo-

Mr. SHAFROTH. Mr. President, I ask that the Senate at half past 5 o'clock take a recess until 8 o'clock this evening.

Mr. SMOOT. I suggest that the Senator word his request that the Senate take a recess not later than at half past 5 o'clock. Mr. SHAFROTH. That the Senate take a recess not later than half past 5 o'clock

The VICE PRESIDENT. Is there objection? The Chair hears none.

INTERFERENCE WITH NEGOTIATIONS WITH FOREIGN POWERS.

Mr. BRANDEGEE. Mr. President, in view of the tendency which certain private citizens seem to have to meddle with the negotiations of our Government with foreign powers, I send to the Secretary's desk and ask to have read sections 5 and 9 of the Penal Code.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

The Secretary read as follows:

SEC. 5. Every citizen of the United States, whether actually resident or abiding within the same, or in any place subject to the jurisdiction thereof, or in any foreign country, without the permission or authority of the Government, directly or indirectly, commences or carries on any verbal or written correspondence or intercourse with any foreign Government or any officer or agent thereof, with an integt to influence the measures or conduct of any foreign Government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the Government of the United States; and every person, being a citizen of or resident within the United States; are in any place subject to the jurisdiction thereof, and not duly authorized, counsels, advises, or assists in any such correspondence with such intent, shall be fined not more than \$5.000 and imprisoned not more than three years; but nothing in this section shall be construed to abridge the right of a citizen to apply, himself or his agent, to any foreign Government or the agents thereof for redress of any injury which he may have sustained from such Government or any of its agents or subjects.

SEC. 9. Every citizen of the United States who, within the territory or jurisdiction thereof, accepts and exercises a commission to serve a foreign prince, State, colony, district, or people, in war, by land or by sea, against any prince, State, colony, district, or people, with whom the United States are at peace, shall be fined not more than \$2,000 and imprisoned not more than three years.

The VICE PRESIDENT. Is there further morning business?

The VICE PRESIDENT. Is there further morning business? If not, the morning business is closed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House had passed the following bills:

S. 1740. An act to repeal an act entitled "An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes, approved June 7, 1912, and to revoke the grant made thereby; and

S. 5014. An act to amend section 1 of the act of August 9, 1912, providing for patents on reclamation entries, and for other

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 6145) for the relief of Edward F. McDermott, alias James Williams.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:
H. R. 6145. An act for the relief of Edward F. McDermott, alias James Williams;

H. R. 9547. An act authorizing the acceptance by the United States Government from the Kenesaw Memorial Association of Illinois of a proposed gift of land on the Kenesaw battle field, in the State of Georgia; and
H. R. 10124. An act to add certain lands to the Rocky Moun-

tain National Park, Colo.

REGULATION OF IMMIGRATION-VETO MESSAGE.

The Senate proceeded to reconsider the bill (H. R. 10384) to regulate the immigration of aliens to and the residence of aliens in the United States, which had been vetoed by the President of the United States.

Mr. REED. Mr. President, I desire to call attention to the President's veto of the immigration bill, and I most sincerely hope that I can, for at least a few moments, engage the attention of the Senate, not to the old questions that have been discussed but to some suggestions that have since been made and some events that have since occurred which I think at this particular crisis of public affairs demand very serious thought.

Mr. President, the bill as passed contains this language in the

excluding clause:

And no alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States.

I want to get your attention to the words-

And no alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States.

We have a treaty with Japan and a "gentlement's agreement," so called, with Japan. It is a part of that "gentleman's agreement" that the Government of Japan will not permit certain classes of Japanese to emigrate to the United States. That is a condition of exclusion carried out through the Japanese Government, but it is nevertheless a condition of exclusion.

Now, I want the Senators to know the fact before they vote:

that the Japanese ambassador has already called the attention of our State Department informally to the language of the bill which I have read. The fear is expressed that it constitutes a legislative exclusion of those citizens of Japan who are now excluded by the "gentlemen's agreement"; in other words, that instead of allowing that exclusion to rest upon the "gentlemen's agreement" we have added a legislative prohibition. authorized by the State Department to say to the Senate that the Japanese Embassy has called attention to this language and that the State Department feels that the clause may be the occasion of some misunderstanding. The State Department is ex-ceedingly desirous that nothing shall be done which will cause the Japanese Government to feel that we have in any way impinged upon the understanding which now exists. Notice that the language is:

No alien now in any way excluded shall be admitted to the United States.

The exclusion of the Japanese citizen now is by virtue of the act of the Japanese Government, but he is nevertheless excluded by that action; and if this bill becomes a law it could be well said that the case of the Japanese citizen was covered by it, because the language is so broad, comprehensive, and sweeping as to embrace in the legislative exclusion every man who is now in any manner prevented from coming to the United States.

Mr. BORAH. Mr. President-

The PRESIDING OFFICER (Mr. POMERENE in the chair) Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. I understand the contention of the Senator from Missouri to be that the Japanese Government prefers to have this rest exclusively upon the "gentlemen's agreement," so

Mr. REED. Well, I do not like to answer the question in just that form, because I do not want to assume to speak for the Japanese Government. I am, however, at liberty to say that it has called attention to this language, and I am, of course, at liberty, as we all are, to construe the language. arguing is that there is a reasonable ground for the claim that language so broad and sweeping might embrace all those who are now excluded from any cause or for any reason or by any means and hence would exclude the Japanese because they are now excluded, albeit, by the action of their own Government.

Mr. BORAH. Mr. President, if I am not in error, the Senator who has charge of this bill stated that the agreement which the conferees had reached with reference to this particular clause was satisfactory all around. If I remember correctly, that was stated upon the floor. I may be in error, however.

Mr. REED. I can not answer the Senator as to whether that statement was made or not, because, of course, I did not hear all that the Senator in charge of the bill said by any means, for I was not here during all of the time. The Senator who was in charge of the bill is not here this morning; indeed, there are very few here, as is usually the case. But I lay it hard upon the conscience and patriotism and intelligence of Senators whether at this particular juncture of affairs we desire to do anything that may in the slightest degree tend to disturb the amicable relations that now exist between this country and a country with which we have no serious controversies

The State Department regards this as important, so important, indeed, that the Third Assistant Secretary of State called my attention to it this morning, and asked me to lay it before the Senate. I regard it as important.

I do not know whether or not the Senate is so determined to pass this bill that it will do so regardless of all consequences.

I do know that at this particular juncture of international affairs sober thought and reflection ought to be the rule with reference to every matter touching our foreign relations. unwilling at this hour, big with the world's fate, to do anything that will by any possibility weaken or impair the friendly relations existing between our country and a country which has given to us no offense,

I know how dear this bill is to certain Senators. I know that a feeling has been growing up in our country for many years that too many people are coming to our shores who are not fit for American citizenship. With that sentiment I have been in absolute accord. But there have been differences of opinion as to how the end desired was to be accomplished. The bill that is before us is an unsound and illogical measure. Nevertheless, it has been pushed through, with all its unsoundness and with all its lack of logic, simply because there is an earnest desire to accomplish the end of limiting improper immigration to the We are acting upon this measure much in the United States. same spirit that men might act if they were obliged to accept this particular bill or obtain nothing, whereas we have the absolute power at any time to pass such a bill which will bring the desired result and yet be free from the faults which impair the present measure.

Mr. SMITH of Michigan. Mr. President-

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. REED. I do.

Mr. SMITH of Michigan. I am much in sympathy with the attitude of the Senator from Missouri, but I do not desire to see the record closed on his view of the Japanese situation without suggesting to him that this especial favor which is extended by the President of the United States to the Japanese Government might still be accorded to the Japanese Government, if the Executive were so disposed, after the passage of this law. a very radical departure from the present law. The Japanese Government have simply assumed to vise or issue the passports of their citizens who sought to come to the United States, and to that extent they have controlled immigration to the United States; but if the present laws and treaties were effective I hardly believe they would have the latitude which they now have by the so-called gentlemen's agreement.

As to the wisdom of that agreement, I am not going to say; but if the law and the treaties could be overlooked or set aside, or their enforcement suspended by Executive favor, it can be done after the passage of this bill, if it should pass. never been very enthusiastic about it. I think it is most inop-

portune now, I will say to the Senator.

Mr. REED. I think the Senator misses the point that I tried to state, and which perhaps I was unfortunate in not stating This, as I understand, is the view of the Japanese Embassy, as expressed in an informal conference with the State Department: That a treaty exists between the United States and Japan under which its citizens have the right to enter the United States; that an attempt was made to deny the Japanese the right to enter; that thereupon the Japanese Government insistently urged their rights under the treaty and protested against the enactment of any exclusion law. However, what is known as a gentlemen's agreement was arrived at, by which the Japanese Government in effect said: "If the United States will refrain from enacting an exclusion law, we will take care of the matter; we will ourselves exclude the immigration from Japan to which you object."

Now, the Japanese Government is willing to stand upon that. Mr. President, the Senator from Massachusetts [Mr. Lodge] has one-half of my audience. [Laughter.] I want to wait until it is released.

Mr. BORAH. I will say to the Senator from Missouri that we were discussing the point which the Senator was making without interrupting the Senator.

Mr. REED. As I could not hear your discussion, I want you hear mine. I was trying to state the point to the Senator from to hear mine. Michigan. Now, as I understand, the Japanese Government is willing to let matters rest just as they are, but it does not want a legislative act passed which might be so construed as to be the enactment into law of this gentlemen's agreement, or which would effectuate the same thing.

Mr. LODGE. Mr. President, will the Senator allow me one

moment?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. I do. Mr. LODGE. The provision embodied by the conference committee, simply as a proviso, that no aliens now excluded in any way or prevented from entering the country in any way shall be admitted after the passage of this act, touches nothing that now exists. It does not interfere with the gentlemen's agreement in any way. If the Japanese Government should abandon their agreement-and it is purely voluntary; they can abandon it at any time—then the people who are now kept out under that agreement would not be able to come in. But it does not touch it at all, and it was drawn with particular care so as not to touch the agreement of treaties or existing law, or to draw any race distinction whatever.

Mr. REED. Mr. President, I call the distinguished Senator's attention to the fact, and then to the language. First, the fact is that Japanese are excluded from the United States in some

Mr. LODGE. Japanese labor; yes. Mr. REED. That way is the action of the Japanese Govern-

Mr. LODGE. The voluntary action; yes. Mr. REED. Now, says this law:

No alien now in any way excluded or-

Prevented from entering the United States shall be admitted.

They are prevented now. Mr. LODGE. Undoubtedly.

Mr. REED. By the action of the Japanese Government; and this bill is not limited to the present moment. It reaches into the future, and it provides, as to the future, that no alien—or class of aliens, of course—now prevented, shall even enter the United States. Now prevented by our laws? Now prevented by our treaties? No; the provision is that no aliens now prevented in any way from entering the United States shall be permitted to come.

The Senator's viewpoint upon any language is always very important and very weighty; but I can not understand the logic of the Senator when he states: "Yes; the Japanese are now prevented," and says, then, that the language "and no alien now in any way excluded or prevented from coming to the United States shall be admitted to the United States" does not embrace every Japanese who is now within the prohibition of the Japanese Government from coming, because he is already prevented from coming by his own Government. The fact is that this law if passed will do what the gentleman's agreement does. The difference lies in this: The Japanese citizen is now excluded by the action of his own Government, which is not offensive to the Japanese Nation, whereas if we pass this law we will then exclude him by our act, which will be offensive.

Mr. LODGE. Undoubtedly it would embrace them, Mr. President, if they abandoned the voluntary agreement.

Mr. FALL. Mr. President, will the Senator yield to me? The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Mexico?

Mr. REED. I do. Mr. FALL. As I understand, the point that the Senator is making is that now being excluded simply by the action of the Japanese Government, if this bill passes they will then be ex-

cluded by the law of the United States.

Mr. REED. Exactly. The Senator has stated it admirably. They will then be excluded by the law of the United States, because the law will declare that anybody that is now excluded by a gentlemen's agreement or in any other way shall

forever be excluded by the law of the United States.

Mr. BORAH. Mr. President—
The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. Some of us feel that if the Japanese people should see fit to abrogate the gentlemen's agreement there ought to be a law against their admission into this country. That law would be founded not only upon what we believe to be right, but upon what the Japanese Government has conceded to be right by its own voluntary action in excluding them from this country. No one would wish to offend Japanese people, but there can be no offense, it would seem, in putting a conceded principle in the form of a statute.

Mr. REED. I believe, as the Senator believes, that this country ought so to frame its treaties and its laws as to prevent Japanese labor from coming to the United States. so said on former occasions. Our Government found, however, that the Japanese regarded any attempt to exclude them by law as offensive; and for considerations so weighty that the State Department has spent much time on them, it was decided best not to resort to legislative exclusion, but to have resort simply to a genteel agreement, trusting to the Japanese Government to protect our shores by its action. Now, that agreement is a fact, and that exclusion does now exist; but it

rests in the honor and good faith and good will of the Japanese Nation and not in a law. Now, it is proposed to put into the law a phrase that will shut out these Japanese by law as completely as though the law named them. I say to the Senate that at another time and under other conditions I would be willing to stand here in the Senate and insist that our Government ought to insist upon a change of treaties; but I also say to the Senate that this is no time to be creating new points of difference or new causes of friction with a great nation with which we have been at complete peace, and with which we desire to remain in complete accord and amity.

I now stand here and talk "to the deaf ears of the adder,"

to those who propose to put this bill through regardless of con-sequences. The absence from the Chamber at this moment of sequences. The absence from the Chamber at this moment of nearly all its Members indicates a total indifference to the importance of this question. All I can do is to challenge the attention of those who are here, for at 4 o'clock we shall vote, and between now and 4 o'clock is the only time left for consideration.

The PRESIDING OFFICER. Will the Senator suspend? The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The Secretary. A bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending

June 30, 1918.

The PRESIDING OFFICER. Without objection, the unfin-

ished business will be temporarily laid aside.

Mr. REED. The President in his veto message had in mind. think, some of the troubles that now loom before us. He put into his message a warning with reference to this same question, speaking broadly, not with reference to the Japanese, but with reference to the possibility of international complications which might arise between any country and the United States.

The bill exempts from the operation of the literacy test "all aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith."

That is the end of the quotation. The President continues:

Such a provision, so applied and administered, would oblige the officer concerned in effect to pass judgment upon the laws and practices of a foreign Government and declare that they did or did not constitute religious persecution. This would, to say the least, be a most invidious function for any administrative officer of this Government to perform, and it is not only possible but probable that very serious questions of international justice and comity would arise between this Government and the Government or Governments thus officially condemned should its exercise be attempted. I dare say that these consequences were not in the minds of the proponents of this provision, but the provision separately and in itself renders it unwise for me to give my assent to this legislation in its present form.

So you have the warning of the President that this legislation will probably be the occasion of international difficulties or misunderstandings. You have the knowledge that there is already a protest, informal but nevertheless a protest, by a great world power, and I repeat with all the force and emphasis I am capable of that this is not the time to be seeking points of difference with the great powers of the earth. Enough lies ahead of us that we can not avoid.

Mr. SMITH of Michigan. Mr. President-The PRESIDING OFFICER. Does the

Does the Senator from Missouri yield to the Senator from Michigan?

Mr. REED. I do.

Mr. SMITH of Michigan. I suppose the Senator is very familiar with Article I of the treaty between the United States and Japan which was ratified in 1911, and the language of the first article, which I think very important in view of the memorandum which the Senator cites, I should like to read:

The citizens or subjects of each of the high contracting parties shall have liberty to enter, travel, and reside in the territories of the other; to carry on trade, wholesale and retail; to own or lease and occupy houses, manufactories, warehouses, and shops; to employ agents, and so forth; to lease lands for residential and commercial purposes, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established.

Surely the bill which the Senator is discussing is squarely in the teeth of that treaty right.

Mr. REED. When it is taken in connection with the gentle-

men's agreement; yes.

Mr. SMITH of Michigan. Yes; and whether the gentlemen's agreement can be made after the passage of this law, if it should pass, I am not quite prepared to assert vigorously, although I think it could be. I think if the law-enforcing officials of the Government decided that as to the Japanese people their officials should oversee and supervise the immigration of their subjects to the United States they, perhaps, would miss the penalties and

regulations of this law. I am quite of opinion that that could be done; but, at any rate, in the face of the protest which the Senator has asserted, and in view of the fact that it would repeal absolutely, pro tanto, the treaty which I have now read, it has a very significant bearing.

Mr. REED. Mr. President, I have stated the matter as clearly as I can state it. I do not want to multiply words upon it.

I desire to call the attention of the Senate to some other things relating to the bill. The Senate put into the bill a very vital amendment. It was an amendment that would have prevented a great abuse of the privilege of entering the United States. It was to the effect that persons could not come to the United States for the mere purpose of temporarily engaging in labor, intending to return to their own country. That provision would have removed one of the chief causes of complaint against foreign immigration, to wit, the frequently recurring tidal waves of human beings that sweep over the ocean to take the places of our labor. This happens whenever wages become good. The immigrants come intending to earn some money and return home. They employ America as a sort of feeding ground. They do so to the detriment of our home labor. The provision I refer to was put in in the Senate and stricken out in the conference, and I should like to know what efforts our conferees made to keep it in. The fact is nearly every wholesome provision placed in the bill by the Senate was stricken out. It seems to me that our representatives, who opposed all these amendments in the Senate, were quite willing they should come out in conference.

I notice the chairman of the committee is absent, confident of

the vote, regardless of the merits of the bill or of this discussion, but I want somebody representing the committee to tell the Senate before the debate is over why that important clause was stricken out of the bill, and why those who profess that they want to protect this country from an influx of foreigners and to protect the labor of this country against an unjust competition with those who come here temporarily to take the places of our labor

struck that clause from the bill.

Mr. CHILTON. Mr. President-

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Missouri yield to the Senator from West Virginia?

Mr. REED. I do. Mr. CHILTON. Does the Senator remember whether that same clause was in the bill that passed this body in the last

Mr. REED. I do not think it was in that bill; but I do not know. The clause in the present bill I prepared. It was offered here on the floor of the Senate, was fully debated, and was adopted against the protest of the chairman of the committee. It is not hard to know why it was not kept in the bill, but it is difficult to know why any man professing to desire the protec-tion of our shores and of our labor would not have kept it in the bill.

The committee undertook for the first time to exclude people from entering this country by lines of latitude and longitude, not by races, not by intellectual qualifications, not by moral attributes, but by arbitrary lines. Accordingly, they marked a space upon the map which included countries containing, as I figure roughly in my head, something like 300,000,000, and said no human being in all that vast territory could ever come to the United States. The point was raised that to thus arbitrarily exclude everybody would exclude even those members of the white race who happen to be within that vast excluded territory, which embraces about one-half of all Asia, and so the words "white persons" were inserted in the bill, the effect being that white persons residing within that territory could, if otherwise qualified, enter the United States.

But the conferees cut out the words "white persons," leaving the bill so that it absolutely excludes every human being within that mighty portion of the earth's surface, and this regardless of the intellectual or moral qualifications of the immigrant and even though he be of the purest of pure white blood.

Mr. HARDWICK. Will the Senator allow me?

Mr. REED. I yield.

Mr. HARDWICK. I should like to explain to the Senator why we did that, and I think possibly he will agree with it. The Senator knows that the Hindus have been held by our courts to be white people. Now, even if they are technically white people they are not the sort of white people the Senator wants to come in, and if we had left in the bill the words "white people" we would not have gotten rid of this immigration that we wanted to avoid. I also invite the attention of the Senator to the fact that comprehensive language is employed in describing the excluded classes. That language is so broad that it includes practically all of the white people living · in those countries.

Mr. REED. I think not by any means.

Mr. HARDWICK. It was so considered in the committee. Mr. REED. You can not say they are doctors and lawyers. Mr. HARDWICK. Will the Senator read the language?

Mr. REED. Let me find it.

Mr. HARDWICK. I think it pretty nearly included all white

Mr. REED. I will endeavor to get to that language in a moment. But if that is the rule the committee are proceeding by, why do they not put Africa in the excluded district? Why do you exclude the citizens of India, whom you say are of white blood, and permit to come to this country all the inhabitants of every part of Africa except a little spot on the east coast, em-

bracing the desert portions of Arabia?

Mr. HARDWICK. As the Senator knows, personally the Senator from Georgia agreed with him on that question, and so voted in the Senate. The conferees, however, believed that the real reason why it was not necessary to do that was because there is no material immigration into this country of Africans from Africa. On the other hand, there is a very large immigration of Hindus, who, if you used the words "white person," would not be excluded. That is why we did not leave those words in

Mr. REED. Mr. President, the Senator, I hope, will not leave the Chamber.

Mr. HARDWICK. I will not.

Mr. REED. Will the Senator tell me why you exclude the people living in the territory of southern Russia and allow to come to this country the people from all of Siberia and all that part of Russia which lies north of the fiftieth degree of latitude? What is there about the people there who live just south of that parallel which distinguishes them from those living just north of the line?

Mr. HARDWICK. Would the Senator like to have me give an answer to that question now?
Mr. REED. I would.

Mr. HARDWICK. The part of Russia that we included is Turkestan.

Mr. REED. It also includes other parts of the Russian Em-

Mr. HARDWICK. I do not think any part of it in which a considerable number of white people live.

Mr. REED.

Mr. HARDWICK. What part of it?
Mr. REED. There are white people living in all parts of the excluded areas.

Mr. HARDWICK. I mean they do not constitute the mass of the population.

Mr. REED. I think so.
Mr. HARDWICK. I think the Senator is in error about that. Of course there are white people all over the earth, but I mean the mass of the population are not white people in the excluded territory described by the geographical lines.

Mr. REED. As originally prepared the committee ran these lines clear up to the Arctic region, taking all of the white people out of the central portions of Russia. There was some debate upon that, and they moved the line down to the fiftieth degree of latitude, and there they arbitrarily drew it, although the people just north of that line are just like those just south of the line.

Mr. HARDWICK. The Senator is in error there. There is a racial difference.

You do not follow the lines that mark the divi-Mr. REED. sion of races. You follow the parallels and meridians drawn on the map of the surface of the earth, utterly disregarding the lines of countries or the lines of races.

It is as arbitrary a thing as though you were to draw two parallel lines across the United States and say that the people within those lines should have certain rights and the people outside should have certain other rights. You exclude some because you say they are Turks, yet you allow the great body of the Turkish Empire to send its people here. Are the Turks over in the body of the Turkish Empire in Asia Minor and Syria not as dangerous as those who live over in Turkestan? Are they not the same kind of people? Have they not the same color of skin, the same character of blood, the same religion, the same fero-clous tendencies and traits? You exclude one, and you say you do so because he is a Turk. Why not exclude the other because he is a Turk?

The trouble is that instead of drawing this bill by races and excluding men because of character and blood, or even by countries, you exclude them in accordance with parallels of latitude and degrees of longitude. The gentlemen who vote for this bill vote that a Turk residing in European Turkey can come in if he lives just west of the fiftieth meridian of longitude, and if he lives just east of it he can not come in.

Under this wisely prepared bill an Arabian who lives just east of the fiftieth meridian of east longitude can not come in. That is largely desert over there, but if he lives just west of that line-and that embraces the greater part of Arabia-he can come in. It is about as senseless a proposition as was ever put on paper anywhere by any set of men. As originally drawn, this map would have excluded nearly all of Persia, but the committee got together in its room and resolved that a Persian would make a good citizen of the United States. Accordingly they grouped him with the African, so that both of them may come in arm in arm. The Moors from Morocco can come in; the polite and cultured inhabitant of Algeria is welcomed with open arms; the individual who inhabits darkest Abyssinia is a highly desirable immigrant; we open our arms to embrace him; the civilized and cultured denizen of Madagascar is invited to come; the intellectual bushman of the Congo is also eagerly sought. The Egyptian, whose intellectual death occurred when the Pyramids were built, can also come. The committee have excluded the head-hunters of Borneo, but they have admitted the head-hunters and the cannibals of Patagonia and the Fiji Islands—a discrimination between the same class of people which, I think, may justly be termed "class legislation." But you will swallow it, because you are pursuing a policy here in regard to legislation that is too prevalent everywhere. What is it? A desired object is in your mind, and in the attempt to accomplish that object you lose all sight of the other features of proposed legislation.

You want to preserve the purity of our race; you want to prevent the influx of great hordes of undesirable people; and starting out with that laudable object—and that laudable object being in the senatorial mind—the Senate absolutely refuses to consider the bad propositions that are loaded into the bill.

The Senator from Georgia [Mr. HARDWICK], who paid me the compliment of an interruption and then of an immediate absence, spoke of the line of cleavage between races, and insisted that the arbitrary lines drawn upon the map by the committee mark that line of cleavage. But they do nothing of the kind. Here is a little excerpt from the Encyclopedia Brittanica dealing with that question. It says:

The Caucasic or white man is best divided as follows.

Then follows a description of races, and then this:

The Mongolic or yellow man prevails over the vast area east of a line drawn from Lapland to Siam.

But the line of this map is not that line, and it does not approximate that line. The committee proceeded with about the same degree of arbitrary assumption of power and authority that old Andrew Jackson did when he went out and stuck his cane down in the ground and said, "Build it there; there is where I tell you to build it"; or the Czar of Russia, when he drew his pencil across a map and said, "Build the Siberian Railroad there," without much regard to topography or anything else, except the whim of the moment.

Mr. President, if any Senator will take this map as it is now marked out, showing the excluded areas, he will find that the line runs through the Chinese Empire or Republic—which-ever it happens to be this morning—leaving part of China excluded and part of it included; that it runs through the Russian Empire, excluding a part and including a part; that it runs through the very center of little islands in the ocean; and the man who lives north of that arbitrary line can not come in. but the man who lives south of it can come in; and that is true of islands of small extent. However, wherever the committee drew its pencil it made a line between human beings and differentiated between them; but the line that it drew was not a line between character or citizenship, but a mere arbitrary line on a map.

As to the literacy test as a test, that matter has been discussed, and I should not refer to it at all, except that I want to utter my final protest against it. This literacy test is not to be applied to our people where there are open schools and where the door of opportunity is held back and everyone is invited to enter the places of learning; but it is to be applied to people born in other climes, other Governments, and other environments. It is, as the President said in his former veto message, not therefore a test of capacity or disposition, but a test of opportunity. The man in the United States, speaking generally, who has resided here within sight of the schoolhouse and who has not acquired some education, is generally one of inferior mentality or one who does not possess the disposition which a good and progressive citizen ought to possess. That rule can not, however, be justly applied to the man born in a country where the heel of tyranny rests upon the necks of the people, where poverty with hands of steel circumscribes the development of the inhabitants, where the wolf stands snarling at the door of aspiring as the people of any race. They have passed in the test

the cottages of the poor, and where the constabulary and the soldiery drive him from the schoolhouse. The man reared under such conditions ought not to be denied the opportunity to move to a country where better opportunities prevail; he should not be denied a chance in life because already he has been deprived

of his rights as a human being.

What harm has ever come from opening our hospitable doors to well-intentioned men and women who have been the victims of misfortune elsewhere? They came here in the early days of our Republic, and there were then, as now, men who declared that the influx of "ignorant foreigners" would destroy this It was nevertheless found that these industrious people settled upon our soil, conformed to our laws, and educated their children with greater care than the native-born American citizen. I put in the Record during the debates of the last Congress elaborate tables demonstrating the fact. To-day it is the solemn truth, although I say it with some shame, people born in foreign countries and who came here illiterate send their children to the public schools more regularly and give them more of education than do the native-born citizens, and there is a greater degree of illiteracy to-day among the whites of the State represented by the distinguished chairman of the committee than there is among the children of the foreign-born in this country. I have made that statement before and it has not been challenged.

The grown people who come to our country unable to read or write are, generally speaking, past the meridian of life. They do not live long; but they bring with them wife and wean, and the question that confronts us is how the children are reared; how are they educated? The children are to become the future voters, the future business men, the future controllers of our country's destiny in part. When you tear aside the veil of prejudice, you are bound to admit that the children of illiterate immigrants frequently outshine in the schools of this country the children of the native-born; that the prize scholar to-day in our colleges, our universities, and our schools is very likely to have been the child of an illiterate immigrant.

What has been the fault of these people? Why are they illit-The answer can be found in that system of industrial and political tyranny from which our fathers fled and against which they later rebelled. God Almighty made this human family, and He made white men pretty much the same wherever He made them, and He made men of other colors pretty much the same wherever He made them. Wherever the white race exists men and women have been capable of setting up civilization, of achieving everything that is glorious and beautiful in civilization. But the iron bands have been riveted upon many of them by tyrants; the door of opportunity has been closed in the faces of the vast multitude. They have struggled along, bearing the burdens and subject to the tortures of their surroundings; and so they have remained poor; some of them have remained ignorant; but the history of this country and the history of every other free country shows that once you break those chains those who are the despised and oppressed of the land have crowded into every avenue of progress; they have swarmed with eager feet over the hilltops of success; they have climbed the mountains of achievement; and they have proven that in the years of their oppression and suffering they have been laying up a store of courage and of fortitude that has made them better and stronger than those who oppressed them.

There was a time, sirs, in this country when the "American aristocrat" sneered at the Irish who were coming to our land. The American aristocrat pointed to the fact that the Irish immigrants were priest-ridden and Pope driven, the same miserable cry that is to a large extent to-day responsible for this bill. It was charged that they were ignorant, and to a large extent they were, although only a century or two back of that time the Irish had been better educated than the English; but English oppression had destroyed Irish opportunity. They pointed to the fact that when these Irish came to our country they came poor; clad in tatters; that they crowded into tenements, 10, 15, and 20 living in a room. They declared that these Irish were the lazzarone of the earth; that they would pollute our civilization. Yet what happened, sir? The Irishman took his pick and shovel and went on to the railroad. He worked at anything he could get; and in a little while the Irishman was living in a little cottage of his own; in a little while his children were in the public schools; in a little while the Irishman with his pick had become the manager of the railroad; in a little while you heard his eloquent voice ring out in the forums of debate; you heard the magic and music of Irish poetry; you saw the mystery of Irish genius transformed to the deathless canvas. You find the Irish to-day as good in blood, as good in brawn, as exalted in soul, as of life those who stood sneering at them as they came. I use that one race as a type, but it is true of others.

What say you of transferring to this country that spirit of intolerance and oppression which has been the curse of Europe? Over there stands your aristocrat declaring "I was selected by God to control the earth, and these other creatures may creep around and crawl between my feet; but they shall be denied opportunity, and I shall dominate and control." Now, we, whose ancestors came but a few short years back from those same dark spots of earth, whose ancestors came bearing upon their skins the marks of masters' whips, rise in our self-adula-tion and in our assumed greatness, and say, "We join with the European and Asiatic tyrants in excluding and denying privilege to these poor people who are conditioned as were our own ancestors." So, men who themselves have struggled from the waves and gained a seat upon the raft kick back into the water's gaping mouth others who struggle for a place of safety.

Democrats, the five or six who are here, if you but read the utterances of Jefferson, to whom you pray as you go into your political temple, you will find he was a big enough man to say that no man should be denied opportunity because he was born on a particular spot of earth. But this committee takes a blue pencil and excludes all those born within one-third of the earth's surface that is not covered with water; and yet I will in the future as in the past see and hear the Democratic members of the committee invoking the name Jefferson every time they advance some proposition they can not bolster with their

own logic!

I challenge any man in this body, and if it were permissible I would challenge the galleries, to name me now a single human being, who is an illiterate, who in the last 26 troublous months has lifted a hand against our Government or sought to embroil us in foreign conflict. The only trouble we have had has been, and if we are to have any trouble with any class of our people in this country in the future the only trouble we will have will be, with those who are not illiterate. Now, name me, if you can, the poor, illiterate wretch who in the past 26 months has done an act of violence against our Nation's peace, who has conspired against our land, who has given aid and comfort to those in conflict or controversy with the United States. Name me one. Aye, name me one in all this hundred million of our people who came here bearing on his back the raw scars of recent oppression who is not loyal to our land to-day.

It is not because of the poor man who can not read and write that our country needs to feel a fear. I will tell you where you will find that man. If there shall come a time when on the field of battle American valor must be called to meet the military serfs of monarchs, you will find him there. You will find upon that field where assemble the blue-blooded Americans the poor fellow from a foreign country who was so oppressed that he could not attend school, and he will fight with a double force in his soul-the love of liberty and the hatred of tyranny. He will fight as he has fought in every war of our country-the Revolution, where Irish and French and men of all races fought as valiantly as the native born; the War of 1812, when again they touched elbows and marched to the front; the War with Mexico; the War of the Rebellion, in which there were whole regiments of Irish who charged with the old Celtic yell, "Ireland forever!" Those regiments fought under Irish flags, but always with the Irish flag below

the Stars and Stripes.

There is something wrong with a character of legislation that has been vetoed by three great Presidents. There is something wrong with legislation that comes under the condemnation at once of a man of the intellectual type of Grover Cleveland and a man of the opposite intellectual type, Woodrow Wilsonboth of them great giants in the intellectual kingdom, but of very different mentalities. There is something wrong with a legislative body that listens to propagandas originated by societies based upon proscription of men because of their re-There is something wrong with legislators who refuse to listen and who pay no heed to the solemn warnings of the President of the Republic in this hour when care should be exercised as never before in our history. There is something wrong when men will blindly follow their prejudice to such an extent that they will not listen or pay heed, although the State Department says to us, "This bill is so drawn that the representatives of a great foreign power with which we are at profound peace, and whose friendship we certainly desire to-day, have unofficially registered their suggestion-not a protest, but a suggestion-that the language of this bill may be very unsatisfactory." And, Senators, those of you who still remain in the Chamber, I put this to you: Is the present just the time, when the Congress of the United States ought to repudiate the President of the United States?

Sustain this veto, and all that is laudable or proper can yet be saved. This will not be the last session of Congress. A bill can be drawn that will protect the citizenship of the United States from an influx of improper foreigners, by which I mean those who, by blood or race, are incapable of amalgamation into the body and life and spirit of the American people. That is not to be done by arbitrary lines on a map, but by blood. It is the part of wisdom, in my humble judgment, to sustain this veto and to start writing an immigration bill that is to be based upon sound principles, and not upon false and arbitrary distinctions.

Mr. President, that is all I care to say upon this measure. I thank the Senate.

Mr. MARTINE of New Jersey. Mr. President, I feel very keenly and very deeply this theme, as I have said once or twice before. I opposed the bill when it was before the Senate within the past year, and I opposed it when it was before the Senate under the previous administration. To me it is repelling and repulsive. I have positive feelings and individual reasons for my opposition to this measure. I need not here state them again. I have stated them often before, and, to my mind, Mr. President, no more truly American message has been presented to the Congress by President Wilson than his veto of the socalled literacy test. I feel that it is unfortunate that he might not have been permitted to veto the literacy test and to approve the remainder of the measure, but this was impossible.

Mr. President, we cry, "Come, come to America! Come to this land, the land of the free and the home of the brave! Come to America, the haven of the downtrodden and the oppressed of every tribe; but you must read. You may be strong in body; your soul may be imbued with the love of liberty; you may stand willing to swear allegiance to your adopted country; yes, you may stand ready to bare your breast for the defense of our common country; you may love God and keep His commandments, but no! You can not touch foot on our shore, for

you can not read!"

Senators, brothers, all, I appeal, do not vote to override this Christian and humane and patriotic protest against this ungen-

erous and un-American proposition.

Mr. President, millions of acres to-day lie in wilderness awaiting the magic touch of labor. Our laws and habits will assimilate the newcomer. Our public schools will educate him, Let him in, I pray. First let us only satisfy ourselves that he is clean and healthy and imbued with moral purposes and is willing to cost his let with the second s willing to cast his lot with us.

Mr. President, I will never vote to bar from this fair and favored land my fellow man who through accident may have been denied the opportunity to learn to read. I hear the cry that immigration must be checked. Must it? Millions of acres still lie untouched. We want the immigrant. We need him. We must have him. He has brought wealth, prosperity, law, and order to our land, and strength and patriotism as well. price of bread each day mounts. The cry on all sides, on the farm, is that we lack labor. The college-bred man does not and will not become your laborer. Our jails and prisons are filled to overflowing with men who will be able to pass the most severe of your literacy tests. Literacy is not a test of good citizenship nor of moral worth or efficiency. Illiteracy is by no means ignorance. Myriads of men who were illiterate, so called, would not be able to pass your test and yet have made the most honored and in many instances the most distinguished citizens of our land.

Cardinal Gibbons said in January:

It is disappointing to many thoughtful citizens that the immigration bill has passed both Houses of Congress. By this measure illiterates will, in the future, be excluded from entrance into this country. It is to be hoped that Mr. Wilson will act with the same good judgment as he has done on a former like occasion and veto the bill. Similar bills have been vetoed by preceding Presidents, who have been cognizant of the harmful effect of this test of literacy would have upon desirable immigration.

ILLITERACY NOT IGNORANCE.

Illiteracy should not be confounded with ignorance. There is an old axiom which reads that "intellectual attainments are not the test of virtue." Many of the most dangerous members of the community are men of keen and trained intellect but of depraved morals. The normal, sturdy illikerate has a receptive mind capable of early development. Had the United States refused such illiterates from the beginning of our Government, our country would have lost the benefit of their virtue, thrift, industry, and enterprising spirit. And the descendants of such forbears are an honor to their fathers and a credit and an asset to our country, for they have been rapidly incorporated and identified with the native population by the assimilating process of education and the common use of the English tongue. In consequence of this it would be hard to differentiate the chi-dren of foreign immigrants from those of native American parents. native American parents.

The New York Sun in an editorial says:

LITERACY TEST AGAIN.

It is growing to be a custom with Congress to send the President an immigration bill with a literacy clause to veto. The House played true to form lately in voting the literacy test into the Burnett immigration

bill, that all might see how the faithful Representative stands ready at all times and in all ways to serve the native workingman.

The test now put forward provides that allens, to graduate from Ellis Island, must know how to read and write each his own hanguage. It is hard to see how ability to read the Hungarian bards will avail a laborer in a rollnig mill or how a good working knowledge of Russian script will help a New York housemaid. Very little is to be gained by the country in requiring such exotic accomplishments of intending setflers. cettlers

On December 17 the New York Sun editorially said:

On December 17 the New York Sun editorially said:

The literacy test for immigrants is a child of prejudice and selfishness, its imposition at any time in the Nation's history would have retarded the progress of the country and deprived us of thousands of loyal and devoted citizens who contributed by their own efforts and through their offspring to the upbuilding and defense of the United States.

Three Presidents—Cleveland, Taft, and Wilson—have vetoed this disastrous, unstatesmanlike restriction. To Mr. Wilson another opportunity is to be given to reject it; and that opportunity comes at a time when depleted labor markets, industries crippled by lack of workers, and commercial conditions exposing our present and future need of able-bodied immigrants must impress on the intelligence of disinterested observers the folly of locking the door to any individual of good health, honest mind, and friendly disposition.

Mr. Wilson has already given the final evidence of his understanding of this project. We hope no presumed mandate of legislative reiteration will cause him to abandon his defense of what has been and should remain a cardinal principle of American policy.

Mr. President, the fact is that this is not an effort to keep

Mr. President, the fact is that this is not an effort to keep out the illiterate. We might as well be honest with ourselves. It is an effort to keep out labor. That is what it means. can not afford to do this. Our fields and farms are crying for more help. Recent advices admonish us that we may need their strong arms to aid in the defense of our common Nation and for our country's good.

Mr. President, I most earnestly concur with the thought of

the President as expressed in his message, wherein he says:

The literacy test is not a test of character, of quality, or personal fitness, but would operate in most cases merely as a penalty for lack of opportunity in the country from which the alien seeking admission came. Our experience in the past has not been that the illiterate is, as such, an undesirable immigrant.

I have known in my life many who were unable to read, and yet who have carved out their fortunes, made distinguished and strong places in the body politic, and whose children have been a credit to the family of the father and an honor to our

Some one has put these few thoughts in a form that struck me very pleasantly:

Your farms are half deserted— Up goes the price of bread; Your boasted education Turns men to dudes, instead. We bring our picks and shovels To meet your greatest need; Don't shut the gates upon us Because we can not read.

I hope there will be patriotism and breadth enough in the Senate, true Americanism enough, to maintain and to sustain

the President's veto of this so-called literacy test.

Mr. HARDWICK. Mr. President, the friends of this bill do not feel that further debate upon its provisions is either necessary or desirable. The case is made up. The argument has already been had. The verdict has already been rendered, and at 4 o'clock this afternoon final judgment is to be entered. And yet I feel that in behalf of the Senate Committee on Immigration, and in behalf of the Senate conferees on this particular bill, a few words in answer to the President's objections to this bill will not be inappropriate.

Mr. President, in returning to the House in which it originated without his approval this bill, President Wilson observed:

In most of the provisions of the bill I should be very glad to concur, but I can not rid myself of the conviction that the literacy test constitutes a radical change in the policy of the Nation which is not justified in principle. It is not a test of character, of quality, or of personal fitness, but would operate in most cases merely as a penalty for lack of opportunity in the country from which the alien seeking admission came. The opportunity to gain an education is in many cases one of the chief opportunities sought by the immigrant in coming to the United States, and our experience in the past has not been that the illiterate immigrant is as such an undesirable immigrant. Tests of quality and of purpose can not be objected to on principle, but tests of opportunity surely may be.

Mr. President, the President of the United States states his side of this proposition strongly, as he always does, but it seems to me that he does not get down to the fundamentals involved in this proposition. The fundamentals upon which this literacy test rests are easy to understand, and when once understood it seems to me that the case made for the literacy test is simply unanswerable.

In the first place, we contend that no man ought to be admitted into this country unless he comes for the purpose of becoming a permanent resident of it, and is fit to become associated with our people and incorporated into our body politic That means, of course, that he must be a citizen and a voter of this Republic in the end. He can not be a citizen and a voter

of this Republic unless he possesses a certain amount of intelligence, a certain amount of understanding, and in more than 30 of our own States he can not vote unless he has a certain amount of intelligence and can read and write. Now, what hardship is involved in requiring of the foreign emigrant, seeking admission into our country, seeking to eventually become a citizen and voter of this Republic, exactly the same qualifications that more than 30 American States, in one form or another, require of their own people before they can participate in the duties responsibilities, and functions of citizenship?

I understand, of course, Mr. President, that education alone,

standing by itself, is never a test of virtue, of integrity, of character; and yet education always must be the test, the standard, the yardstick, for determining the possession of the amount of intelligence necessary to exercise certain duties of citizenship. The rule, of course, has its exceptions; the standard does not always secure exact accuracy; but it is the best standard that we have been able to devise for our own people when it comes to defining who are fit to exercise the functions and discharge the responsibilities of American citizenship; and there is no injustice in requiring these immigrants who come from other countries to measure up to the same standards that we requre of our own people.

So much for the fundamentals involved.

In the second place, I insist that this bill is right and that it ought to pass, the objections of the President of the United States to the contrary notwithstanding, for another reasonbecause we want to restrict immigration from certain countries in Europe and from certain peoples of Europe which this test will exclude-men who come here without any desire whatever to become permanent citizens of this Republic, sharers in its destinies and bearers of its burdens.

Mr. REED. Mr. President-

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. HARDWICK. I yield to the Senator.

Mr. REED. I agree to the proposition that men should not be allowed to come here who do not expect to become permanent citizens and share the burdens of government. If the Senator advocates that, will he tell me why there was cut out of this bill the clause that the Senate put in which prohibited men from coming here simply for the purpose of doing labor temporarily and going back, which was intended to stop hordes of men coming from Europe to take the place of American labor? Why was

Mr. HARDWICK. I will answer the Senator very frankly. It was cut out over my objection because it was considered difficult, if not impossible, to prove the purpose of the immigrant; because we considered it impracticable to establish what the facts were in that regard, because we did not believe that the officers and servants of this Government would be able to pass on that question with any degree of accuracy.

Mr. REED. Does not the Senator believe that they could have gotten at least part of the people coming in for that

purpose?

Mr. HARDWICK. Well, I hoped so. To be frank with the Senator, I hoped that they could, and for that reason personally I favored its retention; but the majority of the conferees thought it was so impracticable, and that the percentage of good it would do was so small, that the object could be and would be best accomplished in another way; namely, in the way provided by this bill, largely by the literacy test.

Mr. REED. The Senator would not claim that these people who come here to take the places of American labor are all

illiterate, or that a majority of them are illiterate, would he?

Mr. HARDWICK. I not only would claim it, but I do claim That is the fact.

Mr. REED. I should like to know from what country they

Mr. HARDWICK. I will answer the Senator, if he wants me to.

Mr. REED. Because I have some figures on that point myself.

Mr. HARDWICK. All right. They come from the south of Europe, from Italy, Sicily, Sardinia, from certain parts of Austria-Hungary, from Hindustan—the Hindus. Mr. REED. Only 80 Hindus came to this country last year.

Mr. HARDWICK. A large number of them have come in the past. They may have been cut down recently, but there are a large number of them in the West now, the evidence is,

Mr. REED. Last year the figures showed—
Mr. HARDWICK. Has the Senator the figures for a number of years?

Mr. REED. I have. There came from India last year 32 instead of 80.

Mr. HARDWICK. The figures of the Senator may be technically correct, but they are not really accurate. There is no classification there

Mr. REED. I have in my hand the immigration report and under the head, "Immigration, aliens admitted, fiscal year ended June 30, 1916, of countries from last permanent residence and races of people," I find "India 32." Mr. HARDWICK. In 1916?

Mr. REED. Yes.

Mr. HARDWICK. Well, I will not dispute with the Senator about that. It is a mere matter of unimportant detail. Besides, I want to call the Senator's attention to this thought. The bulk of the immigration to which this test will really be directed and which it will really exclude comes from certain countries in the south of Europe around the Mediterranean, where the people who emigrate to this country are almost entirely illiterate and belong to the class of day laborers. I think, if the Senator will examine the facts-I have not the statistics at hand, and I would not care to take up the time to put them in the RECORD if I had them—he will find in the countries to which I have made reference the percentage of the illiterates is very large, and he will find, I think, further, if he will examine into the facts, that the percentage of illiterates who come from that country

into this is very large.

Mr. REED. If the Senator will pardon me a moment, I have the figures here for 1914. The Senator will pardon me a moment, I have the figures here for 1914. The Senator spoke of over half of them being illiterate who came. The worst country I find is Portugal, and they are just 50 per cent, but there were only 9,647 Portuguese who came, a very small number, of course, in proportion to the great mass of immigrants.

Mr. HARDWICK. Take Italy, for instance.

Mr. BEED. South Italy.

Mr. REED. South Italy? Mr. HARDWICK. Yes.

Mr. REED. As classified here this shows 40 per cent. Mr. HARDWICK. That is the country, I will state to the

Senator very frankly, I have in mind.

Mr. REED. The Senator spoke of Hungary. The Magyar, which is the Hungarian immigration, only showed 7 per cent of illiteracy. So by the Senator's rule it would exclude a good many from the south of Italy, and that is all from the south of Europe. It would not exclude a good many Polish people. Now, let me ask the Senator, Does he much blame the Polander for not having an education under the circumstances he has been compelled to endure?

ompelled to endure?

Mr. HARDWICK. If the Senator wants an answer to that question, I will say to him that I do not blame anybody for not having an education, whether he lives in Poland or America or anywhere else, unless it is the fault of that person.

Mr. REED. Exactly. I ought to put my question in a different form, whether it indicates mental inferiority or lack of good.

form, whether it indicates mental inferiority or lack of good citizenship in a Polander compelled to live under conditions he

has been to be illiterate. I do not think it indicates that at all.

Mr. HARDWICK. I will say to the Senator that in setting up a standard or a rule of any sort you can not possibly set it up without having exceptions, and under the operation of which individual cases of hardship might not appear to result. The same observation that the Senator is making now would apply to every one of the State laws which require the possession of a certain amount of intelligence as a requisite for voting.

Mr. REED. The Senator has been very generous and I do not want to trespass upon his time.
Mr. HARDWICK. The Senator is not bothering me.

Mr. REED. I think there is a very wide distinction between denying to men the opportunity to live in a country, provided he is well intentioned toward the country, an honest man, and so forth, and permitting a man to take part in the government of the country. In the one case we reserve the right of govern-ment to those who are supposed to be the more intelligent. In the other case you deny a human being a chance to better his

condition. I think there is a very clear line there.

Mr. HARDWICK. Mr. President, of course, that takes us right back to the proposition I started with. In the first place, this country is not an eleemosynary institution for the benefit of all the world. In spite of all the beautiful platitudes that have been uttered on this floor and elsewhere on that delightful subject, this is a country that belongs to us and to our people, and it is to be governed and its laws are to be enacted in accordance with what are the wisest policies for us and not according to any other plan or principle on earth.

Now, my own view of this matter, and I apprehend it is the view of a great majority of Senators who support this legislation-I apprehend it is the view of the great majority of the Members of the other House who have supported it-is that one of the principal things we ought to require of every man who comes into this country from a foreign land is that he shall

be of a character that makes him fit to become a citizen and voter in the United States of America.

Mr. GALLINGER. Mr. President-

I yield to the Senator. Mr. HARDWICK.

Mr. GALLINGER. I received a letter a day or two ago from a gentleman who served 12 years in this body, and whose opinions are very highly valued. With the Senator's permission, will read a single paragraph from it.

Mr. HARDWICK. I will be very glad to have the Senator

Mr. GALLINGER (reading)-

Did you ever realize that the test does not keep out of the country one single human being who cares to come? Its only effect is to delay an immigrant for a short period while he is learning to read. How long will it take him to learn? Many people can learn in from 9 to 12 months. If he really wants to come, he can afford to delay that length of time, learn to read, and then come to a country where he is expected to be an intelligent and patriotic citizen, qualified to vote in the only real people's Republic in the world.

Mr. HARDWICK. Exactly.

Mr. GALLINGER. And on that point, once on my own initiative, I called attention to the fact that at the worst this could only delay these people for a short time, that they could learn to read in their own language, that being the requirement of the bill. It might work a hardship to a few very old men or old women; but, as a rule, the people who come here are not so far advanced in years that they could not at least learn to read 30 or 40 words, as is required of them, in their own language

Mr. HARDWICK. And if they are incapable of that it is proof positive that they are utterly unfit to become joint in-

heritors with us of this great country of ours.

Will the Senator allow me?

Mr. HARDWICK. I yield.

Mr. REED. The argument of the letter, it seems to me, is completely without merit, or else the purpose of the bill will never be effectuated. The purpose of the bill, says the Senator, is to exclude the peoples from the south of Europe. Now comes the Senator from New Hampshire with a letter from some distinguished friend who says it will not exclude anybody practi-cally because they can qualify in a little while. Hence why pass the bill, for the slight education necessary to read 30 or 40 words would not qualify a man for citizenship; and, according to the Senator's logic, all these people can come in by just a little extra exertion. So you will not shut them out at all, and the test of your bill is shown to be useless if the logic of that letter is correct.

Mr. HARDWICK. Of course, we can apply the argument exactly the other way, if it amounts to no more than that little hardship on anybody. What objection is there to it?

But the bill gets you nowhere. It comes back to that proposition. While you have made that your test it is not the right test. There ought to be an entirely different test set up. It ought to be a test of manhood, a test of It ought to be determined by races, by the ability character. of an immigrant to assimilate himself into the life of the Nation. But now you say we have set up a test which can be defeated by the most ignorant creature on earth by doing a little work for 30 or 40 days. Hence, you say, it will not do any harm; ergo it will not do any good.

Mr. HARDWICK. There is no need to argue in a circle about this.

That is what you are doing.

Mr. HARDWICK. No; the Senator from Missouri is indulging in that delightful pastime. He says it does not do any harm, and yet he is utterly and absolutely opposed to it.

I did not say that it does not do any harm. Mr. HARDWICK. If it does so little harm, it amounts to nothing, and therefore you are strenuously opposed to it.

Mr. REED. No; the Senator will pardon me, because he

must not state me incorrectly.

Mr. HARDWICK. I do not want to quote the Senator incor-

Mr. REED. I said it would exclude these people. The answer came back they can all defeat the exclusion by doing a few days' work. Hence the statement was made on that side, not by me, that it would do no harm. I say, if that be true it will do no good, because it will not exclude the very people

the Senator wants to exclude, to wit, classes of people who happen to live in that part of Europe.

Mr. HARDWICK. Mr. President, it amounts to the same thing. No matter who is arguing in a circle, it is arguing in a circle just the same. I say it is not a hardship on these people to require of them that they must evidence the possession of a reasonable amount of intelligence before they shall be admitted into this country. I say the governmental policy of

this country ought to be that no man shall be admitted into it who is not capable of being a citizen of this Republic and a voter in it, and I say the best general standard we can set up to determine that fact is the standard already set up in more than 30 American Commonwealths, namely, that the man must, at least, be able to read and write, that he must have that much intelligence before he can vote, in the exercise of those duties and in the discharge of those responsibilities.

Now, that is the thing in a nutshell. We are not hard on these people, because we do not require of them as much as we do of our own. It is a correct governmental policy to say we will not admit to this country people who are not capable of being assimilated into our body politic. It is a correct governmental proposition to say people are not capable of being assimilated into our body politic unless they are fit to become citizens and voters in this Republic. It is already an established American governmental policy that, as a rule, in most of the States the voter ought to have at least enough intelligence to read and write in the English language, and the requirement

of this bill is not nearly as strong as that.

Mr. GALLINGER. If the Senator will allow me, he should not overlook the fact that in countries where the people have been persecuted along lines that have prevented them from getting an education because of religious persecution they are admitted here.

Mr. HARDWICK. I was coming to that, if the Senator please, in just a moment in connection with another part of the message.

It is a strange thing to me—yea, it is more than passing strange—that Members of this body and people out of it, distinguished men of high public position, skilled in all the polemics of governmental science, should undertake to object to literacy as a test in a matter of this sort when upon that same test rests almost every American institution and the laws of three-fourths of the American Commonwealths. Are we to establish a new dispensation on this subject? Are we to reform our views? Are we to reverse American policies? Are we to say to thirty-odd Commonwealths of the American Union you were mistaken when you said that your own people ought at least to be able to read and write before they can vote, either theoretically or practically, in your State? I do not think so. High as is my respect for his intelligence, I must dissent from the view of the President of the United States. I must dissent from the statement that this bill constitutes a radical change in the policy of the Nation. On the contrary, the bill conforms the policy of the Nation to existing American policies in three-fourths of the American States. I dissent from the statement that the bill is not justified in principle. On the contrary, the bill rests on the soundest of all fundamental principles, the right of a great people and a great Nation to establish its own standards at its boundaries and to say that men who do not come up to them shall not be admitted simply because the sovereign says not.

The President of the United States concludes his message as

Moreover, even if this test might be equitably insisted on, one of the exceptions proposed to its application involves a provision which might lead to very delicate and hazardous diplomatic situations. The bill exempts from the operation of the literacy test "all aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith."

As was suggested by my friend, the Senator from New Hampshire, and under that provision to which the President objects, people who have been persecuted because of their religious faith will be admitted to this country without regard to any other consideration. The Senator may say that that is not logical and that it is sentimental. I am inclined to concede it if you make such a contention. But the President concluded:

Such a provision, so applied and administered, would oblige the officer concerned in effect to pass judgment upon the laws and practices of a foreign Government and declare that they did or did not constitute religious persecution. This would, to say the least, be a most invidious function for any administrative officer of this Government to perform, and it is not only possible but probable that very serious questions of international justice and comity would arise between this Government and the Government or Governments thus officially condemned should its exercise be attempted.

Mr. President, I by no means concur in that view. It seems to me that without taking issue with the policy that any Government upon the earth may establish and may maintain on the subject of how it shall deal with its own people, we can say, as our fathers have said from the beginning of this country's history, if a man is persecuted for religion's sake alone, we will admit him to this country regardless of what any other country

may do or regardless of what any other country may say, with-

out giving just cause for offense to that country

Since the day of the establishment of the Government this country has been the land of civil liberty and of religious freedom. The right of a man to worship God according to the dictates of his own conscience ought to be unchallenged forever within its limits. For one, even if the exception be sentimental rather than logical; for one, even if some oversensitive foreign power might, if it was seeking cause for offense, find it in this matter, I am willing to take the chances. For one I am willing to say that we still remain true to that fundamental American principle, we are still willing to say that this country shall afford an asylum for the persecuted of every faith, of every creed, and of every religion on this earth of ours.

Mr. President, I am confident, not that this bill is perfect, not that the test it establishes is infallible, not that the standard it applies is the very best that can be devised, but that it is reasonably right, that it is reasonably sound, that it is reasonably accurate, that it is based on correct fundamentals; that

in theory it is right and in practice it will be better.

For one I am willing to give my vote to-day, as I have given it so many times in the past, for the passage of this measure, not claiming that it is perfect, not claiming that it is free from fault, but claiming that it is the very best that can be done, and that it is reasonably suited for the purposes that it seeks to accomplish. I am willing to vote for it to-day, the objections of the President of the United States to the contrary notwithstanding

Mr. REED. Before the Senator takes his seat I want to get the Senator's view upon the question that I first raised. I do not know whether the Senator was here when I began my

remarks

Mr. HARDWICK. I was not. I was away upon committee work, I will say to the Senator.

Mr. REED. I called attention to this fact, I think a very serious fact. It will take a moment to state it so that the Senator will understand what I am referring to. Under our treaty with Japan the Japanese Government has contended that its citizens have the right to come to the United States without restriction; that opposition in this country was developing to Japanese immigration. So much was that the case that legislation was being attempted in certain of the Western States. Thereupon our State Department brought about what is known as the gentlemen's agreement, by which the Japanese Government assumes the duty of excluding all but a limited class of its people from the privilege of coming to the United States. Therefore, under that gentlemen's agreement and under the condition which the Japanese Government has created the greater portion of the Japanese are excluded from the country. That is now the present condition, and the bill contains the language "no alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States.

Mr. HARDWICK. What page?

Mr. REED. Page 8, lines 4 to 6. Will the Senator let me finish the statement so that he will have it complete?

Mr. HARDWICK. Certainly; I will hear the Senator.

Mr. REED. The Japanese Embassy called the attention of our State Department to this language and asked it to consider whether the language is not of such a character as to amount to a legislative prohibition of immigration whereas the gentlemen's agreement was effected for the very purpose of preventing legislation.

Understanding now that the very purpose of this gentlemen's agreement was to avoid legislation and to let the exclusion rest solely upon the good faith of the Japanese Government, is it not true that the condition has been created whereby the Japanese are prevented from coming? Does not this language has been been conditionable to the Japanese here. when it becomes a law legislatively exclude the Japanese, be-cause the language is "in any way excluded from or prevented from entering"? I will say to the Senator the State De-partment informed me this morning that the Japanese Embassy had called attention to this clause in the bill, and that the State Department requested that I should lay that matter before

the Senate. I should like to ask the Senator's view about it.

Mr. HARDWICK. I will answer the Senator very frankly about it. The Senator's question is not a new one. It is one that was carefully and accurately considered by the conference committee. I say in answer to the suggestion, coming originally as the Senator says from the Japanese Embassy, and voiced by him on this floor, there can be no possible offense to Japan provided she intends, as we have a right to assume she does, to live up to her agreement.

The law can have no possible application to any Japanese who does not come without violating the good faith of his own Government. Therefore I assume that, while technically it might be applicable to Japan as it is to every other country, it can have no practical application to any Japanese unless the Japanese Government is prepared to say it is not living up in good faith or does not propose to live up in good faith to its own agreement.

Mr. REED. Mr. REED. The Senator misses the point of my inquiry. Mr. HARDWICK. No; I do not miss the point.

Mr. REED. I can not attribute it to his lack of ignorance, but it must be due to my inability to state it. The point is that the gentlemen's agreement was arrived at for the very purpose of preventing legislation.

Mr. HARDWICK. For how long?
Mr. REED. Well, at least until some arrangement was made by treaty or otherwise.

Mr. HARDWICK. This is "otherwise," is it not?

Mr. REED. Exactly. The point is that, in order to have everything smooth with the Japanese Government, we in substance agreed not to legislate but to accept in lieu of legislation the assurance of that Government. Now we are legislating; now we are doing the very thing which the agreement was made to avoid. We are putting ourselves in the position possibly, and I think quite certainly, of having enacted a law the effect of which practically is to exclude Japanese because they are already within the class prevented from coming; in other words, we make a "gentlemen's agreement" with Japan to prevent legislation, and we follow that by legislation. Is it wise for us to have any controversy of that kind just now?

Mr. HARDWICK. I will say to the Senator that the conferees were perfectly convinced that there was no possibility of that sort of a situation arising. I will tell the Senator why. Of course the gentlemen who made this agreement on the part of our Government some time ago were making it merely with reference to legislation that was then pending. They could not mortgage the legislative future of this country, and they did not attempt to do so. Nobody, either in Japan or in America,

will so contend.

Now, we have no reason to believe—at least, I have none; there may be differences of opinion about that—but I will say that, so far as I am concerned, I have no reason to believe that Japan has violated that agreement. Some people may think otherwise, but I have yet to see any evidence otherwise. The legislation contained in this bill, if it shall become a law, would simply have this effect; it could have no effect on Japan or on Japanese immigration, unless Japan was violating the agreement which she herself had made. If Japan is violating that agreement which she herself made and is not living up in good faith to her own agreement, so far as I am concerned I am willing, be the consequences what they may, now or hereafter, to legislate on this subject as we have legislated. Mr. SMITH of South Carolina. Mr. President

Mr. HARDWICK. I yield to the Senator from South Caro-

Mr. SMITH of South Carolina. I should like to make this suggestion: If this has the effect of law, as the Senator from Missouri [Mr. Reed] claims and as the Senator from Georgia [Mr. Hardwick] says, it certainly would have no effect upon Japan unless she saw fit to take advantage of the "gentlemen's agreement" and break it. If she does not do that, but lives up to it, this is not effective; and if there should come a time when we should have some other agreement with Japan we could amend this without giving offense to either party to the

Mr. HARDWICK. Let me suggest another idea to the Senator, and I am going to be as frank about this as possible. Suppose we had left this provision entirely out of the bill; that Congress had adjourned; and that Japan had notified us within 30 or 90 days—though I believe they have an arrangement that they may abrogate it at any time within a given period—that she wanted to abrogate it; unless there had been something like this put into the law there would have been no law whatever on our statute books to control this question or to keep it within its present limits.

Then the object is to put it into positive law? Mr. REED. Mr. HARDWICK. The object is to put in such shape that, where Japan has already agreed that she will restrict and con-trol her immigration into this country in a certain way, we are going to fix it so that if she were to abrogate that agreement at any time the law would preserve the status now existing under that agreement.

Mr. REED. In other words, you propose to substitute for this "gentlemen's agreement," which was made to avoid the enactment of a law which would be offensive to Japan, a law that will do the very thing that we made the "gentlemen's agreement" to avoid.

Mr. HARDWICK. I do not think the Senator from Missouri ought to make such a statement as that, because this is an American question. We can not have any disagreement between the Senator and myself, or between any two Senators on this floor, on that question. We have got a right to enact any sort of legislation we please on this immigration question, without regard to any other country on earth, except so far as that right is modified by treaties.

The Senator certainly—entertaining the views which he does on this immigration question—would not want to leave this country in this sort of a fix, that if Japan, the day after this Congress adjourns and after this bill becomes a law, should for any reason of her own, good, bad, or indifferent, give us the notice provided for in that agreement, that she no longer proposed to keep it, this country would have absolutely no protection on that subject. So this language is absolutely necessary. Without even our charging or dreaming of bad faith on her part, we put Japan in the position that she can change her mind, if she wants to do so, and notify us that she has changed

it. That is my view of that question.

Mr. REED. I thank the Senator. Now, Mr. President, that clears up the matter a great deal. Let us state the case in a word; and I appeal to Senators to give this serious thought. We have a treaty with Japan, under which Japan claims the undoubted right to have her citizens come to our country. Legislation was pending which would affect that right. It was stated on the floor of the Senate by distinguished Members, it was stated generally in the press of the country, as coming from the State Department and elsewhere, that if that legislation were enacted it would be offensive to the Japanese people and Government; that it would be offensive to them because it would be the singling out of their people and the stigmatization of their people as unfit to come to America. Thereupon, to avoid that difficulty, to save the Japanese people from that implied humiliation, we agreed privately that in lieu of the enactment of any legislation we would accept the assurance of the Government of Japan that it would exclude its own people. Now, it is boldly admitted here by the proponents of this bill that they are not content to rest upon the "gentlemen's agreement," but that they propose to do just what the Japanese legation suggested, to substitute for that agreement a positive enactment of law-the very thing we have frequently been told on this floor we ought not to do, because it might make trouble between this Government and Japan. We are asked to do that now, at a time in the affairs of this world when the United States ought not to be searching for causes of dispute with great nations. It is now boldly admitted that the committee does propose to substitute a law for a "gentlemen's agreement," an agreement which was made to avoid the enactment of any law, If we do so we may create complications that may be very grave. I say to Senators who have come in since this debate started that the State Department has sent here word asking

the Senate to give this matter very serious consideration.

Mr. SMITH of Michigan. Mr. President, the Senator from
Missouri [Mr. Reed] has laid considerable emphasis on the fact that this legislation will supersede the "gentlemen's agreement," so called, between Japan and the United States. He also contends, I have no doubt, that it would supersede the treaty between Japan and the United States made in 1911, and which, according to its terms, can only be terminated by six months' notice; in other words, the bill which is now pending, if passed over the President's veto, would become the law of the land and would supersede this treaty if in conflict there-

with.

Mr. President, I have never hesitated to disagree with the President, I have never hestiated to disagree with the President when I believed him to be wrong. In fact, I have frequently disagreed with several of his predecessors; but when the President in a great crisis sees fit to lay special emphasis on the unwisdom of this legislation, especially now, as a patriotic citizen and public servant I am bound to pay some attention to his request. When the government of a friendly power intimates, as has been stated by the Senator from Missouri, that this legislation is not in harmony with our treaty engagements, I am compelled to give heed to it. I did not favor the "gentlemen's agreement," I will say frankly. I thought it unwise to practice favoritism in the Orient, believing that China and Japan should be treated alike under our laws. Japan's marvelous advance and China's rapid evolution during the last decade has challenged the attention of the entire civilized world.

If the officers of the Japanese Government are deemed competent to pass upon the quality and character of native emigrants to the United States, then the Government of China, perhaps, might have the same courtesy at our hands, they being of

equal honor.

That we must have immigration laws there can be no question; that our land should be protected from the lawless, from the criminal, from the anarchistic, there can be no question. We all admit that; but to say in statute law that because a man has not had the education which rises to specified standards he should be prevented from coming into this country, seems to me is very unfair.

I remember in this Chamber not very many years ago to have heard the distinguished Senator from Delaware recount that many of the soldiers of the Revolutionary Army who won our liberty could not even write their own names; yet they were unselfish enough and brave enough and courageous enough to give their lives for the Republic. As a Member of Congress for many years it has come to my knowledge, in the administration of the pension laws, that scores of men who were not able to sign their names had records for unsurpassable bravery in war and were helpful soldiers in the cause of the Union. Education is a very good thing; no sensible man decries it. Many of you have been more fortunate than others in obtaining it, and should thank God for your opportunities. If you go into the Vice President's room adjoining this Chamber, you can read a tablet on the wall to the memory of Henry Wilson, Vice President of the United States and a great Senator, and you will there learn that he was deprived of an education; that he had not even the benefit of a common-school education. He educated himself in the great struggle of life in the school of hard knocks. If you were to make admission to this country dependent upon the ability of an immigrant to parse a sentence, you would close the doors to much desirable immigration.

Mr. GALLINGER. Mr. President, if the Senator will permit

Mr. SMITH of Michigan. Certainly.

Mr. GALLINGER. Henry Wilson was born in a town in New

Hampshire where there were public schools.

Mr. SMITH of Michigan. That is true, of course, but his biographer says he did not get any of it, free as it was; he was otherwise engaged in a struggle for bread.

Mr. GALLINGER. Well, I should challenge that statement; but whether that be so or not, others have the same chance for

Mr. SMITH of Michigan. The Senator from New Hampshire may have had an excellent chance for self-education.

Mr. GALLINGER. That was pretty much all I got.

Mr. SMITH of Michigan. But I want to tell the Senator that many of us were limited in that regard not because there were no schools, not because there were no teachers, but because in our youth it was necessary to battle for existence. Some of us could not parse a sentence.

Mr. GALLINGER. Well, Mr. President, if the Senator will permit me, we do not require that of these immigrants. We

ask them to read 30 words in their own language.

Mr. SMITH of Michigan. Yes; and the Senator knows, and know, scores of good people who have lived in a land of education and enlightenment who unfortunately can not read or

Mr. GALLINGER. It is their own fault.

Mr. SMITH of Michigan. Well, where it is their own fault, I have little sympathy with them, but where it is not their own fault I pity them. I think that the test of good citizenship here is the question of good character in the country from which the immigrant comes. If an immigrant has made a good citizen in the country from which he comes and comes here with every purpose of making this his home and identifying himself with our institutions, then I think he should be given the right to come; and I want to say for the President-and I do not often say much in eulogy of him-that for a teacher, for a professor, for a scholar, for a man who has led thousands of youthful feet through learning's maze to stand against this test because it is not fair, because it is not right, because it may work great hardship, is to his everlasting credit.

His veto message is brief and so full of humanity and sympathy for the unfortunate and the oppressed that I want to read

from it.

I can not rid myself of the conviction-

Says the President-

Says the President—
that the literacy test constitutes a radical change in the policy of the Nation which is not justified in principle. It is not a test of character, of quality, or of personal fitness but would operate in most cases merely as a penalty for lack of opportunity in the country from which the allen seeking admission came. The opportunity to gain an education is in many cases one of the chief opportunities sought by the immigrant in coming to the United States, and our experience in the past has not been that the illiterate immigrant is as such an undesirable immigrant. Tests of quality and of purpose can not be objected to on principle, but tests of opportunity surely may be.

Now, Mr. President, for good reasons the President has seen fit to return this billMr. WATSON. Mr. President, I should like to ask the Sena-

Mr. SMITH of Michigan. I yield to the Senator from Indiana. Mr. WATSON. Does the Senator remember a lecture delivered by President Wilson when he was president of Princeton University, some four or five years ago, in which he inveighed against the exclusion of the Chinese by saying that he was not certain but that the Chinese would make far more desirable citizens than the hordes of ignorant, unlettered, vicious, and immoral immigrants who came from southern Europe through the eastern gates of our country?

Mr. SMITH of Michigan. No. Mr. President; I do not remember that; but I am not so familiar with the writings or the teachings of the President as is the Senator from Indiana. I am, however, familiar with the fact that during the years in which the President has been the Chief Executive of the Nation he has been privileged to change his mind a great many times upon important public questions; and if he has changed his mind upon that question I am very glad; wisdom grows with experience.

I do not believe the literacy test is fair; I do not believe it is the best test. I do not by that mean to criticize the committee who have given the question very great care. I can not believe, however, that it is the only test or the most appropriate test that can be made. I think our consular system could be utilized and would perform a great service if under American law it was made their duty to ascertain the fitness of immigrants who propose coming to the United States for citizenship here. You may say that that is a very great task. So it is, but as a general thing our consular officers are not seriously burdened with work, and if it were necessary for a foreigner to go to the American consul nearest his place of residence and before he could sail convince that officer that he was a man of character, that he had been a good citizen in the town or village or county from which he came, and that he was coming to this country because of the superior oppor-tunities and advantages which it offered him and his children, I think that that method of restricting immigration would be far preferable to this.

That it is not impracticable and that this could be done we have only to consider that something similar must be done before Japanese subjects may come to the United States under the "gentlemen's agreement." They must go to their officials and convince them that they are asking nothing but what they are entitled to, and when they get their Government's approval they may come; not before.

I am going to repeat what I said in the beginning, and then I am going to yield the floor to others, that this legislation, if passed, will, in my opinion, repeal the treaty between Japan and the United States; it will, if passed, nullify the "gentlemen's agreement." If it does, perhaps that agreement can be renewed after this legislation is passed. I have no doubt whatever that after this legislation is passed and becomes a law the President of the United States could forthwith enter into a treaty with Japan by which this very privilege which is now contained in the "gentlemen's agreement" would become the operating principle of the two Governments in the matter of immigration

Mr. TOWNSEND. Mr. President, may I ask my colleague a

question?

Mr. SMITH of Michigan. Certainly.
Mr. TOWNSEND. I am not sufficiently able to understand the bill as to the boundaries established by lines of longitude and latitude to know whether the conferees have changed the provisions of the bill as it passed the Senate relative to the treatment of Japanese immigrants. Can my colleague inform me?

Mr. SMITH of Michigan. I understand there has been a change as to the geographical lines that were arbitrarily drawn, creating from it zones from which the immigrants may come, but the principle remains the same, and an absolute dead line is drawn through Russia. If born on one side of the line, an immigrant may come; if born on the other side, he can not come, no matter how excellent his character and qualifications.

Mr. LODGE. Mr. President, I will say to the Senator, if he

will permit me, as I was one of the conferees, that we changed the lines. The lines as originally drawn, according to the suggestion of the State Department, ran directly north to the Arctic Ocean, including a portion of Siberia. Those lines have been abandoned, and a line of latitude has now been adopted which cuts out only Hindustan and Turkestan.

Mr. TOWNSEND. Will the Senator answer me this question? Is my colleague correct in stating that our action in adopting the conference report will practically repeal the treaty that we now have with Japan?

Mr. LODGE. I totally disagree with the Senator on that proposition.

Mr. SMITH of Michigan. If the Senator from Massachusetts disagrees with me, I almost doubt my own judgment about it. I would hardly want to take issue with him, such is my great respect for his knowledge in such affairs; and yet I still believe, though not quite so strongly, that this bill, if passed, will amount to a repeal of the treaty of 1911 in so far as the law is in conflict with the treaty.

Mr. FALL. Mr. President, will the Senator yield to me for

a moment?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from New Mexico?

Mr. SMITH of Michigan. Certainly.

Mr. FALL. I suppose that the Senator's construction of the treaty upon which he relies in making his statement is that the "gentlemen's agreement" made three years prior to the execu-tion of the treaty itself was simply, as it has always been called, a "gentlemen's agreement"-a verbal understanding between gentlemen?

Mr. SMITH of Michigan. Outside of the scope of the treaty. Mr. FALL. And that in terms attached to the treaty of 1911 itself was an agreement in writing by the Japanese ambassador, for his Government, being duly authorized, that they would continue to observe the terms of the "gentlemen's agreement"? The Senator's construction, as I understand, is that it is in the nature, then, of a protocol of equal solemnity with the terms of the treaty itself?

Mr. SMITH of Michigan. And that this legislation will operate to repeal it if it is in conflict with the treaty; and, I suppose, to that extent at least the Senator from Massachusetts would

not be in disagreement with me.

Mr. FALL. Mr. President, I do not know what construction the Senator from Massachusetts would put upon it, but I would put the opposite—that if, as the Senator contends, the Uchida declaration is a part of the treaty, the law itself simply providing in terms what the Uchida agreement provides could not be construed in conflict with it. The only proposition, in other words, is this: If the gentlemen's agreement is a part of the treaty, this law recognizing the gentlemen's agreement is not in conflict with the treaty itself.

Mr. SMITH of Michigan. Oh, yes. Mr. FALL. Now, whether reducing it to a law would not only be a source of annoyance but would be possibly a cause of very serious offense to the Japanese Government is a matter about which I have my own opinion.

Mr. WATSON. Will the Senator state his own opinion? Mr. FALL. I will at the proper time; but I do not want to

take the time of the Senator from Michigan.

Mr. SMITH of Michigan. I feel that this treaty is in conflict with the legislation we are now discussing. I think it is un-I think it is ungenerous and unwise.

Mr. COLT. Mr. President—
The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Rhode Island?

Mr. SMITH of Michigan. Yes; I yield.

Mr. COLT. While I do not like to interrupt the Senator, I should like to speak of the literacy test simply from the standpoint of my experience.

For more than 25 years I have had a great deal to do with naturalization. The aliens of all countries, in large numbers, have frequently come before me for naturalization. It has been my duty to examine them individually. I have always made character the test; never the mere fact that the applicant could read or write. From my own experience extending over a generation, seeing these men face to face, and examining them critically as to all the facts of their lives, I have reached the unalterable conclusion that a literacy test of any character is absolutely insufficient, unfair, and unjust.

For this reason, based upon my long experience, I can not conscientiously bring my mind to vote for any such un-American,

unfair, and unjust test.
Mr. SMITH of Michigan. Mr. President, I am very happy that the Senator interrupted me, as he has stated my own view much more clearly than I possibly could have stated it myself, and he has stated it out of the fullness of a larger experience than it has been my privilege to have. As an eminent jurist, before whom immigrants have come in the years that have gone, he has had an opportunity to study their character and fitness for citizenship; and he says that literacy is not the appropriate test.

I said a little while ago that the Senator from Delaware put into the Record about two years ago some very striking facts, which I am going to read. He then said:

Some years ago I had occasion to examine the muster rolls of the Continental line of the Revolutionary Army, and I discovered that in many companies as high as 75 to 80 per cent of the soldiers were

Mr. HUSTING. Certainly.

Mr. HARDWICK. The Senator is absolutely in error. We have done nothing which is in violation of any treaty or any

illiterates and foreigners. If those men, those illiterates, those foreigners, were then good enough to risk their lives in assisting to obtain our independence, it seems to me that the same class of men are now good enough to assist in the development of this great country.

Seventy-five to 80 per cent of the Continental line of the Revolutionary Army illiterate! That was not their fault. They had neglected no opportunity. They were heroic and courageous and country loving.

Mr. HARDWICK. Mr. President, if the Senator will pardon me, there has been considerable progress in the cause of edu-

cation since then.

Mr. SMITH of Michigan. There has been in this country, but there has not been as much progress in the cause of education in some parts of the Old World.

Mr. HARDWICK. There has been a good deal since then. Mr. SMITH of Michigan. Some, I grant you, but not so great

as here.

Mr. HARDWICK. And most of the countries in the Old World have a very much lower percentage of illiteracy than we have.

Mr. LODGE. Yes; many of them have a much lower percent-

age of illiteracy than we have.
Mr. SMITH of Michigan. Well, Mr. President, that does not prevent vice and crime and disloyalty there and it will not

Mr. HARDWICK. Oh, no.
Mr. SMITH of Michigan. I can not bring myself to vote to pass this Lill over the President's veto.

Mr. HUSTING. Mr. President, as a member of the Committee on Immigration, and as one who voted against this bill when it was before the Senate before, I desire to state very briefly the reasons that impel me to vote against this bill now.

In the first place, I think that it is a very inopportune time to pass an immigration bill of this kind. In the midst of an international crisis, such as we are in, I think it is wrong and impolitic to inject anything that will complicate our relations with any foreign Government. I am also opposed to doing anything that has the savor of bad faith, and I must say that, in my judgment, in the light of the understanding we have with Japan, we are trying to do by statute what we are either afraid to do or unable to do by treaty.

As I understand the situation, we have a treaty with Japan admitting citizens of that country into this country. Now, it is said that we have a gentlemen's agreement by which it is understood that no Japanese except certain classes are to be permitted to come here. The consideration for the treaty and the consideration for the agreement is that we are not to do anything in the way of enacting statutes which would change the That consideration is a substantial one, and it is based, treaty. no doubt, upon a desire not to be discriminated against. Here is a great nation that has some pride, a people that does not want to be put in a category where we could point to it and say that it is different from other peoples. The Japanese have asked us to do this thing not because they are anxious to have their citizens come here but because they do not want this great Nation to discriminate against them.

Mr. PHELAN. Mr. President, may I interrupt the Senator? The VICE PRESIDENT. Does the Senator from Wisconsin

yield to the Senator from California?

Mr. HUSTING. Certainly.

Mr. PHELAN. The treaty of 1911 between this country and Japan provides that the people of that country may enter here for the purpose of trade. It is not a general immigration treaty. It is a treaty of trade and commerce. Therefore I think the Senatrial treaty of trade and commerce. Therefore I think the sena-tor is in error when he says that these people indiscriminately may enter this country under the provisions of that treaty.

Mr. HUSTING. I will ask the Senator whether, in his esti-mation, this law is not repugnant to the gentlemen's agreement

that we have?

Mr. PHELAN. It is not repugnant to the gentlemen's agreement. It simply carries out the gentlemen's agreement. The gentleman who is speaking for the United States is the Congress of the United States. The original gentlemen's agreement was the gentleman in the State Department talking with the premier of Japan. Now the gentlemen in Congress are speaking to Japan. It is still a gentlemen's agreement. In this form it should be satisfactory to both parties who are honestly of one mind.

Mr. HUSTING. This is rather involved, but I think it is a fair statement to say that we are trying to do by statute something which is repugnant to the face of the treaty.

Mr. HARDWICK. Mr. President, will the Senator yield to me

for just a moment?

agreement on earth, and I should like the Senator to point out either the agreement or the treaty.

Mr. HUSTING. My understanding is that, by a gentleman's agreement, it was understood that we were not to admit Japanese into this country.

Mr. HARDWICK, No. no.
Mr. REED. That we were not to legislate against them.

Mr. HUSTING. And that we were not to legislate against

Mr. HARDWICK. If the Senator will allow me to state it to him, because I am familiar with it-

Mr. HUSTING. Certainly.

Mr. HARDWICK. The Japanese Government agreed that it would not issue passports to Japanese laborers; and at that time, with an immigration bill pending, because of that agreement, no reference was made to the Japanese question.

Mr. REED. Mr. President, will the Senator pardon an in-

terruption?

Mr. HUSTING. Certainly.

Mr. REED. The gentleman's agreement was that Japan would itself arrest the immigration, in consideration of which we were not to legislate

Mr. HARDWICK. At that time, if the Senator pleases.

Mr. REED. As long as the agreement existed. Now it is pro-

Mr. HARDWICK. Can the Senator refer to the terms of the agreement? He seems to be so familiar with it.

Mr. REED. I can only refer to them in the way they are stated to me

Mr. HARDWICK. Then they are stated erroneously to the Senator

Mr. REED (continuing). By the State Department:

Though not appearing in written agreement, it is understood by both Governments that the United States will not, during the operation of the agreement, legislate against the immigration of Japanese laborers.

Mr. HARDWICK. Well, we have not. Mr. HUSTING. I did not intend to enter into a discussion of the details of this agreement. I merely want to say that my understanding is that according to this agreement we agreed we would not do certain things. In doing these things now by statute we are attempting in a way that is repugnant to a certain great power to do the very things that can be done and that are being done now without discrimination against a great nation.

I do not think that this is good policy. Particularly at this juncture, when we are facing a great international crisis, I do not think we ought in any way to further complicate international situations. I want to say that I do not think that at any time, whether it is in the face of a crisis or not, we ought to do anything such as this, because what is made by a treaty should be undone by a treaty, and what is made by a treaty should not be undone by a statute.

Mr. FALL. Mr. President, will the Senator yield for a

moment?

Mr. HUSTING. Certainly.

Mr. FALL. The Senator made a suggestion that the citizens of one country had a right to go into the territory of the other without any restrictions; but that statement seems to have been questioned, and it has been asserted that this was purely a commercial treaty. I have the treaty here before me, and I think the Senator is entirely right:

The citizens or subjects of each of the High Contracting Parties shall have liberty to enter, travel and reside in the territories of the other to carry on trade, wholesale and retail, to own or lease and occupy houses manufactories, warehouses and shops, to employ agents of their choice, to lease land for residential and commercial purposes, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established.

The gentlemen's agreement was reduced to a formal declaration in writing and attached to this treaty, and it modified that provision as to unrestricted travel and trade, and so forth. It is as follows:

In proceeding this day to the signature of the Treaty of Commerce and Navigation between Japan and the United States, the undersigned, Japanese Ambassador in Washington, duly authorized by his Government, has the honor to declare that the Imperial Japanese Government are fully prepared to maintain with equal effectiveness the limitation and control which they have for the past three years exercised in regulation of the emigration of laborers to the United States.

Signed by Y. Uchida.

Mr. HUSTING. That takes care of something that this law is made to take care of, only it does it in a way that is inoffensive to the people affected by it; while here we are gratuitously and wantonly endeavoring to do something that has already been taken care of, and endeavoring to do it in a way that is offensive to the other people. It does not accomplish anything, and it does us harm instead of good.

I am going to vote to sustain the President's veto because of the literacy test. As the President well says in his message:

It is not a test of character, of quality, or personal fitness,

I have lived all my life among people who were, or whose immediate ancestors were, immigrants to this country. Many of those who came to this country were unable to read or write, or to comply with this literacy test. That test, I say, was not one of fitness or of character, but merely one of socalled education. I think, however, we are very likely to ignore the fact that education can be other than book education and book learning. I have met many men whose education, gathered from other sources than books, gathered from experience, surpasses the education of the college graduate who is devoid of experience and devoid of many things that only experience

in the school of hard knocks can teach.

Mr. President, it has been asserted here that this merely defers or delays the coming of the immigrant, because he can learn to read and write before he ultimately comes. Why, the very condition that makes him now unable to read and write is going to make it impossible for him to learn to read and write two years from now, or four years from now, or six years from now. It is a violent assumption to think that any great class of people remain ignorant through choice. Their only hope of getting an education is by being admitted into a country where the opportunity is afforded to them to get an education. I know of some people in my little city who came to this country only a few years ago and who were unable to read and write. belonged to the class at which this legislation is aimed. Not long ago I learned that 30 of them, men and women, some of them past the meridian of life, had hired the public-school teacher in the city and were taking night lessons for the purpose of learning to read and write the English language. Many men who have never had the privilege of learning to read and write are the most insistent that their children shall learn to read and write. There is a thirst for knowledge in the breast of every man who has been denied the privilege of drinking of the spring That thirst impels him, when the opportunity of knowledge. offers, to drink deep and long of that spring and to see that his children have the privileges that have been denied to him.

A Member of the House of Representatives told me only a few days ago that his father was unable to read and write when he came to this country, but that when his children-and he had a family of eight-arrived at school age he personally took them to school every morning and called for them in the evening, and told them that he wanted them to have a privilege that had been

denied to him.

So I say that many of the men who built this country, who came here when the country needed men who could shoot as well as men who could read and write, proved to be the bulwark of the institutions of this country and helped to build it up. Now, shall we say: "Our people came here; some of them could not read and write; but now that we have come here, now that we have enjoyed these opportunities, there is no more room for any others, and we shall have to close down the gates. We got here, but we are not going to let any others get in here."

Three different Presidents, I believe, have vetoed this very provision in immigration bills. President Wilson has vetoed it twice. Each and every one of them has said that this is a departure from our old-time policy. This is an asylum, not to the undesirable but to the unfortunate and the oppressed. I agree with them that the bill is a wide departure in principle in that it would show that we are beginning to ring down the curtain of a stage which has been open to all the oppressed people of the globe. The literacy-test provision is a provision that has its inception in selfishness instead of unselfishness, that has not a spark of altruism in it; and I say I am going to vote against this bill because I think it is un-American, I think it is bad in principle, and I think it will be harmful in its administration. I think the time is not yet here when we should say to the people of the world that this one asylum, this one country of hope, this one country of opportunity is closed to them forever.

Mr. LODGE. Mr. President, some 20 years ago, when I was on the Committee on Immigration, as I am to-day, we considered very carefully the suggestion about consular examinations which the Senator from Michigan [Mr. SMITH] has brought forward. It was found to be impracticable, because other nations would not allow our consuls to examine their citizens,

and therefore it was abandoned.

Mr. President, I am not going to argue the illiteracy test. It has been discussed here for the last 25 years. I think everything has been said about it that can be said, on both sides. Personally, I do not think ignorance is an advantage in anybody; but the illiteracy test in this bill is a method of restric-tion, and after years of discussion and investigation it has been found that, on the whole, it excluded more undesirable persons and fewer desirable ones than any other.

I merely wish to say a single word on this question that has been raised in regard to the Japanese. Two years ago we placed in the bill a provision, and worded it in a way satisfactory to the Japanese representatives, which excluded persons not eligible for naturalization, adding, except where there was other provision by treaty, convention, or agreement entered into or to be entered into. That provision was accepted by the Japanese at that time as satisfactory, with the addition of that exception. The House repeated that provision this year in its bill. Representations were then made that the Japanese objected to it because they did not like the intimation of race in-feriority, and the Senate changed it to a geographical exclusion so as to reach other Asiatic immigration, and leave the Japanese under what is known as the gentlemen's agreement.

When we came into conference there was great objection to the changes made by the Senate, and the conferees finally decided on a provision which omitted all reference to agree-ments and all reference to eligibility for naturalization, and ments and all reference to eligibility for naturalization, and simply provided that persons now excluded in any way—by law, by treaty, by convention, or by agreement—should continue to be excluded after the passage of this bill. We make no race discrimination. It applies to all the world. It does not, in my judgment, touch the treaty of 1911 at all. That treaty left out the old provisions about immigration, and we were protected by the short time of notice necessary in case the gentlemen's agreement was abandoned.

the gentlemen's agreement was abandoned.

Mr. REED. Mr. President— Mr. LODGE. I have only a minute.

We do not affect the treaty. They desired us not to make any allusion to the gentlemen's agreement. We have made none. We do not change the gentlemen's agreement in any way. none. We do not change the gentlemen's agreement in any way. We leave it standing exactly as it is, and we cast no reflection on any race, nor do we make any discrimination. The gentlemen's agreement applies only to labor. All other classes are specifically excepted in the immigration law—all those who appear enumerated in the treaty. It applies only to labor; and the provision shutting out all aliens now excluded is simply carrying out existing provisions. The gentlemen's agreement will go right on if Japan chosess to whold it will go right on if Japan chooses to uphold it.

Mr. REED. Mr. President—

Mr. REED. Mr. President—
The VICE PRESIDENT (at 4 o'clock p. m.). The hour of 4 o'clock having arrived, in accordance with the unanimous-consent agreement the question is, Shall the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States, pass, the objections of the President of the United States to the contrary notwithstanding?

dent of the United States to the contrary notwithstanding? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. Smith], from the operation of which I am relieved on this vote. I therefore vote. I vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GOMMAN]. The Senator from New York would vote "nay" and I would vote "yea." However, I am privileged to transfer my pair to the Senator from Oklahoma [Mr. Gore] and record my pair to the Senator from Oklahoma [Mr. Gore] and record my vote in the affirmative.

Mr. JONES (when his name was called). The junior Senator from Virginia [Mr. Swanson] is necessarily absent on account of illness. I am paired with him for the day, but with the understanding that he would vote the same as I do on this question. I am at liberty to vote. I vote "yea." Mr. LEWIS (when the name of Mr. Lea of Tennessee was

called). Allow me to announce the absence of the Senator from Tennessee [Mr. Lee], who is detained by illness in his family. If present, he would vote in favor of the bill.

Mr. BRANDEGEE (when Mr. McLean's name was called).

My colleague [Mr. McLean] is confined to his house by illness. He is paired with the senior Senator from Montana [Mr. MYERS]. If my colleague were here and at liberty to vote, he would vote to sustain the President's veto and would therefore vote "nay."

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLean]. In his absence I transfer that pair to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. PITTMAN (when Mr. Newland's name was called).

The senior Senator from Nevada [Mr. Newlands] is confined to his home by illness

Mr. WALSH (when Mr. O'GORMAN's name was called). The Senator from New York [Mr. O'GORMAN] is unavoidably absent.

He is paired with the Senator from New Hampshire [Mr. Gallinger], as beretofore announced. If the Senator from

New York were present, he would vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. Goff] to the Senator from Virginia [Mr. Swanson] and vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN (after having voted in the affirmative). Mr. CHAMBERLAIN (after having voted in the aminiative). I have a general pair with the junior Senator from Pennsylvania [Mr. Oliver]. He is absent, and not knowing how he would vote I will transfer my pair to the senior Senator from Nebraska [Mr. Hitchcock] and let my vote stand.

Mr. CUMMINS (after having voted in the affirmative). I

am paired with the senior Senator from Nebraska [Mr. Hitch-COCK], but I understand that if present he would vote as I have voted, and therefore I will allow my vote to stand.

Mr. CHILTON. I wish to announce that my colleague [Mr.

Goff] is absent on account of illness.

Mr. GALLINGER. I have been requested to announce a pair between the Senator from New Mexico [Mr. Catron] and the Senator from Oklahoma [Mr. Owen], and also a pair be-tween the Senator from Maine [Mr. Fernald] and the Senator from Louisiana [Mr. Broussard].

The yeas and nays resulted-yeas 62, nays 19, as follows: YEAS-62.

Ashurst	Gronna	Myers	Smith, S. C.
Bankhead	Harding	Nelson	Smoot
Beckham	Hardwick	Norris	Sterling
Borah	Hughes	Overman	Sutherland
Brady	James	Page	Thomas
Bryan	Johnson, Me.	Penrose	Tillman
Chamberlain	Jones	Phelan	Townsend
Chilton	Kenyon	Pittman	Underwood
Clapp	Kern	Poindexter	Vardaman
Culberson	Kirby	Pomerene	Wadsworth
Cummins	La Follette	Robinson	Watson
Curtis	Lane	Shafroth	Weeks
Dillingham	Lee, Md.	Sheppard	Williams
Fall	Lodge	Shields	Works
Fletcher	McCumber	Simmons	
Gallinger	Martin, Va.	Smith, Ga.	
		8-19.	
Brandegee	Husting	Ransdell	Stone
Clark	Johnson, S. Dak.	Reed	Thompson
Colt	Lewis	Saulsbury	Walsh
du Pont	Lippitt	Sherman	Warren
Hollis	Martine, N. J.		
		TING_15	

Newlands O'Gorman Oliver Owen Broussard Catron Fernald Goff Gore Hitchcock Lea, Tenn McLean The VICE PRESIDENT. On the question, Shall the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States pass, the objections of the President of the United States to the contrary notwithstanding? the yeas and nays having been entered in accordance with the Constitution, the yeas are 62 and the nays are 19, and thus the bill becomes a law without the approval of the President of the United States.

Smith, Ariz. Smith, Md.

EXECUTIVE SESSION.

Mr. CHILTON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 20 minutes spent in executive session the doors were reopened.

AGRICULTURAL APPROPRIATIONS.

Mr. SMITH of South Carolina. Mr. President, I ask that the unfinished business, the Agricultural appropriation bill, be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June

RECESS.

The VICE PRESIDENT. The hour of 5 o'clock and 30 minutes having arrived, the Senate stands in recess until 8 o'clock this evening.

Thereupon the Senate (at 5 o'clock and 30 minutes p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

GOVERNMENT OF PORTO RICO.

The PRESIDING OFFICER (Mr. CHILTON in the chair). cording to the unanimous-consent agreement, House bill 9533 is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9533) to provide a civil government

for Porto Rico, and for other purposes.

Mr. JONES. Mr. President, there are only about eight or nine Senators present. I stated to-day that I would call for a quorum at the opening of the session to-night. I wish to ask the Senator in charge of the bill if he thinks we ought to proceed with the consideration of this measure with the eight or nine Senators who are present?

Mr. SHAFROTH. I believe a good many more Senators will be here, and if you consider the presence of Senators in the daytime, many bills are considered with less than the number who

are now present.

Mr. JONES. I do not want to embarrass the Senator's bill. I know how anxious he is to get it through. I have no special objection to it myself. I think it is a very important measure; it affects a great many people; and I will not at this time call for a quorum if the Senator thinks it would be well to go on with

Mr. SHAFROTH. I think it would be well to go on with it. The PRESIDING OFFICER. What was the statement of the Senator from Washington?

Mr. JONES. I said I would not make the point of no quorum. The PRESIDING OFFICER. The question is, Has not the Senator already done so?

Mr. JONES. No; the Senator did not.

The PRESIDING OFFICER. The Chair will so hold for the present; however, he does not know but that the point has been made. The Senator from Colorado.

Mr. SHAFROTH. The first matter that was passed over is

section 29.

Mr. MARTINE of New Jersey. There were objections to points before that. I have an amendment to come in ahead

of section 29.

Mr. SHAFROTH. I am speaking of committee amendments. I am trying to get the committee amendments through. The first committee amendment that was passed over was section I tendered an amendment in behalf of the committee, and I ask now that that be considered.

The PRESIDING OFFICER. The Secretary will state the

amendment

Mr. PENROSE. Mr. President, I do not want to make myself disagreeable, but it seems to me that this is a farce.

Mr. SHAFROTH. Let me say— Mr. PENROSE. I raise the point of no quorum, Mr. Presi-

Mr. SHAFROTH. I hope the Senator will not do that. We have been trying for weeks and weeks to have this bill considered.

Mr. PENROSE. I raise the point of no quorum.
The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators an-

swered to their names:

Chamberlain Jones
Chilton Kenyon
Clapp Lane
Fletcher Lewis
Johnson, S. Dak. Martine, N. J. Sheppard Simmons Pomerene Ransdell Stone Thomas Vardaman

Mr. LEWIS. Mr. President, let me announce the absence of the Senator from Tennessee [Mr. LEA], caused by illness in his

family.

I desire to state that the junior Senator from Mr. CLAPP. South Carolina [Mr. Smith] is unavoidably detained on account of sickness in his family, which is quite serious. He has a pair with the senior Senator from South Dakota [Mr. Sterling]. I will let this statement stand for the day.

The PRESIDING OFFICER. Twenty Senators have an-

swered to their names. A quorum is not present. The Secretary

will call the names of the absentees.

The Secretary called the names of the absent Senators.

Mr. SHEPPARD. I desire to announce that the Senator from Oklahoma [Mr. Gore] and the Senator from Louisiana [Mr. Broussard] are unavoidably detained by illness.

Mr. VARDAMAN. A good many other Senators are absent

from some cause, I do not know what.

Mr. SHAFROTH. Mr. President, it is manifest that we can not get a quorum on such a bitter cold night, and we would only torture ourselves by remaining here. Therefore, I move that the Senate adjourn.

The motion was agreed to; and (at 8 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, Febru-'ary 6, 1917, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 5, 1917. UNITED STATES CIRCUIT JUDGE.

Robert Lynn Batts to be United States circuit judge, fifth

UNITED STATES DISTRICT JUDGE.

Colin Neblett to be United States district judge for the district of New Mexico.

HOUSE OF REPRESENTATIVES.

Monday, February 5, 1917.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

O Lord God of Hosts, mighty to deliver and strong to uphold, be with us in this hour of extreme peril, that we may be susceptible to Thy counsels and guided by Thy light in the affairs of state, that we may move with calmness and deliberation, that our judgments may be in accordance with Thy will. Grant, O most merciful Father, that we may not be drawn into the vortex of war and the evils incident thereto, but be able to maintain peace and tranquillity with all the world. Unite us as a people in all measures to secure our rights and maintain our honor in right and truth and justice. In the name of the Prince of Peace. Amen.

The Journal of the proceedings of Saturday was read and ap-

proved.

The Journal of the proceedings of Sunday was read and ap-

PENSION APPROPRIATION BILL (H. REPT. 1417).

Mr. RAUCH. Mr. Speaker—
The SPEAKER. For what purpose does the gentleman from

Indiana rise?

Mr. RAUCH. For the purpose of reporting an appropriation bill. Mr. Speaker, by direction of the Committee on Appropriations I wish to report the bill (H. R. 20748) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1918, and for other purposes, and desire to give notice that I will call it up following the passage of the naval appropriation bill.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 20748) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1918, and for other purposes.

Mr. MANN. Mr. Speaker, I reserve all points of order on the

The SPEAKER. The gentleman from Illinois reserves all points of order on the bill. Ordered printed and referred to the Committee of the Whole House on the state of the Union.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. This is Unanimous Consent Calendar day, and the Clerk will report the first bill.

REGULATION OF ISSUANCE OF SECURITIES BY CARRIERS.

The first business in order on the Calendar for Unanimous Consent was the bill (H. R. 563) to amend section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes.

The Clerk read the title of the bill. The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.
The SPEAKER. The gentleman objects, and the bill is stricken from the calendar.

GRANTING PUBLIC LANDS TO THE STATE OF OKLAHOMA.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 15156) granting public lands to the State of Oklahoma.

The Clerk read the title of the bill. The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object. The SPEAKER. The gentleman from Illinois objects, and the

bill will be stricken from the calendar.

LANDS WITHIN THE FORMER UNCOMPARIGRE INDIAN RESERVATION. The next business in order on the Calendar for Unanimous Consent was the bill (S. 43) in relation to the location, entry, and patenting of lands within the former Uncompangre Indian

Reservation, in the State of Utah, containing gilsonite or other like substances, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?
Mr. MEEKER. Mr. Speaker, I object.
The SPEAKER. The bill is ordered stricken from the cal-

endar.

Mr. MAYS. Mr. Speaker, I would ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. The gentleman asks unanimous consent that this bill be passed over without prejudice. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, it is getting late in the session and I think we ought to clean up the Unanimous Consent Calendar on bills that have not been on the calendar a long time in order that in the closing days of the session it may be possible upon a call of the Unanimous Consent Calendar to reach bills which have just been put on the calendar. There may be times when we would only have a few minutes, but if we have the calendar clogged at the head there is no chance of getting to those bills. Therefore, I object.

The SPEAKER. The gentleman from Illinois objects, and the

bill is ordered stricken from the calendar.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5126. An act giving the consent of the United States for the bringing of certain suits in the Supreme Court of the United

States, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same

H. R. 21. An act authorizing the city of Salida, Colo., to purchase certain public lands for public-park purposes; H. R. 1024. An act for the relief of Allen M. Hiller;

H. R. 14978. An act for the relief of Ida Turner;

H. R. 14822. An act to prevent and punish the desecration, mutilation, or improper use, within the District of Columbia, of the flag of the United States of America;

H. R. 14784. An act for the relief of Alma Provost; H. R. 13820. An act for the relief of Mrs. Jennie Buttner;

H. R. 14572. An act for the relief of Gertle Foss; H. R. 13106. An act for the relief of the trustee and parties who are now or who may hereafter become interested in the estate of James A. Chamberlain under the terms of his will;

H. R. 14645. An act for the relief of the legal representative

of P. H. Avlett:

H. R. 12742. An act for the relief of Gottlob Schlect and Maurice D. Higgins and for the relief of the heirs and legal representatives of Valentine Brasch;

H. R. 3238. An act for the relief of Sarah E. Elliott; H. R. 1358. An act for the relief of Everett H. Corson;

H. R. 5262. An act for the relief of John B. Hoover; H. R. 8057. An act for the relief of the legal representatives of Napoleon B. Giddings;

H. R. 8267. An act to place Bernard A. Schaaf on the retired list of the Army;

H. R. 8452. An act for the relief of Charles L. Moore; H. R. 11745. An act for the relief of S. E. Bennett

H. R. 10173. An act for the relief of Anna C. Parrett;

H. R. 12240. An act for the relief of John Brodle; H. R. 9547. An act authorizing the acceptance by the United States Government from the Kenesaw Memorial Association of Illinois of a proposed gift of land on the Kenesaw battle field in the State of Georgia;

H. R. 10124. An act to add certain lands to the Rocky Moun-

tain National Park, Colo.; and H. R. 6145. An act for the relief of Edward F. McDermott, alias James Williams.

AUTHORIZING THE SIOUX TRIBE TO SUBMIT CLAIMS TO THE COURT OF CLAIMS.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 4371) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims.

The Clerk read the title of the bill. The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.
The SPEAKER. The gentleman from Wisconsin objects, and the bill is stricken from the calendar.
Mr. GANDY. Mr. Speaker, I would ask unanimous consent that this bill be consent of the calendar.

that this bill be passed over without prejudice.

Mr. STAFFORD. Mr. Speaker, for the reason stated by the gentleman from Illinois, I think this bill should not be retained on the Unanimous Consent Calendar, and I insist on my objection.

The SPEAKER. Did the gentleman from North Dakota

make any request? Mr. GANDY. N

Mr. GANDY. No; there is none to make.

The SPEAKER. The bill goes off the calendar.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10774) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?
Mr. STAFFORD. Mr. Speaker, I object.
The SPEAKER. The gentleman from Wisconsin objects, and the bill goes off the calendar.

ESTABLISHMENT OF A NATIONAL INSURANCE FUND, ETC.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 250) to provide for the appointment of a commission to prepare and recommend a plan for the establishment of a national insurance fund and for the mitigation of the evil of unemployment.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?
Mr. MANN. Mr. Speaker, I object.
Mr. LONDON. Mr. Speaker, I would ask that it retain its place on the calendar.

The SPEAKER. The gentleman from New York asks unanimous consent that the joint resolution be passed over without prejudice. Is there objection? Mr. MANN. I object.

The SPEAKER. The joint resolution goes off the calendar.

HOURS OF SERVICE OF RAILROAD EMPLOYEES.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 9216) to amend sections 2, 3, 4, and 5 of an act entitled "An act to promote the safety of emand 5 of an act entitled An act to promote the safety of chipployees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, I object. The SPEAKER. The bill goes off the calendar.

MANUFACTURE, SALE, OR TRANSPORTATION OF MISBRANDED GOODS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 10496) to prohibit the manufacture, sale, or transportation in interstate commerce of misbranded articles, to regulate the traffic therein, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? Mr. MOORE of Pennsylvania. Mr. Speaker, I object.

Mr. KINCHELOE. Mr. Speaker, I ask unanimous consent that the bill retain its place on the calendar.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. MOORE of Pennsylvania and Mr. MANN. Mr. Speaker, I object.

BALANCE DUE LOYAL CREEK INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9326) to pay the balance due the Loyal Creek Indians on the award made by the Senate on the 16th day of February, 1903.

The SPEAKER. Is there objection to the consideration of

the bill?

Mr. MANN and Mr. STAFFORD objected.

The SPEAKER. The gentleman from Illinois and the gentleman from Wisconsin object.

Mr. TILLMAN. Mr. Speaker, I ask unanimous consent that

this bill be passed over without prejudice.

The SPEAKER. The gentleman from Arkansas [Mr. Till-MAN] asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. MANN. I object.

CLAIMS OF FLANDREAU BAND OF SIOUX INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13165) authorizing the Flandreau Band of Sioux Indians to submit claims to the Court of Claims.

The SPEAKER. Is there objection?
Mr. MANN. I object.
The SPEAKER. The gentleman from Illinois objects and the bill will be stricken from the calendar.

EXPENSES INCURRED UNDER TREATY OF WASHINGTON.

The next business on the Calendar for Unanimous Consent was the bill (S. 649) making appropriation for expenses in-curred under the Treaty of Washington.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. STAFFORD. I object.
The SPEAKER. The gentleman from Wisconsin objects, and the bill is stricken from the calendar.

CLAIMS OF NORTH CAROLINA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 3654) to authorize the Secretary of the Treasury to audit and adjust certain claims of the State of North Carolina.

The SPEAKER. Is there objection to the consideration of

the bill?

Mr. STAFFORD. I object, Mr. Speaker. The SPEAKER. The gentleman from Wisconsin objects, and the bill is stricken from the calendar.

TABLET TO COL. DAVID DU B. GAILLARD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15076) granting to the widow of Col. David Du B. Gaillard authority to place, in his memory, a tablet in the memorial amphitheater at Arlington, Va.

The SPEAKER. Is there objection to the consideration of

the bill?

Mr. MANN. I object.

Mr. MEEKER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice,

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. MILLER of Minnesota. May I inquire of the gentleman from Illinois

The SPEAKER. The gentleman from Illinois [Mr. Mann] objects, and that is the end of it.

Mr. MILLER of Minnesota. I ask him if he will not reserve his objection for a moment.

Mr. MANN. I withhold it.

Mr. MILLER of Minnesota. I have a very deep interest in In fact, we all have a deep interest in it in view of the fact that he was one of the builders of the Panama Canal.

Mr. MANN. The gentleman has no more affection for the memory of Col. Gaillard than I have. But I think this is improper.

The SPEAKER. Is there objection?

Mr. MANN. I object.

METROPOLITAN POLICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10926) to amend an act approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved Feb. 28, 1901."

The SPEAKER. Is there objection to the consideration of

the bill?

Mr. STAFFORD. I object.
The SPEAKER. The gentleman from Wisconsin objects, and the bill is stricken from the calendar.

DONATING LAND TO ST. AUGUSTINE, FLA.

The next business on the Calendar for Unanimous Consent was the bill (S. 3699) to donate to the city of St. Augustine, Fla., for park purposes the tract of land known as the powder-house lot.

The SPEAKER. Is there objection to the consideration of

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, this bill was under consideration on the last unanimous-consent day, and I interposed an objection, but since then I have given the matter further consideration. I recall that some years ago we granted to the city of Baltimore the right to use the abandoned Fort McHenry Reservation upon certain conditions. the gentleman is willing to incorporate in this bill a provision that in case the War Department should at any time have need for this land, I will withdraw my objection; but I can not allow the bill to pass in its present form. And I may say to the gentleman that in the case of the Fort McHenry Reservation at Baltimore an amendment to that effect was carried as a part of the bill.

Mr. SEARS. Will the gentleman submit the amendment that

he proposes?

Mr. STAFFORD. I would suggest to the gentleman that, on page 2, after the word "purposes," in line 5, he offer an amendment as follows: "or whenever the Secretary of War may

determine that the use of said ground is important and neces-

sary for Government purposes."

Mr. SEARS. Of course I prefer that the bill should go through in its present shape; it is only for park purposes; but I will accept the amendment of the gentleman and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole

Mr. STAFFORD. I will say to the gentleman that I purpose to leave out the word "important," because the word "necessary" will carry the full purposes of the amendment which I

have in mind.

Mr. TAYLOR of Colorado. Mr. Speaker, I may say that, having reported this bill from the Committee on the Public Lands, I have talked with a few of the members of the committee, and I am satisfied that they will accept that amendment.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. SEARS. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Florida asks unanimous consent that the bill may be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the tract of land situate in the city of St. Augustine, Fla., known as the powder-house lot, heretofore set aside as a military reservation of the United States, and lately abandoned as such military reservation, be, and same is hereby, donated to the municipality of the said city of St. Augustine, in the State of Florida, to be used by said municipality for public-park purposes.

SEC. 2. That the Secretary of the Interior is hereby directed to execute and deliver to the duly constituted authorities of the said city of St. Augustine, Fla., such conveyances as may be necessary to vest the fee-simple title to said powder-house lot in the said city of St. Augustine, Fla., attaching to such conveyances the condition that whenever the said powder-house lot shall cease to be used by the city for public-park purposes, then and in that event title to the said powder-house lot shall revert to the Government of the United States.

Mr. STALEGORD. Mr. Speaker, L. offers the following approach

Mr. STAFFORD. Mr. Speaker, I offer the following amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. Stafford: Page 2, line 5, after the comma, insert the following; "or whenever the Secretary of War may determine that the use of said ground is necessary for Government purpose."

The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. The bill as amended was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

UNALLOTTED LANDS IN BLACKFEET RESERVATION, MONT.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 793) modifying and amending the act providing for the disposal of the surplus unallotted lands within the Blackfeet Indian Reservation, Mont.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MANN. I object.
The SPEAKER. The gentleman from Illinois objects. The bill is stricken from the calendar. The Clerk will report the next one.

COMMUNITY FORUMS, DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14816) to provide for the use of the publicschool buildings in the District of Columbia as community forums, and for other purposes.

The title of the bill was read. The SPEAKER. Is there objection?

Mr. KING. I object, Mr. Speaker. The SPEAKER. The gentleman from Illinois objects. The bill is stricken from the calendar.

Mr. OAKEY. Mr. Speaker, I ask unanimous consent that this

bill be passed over without prejudice.

The SPEAKER. The gentleman from Connecticut [Mr. OAKEY] asks unanimous consent that this bill be passed over

without prejudice. Is there objection?

Mr. KING. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects. The Clerk will report the next one.

CREEK NATION UNALLOTTED LANDS.

The next business on the Calendar for Unanimous Consent was the joint resolution (S. J. Res. 114) withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians, and providing for the sale thereof, and for other purposes

The title of the joint resolution was read.

The SPEAKER. Is there objection?
Mr. HASTINGS. Reserving the right to object, Mr. Speaker, I wanted to ask if there was any objection on behalf of the committee to eliminating the words "or leased"?

Mr. MURRAY. Yes; I object to that.
Mr. HASTINGS. The words "or leased" on line 3 of page 2, and the words "or lease" on line 5 of page 2?

Mr. MURRAY. Yes; I object to that. Mr. HASTINGS. I want to say, Mr. Speaker, that a large part of these Indians are in my district, and I am opposed to further leasing of these lands, because I believe it will delay the winding up of their affairs. I have no objection to this resolution being considered, provided those words are eliminated.

Mr. MURRAY. The gentleman can offer his amendment, but

I shall oppose it.

Mr. HASTINGS. If that is not agreed to, I shall object.

The SPEAKER. The gentleman from Oklahoma [Mr. HASTINGS] objects. The bill is stricken from the calendar. The Clerk will report the next one:

COMPOSITORS AND BOOKBINDERS, GOVERNMENT PRINTING OFFICE,

The next business on the Calendar for Unanimous Consent was the bill (S. 6626) to fix the rate of pay for compositors and bookbinders in the Government Printing Office.

The title of the bill was read,

The SPEAKER. Is there objection?

Mr. COX. I object.

The SPEAKER. The gentleman from Indiana objects. The bill is stricken from the calendar.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection? Mr. COX. I object, Mr. Speaker.

The SPEAKER. The gentleman from Indiana objects, and the bill is stricken from the calendar. The Clerk will report the next one.

LAND PATENTS IN OREGON.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17055) providing when patents shall issue to the purchaser or heirs on certain lands in the State of Oregon.

The title of the bill was read.

The SPEAKER. Is there objection? There was no objection.

The SPEAKER. This bill is on the Union Calendar.
Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that
this bill be considered in the House as in Committee of the

The gentleman from Oregon asks unanimous The SPEAKER. consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That all persons who have heretofore purchased or may hereafter purchase any of the lands of the Umatilla Indian Reservation in the State of Oregon, and have made or shall make full and final payment therefor in conformity with the acts of Congress of March 3, 1885, and of July 1, 1902, and subsequent acts respecting the sale of said lands, shall be entitled to receive patents therefor upon submitting satisfactory proof to the Secretary of the Inferior that the untimbered lands so purchased are not susceptible of cultivation or residence and are exclusively grazing lands, incapable of any profitable use other than for grazing purposes.

Sec. 2. That where a party entitled to claim the benefits of this act dies before securing a patent therefor it shall be competent for the exceutor or administrator of the estate of such party, or one of the heirs, to make the necessary proofs and payments therefor to complete the same; and the patent in such cases shall be made in favor of the heirs of the deceased purchaser, and the title to said lands shall inure to such heirs as if their names had been especially mentioned.

The SPEAKER. The question is on the engrossment and third

The SPEAKER. The question is on the engrossment and third

reading of the bill. The bill was ordered to be engrossed and read a third time,

was read the third time, and passed. On motion of Mr. SINNOTT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DIRECTORS IN BANKS ON STATE BORDER LINES.

The next business on the Calendar for Unanimous Consent was the bill (S. 4256) to amend section 5146 of the Revised Statutes of the United States, so as to permit national banks

located near the boundary line of adjoining States, subject to the discretion of the Comptroller of the Currency, to select only a majority, instead of three-fourths, of their directors from residents of the State in which they are respectively located.

The title of the bill was read.

The SPEAKER. Is there objection? Mr. MOORE of Pennsylvania. I object.

The SPEAKER. The gentleman from Pennsylvania objects. The bill is stricken from the calendar. The Clerk will report the next one.

MISSOULA NATIONAL FOREST, MONT.

The next business on the Calendar for Unanimous Consent was the bill (S. 5082) adding certain lands to the Missoula National Forest, Mont.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Colorado asks unanimous consent that this bill be considered in the House as in Committee of the Whole Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the following unsurveyed areas which by protraction of the public surveys in adjoining townships would probably be described as section 1, section 2, section 11, and section 12, all in township 9 north, range 15 west; and section 25, section 36, all in township 10 north, range 15 west, Montana principal meridian, be, and the same are hereby, included in and made a part of the Missoula National Forest, subject to all prior valid adverse rights, and that said lands shall hereafter be subject to all laws affecting national forests. national forests.

With a committee amendment, as follows:

Amend, page 1, line 4, after the word "would," by striking out the word "probably."

Mr. MANN. Mr. Speaker, does the gentleman from Colorado think the committee amendment is important?

Mr. TAYLOR of Colorado. No; I do not think it is. Mr. MANN. Does not the bill truthfully state the case?

Mr. TAYLOR of Colorado. Yes; but the committee seemed to think that to legislate for what would "probably" happen was not very good form.

Mr. MANN. It is probable that it will be so.

Mr. TAYLOR of Colorado. Yes.

Mr. MANN. It is not certain that it will be.

Mr. TAYLOR of Colorado. No. As a matter of fact, the bill is correct the way it is, but the committee seemed to doubt the wisdom of legislating on a "probability." Some one suggested that it would be better to amend the bill.

Mr. MANN. That may be; but that goes to the merits of the

Mr. TAYLOR of Colorado. Yes.

Mr. MANN. Because we are legislating on a probability.

Mr. TAYLOR of Colorado. Yes.

Mr. MANN. You have not described the land, except by what its probable description will be. I do not think it is worth while to send the bill back to the Senate for an amendment that is not important.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask that the House disagree to the committee amendment, so that the bill will not have to be returned to the Senate for concurrence.

The SPEAKER pro tempore. The question is on the committee amendment.

The question being taken, the committee amendment was rejected.

The SPEAKER pro tempore. The question is on the third reading of the bill.

Mr. MOORE of Pennsylvania. Mr. Speaker, I should like to ask the gentleman from Colorado a question. How much land

will be added to the Missoula Forest by the passage of this bill? Mr. TAYLOR of Colorado. The acreage is given in the report of the Secretary of Agriculture, on page 2 of the report. I

think about a township; that is my recollection.

Mr. MOORE of Pennsylvania. How many acres will that be?

Mr. TAYLOR of Colorado. There are usually something like 23,000 acres in a township.

Mr. MOORE of Pennsylvania. Will the gentleman explain the

reason for adding that acreage to this national forest?

Mr. TAYLOR of Colorado. It is desired primarily, I apprehend, by the Forest Service. The land has been determined to be suitable for national forest-reserve purposes. The people there are desirous of preserving it in that manner.

Mr. MOORE of Pennsylvania. Do stockmen have any interest in this accretion to the land of this forest reserve?

Mr. TAYLOR of Colorado. I do not think so. There was nothing of that kind apparent before the committee. There is quite an amount of timber on this land that it is desired to conserve. I do not think it is a stockman's proposition at all. Both of the departments-the Interior and Agriculture-have investigated the matter, and both favor this bill; and the people up there and their representatives in the Senate and House seem to favor it

Mr. MOORE of Pennsylvania. It comes to us from the department?

Mr. TAYLOR of Colorado. Oh, yes; there is a favorable report here from both departments.

Mr. MOORE of Pennsylvania. Is the land wooded now? Mr. TAYLOR of Colorado. Yes; to some extent.

Mr. MOORE of Pennsylvania. Is it used for grazing purposes? Mr. TAYLOR of Colorado. It will be used for grazing purposes, certainly, but there are from 5,000 to 10,000 feet of timber to the acre on the land, according to this report.

Mr. MOORE of Pennsylvania. Will the gentleman explain

just how it will be dealt out for grazing purposes?

Mr. TAYLOR of Colorado. The same as all other nationalforest lands. They are under the supervision of the forest
rangers, and permits are granted to stockmen and farmers for a certain number of head of cattle or horses or sheep each year, and the rangers designate the places where the stock shall range. They have absolute control over the range, and they are very cautious not to allow the overstocking of the range. As a matter of fact, we think they are, in some cases, unnecessarily cautious about allowing stock on the range, because, cattle being so high, there is a great demand to put more cattle on the forest reserves everywhere for the increasing of the beef supply—a much greater demand in some cases than the Forest Service will allow.

Mr. MOORE of Pennsylvania. Will the effect of the passage of this bill be to limit the opportunities of those individuals who desire to take up land and establish homesteads on the land?

Mr. TAYLOR of Colorado. Homesteaders?

Mr. MOORE of Pennsylvania. Yes. Will it limit the opportunity of homesteaders to take up lands?

Mr. TAYLOR of Colorado. Yes; I think anyone who knows the workings of the forest reserves in the West will say that the putting of land into a forest reserve does very much impede the settlement of the land by homestead entrymen, as far as that is concerned. It is a pretty hard proposition for a man to get a homestead in a forest reserve these days.

Mr. MOORE of Pennsylvania. What will the Government get out of this when it is leased to the stockmen?

Mr. TAYLOR. It will get a revenue from the grazing permits, and then it sells the timber. The idea is that the land is so much more valuable for forest purposes, for grazing, and for timber sales and timber conservation than it is for possible homesteads that the departments have recommended that it be put over into the forest reserve, and the committee have acceded to that recommendation.

The SPEAKER pro tempore. The question is on the third

reading of the bill.

The bill was ordered to a third reading, and was accordingly

read the third time and passed.
On motion of Mr. Taylor of Colorado, a motion to reconsider the vote by which the bill was passed was laid on the table.

HOMESTEAD ENTRIES, FORMER FORT PECK INDIAN RESERVATION, MONT.

The next business on the Calendar for Unanimous Consent was the bill (S. 5612) providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation, Mont.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

Mr. TAYLOR of Colorado. I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent that the bill may be passed over without prejudice. Is there objection?

Mr. STAFFORD. Reserving the right to object, there are some phases of this question about which I would like to be informed; but it would take nearly half an hour, and I do not think we should take up that time to-day. I have no objection

to the bill being passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman that the bill be passed over without

prejudice?

There was no objection.

ENLARGED-HOMESTEAD ACT.

The next business on the Calendar for Unanimous Consent was the bill (S. 1061) to allow additional entries under the enlarged-homestead act.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Speaker, this bill is on the Union

Mr. TAYLOR of Colorado. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection? There was no objection.

The bill was read, as follows:

Be it enacted, etc., That any person otherwise qualified who has obtained title under the homestead laws to less than one quarter section of land may make entry and obtain title under the provisions of the act entitled "An act to provide for enlarged homesteads," approved February 19, 1909, for such an area of public land as will, when one-half of such area is added to the area of the lands to which he has already obtained title, not exceed one quarter section: Provided, That this act shall not be construed to apply to soldiers' additional homestead entries made under section 2306, United States Revised Statutes, or acts amendatory thereof or supplemental thereto.

With the following committee amendment:

Page 1, line 8, after the word "nine," insert "and an act of June, 1910, entitled 'An act to provide for an enlarged homestead.'"

Mr. FORDNEY. Mr. Speaker, I want to ask a question for information. Do I understand that this bill applies to all who may take up homesteads in any State in the Union? That is

what the bill says. If so, it is a bad bill.

Mr. TAYLOR of Colorado. This is what I understand the situation to be: At the present time we have a law providing that where a man has taken a homestead of 40 acres or 80 acres, or 120 acres, he may go and take an additional homestead of enough land to make up the amount of 160 acres. In other words, every man or head of a family is supposed to have a homestead right of 160 acres of good land. If he has exercised his right on only one-quarter or one-half or three-fourths of that right, he can take an additional quantity of land under existing law sufficient to make 160 acres. What this bill provides is that where a man has taken, say, 80 acres of good land and consequently has an additional right to take 80 acres more of good land, if he can not get 80 acres more of good land, he may be given the right to take 160 acres of arid land—dryfarming land. The present law requires a man to make up his shortage out of whatever he can get. This bill allows a man, instead of making up his complement of 160 acres out of dry. land, to take twice the amount additional of dry land that he would be entitled to if he got good land. If a man has 80 acres and has the right to take up 80 acres more of good land, he can take twice that amount of the dry land. This is simply a matter of common fairness and justice. There is nothing about it that is novel.

Mr. FORDNEY. Does this apply to homesteading the dry

Mr. TAYLOR of Colorado. That is all. This bill simply carries out the principle that was established by the enactment of the enlarged-homestead law. The 320-acre dry-farming law, namely, that 1 acre of good, irrigated land is worth at least 2 acres of dry nonirrigable land.

Mr. MOORE of Pennsylvania. Following up the inquiry of the gentleman from Michigan, I would like to ask the gentleman if it is meant that the man who has 80 acres in Idaho can lay claim to 80 more in New Mexico?

Mr. TAYLOR of Colorado. He can take the 160 acres of the dry land wherever he can find it vacant.

Mr. MOORE of Pennsylvania. He can jump from State to

State under this bill?

Mr. TAYLOR of Colorado. He can do that now. only homesteaded 80 acres he can jump from one State to any other State in the Union in order to get his additional 80 acres of good land. He can do that under existing law. But 80 acres of dry land will not support anybody. We want to give a man twice as much poor land as he is entitled to of good land,

Mr. MOORE of Pennsylvania. Would it mean that a homesteader could ask for 40 acres of land in one State, 40 in another, 40 in another, and 40 in another, and so get a foothold

in four States?

Mr. TAYLOR of Colorado. No; not at all. This applies only to those who now have under the present law a right to take an additional tract of land sufficient to make up 160 acres. A man only has one additional right. He can not exercise three or four, or even two. There is not enough of good land now left vacant, and this bill will encourage the settlement of the dry, barren, comparatively worthless land.

Mr. MOORE of Pennsylvania. I understood the gentleman to say that the homesteader could go elsewhere and take up an additional amount of land with the 160 acres.

Mr. TAYLOR of Colorado. Yes; he can go now and do that, but there is not enough good land that he can take.

Mr. MOORE of Pennsylvania. Granted that he has the right to take the 160 acres, is there anything in existing law or in this bill that would limit his right to make a selection within a certain area of a certain State?

Mr. TAYLOR of Colorado. No. Mr. MOORE of Pennsylvania. There might be considerable confusion if the claimant had the right to take up land in three or four States.

Mr. TAYLOR of Colorado. There can be no abuse under this proposition. The Interior Department is thoroughly in accord with the bill. This is simply giving a man an opportunity to make a home, which he can not do on 40 or 80 acres

of land that can not be irrigated.

Mr. FORDNEY. The act referred to here, if I am correct, requires the homesteader himself to take land adjoining his homestead or in that vicinity. This bill permits a man to take land in Colorado and then go into any State in the Union and

make up the balance.

Mr. TAYLOR of Colorado. The gentleman from Michigan is misinformed as to the existing law. The existing law is that a man can go to any place in the United States wherever he can find the additional 80 acres or additional 120 acres of vacant land and homestead enough of it to make up his 160-acre homestead.

Mr. FORDNEY. Well, whether that is the law or not, this is a bad bill that permits a man to take up dry land in Colorado and then go into another State of the Union and take up enough more to make up his complement. I will tell the gentleman where he will land. He will throw this excess land into the hands of the land sharks.

Mr. TAYLOR of Colorado. Oh, no. That is utterly impos-

Mr. FORDNEY. Oh, yes; a law will be passed making such right assignable, as was done in the soldiers' additional home-

Mr. TAYLOR of Colorado. Congress will not do that any more

Mr. FORDNEY. But the gentleman and I may not be here forever, and they will do it, the same as they did in the former case. That is existing law now, so far as additional homestead cases are concerned applying to soldiers of the Civil War.

Mr. TAYLOR of Colorado. That has no application to this.
Mr. FORDNEY. That will be the result in this case if this bill is not so amended as to require the homesteader to locate the additional and in the State where he took his original homestead.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend, on page 1, by inserting, after the word "nine," in line 8, the following: "and an act of June 17, 1910, entitled 'An act to provide for an enlarged homestead."

Mr. MOORE of Pennsylvania. Mr. Speaker, I want to oppose the bill at the proper time.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized.

Mr. MOORE of Pennsylvania. Mr. Speaker, it looks to me as if there was no good reason why this bill should pass at

The gentleman from Michigan has raised an interesting question which the gentleman from Colorado does not fully answer. Mr. SMITH of Idaho. Mr. Speaker, if the gentleman from Pennsylvania will permit me, I think I can answer the sugges-

tion raised by the gentleman from Michigan [Mr. FORDNEY]. He wants to limit the entries to the State where the original entry was located. If that amendment were adopted it would bar a great many worthy persons. For instance, many prospective entrymen from the State of Michigan and other Eastern States who have taken 80 acres would be prevented from going to any other State and exercising the right of additional entry which is provided for in the general law, and which is to be extended under the enlarged-homestead law, by this bill; so that the proposed amendment would work a great injustice to a great many entrymen in the older settled States where the public lands have already been entered. This law simply extends the privilege of taking an additional entry under the enlarged-homestead act to settlers who have partially exhausted their homestead rights, many of whom were settlers in the

older States and who desire to go into the Western States and

enter the public land.

Mr. MOORE of Pennsylvania. Mr. Speaker, how much more

time have I under the rule?

The SPEAKER pro tempore. The gentleman has five minutes. Mr. MOORE of Pennsylvania. Mr. Speaker, I shall have to decline to yield, in order that I may make my statement. The gentleman from Michigan [Mr. Fordney] raises what I consider to be a very interesting question, if not a vital point, namely, that this may encourage land sharks. Gentlemen from the Western States will laugh at the notion, but it seems to me the purpose of the homestead laws is to enable a man to take up a homestead—not primarily to speculate in land. Mr. TAYLOR of Colorado. Certainly.

Mr. MOORE of Pennsylvania. Will the gentleman tell me why a man who takes up less than 160 acres in Idaho should want to take up an additional number up to 160 acres in New Mexico and attempt to straddle as between the two States? It is possible this would put him in position to hold somebody up. The gentleman may say this is an unfair proposition; but if a man is honestly endeavoring to make a homestead out in Idaho it seems to me the only reason for his taking up an additional piece of land in New Mexico or Nevada or any other State would be to stop somebody else getting it. It may be a little corner 10 acres; it may be 40 acres, or whatever is remaining of the 160 acres which the gentleman indicates every homesteader is entitled to; but just to that extent he may prevent a development in the new location. The law, according to the gentleman from Colorado [Mr. TAYLOR] gives him liberty to go anywhere upon the face of the earth within the United States; and if it does give him that liberty, then he is in position, like many men who get franchises from legislatures, to prevent other people from doing

Mr. TAYLOR of Colorado. Mr. Speaker, will the gentleman

Mr. MOORE of Pennsylvania. Yes.
Mr. TAYLOR of Colorado. Mr. Speaker, in the first place,
all of the Western States are filled with people from Michigan and Illinois and Kansas and all of the Middle States, as well as the East. They come from States where they have used their homestead rights on 40 or 80 acres, and this is especially true in Kansas and Nebraska and some of the recently settled States. They go out to the West, and when they get there they want to take up another piece of land. They may have lest out at home; they may have become broke. If they go to the Western States, and if we tell them they have to go back to the States, as the gentleman from Idaho [Mr. SMITH] well said, and get this additional land from the States from which they came, it amounts to an absolute denial of right to them. If we also say to them, "You can have 80 acres of good land in this State," they say, "I can not get it and it is not here." That is largely true, and if we put them on 40 acres or 80 acres of dry land, absolutely worthless, you might say, they can not make a living for themselves and family, whereas if they can take 160 acres of this dry land they can. It will be in the State where they live; it will not be the State from which they come, but the State where their home will be. They want the land, and if they can take 160 acres they can make a living. If they are held to 80 acres, they can not; and that is all there is to it.

Mr. MANN. Mr. Speaker, will the gentleman yield? Mr. TAYLOR of Colorado. Yes.

Mr. MANN. Are they required to live on this new land

which they take?

Mr. TAYLOR of Colorado. Surely. I understand so. is my understanding, though I have not read the bill this morning

Mr. MANN. There is nothing in the bill that requires them

to live upon the land.

Mr. TAYLOR of Colorado. I have not read it this morning. Mr. TIMBERLAKE. Mr. Speaker, will the gentleman yield? Mr. TAYLOR of Colorado. Yes.

Mr. TIMBERLAKE. This is intended to enlarge the act of March 2, 1889, which allows a citizen from Michigan, as has been suggested by my friend, who has exercised a homestead right upon 40 or 80 acres, because there is no further land in that State, to go into the Western States and complete their homestead rights. Under the act of March 2, 1889, their right to complete their entry only went to 160 acres. If they filed on 80 acres and made proof in Michigan, they can only file on 80 acres in Colorado or in Kansas or Nebraska, where the 320-acre law obtains.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield? Mr. TIMBERLAKE. Yes.

Mr. MOORE of Pennsylvania. A homesteader who located in one State, as indicated by the gentleman, could not live in the other State, could he?

Mr. TIMBERLAKE. He has exhausted his right in Michigan. He goes to Colorado. The law says in Colorado that he can take 80 acres under the act of March 2, 1889, but he must live upon it

and comply with the homestead laws in Colorado.

Mr. MOORE of Pennsylvania. My point is that he can not live on these two tracts, and therefore he takes one for specula-

tive purposes, possibly.

Mr. MANN. No; this is the question: Can he, having taken 80 acres in Michigan and then taken 80 acres in Colorado, under this bill take 80 acres in New Mexico?

Mr. TIMBERLAKE. No, indeed; he can not. He has ex-

hausted his right.

Mr. MOORE of Pennsylvania. Can he take it in New Mexico if he has taken less than 80 acres in Colorado? Mr. MANN. That is the point.

Mr. TIMBERLAKE. He can only have one full entry. he has taken 80 acres in Michigan and goes to Colorado, under the act of March 2, 1889, he has the right under the present law to increase his entry up to 160 acres only. This law will give him a right to file on 160 acres in 320-acre area instead of only 80 acres

Mr. MOORE of Pennsylvania. I would like the gentleman from Colorado to make clear how a homesteader in Nevada, living in good faith on the ground-less than 160 acres-he has taken up, can proceed then to take a fraction of 160 acres in

some other State. I would like some gentleman to clear that up.
Mr. GANDY. If the gentleman will permit, the act of March 2, 1889, only granted this additional right to those who have completed titles on the original entry, so that the man would have to have a complete title first.

Mr. MOORE of Pennsylvania. The homesteader is obliged

to live on the ground?

Mr. TIMBERLAKE. Yes, sir.

Mr. MOORE of Pennsylvania. In good faith, Mr. TIMBERLAKE. Yes, sir.

Mr. MOORE of Pennsylvania. How can he, a man of small means, live on two or three pieces of ground?

Mr. GANDY. That is the question I answered, that he can not take additional until he has completed title to the original. Mr. MOORE of Pennsylvania. How can he utilize the second

piece of ground if he is living in good faith on the other? Mr. GANDY. If he has completed title to the original, then he can go where he wants to. He would simply move over to the

Mr. MOORE of Pennsylvania. Can he do it by proxy?

Mr. GANDY. No, sir. Mr. TIMBERLAKE. He must comply fully with the homestead law as to residence and cultivation on the additional

Mr. MANN. Mr. Speaker, I move to strike out the last word of the amendment. I want to get a little information. Michigan has been referred to. Suppose a man some years ago took a homestead in Michigan of 80 acres. Does not the law as it now exists authorize him to take the balance of the 160 acres in one of the Western States?

Mr. TAYLOR of Colorado. Yes,
Mr. MANN. Then does not this law authorize him to take an
additional 160 acres where he can find it?

Mr. TAYLOR of Colorado. Oh, no; this law will take the place of his right under the existing law. He can avail himself of either the present law or this one, and not both. It makes the 320-acre law applicable. In other words, he is to be given 2 acres of dry land, if he wants it, instead of 1 acre of good land. Most people would much prefer 160 acres of good irrigated land

to 320 of nonirrigable land.

Mr. MANN. Suppose he has taken another 80 acres?

Mr. TAYLOR of Colorado. Then he does not get any right under this law at all. If he has already gotten his full 160 acres. right, he can not get any more. This bill only applies to those who have a right to take an additional piece of good land sufficlent to make, with what they have already taken, an aggregate amount of 160 acres. Generally speaking, those people can not

find such a tract of good land, so we propose to give them twice as much poor land as they are entitled to of good land. Mr. MANN. Well, suppose he has taken 78 acres, which is not the full 160 acres. He has taken 80 acres, say, 40 years ago. He takes 70 acres in Colorado last year. Now, how much more can he take in New Mexico under this law?

Mr. TAYLOR of Colorado. He can not take any. He has exhausted his additional rights and he is done; that is, this law would not give him any more.

Mr. MANN. He has already taken that.

Mr. TAYLOR of Colorado. Yes; that is true.

Mr. MANN. That is not apparently what the bill says.
Mr. TAYLOR of Colorado. That is the practice. I think the gentleman from Colorado, my colleague Mr. TIMBERLAKE, for many years in the United States Land Office, can answer that possibly more positively than I can,

Mr. MANN. Some years ago when I first came here there were certain private, what we called soldier, rights, where a man had taken a homestead of less than 160 acres, and there were a few cases, not very many probably, where those men or their heirs were entitled to take additional land up to 160 acres. I had several cases in my district of people who had no intention of homesteading the land at all and who sold their rights. Now, Congress does not want to repeat that.

Mr. TAYLOR of Colorado. No; we do not want to permit that

any more.

Mr. MANN. Those probably are all exhausted. We do not

want ever to give them that right again.

Mr. TIMBERLAKE. Mr. Speaker, it seems to me that this ought to be very clear to all. The homestead rights in the Eastern States allowed a man to take 160 acres in Michigan, we will say, and a man was only able to get 80 acres. He makes final proof of that. He may have disposed of it; he may have lost it; out he has an additional 80 acres coming to him from the United States Government under the act of March 2, 1889. He comes to Colorado. He tells the officers there he has exhausted 80 acres of his 160 homestead right. He offers to file on 80 acres. The department now recognizes that 80 acres taken of land that has been designated under the 320-acre act is not giving him his just right, and therefore they ask by this bill that he be permitted to take twice as much as he was entitled to where he exhausted his prior entry. That is just it. He must comply with all the provisions of the homestead law on this land, and there is not any chance for speculation, suggested by the gentleman from Pennsylvania [Mr. Moore], at all, because he must comply with all the provisions of the homestead law on this land. and if he should take, as the gentleman from Illinois [Mr. Mann] says, 80 acres in one place he would be entitled to take twice as much some place else. The law provides he can only have one additional entry. That exhausts his right.

Mr. MANN. Let me understand that. Suppose a man took 80 acres in Michigan-using it as an illustration-and has now made another entry for an additional 80 acres in Colorado under the existing law; under the terms of this bill, then, he could simply take 160 acres of dry land instead of 80 acres that is not

dry land?
Mr. TIMBERLAKE. Not if he has already filed on that 80 acres in Colorado, I will say to the gentleman. This bill is not retroactive, but on and after the passage of this act such cases would be entitled to take in Colorado twice the area.

Mr. MANN. Well, the bill says any person otherwise qualified who has obtained title under the homestead laws to less than one-quarter section of land may take it, and I still think he would be entitled to the privilege in this bill, and I think that

is what the bill is for.
Mr. TIMBERLAKE. It would be true if they were entitled

to more than one additional entry; but they are not.

Mr. MEEKER. Mr. Speaker, I move to strike out the last two words for the purpose of asking the gentleman from Colorado [Mr. Timberlake] a question. Suppose the homesteader is now in Colorado and has not proved up completely on this 80 acres; must he remain on that 80 until he proves up his claim and then move to his 160, or can he remain on the 80, with the claim not yet proved up, and get his 160 somewhere else?

Mr. TIMBERLAKE. Under this law it does not provide for

a man who is now holding an entry in Colorado or anywhere else. It is for the entryman who comes after the passage of this

bill that this provision is for.

Mr. MEEKER. Well, if he now has only a part of that to which he is entitled and applies for more land under this, that does not shut that man out, does it?

Mr. TIMBERLAKE. He has to make proof on whatever he is holding before he is entitled to file for additional land, except

the lands are contiguous.

Mr. MEEKER. And move from the present holding to the

new claim and prove that up?
Mr. TIMBERLAKE. Yes, sir.

Mr. MEEKER. I might say to the gentleman from Pennsylvania [Mr. Moore] in explanation that if he had ever seen this land, he could understand why a New Mexico farm would be in Texas the next day. A good wind would blow it over. Mr. MOORE of Pennsylvania. I have seen this land, and I

have no desire to live there.

Mr. FORDNEY. This bill says "any person otherwise qualified who has obtained title under the homestead laws to less than one-quarter section of land may make entry and obtain title under the provisions of the act entitled," and so forth.

Mr. Speaker, this bill certainly opens a way for speculators and land sharks, absolutely. A short time ago I purchased a piece of land from a party where title had never changed hands; the title was in the original entryman and never changed hands except from the Government to the original entryman, and that entry was made more than 60 years ago, and if this bill passes you are going to permit every man who took land under the homestead laws in any State of the Union to come back now and appeal to Congress to make that right transferable, as was done in the case of soldiers' additional homesteads. You are going to open the way for speculation, and not 10 per cent of the original entrymen will be benefited by such an act. Thus, the men who took up homesteads in the State of Michigan will not go to the Pacific Coast States now and take up an additional 40 acres or 80 acres, or any portion of their original claim that they did not get.

Mr. TAYLOR of Colorado. They will not get it unless they

go there and live there.

Mr. FORDNEY. My friend, I will say that in a very short time entrymen who have taken land under the homestead laws will appeal to Congress, as they have in many other cases, in such volume that they will force you into passing a law that will make that right transferable.

Mr. TAYLOR of Colorado. They can not force this Congress

Mr. FORDNEY. They did it in the case of the soldiers' addi-

tional homestead entries

Mr. TAYLOR of Colorado. Well, they do things for the sol-

diers they would not do for others.

Mr. FORDNEY. What more right has the soldier under his right to take additional land than any other entryman? cause in his original entry the service in the Army was applied on his entry of his homestead. Therefore, if the homestead laws require five years' settlement, whatever time he had served in the Army, not exceeding four years, would be applied on the homestead, and what he had to do was to live on the land for five years less what time he had served in the Army.

Therefore that benefit was given to him that was given to no other entryman, and immediately he came to Congress and asked to make that right transferable, and it is transferable to-day, in the hands of his heirs or their heirs, I will say to my

friend.

Mr. TAYLOR of Colorado. I know that the soldier's additional scrip matter has caused a great deal of trouble and is one of the things that has created a great deal of adverse senti-

ment in public-land matters in the West.

Mr. FORDNEY. Pardon me. The gentleman from Alaska [Mr. Wickersham] some time ago, in speaking of that Alaska fishery bill that was up here, where shore rights were acquired on the shore by the holders of this scrip, said those holders would take unsurveyed lands in Alaska. The gentleman was mistaken on that, but after application is made and the survey of the land has been made, then soldiers' additional homestead scrip will enter that land. You will give additional homesteads to entrymen who have taken lands that have been allotted for more than half a century if you pass this law.

Mr. STOUT. Mr. Speaker, will the gentleman yield? Mr. FORDNEY. Yes.

Mr. STOUT. I would like to ask the gentleman if there will be any more probability of such a contingency arising under this act than under the present act? What would make the difference?

Mr. FORDNEY. I am not clear that the present act gives the right that we are now discussing. Maybe the gentleman has read the law. I have not. I would like to have the law read before we pass this bill, because it refers to an act that we do not have before us. I know that this injustice has been done in the past and is likely to be done again and the land put into the hands of speculators.

Mr. HARDY. Mr. Speaker-

The SPEAKER. Is the gentleman from Texas fighting this amendment of the gentleman from Michigan [Mr. FORDNEY] to

strike out three words?

Mr. HARDY. Yes. I wanted to see if I understand this proposition correctly. Some time ago I had a letter from a constituent of mine, stating that his sister had gone into New Mexico under the law and made a homestead entry. She had gone into New Mexico and had been forced to leave her home before perfecting her right. It was held to be forfeited. She took it up with the department, and it is now being reheard.

Now, my understanding of it is that under our homestead law any citizen of the United States, in order to entitle himself to a homestead, has to do certain things, to live on the land a

certain continuous length of time. He did not have to say he was a pauper and had no property elsewhere. He might have had twice the value elsewhere. But if he goes to this public domain and complies with the law he becomes entitled to a homestead there, and the law makes no distinction as to whom it gives the homestead.

Now, if I understand it aright, a man may years ago have taken up a homestead in Michigan. He complied with the law until he perfected his title. He sold that land for cash, and takes the cash with him and goes to the far West. As I understand it, he is entitled, just as though he had never preempted a single bit of land, to enter again and get more homestead rights. That is what I want to know about.

Mr. SMITH of Idaho. Mr. Speaker, will the gentleman yield?

Mr. HARDY. Yes. Mr. SMITH of Idaho. He can enter additional land only between 160 acres and the amount he originally entered. He can only take up the difference between what he has entered in his former homestead and 160 acres.

Mr. HARDY. Then, in order to do that, he must have perfected his right to the land that he has already got and must live upon the remaining land that he proposes to enter, so that he gets what he is entitled to under the law, and no more, and that by fully complying with the law as to all of it and each part of it.

Mr. NORTON. Mr. Speaker, will the gentleman yield?

Mr. HARDY, Yes. Mr. NORTON, Th The gentleman is using the words "preempted" and "homesteaded" indiscriminately. If a man has made homestead entry and proof on 80 acres, under the present law he would be entitled to take up another 80 acres under the homestead law anywhere in the United States, but he would not be entitled to take any additional land under the enlargedhomestead act, which permits an original homestead entryman to make entry on 320 acres of land. That is the defect that this legislation is intended to cure.

Mr. HARDY. In other words, this legislation is intended to give the original settler the full amount of homestead he was entitled to, but he must live on the land in order to be entitled

to it?

Mr. NORTON. No; that is not right.
Mr. HARDY. I would like to get a proper understanding

Mr. Speaker, will the gentleman yield? Mr. MONDELL.

Mr. HARDY. Yes. Mr. MONDELL. A former entryman of less than 160 acresthat is, a man who may have entered and perfected title to 40 acres, or 120 acres, or 140 acres-is, under the homestead law, entitled to make an entry of enough land which, added to his

original entry, will make 160 acres.

Mr. HARDY. Right there I want to ask a question.

Mr. MONDELL. Very well. Mr. HARDY. Can he make his entry on 60 acres, the remaining part of the 160, without going and living on that 60

Mr. MONDELL. No. He must comply with all the provisions of the law.

Mr. HARDY. He can not m perfected his title to the first? He can not make the second entry until he has

Mr. MONDELL. There is a law under which he can make additional entry before he has perfected the first entry, but that

would not be affected by this legislation.

Mr. HARDY. What I want to get at is: He is not allowed to just hold some land over here and at the same time take up other tracts in different places without living on it and otherwise complying with the law; so that if residence is one of the requirements, as it is, he can not homestead two pieces of land in different localities at the same time. If he could do that, he could settle and live in one place and use the rest of his claim to speculate on.

Mr. NORTON. This legislation does not contemplate that.
Mr. MONDELL. The only change that it makes in the la

Mr. MONDELL. The only change that it makes in the law that has been on the statute books for many years is that a former homestead entryman, in taking his additional land, may secure of the comparatively poor lands that are left twice the acreage that he could heretofore have secured.

Mr. HARDY. But whenever he takes any new land he has

got to live on it and comply with the law?

Mr. MONDELL. That is the intent of this act, although I am frank to say that that is not very clear from a hurried reading of the act.

Mr. HARDY. It ought to be clear.

Mr. NORTON. Will the gentleman yield? Mr. HARDY. Certainly.

Mr. NORTON. I shall endeavor to state to the gentleman, briefly, what this legislation contemplates. For illustration, say that a man has made proof upon 120 acres of land under the homestead law. Under the existing law he has a right to go out anywhere where there is land subject to homestead entry and take up a sufficient amount to make a total of 160 acres. That is, a man who had already homesteaded 120 acres would be entitled to take up 40 acres additional.

Mr. HARDY. Yes. Mr. NORTON. This legislation permits him to take up 80 acres under the enlarged homestead act. Under existing law he is not permitted in a case of that kind to take any land under the enlarged homestead act. The enlarged homestead act permits one to take up, instead of 160 acres as an original homestead, as much as 320 acres, or twice the area. That is all this does. The gentleman from Michigan [Mr. FORDNEY] seemed to think this legislation would give room for fraud and for speculation in public lands. It will not permit this at all, because the last provision in it eliminates the question of additional homestead entries under soldiers' rights. If soldiers' additional homestead entries were included in this, it might give room for speculation and fraud.

Mr. HARDY. As I understand it, in the case used by the gentleman for illustration, the additional 40 acres, which under this bill would be converted into 80 acres, can only be obtained by going and living on that land and complying with the homestead

law in every particular?

Mr. NORTON. The gentleman is right. There is no question about that.

Mr. TIMBERLAKE. Absolutely.

Mr. HARDY. That is what I want to bring out.

The SPEAKER. The pro forma amendments are withdrawn. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. MORGAN of Oklahoma. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. Morgan of Oklahoma: Page 1, lines 10, 11, and 12, after the word "when," strike out the words "one-half of" and "one quarter section" and insert in lieu thereof the words "three hundred and twenty acres."

Mr. TAYLOR of Colorado. What is the effect of that amend-

ent? What is the gentleman trying to do? Mr. MORGAN of Oklahoma. Mr. Speaker, I am in favor of this bill, provided it can be amended so that it will be more liberal. I think it ought to be enlarged, so that a man who has made an entry of 160 acres should be permitted under this 320acre act to make another entry, which, with the land already entered, will not exceed 320 acres. As I understand this provision, if a man has made an entry of 160 acres anywhere, he can not make an entry at all under this bill.

Mr. TAYLOR of Colorado. No; this bill does not apply to him at all. I am very much afraid the gentleman is going to load this matter down with something that the House will not agree to, and that we ought to take up his proposition in some other bill.

Mr. MORGAN of Oklahoma. I have had a good deal of experience and observation about the settlement of our country under the homestead law. I think that Congress is not pursuing the right policy. I have no sympathy whatever with the idea as expressed by the distinguished gentleman, my good friend from Michigan [Mr. Fordney], and by my friend from Pennsylvania I believe that Congress ought to-day to give every [Mr. Moore]. man who has made a homestead entry and acquired title to it under any law the right to make a new homestead entry. believe we ought to pursue a policy that will encourage the development and settlement of the western country. It is a fact known to us all that the lands still remaining on the public domain are in the arid regions. We have recently passed what is known as the 640-acre homestead act. Yet a man in Oklahoma or Kansas or Nebraska or any other State in the Union, who has made an entry of 160 acres, can not make entry under this 640-acre homestead law.

The fact of it is no class of our citizens have contributed greater service to this Nation than the men who have gone out on the frontier and made homestead entries, and improved those western lands, and made the West what it is to-day. In the debate on the revenue bill last week I called attention to the amount Oklahoma was contributing to the support of the National Government by direct taxes. That illustrates what the pioneers in a new country add to the strength, greatness, and power of this Nation. How are we going to people the great West? I think there are nearly 500,000,000 acres of public land in the arid region. When a man has rendered a service by the gentleman from Oklahoma. [Applause.]

to his country by going out and entering 160 acres of land, and remaining on it for five years, he and his family enduring the sacrifices that have been necessary to make that country what it is, why should we penalize that man, and say, "You have contributed a service to your country, but you can not have another opportunity to enter land"? Where is the injury in allowing him that opportunity? Where is the wrong? Why do not the people in our great cities in the East go out into the West and take up these lands? To those who are willing to make these sacrifices the opportunity should be offered.

Mr. MONDELL. Mr. Speaker, the House could adopt the amendment offered by the gentleman from Oklahoma [Mr. Mon-GAN] and not go any further than it has already gone in the matter of providing second homestead entries. At the time the enlarged 320-acre homestead law was presented to the House attention was called to the fact that that law was so worded that any qualified homestead entryman might have the opportunity to make a full entry under the act. For 30 years or more—yes; for 40 years—there has been but one interpretation of the words "qualified homestead entryman." The department had held during all that period of time that anyone who had perfected his title to less than 160 acres was held technically a qualified entryman. We brought the 320-acre bill before the House with the statement that the language we were using entitled anyone who had made an entry prior to that time of less than 160 acres to make a full 320-acre homestead under the law. The bill became a law, and for something more than a year the department allowed all qualified entrymen on their former interpretation of that term who applied to secure a full 320 acres. Then the department unfortunately modified its interpretation of that definition to include all who had not secured 160 acres, even though they had secured four continuing 40-acre subdivisions. That interpretation going so far afield led some officials of the department to hold that that was an unusually liberal interpretation of the term "qualified entryman." Then the department, instead of going back to its former interpretation, swung to the other extreme, and held that from that time forward a qualified entryman should only apply to those who had never made and perfected a homestead entry of any size

The result is that since the change of the interpretation parties have not been able to make entries under the 320-acre law unless they could show that they had never perfected a homestead entry of any size. Now, the gentleman from Oklahoma proposes to give all who have not heretofore made a full 160-acre entry to secure at least 320 acres of this comparatively worthless remaining land. And he is right about it. No one makes so good a homesteader as the man who has tried, and no one makes so good a homestead entryman as the man who has tried it once among the trying conditions of Oklahoma. The man who at one time or another has gone on the public domain and met the difficulties, trials, and incidents of homesteading in a new country secures an experience that is of very great value to him when he makes the attempt, as it must be made now if at all, under still more trying conditions and difficulties than those employed in the first entry. There are many people in Montana and Nebraska and Oklahoma, in Missouri and Iowa, and in the States east of the mountain regions who, under the provisions of the act securing a 320-acre homestead, would make splendid citizens, splendid homesteaders, just the sort of people we need to conquer that remaining semiarid country and build up homes.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that all debate close in five minutes.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that all debate close in five minutes. Is there ob-

jection? [After a pause.] The Chair hears none.

Mr. KENT. Mr. Speaker, concerning the amendment offered by the gentleman from Oklahoma, it seems to me that he is going on the hypothesis that this homesteading of Government land represents a service and not a privilege. We are perfectly willing, we are glad, to have foreigners in our country contribute to our welfare by doing work. We consider that a benefit to us, but we do not permit them the privilege of homestead entry. If we are going on to permit the duplication of this privilege of homestead entry, why not go on and generate a class of professional homesteaders? I have no doubt they would become extremely efficient, and after they had carried out the process through 15 or 20 years would be more proficient in making good their rights and selling their property than other citizens. It seems to me, if we are going to pursue the homestead policy as a right and a privilege, it ought to be broadly spread over the people of the country and not be subject to perfecting a temporary homestead to-day and selling it out to-morrow and then doing it over again, which is what is contemplated by the amendment offered

The SPEAKER. The question is on the amendment offered by the gentleman from Oklahoma [Mr. Morgan].

The question was taken, and the amendment was rejected. Mr. MORGAN of Oklahoma. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 12, after the word "section" insert a semicolon and the following: "Persons who have made entry of 160 acres in what is known as the public-land strip in Oklahoma shall be entitled to make entry under the foregoing act notwithstanding any former entry they may have made."

Mr. STAFFORD. Mr. Speaker, I make the point of order that that is not germane. It is clear that the bill under consideration is a general law and applies to all limited homesteaders in the country. The gentleman's amendment proposes to grant a special privilege to one class in Oklahoma. precedents are numerous that you can not tack an amendment for a special class onto a bill of a general character.

Mr. MORGAN of Oklahoma. Mr. Speaker, I think the gentleman is mistaken very much in his view of what is germane. This bill provides for certain additional homestead entries. The

That any person otherwise qualified who has obtained title under the homestead laws to less than one quarter section of land may make entry and obtain title under the provisions of the act entitled "An act to provide for enlarged homesteads," approved February 19, 1909.

Now, this is not a general law because it applies only to persons who have obtained title to less than a quarter section of land.

The SPEAKER. It is a general law to that extent, is it not? Mr. MORGAN of Oklahoma. It would apply to all persons who had obtained a title to less than a quarter section, but it is not general in that it applies to all persons who make homestead entries, and it only applies to persons under certain specific acts. It only lets in a restricted number, and the amendment I offer, of course, puts an additional class into the bill, so that persons who made an entry under a certain portion of Oklahoma would be allowed to make an entry under this act.

The SPEAKER. Does the gentleman think that if he were to offer an amendment that the people of Kay County, for instance, should have an extraordinary right under this bill it would be

germane?

Mr. MORGAN of Oklahoma. Mr. Speaker, this bill gives to certain men extraordinary and peculiar rights not given to other men. If you limit the bill to men who have made entries to less than one-quarter section, why could you not enlarge it by adding additional entrymen? Why could you not strike out the words "less than a quarter section" and leave it without any limitation at all? This enlarges this act by bringing in men

who made entry under a certain other act.

Mr. BURNETT. Mr. Speaker, will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. BURNETT. Suppose the gentleman's amendment read that Bill Jones or John Smith should have the right. Would

not that be the same thing exactly?

Mr. MORGAN of Oklahoma. No; because the men who made the entry under the public-land strip made entry under a specific and definite law, just like the man who made the entry under these acts enumerated. The public-land strip, I will say is what is known as No Man's Land. It is that strip of land that extends out into the semiarid region beyond the main part of Oklahoma, a strip 160 miles long and 35 miles wide. It is out in that western region, and the entries upon that land have been made under special act, not under the general law. My amendment proposes to give the man who made entry under this special act, which brought in this public-land strip, or No Man's Land, the rights and benefits of this law, and it enlarges their rights.
Mr. MONDELL.

Mr. Speaker, it may be true that under the rules it would not be germane to attempt to amend a general homestead law with an amendment of this kind. I am not sure about that, but this is not a general homestead law. This is a homestead law applied to certain classes of cases. It allows homestead entries under certain designated laws, not under all the homestead laws, but under certain laws that apply only to certain designated and selected regions. All that the gentleman from Oklahoma [Mr. Morgan] has done is to include another class. Clearly he could have amended this bill so as to have allowed this privilege under more of the homestead laws than the two referred to in the bill. Clearly he can bring within the provisions of those two laws another class of home stead settlers.

The SPEAKER. That is true, but the trouble about this amendment is that it is not a general proposition, but applies just to people who live in four or five counties.

Mr. MONDELL. The privilege granted is not a general homestead privilege, it is a homestead privilege applied to lands that are designated under two certain laws. It does not say so, but that is the effect of it. It applies only to two certain homestead laws. It does not apply generally upon the public domain. There is a territory in Oklahoma farther west than the balance of Oklahoma where the lands were dryer, where the conditions were similar to the conditions to which these two homestead laws apply. The gentleman from Oklahome provides that a settler who lived in those arid portions of Oklahoma may have privileges that do not apply to those who made entry in the humid or semiarid portions of Oklahoma.

The SPEAKER. Does the gentleman think an amendment

giving the people of Wyoming an extraordinary chance to get

these lands will be germane?

Mr. MONDELL. It would be germane applied to certain portions of the public domain.

Mr. TAYLOR of Colorado. You could not just apply it to two or three counties.

The SPEAKER. The Chair sustains the point of order.
Mr. MORGAN of Oklahoma. Mr. Speaker, I offer the following amendment which I send to the desk and ask to have read, The Clerk read as follows:

Page 1, line 3, strike out the words "otherwise qualified" and in line 4 strike out the words "less than," so that as amended the paragraph will read:

"That any person who has obtained title under the homestead laws to one-quarter section of land," etc.

Mr. MORGAN of Oklahoma. Mr. Speaker, this amendment comes down to the real merits of the proposition. If this amendment were agreed to, it would permit any person who has heretofore made a homestead entry to make a second entry under any of our homestead laws, including the 320-acre and the 640-acre homestead act. This, I think, should be the policy of this Government. The men who have made this country largely have been the men who have gone out upon the frontier and entered our public lands. Our remaining public lands are undesirable, and in order to induce men to go out and enter upon these lands we have enlarged the homestead law so that a man can make entry to 640 acres of land. I believe he is not required to reside upon the land, as he was once. But men who have made entries in Oklahoma and other Western States are not permitted to make entry under this act.

TAYLOR of Colorado. This would simply make it a

straight double-entry homestead proposition?

Mr. MORGAN of Oklahoma. Yes.

Mr. MORGAN of Oklahoma. Yes. Mr. TAYLOR of Colorado. The House has refused to do that a good many times. Why does the gentleman want to kill a good bill that is perfectly proper by tacking on something that the House is not ready to accept? The next thing that will happen, somebody will be making the point of no quorum.

Mr. MORGAN of Oklahoma. I hope we will not kill a good bill, I certainly have no desire to do that; but the mere fact that this House may have at some other time refused a right policy should not deter the gentleman from Colorado, who understands the proposition, nor any other Member of this House, from presenting what he thinks should be a correct policy for the National Government at the present time, we should on every appropriate occasion, at every opportunity, and in every way in our power advocate policies which we think are right, just, and proper, regardless of what may be the views of other gentlemen. I do not think the 640-acre homestead act was just to homestead entrymen of Oklahoma and other States of the Union. A part of Oklahoma is in what is known as the semiarid region. Men have gone out there and made homestead entries. Many of them have lost those homestead entries because of the trials and hardships they had to endure. Some have lost their lands through lack of means, for want of money, some have lost their lands through other misfortunes. Whatever may be the cause they are now homeless and landless. You now refuse to permit them to make a second entry. But leaving out the just claims of my constituents or the claims of tens of thousands of homestead entrymen, I offer this amendment and support it with all earnestness upon broad national grounds. We have 500,-000,000 acres of unoccupied public lands. These are in the main undesirable public lands. They cover a vast area of the Western States. They have been open to settlement for half a century, but have had no takers. Why should they not be offered to those who have had entries? The homestead law has been in force over half a century. So far no one who has perfected a homestead entry by five years' residence has been allowed to make a second entry. Why not extend to these men the right to make a second entry? These are extraordinary times. Dangers and perils confront us. We know not what the future may bring. We do know the lands of the West should be occupied, cultivated, and made fruitful and productive.

I am in favor of giving men the right to make homestead entries on the remaining public lands regardless of former entries. The reason for the old rule that a man should be allowed but one homestead entry does not now exist. The choice lands have been exhausted. It is not now so much a privilege to make a homestead entry. The man who now enters a tract of public land and complies with the law in acquiring title thereto is in reality assuming a burden; he is undertaking a service to the country. Why should we not permit those who have made entries heretofore to come forward now and participate in this service? The Government has nothing to lose. It has everything to gain. The time has come for the Federal Government to inaugurate a new homestead policy-a broad, liberal, comprehensive, just policy. Do justice to the homesteaders of western Oklahoma, western Kansas, and western Nebraska, and of other Western States, and at the same time adopt a policy that will promote the settlement of our millions of acres of unoccupied public lands, make them productive; and thus contribute to the growth and development of the West, and thereby add to the strength of the Republic and the welfare of its citizens.

Mr. MANN. Mr. Speaker, we are considering the unanimousconsent calendar, where bills come before the House by unanimous consent. It has never been considered that it was very good practice in the consideration of bills on the unanimousconsent calendar to introduce entirely new propositions. Certainly if bills unobjected to are to get before the House by unanimous consent and new propositions are sprung on the House, there will not be quite as much leniency about letting such bills come before the House by unanimous consent as there is now, and I do not think there is any too much now. If I had not been called out of the Chamber by consultation of a matter with the Speaker when this bill came up, I should have objected unless I had been assured that just this sort of thing would not take place.

Mr. TAYLOR of Colorado. Will the gentleman permit?

Mr. MANN. Yes.

Mr. TAYLOR of Colorado. Mr. Speaker, I would ask the House to disapprove this amendment. I do not want to jeopardize the passage of this bill. It is not proper to try to put this amendment on this bill. The committee did not authorize it or warrant it or desire any modifications of the bills we bring in here under unanimous consent; and, regardless of the merits of the matter, the House is not in favor of this proposed legislation, and Congress is not at this time, and I ask that the amendment be disagreed to:

The SPEAKER. The question is on agreeing to the amend-

ment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected. The bill as amended was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. TAYLOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MORGAN of Oklahoma. Mr. Speaker, I ask unanimous

consent to revise and extend my remarks.

The SPEAKER. The gentleman asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

FLATHEAD INDIAN RESERVATION, IN THE STATE OF MONTANA.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 1059) to provide for the payment for certain lands within the former Flathead Indian Reservation, in the State of Montana.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD: I object.
The SPEAKER. The bill is stricken from the calendar.

PATENTS ON RECLAMATION ENTRIES.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 5014) to amend section 1 of the act of August 9, 1912, providing for patents on reclamation entries, and for other purposes,

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause:] The Chair hears none,

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole House on the state of the Union. The SPEAKER. Is there objection to the request of the

gentleman from Idaho? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the proviso to section 1 of the act of August 9, 1912 (37 Stat., 265), entitled "An act providing for patents on reclamation entries, and for other purposes," be amended to read as follows:

"Provided, That no such patent or final water-right certificate shall issue until after the payment of all sums due the United States on account of such land or water right at the time of the submission of proof entitling the homestead or desert-land entryman to such patent or the purchaser to such final water-right certificate."

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. SMITH of Idaho, a motion to reconsider the vote by which the bill was passed was laid on the table.

LANDS FOR RESERVOIR PURPOSES, TWIN FALLS, IDAHO.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 1740) to repeal an act entitled "An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes," approved June 7, 1912, and to revoke the grant made thereby.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. Cox). Is there objection?

[After a pause.] The Chair hears none.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk read as follows:

Be it enacted, etc., That an act entitled "An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes," approved June 7, 1912, be, and the same is hereby, repealed, and the grant thereby made to the city of Twin Falls, Idaho, for the benefit of said city is hereby revoked and declared of no effect.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. SMITH of Idaho, a motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC ROADS IN COLORADO.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 11258) to provide for the sale and development of certain public lands and for the construction and maintenance of public roads.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

Mr. TAYLOR of Colorado. Just a moment. The Senate on the 2d of this month passed a bill, S. 865, which is the substance of this act. It is pending now, I presume, on the Speaker's table.

Mr. MANN. The gentleman is correct about that. This gives away only 250,000 acres to the different States. The Senate bill, I believe, passed in a moment of generosity, gives 500,000 acres to the different States. They do not include the District of Columbia.

Mr. TAYLOR of Colorado. It is the same kind of a bill, I

Mr. STAFFORD. In view of the suggestion of the gentleman from Illinois, who is always well informed, I presume the bill will be taken from the Speaker's table and referred to the Committee on the Public Lands.

Mr. MONDELL. The gentleman from Colorado [Mr. TAY-LORI is altogether too modest.

Mr. TAYLOR of Colorado. I think I am, for that matter; but we have to be very modest in order to get anything from this House.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

NONMINERAL ENTRIES IN ALASKA.

The next business on the Calendar for Unanimous Consent was the bill (S. 1064) to provide for the nonmineral entry of lands withdrawn, classified, or reported as containing coal, phosphate, nitrate, potash, oil, gas, or asphaltic minerals in Alaska.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

STOREHOUSE AT BENICIA ARSENAL, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 762) providing for the construction and equipment of a storehouse at Benicia Arsenal, State of California.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. STAFFORD. I object.

Mr. CURRY. Mr. Speaker, will the gentleman withhold his objection in order to permit me to make a statement?
Mr. STAFFORD. I withhold the objection,

Mr. CURRY. The Benicia Arsenal is the only arsenal west of Rock Island, Ill. It is the depot of supplies for one-third of continental United States, for the Territories of Alaska and Hawaii, and for the Province of Guam and the Philippines. Last year there were received nearly 6,000,000 pounds of ordnance supplies. and over 5,000.000 pounds were dispersed. They have not the storehouse facilities to properly protect the ordnance supplies from the weather and from fire. In 1912 a fire destroyed the warehouse at the Benicia Arsenal, and \$1,600,000 worth of ordnance supplies were destroyed. Since that time the department has been trying to have a new warehouse constructed. The old warehouse is situated on a hill half a mile from the railroad and 150 feet high. All of the ordnance supplies have to be hauled from the railroad up this hill to this warehouse and over the arsenal to different places of deposit, and with no proper warehouses to receive it. This bill authorizes the construction of a \$200,000 fireproof warehouse to be built down on the flat, where the spur track of the railroad can run up to it and where the supplies can be taken from the railroad cars and put into the warehouse, and from the warehouse onto the cars and onto the ships by machinery. The ordnance supplies at the Benicia Arsenal are still unprotected from fire. A fire is likely to occur there at any time that will destroy five or six hundred thousand dollars' worth of United States Government supplies. struction of this warehouse is a cheap and economical proposition. It has been approved by the department; it has been recommended unanimously by the Committee on Military Affairs, and I hope the gentleman will withdraw his objection.

Mr. STAFFORD. Reserving the right to object, this proposal is a matter that has been considered by the Committee on Appropriations. It is one that properly belongs to that committee and not to the Committee on Military Affairs, and, therefore,

Mr. Speaker, I will have to object.

Mr. Speaker, I introduced an identical bill two Mr. CURRY years ago on this very proposition, and I wish to explain that I had the bill referred to the Committee on Appropriations, and asked for a hearing before that committee, and the chairman told me he would not give me a hearing because the bill had no right there; that the appropriation was not authorized by law, and they could not make the appropriation, and suggested this very course.

Mr. MANN. If the gentleman from Wisconsin [Mr. Stafford] will permit, the Committee on Appropriations does not have

jurisdiction.

Mr. STAFFORD. It has the jurisdiction over the appropria-

tion but not over the authorization.

Mr. MANN. Such an item in the Committee on Appropriations would be subject to a point of order. So the Committee on Military Affairs has proper jurisdiction of the bill. Mr. BORLAND. The gentleman from California is probably

aware that the Chief of Ordnance, who has charge of this Government arsenal, has a comprehensive plan in regard to the enlargement of the arsenals?

Mr. CURRY. Yes.

Mr. BORLAND. And that comprehensive plan does not embrace the enlargement of arsenals that are very close to the seashore?

Mr. CURRY.

Mr. BORLAND. It embraces the gradual bringing of our arsenals and our storehouses into the interior of the country?

Mr. CURRY. Yes.

Mr. BORLAND. And for that reason does not the gentleman think it would be better to consult the plan of the Chief of Ordnance rather than to introduce these bills on the Unanimous Consent Calendar?

Mr. CURRY. I not only consulted the Chief of Ordnance, and not only submitted this bill to him before introducing it, but it was also sent over to the War College and was approved unanimously by the War College. The proposition of the new plans as to arsenals is for the manufacturing arsenals. This is a storehouse.

Mr. BORLAND. Also for the storehouses.

Mr. BORLAND. Also for the storehouses.

Mr. CURRY. This is for the storehouse, unanimously approved by the War College, approved by the Chief of Ordnance, approved by the Secretary of War, and unanimously approved by the Committee on Military Affairs. It is simply a storehouse. You have got to have a storehouse out there to receive and disburse munitions and ordnance supplies. There must be a storehouse there. The United States Government owns 339.7 acres of land. They have the organization to handle this stuff. It is being handled; it is being shipped there; it is being stored

there. It is subject to the weather and is not protected from This would protect it from the weather and protect it from the fire, while it was there waiting to be shipped to Alaska, the Philippines, Guam, Hawaii, and to Arizona, Nevada,

California, Oregon, and other States.

Mr. BORLAND. The gentleman is still arguing the merits of this bill, dissociated from any plans of the Ordnance Department. I simply suggest to the gentleman that the bill or over the order was well been to be best to the gentleman.

Otherwise we will have to object to it.

Mr. CURRY. This is the third time the bill has been reached without being called up for action by the House. I hope there will be no objection to it.

Mr. BORLAND. There will gentleman allows it to go over. There will be objection to it unless the

The SPEAKER pro tempore. Is there objection?
Mr. CURRY. Mr. Speaker, I ask that it go over without

prejudice and retain its place on the calendar.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next

GAME SANCTUARIES IN NATIONAL FORESTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17381) to establish game sanctuaries in national forests, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, want to say that when a similar bill to the one now before us was introduced I objected to certain provisions in it and a hearing was had. Later on the bill now before us was introduced and the former bill withdrawn or abandoned. This bill omits the provision which constituted the principal objection I had to the legislation. The original bill provided for the creation of game sanctuaries in the forest reserves upon the approval of the governors of the States. I objected to that, and the present bill provides for the creation of game sanctuaries only upon the approval of the State legislature through joint resolution.

In view of that change in the character of the legislation I should not feel under obligations to object to its passage were it not for the fact that the legislature of my State has recently passed a resolution in the nature of a memorial to Congress against any legislation of this character.

Mr. HAYDEN. Mr. Speaker, will the gentleman yield? Mr. MONDELL. Yes. Mr. HAYDEN. Was your legislature opposed to any kind of sanctuary bill, or was it where a sanctuary could not be established in the State of Montana unless they passed that legisla-

Mr. MONDELL. I do not know anything about the State of Montana

Mr. HAYDEN. I mean the State of Wyoming-

Mr. MONDELL. But I made it clear to the members of our legislature that, so far as I was concerned, the matter being now left to the legislature under this bill, I should not feel that I was justified or warranted in strenuously opposing the legislation, though I doubt its wisdom. But with full knowledge of the change in the bill and of the provisions of the present act, our legislature memorialized Congress against any legislation of this kind.

Mr. HAYDEN. If the gentleman will extend his remarks, and print that memorial in the RECORD, I would like to read it. Mr. MONDELL. If I receive it to-day, I will ask unanimous

consent to print it in connection with my remarks.

The SPEAKER pro tempore. Is there objection?

Mr. MONDELL. I object.

The SPEAKER pro tempore. The gentleman from Wyoming objects. The Clerk will report the next bill.

RELIEF OF SETTLERS ON UNSURVEYED LANDS.

The next business on the Calendar for Unanimous Consent was the bill (S. 1792) for the relief of settlers on unsurveyed railroad lands.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?
Mr. STAFFORD. Reserving the right to object, Mr. Speaker, there is no adequate report on this bill to give any person a clear idea of what its purpose is. The letter that is printed here from the Secretary of the Interior refers to a report on a Senate bill of a prior session, but the report is not inserted. I suggest that the matter go over without prejudice. The report is very inadequate to convey any clear idea of the purpose to

be accomplished by the bill. The letter referred to a report in prior Congress, and yet the report is not incorporated.

Mr. FERRIS. The report is quite full here, and the com-

mittee is unanimous in its favor.

Mr. STAFFORD. Is not the House entitled to know the facts, and should not the report give a full idea of the purpose of the bill?

Mr. FERRIS. The gentlemen from Washington are very anxious about it, and the report is very full and complete.

will say I did not report the bill.

Mr. JOHNSON of Washington. Mr. Speaker, there are two reports, and the report which was made in connection with the bill now pending refers to the report of the Secretary of the Interior, which was made on February 15, 1915, at the time Senate bill 6268 was under consideration. The necessity of this legislation is that it affects a number of men located on certain wrong sections in a tract granted to the Northern Pacific Railroad Co. before that tract was surveyed, and who, after it was surveyed, found themselves on the wrong sections. The necessity for some form of relief has long been apparent, and the department itself suggested a form of bill, which is, in fact, the bill which has passed the Senate and is now here for consideration.

Mr. STAFFORD. Congress passed some years ago a similar provision, if the gentleman will permit, that relieved settlers who entered prior to February 1, 1908. Relief is now sought for settlers who located since that time, up to July 1, 1913. But there is nothing in the report to give any Member any idea of what is the need of this relief. If the report is comprehensive, I suggest that the gentleman insert it in the RECORD.

Then the bill will be reached two weeks hence.

Mr. JOHNSON of Washington. By oversight, but through no fault of my colleague, Mr. La Follette, who presented this report, but who can not be present on the floor at this hour, the first letter from the Secretary of the Department of the Interior, made during the Sixty-third Congress, was not added to the report on the bill now pending. The report refers to it, and if the gentlemen will indulge me I can read it in less than

five minutes. It is as follows:

DEPARTMENT OF THE INTERIOR, Washington, February 15, 1915.

Hon. Henry L. Myens, Chairman Committee on Public Lands, United States Senate.

Hon. Henry L. Myers,

Chairman Committee on Public Lands,

/ United States Senate.

/ My Dear Senator: In response to your request for a report of S. 6268, I have the honor to submit the following:

The bill proposes to so amend the act of July 1, 1898 (30 Stat., 597-620), that its provisions shall apply in all respects to purchases, settlements, and claims made prior to July 1, 1912.

During the present Congress there have been introduced and are now pending several bills having for their object the relief of persons who settled after January 1, 1898, on lands claimed by the Northern Pacific Rallway Co. under its grant. The first of these bills, S. 2801, in its main features, was the subject of an adverse report by this department on December 18, 1913, but in one respect the propriety of an amendment was recognized therein, it being said:

"Instances have occurred wherein settlers since this date (Jan. 1, 1898) have gone upon unsurveyed lands within the company's grant in entire good faith and made valuable improvements without any means of knowing that they were on railroad sections. In such cases, if the company refuses to relinquish, the claimants are without means of relief. This class of settlers, whose claims rest upon settlements prior to July 1, 1913, should be given the same right of election as is now provided under existing law in cases of settlement prior to January 1, 1898; and that is the extent to which legislation in its nature supplementary to the act of July 1, 1898, supra, as the present bill is, should be enacted."

A similar report and recommendation were made on S. 3087, which was substantially identical with S. 2801.

On April 8, 1914, S. 5181, "For the relief of settlers on Northern Pacific Railroad lands, and for other purposes," was introduced. This bill, which is identical with the act of July 1, 1898, with the exception that the words "to July 1, 1913," are Inserted in place of the words "to Junuary 1, 1898," where they occur therein, was recognized as accomplishing the purpose cont

veyed lands after January 1, follows:

"That whenever any qualified settler shall in good faith make settlement in pursuance of existing law upon any odd-numbered sections of unsurveyed public lands within said railroad grant to which the right of such railroad grantee or its successor in interest has attached, then upon proof thereof satisfactory to the Secretary of the Interior, and a

due relinquishment of the prior railroad right, other lands may be selected in lieu thereof by said rallroad grantee, or its successor in interest, as hereinbefore provided, and patents shall issue therefor."

Construing this language, this department held that—

"To these individual claimants the act does not extend the right of election and transfer of the claims to other lands, and it seems clear that they are not of the class required to be listed with a view to demanding relinquishment of the railway company. The contention of the company that to hold it bound to relinquish in favor of such settlers would amount to an open invitation to settle upon its unsurveyed lands with a guaranty of protection, with a resulting cloud upon the company's fitle, and, perhaps, a bar to the disposal of its lands, is not without force, and after a most careful consideration of the entire act the department is of opinion that the proviso above quoted merely extends a privilege to the company to select other lands for such as it may relinquish, upon such favorable terms as should reasonably induce the relinquishment, and thus protect the settlement made at a time when it could not be reasonably told whether the settler would fall upon an odd-numbered or even-numbered section."

It was this inequality in the right of transfer, as between the settler and the company, which the department undertook to remedy by the proposed amendatory legislation, believing that the principal argument found in support of the doctrine announced in the Violette case would be removed if the act should be limited to settlements made prior to its enactment.

It is now believed, however, that the general extension of the act of

proposed amendatory legislation, believing that the principal argument found in support of the doctrine announced in the Violette case would be removed if the act should be limited to settlements made prior to its enactment.

It is now believed, however, that the general extension of the act of 1898 was not, and is not, necessary to secure this result. If the amendment be restricted in terms to the third proviso as above quoted, make the same applicable to lands in the primary limits only, giving the right of election to the settler and an equal right of transfer to both parties, ample relief will be secured to bona fide settlers prior to survey. For, as pointed out in the report on 8. 2801, there is no occasion for extending the right of election to the settler in cases of settlement prior to survey on lands within the indemuity limits, for unsurveyed lands being subject to settlement the homestead claimant is protected in his right, while under its grant as now construed such lands are not open to selection by the railway company; and consequently no conflicting claim of the company can arise that would jeopardize the right of an actual settler prior to survey.

Even a restricted extension of the present provisions of this act as above suggested carries with it possibilities in the way of speculative claims which should not be overlooked. The original act was addressed to conditions existing at the time of its passage, Humbird v. Avery (195 U. S., 480), and offered no inducement to settlers to occupy unsurveyed odd-numbered sections under the belief that they might in some manner secure a right thereby. This line of legislation, however, unavoidably suggested a possibility of its later amendment to include claims arising since the passage of the original act, and hence not within its provisions. Claims of this character can not be regarded as initiated in good faith, for it is not believed that the intention of Congress went beyond the purpose of protecting the settlement. Cases have been brought to the atten

numbered sections of land, surveyed and unsurveyed, within both the first and second indemnity limits of its grant, accompanied by a purported "selection" in bulk of said lands without any specific designation of loss.

The basis of this claim is a resolution of the board of directors of the Northern Pacific Railway Co., adopted September 23, 1913, wherein it is recited that, due to the "unjust and unauthorized" regulations of this department, selections of surveyed lands only can be made in satisfaction of losses within the primary limits and due to the delay of the Government in the prosecution of its public land surveys, and the consequent diminution of the public domain, there is not now sufficient vacant public land within the indemnity limits to satisfy the losses within the primary limits of its grant, and for these reasons it was—

"Therefore resolved, That the president be, and he is hereby, authorized and directed to cause to be presented to and filed with the Secretary of the Interior the company's claim to all public lands within the limits of its grant, in satisfaction of its place losses, and to press such claim in the courts, should that be necessary and possible."

While this department has never recognized the right to select unsurveyed lands as indemnity, it is evident that the company intends, by the present assertion of such right to initiate a record claim that will "attach" to the lands thus applied for. A "selection" thus made, though finding no warrant in any construction of the grant to this or any other railroad company, might well be used in support of an assertion that by such purported selection a right "attached" to all the odd-numbered sections in the indemnity limits.

The conflict thus resulting between the company and any settler on these indemnity lands would "ill literally within the terms of the act, if it were extended by the proposed amendment, for it would be a case wherein the right of the company is "claimed to have attached" by selection. The validity of such claim und

A. A. JONES, First Assistant Secretary.

A bill for the relief of settlers on unsurveyed rallroad lands.

A bill for the relief of settlers on unsurveyed failroad lands.

Be it enacted, etc., That where, prior to July 1, 1913, the whole or any part of an odd-numbered section within the primary limits of the land grant to the Northern Pacific Railway Co., to which the right of the grantee or its lawful successor is claimed to have attached by definite location, has been settled upon in good faith while unsurveyed, by any qualified settler, the same shall be subject to all the provisions of the

act of July 1, 1898 (30 Stat. L., pp. 620-622), relating to lands in said primary limits so settled upon prior to January 1, 1898, and said act is hereby amended accordingly.

Now, this is for the benefit of those who made that settlement in good faith, and none others. I hope the gentleman will not press his objection further.

Mr. STAFFORD. I do not think the gentleman has furnished me with any information that I did not have before, because I looked up the law that is sought to be amended.

Mr. JOHNSON of Washington. I have furnished what the

gentleman said was lacking.

Mr. STAFFORD. I would like to inquire what right for part the railroad company has in the selection of these lieu lands when these entrymen on the unsurveyed lands of the Northern Pacific Railway Co. are allowed to take patents to the same?

Mr. JOHNSON of Washington. The provision in the act of 1898 in respect to settlement on unsurveyed lands after January

1, 1898, is found in the third proviso, as follows:

That whenever any qualified settler shall in good faith make settlement, in pursuance of existing law, upon any odd-numbered sections of unsurveyed public lands within said railroad grant to which the right of such railroad grantee or its successor in interest has attached, then upon proof thereof satisfactory to the Secretary of the Interior, and a due relinquishment of the prior railroad right, other lands may be selected in lieu thereof by said railroad grantee, or its successor in interest, as hereinbefore provided, and patents shall issue therefor.

Mr. STAFFORD. What character of land is the railroad company privileged to accept as lieu land? Is the Government going to be filched out of any rights as to lieu lands that will be accepted, or will the railroad be obliged to take merely lands of approximately the same value? There is nothing in the bill saying that they shall be of approximately the same value.

Mr. JOHNSON of Washington. It is limited to the State of Washington, and they will not find any lands anywhere of the same value that they can take. Instead of the railroad company being the beneficiary, this is to establish the equity of some original settlers who were advised by the then Secretary of the Interior that they were fully within their rights.

Mr. STAFFORD. Yes; who entered upon unsurveyed lands

which proved later to be included in the land grant.

Mr. JOHNSON of Washington. Oh, no.

Mr. STAFFORD. Yes.

Mr. JOHNSON of Washington. When the survey was made the ections that they were entitled to go upon turned out to be not the sections intended but railroad sections. The checkerboard plan did not work out the way the original locations were made, and they found themselves on railroad lands instead of on the

Mr. STAFFORD. I have no objection to this bill going over,

but I would like to have full information about it.

Mr. JOHNSON of Washington. I hope the gentleman will not insist on the bill going over.
Mr. STAFFORD. Oh, yes.

Mr. JOHNSON of Washington. Then, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

Mr. DILL. Mr. Speaker, I ask that the report which the gentleman from Oklahoma has may be printed in the RECORD, in order that the information may be available to the gentleman from Wisconsin [Mr. STAFFORD].

Does not the gentleman think it might be better to recall the report and to make an amended report?

Mr. JOHNSON of Washington. Yes; that would be much better if it can be done. I read all of the statement aloud just now, and it will appear in full in the RECORD. An amended report from the Committee on the Public Lands will make the situation entirely clear, I think,

Mr. FERRIS. I ask unanimous consent that the gentleman from Washington [Mr. La Follette], who reported this bill, have authority to withdraw the present report, and to introduce in lieu thereof a new one, without the bill losing its place

on the calendar.

The SPEAKER pro tempore. Is there objection to the request?

There was no objection.

CERTAIN LANDS IN PORT ANGELES, WASH,

The next business on the calendar for unanimous consent was the bill (8. 5900) providing for the disposal of certain lands in block 69, in the city of Port Angeles, State of Washington, The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? Mr. MANN. Let the bill be read.

The bill was read as follows:

Be it enacted, etc., That there be, and is hereby, granted to the city of Port Angeles, in the State of Washington, for municipal purposes, lots 1 and 2, 17 and 18, in block 69, and the Secretary of the Interior is authorized to issue patent to the proper city authorities for said lots, conditioned that the same shall be used for municipal purposes.

With the following committee amendments:

Page 1, line 3, after the word "at." strike out the words "there b

Interior."
Page 1, line 4, strike out the word "granted" and insert the words "authorized to reappraise and sell at the reappraised price."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I should like to inquire whether, if we pass this bill with the amendments proposed by the committee, they will remain in the law if the bill becomes a law?

Mr. HADLEY. Mr. Speaker, I was going to ask that the bill be passed without prejudice. I wanted to consider a matter that has come up since the report of the committee was made, which changes somewhat the situation of the parties in interest. The property involved is in my district, and I would like to have the bill passed over without prejudice until I can look into the matter further.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent that the bill be assed over without prejudice. Is there objection?

There was no objection.

SUPREME COURT OF THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5788) to create two additional associate justices of the Supreme Court of the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?
Mr. STAFFORD. Reserving the right to object, I wish to inquire of the chairman of the Judiciary Committee whether the committee has considered a rearrangement of the jurisdiction of the court and of the lower courts, so as to prevent appeals from the municipal court in cases involving small amounts of

Mr. WEBB. I can say to my friend that we have not considered that recently; but, of course, that matter has been carefully considered for 36 years. The last arrangement to relieve this court was the creation of the Court of Appeals, which took some work from the District Supreme Court, but there is no court in the United States that is so overwhelmed with work as the Supreme Court of the District of Columbia at present. There has not been a judge added to that court in 37 years. The court is two years behind its calendar. A suit started to-morrow can not be tried for two years, and the criminal cases that are appealed to the District Supreme Court are almost forgotten before they are reached for trial. Chief Justice Covington, Justice Gould, Justice Siddons, and Justice McCoy, as well as a committee of the Bar Association of the District of Columbia, all state, as the gentleman will see by reading the report, that it is impossible to get a trial of an appeal case sooner than two years, and often the witnesses are gone

Mr. GARNER. That means a denial of justice.

Mr. WEBB. It means not only a denial but a miscarriage of

Mr. STAFFORD. The same condition that confronts this court has confronted other trial courts throughout the country. The same conditions confronted the circuit courts of my home We were confronted with that very condition of facts. The circuit courts were burdened with appeal cases from justices' courts involving \$100 or \$200. The remedy we found—which is suggested in the report on this ill—was to confer greater jurisdiction on the municipal courts in our city, the civil court, thereby relieving the higher court of that appellate jurisdiction. Not only was the court relieved, but it resulted in the expedition of the trial of cases; because gentlemen will agree that these little, measly cases, involving sums of \$25 or \$50, when once tried in a minor court should not be subject to trial anew in an appellate court.

Mr. WEBB. Such cases are very rarely appealed to the Su-

preme Court of the District of Columbia.

Mr. STAFFORD. The report states that that is one of the burdens on the court which confronts it.

Mr. WEBB. Only one, and the smallest of them all. Mr. STAFFORD. To remedy that condition I would suggest that some effort be made first to enlarge the jurisdiction of the lower courts.

Mr. GARNER. Giving them final jurisdiction in small cases. Mr. STAFFORD. Enlarge the final jurisdiction of the lower courts, as is done not only in Wisconsin and Illinois but in other

States, and then only permit reversals in the higher courts for obvious manifest injustice done by the judgment.

Mr. WEBB. Then we will have to increase the number of municipal court judges and police judges.

Mr. STAFFORD. It would be far better to do that, and then you would have a finality in the decision of the cases, but here you keep going on and on with cases that involve only \$30, \$40,

Mr. WEBB. I do not agree with the gentleman. A man who has \$300 or \$400 involved has a right to have it settled by a higher court, and you can not take away the right of appeal

and trial by jury

Mr. STAFFORD. That was the opinion that was held prior to the inauguration of the new system in my own State, but it has worked so satisfactorily that even in personal injury suits involving up to \$2,000 there would be no attorney now, I think,

who would go back to the old practice.

Mr. WEBB. If you were to cut off the right of appeal to the Supreme Court of the District the Supreme Court of the District would still be the most burdened court in the United They now have 900 original cases pending on the civil side alone.

Mr. STAFFORD. And a considerable number of them are

appeal cases from the lower courts.

Mr. WEBB. No; I mean the original cases filed last year. Mr. STAFFORD. The Supreme Court of the District has original jurisdiction in these cases involving small amounts.

Mr. MEEKER. Will the gentleman yield?

Yes. Mr. WEBB.

Mr. MEEKER. Does not the gentleman believe that a man who only has a small amount in controversy should have the same right of appeal as the man who has the larger sum?

Mr. STAFFORD. He has the same right of appeal. It is just as it is in the State of Wisconsin. If the case was initiated in the circuit court, when it came to the supreme court the supreme court does not grant a trial de novo, but passes upon reversible errors. That should be adopted here. In the case of the civil court to which I refer there is the right of appeal to the circuit court; but when the supreme court passes upon these matters they are only for reversible errors. The courts do not grant a trial de novo as in these cases in the District.

Mr. WEBB. The police court can put a man in prison for a ear. Would you enlarge it so that the defendant would have

no right of appeal?

Mr. STAFFORD. I am not directing my criticism to the criminal side of the court, but to the civil cases. I am inquiring whether anything is being done in that direction, and the

gentleman says there is not.

Mr. WEBB. The civil docket of the court is enough to occupy all the time. There was one suit that required the absolute attention of one judge for six months. They have to hear all the mandamus suits that are brought against the heads of departments. They are two years and a half behind, and I hope the gentleman will not object to this bill. The judges often work from 10 o'clock in the morning until 6 or 8 o'clock

Mr. MEEKER. Will the gentleman yield?

Mr. WEBB. Certainly.

Mr. MEEKER. Do I understand the gentleman to say that there has been no increase in the number of judges of this court for 36 years?

Mr. WEBB. Not since 1879.

Mr. MEEKER. What has been the increase in population of the District during that time?

Mr. WEBB. From 60 to 80 per cent; and the business has increased 200 per cent.

By unanimous consent, Mr. Webb was given leave to print

as a part of his remarks the following:

"I would like to submit the following brief of reasons why two additional associate justices should be appointed for the Su-

preme Court of the District of Columbia:

"This court was created by an act of Congress approved March 3, 1863. It then consisted of a chief justice and four associate justices-only one associate justice less than now. The act of Congress approved February 25, 1879, increased the associate justices to five, making the court the same size that it is to-day. The only other relief this court has received from Congress since 1879 was in 1893, almost 24 years ago, when it was relieved of its appellate jurisdiction by the act of February 9, 1893, creating the Court of Appeals of the District of Columbia.

"The Supreme Court of the District of Columbia still has, however, a broader jurisdiction than that of any of the other Federal courts, excepting the Supreme Court of the United States. It has jurisdiction in all criminal cases, in all civil matters at law, and in all civil matters in equity; is required to hear and determine appeals from the municipal court of the District of Columbia in cases involving more than \$5 and not exceeding \$500; is required to remove from the municipal court by certiorari, upon request of defendant, cases involving more than \$100; has jurisdiction of all bankruptcy cases, of all probate matters requiring the action of a judge either with or without the intervention of a jury; hears all lunacy proceedings; hears all condemnation cases, both Government and municipal; disposes of all habeas corpus proceedings; disposes of all naturalization petitions for the District of Columbia; is the only court that can have original jurisdiction of cases involving mandamus proceedings and injunction suits against heads of departments and bureaus; and, on account of the absence of an executive in the District of Columbia, this court, through its chief justice, is required to perform the same functions as the governor of a State in respect to extradition

"Two of the six justices of this court are assigned to the trial of civil cases before a jury. For the last 10 years these two justices have been unable to keep up with their calendars. At no period within that time has it been possible for a litigant to get an actual jury trial in less than from 14 to 18 months after beginning suit. Very often two years elapse before trial. In that same 10 years, 1906-1916, the number of civil cases on the calendar for trial have about doubled. At the end of the court year 1915-16, on June 30, there were of 824 cases calendared for trial nearly one-half still undisposed of. On October 1, 1916, there were approximately 900 cases on civil calendar for jury trial.

"Two other of the six justices are assigned to the trial of civil cases in equity. The volume of work in the equity divisions steadily increased in spite of the continuous work of these two justices. The new rules of equity procedure require that the actual witnesses shall be heard in open court, which necessitates many times the amount of time required formerly for the justice to read the evidence after it had been taken before an examiner in chancery. Moreover, preliminary motions and other interlocutory proceedings, which require disposition after the hearing, now average 30 a week for the equity court.

"And further, because of the restricted number of justices, the justices sitting in equity have necessarily been compelled to take certain branches of work not ordinarily incident to an equity court. For instance, the justice of equity division No. 1 has assigned to him for disposition all of the bankruptey business of the District of Columbia. In the court year of 1915-1916, in addition to his other regular equity business, he was required to dispose of 52 bankruptcy cases. On the other hand, the justice sitting in equity division No. 2 has assigned to him all matters requiring the action of a probate judge without the intervention of a jury. Even under a new rule of the court which submits all nonjury probate matters first to the register of wills in order that he may save to the justice the time required to receive explanations of counsel, still, nevertheless, the justice has to make some examination of such matters before affixing his signature, and as a result in an average month such justice affixes his signature to 527 probate orders; that is, after a day upon the equity bench the justice has to consider and sign 22 probate orders daily in chambers.

"The general result of these greatly overburdened equity divisions is that for the past two years the justices presiding in each of them has had to continue to sit in his court many days from 10 o'clock in the morning until nearly 6 o'clock in the evening in order to dispose of the equity business before him, and still the equity trial calendars are getting further and fur-When, in addition the equity business which has required such long hours, there still remains for disposition the bankruptcy and probate matters to which reference has been made, it can readily be seen that these divisions must be relieved of that extra work in the bankruptcy and probate matters in order that the true equity causes may have an opportunity at all to be disposed of with the necessary promptness

demanded by real justice.

"The remaining two justices are assigned to the handling of the criminal business of the supreme court, and owing to the rapidly increasing population of the District, the business of the two criminal divisions has greatly increased. In 1906 there were 328 cases disposed of in these two divisions. In the year 1915–16 there were nearly 1,000 cases disposed of. The result has been the taking of all the time of criminal division No. 1 for criminal business, as well as the greater portion of the time of criminal division No. 2. This has been done because the rights of persons charged with crime are considered greater than the rights of any other class of litigants. However, on account of the restricted number of justices it has been necessary to assign other important classes of cases to criminal division No. 2, including appeals and certiorari cases from the District municipal court, and also all will contests. great volume of the municipal appeal and certiorari cases, for under law any municipal court case involving over \$5 and not exceeding \$500 may be appealed to the Supreme Court of the District; and also the supreme court is required, upon request of defendant, to remove for trial any municipal case involving more than \$100. Only a very small proportion of these cases were able to be heard during 1915-16, because the other business of criminal division No. 2 crowded the municipal appeal and certiorari cases out. It takes from 12 to 18 months for an appeal or certiorari case from the municipal court to be tried in the supreme court. Probably the greatest seriousness in this situation lies in the fact that in the average municipal appeal case there is involved some humble litigant to whom a speedy trial is of the most vital interest. The well-known saying, "Justice delayed is justice denied," applies with wonderful appropriateness in this connection.

"And as to the will contests mentioned as being referred to criminal division No. 2, very few of them have been tried at all. The issues upon any caveat to a will can not tried before a jury under two years from the time the caveat is filed.
"In addition to these onerous burdens upon criminal divi-

sions Nos. 1 and 2, it is necessary that these divisions dispose of a large number of lunacy adjudications. In the year 1915-16 there were in the District of Columbia 408 lunacy cases tried

with the intervention of a jury.

"And, further, criminal division No. 2 is the only court available for hearing District condemnation cases. The volume of these, both Government and municipal, has greatly increased, especially on account of various acts of Congress providing for both governmental and municipal improvements. In the year

1915-16 there were 126 condemnation cases, "Again, habeas corpus proceedings in the District of Columbia may be heard before any of the six justices of the District Supreme Court. In the year 1915–16 there were 28 such pro-ceedings, a considerable increase over the number existing 10

years ago. "Likewise this court is the only court that may dispose of naturalization petitions in the District. These applications have increased from 4 in October, 1906, to an average of 25 each month at the present time. These cases go alternately to the justices of the two already overcrowded and overworked equity divisions.

"As has already been said, the District Supreme Court is the only court that can exercise the most important and the most delicate jurisdiction in proceedings to control the heads of governmental departments and bureaus—in effect the Federal Government itself—by mandamus or by restraining order. In the year 1915-16 there were 20 mandamus proceedings against heads of departments and bureaus, while within the same period there were 24 injunction suits. The very magnitude of such proceedings compels the court to give a great deal of time to them, and as a result the justice is rendered unavailable during such time for any other business of the court.

"And, finally, as also already mentioned, extradition cases, by act of Congress, are required to be handled by the chief justice of the District Supreme Court, a duty usually performed in the

States by the governors.
"Justice Ashley M. Gould, of the District Supreme Court, made the following statement in a letter last July with reference to the tremendous volume of business that is overwhelming the two divisions which try law cases before juries:

"During the two court years last past, to wit, the two years beginning on the first Tuesdays in October, 1914 and 1915, Justice Stafford and myself have sat in these two circuit courts. I have been on the bench 14 years, and Justice Stafford's appointment shortly followed mine. I mention this merely to point out that we have had an extended experience in trying cases, which ought to facilitate our disposition of them. During these two years neither of us has been disabled from performing our duties by Illness for any considerable period, possibly for not more than a couple of days in each year, so that our labors have been practically continuous. The result of our work during these two years is as follows:

years is as follows:

"At the beginning of the October term, 1914, there were 819 cases at issue on the trial calendar of the two circuit courts, of which 596 were disposed of during the trial year by settlement, dismissal, or actual jury trial, leaving a balance of 223 cases to be carried forward to the trial calendar for the year beginning on the first Tuesday in October of 1915. At the beginning of this last year 601 new cases had been added to the calendar, making the total number for trial at the beginning of the year 824. Of these, 254 were disposed of during the year, there being many less settlements and dismissals than in the preceding year, so that the calendar for the year beginning the first Tuesday of the next—

"The past-

"October will start with 570 undisposed of cases, to which, up to May 15, 1916, 221 new cases had already been added, making a total of 791 by committees of three different Congresses.

cases already calendared for the coming year, to which at least 100 more will be added during the summer—

"The past summer-

"which will start the next calendar with 891 cases for trial.

"To state the situation in another form, a plaintiff who files a law case to-day can not expect an opportunity for trial before a jury in a shorter period than 18 months or two years on account of the congestion of the law docket. In many cases this results in a practical denial of justice.

"And Justice Gould further says:

"I may add that the present number of judges for the court was fixed by Congress in 1892, 24 years ago. The great growth of the capital during this period, and the consequent increase of business for the courts, would indicate that if six judges were necessary at that time to dispose of the litigation, a larger number is now necessary.

"Chief Justice J. Harry Covington, of the District Supreme Court, in a letter of July 31, 1916, speaks as follows of the situation in that court:

"The conditions in the Supreme Court of the District are at the present time most serious because of the lack of sufficient justices to perform the work of that court. It is an absolute impossibility to keep the work up with that degree of promptness which is required in the satisfactory disposition of both litigated and routine court business. The fact is that because of the excessive hours of daily service and the strain incident thereto, two of the justices of this court were considerably impaired in health during the court year just ended.

"And referring to the letter of Justice Gould, already quoted from, Chief Justice Covington speaks thus:

rrom, Chief Justice Covington speaks thus:

"I have also read a letter recently transmitted to you by Associate Justice Gould, of this court, respecting the horribly congested condition of the calendars in the two divisions for the trial of civil causes before juries. I think I may be permitted to say that, in order to try to meet the situation as best it could be met with the number of justices at this time available, Justices Stafford and Gould, because of their long experience and facility in the trial of jury causes, have served each of them two years in these divisions in the hope that some relief might be gotten for litigants whose cases were pending on the trial calendar. Notwithstanding these extremely beneficial assignments of justices, the conditions are congested to the degree stated by Justice Gould in his letter * * *.

"I ustice F I. Siddons of this court speaks as follows of the

"Justice F. L. Siddons, of this court, speaks as follows of the regrettable delay of justice:

"* * * And once again we have reached a condition when the citizen has begun to complain, and rightly so, of these delays in justice that too often mean also denial of justice.

"My deliberate opinion is that we need two more judges in our court. To one I would assign a division that should take care of divorce, probate, and, say, lunacy business. This would bring relief to the equity courts and criminal court No. 2. The other should be assigned to circuit-court business, and could take care of at least some of the appeal and certiforari business, thus further relieving criminal court No. 2, which could then take over a larger share of the criminal business than is now possible; and, what is of immediate importance, the present accumulation of business could in the course of a year or so be dispatched to the great relief of litigants, bench, and bar."

Mr. BORLAND. Mr. Speaker, I demand the regular order. Mr. STAFFORD. I object.
Mr. MEEKER. I ask unanimous consent that the bill may

go over without prejudice.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill go over without prejudice. Is there objection?

There was no objection.

FISH HATCHERY, LINCOLN COUNTY, TENN.

The next business on the Calendar for Unanimous Consent The next business on the Catendar for Chammous Consent was the bill (H. R. 305) to establish a fish-cultural station in the county of Lincoln, in the State of Tennessee.

The SPEAKER. Is there objection?

Mr. EDMONDS. I object.

Mr. HOUSTON. I would like to say that this bill has been

recommended by a committee in three different Congresses. The Committee on the Merchant Marine and Fisheries had it up when we passed the omnibus bill, and agreed to put it in but overlooked it.

Mr. CRAMTON. Mr. Speaker, I find in the omnibus bill a provision, evidently put in on the floor of the House, for \$40,000 for the State of Tennessee. Does that cover the gentleman's proposition?

Mr. HOUSTON. No: that was an amendment put on the bill in the Senate.

Mr. MILLER of Minnesota. There were two cases that were brought to the attention of the House as being fairly or quite meritorious. One was Tennessee and the other Wisconsin. Of the two I think the Wisconsin was decidedly the more meritorious, if there could be a difference. If the committee is

torious, if there could be a difference. If the committee is going to recommend the passage of legislation favoring Tennessee, I think it ought to include the same thing for Wisconsin.

Mr. HOUSTON. The committee has not done that. The committee say they made a mistake in not including this in the former bill, and they had a meeting called to rectify that mistake and recommended the bill as it has been recommended

Mr. MANN. Mr. Speaker, I used to introduce a bill for a fish hatchery in or near Chicago. I think it was reported favorably once or twice, but whenever I think a fish hatchery bill has any chance to pass I shall introduce that bill again and have it included, whether it is an omnibus bill or not. think the country ought to save the money on these bills, and not only ought to but will.

Mr. EDMONDS. Mr. Speaker, I have no objection to Tennessee having a fish hatchery, but I think Tennessee is entitled to take its chance along with the rest of the States; and as the Senate has amended the omnibus bill and given a fish hatchery to Tennessee, I think it ought to go along with the

them.

The SPEAKER pro tempore. The gentleman from Pennsylvania objects.

EXTENSION OF REMARKS.

Mr. GARDNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

TRANSFER OF EARLY COUNTY, GA.

The next business on the calendar for unanimous consent was the bill (H. R. 17814) to transfer Early County from the western division of the northern district of Georgia to the Albany division of the southern district of Georgia.

The SPEAKER. Is there objection? There was no objection.

The Clerk read the bill as follows:

The Clerk read the bill as follows:

Be it enacted, etc., That the county of Early, now in the western division of the northern district of Georgia, be detached from said district and attached to the Albany division of the southern district of Georgia.

SEC. 2. That all civil suits and proceedings now pending in the district courts which would, if instituted after the passage of this act, be required to be brought in the Albany division of said southern district of Georgia be, and the same are hereby, transferred to the Albany division of the southern district of Georgia, to be there disposed of in the same manner and with like effect as though the same had been instituted therein, and all processes, writs, and recognizances relating to such suits and proceedings so transferred shall be considered as belonging to the term of the court in the Albany division of the southern district of Georgia in the same manner and with like effect as if they had been issued or taken in reference thereto originally.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PARK, a motion to reconsider the vote by which the bill was passed was laid on the table.

CIVIL WAR VOLUNTEER OFFICERS' RETIRED LIST.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 386) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

The SPEAKER. Is there objection?
Mr. JAMES. Mr. Speaker, I object.
Mr. BRUMBAUGH. Mr. Speaker, I ask unanimous consent that the bill may retain its place on the calendar and be passed

over without prejudice.

The SPEAKER. Is there objection?

Mr. JAMES. I object.
The SPEAKER. The gentleman from Michigan objects, and the bill will be stricken from the calendar.

MISSISSIPPI CENTENNIAL EXPOSITION.

The next business on the Calendar for Unanimous Consent was House joint resolution 253, authorizing the President of the United States to invite the Latin-American countries to participate in the Mississippi Centennial Exposition to be held at Gulfport, Miss.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object. Mr. HARRISON of Mississippi. Mr. Speaker, will the gentleman reserve his objection?

Mr. STAFFORD.

Mr. HARRISON of Mississippi. Mr. Speaker, I might say to the gentleman that this carries no appropriation. The exposition is to be held in December of next year, and if we do not pass this bill at this time these gentlemen will not be invited. The gentleman from Wisconsin [Mr. Stafford] very kindly assisted me in the last session of Congress, I think it was, in passing a law so

that the Government exhibits might be transferred from San Diego to Gulfport, Miss. That matter has progressed very rapidly, and I sincerely hope the gentleman will not object.

Mr. STAFFORD. Mr. Speaker, I hardly think this exposition, for which the legislature has appropriated \$125,000 and the county in which it is to be held \$125,000

Mr. HARRISON of Mississippi. And the city \$125,000. Mr. STAFFORD. And the city \$125,000, will be of such pretentious proportions that it warrants the invitation of representatives of the Latin-American countries to come to it as our guests. I do not wish in any way to interfere with making this exposition a success, and in so far as transferring the Government exhibits from San Diego to Gulfport, which will cost several hundred thousand dollars

Mr. HARRISON of Mississippi. Oh, it will cost only \$75,000. Mr. STAFFORD. I think it will be beyond that. As there was no further need of that exhibit, I did not desire to stand in the way of making the Gulfport Exposition a success to that extent. However, to invite to a little local exposition, with all due respect to the great city of Gulfport, Latin-American representatives I hardly think is warranted.

Mr. MANN. I hope the gentleman will not call this a little

local exposition.

Mr. HARRISON of Mississippi. Indeed not.

MANN. The State of Mississippi came into the Union about the same time that the State of Illinois did. We are going to have a centennial celebration in Illinois, though I have said that I would not favor a resolution asking the President to invite foreign representatives to come to the celebration in Illinois. I may be wrong in that, and we think we are some pumpkins in Illinois.

Mr. HARRISON of Mississippi. You are. Mississippi is not the only State that has appropriated money for this purpose, and the amounts to which the gentleman from Wisconsin alluded are not the only amounts raised for the purpose of this exposition. The State of Louisiana has already passed a law to cooperate in the matter and is going to send an exhibit there. We expect other States to do the same, Alabama and some of the adjoining States, and we are peculiarly anxious to get the Latin-American countries interested in this exposition, because of the proximity of Gulfport to those countries.

Mr. MANN. Mr. Speaker, let me suggest to the gentleman that I have been to Gulfport. I used to be very fond of going down to that section of the country in the wintertime for a short vacation before I was sent to Washington. It is the most delightful place in which to spend a few weeks or days, or you might say months, I think, there is in the United States, not barring Florida or California.

Mr. HARRISON of Mississippi. I thank the gentleman and I hope the gentleman will come again. He will always be a

most welcomed visitor there.

Mr. MANN. Let me suggest to the gentleman that what they want to do down there is to advertise to the North that they have accommodations to take care of the people, and you will get lots of northerners to go down there in the cold winter weather, and you will get a great deal more benefit from them than you will if you invite these distinguished gentlemen from South America.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, the contributions to which the gentleman from Wisconsin referred are not the only amounts to be devoted to this exposition. In addition to those, the various counties interested under authority given them by the legislature are going to make appropriations. Each of the counties is appropriating considerable sums of money, so that the amount of money locally appropriated is very much larger than that indicated by the gentleman from Wisconsin. If it is upon the theory that only \$375,000 has been contributed by local interests that he predicates his objection, I hope he will withdraw it.

Mr. STAFFORD. I seriously question whether we should invite the diplomatic representatives of Latin America to this

exposition, and I object.

Mr. HARRISON of Mississippi. Will the gentleman permit this to be passed over without prejudice?

Mr. STAFFORD. No; I do not wish to be called upon again to do this very unpleasant task. I object.

The SPEAKER. Is there objection?
Mr. STAFFORD. I object.
The SPEAKER. The gentleman from Wisconsin objects, and the resolution is stricken from the calendar.

LEAVE OF ABSENCE.

By unanimous consent, Mr. RAKER was granted leave of absence for one day, on account of illness in his family.

TO PURLISH STATISTICS OF MARRIAGE AND DIVORCE.

The next business in order on the Calendar for Unanimous Consent was Senate joint resolution 107, authorizing and directing the Director of the Census to collect and publish statistics marriage and divorce.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?
Mr. STAFFORD. I object.
The SPEAKER. The gentleman from Wisconsin objects, and the joint resolution is ordered stricken from the calendar.

Mr. HELM. Mr. Speaker, will the gentleman withhold his objection?

Mr. STAFFORD. I reserve the right to object. Mr. HELM. Mr. Speaker, there is nothing that is engaging the attention of and appealing to the public as much as the betterment and the advancement of social conditions. Now, this Senate joint resolution now under consideration authorizes the Director of the Census to gather statistics relating to marriage There is already a provision authorizing the exand divorce. penditure of \$40,000 for that purpose. There is a provision in the present legislative, executive, and judicial appropriation bill authorizing the expenditure of an additional amount that will be necessary to gather these statistics. To me it seems to be a very important measure of legislation, if it may be so termed. The members of the committee are aware that there are organizations throughout the country agitating a constitutional amendment looking to uniform divorce laws. No one present will deny the fact that there is too much laxity in this regard, and any movement or effort along that line is a wholesome step in the opinion of a large number of people. Now, these records of marriage and also of divorce

Mr. GARNER. Will the gentleman yield?

Mr. HELM. With pleasure.

Mr. GARNER. As this is unanimous-consent day, may I suggest to my friend that I just made inquiry of the gentleman from Wisconsin, who said he was going to object, and he says it makes no difference what statement the gentleman makes he is going to insist upon his objection? Now, if that is true, is not the gentleman taking up the time on unanimous-consent day-

Mr. HELM. I am only going to talk a few minutes, just a few minutes. I would like for the House to understand the purpose of this joint resolution. It looks to me as if it did not deserve the fate the gentleman from Texas says it is destined to

Mr. COX. Mr. Speaker, will the gentleman yield for a question?

Mr. HELM. Certainly.

Mr. COX. If this should become a law how much will it cost, has the gentleman any idea?

Mr. HELM. The estimate is something over \$200,000.

Mr. COX. How long will it take to complete the work? Mr. MANN. That is each year.

Mr. COX. Each year?

Mr. MANN. Yes; each year. Mr. HELM. Let us get this clear. There have been statistics of this kind taken.

Mr. COX. When was the first time it was taken?

Mr. HELM. The first one was in 1887, the second in 1907, 20 years, and this one is proposed to be taken to cover the period extending from 1907 to 1918.

Mr. COX. The period between 1907 and 1918?

Mr. HELM. Between 1907 and 1918. Now, let me proceed just for a moment. It is an important thing for a man to know something about the record of his birth and the record of his parent's marriage. Take the case of one of the greatest Presidents that this Government ever had; it was years and years, owing to peculiar conditions, before the marriage certificate of the parents of that President of the United States could be found. Courthouses burn down and municipal divisions, counties, are changed and the records are lost or become confused, and the longer time the delay in gathering those statistics the more difficult and the more expensive it becomes.

Mr. FESS. Will the gentleman yield?

Mr. HELM. Yes.

Mr. FESS. Is this to be a sociological study or basis-

Mr. HELM. It is to be taken under rules and regulations by the Census Department that will deal with marriage and divorce, the effect of divorce, the number of children born during that wedlock, the condition of those children and the fate, the result and effect of divorce upon the lives, character, and development of those children born during that wedlock, and I submit-

Mr. FESS. The gentleman spoke about a uniform law. Mr. HELM. I said there was agitation, and a very wholesome one I think, to secure a uniform law.

Mr. FESS. Does this go to that?

Mr. HELM. Perhaps not immediately and directly but incidentally, and I believe it is very wholesome legislation; and the fact it is to cost something, anything of value that is worth anything necessarily costs something.

Mr. BORLAND. Will the gentleman yield? Mr. HELM. I will yield to the gentleman.

Mr. BORLAND. The gentleman from Wisconsin has announced his intention to object and there are a good many gentlemen here who want to get their bills up; I know I can not get mine up, but I notice some others can, and I would like

to ask the gentleman whether—
Mr. HELM. I submit there is hardly a Member of the House who takes less of the time of the House than myself, and I believe I have a meritorious proposition, and I believe the

membership of this House

Mr. BORLAND. I think that is entirely true-

Mr. HELM. Do not understand what this bill is and where it reaches, and other gentlemen here who are now undertaking to throw this House on the high gear must remember that I have occupied but a little portion of time, while they have consumed a great deal of the time of the House, and sometimes rather captiously

Mr. STAFFORD. Will the gentleman yield?

Mr. HELM. I will.

Mr. STAFFORD. Has the gentleman any information as to the amount that will be required to take these statistics?

Mr. HELM. The statement came from the Director of the Census that it will cost something over \$200,000, and that is

one thing I want to bring out.

Mr. STAFFORD. If not, I can furnish the information which the Director of the Census gave to the subcommittee of the legislative, executive, and judicial appropriation bill, which is embodied in his estimates, that the annual cost will be \$60,000

Mr. HELM. I think the gentleman is mistaken about that. Mr. STAFFORD. I have it right here in the estimates, and that the cost of the decennial census will be nearly \$200,000.

Mr. HELM. There was a census taken during the adminis-

Mr. STAFFORD. And does the gentleman think at this time

we should enter upon such an extravagant policy?

Mr. HELM. There is just where the gentleman has fallen There was just one census of this kind taken, under President Roosevelt. It cost \$200,000. And that, if I am not mistaken, was a 10-year proposition. Now, it is my opinion and my belief that the cost of taking these statistics from 1907 to 1918 has already been included in the appropriation billget that clearly in your head-that these appropriations are now included in the appropriation bill, and that is to cover the period from 1907 to 1918. Thereafter the work is to be done annually, and can be done more easily and readily and kept up to date, without any cost, and can be done by the regular employees of the Census Bureau without any additional annual cost for the taking of them.

Mr. HOUSTON. Will the gentleman yield?

Mr. HELM. I will.

Mr. HOUSTON. I want to ask the gentleman if the plan adopted for taking this census annually will not make it cost but very little more than it will to take the decennial and quinquennial census and that the information will be much more accurate and much more easily taken?

Mr. HELM. The information will be certainly much more accurate and up to date, and my information is that the Director of the Census says, also fortified by the Secretary of Commerce, in whose department the Bureau of Census is, that after these statistics have been brought up to date there will be virtually no annual expense thereafter.

Mr. CRAMTON. Will the gentleman yield?

Mr. HELM. I will.

Mr. CRAMTON. Was I correct in my understanding that the gentleman stated some little time ago that this matter is also provided for by an item in the legislative appropriation

Mr. HELM. No. I have been unfortunate in my statement. The cost incidental to the assembling of these statistics is provided in the legislative, executive, and judicial appropriation bill, including an appropriation of \$40,000 in last year's bill.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. HELM. I will.

Mr. MADDEN. Unless the information obtained by the census is made the basis of a law to be enacted, of what use is the information?

Mr. HELM. I do not believe I follow the gentleman.

Mr. MADDEN. Unless it is intended to follow up the information by the enactment of a Federal law, of what use is the

Mr. HELM. Well, I can see that it can be of no substantial benefit. But it is to be followed up by such law, and that is the purpose of this act. I trust the gentleman from Wisconsin [Mr. STAFFORD] will not object.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would just like to make a very brief statement. There are a great many expenditures of the Government which must be met, a great many activities of the Government which can not be dispensed with under any circumstances. There are a good many things which ought to be done which can wait until tomorrow to be done. The world was not made in a day, and it will not be completed in another day. Everything that ought to be done will not be completed to-day, and it will not be com-pleted to-morrow. But just at present, under the present conditions, which it is not necessary to enumerate, we ought to be very careful about expending money which is not absolutely required. We know that in all probability we will be called upon without controversy, without much debate, with very little consideration, to appropriate large-I might say, huge-sums of money. We have got to draw the line on these things we can do without. I think the census on marriage and divorce which was taken the last time is absolutely valueless.

The only people who want this census—maybe "the only peo-ple" is not correct—are those who want a constitutional amendment providing that the National Government shall regulate marriage and divorce; but I am opposed to that. I am opposed to appropriating any money to find out whether it can be done or not; I am opposed to appropriating any money to-day which

can properly wait until to-morrow.

Mr. STAFFORD. I object, Mr. Speaker. The SPEAKER. The gentleman from Wisconsin objects, and the Clerk will report the next bill.

STATISTICS OF FOREST PRODUCTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12417) authorizing and directing the Director of the Census to collect and publish the statistics of forest and State finance

The SPEAKER. Is there objection to the consideration of the bill?

Mr. STAFFORD. I object.

Mr. MILLER of Minnesota. Will the gentleman permit it to remain in its present place on the calendar?

Mr. STAFFORD. I do not see any advantage that can be gained in that. The matter has been considered. I will reserve my objection, however.

Mr. MILLER of Minnesota. Gentlemen, this will not take

more than four minutes.

When our fathers struggled for their independence in this land there were royalists abroad. When the dark days of the Civil War were here there were "copperheads" in the North. To-day England has her pacifists. In this hour of great peril

to our land we have William J. Bryan.

Mr. Speaker, it is my opinion that the meeting which he fathered in New York but a few days ago, the meetings which he fathered in this city more recently, are not calculated to aid our Nation in this great hour, but are calculated to do the public great harm. I therefore wish to raise my voice against such conduct. This is a time when there should be neither creeds nor politics, just plain American citizens. Our President, yours and mine, has passed the hour for deliberation, has passed the hour of doubt. He has taken a position, and there can be no steps backward. It is the duty of every man in the United States to back him up to the uttermost. [Applause.] And I decry those who see it their duty to work against the commonweal by trying to create a public sentiment opposed to the President's course. [Applause.]

Mr. Speaker, there is free speech in the United States at all times, and there should be. When we are striving to arrive at a policy, free speech is welcome and should be had. But when the time for deliberation and doubt is passed, when our country is dedicated to a purpose or a plan, then the time has come to act, and the only way that a patriotic citizen can act is to follow the great leader, the President of the United States.

Free deliberations and free discussions are born of a legal

place. But I for one believe at this time they begin in skimmedmilk patriotism, and, if continued, they are destined to end in the shadowland of treason. We need a united, a harmonious, a perfectly organized Nation of men and women in this hour, Let there be no division of sentiment, no diversity of purpose, and no stragglers from the ranks.

The public press of our land has always been patriotic, perhaps never more so than now. Let me urge them to one fur-ther act of exalted patriotism. I urge the press to close their columns against this Bryan back-fire, and until he joins the ranks of patriotic Americans, that he be consigned to the shades

of oblivion.

I have just received a letter from a constituent of mine in whose veins flows the blood of Puritan sires, whose forefathers fought in the colonial wars of the land, in the great Revolutionary struggle of our country, and in every war since, and I want to read to you what he says:

WASHINGTON, D. C., February 4, 1917.

WASHINGTON, D. C., February 4, 1917.

Hon. Clarence Miller,
House of Representatives.

My Dear Sir: Mr. William Jennings Bryan asks the people to advise their Representatives in Congress of their wishes in this crisis. In accordance therewith I would say to you that it is my opinion that the interests of our country would be conserved by the immediate internment of the said Bryan.

Yours, sincerely,

WM. E. Richardson.

Applause.]

I hope that sentiment will find a responsive echo in the heart of every true citizen of this land. [Applause.]
The SPEAKER. Is there objection.

Mr. HUDDLESTON. Mr. Speaker—
Mr. BURNETT. Mr. Speaker, reserving the right to object,
I most earnestly ask that gentleman do not interject these
speeches that have no reference to unanimous consents now. Other gentlemen have a lot of bills to be acted upon. Please do not put these remarks in when they are out of place, but regard the rights of other Members.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object. Mr. HUDDLESTON rose.

The SPEAKER. For what purpose does the gentleman from Alabama rise?

Mr. HUDDLESTON. I rise to ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Alabama [Mr. Hub-DLESTON] asks unanimous consent to address the House for five minutes. Is there objection?
Mr. BYRNS of Tennessee. Mr. Speaker, I object.

The SPEAKER. The gentleman from Tennessee objects. The Clerk will report the next bill.

ANNUITIES TO MEDAWAKANTON AND WAHPAKOOTA (SANTEE) SIOUX INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (S. 135) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, I would like to speak for five minutes.

Mr. MADDEN. Mr. Speaker, I object. The SPEAKER. The gentleman from Illinois objects.

Mr. MILLER of Delaware. Mr. Speaker, in the absence of the gentleman from South Dakota [Mr. Johnson] I ask unanimous consent that the bill retain its place on the calendar without prejudice.

The SPEAKER. The gentleman from Delaware [Mr. MILLER] asks unanimous consent that the bill be passed over without

Mr. STEPHENS of Nebraska. Mr. Speaker, this bill has been up several times. I hope there will be no objection to its being passed over.

Mr. MANN. Does not the gentleman intend to try to pass it later under suspension of the rules?
Mr. STEPHENS of Nebraska. Yes.

Mr. MANN. Then what is the object?

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

The SPEAKER. The Clerk will report the next one.

INSPECTORS OF HULLS AND BOILERS AT TAMPA, FLA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17605) to amend the first and seventh paragraphs of section 4414 of the Revised Statutes of the United right. We can not cry out against them when they are in their | States, as amended by the act of April 9, 1906.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, in the absence of the gentleman from Florida [Mr. Sparkman], who, I have no doubt, is detained by very important committee business, I am going to ask to have the bill passed over without prejudice.

Mr. ALEXANDER. That is the suggestion I was going to make in the absence of the chairman of the Committee on Rivers

and Harbors

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that this bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

BRIDGE IN SAN JUAN COUNTY, N. MEX.

The next business on the Calendar for Unanimous Consent was the bill (S. 5424) to construct a bridge in San Juan County, State of New Mexico.

The SPEAKER pro tempore [Mr. Alexander]. Is there ob-

jection?

Mr. MANN. Reserving the right to object, if the House passes this bill with the amendment of the House committee, is it the intention of the gentleman from New Mexico [Mr. Hernandez] to have the law conform to the House amendment?
Mr. HERNANDEZ. Yes.

Mr. MANN. Making this reimbursable? Mr. HERNANDEZ. Yes.

Mr. MANN. I have no objection. Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I wish to inquire if the proposed bridge is across territory owned by others than Indians?

Mr. HERNANDEZ. I will say to the gentleman that white people live on one side of the river and Indians live on the other side. It is a sort of cooperative bridge, whereby whites and Indians both are going to be benefited.

Mr. STAFFORD. I understand; but the entire cost is to be borne by the Government, but the expense is ultimately to be borne by the Indians?

Mr. HERNANDEZ.

Mr. STAFFORD. So that these Indians would bear the ex-

Mr. HERNANDEZ. There was a bridge there heretofore, but that bridge was washed out three years ago by a flood, together with other bridges throughout that part of the county and section of New Mexico. The county is practically bank-rupt now. The State has built a road up to the site that has been selected for the bridge and has expended over \$1,136,000 in building this road up to that point.

Mr. STAFFORD. So that as I understand the gentleman, his county is not in a financial condition at the present time to

contribute toward the expense of this bridge?

Mr. MANN. As to that, they have not finished paying for the bridge that was washed out yet.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield?

Mr. MANN.

Mr. STEPHENS of Texas. I will say that this bridge is more necessary for the Indians than for the citizens of New Mexico living in this county.

Mr. HERNANDEZ. Yes.

Mr. STEPHENS of Texas. This is some distance from the railroad, and in order to reach the trading point the Indians have to cross this river. It is a dangerous river, filled with quicksands, and the Indians are entirely cut off from the railroad for the carriage of their wool, which they have to bring to market, and for the carriage of the stuff that they buy and take back with them after they have sold their wool; so that it is more necessary for these Indians, as our committee found in our investigations, than it is for the white people. The people are poor in that part of the country. They are frontiersmen, and they are not able to build this bridge themselves. The San Juan River is one of the main tributaries of the Colorado River of the West.

Mr. STAFFORD. Under the circumstances as stated by the gentleman I am not going to press my objection, but as the substitute amendment is drawn there is no limit of cost fixed for this bridge. I assume the gentleman will have no objection to an amendment substantially as follows:

On line 10, page 2, following the word "State," to insert "at the cost of the Government of the United States, not to exceed \$25,000, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Mr. HERNANDEZ. I have no objection.

Mr. BORLAND. Reserving the right to object, I want to ask the gentleman from New Mexico a question.

Mr. HERNANDEZ. Yes.

Mr. BORLAND. By whom is this bridge to be paid for? Mr. HERNANDEZ. It is to be reimbursable from any funds that may come into the Treasury to the credit of the Navajo Indians.

Mr. BORLAND. Have the Navajo Indians any money or

property?
Mr. HERNANDEZ. They have property, both timberlands and coal lands.

Mr. BORLAND.

Mr. BORLAND. Ample to pay for this? Mr. HERNANDEZ. Oh, yes. Mr. BORLAND. So that the expense will eventually fall upon

their tribal property?

Mr. HERNANDEZ. Oh, yes.

Mr. STEPHENS of Texas. There is no question about that. Mr. SABATH. Mr. Speaker, where is this bridge to be constructed, and by whom?

Mr. HERNANDEZ. It is to be constructed under the direction of the Secretary of War.

Mr. SABATH. By whom? Mr. HERNANDEZ. By the Indian Office, under the direction

of the Secretary of the Interior.

Mr. SABATH. Who is going to pay for it?

Mr. HERNANDEZ. The Government.

Mr. SABATH. I am asking these questions because I have

not had a chance to read the bill, and I could not hear it read.

Mr. HERNANDEZ. The expense is to be reimbursable from any funds that may come to the credit of the Navajo Indians.

Mr. STAFFORD. Mr. Speaker, I offer the following amend-

ment to the amendment.

Mr. GARNER. Let the bill be read, Mr. Speaker.

Mr. STAFFORD. First I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to cause to be constructed a steel bridge over the San Juan River in San Juan County, State of New Mexico, at the best and most available location west or southwest and near to the town of Farmington, in said county, said bridge being absolutely necessary to enable a large portion of the Navajo Tribe of Indians to market their products of sheep, cattle, wool, manufactured blankets, jewelry, and other commodities belonging to them, so as to avoid great loss and inconvenience to them in their efforts to market such products to the north of the San Juan River. For said purpose there is hereby appropriated the sum of \$52,000, or so much thereof as may be necessary, to defray the expense and cost of constructing said bridge.

With the following committee amendment:

With the following committee amendment:

Amend by striking out all of section 1 and inserting in lieu thereof the following:

"That the Secretary of the Interior is hereby authorized and directed to cause to be constructed a steel bridge across the San Juan River in San Juan County, State of New Mexico, at the best and most available location west or southwest and near to the town of Farmington, in said county and State; and there is hereby appropriated the sum of \$25,000, out of any money in the Treasury not otherwise appropriated, or so much thereof as may be necessary, to defray the expense and cost of constructing said bridge: Provided, That said sum is to be reimbursable from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians of the State of New Mexico."

Mr. STAFFORD. Mr. Speaker, I offer the following amend-

Mr. STAFFORD. Mr. Speaker, I offer the following amend-

The SPEAKER pro tempore. The Chair wishes to inquire if this is to be an amendment to the committee amendment or to the original bill.

To the committee amendment. Mr. STAFFORD.

Mr. HUDDLESTON. Mr. Speaker, I move to strike out the

Mr. STAFFORD. I think I have been recognized to offer an amendment.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report. The Chair will recognize the gentleman from Alabama a little later.

Mr. STAFFORD. I move to strike out, in line 10 of the committee amendment, after the word "State," the words "and there"; after the word "appropriated," the word "the"; in line 11 strike out the words "the sum of \$25,000"; and in lines 12 and 13 strike out the words "or so much thereof as may be necessary"; and insert, after the word "State," in line 10, the words "at a cost to the Government of the United States not to exceed \$25,000, which sum, or so much thereof as may be necessary

The SPEAKER pro tempore. The Clerk will report the

amendment.

The Clerk read as follows:

Amend, on page 2, by striking out, in line 10, the words "and there" and, after the word "appropriated," the words "the sum of \$25,000." In lines 12 and 13 strike out the words "or so much thereof as may be necessary " and insert, after the word "appropriated," in line 12, the words "at a cost to the Government of the United States not to exceed \$25,000, which sum, or so much thereof as may be necessary, is hereby appropriated."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. Stafford] to the committee amendment.

Mr. HUDDLESTON. Mr. Speaker, I move to strike out the last word. I rise to protest against the cowardly communication that has been read into the Record attacking that splendid American, William Jennings Bryan. [Applause.] He needs no defense from me, but the dignity of the American House of Representatives demands that such a pusillanimous attack upon him should be resented. He has been three times the nominee of a great party for President of the United States and has received the suffrage of American citizens to a total aggregate greater than any other man who ever lived in America.

This is not the time for cowards; it is not the time for jingoes; it is not the time for swashbucklers, bluffers, and braggarts. This is the time for men, and William Jennings Bryan is a man. [Applause.] In a time like this moment of the Nation's peril it takes a lion-hearted courage for a man to stand up on his feet and dare to speak for peace; but let us not forget that peace should be spoken for and that, after all, the great American people are the real rulers of this country, and it is their will that should be done, not the will of any Execu-

tive nor of any other one man.

The American people are entitled to say whether they will go to war or whether they will stay out of war, and the most dis-tinguished private citizen of our country has the right to say that he thinks this question ought to be submitted to the people. I want to say that if we are not to have free speech, if it is not to be tolerated that men shall give cool counsel in moments like this, all our teaching has been in vain and Americanism is not what we have thought it was, and is scarcely worth fighting for. If the time has come when a great man may not speak earnestly, truthfully, and wisely, even though it be in opposition to the views of the highest official authority, if that time has come, then what is it that our flag stands for and what are American liberties?

I protest against such an attack. I protest against it because it is unfair. I protest against it because it is inspired by the despicable principles, the vicious qualities, that have been so falsely ascribed to Mr. Bryan. [Applause.]

Mr. SLOAN. Mr. Speaker—
Mr. BURNETT. Mr. Speaker, may I ask that no gentleman follow this up?

Mr. SLOAN. Mr. Speaker-

Mr. BURNETT. Regular order!
The SPEAKER. The gentleman demands the regular order. Mr. SLOAN. I move to strike out the last two words of the

The SPEAKER. The gentleman moves to strike out the last

Mr. BURNETT. I give notice that I shall make a point of order against any man who goes away from the bill under consideration to discuss either side of this question. It is unfair to men who want business transacted.

Mr. SLOAN. Mr. Speaker, I beg the indulgence of the House for five minutes, if the gentleman from Alabama will pardon me.

Mr. BURNETT. I object. Mr. SLOAN. An attack has been made on a distinguished citizen of my State, Mr. Bryan. As soon as the author of the attack had taken his seat I was on my feet desiring to defend a man whom I never defended before; a man whom I have opposed in all his political views for years. He has actively opposed every political ambition I ever had with all the force of his matchless eloquence. But whether his views then or now agree with ours it matters not. Affairs have not gone so far that either Mr. Bryan or any other American citizen can be charged with a lack of patriotism for advocating peace. He comes from my State, and is the idol of a large number of people of that State regardless of political affiliations. He has spoken to more people in the United States and in the world than any other living man. I protest against men on this side or that side coming in and branding as treasonable the fairly considered words or sentiments of any man, no matter how much he may differ from me.

Mr. BURNETT. Mr. Speaker, I make the point of order that the gentleman from Nebraska is out of order and not discussing

the bill.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Nebraska may proceed for three minutes more, and I hope the gentleman will not object.

Mr. GARNER. Will that close it up?

Mr. MANN. I hope so.
The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Nebraska may proceed out of order for three minutes. Is there objection?

There was no objection.

Mr. SLOAN. I think it is time that we all should be calm and dispassionate. The test of patriotism is not whether we are opposed to the President of the United States or whether we support him. If there is a crisis, we know that it will come without action of the President of the United States. He has exercised his right and prerogative of severing diplomatic relations between us and one of our old-time friends. It can only be precipitated when the Congress of the United States, after deliberation at both ends of the Capitol, shall declare that we are in a state of war. It is not for gentlemen to talk of patriotism or nonpatriotism now; but when the Congress has had the issue before it and made its deliverance that we may draw strictures in speech. Until then I think that men on either side of this Chamber would do well to withhold their epithets and their compliments. [Applause.]

The SPEAKER. The pro forma amendment is withdrawn,

and the question is on the amendment to the committee amend-

Mr. BUCHANAN of Illinois. Mr. Speaker, I would like to proceed out of order for two minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed out of order for two minutes. there objection?

Mr. KING. Mr. Speaker, I object. I asked for two minutes. and it was objected to.

The SPEAKER. The question is on the amendment to the

committee amendment.

The amendment to the committee amendment was agreed to. The committee amendment as amended was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. Hernandez, a motion to reconsider the vote whereby the bill was passed was laid on the table.

NATIONAL INSURANCE.

Mr. LONDON. Mr. Speaker, I move to suspend the rules and pass House joint resolution 250, to provide for the appointment of a commission to prepare and recommend a plan for the establishment of a national insurance fund and for the mitigation of the evil of unemployment.

The Clerk read the joint resolution, as follows:

House joint resolution 250.

House joint resolution 250.

Resolved, etc., That a commission is hereby created and established, to be known as the Commission on Social Insurance, hereinafter referred to as the commission. The commission shall be composed of five persons, to be appointed by the President of the United States, two of whom shall be employers of labor and two of whom shall be representatives of organized labor, the Secretary of Labor to be the fifth member of the commission and the chairman thereof. It shall be within the power of the Secretary of Labor to select a representative of the Department of Labor to act in his stead in any hearing or investigation in which the Secretary himself may be unable to participate, and said representative shall have full power to act in the name of the Secretary of Labor; but the position of the Secretary of Labor as the fifth member and as chairman of the commission shall in no wise be impaired, and in the report, findings, and recommendations of the commission his name and title shall be appended.

SEC. 2. That the members of this commission shall be paid actual traveling and other necessary expenses, and, in addition, the members of the commission, other than the Secretary of Labor or his representative appointed by him pursuant to section 1, shall receive a compensation of \$15 per diem while actually engaged in the work of the said commission is authorized as a whole or by supcommittees of

of the said commission and while going to or returning from such work.

The commission duly appointed, to hold sittings and public hearings anywhere in the United States; to send for persons and papers; to administer oaths; to summon and compel the attendance of witnesses and to compel testimony; to employ such secretaries, experts, stenographers, and other asistants as shall be necessary to carry out the purposes for which said commission is created; and to rent such offices, to purchase such stationery and other supplies, and to have such printing and binding done as may be necessary to carry out the purposes for which the commission is created; and to authorize its members or its employees to travel in or outside of the United States on the business of the commission.

Sec. 3. That it shall be the duty of the commission to inquire into the causes of unemployment; to inquire into the subject of systems of insurance, voluntary or obligatory, contributory or noncontributory, now in vogue to meet unemployment, invalidity, and sickness, and to what extent the Government of the United States may aid by establishing a Federal insurance system for the benefit of the wage earners of the United States when in need by reason of involuntary unemployment, whether the unemployment be due to lack of work, to disability arising by reason of sickness, or to the impairment or destruction of earning capacity because of old age. If the commission shall recommend that a Federal insurance system or fund be established by the Government of the United States, it shall prepare and recom-

mend the regulations that would be necessary for the successful administration of a national insurance system or fund, the amount of said fund, and the method of cooperation with existing insurance

said fund, and the method of cooperation with existing insurance systems.

Szc. 4. That the commission shall submit, through the President, to Congress a report containing the testimony taken, its findings, and its recommendations on or before one year from the date of the appointment of this commission.

SEC. 5. That the sum of \$50,000 is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the use of the commission for the period ending one year from the date of the appointment of the commission: Provided, That no portion of this money shall be paid except upon the order of said commission signed by the chairman thereof.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. LONDON. Mr. Speaker, I ask unanimous consent that

a second be considered as ordered.

The SPEAKER. The gentleman from New York asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York is recognized for 20 minutes and the gentleman from Illinois has 20

Mr. LONDON. Mr. Speaker, I hope the title, Social Insurance, will not frighten you. The title to the bill is somewhat misleading. Instead of asking for the appointment of a commission to prepare and recommend plans for the establishment of a national insurance fund, I ask for the appointment of a commission which is to inquire into the causes of unemployment, to inquire into the subject of unemployment insurance, voluntary or obligatory, contributory or noncontributory, and into the subjects of old-age pensions and health insurance. The commission is also to study the feasibility of establishing a Federal insurance system.

Four years ago, or rather in the platform of 1912, the Progressive Party put in a specific demand for social legislation. for unemployment insurance, old-age pensions, and so forth: but, strangely enough, the demand was dropped in the platform

Several years ago the Diplomatic and Consular appropriation bill carried an appropriation in connection with an international conference on social insurance which was to be held in this city in the year 1914. The conference did not take place on account of the war.

I have not the time, nor will I attempt to go into an exhaustive analysis of the subject. I ask for a commission of inquiry, I ask that the American people and the American Congress study this problem, I ask you to study the experience of other countries, and I ask that the experience of other countries guide you only in so far as legislation of other nations can be made applicable to American conditions. Mr. Speaker, I reserve the balance of my time.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentle-man from Pennsylvania [Mr. Moore].

Mr. MOORE of Pennsylvania. Mr. Speaker, this bill ought not to pass the House of Representatives. It strikes at the very foundation of existing insurance organizations of the United States whether they operate by authority from the State or upon the voluntary plan. There are fraternal organizations of one sort and another which good citizens have built up with a view of taking care of themselves and their families against old age, and this bill strikes at every one of them.

A few days ago, when we were discussing the revenue bill, the question of taxing insurance companies was up. It developed that from almost every corner of the country protests came, in the name of labor itself, against the unfair taxation of mutual organizations and societies that have performed a long and honorable service in protecting their members against old age

Everyone sympathizes with any movement that looks toward the relief of those who are incapable of taking care of themselves, but not by the overthrow of existing agencies of a beneficial character. We have recognized the wisdom of encouraging or-ganizations formed for the purpose of inducing men and women to be thrifty, and to guard against the possibilities of poverty and distress in their older years, but we are not yet prepared for complete socialism in this regard.

The theory as to existing insurance associations has been that the State relieves itself of caring for the unfortunate or the improvident by encouraging those voluntary efforts of the people to take care of themselves. Now it is proposed to put the burden on the State. The suggestion comes from the able but the sole Socialistic Member of this body who asks that this House take the first real step, not toward Government ownership and control of insurance only but toward the introduction and adoption of a socialistic program in the United States.

First of all, this proposal means a charge upon the Treasury and an appropriation for a commission which is to inquire into and investigate the affairs of business men and particularly fraternal and insurance associations. For an indefinite period these worthy bodies of public-spirited men and women who have accumulated funds are to be dragged into the limelight of publicity and are to be put upon the rack with respect to the methods of caring for their members in their infirmities.

We have a Department of Labor that is less than one decade old that might make this inquiry without an expensive commission, if Congress decided to embark upon this new under-We are appropriating large sums of money annually to this department for all kinds of inquiries and investigations, and our desks are loaded every week with volumes of reports which doubtless contain as much information affecting insurance, affecting those in poverty and in distress, as we would obtain from a commission; yet to satisfy our friend of the Socialistic Party-able, ingenious, and earnest as he may bewe are asked to discard the Department of Labor, to employ a lot of new and expensive machinery, and create a new commission to go abroad and sensationalize, if not disturb to their detriment, a great number of legitimate beneficial organizations that now exist. We ought not do it.

The SPEAKER. The time of the gentleman from Pennsyl-

vania has expired.

Mr. Speaker, I yield four minutes to the Mr. LONDON.

gentleman from Colorado [Mr. KEATING].

Mr. KEATING. Mr. Speaker, I hope the House will adopt this resolution, and I trust the Members will not be influenced by the appeal made by the gentleman from Pennsylvania [Mr. Moore] that this is a socialistic experiment.

It is true that the resolution was introduced by the one Socialist in the House, but it is also true that it was unanimously reported to this House by the Committee on Labor, which is made up of Democrats and Republicans and which has only

one Socialist member.

The fact is that social insurance is no longer the exclusive ossession of the Socialist Party. It has been advocated in this country in a national way by at least one of the great parties. It has been advocated by Republicans, as was evidenced at a recent Republican caucus when distinguished members of the minority party, so I am told, urged upon their party the necessity for taking up this kind of legislation, and I think the suggestion made by those gentlemen was a

As a Democrat, I hope my party will have the wisdom to beat the Republican Party to it, because social insurance is coming in this country just as surely as rural-credits legislation came. All that was necessary in the latter instance was that the American farmer should discover what was being done across the sea, and then he insisted that he should secure similar legislation.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield? Mr. KEATING. I can not yield now. The gentleman from Pennsylvania would have us believe that only Socialists advocate social insurance. I call his attention to the fact that the great Bismarck and Kaiser Wilhelm have been among the leading advocates of social insurance, and no one, so far as I know, has ever described either of those gentlemen as a Social-I hope this resolution will pass, not by a party vote, but by the unanimous vote of this House.

I yield back the remainder of my time.

Mr. MANN. Mr. Speaker, personally I am sick and tired of these commissions. I have had a service here now of 20 years on the 4th of March next. I do not recall any commission created by Congress which has been of any real service or value unless it consisted of a joint committee of Congress, which some-times does effective work. We create commission after commis-Nobody reads the reports-nobody in Congress, at least. ston. Sometimes people outside read them to hunt for an argument in favor of some belief already firmly fixed. It is here proposed to create a commission of five persons, the Secretary of Labor being named nominally, but not being expected to serve, which will run on indefinitely, with no limit as to what the expenses shall be, with no limit of time; and the purpose of the commission, as suggested by the resolution, primarily is to visit foreign countries. What man in his same senses believes that this is a very good time to visit foreign countries to obtain information there? I may be mistaken, but it does seem to me an inopportune time, even if you wanted to do it at any time. The truth is that all the information that could be acquired under the terms of this joint resolution could be acquired within a reasonable time by a man sitting in the Library of Congress, because he would not have to listen to the wild opinions of crazy men who want to advertise themselves by getting into the headlines in newspapers

as the result of making wild statements as witnesses before some commission. That is what most of the testimony before these commissions consists of. Of course, the men who are appointed on a commission, even at a compensation of \$15 a day and expenses, will never see the time when their work is closednever. We created a joint committee of the House and Senate last summer with directions to report by the 1st of January. was not in favor of the proposition, and I called attention to the fact that it would not be possible for that committee to make a report by the 1st of January, considering that there was a political campaign then in progress and that every member of that committee would be in that campaign. But we were told they would be ready to report. The 1st of January has long since passed, and they really have not yet commenced work. They have had their time extended after two efforts, and purely as a matter of good nature by the House and Senate because of the individuals who were involved.

You commence these; you never end them. It is not the way to get legislation if you want legislation. Of course, we all know that the Government of the United States, under the Constitution as it now exists, has no power to do what is desired to be done under the terms of this resolution, and I doubt the advisability of Congress creating a one-sided commission for the purpose of getting amendments made to the Constitution. little while ago we had up a proposition to obtain information relative to marriage and divorce, the main purpose of which was to get a constitutional amendment to give Congress control uniformly throughout the United States over questions of divorce if not marriage. If people believe in propagandas to amend the Constitution let them work it out as all such things have been worked out in the past, by the diffusion of opinions and information among the people from person to person. It is not the mation among the people from person to person. It is not the duty of the General Government, every time some man wants to amend the Constitution, to hunt information in favor of the amendment. A commission like this appointed will necessarily be a one-sided commission. If it is not, it is of no value. I am against the creation of any more of these commissions. I think that the Members of the Congress who draw \$7,500 a year which is more than \$15 a day—ought to know something. I do not mean to say we do [laughter], but that is what we are sent here for, and that is what we are paid for. Every time a Member of Congress, who ought to investigate and study for himself, ber of Congress, who ought to investigate and study for himself, who ought to work himself, who wants to bring information which he requires before the Congress, proposes a commission I think he ought to quit the business and let some one competent to fill his job come in his place. [Applause.] We constantly go on the theory that we do not know anything, that we are not qualified to learn anything, that a body of 435 men in this House, drawing \$7,500 a year, can not do anything, can know nothing unless we appoint some clerk to gather together some information and give us the clerk's opinion. That is one reason why we have grown in disfavor with the people, and the people do not have as much respect for Congress as they used to have. We are have as much respect for Congress as they used to have. We are constantly putting upon the executives all the work, shirking it ourselves, refusing to accept our responsibility, and then hoping that the people will excuse each of us personally; one at a time, at least. Let us do without commissions, and if we have work to do, do it ourselves. Mr. Speaker, I reserve the balance of my

me. [Applause.]
The SPEAKER. The gentleman reserves five minutes.
Mr. LONDON. Mr. Speaker, I believe I have 12 minutes' time

The SPEAKER. The gentleman has used seven minutes. Mr. LONDON. I yield three minutes to the gentleman from

Illinois [Mr. SABATH]. Mr. SABATH. Mr. Speaker, I am unwilling to admit that the Members of this House do not know anything; but, on

the other hand, I am not going to say that all of the Members are thoroughly posted and informed on every subject that is or might be from day to day submitted to the House, though we might have some who are and are willing to admit that

Mr. Speaker, the argument made by my colleague [Mr. Mann] against the commission has been made many times heretofore, and I must confess that there is a great deal of force and truth in what he says as to the multiplicity of commissions. On the other hand, we do secure at times very valuable information from commissions created, which information, when favorably acted upon, often results in beneficial legislation.

Mr. Speaker, in the Sixtieth Congress, nearly 10 years ago, when I introduced the first workmen's compensation bill, very few Members were then familiar with the principle underlying the bill, and a great many objections were raised against it. It was claimed by many, as it is claimed to-day, that under our Constitution no workmen's compensation bill could be

drafted that would be constitutional. I was then charged with trying to bring about a complete change and reversal of our liability laws. Yes; some even charged that the proposition was socialistic, and that I was endeavoring to overthrow the established system of jurisprudence by shifting the responsibility for injuries sustained from the employee to the em-

Ployer.

For several years I failed to secure recognition of my bill, but finally the Judiciary Committee, to which the bill had been refinally the Judiciary Committee, to which the bill reported a resolution providing for a ferred, in lieu of the bill reported a resolution providing for a commission, just as this bill provides, which would investigate the entire question and the principle on which my bill was drafted. I did not at first look upon the commission with favor, but accepted it. Notwithstanding the fact that it did not report the bill in which I was so vitally interested, it did recognize the principle of workmen's compensation and recommended a bill similar to mine, but which did not give the compensation to the injured employee that I thought and still think should be awarded.

Nevertheless, the information given by the commission and the publicity given the principle upon which the proposition is founded had a wholesome effect; so much so that within a few years the majority of the States repealed the liability law and enacted workmen's compensation statutes. The House itself during the last session, by a nearly unanimous vote, passed a workmen's compensation law applicable to the Government employees, and I doubt very much that such legislation would have been secured had it not been for the information secured by the commission. The report of the commission not only enabled the membership of the House to familiarize itself with the proposition, but secured for them valuable information.

I feel satisfied that if the resolution which is now pending is favorably acted upon and a commission is created, information will be secured which will show that each and every country which had adopted old-age pensions, sickness and invalidity in-surance, and unemployment insurance, acted wisely, humanely, and for the best interests of the country. I am pleased to say that I introduced resolutions in the Sixty-second and Sixtythird Congresses on this subject, and believe that it is only a question of time before this proposed legislation will be enacted into law by Congress

For this reason I am heartily in favor of this resolution, believing that knowledge of this subject, as on any other subject, can not hurt anyone and, on the contrary, will guide us in the right direction.

Mr. LONDON. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Speaker, the gentleman from Illinois [Mr. Mann] is correct about commissions to some extent. great many commissions are appointed for the purpose of sidetracking legislation, and other commissions are appointed for the purpose of giving us some knowledge on which to act. could not get a comprehensive report on this intricate question from a committee of this House. The report would almost certainly be partisan. The multiplicity of our duties would necessarily interfere with the thoroughness of an investigation by a committee of Congress. I confess if I had my way I should provide that all five of these commissioners should be appointed by the President. I should not name the Secretary of Labor as one of the commissioners, because he has other duties to perform.

Furthermore, there is no question that even commissions which are appointed for the purpose of staving off legislation, as a matter of fact, often do good work.

In 1907 a commission was appointed on the immigration question for the purpose of staving off immigration-restriction legislation. The results of its findings were embodied in the Burnett immigration bill, which has just passed over the President's veto. It was that immigration commission which reported that the best way to restrict immigration is by means of an educational

The commission proposed in this resolution is not devised for the purpose of staving off legislation, but for the purpose of obtaining legislation. Without a very thorough report we do not know what sort of legislation we need. Yet many of us think that social insurance ought to be instituted either by the States or by the United States or by a combination of the two, probably the latter. Social-insurance legislation is proving a success in various countries of the world, and I believe that we ought to institute it here in the United States. They have different systems in different countries of the world. The British Parliament, when it finds itself face to face with a new question, puts a commission at work to investigate it. The results of the commission's studies are incorporated in what is known as a blue book. These blue books are among the most useful works on political enconomy of which I have any knowledge. The SPEAKER. The time of the gentleman has expired. Mr. LONDON. Does the gentleman desire more time?

Mr. GARDNER. Half a minute.
Mr. LONDON. I yield one minute more to the gentleman.

Mr. GARDNER. I believe that if this commission is appointed, and if the members devote their attention to elucidating this question and do not fritter away their energy in trying to dish each other, we shall get real results. If they try to cooperate, I believe that they can do so, and I believe that they can and will recommend legislation which will meet the approval of the country

Mr. LONDON. Does the gentleman from Illinois [Mr. Mann]

desire to use more time?

Mr. MANN. Is the gentleman going to conclude in one speech?

Mr. LONDON. Yes; I have six minutes. Does the gentleman intend to use his time?

Mr. MANN. Does the gentleman intend to conclude in one

speech?

Yes; I will conclude in one speech.

Mr. LONDON. Yes; I will conclude in one speech.
Mr. MANN. Mr. Speaker, my friend and colleague from
Chicago spoke of the commission that was created some years ago in reference to compensation of railroad employees. I believe he introduced a bill on the subject. It was not a very happy reference. The commission created at a very considerable expense investigated the subject of compensation to railroad employees who were injured in the service. That commission made an elaborate report, presented an elaborate bill, which it recommended for passage. Under the influence of the commission the bill passed the House. The bill passed the Senate, I believe, with some amendments, and came back to the This was a Congress or so ago, and the bill has been as dead as a last year's smelt ever since. There is no one in the House who has had the courage to revive it. It was revived in the next Congress. I think the bill was introduced in that Congress, but I am not sure. However, it was reported but was not called up for passage. I do not think it has been reintroduced in this Congress. It has not been reported. The commission was an elaborate one, which made an elaborate report, and each House, under the inspiration of the moment, passed the bill; but when the railroad employees learned what was in it, how it betrayed their rights, and called the attention of Members of Congress to the betrayal, the whole thing was dished. It was ended. It took a good deal of courage on the part of somebody in the House in the closing days of Congress to prevent one of the bodies to agree to the amendments of the other. I think that took place here, though I am not sure about that. That is the result of not doing the work yourself of obtaining information.

For years I belonged to a committee of this House which brought in more important legislation than any other committee of the House, and it never in my day resorted to a commission. It never shirked its responsibility. The members of it studied and knew themselves what this House will never learn through

asking a clerk to do the work.

Mr. LONDON. Mr. Speaker, in reply to the arguments advanced by the gentleman from Pennsylvania [Mr. Moore] and the gentleman from Illinois [Mr. MANN], I desire to say that the object of this commission is to give a start to and begin the study of a great and vexed subject. The work of the commission will not be permitted to die, because the subjects with which the commission is to deal present live problems. Will unemployment be with us? Yes.

Mr. SHERLEY. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. SHERLEY. How about the commission a couple of years ago that was appointed to consider the causes for social unrest? Mr. LONDON. I will answer that a minute later, when I will have developed this point.

Unemployment will be with us, and therefore a commission that will be engaged in the study of the causes of unemployment will be under constant pressure to study the subject. And Con-

gress will not permit it to die.

You are being continuously urged by Government employees for old-age pensions. Several members of the Cabinet have recommended it. You promised, as a matter of fact, in the last platform of the Democratic Party, old-age pensions for Govern-ment employees. You are not prepared to legislate on this subject. You do not know enough of it. You refuse to study it. The object of this commission is to study the problems of old-age pensions and other forms of social insurance. Social insurance has descended from the realm of speculation. principles have been adopted in a number of countries-in England, France, Germany, and so forth.

In England unemployment insurance was adopted most reluctantly in the year 1911, but it has proven a tremendous success. And in answer to the gentleman from Pennsylvania, who fears the interest of the insurance companies might be adversely affected, I will say it will be the business of the commission to study to what extent you are to cooperate with existing insurance institutions, with fraternal insurance institutions, and with labor unions. In other words, it is a commission to study, a commission to acquire knowledge and systematize knowledge, a commission to coordinate bits of information scattered here and there and to prepare it for the consideration of Members of Con-

Mr. KELLEY. Now, will the gentleman yield? The SPEAKER. Does the gentleman from New York yield to the gentleman from Michigan?

Mr. LONDON. Yes.

Mr. KELLEY. I understood the gentleman from New York to say that there was neither a time limit nor an expense limit in this resolution. Is that correct?

Mr. LONDON. I think they are to report in one year, and I

think they are limited to an expenditure of \$50,000.

Now, in answer to the suggestion of the gentleman from Kentucky [Mr. Sherley], I desire to say that the report of the Commission on Industrial Relations is not without value. As you carefully read and study those 11 volumes you may not find a solution of the problem that the commission has presented to you, but the commission has done one thing-it has presented the problem in a most emphatic way.

Mr. SHERLEY. If the gentleman will permit, I may say that nothing that a man does is without value, even if it may be only to show how foolish it is. But can we not ascertain all this information for ourselves better than through a commission such

as you desire to create?

Mr. LONDON. There is no doubt but that if Members of Congress would devote a year's study to this subject for themselves they would acquire that knowledge for themselves. But those of you who are familiar with the subject know that it is necessary for some one to gather together all available knowledge, and, in a way, to provide a course of literature and of study for the Members of Congress.

Mr. MEEKER. Mr. Speaker, will the gentleman yield there? The SPEAKER. Does the gentleman from New York yield

to the gentleman from Missouri?

Mr. LONDON. Yes.

Mr. MEEKER. Does the gentleman think that the Commission on Industrial Relations succeeded in coordinating those points in the 11 volumes which they issued?

Mr. LONDON. I very much doubt whether the gentleman

from Missouri has read those 11 volumes.

Mr. MEEKER. I have read some part of them; but-Mr. LONDON. If the gentleman has read only a part of it he does not know to what extent his judgment would be

changed by that part which he has not read. [Applause.] Mr. MEEKER. Mr. Speaker, will the gentleman yield again?

Mr. LONDON. Yes.

MEEKER.

Would the gentleman consider as of any value the volumes that have not been published-this wagonload of stuff, in addition to the printed report, that is mere talk?

Mr. LONDON. Well, when a man knows what he is talking

about, talk is a most useful thing. [Applause.]
Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Michigan?

Mr. LONDON. Yes. Mr. CRAMTON. I assume that the plan of legislation that the gentleman proposes would be intended to aid not only one class of labor but all classes of labor.

Mr. LONDON. We limit the commission to no particular

class or group of society.

Mr. CRAMTON. Then why does the gentleman limit the labors of the commission to the study only of the question of organized labor, leaving unorganized labor, which is much more numerous, without any representation?

Mr. LONDON. That is true only so far as the personnel of the commission is concerned. Unfortunately the unorganized laborer does not possess the solidarity, the efficiency, the intelligence, or the virtue necessary to consider broad questions.

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman

yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Minnesota?

Mr. LONDON.

Mr. MILLER of Minnesota. Does not the gentleman mean to confine the deficiencies of unorganized labor to a lack of solidarity, efficiency, and intelligence, and not to a lack of virtue?

[Laughter.]

Mr. LONDON. Oh, I will say to the gentleman that I have more respect for the man who subordinates his own interests to the interests of his class than for the man who defies the whole world and works for himself and himself only. [Applause.

Mr. CRAMTON. Mr. Mr. LONDON. Yes. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. You speak of their ability to select men to represent them. This commission is to be appointed by the President of the United States. Could not the President select a man outside of organized labor to represent that branch of

Mr. LONDON. Well, he could; but after all, that is not a vital provision of the bill. I do not believe it is vital. If it be a defect it does not destroy the value of the bill, and I therefore ask gentlemen who agree with the main purpose of the bill to vote for it in spite of its shortcomings. [Applause.]

Mr. CRAMTON. This resolution provides for a lopsided commission, and you would have a lopsided investigation and a lop-

sided report.

Mr. LONDON. It would not be a lopsided commission. The President of the United States will appoint the members of the commission. If you can trust the President and ascribe to him sufficient intelligence to appoint a commission to investigate other matters in foreign countries, why not let him be vested with discretion to appoint five men in this matter? This debate is interesting in itself, I may say, but it does not go to the merits of the proposition.

Mr. CRAMTON. But the gentleman himself did not show sufficient confidence in the President to permit him to select this commission without strange restrictions as to personnel.

Mr. JAMES. Mr. Speaker, will the gentleman yield there? The SPEAKER. Does the gentleman from New York yield to the gentleman from Michigan?
Mr. LONDON. Yes.

Mr. JAMES. I think there is one thing that we should take into consideration, and that is that the President should appoint the five. You ask about union labor being represented. You know from your hearings that the chief officials are opposed to union labor. It seems to me it should be left to the representatives of all labor.

Mr. LONDON. They were opposed to compulsory insurance. They were not opposed to the study of the problems.

The SPEAKER. The time of the gentleman has expired.

All time has expired.

Mr. BUCHANAN of Illinois, Mr. Speaker, I am going to ask unanimous consent again to proceed for two minutes. I have information that under the circumstances I believe the Members will be interested in.

The SPEAKER. The gentleman asks unanimous consent to

proceed for two minutes. Is there objection?

There was no objection.

There was no objection.

Mr. BUCHANAN of Illinois. Mr. Speaker, in these troublous times, when the earnest, sincere, and patriotic Members of Congress have on their minds the question of war, it seems to me it is important to know the sentiments and wishes of the men who will be required to fill the rifle pits and the trenches in case we do become involved in this awful carnage of war in Europe. I therefore desire to read into the Record a telegram that I received to-day from the Chicago Federation of Labor, which represents about 300,000 working men and women:

CHICAGO, ILL., February 4, 1917.

FRANK BUCHANAN, Washington, D. C .:

The Chicago Federation of Labor, in regular meeting assembled, protests against the country taking part in the war in Europe. We demand that American citizens be prevented from entering the war zone.

CHICAGO FEDERATION OF LABOR,
JOHN FITZPATRICK, President,
E. N. NOCKELS, Secretary.

* This is the word from the men who are working at their trades in the city of Chicago, and who, as I say, will be called on to do the fighting in case we become involved.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question being taken, on a division (demanded by Mr. London) there were—ayes 67, noes 65.

Mr. NOLAN. Mr. Speaker, I make the point of order that

there is no quorum present.

The SPEAKER. The gentleman from California makes the point of order that there is no quorum present. The Chair will count.

Mr. GARDNER. Mr. Speaker, a parliamentary inquiry. The SPEAKER. The gentleman will state it.

Mr. GARDNER. If a quorum develops, will that take away the right to demand the yeas and nays?

The SPEAKER. It will not. [After counting.] One hundred and seventy-one Members; not a quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of suspending the rules and passing this bill will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were yeas 189, nays 138, answered "present" 2, not voting 104, as follows:

YEAS-189.

Konop Lazaro Lee Lever Lewis Lindbergh Littlepage Lloyd London Abercrombie Adamson Alexander Rogers Eagle Edwards Ellsworth Elston Emerson Rouse Rubey Rucker, Mo. Russell, Mo. Sabath Scully Sears Shackleford Shallenharms Alexander Allen Almon Anderson Ashbrook Aswell Ayres Bailey Barkley Barnhart Booher Borland Esch Evans Farley London
McAndrews
McCracken
McCulloch
McDermott
McGillieuddy
McKellar
Maher
Mapes
Martin
Mays
Miller, Pa.
Moon
Morgan, La. Farr Ferris Shallenberger Flood Focht Fuller Shouse Siegel Sims Gallagher Sinnott Gallagher
Gandy
Gardner
Goodwin, Ark.
Gray, Ala.
Gray, Ind.
Griffin
Hamlin
Hardy
Harrison, Va.
Hastings
Hayden
Heflin
Helgesen Sinnott
Smith, Idaho
Smith, N.Y.
Smith, Tex.
Steagall
Stedman
Steele, Iowa
Steenerson
Stephens, Nebr.
Stephens, Tex.
Stone
Stout
Sumners Browne Brumbaugh Buchanan, Ill. Burke Burnett Burnett Byrnes, S. C. Byrns, Tenn. Caraway Carlin Carter, Okla. Cary Casey Charles Church Cline Moon Morgan, La. Morgan, Okla. Moss Mott Murray Murray Neely Nelson Nicholls, S. C. Nolan North Oldfield Oliver O'Shaunessy Sumners Sutherland Helgesen Helvering Hensley Hilliard Sutherland Taggart Talbott Tavenner Taylor, Ark. Taylor, Colo. Temple Thompson Tillman Vinson Walker Watkins Church Cline Coady Collier Connelly Cooper, Ohio Crisp Crosser Cullop Holland Hollingsworth Hood Huddleston Hughes Hull, Iowa Humphreys, Miss. Overmyer Padgett Phelan Dallinger Davis, Minn. Davis, Tex. Igoe Jacoway James Johnson, Ky. Pratt Quin Rainey Raker Watkins Watkins Watson, Va. Williams, W. E. Wilson, Ill. Wilson, La. Decker Ramseyer Randall Rauch Reavis Reilly Ricketts Roberts, Nev. Dent Dickinson Dillon Keating Kennedy, R. I. Kent Wingo Woodyard Young, N. Dak. Dixon Kettner Doolittle Dowell Dupré Kincheloe Kinkaid Kitchin

NAYS-138

Gard Garland Garner Longworth
McArthur
McClintic
McFadden
McKenzie
McKinley
McLaughlin
McLemore
Madden
Magee
Mann
Matthews
Meeker
Miller, Del.
Miller, Minn.
Mondell
Montague
Moores, Ind.
Morrison
Mudd
Norton
Oakey
Olney Glass Glynn Good Gordon Gordon Gould Gray, N. J. Greene, Mass. Greene, Vt. Hadley Hamilton, Mich. Hamilton, N. Y. Hamilton, I Haugen Hawley Heaton Helm Hernandez Hicks Houston Howeli Howell Hull, Tenn. Husted Hutchinson Johnson, Wash. Page, N. C. Paige, Mass. Park Kahn Parker, N. J. Parker, N. Y. Peters Platt Kearns Keister Kelley Kelley Kennedy, Iowa Kiess, Pa. King Langley Lehlbach Rayburn Rodenberg Rowe Russell, Ohio

ANSWERED " PRESENT "-2. Dill Venable

NOT VOTING-104.

Caldwell
Callaway
Campbell
Candler, Miss.
Cantrill
Carew
Chandler, N. Y.
Clark, Fla. Aiken Barchfeld Beakes Beales Bell Benedict

Adair Anthony

Austin Bacharach Black Blackmon

Britten Browning Buchanan, Tex.

Cannon
Capstick
Carter, Mass.
Chiperfield
Cooper, W. Va.
Copley
Cox

Crago Cramton Curry Danforth

Darrow Dempsey

Denison

Dunn

Edmonds

Fess Fitzgerald Fordney

Freeman

Britt

Coleman Conry Cooper, Wis. Costello Dale, N. Y. Dale, Vt. Davenport Dies

Dooling Dooling Doremus Doughton Driscoll Dyer Eagan Estopinal Fairchild

Sanford Scott, Mich. Sherley Sisson Slayden Slemp Sloan
Small
Smith, Mich.
Snell
Snyder
Stafford
Steele, Pa.
Stephens, Miss.
Sterling
Stiness
Sulloway
Sweet
Tilson
Timberlake
Treadway Sloan Treadway Volstead Walsh Ward Webb Webb
Wheeler
Wheeler
Williams, T. S.
Williams, Ohio
Wilson, Fla.
Winslow
Wood, Ind.
Woods, Iowa
Young, Tex,

Fields	Henry	Lobeck	Schall
Flynn	Hill	Loft	Scott, Pa.
Foster	Hinds	Loud	Sells
Frear	Hopwood	Mooney	Sherwood
Gallivan	Howard	Morin	Smith, Minn.
Garrett	Hulbert	Nichols, Mich.	Sparkman
Gillett	Humphrey, Wash.		Swift
Godwin, N. C.	Johnson, S. Dak.	Patten	Switzer
Graham	Jones	Porter	Tague
Green, Iowa	Key, Ohio	Pou	Thomas
Gregg	Kreider	Powers	Tinkham
Griest	Lafean	Price	Towner
Guernsey	La Follette	Ragsdale	Van Dyke
Hamill	Lenroot	Riordan	Van Dyke
Harrison, Miss.	Lesher		
Harrison, Miss.		Roberts, Mass.	Wason
Hart	Lieb	Rowland	Watson, Pa.
Haskell	Liebel	Rucker, Ga.	Whaley
Hayes	Linthieum	Saunders	Wise

So, two-thirds having failed to vote in the affirmative, the motion to suspend the rules was lost.

The Clerk announced the following pairs:

Until further notice:

Mr. Beakes with Mr. Mooney. Mr. Davenport with Mr. Frear. Mr. Liebel with Mr. Tinkham.

Mr. Dale of New York with Mr. HASKELL. Mr. Loft with Mr. Humphrey of Washington.

Mr. Clark of Florida with Mr. Fairchild. Mr. CALDWELL with Mr. BEALES. Mr. Doremus with Mr. Griest.

Mr. Flynn with Mr. Johnson of South Dakota.

Mr. Gallivan with Mr. Morin.

Mr. TAGUE with Mr. LOUD. Mr. Harrison of Mississippi with Mr. Nichols of Michigan.

Mr. SAUNDERS with Mr. ROWLAND. Mr. VAN DYKE with Mr. SELLS. Mr. Wise with Mr. Guernsey.

Mr. HULBERT with Mr. Scott of Pennsylvania.

Mr. Jones with Mr. Smith of Minnesota.

Mr. PATTEN with Mr. BARCHFELD. Mr. WHALEY with Mr. GRAHAM.

Mr. THOMAS with Mr. COOPER of Wisconsin.

Mr. SHERWOOD with Mr. COLEMAN.

Mr. RUCKER of Georgia with Mr. BENNET.

Mr. RIORDAN with Mr. WATSON of Pennsylvania.

Mr. RAGSDALE with Mr. VARE. Mr. Pou with Mr. Wason. Mr. Lobeck with Mr. Towner. Mr. LINTHICUM with Mr. SWITZER. Mr. KEY of Ohio with Mr. SWIFT. Mr. BELL with Mr. BENEDICT.

Mr. Howard with Mr. Schall. Mr. Henry with Mr. Roberts of Massachusetts.

Mr. GREGG with Mr. Hopwood.

Mr. FIELDS with Mr. DYER.

Mr. Candler of Mississippi with Mr. Dale of Vermont.

Mr. CAREW with Mr. CHANDLER of New York.

Mr. Conry with Mr. Green of Iowa.

Mr. Dooling with Mr. Hayes. Mr. DOUGHTON with Mr. HILL. Mr. DRISCOLL with Mr. HINDS. Mr. Foster with Mr. Kreider. Mr. GARRETT with Mr. LAFEAN. Mr. HAMILL with Mr. PORTER. Mr. BRUCKNER with Mr. Powers. Mr. DIES with Mr. CAMPBELL. Mr. DILL with Mr. LA FOLLETTE.

The result of the vote was then announced as above recorded.

A quorum being present, the doors were opened.

BANKING AND CURRENCY.

Mr. LINDBERGH. Mr. Speaker, I asked unanimous consent to file minority views on a bill which came from the Committee on Banking and Currency. A new bill was introduced, which gave it a new number, and I therefore ask unanimous consent to file the report (No. 1406, pt. 2) on the new bill (H. R. 20661).

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

MEDAWAKANTON AND WAHPAKOOTA SIOUX INDIANS.

Mr. STEPHENS of Nebraska. Mr. Speaker, I move to suspend the rules and pass the House substitute for the bill S. 135, an act for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863.

The House substitute was read, as follows:

Be it enacted, etc., That jurisdiction be, and hereby is, conferred upon the Court of Claims to hear, determine, and render final judgment for any balance that may be found due the Medawakanton and Wahpakoota Bands of Sioux Indians, otherwise known as Santee Sioux Indians, with

right of appeal as in other cases for any annuities that may be ascertained to be due to the said bands of Indians under and by virtue of the treaties between said bands and the United States, dated September 29, 1837 (7 Stat. L., p. 538), and August 5, 1851 (10 Stat. L., p. 544), as if the act of forfeiture of the annuities of said bands approved February 16, 1863, had not been passed: Provided, That the court, in rendering judgment, shall ascertain and include therein the amount of accrued annuities under the treaty of September 29, 1837, up to the date of rendition of judgment, and shall determine and include the present value of the same, not including interest and the capital sum of said annuity, which shall be in lieu of said perpetual annuity granted in said treaty; and to ascertain and set off against any amount found due under said treaties all moneys paid to said Indians or expended on their account by the Government of the United States since the treaties were abrogated by the act of 1863: Provided, That the treaty of 1868 shall not be a bar to recovery, but all equities and benefits received thereunder by the Santee Sioux Indians shall be taken into consideration in the determination of the amount of recovery. Upon the rendition of such judgment, and in conformity therewith, the Secretary of the Interior is hereby directed to ascertain and determine which of said Indians now living took part in said outbreak, and to prepare a roll of the persons entitled to share in said judgment by placing thereon the names of all living members of said bands residing in the United States at the time of the passage of this act, excluding therefrom only the names of those found to have personally participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita to the persons borne on the said roll.

Proceedings shall be commenced by petition verified by one of the attorneys who have been heretofore employed by said bands of Indians when an appro

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. STEPHENS of Nebraska. Mr. Speaker, I ask unani-

mous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Nebraska has 20 minutes.

Mr. STEPHENS of Nebraska. Mr. Speaker, this bill provides for the sending to the Court of Claims for adjudication the claims of the Santee Indians based on treaty negotiations with the Government in 1837 and in 1851. It has passed this House by unanimous consent three different times.

Mr. GARNER. Will the gentleman yield? Mr. STEPHENS of Nebraska. Yes.

Mr. GARNER. Is it a unanimous report from the Commit-

tee on Indian Affairs?

Mr. STEPHENS of Nebraska. It is a unanimous report from the Committee on Indian Affairs, and has been unanimously reported three different times since I have been in Congress and passed the House three times by unanimous consent. It is probably the most justifiable claim that has been made against the Government by any Indian tribe in this country. Prior to 1837 these Indians owned a large section of land in Illinois. They ceded it to the Government of the United States for the consideration of an annuity of \$15,000 a year forever. In 1851 they ceded all the land they held in Iowa and Minnesota for a consideration of \$61,000 a year, to be paid for 50

During the Indian outbreak in 1862 a portion of these Indians went on the warpath. As a result of this outbreak, the Congress of the United States, in 1863 abrogated its treaties with these Indians, and the result is that they have not been paid one dollar upon these annuities since the abrogation of the treaty in 1863. There was never a more justifiable claim against the Government than this one. These Indians ceded the finest tracts of land in this country to the Government of the United States for a consideration of from 1 to 30 cents

an acre in the States of Illinois, Iowa, and Minnesota.

This bill proposes to send this claim to the Court of Claims for adjudication, and I believe it ought to pass. I reserve the remainder of my time.

Mr. DILLON. Mr. Speaker, will the gentleman yield?

Mr. STEPHENS of Nebraska. Yes.

Mr. DILLON. There were about 25 families of the Santee Sioux who left Nebraska and went to Flandreau in the year 1869. I want to ask the gentleman if this bill will carry their rights?

Mr. STEPHENS of Nebraska. It protects the rights of every member of the Wahpakoota and Medawakanton branches of the Sioux Indians known as the Santee Sioux. Are they Santee Sioux?

Mr. DILLON. Yes; these 25 families were Santee Sioux, and they left Nebraska and went to Flandreau, and their rations were withheld for a period of four years, during the years 1871, 1872, 1873, and 1874.

Mr. STEPHENS of Nebraska. They would come under the

terms of this bill?

Mr. STEPHENS of Texas. Is it not a fact that part of these Indians only went on the warpath, and it was the intention of the Congress to only forfeit the lands and annuities and rights of those who were on the warpath, and not to forfeit the rights of these two bands of Wahpakootas and Medawakan-

Mr. STEPHENS of Nebraska. That is correct. The leaders of this rebellion among the Indians were the young men of the tribe who could not be controlled by the chief, and most of them were apprehended, several of them hanged, 200 of them imprisoned, and those others who were not captured and hanged or imprisoned escaped to Canada, and they never returned to this country.

The people who are supposed to be benefited by this bill are the innocent Indians; and even thought they participated in the rebellion it would not be fair to these Indians, in view of the precedents established by the Government of forgiving all depredations and insurrections among the various Indian tribes of the country and restoring to them their annuities provided for by Government treaties, to withhold the annuities from these Indians now. For example, many tribes in Oklahoma joined the Southern Confederacy during the Civil War, and their annuities were forfeited at that time by act of Congress in July, 1863; and in every single instance those annuities have been restored. Not only that, but every Indian tribe in the United States, excepting this one single Indian tribe known as the Santee Sioux, has been forgiven and their annuities restored.

Mr. EMERSON. Mr. Speaker, will the gentleman yield? Mr. STEPHENS of Nebraska. Yes. Mr. EMERSON. How can you tell at this time those that were in insurrection and those who were not? Fifty-five years have elapsed.

Mr. STEPHENS of Nebraska. We have a roll of them, and we know by the records who participated in the rebellion.

Mr. STEPHENS of Texas. Is it not a fact that one of the purposes of this bill is to ascertain how many Indians did forfeit and how many Indians would be entitled in the event you can not sustain the right of those who did go on the warpath to their annuity? I think they should be entitled to their annuity.

Mr. STEPHENS of Nebraska. That is correct; and the right of these Indians has already been established. two branches of the Sioux engaged in this outbreak—the upper Sioux and the lower Sioux. We sent the case of the upper Sioux to the Court of Claims in 1902, and the Court of Claims adjudicated the difference between the Government and these people and restored the annuities of the upper Sioux and established all of the damages that were a proper charge against these Indians at that time on account of the outbreak and rendered judgment in favor of the upper branch of the Sioux. These two branches participated alike in the outbreak. Therefore, if the court was correct in restoring the annuities to the upper branch of the Sioux, it would likewise be correct if it restored the annuities of the lower branch.

Mr. SUMNERS. I understand the theory of this bill is that the Indians who participated in this outbreak were punished for that participation?

Mr. STEPHENS of Nebraska. Yes.

Mr. SUMNERS. And now the descendants of the Indians who did participate and were punished will be permitted to participate in the benefits?

Mr. STEPHENS of Nebraska. They would, of course; but there are practically no descendants, because they were mostly young men who participated in the outbreak.

Mr. SUMNERS. But in the bill you do not propose to draw any line of cleavage along that line.

Mr. STEPHENS of Nebraska. Not on the descendants.

Mr. CARTER of Oklahoma. I notice the Indian appropriation bill, which is now in conference, has an amendment on page 80 which contains, I think, the Senate bill, which has been stricken out by the House Committee on Indian Affairs.

Mr. & TEPHENS of Nebraska. That is correct.

Mr. CARTER of Oklahoma. The House committee has reported a new bill. Will the gentleman, as briefly as he can, explain the difference between these two measures?

Mr. STEPHENS of Nebraska. Well, the difference between the Senate bill and the House bill is principally in the fees allowed attorneys. That has been the bone of contention for many years. These poor Indians have been robbed of their rights, or, rather, had their rights withheld for 25 years very largely on account of contending factions and attorneys who have wanted to take advantage of the situation to secure larger fees than in the judgment of the House they were entitled to.

Mr. CARTER of Oklahoma. And this House bill also re-

stricts-

Mr. STEPHENS of Nebraska. That House bill restricts at-

torneys fees to 5 per cent-

Mr. CARTER of Oklahoma. I mean it restricts the cases somewhat. It allows some offsets that are not allowed in the Senate bill.

Mr. STEPHENS of Nebraska. Oh, yes; it allows the Government to charge against these Indians, against these annuities, everything that the Government has paid to them in all the years since these annuities were abrogated.

Mr. CARTER of Oklahoma. In other words, the House bill makes provisions strict enough that a good case will have to be made out in the Court of Claims before judgment can be rendered?

Mr. STEPHENS of Nebraska. That is correct.

Mr. CARTER of Oklahoma. Will the gentleman tell the House how much will be the maximum amount that might be allowed

by the court?

Mr. STEPHENS of Nebraska. Well, I think these Indians would recover something like a million dollars should the bill I apprehend that the court would probably find that the Government owed them, after deducting \$2,000,000 for damages and other considerations, that the Government would still owe them something like a million dollars.

Mr. EMERSON. Will the gentleman yield? Mr. STEPHENS of Nebraska. I do.

Mr. EMERSON. As I understand, this bill simply gives the Court of Claims authority to assess damages, does it not?

Mr. STEPHENS of Nebraska. It gives the Court of Claims authority to ascertain what rights these Indians have under these treaties and ascertain the amounts, if any, that are due

Mr. EMERSON. But the Court of Claims would have no au-

thority without this act?
Mr. STEPHENS of Nebraska. No.

Mr. EMERSON. These Indians were in rebellion against the United States?

Mr. STEPHENS of Nebraska. Yes; some of them.

Mr. EMERSON. We do not give pensions to Confederate soldiers

Mr. STEPHENS of Nebraska. No; but we restored the rights of all the Indian tribes of this country, under former treaties, who were Confederate soldiers. In fact, most of the Indians in Oklahoma joined the Confederate Army. Many tribes in Oklahoma, especially the Five Civilized Tribes, enlisted in the Confederate Army, and the annuities which were abrogated by the Government were restored to them directly after the war, and every dollar of those annuities were paid.

Mr. EMERSON. Why is an Indian in rebellion against the United States better than a white man in rebellion against the

United States?

Mr. STEPHENS of Nebraska. Because these Indians had rights under former treaties that had nothing to do with the rebellion. They gave up the richest sections of the States of Iowa, Illinois, and Minnesota to the Government of the United States at the price of 1 cent, 10 cents, and 30 cents an acre, and this Government has refused to this day to pay them even that pittance for the finest lands in the world.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman has nine minutes left.

Mr. MANN. Mr. Speaker, this matter has been before the House a good many times, and the gentleman could have passed this bill in a minute, in my judgment, without a dissenting voice or vote in the House if he could get the House to believe that the bill passed by the House would ever become a law. had an agreement to that effect in the last Congress, practically an agreement, and there was no law enacted, and the expectation is that if this bill passes the House in any shape the House conferees now on the Indian appropriation bill will be asked to agree to the Senate item in that bill covering the same thing in the same language as the Senate bill in this case which the House committee has proposed to strike out. Now, if the House conferees on the Indian appropriation bill would refuse to let the Senate write the measure that has been advocated by some of them, a measure which has passed the Senate, a Senate amendment, I would not object to bringing it in in conference, or I would not object to an individual bill passing and a conference being agreed to.

Mr. CARTER of Oklahoma. The gentleman spoke about the House conferees agreeing. I will say, as one of the conferees, that it is always my intention to stand by the provisions of the House. So far as I am concerned, I shall expect to do all in my power to try to have the House provision that is now before the House incorporated in the bill or passed, and not the Senate provision.

Mr. STAFFORD. Will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. STAFFORD. The gentleman from Oklahoma interpellated the gentleman from Nebraska [Mr. STEPHENS] as to the amendment in the sundry appropriation bill, No. 112. I wish to ask the gentleman from Texas in the gentleman's time whether that was the item I asked to have a separate vote on before it was agreed to in conference?

Mr. STEPHENS of Texas. I think that was one of the

items.

Mr. STAFFORD. There is no question about it, and the gentleman stated in private conversation to me that under no circumstances would he agree to it without the House had an

opportunity to vote on it.

Mr. STEPHENS of Texas. I think the gentleman knows that the members of the committee that have the Indian appropriation bill in charge now will stand by the action of this House in the present bill as well as heretofore. We can not pledge what we will do. It is well known it is a matter of compromise between the two Houses. We will report the House bill if there is any chance to do it; and if not, we will report back to the House the situation.

Mr. MANN. I have great confidence in the conferees on the

part of the House.

Mr. GARNER. May I interrupt the gentleman?

Mr. MANN. Always.

Mr. GARNER. Under the rules of the House, as the Indian appropriation bill is now situated, could the conferees on the part of the House incorporate the present bill in the Indian bill in lieu of the amendment that the Senate inserted?

Mr. MANN. They could; yes.
Mr. GARNER. And be within the rule of the House?
Mr. MANN. Yes.

Mr. GARNER. Now, if I understand the gentleman from

Mr. MANN. But the Senate conferees will not let them.

Mr. GARNER. The gentleman from Texas [Mr. STEPHENS] and the gentleman from Oklahoma each have suggested that they will do everything in their power, and they have some power in the premises, to insert this provision in the bill.

Mr. MANN. The gentleman from Texas [Mr. GARNER] asked me a question, and I made an erroneous answer. The gentleman asked me if the House conferees could insert the proposition inserted in the House in lieu of the Senate amendment. I said they could. I was in error. They could try to do it, but I do not think they could.

Mr. STEPHENS of Texas. We could at least pledge the House that we would stand by the House bill, and in the event that the Senate would not agree, we could report back to the House and leave the matter with them to adjust.

Mr. MANN. I have no complaint about what the action of the House conferees has been and their attitude.

Mr. CANNON. Will the gentleman yield?

Yes. Mr. MANN

Mr. CANNON. Is this provision in substance on the Indian appropriation bill?

Mr. MANN. Let me give a little history of the matter and the gentleman will see it.

Mr. GARNER. May I ask the gentleman a question? I am merely trying to facilitate the business and save time.

Mr. MANN. The gentleman's measure is not conting up this

afternoon. We have a Republican caucus to-night and we are

going to quit pretty soon.

Mr. GARNER. And if the gentleman from Texas [Mr. Stephens] and the gentleman from Oklahoma [Mr. Carter] would agree with the House that they would not agree to any amendment other than that contained in this bill, we might pos-

sibly unanimously agree to it.

Mr. MANN. I will not detain the House very long, but I think it just as well to make a little statement concerning this matter. I will not go further back than the last Congress.

In the last Congress we passed a bill on May 4, 1914, which is, believe, precisely the same as the amendment now proposed by the House committee to the Senate bill. That bill went to the Senate, went to the Committee on Indian Affairs of the Senate, was reported by that committee, and was afterwards recommitted by the Senate to the Committee on Indian Affairs, and was reported back to the Senate in August, 1914. On March 1, 1914, final adjournment taking place on March 3, the Senate passed the bill striking out all after the enacting clause, and inserting as a new bill precisely the same language that passed the Senate this time, which the House committee recommends be stricken out. At that time neither side would yield. There are some attorneys interested in the bill, as well as other people. The House bill did not contain this language:

And said act of forfeiture and all subsequent acts and parts of acts and treaties inconsistent with this act are hereby repealed for the purposes hereof.

There is no occasion for repealing any of these acts when you by specific legislation refer their claims to the Court of Claims, unless you want to put in some additional claims that nobody has heard of. The House bill contained the provision that in arriving at the present value of the annuities which had been agreed upon, interest should not be included.

Well, there is interest claimed on some of these matters for more than 50 years; interest where the Government disputed the right of the Indians to the payments. It never has been the policy of the Government to pay interest on disputed claims. Gentlemen can see that when you come to defining the terms of the treaty of 1837 or the treaty of 1863, interest is a very

vital matter.

Then the Senate bill contains this provision: It authorizes the Government of the United States to set off against the Indian claims "all payments or other provisions, of every name and nature, made to or for said bands by the United States, or to or for any members thereof under the authority of any act of Congress, excluding treaties, since said act of forfeiture was passed, which are properly chargeable against said unpaid annuities.

The House bill contained a provision providing for a set-off against moneys found due the Indians under said treaties, a setoff of all moneys paid to said Indians or expended on their account by the Government of the United States since the treaties were abrogated by the act of 1863, provided that the treaty of 1868 shall not be a bar to recovery, but all equities and benefits received thereunder by the Santee Sioux Indians shall be taken into consideration in the determination of the amount of the recovery. In other words, we have paid to the Santee Sioux Indians large sums of money under the treaty of 1868. It is proposed to set aside the treaty of 1868 now. That is the claim. But we have paid the Indians large sums of money under the treaty. They want to relegate the Indians to their rights under

the former treaty.

Now, the House bill contains the provision that when they find the amount, if any, that is due to the Indians under the former than amount, if any, that is due to the Indians under the former than the money that has been treaty they shall set off as against that the money that has been paid to them under the treaty of 1868. But the Senate says, "Moneys paid, excluding treaties." There are only two ways in which we have paid the money-either under a treaty or as a

A distinguished Senator said to me that under the terms of the House bill there would be nothing due to the Indians. That is what the department has said. We have talked about attorney's fees, but the real "negro in the woodpile" is the provineys fees, but the real negro in the woodpile is the provision in the House bill that money that we have paid to them under the treaty of 1868, which they say ought to be abrogated, shall be charged against them when provision is made for paying to them what is due them under the former treaty. If you will read the Senate bill, you would conclude that it in-cluded everything heretofore paid the Indians. It says:

All payments or other provisions of every name and nature made to or for said bands by the United States or to or for any member thereof thereunder the authority of any act of Congress, excluding treaties.

We allow them to set up a claim of all the money that is due them under the treaties, and then, if we have paid them money, as we have under the treaty of 1868, which they claim is invalid, that is thrown in the waste pile. We have no set-off here.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. GARNER. No such provision has been included in any Indian appropriation bill reported by the House, has it?

Mr. MANN. No such provision is included in the present bill.

No such provision was included in the bill in the last Congress.

Mr. GARNER. I want to congratulate the present committee

of the House.

Mr. MANN. I think in some former bill there was such a provision. In the last Congress I think the provision was carefully gone over by the Committee on Indian Affairs, which in its membership included the distinguished gentleman from Minnesota [Mr. MILLER], who is not now a member.

Mr. Speaker, will the gentleman yield? Mr. LONGWORTH.

Mr. MANN. Certainly.

Mr. LONGWORTH. Do these attorneys take these claims on

contingent fees?

Mr. MANN. Let me call attention to this attorney's proposition. The House bill, as it passed the House before, provided for the allowance of attorney's fees, and provided for proceeding by petition by one of the attorneys heretofore employed by the Indians under a contract approved by the Commissioner of Indian Affairs. My recollection is that it provided that the attorney fees should not exceed 5 or 10 per cent. passed the House in the last Congress it provided that they should not be more than 5 per cent of the amount.

Mr. CANNON. And not exceeding \$25,000.

Mr. MANN. And not exceeding \$25,000. They have left out that limitation as it is now reported to the House. The Senate bill provides that the proceedings shall be commenced-

By petition, verified by the attorney or firm of attorneys so authorized by John Eastman, assignee of Charles A. Eastman, or Charles Hill-

Who are attorneys employed by the Indians under a contract dated November 27, 1896, more than 20 years ago-

and the court shall find and award upon a quantum meruit to said attorneys and their associates—

The compensation to be paid to them, with no limitation on the amount. Now, I used to practice law, and while I do not remember very much about it, I do remember one thing, that it was one of the ethical principles that if a lawyer was called upon to swear that another attorney ought to have the fee he asked for he was always worth it.

Mr. GORDON. "Reasonable counsel fees."

Mr. MANN. And it is very difficult to do otherwise. And you can employ in the city of Washington and elsewhere good lawyers, able men, to go before the Court of Claims and swear what the services were worth.

Mr. GARNER. Twenty years' services.

Mr. MANN. Twenty years' services! Why, these are after

the contract was made-20 years before the courts, with no limitation on the amount. There are some very distinguished people in connection with these services. Two men formerly in the Senate of the United States are now lobbying for this bill, and they are not the only ones involved who have been promi-They have got men throughout the country in various places endeavoring to reach Members of Congress in a legitimate way so far as the Members of Congress are concerned, and they may be doing it for nothing for aught I know, but that is not the custom of the business.

Mr. CARTER of Oklahoma. The gentlemen referred to are not lobbying for the bill as it is now before the House, are they?

Mr. MANN. No; they are not. They are not in favor of the House bill. If they had been-well, I will not say that-if the Senate had been, the bill would have become a law in the last Congress. I have no objection to the passage of this bill as it is reported from the committee, but I warn gentlemen at both ends of the Capitol that if an effort is made to pass this bill in the shape that the attorneys want it, there will be some hot talk

Mr. DILLON. Will the gentleman yield?

I yield to the gentleman from South Dakota. Mr. MANN.

Mr. DILLON. I understand the gentleman's fears are founded upon the Senate bill and not upon the House bill.

Mr. MANN. Oh, my fears are founded on facts.

I reserve the balance of my time,

Mr. MILLER of Minnesota. Will the gentleman yield to me?

Mr. MANN. I yield to the gentleman. The SPEAKER. How much time?

Mr. MILLER of Minnesota. Not over five minutes.

The SPEAKER. The gentleman is recognized for five minutes. Mr. MILLER of Minnesota. Gentlemen of the House, I will be exceedingly brief, although this is a matter of considerable importance, as you all know. I think the gentleman from Illinois [Mr. Mann] and the gentleman from Nebraska [Mr. Stephens] have clearly placed the matter before the House. This bill, as it is presented to the House for its adoption, is a bill that I drafted six years ago in consultation with other members of the Indian Committee at that time. I introduced the bill to bring relief to these two tribes of Indians, the Medawakanton and Wahpakoota or Santee Sioux. We then discovered what we were up against, and as a consequence we drafted the bill with great care, and that is the bill which I hope the House will adopt. I join with the gentleman from

Illinois in sincerely insisting that it is the only bill this House ever ought to sanction, and that if the conferees on the Indian appropriation bill shall in any way bring in a contrary bill it shall not receive the approval of the House. Now, I would be willing to go further than the gentleman from Illinois. There are not many men who would obstruct the passage of the House bill. I think there is just one. I would not hesitate to name him and say in this bill that not a penny of attorney fees should, directly or indirectly, get into his hands, because in my judgment he does not add any distinction or purity to a matter of this kind that he touches. I am willing to name him, but I will forego that now because he was once a Senator of the United States, and possibly it would not be proper just now to give his name. But I would not hesitate to give it if circumstances make it necessary later on.

This bill guarantees to the Indians that which in right they ought to receive. It keeps to them from attorneys that which

the attorneys ought not to have.

This House very wisely, four or five years ago, entered on a determined policy that henceforth just Indian claims should not again be disgraced by squabbles for attorney fees and squandering Indian money in attorneys hands.

This bill as it stands is an absolute guaranty that the Indians shall receive that which is justly theirs, and all of it, and I hope that it will again be passed and be insisted upon for all

time to come.

Mr. Speaker, if I may in closing indulge in one further word, it is this: These Indians are in a deplorable condition. I have taken occasion to spend many months studying the massacre that took place in my own State. I had reason to do so. I was raised as a boy in the vicinity of where this massacre took place. Those of my people who were not on the battle fields of the country bore the brunt and shock of pressing back the Indian invasion.

I now say to you with certainty that comes from careful investigation of the facts that there were never in this uprising more than four or five hundred men. Of those who participated 39 were hanged, and the rest were chased, first, into the Dakotas, then a Territory, then westward into Montana and Wyoming, and then subsequently still farther into Canada, and the last fell down and died beneath the snows of British Columbia. All except 50-the number is between 50 and 53-who still live participated in the massacre. They are denied any of the benefits of this act.

During that great strife there were lost more American lives by the tomahawk, scalping knife, and the Indian rifle than ever have been lost in all the other Indian uprisings in the United States since the Pilgrims landed at Plymouth and the Jamestown colony was founded. That is a broad statement, but it is true. And yet the slaughter would have been infinitely greater had it not been for a large number of friendly Indians who took sides with the whites against their own people, many of them to their injury, and some of them to their death. Those men who stood true and loyal to the whites, even against their own kith and kin, had their property rights, their lands, their money, their patrimony, their all, taken from them by the act of February, 1863. We have been a long time righting that wrong. It is better to do it now than never to do it.

Some of these Indians are in Nebraska, and some are still in the southwestern part of Minnesota. They have neither land nor substance. I do not know of any Indians in the United States who are in any worse condition financially than are they. Without land, without property, without industry, they are in a deplorable and sad condition, and those who have remained in Minnesota were every one loyal to the white cause or they would not have been permitted to stay there. The families of all that were even under suspicion, 1,500 in all, were taken to Nebraska.

So, Mr. Speaker, it is meritorious to the Indians that this kind of legislation be passed, to return their property to them which we forcibly took from them, and we need to pass this particularly framed bill in order to cut out attorney fees and attorneys' rapacity.

Mr. MANN. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has two minutes.

Mr. MANN. I yield the remainder of my time to the gentle-

man from North Dakota [Mr. Norton].

Mr. Speaker, I desire to say to the committee Mr. NORTON. that as far as I am concerned, being a member of the House Committee on Indian Affairs, and one of the conferees on the Indian appropriation bill, that no legislation will be placed on that bill with my consent of the character that in this case has been proposed by the Senate. There are, as a great many Members of the House know, and as all members of the Committee on Indian Affairs know, a few attorneys in this city practicing before the Department of the Interior who are constantly en-

deavoring to put over crooked deals and vicious legislation, and who are a menace to the welfare and best interests of the Indians throughout the country. This bill as it was reported by the House Committee on Indian Affairs provides that proceedings shall be initiated by petition verified by one of the attorneys who has already been employed in the case. I wish that that provision had not been incorted in the bill. that that provision had not been inserted in the bill. I believe these Indians should be free to employ any attorney they may wish when this bill is passed. As a member of the House Committee on Indian Affairs I would like to see in this bill a provision that any money that might be found due these Indians should not be subject to the claim or lien of any attorney. That has been the policy of the present Committee on Indian Affairs in the House, and I regret that it is not followed in this bill.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. MANN. Mr. Speaker, there is a Republican caucus to-

night, and I think we ought to quit at this time. I make the

point of order that there is no quorum present,
Mr. RAINEY. Mr. Speaker, I will ask the gentleman to withhold that point for a moment.

Mr. MANN. I withhold it. Mr. RAFNEY. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. LONDON. Mr. Speaker, I ask unanimous consent to extend and revise my remarks in the RECORD.
The SPEAKER. Is there objection?

There was no objection.

Mr. NORTH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill (H. R. 386) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired to authorize placing thereon, with retired pay, certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other

The SPEAKER. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk. announced that the Senate had passed without amendment joint resolutions of the following titles:

H. J. Res. 230. Joint resolution authorizing the National Society United States Daughters of 1812 to file its historical material in the Smithsonian Institution and to make annual reports to the secretary thereof; and

H. J. Res. 358. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect in March, 1917, etc.

The message also announced that the Senate, having proceeded in pursuance of the Constitution to reconsider the bill H. R. 10384, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," returned to the House of Representatives by the President of the United States with his objections and sent by the House of Representatives to the Senate with the message of the President returning the bill, Resolved, That the bill do pass, two-thirds of the Senate agreeing to the same.

SENATE BILL BEFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 7486. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

EVENING SESSION, WEDNESDAY, FEBRUARY 7, 1917.

Mr. STEPHENS of Mississippi. Mr. Speaker, I ask unanimous consent that an evening session be held on Wednesday next, beginning at 8 o'clock and running not later than 11 p. m., for the purpose of considering bills on the Private Calendar

The SPEAKER. The gentleman from Mississippi asks unanimous consent that on Wednesday next there shall be a session of the House, beginning at 8 o'clock p. m. and running not later than 11 p. m., for the purpose of considering unobjected bills on the Private Calendar. Is there objection? Mr. STAFFORD. Mr. Speaker, reserving the right to object, think that 10.30 is a sufficiently late hour.

Mr. STEPHENS of Mississippi. Then I will make it 10.30. The SPEAKER. The gentleman from Mississippi modifies his request and makes the hour not later than 10.30 o'clock p. m. Is there objection?

There was no objection, and it was so ordered.

THE LATE REPRESENTATIVE FINLEY.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that Sunday, February 25, 1917, be set aside for the paying of tribute to the life and character of the late Representative FINLEY.

The SPEAKER. Is there objection?

There was no objection.

PRICES OF CERTAIN POST-OFFICE SUPPLIES.

Mr. MOON. Mr. Speaker, I want to call up a bill which I think will take only a moment or two and which is an emergency measure. It involves a good deal of money to the Government. I move to suspend the rules and pass the bill (H. R. 20660) authorizing the Postmaster General to increase prices for certain supplies to conform to abnormal market conditions.

Mr. MANN. Mr. Speaker, I make the point of order that

there is no quorum present.

ADJOURNMENT.

Mr. RAINEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 43 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Tuesday, February 6, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, submitting a tentative draft of a bill to increase the limit of cost of Aqueduct Bridge across the Potomac River (H. Doc. No. 2025); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Helen S. Hussey, widow of John E. Hussey, deceased, v. the United States (H. Doc. No. 2026); to the Committee on War Claims and ordered to be printed.

3. A letter from the Commissioner of Patents, transmitting report of the business of the Patent Office for the year ended December 31, 1916 (H. Doc. No. 2027); to the Committee on Pat-

ents and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WALSH, from the Committee on the Judiciary, to which was referred the bill (H. R. 19233) to increase the salary of the United States marshal for the western district of Michigan, reported the same without amendment, accompanied by a report (No. 1418), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WM. ELZA WILLIAMS, from the Committee on the Judiciary, to which was referred the bill (S. 4288) relating to the maintenance of actions for death on the high seas and other navigable waters, reported the same without amendment, accompanied by a report (No. 1419), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHALLENBERGER, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 335) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, reported the same without amendment, accompanied by a report (No. 1420), which said joint resolution and report were referred to the House Calendar.

Mr. FLOOD, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 334) authorizing the President to appoint delegates to attend the Tenth International Congress of the World's Purity Federation, to be held in the city of Louisville, Ky., November 8 to 14, 1917, reported the same without amendment, accompanied by a report (No. 1421), which said joint resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 350) requesting the President of the

United States to designate and appoint a day on which funds may be raised for the relief of Ruthenians (Ukrainians), reported the same without amendment, accompanied by a report (No. 1422), which said bill and joint resolution were referred to the House Calendar.

Mr. RANDALL, from the Committee on the Post Office and Post Roads, to which was referred the bill (H. R. 20687) to amend the postal laws, reported the same without amendment, accompanied by a report (No. 1423), which said bill and report were referred to the Committee of the Whole House on the

state of the Union.

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (H. R. 19783) to equip the United States penitentiaries at Atlanta, Ga., and Leavenworth, Kans., for the manufacture of supplies for the use of the Government, for the compensation of the prisoners for their labor, and for other purposes, reported the same with amendment, accompanied by a report (No. 1424), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 17190) to prohibit and punish the fraudulent use, application, or counterfeiting of the seal of any executive department or Government commission, reported the same with amendment, accompanied by a report (No. 1425), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 17189) to prevent and punish willful injury or attempted injury to, or conspiracy to injure, any vessel engaged in foreign commerce, or the cargo or persons on board thereof, by fire, explosives, or otherwise, reported the same with amendment, accompanied by a report (No. 1426), which said bill and

report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11706) to amend an act entitled "An act to prevent the disclosure of national-defense secrets," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 1427), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE,

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows

A bill (H. R. 19579) granting an increase of pension to Henrietta E. Wingard; Committee on Invalid Pensions discharged,

and referred to the Committee on Pensions.

A bill (H. R. 19763) granting a pension to Calvin Sharpnack; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:

By Mr. RAUCH: A bill (H. R. 20748) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1918, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. WINGO: A bill (H. R. 20749) to amend section 8 of an act entitled "An act to provide for the appointment of additional judges of the United States court in the Indian Territory, and for other purposes," approved March 1, 1895, and for other purposes; to the Committee on the Judiciary.

By Mr. TAGUE: A bill (H. R. 20750) providing for enlistments in the Navy and the United States Marine Corps; to the

Committee on Naval Affairs.

Also, a bill (H. R. 20751) providing for enlistments in the Army; to the Committee on Military Affairs.

By Mr. ADAMSON: A bill (H. R. 20752) to amend an act providing mediation, conciliation, etc., approved July 15, 1913; to authorize the President to protect the operation of trains in time of peace, and to take possession of the common carriers and draft their crews and officials in time of war, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BRITTEN: A bill (H. R. 20753) to provide additional revenue for the construction of 113 naval vessels, as follows: Nine dreadnaughts, 4 battle cruisers, 4 scout cruisers, 28 destroyers, 63 submarines, 1 gunboat, 1 ammunition ship, 2 hospital ships, 1 transport, authorized under previous sessions of Congress and now under course of construction in various private and Government shipbuilding yards; to the Committee on Appropriations.

By Mr. HILLIARD: A bill (H. R. 20754) making an appropriation for the construction of a scenic road to Mount Evans,

in the State of Colorado, and granting to the city and county of Denver the right of way over the public lands within a

mile of said road; to the Committee on Appropriations.

By Mr. FLOOD: A bill (H. R. 20755) to carry out the provisions of the treaty of August 4, 1916, for the purchase of the Danish West Indian Islands, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GARDNER: A bill (H. R. 20756) to restrict the net number of aliens arriving in this country in any one fiscal year to 200,000; to the Committee on Immigration and Naturalization. By Mr. WEBB: A bill (H. R. 20757) to define and punish

espionage; to the Committee on the Judiciary.

Also, a bill (H. R. 20758) to regulate the conduct of vessels in the ports and waters of the United States in case of actual or threatened war, insurrection, or invasion, or threatened disturbance of the international relations of the United States; to the Committee on the Judiciary.

By Mr. BENNET: A bill (H. R. 20759) to repeal the literacy

test; to the Committee on Immigration and Naturalization.

By Mr. EMERSON: Joint resolution (H. J. Res. 365) to place in the hands of the President \$50,000,000 to complete and construct submarines and submarine destroyers; to the Committee on Appropriations.

By Mr. AYRES: Joint resolution (H. J. Res. 366) authorizing the Postmaster General to provide the postmaster at Wichita, Kans., with a special canceling die for the fall carnival and exposition of that city; to the Committee on the Post Office and Post Roads.

By Mr. DILL: Memorial of the Legislature of the State of Washington, favoring the passage of House bill 9805, to create the Mount Baker National Park; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Washington, favoring the submission to the States for ratification the amendment now pending granting to the women of the United States the elective franchise; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Memorial of the Legislature of the State of Washington, favoring the passage of House bill 9805, to create the Mount Baker National Park; to the Committee on the Public Lands.

Also, a memorial of the Legislature of the State of Washington, favoring the submission to the States for ratification the amendment now pending granting to the women of the United States the elective franchise; to the Committee on the Judiciary.

By Mr. McARTHUR: Memorial of the Legislature of the State of Oregon, favoring the Susan B. Anthony-amendment granting suffrage to women; to the Committee on the Judiciary.

Also, a memorial of the Legislature of the State of Oregon, urging the development of water power; to the Committee on

Interstate and Foreign Commerce,

Also, a memorial of the Legislature of the State of Oregon, favoring an appropriation for the use of the Bureau of Biological Survey, Department of Agriculture, to prevent the spread of rabies and exterminate wild predatory animals; to the Committee on Agriculture.

By Mr. SINNOTT: Memorial of the Legislature of the State of Oregon, favoring water-power legislation; to the Committee

on Interstate and Foreign Commerce.

Also, a memorial of the Legislature of the State of Oregon, favoring woman suffrage; to the Committee on the Judiciary.

Also, a memorial of the Legislature of the State of Oregon, favoring an appropriation for eradication of rabies and predatory wild animals; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 20760) granting an increase of pension to Oliver Budd; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 20761) granting an increase of pension to Bartley Marshall; to the Committee on Invalid Pen-

By Mr. CHURCH: A bill (H. R. 20762) granting a pension to John M. Williams; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 20763) granting a pension to J.

P. Boland: to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 20764) granting an increase of pension to Charles Dominick; to the Committee on Invalid Pensions.

By Mr. GLYNN: A bill (H. R. 20765) granting a pension to Charles L. Hewitt; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 20766 granting an increase of pension to George C. Rimes; to the Committee on

By Mr. GRAY of Indiana: A bill (H. R. 20767) granting an increase of pension to Samuel Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20768) granting an increase of pension to Jeff Patterson; to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 20769) granting an increase of pension to Daniel Thomas; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 20770) granting a pension to

Samuel A. Demarest; to the Committee on Pensions.

By Mr. McARTHUR: A bill (H. R. 20771) granting a pension to Georgia L. Swafford; to the Committee on Pensions.

By Mr. PRATT: A bill (H. R. 20772) granting a pension to Lewis J. Prime; to the Committee on Pensions.

By Mr. RUBEY: A bill (H. R. 20773) granting an increase of pension to Jabez Goodman; to the Committee on Invalid

By Mr. RUSSELL of Missouri: A bill (H. R. 20774) granting a pension to Elizabeth Sarah Dotson; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 20775) for the relief of Anthony Schnell; to the Committee on Claims,
By Mr. SCULLY: A bill (H. R. 20776) granting an increase of pension to Cecelia B. Chauncey; to the Committee on Invalid

By Mr. TAVENNER: A bill (H. R. 20777) granting an increase of pension to John H. Gardner; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Ohio: A bill (H. R. 20778) granting a pension to Sophia Hoover; to the Committee on Pensions.

By Mr. BURNETT: Joint resolution (H. J. Res. 364) to grant citizenship to Joseph Beech; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid

on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Congressional Union for Woman Suffrage, favoring passage of the Susan B. Anthony amendment; to the Committee on the Judiciary.

By Mr. ASHBROOK: Evidence to accompany House bill

20363, for relief of Edward Wilkinson; to the Committee on Invalid Pensions.

By Mr. BEALES: Petitions of sundry citizens of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary

By Mr. BURKE: Petition of Jacob Leicht and 19 other citizens of South Germantown, Wis., and vicinity, asking for the passage of a law to prosecute the persons or corporations responsible for the rise in the cost of living; to the Committee on Agriculture. By Mr. CARY: Petition of William P. Vanaltena and Carl A.

Zinn, of Milwaukee, Wis., protesting against the increase of taxes on life insurance companies; to the Committee on Ways and Means.

By Mr. DALE of New York: Petition of city council of Ironton, Ohio, relative to location of the armor plant; to the Committee on Naval Affairs.

Also, petition of the American Specialty Manufacturers' Association, favoring passage of House bill 17350, to premote our export trade; to the Committee on the Judiciary

Also, petition of Personal Liberty League of Maryland, against

prohibitory legislation; to the Committee on the Judiciary.

Also, petition of conservation commission of Albany, N. Y., relative to appropriation for control of white-pine blister dis-

ease; to the Committee on Agriculture.

Also, memorial of Board of Trade of Vicksburg, Miss., relative to amending Federal reserve act; to the Committee on Banking and Currency

Also, petitions of city of Dallas, Juvenile Protective Associa-tion of Cincinnati, and the Brooklyn Society, favoring a probation system in the United States courts; to the Committee on the

By Mr. DANFORTH: Petition of citizens of Hilton, N. Y. favoring the national prohibition amendment; to the Committee on the Judiciary

By Mr. DIXON: Petition of 102 citizens of the State of Indiana in favor of the passage of Federal woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. FULLER: Petition of Rev. John Gordon and 16 other citizens of Rockford, Ill., favoring the prohibition amendment to the Porto Rico bill; to the Committee on Insular Affairs. Also, petition of Charles Aves and 45 other citizens of Kings-

appropriation bill; to the Committee on the Post Office and Post

By Mr. FULLER: Petition of Cigar Makers' Union No. 99, of Sycamore, Ill., protesting against mail-exclusion bills; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Petition of Mrs. Mary P. Fearing, Emily Malbone Morgan, R. E. Jeffrey, H. L. Kennedy, Katharine B. Codreau, Mrs. S. B. Pearmain, C. F. Colbum, Marshall Houck, Robert Hale, L. A. Smith, George C. Morton, James F. Dailey, Charles W. Putnam, Isabella B. Bond, C. P. Atchison, Francis W. Sprague, William L. Slattery, Edna G. Eastman, of the Massachusetts Branch of the League to Enforce Peace, all of Boston, Mass., urging acceptance of the league's peace proposals by the United States; to the Committee on Foreign Affairs.

Also, petition of D. E. Welch and Edith E. Edkins, of Dorchester, Mass., members of the Massachusetts Branch of the League to Enforce Peace, urging acceptance of the league's peace proposal by the United States; to the Committee on Foreign

Also, petition of A. Hueeman, of Winthrop, Mass., member of the Massachusetts Branch of the League to Enforce Peace, urging acceptance of the league's peace proposal by the United States; to the Committee on Foreign Affairs.

Also, petition of Frank W. Whitcher, of Brookline, Mass., member of the Massachusetts Branch of the League to Enforce Peace, urging acceptance of the league's peace proposal by the United States; to the Committee on Foreign Affairs.

Also, petition of Hetty L. Hemenway, of New York City, N. Y., member of the Massachusetts Branch of the League to Enforce Peace, urging acceptance of the league's peace proposal by the United States; to the Committee on Foreign Affairs.

By Mr. HOLLINGSWORTH: Papers to accompany House bill 19914, granting a pension to John T. Rogers; to the Committee on Invalid Pensions.

Also, memorial of United Presbyterian Church of Clairsville, Ohio, asking amendment to Constitution of the United States abolishing polygamy; to the Committee on the Judiciary.

Also, memorial of Local Union, No. 1978, United Mine Workers of America, Bellair, Ohio, relative to reducing high cost

of living; to the Committee on Interstate and Foreign Com-

By Mr. IGOE: Petition of St. Louis Shoe Repairers' Association, asking for an embargo on leather; to the Committee on Interstate and Foreign Commerce.

By Mr. LINTHICUM: Petition of Hardy Garden Club, of Ruxton, Mrs. John T. Love, and Nellie C. Williams, of Balti-more, Md., favoring passage of House bill 20080, migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of Annie Guggenheimer, of Baltimore, Md., favoring House bill 16358, for woman's division in Federal Department of Labor; to the Committee on Labor.

By Mr. MAGEE: Petition of citizens of Marcellus, N. Y.,

and others, favoring the national prohibition amendment; to the Committee on the Judiciary.
By Mr. MORIN: Petition of Miss L. H. Piper, Miss Margaret

A. Lake, Miss A. L. Rankin, Miss E. Rankin, Mrs. C. J. Jaegle, all of Pittsburgh, Pa., with reference to Federal suffrage amend-

ment; to the Committee on the Judiciary.

By Mr. NOLAN: Petition of George H. Vollmer and 55 others from Oakland, Cal., and vicinity, protesting against mail-exclusion and prohibition bills now pending in Congress; to the Com-

mittee on the Judiciary.

Also, petition of E. E. Frederick and 58 others from San Francisco, Cal., and vicinity, protesting against mail-exclusion and prohibition bills now pending in Congress; to the Committee on the Judiciary.

Also, petition of Herman Prentki and 89 others from San Francisco, Cal., protesting against mail-exclusion and prohibi-tion bills now pending in Congress; to the Committee on the Judiciary

Also, petition by F. C. Weil and 57 others from Sacramento, Cal., protesting against the mail-exclusion and prohibition bills now before Congress; to the Committee on the Judiciary.

Also, petition by A. G. Hieronimus and 165 others from San Francisco, Cal., and vicinity, protesting against mail-exclusion and prohibition bills pending in Congress; to the Committee on the Judiciar

By Mr. PRATT: Petition of the Woman's Christian Temperance Union of Slaterville Springs, N. Y., by Mrs. Anna B. Root, corresponding secretary, favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

the Porto Rico bill; to the Committee on Insular Affairs.

Also, petition of Charles Aves and 45 other citizens of Kingston, against the enactment of section 10 of the Post Office ing national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petitions of J. M. Johnson and W. Hampton Warde, of New York, favoring passage of House bill 20080, to protect migratory birds; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Brooklyn, N. Y., against prohibitory legislation; to the Committee on the Judiciary.

By Mr. SANFORD: Petition of citizens of Albany County, N. Y., against prohibitory legislation; to the Committee on the Judiciary.

Also, petition of citizens of Albany County, N. Y., favoring placing Christian laws on legal basis in law of land; to the

Committee on the Judiciary.

By Mr. SMITH of Michigan: Petition of Marshall Cutler and 14 other citizens of Detroit, Mich., favoring passage of House bill 20080, migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, papers to accompany House bill 20726 in pension case of Henry C. Holbrook; to the Committee on Invalid Pensions.

By Mr. WASON: Petition of Lucia B. Cutter and 24 other residents of Jaffrey, N. H., favoring House bill 20080, to give effect to the convention between the United States and Great Britain for the protection of migratory birds, the ratifications whereof were exchanged on the 7th day of December, 1916, and for other purposes; to the Committee on Foreign Affairs.

SENATE.

Tuesday, February 6, 1917.

The Senate met at 11 o'clock a. m. Rev. J. L. Kibler, of the city of Washington, offered the fol-

lowing prayer

O Lord God, Father of mercies, we lift our hearts to Thee for Thy blessing. We know not what may befall us in the near future. We can not see the end from the beginning, but we put our cause in Thy hands and trust in Thy power and pray for Thy divine guidance. Knowing that the angel of the Lord encampeth round about them that fear Him and delivereth them, so we pray that the fear of the Lord may be continually before our eyes. In all our ways may we acknowledge Him who hath promised to direct our paths. Do Thou bless our country and lead Thy servants in authority in the accomplishment of Thy purposes in all the affairs committed to their hands. In the name of Christ, the Lord, we make our prayer.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Gronna and by unanimous consent, the further reading was dispensed with and the Journal was approved.

RELATIONS WITH GERMANY.

Mr. STONE. Mr. President, I have an important engagement at this hour that I am obliged to keep. It will detain me an hour, or such a matter. I ask consent that the resolution (S. Res. 351) I proposed yesterday relating to the President's address on the 3d instant may lie on the table until I return, and I shall then, if I can, call it up, approximately, say, at 1 o'clock.

The VICE PRESIDENT. Is there objection? The Chair

hears none.

DAUGHTERS OF THE AMERICAN REVOLUTION.

The VICE PRESIDENT laid before the Senate the annual report of the National Society of the Daughters of the American Revolution for the year ended October 11, 1916, which was referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

Mr. GRONNA. I present a memorial of the Legislature of North Dakota, which I ask may be read.

The memorial was read, as follows:

OFFICE OF THE SECRETARY OF STATE, NORTH DAKOTA.

I, Thomas Hall, secretary of state of the State of North Dakota, do hereby certify that the following is a true and complete copy of a certain concurrent resolution adopted by the fifteenth legislative assembly on January 10, 1917.

[SEAL.]

THOMAS HALL, Secretary of State.

Concurrent resolution.

Concurrent resolution.

Whereas the law providing for the free distribution of seeds to farmers contemplates only the distribution of rare and valuable seeds, and seeds that have been found to be peculiarly adapted to certain climates and soils; and Whereas the present distribution of seeds is not confined to rare and valuable varieties; and Whereas the distribution of seeds by mail is usually made during the months of March and April, thereby causing a large increase in the amount of mail carried at a time when the mails are being weighed to ascertain the basis for contract with the railroad company for carrying the mail; and

Whereas the benefits derived by the farmers from the free distribution of seeds by mall are not commensurate with the cost of distribution: Therefore be it

Resolved by the Senate of the State of North Dakota (the House of Representatives concurring), That the law which provides for the distribution of seeds through the mails should be repealed, and all rare and valuable vegetable, field, and flower seeds collected by the Department of Agriculture should be distributed to the States through their respective experiment stations and agricultural colleges.

Resolved further, That the secretary of state be, and he is hereby, instructed to transmit a copy of these resolutions to each of the Senators and Representatives from this State.

Mr. GRONNA I simply want to add one word in station

Mr. GRONNA. I simply want to add one word in stating that the legislature of my State of North Dakota consists mainly of farmers

The VICE PRESIDENT. The memorial will be referred to

the Committee on Agriculture and Forestry.

Mr. POINDEXTER. I present a joint memorial of the Legislature of the State of Washington in behalf of the establishment of Mount Baker National Park, which I ask may be printed in the RECORD.

The memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, THE STATE OF WASHINGTON, DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, I. M. Howell, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 2 of the fifteenth session of the Legislature of the State of Washington with the original copy of said memorial as enrolled, now on file in this office, and find the same to be a full, true, and correct copy of said original, and of the whole thereof, together with all official indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the capitol at Olympia, this 29th day of January, A. D. 1917.

[SEAL.]

I. M. HOWELL,

Secretary of State

Secretary of State.

Senate joint memorial No. 2.

To the honorable Senate and House of Representatives of the United

States:

Your memorialists, the members of the fifteenth legislative session assembled in the State of Washington, respectfully present—

That Mount Baker, of Whatcom County, Wash., the most northwesterly county of the United States, is a snow-covered mountain 10,827 feet in height, of great interest, beauty, and scenic grandeur; that by reason of its noble eminence and easy access from all parts of Puget Sound, it is of great and growing interest to the tourists of America.

Wherefore, and in order that this mountain, together with its immediate surroundings, may forever remain a resort for pleasure and recreation for the people of this great Nation and a field for scientific investigation, your memorialists do respectfully petition that that portion of the Mount Baker region situated in Whatcom and Skagit Counties, of the State of Washington, the boundaries of which are particularly described in H. R. 9805, be created a national park under the name of Mount Baker National Park, and in pursuance of that object your memorialists do most earnestly petition your respective bodies to pass the measure now before the House of Representatives creating such park.

The secretary of state is hereby directed to transmit immediately a certified copy of this memorial to His Excellency the President of the United States of America and to each of the Senators and Representatives in Congress from the State of Washington.

Passed the senate January 11, 1917.

LOUIS F. HART, President of the Senate.

Passed the house January 24, 1917.

GUY E. KELLY, Speaker of the House.

[Indorsed.]

STATE OF WASHINGTON, 88:

Filed in the office of secretary of state January 29, 1917, at 2.45 p. m.
I. M. Howell,
Secretary of State.

Mr. SMITH of Michigan. I have received a telegram which is in the nature of a memorial, and I ask that it be read for the information of the Senate.

There being no objection the telegram was read and referred to the Committee on Fereign Relations, as follows:

[Telegram.]

DETROIT, MICH., February 5, 1917.

Senator WILLIAM ALDEN SMITH, Washington, D. C.:

We, the Socialists of the city of Detroit, Wayne County, Mich., in mass meeting assembled, emphatically protest against the taking of further steps that may result in plunging this country into war. The interest of the workers of all countries are identical. War can only result in the slaughter of the exploited producers, solely in the interests of those industrial capitalists who in their competitive struggle are freed to wage war for the maintenance of foreign markets into which are shipped the surplus products exploited from those who

JOHN R. BALL, Secretary Socialist Party of Detroit.

Mr. LA FOLLETTE. Mr. President, I present some telegrams which I have received. These telegrams are, like the telegrams presented by the Senator from Michigan [Mr. SMITH], in the nature of petitions, and I ask that they be read.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

RACINE, Wis., February 2, 1917.

RACINE, Wis., February 2, 1917.

Washington, D. C.:

The executive board of the Racine Trades and Labor Council, representing the members of organized labor of this city, urge you to use your best efforts as a United States Senator to keep this country out of a bloody conflict with any foreign country. We ask that all American citizens be warned that they sall on ships in the war zone at their own risk, as we deem that they have no right to jeopardize the lives, property, and happiness of 100,000,000 souls.

Awaiting your concentrated efforts, we remain, respectfully. Yours, Executive Board Racine Trades and Labor Council, Otto Gerlat, Secretary.

MANITOWOC, WIS., February 5.

Hon. ROBERT M. LA FOLLETTE, Washington, D. C.:

Washington, D. C.:

In this crisis Congress should assert its constitutional right to take full control, for Congress and not the President represents the people. You owe it to your constituents not to allow one man to maneuver this great Nation into war. Entering the war in the midst of present circumstances will inevitably be followed by alliances, the prospects of which are you but thinly veiled. Such alliances violate our traditional policy and create disintegrating and constantly threatening forces.

C. E. Brady. Reinhardt Rahr, G. H. Torrison, Emil Teitgen, A. L. Hoitgen, August Schuette, Gustav Alter, R. H. Markham, Hubert Falge, Oscar A. Alter, Theo. Schmidt-mann jr., William Torreson, S. F. Neimer, John C. Schmidtmann, George Brothers, F. T. Zeintner, R. G. Olp, Lawrence W. Ledvina, Emil Baensch. Zeintner, R. G.

MILWAUKEE, WIS., February 5.

Hon. Robert M. La Follette, Washington, D. C .:

My solemn protest against this country's entering war on either side. A. C. DICK.

MILWAUKEE, WIS., February 5, 1917.

MILWAUKEE, WIS., February 5, 1917.

Hon. Robert M. La Follette,
United States Senate, Washington, D. C.

Dear Senator: In this hour of pending national crisis we join with those who believe that every citizen who enjoys the protection of our Government and flag must follow our President wherever he may lead; yet as Christians and citizens we assume the privilege of imploring you in the cause of humanity to insist upon every means available to keep this country out of the indescribable scourge of European war.

EXECUTIVE COMMITTEE OF THE FEDERATION OF CATHOLIC PARISHES OF MILWAUKEE, WIS.

EAU CLAIRE, WIS., Feburary 5, 1917.

Hon. Robert M. La Follette, Senate Chamber, Washington, D. C.:

So long as England refuses to make peace and persists in her refusal to allow us to ship goods to Germany despite our protests, and so long as we submit to that, we are in no fair position to insist that Germany limit her submarine warfare and surrender her right of self-preservation. If England as aggressor fights on the surface of the sea, Germany should have the right to defend beneath the surface. If we were at war with England, I would favor the right of this country to do what Germany has done. Under the circumstances a declaration of war on Germany would be an act of injustice as well as criminal folly.

J. C. Goores.

[Telegram.]

CHICAGO, ILL., February 2, 1917.

Hon. Robert La Follette, United States Senate, Washington, D. C.

Mr. LA FOLLETTE. Perhaps I ought to state with respect to this telegram that, as will be observed by the text, it was addressed to the President, but it is signed by Victor L. Berger, formerly a Member of Congress, and is addressed to me. I ask to have it read with the others.

The Secretary read as follows:

CHICAGO, ILL., February 2, 1917.

CHICAGO, ILL., February 2, 1917.

Hon. Robert La Follette, Washington, D. C.:

In behalf of the great multitude of Socialists in the United States, we, the national emergency committee of the Socialist Party, in order to preserve peace in our country urge that a complete embargo be placed upon all shipments of whatsoever kind from the United States to any and all of the belligerent countries.

At the time when the war began we made this identical demand. We urged that this country should "Starve the war and feed America."

We took this position then, and we take it now, for the following reasons:

reasons:

First, Because it is the only way in which our country can be made guiltless of participation in the bloodshed of the war.

Second, Because it is the only way in which this country can take a genuinely neutral position.

Third, Because it is the only way in which this country can keep its products at home, where they are sorely needed, in order to assist in reducing the cost of living.

From the beginning of the war the United States has not been neutral. It has obeyed the letter of international law, but has constantly and viciously violated its spirit by shipping munitions and other supplies to the one side when it was prevented by that side from shipping them to the other.

Piercing through technicalities and going to the heart of the matter, this is a flagrant violation of neutrality, because it helps one side and injures the other. It is also morally base, resulting, as it does, in the selfish plutocrats of our country enriching themselves at the expense of

warring nations and placing the guilt of murder at the door of the

warring nations and placing the guilt of murder at the door of the American people.

By this means the United States has helped to kill in cold blood millions of our fellow human beings. At the same time the exportation of the substance of the country to the warring nations has increased the cost of living among the masses of our people and thereby increasing their sufferings.

All three of these wrongs—the participation in bloodshed, the antineutrality, and the exportation of our substance—would be avoided by placing an embargo upon all shipments to all of the belligerents. In addition, it would tend to bring the war to a close.

We are sincerely neutral, and we heartily agree with you in the opinion that the interests of humanity demand that there "should be no victor in this war." Certainly, it would be much more likely to so end if the United States should cease to help one side.

This plan would also preserve peace in our own country. It would be preposterous for this country to go to war for the right to permit its selfish rich to still further enrich themselves by acting as accessories in murder.

Mr. President, we most earnestly remind you that the warlike opinions expressed in the daily press of the country are dictated by these same wicked and selfish vultures.

We, the Socialist Party, constitute a large portion of the common mass of the people, whose voices are not heard in the metropolitian press, but whose hearts are right and who do not want war. It is the voice of the common people that you should hear before you act.

Follow the example of your illustrious predecessor, Thomas Jefferson, Mr. President, and have a complete embargo placed on all shipments. It will end the war.

VICTOR L. BERGER, ADOLPH GERMER, JOHN M. WORK, Emergency Committee, Socialist Party.

The VICE PRESIDENT. The telegrams will be referred to the Committee on Foreign Relations.

Mr. GALLINGER. I present a telegram and ask that it be

The telegram was read and referred to the Committee on Finance, as follows:

[Telegram.]

NEW YORK, February 5, 1917.

Hon. JACOB H. GALLINGER, United States Senate, Washington, D. C.:

Kitchin revenue bill introduces additional burdensome taxation upon corporations and partnerships. If Government needs money give it all needed through bonds, but don't subject American people to further unjust faxation. Business men without exception are opposed to system of taxation proposed by Kitchin bill. AMERICAN PROTECTIVE TARIFF LEAGUE.

Mr. PITTMAN. I present a joint resolution of the Legislature of the State of Nevada, which I ask to have read.

The VICE PRESIDENT. The Secretary will read.

The joint resolution was read and referred to the Committee

on Foreign Relations, as follows:

CARSON, NEV., February 5, 6.30 p. m.

Hon. KEY PITTMAN, United States Senate, Washington, D. C.:

Hon. Key Pittman,

United States Senate, Washington, D. C.:

The Legislature of Nevada in joint session assembled this day adopted the following resolution and it is signed by Emmit D. Boyle, governor; Maurice J. Sullivan, president of the senate; and Ben. D. Luce, speaker of the assembly:

"Nevada Senate and Assembly joint resolution approving the policies of the President of the United States in the matter of maintaining the rights of American citizens in travel and commerce.

"Whereas the President of the United States has decided that it is necessary to suspend diplomatic relations with a great nation toward whom our friendship has been shown by our long-continued patience and to advise and warn ail nations that the rights of our citizens to travel and trade upon the high seas must be respected and will be maintained by the American people; and

"Whereas it is the solemn duty of every American regardless of party or faith or family origin to sustain and uphold our National Government at all times and particularly when our national honor and the principles of humanity and justice to which our Government is dedicated have been assalled: Now, therefore, be it

"Resolved, That the people of the State of Nevada represented by the senate and assembly in joint session do approve the policies of the President of the United States as stated in his address to the Congress of the United States on February 3, 1917, and with the hope as expressed by him that our Nation 'will not be challenged to defend our rights to liberty, justice, and unmolested life,' and do pledge the State of Nevada to the limit of its resources toward the maintenance of the honor of our Nation and the support of our President and the National Government; and be it further

"Resolved, That a copy of this resolution signed by the governor of the State of Nevada, the president of the senate, and the speaker of the assembly be transmitted by telegraph to the President of the United States and that an engrossed copy hereof certified under the great se

EMMIT D. BOYLE, Governor,

Mr. JONES. I present a joint memorial of the Legislature Mr. JONES. I present a joint memorial of the Legislature of the State of Washington, requesting the establishment of the Mount Baker National Park. A similar memorial has been presented by my colleague and ordered printed in the Record. I ask that this memorial which has been sent to me may be received and referred to the Committee on Public Lands.

The VICE PRESIDENT. The memorial will be referred to

the Committee on Public Lands.

Mr. JONES. I present a telegram from Fir, Wash., which I ask to have read.

The telegram was read and referred to the Committee on Foreign Relations, as follows:

[Telegram.]

FIR, WASH.

Hon. Wesley L. Jones, United States Senate, Washington, D. C.:

The Conway, Fir, Commercial, and Civic Clubs desire to commend the efforts of the Government in behalf of peace; also the action severing diplomatic relations with Germany, but earnestly urge avoidance of war. National honor is not subserved by slaughtering human beings. Kindly bring this to the attention of the President.

CONWAY, FIR, COMMERCIAL, AND CIVIC CLUBS.

Mr. WEEKS. I send to the desk a telegram, which I ask may be read.

The telegram was read and referred to the Committee on Foreign Relations, as follows:

[Telegram.]

HOPEDALE, Mass., February 5, 1917.

Senator JOHN W. WEEKS:

The Draper Corporation desires to place at the disposal of the Government its works and facilities in case of need. It invites the Government to send here any engineers or other agents for the purpose of carrying out this offer. Am sending duplicate telegram to Senator Looge. Will you kindly, after conference, convey this offer to proper departments?

GEORGE A. DRAPER, Treasurer.

Mr. WEEKS. Mr. President, I wish to say in explanation that the signer of the telegram is now the senior member of the Draper family, which has built up the largest cotton-machinery business in this country. I have presented the telegram to the Senate because I believe it is indicative of a course which will be followed by the vast manufacturing interests of the country in case their services are needed; and incidentally I think it is an indorsement of the fiscal policy under which we have lived for most of the time during the last 40 years of building up such industries, which can be of assistance to the Government in case of necessity.

Mr. SMOOT. Mr. President, I have received a great many telegrams similar to those which have been presented by the Senator from Wisconsin [Mr. LA FOLLETTE] and by the Senator from Washington [Mr. Jones], but I shall not ask that they be read this morning and printed in the Record. I will simply say, however, that the telegrams which have been inserted in the RECORD express the same thought and the same purposes

as do the telegrams which I have received.

Mr. SHERMAN. Mr. President, I present a telegram from certain loyal citizens living in the productive area of the southeastern oil belt of Illinois, tendering the oil in storage tanks, in the refinery, and all the appurtenances, together with their services, to the Government of the United States in the event they be needed in military operations in carrying out the principles announced in the President's late address. I do not ask that the telegram be read, but that it be printed in the RECORD.

Mr. LA FOLLETTE. Mr. President, before the Senator from Illinois takes his seat, as he did not have the telegram from the oil company read, I ask him whether or not it includes a tender of the services of any of the officers of the oil company to enlist

in case there is war?

Mr. SHERMAN. No, sir. I will state to the Senator from Wisconsin that these are private citizens, residing in the oil belt. They are not connected with the Standard Oil Co., and the interests with which they are identified are local oil companies. They may sell their product to anybody on the market, including the Standard Oil Co. I have been acquainted with many of these men for more than 30 years. I repeat, they are not identified with the Standard Oil Co. any more than am I. They may sell their product to the Standard Oil Co. to be manufactured. or they may sell it to others. Indeed, I am using a certain amount of their product. The gentlemen who prepared and sent this telegram have no more interest in the Standard Oil people than have I.

The VICE PRESIDENT. The telegram presented by the Senator from Illinois will be printed in the RECORD and referred to the Committee on Foreign Relations.

The telegram is as follows:

[Telegram.]

Hon. Lawrence Y. Sherman.

United States Senate, Washington, D. C.:

We tender the free use of our Commercial Club grounds at this place to the Government for an aviation field. Will organize our machine shops and mechanics as needed. In event the Government takes charge of our crude-oil fields, will furnish experienced men as a local board, who will give service without pay. Our local refinery holds itself ready and subject to control and desire of the Government. Protection of the million of gallons of crude oil stored here should be considered.

Chamber of Commerce of Casey, Ill.

Describent I present a telegram from

the Chicago Federation of Labor, adopted at a regular meeting, dated February 4, 1917, protesting against this country taking

any part in a possible war in which we might be involved and demanding that American citizens be prevented from entering the war zone

Mr. President, I am not in sympathy with this telegram, and I announce that I am entirely opposed to the principle embraced in it. The war zone, out of which American citizens are sought to be warned by the telegram, had as well embrace a war zone

of the entire Atlantic Ocean.

Mr. MARTINE of New Jersey. Mr. President, I feel that it is very fitting and proper that telegrams from citizens and associations protesting against proposed action or proffering their loyal support to the Government should be read. It is entirely within the province, I presume, of all citizens of our country to send to those of us who are representatives in the Congress telegrams expressive of their views. I have received many telegrams, including one to-day, which from their tenor can only prompt hatred and vengeance and bitterness between certain classes of citizens in our country. I have hesitated very much, and do hesitate, to present telegrams of that character. I have received a great many patriotic telegrams, while others, although not saying that the senders were not going to support our Government, were couched in terms and expressions which were only calculated to engender hate and bitterness. Those I shall keep within my own desk, and I think it might be well for most of us

to carry out the same policy.

Mr. JOHNSON of South Dakota. Mr. President, I have received a number of telegrams from my State touching the same subject, and I have advised the senders that I have referred them to the Committee on Foreign Relations for serious consideration.

Mr. KENYON presented petitions of sundry citizens of Iowa, praying for national prohibition, which were ordered to lie on

the table.

Mr. HUGHES presented petitions of sundry citizens of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. LANE. I present a memorial of the Legislature of the State of Oregon, which I ask to have printed in the RECORD and

referred to the Committee on Public Lands.

There being no objection, the memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 11.

Memorial to the Congress of the United States of America:

Memorial to the Congress of the United States of America:

Whereas there is now pending in the Congress of the United States legislation designed to encourage the development of the water-power resources of the Nation; and Whereas the State of Oregon and other Western States are blessed with bountiful natural resources, largely undeveloped, among which is water power; and Whereas although water power in said States is available in abundance only a very small percentage has been developed; and Whereas numerous water-power sites of large commercial possibilities are located in the public domain or in navigable streams; and Whereas existing Federal laws and regulations are so inadequate and restrictive that development of water power in the public domain and in navigable streams has practically ceased; and Whereas electrical power at a cost to justify its use in the conversion of our natural resources into finished, marketable products, in the reclamation of lands at present unproductive, and in the transformation of the motive power of rail transportation is wholly dependent upon the economical production of power on a large scale; and Whereas the essence of conservation is intelligent and economical utilization of natural resources to serve the economic necessities and desires of our people, and to conserve those natural resources that are exhaustible: and

Whereas the use of exhaustible resources of power and fuel where and when such an inexhaustible resource as water power can be used results in economic waste, which is indefensible when it can be obviated; and

Whereas since legislation necessary to encourage development of water power has been a constant subject of study, investigation, and dis-

Whereas since legislation necessary to encourage development of water power has been a constant subject of study, investigation, and discussion for years it is the judgment of your memorialists that the time is at hand for action: Therefore be it

cussion for years it is the judgment of your memorialists that the time is at hand for action: Therefore be it

Resolved. That the Legislature of the State of Oregon, in twentyninth session assembled, respectfully urges upon the Congress of the
United States the absolute and urgent necessity of the development of
water power in order that natural resources may be utilized to create
new wealth by the settlement of lands, the development of agriculture,
the establishment of manufactures of varied nature, and the conomy
and comfort of rail facilities of transportation may be enhanced, the
means of transportation enlarged and made cheaper, and traffic congestion relieved by opening to navigation waterways incapable of use
because of natural obstructions removable by water-power development
in navigable streams, and adequate national defense may be aided, all
of which will contribute to the increase and diversification of agriculture, commerce, and industry, and as a consequence promote economic
security; and respectfully petitions that Congress at its present session enact legislation that will encourage investment in the development
of these resources, consistent with adequate guaranties for the protection and safeguard of the public interests; and be it further

Resolved, That we, your memorialists, however, do not indorse any
particular bill now pending before the Congress of the United States;
and be it further

and be it further

Resolved. That our Senators and Representatives in Congress be requested to make every effort to carry out the purposes of the foregoing memorial; and be it further

Resolved, That a copy of this memorial, duly signed by the president of the senate and the speaker of the house, and attested by the chief clerks of the two houses, be forthwith forwarded to each of Oregon's Senators and Representatives in Congress.

Concurred in by the house January 25, 1917.

R. N. STANFIELD,

Speaker of the House.

Adopted by the senate January 23, 1917.

GUS C. MOSER, President of the Senate. STATE OF OREGON, SENATE CHAMBER.

I, J. W. Cochran, chief clerk of the Senate of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 11, Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof, as adopted by the senate January 23, 1917, and concurred in by the house January 25, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In witness whereof I have hereunto set my hand this 29th day January, 1917.

J. W. Cochran, Ohief Olork Senate, Twenty-ninth Legislative Assembly of the State of Oregon.

STATE OF OREGON,
HOUSE OF REPRESENTATIVES.

I, W. F. Drager, chief clerk of the House of Representatives of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 11, Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof, as adopted by the senate January 23, 1917, and concurred in by the house January 25, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In witness whereof I have hereunto set my hand this 29th day of January, 1917.

W. F. Drager, Chief Clerk House, Twenty-ninth Legislative Assembly of the State of Oregon.

Mr. LANE. I present a memorial of the Legislature of Oregon, relating to the Biological Survey of the Department of Agriculture, which I ask to have printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table and to be printed in the Record, as follows:

Senate joint memorial 13.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that—

Whereas a large portion of the State of Oregon is infested with coyotes and other predatory animals, and the said predatory animals at all times destroy property of the citizens of Oregon and destroy the wild game and the birds of the State of Oregon; and
Whereas at this time the said animals are affected with rabies, and on this account are unusually dangerous and are spreading rabies, and by this means causing death among the live stock of all kinds and at times menacing life of the citizens of the State of Oregon and of other Western States; and
Whereas the Biological Survey of the United States Department of Agriculture has been adding the citizens of the State of Oregon and other Western States in the eradication of rabies and in extermination of predatory animals referred to, and have been very successful in the campaign which they have organized, and are able to carry out the said campaign more effectually than the several States have been able to do; and
Whereas the State of Oregon is financially unable to carry on this program for the eradication of rables in an adequate manner, and it is essential that the Biological Survey continue its investigation and efforts in order that the said predatory animals may be exterminated and the money already expended may not be wholly lost: Therefore be it

and the money already expended may not be it

Resolved by the Senate of Oregon (the House of Representatives concurring). That the Congress of the United States be, and it is hereby, memorialized to appropriate at an early date by special appropriation adequate funds for the use of the Bureau of Biological Survey of the United States Department of Agriculture in its campaign to prevent the spread of rables and to eradicate rables and exterminate wild predatory animals; be it further

Resolved, That after concurrence of the house of representatives herein the chief clerk of the senate shall transmit copies of this memorial to the Senators and Representatives in Congress from the State of Oregon and to the Secretary of Agriculture of the United States.

Concurred in by the house January 25, 1917.

R. N. STANFIELD,

Speaker of the House.

Adopted by the senate January 23, 1917.

Gus C. Moser, President of the Senate.

STATE OF OREGON, SENATE CHAMBER.

I, J. W. Cochran, chief clerk of the Senate of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify:

That I have carefully compared the annexed copy of senate joint memorial No. 13, Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 23, 1917, and concurred in by the house January 25, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In witness whereof I have hereunto set my hand this 29th day of January, 1917.

J. W. Cochran,
Chief Clerk Senate,
Twenty-ninth Legislative Assembly of the State of Oregon. Mr. LANE. I also present a memorial of the Legislature of Oregon, which I ask may be printed in the Record and referred to the Committee on the Judiciary.

There being no objection, the memorial was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

RECORD, as follows:

Senate joint memorial 12.

Whereas 12 States of the Union, among which is Oregon, by constitutional amendment or legislative enactments, have extended the right of suffrage to women; and
Whereas in those States where such privilege has been exercised it has brought about great improvement in the moral welfare and economic conditions throughout said States; and
Whereas there is now pending in the Congress of the United States a measure known as the "Susan B. Anthony amendment to the Constitution of the United States," the purpose of which measure is to propose an amendment to the Constitution of the United States extending and giving throughout the United States the right of suffrage to women: Therefore be it

Resolved by the senate (the house of representatives concurring), That the Congress of the United States be, and it is hereby, memorialized to take favorable action on said proposed measure; be it further Resolved, That after the concurrence of the house of representatives herein the chief clerk of the senate be, and he hereby is, instructed to transmit copies of this memorial to the Members of the Oregon delegation in Congress.

Concurred in by, the house January 25, 1917.

R. N. Stanfield, Speaker of the House.

R. N. STANFIELD, Speaker of the House.

Adopted by the senate January 23, 1917.

GUS C. MOSER, President of the Senate.

STATE OF OREGON, SENATE CHAMBER.

I, J.-W. Cochran, chief clerk of the Senate of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 12, Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 23, 1917, and concurred in by the house January 25, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In witness whereof I have hereunto set my hand this 29th day of January, 1917.

J. W. COCHRAN, Chief Clerk Senate, Twenty-ninth Legislative Assembly of the State of Oregon. BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH: A bill (S. 8153) for the relief of Edward T. Moran (with ac-

companying papers); to the Committee on Military Affairs.

By Mr. POMERENE:

A bill (S. 8154) granting an increase of pension to Sarah

Baker (with accompanying papers); to the Committee on Pen-

By Mr. STONE: A bill (S. 8155) granting an increase of pension to Henry Wiese (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 8156) granting an increase of pension to Mollie Thompson (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 8157) granting an increase of pension to Anna Alexander; to the Committee on Pensions, By Mr. CHILTON:

A bill (S. 8158) for the relief of W. J. Poland; to the Committee on Claims.

By Mr. HUGHES:

A bill (S. 8159) to place Albert Hamilton on the retired list of the United States Navy; to the Committee on Naval Affairs. By Mr. ASHURST:

A bill (S. 8160) authorizing receipts from the sale of surplus power to be applied to the payment of operation and mainte-nance charges on reclamation projects; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. MARTIN of Virginia:

A bill (S. 8161) granting a pension to Pyrrhus Williams; to the Committee on Pensions.

PUBLIC BUILDINGS.

Mr. LANE submitted an amendment intended to be proposed by him to the public-buildings bill (H. R. 18994), which was re-ferred to the Committee on Public Buildings and Grounds and ordered to be printed.

RIVERS AND HARBORS (H. R. 20079).

Mr. BROUSSARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered

to be printed.

Mr. GRONNA submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be

printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to increase the appropriation for the reclamation and development of the Anacostia River and Flats from \$300,000 to \$400,000, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was ordered to lie on the table and be printed.

Mr. STERLING submitted an amendment relative to the tax laws of the District of Columbia intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS-CATHERINE H. RYNDER.

On motion of Mr. Penrose it was

Ordered, That the papers accompanying the bill (S. 3369), Sixty-third Congress, granting an increase of pension to Catherine H. Rynder, be withdrawn from the files of the Senate, no adverse report having been made thereon.

PROHIBITION ON FEDERAL JUDGES.

Mr. SUTHERLAND. Mr. President, I send to the desk a copy of an address delivered by Judge Stuart, of Oklahoma City, to the Legislature of Oklahoma, January 23, 1917, with reference to the bill or joint resolution introduced by the Senator from Oklahoma [Mr. Owen], having for its object the stripping from the Supreme Court of the United States the power to pass upon the constitutionality of acts of Congress and acts of State legislatures. It is a very able and a very timely address upon this subject, and I ask to have it printed as a public document.

The VICE PRESIDENT. It will go to the Committee on Printing.

Mr. SMOOT. My colleague consents that it shall go to the Committee on Printing?

Mr. SUTHERLAND. Yes.

UNIFORMITY OF THE LAWS.

Mr. LEWIS. Mr. President, I wish to tender the address of Col. M. A. McChesney, president of the State Bar Association of Illinois, upon the matter of the uniformity of the laws. desire to have it printed as a document, and ask permission now to have it go to the Committee on Printing.

The VICE PRESIDENT. That action will be taken.

FLOOD CONTROL.

Mr. RANSDELL. Mr. President, I wish to announce that immediately after the District of Columbia appropriation bill is finished I shall move to proceed to the consideration of the bill (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes.

NOMINATION OF DR. CARY T. GRAYSON.

The VICE PRESIDENT. Concurrent and other resolutions are in order.

Mr. POINDEXTER. I ask the Chair to lay before the Senate the resolution submitted by me and coming over from a

previous day.

The VICE PRESIDENT. The Chair lays before the Senate a resolution (S. Res. 352), which the Server will read.

The Secretary read the resolution (S. Res. 352) submitted yesterday by Mr. Poindexter, as follows:

Resolved, That further consideration of the nomination of Passed Assistant Surgeon Cary T. Grayson to be medical director with the rank of rear admiral in the Navy shall be in open executive session.

Mr. POINDEXTER. Mr. President, under the second paragraph of Rule XXXVI there is a provision that executive session.

sions shall be held with closed doors unless the Senate shall decide to hold open executive sessions. It is for the purpose of exercising the discretion which the Senate reserves to itself in this rule that I have offered this resolution.

I can not imagine any satisfactory reason for insisting upon secrecy in this matter. If only a personal question were involved, if the only interest concerned was the question of whether the nominee in this case should receive the office to which he has been nominated, I would readily consent that there would be no adequate reason for insisting upon an open session; but there are far greater interests involved, not only the interests of a great number of individuals, the seniors of this nominee in the medical staff of the Navy, but there is the broader interest of the Navy itself. This promotion, the circumstances under which it is made, the reasons which are advanced in favor of it, constitute such a dangerous and insidious attack upon the morale and spirit of the entire personnel of the Navy as to involve the national safety and defense.

The country is more or less aroused during the last few days by strained relations with Germany. I myself think we have been subject to more or less unfounded hysteria in the matter.

I am very much in hope that there will not be any material conflict between the great German Empire and the United States of America. There are various reasons for that; there are many indications, I think, in the last few days of a disposition on the part of Germany to avoid such a conflict, and I am sure there is in the breasts of the American people the desire that no incident of sufficient cause shall arise for plunging this country into war with Germany. I think that there are other international relations that are more ominous and more imminent than those with Germany.

Mr. President, whether we are mistaken or not, it being the case that there is a very widespread feeling that we are walking upon the brink of a volcano, that we may be involved in an eruption and in hostile conflicts with foreign nations at any time, it is readily apparent what is involved in the selection of the man who is to be at the head and to have the authority to direct the entire medical staff of the Navy. The reasons which lie at the bottom of the objections to this promotion not being personal, but far-reaching in their effects upon the Navy and upon the conditions of our national defense, ought to be published. There has been no reason advanced why the doors should be closed and the press and the public in the formulation of their judgment upon the issues involved in this nomination should be deprived of the material upon which their judgment is to be based.

There is a provision in one of the rules of the Senate that the remarks of Senators concerning the character of a nominee or his qualifications for office shall be kept secret.

Mr. SMITH of Michigan. I do not think the question of character is involved here.

Mr. POINDEXTER. There is no question about his character involved and there is no question about his qualifications. The question is about his lack of qualifications. I have never heard anybody claim—and I say this in perfect good spirit and friendliness—that he was possessed of any qualifications that would entitle him to be promoted over the heads of 127 of his seniors and to be put at the head of the medical staff of the Navy.

As a matter of fact, there are only two reasons which I have heard advanced for this promotion. One of them is that Dr. Grayson is a Virginian, and that consequently his nomination ought to be confirmed. I confess that that is a very plausible reason, and I am saying this in all seriousness. That is advanced and is urged as a reason why Senators should support it. Mr. LEWIS. Mr. President—

Mr. POINDEXTER. I am willing to concede that a man coming from Virginia is entitled to special consideration. The presumptions are all in his favor, at any rate, if he comes with good credentials from that old Commonwealth. But it so happens in this particular case that this reason reacts upon itself, because in the list of officers in the Medical Corps of the Navy senior in rank to Dr. Grayson there are 18 Virginians, just as good men as he is, coming with just as good credentials and just as good blood from that soil, which has produced so much of true greatness. If we are to be appealed to upon the ground that Virginians should rally around this son of old Virginia when he has this opportunity to receive a great honor, we appeal to the same principle on behalf of the Virginians who are his seniors in this list, not that they should be rewarded for services which they have not performed at the expense of an injustice to one of their fellows

Mr. LEWIS. Mr. President, a parliamentary inquiry.

Mr. POINDEXTER (continuing). But simply that justice

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Illinois?

Mr. POINDEXTER. I shall have to decline to yield for the

moment. I will yield a moment later.

Mr. LEWIS. I simply rose to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry. He has a right to do that.

Mr. LEWIS. What particular motion or subject matter is be-

fore the Senate at this time?

The VICE PRESIDENT. A resolution coming over from yes-

The resolution of what Senator?

Mr. LEWIS. The resolution of what Senator? The VICE PRESIDENT. The Senator from Washington [Mr. POINDEXTER]

Mr. LEWIS. On the question of the open or executive session, The VICE PRESIDENT. Yes. The resolution was stated.
Mr. POINDEXTER. Now, Mr. President—
Mr. PITTMAN. Mr. President—

Mr. POINDEXTER. It would be far more agreeable-

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Nevada?

Mr. POINDENTER. I will yield for a question only; not for

any other purpose.

Mr. PITTMAN. The Senator is discussing his resolution, I take it, dealing with the confirmation of Cary T. Grayson as a rear admiral. Is that the resolution? I take it it is; and, Mr. President, I ask that this, being a question of confirmation, be considered behind closed doors.

Mr. POINDEXTER. I do not yield for that purpose, Mr.

President. I only yielded for a question.

The VICE PRESIDENT. Any Senator has a right to ask

that the doors be closed. Is it seconded?

Mr. POINDEXTER. I do not take it, Mr. President, that the Senator has a right to make the motion while another Senator has the floor.

The VICE PRESIDENT. Oh, it is not a motion; it is in accordance with the rule that any Senator at any time, during the consideration of any question, may suggest that the doors be closed, and if seconded-

Mr. LA FOLLETTE. It is not seconded.

The VICE PRESIDENT. That is what the Chair asked. Is seconded?

Mr. POINDEXTER. I decline, Mr. President, to yield-

Mr. HOLLIS. I second it.
Mr. POINDEXTER (continuing). For the purpose of any

such motion or any such request.

The VICE PRESIDENT. The Chair will enforce the rule. The Sergeant at Arms will clear the galleries and close the doors. The Senate thereupon (at 11 o'clock and 45 minutes a. m.) proceeded to deliberate with closed doors. At 5 o'clock and 15 minutes p. m. the doors were reopened.

FORTIFICATION APPROPRIATIONS-CONFERENCE REPORT.

Mr. BRYAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20453) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other pur-poses, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amend-

ment of the Senate numbered I, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an ment of the Senate numbered 2, and agree to the Sanac and amendment as follows: In lieu of the matter inserted by said amendment insert the following: "or, where such material is not or has not been manufactured by the Government, at a price in excess of 25 per cent more than the estimated cost of manufacture by the Government: *Provided*, That whenever in the opinion of the President the situation is such as to justify such action he may waive the limitations contained in this section"; and the Senate agree to the same.

N. P. BRYAN, OSCAR W. UNDERWOOD, Managers on the part of the Senate. SWAGAR SHERLEY. GEORGE RAUCH. FREDERICK H. GILLETT. Managers on the part of the House.

Mr. BRYAN. I ask the Senate to proceed to the considera-

tion of the conference report.

The PRESIDING OFFICER (Mr. Johnson of South Dakota in the chair). Is there objection? The Chair hears none. The question is on agreeing to the conference report.

The report was agreed to.

PUNISHMENT FOR THREATS AGAINST THE PRESIDENT.

Mr. HUGHES. I ask unanimous consent to be permitted to submit a report for the Senator from Florida [Mr. Fletcher] on behalf of the Judiciary Committee. I report back favorably without amendment House bill 15314. I send the bill to the desk and ask that it be read, and then I will ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Without objection, the bill will

be read.

The Secretary read the bill (H. R. 15314) to punish persons who make threats against the President of the United States, as follows:

Be it enacted, etc., That any person who knowingly and willfully deposits or causes to be deposited for conveyance in the mail or for

delivery from any post office or by any letter carrier any letter, paper, writing, print, missive, or document containing any threat to take the life of or to inflict bodily harm upon the President of the United States, or who knowingly and willfully otherwise makes any such threat against the President, shall upon conviction be fined not exceeding \$1,000 or imprisoned not exceeding five years, or both.

Mr. HUGHES. I ask unanimous consent for the present consideration of the bill.

Mr. GALLINGER. I will ask the Senator is there now no law which covers threats of that kind?

There seems to be no law. Mr. HUGHES.

Mr. GALLINGER. That is most extraordinary.

Mr. HUGHES. It is extraordinary.
Mr. GALLINGER. I should think threats of that kind made even against a private person would be covered by some statute.

Mr. HUGHES. I do not think there is any Federal statute covering it. Of course, every State probably has a statute of the kind, but there is no national law which deals with this particular situation, I understand.

The PRESIDING OFFICER. Is there objection to the pres-

ent consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGRICULTURAL APPROPRIATIONS.

Mr. SMITH of South Carolina. I ask that the unfinished business, House bill 19359, be laid before the Senate and proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June

Mr. MYERS. I offer an amendment to the pending bill. The PRESIDING OFFICER. The committee amendments have not yet been disposed of

Mr. MYERS. I was informed that the committee amendments had been disposed of.

Mr. SMITH of South Carolina. There is a committee amendment on page 27 that was passed over. The committee report to amend the bill by striking out what is known as the free-seed distribution. I do not know what action the Senate will take in reference to it, but I want to state in justification of my position that I was not present the day the matter was considered in the committee or I would have entered my objection at that time. I feel that this is a provision in the bill that for some reason or other has become unpopular, but my own experience is to the effect that it is one of the worthiest features in the bill. There are thousands and thousands of small families who receive these seeds from the Government and I think they are a real benefit. Not only that, but it serves as a kind of tie between the people receiving them and the Government.

The objection has been made that it is pure graft used by Members of the House and Senate for the purpose of obtaining votes. The distribution has become known, and now throughout the entire country the people are in the habit of looking for these seeds, no matter who is the successful candidate for Congress, and there is nothing to that argument. So far from having any graft feature in it, it is a means by which a class of people who have the fewest opportunities of any other class may come into touch with the efforts of the department by the department selecting and sending to them small packages of garden seeds.

Mr. President, I am just a bit tired of this farce-and I use the word advisedly-of the House each year voting out the seed proposition and then in conference putting it back.

Mr. SMOOT. Mr. President-

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Utah?

Mr. SMITH of South Carolina. I yield. Mr. SMOOT. I fully agree with the Senator from South Carolina as to this provision, and I believe that it ought to be discussed when we have a number of Senators present. I think it ought to be voted on at a time when we could have as full a vote of the Senate as possible.

Mr. SMITH of South Carolina. If the Senator from Utah would like to have the matter go over until to-morrow, as it looks as though we could not finish the bill this evening. I

would agree to that.

Mr. SMOOT. I think so. I should like Senators to read what the Senator from South Carolina has said and to hear what he may say upon this subject.

Mr. GALLINGER. I join in the request that this matter go

over.

Mr. SMITH of South Carolina. Very good. I ask that it go over.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

Mr. SMITH of South Carolina. I have here some amend-

ments which have been suggested.

The Secretary. The next amendment of the committee passed over is on page 63. At the instance of the Senator from Idaho [Mr. Brady] the amendment in lines 7 and 8 was passed over. It is there proposed to strike out the words "to educational institutions or associations for agricultural education not organized for profit."

Mr. SMITH of South Carolina. Mr. President, I do not see the Senator present who objected to that amendment, and I

ask that it go over temporarily.

I offer the amendment, which I send to the desk, which has been suggested by the Agricultural Department. It is not an increase of the total of the appropriation, but it will best ac-complish the object to be attained. The department make this suggestion, and I shall offer the amendment and ask that the Senate pass upon it. On page 9, line 2, I move to strike out "\$114,940" and to insert "\$130,040." I shall read what the department has to say in relation to this matter.

Mr. STONE. Is not that an increase?

Mr. SMITH of South Carolina. No; it is a lump sum. This is not an addition; it is increasing a special appropriation for a specific work within the lump-sum appropriation, so that it does not increase the general appropriation. Here is what the department says:

In addition to the reduction of \$23,320 in the increase estimated for the promotion of field employees, the House committee decreased the department's estimate by \$16,560. This amount (\$16,560) was subtracted from "observations and reports," while it should have been apportioned among the several items in the paragraph. It is recommended that the amount for "special observations and reports" be changed to \$130,040, the sum carried in the present appropriation act. This does not involve any increase in the appropriation, but simply increases the total that can be expended for this specific purpose. The change will facilitate the proper administration of the work.

I ask that the amendment be stated.
The PRESIDING OFFICER. The amendment will be stated by the Secretary.

The Secretary. On page 9, line 2, it is proposed to strike out "\$114,940" and to insert "\$130,040."

Mr. SMOOT. Mr. President, that means that there is an increase of \$15,000 and some odd dol'ers for special observations and reports.

Mr. SMITH of South Carolina. Yes.

Mr. SMOOT. And a decrease of that same amount for the necessary expenses outside of the city of Washington incident to collecting and disseminating certain information.

Mr. SMITH of South Carolina. Yes; that is correct. Mr. SMOOT. The department feels that that distribution of money is better for the department than the provision made in

Mr. SMITH of South Carolina. Yes; it seems that that is the provision of the old law, and we do exactly as they recommend by replacing the language as it now stands in the bill with the language of the old law. There seemed to have been some misunderstanding when the House made the change, and the department merely recommends a reinstatement of the language as it was last year.

Mr. SMOOT. Does the present law provide a total appro-

priation of \$1,301,190?

Mr. SMITH of South Carolina. It is \$1,747,260.
Mr. SMOOT. Then, this is a decrease from the present law?
Mr. SMITH of South Carolina. Yes.
The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Carolina.

The amendment was agreed to.

Mr. SMITH of South Carolina. I offer the amendment which Mr. SMITH of south Caronna. I offer the amendment which I send to the desk, which is also recommended by the department. It is simply a verbal change, inserting for explanation some words that were not inserted. On page 12, line 25, I move to strike out the words "the alteration of" and to insert the words "repairs, alterations, improvements, or additions to." The reason the department gives for asking this change is that-

As the language now stands the department is without authority to make any improvements whatever to the buildings at its quarantine stations or to repair them when necessary. The suggested change will confer such authority. This recommendation was not included in the

This amendment does not propose to change any appropriation at all, but simply to put such language in the bill as would enable the department to do the work for which the appropriation was made.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Carolina will be stated.

The Secretary. On page 12, line 25, it is proposed to strike out the words "the alteration of" and to insert "repairs, alterations, improvements, or additions to," so as to read:

Including the establishment and maintenance of quarantine stations, repairs, alterations, improvements, or additions to buildings thereon.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from South Carolina.

The amendment was agreed to.

Mr. SMITH of South Carolina. Mr. President, the department, after the committee had acted, suggested an amendment, on page 21, line 19, to strike out "\$33,760" and to insert "\$36,260." This is an increase of \$2,500.

It is but fair to say that this recommendation was included in the estimates, but was not allowed by the other House. will give the Senate the benefit of the department's reasons for

offering this amendment.

Soil-fertility investigations: On page 21, line 19, strike out "\$33,760" and insert "\$36,260," an increase of \$2,500. This recommendation was included in the estimates, but was not approved by the House committee.

It is proposed to use the additional \$2,500 in studying a peculiar disease of potatoes which has appeared in portions of Maine and in certain other potato-growing districts. The disease apparently is associated with certain types of soil and also with the employment of fertilizer deficient in potash.

The department suggests this increase in order to study the particular nature of the soil where this disease is most prevalent and to study the condition of the potato itself.

Mr. SMOOT. Mr. President, I notice an amendment to the bill intended to be offered, I believe, by the Senator from Colorado [Mr. Thomas] for the purpose of investigating diseases affecting the potato production of the country. I was wondering whether that had been referred to the committee and whether the committee had sated formally

the committee had acted favorably or unfavorably on that amendment. If favorably, would not that cover this increase?

Mr. SMITH of South Carolina. No; that amendment was not acted upon on this bill. I presume the Senators from the section of country affected know the ravages of this particular disease. I understand that they are beginning now to quarantine even against sections that are not apparently infected in order to keep the disease from spreading. The department wishes this sum in order to make a specific study of the soil and to ascertain what connection there is between the soil and the disease. This is merely a recommendation of the Secretary of Agriculture. I do not know anything about it personally.

Mr. SMOOT. I believe that the appropriation is a wise one.

but I do not think that it ought to apply to one State only. do not think that the \$2,500 ought to be spent entirely in connection with the investigation of the potato industry in Maine.

Mr. SMITH of South Carolina. My impression is that that is the only place now where the particular disease referred to is known to exist.

Mr. SMOOT. That may be as to this particular disease.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I do not know definitely about this. Maine was quarantined against awhile ago, but I think the quarantine has been lifted. The fact is, however, that the potato crop in Maine is very large, Aroostook County being given up almost entirely to the culture of potatoes by Swedish immigrants. Still this is a general provision, and I apprehend it will be applied to other sections of the country if necessary

Mr. SMITH of South Carolina. I presume so. The Secretary of Agriculture calls especial attention to it, and goes on further in the statement I have regarding it, and says that the disease, or a similar disease, has spread to other parts of the country.

Mr. GALLINGER. The text of the amendment does not confine it to one State or to any particular section of the country?

Mr. SMITH of South Carolina. No.

Mr. SMOOT. The reason I referred to it was that, in the statement made by the Secretary of Agriculture, he asked for the increase for the purpose of investigating a certain disease of potatoes in the State of Maine; and I thought that, if the appropriation were made based upon the statement of the Secretary of Agriculture, he would take it for granted that the Senate voted the full \$2,500 to be expended for that specific purpose; and, of course, if that were the case, it would be all spent in the State of Maine.

Mr. SMITH of South Carolina. No; he goes on here to say-I did not read all he said, but only sufficient to give the Senate an idea of the extent of the disease that we were trying to reach by this provision, and I am sorry if reading just that much has left an impression that the appropriation was to be applied to Maine alone, because in the statement the Secretary goes on

Reports received since the estimates were submitted indicate that similar diseases probably occur in cotton fields in scattered areas

throughout the South. They assume a significance, therefore, which was not recognized when the hearings before the House committee were under way, and emphasize the importance of restoring the sum originally estimated by the department. In fact, the experts of the Bureau of Plant Industry are of the opinion that double the amount suggested could be advantageously expended.

So it will readily be seen that the department does not intend to confine it to any one place, but wherever this money can be advantageously used in the eradication of this particular form

of potato disease, it will be used.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from South Carolina.

The amendment was agreed to. Mr. SMITH of South Carolina. Mr. President, the next amendment is one of much importance to the western country, and especially so in view of the present high cost of living. On page 23, line 4, I move to strike out "\$176,505" and insert "\$186,505." That is an increase of \$10,000. I quote from the statement furnished regarding this proposed increase:

The estimates recommended an increase in this item of \$12,000, which was allowed by the House committee.

Since the estimates were submitted it has become clear that a more vigorous campaign against the destructive black rust of wheat should be inaugurated. Consideration of the possibility of extending the co-operative activities of the Bureau of Plant Industry and of the State agricultural experiment stations for controlling epidemics of this disease, especially in the spring-wheat areas, has resulted in the belief that the general eradication of barberry plants from the entire area will doubtless lessen the severity of the rust outbreaks.

I have not read all of the statement, but that gives a sufficient

idea as to the necessity for this increase.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from South Carolina.

Mr. GALLINGER. Mr. President, I should like information as we go along in the consideration of these bills. western Senator tell me what the barberry plant is?

Mr. SMITH of South Carolina. The barberry weed. Mr. GALLINGER. Barberry weed! I understood the Sena-

tor to say "barberry plant."

Mr. SMITH of South Carolina. The statement does refer to the "eradication of barberry plants." I presume it is some kind of a growth indigenous to the soil, that may propagate this particular disease. I am totally unfamiliar with it, and am only going upon the statement of the Secretary of Agricul-

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from South Carolina?

The amendment was agreed to.

Mr. SMITH of South Carolina. On page 50, line 5, I move to strike out "\$4,000" and insert "\$7,000." That is an increase of \$3,000.

The PRESIDING OFFICER. The amendment will be stated. The Secretary. On page 50, line 5, after the word "sirup," it is proposed to strike out "\$4,000" and insert "\$7,000," so as to read:

For the investigation and development of methods for the manufacture of table sirup, \$7.000.

Mr. SMOOT. Mr. President, can the Senator tell me what amount the present law appropriated for this purpose?

Mr. SMITH of South Carolina. The present law appropriated \$4,000 for this purpose.

Mr. SMOOT. Does the Secretary of Agriculture say why he wants the increase?

Mr. SMITH of South Carolina. Yes; I was going to come to that. He says:

The additional \$3,000 is urgently required in order that the work may be continued on an adequate scale. Valuable results already have been secured, and a method has been developed for making cane sirup which will not readily ferment or crystallize.

That has been the trouble with it as a commercial article. Unless it is properly manufactured, when shipped it does not maintain its clearness, but will sour; or, if not that, it turns, as

we call it, to sugar.

Mr. SMOOT. That has relation to how long it is boiled, has it not?

Mr. SMITH of South Carolina. I presume they want this increased appropriation in order to enable them to instruct the farmers who produce this article so extensively throughout the country how to prepare it for market so that it will be durable.

Mr. GALLINGER. Mr. President, I assume it does not include

maple sirup, does it?

Mr. SMITH of South Carolina. No; this item refers to cane sirup. I think that is the sirup that is so subject to the souring

process; or, when cooked too little, to the sugaring process.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from South Carolina.

The amendment was agreed to.

Mr. SMITH of South Carolina. I now send the next amendment to the desk. It is the last one I shall offer this evening.

The PRESIDING OFFICER. The amendment will be stated. The Secretary. On page 80, after line 3, it is proposed to

To enable the Secretary of Agriculture to carry into effect the act entitled "An act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes," approved August 31, 1916, including the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere, \$4,000.

Mr. SMOOT. Mr. President, the law provides the size of the baskets and boxes, does it not? I am quite sure it does; and if that is the case, why should we authorize the Department of Agriculture to fix the size of the boxes and the baskets?

Mr. SMITH of South Carolina. All that I can say to the Senator is to read what the Secretary of Agriculture has to say about it, because in administering this law, of course, they find

certain things that none of us could anticipate.

Mr. GALLINGER. Before the Senator reads that, I will suggest to my friend the Senator from Utah that the amendment certainly is not perfect in dealing with Climax baskets, for we never have a climax unless we make an appropriation. [Laughter.

Mr. SMITH of South Carolina. I will state in this connection that I am submitting these amendments at the request of the Secretary of Agriculture, and I want the Senate to vote upon them on their merits.

Mr. SMOOT. I understood that these were committee amend-

Mr. SMITH of South Carolina. They are.

Mr. SMOOT. Oh, then the committee has passed upon them upon the recommendation of the Secretary of Agriculture?

Mr. SMITH of South Carolina. Yes, sir. The Secretary says: The act referred to in the item, which is known as the standard basket and container act, was approved on August 31, 1916, and becomes effective on November 1, 1917. Its purpose is to bring about uniformity in the baskets and containers in which grapes and other fruits and vegetables are shipped in interstate commerce.

Mr. KENYON. Mr. President-

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Iowa?

Mr. SMITH of South Carolina. I do.

Mr. KENYON. I should like to ask the Senator if these various amendments were considered by the committee?

Mr. SMITH of South Carolina. Yes; they were.
Mr. KENYON. On account of the conflict of the meetings of the Commerce Committee with those of the Committee on Agriculture, I was unable to be present very much of the time. I did not hear them considered at the time I was present.

Mr. SMITH of South Carolina. They were gone over casually, and then, upon inquiry of the department about them, they sent in these estimates. There were some that were new, and I will state frankly that there were one or two that I shall not offer, that I do not think were brought to the attention of any member of the committee at all.

Mr. KENYON. Do these various amendments for standardizing the size of grape baskets, and things of that kind, increase the appropriation very much?

Mr. SMITH of South Carolina. The amount by which this

one increases the appropriation is \$4,000.

Mr. KENYON. Is that all the various amendments that the Senator has been introducing in the last few minutes increase the bill?

Mr. SMITH of South Carolina. No, no.

Mr. SMOOT. All of them have been increases-some \$10,000,

some \$4,000, some \$3,000, and so forth.

Mr. KENYON. Therefore they are subject to a point of order.

Mr. SMITH of South Carolina. The increase so far has been comparatively small. All that I care to say about this amendment, Mr. President, is that the department claim they want a uniform standard so as to protect the shipper, and they desire to have this form of basket so that there can be no fraud.

Mr. THOMAS. I will ask the Senator to continue reading the letter. It gives a sound basis for the amendment.

Mr. JONES. Mr. President, I should like to ask the Senator a question. Is not this amendment simply to carry into effect law that we have heretofore passed?

Mr. SMITH of South Carolina. Yes, sir; that is the purpose

of this amendment.

Mr. JONES. That is what I thought.

Mr. SMITH of South Carolina. Upon the request of the Senator from Colorado, I will read what the Secretary of Agriculture has to say:

The act referred to in the item, which is known as the standard basket and container act, was approved on August 31, 1918, and be-

comes effective on November 1, 1917. Its purpose is to bring about uniformity in the baskets and containers in which grapes and other fruits and vegetables are shipped in interstate commerce. Section 1 establishes standards for 2-quart, 4-quart, and 12-quart Climax baskets. The word "Climax" is a trade name for baskets of a particular type. Section 2 establishes the dry half point, dry pint, dry quart, and multiples of the dry quart as standards for containers for small fruits, berries, and vegetables. These standards for containers for small fruits, berries, and vegetables. These standard sizes replace the multiplicity of sizes, based on weight and liquid and dry measure, which are now in use. Section 3 prohibits the use in interstate commerce of any Climax baskets or other containers for small fruits, berries, or vegetables which do not conform to the provisions of the act.

Careful consideration of plans for the administration of the act indicates that its enforcement can be largely secured by a process of education—by dealing with the manufacturer, the source of supply of the various kinds of baskets covered by the act. It will be necessary, however, to appoint one chief inspector to take charge of the work. During the first year the inspection and collection of samples can be handled principally by the existing field force of the Office of Markets, with the cooperation of the inspectors of the Bureau of Chemistry. The examination and testing of the packages will be made in the Washington office and at the branch grain-standardization laboratories.

The PRESIDING OFFICER. The question is on agreeing

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Carolina on behalf of the committee.

The amendment was agreed to.

Mr. KENYON. I submit an amendment to the pending bill, which I ask may be printed and lie on the table.

The PRESIDING OFFICER. The amendment will lie on the

table and be printed.

RECESS.

Mr. SMITH of South Carolina. I ask that the bill be now temporarily laid aside, and I move that the Senate take a recess unfil 8 o'clock to-night.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m., on the expiration

THE CALENDAR.

The VICE PRESIDENT. The calendar will be proceeded

with, pursuant to the order of the Senate.

The bill (S. 4551) to authorize the Supreme Court to prescribe forms and rules, and generally to regulate pleading, procedure, and practice on the common-law side of the Federal courts was announced as first in order on the calendar.
Mr. GALLINGER. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

COAST GUARD CUTTERS.

The bill (S. 7380) for the construction of Coast Guard cutters was considered as in Committee of the Whole, and was read, as

Be is enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to construct and equip one Coast Guard cutter for duty on the Atlantic coast, with headquarters at Beaufort, N. C.; one Coast Guard cutter for service on the Great Lakes, with headquarters at Detroit, Mich., to replace the old cutter Morrill; and one Coast Guard cutter for service on the Pacific Ocean, with headquarters at Honolulu, Hawaii, to replace the condemned cutter Thetis, at a limit of cost not to exceed, for the three cutters, a total of \$1,350,000.

Mr. SMOOT. Is there a report on the bill? The VICE PRESIDENT. There is a report. No. 894 is the report.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMUTED RATIONS FOR COAST GUARD.

The bill (S. 7381) to provide adequate subsistence for the warrant officers and enlisted men of the Coast Guard was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That from and after the passage of this act whenever, in the discretion of the Secretary of the Treasury, commuted rations are issued to warrant officers and enlisted men of the Coast Guard in lieu of rations in kind, such commutation shall be at the rate of 45 cents per ration, instead of 30 cents per ration, as now authorized by law. ized by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS IN LIFE-SAVING SERVICE.

The bill (S. 4716) granting pensions to certain members of the former Life-Saving Service was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That any person who served in the former Life-Saving Service of the United States as a keeper or surfman, and who, on account of disability due to a wound or injury received or disease contracted in said Life-Saving Service in line of duty, has been or is entitled to be carried on the pay rolls for a period of one year or more under the provisions of section 7 of the act approved May 4, 1882, and who ceased to be a member of said service on account of such disability,

and whose disability still continues, shall, upon making due proof of such facts according to such rules and regulations as the Secretary of the Interior may prescribe, be placed on the pension roll of the United States and be entitled to receive a pension: Provided, That the rate, commencement, and duration of such pension shall be governed by the provisions and limitations of the general pension laws, and for the purpose of this act the rank of a surfman and keeper shall be held to be equivalent to that of a seaman and warrant officer of the United States Navy, respectively: Provided, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

WOMAN'S DIVISION, DEPARTMENT OF LABOR.

The bill (S. 5408) to establish in the Department of Labor a division to be known as a woman's division was announced as next in order.

Mr. SMOOT. Let the bill go over.

Mr. JONES. Mr. President, I hope the Senator from Utah will not insist on the bill going over. The bill has been very carefully considered by the Committee on Education and Labor. They reported it favorably, and it has also been favorably reported by the committee in another body. I hope the Senator will not insist on his objection,

Mr. SMOOT. We can not consider the bill to-night. There is already a Children's Bureau in the Department of Labor. There are reports being made upon this very work in two other divisions of the Government. It is a duplication of work that I think the Senate ought to know about if we are going to consider the measure, and it would be impossible to decide that question to-night. For that reason I ask that the

bill may go over.

Mr. GALLINGER. Mr. President, I want to express regret that the Senator makes a point against this bill. It is unique in connection with the legislation on the subject of children and women in this country. It provides a department where women the consulted concerning matters relating to the labor of will be consulted concerning matters relating to the labor of women, their wages, and so forth, that women know more about than all the men on earth know. The expenditure is small, a little more than \$30,000 probably. It does seem to me it is such a valuable adjunct to the legislation we have that we ought not to obstruct it. I hope the Senator will withdraw his objection.

Mr. SMOOT. The Children's Bureau was to cost \$25,000 a

year and its expenditures are up to a quarter of a million dollars now. There are a number of members of the Committee on Appropriations who have expressed a wish to be present when the bill is considered; therefore I can not withdraw my objection.

Mr. JONES. Mr. President, I wish to take just two or three minutes, in connection with the bill, to call attention to some facts which possibly the Senator from Utah is not aware of, even though I know he gets most of the information in reference to such matters

Mr. Meeker, the Chief of the Bureau of Labor Statistics, was before the Committee on Appropriations and gave some testimony before that committee which left the impression that there is now a working-women's division under that bureau. I have here his testimony, and I think I will read a sentence or two of it. The chairman of the subcommittee [Mr. OVERMAN] asked him this question:

Have you got a woman's division?
Mr. MEEKER. We have a woman's division.
Senator Overman. What does the chief of that division do?
Mr. MEEKER. The Chief of the Woman's Division heretofore has getten
\$2,000?

Senator Overman. What did she do?

Mr. Meeker. She is the person who has direct charge of the investigations that are primarily concerned with women in industry; with the special problems.

When I observed that statement in the hearings I saw that Mr. Meeker had not gone very much into detail and apparently had not had an opportunity to explain the situation there. So I wrote him a letter asking him for information with reference to this division. I can not take the time to read all the letter, because, of course, if the Senator from Utah insists upon the bill going over I do not want to take any unnecessary time; but I asked Mr. Meeker whether there was a woman's division, who was at the head of it, and so on. I have here his letter of January 26. I will read a short extract from it. He

I was not given any opportunity by the committee to make any explanation in regard to the Woman's Division or any other feature of the work of the Bureau of Labor Statistics.

In answer to my first question he says:

I have not seen a copy of the transcript of the hearings. If the report represents me as saying that there is a woman now in charge of the Woman's Division in this bureau, as intimated in your question 1, the report is incorrect. There is no Chief of the Woman's Division in this bureau now nor was there on January 3, 1917.

Then, in answer to another question, he says:

When Miss Marie L. Obenauer resigned June 30, 1915, I was not able to secure from outside the bureau for a salary of \$2,000 per annum a woman competent to fill Miss Obenauer's position and to carry forward the constructive work she had been doing. I was therefore obliged to try the experiment of promoting a woman already in the bureau. This woman took charge of the Woman's Division July 1, 1915. I had a distinct understanding with her that if she found the work uncongenial in any way she should be free to go back to her former position and salary of \$1,800 per annum.

I will simply state that she was found not specially adapted to this work, and at her own request she did go back to the other work, and since then there has been no chief of this division. He says:

Since June 26, 1916, there has been no Chief of the Woman's Division. The impossibility of attracting any woman from the outside to come into the bureau at a paltry \$2,000 per annum in order to undertake this extremely difficult and responsible work obliges me to try to train up some one in the bureau for this position. I have now in training, so to speak, three women investigators, and when I am satisfied as to the capacity and judgment of one of these I shall put her in charge of the Woman's Division, and as rapidly as she makes good will advance her to the salary of \$2,000 or more.

Mr. President, I am not going to take further time. I have indicated the situation there. While there is to a certain extent a woman's division it is not a statutory division required by law, but is simply a division of the work they have. There is no one in charge of it. The only persons preparing for it in the hope of being placed in charge are persons coming from lower positions.

It does seem to me that with reference to the women of the country, who are about one-fifth of the wage-earning class in many of the different industries of the country, Congress ought to provide for the division. I hope the Senator from Utah will

let the bill go through.

Mr. SMOOT. The Senator from Washington offered an amendment to the legislative, executive, and judicial appropriation bill providing for this division. The subcommittee had Mr. Meeker before it, and no matter what Mr. Meeker says in his letter to the Senator, I want to tell the Senator now that he testified exactly

Mr. JONES. I read what he testified.

Mr. SMOOT. He testified exactly as his testimony shows, and any contradiction on his part is not justified, because that is exactly what he told the subcommittee. Not only that, Mr. President, but it seems to me like there is a little subterfuge even in the letter, because he says there is no chief of the division. She was never called the chief of division. When the woman was originally working there at the head of that work she never had the title of chief of division. It was no division at all. It was under the Department of Labor.

All that the subcommittee did in the matter was to take the testimony of Mr. Meeker, and I assure the Senator that Mr. Meeker has never at any time been delicate in asking for appropriations, as the Senator is no doubt aware, if he has followed the hearings before the subcommittee of the Committee

on Appropriations.

As I said, Mr. President, I do not want to take any more time

to-night, but I can not let the bill be acted on now.

Mr. GALLINGER. Mr. President, I am not going to take a moment of time, but I want to give notice that at the earliest possible opportunity I shall move to take up this bill, and I hope

the Senate will pass it if I get such an opportunity.

Mr. JONES. I ask unanimous consent to insert in the Record my letter to Mr. Meeker and his reply; also a letter from the Secretary of Labor to Mr. Lewis, of the House of Representa-tives, and also a letter from Miss Julia Lathrop with reference to this matter, so that we will have this data in the RECORD, where everyone can get at it.

The VICE PRESIDENT, Without objection, it is so ordered.

The matter referred to is as follows:

JANUARY 24, 1917.

Dr. ROYAL MEEKER, Commissioner of Lalor Statistics, Department of Labor.

Commissioner of Lator Statistics, Department of Labor.

MY DEAR DR. MEEKER: In the official report of the hearings before the Subcommittee of the Senate Committee on Appropriations held January 3, 1917, you are recorded as furnishing certain answers to questions, concerning which I am seeking further information.

To save time and insure a clear understanding of the data requested, I am quoting from page 61 of the official report, the statements to which my questions refer:

"Mr. MEEKER. * * We have asked for \$46,840 increase in the salary roll and the House granted \$10,400 increase—and I am asking for the reinstalment of the items cut out with the single exception of \$2,520 for the Chief of the Woman's Division.

"Senator Overman. Have you got a woman's division?

"Mr. MEEKER. We have a woman's division.

"Senator Overman. What does the Chief of the Woman's Division do?

do?

"Mr. MEEKER. The Chief of the Woman's Division heretofore has gotten \$2,000.

"Senator Overman. What did she do?

"Mr. Meekee. She is the person who has direct charge of the investigations that are primarily concerned with women in industry; with the special problems"—

This colloquy raises the following questions:

1. What is the name of the woman who was Chief of the Woman's Division when you informed Senator Overman January 3, 1917, that you had a woman's division?

2. When you said that "heretofore" the Chief of the Woman's Division "has gotten \$2,000," did you mean to say that she was getting \$2,000 at that time, January 3, 1917?

3. If not—

3. If not—

(a) Who was the last woman to be paid that salary as Chief of the Woman's Division?

(b) When did she cease to receive \$2,000?

(c) How long did she receive \$2,000?

(d) Why was her salary status changed?

(e) What is she receiving now?

(f) Who holds the \$2,000 statutory position released by her?

(g) What was the salary of the Chief of the Woman's Division January 3, 1917?

(h) How long had she received that salary?

4. Who is the present Chief of the Woman's Division, and what is her salary?

5. According to the record, you informed Senator Overman that the chief is "the person who has direct charge of the investigations that are primarily concerned with women in industry"; with the special problems"—

(a) Of what investigation "primarily concerned with women in in-

are primarily concerned with women in industry"; with the special problems"—

(a) Of what investigation "primarily concerned with women in industry" and "with the special problems" was she in charge January 3, 1917?

(b) When was this investigation started?

(c) Did the woman you refer to as Chief of the Woman's Division draft the plan of this investigation?

(d) If not, was she called in consultation when the plans were formulated?

6. For the 12 months previous to January 3, 1917, what other investigations "primarily concerned with women in industry and with the special problems" were inaugurated or completed by the Woman's Division of the Bureau of Labor Statistics?

7. Did the woman referred to as Chief of the Woman's Division draft the plans for any of this work? If so, for which of the investigations?

8. If not, was she taken into consultation when any of the plans were formulated? If she was consulted, who was the chief called into consultation?

8. If not, was she taken into consultation when any of the plans were formulated? If she was consulted, who was the chief called into consultation?

9. (a) Who were the special agents or experts in the Woman's Division January 3, 1917, and what was the salary of each? (b) To what work had each of the agents and experts been assigned for the 12 months preceding January 3, 1917? (c) Who were the clerks and stenographers in the Woman's Division, and what was the salary of each, January 3, 1917? (d) For the 12 months preceding January 3, 1917, to what work had each of the clerks or stenographers been assigned?

10. For the 12 months previous to January 3, 1917, what proportion of the bureau's funds (counting statutory salarles, clerks and stenographers' services, per diem and traveling expenses) had been allotted to investigations "primarily concerned with women in industry and with the special problems"?

11. Was the woman referred to as Chief of the Woman's Division taken into consultation in the appropriation of funds for this specialized work? If not, was she informed at any time as to the funds available for that work?

12. When plans for the bureau's current investigation for both men and women were being drafted, was the Chief of the Woman's Division called into consultation? If so, in connection with what investigations was she consulted?

I shall be greatly obliged to you if you will answer the above questions at the earliest possible date.

Very truly, yours,

United States Department of Labor

United States Department of Labor, Bureau of Labor Statistics, Washington, January 26, 1917.

Hon, Wesley L. Jones, U. S. S., Senate Office Building, Washington, D. C.

Hon. Wesley L. Jones, U. S. S.,

Senate Office Building, Washington, D. C.

My Dear Senator Jones: Your letter of January 24, in regard to hearings before the Senate Committee on Appropriations, was called to my attention this morning upon my return from a brief absence from the city on official matters.

I was not given any opportunity by the committee to make any explanation in regard to the Woman's Division or any other feature of the work of the Bureau of Labor Statistics.

1. I have not seen a copy of the transcript of the hearings. If the report represents me as saying that there is a woman now in charge of the Woman's Division in this bureau, as intimated in your question 1, the report is incorrect. There is no chief of the Woman's Division in this bureau now, nor was there on January 3, 1917.

2. Question 2 is answered by my reply to question 1.

3. (a) When Miss Marie L. Obenauer resigned June 30, 1915, I was not able to secure from outside the bureau for a salary of \$2,000 per annum a woman competent to fill Miss Obenauer's position and to carry forward the constructive work she had been doing. I was therefore obliged to try the experiment of promoting a woman already in the bureau. This woman took charge of the Woman's Division July 1, 1915. I had a distinct understanding with her that if she found the work uncongenial in any way, she should be free to go back to her former position and salary of \$1,800 per annum, or if I found her work as division chief unsatisfactory, I should return her to her former position and salary. This woman had been in the Editorial Division for many years and had had almost no field experience. It was not a hopeful experiment in my view to advance her to the responsible position of Chief of the Woman's Division, which I did not feel I could accept at that time, as she was in the midst of the preparation of a report on the "Effects of fatal and totally disabling accidents upon family life." As soon as she had finished the preparation of this report I accepted her resignati

ability in meeting people and extracting the information desired, oftentimes from exceedingly unwilling persons.

(b) Since June 26, 1916, there has been no Chief of the Woman's Division. The impossibility of attracting any woman from the outside to come into the bureau at a pairty \$2,000 per annum, in order to undertake this extremely difficult and responsible work obliges me to try to train up some one in the bureau for this position. I have now in training, so to speak, three women investigators, and when I am satisfied as to the capacity and judgment of one of these I shall put her in charge of the Woman's Division and as rapidly as she makes good will advance her to the salary of \$2,000 or more.

(c) This question has been answered above. The last incumbent served from July I, 1915, to June 26, 1916.

(d) Answered above.

(e) Answered above, \$1,800.

(f) Before answering this question I want to make it very clear that there are no legal divisions within this bureau. They have been created by myself or my predecessors in office to obtain greater administrative efficiency. The appropriation bills carry no such position as Chief of the Woman's Division. There are in this bureau four statistical experts at \$2,000 each per annum. Mr. B. C. Washington, fr., now holds the position of statistical expert, which was left vacant by the resignation of Miss Obenauer's successor from the position of Chief of the Woman's Division of Chief of the Woman's Division at a lower salary than \$2,000 a year and promote her as she demonstrates her ability.

(g) This has been answered under question 1.

(h) See above.

4. As stated above, there is at present no Chief of the Woman's Division.

5. (a) While there is no Chief of the Woman's Division, I have by no

vision.

5. (a) While there is no Chief of the Woman's Division, I have by no means discontinued studies primarily concerned with women in industry. The Woman's Division still exists, although I am obliged to carry on the work without the assistance of a chief of division to take immediate charge of suggesting and planning investigations and the details of preparing reports for publication.

At the present time a special study of welfare work by employers is being carried on. This study, of course, includes all welfare work whether affecting men or women, but the "special problems" of welfare work affecting women are being considered by women engaged on this study.

whether affecting men or women, but the "special problems" of welfare work affecting women are being considered by women engaged on this study.

The investigation into the cost of living in the District of Columbia is another study which comes under the woman's division.

Very shortly will be begun an investigation into hours, wages, and conditions of employment in the slaughtering and meat-packing industry. Women agents sent out on this investigation will make special studies of the conditions affecting women in those occupations employing women in this industry.

(b) From (a) above you will see that we are now engaged in two investigations calling for special attention to women in industry, and will shortly begin a third. The welfare study was begun about January 1, 1916. The cost of living investigation in the District of Columbia has only just been started. As soon as possible I shall send the agents out on the special study of slaughtering and meat packing.

(c) See above.

(d) See above.

(d) See above.

7. The plans for all investigations of the bureau are worked out "in commission." The accident study was planned by the then chief of the Woman's Division. This plan, after being considered by me and all the chiefs of divisions was finally adopted substantially as submitted. Since there has been no ittular Chief of the Woman's Division it has been my custom to call the women agents in conference in planning industrial studies in which women are particularly concerned. Of course, the Chief of the Woman's Division should be brought in in every conference in which studies are planned or important changes are up for consideration. So far as was possible, I followed this practice as long as there was a Chief of the Woman's Division.

S. I think this question is answered in 7, above.

9. (a) Miss Elizabeth A. Hyde, clerk at \$1,400 per annum; Mrs. Minnie E. Patterson, special agent at \$1,200 per annum; and Miss Anlee L. Whitney, special agent at \$1,200 per annum; and Miss Anlee L. Whitney, special agent at \$1,20

and clerks.

(b) The welfare study.

(c) On January 3, 1917, no particular clerks and stenographers (Miss Hyde's designation is that of clerk, but she acts as a special agent) were assigned to the Woman's Division. The individuals assigned to this division to do stenographic and clerical work vary from time to time as exigencies demand. It must also be noted that there is no clear-cut division of labor between the divisions of this bureau. The work of examining and editing schedules, planning and making tabulations, and verifying is distributed to those employees of the bureau available at a particular time.

If you are trying to get at the amount of this bureau's appropriation expended for special studies of women in industry, I wish to say that that amount can only be roughly estimated, the reason being that much expert work is involved in every such study outside of the employees that are for the time being allocated to the Woman's Division.

(d) Impossible to determine, as indicated above.

10. Impossible to determine for the reasons stated in (c) above, and also for the reason that the study was not wholly and simply a study of welfare work for women.

11. No woman was referred to as Chief of the Woman's Division in my

of welfare work for women.

11. No woman was referred to as Chief of the Woman's Division in my testimony on January 3, 1917. When Miss Obenauer was serving in the capacity named, I consulted her frequently in this regard. Quite naturally I did not feel able to devote as much of the bureau's appropriation to these studies as Miss Obenauer thought necessary and advisable. Please do not consider this as a criticism of Miss Obenauer. She would not have been a good Chief of the Woman's Division had she not insisted on large expenditures for her special studies.

12. As I have stated above, so far as was possible, I called in Miss Obenauer and her successor in conference when new studies were being planned or when changes of importance were under consideration in the regular studies carried on by the bureau. It was not always possible to follow this practice, first, because the Chief of the Woman's Division was obliged to be absent in the field a large part of the time. At other times I did not wish to bother these women with matters which did not seem to me at the time to be of great importance, but about which it

seems to me now it was important to keep the Chief of the Woman's Division fully informed. Of course, I can not answer the question as to about what particular investigations outside her own special investigations I consulted with the Chief of the Woman's Division.

I have answered the above questions as clearly and conscientiously as I know how, at the expenditure of no inconsiderable amount of time, of which I have all too little.

I do not know the purpose of these questions, but I can readily see how my answers can be used to show the ineffectiveness of the special studies of women in industry carried on by the Bureau of Labor Statistics. No one knows better than I—no one knows as well as I—the inadequacies of this bureau and the difficulties I have had to contend with in trying to spread the bureau's small appropriation over such immense industrial fields. Lest my answers should be misunderstood as indicating a hostility on my part to the proposed woman's division in the Department of Labor, I wish to say with all the emphasis at my command that my only interest is to achieve results. I think it would be better to make all studies in the labor field under one bureau. This would be more economical and much more effective. A Bureau of Labor Statistics supported by sufficient appropriations to enable it to carry on the necessary investigations of labor conditions of both men and women would be able to coordinate its work more effectively and avoid duplications inevitable if the work is divided. However, I have not been able to secure the appropriations I need even to carry on the less expensive studies in the field of labor. Seemingly, the only possibility of securing sufficient appropriations to carry on these much-needed studies for women in industry is through the creation of an independent woman's division. If this is the case, an independent woman's division in the creation of my ability.

Very truly, yours,

ROYAL MERKER,

Commissioner of Labor Statistics.

ROYAL MEEKER, Commissioner of Labor Statistics.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, D. C., July 26, 1916.

Washington, D. C., July 26, 1916.

Hon. David J. Lewis,

House of Representatives, Washington, D. C.

My Dear Congressman: In accordance with your request, I am giving you the following expression of my views on H. R. 16358, a bill to establish in the Department of Labor a division to be known as a woman's division.

With the purpose of this bill we can all no doubt agree. My first impulse, however, was to suggest that, in view of the fact that the Bureau of Labor Statistics has a jurisdiction covering all of this field, the division should be created within that bureau rather than directly attached to the department. Upon more mature deliberation I am convinced that while there are no sharp lines of demarcation between women in industry and men in industry, so far as certain phases are concerned, and the same machinery which is established to collect and compile wage schedules of men could, with superior efficiency, be utilized for collecting and compiling the wages of women in the same industry, there is a vast field for investigation and study which specially and peculiarly affects women in industry which could be more effectively handled under the immediate direction of women than under the direction of men. I have particular reference to the physical and mental effects of certain lines of modern industry upon those who are to be the mothers of the future generations and the effect of that effect upon those generations themselves.

For this reason I favor the enactment of the Casey bill, H. R. 16358.

Sincerely, yours,

W. B. WILSON, Secretary.

United States Department of Labor, Children's Bureau, Washington, February 3, 1917.

Washington, February 3, 1917.

The Hon. John J. Casey,
House of Representatives, Washington, D. C.

My Dear Mr. Casey: In my judgment, the provisions of the bill to create a women's division in the Department of Labor are well calculated to insure effective and economical cooperation between that division and the Children's Bureau. No duplication is possible if the provisions of the bill are carried out in good faith by the bureau and the proposed division division.
Yours, respectfully,

JULIA C. LATHROP, Chief.

CAMPAIGN CONTRIBUTIONS.

The bill (H. R. 15842) to revise, amend, and codify the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Senator and Representative in the Congress of the United States, etc., was announced as next in order.

Mr. GALLINGER. Let that go over.
The VICE PRESIDENT. The bill will be passed over.

ASHLEY AND WASATCH NATIONAL FORESTS.

The bill (S. 7320) adding certain lands in Wyoming to the Ashley and Wasatch National Forests was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, in section 1, page 2, line 18, after the words "the east half," to strike out "of" and insert "and," so as to make the bill read:

make the bill read:

Be it enacted, etc., That the following-described areas be, and the same are hereby, included in and make a part of the Ashley National Forest, subject to all prior adverse rights, and that said lands shall hereafter be subject to all laws affecting national forests:

All of sections 4, 5, and 6; the north half, and the north half of the south half, and lots 4, 5, 6, and 7 of section 7; the north half, and the north half of the south half, and lots 1, 2, 3, and 4 of section 8; all of section 9; all of section 16; the northwest quarter of

section 21; all in township 12 north, range 114 west of the sixth principal meridian, State of Wyoming.

All of sections 1, 2, 3, and 10; the north half, and the north half of the south half, and iots 1, 2, 3, and 4 of section 11; the north half, and the north half of the south half, and lots 1, 2, 3, and 4 of section 12; all of section 15; all in township 12 north, range 115 west of the sixth principal meridian, State of Wyoming.

The south half of section 19; all of sections 28 to 33, inclusive; all in township 13 north, tange 114 west of the sixth principal meridian, State of Wyoming.

South half of section 23; the south half of section 24; all of sections 25 and 26; the east half and the southwest quarter of section 27; all of sections 34, 35, and 36; all in township 13 north, range 115 west of the sixth principal meridian, State of Wyoming.

Sec. 2. That the following-described areas be, and the same are hereby, included in and make a part of the Wasatch National Forest, subject to all prior adverse rights, and that said lands shall hereafter be subject to all laws affecting national forests:

All of sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, and 30, all in township 12 north, range 115 west of the sixth principal meridian, State of Wyoming.

All of sections 1 to 18 inclusive; all of sections 20 to 29, inclusive; all in township 12 north, range 116 west of the sixth principal meridian, State of Wyoming.

The south half of section 28; the south half of section 29; the south half of section 30; all of sections 31, 32, 33; all in township 13 north, range 115 west of the sixth principal meridian, State of Wyoming.

The southeast quarter of section 25; all of sections 29, 30, 31, and 32; the south half of section 33; the south half of section 36; all in township 13 north, range 116 west of the sixth principal meridian, State of Wyoming.

The amendment was agreed to.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amend-

ment was concurred in

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROCKY MOUNTAIN NATIONAL PARK.

The bill (S. 6854) to repeal the last proviso of section 4 of an act to establish the Rocky Mountain National Park in the State of Colorado, and for other purposes, approved January 26, 1915, was considered as in Committee of the Whole, and was read, as

Be it enacted, etc., That the last proviso of section 4 of an act entitled "An act to establish the Rocky Mountain National Park, in the State of Colorado, and for other purposes," approved January 26, 1915, which is in the words and figures following: "Provided, That no appropriation for the maintenance, supervision, or improvement of said park in excess of \$10,000 annually shall be made unless the same shall have first been expressly authorized by law," be, and the same is hereby, repealed.

Mr. SMOOT. I have not had time to read the bill, but I take it for granted that the object of the bill is to repeal the part of the law creating the park in which there was a proviso that at no time should there be an expenditure of more than \$10,000 per annum.

Mr. THOMAS. This is a bill introduced by my colleague [Mr.

SHAFROTHI, and that is the purpose.

Mr. SMOOT. I judged that to be the case, although I have not had an opportunity to read the report. I wish to say to the Senator from Colorado before the bill is passed that I do not think the bill would have been passed unless that proviso had been in it, but I am not going to object to the consideration of the bill at this time.

Mr. THOMAS. The bill could not have passed the House without that proviso in it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILBUR F. LAWTON.

The bill (S. 747) to remove the charge of desertion from the record of Wilbur F. Lawton was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and to insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Wilbur F. Lawton, who was a sergeant of Company K, Twenty-eighth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been under military control on October 31, 1861, and not absent without leave on that date or at any other time in that year.

Mr. BRYAN. It seems to me that the bill ought to contain the usual provision as to back pension, bounty, and pay.

Mr. GALLINGER. It ought to, undoubtedly.

Mr. BRYAN. I move to add at the end of the amendment: Provided, That no pay, bounty, or other allowances shall accrue by reason of the passage of this act.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Wilbur F. Lawton.'

IVY L. MERRILL.

The bill (H. R. 11685) for the relief of Ivy L. Merrill was considered as in Committee of the Whole. It proposes to pay, out of any money in the Treasury of the United States belonging to the Pottawatomie Tribe of Indians in Oklahoma not otherwise appropriated, to Ivy L. Merrill, a quarter-blood Pottawatomie Indian, of Pottawatomie County, Okla., \$500, in full compensation for permanent and lasting injuries received. without negligence on her part, while in the employ of the United States Government as a civil-service employee at the Shawnee Indian School in Pottawatomie County, Okla.

Mr. SMOOT. What is the amount which that bill carries?

Mr. OWEN. It provides for an appropriation of \$500.

The VICE PRESIDENT. The amount proposed to be appropriated in the bill is \$500.

Mr. SMOOT. Very well.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND IN CHEYENNE AND ARAPAHOE INDIAN RESERVATION.

The bill (S. 7757) authorizing a further extension of time to purchasers of land in the former Cheyenne and Arapahoe Indian Reservation, Okla., within which to make payment was announced as next in order.

The VICE PRESIDENT. Is there objection to the present

consideration of the bill?

Mr. SMOOT. Just a moment, Mr. President. I notice in the report of the committee a letter from the Indian Office containing this statement:

In view thereof it is the opinion of the department that said purchasers of Cheyenne and Arapahoe lands are entitled to relief. Therefore I have drafted a proposed section 2 to said House joint resolution 306, and have to recommend its enactment into law.

I will ask the Senator from Oklahoma why section 2, as recommended by the department, was not included in the bill? Mr. OWEN. I regret to say that I do not understand whether it was included or omitted.

Mr. SMOOT. Will the Senator let the bill go over tempo-

rarily, and let us see if we can revert to it again?

Mr. OWEN. Later in the evening we might perhaps ascertain what the Senator desires to know. It is agreeable to me to have the bill go over, as he suggests.

The VICE PRESIDENT. The bill goes over.

Mr. OWEN subsequently said: Mr. President, I should like to

have Order of Business 818 referred to again—Senate bill 7757. It was passed over by consent.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows .

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to grant to purchasers of land in the former Cheyenne and Arapahoe Indian Reservation, Okla., sold in the year 1910, under the act of Congress approved June 17, 1910 (36 Stats. L., 533), a further extension of time to make payment; the unpaid portion of the purchase shall be divided into five equal portions, one portion to be due November 15, 1918, and one portion thereof November 15 of each of the four succeeding years, interest to be paid on each installment or portion when due at the rate of 5 per cent per annum: Provided, That interest due under existing law granting extensions of time must be paid up to November 15, 1916, within 90 days from the passage of this act: Provided further, That failure to pay any installment, as well as the interest thereon, as the same becomes due, as herein provided, will forfeit the entry and the same shall be canceled, and any and all payments previously made shall be forfeited.

Mr. OWEN. I ask that the letter of the Secretary of the In-

Mr. OWEN. I ask that the letter of the Secretary of the Interior of the 18th of January be put in the RECORD in lieu of the one in the committee report.

Mr. SMOOT. That is for the purpose of correcting the re-

port?

Mr. OWEN. For the purpose of correcting the report. Mr. SMOOT. The recommendation of the Secretary refers to an entirely different subject matter than the bill itself?

Mr. OWEN. Yes. There was an error in the letter of the Secretary which was included in the committee report, and it is desired to substitute this letter, which is free from error, in lieu of the one in the committee's report.

The VICE PRESIDENT. In the absence of objection, that

may be done.

The letter is as follows:

DEPARTMENT OF THE INTERIOR, Washington, January 18, 1917.

MY DEAR SENATOR: I have the honor to refer again to your letter of January 10, 1917, inclosing for report a copy of Senate 7757, to provide for a further extension of time of payment to purchasers of certain surplus land of the Cheyenne and Arapahoe Reservation in Oklahoma.

The act of June 17, 1910 (36 Stat. L., 533), authorized the disposal of certain lands theretofore reserved for school and agency purposes in connection with the Cheyenne and Arapahoe Reservation, under sealed

bids or at public auction to the highest bidder, under the provisions of the homestead laws of the United States and under rules and regulations adopted by the Secretary of the Interior.

These lands were sold at public auction in November, 1910, and the purchasers were required to comply with the homestead laws, in addition to paying one-fifth of the purchase price at the time of sale, and the balance in six equal annual installments. There were 131 tracts sold at said sale, 60 tracts being sold at an average price of \$38.60 per acre, 43 tracts at an average price of \$48 per acre, 16 tracts at an average price of \$66 per acre, and 10 tracts at an average price of \$67.20 per acre.

acre, 43 tracts at an average price of \$48 per acre, 16 tracts at an average price of \$66 per acre, and 10 tracts at an average price of \$67.20 per acre.

By the act of August 22, 1911 (37 Stat. L., 33), an extension for one year for the payment of the annual installments due was made, the payment of interest at the rate of 5 per cent per annum on the deferred payments being required. The act of August 24, 1912 (37 Stat. L., 530), authorized an extension of time for one year for the payment of any annual installment due or thereafter to become due on the purchase price of said lands, upon the payment of interest for one year in advance, at 5 per cent per annum, upon the amount due, with a provision for a further extension of time for a period of one year in the same manner, the last payment and all other payments to be made within a period not exceeding one year after the last payment becomes due, by the terms of the act under which the entry was made. Under the terms of the sale the last payment was due in November, 1916, and under the provisions of the act of August 24, 1912, the last payment is due in November, 1917.

An examination of the records of the General Land Office shows that there are 66 entries on which final payment has not yet been made. Of these 66 entries, 14 have paid one or more yearly installments, and 52 have made only the payment required at the time of entry. Thirty of the 66 purchasers have paid yearly interest up to date, but 36 of them are in default in the payment of interest.

It is represented by the purchasers that due to the hard times which prevailed in the years 1910, 1911, and 1912, debts were incurred during that period, and the payment of interest thereon, subsequent to the year 1912, has left them very little with which to pay the principal debt due the Government.

In this connection it may be said that these lands have brought a better price than any ever disposed of by the Government under the homestead laws.

In view of all the conditions herein presented, I am of the o

into law. Cordially, yours,

FRANKLIN K. LANE, Secretary.

Hon. Henry F. Ashurst, Chairman Committee on Indian Affairs, United States Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATIONS.

The bill (H R. 15617) to establish fish-hatching and fishcultural stations in the States of Alabama; California; Louisiana; Florida; Georgia, South Carolina, or North Carolina; Maryland or Virginia; Oregon or Washington; Texas; Oklahoma; Illinois; Washington; Arizona; New Mexico; Michigan; Idaho; Missouri; Pennsylvania, Delaware, or New Jersey; and Minnesota, was announced as next in order.

Mr. THOMAS. Let that go over, Mr. President. The VICE PRESIDENT. The bill goes over.

Mr. LANE. I desire to say in regard to that bill that provision is made therein for a fish-cultural station in Colorado.

Mr. THOMAS. That may be, but I am unable to withdraw my objection, whether Colorado is included or not.

JOHN F. KELLY.

A bill (S. 6251) to remove the charge of desertion from the military record of John F. Kelly was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and to insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John F. Kelly, who was a private in Company F. First Regiment Maryland Volunteer Cavalry, shall hereafter be held and considered to have been discharged hono-ably from the military service of the United States as a private of said company and regiment on the 15th day of February, 1863.

The amendment was agreed to.

Mr. GALLINGER. I suggest that the usual proviso be added to that bill.

The VICE PRESIDENT. The amendment suggested by the Senator from New Hampshire will be stated.

The Secretary. At the end of the bill it is proposed to add the following proviso:

Provided, That no pay, bounty, or other allowances shall accrue by reason of the passage of this act.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of John F. Kelly."

STEPHEN J. SIMPSON.

Mr. SHERMAN. Mr. President, I ask unanimous consent to recur to Calendar No. 792, being House bill 7763, for the relief of Stephen J. Simpson. The bill was passed over on a previous evening when the calendar was under consideration.

Mr. SMOOT. Under the unanimous-consent agreement I do not believe that we can do that until we go through the calendar.

Mr. SHERMAN. I understood that by unanimous consent a bill could be recurred to. This bill was passed over during a very necessary absence on my part, and before I was able to return to the Senate.

Mr. GALLINGER. It will take but a moment. Mr. SHERMAN. It is of the same character as the bill just passed, being a bill to correct a military record.

Mr. SMOOT. But there may be a number of other such cases. The VICE PRESIDENT. Is there objection to the present consideration of the bill?
Mr. FLETCHER. What is the bill?

The VICE PRESIDENT. The Secretary will state the bill by title.

The Secretary. A bill (H. R. 7763) for the relief of Stephen J. Simpson.

Mr. SMOOT. Mr. President, I shall not object to the consideration of this bill, but I shall object to the consideration of any other bills out of order.

Mr. CHILTON. Then the Senator had better object to this one, Mr. BRYAN. Mr. President, does this not violate the unanimous-consent agreement?

Mr. GALLINGER. I should like to know what the unanimousconsent agreement was. I understood that it included the right to revert to bills that had been passed over.

Mr. SMOOT. After we get through with the remaining bills on the calendar.

Mr. GALLINGER. I do not think it included that condition. The VICE PRESIDENT. The unanimous-consent agreement includes anything, as is shown by the RECORD. That is all the Chair knows

Mr. GALLINGER. Therefore the Senator from Illinois has a right to call the bill up now.

The VICE PRESIDENT. Is there objection to the present

consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Stephen J. Simpson, late of Company F, Thirty-first Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that company and regiment on the 19th of July, 1865, but that no bounty, pay, or allowance shall accrue by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC PRINTING AND BINDING LAWS.

The bill (S. 7795) to amend and revise the laws relating to printing and binding and the distribution of publications for Congress was considered an in Committee of the Whole,

The Secretary proceeded to read the bill, and read to the end

of paragraph 2 of section 1.

Mr. GALLINGER. Mr. President, I am a member of the Committee on Printing and agreed to the report of this bill, but I think right here I should like a little explanation. I will ask the Senator from Utah or the Senator from West Virginia to give attention to the language found at the top of page 2, reading as follows

SEC. 1. PAR. 2. Neither House shall authorize any matter to be printed in the CONGRESSIONAL RECORD, except such as shall be spoken or read in order, unless the same shall have been referred to its Committee on

Does that include every telegram and every petition that we

might want to have printed without having it read?

Mr. CHILTON. I take it that it includes about what we print now, Mr. President; but instead of being printed in the body of the Record the matter would be printed in an appendix to the RECORD. The Senator probably recollects the discussion which occurred when we considered this matter?

Mr. GALLINGER. A little further down there is another provision-

Mr. CHILTON. What section is the Senator reading from? Mr. GALLINGER. Section 1, paragraph 2, where this provision is found:

But the foregoing provisions shall not apply to such statistics or quotations, not exceeding two pages of the Record in any one address, as shall properly constitute part of a Member's speech, nor to the granting of leave to a Member to print or extend his own remarks, exclusive of other matter.

Does that relate to Members of the other House exclusively? Mr. SMOOT. I will say to the Senator that it does refer to Members of the House, because there is a practice in the other House of printing as many as 30 or 40 pages of the Record by obtaining permission to extend remarks. I have two or three samples of that in my desk here, and in one instance the cost to the Government of the United States was \$1,200.

Mr. GALLINGER. I asked that question for the reason that if it relates to the other House the word ought to be "Representative" in place of "Member." We are Members of Congress quite as much as are Members of the other House.

Mr. CHILTON. Mr. President, I will say to the Senator that in my opinion our rules will make that work automatically.

We have no such practice under our rules here.

Mr. FLETCHER. If the Senator from New Hampshire will allow me to interrupt, I suggest that the matter is made clear by paragraph 3 in section 18, which reads:

Sec. 18. Par. 3. The terms "Member" and "Members of Congress" shall mean and include, for the purposes of this act, the Vice President and all Senators, Representatives, Delegates, and Resident Commissioners in Congress

So the term "Member" as used in this bill is there defined.

Mr. GALLINGER. If that be so, then we give authority to Members of this body to extend their remarks. We never have claimed that, and it never has been allowed.

Mr. SMOOT. And we never want it.

Mr. FLETCHER. It will still be subject to the rules of the Senate precisely as heretofore.

Mr. GALLINGER. The rules of the Senate do not deal with that matter, as I remember them, but I am not going to be technical about it. I think that it is unfortunately expressed.

The reading of the bill was resumed and concluded, as fol-

The reading of the bill was resumed and concluded, as follows:

Be it enacted, etc., That the public proceedings of each House of Congress as reported by the Official Reporters thereof shall be printed in the Congressional Record, which shall be issued in daily form during each session and bound in permanent form promptly at the close of each session. The daily and permanent Record shall bear the same date, which shall be that of the actual day's proceedings reported therein.

Sec. 1. Par. 2. Neither House shall authorize any matter to be printed in the Congressional Record, except such as shall be spoken or read in order, unless the same shall have been referred to its Committee on Printing, and when so authorized such matter shall be printed in the appendix to the daily and the permanent Record if not germane to the business pending before the respective House at the time it was referred; and it shall not be in order to read any matter into the Congressional Record, other than an address or speech of the Member so reading, unless the same is germane to the pending business and does not exceed two pages of the Record; but the foregoing provisions shall not apply to such statistics or quotations, not exceeding two pages of the Record in any one address, as shall properly constitute part of a Member's speech, nor to the granting of leave to a Member to print or extend his own remarks, exclusive of other matter, upon a stated subject which shall be printed in the appendix to the daily and the permanent Record unless germane to the business pending before the House at the time said leave was granted, and all other speeches delivered in either House which are not germane to the pending business shall be intered in the Congressional Record shall be authorized by either House after having been referred to its Committee on Printing.

Sec. 1. Par. 3. No illustrations shall be inserted in the Congressional Record, as shall be authorized by either House after having been referred to its Committee on Printing.

Sec. 1. Pa

work and charged to the allotment for printing and binding for Congress.

SEC. 2. PAR. 1. Either House of Congress may order any matter printed as a document, the printing of which is not already provided for by law, but only when the same shall be accompanied by an estimate, obtained from the Public Printer, of the cost of printing a sufficient number of copies of the complete document for distribution as provided by law, which number shall be known as the "usual number," and, if accompanied by illustrations, the order to print shall so state: Provided, That no such printing shall be ordered or undertaken, unless specifically so authorized, until after all the copy therefor has been referred to the respective Committee on Printing, or such committee has been discharged from its consideration: Provided further, That the Committee on Printing of either House in submitting a report on printing provided for in this section shall include therein an estimate by the Public Printer of the cost of the proposed printing, a statement from him of the approximate cost of work previously ordered by Congress within the fiscal year and the amount available therefor, a description of the general character of the matter submitted for printing, and, if a reprint, the number of copies previously ordered and on hand in any form: Provided further, That the Public Printer shall examine

closely the orders of the Senate and the House for printing, and, in case of duplication, he shall print only under the first order received.

SEC. 2. Par. 2. Every communication submitted to Congress, or either House thereof, by the Executive Office, the judiciary, or any executive department, independent office, or establishment of the Government shall be accompanied by an estimate from the Public Printer of the cost of printing the usual number thereof, together with a recommendation as to whether the same should be printed, and, if Illustrations are included, the letter of transmittal shall so state: Provided, That if the estimated cost of printing a communication so transmitted is less than \$50, it may be ordered printed by either House without reference to its Committee on Printing as herein provided; but, whenever a recommendation is submitted that a communication be not printed or it is not accompanied by an estimate of the cost of printing, it shall not be ordered printed by either House until reported upon by the committee to which it may be referred, and then only as provided for in this section: Provided further, That nothing in this paragraph relating to estimates or reference to the Committee on Printing shall apply to printing the usual number of reports of committees of Congress; to addresses or messages of the President to Congress, when not accompanied by other papers; to printed communications submitted to Congress by any executive department, independent office, or establishment of the Government; to communications from the Court of Claims; to estimates of appropriations; or to matter printed for the use of either House in executive or secret session: Provided further, That all reports on examinations and surveys of rivers and harbors authorized by law which may be prepared during a recess of Congress shall, in the discretion of the Secretary of War, be printed by the Public Printer as documents of the following session of Congress, Sec. 2. Par. 3. Either House may by simple resolution order

law or resolution to be submitted to Congress, or either House thereof, shall be designated for all purposes as numbered documents thereof, and all reprints of congressional publications shall bear the original title and number.

SEC. 3. Par. 1. Of the Senate numbered documents and reports. excepting reports on private bills and simple and concurrent resolutions, there shall be distributed, unbound, to the Senate document room, not to exceed 300 copies; to the House document room not to exceed 300 copies; to the House document room not ocxeed 100 copies ach. Of the House numbered documents and reports, excepting reports on private bills and simple and concurrent resolutions, there shall be distributed, unbound, to the Senate document room, not to exceed 200 copies; to the House document room, not to exceed 200 copies; to the House document room, not to exceed 200 copies; to the House, not to exceed 20 copies.

SEC. 3. Par. 2. Of the Senate reports on private bills and simple and concurrent resolutions, there shall be distributed, unbound, to the Senate document room, not to exceed 200 copies. Of the House reports on private bills and simple and concurrent resolutions, there shall be distributed, unbound, to the Senate document room, not to exceed 200 copies. Of the House reports on private bills and simple and concurrent resolutions, there shall be distributed, unbound, to the Senate document room, not to exceed 160 copies; and to the House document room, not to exceed 160 copies; and to the House document room, not to exceed 160 copies; and to the House document room, not to exceed 160 copies; and to the House document room, not to exceed 160 copies; and to the House document room, not to exceed 160 copies; and to the House document room, not to exceed 160 copies; and to the House document room, not to exceed 160 copies; and to the House document room, not to exceed 160 copies; to the Senate document room, not to exceed 160 copies; to the superinted by the House hall be private bills and reported by either Hou

shall be distributed the same as the bill or resolution it proposes to amend.

Sec. 4. Par. 3. The Public Printer shall prepare and bind six complete sets of the printed bills and resolutions of each House of Congress, the volumes when bound to be preserved for reference, as follows: Two in the Library of Congress and one each in the document room and the library of each House.

Sec. 5. Par. 1. Any committee or commission of Congress authorized to hold hearings or to conduct investigations, may have printed for its use not to exceed 1,000 copies, in all, of any hearing before such com-

mittee or commission upon pending legislation; but no such committee or commission may have printed more than 500 copies, in all, of any other matter germane to its official business, and such matter shall not exceed 100 printed pages in any one instance, except as may be specifically authorized by either House: Provided, That hearings and other publications of each committee and commission shall be numbered consecutively throughout a Congress.

SEC. 5. PAR. 2. No report of a committee or commission of Congress shall be printed if the estimated cost of the usual number exceeds \$500, or if it is accompanied by illustrations, without specific authority therefor from the House to which such report is submitted, together with a statement of its cost and illustrations, without specific authority therefor from the House to which such report is submitted, together with a statement of its cost and illustrations.

SEC. 5. PAR. 3. Each committee and commission of Congress shall be entitled to the binding, in material no more expensive than buckram, of not to exceed 100 copies, in all, of any Government publications, and not to exceed 50 copies, in all, of any Government publications mittee or commission. Provided That ow subject that half morocco.

SEC. 6. PAR. 1. All letterheads, envelopes, tables, forms, hearings, and other printed matter, blank books and paper, and binding, required for the official use of the Senate and the House of Representatives, officers and committees thereof, and congressional commissions or joint committees thereof, and congressional commissions or such stationery and blank books as may be necessary for sale to Senators, Representatives, Delegates, and Resident Commissioners in the stationery rooms of the two Houses.

SEC. 6. PAR. 2. There shall be a printing clork in the office and under respectively, and the clierk of

iegislation, or of any public law of compilation of laws not exceeding 50 pages: Provided, That if the Secretary of the Senate or the Clerk of the House desires an additional reprint of not to exceed 1,000 copies in all, authority therefor must be secured from the respective Committee on Printing.

SEC, S. Upon requisition of the Secretary of the Senate or the Clerk of the House the Public Printer shall furnish appropriately printed letterheads and envelopes and blank letter paper to the stationery rooms of their respective Houses for sale to Members at cost of paper and envelopes, prepaid, and the Secretary of the Senate and the Clerk of the House, respectively, shall reimburse the Public Printer for such letterheads, envelopes, and paper from the stationery appropriation credited to the Member ordering the same or from moneys received from him for such purpose, as said Member may elect: Provided, That any Member, officer, committee, or commission of Congress desiring embossed instead of printed letterheads or envelopes may order the same by prepaying, as herein provided, the cost thereof in excess of the amount that ordinary printing would cost the Government: Provided further, That no letterheads, envelopes, or blank letter paper furnished as provided in sections 6 and 8 of this act shall be used in furtherance of the candidacy of any Member for renomination or reelection.

Sec. 9. Par. 1. The Public Printer shall furnish, at cost, to Members of Congress franked envelopes or slips ready for mailing such Government publications and extracts from the Congressional Records as are printed at private expense at the Government Printing Office. Envelopes or slips ready for mailing such Government shall be used in furtherance of the Record, or "House of Representatives, U. S.," "Part of Congressional Records of the Member shall be printed in black ink only and contain in the upper left-hand corner, the facsimile signature or the name of the Member ordering the

committee or commission of Congress, but no such committee or commission shall furnish franked envelopes or slips, either directly or indirectly, to any individual, firm, corporation, committee, organization, or association in the use or benefit of such individual, firm, corporation, committee, organization, or association in the provided further. That it shall be unlawful for anyone except the Public Priner to print congressional franked envelopes and slips for the mailing of Government publications and extracts from the Conguessional Reacons, and all such franked envelopes and slips hereafter printed shall bear the imprint of the shall include in his annual report to Congress a statement showing, by name, the number and cost of franked envelopes and slips furnished free to each Member, officer, committee, and commission of Congress during the preceding fiscal year: Provided further, That any person who shall violate the provisions of this section shall be fined not more than \$1,000 for each offense.

SEC. 11. PAR. 1. Any Member or officer of the Senate or the House who is entitled by law or resolution to an allotment of Government publication is an interest of the committee, and the provisions of the senate or the House who is entitled by law or resolution to an allotment of Government publication and the provision of the senate of the tenth of the senate of the House who is entitled by law or resolution to an allotment of Government publication and the provision of the senate of the provision of the senate of the respective quota of any such publication which he may not desire for distribution; and, if notice thereof is received prior to printing the same, the Public Printer shall deduct such number from the number of copies authorized to be printed, and shall direct the superintendent of the respective folding room not to allot or distribute such publications to the Member or officer of the House so authorizing him. The value of the publications not printed as provided herein shall be entitled to order of t

rooms of the Senate and the House which are not taken by him prior to the expiration of his service in Congress shall be placed to the credit of his successor.

SEC. 11. PAR. 2. The Public Printer is hereby authorized, upon the requisition of the Superintendent of Documents, to print or reprint from time to time a sufficient number of copies of such publications as shall be necessary to carry out the provisions of this section: Provided, That authority for the reprinting of any publication for congressional distribution shall lapse after two years from the date of the first publication, except as orders for subsequent editions may be approved by the Joint Committee on Printing, and the consent of said committee shall be obtained before the plates of any congressional publication may be remelted by the Public Printer: Provided further, That copies of Government publications subject to congressional distribution shall be printed promptly when ready for publication and, except as otherwise provided, shall be bound in paper or cloth, under the direction of the Joint Committee on Printing.

SEC. 11. PAR. 3. The Superintendent of Documents shall supply, wrap, and mail or otherwise dispatch publications subject to distribution as provided for in this section, upon the written order of the person entitled to the same, who shall furnish addressed franked slips or envelopes therefor; and said superintendent shall promptly furnish each person entitled to a document quota or credit with information and the prices of all publications available for such distribution in advance of printing the first edition thereof, if possible, and he shall also render monthly statements to each person entitled to the same concerning the condition of his account: Provided, That the Public Printer shall credit the amount charged for publications so distribution in advance of printing the first edition thereof, if possible, and he shall also render monthly statements to each person entitled to the same concerning the condition of his account:

publications shall be disposed of by the Superintendent of Documents as authorized by law.

publications shall be disposed of by the Superintendent of Documents as authorized by law.

gressional distribution as hereforce provided by law shall be discontinued: Monthly Summary of Foreign Commerce of the United States, Annual Report of the Bureau of Ethnology, builetins of the Bureau of Pisherles, geological builetins, annual Report of the Bureau of Pisherles, geological builetins, annual Report of the Bureau of Pisherles, geological builetins, and the National Academy of Sciences, the American Ephemeris and States, Annual Report of the Bureau of Pisherles, geological builetins, and the National Academy of Sciences, the American Ephemeris and Annual Lindon of the United States with Foreign Countries, and the Annual Report of the Commissioner of Patents with list of patents and the Annual Report of the Commissioner of Patents with list of patents and the Annual Report of the Commissioner of Patents with list of patents and the Report of the Commissioner of Patents with list of patents and the Report of the Commissioner of Patents with list of patents and the Report of Patents with list of patents and the Report of Patents with list of patents and the Report of Patents with list of patents and the Report of Patents with list of patents and the Report of Patents with list of patents and the Report of Patents with list of patents and the Report of Patents with list of patents and the Report of Patents with list of patents and the Report of Patents with list of patents and the Report of Patents with list of patents and the Report of Patents with list of Patents and the Report of Patents with list of Patents and Lindon and L

his supervision in the Government Printing Office shall be designated the Public Documents Office.

Sec. 17. Par. 1. The Joint Committee on Printing shall have power to adopt and employ such measures as, in its discretion, may be deemed necessary to remedy any neglect, delay, duplication, or waste in the public printing and binding and the distribution of Government publications, and shall exercise general supervision over printing and binding for Congress.

Sec. 17. Par. 2. The Joint Committee on Printing is hereby authorized to inquire at any time into all matters pertaining to the public printing and binding and the distribution of publications for Congress, the judiciary, and the various executive departments, independent offices, and establishments of the Government, to report to Congress from time to time any abuses in the public printing and binding and the distribution of Government publications, and to recommend such remedial legislation as in its judgment may seem proper.

Sec. 18. Par. 1. The term "Government publication" as used in this act shall mean and include any publication printed at Government expense or published or distributed by authority of Congress. No Government publication nor any portion thereof shall be copyrighted, nor shall any reprint of such publication other than by the Government Printing Office bear the imprint of that office, and hereafter every publication printed at the Government Printing Office shall bear its imprint and the name of the committee, commission, office, department, or establishment of the Government Printing Office shall bear its imprint and the name of the committee, commission, office, department, or establishment of the Government Printing Office shall bear its imprint and the name of the committee, commission, office, department, or established. Any person, firm, corporation, committee, organization, or association which reproduces any Government publication without placing conspicuously on the title page thereof a statement showing that such reproductio

Mr. OWEN. Mr. President, I should like to have the chairman explain section 18, paragraph 2.

Mr. CHILTON: That is a provision regulating the printing of documents on behalf of commissions and defines the word "commission" as used in the bill. It says:

The terms "congressional commission" and "commission of Congress" shall mean, for the purposes of this act, a commission the majority of the members of which are Members of Congress at the time of the creation of such commission.

Mr. OWEN. Suppose the majority of the commission are not Members of Congress?

Mr. CHILTON. Then it is not a commission.

Mr. OWEN. Is that intended to abolish the commission, or simply to abolish the printing for that commission?

Mr. CHILTON. It is just to regulate the printing for it, as

provided in a former part of the bill. Quite a number of sections refer to it. It is all right.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH A. JENNINGS.

Mr. JAMES. Mr. President, I ask unanimous consent to recur to Order of Business 746, House bill 6732, which was passed over on the last call of the calendar at the request of the

Senator from Utah [Mr. Smoot].

The VICE PRESIDENT. Is there any objection?

Mr. THOMAS. Mr. President, a question of order. I understand that we are now operating under a unanimous-consent agreement, which requires us to begin with Order of Business

Mr. JAMES. I will state to the Senator that it was provided that we might recur to any of these matters that were passed

Mr. THOMAS. I have no objection to it if it does not seriously interfere with the consideration of the rest of the calendar.
Mr. JAMES. Oh, it will not affect the consideration of the

calendar at all.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to pay to Joseph A. Jennings \$2,500, on account of the amputation of his left arm, incurred while employed in the gun-carriage shop of the United States navy yard, at Washington, D. C., and a sufficient sum for the payment of the same is appropriated out of any money in the Treasury not

otherwise appropriated.

Mr. SMOOT. Mr. President, I should like to ask the Senator to have the letter from the Secretary of the Navy printed in the

RECORD in connection with the passage of this bill.

Mr. JAMES. I will have that done, Mr. President. Does the Senator wish to have the affidavit printed also?

Mr. SMOOT. No.
The VICE PRESIDENT. In the absence of objection, the letter will be printed in the RECORD.

The letter is as follows:

NAVY DEPARTMENT Washington, February 3, 1917.

Hon. Blair Lee, United States Senate, Washington, D. C.

My Dear Senator. Responding to your inquiry of this date, I have the honor to say that nothing is found of record to indicate that any payment in the way of compensation for his injury has heretofore been made to Mr. Joseph A. Jennings, the beneficiary named in H. R. 6732.

Mr. Jennings was injured about nine years before the workmen's compensation act was passed and his case is not covered by any remedial legislation.

Sincerely, yours,

JOSEPHUS DANIELS.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMPORTATION OF SISAL AND MANILA HEMP.

The resolution (S. Res. 94) authorizing and instructing the Committee on Agriculture and Forestry of the Senate to investigate what companies and corporations are engaged in the importation of sisal and manila hemp, etc., was announced as next in order.

Mr. RANSDELL. I move that the resolution be indefinitely

postponed.

The motion was agreed to.

F. W. SCHULTZ.

The bill (H. R. 3895) for the relief of F. W. Schultz was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. STERLING. Mr. President, I hope the Senator will not insist on his objection. I regard this as a very meritorious case.

Mr. SMOOT. I have read the report on the bill, and the claim is the same as a class of claims that have been before the Claims Committee for years and years, and the Claims Committee has always refused to pass claims like this. Of late they have been referred to the Post Office and Post Roads Committee, and some of them have been reported out from that committee. I have called to the attention of the chairman of the committee claims of a similar character, for money stolen exactly in the same way, and perhaps in some cases where more care has been taken than in this case, and the committee has refused to report them to the Senate. If it is understood that that is to be the policy hereafter, I want to withdraw the claims from the Claims Committee and refer them to the Post Office and Post Roads Committee and get favorable reports on them. I refer to the claims of postmasters within my State who have lost money just exactly in the same way as in the case covered by this bill.

Mr. STERLING. Mr. President, this is a House bill, in the

first place.

Mr. STERLING. And there is a strong report from the House committee. It comes here and is reported favorably by the Senate Committee on Post Offices and Post Roads. I think the proof shows that due care was used by the assistant postmaster who locked the safe in the post office on the evening of the day on which the postage stamps were stolen. The money belonging to the fund was in the bank. Only postage stamps were in the safe. The assistant postmaster, who is disinterested from the pecuniary standpoint, anyhow, makes a strong affidavit showing that he carefully locked the safe at night. It seems to me that this is a just claim and ought to be passed by the Senate.

Mr. CHILTON. Mr. President, what is the amount? Mr. SMOOT. Let me call the Senator's attention to a part of a letter written by the Postmaster General. He says:

In view of the contradictory statements of Mr. Caldwell and of the absence of any evidence to show that the safe was "carefully and completely locked" at the time the burglary occurred, there appears to be no reason for reversing the action taken on this claim.

Mr. STERLING. Mr. President, I know something about the letter written by the Postmaster General. The Postmaster General, I think, assumes in that statement what the proof hardly warrants. The assistant postmaster made one affidavit upon

which a wrong interpretation was put by the inspector. He makes a subsequent affidavit, however, in which he shows that no such interpretation was justifiable, and shows what the facts were in regard to his carefully locking the safe on the night

the property was taken.

I hope, in view of the justice of this claim, that the Senator

will not press his objection.

Mr. BRYAN. Mr. President, the Senator from Utah refers to the fact that these claims formerly went to the Claims Committee, and now a batch of them appear to have gone to the Committee on Post Offices and Post Roads. Mr. CHILTON. What is the amount of this claim, Mr.

Mr. CHILTON. President?

Mr. BRYAN. Does the Senator want to pay it?

Mr. STERLING. Two hundred and forty-four dollars and fifty-eight cents.

Mr. BRYAN. If the Senator from West Virginia is going to

pay it, I will let him do so.

Mr. CHILTON. This is like the case of the poor woman in West Virginia the other night who lost \$152 in the same way. They can better afford to pay it than this rich Government, so just let them continue to rob us. I sympathize with the Senator. I had the same experience the other night.

Mr. BRYAN. I am much obliged to the Senator from West Virginia for interjecting that remark into what I was trying

About a year ago or less the policy seems to have developed of referring all claims against the Government for losses by postmasters to the Committee on Post Offices and Post Roads here in the Senate, and quite a number of them have been so referred. Now, I have no feeling of jealousy at all about it. will say, however, that claims of this class never have been allowed by the Committee on Claims since I have been a member of it. There is a regulation put into effect by the Post Office Department in pursuance of authority of law which requires that a safe shall be provided, and that it shall be locked; and wherever that is not done the Post Office Department uniformly refuses to pay claims for loss. It seems to me a wise policy, because otherwise anybody can file a claim if his property has been stolen and get a recovery, although he failed to comply with the reasonable regulation of the Post Office Department.

Mr. STERLING. Mr. President, will the Senator permit me? Mr. BRYAN. I yield to the Senator; but I will say to him

that I am not debating the merits of this claim.

Mr. STERLING. I think the Senator is aware of the fact that the Postmaster General does not report adversely to this claim, but he submits it for the consideration of Congress.

Mr. BRYAN. I understand the Postmaster General to say that the postmaster did not lock the safe. He says that he turned the combination, but left it so that anybody could come and open it. The combination was not caught. In other words, the man who entered that safe did not have to know the combination in order to get into it.

Mr. STERLING. I beg the Senator's pardon, the Postmaster

General does not say that. The Postmaster General refers to a previous affidavit from which the inspector inferred that only the day lock was left on at night, and then he makes a second

affidavit, in full explanation, in which he states the fact.

Mr. BRYAN. Then, I will ask as to the next bill on the calendar, the bill (H. R. 3894) for the relief of George H. Grace, which is a claim of \$2,718, and the same thing exists; he failed to comply with that same regulation.

Mr. SMOOT. I object to the consideration of the bill.

The VICE PRESIDENT. Objection is made, and the bill goes

Mr. SMOOT. And the next.

The VICE PRESIDENT. Is there objection to the next bill? Mr. SMOOT. Yes.

The VICE PRESIDENT. House bill 3894 will also go over. SUPERINTENDENT OF FOLDING ROOM.

Senate resolution 286, to authorize the Sergeant at Arms of the Senate to appoint a superintendent of the folding room, was announced as next in order.

Mr. GALLINGER. Let that go over. Mr. ROBINSON. I hope the Senator will not make an objection. At this time there is no superintendent of the folding room. The young man who has been performing the work has gone off the roll. The Committee to Audit and Control the Contingent Expenses of the Senate investigated the subject and

found the necessity for the resolution.

Mr. GALLINGER. I withdraw the objection, having looked

into it a little.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

Resolved, That the Sergeant at Arms of the Senate be, and he hereby is, authorized and directed to appoint a superintendent of the folding room, who shall be paid at the rate of \$1,600 per annum from the miscellaneous items of the contingent fund of the Senate until otherwise provided by law.

REGISTER OF WILLS.

The bill (S. 6750) to provide for the appointment of the register of wills of the District of Columbia by the justices of the Supreme Court of said District was announced as next in order.

Mr. GALLINGER. That is included in the District of Columbia appropriation bill and hence it is unnecessary to pass this bill. I ask that it may go over. The VICE PRESIDENT. It will go over.

S. S. YODER.

The bill (H. R. 11288) for the relief of S. S. Yoder was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the revenues of the District of Columbia, to S. S. Yoder the sum of \$1,000, which said sum was deposited with the proper authorities as a guaranty that the Washington, Spa Springs & Gretta Raliroad would be constructed in accordance with the provisions of an act of Congress approved February 18, 1907, and which provisions have been complied with.

Mr. SMOOT. I should like to have some explanation of the

Mr. POMERENE. It is a House bill, and the Senate committee incorporated the report of the House committee. briefly, this was a deposit which was made to secure the construction of the road named in the bill.

Mr. SMOOT. Will the Senator speak a little louder?

Mr. SMOOT. Will the Senator speak a little louder:
Mr. POMERENE. It was a deposit made by Mr. Yoder, who
was a Member of Congress many years ago from Ohio, to guarantee the construction of the Washington, Spa Springs & Gretta
Railroad. The full history of the matter is contained in the
report. The committee of the House went into it very fully.
The last paragraph of page 2 is as follows:

This \$1,000 was deposited with the Commissioners of the District of Columbia to guarantee the construction of this railroad within the prescribed time, and this act further provided that this sum should be forfeited to the District of Columbia in event the road was not in operation as prescribed in said act. There seems to be no question but that the railroad was completed and cars in operation within the prescribed time. Moreover, the Commissioners of the District of Columbia acknowledged that the Washington, Spa Springs & Gretta Railroad Co. had "fulfilled all the conditions of its charter," as is evidenced by the following letter, to wit:

Then follows the letter by William Tindall, secretary of the Board of Commissioners of the District of Columbia, under date of April 14, 1911, in which he says, addressing the railroad com-

THE WASHINGTON, SPA SPRINGS & GRETTA RAILROAD Co., Care of G. L. Baker, Colorado Building, Washington, D. C.

Care of G. L. Baker, Colorado Building, Washington, D. C.

GENTLEMEN: The Commissioners of the District of Columbia direct
me to inform you that, having completed your deposit of \$20,000 with
them, in accordance with your agreement of August 24, 1910, to cover
the cost of grading and widening Bladensburg Road within certain
limits, and having completed the work on those portions of the road
not covered by said agreement, you are considered to have fulfilled all
the conditions of your charter with respect to the widening, grading,
and macadamizing of Bladensburg Road throughout its length in the
District of Columbia.

Very respectfully,

Secretary of Board of Commissioners.

Sccretary of Board of Commissioners, District of Columbia.

APRIL 14, 1911.

Mr. SMOOT. I will not ask the Senator to read any further. I have had time to look into it. It seems the money was deposited in the Treasury and it requires an act of Congress to get it out.

Mr. POMERENE. That is all.

Mr. SMOOT. I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INSPECTION OF VESSELS.

The bill (H. R. 13831) to amend section 4464 of the Revised Statutes of the United States, relating to number of passengers to be stated in certificates of inspection of passenger vessels, and section 4465 of the Revised Statutes of the United States, prescribing penalty for carrying excessive number of passengers on passenger vessels, and section 4466 of the Revised Statutes of the United States, relating to special permits for excursions on passenger steamers, was considered as in Committee of the

Mr. WADSWORTH. May I ask the Senator in charge of the bill if he will point out which portion of section 4465 of the Revised Statutes, which is printed at the bottom of page 2 of the bill, is new matter?

Mr. FLETCHER. The object of the bill is to extend the inspection service so as to cover all passenger-carrying vessels. The law at present uses the expression "steamers," and is applied to steam vessels. The bill if it passes would cover sail vessels carrying passengers, motor vessels carrying passengers, barges carrying passengers, and any vessel that carries passen-

gers, whereas the law at present is confined to steam vessels.

Mr. WADSWORTH. I thank the Senator for explaining that portion of it. I understood that. It does not refer to ferry-

Mr. FLETCHER. No.
Mr. WADSWORTH. The information I desired of the Senator was as to the new matter provided in section 4465 at the bottom of page 2 of the bill, which relates to the penalties. You will note that section 2 of the bill, commencing at line 15 on page 2, provides

That section 4465 of the Revised Statutes of the United Statutes be, and is hereby, amended so as to read as follows:

"SEC. 4465. It shall not be lawful to take on board of any vessel a greater number of passengers than is stated in the certificate of inspection, and for every violation of this provision the master or owner shall be liable to any person suing for the same to forfeit the amount of passage money and \$10 for each passenger beyond the number allowed.

There is no way by which a Senator, without looking at the

Revised Statutes, can tell where the amendment comes in.

Mr. FLETCHER. The amendment there is the use of the words "any vessel" instead of "any steamer" or "any steam vessel." It seems to extend the law to all vessels and therefore the words "any vessel" are used. I think that is the only change there

Mr. WADSWORTH. Would the Senator then accept an amendment to insert, after the word "vessel," in line 19, the words "other than a ferryboat," so as to conform with the rest of the bill? It is a very serious matter to attempt to regulate the number of passengers on ferryboats under Federal inspec-tion. The bill apparently did not have the original intention of bringing in ferryboats, some of which are municipally owned, notably by the city of New York.

Mr. FLETCHER. I do not see any objection to that, but the Senator will see, in section 4467, at lines 6 and 7, "the board of inspectors shall state in every certificates of inspection carrying passengers other than ferryboats." Ferryboats are excepted from the application of the act.

Mr. WADSWORTH. So far so good; but should not that same exception be made in line 19 when you go to work to amend another section of the Revised Statutes?

Mr. HUGHES. Let me call the attention of the Senator from New York to the fact that the paragraph to which he refers does not call for Federal inspection. It simply states that it shall not be lawful to take on board any vessel a greater number of passengers than are stated in the certificate of inspection.

Mr. FLETCHER. There is no certificate of inspection re-

quired for a ferryboat.

Mr. HUGHES. There is no provision here making inspection to apply to ferryboats. The ferryboats the Senator and I are familiar with ply from one State to another. I do not think it would do any harm to state there that they shall not carry a greater number of passengers than is stated in the certificate of inspection. I just wanted to make that suggestion. This is not providing for any new form of inspection.

Mr. FLETCHER. I think the Senator will not be troubled at all by that paragraph because the ferryboats are not concerned

in it at all. They do not have to have this inspection.

Mr. WADSWORTH. Mr. President, I have no objection. Mr. LANE. I should like to ask why they should not be inspected just the same as other boats carrying passengers. Why should not the number of passengers that they carry be restricted the same as other vessels?

Mr. FLETCHER. Of course there are arguments pro and con as to that. One thing is they usually have not so far to go and usually there is little trouble in connection with ferryboats.

Mr. LANE. How many lives have been lost in ferryboats from overloading and from bad management and lack of proper inspection? They are the easiest boats of all on which to control the number of passengers because the passengers go through a gateway where the number can be registered.

Mr. FLETCHER. There are arguments the other way on that point. There was strong opposition to ferryboats being included in the measure. It was believed by those who represented them

that the risk and danger was not very great.

Mr. LANE. Who are they? The owners of the boats?

Mr. FLETCHER. Probably so.

Mr. LANE. I think they must have been.
Mr. WADSWORTH. I think I can correct the Senator's impression. The city of New York as a municipality, if the Federal Government is going to govern the number of passengers which may go upon a ferryboat in New York Harbor, would have to erect turnstiles on the ferry slips and count thousands and thousands and thousands of people every day going each way. There has never been the slightest necessity for any such precaution. May I say to the Senator from Oregon that the New York municipal ferries running between New York City and Staten Island have carried 15,000,000 passengers a year with but one death, and that not due to overcrowding. You would simply compel the city to double the number of boats they already have.

Mr. LANE. The counting by the turnstile is done automatically; it registers the number, and when the maximum number is reached you can stop others going aboard. If you do not do the same as on other passenger boats the day will come when the city of New York will become alive to its error, as in another case

Mr. WADSWORTH. That is a different proposition. That was not city regulation.

Mr. LANE. It was due to overloading, without proper means

provided for saving lives.

Mr. FLETCHER. There is a certain inspection there that it is believed makes it safe, and if a situation arises where it is considered necessary it can be taken care of at some other

Mr. LANE. In respect to that I will say that no ferryboat going out of the harbor of New York can or does carry enough lifeboats to insure the lives of all the passengers they carry. An examination of the life preservers on board one of the large excursion steamers that was used in carrying passengers from New York City revealed the fact that a small slab or ingot of iron had been placed in the center of the life preserver instead of cork, with which it was supposed to have been filled. When the unsuspecting and innocent and trusting people tied these life preservers around them, which simply added to their own weight, and jumped overboard they went straight to the bottom of the river

Mr. HUGHES. I should like to ask if they issue certificates

to ferryboats?

Mr. FLETCHER. No; I do not know of any.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

F. C. X. BOUCHER.

The bill (S. 2200) for the relief of F. C. X. Boucher was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. It will go over.

CHIPPEWA INDIAN CLAIMS.

The bill (S. 7833) authorizing the Chippewa Indians in the State of Minnesota to submit claims to the Court of Claims was considered as in Committee of the Whole, and was read, as follows:

State of Minnesota to submit claims to the Court of Claims was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That all claims of whatsoever nature which the Chippewa Indians in the State of Minnesota, or any band thereof, may have against the United States which have not heretofore been determined by the Court of Claims may be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for the determination of the amount, if any, due said Chippewa Indians in the State of Minnesota from the United States, under any treaties, agreements, or laws of Congress or for the misappropriation of any of the funds of said Chippewa Indians in the State of Minnesota, or for the failure of the United States to pay said Chippewa Indians in the State of Minnesota any money or other property due; and jurisdiction is hereby conferred upon the Court of Claims, with the right of sither party to appeal to the Supreme Court of the United States, to hear and determine all legal and equitable claims, if any, of said Chippewa Indians in the State of Minnesota against the United States and to enter judgment thereon.

Sec. 2. That if any claim or claims be submitted to said courts they shall settle the rights therein, both legal and equitable, of each and all parties thereto, notwithstanding lapse of time or statutes of limitation; and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credits for all sums heretofore paid or expended for the benefit of said Chippewa Indians in the State of Minnesota, or any band thereof. The claim or claims of said Chippewa Indians in the State of Minnesota are repaided for the long of the said courts they passage of this act; and such action shall make the petitioner or band or bands thereof, may be presented separately or jointly by petition, subject, however,

Mr. JONES. I notice one provision in the bill that gives five years for the presentation of these claims. I do not know why we should give so much time.

Mr. CLAPP. That must be a misprint. Mr. JONES. It says:

The claim or claims of said Chippewa Indians in the State of Minnesota, or band or bands thereof, may be presented separately or jointly by petition, subject, however, to amendment, suit to be filed within five years after the passage of this act.

Mr. CLAPP. That was evidently an oversight. It ought to be not to exceed two years at the outside. I move that amendment, Mr. JONES. I think one year would be perhaps better.

Mr. CLAPP. I move to amend by inserting "two years" in place of "five."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, line 22, strike out "five" and insert "two," so as to read "to be filed within two years."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF HENRY H. SIBLEY.

The bill (S. 3962) for the relief of the legal representatives of the estate of Henry H. Sibley, deceased, was announced as next in order.

The PRESIDENT pro tempore. This bill was reported adversely.

Mr. GALLINGER. I asked that the bill go to the calendar when reported. It is a claim I once investigated and thought there was merit in it, but, as the committee has reported it adversely, I do not object to having it indefinitely postponed.

Mr. WADSWORTH. I move the indefinite postponement of

the bill.

The motion was agreed to.

FRANK CARPENTER.

The bill (S. 5768) for the relief of Frank Carpenter was considered as in Committee of the Whole. It proposes to pay to Frank Carpenter \$812.60, as full settlement of the amount due him, for service and team hire in 1910 and 1911 in connection with the construction of the Oklahoma State rifle range at Chandler, Okla.

Mr. SMOOT. Mr. President, I should like the Senator from Oklahoma to explain this claim. I have looked over the report for some evidence from some of the departments as to whether or not the claim was a just one against the Government, and I find nothing in the report to show that.

Mr. OWEN. I will say to the Senator from Utah that there is an affidavit embodied in the report from the engineer in charge, under whose authority this work was done, explaining the matter.

Mr. SMOOT. I see the Senator from New York [Mr. Wansworth] in making the report stated-

The Legislature of Oklahoma has refused to meet the claim.

Mr. OWEN. The matter did not belong to the Legislature of Oklahoma. It is a claim for compensation for work done for the United States.

Mr. WADSWORTH. That is perfectly true, Mr. President. Mr. SMOOT. I should like the Senator in a few words to explain it.

Mr. OWEN. The claim was for work done by Carpenter's team, which was engaged by A. C. Ennes, who was engineer in charge of the construction of the rifle range at Chandler, Okla. Ennes makes oath, as the Senator will find on page 2 of the report, on June 3, 1916, that this work was done under the authority and by the approval of the War Department and of the governor of Oklahoma, who was cooperating and furnishing the range itself; that the bills for Carpenter's team hire were promptly made out and approved, and I suppose forwarded for payment, but he never was paid.

Mr. SMOOT. I notice that the report says:

Auditor for War Department has refused to allow payment from funds allotted to Oklahoma since that time on the ground of illegality of such practice.

Mr. WADSWORTH. I think I can explain that. Mr. OWEN. I will be very glad to have the Senator from New York do so.

Mr. WADSWORTH. I had to look into the claim and it is my report. The fund set aside for the use of the National Guard of Oklahoma was exhausted in the year 1911, before this man sent in his bill for the work that he contracted to do with the Federal officer. When he made application for payment and when his bill reached the War Department the auditor there said that there being no more money in that year's allotment of funds it was impossible for the War Department to pay the

Mr. SMOOT. Was the work done during that year?
Mr. WADSWORTH. It was done during the year in which the funds were supposed to be available, but the bills did not come in until the funds had been exhausted. The claimant has never had a penny and he has finished the work in perfect condition.

Mr. OWEN. That was all there was about it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PORTLAND IRON WORKS.

The bill (S. 3895) for the relief of the Portland Iron Works was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "\$10,164.26" and to insert "\$9,800," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Portland Iron Works the sum of \$9,800, in full compensation, being amount held back by the Government as a penalty for delays in the construction of the two dredges known as Wahkiakum and Multnomah.

Mr. HUGHES. Mr. President, I should like some Senator to

explain this bill.

Mr. LANE. I will endeavor to explain it to the Senator. There was let a contract to build two Government dredges for operation on the Columbia River, and they were built by a subcontractor by the name of Joe Supple, whom I know well. The payment of the sum of \$9,000 was placed upon him as a fine for damages due to his failure to fulfill his contract within a contract within a certain specified time. The facts were that he was entirely able and willing to build the dredges on time, and would have done so but for the reason that the large steelworks in the East were overcrowded with orders and failed to fulfill their contract with him on time. He even offered them a bonus for the steel over and above the contract price which he had agreed to pay for it, but even by that means he was unable to secure the steel. So the work on the dredges was delayed, and he was fined, I think, \$100 a day, amounting in all to some \$9,000. The Government did not lose a cent, but they deducted that amount out of his contract price and falled to pay it to him. I am informed that he is absolutely innocent and did everything to secure the steel, and, as I have said, offered an advanced price to secure it. He was helpless, and this amount is justly due him.

The Committee on Claims considered the bill carefully, and the chairman of the committee and, I think, the Senator from North Dakota [Mr. Gronna], who had it especially assigned to

him, will confirm what I say.

Mr. HUGHES. Everyone who has had anything to do with this matter, including Lieut. Col. Charles L. Potter, of the Corps

of Engineers, seems to have reported against it.

Mr. LANE. Their hands were tied by the Government specifications. It is merely a matter of relief that is now sought.

Mr. HUGHES. It practically comes down to the same question in connection with most contracts of this nature. The contracts for the building of battleships now on the ways all contain clauses calling for their construction within a certain period on pain of the imposition of a penalty of a certain amount for failure to comply with the terms of the contract. If we pass this bill, we might as well serve notice on all contractors that that particular provision in such contracts does not mean anything, so far as the Government is concerned.

Mr. LANE. I think there are exceptions to that.

Mr. HUGHES. There may be exceptions, but this does not

seem to be one of them.

Mr. LANE. I think it does, and I will tell the Senator why. If the man had been able to procure his material, if it had been something like a strike or a storm which had prevented him from procuring it, and he had not used diligence to secure it, it would be a different matter, for then he would have been guilty of neg-lect; but owing to circumstances which neither he nor anyone else could control he was unable to secure the material and complete the contract. As soon as he was able to secure the material, with diligence he proceeded with his work and finished it. If the dredges had not been built as soon as possible, and if they had not been operated ever since, for a number of years now, the case might be different. There is no attempt here to secure a dollar that does not legitimately belong to the man. Those are the facts as I believe them to be.

Mr. HUGHES. There is here an attempt to secure money that does not belong to the claimant. He contracted to deliver the dredges within a certain time. It may very well be that the dredges were of no particular use to the Government when they were finally delivered. Frequently we make contracts of that sort, calling for delivery at a certain time; sometimes the Government when they were delivery at a certain time; sometimes the Government when they are considered delivery as the contracts of the ernment pays a bonus for quick delivery, and if a man delivers the article more quickly than the Government thought he could the Government pays him a bonus; the Government suffers that penalty; but whenever a man falls down on a contract with the Government he comes to Congress pleading for relief. This is as

glaring a case of that kind as could be presented, because the failure of this contractor was not due to an act of God or of the

public enemy or anything of that kind.

Mr. LANE. Well, it was due to a public enemy, for it was due to the Steel Trust. [Laughter.] They had a contract with him, I am informed, to deliver these goods so that he might fulfill his contract, but they failed to do so. However, he did finish his contract: the dredges were built and have been useful and the Government suffered no loss. By the way, the Steel Trust made \$333,000,000 last year over and above all expenses.

Mr. HUGHES. Then let the Steel Trust make good the loss

to him.

Mr. LANE. He can not get at them; they are greater than the

Government.

Mr. HUGHES. Such people would not be able to get at the Government, either, if Members of the House and of the Senate would do their duty. There is no reason why we should allow this man to put his hands into the Treasury to recoup himself for something that the Steel Trust did. If the facts are as the Senator says, that the man has a claim because the Steel Trust contracted to deliver this material to him, but failed to deliver it in time, and therefore caused him to forfeit this money to the Government of the United States, he has a perfect case against the Steel Trust, but not as easy a case to collect as against the United States Government, for he will have to do a little more than get up an ex parte statement and have the gentleman who represents him crack a joke or two. He will have to go on and prove his case. So far as I am concerned, I do not see why he should not prove his case against the Steel Trust and get this money, rather than to ask us to pay it out

of the Treasury of the United States.

Mr. LANE. Mr. President—

Mr. HUGHES. I will ask the Senator to wait a moment. I desire to call the Senator's attention to another fact here, namely, that Charles L. Potter, lieutenant colonel of the Engineer Corps, reports that this man is not entitled to the money at all. He says, that if he is to be paid any money whatever, under no circumstances should he be paid more than \$4,926, for that is the greatest amount that can be attributed to the delay in the receipt of the material. I should like to have somebody

who stands sponsor for this bill explain that.

Mr. LANE. The Government put its hands into his pocketsit is quite the reverse of what the Senator assumes the case to be—and fines him for failure to fulfill his contract on time, when the man himself had offered a bonus to the Steel Trust for the early delivery of the goods. He was perfectly helpless. What could he do? The power of the Steel Trust in the matter of the delivery of the supplies at that time was being exercised, as Senators will bear me out, affecting all parts of the United States. So they delayed the fulfillment of his contract, and that was as much a matter of great consequence and importance to him as an act of God; and it is about as difficult to try to collect anything from them as from any agency that can be conceived of. What chance would he have in a contest with the Steel Trust? The Government suffered not a penny's loss; it received the goods; the dredges are in good working order, and they have worked for years.

Mr. JONES. Mr. President—
Mr. LANE. Of course, Col. Potter is the representative of the Government, and it was his duty to report against the claim if possible. He could not take all the facts into consideration, for the dredges were to be delivered on a certain date, and it was impossible for the contractor to do so.

Mr. JONES. Mr. President, I want to ask the Senator what

this statement in the report I am about to read means? It says

The damages were withheld from the Portland Iron Works by the Government, and in turn withheld from Mr. Supple by the Portland Iron Works.

Apparently the Portland Iron Works got its facts to enable them not only to make the Government make good for what this

man Supple had to pay—

Mr. LANE. Mr. Supple was the subcontractor and took over the entire contract. Mr. Supple can not collect because he is not a party before the Government. He lost it, but the Portland Iron Works has not received it; and they passed the loss off to

the man who did the work.

Mr. JONES. In other words, it is to make the Government a sort of a guarantor clear down the line.

Mr. LANE. Mr. Supple is the man who did the work and suffered the loss unjustly. The Government has simply retained money out of his contract price. He has to be represented here by the Portland Iron Works. He can not put in a bill himself. It is a just claim; and we have passed some others that are not half so equitable.

Mr. HUGHES. I should like the Senator to point out one claim that has been passed here to-night or that was passed last week, when we went over the calendar, that is as glaring a case as this.

Mr. LANE. I am judging not so much by the last night or

to-night, but by the general practice here.

Mr. HUGHES. Those are the things that make the general practice. A Senator who is as popular as the Senator from Oregon and of whom everybody is as fond as they are of the Senator from Oregon, makes a plea for a proposition of this kind, and every one good naturedly withdraws his objection, and thus we smooth the way for these claimants to reach the

Mr. LANE. No; Mr. President, I ask the Senator not to say If there are any claims as equitable as this one, I will stand for them. If you can show me that this claim is not equitable, if you can show me it is unjust, then I will withdraw the claim. But I think the Government ought to do equity and justice. Certainly it has no right to do injustice. This man did the very best he could; as soon as he was able he complied with his contract; and he did a good job.

Mr. CHILTON. Mr. President-

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from West Virginia?

Mr. LANE. I yield.
Mr. CHILTON. I should like to ask the Senator from New Jersey why not let the Senate settle it? We have heard the

arguments in this case pro and con.

Mr. HUGHES. I should be delighted to have that done. am perfectly willing to submit it to a vote of the Senate on the debate that has already been had, as to whether or not the Senate thinks this claim should be paid. I do not like to stand here as one man and put my judgment against what may be the judgment of every other Senator in the Chamber.

Mr. LANE. Then I should like to have the bill submitted to

the Senate.

Mr. JONES. Mr. President, I will ask that the bill go over. The PRESIDENT pro tempore. Objection is made.

Mr. LANE. I am very sorry that the Senator sees fit to object.

ELIZABETH MARSH WATKINS.

The bill (S. 3507) for the relief of Elizabeth Marsh Watkins

was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the words "sum of," to strike out "\$5,000" and insert "\$2,500," so as to make the bill read:

Be it enacted, etc., That there be, and is hereby, appropriated, out of funds in the United States Treasury not otherwise appropriated, the sum of \$2,500, to compensate Elizabeth Marsh Watkins, of Wakpala, S. Dak., for permanent bodily injuries sustained by her on the 9th day of November, 1908, at the Government Indian school at Flandreau, S. Dak., while engaged in work required of here under the direction of persons in charge of said school.

The amendment was agreed to.
Mr. HUGHES. Mr. President, I have not had a chance to look at that bill. I will inquire if any Senator here knows anything about it?

Mr. BRYAN. The Senator from North Dakota [Mr. GRONNA] reported the bill. I am not familiar with it except in a general way. As he is not here to-night, I will suggest that the bill go over.

Mr. HUGHES. This appears to be a personal injury case,

and so I will not object.

Mr. BRYAN. My recollection is that it was the case of a school-teacher in an Indian school who was pretty severely injured. Perhaps the Senator from South Dakota [Mr. Sterling]

can explain it.

Mr. STERLING. Mr. President, I think this is a very just claim. It is a case where an Indian girl attending the Government Indian school at Flandreau, S. Dak., and being employed in the laundry in connection with the working of a mangle, without any fault on her part, was very seriously injured. Her hand was crushed, and, as a result of the injury, the hand and wrist are now entirely paralyzed, and her health is permanently injured. She is in fact a nervous wreck from this accident, which happened back in 1908. There was no safety device attached to the mangle at that time, but since then the mangle has been improved by safety devices, so that such an accident can not happen again.

The bill was reported to the Senate as amended, and the amend-

ment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM BLAIR.

The bill (S. 6595) to reimburse William Blair for losses and damages sustained by him by the negligent dipping of his cattle by the Bureau of Animal Industry, Department of Agriculture, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the words "sum of," to strike out "\$37,674.53" and insert "\$18,000," so as to make the

bill read:

Be it enacted, etc., That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$18,000, to reimburse William Blair, of Hominy, county of Osage, State of Oklahoma, for losses and damages sustained by him through the negligence of one of the veterinary inspectors employed by the Bureau of Animal Industry, Department of Agriculture, in dipping cattle belonging to said Blair, in Osage County, Okla., on or about the 27th, 28th, and 29th of August, 1915, said sum to be paid to said Blair in full for all losses and damages so sustained by him.

Mr. SMOOT. Mr. President, from reading a part of the long report in this case, it seems to me that the conclusion arrived at by the inspector in charge is correct, that there is no just claim against the Government. I quote from the report, as follows:

The number of steers shown in the first item was arrived at as follows: Blair held 2,394 head of cattle at time of dipping. Seven months, or seven-twelfths of a year, has elapsed since dipping, consequently seven-twelfths of the average annual loss on 2,394 head was deducted from the total loss of 87—

That is, 87 were lost by death in dipping.

That is, 57 were tost by death in hipping.

The four calves were deducted from this. The manner of reaching a conclusion on the various other items listed is self-evident.

On account of an additional year's growth the steers will probably be worth about \$7 per head more. This item would amount to \$6,559, and such amount would probably be sufficient to cover depreciation in value of cattle shipped after the dipping, taxes, cost of conducting the case, and other extra costs and charges.

Mr. OWEN. Mr. President, the observations of the inspector in charge that this man might possibly at the end of the year make \$7 a head on the cattle is a mere theoretical guess; it does not amount to anything at all and ought not to be in here. The real thing was that this man's cattle were put through an arsenical dip of double the strength that it ought to have been; that it took the hair off the animals, and, according to the testimony here, killed some 70 of them—I believe 59 head of 3 and 4 year old steers and 4 calves. The claimant was compelled to winter 940 of these steers at a cost of \$7 a head, besides not

being able to market them and turn his money over. Mr. SMOOT. Mr. President, I will say to the Senator that I have not had an opportunity to read the entire report, but the

conclusion is that the man was not out a dollar.

Mr. OWEN. The man lost thirty-odd thousand dollars. The inspector goes there, cuts the bill in half, and then puts in some observations at the close which have not any real relevancy. It does not make any difference whether he would say that the next year the claimant made over \$7 a head by carrying these steers over. The fact was this man could not market his cattle; he could not get his property turned over; and the evidence is overwhelming as to his loss. I do not think it is fair to cut this man down to \$18,000, for it is the duty of the Government to pay him for taking his cattle by force and putting them through an arsenical dip that destroyed their value. That is all there is in it.

Mr. SMOOT. I suppose under the law that was required. Mr. OWEN. I know that the law required it; but in this case it was done by an inspector who did not understand his business, who used an arsenical dip of double the strength it ought to have been, which took the hair off these animals and caused great loss to this man.

Mr. SMOOT. I notice that in the report. Mr. BRYAN. Mr. President, the com Mr. President, the committee cut down the claim considerably.

Mr. OWEN. They cut it in half.
Mr. BRYAN. I was going to explain to the Senator some of the items we cut out. There is a claim, as rendered by the claimant, of \$9,000 for interest, and of \$1,200 for taxes. Of course, the Government never does pay claims of that character.

Mr. OWEN. No; that was just his loss; that is all. Mr. BRYAN. That is all. That is \$10,000 reduction.

Mr. SMOOT. I shall not object to the consideration of the

Mr. OWEN. It was cut down very severely. That is all I

want to point out.

Mr. SMOOT. I simply wanted to call attention to the report.

Mr. BRYAN. The remainder of the cut was because, owing to the uncertain condition the claim was in as to the cost of carrying the cattle over, the committee accepted the statement of the representative of the Government that it was \$7 per head instead of \$11.25, which would make the claim \$18,000, considering all those items, instead of \$38,000 or \$37,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 2749) for the relief of George L. Thomas was

announced as next in order.

Mr. THOMAS. Let that go over.

Mr. GALLINGER. Mr. President, I hope that bill will not go over. By reference to the report, I find it says:

There is no evidence in the auditor's office tending to show that Postmaster Thomas did not exercise proper supervision over the affairs of his office. I believe, therefore, that the bill is meritorious, and I recommend that it be given favorable consideration.

Respectfully,

FRANKLIN MACVEAGH, Secretary.

This is a bill in which the Senator from Pennsylvania [Mr. Pennose] is interested, and the auditor has recommended an amendment to it, which I will submit if the objection is withdrawn, as it ought to be.

The PRESIDENT pro tempore. Is there objection?

Mr. THOMAS. I object.

The PRESIDENT pro tempore. Objection is made. The bill will be passed over.

Mr. GALLINGER. Very well, Mr. President.

The bill (S. 141) for the relief of William E. Johnson was announced as next in order.

Mr. GALLINGER and Mr. CURTIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over. The bill (S. 7447) to amend section 269 of chapter 231 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary" was announced as

Mr. GALLINGER. Let that go over, Mr. President. The PRESIDENT pro tempore. The bill will be passed over. The bill (S. 7720) to amend section 1570 of the Revised Statutes of the United States, relative to additional compensation to seamen, landsmen, and marines was announced as next in order.

Mr. GALLINGER. Let that go over.
Mr. CHILTON. Mr. President, has the Senator any special objection to that bill?

Mr. GALLINGER. Why, Mr. President, here is a bill which the Secretary of the Treasury has said is an honest claim; Why, Mr. President, here is a bill which the auditor for the Post Office Department says it is an honest claim, and has submitted an amendment, and yet objection has been made to it

Mr. CHILITON. The Senator did not understand that I ob-

jected?

Mr. GALLINGER. Well, some Senator did.

Mr. CHILTON. I certainly did not.

Mr. GALLINGER. Mr. President, if we are going to pass bills, as we have passed them to-night, which have not been so certified as being honest claims, and object to a bill of this kind, recommended by the Secretary of the Treasury and the auditor, I confess that we had better discontinue legislation for the

night.
Mr. THOMAS. Mr. President, let me ask the Senator from
New Hampshire if he desires personally to have passed the

bill to which he refers?

Mr. GALLINGER. Very much, indeed, Mr. THOMAS. Then, Mr. President, I will withdraw my djection. I came down to the Senate last night, the coldest objection. night of the year, to take part in the discussion of the Porto Rican bill. I reached here in time to hear the Senator from Pennsylvania [Mr. Penrose] suggest the absence of a quorum, in consequence of which we transacted no business whatever; and I did not believe that it was to be expected at that time, particularly in view of the notice that had been given by my colleague [Mr. Shafroth]. If the Senator from New Hampshire desires this bill passed on his own account, I will withdraw the objection.

Mr. GALLINGER. I very much desire to have the bill passed, GEORGE L. THOMAS.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2749) for the relief of George L. Thomas. It authorizes the Postmaster General to credit the accounts of George L. Thomas, postmaster at New Bethlehem, Pa., in the sum of \$5,711.93, and to certify the said credit to the Auditor for the Post Office Department, being the ing the purpose of the bill.

amount of money-order funds embezzled by Ella E. Latimer, an employee in said post office, without fault or negligence on the part of the said George L. Thomas; and the sum of \$5,711.93 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of this claim.

The PRESIDENT pro tempore. The Senator from New Hampshire submits an amendment to the bill, which will be

stated.

The Secretary. In line 10 it is proposed to strike out the semicolon and insert a period following the word "Thomas," and in lines 10, 11, and 12 it is proposed to strike out the words "and the sum of \$5,711.93 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of this claim."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The Secretary proceeded to read Order of Business No. 842, Senate bill 7721.

Mr. GALLINGER. Mr. President, let the next bill be taken up, Order of Business No. 838. I withdraw the objection I

BILL PASSED OVER.

The bill (S. 141) for the relief of William E. Johnson was announced as next in order.

The Secretary read the bill.

Mr. FALL. Mr. President, objection has already been made to the consideration of that bill by the Senator from Kansas [Mr. Curtis]

Mr. GALLINGER. I withdraw the objection I made.

Mr. FALL. I renew it.

The PRESIDENT pro tempore. Objection is made. The bill will be passed over.

GRANTING OF NEW TRIALS BECAUSE OF TECHNICAL ERRORS.

The bill (S. 7447) to amend section 269 of chapter 231 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," was considered as in Committee of the Whole. It proposes to amend section 269 of chapter 231 of the act approved March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," so as to read as follows:

Sec. 269. All of the said courts shall have power to grant new trials, in cases where there has been a trial by jury, for reasons for which new trials have usually been granted in the courts of law. On the hearing of any appeal, certiorari, wit of error, or motion for a new trial, in any case, civil or criminal, the court shall give judgment after an examination of the entire record before the court, without regard to technical errors or defects or to exceptions which do not affect the substantial rights of the parties.

Mr. HUGHES. Mr. President, the courts now have not this power, as I understand. The Senator from West Virginia [Mr. CHILTON] is familiar with the law which this bill seeks to amend.

Mr. CHILTON. I understand that this bill seeks to modify the usual rule by allowing the court, upon the whole record, to do what it thinks is justice, regardless of technicalities. understand that it is in aid of the modern idea that we should get rid of some of the technicalities of our court practice. I did not give due consideration to the bill. I heard it discussed, and engaged somewhat in the discussion before the Judiciary Committee; but the committee, after full consideration, thought it was a wise reform, and it has been recommended for passage. I understand that this bill has been voted on and recommended by the American Bar Association.

Mr. HUGHES. I will ask that the bill go over. I want to

look into it.

ADDITIONAL COMPENSATION TO SEAMEN, LANDSMEN, AND MARINES. The bill (S. 7720) to amend section 1570 of the Revised Statutes of the United States, relative to additional compensation to seamen, landsmen, and marines, was announced as next in order.

Let that go over.

Mr. CHILTON. Mr. President, this is one of a series, as the Senator will perceive, of little, short bills recommended by the department to remedy some omissions in the law that are very important. They are all short; and I hope, in view of the conditions now, that objection will not be made to them. They have been fully considered by the Committee on Naval Affairs, and each one of them, I think, is a meritorious bill. I sincerely hope that no one will object.

In connection with the first bill I should like to have placed in the Record a letter from the Secretary of the Navy explain-

Mr. SMOOT. The Senator has said that it is recommended by the department. I see nothing in the report to show it.

Mr. CHILTON. If the Senator will just hear the letter read,

he will see that the first bill is recommended; and it is so clearly just that I can not think the Senator will object.

Mr. SMOOT. Well, I have not objected.

Mr. CHILTON. I beg pardon. I thought the Senator had objected.

The PRESIDENT pro tempore. Without objection, the Secretary will read the letter.

The Secretary proceeded to read the letter, which is as follows:

DEPARTMENT OF THE NAVY, Washington, December 15, 1916.

Washington, December 15, 1916.

My Dear Mr. Chairman: It is frequently necessary, especially in tropical waters, on account of the intense heat in the firerons requiring unusually short and frequent shifts, that marines on board ship be detailed for duty in the firerooms to assist the regular firemen.

The performance of such duty by marines is not, of course, within the ordinary routine of their duties. It is, however, military duty of a character which may be required of all persons in the military service of the United States in cases of necessity. On account of the unusual nature of the work in the cases of marines and the additional wear and tear of clothing which it involves, it would appear that they should receive extra compensation therefor.

Section 1570 of the Revised Statutes of the United States provides as follows:

"Every seaman, ordinary seaman, or landsman who performs the

Section 1570 of the Revised Statutes of the United States provides as follows:

"Every seaman, ordinary seaman, or landsman who performs the duty of a fireman or coal heaver on board of any vessel of war shall be entitled to receive, in addition to his compensation as seaman, ordinary seaman, or landsman, a compensation at the rate of 33 cents a day for the time he is employed as fireman or coal heaver."

Section 1765 of the Revised Statutes reads as follows:

"No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation."

While additional compensation is provided for seamen and landsmen who are detailed from their regular duties to the firerooms, such additional compensation is not "authorized by law" in the cases of marines so detailed.

In view of the foregoing, I have the honor to recommend that section 1570 of the Revised Statutes be amended to read as follows:

Every seaman, landsman, or marine who performs the duty of a fireman on board any vessel of war shall be entitled to receive, in addition to his compensation as seaman, landsman, or marine, a compensation at the rate of 33 cents a day for the time he is employed as fireman.

By the act of August 29, 1916, the rating of ordinary seaman was

By the act of August 29, 1916, the rating of ordinary seaman was changed to seaman, second class, and at the present time there are no coal heavers. The recommended provision has therefore been drawn accordingly.
Sincerely, yours,

Josephus Daniels, Secretary of the Navy.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS, United States Senate.

Mr. CHILTON. Mr. President, I did not ask that that letter be read. I only asked that it might go into the RECORD in explanation of the bill. If there be no objection, I do not care to have it read. The bill simply proposes to pay the men for extra work, for which they are clearly entitled to payment.

The PRESIDENT pro tempore. The Chair understood that the Senator from West Virginia was endeavoring to obtain a

recall of the objection by having the letter read.

Mr. CHILTON. I was acting under a misapprehension. There was no objection.

The PRESIDENT pro tempore. Is there objection? Mr. HUGHES. Mr. President, I do not desire to object, of course; but I simply wish to state that this is a startling example of the generosity of the United States Government to its servants. They are allowed the munificent sum of 33 cents a day if they go down to the stokehold and act as firemen. The Secretary of the Navy then hastily explains, for fear somebody may think he is wasting the public money, that it will probably cost them something like 33 cents a day for additional wear and tear on their uniforms while they are performing that service.

I regret very much that the Secretary of the Navy did not see fit to recommend some proper compensation for these men when they are called upon to perform this most arduous work. They have a pleasant practice in the Navy, they tell me, when they line up the boys, of asking for volunteers to study engi-That usually appeals to the unsophisticated youths from the central portion of the country, and a number of them usually volunteer. They drop the men down into the stoke-hold and start them passing coal as a beginning in the study of the science of engineering. They have a great deal of difficulty, I suppose, in getting stokers and coal passers. If they are going to draft marines, seamen, and landsmen for that work, I think it is ridiculous to suggest that the compensation that the Secretary of the Navy may, in his discretion, give them shall be limited to 33 cents a day; and I am going to offer an amendment providing that the Secretary of the Navy, in his discretion, can pay as much as 75 cents a day for that work.

Mr. CHILTON. How is that? I did not hear the Senator's

amendment

Mr. HUGHES. I am increasing the pay of these men to 75

cents a day, in the discretion of the Secretary of the Navy.

Mr. CHILTON. Mr. President, this is for extra work, and this is what was asked for. Of course, I agree largely with what the Senator has said, that these men ought to be compensated when they are called upon to do this extra work; but

this is what they have asked for.

Mr. GALLINGER. Mr. President, I have never been in one of those rooms but once in my life, and then I wondered how a human being could possibly live and perform that work. The heat was almost intolerable. This is on the battleships, I be-

lieve: is it?

Mr. CHILTON. Yes, sir; it is on any of the ships.

Mr. GALLINGER. It does seem to me that this small sum ought to be granted freely. I want to say, however, in this connection that it is unfortunate that seven bills-I believe that is the number—have been reported from the Committee on Naval Affairs without a word of explanation concerning them. except to say that in the judgment of the committee they should be enacted into law.

Mr. CHILTON. I will say to the Senator that there are explanations which I will give just as fully as in the case of

Mr. GALLINGER. I think some Senator ought to be prepared to give a little explanation about this bill.

Mr. CHILTON. There will be no trouble in getting the ex-

planation. I have it here before me.

Mr. FALL. Mr. President, I should like a word of explanation about this particular bill. What does the fireman receive per day for his duty as a stoker?

Mr. CHILTON. I do not know what his pay is. I can not

tell the Senator. I am not posted on that.

Mr. FALL. I think that is very essential. You provide simply that a seaman, landsman, or marine shall receive 33 cents in addition to his daily compensation when he is serving as a fireman. Now, I shall support the amendment suggested by the Senator from New Jersey [Mr. Hughes] unless I have some further information on the subject. I do not think it is at all a fair proposition to send out through the country and attempt to secure recruits for the Marine Corps, for instance, upon the theory that they are to serve as marines or to secure sailors upon our battleships upon the theory that they are to be sailors or to secure landsmen upon the theory that they are to perform certain duties and then place upon them such duties as these

Mr. CHILTON. I agree with the Senator about that.

Mr. FALL. And the idea of offering them simply 33 cents a day in addition to their usual pay is ridiculous.

Mr. THOMAS. That is the present compensation under section 1517.

Mr. FALL. The firement Mr. THOMAS. Yes, sir. The firemen's compensation?

Mr. HUGHES. If the Senator will permit me— Mr. THOMAS. Pardon me a moment. The section of the Revised Statutes that this bill proposes to amend is very short, and reads as follows:

Every seaman, ordinary seaman, or landsman who performs the duty of a fireman or coal heaver on board of any vessel of war shall be entitled to receive, in addition to his compensation as seaman, ordinary seaman, or landsman, a compensation at the rate of 33 cents a day for the time he is employed as fireman or coal heaver.

Mr. FALL. This simply adds marines to the seamen, ordi-

nary seamen, and landsmen?
Mr. THOMAS. That is right.

Mr. FALL. That, however, does not meet my objection; nor does it meet the suggestion of the Senator from New Jersey. should like to know what the fireman's pay is.

Mr. HUGHES. I was about to tell the Senator. The junior Senator from New York [Mr. WADSWORTH] informs me that this 33 cents additional brings the pay of the landsman up to the pay of the fireman.

Mr. WADSWORTH. I do not want to be quoted as authority

for that. That is my understanding of the matter.

Mr. FALL. If a man seeks and secures employment as a fireman at a certain wage, knows what he is going to do, and knows what he is "up against," to use a slang expression, that is all

Mr. WARREN. Mr. President, I ask that this bill may go over until we can have more information about it. There are several of these bills that ought to go over.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER.

The bill (S. 7721) to reestablish the United States Naval Reserve created by the act of March 3, 1915, was announced as next in order.

Mr. CURTIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 7723) to amend section 1496 of the Revised
Statutes of the United States, relative to the examination of officers of the Navy for promotion, was announced as next in

Mr. CURTIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 7724) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, approved August 29, 1916, was announced as next in order.

Mr. WARREN. Let that go over. The PRESIDENT pro tempore. The bill will be passed over. The bill (S. 7330) to amend section 44 of the act entitled "An act to codify, revise, and amend the penal laws of the United approved March 4, 1909, was announced as next in

Mr. CURTIS. Let that go over. The PRESIDENT pro tempore. The bill will be passed over. The bill (S. 7257) providing a fine for whoever shall forge, counterfeit, or falsely alter any certificate of discharge from the military or naval service of the United States, was announced as next in order.

Mr. CURTIS. Let that go over. The PRESIDENT pro tempore. The bill will be passed over. The bill (S. 7258) to further amend an act entitled "An act authorizing certain officers of the Navy and Marine Corps to administer oaths," approved January 25, 1895, as amended by the act of March 3, 1901, was announced as next in order.

Mr. CURTIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

JOSEPH A. PRAT.

The bill (H. R. 13788) for the relief of Joseph A. Prat was announced as next in order.

Mr. GALLINGER. Let that go over.
Mr. RANSDELL. Mr. President, I hope the Senator from New Hampshire will not object to the consideration of that bill. Please allow me to make a short explanation of it.

Mr. GALLINGER. Let me first read from the report. The

Postmaster General says:

In view of the fact that the money and stamps in question were not afforded the protection required by the postal regulations, the loss was considered as having resulted from negligence on the part of the stamp clerk, and following the established practice of this department the claim was disallowed under date of April 19, 1916.

Mr. President, we have refused to pass a bill in which the Senator from South Dakota [Mr. Sterling] was interested that was a stronger claim than this, and I do not think we ought to pass this one

Mr. RANSDELL. If the Senator will allow just a brief

explanation-

Mr. GALLINGER. Certainly.
Mr. RANSDELL. Mr. Prat was a stamp clerk in the New Orleans post office, and he used the safes and other things that were given to him to use there. He followed the custom of his The office was broken open, and some eight hundred and odd dollars' worth of stamps were stolen. The man who stole those stamps was convicted and sent to the penitentiary shortly thereafter. Three hundred and odd dollars' worth of these stamps were found in his possession and were collected back from him. There was not the slightest suspicion that Mr. Prat had done anything wrong. He followed exactly the custom of his predecessor in caring for the stamps. At the same time that these stamps were taken there were upward of \$1,000 worth of stamped envelopes and about \$150 worth of some other Government property there which were not taken.

Now, Mr. Prat had to pay this money to the post-office authorities—something like \$445. He is a poor man, and that money certainly ought to be refunded to him. He was not guilty of laches of any kind. I hope the Senator will not object to it. The House gave him this appropriation, and the Post Office Com-

mittee agree unanimously on it.

The PRESIDENT pro tempore. Is there objection? Mr. GALLINGER. I object.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

F. M. BARFIELD.

The bill (H. R. 14826) for the relief of F. M. Barfield was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over,

CLAIMS OF CHEROKEE NATION.

The bill (S. 7758) conferring jurisdiction upon the Court of Claims to hear, consider, and determine certain claims of the Cherokee Nation against the United States was considered as in Committee of the Whole, and was read as follows:

Cherokee Nation against the United States was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims to hear, consider, and determine the claim of the Cherokee Nation against the United States for interest, in addition to all other interests heretofore allowed and paid, alleged to be owing from the United States to the Cherokee Nation on the funds arising from the Judgment of the Court of Claims of May 18, 1905 (40 C. Cis. R., p. 252), in favor of the Cherokee Nation. The said court is authorized, empowered, and directed to carefully examine all laws, treaties, or agreements, and especially the agreement between the United States and the Cherokee Nation of December 19, 1891, ratified by the United States March 3, 1893 (27 Stat. L., p. 640, sec. 10), in any manner affecting or relating to the question of interest on said funds, as the same shall be brought to the attention of the court by the Cherokee Nation under this act. And if it shall be found that under any of the said treaties, laws, or agreements interest on one or more of the said funds, either in whole or in part, has not been paid and is rightfully owing from the United States to the Cherokee Nation, the court shall render final judgment therefor against the United States and in favor of the Cherokee Nation, either party to have the right to appeal to the Supreme Court of the United States as in other cases. The said claim shall be presented within one year after the passage of this act by petition in the Court of Claims by the Cherokee Nation as plaintiff against the United States as defendant, and the petition shall be verified by the attorney employed to prosecute said claim by the Cherokee Nation shall be preved upon the Attorney General of the United States and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States in said cause. The law and practice and ru

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF PETER G. S. TEN BROECK.

The bill (S. 6430) directing the reexamination of the accounts of the late Peter G. S. Ten Broeck was announced as next in

Mr. MARTINE of New Jersey. Let the bill go over.
Mr. THOMAS. Mr. President, just a word. The Senator
from New York [Mr. O'GORMAN] is interested in the bill, and he requested me to call it up. I have examined it myself.

Mr. MARTINE of New Jersey. Very well, I withdraw my

The bill was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to reexamine the accounts of the late Peter G. S. Ten Broeck, surgeon, United States Army, and certify to Congress the balance, if any found due thereon, either to the United States or to the estate of the said Peter G. S. Ten Broeck.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FARM-LOAN BANK AT DENVER.

The bill (S. 7583) to amend the Federal farm-loan act by providing for the establishment of the thirteenth Federal farm-land bank district, to be composed of the States of Colorado, Wyoming, Utah, and New Mexico, and to establish a Federal land bank therein at Denver, Colo., was announced as next in order. Mr. CURTIS. Let that go over.

Mr. SHAFROTH. I ask the Senator from Kansas whether he will not let us take a vote on this bill?

Mr. CURTIS. I will not, unless there is a quorum here. The PRESIDENT pro tempore. The bill will go over.

RELIEF OF OSAGE INDIANS.

The bill (S. 7027) for the relief of the Osage Indians in Oklahoma, was announced as next in order.

Mr. CURTIS. I think this bill had better go over.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

PRICES FOR SUPPLIES.

The bill (S. 7859) authorizing the Postmaster General to increase prices for certain supplies to conform to abnormal market conditions, was announced as next in order.

Mr. SMOOT. I was in hopes that the Senator from Ala-

bama [Mr. BANKHEAD] would be here this evening.

Mr. MARTINE of New Jersey. He is not here. However, I remember very well the discussion in the Committee on Post Offices and Post Roads on this subject. The bill was thoroughly discussed, and it seemed to be for the interests of the Government that a bill be formulated and presented, which

is this bill, and that it should be passed.

Mr. SMOOT. I know all about the bill. I want to say to the Senator that outside of the postal-card paper purchased by the Post Office Department the balance of the paper furnished the Government Printing Office and for the printing of everything for the Government is under the supervision of the Joint Committee on Printing. Every contractor has made the same request of that committee, to be relieved of the contracts that they held with the Government. To show the Senator what this means

Mr. MARTINE of New Jersey. I have no objection to the

bill going over.

Mr. SMOOT. I take it for granted that Congress would not have one contractor relieved unless all were relieved. In this connection I might say that the Attorney General has held that not only will the contractors be compelled to supply the amount of paper provided for in the award but they will have to furnish all that the Government Printing Office may require until March 1 of this year. There is more in the bill than

appears upon its face, and I ask that it may go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. BRYAN. I simply want to say that it was realized by the Committee on Post Offices and Post Roads that we are confronted with a pretty serious situation. The idea that controlled the committee in making the report was that some of these contractors can forfeit their contracts and pay the bond required of them and make money out of it.

Mr. SMOOT. There is no doubt of it.

Mr. BRYAN. And some of them have already defaulted.

Mr. SMOOT. Then they will not have a very good chance to bid for Government paper hereafter, because if they do default

Mr. BRYAN. I want to say in justice to the committee that the prices proposed will not allow the contractors any profit on the prices they will hereafter get.

Mr. SMOOT. The same paper that was bought for the year ending March 1, 1917, if purchased now would cost the Gov-

ernment over a million dollars more money.

Mr. BRYAN. We realize that the bill is important and ought to be thoroughly considered. I hope some day early we will take it up during the morning hour when there will be more Senators here and dispose of it.

Mr. SMOOT. I am perfectly willing to have the Senate vote upon it, but before doing that I want Senators to understand

what the bill means if it passes.

The PRESIDENT pro tempore. The bill will go over.

REFUND OF TAXES.

The bill (S. 5669) for the relief of sundry railroad companies was announced as next in order.
Mr. THOMAS. Let the bill go over.

Mr. MARTINE of New Jersey. I trust the bill may be considered. It is a very important measure. It proposes a refund of taxes illegally collected under the excise law. There is a letter of indorsement by Secretary McAdoo. They are small in individual amounts, and the total involved is \$25,000. It seems to me it is a manifest injustice, and it ought to be remedied.

Mr. THOMAS. I withdraw my objection.
Mr. BRYAN. Mr. President, I have no objection to the bill being considered, but it will take considerable time to discuss it. I reported from the Committee on Claims in the last Congress some bills of the same character with an adverse report, and it is hardly fair to those claimants to have this bill considered without a full discussion, and that we can not have at this late hour of the night.

Mr. MARTINE of New Jersey. Does the Senator object?

Mr. BRYAN. I do.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

RESERVATION OF VILLA SITES, ETC.

The bill (S. 45) to amend sections 2380 and 2381, Revised Statutes of the United States, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, on page 1, line 8, before the words public lands," to insert "unreserved."

The amendment was agreed to.

The next amendment was, on page 2, line 11, after the word "bidder," to insert "on such terms as the Secretary of the Interior may direct."

The amendment was agreed to.

Mr. JONES. I should like to ask the Senator from Utah a question. What change does this bill make in the section of the Revised Statutes?

Mr. SMOOT. It authorizes the President of the United States to reserve from the unreserved public lands town sites on the shores of harbors, at the junction of rivers, and villa sites. There are many places in the United States where there are just little patches of ground, and the bill authorizes the President to reserve them wherever he in his judgment may think

proper.

Mr. JONES. Apparently he has authority to do something of the kind under the section of the Revised Statutes.

is proposed to be added?

Mr. SMOOT. I think there are added here villa sites, summer homes, hotels, sanitariums. He had authority before to have the town sites on the shores of harbors or at the junction of rivers, important portages, or any natural or prospective centers of population reserved, and now this gives the authority to reserve villa sites, summer homes, hotels, sanitarium, health, recreation, or pleasure resorts.

Mr. JONES. I did not suppose there were any places of

that sort not reserved.

Mr. SMOOT. There are.
Mr. FALL. The town sites would be of what extent?
Mr. SMOOT. There is no limit, of course. I will say

Mr. FALL. If there is not any limit provided here, under the general town-site law of the United States there is no limit in the number of acres the Secretary of the Interior may reserve.

Mr. SMOOT. I will say to the Senator in this bill there is

Mr. FALL. He can reserve 640 acres or 640,000 acres.

Mr. SMOOT. I hardly think there would be a town site of 640,000 acres.

Mr. FALL. I object, Mr. President.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

S. L. BURGARD.

The bill (H. R. 1609) for the relief of S. L. Burgard was announced as next in order.

Mr. SMOOT. I should like to ask the Senator reporting the

bill a question.

Mr. LANE. Mr. Burgard was a mechanic employed by the Government.

Mr. SMOOT. I take it for granted the bill states what the injuries were worth, but I wish to ask the Senator this question: Has Mr. Burgard been paid by the Government anything by way of compensation since the accident happened?

Mr. LANE. Not that I know of.

Mr. SMOOT. Was this bill referred to the department to

Mr. LANE. Yes; it was.

Mr. SMOOT. There is nothing in the report to show. Mr. LANE. The report is all too brief.

Mr. GALLINGER. "The amount carried in the bill is one ear's pay less the amount which he received while off duty.' So it appears in the report that he received some compensation. Mr. SMOOT. Just enough to make up his year's salary

There being no objection, the bill was considered as in Committee of the Whole. It proposes to pay to S. L. Burgard the sum of \$559.36 as compensation for injuries received by the said S. L. Burgard while in the employment of the United States Government at the Rock Island Arsenal, in the State of Illinois, on

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT SILL MILITARY RESERVE.

The bill (S. 5367) to reimburse the Women's Board of Domestic Missions, Reformed Church in America, for buildings on the Fort Sill Military Reserve, Okla., was announced as next in

The PRESIDENT pro tempore. The bill was reported adersely from the Committee on Claims.

Mr. THOMAS. I move that the bill be indefinitely postponed.

The motion was agreed to.

LANDS IN FLORIDA.

The bill (S. 6654) to validate a patent to certain lands here-tofore issued to the State of Florida; to allow the said State to claim certain other lands, and for other purposes, was considered as in Committee of the Whole.

Mr. THOMAS. There is quite a long preamble in the bill. I suggest that the bill be read and that the preamble be printed in the RECORD.

Mr. SMOOT. Why not strike it out?

The PRESIDENT pro tempore. Without objection, the bill will be read, omitting the preamble.

The Secretary read the bill, which had been reported from

the Committee on Public Lands with amendments.

The amendments were, on page 4, line 7, to strike out "September 27" and insert "August 28," and, in line 11, to strike out "fifth" and insert "fourth," so as to make the bill read:

Be it enacted, etc., That as to all lands on Key Biscayne, in townships 54 and 55 south, range 42 east, in the State of Florida, which were embraced in the military and lighthouse reservations established on said Key Biscayne by Executive orders dated August 28, 1847, and February 10, 1897, but now abandoned and relinquished; that certain patent, dated May 4, 1885, and designated as Tampa patent No. 35, bc, and the same is hereby, declared valid and effective to vest the title to the said lands in the State of Florida and any such persons as have, since the issuance of said patent, acquired the right, title, and interest of the State of Florida in and to the said lands or any portion thereof.

thereof.

SEC. 2. That as to all lands embraced in said abandoned reservations, which were properly to be classified as swamp and overflowed lands, in accordance with the terms of the swamp and overflowed lands, in accordance with the terms of the swamp and overflowed land act of 1850, the State of Florida shall now have the right to claim said lands as swamp and overflowed lands and to have the same allowed, set apart, and patented as swamp and overflowed lands to the same extent as if the said lighthouse and millitary reservations had never existed.

SEC. 3. That the descriptions contained in said patent and in the selection list aforesaid shall be construed as having reference to the plat of lands of Key Biscayne in townships 54 and 55 south, range 42 east, prepared in December, 1870, by J. E. Hilgarde, without regard to the acreage named in said patent or said selection list: Provided, That this act shall not be construed as affecting the title to any lands on Key Biscayne embraced within the Mary Anne Davis claim.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading,

read the third time, and passed.

Mr. THOMAS. I move to strike out the preamble.

Mr. BRYAN. I should like to have the amendments to the preamble agreed to and to have the preamble printed as

amended, and then let the preamble be stricken out. The object in having the preamble printed in the Record is because the preamble is the argument for the bill.

The amendment was in the first line of the first whereas in the preamble to strike out "September 27" and insert "August 28"; in the third whereas to strike out "5" and insert "4" after "May"; and in the fourth whereas to strike out "10" after February" and insert "11," so as to make the preamble read :

read:
Whereas by Executive order dated August 28, 1847, "the lands belonging to the United States on Key Biscayne, Fla.", were reserved for the use of lighthouses; and
Whereas the United States then owned on said key, among other lands, the following in township 54 south, range 42 east, to wit: All fractional section 32; all fractional section 33; west half of the southeast quarter of section 21; the southwest quarter of section 28; the east half of the northwest quarter of section 28; and the following in township 55 south, range 42 east, to wit: All of fractional sections 4 and 5, except so much thereof as is embraced in the Mary Anne Davis claim; and
Whereas in pursuance of due selection by the State of Florida as shown by selection list No. 16, Tampa series, reported January 31, 1884, the United States allowed the claim of the State of Florida to said lands, among others, as swamp and overflowed lands, as shown by approved list No. 30, dated March 3, 1885, and in pursuance thereof by patent, Tampa series No. 35, dated May 4, 1885, did convey the said lands to the State of Florida; and
Whereas by Executive order dated February 11, 1897, the lands belonging to the United States on said Key Biscayne were reserved for military purposes; and

longing to the United States on said Key Biscayne were reserved for military purposes; and Whereas it appears that the State of Florida has sold and conveyed all of said lands and that the said lands have been acquired by innocent purchasers, who paid large and valuable considerations therefor and had no knowledge of the said reservations; and Whereas by action of the Secretary of War, dated April 25, 1916, and of the Secretary of Commerce, dated May 8, 1916, and by virtue of the necessary Executive order, dated April 28, 1916, the said reservations have been relinquished and abandoned; and Whereas there has been some confusion as to the surveys and plats of said Key Biscayne; and

whereas a certain plat, prepared in December, 1870, by J. E. Hilgrade, appears to have been made under instructions from the Commissioner of the General Land Office in pursuance of the act of Congress approved June 8, 1848, "An act respecting certain surveys in the State of Florida"; and

Whereas by reason of all the foregoing certain doubts have arisen as to the force and effect of the aforesaid patent from the United States to the State of Florida; and

Whereas, as shown by selection list No. 81, reported July 22, 1896, the State of Florida did select and claim as swamp and overflowed land certain other lands on Key Biscayne which were a part of the reservation aforesaid, including the following lands, to wit: All of sections 6, 8, and 9, township 55 south, range 42 east, not included in the Mary Anne Davis grant; and

Meresa by deed dated October 19, 1895, the State of Florida did undertake to convey to one Waters S. Davis all of the lands last above described; and Whereas all the right, title, and interest of said Davis in and to said lands appears to have been acquired by innocent purchasers, who paid large and valuable considerations therefor and had no actual knowledge of the reservations aforesaid or of the State's defective title to the said lands; and

Whereas it appears that the State of Florida, in selling and conveying the lands last described, acted without knowledge on the part of its officials of the reservations aforesaid and in reliance upon the decision of the Supreme Court that the swamp and overflowed land act of 1850, operated as a grant in præsenti, as announced in the case of Martin v. Marks (7 Otto, p. 345): Now, therefore,

The amendments to the preamble were agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the preamble.

The preamble was rejected.

LANDS IN MONTANA.

The bill (S. 7796) authorizing the Secretary of the Interior to sell and convey to the Great Northern Railway Co. certain lands in the State of Montana for division terminal yards and other railway purposes, and for other purposes, was announced

as next in order.

Mr. SMOOT. The senior Senator from Montana [Mr. Myers] is not present. I wanted to ask him a question about this bill.

I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will go over.

LAND IN IOWA.

The bill (S. 1174) granting to the State of Iowa all the right, title, and interest of the United States in and to the land within the meander lines, as originally surveyed, of the lakes within said State was announced as next in order.

Mr. SMOOT. I notice in a letter to the Senator from Texas [Mr. Culberson], the chairman of the Committee on the Judi-United States Senate, the Secretary of the Interior, Franklin K. Lane, in reporting on the bill concludes as follows:

In view of the fact that the lands which lie below the meander line of the patented tracts may have passed into the hands of other persons, it is doubtful whether Congress should, by enacting this bill, cast a possible cloud upon the title of such owners.

Mr. THOMAS. I do not object to the passage of the bill if the Senator will permit an interruption, but it would seem to be an entirely useless subject of legislation. The title to the land covered by these waters is in the State by virtue of its sovereignty, and has been ever since the State was admitted to the Union.

Mr. CHILTON. The Senator will see the bill provides that wherever the land has been granted to and held by an in-dividual under a grant from the State, then such title as the State acquires by virtue of the bill is transferred to the grantee.

So that is covered.

Mr. THOMAS. That has been the law ever since the decision

in Pollard's Lessee against Hagan.

Mr. HUGHES. How about the case of a man who has a satisfactory title which he did not derive from the State? Somebody may have a title to these lands by undisturbed possession.

Mr. CHILTON. He could not have a title from anybody but

the State or the Government. It must be one or the other.

Mr. HUGHES. He may have the right to title by uninter-

rupted possession. He may have a title by prescription.
Mr. CHILTON. If he would have a title one way or the

other, this title must originate with the Government or with the State.

Mr. HUGHES. The State at present may have no claim,

if nobody disturbed him in his possession.

Mr. CHILTON. The bill has been thoroughly considered, I will say to the Senator, and that point has been covered.

Mr. HUGHES. How has it been covered?

Mr. CHILTON. Everybody has been protected.

Mr. HUGHES. In what way?

Mr. CHILTON. By the provisions of the bill.

Mr. HUGHES. Is the State government asking for some right from the General Government?

Mr. CHILTON.

Mr. CHILTON. No; that is provided for. In the original survey of the lands, they meandered one way on the lakes to some little point of low land. There they did not actually meander. The State is getting up a system of drainage and wants to drain this land for the health of the community. The wants to draft this faint for the heath of the community. The title is secured to the grantees, and they can go on with the reclamation work and drainage. There is a full report made.

Mr. HUGHES. I have not time to read it. I notice—
Mr. CHILTON. The Committee on the Judiciary considered

the matter very fully. I hope the Senator will not object.

Mr. HUGHES. I should like to get some information. I do not want to object to the consideration of the bill just for the sake of objecting to it, but what does the Senator say about this language by the Secretary of the Interior?

In view of the fact that the lands which lie below the meander line of the patented tracts may have passed into the hands of other persons, it is doubtful whether Congress should by enacting this bill, cast a possible cloud upon the title of such owners.

Mr. CHILTON. The Secretary of the Interior is putting the case, and I do not see how it is possible for the land to have

passed from the State into the hands of others. However, we inserted an amendment to cover that.

Mr. HUGHES. The Senator knows that somebody may have a perfectly valid title that is passed by prescription or by uninterrupted occupation.

Mr. CHILTON. But the land is under water.

Mr. HUGHES. Perhaps they are using it for some purpose. Mr. CHILTON. How could they use it? How could anybody have any land of that kind? I have a distinct recollection that a provision was put in the bill to meet the suggestion of the

Mr. HUGHES. They may be using this land for purposes of real estate operation. The Senator knows they may be just selling the land, and not using it.

Mr. CHILTON. I do not imagine how it could be possible

that anybody could have any title to that land.

Mr. HUGHES. Many real estate transactions are carried on in which the land transferred is entirely covered by water. Of course, that does not generally become known to the purchaser until subsequently.

The PRESIDENT pro tempore. The Chair will suggest that Senators address the Chair. The Chair is unable to determine whether objection has been made.

Mr. HUGHES. I do not object.

I understand there is no objection. Mr. CHILTON.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1174) granting to the State of Iowa all the right, title, and interest of the United States in and to the land within the meander lines, as originally surveyed, of the lakes with said State, which was read, as follows:

Be it enacted, etc., That the United States hereby grants to the State of Iowa, as fully as though patents were issued therefor, all its right, title, and interest in and to all of the lands included within the meander lines of the original surveys of the meandered lakes within the State of Iowa: Provided, That if any of said lands have been heretofore patented or conveyed by said State, this grant shall inure to the benefit of the grantees of the said State, and to their assigns or legal representatives: Provided further, That nothing in this act contained shall in any manner abridge, divest, or impair any valid right, title, or interest of any person in and to any portion or part of said lands: And provided further, That nothing herein contained shall be held to lessen, abridge, or impair the right of the United States to regulate commerce among the States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 5362) to authorize the Secretary of the Interior to issue patent for certain lands in the State of Utah to Cyrena E. Young was announced as next in order.

Mr. OWEN. Let that bill go over.

The PRESIDENT pro tempore. The bill goes over.
The bill (S. 6376) to consolidate certain forest lands within the Cache National Forest, Utah, was announced as next in

Mr. OWEN. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 6380) to consolidate certain forest lands within the Cache National Forest, Utah, was announced as next in

Mr. OWEN. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.
The bill (S. 6382) to consolidate certain forest lands within
the Cache National Forest, Utah, was announced as next in order.

Mr. OWEN. Let that bill go over.

Mr. SMOOT. I will inquire of the Senator from Oklahoma what his objection is to those bills?

Mr. OWEN. The reports thereon from the Interior Depart-

ment are unfavorable.

Mr. SMOOT. I will say to the Senator that they are not adverse. The bills were drawn by the department and are for the purpose of consolidating lands in forest reserves in the State of Utah, so that they can be more easily administered.

Mr. ROBINSON. Mr. President, will the Senator yield for

a question?

Mr. SMOOT. Certainly.
Mr. ROBINSON. Why were they not all embraced in one
11? Why was it necessary to have so many bills of the same title?

Mr. SMOOT. For the reason that the descriptions are all different, both as to the land to which the Government gives title and the land which the Government receives in the of exchange. And a report must be made upon each individual transfer; that is, for each 160 acres, or whatever number of acres one person there had. It was necessary that a special

report should be made, and also a report upon the lands to be exchanged. The reports were made at different times, and the bills were introduced at different times. That is how there happened to be a number of separate bills on the subject. Of course, if the Senator wants to object, that is his privilege.

Mr. OWEN. The reason I objected was because the reports

of the Interior Department were unsatisfactory.

Mr. SMOOT. To what particular bill does the Senator refer? Mr. OWEN. Take, for instance, Calendar No. 864, Senate bill 5362

Mr. SMOOT. That is not what I am talking about. That bill has gone over.

Mr. OWEN. That is one of them. I merely want to call the Senator's attention to a feature of this matter

Mr. SMOOT. That is another matter entirely. I will say to the Senator that the bill to which he has objected is for the relief of a poor woman who has been living on a certain tract of land-a widow-two of whose children have died of diphtheria, and she is trying to make a home at a place where the temperature is about 44° below zero during four months in the year. It is absolutely impossible for her to raise \$200. As was heretofore stated, this land was in an Indian reservation and the Secretary of the Interior reports that the department thinks that she ought to pay \$200 to the Indian fund; but after reading the testimony that was given the Public Lands Committee thought otherwise.

Mr. OWEN. I see I was mistaken in regard to Calendar No.

864, and I withdraw my objection to that bill.

Mr. SMOOT. So far as I am concerned, the Senator can, if he so desires, object to all these bills.

CYRENA E. YOUNG.

The PRESIDENT pro tempore. The Chair understands the objection is withdrawn to Calendar No. 864, being Senate bill 5362.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5362) to authorize the Secretary of the Interior to issue patents to certain lands in the State of Utah to Cyrena E. Young. It directs the Secretary of the Interior to cause patent to issue to Cyrena E. Young for the following-described lands in the State of Utah: The south half of the southeast quarter, section 22, west half of the northeast quarter, section 27, township 3 south, range 4 west, Uintah special meridian.

Mr. SHAFROTH. I should like to ask the Senator a question or two. There appear to be on the calendar, introduced by the Senator from Utah, following Order of Business 864, 8 or 10 bills of the same character.

Mr. SMOOT. No; they are not of the same character as the Young bill, but relate to entirely different matters. Mrs. Young is a widow, and that bill proposes to give her title to land on which she has been living now for a number of years, and I think she ought to have title to it.

Mr. SHAFROTH. I have no objection.
Mr. JONES. Mr. President, I am not going to object to that bill, but the Senator made a statement as to the recommendation of the Secretary of the Interior. It appears from the report that the Secretary of the Interior said in his letter to the chairman of the committee:

Therefore if this bill were enacted into law, it would be necessary to add a clause thereto appropriating out of the public funds \$200 for the benefit of said Indians.

That is not added to the bill.

Mr. SMOOT. That is not added to the bill, and I will tell the Senator why it has not been added.

Mr. JONES. We will have to add it, will we not, to correct it? Mr. SMOOT. I think not and the committee thought not.

These lands were thrown open to entry—
Mr. JONES. The Senator does not need to go into that. the committee thought that it would not be necessary to add the amendment suggested by the Secretary of the Interior, I shall not ask the Senator to take the time to recite the facts in the

Mr. SMOOT. I will say to the Senator, as I informed the committee, that I would not ask that the bill be passed upon favorably by the committee, unless every member of the committee was perfectly satisfied that the bill should be so acted upon. I wrote to Mrs. Young and stated that I doubted whether the bill would pass under the conditions. I told her that I would be perfectly willing to undertake to secure 10 men to pay her the full amount and give it to the Government; but the committee said "No; we will give her the title." The Indians have made thousands and thousands of dollars out of city lots upon the reservation because of just such people as Mrs. Young trying to make homes there, thus making the land valuable.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FOREST LANDS IN CACHE NATIONAL PARK, UTAH.

The Secretary proceeded to state Order of Business No. 865, being Senate bill, 6376.

Mr. OWEN. Calendar No. 866 is next.

Mr. SMOOT. Calendar No. 865 follows the Young bill.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator from Utah whether this and other bills that follow-8 or 10 of them-are not of the same character?

Mr. SMOOT. They are of exactly the same character.

Mr. SHAFROTH. I should like to ask the Senator whether the lands conveyed by the individuals to the Government are not farming lands?

Mr. SMOOT. Some of them are farming lands and some of them are grazing lands. They are within a forest reservation, but they are not all the same character of lands.

Mr. SHAFROTH. Are they occupied at the present time by

individuals?

Mr. SMOOT. They are occupied; they are not left open. Most of them are grazing lands within a forest reserve.

Mr. SHAFROTH. Are they homesteads?

Mr. SMOOT. They are homesteads within a forest reserve. The department wants to consolidate those lands so as not to have a section here and a section there in private ownership within the forest reserve. The titles to the land were secured before the forest reserve was established. After being located, they were covered into a reserve, and now the department wants to consolidate those lands for administrative purposes. In each case they have sent out an expert to examine the character of the land that the Government is to transfer and the character of land that is to be received in exchange. They have decided the question themselves and made a report on each bill.

Mr. SHAFROTH. Now, I should like to ask the Senator

this question: There is a general law, is there not, that permits homestead entries upon any lands within forest reserves?

Mr. SMOOT. There is now; yes.
Mr. SHAFROTH. So I understand. When these lands are made a part of the forest reserve again, will they still be open to homestead entry?

Mr. SMOOT. I think they will be, Mr. President.
Mr. SHAFROTH. I have no objection if that is the case;
but if they are to be included in the forest reserve and held forever as a part of a reserve, I am opposed to these various

Mr. SMOOT. As I have said, the lands are all in a forest reserve now

Mr. SHAFROTH. I understand that; but private lands inside of forest reservations can still be occupied and can be

made to pay taxes to the State.

Mr. SMOOT. That is true; but in these cases both private lands and public lands are in a forest reserve, and the lands that are being transferred are of the same character as the lands that the entryman already occupies. So, if they are farm lands, they are open to entry under the present law.

Mr. SHAFROTH. I did not know the object of the depart-

ment. If it is for the purpose of holding perpetually these lands in forest reserves, I object to the bills.

Mr. SMOOT. No; the object of these bills is to bring about a consolidation of the lands for the better administration of the forest reserve.

Mr. THOMAS. Mr. President, I should like to inquire if the lands are still open to occupation, why the Government needs to go to the trouble of making an exchange?

Mr. SMOOT. I will say to the Senator that, in my opinion,

none of these lands will ever be homesteaded.

Mr. FALL. Were these lands State selections?
Mr. SMOOT. They were State selections before the forest reserve was put over them, and the old sections in different parts of the reserve got into the hands of individuals.

Lands that they had acquired from the State? Mr. FALL. Mr. SMOOT. Yes; lands they had acquired from the State. Mr. FALL. And afterwards a forest reserve was extended around them?

Mr. SMOOT. A forest reserve was extended around them.

Mr. FALL. And now the Forestry Bureau wants to get the individuals out?

Yes; and to consolidate the forest lands. TH. I want to ask the Senator another ques-Mr. SHAFROTH. tion, which is whether the people who own the lands are eager for this transfer to the National Government?

Mr. SMOOT. They also want the transfer. Mr. SHAFROTH. Have they themselves made the request of the department?

Mr. SMOOT. They have made the request of the depart-

Mr. OWEN. Have they selected other lands that they are to take?

Mr. SMOOT. They have selected other lands, and the lands have been passed upon by not only the Interior Department but by the Agricultural Department as well.

Mr. OWEN. The reason why I objected was because I saw in the report a letter from the Secretary of the Interior dated

July 6, 1916, in which he uses these words:

I am without information regarding the necessity for the proposed legislation.

That struck me as being rather peculiar.

Mr. JONES. I want to call attention to the fact that the lands are under the Agricultural Department, and the Secretary of Agriculture has recommended the passage of the bills.

Mr. SMOOT. The Secretary of Agriculture has recommended the bills. Mr. C. F. Marvin, Acting Secretary of Agriculture,

As written, this bill would enable the department to have such scattered private holdings which are valuable for timber production or watershed protection added to the national forest. It would be distinctly in the interest of economy and efficiency and would make for the best and most productive use of all the lands involved. This department believes therefore that the interests of the Government are amply protected and recommends that the bill be favorably considered by your committee.

The department wants the bills passed, but, so far as I am personally concerned, if there is any objection to them let them

Mr. OWEN. I noticed a letter, signed by Franklin K. Lane,

I am without information regarding the necessity for this proposed legislation.

Mr. SMOOT. He is the Secretary of the Interior, but the forest lands are not under his department but under the Department of Agriculture. Below in the same report appears a letter from the Acting Secretary of the Department of Agriculture, Mr. C. F. Marvin, under whose jurisdiction the forest lands

Mr. JONES. Mr. President, I want to ask the Senator from Utah what lands do these private parties get in exchange? Do they get lands within the forest reserve or outside?

Mr. SMOOT. They get lands within the forest reserve of similar character and similar value, passed upon by the department itself.

Mr. JONES. I do not see the advantage of exchanging some lands in a forest reserve for some other lands within the same reserve

Mr. SMOOT. If the Senator had homesteaded in the middle of a forest reserve he would see it, particularly if the rangers were opposed to him. He would find out that it would be very much better for him if he could get a piece of land near the edge of the forest, so that he could get to it without passing through the forest.

Mr. JONES. Are all the lands that the private parties are to

get on the borders of the reserve?

Mr. SMOOT. That I can not say. I know they will be located where they will be more easily accessible than they are now, or else the people there would not ask that they be trans-

Mr. JONES. If they are on the border of the reserve, the very objection the Senator suggests would still apply

Mr. SMOOT. If there is any objection to the bills, let them

Mr. FALL. Mr. President, I have no objection to the bills. I am as interested in them as is the Senator, because there are some conditions that affect us all out there that are affected by legislation of this character, for instance, as to the title that individuals get. The Government, of course, pays no taxes on its lands. These lands now are taxable, and the county in which they are situated gets a revenue, whereas if the title is surrendered it cuts the county and the State out from any revenue unless the lands which are taken in lieu of the lands surrendered become taxable. I merely suggest that. I am not objecting to the Senator's bills.

It was the duty of the Secretary of the Interior, of course, to report on bills of this kind, as well as the duty of the Secretary of Agriculture, if the lands to be selected in lieu of the forest

lands were outside of a forest reservation. Mr. SMOOT. There is a provise in the bill reading:

That the lands conveyed to the Government shall thereupon become parts of the Cache National Forest and subject to all laws and regula-tions applicable thereto.

Mr. FALL. That is inside the forest reserve.

Mr. SMOOT. They are to become a part of the Cache National Forest

Mr. FALL. And the lands to be exchanged for these lands are on the outside of the forest reserve?

Mr. OWEN. The report does not describe them.

Mr. SMOOT. Does not describe what?

Mr. OWEN. Describe the lands that are taken as lieu lands Mr. SMOOT. Certainly; the lands are described and the section and quarter section are given.

Mr. OWEN. In the report?
Mr. SMOOT. In the bill itself.
Mr. OWEN. I am not talking about the bill itself; I am

talking about the report.

Mr. SMOOT. Here is the report. Take, for instance, the report on Senate bill 6380. I quote from a letter of C. F. Marvin, Acting Secretary of Agriculture, under date of July 10, 1916, as follows:

DEPARTMENT OF AGRICULTURE, July 10, 1916.

DEPARTMENT OF AGRICULTURE, July 10, 1916.

Hon. Henry L. Myers,

Chairman Committee on Public Lands, United States Senate.

Dear Senator Myers: Receipt is acknowledged of a copy of the bill S. 6380, "to consolidate certain forest lands within the Cache National Forest, Utah," with the request that your committee be sent such suggestions as this department may offer.

The bill proposes that the Secretary of the Interior be authorized, in his discretion, to accept title to certain described lands, either in whole or in part, upon certification by the Secretary of Agriculture that the lands are chiefly valuable for national forest purposes and approximately equal in value to the lands to be given in exchange therefor.

Within the boundaries of the Cache and other national forests there are many tracts of potential forest land in private ownership. These were acquired under the timber and-stone act and other public-land laws prior to the time the national forests were established. Because they are unsuited for home-bullding purposes they are unoccupied. In their unprotected state they frequently present a fire menace to the timber on the lands of the Government, with which they intermingle. Quite frequently, also, they are located at strategic points and because of their situation embarrass the Government officers in the administration of certain logical administrative units. Wherever they occur there is no doubt that the consolidation of the Government holdings would work toward economy and simplicity of administration of those units.

The remainder of his letter I have already read to the Senator. Mr. OWEN. It does not describe at all the lands the individuals take as lieu lands.

Mr. SMOOT. They are described in the bill.
Mr. OWEN. To describe it in the bill is one thing and to describe it in the departmental report would be quite a differ-

Mr. SMOOT. The land is ascertained by reference to the bill itself, and the bill was referred to the department. This is the report they make asking that the bill be passed. The description of the land transferred and the description of the land the Government is to receive are given in the bill itself.

Mr. OWEN. They do not seem to know anything about it. Mr. SMOOT. Let all the bills go over. I do not care whether they are passed or not.

The PRESIDENT pro tempore. Objection is made, and the

bills will go over.

Mr. HUGHES. The Senator from Utah does not object,

Mr. SMOOT. No; I do not object.

Mr. HUGHES. Does any other Senator object?

Mr. OWEN. I object.

The PRESIDENT pro tempore. Objection is made, and Calendar Nos. 865, 866, 867, 868, 869, 870, 871, 872, and 873 will be passed over.

RESOLUTION PASSED OVER.

The resolution (S. Res. 326) submitted by Mr. Cummins fixing a time for consideration by the Senate of the message delivered by the President of the United States before the Senate on January 22, 1917, and limiting discussion thereon, was announced as next in order.

Mr. GALLINGER. Let that resolution go over.

The PRESIDENT pro tempore. The resolution will be passed

FREDERICK TESSMAN.

The bill (S. 6943) for the relief of Frederick Tessman was considered as in Committee of the Whole. It provides that the homestead entry of Frederick Tessman on farm unit "J," the southeast quarter of the southeast quarter of section 8, town-ship 20 north, range 2 west, Sun River reclamation project, Montana, under act of June 17, 1902, and acts amendatory thereof and supplemental thereto, be validated, subject to future compliance with law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL ENTRIES ON COAL LANDS.

The bill (S. 1063) to amend an act approved June 22, 1910, entitled "An act to provide for agricultural entries on coal lands" was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public

Lands with amendments.

The first amendment was, in section 1, page 1, line 9, after the word "Alaska," to insert "including surplus lands in any Indian reservation heretofore or hereafter opened to settlement and entry," so as to read:

entry," so as to read:

That the act entitled "An act to provide for agricultural entries on coal lands," approved June 22, 1910, be, and the same is hereby, amended to read as follows:

"Section 1. That from and after the passage of this act unreserved public lands of the United States, exclusive of Alaska, including surplus lands in any Indian reservation heretofore or hereafter opened to settlement and entry, which have been withdrawn or classified as coal lands, or are valuable for coal, shall be subject to appropriate entry, selection, or sale under any of the nonmineral public-land laws applicable to the particular lands desired, if not containing coal, and to withdrawal under the act approved June 17, 1902, known as the reclamation act, whenever such entry or withdrawal shall be made with a view of obtaining or passing title with a reservation to the United States of the coal in such lands, and of the right to prospect for, mine, and remove the same: Provided, That those who have initiated nonmineral claims under the public-land laws in good faith prior to the passage of this act on lands withdrawn or classified as coal lands may perfect the same under the provisions of the laws under which said claims were initiated, but shall receive the limited patent provided for in this act.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 14, after the word "disposal," to insert "Provided, That the proceeds arising from the disposal of such coal deposits in surplus Indian lands opened to settlement and entry shall be deposited in the Treasury of the United States, and shall be applied in the same manner as the proceeds arising from the disposition of the surface lands therein," so as to read:

manner as the proceeds arising from the disposition of the surface lands therein," so as to read:

SEC. 3. That upon satisfactory proof of full compliance with the provisions of the laws under which the entry or selection is made, and of this act, the entryman or selector shall be entitled to a patent or to a certification, as the law may require, to the land entered or selected, which patent or certificate shall contain a reservation to the United States of all the coal in the lands so patented or certified, together with the right to prospect for, mine, and remove the same. The coal deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal-land laws in force at the time of such disposal: Provided, That the proceeds arising from the disposal of such coal deposits in surplus Indian lands opened to settlement and entry shall be deposited in the Treasury of the United States, and shall be applied in the same manner as the proceeds arising from the disposition of the surface lands therein. Any person qualified to acquire coal deposits or the right to mine and remove the coal under the laws of the United States shall have the right at all times to enter upon the lands selected, entered, or patented, as provided by this act, for the purpose of prospecting for coal thereon upon the consent of the surface entryman or owner, or upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting. Any person who has acquired from the United States the coal deposits in any such land, or the right to mine or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the coal therefrom, and mine and remove the coal, upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or u

The amendment was agreed to.

Mr. CHILTON. Mr. President, I should like to ask some Senator who is informed on the subject, whether or not this bill protects the Government as to the coal under the lands?

Mr. SMOOT. The bill itself provides adequate protection. Mr. THOMAS. It is so well protected that no citizen will

ever be able to get hold of it.

Mr. CHILTON. Does it provide for what is known as way leave?

Mr. THOMAS. Oh, yes. Those rights of way are provided, think, in the law to which this bill is an amendment; but, as a matter of fact, the coal is there to stay forever.

Mr. SHAFROTH. I should like to inquire whether there is

Mr. SHAFROTH. Tanded in this bill?
Mr. THOMAS. There is not.
Mr. SHAFROTH. None whatever? It does provide, however, for patenting the land; does it not?

Mr. THOMAS. It merely provides that agricultural entries can be made upon the coal lands, upon the surface.

Mr. SMOOT. Simply the agricultural patents are granted. The right to the coal is reserved.

Mr. THOMAS. Such is the law, and this does not extend it. Mr. SHAFROTH. There is nothing in this bill as to what disposition shall be made of the coal lands?

Mr. THOMAS. I think not. The Senator can read the bill.

Mr. HUGHES. The Senator can rest assured that there is no provision by which the United States Government will get anything out of it.

Mr. WADSWORTH. Mr. President, may I inquire of some Senator who is familiar with this legislation if this loosens or

tightens the hold of the Government?

Mr. FALL. I can say to the Senator that it simply provides for effectual control over all the coal in these lands by the Government, and it simply contemplates some future legislation by which the coal can be taken out of the ground. It says that this coal is subject to disposal by the Government under the laws "in force at the time of such disposal," and they do not propose to enact any such laws until they get ready, which means a lease law

The PRESIDENT pro tempore. Is there objection to the con-

sideration of the bill?

Mr. FALL. Yes; I object, Mr. President.
The PRESIDENT pro tempore. The bill will be passed over.

NELS A. LEVANG.

The bill (S. 5438) for the relief of Nels A. Levang was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with amendments, on page 2, line 12, to strike out the word "entries" and insert "entry," and, on the same page, line 14, after the word "described," to insert "subject to the provisions, reservations, conditions, and limitations of the act of Congress approved June 22, 1910 (36 Stat. L., p. 583)," so as to make the bill read.

to make the bill read:

Be it enacted, etc., That the State of Montana be, and is hereby, authorized to select, in lieu of lands embraced in homestead entry, Glasgow, Mont., No. 09668, made by Nels A. Levang on April 5, 1910, for the north half northeast quarter, southeast quarter northeast quarter southeast quarter northeast quarter northeast quarter southeast quarter, north, ange 56 east, Montana principal meridian, and erroneously allowed prior to the passage of this act, other unappropriated surveyed nonmineral public lands of equal area situated within the limits of said State, in the manner provided in the act approved February 28, 1891 (26 Stat. L., p. 796), entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States, providing for the selection of lands for educational purposes in lieu of those appropriated for other purposes": Provided, That such selection of lands by said State shall be a waiver of its right to the lands embraced in said homestead entry, and that upon consummation of the exchange herein authorized a patent shall issue to the said Nels A. Levang for the land herein described, subject to the provisions, reservations, conditions, and limitations of the act of Congress approved June 22, 1910 (36 Stat. L., p. 583).

The amendments were accord to

The amendments were agreed to.

Mr. FALL. Mr. President, I have no particular objection to these special bills, but it seems to me that some one who is responsible for them should be able to explain them to Senators without the necessity, in these hurrled moments, of Senators looking through the reports and attempting to familiarize themselves with them. If the Senator who introduced the bill were present, or if the Senator who made the report could give us any information about it, I certainly would not be inclined to offer any objection; but these are private bills for the relief of some persons, and unless there is some necessity shown for their passage I shall object.

The PRESIDENT pro tempore. Objection is made. The

bill will be passed over.

LANDS IN MONTANA AND WYOMING.

The bill (S. 7894) to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational pur-poses in lieu of those appropriated," and to authorize an exchange of lands between the United States and the State of Montana, was announced as next in order.

Mr. FALL. This is another of those special bills. I do not know anything about it.

Mr. WARREN. I will say to the Senator that this is an entirely different bill.

Mr. FALL. Very well. If the Senator can make any explanation of the bill, I shall be glad to hear it.

Mr. WARREN. In the first place, the bill only applies to the two States of Montana and Wyoming. A general bill passed the House and came over here with the sanction of the Inthe riouse and came over here with the sanction of the in-terior Department reserving the mineral under the lands, but allowing the title to agricultural lands to be perfected, as has been done in other cases. The House general bill was reported out of the committee with very many amendments which were not acceptable to the department. Now, the States of Montana and Wyoming are differently situated as to mining interests; and as to these lands that they seek to liberate they are willing

to accept the Government's proposition that they take them as agricultural lands, and that if underlaid with mineral the Government shall retain the mineral.

I will say to the Senator that they are lands that have been selected as lieu lands, some of them two or three years ago. Some of them have been rented and contracts have been made to sell, and the money received as a first payment. all lieu lands, selected in place of original school lands which came to the State, but which the Government had taken in forest reserves and other reserves. This bill is to liberate in Wyoming and Montana those school lands long ago selected, but not yet clear listed.

Mr. SHAFROTH. I should like to ask the Senator whether the exchange which is to be made contemplates anything but the exchange of the fee-simple title?

Mr. WARREN. Not that I know of; certainly not in the

portion of it relating to Wyoming.

Mr. SHAFROTH. This bill is too long to read. It is nothing.

but a straight exchange of absolute patent?

Mr. WARREN. Yes. While it speaks of the manner of exchanging, as a matter of fact most of the land has been already exchanged, but has not been clear-listed.

Mr. SHAFROTH. I have no objection to the consideration

of the bill.

Mr. CHILTON. Does this bill refer to Wyoming, too? It seems to refer only to Montana.

Mr. WARREN. It starts as a Montana bill, and was amended by the committee by incorporating Wyoming in it.

Mr. CHILTON. Will Wyoming behave herself? [Laughter.]

Mr. WARREN. I can not promise that.

Mr. FALL. What is the provision with reference to the disposition of minerals? Mr. WARREN. The Government retains the ownership of the

minerals under the land.

Mr. CHILTON. I think the bill had better go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. WARREN. May I ask who objected?
Mr. CHILTON. Yes, sir; I did.
Mr. WARREN. Very well.

Mr. WARREN. Very well.
Mr. CHILTON subsequently said: Mr. President, a moment ago I objected to Order of Business 879 until I could look into some matters. I have looked it over, and I desire to withdraw my objection; but I call the attention of the Senator from Wyoming to the fact that section 4 of the bill seems to me to need a correction in one word. On line 7 it should read "by" instead of "but," I think, if the Senator will look at it.

Mr. WARREN. If the Senator has the matter in hand there,

will he please offer the amendment?

Mr. CHILTON. I will ask the Senator to see if I am not right. It reads: "this act or shall, but constitutional legislative enactment," It means "by constitutional legislative enactment," I assume. I move that the bill be amended in section 4, line 7, by striking out the word "but" and inserting the word

The amendment was agreed to.

Mr. WARREN. Also, in line 5, the word "States" should be

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The Secretary will state the

amendments proposed by the committee.

The first amendment of the committee was, in section 1, page 2, line 5, after the word "the," to strike out "State" and in-2, line 5, after the word "the," to strike out "State" and insert "States"; in the same line, after the word "Montana," to insert "and Wyoming"; in line 6, after the word "by," to insert "either of"; in line 7, before the words "and approved," to strike out "State" and insert "States"; in line 11, after the word "by," to insert "either of"; and, in line 12, before the word "and," to strike out "State" and insert "States," so as to read:

to read:

That the provisions of the act of Congress approved February 28, 1891 (26 Stat L., p. 796), entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated for other purposes," are hereby declared applicable to all grants of school lands heretofore made by Congress to the States of Montana and Wyoming, and all selections heretofore made by either of said States and approved under said grants and in accordance with said act of February 28, 1891, if otherwise lawful, are hereby ratified and confirmed; that all pending and unapproved selections heretofore made under said grants by either of said States and in accordance with said act, if found otherwise valid, and for lands which are nonmineral in character and which were subject to selection at the time the applications were filed, and which have not, prior to date of approval, been withdrawn under the provisions of the act of June 25, 1910 (36 Stat. L., p. 847), may be approved under the provisions of said act of February 28, 1891.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 15, before the word "of," to strike out "State" and insert "States," and, in the same line, after the word "Montana," to insert "and Wyoming," so as to read:

ming," so as to read:

SEC. 2. That the act of Congress approved February 28, 1891, entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States, providing for the selection of lands for educational purposes in lieu of those appropriated for other purposes," is hereby amended by adding thereto the following:

"That as to all or any surveyed or unsurveyed sections in place granted or reserved to the use of schools of the States of Montana and Wyoming and included within national forests it shall be lawful for the State, in pursuance of an agreement either prior or subsequent hereto between the State and the Secretary of Agriculture, to relinquish its claim, right, and title thereto and select in lieu thereof other unappropriated nonmineral lands of approximately equal value designated by the Secretary of Agriculture and lying within the boundaries of any national forest or forests within the State wherein the exchange is to be made"—

And so forth.

And so forth.

The amendment was agreed to.

The next amendment was, in section 3, page 4, line 12, after the word "Montana," to insert "or the State of Wyoming"; so as to read:

Sc. 3. That exchanges of title between the United States and States heretofore made and approved under authority of said act of February 28, 1891, whereby the State of Montana or the State of Wyoming relinquished its title to surveyed school lands in forest or other permanent reservations in lieu of lands elsewhere are hereby ratified and confirmed, and all pending and unapproved exchanges of like character and which were subject to selection at the time the applications were filed, if found otherwise valid, and for lands which are nonmineral in character, and which have not prior to date of approval been withdrawn under the provisions of the act of June 25, 1910 (36 Stats. L., 847), may, within the discretion of the Secretary of the Interior, be approved under the provisions of said act of February 28, 1891.

The amendment was agreed to

The amendment was agreed to.

The next amendment was, in section 4, page 6, line 5, after the word "State," to insert "of Montana or Wyoming," so as to make the section read:

SEC. 4. That the provisions of this act shall be applicable only where the State of Montana or Wyoming is now authorized by law to make the selections, relinquishments, or exchanges permitted by this act or shall, but constitutional legislative enactment, authorize such selections, relinquishments, or exchanges.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was amended so as to read: "A bill to amend the act entitled 'An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated, and to authorize an exchange of lands between the United States and the States of Montana and Wyoming."

SAN FRANCISCO MILITARY RESERVATION.

The bill (S. 7713) granting to the city and county of San Francisco, State of California, a right of way for a storm-water relief sewer through a portion of the Presidio of San Francisco Military Reservation was considered as in Committee of the Whole. It gives the consent of the United States to the city and county of San Francisco, Cal., to locate, construct, and maintain a 40-inch concrete storm-water relief sewer over and across Lobos Creek and thence through a portion of the Presidio of San Francisco Military Reservation to a point where it will again reach Lobos Creek and discharge therein, upon such location and plans as the Secretary of War may approve and under such conditions and regulations as he may prescribe, and ex-

pressly reserves the right to amend, alter, or repeal the act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

BILLS PASSED OVER.

The bill (S. 890) for the relief of the legal representatives of John T. Brickwood, deceased, Edward Gaynor, Theodore Gebler, Lee W. Mix, Arthur L. Peck, Thomas D. Casanega, Joseph de Lusignan, and Joseph H. Berger was announced as next in

Mr. HUGHES. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 1685) for the relief of John R. Monteith was announced as next in order.

Mr. HUGHES. Mr. President, there is apparently no Senator here who can give us any information with reference to that bill,

Mr. CHILTON. Let it go over, then.
Mr. HUGHES. I will ask that it go over if nobody can tell us anything about it.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

WINFIELD S. SOLOMON.

The bill (S. 7433) for the relief of Winfield S. Solomon was considered as in Committee of the Whole. It provides that in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Winfield S. Solomon, late of Troop D, Sixth Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States of a member of said troop and regiment on the 26th States as a member of said troop and regiment on the 26th day of September, 1865, and that no pay, bounty, or other emolument shall accrue by reason of this act.

The bill was reported to the Senate without amendment,

ordered to be engrossed for a third reading, read the third time,

and passed.

The Secretary proceeded to read the next bill on the calendar. Mr. HUGHES. Mr. President, what action was taken on Order of Business 883, Senate bill 7433?

The PRESIDENT pro tempore. Without objection, it was considered as having been read the third time and passed.

Mr. HUGHES. I ask unanimous consent to reconsider the vote whereby the bill was passed. I was looking up another bill.

The PRESIDENT pro tempore. The Senator from New Jersey moves to reconsider the vote whereby the bill was passed. Without objection, that will be done. The Chair hears no objection.

Mr. HUGHES. I should like to have some explanation of this bill. There is no explanation of it.

Mr. WARREN. Is that the bill in regard to Winfield S,

Solomon?

Mr. HUGHES. Yes, sir.

Mr. WARREN. This was the case of a boy who enlisted before he was old enough, and his commander told him he could not remain in the Army, and sent him home; but in the meantime his enlistment had been had, and he was entered up as a I will say that from the record it is a very clean case, deserter.

Mr. HUGHES. This was the case of a boy under age?

Mr. WARREN. Oh, yes.
Mr. HUGHES. I will withdraw my objection to it.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN H. KIDD.

The bill (S. 7598) for the relief of John H. Kidd was considered as in Committee of the Whole. It provides that in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers John H. Kidd, who was a private, unassigned, Thirteenth Regiment Indiana Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said regiment March 18, 1864, and that no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

Mr. HUGHES. Mr. President, unless there is some explanation of this bill, I shall ask that it go over.

Mr. SMOOT. Mr. President, I wish to say that John H. Kidd is some 81 years old. He was held as a deserter. He has filed affidavits to show that he never did desert; that his name must have been mixed with that of some other Kidd. There were a great many of them on the list.

I want to say to the Senator that I know Mr. Kidd very well. He is about ready to die. He pleaded with me that that stain should be taken off his record, because it was untrue; that he was not a deserter. He did not serve the 90 days, so he is not entitled to a pension, and I expect the old man to die in a very little while. It is nothing more than right that the man should have removed an unjust charge of desertion appearing on the records against him, and have his record clear before he dies.

Mr. THOMAS. Mr. President, if I may add a word, I think the Senator from New Jersey knows that generally speaking I am not in favor of these bills to remove the disabilities that arise from the records of deserters. In this instance, however, it appears that Mr. Kidd enlisted during the latter part of the war in an Indiana regiment, I think some time early in 1865. He was mustered in shortly afterwards, and went to the front, and was discharged before he had served 90 days. There are affidavits on file from reputable men, one of them being, as I now recall, at one time the adjutant general of the State of Utah, and at the time the commander of the Grand Army Post at Salt Lake City, who testified by way of affidavit that he at that time saw the certificate of discharge of the soldier.

Mr. SMOOT. He has an honorable discharge. I have seen

Mr. THOMAS. This man says that he actually saw it.

I have seen it, also.

Mr. THOMAS. It appears on the records of the War Department that John H. Kidd deserted from his command at Pittsburgh, Pa., and did not afterward answer the roll call. Kidd swears, and members of his family swear, that he never was in Pittsburgh or in Pennsylvania, but that he went from his mustering camp to the front, and back again. He has not served long enough to obtain a pension, although he had applied for a pension at one time and was refused. What he wants is that his record be cleared of this charge, if possible, before he dies.

The case appealed to me very strongly as the member of the subcommittee having it in charge, in view of the facts which I have outlined, and I therefore had no hesitation in recommending it to the Committee on Military Affairs, which in turn re-

ported it favorably for consideration.

The PRESIDENT pro tempore. Is there objection to the con-

sideration of the bill'

Mr. HUGHES. Mr. President, I look with more or less suspicion on all these attempts, 50 or more years after the occurrence of the event, to remove charges of desertion.

Mr. THOMAS. So do I.

Mr. HUGHES. And I have noticed recently that a number of

these bills have been reported from the Military Affairs Committee and passed through this body. I have no sympathy, in the first place, for the man who deserted, and still less for the man who comes to the legislature years and years afterwards and attempts to have the stain of desertion removed. If this man was a deserter, the stain should remain upon his name.

Mr. THOMAS. I agree fully with the Senator; and I do not think the Senator will discover upon this calendar a single bill

of this kind, other than this, that I reported out.

Mr. HUGHES. So far as I am concerned, I will withdraw my

objection to the consideration of this bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CALEB T. HOLLAND.

The bill (S. 7601) for the relief of Caleb T. Holland was announced as next in order.

Mr. HUGHES. Mr. President, unless there is an explanation

of this bill, I shall ask that it go over.

Mr. SHERMAN. Mr. President, I trust that the Senator will on consideration withdraw the objection.

Mr. HUGHES. I will say to the Senator that I have not objected. I have simply asked for an explanation.

Mr. SHERMAN. I will make the explanation.

This bill is to correct the military record of the person named in the bill, Mr. Holland. He went into the service in 1862 and served until 1865. The correction that is required was caused by his leaving the service in 1864, after complying with all of the requirements of the service from 1862 to 1864. In 1864 he left the service at New Albany, Ind., as I remember the point, because of differences with the captain of the company.

It is undisputed in the evidence submitted to the committee that the captain of the company was somewhat dissipated in character and was guilty of acts of cruelty against a member of the company. The soldier at that time was between 16 and 17 years of age, a mere boy. He was influenced by his fear of the superior officer next to him, the captain. He left the service in 1864, and within a very short time reenlisted in another company, a regiment in Indianapolis, Ind., and remained in the service until the close of the war in 1865. He was placed on the pension roll under the general laws of the country and remained there for a number of years. Under the act of 1912 he applied for the increase provided by that act; and the Pension Department, in looking up his service record, found this lapse in his record from the time in 1864, which, as I remember, was some 30 or 40 days from the time he left his original company to the time he reenlisted in the company at Indianapolis. That record was not supplied, and because of that deficiency in the record, when the department looked it up, he was dropped from the rolls entirely.

Mr. HUGHES. Mr. President, is it true that this man de-

serted more than once?

RECESS.

The PRESIDENT pro tempore. The hour of 11 o'clock having arrived, under the terms of the unanimous-consent agreement the Senate stands in recess until to-morrow morning at 11 o'clock.

Thereupon (at 11 o'clock p. m.) the Senate took a recess until to-morrow, Wednesday, February 7, 1917, at 11 o'clock a, m.

NOMINATIONS.

Executive nominations received by the Senate February 6, 1917. PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Commander William W. Phelps to be a captain in the Navy from the 13th day of August, 1916.

The following named commanders to be captains in the Navy from the 29th day of August, 1916:

Henry J. Ziegemeier,

John H. Dayton,

Lucius A. Bostwick, and

William A. Moffett.

Commander Arthur L. Willard to be a captain in the Navy from the 1st day of January, 1917.

The following named lieutenant commanders to be commanders in the Navy from the 29th day of August, 1916:

John Halligan, jr., and

Edward B. Fenner.

The following named lieutenants to be lieutenant commanders in the Navy from the 29th day of August, 1916:

John Rodgers, and

Ormond L. Cox.

Commander Montgomery M. Taylor to be a captain in the

Navy from the 29th day of August, 1916.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 29th day of August, 1916:

Charles S. Keller,

Burton A. Strait, and Abner M. Steckel.

Arthur H. Drane, a citizen of Georgia, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 26th day of January, 1917.

William H. Whitmore, a citizen of Virginia, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 26th

day of January, 1917.

Thomas C. Anderson, a citizen of South Dakota, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 30th day of January, 1917.

Pharmacist Howard E. Sausser to be a chief pharmacist in

the Navy from the 21st day of November, 1916.

Pharmacist Stephen Wierzbicki to be a chief pharmacist in

the Navy from the 19th day of January, 1917.

Lieut. Col. Henry C. Haines, assistant adjutant and inspector, to be an assistant adjutant and inspector in the Marine Corps with the rank of colonel from the 29th day of August, 1916.

The following-named lieutenant colonels to be colonels in the

Marine Corps from the 29th day of August, 1916:

Charles G. Long, Ben H. Fuller, Laurence H. Moses, Dion Williams,

John T. Myers, and

Albertus W. Catlin. Lieut. Col. Wendell C. Neville to be a colonel in the Marine Corps (subject to examination required by law) from the 29th day of August, 1916.

Lieut. Col. Cyrus S. Radford, assistant quartermaster, to be an assistant quartermaster in the Marine Corps with the rank

of colonel from the 29th day of August, 1916.

Lieut. Col. Rufus H. Lane, assistant adjutant and inspector, to be an assistant adjutant and inspector in the Marine Corps with the rank of colonel from the 29th day of August, 1916.

Lieut. Col. Albert S. McLemore, assistant adjutant and in-spector, to be an assistant adjutant and inspector in the Marine Corps with the rank of colonel from the 29th day of August,

The following-named majors to be lieutenant colonels in the Marine Corps from the 29th day of August, 1916; William N. McKelvy,

John H. Russell. Philip M. Bannon, Smedley D. Butler, George C. Thorpe, Charles S. Hill, George C. Reid, Robert H. Dunlap, Harry Lee, John F. McGill, Louis M. Gulick, Hiram I. Bearss,

Frederic L. Bradman, and

George Van Orden.

Maj. Louis J. Magill, assistant adjutant and inspector, to be an assistant adjutant and inspector in the Marine Corps with the rank of lieutenant colonel from the 29th day of August,

Maj. David D. Porter, assistant adjutant and inspector, to be an assistant adjutant and inspector in the Marine Corps with the rank of lieutenant colonel from the 29th day of August,

The following-named majors to be lieutenant colonels in the Marine Corps (subject to examination required by law) from the 29th day of August, 1916:

Randolph C. Berkeley, Carl Gamborg-Andresen, and James C. Breckinridge.

The following-named captains to be majors in the Marine

Corps from the 29th day of August, 1916:

George Van Orden, James T. Bootes, Logan Feland, William Hopkins, Charles H. Lyman, Louis McC. Little, Richard M. Cutts, Harold C. Snyder, Alexander S. Williams, Julius S. Turrill, James McE. Huey, Jay M. Salladay, Macker Babb, Harry R. Lay, Charles B. Taylor, John W. Wadleigh, William C. Harllee, Richard S. Hooker, Richard P. Williams, John C. Beaumont, Paul E. Chamberlain, Presley M. Rixey, jr., Theodore E. Backstrom, Thomas H. Brown, William G. Fay, Robert Y. Rhea, Eli T. Fryer, Thomas Holcomb, jr., Edward B. Manwaring, Thomas M. Clinton, Hamilton D. South, James T. Buttrick, Giles Bishop, jr., James K. Tracy, Berton W. Sibley, Arthur J. O'Leary, Charles T. Wescott, Earl H. Ellis, John A. Hughes, and

Thomas C. Turner. The following-named captains to be majors in the Marine Corps (subject to examination required by law) from the 29th day

of August, 1916: Charles C. Carpenter, John N. Wright, and William L. Redles

Capt. Frank J. Schwable, assistant quartermaster, to be an assistant quartermaster in the Marine Corps with the rank of

major from the 29th day of Angust, 1916.

Capt. Rupert C. Dewey, assistant quartermaster, to be an assistant quartermaster in the Marine Corps with the rank of major (subject to examination required by law) from the 29th day of August, 1916.

Capt. Frank Halford, assistant quartermaster, to be an assistant quartermaster in the Marine Corps with the rank of major from the 29th day of August, 1916.

Capt. Walter E. Noa, assistant quartermaster, to be an assistant quartermaster in the Marine Corps with the rank of major from the 29th day of August, 1916.

The following-named first lieutenants to be captains in the

Marine Corps from the 12th day of June, 1916:

Victor I. Morrison, and Maurice E. Shearer.

The following-named first lieutenants to be captains in the Marine Corps from the 29th day of August, 1916:

John R. Henley,

Henry S. Green,

William D. Smith, Randolph Coyle, Philip H. Torrey, Robert L. Denig, Charles S. McReynolds, Charles F. B. Price. Sydney S. Lee, Ross E. Rowell, Paul A. Capron. Ralph S. Keyser, Julian P. Willcox, Ross S. Kingsbury, Robert E. Adams, Edwin N. McClellan, Littleton W. T. Waller, jr., Wilbur Thing. Edwin H. Brainard. Alfred A. Cunningham, Alley D. Rorex, Dwight F. Smith, Randolph T. Zane, Clarence C. Riner, Charles J. Miller. Otto Becker, jr., William S. Harrison, Clarence E. Nutting, Edward M. Reno, Joseph C. Fegan, Joseph D. Murray, Woolman G. Emory, Francis T. Evans, Donald F. Duncan. Frederick R. Hoyt, Fred S. N. Erskine, Roy S. Geiger, Richard H. Tebbs, jr., Robert E. Messersmith, George W. Van Hoose, Charles D. Barrett, Edmond H. Morse, Robert P. Peirce, Oliver Floyd, Gerald A. Johnson, Harry Schmidt, Rolland E. Brumbaugh, Rolland E. Brumbaugh,
Earl C. Long,
Harry L. Smith,
William M. McIlvain,
Selden B. Kennedy,
Miles R. Thacher,
Lloyd W. Williams,
George W. Martin,
George W. Martin,
George K. Shuler,
David L. S. Brewster,
Tracy G. Hunter, jr., and
Bernard F. Hickey. Bernard F. Hickey.

First Lieut, Bernard L. Smith to be a captain in the Marine Corps (subject to examination required by law) from the 29th day of August, 1916.

Second Lieut. Sidney N. Raynor to be a first lieutenant in the Marine Corps from the 29th day of July, 1914.

The following-named second lieutenants to be first lieutenants in the Marine Corps from the 12th day of June, 1916:

James T. Reid, Robert P. Peirce, Oliver Floyd, Rolland E. Brumbaugh, Earl C. Long, William M. McIlvain, Roy D. Lowell, Marion B. Humphrey, George W. Martin, Tracy G. Hunter, jr., Bernard F, Hickey, John L. Doxey, John A. Gray, and Richmond Bryant.

The following-named second lieutenants to be first lieutenants in the Marine Corps from the 29th day of August, 1916:

Paul C. Marmion, Lowry B. Stephenson, John L. Mayer, Benjamin A. Moeller, Clyde H. Metcalf, Harold C. Pierce,

Douglas B. Roben, Theodore A. Secor, Thomas M. Luby, Henry L. Larsen, John C. Foster, William H. Rupertus, James L. Underhill, George W. Hamilton, Matthew H. Kingman, Alphonse De Carre, Cecil S. Baker, John F. S. Norris, Samuel L. Howard, Lyle H. Miller, Anderson C. Dearing, Ralph J. Mitchell, Louis R. de Roode, Archie F. Howard, and Raymond R. Wright.

The following-named enlisted men of the Marine Corps to be second lieutenants in the Marine Corps for a probationary period of two years from the 30th day of August, 1916:

Robert S. Hunter, Glenn D. Miller,
Burwell H. Clarke,
Walter G. Sheard,
Charles A. Wynn,
Thomas E. Watson,
Roger W. Peard,
Thad T. Taylor,
Herbert Rosenzweig Herbert Rosenzweig, Paul Brown, Edward S. Chandler, and Charles A. Howell.

John D. Nevin, a citizen of Pennsylvania, to be a second lieutenant in the Marine Corps from the 25th day of September,

The following-named citizens to be second lieutenants in the Marine Corps for a probationary period of two years from the

Marine Corps for a probationary period of two years from 29th day of September, 1916:
Charles P. Gilchrist, a citizen of South Carolina,
Lloyd L. Leech, a citizen of Virginia,
George C. Hamner, a citizen of the District of Columbia,
James M. Bain, a citizen of Virginia,
Harold S. Fassett, a citizen of Maine,
Karl I. Buse, a citizen of South Carolina,
John B. Martin a citizen of South Carolina Harold S. Fassett, a citizen of Maine,
Karl I. Buse, a citizen of South Carolina,
John R. Martin, a citizen of South Carolina,
Gustav Karow, a citizen of Georgia,
Arthur B. Jacques, a citizen of Virginia,
Samuel A. Woods, jr., a citizen of South Carolina,
Raphael Griffin, a citizen of Virginia,
Horace C. Copper, a citizen of North Carolina,
David H. Owen, a citizen of South Carolina,
Peter C. Geyer, jr., a citizen of New York,
James E. Davis, a citizen of Virginia,
James K. Bolton, a citizen of South Carolina,
James T. Moore, a citizen of South Carolina,
William C. Byrd, a citizen of South Carolina,
George B. Reynolds, a citizen of South Carolina,
Joseph E. Brewster, a citizen of New York, and
Nimmo Old, jr., a citizen of Virginia.
Maj. Albert S. McLemore, assistant adjutant and inspector,
to be an assistant adjutant and inspector in the Marine, Corps
with the rank of lieutenant colonel from the 29th day of
August, 1916.

First Lieut. Harry G. Bartlett to be a captain in the Marine Corps from the 12th day of June, 1916.

First Lieut. Leander A. Clapp to be a captain in the Marine

Corps from the 29th day of August, 1916.
Capt. Frederic M. Wise to be a major in the Marine Corps from the 29th day of August, 1916.
The following-named second lieutenants to be first lieutenants in the Marine Corps from the 29th day of August, 1916:

Walter H. Sitz, William G. Hawthorne,

Oscar R. Cauldwell, Edward C. Fuller, Arnold W. Jacobsen, and Earl H. Jenkins.

First Lieut. Charles A. Lutz to be a captain in the Marine Corps from the 12th day of June, 1916.

Capt. Frederick A. Ramsey to be a major in the Marine Corps from the 29th day of August, 1916.

Second Lieut. Keller E. Rockey to be a first lieutenant in the Marine Corps from the 29th day of August, 1916.

Brig. Gen. Eli K. Cole (now commissioned subject to examinatica required by law) to be a brigadier general in the Marine Corps from the 29th day of August, 1916.

Col. Thomas C. Treadwell (now commissioned subject to examination required by law) to be a lieutenant colonel in the Marine Corps from the 27th day of September, 1914.

Col. Thomas C. Treadwell (now commissioned subject to con-

firmation and examination required by law) to be a colonel in the Marine Corps from the 29th day of August, 1916.

Maj. Newt H. Hall to be a lieutenant colonel in the Marine

Corps from the 29th day of August, 1916.

First Lieut. Harold L. Parsons to be a captain in the Marine Corps from the 29th day of August, 1916.

Second Lieut. George A. Stowell to be a first lieutenant in the Marine Corps from the 29th day of August, 1916.

Maj. Arthur T. Marix to be a lieutenant colonel in the Marine Corps from the 29th day of August, 1916.

Capt. Dickinson P. Hall to be a major in the Marine Corps from the 29th day of August, 1916.

Capt. Percy F. Archer, assistant quartermaster, to be an assistant quartermaster in the Marine Corps with the rank of major

from the 29th day of August, 1916.

First Lieut. Clarke H. Wells to be a captain in the Marine

First Lieut. Clarke H. Wells to be a captain in the Marine Corps from the 29th day of August, 1916.

Brig. Gen. Joseph H. Pendleton (now commissioned subject to examination required by law) to be a brigadier general in the Marine Corps from the 29th day of August, 1916.

Maj. Melville J. Shaw to be a lieutenant colonel in the Marine Corps from the 29th day of August, 1916.

First Lieut. Ralph L. Shepard to be a captain in the Marine Corps from the 29th day of August, 1916.

HOUSE OF REPRESENTATIVES.

Tuesday, February 6, 1917.

The House met at 11 o'clock a. m. The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

May the light of Thy countenance, O God, our Father, illumine our minds and the warmth of Thy love kindle a sacred flame in our hearts; that the work of the hour may proceed wisely, conscientiously, patriotically; that the interests of our Republic may be safeguarded. And grant that the hearts of all our people may beat as one in a firm resolve to protect our sacred rights, life, liberty, and the pursuit of happiness, not only for our sake but for the sake of all humanity. In His name. Amen.

The Journal of the proceedings of yesterday was read.

CORRECTION. Mr. MANN. Mr. Speaker, I am not sure just what the Journal shows in reference to the Indians' claim bill (S. 135) which was passed yesterday under suspension of the rules. The Record was passed yesterday under suspension of the rules. The RECORD will apparently show that the House passed the Senate bill. What the House did, as I understand, was to pass the Senate bill with the amendment which struck out all after the enacting clause; that the House, in effect, passed the amendment, and that the Journal should show that.

The SPEAKER. Here is what actually happened: The Clerk

read the House amendment.

Mr. GARNER. Mr. Speaker, the Clerk read the House amendment and did not read the Senate bill. The Clerk at the desk read the House amendment and did not read the Senate

desk read the House amendment and the not read the Schatch bill, to my certain knowledge.

Mr. MANN. That is all right, just so the Journal shows that the motion was to pass the Senate bill with an amendment and that the amendment was agreed to and that the bill as amended

Mr. GARNER. May I suggest to the gentleman that the Journal ought to show, it occurs to me, that the amendment of the House was agreed to and that the bill as amended was

Mr. MANN. That is just what I said.

The SPEAKER. The Journal ought to show that the rules were suspended and that the bill, with the House amendment

agreed to, passed.

Mr. MANN. That the House amendment was agreed to and that the bill as amended passed.

The SPEAKER. Yes. Without objection, the Journal will

be corrected in that regard, and the RECORD, too, as far as that is concerned.

There was no objection.

PENSION BILL.

Mr. SHERWOOD. Mr. Speaker-

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. SHERWOOD. To ask unanimous consent to take from the Speaker's table the bill H. R. 18181, to disagree to the Senate amendments, and ask for a committee of conference.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 18181) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take this bill from the Speaker's table, to disagree to the Senate amendments, and to ask for a conference. Is there objection? [After a pause.] The Chair hears none.

The Clerk will announce the conferees.

The Clerk read as follows:

Mr. SHERWOOD, Mr. RUSSELL of Missouri, and Mr. LANGLEY.

THE LATE EDWIN CHICK BURLEIGH.

Mr. GUERNSEY. Mr. Speaker, I desire to present a resolution setting apart a day for services on the late Senator Burleigh.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. Edwin Chick Bunleigh, a Senator from the State of Maine.

Ordered, That Sunday, the 25th day of February, at 12 o'clock meridian, be set apart for addresses on the life, character, and public service of Hon. Edwin Chick Bunleigh, late a Senator from the State of Maine.

The question was taken, and the resolution was agreed to.

SENATE BILLS ON THE SPEAKER'S TABLE.

Mr. GORDON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table four Senate bills to change the names of four separate steamships and to consider the same in the House as in the Committee of the Whole House on the state of the Union.

Mr. MANN. It does not require that; they are House Calen-

dar bills.

Mr. GORDON. But I desire to substitute the Senate bills, which are identical in terms.

The SPEAKER. We will get at that in a minute.

Mr. GORDON. I ask unanimous consent, then, to take up and consider the bills.

The SPEAKER. The Clerk will report the bills.

The Clerk read as follows:

A bill (S. 7779) to authorize the change of name of the steamer Frank H. Peavey to William A. Reiss.

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon application of the owner, the Reiss Steamship Co., of Duluth, Minn., to change the name of the steamer Frank H. Peavey, official No. 121187, to the William A. Reiss.

The bill was ordered to be read a third time, was read the third time, and passed.

The Clerk read as follows:

A bill (S. 7780) to authorize the change of name of the steamer Frank T. Heffelfinger to Clemens A. Reiss.

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon application of the owner, the Reiss Steamship Co., of Duluth, Minn., to change the name of the steamer Frank T. Heffelfinger, official No. 121205, to the Clemens A. Reiss.

The bill was ordered to be read a third time, was read the third time, and passed.

The Clerk read as follows:

A bill (S. 7781) to authorize the change of name of the steamer George W. Peavey to Richard J. Relss.

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon application of the owner, the Relss Steamship Co., of Duluth, Minn., to change the name of the steamer George W. Peavey, official No. 86582, to the Richard J. Reiss.

The bill was ordered to be read a third time, was read the third time, and passed.

The Clerk read as follows:

A bill (S. 7782) to authorize the change of name of the steamer Fred-erick B. Wells to Otto M. Reiss.

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon application of the owner, the Reiss Steamship Co., of Duluth, Minn., to change the name of the steamer Frederick B. Wells, official No. 121208, to the Otto M. Reiss.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, House bills of similar tenor will lie on the table.

There was no objection.
On the motion of Mr. Gordon, a motion to reconsider the votes by which the bills (H. R. 19901, 19902, 19903, 19904) were passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk. announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8003. An act authorizing the county of Morrison, Minn., to construct a bridge across the Mississippi River in said county; S. 5648. An act for the relief of Fast Walker, D. K. How, and

Not Afraid of Bear.

S. 8062. An act to provide for the purchase of additional land for the enlargement of the site of the public building at Stamford,

S. J. Res. 157. Joint resolution giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the reunion of the Confederate Vgterans' Association to be held in the District of Columbia in the year

1917, and for other purposes, incident to said encampment.

The message also announced that the Senate had passed with amendments the bill (H. R. 8229) to establish a national military park at the battle field of Guilford Courthouse.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 358. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect in March, 1917, etc.

The SPEAKER announced his signature to enrolled bill of the

following title:

S. 7963. An act to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes.

RELIEF OF MAIL CONTRACTORS.

Mr. STEPHENS of Mississippi. Mr. Speaker, the Senate has passed the bill H. R. 11150 with amendments. I desire to call that bill up and ask unanimous consent that the amendments be agreed to.

Mr. MANN. It does not require unanimous consent.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 11150) for the relief of mail contractors.

The Senate amendments were read.

The SPEAKER. The question is on concurring in the Senate amendments.

The Senate amendments were agreed to.
On motion of Mr. Stephens of Mississippi, a motion to reconsider the vote by which the Senate amendments were agreed to was laid on the table.

EXTENSION OF REMARKS-SUBMARINE CONTROVERSY.

Mr. FESS. Mr. Speaker, I wish to submit a unanimous-con-

The SPEAKER. The gentleman will state it.
Mr. FESS. I ask unanimous consent to extend my remarks in the Record by bringing up to date the public documents pertaining to the submarine controversy.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by bringing up to date the facts in the submarine boats. Is there objection? [After a pause.] The Chair hears none.

PRICES FOR CERTAIN POST-OFFICE SUPPLIES.

Mr. MOON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 20660.

The SPEAKER. The Clerk will report the bill.

bill (H. R. 20660) authorizing the Postmaster General to increase prices for certain supplies to conform to abnormal market conditions.

tions.

Be it enacted, etc., That in view of the present high prices, due to the European war, of all paper and other materials entering into the production of envelopes, postal cards, and money-order blanks, which prices are greatly in excess of those prevailing at the time the existing four-year contracts of the Post Office Department for these supplies were made, the Postmaster General is hereby authorized, in his discretion, from time to time to fix prices at or in excess of the contract price or prices to be paid the contractors for postal-card paper, blanks, blank books, engraved and printed matter for the money-order service, official and registry envelopes, stamped envelopes and newspaper wrappers, and envelopes for the departments of the Government: Provided, however, That any increase or increases over the contract prices herein authorized shall not be sufficient to give to the contractor or contractors any net profit on the supplies furnished by them under the pending contracts.

Mr. FITZGERALD. Mr. Specker, I

Mr. FITZGERALD. Mr. Speaker, I reserve the right to

The SPEAKER. The gentleman from New York [Mr. Firz-GERALD] reserves the right to object.

Mr. FITZGERALD. I would like some statement in regard

Mr. MOON. Mr. Speaker, this bill is introduced for the purpose of obtaining a continuous supply of stamped envelopes, money-order blanks, postal cards, and material of that sort used in the department. There are some 28 or 30 contracts that have been made for four years for this material at fixed prices, about two years of time having elapsed. The cost of the material entering into these envelopes, postal cards, and so on, and the cost of labor and ink has gone up to such an extent that the contractors are not able to comply with the contract and furnish the material. They are about all to fail. Some of them have failed. Now, in the stamped-envelope contract they are asking for an increase of \$80,000 in the item in order to comply with the contract without loss to the contrac-This bill provides that the Postmaster General may grant an increase of from 25 to 50 per cent over the contract prices on account of the abnormal prices existing as to this material now and because of the fact that all of the contracts are about to be abandoned, which would leave the Government without paper and envelopes, and so forth. If \$80,000 is granted on that particular item, it will operate as a saving of \$500,000 to the Government of the United States, because if that contract is not complied with and not completed, and you have to go onto the open market at present prices, the price the Government will have to pay will be from 100 to 200 per cent more than the contract price, and the loss to the Government upon that item will be about \$500,000.

This bill provides that the contractors shall have no profits. It is a bill to enable them to carry out their contracts in the interest of the Government. To sum the matter up briefly, if this bill is passed it is going to cost the Government about \$500,000 more than it would have cost if there had been no trouble about the contracts. If the bill is not passed and these contracts are all canceled or abandoned we are going to be without these supplies and be forced upon the open market to purchase them at an advance of 100 to 200 per cent, and the loss to the Government will be something more than \$2,000,000.

Mr. FITZGERALD. Have these contractors given bonds to carry out their contracts?

Mr. MOON. They have given bonds to carry out their contracts, but they are going to fail to carry out their contracts, and we will have recourse upon the contractor and upon the bondsmen and may be recouped for some part of that, but in the meantime we are going to be without the material, and we will be obliged to go upon the market to obtain it at such prices that it will cost more to the Government if we have to go on the open market now for this material than the Government could get out of the contractors and their securities.

Mr. FITZGERALD. Does the bill provide that in granting this excess price over the contract the total pay shall not exceed the actual cost of production?

Mr. MOON. It provides that there shall be no profit whatever to the contractors. It is just a measure to enable them to carry out the contract, which they can not now carry out on account of the rise in this material. If the Clerk has a copy of that report, I would be glad if it could be read at the Clerk's desk, because it gives a very clear explanation of the situation.

Mr. CANNON. Let me ask the gentleman a question. Suppose these raw materials had fallen off 50 per cent, would the contractors have made a reduction?

Mr. MOON. I have no idea that they would. This is not primarily for the benefit of the contractor. It is for the benefit of the Government. If those contracts are all thrown out, of course we will have recourse upon the bondsmen. But there are only a few people engaged in this class of business, and you will be without the material for your postal cards and envelopes and

Mr. CANNON. Are the bondsmen solvent?

Mr. MOON. You will have to throw all these contractors into bankruptcy before you can have payment by the bondsmen.

Mr. CANNON. Are the bondsmen solvent?

Mr. MOON. I presume so; I assume they are solvent and they will respond to the full amount of the contract price. Yet if the contracts are canceled and we are forced on the open market to purchase at a raise of 200 per cent, it can be readily seen that the loss to the Government would be very much more than if we did not cancel them.

Mr. CANNON. What would be the measure of damages in a

suit against the bondsmen?

Mr. MOON. They are required to furnish so much material at so much money. The measure of damages certainly would not exceed the amount provided, which in the aggregate under the contracts is about \$2,180,000. But if forced upon the million dollars.

open market the Government will probably have to pay about \$4,000,000 for this material.

Mr. FITZGERALD. If this policy be adopted regarding this Post Office contract, what excuse will we have for not adopting the same policy with respect to shipbuilders and the armor-plate manufacturers and the people supplying rations for the Army and the Navy, and, in fact, every contract made by the Government, where there has been an increase in the cost of material

and the contractor can not make a profit out of it?

Mr. MOON. That is probably true, and this bill provides that the contractor shall have no profit. It will be between 25 and 50 per cent increase, but the question is, Is it better, leaving out of consideration altogether the interest of the contractor and of the security, to let these contracts be canceled and the Government be forced upon the open market, where it will have to pay 200 per cent more than the original contract price, or advance the price from 25 to 50 per cent? In the one case, if we pass the bill, the Government will lose about \$500,000 or \$1,000,000, and if you do not pass this bill the Government in the other case will lose about \$2,000,000 to \$4,000,000.

Mr. BARNHART. Mr. Speaker, will the gentleman yield?

Mr. MOON. Yes.

Mr. BARNHART. I wish to state that the Joint Committee on Printing, which is vested with the power and charged with the duty of supervising the contracts for print paper for the Government, has recently received bids on the supply of print paper for the Government, and it has discovered that there is either a combination or a gentlemen's agreement on the part of the contractors, and that the total increase of the bids this year over that of a year ago is about \$1,400,000, or about 107 per cent increase.

The Federal Trade Commission is at this time in the midst of an investigation of the cost of the production of print paper of all sorts, and it has so far reported to the Joint Committee on Printing the item of news print, in which the cost of producing news print in the year 1916 is \$1.68\frac{1}{2} a hundred, as against \$1.63 a hundred in 1915. Now, that is the difference in the cost of production, but the difference in the price made by the manufacturers or jobbers to the consumer, including the Government, is from 200 to 400 per cent over what it was a

The same thing is true with respect to other kinds of paper, and I want to call the gentleman's particular attention to the item of paper for Government money orders. The bid on paper for Government money orders has been rejected by the Joint Committee on Printing, and there has been a readvertisement placed, and it seems to me that if the gentleman from Tennessee will withhold his proposition and let it be pending until the joint committee can get some information from the Federal Trade Commission, which has already, as I understand, delegated to the Department of Justice some authority to take action in these matters, then within a few weeks we are not only going to know more about the cost of print paper and the profit which the jobbers and manufacturers are now making, which are colossal, but we will probably have some steps taken by the Department of Justice which will materially reduce the prices on those products.

I therefore hope the gentleman from Tennessee will withhold his request, so that the matter can be taken up and better results attained than would be had than if we were to take it up

for one department at a time.

Mr. FITZGERALD. When these contractors make a contract to supply the Government with certain materials for a four-year period, do they not at once make the contracts necessary for their own supplies to cover that contract during the four-year period?

Mr. MOON. I do not know whether they do or not.

Mr. FITZGERALD. The question of price would not affect them at all.

Mr. MOON. I heard one contractor say that he was standing up to the Government on his contract as well as he could, but he had lost \$68,000 already on it.

Mr. FITZGERALD. That is one of the risks the contractor takes, either to make a profit or suffer a loss.

Mr. MOON. Of course, the gentleman from New York need not tell me that a man who makes a contract takes a risk of that sort. Everybody knows that. The question is, notwithstanding the risk and notwithstanding the liability of the contractor and the liability of the surety, whether or not, as a matter of common business sense, it is better now for us to give them an advance of 25 or 50 per cent on their contracts, in order that they may comply with their contracts without profit to themselves, or to force the Government on the open market, where the cost will be 200 per cent more and the loss over a

Mr. BARNHART. Is this proposition to give them an annual increase and for the balance of the contract?

Mr. MOON. Of course, it does not fix 25 per cent or 50 per cent, but it is from 25 to 50, whatever it may be, so that no profit comes to the contractor under the terms of the contract.

Mr. FITZGERALD. Suppose it would require more than 50 per cent in order to keep the contractor whole?

Mr. MOON. Then this bill would not relieve them.

Mr. FITZGERALD. Then he has to suffer. It is only the man who requires an increase up to 50 per cent who would be cared for, while the man who requires an increase of 100 per

cent would go to the wall.

Mr. MOON. No. The Government, which has the contract, has fixed this figure at 25 to 50 per cent. I will ask, Mr. Speaker, that the report be read. It gives a more lucid explanation of it than I can make. It is a memorandum from the department. The House can see what the situation is from the reading.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The reasons for the passage of the bill are fully set forth in a memorandum furnished by the Post Office Department, as follows:

"The purposes of this bill are to assure a continuous supply of stamped envelopes, postal cards, money-order forms, and departmental envelopes, and also to give needed relief to a number of four-year contractors who are suffering financial loss because of the great increase in the price of paper and other materials, at least some of whom will face bankruptcy unless relief is speedily given.

"There are about 30 contracts affected, all of which were made either before the European war or in the early days of the war, when paper was abnormally low. Since that time it has increased in price from 100 to 200 per cent, and inks and other materials have increased as much or more. Labor cost is also high.

"The stamped-envelope contract contains a provision by which the Postmaster General may require certain grades and designs of envelopes at a price fixed by mutual agreement, but there is no similar clause in any of the other contracts except in that for postal cards, and the Comptroller of the Treasury has decided that inasmuch as the paper now being furnished for postal cards is satisfactory no increased price can be given under this clause.

"Inasmuch as it has already been decided to require new grades and designs of stamped envelopes at a price that will relieve the contractor, it is thought no more than fair to give the same relief to all other four-year contractors furnishing supplies manufactured of paper.

"So far as the stamped-envelope contract is concerned, this bill will affect only the contract grades and sizes and not the additional grades and designs that it has already been decided to supply.

"If this bill becomes a law it will not only enable the Post Office Department to insure a continuous supply of envelopes, postal cards, and money-order forms, but at a much lower price than could be obtained in

Matery as tolows.

Stamped envelopes.

Departmental and Postal Service envelopes.

Postal-card stock.

Money-order forms, exclusive of the Public Printer and the Bureau of Engraving and Printing. \$1,560,000 300,000 270,000 50,000

Total.

Mr. GORDON. Mr. Speaker, will the gentleman yield? Mr. MOON. Yes.

Mr. GORDON. The gentleman from Tennessee [Mr. Moon] is a very distinguished lawyer. Did I understand him to say in answer to the gentleman from Illinois [Mr. Cannon] that the measure of the damages in this case would be any less than the Government was required to pay upon the market?

Mr. MOON. I think the contract provides for a sum equal to the amount of the contract price. If that is true, that would be

the limit.

Mr. GORDON. Of course, if the contract so recites—
Mr. MOON. I think that is the provision.
Mr. GORDON. What is the amount of the bond?
Mr. MOON. The amount of the contract price, I presume.

The SPEAKER. Is there objection?

Mr. COADY. I object.
Mr. MADDEN. Mr. Speaker, I hope the gentleman will not object. This is one of the most important things that there is for the conduct of the Post Office Department.

Mr. FITZGERALD. If the gentleman does not object, I will. Mr. MADDEN. There ought not to be any objection made

to it.

Mr. BARNHART. Does not the gentleman think it should be

withdrawn until we can get a report on these things?

The SPEAKER. The gentleman from Maryland [Mr. Coady] objected, and that is the end of it.

Mr. COADY. I withdraw the objection.

The SPEAKER. The gentleman from Maryland withdraws his objection.

Mr. MOON. Mr. Speaker, this is a very important bill-

Mr. FITZGERALD. I object, Mr. Speaker.
The SPEAKER. The gentleman from New York objects. Mr. MOON.

Mr. MOON. You will be without postal cards and envelopes. Mr. FITZGERALD. Well, I will go without postal cards.

Mr. MOON. New York does not need anything but pneumatic tubes, anyway.

NAVAL APPROPRIATIONS.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, H. R. 20632.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes, with Mr. Page of North Carolina in the chair.

The CHAIRMAN. The Clerk will resume the reading of the bill.

The Clerk read as follows:

The Clerk read as follows:

For commissions and interests; transportation of funds; exchange; mileage to officers while traveling under orders in the United States, and for actual personal expenses of officers while traveling abroad under orders, and for traveling expenses of civilian employees, and for actual and necessary traveling expenses of midshipmen whole proceeding from their homes to the Naval Academy for examination and appointment as midshipmen; for actual traveling expenses of female nurses; actual expenses of officers while on shore patrol duty; mileage to officers of the Naval Reserve Force traveling under orders of the Secretary of the Navy; hire of launches or other small boats in Asiatic waters; for rent of buildings and offices not in navy yards, including the rental of offices in the District of Columbia; expenses of courts-martial, prisoners and prisons, and courts of inquiry, boards of inspection, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; expenses of naval defense districts; stationery and recording; religious books; newspapers and periodicals for the naval service; all advertising for the Navy Department and its bureaus (except advertising for recruits for the Bureau of Navigation); copying; ferriage; tolls; costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress; recovery of valuables from shipwrecks; quarantine expenses; reports; professional investigation; cost of special instruction at home and abroad, including maintenance of students and attachés; information from abroad and at home, not exceeding \$50,000, and the collection and classification thereof; all charges pertaining to the Navy Department and its bureaus for ice for the cooling of drinking water on shore (except at naval hospitals), telephone rentals and tolls, telegrams, cablegrams, and postage, foreign and domestic, and post-office box rentals; and other necessary and incidental expenses; Provided, That the sum to be paid out of the appropri

Mr. PADGETT. Mr. Chairman, I move to strike out the last word, and I do so for the purpose of calling to the attention of the House an amendment which was discussed last Saturday when this bill was under consideration in the House in general debate. That is in relation to the general matter of commandeering shipyards, suspending the eight-hour law, and other provisions for the purpose of securing the more expeditious delivery of munitions, equipment, materials, and the construction of ships. In order that the House may have full opportunity to consider the amendment which I propose to submit, I ask to have the amendment read at this time. I want to state that I have prepared an additional copy which I wish to submit to the gentleman from Pennsylvania [Mr. BUTLER], the ranking member of the minority of the committee. I have another copy for use upon this side of the House.

The CHAIRMAN. The Clerk will report the proposed amend-

ment in the time of the gentleman from Tennessee.

The Clerk read as follows:

EMERGENCY LEGISLATION.

The Clerk read as follows:

EMERGENCY LEGISLATION.

(a) Definition: The word "person" as used in paragraphs (b), (c), (d), (e), (f) next hereafter shall include any individual, trustee, firm, association, company, or corporation. The word "ship" shall include any boat, vessel, and submarine, and any form of aircraft and the parts thereof. The words "war material" shall include arms, armament, ammunition, stores, supplies, and equipment for ships and aeroplanes, and everything required for or in connection with the production thereof. The word "factory" shall include any factory, workshop, engine works, building used for manufacture, assembling, construction, or for any process, and any shipyard or dockyard. The words "United States" shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States, (b) In time of war or of national emergency, to be determined by the President by proclamation or Executive order, the President is hereby authorized and empowered, through the Secretary of the Navy, in addition to all other existing provisions of law and within the limit of amounts appropriated therefor—

(1) To place an order with any person for such ships or war material as he may require and which are of the nature and kind usually produced or capable of being produced by such person. Compliance with all such orders shall be obligatory on any person to whom such orders and contracts theretofore placed with such person, except orders and contracts of or for the United States. If any person owning, leasing, or operating any factory equipped for the building or production of ships or war material for the Navy shall refuse or fail to give to the United States such preference in the execution of such an order, or shall refuse to build, supply, furnish, or manufacture the kind, quantity, or quality of ships or war material so ordered at such reasonable price as shall be determined by the Secretary of the Navy, the President may take immediate possession

directions.

(2) To modify or cancel any existing contract for the building, production, or purchase of ships or war material; and if any contractor shall refuse or fail to comply with the contract as so modified, the President may take immediate possession of any factory of such contractor, or any part thereof without taking possession of the factory itself, and may use the same at such times and in such manner as he may consider necessary or expedient, and the occupier and every officer and servant of the occupier of such factory, or part thereof, shall obey his directions.

tractor, or any part thereof without taking possession of the factory itself, and may use the same at such times and in such manner as he may consider necessary or expedient, and the occupier and every officer and servant of the occupier of such factory, or part thereof, shall obey his directions.

(3) To require the owner or occupier of any factory in which ships or war material are built or produced to place at the disposal of the United States the whole or any part of the output of such factory, and to deliver such output or parts thereof in such quantities and at such times as may be specified in the order, at such reasonable price as shall be determined by the Secretary of the Navy.

(4) To requisition and take over for use or operation by the Government the factory, or any part thereof without taking possession of the factory itself, whether the United States has or has not any contract or agreement with the owner or occupier of such factory.

(5) To waive all provisions of law restricting the hours of labor of persons in the employ of contractors therewith when employed on work in connection with such ships or war material, and to waive all other restrictions and limitations affecting the labor of such persons, with a view to increase output or prevent delay.

(c) No person shall, directly or indirectly, induce any person employed in any factory and engaged on work for the United States to leave his employment or to cease such work.

(d) In time of actual war, the President is hereby authorized and empowered, through the Secretary of the Navy, to draft into the naval service of the United States and to place under naval control any or all of the officers, agents, or employees of any factory equipped for the bailding or production of ships or war material for the Navy, and said officers, agents, and employees of the Naval Establishment of the United States, subject to all the conditions and restrictions imposed by the articles for the government of the Navy. The draft of the officers, agents, and employee

(f) Whenever the United States shall cancel or modify any contract, make use of, assume, occupy, requisition, or take over any factory or part thereof, or any ships or war material, in accordance with the provisions of the foregoing paragraphs (b), (c), (d), it shall make just compensation therefor, and in default of agreement upon the damages, compensation, price, or rental due by reason of any action hereunder, the person to whom the same is due shall be entitled to sue the United States to recover his fair and reasonable damages, in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code.

Mr. CLARK of Missouri. Mr. Chairman-

I reserve a point of order upon the amendment. I suggest that this is too important an amendment to pass merely on reading it. I think it ought to go over.

Mr. PADGETT. Let me say to the gentleman that I have had

it read now for the information of the House.

Mr. MANN. I was going to make a suggestion to the gentle-

Mr. PADGETT. I expect to offer it at the end of the bill, on

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Mr. MANN. We are in the Committee of the Whole now and can not order it printed, but the gentleman can introduce it as a bill and have it on our desks probably this afternoon, certainly to-morrow morning

Mr. BUTLER. We ought to have it. Mr. MANN. I hope he will introduce it as a bill, so that we will have it in print.

Mr. PADGETT. I shall be very glad to do that. I wanted to make this further statement, that after the debate—

Mr. MANN. The gentleman can introduce it and send a hurry order to the Printing Office.

Mr. PADGETT. All right, I will do that.

Mr. CLARK of Missouri. Now, Mr. Chairman, what is the

determination about this?

Mr. PADGETT. I want to offer it as an amendment at the end of the bill, with reference to the expediting of the construction of ships.

Mr. CLARK of Missouri. The gentleman has had it read for information?

Mr. PADGETT. Yes.

Mr. GARNER. Let me suggest to the gentleman that if he introduces it in the form of a bill it can be in the document room to-morrow morning, where we can get it and analyze it better than we can from reading it in the Record only.

Mr. MADDEN. Every Member ought to have a copy of it. Mr. PADGETT. I have stated that I will introduce it as a

Mr. GARNER. Will not the gentleman ask unanimous con-sent that copies be printed immediately? Then we can get them within an hour.

Mr. MANN. If the gentleman will introduce it, the Clerk will send a hurry order to the Printing Office.

Mr. GARNER. They can print it in an hour.

Mr. MANN. Probably we can get it this afternoon.

Mr. MADDEN. And every Member can get a copy. Mr. PADGETT. I want to state for information

Mr. PADGETT. I want to state for information that after the discussion here in the House on Saturday I took a copy of the Record with me containing all the discussion, and I took this matter up with the Attorney General of the United States and with Mr. Warren, one of his assistants, We have been working upon it, and this is the result prepared by the Department of Justice.

Mr. MANN. What was the basis of the bill? What was it

taken from as a basis?

Mr. PADGETT. The bill that was passed at the former session with reference to the Army was one of the bases, and the discussion here on Saturday was another basis.

I mean the basis of the draft. Is this taken Mr. MANN.

from the English act? Mr. PADGETT. I think so, yes; very largely, if that is

what the gentleman has reference to.

Mr. BUTLER. Will the gentleman yield? Mr. PADGETT. Yes. Mr. BUTLER. There is nothing in this for a draft into

the military service of the Government, is there?

Mr. PADGETT. In time of war. It is limited to time of war, and not to an emergency. All other provisions relate to war or a national emergency, but the draft is in time of actual war.

Mr. BUTLER. Mr. Chairman, let me ask the gentleman the question again. I have just seen the proposed amendment. Is there anything in it that will require any American citizen to perform military service or is it only industrial service performed about munition factories?

Mr. PADGETT. Industrial service, not military service.

Mr. BUTLER. Very good. Then we all understand what is before us.

Mr. CARAWAY. Will the gentleman yield?
Mr. PADGETT. Yes.
Mr. CARAWAY. I understand from the reading of this proposed amendment that it gives the Secretary of the Navy or the President the right to draft men into the service in the Navy.

Mr. PADGETT. Into the industrial service.
Mr. CARAWAY. Then they would be identically under the same control as though they had enlisted as regular men in the naval service.

Mr. PADGETT. It authorizes the drafting of men in case of war into the industrial service of the United States for indus-

trial work as a part of the Navy and under naval regulations.

Mr. CARAWAY. That is a part of the regular naval service.

Mr. PADGETT. They would be under the naval regulations and naval control, performing industrial work for the expedition

of the construction of ships.

Mr. CARAWAY. Would there be any limitation of that, would not that reach out and bring anybody else into the service that was not in it at the time war broke out?

Mr. PADGETT. Yes.
Mr. CARAWAY. There is no limitation to the reach of it—on condition that war shall be declared the military authorities can draft any man in the United States.

Mr. PADGETT. It does not discriminate between individuals. Mr. CARAWAY. One further question. Has there ever been authority before in this country given to the President of the United States to draft, on a mere contingency that war should break out, every man in the United States?

Mr. PADGETT. There was authority for drafting in previous wars, but just at what stage it was enacted I am not prepared

Mr. CARAWAY. Ever since the war broke out in Europe have they not had the question up whether the English Government should or should not give authority to the military powers to draft everybody in England into the service?

Mr. PADGETT. Draft for the military service has been very much discussed. This is patterned after the English law, but

drafting in the military service for industrial work.

Mr. CARAWAY. Does the gentleman mean that they could draft them into industrial work, and that they would not be under control of the military authorities or would not be subject to military regulations?

Mr. MILLER of Minnesota. Mr. Chairman, a parliamentary

inquiry. I understand we are operating under the five-minute

rule.

The CHAIRMAN. We are operating under the five-minute rule and the time of the gentleman from Tennessee has expired.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent for

five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent for five minutes more. Is there objection? There was no objection.

Mr. BURNETT. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BURNETT. May I ask the chairman of the committee if we may not have an immediate print of this proposed amendment?

Mr. PADGETT. I have stated several times that I would introduce it as a bill and ask the Clerk to send a rush order to

the Printing Office ordering an immediate print. Mr. BURNETT. So that we can all get it for immediate use. Mr. PADGETT. Yes; and I understand it has already gone to the Printing Office.

Mr. BUTLER. Will the gentleman yield?
Mr. PADGETT. Yes.
Mr. BUTLER. I suggest to the gentleman the wisdom of having a meeting of the committee about half past 9 or 10 o'clock to-morrow morning to go thoroughly over this matter, so that we may assist Members of the House in reaching a conclusion on it. I know the chairman has just received it, or he would have had a meeting of the committee before this.

Mr. PADGETT. Yes; I received it this morning. We began

work on it Saturday night after adjournment, and worked on it

yesterday and this morning.
Mr. TOWNER. Will the gentleman yield?
Mr. PADGETT. Yes.

Mr. TOWNER. If I understood the gentleman in colloquy, it is not now his intention to offer it as an amendment, but as

Mr. PADGETT. I am offering it now for information of the House, with the statement that I expect to offer it as an amend-

ment, after line 19, page 59, of the bill, which is at the conclusion of the bill.

Mr. TOWNER. Does the gentleman expect to have the amendment printed as a bill in order that it may be before the House and then offer it as an amendment?

Mr. PADGETT. Yes; and I understand it has already gone

to the Printing Office.

Mr. TOWNER. And the gentleman will afterwards offer it as an amendment?

Mr. PADGETT. Yes.

Mr. DILL. Will the gentleman yield?

Mr. PADGETT. I will.
Mr. DILL. Does this bill propose to abolish the volunteer system that has been the custom in this country?
Mr. PADGETT. It does not; it does not interfere with that

at all.

Mr. DILL. Is there any provision made that the volunteer system is not to be abolished?

Mr. PADGETT. It does not say anything about the volunteer

system.

Mr. DILL. It gives the President authority to draft men into the service under naval control?

Mr. PADGETT. Yes; the industrial service.

Mr. DILL. I do not see the difference. Mr. HUDDLESTON. Will the gentleman yield?

Mr. PADGETT. Certainly.
Mr. HUDDLESTON. This is a bill authorizing the President to draft men into the industrial service.

Mr. PADGETT. Yes. Mr. HUDDLESTON. What country has that been done in? Mr. PADGETT. This is copied largely from the English statute.

Mr. HUDDLESTON. Is it not a fact that this method has only been resorted to by Germany, and that within the last few weeks in the third year of the war, and only in munition works and other industrial service?

Mr. PADGETT. I think much earlier than that, and it has

been adopted by England not a great while ago.

Mr. HUDDLESTON. Can the gentleman give the date when was adopted by England? Mr. PADGETT. I can not; but I will later on in the dis-

cussion.

The Clerk read as follows:

Contingent, Navy: For all emergencies and extraordinary expenses, exclusive of personal services in the Navy Department, or any of its subordinate bureaus or offices at Washington, D. C., arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary of the Navy, and for such purposes as he may deem proper, \$46,000.

Mr. PADGETT. Mr. Chairman, I move to strike out the last word for the purpose of calling attention of the House to another amendment, which I am submitting now for information, and which I propose to offer after line 19, on page 59, prior to the amendment which I suggested a moment ago.

If the other amendment be adopted, or if any modification of it be adopted, to expedite the work, this appropriation will be needed, and I am calling attention to it now for the purpose of

advising the House of the matter.

The CHAIRMAN. The Clerk will read the amendment for the information of the House.

The Clerk read as follows:

The Clerk read as follows:

Page 59, after line 19, as a separate paragraph, add the following:

"To enable the President to secure the more expeditious delivery of materials, equipment, and munitions and secure the more expeditious construction of ships authorized and for the purchase or construction of such additional torpedo-boat destroyers, submarines, submarine chasers, and such other naval small craft, and ammunition for all of said vessels, as the President may direct, to be expended at the direction and in the discretion of the President, \$150,000,000, or so much thereof as may be necessary, and to be immediately available; and for the payment thereof the President is authorized to issue \$150,000,000 of bonds of the United States bearing interest not to exceed 3 per cent per annum maturing in not more than five years."

ManN Man Chairman de Laundesstand this is being

Mr. MANN. Mr. Chairman, do I understand this is being offered as an amendment?

The CHAIRMAN. It is being read for the information of the committee

Mr. HUDDLESTON. Mr. Chairman, I reserve all points of order upon the amendment.

The CHAIRMAN. The Chair will state to the gentleman that it has not been offered as an amendment, but merely for the information of the committee.

Mr. MANN. It seems to me, Mr. Chairman, that that is an-

other amendment that ought to be in print.

Mr. PADGETT. The committee can not order it printed.

Mr. MANN. No; but the gentleman can introduce it in the form of a bill.

Mr. PADGETT. Very well; I will introduce it as a bill now and will send it with a rush order to the printer to have it

Mr. MANN. May I ask the gentleman from Tennessee whether he has any other amendment which is long and of this nature?

Not of this scope; no.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word. On Saturday last some remarks were made and a controversy had here about what the decision of the labor unions would be in case of an emergency. I have received the following letter from President Gompers, of the American Federation of Labor, which I think ought to be read to the House, which is as follows:

AMERICAN FEDERATION OF LABOR, Washington, D. C., February 4, 1917.

Hon. CHAMP CLARK, Speaker House of Representatives, Washington, D. C.

Speaker House of Representatives, Washington, D. C.

Sir: In the discussion in the House of Representatives on the naval appropriation bill (H. R. 20632), as published in the Congressional Record February 3, 1917, it is plainly evident that some Members have not had in mind at least one provision of existing law regulating and limiting the hours of labor. Section 1 of the eight-hour law of August 1, 1892, reads as follows:

"Be it enacted, etc., That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor upon any of the public works of the United States or of the said District of Columbia is hereby limited and restricted to eight hours in any one calendar day, and it shall be unilawful for any officer of the United States Government or of the District of Columbia, or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics, to require or permit any such laborer or mechanic to work more than eight hours in any calendar day and the stranordinary emergency."

Attention is respectfully called to the last six words of this section.

more than eight hours in any calendar day except in case of extraordinary emergency."

Attention is respectfully called to the last six words of this section. For emphasis I quote as follows: "Except in case of extraordinary emergency." That is, whenever an emergency shall arise the eighthour workday limitation may be waived.

The eight-hour law of June 19, 1912, specifically declares that "nothing in this act shall be construed to repeal or modify the act entitled 'An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and the District of Columbia."

It is respectfully submitted that under existing law there is ample power vested in the Government to waive the provisions of the eighthour workday both in Government establishment and as it applies to contractors and subcontractors doing work for the Government. Surely a state of war or possibly impending war is an emergency contemplated by the provisions of the eight-hour law of August 1, 1892, and June 19, 1912, and that therefore there is no necessity for the passage of any law repealing the provisions of either of the eight-hour laws which I have mentioned.

Should the Congress pass a law repealing the eight-hour laws, when, I have the provision of the eight-hour laws when, I have the provision of the eight-hour laws when, I have the provision entered to the provision of the eight-hour laws, when, I have the provision of the eight-hour laws, when, I have the provision entered to the eight-hour laws, when, I have the provision entered to the eight-hour laws, when, I have the provision entered to the eight-hour laws, when, I have the provision entered to the eight en

mentioned.

Should the Congress pass a law repealing the eight-hour laws, when, as I have shown, there is no necessity for it, after the existing emergency shall have disappeared it will require all the work to be gone over again to secure the enactment of an eight-hour law.

There need be no apprehension entertained by anyone that the working people of the United States will fall in the performance of duty and to give service for the safety, the integrity, and the ideals of our country.

to give service for the safety, the integrey, and country.
Should emergency befall the country the destiny of our Nation is dependent upon the creative labor power of men and women. Should Congress not more properly give consideration to the conservation of the human rather than to uneconomic utilization of that force? These workers constitute the rank and file of our Nation.

I think I am in a position to know as well as any other man in America the feeling and the spirit of America's workers. While I am sure they earnestly hope that war may be averted, yet when the emergency arises they will give a good accounting of themselves.

Respectfully, yours,

Samuel Gompers,

Provident American Federation of Labor.

SAMUEL GOMPERS, President American Federation of Labor.

[Applause.]

The Clerk read as follows:

Aviation: For aviation, to be expended under the direction of the Secretary of the Navy for procuring, producing, constructing, operating, preserving, storing, and handling aircraft, including rigid dirigibles, and appurtenances, maintenance of aircraft stations and experimental work in development of aviation for naval purposes, \$5,133,000: Provided, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for drafting, clerical, inspection, and messenger service for aircraft stations shall not exceed \$75,000.

Mr. PADGETT. Mr. Chairman, I offer the following amendment as a new paragraph, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert at the end of line 7, on page 5, the following as a new para-

Insert at the end of line 7, on page 5, the following as a new paragraph:

"To enable the Secretary of War and the Secretary of the Navy to secure by purchase, condemnation, donation, or otherwise such basic patent or patents as he may consider necessary to the manufacture and development of aircraft in the United States and its dependencies for governmental and civil purposes, under such regulations as the Secretary of War and the Secretary of the Navy may prescribe, \$1,000,000: Provided, That such arrangements may be made in relation to the control of any basic patent connected with the manufacture and development of aircraft in the United States as in the judgment of the Secretary of War and the Secretary of the Navy will be of greatest advantage to the Government and the development of the industry."

"In Mann Mr. Chairman on that I reserve the point of

Mr. MANN. Mr. Chairman, on that I reserve the point of

Mr. PADGETT. Mr. Chairman, pending the reservation, I wish to ask to have read the letter of the Secretary explaining the status with reference to the matter, which letter has just

been received.

Mr. MANN. Then, will the gentleman ask to have the matter

passed over?

Mr. PADGETT. Yes; I am perfectly willing to pass it over and return to it. On Saturday night I had a conversation with Dr. Wolcott, chairman of the Aviation Board, and he discussed with me the urgency and the importance of this matter, and then this morning I had a conference with the Secretary of the Navy. The matter has been submitted to the President, and the Secretary of War and the Secretary of the Navy and the President all unite in requesting this legislation. The letter will explain. I ask that the letter be read.

Mr. MANN. May I ask the gentleman before the letter is read if the purpose of this amendment is to buy the basic patents for aeroplanes? As I understand it, the Wright Bros. control

the basic patents?
Mr. PADGETT.

Mr. MANN. And the Wright Bros. and the Curtiss people are practically the only people who manufacture aeroplanes in the United States to-day?

Mr. PADGETT. Yes. Mr. MANN. Is it the intention to have the Government own the whole thing after it is over-to buy out the basic patents?

Mr. PADGETT. Yes; to buy out the basic patents

Mr. MANN. And then let aeroplanes be manufactured on

payment of a royalty to the Government?

Mr. PADGETT. This does not provide that; that is, it does not provide as to what policy may be adopted, but the letter explains the status in which the Government is placed at the present time with reference to the development of aero-

The CHAIRMAN. Without objection, the time of the gentleman from Tennessee will be extended for five minutes, in which

time the letter referred to will be read.

There was no objection.

The Clerk read as follows:

THE SECRETARY OF THE NAVY, Washington, February 6, 1917.

Washington, February 6, 1917.

My Dear Mr. Paddett: A serious state of affairs exists in securing aircraft for the Army and Navy. The National Advisory Committee for Aeronautics, in a communication dated February 5 to the President, calls attention to the fact that various companies are threatening all other airplane and seaplane companies with suits for infringement of patents. This letter to the President goes on to say:

"The result is a general demoralization of the entire trade. It is difficult to get orders filled, and in order to protect themselves in case they are forced to pay large license fees the companies have greatly increased the sale prices of their products. As the Army and Navy are the principal purchasers of aircraft in this country, they are paying a large increased cost, brought about by the uncertainty of the situation as regards aeronautic patents.

"The executive committee of the National Advisory Committee for Aeronautics has had the matter up under consideration, and finds that the situation is such that immediate action is necessary if the Government and the aircraft industry are to be protected and the art developed rapidly in order to meet the demands that will be made for aircraft in the immediate future.

"It appears that there are certain alleged 'basic' patents or possibly a single patent for aircraft that need to be considered in the executive situation, and it is the unanimous opinion of the executive committee that such basic patent or patents should be acquired by the Government, both for the development of national defense and also for civil purposes.

"In relation to the Wright patent (U. S. letters patent, No. S21393.

ment, both for the development of national defense and also for civil purposes.

"In relation to the Wright patent (U. S. letters patent, No. S21393, Issued on May 22, 1906, to Orville and Wilbur Wright for flying machines, and recently purchased by the Wright-Martin Aircraft Corporation, of New York City) Mr. H. E. Coffin, of the Council of National Defense, writes, under date of January 30, 1917:

"I am thoroughly of the opinion that we should take such steps as will open up the Wright patent freely to all manufacturers. It may be wise to use this patent as a rallying point for the industry; but no financial penalty of consequence should be exacted from individual manufacturers. It is only through some such arrangement as will permit the free extension of the commercial possibilities of aircraft through civilian channels that we may hope to build up a proper volume of business over a period of years. In short, I believe that we can and must arrange for a purchase of this patent on the part of the Government at a reasonable figure before we can hope to develop the quantity manufacture of aircraft."

"The Wright-Martin Aircraft Corporation referred to in December, 1916, sent out a letter and copy of agreement and application for license under the Wright patent, which, in the judgment of many of the aircraft companies of the United States, were prohibitory from a business point of view, and also injurious to the development of aircraft and the aircraft industry in the United States.

"It is the judgment of the executive committee of the National Advisory Committee for Aeronautics that provision should be made at the present session of Congress for the acquiring of such basic patent or patents in connection with the aircraft industry that the present unfavorable situation may be clarified, the Government protected from excessive charges for aircraft, and all aircraft manufacturers encouraged to go on and develop their business as rapidly as possible.

"At the present time the cost of aircraft appears to be excess

quickly corrected), and partly because the limited number of constructors, owing to the present uncertain condition of the industry, desire a large profit. These conditions at present operate to deter and prevent the investment of capital in an industry which is vital to national security and welfare.

"It appears that the available output of airplanes must be greatly increased to meet present demands and also that under existing conditions proper steps are not at present being taken to bring this capacity up to that which would be necessary in the event of sudden war."

capacity up to that which would be necessary in the event of sudden war."

In view of this statement and in order to meet the conditions presented, the Secretary of War and the Secretary of the Navy have recommended to the President the incorporation in the pending naval bill of the following:

"To enable the Secretary of War and the Secretary of the Navy to secure by purchase, condemnation, donation, or otherwise such basic patent or patents as he may consider necessary to the manufacture and development of aircraft in the United States and its dependencies, for governmental and civil purposes, under such regulations as the Secretary of War and the Secretary of the Navy may prescribe, \$1.000,000: Provided, That such arrangement may be made in relation to the control of any basic patent connected with the manufacture and development of aircraft in the United States as in the judgment of the Secretary of War and the Secretary of the Navy will be of the greatest advantage to the Government and to the development of the industry."

The President has approved the recommendation of the Secretary of War and the Secretary of the Navy, and I am forwarding it to you with his approval in the earnest hope that it may be incorporated in the pending bill.

I am sending you also a statement containing extracts from letters

I am sending you also a statement containing extracts from letters received from manufacturers of aircraft, in response to an inquiry from the executive committee of the advisory committee for aeronautics, of the effect upon the aircraft industry of the existing aircraft patent situation.

Sincerely, yours,

IOSEPHES DANIELS.

JOSEPHUS DANIELS.

Mr. PADGETT. Mr. Chairman, I ask also to have read a memorandum giving information from the aviation board ex-

plaining the situation-

Mr. BUTLER. Mr. Chairman, these letters are very important. It is impossible for me to hear the Clerk read the letters. Now, can we have this material printed and put in our hands within a short period of time. This involves Government ownership of this great big industry not only now but hereafter, and I think we would want to know what we are doing.

Mr. PADGETT. Very likely before we reach that we will

have it in print.

Mr. BUTLER. I understand, while the gentleman offers it here, there is a point of order pending; could not the gentleman agree that it go over?

Mr. PADGETT. I am going to ask that it be passed over

and returned to later.

Mr. BUTLER. If the gentleman, however, will find some means by which we can get copies of this letter we will be very greatly indebted to him.

Mr. ROBERTS of Massachusetts. Will the gentleman yield

for a moment?

Mr. PADGETT. Yes, sir.

Mr. ROBERTS of Massachusetts. Is there anything to indicate in the mind of the gentleman that we can acquire the basic patents of flying machines for anything like a million dollars?

Mr. PADGETT. I made the same inquiry, and my information

was that we could.

Mr. ROBERTS of Massachusetts. Acquire the basic patents?
Mr. PADGETT. That is what I understood, but I am only giving the gentleman the information as it came to me. I made

the same inquiry and I understand that it can be done.

Mr. STAFFORD. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. STAFFORD. Does the estimate include the price that will be required to pay for the improvements on the basic patents that are utilized in connection with alternate?

ents that are utilized in connection with aircraft?

Mr. PADGETT. I understand this would give us the basic ownership of the patents so we could operate, and it is a suggestion that has been worked out by the Aviation Board, sub-mitted to the Secretary of War, the Secretary of the Navy, and the President. That is the way it comes to me. I will state to the gentleman, however, that I have not had an opportunity to go into it personally, because it came to me, and my first notice, as I stated, I think it was Saturday, was that Dr. Walcott, the chairman of the board, called my attention to the importance of securing the patents, and that he would have forwarded to me communications on the subject. I received the communication since the sitting of the House this morning, but I did go by and had a conversation with the Secretary of the Navy this morning, and he stated to me in substance what I am stating now.

Mr. STAFFORD. In that connection may I inquire whether the gentleman or his committee has considered the question of the Government under a war exigency appropriating and using all patentable devices and paying a reasonable price for the

Mr. PADGETT. I suppose the Government could commandeer it in time of war, but this is a provision to acquire ownership

and prevent the exercise of that power, or remove the neces-

sity of it.

Mr. STAFFORD. Then, the gentleman's committee has not considered any phase of the question of appropriating patentable devices for the use of the Government in case of emergency?

Mr. PADGETT. This information which I now desire the

Clerk to read I desire to be available to the Members, and I

will ask the Clerk to read it.

The CHAIRMAN. The Clerk will read the matter indicated. The Clerk read as follows:

APPENDIX C.

EXTRACTS FROM LETTERS RECEIVED FROM MANUFACTURERS OF AIRCRAFT IN RESPONSE TO AN INQUIRY FROM THE EXECUTIVE COMMITTEE OF THE ADVISORY COMMITTEE FOR AERONAUTICS OF THE EFFECT UPON THE AIRCRAFT INDUSTRY OF THE EXISTING AIRCRAFT-PATENT SITUATION.

We understand that the Wright Co. is basing their license upon minimum royalty from every outside aeroplane manufacturer, amounting to \$10,000 per year, payable in advance, and in addition to this a 5 per cent royalty upon the gross amount of sales over and above the sale of \$200,000 worth of aeroplanes. We also understand that the Curtiss Co. has demanded from aeroplane manufacturers a royalty amounting to from 5 to 10 per cent of gross sales of any hydroaeroplanes or flying boats manufactured by outside companies.

It seems to us that if the Wright-Martin Aircraft Corporation and the Curtiss Co. are protected in their claims for such royalty that there is absolutely no chance for the outside manufacturer of aeroplanes to continue in business. Notwithstanding the fact that we are supplying the Wright-Martin Aircraft Corporation with our equipment, it would hurt our business to a great extent if outside aeroplane manufacturers were pressed by royalties upon patent claims to such an extent that they could not continue.

It also occurs to us that patent claims may be instigated by other companies and present such a complex state of affairs that aeroplane manufacturers in general would not find it possible to continue with the aeroplane manufacturing, which has only just recently been put on a basis which would otherwise result in an advancement in the aeroplane industry, which this country certainly needs.

Unless it is possible for the aeroplane manufacturers to protect themselves in some way against such a mass of complex difficulties, I feel that it will result disastrously for the advancement of the aeroplane in this country.

I understand that a similar condition arose among automobile manufacturers, and an organization was finally formed among them for the purpose of straightening out patent litigation, and I understand that the scheme has worked out most satisfactorily.

II.

Some several months ago, when I heard of the patent fortifications

II.

Some several months ago, when I heard of the patent fortifications which the Wright Co. were seeking to build around the aeroplane industry in their control. I called at their office, because some of us here were discussing the advisability of starting a real aeroplane manufacturing institution here.

I found from discussing the matter with their representative that they had very large ideas of royalties—so large that I considered any kind of a proposition that they were likely to make as prohibitive, because it would give any outside manufacturer such a handicap that it would be impossible to overcome it in competition with a company which had no such handicap.

The substance of my conversation with Orville Wright at that time was that the Wright Bros. felt that no one could fly ever without paying them royalty, and that they were not interested in going into the manufacturing end—only to sit back and collect royalty—and the royalty idea he had was exceedingly exalted. So that my best efforts at that time to establish an aeroplane department in connection with the Packard Motor Car Co. were frustrated by the Wright patents, as they were frustrated, as I have mentioned above in this letter, by the Wright Co., which has since added to it the name "Martin" as the result of a combination with the Glenn L. Martin Co., of Los Angeles.

Of course, I know more or less about the value of patents and what their effect is generally. There is no doubt whatever but that this consolidated-patent situation has had a very deterring influence on the development of aeroplanes in the United States, which I regard as very unfortunate.

We believe that the policy of capitalizing the Wright patent by such a syndicate is one which should be opposed by the United States Army and Navy, and, in fact, by any branch of the Government interested in aeronautics, as it merely means that the Government is obliged to pay an additional 5 per cent in the final analysis.

We believe that a far better arrangement could be arrived at by the Government taking over the patents, if such a thing were possible. We have felt from the beginning that a great deal of credit is due to the Wright Bros., but we do not feel that the New York corporation, by virtue of their capitalization and strength, should "bleed" the Government and retard the development by "wielding a cudgel" over the manufacturers, which would be in the nature of a trust and highly undesirable. ndesirable.

The Wright patent has been and is, in my opinion, a serious menace to the development and growth of the industry. No manufacturer (with the possible exception of the Curtiss Co.) could go forward under the agreement proposed. The industry has been waiting for a 'decision of the courts in the Wright-Curtiss suit. The situation is much the same as it was in the automobile business before the Selden patent was broken. The expansion and growth of the automobile industry has been marvelous since that decision.

There is a score of young men and inventors throughout New England who are studying aeronautics, but have been unable to secure the necessary capital owing to the menace of the Wright patents which are understood to be so broad and fundamental.

I firmly believe that the unsettled status of the Wright patents has been paramount in holding back the progress of aeronautic development in this country, and I furthermore believe that if the present situation is allowed to drift along in the same unset. d manner

the effect is going to be almost irreparably detrimental to our future, not only from a commercial but from a national defense standpoint. VI.

I believe that the attitude of the Wright-Martin Corporation in this matter, if they are able to carry it through to the conclusion that they wish, will have a very serious effect on the aeroplane industry, crushing out many worthy experimenters, stifling the development of many new and valuable inventions, and precipitating a controversy between the big aeroplane corporations, which may make it impossible to get financial support for any aeroplane enterprise. Its effect on the sources of supply for military aeroplanes and equipment for the Government will certainly be serious.

Apparently in response to this announcement by the Wright-Martin Co., the Curtiss Co. has announced that they will bring early action against all who make hydroacroplanes in infringement of the Curtiss statents, and there seems to be possibility of a great row between the Wright and Curtiss factions in which all but these two great corporations may be put out of business.

Mr. PADGETT Mr. Chairman I want to state to the com-

Mr. PADGETT. Mr. Chairman, I want to state to the com-

Mr. BUTLER. Whose statement is it? Mr. PADGETT. That statement was sent down to the Secre-It came to him from the Aeronautic Board—the Aviation Committee. I wanted to state that I have instructed that the letter of the Secretary and this information go as a rush order to the Government Printing Office as a committee print, and as soon as it is printed I will have the copies furnished here in the Now, I wish to ask, Mr. Chairman, that this amendment House. which I have submitted go over, and that the committee return to its consideration later.

The CHAIRMAN. The gentleman from Tennessee [Mr. Pad-GETT] asks unanimous consent that for the present this amendment, which has been read, go over and be returned to later in the consideration of the bill. Is there objection?

Mr. FARR. Reserving the right to object, will the gentleman permit me to embody in this matter information of great importance to the aeronautic field?

Mr. PADGETT, Read it, if you want to.

Mr. FARR. May I do so? Mr. PADGETT. Yes.

Mr. FARR. These facts are taken from the Army and Navy news in the Washington Herald of February 4 last. They are impressive in showing the great military use and benefit of air fleets and the tremendous importance to this country of imme-

diate and expeditious action:

The United States is woefully behind other nations in the number of trained men able to operate aeroplanes. Army officials estimate that the average man at the end of two years' service in the Army is worth one-half a soldier. An aviator able to fly after three months' instruction is worth 100 soldiers, An aviator they estimate. An expert aviator at the end of a year's training, according to Lord Kitchener, is worth an entire army corps, while Gen. Pershing declares that one aviator is the equivalent

of an entire cavalry squadron.
"It was not until Villa's raid on Columbus that this country awoke to the fact that eight aeroplanes were all we had available to meet an emergency, and that the names of Langley, Wright, Curtiss, and others, all American pioneers in America, were like the prophet, "not without honor save in their own country." Congress then passed an appropriation of \$17,000,000 for aeronautics for land and water defenses. Up to date close to \$25,000,-

000 has been allowed.

"To-day the United States lacks, in round figures, about 2,000 aeroplanes, 25 dirigibles, and 150 observation balloons to make this country seventh in aeronautic equipment for aeronautic defense. We have only about 100 trained military aviators, and plans to train about 400 more. Yet the aviation section of the Signal Corps has received about 1,400 applications from candidates. There is no dearth of men competent to fly and willing to learn; only the machines and equipment are missing, and that now is being supplied as rapidly as possible.

"Germany at present has more than 9,000 aviators and about 2,000 machines in daily use in the war zone, and she is building machines to carry 15 tons, equipped with high-speed motors of 300 horsepower. England has 107 aviation and kite-balloon training schools, and is rapidly drawing near her plan to have 10,000 aeroplanes in service. In the Royal Flying Corps there are all told 100,000 men, including officers, aviators, gunners, mechanics, repair men, and others connected with the business of

flying.

The Clerk read as follows:

Recruiting: Expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; purchase, rental, maintenance, operation, exchange, and repair of motor-propelled passenger-carrying vehicles for official use; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties, \$319,-228.84: Provided, That not exceeding \$26,500 shall be expended for the purchase of motor-propelled passenger-carrying vehicles.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on that item

The CHAIRMAN. The gentleman from Wisconsin reserves a

point of order on the paragraph.

Mr. STAFFORD. I do that, Mr. Chairman, in order to obtain information as to the need of motor-propelled passengercarrying vehicles in connection with recruiting, for which you appropriate \$26,500.

Mr. PADGETT. Yes, sir. Mr. STAFFORD. Wherein are motor vehicles necessary for

the purposes of recruiting?

Mr. PADGETT. The estimate was submitted by the department, and also testified to by Admiral Palmer, Chief of the Bureau of Navigation, in which he stated that in some of the other services the use of automobiles in enabling the recruiting officers to get around through the country and get in contact with the people at their homes and in their local communities was bearing very good fruit in aiding and assisting in recruitg. This is to purchase, I believe, 53 vehicles. Mr. STAFFORD. Do I understand this is for the purpose

of "joy rides," for recruiting officers to go and call on some

prospective recruits?

Mr. PADGETT. No. This is not for "joy rides." This is intended to be very advantageous. This is to buy a small machine at a limited cost. It has proven very helpful in naval

Mr. STAFFORD. Where has it been tried out, and where has it developed any results save the pleasure of the recruiting officer in taking automobile trips?

Mr. PADGETT. It has been tried out in the Marine Corps. Mr. STAFFORD. In what place or city has it been used where the Marine Corps has attempted to get enlistments?

Mr. PADGETT. I can not tell the gentleman that.

Mr. STAFFORD. I thought the policy of gaining enlist-ments in the Marine Corps and in the Navy was by means of illustrated posters and by having recruiting stations.

Mr. PADGETT. They use that method, and they use the

other also.

Mr. BUTLER. Mr. Chairman, before the gentleman concludes to make his point absolute, let me say to him that I have always been and am at this hour strongly epposed to compulsory military service. While I have my doubts as to the wisdom of employing automobiles to procure enlistments for the Navy of the United States, I was willing to subscribe to the views of my brethren on the committee that it would be advisable to have them here.

This method of procuring recruits has been successfully tried for the Marine Corps. The gentleman from Wisconsin [Mr. Stafford] asked where it had been tried successfully, and I am told that in southeastern Pennsylvania they go out to the villages and small places in these automobiles and talk to the young men who wish to know something about the service, and I think it will be pleasing to the gentleman from Wisconsin to know that the Marine Corps is rapidly filling up. We think that the success in obtaining these recruits is owing somewhat to the employment of these automobiles.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Kentucky?

Mr. BUTLER. Allow me first to say-Mr. SHERLEY. Right at that point. Mr. BUTLER. Very well.

Mr. SHERLEY. We have a recruiting station for the marines at Louisville, and also for the Army and the Navy. We have secured a good many men. I have never heard of automobiles as being needful to get them. We are also authorizing their use by all the postmasters in the country, and it seems it is almost carrying the thing to an absurd degree.

Mr. BUTLER. I will agree with the views of the gentleman from Kentucky, but I would like, if the gentleman will permit me, to reply to him that I would prefer to resort to any means before conscription. I am one of the number of those who do not want to have that handed to me in peace times, and therefore I contend that if it is successful in obtaining recruits for the Marine Corps, it may be successful in getting recruits for However rapid we may have been in gathering rethe Navy. cruits for the Navy, the responses are not as rapid as I would like to see them.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SHERLEY. Mr. Chairman, I wish further to reserve the point of order. A great many of us are now interested and have been interested in the past in helping the Navy and the Army in

getting a supply of men, but there is no reason why we should be swept off our feet and do things without consideration. Now, certainly nothing has been advanced here, beyond a general statement that they have found this thing of value, to justify us in spending \$26,000 to buy automobiles for use in the recruiting service. In the first place, if there is any great need of a particular trip being made that requires an automobile, it would be very much cheaper to rent a machine than to own automobiles. We have to spend enough money for important things to be a little careful about the expenditure of money for unimportant things, and a system that requires all of the aid such as now seems to be necessary in connection with its successful working is a system that is wrong fundamentally. You are not going to remedy your trouble about recruiting simply by furnishing officers with automobiles. I am surprised-and I say it with all proper respect for the members of that committee, for whom I have a high regard—that they should carry a loose item of that kind in connection with this bill.

Mr. BUTLER. I agree with the gentleman from Kentucky. It seems absurd that in order to provide men for the Navy we should provide Ford automobiles, not for officers but for enlisted

men engaged in recruiting.

Now, I want to make it plain to the gentleman from Kentucky and to the members of the committee, not by way of apology but by way of explanation, that I voted for this in order that I might do everything that was possible to avoid having the question put to me as to whether or not I am willing to vote for conscription in time of peace. I am willing to pay for posters and for literature and for men who will argue and reason with men who are willing to volunteer.

But to repeat what I have said to the gentleman from Kentucky, if this will help us to bring in enlistments voluntarily to the American Navy—and we need now from 17,000 to 20,000

men-I think it would be advisable.

Mr. SHERLEY. I might be willing to do things also in order to avoid conscription, though I am not ready to say I occupy the same position as the gentleman from Pennsylvania; but I would like to have some real information instead of some general statements that some officer has said that they were being used by marines with good results. That is a statement that is much easier to make than to prove. I submit to the House that we are not warranted by anything that has developed so far in expending \$26,000 for automobiles for recruiting stations.

If there is anything in the way of detailed information, I

should be glad to hear it.

Mr. PADGETT. The matter was recommended by the Secretary of the Navy, upon experience had in the Marine Corps.
Mr. SHERLEY. What experience?
Mr. PADGETT. It appeared in the hearings that they have

been trying it, and have gotten better results where they have used it, by going out in the country and getting in contact with the men in their homes and in their localities, than by waiting for them to come to a recruiting station in the city. It was also recommended by Admiral Palmer, the Chief of the Bureau of Navigation, who stated that it would be a matter of economy

as well as efficiency.

Mr. SHERLEY. I would like something more than conclusions. It is very easy for a man to say it is a matter of economy, but we are men of common sense. On what basis can it be figured as economy, and what concrete evidence is there

that it has been of value in the marine service?

Mr. PADGETT. Just simply the statements of the officers, who say that they get more recruits at less expense.

Mr. SNYDER. Will the gentleman yield?

Mr. SHERLEY. I yield to the gentleman.

Mr. SNYDER. I should like to say that in my section of the country, up in New York, there is extreme competition in getting men for all industries, and I have not a doubt that the automobiles for the use of officers to enlist men would be of great assistance, because pearly every concern of any magnitude in the country has automobiles to bring its men to work, and they have automobiles to go out and find the men. Now, if the Government wants to get men, it must get there first.

Mr. SHERLEY. You are not going to get men simply by get-ting there first. You are going to get men by offering inducements to the men for the work that they are engaged in, or because of the patriotism of men, and not because some officer rides out in an automobile to see them, instead of seeing them

in some other way.

Mr. SNYDER. But the gentleman must know that up in the State of New York the farmers now are compelled to have automobiles to take their men riding in the evening after their work is done, in order to keep them.

Mr. GARDNER. Will the gentleman yield to me for a minute?

Mr. SHERLEY. My time has expired, but I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. SHERLEY. Now I yield to the gentleman from Massa-

Mr. GARDNER. The debate is all proceeding by unanimous consent under the reservation of the point of order. fact that when the Secretary of the Navy appeared before the Naval Affairs Committee in December last he recommended that \$5 a month more apiece be paid to the enlisted men, and was not that his principal recommendation and this only a minor one? The gentleman knows that the Navy is 24,500 men short, and it is a serious question how you are going to get them-24,500 out of a total authorization of 77,956, one man short in every three.

Mr. SHERLEY. I am not questioning the shortness of men, nor am I questioning the desirability of getting them, but I have yet to be convinced that the automobile route is the desirable or the successful route to recruiting. I am perfectly willing to spend money for real things. Some of my friends think I am a little too willing, but I am not willing to spend \$26,500 to buy automobiles on the information that we now have.

make the point of order.

The CHAIRMAN. The gentleman from Kentucky makes the

point of order.

Mr. MANN. The item is not subject to a point of order. We passed a law a few years ago specifically providing that there should be no money used for the purchase of automobiles unless it was authorized in an appropriation, and conveying the authority to authorize it in the appropriation, and every one of the regular appropriation bills contains the authority to use more or less money in the purchase and maintenance of auto-mobiles, just as the District of Columbia appropriation bill did Those items were not subject to a point of order.

Mr. SHERLEY. If the gentleman will permit, we can get at it very much more easily. I withdraw the point of order and move to strike out, on page 7, line 8, beginning with the word "provided," down to and including the word "vehicles" in line 10.

Mr. MANN. But that would leave the whole item subject to

be expended on automobiles.

Mr. SHERLEY. I am not quite so sure about that proposi-

Mr. MANN. Why, certainly. The paragraph provides for the purchase and maintenance of motor-propelled vehicles, and this proviso is a limitation. There is no question about that. The language of the paragraph would authorize the expenditure of \$319,000 for the purchase and maintenance of automobiles. am sure the gentleman does not want that.

Mr. PADGETT. The gentleman is moving to strike out the

limitation that the committee saw fit to put in.

Mr. MANN. The limitation on the amount that may be spent for automobiles

Mr. SHERLEY. I move to strike out the figures "\$26,500," and to substitute the figures "\$500."

The CHAIRMAN. The gentleman from Kentucky withdraws his point of order and offers an amendment which the Clerk will

The Clerk read as follows:

Page 7, line 8, strike out the figures "\$26,500," and insert in licu thereof "\$500."

Mr. PADGETT. I hope that amendment will be voted down, Mr. Chairman.

The CHAIRMAN. The question is on the amendment.

The question being taken, on a division (demanded by Mr. PADGETT) there were—ayes 39, noes 27.

Mr. PADGETT. I demand tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. Pan-GETT and Mr. SHERLEY.

The committee again divided; and the tellers reported-ayes

Accordingly the amendment was agreed to.

The Clerk read as follows:

The Clerk read as follows:

Arming and equipping Naval Militia: For the pay, subsistence, and transportation of such portion of the Naval Militia and National Naval Volunteers as shall engage in actual service or instruction afloat or on shore, and for pay, transportation, and subsistence of any part of the Naval Militia as shall participate in any cruise, maneuvers, field or other instruction, or encampment of any part of the Regular Navy afloat, on shore, or in the Office of Naval Militia Affairs; for prizes, trophies, and badges for excellence in gunnery exercises and target practice of the Naval Militia; for the purpose of providing for issue to the Naval Militia any stores and supplies or publications which are supplied to the Navy by any department; for the actual and necessary traveling expenses, together with a per diem not to exceed \$10 to be established by the Secretary of the Navy, of the Naval Militia Board appointed by

the Secretary of the Navy; and for the necessary clerical and office expenses of the Office of Naval Militia Affairs in the Bureau of Navigation, and for retainer pay of officers and enlisted men, and traveling and other necessary expenses of the Naval Militia and National Naval Volunteers, \$1,527,617.70.

Mr. PADGETT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 11, after line 5, insert as a separate paragraph the following: "For the completion of the alteration, installation of machinery, and repair of the U. S. S. Topeka, \$85,500."

The amendment was agreed to.

The Clerk read as follows:

The Clerk read as follows:

Any former member of class 1 of the United States Naval Reserve, established by the act of March 3, 1915, "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," who shall have reenlisted in the Navy prior to May 1, 1917, shall be held and considered to have reenlisted within four months from the date of discharge from the Navy for the purpose of continuous-service pay. And any such member of the said Naval Reserve who was serving therein on August 29, 1916, shall upon his application therefor, any time prior to July 1, 1917, be enrolled in the Naval Reserve Force, and any such person so enrolled shall, for all purposes, be considered as having served continuously in such Naval Reserve Force since August 29, 1916, with due credit for previous and continuous service in the Naval Reserve in the same manner and to the same effect as for equal length of service in the Naval Reserve Force: Provided, That no such enrolled person shall receive any back pay or allowances for any period during which he shall have received pay or allowances, or either, for service in any other branch of the naval service, regular or reserve.

Mr. MANN. Mr. Chairman I reserve a point of order on the

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. What is the purpose of the provision which says:

Any former member of class 1 of the United States Naval Reserve, established by the act of March 3, 1915, "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," who shall have reenlisted in the Navy prior to May 1, 1917, shall be held and considered to have reenlisted within four months from the date of discharge from the Navy for the purpose of continuous-service pay.

Mr. PADGETT. There was a naval-reserve force created by the act passed in 1915, and a number enlisted in that re-serve. In the naval appropriation bill in the last Congress, passed on the 29th of August, there was new legislation with reference to the Naval Reserve. It is found that the last legislation repealed the former. There were 200 or 300 men who had enlisted in the Naval Reserve under the act of 1915 who were not members of the Naval Reserve as created by the act of August 29, 1916. The committee supposed that they would pass right in, but it is held that they can not. This is to allow the ones who were in the first Naval Reserve under the law of 1915 to be transferred to the Naval Reserve and be members of that Naval Reserve under the law created by the act of August 29, 1916, without loss of benefit of their time.

It gives them the benefit of the provisions of August 29, 1916, with reference to the enlistment in the Navy, and the benefit of a continuous service and pay as though they had been members of the last Reserve Corps from the beginning.

Mr. MANN. I have no doubt the gentleman's statement is correct, although that does not seem to be the way the bill reads. "Who shall have reenlisted in the Navy prior to May 1, 1917, shall be held and considered to have reenlisted within four months from the date of discharge from the Navy.

Of course, men who are in the Naval Reserve whose time expires and reenlist within four months, get some special pref-

Mr. PADGETT. Under the general law they get a benefit—Mr. MANN. I understand that. The gentleman states that the trouble arose because the act of last August dismissed a lot of men who were in the Naval Reserve. Is that correct?

Mr. PADGETT. That is what I understand.

Mr. MANN. That is because the Naval Committee incorporated a careless provision in the law, or else the Navy Depart-ment made a foolish decision as to what the law was. Which

Mr. PADGETT. It never occurred to us when we passed the law of August 29, 1916, that that would be the effect of it.

Mr. MANN. It is inevitable that either there was a careless provision in the law passed or else there was a foolish decision by the authorities as to what it meant. I want to know which

Mr. PADGETT. It was a decision by the comptroller holding that the last law superseded the first law, the effect of which was that these men found themselves out.

Mr. MANN. Everybody knows that if you pass a law to-day and another one to-morrow on the same subject, that the last one will operate as a repeal of the first. Why were not these men taken care of?

Mr. PADGETT. It was a matter that did not occur to the committee or the department in making its recommendations for the legislation:

Mr. MANN. Of course, we all know how those things are done. Some clerk in the Navy Department wrote the draft of the bill and sent it to the chairman of the committee. The committee may have considered it, or it may have been presented on the floor without any pretense of consideration by the committee. That is the form that this comes here in, and this was prepared in the same way.

Mr. PADGETT. No. May I state to the gentleman that the provisions of the law of August 16, 1916, were prepared by Admiral Blue, chief of the bureau, and he stated to us that he gave very great consideration to it.

Mr. MANN. Theoretically he prepared it, but, of course, he

did not actually prepare it.

Mr. PADGETT. I understand that he actually prepared it. Mr. MANN. That accounts, probably, for the fact that it was not well prepared. I was trying to excuse him, but if the head of a bureau undertakes to draft a bill, I am quite sure that it never will be well prepared. It ought to have been prepared by a clerk who knew something about it.

Mr. PADGETT. He was a member of the board that was preparing special legislation with reference to personnel.

Mr. MADDEN. I thought that the Naval Committee prepared and submitted legislation for the House.

Mr. PADGETT. The naval authorities make recommendations and frequently accompany those recommendations with a draft. The committee considers it, and sometimes makes very material changes in it.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

Schools or camps of instruction, Naval Reserve Force: For equipment and maintenance of schools and camps established for the purpose of instructing members of and applicants for membership in the Naval Reserve Force, \$30,000.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. There are several kinds of naval reserves now, I take it, under the law passed last year?

Mr. PADGETT. Under the law authorizing the Naval Reserve Force it is composed of men coming in from different occupations

and different services.

Mr. GARDNER. Different subdivisions of the Naval Reserve Force, and one subdivision is the men who have finished their term of service with the Navy.

Mr. PADGETT. That is called the fleet naval reserve. Mr. GARDNER. I thought it was the Naval Reserve. Mr. PADGETT. It is the fleet naval reserve.

Mr. GARDNER. At any rate, the particular subdivision which consists of men who have finished their service—

Mr. PADGETT. Ex-enlisted men.

Mr. GARDNER. Recent ex-enlisted men. How many are there in that division?

Mr. PADGETT. As I remember it now, I understand that any ex-enlisted men who go into the Naval Reserve go into the fleet naval reserve.

Mr. GARDNER. Unless they are retired enlisted men?

Mr. PADGETT. Yes.

Mr. GARDNER. Does the gentleman have any idea of how many men there are, as a matter of fact, in that particular branch of the naval reserve force?

Mr. PADGETT. No. I had a statement the other day that they had altogether 845 who had gone into the reserve since August 29, 1916. Of course you understand that this has to be promulgated and regulations prepared and got out into the

Mr. GARDNER. I read Secretary Daniels's statement as to what Capt. Blue had told him about notifying enlisted men aboard the Texas of the advantages of the reserve, but what

Admiral Palmer, chief of the bureau, just a day or two ago.

Mr. GARDNER. What I want to get at is this: I saw somewhere an estimate that we could depend upon 10,000 reservists

in the sense that I have been using that term. Mr. PADGETT. Admiral Blue stated when he was chief of

the bureau, in a former Congress—and I believe in the Congress before the last, though it may have been in the last session, as that ran over a very long period of time—that he had a list upon which he had the names and addresses of many thousands of the ex-enlisted men, and that he thought these men would be available in case of emergency, and that there was more or less correspondence kept up to know the addresses and whereabouts of the men.

Mr. GARDNER. A couple of years ago Admiral Blue and the Secretary of the Navy submitted to the gentleman's com-mittee a memorandum in which they anticipated that in the

very first year that the Naval Reserve was organized they would get 6,500 men. As a matter of fact they got some 400, I think. What I want to get at is how many fleet reservists do they estimate they will get by their new plan?

Mr. PADGETT. Admiral Palmer submitted a statement the

other day that from the information he had before him he was hoping that during the next fiscal year he would be able to in-

crease the reserves to something like 10,000.

Mr. GARDNER. I saw that statement. Does the gentleman think the admiral's statement is likely to be fulfilled under

ordinary circumstances?

Mr. PADGETT. Admiral Palmer feels very much encouraged over it. He says as he has gotten this information and the benefits afforded in the legislation of August 29, 1916, out among the service, it is giving very great pleasure and satisfaction, and is being very heartily and cordially received among the men, and he anticipates that as it spreads among the enlisted men it will bring in a large number and a much more satisfactory number than heretofore

Mr. GARDNER. It is true, however, that we appropriated in the appropriation bill of 1915 for something like 5,000 re-

servists at that time, and that you got only some 400.

Mr. PADGETT. That act of 1915 was so meager in the benefits or the retainer pay that it gave to the retired men or to others to go into the reserve, that it did not appeal to them, and because of that this legislation of 1916 was provided and substituted, giving much better and more advantages.

Mr. GARDNER. But, as a matter of fact, did not the Bureau of Navigation last year tell the gentleman's committee that if we enacted that Navy reserve legislation—and we enacted what the Secretary asked us for-we would get 6,500 men the

first year Mr. PADGETT. The Bureau of Navigation did expect good

results from it

Mr. GARDNER. Has the gentleman any reason to believe that we shall get better results under this new plan, because there is no use in fooling ourselves about these things?

Mr. PADGETT. I think much better, because we gave in the legislation in 1916 advantages and benefits that are so far in advance and so far superior to what was afforded in the act of 1915 that I think it will appeal to the men in the service.

The CHAIRMAN. The time of the gentleman from Massachu-

setts has expired, and the Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

Naval Home, Philadelphia, Pa., pay of employees: One secretary, \$1,800; 1 foreman mechanic, \$1,800; 1 superintendent of grounds, at \$900; 1 steward, at \$900; 1 store laborer, at \$540; 1 matron and office assistant, at \$600; 1 beneficiaries' attendant, at \$360; 1 chief cook, at \$540; 1 assistant cook, at \$420; 1 assistant cook, at \$360; 1 chief laundress, at \$300; 5 laundresses, at \$240 each; 1 chief scrubber, at \$300; 3 scrubbers, at \$240 each; 1 head waitress, at \$360; 8 waitresses, at \$240 each; 1 kitchen attendant, at \$420; 9 laborers, at \$420 each; 1 stable keeper and driver, at \$540; 1 master at arms, at \$720; 2 house corporals, at \$480 each; 1 barber, at \$480; 1 carpenter, at \$960; 1 painter, at \$960; 1 painter, at \$420; 1 engineer, \$960; 4 laborers, at \$600 each; 2 laborers, at \$600 each; 1 laborer, at \$420; total for employees, \$27,840.

Mr. STAFFORD Mr. Chairman, I reserve the point of order

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the paragraph. My purpose is to ascertain from the chairman of the committee the policy the committee has followed in providing increased salaries for some of the help carried in the bill. In the item under consideration every person has been increased from 10 to 15 and 20 and even higher per cent, and in other items of the bill I notice the salaries have been in some instances

generally increased.

Mr. PADGETT. There are very few increases in the bill. In this item for the naval home these salaries are paid out of the interest upon what is known as the Navy pension fund. That fund was created by the prize money of the Navy, dating away back in the early history of the country, which money the Government holds as a trust fund, and the interest upon which it devotes to the maintenance of the Navy home, and the surplus is turned over for the respect to the maintenance of the Navy home, and the surplus is turned over for the payment of pensions and goes into the pension fund. These increases were all recommended by the governor of the home and approved by the department, and they are all of so small character that the committee inserted them just as they were recommended by the governor of the home and the Navy Department.

Mr. STAFFORD. While I am on my feet I would like to put this further question, which, I believe, is embodied in my original query, as to what policy the committee followed in the increase of salaries. I notice throughout the bill that the committee has made increases of salary where it was not paid out

of the naval pension fund.

Mr. PADGETT. There are some salaries increased at the Naval Academy and new employees created. This is on account of the reorganization as provided for in the bill of last year, and there were a number of others, very few outside of the

Naval Academy, and the committee has dealt with each case as it came up on the merits of that case and having in mind the service that was performed and the salary that was received.

Mr. STAFFORD. Then the committee did not adopt any general rule in reference to the increase of salaries on any horizontal

basis?

Mr. PADGETT. We did not. Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

The Clerk read as follows:

BUREAU OF ORDNANCE.

Ordnance and ordnance stores: For procuring, producing, preserving, and handling ordnance material; for the armament of ships; for fuel, material, and labor to be used in the general work of the Ordnance Department: for furniture at naval magazines, torpedo stations, and proving grounds; for maintenance of the proving ground and powder factory and for target practice; for the maintenance, repair, or operation of horse-drawn passenger-carrying vehicles, and one motor-propelled passenger-carrying vehicle, to be used only for official purposes at naval magazines, the naval proving ground, Indianhead, Md., and naval torpedo stations, and for pay of chemists, clerical, drafting, inspection, and messenger service in navy yards, naval stations, and naval magazines: Provided, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for chemists, cierical, drafting, inspection, watchmen, and messenger service in navy yards, naval stations, and naval magazines for the fiscal year ending June 30, 1918, shall not exceed \$600,000; in all, \$7,602,485.

Mr. PADGETT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 18, lines 25 and 26, after the words "1918." strike out the words "shall not exceed \$600,000; in all, \$7,602,485" and insert in lieu thereof "shall not exceed \$750,000; in all, \$8,848,323."

Mr. SHERLEY. What is the reason for it?
Mr. STAFFORD. Mr. Chairman, I think some explanation should be made of the item which makes an increase of \$800,000, even though it is carried in a naval appropriation bill providing for \$350,000,000.

Mr. PADGETT. Mr. Chairman, I will read from a memo-

randum from the department:

This is the bureau's regular working appropriation for procurement, maintenance, repair, upkeep, and handling of ordnance material. The increased amounts are required to cover the following items, which were in the original estimates, with the exceptions of items (f) and (g), which are due to new conditions:

(a) Fire-control and optical instrument, \$206,500; (b) 14-inch gun hoops and liners, \$70,000; (c) trinitrotoluol, \$75,000—

That is a high-explosive powder-

(d) aircraft bombs, \$50,000; (e) equipment for torpedo-testing barge, \$50,000; (f) increase pay due to new wage schedules now in force, \$280,000; (g) additional subinspectors, \$150,000; (h) 21-inch firing tube for Keyport torpedo station, \$5,000.

Those are the items, and it is due to the enlarged activities necessitated by the enlarged conditions of the Navy created by the act of August 29, 1916. You will bear in mind that in that bill we appropriated for one item-that is, for ammunitionabout \$40,000,000 last year. That is to enlarge the work of the Ordnance Department and on account of these new conditions which have arisen, with which the gentleman is entirely familiar.

Mr. STAFFORD. Was this enlarged amount generated in the

last few months or last few days?

Mr. PADGETT. Well, some is due on account of the impera-tive necessity and some has been brought about in the last few days, but the most of it was known at the beginning and was submitted by the bureau to the Secretary, but the Secretary thought that some of it could be dispensed with until these conditions have arisen at this time.

Mr. BUTLER. They were part of the original estimates.
Mr. PADGETT. They were part of the original estimates sent to the Secretary, and the Secretary thought when things were running differently from what they are now they might be dispensed with, but the conditions now call for them instead of postponing them.

Mr. STAFFORD. I suppose there are many other similar in-stances where the gentleman intends to increase the amounts

carried in the bill?

Mr. PADGETT. A number of them I have here that reached me this morning, but the discussion of which has been heretofore necessitated by this condition for enlarged operations and

enlarged preparations.

Mr. STAFFORD. Can the gentleman give any idea of the total amount involved in the revised estimates on account of

extraordinary conditions?

Mr. PADGETT. No, sir; but it will be a very considerable

Mr. STAFFORD. Running into the millions, I suppose?
Mr. PADGETT. Running into three or four million, probably.

Mr. STAFFORD. I withdraw the pro forma amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For Naval Gun Factory, Washington, D. C.: New and improved machinery for existing shops, \$307,036; repairs and betterments to present facilities, \$315,200; machinery and equipment for new gun shop, \$1,798,500; in all, \$2,420,736.

Mr. PADGETT. Mr. Chairman, I wish to offer an amendment. The Clerk will find the amendment at the top of the letter and the reason given for it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, under "Naval Gun Factory, Washington, D. C.," lines 13 and 14, strike out all after the word "facilities" and insert "\$395,200; machinery and equipment for new gun shop, \$1,798,500; in all, \$2,500,736."

Mr. Chairman, I wish to inquire as to the appropriation of \$1,798,500, which is new, for machinery and equipment of new gun shop, whether that appropriation will equip the shop complete with the machinery as contemplated by the department?

Mr. PADGETT. No, sir; I presume not. It will take care of all they would be able to make and handle during the year.

They are continually adding to it in new machinery

Mr. STAFFORD. I am quite aware there are new types of machinery, borers, lathes, and other devices of automatic types which require installation from time to time, but I was wondering whether the appropriation of \$1,790,000 would virtually put

this new machine shop in running condition.

Mr. PADGETT. Yes, sir; where you insert the word "virtually" at all. But when you said "to absolutely complete" I made the reservation as to the absolute completion of the

machinery

Mr. STAFFORD. I assume, then, from the gentleman's last statement that he could have replied "yes" to the former query I propounded to him? Of course, nothing is complete, so far as a Government establishment is concerned. They always find need for further appropriations to put it in a more up-to-date condition.

Mr. PADGETT. The Government holds on to its machinery more tenaciously than do the private yards. They scrap ma-

chinery more readily than the Government yards do.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Tennessee [Mr. PADGETT].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Projectile plant: To complete the erection and equipment of a plant for the manufacture of projectiles, on a site to be selected by the President, including the employment of all necessary expert, drafting, and clerical assistance, \$705,611, to be available until expended.

Mr. LONGWORTH. Mr. Chairman, I reserve a point of I would like to know when this was authorized and just what the authorization was.

Mr. PADGETT. It was authorized in the act of August 29.

Mr. LONGWORTH. Well, the phraseology here is "to complete the erection and equipment of a plant"; and then, further on "one of the baselested by the President". ther on, "on a site to be selected by the President." Has that

site been selected?

Mr. PADGETT. It has not been selected yet. The President has appointed a board. You remember there was also an armorplate factory provided for in the bill of last year, and I under-stand it was the purpose of the department and the President to locate the two in connection or conjunction with each other. And he has appointed a board to visit and investigate and examine and make a report as to the proper location of the plant. There are a number of places that have been offered in various States, and that board is engaged in that investigation at the present time. They have not yet reported.

Mr. LONGWORTH. Why are the words "to complete"

used?

Mr. PADGETT. Because last year there was a limit of cost upon the amount to construct, and we appropriated one half of it. This is the remaining half that was to complete that

factory.

Mr. LONGWORTH. The authorization was for twice the

Mr. PADGETT. Twice this amount; and we appropriated

last year one half of it, and this is for the other half.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

New batteries for ships of the Navy: For liners for eroded guns, to be available until June 30, 1919, \$100,000; for one 12-inch, 45-caliber gun, to be available until June 30, 1919, \$60,000; for antiaircraft guns

and mounts complete, to be available until June 30, 1919. \$341,000; for 1-pounder boat guns and mounts complete, to be available until June 30, 1919, \$162,000; in all, \$663,000.

Mr. PADGETT. Mr. Chairman, I wish to offer an amend-

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Padgett: On page 20, under "New batteries for ships in the Navy," line 1, strike out "\$341,000" and insert "\$929,000"; for machine guns and equipment, "\$1,250,000." And on line 4 strike out "\$663,000" and insert "\$2,100,000."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. STAFFORD. Mr. Chairman, is this another instance of where the committee shaved down the original estimate on the recommendation of the Secretary of the Navy and has now re-

ceived the suggestion that it be restored to the original amount?

Mr. PADGETT. No, sir. The committee put in the amount, as I remember it, that was submitted in the original estimates, but they were distributing and procuring and getting all of these This is for antiaircraft guns. I will ask the Clerk to read the statement. It is very short.

Mr. BUTLER. Antiaircraft guns on the ships. Mr. PADGETT. Let the Clerk read the statement.

The Clerk read as follows:

This is to provide for 32 additional antiaircraft guns and mounts which are required for installation on vessels other than battleships for which no provision has been made.

by the department Mr. BUTLER. Mr. Chairman, what is the date of that

letter?

Mr. PADGETT. It came just this morning.
Mr. BUTLER. I understand.
Mr. PADGETT. They want these things now instead of distributing them over several years, as was at first contemplated.

Mr. BUTLER. This is for additional ones? Mr. PADGETT. This is for additional ones, and for additional ships not provided for, thinking that when things are running differently from what they are now some of them could be taken care of this year and others next year.

Mr. STAFFORD. The radical increase is in the last item,

increasing it from \$162,000 to over \$2,000,000?

Mr. PADGETT. Yes, sir. Mr. STAFFORD. Where Where are those guns to be used?

Mr. PADGETT. On various small boats. For instance, they put a gun upon a very small boat that chases submarines, and on small craft generally.

Mr. STAFFORD. Is this that new boat called "submarine

Mr. PADGETT. Yes; a type of boats used for that. The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Batteries for merchant auxiliaries: For batteries for merchant auxiliaries (to cost not exceeding \$4,367,174), to be available until expended, \$1,650,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. Why would it not do to make this appropriation available June 30, 1919?

Mr. PADGETT. Well, sir, I do not know of any reason. We

are putting in the language that has always been carried in it. It has been carried in ammunition for the ships, and the ordnance. It has been a continuing fund and has always been

Mr. MANN. I know, but the next item, and two, three, or four items that follow it, are in the same language in the bill. Now, if the money is to be expended within a reasonable time, a limit of two years is a reasonable time. There is no way absolutely of knowing anything at all about what the Government's obligations are if you make all sorts of appropriations available until expended.

Mr. PADGETT. I have no objection to making that 1919.

Mr. MANN. Last year we made the change in some of the other items which you carry now two years ahead.

Mr. PADGETT. And the reason for that is the getting of ordnance material.

Mr. MANN. I understand you can not do it very well in a year.

Mr. PADGETT. There is a great deal of difficulty in getting it, and some of it runs over two years

Mr. MANN. It is easily reappropriated.

Mr. PADGETT. If the Government does the work itself, it takes often over two years. And, of course, it could be reappropriated.

Mr. MANN. In some of these items the money will not be

used for 10 years under normal conditions.

Mr. PADGETT. Suppose you make it 1920. I have no objection.

Mr. MANN. I have no objection.
Mr. PADGETT. Then I will offer an amendment there to strike out "until expended" and say "June 30, 1920."

The CHAIRMAN. The gentleman from Tennessee offers an amendment to line 7, page 20.

The Clerk read as follows:

Amend, page 20, line 7, by striking out the word "expended" and insert in lieu thereof the words "June 30, 1920."

Mr. PADGETT. Now, I have another amendment to offer.
Mr. STAFFORD. Mr. Chairman, will the gentleman permit
an interruption right there? Do I understand that under the
preceding item only \$629,000 will be available until June 30, 19203

Mr. PADGETT. No; it applies to that whole paragraph.

Mr. STAFFORD. It says there shall be available \$1,250,000. Mr. PADGETT. It applies to the whole appropriation in the

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I have another amendment. The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 20, "Batteries for merchant auxiliaries," lines 6 and 7, strike out all after "to cost not exceeding" and insert: "to cost not exceeding \$5,781,174, to be available until expended, \$4,131,174."

Mr. PADGETT. Now, Mr. Chairman, I ask to amend that amendment by striking out the word "expended" and inserting the words "June 30, 1920."

The CHAIRMAN. The Clerk will report the amendment as

amended.

The Clerk read as follows:

Amend the amendment by striking out the word "expended" and inserting in lieu thereof the words "June 30, 1920."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. STAFFORD. Mr. Chairman, this is an increase of \$2,500,-000 over that carried in the bill.

Mr. PADGETT. The reasons are very clearly and succinctly stated. I will ask the Clerk to read in my time the reasons the department has given.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

The Clerk read as follows:

The original estimate for completing this project was \$2,717,174, of which only \$1,650,000 was included in the bill. To this it is now found necessary and advisable to add the following items and to make available the total of the estimate:

(a) One thousand four hundred 1-pounder guns and mounts for use on auxiliary patrol vessels, \$1,134,000. The bureau originally contemplated providing 1,000 such guns and mounts, and has recently been advised that the General Board considers that 2,400 such guns will be required. There are no unassigned guns of this caliber available at the present time; manufacture of new guns should be undertaken without delay with a view to arming submarine chasers.

(b) It is desired to purchase 10,000 .30 caliber rifles and 4,000 automatic .45 caliber pistols and belts for the use of the crews of patrol bolts, armed merchantmen, and naval auxiliaries, at an estimated cost of \$280,000. This item was not included in the original estimates as its immediate need was not at that time apparent.

Mr. STAFFORD. Mr. Chairman I would like to direct this.

Mr. STAFFORD. Mr. Chairman, I would like to direct this further inquiry to the gentleman, particularly as to the effect of the phraseology "to be available until June 30, 1920." I assume that this amount will not be immediately available, but only available beginning the fiscal year July 1, 1917.

Mr. PADGETT. Under the language of the bill as it is ordinarily passed it will not be, but if Congress should insert a general provision at the end of the bill, a provision which I am considering offering, to make all the appropriations in the bill, in the discretion of the President, immediately available, it would be immediately available.

Mr. STAFFORD. Under the present phraseology it would not be available until the beginning of the fiscal year?

Mr. PADGETT. It would not.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Tennessee.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Ammunition for merchant auxiliaries: For ammunition for merchant auxiliaries, to be available until expended, \$1,500,000.

Mr. PADGETT. Mr. Chairman, I offer an amendment there. I notified the House that there were a number of these amendments.

Mr. STAFFORD. The gentleman said they would not amount to more than \$2,000,000 or \$3,000,000. Gentlemen would not be surprised if there were a hundred millions, judging by the way

they are going.

The CHAIRMAN, The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Page 20, under "Ammunition for merchant auxiliaries," on line 10, strike out "expended, \$1,500,000" and substitute "expended, \$7,281,941."

Mr. BUTLER. Mr. Chairman, may I have leave to ask the chairman of the committee a question? Even to me that is almost shocking. It is quite surprising.

Mr. PADGETT. Read the reasons given there. The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The estimate for this item was originally \$5,811,941, but it was considered sufficient to provide for immediate use \$1,650,000. It is now strongly advisable to provide the amount contained in the original estimate and to add thereto the following:

(a) Ammuntion for 1,400 additional 1-pounder guns, \$1,470,000, so as to permit of the undertaking of the actual manufacture and procurement of all ammunition required for the use of merchant auxiliaries.

Mr. STAFFORD. Mr. Chairman, I presume the gentleman is going to amend the amendment by following the suggestion of the gentleman from Illinois [Mr. Mann] to have this made avail-

able only until June 30, 1920.

Mr. PADGETT. Yes. Strike out the word "expended" and insert "June 30, 1920."

Mr. SHERLEY. Mr. Chairman, I would like to ask a question. Here are amendments of very great size, with only four or five lines in explanation. Has not the committee seen fit to obtain a little bit more information than is being given by these memoranda that are being sent down by the department?

Mr. PADGETT. These matters came down this morning, but, as I stated to the gentleman, this matter has been gone into by the department, which, as the gentleman is aware, has instituted a method of being in touch with and having a register of a large number of merchant ships that would be brought, in case of an emergency or of war, into the naval service as naval auxiliaries. They require small guns and ammunition for small guns. There are a large number of those ships, with the owners of which the department has made arrangements, and it has them upon the list available and has its plans all made and consummated, in case of war, to take them over and to proceed with them as naval auxiliaries.

When the matter was first submitted to the committee conditions were very different from what they are now, and the department estimated for the next fiscal year the amount set out here in the bill-\$1,500,000-and that next year it would take still more, stating that the total cost was estimated to be so much. They are now asking for much more than they asked for at the time of the hearing, because of the changed conditions. It is a question whether we will do it now or postpone it.

Mr. SHERLEY. Of course, what we are doing is practically to appropriate large sums, on the general belief that they may be needed.

Mr. PADGETT. Yes. Mr. SHERLEY. If actual war comes, we will probably appropriate a good many million dollars in lump sums. I was just wondering what the need was for dividing these things up into these supposed divisions, when in point of fact we are taking these things on faith, and unless war comes we will not need to make these appropriations.

Mr. PADGETT. This is submitting it to Congress for a

definite amount, for a definite and specific purpose, and Congress knows for what purpose this appropriation is made.

Mr. SHERLEY. I quite appreciate that; but I appreciate

also what the gentleman is going to learn after this bill becomes a law—that if his committee does what it ought to do, checking up balances in the Treasury Department and finding out the status of naval work in connection with any one of these items, it will have a task that will be herculean, to say the least. fortunately there is apparently nothing else that we can do.

Mr. PADGETT. I do not know of anything else that we can do at this time

The CHAIRMAN. The question is on the amendment. The question being taken, on a division (demanded by Mr.

PADGETT) there were—ayes 43, noes 5.

Accordingly the amendment was agreed to.

The Clerk read as follows:

Defense of naval stations: For defense of naval stations, to be available until expended, \$1,000,000.

Mr. SHERLEY. Mr. Chairman, I reserve a point of order. I understand that this item is for the purpose of building antiaircraft guns, to be put at the naval stations. Is that true?

Mr. PADGETT. Yes; that is what I understand. We made an appropriation in the bill last year for that purpose, and this

is for the same purpose.

Mr. SHERLEY. I question exceedingly whether the Naval committee has jurisdiction of any such item as this. I am not going to make a point of order now, because I think it is important that it is important that these guns should be had; but I want my statement to show that the failure to make a point of order is not a recognition or an admission at all of the jurisdiction of the Committee on Naval Affairs; because in the future, when emergencies do not exist, and when we can exercise some individual judgment touching these matters, I think it is important that the question be threshed out.

I would like to ask the gentleman for information the character of these antiaircraft guns, whether they are to be on fixed

emplacements, or whether they are to be mobile?

Mr. PADGETT. Many of them are to be on fixed emplacements. I will read from the hearings. Admiral Strauss was before the committee.

ments. I will read from the hearings. Admiral Strauss was before the committee.

The Charman. Admiral, the next item is, "Defense of naval stations: For defense of naval stations, to be available until expended, \$1,000,000." That is a new item and a lump sum. Is there anything about that which you do not want to go in the record?

Admiral Strauss. No; I do not mind that, sir. That is to purchase antiaircraft guns for stations wholly under the control of the Navy and not otherwise defended against aircraft attack. It is a broad scheme involving the purchase of 104 3-inch antiaircraft guns and mounts complete. This \$1,000,000 allotted will not cover the estimate. The Chairman. How much is the estimate?

Admiral Strauss. The estimate is \$1,735,000.

Mr. BUTLER. Will you let me ask you a question right there?

Admiral Strauss. Yes.

Mr. BUTLER. Under the estimates that you have submitted do you include all the naval stations?

Admiral Strauss. I do not know whether I have the list here or not, but I will give you the list.

Mr. BUTLER. It would impress me that if we are going to defend any of these stations we ought to defend them all.

Admiral Strauss. Well, we will.

The CHAIRMAN. You said that your total recommendation was \$1,735,000?

Admiral Strauss. Yes, ir.

The CHAIRMAN. You said that your total recommended, a shortage of \$735,000?

Admiral Strauss. Yes,

The CHAIRMAN. Could you get all of those guns the first year?

Admiral Strauss. I think we could, sir; the guns and ammunition. that is only 104 3-inch antiaircraft guns, and I have little doubt but that they could be had the first year, the whole number. We have, as a matter of fact, begun to make 3-inch forgings at the Washington Navy Yard out of our own steel, and if we expand that it will permit us to do such work as this very much quicker.

Mr. KELLEY. Is it the same kind of a gun that goes on board ship? Admiral Strauss. Just the same.

Mr. KELLEY. Then why carry them in two different places in the bill? The CHAIRMAN. They are for different purposes.

Mr. SHERLEY. The reason for making the inquiry is that we are carrying considerable sums of money for the building of antiaircraft guns in connection with the coast defenses.

Mr. PADGETT. Yes.

We are building a more powerful gun than Mr. SHERLEY. the one that is mounted aboard ship, and the question whether the guns shall be emplaced or not is a question that has not been finally determined. I wondered whether the Navy had come to a conclusion. I see there is no testimony on that point at all. The probability is that they will be on trucks that can be moved about. I shall not make the point of order at this time, because I think we need to have more of these guns, and I am willing to have the money expended for this purpose. my judgment, it is clearly not within the jurisdiction of this committee.

Mr. PADGETT. The committee proceeded upon the assumption that the naval stations and their management were under the control of the Navy Department.

Mr. SHERLEY. They are, but their defense is under the control of the Army, and a great deal of the money that we appropriate for fortification purposes is for the direct purpose of defending naval stations.

Mr. HUDDLESTON. Mr. Chairman, I make the point of

Mr. PADGETT. It is not subject to a point of order, Mr. Chairman.

The CHAIRMAN. Will the gentleman state his point of order? Mr. HUDDLESTON. That the item is not within the jurisdiction of the Naval Committee, but belongs to the Committee on Fortifications

The CHAIRMAN. The Chair will hear the gentleman from Tennessee [Mr. Padgett].

Mr. PADGETT. Mr. Chairman, I have no extended argument to make upon it. The naval stations are under the control and jurisdiction of the Navy Department, and I certainly hope that the gentleman will not insist upon his point of order, if the Chair should be of the opinion that it is subject to a point of order, because this is a matter that is very much needed. With the many, many millions of dollars invested in our naval stations, we want them defended, and we need these guns. We need

them very urgently.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. HUDDLESTON. Why was not the matter brought to the attention of the committee?

Mr. PADGETT. The Navy Department thought that it was under the jurisdiction of the Naval Committee, and we thought so. Mr. SAUNDERS. Will the gentleman yield?
Mr. PADGETT. Yes.

Mr. SAUNDERS. Is this the first time that this appropriation is sought to be made?

Mr. PADGETT. Yes.

Mr. HUDDLESTON. I do not think we ought to be stam-

peded.

Mr. SAUNDERS. Mr. Chairman, I would like to call attention to the fact that this is the first time the Naval Committee has sought to exercise this particular jurisdiction, and it would seem to support the contention that it properly belongs to the Committee on Appropriations.

Mr. PADGETT. And this is the first time that there has been any effort or attempt made to defend the naval stations against air attacks. This is the first time that there has been any at-

tempt to make these defenses.

Mr. SAUNDERS. That does not alter the situation at all, because there are other methods of defense that you could provide

for naval stations.

Mr. MANN. Mr. Chairman, the rule provides for giving the Committee on Appropriations jurisdiction over appropriations for fortifications and coast defenses. The language "coast defenses" was inserted in the rule 25 or 30 years ago. It was an addition to the language of fortifications designed to give the Committee on Appropriations control over submarines, mines, and the placing of torpedoes, and so forth, in connection with fortifications of seaports. That was the purpose of adding the language "coast defenses" to the language "fortifications"

which had been in the rules for many years.

Of course, it might be said that the language "coast defenses" covers defense of the naval stations because the naval stations in the main are close to the coast; but the Chair must remember that the rules also provide that the Committee on Naval Affairs has jurisdiction over appropriations for the Naval Establishment. Now, the broad jurisdiction of the Naval Committee is over all questions relating to the Naval Establishment, including the appropriations for it, and undoubtedly before the words "coast defenses" were added to the rule in reference to the Committee on Appropriations, the Committee on Naval Affairs would have jurisdiction over any item which was to be expended under the Naval Establishment. No other committee had jurisdiction over an item in relation to the Naval Establishment, and any sum that was to be expended by the Navy came within the jurisdiction of the Committee on Naval Affairs. And it was not the design by changing the language, adding "coast defenses" to the jurisdiction of the Appropriation Committee to take anything away from the Jurisdiction of the Naval Committee. The design was to settle the dispute be-tween the Committee on Military Affairs and the Committee on Appropriations as to whether appropriations for submarine mines, torpedoes, and so forth, in connection with fortifications should be made by the Committee on Military Affairs or the Committee on Appropriations,

The CHAIRMAN. Will the gentleman allow the Chair to ask him a question? What connection is there between naval stations and coast fortifications?

Mr. MANN. The connection is this: If it is a fortification under the control of the Army it would be a fortification outside of the jurisdiction of the Naval Committee. But to say that you can not build a fence around a naval station which is for its defense, through the Committee on Naval Affairs, but that you would have to go to the Appropriation Committee for it, absurd.

I am aware of the fact that the distinguished occupant now in the chair is a member of the Committee on Appropriations, and that there has been a concerted effort on the part of the Committee on Appropriations to obtain jurisdiction over the defense of naval stations, but I do not think the present occupant of the chair will allow that to influence him. The construction

of the rule is as clear as daylight. The Naval Affairs Committee had jurisdiction prior to 1890. Clearly their jurisdiction has not been interfered with by the change of the rule in 1890 adding "coast defenses" to the jurisdiction of the Committee

on Appropriations.

Mr. SHERLEY. Mr. Chairman, I do not know what the gentleman from Illinois means by the positive assertion he makes that there has been a concerted attempt on the part of the members of the Committee on Appropriations to take over all jurisdiction, and the intimation that the present occupant of the chair, being a member of the Committee on Appropriations, may be a part of that effort.

Mr. MANN. Oh, I made no such intimation as that, and the

gentleman knows it.

Mr. SHERLEY. I could not help being struck by the state-

ment made by the gentleman.

Mr. MANN. The gentleman does not deny that there has been a concerted effort?

Mr. SHERLEY. I do deny it. Mr. MANN. I know it myself.

Mr. SHERLEY. The gentleman from Illinois knows many things in his own mind that no one else has information of.

Mr. MANN. I have talked with some of the members of the

Committee on Appropriations and I know what the situation is.

Mr. SHERLEY. I know that so far as I am concerned there has been nothing that would warrant any such statement. Perhaps more than any other member of the committee I am interested, being chairman of the Subcommittee on Fortifications. But that is aside. The gentleman is in error, in my judgment, in his statement that the change of the rule whereby the words "and coast defenses" were added served to enlarge at all the jurisdiction of the Committee on Appropriations touching these matters. It did not. Prior to that language points of order had been made and repeatedly sustained in favor of the Com-mittee on Appropriations, and when it came to the revision of the rules it was believed that this language would more clearly express the recognized jurisdiction of the Committee on Appropriations. Neither is the matter to be determined by the statement that if this point of order is sustained they could not build a fence by way of protection around a naval station. I personally should not have made the point of order and did not make it on account of the circumstances that confront the Congress. My own desire is to see an appropriation for this purpose made speedily, but as long as it has been made it is proper that the Chair should render the correct ruling touching it. One of the main purposes of coast defense is the protection of naval establishments. There is no naval establishment upon the coast anywhere that I know of that has not been the cause of coast fortifications for its protection. The fortifications that were at Port Royal were practically abandoned when the naval station there was abandoned, because the reason they were put there in the first instance was the protection of that naval station.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes. Mr. BRITTEN. Would that same theory prevail as applying

to the Great Lakes Naval Training Station at Chicago?

Mr. SHERLEY. Why, yes; it would apply there if we saw

any need of fortifying upon the Great Lakes, which we have not

Mr. BRITTEN. Because you do not see any need, would that be any reason why the Great Lakes Naval Training Station, if need be, should be deprived of antiaircraft guns? Mr. SHERLEY. No. It is not because we would not have jurisdiction but because, as the gentleman well knows, under our trenty arrangements there have been no fortifications erected for a great many years. Of course, I know that originally there were fortifications there, but for a great many years on the Great Lakes nobody has proposed any such thing.

Mr. GREENE of Vermont. Does the treaty provide that there

shall not be defenses?

Mr. SHERLEY. No; and I did not so state. I said that because of that treaty nobody thought it desirable to put fortifications there. The point I make is simply this: Jurisdiction of the Committee on Appropriations relates to all matters in connection with coast defenses. You could not have more basic words than those, and unquestionably it not only has jurisdiction but is now making provision for the building of anti-aircraft guns for the very purpose of defending the coast.

Mr. NOLAN. Mr. Chairman, will the gentleman yield? Mr. SHERLEY. Yes.

Does the gentleman state that the principal Mr. NOLAN. reason for fortifying the Golden Gate is to protect the Mare Island Navy Yard?

Mr. SHERLEY. No; but I say that one of the great reasons for fortifying a particular place is because there is a naval establishment there.

Mr. NOLAN. Is it not a fact that the fortifications were put there mainly to protect the military reservation at the Presidio,

long before the Mare Island Navy Yard was established?

Mr. SHERLEY. Of course, but that does not in the slightest mitigate against the argument I make, which is this, that in each instance where there has been a naval establishment of any magnitude there will be found fortifications for the purpose of protecting that naval establishment.

Mr. NOLAN. Can the gentleman state to the committee the nearest coast-defense gun to the Mare Island Navy Yard?

Mr. SHERLEY. I can not from memory.

Mr. NOLAN. Or the nearest coast-defense gun to the Brem-

erton Navy Yard?

Mr. SHERLEY. I could not state it from memory. tunately both of those yards are situated so far inland that it has been a great expense to the Government in getting ships to them.

Mr. BRITTEN. Has the gentleman's committee at any time considered the advisability of appropriating for antiaircraft guns for the defense of the various naval stations of the country?

Mr. SHERLEY. That concrete proposition has not been brought up, but the gentleman, I am quite sure, is too good a parliamentarian to undertake to determine jurisdictions upon a question of whether a committee has seen fit to do a given thing or not. We had estimates for antiaircraft guns for coast defenses, and the bill that recently passed the House carried considerable items for that purpose, as it did last year?

Mr. NOLAN. Mr. Chairman, will the gentleman yield again?

Mr. SHERLEY. Yes.
Mr. NOLAN. Mr. Chairman, because of the fact that the Mare Island Navy Yard and the Bremerton Navy Yard are so far inland, is it not reasonable to assume that a naval committee ought to have protection of those yards?

Mr. SHERLEY. No; it would be rather the assumption that the Army would have it, because of their being so far inland.
Mr. NOLAN. Is the Marine Corps under the control of the

Army or the Navy?

Mr. SHERLEY. Certainly it is not under the control of the Committee on Fortifications.

Mr. BRITTEN. It is under the Navy. Mr. NOLAN. Surely.

Mr. SAUNDERS. Mr. Chairman, this is not a question of whether the naval stations shall, or shall not be protected, nor will a decision on the point of order adverse to the contention of the Committee on Naval Affairs, mean that these stations will be undefended. These questions do not arise at this time. Appropriate action can and will be taken for the defense of our country, even though some particular committee is confined to its appropriate jurisdiction, and is ousted from jurisdiction which it has improperly undertaken to exercise. This point of order is directed against the effort of the Committee on Naval Affairs to exercise jurisdiction over coast defenses. Should it develop at any time that anything is needed for the defense of our naval stations that may be properly related to the head of coast defenses, we may rest assured that proper provision to that end will be made. We are more likely to err in that direction on the side of excess, rather than of penuriousness. So that the question before us is solely one of parliamentary law. I call the attention of the Chair, upon the authority of the chairman of the Committee on Naval Affairs, to the fact that the attempt to exercise this particular jurisdiction has never heretofore been made by this committee.

Mr. PADGETT. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS. Certainly.

Mr. PADGETT. It has never been made by the other committee, and it is just as strong an argument against them.

mittee, and it is just as strong an argument against them.

Mr. SHERLEY. Oh, the gentleman is mistaken as to the It has twice been made. facts.

Mr. PADGETT. As to antiaircraft guns?
Mr. SHERLEY. Yes; provision for antiaircraft guns was carried in this bill and in the bill of last year.

Mr. PADGETT. For naval stations? Mr. SHERLEY. It was not restricted; they were for coast defenses

Mr. PADGETT. The gentleman does not say they were for naval stations.

Mr. SHERLEY. I do not say they were not, either. They were not restricted.

Mr. PADGETT. But they were not carried for naval stations, and they are so prescribed here.

Mr. SAUNDERS. Mr. Chairman: The fact that the Naval Affairs Committee has never heretofore claimed jurisdiction to erect coast defenses is the vital question, not whether these defenses are to be equipped with antiaircraft guns. Antiaircraft guns, are a comparatively recent invention. If the Naval Affairs Committee has no jurisdiction to erect coast defenses, it is beside the question whether those defenses are to be equipped with antiaircraft or some other form of guns. The equipped with antiaircraft or some other form of guns. real determining fact in this connection is that this committee for the first time is seeking to exercise jurisdiction to establish, and appropriate for, coast defenses. Certainly it should be a very plain proposition that defenses of this character should be referred to some particular head, and to some one committee. It would be most undesirable in this connection to have a divided jurisdiction, and refer coast defenses of one class to one committee, and the others to another. Such a ruling would mean that the Committee on Appropriations would exercise jurisdiction over all coast defenses save those intended for the exclusive defense of naval stations. There is one head of jurisdiction broad enough to cover all coast defenses, and if the work which the Naval Committee is appropriating for in this connection properly comes under that head, in other words if it is a work of coast defense, then it matters not that it is exclusively intended for the defense of a naval station. That fact does not operate to deprive the Committee on Appropriations of its appropriate jurisdiction over coast defense

I agree with the gentleman from Illinois [Mr. Mann] that this is a very clear case, and the conclusion obvious, but we do not agree as to the nature of that conclusion. Plainly the language to which the point of order is directed, embodies an effort on the part of the Committee on Naval Affairs to exercise a jurisdiction that belongs to another committee according to all reason, and all the precedents, and the point of order should

Mr. Chairman, I stated a while ago from impression the reason they added the words "coast defenses" to the rules, which was first done I think in 1890, but I can give a little more of the history in reference to the matter now. In 1890 at the beginning of the Fifty-first Congress the question came up in the House on a resolution referring the President's Some gentleman moved to amend the resolution by adding to it "that, in addition to public defense, all matters relating to coast defenses be referred to the Committee on Military Affairs instead of to the Committee on Appropriations." There was no contest then between the Committee on Naval Affairs and the Committee on Appropriations, but there was a contest between the Committee on Military Affairs and the Committee on Appropriations as to which had jurisdiction of coast defenses. very distinguished parliamentarian from the State of Kentucky, of equal distinction with the present gentleman from Kentucky SHERLEY], and that is saying a good deal, ex-Speaker Carlisle, made this statement:

Carlisle, made this statement:

It seems to me this is not the proper time to discuss the question as to what extent, if any, Congress will enter upon a policy of providing defense for our seacoasts. The question before the committee now is simply one relating to the jurisdiction of the committees of the House. By the rules of the House, as they have always existed, since the appropriations were taken from the Committee on Ways and Means at least, the standing Committee on Appropriations has had jurisdiction over the subject of fortifications, and when changes were adopted at a recent Congress, distributing the various appropriation bills among the several committees having jurisdiction over the subjects to which they related, the appropriations for fortifications were still left to the Committee on Appropriations. Now, I agree with the gentleman from New York in my front that whatever committee exercises jurisdiction over appropriations for fortifications should have jurisdiction over appropriations for coast defense, because they are simply, or substantially at least, for the same purpose.

And there is further argument of ex-Speaker Carlisle along the same line for the express purpose of declaring that the Committee on Appropriations, having jurisdiction of fortifications, should not get into a constant quarrel in the House with the Committee on Military Affairs given jurisdiction of coast defenses.

Mr. SHERLEY. Will the gentleman yield?

Mr. MANN. I will. Mr. SHERLEY. I think that is true, but I think that is simply made plain, the jurisdiction that existed before the words were added. The words did not enlarge the jurisdiction, but made it patent on the face of the rule.

Mr. MANN. But nobody ever contended that without that language the Committee on Appropriations has jurisdiction to make any appropriations under the Naval Establishment.

Mr. SHERLEY. But if the gentleman will permit, the Committee on Appropriations had all the jurisdiction at first. Now, certain jurisdictions were taken away and given to the Committee on Naval Affairs, certain to the Committee on Military

Affairs, and unless the language creating jurisdiction in those committees brought certain matters within them, they remained

where they had originated.

Mr. MANN. Oh, undoubtedly; but no ruling gives to the Committee on Appropriations jurisdiction over matters of any kind whatever relating to the Naval Establishment or any money that is to be expended under the Navy relative to the Naval Establishment. Why, the Committee on Appropriations can make no appropriations for the Naval Establishment unless it is a deficiency. That the Naval Establishment. That is the only jurisdiction they get over

Mr. FITZGERALD. We also have the departmental service. Mr. MANN. That is not part of the Naval Establishment.

Mr. FITZGERALD. We provide for clerical services. Mr. MANN. That is providing for certain clerks in Washington. You can not appropriate a dollar for an officer in the Navy unless it is a deficiency; not a dollar for an enlisted man in the Navy unless it is a deficiency—

Mr. FITZGERALD. We do not try.

Mr. MANN. Not a dollar for a ship unless it is a deficiency,

not a dollar for a training station or a navy yard unless it is a deficiency. Now, it is idle to say that you have authority to appropriate money for the defense of a naval station under the

Naval Establishment.

Mr. FITZGERALD. Mr. Chairman, if the argument of the gentleman from Illinois were sound, it would have presented a very peculiar situation here a year or two ago. Because of the increase in the range of guns for the naval vessels it was ascertained that outside of the harbor of New York, off Rockaway Beach, there is a point at which modern naval vessels could lie and have within range the navy yard in Brooklyn. In order to protect that navy yard or naval station, and to prevent its bombardment by hostile fleets, a project was originated to install certain 16-inch guns at Rockaway Point. The essential purpose of those guns was the defense of the naval station, and they were part of the fortifications bill because they are a part of the coast defenses of the country. Such methods of protecting any coast establishment, or any station so located as to come within the purview of the coast defense, whether it be through some device now in existence or something to be perfected in the future, belongs to the coast defenses of the country and to the committee having jurisdiction of those defenses.

Mr. BRITTEN. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. BRITTEN. Were the guns the gentleman just referred to placed in the Brooklyn Navy Yard?

Mr. FITZGERALD, No.

Mr. BRITTEN. They were not?

Mr. FITZGERALD. No. And neither necessarily will these guns be placed in the navy yard at Brooklyn. That is an important point which the gentleman has developed. effective defense of these naval stations against aircraft attacks the guns will more properly be located without the station than within it, because the areas are so restricted that in order to have a controlling fire over aircraft in attempting to attack the naval station the guns will probably be situated not within the station but outside of it.

Mr. BRITTEN. That would depend entirely upon the typog-

raphy.

Mr. FITZGERALD. It is so in connection with an aerial defense of such a naval station as the one at Brooklyn, N. Y. For the proper protection of the naval station at New York the best place to put some of these guns undoubtedly will be without the military reservation. The defense against these aircraft would not be guns located directly underneath where the craft is to discharge their effective weapons, whether they be bombs or large quantities of explosives.

Mr. TALBOTT. Who commands the troops there?

Mr. FITZGERALD. There are no troops there, unless they have smuggled them in since I have been talking. to yield for a question of that character. The military force that is there at the naval station is the marines, if there be any military force, but that does not mean that guns for the protection of the naval station are to be at the naval station. Take the navy yard at Portsmouth, N. H., which is located at Kittery, Me., across the river. There are coast defenses for the protection and defense of the naval station. They are not on the naval station. They are not a part of the naval station. And the antiaircraft guns that will be utilized in connection with the annual trait gains that the protection of the naval station will not be upon the naval reservation. The aircraft are a modern development of warfare, requiring new methods of defense, which must be fitted into the recognized plans and schemes

Mr. BRITTEN. If this paragraph provided that the antiaircraft guns be placed within the navy yard, would the gentleman still contend his point of order was correct?

Mr. FITZGERALD. I would, because they are still part of the coast defenses.

Mr. BRITTEN. Notwithstanding-

Mr. FITZGERALD. Mr. Chairman, there can not be a navy yard in the middle of a prairie. They can not be out on the mesas of the West, far removed from our coast. From its very nature a naval station must be located on a coast or sufficiently adjacent to it, with ample water facilities to permit it to be reached, to be practically on the coast. If it can not be reached by water and be adjacent to the coast, it is not in effect a naval station. Referring to the suggestion of the gentleman from Illinois about the naval station on the Great Lakes, under our treaty with Great Britain each country can maintain upon the Great Lakes but a single vessel of such insignificant armament and equipment that no one regards it now as a vessel of naval character. With the existence of that treaty the possibility of attack from water by formidable war vessels is eliminated, and the necessity for erecting coast defenses on the Great Lakes has not existed.

Mr. KELLEY. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. KELLEY. Does the gentleman think that other defenses than a military defense would come under the fortifications the defense against fire or against trespassers?

Mr. FITZGERALD. Anything in the nature of a coast defense or fortification comes within the jurisdiction of the Committee on Appropriations.

Mr. KELLEY. There are stone fences on the Indianhead Res-

Mr. FITZGERALD. That is not a fortification or a defense.

It might be. Mr. KELLEY.

Mr. FITZGERALD. It is police protection. The gentleman should know that. We are not dealing with police matters. A watchman at Indianhead serves the same purpose as a fence, and a fence is erected in order to eliminate the number of watchmen that otherwise would be necessary. Of course, I can understand the gentleman, coming from the section of country he does, may confuse coast defenses or fortifications with an ordinary fence around a reservation, but nobody else will. ter.

Mr. FOSS. I would like to ask the gentleman what he would say about the naval station that we sometimes call the "g factory" or the "navy yard" here at Washington? Would t defense of that be under the jurisdiction of the fortifications?

Mr. FITZGERALD. No; it would not be a coast defense. It is not a navy yard. It is a Government gun factory for the Navy. Mr. BRITTEN. It is a naval station, then.

Mr. FITZGERALD. It has been called all three.

Mr. ROBERTS of Massachusetts. How about the naval sta-

tion at New Orleans, where there are no coast defenses?

Mr. SHERLEY. The gentleman is mistaken. There are coast defenses to protect New Orleans.

Mr. DUPRÉ. How many miles away from the naval station? Mr. ROBERTS of Massachusetts. How about the naval sta-

tion at Pensacola and at Key West? Mr. FITZGERALD. Any defense placed there would be coast defense. What would the gentleman think they would be if

placed at Pensacola? Inland defenses? Mr. ROBERTS of Massachusetts. Mr. ROBERTS of Massachusetts. Does the coast-defense proposition assume to exclude all hostile aircraft from coming over the territory of the United States. Is that their function?

Mr. FITZGERALD. No. Mr. ROBERTS of Massachusetts. Is the antiaircraft gun an instrument particularly and solely used in coast defense?

Mr. FITZGERALD. Not necessarily.
Mr. ROBERTS of Massachusetts. Then, why, because we want an antiaircraft gun at the naval magazine at Iona Island, 30 or 40 miles up the Hudson River to protect it from aircraft, is it an infringement of coast defenses?

Mr. FITZGERALD. It might be. Coast defenses at Iona Island, 52 miles up the Hudson River, would not necessarily be a place where coast defenses are excluded. Our second line of defense of Chesapeake Bay, within which Washington and other cities are located, are considerable. We are putting our first line of defense at the mouth of the Chesapeake, at the Capes. But that does not eliminate those defenses from the category of coast defenses, merely because they are so far back from the first line.

Mr. ROBERTS of Massachusetts. And how about League Island, on the Delaware, which is about 90 miles from the ocean? Would the coast defense at the mouth of the Delaware River keep the aircraft from coming up there?

Mr. FITZGERALD. If the purpose of those defenses is to protect them against the assaults of a naval force, they are certainly coast defenses. That is what these antiaircraft guns are for.

Mr. MILLER of Pennsylvania. Mr. Chairman, a parliamentary inquiry

The CHAIRMAN. The gentleman will state it.

Mr. MILLER of Pennsylvania. Does not the Chair think he has heard enough discussion to enable him to rule? [Laughter.] The CHAIRMAN. The Chair will determine for itself when

has had sufficient information. [Laughter.]

Mr. FITZGERALD. The mere fact that the guns for coast defenses are not right on the seashore does not affect their character, because we are providing, Mr. Chairman, this year, in the fortification bill for the installation on the island of Hawaii, in the center of the island, high-angled fire guns as a part of the coast defenses. They are not located right down on the beach. They are located about the center of the island. They are to have an all-round fire. They are to have an all-round fire for the purpose of repelling attempts of ships to come near enough to the coast at any point to protect landing parties. Those guns are in the center of the island, not down on the coast. are to have antiaircraft guns to protect them, because they are in the center of the island. That does not change their character as coast defenses.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.
Mr. SHERLEY. The trouble with the whole proposition is that the language that the point of order has been made to is worded as to make it very much broader than any question of antiaircraft guns at some particular place. It is an attempt to appropriate money for the general purposes of the defense of all naval stations. Under it you could take the million dollars and build emplacements and put in guns of large caliber.

Mr. ROBERTS of Massachusetts. Mr. Chairman, will the gentleman permit an interruption?

Mr. FITZGERALD. Yes.

Mr. ROBERTS of Massachusetts. How about the naval station at Guantanamo, Cuba?

Mr. FITZGERALD. As to the coast defense there

Mr. ROBERTS of Massachusetts. Is there any coast defense

Mr. FITZGERALD. No. The mere fact that some place under the jurisdiction of the United States should be or some time may be fortified does not deprive the Committee on Appropriations of jurisdiction to control the appropriations for that purpose whenever it may be determined to be advisable for the United States to defend it.

Mr. ROBERTS of Massachusetts. Will the gentleman answer

me another question?
Mr. FITZGERALD.

Yes. Mr. ROBERTS of Massachusetts. I understood as a part of his argument that the gentleman said these antiaircraft guns would not be installed on the naval stations.

Mr. FITZGERALD. Not necessarily.
Mr. ROBERTS of Massachusetts. Not necessarily, but at some distance, in order to get the greater range. Where would

we install an antiaircraft gun to defend a battleship?

Mr. FITZGERALD. If I were putting them up, I would put them on the ship, not in the ship or beside the ship. [Laughter.]

Mr. DAVIS of Texas. Mr. Chairman, it seems to me the words coast defenses" have no double construction. They mean to defend our coasts against attack, and the rule of all construction is that the investiture of the subject in one committee excludes all other committees unless exception is made to the rule, and I find no exception. The entire system of coast defense is in the charge and under the direction and under the control of the Committee on Coast Defenses and Fortifications, otherwise some exception should be made.

The CHAIRMAN. The Chair is ready to rule. The point of order made by the gentleman from Alabama [Mr. Huddleston] is directed to the paragraph contained on page 20, lines 11 and

"For the defense of naval stations, \$1,000,000."

A great deal has been said in the arguments to the Chair about what this million dollars was to be expended for, but the Chair has no information. The language is so broad that it might be expended for a 16-inch gun or any other instrument for the

protection of the navy yard.

Now, under the rules of the House the Committee on Naval Affairs is given jurisdiction over the Naval Establishment, which, of course, includes the naval stations and certain appropriations; but, on the other hand, the rules of the House gives the Committee on Appropriations jurisdiction over fortifications and coast defenses to appropriate for those purposes. A naval station is

necessarily situated somewhere near the coast, if not on it, and, in the opinion of the Chair, this language in the paragraph is so broad that it unquestionably throws it within the jurisdiction of another committee of the House, and the Chair therefore sustains the point of order.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 20, after line 10, insert the

following:
"Naval stations: To provide for antiaircraft guns at naval stations, \$1,000,000."

Mr. MANN. "For antiaircraft guns at naval stations," it should be

Mr. ROBERTS of Massachusetts. Yes; antiaircraft guns. The Clerk read as follows:

Naval stations: To provide antiaircraft guns and ammunition at naval stations, \$1,000,000.

The CHAIRMAN. The question is on the amendment. Mr. PADGETT. Mr. Chairman, I wish to offer an amendment to the amendment to strike out "\$1,000,000" and insert "\$3,800,-[Applause.]

The CHAIRMAN. The Clerk will report the amendment to the amendment.

Mr. FITZGERALD. I make a point of order against the original amendment.

Mr. PADGETT. It is too late for the point of order now. Mr. SHERLEY. Mr. Chairman, the amendment to the amendment has not been reported. A man can not report an amendment by stating it himself,
Mr. PADGETT. The amendment to the amendment is in

order if the amendment itself is in order.

The CHAIRMAN. The amendment of the gentleman from

Tennessee has not been reported.

Mr. PADGETT. The gentleman is not making a point of order to my amendment. He is making a point of order to the amendment of the gentleman from Illinois [Mr. Mann].

The CHAIRMAN. Until the amendment to the amendment is reported, the Chair thinks the gentleman from New York is

within his rights. Mr. MANN. I think we should have a decision on the point of

The CHAIRMAN. If the gentleman from New York makes a point of order, the Chair thinks he has a right to do so.

Mr. MANN. What is the point of order?

The CHAIRMAN. Will the gentleman from New York state

his point of order.

Mr. FITZGERALD. I make the point of order that it is a part of the coast defense to provide antinircraft guns for these naval stations and not within the jurisdiction of the Committee on Naval Affairs.

Mr. MANN. The ruling of the Chair has practically deter-

mined that.

The CHAIRMAN. The Chair overrules-

Mr. FITZGERALD. The Chair has not ruled.

Mr. MANN. The Chair has overruled the point of order. The gentleman was not listening to the Chair. He was listening to

Mr. FITZGERALD. I was trying to listen to the impossible variations of the gentleman from Illinois. I can not pay attention to anybody else and keep track of him and know where I am at. [Laughter.]

Mr. MANN. I am glad to keep the gentleman busy. [Laughter.]

The CHAIRMAN. If there be no objection, the Chair would like to have the Clerk report the amendment.

The Clerk read as follows:

Naval stations: To provide antiaircraft guns and ammunition at naval stations, \$1,000,000.

Mr. MANN. I ask leave to strike out the language "and am-

Mr. ROBERTS of Massachusetts. Ammunition is provided for

Mr. PADGETT. No; they want ammunition also for these 118 guns.

Mr. MANN. Very well.

The CHAIRMAN. To this amendment the gentleman from New York [Mr. FITZGERALD] makes the point of order, on the ground, as the Chair understands him, that this would also infringe upon the jurisdiction of the Committee on Appropriations, which has jurisdiction of appropriations for fortifications and coast defenses. The Chair in his former ruling indicated, if he did not expressly say, that expenditures for the defense of naval stations within those stations were, in his opinion, within the jurisdiction of the Committee on Naval Affairs. Therefore the!

Chair overrules the point of order made by the gentleman from

New York, and the question is on the amendment.

Mr. PADGETT. I have a letter from the department, one of the series I have been offering, in which it is stated that this is to permit of increasing the number of antiaircraft guns assigned to each station from two to three, and to make adequate provision for ammunition; for 118 additional 3-inch antiaircraft guns, \$1,062,000; ammunition for 118 guns, \$1,003,000; necessary to complete the original project, as under the original estimate, \$735,000, which is on account of the increased cost of material, labor, and so forth, since the estimates were submitted, making the total that I offered in my amendment.

Mr. FITZGERALD. I wish to ask the gentleman from Ten-

nessee a question. Where will these guns be manufactured?

Mr. PADGETT. As stated in a letter which I showed a while ago, they are expecting to make many of them at the gun

Mr. FITZGERALD. What is the capacity of the gun factory for antiaircraft guns, in addition to the other work it is doing?

Mr. PADGETT. I can not tell the gentleman about that. They stated that they were enlarging their capacity. I do not know what the enlarged capacity will be.

Mr. FITZGERALD. How long does it take to turn out one

of these guns?

Mr. PADGETT. A short time. They manufacture them pretty rapidly.

Mr. FITZGERALD. What is a short time? Mr. PADGETT. I do not know exactly. Mr. FITZGERALD. How many months?

Mr. ROBERTS of Massachusetts. If the gentleman will pardon me, the hearing disclosed that 104 of them can be manufactured inside of one year. I do not know whether they are all to be made here

Mr. FITZGERALD. You are adding 118?

Mr. SHERLEY. The statement read on the floor did not say that the Navy Department was in a position to make anything like this number.

Mr. ROBERTS of Massachusetts. What difference does it make where they come from, as long as we get them?

Mr. SHERLEY. The testimony showed that they were making steel forgings, and expected to enlarge the plant, and they thought at least this number might be obtained within a year. The inference was rather that they would be obtained from private manufacturers.

Mr. ROBERTS of Massachusetts. Suppose they are.

Mr. FITZGERALD. I want to get some information. I may not get it, but I intend to seek it. The original recommendation of the committee for \$1,000,000 was to provide for 114 guns?

Mr. PADGETT. One hundred and four.

Mr. FITZGERALD. And this \$3,800,000 will provide how many?

Mr. PADGETT. Two hundred and twenty-two.

Mr. FITZGERALD. That is an increase of more than 100 per cent.

Mr. PADGETT. One hundred and eighteen additional guns, and ammunition for the additional 118, and then \$735,000 is needed to carry out the project as originally estimated, owing to the increased cost of material and of labor.

Mr. FITZGERALD. Does the testimony show that the 104 originally requested can be manufactured or procured within one year

Mr. PADGETT. They think they can get them within one year, and more besides. They can get them from private fac-

Mr. FITZGERALD. How long will it take to get the 224 that are now requested?

Mr. PADGETT. I think they can get them completed within the next two years.

Mr. FITZGERALD. Has the gentleman, or anybody on the committee, any information at all as to how long it will take, and where they can be obtained, with the facilities they have for constructing them?

Mr. PADGETT. They are prepared to make some at the gun factory and some at the Bethlehem Steel Co.

Mr. FITZGERALD. What facilities has the gun factory to make these guns?

Mr. PADGETT. I do not know.

Mr. FITZGERALD. What private concerns can manufacture

Mr. PADGETT. The Bethlehem Steel Co. and the Midvale

Mr. FITZGERALD. Where have the antiaircraft guns that have been installed on vessels of the fleet been manufactured?

Mr. PADGETT. Most of them, I think, were made at the Midvale Steel Co. and the Bethlehem Steel Co.

The CHAIRMAN. The time of the gentleman from New York

has expired.

Mr. FITZGERALD. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Tennessee. The original recommendation of the committee was for \$1,000,000, and that is contained in the amendment offered by the gentleman from Illinois [Mr. MANN]. As far as I can learn, the department believes that it can obtain the 104 guns provided for in the million dollars within a year. It can not expend, then, any of the additional money within the time within which this bill will be in operaton.

This is a time, Mr. Chairman, when the highest and most effective duty which this House can perform to the country is to refrain from being swept off its feet by undue exhilaration and excitement. This House should perform its work in a calm manner. If we are to begin now very radically to increase appropriations in every quarter without any more information about them than has been submitted in connection with this particular amendment, before the Congress adjourns it will have provided a sum of money that can not be wisely or beneficially expended, and the inclination and temptation will be to spend it in a manner that will not be beneficial or wise or

I am prepared, as I believe all the Members of the House are, to vote for all the money required, either now or under any emergency that may arise, for public defense. But I do not intend to be so worked up as to completely lose my head.

Only 10 days or so ago an estimate was before the Committee on Appropriations for \$7,000,000 to provide quarters for the first two increments of the number of men authorized in the national-defense act. If I recall correctly, the national-defense act authorized an increase of 168,000 men. Nobody seemed to know much about it; and the officials of the War Department were instructed to prepare a complete detailed statement of all the quarters, accommodations, and improve-ments that would be required for the housing of 168,000 men, with detailed estimates of the cost. We received that informa-tion the other day, and it will cost \$95,000,000.

The Secretary of War refused to approve the estimate, and directed the Quartermaster General to prepare plans for a cheaper construction, and a scheme has been outlined that is estimated will cost \$34,000,000. The department has not yet approved that plan, but it is under consideration. In these days of excitement, when possibly grave and serious times are before the country, it is important that Members of Congress act intelligently and calmly and compel the military authorities to furnish complete and accurate information in connection with all requests for money for national defense. Otherwise the result will be that we shall provide enormous sums of money without the slightest resulting benefit. When the time of peril arrives, instead of having what the country expects adequate returns for the money-we will be commencing where we imagined we started a year or so ago.

A million dollars in this bill at this time will enable the department to do everything it can possibly do to obtain these antiaircraft guns. If any additional money is necessary, the department can submit the information to Congress, so that we can justify what we do and not proceed in the dark.

Mr. BROWNING. Mr. Chairman, this is not the time for quibbling. The President of the United States having severed diplomatic relations between our Government and the imperial German Government, the die is cast, and it now remains for Germany, whose friendship we value, to decide whether or not there shall be war between our country and her own. accordance with the warning given by the President, if an American ship is sunk or an American life lost through any overt act against the rights of the United States, war will be declared.

These are history-making and soul-stirring days in the Congress; the Nation's legislators find themselves suddenly confronted with duties of such import and solemnity that all dividing lines must be lost sight of, and the one great goal to which we must bend our every energy and give the best there is in us—and more no man can give—is the protection of honor, home, and Nation, with the utmost fairness to every other country on the face of the earth.

That there will be differences of opinion and expression given thereto goes without saying, but that any man of us, under the

grave responsibility now resting upon this Congress and the administration, can fail to rise to his full height and do his full duty as he sees it, is inconceivable. [Applause.]

Mr. Chairman, I trust the proposed amendment will prevail.
Mr. MADDEN. Mr. Chairman, it does not matter how great the emergency may be, we are supposed to be here to consider the question, and it will be impossible for us to give consideration to the questions that are presented to us unless we have the information. I do not conceive it to be my duty to vote blindly on any question that comes here for consideration, and I believe that the Committee on Naval Affairs ought not to present to this House for its action a proposition which it does not itself understand. The mere statement that two or three or five million dollars is needed, coming from the Naval Affairs Committee, without any information as to what it is to be used for, ought not to receive the favorable consideration of this House. I will go as far as any man in the United States to make proper provision for the national defense, and I will make no quibble as to what ought to be done when the occasion arises, but even then I see no reason why I should not know what I am giving consideration to. I pay taxes and other people pay taxes. We have just passed a bill carrying \$950,000,000 for new revenue, and we are already obligated to spend \$2,336,000,000 during the Taxes are being imposed upon the backs of an coming year. already overburdened people beyond their ability to pay them. If we can accomplish the object sought by giving the necessary authority to do the thing that is needed to be done by the expenditure of \$1,000,000, why expend \$3,000,000? The danger is that we are going to be carried off our feet, that we are going to lose our heads, that we are not going to give consideration to the questions before us, that we are going to take the word of somebody as to what ought to be done without claiming the right to give consideration to its propriety.

The American people are patriotic. They are long-suffering; they are patient; they are peaceful and are in favor of peace. They are in favor of defending their honor, but not in favor of squandering their money unnecessarily even to do that; and we, as the conservators of the rights of the American people, have a duty to perform, and we ought to perform it without fear or We ought not to be reckless in our expenditure of the public money in order to appeal to the jingos of the country and get our names in the newspapers. I yield to no man in my patriotic devotion to America's honor or her rights, but I demand the right as one Member of this House to conserve the finances of the country while we are making appropriations to conserve the Nation's honor. The mere statement of the need by any man without explanation does not appeal to me, and I do not propose to sit in my place as a Member of this House and vote blindly for any money unless I know what it is for, how it is to be used, and why we should do it. No man does that in his own business, and I take it for granted that we are here to speak for the business of the people of America, and while speaking for the business of the people of America we are obligated to protect their rights while we are making appropriations to protect and preserve the institutions and the honor of the

Nation. [Applause.]
Mr. MANN. Mr. Chairman, I am not excited. I have not lost my head, and I am as cool as a cucumber, determined to do everything I can to keep the country out of war; but, after all, there is some danger of conflict. We do not know what the balance of the day or what the morrow may bring to us. We have propositions to increase a good many appropriations. will have a great many more such propositions presented to us in reference to both the Army and the Navy. I think we can afford to anticipate a little the appropriations which may be expended by the Navy in providing early those things which must be provided in any event, even if we remain at peace, within the course of two or three years. Take the item before the House. The bill carried an item intended to provide antiaircraft guns for defense of the navy yards to the extent of \$1,000,000. It is proposed now to increase the sum-I do not know how much, but two or three million dollars more. It does not take a wise man to know that if we should get into any kind of conflict at all we will need more than that for antiaircraft guns for our navy yards and a great deal more for New York City.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. MANN. Not now. Mr. FITZGERALD. I just wish to ask him where these aircraft are coming from?

Mr. MANN. I shall yield to the gentleman in a moment. do not know very much about the antiaircraft guns. I would not know one if I saw it, and I do not think anybody here has ever seen one. But I am not so blind that I have not been able to read some things, nor so deaf that I have not been able to hear some things about the progress of aircraft and antiaircraft guns on the other side of the water. It is unquestionably true that we will have antiaircraft guns in the Army. We ought to have them, and we ought to have more aircraft in the Army. will have antiaircraft guns in the Navy, and we ought to have them if we have a Navy at all. If we are to have these things within the course of a series of years, under existing circumstances we would better get them as fast as they can be supplied to us now. [Applause.]

Mr. PADGETT rose.

Mr. BUTLER. Mr. Chairman, is the gentleman from Ten-

nessee going to offer another amendment?

Mr. PADGETT. No; I just want to explain this for a The gentleman from Illinois [Mr. MADDEN] was complaining that he was in the dark. I regret that he did not hear the statement which I made when I stated that it was contemplated originally to supply 104 guns, or two for a station.

Mr. MADDEN. I heard it all.
Mr. PADGETT. We are now proposing to supply 118 additional, and make it three, and for the ammunition of those guns, which was not included for the original guns, \$1,300,000, and on account of the increased cost of labor and material, \$735,000, which sums make the amount of the amendment which I have With that statement, with what is current in the country as to the uses of aircraft and the necessity for antiaircraft guns for defense, and our condition and the situation that confronts us, I do not see well how the gentleman is in the dark.

Mr. MADDEN. Mr. Chairman, will the gentleman yield? Mr. PADGETT. Yes.

Mr. MADDEN. The gentleman has given no reason for the increased number, and neither has he given any information as to when we are likely to be able to get them.

Mr. PADGETT. We will get them just as quickly as we can. We need them all, putting one more at each of the different

stations.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?
Mr. PADGETT. Yes,
Mr. BUTLER. Will the gentleman tell us who sent this
statement here which he read?

Mr. PADGETT. The Secretary of the Navy sent it to me, and Admiral Earl presented it to me this morning in a very urgent appeal, and he marked it "absolutely necessary" the conditions that have been brought about in the last few days. The gentleman knows that when the committee was considering the matter we were appropriating an amount for the year, expecting others to follow in the subsequent years.

Mr. BUTLER. Yes; 102 guns, which we considered building,

and for which we recommended an appropriation to this House: but that would not construct one-half of the antiaircraft guns necessary, in the judgment of the military officers, to defend our

magazines and our stores of ammunition.

Mr. PADGETT. We need many, many more, Mr. BUTLER. And if we are to be in danger we need those

guns, and need them at once.

Mr. McKENZIE. Mr. Chairman, I would like to ask the chairman of the committee if they have determined on any type of guns to be used and for which we are asked to appropriate?

Mr. PADGETT. Yes; that has been decided upon and they are making them. Admiral Strauss told me that they had a gun that would shoot straight up 20,000 feet.

Mr. McKENZIE. One other question. Can this sum-

Mr. BUTLER. Five miles.
Mr. PADGETT. That is too far up.
Mr. ROBERTS of Massachusetts. Twenty-two thousand feet. Mr. PADGETT. Shoot up accurately 20,000 feet. I do not want to mislead the committee.

Mr. McKENZIE. Could these guns be utilized for any other purpose in the matter of national defense, such as field guns-

Mr. PADGETT. Oh, yes; they can be used for any purpose. The difference is in the mounting. For aircraft they mount them to shoot straight up instead of at an oblique angle.

Mr. McKENZIE. I understand, but will they be so constructed that they could be used by mounting them on wheels? Mr. PADGETT. Certainly. If they put them on different

mountings, they would be valuable for other purposes. Mr. CALDWELL. Will the gentleman yield? Mr. PADGETT. I will.

Mr. CALDWELL. Has the gentleman any provision in the bill requiring searchlights to be used in connection with these guns? As I understand it, these antiaircraft guns are supplied with searchlights so as to find the aircraft in the nighttime.

Mr. PADGETT. I believe they have them on all the guns, and that is included in the manufacture, but I could not positively

tell the gentleman.

Mr. GARDNER. What is the caliber of the antiaircraft guns?

Mr. PADGETT. Three inch.

Mr. GARDNER. Three and eight-tenths inches?

Mr. PADGETT. No; 3 inch.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I would like to have the amendment again reported. I think there is a provision left out that has been in all other similar amendments.

The CHAIRMAN. Without objection, the Clerk will again

report the amendment.

There was no objection.

The amendment was again reported.

The CHAIRMAN. This is an amendment offered by the gen-tleman from Illinois, to which the gentleman from Tennessee offers an amendment, which the Clerk will now report.

The amendment offered by the gentleman from Tennessee was

again reported.

Mr. RAGSDALE. Mr. Chairman, I move to strike out the last three words. Mr. Chairman, since I have been here I do not think that I have ever voted against any reasonable provision that has been offered as an amendment or by way of an original appropriation for the development of our Navy. tried on two occasions here to get the chairman of the Committee on Naval Affairs to answer questions in regard to this proposed appropriation, and, as I can not get him to answer me, I shall feel compelled to vote against it. As I understand the situation now, the gentleman has declined repeatedly-

Mr. PADGETT rose.

Mr. RAGSDALE. The gentleman has declined repeatedly to yield to me.

Mr. PADGETT. No; I have not declined repeatedly, because others were asking, and they rose before the gentleman did.

Mr. RAGSDALE. But at the same time while I was on the floor of the House the chairman of the committee took his seat, knowing I wanted some information. Now, my position is simply this: The chairman of the committee states that this appropriation is called for because of recent circumstances, because of

conditions which have just arisen.

Now, I know of nothing that has arisen recently in the history of this country that might call for the use of any weapon of this kind unless it has been the breach with Germany. to this time I think that, while I have read extensively as to the utilization of antiaircraft guns against aircraft, I never yet read of any vessel in the air that has been able to cross the water. It is not contemplated at this time that there is a possible breach with any country on earth with the United States as far as I am able to learn other than Germany. To my mind, it is incomprehensible to believe that Germany can send aircraft across the water and attack us here. If she can not send aircraft across the water at this time

Will the gentleman yield?

Mr. RAGSDALE. I have but five minutes; I am sorry. she can not send aircraft across the water to attack us and attack our naval stations at this time, if there is no hostile nation on this side of the water that is going to build aircraft that can possibly attack us, if there is not a possibility as far as I can see that there is any hostile government that can send any great fleet across the water to attack us now, where is the wisdom in making these enormous appropriations without any study, but only by reason of the sudden request from the Navy To my mind, it seems inexplicable, and I hope, Mr. Chairman, that the money we have to spend will be put in fast destroyers, in a fleet of craft that can go on the water and protect American rights and American commerce, and we shall not be frightened by bugbears into spending our money around these naval stations, where no danger now exists or can exist in the case of a war with Germany. [Applause.]

Mr. CALLAWAY. Mr. Chairman-

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that all debate upon the paragraph and all amendments thereto close

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on the paragraph and all amendments thereto close in 15 minutes. Is there objection? [After The Chair hears none.

a pause.] The Chair hears none.

Mr. CALLAWAY. Mr. Chairman, the appropriation for antiaircraft as provided for in the bill was made, of course, to carry out a regular building program outlined by the Navy Department that would in their judgment meet the demands and that in their judgment they thought they could get through this House.

There is not any question but the naval officials look all the time to the temper of the House and base their recommendations on what they want, as stated before our committee, on what they think they can get. They thought that they could get \$1,000,000 for antiaircraft guns before this war scare

The gentleman from South Carolina [Mr. RAGSDALE] touched the button when he said: "If we get into trouble with Germany, how is she going to get any aircraft over here?" She can not get milk over there for her babies. Submarines do not carry aircraft. It is an attempt on the part of the Navy Department and Navy officials to take advantage of the conditions in the House and the temper of the country to increase the appropria-tion. The gentleman from South Carolina [Mr. RAGSDALE] was right when he said, just like I said the other day, with reference to the battleships: "Let us put the appropriation into things that we will need to meet the emergency that seemingly confronts or may confront us and not let the naval officials take advantage of an excited condition to push up what they want in the way of regular naval construction."

The CHAIRMAN. The gentleman from Pennsylvania [Mr. Moore] is recognized.

Mr. MOORE of Pennsylvania. Mr. Chairman, for many years have been urging the improvement of waterways along the Atlantic seaboard with the view of preparing this country for just such an emergency as now confronts us. It may be that it will be found extremely advisable before this war preparation is over to make appropriations, and liberal appropriations, for the opening up of the miserable canals that now hinder and endanger our war craft along the Atlantic seaboard. It may be that gentlemen who have been talking economy on this line will be singing another song if it shall be found in the "bottling" up of our ships that we have not prepared ourselves in this regard. Gentlemen talk economy now after the President of the United States has been here to stir us up on this question of putting the country in condition. The gentleman from Texas [Mr. C.M.LA-WAY] and the gentleman from South Carolina [Mr. RAGSDALE] differing with their President and their party, still harp upon economy, and the gentleman from New York [Mr. FITZGERALD] harmonizes for a moment with them, when the gunboats of the United States are said to be hovering around the port of New York, fearing that some enemy may blow up one of the bridges across the East River and impede navigation for years to come.

Mr. RAGSDALE. Will the gentleman pardon me? Mr. MOORE of Pennsylvania. Not just now. The gentleman is talking economy in spite of the recommendation of his President and in spite of the recommendations of the Secretary of the

Navy and the Secretary of War.

Mr. RAGSDALE. The gentleman knows that statement is not true, if he listened to what I said.

Mr. MOORE of Pennsylvania. I heard the gentleman say that this was not the time to indulge in this expenditure for antiair-

Mr. RAGSDALE. But expend it in some other way and in

Mr. MOORE of Pennsylvania. If my memory is not awry, the gentleman also contended that there could be no possible invasion of this country by aircraft.

Mr. RAGSDALE. From Germany at this time.

Mr. MOORE of Pennsylvania. I do not care from where. The gentleman is evidently protecting himself behind the 3,000-mile ocean limit, but yet the gentleman knows that Canada is on the

The gentleman has himself seen or, if not, he has read of the visitation of the Deutschland. He knows that 3,000 miles is not impossible for a submarine. He has already witnessed what he did not believe, that the submarine can come across The gentleman may find that even the strong line of English battleships may be penetrated some day and that aircraft may be landed on the Canadian coast. The gentleman talks about Germany. He does not have to worry about Germany any more than he has to worry about the other great countries of the world. Canada is being prepared to take care of itself, and if the gentleman will study the facts he will find that in the matter of canals and approaches to the cities, and in rivers and waterways Canada these last few years has put itself far in advance of the United States. It might be well to consider the Canadian border.

Mr. RAGSDALE. Will the gentleman permit a question? Mr. MOORE of Pennsylvania. There is a possible vantage ground for submarines and for aerial fleets. And they might come from the Mexican border. We have not quite captured Mexico yet. We are discussing a bigger war than the war conducted with Mexico, I would say to the gentleman, but it is possible that some of these aircraft may come from over the Mexican border, as well as from the Canadian border, or they might come from ships at sea. The British line on the ocean or our own line of ships might be penetrated. We can not tell. Yet the gentleman would stand unprotected against these hostile

aircraft for a paltry \$3,000,000. The Department of the Navy comes to this House and asks for this appropriation to properly prepare itself. We can not get ready in a month; we can not get ready in a year. Let us have the money now and get down to business. [Applause.]

The CHAIRMAN. The gentleman from California [Mr.

KAHN] is recognized for five minutes.

Mr. KAHN. Mr. Chairman, the gentleman from South Carolina [Mr. RAGSDALE] and the gentleman from Texas [Mr. CAL-LAWAY] evidently have not been reading the newspapers of the country recently. [Laughter.] If they had been reading them, they would have seen articles showing that a German raider has stolen through the cordon of English battleships and is now somewhere in the Atlantic Ocean seizing the vessels of the allied belligerent nations wherever it finds them. Three years ago an experiment was tried in the Bay of San Francisco to show that it was not a difficult feat for an aviator to fly from the deck of a ship, sail through the air for some time, and ultimately land on the deck of the ship again. Brig. Gen. Squier testified before the Committee on Military Affairs recently that an enemy ship could lie off 300 miles from the city of New York, and could easily send a number of flying machines into the city of New York; that unless we were ready to shoot them down with antiaircraft guns, they could do incalculable damage in the financial district in 10 minutes' time. That was the state-ment made to the Military Committee by the distinguished officer who was at the battle front in Europe, who witnessed the efforts of the German flyers to do serious damage in England, and who had special facilities for observing the damage that was being done by enemy aircraft. The time has come when we should have these antiaircraft guns in the United States. This is no occasion, no time, I take it, to stand upon technicalities. We need some of these effective and efficient weapons, and the sooner we get them the better for our country. [Applause.]

The CHAIRMAN. The question is on the amendment to the amendment, offered by the gentleman from Tennessee.

The amendment to the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to amend by inserting before the dollar mark of the amendment the language, "to be available until June 30, 1920."

Mr. PADGETT. All right.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert, before the dollar mark, the words "to be available until June 30, 1920."

Mr. STAFFORD. Mr. Chairman, on that I reserve a point of order.

The CHAIRMAN. The gentleman from Wisconsin reserves point of order.

Mr. STAFFORD. Mr. Chairman, I can see some reason for enlarging these estimates to provide for the exigencies of war in case we are brought into the maelstrom of the European conflict, but I doubt whether we should provide large future appropriations that may not be necessary in case we can avoid the undesirable entrance into the war. I can understand where we might desire to appropriate large sums for ammunition, but what is the need of appropriating money for these aircraft for the defense of our naval stations which will run into the year 1920?

Mr. PADGETT. This is to fix a limitation at that time, Under the existing law the obligation period would run to July 1, 1918.

Mr. STAFFORD. Would it run to July 30, 1920, in case con-

tracts were entered into during the next fiscal year?

Mr. PADGETT. No. If contracts were entered into we could obligate the money until July 1, 1918, and then they would have until June 30, 1919, in which to make payments; and this is to allow an additional year to complete the whole contract. They could go ahead and obligate it.

Mr. STAFFORD. The gentleman has stated that these increases recommended by the Secretary of the Navy, aggregating something like \$13,000,000, are occasioned by the fear and scare arising out of the danger of eventualities with Germany. If those eventualities should not happen, what is the reason why these appropriations should run into millions and perhaps hundreds of millions?

Mr. PADGETT. Well, we are making the appropriations. We think it would be expedient to allow them ample time.

Mr. STAFFORD. As I understand the gentleman's statement, these allowances are on account of the emergency and exigent conditions. That emergency might not exist when the next appropriation bill comes up for consideration, I think, Mr. Chairman, there is no need of having this made available until

July 30, 1920, and I shall feel constrained to make the point of

Oh, I hope the gentleman will not do that.

Mr. STAFFORD. I have tried to obtain information, but I

have not received any from the chairman of the committee.

Mr. SISSON. Mr. Chairman, along the line of what the gentleman from Wisconsin [Mr. Stafford] has said, I would like to suggest to the Chairman of the Naval Committee that in the event of war we could pass a resolution appropriating perhaps a billion dollars, so that all this little stuff would not amount to anything. This is only to put more in the naval bill than you would otherwise get into it. I think there is a good deal in what the gentleman from Wisconsin says. I think it is a scheme to get more money than you would otherwise get. the event of war you would get all you want, and there would be no question about it.

Mr. PADGETT. Mr. Chairman, I will say to the gentle-

Mr. MANN. Mr. Chairman, let me get a practical proposition before the committee. We are making an appropriation for the next fiscal year. It is likely that if we should have a declaration of war before the 4th of March, which I do not believe will happen, we would provide a lot of additional appropriations; and it is barely possible, although I think not probable, that we would then have an extra session of Congress

After all, these appropriations that we are making now are largely increased upon the contingency of war occurring-the active part of it, real war-when Congress is not in session, without making additional appropriations. I do not think this item will be expended unless we have war. I would much prefer to leave the Navy Department open not to expend the item than to tell them that unless they expended it in the next year they can not have it, because if you do that they will be sure to let contracts for the total amount, in which case it runs over anyhow

Mr. CLARK of Missouri. I would like to ask the gentleman from Illinois if he knows-and if he does not know, nobody

Mr. MANN. That does not follow-

Mr. CLARK of Missouri. How long it will take to make these

Mr. MANN. I do not know, but it is stated that they can make 104 guns in the next year. But this is perfectly patent to everyone that no one can tell how long it will take to get guns or ammunition under stress of conditions growing out of war or fear of war, because we do a great many things much faster under such conditions than we do normally.

Mr. CLARK of Missouri. If you can not make them in less

than a year, why, then, the stress will be over.

Mr. MANN. I hope so. But I am talking about a practical proposition.

Mr. CLARK of Missouri. So am I.

Mr. MANN. It is perfectly certain in my mind that if the Navy Department is told, "You have this appropriation"—they want the antiaircraft guns, with authority to contract for them—that if they only have the appropriation available for a year in which to make contracts, they will make the contracts covering the entire appropriation within the year, in which case they would spend the money within the next year or two years. I prefer to give them three years' time now within which to spend the money, under the theory that if they do not have war it will not be spent at once.

it will not be spent at once.

Mr. CLARK of Missouri. Now, if they are going to make these guns, why not make this money available now?

Mr. MANN. Well, it ought to be; but it is not.

Mr. STAFFORD. Mr. Chairman, I would like to ask my colleague a question, whether, in case we merely make this appropriation available for the present fiscal year, they would not be able before the close of that fiscal year to enter into contractual obligations for a period of two years following the contractual obligations for a period of two years following the close of the fiscal year?

Mr. MANN. Yes; and that was what I was trying to obviate. Mr. STAFFORD. And also whether Congress will not be in session, in case an exigency arises, so that it can make available adequate amounts to provide for the contingency the gentleman

has referred to?

Mr. MANN. The gentleman misunderstands me. We have already decided the amount of the appropriation. It is now available only for one year after July 1. I do not want to force the Navy to make contracts for the entire expenditure unless

there is going to be a war.

Mr. STAFFORD. Mr. Chairman, I assume that the Navy Department is asking for this increased appropriation with the idea that there will be an exigency arising that will require the expenditure of this money in the near future. If such an

exigency does arise, then they should have all the money. If that exigency does not arise, then we, as guardians of the people's Treasury, ought not to allow them to spend this money in the following two years, when the exigency does not exist. Therefore I make the point of order.

IANN. We have already determined the amount of The gentleman's position is utterly unreasonable. Mr. MANN.

The CHAIRMAN (Mr. BYRNS of Tennessee). The point of order is sustained.

Mr. BUTLER. I move to strike out the last word. Mr. PADGETT. All debate is closed.

Mr. PADGETT. All debate is closed.

The CHAIRMAN. All debate has been closed. The question is on the amendment as amended.

The amendment as amended was agreed to.

Mr. PADGETT. I move that the committee do now rise for a short time. The Speaker wishes to have the military appropriation bill reported.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Byrns of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the naval appropriation bill (H. R. 20632) and had come to no resolution thereon.

MILITARY APPROPRIATIONS.

Mr. DENT, from the Committee on Military Affairs, reported the bill (H. R. 20783) making appropriations for the support of the Army for the fiscal year ending June 30, 1918, which was read the first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 1432), ordered to be printed.

Mr. KAHN. Mr. Speaker, I reserve all points of order on the

The SPEAKER. The gentleman from California reserves all points of order on the bill.

NAVAL APPROPRIATIONS.

On motion of Mr. PADGETT, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill (H. R. 20632), with Mr. Byrns of Tennessee in the chair.

The Clerk read as follows:

Ammunition for ships of the Navy: For procuring, producing, preserving, and handling ammunition for issue to ships, \$1,500,000, to be available until expended.

Mr. STAFFORD. I reserve a point of order on the words to be available until expended."

The CHAIRMAN. The gentleman from Wisconsin reserves

a point of order.

Mr. STAFFORD. What is the necessity for having a continuing appropriation, when we can increase the amount, if it

is necessary, at a subsequent session?

Mr. PADGETT. This is for the making of shells, a work which runs over a year, and sometimes longer than that. a very difficult matter, and this language has been carried in the bill, I know personally, during the 12 years I have been on the We are simply doing what has been done heretocommittee. fore. I hope the gentleman will not interfere with the estab-

lished practice with reference to this.

Mr. STAFFORD. Will the gentleman put some limitation of date on that? This is indefinite as to time. I have no objec-

tion to an additional year.

Mr. PADGETT. The gentleman knows that we are starting a projectile factory of our own, and that will take perhaps a year. We are providing the money for the next fiscal year to complete that. That has got to get into operation. I believe if I were the gentleman I would not insist upon the point of order.

Mr. STAFFORD. Does the gentleman expect to offer an amendment to increase this fivefold, more or less?

Mr. PADGETT. No; they have asked for an increase, but I am not going to ask for it.

Mr. STAFFORD. I think there ought to be some limitation-

say, not later than July 1, 1920.

Mr. PADGETT. It has been running this way during the whole 12 years that I have been on the committee. There has been no abuse of it.

Mr. STAFFORD. Last year we appropriated for this purpose \$13,720,000, and this year we appropriate only \$1.500,000. there a considerable amount of the \$13,720,000 still available for expenditure?

Mr. PADGETT. Oh, yes. It is all available, because it was only appropriated the 29th of August, and contracts had to be

let. That was nearly all for shells.

Mr. STAFFORD. How much of the amount heretofore appropriated is now available for use under this item?

Mr. PADGETT. The whole of the \$13,000,000 is available. Mr. STAFFORD. Are any appropriations made in prior years available?

Mr. PADGETT. I think not. I think they have obligated all

the preceding appropriations,

Mr. STAFFORD. In view of the statement of the chairman of the committee that he does not intend to increase the amount under the hysteria of the moment I will not press the point of order.

The CHAIRMAN. The point of order is withdrawn. Mr. RAGSDALE. I renew it.

Mr. KELLEY. I should like to ask the gentleman how much more the department wants?

Mr. PADGETT. A couple of million dollars more. The CHAIRMAN. The gentleman from South Carolina [Mr.

RAGSDALE] reserves a point of order on the paragraph.

Mr. RAGSDALE. Mr. Chairman, a few minutes ago the gentleman from Pennsylvania [Mr. Moore] exhibited a great deal of glee in criticizing the gentleman from Texas [Mr. Callaway] and myself, stating that we differed from the Democratic administration. If we have differed from the Democratic administration by asking for judicious expenditures, and that they may be expended where they will bring the greatest amount of good at the present moment to American commerce, certainly we did not disagree with the gentlemen on this side of the Chamber and with this administration when we voted to provide the taxes that were necessary to carry on the enormous propaganda that the gentleman from Philadelphia so gladly joins in now unloading on the people of this country. He is willing to vote every dollar out of the Treasury that he can, but he is unwilling to stand by this administration in voting the taxes that are necessary to meet the deficit that he now knows exists in the Treasury.

When the devil was sick,
The devil a saint would be;
When the devil got well,
The devil a saint was he.

Mr. MOORE of Pennsylvania. Mr. Chairman-

Mr. RAGSDALE. The gentleman would not yield to me, and he ought not to ask the same courtesy.

Mr. MOORE of Pennsylvania. I want to correct the gentle-

man's poetry.

Mr. RAGSDALE. I want to ask the gentleman to keep quiet, as he compelled me to do. He looks beautiful when he is sitting down. He is rather noisy when he is on his feet. The gentleman is on his feet so much that it is hard to find him when he looks well. He is usually noisy. The gentleman from Pennsylvania [Mr. Moore] speaks of the unjustifiable attacks on improvements for rivers and harbors. Why, if the gentleman had a memory he would know that I have assisted him in every

single fight he has made for them.

I do not think the gentleman can record a single instance in which I have ever voted against a river and harbor improvement since I have been here in Congress. I have joined the gentleman in voting for river and harbor improvements. But by increasing the amount of expenditures that are made here to-day for these purposes carried in this bill, when we know that this money will not be utilized for years to come, do you realize that you will never get your river and harbor bill through the Senate, and that you will never get your public-building bill through the Senate? The people in the interior of this country who are entitled to some recognition are going to find themselves sacrificed in this bill, which justifies itself only by a war scare, when the appropriations can not be utilized for years to come, as everybody on this floor knows, because the chairman of the Naval Committee admits it.

The gentleman from California [Mr. KAHN] talks about our getting into trouble with some other country. If he reads the newspapers, as I read the newspapers, he will find the latest issues of the press carry news of the cheers in Russia for the United States, cheers for the United States in England, cheers for the United States in France, and all countries of the world that are not now training with the central powers. It is important for us not to be mixed up with any of them. If there is any trouble in the future, it is going to be with Germany, and everybody knows it; and everybody knows that Germany can not get her warships beyond the line of defense, and if they do that with her limited steam power if once they break through they never will get back.

When the gentleman from California knows that fact, and that whenever they have come out they have been driven to cover, it is ludicrous for a well-informed gentleman, a member of the Committee on Military Affairs, to advance that lame excuse to justify his position. Everybody knows that Germany does not dare go on the high seas, and the talk of launching aircraft from the deck of some of her great vessels is absolutely

ludicrous when made by any well-informed man. Everybody knows that; and when gentlemen come here in the hysteria of the moment and try to increase appropriations in a temporary fit of excitement by which anything is justified, to my mind they but rebuke themselves in principle and rebuke those who ask wise and judicious expenditures from the Treasury.

Mr. MOORE of Pennsylvania. Mr. Chairman, is a point of

order pending?

The CHAIRMAN. The gentleman from South Carolina reserved a point of order. Does the gentleman from South Carolina insist on his point of order?

Mr. RAGSDALE. No, sir.

The CHAIRMAN. The point of order is withdrawn. Mr. KAHN. Mr. Chairman, I ask unanimous consent that the gentleman from South Carolina [Mr. RAGSDALE] have one minute more in order that I may ask him some questions.

The CHAIRMAN. The gentleman from California asks unanimous consent that the gentleman from South Carolina have one minute more. Is there objection?

There was no objection.

Mr. KAHN. Does the gentleman remember having read in the newspapers within the last two weeks that a number of German raiders have been operating in the Atlantic Ocean and

seizing vessels of the belligerents?

Mr. RAGSDALE, I will say to the gentleman that I do not propose to vote for appropriation of the money of the people whom we tax to get it on an unsupported newspaper story. I have no definite information from the Secretary of the Navy or from the War Department or from the Naval Committee as to that. Will the gentleman tax the people whom he represents on unsupported newspaper scare stories? [Applause on the Democratic side.

Mr. KAHN. No. Does the gentleman mean to say that the reports that have been published about the vessels that have been captured by the raiders are false?

Mr. RAGSDALE. I mean to say that I have no definite information upon which they base their reports and their action, and that neither of the departments, the Secretary of War nor the Secretary of the Navy, has asked for this appropriation on that basis. I will ask the gentleman has he been called upon to make appropriations for antiaircraft guns by reason of these raiders?

Mr. KAHN. The War Department has called to the attention of the Committee on Military Affairs the fact that it is desirable to appropriate for antiaircraft guns and antiaircraft ammunition, and the Committee on Military Affairs has undertaken to make such appropriations.

Mr. RAGSDALE. Yes; but we are not considering that bill;

we are considering the antiaircraft guns for the Navy.

The CHAIRMAN. The time of the gentleman from South

Carolina has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I do not care to answer the gentleman from South Carolina, except to say this, that if I felt as thoroughly satisfied about the impotency of Germany as he does I might not vote for any additional appropriations for the Navy of the United States. But having recalled the fact that German navigators penetrated the vast ocean and got through the lines of the British fleet and landed safely on these shores with one little submarine craft—the Deutschland—I do not minimize the ability of the German navigator. Having read in the newspapers reports of numerous battles in the air between German, English, and French, I am not quite satisfied that the ingenuity and efficiency of the German aircraft sailor ought to be discounted. When we talk about entering a contest with Germany or any other nation we should consider these things.

If the gentleman from South Carolina is right about the incompetency of Germany to reach the Canadian shores through British lines, or to reach the shores of the United States direct, I would like to know why the President of the United States has given us this war scare? My understanding of his address was that he came here because Germany made the simple announcement that it proposed to throw a line of submarines around the British coast. If the gentleman thinks that Germany is not worth considering in this matter, then I do not quite understand why the President of the United States, whom we are all expected to support, broke diplomatic relations with Germany and then came here to tell us about it. Germany seems to have given Great Britain a scare along with the United States.

I think, Mr. Chairman, it is high time we got back to the days of George Washington and James Madison and Thomas Jefferson and at least perfected some of the preparation plans that they laid down. We have not improved some of the natural avenues of communication which they planned, lo, in these 100 years, and have some canal approaches of great moment now that have stood unimproved almost that long. With announcements that we are going to tax the people \$400,000,000 in a revenue bill to meet ordinary and some extraordinary expenses, and with bills introduced to tax the people \$500,000,000 more for war purposes, and possibly \$500,000,000 beyond that, we ought to make some progress in real preparedness. We have not now sufficient men to man the ships that we propose to put upon the seas to defend the honor of the United States. If we must raise the money we can raise it. The people seem to have declared for this thing. The cry has gone up to "stand by the President." That means expense; the people understand that they must pay if the President is to be supported in this crisis. We can not stop short of preparing ourselves with submarines and with aeroplanes and with guns for both these implements of war. If we expect to go into a real war we must be prepared to meet men already in the field, who are not theorists, but who are practical men of war. [Applause.]

Mr. MILLER of Minnesota. Mr. Chairman, I desire to be recognized in opposition to the amendment offered by the gentleman from Pennsylvania [Mr., Moore]. We have spent 2 hours and 20 minutes

Mr. PADGETT. Mr. Chairman, will the gentleman yield until I ask unanimous consent that debate upon this paragraph and

all amendments thereto close in five minutes?

Mr. MILLER of Minnesota. The gentleman can make it two minutes, so far as I am concerned, because I am not going to talk over that long.

Mr. PADGETT. Very well, two minutes.

The CHAIRMAN. The gentleman from Tennessee asks unani-

mous consent that all debate upon this paragraph and all amendments thereto close in two minutes. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. Mr. Chairman, we have spent 2 hours and 20 minutes discussing a proposition that is not before the House. We have already adopted the amendment offered by the chairman of the committee appropriating the amount indicated. We had points of order raised and withdrawn, raised and withdrawn. The original subject was antiaircraft guns. Good God! If we keep on here talking about the difference between tweedledum and tweedledee, about Charleston, S. C., and Philadelphia and New York, we will be shot to pieces before we know it. May I now, as a humble Member of this body, ask that we stop this talk fest and get down to business and read a few pages and see if we can not do something toward real preparedness. [Applause.]
Mr. MADDEN. Mr. Chairman, I offer to amend by increasing

the amount for ammunition issued to the ships from \$1,500,000

to \$3,500,000.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 20, line 15, amend by striking out "\$1,500,000" and inserting "\$3,500,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. Gordon) there were—ayes 56, noes 33.

So the amendment was agreed to.

The Clerk read as follows:

Torpedoes and appliances: For the purchase and manufacture of torpedoes and appliances, to be available until June 30, 1920, \$800,000.

Mr. PADGETT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 20, under "Torpedoes and appliances," line 22, strike out "\$800,000" and insert "\$1,049,280."

The CHAIRMAN. The question is on agreeing to the amend-

Mr. PADGETT. Mr. Chairman, that increases the amount for torpedoes by \$289,000. It is to replace the old short-range torpedoes, and to replace torpedoes that have been lost in torpedo practice.

The CHAIRMAN. The question is on agreeing to the amend-

The amendment was agreed to.

Mr. SEARS. Mr. Chairman, I ask unanimous consent to re-turn to page 14 of the bill for the purpose of offering an amend-

Mr. ROBERTS of Massachusetts. What is the amendment? Mr. SEARS. Mr. Chairman, the amendment is for a naval training station at Key West, Fla. I thought it came under the naval training stations, but I find it does not.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to return to page 14 for the purpose of offering an amendment. Is there objection?

Mr. PADGETT. Mr. Chairman, reserving the right to object, I stated to the gentleman that I did not want to commence to turn back in the bill at this time, that we would have to go back in the bill at other times, and when we were doing that I would not object to turning back for him in order that he might present his motion, although I did not say that I would favor or agree to his proposition. I do not want to break into the procedure of the bill at this time, and I will ask the gentleman to withdraw his request and let it come in when we are turning back for other matters which we have passed.

Mr. SEARS. Mr. Chairman, I would rather do it now. want to stay here, but it will not take very much time, I think. I think we will get through more quickly by doing it now than

doing it later.

The CHAIRMAN. Is there objection?
Mr. STAFFORD. Mr. Chairman, reserving the right to object, let the amendment be reported.

The CHAIRMAN. The Clerk will report the amendment. Mr. BUTLER. Mr. Chairman, has this amendment been recommended by the chairman?

Mr. PADGETT. No.

The Clerk read as follows:

The Clerk read as follows:

Amend, on page 14. after line 17, by inserting the following:

"Naval training station, Florida; maintenance of naval training station, Key West; labor and material; building and repairing wharves; dredging channels; repairs to causeways and sea walls; general care, repair, and improvements of grounds, buildings, and wharves; wharfage, ferriage, and incidental expenses necessary thereto; purchase of live stock and attendance on same; wagons, carts, and all necessary implements; tools and repairs to same and maintenance of same; fire engines and extinguishers; gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and material and maintenance of same; lighting; stationery, books, school books, and periodicals; for increasing the efficiency and perfecting the present fortifications; fresh water and washing; packing books and material; and all other continued expenses; lectures and suitable entertainments for apprentice seamen; suitable vessel or battle cruiser for training naval militia; in all, \$1,000,000: Provided, That the sum to be paid out of this appropriation, under direction of the Secretary of the Navy for physical training, instruction, and messenger service for the fiscal year ending June 30, 1918, shall not exceed \$6,000.

The CHAIRMAN. Is there objection?

The CHAIRMAN. Is there objection?
Mr. STAFFORD. Mr. Chairman, reserving the right to ob-

Mr. PADGETT. Reserving the right to object—
Mr. BUTLER. Mr. Chairman, I will object.
Mr. PADGETT. Let me ask the gentleman not to object, but to give the gentleman-

Mr. BUTLER. I want to get to a vote on these appropriations which have the recommendations of the department.

Mr. PADGETT. Let the gentleman reserve the right to object

for five minutes.

Mr. BUTLER. I am not going to cut the gentleman from Florida off.

Mr. PADGETT. Mr. Chairman, I reserve the right to object and ask that the gentleman proceed for five minutes.

Mr. SEARS. Mr. Chairman, it has been suggested by some

of my colleagues

The CHAIRMAN. The Clerk informs the Chair that he has not finished the reading of the amendment.

The Clerk concluded the reading of the amendment.

Mr. PADGETT. Mr. Chairman, I reserve the right to object to unanimous consent to return, and I would ask that the gentleman may have five minutes in which to address the committee.

Mr. BUTLER. Will the Chair please instruct me how you can make a reservation here. You have either to object or you do not object to the return. I would like for the gentleman from Tennessee to ask unanimous consent of the committee that the gentleman may make a statement. I do not think the gentleman can make an objection and then withhold it.

Mr. PADGETT. I think we can reserve the right to object to return and let the gentleman make his speech by unanimous

consent.

The CHAIRMAN. If the gentleman from Tennessee will allow the Chair to make a suggestion, that if he intends to object to the return, let him object now. The gentleman from Florida can secure his time by a pro forma amendment at a later paragraph in the bill.

Mr. PADGETT. But, Mr. Chairman, the gentleman from Pennsylvania has made an objection.

Mr. SEARS. If the gentleman will reserve it so I can have five minutes

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to address the committee for five

Mr. BUTLER. Notwithstanding the objection I have made. The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Florida [Mr. Sears] may address the committee for five minutes, without prejudice

to the objection made to his request to return, made by the gentleman from Pennsylvania. Is there objection? [After a

pause.] The Chair hears none.

Mr. SEARS. Mr. Chairman, it has been suggested by some of my colleagues perhaps something was omitted from the amendment. If it was, it was not my fault because I laboriously followed the provisions as printed in the bill upon which the committee has just passed. I wanted the 5 minutes—I would like to have 10 now-to explain to the committee this proposition, and I hope it will not be objected to at this time, and if it is I will have five minutes more at a later time to discuss it.

Mr. PADGETT. I ask unanimous consent that the gentleman

have 10 minutes now.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to amend his former request by asking that the gentleman from Florida have 10 minutes in which to address the House, without prejudice to the objection made by the gentleman from Pennsylvania. Is there objection? [After a pause.] The Chair hears none.

Mr. SEARS. The chairman overwhelms me with his gener-

If I had placed in this amendment perhaps \$3,000,000 instead of only \$100,000, I am satisfied the committee unhesitatingly would have voted it, judging by their votes on other

propositions.

Mr. EAGLE. Will the gentleman yield?

Mr. SEARS. I will. Mr. EAGLE. I think the gentleman will find in due course that either the gentleman from Tennessee and certain gentlemen from Massachusetts and Pennsylvania will boss this bill or else with their generosity, about which the gentleman has expressed his gratification, they will have a long keen stiletto inside of a

silk handkerchief.

Mr. SEARS. I thank the gentleman from Texas for his eloquence, in which I am not able to indulge, and also for what, I fear, is his true statement of the situation. Mr. Chairman, seri-I fear, is his true statement of the situation. ously speaking, any bill looking to the fortification of this country that omits Key West to my mind is fatal. I do not care to go into the question of geography with my colleagues because they are thoroughly familiar with same, and I simply desire to recall to their memory that Key West, if properly provided with naval facilities, would control the Yucatan Channel, the Carribean Sea, Straits of Florida, the Gulf of Mexico, and thousands of miles of the Atlantic Ocean. It is about three days nearer to the Panama Canal than Pensacola, and I am not fighting a single dollar of appopriations for Pensacola, represented by my able colleague [Mr. Wilson]. It is about four days nearer the Panama Canal than Charleston, nor am I fighting any appropriation for Charleston.

West, at the southern extremity of Florida, within about 500 miles of the Panama Canal, is the keynote to the situation to defend not only the Gulf of Mexico but to protect that part of our country located on the Gulf of Mexico, and besides ships from there could be sent up as far as Jacksonville, to Charleston, to Mobile, to New Orleans, or down to the Panama Canal, if it was necessary to send them to that canal, and

on through to the Pacific Ocean.

Now, it is true there is not very much water there. There is only 22 feet right at Key West but I have asked the River and Harbor Committee for, and they have granted me, a survey, and if they will expend about \$200,000 at Key West they can have approximately 36 feet of water the entire distance, which will be the best channel of any port in the United States with so small an expenditure of funds. All around, as shown by this plat which I hold in my hand, there is practically now 37 and 38 feet of water. While the chairman says, and Members of this House say, this amendment has not been passed on by the department, I want to call the attention of the Members of the House to the fact that only a few minutes ago, because a naval official asked you to vote some \$3,000,000 and more for aircraft guns, without any request from the department, you voted the appropriation. I insist the department has passed on the importance of Key West and in support of same submit the fol-

In 1916 the Secretary of the Navy wrote me in part, as fol-

The Navy Department fully appreciates the importance of Key West as an offensive and defensive base and all the department's plans include Key West.

Its primary use would probably be as an operating base for torpedo boats, destroyers, and submarines used to close the Florida Straits and Yucatan Channel to the enemy, thus protecting the whole of the Gulf coast from enemy attack.

That is signed by Hon. Josephus Daniels, Secretary. Mr. MILLER of Minnesota. Will the gentleman yield? Mr. SEARS. I would rather not yield just now.

Mr. MILLER of Minnesota. I would like to ask a question, I understood the gentleman to say that Key West was 500 miles from Panama.

Mr. SEARS. Approximately. Mr. MILLER of Minnesota. Was that estimate of distance also made by the Secretary of the Navy?

Mr. SEARS. I could not tell you.

Mr. MILLER of Minnesota. As a matter of fact, is it not nearly 1,000 miles?

Mr. SEARS. The gentleman is better up in geography than I am, and if he says so I will accept his statement.

Mr. MILLER of Minnesota. I do not know that I am better, but I think it is about 1,000 miles.

Mr. SEARS. I was never on the water mentioned in my life, but, as you know, it looks on water nearer than it really is. [Laughter.] It depends largely on what you have been looking at.

Mr. MILLER of Minnesota. Does the gentleman think it is

a submarine base for the Panama Canal?

Mr. SEARS. I did not intend to convey that meaning. I mean they could keep boats there, and if they wanted to send them to the Pacific coast they could send them down to the Panama Canal, and save the distance from Charleston or any other place or port you might name, and thereby save three or four days. I am sure the gentleman from Minnesota will admit this saving is very important.

Now, Mr. Chairman, I first took this matter up with the Secretary of War, and he stated it did not come before his department, because it was a naval proposition, and in part he says:

As Key West does not satisfy the requirements above indicated, it is obvious that it is not suited as a base for the land forces.

It is understood, however, that Key West has certain well-recognized advantages from the standpoint of naval operations. But any official estimate of its value for naval purposes involves a consideration of naval policy and should emanate from the Navy Department.

The War Department and the Navy Department both realize the importance of Key West as a naval base. You have there to-day naval improvements that are going to ruin because they are not being kept up. You have there to-day facilities for making a naval base that will be more advantageous to this country from a geographical standpoint than any other fort you could name in this country. It is unique. Situated in the Gulf, as it is, with the ocean immediately on the left, the Gulf to the right, and the Caribbean Sea just below, controlling the Florida Straits and the Yucatan Channel, the Members of this House can appreciate how important it would be for the Government to control and properly fortify Key West, not only for Florida but for the entire country,

In 1898, during the Spanish-American War, practically all of the troops were transported from Key West to Cuba, and then it was that they had United States boats there; their battle cruisers and those boats not drawing more than 20 feet of water. But since that time, and since I have been in Congress, it is, indeed, hard to get even a vessel there for the more than 100 naval reserves, young Americans who have volunteered to defend their country, on which to practice and to train. I want to say to the Members of this Congress if you really mean to prepare your country, there is no better place to start, even though it is in my district, than Key West, Fla., and I sincerely hope that the Members will grant the appropriation and pass the amendment I have presented, because it will be wisely used.

I want my position understood thoroughly. I am really glad it is passed temporarily, so the Members can thoroughly study same. There are other points in this bill that I expect to object to, that I shall protest against, and I shall do so because I believe, as in the case of Key West, each proposition should stand on its own merit, and that there should be no favoritism expressed or shown by my colleagues in their vote on any propo-

Not having the pleasure of taking up more of your time, when the amendment is finally offered, I sincerely trust you will have studied the proposition, and that you will agree with me and will allow the amendment I have offered to stand.

The CHAIRMAN. The gentleman from Pennsylvania objects to returning as requested. The Clerk will read.

The Clerk read as follows:

Navy yard, Boston, Mass.: Sterilizing and disinfecting plant, \$9,000; improved drainage and filling arrangements, Dry Dock No. 2, \$17,500; locomotive and crane shed, \$20,000; in all, \$46,500.

Mr. TAGUE. Mr. Chairman, I move to strike out the last

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. TAGUE. Mr. Chairman, I would like to ask the chairman of the committee whether or not any appropriation was requested for the building out of the dock at the navy yard at Charlestown, Mass.

Mr. PADGETT. At Boston?

Mr. TAGUE. Yes.

Mr. PADGETT. No, sir.

Mr. TAGUE. Whether or not any further appropriation was asked for the yard in this bill?

Mr. PADGETT. I do not recall any that has reached the com-

Mr. TAGUE. I was given to understand, Mr. Chairman, that an appropriation was asked for the building of the docks at the navy yard, for the extension of the docks. That was my reason

for asking the question.

Mr. PADGETT. It may have been asked for by the officials of the yard and sent to the Navy Department, but the department has not approved it, so far as we know, and the department has never forwarded any estimate or request for it to the com-

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Navy yard, Philadelphia, Pa.: Dry dock, to continue, \$1,000,000; central power-plant improvements, \$120,000; 50-ton locomotive crane, \$100,000; in all, \$1,220,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Moore of Pennsylvania: Page 23, after line 22; insert a new paragraph, as follows:

"The limit of cost for the purchase of ground adjoining quartermaster's depot, Marine Corps, Philadelphia, Pa., and the erection of an addition to said depot thereon, is hereby increased not to exceed in all \$375,000, and for that purpose \$200,000 additional is hereby appropriated."

Mr. PADGETT. Mr. Chairman, I reserve a point of order against it, with a view to securing information.

Mr. MOORE of Pennsylvania: Mr. Chairman, I do not know what the point of order is, but if it is that this amendment is not offered at the proper place—
Mr. PADGETT. No. It raises the limit of cost that has been heretofore fixed by law.

Mr. MOORE of Pennsylvania. Does the gentleman intend to oppose the amendment, this being a matter of great moment and necessity at the present time?

Mr. PADGETT. I will state to the gentleman that the department has communicated somewhat with the committee, and I realize that it is an important matter, but it was not in the

regular estimates.

Mr. MOORE of Pennsylvania. I submit to the gentleman that we have approved other emergency matters that have come in here that were not submitted in the regular estimates and which were not so imperatively necessary as is this particular extension at this time. The gentleman is aware of the fact, of course, that the amendments he has offered contemplate the saving of time in the manufacture of certain articles and the promotion of preparedness as to certain things to be done.

Here is the establishment where all the supplies for the Marine Corps are made. All the clothing and all the men's outfits are provided for at this particular establishment, which by reason of a 50 per cent increase in business during the last year or so is simply crowded to the wall. If emergency appropriations are made for additional manufactures they will by the very nature of things force the department to go outside and rent apartments at great expense in which to do the business that will be imposed upon the quartermaster's depot.

Mr. PADGETT. I will state to the gentleman that the factory at Philadelphia does splendid work. It is one of the best institutions in the Navy, and I think that in the saving it has made in the manufacture of clothing and outfits for the Marine Corps it has saved its cost several times over, perhaps. It is a very successful one and a very advantageous one. I have a letter here from Gen. Barnett, the Commandant of the Marine Corps, in which he calls attention to that. He says:

When the estimate of \$175,000 for the purchase of land and an addition to the depot was originally made four or five years ago, it was not contemplated that the Marine Corps would be increased by 50 per cent, and even at the time the appropriation was finally made it was believed to be sufficient to provide the additional space required. Since that date, however, it has developed that a far greater necessity arises for additional space, due to the increased quantities of supplies and manufacturing activities over those that were apparent a year ago. In addition, it has been realized that the land can not be purchased for anything like the sum originally estimated; and as no satisfactory agreement could be arrived at as to this purchase price, condemnation

proceedings have been instituted and an additional appropriation has been asked for.

Mr. MOORE of Pennsylvania. Would it not be to the advantage of the department to have this appropriation made now, rather than be compelled to pay rent for additional quarters, which it unquestionably would have to pay if we did not make provision quickly for such increased work as will be imposed on the depot by the department?

Mr. PADGETT. I recognize that there is very great merit in the gentleman's amendment, and it has been recommended by the department. Personally I shall not insist on the objec-

tion to it.

Mr. MOORE of Pennsylvania. I thank the gentleman for that statement and for putting into the RECORD what he has. This is a practical question, whether the Government shall be driven to other quarters for needed floor space, to meet the requirements of the service.

Mr. PADGETT. I said I would not object to the considera-

tion of the matter.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment.

Mr. STAFFORD. I reserve a point of order, Mr. Chairman. should like to ask some further explanation.

The CHAIRMAN. The gentleman from Wisconsin reserves .

the point of order.

Mr. STAFFORD. I should like to have some further explanation as to the need for increasing the limit of cost of this marine depot at Philadelphia. I recall some years ago, when the item was carried in the naval appropriation bill, which the letter read by the gentleman from Tennessee [Mr. Padgert] states was \$175,000.

Mr. MOORE of Pennsylvania. The work there has increased

50 per cent during the last year or two.

Mr. PADGETT. The necessity for it has increased very much, because of the increased number of marines who have to

be provided for, the number being increased by 5,000.

Mr. STAFFORD. What is proposed, as far as the property is concerned, to be obtained in this additional authorization?

Mr. PADGETT. There was some additional land to be acquired, and that was authorized to be acquired in the bill of last year.

Mr. MOORE of Pennsylvania. And condemnation proceedings have been entered and are about to be brought to a close.

Mr. PADGETT. It was supposed that the land could be purchased for the proposed amount.

Mr. STAFFORD. One hundred and seventy-five thousand dollars?

Mr. PADGETT. No; it was supposed that the \$175,000 would purchase the land and do some of the work on the buildings. We appropriated the \$175,000 to get the land and to have some money remaining to start the work upon the enlargement of the factory. Now it develops that the land is going to cost much more than was estimated.

Mr. STAFFORD. What is the amount that it is estimated

will be required to purchase the required tract of land?

Mr. PADGETT. I think the gentleman from Philadelphia [Mr. Moore] can state that.

Mr. MOORE of Pennsylvania. I am unable to state, but this appropriation includes the purchase of the land incident to the condemnation proceedings, which must be met under the au-

Mr. STAFFORD. Does not the gentleman know how much we are appropriating for the purpose of acquiring a site and how much is to be expended for the erection of a building before we just go ahead and appropriate several hundred thousand

Mr. MOORE of Pennsylvania. The gentleman knows that land in the heart of a great city is valuable.

Mr. STAFFORD. I believe this property is about a mile

from the city hall,
Mr. MOORE of Pennsylvania. It is at Broad Street and Washington Avenue. There is a very large and imposing building there, but it is not adequate to accommodate the business

that is being done by 50 per cent.

Mr. STAFFORD. What is the size of the tract of land that it is proposed to acquire, and what are the additional buildings that are projected that will be required by the Marine Corps at

Philadelphia?

Mr. PADGETT. All of that was set out in the hearings last year, when we authorized the acquiring of the land, either by purchase or condemnation. It is land adjoining the present factory; but I do not carry in my mind the figures which were stated last year.

Mr. STAFFORD. Is it intended to obtain any additional land other than that which was planned when the estimate was

Mr. MOORE of Pennsylvania. Will the gentleman allow me to-state what Gen. Barnett reports on this matter? This is by authority of law. He reports that-

Condemnation proceedings have been instituted and will soon be completed, and it is believed that the land will be in the possession of the Government before the next two months.

That means that the condemnation proceedings are about to come to a close, and the Government will have to pay for the land, which it has proceeded to condemn by authority of Congress

Mr. STAFFORD. Then, it is not intended to obtain any land in addition to that which was originally planned to be taken by the Government a year ago?

Mr. MOORE of Pennsylvania. No; this is to pay for that

which has been condemned.

Mr. STAFFORD. How much additional is provided for buildings in the amendment of the gentleman from Pennsyl-

Mr. MOORE of Pennsylvania. To pay for the land and construct the buildings, \$200,000 additional. Gen. Barnett says:

This is the only manufacturing depot in the Marine Corps, and the supplies for the entire corps, both ashore and afloat, are manufactured, received, and inspected in this establishment, and distributed therefrom. Both the Army and the Navy have many depots for manufacturing and other purposes, while the Marine Corps exists with this one. Great pride has been taken, not only by the Marine Corps but the Congress as well, in the establishment, operation, and upbuilding of this very essential plant, which has been most successfully administered at a great saving of money to the Government, and it might be said that this saving has amounted to far more than the additional sum which is now requested of Congress. The capacity of the depot, however, has reached its limit, and no more work can be done there, and it was necessary only recently to authorize the manufacture of garments outside, at an increased cost, as there was no further room in the depot.

Mr. STAFFORD. Then, as I understand the gentleman's statement and the statement of the commandant, this only provides for an additional authorization of \$200,000?

Mr. MOORE of Pennsylvania. That is all.

Mr. STAFFORD. To take care of the payment for the land

Mr. MOORE of Pennsylvania. Which is now being condemned. Mr. STAFFORD. And some additional improvements on the

property Mr. MOORE of Pennsylvania. That is correct.

Mr. STAFFORD. I withdraw the point of order.
Mr. BUTLER. The question of this depot is not new to the Naval Affairs Committee. Whether or not we should make this appropriation I do not know. I do not know why it was not in the bill.

Mr. PADGETT. Because it is not in the estimates, but came down afterwards in a letter by Gen. Barnett. He saw me personally and stated the great work that was going on there, under the management of Col. Radford, manufacturing clothes for the Marine Corps, outfits for the Marine Corps, and that the appropriation of last year was not sufficient.

Mr. BUTLER. With all that I am as familiar as I am with the chairman's face. I obtained the appropriation originally for this purpose. It was one of my pet schemes. But why did not the chairman insert the item in the bill and not have this reflec-

tion upon us that we omitted our duty?

Mr. PADGETT. Because it came down subsequently after we had passed on the bill.

Mr. BUTLER. I had a letter asking me to have the item inserted in the bill, but I laid it to one side. I do not want it to appear that I neglected anything that I should have done.

Mr. PADGETT. I do not suppose that that occurred to anybody

Mr. BUTLER. But, anyhow, this is not in the right place.

Mr. PADGETT. Yes; it is under the head of public works. Mr. MOORE of Pennsylvania. It is in the same place that it was in last year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

The Clerk read as follows:

Navy yard, Washington, D. C.: Gun shop, to complete, \$400,000; extending sight shop, \$40,000; improving lighting facilities, \$16,000; in all, \$456,000.

Mr. PADGETT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Committee amendment: Page 23, line 24, strike out "\$400,000" and in lieu thereof insert the following: "\$800,000, and the limit of cost, exclusive of equipment, is hereby increased to \$1,000,000."

Mr. STAFFORD. To that I reserve a point of order.

Mr. PADGETT. Mr. Chairman, pending the reservation of a point of order, I have a letter from the Secretary that gives the explanation with reference to enlarging the gun shop. for the manufacture of the 16-inch guns that are to be placed upon the new ships authorized in the construction of last year and fixing the limit of cost under very different conditions as to labor and material with which we are now confronted.

Mr. BUTLER. I could not hear the explanation made by

the chairman of the Naval Affairs Committee.

Mr. PADGETT. If the gentleman will listen to the reading of the letter, it will explain it all.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that a letter be read in his time. Is there objection?

There was no objection.

The Clerk read as follows:

THE SECRETARY OF THE NAVY, Washington, February 3, 1917.

Washington, February 3, 1917.

My Dear Mr. Padgett: It is requested that provision be made in the naval bill now under consideration for increasing the limit of cost of the gun shop at the navy yard, Washington, D. C., from \$600,00 to \$1,000,000, and the amount to be appropriated to complete from \$400,000 to \$800,000.

It is of great importance that the increase requested be granted so that the shop may be adequate for present and prospective needs. This increase asked for in the appropriation is due to the rise in the cost of labor and materials since the original estimate was made and to the necessity of providing traveling cranes of 300 gross tons capacity in place of cranes of 200 short tons, which were originally considered sufficient.

The steady increase in the size of guns renders it necessary to con-

The steady increase in the size of guns renders it necessary to construct a shop capable of handling not only the largest guns now being built but those which may be anticipated in the future. The Bureau of Ordnance considers that the cranes for this shop should be of 300 gross tons capacity, which will require very much heavier steelwork for framing, with a consequent increase for foundations and a greater width of building to maintain the clear floor space required and allow for the greater width of columns required for the heavier cranes.

It is estimated that of the total increase of \$400,000 that \$200,000 represents the amount due to the increased cost of labor and materials and \$200,000 to the additional cost of the structure due to using cranes of larger capacity than those originally contemplated.

The purchase of the additional land authorized by the last naval appropriation act, and on which the gun shop will be located, has been actively prosecuted and sufficient area has been acquired so that the construction of the gun shop can be undertaken at once.

Sincerely,

JOSEPHUS DANIELS, Secretary of the Navy.

Hon. L. P. PADGETT, M. C., Chairman House Committee on Naval Affairs, United States House of Representatives Washington, D. C.

Mr. BUTLER. Mr. Chairman, I would like to ask the chairman of the committee a question. Last year we made an appropriation for the gun shop.

Mr. PADGETT. Yes.
Mr. BUTLER. This year we recommend in this bill an appropriation of \$400,000 to complete it.

Mr. PADGETT. That is correct.
Mr. BUTLER. Now, after we report this bill making recommendation of \$400,000, why do we need an additional \$400,000 to do the same work contemplated when we made the appropriation?

Mr. PADGETT. They claim that the cost of material and the enlargement of the shop requires it. I have given the gentleman all the information I have,

Mr. BUTLER. I know the chairman is not withholding any information.

Mr. EAGLE. Will the gentleman yield?

Mr. PADGETT. Certainly.

Mr. EAGLE. Within the last 12 months has the material

and cost of labor increased 100 per cent?

Mr. PADGETT. I understand that the cost of labor has increased thirty-odd per cent and that some of the material, like steel, has increased more than 100 per cent.

Mr. STAFFORD. Did the committee this year give any con-

sideration to the item under consideration?

Mr. PADGETT. No, sir; we did not; for the reason that this has come down since the bill was reported.

Mr. STAFFORD. It should have been submitted by the department officials if they had had their attention called to the conditions at the time the bill was under consideration by the committee.

Mr. PADGETT. If it had been submitted with the estimates or as a supplemental estimate the committee would have gone into it.

Mr. MADDEN. If I understood the reading of the letter, it was to the effect that they had changed their minds as to the size of the cranes they are to build.

Mr. PADGETT. One of the objects is to build larger cranes,

and then they decided to build the walls stronger.

Mr. MADDEN. They decided to build a 300-ton crane instead of a 200-ton crane?

Mr. PADGETT.

Mr. MADDEN. Was it thought that a 200-ton crane would be sufficient to move the 16-inch guns when the estimates were made and the explanation given by the department?

Mr. PADGETT. It was supposed that the crane would be sufficient at that time, but it seems it is necessary to handle much heavier weights. They are reinforcing the 16-inch guns

more than was originally contemplated.

Mr. MADDEN. How long is it since the information was given to the committee to the effect that a 200-ton crane would

do the work?

Mr. PADGETT. I think the estimates are about a year apart

in the time of making.

Mr. MADDEN. Oh, this was last year?

Mr. PADGETT. Yes.

Mr. MADDEN. And they have decided since last year it will be necessary to have a heavier crane to handle the heavier equipment?

Mr. PADGETT. Yes; and they want to strengthen the walls. Mr. MADDEN. They will have to do that, if they have a heavier crane, of course.

Mr. PADGETT. Yes; and a heavier crane costs more.

I thought perhaps the information upon Mr. MADDEN. which the Naval Committee made its recommendation was furnished to it during the present sitting of the committee.

Mr. PADGETT. We had hearings at the present time upon

this proposition of increase on some of the matters.

Mr. KELLEY. Mr. Chairman, I would like to call the attention of the chairman of the committee to the hearings on this particular item on page 227:

The CHAIRMAN. "Extending sight shop, \$40,000."

Admiral Harris. Now, Mr. Chairman, I want to say in reference to these appropriations, and possibly including this gun shop, that it is quite possible we will have to come to you this session, the same as on maintenance, and ask for an increase of these limitations. The estimate for this gun shop was based on conditions as they existed at the time. It is a structural-steel shop, and the prices for structural steel have gone up sufficiently to make it probable that we will have to have these amounts increased.

And this letter is in fulfillment of that averages?

And this letter is in fulfillment of that prophecy?

Mr. PADGETT. Yes.

Mr. STAFFORD. Mr. Chairman, this revised estimate embodies a revision of a project that is now in course of construction. It is shown from the hearings, from the statement of the chairman of the committee, that no consideration whatever has been given by the committee to the advisability of enlarging this establishment to meet the so-called claims of the There is another body which will pass Department. upon this item, and I think in consonance with proper procedure we should not adopt upon the ipse dixit of the Navy Department all of these increases. Therefore I make the point of order.
The CHAIRMAN. The gentleman from Wisconsin makes the

point of order that this increases the limit of cost, and the Chair sustains the point of order.

The Clerk read as follows:

The Clerk read as follows:

The Commissioners of the District of Columbia are hereby authorized and directed to execute such deed or deeds or other instruments as the Attorney General may deem necessary and appropriate to transfer to the United States, for use for naval purposes, title to lots 13 and 14 in square 801, District of Columbia, at a price to be mutually agreed upon between the said commissioners and the Secretary of the Navy: Provided, That pending the transfer of title the Secretary of the Navy is hereby authorized to assume control and jurisdiction over said lots and to make use of them for naval purposes.

Mr. STAFFORD. Mr. Chairman L. reseaves the point of ender

Mr. STAFFORD. Mr. Chairman, I reserve the point of order upon that in order to obtain some information from the chairman of the committee. Is this carrying out the original intend-

ment to acquire property for this gun shop?
Mr. PADGETT. Yes. It was found the It was found that the District of Columbia has title to a house and lot that was originally used as a schoolhouse. The District of Columbia got title as I now remember it, shown by some letters we have here from the Commissioners of the District, about the year 1806. It was used up until a few years ago as a schoolhouse, when a new school was built in that neighborhood. Since that time it has been used only occasionally. The Commissioners of the District have written that they are perfectly willing that the Government should have it. Under the proceedings that were had last year the department did not feel that the District Commissioners would have authority to convey, and this is to allow them to execute a deed.

Mr. STAFFORD. Mr. Chairman, I withdraw the point of

order.

The Clerk read as follows:

Navy yard, Norfolk, Va.: Dry dock, to continue, \$1,000,000; one structural shop, to complete, \$600,000; water-front improvements, \$500,000; improvements, central power plant and distributing systems, \$300,000; in all, \$2,400,000.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the paragraph. I wish to inquire of the chairman of the committee as to the need of half a million appropriation for water-front improvements. What is embodied in those contemplated improvements?

Mr. PADGETT. Mr. Chairman, at Norfolk, at Hampton Roads, and in the Chesapeake Bay is to be found the most important location and the finest water which the Navy has. It is the principal rendezvous of the Navy. At the last session of Congress an appropriation was made for a dry dock and also for a shop and structural shop. I think the shop was to cost a million and a half dollars and the dock three and a half

million dollars.

The water-front condition there is very much congested-so much so that at times they have ships of the Navy lying two abreast when at anchor. Several of the committee were down there a few weeks ago, and we saw at times they had some two deep alongside the dock. This is to extend the waterfront improvement and give dockage and anchorage to a larger number of ships. It was stated to the committee that the improvement when completed would afford docking facilities or anchorage facilities for 29 capital ships.

Mr. STAFFORD. Is this an improvement of the harbor at

Norfolk?

Mr. PADGETT. No; it is not in the harbor; it is in the navy yard, in the basin.

Mr. STAFFORD. Was this included in the estimates of the

department?

Mr. PADGETT. Yes, sir. Mr. STAFFORD. It is virtually a river and harbor improve-

ment, is it not?

Mr. PADGETT. No, sir; the River and Harbor Committee never deals with the inside of the yards. They only deal with the open channel out from the yard. This is in the yard, in the basin in which the ships anchor, and where the ships dock along-side the docks for repairs, and so forth.

Mr. STAFFORD. My memory may be in error, but I do not recall such an item ever having been included for other yards as an appropriation for the improvement of the roadstead-

Mr. PADGETT. This is not the roadstead; it is right in the basin in the yard.

Mr. STAFFORD. Have we ever appropriated for a similar

improvement at the League Island Navy Yard?

Mr. PADGETT. Oh, yes; got some perhaps in this bill and got some perhaps in New York and in all of the improvement of water front in all the yards; it has been the custom ever since I have been on the committee. It is not an improvement that comes under the head of rivers and harbors improvement at all.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation. Mr. MILLER of Delaware. Mr. Chairman, I move to strike out the last word, as I desire to ask the chairman a question. In the improvement for Norfolk on the water front, does that \$500,000 include the purchase of land upon which the Jamestown

Exposition was formerly held?

Mr. PADGETT. It has no connection with it. That Jamestown land is 5 or 6 miles distant. This has nothing in the world to do with that. This is simply to dredge out and get a depth there so that the battleships and the others at times may

have berthing space inside the yard.

Mr. MILLER of Delaware. May I ask the gentleman a further question? Is there anything in the bill that includes the purchase of the land on which the Jamestown Exposition was

held?

Mr. PADGETT. Nothing whatever, directly or indirectly, remotely or otherwise.

Mr. MILLER of Delaware. I withdraw the pro forma

amendment.

The Clerk read as follows:

Buildings and grounds, Naval Academy: Extension of Bancroft Hall (to cost not to exceed \$2,270,000), \$1,000,000; improvements central power plant and distributing systems, \$300,000; two freight elevators, Bancroft Hall, \$15,000; in all, \$1,315,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read.

Mr. PADGETT. I do not think it is subject to the point of

Mr. STAFFORD. I desire to inquire as to the authorization for the extension of Bancroft Hall to the amount of \$2,270,000.

Mr. PADGETT. That is to enlarge and put two wings in the

rear to accommodate the large number of midshipmen under the legislation heretofore increasing the number of midshipmen to be appointed by Congressmen.

Mr. STAFFORD. Did the department consider the feasi-

bility of erecting a new building rather than extending Ban-croft Hall itself, which might not be favorably situated for such

an extension?

Mr. PADGETT. Well, it is favorably situated for such an extension, and it is one that is best suited of all the ground It keeps the young men together under better control and better discipline and more convenient to the mess hall.

Mr. STAFFORD. I understand the committee has considered the feasibility of this proposition, and I will withdraw the reservation of the point of order.

The Clerk read as follows

Navy yard, Puget Sound, Wash.: Improvements, central power plant and distributing systems, \$150,000; purchase of land and fitting up trial course (Vashon Island), \$5,000: improved drainage in dry docks, \$12,000; storage facilities, \$500,000; in all, \$667,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

What is the purpose of the improvement of the central power plant at the Bremerton yard? This is a new power plant, and I thought it was adequate to meet the needs of that station for some years to come.

Mr. PADGETT. No; at that station their activities, and so forth, have been very much enlarged, and it is still further con-We have only two stations on the templated to enlarge it.

Pacific coast.

Mr. STAFFORD. I am directing my attention entirely to the improvement of the central power plant. I am somewhat acquainted with it. I know this is a new plant, and I was informed that it had all that was needed to furnish adequate power for some years to come, and now we have an item here providing for an improvement in the sum of \$150,000.

Mr. PADGETT. I will read you:

Mr. PADGETT. I will read you:

The CHAIRMAN. The next item is, navy yard, Puget Sound, Wash., improvements, central power plant and distributing systems, \$150,000.

Tell us about this, please.

Admiral Harris. This is for the installation of a 2,500-kilowatt turbo-generator at Puget Sound.

The CHAIRMAN. What kind have we there now?

Admiral Harris. We have now one 1,000 and two 500 kilowatts.

This is inadequate for the yard at present. The large dry dock there requires a good deal of power, and also the shop, shop lighting, and yard lighting. The installation of this large generator is necessary to look after the growth of this yard, and will also involve some additional boller capacity, which is now insufficient for as large a generator as this one.

The CHAIRMAN. Will this generator supplant the ones you have now or will it supplement them?

Admiral HARRIS. It will supplement and not supplant.

The CHAIRMAN. You will have, then, 4,000 kilowatt capacity?

Admiral HARRIS. Yes; but of course, you always have to have some

The CHAIRMAN. But this will give you that maximum capacity at the

Admiral Harris. Yes, Mr. Roberts. Would that be enough to take care of the battleship construction ?

onstruction?
Admiral Harris, We do not know yet what battleship construction e are going to do there.

Mr. ROBERTS. Is it not pretty well understood what will go up there?
Admiral Harris. No; I do not think it is.

And then he goes into the question of the

Mr. STAFFORD. The gentleman has furnished enough of the information that I desired, and I withdraw the pro forma

The CHAIRMAN. The gentleman withdraws the pro forma amendment, and the Clerk will read.

The Clerk read as follows:

Naval magazine, Charleston, S. C.: One building for ammunition storage, \$35,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order. wish to inquire if there is any existing naval magazine at Charleston, S. C.?

Mr. PADGETT. No, sir; I think not. It is needed. Charleston, you know, is some hundreds of miles south of Norfolk. We have nothing between Norfolk and Charleston, and this is for the storage of the ammunition of the torpedo-boat destroyers, submarines, and the smaller craft, and the medium-sized cruisers or battleships, and things of that kind that go into

Mr. STAFFORD. This magazine will be used as an adjunct to the navy yard in connection with the battleships and ves-

sels that go to that navy yard?

Mr. PADGETT. That make that port; yes, sir. Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Total public works, \$14,337,050, and the amounts herein appropriated therefor, except for repairs and preservation at navy yards and stations, shall be available until expended.

Mr. PADGETT. Mr. Chairman, I wanted to ask permission that the Clerk be authorized to change the total on page 29, line 8. And there have been some other changes. I wanted to get permission to change that total to make it conform to the facts.

The CHAIRMAN. The gentleman asks unanimous consent that the Clerk may change the totals. Is there objection?

There was no objection.

Mr. STAFFORD. May I suggest to the gentleman that it is nearly half past 5 and it is time for the committee to rise?

Mr. PADGETT. I was going to ask that the committee rise

when we get over to the next page—the Bureau of Medicine and Surgery.

The Clerk read as follows:

The Secretary of the Navy is hereby authorized to enter into contract for the use by the United States Government of a dry dock at Boston, Mass., which shall be capable of docking the largest vessel that can be passed through the locks of the Panama Canal, for a period of not to exceed six years from completion of such dock, at a compensation of \$50,000 per annum during said period of six years, the right of the United States Government to the use of said dock in time of war to be prior and paramount: Provided, That the construction of said dock shall be undertaken immediately upon entering into this contract and shall be completed within 30 months thereafter: And provided further. That said contract shall provide for docking rates not in excess of commercial rates and for such other conditions as may be prescribed by the Secretary of the Navy prior to entering into said contract: And provided further, That in the event, during the said contract period of six years, the necessities of the fleet require the docking of vessels which will necessitate a charge greater than \$50,000 per annum, the Secretary of the Navy is authorized to have vessels docked therein at a rate of charge not greater than the price stipulated in said contract.

Mr. HUDDLESTON. Mr. Chairman I make a point of order.

Mr. HUDDLESTON. Mr. Chairman, I make a point of order on the paragraph.

Mr. PADGETT. Will the gentleman reserve it for a moment?

Mr. HUDDLESTON. I will.

Mr. PADGETT. This is a duplicate of the provision that was made several years ago with reference to the dry dock at Hunters Point, near the Mare Island Navy Yard, San Francisco, whereby we secured the benefits of a dock on the coast that would accommodate any ship that could go through the Panama Canal. need large docks also on the Atlantic. The construction of the docl: would involve an expenditure of three or four million dol--perhaps four millions. We appropriated for two, one at Philadelphia and one at Norfolk, at a limit of cost of \$3,500,000, and this is a duplicate of that; and we would get a dock over there where the Government would have the benefit of it at a very small cost. And while it is subject to a point of order, I thought the gentleman, understanding the situation, could see his way clear to withdraw it.

Mr. HUDDLESTON. I would like to ask the gentleman if

this is a proposition to lease a private dock?

Mr. PADGETT. This is a proposition to lease it for not exceeding six years.

Mr. HUDDLESTON. Why not construct a dock if we need one there?

Mr. PADGETT. Simply because the Government has not the place at this navy yard and has not the room to do it.

Mr. HUDDLESTON. Are we going to permanently do with-

out a dock there?

Mr. ROBERTS of Massachusetts. Will the chairman of the committee yield a moment? I would like to say to the gentleman that this dock is being constructed by the Commonwealth of Massachusetts. It belongs to the State, and is not a private enterprise at all. It is somewhat questionable-in fact, there is grave doubt-whether the Commonwealth will continue the construction of this dock unless the State can be assured of some revenue from it. The construction has been started, and there has been an accident to the cofferdam, and, as I understand the situation, the excavated portion is already flooded, and the State commission now in charge of harbors and lands, that constructed this dock, find it will cost nearly \$2,000,000 more than was contemplated when the State undertook the proposition.

Mr. HUDDLESTON. How much has been expended on this

work?

Mr. ROBERTS of Massachusetts. I do not know how much.

Mr. HUDDLESTON. Well, about how much?

Mr. ROBERTS of Massachusetts. I could not tell that, because there has been a question between the State and the contractors as to how much shall be paid. The estimated cost at the beginning was about \$2,000,000 for the dock. They find now that it is going to cost nearly \$4,000,000. I doubt very much whether the State will not stop all construction and pocket the loss sustained by it thus far if it can not get some guaranty.

In order that the gentleman may understand the situation, I wish to say that before they started the construction of this dock they had an agreement with certain steamship companies, among them a large German steamship company, but they do not now propose to keep their agreement. An English company, as I understand, made an agreement to pay a certain amount annually if the dock was constructed, but they are now lukewarm, and there is talk that the business of that company will be removed

to a Canadian port. There was another steamship company that proposed to pay an annual rental, and——Mr. HUDDLESTON. The gentleman is going into much more

detail than I expected when I yielded to him.

Mr. ROBERTS of Massachusetts. I am trying to give the

gentleman information.

Mr. HUDDLESTON. But the gentleman is not giving me the information I wanted. It is expected or proposed that the Federal Government shall have the exclusive use of this dock? Mr. PADGETT. No; not the exclusive use.

Mr. ROBERTS of Massachusetts. But the prior use.

Mr. HUDDLESTON. The opportunity to use it in common

Mr. PADGETT. Yes: and paying for the docking at commercial rates

Mr. HUDDLESTON. Does the Government need a dock there?

Mr. PADGETT. Yes.

Mr. HUDDLESTON. Why does it not build one there?

Mr. PADGETT. Because we have not the ground on the water front, and it would cost the Government three or four million dollars perhaps, and the interest on that money will more than pay the docking, if somebody else should build it, for what use the Government has.

Mr. HUDDLESTON. Then I understand the only advantage in this is to give us a right to the prior use of it. In that case I shall insist on the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama insists on the point of order. The Chair sustains the point of order.

Mr. PADGETT. Mr. Chairman, I wanted to say that the bills

introduced this morning, as per the wish of the House, are now available. I understand Mr. Sinnott, the Doorkeeper, has a quantity of copies here. I also had a committee print made of the Wright patents, and they are now available to the committee. I have a number of copies here, and shall be glad to give them to anyone who wants them.

The CHAIRMAN. The Clerk will read.

Mr. PADGETT. Mr. Chairman, I move that the committee

The CHAIRMAN. The gentleman from Tennessee moves that the committee do now rise

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Page of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. Estopinal, by unanimous consent, was granted leave of absence for three days, on account of illness.

BUREAU OF WAR-RISK INSURANCE.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of the bill, which the Clerk will report.

The Clerk rend as follows:

The Clerk rend as follows:

A bill (H. R. 20082) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914.

Be it enacted, etc., That section 9 of an act establishing a Bureau of War-Risk Insurance, approved September 2, 1914, as amended by the act of August 11, 1916, be, and is hereby, amended so as to require the suspension of the operations of the act within four years from the date of said act of September 2, 1914, was approved.

Mr. ALEXANDER, Mr. Speaker————

Mr. RITZGERALD. Bessenying the right to chicat what does

Mr. FITZGERALD. Reserving the right to object, what does

Mr. ALEXANDER. It extends the life of the War-Risk Bureau in the Treasury Department for one year from September 2, 1917, to September 2, 1918.

Mr. FITZGERALD. The first act provided for two years, and

then it was extended one year.

Mr. ALEXANDER. It was extended one year, and now it is

extended one year more.

Mr. MOORE of Pennsylvania. This simply continues the bureau under the act which was amended in August last?

Mr. ALEXANDER. Yes. It does not modify the provisions of the law, except to extend the law for one year from September 2, 1917, to September 2, 1918.

MOORE of Pennsylvania. This carries the life of the

War-Risk Bureau over just one year more.

Mr. ALEXANDER. Just one year.

The SPEAKER. Is there objection? There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. Alexander, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMMITTEE ON PENSIONS.

Mr. KITCHIN. Mr. Speaker, I nominate for the majority vacancy on the Pensions Committee the Hon, Joseph B. Thompson, of Oklahoma.

The SPEAKER. The Clerk will report the nomination.

The Clerk read as follows:

For the Committee on Pensions, Hon. JOSEPH B. THOMPSON, of Oklahoma.

The SPEAKER. Are there any other nominations? If not, those in favor of this one will say "aye"; those opposed "no." The motion was agreed to.

DISCHARGE OF COMMITTEE.

Mr. KEATING. Mr. Speaker—
The SPEAKER. For what purpose does the gentleman from Colorado rise?

Mr. KEATING. To move to discharge the Committee on Reform in the Civil Service from the further consideration of House resolution 475-

Mr. MADDEN. I object, Mr. Speaker. The SPEAKER. The gentleman from Illinois objects.

Mr. KEATING. It is a privileged motion.

Mr. MADDEN. I make the point of no quorum present.

Mr. KEATING. I will withdraw it.
Mr. GARNER. Did the Chair recognize the gentleman from Colorado for the purpose of moving to discharge the com-

The SPEAKER. The Chair recognized the gentleman from Colorado to find out what he was up to.

Mr. GARNER. That is what I was trying to get at. The Chair has not yet recognized the gentleman for that purpose.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] has made the point of no quorum present.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 230. Joint resolution authorizing the National Society United States Daughters of Eighteen hundred and twelve to file its historical material in the Smithsonian Institution and to make annual reports to the secretary thereof.

The SPEAKER announced his signature to enrolled bills of

the following titles:

S. 5014. An act to amend section 1 of the act of August 9, 1912, providing for patents on reclamation entries, and for other pur-

poses; and
S. 1740. An act to repeal an act entitled "An act granting to
the city of Twin Falls, Idaho, certain lands for reservoir purposes," approved June 7, 1912, and to revoke the grant made thereby.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills: H. R. 21. An act authorizing the city of Salida, Colo., to pur-

chase certain public lands for public-park purposes; H. R. 1358. An act for the relief of Everett H. Corson; H. R. 1024. An act for the relief of Allen M. Hiller;

H. R. 3238. An act for the relief of Sarah E. Elliott; H. R. 5262. An act for the relief of John B. Hoover

H. R. 6145. An act for the relief of Edward F. McDermott. alias James Williams;

H. R. 14645. An act for the relief of the legal representative of Napoleon B. Giddings;

H. R. 8267. An act to place Bernard A. Schaaf on the retired

list of the Army; H. R. 8452. An act for the relief of Charles L. Moore;

H. R. 9547. An act authorizing the acceptance by the United States Government from the Kenesaw Memorial Association of Illinois of a proposed gift of land on the Kenesaw battle field in the State of Georgia:

H. R. 10124. An act to add certain lands to the Rocky Mountain National Park, Colo.;

H. R. 10173. An act for the relief of Anna C. Parrett; H. R. 11745. An act for the relief of S. E. Bennett;

H. R. 12240. An act for the relief of John Brodie; H. R. 12742. An act for the relief of Gottlob Schlect and Maurice D. Higgins and for the relief of the heirs and legal representatives of Valentine Brasch.

H. R. 13106. An act for the relief of the trustee and parties who are now or who may hereafter become interested in the estate of James A. Chamberlain under the terms of his will;

H. R. 13820. An act for the relief of Mrs. Jennie Buttner; H. R. 14572. An act for the relief of Gertie Foss;

H. R. 14645. An act for the relief of the legal representatives of P. H. Aylett;

H. R. 14784. An act for the relief of Alma Provost;

H.R. 14822. An act to prevent and punish the desecration, mutilation, or improper use, within the District of Columbia, of the flag of the United States of America; and

H. R. 14978. An act for the relief of Ida Turner,

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 7, 1917, at 12

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting schedules of claims allowed by the several accounting officers of the Treasury Department under appropriations the balance of which have been exhausted or carried to the surplus fund (H. Doc. No. 2028); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting estimates of appropriations required by the several departments of the Government to complete the service of the fiscal year 1917, and for prior years (H. Doc. No. 2029); to the Committee on

Appropriations and ordered to be printed. 3. A letter from the Secretary of the Treasury, transmitting

a communication from the Attorney General submitting a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases which require an appropriation for their payment (H. Doc. No. 2030); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims which have been presented to this department and require an appropriation for their payment (H. Doc. No. 2031); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Flathead River, Mont. (H. Doc. No. 2032); to the Committee on Rivers and Harbors and ordered to be printed.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of harbor at Beaumont, Tex., with a view to removal of island in the turning basin, and Neches River, Tex., with a view to making a cut-off or cut-offs at lower end of Harbor Island, in order to facilitate the navigation of said stream (H. Doc. No. 2033); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STEDMAN, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 20080) to give effect to the convention between the United States and Great Britain for the protection of migratory birds, the ratifications whereof were exchanged on the 7th day of December, 1916, and for other purposes, reported the same with amendment, accompanied by a report (No. 1430), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CALDWELL, from the Committee on Military Affairs, to which was referred the bill (S. 6850) authorizing transfer of certain retired Army officers to the active list, reported the same without amendment, accompanied by a report (No. 1431). which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 20752) to amend

an act providing mediation, conciliation, etc., approved July 15, 1913: to authorize the President to protect the operation of trains in time of peace, and to take possession of the common carriers and draft their crews and officials in time of war, and for other purposes, reported the same without amendment, accompanied by a report (No. 1434), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LEWIS, from the Committee on Labor, to which was referred the joint resolution (H. J. Res. 354) authorizing and directing the Department of Labor to conduct an investigation of wages and labor conditions in the coal-mining industry, and to report thereon to Congress as early as possible, reported the same with amendment, accompanied by a report (No. 1435), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURNETT, from the Committee on Immigration and Naturalization, to which was referred the bill (H. R. 20605) to amend an act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907, reported the same without amendment, accompanied by a report (No. 1436), which said bill and report were referred to the House Calendar

Mr. STERLING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 14074) granting the consent of Congress to the village of Fox Lake, in the county of Lake, State of Illinois, to construct a bridge across both arms of the Fox River, which passes through Pistakee Lake and Nippersink Lake, a point suitable to the interests of naviga-tion, at or near their point of intersection, in the county of Lake, State of Illinois, reported the same with amendment, accompanied by a report (No. 1437), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 10550) for the relief of Morris Busch, reported the same without amendment, accompanied by a report (No. 1428), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 11599) for the relief of Marion Banta, reported the same without amendment, accompanied by a report (No. 1429), which said bill and report were referred to the Private Calendar.

Mr. YOUNG of North Dakota, from the Committee on Claims, to which was referred the bill (S. 2530) for the relief of the Buffalo River Zing Mining Co., reported the same without same.

Buffalo River Zinc Mining Co., reported the same without amendment, accompanied by a report (No. 1433), which said bill and report were referred to the Private Calendar.

Mr. BURNETT, from the Committee on Immigration and Naturalization, to which was referred the joint resolution (H. J. Res. 364) to grant citizenship to Joseph Beech, reported the same without amendment, accompanied by a report (No. 1438), which said joint resolution and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:
By Mr. PADGETT: A bill (H. R. 20779) providing emergency legislation to be considered in connection with H. R. 20632; to the Committee on Naval Affairs.

By Mr. WINGO: A bill (H. R. 20780) authorizing the commissioners of the Red River Bridge District to construct a bridge across the Red River at or near Index, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. PADGETT: A bill (H. R. 20781) to expedite the delivery of materials, equipment, and munitions, and to secure more expeditious construction of ships; to the Committee on Appropriations.

By Mr. CANDLER of Mississippi (by request): A bill (H. R. 20782) to create a national holiday to be known as universal peace day in the United States of America; to the Committee on the Judiciary

By Mr. DENT: A bill (H. R. 20783) making appropriations for the support of the Army for the fiscal year ending June 30, 1918; to the Committee of the Whole House on the state of the

By Mr. ROGERS: A bill (H. R. 20784) punishing conspiracy to injure, oppress, threaten, or intimidate any alien in the exercise of any right under any treaty of the United States; to the

Committee on the Judiciary.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 20785) to provide for the national defense; to the Committee on Ways and Means.

By Mr. HAWLEY: Memorial of the Legislature of the State of Oregon, favoring legislation to encourage the development of water power; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Oregon, favoring adequate appropriation for eradication of rables and extermination of predatory wild animals; to the Committee on Agri-

By Mr. JOHNSON of Washington: Memorial of the Fifteenth Legislature of the State of Washington, praying that the Congress submit to the States for ratification the amendment now pending granting to the women of the United States the elective

franchise; to the Committee on the Judiciary.

Also, memorial of the Fifteenth Legislature of the State of Washington, praying for the establishment of Mount Baker National Park; to the Committee on the Public Lands.

By Mr. HAMILL: Resolution (H. Res. 485) for the relief of Eliza McCloskey, widow of Patrick McCloskey; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 20786) granting an increase of pension to Randall M. Bates; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 20787) granting an increase of pension to Preston Carver; to the Committee on Invalid Pensions

Also, a bill (H. R. 20788) granting an increase of pension to Bradford R. Gilbert; to the Committee on Invalid Pensions. By Mr. HAWLEY: A bill (H. R. 20789) for the relief of Louis

Southworth; to the Committee on Military Affairs.

By Mr. HERNANDEZ: A bill (H. R. 20790) granting a pen-

sion to George F. Ludi; to the Committee on Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 20791) granting an increase of pension to George W. Pitner; to the Committee on Invalid Pensions

By Mr. LOUD: A bill (H. R. 20792) granting an increase of ension to Mrs. Georgia M. Hodgsdon; to the Committee on

By Mr. MAHER: A bill (H. R. 20793) granting a pension to Henry Franz; to the Committee on Pensions.

By Mr. MORIN: A bill (H. R. 20794) granting an increase of

pension to John S. Bell; to the Committee on Invalid Pensions. By Mr. POWERS: A bill (H. R. 20795) granting a pension to John C. Howard; to the Committee on Pensions.

By Mr. TALBOTT: A bill (H. R. 20796) for the relief of William J. Arthur, of Havre de Grace, Md.; to the Committee on

By Mr. WARD: A bill (H. R. 20797) to remove the charge of desertion against William H. Carter; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOOHER: Petition of Lawrence A. Vories, R. E. Culver, and 65 other citizens of St. Joseph, Mo., asking for the passage of the flood-control bill; to the Committee on Rivers and Harbors.

By Mr. BRUCKNER: Memorial of Chamber of Commerce of the State of New York, relative to protection of American lives and American property; to the Committee on Foreign Affairs.

Also, memorial of Chamber of Commerce of the State of New York, relative to Federal encroachment on State revenue sources; to the Committee on Ways and Means.

Also, memorial of Chamber of Commerce of the State of New York, relative to method of making up river and harbor appropriations; to the Committee on Rivers and Harbors

Also, telegrams from American Shirt Waist Co., Alfred Apple, E. Brown, I. Edelson, Messrs. Eisenberg & Friedman, the Brooklyn Skirt Co., John M. Given Co., S. S. Hand, Messrs. Lewis & Bashlow, Messrs. Leventhal & Wohl, the National Romper Co., and Messrs. Henry Plant & Co., all of New York City, N. Y., protesting against House bill 19350; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Isaac H. Blanchard Co., of New York City, against section in revenue bill relative to excise tax on net income of corporations; to the Committee on Ways and Means.

Also, petition of Clift & Goodrich, of New York, against excise tax on net income of partnerships; to the Committee on Ways and Means.

By Mr. CHARLES: Memorial of the Woman's Missionary Societies of Schenectady, N. Y., protesting against the continuance of polygamy in the United States; to the Committee on the Judiciary

By Mr. DALE of New York: Memorial of Chamber of Commerce of the State of New York, relative to State and municipal taxation; to the Committee on Ways and Means.

Also, petition of D. E. Sicher & Co., of New York City, against proposed excise tax upon profits of corporations; to the Committee on Ways and Means.

By Mr. EAGAN: Petition of Julia Barnard, of Sea Girt, N. J., favoring passage of the Casey bill, relative to investigating labor conditions; to the Committee on Labor.

Also, petition of Mrs. James Bennett, relative to suffrage for women; to the Committee on the Judiciary.

Also, memorial of City Council of Ironton, Ohio, relative to location of the armor plant; to the Committee on Naval Affairs.

Also, petition of Henry C. Maine, against passage of House bill 18986 and Senate bill 4429, to prohibit liquor advertisements through the mails; to the Committee on the Post Office and Post Roads.

Also, petition of E. H. Bugbee, of Williamstown, N. J., favoring passage of House bill 20080; to protect migratory birds; to the Committee on Foreign Affairs.

By Mr. EMERSON: Memorial of the Women's Auxiliary to the Railway Mail Association, relative to salaries of railway postal and substitute postal clerks to meet high cost of living;

to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of National Association of Audubon Societies and sundry citizens of United States, favoring passage of House bill 20080, to protect migratory birds; to the Committee on Foreign Affairs.

Also, petition of National Legislative Committee of the Antisaloon League of America, favoring prohibition of liquor traffic in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Chamber of Commerce of the State of New York, protesting against the pending revenue bill; to the Committee on Ways and Means.

By Mr. GALLIVAN: Petitions of members of the Massachusetts Branch of the League to Enforce Peace, relative to adoption by the United States of the league's proposal; to the Committee on Foreign Affairs.

By Mr. GORDON: Petition of 42 members of the Women's Auxiliary to the Railway Mail Association, petitioning Congress for an increase of \$200 per annum to the salaries of all railway postal clerks and substitute railway postal clerks, to become effective immediately; to the Committee on the Post Office and Post Roads.

By Mr. HAMLIN: Papers to accompany House bill 20554, a bill to pension Stephen Routh; to the Committee on Invalid Pensions.

By Mr. HERNANDEZ: Papers to accompany House bill granting an increase of pension to George F. Ludi; to the Committee on Pensions.

By Mr. HOLLINGSWORTH: Memorial of Local Union No. 1962, United Mine Workers of America, Rayland, Ohio, relative to the high cost of living, and asking legislation for the relief of wage earners; to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: Petition of Andrew Weiss and W. H. Loh-mann, president and secretary of Frankenlust Citizens' League, Bay County, Mich., to keep the United States from becoming embroiled in the European war, etc.; to the Committee on Foreign Affairs.

By Mr. McDERMOTT: Patriotic resolution of the Goodman Manufacturing Co., of Chicago, Ill., through its president, Mr. Frank S. Washburn, tendering its immense plant to the Government and sustaining the President of the United States; to the

Committee on Military Affairs.

By Mr. MAGEE (by request): Petition of Lysander, Onondaga County, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MORIN: Petition of Mr. C. L. Schanberger, president, and John A. Banz, secretary, of the Personal Liberty League of Baltimore, Md., with reference to nation-wide prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Petitions of San Francisco (Cal.) Advertising Club and Common Council of Philadelphia, Pa., against abolition of pneumatic mail-tube service; to the Committee on

the Post Office and Post Roads.

Also, memorial of National Farmers' Union, Palatka, Fla., urging passage of the immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of Sacramento (Cal.) Chamber of Commerce

and sundry citizens of California, protesting against certain sections of the revenue bill; to the Committee on Ways and

Also, petition of H. C. Rawley, protesting against passage of House bill 18986 and Senate bill 4429, relative to excluding liquor advertisements from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of Marlin Arms Corporation, New Haven, Conn., relative to need of machine guns; to the Committee on Military

Affairs.

Also, petition of William T. Goldsborough, of San Francisco, Cal., relative to enlargement and preservation of national parks; to the Committee on the Public Lands.

Also, petition of W. T. Hornaday, of New York City, urging passage of the game-sanctuary bill; to the Committee on Agri-

culture.

Also, petition of L. F. Kuhn, Stockton, Cal., protesting against placing of postmasters under civil service; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Stacy, Cal., against bill to provide postal-zone rates; to the Committee on the Post Office

and Post Roads.

Also, petition of American Federation of Teachers, Chicago Ill., protesting against amendment to section 6 of the District of Columbia appropriation bill; to the Committee on the District of Columbia.

Also, petition of Personal Liberty League of Maryland, protesting against prohibitory legislation; to the Committee on the

Judiciary

Also, petition of R. E. Earnest, of New York City, favoring passage of House bill 19433; to the Committee on Military Affairs.

Also, petition of Alfred Lewishon, of New York, against passage of the immigration bill; to the Committee on Immigration

and Naturalization.

By Mr. ROUSE: Telegram signed by W. C. Morgan, Eugene Mosley, A. B. Clem, W. H. Pearce, D. L. Bell, Dr. W. P. Bell, and J. W. McMahon, of Trimble County, Ky., protesting against the Bankhead bill; to the Committee on the Post Office and Post

Roads.
Also, telegram signed by W. H. McIntyre, H. H. Schiermer, C. R. Barclay, C. P. Harwood, B. F. Holsclaw, Tom Wood, George Tandy, George McCord, Joe Pecar, N. G. Dennison, Shelly Polland, Harry Polland, Leonard Miles, B. F. Butler, H. H. McKay, A. Abots, John Neal, John Whittaker, Al Bowman, Joe Morrison, W. B. Colbert, H. J. Bell, W. H. Cook, G. P. Heath, W. R. Heath, and C. B. Clem, of Trimble County, Ky., urging defeat of the Raylchead hill: to the Committee on the Post Office and Post the Bankhead bill; to the Committee on the Post Office and Post

Also, telegram signed by Standard Printing Works, Alban Wolff, R. J. Jameson, Matt Crolley, Semple & Schram, and Kyle Printing Co., of Covington, Ky., opposing Senate bill 4429, to amend the postal laws; to the Committee on the Post Office and Post Roads

By Mr. TINKHAM: Petition of Ruthenian National Union. favoring the passage of House joint resolution 230, looking to the relief of the Ruthenians; to the Committee on the Library.

SENATE.

Wednesday, February 7, 1917.

(Legislative day of Tuesday, February 6, 1917.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Bardwick	Lea, Tenn.	Page
Beckham	Hollis	Lewis	Pittman
Borah	Hughes	Lodge	Poindexter
Brady	Husting	McCumber	Pomerene
Bryan	James	McLean	Ransdell
Chamberlain	Johnson, S. Dak.	Martin, Va.	Reed
Curtis	Jones	Martine, N. J.	Robinson
Fall	Kenyon	Myers	Saulsbury
Gallinger	Kirby	Norris	Shafroth
Gronna	Lane	Oliver	Shannard

Simmons Smith, Ga. Smith, Mich.

Smith, S. C. Smoot Sterling Thomas

Townsend Vardaman Wadsworth

Weeks Williams

Mr. MARTINE of New Jersey. I desire to announce the ab-

Mr. MARTHYL of New Jersey. I desire to announce that seems of the Senator from Oklahoma [Mr. Gore] through illness.

I was also requested to announce that the Senator from Texas [Mr. Culberson], the Senator from North Carolina [Mr. Overman], the Senator from Tennessee [Mr. Shields], the Senator from Montana [Mr. Walsh], the Senator from Minnesota [Mr. Nelson], the Senator from Utah [Mr. Sutherland], and the Senator from Connecticut [Mr. Brandegee] are absent on official business of the Senate.

Mr. POMERENE. I was requested to announce the absence of the senior Senator from Indiana [Mr. Kern] because of

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.
Mr. WORKS obtained the floor.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate telegram, which will be read.

The telegram was read and referred to the Committee on Military Affairs, as follows:

[Telegram.]

INDIANAPOLIS, IND., February 6, 1917.

Hon. THOMAS R. MARSHALL, Washington, D. C .:

It is with pleasure that the directors of the American Aircraft Co., of Indiana, offer to the Government of the United States their loyal cooperation in providing an adequate aerial defense.

THE AMERICAN AIRCRAFT Co.,
By A. G. FEENEY, President.

Mr. HARDWICK. Will the Senator from California yield to me just a moment for a formal matter?

Mr. WORKS. I yield for that purpose.
Mr. HARDWICK. Out of order I desire to present telegrams from certain citizens of Georgia respecting the pending revenue bill. I move that they be referred to the Committee on Finance.

The motion was agreed to.

Mr. HARDWICK. I also present a memorial of the Board of
Trade of Brunswick, Ga., respecting harbor improvements at that city, which I move be referred to the Committee on Commerce.

The motion was agreed to.

Mr. SHEPPARD. Mr. President—
The VICE PRESIDENT. Does the Senator from California yield to the Senator from Texas?

Mr. WORKS. I yield.
Mr. SHEPPARD. With the permission of the Senator from California at the request of the Senator from Oklahoma [Mr. GORE], who is detained by illness, I ask that the telegram I send to the desk may be read.

The telegram was read and referred to the Committee on

Foreign Relations, as follows:

Senator THOMAS P. Gore, Washington, D. C.: OKLAHOMA CITY, OKLA., February 4, 1917.

Mass meeting held at International College to-day. A unanimous appeal was made in the name of millions helpless to express themselves that you use your great office in crushing the war gods about to plunge our country into blood, death, and destruction. Give us justice at home before foreign regulation.

JOHN J. CARNEY, Attorney.

JOHN J. CARNEY, Attorney. KATE BARNARD. Dr. JAS. ARMSTRONG, President. FRED HOLT, Treasurer.

Mr. CHAMBERLAIN. Will the Senator from California yield to me for just a moment?

Mr. WORKS. I yield to the Senator from Oregon, but I hope that Senators will defer these telegrams until a later time.

Mr. CHAMBERLAIN. I desire to present a telegram in the nature of a petition, which I ask be printed in the RECORD without reading.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

PORTLAND, OREG., February 6, 1917.

Hon. Geo. E. Chamberlain,
United States Senate, Washington, D. C.:

We petition you as our representative in Congress to use your utmost efforts to preserve peace. We should not engage in war except to save our honor or national existence. No situation exists at present, and, while the voices of fingoes and munitions manufacturers are louder, the mass of the people oppose war. A blockade of Germany by Germany is of no greater moment than a blockade of Germany by Great Britain to the American people. In so far as we are concerned, the blockade by one belligerent of the other should be no cause of war. No urgent necessity or impending calamity requires us to break the blockade of either belligerent. Before the bloody scourge of war is brought upon us, with all its attendant dangers and calamities, we ask that the people who must do the actual fighting and undergo

the hardships and danger be consulted and given opportunity to determine by vote whether they want to give up their peaceful vocations and engage in further crushing civilization in the mad shambles of Europe. President Wilson was elected with the expectation that he would keep the country out of war, and we ask you to aid him in his efforts to that end. We pledge our loyalty to America and urge you to show your loyalty by keeping us out of war.

Adopted by mass meeting of over 1,000 citizens, who request you to lay this resolution before the Senate and House of Representatives.

Thomas Mannix, Chairman.

OUR RELATIONS WITH GERMANY.

Mr. WORKS. Mr. President, some days ago I gave notice that this morning I would address the Senate on the subject of our relations with Germany. Since that time the Senater of the Senater from Missouri [Mr. Stone] offered a resolution bearing on that question which in effect is an indorsement of what has been done by the President of the United States up to the present time. I am not going to undertake to discuss that resolution at this time because it is not now before the Senate. I may desire to do so when it comes up for consideration. What I expect to do now is to address the Senate on the general subject of our relations with Germany growing out of the present situation. Before doing so I should like to present two or three telegrams bearing upon that question and have them read by the Secretary.

The VICE PRESIDENT. Without objection the Secretary

will read.

The Secretary read as follows:

CHICAGO, ILL., February 7, 1917.

Senator John D. Works,

Washington, D. C.:

We thank you most heartly for the courageous stand you are taking against the Stone resolution of indorsing Wilson's break with Germany. Fight on and you will win. We do not want war with Germany. Germany. Sincerely, yours,

THEODORE C. BARTHOLOMAE AND FAMILY.

GREENVILLE, PA., February 6, 1917.

Hon. John D. Works,

United States Senate, Washington, D. C.:

Congratulations on your stand for peace. Strive to get Washington's ear for Him who said, Put away thy sword and avert a spread to our land of the Almighty's plague of Europe in war.

WM. LOOSER.

PORTLAND OREG., February 6, 1917.

Hon. John D. Works,

United States Senate, Washington, D. C.:

Oregon citizens in mass meeting assembled depend upon you to use your utmost efforts to preserve peace and highly appreciate your noble efforts of the past. The Nation does not want war. President Wilson was reelected because he kept us out of war, and is expected to keep us out of war in the future. The jingo press does not represent the true sentiment of the people.

Thomas Mannix, Chairman.

THOMAS MANNIX, Chairman.

Mr. SHERMAN. Mr. President-The VICE PRESIDENT. Does the Senator from California yield to the Senator from Illinois?

Mr. WORKS. I do.

Mr. SHERMAN. I submit a telegram from Chicago, Ill., and a letter from an outlying town in another part of the State. I wish to state that I shall submit no further telegrams or letters on the subject named, because of the very large number that I have received. I selected these two as fairly indicative of the sentiment of the great majority I have received, which aggregate several hundred. I ask that the telegram be read first and the letter following.

The VICE PRESIDENT. Without objection the Secretary

will read.

The Secretary read as follows:

UNION STOCK YARDS, ILL., February 5, 1917.

UNION STOCK YARDS, ILL., February 5, 1917.

Hon. Lawrence Y. Sherman,

Care Mr. Porter, 424 East Capitol Street, Washington, D. C.:

The following resolution was adopted unanimously at the annual meeting of the Goodman Manufacturing Co.: "Resolved, That the stockholders of the Goodman Manufacturing Co., of Chicago, in regular meeting assembled, commend unreservedly the late action of the President of the United States in the maintenance of American rights and national honor, and pledge to the use of our Government in their defense, upon the Government's own terms, anything the company has or can provide."

Frank S. Washburn, President.

FRANK S. WASHBURN, President.

ADDIEVILLE, ILL., February 4, 1917.

Senator SHERMAN,

Washington, D. C.

DEAR SIR: I want to urge you to use your influence with the President to come out boldly on the side of the allies and civilization and use every honorable means to crush Prussian militarism.

Yours, respectfully,

Mrs. ELLA SCHMIDT,

H. SCHMIDT.

Mrs. ELLA SCHMIDT, H. SCHMIDT.

Mr. WORKS. Mr. President, we have severed our long-time friendly relations with the Imperial German Government. This with Germany.

is a first and long step toward war with that country. We may be about to plunge our people into the horrors of the dreadful war that is now dealing death and destruction in the countries of Europe, and are encouraging other neutral and peaceful nations to follow us in this fatal course. If this shall happen, as now ems almost inevitable, we are assuming the fearful responsibility of leading not only our own country but other nations now at peace into the most gigantic and murderous war the world has ever known. By our act we will make this an almost worldwide sanguinary struggle, that means the sacrifice of millions of lives, the destruction of the happiness of millions of now peaceful and contented homes, the peace and tranquillity of our own and other neutral nations, and the waste of untold millions of

Mr. President, can we be justified, will we ever be excused by future generations for taking this course, involving with unerring certainty the fearful consequences that must inevitably follow it? Can we in the years to come satisfy our own con-

sciences that by such a course we, as the responsible represent-atives of this country, are serving the best interests of the peace-loving people of a free Republic or of humanity? The President has made the first fatal move. The next step that will plunge our people into a bloody conflict, if taken, must be ours. Congress alone has the power under our Government to declare war. So, if we go to war with Germany, it will be by our act and we alone will be responsible for the consequences. The President has been applauded for making this first move toward war. Doubtless thousands of the American people, little comprehending what must follow, would applaud Congress if it should at once declare war against Germany. The public mind has been prepared for such a mad course by the unseemly and unpatriotic propaganda in favor of preparedness for war. The war spirit, the desire for conflict, have been insidiously instilled into the minds of our people by this selfish agitation in favor of preparedness for the shedding of human blood. Preparedness for war has been established in the minds of the people without the physical means of making that condition of mental preparedness effective. The minds of the people were made ready to accept and applaud an act that means war. The act of the President that is expected to lead to this result has been accepted by the public mind thus falsely educated and inspired. Mentally the good, peace-loving people of the Nation have by this means been led astray from the paths of peace and made ready to accept the prospect of physical warfare with rejoicing. The act of the President to such a distorted mind is accepted as courageous, even heroic. And, Mr. President, this is looked upon in this time, when most of the world is convulsed with war, as an act of patriotism.

Now, Mr. President, let us stop a moment to look this appalling situation squarely in the face, consider whither we are leading this Nation and why, and ask ourselves whether or not we are justified in the course so far entered upon and in carrying it out to its legitimate and fearful consequences. Now is the time to take counsel with ourselves and our consciences. Very soon it may be too late. War once entered upon, however much we may desire it, we can not draw back. The Nation once at war must and will receive our earnest, loyal, and undivided support. Have we the moral courage to do the things now that will avoid the war? To avoid it now may call for a higher degree of courage and real and unalloyed patriotism than to enter upon it or even to pursue it to the end. If ever true and unselfish patriotism and the highest standard of moral courage, courage far more important and often more difficult than mere physical courage, on the part of public officials was called for, it is now. If we fail now the blood of millions of people may be on our hands.

I know how ready human beings are to resent encroachments on their rights and how hard it is to forbear and forgive such offenses. In the minds of too many people it is looked upon as cowardly and pusillanimous to forgive any offense. when personal offenses, or even trivial affronts, could be settled only by the spilling of blood on the field of honor and the man who failed or refused to resort to that means of redress was looked upon as a coward and a poltroon. But, in modern and more civilized times, to engage in a duel has become disgrace-ful and made unlawful. Unfortunately this is not yet so with nations. If it had been the world would have been spared the terrible war now raging in Europe and which is threatening to invade this continent.

It is my purpose, with the indulgence of the Senate, to consider whether we are justified, in the interest of our own people, in pursuing the course we have now entered upon in our dealings

The President, in announcing to Congress that he had severed diplomatic relations with the Imperial Government of Germany, has recounted in part the events leading up to this unfortunate step. He commences with the note of this Government, of April 8 last, to the Government of Germany, induced by the sinking of the Sussex by a German submarine and the consequent loss of the lives of American citizens. I shall review the correspondence between the two Governments, commencing with the note mentioned, in a moment. Before doing so I want to go back a little further. In any attempt to deal frankly with this situation, we must search our own national conscience and consider how far, if at all, our own conduct has contributed to the unfortunate situation in which we now find ourselves.

The first and most cruel wrong done to the rights of American citizens by the German Government was in sinking the Lusitania, which resulted in the loss of many American citizens. That it was a cruel and unjust wrong to our people and to the Nation no one, certainly no American citizen, will presume to deny. But, sir, it is well for us to consider in this connection how far we ourselves, by our own course of action, contributed to this loss of American lives. At the very time of this occurrence we were supplying to the enemies of Germany arms and munitions of war to enable them to carry on the war against that country with whom we were at peace. The *Lusitania*, a passenger ship, was loaded with these missiles of death. Many a German soldier had met his death in the trenches, many others had returned to their homes maimed for life, many widows and orphans were mourning their dead as the result of the nefarious trade of American citizens in war munitions. Before the *Lusitania* sailed warning was given that she would be torpedoed if she attempted to cross the ocean freighted with a cargo that meant death and destruction to German subjects.

Our Government knew what was threatened, but we allowed the ship to sail, carrying American citizens into the very jaws of Germany was fighting for her life. So were England and France and the other nations engaged in the war. What could have been expected of Germany under such circumstances? What moral right had we to tempt her to this fearful act by this threat against the lives of her people? This Government can not shield itself from the fearful responsibility it is bound to accept for this dreadful tragedy. We have continued from that time on to aid the enemies of Germany in the same way. I have consistently opposed it from the beginning. We have not been neutral as a nation; many of our people have not attempted to conceal the fact of their unneutrality. If we had been wholly neutral, as we professed to be, we would never have been brought to our present relations with Germany. Great Britain has persistently violated our rights on the sea as a neutral nation. She has searched our ships, rifled our mails, and in other ways treated our rights with contempt. We have borne these wrongs as patiently and with as great a degree of forbearance as if we had been the ally of Great Britain instead of being a neutral nation.

Mr. President, this was the unhappy condition of things affecting our relations with Germany when the Sussex was sunk and more American lives sacrificed. Certainly Germany had no reason to feel kindly toward us. She must be judged, as we must, by the conditions as they then existed; conditions brought about by us for merely commercial gain, at the expense of Ger-These conditions were not mentioned by the Presiman lives. dent in his message. We would all be glad to forget them. But the situation that now confronts us, that may mean war for our country, is too serious to permit of evasion or any attempt to escape the consequences of our own mercenary acts.

This brings me to the matter of the President's message in which he expresses his belief that he was justified in severing our friendly relations with the German Government. It is not my purpose to question the good faith of the President in taking this step. I assume without question he has taken the course that he felt it his duty to take as the Chief Magistrate of the Nation. However much I may differ from him, I must give him credit for conscientious motives and patriotic purposes in a matter so grave and important.

But, Mr. President, I do differ from him. With a profound sense of my own responsibility as a representative of the American people, I protest against this or any other movement that tends toward war with Germany for no greater cause than has yet been given us. It is charged against the German Government that she not only violated the rights of American citizens on the sea, but that she has violated her solemn promise, made to this Government, not to further engage in the sort of submarine warfare that resulted in the sinking of the Lusitania. That Germany has violated the rights of our people on the sea, under international law, no one can deny. But so has Great Britain, and so would any other belligerent nation fighting for

existence, if necessary for her success. So would we do, I apprehend, under the same circumstances. So as to that phase of the controversy the question is, Should we go to war with Germany on that account? I can not bring myself to believe that we, serving the best interests of our people, should go to any such extreme.

Now, sir, let us look for a moment at the correspondence between this country and Germany and see whether that country has violated any promise made to us as to the future course of submarine warfare to be conducted by her. In the first Sussex note the President said to the Imperial German Government:

If it is still the purpose of the Imperial Government to prosecute relentless and indiscriminate warfare against vessels of commerce by the use of submarines without regard to what the Government of the United States considers the sacred and indisputable rules of international law and the universally recognized dictates of humanity, the Government of the United States is at last forced to the conclusion that there is but one course it can pursue. Unless the Imperial Government should now immediately declare and effect an abandonment of its present methods of submarine warfare against passenger and freight carrying vessels, the Government of the United States can have no choice but to sever diplomatic relations with the German Empire altogether.

In this note we declared that unless Germany

Should declare and effect an abandonment of its present method of submarine warfare—

We should have-

no choice but to sever diplomatic relations with the German Empire altogether.

This was a most unfortunate statement, we may call it threat, for us to make. It put the President in the position that compelled him either to back down or do what he has now done, sever our relations with that country. It was exceedingly unwise to say in advance, without qualification, that this Government would have no other choice. It had another choice as I shall presently show, a choice that would insure our continued peace and not involve us in war. But the German Government submitted to this demand in the following language:

submitted to this demand in the following language:

The German Government is prepared to do its utmost to confine the operations of war for the rest of its duration to the fighting forces of the belligerents, thereby also insuring the freedom of the seas, a principle upon which the German Government believes now, as before, to be in agreement with the Government of the United States.

The German Government, guided by this idea, notifies the Government of the United States that the German naval forces have received the following orders: "In accordance with the general principles of visit and search and destruction of merchant vessels recognized by international law, such vessels, both within and without the area declared a naval war zone, shall not be sunk without warning and without saving human lives, unless these ships attempt to escape or offer resistance."

However, this promise not to pursue the then course of submarine warfare was not without reservation or qualification. It was said further in this same note:

Neutrals can not expect that Germany, forced to fight for her existence, shall, for the sake of neutral interests, restrict the use of an effective weapon if her enemy is permitted to continue to apply at will methods of warfare violating the rules of international law.

Such a demand would be incompatible with the character of neutrality; and the German Government is convinced that the Government of the United States does not think of making such a demand, knowing that the Government of the United States has repeatedly declared that it is determined to restore the principles of the freedom of the seas, from whatever quarter it has been violated.

It is true that our Government did not secret this

It is true that our Government did not accept this reservation. Our second note contained this clause:

Our second note contained this clause:

The Government of the United States feels it necessary to state that it takes for granted that the Imperial German Government does not intend to imply that the maintenance of its newly announced policy is in any way contingent upon the course or result of diplomatic negotiations between the Government of the United States and any other belligerent Government, notwithstanding the fact that certain passages in the Imperial Government's note of the 4th instant might appear to be susceptible of that construction.

In order, however, to avoid any possible misunderstanding, the Government of the United States notifies the Imperial Government that it can not for a moment entertain, much less discuss, a suggestion that respect by German naval authorities for the rights of citizens of the United States upon the high seas should in any way or in the slightest degree be made contingent upon the conduct of any other Government affecting the rights of neutrals and noncombatants. Responsibility in such matters is single, not joint; absolute, not relative.

But, as the President says in his message, the German Government made no reply to this note. Consequently, the reservation of the purpose to again pursue the kind of warfare to which we objected in the circumstances named still stands and was never withdrawn. This being so, we can not justly base our own warlike movement on any breach of promise not to reengage in this objectionable sort of warfare, for there has been no such breach. So we had greater cause to sever our relations with Germany as the result of the Sussex incident than we have now, because that was an overt act against our neutral rights, while the action we have now taken is founded on a mere threat to commit similar acts in the future. To have been entirely consistent we might better have waited until the threatened act had been committed.

But, sir, let me go a little further and ask whether we would be justified in plunging our Nation into this great war because our rights on the sea are being violated by Germany as a war measure. Of course, the President was right in his position that Germany could not, in a legal sense, be excused for violating our rights because some other nation was violating Germany's rights, as well as our own, in the same way. I am not discussing the question on the basis of legal or international right. Everybody knows that the rules of international law can not stand in case of actual war between nations. They never have and they never will.

No nation, not even our own, would submit to be destroyed by war if it could save itself by breaking the rules of international law as it affects neutral as well as belligerent nations. It will violate the law and take the consequences whatever they

may be. It is idle to expect anything else.

Now, Mr. President, this was precisely Germany's case. was the case of Great Britain and France. They have violated our international rights just as plainly and conspicuously as has Germany but not in the same way. It was the avowed purpose of the enemies of Germany to deprive her of the benefits of the open sea and, as incidental to their purpose to starve the German people into submission, they deprived our and other neutral nations of the freedom of commerce on the sea. Our ships and others carrying our products, not to Germany, but to other neutral nations, were seized, the cargoes held, and our mails rifled. Let us assume that all this was done as a war measure against Germany and not an act of aggression against But so is the act of Germany directed against her enemies and not against us. She may do it in a more brutal and more effective way but one is as much an encroachment on our rights as the other and should be judged by the same standard. Therefore we can not consistently sever our relations with Germany and continue them with Great Britain. But, sir, was the President right in saying to Germany that we would, if she continued her then mode of warfare, have no choice but to sever our friendly relations with her? On the contrary there is an-other and far better choice open to us and one that leads to our continued peace while the choice made means almost certain

The German Government has declared a danger zone about its enemies and given notice that any vessels found in that zone, with certain exceptions, will be sunk. What should be our choice under such conditions? I say to keep our ships and our people out of this danger zone until the war is over or the embargo removed. Oh, but my belligerent but well-meaning friends say this would be cowardly and beneath the dignity of a great Nation or one of its citizens. May God protect this Nation from that kind of courage. To avoid the horrors of war this act of pru-dence on the part of our Government would be a great act of moral courage by a great country that should be a worthy and patriotic example to all the nations of the world.

Of course the Government is in duty bound to protect its citizens abroad as well as at home; but the best and surest protection it can afford them now is to keep them out of this danger zone. It would mean a temporary suspension of trade and the loss of a few thousands of dollars to a very few people. But what would this be to the millions of dollars lost, to say nothing of the sacrifice of thousands of lives by going to war to protect this trade on the high seas? American citizens in Mexico have been compelled by the Government to abandon their permanent homes, lose everything they had in the world, and become homeless and destitute refugees to keep us out of war with that country.

Why not be consistent and apply the same rule here?

And so of the individual citizen whose rights are thus invaded. To unselfishly surrender that right by remaining outside of the danger zone, thus protecting his country from the perils of war, would be an act of patriotism and devotion to the best interests of humanity worthy of the highest commendation. And, sir, if any citizen is so unpatriotic as not to do this thing, then the Government should compel him to do it and thus keep our country out of war. And why should this not be done? Suppose there were a riot on one of the streets of Washington dangerous to the lives of citizens in that locality. Any citizen would have the right to travel the street, but would not any sensible and prudent man for his own protection, and as a means of suppressing the riot for the public good, keep out of the danger zone, and would not the police use force, if necessary, to keep the people off the street? Most certainly this would be done, and no one would question its wisdom or its propriety. Then why should not this same thing be done, by force if necessary, where two nations are fighting, resulting in a zone where noncombatants can not enter without endangering their lives or their property and imperiling the peace of their country?

I insist that neither a private citizen nor the President nor the Congress of the United States can be justified in driving this Nation into war or endangering its peace by any such false sense of courage or national prestige or dignity.

Mr. President, my term of service here will terminate in a few

days. I may not be called upon to assume further responsibility in this grave and important matter. I have felt constrained, under existing circumstances, to express my views on the subject now, as we may be on the eve of taking the final step that commits the Nation to the arbitrament of war.

Mr. BRADY. Mr. President, I have a telegram, just received since the Senator from California commenced his remarks, which I believe he would be pleased to have read into the RECORD.

Mr. WORKS. Very well.
Mr. BRADY. I ask the Secretary to read the telegram I send to the desk.

The VICE PRESIDENT. In the absence of objection, the ecretary will read as requested.

The Secretary read the telegram, as follows:

NAMPA, IDAHO, February 6, 1917.

Senator James A. Brady, Washington, D. C.:

We appeal to you to consider Bryan's statement to American people urging official joint conference of neutral nations to consider safeguarding common rights at sea before war move by American Government.

H. A. PARTRIDGE.

H. A. PARTRIDGE.

REV. GATES YOUNG,

Pastor First Presbyterian Church of Nampa.

REV. FATHER J. P. RIES, S. M.

H. C. BRADLEY,

Ex-State Representative.

Mr. BRADY. Mr. President, I suggest the absence of a

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Beckham	Hollis Husting James Jones Kenyon Kirby La Follette Lea, Tenn. Lee, Md. Lewis	Martin, Va.	Smith, S. C.
Borah		Norris	Smoot.
Brady		Owen	Stone
Bryan		Page	Thomas
Chamberlain		Pittman	Thompson
Chilton		Poindexter	Tillman
Clark		Pomerene	Underwood
Colt		Ransdell	Vardaman
Fall		Robinson	Wadsworth
Fletcher		Shafroth	Watson
Fletcher	Lewis	Shafroth	Watson
Gallinger	Lodge	Sheppard	Williams
Gronna	McCumber	Sherman	Works
Harding	McLean	Smith, Mich.	

Mr. JAMES. I desire to announce that the Senator from Georgia [Mr. SMITH], the Senator from North Carolina [Mr. SIMMONS], and the Senator from New Jersey [Mr. Hughes] are absent on official business.

The VICE PRESIDENT. Fifty-one Senators have answered

to the roll call. There is a quorum present.

Mr. STONE. Mr. President, I ask unanimous consent that

the resolution I proposed on the day before yesterday, relating to the President's message in joint session on the 3d instant, be now laid before the Senate.

The Chair, hearing no objection, The VICE PRESIDENT.

lays before the Senate the following resolution.

The Secretary. Senate resolution 351, submitted by Mr. STONE on the 5th instant:

Whereas the President has, for the reasons stated in his address delivered to the Congress in joint session on February 3, 1917, severed
diplomatic relations with the Imperial German Government by the
recall of the American ambassador at Berlin and by handing his passports to the German ambassador at Berlin and by handing his passports to the German ambassador at Washington; and
Whereas, notwithstanding this severance of diplomatic intercourse, the
President has expressed his desire to avoid conflict with the Imperial German Government; and
Whereas the President declared in his said address that if in his judgment occasion should arise for further action in the premises on the
part of the Government of the United States he would submit the
matter to the Congress and ask the authority of the Congress to use
such means as he might deem necessary for the protection of American seamen and people in the prosecution of their peaceful and legitimate errands on the high seas: Therefore be it

Resolved, That the Senate approves the action taken by the President

Resolved, That the Senate approves the action taken by the President as set forth in his address delivered before the joint session of the Congress, as above stated.

Mr. STONE. Mr. President— Mr. JONES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.
Mr. JONES. What has become of the unfinished business? The VICE PRESIDENT. The resolution has taken its place by unanimous consent.

Mr. JONES. I did not understand that the request was put to the Senate to lay aside the unfinished business.

The VICE PRESIDENT. The Chair said if there was no ob-

jection it would be laid before the Senate.

Mr. JONES. I desire to object to setting aside the unfinished business. I think the matter ought to be submitted to the

Mr. STONE. The unfinished business is the agricultural appropriation bill?

Mr. JONES.

Mr. STONE. I think there will be no difficulty in getting that

up at any time. Mr. JONES. I do not give consent to laying aside the unfin-

ished business

Mr. LODGE. I was sitting here listening to the proceedings. The Chair submitted the question and asked if there was objection; paused; there was no objection, and he recognized the Senator from Missouri.

Mr. JONES. I was sitting here just the same as the Senator from Massachusetts, and I was listening for a statement as to whether the unfinished business should be set aside. I supposed the resolution was simply laid before the Senate for discussion. I had no objection to that, but I do object to laying

aside the unfinished business.

The VICE PRESIDENT. The unfinished business will immediately follow the disposition of the resolution. It is only

temporarily laid aside.

Mr. JONES. But I desire to object to its being temporarily laid aside.

Mr. SMITH of South Carolina. I make that request.

Mr. JONES. I want an opportunity to do that.

The VICE PRESIDENT. There can not be two things pending at the same time before the Senate.

Mr. JONES. I appreciate that, but I object to laying aside

the unfinished business to take up the resolution.

Mr. STONE. What is the ruling of the Chair?

The VICE PRESIDENT. The Chair, assuming that there was no objection whatever, laid the resolution before the Senate.

Mr. STONE. What is, then, before the Senate? The VICE PRESIDENT. The Senator from Washington says he did not hear what the Chair said and he is objecting now.

Mr. JONES. No, the Senator from Washington did not hear

any request made to lay aside the unfinished business The VICE PRESIDENT. We will cut the Gordian knot by

laying the resolution before the Senate at the present time, if there be no objection.

Mr. JONES. I object to laying it before the Senate if it

means setting aside the unfinished business

Mr. STONE. It has been laid before the Senate and read. Mr. JONES. If the Senate desires by motion to take up the Mr. JONES. resolution and displace the unfinished business, I suppose it can do it, but I object to laying aside the unfinished business

Mr. SMITH of South Carolina. I ask for information if it is in order now, having charge of the unfinished business, for me to make a request that it be temporarily laid aside. I think that will meet the objection.

The VICE PRESIDENT. That can only be done by unani-

mous consent.

Mr. STONE. Does the Senator object to that?

Mr. JONES. I object to laying aside the unfinished business. Mr. STONE. I move that the Senate proceed to the consideration of Senate resolution No. 351.

The VICE PRESIDENT. The question is on the motion of the Senator from Missouri.

The motion was agreed to.

Mr. STONE. Mr. President, I shall address the Senate at this time quite briefly, but before speaking directly to the resolu-tion read from the desk I desire to read a short cable dispatch which I clipped from the Sunday issue of a Washington paper

LONDON, February 4.

America's break with Germany to-day brought together a large number of prominent Americans in London.

A meeting, hurriedly and informally arranged, immediately took up plans for the care of Americans now in Germany and assistance to them in case they wish to return to America or to England.

Upon the Americans in London will fall a vast amount of activity connected with the probable exodus of United States subjects—

I pause here to interpolate that probably the foreign gentleman who penned this cablegram is not aware that the people who owe allegiance to the Constitution and Government of the United States are in the Constitution described as "citizens," not "subjects"; and while they are subject to the laws of the United States and of the States of which they are severally residents, the true type of the American prefers to be described as a citizen rather than as a subject-

Upon the Americans in London will fall a vast amount of activity con nected with the probable exodus of United States subjects from the central countries, and plans are being made to be of every possible assistance to the embassy here.

THOUSANDS LINE STREETS.

THOUSANDS LINE STREETS.

Thousands of Englishmen lined the streets of the West End to-day and cheered as members of the American colony paraded the streets to the American Embassy.

Every American in London to-day is a hero. The attitude of the English people, heretofore indifferent—at times almost antagonistic—has changed to that of enthusiastic approbation.

The tune of "The Star-Spangled Banner" was greeted by tumultuous applause at every public gathering. The staid Englishmen, usually apathetic to every tune save "God, Save the King." were stirred to-day by the American anthem to the heights of enthusiasm which marks the rendition of "Dixle" south of the Mason-Dixon line.

WILSON CHEERED.

WILSON CHERRED.

The picture of President Wilson displayed last night at theaters and movie houses was cheered tumultuously.

A great crowd that gathered before the United States Embassy last night cheered the President to the echo. Dignified business men, women in costly gowns and furs, mingled with saliors, clerks, and the human derelicts that are to be found in every national capital.

Frock-coated, black-cravated gentlemen joined with leather-lunged youths in the old "locomotive" yell of college days. The English spectators at first could not understand the phenomenon of several hundred persons, strange to each other, uniting as though rehearsed, in ear-splitting explosions of enthusiasm.

JOIN IN SALVOS.

But soon they caught the swing of the yell, and the shrill treble of the street urchin and rumbling basso of boulevard spectators joined in the rhythmic vocal salvos.

Editorial comment of London newspapers to-day was not only enthusiastic in the highest degree of President Wilson's action in breaking with Germany, but charitable over his previous restraint under "trying circumstances."

TYPICAL COMMENT.

THICAL COMMENT.

The comment of the Sunday Times—not the Times owned by Lord Northeliffe, but another newspaper—was typical. "The President," it said, "strove with all his power and resources to steer the country clear of war's maelstrom, but the official head of a great and proud people could not expect to stomach such deliberate, wanton insult as Germany's latest note. Its terms were in effect an ultimatum, and America so recognizes it."

"America, unhesitating, is accepting the challenge to the whole world," declared the People. "Its acceptance is tantamount to a declaration of war."

A number of London newspapers published pictures of President Wilson with the caption, "The man of the hour." Their laudation of his course was fulsome.

The News of the World declared: "The Kaiser goaded a great republic into hostility. Lincoln's land will answer with the sword."

A great number of articles of like import have been appearing

A great number of articles of like import have been appearing from day to day in the American press. I can not foretell what eventualities may result from the regrettable international entanglements in which we are now involved. Plainly we are facing a situation in which unhappily our diplomatic relations are sorely strained with respect to some of the belligerent European nations, but I desire to impress my conviction and to express the hope that we will not lose our equilibrium and be swept off our feet, at least at the instance of any foreign power or under the influence of a foreign propaganda put forth for the purpose of exciting us into war. In a matter of this grave import I resent and repel any attempted foreign dictation, no matter from what source it emanates or in what form it comes. We should take our own course in our own way, insisting that foreign powers and foreign or semiforeign peoples attend to their own business. At the same time I venture to express the hope that the officials and people of the United States will avoid any speech of a partisan character calculated to excite passion in our own country

I have presented this resolution because I think we should let the world know that we support the President of the United States whenever, acting within his constitutional power, he speaks authoritatively for the country. There are Senators who thought it would have been the better part of wisdom if the President had postponed the severance of diplomatic relations with Germany at least until Germany had committed some overt act offensive to this Government and sufficiently aggravated to warrant a step so grave in possible consequences; but the President took a different view, which with great ability he strongly supported in his address before the joint session on the 3d instant, and as, according to my view, he acted within his con-stitutional authority, I think it both wise and advisable for the Senate to say officially that it accepts and approves this action

of the Nation's Chief Magistrate. The Constitution provides that the President "shall receive ambassadors and other public ministers." The Constitution says nothing about the dismissal of ambassadors and ministers, although Presidents have frequently dismissed such officials on their own initiative. I think the President has this authority, because to him is committed the primary duty and power of conducting our diplomatic affairs, and the constitutional authority to "receive" ambassadors and ministers probably carries with it, as a corrollary, the power to dismiss. Nevertheless, it has been said by some whose opinions demand respect, among them at least two Presidents of the United States, that it was the part of wisdom for the President to take the official advice of the Congress before even receiving ministers in circumstances

that might be offensive to another and friendly Government, particularly in cases where a part of the people of such a Government had revolted and set up an independent government of their own. It has been said that in such circumstances it might be provocative of war for this Government to recognize a revolutionary government by receiving a minister therefrom, and so it was thought that as such action on the part of the Chief Executive in its final analysis concerned the "war-making it would be advisable for the Executive to consult the Congress in advance. This was the view of President Jackson with reference to the acceptance of a minister from Texas, but manifestly it was not the view of President Roosevelt in the case of Panama. E converso it has been argued that in view of the fact that the peremptory dismissal by the President of a foreign diplomatic representative to this country might lead to the most serious consequences, the President might wisely lay the whole matter before the Congress in advance for its official advice.

However, whatever may be said pro or con in this behalf, it is more a question of policy than of law. I hold that the President is primarily charged with the conduct of our diplomatic relations with foreign powers, and, unless the circumstances should be extremely exceptional, I feel constrained to support and approve the act of a President in dismissing a foreign ambassador or minister, or even in terminating diplomatic relations and putting an end to the ordinary means of international intercourse. As a matter of fact that is practically the identical situation in which we find ourselves with respect to the Republic of Mexico, and that situation has been at least acquiesced in by the Congress for three or four years. In the instance now before us the President has resolutely discharged his duty as he sees it, acting within his authority, and for one I feel that we should let the country know and the world know that we sup-

port his action in this behalf.

The mere severance of diplomatic intercourse, while it results in strained relations of acute form, is held to be not an act of war. If it were an act of war the President's right to take such action on his own initiative and without the concurrence of the Congress might indeed be regarded as questionable. The President understands this, and substantially so stated in his address. He recognizes that the Congress only has constitutional power to declare war or inaugurate hostilities against a foreign nation, and accordingly he said that if unhappily it should come to pass that he should believe it necessary to proceed in a more drastic way, he would present the situation to the Congress and ask legislative authority to take such action as the Congress might deem advisable in the premises. That would undoubtedly be the proper constitutional course. If the President should find it necessary, in his own judgment, to again present this matter to the Congress for legislative action, or if the Congress as the warmaking power should on their own initiative proceed to the consideration of the questions involved, it would then be the duty of the Congress to proceed upon their own initiative and upon their own responsibility. Whenever it becomes necessary for the Congress to act in this form and manner we will then have reached a point where the President must wait upon the action of the law-making department, unless perchance some emergency should arise making immediate action necessary to resist invasion. It is now only proposed to approve the action of the President with respect to a matter within his constitutional province. If, later, the Congress is called upon to act, then we must discharge our duty from our own viewpoint and upon our own responsibility.

I join the President in his expression of the hope that no ade-

I join the President in his expression of the hope that no adequate occasion will arise to make it necessary, even in his judgment, to again present this subject to the law-making power of the Government. I shall move, Mr. President, that the Senate agree to the resolution without reference to the committee.

Mr. President, I intended before taking my seat, and with the view of refreshing the memory of Senators, to lay before the Senate some authorities respecting (1) the declaration and commencement of war, (2) respecting diplomatic relations between independent states, (3) respecting blockades instituted by one belligerent power against another, (4) and possibly respecting one or two other cognate questions of special pertinence in this juncture of our affairs.

However, Mr. President, being averse to the unnecessary consumption of time in reading these various authorities, some of which are now lying on my desk, I believe I will ask unanimous consent of the Senate to print these excerpts from well-recognized authorities touching the several subjects indicated, in the form of a Senate document. It will not necessitate, I am sure, the publication of a pamphlet exceeding 10 or 12 pages. I think such a pamphlet would be useful to Senators at this time in view of possible eventualities. I therefore ask unanimous consent to print the matter referred to in the form stated.

The VICE PRESIDENT. Without objection, it is so ordered. Mr. STONE. Then, Mr. President, I move the adoption of the resolution.

Mr. LODGE. Mr. President, this resolution gives the approval of the Senate to the action taken by the President as set forth in his address delivered before the joint session of Congress. That action consisted of the severance of diplomatic relations with Germany. The President then announced that he had handed to the German ambassador his passports and had recalled our ambassador from Berlin.

In my opinion, Mr. President, the President of the United States in taking that action did what was demanded by the honor, the safety, and the future security of the United States. But my personal opinion as to his action is of no consequence at this juncture. The Constitution of the United States has vested the President with the conduct of our foreign relations up to the point when war is the next step. Of his right under the Constitution to dismiss a foreign representative I have no question. The power which can alone receive must, in the necessity of things, be the power which must dismiss. In the exercise of his constitutional power, and with the high responsibility of his office resting upon him, the President has taken this action. It has placed us in controversy and created a strained situation with a foreign nation.

Under these circumstances, so far as I am concerned, party lines vanish, and any criticism of the past or any criticism of the present is silenced for me. When my country is in controversy with a foreign nation I can see for myself but one duty, and that is to stand by and to support the recognized constitutional authority of the Government in our dealings with foreign nations.

I see no place here at this moment for the discussion of an embargo on munitions of war. I think the President was quite right in refusing to impose such an embargo if he desired to preserve neutrality. It seems to me also quite out of place to attempt to apportion blame or praise among other nations. This is not the time nor the place for the expression of sympathies for one side or the other in this great war. There is only one question before us, and that is our relations with one of the great powers of the earth at this moment.

The President has taken grave action. I feel it to be my duty, as I have said, to support him to the utmost of my power. He is the President of my country, the President of the United States. And, Mr. President, if, as we all pray, further difficulties are to be avoided and we are to be saved from war, in my poor judgment there is one step more important than any other, if we are to preserve our peace under existing conditions, and that is to show to the people of the country that we are without divisions at this moment; that we are thinking only of the United States and its representative in all international questions. If we exhibit divisions we exhibit weakness, and weakness is the temptation to those intolerable aggressions which would surely bring the war that we all seek honorably to avoid.

My earnest hope is that at this time personal feelings, political feelings, political enmities will all be laid aside, that we may remember only that we are citizens of a common country, that we are all Americans, and that our first duty is to stand together in this controversy, which has unhappily arisen with another nation, and let that nation and the world know that when the President speaks, as he has spoken, he has the Congress of the United States and the people of the United States, no matter what their race or origin, behind him in the one simple character of American citizens.

Mr. SMITH of Michigan. Mr. President, I hesitate very much about intruding myself into the discussion, and yet I feel my responsibility as a Senator and think I will be better satisfied, at least, if I say what is in my heart to say.

We are asked to support a resolution offered by the chairman of the Committee on Foreign Relations, the Senator from Missouri [Mr. Stone]. His appeal is not addressed to Senators upon one side of the Chamber or upon the other, but to Senators upon both sides. We are face to face, in my opinion, with a very delicate and trying situation. If there was any error in the course which has been pursued—and I do not assert that there was—it is now too late to rectify it.

Our diplomatic relations with Germany have been severed by Executive order, and international confusion and dismay have superseded the calm, dispassionate, and sympathetic attitude of the American people toward those engaged in an awful struggle for existence. Whether this situation could have been avoided or not, it is now useless to discuss. The President has committed the country, at least to this extent; and, no matter how Senators may have differed with him regarding the wisdom or

necessity for the step, it has been taken, and it would be a national humiliation now to repudiate his course.

However, Mr. President, he can go no further. The next step, if it should be taken, must be taken by the Congress, to whom the people have confided their destiny by strict constitutional decree. The responsibility for war rests solely with Congress as the guardian and spokesman of the American people. Let us in this solemn hour take counsel of our conscience, measure the awful cost and sacrifice which hinges upon our act, and take only such course as necessity impels, guided by the spirit of the fathers and influenced only by the best interests of our country.

Mr. President, I do not believe the Imperial Government of Germany would intentionally affront us, and we must be very careful not to aggravate any belligerent State now struggling for existence. We must "play no favorites" in that awful struggle. Our first duty is to America and Americans, and we must face the present situation with calmness and candor, with courage and fidelity. May God grant that our country may be spared the horrors of war without humiliation or the sacrifice

of any sacred right. I shall support the President.

Mr. VARDAMAN. Mr. President, a grave responsibility rests upon every Member of this body in the consideration of the delicate question before the Senate. It is a responsibility which can not be avoided, however disagreeable it may be to meet the issue. That the Members of the Senate will rise equal to the demands of the solemn situation the heroic past of our common country bids me hope. The way to meet a grave issue is not to blindly follow the President or anybody else. The responsibilities of the Senate are equal and coordinate with the responsibilities of the Executive. If I could be true to my constituents and have the consent of my own conscience and avoid the responsibility of meeting this question by simply referring it to the President, I should be very happy; but I can not do that. I have a duty to perform which I alone can perform. Nor can any other Senator do it and be true to the obligations of

his place. To paraphrase the language of another—

The American people honor the Senator wisely taught
That serveth not another's will;
Whose armor is his honest thought,
And simple truth his utmost skill.

In that spirit I shall try to meet the duties of the moment.

Mr. President, if in the mysterious providence of an All-Wise God war shall occur between the United States and Germany, there will be no division of sentiment or break in the ranks of patriotic Americans in defense of the Nation's flag. I shall do all within my power consistent with honor and national self-respect to avert the calamity of war. I am sure Germany does not desire war with the United States, and I know the people of the United States do not wish war with Germany, unless there is greater provocation for war than has yet been given. But if war must come, there will be no faltering on my part nor on the part of those whom I have the honor to represent in this Chamber in the performance of our duty to the Nation.

This country is the common parent of us all, and it matters not what the cause of the quarrel may be. When war is on we shall ask no question, but rather, inspired by a sense of heroic obligation to our country, present a solid, invincible front to the common enemy. I shall vote to give the President men and money to the last soul and dwindling farthing to be used in the Nation's behalf; but I can not vote for this resolution for the reason that it does not express my sincere and best judgment. I do not believe that the President's course was wise, prudent, justified at this time by the facts and for the best interest of the American people and the peoples of the world.

I do not in any sense condone murder upon the high seas, of which Germany may be guilty; nor do I in any way extenuate Great Britain's insolent, cruel, and persistent violation of international law and her contemptuous disregard of the rights of neutrals upon the high seas. Both of these nations are culpable. Their crimes differ only in degree. The motives behind their every act are identical. Cruel selfishness that would crucify truth and immolate justice to promote a personal end is the impelling purpose. Nor would I be understood as questioning the correctness of the President's interpretation of the cold, technical letter of international law. He is, in all probability, correct in his statement as to what the law is to-day, but—

New conditions teach new duties; Time makes ancient good uncouth.

And I think that the time is at hand and the circumstances demand that America, occupying a position of such commanding advantage, should write a little international law—law with heart and soul in it, adaptable to the new conditions, placing the rights of man and the human element above the increment of commerce. Such a law would vastly promote the

welfare of humanity throughout the world and better protect

the interests of the American people.

I admit that American citizens have the techincal right under international law to enter the danger zone. It will not on the other hand, be denied that their forbearance to exercise that right or privilege at this particular time would redound gloriously to the peace and permanent prosperity of the world. I submit that it would be the highest evidence of perfect neutrality if the United States Government should see to it that our citizens forbear the exercise of such a right. For our country to be drawn into this vortex of blood and plunder to satisfy the greed and cupidity of those who would coin the blood of the murdered soldier and the tears of the broken-hearted women into dollars or perhaps to gratify the desire and vanity of a few daring spirits bent upon a bold and venturesome enterprise would be a calamity, aye, more, a blunder on the part of this administration, the cruel consequences of which the present as well as countless generations yet unborn must sorely suffer.

I trust that God's loving providence may save our common country from further implication in this world disaster, this inexcusable, horrible, and heartless slaughter of human beings; but I am afraid that only through Divine intervention is there basis for such a hope. The men of Europe are mad, the brain reels with a suffusion of hot blood, and the passions of hate poison the heart. They are, as wild beasts following the instinct of self-preservation, fighting for existence. In this state of mind I am afraid that something may be done without intending to offend the American people to justify the President of the United States from his own sense of duty in doing what he has said he would do in the event that Germany persists in her threat to blockade the ports of Great Britain with her submarine fleet. The traffickers in the spoils of war, the sharers of enormous profits of international commerce, have done their pernicious work in the creation of an unhealthy, abnormal, pernicious sentiment in favor of war which seems to have temporarily dethroned the reason of men the world over and poisoned the very current of human love.

God give us pause to contemplate the consequences that will inevitably flow from the things we are about to do. Let prudence, love, fortitude, and truth characterize our deliberation

to-day.

The VICE PRESIDENT. The question is on the adoption

of the resolution of the Senator from Missouri.

Mr. WORKS. Mr. President, I have expressed my views upon the general subject of our relations with Germany, and do not desire to extend those remarks; but now, under this resolution, we, as Senators, are asked to connect ourselves with the act already done by the President and to make his responsibility our responsibility.

I am not willing to commit my conscience or my patriotism to the President of the United States or anybody else. I am asked by this resolution, as you are, to take affirmative action upon this question. If you believe the President was right, and you are called upon in the proper way to indorse his action, there is no reason why you should not do so; but by the same token, if I believe the President was wrong, when "am called upon to take affirmative action upon this question I shall be guided by my own conscience and convictions, and not by those of anybody else.

Mr. President, there is no reason why this question should have been brought to the Senate at all. The act of severing relations with Germany was an executive act. The President did not in advance ask the advice of Congress upon that question. There was no reason why he should. It was strictly within his jurisdiction. He took the responsibility, grave as it was, of pursuing the course he has taken. That responsibility should remain with him until we are called upon to take some action that is within our jurisdiction.

Why should we be asked to inforse what has been done by the President? We have no official connection with it. The responsibility does not rest upon us. But, Mr. President, there may come, and that very soon, a time when we will be called upon to follow in the footsteps of the President and take upon ourselves a responsibility of the highest character and the gravest consequences. Until that time comes, the mind of every Member of this body should be kept open and free to discuss and act upon that question uninfluenced by any previous action.

that question uninfluenced by any previous action.

What are we proposing to do to-day by this resolution? We are proposing to indorse the act already done by the President and make it our act. That involves two things. The President has severed our relations with Germany, as he had a right to do if he thought it was his duty; but he has gone further than that and said to the Congress: "If Germany follows the course that is threatened, I shall call upon Congress to give me authority

to use the Army and Navy for the purpose of enforcing American rights." If we indorse the act done by the President in severing relations with Germany, at the same time, by enacting this resolution, we adopt his policy that if Germany pursues the course that is threatened we are ready to declare war upon Germany. That is what it means. It is practically a declaration of war on our part.

Mr. President, it may be that there are Members of this body who are ready now to declare war upon Germany, but I am not. Germany may do some act in the future that would cause you and me, as the representatives of the people of the United States, to take that step; but if the President should do what he says he is going to do under certain circumstances—call upon us to authorize him to use the Army and the Navy—who knows whether that is going to be upon such cause as you and I would regard as sufficient for a declaration of war against Germany?

If the President had severed relations with Germany, and if the Senator from Missouri had allowed the matter to rest there, as I think should have been done, and the Senate had not been called upon to take affirmative action upon it, nobody would have been inclined, I suppose—certainly nobody on this floor—to criticize the President for the action he has taken, however much we might differ from him as to the cause of severing relations with Germany. But now, as I have said, we are asked to take up this matter ourselves, as representatives of the Government, and make his act our act; and I am not ready to go to that extent.

Mr. President, it is all well enough for Senators to say that we should support the President. I am here, representing in part, the people of the United States, not any individual, whether he be President or somebody else; and I hold it to be my right and my duty, when I am called upon to act upon this or any other question, to do what I believe to be right, just as the President has done.

Of course, if we should come to war with Germany that would be quite a different matter. I presume no Senator would be heard to raise his voice against his own country if we should come to that pass. But now we are asked to take steps ourselves that may lead to war with Germany, and so far as I am concerned I am going to take the course that I believe to be right, and I am not going to commit it to the President of the United States.

We must recognize the fact that this is a critical time for the people of this country. If there was ever a time when Members of this body should act strictly upon their honest convictions, certainly this is the time.

Now, I am opposed to this resolution on conviction. I shall vote against it for that reason. It does not matter to me what the convictions of somebody else may be. I can not be guided by considerations of that kind. I am not here to criticize the President for what he has done so far. That was his responsibility. I am quite content to leave it to him. But now it is my responsibility, and I shall take the course to which I am led by my own convictions and oppose and vote against the resolution.

Mr. NORRIS. Mr. President, while I intend to vote for this resolution which the Senator from Missouri has offered, I regret very much that the resolution is before the Senate. If it is desirable that the action of the President in dismissing the representative of the German Imperial Government be approved by this body, then it seems to me it would have been much more appropriate if the action were asked in advance of the dismissal rather than to ask it now.

I know, or at least I believe, with the Senator from Missouri, that the weight of authority is that the President in dismissing the ambassador from Germany and severing diplomatic relations with the Imperial Government was within his province and within the bounds of his authority. I believe that has been, with few exceptions, the custom of the country. My own idea is that that doctrine is wrong. I do not believe that the President ought to sever diplomatic relations with any country with which we are at peace until he has first submitted all the evidence in his possession to the Congress and asked their action on it.

But I can not criticize the President for taking the other course. As I said, the weight of authority is probably with him in that course. So I must assume that he was acting then within his own province, and when he has so acted in an important matter like this I consider it my duty to weigh every doubt in his favor, and unless I have positive evidence to the contrary I would not criticize him, but, if compelled to vote one way or the other, would vote in approval of his action.

But, Mr. President, undoubtedly the President has had before him much evidence that we have never seen. How much weight that has had or ought to have in acting upon the question I

can not say. At least, it seems to me it would be fair to the Congress, if we are called upon to pass our judgment on this question, that all the evidence and all the correspondence be laid before us before we act officially.

When the President, acting within the scope of his jurisdiction and his authority, takes a particular course, I feel it my duty as a citizen of the United States to follow him, but when I am called upon to vote "yea" or "nay" upon approval of an official act, then it seems to me I ought to be given all the light that he had when he acted officially. So while it does not seem to me to be quite fair to ask the Senate to pass upon the resolution in this way, I will vote for it, because I want no division in any matter as important as is this.

Mr. President, I do not believe the resolution ought to be here, because our action can add nothing to or detract nothing from what the President has already done. We had a resolution before us not long ago approving the action of the President in sending notes to Germany and the other belligerent powers, or at least approving them in part. It seemed to me that that was out of place, although I voted for the resolution because I want the world to know that in any contest we may have with any of the belligerent nations our country and our

people will be united. But if we are to have a resolution of approval of every official act of the President it will not be long until the people will believe, and will be justified in believing, that when he performs some official act and we do not pass a resolution of approval, therefore we do not agree with him.

Mr. President, the Constitution of the United States says that Congress alone has the power to declare war; but the President has the authority that he has taken in this case; and. as I said, I believe that the weight of authority gives him the right to take steps that will make war inevitable. If that is the right doctrine then the provision of the Constitution which gives to Congress the right to declare war, and the sole right, is of but little value. If the President can sever at his pleasure diplomatic relations with foreign governments, then in the President lies the real power to declare war, because although the Constitution says Congress has the sole right to declare war, the President having diplomatic matters supremely in his own hands can get Congress and the country in a position where they can not avoid war. If we are to give practical effect to the constitutional provision that Congress has the sole power to declare war, then the President ought never sever diplomatic relations with any nation with which we are at peace, or do any other act that in its natural course would have a tendency to bring on war, without first submitting all the papers and all the evidence to Congress, and then act on the judgment rendered by that official body to which is given by the Constitution the sole right to declare war.

I would have been glad if the President had submitted to Congress all the evidence bearing upon the question before he acted. I wish he had laid aside any technical right that he might possess and had taken the broad view that that course was the right course to pursue. The power that has the right under the Constitution to declare war ought to have the power over the steps that lead to war. But the President took the other course, and I admit he has followed distinguished examples and illustrious predecessors in those steps, and I would not criticize him for taking it, but it is his responsibility and not ours when he takes that course. Mr. President, when I vote for this resolution I think if I remained silent I could be properly charged with approving every act that has led up to it. I do not approve of the course that our President has taken in foreign affairs altogether. I think many mistakes have been made; and yet I have always refrained from publicly saying so, because I realize that the President being charged with responsibility is entitled to my support, even though I do not agree with every detail and every step that he has taken. willing to give that to him as a citizen and as a Senator both, but I do not believe it is quite fair to ask me to vote officially for the approval of all these acts.

I felt, Mr. President, since the yeas and nays are to be called on this question, that I could not put myself on record here by simply voting one way or the other without an injustice even to myself, and I therefore felt constrained to say this much on the question in order that my action may be understood.

Mr. UNDERWOOD. Mr. President, I feel that I can not vote on the resolution without a statement in the Record as to how far this vote commits my future action. I assume, and if I am not correct I hope the chairman of the Committee on Foreign Relations will correct me—I assume that this resolution has not been introduced into the Senate without consultation with and the approval of the President of the United States.

Mr. STONE. I wish to say-

The PRESIDING OFFICER (Mr. Walsh in the chair). Does the Senator from Alabama yield to the Senator from Missouri?

Mr. UNDERWOOD. I do.

Mr. STONE. The resolution was introduced without consultation with the President of the United States, and since its introduction I have not seen or talked with the President, not since the day he delivered his address before the joint session of the two Houses.

Mr. UNDERWOOD. I should like to ask the Senator a leading question then, because his answer may very materially determine my attitude in this matter. Did this resolution come merely with the desire of the Senator himself for an expression of opinion, or does the Senator understand that it is introduced with a desire to support the attitude of the President of the United States?

Mr. STONE. The two questions propounded by the Senator from Alabama strike me as being the same in effect. He wishes to know whether I introduced it with a view of expressing my individual opinion or to secure an expression of the opinion of

the Senate.

Mr. UNDERWOOD. No; it may be that I have not made myself clear, and I wish to do so. I desire to know from the Senator whether he has talked with the President or talked with somebody else in authority, and as to whether it is his understanding that the Executive desires this resolution to be passed or not?

Mr. STONE. I have answered that substantially. I said I had had no consultation whatever with the President. I have had no consultation on this subject with any executive official.

Does that answer the Senator?

Mr. UNDERWOOD. It does not. I wished to find out from the Senator, if I could, as to whether the President of the United States in his opinion feels that the passage of this resolution will uphold his hands in this emergency or not.

Mr. STONE. I do not know what the President thinks or feels. I have had no expression whatever from the President on the subject. I thought, and so stated in my remarks, that it would be an advisable thing for the Senate officially to say that it approves the action of the President, and gave my reasons therefor. That is as frank and as full as I can make it.

Mr. UNDERWOOD. If the President of the United States desired in this emergency action by the Senate of the United States to sustain the course that he has pursued in this matter, for one I would give it unhesitatingly and ungrudgingly and without criticism of any kind. But if it is not the desire of the President of the United States, and if he does not feel that it is necessary to sustain his course, the bringing of this resolution before the Senate, I think is very ill-advised and very ill-timed on the part of the Senator from Missouri. However, I intend to vote for the resolution since it is before the Senate. The Senator from Missouri in his high position should of course uphold the hands of the President of the United States in a grave emergency, but he should know that he is upholding the hands of the President of the United States in his action and be able to tell his colleagues on the floor of the Senate that he is doing so when he asks their support and their action.

Mr. STONE. Since the Senator is personally criticizing—Mr. UNDERWOOD. I mean it as no personal criticism. I

am criticizing the action of the Senator.

Mr. STONE. It is not offensive at all, but the Senator says, if he will permit me, that I ought to have acted only in support of the President. The resolution approves the act of the President. If that is not supporting his act, I do not know what it means.

Mr. UNDERWOOD. The Senator is dividing the situation in substance. If it is necessary to uphold the hands of the President of the United States in this hour by the affirmative action of the Senate, we can be assured of that fact. I do not believe there is a Senator on this floor who would not readily and cheerfully respond. But if it is not necessary at this time, the resolution is proposing a decision about which we ought not to be prepared to express our judgment in this hour and this day. It is too serious a matter. It involves too greatly the life of the Nation, the happiness of the people of the United States, to be forced to an immature and ill-considered judgment.

Mr. President, up to this time I have not allowed myself to become a partisan of either of the contending forces on the battle fields of Europe. I have stood for the peace of my Nation, an honorable peace. So far as the President of the United States is concerned, I approve his course in guiding the ship of state through the many dangers that have beset it in the last three years and maintaining peace for the Nation. No greater glory crowns his administration than the fact that he has been able to keep his people out of war.

I have no criticism of the President of the United States in his action in recalling our ambassador home from Germany. There were two courses open for him to pursue after the receipt of the German note advising this country that that Government intended to pursue a relentless submarine warfare. One was to await a direct violation of our neutrality by an affirmative act. The other was to recall our ambassador as notice to the Imperial Government of Germany that we would not recognize and did not recognize what it proposed to do.

I can not question and I do not believe there is a citizen of this Republic who can question in this hour the earnest efforts of the President of the United States to maintain peace. His position on that question is above criticism from the standpoint of the man who wishes that peace may be kept. So I do not think it lies within the mouth of any man to say that the President of the United States has taken this action with an intention that it may

lead to war.

I feel, and I believe every citizen of the Republic feels, that the action was taken by the President with the hope that he may ultimately maintain the peace. It was a dangerous position to take, but possibly the correct position. It was not for us to determine. In matters of this kind we have but one chief. He must decide for the Nation. I am glad to feel that that decision will not fall on the side of war if it can be avoided. But when it comes to war, that is not within the province of the President of the United States. The responsibility will not rest with him. It will rest under the Dome of this Capitol.

Whatever opinion he has in reference to the situation undoubtedly will have great weight and receive great consideration when the time comes. But so far as I am concerned, representing in part the people of one of the Commonwealths of this country, bearing responsibility myself and with no desire to avoid or shirk it, I do not wish when I cast my vote for this resolution that has been forced upon us to-day to do so with any limitations on my action as a Senator and my right to express freely with my own judgment what should be done in the interest of my own people and the people of this country in the event that war or threatened war comes knocking at our door.

I say this that the Record may show it. I say this that my own people may know that in this day and hour I am not foreclosing their rights or my judgment in reference to their rights to maintain peace if possible, but on the other hand, although I think this resolution is ill-advised at this time, the President of the United States is a man of sound judgment, a man of great force of character, a man with undoubted courage, therefore I will uphold his hands. He has taken his responsibility before the nations of the world, and I have no doubt he is willing to stand as the Chief Executive of this Nation to speak for the people of the United States without a sustaining voice for what he thinks is right. I can not conceive that the Chief Executive of this land for one moment would ask or expect to foreclose the future judgment of the Congress of the United States.

Therefore, I say in my judgment this resolution at this time is ill-advised. It is before the Senate. It must be disposed of It must be voted for or against. It is not the effect on our own people that is material. The adversing of the resolution by the Senate of the United States might be misinterpreted in foreign lands. It might be given the misinterpretation that the Congress of the United States and the people of the United States were not ready and willing to sustain to the last dollar and the last man the Chief Executive of the Nation in time of peril. It is because I fear a misinterpretation might be made of the adversing of the resolution in foreign countries that I shall cast my vote for the resolution when the roll is called.

Mr. KIRBY. Mr. President, in this fateful hour I wish to say a few words. I think if this were but a question of whether or not the President has the power to sever diplomatic relations with Germany all of us would concede it. Since there is no question of power, I think it is singularly unfortunate that this resolution has been placed before the Senate at this time.

As to my sympathies, it is unnecessary to state whether they are with England, who has been the proud mistress of the seas, and her allies or with imperial Germany. I think it was along in the commencement of this war that my own mind was made up as to what nation was in the wrong. My own sympathies, of course, are with one or the other side, and I should not hesitate to declare them here if I regarded it necessary; but it seems to me that the purpose of this resolution or its effect, if not its purpose, will be to declare in a preliminary way that the United States shall go to war. Feeling as I do about it in that way, I shall not hesitate to vote against the resolution.

It has been said that the President of the United States has not asked and has not desired that this question shall be brought into this assembly here. I do not know what the facts may be. He does not doubt his own power to accomplish the result that he has already declared. We concede it. The American Nation has not complained, neither has the Senate; but I want to say here to-day that I raise my voice in protest, not for the allies and not for imperial Germany, but for the United States of America. I do not believe the time has come when we should make a preliminary declaration of war which the adoption of this resolution commits us to. For that reason I am going to vote against the resolution.

The resolution says that the President has declared what his course shall be-to ask Congress for authority to use the power of the Nation to prevent-if Germany shall pursue the policy which it has declared it must. Germany says "England has blockaded our ports; our people are starving; our back is to the wall; and the time has come when we will unleash the tigers of the undersea and send menace and horror and blight and death through all the prohibited zone, blockading her ports yonder because we have the power to do it and must fight with the means at our command. Necessity requires it shall be done." That is the position of Germany. The President has said, "If Germany shall do that, I am going to come to you again, gentlemen of the Congress, and I am going to ask the power to use all the authority and all the power of the United States of America to prevent that condition."

Mr. President, I regard it as a preliminary declaration of war if the resolution shall be voted upon favorably to-day. Therefore, I shall not vote for it. I do not believe the time has come in the history of this country when we shall side with Germany or when we shall side with the allies. I do not believe if Germany ought to be thrashed in this great war—and I am not saying that she should not be—that it is the province or business of the United States to do the thrashing. The time has not come, in my opinion, when it should be done, and we should commit ourselves by the adoption of this resolution to any policy that the President may hereafter pursue. Under the Constitution and the law he has no power to declare war, but he has in fact the power to plunge the Nation into war and to make it necessary for Congress to declare it; and he has almost done so.

Now, gentlemen, I feel this way about it. I think this is the most momentous occasion that will probably ever come to me in my service in the Senate, and I shall raise my voice for America and for peace, and I shall not vote for this resolution, which is to commit us to granting the power to enforce by war our own views of what international law is by the power of the I will not do it. United States.

If war shall come, if we shall declare war-and I shall vote against that also-but I say after war has come, let the majority in this country rule. I say let the last man in this country of ours be sent and the last dollar be given freely to uphold the declaration of war by this country whether it be right or wrong.

Mr. MARTINE of New Jersey. Mr. President, war, war! God knows I hate the very word! To my mind's eye comes a Mr. President, war, war! picture of horrors too shocking to contemplate. I harbor no hate for Germany nor to any other nation, but America has rights, and I feel it is our duty to maintain them.

Mr. President, my father came from sunny France, and my dear, good mother, from whose bosom I drank the milk of justice and liberty, came from Germany, from the Rhine. So why should I harbor hate toward either of these contestants?

No; God knows I have no hate for either, though I was born in America. I am an American in every fiber of my body and soul. I may disagree with policies, but first and last I am with my country. I am willing to trust the President in this We must be united in a crucial time like this. May God keep our blessed land out of war is my prayer and my plea.

Mr. PITTMAN. Mr. President, I believe that the sentiment of the people of this country is known to every Senator here, and I do not think there is any reason why we should disguise that knowledge either from ourselves or from the country. If there is another Lusitania incident this country will go to war. If this country is forced into war, in my humble opinion it will be largely by reason of the misdirected efforts of some of those who assume to themselves all of the burdens of peace.

There was only one course for the President to pursue under all of the prior declarations and under the sentiment of the people of this country, and that was to say that the character of the warfare that brought on the Lusitania incident will not be tolerated again by this country. Other announcements have heretofore been made to the warring powers with regard to the intentions of this country, but those declarations to those belligerent powers have been minimized, if not destroyed, by pacifist speeches which we have heard on the floor of this body similar to those we have heard to-day. There have been other occasions when the press of Germany unequivocally stated that the people of the United States did not back up the President

of the United States. To-day there is a resolution pending before this body, and whether it be here properly or not has nothing to do with the question. The action of this body will be construed by Germany either rightfully or wrongfully. I hope that the action of the United States will be rightfully construed by Germany, because I pray God that Germany, with whom alone to-day is the power of peace or war, will decide that there shall be peace. It is with Germany alone to determine whether or not our citizens shall be illegally and wilfully murdered upon the high seas. If that is done again, again I say that nothing, not even all of the eloquence of these gentlemen here, not all of the propaganda that may be started throughout this country, will prevent the American people from

demanding reparation for such crimes.

We all want peace. I think it is presumptuous for some Members of this body to assume that they alone want peace, while those that pursue a different practice to obtain peace want nothing but murder and war. The peace sentiment of this country is known. I want to say here that, in my humble opinion, peace can never be obtained through a lack of self-respect or through acts that destroy the respect of the world

National honor, to my mind, means nothing but self-respect and the respect of other nations. The criticism has been made, and not without justification, that the citizens of the United States in foreign countries are less respected than the people of any other great nation. I do not know whether or not that is so, but it has been the cause of comment from time to time. We are a Nation, and as a Nation our duty to our citizens is not within our borders alone, but it is our duty to protect our citizens in every country throughout the world. It is the duty of this Nation to protect the citizen's life, his liberty, and his property according to the laws of the country, wherever he

may be.

How can you protect them? You can only protect them resides through the respect that the nation where that citizen resides has for this Nation. Thus it has been that Great Britain and Germany and France and Russia and Italy and other countries have protected the rights of their citizens in other countries; and thus alone can America protect the rights of its citizens in

foreign countries.

It is not this one right upon the high seas that we are demanding; it is not the right to ship our commerce upon the high seas; it is not the right of our seamen to work where they please upon the high seas; but it is the right of an American citizen to be protected in his rights wherever he may be. I believe that that which more endangers our country from war than anything else is the constant declaration to the world that no matter what they may do to our citizens; no matter how illegal their acts may be; no matter how barbarous they may be, we will not resent them if in that resentment it becomes necessary to engage in war. Those declarations, whether made here or in the press or anywhere else, in my humble opinion, are going to bring war to this country, if war comes at all.

I believe that if we had backed up unequivocally, and without the show of fear of war that we have shown here, the position taken by the President of the United States, the practices which are threatened would never be put into effect. They have not yet actually been put into effect, although the order has been in force for several days. I do not believe they ever would be put into force and effect if those who are contemplating doing so were told unequivocally that their loss by reason of such an act would be far greater than any possible gain that

they could obtain by it.
Mr. THOMAS. Mr. President, during the interval between the outbreak of the war in Europe and the present time I have endeavored to keep aloof from those excitements and apprehensions which were the natural outgrowth of that awful struggle. I have during that time been in disagreement with those who have felt that because of this war, a vast and extensive preparedness was essential to our immediate or future safety. I have protested upon this floor on more than one occasion against that hysteria which was first created, and then capitalized for the transformation of this country into what seemed to me to be a permanent system of militarism. I have not permitted myself to entertain the view that any great nation could swiftly invade us or that an army approaching that of Germany or a navy approaching that of Great Britain was necessary for our protection. I have endeavored, as a member of the Committee on Military Affairs and a Member of this body, to proceed along the line of preparedness as though no great conflict existed. I was unable, therefore, to give my assent to either of the great war bills of the last session, because I felt that they carried this country to an extremity and committed it to a policy which no occasion warranted and in-

creased the burden of our permanent expenditures to an undue No man therefore can accuse me, Mr. President, of being imbued with a warlike spirit or with harboring a desire to do ought that would magnify the solemnity of the existing condition when I announce my adhesion to the purpose of this resolution and my approval of its introduction.

Mr. President, since the first note sent by the President to Germany after the sinking of the *Lusitania*, and based upon that frightful tragedy, I read and reflected upon its recitals and requirements, I have felt that our future relations with Germany would be largely, if not entirely, controlled and dictated by its own policies and purposes. I thought, upon mature deliberation, that what the administration then did and then said was abundantly justified by the occasion which provoked its utterance. I was persuaded that it could have done no less, and that had it even faltered in that declaration which it sent across the seas, it would not have fully represented our traditions, our principles, or our existing opinion, and would not have measured up to the crisis which then confronted it.

The President was then and afterwards accused by his critics of vacillation, of weakness, of a willingness to sacrifice our highest traditions and to imperil our national integrity as the price of preserving peace. Some of his friends quietly criticized his judgment, while expressing and entertaining the highest opinion of his patriotism and earnestness of purpose. But I have been unable to discern between the first Lusitania note and the progress of American diplomacy and the severance of our diplomatic relations with Germany any deviation of the President from the course then announced, from the notification

then given, from the policy then determined upon.

He appeared before the Congress last May because of other events in conflict with that policy, for which Germany was responsible, and informed us of the ultimatum which he had delivered to that country in strict compliance with his first notification. I approved of his course then, and would willingly have so said in public response to a resolution like that which we are

now considering.

The notification of Germany on the 30th day of January terminating its former assurance to the President and announcing its intention to take advantage of the reservation attached to it instantly aroused in every thinking man and woman in the United States the conviction that the President would take, that the President must take, that the President would be recreant to himself, to his party, and to his country if he did not take, the identical course with Germany which he announced last week to the Congress. But I think, Mr. President, whether we commend or condemn that course, whether we approve or disapprove the action there taken, when we also reflect that upon him is imposed the supreme responsibility of action, that upon his judgment, his wisdom, his ideals, his devotion to duty rested the final determination, our judgment as American citizens was foreclosed when the final step was taken. We may not have approved it; we may not have justified it; aye, we may have deplored it; but the constitutional authority of the United States acted at a critical moment on a great occasion upon a matter of tremendous consequence to him, to us, and to our posterity, upon which he was required by the responsibilities of his great position to act, and upon which none other could act, we, as the people of the United States, we, as the citizens of the greatest neutral nation, have but one course to take, but one duty to perform, if we are Americans. We shall stand by the administration as our fathers before us have ever stood when facing another nation with which a rupture seems imminent.

It may lead us into the desolation of war and conflict, which

God forbid; it may broaden the horizon of the mighty conflict now waging upon other continents, and our shores and our land may be red with the blood of our sons shed in the defense of their country; but, Mr. President, we have reached the point where reflection and argument is at an end, where the die has been cast, where duty now speaks, and where every impulse of patriotism and integrity calls upon us to stand by the President, forgetting party lines and past differences, our eyes fixed upon the future, the hope still in our bosoms that peace may yet prevail, but our resolution, our steadfast purpose, admitting of neither doubt nor hesitation. To falter now is impossible. To hesitate may be to be lost. But to be disunited in so supreme a crisis is to encourage, if not to court, the disaster we would

shun.

Such, Mr. President, I believe to be the sentiment of the Commonwealth which I in part represent upon this floor; such has been the voice of the legislature of my State; such the assurance of its governor, with no partisanship in the expression of either branch of the government and no hesitation. There the ranks which were divided are closed; there men and women but one goal; their gaze is upon the President; their destiny,

the destiny of a common country.

And so, Mr. President, I have felt it my duty on this occasion to take a few moments of time to announce my adhesionmy full, undivided adhesion-to the position taken by the President, and to voice what I know to be the sentiment of the people of the State of Colorado upon this selemn occasion.

Mr. SHERMAN. Mr. President, to hesitate now is to invite While Congress is vested under the organic act aggression. with power to declare war, the maintenance or severance of diplomatic relations rests with the Chief Magistrate of the Republic. He has exercised that power; he has presented through a proper message to Congress his reasons for the exercise of that power at the time and in the circumstances named. The severance of the usual diplomatic relations verges dangerously near hostilities. That is universally understood.

This resolution proposes to do no more than to approve the reasons and generally accepted principles contained in the President's last message. The passage of this resolution does not commit us to war, unless the acts mentioned in the Presi-The passage of this resolution does dent's message shall have been perpetrated. The performance of the inhibited acts rests with another sovereignty. Those conditions we ultimately must meet, unless the declared purpose of the German Government shall be abandoned. On the passage or defeat of this resolution depends the view entertained by the German Imperial Government of the unity of the Amer-

by the German Imperial Governing ican people or the lack of it.

We speak of the public sentiment, Mr. President, and of the American people. It is time that the American people awoke to world conditions. If the powers assumed to be exercised to be carried into effect, there under the guise of a blockade shall be carried into effect, there is an end to all neutral trade, ours alike with others. If the enlarged war zone mentioned in Germany's last note shall be made effective and shall be a precedent, then the neutral nations of the world had as well furl the sails of their merchant fleets, close their warehouses, and let their commerce rot on their piers, or by their united act establish the universal rights of market for every neutral nation in the world. If the war zone mentioned can be declared in the Atlantic Ocean and adjacent embraced waters, it can as well be extended halfway across the Atlantic, or within the 3-mile limit of the shores of this Republic. If it can be declared and established in one ocean, it can be declared and established on the blue waters of the seven seas of the earth.

I am reluctant, Mr. President, to take the step; but to hesitate now ultimately would be the signal to the world of national cowardice. In the final analysis of the passage or defeat of this resolution will be gauged the public sentiment of the American people. For one, I am willing to register my vote for this resolution, and to approve the message of the President to which it

If the law of blockade as proposed, and the proposed application of the submarines to enforce it, shall be the law of nations, then Germany's war zone may circle the globe. There is no limitation save the marginal waters that bound the different shores of the nations of the earth. How long will even they be secure against international lawlessness and the limitless law of force?

Mr. President, I believe I have been consistent on this question. know I have from my lights, from the viewpoint I have taken. voted, so far as it could be voted upon in this body, to warn American citizens to refrain from traveling upon the armed merchant ships of belligerent nations. Practically for the pur-pose of destroying submarines, every belligerent merchant ship that has left our ports since war was declared has been a naval auxiliary—not for general naval purposes, but their armament was of the character that would sink a submarine with its frail armored sides exposed to a shot carried by the average gun on a merchant ship. I so voted in order that we might seasonably avoid the difficulties which we now find ourselves approaching, I so voted because I considered the merchant ship of a belligerent nation so armed, with the uses to which submarines are now put, to be a fighting ship.

The open sea is a place where every fighting ship of a belligerent nation may lawfully engage an enemy in battle. If I were voluntarily to thrust myself between the contending lines of enemy nations in military operations on land, I would consider that I took my chances of destruction. I believed I would have no right to call upon my Government to protect me in such circumstances. I considered that if I traveled upon the merchant ship of a belligerent nation armed for defensive purposes sufficiently to destroy a submarine I voluntarily put myself on the high seas at a point of danger wherever a naval battle occurred, and that the Government therefore owed me no duty of protecstand shoulder to shoulder; they know but one duty; they see tion. Having held that view, Mr. President, I voted to warn

American citizens from taking passage on the merchant ships of belligerent nations.

That, however, presented an entirely different question. In a previous communication before the issues presented by the last communication from the German Government it is true, as the Senator from California [Mr. Works] said to-day, that she impliedly reserved the right, if the allies continued to violate the law of nations as to merchant shipping, to pursue unlimited warfare by submarines.

Mr. President, the allies have not destroyed life in the prosecution of their blockade. England, I think unlawfully, has interfered with our neutral commerce. She has unlawfully taken cargoes of merchandise bound from our neutral ports to a neutral destination, impounded them in her prize courts, condemned them by decrees under her admiralty laws, confiscated and sold them, or appropriated them to her purposes. That, however, concerns merchandise. It is capable of reparation in damages, either now or in the future arbitration of the world. That concerns something which may be compensated for. I discriminate between the confiscation of insensate merchandise, whose lifeblood is gold, and the murder of women and children, whose defenseless lives can never be redeemed by the German Government and no adequate reparation ever be made.

It is threatened, Mr. President, in the event that the allies continue their breaches of international law in mere matters of merchandise and the cargoes of our ships to renew an indiscriminate and ruthless warfare within the prescribed zone which takes in, admittedly, the high seas of the world. Not since the days of the corsairs, the days when the pirates, unvexed, sailed the seas and undertook to confiscate at pleasure the merchandise and the lives of every nation, has there been a more unjustifiable proclamation to the nations of the world than the late one extending the war zone into the Atlantic Ocean and other bodies of navigable tidewater named in the German Government's last decree.

That is the question we are meeting. At last, Mr. President, our Chief Magistrate rose to the high level of the great emergencies of the hour and correctly stated in his message to Congress, after using exemplary patience, the supreme issues that face our people.

Mr. President, I do not desire to consume time needlessly. What I shall have to say will be condensed within the smallest possible compass. It is not the time for words. I deery war as much as those Senators who may oppose this resolution, but there are sacrifices of peace, there are prices paid to avoid war that are greater than the priceless atonements of war. There are more precious possessions in this world than mere life. At least, if American life shall be offered on the altar of a world's peace the strong will die that our weak and defenseless may live in the years to come. The preservation of life at the price of dishonor would stamp us as an unworthy posterity of the ancestors who gave us the splendid gifts of American citizenship and our heritage of liberty. Our ancestors fought in every battle of this Republic, from Monmouth to Appomattox, from Chapultepec to Santiago, and if we to-day upon the active stage of human affairs can not hold ourselves ready and willing to make the sacrifice our fathers made, then let us abdicate the high privilege of American citizenship and proclaim to the world the implied cowardice employed in the defeat of such a resolution as this.

I am no apologist for what I consider the domestic mistakes of this administration. From many of them—most of them—I totally dissent. But this resolution approaches the territory where partisan differences cease, where mere party dies, where the clamor of the politician must end, where discord is stilled, and where the rights of the American Nation must begin.

Mr. President, our conduct, our willingness now to approve the only honorable course that the Chief Magistrate could take, means, more than likely, the avoidance of the very difficulties we deprecate. An adverse vote on this resolution will give encouragement to those who have proclaimed their intention to destroy the rights of neutral commerce, including our own, in a zone that is totally unjustified by the laws of war.

On the 19th of April, 1861, President Lincoln issued a proclamation blockading the ports and waters of the Confederate States of America. It did not seek to go beyond the marginal waters of this Republic. It did not invade tidewater beyond our territorial waters and proclaim a zone in the ocean from which the commerce of neutrals was barred. Its very terms restricted it to a blockade of the ports of the rebellious States. It did not seek to exclude neutrals from the arms of the ocean and the great sounds that are the inlets of the maritime traffic of the world; neither did it seek to invade the channels and the highways of the ocean and interfere with the neutral commerce that legitimately traveled there. The blockade was more

or less effective, but it was confined to the ports of the rebellious States.

This blockade, under the decree of the German Government, roughly speaking, as I estimate, extends approximately between 300 and 400 miles from the Irish coast. It comprises practically all of the North Sea; it comprises the English Channel, all the tidewaters adjacent to the northern coast of Spain, and denies ingress or egress to those going and coming from the Mediterranean Sea. By the same process, by the same logic of principle, the Imperial Government of Germany could blockade the water almost or quite from a point within gunshot of our coast, from Hell Gate to the Pillars of Hercules and from the Arctic Circle on our north to Cape Horn, marking the uttermost bounds of land in the Western Hemisphere, and still be within the admitted principles laid down in her last communication upon that subject.

What does it mean? It means that neutral trade is no more. It is more effective than an embargo laid by Congress, because when once in effect it destroys our commerce not only by confiscation of the cargo but by the sinking of the vessel. What does this note mean further? It means, Mr. President, a ruthless warfare, with no visit and search, with no saving of the life of passengers and crew, but returns to the ancient piratical method of destroying, without a chance of surrender, all on heard

What are the laws of war, both on land and at sea? They have been violated many times in this great war. Francis Lieber, an adopted citizen of our country, a German by birth, wrote the most humane code of civilized warfare known to the powers of the world. He fought at Waterloo, and carried with him to his American grave the marks of bullets received on that fatal day when the sun of Napoleon set on his dream of empire. Lieber wrote a code of war that is instinct with the humanities of a great cause. In it prisoners of war are recognized and their rights and lives are to be preserved. He wrote, it is true, for land; but from the time of Hugo Grotius the same humane rule has prevailed on sea as on land. An enemy can take his choice. He can fight under his flag and die, or he can strike his colors, surrender, and live. It is the universal right of the vanquished enemy to surrender and save his life, and the equally universal duty of the conqueror to spare his life upon that surrender, and to give him the opportunity to surrender.

The use of the submarine, especially that threatened in the last note, gives none of those humane rights. It is a declaration that no vessel, belligerent or neutral, will be spared; that no life, combatant or noncombatant, will be spared; that men, women, and children will be joined in an indiscriminate slaughter. To the horrors of war, sufficiently brutal at its very best, will be added the destruction that comes from the mingling in a common grave and in a common river of blood of those who, by the laws even of savage empires in the days of old, have been spared, when the women and children were collected and protected in camps. Even Attila the Hun, the scourge of God, when he came from the confines of central Asia and upon the night of the fatal day when he met his defeat at the hands of Christendom, piled high his spoil and arranged his war chariots for final defense in the morning, made provision for the care and safety of the men and women who were noncombatants and the helpless that might be involved with him in a common defeat.

The same territory over which surges to-day the tide of war, the scene of the battle of Chalons-sur-Marne and all along the eastern and northern front of France, is a historic field where the armed legions of the great martial leaders of the centuries have met in mortal combat. They fought, even those denominated by the sacred historians as pagans, with some regard for the rights of the helpless, the sick, the weak, the women, and the children. To-day we face the common tribunal of mankind. We meet the solemn occasion, and must assume the duty, once for all, of declaring in this Chamber whether we approve or condemn the ruthless warfare of the submarine. What shall our verdict be? Not by our generation, but by the centuries yet to come, shall we be judged.

I shall go on record against it, Mr. President. This is the first opportune occasion I have had. I have had my own views. I have my sympathies. Who has not? I have sedulously restrained them, and have voted at times contrary to my own private opinions on the merits of certain issues in order that we might hold ourselves aloof from this mighty struggle across the sea. I can hold myself aloof no longer. It is not a matter of ancestry. I do not know, as many of us in our country, especially those of the far West, do not know, from whom we came, of what ancestry in the Old World. It is enough for me to know that to-day I am an American citizen. What blood of Europe once pulsed in our veins is not now significant. To-day

it is American. It is enough for me to know that upon the solemn issue presented to the Senate by this resolution, as the initial point at the threshold of our official action I shall vote to condemn in unqualified terms the use of the submarine as an instrumentality, used in the way it has been and is threatened to be used, totally inconsistent with the laws and practices of civilized nations.

Mr. President, it is said that we will need, some time, the submarine. It may be; but it will be in defense of our shores, of our ports, of our cities. At no time will we wage aggressive war. At no time in the future, I believe, by our traditions and our declared purposes of the present hour, will we seek an enemy across the sea and add to that the lust of territorial conquest to spread the borders of this Republic beyond the seas. If I had had my way about it, I never would have voted nor would I have shotted a single gun to take the Philippine Islands. It is a mere matter of duty now to hold them and administer them for the people, so that they may not be turned loose upon the world, a blazing derelict of nations and the scene of a mighty disorder. But for us there is no aggressive warfare, no spoils, no victims nor prisoners whose ransom shall the general coffers fill, nor kings to lead at the chariot wheels of the conqueror for us in the lifetime of our Republic. For us alone is reserved the development of the country given us by the beneficence of our ancestors and by the merciful dispensations of Providence to develop it, to hold it secure; so our future wars will be defensive wars. I have no fear of any limitations placed upon the submarine that may hamper us in the future defensive war or wars, whenever they may come.

defensive war or wars, whenever they may come.

I wrote not long ago, Mr. President, letters to several of my constituents on this question. I knew that ultimately it must be met. I believe it wise when trouble of this character is coming over the horizon not to wait until it invades your own household, but adequately and seasonably to prepare.

A prominent editor of a Chicago German newspaper, in its last leading editorial on the question, declared that if a break came with Germany the first problem this Government would face would be a race war, intimating that it would begin in Chicago. I am not intimidated nor dismayed by such a prospect. If it is no worse than the average riot in Chicago that I have seen, it will be a God-blessed relief. I do not think so. I am willing myself to take the chances in the western territory. Our polyglot races, I believe, are loyal. They know this Republic is for us all.

This morning by design, Mr. President, I sent to the desk and had read a letter which is one of many of a like kind that I have received. It was from Ellen Schmidt and her husband, Heinrich Schmidt. They are Germans. They did not come from Prussia. They came from other German States. When they sat in front of the old fireplace and watched the back log melt away in the long winter evenings, I heard them tell of the siege of Sebastopol. I have heard them tell of the struggles in the Crimean War, the men who in their later days were peaceful farmers in southern Illinois. I have heard them anathematize the father of the present Kaiser. The German people, it is true, when they face a foreign foe, are united; but in the day of reckoning, the day of settlement, Prussia will not forever dominate the public opinion of the German States. The Bavarian is essentially peaceful. The native of Saxony is essentially peaceful. I can call the roll of the States, and many of them are as kindly and humane and as peaceable as any American who sits in the quiet of his fireside to-night. So when Ellen Schmidt, the good soul, signing the name for her husband, wrote that they hoped the United States would preserve the principles and the traditional policies of this Republic laid down in the President's message, I know that there are some Germans in my country that do not approve of indis-criminate, ruthless warfare. I know, too, that their fathers came from Germany to escape the military service of that country. No militarism threatens this country except that of the Prussian. There is no militarism in this country. There is none in England. There is none in France; and there soon will be none, and but little of the Czar, in Russia. There is an awakening of democracy. Some have professed to say that no-body knows why this war is being waged, and why it has suddenly cast its ominous cloud over Europe and threatened the world.

The reason is patent to the observer. It is a war of democracy against absolutism; it is a war for the supremacy of civil power over that of the military—principles for which Jefferson wrote and Washington fought. Berlin is the only one of the great civilized powers of the world where in a time of peace a military officer can drive a citizen from the walks of the capital into the gutter, and when refused the privilege can run

him through with the sword, with no penalty save that of the camp, with no trial by the civil courts in time of peace. No; it is the only country in the world where martial law is supreme even in time of peace, and the military power is supreme even over the civil authorities. When a Prussian officer killed a German subject by running him through with his sword, an humble shoemaker, he was not tried in the civil courts of that Empire, he was court-martialed and given an insignificant sentence in time of peace. If a military officer of this Republic were to slap the most humble citizen of Washington with the flat of his sword and the citizen slew him on the spot in necessary self-defense, he would be recognized as acting strictly within his rights. If assaulted by the most exalted of our military officers, even by a rear admiral while doing land duty, and if he were killed, the military or the naval officer would be indicted by the proper court, prosecuted according to the ancient form, given a trial by jury, convicted, hanged, or sent to the binder-twine factory in the State of the Senator from North Dakota [Mr. McCumber] if it happened to be in that district, or to the rock quarries of Indiana, or to making good roads, where he would learn the lesson of all the ages that in this Republic in time of peace civil authority is supreme and the military authority must obey the law of the land.

They have not learned this everlasting lesson of the centuries under the Kaiser's government. It is a contest of democracy against the absolutism of the king and the rule of an unrestrained unpublished military.

racy against the absolutism of the king and the full of an unrestrained, unpunished military.

I have not time to read, Mr. President, but on some future occasion I will read from the works of Bernhardi. I can summarize it. There never was a more materialistic, thoroughly heartless, conscienceless, bloody, unjustifiable proclamation of might and the sword over right and human justice printed in the lids of a book since Cadmus invented letters or Gutenberg invented type. In that he proclaimed it to be the duty of the Imperial Government to carry German "kultur" around the world. If the "kultur" of the submarine and the slaughter of men, women, and children who are helpless be the form of culture and the fruit of Prussian militarism, for one this afternoon I wish to vote nay and voice my eternal protest against it. Germany under the incubus of Prussia, the blood and iron traditions of Bismarck, is not the Germany of Goethe, of Schiller, of Heine. It has made the soldier its emblem and force its law of life.

This country is full of every nationality in the world—allies, central powers, and all. For their votes, gained by a sacrifice of a world principle, I care nothing; for the discharge of the duty of this hour I care everything.

So, Mr. President, it is a question that we now meet at the threshold indicated by this resolution whether we rise to the level of the occasion, follow the Commander in Chief of the Army and Navy in time of war and the Chief Magistrate in time of peace, who is entitled to communicate with us in message, and to sustain or sever diplomatic relations—whether we follow him with heroic fidelity to the logic of the conclusions of the principle he has laid down or whether we abandon him to his fate. When we have done the latter we shall reap in due season the harvest of our folly.

This letter that I sent out to a great number who protested

This letter that I sent out to a great number who protested and some approved—about three to one approved, I think, so far as my correspondence and telegrams show—is dated February 6, 1917. In it I have stated my creed, my belief under present conditions, and on that I intend to shape my future course.

"It is intolerable to neutral nations that the sea be blockaded, as proposed by the German Government in its note of January 31, 1917. A blockade of the ports and marginal waters of the nations with which the central powers are at war is justified by the laws of war; but this does not carry with it the right to create such a zone as described, sow it with mines, and sink, by means of submarines or otherwise, as threatened, any neutral vessels found within the designated zone. Germany has as much right to declare the Atlantic Ocean a danger zone and warn neutrals to keep out of it. It resolves itself into might, not right.

"President Wilson's note of April 18, 1916, on the sinking of the Sussex without warning or saving the lives of the crew or passengers, among the latter of which were several citizens of the United States, said:

"Unless the Imperial Government should now immediately declare and effect an abandonment of its present methods of submarine warfare against passenger and freight carrying vessels, the Government of the United States can have no choice but to sever diplomatic relations with the German Empire altogether.

"To this the German Government replied:

"In accordance with the general principles of visit and search and destruction of merchant vessels recognized by international law, such

vessels, both within and without the area declared as naval war zone, shall not be sunk without warning and without saving human lives unless these ships attempt to escape or offer resistance.

"By the note of January 31, 1917, already mentioned, the German Government declared it would act after February 1, 1917, 'by forcibly preventing in a zone around Great Britain, France, Italy, and the eastern Mediterranean all navigation, that of neutrals included. All ships met within the zone will be sunk.'

"This means the revival of submarine naval warfare as in the

"This means the revival of submarine naval warfare as in the Lusitania and Sussex cases without warning or the saving of life before destroying merchant ships. The loss of American citizens so caused is a violation of the rules of naval warfare. When to this is added that the neutral ships of the United States or its citizens shall be sunk without warning or saving the lives of passengers or crew the proposed course of the German Government is utterly indefensible. Both the laws of nations and the laws of humanity condemn it. This is a breach of a solemn pledge given us by the German Government.

"The question of warning our citizens to keep off belligerent merchant ships so armed as to be capable of sinking by a submarine presented a different issue. It is now, Shall our own neutral merchant ships be so destroyed? No loyal citizen of the United States can submit to such treatment of our people on the seas. Such naval warfare so threatened can scarcely be dis-

tinguished from piracy.

"I believe Great Britain has unlawfully interfered with our commerce. This relates entirely to merchandise taken in violation of property rights, and admits of reparation by paying damages. The lawless taking of the lives of American citizens by submarine warfare admits of no reparation. There is a marked difference between a cargo of merchandise and human lives, between condemning property in a prize court and drowning women and children at sea. Murder can not be justified by showing that another has previously unlawfully deprived the dead, when living, of their property. Such a course acquiesced in compels us in its necessary effect to cease to trade with neutral countries. The German Government has entered on that course which our Government and its people can not endure. If persevered in but one course is open. It is with infinite regret I observe the desperate expedient of Germany. Unless abandoned it means for our country war. I approve the President's message of February 3, 1917."

I have read this verbatim, and I ask that it be inserted not in the usual small type in cases of this kind but in the same type

as the ordinary RECORD is published.

The PRESIDING OFFICER. Without objection, it is so or-

dered.

Mr. SHERMAN. With these remarks I close, although there is very much more that I should like to say. In the short time that is properly given for the discussion of the resolution I think it would be an abuse of privilege as a Senator to take further time. I can only express the hope that the resolution offered by the senior Senator from Missouri will receive so signal a majority in this Chamber that it will be notice to the world, and especially to all Europe concerned, that the American people are a unit, and that we are with our Chief Magistrate in his address.

Mr. STONE. I ask for the yeas and nays on the adoption of

the resolution.

The yeas and nays were ordered.

Mr. HUSTING. Mr. President, before the yeas and nays are taken I feel it my duty under the circumstances to say a few words in support of the resolution. I am from a State that contains a large proportion of foreign-born inhabitants, and many of them are poignantly desirous of seeing an amicable termination of the present crisis. I share their anxiety with them, and I would do nothing willfully to bring about war with Germany or any other nation if it can honorably, yes, decently, be avoided. I would do nothing which in my judgment would hasten a war that would be of our own making. We say we want peace. Of course we want peace. No Senator or Representative has arisen in Congress who does not want peace, but the question has arisen in our own minds how can peace be preserved, and can it best be preserved by evading responsibilities, by relinquishing rights, by suffering injustice, or is it the safest and wisest course to pursue before it is too late to assert our rights so that those who are about to trespass upon those rights may know the consequences if they so continue to trespass?

The issue that is presented here this afternoon is not a new issue. It has been in the making for two and a half years. Congress went on record in favor of it nearly a year ago. The country is on record in favor of the issue presented here by the resolution. It went on record in the recent campaign. The press of the country has gone on record; the citizens of the United States have gone on record long ago. The situation is not as

though it were a new one that had been suddenly thrust upon us for the first time. We have been considering it, I say, for

nearly two and a half years.

I want to say that since the sinking of the Lusitania this question has been upon us. Who has kept the country at peace during the past two and a half years? The President of the United States has done more to keep the country out of war than any other one man in the United States. If he had chosen to listen to counsel on one side or to counsel on the other, if he had not had his feet firmly planted upon the rocks of peace, the rock of right, and the rock of justice he would have been shoved from his position into war and he would have dragged this country with him months and months ago.

When Senators talk peace I want to say there is one man in the United States who will not have to yield to any Member of this body or any other man in the United States on the proposition of striving for peace, and that man is the President of the United States, for in all the months that these matters have been discussed the President of the United States, day in and day out, yes, and through the night, has been in every way possible endeavoring to secure peace consistent with the honor and

the welfare and the interests of this country.

Two years ago when Congress adjourned in March who was left alone here in Washington to protect the honor, the interests, and the peace of the United States? The President of the United States. Senators went home, Representatives went home, attending to their own business, pursuing their pleasure in their own way, and left him alone here with the burden and with the responsibility of keeping us at peace, and he did so! Notwithstanding the sinking of the Lusitania, notwithstanding the sinking of the Sussex, notwithstanding all the ills that we have suffered at the hands of belligerents he has still maintained peace.

Then the question of the sinking of the Lusitania arose. Everybody knows how the country was excited, how men were wrought up, how quite a respectable number of our citizens believed that we should not tolerate a barbarous warfare, such as it was denounced, to be continued against us or our citizens. Through the summer, through the fall, through the winter, and through the next spring in notes after notes, in negotiations after negotiations, we had this matter up with Germany and her allies. I might add that in connection with that we had other issues up with the entente allies. There is not any question in my mind that our rights have been invaded by the entente allies, and complicated with this question of the taking of American lives was the further question with the opposite side who were invading our rights upon the high seas. Let me say right here that I resent the wrongs we have suffered at the hands of Great Britain on the high seas, and let me say further that they deserve drastic treatment and a heroic remedy, if necessary, to cure her of her tendencies, short of severing relations. wrongs we suffered at her hands could be compensated in dollars; and if the wrongs we have now to fear at the hands of Germany, if she carries out her threat, were of the same character, and not as they in truth are, not susceptible to money compensation, we could also bide our time to right our wrongs

But it is perfectly obvious, is it not, that we had to seek redress for the killing of our citizens first and to prevent a recurrence of the same capital wrongs suffered at the hands of Germany. We had to settle that matter which appears to me the most grievous invasion of our rights, and that was the taking of the lives of our citizens upon the high seas. Very well; did the country believe in that stand? Does anybody here wish to rise and say that the American people did not stand back of the President in his attempt to safeguard the lives of American citizens?

I remember the resolutions that were offered here. I remember how it was proposed that we warn citizens to stay off the high seas and place an embargo on munitions of war. All those questions were settled, at least those that came up here, and how were they decided? Decided in favor of the President's stand. Decided in favor of the right of our citizens to exercise their proper rights and their God-given right to live. The country stood back of the President, the press stood back of him, the citizens stood back of him, and the Senate and the House of Representatives stood back of him.

Ah, Mr. President, not only did the people of the United States stand back of the President, but Germany and her allies admitted the justice and soundness of our demands. It would be well to remember it is not quite a year ago when the ultimatum was given to Germany. And when pressure had been brought upon the President and upon Congress to recede from the position he had taken, Germany admitted the correctness of his position, did she not? The world admitted the cor-

rectness of our position, and it was promised on behalf of Germany that she would not again engage in the ruthless submarine warfare against which we complained. She recognized our rights and complied with our demands,

Now, it is true that a condition was attached to Germany's pledges, namely, to the effect that she reserved the purpose to resume her ruthless operations in the event of certain contingencies happening or not happening, but it is also true that the President, in a note immediately afterwards sent, explicitly and emphatically refused to accept Germany's pledges except unconditionally, and thus, by her acquiescence she recognized that we accepted her pledges unconditionally and not otherwise.

Ah, but, Mr. President, she did not even attempt to reserve that purpose on the grounds that our demands were unjust or our position untenable. No; she only attempted to reserve her purpose in retaliation against England for her alleged unlawful warfare. She admitted that she had no right to sink the Sussex when she agreed to make reparation and apologized for her acts. She did not place the reason for her yielding to our demands then upon the ground of expediency, but she admitted the correctness and the soundness of the position of the President of the United States in the premises. We thought it was all settled. So it seemed to be entirely settled. The sunshine of peace once more spread its rays over the land, and we supposed this matter was forever settled. Nay, to make it doubly sure the President, in a supplemental note, came out and said that while there might be something said in the German reply that might be construed as attaching conditions to the recognition of our rights, under no circumstances could we discuss, much less consider, any such condition as that, and that these rights were not relative but absolute; single not joint.

So the world approved our position. The neutral nations approved our position, the belligerent nations approved our position, Germany herself approved our position. Who was there, then, to question it? Nobody.

So we went before the people in the campaign, and we gave an accounting to the people of the United States of the record of the President in the handling of our foreign affairs, and the people approved it and reelected him to conduct our affairs for another four years.

Now, since that time considerable water has gone under the bridge. The President, after the war cloud had apparently passed away, undertook to bring a message of peace to the world. The people were glad to see him take that course. Some, indeed, thought that he was favoring one set of the combatants against the other, but the world knows and we know that the President had only at heart the best interests of the United States, which we all have at heart, and the welfare of the whole world.

Now, after endeavoring to be the peacemaker, after having settled things that had vexed us, after having done things that the world had indorsed, we are suddenly confronted by another note from Germany, withdrawing what she had promised us before and saying that she proposed to resume again that warfare which by her own action and her own admissions she had herself denounced, and for which she had agreed to make reparation to us, and which she had pledged herself never to do again.

So the President has not changed, the country has not changed, Congress has not changed, the world has not changed; but Germany has changed. She has now changed her position, not upon grounds of principle, but only upon grounds of expediency or necessity.

Mr. Bethmann-Hollweg, chancellor, in responding to the questions of the members of the Reichstag as to why he had apparently changed his position, said he had not changed his position; that while he had said something that might be construed as being against ruthless submarine warfare, he had only hesitated and refused at that time to be in favor of unrestricted and ruthless submarine warfare purely on the ground of expediency, namely, because Germany was not then ready for it, but added that Germany was ready for it now. All the time when we supposed that the justice of our position had been vindicated by Germany herself she was merely waiting, according to the words of the chancellor, an opportunity when she would be ready. She thinks now that she can with impunity violate the laws of humanity and the laws of God because she is ready to conduct the comparing of lawlessness successfully.

is ready to conduct the campaign of lawlessness successfully.

Now, she has threatened that. The question now arises are we, the Congress of the United States, going to vindicate the United States or are we going to ignore the threats or condone in advance the things which Germany threatens she will do? Are we going to quall before the challenge which she has bluntly thrown

down to us and repudiate our Government and our people's rights?

Are we going now to record a vote of lack of confidence in the President, whom we have supported and led on in the belief that Congress was back of him, and in the belief that the world was back of him? Are we, upon a mere threat going to abandon him, the leader of our country, the President of the United States, and thus repudiate our rights and vindicate and condone the repetition of the terrible acts of which we complained and which Germany admitted were unjustifiable and which she pledged herself not to repeat.

That is the issue here in this resolution, Mr. President. I want to say that I am here not merely to say, "Mr. President, you have done this and you have closed my mouth, and I must perforce indorse what you have done." I want to go further and say that I approve of what the President has done because it is right and because the people have told him in advance that it was right and because he had a right to expect that when he took the position he has taken the country and Congress would line up back of him and sustain him as against a foreign country.

Now, it is said this may lead to war. God forbid that it should. This is not, however, a step that leads to war. It may be the only step that will still lead to peace. In union there is strength, and our diplomacy can have no strength when it appears that we are divided upon a momentous issue.

In the last two and a half years, during all the time that these great questions have been pending, the President has been sadly handicapped and hamstrung by a divided constituency. It would be too long and it would be fruitless to enter into a discussion here of the currents and the countercurrents that have been set adrift in this country to trip and to hamper the President of the United States in carrying out his foreign policy. Suffice it to say that he has been hampered, that obstacles have been put in his path which have hindered him from getting the benefit of the full force of a united American Nation.

The word has gone out into the world that the American people are divided on this issue. It has been said, and boldly said, more than once, that in the event of one thing happening or another thing happening, we could not command a united Americanism to sustain us. That has had its effect, no doubt, in our foreign relations, because there is nothing one nation fears less than another nation divided, and nothing which they fear or respect more than another nation united.

This is not merely a matter of sentiment; it is a matter of practical importance. I sometimes think that if any mistake has been made—I do not say that there has been—it has not been because we have a bloodthirsty President and a bloodthirsty administration, but it has been because we have been too solicitous about the feelings of other people and because we feared that we might involve at every step, unnecessarily, that due insistence upon a respect of our rights. I think we should assume, on the other hand, that an insistence upon a recognition of our rights would tend to keep us out of war. Urgent demands are resented, of course, but just demands are recognized when energetically presented.

I believe when the first breach of international law occurred the neutral nations of the world should have put the seal of their condemnation upon it at once and have tolerated it from no nation, because the yielding of one right invites the trespassing on another; and there is no end to the transgressing of an aggressive and unscrupulous force upon an ever yielding and never resistant force.

As was said here to-day, if there can be a blockade of the North Sea, why not a blockade three or four hundred miles from there? Why not a blockade a thousand miles? Why not a blockade 3,000 miles? Why not, eventually, a blockade just before our very door? And when the blockade gets before our very door, instead of defending our rights, will we still cry "Peace!" and and refuse to stand by the Government or our rights?

However, prudent men oftentimes know just when to stop, and prudent nations often know just when to stop; and I want to ask whether we are not in that situation now and whether the President did not have the idea in mind when he delivered his passports to the German ambassador that now is the time to call a halt?

It has been said here that two ways were open: One was for the President to send another note threatening that, in the event the German threat was carried out, we would resent it with force of arms, and the other was to hand Count von Bernstorff his passports. Which was the wiser thing to do? Was it to wait until Germany had actually committed the overt act and to put upon us the burden and the onus of declaring war, or to serve notice on Germany in the most kindly way, but in the most emphatic manner, that here was a line over which she might not step, and thus take for granted that a prudent and wise nation would halt before it takes the final and fatal step?

I say the President, in my judgment, acted in the best manner possible, and that the issue now is up to Germany whether she wants to continue something which she herself has condemned by solemn note or treaty negotiations, or whether she wants to insist that she deceived the United States, that she misled the United States, and that she proposes to recognize no other law on the face of the earth than that of necessity. It is true that she is fighting with her back to the wall; that allowances should be made for a nation in desperate straits; but, as I understand, while international law takes into consideration the necessities of nations, it yet holds that no nation can invoke the law of necessity against the rights of neutral nations and the lives of citizens of neutral nations.

Mr. President, I hope that we shall have peace; but I know and I feel that if we expect to have a peaceful outcome of this difficulty we must have a united country; so that word shall go forward, not that this is merely Mr. Wilson's idea—the idea of Mr. Wilson, the individual, Mr. Wilson, the President—but rather the word that when the President speaks he speaks for the whole country, and that the country stands behind that speech and is willing to back it up as far as it may be necessary

to do so.

I noticed the other day in the public press that in Germany the newspapers were not speaking of a breach of relations with "the American people," but they were speaking of a breach of Germany with President Wilson. What does that mean? It means, does it not, on the part of those who use that language that they do not recognize that Mr. Wilson is speaking for the people of the United States, but that he is speaking only for himself, not for the country, not as the responsible head of a

great Nation?

I repeat, I hope we shall have peace; I say that if we earnestly desire peace, and if peace can possibly be preserved or war avoided at this time, it can only be done by every nation on the face of this earth being informed that the United States is a united country; that even though we have people living in our midst who feel aggrieved at this breach of relations, when the solemn hour comes when it is necessary to choose between the Government to which they have sworn allegiance and the land which gave them birth, no matter what their ancestry may be, they will elect to stand by the land of their adoption, to stand by this country, regardless of the cost and the sacrifice which it may mean to them.

The President in every line of his speech before Congress breathes the expression of good will and conciliation; but he lays down flatly and emphatically upon what terms this friendship may be retained. We are now called upon either to give him a vote of confidence or to withhold it; to give a vote of confidence to him not for doing something to which we have been opposed in the past, but for something to which we have been committed for the past two years, and for which we have supported him in every way and at every turn that the question may have taken. This is not only a vote of confidence or lack of confidence, but it is also a vote going to the solidarity and integrity of this country. It must not go out to the world that this country has turned down the President of the United States, who has acted within his proper functions and in ac-

cordance with justice and right.

It would be different, Mr. President, if we had at the head of this Nation a man who had gone mad, who was a tyrant, a usurper of power: but nobody doubts the patriotism of our President, no one doubts his ability, no one doubts his peaceful purposes, no one doubts that he is acting solely for what he conceives to be the best interests of this country. For two and one-half years Woodrow Wilson, President of the United States, has stood between us and war. His every effort, his every thought, his every wish and desire has been to conduct us safely through It seemed, indeed, that he had succeeded in his heart's desire. Perhaps he will yet. Every one of his fellow citizens knows that if there be any way consistent with our honor and our rights or our interests to stay the awful hand of war it will be pursued. I am confident that our Government or our President will do nothing to promote war and that everything will be done to prevent war, if it can be avoided. Let the whole country, let a united citizenry, stand back of the man who has done his full duty through more than two crushing years. Let him feel now the helpful moral support of his fellow citizens in this hour of crisis. Thus, if at all, can be best avoided what we all dread and would all avoid.

Let us stand by the President because we thus stand by our country.

Is it going to be said that we repudiate our President and our Government? Have you stopped to think what the consequences would be should we repudiate the head of our Government, our spokesman who stands for our rights and the rights of humanity? If you take the helmsman from the helm, who will conduct the ship through the storm and turbulent waters? A President can not resign; he must still be President; and if you repudiate him, how could he serve you? He would speak as an individual and not as a nation. Of course I know it will not be done in a crisis like this. The people of the United States do not elect to the high office of President a man who deserved or who would be accorded such treatment. The time has not yet come nor that stage of degeneration yet set in when the people of the United States will refuse to stand by the United States.

Mr. President, I repeat I hope we may have peace. I hope I may never be obliged as a Senator to register my vote in favor of war. I hope the awful responsibility will never devolve upon me to decree that men must fight and die for our country. My thoughts, my purposes, my prayers are solely and alone for what I conceive to be the good of my country. May my judgment be clarified so that my voice and my vote will ever be found in truth and in fact for that which will redound to the good of the country and the happiness of our people. Whatever errors I may make in this Chamber will, I am sure, be errors of the head and not of the heart, and if I err now in the position I am taking I pray that a kind Providence may overlook it. But, in my judgment, it would be fatal to defeat this resolution now that it is before us. It would make for disintegration and not union to divide ourselves upon this issue. It would be unpatriotic, dangerous, and unwise to refuse to approve and indorse the acts of the President done within the line of his duty and his jurisdiction, and to give notice to the world that we are not a united but a divided and disorganized people. I shall feel constrained to vote in favor of the resolution.

Mr. McCUMBER. Mr. President, I wish to say just a few

words before voting on the pending proposition.

I shall vote to sustain the resolution, but in voting to sustain it I am not passing judgment upon either the propriety or impropriety of having the resolution before the Senate. It is before us and we must vote on it. If I felt that in supporting this resolution we were taking one step nearer to war, I should pause, and pause very long, before casting a vote in its favor; but, Mr. President, instead of bringing us nearer, I believe that a united front in support of this resolution at this critical time will do more to prevent war than any one thing we could do to-day. Recalling the past diplomatic utterances of the President on the submarine controversy, his declaration of what he would be compelled to do under certain circumstances, I can not see how after receiving the last German declaration he could do less than he has done or more than he has done in severing diplomatic relations with the German Government.

Mr. President, it might be well to pause right here before going further to ask ourselves what are the rights that the President of the United States claims for the American people and which we stand pledged to maintain? I do not believe that the President questions for a single moment the right of Germany to place restrictions upon trade in munitions of war with her enemies. We do not for a single moment deny her right of blockade; we do not claim upon our part that we can without interference send munitions of war or other contraband into the British Islands. All we are claiming, if I understand the President's address aright, is simply that in the exercise of the right of a belligerent to prevent the importation of munitions or other contraband of war into an enemy country he shall exercise the usual precautions that are required by international law. we claim is, not that we may break that blockade which Germany has declared around the British Islands; not that Germany may not seize any American ship that is laden with contraband; but what we claim is that the question of whether a ship is carrying contraband and the question of her right to enter that zone shall be determined before the vessel is sunk.

It is up to Germany to say whether or not she will accede to that demand of the United States. Certainly it seems to me that the Imperial German Government will not seriously contend that she has a right to declare that only one American ship shall sail from the United States to Falmouth if she carries nothing but mail, or that she can sail but once a week, or that she can limit the number of ships of American registry that may sail the ocean or that may carry our goods not declared contraband or our mails and passengers even to a belligerent port.

We do not deny, and we can not deny, her right to maintain her blockade; but is it necessary for the protection of the life and existence of the German Empire that she sink without notice American ships not laden with contraband? Is it not necessary, even though such vessels are laden with contraband, that she shall determine that question before they are sent to the bottom of the ocean? Is it necessary to preserve her life that she destroy American lives by this method? I do not believe, Mr. President, that the great central powers will claim that that is essential; and if we do not insist upon international conduct which we would not concede to others were we engaged in a war, I do not believe there is any real danger of war with the Imperial German Government. We only claim that questions Imperial German Government. We only claim that questions of contraband and questions of the innocence of vessels traversing the war zone shall be determined before, and not after, they are sent to the bottom.

Mr. President, I was one among the thirteen in the Senate who declared it to be the duty of the American Government to suggest to American citizens that they ought not needlessly to travel in the war zone during hostilities and during a time when we were attempting to settle mooted questions with one of the belligerent powers. I am still of the same conviction. I feel that American citizens owe a patriotic duty to this Govern-ment to keep us out of war, if possible, and that if they will refrain from exercising every international right they may have, and remain upon American soil when it is not necessary for them to visit the war zone, they will confer a blessing upon their country by keeping it out of any possible war with any of the belligerents.

I hope that that will be done; but if it is not done, it is still within the power of Germany easily to keep out of war with the United States. It is within her power to unleash the dogs of war if she pleases so to do, but by exercising a due consideration for the rights of humanity and the rights of neutral vessels she can avoid war with us.

I am certain, Mr. President, that the President of the United States will do everything in his power to keep us out of any armed conflict, and that he will require the most positive proof of a flagrant abuse of international law and of the rights of American citizens before he will come to the Congress and ask us for armed force to maintain our rights. But it seems to me, Mr. President, that there is nothing else we can do at the present time except to say to the Imperial German Government and to the nations of the world that when the President severs diplomatic relations with any belligerent power, when he declares a great principle of international law, which we all concede to be the law, and insists that we shall maintain our rights according to the terms of that declaration, it becomes our duty to sustain him in a vote of confidence. Therefore, Mr. President, I shall vote to sustain the resolution, but I shall now and at all other times do all in my power, all I can do within the bounds of national honor, to keep this country out of this great world conflict.

Mr. STONE. Mr. President-

The VICE PRESIDENT. The Senator from Missouri.

Mr. STONE. I merely ask for a vote on the resolution. The yeas and nays have been ordered.

Mr. HOLLIS. Mr. President-

The VICE PRESIDENT. The Senator from New Hampshire. Mr. HOLLIS. Mr. President, I hope the Members of the Senate will read the resolution very carefully before they vote The minds of Senators are already made up on the questions that are involved in the present controversy. All Senators earnestly desire to avoid war if it can honorably be done. All Senators will loyally support the administration if war is On those two propositions I believe there is absolute

But on two other questions there is substantial disagreement: First, as to whether diplomatic relations with Germany should have been severed, and, second, as to what cause might be suffi-

cient to warrant a declaration of war.

On reading the resolution I find that it is distinctly of a peaceful character. It is in no sense a preliminary declaration of war. I have come to the conclusion which I have stated, because I know the source of the resolution, and I have carefully considered its terms. I believe that the distinguished Senator from Missouri, the author of the measure, firmly desires peace and that he will go further than a majority of this body to secure peace. But when I read the resolution I am sure that the intention of it is peaceable.

The body of the resolution asks for the approval of the action of the President as set forth in his address. The only action set forth by the President in his address was the severance of diplomatic relations with Germany. There is, moreover, no declara-tion by him as to whether war should be undertaken.

The preamble of the resolution states three propositions: First, that the President has severed diplomatic relations with Germany. That is the very matter involved in the resolution; second, that the President has expressed his desire to avoid

conflict with Germany; and, third, that the President has de-clared that he will submit the matter to Congress and ask its authority before he takes further action. The two propositions stated in the preamble which do not appear in the body of the proposition, are distinctly peaceful and they were inserted before the body of the resolution for the express purpose of declaring

our peaceful attitude and our peaceful intent

Some of us, if we had had the responsibility, would not have suspended diplomatic relations with Germany. Others would have taken that course. But that is not the question before the Senate. That action has already passed into history. before us now is, whether we shall approve the action of the President in severing relations with Germany. And I wish to appeal to those of our friends on the floor of the Senate who And I wish to particularly desire peace to help us get a unanimous vote to support the action of the President because in doing that they will emphasize the two peace-looking sentiments expressed in the preamble and help to present a united front to all the world. It is more important that we stand unanimously in support of the President at this time than that we express our own personal views as to just what should be done to avert the conflict that we all wish to avert.

Mr. MYERS. Mr. President, I think there has been more debate than was needed on this resolution, which, I think, might well have been spontaneously, unanimously, and without debate adopted immediately upon being laid before the Senate, and the Senator from Missouri [Mr. STONE], the author of the resolution, having expressed a desire for a vote, I will merely indulge in a few sentences to explain my motives in voting

for the resolution.

It has been stated by some Senators on the floor of the Senate during this debate that they would vote for this resolution regardless of whether or not they believed the President was right in his action of last Saturday in severing our diplomatic relations with Germany, perhaps believing that he may have been wrong. It has been stated by some Senators that they would vote for this resolution, while at the same time deprecating the fact that the resolution was brought before the Senate; and at least one Senator on this side of the Chamber has stated that he would vote for the resolution, while at the same time deprecating that it was brought before the Senate and condemning the Senator from Missouri [Mr. STONE] for having introduced it.

I merely want to go on record and make it plain, before the vote is taken on this resolution, that I am not one of those Senators who will vote for the resolution regardless of whether or not I believe the President was right, perhaps believing that he was wrong. I want to take it plain that I am not one of those Senators who will vote for the resolution while at the same time deprecating that it is before the Senate and condemning the Senator from Missouri [Mr. STONE] for having brought it before the Senate. I will vote for this resolution because I believe that the President was absolutely right in what he did; that it was his plain and manifest duty to do what he did; and that it is the duty of the Senate voluntarily and spontaneously to come to his support and uphold him in

maintaining the honor and dignity of the Nation.

I believe that President Wilson was absolutely right; I believe that he would have been justified long ago in doing what he did; I believe he would have been justified in what he did at the time of the sinking of the Lusitania. The President has been very patient; he has waited until he arrived at the point, in my opinion, where it was absolutely his duty and where there was no escape from it, to take the action which he has taken. If the President had not done what he did, this Nation would have received, and would have merited,

the contempt of the civilized world.

In April of last year the President sent a note to Germany, informing that Government that if certain practices were continued and persisted in or resumed he would break off diplomatic relations with that country. Now, Germany sends him a note, stating that she intends to do those very things, thereby placing the President and the people of this country in a position where they could not fail to meet that challenge if they desired to maintain their self-respect and uphold the honor and dignity of this Nation before the world. action of the President was unavoidable. It was the only thing to do. I undertake to say, too, that the people of this country are behind the President and are supporting him in this matter. The press shows it; the State legislatures, by their action, show it. There is no doubt that the people stand with the President. Should we do less? Are we not as patriotic or our constituents?

If the President had not done as he did, the people of this country would have been put down before the world as a Nation of poltroons and cowards. They would have been put in the attitude of favoring peace at any price, even at the sacrifice of our commerce, our international rights, our rights on the seas, our self-respect, our national honor, integrity, and dignity, and so there was no other course to pursue.

It has been stated here that the President should have sent another note to Germany. If the President had sent another note to Germany, I think he would have made this country absurd and ridiculous in the eyes of the world. It was not a

time for notes; it was a time for action.

It has been intimated here that the President should have let the Senate know that he wants this body to uphold him if this resolution is to be adopted. Has the patriotism of this body sunk so low that when the President is engaged in upholding the honor, the dignity, and the self-respect of this Nation we should sit here idly and wait to be told that he would like to have our support before we go to his support? Must we be solicited to do our patriotic duty? This body should rush to our President's support voluntarily, spontaneously, and eargerly when he is uphoding the honor and dignity and respect of our country, as he is. The action of this body should be voluntary, unsolicited, spontaneous, unqualified, and ungrudging in giving the President support in what he is doing. Our national honor is at stake. We should be as jealous of it as our President.

As to the action of the Senator from Missouri [Mr. Stone] in introducing this resolution, if I have any complaint at all to make, it is that he did not offer the resolution last Saturday afternoon. If I have any complaint at all to make of the Senate, it is that the Senate did not unanimously and eagerly adopt this resolution last Saturday afternoon, and let the news be flashed around the world that this body upholds the President, simultaneously with the news of his communication to Congress of his action in severing diplomatic relations with Germany. I think it was not only the right but the duty of the Senator from Missouri [Mr. STONE] to offer this resolution. From whom could it more appropriately come? He is our leader in matters pertaining to foreign relations; he is our spokesman in matters pertaining to foreign relations; and it is appropriate, fit, and proper that this resolution should be introduced by him. It was not only his privilege but his duty, and if he had not done it within a reasonable time I think some other Member of this body should have done it. But it naturally comes with more appropriateness, fitness, and propriety from the Senator from Missouri, the chairman of the Committee on Foreign Relations, than from any other Member of this body. If the action of the President should lead to war, it would not be his fault; it would not be our fault. The responsibility would be upon those who challenge our honor and insist on violating our rights. The President is a patient, peace-loving man. He has shown it; but he cherishes our honor and rights, and is not afraid to defend them; neither should we be. In such matters we should be his loyal supporters, and should make if known to the world.

I will vote for this resolution gladly and ungrudgingly, because I believe the President is absolutely right, because I believe that he did his duty; because I believe he is upholding the honor, the dignity, and the rights of this Nation; and because I believe it to be the duty of this body to go voluntarily and spontaneously to his support in doing so. We should fly to his support. Wait to be told that he would like to have our support? That is unthinkable. Perish the thought! Let us be as one with our President in defying a challenge of our rights from any nation or power on earth. Let no man, nation, or power think for an instant that in matters of national honor this body hesitates or wavers for a second in its loyal allegiance to our leader, our champion, our patient, prudent, time-tried, and soul-

tested President.

Mr. GRONNA. Mr. President, when the President delivered his message in joint session in the House of Representatives on the 3d of this month I was asked to give an expression as to whether I approved or disapproved of the President's message. I said, Mr. President, that not knowing the conditions as the President knew them, I was willing to take his judgment, and that it was probably the only thing left for him to do. But, Mr. President, that has nothing whatever to do with the resolution which has been introduced here by the distinguished Senator from Missouri, and I regret exceedingly that it has been brought into this body. This is only a Senate resolution. The Senate can confer no additional power upon the President of the United States that is not already conferred upon him by the Constitution of our country, and to say that we must pass this resolution merely for the purpose of showing to the country and to the world that we have confidence in the President, it seems to me, is not a sufficient argument to ask us to vote for it.

Of course, every loyal citizen of this country will support the President of the United States when he needs our support; but it has been stated upon this floor by the distinguished Senator from Missouri that the President of the United States has not

asked for the passage of this resolution.

Mr. President, the fathers of this country very wisely provided that the Congress of the United States alone has the power to declare war. The President of the United States has acted, he has exhausted his constitutional powers, and I have not criticized him. He has done all that he can do under the power conferred upon him by the Constitution. The question will have to be solved by the Congress and not by the President. As much as I am interested in the President of the United States, and willing, as I may be, to follow him when he is right—which I assume he would be in so grave a cause as this, Mr. President—I am more interested in the welfare of the people of the United States than in any one man; and I, for one, am not willing to yield a single iota to any man, whether it is the President or anyone else.

Mr. President, I shall not vote for this resolution. I am opposed to this resolution, because it has no proper place in this body. It does not confer upon the President any additional power whatever. I think I have demonstrated during the short time that I have served in Congress that when the President of the United States needed my support he has always received it. I have not been one of those who have criticized him for the mistakes that have been made in dealing with countries closer to us than Germany, and the Members of the Senate

know it.

Mr. President, I do not wish to go into this resolution and discuss it at length. I think it would have been a great deal better if it had never been introduced and if it had never been discussed. The country knows that every Member of the Senate will stand by the President in time of need. This resolution simply provides that we shall, by our votes in the Senate, show that we have confidence in him. If the President of the United States should send a message to Congress asking for appropriations for war purposes or upon a declaration of war it would have to be acted upon by both branches of Congress. I want to be free to vote as I see my duty. I do not wish to bind myself now to vote for any measure, regardless of whether it is in accordance with the wishes of the people whom I represent and the wishes of the people of this great Nation.

Mr. JONES. Mr. President, I am satisfied that the motives of the Senator from Missouri [Mr. Stone] in offering this resolution were of the highest and most patriotic character. I think, with reference to many of the questions connected with this situation, his views and mine are very much alike.

I objected to laying aside the unfinished business to take up this resolution. I did it because I believed this resolution to be ill advised, inopportune, and wholly uncalled for. I did it because I feared that just exactly what has occurred would take place. I do not know what others think about it, but I think that the debate to-day is the most unfortunate occurrence that has taken place in connection with this whole matter. It is very unfortunate that divisions should appear among us when we are confronted with the situation that now confronts us.

I am not going to discuss the various issues that may be considered to be involved in the matter, many of which have been discussed by Senators. I simply want to explain my position, in view of the fact that a roll call has been ordered upon the resolution. In my judgment, it would have been far better if no roll call had been asked for, and if the record had been made in such a way as to indicate no special division among us. But the roll call has been insisted upon and has been

ordered, and I want to say just a few words.

I have always taken this position with reference to the acts of the President: Whenever the President acts, in our relations with foreign countries, within his powers under the Constitution, his act, as I look at it, becomes the act of the Government and country; and I am for my country right or wrong. It seems to be generally conceded, and I assume, that the President acted in this matter entirely within his constitutional powers. What was done was his act as it was done; but when he did it, it became the act of our Government; and as such, without questioning it in one way or the other, I would stand back of it and uphold and support it no matter what my personal views might be. I consider that my duty, so far as I am concerned, as a citizen and as a Senator.

Like the Senator from Alabama [Mr. Underwood], however, I wish to say that I do not consider that I am bound in any way whatsoever or limited in any way whatsoever by my vote upon this resolution in the course I shall take if, unfortunately, the question of a declaration of war shall be presented to this

Congress. Then will come a question that I must pass upon as a Member of one of the war-declaring bodies of the Govern-Then whatever is done will be my responsibility, and I shall pass upon that as I deem to be wise, proper, and patriotic without feeling that I am restricted or limited or bound in any manner or form by this resolution or by my action upon it.

I am going to vote for the resolution, as it is here, simply because the act that it approves, so far as I consider it approves any act, has become the act of my Government, and nothing that I can do or say would undo it in any way.

A few days ago I delivered an address, and I want to repeat just a few words that I used then as expressing my views now. I said then, referring to this issue, that all partisanship should be laid aside. All former allegiance should be smothered. Our Americanism should be supreme. Devotion to and support of our Government, right or wrong, should be the watchword of each one of us. Our country now should have our sole and undivided loyalty. Our Government must assert and maintain the rights of its citizens; and you—referring to the people to whom I was speaking—and I ove it to our Americanism to

support the Government, and we will do it.

Every American, however, worthy of the name, will do his part in this critical hour and refrain from exercising his right to travel for pleasure, or trade for profit, in order that his beloved country may not be drawn into this hell of ruin, suffering, and

It would be a crime against humanity, and a travesty upon the people's Government, if national honor may be used by selfish pleasure and lustful greed to involve 100,000,000 of peace-loving people in war. The Nation owes to its citizens protection in their people in war. The Nation owes to its citizens protection in their legal rights, but the citizen owes it to his Government to make sacrifices to keep it out of war. Surely, if the many are expected and are willing to offer their lives to maintain the Nation's honor, the few will be willing to forego pleasure and gain that the Nation's honor may not be attacked. In behalf of the humanity of America I appeal to every citizen to be patriotic in peace as he expects others to be patriotic in war.

Mr. President, I hope there may go out an appeal to the citizens of this country in this hour of danger; and I wish that our press, instead of continually urging war preparations and our press, instead of continuary urging war preparations and all that sort of thing, would lend its influence in an appeal to the people of this country, as was suggested by the Senator from North Dakota [Mr. McCumber] a few moments ago, to stay at home, to refrain from exercising the rights that the Government has asserted it will maintain to travel for pleasure or for profit, and not put themselves not only where they are in danger but where they endanger the peace and the prosperity of their

country.

If we should declare war, we would expect the sons of our homes to offer themselves as volunteers to defend with their lives the country's honor. How much more ought we to expect our citizens to stay at home, not because they may not have the right to travel but in the interest of peace and the safety of our country? I should like to see coupled with this resolution a statement by the Senate that while we will assert and maintain the rights of our people, we will appeal to them to make some sacrifices in order that peace may stay with us, in order that we may not be confronted with the terrible alternative of war or national dishonor. I hope that the few of this country that may be tempted to go abroad, whose rights the Nation may have to maintain if they are endangered, will just deny themselves the exercise of these rights and show their patriotism and their love for country by doing this for just a little while. That will insure peace. That will show their patriotism. That will bring to them the consciousness that they have done their will bring to them the consciousness that they have done their duty as citizens and preserved the peace of their country and the happiness of its homes.

Mr. HARDWICK. Mr. President, I am going to be very brief; and I make that statement in order that I may, if possible,

brief; and I make that statement in order that I may, if possible, induce Senators to listen to me for just a few moments.

Mr. LANE. That is offered as a bribe, Mr. President.

Mr. HARDWICK. Mr. President, the Senate is undoubtedly the greatest debating society on earth. That is a question that we might view from different angles. Some people may approve of it and others may reprobate it; but, for one, I hate to see the Senate become a debating society for moot questions and undertake to decide moot questions. I hate to see the Senate continually called on to express its opinion about matters that are not within its constitutional powers and upon which it that are not within its constitutional powers and upon which it is not called on to act.

I recall that not two years ago it was considered almost lese majeste throughout this country that either House of Congress

warning American citizens not to travel on ships of belligerent nations; and the argument was then advanced, with so much force that both Houses of Congress yielded to it by tremendous majorities, that those questions were being settled by the President in a diplomatic way, in the proper exercise of his constitutional functions, and that the Congress had no concern whatever in it and no power with respect to it.

I thought that was true then. If it was true then, it is true to-day; and the Congress of the United States as such, and neither House of the Congress of the United States, is called upon to take, nor indeed can it take, any constitutional, legal action with respect to sending the ambassador of a foreign country away from this country or recalling our own ambassador from a foreign country. Now, if that be so—and no Senator will controvert it—then it seems to me, as an original proposition, that the contention of the Senator from Alabama [Mr. Underwood] is manifestly sound, and that the Senate of the United States, one of the great constitutional law-making bodies of the Government, ought not to be called on to express any opinion whatever except about matters that come within its powers and about which it can take definite and constitutional action.

So much for that; but the question is here, and must be dealt with. It is just as well, Mr. President, for Senators to realize exactly what we are doing by this resolution, and for the country and the world to realize exactly what this resolution is and what

it means.

Leaving out the preamble-and preambles never amount to anything; they always weaken a resolution or a law—the resolution that the Senate is called on to pass is this:

Resolved, That the Senate approves the action taken by the President as set forth in his address delivered before the joint session of the Congress as above stated.

The resolution is that the Senate approves the action of the President. What was the action? The action was that he gave the German ambassador his passports and recalled our ambassador from Berlin. Well, Mr. President, I will say if my opinion is desired in an ultraconstitutional way, that I do approve that action. I approve it for two reasons: First, because the President acted within his constitutional powers in taking it, and if he did not violate or exceed his constitutional powers, it is our duty to approve it, because he is the recognized organ of the Government for taking such action. Above that and beyond that, I approve the action for another and a very different reason, and a very weighty one, I think. To these Senators on both sides of this Chamber who have expressed their devotion to the cause of peace, I desire to say that I yield to no one in devotion to that cause, but it is my judgment that the President could have taken no weightier step, could have adopted no more effective method of promoting the cause of peace than to let the Imperial Government of Germany realize the intense gravity of the situation, to enforce upon that Government the view that this is a matter of the utmost gravity, and that the American people so regard it. If it was necessary to do something more than write notes-and I believe it was-if it was necessary to do something more than employ mere words to drive that conviction home to the German heart, then the President has adopted the only method that he could constitutionally adopt, the only method short of war itself that this country can adopt, to make the German Government realize how serious the situation is, and how seriously our people regard it. If anything on this earth, Senators, can promote peace, if anything on this earth can preserve peace and maintain peace with the German Government, it will be because the German Government and people realize, and it is driven home to them in this way, the gravity of the situation.

Therefore, I say, with all my heart I do approve the conduct and act of the President in directing our ambassador to come home and in sending their ambassador home, so that the Government of that country may understand how important this question is to us, and how serious the situation is to us, and to them.

Now, Mr. President, just one word more and my part in this discussion is over. I would seriously regret to see any considerable number of Senators in this Chamber, on either side of it, able number of Senators in this Chamber, on either side of it, vote against this resolution, not that I would question their motives, not that I would criticize their conduct, not that their conduct would be misunderstood in this country, but for fear that foreign people and foreign governments that do not understand the American institutions, might misinterpret and misread the situation here if it went out to the world that on this issue, thrust in this body unwisely, I believe, but nevertheless here, there was a considerable division in sentiment among the Members of the should express an opinion on what were called the Gore resolution in one body and the McLemore resolution in the other, United States and nullify his attempt to emphasize the gravity of this situation and apprise the German Government of the serious condition of public sentiment here on this question

So I earnestly hope that no considerable number of Senators will vote against the resolution, since it is here and we must vote one way or the other. If they do, I earnestly hope that their position may not be misapprehended abroad because, Mr. President, I believe, and every Senator on both sides of this Chamber must believe, yea, must know, that there is no real division of opinion or sentiment among the American people on this great question or in this great crisis. We do not want to fight about English rights or French rights or German rights; but, Mr. President, if we must fight for American rights, if they can be secured in no other way on earth except by fighting for them, I think the nations of the earth are destined to discover that there will be no real division of opinion among the American people on that issue. If any nation on this earth, great or small, in Europe or anywhere else, thinks that the American people will tamely submit to see American citizens butchered and their rights ignored on the high seas or anywhere else, that nation is about to receive a pretty speedy enlightenment as to what is the real temper and sentiment of the American people. There is no division among us. We do not want to fight about technicalities or about whether ships are armed defensively or offensively. We do not want to fight for English rights, but for American rights every citizen of this country will give his life, if need be. We want peace above all things except the honor of this country.

Mr. TOWNSEND. Mr. President, I do not indulge the hope of adding anything to the discussion that has already taken

Mr. TOWNSEND. Mr. President, I do not indulge the hope of adding anything to the discussion that has already taken place, and were it not that against my advice and better judgment I am called upon to vote upon a resolution which I feel has no proper place here I would say nothing at all. If this resolution is introduced as a friendly act to the President or in the interest of the country's peace, then it seems to me that the President and the people should devoutly pray to God for deliverance from their friends, because I can think of nothing that will have a more opposite effect upon those purposes than this resolution and the debate which has followed its introduction. Prior to its presentation here and since the President's address to the two Houses of Congress there had been no expression in the Senate, there has been no opinion expressed in public by Senators antagonistic to the action of the President. Those who may have differed from the President have felt that opposition should not be publicly expressed. Senators have felt that he had acted in his constitutional authority and had not exceeded that authority, and were hoping that good might come from it. They have remained silent, and by their silence at least have given the nations of the world to understand that there was no division in the Congress of the United States or among the people of this country in their loyalty to the President.

But somehow or other some Senators who seem to be in charge of the foreign affairs of the Senate have seen fit to take some peculiar steps. The other day a resolution was introduced asking the Senate to pass upon a matter which was not within its jurisdiction, indorsing the President's efforts for peace. Today we are asked to indorse an act of the President which presages war. Why any Senator should have conceived it to be his duty to open up this question in the Senate and thus invite discussion is more than I can understand.

I said that I was going to be forced to vote upon this resolution against my better judgment. I know it has no proper place here, and I would have liked to have remained silent both in voice and vote on a question which can not accomplish any good purpose. I urged Senators who were insistent in presenting this resolution to refrain from doing so, because I could foresee, knowing the habit of the Senate in the past, that it would be debated, as it has been debated, and that instead of showing the world that there was harmony here it would be shown that there was a wide difference of opinion among Senators. The result has confirmed my prediction.

I agree, however, with the Senators who have preceded me that when it comes, if it shall come, to action to be taken on the part of the Senate on any matter, however serious, all Senators will be loyal to the Government. Certainly I will. I myself can conceive of no other action that the President could have taken than the one he did take. I have thought many times, and have so expressed myself on several occasions, that our country's conduct of foreign affairs in the past has led up to this fateful hour. It has struck.

Now, instead of allowing the effect to which the junior Senator of Georgia [Mr. Hardwick] so eloquently referred—namely, the effect upon the Imperial Government of Germany by the declar

ration of the President of the United States in breaking off diplomatic relations—the Senate in a measure at least neutralizes that effect by this protracted debate.

I trust, Mr. President, that if we shall have greater trials or continued trials in the future, this experiment of bringing irrelevant matters to the Senate will not be repeated. The Senate has its duties to perform and I submit it will not shirk from the performance of those duties if the time to perform them shall come, but to ask at this time Senators to indorse a resolution which is read differently by different Senators and which some feel commits them to a policy which upon reflection they might not wish to approve is not dealing justly with them.

Mr. President, I shall support this resolution on the theory that it is to be an expression by the Senate whether the matter is properly here or not indorsing the President of the United States. I do not care to be registered in opposition to the President of the United States in his efforts to protect and maintain the rights and honor of our country. I have my opinion as to who is responsible for the step that has been taken, but it is not proper nor will it serve any good purpose for me to express that opinion now. The step has been taken. The President of the United States is my President; he has spoken for my country and I shall not knowingly give the impression at home or abroad that I am opposed to upholding his hand in these fateful times, reserving to myself, however, the right to determine later if the question is put up to me whether the cause is sufficient for us to declare war upon a nation which through all our history has been friendly to us.

I regret exceedingly that these circumstances have arisen. I would have been glad not out of cowardice but I would have been glad to have avoided a vote on this useless trouble-making resolution. But it is here and with this explanation I shall vote affirmatively, regretting exceedingly that those who have thought it best to present it had not read the inevitable result.

Mr. STONE. Mr. President, now that the sapient and puissant Senator from Michigan has unloaded his tender stomach of overcharged bile I hope he may be given an immediate chance to reluctantly avail himself of the opportunity he seems to dread of speaking by way of a vote. I ask again for a vote.

Mr. LANE. Mr. President, I have been unable to attend the

Mr. LANE. Mr. President, I have been unable to attend the sessions to-day. I was on committee work all day, from 10 o'clock until about 3, and I have not heard the arguments. I find myself compelled to decide on a question which I have not heard discussed either pro or con.

As far as I am concerned personally, I have felt as a citizen of this country that it was the duty of the Congress and the executive department of the Government to keep the people out of war at this time, except in case of repelling invasion. The war between the warring nations is a horror, the greatest that has ever happened in the history of mankind; it has cost suffering and loss of life and loss of money to a degree that perhaps is almost incalculable. I did not want to participate in it. We are 3,000 miles from where it is being carried on, or more than that, in fact, on the average. We will have plenty to do if we attend to our own business. We should occupy a position of strict neutrality with kindly expression to all and the hope that they may quit the useless slaughter and with an offer to freely help them recover themselves when they do quit, quite regardless of either or any of the nations and without prejudice to any one of them. That has been my state of mind ever since the war began.

I love the English and their bulldog grit. In part they are my ancestors. I always did like them. I think I love the French more than any other of the warring nations. They came to our rescue in a time of our early history, and they are such a light-hearted, loyal, patriotic people that I admire them. I admire the Germans for their efficiency and steady industry, their deep, hard study in solving problems of scientific and economic value to the world, in which matters they have led every other nation. I like all of those people. I have visited in all those countries as a medical student and I made my home in the family boarding houses. There was never a better woman in the world than the English woman with whom you go to board. There is nobody more kind than the good, motherly old French woman who takes you into her house and treats you as she would her own child.

When you go over to Germany the good old hausfrau delights in stuffing you, if she can, with good things to eat, like your own mother did, and then assigns you to sleep between great thick feather mattresses, which smother you almost to death, but always with the kindliest intention. No man can visit among any of these people without loving them, respecting them, and being ready to fight to keep them happy and out of the horrors of war. Those are my sentiments and have been at all times. I have commiserated with all of them, and only hope and pray

that we, as an independent Nation outside of their borders, with prosperous conditions, might stay at home and mind our own blessed business. We have plenty to do here, and should keep out of that trouble.

In early days where I came from when a row would spring up among men, and they began shooting at one another, of common sense which was practiced by the people who were not engaged in it was to keep out of it, and nobody who was not a born fool ever rushed in between them to become a backstop for bullets. We always left them to fight it out, and thanked God we were not mixed up in it, and then when the smoke had cleared away we gathered the dead up on a shutter and sent for the doctor for the wounded; we regretted the occurrence and went about our business. At this time we are confronted with a similar condition, where one nation has said to us, "We are at war and you must not trade with such and such a country, and if your ships are loaded with cargoes that will be of value to those people whom we are fighting we will confiscate the cargo and tie your ships up in our docks." Then later along comes the other country and claims that the other enemy nation is trying to starve them, which they are, and they place the same restrictions upon us, and draw a dead line around their enemy's country and declare it to be a danger zone and tabooed.

Any American citizen who would go to Europe and walk down between the trenches where they were firing at one another with their machine guns would be an ass, and would deserve to get just what he would get. I would not fight for him. No; I would not take any chance of being shot at for him. That kind of a citizen is of no value or credit to us; he puts this Nation in peril and does not bring anything of value in return to this country after having been nurtured in it to the age of maturity, an age when he ought in ordinary decency to help keep out of trouble by using a reasonable amount of common sense. So I would say to him when he starts for the war zone, "My dear brother, we bid you farewell; you may go there if you want; you can tramp up and down all your life between the firing lines; but I do not assume any responsibility for your happiness or good health. It is right up to you."

After a nation has fought bravely and well as have the others and for what it considers to be as just a cause and for as high ideals as its enemies, and it should come and say to me that there is a certain zone about my enemies' country inside of which no ship will be permitted to pass with ammunition or food, I would say to him, "Very well, that suits me first-rate. I live more than 3,000 miles away from you and our people at home need all the food we have and more than they get and it looks like we might need our ammunition after a while in order to rehabilitate ourselves from a peace footing to one of reasonable war preparation in the event that some other nation may come to dislike us. It is up to you, gentlemen. I will keep my ships at home."

There is many a family in this country to-day, gentleman, who under the high cost of living, due in part to the war, are not getting quite enough to eat. Right here within five blocks of this building where I am talking, or not to exceed 10 squares, and all over the country there are families that are cutting down on their food supply for lack of money with which to pay for it. Our first duty is to them. Prices of food have gone up so high that no more can they eat the amount which is necessary for their proper nourishment. They are also going short of clothing and shoes, both in quantity and quality, and children begin to suffer here at home, all due in a degree and indirectly to this great and unfortunate conflict which is going on upon the other side of the ocean, and I have no heart in it or for it.

I would say to the people of this country or to the gentlemen who want to ship merchandise and other articles of value for profit for the support of these other people, that our people also need them, and it may be that they need them nearly as badly as do the people over there. In England the price of bread is said to be cheaper than it is in this country for the reason that they have cheaper wheat than we have, because they bought it from us when the market was lower. Our first duty lies here; and our people both need and want bread. They are our people, and they are those of our people who will have to fight if we become entangled in your embroilment. Our first duty is to them.

I would say to those who want to go across the dead line, where there are submarines or Zeppelins that drop bombs, "Go, and God go with you; but go at your own risk. I will not fight to save the merchandise of any such American citizens as you are. Go and get killed if you want to, but we, the people, will not fight for you, or the like of you, or for your cargoes of war supplies."

I have been at sea a little, and although I have never served before the mast" I will guarantee to the Senate that I can

take a ship out to sea, and if the sinking of that ship will cause war between this country and some other nation I can bring a war home to you and upon this country in 10 days. It would be an easy thing to do, so easy that I fear it will be done by those who would profit from such an incident. We are running a great risk at this time. From motives of selfishness anyone may force this country into a war in a week, if we are going to stand upon our rights to act the fool in any such a manner.

It is the duty of this country, first and now, as it has been its duty for some time in the past, to say to American citizens: "Go yourself or with your ships at your peril; go with the understanding that you are about to cause the loss of thousands of lives of your fellow citizens, who are just as good men as you are, and most of them better, I presume; go if you want to make an excursion into the realms of warfare; but go at your own peril. We will not imperil the happiness and perhaps the very existence of this Nation to fight for such as you." So also to the man who wants to ship for profit I would say: "Do you also go, but at your own peril. I will see you to the 3-mile limit, I will give you a Book of Psalms and a God bless you, and 'a fare ye well to you,' and then watch you fade from view and sink into the horizon, and if you come back, well and good; but if you do not come back I will not grapple either for your body or your cargo. You well know the risk yourself, and you have a right to assume it; but you have no right to push or drag me into your row. The minute you do, you become my enemy, just as much as the foreigners with whom I have no conflict or anything but kindly feeling."

That is where I stand on this question, and where else am I going to stand, not only for myself, but for the people whom I am representing, and whom I believe indorse me in the position which I take here and who have prayed that we be kept out of this war.

So I say, that while I have not had time to be here to listen to this argument, to the argument which might convince me that this is not my proper course to pursue, they are my opinions as one of you, representing a people just as good as any whom you represent, and I am not afraid to express them at any time or any place.

time or any place.

Mr. BORAH. Mr. President, we have professed from the beginning of this war to occupy the position of a neutral Nation and to be interested alone in maintaining the neutral rights of a neutral Nation. It has seemed to me that that was the proper attitude to occupy, and should be the attitude which we should occupy on to the close of this controversy. A South American statesman said at the beginning of this war that the rights of the belligerents at sea should begin where the rights of the neutrals end. That, to my mind, is the correct rule, and the rule which we should have made and snould now make every effort to maintain. It is a rule which we should apply and enforce toward all alike.

If I understand the purpose of the President in breaking off diplomatic relations with Germany, it was solely and alone in the interest of our neutral rights, the President believing that, by reason of the record which had been made by Germany, her last note was a direct challenge to those rights, and that his action in severing diplomatic relations was solely in the interest and exclusively for the purpose of maintaining those rights. Believing, as I have from the beginning, that it was our duty to firmly and positively maintain and support those rights as against all who should challenge them, I can not do otherwise, of course, than to vote for this resolution as an indorsement of that which the President believed to be the proper way to maintain those rights.

Mr. President, there is no difficulty upon my part in arriving at that conclusion so far as this particular vote is concerned. What most disturbs me is that in all probability, if the worst should come to the worst, we shall no longer be able to keep the position which we have professed to occupy heretofore, and that we may find ourselves, unless we are most circumspect and resolute, an open and avowed ally of one of the belligerent powers or of one group of the belligerent powers. That, in my judgment, would be the most disastrous thing that could possibly happen to this country. I rise, therefore, not so much to explain my vote in reference to the pending resolution as to throw out a single suggestion in reference to that feature of this unfortunate situation.

I have observed from the press, particularly from interviews in the press both at home and abroad, and from letters and telegrams, that there is the belief that this action is a pronounced step in the direction of engaging in this war, not for the purpose alone of protecting neutral rights, but for the purpose of bringing this war to a close by throwing our weight and our influence upon the side of the allies. I read only yesterday morning a statement by one of the most distinguished publicists

in this country, published in a paper which has perhaps as large a circulation as has any other paper in the country, this statement which I shall quote. After reviewing the action of the President and what probably might be done, the statement

Should we not rather try to supplement as best we can the entente-war organizations already in operation? This means placing the Navy under British orders; encouraging foreign enlistments; stimulating the export of war material, above all aiding the enemies of the common foe with our innancial resources. In the main, that is what Japan has done. To do otherwise, in my judgment, is to waste our strength.

That view, Mr. President, has found expression not in the Senate Chamber, but by many and some of great influence outside of the Senate Chamber, by people who ought to think

along different lines.

It ought to be distinctly understood that we are interested alone in protecting our neutral rights as a neutral Nation, and that what we have done and all that we may do is for that purpose and no other. We are seeking no alliances. We are not consciously or purposely moving to the side of either of the belligerent forces. That is the position we should occupy; it is the position which I shall hold myself free at all times to the extent of my ability to aid in having our Government occupy. What the future has in store no man knows, but I think we ought to brace ourselves against the strong tendency which will now arise to become a partisan in the war. Whatever our individual sympathies may be as citizens we ought not to permit our individual views to direct our Government along other than I think it not only the position which we should occupy in the interest of our own people and for their peace and happiness but it is the position which we ought to occupy for the ultimate influence which we may hope to exercise in the final adjustment of this conflict. I agree not at all with those who would have this Government take up at once the cause of

As I understand, the President's sole object and purpose was to maintain and retain the position of a neutral in this controversy and to defend alone neutral rights, and that is the position which I understand him to occupy and to intend to occupy to the conclusion, and upon that understanding I vote for this resolution indorsing his action severing diplomatic relations. I would vote just as quickly to indorse his action in severing diplomatic relations with any power which should put at defiance our undoubted rights as a neutral. If I supposed for a moment that the President was in any instance to be swerved from his attitude heretofore of conducting this Nation along neutral lines, I certainly should under no circumstances give my indorsement to the action which severed our diplo-

matic relations with Germany.

Mr. President, as I have said, we have professed to be neutral from the beginning. I am not going to discuss now whether or not we have in all instances been neutral, but I want to record my conviction that when we have deviated, if we have deviated at all, from the line of neutrality, we have made a regrettable mistake. If we should in the future, notwithstanding we may have a controversy with one side or the other, fail to occupy that position and to insist upon the maintenance of neutral rights, regardless of who challenges them, and to insist upon our rights under international law regardless of who inveighs against them, we shall have taken a step that the people of this country will not approve and ought not to approve. Let us have our position clearly understood that we have and can have no controversy with either side except for these reasons and purposes.

Mr. President, I appreciate-I hope to some extent at leastthe conditions which will be presented to the world at the close of this war. The loss of life in the field and in the hospitals, the broken families, the maimed and impoverished, the depletion of credits, and the destruction of property-even these are not all there is to this war. After that comes the bitterness and the hate, smoldering on through the decades, the demoralization of men's faith in the obligations of treaties, in the ties of international friendship, and even in Christianity itself; for this war is the most pronounced threat to return to barbaric methods and brute force in society and in government since the waves of Islam's fanaticism broke and re-formed and broke again upon the iron nerves and redoubtable valor of Charles Martel's men Its deadening, discouraging, disintegrating effect upon all the vital ties and moral ligaments which bind society together, upon all that the human family cherishes and loves, beggars description. But the era of rehabilitation and regenerabeggars description. But the era of reliabilitation and regenera-tion, nevertheless, is to come. That long, patient, dreary task is before the world and must be met. I do not want to see my country seek either to ignore the task or to avoid its portion of the burden. I want it to be prompt with its good offices, its counsel, its sympathy, its patience, its tolerance, with its wealth, its means, both spiritual and material, to help in every way to bind up the wounds of the nations and "to do all which

may help to achieve a just and lasting peace." But, sir, I want this and all that it may do to be done as a great neutral Christian nation, drawing from the situation and from the task performed no recompense in the way of promised assistance in the future and incurring no obligation save that which we owe to justice and humanity. I want no alliances, no leagues, no entanglements. I want this Nation to stand alone, except those who voluntarily stand with it, in this crash of nations, firm in its purpose to uphold international law, supporting with all its influence international morality, conserving to the utmost of its powers that influence and prestige which will enable it to serve and counsel in the day of reconciliation and readjustment. What this passion-torn world needs and will need are not more leagues and alliances, but a great untrammeled, courageous neutral power, representing, not bias, not prejudice, not hate, not conflict, but order and law and justice. For these things we have stood for nearly a hundred and fifty years, and our influence has been of incalculable worth to mankind; for these things let us continue to stand, and the time will come in this very world crisis when we may serve all who recognize that our purposes and our policies are just and righteous altogether.

The VICE PRESIDENT. The question is on agreeing to the

resolution. The yeas and nays have been ordered, and the Sec-

retary will call the roll.

The Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a
general pair with the senior Senator from New York [Mr. O'GORMAN]; but understanding that if present he would as I intend to vote, I feel at liberty to vote and vote "yea."

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. Johnson], but as this is not a partisan question, though a grave one, I feel at liberty to vote and vote "nay."

Mr. JONES (when his name was called). The junior Senator from Virginia [Mr. Swanson] is necessarily absent on account of illness. I agreed to pair with him for the day. derstand, however, that if present he would vote as I am about to vote on this question. Therefore I feel at liberty to vote and vote "yea."

Mr. SMITH of Maryland (when his name was called). have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM], who is absent. I understand that if present he

would vote as I shall vote. I vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. Gorr] to the junior Senator from Virginia [Mr. Swanson] and vote yea."

The roll call was concluded. Mr. POMERENE. I have been requested to announce that the senior Senator from Indiana [Mr. KERN] is detained on account of illness. If he were present, he would vote "yea.

Mr. REED. I desire to announce that the Senator from Oklahoma [Mr. Gore] is detained by illness, and that for some four weeks he has been confined to his room and his bed. I make this announcement in order that his absence during the past as well as his absence on this vote may be understood.

Mr. RANSDELL. I desire to announce the unavoidable absence of my colleague [Mr. Broussard] on account of illness. If present, he would vote "yea."

Mr. ASHURST. I rise to announce that my colleague [Mr. SMITH of Arizona] is unavoidably absent and that if he were present he would vote "yea."

Mr. HUGHES. I desire to announce the unavoidable absence of the senior Senator from Maine [Mr. Johnson], who is out of the city. If present, he would vote "yea."

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. Catron] to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. CURTIS. I have been requested to announce the absence of the senior Senator from Vermont [Mr. Dillingham], on account of illness. If present, he would vote "yea." The result was announced-yeas 78, nays 5, as follows:

YEAS-78.

Ashurst Beckham Borah Brady Brandegee Bryan Chamberlain Chilton Happ Culberson Cummins Curtis du Pont Fall

Fernald Fletcher Gallinger Harding Hardwick Hitchcock Hollis Hughes Husting James Johnson, S. Dak. Kenyon Lee, Md. Lewis Lippitt

Lodge McCumber McLean Martin, Va. Martine, N. J. Myers Nelson Newlands Norris Norris Oliver Overman Owen Page Penrose Phelan

Pittman

Poindexter Pomerene Ransdell Reed Robinson Saulsbury Shafroth Sheppard Sherman Shields Simmons Smith, Ga. Smith, Md. Smith, Mich. Smith, S. C. Smoot

Sterling Stone Sutherland	Thompson Tillman Townsend	Wadsworth Walsh Warren	Weeks Williams
Thomas	Underwood	Watson	
	N.	AYS-5.	the state of the state of
Gronna Kirby	La Follette	Vardaman	Works
10103	NOT VOTING-13.		CHEST MORNEY
Bankhead Broussard Catron Dillingham	Goff Gore Johnson, Me. Kern	Lane Lea, Tenn. O'Gorman Smith, Ariz.	Swanson

So Mr. Stone's resolution was agreed to.

Mr. LA FOLLETTE. Mr. President, I intended to have taken some part in the discussion upon the resolution which has just been agreed to. Matters transpiring in the debate led me to desire to procure from my committee room certain of the diplomatic correspondence with the belligerent governments, and I had gone to my committee room to secure the documents when the vote was rung in. I desire to say now that at an early date, and upon an occasion quite as pertinent to the issues involved as the resolution which has just been pending I shall say

what I expected to say to-day.

The VICE PRESIDENT. The Senator from Wisconsin has said that the vote was "rung in." The Chair would like to know if the Senator from Wisconsin is making any charge against the

Mr. LA FOLLETTE. Why, most assuredly not, Mr. President. There was no occasion, I think, for the Chair or any-body else to understand anything of the kind. I had left the Chamber while one of the Senators was speaking to procure some documents from my room, and while I was absent from the Chamber the vote was rung in. I returned as soon as I could, but, of course, the vote was being taken.

The VICE PRESIDENT. The Chair wants it understood

that the Chair has never ordered a vote as long as the Chair has had any information that any Senator wanted to speak. The Chair was not aware of the fact that the Senator from Wisconsin

desired to speak.

Mr. LA FOLLETTE. Why, of course the Chair was not, because I had not yet addressed the Chair, and there was no

occasion for any misunderstanding.

Mr. JAMES. The Senator used the words "rung in." The bell was rung for the vote, and that is what I understand the Senator to mean by the expression.

AGRICULTURAL APPROPRIATIONS.

Mr. SMITH of South Carolina. I move that the Senate proceed to the consideration of the agricultural appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918.

PROPOSED EVENING SESSION.

Mr. CHILTON. I move that at not later than 6 o'clock the Senate take a recess until 8 o'clock this evening.
Mr. SMOOT. Mr. President, I could not hear what the motion

SEVERAL SENATORS. What is the motion? We are unable to hear it.

The VICE PRESIDENT. The Chair is totally unable to make Senators take their seats and listen to what is going on in the The Chair is not the Sergeant at Arms and can not do that. If the Senate will not be in order, the Chair can not help it.

Mr. CHILTON. I move that at not later than 6 o'clock the Senate take a recess until 8 o'clock this evening.

The VICE PRESIDENT. The question is on the motion of the Senator from West Virginia. [Putting the question.] By the sound the noes seem to have it.

Mr. CHILTON. I ask for the yeas and nays on the motion. The yeas and nays were ordered, and the Secretary proceeded

to call the roll.

Mr. JONES (when his name was called). Making the same announcement that I made a little while ago with reference to my pair with the junior Senator from Virginia [Mr. Swanson], withhold my vote.

Mr. SAULSBURY (when his name was called). Has the junior Senator from Rhode Island [Mr. Colt] voted?

The VICE PRESIDENT. He has not.
Mr. SAULSBURY. I transfer my pair as stated to the senior
Senator from Indiana [Mr. Kern] and vote "yea."
Mr. SMITH of Maryland (when his name was called). I am

paired with the senior Senator from Vermont [Mr. DILLING-HAM]. In his absence I withhold my vote.

The roll call was concluded.

Mr. GRONNA. I transfer my general pair with the senior Senator from Maine [Mr. Johnson] to the Senator from California [Mr. Works] and vote "nay."

Mr. GALLINGER (after having voted in the negative). Since voting I observe that the Senator from New York [Mr. O'Gor-MAN], with whom I am paired, is absent. I transfer my pair to the junior Senator from Maine [Mr. FERNALD] and allow my

vote to stand.

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. Carron] to the Senator from Arizona [Mr. Smith] and vote "yea."

Mr. WALSH (after having voted in the affirmative). I observed in the appropriate of the second part of the secon serve by the recapitulation that the Senator from Rhode Island [Mr. LIPPITT] has not voted. I am paired with that Senator and therefore withdraw my vote.

The result was announced-yeas 21, nays 47, as follows:

	YEA	S-21.	HE HELD WHEN
Chamberlain Chilton Fletchar Hardwick Hollis Hughes	Husting James Lee, Md. Lewis Martin, Va. Overman	Owen Pomerene Saulsbury Sheppard Simmons Stone	Thompson Vardaman Williams
	NAY	S-47.	
Beckham Borah Brady Brandegee Bryan Clapp Clark Cummins Curtis du Pont Fall Gallinger	Gronna Harding Johnson, S. Dak. Kenyon Kirby Lane Lodge McCumber McLean Martine, N. J. Nelson Norris	Oliver Page Penrose Phelan Pittman Poindexter Rebinson Shafroth Sherman Shields Smith, Ga. Smith, Mich.	Smith, S. C. Smoot Sterling Sutaerland Thomas Townsend Underwood Wadsworth Warren Watson Weeks
district transport	NOT VO	TING-28.	
Ashurst Bankhead Broussard Catron Colt Culberson Dillingham	Fernald Goff Gore Hitchcock Johnson, Me, Jones Kern	La Foliette Lea, Tenn, Lippitt Myers Newlands O'Gorman Ransdell	Reed Smith, Ariz. Smith, Md. Swanson Tillman Walsh Works

So the Senate refused to take a recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House had passed the following bills:

S. 5082. An act adding certain lands to the Missoula National

Forest, Mont.;

S. 7779. An act to authorize the change of name of the steamer Frank H. Peavey to William A. Reiss;

S. 7780. An act to authorize the change of name of the

steamer Frank T. Heffelfinger to Clemens A. Reiss;

Steamer Frank T. Hellellinger to Chemens A. Reiss;
S. 7781. An act to authorize the change of name of the steamer George W. Peavey to Richard J. Reiss; and
S. 7782. An act to authorize the change of name of the

steamer Frederick B. Wells to Otto M. Reiss.

The message also announced that the House had passed the bill (S. 135) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 1061) to allow additional entries under the enlarged homestead act, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3699) to donate to the city of St. Augustine, Fla., for park purposes, the tract of land known as the powder-house lot, with an amendment, in which it requested the concurrence of

The message further announced that the House had passed the bill (S. 5424) to construct a bridge in San Juan County, State of New Mexico, with an amendment, in which it requested

the concurrence of the Senate.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20453) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message further announced that the House agrees to the

amendment of the Senate to the bill (H. R. 11150) for the relief

of mail contractors.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the

H. R. 17055. An act providing when patents shall issue to the purchaser or heirs on certain lands in the State of Oregon;

H. R. 17814. An act to transfer Early County from the west-ern division of the northern district of Georgia to the Albany division of the southern district of Georgia; and

H. R. 20082. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914.

The message further announced that the House disagrees to

the amendments of the Senate to the bill (H. R. 18181) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Sherwood, Mr. Russell of Missouri, and Mr. Langley managers at the conference on the part of the House.

The message also announced that the Speaker of the House had appointed in accordance with the resolution of the Senate (S. Con. Res. 30) Mr. RUCKER of Missouri and Mr. Mapes tellers on the part of the House.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and

they were thereupon signed by the Vice President: S. 7963. An act to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes;

H. J. Res. 358. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect in March, 1917,

ADDITIONAL PETITIONS AND MEMORIALS.

Mr. McLEAN presented a petition of the Connecticut State Branch of the Congressional Union for Woman Suffrage, praying for the adoption of an amendment to the Constitution to grant the right of suffrage to women, which was ordered to lie on the

He also presented a memorial of the Manufacturers' Association of Hartford County, Conn., remonstrating against the taxing of net incomes of corporations in excess of 8 per cent, which was referred to the Committee on Finance.

He also presented a petition of the school committee of the city of New Britain, Conn., praying for Federal aid for vocational education, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Connecticut, praying for national prohibition, which were ordered to lie on

Mr. COLT presented a telegram in the nature of a petition from the faculty of St. George's School, Newport, R. I., favoring the action of the President of the United States in behalf of American rights, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Rhode Island, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was

ordered to lie on the table.

Mr. THOMAS. I present a joint memorial of the Legislature of Colorado for the protection and maintenance of the oil industries of the State of Colorado, and I ask that it may be printed in the RECORD.

There being no objection, the joint memorial was ordered to lie on the table and to be printed in the Record, as follows:

STATE OF COLORADO, OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, State of Colorado, 88:

I SEAL. 1

CERTIFICATE.

I, James R. Noland, secretary of state of the State of Colorado, do hereby certify that the annexed is a full, true, and complete transcript of senate concurrent resolution No. 4, by Senator Napier, senate joint memorial for the protection and maintenance of the oli industries of the State of Colorado, which was filed in this office the 3d day of February, A. D. 1917, at 11.18 o'clock a. m.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado at the city of Denver this 3d day of February, A. D. 1917.

[SEAL.]

JAMES P. NOLAND.

JAMES R. NOLAND,
Secretary of State.
By FLOYD FAIRHURST,
Deputy.

Senate concurrent resolution No. 4. (By Senator Napier.)

Senate joint memorial for the protection and maintenance of the oil industries of the State of Colorado.

Be it resolved by the Senate of the State of Colorado (the house of representatives concurring), That—

Whereas hundreds of citizens of this State have taken oil-placer claims under the oil-placer mining act and have compiled with the law in good faith by doing the assessment work required to hold and develop said claims; and

Whereas in many cases these lands have been located and held by prospectors, who have expended their time and money for many years in trying to hold and develop these oil-placer claims until the conditions and demand for the product would make it possible to operate the same; and Whereas these lands were located and held under the only law that made it possible for the prospector for oil or gas to acquire the same; and Whereas these locations were made in good faith and held by the locators before any withdrawal of said lands was made or even contemplated by the Government; and Whereas there is now before Congress a bill known as the Ferris-Phelan bill, H. R. 406, providing for the leasing of all oil and gas lands on the public domain; and Whereas lands which have not been withdrawn are affected by said leasing bill in such a way as to jeopardize existing claims of present bona fide locators: Therefore be it Resolved, That the Congress of the United States be memorialized to amend said leasing bill to give to all locators and assigns who have held the land in good faith and have complied with the oil-placer mining law the preferential right to lease the same on the same terms that may be required from any other applicant, and claims of original locators or assigns having perfected discoveries under the oil-placer mining law as recognized by State courts to be exempt from being compelled to lease such lands from the Government or pay a royalty burden: Be it further

Resolved, That a copy of this memorial be sent to the Hon. Charles S. Thomas, Hon. John F. Shaffrorth, Hon. Ed. T. Taylor, Hon. Edward Kearing, Hon. Ben Hilliard, and the Hon. C. B. Timber Lake, asking their aid in carrying out the object of this resolution.

Approved by the governor February 2, 1917, at 5.05 p. m.

JULIUS C. GUNTER,

Governor of the State of Colorado.

Jas. A. Pullillad.

President of the Senate.

Boon Best,

Speaker of the House.

Boon Best, Speaker of the House.

Approved February 1, 1917, at 11.30 a. m.

[Indorsed.]

Filed in the office of the secretary of state of the State of Colorado on the 3d day of February, A. D. 1917, at 11.18 o'clock a. m. Recorded in book —, page —.

JAMES R. NOLAND,
Secretary of State.
By FLOYD FAIRHURST,
Deputy. HUMPHREY FEES, Filing Clerk.

Mr. VARDAMAN. I present a telegram from citizens of Jackson, Miss., relative to the pending emergency revenue bill, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the telegram was referred to the Committee on Finance and ordered to be printed in the RECORD. as follows:

[Telegram.]

JACKSON, MISS., February 6, 1917.

Hon. J. K. Vardaman,

Washington, D. C.:

The proposed Federal emergency revenue measure ignores fact that mutual life insurance companies are without capital stock and are not operated for profit, but grant insurance protection to policyholders at lowest net cost. We ask your cooperation in exempting mutual life insurance companies from provisions of pending bill.

E. L. Ragland, J. B. Stirling, J. M. Hartfield, R. M. Taylor,

W. H. Watkins, H. V. Watkins, Wade Humphreys, Z. D.

Davis, W. E. Mallett, D. B. Homes, C. O. Wilkens, E. H. Bradshaw, George C. Swearengen, A. Varden, A. Robert Mills, E. K. Middleton, and others.

nesota remonstrating against the proposed increase of tax on industrial insurance, which were referred to the Committee on Finance.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. BECKHAM, from the Committee on Military Affairs, to which was referred the bill (S. 7906) to authorize the President which was referred the bill (S. 1300) to authorize the Fresheld of the United States, by and with the advice and consent of the Senate, to appoint George L. Morrison captain of Cavalry, to take rank as such next after Capt. James A. Mars, reported it with amendments and submitted a report (No. 1012) thereon.

He also, from the same committee, to which were referred the following bills, reported adversely thereon:

S. 6638. A bill for the relief of James S. Huntington; and S. 7071. A bill for the relief of William M. Johnston.

RELIEF OF RUTHENIANS.

Mr. LODGE. From the Committee on Foreign Relations I report back favorably without amendment the joint resolution (S. J. Res. 201) requesting the President of the United States to designate and appoint a day on which funds may be raised for the relief of the Ruthenians (Ukrainians), and I submit a report (No. 1013) thereon. I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the present

consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read as follows:

Requesting the President of the United States to designate and appoint a day on which funds may be raised for the relief of the Ruthenians (Ukrainians).

(Ukrainians).

Whereas in the countries situated in the eastern part of Europe, the theater of devastating war, there are at least 1,000,000 of Ruthenians (Ukrainians) in dire need of food, clothing, and shelter; and Whereas hundreds of thousands of these people have been forced to abandon their homes and their property, and being deprived of all opportunity to provide even for their most elementary wants have undergone disease, starvation, and indescribable suffering; and Whereas the people of the United States of America have learned with sorrow of this terrible plight of great numbers of their fellow beings and have most generously responded to the appeal of humanity for assistance whenever such appeal has reached them: Therefore be it Resolved, etc., That in view of the wretchedness, misery, and privation which these people are enduring, the President of the United States be respectfully requested to designate and appoint a day on which the citizens of this country may give expression to their sympathy by contributing to the funds now being raised for the relief of the Ruthenians (Ukrainians) in the belligerent countries.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows

By Mr. McLEAN:

A bill (S. 8162) granting an increase of pension to Henry A. Dayton (with accompanying papers);

A bill (S. 8163) granting an increase of pension to Amos

Dickinson (with accompanying papers); and

A bill (S. 8164) granting an increase of pension to Robert Liddell (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 8165) to prohibit concerted control of fire insurance rates in the District of Columbia; to the Committee on the Judiciary.

A bill (S. 8166) granting an increase of pension to Malinda

K. McGowen (with accompanying papers); and

A bill (S. 8167) granting an increase of pension to Phebe T. Schonhoff (with accompanying papers); to the Committee on

By Mr. FLETCHER:

A bill (S. 8168) to amend an act entitled "An act to establish a United States Shipping Board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States, with its Territories and possessions, and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States, and for other purposes," approved September 7, 1916, and for other purposes; to the Committee on Commerce.

By Mr. REED:

A bill (S. 8169) to purchase a site for the erection of a post-office building in the city of Fredericktown, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. OWEN:

A bill (S. 8170) to provide for the cost of improving and completing the United States post office and courthouse at Guthrie, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. CHILTON:

A bill (S. 8171) granting an increase of pension to Victoria Coffman (with accompanying papers); to the Committee on Pensions.

A bill (S. 8172) granting an increase of pension to Josiah H. H. Feather (with accompanying papers): to the Committee on Pensions.

By Mr. SMITH of South Carolina: A joint resolution (S. J. Res. 208) to grant citizenship to Joseph Beech; to the Committee on Immigration.

THE REVENUE.

Mr. CHAMBERLAIN submitted an amendment intended to be proposed by him to the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. REED submitted an amendment proposing to appropriate \$50,000 to enable the Secretary of Agriculture to estab-

lish and maintain horticultural experiment stations in the Mississippi Valley, to be located in the principal grape-growing States of Missouri, Ohio, Arkansas, and Michigan, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was ordered to lie on the table and be printed.

Mr. PENROSE submitted an amendment authorizing the President to appoint and place on the retired list of the Army with the rank of major general any officer on the retired list who served not less than one year in the Regular or Volunteer 9, 1865, etc., intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions

On February 3, 1917: S. J. Res. 202. Joint resolution to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 5, 1917.

On February 6, 1917: S. J. Res. 203. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1917

S. 7537. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the town of Allegany,

county of Cattaraugus, N. Y.; and S. 8090. An act granting the consent of Congress to Washing-ton-Newport News Short Line, a corporation, to construct a

bridge across the Potomac River.

COMMISSION ON NAVY YARDS AND NAVAL STATIONS.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, report

No. 2 of the Commission on Navy Yards and Naval Stations.

The attention of the Congress is especially called to the request and recommendation that certain portions of the report and appendices should not be made public.

WOODROW WILSON.

The WHITE HOUSE, February 7, 1917.

The VICE PRESIDENT. The message will be referred to the Committee on Naval Affairs and the report accompanying the message will be referred to the Committee on Naval Affairs in confidence and without printing.

ANNUITIES TO SIOUX INDIANS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 135) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863.

Mr. CLAPP. I move that the Senate disagree to the amend-

ment of the House, request a conference with the House on the bill and amendment, the conferees on the part of the Senate

to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. ASHURST, Mr. MYERS, and Mr. CLAPP conferees on the part of the Senate.

LAND AT ST. AUGUSTINE, FLA.

The VICE PRESIDENT laid before the Senate the amendment of the House to the bill (S. 3699) to donate to the city of St. Augustine, Fla., for park purposes, the tract of land known as the powder-house lot, which was, on page 2, line 3, after "purposes," to insert "or whenever the Secretary of War may determine that the use of said grounds is necessary for Government purposes.
Mr. FLETCHER. I n

Mr. FLETCHER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

ENLARGED HOMESTEAD.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1061) to allow additional entries under the enlarged homestead act, which was, on page 1, line 8, after "nine," to insert "and an act of June 17, 1910, entitled 'An act to provide for an enlarged homestead.'"

Mr. PITTMAN. I am informed that the Senator from Montana [Mr. Myers] desires that the Senate concur in the amendment of the House, and I make that motion.

The motion was agreed to.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18181) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HUGHES. I move that the Senate insist upon its amend-

ments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the

The motion was agreed to; and the Vice President appointed Mr. Johnson of Maine, Mr. Hughes, and Mr. Smoot conferees

on the part of the Senate.

Mr. PENROSE. Mr. President, I rise to an inquiry. What do "and so forth," as the Clerk reads the report from the House of Representatives, and the constantly recurring phraseology "with certain amendments" mean? I think the Senate is entitled to have these messages read at length, and I object, and many other Senators, I want to say, on this side of the Chamber object, and I voice an undercurrent of criticism of the liberties taken at the desk with messages and other communications. hope hereafter the procedure will be orderly and regular, and that messages will be read without comment from the clerks or without interpolation of phraseology not contained in the docu-

HOUSE BILLS REFERRED.

H. R. 17055. An act providing when patents shall issue to the purchaser or heirs on certain lands in the State of Oregon was read twice by its title and referred to the Committee on Public

H. R. 17814. An act to transfer Early County from the western division of the northern district of Georgia to the Albany division of the southern district of Georgia was read twice by its

title and referred to the Committee on the Judiciary.

H. R. 20082. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, was read twice by its title and referred to the Committee on Finance.

AGRICULTURAL APPROPRIATIONS.

Mr. SMITH of South Carolina. I ask that the unfinished

business be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918,

Mr. SMITH of South Carolina. I ask the Secretary to state the amendment which was pending when the bill was laid aside yesterday. I think it was the amendment proposed by the Senator from Idaho [Mr. Brady].

Mr. BRADY. On page 63, line 6, I wish to offer the following

amendment:

Provided. That in the sale or rental of films educational institutions associations for agricultural education not organized for profit shall have preference.

I may say that the original clause-

Mr. VARDAMAN. I suggest that the Secretary read the amendment. We could not hear the Senator as he read it.
Mr. BRADY. I will be glad to have the Secretary read the

amendment

The VICE PRESIDENT. The Secretary will state the amendment.

The Secretary. On page 63, line 6, after the word "films," at the end of the line insert:

Provided, That in the sale or rental of films educational institutions r associations for agricultural education not organized for profit shall have preference.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment of the committee?

Mr. VARDAMAN. Will the Senator from Idaho state the pur-

pose of the amendment?

Mr. BRADY. The original paragraph reads as follows:

For photographic equipment and photographic material and artists' tools and supplies, \$17.000: Provided, That the Secretary of Agriculture is authorized, under such rules and regulations and subject to such conditions as he may prescribe, to loan, rent, or sell copies of films to educational institutions or associations for agricultural education not organized for profit. not organized for profit.

The committee decided to strike out after the word "films," in line 6, the words "to educational institutions or associations for agricultural education not organized for profit," so that it would permit them to sell them only to outside firms. I believe that is a wise provision, with the exception that I am satisfied educational institutions organized for agricultural purposes should have preference. It does not prevent the sale to other institutions or firms at all.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PAGE. I wish to offer an amendment. Mr. SMITH of South Carolina. Will the Senator yield to me for just a moment. I have overlooked the fact that there is a committee amendment which has not yet been disposed of. It is the seed-distribution proposition. I should like to have it now disposed of and that will be a disposition of all the committee amendments.

Mr. LODGE. Mr. President——
Mr. PAGE. I do not yield the floor.
Mr. LODGE. I wish to ask the Senator from South Carolina, before we recur to the committee amendments, which, of course, he has a right to do, to allow me to offer an amendment as I am obliged to leave the Chamber.

The VICE PRESIDENT. The Senator from Vermont has the

floor.

Mr. PAGE. I hope the Senator will allow me to offer my amendment now. It is very brief, indeed.

The VICE PRESIDENT. The amendment submitted by the

Senator from Vermont will be stated.

The Secretary. On page 14, after the word "purposes," the first word in line 7, insert a comma and the words:

And \$15,000 for the purchase of lands in the vicinity of the Morgan horse farm near Middlebury, Vt.

Mr. PAGE. Mr. President, when this amendment was before the Committee on Agriculture and Forestry one of our members stated he thought this would be a new and dangerous innovation, a precedent which we ought not to establish because he said the additions to experiment stations in the different States had usually been paid for by the States themselves. Upon investigation I found that this is a mistake, that there are numerous precedents for action of this kind. I wrote to the department asking for a statement in regard to the matter and here is their reply which I wish to read:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Washington, D. C., February 2, 1917.

Hon. CARROLL S. PAGE, United States Senate.

United States Senate.

Dear Senator Page: Referring to your request to Mr. Rommel by telephone this morning for information concerning the purchase of land for the benefit of this bureau for experimental or quarantine purposes, permit me to give you the following information:

Experiment Station, Bureau of Animal Industry, Bethesda, Md.: This is the station where the principal part of the veterinary experimental work with animals is carried on. The original farm of 20 acres was bought July 5, 1899, at a cost of \$20,000. An additional 30 acres was bought August 11, 1902, at a cost of \$10,000. In view of the fact that it was found necessary to have similar facilities for carrying on field laboratory experiments and investigations in animal husbandry and dairying near Washington, Congress was petitioned to appropriate for the purchase of additional land, and under congressional authority the department bought the experimental farm of the Bureau of Animal Industry near Beltsville, Prince Georges County, Md. This consists of 475 acres. It was bought January 30, 1910, at a cost of \$25,000.

The bureau maintains three quarantine stations on the Atlantic seaboard, all bought under congressional authority. The appropriation bill for the fiscal year 1901 authorized the expenditure of \$50,000 to purchase and maintain quarantine stations. Under this authority the quarantine station at Athenia, N. J., was established. In 1904 \$4,000 was made available for the purchase of additional land at Athenia. The total acreage there is now 50 acres.

In the same year Congress appropriated \$10,000 for the purchase of land for a quarantine station of the bureau at or near the port of Baltimore. Under this authority the quarantine station at Turner, Md., was established.

In 1909, under congressional authority, the bureau purchased 31 acres

established.

In 1909, under congressional authority, the bureau purchased 31 acres of land at Littleton, Mass., near the port of Boston, at a cost of \$4,000.

Trusting that this is the information which you wish, I am,

Very truly, yours,

A. D. Melvin.

A. D. MELVIN, Chief of Bureau.

Mr. SMITH of South Carolina. If the Senator will allow me, I find that that amount has been estimated for. As far as I am concerned I am willing to accept the amendment.

Mr. PAGE. Very well.

The amendment was agreed to.

Mr. LODGE. If the Senator from South Carolina will allow me, I should like to offer at this time an amendment on page 69, after the word "elsewhere," in line 9, to insert "demonstration of boys' and girls' clubs at dairy exposition at Springfield, Mass.," and then, on line 10, to change the total amount from "\$578,240" to "\$593,240," adding \$15,000.

Mr. SMITH of South Carolina. I shall have to make a point of order against the amendment in that it is new matter and has not been estimated for.

Mr. LODGE. Of course, I am sorry the Senator from South Carolina feels bound to make a point of order, but I am aware that if it is made I am unable to resist it.

The VICE PRESIDENT. If it is an appropriation not estimated for and not reported by a standing committee, the point of order is sustained.

Mr. PHELAN. I desire to submit an amendment.
Mr. SMITH of South Carolina. I will ask the Senator to
withhold that until we dispose of the last two committee amendments. One was pending at the time the Senate took a recess yesterday. I ask that it be taken up and disposed of. It is on page 27, "Purchase and distribution of valuable seeds." The House adopted the provision and sent it here, and, as I said when the matter was under consideration yesterday, I was not present when the committee took action upon it. It is not necessary for me to repeat what I said yesterday. I believe that this is one of the most important items in the bill. There are right now requisitions from all over the country, especially from that part of the country where droughts occurred during the last year to such an extent as to destroy all seed locally. I wish to say a few words as to this talk about its being a graft, and then I shall have no more to say and let the Senate take what action it sees fit.

The people of this country understand that this is the policy of the Government, and it makes no difference who may be elected to the other House or to the Senate, that this policy will be adhered to, and that they will receive whatever seed the Government has for distribution in the natural order of I do not believe that there is a more helpful provision in all this bill than the Government distribution of garden, field, and flower seed. There is not a single institution of learning in the rural districts of which I know in my State that is not asking for flower seed, thereby beautifying the landscape and cultivating the æsthetic taste of the children by the planting of such seed, and in a thousand little gardens the people are using the seed to benefit themselves. I hope the Senate will restore this item.

Mr. KENYON. Mr. President, I should like to ask the acting chairman of the committee if he is speaking only for himself

in this request and not for the committee?

Mr. SMITH of South Carolina. I am speaking only for myself, as I said at the commencement of my remarks. not present, as the Senator from Iowa, who is a member of the committee, knows. Had I been present, I should have reserved the right that I am now taking to object to the action of the committee. I do not want the Senate even to feel that in my position as acting chairman of the committee I am carrying any other weight on the committee save my personal opinion about this matter.

Mr. GALLINGER. Mr. President, before saying a word in opposition to the amendment of the committee, I am going to take the liberty to sound a warning to both sides of the Chamber regarding the present status of the legislation of this session.

The pending appropriation bill has been before the Senate a long time and there are 11 great appropriation bills not yet reported to the Senate. The District of Columbia appropriation bill is ready for presentation, the other great appropriation bills are coming along rapidly, and the revenue bill has yet to be considered. My admonition is—it is not worth much, I understand, but I am going to take the liberty of saying a word along that line notwithstanding-my admonition is that unless we get down to work and throw aside all extraneous matters, including contests over nominations, we are not going to complete the program of even passing the supply bills between now and the 4th day of March. There are only 21 or 22 days remaining to us, and Senators know how rapidly the days pass when we are engaged in controversial matters.

While I have no responsibility at all in this matter, I speak to my associates on this side of the Chamber as well as to my friends on the other side when I say that there is danger that even the supply bills will not be passed by the time this

session concludes.

Now, Mr. President, a single word as to the pending amendment. I am not going to argue it at any considerable length. I have said every year when this matter has been before the Senate that I think it a very great mistake for the Senate to strike out this appropriation. I concur in every word that the Senator from South Carolina [Mr. Smith] has said as to the value of this appropriation to the people of this country. am now sending the seeds that are accredited to me to institutions of learning in New Hampshire, largely to the high schools and the graded schools. I am getting letters so numerous along that line that I shall not be able perhaps to fill all of the requisitions. In addition to that I have sent a very large number of seeds to individual men and women who have written

me asking for them.

I will repeat what I have said on more than one occasion, that this is a matter that can be laughed at, or scorned perhaps, but nevertheless if Senators living in rural districts or having little homes in rural towns, as I chance to have, will take the trouble to inquire of the farmers as to whether or not they are having better gardens, or as to whether or not they are having gardens under this distribution of seeds when they would not have any gardens unless these seeds were sent to them, they will find what I have found, that a tremendous amount of good comes to the people of the rural districts because of this comparatively small expenditure.

This day, Mr. President, of high prices, of scarcity of food products, when every foot of land in this country that can be tilled ought to be tilled, when every available vacant lot in every town and city ought to be cultivated for the purpose of increasing the food supply of the American people, is a bad time for us to deny to the farmers, as well as to those living in urban communities, this little patrimony of the Government.

Mr. President, it is a foregone conclusion that the people want this thing; that the people ask for it; and even if the Senate strikes out the provision, I think I can safely indulge in the prophecy that it will reappear in this bill, and that it will become a law. But, however that may be, we ought not to strike it from the bill.

Mr. President, having warned the Senate of the value of time, I am not going to be guilty myself of occupying any unnecessary time in discussing this question. I shall content myself with voting against the committee amendment, and I trust the Senate

will vote the committee amendment down.

Mr. VARDAMAN. Mr. President, I rise to indorse what the distinguished Senator from New Hampshire [Mr. Gallinger] has said with reference to the value placed upon these seeds by the country people. I want also to express my agreement with the Senator with reference to his comments upon the necessity of economizing time. A number of supply bills will be here for consideration in a very short while, and they are going to carry enormous sums. When we realize the fact that the heaviest part of the burden to be put upon the American people by the appropriations carried in those bills will fall upon the people—the farmers—who are given this slight benefaction, I do not think that Congress ought to hesitate to restore this provision of the bill, which was placed there by the House of Representatives. The people pay the taxes and they want the seed, if I am to judge by the letters I receive from the people and the applications that come to my office for these seeds.

I have heard it said in derision here on the floor of the Senate that Senators have received letters from constituents who say, "Cut out free seeds." I myself have received one or two such foolish letters; but if the Agricultural Department is doing its duty, it is selecting and distributing among the people the very best seeds obtainable, seeds that have been tested, seeds that have been developed, and which will bring, when planted and properly cultivated, the largest possible yield from the land.

I do not see why this matter should be a subject of contro-I can account for it upon one theory, and versy every year. one only, and that is lack of information or, perhaps, misinformation on the subject. It may be that the constituents of a few Senators and Representatives from the urban districts have no use for the seeds, but I know, from actual experience and observation, that the people of my State desire them, and I hope that the amendment of the committee may be rejected.

Mr. WADSWORTH. Mr. President, I very much hope that the amendment of the committee will not be defeated. I do not intend to indulge in any sharp epithets with respect to the practice of distributing seeds or to use any harsh language or any particular amount of ridicule directed toward the custom.

I have been interested in hearing what Senators have said upon the floor as to the great desire of the farmers of this country to have these seeds given to them. Permit me to say that I myself live in the heart of a farming district, every one of my neighbors being an agriculturist, and it has yet to come to my attention that there is any great and legitimate demand for a package of garden seeds from the average farmer of the United States. At best these seeds must be distributed over such an enormous area and to such a vast number of people, if the thing is to be done fairly, as to prevent any one person on the list of recipients of seeds deriving any benefit worthy of the name. At most, if they are distributed evenly and fairly, it would amount to about one package apiece, worth approximately

Now, Mr. President, so far as the argument is directed toward the rarity and value of these seeds, permit me to say that they are not rare or valuable in any sense whatsoever. They are seeds in common use all over the country in a commercial sense. The Government itself purchases the seeds from con-tractors or on contract with commercial seedsmen. There is nothing strange or new in the manner of planting them or growing them. There has grown up from the custom without doubt in some communities a disposition to regard this distribution of seeds as the extension of a favor, showing that the recipient is not forgotten at the seat of government; but to contend that they are of the slightest economic value to the development of agriculture in the United States is stretching the matter so far that I can not command words to describe it.

Mr. KENYON. Mr. President—
The VICE PRESIDENT. Does the Senator from New York

yield to the Senator from Iowa?

Mr. WADSWORTH. Certainly.

Mr. KENYON. Does not the Senator realize that there is great force in the argument made here to-day that it is necessary to have these seeds in order to decorate the country schoolhouses with lilacs, sunflowers, and forget-me-nots?

Mr. WADSWORTH. I suppose, if we confined the distribution of seeds to the country schoolhouses and other educational institutions, and made the distribution evenly and thoroughly, that the country schoolhouse or educational institution would

receive about 25 cents' worth of seeds annually.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I do not want to be misrepresented about this matter. presume my remarks are what called forth the interrogatory on the part of the Senator from Iowa, but what I said was that there was a demand on the part of educational institutions in my State—high schools and, to some extent, graded schools and academies—for these seeds; that the children were taking the seeds and planting them, and in that way developing a love for that kind of work, which is desirable, besides making some contribution to the food supply of our people. That is what I said, and it is true, so far as New Hampshire is concerned. I can not speak for Iowa or for New York.

Mr. WADSWORTH. Mr. President, of course I have the greatest respect for the opinion of the Senator from New Hampshire, but I do think, in all frankness, that it is stretching pretty far to argue that the distribution of these seeds contributes to the food supply of the United States. It is impossible, in my judgment, that that should be so. It may be that in some States the matter is taken seriously, but certainly in the agricultural regions with which I am somewhat familiar and I have spent my life in one-the distribution of these seeds is regarded as somewhat in the nature of a joke. I have seen in the home office of a Representative sack after sack filled with packages of seeds, with the open notice and advertisement to the entire community that anybody who wished to come in and get a package could do so at his leisure and pleasure; and at the end of the planting season three-quarters of them were left.

In that section the people really do not desire them.

Mr. SMOOT. Mr. President, will the Senator inform the Senate as to the locality where, as he states, the seeds are not asked for, because I assure the Senator that the seeds can be used in other parts of the country, where the people will be

very glad to receive them?

Mr. WADSWORTH. In reply to the Senator from Utah, I will say that, so far as my observation goes, the farmers of western New York are not clamoring for these free seeds; and the instance which I have related occurred in that part of the country, which is as typical and as purely an agricultural section as exists anywhere upon this continent.

I know that the indiscriminate distribution of any article of value for nothing necessarily excites the appetite of the re-cipient, and in the district or the State which is flooded with any article which is given away for nothing, particularly if it comes from the seat of government, you will find the demand for that article is increased. Small as the cost is, comparatively speaking, of this distribution, I think myself that there is a fundamental error and fallacy back of it and under it.

I have opposed, Mr. President, as I shall always oppose, the distribution of any article or articles of value to citizens of the Republic free of charge. It is demoralizing in its effects, and it is not the function of the Government to engage in such operations. One might just as well say that, in order to be fair with the distribution of things of value to the people of the United States, we should send pairs of shoes to urban residents. They are of value and would be appreciated if received, but my observation teaches me, sir, that the average independent, self-respecting farmer does not demand this gratuity, small though it may be, from this great Government, and that if it is once

abolished, if the practice is once given up, we will never hear again any considerable demand for its renewal.

Mr. KENYON. I should like to ask the Senator if he has noticed that one house of the Legislature of Nebraska, which is

an agricultural State, has passed a resolution requesting Congress to desist from this practice?

Mr. WADSWORTH. Yes; I listened with great interest to the reading of such a resolution at the Secretary's desk some days ago. I believe there was also such a resolution from the Legislature of North Dakota. I will inquire of the Senator

Mr. GRONNA. The Senator is correct.

Mr. WADSWORTH. That was indicative, at least, that a legislature, composed in large part of representative American farmers, places no faith or reliance in this practice, and has no particular affection for it.

Mr. GRONNA. Mr. President, I dislike very much to oppose anything of which the junior Senator from South Carolina [Mr. SMITH] is in favor, but the committee saw proper to strike out this provision from the bill. Furthermore, Mr. President, it has been stated by the Senator from New York [Mr. Wadsworth] that I had presented a concurrent resolution adopted by the legislative assembly of my State, protesting against the distribution of free seeds. I do not claim that that represents the will of all the people of my State. I take it that it is impossible for the members of that assembly to know the desire and the will of all the citizens of the State. I wish to say that I have received many requests from my constituents for free seeds, and, as stated by the Senator from New Hampshire [Mr. Gallinger], I also have received a great many requests from various schools in the State asking for seeds, but the legislative assembly of my State say that they are not only opposed to the free distribution of seeds, but that they are opposed to it for the reason that it is a burden upon the Government in that the distribution of the seeds is carried on by mail, and aggregates, I presume, hundreds of tons. Instead of transporting this class of goods by freight, as ought to be done, the seeds are being shipped through the mails.

It was also urged in that concurrent resolution that the seeds are sent out just at the time when the mails of the country are being weighed, and that the railroad companies are getting an undue advantage, largely from the distribution of the seeds, as well as from the distribution of various periodicals and pamphlets which are being sent out by the Mem-

bers of Congress

As I said in the beginning, I am sorry that I have to oppose this provision; but I feel that I am in duty bound to respect

this provision; but I feet that I am in duty bound to respect the wishes of the people of my State and to vote against it. Mr. SHAFROTH. Mr. President, I hope the committee amendment will not be adopted. The Senator from New York [Mr. Wadsworth] has stated that this is a free distribution and that no good comes from it. I believe that great good comes from the distribution even of common seed. There is an evolution going on in nature, by which the planting of seed, even common seed, in different portions of the United States and under different conditions, in different soils and where irrigation exists, sometimes produces a wonderful result. There is no better illustration of that than the Rocky Ford melon, which evidently was a product of a common seed that was planted in very favorable soil, and which grew and has been cultivated and has developed a most wonderful melon.

Mr. WADSWORTH. Mr. President—
The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from New York?
Mr. SHAFROTH. I yield to the Senator.
Mr. WADSWORTH. May I ask the Senator from Colorado

if the Rocky Ford melon is an outgrowth of free seed de-

livered by the Government?

Mr. SHAFROTH. Oh, we do not know. It is the general distribution that does it. We take these packages and send them all over the United States, having cantaloupe seeds in distribution that does it. them. It may have been; I can not tell, but it is evidently the fact that they are scattered over the United States that produces such results. As a matter of fact, take the development of any of the fruits: We know that the peach tree was nothing but a little weed, almost, the fruit of which was bitter, and which by cultivation and development has produced over 500 varieties.

We know that the apple tree came from the original crab tree, and the result was that by cultivation they have produced over 3,800 varieties of apples. Now, when such possibilities exist, it seems to me it is perfectly proper that we should send from one part of the United States to another part of the United States these seeds for the purpose of trying the soil, trying the climate, and trying the conditions under which they might produce better results. I feel, inasmuch as the expenditure is not a very large one, that the result would justify the expenditure on the part of the Government.

The VICE PRESIDENT. The question is on the committee [Putting the question.] The Chair is in doubt.

Mr. KENYON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). my pair with the senior Senator from New York [Mr. O'Gor-MAN] and transferring it to the junior Senator from Maine [Mr. FERNALD], I vote "nay."

Mr. GRONNA (when his name was called). I transfer my general pair with the senior Senator from Maine [Mr. Johnson] to the senior Senator from California [Mr. Works] and vote "yea."

wote "yea."

Mr. VARDAMAN. Mr. President, may I interrupt the call of the roll long enough to ask the Chair to announce that a vote in the negative is in favor of the distribution of seed? Senators do not seem to understand it.

The Secretary resumed the calling of the roll.

Mr. JONES (when his name was called). I again announce my pair with the junior Senator from Virginia [Mr. Swanson] and withhold my vote. If at liberty to vote, I would vote yea.

Mr. SAULSBURY (when his name was called). I make the same transfer as last stated, to the senior Senator from Indiana [Mr. Kern], and vote "nay."

Mr. SMITH of Maryland (when his name was called). transfer my pair with the senior Senator from Vermont [Mr. DILLINGHAM] to the senior Senator from Texas [Mr. Culberson] and vote "nay."

Mr. STONE (when his name was called). Has the senior Senator from Wyoming [Mr. Clark] voted?

The VICE PRESIDENT. He has not.

Mr. STONE. I transfer my pair with that Senator to the junior Senator from Tennessee [Mr. Shields] and vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. Goff] to the junior Senator from Louisiana [Mr. Broussard] and vote " nay.

Mr. WADSWORTH (when his name was called). Has the

inior Senator from New Hampshire [Mr. Hollis] voted?
The VICE PRESIDENT. He has not.
Mr. WADSWORTH. I have a pair with that Senator, which
I transfer to the junior Senator from Indiana [Mr. Watson] and vote "yea."

The roll call was concluded.

Mr. JAMES. I transfer the general pair I have with the junior Senator from Massachusetts [Mr. Weeks] to the senior Senator from Tennessee [Mr. LEA] and vote "nay.

Mr. OWEN. I transfer my pair with the junior Senator from New Mexico [Mr. Catron] to the junior Senator from Arizona [Mr. Smith] and vote "nay."

Mr. SIMMONS. I transfer my pair with the junior Senator from Minnesota [Mr. Clapp] to the senior Senator from Nevada [Mr. Newlands] and vote "nay."

Mr. THOMAS. I transfer my pair with the senior Senator from North Dakota [Mr. McCumber] to the senior Senator from Oklahoma [Mr. Gore] and vote "yea."

Mr. FALL. Has the senior Senator from West Virginia [Mr.

CHILTON] voted?
The VICE PRESIDENT. He has not.

Mr. FALL. I have a pair with that Senator, and therefore

withhold my vote.

Mr. SMITH of South Carolina (after having voted in the negative). I have a pair with the senior Senator from South Dakota [Mr. Sterling]. I transfer that pair to the junior Senator from Nevada [Mr. PITTMAN] and will allow my vote to stand.

The roll call resulted-yeas 21, nays 26, as follows:

	Y	EAS-21.	Manager Control
Brady Brandegee Chamberlain Cummins Fletcher Gronna	Harding Hughes Kenyon Lane Lodge Norris	Oliver Page Sheppard Sherman Sutherland Thomas	Thompson Townsend Wadsworth
	N	AYS-26.	Hard State
Bankhead Gallinger Husting James Kirby Martin, Va.	Overman Owen Penrose Phelan Poindexter Robinson Saulsbury	Shafroth Simmons Smith, Ga. Smith, Md. Smith, S. C. Smoot Stone	Tillman Underwood Vardaman Warren Williams

NOT VOTING-49.

Ashurst	du Pont	Lea, Tenn.	Reed
Beckham	Fall	Lee, Md.	Shields
Borah	Fernald	Lewis	Smith, Ariz.
Broussard	Goff	Lippitt	Smith, Mich.
Bryan	Gore	McCumber	Sterling
Catron	Hardwick	McLean	Swanson
Chilton	Hitchcock	Martine, N. J.	Walsh
Clapp	Hollis	Nelson	Watson
Clark	Johnson, Me.	Newlands	Weeks
Colt	Johnson, S. Dak.	O'Gorman	Works
Culberson	Jones	Pittman	
Curtis	Kern	Pomerene	NEWSCONDENS
Dillingham	La Follette	Ransdell	

The VICE PRESIDENT. On the committee amendment the yeas are 21, the nays are 26, Senators Jones and Fall being in the Chamber paired but not voting. The committee amendment is rejected.

Mr. POINDEXTER. Mr. President, on page—
The VICE PRESIDENT. The committee amendments have not yet been disposed of.

Mr. SMITH of South Carolina. We have one other committee

amendment, and then we will be through.

Mr. POINDEXTER. I understood that this was the last.

The VICE PRESIDENT. The Secretary will state the next amendment passed over.

The Secretary. The next amendment passed over was passed over at the request of the senior Senator from New Hampshire [Mr. Gallinger], on page 16, line 20, where the committee proposes to strike out "\$2,500" and insert "\$2,700" ominitee proposes to strike out "\$2,000" and insert "\$2,000" in the case of "one executive assistant in seed distribution."

Mr. GALLINGER. What page is that, Mr. President?

The Secretary. Page 16, line 20.

Mr. GALLINGER. That is not my amendment.

Mr. SMITH of South Carolina. Mr. President, I should like to state that the committee agreed, when the vote was taken on the first of these increases, that they would not insist on any of the others

Mr. GALLINGER. I suggested that the amendment ought

to be rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

Mr. SMITH of South Carolina. Mr. President, there is one other committee amendment, on page 66, line 8. I will have the Secretary state it. He might also read the explanation which accompanies it.

The Secretary. On page 66, line 8, it is proposed to strike out "\$122,500" and to insert "\$137,500."

The memorandum accompanying the amendment is as follows:

Owing to the continued advance in price, it is urgently essential that additional funds be provided for the purchase of coal during the next fiscal year. The contract price for the current year is \$3.46 per ton, and the annual consumption of the department is about 7,500 tons. The open-market price for bituminous coal in Washington at this time is approximately \$5 per ton higher than the present contract price. The General Supply Committee recently opened bids for 250 tons of bituminous coal for the new building of the Department of Justice. The only bid received, which was rejected, was \$8.75 per ton for runof-mine coal. The District government also recently advertised for bids for 1,000 tons of bituminous coal, and the award was made at the lowest price offered—\$8.90 per ton. The central heating plant of the department supplies not only the majority of the buildings owned and rented in the vicinity of the main building, but also the greenhouses, shops, and stables. In addition, it furnishes electric current for light and for the operation of elevators and a great variety of experimental machinery. If the department is unable to purchase the necessary coal, the power plant, of course, could not be operated. This would mean not only the closing of offices for lack of heat, but the probable destruction of valuable plants in the greenhouses and the loss of experimental work dependent upon electrically driven machinery. In view of these circumstances it is urgent that additional funds be provided to meet a possible advance in the contract price of coal during the next fiscal year.

Mr. SMITH of South Carolina, Mr. President, I think the

Mr. SMITH of South Carolina. Mr. President, I think the Senate will agree that on account of the rise in the price of coal and other kinds of fuel and other things that are needed and have not been contracted for this increase should be allowed, because it is essential to keep these matters in operation.

Mr. FALL. Mr. President, I do not rise for the purpose of objecting; but I should like to ask whether the committee have considered the feasibility of opening up the great coal lands of the West as a method of reducing the price of coal to the users

here in the East?

Mr. SMITH of South Carolina. I will state to the Senator from New Mexico that I will join with him, under the proper form of bill, to bring about any condition that will help lower the cost of the necessities of life.

Mr. FALL. Would the Senator, for the committee, agree to an amendment now instructing the Secretary of the Interior to restore to the public domain, under the coal-land law as it exists now, the withdrawals of 6,000,000 acres of coal lands in the State of New Mexico?

Mr. SMITH of South Carolina. I should be very happy to do that on the proper bill; but this bill happens to deal with the Secretary of Agriculture, and that amendment would not properly apply to its provisions.

Mr. FALL. Then would the Senator agree to an amendment directing the Secretary of Agriculture, who has charge of the forest reserves, to open up the coal lands on the forest reserves

to coal-land entry

Mr. SMITH of South Carolina. Mr. President, as a matter of course, as I have already stated to the Senator, I would do anything that would look toward ultimately lowering the price of the necessities of life.

Mr. FALL. Do I understand that the Senator would accept

an amendment of that character?

Mr. SMITH of South Carolina. It has not been sufficiently considered for me to commit myself to it. I should have to know It has not been sufficiently the merits of it. In the case of the amendment that is pending, its merits are easily seen.

Mr. FALL. Then, Mr. President, may I ask, if the Senator will permit me, that this item may be passed temporarily, so that I may prepare an amendment to-morrow morning covering

the matter?

Mr. SMITH of South Carolina. I will state to the Senator that that really would not avail, because it would be subject to a point of order, being new legislation on this bill.

Mr. FALL. Of course, if any Senator would make the point of order to prevent a reduction in the price of coal to the consumer there is no object in my offering it.

The VICE PRESIDENT. The question is on agreeing to the

amendment

The amendment was agreed to.

Mr. PHELAN. I submit an amendment. Is the acting chairman through with the committee amendments?

Mr. SMITH of South Carolina. There is a correction that

ought to be made.

Mr. SUTHERLAND. Will the Senator from California yield

to me to call attention to a committee amendment?

Mr. PHELAN. If I have the floor I shall yield for that

Mr. SMITH of South Carolina. Before other amendments are offered, this is the very last committee amendment, and it is in the nature of a correction. An addition was made to the bill yesterday to provide for rust and smut in wheat in the western country. That will necessitate, on page 23, line 7, western country. That will necessitate, on page 23, line 7, striking out "20" and inserting "30," so as to make the total conform to the action of the Senate in adopting the amendment. The VICE PRESIDENT. The amendment will be stated. The Secretary. On page 23, line 7, strike out "\$20,000" and insert in lieu "\$30,000."

The amendment was agreed to.
The VICE PRESIDENT. The Senator from California.
Mr. PHELAN. Does the Senator from Utah desire to offer an amendment?

Mr. SUTHERLAND. I wish to inquire about a committee amendment

Mr. PHELAN. If the Senator will permit me, I should like to have my amendment read.

Mr. SUTHERLAND. I supposed it was desirable to dispose of the committee amendments first, and I should like to have one committee amendment reconsidered.

Mr. SMITH of South Carolina. The Senator wishes to make some inquiry in reference to a committee amendment.

Mr. SUTHERLAND. On page 81 of the bill I find inserted by the Senate the following committee amendment:

Hereafter, in the performance of the duties required of the Department of Agriculture by the sections of this act relating to the Bureau of Markets, the Secretary of Agriculture shall have power to administer oaths, subpœna witnesses, and compel the production of books

I do not understand upon what theory we can confer upon an administrative officer of the Government the power to compel the production of books and papers. The only way that it could be compelled of course, if the person from whom the production was sought declined to produce them, would be by a proceeding for contempt. I do not think it has hitherto been doubted that such power could not be conferred upon administrative officers

Mr. SMITH of South Carolina. This was submitted to the committee by a member of the committee on the ground that in the enforcement of the law in order to get the proper in-formation to correct certain evils that were complained of by truck growers, fruit growers, and those who ship agricultural products in that form, and in order to enable them to ex-

peditiously do this, this language should be incorporated in

Mr. SUTHERLAND. Does the Senator from South Carolina think that we can confer upon the Secretary of the Department of Agriculture the power to compel the production of books and

Mr. SMITH of South Carolina. So far as the legal principle involved is concerned, I do not know that it was discussed in the committee at all. It was placed simply on the ground that this would entail a considerable delay and loss of time unless they were empowered to act, and also there was the matter of expense. As to the right of Congress to do it, that is another question entirely.

Mr. SUTHERLAND. Mr. President, I should have no objection to providing that the Secretary could administer oaths; that he might examine witnesses, and that he might request the

production of books and papers.

Mr. SMITH of South Carolina. I accept that amendment, Mr. SUTHERLAND. I certainly would not agree, if I could

help it, to any proposition that will permit—
Mr. SMITH of South Carolina. Will the Senator offer that amendment?

Mr. SUTHERLAND. I do offer it. I move that the vote by

which the amendment was adopted be reconsidered.

Mr. SHAFROTH. Mr. President, it seems to me that the Secretary ought to have the power to call for books. It may be that he ought to cite them before a court for a violation of an order that he might make and have a contempt proceeding, but there ought to be some provision by which the books can be examined. It is said that enormous profits are being made by middle men, and there ought to be an investigation in regard to it. There ought to be not only power to administer oaths but there ought to be some power lodged somewhere to compel the production of books or else the investigation will be of no

Mr. SUTHERLAND. It will be a perfectly simple proposi-tion. We can authorize the Secretary of Agriculture to examine witnesses and request the production of books and papers. Then we can authorize, if we desire to do so, the Secretary of Agriculture to apply to the court to compel the production, but we can not authorize him to compel the production. I suggest that amendment. I offer it for the purpose of letting the matter go into conference where it can be arranged.

Mr. SMITH of Georgia. I wish to suggest to the Senator from Utal that to "call" for the production of books is better than to "request" the production of books.

Mr. SUTHERLAND. I have no objection to that.

The VICE PRESIDENT. The vote whereby the amendment of the committee was agreed to is, without objection, reconsidered; and the Senator from Utah offers an amendment to the amendment.

The Secretary. In line 10, before the word "witness," strike out "subpena" and insert the word "examine," and, in line 11, strike out the word "compel" and insert the words "call for," so that it will read:

The Secretary of Agriculture shall have power to administer oaths, examine witnesses, and call for the production of books and papers.

Mr. SUTHERLAND. I have no objection to it in that form.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PHELAN. I ask that my amendment be read. The Secretary. On page 82, after line 11, insert the follow-

For the purchase, preparation, and irrigation of not to exceed 150 acres of land at Chico. Butte County, Cal., the same to be an additional to the existing 80 acres now used as a plant-introduction field station, \$35,000.

Mr. PHELAN. That is a recommendation of the department and has been estimated for. I believe it is not objectionable to the chairman of the committee. If there is any question about it, I am prepared to answer any question that may be raised.

Mr. SMOOT. Did I understand the Senator to say that it was estimated for?

Mr. PHELAN. It was estimated for by the Secretary of Agriculture.

Mr. SMITH of South Carolina. And recommended by the department.

Mr. SMOOT. It was before the committee and the committee refused to put it on the bill?

Mr. PHELAN. I may say it was not heard before the committee.

Mr. SMITH of South Carolina. The Senator from California did not appear before the committee. The committee had the estimate and it was recommended by the department.

Mr. SMOOT. The House had the estimate also and considered it. I do not see why it ought to go in.

The VICE PRESIDENT. The question is on agreeing to the amendment.

On a division, the amendment was agreed to.

Mr. POMERENE. I send to the desk the following amendment to be inserted on page 68, after line 8.

The Secretary. On page 68, after line 8, insert:

The SECRETARY. On page 08, after line 8, insert:

To enable the Secretary of Agriculture to establish and maintain horticultural experimental stations in the Mississippi Valley to be located in the principal grape-growing States of Missouri and Ohlo, including the erection of buildings, the preparation, illustration, and distribution of reports and bulletins, and all other necessary expenses, \$30,000, as follows: Missouri, \$15,000; Ohio, \$15,000; and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the horticultural experimental stations in Missouri and Ohio.

Mr. SMOOT. May I ask whether this was estimated for?

Mr. SMITH of South Carolina. It was not.

Mr. SMOOT. And it was not reported by a standing com-

Mr. SMITH of South Carolina. That is true.

Mr. SMOOT. Then, Mr. President, I make a point of order

Mr. POMERENE. Mr. President, just a word. There are now 17 of these stations in California. There is one in New Jersey. I understand that the Secretary of Agriculture, because of the present financial conditions, did not feel like recommending the expenditure at this time. This has become a pretty serious proposition in these grape-growing States, and I feel that the amendment ought to be inserted in the bill. I hope the Senator from Utah will not insist on his point of order.

Mr. STONE. Mr. President, the amendment the Senator from Ohio proposes was offered in the Senate and referred to the committee. For some unexplained, I think unexplainable, rea-

son the committee did not act upon it.

Mr. SMITH of South Carolina. If the Senator from Missouri will allow me, the committee referred it to the Department of Of course, they had to have more or less dependence on the department and the statement of the department I have before me. The committee was governed largely by the statement of the department. The Secretary of Agriculture wrote as follows:

DEPARTMENT OF AGRICULTURE, Washington, January 29, 1917.

Hon. T. P. Gore, Chairman Committee on Agriculture and Farestry, United States Senate.

Dear Senator Gore: Receipt is acknowledged of Mr. Thompson's letters of January 26, 1917, requesting a report on the amendments proposed by Senators Stone and Pomerene to the Agricultural appropriation bill providing \$50,000 for establishing and maintaining horticultural experiment stations in the principal grape-growing States of Missouri, Ohio, Arkansas, and Michigan. The amendment proposed by Senator Pomerene authorizes the sale of such products as are obtained on the land of the proposed stations, but otherwise the two amendments are identical.

The work contemplated by the two amendments does not seem to me.

are identical.

The work contemplated by the two amendments does not seem to me to present an emergency and, in view of the present financial situation and of the large deficit which must be met, I do not feel justified in recommending that an appropriation be made for the purpose at this

Very truly, yours,

D. F. HOUSTON, Secretary.

Mr. STONE. They have these stations in California and in other States

Mr. POMERENE. There are 17 of these stations in Cali-

Seventeen of them, and none in these four States, all of which are large producers of grapes. If they are important in the States where they are located, they are equally important in these States. Why this discrimination should be indulged in by the honorable committee or by the Secretary of Agriculture I am unable to divine. If the amendment is subject to a point of order, I suppose we shall have to bear the burden of our ills. The Senator from Utah who makes the point of order was offering an amendment on the floor of the Senate for some thousands of dollars to find out what was the matter with ducks out in Utah. None of us made any effort to defeat him in his laudable ambition to take care of those winged fruits of the land. I do not see why he should undertake to deprive us at least of an opportunity of testing the sense of the Senate as to whether Michigan, Ohio, Missouri, and Arkansas should be treated upon terms of equality with other States in like cases.

Mr. SMOOT. The statement of the Secretary of Agriculture

has just been read.

Mr. STONE. On account of the deficit is the chief reason, the

only one; he urges the lack of money.

Mr. SMOOT. There is quite a different situation existing with this item than there was with the amendment I offered a

year ago proposing to appropriate \$5,000 to investigate the diseases of wild ducks. This appropriation will grow every year. However, if the acting chairman desires to insert this amendment, I will withdraw the point of order.

Mr. SMITH of South Carolina. I really felt, after I heard the facts, that perhaps when the conferees of the two Houses meet justice may be done. If the Senator will agree to it, I will accept the amendment as far as I am concerned and let the

merits of it come before the conference committee.

Mr. TOWNSEND. May I ask the Senator a question?
Mr. STONE. Just a moment. I have not given up the floor.

Mr. TOWNSEND. All right.

Mr. STONE. I wanted to say that if the scarcity of money is the trouble in the way we could lessen the deficit by abolishing all these stations and by that means put all the States on equal terms. Now, we do not want to do that.

Mr. SMITH of Michigan. You could bond the Government.

Mr. STONE. Yes; we could do a lot of things.
Mr. TOWNSEND. The amendment offered by the Senator from Ohio provides for \$30,000—\$15,000 for Ohio and \$15,000 for Missouri—whereas the letter from the Department of Agriculture applied to all four States on the basis of \$50,000, an expenditure of \$15,000 for Ohio, \$15,000 for Missouri, and \$10,000 each for Arkansas and Michigan. If you are going to send it into conference it seems to me we ought to pass the proposition in accordance with the recommendation of the department.

Mr. POMERENE. The amendment I originally presented provided for \$50,000—\$15,000 to Ohio, \$10,000 to Michigan, \$15,-000 to Missouri, and \$10,000 to Arkansas. Because of the objection made by the department, after a conference with some of the Senators who were interested in the matter-and I intended to speak with the Senator from Michigan on the subject-I thought it might be well to change the appropriation to the form in which I have presented the amendment, for the reason that climatic and soil conditions in Michigan and Ohio are substantially the same as those in Missouri and Arkansas. I have no objection to the appropriation as originally contemplated, but that was my reason and the only reason I had.

Mr. WADSWORTH. Let the amendment be read.

The VICE PRESIDENT. Is the point of order withdrawn or

is it not?

Mr. SMOOT. I withdraw the point of order I made against it. Mr. OLIVER. I renew the point of order.

The VICE PRESIDENT. The Chair recognizes that if the point of order is made the amendment has to go out.

Mr. SHAFROTH. I desire to offer an amendment.

The VICE PRESIDENT. The amendment will be stated. The Secretary. On page 68, line 12, after the word "Porto Rican," strike out "\$40,000" and insert "\$50,000" and the following language:

Of which sum \$10,000, or so much as is necessary, may be expended for the maintenance of a substation for experiments on the introduction and growth of tropical and other vegetables, fruits and fruit trees, and the packing and shipping of their products, in the event that the government of Porto Rico, either by itself or through individuals or organizations, provides for the station a tract of land of not less than 50 acres of suitable land, together with buildings acceptable to the Secretary of Agriculture.

Mr. SHAFROTH. Mr. President, in relation to that amendment I desire to say that there are many Americans who have gone to Porto Rico, who are developing a fruit industry there. The experiment station to be established has been estimated for by the department, and they recommend this addition of \$10,000; but it is made a condition that the people there should donate 50 acres of land and suitable buildings to be placed on it.

It seems to me wise for the Government to do this, inasmuch as it gets such a large donation from individual citizens who are very much interested in the project. A year or so ago I had a separate bill before the Senate providing for the same thing, but I could not get it through in that form.

Mr. TOWNSEND. I notice, in reading the Senator's amendment, that not only \$10,000 but the whole \$50,000, under the wording of the amendment, might be used for the purpose

Mr. SHAFROTH. No; the amendment proposes to strike out the figures "\$40,000" and to insert in lieu thereof "\$50,000," so as to provide for this additional sum, which will be used for

so as to provide for this additional sum, which will be used for nothing else than the purpose indicated.

Mr. TOWNSEND. That is, it provides for the appropriation of \$10,000 or "so much as may be necessary." It does not say "so much thereof as may be necessary" of the \$10,000.

Mr. SHAFROTH. Well, I will ask that the word "thereof" be inserted, so that it will read "so much thereof as may be necessary." necessary."

The PRESIDING OFFICER. Without objection, the amendment will be so modified. The question now is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. SHAFROTH. Mr. President, I have another amendment of the same character relating to Hawaii. There is a recommendation of the department that \$50,000, instead of \$40,000, which has been estimated for, should be appropriated; and the same conditions prevail there, except there is already a change there. The amendment provides an additional amount, with a provision that the additional sum shall be used for agricultural extension work in Hawaii. I will ask the Secretary to read the amendment.

The VICE PRESIDENT. The Secretary will state the

amendment.

The SECRETARY. On page 68, in line 12, after the word "Hawaii," it is proposed to strike out "\$40,000" and to insert "\$50,000."

Mr. STONE. Mr. President, I should like to ask the Senator from Colorado if he is a member of the Committee on Agricul-

Mr. SHAFROTH. Yes; I am a member of the Committee on Agriculture.

Mr. STONE. And the Committee on Agriculture recommended an appropriation of \$40,000?

Mr. SHAFROTH. They approved the item of \$40,000 when it came from the House, but since then the Secretary of Agriculture has recommended both in the case of the Porto Rican item and the Hawaiian item an increase of \$10,000.

Mr. SMITH of South Carolina. That is in view of the donation to the Government of certain lands and buildings to carry

out the purpose.

Mr. SHAFROTH. That was provided as to Porto Rico, and that amendment has been adopted. The amendment I now offer relates to Hawaii.

Mr. WADSWORTH. Mr. President, I notice that there are about 18 Senators present. Apparently it is the disposition of a goodly number of the 18 who are present to offer amendments increasing the sums carried by this bill. As one member of the committee, I must protest against this situation. I am not criticizing the individual Senators who offer amendments to increase appropriations, but I think it is due to the Senate as a legislative body that it should know something about the constant increases that are being put upon the bill after the Senate has adopted the committee amendments and after the Committee on Agriculture has had an opportunity to perform, and I assume has performed, its functions.

Mr. SHAFROTH. I will state to the Senator-Mr. WADSWORTH. Just a moment.

Mr. SHAFROTH. I have not the slightest interest in this amendment, except for the fact that I am also a member of the Committee on Pacific Islands and Porto Rico, and feel by reason of that fact that there ought to be some interest manifested in behalf of the people of Porto Rico and Hawaii, who have no representatives on this floor. Consequently I have deemed it proper to offer the amendment. I am perfectly willing that the Senator should be heard before the conferees, and if this amendment is not wise I do not want it adopted any more than he does. I have no interest in the matter and I do not know a single man who is going to be benefited by it.

Mr. FALL. Mr. President, it is becoming a custom to legiste by conferees. There are a good many things here that I late by conferees. should like to have heard discussed with reference to this bill, for it seems to be the intention to try to put it through now with all these amendments without any discussion of any character that could be called a discussion at all. I think I am going to be compelled, sir, to-

Mr. SMITH of South Carolina. Before the Senator does

that

Mr. SHAFROTH. Mr. President, I will withdraw the amendment if the Senator is going to call for a quorum. I would rather withdraw the amendment than to see the Agricultural bill defeated.

Mr. FALL. I do not want to defeat the Agricultural bill, either, but I think the Senate would be attending strictly to its business if it were to adjourn over until to-morrow, and we had a quorum here then to consider this bill.

Mr. SMITH of South Carolina. Mr. President, I want it distinctly understood that there is no effort whatever to rush anything through. The only reason I asked that we might go on with the consideration of this measure was to make an effort legitimately to conserve time.

Mr. FALL. But one amendment after another is being offered by Members after the committee itself has had its amendments all considered.

Mr. SMITH of South Carolina. So far as that is concerned, the Senator has no right to shut off any of the amendments that as chairman of the committee, offer.

Mr. FALL. I have no right to shut off anything, and I have

no desire to shut off anything.

Mr. SMITH of South Carolina. I am endeavoring to facilitate the passage of the measure. Senators who have offered amendments to the bill, of course, think they are meritorious, but the Senators present can take what action they see fit in reference to them.

Mr. WADSWORTH. The Senator will admit that these amendments were not presented before the Agriculture Com-

Mr. SMITH of South Carolina. I will admit that; but they have come here just as other amendments have come that have been offered upon the floor of the Senate which have not been

submitted to the committee.

There is an attempt to get the bill through, and Mr. FALL. I have no desire to stand in the way of the passage of the bill and getting it out of the way, so that other legitimate business may be brought before the Senate; but I do not like to be appealed to just at the very last moment, when we are working to try to pass this bill, to consider the amendments that come in now, offered by members of the committee one after another, each one increasing an appropriation when we can not have any proper discussion of them.

Mr. SHAFROTH. I will withdraw the Hawaiian amend-

ment if the Senator will not call for a quorum.

Mr. KENYON. Mr. President, there are other amendments to be offered, and I appeal to the Senator from South Carolina, as we have had a long and strenuous day and I think this bill can be finished in half an hour to-morrow, that he consent to an adjournment.

Mr. SMITH of South Carolina. I will suggest to the Senator that I am not attempting to carry anything through. I have seen an amendment that the Senator has to propose, and one other amendment which is also to be proposed, and I think the merits of both, as I have seen them, would make them appeal to most Senators who are here so that perhaps they would not need to be discussed at any length.

Mr. KENYON. They would not appeal to very many Sen-

ators at this hour.

Mr. SMITH of South Carolina. I think the merits of those amendments will appeal to Senators.

Mr. KENYON. I think the amendment I intend to propose

will be adopted, but I think it will require discussion.

Mr. FALL. It undoubtedly will. Here is a pending amendment as to which I have received 100 telegrams from county agents, agricultural colleges, and others in my State, and I know that the Senate has been flooded with telegrams in refer-

ence to the proposed amendment to be added to this bill. Mr. SMITH of South Carolina. I think the amendment the Senator proposes is of such a character that not a single member of the committee will object to it. It is of such a nature that I think the mere reading of it will commend it to every Member of the Senate.

Mr. FALL. Yes; but there is being an enormous pressure brought to bear upon Senators here to have them reject that amendment

Mr. KENYON. And there are not over 18 Senators here now to consider it. Mr. SMITH of South Carolina. I think that amendment will

be incorporated in the bill, because it is, after all, the very provision that we incorporated in the bill in 1914, and which had

been in the bill every year since 1906.

Mr. FALL. The acting chairman of the committee will admit that it must be explained; it must be discussed to some extent; it can not be simply accepted, adopted, and incorporated in this bill. I want to ask some questions about it myself, although I am in favor of the amendment; but I want to bring out the truth of the matter in such form that the people who are protesting against the adoption of the amendment can understand the reasons for it.

Mr. MYERS. Mr. President, if the Senator will yield to me a moment, if the amendment to which Senators are speaking is going to take a long time, I ask them to let me offer a couple

of amendments which will only take a minute or two.

Mr. FALL. I move that the Senate adjourn. The motion was agreed to; and (at 6 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 8, 1917, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 7, 1917.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

O Thou Eternal One, to whom we are indebted for life and all its attendant blessings, help us to realize how great is the responsibility resting upon us as free moral agents in the use of the faculties bestowed upon us. If we are at all self-centered, touched by the poison of vanity, remove that and give us wisdom, that we may apply our knowledge unto righteousness, truth, and justice; and in all humility freely accord unto others what we may reasonably claim for ourselves in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and ap-

proved.

AVIATION FIELD.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to insert in the Record a letter and telegram from the Chamber of Commerce of Casey, Ill., which is in the center of the Illinois oil field. I shall refer the letter to the War Department, but I

wish to insert the letter and the telegram in the Record.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the Record. Is there

objection?

There was no objection?

CIVIC TRAINING IN THE BUREAU OF EDUCATION.

Mr. NOLAN. Mr. Speaker, I ask unanimous consent to print in the RECORD an article having reference to a bill which I introduced (H. R. 8485) for civic training in the Bureau of

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

CONFERENCE REPORT (NO. 1443).

Mr. SHERLEY. Mr. Speaker, I present a conference report on the fortifications bill, H. R. 20453, and I ask unanimous consent that the same may be considered without being printed under the rule.

The SPEAKER. The gentleman from Kentucky presents a conference report on the fortifications appropriation bill and asks unanimous consent that it be considered without being printed under the rule. Is there objection?

Mr. MANN. Reserving the right to object, let the report be

The SPEAKER. The Clerk will read the report.

The report was read, as follows:

CONFERENCE REPORT (NO. 1443).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20453) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

ment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "or, where such matériel is not or has not been manufactured by the Government, at a price in excess of 25 per cent more than the estimated cost of manufactured by the Government, and price in excess of 25 per cent more than the estimated cost of manufactured by the Government in the context of facture by the Government: Provided, That whenever in the opinion of the President the situation is such as to justify such action he may waive the limitations contained in this section";

and the Senate agree to the same. SWAGAR SHERLEY, GEORGE RAUCH, FREDERICK H. GILLETT, Managers on the part of the House. N. P. BRYAN, OSCAR W. UNDERWOOD, Managers on the part of the Senate.

tain space for housing its drafting force, and to that the House agreed.

The second amendment was one changing the language of a provision in the bill as to the price that should be paid for matériel purchased from private manufacturers. Under the House provision this materiel could not be purchased at a price in excess of 25 per cent of the arsenal prices, unless in the opinion of the President an emergency exists affecting the general welfare of the United States. The House agreed to the amendment of the Senate with an amendment changing the proviso so as to permit the waiving of the requirement whenever in the judgment of the President it should be done. It was believed that the President ought not to be required to certify that an emergency affecting the general welfare exists, but that his

freedom should be greater.

The third amendment was by the Senate, undertaking to modify the requirement that the arsenal should be worked at a maximum economic capacity and providing that it should only be worked at one full shift a day. The Senate receded from its

amendment.

The SPEAKER. Is there objection to the consideration of the conference report without being printed under the rule? There was no objection.

The conference report was agreed to.

BRIDGE BILLS.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent to set a hearing for the consideration of some bridge bills. There are seven or eight bridge bills that have not been reached on unanimous-consent days, and the friends of those bills are pressing the Speaker for recognition. I ask unanimous consent that they be considered to-morrow morning after the reading of the ournal. It will not take 10 minutes to dispose of them.

The SPEAKER. The gentleman from Georgia asks unani-Journal.

mous consent that seven or eight bridge bills may be considered to-morrow morning after the reading of the Journal. Is there

objection?

Mr. MANN. I suggest to the gentleman from Georgia that he make his request that unobjected bridge bills be considered, so that we can not possibly get into a position where we will have a long debate.

Mr. ADAMSON. Of course, Mr. Speaker, I understood and intended to mean that it should be only those bridge bills which

are unobjected to.

The SPEAKER. The gentleman modifies his request and makes it apply to bills unobjected to. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, would like to ask the gentleman from Georgia if any of these bills are for a bridge across the Hudson River?

Mr. ADAMSON. I think one of them is.

Mr. MOORE of Pennsylvania. I should have to object.

The SPEAKER. That bill would not be taken up under this

Mr. ADAMSON. Mr. Speaker, I suggest that when each bill

called any Member may object.

The SPEAKER. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none, and it is so ordered.

EMPLOYMENT OF WOMEN IN THE CIVIL SERVICE.

Mr. KEATING. Mr. Speaker, I move to discharge the Committee on Reform in the Civil Service from further consideration of House resolution 475, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 475.

House resolution 475.

Resolved, That the President of the United States furnish the House with the following information:

In making appointments, transfers, promotions, demotions, and removals in clerical and other positions in the various executive branches of the Federal civil service, to what extent is sex a factor in the selections and decisions?

In what branches of the service, if any, during the year ending December 31, 1916, did the appointing officials specify sex when asking for certifications? Which sex was specified and in respect to what positions was this specification made? In what branches and what instances was sex not specified?

Are there any positions in any branch of the service to which women who have passed the prescribed examinations would not be appointed or promoted. If so, what branches and what positions?

Are there any pranches of the service in which officials fix limitations as to the salary grades or positions to which women may be promoted? If so, what branches and what positions?

Are any civil-service examinations open to men only? If so, what and how many examinations during the year ending December 31, 1916, were so restricted? What, if any, examinations were open to women only? What, and how many, examinations were open to both men and women?

The SPEAKER. The question is on the motion of the gen-

Mr. SHERLEY. Mr. Speaker, the Senate amended the bill in only three particulars. The first amendment was to authorize the Ordnance Department to enter into a five-year lease for certain the Civil Service from further consideration of this resolution.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield? Mr. KEATING. Yes.

Mr. STAFFORD. May I inquire why the gentleman seeks this information from the President and not from the Civil Service Commission, which is the body that might have the

Mr. KEATING. First of all, the President is the head of all the executive departments, as the gentleman knows. In the next place, the Civil Service Commission would not be prepared to answer all of the questions propounded in the resolution.

Mr. MANN. And in the third place, it would not be a privi-leged resolution if it asked the Civil Service Commission for

the information.

Mr. KEATING. That is true. It has been so ruled.

Mr. STAFFORD. It might not be a privileged resolution, but the question that is uppermost in my mind is whether we ought to cumber the President with a request to obtain information that could be obtained from the Civil Service Commission.

Mr. KEATING. I would suggest to the gentleman that the President will probably refer the matter to the head of the

department.

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry. The SPEAKER. The gentleman will state it.

I make the inquiry with a thought to object-Mr. BURNETT. ing. Is this a privileged resolution on Calendar Wednesday?

The SPEAKER. The Chair thinks that the gentleman raises the point too late. The question is on the motion of the gentleman from Colorado to discharge the Committee on Reform in the Civil Service from further consideration of the resolution.

The motion was agreed to.

The SPEAKER. The question now is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. Stafford) there were—ayes 52, noes 45.

So the resolution was agreed to.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the resolution may be modified, so that instead of reading-

Resolved, That the President of the United States furnish the House with the following information—

It will read-

Resolved, That the President of the United States be requested to furnish the House with the following information.

The SPEAKER. Without objection, the resolution will be so modified.

There was no objection.

On motion of Mr. Keating, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20453) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had passed with-

out amendment the bill (H. R. 15314) to punish persons who make threats against the President of the United States.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7380. An act for the construction of Coast Guard cutters; S. 7381. An act to provide adequate subsistence for the war-rant officers and enlisted men of the Coast Guard;

S. 4716. An act granting pensions to certain members of the former Life-Saving Service

S. 7320. An act adding certain lands in Wyoming to the Ashley and Wasatch National Forests;

S. 6854. An act to repeal the last proviso of section 4 of an act to establish the Rocky Mountain National Park in the State of Colorado, and for other purposes, approved January 26, 1915; S. 747. An act for the relief of Wilbur F. Lawton;

S. 7757. An act authorizing a further extension of time to purchasers of land in the former Cheyenne and Arapahoe Indian

Reservation, Okla., within which to make payment; S. 6251. An act for the relief of John F. Kelly;

S. 7833. An act authorizing the Chippewa Indians in the State of Minnesota to submit claims to the Court of Claims:

S. 5768. An act for the relief of Frank Carpenter; S. 3507. An act for the relief of Elizabeth Marsh Watkins;

S. 2749. An act for the relief of George L. Thomas;

S. 7758. An act conferring jurisdiction upon the Court of Claims to hear, consider, and determine certain claims of the Cherokee Nation against the United States;

S. 6654. An act to validate a patent to certain lands heretofore issued to the State of Florida; to allow the said State to claim

certain other lands, and for other purposes;
S. 1174. An act granting to the State of Iowa all the right, title, and interest of the United States in and to the land within the meander lines, as originally surveyed, of the lakes within said State;

S. 5362. An act to authorize the Secretary of the Interior to issue patents for certain lands in the State of Utah to Cyrena E.

S. 6943. An act for the relief of Frederick Tessman; S. 7894. An act to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the States of

Montana and Wyoming; S. 7713. An act granting to the city and county of San Francisco, State of California, a right of way for a storm-water relief sewer through a portion of the Presidio of San Francisco

Miltary Reservation;

S. 7433. An act for the relief of Winfield S. Solomon;

S. 7598. An act for the relief of John H. Kidd;

S. 6430. An act directing the reexamination of the accounts of

the late Peter G. S. Ten Broeck; and S. 6595. An act to reimburse William Blair for losses and damages sustained by him by the negligent dipping of his cattle by the Bureau of Animal Industry, Department of Agriculture.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 11685. An act for the relief of Ivy L. Merrill; H. R. 7763. An act for the relief of Stephen J. Simpson; H. R. 6732. An act for the relief of Joseph A. Jennings;

H. R. 11288. An act for the relief of S. S. Yoder;

H. R. 13831. An act to amend section 4464 of the Revised Statutes of the United States, relating to number of passengers to be stated in certificates of inspection of passenger vessels, and section 4465 of the Revised Statutes of the United States, prescribing penalty for carrying excessive number of passengers on passenger vessels, and section 4466 of the Revised Statutes of the United States, relating to special permits for excursions on passenger steamers; and

H. R. 1600. An act for the relief of S. L. Burgard.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5395. An act to repeal sections 2588, 2589, and 2590 of the Revised Statutes of the United States; to the Committee on

Merchant Marine and Fisheries.

EXTENSION OF REMARKS.

Mr. MILLER of Delaware. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record in connection with some resolutions adopted by the General Assembly of Delaware.

The SPEAKER. The gentleman from Delaware asks unanimous consent to extend his remarks in the Record in the manner

indicated. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think it fair to call to the attention of Members of Congress a bill that was passed last evening by the Senate in reference to printing in the Record. It may be desirable to have it considered at this session of Congress. I think Members ought to look it up. My impression is that the bill stops all of this leave to print in the RECORD except extension of one's own remarks. I do not object to this.

The SPEAKER. Is there objection to the request of the gentleman from Delaware? [After a pause.] The Chair hears

CALENDAR WEDNESDAY-DIVERSION OF WATER OF THE NIAGARA RIVER.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the Niagara Falls hydroelectric power bill The House will automatically resolve itself into the Committee of the Whole House on the state of the Union.

Mr. HUDDLESTON. Mr. Speaker, before that is done I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Alabama makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and sixty-five Members present, not a quorum.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Edwards Estopinal Farley Fitzgerald Flynn Gandy Garrett Graham Green, Iowa Gregg Jones Kent Key, Ohio Kreider Lehlbach Lenroot Anthony Barchfeld Randall Riordan Beakes Beales Benedict Bennet Rowland Rowland Rucker, Ga. Scott, Pa. Scully Siegel Sparkman Steele, Iowa Swift Tinkham Van Dyke Vare Bennet Campbell Cantrill Carew Chandler, N. Y. Lenroot
Lewis
Lieb
Liebel
Loft
McCracken
McKellar
Mooney
Morin
Nelson Gregg Chandler, N.
Coady
Costello
Cullop
Davenport
Davis, Minn.
Driscoll
Dunn
Dver Hart Hart McCrac
Hayes McKell
Heflin Mooney
Helm Morin
Henry Nelson
Hill Patten
Hinds Porter
Howell Johnson, S. Dak. Vare Wason Whaley Wise Woodyard Dyer Edmonds

The SPEAKER. On this roll call 350 Members, a quorum, have answered to their names.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further

proceedings under the call.

The SPEAKER. The gentleman from North Carolina moves that further proceedings under the call be dispensed with. The question was taken, and the motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors.

CHANGE OF REFERENCE.

Mr. McLAUGHLIN. Mr. Speaker—
The SPEAKER. For what purpose does the gentleman rise?
Mr. McLAUGHLIN. To ask unanimous consent for a change of reference of a Senate bill.

The SPEAKER. What bill is it?
Mr. McLAUGHLIN. Senate bill 739, for the relief of James F. Cole. It is a bill to remove a charge of desertion, which was passed by the Senate, and when it came to the House it was referred to the Committee on the Public Lands. I wish to ask to have it referred to the Committee on Military Affairs.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DIVERSION OF WATER OF THE NIAGARA RIVER.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20047, and the gentleman from Missouri [Mr. Alexander] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20047, with Mr. Alexander in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20047, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20047) for the control and regulation of the waters of Niagara River above the Falls, and for other purposes.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

Pending amendment by Mr. DEMPSEY: Page 2, line 2, strike out the word "revocable" before the word "permits," and, after the word "permits," insert the words "revocable for cause as hereinafter provided or for any national need or exigency."

Amendment offered to the amendment by Mr. Sherley: Amend the amendment by striking out all of the language of the amendment except that which strikes out the word "revocable," in page 2, line 2.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. Sherley].

Mr. DEMPSEY. Mr. Chairman, I desire to withdraw the amendment

The CHAIRMAN. The gentleman from New York desires to withdraw the amendment.

Mr. HUDDLESTON. Mr. Chairman, I object. Mr. MANN. It can only be done by unanimous consent.

The CHAIRMAN. Is there objection?
Mr. HUDDLESTON. Mr. Chairman, I object.
Mr. FLOOD. Mr. Chairman, I ask just a few moments to explain the reason why this amendment ought to be withdrawn or ought to be voted down.

The CHAIRMAN. The time on both amendments has been

Mr. FLOOD. Mr. Chairman, I ask unanimous consent I may proceed just for a few minutes.

Mr. MANN. Mr. Chairman, is debate exhausted by order of the committee?

The CHAIRMAN. The Chair thinks not; that is his recollection. The gentleman from Virginia asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.]

The Chair hears none.

Mr. FLOOD. Mr. Chairman, this amendment proposes to change this provision of the bill:

That the Secretary of War is hereby authorized to grant revocable permits for the diversion of water for power purposes from said Niagara River above the Falls.

The purpose of the amendment was to strike out the word "revocable" and authorize the Secretary of War to grant permits which were not revocable; thereby turning this immensely valuable water power over to the water-power companies for 50 years. There have never been any permits granted by the Secretary of War for the use of this water except revocable permits. This bill provides that they shall be revocable at will under the following conditions:

Provided further, Whenever it shall appear to the Secretary of War that the diversion of water herein authorized in connection with the amount of water diverted on the Canadian side of the river interferes with the navigable capacity of said river, or its proper volume as a boundary stream, or its sufficiency as a means of national defense, he may revoke any permit.

For these reasons the Secretary of War is authorized by this bill to revoke the permits at will and without assigning any bill to revoke the permits at will and without assigning any cause and without notice to the permittee. Now, it is perfectly apparent to every Member of the House that if the Secretary of War could not revoke permits for these causes at will, that the Secretary of War would not grant any permits to take this water. There is an additional ground upon which the Secretary of War can revoke these permits.

Mr. SMITH of Minnesota. Mr. FLOOD. I will yield. Will the gentleman yield?

Mr. SMITH of Minnesota. What is the connection between the word "revocable" in section 2 and section 4 which authorizes the Secretary of War to revoke these permits when certain conditions are not complied with?

Mr. FLOOD. That is for cause and that is because the permittee has violated this law or violated the regulations laid down by the Secretary of War for the use of this water.

Mr. SMITH of Minnesota. Is it the gentleman's understand-

ing that section 2 is broader than section 4?

Mr. FLOOD. My understanding is if the permittee violates the law or violates the regulations of the Secretary of War which permits him to take this water, that he can be fined or imprisoned, or fined and imprisoned, and the Secretary of War may revoke his permit, and it is for cause stated in this law:

That if any permittee shall at any time fail or refuse, after receiving reasonable notice thereof, to comply with any of the provisions of this act or any lawful order or regulation made by the Secretary of War and the Chief of Engineers in accordance with the provisions of this act, the Secretary of War may, in addition to said penalties, revoke said permit, and thereupon all rights under said permit shall cease and determine.

That is a part of the punishment under this act, and the permittee has notice and he has an opportunity to defend himself against the charge of having violated the law or violated the regulations.

Mr. SMITH of Minnesota. Well, then, in section 2, line 2, the word "revocable" does not mean anything, does it?

Mr. FLOOD. Yes; it does.

Mr. SMITH of Minnesota. How much more does it mean

than the language of section 4?

Mr. FLOOD. It means at the will of the Secretary of War, if he is satisfied himself that the navigability of the Niagara River is being affected by the diversion of this water, or it is being injured as a boundary line, or its capacity for national defense is being affected, he can revoke the permit or permits.

Mr. SMITH of Minnesota. If the Government wants to take it over, he can revoke it without regard to section 4 at all? That is, if the Government wants to use this power for its own

purpose? Mr. FLOOD. Not unless the Secretary of War is satisfied

that one of these conditions has occurred.

The CHAIRMAN. The time of the gentleman has expired. Mr. SMITH of Minnesota. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.]

Chair hears none.

Mr. SMITH of Minnesota. Probably the gentleman does not understand the information I am trying to get. Section 4 is the section of the bill that provides that when certain provisions of the bill are violated the Secretary of War can do certain things by way of correction,
Mr. FLOOD. Section 4 imposes penalty on the permittee for

violation of the law.

Mr. SMITH of Minnesota. Not necessarily a penalty, but he can require the company to comply with his orders

Mr. FLOOD. As a penalty for the violation of this statute. Mr. SMITH of Minnesota. That is one condition under which this permit can be revoked?

Mr. FLOOD. That is for cause.

Mr. SMITH of Minnesota. Specified in here?

Mr. FLOOD. Yes.

Mr. SMITH of Minnesota. Now, how much broader is the language we find in section 2 that these permits are to be revocable? How much broader is that than section 4, if any?

Mr. FLOOD. The language in section 2 refers to the language on page 9, line 4, and prescribes when the Secretary of War can at will revoke these permits; that is, when the navigability of the stream is affected, when its use for national defense is affected, when its volume as a boundary stream is affected, and when the scenic beauty is seriously impaired.

Mr. HUDDLESTON. Does the gentleman hold that a permit

can not be revoked by the Secretary of War at his discretion?

Mr. FLOOD. For those causes he can.

Mr. HUDDLESTON. That is for cause, but can it be revoked

without cause?

Mr. FLOOD. Oh, the Secretary of War in his discretion, absolutely, if he thinks the navigability of the stream is affected-

Mr. HUDDLESTON. Suppose the National Government has occasion for this water for itself, could the permit be revoked?

Mr. FLOOD, No.

Mr. HUDDLESTON. Does the gentleman think we should grant this power away for 50 years, irrevocable, except for cause? Does the gentleman think this Government ought to put itself in that position?

Mr. FLOOD. I say that he could not revoke it at his will. He would have to assign cause.

Mr. HUDDLESTON. Is that sufficient cause shown in the bill anywhere?

Mr. FLOOD. We are discussing the revocable permit now. Mr. HUDDLESTON. That is what I am asking now. want to find out the ground on which it can be revoked, and I want to find out whether if an emergency should arise and the National Government should decide to take over these works for any cause on any of the grounds mentioned that forfeits the permit, we would have the power to do it. The gentleman has answered me he does not think we could do it, and now I am asking him if we should grant away this power for 50 years without an opportunity to recapture it?

Mr. FLOOD. There is already a law covering the suggestion made by the gentleman, and we propose to provide for recapture. For certain reasons the Secretary of War can revoke the

Mr. HUDDLESTON. What does the gentleman mean by "at will"?

Mr. FLOOD. For the causes specified in the bill. He does not have to give an opportunity to the permittee to be heard. The causes for which he may revoke this permit are laid down

Mr. HUDDLESTON. And the Secretary of War would have no power to revoke this permit in order to take over these works to manufacture nitrates for Government use?

Mr. FLOOD. That is a matter not of discretion, but he

would have to revoke for cause.

Mr. HUDDLESTON. That is not specified.

Mr. FLOOD. That is not specified.
Mr. HUDDLESTON. Then he could not do that?

Mr. FLOOD. Not under that section.

Mr. HUDDLESTON. But under any section?

Mr. FLOOD. Yes; he can. Mr. HUDDLESTON. Under what section?

Mr. FLOOD. The section we will insert before the bill is passed.

Mr. HUDDLESTON. If he simply passes out of the game. Mr. FLOOD. I am not saying that. And the gentleman is aware that we are to offer amendments to the bill. He has amendments himself, and that question is not very germane to the discussion of whether or not we should authorize the Secretary of War to grant a revocable permit.

Mr. HUDDLESTON. Will the gentleman permit me to say that I have no knowledge of any amendments that he desires

to offer to the bill?

Mr. FLOOD. We have some.
Mr. HUDDLESTON. I wanted to find out what they were,

so that we could act intelligently on this proposition.

Mr. FLOOD. The question before the House now is the question of a revocable permit and whether it is fair to the permittees that the Secretary of War should be authorized to

grant a revocable permit. I was simply pointing out that it was fair to them if he could only exercise the power of revo-

cation at will for the causes specified in the section read.

Mr. BURNETT. Mr. Speaker, the statement of the gentleman is absolutely satisfactory to me if he is correct in his

conclusions

Now, as I understand, the revocable permits that are referred to in section 2 relate to revocation for the causes subsequently stated. I am afraid that the language does not imply that. Would the gentleman have any objection—I have great confidence in his judgment, and I do not want to antagonize his bill, especially this part of it—to having permits "revocable for the causes hereinafter stated"? I think that is entirely clear.

Mr. FLOOD. That would be satisfactory.
Mr. BURNETT. I think that would clear it up entirely. I would have no objection to it then.

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous con-

sent to proceed for five minutes.

Mr. FLOOD. I shall have to object. The gentleman has

already discussed it.

The CHAIRMAN. The gentleman from Alabama [Mr. Hunpleston] asks unanimous consent to proceed for five minutes. Is there objection?

Mr. FLOOD. I object.
The CHAIRMAN. Objection is made.

Mr. MANN. Mr. Chairman, I move as a substitute for the pending proposition to insert, after the word "permits," the words "revocable at the pleasure of the Secretary of War."

The CHAIRMAN. The question is on agreeing to the amend-

ment offered by the gentleman from Illinois.

Mr. STAFFORD. Mr. Chairman, let it be reported.
Mr. MANN. I do not care what it is. I want to get five minutes; that is all.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 2, after the word "permits," by inserting the ords "revocable at the pleasure of the Secretary of War."

Mr. MANN. Mr. Chairman, I offer the substitute solely for the purpose of getting the floor. Gentlemen were objecting to the consideration of the bill. I was not in the House when the bill came up for consideration last Wednesday, but I could not let go by the statement of the gentleman from Virginia [Mr. Flood] in charge of the bill without expressing a contrary

opinion as to the meaning of the word "revocable."

I apprehend that if we simply provided for the issuance of revocable permits it might then be within the jurisdiction of the Secretary of War to revoke them at his pleasure. But where you provide for the issuance of revocable permits and then go on and define the reasons for revoking the permit it is no longer to be at the pleasure of the Secretary of War. There must be some reason for the revocation. There must be some violation by the permittee of the provisions of the law or some conflict with the legal authority of the Secretary of War; and if the present Secretary of War issues a revocable permit under the terms of this law, if enacted, the ensuing Secretary of War can not say, "I do not like the color of the ink that was used in the granting of the former permit, and therefore I revoke it." Such a revocation at the mere pleasure of the Secretary of War would not be legal, nor, in my opinion, would that power be desirable.

While I offer the substitute, I am not in favor of the sub-

stitute which I offer.

Mr. SHERLEY. Mr. Chairman, will the gentleman permit a question before he takes his seat?

Mr. MANN. Certainly.
Mr. SHERLEY. I am inclined to agree with the gentleman's statement. Assuming that he is correct as to the interpretation, what value is left to the word "revocable"

Mr. MANN. Well, it is a preliminary definition that something is going to follow, and probably it does not change the

meaning of the law in any respect whatever,

Mr. SHERLEY. Two amendments were pending. One of them was to strike out the word "revocable" and then to add a proviso about national emergencies, which is unnecessary, because it is covered by another law. The reason I suggested the striking out of the word "revocable" was because some gentlemen were undertaking to impress upon the language an interpretation as if it read "revocable at will," which I do

not think was either correct or ought to be in the bill.

Mr. MANN. I think it is desirable to have the language in the bill. The Secretary of War might have authority to revoke the permit for some reason not specifically set forth in this bill, and might not have that authority if it were not a revocable permit, although I have some doubt about that.

Mr. HUDDLESTON. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Illinois [Mr. Mann].

I do not think these permits ought to be revocable at will or at pleasure. I criticized this bill the other day as being intended for the benefit of the two concerns that are now at Niagara. Mr. Chairman, those concerns are compelled to accept these permits on any terms that we choose to fix. It makes no difference how onerous those terms are, they are compelled to adhere to them. If these permits are granted at all, they will be granted to those two concerns, because other concerns can not come in and subject themselves to the expense necessary. Therefore, there will be no competition with these two concerns that we have there now, and we might as well put their names in this contract and specify that they can continue to go on and develop the power there just as they have done in the past unless we put the words in here that the permits are revocable at will.

These firms are not developing the power at the most efficient head and there is a great waste of power. They realize that, and would like to correct it, but they can not afford to go to the expense of correcting that waste unless they have something definite in hand that will enable them to know what they have. Therefore it is important that they should know that there is a fixed term and period so that they will know what to depend on. This is also necessary in order that any outsider who may come in and get a permit may be permitted to hold it for a reasonable time.

Now, there is no recapture clause in this bill. I do not know what amendments the gentlemen who are interested in pushing the bill in its present form have up their sleeves, because the House has not been taken into their confidence, nor have I, either. They may intend to put in a recapture clause; I do not know. But nobody in the absence of a fair recapture clause can afford to spend one cent at those Falls so long as the permit is revocable at will.

However, we ought to have this permit made revocable at will. I am not willing that the Government shall grant away this water power of immense value, for the long period of 50 years mentioned in the bill, without the power to take it back again if the national welfare should require it; but we can not afford to put in a revocable-at-will clause unless we have a fair recapture clause. That is what we ought to have, a revocable-at-will clause, accompanied by some recapture clause, that will fairly protect the rights and interests of those who make their investment.

Mr. SMITH of Minnesota. Will the gentleman yield?
Mr. HUDDLESTON. I yield to the gentleman from Minnesota.

Mr. SMITH of Minnesota. Does the gentleman disagree with the construction that the words "revocable at will" in this bill as it now stands do not have any significance, and that if the bill should pass in its present form the Secretary of War would not have the right to revoke the permit at will?

Mr. HUDDLESTON. I will say to the gentleman from Minnesota that it is perhaps not free from doubt, and that is why the bill should be amended. That is why I objected to the withdrawal of the amendment. Let us make it certain. Why should we leave a thing in doubt when we can make it certain? What I think it means is, "revocable as hereinafter expressed." I think a court in interpreting it would read that into it. But it was argued here the other day by the author of the bill that it was revocable at will, that the Secretary could revoke it at any time he wanted to. Evidently there is difference of opinion on the subject, and why should there be any doubt about it? Now is the time to make the matter sure, and let us make it sure by some such amendment as that which has been offered. Let us either give this permit, or else let us refuse it. Let us give it for a fixed period, or else let us make it revocable at will. Let us not make it doubtful, when we have passed it, whether it means that it is revocable at will or after a period of 50 years.

Mr. SMITH of Minnesota. Is it not true that from the explanation given the other day a number of Members of the House understand this thing to mean that a permit given under this law would be revocable at will?

Mr. HUDDLESTON. The explanation given by gentlemen can be interpreted in both ways. They seem to be on both sides of the question. One day they seem to be of the opinion that it would be revocable at will and the next day that it will last for 50 years. Of course this bill must be read all together. That is the only fair way to interpret it. We have the word "revocable" here, and later in the bill we have certain causes specified which authorize the cancellation and revocation of the permit.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUDDLESTON. I move to strike out the last word. I
think any court in construing this bill will refer this word
"revocable" to the causes that are stated in the bill authorizing revocation. That is what I think would be a reasonable

"revocable" to the causes that are stated in the bill authorizing revocation. That is what I think would be a reasonable and fair construction of the bill. The gentleman from Virginia [Mr. Floor] did not call attention to section 5, which provides—

That all permits issued pursuant to this act shall be for a determinate period of not longer than $50\ \mathrm{years}$ —

and so forth, which seems to me clearly to imply that the permit shall be for a fixed period and shall not be revoked within that period except for the causes set out in the bill. I should regard any court that would hold to the contrary as departing from the true construction. But I do not know. Good lawyers and able Members here have insisted that it does not mean that.

Why should we not make it clear what the bill does mean, while we are about it? I think the amendment offered by the gentleman from Kentucky [Mr. Sherley] to the amendment of the gentleman from New York [Mr. Dempsey] ought to be adopted and that we ought to have it in that form in the bill. Then we ought to put into the bill a fair recapture clause that would insure investors in these works that they will get back what they put in, and that the Government should not slaughter them. To leave it in the condition in which it now is will discourage investors from going in there to compete with the Niagara Falls Power Co., and discourage that company from trying to develop their plant to the highest efficiency. discourage them from acting as though they were have a permit for a reasonable period and will put them in a position where they must be ready to get out at any time that the Secretary of War chooses to push them off. That is, if the construction put on the bill by these gentlemen is correct.

I do not believe in leaving out any words if words will make it sure. Let us make it sure. I do not think there is any gentleman who has any other desire than that. Let us make it sure if it is doubtful. Reckoning from certain dead reckonings and various astronomical data, I think that a court would finally reach the conclusion I have pointed out, but it is highly desirable that there should be no chance or hazard about the matter when we can make it plain that this is what we mean by using the language covered by the amendment of the gentleman.

Mr. CLINE. Mr. Chairman, the gentleman from Alabama did not read the whole of section 5, as I notice from looking at the printed bill.

The CHAIRMAN. All debate on this amendment is exhausted. Mr. CLINE. I rise in opposition to the gentleman's last amendment. For the benefit of the House and for an answer to the gentleman from Alabama I want to read section 5—

That all permits issued pursuant to this act shall be for a determinanate period of not longer than 50 years—

And that is where the gentleman stopped—subject, however, to all the provisions of said act.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. CLINE. No; not now-

And neither said act nor any permit granted thereunder shall be construed to establish in any permittee or its successor any vested right.

So that that section plainly covers the entire provisions of this bill. The gentleman says he has no knowledge that any recapture clause is going to be offered. It was stated on the floor two weeks ago that a recapture clause would be inserted, and it was further stated that the recapture clause, known as the Adamson recapture clause, which has passed this House three different times, would be offered to this bill, so that, if the gentleman was here two weeks ago, he knows what proceedings were had with reference to that matter.

Mr. HUDDLESTON. Will the gentleman now yield?

Mr. CLINE. No; I will not yield now. We believe, using the expression of my good friend from Kentucky [Mr. Sherley], that the inertia in this proposition ought to be with the General Government. We believe that the Secretary of War ought to have the right to revoke any permit when the navigability of the stream becomes affected by the diversion of the water, when its proper function as a boundary stream becomes affected, when its proper volume as a means of national defense becomes affected, and the Secretary ought not to be obliged to give a reason to anyone for his action. And his decision ought to be final and from which there is no appeal. When any of these three great causes arises, he ought to revoke the permit.

Now, with reference to the fourth clause, in regard to the scenic beauty becoming affected in the opinion of the Secretary of War, he should have the right to revoke it, and we make it

necessary that he assign the cause of making it revocable after

Now, Mr. Chairman, for any violation of the provisions of the permit we make it punishable according to the terms set out in the law, for which he can go into the courts and contest whether the permit ought to be revoked or not.

Mr. REAVIS. Will the gentleman yield?

I will. Mr. CLINE.

Mr. REAVIS. You use the word "revocable" on page 2. Does the gentleman construe that so as to grant authority to the Secretary of War to revoke a permit for reasons other than the causes assigned in the later portion of the bill?

Mr. CLINE. The other clauses on which the permit may be revoked are set out and the penalty for the violation is set out.

Mr. REAVIS. A familiar rule of construction is that where a general power in legislation is followed by a specific provision on the same subject, the general clause gives way to the specific clause. Would not the word "revocation" on page 2 be construed in connection with the limitations on page 4, and would not the Secretary of War be restricted to the causes

enumerated on page 4 in declaring the revocation?

Mr. CLINE. I will say to the gentleman from Nebraska that we have set out definitely the grounds on which the revocation may be made for a violation of any of the terms of the permit, But the permittee would not be at liberty to decide whether the volume of water in the Niagara River was affected for navigation purposes; and for the three purposes that I named the Secretary of War ought not to be required to say to the permittee, "I believe the volume of this stream from the navigation standpoint is being reduced, and consequently I am going to revoke the permit." But he ought to have the right to revoke the permit without assigning a cause which could be contested in the court.

Mr. REAVIS. I am not debating whether he ought to have that right of not; I am trying to get your construction of the bill. You use the word "revocation" on page 2 in a general statement. In a later part of the bill you have a specific clause relating to the revocation, whereby it may be revoked on certain conditions. Now, in view of the familiar rule of construction to the effect that the general clause gives way to the specific clause on the same subject, would not the construction of the word "revocation" on page 2, being general, be limited to

the causes on page 4?

Mr. CLINE. It would not, because we set out on page 9 the identical causes upon which, for reasons, the Secretary may

Mr. REAVIS. It was page 9 that I had in mind. My question is this: Under the rule of construction, whereby the revocation on page 2 being restricted to causes on page 9, would it give the Secretary of War the right to revoke permits for any reason other than those on page 9?

Mr. CLINE. I do not think the Secretary of War under a fair construction would have the right to revoke except for the causes assigned and with the exceptions set out in conjunc-

tion with it.

Mr. REAVIS. If the Secretary of War may revoke the permit only for causes assigned on page 9, what is the office of

the word "revoke," on page 2?

Mr. CLINE. That is to give the Secretary of War power to revoke a permit for causes set out on page 9.

Mr. REAVIS. He would have that under the authority of

the language used on page 9.

Mr. CLINE. He would not have for causes set out as triable by the court.

Mr. REAVIS. The gentleman's position is that the word "revocation," on page 2, gives the Secretary the right to revoke a permit for causes without a court trial?

Mr. CLINE. Yes. Mr. REAVIS. An tion" on page 2? And that is the object of the word "revoca-

Mr. CLINE. It is; in connection with the four causes mentioned on page 9.

Mr. BURNETT. Mr. Chairman, will the gentleman yield?

Mr. CLINE. Yes.

Mr. BURNETT. Under the statement of the gentleman, I do not think there is much disagreement, but in order to make the matter clear, does not the gentleman think that if the words "revocable permits" were stricken out and the words "permits revocable for reasons hereinafter provided for in the bill" were inserted it would express the meaning that the gentleman and the chairman of the committee have stated?

Mr. CLINE. I will say to the gentleman from Alabama that we do not want to open the door on that proposition so as to permit the Secretary of War to be taken into court to discuss the full reasons why he revoked permits under the four assign- last two words.

That is the reason we want the word "revocable" to

be retained without any limitation.

Mr. HARDY. Mr. Chairman, if the purpose of the gentleman, as just stated, is the purpose of the committee, it seems to me they have left that vaguely and ineffectively stated, for if I were called upon to construe that I would hold that under this bill the Secretary of War had to show the cause before he could revoke the permit, and if you want him to get in the position where he can act, and the companies must go to court for relief, you have not got it in this bill.

Mr. CLINE. I think we have where there is a violation of the

permit, taking it out of the exceptions I have named.

Mr. HARDY. That is the very issue this bill leaves to be determined before you revoke this permit.

The CHAIRMAN. The time of the gentleman from Indiana

has again expired.

Mr. FLOOD. Mr. Chairman, I move to strike out the last three words. I would like to ask the gentleman from Texas

to state his position again.

Mr. HARDY. Mr. Chairman, my position is that the word "revocable" in the context as it is just the same in effect as if you had followed it by saying "for the causes hereinafter stated," because you do follow it later by section 4, defining the causes for which he may revoke. Then the cause becomes a condition precedent that must be found by the court.

Mr. FLOOD. The causes for which he can revoke at will. Mr. HARDY. But you have not got "at will" in the bill.

These are the causes for which he can revoke Mr. FLOOD. at will. That is clear from reading the section, and the other revocation is a penalty, but if it is for cause that would take the matter into court.

Mr. HARDY. If the gentleman wants it clear, why not state that the action of the court shall determine this matter

of the existence of the cause.

Mr. FLOOD. I will say to the gentleman that 11 years ago bill was passed with this language in it, and it has been the law of this country for all of that time.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman

vield?

Mr. FLOOD. Yes.

Mr. HUDDLESTON. That bill the gentleman speaks of provided the permits might be granted to the parties now using the water.

Mr. FLOOD. I am not talking about that. That bill provided for revocable permits. This matter has been operated for 11 years under this language.

Mr. HARDY. Has it ever been revoked?

Mr. FLOOD. No.

Mr. HARDY. So there never has been any decision?

Mr. FLOOD. There never has been any decision, but the War Department and the permittees understand what the language means, and it seems to me unwise in the heat of debate to undertake to change language which is 11 years old, and which is understood by all of the parties who are dealing with the proposition.

Mr. HARDY. The gentleman from Indiana stated the situation. He wanted the inertia to rest with the Government. He wanted the other side to have the laboring oar, and the decision of the Secretary to be prima facie and in the first case I do not believe that this bill makes it so. effective.

Mr. FLOOD. I think the gentleman will find that it does. Mr. BURNETT. Mr. Chairman, I offer the following substitute-

The CHAIRMAN. A substitute is already pending. The gentleman's substitute is not in order at this time.

Mr. BURNETT. It is a substitute for all of the amendments.

The CHAIRMAN. There is an amendment pending and an amendment to that amendment and a substitute. The question now is on the amendment offered by the gentleman from Kentucky [Mr. Sherley] to the amendment offered by the gentleman from New York [Mr. Dempsey].

Mr. STAFFORD. Mr. Chairman, let us have the substitute

and the amendments reported again.

The CHAIRMAN. Without objection, the Clerk will again report the amendment and the amendment to the amendment and the substitute.

There was no objection, and the Clerk again reported the amendment and the amendment to the amendment and the substitute.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. Sherley] to the amendment offered by the gentleman from New York [Mr. DEMPSEY].
Mr. SAUNDERS. Mr. Chairman, I move to strike out the

The CHAIRMAN. Debate upon the amendment has been exhausted.

Mr. SAUNDERS. Then I move to strike out the last three words. There is no such thing as exhausting these pro forma amendments

That is an amendment in the third degree. Mr. MANN.

Mr. SAUNDERS. If anyone chooses to make a point of or-der upon any of these motions to strike out the last word or the last two words, or the last three words, it would of course require the Member making the motion to speak to the amend-

The CHAIRMAN. If there is any possible limit to debate under the five-minute rule, it has been exhausted upon this

amendment.

The gentleman could move to strike out the last Mr. MANN.

word of the substitute and be in order.

Mr. SAUNDERS. I understand I can do that and be in der, and I understand also, that all of these pro forma amendments are conventions, and in substance amount to a request for unanimous consent. I want about two minutes, and will ask unanimous consent to address the committee on the pending amendments for two minutes.

The CHAIRMAN. Is there objection to the request of the

gentleman from Virginia?

There was no objection. Mr. SAUNDERS. Mr. Chairman, I wish to say that there seems to be some apprehension on the part of some members of the committee over the use of the word "revocable," and desire to call the attention of the members present to-day, who were not present last week, to the fact that the law under which the business at Niagara Falls has been largely developed, not only afforded the same power of revocation that appears in the present bill, but in order to clench the power of the Government over the concerns operating under the act, the law further contained a reservation of the right to amend, alter, or repeal at pleasure the privileges therein conferred. So that the power of the Government, so far as these permittees are concerned, under the act of 1908 was as sweeping and comprehensive as that afforded by the language used in the present bill. The lawmakers specifically wrote into that act the provision reserving the right to alter, amend, or repeal the same at pleasure. It is very desirable that this reservation should appear in our Federal statutes in order to prevent the question of vested rights from arising so as to hinder the exercise of our right of repeal.

No. MANN. That is inserted in this case.

Mr. SAUNDERS. I was merely calling attention to the fact that this reservation appeared in former act under which the companies at Niagara Falls heretofore have done business and developed their industries.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky to the amendment offered by

the gentleman from New York.

The question was taken, and the Chairman announced the

noes appeared to have it.
Mr. HUDDLESTON. Mr. Chairman, I demand a division.

The committee again divided.

Mr. MILLER of Minnesota. Mr. Chairman, I suggest the members of the committee did not understand the question on which they were voting. Will the Chair restate the question?

The CHAIRMAN. The vote has already been taken and there were given are the properties.

ere were—ayes 38, noes 15. Mr. FLOOD. Mr. Chairman, I ask for tellers. Mr. Chair-

man, I withdraw the request.

So the amendment to the amendment was agreed to. The CHAIRMAN. The question is on the substitute offered by the gentleman from Illinois [Mr. Mann].

Mr. MANN. Mr. Chairman, I ask unanimous consent to with-

draw the substitute.

The gentleman from Illinois asks unani-The CHAIRMAN. mous consent to withdraw the substitute. Is there objection? [After a pause.] The Chair hears none. The question now is on the amendment offered by the gentleman from New York [Mr. Dempsey] as amended by the amendment of the gentleman from Kentucky.

Mr. SEARS. Read the amendment.

The question was taken, and the Chair announced the noes seemed to have it.

Mr. HUDDLESTON. Mr. Chairman, I call for a division. Mr. MANN. Mr. Chairman, I ask for the regular order. Mr. GOODWIN of Arkansas. Mr. Chairman, I ask that the

amendment be reported.

Mr. MANN. Mr. Chairman, I ask for the regular order. The CHAIRMAN. The gentleman from Illinois demands the regular order. The gentleman from Alabama demands a di-

The committee again divided; and there were-ayes 27, noes 61.

So the amendment was rejected.

Mr. SHERLEY. Mr. Chairman, I move to strike out the word "conditions," on page 2, line 7, just as a formal motion in order to make a statement to the gentleman from Virginia [Mr. Flood], and then I will offer a regular amendment. Lines 6 and 7, page 2, read:

All permits granted by authority of this act shall be granted upon the following conditions.

And then follows three subdivisions of conditions. Then there follow a number of sections which are also conditions. Now, I submit to the gentleman from Virginia [Mr. Floop] that the arrangement is unfortunate, because it might raise some question as to whether the only conditions are those that are named in sections 2 and 3, and perhaps a simplified form of the bill would be to have the language read "all permits granted by virtue of this act shall be subject to all subsequent provisions herein," and then change the word "first," in line 8, to the words "section 3," and then just number your sections on down. I do not understand the reason for having three conditions in section 2 and then the other conditions named as separate sections.

Mr. FLOOD. Well, the conditions, Mr. Chairman, in subsections 1, 2, and 3—section 3 of the bill then provides how a transfer of a permit shall be granted. It is not a condition

upon which a permit is granted.

Mr. SHERLEY. Section 5 is, so is section 6, so is section 7.

Mr. FLOOD. Section 5 reads "that all permits issued pursuant to this act shall be for a determinate period"—well, Mr.

Chairman, that may be a very good suggestion, and I accept the suggestion made by the gentleman.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment. On page 2, line 7, strike out all after the word "granted" and insert "subject to all provisions of this act."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 2, by striking out after the word "granted," in line 7, the remainder of the line and insert "subject to all provisions of this act."

The CHAIRMAN. The question is on the amendment.

Mr. SMITH of Minnesota. Mr. Chairman, I move to strike out the last word of the amendment. I want to ask the chairman of the committee

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Kentucky.

Mr. SHERLEY. If the gentleman will permit, let us get this straightened out so as not to get into a tangle again.

The question was taken, and the amendment was agreed to. Mr. ROGERS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS. Is it in order at this point to offer an amendment at the end of the first subdivision, namely, at the end of line 15, page 3? Has that portion of the bill been read?

The CHAIRMAN. All of section 2 has been read, and any amendment to any part of the section is in order.

Mr. ROGERS. I understand all of section 2 has been read?

The CHAIRMAN. Yes.

Mr. SHERLEY. If the gentleman will permit, I want to suggest that if all of section 2 has been read and is open to amendment, I desire to strike out the word "first," in line 8, page 2, and substitute the words "Section 3," and then I shall do that right on down.

The CHAIRMAN. The Chair will state for the benefit of

the committee that the Clerk informs him that the bill has been

read only down to the end of the first subdivision.

Mr. ROGERS. At the end of line 15, on page 3. The CHAIRMAN. Yes; that would be in order.

Mr. ROGERS. I offer the following amendment, Mr. Chair-

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

Mr. DEMPSEY. Mr. Chairman, I have an amendment that precedes the amendment offered by the gentleman that I suppose, to be in order, should be offered first.

The CHAIRMAN. Will the gentleman withhold his amend-

ment first? Mr. ROGERS. I do not see how we can have these taken up

actually in the order they appear in the bill.

Mr. FLOOD. By unanimous consent, an amendment can be offered to any of these subsections.

Mr. MANN. Not if they have not been read.

Mr. ROGERS. The Clerk read only to the end of line 15

on page 3.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts [Mr. Rogers].

The Clerk read as follows:

Amendment offered by Mr. Rocers: On page 3, at the end of line 15, insert the following as a new sentence:

"In granting any permit the Secretary of War may, in his discretion, require that the permittee shall furnish all or any part of the electrical energy developed by it directly to a State, municipal corporation, or political subdivision thereof, or to ultimate consumers. Such requirement may be for the entire life of the permit or for such portion thereof as the Secretary of War shall stipulate."

Mr. FLOOD. Mr. Chairman, I discussed that with the gentleman from Massachusetts [Mr. Rogers] and also with the author of the bill, and we are perfectly willing to accept the amend-

Mr. ROGERS. I do not care to be heard, Mr. Chairman, if

The CHAIRMAN. The question is on agreeing to the amend-

Mr. COOPER of Wisconsin. Mr. Chairman, there is a general request here among Members that that be again reported. They could not get the full purport of it.

The CHAIRMAN. The Clerk will again report the amend-

The amendment was again reported.

Mr. COOPER of Wisconsin. Mr. Chairman, I do not think we ought to adopt this in its present form, because it does not at all change a very objectionable feature of this bill. On page 2, beginning with line 8, it is provided:

That no permit shall be granted hereunder except to a State or municipal corporation, or political subdivision thereof, or to a public-service corporation or to a public-service agent of a State, duly constituted and authorized to engage in the business of furnishing to the public light, heat, power, or electric current—

And so forth.

Now turn to page 4, and the gentleman will find, at the beginning of line 15, after the semicolon:

And the permittee, after the completion of the works, shall operate the same continuously for the development and transmission of elec-tric current, power, and energy for sale or for other commercial pur-

The words "for other commercial purposes" are exceedingly important. They mean that the permittee may in his discretion sell or not sell electric current. We all know the facts. I read this from a letter written to the gentleman from Alabama [Mr. HUDDLESTON], on the 20th of last month, by Mr. Seymour Van Santwood, chairman of the Public-Service Commission of the State of New York:

HYDRAULIC POWER COMPANY.

It is understood that this company is limited by restriction of Federal authorities to the use of 6,500 cubic feet of water per second, which represents roughly 125,000 horsepower. At the load factor which exists in the case of the Niagara Falls Power Co., this would amount to 700,000,000 kilowatt hours per year.

This company sells mechanical power only, and for that reason is not under the jurisdiction of this commission.

I pause here to comment upon the elaborate arguments and statements that were made a week ago, that all was to be left to

the New York State commission up there.

Mr. PARKER of New York. Will the gentleman yield?

Mr. COOPER of Wisconsin. I can not yield now.

It appears that about two-thirds of the power so sold is purchased by persons or corporations who are not subject to the commission's jurisdiction, and there is therefore no data available concerning such power. It seems to be the practice for such purchasers to own or lease the generators and cables by means of which the mechanical is converted into electrical power and conveyed to the point for use.

Now, as I understand that-and my colleague will correct me if I am not correct-it refers to largely what is known as the Schoellkopf Co.

Mr. HUDDLESTON. The Schoellkopf Co.-

Mr. COOPER of Wisconsin. That is a manufacturing com-

Mr. HUDDLESTON. I am not advised of that; but it has close relations to a great many industrial companies in Niagara who lease this power, and who lease industrial sites from it, and they are so interlocked it is practically impossible to find out who is who.

Mr. SMITH of Minnesota. Mr. Chairman, at this point I make

the point of order there is no quorum present.

The CHAIRMAN. The gentleman from Minnesota makes the point of order there is no quorum present. The Chair will count. [After counting.] One hundred and thirty-one gentlemen are present, a quorum.

Mr. CLINE. Mr. Chairman, a provision of this bill, written

on page 2

Mr. COOPER of Wisconsin. Mr. Chairman-

Mr. CLINE. Has the gentleman finished? Mr. COOPER of Wisconsin. No; I have not.

Mr. CLINE. I thought you surrendered to the gentleman to make the point of no quorum.

Mr. SMITH of Minnesota. He did not surrender.

Mr. CLINE. I want to call the committee's attention to this provision:

No permit shall be granted hereunder except to a State or municipal corporation or political subdivision thereof, or to a public-service corporation or to a public-service agent of a State—

Now, what next?-

duly constituted and authorized to engage in the business of furnishing to the public light, heat, power, or electric current.

They can not engage in the business unless they are publicservice corporations. Now, reference was made to one of the power companies up there. The Schoellkopf people, or the Niagara Hydraulic Co., develop mechanical power. They sell that mechanical power to what is known as the Cliff Development Co., who transfer it to electrical energy and sell it to the customers of the Hydraulic Power Co.

Now, the principal purpose of including this provision is to compel all of these companies to become public-service corporations, so that they shall be completely under the control of the public-service agents of the State of New York or any other State that has the right to control the price of the electric energy that they create, so that the provision is clearly covered in this bill. No man and no company and no agents of the State of New York can get a permit under this bill unless they are a public-service corporation if we pass this bill.

Mr. SMITH of Minnesota. Mr. Chairman, will the gentleman

yield?

Mr. CLINE. I will.

Mr. SMITH of Minnesota. Is there any preference given under this bill to the existing companies at Niagara on the American

Mr. CLINE. There is no preference given in this bill. If the gentleman will read the first part of section 2, beginning with line 8, he will find that anybody can come in.

Mr. SMITH of Minnesota. Is not the primary purpose of

this bill to permit the companies that are there to use an additional 4,200 cubic feet of water temporarily?

Mr. CLINE. Yes; temporarily

Mr. SMITH of Minnesota. Under a resolution that passed Congress granting the right temporarily?
Mr. CLINE. Yes, sir.

Mr. SMITH of Minnesota. The gentleman from Wisconsin [Mr. Cooper] suggested that they had it extended a year or so, until we could get more facts concerning the matter. But the facts are, as I understand, that there are only two companies on the American side.

Mr. CLINE. The gentleman does not want to take up all my

time, I know.

Mr. SMITH of Minnesota. Only a minute. I shall ask that the gentleman be given more time if he desires. There are only two companies on the American side at the present time. If it were not for the resolution we passed the other day, authorizing 4,200 cubic feet of water to be taken, they would not have that right, and the primary purpose of this bill is to permit them to use that 4,200 cubic feet. That is the purpose, is it not?

Mr. CLINE. That is not the purpose.

Mr. SMITH of Minnesota. Do you expect other companies to operate there?

Mr. CLINE. We can not forecast who will go there to use that water. We provide that any company can go in and use this water under this bill. Nobody is shown a preference. It is open to everybody.

The CHAIRMAN (Mr. SAUNDERS). The time of the gentle-

man from Indiana has expired.

Mr. HUDDLESTON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts [Mr. Rogers]. The bill does not specifically name the two concerns now operating at Niagara, but the bill is so drawn that nobody else could afford to go in there.

That is the criticism I have made of the bill from the begin-

ning. I do not ask that my construction be accepted, but would like any Member who feels an interest in the matter and is acquainted with the situation at Niagara to read the bill carefully and see whether any other concern can go in there and get any of that power.

The amendment offered by the gentleman from Massachusetts [Mr. Rogers] is a good one, so far as it goes. It proposes to place in the hands of the Secretary of War the power to require these generating concerns to get these permits to sell their electrical energy to the municipalities or public corporations. In other words, it provides for community ownership, municipal ownership, of the power after it is generated, and to that extent I commend the amendment. I think it is enlightened and proceeds in the right direction.

The fault I find with the amendment is that it is based upon the conception that we are bound to have some private interests standing between this water and the municipal owner-ship or the community ownership. If it is fit and right that the communities in western New York should be enabled to avail themselves of the current without a middle man or distributee in the shape of these private concerns, why should they not be me the snape of these private contents. Why do we propermitted to generate the power themselves? Why do we provide for giving some exploiting interest a take-out? Why do we insist that the people shall pay a profit to some private con-Why do we not take a lesson from Canada? It is not an experiment at Niagara; not at all. There is a community experiment going on right there now. It is not going on on the American side, but it is going on on the Canadian side. It is proving a tremendous success; such a success that the people of Ontario are paying for power only from one-third to onehalf of what is paid for it on the American side. Yet the power is just as close to one country as to the other. Why is it? Is it because we are recognizing vested rights? Do we insist that these private interests are entitled to be there? There is no lawyer here but will tell you that they have no legal basis for their position.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. COX. That is very interesting to me. Why is it that they are getting power on the Canadian side cheaper than on our side?

Mr. HUDDLESTON. I will explain it to the gentleman. In Canada they have a public commission, chartered by the Province of Ontario, and they take power from one of the generating concerns at Niagara Falls, 100,000 horse-power, that they get for \$9 a horsepower. They also generate electric energy at nine different plants outside of Niagara, up into Ontario, clear over to the Port Arthur country, a thousand miles away. They are generating it at nine different generating stations, making the power themselves and deliver-ing it to the people of Ontario at the cost of production plus an administration and amortization charge.

Mr. COX. Are they required to deliver it at cost?
Mr. HUDDLESTON. They are required to deliver it at cost plus administration and under a plan of amortization in 30 years.

Mr. COX. In other words, the Government of the Dominion

of Canada owns the generating plant?

Mr. HUDDLESTON. Yes; just as the government of a State, through a city, owns an electric plant; just as the State of Ohio, through the city of Cleveland, owns a steam-generating plant in the city of Cleveland that sells current at 3 cents a kilowatt hour, while in Buffalo and Niagara the people are paying 8 cents per kilowatt hour.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield? Mr. HUDDLESTON. Yes.

Mr. LINTHICUM. Is it not a fact that on the Canadian side the Government went in there and said, "If you will furnish us this power at \$9, we will guarantee your securities to a certain extent and become a partner in the enterprise?

Mr. HUDDLESTON. Not at all. Mr. LINTHICUM. I think that is so. Mr. HUDDLESTON. I am not so informed.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the

Mr. FLOOD. Mr. Chairman, I would like to reply to the

The CHAIRMAN. The gentleman from Virginia is recog-

Mr. MILLER of Minnesota. Mr. Chairman, a parliamentary

The CHAIRMAN. The gentleman will state it.

Mr. MILLER of Minnesota. Has not the gentleman from Alabama [Mr. Huddleston] just recently been recognized and occupied his full time?

Mr. HUDDLESTON. I rise in opposition.

Mr. MILLER of Minnesota. How many times are you going

Mr. HUDDLESTON. Just as often as I can be recognized. Mr. MILLER of Minnesota. You will not be recognized out

of your order if I can stop it.

Mr. FLOOD. The Chairman recognized me.

Mr. MILLER of Minnesota. I make the point of order that

Mr. MIDLER of Minnesota. I make the point of order that the gentleman should not be recognized.

Mr. FLOOD, The Chair recognized me.

Mr. HUDDLESTON. May I, as a friend of the court, direct the attention of the Chair to the fact that I rose in opposition mous consent in Committee of the Whole.

to the motion of the gentleman from Massachusetts IMr.

Rogers] to amend

The CHAIRMAN. The Chair will state the exact parliamentary situation. The gentleman moves to strike out the last word. That is, in substance, a request for unanimous consent, because if objection is made the gentleman is confined to debate on his amendment to strike out the last word, and he can not get anywhere with it. The gentleman from Virginia [Mr. Flood] asks recognition, and the Chair recognizes the gentle-

Mr. FLOOD. Mr. Chairman, I merely want to call the attention of the House

Mr. HUDDLESTON. I rise to a point of order. Debate is exhausted on the amendment.

Mr. LINTHICUM. Oh, I hope the gentleman will not do

Mr. HUDDLESTON. Why, certainly I will. If I can not be heard, nobody else shall be.

Mr. FLOOD. I simply want to call attention to the fact— The CHAIRMAN. The point of order is made that debate on this amendment is exhausted.

Mr. MILLER of Minnesota. I suggest that the gentleman can be recognized in opposition to the motion made by the

gentleman from Alabama [Mr. Huddleston].

Mr. Chairman, I will not ask for any time for myself, but I ask unanimous consent that the gentleman from Massachusetts [Mr. Rogers], who offered the amendment, be given five minutes to explain his amendment.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the gentleman from Massachusetts who

offered the amendment have five minutes to explain his amend-

ment. Is there objection?

Mr. HUDDLESTON. I couple with that the request that I may have five minutes to proceed with the discussion of this Canadian situation.

Mr. MILLER of Minnesota. Then I will object.

Mr. LINTHICUM. I object.
The CHAIRMAN. That can not be coupled with the request, except by unanimous consent.

Mr. HUDDLESTON. Nothing can be done except by unanimous consent.

The CHAIRMAN. The Chair puts the request of the gentleman from Virginia [Mr. Flood]. Is there objection?

Mr. HUDDLESTON. I object.
The CHAIRMAN. The gentleman from Alabama objects. Mr. SMITH of Minnesota. I move to strike out the last two words.

The CHAIRMAN. The Chair has already indicated that that motion is in substance a request for unanimous consent. If the point of order is made that the gentleman must confine himself to his amendment, he can not discuss anything.

Mr. GARDNER. A parliamentary inquiry, Mr. Chairman.
The CHAIRMAN. The gentleman will state it.
Mr. GARDNER. After the motion to strike out the last word is voted on and defeated, or even if it is carried, then would it not be in order to move to strike out the last two words, and to proceed to discuss that?

The CHAIRMAN. It is in order, technically. Substantially, however, if the gentleman makes that motion, and the point is made that he must confine himself to his amendment, he can not proceed with these general discussions that we have on the motion to strike out the last word, or the last two words. In substance it is nothing in the world but a request for unanimous consent.

Mr. GARDNER. If the Chair will excuse me-

Mr. LINTHICUM. Objection has been made to the author of the amendment explaining it, and now if some one else is recognized to move to strike out the last two words, I give notice that I shall make him confine himself to the discussion of the last two words.

The CHAIRMAN. The gentleman offers an amendment to

strike out the last two words. Now we will await the action of the committee. If the point of order is made that the gentleman must discuss his amendment, he will have to speak to the last two words, and nothing else.

Mr. SMITH of Minnesota. Mr. Chairman, I withdraw my amendment, and I move to strike out the last four lines of the

amendment.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to withdraw his amendment, to strike out the last two words. Is there objection?

Mr. LINTHICUM. I object.

The CHAIRMAN. The gentleman objects. It requires unani-

Mr. SMITH of Minnesota. Do I understand, Mr. Chairman, that I have the floor?

The CHAIRMAN. The gentleman has the floor.

Mr. SMITH of Minnesota. Mr. Chairman, the amendment that has been offered by the gentleman from Massachusetts would, to my mind, be an unwise one to adopt.

Mr. LINTHICUM. Mr. Chairman, I make the point of order that the gentleman is not confining himself to the last two

The CHAIRMAN. The gentleman must confine himself to his

amendment.

I rise to discuss the point of order. I think the Chair is slightly in error. A motion to strike out the last two words involves the whole paragraph under discussion. You can not discuss the last two words of a paragraph without liberty to discuss the paragraph. I will say to the Chair that that ruling has been made a great many times in the House. Of course, you can not go to subjects that are not connected in some way with the last two words of the amend-

Mr. LINTHICUM. Will the gentleman yield for a question? The CHAIRMAN. What distinction has ever been made between the motion to strike out the last two words and the motion to strike out the last word?

Mr. MANN. No distinction.

The CHAIRMAN. The invariable ruling has been that where a motion to that effect is made, the Member making it must confine himself to the subject of the amendment, the last word or the last two words.

Mr. MANN. He is not confined to the words. There has been no such ruling.

The CHAIRMAN. He is confined to the amendment.

Mr. MANN. He is confined to the effect of striking out the

word or the paragraph.

The CHAIRMAN. If the gentleman will proceed in order, and confine himself to the amendment, the Chair will allow him to proceed, but he must confine himself to his amendment.

Mr. SMITH of Minnesota. The Chair and the "gentleman from Minnesota" are not in agreement as to just what has

The CHAIRMAN. Let the amendment be reported, so that

the Chair can see whether he has stated it.

Mr. SMITH of Minnesota. I made a motion to strike out the last four lines. The motion I made, may it please the Chair, was to strike out the last four lines of the amendment.

The CHAIRMAN. But the gentleman could not do that, because he had previously made a motion to strike out the last two words. He requested unanimous consent to withdraw that motion, but objection was made. The motion to strike out the last two words is the pending motion.

Mr. SMITH of Minnesota. Very well. If they want to vote upon it, I am willing. If they are willing that I should pro-

ceed, I am ready to proceed.

The CHAIRMAN. If the gentleman wishes to discuss his amendment to strike out the last two words, let the Clerk report the last two words and see what they are.

Mr. SMITH of Minnesota. The last two words are "shall

stipulate."

The CHAIRMAN. The gentleman rises to discuss the amendment to strike out "shall stipulate."

Mr. SMITH of Minnesota. May it please the Chair, this is very unwise, exceptionally unwise, to leave in a law as important as this the words "shall stipulate." The stipulation in any contract should be thoroughly considered, should be weighed carefully, and I assure the members of this committee that no consideration whatever has been given to these words except by a few members of the committee and the author of the bill. It will change the whole effect of the bill if you leave those words'in.

Mr. MILLER of Minnesota. Will the gentleman yield?
Mr. SMITH of Minnesota. Yes.
Mr. MILLER of Minnesota. Does not the gentleman think that it would help it if we changed "shall" to "will"?

that it would help it if we changed "shall" to "will"?

Mr. HASTINGS. Can not the gentleman find some other substitute or synonym for the word "stipulate"?

Mr. SMITH of Minnesota. Yes; "agree" is a good synonym. We are authorizing the Secretary of War to stipulate away the rights of the public in its water powers. That is the question at issue. We are taking from this Congress and the people of this country the right to say what shall be done with the public's water powers and authorizing the Secretary of War to dispose of them to his friends. [Applause,]

No civilized country would for an instant consider the insurance.

No civilized country would for an instant consider the inauguration of such legislation. There is not a progressive country in the world to-day but what has water-power legislation that offered.

would serve as an example for us to follow; but we shirk our duty day after day by turning over to the executive departments of the Government the right to legislate. We are permitting them to "stipulate" as to what we will do with our water powers and what our interests shall be, if any, in the natural resources of the country. This is stipulating with a vengeance. Are we not paying too dear for our whistle? Is a seat in this House worth the price of such a stipulation? Why should we play the part of dupes for the Hydroelectric Trust? Is it conceivable that our constituents will not discover that their rights have been surrendered to their enemies?

Mr. SLOAN. Will the gentleman yield? Mr. SMITH of Minnesota. I will.

Mr. SLOAN. Does the gentleman think that stipulation would

give way to capitulation?

Mr. SMITH of Minnesota. Most assuredly; we would be capitulating to the bureaucracy which is becoming so powerful that the Congress sets up and takes notice every time the Secretary of War comes before us and tells us what he wants to do in reference to water-power legislation. That is the condition we are getting into. It is time that we stopped stipulating and began legislating in the interest of the public. [Applause.]

Mr. FLOOD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FLOOD. I would like to know if all of section 2 of this bill has been read.

The CHAIRMAN. The Clerk informs the Chair that it has

Mr. FLOOD. Mr. Chairman, my understanding is that the bill ought to be read by sections. All bills, except appropriation bills, are read by section before there is any opportunity offered for amendment. I had an impression that there was unanimous consent to read it by paragraphs, but I have not yet had the opportunity to look it up.

Mr. ROGERS. Would not the result of the amendment offered by the gentleman from Kentucky [Mr. Sherley] be that the paragraph would become a section, and so the principle is very

much the same.

Mr. FLOOD. I do not think that amendment was adopted. I was trying to find what the unanimous consent was, but I have not yet found it in the RECORD. My recollection is that the unanimous consent was obtained to offer amendments to any paragraph after we got through reading the entire section, but I may be mistaken about that. If I am not, I make the point of order that the section must be read before the amendment is offered.

Mr. HUDDLESTON. Mr. Chairman, I rise for a parliamen-

tary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUDDLESTON. Does the Chair propose to stop debate while this question is being looked up?

The CHAIRMAN. The Chair thinks that the bill is required

to be read by sections.

Mr. HUDDLESTON. But in case there was unanimous con-

sent that it be read by paragraph—

The CHAIRMAN. The Chair does not undertake to pass on

Mr. HUDDLESTON. I think such an agreement was made in connection with this bill.

The CHAIRMAN. If such was the unanimous consent, that controls the consideration of the bill.

Mr. FLOOD. Mr. Chairman, I move that debate on this paraaph and on all amendments thereto be closed.

Mr. HUDDLESTON. I make the point of order that a motion

is already pending.

The CHAIRMAN. All debate is exhausted.

Mr. HUDDLESTON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Minnesota [Mr. SMITH]

Mr. FLOOD. Mr. Chairman, I would like to ask unanimous consent that the gentleman from New York [Mr. Dempsey] may be permitted to offer an amendment. I make the motion that all debate on this paragraph and amendments thereto be closed.

Mr. HUDDLESTON. And I move to amend that motion by adding "after three amendments have been offered to it," if gentlemen desire to offer so many.

Mr. ROGERS. That is in addition to the one now pending. Mr. SMITH of Minnesota. What section are we talking What section are we talking about?

Mr. FLOOD. Paragraph 1 of section 2.
Mr. HUMPHREYS of Mississippi. Mr. Chairman, I want to say to the chairman of the committee that I have an amendment that I would like to offer to that paragraph.

Mr. FLOOD, And I would like to have the amendment

Mr. HUMPHREYS of Mississippi. I do not want to offer it unless I can have five minutes to debate it.

Mr. GARDNER. Mr. Chairman, I make the point of order that the motion to close debate is not debatable.

The CHAIRMAN. The gentleman is correct.

Mr. SMITH of Minnesota. Mr. Chairman, what has become of my motion to strike out the last two words?

The CHAIRMAN. The Chair will state that that will be

put after the motion of the gentleman from Virginia is disposed of. The gentleman from Virginia moves to close debate.

Mr. HUDDLESTON. But, Mr. Chairman, I moved to amend

that motion

Mr. HUMPHREYS of Mississippi. Mr. Chairman, may I make a unanimous request at this time?

The CHAIRMAN. What is the gentleman's request?

Mr. HUMPHREYS of Mississippi. I have an amendment I would like to offer to the paragraph, and I want five minutes to discuss it in.

The CHAIRMAN. Does the gentleman make that as a mo-

Mr. HUMPHREYS of Mississippi. No; I make it as a

unanimous request

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that without regard to the motion made by the gentleman from Virginia [Mr. Flood] that he shall have five minutes to submit an amendment and discuss the same.

Mr. HUDDLESTON. I wish to amend that by adding five

minutes additional.

Mr. MANN. Mr. Chairman, I demand the regular order. The CHAIRMAN. The gentleman from Alabama will send

up his amendment to the amendment of the gentleman from Virginia. The Clerk will report it.

The Clerk read as follows:

Mr. Huddleston moves to amend the motion of Mr. Flood by adding to it "after three additional amendments have been offered, and debate had thereon."

Mr. MANN. Mr. Chairman, while I do not think that amend-

ment is in order, I do not make the point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question was taken; and on a division (demanded by Mr.

Huddleston) there were—ayes 9, noes 56.

Mr. Huddleston. Mr. Chairman, I demand tellers, and pending that I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and ten Members present, a quorum. The gentleman demands tellers.

Tellers were refused.

So the amendment to the motion of the gentleman from Vir-

ginia was rejected. The CHAIRMAN. The question now is on the motion of the

gentleman from Virginia to close debate.

Mr. HUDDLESTON. Mr. Chairman, I move to amend that

motion by inserting the words "after 10 minutes."

The CHAIRMAN. The question is on the amendment of the

gentleman from Alabama. The question was taken; and on a division (demanded by Mr.

Huddleston) there were—ayes 11, noes 90.

So the amendment to the motion of the gentleman from Vir-

ginia was rejected.

Mr. HUDDLESTON. Mr. Chairman, I offer to amend the motion by providing that the debate shall close after five min-utes, which time shall be used by the gentleman from Massachusetts [Mr. Rogers].

The CHAIRMAN. The question is on the amendment of the gentleman from Alabama to the motion of the gentleman from

Virginia.

The question was taken, and the amendment was rejected. The CHAIRMAN. The question now is on the motion of the

gentleman from Virginia to close debate.

The question was taken; and on a division (demanded by Mr. Huddleston) there were—ayes 70, noes 10.

So the motion was agreed to.

The CHAIRMAN. The question now is on the motion of the gentleman from Minnesota [Mr. SMITH] to strike out the last two words.

The question was taken, and the Chair announced that the

motion was agreed to.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Massachusetts [Mr. Rogers].

The Clerk again reported the amendment offered by the gentleman from Massachusetts [Mr. Rogers].

The CHAIRMAN. The question is on agreeing to the amend-

ment offered by the gentleman from Massachusetts.

Mr. HUDDLESTON. Mr. Chairman, a parliamentary in-

The CHAIRMAN. The gentleman will state it.

Mr. HUDDLESTON. Do I understand the last two words were stricken out?

The CHAIRMAN. Yes.
Mr. HUDDLESTON. Then I move to amend the amendment by inserting at the end of it the words "may stipulate."
The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

Mr. GARDNER. Mr. Chairman, I ask that the Clerk report the amendment

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amend the amendment by striking out the last two words, "shall stipulate," and inserting the words "may stipulate."

Mr. HUDDLESTON. Mr. Chairman, a parliamentary inquiry. That does not state the situation correctly. Those two words, "shall stipulate," were stricken out on the motion of the gentleman from Minnesota [Mr. Smith].

The CHAIRMAN. Oh, no; the motion of the gentleman from

Minnesota was voted down.

Minnesota was voted down.

Mr. HUDDLESTON. The Chair stated that it was agreed to.
The CHAIRMAN. If the Chair did so state, it was an inadvertent statement. The amendment was rejected.

Mr. HUDDLESTON. I withdraw my amendment.
The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts [Mr. Rogers].

The question was taken; and on a division (demanded by Mr. Rogers) there were—ayes 24, noes 42.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. HUDDLESTON. Mr. Chairman, I have an amendment that I desire to offer to the paragraph.

The CHAIRMAN. A point of order was made a moment ago with respect to the reading of this bill by sections. What was ascertained with respect to the unanimous-consent agreement?

Mr. FLOOD. Mr. Chairman, on referring to the RECORD I find the following:

Mr. Flood. I ask unanimous consent that the amendments may be offered by paragraph.

Unanimous consent was given, so that I should think the gentleman would have the right to offer the amendment.

The CHAIRMAN. The gentleman will send up his amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 1, after the words "shall be," insert the words "just and reasonable and shall be,"

Mr. HUDDLESTON. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. HUDDLESTON. I would like to have the construction of the Chair as to the scope of the motion of the gentleman from

Virginia to close debate, which was agreed to.

The CHAIRMAN. The motion to close debate was upon the

paragraph and all amendments thereto. Mr. HUDDLESTON. Does that refer to paragraph No. 2? The CHAIRMAN. It referred to the paragraph which was under discussion.

Mr. FLOOD. That was paragraph No. 1, Mr. HUDDLESTON. The paragraph under discussion was the first paragraph of section 2.

The CHAIRMAN. The Chair will say that the motion to close debate related to the first paragraph.

Mr. HUDDLESTON. To section 2?

The CHAIRMAN. Yes.

Mr. HUDDLESTON. Mr. Chairman, in support of the amendment which I have just offered-

Mr. MILLER of Minnesota. Mr. Chairman, a parliamentary

The CHAIRMAN. The gentleman will state it.

Mr. MILLER of Minnesota. Has not debate been exhausted on the amendments to the first paragraph?

The CHAIRMAN. It has. The Chair did not know for what purpose the gentleman from Alabama rose.

Mr. MILLER of Minnesota. I make the point of order that

debate is exhausted.

The CHAIRMAN. Debate has been exhausted on all amend-

ments to paragraph 1,
Mr. HUDDLESTON. This is not an amendment to para-

graph 1 The other paragraph has not yet been read. Mr. HUDDLESTON. Mr. Chairman, there are a number of paragraphs to section 2.

Mr. MILLER of Minnesota. I make the point of order that

the gentleman is not discussing the paragraph.

Mr. HUDDLESTON. I am discussing the point of order. Mr. MILLER of Minnesota. I make the point of order that

The CHAIRMAN. The Chair understands that the gentleman

from Alabama is propounding a parliamentary inquiry.

Mr. HUDDLESTON. Mr. Chairman, there are a number of paragraphs in section 2. I understand that part of those paragraphs have not been read. I understood debate was closed on the first paragraph in section 2. The CHAIRMAN. It was.

Mr. HUDDLESTON. Now, my amendment is to the second paragraph of section 2.

Mr. MILLER of Minnesota. Mr. Chairman, I make the point of order it has not been read yet.

The CHAIRMAN. The Chair is advised that the paragraph has not been read.

Mr. HUDDLESTON. The Chair is incorrectly advised.

The CHAIRMAN. The Clerk advises the Chair that all of that paragraph has been read.

Mr. HUDDLESTON. The second paragraph?

The CHAIRMAN. That the paragraph to which the gentleman's amendment is directed comes within the motion already made to close debate.

Mr. HUDDLESTON. Does the Clerk advise the Chair that or is that the Chair's decision?

The CHAIRMAN. That is what the Clerk advises the Chair

as to the situation in regard to the reading of the bill. Mr. SHERLEY. Mr. Chairman, I desire to offer an amendment: On page 2, line 8, strike out the word "first" and insert

the words "section 3." The CHAIRMAN. Did the gentleman from Alabama offer an

amendment' Mr. HUDDLESTON. I did; and it was read and I claimed

the right to debate it, which the Chair held I could not have.

The CHAIRMAN. The gentleman has no right to debate because that is covered by the motion of the gentleman from Virginia. The question is on the amendment of the gentleman

The question was taken, and the Chair announced the noes ap-

peared to have it.

On a division (demanded by Mr. Huddleston) there were

Mr. HUDDLESTON. Mr. Chairman, I make the point of

order there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and ten Members are present, a quorum.

So the amendment was rejected.

Mr. SHERLEY. Mr. Chairman, I offer an amendment: On page 2, line 8, strike out the word "first" and insert the words section 3."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 2, line 8, by striking out the word "first" and inserting the words "section 3."

The question was taken, and the Chairman announced the ayes appeared to have it.

On a division (demanded by Mr. Huddleston) there wereayes 40, noes 5.

So the amendment was agreed to.

Mr. SMITH of Minnesota. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

Mr. HUDDLESTON. Mr. Chairman, a parliamentary in-

The CHAIRMAN. The gentleman will state it.

Mr. HUDDLESTON. I sent up an amendment—
The CHAIRMAN. The Chair will recognize the gentleman in a moment, He has recognized the gentleman from Minnesota.
Mr. HUDDLESTON. But I have already sent my amendment

The CHAIRMAN. The Chair will say that that does not give his amendment a prior status. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Amend, on page 3, line 8, after the colon, by inserting:
"Provided further, That all Army engineers detailed by the Secretary
of War to gather information and make report to the War Department,
in reference to the establishment of rates and service, be placed upon
the pay roll of the Hydroelectric Trust during the time such engineers
are engaged in such work and be dropped from the pay rolls of the
United States Government for such period."

Mr. SMITH of Minnesota. Mr. Chairman, a parliamentary

inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Minnesota. I understood when the chairman of the committee made his request that simply included the paragraph on top of page 2, and I think a number of the other Members thought so. The gentleman from Kentucky [Mr.]

SHERLEY] has suggested an amendment to strike out the word "first" and insert the words "section 3," and it seems that was adopted to the second paragraph on page 2. Now, it does seem an amendment of this importance should have an opportunity to be discussed, and if there is any doubt I would ask unanimous consent of the committee to state the reason for the amendment which I have offered.

The CHAIRMAN. The Chair understands the situation from the officer at the desk that the paragraph to which the motion of the gentleman from Virginia applied goes down to the end of

line 15, page 3.

Mr. SMITH of Minnesota. Mr. Chairman, I ask unanimous consent to discuss the amendment which I have sent to the

Clerk's desk.

Mr. FLOOD and Mr. McARTHUR. Mr. Chairman, I object.
The CHAIRMAN. The question is on the amendment offered
by the gentleman from Alabama, which the Clerk will report. The Clerk read as follows:

Amendment by Mr. Huddlesson: Page 3, line 14, after the words "actually to," strike out the remainder of the paragraph and insert the following: "use the water diverted for the generation of hydroelectric energy and to sell all such energy, except such as the permittee may require in the operation of its generation works, direct to consumers thereof."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the Chairman announced the noes seemed to have it.

Mr. HUDDLESTON. Mr. Chairman, I ask for a division. The committee divided; and there were—ayes 17, noes 47. Mr. HUDDLESTON. Mr. Chairman, I ask for tellers.

Tellers were refused.

So the amendment was rejected. Mr. DEMPSEY. Mr. Chairman, I have sent up an amendment to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amend, on page 3, line 3, by striking out all of said line.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the Chairman announced the noes seemed to have it.

Mr. DEMPSEY. Mr. Chairman, I ask for a division. The committee divided; and there were—ayes 34, noes 26. Mr. STAFFORD. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee proceeded to divide.

Mr. DEMPSEY (while the committee was dividing). Mr. Chairman, I ask unanimous consent to withdraw the amend-

Mr. HOWARD. Mr. Chairman, I object. The CHAIRMAN. The gentleman from Georgia objects, and the vote will proceed.

The committee divided; and the tellers [Mr. Stafford and Mr. DEMPSEY] reported—ayes 14, noes 31.

So the amendment was rejected. The CHAIRMAN. The Clerk will read.

Mr. SMITH of Minnesota. Mr. Chairman, I offer another amendment to paragraph 1.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. Smith of Minnesota: Amend, on page 3, line 15, after the word "current," by inserting "to the public."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the amendment was rejected. The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

Second. No permit shall be granted until such plans and specifications for the structures, canals, and other works constructed, or proposed to be constructed, for the generation of power, together with such drawings of said construction and such map of location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and the Chief of Engineers for their approval, nor until they shall have approved such plans and specifications and the location of such construction; and when the plans and specifications for any such construction have been approved by the Chief of Engineers and the Secretary of War, it shall be unlawful to deviate from such plans and specifications, either before or after completion of the structures, unless the modification of such plans and specifications shall have previouly been submitted to and received the approval of the Chief of Engineers and of the Secretary of War.

Third. The permittee shall begin the actual construction of the works and the several parts thereof within one year from the date of issuance of the permit unless that time, for good cause shown, be extended not more than one year by the Secretary of War; and said permittee shall complete said works within two years from the beginning of actual construction unless, for good cause shown, that time be extended not more than two years by the Secretary of War; and

the permittee, after the completion of the works, shall operate the same continuously for the development and transmission of electric current, power, and energy for sale or for other commercial purposes, and to the extent deemed necessary by the Secretary of War and the Chief of Engineers, unless prevented therefrom by unavoidable accident or delay, in which case, upon showing made to that effect, this requirement may be waived by the Secretary of War.

Fourth, The Secretary of War shall specify in each permit granted hereunder the rate of flow per second of the diversion authorized and the efficiency which must be attained with the water used and which shall not be less than 20 horsepower per cubic foot: Provided, That the efficiency of use, the method and manner of measuring efficiency of use, the method and manner of measuring diversion, and the method and manner of supervising and inspecting operations under the permit shall be in accordance with the recommendations made by the Chief of Engineers and approved by the Secretary of War: Provided further, Whenever it shall appear to the Secretary of War that the diversion of water for power purposes under any permit so issued is not being utilized to its required standard of efficiency as approved by him, or that the power plant as constructed is not sufficient to meet the available flow and the proper degree of practical generation and utilization, or that the public interests are not being properly conserved or protected in the generation, transmission, distribution, use, or sale of power generated from the water diverted it shall be his duty, after giving the parties interested reasonable opportunity to be heard, to notify and order the permittee to make the necessary changes, stating in such notice the changes required to be made, and prescribing in each case a reasonable time in which to make them.

Mr. SMITH of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SMITH of Minnesota: Amend, on page 4, by striking out all of line 16, after the word "shall," and all of lines 17, 18, 19, 20, 21, 22, and 23 and inserting in lieu thereof the following:

"The permittee, after the completion of the works that

lowing:

"The permittee, after the completion of the works, shall, to the extent the public may demand current, operate the same continuously, as provided in subsection 4 heretofore, for the development and transmission of electric current, power, and energy for sale for public use and purposes, unless prevented therefrom by unavoidable delay; and the failure on the part of the permittee to comply with the foregoing conditions and requirements shall be deemed a violation of the provisions of this act."

Mr. FLOOD. Mr. Chairman, I rise to a parliamentary in-The committee, by unanimous consent, agreed to consider this bill by paragraphs, and not by sections. Is it not too

late to offer an amendment to this paragraph?

The CHAIRMAN. The Chair understood that it was an agreement formerly made to read by paragraphs, and that amendments could be offered to the different paragraphs.

Mr. BURNETT. As read.

The CHAIRMAN. All has been read now, as the Chair understands it, down to section 3. The gentleman from Minnesota [Mr. SMITH] has offered an amendment.

Mr. FLOOD. We have read to section 3. is if amendments are not limited to paragraph 4 of section 2 under that unanimous-consent agreement?

The CHAIRMAN. The Chair would not so construe it. thinks amendments may, under this agreement, be offered to the second, third, and fourth.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry. I find on page 2166 of the RECORD, containing the proceedings of the last time this bill was under consideration, that the fol-

The CHAIRMAN. The Clerk has not finished reading the section.

Mr. SHERLEY. Mr. Chairman, a parliamentary inquiry. I would like to inquire whether it is not in order to offer amendments to the various paragraphs of the bill without regard to the section? Otherwise we are going to be required to go through three or four pages dealing with different matters without being able to amend, and I suggest that it will make a rather inconvenient consideration of the bill.

The CHAIRMAN. The rule for the consideration of a bill like this to consider it by sections.

suggest that it will make a rather inconvenient consideration of the bill.

The Chairman, The rule for the consideration of a bill like this is to consider it by sections. We consider appropriation bills by paragraphs.

Mr. Floon, Mr. Chairman, I ask unanimous consent that the amendments may be offered by paragraphs.

Mr. Dempsex, I will ask the gentleman from Virginia if it may not be understood that in that we have the right reserved to offer an amendment to the first paragraph. We are on the second.

Mr. Floon, Yes.

The Chairman. The rule is that appropriation bills are read by paragraphs and the others by sections. The gentleman from Virginia asks unanimous consent that this bill be read by paragraphs.

Mr. Stafforn. With a supplemental provision that amendments may be in order to the first paragraph, which has already been read.

The Chairman. With the understanding that amendments may be in order to the first paragraph, which has already been read. Is there objection?

There was no objection.

So I take it that there is no question but that consent was

So I take it that there is no question but that consent was

obtained to consider this bill by paragraphs.

The CHAIRMAN. The Chair has for the first time been apprised of what the understanding was. After inspecting it, the Chair thinks that it should be considered by paragraphs.

Mr. STAFFORD. We have been proceeding under an erroneous impression since the reading down to line 15, page 3, and I think, in view of the misapprehension of some of the Members,

there should be some opportunity to consider these paragraphs by paragraphs and not have the gentleman foreclose the right offering amendments to the paragraphs.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Minnesota [Mr. SMITH] have leave to offer the

amendment that he proposes.

Mr. MILLER of Minnesota. Reserving the right to object, how many amendments? Let us find out how many.

Mr. SMITH of Minnesota. In reply to that, has the time arrived in this House that a gentleman can not offer amendments to the bill?

Mr. MILLER of Minnesota. If he offers them in good faith, but if he offers them for the purpose of filibustering, no.

Mr. McARTHUR. Mr. Chairman, I object.

Mr. LONGWORTH. I did not understand from the reading of the Record that unanimous consent had actually been given.

The CHAIRMAN. I think it was granted.

Mr. STAFFORD. I read, Mr. Chairman, that the Chairman stated there was no objection.

The CHAIRMAN. The Chair understood it that way Mr. FLOOD. There was unanimous consent undoubtedly Mr. LINTHICUM. Will the gentleman from Wisconsin [Mr. STAFFORD] yield? Mr. STAFFORD. I yield.

Mr. LINTHICUM. I want to say to the gentleman that we have not been proceeding under any erroneous construction. The gentleman from Virginia stated that a unanimous-consent agreement had been agreed to.

Mr. MANN. The gentleman from Virginia stated a while ago

that he did not know.

Mr. STAFFORD. The gentleman occupying the chair has just said that he was under an erroneous impression.

Mr. LINTHICUM. I do not care what the gentleman said. Mr. STAFFORD. It is only fair that the gentleman have the right to offer an amendment.

Mr. FLOOD. I hope the gentleman will not be cut off from his right of offering an amendment at the proper time. I propose to limit debate on the three paragraphs and the amendments by offering a motion to limit debate.

Mr. McARTHUR. Mr. Chairman, I withdraw my objection. The CHAIRMAN. The question is on the request for unanimous consent made by the gentleman from Illinois [Mr. Mann]. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Minnesota [Mr. Smith] is recognized.

Mr. SMITH of Minnesota. Mr. Chairman, my purpose in offering this amendment is to limit the discretionary power of the Secretary of War. I think-just as much of the Secretary of War as any Member on this floor; it is the principle involved and not the man. But I do believe that in enacting legislation we should do it with some definiteness, and not leave it for the Secertary of War or any officer of this Government to determine what the legislation shall be.

The portion of the bill which I ask to amend is as follows:

The portion of the bill which I ask to amend is as follows:

The permittee, after the completion of the works, shall operate the same continuously for the development and transmission of electric current, power, and energy for sale or for other commercial purposes, and to the extent deemed necessary by the Secretary of War and the Chief of Engineers, unless prevented therefrom by unavoidable accident or delay, in which case, upon showing made to that effect, this requirement may be waived by the Secretary of War.

Now, I contend in all seriousness and fairness that the Secretary of War should not be the sole judge in every case; that we can define, as my amendment does, that this power should be used to its full extent so long as there is a public demand for it. Mr. McARTHUR. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Minnesota, Yes.

Mr. McARTHUR. Is it not the purpose of the gentleman's amendment to make public-service concerns, such as these cities

and towns, purchasers of this power?

Mr. SMITH of Minnesota. Oh, no. The gentleman misunderstands it. There has been so much misunderstanding to-day and so little thought given to this important question that I am not at all surprised at my friend from Oregon. Not at all, He is pardonable. I have no purpose in offering this amendment except to get the best legislation we can get. I am just as much in favor of seeing Niagara Falls developed and seeing the companies there get this power as the men who bring in this bill, for that is their purpose, although they will not tell us what the purpose is. They seem to be afraid to trust us with the facts, as is evidenced by their bill, all of which makes me very suspicious of just what the Secretary of War will do when he gets the authority to give the companies a new permit. One would imagine that some sort of an understanding has been arrived at. If not, why not put a preferential clause in the bill?
Mr. FLOOD. Mr. Chairman, will the gentleman yield?
Mr. SMITH of Minnesota. Yes.

Mr. FLOOD. What is the gentleman's statement? Mr. SMITH of Minnesota. My statement is that the gentlemen who bring in this bill know that the purpose of the legislation is to give the two hydroelectric concerns at Niagara Falls the right to use the additional 4,200 cubic feet of water.

Mr. FLOOD. I can answer the gentleman. Mr. SMITH of Minnesota. No; I decline to yield.

Mr. PARKER of New York. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Minnesota yield

to the gentleman from New York?

Mr. SMITH of Minnesota. No; I can not yield now. I believe this bill ought to carry the preferential right, giving these companies the right to take that power under the law that we pass to-day. Why? Let us be fair. Let us come out of the woods and say that we are enacting this legislation for those companies if they comply with our conditions. But let us make those conditions fair and reasonable to the public.

All that you have done in this bill and all that you have apparently tried to do, whether you intend to do so or not, is to turn over the right to use this 4,200 cubic feet of water to the Secretary of War, to give it to whomsoever he sees fit; not only to give it to a particular grantee, but after the grantee has been given the right he may run it as the Secretary of War pleases, in total disregard of the commission of the State of New York or any other State.

This bill deserves consideration. I take issue with any man who says I am here filibustering against this bill. I am not. I want to see those companies get that power, but under such safeguards and regulations as will protect the rights of the

public.

In the past I have tried to get legislation that would give the State of Minnesota and the Twin Cities a preferential right to secure the power at the high dam between the cities, and a number of the Members of this House, especially on the Republican side, who were opposed to the Twin Cities getting this preferential right, are to-day insisting that this bill be passed without any time being given for its consideration. Of course, the bill itself contains no preferential clause, but the Secretary of War is given the right to grant this power to the present corporations. This may serve as an excuse for the inconsistency of my distinguished colleagues that are so anxious that this bill be passed at once without debate or amendment.

My present attitude is, at least, consistent with my former position, as I am in favor of giving to these two power companies the preferential right to get this additional water. They have invested their money. They have equities there. State of New York has equities there. And do you suppose that we, as sensible men, are going to take that away from them without giving them an opportunity to bid for this power? What is there in this bill that requires the Secretary of War to sell this power to the highest bidder and for the best interest of the United States? Not a single line. Yet a number of the Members who are supporting it insist that other power bills that passed this House must contain a provision that the Secretary of War must grant the permit to the party that would make the highest bid for it, or, in other words, pay the most money. Where are these great friends of the public to-day? What has become of their conservation convictions?

Mr. HUDDLESTON. Mr. Chairman, I rise to oppose the

amendment

Mr. SMITH of Minnesota. Mr. Chairman, I ask for five minutes more.

Mr. FLOOD. I object, Mr. Chairman. Mr. HUDDLESTON. Mr. Chairman, I rise to oppose the amendment.

Mr. PARKER of New York. Mr. Chairman-

The CHAIRMAN. Does the gentleman from Virginia desire recognition?

Mr. FLOOD. I desire a gentleman over there to have recognition in my place.

The CHAIRMAN. Is the gentleman from New York [Mr.

PARKER] a member of the committee?

Mr. PARKER of New York. No.

The CHAIRMAN. Then the gentleman from Alabama [Mr. HUDDLESTON], who is a member of the committee, will be

Mr. HUDDLESTON. Mr. Chairman, I applaud the gentleman from Minnesota [Mr. SMITH] for what he has said in behalf of his amendment. I applaud him. It is sound. The objection am making to this bill is that it ought not to be constructed for the benefit of those two concerns. I dissent, however, from what the gentleman from Minnesota says, that we ought to legislate for their benefit.

Now, I say this bill, whether so intended or not, is so constructed that nobody else can get in under it except those two concerns. If we are going to fix it in that fashion, then we ought to make it just as strong on them as possible. I am not willing to turn the people of western New York over to the mercies of these two concerns. I want somebody, anybody I can get, to stand between them and this system that has been going on up there for years.

Some gentleman may think that the Public Service Commission of the State of New York is amply able to protect the people and to protect that State, but I dissent from that view.

I have before me statements made by the Public Service Commission of the State of New York that throw a considerable light on this controversy, and I regret the disposition that has been shown here that cuts me off from showing the germane facts to this House.

The Public Service Commission of the State of New York has not been able to protect the citizens of western New York. There is some defect there in the commission or in the laws under which they are acting. For instance, Mr. Chairman, they do not know anything about what the Hydraulic Power Co. is

The gentleman from Wisconsin called the attention of the House to the fact that the commission has no information as to what is being done with half of the power that is being generated at Niagara Falls on the American side; and I want to say, Mr. Chairman, that the public service commission in New York has not got the information with reference to the Niagara Falls Power Co. and they have not got it as to the Hydraulic Power Co. I have a letter here from the chairman of the commission, and I want to call attention to some of the statements that he makes. He says that the impression is general that the commission has investigated the situation at Niagara Falls, but that all they have done is to investigate the charges in Buffalo of the Buffalo General Electric Co. That is all. They have gone into it, and that is all they know about. They have some general information which the chairman is unable to say whether it is accurate or otherwise.

They have had no hearings on the general situation. have just simply collected information in a general way, and do not know with any certainty how much power is being generated by either one of these concerns at Niagara Falls, nor what they are charging for it, nor to whom they are selling it, nor whether they are discriminating, nor what they are doing. I am here, Mr. Chairman, to say that they are overcharging the I am here to say that there is discrimination. They are playing their favorites among the consumers of this power, and they will continue to do that unless we step in and stop it.

Mr. FLOOD. Mr. Chairman, I am surprised at the gentleman from Alabama [Mr. Huddleston] complaining that he is being cut off from an opportunity to debate this bill. By dilatory tactics and filibustering methods to-day, he has killed one-half of the time that we have been in session. If he had really desired to discuss the merits of this bill, he would have abstained from these tactics, and would have had all the opportunity he wanted to discuss every line of this bill and every amendment that is offered in connection with it. I think it comes with bad grace from the gentleman to complain of lack of time. [Applause.]

Mr. HUDDLESTON. Mr. Chairman, can the gentleman point to anything that looked like filibustering until the gentleman had declined to give me anything like a reasonable time to dis-

Mr. FLOOD. Mr. Chairman, the gentleman raised the point of no quorum before he went into the Committee of the Whole for the consideration of the bill this morning.

Mr. HUDDLESTON. Certainly I did. This is an important bill, and we ought to have the Members here to consider it.

Mr. FLOOD. I refuse to yield any further. I have answered the gentleman's question. He has done nothing but filibuster, and the gentleman with other members of the committee has considered this bill for weeks and weeks. I resent the suggestion that this bill is framed in the interest of two power companies at Niagara Falls. I realize, as every man realizes, that no legislation can be enacted disposing of the Niagara River water that does not give an advantage to the existing companies, but this bill avoids that as far as it is possible to do so; it guards the interest of the Government and the consumers of power.

Mr. HUDDLESTON. Mr. Chairman, I rise to the point of order that debate has been exhausted.

Mr. FLOOD. Debate has not been exhausted. The CHAIRMAN. Debate, so far as this ame Debate, so far as this amendment is concerned, is exhausted.

Mr. MILLER of Minnesota. I ask unanimous consent that the gentleman may proceed for five minutes.

Mr. PARKER of New York. Reserving the right to object-

want to discuss my amendment for five minutes.

Mr. HUDDLESTON. Reserving the right to object, I should like to know when we are to have some time to debate this measure?

Mr. MILLER of Minnesota. How much time does the gentle-

man think he ought to have to debate this measure?

Mr. HUDDLESTON. I think we ought to have reasonable time for debate. If it is the policy of the chairman of the committee to cut off debate at the earliest possible moment, I shall certainly object.

Mr. FLOOD. It is the policy of the chairman to move to cut

off unnecessary and dilatory debate; this I have been trying

to do all day.

Mr. HUDDLESTON. I object.

Mr. FLOOD. Wait a minute, now. I have the floor. I object to being interrupted by the gentleman every time I say a word.
Mr. HUDDLESTON. Mr. Chairman, I call for the regular

Mr. FLOOD. The gentleman has asked me a question, and I have a right to answer it. The gentleman asked the question whether it was my purpose to cut off debate. I will make a motion to cut off all unnecessary and dilatory debate, and if those motions cut off the gentleman from Alabama, I can not help it. So far as I am concerned, I do not make any request for any time for myself.

Mr. HUDDLESTON. Mr. Chairman, in view of the vague

answer of the gentleman, I must object.

Mr. MILLER of Minnesota. I move, as a substitute for the amendment offered by the gentleman from Minnesota, to strike out the word "second," in line 16, page 3, and to insert in lieu thereof "section 4," and I want to be heard on that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 3, in line 16, by striking out the word "second" and inserting the words "section 4."

The CHAIRMAN. The gentleman from Minnesota moves an

amendment to the amendment.

Mr. MANN. Mr. Chairman, I make the point of order that that is not a substitute. It has no relation to it at all. The Clerk will correct the numbers of the sections.

Mr. MILLER of Minnesota. The first section has been

Mr. MANN. The Clerk will change the other sections when

he engrosses the bill, without any action by the House.

Mr. MILLER of Minnesota. Mr. Chairman, I have not with
me the amendment offered by the gentleman—

Mr. MANN. I make the point of order that the gentleman's amendment is not in order.

The CHAIRMAN. The point of order is sustained. Mr. MILLER of Minnesota. I want to speak five minutes. That is what I offered it for.

Mr. STAFFORD. I ask unanimous consent that the gentleman from Minnesota [Mr. MILLER] may proceed for five min-

Mr. RAGSDALE. Mr. Chairman, I ask unanimous consent that the gentleman from Minnesota, a member of this committee, may be allowed to address the House for five minutes.

Mr. PARKER of New York. Mr. Chairman-

The CHAIRMAN. The gentleman from Wisconsin [Mr. Stafford] asks unanimous consent that the gentleman from Minnesota have five minutes in which to address the committee, Is there objection?

Mr. LINTHICUM. I object. Mr. RAGSDALE. Then, Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from South Carolina makes the point of no quorum. The Chair will count.

Mr. MOORE of Pennsylvania. I make the point that that point of order is dilatory.

The CHAIRMAN. The question of no quorum is never dila-

ory. A quorum is necessary in order to do business.

Mr. GARDNER. The Speaker being satisfied that a quorum was present and that the point of no quorum was dilatory, declined to entertain it. There are a great many decisions to that effect. Very likely the Chair is not satisfied; but often the point of no quorum has been held to be dilatory if the Chair was satisfied that a quorum was present.

The CHAIRMAN. The Chair will say in passing on the

point of order of the gentleman from Massachusetts that if the Chair was satisfied that there was a quorum present he would so announce without counting; but at the time the point was

made by the gentleman from South Carolina the Chair was not satisfied that a quorum was present. Some Members have come in since the point of order was made, and it may be that there is now a quorum present; but the Chair is not certain that such is the case; hence a count is proper. [After counting.] One hundred and fifteen Members present-a quorum.

Mr. PARKER of New York. Mr. Chairman, I move to strike out the last word. The gentleman from Alabama [Mr. Huddleston] has read an extract from a letter from Mr. Van Santvoord, chairman of the second division of the Public Service Commission of New York State. He has not read the whole letter. I hold in my hand a letter from the electrical expert for the second division of the Public Service Commission of the State of New York, which I shall introduce in the RECORD as a part of my remarks, and it closes in this way:

The Cline bill disposes of any such claim and clears the way for effective action by the commission.

Now, that is the letter, and, as I say, I do not wish to take the time to read it now or give the gentleman's name, but I will tell you his name.

Mr. HUDDLESTON. Will the gentleman yield?
Mr. PARKER of New York. No; I have not the time, and
the gentleman would not yield to me. The letter is from an expert. The gentleman would lead us to believe that not one single investigation has been made as to the rates at Niagara Falls. He states that the hydraulic company sells 60 per cent to private concerns. That is true. There is the largest chemical electric proposition anywhere in this country located at Niagara Falls, and all the electrical energy that is developed is subject to the public-service commission. The gentleman speaks about the General Electric Co. at Buffalo. I think the gentleman made the statement that the Niagara Falls Power Co. would not do their own milking. Allow me to quote from a report of the public-service commission a statement as to who owns the stock.

I come from a place as far from Niagara Falls, practically, as does the gentleman from Alabama. I have not one single person in the district that I have the honor to represent who uses that power; but, nevertheless, I can not stand here and hear the gentleman from Alabama say, by implication at least, that the Public Service Commission of the State of New York is not effective and is not efficient. I do not see how the gentleman is going to get any Member to follow his idea that we can employ men for \$6,500 a year for which we in New York State pay \$15,000. The gentleman can not believe for a moment that you can hire a better or more compètent man for \$6,500 than you can for \$15,000. Now, the gentleman to whom the gentleman from Alabama refers, Mr. Van Santvoord, is a personal friend of mine; he is a Democrat and belongs to the gentleman's own political faith, and is as fine a gentleman as I know.

Mr. HUDDLESTON. I want to call the gentleman's attention

to paragraph

Mr. PARKER of New York. Mr. Chairman, I decline to yield. Now, I wish to read from a case decided April 2, 1913, in which you find this language:

It does not appear of record that the Niagara Falls Power Co., even directly or indirectly, has any stock holdings in the General Electric of Buffalo. Whether it really owns stock standing in the name of private individuals is not known. There has been no list of stockholders that indicates that this is the case.

I am reading from an official report of the Public Service Commission of the State of New York. The gentleman from Alabama would lead us to believe that no rate had ever been reduced in the State of New York

Mr. HUDDLESTON. The gentleman is mistaken.

Mr. PARKER of New York. In this same report in 1913 there was a reduction ordered of 28 per cent, and this was taken into court on the theory of confiscation and a general reduction of 19 per cent was ordered.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PARKER of New York. Mr. Chairman, I ask for five

minutes more The CHAIRMAN. The gentleman from New York asks that

his time be extended five minutes. Is there objection? Mr. HUDDLESTON. Reserving the right to object, I shall object unless the gentleman allows me to ask him some questions.

Mr. PARKER of New York. I will yield to the gentleman.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDDLESTON. Does not the gentleman think this public-service commission is ineffective when the Hydraulic Power Co. is not under its jurisdiction? Does not the gentleman think there is something radically wrong in the law?

Mr. PARKER of New York. No; I do not, I am thor-loughly familiar with the public-service law, because I helped

Mr. HUDDLESTON. Perhaps that accounts for it. Does the gentleman realize that there is nothing in this bill that will force the Hydraulic Power Co. to generate hydroelectric energy

and distribute it at reasonable rates?

Mr. PARKER of New York. In answer to the gentleman, I wish to state that he is right as to the Hydraulic Power Co., but if any of the users of the power failed to complain to the public-service commission as to rates, if they are satisfied, whose

business is it except theirs?

Now, another matter, it seems to me very important regard-ing this bill, and that is that the United States Government, by a great stretch of imagination, assumes control over the water at Niagara Falls. I believe we have control of it; but an attorney general of the State of New York believed that it is absolutely a State proposition. I do not know, however, of one atom of this power that is used in interstate commerce; it is absolutely intrastate, and the gentleman will admit that. The gentleman must admit that as soon as the power is generated it becomes subject to the laws of the State of New York and not to the Federal Government. You can not enact a law that will make it subject to Federal control.

Mr. CLINE. Mr. Chairman, I want to call the attention of the gentleman to this fact, that there can not be a permit issued

gentleman to this fact, that there can not be a permit issued under this bill to any party or corporation who does not qualify under the public-service laws of the State of New York.

Mr. PARKER of New York. That is in conformity with our State laws. The gentleman talks about monopoly. Let me point out to the gentleman that the Government regulation fosters monopoly. You can not get away from it. If you are going to regulate rates, you have got to foster monopoly, because there are two things that govern prices—one is competition and the other is

regulation.

If you say that you have regulation, by the same token you say that you will protect from undue competition, That has been fought out in our State many times. For instance, you say grant this to some other company. Before they can distribute that they would have to go to the public-service commission of the State of New York and get a certificate of public necessity. You say that the Hydraulic Power Co. ought to be under this companies of the public results o be under this commission. I agree with you. They should be under the public-service commission's jurisdiction. The Niagara Falls Power Co. is.

Mr. FLOOD. This bill puts the Hydraulic Power Co. under

that commission.

Mr. PARKER of New York. Yes. I agree with the gentleman thoroughly. They should be. The public-service commission knows how much it costs to generate a horsepower. They know whether prices charged to the 60 per cent which are under their jurisdiction are reasonable or not. The gentleman fails to recognize that the State of New York was the first big State in the Union to try to regulate public-service corporations in a comprehensive way. This is practically a New York State proposition, except that the United States has control of the water. [Applause,]

The letter to which I made reference is from an engineer of the public-service commission of the second district of the State

of New York, and I quote from it the following:

PROPOSED LEGISLATION REGARDING NIAGARA WATER POWER.

1. THE QUESTION INVOLVED IS GOVERNMENT OWNERSHIP V. PRIVATE OWNERSHIP.

OWNERSHIP.

The fundamental difference which exists between the schemes proposed is not what measure of control should be exercised over the power, nor is it whether the control should be exercised by Federal or State Governments. The real difference is between a continuation of private ownership, with extensive and adequate regulation, and embarkation in a scheme in which private capital plays no part, but all of the canals, tunnels, power houses, machinery, transmission lines, substations, etc., are owned by the Government, paid for by Government bonds, and operated by the Government as a business venture.

2. GOVERNMENT OWNERSHIP IS NOT TET ADVISABLE.

are owned by the Government, paid for by Government bonds, and operated by the Government as a business venture.

2. GOVERNMENT OWNERSHIP IS NOT YET ADVISABLE.

The sentiment of the State and Nation is opposed to a general plunge into Government ownership. It is not necessary at this juncture to-discuss the abstract principle of whether Government ownership of some forms of business is or is not advisable. It is enough to say that until our municipalities and States can achieve efficient and economic building of roads, operation of charitable institutions, and management of ordinary governmental activities it will not be time to embark into projects which are less generally understood and more subject to disaster in inexperienced or inefficient hands. The generation, transmission, and distribution of electricity are highly technical problems, and if governmental ownership is to come at all it would seem that they should be among the very last to be taken up.

There was a few years ago some agitation in New York State for State development of water power, but this has been entirely abandoned, even in the case of powers which are now actually owned by the State. New York is definitely committed to the policy of private ownership, with effective governmental regulation, except that municipalities are permitted to own their utilities if they choose. The number of

those who have chosen to do so is not great, and the average results obtained by them are not such as to encourage extensions of the

those who have chosen to do so is not great, and the average results obtained by them are not such as to encourage extensions of the experiment.

The hydroelectric commission of Ontario is the example usually pointed out as conspicuously illustrating the possibility of success in such ventures. It is too early to herald the Ontario scheme as a success. It may be that by destroying private property rights, causing loss of tax revenue, and by securing partial support through direct appropriations supplied by general taxes, the commission has been able to reduce the rates for electricity below those which have been found possible by sound and sane business enterprises. Even the question of how much the rates have been reduced is one which requires careful analysis. It is not fair to compare the kilowatt-hour charge in a rate where a charge based on room area must be paid in addition with the primary kilowatt-hour charge in the case of a rate like that which exists in Buffalo, where the initial rate is comparatively high, as it should be, until the consumer has paid part of the carrying charges on the investment required to serve him, but where a reasonable use of electricity rapidly causes the rate to fall, enabling those who really desire to use current for purposes other than lighting to get it for 1½ cents a kilowatt hour. It is not time to copy the Ontario experiment until a reasonable interval has shown whether adequate provision has been made for depreciation and obsolescence of the property so recently installed, whether the proposition is on a sound and continuing financial basis, and whether the municipalities who are obliged to pay the wholesale rate imposed by the commission, and charge the retail rate fixed by the commission, will indefinitely continue to make good through taxes any deficts which this method may cause.

3. THERE IS NO ADVANTAGE IN GOVERNMENT OWNERSHIP.

3. THERE IS NO ADVANTAGE IN GOVERNMENT OWNERSHIP.

The Cline bill expressly prohibits capitalization of the right to divert the water, and specifies that it shall not be assigned value in any tax, rate, or other proceeding. This means that under efficient regulation the companies diverting the water will be limited to a revenue which will reimburse them for reasonable operating expenses and pay a fair percentage on the capital actually invested in physical property. It is true that ordinarily the Government can secure capital at a slightly lower rate of interest than a private business enterprise, although this difference will naturally become less as the Government embarks more into general business undertakings. It will hardly be questioned, however, that the private enterprise can considerably distance the public one in efficiency and economy of operation, and the advantage thus gained will usually more than offset the difference in interest rate. The proponents of Government ownership will question the success of governmental regulation. It is certainly quite as likely that dishonesty and inefficiency will be encountered in the management of a Government-owned business as in governmental regulation of private business.

4. THE RIGHTS OF EXISTING COMPANIES SHOULD BE RECOGNIZED.

developed the power from Niagara water and sold it to those who found it useful. The investment in this business seems now to be so wise and profitable that the uncertainty and experimental nature of the development in its early stages is hardly recognized. Engineers not yet past middle age, who participated in the first installation of the Niagara Falls Power Co., find it difficult to remember or to believe that there was grave question among all engineers at that time as to whether two generators could be operated simultaneously on one line, and whether power could be successfully transmitted at 11,000 volts from Niagara Falls to Buffalo.

The companies who bravely faced the doubts of those days and invested their money with faith in the future have developed an art, the progress of which has surprised even themselves, and the power which they have made available has been of the greatest value to the State and to the Nation. They have proceeded under explicit authorizations of the State and Federal Governments. They have violated no laws and have been amenable to every regulation imposed upon them. The property which they possess is theirs by every principle of law and justice, and should not be made valueless by an unreasonable deprivation of the water which alone makes it productive. If these companies have made money, that constitutes no crime for which they should now be punished by confiscation of their property. How many of those who loudly proclaim these people as robbers would not in like situation have made the most of the opportunities presented for building up their personal fortunes?

All of this is not to say that inefficiency should be allowed. The public right to require that every foot of water which is diverted from the Niagara River be utilized to the best possible advantage is paramount to any private interest. The Cline bill, with its requirements that at least 20 horsepower must be developed per cubic foot-second (about all that can be obtained without going down below the rapids) takes c

5. GENERAL CONTROL OF THE DIVERSION BELONGS TO THE FEDERAL GOVERNMENT.

In the first instance, the total amount of water which may be diverted in this country is fixed by international treaty, and it naturally devolves upon the Federal Government to see that the terms of this treaty are carried out. The Niagara River is a navigable stream, and it is incumbent upon the Federal Government to see that any diversion of water for power purposes be only in such amount and in such manner that navigation will not be interfered with. The scenic beauty of Niagara Falls must be conceded to be a national asset and the Federal Government is within its rights and duties in preserving that feature.

The persons or corporations to whom the water rights should be granted might perhaps be more properly selected by the State, but as the grants must be made by the Federal Government, and if necessary, be revoked by it, it would introduce complications to have the grantees selected by a different authority. This matter is not of much consequence, as the power will be developed by some one in any case and the ownership of any property is likely to change from time to time.

6. CONTROL OF THE DISTRIBUTION AND PRICE SHOULD BELONG TO THE

6. CONTROL OF THE DISTRIBUTION AND PRICE SHOULD BELONG TO THE STATE.

Regardless of the agency by which the power is developed, and unless a great deal more is generated than can now be taken under treaty restrictions, the power will be used in New York State, because New York State is there to take it and no other State is. The Federal Government has no more real interest in this question than in the case of a water power located in the interior of the State, on a non-navigable stream.

The Federal Government has no suitable machinery established for regulation of such business. The Federal Government should not extend its activities into fields which can be as well covered by the individual States, or by smaller subdivisions.

The State is vitally interested in this subject. The prosperity of its people depends to a material extent upon the availability of power in adequate quantities and at proper prices. The general problem involves the generation of power at other water powers and by steam plants, and its distribution and supply in all the various communities of the State. A large part of this work will in any event be supervised by the State and could not possibly come under Federal regulation. The power from Niagara is only a portion of the whole, and the problems in connection therewith dovetail into others which make up the whole. In an particular community power may be received from several sources, one of which is Niagara. To obtain efficient and satisfactory regulation it is essential that it be in the hands of one authority and not divided. It is fully as important that the treatment be uniform and comprehensive as that it be honest and intelligent.

The State has already developed the machinery by which such regulation may be, and is, carried out, and the officers now exercising those duties have become trained and efficient in the problems of governmental control.

7. THE STATE CAN BE DEPENDED UPON TO REGULATE.

This proposition requires little argument. New York was one of the first States in the Union to take up comprehensively the regulation of public utilities. Its laws and the organization and work of its commissions have served as models for many of the other States.

S. THE PUBLIC SERVICE COMMISSION IS COMPETENT AND HONEST

missions have served as models for many of the other States.

s. THE PUBLIC SERVICE COMMISSION IS COMPETENT AND HONEST.

The easiest thing in the world is to direct criticism against public officers. It is simple justice to remember that the problems which faced the commission at its organization were vast and new. In practically every phase of its duties the way had to be sought out and blazed by the commission. The amount of work involved in organizing the commission and establishing its methods can hardly be appreclated.

The commission has not always done right; the men appointed to it have not always been the best men; no one will defend all of its acts or say that there is no room for improvement, but the people of New York State feel that it has done a good work and have confidence in it. No one is hardy enough to suggest that the commission should be abolished and there are few who desire changes of any importance. Senator Thompson has something to say in the way of general criticism (more particularly of the New York City Commission), but it is understood that the legislation to be proposed by his committee is mostly in the line of giving more power to the commission in order that it may be unhampered in its work.

The commission has done a great work in requiring proper accounting, supervising the issuance of securities, and enforcing adequate service. In the regulation of rates, two instances will be sufficient to indicate the nature of the work done. In Buffalo a thorough investigation was made of the situation concerning all rates for electricity, and the commission fixed uniform and equitable rates applying to all current sold. The rates fixed by the commission result in a reduction to the public in cost of electricity of over \$500,000 per year. These rates were so adjusted as to allow, in addition to operating expenses, only a fair return upon the actual physical property devoted to the business of furnishing electricity. It is, of course, nonsense to compare the rates charged for the current whi

blocks of high-voltage power at Niagara Falls or at the Buffalo city line.

As a result of the commission's investigation and the rates established by it in New York City, telephone users of that city have secured a benefit amounting to \$5,000,000 annually. Cases of lesser magnitude, but of equal importance to the communities affected, might be cited indefinitely.

The commission is always open to receive complaints from any justified person and never fails to give such complaints careful consideration. Whether the rates for electricity charged by the power companies at Niagara Falls are too high is not a question which can be answered offhand. The commission has never received any complaints from the purchasers of such power, and it is a matter of common knowledge that purchasers are exceedingly eager for such power at the present prices and can not get enough to supply their needs. As a matter of fact, it might have been a difficult matter for the commission to regulate these rates in the past. The power companies were operating under sweeping authorizations from the State and Federal Governments, and there was a serious question as to whether such authorizations would not have been considered in law as vested rights which the commission would have been bound to recognize and assign values to in any rate case. The Cline bill disposes of any such claim and clears the way for effective action by the commission.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. Crosser having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Sharkey, one of his secretaries, who informed the House that the President had, on February 3. 1917, approved and signed bills of the following titles:

H. R. 193. An act to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of

leprosy in the United States; and

H. R. 20209. An act to amend section 276 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

DIVERSION OF WATER OF THE NIAGARA FALLS.

The committee resumed its session.

Mr. AUSTIN. Mr. Chairman, I wish to be recognized in opposition to the amendment offered by the gentleman from Minnesota.

Mr. FLOOD. Mr. Chairman, debate upon that amendment has been exhausted.

Mr. AUSTIN. Then I move to strike out the last two words. have not addressed the committee to-day.

Mr. FLOOD. I have not been able to express the few sentiments that I have in mind.

Mr. MILLER of Minnesota. Neither have I.
Mr. AUSTIN. I thought I heard the gentleman from Virginia make some talk. Am I recognized? I move to strike out the last two words.

The CHAIRMAN. Objection has been made, the effect of which is that the gentleman will have to address himself to his

amendment.

Mr. AUSTIN. I do not want to go into a farce of that kind. want to discuss the bill.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent that the gentleman from Tennessee [Mr. Austin] and the gentleman from Virginia [Mr. Flood] each have five minutes.

The CHAIRMAN. The gentleman from Michigan asks unani-

mous consent, in this connection, that the gentleman from Tennessee and the gentleman from Virginia have five minutes each. Is there objection?

Mr. LINTHICUM. Mr. Chairman, I object.

Mr. FLOOD. I object. Mr. AUSTIN. You will not pass this bill until I have a chance to discuss it.

Mr. FLOOD. That is all right. If the gentleman desires to defeat the bill, let him defeat it. We are all trying here to do the best we can to pass it.

The CHAIRMAN. The question is on agreeing to the amend-

ment.

The amendment was rejected.

Mr. HUDDLESTON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 5, line 3, after the word "foot," insert "and which shall be used in the generation of hydroelectric power."

Mr. HUDDLESTON. Mr. Chairman, the concern at Niagara that is using the water at the most efficient head sells only mechanical power. That mechanical power it sells to various associated companies. I am not advised as to its relation with them, but those associates rent from it its generators and trans-

mission lines and supply themselves with power in this fashion.

The gentleman from Virginia [Mr. Flood] to the contrary notwithstanding, I have some very important objections to this bill, and some that I think are worthy of consideration. I understand the gentleman from New York [Mr. PARKER] to agree with me that this bill does not prevent the continuance of that situation. He seems to think it is all right. In that I do not agree with him. I think the power at Niagara Falls belongs to the people—his people, if he will. He says it is a New York proposition, and I agree with him that it is to a large extent.

Mr. PARKER of New York. Mr. Chairman, will the gentle-

man yield?

Mr. HUDDLESTON. In a moment. The trouble about the situation there is that the people are not getting the power. That power is going for the sole benefit of a few industrial concerns in the city of Niagara Falls. I think this power is worth more for domestic use, for lighting homes and doing the everyday things of the consumers, the plain people of western New York, than it is for the manufacture of aluminum, carborundum, and one thing and another.

Mr. PARKER of New York, Mr. Chairman, will the gentle-

man yield?

Mr. HUDDLESTON. No; I have not the time. If I could get five minutes more, I would yield to the gentleman. These concerns do not have to be at Niagara Falls. The prosperity of New York does not depend upon their being there. They can as well go somewhere far away in the woods. You can make just as good aluminum on the Columbia River as at Niagara Falls. You can make it anywhere in the whole land where there is water power. You do not have to make it right there, where there are teeming millions of people who are reaching out their hands pleading for power at reasonable rates.

The aluminum company and the carborundum company can not afford to go into competition with the people who want to

use the power for domestic purpose

Mr. PARKER of New York. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. No. I do not think we ought to have in view the needs of these industries at Niagara Falls.

They are there, and they can just as well be somewhere else. Let us save this power for the people. Let us see that it is generated into electric current and spread over that whole part of the country so that the mass of the people get some benefit of it. What benefit is it to the people now? A few millionaires conduct some works up there and hire a lot of laborers at as low wages as they can get them for, and they roll wheelbarrows in and out of their works, and there is really very small benefit to the people. If the people can only get this power, if it can be distributed for legitimate purposes among the small users of western New York, it would be a priceless boon. They would no longer be exploited as they are now by the Buffalo General Electric Co. I wish I had time to show you the figures I have. I have the contracts, I have a statement from the public service commission, but I have not the time to show it to this committee. It is not of enough importance in considering a little bill like this, so the majority, who control the time, seem to think.

Mr. FLOOD. Mr. Chairman, I move that all debate on the other paragraphs of section 2 and all amendments thereto be now closed.

Mr. AUSTIN. I would ask the gentleman to yield me five minutes

Mr. FLOOD. In five minutes' time, that to be accorded to the gentleman from Tennessee [Mr. Austin].

Mr. SMITH of Minnesota. Mr. Chairman, I wish to ask the

chairman of the committee a question. Does that preclude the offering of amendments?

Mr. FLOOD. Oh, no; just debate. Mr. SMITH of Minnesota. Now, I have an important amendment, which is very short, and it will not take over five minutes, and I ask to have a chance to offer it.

Mr. FLOOD. Then, Mr. Chairman, I ask that all debate on this paragraph end in 10 minutes, 5 minutes to go to the gentleman paragraph end in 10 minutes, 5 minutes to go to the gentleman from Tennessee [Mr. Austin] and 5 minutes to the gentleman from Minnesota [Mr. SMITH].

The CHAIRMAN. The gentleman from Virginia moves that at the expiration of 10 minutes all debate be concluded on this

section and all amendments thereto.

Mr. HOWARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOWARD. Does this include debate on amendments to this section-10 minutes to the entire section and all amendments thereto?

The CHAIRMAN. To the section and all amendments thereto.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. Howard) there were-ayes 65, noes 8.

So the motion was agreed to.

Mr. AUSTIN. Mr. Chairman, the gentleman from Alabama [Mr. Huddleston], in discussing this legislation prior to the holidays, when we had the temporary bill up, was asked by me the direct question as to how much the people of the city of Birmingham, Ala., the gentleman's home town, were paying for their electricity, and he said he could not tell and did not know.

Mr. HUDDLESTON. The gentleman is mistaken.

Mr. AUSTIN. I appeal to the RECORD.
Mr. HUDDLESTON. The gentleman asked what the Alabama Power Co.'s rates were and I said I did not know.

Mr. AUSTIN. I asked what they were paying for electricity

supplied from the Coosa River-

Mr. HUDDLESTON. They are not supplying Birmingham. Mr. AUSTIN (continuing). And the gentleman stated he d not know. To-day he has some figures about the cost of did not know. To-day he has some figures about the cost of power in New York and Canada. Let me read him some figures as to the cost of power in Birmingham, his own city.

Mr. HUDDLESTON. The gentleman will find it high. Mr. AUSTIN. "Birmingham, Ala., January 30, 1917. M mum price for energy, 7½ cents per kilowatt per hour. Minimum price, three-fourths cent per kilowatt per hour. Steam will price, three-fourths cent per kilowatt per hour. Steam will cost the same. Horsepower is not the unit of measurement in this city. All electricity used here is generated on the Coosa River." I believe the gentleman said it was not generated on the Coosa River.

Mr. HUDDLESTON. No; I did not. Now, if the gentleman

will yield-

Mr. AUSTIN. No; the gentleman would not yield to me. I tried three different times when the gentleman had the floor and the gentleman discourteously took me off my feet. I had an engineer figure out the cost of power on these figures. It is \$48.75 per horsepower; that is the minimum, and \$487.50 is the maximum.

I commend to the gentleman his zeal in searching for and investigating the cost of power in the far-off State of New York and a foreign country, but I want to appeal to him to get down and begin business at home in the Birmingham district [applause] and in the city from which he hails, and let him begin his reform there and his work there in the interest of the people who elected him to Congress. [Applause.]

Mr. HUDDLESTON. Will the gentleman yield?

Mr. AUSTIN. No; I will not. The CHAIRMAN. The gentleman declines to yield.

Mr. AUSTIN. Now, I think this House can depend upon the Representatives from New York [Mr. SMITH], a Democrat from the city of Buffalo, which is taking this power, and the gentleman from the Niagara district [Mr. Dempsey], where it is made and used, to look after, care for, and protect the interests of the people who elect them to Congress. [Applause.] They are amenable to and answerable to their constituents, and if the people are being robbed, as the gentleman alleges, the voters of those districts have elected two honorable gentlemen to stand up here and protect their interests and have not commissioned the gentleman from Alabama to be a guardian for them. [Applause.]
Mr. FLOOD. May I call the gentleman's attention to the

fact that this measure that we are considering and enacting into law will put these companies under the control of the New York Public Service Commission and that they will be subject to the regulations as to price and other matters of that commission and that now there is no law putting one of them there?

Mr. AUSTIN. Yes. I think the people of the immediate neighborhood in New York, Brooklyn, Niagara, and in Buffalo are just as honest as they are in Birmingham or any other section of this country; and if they have public officials that are recreant to their duty or their interests here or in the Public Service Commission of New York State, they have a right to get rid of them at the ballot box. And I refuse to be persuaded or influenced in the belief expressed by the gentleman from Alabama [Mr. Huddleston] that these gentlemen are doing something wrong in recommending this bill to our favor.

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous con-

sent to have five minutes in which to reply to the lecture of the

gentleman.

Mr. MILLER of Minnesota. I object. Mr. SMITH of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is it an amendment to the amendment? There is a pending amendment offered by the gentleman from Alabama. Is the gentleman's amendment an amendment to that

The question is on the amendment offered by the gentleman from Alabama [Mr. HUDDLESTON].

The question was taken, and the amendment was rejected. The CHAIRMAN. The gentleman from Minnesota SMITH] offers an amendment, which the Clerk will report. The Clerk read as follows:

Amendment by Mr. SMITH of Minnesota: Amend, on page 5, line 1, by striking out all of line after the word "and" and all of line 2 and all of line 3 to the word "foot," and inserting in lieu thereof the following: "That the greatest efficiency must be attained with the water used, and a failure on the part of a permittee to comply with this condition shall be deemed a violation of the provisions of this act."

Mr. SMITH of Minnesota. Mr. Chairman, the complaint that comes from Niagara is that the companies that are now using this water are not developing it to its fullest efficiency. There is a head of 208 feet within a short distance of these power plants. By going some 6 or 8 miles a head of 318 feet can be obtained. Now, the Niagara Water Power Co. is using but 135 feet of this 318 feet, and the Hydroelectric Co. is using something more than 135 feet. If this power is going to be turned over to these companies, which is the natural and only result when you give the Secretary of War power to grant it to whomever he sees fit, you are not going to compel these companies to develop this power to its full extent. True, in your bill you provide that the Secretary of War shall specify in each permit granted hereunder the rate of flow per second of the diversion authorized and the efficiency which must be attained with the water used and which shall not be less than 20 horsepower per cubic foot.

Now, gentlemen, when that Niagara Falls power plant was installed, it was not developing from the same amount of water more than two-thirds the amount of power that it is developing now. Why? Because their turbines at that time were not of the modern type; were not of the kind that would develop the greatest amount of power from a given amount of

Mr. FLOOD. This bill remedies that and requires them to

develop 20 horsepower per cubic foot.

Mr. SMITH of Minnesota. That is the point, and I am glad the gentleman has brought it out. You can not fix by law what is going to be the condition 10 years from now in the hydroelectric world, because no science in the world is developing so rapidly as that of the science of electricity.

Mr. FLOOD. We meet that in this bill.

Mr. SMITH of Minnesota. If within the last 10 or 15 years they have been able to develop a third more power with the same amount of water, is it not reasonable to suppose that the same progress will be made in the next 10 years?

Mr. FLOOD. The Secretary of War is authorized by this bill

to require them to develop more power.

Mr. SMITH of Minnesota. That is my objection. The Secretary of War is authorized to do most everything. Why do you not say that the parties receiving this permit shall develop the greatest amount of power that is capable of being developed, and if they do not do it they will violate the provisions of the

Mr. FLOOD. The Secretary of War will have to determine

that.

Mr. SMITH of Minnesota. He will not. The trouble with the whole bill is that it is simply turning this whole proposition over to the Secretary of War to do just as he sees fit with it, without any limitation. He is to be the court, jury, and next friend of the Hydroelectric Trust.

Mr. FLOOD. We can not allow him to issue a permit with-

Mr. PARKER of New York. The engineer of the public-service commission says that the 20 horsepower that must be

developed is about all that can be developed.

Mr. SMITH of Minnesota. That is to-day, but five years from to-day or three years from to-day it may be that turbines will be invented that will produce twice the amount of power from the same amount of water that the turbine of to-day produces. My amendment requires the permittee to furnish the greatest amount of power that a given amount of water will produce; the bill leaves it to the Secretary of War to say how much power the permittee must furnish from a given amount of water. I am not surprised to find this section in this bill, as it is in line with its fundamental principles, which are: First, to authorize the Secretary to grant to the existing companies at Niagara all the rights of the public in the water power at Second, to clothe the Secretary with such autocratic Niagara power that he can see to it that these companies are protected in their use of this water power from the demands of the public, both of which are very laudable purposes and is splendidly exe-cuted in the measure which we have before us for our consid-

I wish to compliment the Members of the House that are sup-porting this bill upon their loyalty to and patriotism in the in-terest and welfare of the public that they are afraid to trust, but they are perfectly willing to trust a corps of engineers in the War Department, who on account of training, temperament, and lack of knowledge of general business propositions, are out

of sympathy with the public.

Now, gentlemen, let me state the effect of this bill. The Secretary of War is authorized to issue permits to whomsoever he sees fit, under such conditions as he sees fit, and after he has issued those permits he is to assist the permittee in conducting his business. He is to pass upon the rate that the public-service commission of New York puts into operation. The rates have to

be subject to his approval.

What is the result? Instead of government of the water powers and public utilities of the Nation by the people's Congress you substitute government by the Secretary of War, which means his Corps of Engineers, as he has neither the time nor opportunity to exercise any supervision excepting of the most

perfunctory sort.

It has been claimed for this Corps of Engineers that they are especially suited to take over the control of our water-power resources, because they are removed from local influences, but it must be remembered that they are also removed from the body of the people and surrounded by the engineers of the Hydroelectric Trust, who are naturally their associates and companions. This very environment unfits them for that broad and sympathetic public service which the control of our water powers especially demands. As proof of this statement I wish to call your attention to the attitude of these engineers whenever the public rights are in opposition to the interests of the Hydro-electric Trust. At Keokuk a dam is constructed across the Mis-sissippi River. The engineer in charge of this dam has authorized the company to close the sluice gates during the night-time, thus reducing the flow of the water in the river below the dam to such an extent that navigation is oftentimes entirely

Again, four years ago this Congress passed a law directing the Secretary of War to make a survey of the harbor and the river at Chicago and to report to Congress whether or not there was any encroachment by private individuals on either the river or harbor. The Board of Engineers, so we are informed, treated

this direction by Congress as a joke, and the other day this Congress was compelled to pass another law, directing that this survey and report be made forthwith. In my own city the Chief of Engineers was requested to direct the boom company to remove its booms from the river, that were no longer needed, and his reply was that if the booms were removed it might endanger by the spring ice the general electric plant that was some distance down the river.

Countless instances of this kind can be cited in substantiation of what I have said in reference to the attitude of the Board of Engineers when public rights are in opposition to the interests of the Hydroelectric Trust. This attitude on the part of the Board of Engineers accounts for the anxiety of the Hydroelectric Trust to secure legislation that will turn over and place in the hands of these engineers the great water-power resources of the country. These facts are known to every Member of the House, because ample proof is furnished from day to day. All that they have to do is to examine the Congressional Record, and for their convenience I will call their attention to pages 2258, 2270, 2347, and 2348 of the Record of this session of the Sixty-fourth Congress. Is that Democracy?

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Minnesota [Mr. Smith].

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to

oppose the amendment.

The CHAIRMAN. All debate is closed on this paragraph and amendments thereto at the close of 10 minutes. The question is on the amendment offered by the gentleman from Minnesota [Mr. SMITH].

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike

out the last word.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. SMITH].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

The Clerk read as follows:

SEC. 3. That no transfer of any permit or rights granted hereunder, except by trust deed or mortgage issued for the bona fide purpose of financing the business of such permittee, shall be made by any permittee, without the approval of the Secretary of War, and any successor or assign of the rights of any such permittee, whether by voluntary transfer, judicial sale, foreclosure sale, or otherwise, shall be subject to all the conditions of the permit under which such rights are held by such permittee, and also subject to all the provisions and conditions of this act, to the same extent as though such successor or assign were the permittee hereunder; and no works constructed, maintained, and operated under the provisions of this act, for the generation, sale, or distribution, of electric current, power, and energy, shall be owned, leased, possessed, controlled, or operated in any manner so that they form part of or in any way effect any combination, trust, or monopoly, or form the subject of any contract or conspiracy to limit the output of electric current, power, and energy, or in restraint of trade.

Mr. HUDDLESTON, Mr. Chairman, I offer an amendment.

Mr. HUDDLESTON. Mr. Chairman, I offer an amendment. The CHAIRMAN. The gentleman from Alabama offers an

amendment, which the Clerk will report.

Mr. FLOOD. Mr. Chairman, I move that all debate on this section and amendments thereto be closed in five minutes, and that the gentleman from Alabama [Mr. Huddleston] shall have

The CHAIRMAN. The gentleman from Virginia moves that

at the expiration of five minutes-

Mr. SABATH rose.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. SABATH. To make a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. SABATH. Is it proper for the motion to be made? Under the rules is not the right given to any Member to oppose any amendment for five minutes?

The CHAIRMAN. The motion of the gentleman from Virginia is not in order at this time if anybody directs a point of

order to it.

Mr. SABATH. Then, I raise the point of order. The CHAIRMAN. The point of order is sustained. Clerk will report the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

The Clerk read as follows:

Amendment offered by Mr. Huddleston: Page 5, line 24, after the words "Sec. 3," strike out all down to the word "hereunder," in line 10, page 6, and insert in lieu thereof the following: "That without the written consent of the Secretary of War no permit granted, nor shall any approval under this act be assigned or transferred, and no grantee under this act shall create any lien upon any power project developed under an approval made under this act by mortgage or trust deed unless approved by the Secretary of War and for the bona fide purpose of financing the business of the grantee. Any successor or assign of such property or project, or of any rights accruing hereunder, whether by judicial sale, foreclosure sale, or otherwise shall be subject to all the conditions of the approval under which such rights are held, and also subject to all the provisions and conditions of this act to the same extent as though such successor or assign were the original grantee hereunder."

Mr. HUDDLESTON. Mr. Chairman, this is a very important amendment, and I hope the committee chairman [Mr. Flood], as well as other gentlemen who really want to see a sure-enough bill written and a bill that ought to be written, will take note of what I am saying.

The Adamson bill does not give the right to create a lien upon the plant and works except by consent of the Secretary of War. This bill does give such a right. This bill as it now is gives the right to the permittee to create a lien upon its plant without

the consent of the Secretary of War.

Mr. PARKER of New York. Mr. Chairman, will the gentle-

man yield?

Mr. HUDDLESTON. Yes.

Mr. PARKER of New York. Does the gentleman know that if this bill passes and these companies are placed under the Public Service Commission of New York, it will be impossible for any concern to borrow a cent without the consent of the public-service commission?

Mr. HUDDLESTON. That is all I want to hear. ter.] I do not yield further. I insist that we ought not to grant in this case more favorable terms to these permittees than are given under the Adamson bill. Does the Adamson bill mean anything, and should we have that clause in it? If so, let us put it in here.

Now, Mr. Chairman, this bill is giving a special favor to those concerns, allowing them to pledge their plants without anybody's consent. I hope that will be changed. I hope the chairman will insist that it be changed.

Where does the gentleman's amendment Mr. FLOOD. come in?

Mr. HUDDLESTON. If you will give me five minutes more, I will explain. I can not yield otherwise. I can not yield unless I get more time.

Now, I thank the gentleman from Tennessee [Mr. Austin] for having me in mind and lecturing me. I appreciate the honor of his condescension. It shows I am rising in importance to be worthy of his attention in this fashion. [Laughter.] I feel grossly flattered. Far be it from me not to blush at the honor he confers upon me.

Mr. Chairman, I do not for a moment call in question the integrity or the ability of any gentleman from New York or any other Member on this floor. But if we are to leave the drafting of this bill to a couple of gentlemen who happen to live in the section of New York that is most vitally concerned, what are we here for? What are we debating this bill about? Just let them get off in a corner, and if they can agree-I do not believe they can-let the balance of us hand it over to them, and let them do as they please. Any such argument is absolutely absurd.

What we are here for is to legislate. I have taken an oath to do the best I can. I have given my word to do the best I can, undeterred by any kind of insinuation or intimidation or

anything whatever of that kind.

The gentleman refers to hydroelectric power conditions in Alabama as being pretty bad. I do not hesitate to say that such is a fact. I wish they were better. God knows I wish they were better, and I intend at some time to make them better if I can. I told the gentleman that I do not know what rates the Alabama Power Co. charges. I do not know; nobody knows. I told the gentleman that they charge all that the traffic will bear. I tell him that now. They charge one price in one town and another price in another. So far as Birmingham is concerned, they do not deign to do their own skinning. In Birmingham they farm the privilege out to an intermediary, and the intermediary does what it likes. I am not going to defend conditions in Alabama, and because Alabama has been so woefully mistreated, because Alabama has been so unjustly oppressed, because I know what these power companies will do and the power that they have got and how many legislatures they can control and how the people are unable to cope with them, I am determined to use all the power that in me lies to rescue the people of the State of New York from any such exploitation. The gentleman can take that to his heart. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama

has expired.

Mr. MOORE of Pennsylvania rose.

Mr. BURNETT. Mr. Chairman, I rise to oppose the amend-

Mr. MOORE of Pennsylvania. Mr. Chairman, I rose to op-

pose the amendment.

Mr. BURNETT. I want to reply to the very unjust and unfair speech of the gentleman from Alabama [Mr. Huddleston] on his State.

Mr. FLOOD. Mr. Chairman, I move that all debate on this section and amendments thereto be limited to 10 minutes, 5

minutes to go to the gentleman from Pennsylvania [Mr. Moore] and 5 minutes to the gentleman from Alabama [Mr. Burnerr].
Mr. COOPER of Wisconsin. Mr. Chairman, I want a few

minutes

Mr. FLOOD. How much time does the gentleman want?

Mr. COOPER of Wisconsin. Five minutes.

Mr. FLOOD. Mr. Chairman, I change my motion and move that in 15 minutes the debate on this section and all amend-ments thereto be closed, the additional 5 minutes to go to the gentleman from Wisconsin [Mr. Cooper].

The CHAIRMAN. The gentleman from Virginia moves that in 15 minutes the debate on this section and all amendments thereto shall conclude. The question is on agreeing to that

motion.

The motion was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, the almost single-handed fight that is being made in behalf of the State of New York by the gentleman from Alabama [Mr. Huddleston] against the protest of the New York Members has attracted my attention; it has refreshed my memory to a certain extent, as I am sure it will have refreshed the memories of some of the older Members of the House, when they recall the celebrated contest on this floor over the Black Warrior River. The Black Warrior River runs through the State of Alabama. In a discussion here on August 9, 1911, there was no division of sentiment so far as the Members from Alabama were concerned with respect to a grant of power to the Birmingham Water, Light & Power Co., "hereinafter styled the company," and so called throughout the bill, which proposed to take over water power that had been created by virtue of the construction by the Government of the United States of several dams for navigation purposes on the Black Warrior River.

The Rivers and Harbors Committee had brought in the bill which proposed "to improve the navigation on the Black War-rior River in the State of Alabama," and which proposed also to grant water-power rights to the Birmingham Water, Light & Power Co. One of the most distinguished gentlemen then sitting in this House, and one of the ablest men who ever came from the State of Alabama, was the predecessor of the present gentleman from Alabama [Mr. Huddleston], the former chairman of the Ways and Means Committee, Mr. Underwood. [Applause.] Mr. Underwood was very strongly in favor of this bill, which proposed to turn over to the Birmingham company the water-power privileges resulting from the generation by the Government of water power on the Black Warrior River. The gentleman from Florida [Mr. Sparkman], as chairman of the Rivers and Harbors Committee, called up the bill and then offered a committee amendment, a portion of which I shall read for the information of these newer Members of the House, including the gentleman from Alabama [Mr. Huddleston], the successor of Mr. Underwood, who is opposing this Niagara bill. Section 4 of the committee amendment read:

Section 4 of the committee amendment read:

Sec. 4. That the Secretary of War is authorized and empowered to enter into a contract with the Birmingham Water, Light & Power Co., a corporation organized under the laws of the State of Alabama, its successors and assigns, for the purpose of carrying out the stipulations and performances herein mentioned. It shall be provided in said contract that the company, its successors and assigns, shall have the right to construct, maintain, own, and operate, at its own cost, in connection with Dams and Locks 16 and 17, for a period of 50 years from the time fixed in this act for completion of the works herein authorized, electrical power stations and other structures for the development of water power for industrial and other purposes, and for converting to its own use, benefit, and profit the power developed with the surplus water not needed for lockage, including the right to sell, lease, or otherwise dispose of said power: Provided, That the company shall furnish and deliver, free of charge to the Government, at Locks 16 and 17, all power necessary for the operation of said locks and for the lighting of the Government grounds and houses situated at said locks. The said contract shall further provide for the payment by the company to the Government of an annual rental for its use of the water power developed at Dams 16 and 17.

It then goes on and fixes a period of 20 years that this com-

It then goes on and fixes a period of 20 years that this company may operate, paying the Government \$1 per horsepower, and then new conditions are to be made, and so forth.

The question immediately rose on the floor when Mr. UNDERwood was supporting this bill as to the right of Congress to turn over to a power company in the State of Alabama this water power created as stated at the cost of the Government of the United States. There was considerable debate upon the question, and a great difference of opinion, when the gentleman from Alabama [Mr. Taylor], who was very earnestly in support of the measure, made this statement:

One more suggestion: The State of Alabama has given the waterpower rights to this water company at the head of this stream. The
State of Alabama in her policy has already disposed of her rights. The
policy of the State of Alabama and of her legislature and the construction of the law by her judges is that the General Government has
no power over the water power of a State, and she has already given to
this particular company the right to create a water power upon this
stream above navigation.

So the question presented to the House by the gentlemen from Alabama was that, although the Federal Government had spent its money building locks and dams to improve navigation in the State of Alabama, and the State of Alabama through its legislature had decided that it wanted to control whatever profits arose from the power generated by these Government dams, therefore the Federal Government had no right to interfere with the State of Alabama, but must keep hands off so far as the regulation of the electrical power business within State limits was concerned.

I have not the time to go on further with this discussion now, except to say that one of the most vigorous supporters of this measure at that time was the forceful and popular predecessor of my friend the gentleman from Alabama [Mr. Huddleston], the then distinguished leader of the House and now the Senator from the State of Alabama [Mr. Underwood]. [Applause.] If it is wrong to grant any privileges to the State of New York in this Niagara matter it certainly was wrong in 1911 to propose The CHAIRMAN. The time of the gentleman has expired.

The gentleman from Wisconsin [Mr. Cooper] is recognized

for five minutes.

Mr. COOPER of Wisconsin. I want to ask the gentleman from Virginia [Mr. Floop] if there is anything in the bill which would prohibit having a generating company and a transmitting company and a distributing company, all making profits between the water and the ultimate consumer?

Mr. FLOOD. I think so.

Mr. COOPER of Wisconsin. In that connection, before the gentleman answers the question, I call his attention to the language to which I directed attention a little while ago, on page 4, beginning at line 15-

And the permittee, after the completion of the works, shall operate the same continuously for the development and transmission of electric current, power, and energy for sale or for other commercial purposes.

In other words, they may generate it for sale or not, in their iscretion. A literal interpretation of that would be that they discretion. could use it exclusively for their own private manufacturing purposes. If the one company were large enough, it could use all the water, generate the power, and sell it or not sell it.

That language means, for example, that one company there, the Schoellkopf Co., could, at Niagara Falls, generate its own elec-

tric power and keep it exclusively for its own use.

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. LA FOLLETTE. Has the gentleman overlooked the language on page 3, beginning in line 12?—

Every permit shall require the permittee, at all times during its opera-tion under such permit, actually to engage in the business of furnish-ing light, heat, power, and electric current.

Mr. COOPER of Wisconsin. But it might furnish it to itself. Under this act it can generate it "for sale or other commercial purposes." It could generate the power and then itself use it I. Is not that a fair interpreation of that language?
Mr. LA FOLLETTE. If the company should use the power

itself, do you think that would be actually engaging in the busi-

ness of furnishing light, heat, power, and electric current?
Mr. COOPER of Wisconsin. In construing a statute all of its provisions should be considered together. This language is shall operate the same continuously for the development and transmission of electric current, power, and energy for sale or for other commercial purposes.

What does that word "or" mean? The clause cited by the gentleman does not qualify, amend, or repeal or in any way change that. The language I have quoted is an express authority to generate and distribute electric current for sale or not for sale, in the discretion of the permittee. They can take it all for their own private use. Are we to turn Niagara Falls over to corporations to use for their own exclusive private commercial purposes? What does the language "for sale or other commercial purposes" mean? Clearly its only meaning is that the electricity is to be for sale or not for sale, in the discretion of the generating company. If that is not its meaning, let any person put any other rational interpretation upon it.

This is in many respects a well-drawn bill; but it does not require many defects of a vital character to make an otherwise

good bill a fatally bad one.

Now, Mr. Chairman, I have here some of the testimony taken before our committee. State Senator Thompson, a member of the New York Legislature, said:

In New York Legislature, said:

In New York State in the city of Niagara Falls and in Buffalo and in towns about the vicinity of Niagara Falls power is being sold so that when it is finally distributed to consumers they pay from 7 to 10 cents per kilowatt hour for current in a house.

From what I can see and learn people over there (Canada) in the various municipalities get their power for approximately 3 cents where the people on the United States side have to pay from 7 to 10

cents. That has been going on there for four or five years, and we can hardly ignore that condition any longer, and we ought to proceed on the idea of seeing what we can do for the ultimate consumer in this matter.

Again he testified:

The trouble is not with the generating company at all. They sell the power for \$15 a horsepower. * * The difficulty is with the final distributing company and the intermediate distributing company.

There is a big difference between the price generating companies get and which the distributing companies get.

In other words, there is a big difference between what the generating company sells it for and what the ultimate con-sumer pays. The bill as drawn leaves it within the discretion of permittees to sell, transmit, and distribute the power, or in their discretion not to sell it, but to use it for commercial purposes, or, in other words, for their own exclusively private use.

Mr. BURNETT. Mr. Chairman, I would not live in a State

where the legislature could be corrupted, as the gentleman from Alabama [Mr. Huddleston] insinuated could be done in the State where he lives, I have spoken about corrupting legislatures, and I want gentlemen here to remember what the gentleman from Alabama said, and I want it to stay in the RECORD

just as the gentleman said it.

Mr. Chairman, I had something to do with passing the first bill from which originated the Alabama Power Co., giving a private individual, Mr. Lay, of Gadsden, the right to build a dam across the Coosa River. My main purpose was to try to improve the navigation of that stream; and later on we passed through this House-and the distinguished ex-Speaker of the House [Mr. Cannon] made one of his splendid speeches in defense of it—a bill allowing the Alabama Power Co. the right to construct Dam No. 18, which would have opened up 30 more miles of the Coosa River to navigation if it had become a law.

President Taft vetoed the bill. A company that intended to develop the power there had even then contracted for the location of a nitrate plant in the city of Montgomery by which they could have extracted from the air 30,000 tons of nitrogen a year for sale to the farmers. As a result of that veto of Mr. Taft the company went into Canada and are now manufacturing thousands of tons of air nitrogen that the farmers of Alabama would have had the benefit of if our bill had passed.

The gentleman from Pennsylvania [Mr. Moore] read from the remarks of Mr. Underwood, the distinguished gentleman from the district now represented by the gentleman [Mr. Huddleston]. Mr. Underwood spoke for a similar proposition and took the same position in regard to State control that every Member of the Alabama delegation now takes except the gentleman from Alabama who sets himself up as the censor and the criterion by which all others should go. [Applause.]

We believe that the State of Alabama has the right to regulate the powers and their sale to the people. We have a publicutility commission elected by our people, and certainly we believe that they are competent to regulate these rates. believe that the riparian owner has some rights in the stream also. Mr. Chairman, as a result of our law the Alabama Power Co. has established a station in my home town where, by their electric system, the price of power and lights was reduced 25

per cent. [Applause.] All along the Coosa River there are a number of little towns that use it. One town, the town of Leeds, in the district of the gentleman from Alabama [Mr. Huddleston], has an electric lighting system from this company that they would not be able to finance by themselves. I know that it is said that the coal interests, especially the interests around the gentleman from Birmingham, are opposed to it. I am not charging that the gentleman is influenced by that fact, but we know that the power company has never had a friend among the coal barons, because

it comes in direct competition with them.

Mr. Chairman, only a few weeks ago one of the largest coalmine owners in Alabama wanted to buy current from this electric power company to run his own coal mines because, he said, he could do it more cheaply than he could by using his own coal. Yet on account of the fact that we did not get the other bill through, this company with its limited power could not supply the current to these coal mines. Only a short time ago one of the railroad companies in Alabama notified one of the coalmine owners that they were going to requisition the cars of coal of the coal companies that were loaded for the purpose of supply-ing consumers, but because the railroads were public-utility corporations they had that right and did take the cars of coal from the mining company.

Mr. Chairman, no railroad can stop the transmission of the current which this company is sending out to give light and heat and life to the poor people of that country. The gentleman from Alabama talked the other day about the horny-handed sons of toil, and that they did not want this bill. Mr. Chairman, I have had three fights since I secured the passage of that dam bill, and that very charge was made against me every time, and every time my people, the people in the country, not in any city or in the environs of Birmingham, but people in the rural districts, have rallied to my support and defeated those who would cast an aspersion upon me. The gentleman does not represent Alabama, and does not represent its splendid people when he talks about controlling legislatures in the State that gave me

birth. [Applause.]
Taking advantage of my leave to print, I desire to say something about the history of dam legislation on the Coosa River. This river flows through three counties in the district which I have the honor to represent. It is formed by the junction of the Etowah and Oostanaula Rivers at Rome, Ga. The Oostanaula is navigable at some seasons of the year for more than 100 miles above Rome. The Coosa is now navigable at all periods of the year for a distance of about 200 miles. But for about 100 miles of obstructions it would be navigable all the year to Montgomery, Ala., a distance from Rome of nearly 500 miles. Just above Montgomery it make a junction with the Tallapoosa River, forming the Alabama River. From there to Mobile Bay is about 250 miles. On account of sand bars the river from Montgomery to Mobile has only a 4-foot navigation.

When I first came to Congress I set about to try to secure navigation from Rome to Mobile Bay. With this accomplished, we will have the longest navigable river in the South that flows into the sea except the Mississippi. The original project contemplated 4-foot locks and dams, and required 32 such locks and dams to overcome the obstructions in the river. I had Chairman Burton and several other members of the House Rivers and Harbors Committee to visit the river, and they were astonished at its magnitude and at the splendid country through which it flowed. However, the large estimated cost of constructing and maintaining so many locks and dams was a serious obstacle in the way of the Government undertaking the completion of the project, and the members of the committee were unanimous in the opinion that the cost should be partly borne by private enterprises constructing large dams for developing hydroelectric power.

Besides, the committee thought that 4-foot locks and dams would be totally inadequate. So the friends of the river in Congress secured a resurvey by the Government to ascertain whether the number of locks and dams could be reduced, and at the same time a deeper navigation be secured. This survey was made by Capt. Ferguson, one of the ablest Army engineers in the whole corps. After months of careful work he reported that by building 6-foot locks and dams we could secure deeper navigation and at the same time reduce the number of locks

and dams to 20 instead of 32.

To overcome the obstructions of the shifting sand bars in the Alabama River he at the same time made a survey of the Etowah River above Rome and reported that by constructing two large dams on that river water could be impounded in the Etowah during the rainy season of the year and released during the dry season, and thus secure a 7-foot navigation on both the Coosa and the Alabama Rivers during the entire year. This report was laid before the Board of Army Engineers at Washington and was regarded as feasible, but the estimated cost of constructing the reservoirs and the locks and dams was to be so great that the board disapproved the new project. In the meantime Members of Congress from Georgia and Alabama secured the passage of a bill to allow W. P. Lay or his assigns to construct a dam at Lock 12, on the Coosa River, for developing water power.

The main purpose that those of us who urged the passage

The main purpose that those of us who urged the passage of this bill had was to aid in promoting navigation. The Government was doing almost nothing to make this great river

navigable.

Capt. Lay, being unable to spend the large amount of money necessary to build the dam, sold to capitalists who constructed Dam 12 for the development of hydroelectric power.

By the construction of this dam several obstructions were submerged and more than 25 miles of the river was made

Later on the Bankhead-Heflin bill was passed through Congress permitting the Alabama Power Co. to construct another large dam at Lock 19 for the purpose of developing the same kind of power. This bill was vetoed by President Taft. If it had become a law, 30 miles more of obstructions would have been

overcome without a cent of expense to the Government.

Thus the obstructions in more than one-half the river would have been overcome, and, as was intimated by some members of the Board of Engineers, the Federal Government might well have afforded to construct the reservoirs and the remaining

locks and dams, and the long river would have had perennial navigation. The power company in anticipation of the passage of the bill had already secured a site at Montgomery on which to construct a large plant to extract nitrogen from the air and convert it into fertilizer for the farmers. It would have manufactured more than 30,000 tons of air nitrogen annually right at the doors of the farmers of the South.

When the bill was vetoed the company went to Canada and erected the very cyanamid manufactory that they intended to build in Alabama. Almost our entire supply of nitrogen comes from Chile, and that Government charges a large export tax on it, and our farmers in the South have that tax to pay, in addition to high rates for transportation. Thus we see this instance of what Pinchotism has done for the South and for the defeat of navigation on one of the greatest rivers in the

and.

The Alabama Power Co. is right now asking the State public utilities commission to permit it to reduce its rates on electric-lighting current from 12 cents per kilowatt hour to 10 cents, a reduction of nearly 20 per cent, in all the towns it serves. I hold no brief for this company, do not own a dollar of stock in it, and have no interest in it except as it may help to develop the navigation of the Coosa-Alabama River and otherwise benefit the people of my State. Yet I feel it ought to be set before this body fairly and justly. The legislature of our State thought it enough of a benefactor to exempt it from taxation for five years.

The great steel plant at Gadsden is using much of its power to drive its immense machinery; a large cement plant at Ragland is also using it. Lincoln and 23 other towns and cities in Alabama are being served with hydroelectric power from Lock 12 at reduced rates, while Jasper, Wetumpka, and other towns are paying all the way from 12 to 20 cents per kilowatt hour for power and lights generated by coal. Many small towns that are using this power could never have been able to

finance plants of their own.

If President Taft had not vetoed the proposition for the dam at Lock 18 many gins, mills, and other small industries would

now be using power from that plant.

The development of hydroelectric power at Lock 12 on the Coosa River has established the operation of the electric steel industry in the State of Alabama at Anniston. With hydroelectric power, and only because of hydroelectric power available from the Lock 12 development on the Coosa River, could the electric furnace industry ever have been established in Alabama as it has been established. The Anniston Ordnance & Steel Co. secured an English order for shell steel, and the order has been partly filled and is still being filled, and the operations have proved a success, and so important, indeed, have the results been that from an unimportant beginning three electric steel furnaces are in operation and two additional and very efficiently constructed ones are being added and will be in operation within a very short time.

in operation within a very short time.

In the last two weeks this Anniston electric steel business has been refinanced and additionally financed to the extent of \$3,000,000, and the electric steel business in Anniston is to be placed upon a permanent basis and to form one of the most important steel industries in Alabama or in the whole South and is the only electric steel operation in all the Southern States. In fact, there is not in Alabama to-day any hydroelectric power of any reliable kind, either as to volume or price, that will serve in a large way the electric furnace industry in any of its lines of useful and highly important productions. Two years ago a Canadian engineer representing New England capital desired 5,000 horsepower, later to be increased to 10,000 horsepower, for the manufacture of abrasives through the electric furnace, using bauxite from Alabama, but they could name no rate that would compare with the rate at Niagara Falls, and the Alabama Power Co. could not furnish 5,000 horsepower for this purpose, let alone 10,000 horsepower. The result was that this abrasive industry, manufacturing material somewhat like emery wheels, was established in Canada, and to-day the bauxite is going from Georgia to Canada at a freight rate of more than \$5 per ton.

When the so-called conservationists are willing to forego their unconstitutional views with reference to taxing the people of the States for the use of the water in the States, then and not till then will the water powers daily wasting in our rivers make wonderful contributions to the reduction of the high cost of living through the operations of electric furnaces in producing cheaper fertilizers that will result in cheaper food crops and cheaper steels made out of low-grade ores and scrap iron.

Such developments as those mentioned would have been almost impossible but for the use of the hydroelectric power from this plant.

May I bring to your attention a very concrete example of how it is that the Alabama Power Co., with its great central stations, hydroelectric at Lock 12, and steam station at Gadsden on the Coosa, and its new steam station now completing on the Warrior River, can furnish and is furnishing electric lighting current to the people of Alabama towns at rates that positively can not be afforded by those lighting companies or those municipalities operating their own electric lighting stations with steam coal. At Sheffield the Sheffield Co. has a steam electric station conceded by engineers everywhere who know of the fitness and efficiency of this station to be second to none perhaps in the South. The electric lighting rate now charged by the Sheffield Co. to the towns of Tuscumbia, Sheffield, and Florence is 12 cents per kilowatt hour, and even with this efficient station it is impossible to reduce the lighting rates in these three towns to 10 cents, as the Alabama Power Co. is doing. And, by way of comparison, the Alabama Power Co. has reduced its rates in Decatur and in Huntsville to 10 cents. Its large operations enable that company to absorb the less profitable and, in fact, losing operations at Huntsville and Decatur, but the Sheffield Co. has no way to absorb anything, that company being too small.

Should the rates of this company ever become excessive, how much easier it will be for small towns and small industries to get relief by going before our State utilities commission at Montgomery than to have to come to officials of the War Department at Washington.

But, gentlemen, a more important question than any of these is the fact that these so-called conservationists, who are really obstructionists, are abandoning some of the fundamental principles of State rights and local self-government.

It has been the law from time immemorial that riparian owners of the banks along navigable streams have the absolute right to the use of the water of the stream, subject to the rights of the Government for navigation purposes

As an example as to how the Supreme Court of the United States and the State supreme courts have held on this subject from the foundation of the Government up to the present time, we quote:

WATER COMPANY V. WATER BOARD.

(168 U. S., p. 366.)

The high court says: "The jurisdiction of the State over this question of riparian ownership has been always, and from the foundation of the Government, recognized and admitted by this court.

KANSAS V. COLORADO. (206 U. S., p. 46.)

In this case it was held, in substance, that where the Federal Government is not interested as the owner of riparian lands the only interest it has in the water of a stream is as to its use for purposes of navigation, and it can lay no claim to the use of the water for any other purpose, not even for irrigation.

UNION DEPOT CO. V. BRUNSWICK.

(31 Minn., p. 297.)

Whether the fee to the bed or only an easement therein are in the riparian owner may be a question of speculative interest, but it is not one of any particular importance. If the fee be in the riparian owner, yet, of course, it must be a qualified fee; that is, subject to the paramount right of navigation. But if it be in the State the riparian owner still has, subject to the same public right, the exclusive right of possession and the entire beneficial interest.

UNITED STATES V. CHANDLER-DUNBAR WATER POWER CO. (229 U. S., p. 51.)

This is the latest decision of the Supreme Court of the United States on this subject. It was rendered May 26, 1913, and among other things that court said:

"That riparian owners upon public navigable rivers have, in addition to the rights common to the public, certain rights to the use and enjoyment of the stream which are incident to such ownership of the bank must be conceded. These additional rights are not dependent upon title to the soil over which the river flows, but are incident to the ownership of the bank."

Ye old-time Democrats, what has become of your old-time democracy?

Ye advocates of State rights, are you going to abandon it to

a lot of bureaucrats in Washington?

The Federal power has already trenched too far upon the reserved rights of the States, and Democrats in Congress are to a great extent responsible for these new departures.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Alabama.

The question was taken, and the amendment was rejected.
Mr. CLINE. Mr. Chairman, at this point, as was indicated two weeks ago, and was stated this morning, I now offer the recapture clause in the Adamson bill, which has passed this House three times

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

On page 6, after line 17, amend by inserting the following:
"That the rights granted herein shall continue for a period of 50 ars from and after the completion of the diversion structures and

works in accordance with the plans and specifications approved therefore until and void upon breach of any of the terms or conditions of approval as provided herefore. And provided further, That whenever the Secretary of Wars shall determine that the diversion of water herein authorized as provided herein: And provided further, That whenever the Secretary of the river interferes with the navigable capacity of said river, or its proper volume as a boundary stream, or its efficiency as a means of the river interferes with the navigable capacity of said river, or its proper volume as a boundary stream, or its efficiency as a means of the river that the never the Secretary of War shall determine that the diversion of water herein authorized in connection with the amount of water than the contract of the con

Mr. SMITH of Minnesota. Mr. Chairman, is this in the same language as the Adamson bill, so far as the recapture clause is concerned?

Mr. CLINE. The recapture clause was taken word for word from the Adamson bill.

Mr. SMITH of Minnesota. But there is a great deal more than that clause in that amendment.

Mr. CLINE. The other provision in connection with that has been included so that the Government has the option of

winding up the business of the concern or taking it over, as the Adamson bill provides.

Mr. SMITH of Minnesota. Is it the intention of the com-

mittee to ask a vote upon this bill to-night?

Mr. CLINE. We expect to. If we ever have a vote upon it, we will have to have it to-night.
Mr. HUDDLESTON. Mr. Chairman, will the gentleman

yield?

Mr. CLINE.

Mr. HUDDLESTON. Some one has just handed me a copy of a bill marked "Confidential committee print." Is that the bill from which the Clerk read this clause?

Mr. CLINE. That is the bill, but it is not the entire bill that

ts offered

Mr. HUDDLESTON. What part is it that is offered as an amendment?

Mr. CLINE. It is all in italics, beginning on page 6, at section 4.

Mr. HUDDLESTON. Then the gentleman's amendment consists of sections 4, 5, 6, 7, and 8 of this confidential print?

Mr. CLINE. It comprises the recapture clause.

Mr. HUDDLESTON. Is that the gentleman's amendment? Mr. CLINE. Yes; I asked to have those all read, because they have been passed upon so many times by the House. I thought there would be no objection to them. The gentleman thought there would be no objection to them. will remember that the gentleman from Kentucky [Mr. Sher-LEY] and several others two weeks ago made some objections to the bill because it did not have a recapture clause.

Mr. SABATH. Is this an amendment offered in lieu of sec-

tion 4 of the bill under consideration?

Mr. CLINE. It is not in lieu of anything.

Mr. HUDDLESTON. Mr. Chairman, I reserve the point of order upon the amendment.

The CHAIRMAN. The gentleman from Alabama reserves the point of order.

Mr. HUDDLESTON. I am anxious to understand it.

Mr. CLINE. This is not offered in lieu of anything, but it is offered as an amendment to the bill.

Mr. HUDDLESTON. Is it added to some section?

Mr. CLINE. Added to section 4.

Mr. HUDDLESTON. It is added to section 4?

Mr. CLINE. Yes

Mr. HUDDLESTON. At the end of section 4; is that where it comes in?

Mr. CLINE. It comes in immediately after section 4. It begins on page 6 at the end of line 17.

Mr. HUDDLESTON. May I ask the gentleman what is the necessity of completely changing section 5?

Mr. CLINE. No; it does not completely change section 5. Mr. HUDDLESTON. May not I ask the gentleman if it would not be better to offer it to one section at a time? It is so long many of us, I among others, perhaps do not comprehend it fully.

Mr. CLINE. It is offered as an amendment in conjunction with the provisions set out in sections 4 and 5 for the purpose of giving the Government the option of either closing up the business or of taking the business over and reissuing permits to another if it does not desire to do the business itself. I say the recapture clause was offered in connection with sections 4 and 5 providing that the Government should have the option of either taking over the property or leasing it or issuing a permit to another permittee and providing also a means under which it might be transferred from the original permittee to an assignee. It is the same as provided in the Adamson recapture clause. And I will say to the gentleman if the time should ever come that we can get a vote upon the bill it will go to conference, and if there is any difficulty about it in this particular it will be taken care of. It was not the purpose to cover up anything, but was offered in connection with the provisions of the bill following sections 4 and 5.

Mr. STAFFORD. Mr. Chairman, does not the gentleman realize it is very difficult for us to pass judgment upon this recapture clause, because it has never heretofore been submitted to the House? The gentleman offers for consideration a very important proposition, an amendment that is merely a committee amendment to a bill that is pending in another committee, namely, the Committee on Interstate and Foreign Commerce. To show the difficulty that confronts the committee, I want to point out one defect that is obvious to gentlemen of the committee upon the mere presentation of it. At the beginning of this session to-day the inquiry was made whether the chairman of the committee or some one could not acquaint the committee with this recapture clause. Here at half past 4 o'clock in the afternoon we are advised of what the recapture clause is.

Mr. CLINE. I will say to the gentleman from Wisconsin, and to every other member of the committee, that the recapture clause in the Adamson bill has been adopted three times in this House, and it is now in conference between the House and Senate.

Mr. STAFFORD. I wish to say to the gentleman I have studied the recapture clause as carried in the Ferris bill, and I was under the impression that that recapture clause would be offered as an amendment rather than the recapture clause embodied in this bill. Further, I wish to direct the attention of the gentleman to the fact that there are some corrections which must be made if it is going to be applicable at all. I have just glanced over the first paragraph of the proposed amendment, and I see there are some changes which must be made in order to identify it properly with the bill under consideration. For instance, in line 21, page 6, the committee proposes an amendment which says, "In accordance with the plans and specifications approved therefor under section 2 of this act." The plans and specifications were included in section 2 of the act under consideration, but that has been changed to section 3 by an amendment which was adopted here to-day.

Mr. CLINE. That is a mere typographical error. Mr. STAFFORD. I know; but it is an error nevertheless and just shows that care should be exercised in offering these amendments.

Mr. CLINE. I will say that care was exercised, and in section 2 as provided there are four separate propositions, and they have been numbered as sections 3 and 4 since we have discussed this bill.

Mr. STAFFORD. I undertsand how that happened, but still, nevertheless, you will find that we have got to go over it very

carefully

Mr. FLOOD. The statement I want to make is this: There are three of these bills which contain the recapture clause, and if this one passes and goes to the Senate there will be three in conference between the House and Senate. My idea is to use the recapture clause in the Adamson bill bodily for this bill, and when the three bills are in conference in the Senate the conferees on the different bills will get together and agree to the same recapture provision for all three bills.

Mr. ROGERS. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. ROGERS. Do I understand the proposed amendment is a substitute for sections 4 and 5?

Mr. FLOOD. Yes.

Mr. ROGERS. Then it is not a substitute for section 5 as far as the text goes?

Mr. FLOOD. No. Mr. ROGERS. Se

Section 5 as it now stands will remain in the bill, but with a different section number?

Mr. SABATH. I do not so understand. Mr. FLOOD. This is a substitute for sections 4 and 5.

Will the gentleman yield?

Mr. STAFFORD. I yield for a question and answer.

Mr. ROGERS. So section 5 become unnecessary?
Mr. FLOOD. Yes.
Mr. STAFFORD. The gentleman is rather sanguine of this recapture clause getting into conference. If my recollection serves me right, the Ferris bill is not in conference and it is not expected it ever will be. The Adamson bill has been in conference for five months, and it is strangulated there, and so I do not know whether this bill will get as far as the Adamson-Shields water-power bill.

Mr. FLOOD. If it does not get into conference, it will not

become a law.

Mr. STAFFORD. There are only three weeks remaining, and there is not much prospect.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. STAFFORD. I yield. Mr. HUDDLESTON. This proposed amendment fixes the determinate period for 50 years flat, whereas the bill we have been considering provides the permit shall not last longer than 50 years; shall not have a longer life than 50 years.

Mr. STAFFORD. The gentleman is correct. I think this amendment should be withdrawn from further consideration by

the committee.

Mr. HUDDLESTON. I would like to ask the committee chairman if he will yield. I make the point of order, Mr. Chairman, that it is not germane, and that it embraces two sections and is not germane to the section. It seems to me there are a number of sections that are here offered as an amendment to a single section which are not germane to the bill. I do not think any of them are germane. It certainly contains many provisions which are entirely new, and although there may be provisions in the amendment which are germane there is so much that is not germane carried in the amendment it seems to me the whole amendment should fail. Section 4 of the bill, to which I understand this amendment is offered, says: "Any violation of the provision of this act or any regulation or order of the Secretary of War," and so forth. That is the amendment that was offered. It is totally different from the bill that we The bill under consideration prescribes certain conditions in all of which the permit will be revoked, and that is all it relates to. It relates merely to the ground on which the Secretary will revoke the permit. Now, the bill we have here does not confine itself to that subject by any means—I mean the amendment. It does not confine itself to that subject at all. It proceeds to deal with a number of other points. It changes the period of the permit, in the first place; it changes from a permit for not exceeding 50 years to a permit for 50 years.

Mr. FLOOD. May I interrupt the gentleman? Mr. HUDDLESTON. Certainly.

Mr. FLOOD. You have a copy, or a confidential print, that somebody has gotten?

Mr. HUDDLESTON.

Mr. FLOOD. How would it meet your views to offer as the recapture clause of this bill sections 5, 6, and 7, as you see them in the confidential print?

Mr. HUDDLESTON. I have not read it, and it is practically impossible that we should gather the purport of it by having it read over to us, with no chance to study or compare it.

Mr. FLOOD. You have studied the recapture rules of the Adamson bill and you have offered a recapture clause from the Adamson bill; sections 5, 6, and 7 are taken bodily from the Adamson bill.

Mr. HUDDLESTON. I do not recognize it, I will say to the gentleman. It seems to have in it a good deal the Adamson The recapture clause of the Adamson bill is bill has not got. not in here in this form, so far as I can grasp this. I think for the reason I have stated, Mr. Chairman, the amendment is not germane

The CHAIRMAN. The Chair will hear the gentleman from Indiana or the gentleman from Virginia. The Chair will say that this, of course, is a very complicated amendment, and the rule as to germaneness is sometimes a very difficult one of application. Therefore, the Chair is not prepared to rule on an amendment like this without being advised of the amend-

ment and its application to the pending bill.

Mr. FLOOD. I did not catch the statement of the Chair. The CHAIRMAN. Of course, when the Chair comes to a ruling on the question of germaneness it will be difficult for the Chair to make an intelligent ruling on as extensive amendment as this is without being apprised of the nature and relevancy of it to what is contained in the bill itself.

Mr. FLOOD. The amendment offered by the gentleman from Indiana [Mr. CLINE] is the recapture clause, in three sections or more, taken from the Adamson bill, that passed the House. This is a bill to grant the right to use water for power purposes at Niagara Falls, and providing that the charges for the use of this water should be regulated by the Public Service Com-mission of the State of New York, and providing further that under certain conditions there shall be a forfeiture of all rights under this act, a charge for the use of water and for other purposes relating to the use of water for power purposes.

The amendment makes it clearer how the Government can take possession of the property than any other provision in the bill. It is a proper part of the bill and therefore it is germane, although there are some portions of it that I did not understand would be offered as a part of this amendment.

My suggestion to the gentleman from Indiana [Mr. CLINE] is that he take sections 5, 6, and 7 of the Adamson bill and offer them as the recapture clause of this bill, and leave sections 4

and 5 of the present bill as they stand.

The CHAIRMAN. The Chair will state that this amendment has been really offered prematurely, because section 4 has not yet been read. Of course no point of order having been made as to that and the discussion proceeding informally, the Chair

has not notice of that.

Mr. FLOOD. Then I ask, Mr. Chairman, that the Clerk read to that point.

The CHAIRMAN. The Clerk will read.

Mr. HUDDLESTON. Do I understand the Chairman to rule on the matter?

The CHAIRMAN. Not at this time. The Chair directs the formal reading of the bill to that point at which the amendment can properly be added.

Mr. HUDDLESTON. My reservation of the point of order

The CHAIRMAN. Yes.

Mr. STAFFORD. I understand the Chair says the amendment as to the recapture clause is not now before the House for consideration?

The CHAIRMAN. It is not now really in the possession of the House, although it was inadvertently offered. The Clerk will read.

The Clerk read as follows:

the House, although it was inadvertently offered. The Clerk will read.

The Clerk read as follows:

Sec. 4. That any violation of the provisions of this act, or of any regulation or order of the Secretary of War or the Chief of Engineers, made pursuant hereto, or of the requirements of any permit issued under this act, shall constitute a misdemeanor and be punished by a fine not exceeding \$2,000 nor less than \$500, or by imprisonment not exceeding noe year nor less than 30 days, or both, in the discretion of the court; and each and every day on which such violation occurs or is committed, shall be deemed a separate offense: *Provided,* That where such violation is shared against the company or corporate body the offense shall be of such company or corporate body ordering, directing, or permitting the same: *Provided further,* That if any permittee shall at any time fall or refuse, after receiving reasonable notice thereof, to comply with any of the provisions of this act or with any of the conditions of the permit, or any lawful order or regulation made by the Secretary of War may, in addition to said penalties, revoke said remains: *Provided further,* That the Secretary of War may, in addition to said penalties, revoke said receiving reasons and the said penalties, revoke said revoking the permits as provided in the preceding proviso, in a case where the public interest would, in his judgment, be better protected by such judicial procedure, give information of such violation to the Attorney General, who shall institute proper proceedings in the district court of the United States in the district in which any structures or any appurtenant or accessory works constructed or acquired under the authority denoral, and of the united States in the district in which any structures or any appurtenant or accessory works constructed or acquired under the authority of the United States in the district court shall have the power to make and enforce and with the requirements of this act and the lawful regulations and orders,

Mr. CLINE. Mr. Chairman, I ask unanimous consent to with-

draw the amendment that I offered.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to withdraw the amendment he offered. Is there

Mr. SABATH. Mr. Chairman, is that the amendment that

was read before this section was read?

The CHAIRMAN. The Chair so understands. Is there objection?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Mr. HUDDLESTON. Mr. Chairman, is that the end of the paragraph?

The CHAIRMAN. That is the end of the section.

Mr. HUDDLESTON. I have an amendment to offer. The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Huddleston: On page 10, line 5, after the word "War" add the following: "The Secretary of War may at any time before the expiration of any permit granted hereunder at his discretion cancel same and take over, or authorize any governmental bureau or agency or private permittee to take over, the diversion structures of any permittee and the plant, works, lands, lines, and property used in connection therewith, payment for same to made at such price

as may be agreed upon by the Secretary of War and the permittee whose property is taken, or, if they can not agree, such price to be fixed by proceedings instituted for that purpose in the United States district court for the district in which said property or some part thereof is situated, but in no case shall the price exceed the actual cost of the property taken nor the value of the property at the time of the taking, and such price shall not include or be affected by the value of the franchise or good will or profits to be earned on any other intangible element: Provided, That in case of war or other emergency, to be judged of by the Secretary of War, the United States shall have the right hereby reserved to requisition and take possession of any or all of said property and operate the same for its own use and benefit as long as the necessity or emergency continues, and compensation for such use and occupation shall be determined and paid as heretofore provided in this section."

Mr. SABATH. Mr. Chairman, a point of order. The CHAIRMAN. The gentleman will state it.

Mr. SABATH. This is a very important amendment, and we ought to have a quorum. It seems to me there is no quorum resent. I make the point that there is no quorum present. The CHAIRMAN. The gentleman from Illinois makes the

point that there is no quorum present. The Chair will count. [After counting.] Over 100 gentlemen are present, a quorum. Mr. HUDDLESTON. Mr. Chairman, the amendment that I have offered is a recapture clause. It is the same in substance as the recapture clause in the Adamson bill, with this important exception: The Adamson bill provides for the recapture after the expiration of the grant or permit; the amendment I have offered provides for recapture at any time. In other words, under this amendment, if adopted, the Secretary of War may, at his discretion, cancel the permit and take over the works of the permittees. If that is done, then the permittees must be paid a fair price for the property taken over and all that is contingent to it—their works, plant, and so forth; the price to be ascertained by agreement, if possible, and if not by agreement, then by condemnation proceedings.

It is further provided by the amendment that the price paid

shall not exceed the actual cost of the property taken nor its actual value. So that it safeguards, as fully as my ingenuity will permit me to attempt, the rights of the Government and

the rights of the permittees.

The purpose of this amendment is to make this permit revocable—revocable at the will of the Government.

Mr. KENT. Mr. Chairman, will the gentleman yield? Mr. HUDDLESTON. I will.

Mr. KENT. I would like to ask the gentleman whether in his amendment there is any specification as to what the Gov-

his amendment there is any specification as to what the Government would have to purchase in taking it over?

Mr. HUDDLESTON. There is. I am sorry I have not a copy of it, so that I could read it to the gentleman. But it includes the diversion structures, the plants, works, transmission lines, lands, and other property incident to the generation of electricity and the transmission of it.

I do not want to take away from the generating companies anything that belongs to them. I think if the Government elects are general their permits at any time, we ought to pay them the

to cancel their permits at any time, we ought to pay them the value of their property, but there is no reason for giving them anything more. There is not any reason at all for paying them any more, and therefore I have limited the price to be paid them to the actual value of their property, not exceeding its cost.

Mr. FLOOD. That is what the Adamson Act does.
Mr. HUDDLESTON. That is exactly the same as the Adamson provision, so far as the substance of it is concerned, with the exception that the Adamson provision only allows recapture

after the expiration of the grant.

Now, there is reason why we should have the power of recap-ture at Niagara Falls, and not under the Adamson bill. The Adamson bill is of general application, applying to the country as a whole, and perhaps it might hamper development to give the power to revoke at any time, because capital could not be induced to invest. But at Niagara the capital is already invested, and it knows what returns it is going to get, and therefore there will be no added risk or hazard. It is an absolute certainty, and so my proposition protects, as fully as can be done, the rights of all parties.

Mr. OGLESBY. Does the gentleman think there should be the right of recapture irrespective of whether there is a breach

by the lessees?

Mr. HUDDLESTON. I do. I do not think we ought to grant Niagara away without the power to take it back if we find it for the public welfare that that should be done. We can not tell when an emergency might arise that would cause the Government to find it very necessary to take over these works; and if we take them over and pay the company the cost and value, surely they can not complain. They are there, they have already made their investments, there is no hazard to be taken. It is a perfectly simple matter. I most strenuously object to the Federal Government yielding up this great

water power for 50 years without the ability to take it back

again.

Mr. SMITH of New York. Suppose the Niagara Power Co. should rebuild their plant at a cost of \$20,000,000, and one year afterwards, after they had put in all this money, the Government should come in and say, "We are going to take this property over at cost." The money of the investors has been spent. They have had no interest on it, and it would be a practical confiscation of

Mr. HUDDLESTON. The Government would pay for the

property.

Mr. SMITH of New York. Actual cost, but no profit.

Mr. HUDDLESTON. Why should the companies have a profit if they get their money back? They have had the advantage of this water power. They know what they are doing—

Mr. SMITH of New York. They do not know.

Mr. HUDDLESTON. They have had the property for a year in the case the gentleman supposes. Why should we give them a profit on the investment that they made, other than that which they have earned? Would the gentleman say we ought to allow they have earned? Would the gentleman say we ought to allow them 10 or 25 per cent above the money they have actually spent? How can he justify such a proposition as that?

Mr. SMITH of New York. They should certainly have more

than it cost them. They should have interest on their money for

that time

Mr. HUDDLESTON. That is part of the cost. That is a part of the investment

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Alabama.

The question being taken, on a division (demanded by Mr. HUDDLESTON) there were—ayes 10, noes 61.
Accordingly the amendment was rejected.

The Clerk read as follows:

Sec. 6. The Secretary of War, in granting any permit for the diversion of water under this act, shall include therein a provision requiring the payment to the United States of a reasonable annual charge, assessed on the basis of the quantity of water diverted. At the end of 20 years and every 10 years thereafter the Secretary of War shall readjust the annual charge as may then be just and reasonable.

Sec. 7. That no permittee under this act, nor any distributor of powers or energy generated by such permittee.

Mr. AUSTIN. Mr. Chairman— Mr. SMITH of New York. Mr. Chairman, I move to strike out section 6.

Mr. FLOOD. Mr. Chairman, the gentleman is too late.
Mr. AUSTIN. I was on my feet demanding recognition to
make a motion to strike out section 6.

The CHAIRMAN. The gentleman from Tennessee.

Mr. AUSTIN. Mr. Chairman, I move to strike out section 6.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 10, by striking out section 6, from line 12 down to and including line 19.

Mr. AUSTIN. Mr. Chairman, this bill in its present shape will not pass the Senate. That body has gone on record six times as against the legislative proposition contained in section 6. It has got to reverse itself for the last 8 or 10 years, because it has been against that proposition almost unanimously during that time. In other words, we must, in order to have this bill enacted, see a revolution in the United States Senate on section 6. We have to reverse the decisions of our highest court, the Supreme Court of the United States, for more than

100 years.

We have no right under any existing law, or under the Constitution of the United States, to take from the sovereign State of New York its rights and interests that it has enjoyed since the Constitution was adopted. Here is the National Govern-ment going afield and invading every nook and corner of the land to raise revenue to run the Government. We have actually gone in under recent revenue laws and taken the field of taxation which has been enjoyed heretofore by the respective States. The inheritance tax, the tax on theaters, moving pictures, billiards, and any number of occupations and trades which we have imposed taxes upon have heretofore been enjoyed by the States and municipalities. We have invaded that field. If we do not stop reaching out for direct taxation we are virtually going to rob the States of the opportunity to raise money to pay their expenses unless we tax the people practically to death on their personal property, business, and real estate. We have reached the period in legislation where we have drifted from the field of indirect taxation and invaded the field of direct taxation.

In this bill we are attempting to take from the State of New York, and every State in the Union, in violation of the decisions of the Supreme Court, the rights of the States to own and control the water power in this country. The Government of the United States, according to the decisions of the Supreme Court based upon section 8 of the Constitution, from Chief Justice Marshall down to the 11th of December, 1916, have passed upon virtually the same issue involved in this bill and held that these rights belong to the States.

I know that we have been swept off our feet in this House by the belief that the National Government, because it had the right under the Constitution to look after navigation and commerce, owns the beds of the rivers and the banks of the streams and the waters in the rivers, and has the right to tax and use them, when the Supreme Court has said that the right belongs to the State.

According to a statement of a leading professor in the University of Tennessee—Prof. John A. Switzer—there is over 600,000 undeveloped horsepower within 75 miles of Knoxville, Tenn. Do you think in the face of the decisions of the Supreme Court of the United States that I am going to stand here and vote for a proposition which robs my State of the power of taxation on 600,000 horsepower; to take from the people of Tennessee and my constituents a source of revenue to run their local government given them by the fathers of the Republic and sustained by the Supreme Court of the United States for more than 100 years? You may put such a bill through this House, but there

be passed by an American Congress. [Applause.] Now, what does this bill propose? It proposes to write a law which will force the power companies authorized and chartered under the laws of the State of New York to cancel and violate and destroy contracts which they made with the consumers of power. You have not that right. You attempt to exercise it, and no court of justice will permit you to do it.

is not a man here who will be living when such a bill will ever

They have up that very question in the proposed constitution of Mexico, where they are seeking to adopt a provision which will be a plain violation of contracts in Mexico, and this administration is insisting that these contracts, involving the rights of American business men in Mexico, shall be kept. While we are making at this very time protests against violating contracts in Mexico, the House of Representatives is attempting to write a law to do practically the same thing in the State of New York.

Now, we ought to have water-power legislation for the development of this country, but let us do it fairly, honestly, and in strict compliance with the law and in strict obedience to the decisions of the Supreme Court of the United States.

Mr. SABATH was recognized.

Mr. MILLER of Minnesota. Mr. Chairman, I was on my feet before the gentleman from Illinois was recognized.

The CHAIRMAN. The Chair did not see the gentleman. Mr. MILLER of Minnesota. I will say to the Chair that I have risen 20 times this afternoon and have not yet been recognized.

The CHAIRMAN. The Chair will recognize the gentleman after the gentleman from Illinois.

Mr. COOPER of Wisconsin. A parliamentary inquiry, Mr.

Chairman.

The CHAIRMAN. The gentleman will state it.
Mr. COOPER of Wisconsin. How much time will there be upon this for debate?

Mr. SABATH. That can be settled later on.

Mr. COOPER of Wisconsin. I think there ought to be sufficient debate on this in view of the fact that the constitutional question has been raised, and we ought not to decide it in less

than 10 minutes' debate on a side.

Mr. SABATH. Mr. Chairman, the gentleman from Tennessee [Mr. Austin], who has preceded me, is very candid in the reasons that he assigns in favor of striking out section 6, which provides for reasonable compensation to the Government for the use of water for power purposes on the part of the per-The reasons he assigns are that in Tennessee they have water power capable of developing hundreds of thousands of horsepower, and that by adopting this provision we will establish precedent which might be followed in grants or permits given to water companies in his State. There are other gentlemen who are opposed to this provision upon the same grounds, but do not give the candid reasons in opposing this grounds, but do not give the candid reasons in opposing this provision as he has given. As to the other objection he has raised, I believe we should not fear or take into consideration or be controlled by the other body of Congress. It seems to me that the gentleman from Tennessee [Mr. Austin] is alarmed about the fact that the Senate will never agree to this provision. If the House is to be controlled completely by the action of the Senate, then let us disband and go home and permit the Senate to legislate on all important questions. I do not believe, how-

ever, that we should in any way deprive ourselves of the rights and privileges of legislating in this body. I myself am of the opinion that section 6 should remain in the bill, and I believe that any charge that the Government would exact from the companies that are now making millions each and every year would only partially compensate the Federal Government for the millions and millions that it expends upon the improvement of the various rivers in the United States. Section 6 provides:

The Secretary of War, in granting any permit for the diversion of water under this act, shall include therein a provision requiring the payment to the United States of a reasonable annual charge, assessed on the basis of the quantity of water diverted.

In view of the evidence given before our committee, in view of conditions, I believe it will be manifestly unfair and unjustifiable that we should turn over the water to these two companies without any compensation. For that reason I hope

that the motion to strike out will not prevail.

Mr. MILLER of Minnesota. Mr. Chairman, I was not surprised at the speech of my splendid friend from Tennessee [Mr. AUSTIN]. He has kept his record clear, and he has kept the faith letter perfect. He has raised his voice, as he always casts his vote, against any kind of a tax. This tax provided for in this paragraph, if a tax is ever advisable on a water-power project, is proper here. First, as to its legality. Gentlemen, I think, are accustomed to confuse the right of the sovereign power of the United States to levy a tax due to its authority and control over, first, the navigability, and, second, the power latent in the moving water of a stream. A State undoubtedly has full authority and power over some features of water power, but it can not dispossess the United States of these two sovereign powers. The United States can or can not at its discretion grant a permit to make use of the water power latent in these moving waters. If it has the power to give the permit for their use, it has the power to prescribe the rules and regulations and conditions that shall surround that use, and one of those rules and regulations is a reasonable tax to be paid to the sovereignty that grants the right. Second, it does not necessarily interfere with the right of the State to tax that property which belongs to the State. This right is not a State right. This property is not a State property. There exists in certain water-power features something of State property and State rights. The State can tax that. That which belongs to the State the State can tax. We have in that respect the same dual sovereignty and the same dual right to tax that we find in a great many other subjects that have relation between the Federal Government and the respective States.

Mr. Chairman, this power to tax by the Federal Government is the one great strong power our Government will have to control and regulate the operation of these power companies. power to tax is the supreme overwhelming power to regulate and control. It is at the very heart of the merit of the right of sover-eignty acting in behalf of the people to regulate and control any interest of the people. It is beyond conception that if a State taxes these water-power companies, as they certainly will, the Secretary of War will not take that into consideration in levying any Federal tax.

If it be admitted, as I think it will be, that there shall be in the United States the right to tax these power companies abroad over the land as water power is developed, then there is no place where it more rightfully belongs than in this place where we find it here. The great power of Niagara is the greatest power God placed on the face of this earth. It belongs to the sovereign people of the United States and is entrusted by them, to be administered in their interest, to the Government of the United States. If we choose to prescribe limits and conditions under which power companies shall operate power plants, then we are but serving our constituents as we ought.

Therefore, Mr. Chairman, I sincerely trust whatever may be the views of some other gentlemen in some other body of this Government, that we adhere to the principle already established and we retain in the bill this paragraph, which enables this House, whether we use it much or whether we use it little, the power of regulating and controlling these great public-

service corporations. [Applause.]
Mr. FLOOD. Mr. Chairman, I want to make a motion to fix the time for debate on the section and amendments thereto. move that all debate on this section and all amendments

thereto close in 30 minutes. Mr. HEFLIN. I want five minutes now.

Mr. KAHN. Mr. Chairman, I have been recognized. Mr. FLOOD. I will make it 35 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this section and all amendments thereto close in 35 minutes. Is there objection? [After

a pause.] The Chair hears none.

Mr KAHN Mr. Chairman, I believe in that kind of conservation which allows utilization with the maximum efficiency and the minimum waste. I am in favor of the amendment offered by the gentleman from Tennessee [Mr. Austin]. There are a great many power companies already established at Niagara and elsewhere that do not pay anything to the General Government for the power which they obtain. They received their rights long before the question of conservation was discussed by the American people. You put a charge on any new company that is established and the old company can cut the price of its product just to the extent of the burden that the new company has to pay to the Government, and you will bankrupt the

new company. [Applause.]
Mr. FLOOD. May I interrupt the gentleman?
Mr. KAHN. No; I have only five minutes.

Mr. FLOOD. But the gentleman has misstated the facts of the bill. This imposes this charge upon all companies who use that water, whether old or new.

Mr. KAHN. I was under the impression, of course, that it imposed a charge on the new companies.

Mr. FLOOD. No; the gentleman is mistaken.

Will the gentleman answer me this question: Mr. KAHN. How under the law can you impose that charge on the companies that are already existing and that have been using the water without any charge whatever?

Mr. FLOOD. The companies that are there had rights which have expired and they have no rights now. Every company has to go in and get rights under this law, and it imposes a charge upon every one of them.

Mr. KAHN. Then, of course, they will all pay for the power,

so far as that goes.

Mr. AUSTIN. Will the gentleman yield to me to state this? Mr. KAHN. Yes.

These will be the only power companies in the United States charged this tax. The others on the Mississippi and Coosa Rivers and every other river of the United States

Mr. KAHN. I was just going to call attention— Mr. FLOOD. Not if the other bills pass the Senate.

Mr. KAHN (continuing). To the fact that this kind of legislation intrenches monopoly. It is in the interest of monopoly, because all over this country there are companies that received their patents or grants long before our so-called conservation policies were adopted. Those companies do not have to pay a cent for the water or the power to anybody. They can undersell the newer companies just to the extent of the amount that the Government charges the newer companies for the use of the water, and they will come pretty near bankrupting the latter concerns. The amount of power that is produced throughout the United States is very extensive. The quantity of power that is produced by old-established companies that do not pay anything to the Federal Government is exceedingly large, and this kind of legislation intrenches those companies in their We have gone to the extreme with this conservation I believe that there should be regulation, but I do business. not believe that there should be such regulation or such financial burdens that prevent utilization. [Applause.] I am opposed to such legislation on principle. The business of this country will be materially benefited if we allow the beneficial use or utilization of this water so that the maximum efficiency can be secured with the minimum waste. Mr. Chairman, the development of the West is being seriously impeded by this kind of legislation. I have seen its evil effects in my State and the other States of the Pacific coast. Its entire tendency is to arrest development and to allow great quantities of water to run to the sea without having performed its useful service to man

which its conversion into power would have made possible.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEFLIN. Mr. Chairman, the trouble with a great many Members in this House is that when they serve here some length of time they forget all that they ever knew about local self-government and the rights and the powers that belong to the States. They come here and begin to legislate about matters that belong purely and wholly, singly and solely to the legislatures of the various States. And I am astounded as I sit here and see Representatives surrendering rights and powers that they ought to be safeguarding and protecting for their

We are to-day undertaking by congressional action to take away from the States a right and a power that nearly every Secretary of War since the foundation of the Government has held belongs to the States. We are undertaking this afternoon

to surrender a right and a power that the Supreme Court has held belongs to the States. Some gentlemen here are wanting the Federal Government now to go into the business of selling water power. The Federal Government has no jurisdiction, as a matter of right, over the sale of this water power developed by private capital in a navigable stream. Its power stops with the control of the stream for navigation purposes. The right to sell water power belongs to the States.

Gentlemen, the people at home must look with utter surprise and be astounded when they see their Representatives here sur-rendering that which they ought to be safeguarding for the

Mr. SABATH. Will the gentleman yield? Mr. HEFLIN. I have not the time.

I am utterly surprised, Mr. Chairman, that Members will take is course. This question ought not to be considered here. this course. Every government on the earth that has perished went down the road of centralization of power. The surrender of the power of the small units, and the States, to the national power, has been the road down which every government that has fallen has gone. Will we not profit by the mistakes of these governments of the past? Will we not steer clear of the pitfalls into which they stumbled and fell? Let us this day go upon record as preserving, as safeguarding, as holding to the States these rights that belong to them, and not as surrendering these rights. [Applause.]

Mr. BENNET. Will the gentleman yield?

Mr. HEFLIN. I will yield if I have the time.
Mr. BENNET. I just wanted to ask how the gentleman voted on the good-roads bill, the vocational bill, and on the child-labor bill?

Mr. HEFLIN. I think I voted for all of them. But that is a different proposition altogether. No Secretary of War had

Mr. BENNET. How did the gentleman vote on the cotton-

futures bill a few weeks ago?

Mr. HEFLIN. That is a different question altogether. That

a question of interstate commerce.

Mr. BENNET. That was left to the Secretary of Agriculture. Mr. HEFLIN. That was a different question altogether, Mr. Chairman. I am surprised that the gentleman from New York wants to surrender the power that that State has and, by right ought to hold, to the Federal Government. I imagine it will be very pleasing to his constituents to know that he is here, instead of safeguarding their rights, smiling while he surrenders them.

The CHAIRMAN. The time of the gentleman has expired. Mr. COOPER of Wisconsin. Mr. Chairman, I have for many years maintained in this House that Congress, having the right, in its discretion, to grant a franchise permitting the use of the waters of a navigable stream to generate hydroelectric power, can in granting that franchise lawfully impose such terms and conditions as, in its discretion, may seem wise and in the interest of the people. This I have often said here, not as a Republican but as one who believed that the welfare of the people of the United States demands the firm maintenance of that principle.

Now, I ask the attention of my friend the gentleman from Alabama [Mr. Heflin] to what a distinguished Democrat said during a debate some years ago on this floor on a bill involving this principle. While the gentleman from Tennessee [Mr. AUSTIN] was speaking a few moments ago I remembered that in that debate a gentleman from Alabama by the name of Richardson maintained, or sought to maintain, the same proposition which his successor from Alabama is now seeking to maintain, namely, that this is purely a local, a State, matter, and that the Government of the United States has no power to require compensation for a privilege of this kind. After Mr. Richardson had finished there arose to answer him-and I remember it well—one of the ablest, most brilliant men I have ever known. I remember, too, that sometimes men used to criticize him merely, as I thought, because he was so gifted; and this re-minds me of what Macaulay said in his discussion of Harley and Montague:

It is soothing to envy to believe that what is brilliant can not be strong; that what is clear can not be profound.

Now, Mr. Chairman, I read from the Record, page 4065, of March 28, 1908:

"Mr. Chairman, there can be no doubt in the mind of any man seeking merely the public good and public right, inde-pendently of any desire for local legislation, of this general proposition, that whenever any sovereignty, State or Federal, is required to issue a charter or a license or a consent, in order to confer powers upon individuals or corporations, it is the duty

of that sovereignty in the interests of the people so to condition the grant of that power as that it shall redound to the interest of all the people, and that utilities of vast value should not be gratuitously granted to individuals or corporations and perpetually alienated from the people or the States or the Govern-

"Now, it is admitted-and, of course, I regret very much that in laying down any general law or any rule of conduct I should be compelled to come athwart any desire for legislation in the gentleman's district or anywhere else-but it is admitted that this power to erect dams in navigable streams can not be exercised by anybody except an act of Congress. Now, then, if it can require an act of Congress to permit any man to put a dam in a navigable stream, then two things follow: Congress should so exercise the power in making that grant as, first, to prevent any harm to the navigability of the stream itself, and, secondly, so as to prevent any individual or any private corporation from securing through the act of Congress any uncompensated advantage or private profit."

Who said this? JOHN SHARP WILLIAMS, then the Democratic floor leader. [Applause.] Was he trying dangerously to consolidate power in the National Government though professing only a desire honestly to protect the interests of the people? Did he so mistake his functions as a legislator here as to advocate a principle that tends to crush the liberties of the American -the constitutional principle that when Congress has the exclusive power to grant a franchise it has the right, in its discretion, to impose conditions and terms? [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin

has expired.

Mr. LENROOT rose.
The CHAIRMAN. The gentleman from Wisconsin is recog-

Mr. LENROOT. Mr. Chairman, the ease with which the gentleman from Alabama [Mr. Heflin] overrules the decisions of the Supreme Court of the United States is only equaled by the ease with which the gentleman from Tennessee [Mr. Austin] misstates those decisions.

Mr. AUSTIN. Well, I challenge that statement.

Mr. LENROOT. I expected the gentleman would, and I say to the gentleman that there is no decision of the Supreme Court of the United States ever rendered that is in the least degree in conflict with the provisions that the gentleman now seeks to strike out of this bill.

Mr. AUSTIN. I will put them in the Record.
Mr. LENROOT. All right. I will be glad if the gentleman will do so. And he spoke of the Senate of the United States. The gentleman may not be aware of the fact that five or six years ago the ablest lawyers then in that body made an investigation of this very legal question and reported that it was en-tirely competent for the Congress of the United States to make just such a charge as this as a condition of a grant such as is contained here

Mr. AUSTIN. And did the Senate vote on it?

Mr. LENROOT. I have not the time to go into that. If the gentleman is at all familiar with the decisions of the Supreme Court of the United States he must know that that court has held that the Government itself can construct these dams and that it has the right to sell any power that is generated by these dams; and if that be so, can it be true that it has not the power as a condition of a grant to some one else, to whom it gives the privilege of erecting these dams, instead of doing it itself, to impose as a condition of that grant that it shall pay a charge?

Now, Mr. Chairman, I have taken a somewhat active interest in water-power legislation since it has been before Congress. I have not been of the opinion that in every case a charge should be imposed, but only in those cases where by regulation the public will not get the benefit of the development.

This situation at Niagara Falls furnishes an excellent illus-

tration of a case where a charge ought to be made. One of the users of this power is the American Cyanamid Co., a manufacturer of nitrates and fertilizers. It was testified by the officers of that company that they are now paying for power about onehalf of the ordinary charge for power in the United States. It was testified by them that they could make money if they had to pay four or five dollars-I have forgotten the exact figures per horsepower more than they are paying. That company is a monopoly. How is the public to get any benefit from the use of this water power by that monopoly except through the imposition of a charge?

Mr. SMITH of New York. That company does not get power from any company on the American side.

Mr. LENROOT. That may be. It is an illustration, however,

of the point I am making; and whether it be the American Cyanamid Co. or whether it be some other manufacturing com-

pany that gets the power, the illustration holds good just the This is a case where the only way that the public can get any benefit is to have the right in the Secretary of War to im-

The gentleman from California [Mr. KAHN] says that to incorporate this section in the bill will intrench monopoly. I say to him that if you strike out of this bill the provision for a charge, you do intrench monopoly. You give to the manufac-turer value which has not been created by him, which belongs to all the people of the United States; and the only way the public can get any benefit from that for themselves is to enable the Secretary of War, as a condition of the permit that is herein provided for, to impose such a charge as will give to the public some benefit of the development of the water power.

Mr. PARKER of New York. Who ultimately will have to

pay this charge in the State of New York?

Mr. LENROOT. The American Cyanamid Co. charge all that they can get, short of the point where we would be able to import phosphates and nitrates from Chile. That is the measure of what they are charging the public now; and you might impose \$2 per horsepower per year upon that nitrate company if it got its power upon this side and the public would not pay one penny of that charge. You would simply reduce the dividends that the monopoly is getting, given to it by the people.

Mr. PLATT. If they have a monopoly, why could they not

charge what they wanted to?

Mr. PARKER of New York. Does not the gentleman realize that every one of these companies is under the jurisdiction of the public-service commission of the State of New York?

Mr. LENROOT. Let us see. Here is a power company which furnishes power to a monopoly. Suppose you reduce the rate that the power company must charge the monopoly; you simply increase the dividends of the monopoly. How has your public-service commission of New York safeguarded the public interest by simply regulating the rates that a power company shall charge a monopoly? There is one way you can do it—by regulating the price of the product—and you can not do it in

any other way except by imposing a charge.

Mr. LA FOLLETTE. Mr. Chairman, I have been greatly interested in this debate. I listened to the gentleman from Minnesota [Mr. Miller], who claims the proud paternity of this particular section, and I also listened with interest to the gentleman from Tennessee [Mr. Austin], who says that there are some 800,000 horsepower in his State, and he is not going to give up the right of his State to tax that 800,000 horsepower. In the State of Washington, which I have the honor to represent in part, we are credited by the Interior Department with having between 10,000,000 and 11,000,000 horsepower. Hundreds of thousands of this horsepower is in navigable streams. Now, I am willing to grant to the United States the charging of an excise tax on all the horsepower that may be developed in those streams, but I am not willing to grant to the United States that they have any inherent right to tax the water powers generated by the waters of that State. I am willing to concede that in all navigable streams they have control of the water for navigation purposes, but further than that I deny that they have a scintilla of right. I question very much whether they have any right above the Niagara Falls other than the right of saying whether or not the amount of water taken out of the stream would or would not interfere with navigation on the There has been a case decided in Michigan covering that point. Certain parties built a dam across the upper waters of a navigable stream above the point of navigation. The United States Government attempted to enjoin those parties. The case was carried into the courts, and the courts decided that while it did not interfere with the navigation on the lower river and while navigation was not injured the United States could not interfere. Those people still use the water above the point of navigation.

I claim that above Niagara Falls there is practically no navigation for commercial purposes on the little stretch of river from the lake to the Falls, and I question whether the Government has any right over the water there even for navigation. But when they undertake to interfere by making a charge for the use of the water on the New York side they are infringing on the rights of the State of New York. I think it behooves every man in this House who has a water power on a navigable stream to take issue with the United States having any control over them for any purpose except navigation purposes.

plause.] The gentleman from Wisconsin [Mr. Lenboot] said a few moments ago that they—the United States—had a right to put dams across a river. I admit they have, provided they put them there for navigation purposes. But they could be enjoined by a State or any two States in the Union if the stream went between those States, if they should try to dam a river for any purpose not warranted by the needs of navigation, as the Supreme Court would decide they were exceeding their rights if it was for anything other than the purpose of navigation.

If they should build a dam for that purpose, and there was water power created thereby, I have no doubt the courts would say that they should have the right to charge for the use of that power, in case they wanted to make a charge, but they would have no inherent right under the law and the Constitution of the United States, and would be compelled to use or sell the water in compliance with the law of the State or States

where the power was used or sold.

Mr. Chairman, one-third of the area of the State of Washington is in forest reserves, Indian reservations, national parks, and monuments that are barred from taxation at the present time and will be for many years to come. If the United States Government now sets up a claim to the inherent right to charge for the use of water power and to tax the individuals, companies, or corporations developing or using the water powers within the State, or waters contiguous thereto, and their contention should be sustained by the courts, then there is but little left to my State untrammeled by the claims of the Federal Government except the air we breathe.

The courts of both State and Nation have ruled for a century that jurisdiction over the waters of the States for other than navigation purposes was a prerogative of the States, and it has only been within the last decade that anyone has had the temerity to challenge that ruling. But of late years a few questionable reformers, in and out of Congress, have set up their ideas as superior to court rulings, and would take away from the various States of the Union the right to control the waters within their States for all other than navigation purposes and turn that power over to the bureaucratic control of some departments in Washington City.

Mr. Chairman, this bill is turning over to the Secretary of War functions that no stretch of the imagination could possibly say were his constitutional or natural functions. The Secretary is an appointee, liable to frequent change, and this bill is putting into his hands power and authority over things of which he probably will know nothing and making it his duty to perform services that the wildest enthusiast here for bureaucratic control will not expect him to personally perform or have any practical knowledge of. Such a law as this is farcical.

Many of the provisions of the bill are unwise and nonsensical. For instance, each permittee must "actually engage in the business of furnishing light, heat, power, and electric current," making it impossible for a permittee to engage in furnishing all of the energy he generates for one or more of these purposes. What good purpose can be served by such an arbitrary provision?

If the Secretary of War is allowed to fix an arbitrary tax at Niagara, will not the Congress allow him to fix an arbitrary tax at the Great Falls of the Missouri, Mont., or Kettle Falls, Wash? There is no provision of uniformity. It is dependent on the whim or the judgment of an appointee officer, is unwise and unsafe, and is an affront to the States, as it is an injustice. I sincerely hope, if it passes the House in its present form, it will not receive the concurrence of the body at the other end of the Capitol.

Mr. RAINEY. Mr. Chairman, yesterday in this House we considered the naval appropriation bill, and I sat in my seat as the various paragraphs in the bill were read and watched the amendments that were offered. Not a single amendment met with defeat, and every amendment added from \$20,000 to \$5,000,000 or \$6,000,000 to the bill.

OUR INCREASING NATIONAL EXPENDITURES.

One of the papers this morning stated that yesterday we added from the floor amendments amounting to \$15,000,000 to that one bill. The bill as reported is the largest bill ever reported out by the Naval Committee of this House in the history of the Government. The statement astonished me, and I went through the Record and found that the paper that made that statement was in error. We added to this bill yesterday in the House, without a murmur of opposition, over \$20,000,000. [Applause.] We propose to keep up evidently through the remainder of the consideration of the naval bill these amendments, and then add \$150,000,000 in bonds. In other words, when this bill passes this Congress it will carry in charges against the people of the United States twice as much money as any party in this country was ever able to raise by any system of tariffs on imports.

WHAT THE NAVAL BILL ALONE WILL CARRY THIS YEAR.

When that bill passes and becomes a law it will carry almost as much in bonds and in direct appropriations as we collected four or five years ago from all sources for the support of this Government, except the sale of postage stamps, which merely supports the Post Office Department of the Government.

REVENUE POSSIBILITIES OF OUR RIVERS.

We are asked now by certain gentlemen in this House to commence to-day to give away to the rapidly forming Water Power Trust in this country the very last of our national assets—the power of the moving water of our rivers as it flows down over declivities to the sea. We are developing in the country to-day seven or eight million horsepower of hydroelectric energy and a conservative estimate of the possible development within the next few years would be forty or fifty million horsepower.

Not long ago the Geological Survey issued its statement to the effect that it was possible to develop here in the rivers of this country 300,000,000 horsepower. We can develop there at Niagara by a proper conservation—not the method that is adopted now of using the water—at the Falls and in the gorge below the Falls 7,000,000 horsepower. I do not know what the charge ought to be, but a conservative charge may be ultimately \$1 per horsepower. If we are to enter upon the proposition, which seems to be favored now in so many different directions, of conserving all the water that falls, impounding it and using it for irrigation purposes and then using it as it flows down the rivers to the sea, so that hydroelectric energy can be created, the prospects for the future after the period of this generation assumes enormous proportions. [Applause.]

THE FIGHT FOR CONSERVATION OF WATER POWER IS ALMOST WON.

I have been active for a number of years here in the House of Representatives and elsewhere in the movement to preserve for the National Government the possibility of at some time in the future deriving some suitable revenue for the Government out of the privileges we are asked here to grant to corporations and individuals. I have been active in the fight for a regulation of cost of hydroelectric power to ultimate consumers, and I have contended for an adequate recapture clause in all bills which pass this House, a clause which may enable the National Government to take over at some time in the future-50 years from now perhaps-structures which may be erected in our rivers where power may be developed, subject to a proper recompense to the owners of the dams and of the structures immediately connected therewith. The fight we have been making seems almost won. This bill will pass the House with the compensation clause in it, and with the other clauses also included for which we have been fighting so long. In the face of the growing expenditures of this Government, the effort to give away gratuitously this, the last of our national assets, from my viewpoint is indefensible.

A NATURAL MONOPOLY.

The development of hydroelectric energy is necessarily a natural monopoly. There can never be any competition between power plants, as has been suggested by the gentleman from California [Mr. Kahn]. Places where power can be developed in our rivers are widely separated. In order to properly develop hydroelectric power a number of power possibilities close together ought to be assembled. If there ever was a natural monopoly, the development of hydroelectric power belongs to that class. The cost to the ultimate consumer in the absence of some adequate regulation of price by the States or by the National Government must always be controlled by the competition of steam power developed from coal; but after steam plants are put out of existence by electrical power plants in the absence of proper regulation these power plants will have entire communities at their mercy.

THE DEMANDS OF THE STATES.

The demands of States upon the National Government are increasing. Appropriations from national funds are demanded for building of roads within States, for improvement of rivers and harbors within States, for the elimination of the boll-weevil and the gypsy-moth pests within States, and for a multitude of other things, and yet gentlemen on this floor advocate to-day that we must leave to the States alone the right to collect revenues from power possibilities in our navigable rivers. The effort now on the part of States is to place on the National Government enormous burdens which the States should assume and at the same time deprive the National Government of the right to collect its revenues from such possible sources as we are considering in this bill. This bill ought to pass with this provision for compensation in it. We can not give away to private monopolies this great national asset which belongs to the people of the United States. [Applause.]

Mr. McARTHUR. Mr. Chairman, this section of the bill provides that the Secretary of War may levy a "reasonable annual charge," and for this reason I hope the section will be stricken out. Granting, for the sake of argument, that Congress has the right to authorize the collection of a tax upon the developed water power of navigable streams, what excuse is there for a delegation of this important function to the Secretary of War? Why not settle the matter here and now? are elected to legislate for the people of the United States, and questions of this character ought to be settled here in Congress-in our committees, which surely have enough brains and patriotism to settle them-without passing them on to the Secretary of War or any other Cabinet official. [Applause.] What is a "reasonable annual charge"? Fifty cents, or \$1, or \$2, or what? Is the Secretary of War any better qualified to determine this question than the committees of Congress? I am not speaking disrespectfully of the present Secretary of War, but am objecting to the growing tendency here in Congress to confer legislative power upon Cabinet officials. From time to time new Secretaries of War will be appointed, and we may get one, perchance, who may be a crank on this or that phase of the water-power question, and who will unjustly raise or lower the charge per horsepower. We have entered upon a mad career of delegating legislative powers to Cabinet officials, who must of necessity depend upon the reports of subordinates, and the whole machinery of the Federal Government is becoming top-heavy with bureaucracy. Congress has come to be a joke in the minds of many people, because we are emasculating ourselves and placing too much power in the hands of bureaucrats.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. McARTHUR. Certainly.
Mr. MADDEN The gentleman admits that he himself does

not know what the charge ought to be?

Mr. McARTHUR. Yes. I admit that, and I do not think the Secretary of War knows, either. I do think, however, that a committee of this Congress is competent to prescribe the rates of taxation-at least maximum and minimum rates-rather than delegate this important power to a Cabinet official who changes every four years, or oftener.

Mr. MADDEN. I think the orderly way to do it is to have

some executive officer who has facilities to ascertain its value

and fix the price.

Mr. McARTHUR. I do not agree with the gentleman; but my time is limited and I must pass to another phase of this question of taxation of water power. We are setting a bad precedent here by this legislation. Congress will soon be called upon to enact general water-power legislation, and those who favor the Federal tax will point to the Niagara River bill as an example and argue that all water power developed from navigable streams should bear a Federal tax. The unfairness of such a tax becomes apparent when we stop to consider that water power already developed pays no tax at all, while that which is to be developed, under the terms of such measures as may be enacted, must be handicapped by a tax. The products of the old and the new establishments must compete in the open market and the old concerns will enjoy a subsidy equivalent to the amount of the tax on the new industries and will be able to undersell them to that extent. Competition of that character can not continue long, for the concern that bears an unequal burden of taxation will go to the wall. If we are going to tax water power, why not do it in the shape of a revenue bill providing for a tax upon all concerns-those already in operation, as well as new ones that may be built and operated from time to time? In this way, all concerns will be treated alike. On the other hand, if we tax only the new industries, what becomes of our time-honored doctrine of "equal rights to all and special privileges to none"?

Mr. Chairman, I am not prepared to admit that the Federal Government has any legal right to tax water power. eral Government enjoys the right to regulate navigable streams for the purposes of navigation, but from what source does it derive its authority to tax the power of falling waters lying within a particular State? I am not discussing the Niagara bill, but have in mind general legislation and the contentions of gentlemen in this House who believe that any water-power bill passed by this Congress should provide for a Federal tax. The right to tax water power, if it is to be taxed, should be with the State. not with the Federal Government. I have argued against taxation in any form, unless water power heretofore developed shall also be taxed, but I realize that there are many who do not agree with me. If, then, for the sake of the argument, we are to levy a tax upon water power, why not leave the question to the States? This Congress has invaded the field of State taxation by levying on inheritances, excess profits, capital stock, they

pool halls, billiard tables, motion-picture houses, and scores of other fields that should be left to State and municipal taxation. Now, it is proposed to levy a Federal tax on water power. All of this is invading the field of local taxation to such an extent that the burden of sustaining city, county, and State government is gradually shifting to the man who owns real estate—to the farmer and city property owner. The burden is becoming almost unbearable, so why not allow the States in which waterpower projects are located to exercise the taxing function?

Mr. Chairman, the gentleman from Alabama [Mr. HEFLIN] sounded a note of warning about the surrender of power to the Central Government. He holds that such tendencies will destroy local self-government and menace the future welfare of the Republic. The gentleman is quite right, but time will not permit me to dwell longer upon that phase of the question.

Mr. Chairman, gentlemen have indulged in the old talk about "monopoly." It is an old bugaboo. They do not seem to realize that New York State and practically every other progressive State in the Union have public-service commissions that safeguard the people against monopoly and exorbitant prices. The cry of "monopoly" is very much like the cry of "fraud" that

we so often hear after election day. [Applause.]
The CHAIRMAN. All debate upon this section and all amendments thereto is exhausted. The question is on the amendment offered by the gentleman from Tennessee [Mr.

AUSTIN] to strike out the section.

The question was taken; and on a division (demanded by Mr. Austin and by Mr. Heflin) there were-ayes 55, noes 85.

So the amendment was rejected.

The Clerk read as follows:

SEC. 7. That no permittee under this act, nor any distributor of power or energy generated by such permittee, shall unreasonably discriminate in service, charges, or otherwise between those to whom it shall supply power or energy, or who shall apply for same, and all such discrimination shall be unlawful and all contracts therefor, whether heretofore or hereafter made, are declared to be violative of public policy and void.

Mr. HUDDLESTON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After section 7 insert as a new section:

"SEC. 8. That each approval under this act shall be conditioned upon the acceptance by the grantee of all the terms and conditions of this act and of terms and conditions specified in the approval, which acceptance shall be expressed in the approval as a part of the contract entered into."

Mr. FLOOD. Mr. Chairman, I reserve a point of order against the amendment. That is not an amendment to this section and it is not in order just now.

The CHAIRMAN. The Chair thinks the amendment is in

Mr. HUDDLESTON. Mr. Chairman, this amendment is copied word for word from the Adamson bill, and it seems to me to be a very important amendment. It is not phrased in exactly the language I would have used, but I copied it literally, word for word, from the Adamson bill, and it seems to me that we ought to adopt it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. Huddleston) there wereayes 28, noes 83.

So the amendment was rejected.

Mr. CLINE. Mr. Chairman, I offer the following amendment. The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

The Clerk read as follows:

Amend, by inserting after section 7, which ends with line 2, on page 11, the following:

"Sec. 8. That at any time after the expiration of any permit made hereunder, upon six months' notice of intention to do so, given either before or after the expiration of the permit, the United States, or any person authorized by Congress, may take over such works used by the permittee for the generation and transmission of electrical energy which are dependent for their usefulness on the continuance of such permit: Provided, That by 'transmission' there shall be understood the wires, conduits, poles, or other devices used to convey electrical energy to the point of its application; but that nothing herein contained shall obligate the United States to purchase any property beyond such generating plant and transmission lines: Provided further, That the United States may also purchase, at its discretion, such lands and other property of any permittee acting under the terms of this act as in the judgment of Congress may be deemed advisable upon condition that it shall pay before taking possession, first, the reasonable value, not exceeding the actual costs of the works, constructed under the approval of plans and specifications, rights of way, water rights, lands, and interests therein purchased or taken over by it; and, second, the reasonable value of all other property taken over, including structures and fixtures acquired, erected, or placed upon the lands and included in the generation or transmission plant and which are dependent as herein above set forth, such reasonable value to be determined by mutual agreement between the Secretary of War and the permittee or owners of such property; and in case they can not agree, by proceedings instituted for that purpose in the

United States district court for the district in which said property or some part thereof is situated, but in no case shall the amount exceed the actual cost: Provided, That such reasonable value shall not include or be affected by the value of the franchise or good will or profits to be earned on pending contracts or any other intangible elements.

"That in the event the United States does not exercise its right to take over, maintain, and operate the properties as provided in this section, the Secretary of War may renew the approval of plans and specifications, either original or modified, upon such terms and conditions and for such periods as may be authorized under the applicable laws that may be in force at that time, or the Secretary of War is authorized, upon the expiration of any permit under this act, to approve terms and conditions under which a new permittee may operate such properties for such periods as applicable laws may then authorize upon the further conditions that the new permittee shall pay the original permittee for the properties as provided in this section.

"That where, in the judgment of the Secretary of War, the public interests requires or justifies the execution by any permittee of contracts for the sale and delivery of water power or electrical energy for periods extending beyond the life of the permit, but for not more than 20 years thereafter, such contracts may be entered into upon the approval of the said Secretary, and thereafter, in the event of the exercise by the United States of the option to take over the plant in the manner provided in this section, the United States or its new permittee shall assume and fulfill all such contracts."

During the reading of the above amendment, Mr. FLOOD. Mr. Chairman, the three sections which constitute this amendment have been read to the committee in the amendment which the gentleman from Indiana offered before.

The CHAIRMAN. Has the gentleman any request to make? Mr. FLOOD. I ask unanimous consent that the further reading be dispensed with now.

The CHAIRMAN. Is there objection?

Mr. MANN. What is it; to adopt an amendment without

Mr. FLOOD. It has been read.
Mr. MANN. Not to Members now present.
Mr. FLOOD. Well, if there is any objection that settles it.
Mr. MANN. I think it better be read.

The Clerk concluded the reading of the amendment.

Mr. CLINE. Mr. Chairman, this is taken word for word from the Adamson recapture clause, and contains no other verbiage of the bill which I included in the amendment when I offered it

Mr. SMITH of Minnesota. Mr. Chairman, I notice there are eight sections in the amendment which the gentleman

Mr. CLINE. No; sections 5, 6, and 7.
Mr. SMITH of Minnesota. How much of the confidential print have you incorporated in the present amendment?

Mr. CLINE. Sections 5, 6, and 7 in the amendment. Mr. SMITH of Minnesota. The confidential print commences

with section 4.

Mr. CLINE. That included, as I stated before, what we wanted to incorporate in the bill so the Government could either take the plants over or could revoke the permit and compel the permittee to remove the property they had

Mr. SMITH of Minnesota. And the gentleman eliminates that? Mr. CLINE. I have eliminated that, and simply include the

recapture language of the Adamson bill.

Mr. SMITH of Minnesota. This commences with section 5 of the confidential bill.

Mr. CLINE. Five, 6, and 7. The gentleman from Wisconsin can advise the gentleman.

Mr. SMITH of Minnesota. Is it the gentleman's intention to complete this bill to-night?

Mr. CLINE. Yes; we wish to do that, if we can get it to a vote.

[Cries of "Vote!"]
Mr. NORTON. Mr. Chairman, I trust that this amendment may be added to this bill. I believe that the next few years will show economic and social changes in this Nation that will warrant the adoption of this amendment. Recently the three greatest electricians of the world have predicted that within the next decade an increased use of electrical power will take place such as the ordinary mind can not even imagine to-day. This is preeminently the age of electricity. Electrical power has come to be the greatest power in the world within a very few years. This great hydroelectric power at Niagara Falls, in my judgment, under the disgraceful greed that has been shown is practiced by the hydroelectric companies who have already been given permits to all this water power, and in simple fairness to the interest of the people who consume the power should be taken over now and operated by the Government. I am confident that within 10 years the great majority of the people of this country will demand and insist upon the ownership and operation of such great hydroelectric powers as this by the Federal Government. This water power is a natural monopoly, and the interests of the public will be abused as long as it is permitted to be operated for private gain.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Indiana [Mr. CLINE].

The question was taken and the amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. McARTHUR, Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FI.OOD. Mr. Chairman, I move that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20047) for the control and regulation of the waters of Niagara River above the Falls, and for other purposes, and had directed him to report the same to the House with sundry amendments, with a recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amend-

ment?

Mr. FLOOD. Mr. Speaker, I move the previous question on the bill and amendments to final passage. The SPEAKER. The gentleman moves the previous ques-

tion on the bill and amendments to final passage.

Mr. SMITH of Minnesota. Mr. Speaker, I want to inquire

whether it is the intention to have a vote to-night?

Mr. MANN. I will say there is not. The gentleman need not inquire over there. I know how to stop it.

The SPEAKER. The question is on the motion for the previous question.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? [After a pause.] The Chair hears no request.

The question is on agreeing to the amendment.

Mr. HUDDLESTON. Mr. Speaker, I rise to a parliamentary inquiry

The SPEAKER. The gentleman will state it.

Mr. HUDDLESTON. I wish to offer a motion to recommit.

The SPEAKER. That can be offered after the third reading of the bill.

Mr. MANN. Mr. Speaker, I ask for a minute. It is the intention of some of the gentlemen to offer a motion to recommit and to insist upon a roll call, either through a point of no quorum or otherwise, as I understand. Unless we can get unanimous consent after the third reading is ordered I shall demand the reading of the engrossed bill, which will put it over until to-morrow, anyway.

The SPEAKER. Get unanimous consent for what?

Mr. MANN. To postpone the vote until to-morrow, after the vote is taken ordering it to a third reading.

The SPEAKER. The question is on the engrossment and

third reading of the bill.

Mr. MANN. Before the third reading, I ask unanimous consent that the further consideration of the bill be postponed, to come up immediately after the reading of the Journal to-

The SPEAKER. That does not vitiate the rights of the gentleman from Alabama [Mr. Huddleston] at all.

Mr. MANN. No; that protects his rights.

The SPEAKER. The gentleman from Illinois asks unanimous consent that further proceeding on this bill be postponed until to-morrow after the reading of the Journal and the clearing of matters on the Speaker's table.

Mr. HUDDLESTON. I object, Mr. Speaker.
Mr. MANN. Then I demand the reading of the engrossed bill. To do it by unanimous consent protects in every way the gentleman's rights. He can offer his motion to recommit to-

Mr. HUDDLESTON. Mr. Speaker, I withdraw my objection. The SPEAKER. Is there objection to this bill going over for the third reading to-morrow. [After a pause.] The Chair hears none.

ELIZA M'CLOSKEY (H. REPT. 1440).

Mr. LLOYD. Mr. Speaker, I present the following resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Missouri presents a resolution, which the Clerk will report. The Clerk read as follows:

House resolution 485.

Resolved, That the Clerk of the House be, and he is hereby, directed to pay, out of the contingent fund of the House, to Eliza McCloskey, widow of Patrick McCloskey, late the janitor of the Committee on Elections No. 2, a sum equal to six months of bis compensation as such

janitor and an additional amount, not exceeding \$250, to defray the funeral expenses of said Patrick McCloskey.

The SPEAKER. The question is on agreeing to the resolu-

The resolution was agreed to.

SPEAKER PRO TEMPORE FOR TO-NIGHT.

The SPEAKER. The Chair appoints the gentleman from Virginia [Mr, Saunders] to preside to-night.

MESSAGE FROM THE PRESIDENT-COMMISSION ON NAVY YARDS AND NAVAL STATIONS.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, Report No. 2 of the Commission on Navy Yards and Naval Stations.

The attention of Congress is especially called to the request and recommendation that certain portions of the report and appendices should not be made public.

WOODROW WILSON.

THE WHITE House, February 7, 1917.

The SPEAKER. The Chair will state that those portions that the President mentions in there have already been subtracted and handed to the Navy Department, and the Chair therefore refers the message to the Committee on Naval Affairs with orders that it be printed.

EXTENSION OF BEMARKS.

Mr. SHALLENBERGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting an article on the unanimous adoption by the Legislature of Nebraska of a

resolution indorsing the President's action.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the Record as indicated. Is there objection?

There was no objection. Mr. EMERSON. Mr. Speaker, I ask the same privilege. The SPEAKER. Is there objection to the request of the gen-

tleman from Ohio? There was no objection.

HEIRS AT LAW OF THOMAS TUMLIN.

Mr. BURNETT. Mr. Speaker, the bill H. R. 18565 is a bill that ought to be on the Private Calendar instead of the Union Calendar.

The SPEAKER. What is it?

Mr. BURNETT. It refers to the sale of certain land in Alabama to the heirs at law of Thomas Tumlin, deceased. It is a private bill. I ask that it be placed on the Private Calendar. The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS.

Mr. SMITH of Minnesota. Mr. Speaker, I ask unanimous consent to extend and revise my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SABATH. Mr. Speaker, I ask the same privilege. The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. BURNETT. Mr. Speaker, I make the same request.
The SPEAKER. The gentleman from Alabama makes the same request. Is there objection?

There was no objection.

HOUR OF MEETING TO-MORROW-11 O'CLOCK A. M.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

There was no objection.

RECESS.

Mr. KITCHIN. I ask unanimous consent, Mr. Speaker, to take

a recess until 8 o'clock this evening.

The SPEAKER. The gentleman from North Carolina asks that the House stand in recess until 8 o'clock under the special order. Is there objection?

There was no objection; accordingly (at 6 o'clock and 25 minutes p. m.) the House stood in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session, and was called to order by Mr. SAUNDERS as Speaker pro tempore.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The Clerk will report the first

bill on the Private Calendar.

Mr. MILLER of Delaware. I ask unanimous consent that we begin the Private Calendar at No. 443. That and the succeeding bills have been on the calendar since the beginning of this session of Congress, and after examining the calendar it appears that if we get through with them we will then be able to go back and start over again. The bills preceding No. 443 have been on the calendar before and have been objected to on previous occasions

The SPEAKER pro tempore. The gentleman from Delaware asks unanimous consent to begin the calling of the calendar at the

point indicated.

Mr. MOORE of Pennsylvania. What number?
The SPEAKER pro tempore. No. 443.
Mr. MOORE of Pennsylvania. The Private Calendar?
The SPEAKER pro tempore. Yes.
Mr. SMITH of Idaho. Reserving the right to object, it seems to me this is hardly fair to those who have had bills pending on the calendar for the last four or five or six months.

Mr. MILLER of Delaware. Will the gentleman yield right there? I only do this after consulting Members on both sides. The bills that the gentleman from Idaho refers to have already been called and objected to more than once. I think it is only

fair to take up the new work more recently reported.

Mr. SMITH of Idaho. I do not think it is true that all the bills preceding the number to which the gentleman refers have been objected to, and it seems to me that if we start at the beginning of the calendar those which are not objected to can soon be disposed of. We should not overlook meritorious bills that have been on the calendar for four or five or six months to take up those more recently reported.

Mr. MILLER of Delaware. Nobody is more anxious than I am to have these bills considered, but the later bills on the calendar are new ones, and if we get through with them to-night we will possibly have another session for the consideration of the Private Calendar before we adjourn. I hope the gentleman will not object.

Mr. SMITH of Idaho. If you will take up Private Calendar No. 352 and consider it, I will not object; but I certainly do not think it is fall to those who have had bills on the calendar for a long time, and who have been waiting patiently for them to

be reached, to begin at the point indicated by the gentleman.

Mr. MILLER of Delaware. If the gentleman wants to couple
with my request a request that we take up No. 352, I have

no objection.

Mr. STAFFORD. Mr. Speaker, I will not permit any favor-

itism to be played here this evening.

Mr. SMITH of Idaho. I do not think there is anyone else

here who will object to my bill being considered.

Mr. STAFFORD. Others will come in later and will desire the same thing.

Mr. MILLER of Delaware. That is a Senate bill, and it will undoubtedly have a chance to pass before the session adjourns. Mr. SMITH of Idaho. Before this evening's session adjourns?

Mr. MILLER of Delaware. Yes.

Mr. SMITH of Idaho. There are a good many bills on the calendar following the number which the gentleman has mentioned, but I will not object.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware [Mr. Miller] to begin the calling of the Private Calendar at No. 443?

There was no objection.

HENRY P. GRANT.

The Clerk read the title of the bill (H. R. 16827; Private Calendar No. 443) for the relief of Henry P. Grant, of Phillips County,

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill, Mr. MANN. I ask unanimous consent that the Clerk report the committee amendment, which is a substitute, in order to

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois that the Clerk report the committee amendment?

There was no objection.

The Clerk read the committee amendment, as follows:

Strike out all after the enacting clause and insert the fol-

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$7,598.24 to Henry P. Grant, formerly post-master of Helena, Ark., said sum being the amount he voluntarily paid into the Treasury to make good the shortage of the assistant post-master, William B. Lindsey, who was duly tried and convicted of said crime and punished by imprisonment in the peniteutiary for a term of four years.

Mr. MANN. Mr. Speaker, I suggest to the gentleman from Mississippi [Mr. Stephens] that he ask unanimous consent that these bills be considered in the House as in Committee of the

Mr. STEPHENS of Mississippi. I submit that request. I intended to make it before, but was diverted by the request of the

gentleman from Delaware [Mr. Miller].

The SPEAKER pro tempore. The gentleman asks unanimous consent that these bills be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6732. An act for the relief of Joseph A. Jennings; H. R. 11685. An act for the relief of Ivy L. Merrill; H. R. 11288. An act for the relief of S. S. Yoder;

H. R. 7763. An act for the relief of Stephen J. Simpson;

H. R. 1609. An act for the relief of S. L. Burgard;

H. R. 11150. An act for the relief of mail contractors

The Speaker announced his signature to enrolled bills of the following titles:

S. 7779. An act to authorize the change of name of the steamer Frank H. Peavey to William A. Reiss;

S. 7780. An act to authorize the change of name of the steamer

Frank T. Heffelfinger to Clemens A. Reiss, S. 5082. An act adding certain lands to the Missoula National

Forest, Mont.; S. 7782. An act to authorize the change of name of the steamer

Frederick B. Wells to Otto M. Reiss; and S. 7781. An act to authorize the change of name of the steamer

George W. Peavey to Richard J. Reiss.

STEAMSHIP ESPARTA.

The next business on the Private Calendar was the bill (S. 3681) for the relief of the owners of the steamship Esparta.

The SPEAKER pro tempore. Is there objection?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I ask to have the bill reported.

The Clerk read as follows:

Be it enacted, etc., That the claim of the owners of the British steam-ship Esparta against the United States for damages sustained by them in and on account of the collision between their said vessel and the United States lighthouse tender Magnolia on October 26, 1905, in the Passes of the Mississippi River, below New Orleans, be referred to the District Court of the United States for the Eastern District of Louisiana, with jurisdiction and authority to determine the liability of the United States therefor, and, if found liable, to render judgment against the United States for any damages sustained by the owners of said steam-ship Esparta. ship Esparta.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time and passed.

ALEXANDER F. M'COLLAM.

The next business on the Private Calendar was the bill (H. R. 17781) for the relief of Alexander F. McCollam.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

ABSALOM C. PHILLIPS.

The next business on the Private Calendar was the bill (H. R. 7487) for the relief of Absalom C. Phillips,

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.
Mr. TILLMAN. Mr. Speaker, will the gentleman reserve his objection for a moment?
Mr. MANN. Certainly.

Mr. TILLMAN. Mr. Speaker, this is a very modest bill, and from the proof that I have in my possession there is no question about the equitable right of this man to recover. The bill is for only \$447.16, and the Committee on War Claims, after hearing the proof, reported unanimously in favor of the bill. Mr. Phillips is a Union soldier, living in Newton County, in my district. He is a Methodist clergyman, a poor man, but a man of excellent influence and high character. He was appointed or elected second lieutenant of his company on September 9, 1863, and at once began serving as second lieutenant. and went abroad to recruit the company, Company E, Second Regiment Arkansas Volunteer Infantry, of which he was elected or appointed second lieutenant. He served in that capacity from that time on until the close of the war, and was a brave and able officer. He did not get his commission as second lieutenant until February 24, 1864. This bill is merely to pay him the difference between the salary of a second lieutenant and that of a first sergeant during these months when he was actually serving as second lieutenant, but during which time he did not have his commission.

Mr. MANN. And under the law he could not have a commission. There are probably thousands of these claims. There have been a great many before Congress which have not been

paid.

Under the law a man could not get a commission unless the company was recruited to a certain strength. I do not think we ought to open up these claims now and commence to pay them after all these years. There are many, many of them.

Mr. TILLMAN. The Supreme Court has held that if a man

is appointed to a position and performs the work that falls to him under that appointment, the fact that he did not get a written commission does not preclude him from collecting the salary due him under the appointment.

Mr. MANN. The law expressly provided that he could not

have a commission or the pay.

Mr. TILLMAN. I do not understand it that way.

Mr. MANN. That is undoubtedly the case. I have had these

cases many times

Mr. TILLMAN. Here is a man who actually performed this service, and he certainly is not to blame if he did not get his commission. He performed the service, recruiting his company, wore the uniform of a second lieutenant, many times served as captain in the absence of his superior officer, and is not responsible for his failure to get his commission until some months

after his promotion.

Mr. MANN. No; but the law is responsible. The law did not permit the commission to be granted to him until the company was recruited to a certain strength. There are many of those cases. The law specifically provided that they could not commission the new officers unless the companies were at a minimum strength. His company was not. He could not be granted a commission until his company was recruited to the minimum strength.

Mr. TILLMAN. He certainly is entitled to this relief, which is both just and equitable. I ask to be allowed to challenge and refute the facts as understood by the gentleman from Illinois.

Mr. MANN. I think he was in luck to get the commission in the end.

The SPEAKER pro tempore. Is there objection? Mr. MANN. I object.

REIMBURSEMENT OF ROBERT REID AND CHARLES C. ECKLIFF.

bill (H. R. 18421) to reimburse Robert Reid and Charles C. Eckliff, United States local inspectors of steamboats, for defending themselves on account of their arrest and prosecution growing out of the steamer Eastland disaster on the Chicago River July 24, 1915.

The Clerk read the title of the contraction of the co

The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection?
Mr. MANN. Mr. Speaker, I object.
Mr. MAPES. Mr. Speaker, will the gentleman withhold his objection for a moment.

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. MAPES. Mr. Speaker, I appreciate the fact that the gentleman from Illinois [Mr. Mann] is probably familiar with the Eastland disaster as it occurred on the Chicago River, although I would like to direct his attention to certain features

in connection with this bill.

Mr. MANN. I have read all the reports and all the opinions in the case very carefully, I will say to the gentleman, and I do not think it is a debt of the Government.

Mr. MAPES. Mr. Speaker, I do not say that it is a legal debt, but it is a meritorious and equitable bill. I will say to the gentleman I have investigated the precedents, and I find precedents similar to this. For example, in Thirty-fifth United States Statutes, page 1525, is an act for the relief of S. R. Hurley passed in the Sixtieth Congress. Mr. Hurley was a member of a passed in the Sixteeth Congress. Mr. Hurley was a member of a posse of men who in July, 1905, under the direction of a deputy collector of internal revenue, were engaged in discovering illicit stills in the mountains in the vicinity of Jean, on the line between Kentucky and Virginia. The operators of the stills opened fire on the officers, which was returned, and two of the illicit distillers were killed. Hurley and five others of the posse were indicted by the State of Kentucky, and of course had to make a defense.

The indictment was prosecuted at the instigation of the distillers, who were determined that the men be convicted if possible, but they were acquitted. A bill was introduced to reimburse Hurley for his expenses in carrying on his defense. Congress, after submitting the matter to the then Secretary of the Treasury, Mr. Cortelyou, and to the then Attorney General, Mr. Bonaparte, passed the bill. Both the Secretary of the Treasury and the Attorney General recommended the passage of the bill. The Attorney General said, among other things, in his letter recommending its passage:

Hurley appears from these papers to have been put to considerable expense in and about his defense to a criminal prosecution and a civil suit based upon the foregoing facts. This department thinks it advisable, as a matter of public policy, as well as of justice, for the Government to protect officers who have faithfully performed a dangerous public duty and by reason thereof have become involved in expensive litigation.

Now, as the gentleman from Illinois says he has read the report of the committee, which goes into this matter very fully, he will notice that these men went from Grand Haven, Mich., voluntarily to Chicago at the request of their superior officer, the Secretary of Commerce, Mr. Redfield. They testified volun-tarily in the hearing which was conducted there, even after they were unjustly arrested by the State authorities of Illinois, handcuffed, and marched through the streets of Chicago. Afterwards they were released upon a writ of habeas corpus, the grand jury of the State of Illinois returning no indictment against them, but they were indicted by the Federal grand jury twice and were put to a great deal of expense. The Federal district judge in the city of Grand Rapids, for the western district of Michigan, after a full hearing, held there was no evidence that tended to show that they were guilty of any of the charges in the indictment. To use his language:

The evidence in this matter wholly fails to establish probable cause r believing any of these defendants guilty of any crime charged in the indictments.

These expenses were incurred by them in the performance of their duty as officers of the Federal Government. I have other precedents here which I would be glad to call to the attention of the gentleman from Illinois [Mr. MANN] if it would cause him to withdraw his objection to the consideration of this bill.

Mr. MANN. I will say to the gentleman, I think I am familiar with the greater portion of the precedents but I will be very glad to examine the rest of them. I have a great deal of sympathy for these inspectors and did not join in the feeling against them, but I do not think we are under any obligation to pay these legal expenses. I think they got off pretty well. would be very thankful if I had been in their place to get off as well.

The SPEAKER pro tempore. Is there objection?
Mr. MANN. I will examine the rest of the precedents.
Mr. MAPES. I think the gentleman from Illinois must take the finding of the court as conclusive that there was no reasonable cause for the indictment against these inspectors

Mr. MANN. I would think more of them if they had sub-

mitted to trial, I will say to the gentleman.

Mr. MAPES. But they would have had a great deal more expense if they had been required to go to Chicago to defend themselves, and they were strictly within their rights in resisting the warrant for their removal to Chicago.

Mr. MANN. Very likely. Mr. MAPES. I would li I would like to read for the benefit of the gentleman and the House a part of the opinion of the court-

Mr. MANN. I have read the opinion of the court. tleman can read that for somebody else's benefit, not mine. I

Mr. MAPES. Perhaps this particular part may have escaped the attention of the gentleman: Mr. MAPES.

Aside from the fact that the vessel capsized and the testimony of one witness whose theories are shown to be incorrect by actual experience and indisputable facts, there is no satisfactory evidence to sustain these allegations of the indictment. Every other witness competent to testify upon the subject has said that the ship, if properly handled and navigated, was seaworthy and was capable of carrying in safety the number of people on board of her at the time of the accident. She was not in a leaky condition and was not lacking in necessary and proper

equipment. She was constructed with water-ballast tanks, and if a sufficient number of the tanks had been filled with permanent water ballast she would not have been top-heavy with any load which she was authorized to carry.

Mr. MANN. Let me say to the gentleman that there are many people in Chicago who believe that the General Government ought to recompense the families of those who lost their lives, as they think, because of the negligence of these two inspectors. I do not agree with that. I do not think the Government is responsible. I have said that to these people, who have some sort of a union or organization in order to try to get the General Government to pay because of the negligence of these inspectors. I do not think we are responsible. I do not think we are responsible for the inspectors getting off scot free. I have some doubt as to whether they are guilty or not guilty.

Mr. MAPES. These inspectors were officers of the Govern-

ment and were performing a public duty.

Mr. MANN. They were officers of the Government charged with the performance of a public duty. Some people do not think they performed it. I do not think that has anything to

do with this question.

Mr. MAPES. The gentleman reiterates that so much, I am afraid he has imbibed some of the prejudice against these inspectors which the other people of Chicago have to which he

calls attention.

Mr. MANN. I do not see how we can recompense these inspectors unless we recompense probably the families of the people who lost their lives. There were a great many of them.

Mr. MAPES. I submit that the cases are very much different. The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The Clerk will report the next

J. L. BONNER.

The next business in order on the Private Calendar was the

bill (H. R. 16407) for the relief of J. L. Bonner.

The SPEAKER pro tempore. Is there objection? [After a The Chair hears none.

The bill was read, as follows:

A bill (H. R. 16407) for the relief of J. L. Bonner.

Be it enacted, etc., That the title of J. L. Bonner, in and to the northwest quarter of the southeast quarter of section 30, township 10 north of range 10 west, St. Stephens survey, Jones County, Miss., be, and the same is hereby, quieted and confirmed, and patent therefor shall issue to the said J. L. Bonner.

Also the following committee amendments were read:

Strike out the words "title of," in line 3, and insert the words "Secretary of the Interior be, and he hereby is, authorized and directed to issue patent to."

In line 4, strike out the comma, after the word "Bonner," and the words "in and to" and insert the word "for."

In line 9, strike out the period, after the word "Bonner," and insert a comma, and insert the words "upon his paying to the Government the sum of \$1.25 per acre."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

RIVERSIDE MILITARY ACADEMY.

The next business in order on the Private Calendar was the bill (H. R. 16855) for the relief of Riverside Military Academy.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The bill was read as follows:

A bill (H. R. 16855) for the relief of Riverside Military Academy. Be it enacted, etc. That Riverside Military Academy and its bondsmen be relieved of all responsibility on bond given to the United States by the Riverside Military Academy for the loss of two cutters and their outfits, valued at \$1,608.77, which property was destroyed by a storm on the night of December 31, 1915.

Also the following committee amendment was read:

Line 3, after the word "Academy," insert the words "at Gaines-ville, Ga."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

GEORGE L. THOMAS.

The next business on the Private Calendar was the bill (H. R. 4417) for the relief of George L. Thomas.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MILLER of Delaware. Mr. Speaker, a bill similar to this in every respect passed the Senate last night and is now on the Speaker's table-S. 2749. I ask unanimous consent that the Senate bill be substituted in lieu of the House bill on the calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware? [After a pause.] The Chair hears none.

Mr. FOSTER. Mr. Speaker, let us hear the bill read first. Mr. MILLER of Delaware, I just sent the Senate bill to the

The SPEAKER pro tempore. The Clerk says it is not here. Mr. MILLER of Delaware. I took pains to look it up, and saw it there this morning.

The SPEAKER pro tempore. What is the number of the

Senate bill?

Mr. MILLER of Delaware. It is S. 2749.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 2749) for the relief of George L. Thomas.

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of George L. Thomas, postmaster at New Bethlehem, Pa., in the sum of \$5,711.93, and to certify the said credit to the Auditor for the Post Office Department, being the amount of money-order funds embezzled by Ella E. Latimer, an employee in said post office, without fault or negligence on the part of the said George L. Thomas.

of the said George L. Thomas.

Mr. FOSTER. Mr. Speaker, may I inquire why the—
Mr. SABATH. Mr. Speaker, reserving the right to object, I
would like to have a little information on this bill. I would
like to know what it is about.

Mr. EDMONDS. The Thomas bill?

Mr. SABATH. Yes; the bill that was read just now.

Mr. EDMONDS. Mr. Thomas was postmaster at New Bethlehem, Pa. During his postmastership or during the preceding

postmastership the young lady who had charge of the moneyorder fund embezzled this amount of money.

Mr. SABATH. Was not he or she under a bond?
Mr. EDMONDS. She was under a bond.
Mr. SABATH. Well, what became of the bondsmen?
Mr. EDMONDS. The bond was not sufficient to cover the amount she embezzled.

The Secretary of the Treasury says:

There is no evidence in the Auditor's office tending to show that Postmaster Thomas did not exercise proper supervision over the affairs of his office. I believe, therefore, that the bill is meritorious, and I recommend that it be given favorable consideration.

Mr. SABATH. What was the total amount of the embezzlement?

Mr. EDMONDS. Six thousand one hundred and eighteen

dollars and eighty cents.

Mr. SABATH. What was the amount of the bond?

Mr. EDMONDS. Evidently about \$500. I suppose it was that. This Miss Latimer was indicted and was sentenced to jail for 30 days and required to pay a fine of \$6,118.80, which she did not do. She made false entries in the cash book.
Mr. SABATH. How large a city was this?
Mr. EDMONDS. I do not know.

Mr. SABATH. That is a rather small bond for a postmaster.

Mr. MANN. That was not the postmaster's bond.
Mr. SABATH. Whoever the clerk was who handled the funds, the bond should have been sufficient. I would like to know if the money was recovered from the bondsmen.

Mr. FOSTER. No. Mr. SABATH. If there is a defalcation and people come down here for relief, and if bond is given, it ought to be enforced and paid.

Mr. EDMONDS. Miss Latimer's sureties have since re-

funded \$375.

Mr. HASTINGS. Did the Post Office Department recommend it?

Mr. EDMONDS. Yes.

Mr. MANN. I understand a suit is pending to recover this amount from the bondsmen. The Post Office Department says, however, that there was no fault on the part of the postmaster. The money was embezzied by a classified clerk of the civil service, employed under the bond fixed by the Post Office Department, without the fault of the postmaster. At least, that is what the inspector reports. Of course, the postmaster's bondsmen are liable.

Mr. SABATH. I do not like to impose hardships upon innocent people, but a great many bonds are given, and when there is a default some of these companies that advertise that they pay their obligations do not meet their obligations. I would like to know whether this surety company has paid its obliga-

that the postmaster will have to pay it if we do not relieve him, not the surety company. This case is a good deal similar to the Chicago case that we had a few years ago, that we passed, relieving the Chicago postmaster of \$173,000.

Mr. SABATH. I know; and we have relieved the surety

companies of that obligation.

Mr. COX. I agree with the gentleman that he is striking at very vital point. The Post Office Committee has done its best in the last four or five years to get rid of this very evil by a law whereby the bonding company will be taken out of this and a fund contributed by the employees themselves

Mr. SABATH. I say that there are some companies that pay their obligations. I wanted to know if others do or not.

Mr. HASTINGS. Do I understand the gentleman from Pennsylvania [Mr. Edmonds] to say that this clerk who embezzled

the money was tried and given only 30 days?

Mr. EDMONDS. That is what the report says. She was sent to the Armstrong County jail for 30 days and sentenced to pay a fine of \$6,118. Since then \$375 has been refunded. That was in the Federal court.

The SPEAKER pro tempore. The question is on the third

reading of the Senate bill.

The Senate bill was ordered to be read a third time, was

read the third time, and passed.

A House bill of similar tenor (H. R. 4417) was laid on the

The SPEAKER pro tempore. The Clerk will report the next

ROBERT HILDEBRAND.

The next business on the Private Calendar was the bill (H. R. 8950) for the relief of Robert Hildebrand.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection? Mr. MANN. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

W. L. ROSE.

The next business on the Private Calendar was the bill (H. R. 17304) for the relief of W. L. Rose.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

Mr. EDMONDS. Mr. Speaker, will the gentleman reserve

his objection for a moment? Mr. MANN. Yes.

Mr. MANN. Yes.
Mr. EDMONDS. I would like to call attention to the fact that while our committee has not brought out these claims for lost clothing as a general thing, in this case every man on this boat was reimbursed except this man, W. L. Rose, and it seemed only just and fair to the committee that we should reimburse him in common with the rest of them.

Mr. MANN. Well, Mr. Speaker, there are a great many bills of this character on the calendar, and more constantly coming, on the assumption that the United States insures the clothing and personal effects of officers and employees of the Government who go upon the sea. I do not think we do insure them. Nobody thinks we insure them if they get hurt on the railroad. We have not got to that point yet, but soon will, if we go on the assumption that we insure their personal effects when they go upon the sea. They can insure them themselves, if they want to, or, if not, they can do without the insurance.

Mr. EDMONDS. I call the attention of the gentleman to

the fact that when there is a loss of clothing or personal effects by anybody connected with the Navy, the Navy Department pays for it, and there is a fund intended for their relief in this respect.

Mr. MANN. I know we have started to do that, much to my

regret and against my will. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

ISABEL E BOCKWELL

The next business on the Private Calendar was the bill (H. R. 6207) for the relief of Isabel E. Rockwell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read as follows:

like to know whether this surety company has paid its obligation and paid the bond?

Mr. MANN. Well, there is a suit pending against the postmaster or his bondsmen to recover this amount, and I am told

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, cut of any money in the Treasury not otherwise appropriated, to Isabel E. Rockwell, widow of John V. Rockwell, deceased, late rural mail carrier on route No. 1, of Carpinteria, Cal., the sum of \$1,500.

With the following committee amendment:

Page 1, line 8, strike out "\$1,500" and insert "\$990."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed. EUGENE FAZZI.

The next business on the Private Calendar was the bill (H. R. 17406) for the relief of Eugene Fazzi.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Eugene Fazzi the sum of \$5,000 as compensation for the loss of a foot on March 8, 1916, while in the discharge of his duty as a deckhand on the steamship General Joseph E. Johnston, in the service of the Quartermaster's Department, United States Army

With the following committee amendment:
Page 1, line 6, strike out "\$5,000" and insert "\$720."
The SPEAKER pro tempore. The question is on the commit-

tee amendment.

Mr. BROWNING. Mr. Speaker, I hope this committee amendment will not pass. Eugene Fazzi was a young man, I should say, about 25 or 26 years of age. While employed on the steamer General Joseph E. Johnston, in the service of the Quartermaster's Department of the Army, on a slippery day last March his leg was caught in a rope with which they were trying to fasten the boat to the wharf. His leg was severed above the knee and fell into the Hudson River. Since that time he has been unable to obtain any employment whatever. He has never received anything from the Government except an artificial leg that he can not use as yet. We hope he will be able to use it later. He has made application for employment in a number of positions but has failed to receive any. machinist, and on account of the loss of his leg, and the liability under the workmen's compensation laws, they will not accept him for employment. I endeavored to get him a position as a telephone operator in the Government service. He was refused. I asked the Civil Service Commission to suspend the civil-service rules so that he could get such a position, and they refused. think that to give a young man in his twenties, crippled for life, only \$720 for the loss of a leg is an outrage, and I think the amount for which I introduced this bill, \$5,000, is a very small amount. I hope the committee amendment will not be agreed to.

Mr. OVERMYER. Will the gentleman advise us how long

this man was in the service?

Mr. BROWNING. I do not know, and it does not make any difference. If he was there only one day, he was in the discharge of his duty, the same as a man going to war and getting killed or wounded. He never told me how long he was in the service.

Mr. COX. How much would he get under the Federal em-

ployees' liability act?

Mr. BROWNING. I have not the least idea. Under the old act he is not able to get anything.

I do not think it would apply to him.

Mr. BROWNING. I do not think so, either.

Mr. COX. I am just wondering whether he would get more under the Federal employees' liability act than he would under

the amendment set out in this bill.

Mr. BROWNING. I should think he would. I do not think \$720 for a young man who is crippled for life and unable to get a position is any kind of compensation when his injury was

received through no fault of his own.

Mr. STEPHENS of Mississippi. Under the law this man would not receive anything; and the committee in acting on this case followed the policy that has been pretty generally adopted by the committee in regard to making allowances in cases of personal injury; that is, to allow one year's salary. The committee were informed that this man was receiving compensation at the rate of \$720 a year, and that is the amount that the committee have allowed.

Mr. STAFFORD. Under the new law would not that be for

more than a year?

Mr. STEPHENS of Mississippi. Perhaps so; but this man would not receive anything at all under the compensation act. He did not fall within the class who received compensation.

Mr. STAFFORD. My impression is that in the case of a permanent injury his compensation would run as long as he lives,

Mr. STEPHENS of Mississippi. In a case of total disability I think, perhaps, it would be 66% per cent of his salary for a period of two years.

Mr. BROWNING. Under the last compensation act he would have to apply before the 4th of March, even if the case came under that law. It allows persons injured one year's time in which to apply. He was injured, I think, on the 4th of March, 1916.

Mr. YOUNG of North Dakota. Has he never worked since? Mr. BROWNING. He has never worked since, and has been

unable to get a position.

Mr. MILLER of Delaware. It is a pretty heart-rending task to serve on this committee, on these personal-injury cases. But to substantiate what the chairman of the committee has said, I want to state to the gentleman that in only two cases last year, and those where there was total disability, where people were strapped on their backs and helpless from paralysis, have we ever allowed more than a year's salary.

Mr. BROWNING. That does not make it right.

Mr. MILLER of Delaware. One was for \$3,000 and the other was for \$5,000.

Mr. BROWNING. Here is a young man in the early prime of life, 25 or 26 years old, deprived of the capacity to earn a living for the balance of his life on account of this accident, which occurred through no fault of his own. Capt. Bernard. who commanded the steamer, has written me to that effect, and has sent me a great many letters to try to have this bill passed to allow the compensation stated in the bill as I introduced it.

Mr. YOUNG of North Dakota. The gentleman from Delaware says that that has been the policy of the committee. I think it has been because we found in the past that the House would not stand for more than one year's salary. I think now in a case like this the House might be a little more liberal.

Mr. STAFFORD. I think there have been a number of cases

in which they have been more liberal.

Mr. STEPHENS of Mississippi. I do not think there have een cases where we ever allowed more than one year's salary.

Mr. STAFFORD. Since Congress passed the workmen's compensation act has the committee been guided in their allowance y the amount that would have been allowed the claimant by the terms of that act?

Mr. STEPHENS of Mississippi. No; in matters like this, for a gratuity, we have been following the same policy adopted prior

to that time.

Mr. BROWNING. Mr. Speaker, I move to amend by striking out "\$720" and inserting "\$2,500."

The SPEAKER. The gentleman from Mississippi has the floor.

Mr. BROWNING. I beg the gentleman's pardon. I thought he had finished.

Mr. STEPHENS of Mississippi. I demand the regular order.
Mr. BROWNING. Then, Mr. Speaker, I make a motion to
amend by inserting "\$2,500."

Mr. MANN. Does not the gentleman from New Jersey know that that will probably kill the bill, either in this body or in the other body? We have occasionally, not wisely, passed bills giving a larger amount than would have been allowed parties that came within the law. I think invariably-there might be an exception-the Senate committee turned it down. There is no probability that this bill will ever become a law with the amount changed, either in this Congress or in any other. think it is a question of whether the gentleman wants to get \$720.

Mr. BROWNING. I will admit, Mr. Speaker, that \$720 would come in very handy to this young man. The family is in destitute circumstances

Mr. MANN. His family is in the same fix that thousands of others are.

Mr. BROWNING. I think that \$720 is a ridiculously low

sum to pay any young man who has lost a leg.

Mr. MANN. But there is a possibility that he may not get

anything at all.

Mr. STEPHENS of Mississippi. Mr. Speaker, I would like to suggest that once or twice we have passed a bill providing for more than one year's compensation, and when the bill reached the Senate-I remember one instance in particular-the amount

was cut down to one year's salary.

Mr. MANN. And in some of these cases there have been objections made to the bill, and it has not been considered at all.

Mr. BROWNING. Mr. Speaker, I want to say that under the New Jersey compensation law this man would get about

\$2,100.

Mr. MANN. Yes; but he is not making the claim under the

New Jersey law.
Mr. BROWNING. Of course not; he was serving in New York in the Government service.

Mr. AUSTIN. Mr. Speaker, in the Sixty-first Congress I entered my protest against Congress passing bills of a similar character. At that time, I think, a committee of this House reported a bill to pay a widow \$500 for the loss of her husband in the Government service. Now, I said then that it was a reflection upon our sense of justice to ask us to put that contemptible valuation upon a human life.

Mr. MILLER of Delaware. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. MILLER of Delaware. As I said, it is a hard task to have to report these bills, but we have to live up to the policy of

Congress in the past.

Mr. AUSTIN. I will never live up to a wrong policy adopted by a previous Congress. We ought in the consideration of these cases to let our high sense of honor and our conscience dictate our course and not the previous action or policy of any administration or any Congress. Put ourselves in the place of one of these unfortunates, the one whose case is now under consideration, with the loss of his leg, without fault on his part, in the discharge of his duty in the Government service. There is not a man on the floor of this House who would sit on a jury and bring in a verdict similar to the amount carried in this bill. If you did it, you would forfeit the respect of your friends

Now, let us lay aside what somebody else has done, what some other Congress has enacted, what bill has been passed giving a year's compensation in payment of the life of a Government This man is a cripple for life. I do not know whether he has a dependent mother or a wife and children.

Mr. BROWNING. He has a dependent mother.
Mr. AUSTIN. He has a dependent mother. Now, I do not believe there is an enlightened State in this Union which has a compensation law on the statute book fixing so small an amount for the loss of a limb. If a State of the Union can pass legislation which is just and fair, why can not a combination of 48 States, representing the richest Government on the face of this earth, measure up in these matters with the action of a small State in the Union, with a limited population and limited taxable resources and wealth. Let us administer justice here just as though we were on the bench in a court of justice.

Mr. WILSON of Florida. Does the gentleman make a distinction between whether there is a liability or not? He speaks of a jury's verdict. We sue in the courts because there is a liability incurred. This is not a liability. It is almost a gift. Mr. AUSTIN. No; it is not a gift. How can you say in all

fairness that it is a gift when a man in the discharge of his duties in the Government service, without any fault on his part, loses his limb?

Mr. McCRACKEN. Is not it a fact that this country is considering whether or not it might go to war with another country because the rights of humanity are involved, and has not this man a right to his life and liberty from the time he entered the service of the United States Government on a Government transport, and do we not owe him a duty at this time?

Mr. AUSTIN. Of course, we owe him a duty, but it is no recompense to pay him \$720. It is an insult to our sense of

justice to ask us to vote this sum.

Mr. GARLAND. Mr. Speaker, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. GARLAND. Just now we are on the point of taking over factories, and we will have a great many employees asked to go into the Government service. Whether that situation affects this or not, this is true, that we are now attempting to get men to join the Army and Navy. Is this kind of reward for an injury any incentive for a man to join?

Mr. AUSTIN. Oh, it is not justice; it is not fair; it is not

right. You can not lay your hand upon your heart and remember your conscience and say such a settlement is just.

Mr. FARR. Mr. Speaker, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. FARR. It was stated a little while ago by some gentleman that this injured man would receive 66% per cent of a year's salary if he were subject to the provisions of the McCiller description. salary if he were subject to the provisions of the McGillicuddy compensation measure enacted at the last session of Congress. He would receive 663 per cent of his monthly wage continuously as long as he was disabled, under the McGillicuddy Act, and that is the law the provisions of which, in justice, should influence us to-night in this sad case.

Mr. ALMON. That would be retroactive. Mr. FARR. I know that; but I think we ought to work under

the more liberal and humane provisions of that law.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. STAFFORD. Under the workmen's compensation act he would in case of partial disability receive a monthly com-

pensation equal to 66% per cent of the difference between his monthly pay and his monthly wage-earning capacity at the be-ginning of such partial disability. Of course, in this case he is not totally disabled. He is totally disabled from performing the work that he performed prior to the injury, but there is no disguising the fact that a man with a cork leg can perform some work, such as that of watchman or guard; but that percentage would apply for life.

Mr. AUSTIN. Mr. Speaker, I want to say this: There is not a man in this House who would be willing to lose his leg and be paid a compensation of \$50,000 for it, and it is no excuse to say here that if we increase this amount the United States Senate will reduce it. I can take that record and defeat any Member of the United States Senate before the people, if that is his estimate and his idea of justice, and you can defeat any man in this House who will go before an enlightened con-

stituency and take that position.

Mr. MILLER of Delaware. Mr. Speaker, will the gentle-

man yield?

Mr. AUSTIN. Yes.

Mr. MILLER of Delaware. I do not rise to disagree with my friend, but I want to ask him to permit us to vote upon this, because we have only an hour and a half left to go over the rest of the calendar, and I am sure the House has been influenced by his speech and is ready to vote.

Mr. AUSTIN. I am ready to vote.

Mr. BROWNING. Mr. Speaker, somebody spoke to-night saying that the United States Senate is not willing to allow this payment. I have in my hand a copy of the Washington Times of to-day, in which it says that the Senate to-day passed a bill providing for the payment of \$2,500 to one Jennings because of the amputation of his left arm, due to an accident while he was employed as a painter at the Washington Navy

Mr. MANN. Mr. Speaker, I remember a little incident which took place in this House in a former Congress, to which the gentleman from Tennessee [Mr. Austin] referred a moment ago, and I think my recollection of it is a little more accurate than his. An emnibus bill was reported to the House carrying a number of cases for personal injuries. When the first item came up in the House some one moved to increase the amount to \$5,000. I think it was the gentleman from Tennessee AUSTIN], although upon that matter his recollection would be better than mine. The House increased the amount to \$5,000, and then it increased the amount in each of the other cases to \$5,000. I remember the gentleman from Massachusetts [Mr. GILLETT] had a bill on the calendar providing for the payment of six or seven hundred dollars to some one, and he started to ask to insert his item in the omnibus bill. I said to him, "You better not do that; you have a chance to get your bill enacted into law, while this bill has not the chance of a snowflake in hades," and it never was passed, and people who were provided with something in it have not gotten it, and that will be the

Mr. HELGESEN. To the disgrace of the Government.

Mr. MANN. The gentleman says to the disgrace of the Government. When I came here nothing was paid on these accounts, and then we passed a law providing that people in certain hazardous occupations should receive an amount not exceeding one year's salary. You may say that was not enough, but certainly it is not fair to give to some one who does not come within the terms of that law more than we would give if he enjoyed the benefit of the law. It would not be fair to say that you could give to certain people engaged in hazardous occupations a year's salary under the law and say that people who did not come within that law can get a great deal more than those who do enjoy its benefit. That would not be fair. That is what the committee has taken as its standard. We have increased the amount since then by the McGillicuddy Act, and is what the committee has taken as its standard. it may be that after a while we will go back and from the very beginning of the Government pay to everyone, or his or her heirs, an amount equal to that which we pay now to those who are injured while in the Government service. I doubt whether we ever will, and I am sure we will be asked to go back a great many years. After all, you have got to draw the line somewhere.

The SPEAKER pro tempore. The question is on the amendment to the amendment offered by the gentleman from New

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

Mr. AUSTIN. A division, Mr. Speaker.

The House divided; and there were—ayes 20, noes 45. So the amendment to the amendment was rejected.

Mr. AUSTIN. Mr. Speaker, I move to make it \$2,000— Mr. TAYLOR of Colorado. Mr. Speaker, I want to say to my friend from Tennessee, as well as to other Members of the House, we all know there are a great many of these bills that are very meritorious. I represent one claim here where a man—a United States deputy marshal performing his duty—was killed by some Indians and left a widow and a small child without any means of support whatever. The committee has cut it to one year's salary, yet it will be a godsend for them if they can get that. There are a great many equally meritorious bills on this calendar. Now, if we are going to spend the evening in useless debate, if we are going to waste time in presenting amendments that will not and can not be adopted, practically filibustering, we will do a great injury to many deserving people; and it does seem to me, in view of the statement of the minority leader and in view of the statement of the committee, which has been fair, that we ought not delay the consideration of these bills at all. We have only had, as I recollect it, about one or two opportunities of this kind, before to-night, during the past 8 or 10 months, and now if some few gentlemen take up most of this evening trying to get a little raise to some two or three bills that probably ought to be raised; but if they can not do it, for Heaven's sake let our other friends go ahead, let us take what the committee will give us and get some of them through rather than filibuster or waste the whole night here and never get anything for anybody. This may possibly be the last time this calendar is called this session of Congress, and I appeal to the gentleman's sense of fairness to let us proceed.

Mr. AUSTIN. How did the gentleman vote on this propo-

sition?

Mr. TAYLOR of Colorado. I voted against that amendment. Of course I did, because I thought it was the safe and proper thing to do, just as Mr. Mann, of Illinois, did. If the gentleman is going to try to load these bills down this way, he will kill all of them. They will have no more chance than a snowball in Mexico. I hope the gentleman will not take up the time of the House longer.

Mr. AUSTIN. Mr. Speaker, I deny the gentleman's statement

that I am filibustering on this bill.

Mr. TAYLOR of Colorado. Well, sir-

Mr. AUSTIN. I think I have some rights as a Member of this

Mr. TAYLOR of Colorado. Somebody will make a point of no

quorum if this proceeding keeps up much longer.

Mr. AUSTIN. I think I can come in here and offer an amendment and discuss it without being charged with an attempt at

Mr. TAYLOR of Colorado. Well, you have already offered one amendment to this bill, and the House has voted that down.

Mr. AUSTIN. Yes; and you will have another.

Mr. TAYLOR of Colorado. Yes; and then somebody will make a point of no quorum, and where will the gentleman's bill go and where will all the other claims go? They will be killed by useless discussion and amendments.

Mr. AUSTIN. Mr. Speaker, I do not propose to be taken off my feet or withdraw my motion because the gentleman is anxious to reach one of his bills. I have got some bills on this calendar,

Mr. TAYLOR of Colorado. My bills are already passed over and can not be reached to-night, but there are many other gentlemen who have meritorious measures that they want to reach to-night if possible.

Mr. AUSTIN. They can speak for themselves.
Mr. TAYLOR of Colorado. I can say to the gentleman right
now, we will get nowhere in about five minutes at this rate.
Mr. AUSTIN. The gentleman will get nowhere in endeavoring

to run me off the floor of the House by charging filibustering. If there is any filibustering, the gentleman is in it.

Now, the attention of the House has been called to the fact that the Senate last night unanimously passed a bill voting \$2,500 for the loss of an arm of a Government employee. Does this House want to stand on record as fixing the estimate of \$700 for the loss of a limb?

I know these sums were insignificant in the Sixty-first Congress. You were attempting to fight them and appealing for justice to create a sentiment in Congress against that policy, and as a result that Congress did wake up and pass a general bill, the McGillicuddy bill, to increase the amount. The agitation of this question and the calling of attention to the injustice and unfairness of it will have its effect whether in this Congress or not. Justice will not down. It is not justice; it may be temporarily called justice, but the time will come when the sentiment of this country will demand an increased amount covering the loss of a life or limb.

Mr. MOORE of Pennsylvania. Mr. Speaker, I am in sympathy with the argument the gentleman makes, and I think the House generally is, but I would like to ask whether the remedy for this would not be to repeal the act of May 30, 1908, known as the workman's compensation act, which fixes the amount of compensation as a measure of damage to be paid in a case of this kind?

I ask the gentleman this because I am representing a colleague to-night who has a bill here for the relief of the foster mother of a man who was killed in the service, for which only \$480, or a year's compensation, is to be paid. Is the remedy not in repealing existing law, which fixed such miserable compensa-

Mr. AUSTIN. I think we will get an amendment of that law when we call public attention to this character of cases here in the House of Representatives.

Mr. BROWNING. We have an amendment to it now.

Mr. AUSTIN. In the very case the gentleman cites, under the Federal compensation law Congress has fixed \$400 as the valuation of a human life. Now, can you beat it?

Mr. SABATH. Will the gentleman yield for a question? Mr. AUSTIN. Yes. Mr. SABATH. Is it not a fact that by the House adopting the compensation bill in the last Congress it recognized the fact that formerly the compensation which we have allowed on claims was too small?

Mr. AUSTIN. Yes.

Mr. MANN. Is it not a fact that that law expressly provides it will only affect people injured after the act takes effect?

Mr. AUSTIN. The House did recognize the fact, I presume,

that the pay we allowed at that time was too small.

Mr. MANN. If we wanted to provide for these cases, why did we not do it on the new basis?

Mr. AUSTIN. Yes; but we legislated last year. We are

legislating on these cases now.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the Speaker announced that the noes seemed to have it.
Mr. AUSTIN. Division, Mr. Speaker.

The House divided; and there were-ayes 30, noes 43.

So the amendment was rejected.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

JOHN SIMPSON.

The next business in order on the Private Calendar was the bill (S. 3743) to reimburse John Simpson.

The SPEAKER pro tempore. Is there objection to the con-

sideration of the bill?

There was no objection.

The bill was read, as follows:

The oill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any moneys in the Treasury not otherwise appropriated, the sum of \$100 to John Simpson, of Pulaski County, Ky., to reimburse him for damages arising from the destruction of a creek ford due to backwater created by the construction of Lock and Dam No. 21 on the Cumberland River, and which payment is recommended to Congress by the Chief of Engineers, with a renewed recommendation therefor, in his annual report for the fiscal year ending June 30, 1915 (pp. 1085, 2837, and 2838), which is printed as House Document No. 91, Sixty-fourth Congress, first session.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time,

was read the third time, and passed.

JAMES W. CROSS.

The next business in order on the Private Calendar was the bill (S. 4807) for the relief of James W. Cross

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.
The SPEAKER pro tempore. The Clerk will report the

DUTIES ON FLAX-PREPARATORY MACHINES.

The next business in order on the Private Calendar was the bill (S. 4384) providing for the refund of duties collected on flax-preparatory machines, parts, and accessories imported subsequently to August 5, 1909, and prior to January 1, 1911.

The SPEAKER pro tempore. Is there objection to the con-

sideration of the bill?

Mr. MANN. I object.

Mr. SABATH. Reserving the right to object-

Objection is heard, and the The SPEAKER pro tempore. Clerk will report the next bill.

JAMES M. MOORE.

The next business in order on the Private Calendar was the bill (H. R. 11498) making an appropriation to compensate James M. Moore for damages sustained while in the service of the Government of the United States.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there be, and the same is hereby, appropriated the sum of \$5,000 in payment of James M. Moore, late of Company L, Twenty-eighth Regiment United States Infantry, transferred from Company M, First United States Infantry, for injuries sustained while in the service of the Government in the Philippine Islands as a teamster in a runaway accident on May 20, 1907.

Also, the following committee amendment was read:

Line 4, after the word "of," strike out "\$5,000" and insert "\$840."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out all after the word "Moore," in line 4, down to and including the word "Infantry," in line 7, reading as follows: "Late of Company L, Twenty-eighth Regiment United States Infantry, transferred from Company M, First United States Infantry." He was not

in the Government service when the injury occurred.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Illinois [Mr. Mann].

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

HORACE G. KNOWLES.

The next business in order on the Private Calendar was the bill (H. R. 20185) for the relief of Horace G. Knowles.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

Mr. MILLER of Delaware. Will the gentleman withhold his objection for a moment?

Mr. MANN.

Mr. MILLER of Delaware. I would like to call the gentleman's attention to the fact that this man was minister to Nicaragua, and in waiting here, the same as Ambassador Fletcher has been waiting here on account of troubles in Mexico, he was allowed certain compensation by the Department of State, and could have gotten the amount claimed in this bill, but he did not send in his draft until after the amount had been covered back into the Treasury out of the appropriation; and the Department of State has no objection to the passage of this bill.

Mr. MANN. Well, the law allowed this man to be paid three months' salary. The department offered to pay him that amount, and he was very stubborn about it, and he told the department to "go to," and they went. Now he has gotten on his knees and wants us to pay it. He took his choice about it,

and we are under no obligations to pay it.

Mr. MILLER of Delaware. I will say to the gentleman that he is not on his knees.

Mr. MANN. If he is not on his knees he ought not to have s money. [Laughter.]

his money.

Mr. MILLER of Delaware. While I do not believe in getting down on your knees to any Government department, even to Congress, I hope the gentleman will withdraw his objection.

Mr. MANN. I think I am obliged to object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

ESTATE OF JOHN C. PHILLIPS, DECEASED.

The next business on the Private Calendar was the bill (H. R. 8573) for the relief of the estate of John C. Phillips, deceased.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection? Mr. SABATH. Reserving the right to object, Mr. Speaker-

Mr. STAFFORD. I ask that it be passed over. Mr. BYRNES of South Carolina rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise

Mr. BYRNES of South Carolina. Is objection raised?

Mr. STAFFORD. I object. Mr. BYRNES of South Carolina. Is the gentleman determined to object to it?

Mr. STAFFORD. I have examined it. I object.

The SPEAKER pro tempore. The gentleman from Wisconsin objects. The Clerk will report the next bill.

JANNA STOPPELS.

The next business on the Private Calendar was the bill (H. R. 19978) for the relief of Janna Stoppels.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection? Mr. SABATH. Reserving the right to object, Mr. Speaker, I

would like to know something about this bill.

Mr. MILLER of Delaware. Mr. Speaker, inasmuch as I reported the bill from the committee, I will say to the gentleman from Illinois that it appropriates no money but enables a mother of a deceased soldier, a widow herself, to obtain what is due the beneficiary or soldier under the law, namely, six months' pay and whatever was coming to him at the time he died. It grows out of the recent Mexican trouble.

Mr. SABATH. I withdraw my objection, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That Janua Stoppels, mother of William Stoppels, late of Company L, Thirty-second Regiment Michigan National Guard Infantry, shall be regarded as the duly designated beneficiary of the late William Stoppels under the act approved May 11, 1908, as amended by the act approved March 3, 1909.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time,

was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next

CHARLES LEE BAKER.

The next business on the Private Calendar was the bill (S. 6154) for the relief of Charles Lee Baker.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

Mr. BOWERS. Mr. Speaker, will the gentleman from Illinois withhold his objection in order to permit me to make a statement?

Mr. MANN. Yes; I will. Mr. BOWERS. Mr. Speaker, this bill is a meritorious one and should be passed.

Charles Lee Baker was born February 16, 1872. He was 26 years old when he entered the military service as a contract surgeon July 9, 1898. He has had 17 years of service as contract surgeon and member of the Medical Reserve Corps

Military record: Contract surgeon, July 9, 1898, to May 31, 1899; September 1, 1900, to August 25, 1908. First lieutenant, Medical Reserve Corps, August 25, 1908, to present date.

Disability: Dr. Baker's disability is deafness incurred in the service in line of duty. He has been receiving the best medical treatment for several years, but without practical results which warrant his indulging the hope of being restored to a normal condition. Capt. R. H. Goldthwaite, of the Medical Corps, in his official report on Dr. Baker, says:

There is no prospect of any marked improvement in hearing, and under field conditions further inflammation of middle ear and further loss of hearing is to be expected.

As an indication of the degree of deafness in Dr. Baker's case, Capt. R. H. Goldthwaite, Medical Corps, United States Army, further states in his official report that the hearing is as follows:

Whispered voice, 1 foot for right ear and 3 feet for left ear (20 feet is normal).

Ticking of watch: Right ear not even heard on contact; left ear heard at 3 inches (3 feet is normal).

The official indorsement of the Surgeon General of the Army

is as follows:

WAR DEPARTMENT, SURGEON GENERAL'S OFFICE, June 8, 1916.

TO THE ADJUTANT GENERAL OF THE ARMY:

1. Recommending favorable consideration.
2. Lieut, Baker is now sick at the Walter Reed General Hospital, Tokoma Park, D. C., with chronic otitis media incurred in the line of duty. He has had nearly 17 years of service as contract surgeon and member of the Medical Reserve Corps.

(Signed) W. C. Gorgas,

Surgeon General United States Army.

The official indorsement of the Secretary of War is as follows: JUNE 10, 1916.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS, United States Senate:

Referring to S. 6154, Sixty-fourth Congress, first session, a bill for the relief of Dr. Charles Lee Baker, which is returned herewith, I have the honor to inform you that it appears from the records of the War Department that Dr. Baker was born February 16, 1872; that he served as a contract surgeon from July 9, 1898, to May 31, 1899, and from September 1, 1900, to August 25, 1908, and has served as a first lieutenant in the Medical Reserve Corps since August 13, 1908.

In view of the fact that Dr. Baker has served for more than 16 years in the Medical Department of the Army and has contracted a disability in the line of duty, I recommend that the bill in question be favorably considered.

Very respectfully,

(Signed) W. M. INGRAHAM, Assistant Secretary of War.

Dr. Baker's disability renders him unfit for further duty in the service or in civil life in the practice of his profession. This disability was incurred while serving in the Philippines and in the Hawaiian Islands-about one-half of this time having been spent in the foreign service. Provision is made by Congress for disabilities incurred in every other branch of the service. A surgeon in the Medical Corps would be no less efficient if he were transferred to the Medical Reserve Corps, and vice versa.

There is no doubt that the War Department expects and receives the same standard of service from its surgeons in either corps. It is only right and equitable that Dr. Baker's disability, incurred while serving 17 years as a surgeon, shall merit the same reward as if he had served in the Medical Corps instead of the Medical Reserve Corps. The difficulty in Dr. Baker's case is that there is no statute which permits retirement as a member of the Medical Reserve Corps. Dr. Baker has always been a first lieutenant in the Medical Reserve Corps, the lowest rank provided by law for medical officers. This bill authorizes the President to transfer him as a first lieutenant to the Medical Corps and then retire him.

In addition to that, this bill passed the Senate and was reported to this House. The Committee on Military Affairs, to which the bill was referred, unanimously reported the bill back with a recommendation that it be passed.

After 17 years' service it strikes me, and especially when the individual is incapacitated by reason of these disabilities, that it ought to be the pleasure of this House to pass this bill, and there should be no objection.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I dislike to object to bills of this character. It is a hard case. But there are a great many hard cases where men in the Government service are injured. Personally I am not in favor of extending the retired list in the Army beyond what the law allows. In fact, if I had my own way about it, I would considerably restrict the retirement laws of the Army and the Navy. There is no one who would not like to get on that retired list. I would like it myself, but I never will. The mere fact that some one has served in the Government service for years is no reason for putting him on the retired list of the Army.

Mr. McKELLAR. Mr. Speaker, will the gentleman yield?
Mr. MANN. Not now. This man was a contract surgeon.
He was not a Regular officer of the Army. If he had been a
Regular officer of the Army, he would have been placed on the retired list. But the law does not put contract surgeons upon the retired list, and I do not see any reason why we should make an exception in favor of one man when we do not provide for the others.

Now I yield to the gentleman from Tennessee.

Mr. McKELLAR. I want to ask the gentleman if he does not draw this distinction, that this man was injured in line of service while serving in line of military duty. The Secretary of War, in making his report on it, asserts that such is the fact, and so does the Surgeon General, and it seems to me that under those circumstances a distinction exists that the gentleman has not drawn.

Mr. MANN. Lots of clerks working for the War Department not eligible to the retired list are injured or else by reason of age become incapacitated in the service, but we do not put them on the retired list. They would like to be put there, and

it may be that they should be.

Mr. McKELLAR. But this man was performing the service of a medical officer in the Regular Army.

Mr. MANN. He was performing the service of a contract surgeon

Mr. McKELLAR. Let us admit his service was probably the same as would have been performed by a Regular officer.

Yes; but he had the same rank and pay as a Mr. MANN. Regular officer.

Mr. KELLEY. Mr. Speaker, I would like to ask the gentleman if the same rule governs the Senate as governs this com-

Mr. MANN. No rules govern the Senate committee or the Senate in reference to matters when some Senator is personally interested.

Mr. McKellar. I want to say to the gentleman that this is a meritorious case. I am confident of it both from reading the report and from having seen the officer.

The SPEAKER pro tempore, Objection is heard. The Clerk will report the next bill.

WILLIAM O. SARBER.

The next business on the Private Calendar was the bill (H. R. 4359) to amend the military record of William O. Sarber.
The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?
Mr. SABATH. Reserving the right to object, I should like to know something about this bill, either from the committee or from the gentleman who introduced it.

Mr. FIELDS. Mr. Chairman, the report shows that this soldier enlisted in 1862 for three months, and was honorably dis-charged. He again enlisted in March, 1865, and was charged with desertion July, 1865, after the war was over.

Mr. SABATH. How long was he in the service the second

time?

Mr. FIELDS. From March, 1865, to July, 1865.
Mr. SABATH. The first time only three months?
Mr. FIELDS. The first time three months. He served out

his first enlistment. On his second enlistment, after the war was over, a number of soldiers, 20, I believe, went away, as many others did, subsequently returning for their discharges.

It seems from the testimony that there was some difficulty be-

tween this soldier and his captain, and when the 20 men who had been away for some 20 days returned, the captain said to this man, "If you go to apply for your discharge I will have you arrested and court-martialed," and he was thereby intimidated and did not apply for his discharge, while it seems that the others who were with him went and applied for their discharges

and received them.

Mr. SABATH. What are you aiming to do by this bill?

Mr. SABATH. What are you aming to do by this bill.

Mr. FIELDS. To hold that he was honorably discharged.

Mr. SABATH. I object—

Mr. GALLAGHER. I can tell the gentleman something about this bill. It was introduced by the gentleman from Illinois

SYLVESTER HANNAN, ALIAS HENRY EDWARDS.

The next business on the Private Calendar was the bill (H. R. 9402) for the relief of Sylvester Hannan, alias Henry Edwards. The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That in the administration of the pension laws,
Sylvester Hannan, alias Henry Edwards, late of Company K, Twelfth
Regiment New York Volunteer Cavalry, and Company D, Third Regiment Illinois Volunteer Cavalry, shall hereafter be held and considered
to have been discharged honorably from the military service of the
United States as a member of Company D, Third Regiment Illinois
Volunteer Cavalry, on August 1, 1862.

With the following committee amendment:

Page 1, line 10, after the word "sixty-two," insert "Provided, That no pay, pension, bounty, or allowance shall be held to have accrued prior to the passage of this act."

The committee agreement was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

JOHN W. CUPP.

The next business on the Private Calendar was the bill (S. 147) for the relief of John W. Cupp.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

CHARLES LYNCH.

The next business on the Private Calendar was the bill (H. R. 14763) for the relief of Charles Lynch.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, I should like to know about this bill.

Mr. TILSON. This man enlisted to serve for three years, and served faithfully to within less than three months of the expiration of his term of service. The regiment had been sent home to be recruited up and was returning to the front. When on board a boat at New York preparatory to sailing this soldier was permitted by the company commander to go over the gangplank to get some tobacco. While away from the boat making his purchases the boat pulled out. He came back to the dock in time to see the boat backing out into the channel. He waved his arms frantically, but the boat continued out to sea, and he was left on the dock.

Mr. FIELDS. The boat carrying all his baggage and every-

thing?

Mr. TILSON. Yes; he left his baggage, equipment, and everything else, except the uniform he wore, on the boat. He was approached by an alleged friend, who said to him, "If you are caught with this uniform on, you will be arrested and all sorts of evil things will happen to you, but if you will come with me I will see you well out of it." So this man went away with his new-found friend to Boston. There, 12 days after he had been left in New York, he enlisted in a Massachusetts Cavalry regiment and went right away to the front again.

Mr. GALLAGHER. How much bounty did he get?

Mr. TILSON. That was the only question that came up which caused the committee to hesitate. We investigated and were unable to find that he got any bounty. He gave positive testimony that he received none. It appeared to the committee to be one of those cases where a bounty shark had exploited an ignorant soldier. We were unable to find evidence, however, that any bounty had been paid to anyone, though it is quite possible that it was paid to the alleged friend. The fact remains, however, that the soldier reenlisted, went to the front, and served until the 9th of August, 1865. You will note that he served the entire war through with the exception of 12 days. He got an honorable discharge for his last service, but on account of his first service being technically "not faithful," being marked as a deserter, he can not now receive a pension. He is now old and crippled and sorely needs a pension. We believe his long service entitles him to it.

Mr. SABATH. Any man who was left in New York was mished enough. [Laughter.] I shall not object.

punished enough.

Mr. MEEKER. Do I understand this man went ashore to get some tobacco

Mr. TILSON. That is what he testifies, that he went ashore

to get tobacco.

Mr. MEEKER. Should not that be held up as a warning to everybody against the horrible habit of using tobacco? [Laughter.]

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring the rights, privileges, or benefits upon honorably discharged soldiers, Charles Lynch, who was a private in Company A, Ninth Connecticut Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 16th day of July, 1864.

With the following committee amendment:

Page 1, line 10, after the word "sixty-four," insert the following: "Provided, That no back pay or pension be allowed prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a

Mr. MANN. I should like to ask a question. This bill pro-

That no back pay or pension be allowed prior to the passage of this act.

We passed a bill just ahead of this providing-

That no pay, pension, bounty, or allowance shall be held to have accrued prior to the passage of this act.

I understand that under these bills a man gets a pensionable status even if we provide that no pay, pension, bounty, or allowance shall accrue by reason of the passage of the act.

Mr. TILSON. The purpose of this bill is to give the man a pensionable status, but that amendment is put in in order to prevent any claims for back pay, bounty, or anything of that kind.

Mr. MANN. It does not have to say "back pay." Suppose you say "no pay or pension," does not the man get a pensionable status?

Mr. TILSON. He gets a pensionable status. Mr. MANN. That is what I want to know.

Mr. TILSON. That is what this bill is for, to give him a pensionable status.

Mr. MANN. I notice that the Committee on Military Affairs report no two bills with that amendment in the same words. I do not see why they do not adopt a standard form.

The SPEAKER pro tempore. This bill has been ordered to

be read a third time.

The bill was read the third time and passed.

WILLIAM H. KEYS.

The next business on the Private Calendar was the bill (H. R. 17411) for the relief of William H. Keys.

The SPEAKER pro tempore. Is there objection? Mr. MANN. Reserving the right to object, this is a bill to pay the funeral expenses of a former employee in the House. He was an employee in a former Congress and it appears that the heir is a nephew of the deceased. I notice that in the bill as reported they strike out six months' pay and appropriate to pay William H. Keys, sole dependent heir of Robert Keys, the deceased, an amount not to exceed \$250 to defray the funeral expenses. There is nothing in the record that shows that he is dependent. Did he pay the funeral expenses?

Mr. MILLER of Delaware. This is to pay the funeral expenses, which amounted to more than \$250. An itemized account was rendered to the committee and for the information of the gentleman I will say that this man, who was an employee around the House for a number of years, left an estate very much involved, and this man is the sole heir, or was at the

time he died, and being a minor was a dependent heir.

Mr. MANN. Was he receiving his support from this House

Mr. MILLER of Delaware. At the time the man died he was a minor and lived with Robert Keys. The committee fully investigated the accounts and it was found that it cost more than \$250 to bury this man.

Mr. MANN. I do not think we ought to say "an amount not exceeding \$250 to defray the funeral expenses." This man did not pay the expenses. I have no objection to paying \$250, that

being the amount of the funeral expenses. Mr. MILLER of Delaware. I have no objection to the gen-

tleman from Illinois offering an amendment.

Mr. MANN. I have no objection. The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William H. Keys, sole dependent heir of Robert Keys, deceased, the sum of \$380, being an amount equal to six months' salary of the said Robert Keys as an employee in the Doorkeeper's department of the House of Representatives at the time of his death, and an additional amount not exceeding \$250 to defray the funeral expenses of the said Robert Keys.

With the following committee amendment:

Page 1, line 6, strike out the words "the sum of \$360, being an amount equal to six months' salary of the said Robert Keys as," and strike out, in line 10, the word "and." after the word "death," and the word "additional" before the word "amount."

The committee amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend further by striking out, in line 10, the words "an amount not exceeding," and, in line 11, the word "defray" and insert, after the sum of "\$250," the words "an amount equal to," so that it will read "to pay \$250, an amount equal to the funeral expenses of the said Robert Keys."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

FRANK PINKLEY.

The next business on the Private Calendar was the bill (H. R. 17692) for the relief of Frank Pinkley.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

STEPHEN J. HAFF.

The next business on the Private Calendar was the bill (H. R.

12317) for the relief of Stephen J. Haff.

The SPEAKER pro tempore. Is there objection?

Mr. SABATH. Reserving the right to object, I would like little light on this bill.

Mr. MOORE of Pennsylvania. Can not we have the bill read? The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws the Secretary of the Interior be, and he is hereby, authorized to consider Stephen J. Haff, late of Company I, Ninetteth Regiment New York Volunteer Infantry, as having been honorably discharged as of September 8, 1864: Provided, That no pay, pension, or bounty shall accrue by reason hereof prior to the passage of this act.

The following committee amendment was read: Line 5, strike out the letter "I" and insert "D.

The SPEAKER pro tempore. Is there objection?

Mr. SABATH. I reserve the right to object.
Mr. HICKS. Mr. Speaker, this soldier enlisted in 1861 and served three years with credit. At the end of his term of service he reenlisted as a veteran, and while he was home on a furlough he met an officer with whom he had had some trouble, and they had more trouble. He returned to headquarters and was given a pass to go to his regiment. He met this officer on the way, and they had some very bitter words. The result was that the officer struck the man in the face and he knocked the officer down and kicked him. The officer threatened him

The man got on the train with his with all sorts of things. pass and ticket, and while on the train the guard came and said, "If I were in your place I wouldn't go to Washington."

Mr. SABATH. Did this man serve in the Army?

Mr. HICKS. Yes; he served three years, and after that he enlisted and served again.

Mr. SABATH. I withdraw the objection.

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

WILLIAM BLAIR.

The next business on the Private Calendar was the bill (H. R. 20161) for the relief of William Blair.

20161) for the relief of William Blair.

The SPEAKER pro tempore. Is there objection?

Mr. MILLER of Delaware. Mr. Speaker, a bill for the relief of William Blair passed the Senate, S. 6595, and is now on the Speaker's table. I understand that it makes an appropriation, whereas the House bill only refers the matter to the Court of Claims. I state that for the information of the House.

The SPEAKER pro tempore. Is there objection?

Mr. SABATH. What does the Senate bill call for? What is the appropriation?

the appropriation?

Mr. MANN. I think it calls for \$18,000.
Mr. SABATH. Mr. Speaker, what is the request of the gentleman from Delaware?

Mr. MILLER of Delaware. Mr. Speaker, I was merely informing the House that we had a similar bill on the Speaker's table from the Senate, and I was about to ask unanimous consent to take it up and consider it at this time unless some one

objected to it

Mr. STEPHENS of Mississippi. Mr. Speaker, I will state to the gentleman from Illinois [Mr. Sabath] that Mr. Blair claims to have been damaged in the sum of \$38,236, and it is very evident that he was damaged in a considerable sum. Just how the Senate arrived at the conclusion that \$18,000 is the correct amount to pay I am not exactly certain, but my recollection is that the department authorized some one connected with the department to make an investigation, and my recollection further is that this person after making the investigation stated that he thought \$18,000 would cover the damages.

This damage arose through dipping some cattle that belonged to Mr. Blair, the dipping being done by a Government inspector. He prepared the dipping fluid in a bad way, and I think it was shown that he was perhaps drunk at the time. He made the fluid entirely too strong, and killed quite a number of cattle and

injured several hundred head.

Mr. SABATH. What became of the inspector, the man who

Mr. STEPHENS of Mississippi. My impression is that he left the country—skipped out. That is my recollection now. I rather think it will be proper to pay the damage of \$18,000.

Mr. SABATH. And what the gentleman is asking is to confer

jurisdiction upon the Court of Claims?

Mr. STEPHENS of Mississippi. That is what our committee

Mr. MILLER of Delaware. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.
Mr. MILLER of Delaware. Have we this bill before the House? If not, I desire to ask unanimous consent that the Senate bill be considered in lieu of the House bill that is now on the calendar.

Mr. SABATH. I object to the request of the general Mr. MANN. Mr. Speaker, will my colleague withhold that for Mr. MANN. Mr. MANN. Mr. Speaker, will my colleague withhold that for a moment? I think he might well be entitled to make the objection, and yet I think the Government will make money by passing the Senate bill.

Mr. SABATH. Mr. Speaker, I reserve the objection.

Mr. MANN. This is a case where the Government is clearly responsible. The man dipped a lot of cattle for ticks, and the dipping fluid was too strong with arsenic. Some young doctor had been employed through the civil-service regulations, and although he had been warned he made the mixture too strong. The result was that it killed a lot of cattle and took the hide off a lot of others. There is no question that the Government off a lot of others. There is no question that the doterminer is responsible. The House bill proposes to refer the matter to the Court of Claims. The Senate bill, as I recall from reading the report, makes an appropriation of \$18,000, possibly eighteen thousand and some odd dollars. The inspector of eighteen thousand and some odd dollars. The inspector of the Government who made the estimate of the loss fixed the amount at \$18,293,30. There is no possibility that if there is a suit in the Court of Claims there will be any less amount found than the Government admits its liability for, and the found than the Government admits its liability for, and the probability is that there will be a considerably larger amount pause.] The Chair hears none.

allowed by the Court of Claims, the claimant claiming some \$40,000 or \$50,000.

Mr. SABATH. Will the ge he secures this information? Will the gentleman inform me from whom

Mr. MANN. From the report itself. The gentleman will find the estimate of the inspector in charge on page 14 of the report on the House bill. There is no possibility that if we refer the matter to the Court of Claims there will be a judgment smaller in amount than the amount of the appropriation, and I think it wiser, though it is of course an unusual thing, to pass the Senate bill with the amount fixed, and give the man his money, than to send it to the Court of Claims and after a few years give him a good deal more money. It is probably better for him to get the money now, and it certainly is better for us to pay it now.

Mr. SABATH. In his original claim it shows that he made a claim for 77 steers at \$66, and the report of the inspector shows only 59 head.

Mr. MANN. That is a question of whether they were damaged or not.

Mr. SABATH. It shows that his original claim was not honest.

Mr. MANN. Oh, it was honest; but there is a difference of opinion. As I recall it—and I have not read this since it was reported—the inspector charged the man with an increase in value of \$7 a head, which is purely problematical.

Mr. STEPHENS of Mississippi. There were about twenty-

five hundred head of cattle in this bunch, and there is a little

discrepancy in the calculation.

Mr. SABATH. I mean as to those that were killed. The original claim was for 77 steers where the inspector found only 59. They allow for wintering, and so on, for 940 steers at \$7 per head, and for summering 937 steers at \$3 a head.

Mr. MANN. Mr. Speaker, the gentleman will find the complete statement of the claimant on page 18 of the report. After deducting \$4.80 per head, as he does, as a credit, he makes a claim in the end of \$33,274.85. His original claim was \$42,-289.25. Undoubtedly we would save money by passing the Senate bill.

Mr. SABATH. Was there any evidence taken or given before

the committee?

Mr. STEPHENS of Mississippi. There were quite a number of affidavits, letters, and statements made by parties. are all mentioned in the report.

Mr. MANN. It is admitted by the Secretary of Agriculture and the Bureau of Animal Industry. The gentleman does not

need any more than that.

Mr. SABATH. Mr. Speaker, I withdraw my objection.

Mr. MANN. Let the Senate bill be read first and see what it is. My recollection is from reading the record it is eighteen thousand and some odd dollars.

Mr. STEPHENS of Mississippi. Mr. Speaker, I ask unani-

mous consent that the Senate bill be read in lieu of the House

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent that the House bill may be tabled and the Senate bill be taken up for action in the House. Is there objection?

Mr. MANN. Let the Senate bill be read.

The Clerk read as follows:

An act (S. 6595) to reimburse William Blair for losses and damages sustained by him by the negligent dipping of his cattle by the Bureau of Animal Industry, Department of Agriculture.

Be it enacted, etc., That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$18,000, to reimburse William Blair, of Hominy, county of Osage, State of Oklahoma, for losses and damages sustained by him through the negligence of one of the veterinary inspectors employed by the Bureau of Animal Industry, Department of Agriculture, in dipping cattle belonging to said Blair, in Osage County, Okla., on or about the 27th, 28th, and 29th of August, 1915, said sum to be paid to said Blair in full for all losses and damages so sustained by him.

The SPEAKER pro tempore. Is there objection to the motion of the gentleman from Delaware? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

The House bill (H. R. 20161) was ordered to be laid on the

WILLIAM I. WOOD.

The next business in order on the Private Calendar was the bill (H. R. 17305) for the relief of William I. Wood.

The Clerk read the title of the bill.

The Clerk read as follows:

Re it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of William I. Wood, late postmaster at Corinna, Me., in the sum of \$106, due to the United States, being money-order funds lost in a fire which destroyed the Bangor, Me., post office April 30, 1911.

Mr. GUERNSEY. Mr. Speaker-

The SPEAKER pro tempore. Does the gentleman desire to

Mr. GUERNSEY. No.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

L. W. DRAGOO.

The next business in order on the Private Calendar was the bill (H. R. 4416) to reimburse William Dragoo, formerly postmaster at Smithfield, Wetzel County, W. Va., for money, money orders, and postage stamps stolen.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? Mr. SABATH. Mr. Speaker, reserving the right to object-Mr. MANN. Mr. Speaker, I object.

ASBURY SCRIVENER.

The next business in order on the Private Calendar was the bill (H. R. 15999) to correct the military record of Asbury Scrivener.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That Asbury Scrivener shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company F. Second Regiment District of Columbia Volunteer Infantry, on April 28, 1864.

The committee amendment was read, as follows:

Strike out all the matter just read after the enacting clause and insert in lieu thereof the following: "That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Asbury Scrivener, who was a private in Company F, Second Regiment District of Columbia Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 7th day of August, 1864."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

The title of the bill was amended to read: "A bill for the re-

lief of Asbury Scrivener."

Mr. MILLER of Delaware. Mr. Speaker, I would ask unanimous consent for one minute in which to make a statement.

The SPEAKER pro tempore. Is there objection? [After a

pause.] The Chair hears none.

Mr. MILLER of Delawere. Mr. Speaker, two days ago we passed the bill H. R. 11150, a bill for the relief of mail con-. The bill is now on its way to the President for his There are 36 bills on this Private Calendar covered in tractors. that bill for the relief of mall contractors. I ask unanimous consent that those bills be stricken from the calendar and instead of reading the list I have I will send it to the Clerk's desk for the Clerk to read.

Mr. STAFFORD. Is the gentleman certain that the President

will approve the bill?

Mr. MILLER of Delaware. I have no advance information on that, but it is our desire to clean up the calendar, and these bills are all included in that omnibus bill.

Mr. STAFFORD. I understand they are all included in that, but I thought perhaps the gentleman was a little bit previous in

making that motion.

Mr. MILLER of Delaware. There is absolutely no objection to this. The individual Members who are interested in the bill, the gentleman from Mississippi and myself, have worked on this matter since the opening of Congress and we want to clear up the calendar.

Mr. MANN. I would like to have the memorandum sent up and read or have it put in the RECORD.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I want it put in the RECORD.
Mr. MILLER of Delaware. I said that the bills are all contained in the memorandum which I have sent to the Clerk's

Mr. MANN. But I want the memorandum inserted in the

RECORD; I do not care whether it is read or not.

The SPEAKER pro tempore. That will be directed to be done.

The memorandum is as follows:

BILLS ON PRIVATE CALENDAR CONTAINED IN H. R. 11150, THE OMNIBUS BILL FOR THE RELIEF OF MAIL CONTRACTORS.

HLLS ON PRIVATE CALENDAR CONTAINED IN H. R. 11150, THE OM BILL FOR THE RELIEF OF MAIL CONTRACTORS.

H. R. 9558, reported by Mr. MILLER of Delaware, No. 91.
H. R. 9148, reported by Mr. MILLER of Delaware, No. 92.
H. R. 10891, reported by Mr. MILLER of Delaware, No. 93.
H. R. 11092, reported by Mr. MILLER of Delaware, No. 94.
H. R. 11092, reported by Mr. STEPHENS Of MISSISSIPPI, No. 95.
H. R. 1400, reported by Mr. RUSSELL of Ohio, No. 99.
H. R. 952, reported by Mr. PRICE, No. 109.
H. R. 12553, reported by Mr. MILLER of Delaware, No. 110.
H. R. 12554, reported by Mr. MILLER of Delaware, No. 123.
H. R. 10992, reported by Mr. MILLER of Delaware, No. 124.
H. R. 11341, reported by Mr. MILLER of Delaware, No. 125.
H. R. 9783, reported by Mr. POU, No. 135.
H. R. 9415, reported by Mr. POU, No. 135.
H. R. 3410, reported by Mr. POU, No. 135.
H. R. 3435, reported by Mr. STEPHENS of MISSISSIPPI, No. 136.
H. R. 9463, reported by Mr. STEPHENS of MISSISSIPPI, No. 137.
H. R. 13100, reported by Mr. STEPHENS of MISSISSIPPI, No. 139.
H. R. 3635, reported by Mr. STEPHENS of MISSISSIPPI, No. 139.
H. R. 3635, reported by Mr. STEPHENS of MISSISSIPPI, No. 139.
H. R. 3600, reported by Mr. RUSSELL of Ohio, No. 145.
H. R. 10054, reported by Mr. RUSSELL of Ohio, No. 145.
H. R. 6012, reported by Mr. POU, No. 154.
H. R. 6010, reported by Mr. STEPHENS of MISSISSIPPI, No. 156.
H. R. 6011, reported by Mr. STEPHENS of MISSISSIPPI, No. 156.
H. R. 6011, reported by Mr. STEPHENS of MISSISSIPPI, No. 157.
H. R. 6012, reported by Mr. STEPHENS of MISSISSIPPI, No. 156.
H. R. 6011, reported by Mr. STEPHENS of MISSISSIPPI, No. 156.
H. R. 6011, reported by Mr. STEPHENS of MISSISSIPPI, No. 157.
H. R. 6012, reported by Mr. STEPHENS of MISSISSIPPI, No. 156.
H. R. 6011, reported by Mr. STEPHENS of MISSISSIPPI, No. 157.
H. R. 6012, reported by Mr. STEPHENS of MISSISSIPPI, No. 157.
H. R. 6014, reported by Mr. STEPHENS of MISSISSIPPI, No. 158.
H. R. 6016, reported by Mr. STEPHENS of MISSISSIPPI, No. 160.
H. R. 6016, reported by Mr. STEPHENS of MISSISSIPPI, No. 160

MARTIN V. PARMER.

The next business in order on the Private Calendar was the bill (S. 2880) for the relief of Martin V. Parmer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?
Mr. SABATH. Mr. Speaker, reserving the right to object, I would like to be informed as to what this bill calls for.

Mr. FIELDS. Mr. Speaker, this soldier enlisted on the 1st day of December, 1861, and served until he was wounded in the Battle of Chickamagua, 1863. The records of the War Department show that he was in three or four different hospitals from that time on, and reculisted August 4, 1864. The proof then shows that because of his disability from his wounds received in the right forearm that he was transferred to the reserves, being unable to perform military duty. While in that condition he received word that some band of marauders were disturbing the country around his home in Nebraska, I believe, and he asked for permission to go home to protect his family, as he was not able to render military service at the time.

He did not get it immediately, but he did go home for the protection of his family. In view of his two and one-half years of service, and the fact that he was wounded in the service, and was in some three or four different hospitals, the committee

thought it a proper case.

Mr. SABATH. I think it is a meritorious case, and I with-

draw my objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Martin V. Parmer, late of One hundred and thirty-eighth Company. Second Battalion Veteran Reserve Corps, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company on the 4th day of August, 1864. Provided, That no pension shall accrue prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

PETER KENNEY.

The next business in order on the Private Calendar was the bill (S. 1553) for the relief of Peter Kenney

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. SABATH. Mr. Speaker, I would like to have some in-

formation on this bill.

Mr. FIELDS. Mr. Speaker, this soldier served from August 19, 1861, to October 12, 1863, when he was wounded in the Battle of Gettysburg. He was in the hospital for a long while, and when he was able to leave the hospital he was given a furlough. He went home during his furlough, and cut his foot with an ax, as the testimony shows, and was not able to return to his command until after his regiment was mustered out.

Mr. SABATH. He served about two years and a half?

Mr. FIELDS. Yes, sir. And was wounded in the Battle of

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Peter Kenney, late of Company G. Fifth Regiment Michigan Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 5th day of February, 1864: Provided, That no pension shall accrue prior to the passage of this act.

The SPEAKER pro tempore. The question is on the third

reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

GARDINER L. EASTMAN.

The next business in order on the Private Calendar was the bill S. 5203, for the relief of Gardiner L. Eastman.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Gardiner L. Eastman, who was a private of Company H, Thirtieth Regiment Maine Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on or about the 16th day of June, 1865: Provided, That no pay, pension, bounty, nor other emolument shall accrue prior to the passage of this act

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

HEIRS OF ANTOINE BAYARD.

The next business in order on the Private Calendar was the bill S. 2222, for the relief of the heirs of Antoine Bayard.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the hill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to the heirs of Antoine Bayard, late member of the Mississippi Militia, during the War of 1812, a duplicate bounty land warrant for 120 acres, in lieu of warrant No. 34205, heretofore issued under the act of March 3, 1855, which has heretofore been lost and has never been used.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

REUBEN SEWELL.

The next business in order on the Private Calendar was the bill (H. R. 1869) correcting the military record of Reuben Sewell.

The SPEAKER pro tempore. Is there objection?

Mr. SABATH. Reserving the right to object, I would like to know from the chairman something about this bill.

Mr. McCRACKEN. Mr. Speaker, I would like to say for the gentleman's information this bill refers to one Reuben Sewell, who enlisted September 1, 1861. He served three months and then reenlisted for further service, and served throughout the entire Civil War. After the Civil War he enlisted again for military service in the West, fighting Indians. There is some discrepancy as between this man's record and his military record, which shows that possibly he did not report for duty for a period of a couple of months. He says he went from Washington City to visit his folks in Philadelphia, and that he was not away from his service; that he performed his service entirely throughout the entire Civil War, and he is only asking for what he feels he is entitled to.

Mr. SABATH. Was he charged with desertion?

Mr. McCRACKEN. So far as the records of the department are concerned down here—they infer there is a desertion, although it is not absolute.

Mr. CRAGO. The records of Pennsylvania show that he

served two enlistments.

Mr. McCRACKEN. He served two enlistments. Mr. SABATH. It is only a question as to two months? Mr. McCRACKEN. That is all.

of that regiment, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of the last-named company on the 25th day of July, 1864.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. TILSON. Mr. Speaker, I move to amend at the end of the bill, after the word "sixty-four," in line 4, page 2, by inserting "Provided, That no pension or allowance shall accrue prior to the passage of this act."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Connecticut [Mr. Tilson]. Mr. STAFFORD. Let the amendment be reported.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

After the word "sixty-four," on page 2, line 4, insert: "Provided, that no pay, pension, bounty, allowance, or other emolument shall accrue prior to the passage of this act."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Connecticut [Mr. Tilson].

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time and passed.

The title was amended to read as follows: "A bill for the relief of Reuben Sewell."

ALLEN HYATT.

The next business on the Private Calendar was the bill (H. R. 15852) for the relief of Allen Hyatt.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers. Allen Hyatt, who was a private in Company H. Eighty-fift Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States on the 23d day of June, 1863: Provided, That no bounty, pay, pension. or other emolument shall accrue prior to the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next

AQUILA NEBEKER.

The next business on the Private Calendar was the bill (S. 5632) for the relief of Aquila Nebeker.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection? Mr. MANN. Reserving the right to object, Mr. Speaker, I do not know whether anybody is looking after the bill or not. I see the report on the bill states that "this bill is substantially the same as the bill H. R. 14836, which was favorably reported by the House Committee on Public Lands at the last session of Congress, but which was not passed because of the congestion of legislation in the House at that time." Was that bill reported at the last session?

Mr. MAYS. That is what the report says. Mr. MANN. I know; but is that correct?

Mr. MAYS. I do not remember that it was, but it passed the Senate.

Mr. MANN. Gentlemen making reports of that kind ought to be careful. That is the principal reason given for the reporting of this bill. It says that a similar bill was reported at the last session of Congress, and that the House bill was not passed because of the congestion of business. The fact seems to be that no such bill was reported at all.

Mr. MAYS. It passed the Senate.

Mr. MANN. But the House bill was not passed.
Mr. MAYS. The Senate bill was similar to this one.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read the bill, as follows:

Mr. McCracken. That is all.
The Speaker pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.
Mr. Mann. Report the committee amendment.
The bill as amended was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, to accept title to the following-described lands, either in whole or in part, upon certification by the Secretary of Agriculture that the lands are chiefly valuable for national forest purposes and approximately equal in value to the lands to be given in exchange therefor: The south half of the southeast quarter of section 3; the northeast quarter of the northeast quarter of section 10; the north half of the northeast quarter of section 15, all in township 12 north, range 4 east; the south half of the northwest quarter and the northwest quarter of the northwest quarter of the southwest

querter of section 14, township 13 north, range 4 east; lots 1, 2, 3, and 4 and the south half of the northwest quarter and all of the southwest quarter of section 4; all of section 9; and the north half of section 16; all in township 14 north, range 4 east of Salt Lake base and meridian, situate in the Cache National Forest; and to issue to Aquila Nebeker in lieu thereof patents to the following-described areas, or such parts thereof as are approximately equal in value to the lands conveyed: The south half of the northeast quarter and all of the southeast quarter of section 11; the southwest quarter of section 12; all of section 13; the northwest quarter of the northeast quarter of the northeast quarter of the northeast quarter of section 23; and the north half of section 24; all in township 13 north, range 4 east of Salt Lake base and meridian: Provided, That the lands conveyed to the Government shall thereupon become parts of the Cache National Forest and subject to all laws and regulations applicable thereto.

With committee amendments as follows:

With committee amendments, as follows:

Amend, page 2, by inserting after the word "are," on line 11, the words "found by the Secretary of Agriculture to be," and on page 2, line 24, after the word "thereto." by inserting a colon and adding the following: "Provided further, That the Secretary of the Interior and the Secretary of Agriculture shall jointly report to Congress, in detail, the factors upon which the valuations were made."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.
The SPEAKER pro tempore. The question is on the third

reading of the Senate bill as amended.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

ELIZABETH DAVIS.

Mr. STEPHENS of Mississippi. Mr. Speaker, I ask unanimous consent to return to Calendar No. 352, an act for the relief of Elizabeth Davis.

ASBURY SCRIVENER.

Mr. MANN. Well, Mr. Speaker, I ask unanimous consent that we may vacate the order by which we passed the bill H. R. 15999, which was a bill to give a pensionable status to Asbury Scrivener, and that we add as an amendment to the bill the provision that "no bounty, pay, pension, or other emolument shall accrue prior to the passage of the bill."

- Mr. FIELDS. Yes; I was intending to do that.

Mr. MANN. And that the bill be passed with that amend-

ment.

The SPEAKER pro tempore. Without objection, the request will be acted upon. Is there objection?

There was no objection.

ELIZABETH DAVIS.

The SPEAKER pro tempore. Will the gentleman from Mississippi again give the number of that bill?

Mr. STEPHENS of Mississippi. It is Calendar No. 352 (S. 3617), an act for the relief of Elizabeth Davis.

Mr. MANN. Whose bill was that?

Mr. STEPHENS of Mississippi. That of the gentleman from Idaho [Mr. SMITH]

Mr. MANN. I think there was an agreement to return to it.

Mr. STEPHENS of Mississippi. Yes; I believe so.
The SPEAKER pro tempore. The gentleman from Mississippi [Mr. Stephens] asks unanimous consent to return to Calendar No. 352, Senate bill No. 3617, an act for the relief of Elizabeth Davis. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I stated at the beginning of this session that I do not believe we had the right to play favorites. There was no agreement whatsoever. I do not think it is a good policy to inaugurate, to call up bills out of their order and pass them. It is a discrimination against other bills.

Mr. SMITH of Idaho. There was a distinct understand-

ing

Mr. STAFFORD. The gentleman says there was a distinct understanding. The RECORD will show that I said at the beginning of this session that I did not believe in playing favorites. I stated that expressly.

The SPEAKER pro tempore. The gentleman from Wisconsin objects. The Clerk will read the next bill.

CLAIMS UNDER BOWMAN AND TUCKER ACTS.

The next business on the Private Calendar was the bill (S. 1878) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section 151 of the act approved March 3, 1911, commonly known as the Judicial

The Clerk read the title of the bill:

The bill is as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated:

To Anastacio de Baca, administrator of Francisco de Baca, deceased, of Santa Ana County, \$1,325.

To Edward H. Bergmann, of New Mexico, \$1,200.

To W. J. Goodwin, of New Mexico, formerly of Woodruff County, Ark., \$2,980.

To Prairie County, Ark., \$13,200.

With the following committee amondments:

With the following committee amendments:

With the following committee amendments:

On page 1, in line 5, after the word "appropriated," insert the following:

"To claimants in this act named the several sums appropriated herein, the same being in full for and the receipt of the same to be taken and accepted in each case as a full and final release and discharge of their respective claims, except that claimants under this act receiving compensation for use and occupancy of property shall not be barred from further prosecutions of claims arising from damage or destruction of the same property, namely:"

On page 1, strike out lines 6 and 7.

On page 2, strike out lines 3.

At the end of the bill insert the following:

"ALABAMA.

"To the legal representatives of Isaiah Attaway, deceased, of Macon County, \$275.
"To Jane F. Paulk, of Bullock County, \$635.
"To the trustees of the Cumberland Presbyterian Church of Pleasant Springs, \$350.

" GEORGIA.

"To the trustees of the First Baptist Church of Rome, \$870. "KENTUCKY.

"To R. W. Harris, administrator of James P. Harris, of Floyd County, \$330.

"To the vestry of Ascension Protestant Episcopal Church, of Mount Sterling, \$825.

"To the fiscal court of Oldham County, \$1,100.

"To the treasurer of the Christian Church of Stanford, \$420.

"LOUISIANA.

"To Madeleine Lement, administratrix of Pierre Lement, of St. Landry Parish, \$295.
"To Kate P. McWaters, Margaret McWaters Bell, James H. McWaters, B. P. McWaters, and Moses McWaters, jr., in equal shares, heirs of Moses McWaters, of West Feliciana Parish, \$950.

" MARYLAND.

"To the heirs of William H. Bradshaw, of Frederick County, \$137.50. " MISSISSIPPI

"To the trustees of the Protestant Orphan Asylum at Natchez, \$3,500. " MISSOURI.

"To William W. Green, of Camden County, \$270.

" NEW YORK. "To the legal representatives of Samuel Schiffer, deceased, of New York, \$4,700.95.

" NORTH CAROLINA. "To Sarah F. Trenwith, executrix of C. F. Simpson, deceased, of Craven County, \$815.
"To the deacons of the Baptist Church of Beaufort, \$250.

" OHIO.

"To the trustees of the African Methodist Episcopal Church of Gallipolis, \$250. " SOUTH CAROLINA.

"To John Dencan, surviving partner of the firm of Duncan & Son, of Charleston, \$8,450.
"To the trustees of Beaverdam Baptist Church, of Marlboro County, \$1,600.
"To the trustees of St. John's Baptist Church, of Bamberg County,

\$275.

"TENNESSEE.

"Tennessee."

"To Lulu H. Doyle and Anna V. Berry, sole heirs of Patrick II, and Margaret E. Watkins, deceased, of Hamilton County, \$333.34.

"To the trustees of the Hobson Methodist Church, of Davidson County, \$1,800.

"To the treasurer of the corporation of the Cumberland Presbyterian Church, of Chattanooga, \$500.

"To the trustees of the Christian Church of Columbia, \$375.

"To the trustees of the Cumberland Presbyterian Church, of Murfreesboro, \$900.

"To the trustees of the McKendree Methodist Episcopal Church South, of Nashville, \$1,200.

"To the trustees of Liberty Springs Missionary Baptist Church, of Stewart County, \$475.

"Virginia.

"VIRGINIA.

"To Lucy E. Johnson and John A. Johnson, sole heirs of Armistead M. Johnson, deceased, of Loudoun County, \$784.

"To the session of the Presbyterian Church of Greenwood, \$100.

"To the trustees of the Christian Church of Suffolk, \$540.

"WEST VIRGINIA.

"To the legal representatives of Josiah M. Davisson, deceased, of Taylor County, \$720.
"To the trustees of Christ Protestant Episcopal Church, of Bunker

"To the trustees of Christ Protestant Episcopal Church, of Bunker Hill, \$300.

"Sec. 2. That the foregoing several sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this act.

"Sec. 3. That in case of the death of any claimant, or the death or discharge of the executor or administrator of any claimant herein named, payment of such claim shall be made to the legal representatives: Provided, That where a claimant is dead the administrator, executor, or legal representative shall file a certified copy of his bond, which bond must be at least equal in amount to the sum hereby appropriated: Provided further, That in all cases where the original claimants were adjudicated bankrupts payment shall be made to the legal representa-

tives or next of kin instead of to the assignees in bankruptcy: And provided further, That wherever under this act it is provided that a payment be made to an executor or an administrator, whether original or ancillary or de bonis non, and such executor or administrator is dead or no longer holds his office, payment shall be made to the successor therein, his title to hold such office being established to the satisfaction of the Secretary of the Treasury; and wherever under this act it is provided that a payment be made to a corporation or quasi corporation and such corporation or quasi corporation has been merged in or consolidated with another corporation or quasi corporation, payment shall be made to the corporation or quasi corporation with which the consolidation or merger has been made."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, the amendment of the House contains this provision on page 2:

Except that claimants under this act receiving compensation for use and occupancy of property shall not be barred from further prosecution of claims arising from damage or destruction of the same property.

Mr. BYRNES of South Carolina. I can tell the gentleman the reasons for the insertion of that provision.

Mr. MANN. I do not want to know the reasons for it. I know the reasons against it. I am not willing to let the bill pass by unanimous consent with that provision in it. We do not allow for the damage or destruction of property anywhere.

Mr. BYRNES of South Carolina. If the gentleman will allow me, I have no objection at all to that provision being stricken out. It was inserted because it was contained in the last omnibus bill, and it was passed solely on the theory that although we do not pay for destruction of property, and this bill includes no items for destruction of property, and this bill includes no items for destruction of property, we thought it was doubtful whether we should foreclose the right of anyone hereafter. But I have no objection, and if the motion is made to

strike out that provision, I will vote to strike it out.

Mr. MANN. Then I suggest to the gentleman—I do not know whether anybody else is going to object or not-that it will not be possible in the remaining time to consider all these amendments, and the only way to do is to ask unanimous consent to pass the bill with the House amendments, with the provision to which I have referred stricken out. I do not know whether anybody will object to that, but we can not consider all these items to-night, and the only thing we can do is just to take the judgment of the committee. As far as I am concerned, I am willing to do that,

Mr. BYRNES of South Carolina. I will say to the gentleman that the committee have included in this bill only such items as had the unanimous consent of the entire membership of the committee. All other items, though some of them doubtless are meritorious, have been left out to be considered at some later date. No contested item is included in this bill.

Mr. MANN. I think the committee have been very careful. The only way it can be passed is by asking unanimous con-

Mr. BYRNES of South Carolina. I ask unanimous consent that on page 2 the bill be amended by striking out-

Mr. MANN. Let me make a suggestion, that the gentleman ask unanimous consent that the amendments of the committee be agreed to, amending the first amendment by striking out the language on page 2-

Except that claimants under this act receiving compensation for use and occupancy of property shall not be barred from further prosecu-tion of claims arising from damage or destruction of the same prop-

And that then the bill be considered as read a third time and passed. I do not know whether you can do that, but that is the only way in which it can be done.

Mr. BYRNES of South Carolina. I ask unanimous consent that the committee amendments be agreed to, the amendment on page 2 being amended by striking out all after the word "claims," in line 5, down to and including the word "property," in line 8, and that the bill be considered as read a third time and passed.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent—

Mr. SABATH. Reserving the right to object, I would like to

know what these claims are about.

Mr. BYRNES of South Carolina. I can tell the gentleman. They are for the use and occupation of property, rental, in other words; or, in the case of a few individual claims, for stores and supplies taken from loyal citizens of the United States. No claim for destruction is included nor is there any claim in which any laches or failure to prosecute the claim was found by the courts.

Now, is there any claim for a disloyal purpose? The committee has been exceedingly careful in excluding those.

Mr. SABATH. When was this property taken? Mr. BYRNES of South Carolina. During the Civil War.

Mr. SABATH. Why have not they made an effort heretofore to have the claims allowed?

Mr. BYRNES of South Carolina. They have been allowed by the Court of Claims, as the gentleman knows, and he must mean why they have not been paid heretofore. In the case of churches or lodges under the law the Southern Claims Commission, which was the only tribunal that had power to construe the law, held that they were not allowed to consider the claims of corporations. So they had no opportunity to present their claims to It was the only tribunal then until we passed that tribunal. the law giving the Court of Claims the right to hear the claims and report to the House.

Mr. SABATH. They were precluded from filing their claims, and it is only since the recent act that they have a right to pre-

sent them?

Mr. BYRNES of South Carolina. Yes; and to be frank with the gentleman, we have particularly investigated them, and the gentleman from Nebraska [Mr. Reavis] particularly objected to the consideration of any claim where it was found that the claimant was guilty of laches, and in every one of the cases the claimant had to show that he had been diligent in presenting his claim to some officer of the Government or some tribunal.

Mr. SABATH. How much do the claims amount to? Mr. BYRNES of South Carolina. Thirty-eight thousand three

hundred and five dollars.

Mr. SABATH. How many claimants are there? Mr. BYRNES of South Carolina. Thirty-four.

Mr. SABATH. So that the claims would average about a thousand dollars each?

Mr. BYRNES of South Carolina. Yes. Of course they vary in amount, but they would average that.

Mr. SABATH. And the committee has carefully considered the claims?

Mr. BYRNES of South Carolina. The committee has considered these claims more carefully than any bills that I know of.

Mr. SABATH. I have every confidence in the gentleman when he states that the bill ought to pass, and I withdraw my objection.

Mr. MOORE of Pennsylvania. Reserving the right to object, I would like to ask the gentleman from South Carolina what is the approximate total amount of these claims that are presented?

Mr. BYRNES of South Carolina. Thirty-eight thousand dollars

Mr. MOORE of Pennsylvania. This bill does not include what is ordinarily known as cotton claims?

Mr. BYRNES of South Carolina. No; there are no claims for destruction of property. It is for stores and supplies and use and occupation. I know what the gentleman refers to-like those bills in the last session. There are no such bills here.

Mr. MOORE of Pennsylvania. I am asking, because it was said that some gentleman on the floor would offer a cotton claim.

assume that it would not be proper on this bill?

Mr. BYRNES of South Carolina. No.

Mr. MOORE of Pennsylvania. This is not a cotton-claim bill? Mr. BYRNES of South Carolina. No; it is for stores and

supplies and use and occupation.

Mr. REAVIS. Mr. Chairman, I would say to the House that in the consideration of these numerous claims the minority of the committee took the position that any claimant who had been guilty of laches should not have his claim reported, at least not at this session of Congress.

Another question that came before the committee was the question of loyalty. That question is jurisdictional in the

legislation.

There have been various tribunals organized for the purpose of investigating these claims, such as the Southern Claims Commission, the Quartermaster's Department, and so forth, and wherever any claim had been submitted to any tribunal competent to pass upon the same, and they found disloyalty against the claimant, these claims were eliminated. So there is in the bill no claim of anyone against whom a finding of disloyalty has ever been made. The last war-claims bill carried claims to the extent of \$1,166,000. This bill carries claims aggregating \$38,000. Every doubtful claim concerning which there was any question in the minds of any member of the committee has been eliminated from the bill. There are no cotton claims here, and I will say that if there is any attempt to put any claim of that character in this bill I shall not only object but make the point of no quorum.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that the bill shall be considered as taken up and read a third time and passed, including the committee amendment and the amendment offered on the floor of the House, as indicated by him. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

NAVAJO TIMBER CO., DELAWARE.

The next business on the Private Calendar was the bill (S. 3934) to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber.

The SPEAKER pro tempore. Is there objection? Mr. MANN. I object.

STEAMSHIP "REPUBLIC."

The next business on the Private Calendar was the bill (S. 5985) authorizing the Commissioner of Navigation to cause the steamship *Republic* to be enrolled and licensed as a vessel of the United States

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the steamship Walkure, admitted to American registry as the steamship Republic, which was sunk in the harbor of Papeete, Tahiti, raised and repaired by American enterprise, capital, and labor, to be enrolled and licensed as a vessel of the United States.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, and was read

the third time

Mr. MOORE of Pennsylvania. Mr. Speaker, I would like to know from some member of the Committee on the Merchant Marine and Fisheries as to the extent of the repairs to this vessel.

Mr. EDMONDS. Mr. Speaker, I am not upon that committee, and I do not remember exactly, but I think the amount in most of these cases has been from 50 per cent to 75 per cent.

Mr. MOORE of Pennsylvania. Is it provided in the bill that

the repairs were made by American workmen?

Mr. HAYES. Yes; it is to stated.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

SUNDRY BUILDING AND LOAN ASSOCIATIONS.

Mr. MILLER of Delaware. Mr. Speaker, we have only about two minutes left. There is a bill on the calendar, Calendar No. 325, S. 5672, for the relief of sundry building and loan associations, in which a number of Members are interested.

Mr. MANN. I think it is too late to get that up to-night. The gentleman would not have time to read it, and we will have

to have another night.

Mr. MILLER of Delaware. Very well, I shall not make any

request in respect to it.

Mr. STEPHENS of Mississippi. Mr. Speaker, I move to reconsider the vote by which these several bills were passed and lay that motion on the table.

The SPEAKER pro tempore. Without objection, it will be so

ordered.

There was no objection.

ADJOURNMENT.

The SPEAKER pro tempore. The hour of 10.30 p. m. has arrived.

Mr. RAINEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 30 minutes p. m.) the House adjourned, under its previous order, until to-morrow, Thursday, February 8, 1917, at 11 o'clock

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting

copy of a communication from the Secretary of the Navy submitting supplemental estimates of appropriation required for the naval service for the fiscal year ending June 30, 1918 (H. Doc. No. 2034); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Secretary of War, transmitting a report submitted by the Quartermaster General of the Army of all receipts and expenditures of contingent funds collected under the terms of said act from nonmilitary residents of Fort Monroe, Va., for the fiscal year ended June 30, 1916 (H. Doc. No. 2035); to the Committee on Expenditures in the War Department and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting a supplemental estimate of appropriation in the sum of \$400,000 required for the naval service for the fiscal year end-

ing June 30, 1918 (H. Doc. No. 2036); to the Committee on Naval Affairs and ordered to be printed.

4. A letter from the Comptroller of the Currency, transmitting the annual report of the Comptroller of the Currency for the 12 months ending October 31, 1916, together with certain additional data relating to national banks and their operations brought down to a still later period (H. Doc. No. 1496); to the Commit-tee on Banking and Currency and ordered to be printed.

5. A letter from the Secretary of the Treasury, submitting, for inclusion in the sundry civil bill, certain additional estimates for public buildings (H. Doc. No. 2037); to the Com-

mittee on Appropriations and ordered to be printed.

6. A letter from the chairman of the public utilities commission, transmitting the balance sheets for the year ended December 31, 1916, and other information required by the public utilities commission of the various utilities under its jurisdiction (H. Doc. No. 2038); to the Committee on the District of Columbia and ordered to be printed.

7. A letter from the Secretary of the Treasury transmitting copy of a communication from the Attorney General, submitting additional estimates of deficiencies in appropriations for the fiscal year 1917 (H. Doc. No. 2039); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of the Treasury transmitting a communication from the Secretary of War, submitting a list of claims for damages by river and harbor work, which have been adjusted and settled by the Chief of Engineers and approved by the Secretary of War (H. Doc. No. 2040); to the Committee on Appropriations and ordered to be printed.

9. A letter from the Secretary of the Treasury transmitting copy of a communication from the Secretary of State, submitof State (H. Doc. No. 2041); to the Committee on Appropria-

tions and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. TILSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 10220) for the relief of John C. Shay, reported the same with amendment, accompanied by a report (No. 1439), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows

By Mr. SHALLENBERGER: A bill (H. R. 20798) authorizing the Secretary of War to donate to the city of Hastings, Nebr., four bronze cannon or fieldpieces; to the Committee on Military

By Mr. TIMBERLAKE: A bill (H. R. 20799) to provide revenue for the Government and promote the production of tungsten ores and manufactures thereof in the United States; to the

Committee on Ways and Means.

By Mr. ALEXANDER: A bill (H. R. 20800) to amend an act entitled "An act to establish a United States Shipping Board for the purpose of encouraging, developing, and creating a naval auxiliary and Naval Reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes," approved September 7, 1916; and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. GRIFFIN: A bill (H. R. 20801) providing that all persons employed by the United States Government or by the District of Columbia shall be citizens of the United States; to the

Committee on Reform in the Civil Service.

By Mr. McKINLEY: A bill (H. R. 20802) providing for the organization, establishment, and management of schools or institutes of instruction at certain military posts under the direction and supervision of the Secretary of War, with the advice and counsel of the Commissioner of Education of the Department of the Interior, for the purpose of affording the soldiers of the Army an opportunity for securing an education in academic and practical vocational and industrial lines, and to make an appropria-tion for meeting the necessary expenses of the preliminary survey for the intelligent establishment of said proposed schools or institutes; to the Committee on Military Affairs.

By Mr. WEBB: A bill (H. R. 20803) to define and punish

espionage; to the Committee on the Judiciary.

By Mr. GLASS: Resolution (H. Res. 486) for the consideration of House bill 20661; to the Committee on Rules.

Mr. FERRIS: Resolution (H. Res. 487) authorizing the printing as a House document of Infantry Drill Regulations and Field

Service Regulations; to the Committee on Printing.

By Mr. HADLEY: Memorial of the Legislature of the State of Washington, favoring the passage of House bill 9805, to create the Mount Baker National Park; to the Committee on the Public Lands

Also, memorial of the Legislature of the State of Washington, favoring the submission to the States for ratification of the amendment now pending granting to the women of the United States the elective franchise; to the Committee on the Judi-

By Mr. NORTON: Memorial from the Legislature of North Dakota, favoring the distribution of seeds through each State's

experiment station; to the Committee on Agriculture.

By Mr. SLOAN: Memorial from the Legislature of the State of Nebraska, favoring the amendment to revenue law requiring collectors of internal revenue to furnish lists to governors of each State of all parties paying the internal-revenue tax; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:
By Mr. CARAWAY: A bill (H. R. 20804) to authorize the appointment and commission of Frank W. Gee as chaplain in the Regular Army of the United States; to the Committee on Military Affairs

By Mr. DARROW: A bill (H. R. 20805) granting a pension

to Andrew Heuser; to the Committee on Pensions.

By Mr. HAUGEN: A bill (H. R. 20806) granting an increase of pension to John G. Wright; to the Committee on Invalid

Also, a bill (H. R. 20807) granting an increase of pension to D. W. Farington; to the Committee on Invalid Pensions.

By Mr. HUSTED: A bill (H. R. 20808) for the relief of the dependent mother (now Sophie Caffery) of Henry W. Sloat, civilian employee of the Government, who was killed while in the discharge of his duties at the United States naval magazine at

Iona Island, N. Y.; to the Committee on Claims.

By Mr. JACOWAY: A bill (H. R. 20809) for the relief of R. W. Harris; to the Committee on Military Affairs.

By Mr. KEARNS: A bill (H. R. 20810) granting an increase of pension to Stephen Young; to the Committee on Invalid

Also, a bill (H. R. 20811) for the relief of Walter D. Grier-

son; to the Committee on Military Affairs.

By Mr. McKELLAR: A bill (H. R. 20812) granting a pension to Catharine N. Wilson; to the Committee on Invalid Pen-

By Mr. NEELY: A bill (H. R. 20813) granting an increase of pension to Jeremiah Bogard; to the Committee on Invalid

Also, a bill (H. R. 20814) granting an increase of pension to Asbery Mayfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20815) granting an increase of pension to John R. Bungard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20816) granting an increase of pension to

Sidney Merifield; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 20817) for the relief of William H. Miller; to the Committee on Claims.

By Mr. REAVIS: A bill (H. R. 20818) granting an increase of pension to Andrew G. Kramer; to the Committee on Invalid

By Mr. RODENBERG: A bill (H. R. 20819) granting a pen-

sion to Jacob Herpin; to the Committee on Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 20820) granting an increase of pension to Joseph S. Le Hew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20821) granting a pension to Frances A. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20822) granting a pension to Harriett L. Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20823) for the relief of J. H. Tower; to the Committee on Claims.

By Mr. SLEMP: A bill (H. R. 20824) granting a pension to Clearance A. Yancy; to the Committee on Pensions.

By Mr. VAN DYKE: A bill (H. R. 20825) granting a pension to W. H. Johnston; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 20826) granting a pension to James Warren; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of employees of the Post Office Department, favoring passage of House bill 17806, relative to increase in salaries; to the Committee on the Post Office and Post Roads.

Also (by request), petition of memorial and executive committee of United Spanish War Veterans relative to establishing system of universal training and service; to the Committee on Military Affairs.

Also (by request), memorial of Bucyrus (Ohio) Chamber of Commerce against abolition of the pneumatic mail-tube service: to the Committee on the Post Office and Post Roads.

By Mr. BENNET: Petition of O. L. Hull and others for pro-

hibition; to the Committee on the Judiciary.

Also, petition of John Haussler and others against prohibition; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petition of John H. Leich & Co., of New York, against House bill 19350; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Retail Liquor Dealers' Association, Bronx County, N. Y., favoring the revenue bill; to the Committee on Ways and Means.

Also, telegrams from the Columbia Mills Co., Messrs. Bloch & Schiller, Messrs. Charles Champan's Sons, the Clover Hat Co., the Eastern Millinery Co., Charles Goldstein, Messrs, Halper & Friedman, Messrs. Schiff Bros., J. P. Shanley, and Messrs. Weiss & Klau Co., all of New York City, protesting against House bill 19350; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Fifth Avenue Association, New York, William W. Hopper, secretary, indorsing the Webb bill; to the Committee on the Judiciary.

Also, petition of Ascension Baptist Church, F. W. Hagar, pastor, favoring the pensioning of letter carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Charles Davison, 60 Wall Street, New York, favoring the protection of migratory birds; to the Committee

on Agriculture. By Mr. CARY: Petitions of sundry citizens of Milwaukee,

Wis., protesting against war with Germany; to the Committee on Foreign Affairs.

By Mr. CHARLES: Petition of Board of Trade of Amsterdam, N. Y., against passage of the so-called excess-revenue bill; to the Committee on Ways and Means.

By Mr. DALE of New York: Petition of H. Griswold, of New York City, against passage of Senate bills 7563 and 7746, relative to second lieutenants in the Regular Army; to the Committee on Military Affairs.

By Mr. FULLER: Petition of New York Churchman's Association, protesting against the deportation of Belgians by the German Government; to the Committee on Foreign Affairs.

Also, petition of National Educators' Conservation Society, protesting against enactment of the water-power bills; to the Committee on Interstate and Foreign Commerce.

Also, petition of Illinois State Federation of Labor, for the Casey bill, to establish a woman's division in the Department of Labor; to the Committee on Labor.

Also, petition of J. E. Waldo and Edith P. Sovereign, both

of Rockford, Ill., favoring the migratory-bird treaty bill (H. R. 20080); to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Petition of sundry members of the Massachusetts Branch of the League to Enforce Peace, favoring adoption by the United States of the league's proposals; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Boston, Mass., against prohibitory legislation; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of Local Union No.

2159, United Mine Workers of America, of Blaine, Ohio, favoring commission to investigate supply of food products in the United States, and provide legislation to prevent shipment of same out of the country, in the interest of home consumers and lower cost of living; to the Committee on Interstate and Foreign Commerce.

By Mr. KETTNER: Petition of John Fleming, ex-secretary Federation of Churches, San Diego, Cal., favoring Kenyon-Sims bill; to the Committee on the Judiciary.

Also, petition of L. M. Arey and Jacob Beckel, secretary Trades Union Liberty League, both of San Dieg, Cal., protest-ing against passage of House bill 18986 and Senate bill 4429, mail-exclusion bills; to the Committee on the Post Office and Post Roads.

Also, petition of Earl V. Van Luven, instructed by official board of Jewell Memorial Methodist Episcopal Church, Colton, Cal., favoring House bill 18986; to the Committee on the Post Office and Post Roads.

Also, petition of Glenn R. Williams, mailing clerk, Upland, Cal., favoring House bill 17806, the Madden reclassification bill; to the Committee on the Post Office and Post Roads.

Also, petition of John S. Roberts and 23 other letter carriers and clerks, favoring increase of salaries for railway mail clerks, post-office clerks, letter carriers, and rural delivery carriers; to the Committee on the Post Office and Post Roads.

Also, petition of J. S. Reese, C. E. Doughty, and A. H. Mc-Farland, all of Needles, Cal., protesting against House bill 19730, the Adamson bill; to the Committee on Immigration

and Naturalization.

Also, petition of A. M. S. Wright, secretary Alpine Booster Club, Alpine, Cal., favoring appropriation of \$300,000 for Yosemite Park, enlargement of Sequoia National Park, and creation of Grand Canyon National Park; to the Committee on the Public Lands.

Also, petition of B. E. Tarver, Santa Ana, Cal., protesting against passage of Federal emergency revenue measure in present form; to the Committee on Ways and Means.

Also, petition of Homer W. Sumption, executive secretary chamber of commerce, San Diego, Cal., favoring Borland daylight saving bill; to the Committee on Labor.

Also, petition of Norman S. Dayton, Palm Springs, and R. R.

Adams, San Diego, Cal., protesting against postal rates on second-class matter according to zone system; to the Committee on

the Post Office and Post Roads.

Also, petition of W. R. Robers, president, and R. H. Gunnis, secretary, San Diego Clearing House Association, and F. J. Belcher, jr., First National Bank, San Diego, Cal., favoring House bill 17606, the Kitchin bill; to the Committee on Banking

Also, petition of Grant M. Webster, secretary pro tempore San Diego County Single Tax Society, San Diego, Cal., protest-ing against Senate bill 3331 and House bill 408; to the Committee on Interstate and Foreign Commerce.

Also, petition of F. H. Donald, San Marcos, Cal., favoring safety-first bill; to the Committee on Interstate and Foreign

Commerce.

By Mr. MEEKER: Petition of St. Andrew's German Evangelical Church, of St. Louis, Mo., in favor of supporting the President in his efforts to bring about peace among the belligerents abroad: to the Committee on Foreign Affairs.

By Mr. NORTON: Petition of Jacob Rothschiller, president German Alliance of Gladstone, N. Dak., asking Congress to submit question of declaring war against Germany to vote of people of United States; to the Committee on Foreign Affairs.

My Mr. OAKEY: Memorial of sundry citizens of Hartford, Conn., favoring woman-suffrage amendment; to the Committee

on the Judiciary.

By Mr. RAKER: Memorial of San Diego (Cal.) Bar Associa-tion, urging increase in salaries of United States circuit and district judges; to the Committee on Expenditures in the Department of Justice.

By Mr. ROWE: Memorial of Association of Fully Disabled Union Veterans of the Civil War, favoring passage of House bill 14428, to grant increased pensions to those who lost limbs during Civil War; to the Committee on Pensions.

Also, petition of Charles H. Dillon, of Brooklyn, N. Y., favoring passage of House bill 17806; to the Committee on the Post Office

Also, petition of the George H. Gibson Co., of New York City, relative to equalization in the present postage rates for first and second class matter; to the Committee on the Post Office and Post Roads.

Also, petition of Charles S. Davison, of New York City, favoring passage of House bill 20080, migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. SANFORD: Petition of citizens of Albany County,

N. Y., for submission to the States of a national prohibition amendment; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: Petition of First Methodist Church of the city of Pueblo, Colo., favoring prohibitory liquor legislation; to the Committee on Alcoholic Liquor Traffic.

Also, petition of Woman's Christian Temperance Union of West Pittston, Pa., favoring the national prohibition amendment; to the Committee on the Judiciary.

By Mr. SNYDER: Petition of sundry citizens of the thirty-third New York district, favoring prohibition for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of sundry citizens of the thirty-third New York district, against passage of the excise-revenue bill; to the Committee on Ways and Means.

By Mr. STEPHENS: Petition of employees of the Post Office Department, favoring passage of House bill 17806, relative to salaries; to the Committee on the Post Office and Post

By Mr. TEMPLE: Petition of Pigeon Creek U. P., Eightyfour, Pa., urging adoption of a resolution to amend the Federal Constitution, providing that polygamy and polygamous cohabitation shall not exist within the United States or any place subject to its jurisdiction; to the Committee on the Judiciary

By Mr. TINKHAM: Memorial of employees of the Post Office Department, favoring passage of House bill 17806, to increase salaries; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, February 8, 1917.

The Senate met at 11 o'clock a. m.

Bishop Collins Denny, of Richmond, Va., offered the following

prayer:

O thou great and glorious and merciful God, we come to acknowledge our dependence upon Thee for all things. we can not remember all Thy benefits, be so favorable to us, O God, that we may not forget them all. We praise Thee for Thy guidance of our fathers; and now, Lord, we, who are Thy children as well as their children, come to pray Thee that Thy guidance may not depart from us. Especially at this time, O gracious God, give wisdom to those upon whom in Thy providence the guidance of the affairs of this country has fallen.

Upon this Senate, upon the President and all who are in authority grant us, most merciful God, that heretofore having been for so many years kept in the peace which has been Thy gift to us, we may be continued in peace in this country. far off from our homes, from our loved ones, war and all its consequences; and while we know, for Thou hast taught us, that whatsoever a man soweth that shall he also reap, and while our sins have been many, manifold, and heinous, gracious God, visit not on us the legitimate consequences of our own transgressions, but show Thyself merciful to us, and grant us the safe and the honorable way through all the troubles to which we seem to be exposed; and especially grant to Thy servants here that daily blessing which they need to do Thy will. We ask for Jesus' sake. Amen.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll and the following Senators answered to their names:

Martine, N. J. Myers Norris Oliver Page Pittman Poindexter Ransdell Resed Smith, Md. Smith, Mich. Smith, S. C. Bankhead Hughes Husting Beckham Brady James Johnson, S. Dak. Bryan Chamberlain Johnson, S.
Jones
Kenyon
Kirby
La Follette
Lane
Lea, Tenn.
Lee, Md.
Lodge
McCumber
McLean
Martin, Va. Smoot Sterling Chilton Clapp Colt Stone Thomas Thompson Tillman Colt Curtis Fernald Fletcher Gallinger Gronna Harding Hitchcock Reed Robinson Townsend Vardaman Wadsworth Saulsbury Shafroth Sheppard Sherman Smith, Ga. Watson Williams

Mr. JAMES. I wish to announce that the Senator from North Carolina [Mr. Simmons] is absent on official business

Mr. CHILTON. I desire to announce that the Senator from Texas [Mr. Culberson], the Senator from North Carolina [Mr. OVERMAN], the Senator from Tennessee [Mr. SHIELDS], the Senator from Montana [Mr. Walsh], the Senator from Minnesota [Mr. Nelson], the Senator from Connecticut [Mr. Bran-DEGEE], and the Senator from California [Mr. Works] are absent on official business

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the preceding day.

VOTE UPON RESOLUTION RELATIVE TO RELATIONS WITH GERMANY.

Mr. LANE. Mr. President, before I go upon committee work I wish to say that I was not recorded yesterday upon the vote on the resolution of the Senator from Missouri [Mr. Stone], and I wish to announce that I would have voted "nay" had I been

able to secure entrance to this Chamber. It seems that owing to some condition of public affairs at half past 4 o'clock in the day the outside doors here are locked and this body of eminent gentlemen are locked in. I do not know who has taken it upon himself to lock us in or lock us out, and I resent the assumption of power either to lock us in or out.

Mr. GALLINGER. Did the Senator try the door both ways?

Mr. LANE. Yes; I tried it both ways. I was called out and

could not get back in time to vote.

Mr. BANKHEAD. Mr. President, I was absent from the Senate Chamber yesterday for a while on official business, trying to facilitate the report on the Post Office appropriation bill. When I returned to the Chamber the vote had been taken on the resolution offered by the chairman of the Committee on Foreign Relations, Mr. Stone. I desire to state that if present I would have voted for the resolution, and if there is no objection I should like to have the permanent Record show that I so voted.

Mr. GALLINGER. I think that is not allowable under the

rule. I will submit it to the Chair.

Mr. BANKHEAD. I am not going to insist upon it if it is objected to.

The VICE PRESIDENT. This is the only time the Chair

has ever known such request to be made. Mr. GALLINGER. The Senator from Alabama has now put

himself on record as favoring the resolution.

Mr. BANKHEAD. It does not change the result, but I shall not insist upon it.

The VICE PRESIDENT. Let the Journal be read while the

Chair is examining the rule. The Secretary proceeded to read the Journal of the proceedings of the legislative day of Tuesday, February 6, 1917, when,

on request of Mr. Thomas and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. McCUMBER. Mr. President—
The VICE PRESIDENT. Will the Senator indulge the Chair for a moment until the Chair may find out whether the request of the Senator from Alabama can be granted?

Mr. McCUMBER. It was on that that I desired to say a word.

The VICE PRESIDENT. Rule XII provides as follows:

1. When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question, unless excused by the Senate; and no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, but may for sufficient reasons, with unanimous consent, change or withdraw his vote. No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.

It seems to be impossible to permit a vote to be recorded after

the result has been announced.

Mr. GALLINGER. In making the suggestion, I would be very glad to have the Senator's vote recorded, but I knew under the rule it could not be done, even by unanimous consent.

Mr. BANKHEAD. I do not want any violation of the rule or anything of that kind. I thought if permissible I would like to be recorded in the regular way in the permanent RECORD.

Mr. McCUMBER. I simply desire to suggest the inconsistency of having the Record show what the Senator has stated this morning, that he did not vote, and also having it show that he

CONSTRUCTION OF BATTLESHIP (S. DOC. NO. 706).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 3d instant, a statement showing the present status of the appropriation of \$6,000,000 made in the last naval appropriation act, which was referred to the Committee on Naval Affairs and ordered to be printed.

ANNUAL REPORT OF COMPTROLLER OF THE CURRENCY.

The VICE PRESIDENT laid before the Senate the annual report of the Comptroller of the Currency for the year ended October 31, 1916, together with additional data relating to national banks and their operation, which was referred to the Committee on Banking and Currency.

PUBLIC UTILITIES COMMISSION.

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Public Utilities Commission of the District of Columbia, stating that, pursuant to law, the balance sheets for the year ended December 31, 1916, and other information required by the Public Utilities Commission of the various utilities under its jurisdiction have been submitted to the Speaker of the House of Representatives, which was referred to the Committee on the District of Columbia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 1553. An act for the relief of Peter Kenney; S. 2222. An act for the relief of the heirs of Antoine Bayard;

S. 2749. An act for the relief of George L. Thomas; S. 2880. An act for the relief of Martin V. Parmer;

S. 3681. An act for the relief of the owners of the steamship Esparta;

S. 3743. An act to reimburse John Simpson;

S. 5203. An act for the relief of Gardiner L. Eastman:

S. 5985. An act authorizing the Commissioner of Navigation to cause the steamship *Republic* to be enrolled and licensed as a vessel of the United States:

S. 6956. An act to authorize the construction, maintenance, and operation of a wagon bridge across the St. Francis River at a point one-half mile northwest of Parkin, Cross County, Ark.;

S. 6595. An act to reimburse William Blair for losses and damages sustained by him by the negligent dipping of his cattle by the Bureau of Animal Industry, Department of Agriculture; S. 7367. An act to authorize the construction and maintenance

of a bridge across the St. Francis River at or near intersections of sections 13, 14, 23, and 24, township 15 north, range 6 east, in Craighead County, Ark.;

S. 7556. An act to grant to the Mahoning & Shenango Railway & Light Co., its successors and assigns, the right to construct, complete, maintain, and operate a combination dam and bridge and approaches thereto across the Mahoning River, near the borough of Lowellville, in the county of Mahoning and State of

S. 7713. An act granting to the city and county of San Francisco, State of California, a right of way for a storm-water relief sewer through a portion of the Presidio of San Francisco Military Reservation; and

S. 7924. An act authorizing the county of Beltrami, Minn., to construct a bridge across the Mississippi River in said county.

The message also announced that the House had passed the bill (S. 5632) for the relief of Aquila Nebeker with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 1878) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883. and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the

H. R. 1869. An act for the relief of Reuben Sewell;

H. R. 6207. An act for the relief of Isabel E. Rockwell;

H. R. 9402. An act for the relief of Sylvester Hannan, alias Henry Edwards;

H. R. 11498. An act making an appropriation to compensate James M. Moore for damages sustained while in the service of the Government of the United States;

H. R. 12317. An act for the relief of Stephen J. Haff;

H. R. 14763. An act for the relief of Charles Lynch;

H. R. 15852. An act for the relief of Allen Hyatt;

H. R. 15999. An act for the relief of Asbury Scrivener; H. R. 16407. An act for the relief of J. L. Bonner;

H. R. 16827. An act for the relief of Henry P. Grant, of Phillips County, Ark.;

H. R. 16855. An act for the relief of Riverside Military Academv:

H. R. 17305. An act for the relief of William I. Wood;

H. R. 17406. An act for the relief of Eugene Fazzi;

H. R. 17411. An act for the relief of William H. Keys; and

H. R. 19978. An act for the relief of Janua Stoppels.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and

they were thereupon signed by the Vice President:
S. 1740. An act to repeal an act entitled "An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes," approved June 7, 1912, and to revoke the grant made

S. 5082. An act adding certain lands to the Missoula National Forest, Mont.;

S. 5014. An act to amend section 1 of the act of August 9, 1912, providing for patents on reclamation entries, and for other

S. 7779. An act to authorize the change of name of the steamer

Frank H. Peavey to William A. Reiss;

S. 7780. An act to authorize the change of name of the steamer Frank T. Heffelfinger to Clemens A. Reiss

S. 7781. An act to authorize the change of name of the steamer

George W. Peavey to Richard J. Reiss;

S. 7782. An act to authorize the change of name of the steamer

Frederick B. Wells to Otto M. Reiss; H. R. 1609. An act for the relief of S. L. Burgard;

H. R. 6732. An act for the relief of Joseph A. Jennings;
 H. R. 7763. An act for the relief of Stephen J. Simpson;
 H. R. 11150. An act for the relief of mail contractors;

H. R. 11288. An act for the relief of S. S. Yoder; H. R. 11685. An act for the relief of Ivy L. Merrill; and H. J. Res. 230. Joint resolution authorizing the National Society United States Daughters of 1812 to file its historical ma-

terial in the Smithsonian Institution and to make annual reports to the secretary thereof.

PETITIONS AND MEMORIALS.

Mr. SMITH of Michigan. Mr. President, this is not an ordinary protest to which I wish to call the attention of the Senate. I have an important telegram here from the president of the National Dairy Union of the United States, dated Lansing. Mich., in which he says:

LANSING, MICH., February 6, 1917.

Hon. WILLIAM ALDEN SMITH, Washington, D. C.:

I understand Senator Underwood offered an amendment to the revenue bill taxing oleomargarine 2 cents per pound and allowing it to be colored. Will you not do your utmost to protect the dairy interests of Michigan against having to compete with this cheap substitute colored to counterfeit gennine butter.

N. P. Hull. President National Dairy Union.

Mr. President, I am going to ask that this telegram be referred to the Committee on Finance, and I desire to supplement what Mr. Hull has said and express the hope that there will be no backward step taken in the matter of the regulation of the manufacture and sale of oleomargarine. It ought at no time to be permitted to compete with butter as such, and I hope we shall have full opportunity to discuss this proposed change of

The VICE PRESIDENT. The telegram will be referred to

the Committee on Finance.

Mr. THOMAS subsequently said: Mr. President, the junior Senator from Alabama [Mr. Underwood] was absent when the Senator from Michigan [Mr. SMITH] introduced a telegram from the National Dairy Union. I merely wish to say that the amendment which the Senator from Alabama has offered is being considered and that there will be abundant opportunity to discuss its merits when we come to consider the revenue bill.

Mr. McCUMBER. I present two resolutions emanating from German-American societies asking that the question of war

should be submitted to a referendum of the people.

I also present a resolution adopted at a mass meeting of citizens of Hebron and vicinity, N. Dak., to the same effect. I ask that the resolutions may be printed in the RECORD, without the names. They are very short.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed

in the RECORD, as follows:

HEBRON, N. DAK., February 6, 1917.

Hebron, N. Dak., February 6, 1917.

Hon. Porter J. McCumber, Washington, D. C.:

At a mass meeting of citizens of Hebron and vicinity the following resolutions were unanimously passed:

"Whereas the United States of America with profound regret looked upon the useless and insane sacrifices of life and property caused by the European war, which threatens the destruction of all nations involved; and

"Whereas it always was the intention of the United States of America to further permanent peace between all nations; and

"Whereas we believe that the majority of the citizens of the United States of America wish and fervently pray that the terrible destruction, loss of life, and misery connected with modern warfare be kept away from our homes. Now, therefore, be it

"Resolved, The t the question of war and peace be submitted to

"Resolved, That the question of war and peace be submitted to referendum of the people who will be called upon in case of war to carry the main burden."

FRED LEUTZ. Chairman.

FREDONIA, N. DAK., February 7, 1917.

P. J. McCumber, Washington, D. C.:

The following resolution adopted by our local meeting respectfully submitted with request you and Representative Young put same before your body.

Whereas the country has severed relations with Germany and Congress is at present studying the question of declaring war, then, therefore, we, as a community of people and citizens of United States, request that Congress submit the question of declaring war to a referendum before action is taken.

Jacob Hoffer, S. G. Wittmayer, Wm. Jans, Fred Marx, F. G. Wolf, Michael Gittel, Christ Kinseler, Jacob Ruff, W. J. Hellwig, B. C. Hellwig, Alfred Kreuger, Edward Hellwig, Gust D. Laut, J. J. Meldanger, H. D. Jonas, F. Kurtz, F. Miller, jr., D. D. Haag, G. Buerkle, A. Schlenker, D. Flaig, C. J. Johnson, Jacob Flaig, A. Kusler, Albert Karrovan, M. Holman, F. Geisler, G. Weispfenning, T. J. Jonas, John Miller, Christ Eszlinger, Wm. H. Hiller, John Gutschmidt, R. Ruff, Karl Bower, John Kuhler, Jacob Fuchs, Henry Kuhler, Adam Olke, Adam Hoffman, Henry Gohring, Gust Wittmayer, John Fuchs, Jacob Lippert, Andrew Schlapph, Christ, Labrenz, John Freign, Loule Holman, Olaf Holman, M. Johnson, Lue Nyland, Fred Miller, Jacob Miller, John Lautt, K. A. Krueger, John Buerkle, Dan Hoff, John Wolf, Sam Labrenz, Jacob Mayer, E. W. Orley, Karl Schlecht, Frank Stalker, E. C. Krueger, S. G. Meske, Wm. Pruetz, Martin Suko, G. Gieser, F. G. Gieser, Henry Bentz, Fred Grueich, Albert Holman, Einer Johnson, Fred Reumin, Rud. Schultz, Fred Sukut, Emil A. Miller, Fred Widmaier, Arnold Gutschmidt, Ed. Ensslen, Fred Grabau, Christ, Hiller, John Eszlinger, A. J. Meidinger, Fred Schlenker, Geo, Lautt, Dan Lautt, Karl Gohring, F. Wolf, Simon Pokert, Jacob Krueger, Henry Wolff, Gottlieb Jancke, Sam Freigin, Christ, Bentz, Bernhard Hellwig. (Sig.) Witmayer, President Deutscher Bund.

GLADSTONE, N. DAK., February 6, 1917.

P. J. McCumber, United States Senate, Washington, D. C.:

I respectfully urge upon you the wishes of 10,000 members of this organization and citizens of North Dakota to submit question of declaring war to a referendum.

JACOB ROTHSCHILLER, President German Alliance.

Mr. CHILTON. Day before yesterday the legislature of West Virginia adopted resolutions concerning the present foreign situation, and I should like to have the resolutions, as they are short, read. I desire further to state that they received the unanimous vote of both Houses, except one man, and he would hardly count under the conditions, as he has been both a Democrat and a Republican.

There being no objection, the resolutions were read, as fol-

House joint resolution No. 13, indersing the course of the President of the United States in severing diplomatic relations with the Imperial German Government.

German Government.

Be it resolved by the House of Belegates of West Virginia, the Senate concurring therein:

First. That we, the Legislature of West Virginia, deeply deploring the international crisis that has called it forth, hereby express our hearty approval of the course pursued by President Wilson and the Department of State at Washington in severing diplomatic relations with the Imperial German Government, following its note of January 31 repudiating the pledges heretofore given to respect the lives and property of American citizens and to insure the freedom of the seas. Believing that to submit to a violation of the fundamental rights involved would bring lasting humiliation and a loss of self-respect, we indorse the clear and patriotic declaration by the President of a fixed purpose to invoke the power of the Nation to maintain our honor and independence as a sovereign people. In an hour like the present our usual personal and party differences are leveled before an exalted patriotism; and to maintain its rights and sacred henor among the nations of the earth we pledge to our Government the united support of the people of the St. The course of the resolution duly and the proper of the people of the people

Virginia. Secon Second. That a copy of this resolution, duly authenticated, be sent to the President of the United States and a copy to each of our Representatives in the Congress of the United States, with the request that they communicate the same to their respective Houses.

Mr. SMITH of Maryland. I desire to have read a telegram which I have received from the Board of Trade of Hagerstown, Md. I will also state in this connection that I have received some 40 or 50 telegrams from various corporations and co-partnerships indorsing the position taken in the telegram which is now presented by me to the Senate.

There being no objection, the telegram was read and referred

to the Committee on Finance, as follows:

HAGERSTOWN, Mr., February 6, 1917.

Senator John Walter Smith, Washington, D. C.:

Washington, D. C.:

Washington, D. C.:

The Board of Trade of Hagerstown at a largely attended meeting passed a resolution recognizing the need for large revenues for the Army, Navy, and fortifications, but emphatically protesting against the form of legislation proposed in H. R. 20573 as being discriminatory in character and wrong in principle and urging you to oppose its passage in the Senate; but should a bill based on the principle of this one be inevitable, then urging you to insist upon such amendments as will make no discrimination in favor of personally conducted business as distinguished from corporations and partnerships.

Hagerstown Board of Trade,
H. Lionel Meredith, President.

Mr. SHIELDS. I present various telegrams and letters pro-testing against the tax imposed on excess profits of insurance companies in the revenue bill recently passed by the House, which I ask to have printed in the RECORD without reading.

There being no objection, the telegrams and letters were ordered to be printed in the RECORD, as follows:

COMMERCIAL CLUB OF NASHVILLE, Nashville, January 25, 1917.

Hon. JOHN K. SHIELDS, Washington, D. C.

Hon. John K. Shields, Washington, D. C.

Dear Mr. Shields: We wired you to-day as follows:

"The board of governors of the Commercial Club of Nashville earnestly request your support against the proposed surtax on incomes of certain corporations and partnerships."

And confirming same will say the board of governors at a called meeting held yesterday afternoon to hear a report from the special committee appointed to investigate the proposed legislation in regard to an increase of tax on incomes of certain corporations and partnerships, and submit copy of their report:

"Your committee appointed to consider the measure now pending before the Ways and Means Committee of Congress to assess a surtax of 10 per cent on incomes of certain corporations and partnerships beg leave to report:

"We are of the opinion that this tax is excessive, is discriminatory, and is unjust, and that it should be heartly opposed by the Commercial Club, and we recommend that the secretary of the club be instructed to send a telegram to the Senators and Members of the House of Representatives from this State at Washington, expressing our opposition."

"V. S. Tupper,

"V. S. TUPPER,
"WATKINS CROCKETT,
"V. J. ALEXANDER,
"Committee."

The board unanimously indorsed this report, and I trust that you will concur in our judgment in the matter.

Please let us hear from you in regard to this, and oblige,
Yours, very truly,

W. R. MANIER, Secretary.

CHATTANOOGA, TENN., February 5, 1917.

Chattanooga, Tenn., February 5, 1917.

Hon. J. K. Shields, Senator,

Washington, D. C.

Dear Sir: The Chattanooga Manufacturers' Association, composed of 140 of the leading manufacturers located at and doing business in Chattanooga, Tenn., at a meeting held Friday, February 2, 1917. unanimously went on record as being opposed to the passage of bill H. R. 20573, now before the House.

The members of this association are all now bearing tremendous tax burdens which are proportionately larger than other business interests. We are always willing to support any movement tending to national advancement, but this proposed bill leaves no room to doubt that it is time to call a halt.

Government revenues must be obtained, and there is no disposition to question taxes for legitimate necessities, provided everyone bears their equitable proportion. The manufacturers feel that they, as a body, are now paying the Federal Government a fair proportion of their net earnings, yet the aforesaid bill proposed to further burden them by an additional tax of 8 per cent on capital computed on money actually invested, property used, and surplus and undivided profits. This is almost bordering on confiscation.

Can we not expect your cooperation in opposing the passage of the above measure? We will certainly appreciate your assistance.

Very respectfully,

Chattanooga Manufacturers' Association, By W. E. Brock,

JOHN STATMAIN,

JOHN J. MAHONEY.

P. S.—We also want to call your attention to the fact that in the average manufacturing business every year is not always closed with

P. S.—We also want to call your attention to the fact that in the average manufacturing business every year is not always closed with a profit. The average is only one out of three when any money is made. The past year is the only one in almost five where the manufacturer has made any clear money, and the Government ought not unduly tax such earnings, but instead should seriously take into consideration the handicap under which the manufacturer has labored and under which he has kept his business from becoming demoralized..

CHATTANOOGA, TENN., February 6, 1917.

Hon. John K. Shields, United States Senator, Washington, D. C.:

We enter our protest against tax on excess profits.
UNITED HOSIERY MILLS.

MEMPHIS, TENN., February 5, 1917.

Senator John K. Shields, Washington, D. C.

Dear Sir: The writer has read with a great deal of interest the inclosed clipping from the Commercial Appeal, and hope that you will be able to have substituted an increased tax on cigars, cigarettes, and whisky in lieu of the proposed tax on profits.

As it is now, we are paying a corporation tax and income tax, and it hardly looks right that we should pay, in addition, a tax on profits, which is certainly the same as income.

Any efforts you may use toward avoiding this will certainly be very much appreciated by,
Yours, very truly,

R. S. BRYAN.

NASHVILLE, TENN., January 25, 1917.

Hon. JOHN K. SHIELDS, Washington, D. C .:

The board of governors, Commercial Club of Nashville, earnestly request your support against the proposed surtax on incomes of certain corporations and memberships.

COMMERCIAL CLUB OF NASHVILLE, W. R. MANIER, Secretary.

WINSTON-SALEM, N. C., January 25, 1917.

Senator JOHN K. SHIELDS, Washington, D. C.:

I explained to Congressman Hull yesterday, submitting figures, that proposed excess-profits law imposes burden on companies with legitimate capitalization and relieves the companies with watered stock and inflated values to flat bonds, etc.—the companies, in the minds of legislators, it will pay to tax. Please consider carefully. It looks like a political blunder is about to be made.

H. H. SHELTON.

Senator John K. Shields,

Washington, D. C.:

Morristown Board of Trade and affiliated organizations unanimously opposed to terms of Kitchin revenue bill, H. R. 20573, and urge your best efforts for the defeat of measure, which will impose unreasonable and unbearable burdens on business interest of Nation.

F. A. Witt, President.

F. Roger Miller, Secretary.

NATIONAL LIFE INSURANCE CO., Chattanooga, February 5, 1917.

NATIONAL LIFE INSURANCE Co.,

Chattanooga, February 5, 1917.

Hon. John K. Shields,

United States Senate, Washington, D. C.

My Dear Senator: I have been informed that the Democratic House caucus has ratified the provisions of the proposed Federal emergency revenue measure, which applies to all life insurance companies except those doing the business of life, health, and accident insurance combined in one policy, issued on the weekly payment plan.

The tax imposed by the proposed act is computed as follows: From the amount of the taxable income as reported under the Federal incometax law deduct \$5,000, also 8 per cent of the company's paid-in or earned surplus and undivided profits. The remainder, called excess profits, is taxed at the rate of 8 per cent.

In approving this measure the Democratic House caucus seem to have overlooked several fundamental facts; first, over 70 per cent of the life insurance in the United States is mutual; second, including participating business of the stock companies, over 86 per cent of all the life insurance policies are participating; third, the burden of all taxes upon income life insurance funds falls upon the individual policyholder.

The bill exempts industrial insurance where the life-policy holder is insured also against sickness and accident, but takes the industrial-policy holder who insures his life only for the benefit of his family.

The average size of the ordinary life insurance policy in the United States has decreased from \$2,580 in 1894 to \$1,850 in 1915, showing that the 7,000,000 ordinary-policy holders of the United States on whom the proposed tax would fall are providing only this modest sum for their dependents. The 25,000,000 industrial-policy holders, who would also be taxed, are providing \$134 each for their families.

This company has never waged any campaign against the taxation of life insurance as at present conducted, but the proposed measure seems to be unwarranted and economically unsound, as this extra tax will, of course, be taken out of the p

THE VOLUNTEER STATE LIFE INSURANCE Co., Memphis, Tenn., January 31, 1917.

Senator J. K. Shields, Care Senate, Washington, D. C.

DEAR SIR: I have just been informed that on the night of the 26th instant the Democratic House caucus at Washington resolved to place a large additional tax on life insurance companies to be computed as follows:

From a recent of taxable insurance.

a large additional tax on life insurance companies to be computed as follows:

From amount of taxable income as reported under Federal income-tax law, deduct \$5,000; also 8 per cent of your paid-in capital and paid-in or earned surplus and undivided profits. The remainder, called excess profits, is taxed at the rate of 8 per cent.

The Volunteer State Life Insurance Co. for the past year paid \$12,513.46 in Federal and State taxes and fees. All life insurance companies are now undergoing tremendous taxation, and all these taxes must finally be paid by the policyholder. Less than 10 per cent of the taxes collected from life insurance companies is now used for the supervision of the life insurance business. The money invested by policyholders in life insurance policles is for the protection of their dependents, and there is no more reason for placing excessive taxes on the funds invested in life insurance than there is for the placing of excessive taxes on deposits in savings banks.

Increasing the burdens of men who are attempting to provide for their dependents should be opposed, and this is to urge that, as our representative from this State, you should do this. We will appreciate any interest that you may take in the matter. I am,

Yours, very truly,

J. M. Smith, General Agent.

J. M. SMITH, General Agent.

NEWPORT, TENN., January 31, 1917.

Judge John K. Shields, Senate Chamber, Washington, D. C.

Senate Chamber, Washington, D. C.

MY Dear Sir: I am writing you in regard to the proposed legislative action which proposes to place a large additional tax on life insurance companies. I beg to say that, in my judgment, life insurance companies are now heavily and unnecessarily taxed and no further burden should be placed on them. The money invested by policyholders in life insurance policies is for the protection of their dependents, and there is no more reason for placing excessive taxes on funds invested in life insurance than there is for placing excessive taxes on deposits in savings banks, etc. I want to urge on you to oppose this proposed legislation in the interests of the dependent families of the country. There is no justice in increasing the burdens of the men of this country who are attempting to provide a fund for their dependents. I hope you will look fully into this matter, and when you do I believe you will find what I say herein correct; and I trust you will then find it within the line of your official duty to oppose this proposed legislation.

With regards, I am,
Yours, very truly,

W. O. Mims.

NASHVILLE, TENN., January 31, 1917.

NASHVILLE, TENN., January 31, 1917.

Washington, D. C.

Dear Senator: I understand the Democratic House caucus, of Washington, D. C., has recommended large additional tax on life insurance companies. I hope you will be in position to oppose this measure, as I now think life insurance companies, especially in Tennessee, are paying their proportional part of taxes. If this increase in taxation is made, the common people or the policyholders will be the sufferers therefrom. Hoping you see your way clear to oppose this measure, I remain, Yours, very truly,

W. R. MILLER.

W. R. MILLER.

NASHVILLE, TENN., February 6, 1917.

Hon. J. K. SHIELDS, Washington, D. C .:

To include mutual life insurance companies in proposed Federal emergency revenue bill would impose a most inequitable and unjust and oppressive tax on the policyholders. A tax, as I understand, without precedent. We trust you will oppose and defeat any effort of that character.

T. W. WRENNE.

CLARKSVILLE, TENN., January 31, 1917.

CLARKSVILLE, TENN., January 31, 1917.

Hon. John K. Shields,
United States Senate, Washington, D. C.

Dear Sir: In re additional tax on life insurance companies:
As a stockholder and policyholder in the Volunteer State Life Insurance Co. of Tennessee, I beg to call your attention to proposed increase in taxation now pending on such institutions, and ask that you give your careful ad favorable attention in seeing that no adverse legislation is enacted to the detriment of our young and growing home institution.

stitution.

For example, this company for the past year paid \$12,513.46 in Federal and State taxes and fees. All life insurance companies are now undergoing tremendous taxation, and all these taxes must finally be paid by the policyholder. Less than 10 per cent of the taxes collected from life insurance is now used for the supervision of the life insurance business. The money invested by policyholders in life insurance policies is for the protection of their dependents, and we trust that no additional burden will be placed on an institution which we are building up, and which we hope to make of great benefit to this section of our country.

I am, yours, very respectfully,

GRACEY CHILDERS.

GRACEY CHILDERS.

THE VOLUNTEER STATE LIFE INSURANCE COMPANY, Chattanooga, Tenn., January 30, 1917.

Senator John K. Shields, Washington, D. C.

Washington, D. C.

Dear Sir: We have just received information that the Democratic House caucus at Washington has recently resolved to place a large additional tax on life insurance companies, to be computed as follows:

From amount of taxable income as reported under Federal incometax law deduct \$5,000; also 8 per cent of your paid in capital and paid in or earned surplus and undivided profits. The remainder, called excess profits, is taxed at the rate of 8 per cent.

All life insurance companies are now undergoing tremendous taxation and all these taxes must finally be paid by the policyholder, as the companies are in such keen competition for business that their net cost of insurance to the policyholder is as low as the companies can make it and continue to do business. This company, for instance, which has paid scarcely any dividends to its stockholders, and which was organized in 1903, paid during the past year \$12,513.46 in Federal and State taxes and fees. Less than 10 per cent of the taxes on life insurance is used for the supervision of the life insurance business; in other words, more than 90 per cent of the taxes now collected from life insurance companies is used merely to produce revenue and has nothing whatever fo do with the life insurance business.

The money invested by policyholders in life insurance policies is for the protection of their dependents when the breadwinners have passed away. There is really less reason for placing an excessive tax on the funds invested in life insurance than there is for placing excessive taxes on deposits in savings banks.

I believe investigation will show that the United States is the only country in the world that has legislation in force through its Federal and State Governments by which is increased the financial burden of the man who attempts to care for his dependents by life insurance protection.

We earnestly urge that you will carefully investigate this proposed

tection.

We earnestly urge that you will carefully investigate this proposed legislation, for we believe that as a result of such investigation you will promptly and actively oppose the proposed legislation.

Yours, truly,

Vice President and General Manager.

Soddy Local Union No. 890,
UNITED MINE WORKERS OF AMERICA,
Resolved, That the United Mine Workers of America call upon the
State and Federal Governments to ascertain the cause or causes of
this extraordinary increase in the cost of living and to take such
action, through the machinery of Government or by the passage of
legislation, as will prevent speculation in foodstuffs and reduce the
cost of living to a normal basis; and, be it further

Resolved, That we favor the placing of an embargo upon the exportation of wheat and other foodstuffs, if other means or measures can
not be found by which the present menacing high cost of living can
be reduced to a normal basis; and, be it further

Resolved, The Local Mine Workers No. 890 forward same to their
Representatives in the Congress of the United States, and to the governor of their State.

ALF MARTIN, President. W. R. PARTON, Secretary.

Mr. PAGE. As reflecting the sentiment of Vermont touching the grave situation that confronts us, I send to the desk and ask to have read a resolution passed by the Joint Assembly of Vermont, the legislature of that State being now in session. The resolution is very brief, and I hope that the Senate will give it attention.

The VICE PRESIDENT. The Secretary will read as re-

quested.

The Secretary read as follows:

The Secretary read as follows:

Resolved by the senate and house of representatives—

Whereas in the opinion of the General Assembly of the State of Vermont, the President of the United States has exhausted every honorable means to preserve the honor and integrity of this Nation, and has deemed it necessary on account of the persistent and long-continued violation by the German Government of the fundamental principles of international law and of the principles of common hu-

manity, to sever diplomatic relations with the Government of Germany: Therefore, be it

many: Therefore, be it

Resolved, That the State of Vermont, by the vote of its general assembly now in session, hereby assures the Federal Government of its firm and unwavering support at this critical time in the world's history, and that it is the sense of the general assembly that this State proceed at once to the adequate preparation for any emergency that may arise, so that it may respond to any call that may be made upon it by the Federal Government.

Resolved, further, That the secretary of state be, and hereby is, instructed to send to the President of the United States a duly attested copy of this resolution.

Mr. PACE. I have received a telegraph from the macters of

Mr. PAGE. I have received a telegram from the master of the State Grange of Vermont, in which he protests against the passage of the Underwood amendment, reducing the tax on colored oleomargarine from 10 cents per pound to 2 cents per pound. I ask to have the telegram referred to the appropriate committee.

The VICE PRESIDENT. The telegram will be referred to

the Committee on Finance.
Mr. SHERMAN. Mr. President, from among several hundred communications upon the same subject I have selected two which I desire to present. The first is from the Illinois Bankers' Association, protesting against the proposed excess profits tax applying to the banks in the United States, which are already, says the communication, paying from three to four taxes. I ask to have the communication printed in the RECORD.

There being no objection, the communication was referred to the Committee on Finance and ordered to be printed in the

RECORD, as follows:

ILLINOIS BANKERS' ASSOCIATION, CHICAGO, February 6, 1917.

ILLINOIS BANKERS' ASSOCIATION,
CHICAGO, February 6, 1911.

Hon. Lawrence Y. Sherman,
The Senate, Washington, D. C.

Dear Sir: While we are all moved by patriotic impulses, it is exceedingly difficult to question the methods employed for imposing Federal taxation. Perhaps the probability that very heavy taxes will soon be required, makes it even more important to consider the principles upon which the taxation is based.

On January 24 we sent a letter to our members regarding the new excess-profits tax, and have secured the cooperation of other associations in urging that it is unjust and un-American to levy the third direct tax on the same small group of interests, when the rest of the public is not bearing any portion of the burden.

We are to-day advised that the national counselors, at the annual meeting of the Chamber of Commerce of the United States, took exception to the manner of levying the tax proposed in the bill in the House. As the chamber is very conservative in its action, I think it is certainly safe to be guided by the opinion expressed by it.

There is a distinct opportunity for the Members of Congress to perform a great service by having Federal taxation, proceed along the right lines, and I feel confident you will be interested in opposing a drift in affairs which is dangerous, to say the least.

Yours, very truly,

R. L. Crampton, Secretary.

R. L. CRAMPTON, Secretary.

THE PROPOSED NEW TAX ON PROFITS OVER 8 PER CENT FURTHER VIOLATES AMERICAN PRINCIPLES.

ILLINOIS BANKERS' ASSOCIATION, Chicago, January 24, 1917.

To the MEMBERS OF THE ASSOCIATION:

The administration party leaders are reported as fully approving an amendment to the Federal internal-revenue act, providing for a tax of 8 per cent on net income in excess of 8 per cent on capital computed on money actually invested, property used, and surplus and undivided profits of every corporation, joint-stock company, association, insurance company, and partnership whose net income amounts to \$5,000 or more. The tax not to attach to incomes derived from agriculture or solely from personal services.

Under the terms of the proposed bill capital invested is said to include: (1) Cash pald in, (2) actual value of property at time of payment other than cash paid in, and (3) surplus and undivided profits used or employed in the business. Increases are also proposed on inheritances and other items.

This information is from telegraphic advices, as copies of the new revenue bill are not available. It has been passed upon favorably by the subcommittee, and was before the Ways and Means Committee of the House yesterday, and is being considered to-day by the House caucus of the majority Members, after which it will be reported formally. We are advised that passage of the bill will then undoubtedly be expedited in the House, possibly coming to a final vote before the end of next week.

It is apparent that we are complacently passing through a period of silent revolution, which is remorselessly continuing a steam-roller process of attempting to bring successful business concerns down to the level of the mediocre through adding more tax burdens on wisely managed enterprises.

As an illustration of how the proposed tax will work, a bank or other business, with a capital of \$50,000, surplus and undivided profits of \$10,000, which earns 20 per cent net on its capital, or \$10,000 a year, would be entitled to a deduction of 8 per cent on the capital and surplus amounting to \$60,000, or \$4,800, leaving the difference between this amount and \$10,000, or \$5,200,000 undial, would pay \$4,160 and one of \$5,000,000, \$41,600. (All

third direct Federal tax leaves no room to doubt that it is time to call a halt. Government revenues must be obtained, and there is no disposition to question taxes for legitimate requirements if imposed equitably in accordance with principles which conform to the spirit of American institutions.

in accordance with principles which conform to the spirit of American institutions.

Direct Federal taxation has so recently been instituted, and has met with so little objection on the part of about 7 per cent of the population now furnishing the Government with revenue aggregating \$131,545,380, that we are apparently losing all thought of reasonable equality in taxation, and deliberately entering a new and pernicious era of "special privilege" and exemption for the great mass of the citizenship.

While fully admitting the social justice of a graduated tax on incomes, it seems manifestly unfortunate, if not indefensible, in both an economic and a political sense to wholly relieve more than nine-tenths of the voters, who theoretically are responsible for the imposition of the tax, from bearing some part of their proportionate share, even if the amount realized from each would be very small. Such contact with the revenue department of the Government is necessary to insure the practice of administrative economy and a reasonable consciousness of the obligations of citizenship. In England before the great war all incomes over £100 were taxed.

Industries concerned as to the threatened flood of foreign goods after the war, resulting in overproduction, idle mills, panic, and depression, have hoped that immediate consideration would be given to protective measures through a revision of the Underwood Act, such as is believed would, with existing direct taxation, produce adequate revenues, notwithstanding the present curtailment of imports, and that the proposed bond issue, covering the expense of mobilization on the Mexican border, would carry us through without establishing any more doubtful precedents as to direct taxation. While not offering this as a suggestion, we most emphatically believe that the proposed program is along the wrong lines.

The writer feels that the officers of our member banks should get in touch with the husleness men in their communities at once and give full.

most emphatically believe that the proposed program is along the wrong lines.

The writer feels that the officers of our member banks should get in touch with the business men in their communities at once and give full consideration to the entire subject. Let us not be charged with the worst possible error—that of taking the easiest way in this matter instead of standing up for the principles which, if disregarded, will result in our being carried into very dangerous channels.

Having secured an entering wedge, our Representatives in Congress appear willing to drive it further and further between the majority and the minority of the population, separating them still more instead of attempting to bring them together for copperation leading toward national efficiency.

The experience of the belligerent nations has proved that service must be universal, whether at the front, in the factory, or in the counting room. This is the world's new conception of democracy for peace and war. It is a step backward for a few to pay all the cost of government. We are losing the essence of Americanism and bringing about representation without taxation, which is as repugnant as would be the right of a few to support the Government and to dominate it.

"There is need for sound public opinion, for sound political judgments, and our future for many years to come will be governed by the soundness of the public mind and governmental actions in the next score of months. We must awaken men to the patriotic need for giving the best there is in us to the end that the national answer which will be made to the many questions the world is asking, shall be the right answer."

We urge you to do your part promptly. Stand up for principle even if you happen to be exempt. Write your Congressman upon receipt of this. An insidious evil is creeping into our national life; ask others to help prevent it. Please get general local cooperation.

We are advised that the Chicago Clearing House Association will wire strongly protesting against this further

We believe the serious and perhaps unconscious drift of affairs in Congress makes it unnecessary to apologize for the longest letter ever sent the membership. It would have been easier merely to request the members to wire protests against the proposed new iniquitous tax, but it is important that our members begin earnestly to study political economy and endeavor to help form a sound national policy.

Yours, very truly,

RICHARD L. CRAMPTON, Secretary.

P. S.—Some of the internal-revenue collectors in Illinois have sent our member banks forms upon which to file returns as brokers and pay a tax of \$30. We feel quite sure this is incorrect, and have written the commissioner in Washington for decision regarding it.

Mr. SHERMAN. I also present from the Northwestern Mutual Life Insurance Co., of Milwaukee, Wis., through their general agent at Chicago, Ill., a protest against the proposed tax on mutual life insurance companies in the pending revenue measure. Annexed to that, and as a part of it, is an article by John Barnes, general counsel of the Northwestern Mutual Life Insurance Co., both of which communications I ask to have printed in the Record without reading.

There being no objection, the communications were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

THE NORTHWESTERN MUTUAL LIFE INSURANCE Co., Chicago, February 6, 1917.

Chicago, February 6, 1917.

Hon. Lawrence Y. Sherman,
United States Senate, Washington, D. C.

Dear Sir: The 'emergency-revenue measure now pending in the Senate does not exempt from the excess-profits tax mutual life insurance companies. On behalf of the 12,000 Chicago policyholders in the Northwestern Mutual Life Insurance Co., of Milwaukee, we write to ask you to use your best efforts to secure an exemption for mutual life insurance companies from this tax. You have long been such a friend of sound life insurance that we feel that further explanation to you is unnecessary. We, however, inclose copy of protest prepared by John Barnes, counsel for the Northwestern Mutual Life Insurance Co., which covers the subject.

We also inclose copies of telegrams sent to various Members of the liouse by Messrs. Fred W. Upham, Alexander A. McCormick, John E. Wilder, Edwin W. Sims, and William L. O'Connell, chairman of the Illinois Public Utility Commission, Unfortunately these telegrams did

not reach the men to whom they were sent until after the bill had been reported out of committee.

Very truly, yours,

HOBART & OATES,

HOBART & OATES, General Agents.

THIS PROTEST AGAINST IMPOSING AN EMERGENCY TAX ON MUTUAL LIFE INSURANCE COMPANIES (SEC. 201, H. R. 20573) IS RESPECTFULLY SUBMITTED BY THE NORTHWESTERN MUTUAL LIFE INSURANCE CO.

(This section proposes to increase our tax from 2 per cent to 10 per cent on all net income over \$5,000.)

MITTED BY THE NORTHWESTERN MUTUAL LIFE INSURANCE CO.

(This section proposes to increase out tax from 2 per cent to 10 per cent on all net income over \$5,000.)

Our company makes no profits. It furnishes insurance at cost. Recause it charges a level premium, such premium must be high enough to provide for unusual contingencies. Otherwise, when they were met we would become insolvent. Our stipulated premium is in excess of normal requirements, but such excess is returned as so-called dividends. Dividends in Hife insurance parlance means the return of excess premium collected. (Mutual Benefit v. Herold, 198 Fed., 199; S. C. in Court of Appeals, 201 Fed., 191; S. C. in U. S. ND, Ct., 231 U. S., 755; Conn. Mutual Life Ins. Co. v. Eaton, 218 Fed., 208; Conn. General Life Ins. Co. Commonwealth v. Metropolitan, 98 Atl., 1072; New York Life Charve, 198 Atl., 1074; New York Life Charve, 198 Atl., 1074;

equal or greater force to mutual fifte insurance companies. This proposed increase in taxes is largely a tax on the widows and orphans of the future.

It has been stated in the press that it was the purpose to tax those business institutions which were making large sums of money to pay for the military protection which the Government proposed to afford to the whole people. Without conceding the justice or propriety of the law as a whole, the reasons given have no application whatever to a mutual life insurance company. Wealth will be called upon to pay only a negligible share of this extraordinary tax. The individual who is entitled to a \$4,000 exemption may clip coupons to the extent of \$24,000, and is called upon to pay an income tax of \$400. A like amount of net income coming to our company for the benefit of its policyholders would be taxable to the extent of \$2,000. Our policyholders, then and poor, would be called upon to pay five times as much as the individual of independent means. It may be conceded that it is difficult to impose a tax that will not result in some inequity, but a studied attempt to make a tax unfair could hardly work greater injustice than this bill does to life insurance companies. This bill has not the merit of being a good measure from a socialistic standpoint, because it imposes a burden on thrift and on those who are least able to bear it. There are in round numbers 7,000,000 policyholders in old-line mutual life insurance companies in this country. It ought not to be necessary for them in order to secure fair play to be compelled to imitate the example of other classes and organize for their protection.

It is asserted that these companies control large aggregations of capital. This in itself is no reason why they should be subject to excessive taxation. I never supposed that an individual who had \$100,000 in property and owed a like amount was well off financially, and this is the situation as to life insurance companies. Both by contract and by law, practically all of the \$33,0

3.4 per cent doctors, 2.9 per cent lawyers, and 3 per cent manufacturers. Teachers, students, salesmen, carpenters, railway employees, stationary engineers and plumbers, architects and draftsmen, telephone and telegraph operators, and clergymen make up the bulk of the remainder of the 36,407 persons insured during this period. The average for a period of years would not differ materially from the figures above given. The idea which I wish to convey is that these are the persons who must pay this emergency tax, and that they are not plutocrats or beneficiarles of the present war, and that there is no reason why they should be singled out and compelled to bear an excessive portion of the burden of taxation for whatever purpose a tax may be imposed.

Respectfully submitted.

JOHN BARNES.

JOHN BARNES, Gounsel for the Northwestern Mutual Life Insurance Co.

Mr. PHELAN presented a memorial of the Chamber of Commerce of Sacramento, Cal., remonstrating against the proposed excess tax on insurance companies, which was referred to the Committee on Finance.

He also presented a memorial of Orange Grove Lodge, No. 97, Brotherhood of Locomotive Firemen and Enginemen, of Los Angeles, Cal., remonstrating against the enactment of legislation for compulsory arbitration of industrial disputes, which was referred to the Committee on Interstate Commerce.

Mr. KENYON presented petitions of sundry citizens of Iowa,

praying for national prohibition, which were ordered to lie on the table.

He also presented a petition of the Dubuque (Iowa) Council, Railway Mail Association, praying for the enactment of legisla-tion to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of Local Union No. 916, United Mine Workers of America, of Hiteman, Iowa, praying for an investigation into the high cost of living, which was ordered to lie on the table.

He also presented a petition of sundry citizens of McGregor, Iowa, praying for the protection of migratory birds, which was ordered to lie on the table.

Mr. OLIVER presented a petition of sundry citizens of Mercer County, Pa., praying for the enactment of legislation to found the Government of the United States on Christianity, which was referred to the Committee on the Judiciary.

Mr. WEEKS presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were ordered to lie on the table.

Mr. THOMPSON presented a petition of the Women's Faculty Council of the State Normal School, of Emporia, Kans., praying for the establishment of a women's division in the Department of Labor, which was referred to the Committee on Education and Labor.

Mr. CHAMBERLAIN. I present a joint memorial of the Legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the joint memorial was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 14.

Senate joint memorial 14.

Whereas only a small proportion of the money contributed from the State of Oregon to the reclamation fund has been expended within the State of Oregon; and
Whereas the Owyhee project, in Malheur County, Oreg., has been carefully examined and found from an engineering standpoint to be feasible and a practicable and a desirable project, free from difficulties attendant upon many irrigation projects; and
Whereas the Owyhee irrigation district has already been formed and is now prepared to contract with the Reclamation Service for the construction of said project; and Whereas the people under said project are unitedly in favor of Government aid in securing the reclamation of the lands under said project: Now, therefore, be it

Resolved, That our Senators and Representatives in Congress be memorialized to use their influence to secure an appropriation for the construction of said project, and that a copy of this memorial be transmitted to the President of the United States of America, to each of our Senators and Representatives of the State of Oregon in Congress, and to Secretary of the Interior Franklin K. Lane.

Concurred in by the house January 29, 1917.

R. N. STANFIELD, Speaker of the House.

Adopted by the senate January 25, 1917.

Gus C. Moser, President of the Senate.

STATE OF OREGON, SENATE CHAMBER.

I, J. W. Cochran, chief clerk of the Senate of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify that I have carefully compared the annexed copy of Senate joint memorial No. 14, Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 25, 1917, and concurred in by the house January 29, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In witness whereof I have hereunto set my hand this 30th day of January, 1917.

J. W. Cochran, Chief Clerk Senate, Twenty-ninth Legislative Assembly of the State of Oregon.

Mr. CHAMBERLAIN. I present a joint memorial of the Legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Naval Affairs.

There being no objection, the joint memorial was referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

Senate joint memorial 8.

RECORD, as follows:

Senate joint memorial 8.

Memorial to the Congress of the United States of America, petitioning the United States Government to appropriate \$3,000,000 for the purpose of securing a suitable site on the Columbia River, Oreg., and erecting thereon a naval and military base.

To the Senate and House of Representatives of the Congress of the United States of America:

We, your memorialists, the Senate and House of Representatives of the State of Oregon, jointly concurring, respectfully represent that—Whereas the Government of the United States can and ought to establish a naval base at the mouth of the Columbia River; and Whereas the people of that portion of the United States known as the Inland Empire, consisting of eastern Oregon, Washington, and Idaho, and other parts of the country immediately affected, have petitioned Congress for an appropriation for \$3,000,000 for such purpose and have given in their petition the following reasons, which are confirmed by the Legislative Assembly of the State of Oregon:

First. That upward of 2,500,000 people who live in the territory sought to be protected by the proposed naval base are demanding its immediate establishment.

Second. That the territory sought to be protected against possible hostile invasion embraces an area of 250,000 square miles of the richest and most fertile lands in the United States; a territory whose natural resources and raw products consist of wheat, corn, lumber, fish, dairy products, wool, live stock, fruit cultivation, as well as the commercial industries naturally flowing from such rich and generous resources, the aggregate value of which is approximately \$2,000,000,000 annually.

Third. That the military defenses at the mouth of the river, to wit, for can by and Fort Stevens, while accomplishing the purpose for which they were built at the time of their construction, have since by reason of the deepening of the channel at the mouth of the river, the construction of the Government jetties, and the completion of the Celio C

mouth of the Columbia River is accused than San Francisco on the round than Seattle and hearly 423 miles than San Francisco on the round trip.

Fifth. Because the harbor at the mouth of the Columbia River meets the five essential requirements of the joint Army and Navy board which, under the direction of Secretary Meyer, investigated the navy-yard situation in the United States. Among the prominent members of this board were Admiral George Dewey and Rear Admiral Bradley A. Fiske. Their report was later indorsed by the General Navy Board, and in substance recommended the following essentials for a naval base:

(a) It should be located at an important strategic point.

(b) It should be accessible from the sea under all conditions.

(c) It should be nearby a protected anchorage sufficient for a fleet.

(d) It must be safe from attack.

(e) It should be placed near a commercial center with plentiful labor and supply facilities.

Sixth. Because there are at least four or five sites suitable and available for the purpose which can be procured without cost or purchased at a nominal figure, and the additional revenue which will necessarily accrue to the Government by reason of the increase in commerce and industry throughout the inland empire incident to the construction and establishment of a naval base is well calculated to pay the greater cost of maintenance: Now therefore be it

Resolved by the Senate and House of Representatives of the State of Pregon (jointly concurring), That we do hereby most respectfully urge

construction and establishment of a naval base is well calculated to pay the greater cost of maintenance: Now therefore be it

Resolved by the Senate and House of Representatives of the State of Oregon (jointly concurring). That we do hereby most respectfully urge and request that the Congress of the United States of America immediately appropriate the sum of \$3,000,000 to secure a suitable site on the Columbia River, Oreg., as near to the entrance as may be deemed advisable for the constuction of a naval base, including the following: Building ways for building large and small vessels; dry docks capable of docking the largest dreadnaughts; marine railways; machine shops; boiler shops; electrical shops; pattern shops; paint shop; copper shop; gaivanizing shop; foiner shop; ship-fitter shop; smithery and chain shop; sheet-metal shop; boat and aeroplane shop; sail, rigging, and flax shops; oxyhydrogen and acetylene shops; foundry; tracks and rolling stock; barracks; chemical laboratories; radio plant; magazines; hospital, dispensary; fire-engine house; stables and garages; plers; fueling plant; storehouse; office buildings; floating derrick; and sawmill; and such other purposes as may be necessary or incident thereto; be it further

Resolved, That upon the adoption of this memorial by the house of representatives that the chief clerk of the senate be, and he hereby is, instructed to transmit a copy of the same to each Member of the Oregon delegation in Congress.

Adopted by the senate January 19, 1917.

Gus C. Moser,

President of the Senate

Concurred in by the house January 25, 1917.

R. N. STANFIELD,

Speaker of the House.

STATE OF OREGON, SENATE CHAMBER.

I. J. W. Cochran, chief clerk of the Senate of the Twenty-inth Legislative Assembly of the State of Oregon, do hereby certify: That I have carefully compared the annexed copy of senate joint memorial No. 8, Twenty-ninth Legislative Assembly, State of Oregon,

with the original thereof as adopted by the senate January 19, 1917, and concurred in by the house January 25, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof. In witness, whereof I have hereunto set my hand this 30th day of

J. W. Cochran, Chief Olerk Senate, Twenty-ninth Legislative Assembly of the State of Oregon.

Mr. CHAMBERLAIN. I present a joint memorial of the Legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the joint memorial was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Senate joint memorial 2.

Record, as follows:

Senate joint memorial 2.

Memorial to the Congress of the United States of America petitioning the United States Government to appropriate \$390,000 for the improvement of the harbor at Crescent City, Del Norte County, Cal.

To the honorable Senate and House of Representatives of the United States:

We, your memorialists, the Senate and the House of Representatives of the State of Oregon jointly concurring, respectfully represent that—
Whereas the bay at Crescent City, in the county of Del Norte, State of California, can and ought to be improved at the expense of the Government of the United States; and
Whereas the people of northern California and southern Oregon, and other parts of the country immediately affected, have petitioned Congress for an appropriation of \$390,000 for such purpose and have given in their petition the following reasons which are confirmed by the Legislative Assembly of the State of Oregon:

First. One hundred and forty thousand people, who live in the territory to be benefited by it, are demanding the improvement of Crescent City Harbor.

Second. Sixty thousand square miles of territory in northern California, northern Nevada, southern Oregon, and southern Idaho will be directly benefited by the improvement of this harbor.

Third. Regue River Valley alone will enjoy a saving in freight rates of \$7,000,000 a year on 18,000,000 boxes of fruit when the present plantings are in full bearing and the harbor at Crescent City is improved.

Fourth. Eighty-four billion feet of merchantable lumber will find its way to Crescent City Harbor from the United States forest reserves, provided the harbor is improved. This would mean at least \$24,000,000 for the Government from stumpage and \$\$\$4,000,000 for the geople who fell the timber, handle the logs, and manufacture and move the lumber.

Fifth. It is estimated that private parties and corporations own at least 120,000,000,000 feet of timber in this territory, which if manufactured and moved to market would mean over \$\$\$\$\$1,200,00

from 500 to 2,000 feet wide and over a mile long of leet deep and over.

Eighth. Crescent City Bay, with the proposed sea walls completed, would be a harbor of refuge for all coastwise craft and could be cheaply deepened and widened to make room for a large fleet of heavy-draft vessels.

Ninth. This bay is half way from San Francisco Bay to the mouth of the Columbia River, and is midway between Canada on the north and Mexico on the south. Its geographical location therefore especially fits it for a naval base, and the close proximity of the Coast Range of mountains to the south and east and the high islands 2 miles to the north admirably fit it for inexpensive defense.

Tenth. The Board of Engineers for Rivers and Harbors has reported favorably upon the project.

Eleventh. The resources of an empire await this harbor improvement.

Eleventh. The resources of an empire await this harbor improvement.

Twelfth. The people of Del Norte County, Cal., have provided \$100,000 to be used by the Government engineers in the proposed work: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the State of Oregon (fointly concurring), That we do hereby most respectfully urge and request that the Congress of the United States immediately appropriate the sum of \$390,000 to be used with the \$100,000 provided by Del Norte County, Cal., by the proper department of the Government for such improvement of the bay and harbor at Crescent City, Del Norte County, Cal., as may have been recommended by the Government engineers in charge of the survey and work to be accomplished: Be it further

Resolved, That upon the adoption of this memorial by the house of representatives, that the chief clerk of the senate be, and he hereby is, instructed to transmit a copy of the same to each Member of the Oregon delegation in Congress.

Concurred in by the house January 25, 1917.

R. N. STANFIELD,

Speaker of the House.

Adopted by the senate January 15, 1917.

Gus C. Moser,

Adopted by the senate January 15, 1917.

GUS C. MOSER, President of the Senate.

STATE OF OREGON, SENATE CHAMBER

I, John W. Cochran, chief clerk of the Senate of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify:

That I have carefully compared the annexed copy of senate joint memorial No. 2, Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 15, 1917, and concurred in by the house January 25, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole theerof. In witness whereof I have hereunto set my hand this 30th day of January, 1917.

J. W. Cochrax

J. W. Cochran,
Ohief Clerk Senate,
Twenty-ninth Legislative Assembly of the State of Oregon.

Mr. LODGE. I have a telegram from the Massachusetts State Grange, which I ask may be printed in the Record and referred to the Committee on Finance.

There being no objection, the telegram was referred to the Committee on Finance and ordered to be printed in the Record, as follows:

[Telegram.]

LUDLOW, MASS., February 7, 1917.

Senator Henry Cabot Lodge, Washington, D. C.:

Massachusetts State Grange opposes to the utmost any reduction in tax on colored eleo.

EDWARD E. CHAPMAN, Master Massachusetts State Grange.

Mr. McLEAN. I present a resolution adopted by the General Assembly of the State of Connecticut, which I ask may be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

[State of Connecticut, office of the secretary. General assembly, January session, A. D. 1917.]

Resolution declaring the loyalty of the people of Connecticut to the Government of the United States in the present international crisis.

Government of the United States in the present international crisis.

Resolved by this assembly, That the action of Gov. Marcus H. Holcomb in pledging to the President of the United States the loyal support of the people of Connecticut has the full and complete indorsement and approval of this general assembly.

That copies of this resolution be forwarded by the secretary of state to the five Members of Congress and the two United States Senators from Connecticut, with the request that it shall be read into the Record of Congress.

Passed senate February 6, 1917.

Prassed house of representatives February 6, 1917.

STATE OF CONNECTICUT, Office of the Secretary, 88:

Office of the Secretary, ss:

I, F. L. Perry, secretary of the State of Connecticut and keeper of the seal thereof and of the original record of the acts and resolutions of the general assembly of said State, do hereby certify that I have compared the annexed copy of the resolution declaring the loyalty of the people of Connecticut to the Government of the United States in the present international crisis with the original record of the same now remaining in this office, and have found the said copy to be a correct and complete transcript thereof.

And I further certify that the said original record is a public record of the said State of Connecticut now remaining in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said State at Hartford this 7th day of February, 1917.

[SEAL.]

Secretary.

Mr. McLEAN. I also present a telegram from the Chamber of Commerce, of Hartford, Conn., which I ask may be printed in the Record and referred to the Committee on Finance.

There being no objection, the telegram was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

[Telegram.]

HARTFORD, CONN., February 7, 1917.

Hon. George P. McLean, United States Senate, Washington, D. C.:

Hartford Chamber of Commerce desires to record its protest against proposed law levying 8 per cent tax on profits of copartnerships and to ask that hearing be accorded on bill before action is taken by com-HARTFORD CHAMBER OF COMMERCE.

Mr. LANE. I present a joint memorial of the Legislature of Oregon favoring an appropriation for the improvement of the harbor at Crescent City, Cal. My colleague has presented to the Senate a similar joint memorial, with the request that it be printed in the RECORD, and I will simply ask that this memorial

may be received and referred to the Committee on Commerce.

The VICE PRESIDENT. The joint memorial will be referred

to the Committee on Commerce. Mr. LANE. I also present a joint memorial of the Legislature of Oregon, praying for the improvement of Owyhee Irrigation Project, in Malheur County, Oreg., which I ask may be referred to the Committee on Irrigation and Reclamation of Arid Lands.

The VICE PRESIDENT. The joint memorial will be referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. LANE. I have also a joint memorial of the Legislature of Oregon, favoring an appropriation to secure a suitable site on the Columbia River, Oreg., and to erect thereon a naval and military base, which I ask may be referred to the Committee

on Naval Affairs.

The VICE PRESIDENT. The memorial will be referred to the Committee on Naval Affairs.

PAYMENT OF LIQUOR TAXES.

Mr. HITCHCOCK. Mr. President, I ask to have printed in the RECORD and referred to the Committee on Finance a resolution adopted by the State Senate of Nebraska, memorializing Congress to provide by law that collectors of internal revenue shall be required to mail to the governors of the several States and Territories each month a list showing the names and addresses of the persons in the respective States who have paid

taxes for the sale of liquor.

I will say to the Senator from Nebraska that Mr. JAMES. think a similar resolution to the one which he presents was submitted by his colleague [Mr. Norms] the other day; and there is a law which provides that the collector shall furnish to the prosecuting officer, upon request, the names of all those who have paid special taxes.

Mr. HITCHCOCK. I understand this is intended, however,

to be a regular proceeding, automatically provided for, so that the list may be regularly supplied the executive officers of the

various States, and not supplied simply upon request.

Mr. JAMES. In our State the Commonwealth attorneys, who are the prosecuting officers, write to the collectors of internal revenue and request them to furnish them with the names of the persons in the county who have paid these special taxes. In that way, they get this information and are given a line upon those who are probably violating the law in local-option terri-That has been the law for some time.

Mr. HITCHCOCK. Then, Mr. President, I modify my request that the resolution be printed in the RECORD, as my colleague has already taken that step. I was not advised of that. I now simply ask that the resolution be referred to the Committee on

I think that there is a distinction between the present practice

and the request made by the Nebraska Legislature.

Mr. JAMES. I should not have the slightest objection to the passage of a law that would give the governor of a State, if it be desirable, the names of those who have paid special taxes; but it seems to me that, as the law now is, it directs the proper course to be taken-that is, that the prosecuting officer, who must present the evidence to the grand jury and prosecute them, be supplied with the names. The governor in no State with which I am familiar is charged with the prosecution of the violation of the local-option laws. The prosecuting officer of the locality is charged with it, and should therefore be supplied with the information.

Mr. HITCHCOCK. I simply desire to have the resolution considered by the Committee on Finance, which is about to

report the revenue bill.

The VICE PRESIDENT. The resolution will be referred to the Committee on Finance.

REVENUES OF PORTO RICO.

Mr. GRONNA. Mr. President, some four or five weeks ago I understand there was printed in the RECORD a memorial adopted by some of the Porto Rican people. That memorial was approved by the present governor of Porto Rico. In that memorial certain declarations were made relative to the revenues of that island government. There was also a denial made of certain facts set forth by what is known as the International Reform Bureau of Porto Rico for prohibition, calling attention to the fact that the total amount of revenue derived from liquor was \$1,400,000, and that the people paid for liquor consumed only \$1,614,000, or about \$200,000 more than the amount of revenue derived.

Mr. President, on the face of it that is an absurdity. here a memorial adopted by the International Reform Bureau of Porto Rico regarding this matter, which I ask to have printed

in the RECORD.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

The memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

Memorial of the International Reform Bureau for Porto Rico prohibition.

To the United States Senate and House of Representatives:

Prominition.

A series of preambles and a resolution adopted by the Legislature of Porto Rico having been printed in full in the Congressional Record in which there is criticism of the International Reform Bureau, through whose Porto Rico secretaries, the Misses Mary and Margaret Leitch, of Garrochales, the native churches, Masons, labor unions, and other bodies representing the good citizenship of Porto Rico have appealed to Congress to enact prohibition for the island, the International Reform Bureau asks equal space in the Record to state the other side, especially as there is a manifest error in the figures which the legislature cites, which will be evident when it is noted that the liquor revenue said to be lost to the insular government, exclusive of local license fees, is given as \$1,400,000, and the cost of the liquors to the people as only \$1,614,612.35, leaving the liquor dealers only \$214,612.35 from which to get the goods, rents, profits, taxes, and licenses. Everyone familiar with liquor statistics knows that the cost of liquors to the drinkers is at least ten times as large as the revenue, besides indirect costs as large for poverty, crime, impaired efficiency, and other by-products of the drink. The head master of the public school in Garrochales says, regarding three licensed shops in that community:

"I visited to-day the three licensed shops in that community:

"I visited to-day the three licensed liquor shops in this place that are near my school and asked each of the men in charge about how much money he took in each week from the sale of alcoholic beverages. The man in the liquor shop directly opposite my school said that he took in about \$40 a week. The man in the liquor shop a short distance

to the east of my school said he took in about \$20 a week, and the man in the liquor shop a short distance to the west of my school said he took in about \$8 a week. The owners of each shop pay a license fee of \$7 every three months to the government tax collector."

It will be noted by a moment's work in division that in that community, supposed to be fairly representative, the cost to the people is forty-two times as much as the Government revenue. But if the cost in the island at large is even ten times as much it will reach the figure which the local secretaries of the reform bureau accepted as the frequently expressed estimate of the moral leaders of the island, namely, \$1,400,000.

\$1,400,000.

As for the other figures of the International Reform Bureau criticized, "\$7,000,000" in round numbers for "flour," used there as here for cereals in general, and with perfect understanding on the part of everybody that it is not the only food, but "the staff of life," the round numbers given by the bureau's secretaries there, from the commonly received estimate of religious people, is sustantially verified by the legislature's own figures, for when the cereals are segregated from the legislature's list of food the total amount is \$7,505,147.

But the real issue is the revenue question, which is essentially the same in Porto Rico as in Louisiana or New Mexico, except that a majority of the Porto Rico drinkers, who really pay the revenue in buying the drinks that debauch them, are poorer and weaker than the drinking classes of the United States.

THE POVERTY ARGUMENT.

The arguments for prohibition in Porto Rico include all the arguments that have carried prohibition in Mississippi and Colorado and other prohibition States, and the additional arguments that have led nations not much inclined to enact prohibition in their most advanced Commonwealths to prohibit liquor selling in islands under their control that are inhabited by native races of whom the major part are both poor and ignorant, living in one-room cabins, as do the rural three-fourths of the Porto Ricans—almost 900,000 out of 1,200,000. Gov. Arthur Yager, speaking at the Mohonk conference of these 900,000 agricultural laborers, is reported to have said: "This population is on the verge of starvation. If being underfed is slow starvation there are many starving to death every year." It is admitted that the living conditions of these agriculturists have not improved under our occupation, notwithstanding there has been an improvement in industrial conditions. Gov. Yager says this is because there are too many babies, but the missionaries and native churches, that are unitedly asking for prohibition, say it is in large part because there are too many bottles. The people are too poor to afford liquors even if they were only a luxury and not a curse; and too weak to let them alone, especially the rum, when it is offered for sale. There is one place ilcensed to sell intoxicants for every 46 families. These are not all saloons in the American sense, but many of them general stores where the temptation to drink comes to those who make other purchases. These general stores are worse than saloons in that they bring the drink to the attention of women and children and others who would not go to the drink shops. In Garrochales, the place that sold only liquors reported \$20 and \$40.

DOMINATION OF RUM IN PORTO RICAN POLITICS TO BE PREVENTED.

DOMINATION OF RUM IN PORTO RICAN POLITICS TO BE PREVENTED.

There is a very special argument for prohibition in the nature of the bill itself. It proposes to give Territorial self-government to a people who until recently were under the Spanish monarchy, and so have had less experience in self-government than the people of any Territorial government under our flag. Hawaii had been a Republic before it came to us, and had had many years of prohibition. When we gave it Territorial government the Senate refused to concur with the House in putting prohibition into the enabling act, and the result was that liquor dealers secured three seats out of nine in the Territorial senate, and from inside and outside dominated the island politics. And when Congress was again considering Hawaiian prohibition it was persuaded by the specious plea of "self-government" to submit the question to the Hawaiian people, and the liquor interests were able to manipulate the election in their own interest. In consequence the good citizens of Hawaii are now a third time asking Congress to give them prohibition.

Naturally, the Porto Rico Legislature asks to have prohibition left for local decision. But in this case, as in Hawaii, "home rule" would be rum rule. And "self-government" means little with a people of whom a major part have proved they lack self-control in the presence of this subite temptation. The very fact that the legislature accepted the absurd statistics we have exposed shows its unfitness to handle this subject.

Porto Rico in having moral legislation put upon it by Congress would be treated no differently from other Territories more advanced, on which Congress has imposed in past years laws against polygany, against prize fights, and against divorce colonies. Territories are always helped by Congress in their first experiments in government. It should be remembered also that the Porto Rican people themselves have asked for this action in numerous and representative petitions of the missions, the

THE REVENUE QUESTION.

All arguments against Porto Rico prohibition are, in the main, pleas to keep the liquor revenue. The insular government, according to figures furnished by Gov. Yager, derives an income of \$1,392,446.31 from liquors, besides which there are municipal liquor taxes. But the words of Gladstone are always in order when a fear of embarrassment from the loss of liquor revenue is expressed: "Give me a sober people and I will take care of the revenue." Senators from prohibition States and from other States where many towns are "dry" are well aware that the loss of much larger liquor revenues has never embarrassed either local or State governments because the diversion of a vastly greater sum that had been spent in drink to honest trades has increased revenues from other forms of taxation, and prohibition has also decreased greatly the taxes caused by crime and pauperism. In these two ways prohibition has almost automatically taken care of the revenue adjustment, for which a full year is allowed in the amendment.

The United States should rid Porto Rico of the liquor traffic partly because much of it was placed there since and because of our occupation.

The peasants of Russia would not have banished vodka by their own vote, but they rejoice in the blessings which prohibition has brought, which the chancellor of the exchequer says has more than offset the burden of war. Surely, in the presence of such a demonstration Congress should not hesitate to give the starving peasants of Porto Rico the same box.

What prohibition would do for San Juan and its cultivated Porto Ricans is pictured in recently published descriptions of what prohibition has done for Atlanta, Seattle, and Denver. Let it be remembered that the States of Georgia, Washington, and Colorado imposed prohibition on these cities despite the cry of "home rule" and "self-government," which those cities are now glad was overruled.

Respectfully submitted for the International Reform Buerau.

WILBUR F. CRAFTS, Superintendent.

WASHINGTON, D. C., February 8, 1917.

Mr. GRONNA. I also present a telegram from the president and secretary of the Bismarck Verein of North Dakota, which I ask to have printed in the RECORD.

There being no objection, the telegram was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

BISMARCK, N. DAK., February 6, 1917.

Hon. ASLE J. GRONNA, Washington, D. C .:

At a special meeting of the Bismarck Verein and citizens in general of the city of Bismarck, N. Dak., the following resolution was unanimously adopted:

Be it resolved, That it is the sense of this meeting that Congress submit the question of declaration of war to a referendum; and be it further.

further Resolved, That a copy of this resolution be sent to each of the Senators and Representatives of the State of North Dakota in Congress assembled at Washington, D. C.

JOHN YEGEN, President.

JOHN YEGEN, President. JOHN DEITRICH, Secretary.

WATER-POWER DEVELOPMENT.

Mr. JONES. Mr. President, I have received a great many letters in the nature of petitions from people in my State with reference to certain legislation pending before Congress. I have not thought it necessary to present these petitions, but I want to take the time of the Senate for a few minutes this morning to get some information that will be of interest to

Our people are very much interested in the water-power bills, especially the one for the development of water power on navigable streams. They do not understand why we do not pass legislation under which this development can take place, and they have been writing me and urging that it be enacted into law, and asking for information as to why we were not doing something.

Senate bill 3331 passed the Senate March 8, 1916, almost a year ago. It passed the House of Representatives on July 15, 1916, amended by striking out all after the enacting clause and inserting a substitute agreed to by the House. A conference was asked for by the Senate on July 15, 1916, more than six months ago. The conference was granted by the House July 21, 1916, some six or seven months ago; but we have had no report from the committee of conference. I see that the Senator from Tennessee [Mr. Shields] is present. He had charge of the bill in the Senate; and is, I think, one of the conferees. I should like, therefore, to ask that Senator what the prospects are for a report from the conferees, and to give us such information as he can as to what steps have been taken in relation to that bill, and the causes of the delay. The people of my State do not understand why the Senate can not get action of one kind or another on this measure, and if the Senator from Tennessee can give me any information I should like very much

Mr. SHIELDS. Mr. President, the Senator from Tennessee will be very glad to furnish the Senate information as to the progress of the conference in regard to an agreement on Senate

In a very few days after the appointment of the conference committee by the Senate and the House a meeting was arranged and held and the bill as passed by the Senate and that passed by the House as a substitute for the Senate bill were thoroughly gone over. Indeed, several conferences were held and the differences between the two Houses thoroughly discussed. The chief of those differences are these: The Senate bill provides that permits to build dams in navigable rivers may be granted by the Secretary of War upon plans and specifications submitted to him and the Chief of Engineers and approved by them. The House bill struck out this provision and provides that all applications for permits shall be made to Congress, as required by the present law. That is the first material point of difference,

The Senate bill does not provide for charges or royalties in favor of the Federal Government upon the water-power developed, as is now authorized by the act of 1910. The bill reported by the Committee on Interstate Commerce of the House contained no provision for such charges, but by amendment placed upon the bill in the House the Secretary of War is authorized to impose royalties, in his discretion, upon all water-power development by companies making improvements under the provisions of the bill.

The third point of difference was concerning what are ordinarily known as the recapture clauses of these bills. The Senate bill provided that at the expiration of 50 years, the life of the permit, the property could be taken over by the United States and operated as authorized under existing laws, or a new permit granted to the original permittee upon conditions authorized by then existing laws, or the United States, through the Secretary of War, could grant a new permit, upon conditions then authorized by law, to a new permittee; and where the property is taken over by the United States or granted to a new permittee it is provided that the United States or the new permittee shall pay the original permittee "the fair value of the property" as then agreed upon by the permittee or owner of the property and the Secretary of War, or upon their failure to agree, as may be fixed and adjudged, by the United States district court in a proceeding instituted in that court for that purpose, the value of the permit not to be included in estimating

the value or price to be paid.

The bill, as amended by the House, provided for deducting or excluding some of the elements of value of such property.

The conferees were unable to agree upon either of these material points of difference. After several conferences, begun early in August and continued until near the end of the last session, it was agreed that the conferees should adjourn to the 27th of November, a week before the convening of the present session of Congress, when they were to meet in Washington and, if possible, agree upon a report. When the time for meeting came, the conferees for the House-Judge Adamson, Judge SIMS, and Mr. ESCH-were then engaged in the railroad investigation under the Newlands resolution. That committee was then holding public hearings, and those gentlemen were engaged every day in that work, and it was impossible for them to meet with the conferees of the Senate. As soon as the active work of that committee was completed and those gentlemen were at leisure, the Senate conferees urged a meeting for further discussion and agreement if possible; but the conferees of the House were of the opinion that such a meeting would be useless

at that time, and none was held.

About the 25th of January I addressed a note to all the conferees and asked for a meeting on January 27, but Judge Adamson, replying, stated that, considering the differences upon material questions, a meeting was not only unnecessary but would accomplish nothing.

I can say that the Senate conferees have at all times been willing to meet to discuss the bill, but have at no time been willing to yield on the three material points of difference. They have at no time been willing to concede that the provision authorizing the Secretary of War to grant the permit should be stricken out and the law remain as at present, believing that that would entirely defeat one of the primary objects of the bill. In other words, they are of the opinion that it would be a general dam law in name only if the consent of Congress by special act was required for every project, and the present embarrassing condition would be continued. The Senate conferees have also firmly refused to agree to the imposition of royalties upon the power developed, as provided for in the bill passed by the House, because six amendments offered in the Senate proposing such changes were rejected as unconstitutional and unjust.

The Senate conferees think the recapture clause in the Senate bill is in all things fair and just to all parties, but they were perfectly willing to substitute for the words "fair value," used in the Senate bill, the words "just compensation," used in the Constitution concerning the taking of private property for public use, or "reasonable value," as used in the act of 1910, the present law. These words all mean the same thing.

Some negotiations are at this time going on, and it is now believed that a point has been reached where we can have another conference and perhaps accomplish something.

Mr. JONES. As I understand, there has been no meeting of the conferees at this session of Congress.

Mr. SHIELDS. No; there has been no meeting during this session of the Congress.

Mr. JONES. But the Senate conferees have been willing and anxious and glad to meet?

Mr. SHIELDS. The Senate conferees have at all times been anxious to hold further conferences and make efforts to agree upon the differences existing, but have not succeeded in effecting a meeting

Mr. JONES. Mr. President, I do not want to take the time of the Senate further, except to say that I do hope that the conferees will try to get together upon this measure. I do not think it is an enactment that should be delayed or held up in connection with the Myers water-power bill, which apparently can not be passed at this session. This bill relates to water powers in navigable streams, where the conditions are very different, and there may be differences even in fundamental matters. The National Government has an interest in these matters.

streams that it does not have in nonnavigable streams, and provisions may be authorized in this bill that would have no excuse in the Myers bill. There seem to be but three points of difference between the House and the Senate. Upon two of these, so far as I am concerned, I can not see any insuperable difficulties in the way of reaching an agreement—that is, with reference to the recapture clause, and with reference to the matter of coming to Congress for a permit. The other is more fundamental, but the provision in the Senate bill is in itself a compromise. It is fair to the Government and fair to the people, and should be retained substantially as it is. Some concessions can be made even in that, however, that ought to command the approval of both Houses.

It does seem to me that the conferees ought to try to get together and, if they can not reach an agreement, report a disagreement, so that each House will have an opportunity, at any rate, to express itself further upon the matter.

I am glad to have the information given by the Senator from Tennessee. My people are very much interested in this legislation, which ought to be enacted in some form; and it seems to me now with regard to this question of preparedness, and all that sort of thing, that it is of even increased importance, because I am satisfied that if we can get proper legislation along these lines there are many great nitrate plants, especially, that will go up in different parts of the country that would be of incalculable benefit in case of trouble.

I hope the conferees will strive to reach an agreement. I am glad the Senate conferees can not be blamed for the delay. I am sure they will do all in their power to secure an agreement either to agree or disagree.

Mr. SHIELDS. Mr. President, I fully concur with the Senator from Washington in his desire that an agreement be reached upon the differences between the Senate and the House upon this bill and in his further statement that the development of these vast national resources ought not to be further delayed, certainly not upon contentions which are unsound and unjust, for no one can with reason or upon authority insist that the Federal Government has any property interest in rivers. I will say that the conferees of the Senate have never controverted, nor does this bill controvert, the right of the States in which the navigable rivers are situated to impose royalties upon waterpower resources of navigable streams. That may be done under the Senate bill. It provides for full State control. It was the contention of the Senate when this bill was passed, and is the contention of the conferees, that these waters belonged to the States and their grantees; that the Federal Government has no sovereignty over them except to control navigation, and no property interest of any kind in them, and that it can not impose royalties or other charges for the use of them. Now, it is just a question whether those royalties shall go where they belong, into the treasuries of the States for the benefit of their people, or go into the Treasury of the United States for the benefit of the whole country. In other words, it is a question whether or not the General Government shall usurp the sovereignty of the States and confiscate the property they hold in trust for their citizens in these waters or whether the States shall be allowed to exercise their lawful sovereignty and to appropriate these natural resources as their general assemblies, in their wisdom and discretion, may direct.

I think there ought to be a final conference, and something ought to be done, that the conferees might make a report. And in the last communication I addressed to Judge Adamson for the conferees of the Senate I asked for a conference, in order that we might come to some final conclusion, that there might be some final action which we could report to the respective We wanted some action; then it was a disagreement. But, as I said a while ago, I think now, under pending negotiations, we can have a further conference and probably reach an agreement. If we are unable to effect a conference very soon, we will report that fact to the Senate.

REPORTS OF COMMITTEES.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 7443) for the relief of Luther Cline, reported adversely thereon, and the bill was postponed indefinitely.

Mr. OVERMAN, from the Committee on the Judiciary, to which were referred the following bills, reported them each without amendment:

S. 6813. A bill to prohibit and punish the willful making of untrue statements under oath to influence the acts or conduct of a foreign Government, or to defeat any measure of the Government of the United States in a dispute or controversy with any foreign nation; and

S. 6816. A bill to prevent and punish the impersonation of officials of foreign Governments duly accredited to the Government of the United States.

Mr. OVERMAN, from the Committee on the Judiciary, to which were referred the following bills, reported them severally with an amendment:

S. 6793. A bill to prevent and punish willful injury or attempted injury to or conspiracy to injure any vessel engaged in foreign commerce or the cargo or persons on board thereof by fire, explosion, or otherwise;

S. 6795. A bill to authorize the collector of customs, or other officer duly empowered by the President, during time of war between foreign nations, to inspect private vessels within the jurisdiction of the United States for the purpose of detecting any use or attempted use of such vessel in violation of the law of nations or of the treaties or statute law of the United States, and for other purposes;

S. 6797. A bill to regulate and safeguard the issuance of passports, and to prevent and punish the fraudulent obtaining, transfer, use, alteration, or forgery thereof; and

S. 8148. A bill to define and punish esplonage. Mr. OVERMAN, from the Committee on the Judiciary, to which were referred the following bills, reported them severally with amendments:

S. 6794. A bill to empower the President to better enforce and maintain the neutrality of the United States;

S. 6796. A bill to require sworn statements, in addition to the manifests and clearances required by existing law, by masters of all vessels leaving the jurisdiction of the United States and by all owners and shippers of cargoes thereon during a war in which the United States are a neutral nation, and for other purposes;

S. 6798. A bill to prohibit and punish the fraudulent use, application, or counterfeiting of the seal of any executive department or Government commission;

S. 6799. A bill to amend section 13 of the act "To codify, revise, and amend the penal laws of the United States," ap-

proved March 4, 1909; S. 6811. A bill to authorize the seizure, detention, and condemnation of arms and munitions of war in course of exportation or designed to be exported or used in violation of the laws of the United States, together with the vessels or vehicles in which the same are contained;

S. 6812. A bill to regulate and restrain the conduct and movements of interned soldiers and sailors of belligerent nations, and for other purposes;

S. 6815. A bill to prevent and punish conspiracy to injure or destroy property situated within and belonging to a foreign Government with which the United States are at peace or of any subdivision or municipality thereof; and

S. 6819. A bill to provide for the issuance of search warrants and the seizure and detention of property thereunder, and for

other purposes.

Mr. OVERMAN. Mr. President, I desire to notify the Senate that I shall ask unanimous consent to take up these bills for consideration at the earliest possible moment.

I ask permission to have printed in the RECORD, for the information of Senators who may have the bills before them, a memorandum showing what amendments the committee has made to the bills.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

STATEMENT OF AMENDMENTS.

The neutrality bills are reported by Mr. Overman, from the Committee on the Judiciary, February 8, 1917, as follows:

8. 6793.

On page 1, line 3, after the word "vessel," strike out the words "engaged in commerce with foreign nations, or her cargo," and insert in lieu thereof the following: "of foreign registry, or any vessel of American registry entitled to engage in commerce with foreign nations, or to the cargo of the same."

On page 1, line 4, after the word "States," strike out the word "are" and insert in lieu thereof the word "is." On page 2, line 6, after the word "the," insert the words "laws, treaties, or."

on page 2, line 17, after the word "States," strike out the word are" and insert in lieu thereof the word "is."
On page 3, line 6, after the word "States," strike out the word are "and insert in lieu thereof the word "is."
On page 3, line 13, after the word "States," strike out the word are "and insert in lieu thereof the word "is."

8. 6795.

Strike out all after the enacting clause and insert in lieu thereof the following:
That whenever the President of the United States shall by proclamation or Executive order declare a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance of the international relations of the United States, the Secretary of the Treasury is hereby authorized and empowered to make rules and regu-

lations governing the anchorage and movement of any and all vessels, foreign and domestic, in the territorial waters of the United States, to Inspect such vessels at any time, to place guards on such vessels, and if necessary, in his opinion, in order to secure such vessels from damage or injury or to secure the observance of the obligations of the United States under the law of nations or to maintain the national defense, he is hereby further authorized and empowered to take full possession and control of such vessels and to remove therefrom the officers and crews thereof and all other persons not specially authorized by him to go or remain a control of such vessels and to remove therefrom the officers and crews thereof and all other persons not specially authorized by him to go or remain a control of such vessels and to remove therefrom the officers and crews thereof and all other persons not specially authorized by him to go or remain a control of such vessels and to remove the order of such vessels to comply with any proclamation or Executive order so issued by the President of the United States and any rule or regulation issued or order given by the Secretary of the Treasury under the provisions of this act, and if any such proclamation or Executive order of the President or any regulation or rule issued or order given by the Secretary of the Treasury under the provisions of this act, or shall obstruct or interfere with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs-revenue laws; and the person or person on subject to a sine of not merias. Obstruction, or imprisonment for not more than two years, or both.

Sec. 3. That it shall be unlawful for the owner or master or other person in charge or command of any private vessel, foreign or domestic, within the territorial waters of the United States to willfully cause or inviolation of the treaties of the United States, or in

Reported with the following amendments:
Page 1, line 3, strike out the word "are" and insert in lieu thereof the word "is."
Page 2, line 18. after the word "whenever," insert the following: "it appears that the vessel is not entitled to clearance or whenever."
Page 2, line 22, after the word "empowered," insert the following: ", subject to review by the Secretary of the Treasury,".
Page 3, line 8, strike out the word "five" and insert in lieu thereof the word "ten": in line 9, strike out the word "two" and insert in lieu thereof the word "five."
Amend the title so as to read: "A bill to require sworn statements, in addition to the manifests and clearances required by existing law, by masters of all vessels leaving the jurisdiction of the United States, and by all owners and shippers of cargoes thereon, during a war in which the United States is a neutral Nation, and for other purposes."

S. 6797.

Reported with an amendment: Page 3, line 17, after the word "prosecuted," insert a comma.

S. 6798.

Reported with amendments, as follows:
Page 1, line 8, after the word "shall," insert the following: "with
wrongful or fraudulent intent."
Page 2, line 10, after the word "whoever," insert the following: "with
wrongful or fraudulent intent."

S. 6799.

Reported with amendments, as follows:
Page 1, line 10, strike out the following: "or attempts to take part in."
Page 2, line 1, strike out the word "are" and insert in lieu thereof the word "is."

S. 6811.

Reported with amendments, as follows:
Page 2, line 15, after the word "States," insert the following: "for
the district."
Page 3, line 7, after the word "or," insert the word "on."

S. 6812.

Reported with amendments, as follows:
Page 1, line 4, after the word "nation," insert the following: "or belligerent faction of any nation."
Page 2, line 1, strike out the word "closely" and insert after the word "confined" the words "and safely kept,"

S. 6813.

Reported without amendment.

Reported with amendments, as follows:
Page 1, line 5, strike out the words "and belonging to" and strike out the word "Government" and insert in lieu thereof the following: "country, state, or province."
Page 1, line 6, strike out the word "are" and insert in lieu thereof the word "is."

Page 1, line 6, strike out the word
the word "is."

Page 1, lines 6 and 7, strike out the following: "or to any subdivision or municipality thereof."

Amend the title so as to read: "A bill to prevent and punish conspiracy to injure or destroy property situated within a foreign country,
state, or province with which the United States is at peace."

S. 6816.

Reported without amendment.

S. 6819.

Reported with amendments, as follows:
Page 3, line 13, strike out the words "proceed to."
Page 4, lines 1 and 2, strike out the following: "awarding all costs against the United States in such event."
Page 4, line 12, before the word "whoever," insert "Sec. 5."
Page 4, strike out all after the word "year" down to and including the word "death," in lines 18 and 21, both inclusive.
Page 4, line 22, strike out the section numeral "5" and insert in lieu thereof the numeral "6."

S. 8148.

S. 8148.

Reported with an amendment, which is to-Strike out all after the enacting clause and insert in lieu thereof the

Page 4, line 22, strike out the section numeral "5" and insert in lieu thereof the numeral "6,"

S. stas.

Reported with an amendment, which is to—
Strike out all after the enacting clause and insert in lieu thereof the formal of the control of t

or intended for the fortification or defense of any place, or any other information relating to the public defense or calculated to be, or which might be, useful to the enemy, shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than three years, or by both such fine and imprisonment for not more than three years, or by both such fine and imprisonment for not more than three years, or by both such fine and imprisonment for not more than three years, or by both such fine and imprisonment for not more than three years, or by both such fine and imprisonment for intended in the year of the formation, with intent to cause disaffection in or to interfere with the operations, or success of, the military or naval forces of the United States, or shall willfully spread or make false reports or statements or or or the formation of citizent of the states, or shall willfully spread or make false reports or statements or or the formation of citizent for the states, or shall be punished as in said sections provided in the case of the object of the conspiracy, each of the parties to such conspiracy. Except as above provided conspiracies to commit offenses under tile act shall be punished as rovided by section 37 of the act to codify, revise, and amend the penal laws of the United States, approved M. "Skc. 5. That whoever harbors or conceals any person whom he knows or has reasonable grounds for believing or suspecting to be a spy, or to have committed or to be about to commit an offense under tile act shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or both.

"Skc. 6. That the President of the United States shall have power to designate any place other than those set forth in paragraph (a) of section 1 hereof as a prohibited place for the purposes of this act on the ground that information with respect thereto would be prejudicial to the national defense; the shall turther have the power on the aforest the dovernment, or contained shall turther

SURVEY OF INTRACOASTAL WATERWAY (S. DOC. NO. 705).

Mr. FLETCHER. Mr. President, I ask unanimous consent to have printed as a public document a letter from the Chief of Engineers, transmitting the report of the Board of Engineers for Rivers and Harbors of the survey of the intracoastal waterway from St. George Sound, Fla., to the Rio Grande. This matter has been printed by the committee, but in referring to it in the river and harbor bill we can not refer to the committee The material is ready and it will cost very little to make it a public document. The only way we can properly refer to it in the bill is as "Document so-and-so"; and this being a committee print, has no official status. I therefore ask to have it printed as a public document.

Mr. SMOOT. I ask that the matter go to the Committee on Printing, as do all other similar requests for printing.

Mr. FLETCHER. The only objection to that is that the bill to which I refer will be reported out of committee in a day or

Mr. SMOOT. I am perfectly willing to confer with the Senator from Florida to-day, and if it is proper that this matter should be printed as a document, as he suggests, we can report it immediately.

The VICE PRESIDENT. The matter will be referred to the Committee on Printing.

Mr. FLETCHER subsequently, from the Committee on Printing, reported the following resolution (S. Res. 353), which was considered by unanimous consent and agreed to:

Resolved, That the pamphlet entitled "Survey of the Intracoastal Waterway from St. George Sound, Fla., to the Rio Grande" be printed as a Senate document.

BATTLE MONUMENT AT THOROLD, CANADA (S. REPT. 1016).

Mr. WILLIAMS. I submit a favorable report from the Committee on Foreign Relations, for which I ask immediate con-

sideration. I will say, by way of explanation, that it is a mere matter of international courtesy.

The VICE PRESIDENT. Is there objection to the present

consideration of the concurrent resolution?

There being no objection, the concurrent resolution was read, considered by unanimous consent, and agreed to, as follows:

Senate concurrent resolution 29.

Resolved by the Senate (the House of Representatives concurring), That the appreciation of the Government and the people of the United States is hereby expressed of the action taken by the people of Thorold, Ontario, Canada, in erecting a monument near that place to commemorate the death on the battle field of Beaverdams, or Beachwood, of a number of soldiers in the service of the United States who there lost their lives during the War of 1812.

ALASKAN INVESTIGATION.

Mr. PITTMAN. Mr. President, I report a joint resolution (S. J. Res. 204) for which I intend to ask immediate consideration of the It has been unanimously reported favorably by the Committee on Territories. The facts of the joint resolution originated in the House, and is similar to a joint resolution that has been introduced there. It provides for the appointment of a joint committee from the Senate and the House composed of members of the various committees for the purpose of considering legislation for Alaska, matters concerning the building of the railroads, the question as to the laying out of those railroads in various sections of Alaska, the question of the disposal of the coal lands of Alaska, the fisheries question, the question of commerce and navigation, and the question of the fortification of Members of Congress, in consultation with the various departments, have recommended the appointment of this committee; and I, therefore, at the request of these departments and of the Member of the House who introduced this joint resolution there, have introduced it here and submitted it to each member of the Committee on Territories. There is a unanimous report (S. Rept. 1014) in favor of it.

I may say that the joint resolution calls for no appropriation. If there is any appropriation made, it will have to be made by another committee. It is simply an indorsement of the project if the resolution is adopted.

Mr. SMOOT. Mr. President, has the Senator asked for im-

mediate consideration of the joint resolution?

Mr. PITTMAN. Yes; I have asked for its present considera-

Mr. SMOOT. There are questions involved, as outlined by the statement made by the Senator, that are of very great im-portance; and I think we ought at least to have the joint resolution printed, and see just what it contains before its passage is asked for.

Mr. PITTMAN. I could not hear the Senator.
Mr. SMOOT. I say, I think it ought to go to the calendar and be printed, so as to allow us to see just what it contains. It is a far-reaching measure. I do not know what au-

thority is given to the committee.

Mr. PITTMAN. None whatever. It is simply a committee of investigation, that is all. There is no authority given to the committee, and no appropriation for it. It is simply an ex-

pression that a joint committee should be appointed.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator from Nevada whether there is any recommendation or outline as to the manner in which the coal lands of Alaska shall be disposed of?

Mr. PITTMAN. Not the slightest; no recommendation at

Mr. SHAFROTH. Is this a joint resolution?
Mr. PITTMAN. It is a joint resolution.
Mr. SHAFROTH. It just appoints a committee?
Mr. PITTMAN. It proposes to appoint a committee solely to sit and investigate and recommend legislation.

The VICE PRESIDENT. Let the resolution be stated, and then it can be determined.

The Secretary read the joint resolution, as follows:

Senate joint resolution 204.

Resolved, etc., That a joint committee consisting, respectively, of the chairman and the ranking majority and minority members of the Committees on Appropriations, Territories, Commerce, Public Lands, Mines and Mining, and Fisheries of the Senate, and the ranking majority and minority members of the Committees on Appropriations, the Territories, the Merchant Marine and Fisheries, the Public Lands, and Mines and Mining of the House of Representatives, who are Members elect to the Sixty-fifth Congress, is created and directed to examine into existing conditions in the Territory of Alaska relating to matters of legislation and appropriations concerning the development and government thereof, including the construction and operation of Government railroads, other public services, and all questions affecting the Territory which are within the jurisdiction of the respective committees enumerated. The joint committee is authorized to choose a chairman, and in the event any member is unable to serve the chairman of the committee of which

that person is a member is authorized to fill the vacancy by the selection of another member of that committee. The said joint committee is authorized to exercise the authority and to incur all expenses necessary to carry out the purposes hereof, which expenses (not to exceed \$25,000) shall be paid from appropriations for the construction and operation of railroads in Alaska. They are also authorized to use such available governmental agencies as may, in their judgment, economically expedite the purposes of this act.

Mr. McCUMBER. I object to the present consideration of this or any other junketing proposition to take anyone to Alaska or China, or anywhere else. I think it ought to have the consideration of the Senate.

The VICE PRESIDENT. The joint resolution will be placed on the calendar.

STEAMBOAT INSPECTION AT TAMPA, FLA.

Mr. FLETCHER. I report back favorably from the Committee on Commerce the bill (S. 8079) to amend the first and seventh paragraphs of section 4414 of the Revised Statutes of the United States, as amended by the act of April 9, 1906. I call the attention of my colleague to the bill.

Mr. BRYAN. The bill simply provides for a board of local inspectors at Tampa, Fla. I ask unanimous consent for its present consideration. It is recommended by the Secretary of Com-

Mr. SMOOT. I will ask the Senator if this was not considered a year ago by the Committee on Appropriations and this board provided for?

Mr. BRYAN. No; there is no board of inspection at Tampa. The Secretary writes a letter from which I quote:

The bill provides for the appointment of a board of local inspectors of the Steamboat-Inspection Service at the port of Tampa, Fla., and as Tampa is a growing city, and its shipping is rapidly increasing, I am of the opinion that it would be desirable to establish a board of local inspectors at that place, and therefore recommend that the said bill be favorably considered.

Mr. SMOOT. As I remember, although I may be mistaken, the same question was before the Committee on Appropriations some time ago.

Mr. BRYAN. I think the Senator refers to the headquarters of the customs collection district.

Mr. SMOOT. That may be,

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MALAMBO FIRE CLAIMS.

Mr. POMERENE. From the Committee on Foreign Relations I report back favorably without amendment the bill (S. 6583) to enable the Secretary of War to pay the amount awarded to the Malambo fire claimants by the joint commission under article 6 of the treaty of November 18, 1903, between the United States and Panama, and I submit a report (No. 1019) thereon.

The Committee on Foreign Relations feel that these claims should be paid, and we recommend that the bill be referred to the Committee on Appropriations to be attached as an amendment to the general deficiency appropriation bill. I therefore move that the Committee on Foreign Relations be discharged from the further consideration of the bill and that the bill and report be referred to the Committee on Appropriations.

Mr. BRYAN. What is the nature of this claim?

Mr. POMERENE. These were fire losses in Panama. mission has passed upon these claims. They arose in this way

Mr. BRYAN. The Senator has answered my question suffi-

ciently.

Mr. POMERENE. They were fumigating certain buildings and on account of carelessness the loss occurred.

Mr. LODGE. The Government destroyed them. Mr. POMERENE. The Government destroyed them.

Mr. LODGE. It is provided for by treaty.

The VICE PRESIDENT. Without objection, the bill will be referred to the Committee on Appropriations.

MEASUREMENT OF VESSELS.

Mr. SHIELDS. From the Committee on Interoceanic Canals I report back favorably, without amendment, the bill (S. 8055) providing that the Panama Canal rules shall govern in the measurement of vessels for imposing tolls, and I submit a report (No. 1015) thereon. This is an emergency measure recommended by the Secretary of War and it is necessary to save a very large loss in tolls which is now unavoidably going on in the canal. For that reason I desire to ask unanimous consept for its immediate consideration.

Mr. JONES. I wish to ask the Senator if the bill relates to our lumber vessels going through the canal and the manner in which their tonnage shall be determined when the toll is

fixed? Does it relate to that matter?

Mr. SHIELDS. I think it does.

Mr. JONES. I shall have to ask that the bill may go over until I can examine it, because I know our people are very much interested in a matter of that kind. I will ask the Senator whether it puts into effect the rule or regulation or method of determining the toll charges that was practiced by the department or the Canal Zone people some time ago? Does it confirm that rule?

Mr. SHIELDS. The object of the bill is to do away with the conflicts in the measurement of vessels under rules promulgated by the Commissioner of Navigation here at Washington

and the canal authorities.

Mr. JONES. I ask that the bill may go over until I can

examine it.

Mr. SHIELDS. The bill gives the Panama authorities exclusive control over the measurement of the vessels so as to apply the rules adopted by them some time since, with which doubtless the Senator from Washington is familiar, that the vessels shall be measured according to their earning capacity. I think it does affect the question the Senator has raised, and if he desires to investigate it, of course, I will not insist on the immediate consideration as I intended to do. I have submitted a report upon the bill which will be printed, and I ask the Senator that he examine it as early as possible that I may call up the bill soon. As I have stated, it amounts at present under the regulations of the Commissioner of Navigation to a loss to the United States of about three-quarters of a million dollars a year.

The VICE PRESIDENT. There is objection, and the bill

will be placed on the calendar.

Mr. JONES. I merely wish to say that one of the rules adopted with reference to measurements in determining the tonnage of vessels was very objectionable to our people, and therefore I have asked that the bill may go over for examina-

ARKANSAS RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 8105) granting the consent of Congress to the Conway County bridge district to construct, maintain, and operate a bridge across the Arkansas River, in the State of Arkansas, and I submit a report (No. 1017) thereon. I call the attention of the senior Senator from Arkansas [Mr. Robinson] to the bill.

Mr. ROBINSON. I ask unanimous consent for the present

consideration of the bill.

There being no objection, the bill was considered as in

Committee of the Whole.

The bill was reported to the Senate without amendment. ordered to be engrossed for a third reading, read the third time. and passed.

HEIRS OF PATRICK J. FLYNN.

Mr. LEA of Tennessee, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 317, submitted by Mr. Hollis on the 13th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, to Stephen Flynn, Francis Flynn, Philip Flynn, and James Flynn, sons of Patrick J. Flynn, late a conductor of elevator in the Senate Office Building, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

LOLIE M. EARLE.

Mr. LEA of Tennessee, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 344, submitted by Mr. Lodge on the 31st ultimo, reported favorably thereon, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate to Lolie M. Earle, widow of David M. Earle, late a messenger of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

ADDITIONAL DISTRICT JUDGE IN TENNESSEE.

Mr. SHIELDS. I desire to ask unanimous consent for the consideration of the bill (S. 378) to provide for the appointment of a district judge in the middle and eastern judicial districts in the State of Tennessee, and for other purposes.

The VICE PRESIDENT. The Senator from Tennessee asks unanimous consent for the consideration of the bill indicated by him.

Mr. SMOOT. I do not think we ought to begin to take up bills on the calendar unless we take up and consider those that have not already been reached.

Mr. SHIELDS. I ask the Senator not to object. This is really an emergency measure.

Mr. SMOOT. Mr. President, there is so much conversation I can not hear a word the Senator says.

Mr. SHIELDS. The object of the bill is to create a district judge for the middle district of Tennessee. It is the only district in the United States that has not a judge, except one in Mississippi, and a bill is pending to create a judge for that district. Hon. Edward T. Sanford, who holds the courts for the eastern and middle districts of Tennessee, is a man of fine character, an able lawyer, a splendid judge, and one of the most industrious judges I ever knew; but the work in the two districts is so great that he is unable to dispose of it. is impossible for him to longer keep the dockets clear. In fact, his attempt to do so is killing him. It is a bill that ought to be passed so that each of these districts may have a judge. The business of these districts has increased greatly in the last five or six years. Judge Sanford resides in the eastern district, and has all the work there that one judge can do. The object of this bill is to provide a judge for the middle district. It calls for no other additional expense than the salary of the judge.

Mr. LEA of Tennessee. Mr. President, I merely wish to say one word upon the bill. The judge, as my colleague says, is a very careful, painstaking, hard-working man, and he certifies that it is impossible for him to do the work of the two districts. There are two districts now in Tennessee, with a marshal, cleri, and everything, except a judge, provided for both districts. The judge of the eastern division has been holding court for the middle district, and the bill merely creates a judge for the district which has already been created.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary, with an amendment, in section 7, page 3, line 3, after the words "April and October," to insert "and at Cookeville, in said State, on the first Monday in February and June," so as to make the bill read:

Be it enacted, etc., That hereafter there shall be for each of the two judicial districts, to wit, the middle district and the eastern district in the State of Tennessee, a district judge of the United States, who shall be appointed by the President, by and with the consent of the Senate, and who shall possess the same qualifications and shall have the same powers and jurisdiction and receive the same compensation prescribed by law in respect to district judges of the United States: Provided, That the judge now acting in both said districts shall continue to act in both said districts until a judge is appointed and qualified for the middle district as hereinafter provided.

SEC. 2. That the district judge now holding office and acting for both said districts shall be assigned to and hereafter be the district judge for the eastern district in said State.

SEC. 3. That the eastern district of said State shall be composed of the counties embraced in the eastern grand division of the State of Tennessee.

nessec. 4. That the middle district of said State shall be composed of the counties now embraced in the middle grand division of the State of Tennessee.

Sec. 5. That the President of the United States, by and with the advice and consent of the Senate, shall appoint the district judge for the middle district in said State, who shall, as to all business and proceedings arising in said middle judicial district, possess and exercise all the powers conferred by existing law upon judges of the district courts of the United States, and who shall succeed to and possess the same powers and perform the same duties within the said middle judicial district as are now possessed and performed by the district judge acting for both said districts in said State.

Sec. 6. That terms of court may be held in the eastern judicial district of said State at the places and in the manner now prescribed by law.

sac. 7. That terms of court may be held in the middle judicial district of said State at Nashville, in said State, in each year on the first Mondays of April and October, and at Cookeville, in said State, on the first Mondays in February and June, after the passage of this act.

SEC. 8. That the clerks of the courts of the eastern judicial district of Tennessee and the marshal and district attorney for said district shall perform the duties of their offices in the manner now prescribed by law for said district.

SEC. 9. That the clerk of the court for the middle judicial district of Tennessee and the marshal and district attorney for said district.

SEC. 9. That the clerk of the court for the middle judicial district of Tennessee and the marshal and district attorney for said district shall keep their offices in the city of Nashville, in said State, and shall do and perform all the duties appertaining to their offices for said court.

SEC. 10. That terms of court may be held at the places prescribed by this act and in the manner now prescribed by law in the middle judicial district by the judge of the eastern judicial district, or in the eastern judicial district, by the judge of the middle judicial district, provided it is mutually agreed by and between the judges of each of said districts time the public interest demands it.

SEC. 11. That all laws and parts of laws so far as inconsistent with the provisions of this act are hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STANLEY COUNTY, S. DAK., BUFFALO PASTURE.

Mr. STERLING. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 8669) authorizing the Secretary of the Interior to extend the lease of certain land in Stanley County, S. Dak., for a buffalo pasture, and I submit a report (No. 1018) thereon. This bill is in the nature of an emergency measure, as the lease expires the 1st of July next. Therefore I ask unanimous consent for its present consideration.

Mr. SHAFROTH. I should like to have the bill read before I give consent to its consideration.

The VICE PRESIDENT. The bill will be read. The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to extend for a period of not exceeding 10 years to the heirs or personal representatives of James Philip, deceased, or to their assignees or transferees, the lease executed to him July 1, 1907, for a buffalo pasture, of sections 26 and 27, north half of section 34, north half of the northeast quarter and north half of the northwest quarter of section 35, and lot 4 of section 25, township 6 north, range 30 east, Black Hills meridian, and he is authorized to withdraw said lands from entry during the terms of said lease: Provided, That the Secretary of the Interior may at any time cancel said renewed lease, which shall contain all the provisions of the original lease: Provided further, That the parties in interest shall be allowed an extension of time until July 1, 1917, to pay the last two installments of rent under the original lease.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SHAFROTH. I should like to ask the Senator from South Dakota a question or two about this matter. How many acres does the lease involve?

Mr. STERLING. Something over 1,600 acres, I will say. Mr. SHAFROTH. It is the renewal of a past lease? Mr. STERLING. It is the extension of a lease—a 10 years' lease—that expires July 1 next. I wish to say to the Senator that this is for the pasturage of the largest buffalo herd in the world. Over 500 buffalo are kept in this area.

Mr. SHAFROTH. I am very much opposed to the leasing system, but this is a matter that has already been consummated by the Interior Department. I think the policy is wrong, but I shall not interpose an objection at this time.

There being no objection, the bill was considered as in Com-

mittee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows

By Mr. BECKHAM:

A bill (S. 8173) granting an increase of pension to Robert S. Bowman

A bill (S. 8174) granting an increase of pension to George W. Moore

A bill (S. 8175) granting an increase of pension to John S. Adams

A bill (S. 8176) granting an increase of pension to Caleb Akers; and

A bill (S. 8177) granting an increase of pension to Harrison White; to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 8178) granting an increase of pension to Mrs. Henry C. Collins; to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 8179) for the relief of the Chippewa Indians in the State of Minnesota; to the Committee on Indian Affairs.

By Mr. BORAH:

A bill (S. 8180) granting an increase of pension to Ella Taylor (with accompanying papers); to the Committee on Pensions. By Mr. SMITH of Michigan:

A bill (S. S1S1) to fix the salaries of postmasters of the fourth class; to the Committee on Post Offices and Post Roads.

A bill (S. 8182) granting an increase of pension to Johanna E. Waalkes; to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 8183) granting a pension to Lizzie Shade (with accompanying papers); and

A bill (S. 8184) granting an increase of pension to Fannie Bell (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 8185) to place George Johnstone Stoney on the retired list of the Army with the rank of captain; to the Committee on Military Affairs.

By Mr. TOWNSEND:

A bill (S. 8186) granting a pension to Georgia M. Hodgsdon (with accompanying papers); to the Committee on Pensions. By Mr. UNDERWOOD:

A bill (S. 8187) to transfer Frederick W. Cobb from the list of chief machinists, United States Navy, to the list of chief pay clerks, United States Navy; to the Committee on Naval Affairs. By Mr. NEWLANDS:

A bill (S. 8188) to amend an act entitled "An act to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes," approved June 29, 1906; to the Committee on Interstate Commerce.

By Mr. LEWIS:

A bill (S. 8189) to appoint Leonard G. Hoffman as a past assistant paymaster in the United States Navy; to the Committee on Naval Affairs.

By Mr. OWEN

A bill (S. 8190) for the relief of the widow of Rudolph H. von Ezdorf, deceased (with accompanying papers); to the Committee on Claims.

By Mr. THOMAS (by request):

A bill (S. 8191) to amend the interstate commerce law; to the Committee on Interstate Commerce.

By Mr. CHAMBERLAIN

A joint resolution (S. J. Res. 209) authorizing the Secretary of War to loan equipment, for the purpose of instruction and training, to the National Service School of Washington, D. C.; to the Committee on Military Affairs.

PUBLIC BUILDINGS.

Mr. SHEPPARD submitted four amendments intended to be proposed by him to the public-buildings bill (H. R. 18994), which were referred to the Committee on Public Buildings and Grounds and ordered to be printed.

RIVERS AND HARBORS APPROPRIATIONS.

Mr. JONES submitted an amendment intended to be proposed by him to the rivers and harbors appropriation bill (H. R. 20079), which was referred to the Committee on Commerce and ordered to be printed.

Mr. RANSDELL submitted an amendment intended to be proposed by him to the rivers and harbors appropriation bill (H. R. 20079), which was referred to the Committee on Commerce and ordered to be printed.

THE REVENUE.

Mr. THOMAS submitted an amendment intended to be proposed by him to the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extension of fortifications, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extension of fortifications, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment authorizing the Secretary of the Navy to enter into contract with the Commonwealth of Massachusetts for the use by the United States Government of a dry dock at Boston, Mass., which shall be capable of taking care of the large vessels that can be passed through the locks of the Panama Canal, etc., intended to be proposed by him to the naval appropriation bill (H. R. 20632), which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. DU PONT submitted an amendment proposing to amend section 1466 of the Revised Statutes regarding the relative rank of Army officers, intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. MARTINE of New Jersey submitted an amendment regulating the salaries of letter carriers assigned to the collection service in the City Delivery Service, intended to be proposed by him to the Post Office appropriation bill (H. R. 19410), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. WEEKS submitted an amendment authorizing the President to name the six battle cruisers provided for in the act of June 30, 1916, approved August 29, 1916, intended to be proposed by him to the naval appropriation bill (H. R. 20632), which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. WADSWORTH submitted an amendment proposing to amend the act authorizing the acquisition of a public-building for the site and building, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OLIVER submitted an amendment authorizing the President of the United States to appoint Brig. Gen. Chambers Mc-Kibbin, United States Army, retired, to the position and rank of major general on the retired list, intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. McCUMBER submitted an amendment providing that petty officers and noncommissioned officers and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service in the regular or volunteer forces prior to April 9, 1865, shall receive the rank and rating of pay of the next higher enlisted grade upon the retired list by reason of such service, etc., intended to be proposed by him to the naval appropriation bill (H. R. 20632), which was referred to the Committee on Naval Affairs and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. Sterling, it was

Ordered, That the papers accompanying the bill (S. 4191, 64th Cong., 1st sess.) granting an increase of pension to Adroniram C. Harper be withdrawn from the files of the Senate, no adverse report having been made thereon.

On motion of Mr. HITCHCOCK, it was

Ordered, That the papers accompanying the bill (S. 41, 62d Cong., 1st sess.) granting an increase of pension to Thomas Jefferson be withdrawn from the files of the Senate, no adverse report having been made thereon.

SUBMARINE WARFARE.

Mr. McCUMBER. Mr. President, I submit the resolution I send to the desk, which is designed to secure from the Secretary of State his view of international law upon the use of submarines. I ask that the resolution may be read, printed, and go over under the rule.

The VICE PRESIDENT. The Secretary will read the reso-

The Secretary read the resolution (S. Res. 354), as follows:

Whereas on the 3d day of February, 1917, the President of the United States in an address to the Congress informed the country of the severance of diplomatic relations with the Imperial Government of Germany, giving his reasons therefor, and citing certain passages in previous diplomatic notes in support thereof; and Whereas the note of this Government to the Imperial Government of Germany in reference to the sinking of the Sussex declared as follows:

Germany in reference to the shiring of the Lastonian lows:

"It has become painfully evident to it (this Government) that the position which it took at the very outset is inevitable, namely, the use of submarines for the destruction of an enemy's commerce is of necessity, because of the very character of the vessels employed and the very methods of attack which their employment, of course, involves, utterly incompatible with the principles of humanity, the long-established and incontrovertible rights of neutrals, and the sacred immunities of noncombatants"; and Whereas in the note of this Government to the Imperial Government of Germany in the matter of the sinking of the Lusitania, we declared as follows:

Whereas in the note of this Government to the Imperial Government of Germany in the matter of the sinking of the Lusitania, we declared as follows:

"The Government of the United States therefore desires to call the attention of the Imperial Government with the utmost earnestness to the fact that the objection to their present method of fittack against the trade of their enemies lies in the practical impossibility of employing submarines in the destruction of commerce without disregarding those rules of fairness, reason, justice, and humanity which all modern opinion regards as imperative. It is practically impossible for the officers of a submarine to visit a merchantman at sea and examine her papers and cargo. It is practically impossible for them to make a prize of her; and if they can not put a prize crew on board of her, they can not sink her without leaving her crew and all on board of her at the mercy of the sea in her small boats.

" Manifestly submarines can not be used against merchantmen, as the last few weeks have shown, without an inevitable violation of many sacred principles of justice and humanity"; and Whereas in the same note we again declare:

"American citizens act within their indisputable rights in taking their ships in traveling wherever their legitimate business calls them upon the high seas, and exercise those rights in what should be the well-justified confidence that their lives will not be endangered by acts done in clear violation of universally acknowledged international obligations, and certainly in the confidence that their own Government will sustain them in the exercise of their rights"; and

Whereas in the same note this Government further declares as a principle of international law "the rights of American shipmasters or of American citizens bound on lawful errands as passengers on merchant ships of beligerent nationality," and further asserts in said note, "that it must hold the Imperial German Government to a strict accountability for any infringement of those rights, international or incidental"; and Whereas on February 10, 1916, in our note to the Imperial German Government we declared:

"If commanders of German vessels of war * * * should destroy on the high seas an American vessel or the lives of American citizens, it would be difficult for the Government of the United States to view the act in any other light than as an indefensible violation of neutral rights, and if such a deplorable situation should arise, the Imperial German Government can readily appreciate that the Government of the United States would be constrained to hold the Imperial German Government to a strict accountability, * * * and to take any steps it might deem necessary to take to safe-guard American rights and property and secure to American citizens the full enjoyment of their acknowledged rights on the high seas"; and
Whereas notwithstanding these notes many beligerent merchant vessels have since been sunk by the undersea craft of the German Governel or the content of the Cerman Governel craft of the German Governel contents.

guard American rights and property and secure to American citizens the full enjoyment of their acknowledged rights on the high seas"; and Whereas notwithstanding these notes many belligerent merchant vessels have since been sunk by the undersea craft of the German Government, without notice, and without further protest on the part of this Government, indicating an acquiescence by this Government in such warfare, at least so long as it does not involve the loss of the lives of American citizens; and Whereas in his said address before the Congress the President declared:

"If American ships and American lives should in fact be sacrificed by their (Germany's) naval commanders in heedless contravention of the just and reasonable understandings of international law and the obvious dictates of humanity, I shall take the liberty of coming again before the Congress to ask that authority be given me to use any means that may be necessary for the protection of our seamen and our people in the prosecution of their peaceful and legitimate errands on the high seas"; and Whereas these several declarations leave doubtful and uncertain just what the obligations are which we impose upon the Imperial German Government as a condition for the continuance of peace between these two great countries: Now, therefore, be it

Resolved That the President of the United States be requested, if not incompatible with public interest, to direct the Secretary of State to submit to the Senate the view of this Government upon the limitation of the use of submarines (a) as against belligerent merchant vessels carrying American goods not contraband of war; (b) as against such vessels in respect to warning and safety of passengers and crew; (c) in respect to the sinking of American vessels carrying contraband, without notice, where the death of passengers or crew does not result; (d) in respect to American vessels carrying mails to belligerent countries; (e) in respect to any other acts of submarine warfare may involve this country in the prese

Mr. McCUMBER. Mr. President, it is evident from reading these several notes that in the very beginning of our controversy with the Imperial German Government, we took the position that the submarine could not be lawfully used at all in warfare against merchant vessels. We also declared that the use of the submarine against such vessels would be considered by us as an infringement of international law, for which we would hold the offending Government to a "strict accountability." think we have abandoned that earlier position; but it is not clear at the present time, in the light of the many different notes, and of many things in which we have acquiesced, just exactly what this Government will hold to be the limitation of the use of submarines in this war. And this was the subject and basis of the discourse by the President of the United States in the Senate a short time ago, and the subject upon which we severed our relations with the Imperial German Government, it seems to me we ought to know as accurately as it is possible for us to know just what the Government of the United States at the present time deems to be an infringement upon international law in the use of submarines, to the end that we may avoid a conflict, if possible, and that other nations may be put on their guard as to what we believe to be a gross abuse in the use of this subsea craft.

ask that the resolution go over under the rule and be I shall probably ask to discuss it at some time in the printed.

The VICE PRESIDENT. The resolution will go over under the rule and be printed.

AMENDMENT OF THE RULES.

Mr. JONES. Mr. President, I desire to submit a notice to the effect, that, when the Post Office appropriation bill (H. R. 19410) is under consideration, I shall move to suspend paragraph 3, of Rule XVI, for the purpose of offering an amendment to the bill relating to the carrying through the mails of liquor advertisements unless such an amendment is incorporated in the bill by the committee. I ask, without reading, that the notice be printed in the usual form, and also that it be printed in the RECORD.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

The notice is as follows:

I hereby give notice that when the Post Office appropriation bill is being considered in the Senate I shall move to suspend paragraph 3 of Rule XVI prohibiting the reception of general legislation to any general

appropriation bill, in order that I may propose the following amendment to be inserted at the proper place in said bill as a new section:

"Sec. — That no letter, postal card, circular, newspaper, pamphlet, or publication of any kind containing any advertisement of spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind, or containing a solicitation of an order or orders for said liquors, or any of them, shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter carrier when addressed or directed to any person, firm, corporation, or association, or other addressee, at any place or point in any State or Territory of the United States in which it is by the law in force in the State or Territory at that time unlawful to advertise or solicit orders for such liquors, or any of them, respectively.

"Whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than \$1,000 or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provision of this section may be tried and punished either in the district in which the unlawful matter or publication was mailed or to which it was carried by mail for delivery, according to direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed: *Provided, That the Postmaster General is hereby authorized and directed to make public from time to time in suitable bulletins or public notices the names of States in which it is unlawful to advertise or solicit orders for such liquors."

AQUILA NEBEKER.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5632) for the relief of Aquila Nebeker, which were, on page 2, line 7, after "are," to insert "found by the Secretary of Agriculture to be"; and on page 2, line 19, after "thereto," to insert: "Provided further, That the Secretary of the Interior and the Secretary of Agriculture shall jointly report to Congress, in detail, the factors upon which the valuations were made.'

Mr. GALLINGER. On behalf of the Senator from Utah [Mr. SMOOT], I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Post Offices and Post Roads: H. R. 6207. An act for the relief of Isabel E. Rockwell;

H. R. 16827. An act for the relief of Henry P. Grant, of Phillips

County, Ark.; and H. R. 17305. An act for the relief of William I. Wood.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 11498. An act making an appropriation to compensate James M. Moore for damages sustained while in the service of the Government of the United States;

H. R. 16855. An act for the relief of Riverside Military

Academy; H. R. 17406. An act for the relief of Eugene Fazzi; and

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 1869. An act for the relief of Reuben Sewell;

H. R. 9402. An act for the relief of Sylvester Hannan, alias Henry Edwards;

H. R. 12317. An act for the relief of Stephen J. Haff;

H. R. 14763. An act for the relief of Charles Lynch; H. R. 15852. An act for the relief of Allen Hyatt;

H. R. 15999. An act for the relief of Asbury Scrivener; and

H. R. 19978. An act for the relief of Janua Stoppels.

H. R. 16407. An act for the relief of J. L. Bonner, was read twice by its title and referred to the Committee on Public Lands.

H. R. 20047. An act for the control and regulation of the waters of Niagara River above the Falls, and for other purposes, was read twice by its title and referred to the Committee on Foreign Relations.

AGRICULTURAL APPROPRIATIONS.

The VICE PRESIDENT. Is there further morning business? If there be none, morning business is closed.

Mr. SMITH of South Carolina. I move that the Senate pro-

ceed to the consideration of House bill 19359, being the Agricultural appropriation bill

The VICE PRESIDENT. The question is on the motion of the Senator from South Carolina.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918.

Mr. MYERS. Mr. President, I offer an amendment to the pending bill, which I ask to have read.

The VICE PRESIDENT. There is a pending amendment, which will be stated.

The Secretary. The pending amendment is one offered by Mr. Shafforth, on page 70, line 14, after the word "expenses," to strike out "\$155,000" and to insert "\$175,000"; on the same page, in line 17, after the name "Hawaii," to strike out "\$40,000" and to insert "\$50,000"; and on the same page, in line 24, after the name "Hawaii," to strike out "\$5,000" and to insert "\$10,000.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. SMOOT. Mr. President-

Mr. SMITH of South Carolina. Mr. President, I will ask the Senator from Utah to allow me to make a statement at this

Mr. SMOOT. Certainly. Mr. SMITH of South Carolina. As I understand the status of this amendment, the Senator from Colorado [Mr. Shafroth] withdrew it, in so far as it relates to Hawaii.

Mr. SHAFROTH. I did so on the basis of preventing a call for a quorum last evening, but I expected to renew the amendment.

I will state to the Senator from Utah that this item is estimated for, and I have here what the department says about it. Although the totals are changed, the amendment merely involves an addition of \$10,000. I read now from the language of the department with reference to it:

Ten thousand dollars for the Hawaiian experiment station. This amount is needed in order further to develop the extension work authorized by Congress and to investigate a number of serious problems of sugar cane and plneapples which confront the growers of these crops. Investigational work in the growing of coffee, especially with reference to disease control, also should be undertaken.

Mr. President, I want to say that, except for the fact that I am chairman of the Committee on Pacific Islands and Porto Rico, these matters are not of any direct interest to me, and the Senate can rely upon the fact that there has been no pressure whatever made by any person to get the department to submit the estimate. They have voluntarily submitted the estimate and stated their desire to have this work done. I have not been to see the department about it, nor did I go to see the department in connection with a similar amendment for Porto Rico, which was adopted last evening. It is a matter that the department believes absolutely necessary for the proper development of the islands, and I hope there will be no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Colorado.

The amendment was agreed to.

Mr. SMITH of Michigan. Mr. President, I desire to offer an amendment in line 20, page 55, so that the amount appropriated will read "\$57,760" instead of "\$47,760." I offer that amendment because I desire a portion of the amount appropriated for the Bureau of Entomology to be used in the eradication, if possible, of a disease which is very vitally affecting the bean and pea crops of the country. I presume Senators are familiar with pea crops of the country. I presume Senators are familiar with the fact that the bean crop of the United States amounts to practically \$25,000,000 a year, and that it is largely produced in Michigan and New York. There is a very serious disease working considerable havoc in that crop as well as in the pea crop, and it ought to be eradicated. These are very necessary articles of food, and steps should be taken which will protect that product against unnecessary ravages.

Mr. SMITH of South Carolina. I will suggest to the Senator that the law for the current year made an appropriation under this heading of \$42,760. The estimate this year was for \$47,760, and we allowed the full estimate sent in by the department. The increase was suggested, doubtless, having in mind reference to the specific matter to which the Senator from Michigan has called attention. It will be seen that the increase in the appro-

priation over the amount last year is \$5,000.

Mr. SMITH of Michigan. That is not enough to do the work if it is to be done at all. If we are going to do anything to arrest this disease, we must provide for it adequately, and if the money is not necessary it will be retained in the Treasury. Mr. Taylor, Chief of the Bureau of Plant Industry, says that late reports from States indicate that losses are often as high as 50

per cent of the crop. I think this amendment should be adopted.
Mr. SMITH of South Carolina. My suggestion to the Senator is that, if necessary, without increasing the appropriation, as the other matters to be investigated do not seem to be so pressing as the matter to which he refers, a proviso be inserted setting aside a definite portion of the total amount for this particular purpose. I will suggest to him that he might offer an amendment providing that a certain amount shall be used for the purpose he has indicated.

Mr. SMITH of Michigan. Very well. I will put it in that

Mr. SMITH of South Carolina. That would not increase the total appropriation, and would provide a sufficient amount out of this lump sum to cover the matter.

Mr. SMITH of Michigan. Very well. Then, Mr. President, I move to add a proviso at the end of line 20, page 55, as follows:

Provided, That not less than \$20,000 of the amount herein appropriated shall be devoted by the bureau to the investigation of the disease affecting the bean and the pea crop of the United States.

Mr. FALL. Affecting what crop?

Mr. SMITH of Michigan. The bean and the pea crop. Mr. KENYON. Does that increase the appropriation?

Mr. SMITH of South Carolina. No. Mr. SMITH of Michigan. It does not.

Mr. FALL. Mr. President, I should like to ask what kind of bean it is to the investigation of the disease of which this

money is to be applied?

Mr. SMITH of Michigan. The white bean.

Mr. FALL. I object, Mr. President, unless there is a provision for the Mexican pink bean, frijole beans, and the garavanza and other beans that are native to my part of the country. I object to expending all this money in one section.

Mr. SMITH of Michigan. Mr. President, the disease anthracrose, which seriously threatens the bean crop of Michigan and New York States, will probably not affect the bean of New Mexico, they are apparently immune, but I accept the amend-

Mr. KENYON. Mr. President, I should like to ask the Senator from Michigan if this would include also diseases in the beans that are sent out under the congressional free-seed distribution?

Mr. SMITH of Michigan. No; those are foreign beans. This is a domestic affair.

Mr. THOMAS and Mr. SMITH of South Carolina addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan has the floor. To whom does the Senator yield?

Mr. SMITH of Michigan. I do not yield to anyone.

Mr. SMITH of South Carolina. I understand this does not restrict the use of the money to any one particular section, but just to peas and beans.

Mr. SMITH of Michigan. It is to be used wherever the bureau desires, although I may say that Michigan has been growing about 70 per cent of the white beans consumed in the

Mr. SMOOT. I understand that this does not increase the appropriation; but I hardly think that out of \$47,000 for the investigation of potatoes, sugar beets, cabbage, onions, and tomatoes there should be \$20,000 set aside for the investigation of insects affecting the bean and the pea. I do not think that is a fair division.

Mr. SMITH of Michigan. I think they should have quite a

generous latitude. This is a very valuable crop.

Mr. SMOOT. But this would not give them any latitude.
Mr. SMITH of Michigan. They must have ample latitude if
they are going to investigate and eradicate this disease, which is really threatening a great food product.

Mr. SMOOT. We have here the sugar beet, the potato, the

cabbage, the onion, and the tomato.

Mr. SMITH of Michigan. Yes; but there is nothing very threatening attacking those crops now.

Mr. SMOOT. Oh, yes, there is, every year.

Mr. SMITH of Michigan. They are under investigation. Mr. SMOOT. But the Senator is taking nearly half of the amount for peas and beans.

Mr. SMITH of Michigan. Question!

Mr. JONES. Mr. President

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Washington?

Mr. JONES. I understood the Senator from Michigan had yielded the floor.

Mr. SMITH of Michigan. No; not yet. Mr. JONES. The Senator called for the question, and, of course, he can not just hold the floor.

Mr. SMITH of Michigan. If the Senator wishes to address himself to this amendment, I will yield to him.

Mr. JONES. No; the Senator from Michigan has accepted all sorts of amendments here, and I want to have the amendment

ad as it now stands.

The PRESIDING OFFICER. The Secretary will state the amendment as he has it at the desk.

The Secretary read as follows:

Provided, That not less than \$20,000 of the amount herein appropriated shall be used by the department for the investigation of the disease prevalent in beans and peas of all colors and varieties.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan.

Mr. CLAPP. Mr. President, I do not think that amendment ought to be adopted as it stands. There would be no objection

to saying that that much may be used.

Mr. SMITH of South Carolina. "If so much be needed."

Mr. CLAPP. But we are tying the hands of the department here on rather a moderate appropriation, and taking it from other sources, and interfering with the general use by the department of this particular fund. I am perfectly willing to say that it may be used for that purpose.

Mr. SMITH of Michigan. Well, that is perfectly agreeable.
Mr. CLAPP. Then I move to amend the amendment by substituting the word "may" for "shall."

Mr. SMITH of South Carolina. Why not amend it so as to read "if so much thereof be necessary"?

Mr. CLAPP. When you make it read "may," then you do

leave it that way.

Mr. SMITH of South Carolina. Does the Senator accept that amendment?

Mr. SMITH of Michigan. Yes. The PRESIDING OFFICER. The Senator from Michigan accepts the amendment to his amendment. The question is on

the amendment as amended.

Mr. SMITH of Michigan. I think the words "all colors and varieties" ought to be stricken out.

The PRESIDING OFFICER. The Secretary will state the amendment as amended.

The Secretary. On page 55, line 20, after the numerals "\$47,760," it is proposed to insert:

Provided, That not less than \$20,000 of the amount herein appropriated may be used by the department for the investigation of the disease affecting beans and peas.

Mr. WADSWORTH. Mr. President, I suggest the alteration of that language to read "not more than \$20,000."

Mr. SMITH of South Carolina. Yes; that is correct.
The PRESIDING OFFICER. Without objection, the amendment suggested by the Senator from New York to the amendment is agreed to. The Chair hears no objection. The question is on the amendment of the Senator from Michigan, as amended. The amendment as amended was agreed to.

Mr. KENYON. Mr. President, I offer an amendment to be

Mr. KENYON. Mr. President, 1 oner all discontinuous inserted after line 2, on page 92.

The PRESIDING OFFICER. The amendment will be stated.

The Secretary. On page 92, after line 2, it is proposed to

Insert:

Provided, That no part of the appropriation made by this act, whether for salaries or expenses or any other purpose connected therewith, shall be used in connection with any money contributed or tendered by the General Education Board or any corporate or other organization or individual in any way associated with it, either directly or indirectly, or contributed or tendered by any corporation or individual other than such as may be contributed by State, county, or municipal agencies; nor shall the Department of Agriculture receive any moneys for salaries or any other purpose from the General Education Board or any corporate or other organization or individual in any way associated with it, either directly or indirectly, or contributed or tendered by any corporation or individual other than such as may be contributed by State, county, or municipal agencies, except by act of Congress authorizing the same. Nor shall any person paid in whole or in part by any such corporation for services rendered by him be employed by the Government or become or remain an officer of the Government. Any person violating any or either of the terms of this provision shall be deemed gullty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than \$1,000 or by imprisonment as the court may determine.

Mr. KENYON. Mr. President, this amendment is somewhat

Mr. KENYON. Mr. President, this amendment is somewhat similar to the amendment offered by the Senator from Oregon [Mr. CHAMBERLAIN] to the legislative bill, which was adopted

without any dissent.

I will say that some years ago, in 1914, I introduced in the Senate a resolution calling upon the Secretary of Agriculture to submit to the Senate a list of those in the Department of Agriculture who were paid in part by organizations outside of the Department of Agriculture. He submitted at that time a statement covering, I think I may conservatively say, 400 persons; and we then adopted an amendment somewhat similar to this. A large number of those who were on the rolls of the Department of Agriculture were paid a nominal sum by the department, and their main salaries were paid by the General Education Board, which is a part of the Rockefeller Foundation.

Congress having adopted that amendment, I think it was fair to assume that the matter would stop. But the matter, I am informed, has not stopped. It is still, as I understand it, going on; and it seems to me fundamental that it should be prohibited; that the Government pay its own employees without any assistance from the Rockefeller Foundation. There is no more reason for the Rockefeller Foundation paying the employees of the Government in the Agricultural Department or the Bureau of Education than there is for their joining in paying the salaries of Senators or members of the Supreme Court.

The Senator from Oregon [Mr. CHAMBERLAIN], who has given this matter a great deal of study, handed me a letter from the Civil Service Commission which shows that at this time there are some 500 people engaged in the Department of Agriculture receiving from \$1 per year up to \$25 per year from the Government. I am not prepared to say, and he is not prepared to say, just how many, if any, of these are employed and paid by the General Education Board. I hope that we may find out some-I hope that an investigation may be made as to the relationship that has been going on for so long between the General Education Board and the Rockefeller Foundation and the different departments of the Government.

Again, what particular reason is there why parties should receive a dollar a year from the Government, become employees of the Government in that way, and be given the franking privi-lege, thus enabling them to send documents all over this country at great expense to the Government? It is an insidious influence in our Government that ought to be stopped. I do not mean to imply at all that the Rockefeller Foundation has not done great good in many lines of investigation. Of course it has, My proposition is simply that the Government should pay its own employees.

Mr. SMOOT. Mr. President—
The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. I yield.

The Senator has referred to the privilege Mr. SMOOT. granted to send public documents through the mails. The par-ties who are employed by the Rockefeller Foundation and placed upon the Government rolls at \$1 per annum have no right whatever to the free use of the mails of the United States for the purpose of sending documents prepared by them to any part of the United States.

Mr. KENYON. I had understood that they could do that. Mr. SMOOT. A document has to be authorized either by the Senate or by the House to be printed as a public document, or it has to be authorized under the printing appropriation of any department to be printed as a departmental document before it is entitled to the free use of the mails; and if there is any abuse in sending out the documents written by these individuals that are placed upon the rolls of the Government, it must, of necessity, be by the head of the department.

Mr. KENYON. *I do not mean to contend that they have the

right to send out these documents before they are made public documents; but after they are made public documents they have

the right to the franking privilege.

Mr. SMOOT. They have a right in this way: For instance, if a public document is printed and if a Senator will lend his name to an association for that purpose, the association can send out as many copies of that document as it wishes.

Mr. KENYON. That is true; but these people become employees of the Government, and after the matter is made a public document they can send it out. They have the franking

privilege.

Mr. SMOOT. They could do that if they were not employees of the Government.

Mr. KENYON. If they were not employees of the Government?

Mr. SMOOT. Certainly; under circumstances as I have stated.

Mr. KENYON. I do not see how.

Mr. SMOOT. The abuse, if there is an abuse at all, comes from the fact that whenever an article is prepared by any one of the employees mentioned by the Senator the head of the department accepts the article and makes it a departmental document, and as soon as it is made a departmental document it is then allowed, under the law, free access to the mails.

Mr. KENYON. The Senator has expressed it better than I

did. I was trying to get at the same thought in rather a roundabout way; but that is only incidental in any event, I think, to the main proposition as I have heretofore stated it, namely, that this Government is able to run its own affairs without the aid of the Rockefeller Foundation.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator right in that connection for a moment?

Mr. KENYON. I am through. Mr. CHAMBERLAIN. At a hearing before the Committee on the District of Columbia of the House of Representatives on the 12th, 13th, and 14th days of April of last year Mr. E. J. Ward was a witness. He was one of the gentlemen who was carried on the roll of the Bureau of Education at a salary of \$1 per annum paid by the Government, and he did not disclose who paid the balance or principal part of his salary. It is fair to say in his behalf, however, that that inquiry was not pressed; the committee did not seem to care to know who paid it; but he only got \$1 per annum from the Government. He was asked this question by Mr. LLOYD, a member of the com-

Mr. LLOYD. As a matter of fact, you are an employee of the Bureau of Education?

Mr. Ward. As a matter of fact, I am an employee sworn as others to defend the Constitution, using the Government frank as others.

Mr. LLOYD. Is it true, then, that your purpose in being connected with the department was to get the privilege of the frank?

Mr. Ward. My purpose in being connected with the department was to render therein the service which I could render by having that opportunity.

It is probably true, as the Senator from Utah said, that the document he prepared there as the agent of some private individual or corporation was adopted by the Commissioner of Education as a departmental document, and therefore, by virtue of that recognition, it was permitted to go through the mails under frank.

Mr. SMOOT. That is the only way it could happen. Mr. CHAMBERLAIN. That is the only way it ought to happen. Whether it happened in other ways or not I do not know, and it really will take an investigation by Congress to get at the bottom of the matter.

I do not know this gentleman, Mr. Ward. I only judge him by his testimony here. The question was asked him in view of the fact that he was getting only about \$1 a year from the Government and the balance from some other source to whom he felt his allegiance was due-whether to the individual who paid the salary or to the Government of the United States. I just want to call your attention to it, because the way he answered that question is quite amusing.

Mr. RAGSDALE (Interposing). The question is, who has the right to direct your services—the Government, or the person who is paying you?

Mr. WARD. If I may quote a statement out of court, that would depend on whether you agree with one of the Members of Congress who said, "Who pays the piper calls the tune." All of my income, excepting \$1 comes from a private individual. If you accept that statement and make it apply, there is at least a suspicion that I am controlled by somebody besides the Government. As to the fact of my control, I doubt it.

Mr. President, there ought not to be anybody on the pay roll of the Government, with the powers that these individuals must have in the very nature of things, who can not say promptly and peremptorily that he considers that his allegiance is due to the Government of the United States, and not to the man who pays his salary. If he can not do this, he has no business in the employ of the Government.

Mr. GRONNA. May I ask the Senator from Oregon a ques-

tion before he takes his seat? Is the Senator reasonably sure that all the men he refers to are working for what he calls the Rockefeller Foundation? Is it not possible that many of these men are in the employ of State agricultural colleges or other State institutions and that in this way they desire to have their publications printed and circulated in the mails free.

Mr. CHAMBERLAIN. I have not any doubt at all that a great many of these collaborators so-called are in the employ of agricultural colleges, or in the employ of the several States, probably some of them are employed by municipal corpora-tions, and that their employment is beneficial to the country and not at all subject to criticism. But there is nothing here to show that, and what I have been complaining about is that there ought not to be any doubt as to this employment.

Mr. GRONNA. I was going to call the attention of the Senator from Iowa to the fact that many of these men, as I understand it, instead of being employed by the Rockefeller Foundation, are professors in agricultural colleges or professors in the universities in different States. I think it would be doing great damage to the country to say that those people should be prohibited from sending documents which are so valuable through the mails free. I know I could name, if I wanted, a hundred such documents prepared by professors in different colleges. Take the circular, or, rather, the pamphlet, issued by Prof. Bolley on the wheat market, and you will find it is worth millions of dollars to the people of the country. It would prohibit these men from cooperation and some collaboration with the

officials of the Federal Government.

Mr. SMITH of South Carolina. Will the Senator read that portion of the proposed amendment again?

Mr. GRONNA. I had not read the Senator's amendment.

Mr. SMITH of South Carolina. I wish to call attention to its language

Mr. GRONNA. I understood from what the Senator from Oregon said that it would do a great deal of harm.

Mr. KENYON. It makes exception of money contributed by State, county, or municipal agents. I think that answers the Senator's question. It reads:

Money contributed or tendered by the General Education Board or any corporate or other organization or individual in any way associated with it, either directly or indirectly.

Mr. GRONNA. That would take care of the agricultural colleges and State institutions,

Mr. KENYON. It would not touch any cooperation between

the Government and the colleges of the States.

Mr. GRONNA. But my question is, Would it prohibit these men from cooperating with the agents of the Federal Govern-

ment in sending their documents through the mails free?

Mr. KENYON. It would, if they are connected with the General Education Board or any corporation associated with that organization.

Mr. GRONNA. That seems to me to be a very sweeping amendment, and I shall have to oppose it.

Mr. SMITH of South Carolina. Will the Senator from Iowa allow me to ask him a question? You propose to provide that no institution connected with the Rockefeller Foundation or the General Education Board shall cooperate with the Government.

Mr. KENYON. No; if the Senator will read the amendment it seems plain enough:

Provided, That no part of the appropriation made by this act, whether for salaries or expenses or any other purpose connected therewith, shall be used in connection with any money contributed or tendered by the General Education Board or any corporate or other organization or individual in any way associated with it, either directly or indirectly—

I do not think you can say that a college that might receive some contribution for a certain purpose was associated with it. This is not intended to cover that-

or contributed or tendered by any corporation or individual other than such as may be contributed by State, county, or municipal agencies—

The query might be whether that covers colleges; but colleges would not be contributing, in any event, to the Department of Agriculture-

nor shall the Department of Agriculture receive any moneys for salaries or any other purpose from the General Education Board or any corporate or other organization or individual in any way associated with it, either directly or indirectly—

It does not cover any college-

or contributed or tendered by any corporation or individual other than such as may be contributed by State, county, or municipal agencies, except by act of Congress authorizing the same.

This is where the question might arise:

Nor shall any person paid in whole or in part by any such corporation—

That is, the Education Board and corporations associated with it-

for services rendered by him be employed by the Government or become or remain an officer of the Government.

Now, that does not touch college professors unless they are employed directly by the General Education Board.

Mr. WORKS. Mr. President, there is something a good deal more important involved in this question than the mere matter of money or the use of the franking privilege. I think the departments of the Government should be kept free from outside influences, of corporations, or any other bodies of men. The case suggested by the Senator from North Dakota could easily be covered without going into the department, gress is quite ready at all times to publish as a public document anything that seems to be worthy of publication; but we are permitting these outside influences to come into the departments and bureaus of the Government and absolutely control its policies and the doctrines that go out from the departments. I think it is an evil that ought to be curbed, an evil that ought to be suppressed. I am very glad the Senator from Oregon has raised the question. We have attempted to do that heretofore, in connection with another bill, where an attempt was made to influence education in a strict sense in this country, which I think ought not to be allowed. I think for the very same reason it ought not to be allowed in the departments, and I hope as the opportunity has offered itself that Congress will put an end to it

Mr. CHAMBERLAIN. Mr. President, I desire to disclaim any opposition to the Carnegie Foundation or to the Rockefeller Foundation. I have no objection to their private and charitable activities in any line that they may see fit to follow. I am willing to go still further than that, and to admit that along the lines of agricultural research, health research, medical research, and other activities, along economic and other lines, they have done a great deal of good. So what I say is entirely without any feeling of unkindness to these great financial institutions. What I objected to the other day, and what I object to now, is that they should become so allied with the Government itself that emanations from their brain and from the brains of their agents shall have as it were the Government's stamp upon them, so that they go to the people as the doctrines and principles enunciated by the Government itself.

There are some men connected with these institutions, Mr.

President, who do not respect the American ideals at all. are far out of touch with the opinions and thoughts of the mass of the people of this country, and expressions that come from them ought not to go out with the stamp of governmental

approval.

I received the other day a letter from Mr. Henry S. Pritchett, president of the Carnegie Foundation, under date of the 30th of January, complaining that I had misrepresented the connection of the Carnegie Foundation with the Government of the United States in an address made by me in the Senate on the 26th day of January. I do not admit that I misrepresented the attitude of the Carnegie Foundation to the Government. Mr. Pritchett simply misunderstood me; that is all. He is entirely too sensitive. I will just read his letter, so that there may be no question as to his attitude. It is as follows:

NEW YORK, January 30, 1917.

Hon. George E. Chamberlain,

United States Senate, Washington, D. C.

My Dear Sir: I am sure that you would not knowingly make an incorrect or unjust charge against an individual or an association of individuals. I therefore ask with entire confidence that you correct in such manner as your own sense of fairness and justice may indicate the misrepresentation of the Carnegie Foundation made in your remarks contained in the Congressional Record of January 26, pages 2039-2046.

In the course of these remarks you twice make the specific charge that the Carnegie Foundation had at various times in the past pald salaries to men connected with governmental bureaus, who received nominal pay and certain alleged privileges by their governmental connection. Your charge against this Foundation is absolutely without warrant. Not one cent has ever been paid by the Carnegie Foundation to any person in Government employ, nor has it ever entered into any arrangement of any description whatsoever by which it paid the salary or had any means of controlling or influencing the action of members of any Government bureau. On the contrary, the Carnegie Foundation has carefully avoided any such connection. It has consistently maintained the position that an endowed agency had its field of usefulness outside of governmental departments. Its policy has been exactly the opposite of that which you attribute to it.

I have therefore the honor to ask that you make such correction of your statement as justness and fairness indicate, and I beg that this denial may be given a publicity equal to your accusation. I apprehend that no Senator of the United States desires to be absolved from the duty to do justice to any body of men whom he has unwittingly misrepresented.

I am, very truly, yours,

I am, very truly, yours,

HENRY S. PRITCHETT, President the Carnegie Foundation.

Mr. Pritchett is exactly right when he expresses a belief that would not knowingly misrepresent an individual or a corporation, and I did not intend to misrepresent the foundation on the occasion to which he refers. As a matter of fact, while there are two places in my remarks that might, by a stretch of the imagination, have been construed as a statement that there were men who were receiving their principal salaries from the Carnegie Foundation while they were receiving only nominal salaries from the Government, in each case I made a statement to which I call the attention of the Senate. In each case I said substantially as follows:

In other words, the main salaries are paid by those who I claim ought not to have anything to do with the education of the children of this country. I know not from whence the money comes for these different

There is a positive statement that I did not know who or what institution, corporation, or individual was putting up the money for salaries. I do not know now that the Rockefeller or the Carnegie Foundation is putting up money to pay the principal salaries of these individuals named in my former address. I can not state that positively, but, if we are to judge from the names of the individuals, their associations, and the circumstances of their connection with the Government, we must conclude that many of them are paid by the Rockefeller Foundation or its allies; and there is a bare suspicion-that is, a reasonable suspicion might have been drawn from appearancesthat some of the people connected with the Carnegie Foundation were receiving their principal salaries from that institution. But in the face of Mr. Pritchett's denial I am willing to say here and now that he tells the truth. It may be true that the Carnegie Foundation looks to other avenues for the exertion of its activities than those suggested by Mr. Pritchett. I say its methods are even more dangerous to the American youth than the methods the Rockefeller Foundation pursues.

Let me illustrate what I mean. Give me, Mr. President, the

education of the youth of this country and the control of \$100,-000,000 or \$200,000,000 for a period of years to use as I please,

and I venture the prediction that in two or three generations I can practically change the ideals of America. It is not the first time in the history of this Republic where the school has been resorted to to change public opinion, nor is it the first instance in the history of the world where schools and universities have been resorted to for the purpose of changing public opinion.

I have often wondered why it was that Washington in his Farewell Address appealed to the religious side of the American people and stated how necessary it was for our preservation that we observe the religious and the moral life. from any source an idea as to why that was included in his Farewell Address until the other day, and I conclude that it was prompted by the conditions of his day as developed in the

colleges of the time.

William and Mary College, in his beloved Commonwealth, had become a hotbed of infidelism. The young men who were attending this and other southern institutions were noted throughout the country, wherever they happened to be, as young men who were lacking in religious conviction. Not only was that true with reference to William and Mary College, but it was true with reference to Yale. It is said that at Yale during the discussions that were going on in France at and prior to the French Revolution the sense of religious conviction was almost gone from this country, and that the young men there called themselves "Rousseau" and "Voltaire," and by the names of other well-known atheists or infidels in France at that time, and that atheism and infidelity there were not uprooted until Timothy Dwight became president of the institution, and went to work to reform college life and opinion. Is it not possible that Washington's address was suggested by these considerations and conditions which existed at educational institutions of the country?

If it was true in those days it is true in this day, that if you place the education of our people in the hands of men whose ideas are at variance with the ideas and ideals of most of the people of the country there is no telling where it will lead.

Note the difference between the Rockefeller Foundation, if you please, and the Carnegie Foundation. I again disclaim any feeling against either of them. The Rockefeller Foundation declines to give any of its bounty to any State institution. That

cuts out one important class of colleges.

The Carnegie Foundation declines to give any of its bounty to any sectarian institution. These two great foundations practically put the ban on two great classes of educational institutions of our country-the State institutions and the sectarian institutions. What is the result of that? What was the purpose of it? I do not know what the purpose was. I do know that the Carnegie Foundation has undertaken to standardize the colleges of the country. By this work of standardization, the Carnegie people have listed a number of institutions that they will give their bounties to in the form of pensions to the retired members of the faculty. It does the work of standardization through its agencies. It segregates these institutions and puts its own selections at the top of the list, so that these institutions receive bounty at their hands, both in the way of endowment to the standardized schools and in the way of pensions to teachers connected therewith. That drives the smaller colleges out of existence; these latter can not compete; neither can the State institutions, except in so far as they receive the cordial support of the State, compete with the pets of the Rockefeller Foundation. So that the smaller institutions must go out of business entirely.

I do not pretend to say what the purpose of these founda-tions is. I have sometimes thought it was a desire for posthumous fame. We do know that the men who are connected with these great foundations do not stand the highest in the estimation of the present generation. Why, it is unnecessary for me to say, but if they can educate the young men to take a different view from that which is taken by the young men of this day and generation, they will be looked upon hereafter as great patriots and great philanthropists in their day and generation. Mr. President, generations yet unborn ought not to be permitted to look back upon the past through any such

refracted ray as that.

I have received a number of letters from distinguished educators in the country since this agitation commenced. I am amazed that so little has been said about the conditions to which I call attention. For instance, one of the most distinguished bishops in the South, Bishop Warren A. Candler, of Georgia, chancellor of Emory University in Atlanta, Ga., writes me approving of the attempts now being made to separate these foundational institutions from governmental life. I wired and asked permission to print his letter in the RECORD, and with his consent I am going to do it. There is no more respected and no abler or

more patriotic or more fearless man in the South than Bishop Candler. He writes me as follows:

EMORY UNIVERSITY, Atlanta, Ga., February 2, 1917.

Schator Chamberlain, United States Senate, Washington, D. C.

United States Senate, Washington, D. C.

MY DEAR SIR: I have just_finished reading an interesting discussion upon an amendment to the pending measure which you offered in the Senate on January 26, and which brings to light some questionable methods of the Carnegie and Rockefeller Foundations.

Some years ago I wrote a series of articles which I subsequently printed in a booklet, a copy of which I am sending you. At that time I seemed to be no more than an unheeded voice crying in the wilderness. I am glad to see that you have undertaken to correct some of the evils connected with this educational trust, and I am taking the liberty of inclosing herein a copy of the booklet which I printed and which I made reference to above. I have thought it might contain some facts which had escaped your notice, and it might be of use to you in the further handling of this important matter.

With sentiments of highest esteem, I beg to remain,
Yours, very truly,

Warren A. Candler.

WARREN A. CANDLER.

Mr. President, I am going to ask that the booklet to which his letter refers may be printed in the RECORD. It is as fol-

A PREFATORY WORD.

The articles which compose this pamphlet were prepared for publica-tion in the Atlanta Journal, and the first two were printed in its col-

The articles which compose this pamphlet were prepared for publication in the Atlanta Journal, and the first two were printed in its columns.

The editor of the Journal withheld the last two from publication out of a consideration of courtesy to the meeting of the Conference for Education in the South, in the city of Atlanta, explaining to the writer that he agreed with the position of the writer on the general subject and would print the two papers after the conference adjourned. As is evident on the face of the articles they are entirely courteous, and it does not appear that the conference should be exempted from courteous criticism because of the place at which it happens to meet this year, especially when it is remembered that the articles were prepared before the writer of them knew where or when its session would be held, and that he had no part in inviting the body to meet in Atlanta. The conference bears but a secondary and ributary relation to the General Board of Education, and the emphasis of these papers does not fall on it. It can not, however, escape entirely criticism of the General Board of Education, which was originated in the conference, and which in turn makes appropriations to the conference, and it is entitled to no exemption from criticism while it is thus inseparably related to the General Education Board.

And besides all this, when a great danger threatens the country there is no time for standing on mere ceremony. It is time to cause the people to understand the peril which menaces their institutions of learning and their civilization.

To the four papers which were prepared for the Journal are appended an article from the Manufacturer's Record, of Baltimore, which will serve to confirm the conclusions reached by the writer and to show that other sober-minded men view with alarm the situation which confronts us. I add also extracts from the columns of the New York Journal of Commerce and Springfield Republican of weighty import.

It is hoped that this discussion may contribute in som

W. A. CANDLER.

ATLANTA, GA., April 2, 1909.

THE POWER OF OUR COLLEGES AND A PERIL WHICH THREATENS THEM.

THE POWER OF OUR COLLEGES AND A PERIL WHICH THREATENS THEM.

It is to be feared that the most of our people do not justly estimate the influence and value of our institutions of higher learning. In this statement reference is not intended to our negligence in properly equipping and adequately endowing our colleges and universities, although there is much in that direction deserving of censure.

Our people do not seem to understand the effect of an educational institution on the general welfare of the community whom it serves. Its work is done so silently, gradually, and invisibly, while railroads, banks, factories, and the like, are so bulky and tangible that most men among us regard with comparative indifference a school of higher learning. Nevertheless, that which they esteem so lightly may be doing a work which will seriously affect for good or ill every commercial enterprise in the land, not to speak of the interests of higher value than material things.

The nations of Europe understand all this better than do our people. They have experimented with educational institutions for centuries, and they know what comes of such influential plants.

When England wished to insure her dominion in Normandy she founded the University of Caen in 1436, and achieved by it vastly more than it cost her.

When Spain desired to consolidate the Netherlands she established the

When England wished to Insure her dominion in Attranary and founded the University of Caen in 1436, and achieved by it vastly more than it cost her.

When Spain desired to consolidate the Netherlands she established the University of Douay in 1572, and with it she achieved results that still abide, notwithstanding all the political changes and social mutations which have come to pass in the course of more than three centuries.

After the Battle of Jena, Germany set about healing the political bruises and military wounds indicted upon her in that disastrons defeat by founding the University of Berlin in 1810. M. Ernest Lavisse has related most interestingly the story of its foundation. He says the King of Prussla, Frederick William, declared as the reason for its establishment, "it is necessary that the State supply by its intellectual forces the physical powers which it has lost." The great Schleirmacher supported the project enthusiastically and most clearly forecast its future. He said, "When that scientific organization is founded, it will have no equal; thanks to its interior force, it will exercise its benevolent rule to the borders of the Prusslan monarchy. Berlin will become the center of the entire intellectual activity of northern and Protestant Germany, and a solid foundation will be prepared for the accomplishment of the mission assigned to the Prussian Government." His words were most accurately fulfilled. The University of Berlin more than any other one thing united and invigorated the new Germany with which Napoleon III had to settle in 1870.

Think of the proposition! To elevate the Kingdom of Prussia and unify the German Empire by establishing a school! Our "practical men" would laugh at such an idea; but the more practical German authorities knew what they were doing. The event has justified the wisdom of their far-sighted proposal. Berlin has become the scientific and political center of the German people. With its great university it is the very heart of the nation's life and its influence is felt throughout the world. Our own educational institutions have not escaped the influence of the University of Berlin.

Again, after the overwhelming defeat of Napoleon III in 1870 by the unified and renovated German nation, Bismarck undertook the Germanizing of Alsace-Lorraine by completely reconstructing the University of Strassburg.

izing of Alsace-Lorraine by completely reconstructing the University of Strassburg.

We thus see that both to retrieve a defeat and to confirm a victory long-headed Germany established a new educational plant. And in both instances she has not been disappointed in the outcome.

When the great Liberal Party in Belgium in 1834 sought to battle successfully with its foes, who were operating so aggressively through the Universities of Liege and Gand (or Ghent, as the city is called in English), it founded the University of Brussels.

Oxford University has been the breeding ground of Tories and Toryism for generations, and the Whigs in 1828 set up the University of London with the purpose of offsetting if possible the political influence of Oxford.

In our own country a history was enacted toward the close of the

ism for generations, and the Whigs in 1828 set up the University of London with the purpose of offsetting if possible the political influence of Oxford.

In our own country a history was enacted toward the close of the eighteenth century which emphasizes in a striking manner the power of the colleges. The institutions of learning then existing in the young Republic were few and comparatively feeble; but becoming infected with infidelity, they threatened the religious life of the whole country. Bishop Meade, of Virginia, declared with reference to their effects, "I can truly say that then, and for some years after, in every educated young man in Virginia whom I met I expected to find a skeptic, if not an avowed unbeliever." He affirmed that the College of Villiam and Mary, which had been founded in religious motives and for Christian ends as its first charter showed, had become "the hothed of French politics and infidelity." Yale College had succumbed to the same evil influence; and when, in 1795, the great Timothy Dwight came to the presidency of the institution he found it in the most wretched condition as to both faith and morals. Dr. Lyman Beecher, who entered the college as a student about that time, said it "was in a most ungodly state"; and he adds, "most of the class before me were infidels, and called each other Voltaire, Rousseau, D'Alembert, etc." Our Nation can never pay the debt it owes to Dr. Dwight for the warfare he waged against infidentity in Yale College during all the years of his presidency. He drove it from Yale, and his saving influence extended to other institutions. He might be called in some sense the savior of this country in that perilous hour. The poorer Yale of Dr. Dwight's day did more for the country than does the richer Yale of to-day.

Washington, also, in his "Farewell Address" lamented the moral conditions which he saw around him, and he warned his countrymen against the dangers of irreligion and infidelity. Manifestly, he was alming his words at current conditions, then so th

tion on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious liberty."

It is not surprising that the Father of his Country was alarmed. Some of the most conspicuous leaders of the political thought of that period were most aggressive in their opposition to all things religious. Gen. Dearborn, who was the Secretary of War in the administration of President Jefferson, on one occasion in alluding to the churches said, "So long as these temples stand we can not hope for order and good government." Washington in his "Farewell Address" traversed with purpose and emphasis such vicious sentiments because he saw the need of sounding a note of alarm.

The general assembly of the Presbyterian Church in 1798 bemoaned the situation in these words: "We perceive with pain and fearful apprehension a general dereliction of religious principles and practice among our fellow citizens, a visible and prevailing implety and contempt for the laws and institutions of religion, and an abounding infidelity, which in many instances tends to atheism itself. The profligacy and corruption of the public morals have advanced with a progress proportionate to our deciension in religion. Profaneness, pride, luxury, injustice, intemperance, lewdness, and every species of debauchery and loose indulgence greatly abound."

Behold to what length the evil leaven which was working among the educated classes operated to the corruption of private and public morals among all classes! It affected the whole life of the Nation and threatened even the stability of all its social and political institutions. In have dwelt at length upon the effect of educational institutions. In order that I might warn our people against a powerful effort which certain very astute men, backed by millions of money, are now making to capture and control our colleges and universities. While we sleep they work.

An educational trust has been formed, and it is operating to control

to capture and control our colleges and universities. While we sleep they work.

An educational trust has been formed, and it is operating to control the institutions of higher learning in the United States, and to dominate especially the colleges and universities of the South.

When the war was over Gen. Lee exhorted the troops to go home and cultivate the virtues of their ancestors. It is the last privilege of a conquered people to cultivate their own peculiar excellencies and gifts.

Our people have risen up out of the desolation of war and the greater desolation of reconstruction, and by sheer strength of manhood they have recovered their fallen fortunes, made the waste places to bloom again, and wrought out on the old foundations a splendid structure of civilization. For many years they have been lectured by their conquerors in season and out of season. They have been given any amount of advice if nothing else. But now at last the effort to manage them takes a new direction. It is proposed to change their political thinking, religious beliefs, and social organizations by a scheme to dominate their colleges and universities. I can not in this paper go into details, but must reserve all that for my next communication and subsequent articles,

In the meantime I close this letter by saying, "Let us beware of the Greeks when they bring gifts."

SEEKING TO CAPTURE AND CONTROL THE COLLEGES OF THE COUNTRY.

In the meantime I close this letter by saying, "Let us beware of the Greeks when they bring gifts."

SERKING TO CAPTURE AND CONTROL THE COLLEGES OF THE COUNTRY.

In my last article it was suggested that certain astute men, backed by millions of money, were making an effort to capture and control the colleges and universities of the country, especially the institutions of the South. The movement to which reference is intended is what is called "The General Education Board," and certain concomitant organical and the control was incorporated by an act of the Congress of the United States approved January 12, 1903, and endowed by Mr. John Rockefeller, sr. Its endowment was increased to about \$43,000,000 by the gift of \$32,000,000 on February 5, 1907, "one-third to be added to the signedish objects within the corporate purposes of the board "as might be directed by Mr. Rockefeller or his son from time to time. Freviously he had given \$1,000,000 on March 1, 1902, and \$10,000,000 on Cotober 1, 1906. The General Education Board gives it very extensive powers, as is indicated in these words: "The said corporation shall have power to build, improve, enlarge, or equip, or to aid others to build, insprove, enlarge, or equip, buildings for elementary or primary schools, industrial schools, technical schools, normal schools, titulous of learning, or, in connection therewith, libraries, workshops, gardens, kitchens, or other educational accessories; to establish, maintain, or primary schools, industrial schools, therein and schools, the control of the complex schools, the control of the contro

papers by some one person who was intimately acquainted with the inmost purposes of the most inner circle of the General Education Board.

Shortly after Mr. Rockefeller's last gift of \$32,000,000 the New York Tribune said:

"No gift from this great fund is intended to be given to State educational institutions. While certain colleges will be selected for contributions or endowments, forming a chain of educational institutions across the continent, others not so favored will be left to their fate by the Rockefeller Fund, and many of them, it is expected, will be forced to close their doors in the face of such strong support to their fortunate rivals. It will become a question of the survival of the fittest, it is said, from which it is believed a better and higher standard of education will result, and on the maps of the Williams Street office of the Rockefeller Fund the little colored pins will probably seal the fate of many a college and work out the destiny of other to prosperous ends."

The New York Evening World said:

"No gift from this great fund is intended to be given to State educational institutions. While certain colleges will be selected for donations or endowments, forming a chain across the continent, others not so favored will be left to their fate, as it were, and many of them will be, it is expected, forced to close their doors in the face of such strong support of their fortunate rivals."

Can anyone doubt that these two extracts were written by the same hand and that the hand which wrote them was the hand of some one perfectly acquainted with the ultimate ends of Mr. Rockefeller and his board? How thoughtful was the writer in that he put forth the matter in the leading Republican paper and the leading Democratic paper of the metropolis. He meant that men of all parties should see and understand it. And mark what is proposed by this writer.

(1) There is to be "a chain" of board-supported colleges stretching "across the continent." (2) That these board-supported colleges will force others to close their doors. In other words, the General Education Board proposes to both kill and make alive, to make and unmake colleges at will.

Is any man so simple as not to see that the board will be able to influence the character of the instruction given in the board-fed institutions? Is it not clear that it will have colleges to its own notion, teaching what it directs, both as to the matter and manner of instruction?

teaching what it directs, both as to the matter and manner of instruction?

And as to the rest of the colleges, it is expected the "little colored pins on the maps in the office of the Rockefeller Fund will probably seal their fate." and that they will be "forced to close their doors."

That this is no strained view of what is proposed and expected will appear from the following extract from the Outlook—Dr. Lyman Abbott's periodical—a magazine which would not mistake the object of the Rockefeller Fund nor write of its purposes and plans in any unfriendly way. The Outlook said:

"With this financial power in its control, the general board is in position to do what no body in this country can at present even attempt. It can determine largely what institutions shall grow, and in some measure what shall stand still or decay. It can look over the territory of the Nation, note the places where there is a famine of learning, and start new educational plants of any species it chooses, or revive old ones. It can do in many ways what the Government does for education in France and Germany. Its power will be enormous; it seems as if it might be able to determine the character of American education. The funds it holds represent only a fraction of the amounts which it will control; by giving a sum to an institution on condition that the institution raise an equal or greater amount, it will be able to direct much larger amounts than it possesses."

Now note two things in this passage from the columns of the Outlook:

(1) This hoard may be able to "determine the character of American

will control; by giving a sum to an institution on condition that the institution raise an equal or greater amount; it will be able to direct much larger amounts than it possesses."

Now note two things in this passage from the columns of the Out100(1) This board may be able to "determine the character of American education," that is, it may be able to do in our country what the Government does in France or Germany, but without the Government does in France or Germany, but without the Government separately to the people. Could anything be more dangerous?

(2) This board will be able to control not only the millions of Mr. Rockfeeller's gift, but the greater millions which others have given, or others may give, to the institutions which seek and obtain its aid. We will see that the greater millions which seek and obtain its aid. We have the control that the greater of the colleges which it seems to aid and to control the funds which such institutions may obtain in the future from others, I give the conditions which were outlined for acceptance by a southern institution to which the General Education Board proposed to give \$37,500 if that institution would raise \$112,500, and thereby increase its endowment to \$100 the colleges which were as following as a outlined by an executive officer of the supplemental sum of \$112,500, aforesaid, will be safely invested and forever preserved inviolably as endowment for the said college, the income only to be available for its uses.

"Second. That no part of the income from the fund so contributed by this board shall ever be used for specifically the logical instruction." Second. That no part of the income from the fund so contributed by this board shall at the option of this board prevert to it.

"First. That the amount so contributed by this board shall at the option of this board revert to it.

"Fourth. That the accredited representative of this pledge, shall at all reasonable times have the right to inspect on securities of said college, the contributed by this board sh

Our colleges must be something more than the caged birds of the "General Education Board." fed by its hand and made to sing at its bidding. American education can not be safely entrusted to 15 men without any responsibility to the people whose education they assume to supervise.

Our colleges must be something more than the caged birds of the "General Education Board," fed by its hand and made to sing at its bidding. American education can not be safely entrusted to 15 men without any responsibility to the people whose education they assume to supervise.

It should be added that the board does not leave State institutions as severely alone as might be inferred from its purposes as expressed at first and as stated in the extracts quoted above from the columns of the New York Tribune and the New York Evening World.

It now undertakes to support professors of secondary education in State universities and to maintain some sort of demonstration farms and a system of agricultural lecturing of a somewhat spectacular sort in the Southern States. It thus undertakes to bay its hand on the high secondary in the Southern States. It thus undertakes to bay its hand on the high secondary in the Southern States. It thus undertakes to bay for any other states which the southern States. It thus undertakes to have demanded from the following utterance, which is said to have comannated in the form of an interview from Mr. Frederick T. Gates, president of the "General Education Board":

"The work of spreading the study and application of agricultural improvements in three or four of the Southern States, which the board began when the first \$1,000,000 was received from Mr. Rockefeller," said Mr. Gates, "can now be enlarged, so that information about better farming methods can be spread throughout the entire South. Only the interest of the first \$1,000,000 could be devoted to this agricultural work because of the higher-education clause in the second or \$10,000,000 donation. Where the work has been carried on the improvements in farming have been so marked that Southern bankers will not lend money to men who do not follow the methods taught by the board's instructors."

Of course, the statement with reference to the conditions on which southern bankers lend money for farmers is preposterous nonsense, but the

THE ACTIVE ALLIES AND ULTIMATE AIMS OF THE GENERAL EDUCATION BOARD.

Among the very extensive powers granted to the General Education Board by its charter is the power "to aid, cooperate with, or endow associations or other corporations engaged in educational work within the United States of America, or to donate to any such association or corporation any money or moneys" which at any time may be held by the board. This gives it the power to do through others anything which for any reason it might not find it convenient to do directly in its own name.

or corporation any money or moneys" which at any time may be held by the board. This gives it the power to do through others anything which for any reason it might not find it convenient to do directly in its own name.

This provision was doubtless inserted in the charter to enable it to assist and use certain allied bodies already in existence and closely connected with it in history, purpose, and personal composition; and to subsidize other bodies also, as occasion may require.

Very intimately related to the General Education Board is a rather indefinite body called the "Conference for Education in the South," which body, however, can not be called a "conference" in the strictest sense of the word, for in its proceedings there is usually small room for conferring. In its annual sessions it is mainly occupied with the hearing of addresses by selected speakers on specific topics in the fulfillment of a fixed program, which in the very nature of the case excludes anything akin to free conference and brings forward only what is desired by the program makers. This "conference" (if it may be called such by courtesy) has passed through a process of development since its first session at Capon Springs in 1898. It was then composed of 34 members, 20 of whom were ministers of the Gospel, and it was called the "Conference for Christian Education in the South," being concerned primarily for the advancement of the mission schools of certain northern churches for the education of the negroes in the Southern States. At its second session the word "Christian" was dropped from the name, and it was called thereafter the "Conference or Education for all races in the South. It began to consider southern education sa a national problem at that time. At that session, or the one next following, Mr. William H. Baldwin, fr., suggested a general board for the strengthening of Hampton and Tuskegee Institutes for the education of negroes. This seems to have been the first suggestion of a general education board. When what is now called

cerning Federal aid to education, which was in effect a proposal to revive the old Blair bill. On account of Mr. Wilson's opposition to it, the resolution was reconsidered and referred to an executive committee, which has never reported favorably or unfavorably upon it. Out of the Conference for Education in the South has emerged also what is called the "Southern Board of Education," and "the Conference" may be regarded as the popular assembly through which it is sought to make sentiment in furtherance of the two boards which have thus issued from it—the "General Education Board" and the "Southern Education Board."

The cooperation of these two boards was insured at the first by the appointment of seven men to membership in both, and at this time the treasurer of both boards is the same man, and four members of the General Board are members of the Southern Education Board, and Mr. Robert C. Ogden, who is the president of the Conference for Education in the South, is chairman of the Southern Board of Education and also an influential member of the General Education Board.

The work of the Southern Education Board is that of a propaganda

the treasurer of both boards is the same man, and four members of the General Board are members of the Southern Education Board, and the Control of the Control Board.

Education in the South, is chalrman of the Southern Education Board.

Education and also an influential member of the General Education Board.

Board.

To influence public opinion and to influence legislation with the Control of the Influence public opinion and to influence legislation with the Control of the General Education Board, as published, is "to promote education in the United States without distinction of race, sax, or creed, and so of education Board, systematice, and make effective various forms, weight among these allied bodies, for it has the power of the purse with all that fact implies. It can make appropriations for the Conference for Education in the South and for the Southern Education Beard, and the Influence of the Southern Education Beard, and the presence of the Southern Leaders and the presence of other southern leaders at the conferences and of the propagands whichery have nothing to give to it except be aid of the propagands whichery have nothing to give to it except the aid of the propagands whichery have nothing to give to it except the aid of the propagands whichery have nothing to give to it except be aid of the propagands whichery was propagands whichery and the presence of other southern leaders at the conferences and of leading educators of the Southern leaders at the conferences and distrust while the General Education Board, and the officers of the Carnegie Foundation."

It is known also that the officers of the General Education Board and the officers of the Carnegie Foundation for the Advancement of Mr. Rockefeller on the fact of Mr. Carnegie's entire the southern should be advanced by the southern should be advanced by the southern should be appropriated by the southern should be appropriated by the southern should be appropriated by the south should be appropriated by the southern Education For the Advanceme

possesses."

Think of what is evidently proposed! To direct its own funds, to "control" funds given in the past, and to dominate funds that may yet be raised. Here is dominion over the offerings of the dead and the gifts of the living, authority over the donations and bequests of the past, the present, and the future! Truly said the Outlook, "Its power will be enormous; it seems as if it might be able to determine the character of American education."

Let us not imagine that the General Education Board will stop with controlling the colleges. Through its allied body, The Southern Education Board, it seeks to influence public opinion and direct legislation concerning the common schools. With its professorship of secondary education, tacked on the State universities, it will project its influence into the high schools of the country. With its agricultural lectureships it will lay hold of the farmers. Then, after a time, when its Conferences for Education in the South, together with its other schemes of propagandism, have done their work, we may reasonably expect to see the old Blair bill for Federal aid to education revived—the thing that the lamented William L. Wilson drove to cover so soon as it showed its head in one of the earlier and less rigidly programmed "conferences," tion Board declines to make gifts to State colleges Mr. Carnegle's "foundation" equally refuses its teachers pensions to the faculties of colleges and universities under denominational control. As an "educational agency," its president proclams that "its policy is not to pass on the merits of individuals but of colleges." It is manifest that by picking certain institutions whose professors may receive pensions from the Carnegle Foundation, it will give great advantage to the accepted colleges over the rejected institutions, and the only way of escape for the institutions not on its list of accepted institutions will be to revise their charters and get rid of control by the churches which founded them or to make a square fight for their lives. Some colleges have been willing to deny the church parentage which gave them birth in order to get at Mr. Carnegle's fund. For example, Bowdoin College, in Malne, received years ago the endowment of one of its professors have been willing to deny the church parentage which gave them birth in order to get at Mr. Carnegle's foundation held that Bowdoin was ineligible for a place on the Carnegle Foundation order to another Institutions will work a disa

man of the Southern Education Board, and for many years president of the Conference for Education in the South, and the only man who is a member of all these three bodies, favors Federal aid to education in the South.

Of course, with Federal aid we must submit to Federal supervision, and, with that subjection accepted, why not raise the Bureau of Education at Washington to an executive department and make the Commissioner of Education a Cabinet officer? Probably in such an event the General Education Board, with its multiplied millions and national following, would have something to say about who should be chosen for the position of Secretary of Education. It could then fulfill the Outlook's forecast when that periodical said of this General Education Board, "It can do in many ways what the Government does for education in France and Germany"

The General Education Board in the final outcome may adopt the suggestion of Mr. Charles A. Gardiner, of New York, which is really the logical conclusion from the premise of Federal aid to education. He advocates endowing "the National Bureau of Education with supervisory powers, so that it can make education compulsory, fix the courses of study, and direct instruction in any channel—industrial, intellectual, moral, or religious—that the citizenship of any locality may particularly require."

Then, too, the school question in California with reference to the Japanese, as well as that of the South with reference to its race question, could be dealt with nationally, which I dare say many of the educational agitators, who look at the South as missionary ground calling for their altruistic evangelism, would be glad to see.

(By the way, the General Education Board has reason to look after that Japanese issue in California, for in the published lists of its securities, as reported to the Department of the Interior at Washington under the requirement of the Federal charter, it appears that the board holds over \$500,000 of Imperial Japanese Government bonds. In that list of sec

that such is the case without laying one's self liable to indictment for

treason.

But some will say, "What are we going to do about it? The thing is already done. Tell us how to make the best of a bad situation, which had developed before we knew it, and in which we seem to be helplessly and hopelessly involved."

Of that phase of the subject I will speak in my next communication. For the present it is enough to say our case is not hopeless, unless our colleges can be bought with a mendicant's dole and our people can be misled by "conference" declamations and dazzling promises of possible donations from the office in New York in which "the little colored pins" mark the rise or fall, the life or death of colleges according as they please or displease the executive officers of the general executive board.

WHAT CAN BE DONE AND WILL BE DONE.

cording as they please or displease the executive officers of the general executive board.

WHAT CAN BE DONE AND WILL BE DONE.

The adversities which our southern colleges suffered during the war and the reverses they met during desolating years of the period of reconstruction have put our institutions of learning relatively far behind those of other sections in the matter of financial strength. The South has, therefore, many of the smaller institutions of the country which are hampered by narrow means, and for this cause our colleges and universities can be more easily dominated by the methods and gifts of the General Education Board. Such universities as Harvard and Yale can not be so easily tempted with promised gifts, because they are already very rich.

But while such is the case with our institutions of learning, their condition is not so nearly hopeless as to justify despair concerning them, or to excuse a mendicant attitude toward this General Education Board, the Carnegie Foundation, and all their allies.

In the South the colleges and universities for white students, not to mention our secondary schools and the colleges for negroes, are worth above \$36,000,000. This large sum has been accumulated in the main since the war, and it has come from the contributions made by our own people struggling with their poverty and from the gifts of such noble men as George I. Seney and others of like mind, who came to our help without attaching humiliating conditions to their generous donations or seeking to dominate our institutions by the methods of their giving. We can not hope to receive from this General Education Board any amount comparable with what we now have in our own right and which we allow the smaller investment of the General Education Board to determine the direction of the larger amount which we already have? Shall a minority stockholder assume airs of superiority and undertake to tell us what course shall be followed in the administration of our educational runds? Shall we not say to one who appro

northern patrons. One of the attent supporters of this educational movement thus described some who flocked to the meeting of the Conference for Education in the South which met at Athens, Ga., a few years ago:

"Unfortunately for Southern reputation for good breeding, there was at the Athens conference, for example, a swarm of educational and institutional mendicants who seemed to imagine that every Northern man was a millionaire philanthropist waiting to be informed about the pressing needs of the South. They disgraced themselves at the time." If there were at Athens any considerable number of men who thus disgraced our section, the fact is a symptom of a disease among our educational authorities which can not be cauterized and cured too quickly. What must be the degrading influence upon the sindents of our colleges if teachers and trustees thus prostrate themselves at the feet of supercilious wealth and arrogant opulence. No degree of poverty can excuse such mendicancy. We do not need money for our colleges so hadly that we can descend to such methods to obtain it.

In truth we do not need to beg anybody to pay for the education of our sons and daughters. We are quite able to attend to that matter ourselves. We have not as many rich men and women among us as other sections have; but we have some people of means, and they owe it to themselves and to their section to take the lead in endowing and equipping our colleges so as to enable them to do their work well without coming under obligations to strangers. I would not have our people of wealth to do all that is needed; it is not best for the freedom and independence of a college to come under too heavy obligations to any one man or woman. If the late Jay Gould had founded or endowed a college, it would have been next to impossible to have warned successfully the students of such an institution against the evils of stock gambling, just as the institutions which draw their support from the funds of "general education board" will be impotent to condemn effective

While, therefore, our rich men and women must lead in the work of the great work must be accomplished by the generous cooperation of all the people. Our people of moderate means, by a multitude of smaller gifts, must follow the lead of our wealthier people with their larger donations in putting our colleges beyond want and beyond the temptation to mendicant subjection to the ambitious General Education Board striving to "deformine the character of American education." In the people whom they are set to serve. If one of our institutions should be made suddenly as rich as Harvard or Yale the scale of living at such a college would so quickly rise that its benefits would be put beyond the reach of most of the people among us who seek college training for their sons. Free tuition would not offset the rise in the price of board and the increased social expense which would instantly spring from such sudden enrichment. Our colleges need help and nuch help, but they do not need to get above our people.

In addition to all these considerations must be enumerated another self-swilling educators among us upon whim we may rely with confidence to spurn all seductions which lead in the direction of enslaving our institutions of learning to the dictatorial domination of the General Education Board. They can not be bought. Many of them are in the colleges of the churches, which the methods of both the General Education Board and the Carnegie Foundation tend to depreciate and discredit. Here is a force which millions can neither buy nor vanquish.

The New York Commercial of March 8, in commenting on the ineffect that of the heads of Brown University, Vanderbit tringer set the restrictions of the Carnegie Foundation so relaxed with reference to denominational disabilities as to get on that pension fund, said: "It is significant fact is found in a note written by the prefect of 20 men who devote their lives to the work without remuneration. These men don not, as far as I know, expect any assistance from the Carnegie Foundation is

lege can safely compare products with the output of any secularized or subsidized institution.

Moreover, the small colleges of both the States and the churches have endowments in the annual gifts of their constituencies, which the endowments offered by "The General Education Board" can in no wise equal. For example, the Methodists of Georgia give to Emory College annually about \$5,000, which is equivalent to the interest on an endowment of \$100,000. The State of Georgia appropriates to the university at Athens far more than this. Why should these gifts of our own people be subjected to the domination of any outside authority? Why should our educators stand like medicants with hats in hand for small gifts from alien sources when they have such constituencies behind them? Why should we despair of our colleges, and ignobly surrender our enducational independence and academic freedom for a conditional gift from the "General Education Board," or a professor's pension from the "Carnegie Foundation?" Why should we barter away our birthright for a mess of pottage from the predatory trusts?

We are in no danger unless we can be bought. We are not in desperate straits unless our people are desperately mean-spirited and mendicant. I can not think so ill of my people. They are not going to sell out or surrender. They are going to take care of their own colleges and preserve their own civilization. They will do this at all cost, and cost what it may our people are well able to pay the bill.

It is a time for large views and courageous self-sacrifice, for fearless fidelity and daring generosity. For one I confidently expect our people to resent any effort to allure their colleges away from them. They will be the very confidently of the traditions of the past and would dim all our hopes of the future.

A DANGEROUS TENDENCY.

[From the New Orleans Times-Democrat.]

[From the New Orleans Times-Democrat.]

"It is to be hoped that the statement given out in Atlanta by Bishop Candler, of the Methodist Church South, with regard to the General Aducation Board, will provoke a general discussion of the board, its purposes, and the fruits of the system under which it works. The opinions voiced by the distinguished Methodist leader are by no means new. Criticisms of like tenor have been offered before now by others. But they gain weight and challenge a wider attention by his championship, and the movement under attack is one of those which, in our opinion, should be carefully studied and closely watched, since its possibilities for evil, if improperly influenced or directed, must be conceded to be immense.

"Bishop Candler bases his objection to the system primarily upon principle. 'It is not safe,' he contends, 'for the educational institutions of the country to be under the virtual domination of 15 men, however pure they may imagine their intentions to be. It is such a concentration of power in the matter of the highest interest of the Nation as no 15 men, however wise and virtuous, can be trusted to exercise without abusing it for the furtherance of their own views and interests. If a college seeks and obtains these gratuities, with the Rockefeller strings to them, it must consent to be guided by the rein with which these 15 men will drive it.'

"The case is here plainly stated. The fund which the General Education Board administers is largely provided by men whose interest in shaping public opinion upon certain matters of vital concern to society and to the State is very great. Whether their philanthropy serves as a cloak to attain the ends desired, or whether the plan is unselfishly conceived and the sinister influence unconsciously exerted, the effect is likely to be the same in the end.

"The gifts are hedged about by restrictions and conditions, with the education board to name them and to see that they are complied with. Every college which shares in the largess poses as a suppllant, in a sense. Not only is its policy partially directed by the board but it is additionally influenced, wittingly or unwittingly, by the desires of its benefactors. The atmosphere of classroom and campus is dangerously subject to taint; the habits of thought of its students may with comparative case be given a twist not easily corrected. Whether the powerful engine thus created is now put to sinister uses or not the temptation to employ it is ever present, and must inevitably grow stronger as the system gathers strength and force.

"Here in the South the temptation of the colleges to seek the conditional gratuities is great, because the funds available for education are small and the need of more abundant educational facilities

SUBSIDIZING LEARNING TO CONTROL ACADEMIC OPINION.

[From the New York Journal of Commerce.]

"A system of giving which has its own rules and customs, which is governed by principles of selection laid down in the beginning, which ramifies throughout the country and embraces especially those smaller institutions that are hampered by narrow means, is an infinitely more powerful force in the shaping of opinion than any single capitalist who makes separate and often unconditional gifts to be controlled and invested by the institutions themselves could ever be. As a mechanism for controlling academic opinion there has perhaps never been anything in the history of education that would compare with the board system of subsidizing learning.

"Gifts to education are like campaign contributions in that they are best made in relatively small amounts and from many sources. Under such circumstances they are likely to leave the recipients in position to choose their own course in matters of opinion and teaching.

"If they must be large, it requires greater force of character to maintain independence of thought and action. Such freedom has been lacking in too many quarters. The spectacle of a university president preaching the maintenance of some of the worst abuses of capitalism and another meekly bowing the knee to receive the money offered by those for whose acts he had but lately suggested social ostracism as a penalty is not edifying. Instances can be given in abundance where the mere prospect of an immediate gift has changed the whole current of a college administrator's thought and made him trim his sails on an entirely new tack to catch the favoring breezes of prosperity. The craze and competition for large numbers of students has greatly crippled those who would uphold the older traditions of independent economic thinking. Increasing numbers mean increasing expense in college administration and lead to growing dependence on wealth of doubtful origin. This, among other reasons, is ground for thinking the enormous benefactions of the past few years, whether as pensions, endowments or annual gifts to colleges, m

A STEP TOWARD THE GREATEST EVIL THAT COULD BE INFLICTED ON THE COUNTRY.

[From the Manufacturers' Record, Baltimore, Md.]

[From the Manufacturers' Record, Baltimore, Md.]

"The open combination of Mr. Carnegie and Mr. Rockefeller in an 'educational' enterprise, thus representing an aggregation of \$60,000,000 or \$70,000,000, which, according to the same argument of the Outlook, applied to one phase of it, 'represent only a fraction of the amounts which it will really control,' is a 'real step in advance,' as Mr. Rockefeller styles it. But it is a step in advance toward the greatest evil that could be inflicted upon the country. Unchecked, it will result in an education that will train coming generations away from basic principles of American life and cripple them in character.

"Control, through possession of the millions massed in the Educational Trust, of two or three or four times as many millions of dollars in education makes possible control of the machinery and the methods of education. It makes it possible for the central controlling body to determine the whole character of American education, the textbooks to be used, the aims to be emphasized. Operating through State, denominational, and individual systems of schools and colleges, it gives the financial controller power to impose upon its beneficiaries its own views, good or bad, and thereby to denominate public opinion in social, economic, and political matters. For it would dominate the source of public opinion, the educational system of the country. Only a band of angels never subject to the weaknesses of human nature would be fit to exercise such power wisely. Angels would be strong enough to resist the temptation to exercise it at all."

DEMORALIZING DEPENDENCE. [From the Springfield Republican.]

There are those who still hold the idea that but for these great individual fortunes and their benefactions society would be worse off than it is in educational and philanthropic work. Such a theory is wholly untenable—that the people generally can not be trusted properly to appreciate the importance of education and other effort for the elevation of the race and the amelioration of the general conditions of living or to contribute adequately to their support; it is only true that the people will be laggard in support of such efforts when a comparatively few towering fortunes exist, able and willing to be leaned on for these needs. Then we may expect communities and institutions to develop a mendicant attitude and turn from self-help to help from beyond, which flows down as if from some superior source that is to be held in worshipful consideration. How socially demoralizing this must be no one can fail to understand.

This booklet was written in 1909. It shows the activities not only of the Carnegie Foundation but the activities of the Rockefeller Foundation, and the work of the two along different lines, one operating against State institutions and the other working against sectarian institutions, is having the effect of putting the small institutions like that represented by Bishop Candler out of business. These smaller institutions can not compete with those patronized and favored by these millionaire foundations.

Then, in addition to Bishop Candler's letter, I have a letter from President J. W. Crabtree, of the normal school at River Falls, Wis., taking practically the same position. I ask permission to print it, and so forth. It is as follows:

RIVER FALLS STATE NORMAL SCHOOL, River Falls, Wis., February 5, 1911.

Hon. George E. Chamberlain, Washington, D. C.

RIVER FALLS STATE NORMAL SCHOOL,

River Falls, Wis., February 5, 1911.

Hon. Grorge E. Chamberlain,

Washington, D. C.

Dear Senator Chamberlain: I am writing to thank you for the great service you have rendered to democracy in education by securing the passage of your resolution outsting from service in the Federal Program of the Control of the Control of the Pederal Program of the Control of the Pederal Program of Pedera

a share in shaping our educational policies than we are aware of. It is certainly an easy matter in conducting a survey to find a fact basis for all conclusions previously decided upon and to substantiate nothing which is not in absolute harmony with the standards and ideals of the paid officers of the foundations. Perhaps the chief reason the Carnegie foundation is repudiating its pension scheme is because the survey club accomplished more rapid and certain results than the pension club.

Sion club.

There are two kinds of government—the one handed down from above, and the other coming through the people. Corresponding to these two theories in government are two policies in education. The one which is handed from above is plutocracy in education, and the other is democracy in education. It stands to reason that a foundation leadership would develop plutocracy in education rather than democracy in education.

I have wondered whather this deastle resolution of the Scotterior and the Scotterior Company of the Scotterior

other is democracy in education. It stands to reason that a foundation leadership would develop plutocracy in education rather than democracy in education.

I have wondered whether this drastic resolution of the Senate was not hastened by the announcement in the press of the beginning of a great movement under the auspices of the foundations and financed by them, to revolutionize elementary and secondary education in America. I have also wondered whether the action taken by the Federal Government will not interfere seriously with foundation plans of surveying State normal and other teacher training schools of the country. The fact that the Senate looks upon this gratuitous surveying and other work of the foundations as a most serious menace to democracy in education in our public schools, will doubtless make it embarrassing for any State superintendent, State board of education, or even city board of education to make use of foundation men or foundation money for these surveys of teacher-training schools or of the teacher's work in the public schools. In other words, this action of the Senate would seem to be far-reaching in its effects.

It is expected that friends of the foundations will attempt to secure the passage of a resolution at the February meeting of the department of superintendence at Kansas City requesting the United States Senate to reconsider its action, so as to enhance the interests of education by the use of the foundations' millions. It is not believed, however, that any such resolution will pass. The pension club can hardly be used on the membership of this particular department. We do not admit that educators are purchasable, but if the foundations do expect those who have directly or indirectly received pay from them to stand for this resolution, what about those who have not received special favors from them? I think the department might very properly request Congress to make larger appropriations for the bureau of education.

It seems to me that the Senate having cut the connection high

J. N. CRABTREE, President.

These are brave and patriotic men who are willing to beard the lion in his den and undertake to oppose the activities of both of these foundations. It is up to the Congress of the United States to apply the ax to the root here and now, and until it has been developed that these activities are perfectly proper stop them for all time.

Mr. FALL. Will the senator yield right there?

Mr. CHAMBERLAIN. Yes, sir.

Mr. FALL. We have under consideration now the farm demonstration work in the Agricultural appropriation bill and the people who are being assisted by the arrangement which has been entered into. Putting the ax to the root, as the Senator suggests now, cuts off all the farmers' clubs of the Southern and Western States, for instance, and puts a stop immediately to work of that kind until a reorganization could be brought about. Would not the Senator be inclined to think it best to

about. Would not the Senator be inclined to think it best to provide affirmatively some method by which this work can be continued before putting the ax to the root?

• Mr. SMITH of South Carolina. Will the Senator from New Mexico allow me? On page 69 of the pending bill I call attention to the language as it was enacted in 1914 and reenacted in this

For farmers' cooperative demonstrations and for the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil, including the employment of labor in the city of Washington and elsewhere, supplies, and all other necessary expenses, \$659,560: Provided, That the expense of such service shall be defrayed from this appropriation and such cooperative funds as may be voluntarily contributed by State, county, and municipal agencies, associations of farmers, and individual farmers, universities, colleges, boards of trade, chambers of commerce, other local associations of business men, business organizations, and individuals within the State.

That was enacted after the Senator from Iowa had called attention to the very matter he is now attempting to have the Senate legislate upon. It seems to me that this provision takes care of it, and since 1914 it has been operative along the very lines the Senator from New Mexico suggests.

Mr. KENYON. In addition to that there is a provision on page 69 for farmers' cooperative demonstration work outside the cotton belt, \$578,000. So the bill carries practically \$1,200,000 for farm demonstration work.

Mr. FALL. I had no intention of getting into a controversy at this time. I was simply asking the Senator from Oregon a question. I propose to speak in my own time on this matter, and then I will be glad to answer any question that may be asked me.

Mr. CHAMBERLAIN. I say when distinguished Senators here are influenced by the small doles given out by these great institutions to aid the farmers, amounting to less, I venture to say, than the Government has appropriated in the bill now pending for that purpose, how can it be expected that men who have given their lives to instructional work in the educational institutions of the country, who have passed beyond middle life, and who have not been able to save a dollar from the salaries paid them, will turn down a competency at the hands of these institutions, by simply following the suggestions that they make, which are not wicked suggestions at all, but directions in contravention of the American system?

Mr. FALL. I shall reply to the suggestion of the Senator as to the influences being brought to bear when I have the

Mr. CHAMBERLAIN. The Senator will understand I do not mean any improper influence. I have too much regard for the Senator to suggest anything like that; but the Senator is suggesting that we ought not to interfere, that we ought not to apply the ax now when some of these moneys are being paid to farmers of the country, that we should wait until the whole thing can be reorganized and the actual condition arrived at.

Mr. FALL. My answer to that is that I am not in favor of destructive legislation if constructive legislation is necessary. If investigation shows that something should be done to take the place of what is being properly done now, before applying the ax at the root of anything, the Congress of the United States owes an affirmative duty to give some consideration to the status of affairs at this time. I am just as thoroughly and heartily in favor of the contention of the Senator as he is him-

Mr. CHAMBERLAIN. I believe that.

Mr. FALL. I will go just as far as he will in this matter. Mr. CHAMBERLAIN. I have no doubt of that.

Mr. FALL. I intend to refer to that later, but I will not

Mr. CHAMBERLAIN. I feel that every Senator, when he realizes just what this means to the country, will feel about it We all want to do what is best for the American people; but, Mr. President, as the Senator from South Carolina says, we are appropriating a large sum for this very purpose now. If the work is worth doing at all, it is worth doing by the Government itself, so that this influence can not go out and impair the life of our country.

Mr. FALL. Mr. President, will the Senator yield to me for

merely one moment?

Mr. CHAMBERLAIN. Yes.

Mr. FALL. I understood the suggestion of the Senator, but the Senator does not know how the money is being used. There is no one in the Senate who can tell the Senate of the United States whether this work is being kept up by the use of these funds or not. If the Senator from Oregon has any statement to show that the work which was being done prior to the adoption of the amendment in 1914 is being continued under the provisions of the pending bill, and that the status is not being upset in any way, that is a different proposition; but we have as yet had no light thrown upon it at all.

Mr. CHAMBERLAIN. The Senator from Iowa [Mr. KENYON] this morning had printed a list of over 500 names in the RECORD, which shows the particular bureaus in which they were em-

Mr. FALL. Nearly every one of those named, as I understand, is a county demonstrator. They are being paid by these people, just as they were some time ago; at least half of their salaries is paid by the county or by the State, and the balance of it is paid by some provision of the foundation.

Mr. CHAMBERLAIN. If that be true, I will say to the Sen-

ator that they are not interfered with under this proposed

amendment.

Mr. FALL. I think they are; that is where the Senator and

Mr. CHAMBERLAIN. Then I suggest to the Senator from New Mexico that if the amendment proposed by the Senator from Iowa is not broad enough to do what he desires to do and what he says he is willing to do that he himself suggest an amendment.

Mr. FALL. The Senator from Oregon does not understand the point that I am making. You appropriate a certain amount here; but unless you direct that a portion of this appropriation shall be expended to make up the difference which is now being paid by, we will say, the Rockefeller Foundation, then you lose one-half of the work, although you may even put millions of dollars of additional appropriations in the bill.

Mr. CHAMBERLAIN. I think I understand the Senator per feetly well; but I say that if there are some men that are getting nominal salaries from the Government, but who are really getting their salaries from some outside agency, I think they are

protected under the very terms of the bill, and they can go on and get their money, just as they are doing now, and can do the work which they now do.

Mr. FALL. The Senator does not yet understand. The Government will pay one of these demonstrators, for instance, per year; the county will pay him \$50 per month; and the Rockefeller Foundation will pay him \$50 a month. You are not making an appropriation to take up their portion of that \$50 of that salary, as I understand it. If you are, and if you can

show me you are doing so Mr. SMITH of South Carolina. If the Senator from New, Mexico will allow me, I desire to say that in the program of work of the United States Department of Agriculture for the fiscal year 1917 it goes into details and shows how this money is being used. I think that if the Senator will get a copy of this work and will turn to page 406, under the heading "Farmers' cooperative demonstrations in the Southern States and in the Northern States," he will be satisfied that this work that he is so anxious about, since 1914, when this provision went into effect restricting the use of this money to the Government appropriations, has not suffered at all.

Mr. FALL. The Senator from New Mexico has certainly sought for all possible information upon this subject from the Senator from South Carolina, the Senator who is the author of this bill, and other Senators here, and he has only now had his attention called to this particular report, of which the Senator from South Carolina speaks. I would like to have an opportunity to investigate this matter somewhat before there is prohibited absolutely the continuance of certain work, which I am afraid will be prohibited by the passage of this act.

Mr. SMITH of South Carolina. I should like to state to the Senator that since 1914 the work has gone on as thoroughly as it did before the prohibition which I have just read was placed in the law; the cooperation has been just as extensive, as is evidenced by this report, and I think that the fear which the Senator from New Mexico has expressed that the amendment offered by the Senator from Iowa might have the effect of cutting down the appropriation, simply emphasizes what is already in the The only place that I could suggest that the amendment of the Senator from Iowa would at all affect the operation of the law now would be placing his amendment just after the appropriation made for the Northern and Eastern States. After the amount allowed for farm demonstration work in connection with the ravages of the boll weevil the restriction is placed, but on the appropriation of \$578,240 there is no restriction as to what may be done.

It seems to me, however, that if the same language which occurs in the paragraph providing for farmers' cooperative demonstration and for studying and demonstrating the best method of meeting the ravages of the cotton-boll weevil-if the restrictive language which occurs in that paragraph should occur in the paragraph relative to farmers' cooperative demonstration work outside of the cotton belt the object the Senator has in view could be attained and not interfere at all with the splendid work which is being done in his State, in my State, and in every other State by means of this appropriation and under the restriction.

Mr. FALL. We are taking up the time of the Senator from Oregon [Mr. Chamberlain], and for that reason I have expressed myself two or three times as not desiring to do so, We are taking up the time of the Senator from unless with his consent-

Mr. CHAMBERLAIN. I yield to the Senator from New

Mexico.

Mr. FALL. The trouble is this: Either you are cutting off the work which is being done by the Agricultural Department by this amendment or you are not. If you are cutting off the work which is being done through the cooperation with the Rockefeller Foundation, then you should enact something af-firmative to take the place of it. If you are not interfering with any such necessary work, then there is absolutely no necessity for the adoption of the amendment. That is all there is too it. There can be, to my mind, no answer except by showing the facts.

I will say to the Senator from Oregon that, while I have said that I was heartily in favor and am thoroughly and sincerely in favor of his general proposition, I have received telegrams on the subject from all over my State—from chambers of commerce, from county agricultural agents in the different counties—and I may say that I have been told by numerous other Senators that they have telegrams here from Wyoming and other States; and I think the Senator who is the acting chairman of the committee has had numerous similar telegrams, I do not know how many, in his possession; but I have had over 100 from the agricultural college of my State, from those representing the extension work, from chambers of commerce, from boards of trade, from banking institutions; and the protests are coming in from all over my section of country, where this work has just commenced. You have had this work in the South and you have had it in other portions of the country, but it is just commencing in the Southwest. These telegrams are all protesting against this proposed legislation. I want to know something about it, some reason for it, or this amendment will never be adopted nor will the bill be passed with my vote.

Mr. KENYON. Mr. President, I should like to ask the Senator

from New Mexico the date of the telegrams of which he speaks?

Were they all sent here last night?

Mr. FALL. No, sir. They are dated February 5, February 3, February 5, February 5, February 6, February 5.

Mr. KENYON. I do not care to have the Senator read the dates of all of them.

Their dates run from the 2d to the 5th or 6th of Mr. FALL.

February, I will say to the Senator from Iowa.

Mr. KENYON. It is difficult to understand how these telegrams can refer to the amendment which I have introduced, as did not introduce the amendment until last night before the

Senate adjourned, when I had it printed.

Mr. FALL. I think I can explain that matter to the Senator, because I have myself been anxious, and I have sent two or three telegrams out there in the endeavor to ascertain what was the cause of this uproar and why these protests. Those people seem to have an indefinite idea about it. While they did not exactly know about the tendency of the amendment which has been proposed by the Senator from Iowa, their attention had been attracted either by the debate or the explanations accompanying the amendment to the legislative appropriation bill. That has started the whole thing. They have learned that there was going to be such an effort, and I think, if my memory does not fall me, at that time the Senator from Iowa suggested that he was going to offer an amendment on the subject to the Agricultural appropriation bill. I know the suggestion was made by some one that it would be offered, and that informa-tion has gone out all over the country. The people do not know exactly what the amendment is, but they think that it means an attack upon these foundations

Mr. SMITH of South Carolina. Mr. President, I want to say to the Senator from New Mexico that I believe—
Mr. CHAMBERLAIN. I should like to proceed with my re-

marks and get through.

Mr. SMITH of South Carolina. If the Senator will allow me, I investigated and ascertained that since 1914 the law has practically accomplished what the Senator from Iowa is now seeking to accomplish. It is my information that since 1914 we have had satisfactory work. I suspect that the Senator from New Mexico is correct, that the people to whom he refers were somewhat solicitous about amendments which might be offered to the pending bill.

Mr. FALL. The point that I am making, Mr. President, is that if the law of 1914 has accomplished this purpose—

Mr. SMITH of South Carolina. It has.

Mr. FALL. Then there is no necessity for any further legislation along that line.

Mr. SMITH of South Carolina. In my opinion it has accomplished the purpose.

Mr. Salitz

Plished the purpose.

The I agree with the Senator

President I be

Mr. CHAMBERLAIN. Mr. President, I believe I have the floor, although I have not occupied it for a good while.

Mr. FALL. I beg the Senator's pardon. I apologized to him for taking up his time.

Mr. CHAMBERLAIN. That is all right; I am glad to have

the Senator divide the time with me.

Admitting, Mr. President, for the sake of the argument, that what the Senator has said be true, that no matter which horn of the dilemma we take, it will result in cutting off some of the activities in farm and other demonstration work in cases where part of the pay, at least, comes from these outside sources, I say cut them out. I would rather cut them out and wait a little while for knowledge as to the the exact situation than to let this practice continue any longer.

Mr. President, I ask permission to have printed in the RECORD without reading an editorial from the New York Times of a few days ago as a part of my remarks. It is so apropos of the

present discussion and in line with my view.

The PRESIDING OFFICER. Without objection, the matter referred to will be printed in the Record.

The matter referred to is as follows:

[From the New York Times.] RADICAL AND DANGEROUS.

The General Education Board announces that it will give its support "an experiment in the education of youth in this country which, if

successful, will mean practically the complete modernization of elementary and secondary schools." The Teachers' College of Columbia University is to be made the experiment station for carrying out the plan. It is an undertaking to which educators, universities, colleges, and all who are interested in the training of youth should at once give their most serious attention, because, in the first place, the theories which the experimenters hope to apply to the educational system of the country are radical and subversive of a very great part of what we hold to be sound and worthy in our present system of training, and for a second reason, because there is marshaled in support of this experiment and these theories the incalculable force of the \$35,000,000 controlled by the General Education Board. The experiment will be carried through, said a member of the board, "whatever it costs." Therein, we think, lies a visible peril to the educational interests of the country.

The theories which will be applied and worked out in the experiment

centrolled by the General Education Board. The expertment well be carried through, said a member of the board. "whetever t costs." Therein, we think, lies a visible peril to the educational interests of the country.

The theories which will be applied and worked out in the experiment at Teachers' College are those set forth in Dr. Abraham Flexner's "A Modern School" and in President Emeritus Charles W. Ellot's "Changes Needed in Secondary Education." The guiding principle is that education is to be "better adapted to the needs of common life than is the curriculum now in common use." Latin and Greek, of course, disappear. "The school will frankly discard that theory of education known as 'formal discipline." Dr. Flexner has said that "the modern school will drop the study of the subject of grammar." We suppose there will be no grammar at Teachers' College. The study of literature and history, it appears, will not be totally abolished, but "new methods of teaching" them, together with "civics," will be tried. A curlous concession to old prejudice is made in the statement that "efforts will be made to ascertain whether the Important ancient classics can not be effectively used in translations."

The modern languages will be "stressed"; science, industry, and the domestic arts will be prominent throughout the school; "a rational course of study which connects the study of mathematics with its use "will be worked out; and "by means of pictures, lantern slides, chart, which we have a supposed to the pulls affected to special reading matter and discussions to give the pulls affected to special reading matter and discussions to give the pulls affected to special reading matter and discussions to school work from real situations," an attempt will be made to make the school work from real situations," an attempt will be made to make the school work of the pupils "constantly real to them."

This is bread-and-butter education, and nothing else. In the general board's program and in the indicated course of study there is n

tain "whether the important ancient classics can not be effectively used in translations."

On all these points there is room for discussion. The theories set forth in Dr. Flexner's "A modern school" have many advocates. As a member of our Board of Education Dr. Flexner has done work of the greatest value. His views upon the administrative side of education are entitled to great weight. Of Dr. Eliot no one can speak save with profound respect. But we may point out that the extreme theories he applied at Harvard based upon the assumption that the interest of the student was a safe guide in the choice of studies, upon a wide application of the elective principle, have much less place in the policy now in force at Cambridge than they did when he was president. Harvard, indeed, has bestirred itself to get away from some of his theories. Yet we now see the General Education Board adopting apparently in their extreme projection the theories of Dr. Flexner and of Dr. Eliot and submitting them to the test of an experiment which, if successful, "will mean practically the complete modernization of elementary and secondary schooling" in the United States. This means a revolution in our whole educational system, since if primary and secondary schools apply these theories colleges and universities will be forced to adopt them. It is a matter for instant inquiry, for very sober consideration, whether the General Education Board, indeed, may not with the immense funds at its disposal be able to shape to its will practically all the institutions in which the youth of the country are trained. In an article treating of these theories and published in the Atlantic Monthly for November Mr. Alfred E. Steams said:

"Just now the strength of this pressure is greater than ever before, backed as it is by educational authorities and foundations whose ability

said:
"Just now the strength of this pressure is greater than ever before, backed as it is by educational authorities and foundations whose ability can not be questioned and whose financial resources enable them almost to force upon the public the acceptance of the ideals they advocate."

There is a vast compelling force in \$35,000,000. Without exception colleges need money. If a college makes bold to bint to those charged with the disbursement of the General Board's funds that it could make good use of, say, \$200,000, conceivably the board might reply

that if the college would consent to make some changes in its curriculum, if it would discontinue certain effete branches and show greater kindness for the theories of the modern school, the matter might be considered. Faculties might resist, but trustees, possibly, would be inclined to yield. At any rate, the danger is actual, present; it seems to us to be very great.

Where does the General Education Board get its authority to impose its views as to courses of study upon the teaching body of primary, secondary, or higher educational institutions? Where is its authority to enter upon experiments "which, if successful, will mean practically the complete modernization of elementary and secondary schooling, whatever it costs?" The General Education Board was incorporated by the act of Cougress, approved on January 12, 1903. The objects of the incorporation were: "The promotion of education within the United States of America without distinction of race, sex, or creed." In section 3 of the act the board is empowered to do many things. It may "establish, maintain, or endow elementary, primary schools, industrial schools, training schools, normal schools, training schools for teachers or schools of any grade or higher institutions of learning." Nowhere do we find that the board was vested with authority to spend money and use its influence for the "modernization" of education or to control or to have anything to say about the curriculum of any college or the course of study in any school. It would appear that in its experiment the board has ventured outside its field, that it has exceeded its powers under the act of incorporation. Whether that be true or not, the announced alms of the board in this experiment are so far-reaching, revolutionary, and, in the view of many educators who have already expressed their opinions upon these theories, so dangerous to the interests of the country and to the minds of youth that they should have immediate and earnest consideration. If this experiment bears the expected fruit we s

Mr. CHAMBERLAIN. Now, Mr. President, while I have printed in the RECORD the letter from President Pritchett to me, and have disclaimed any intention to misrepresent the Carnegie Foundation, and while I think Mr. Pritchett states the truth when he says that no members of the Carnegie Foundation were connected directly with this method of placing their men on the nominal pay roll of the Government, yet the interlocking of the interests of the two great foundations is so complete that I am not so sure that what the Rockefeller Foundation does in its activities may not be, in part at least, attributed to the Carnegie Foundation. It is rather hard to get the information one wants as to this connection, but the General Education Board, which is recognized as the great Rockefeller institution, was chartered by the Congress of the United States. It started out with a fund, I think, of about \$21,000,000. That has been gradually increased, but I can not find out where the money has come from. Possibly it was given by the Rockefeller interests and possibly it came from some other source; but it is a well-known fact, Mr. President, that Mr. Carnegie is so closely associated with the General Education Board, which is a Rockefeller insti-tution, that Mr. Rockefeller at one time congratulated him and thanked him for connecting himself with the General Education Board, and, according to the last report I have seen, Mr. Carnegie was a member of the General Education Board. Whether or not he is now, I do not know, but he was at one time, and that at a time when most of these activities were being engaged in.

Mr. President, turning to the Congressional Record of May, 1914, I find there was printed at the suggestion of the Senator from Iowa [Mr. Kenyon] a report which was made to him by the Department of the Interior. From that report it appeared that the principal of the Rockefeller Foundation October 1, 1905, was \$10,000,000. On page 9133 it will appear that on March 23, 1906, it was increased by \$250,000; on February 7, 1907, it was increased by \$10,667,917.80; and on August 1, 1909, by gift it was increased by \$10,000,146; the August 1, 1909, by gift it was increased by \$10,000,000 in total amount at that time being more than \$30,000,000 in round numbers. Since that time it has been swelled by gifts Where does the money come from? This from other sources. Where does the money come from? This report does not show where it came from, and I can only infer from the knowledge I have from outside sources that a large portion of this money came from Mr. Carnegie or his interests. I may be in error, but I have no desire to misrepresent. That does not connect the Carnegie Foundation with it at all, but when the man who founded the Carnegie Foundation is put on the General Education Board, which is a Rockefeller board, one can very properly, it seems to me, conclude that the two are acting together.

That is not all. The general activities of these institutions

go out through different agencies under all kinds of names. They extend and exert their influence all over the country, with the final result and purpose of getting control of the educational institutions of the country as represented by the primary and secondary educational institutions and the colleges of this country.

Mr. President, I, for one, am going to continue to protest against this practice and I shall do it in the face of the admission here in the Senate of the United States that these foundations have done vast good. I realize—nobody realizes better than I—that they extend their activities in certain directions where the Government is unwilling to extend its activities; but what I am objecting to is that they shall use their activities in connection with the Government, thereby giving the Government's stamp of approval to things which the Standard Oil Co., or Mr. Rockefeller, as the great type of the Standard Oil Co., or Mr. Carnegie, as the representative of the Steel Trust, wish to have done in an educational way in this country

Mr. CLAPP. Mr. President, may I ask the Senator a ques-

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Minnesota?

Mr. CHAMBERLAIN. I yield.

Mr. CLAPP. The Senator has just made a remark that interests me very much, and I should like to ask him what beneficent activity can be carried forward by a private citizen or association that can not be carried forward by the Government of the United States?

Mr. CHAMBERLAIN. Nothing at all.

Mr. CLAPP. I understood the Senator awhile ago to say that these foundations had done things, for which he applauded them, which could not be done by the Government.

Mr. CHAMBERLAIN. That is putting it more broadly than I

intended to put it.

Mr. CLAPP. I thought so.

Mr. CHAMBERLAIN. I meant that they have gone into certain lines of research that the Government would not like to go into; that is all.

Mr. CLAPP. Or has not gone into.

Mr. CHAMBERLAIN. Or has not gone into; along lines of medical research, for instance, such as investigations into the disease called pellagra, which has afflicted the people of the South for so long, and various other diseases.

Mr. CLAPP. But it is within the power of Congress to do anything any individual can do under any law of Congress; in other words, no corporation can have greater power for good than the creator of that corporation, which is the Government.

Mr. CHAMBERLAIN. That is right. The Government can do anything private institutions can do. There is no question about that.

Mr. CLAPP. Certainly; I knew the Senator misspoke when he made the statement as broad as he did.

Mr. FALL. Mr. President, I presume that the Senators, as lawyers, are talking about a corporation formed by law and

having an artificial life and not a natural life.

Mr. CHAMBERLAIN. Mr. President, just a few words more in connection with the statement I made awhile ago—and I call the attention of the Senator from New Mexico to this, for the Senator rather resented my suggestion as to influence, although I repudiated any idea of suggesting any improper in--to show the powerful influence that is wielded on educational institutions, not a corrupting influence, but an influence that operates just the same. For instance, there are institutions in the country where professorships were endowed by religious men of particular denominations, who made it a condition in their wills that when the endowment ceased to be used for furthering the tenets of the particular denomination, it should go to some other institution; but, strange as it may seem, some of these colleges have given up these endowments of professorships in order to accept other endowments from the Rockefeller Foundation. In this connection I desire to call the Senator's attention to Bowdoin College, which institution actually surrendered an endowment that it had, if my information is correct, given by a man of a particular religious denomination, I believe, in order to accept a larger endowment from the Rockefeller Foundation. It is impossible to tell of the in-fluence that these donations have. Bishop Candler speaks of a Prof. Bemis, connected with the Chicago University, which is a well-known Rockefeller institution, who resigned because his ideas of political economy and other political teachings did not agree with those of Mr. Rockefeller and of his subservient followers. Mr. President, we find this thing working in every direction in order to control the educational institutions of the country

Mr. FALL. The Senator does not think for a moment, does he, that we can control a State institution such as Bowdoin College, if that college or any other State institution chooses to accept an endowment from Andrew Carnegie or from John D. Rockefeller? Of course, the Senator realizes we can not

put a stop to that.

Mr. CHAMBERLAIN. I understand that thoroughly.

Mr. FALL. The Senator spoke of the possible influence that might cause a Senator to vote or to raise his voice here in a matter and in the same breath explained the influence on a college of a large endowment. I do not think that the comparison is just exactly what the Senator meant it to be. I think I understand the Senator, however.

Mr. CHAMBERLAIN. I meant that those in charge of a college, for instance, would be influenced by the larger interests of the institution, by what they thought would help the institution more, just as we look at these things influenced by what we consider the best interests of our constituents and our States.

That is what I meant.

Mr. FALL. Well, not necessarily our States.

Mr. CHAMBERLAIN. Mr. President, this discussion probably goes far afield of the Agricultural appropriation bill, but the things are so closely interwoven with each other that I thought it was proper to say what I have said. I hope that this amendment will be adopted, and if it is too strong I think it can be amended so as to relieve some of the conditions of which Senators complain.

In conclusion, permit me to say that our country is big enough, our Treasury rich enough, and our patriotism broad enough to do all our people need without calling for assistance upon those whose fortunes are so ample they can not find ways to spend them in the ordinary course of a lifetime. The people of this country want no tainted fortunes to accomplish their happiness.

Mr. SMITH of South Carolina. Mr. President, I have made inquiry of the department while the discussion has been going on, and have received the information that there is now no connection at all between the department and its demonstration work and these foundations. I want further to call attention to the fact that in the fiscal year 1914-15, while there was cooperation between the Government and the foundations, we appropriated \$375,000 for this work. When the law was enacted severing all connection with the foundations we then increased the appropriation to \$673,240, to take care of the amount that would otherwise have been lost because of the cooperative fund furnished by the foundation.

The language of this bill takes care of the situation under which all connection between the Government and these institutions, as I am informed, has now been severed, and it seems to me that it would be sufficient if the same language were incorporated, if it is so desired, after the appropriation

for use outside of the cotton belt.

I am a little solicitous about the work of the department being interfered with; but the whole matter has been taken care of, and I am sure that the Senator from Iowa on investigation will find that there is now no necessity for the legislation he proposes in so far as governmental activities are con-

Mr. CLAPP. Mr. President, if the Senator from South Carolina is correct, it strikes me that the proposed amendment can do no harm. If, on the other hand, the Senator from South Carolina is apprehensive that a prohibition of the character involved in the amendment of the Senator from Iowa will interfere or in any manner abate the activities of the department, that is conclusive evidence, to my mind, that the sooner we enact the most sweeping prohibition the better. It is a lamentable condition if any part of our Government sustains such a relationship to outside contributions that the prohibiting of the use of those contributions will in any manner interfere with the operations of our Government.

The Senator from Oregon (Mr. CHAMBERLAIN) has read into the Record some statements, and, eminent as the men are who have made those statements, they do not particularly interest me, because if all the learned men in America were to file a statement that two and two make four it would not attract a passing notice from me. Some things are so absolutely plain and so absolutely fundamental that no declaration of anybody

can weaken or strengthen them.

I want to say, Mr. President, without any reflection upon the men who are back of these foundations, that to put ourselves in a position where they can influence the spirit of education in our public educational institutions is absolutely out of harmony with the spirit of democracy. In a democracy, in a free gov-ernment, the spirit taught by its educational institutions, the color given to thought and development, should be that which finally works out from the broad equation of the democracy. Men here and there may be interested more than others, men naturally may take a leadership in thought by reason of their capacity to interest and attract; but, after all, the spirit inculcated should be the spirit that comes from the broad equation of the democracy; and to permit any man or any group of men outside to establish a separate and independent spirit or to

shape or influence the general spirit of the educational institutions of the country, is out of harmony with the very fundamental spirit of free government. Men are so constituted that they will, of course, bear in mind and favor those policies that seem most attractive from their standpoint; and it is hostile not only to the spirit but to the best interests of free government that any man or group of men, outside of their direct participation in the current of the Nation's life, should have any voice or influence in directing and shaping the spirit and policy and purpose of our educational institutions.

I believe the very fact that to-day there may be hesitation in putting the ax to the root of this evil for fear that it will embarrass the Government ought to be a warning. If the time has come already when we hesitate, for fear of embarrassment to our Government, to eradicate an evil of this kind, the time has come when we ought to proceed at once to the eradication

of it.

Mr. SMITH of South Carolina. Mr. President, I think it is necessary for me to correct an impression that my remarks made on the Senator. I did not intend to convey the impression that it would embarrass the Government. The Senator from North Dakota [Mr. Gronna] admits that it might interfere with certain local work. I am sure that the Government now is entirely disassociated from the work; that the adoption of the amendment could neither add to nor subtract from that. So far as the Federal Government is concerned, under the act of 1914 it is disassociated from any cooperation with these different foundations in the farm-demonstration work.

Mr. CLAPP. The amendment of the Senator from Iowa expressly excludes from its operations State, county, and munic-

ipal educational agencies and forces.

Mr. SMITH of South Carolina. So far as I am concerned, as chairman of the committee, after reading this language, I would not object to the amendment going in. I think it can be worked out so that it will not interfere in any way whatever with the operation of the demonstration work.

Mr. GRONNA and Mr. FALL addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from South Carolina yield?

Mr. FALL. I understood the Senator had yielded the floor, and I was seeking the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. GRONNA. Mr. President, I would not attempt to be recognized now but for the fact that the Senator from South Carolina has used my name in connection with what is going on.

The Senator from North Dakota did not intend to defend any foundation, nor did he care if the appropriations made by these foundations were cut off. What the Senator from North Dakota did say, or what he intended to say, was that he did not wish to see the great work that was being done by some of the professors in the great institutions of learning so limited that they would be prohibited from cooperating with the officials of the Federal Government. That was my understanding, and it was only to that that I referred.

Mr. FALL. Mr. President, it is very often popular on the stump, on the Chautauqua platform, and sometimes in the Congress of the United States to tell just how free we are from any extraneous influences, and particularly popular at times to talk about "tainted money." I have read something about it for years with reference to the college foundations that have been referred to here. Sometimes it may be possible that in the enthusiasm of the moment some of us may be led to observations of this kind apropos of nothing pending in particular. The particular matter here is the question of the amendment of the Senator from Iowa [Mr. KENYON] with reference to the Agriculture appropriation bill, and certain work under it.

The ideas expressed by the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from Minneosta [Mr. CLAPP] are, to some extent, the same that I entertain. I am just as much opposed to individual control of the Government, or of any portion of the Government, or any of its departments in the United States as I am to church control. I am just as much bitterly opposed to one as I am to the other-that is, that one man should, through enormous wealth, using that wealth for endowments or for cooperation work with the Government of the United States, in any way influence the teaching of the pupils in the schools or of the young minds, or influence public opinion. I think, sir, and I will say so frankly, that more harm, more injury has been done, more has been done to atrophy Americanism in the United States by the Carnegie

Peace Foundation than by all other influences combined.

I can see good—if good is to be seen—in Mr. Carnegie's activities in various lines. I can see good in John D. Rockefeller personally and in his activities in various lines. It has been developed here, at any rate, during this debate, or if it has not been developed it might as well be, that up to 1914 the Rockefeller Foundation joined hands with the Agricultural Department of the United States, cooperated with them, and expended money for purposes for which the Congress of the United States—of which the Senator from Minneosta [Mr. Clapp], the Senator from Oregon [Mr. CHAMBERLAIN], and the Senator from Iowa [Mr. Kenvon] were then Members—had not appropriated money; that the Rockefeller Foundation had stepped in prior to that time and was doing work which the department could not do, because it had not the money to do it.

do it.

It has been developed here that in the extermination of the boll weevil for the fiscal year 1913-14 there was an agreement between the Agricultural Department and the Rockefeller Foundation. The Agricultural Department did not have sufficient funds—and the Secretary so reports here to the Congress of the United States—with which to carry on the necessary work in the extermination of the boll weevil; but the Rockefeller Foundation stepped in and offered to carry on part of feller Foundation stepped in and offered to carry on part of that work. They paid their own expenses, supplied \$250,000 of the necessary funds, and then, for other work of a similar character in the Southern States, they paid the expenses to the amount of \$37,500 the same year. It is further in evidence in the recent that what is known as the country demonstration. the report that what is known as the county demonstration work, which is the greatest work that the Agricultural Department, or, in my judgment, any other department of the Government, has ever done, was established by this Government with the aid and assistance of the Rockefeller Foundation.

Take the States of Georgia, Florida, Alabama, Arkansas, and the other States of the Union, particularly of the South-for up to 1914 this work was done principally in the South. They were behind in agriculture. They raised one great staple. They devoted practically their entire time and attention and energy to the raising of cotton. Through the cooperation of the Rockefeller Foundation the Agricultural Department extended the work of the agricultural colleges into every college of every State in the South. How? There were not funds with which to pay these expenses. There were no appropriations made by the Government of the United States. These Senators who will object to work being done by individuals had not provided that the work might be done by the department. The county extension work and the State extension work in every county of Georgia, the girls' clubs and the boys' clubs, which have done so much to develop intensive farming in the South, were supported by whom? By the local people themselves, through contributions from their counties on the one hand and by the Rockefeller Foundation giving an equal amount upon the other, the Government of the United States giving nothing.

Now, these are the facts. Justice might as well be done, although it is simply asked for John D. Rockefeller or his foundation.

I expressed my opinion in this matter when this debate first opened. I do not want to see the Rockefeller Foundation so fasten itself upon any department of this Government that it can in any way whatsoever influence education or influence this Government in any governmental matter. I do not want to see the Carnegie Foundation or Andrew Carnegie or any other individual, any more than I want to see the Catholic Church or any Protestant Church, fasten itself upon the body politic and dictate the policies of this Government. Neverthe-less, the fact remains that in these matters of which I have spoken the Rockefeller Foundation started this work and largely supported it. In 1914 the same objection was made to it that was made this morning in the same way. Going along with the appropriation bill, as I have had to do, going along with the report, as I have had to do since this debate opened, because not one word of evidence of any kind or character had beeen brought out theretofore, either pro or con, in favor of or against this amendment. I have been necessarily hurried in my examination. I have sought for a week from the Senator from Iowa and from the Senator in charge of this bill on behalf of the committee to ascertain what was pending, what was being done, why it was that some of our institutions and some of our agricultural workers in the Southwest were frightened at some measure pending, or supposed to be pending, in Congress. They have not been able to give me any more information than I possessed, which was none. Since this debate has opened we have at least carried it up to this effect: That the Rockefeller Foundation had started this work, had largely supported it, and had done magnificent work in aid of agricultural extension work throughout the South par-ticularly, and also throughout other sections of the country; that in 1914, instead of coming in here purely with a prohibitive measure, there was a provision adopted excluding the

Rockefeller Foundation from any further participation in this work and making an appropriation by the Government to carry on exactly the same work itself. That was adopted. Now, in seeking information I was informed that instead of the Government having ceased its cooperation with the Rocke-feller Foundation, as a matter of fact, despite the act of Con-gress, it has continued it, and therefore that it was necessary to enact again the same legislation which was enacted in 1914; that this was the only argument in favor of it. I am now assured by the chairman of the committee that he has just conferred with the department and that this is not true.

These are the facts; and I say to you, Mr. President, that if the only method by which this work could be done should be through the cooperation of Andrew Carnegie or John D. Rockefeller, I for one would welcome such cooperation. There is no more important work being done to-day than the work which is being done by the extension of the agricultural college work in the different States and the counties. Everyone knows that. It is certainly within the knowledge of all of us that the people of the United States may find themselves in a short time in a position where it is necessary that every potato that can be raised under the ground shall be raised for their benefit, and that every grain of wheat which can be produced shall be produced; and if it can be done only through the assistance of Rockefeller or Carnegie, I for one stand here to say that I am not afraid of any imputations that I may be influenced by Rockefeller or Carnegie or anyone else when it comes to a matter which is of benefit to the people of the United States and the people whom I represent and to all the people who must live, and live from agriculture.

Mr. GRONNA. Mr. President, in reply to the Senator from New Mexico, with reference to the information which he has sought, I want to state that this amendment was not considered by the Agricultural Committee-at least not when I was present. I have had no opportunity to investigate it until this I happened to be out of the Chamber when this matter was first taken up. I have not even read or had an opportunity to read the amendment proposed by the Senator from Iowa, and I feared when I heard the discussion going on that it was some amendment that would hamper the institutions of learning in my State and in other States and prohibit cooperation between the professors of these institutions of learning in the States and the Government of the United States, in that way giving them the franking privilege.

Mr. President, I think I may say that, so far as I am personally concerned, I am very glad to have an opportunity of voting for a provision that will disassociate from the Government of the United States these influences, which I consider are sinister influences. I have gone so far as to criticize the professors of sectarian schools, the men who are at the head of great denominational institutions of learning, institutions of the denomination to which I belong; I have even refused to contribute to those institutions because they had accepted contributions from sources which ought not to influence public opinion through liberal donations. I want to state that it is not only the Carnegle and the Rockefeller Foundations that I consider as dangerous influences. I could name a good many more if I wanted to.

Mr. President, after having taken time to read the amendment offered by the Senator from Iowa [Mr. Kenyon] I am satisfied that it will not interfere with the institutions of learning either in my State or in other States, but that they will be allowed to continue to cooperate with the Federal Government. It never was my intention to vote against the amendment be-cause it placed a limitation upon this appropriation and prohibited cooperation between these foundations and the Government. I am just as much in favor of it as is any other Senator on this floor. But, Mr. President, I am a member of this com-mittee, and it had not been brought up in the committee to my knowledge, and I thought I had a right to know what the provision of the amendment was. For that reason I asked some questions, and I did not seem to get the information. I was so obtuse, I presume, that I could not understand the explanation given me.

Mr. KENYON. Mr. President—
The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Iowa?

Dakota yield to the Senator from lowar

Mr. GRONNA. Yes; I yield.

Mr. KENYON. I want to say, in confirmation of what the
Senator says, that the amendment was not presented to the
committee at any time. The information which has been
brought to me concerning the matter was since the meetings
of the committee. I am a member of the committee myself, and would have presented it at that time if I had had the information which I have had since that time.

Mr. GRONNA. I thought I was right in making the statement that it had not been considered by the committee.

Mr. KENYON. Yes; the Senator was exactly right about

that.

Mr. GRONNA. It was not considered when I was present. Mr. President, I shall vote for the amendment after having learned what it is, and after I understand what is sought to be

done by the provisions of the amendment.

Mr. KENYON. Mr. President, I ask permission to insert in the RECORD the letter to which I referred in my remarks. letter is addressed to the Senator from North Carolina [Mr. OVERMAN] instead of the Senator from Oregon [Mr. CHAMBER-LAIN], and I insert it with his permission; also the names, compensation, and dates of appointment of various people in the Agricultural Department.

The PRESIDING OFFICER. Without objection, the matter

referred to will be printed in the RECORD.

The matter referred to is as follows:

UNITED STATES CIVIL SERVICE COMMISSION, Washington, D. C., February 7, 1917.

Hon. Lee S. Overman, United States Senate, Washington, D. C.

My Dear Senator Overman: In response to your letter of February 3 I inclose lists giving the names, compensations, and dates of appointments of all persons employed in the several bureaus of the Department of Agriculture and in the Bureau of Education of the Department of the Interior as collaborators and who receive compensation of from \$1\$ to \$25\$ per annum. According to the records of the commission, there are are no collaborators employed in other bureaus or offices of the Government.

ment.

The Commissioner of Education, in response to Senate resolution No. 307 of January 4, 1917, made a report, published as Senate Document No. 684, Sixty-fourth Congress, second session, relative to the relations existing between the Bureau of Education and the Rockefeller Foundation and the Carnegle Foundation and other private or corporate organizations. This report contains information additional to that which you ask of the commission, inasmuch as it shows the private or corporate body by which salary is paid to the collaborators and the salary paid by such body. The records of the commission as to the names of the collaborators correspond with this report, except that the name of Thomas H. Briggs was perhaps through inadvertence omitted from the commissioner's report.

I would call attention to department letters published in the Congressional Recompt for August 3, 1916, pages 12027 to 12032, concerning employees carried on the rolls of the various departments at nominal compensation.

By direction of the commission.

By direction of the commission. Very respectfully,

CHAS. M. GALLOWAY, Acting President.

Names, compensation, and dates of appointment of collaborators in the several bureaus and offices of the Department of Agriculture.

BUREAU OF PLANT INDUSTRY.

Aaronsohn, Aaron Allen, Fred L. Andrew, James. Ash, William H. Atkinson, Alfred Babeock, Edward Babeock, Edward H. Baker, C. F. Baluss, J. W. Barnard, Evan G. Barnes, Dwight Batre, H. W. Barrett, James T.	do do do do si per month. \$1 per annum do do si per annum do do si per annum do do si per month. do do si per month do do do si per month do do do si per annum do	July 1, 1913 Nov. 16, 1909 Aug. 15, 1907 July 1, 1902 Dec. 1, 1913 Dec. 1, 1913 Dec. 1, 1915 July 1, 1915 Mar. 1, 1913 Oct. 16, 1916 Aug. 1, 1908 May 1, 1911 July 10, 1907 Mar. 6, 1917
Allen, Fred L. Andrew James. Ash, William H. Atkinson, Alfred Babeock, Edward Babeock, Edward H. Baker, C. F. Baluss, J. W. Barnard, Evan G. Barnes, Dwight Barre, H. W. Barrett, James T.	do do do do si per month. \$1 per annum do do si per annum do do si per annum do do si per month. do do si per month do do do si per month do do do si per annum do	July 1,1913 Nov. 16,1909 Aug. 15,1907 July 1,1902 Dec. 1,1913 Dec. 1,1913 Duly 1,1915 July 1,1915 Mar. 1,1913 Oct. 16,1916 Aug. 1,1908 May 1,1911 July 10,1907 Mar. 6,1915
Andrew James. Ash, William H Atkinson, Alfred Babcock, Edward Babcock, Edward H Baker, C. F. Baluss, J. W. Barnard, Evan G. Barnes, Dwight Barre, H. W.	do Si per month. Si per annum do do Si 2 per annum si per annum do do Si 2 per annum do do do Si per month. do do do si per annum	Nov. 16, 1909 Aug. 15, 1907 July 1, 1902 Dec. 1, 1913 May 1, 1913 Dec. 1, 1915 July 1, 1915 Oct. 16, 1916 Aug. 1, 1908 May 1, 1911 July 10, 1907 Mar. 6, 1915
Ash, William H Atkinson, Alfred Babcock, Edward Babcock, Edward H Baker, C. F Baluss, J. W. Barnard, Evan G Barnes, Dwight Barre, H. W Barret, H. W	\$1 per month. \$1 per annum do do \$12 per annum \$1 per annum do do do \$1 per month do do \$1 per month do	Aug. 15, 1907 July 1, 1902 Dec. 1, 1913 May 1, 1913 Dec. 1, 1915 July 1, 1915 Mar. 1, 1913 Oct. 16, 1916 Aug. 1, 1908 May 1, 1911 July 10, 1907 Mar. 6, 1915
Babcock, Edward Babcock, Edward H. Baker, C. F. Baluss, J. W. Barnard, Evan G. Barnes, Dwight Barre, H. W. Barret, James T.	do \$12 per annum \$1 per annum do	Dec. 1,1913 May 1,1913 Dec. 1,1915 July 1,1915 Mar. 1,1913 Oct. 16,1916 Aug. 1,1908 May 1,1911 July 10,1907 Mar. 6,1915
Babcock, Edward Babcock, Edward H. Baker, C. F. Baluss, J. W. Barnard, Evan G. Barnes, Dwight Barre, H. W. Barret, James T.	do \$12 per annum \$1 per annum do	Dec. 1,1913 May 1,1913 Dec. 1,1915 July 1,1915 Mar. 1,1913 Oct. 16,1916 Aug. 1,1908 May 1,1911 July 10,1907 Mar. 6,1915
Babcock, Edward H. Baker, C. F. Baluss, J. W Barnard, Evan G. Barnes, Dwight. Barret, H. W. Barrett, James T.	do	May 1,1913 Dec. 1,1915 July 1,1915 Mar. 1,1913 Oct. 16,1916 Aug. 1,1908 May 1,1911 July 10,1907 Mar. 6,1915
Baker, C. F. Baluss, J. W. Barnard, Evan G. Barnes, Dwight. Barre, H. W. Barrett, James T.	\$12 per annum \$1 per annum do do do do do do do do do do	Dec. 1,1915 July 1,1915 Mar. 1,1913 Oct. 16,1916 Aug. 1,1908 May 1,1911 July 10,1907 Mar. 6,1915
Barnard, Evan G. Barnes, Dwight Barre, H. W. Barrett, James T.	do do si per month do do si per annum do	July 1, 1915 Mar. 1, 1913 Oct. 16, 1916 Aug. 1, 1908 May 1, 1911 July 10, 1907 Mar. 6, 1915
Barnard, Evan G. Barnes, Dwight Barre, H. W. Barrett, James T.	do do si per month do do si per annum do	Mar. 1, 1913 Oct. 16, 1916 Aug. 1, 1908 May 1, 1911 July 10, 1907 Mar. 6, 1915
Barnes, Dwight. Barre, H. W Barrett, James T	dodododododododo.	Oct. 16, 1916 Aug. 1, 1908 May 1, 1911 July 10, 1907 Mar. 6, 1915
Barrett, James T	. \$1 per monthdododododododododododododo	Aug. 1,1908 May 1,1911 July 10,1907 Mar. 6,1915
Barrett, James T	dodo	May 1,1911 July 10,1907 Mar. 6,1915
	\$1 per annum	July 10,1907 Mar. 6,1915
Beach, Spencer A	. \$1 per annum do	Mar. 6, 1915
Bell, E. C	.ldo	200141
Bernard, Maud	Or nor month	Jan. 17,1914
Bessey, Ernst A		Oct. 1,1909
Bessey, Ernst A. Billing, Carl G.	St per annum	Oct. 1,1914
Blinn, P, K	do	May 1,1915
Blodgett, Frederick H	\$1 per month	
Bolley, H. L		Do.
Boyle Henry H	\$12 per annum	Nov. 1.1914
Brown, Thomas W. Burr, William W. Chase, Frank F.	St per annum	May 7,1914
Burr, William W.	\$1 per month	Aug. 2,1916
Chase, Frank F	\$1 perannum	Apr. 7,1913
Christia, G. I.	. \$1 per month	Feb. 16, 1910
Christie, G. I	. \$1 per annum	Oct. 1,1916
Cole, A. H	do	Jan. 1,1915
Conner, Arthur B.	do	July 1.1916
Cook, Melville T	do	July 1,1914
Cookerham, K. L.	do	May 1,1915
Cowgill, H. B	do	Apr. 1,1915
Cross, Eva	do	May 24, 1912
Curran, H. M	do	Sept. 1,1912
Davis, George J	do	Mar. 16, 1914
Davis, G. M	\$1 per month	Nov. 1.1907
Dean, Melburn L.	\$1 per annum	Aug. 1,1903
Doolittle, S. P	\$1 per month	May 1.1915
Dorsey, M. J	. Si per annum	May 1, 1916
Duggar, John F	do	Aug. 1,1914
Dunan, George E	\$2 per month	Dec. 1, 1915
Eastwood, Alice Edwards, Harry T.	. \$12 per annum	Jan. 1, 1914
Figur Custom	. si per annum	Nov. 22, 1916
Eisen, Gustav	do	June 11, 1912
Engle, Lloyd F. Etheridge, W. C.	of nor month	Jan. 11, 1915 Sept. 1, 1916

Names, compensation, and dates of appointment of collaborators in the several bureaus and offices of the Department of Agriculture-Con.

BUREAU OF PLANT INDUSTRY-continued

Name.	Compensation.	Date of appointment.
Eustace, H. J.	\$1 per month,	Sept. 1 1906
Eustace, H. J. Evans, William E., jr.	\$1 per annum	June 1, 1916
Flanery, Wm. L	\$1 per month	Mar. 16, 1912
Flanery, Wm. L. Fromme, F. D. Fulton, Sanford H.	\$12 per annum	July 1, 1909
Gardner, Max W	\$1 per month	Nov. 1, 1916
Garman, Harrison	\$1 per annum	Feb. 1, 1904
Gilbert Alfred H	do	Mar. 1, 1916
Gilmore, John W	\$1 per annum	Sept. 1, 1913
Granberry, Hattie	do	Dec. 7, 1912
Habas T. A	\$12 per annum	July 1, 1915
Hardy, Orlando B.	do	Apr. 1, 1915
Hartless, A. C.	do	Oct. 2, 1913
Hayden, William F	el per month	Oct. 16, 1913
Heaton Edward B	\$1 per annum	Ian. 1 1915
Hewitt, J. Lee	\$1 per month	May 1, 1910
Hibshman, Edward K	\$1 per annum	Aug. 16, 1912
Hill George R	\$1 per montn	Mar. 1, 1914
Hoffer, G. N.	do	June 1, 1916
Houser, True	do	Mar. 1, 1910
Hune, Albert N	do	Nov. 1, 1912
Jackson, H. S.	do	Dec. 1, 1910
Jacobson, H. A	\$1 per annum	Sept. 1, 1906 June 1, 1918 Mar. 16, 1912 Sept. 16, 1915 July 1, 1909 Nov. 1, 1916 Feb. 1, 1904 Mar. 1, 1916 May 1, 1916 Sept. 1, 1913 Dec. 7, 1912 July 1, 1915 May 16, 1916 Apr. 1, 1915 May 1, 1905 June 1, 1916 Mar. 1, 1915 May 1, 1905 June 1, 1916 July 1, 1910 Mar. 1, 1915 June 1, 1916 Mar. 1, 1915 June 1, 1916 Mar. 1, 1915 June 1, 1916 July 1, 1909 Sept. 10, 1915 Apr. 1, 1914 July 1, 1909 Sept. 10, 1915 Apr. 1, 1914 July 1, 1909 Sept. 10, 1915 Apr. 1, 1914 July 1, 1909 Sept. 10, 1915 Apr. 1, 1914 July 1, 1909 Sept. 10, 1915 Apr. 1, 1909 July 1, 1913 Nov. 1, 1914 July 1, 1913 Nov. 1, 1914 July 1, 1913 Sept. 7, 1914 June 20, 1907 July 1, 1913 Sept. 7, 1914 Dec. 1, 1915 Apr. 1, 1919 Cot. 16, 1915 May 1, 1912 Sept. 1, 1915 May 1, 1912 Sept. 1, 1915 Dec. 1, 1915 May 1, 1912 Sept. 1, 1915 Dec. 1, 1915 July 1, 1902
Johnson, Frank E	do	Apr. 1,1912
Jones, J. M. Kiesselhach Theo. A	do	Nov. 22, 1910
Kraus, E. J.	dodo.	Jan. 16, 1916
Evans, William E., jr. Flanery, Wm. L. Fromme, F. D. Fulton, Sanford H. Gardner, Max W. Garman, Harrison. Garrett, J. B. Gilbert, Alfred H. Gilmore, John W. Gramberry, Hattle. Groff, G. W. Hardes, A. C. Hayden, William F. Heald, Frederick D. Heston, Edward B. Hewitt, J. Lee. Hibshman, Edward K. Higgins, B. B. Hill, George R. Hoffer, G. N. Houser, True. Huthcheson, Thos. B. Jacobson, H. A. Johnson, Frank E. Jones, J. Fank Kremers, Edward Kremers, Will. Lathrop, Barbeur. Lawrence, William H. Learn, C. D. Lehenbauer, P. A. Leuton, M. T. Love, Harry H. Lownsend, James I. Lutiman, B. F. Lyon, William B. McGruder, Don G. McShane, Leo Francis. Mann, Horace J. Manns, Thos. F. Marshall, R. R. Martin, James F. Merrill, Elmer D. Moore, R. A. Moore, R. A. Moore, W. J. Nelson, Martin. Norton, J. B. S. Norton, Jesse B. Olive, Edgar W. Orlon, Clayton R. Oosmun, A. Vincent. Pammel, L. H. Panland, Aloe M. Parker, T. Frank Ranker, W. W. Robers, Marie W. W. Robers, Marie W.	\$1 per month	July 14, 1903
Kremers, Will	\$1 per annum	May 1, 1904
Lawrence, William H	\$1 per month	Nov. 1, 1913
Learn, C. D.	do	Dec. 1, 1914
Lehenbauer, P. A	do	May 16, 1914
Lenton, M. T.	do	Oct. 1, 1915
Lownsend, James I	\$1 per annum	Oct. 17, 1910
Lutman, B. F	do	June 20, 1907
Lyon, William B	do	July 1, 1913
McNess George T	\$1 per month	Dec. 1 1914
McShane, Leo Francis.	\$1 per annum	Mar. 16, 1915
Mann, Horace J	\$1 per month	Oct. 16, 1915
Manns, Thos. F	el por connum	May 1, 1912
Martin, James F	dodo	Oct. 1, 1916
Merrill, Elmer D	\$12 per annum	Dec. 1,1915
Moore, R. A.	\$1 per month	July 1,1902
Morse W J	Si per annum	July 1, 1902 Jan. 1, 1912 Apr. 1, 1910 July 1, 1910 Dec. 1, 1906 Dec. 1, 1906 Dec. 1, 1907 Feb. 1, 1912 May 1, 1912 May 1, 1905 May 11, 1914 Feb. 16, 1912 July 1, 1909 Apr. 16, 1912 Sept. 1, 1915
Nelson, Martin	do	July 1, 1910
Norton, J. B. S.	do	Dec. 1,1906
Oliva Edgar W	el per appum	Dec. 1,1907
Orton, Clayton R	\$1 per month	Oct. 1,1909
Osmun, A. Vincent	do	Aug. 1, 1912
Pammel, L. H	do	May 1,1905
Parker, T. Frank	do	Feb. 16, 1912
Ramsey, F. M	\$12 per annum	July 1,1909
Rankin, W. Howard	\$1 per month	Apr. 16, 1916
Richards, Joseph L	\$1 per annum	Sept. 1, 1915 Aug. 16, 1916
Richardson, James A	do	May 10, 1915
Richardson, James A Robbins, W. W	do	Aug. 1, 1916
Richardson, James A. Robbins, W. W. Robers, Marie W. Robers, Marie W. Robers, Martha W. Robers, Martha Van R. Schutte, Henry W. Selby, Augustine D. Shanahan, John D. Sipe, Susan R. Smith, R. E. Snyder, William P. Stakman, E. C. Steinberg, Alfred J. Stevens, H. E. Stevenson, William H. Stubenrauch, Arnold V. Stuckey, H. P. Swingle, Deane B. Taubenhaus, J. J. Taylor, Henry C. Tharnber, J. H. Thaxter, Roland Thomas, Nathan Thomson, E. B. Trabut, L. Watt. James	do	Aug. 17, 1914
Rogers, Martha Van R	\$1 per annum	Nov. 1,1914 Sept. 1,1914
Schutte, Henry W	\$1 per month	Oct. 16, 1915
Selby, Augustine D	do	May 1,1905
Sine Susan R	\$1 per annum	Oct. 1,1906 Apr. 1,1916
Smith, R. E.	do	Apr. 1,1916 May 1,1905
Snyder, William P	do	Mar. 21, 1904
Stakman, E. C.	do	July 1,1911
Stevens H E	do	Oct. 1,1916 Dec. 1,1913
Stevenson, William H.	\$1 per annum	July 1, 1911
Stubenrauch, Arnold V	do	Aug. 1, 1914
Swingle Deane B	\$1 per month	Oct. 16, 1916 Aug. 1, 1916
Taubenhaus, J. J.	do	Aug. 1, 1916 May 15, 1916 Apr. 1, 1915 Nov. 1, 1913
Taylor, Henry C.	\$1 per annum	Apr. 1, 1915
Tharnber, J. H	\$12 per annum	Nov. 1, 1913
Thomas, Nathan	\$1 per month	Jan. 25, 1916 Sept. 1, 1911
Thomson, E. B	\$1 per month	June 1, 1915
Trabut, L	\$1 per annum	Dec. 1,1910
Webber Herbert I	\$1 per month	
Trabut, L. Watt, James. Watt, James. Werkenthin, Fred C. Whetzel, H. H.	\$1 per monthdo	Apr. 1,1907 Nov. 1,1915
Whetzel, H. H.	do	inly 1 1908
Wianeko, Alfred T.	\$1 per annum	July 1, 1911
Werkenthin, Frod C. Whetzel, H. H. Wianeko, Alfred T. Wight, Thomas. Wileox, E. Mead. Williams, Irvin C. Wilson, E. H.	\$1 per month	July 1,1911 July 16,1915 July 1,1906 Dec. 1,1911 Nov. 1,1913
	or por audition	1)00 1 1011
Williams, Irvin C	\$1 per annumdo	Dec. 1,1911 Nov. 1,1913

Names, compensation, and dates of appointment of collaborators in the several bureaus and offices of the Department of Agriculture—Con.

STATES RELATIONS SERVICE.

Adams, Bishop B. Alley, Sherman D. Allman, Pearl M. Archart, A. Z. Blanchard, Ralph A. Blood, Caleb C. Bordner, John S. Broom, Thos. J. W. Brubaker, V. E. Burrell, Orange B. Butler, L. M. 'ampbell, John R. 'atc, Claud C. Chase, A. R. Chitty, Ralph A. Cleeves, Edward W. Clinebell, H. J. Cobb, Alex D. Comstock, Laura Cowles, Anna B. Traig, S. J. Crane, Otis. Crouch, H. E. Curtis, John G. de Loache, Electra T. Dennis, L. H. Dye, C. L. Elland, William M. Ellis, Glenn A. Fagan, Bonnie C. Farr, Charles W. French, W. H. Glaisyer, H. Roland. Goddard, H. N. Gray, Harry. Guilbeau, P. Hawkins, L. G. Hawkins, L. G. Hawker, M. Hawkins, L. G. Hawker, M. Hawkins, L. G. Hawker, Walter W. Hughes, H. D. Hummel, W. G. Hutcheson, John R. Hutchins, A. J. Jenks, F. B. Johnson, I. B. Jones, C. J. Jones, Ray C. Kell, Walter W. Livingston, Samuel E. MecCulloch, Thad S. Mashan, Charles M. Metzger, Grover E. Metzer, J. E. Metzer, Grover E. Metzer, J. E.	do d	
Cleeves, Edward W. Clinebell, H. J. Cobb, Alex D. Comstock, Laura Cowles, Anna B. Traig, S. J. Crane, Otis. Crouch, H. E. Curtis, John G. de Loache, Electra T. Dennis, L. H. Dennis, L. H. Dennis, L. H. Dennis, L. H. Elland, William M. Ellis, Glenn A. Fagan, Bonnie C. Farr, Charles W. French, W. H. Gilbert, R. M. Glaisyer, H. Roland. Goddard, H. N. Gray, Harry. Guilbeau, P. L. Hall, B. B. Hastetter, Abram B. Hasketter, Abram B. Hawkins, L. G. Hawkens, L. G. Hawkens, M. L. Hoover, Mary. Howard, Walter W. Hughes, H. D. Hummel, W. G. Hutcheson, John R. Hutchins, A. J. Jenks, F. B.	do d	Apr. 20, 191 Sept. 16, 193 July 1, 191 Nov. 1, 191 July 1, 191 July 1, 191 July 1, 191 July 1, 191 Jan. 16, 191 Aug. 1, 191 Jan. 1, 191 Dec. 3, 191 May 17, 191
leeves, Edward W. Linnebell, H. J. Cobb, Alex D. comstock, Laura Cowles, Anna B. raig, S. J. rane, Otis. Crouch, H. E. urtis, John G. le Loache, Electra T. Dennis, L. H. Dennis, L. H. Dye, C. L. Eiland, William M. Eilis, Glenn A. Fagan, Bonnie C. Farr, Charles W. French, W. H. Gilbert, R. M. Gilbert, R. M. Gilsisyer, H. Roland. Goddard, H. N. Gray, Harry. Guilbeau, P. L. Hall, B. B. Hastetter, Abram B. Hawkins, L. G. Hawkens, M. L. Hoover, Mary Howard, Walter W. Hughes, H. D. Hummel, W. G. Hutcheson, John R. Hutchins, A. J. Jenks, F. B.	do d	Apr. 20, 191 Sept. 16, 193 July 1, 191 Nov. 1, 191 July 1, 191 July 1, 191 July 1, 191 July 1, 191 Jan. 16, 191 Aug. 1, 191 Jan. 1, 191 Dec. 3, 191 May 17, 191
leeves, Edward W linebell, H. J. Obb, Alex D Omstock, Laura Owles, Anna B Taig, S. J. Tane, Otis. Touch, H. E. Urtis, John G. le Loache, Electra T Dennis, I. H Dye, C. L. Eiland, William M Ellis, Glenn A Fagan, Bonnie C Farr, Charles W French, W. H Gilbert, R. M. Haisyer, H. Roland Goddard, H. N Gray, Harry Guilbeau, P. L Hall, B. B. Lastetter, Abram B. Lawkins, L. G Lawkins, L	do d	Apr. 20, 191 Sept. 16, 193 July 1, 191 Nov. 1, 191 July 1, 191 July 1, 191 July 1, 191 July 1, 191 Jan. 16, 191 Aug. 1, 191 Jan. 1, 191 Dec. 3, 191 May 17, 191
leeves, Edward W linebell, H. J. lobb, Alex D. omstock, Laura owles, Anna B. raig, S. J. rane, Otis. rouch, H. E. urils, John G. le Loache, Electra T. lennis, I. H. loye, C. L. liland, William M. llis, Glenn A. ragan, Bonnie C. sarr, Charles W. rrench, W. H. llisyer, H. Roland. oddard, H. N. ray, Harry. suilbeau, P. L. lall, B. B. lastetter, Abram B. lasver, M. L. Joover, Mary. Joward, Walter W. lummel, W. G. lutcheson, John R. lutchins, A. J. enks, F. B.	do d	Apr. 20, 191 Sept. 16, 193 July 1, 191 Nov. 1, 191 July 1, 191 July 1, 191 July 1, 191 July 1, 191 Jan. 16, 191 Aug. 1, 191 Jan. 1, 191 Dec. 3, 191 May 17, 191
leeves, Edward W linebell, H. J. lobb, Alex D. omstock, Laura owles, Anna B. raig, S. J. rane, Otis. rouch, H. E. urils, John G. le Loache, Electra T. lennis, I. H. loye, C. L. liland, William M. llis, Glenn A. ragan, Bonnie C. sarr, Charles W. rrench, W. H. llisyer, H. Roland. oddard, H. N. ray, Harry. suilbeau, P. L. lall, B. B. lastetter, Abram B. lasver, M. L. Joover, Mary. Joward, Walter W. lummel, W. G. lutcheson, John R. lutchins, A. J. enks, F. B.	do d	Apr. 20, 191 Sept. 16, 193 July 1, 191 Nov. 1, 191 July 1, 191 July 1, 191 July 1, 191 July 1, 191 Jan. 16, 191 Aug. 1, 191 Jan. 1, 191 Dec. 3, 191 May 17, 191
leeves, Edward W linebell, H. J. Obb, Alex D Omstock, Laura Owles, Anna B Taig, S. J. Tane, Otis. Touch, H. E. Urtis, John G. le Loache, Electra T Dennis, I. H Dye, C. L. Eiland, William M Ellis, Glenn A Sagan, Bonnie C Sarr, Charles W French, W. H Gilbert, R. M. Haisyer, H. Roland, Joddard, H. N Tray, Harry, Guilbeau, P. L Hall, B. B. Jastetter, Abram B. Jasvein, L. G Jayes, M. L. Joover, Mary Jooward, Walter W. Jummel, W. G. Jutcheson, John R. Jutchins, A. J. enks, F. B.	do d	Apr. 20, 191 Sept. 16, 193 July 1, 191 Nov. 1, 191 July 1, 191 July 1, 191 July 1, 191 July 1, 191 Jan. 16, 191 Aug. 1, 191 Jan. 1, 191 Dec. 3, 191 May 17, 191
leeves, Edward W linebell, H. J. lobb, Alex D. omstock, Laura owles, Anna B. raig, S. J. rane, Otis. rouch, H. E. urils, John G. le Loache, Electra T. lennis, I. H. loye, C. L. liland, William M. llis, Glenn A. ragan, Bonnie C. sarr, Charles W. rrench, W. H. llisyer, H. Roland. oddard, H. N. ray, Harry. suilbeau, P. L. lall, B. B. lastetter, Abram B. lasver, M. L. Joover, Mary. Joward, Walter W. lummel, W. G. lutcheson, John R. lutchins, A. J. enks, F. B.	do d	Apr. 20, 191 Sept. 16, 193 July 1, 191 Nov. 1, 191 July 1, 191 July 1, 191 July 1, 191 July 1, 191 Jan. 16, 191 Aug. 1, 191 Jan. 1, 191 Dec. 3, 191 May 17, 191
leeves, Edward W linebell, H. J. lobb, Alex D. omstock, Laura owles, Anna B. raig, S. J. rane, Otis. rouch, H. E. urils, John G. le Loache, Electra T. lennis, I. H. loye, C. L. liland, William M. llis, Glenn A. ragan, Bonnie C. sarr, Charles W. rrench, W. H. llisyer, H. Roland. oddard, H. N. ray, Harry. suilbeau, P. L. lall, B. B. lastetter, Abram B. lasver, M. L. Joover, Mary. Joward, Walter W. lummel, W. G. lutcheson, John R. lutchins, A. J. enks, F. B.	do d	Apr. 20, 191 Sept. 16, 193 July 1, 191 Nov. 1, 191 July 1, 191 July 1, 191 July 1, 191 July 1, 191 Jan. 16, 191 Aug. 1, 191 Jan. 1, 191 Dec. 3, 191 May 17, 191
leeves, Edward W linebell, H. J. lobb, Alex D. omstock, Laura owles, Anna B. raig, S. J. rane, Otis. rouch, H. E. urils, John G. le Loache, Electra T. lennis, I. H. loye, C. L. liland, William M. llis, Glenn A. ragan, Bonnie C. sarr, Charles W. rrench, W. H. llisyer, H. Roland. oddard, H. N. ray, Harry. suilbeau, P. L. lall, B. B. lastetter, Abram B. lasver, M. L. Joover, Mary. Joward, Walter W. lummel, W. G. lutcheson, John R. lutchins, A. J. enks, F. B.	do d	Apr. 20, 191 Sept. 16, 193 July 1, 191 Nov. 1, 191 July 1, 191 July 1, 191 July 1, 191 July 1, 191 Jan. 16, 191 Aug. 1, 191 Jan. 1, 191 Dec. 3, 191 May 17, 191
leeves, Edward W linebell, H. J. lobb, Alex D. omstock, Laura owles, Anna B. raig, S. J. rane, Otis. rouch, H. E. uriis, John G. e Loache, Electra T. lennis, I. H. lye, C. L. liland, William M. llis, Glenn A. agan, Bonnie C. arr, Charles W. rench, W. H. llibert, R. M. laisyer, H. Roland. oddard, H. N. ray, Harry. willbeau, P. L. lall, B. B. lastetter, Abram B. lasvetter, Abram B. lasvetter, Abram B. lawkins, L. G. layes, M. L. loover, Mary. loward, Walter W. lummel, W. G. lutcheson, John R. lutchins, A. J. enks, F. B.	do d	Apr. 20, 191 Sept. 16, 193 July 1, 191 Nov. 1, 191 July 1, 191 July 1, 191 July 1, 191 July 1, 191 Jan. 16, 191 Aug. 1, 191 Jan. 1, 191 Dec. 3, 191 May 17, 191
leeves, Edward W linebell, H. J. lobb, Alex D. omstock, Laura owles, Anna B. raig, S. J. rane, Otis. rouch, H. E. urils, John G. le Loache, Electra T. lennis, I. H. loye, C. L. liland, William M. llis, Glenn A. ragan, Bonnie C. sarr, Charles W. rrench, W. H. llisyer, H. Roland. oddard, H. N. ray, Harry. suilbeau, P. L. lall, B. B. lastetter, Abram B. lasver, M. L. Joover, Mary. Joward, Walter W. lummel, W. G. lutcheson, John R. lutchins, A. J. enks, F. B.	do d	Apr. 20, 191 Sept. 16, 193 July 1, 191 Nov. 1, 191 July 1, 191 July 1, 191 July 1, 191 July 1, 191 Jan. 16, 191 Aug. 1, 191 Jan. 1, 191 Dec. 3, 191 May 17, 191
leeves, Edward W linebell, H. J. lobb, Alex D. omstock, Laura owles, Anna B. raig, S. J. rane, Otis. rouch, H. E. uriis, John G. e Loache, Electra T. lennis, I. H. lye, C. L. liland, William M. llis, Glenn A. agan, Bonnie C. arr, Charles W. rench, W. H. llibert, R. M. laisyer, H. Roland. oddard, H. N. ray, Harry. willbeau, P. L. lall, B. B. lastetter, Abram B. lasvetter, Abram B. lasvetter, Abram B. lawkins, L. G. layes, M. L. loover, Mary. loward, Walter W. lummel, W. G. lutcheson, John R. lutchins, A. J. enks, F. B.	do d	Apr. 20, 191 Sept. 16, 193 July 1, 191 Nov. 1, 191 July 1, 191 July 1, 191 July 1, 191 July 1, 191 Jan. 16, 191 Aug. 1, 191 Jan. 1, 191 Dec. 3, 191 May 17, 191
leeves, Edward W linebell, H. J. lobb, Alex D. omstock, Laura owles, Anna B. raig, S. J. rane, Otis. rouch, H. E. uriis, John G. e Loache, Electra T. lennis, I. H. lye, C. L. liland, William M. llis, Glenn A. agan, Bonnie C. arr, Charles W. rench, W. H. llibert, R. M. laisyer, H. Roland. oddard, H. N. ray, Harry. willbeau, P. L. lall, B. B. lastetter, Abram B. lasvetter, Abram B. lasvetter, Abram B. lawkins, L. G. layes, M. L. loover, Mary. loward, Walter W. lummel, W. G. lutcheson, John R. lutchins, A. J. enks, F. B.	do d	Apr. 20, 191 Sept. 16, 193 July 1, 191 Nov. 1, 191 July 1, 191 July 1, 191 July 1, 191 July 1, 191 Jan. 16, 191 Aug. 1, 191 Jan. 1, 191 Dec. 3, 191 May 17, 191
leeves, Edward W linebell, H. J. lobb, Alex D. omstock, Laura owles, Anna B. raig, S. J. rane, Otis. rouch, H. E. uriis, John G. e Loache, Electra T. lennis, I. H. lye, C. L. liland, William M. llis, Glenn A. agan, Bonnie C. arr, Charles W. rench, W. H. llibert, R. M. laisyer, H. Roland. oddard, H. N. ray, Harry. willbeau, P. L. lall, B. B. lastetter, Abram B. lasvetter, Abram B. lasvetter, Abram B. lawkins, L. G. layes, M. L. loover, Mary. loward, Walter W. lummel, W. G. lutcheson, John R. lutchins, A. J. enks, F. B.	do d	Apr. 20, 191 Sept. 16, 193 July 1, 191 Nov. 1, 191 July 1, 191 July 1, 191 July 1, 191 July 1, 191 Jan. 16, 191 Aug. 1, 191 Jan. 1, 191 Dec. 3, 191 May 17, 191
innepell, H. Joobb, Alex D. omstock, Laura owles, Anna B raig, S. J. rane, Otis rouch, H. E. urtis, John G. e Loache, Electra T. Dennis, I. H. Dye, C. L. illand, William M. illis, Glenn A ragan, Bonnie C. Parr, Charles W. rench, W. H. illbert, R. M. ilaisyer, H. Roland. oddard, H. N. ray, Harry. Guilbeau, P. L. iall, B. B. lastetter, Abram B. iasyetter, Abram B. iasyetter, Abram B. iasyets, M. L. Ioover, Mary. Ioward, Walter W. Iughes, H. D. Iummel, W. G. Iutcheson, John R. Iutchins, A. J. enks, F. B.	do d	Sept. 16, 19) July 1, 19) Nov. 1, 19) July 1, 19) Feb. 11, 19) July 1, 19) July 1, 19) Jan. 16, 19) Aug. 1, 19) Jan. 1, 19) Dec. 3, 19) May 17, 19)
rouch, H. E. urtis, John G. e Loache, Electra T. ennis, I. H. Dye, C. L. liland, William M. llis, Glenn A. agan, Bonnie C. arr, Charles W. french, W. H. illbert, R. M. ilaisyer, H. Roland. oddard, H. N. iray, Harry. Guilbeau, P. L. fall, B. B. lastetter, Abram B. fawkins, L. G. fayes, M. L. Joover, Mary. Joward, Walter W. lughes, H. D. Jummel, W. G. Jutcheson, John R. Jutchins, A. J. enks, F. B.	do	Jan. 16, 191 Aug. 1, 191 Jan. 1, 191 Dec. 3, 191 May 17, 191
rouch, H. E. urtis, John G. e Loache, Electra T. ennis, I. H. Dye, C. L. liland, William M. llis, Glenn A. agan, Bonnie C. arr, Charles W. french, W. H. illbert, R. M. ilaisyer, H. Roland. oddard, H. N. iray, Harry. Guilbeau, P. L. fall, B. B. lastetter, Abram B. fawkins, L. G. fayes, M. L. Joover, Mary. Joward, Walter W. lughes, H. D. Jummel, W. G. Jutcheson, John R. Jutchins, A. J. enks, F. B.	do	Jan. 16, 191 Aug. 1, 191 Jan. 1, 191 Dec. 3, 191 May 17, 191
rouch, H. E. urtis, John G. e Loache, Electra T. ennis, I. H. Dye, C. L. liland, William M. llis, Glenn A. agan, Bonnie C. arr, Charles W. french, W. H. illbert, R. M. ilaisyer, H. Roland. oddard, H. N. iray, Harry. Guilbeau, P. L. fall, B. B. lastetter, Abram B. fawkins, L. G. fayes, M. L. Joover, Mary. Joward, Walter W. lughes, H. D. Jummel, W. G. Jutcheson, John R. Jutchins, A. J. enks, F. B.	do	Jan. 16, 191 Aug. 1, 191 Jan. 1, 191 Dec. 3, 191 May 17, 191
rouch, H. E. urtis, John G. e Loache, Electra T. ennis, I. H. Dye, C. L. liland, William M. llis, Glenn A. agan, Bonnie C. arr, Charles W. french, W. H. illbert, R. M. ilaisyer, H. Roland. oddard, H. N. iray, Harry. Guilbeau, P. L. fall, B. B. lastetter, Abram B. fawkins, L. G. fayes, M. L. Joover, Mary. Joward, Walter W. lughes, H. D. Jummel, W. G. Jutcheson, John R. Jutchins, A. J. enks, F. B.	do	Jan. 16, 191 Aug. 1, 191 Jan. 1, 191 Dec. 3, 191 May 17, 191
Siland, William M Illis, Glenn A agan, Bonnie C arr, Charles W rench, W H Silbert, R. M. Ialsiyer, H. Roland oddard, H. N ray, Harry. Suilbeau, P. L Iall, B. B. lastetter, Abram B fawkins, L. G fayes, M. L. Joover, Mary Joward, Walter W Jughes, H. D Jummel, W. G Jutcheson, John R Jutchins, A. J enks, F. B.	do	Jan. 16, 191 Aug. 1, 191 Jan. 1, 191 Dec. 3, 191 May 17, 191
Siland, William M Illis, Glenn A agan, Bonnie C arr, Charles W rench, W H Silbert, R. M. Ialsiyer, H. Roland oddard, H. N ray, Harry. Suilbeau, P. L Iall, B. B. lastetter, Abram B fawkins, L. G fayes, M. L. Joover, Mary Joward, Walter W Jughes, H. D Jummel, W. G Jutcheson, John R Jutchins, A. J enks, F. B.	do	Aug. 1,191 Jan. 1,191 Dec. 3,191 May 17,191
Siland, William M Illis, Glenn A agan, Bonnie C arr, Charles W rench, W H Silbert, R. M. Ialsiyer, H. Roland oddard, H. N ray, Harry. Suilbeau, P. L Iall, B. B. lastetter, Abram B fawkins, L. G fayes, M. L. Joover, Mary Joward, Walter W Jughes, H. D Jummel, W. G Jutcheson, John R Jutchins, A. J enks, F. B.	do	Jan. 1, 191 Dec. 3, 191 May 17, 191
Siland, William M Illis, Glenn A agan, Bonnie C arr, Charles W rench, W H Silbert, R. M. Ialsiyer, H. Roland oddard, H. N ray, Harry. Suilbeau, P. L Iall, B. B. lastetter, Abram B fawkins, L. G fayes, M. L. Joover, Mary Joward, Walter W Jughes, H. D Jummel, W. G Jutcheson, John R Jutchins, A. J enks, F. B.	do	May 17, 191
Siland, William M Illis, Glenn A agan, Bonnie C arr, Charles W rench, W H Silbert, R. M. Ialsiyer, H. Roland oddard, H. N ray, Harry. Suilbeau, P. L Iall, B. B. lastetter, Abram B fawkins, L. G fayes, M. L. Joover, Mary Joward, Walter W Jughes, H. D Jummel, W. G Jutcheson, John R Jutchins, A. J enks, F. B.	do	May 17, 191 June 5, 191
illbert, R. M. laisyer, H. Roland. oddard, H. N. ray, Harry. suilbeau, P. L. lall, B. B. lastetter, Abram B. fawkins, L. G. fayes, M. L. Joover, Mary. Joward, Walter W. lughes, H. D. lummel, W. G. lutcheson, John R. lutchins, A. J. enks, F. B.	**************	June 5, 191
illbert, R. M. laisyer, H. Roland. oddard, H. N. ray, Harry. suilbeau, P. L. lall, B. B. lastetter, Abram B. fawkins, L. G. fayes, M. L. Joover, Mary. Joward, Walter W. lughes, H. D. lummel, W. G. lutcheson, John R. lutchins, A. J. enks, F. B.	**************	Cont + to
ilbert, R. M laisyer, H. Roland oddard, H. N ray, Harry. uilbeau, P. L lall, B. B. lastetter, Abram B. lastetter, Abram B. lawkins, L. G. layes, M. L. loover, Mary. loward, Walter W. lughes, H. D. lummel, W. G. lutcheson, John R. lutchins, A. J. enks, F. B.	**************	Sept. 1, 191 Mar. 25, 191
ilbert, R. M laisyer, H. Roland oddard, H. N ray, Harry. uilbeau, P. L lall, B. B. lastetter, Abram B. lastetter, Abram B. lawkins, L. G. layes, M. L. loover, Mary. loward, Walter W. lughes, H. D. lummel, W. G. lutcheson, John R. lutchins, A. J. enks, F. B.	**************	Sept. 16, 191
llaisyer, H. Roland ooddard, H. N Gray, Harry uilbeau, P. L lasl, B. B. lastetter, Abram B. lastetter, Abram B. lawkins, L. G. layes, M. L. loover, Mary looward, Walter W. lughes, H. D. lummel, W. G. lutcheson, John R. lutchins, A. J. enks, F. B.		Sept. 9, 191
llaisyer, H. Roland ooddard, H. N Gray, Harry uilbeau, P. L lasl, B. B. lastetter, Abram B. lastetter, Abram B. lawkins, L. G. layes, M. L. loover, Mary looward, Walter W. lughes, H. D. lummel, W. G. lutcheson, John R. lutchins, A. J. enks, F. B.	do	Aug. 16, 191
iray, Harry, uilbeau, P. L. Iall, B. B. Iastetter, Abram B. Iawkins, L. G. Iayes, M. L. Joover, Mary. Joward, Walter W. Iughes, H. D. Jummel, W. G. Jutcheson, John R. Jutchins, A. J. enks, F. B.	do	Aug. 16, 191 Sept. 10, 191
iray, Harry, uilbeau, P. L. Iall, B. B. Iastetter, Abram B. Iawkins, L. G. Iayes, M. L. Joover, Mary. Joward, Walter W. Iughes, H. D. Jummel, W. G. Jutcheson, John R. Jutchins, A. J. enks, F. B.	do	Sept. 9, 191
ian, B. B. Iasketter, Abram B. Iawkins, L. G. Iayes, M. L. Ioover, Mary. Ioward, Walter W. Iughes, H. D. Iummel, W. G. Iutchieson, John R. Iutchins, A. J. enks, F. B.	do	Aug. 1,191
lawkins, L. G. layes, M. L. loover, Mary loward, Walter W. lughes, H. D. lummel, W. G. lutcheson, John R. lutchins, A. J. enks, F. B.	do	Sept. 9, 191 Mar. 1, 191
lawkins, L. G. layes, M. L. loover, Mary loward, Walter W. lughes, H. D. lummel, W. G. lutcheson, John R. lutchins, A. J. enks, F. B.	do	Mar. 1, 191 July 1, 191
layes, M. L. Joover, Mary Joward, Walter W. Jughes, H. D. Jummel, W. G. Jutcheson, John R. Jutchins, A. J. Jenks, F. B. Jenks, B	do	Sept. 9, 191
Joover, Mary. Loward, Walter W. Lughes, H. D. Lummel, W. G. Lutcheson, John R. Lutchins, A. J. enks, F. B. ohnson, I. B. ones, C. J. ones, Ray C. Cell, Walter V. Livingston, Samuel E. acCulloch, Thad S. fahan, Charles A. derrill, Lorin A.	do	Sept. 9, 191
Joward, Walter W. Inghes, H. D. Jummel, W. G. Juttchieson, John R. Juttchins, A. J. enks, F. B. ohnson, I. B. ones, C. J. ones, C. J. Jvingston, Samuel E. Jeculloch, Thad S. Jahan, Charles A. Jerrill, Lorin A. Jugnes, A. Jugnes, A. Judnes, A.	do	Sept. 9, 191 Aug. 16, 191
tughes, H. D. Lummel, W. G. Lutcheson, John R. Lutchins, A. J. enks, F. B. ohnson, I. B. ones, C. J. ones, Ray C. Celt, Walter V. Livingston, Samuel E. aeCulloch, Thad S. Jahan, Charles A. Jerrill, Lorin A.	do	May 1, 191
ittimmet, W. G. Ittichins, A. J. enks, F. B. ohnson, I. B. ones, C. J. ones, Ray C. Cell, Walter V. Aivingston, Samuel E. acCulloch, Thad S. fahan, Charles A. derrill, Lorin A.	do	Oct. 1, 191
intchins, A. J. enks, F. B. ohnson, I. B. ones, C. J. ones, Ray C. Celt, Walter V. Livingston, Samuel E. acCulloch, Thad S. fahan, Charles A. derrill, Lorin A.	do	Oct. 25, 191
enks, F. B. ohnson, I. B. ones, C. J. ones, Ray C. cell, Walter V. divingston, Samuel E. acCulloch, Thad S. fahan, Charles A. derrill, Lorin A.	do	Sept. 12, 191 Sept. 1, 191
ohnson, I. B. ones, G. J. ones, Ray C. Cell, Walter V. Aivingston, Samuel E. acCulloch, Thad S. Jahan, Charles A. Jerrill, Lorin A.	do	Jan. 1, 191
ones, C. J ones, Ray C Cell, Walter V Livingston, Samuel E acCulloch, Thad S Jahan, Charles A Jerrill, Lorin A	.do	Feb. 1, 191
ones, Ray C Cell, Walter V Aivingston, Samuel E acCulloch, Thad S Iahan, Charles A derrill, Lorin A	do	Feb. 1, 191 Aug. 7, 191
Celt, Walter V. Aivingston, Samuel E. acCulloch, Thad S. Ishan, Charles A. Isherill, Lorin A.	do	Mar. 20 191
Avingsion, Samuel E. acCulloch, Thad S. fahan, Charles A. ferrill, Lorin A.	do	Nov. 10, 191 July 1, 191 Oct. 16, 191
Adhan, Charles A	0D	July 1, 191
derrill, Lorin A	0D	Oct. 16, 191
	do	Oct. 1, 191 Oct. 1, 191 Aug. 1, 191 Oct. 16, 191
feskimons, Mrs. Minnie M	.do	Aug 1 191
Ietzger, Grover E	do	Oct. 16, 191
fetzger, J. E.	do	Sept. 9, 191
Iyer, D. S.	do	Mar. 1, 191
olan, A. W	do	Sept. 9, 191
Oyler, John H.	do	Feb. 1, 191
hilling I II	do	Mor 16 101
ritsenherger George I	do	Inde 1 101
Place, Virgil A	do	May 1 191
letzger, Grover E. letzger, J. E. lyer, D. S. lolan, A. W. lyyler, John H. lence, Melville O. hillips, J. H. litsenberger, George L. lace, Virgil A. lollard, Ray F. lainbolt, Ouince O.	do	Oct. 16, 191 Sept. 9, 191 Mar. 1, 191 Sept. 9, 191 Feb. 1, 191 July 1, 191 Mar. 16, 191 July 1, 191 May 1, 191 Apr. 1, 191 Sept. 16, 192 Oct. 8, 191
tainbolt, Quince O	do	Sept. 16, 191
talston, Glancy S	,do	Oct. 8, 191
Colond P M	do	June 16, 191
Coconcrone C W	do	Sept. 1, 191
ale Mary C	do	Nov. 1, 191
anders, Peter J	do	Mar. 11, 191 Nov. 20, 191
cott, Clifton C.	do	July 1 191
eitz, Charles E	do	July 1,191 Feb. 18,191
ewell, Julia I	do	Mar. 11, 191
nrock, M. S.	do	Mar. 1,191
mailby, Harold R	do	June 16, 191
milman Paul H	do	Dec. 1, 191 Mar. 1, 191
tanley, Rufus	do	Mar. 1,191 Oct. 27,191
tephens, Edwin W	do	Oct. 27, 191 Oct. 16, 191
tevens, H. A	do	Apr. 1,191
ollard, Ray F tainbolt, Quince O talston, Glancy S. tobb, Newell S toland, R. M tosencrans, G. W ale, Mary C anders, Peter J cott, Clifton C eitz, Charles E ewell, Julia I hrock, M. S mallay, Harold R mith, Jay L pillman, Paul H tanley, Rufus tevens, H. A tribling, J. P	do	Mar. 20, 191
Tillson, H. J. Trask, Robert P. Treasure, J. F. Veston, James W. Vestler, Tory	do	Nov. 1,191
reasure I F	do	Dec. 1,191
Veston James W	· · · · · · · · · · · · · · · · · · ·	July 1,191
Vhatley, Tom	do	Nov. 1,191 Mar. 11,191
Vhipple, Florence R	do	Mar. 11, 191 July 1, 191
Vhitcher, G. H.	do	July 1,191 Sept. 9,191
Villey, Gilbert S	do	Sept. 9,191 July 1,191 Sept. 9,191
Vorte C A	do	Sept. 9,19
Vorks, G. A Vright, Frank L. immer, Elmer R.	- do	Dec. 3, 19
immer, Elmer R	- do	Oct. 16, 19; Feb. 16, 19;

Names, compensation, and dates of appointment of collaborators in the several bureaus and offices of the Department of Agriculture—Con.

BUREAU OF SOILS.

Name.	Compensation.	Date of appointment
Albert, A. R.	\$1 per annum	Aug. 1, 199 July 1, 199 Apr. 1, 199 Mar. 23, 191 July 1, 190
Allen, E. R.	do	July 1, 191
Anderson, A. C	do	July 1, 191 July 1, 191
Bell, N. Eric.	do	July 1, 191
Bengston, N. A	do	July 1, 191
Boardman, W. Clayton	do	Apr. 1, 19
ohn Henry I	do	Mar. 23, 191
ondra G E	do	July 1, 191 Do.
onrey, Guy M.	do	
ooper, H. P.	do	July 1, 191
unnewald, T. J.	do	Aug. 1, 190
spe Knute	do	July 1, 191 July 1, 191
ree, Edward E	do	Jan. 1, 191
ossard, Oliver	do	July 1, 191
uernsey, John E	do	July 1, 191
owe F B	do	July 1, 191 July 1, 191
ull, J. P. D	do	July 1, 191
nes, E. Malcolm	do	May 21, 191
nobel, E. W	do	July 1, 191
nien, E. R. nderson, A. C. veritt, S. D. ell, N. Erie. engston, N. A. oardman, W. Clayton rinkley, Louis L. ohn, Henry I. ondra, G. E. onrey, Guy M. ooper, H. P. unnewald, T. J. ngle, Chester C. spe, Knute. ree, Edward E. ossard, Oliver. uernsey, John E. ayes, Frank A. owe, F. B. ull, J. P. D. mes, E. Malcolim. nobel, E. W. rusekopl, Herman ong, David D. cDowell F. N.	do	July 16, 190
eDowell, F. N	do	Feb. 1, 191 Mar. 15, 191
ortlock, H. C.	do	July 1, 191
rusekopf, Herman ong, David D eDowell, F. N ortlock, H. C elson, J. W 'Neal, A. M., jr atteson, Geo. W erkins, Samuel O eid, H. W aburry, V. D nith, Olin H eall, Ernest Beall rroud, J. F tittle, Hiram F atkins, C. R., jr	do	Feb. 1, 191
Neal, A. M., jr.	do	July 1, 191
erkins Samuel O	do	July 1, 191 Dec. 1, 191
eid, H. W.	do	July 1, 191
eabury, V. D.	do	July 1, 191
nith, Ólin H	do	Aug. 1, 191
eall, Ernest Beall	do	Aug. 22, 191
nttle Hirem E	do	July 1, 191 Aug. 1, 191
atkins C. R. ir	do	Apr. 1, 191
imer, D. C.	do	July 15, 191
nn, Cleo J	do	Feb. 1, 191
. BUREAU OF ENTON	TO PROPERTY OF THE PARTY OF THE	
ecker, Geo. Gensel, C. E	\$1 per annum	Aug. 1,191
onconet P A	\$12 per annum	Apr. 1,191 June 16,191
oncquet, P. A. runer, Lawrence hapman, James W. ondit, Ira J. onradi, Albert F.	\$1 per month	Mar. 25, 190
hapman, James W	\$12 per annum	Mar. 25,190 Sept. 1,191 July 1,190
ondit, Ira J	\$1 per month	July 1,190
onradi, Albert F	do	Apr. 1,190 Apr. 1,191
raighead, Frank C	do	Oct. 1.191
ly, Charles H. ernald, Charles H., 2d. iske, William F.	do	Aug. 16, 191
ernald, Charles H., 2d	\$1 per annum	Oct. 1,191
iske, William F	do	Mar. 1,191
arper, J. Maseman, Leonard	\$1 per month	Inne 1 191
organ, Harcourt A	\$1 per annum	Sept. 21, 191
erkins, Henry F	\$1 per month	Apr. 26, 190
rice, J. C. C.	do	May 1,190
aseman, Leonard organ, Harcourt A. erkins, Henry F rice, J. C. C. eeher, Max M. oot, G. A.	do	Apr. 1, 191 Oct. 1, 191 Aug. 16, 191 Oct. 1, 191 Mar. 1, 191 Nov. 1, 191 June 1, 191 Sept. 21, 191 Apr. 26, 190 May 1, 190 Oct. 1, 191 Sept. 2, 191
oot, G. A. oot, George A. nannon, Raymond C.	\$1 per annum	Sept. 2,191 Oct 1 191
nannon, Raymond C.	\$1 per month	Oct. 1,191 Oct. 19,191
		Sept. 2.191
	THE PARTY OF THE P	Oct. 18,191
	do	Font 9 101
	do	Sept. 2,191
	do	July 1,191
	do	July 1,191 May 1,191
one, A. M. aylor, L. H. ilson, Harley F. erger, William P. OFFICE OF MARKI	ETS,	
one, A. M. aylor, L. H. filson, Harley F. erger, William P. OFFICE OF MARKI	ETS,	
one, A. M. aylor, L. H. filson, Harley F. erger, William P. OFFICE OF MARKI	ETS,	
one, A. M. aylor, L. H. ilson, Harley F. erger, William P. OFFICE OF MARKI	ETS,	
one, A. M. aylor, L. H. ilson, Harley F. erger, William P. OFFICE OF MARKI	ETS,	
one, A. M. aylor, L. H. filson, Harley F. erger, William P. OFFICE OF MARKI	ETS,	
one, A. M. aylor, L. H. filson, Harley F. erger, William P. OFFICE OF MARKI	ETS,	
one, A. M. aylor, L. H. filson, Harley F. erger, William P. OFFICE OF MARKI	ETS,	
one, A. M. aylor, L. H. filson, Harley F. erger, William P. OFFICE OF MARKI	ETS,	
one, A. M. aylor, L. H. ilson, Harley F. erger, William P. oppice of Marki enjamin, Earl W. exell, J. A. canson, E. C. urleson, D. J. unce, A. E. edrick, W. O. ontgomery, James H. oocking, William A., jr ogt, Paul L. eld, L. D. H.	SI per month	
enjamin, Earl W enjamin, Earl W exell, J. A. canson, E. C. urleson, D. J. unec, A. E. edrick, W. O. ontgomery, James H. ooking, William A., jr ogt, Paul L. eld, L. D. H.	SI per month	Aug. 3,191 May 15,191 Nov. 1,191 June 16,191 Oct. 1,191 Sept. 1,191 Nov. 6,191 Feb. 1,191 Dec. 1,191 Sept. 1,191
ome, A. M. aylor, L. H. inson, Harley F. erger, William P. OFFICE OF MARKI enjamin, Earl W. exell, J. A. ranson, E. C. urleson, D. J. ance, A. E. edrick, W. O. ontgomery, James H. ocking, William A., jr ogt, Paul L. eld, L. D. H.	\$1 per month \$1 per annum do do do do do do do \$1 per month \$1 per month \$1 per annum \$12 per annum	Aug. 3,191 May 15,191 Nov. 1,191 June 16,191 Oct. 1,191 Sept. 1,191 Feb. 1,191 Dec. 1,191 Sept. 1,191
one, A. M. aylor, L. H. ilson, Harley F. erger, William P. OFFICE OF MARKI enjamin, Earl W. exell, J. A. ranson, E. C. urleson, D. J. nnee, A. E. edrick, W. O. ontgomery, James H. ooking, William A., jr ogt, Paul L. eld, L. D. H.	\$1 per month \$1 per annum do do do do do do do \$1 per month \$1 per month \$1 per annum \$12 per annum	Aug. 3,191 May 15,191 Nov. 1,191 June 16,191 Oct. 1,191 Sept. 1,191 Feb. 1,191 Dec. 1,191 Sept. 1,191
one, A. M. aylor, L. H. ilson, Harley F. erger, William P. OFFICE OF MARKI enjamin, Earl W. exell, J. A. ranson, E. C. urleson, D. J. nnee, A. E. edrick, W. O. ontgomery, James H. ooking, William A., jr ogt, Paul L. eld, L. D. H.	\$1 per month \$1 per annum do do do do do do do \$1 per month \$1 per month \$1 per annum \$12 per annum	Aug. 3,191 May 15,191 Nov. 1,191 June 16,191 Oct. 1,191 Sept. 1,191 Feb. 1,191 Dec. 1,191 Sept. 1,191
ome, A. M. aylor, L. H. inson, Harley F. erger, William P. OFFICE OF MARKI enjamin, Earl W. exell, J. A. ranson, E. C. urleson, D. J. ance, A. E. edrick, W. O. ontgomery, James H. ocking, William A., jr ogt, Paul L. eld, L. D. H.	\$1 per month \$1 per annum do do do do do do do \$1 per month \$1 per month \$1 per annum \$12 per annum	Aug. 3,191 May 15,191 Nov. 1,191 June 16,191 Oct. 1,191 Sept. 1,191 Feb. 1,191 Dec. 1,191 Sept. 1,191
ome, A. M. aylor, L. H. inson, Harley F. erger, William P. OFFICE OF MARKI enjamin, Earl W. exell, J. A. ranson, E. C. urleson, D. J. ance, A. E. edrick, W. O. ontgomery, James H. ocking, William A., jr ogt, Paul L. eld, L. D. H.	\$1 per month \$1 per annum do do do do do do do \$1 per month \$1 per month \$1 per annum \$12 per annum	Aug. 3,191 May 15,191 Nov. 1,191 June 16,191 Oct. 1,191 Sept. 1,191 Feb. 1,191 Dec. 1,191 Sept. 1,191
ome, A. M. aylor, L. H. inson, Harley F. erger, William P. OFFICE OF MARKI enjamin, Earl W. exell, J. A. ranson, E. C. urleson, D. J. ance, A. E. edrick, W. O. ontgomery, James H. ocking, William A., jr ogt, Paul L. eld, L. D. H.	\$1 per month \$1 per annum do do do do do do do \$1 per month \$1 per month \$1 per annum \$12 per annum	Aug. 3,191 May 15,191 Nov. 1,191 June 16,191 Oct. 1,191 Sept. 1,191 Feb. 1,191 Dec. 1,191 Sept. 1,191
ome, A. M. aylor, L. H. inson, Harley F. erger, William P. OFFICE OF MARKI enjamin, Earl W. exell, J. A. ranson, E. C. urleson, D. J. ance, A. E. edrick, W. O. ontgomery, James H. ocking, William A., jr ogt, Paul L. eld, L. D. H.	\$1 per month \$1 per annum do do do do do do do \$1 per month \$1 per month \$1 per annum \$12 per annum	Aug. 3,191 May 15,191 Nov. 1,191 June 16,191 Oct. 1,191 Sept. 1,191 Feb. 1,191 Dec. 1,191 Sept. 1,191
ione, A. M. aylor, L. H. ilson, Harley F. erger, William P. OPFICE OF MARKI enjamin, Earl W. exell, J. A. ranson, E. C. urleson, D. J. ance, A. E. edrick, W. O. ontgomery, James H. tocking, William A., jr ogt, Paul L. reid, L. D. H. FOREST SERVIC earss, Howard P. collidge, Philip J. ox, W.m. T. degrton, Claude Wilbur illey, Walter O. tyslop, George R. tockrip, Frank W. Lason, David T.	SI per month SI per annum do do do do do do si per month SI per annum SI per month SI per snnum do	Aug. 3,191 May 15,191 Nov. 1,191 June 16,191 Oct. 1,191 Sept. 1,191 Feb. 1,191 Feb. 1,191 Sept. 1,191 June 26,191 June 26,191 June 26,191 June 26,191 June 36,191 Aug. 1,191 Aug
ione, A. M. aylor, L. H. ilson, Harley F. erger, William P. OPFICE OF MARKI enjamin, Earl W. exell, J. A. ranson, E. C. urleson, D. J. ance, A. E. edrick, W. O. ontgomery, James H. tocking, William A., jr ogt, Paul L. reid, L. D. H. FOREST SERVIC earss, Howard P. collidge, Philip J. ox, W.m. T. degrton, Claude Wilbur illey, Walter O. tyslop, George R. tockrip, Frank W. Lason, David T.	SI per month SI per annum do do do do do do si per month SI per annum SI per month SI per snnum do	Aug. 3,191 May 15,191 Nov. 1,191 June 16,191 Oct. 1,191 Sept. 1,191 Feb. 1,191 Feb. 1,191 Sept. 1,191 June 26,191 June 26,191 June 26,191 June 26,191 June 36,191 Aug. 1,191 Aug
ome, A. M. aylor, L. H. inson, Harley F. erger, William P. OFFICE OF MARKI enjamin, Earl W. exell, J. A. ranson, E. C. urleson, D. J. ance, A. E. edrick, W. O. ontgomery, James H. ocking, William A., jr ogt, Paul L. eld, L. D. H.	SI per month SI per annum do do do do do do si per month SI per annum SI per month SI per snnum do	Aug. 3,191 May 15,191 Nov. 1,191 June 16,191 Oct. 1,191 Sept. 1,191 Feb. 1,191 Feb. 1,191 Sept. 1,191 June 26,191 June 26,191 June 26,191 June 26,191 June 36,191 Aug. 1,191 Aug

Names, compensation, and dates of appointment of collaborators in the several bureaus and offices of the Department of Agriculture-Con.

PEDERAL HORTICULTURAL BOARD.

PEDERAL HORTICULTUR.	AL BOARD.	and the state of t
Name.	Compensation.	Date of appointment.
Blanch, B. R.	01 non-12	Now 00 101
Brown Lather	\$1 per month	Nov. 23, 1914 Mar. 16, 1916
Brown, Luther. Clark, Jonas W.	do	Nov. 1, 1914
Gehry, Emil L.	do	Mar. 23, 1916
Grimes, Dillard W	do	May 1,1915 Aug. 1,1915 Nov. 1,1916
Harned, Robley W	\$1 per annum	Aug. 1, 1914
Hoyt, A. E.	\$1 per month	Nov. 1,191
Liet George W	do	Feb. 1,1916 Sept. 1,1916
Merrill George R	do	Sept. 1,191 Feb. 1,191
Newell, Wilman	do	Feb. 1,191 Do.
Peake, G. W.	\$1 per annum	June 1,191
Stone, W. C	\$1 per month	Feb. 1,191
Webster, R. L	do	Dec. 1,191
Clark, Jonas W. Gebry, Emil L. Grimes, Dillard W. Harned, Robley W. Hoyt, A. E. Hull, W. N. List, George W. Merrill, George B. Newell, Wilman. Peake, G. W. Stone, W. C. Webster, R. L. Wilkins, C. L.	do	May 1, 191
THE RESERVED OF THE PARTY OF THE PARTY.		
WATERSHEDS,	100	
Barton, J. E. Besley, Fred W. Hawes, Austin F. Hirst, Edgar C. Holmes, John S. Howard, W. G. Jones, R. Chapin. Mace, Frank E. Moody Frank B.	\$12 per annum	Sept. 24, 191;
Besley, Fred W	do	Feb. 19, 191
Hawes, Austin F	do	July 1,191
Hirst, Edgar C	do	June 1,191
Holmes, John S	do	June 16, 191.
Lower D. Chamin	do	Apr. 1, 1913 June 1, 1913 June 1, 1913 Mar. 16, 1913 Apr. 1, 1914 Apr. 1, 1914 Aug. 1, 1913 Sept. 16, 1913
Maco Frank P	de	Mor 1, 191
Moody Front B	do	Ang 1 101
Pearson, William I	do	Apr 1 101/
Rane, F. W.	do	Aug. 1 1911
Raskie, Geo. W	do	Sept. 16, 1912
Moody, Frank B. Pearson, William J. Rane, F. W. Raskie, Geo. W. Viquesney, J. A.	do	Oct. 16, 1913
ENFORCEMENT OF THE PLANT	QUARANTINE ACT.	
Bentley, G. M	\$1 per month	Aug. 1, 1913
Dean, George A	do	Do.
Garman, H	do	Do.
Garman, H. Hunter, S. J. Lowry, O. S.	da	Do.
Nelson Avan	\$1 per annum	Do. Do.
Price W I	\$1 per month	Do.
Lowry, O. S. Nelson, Aven. Price, W. J. Severin, Harry C. Paylor, J. Edward. Walden, B. H. Waldron, C. B. Washburn, F. L. Washburn, F. L.	SI per annum	Do.
Taylor J. Edward.	do	Do.
Walden, B. H.	do	Do.
Waldron, C. B.	do	Do.
Washburn, F. L.	\$1 per month	Do.
Webb, Wesley	do	Do.
EXPERIMENT STAT	luss.	
Fisher, H. J.	\$2 per month	June 1, 1915
Fisher, H. J. Hotchkiss, W. O. Sohier, William D.		Dec. 1, 1910
Sohier, William D	do	June 9, 1913
BUREAU OF ANIMAE I	NDUSTRY.	
	et man month	Tesler 1 1004
Arthur, Joseph C. Hart, George H.	\$1 per month \$5 per annum \$1 per annum \$1 per month \$1 per annum	Oct 18 1016
Mumford, H. W.	\$1 per annum	Dec 23 1014
Noggen, R. W.	\$1 per month	Nov. 30 1914
Waters, H. J.	SI per annum	Dec. 23, 1914
Wilson, James W	do	June 16, 1913
		11.7
OFFICE OF FARM MANA		
Finch, Vernor C	\$1 per annum	Sept. 1, 191
Warren, Geo. F	do	Sept. 1, 1915 May 1, 1906
EXPERIMENT STAT	rovo.	11111
EATERIAENT STAT	l l	8701 C # 10
Brown, C. H. Clinton, Geo. P.	\$2 per month	June 1, 1915 Apr. 22, 1906
Clinton, Geo. P	\$1 per month	Apr. 22, 190
Clowes, F. A	do	Apr. 1,191
INTERNATIONAL DRY-FARMI	NG CONGRESS.	
	1	
Berger, R. W. Kisselbach, T. A	\$1 per monthdodo	Dec. 1, 1913 Aug. 1, 1913
CHESTNUT TREE BARK DISEAS	E INVESTIGATION.	1974 2 1971
Whitney, Lehr A	\$1 per month	Nov. 16, 191
		101. 10,181.
NURSERY PLANT INSPECTION A	ND QUARANTINE.	
McLaine, Leonard S	\$1 per annum	Dec. 1,1912
BUREAU BIOLOGICAL SURVEY, FEDERA	L MIGRATORY BIRD L	AW.
Luckett, S. F	\$1 per month	Jan. 1,191

Names, compensation, and dates of appointment of collaborators in the several bureaus and offices of the Department of Agriculture—Con.

DEMONSTRATION ON RECLAMA	TION PROJECTS.	A LEAST LAND
Name.	Compensation.	Date of appointment
Foster, J. Harold	\$12 per annum	Mar. 16, 1916
BUREAU OF CHEMI	STRY.	
Starbeckee, Moses	\$1 per annum	July 17, 1916
SECRETARY'S OFF	ICE.	
Pearl, Raymond	\$12 per annum	July 1, 1914
BUREAU OF CROP EST	IMATES.	
Black, John D	\$1 per annum	Sept. 1,1916
Names and dates of appointment of an	agial callet to	

Names and dates of appointment of special collaborators, Bureau of Education, Department of the Interior. The compensation of each is \$1 per annum.

ducation, Department of the Interior. The con 1 per annum.

Abbey, Myron J., December 21, 1912.

Ackerman, John H., October 29, 1915.

Adams, Cyrus C., June 29, 1915.

Alexander, Carter, December 17, 1914.

Allen, Bernard M., June 20, 1916.

Andrews, Mrs. Fannie Fern, July 29, 1912.

Atkins, S. G., June 23, 1912.

Austin, Herbert E., June 24, 1912.

Ave-Lallemant, Theo. M., November 18, 1916.

Babcock, Kendric C., May 1, 1913.

Baker, Naaman R., April 22, 1912.

Baylor, Miss Adelaide S., April 4, 1912.

Berger, Miss Marlon, September 15, 1915.

Birney, Mrs. Helen T., April 28, 1918.

Bissell, George W., December 16, 1913.

Biewett, Ben, March 25, 1914.

Boggs, Miss A. Marls, October 7, 1915.

Bond, James L., April 22, 1912.

Brown, Edward F., January 15, 1916.

Burnham, Ernest, April 20, 1912.

Brown, Edward F., January 15, 1916.

Burnham, Ernest, April 27, 1912.

Burton, Richard, April 27, 1914.

Burzynska, Martha B., December 19, 1914.

Carney, Miss Mabel, November 30, 1912.

Coates, Thomas J., April 27, 1914.

Burzynska, Martha B., December 19, 1914.

Cole, Raymond E., November 30, 1912.

Cogswell, Edmund S., November 20, 1914.

Cole, Rymond E., November 30, 1918.

Colwell, Nathan P., October 30, 1918.

Colvell, Nathan P., October 30, 1918.

C

Maphis, Charles G., May 24, 1912.
Maxwell, William H., March 25, 1914.
Mooney, William B., June 12, 1912.
Morris, Miss Agnes, October 5, 1912.
Morris, Miss Agnes, October 5, 1912.
Morris, Miss Agnes, October 5, 1912.
Murray, John F., March 31, 1914.
Newbold, Nathan C., May 14, 1913.
Osgood, William F., December 17, 1912.
Paul, Joshua Hughes, November 30, 1912.
Perry, Clarence A., January 29, 1914.
Phelps, William L., April 27, 1914.
Phillips, Eugene M., November 18, 1913.
Phillips, John H., March 25, 1914.
Powell, Richard H., jr., April 22, 1912.
Rea, Paul M., October 30, 1913.
Rhoads, McHenry, June 3, 1912.
Russell, William F., December 17, 1914.
Sargent, Christopher G., January 29, 1914.
Schnidt, Charles C., September 6, 1913.
Schoff, Mrs. Hannah K., March 8, 1913.
Schoff, Mrs. Hannah K., March 8, 1913.
Schoff, Mrs. Hannah K., March 25, 1916.
Scott, Fred N., July 29, 1913.
Scarson, James W., January 28, 1915.
Settle, Thomas S., April 16, 1912.
Small, Willard S., January 28, 1915.
Smith, Charles A., April 25, 1913.
Smith, Charles F., March 10, 1914.
Smith, Pred W., July 23, 1913.
Smith, Pred W., July 23, 1913.
Smith, William H., July 3, 1912.
Smith, Fred W., July 23, 1913.
Smith, William H., July 3, 1912.
Spaulding, Frank E., March 25, 1914.
Stewart, Mrs. Cora W., March 23, 1912.
Straus, Simon, February 2, 1914.
Strayer, George D., March 25, 1914.
Strayer, George D., March 27, 1912.
Van Benthuysen, Stephen D., July 23, 1913.
Wagner, Alvin E., March 27, 1912.
Ward, Edward J., October 16, 1916.
Weaver, Mrs. Charles P., March 21, 1912.
Ward, Edward J., October 7, 1915.
Weatherford, Willis D., June 23, 1913.
Wheelock, Lucy, October 16, 1916.
Weaver, Mrs. Charles P., March 21, 1912.
Whetser, Mrs. Charles P., March 21, 1912.
Webster, Mrs. Charles P., March 21, 1912.
Whetser, Mrs. Charles P., March 21, 1912.
Whetser, Farl S., March 8, 1913.
Woodter, Fr., Thomas J., September 27, 1913.
Woodter, Farl, S., March 8

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. MYERS. Mr. President, I offer the amendment which send to the desk.

The PRESIDING OFFICER. The amendment will be

The Secretary. It is proposed to insert, at the proper place in the bill, the following:

That the Secretary of Agriculture be, and hereby is, authorized and directed to examine into the extent and conditions of the practice of experimentation on living animals in laboratories for research, and in hospitals or other establishments, and in the commercial production of serums and vaccines for sale, for the purpose of ascertaining whether such experiments and practices are attended with unnecessary and preventable suffering arising from useless repetitions of experiments, want of proper skill in the experimenters, nonuse of anesthetics, and the absence of proper care of the animals upon which such experiments or operations are conducted, and to report the results of such examination and investigation to the Congress of the United States.

United States.

That the sum of \$20,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the expenses of such examination and investigation, to be disbursed under the direction of the Secretary of Agriculture.

That the experts, special agents, clerks, and stenographers employed under this appropriation shall be selected from persons eligible on any civil-service register.

Mr. SMITH of South Carolina. Mr. President, I shall have

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. MYERS. I have the floor, and I do not yield.

Mr. SMITH of South Carolina. I just rose to a point of

Mr. MYERS. I do not yield, because I want to say a few words about this amendment.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. SMITH of South Carolina. I will reserve the point of order, then.

Mr. MYERS. Mr. President, there has grown up in this country amongst intelligent and thinking people and those who give attention to humanitarianism a strong demand that the practice of vivisection on animals cease. It has been discussed, attention has been brought to it in schools, colleges, cussed, attention has been brought to it in schools, colleges, churches, and civic societies, and the sentiment is growing. It has spread all over the country, and some of the foremost publicists, scholars, and humanitarians of the country have given their support to the movement to stop that vicious practice; many resolutions have been adopted by societies demanding that the practice be stopped and that legislation be enacted to prevent it.

There has been formed a national antivivisection society which has its headquarters here in Washington, I believe, and holds annual meetings. The membership is large, and it is composed of highly intelligent and benevolent men and women. They have agitated for some time the matter of bringing to the attention of Congress this practice to which they are so justly opposed, and they have enlisted the sympathies of some Members of this body. The distinguished Senator from New Hampshire [Mr. Gallinger], who is very heartily in sympathy with the movement to put a stop to this practice, has introduced in the Senate a bill which is now pending and embodies substantially the provisions of my amendment; but, while he is very heartily in favor of the proposed legislation and has given it all possible attention, it has not made any headway yet. It seems to be impossible to make any progress with it on account of the Senate, I suppose, being engrossed with what are supposed to be larger and more important matters. I therefore consented to present this amendment, embodying substantially the provisions of his bill, with his knowledge and consent, and with his hearty approval; and I believe that this appropriation ought to be made. It only asks for \$20,000. If there is any objection to the amount I would be willing to make it \$10,000. I believe that this is a very worthy amendment. It only provides for an investigation to learn to what extent the practice of vivisection is carried, and how and under what circumstances and for what purposes and reasons, and to what extent it may come under the jurisdiction of Congress in order that Congress may then, after having had a report, enact appropriate legislation, if it should see fit, to stop these practices

I think this is a matter on which we ought to have enlightenment. We have been talking here for two or three hours about enlightenment afforded by the Carnegie endowment and the Rockefeller endowment, and there is objection made to it because the funds therefor come from private sources. I have heard it stated a dozen times on the floor of the Senate during this debate that these things should be done by the Government; that when the Government can do anything just as well as an individual or corporation it ought to be done by the Government. Here is an opportunity for the Government to engage in highly laudable work of a very benevolent character, instead of waiting for the Rockefeller foundation or the Carnegie foundation or some other rich concern to furnish the money with which to do it. I believe the Government ought to do this and I ask for the adoption of the amendment.

Mr. SMITH of South Carolina. I make the point of order that the amendment has not been reported from a standing committee and has not been estimated for, and is entirely new matter.

The PRESIDING OFFICER. The Chair thinks that the point of order is well taken, and sustains it.

Mr. MYERS. While I have the floor I desire to offer another

amendment.

The PRESIDING OFFICER. The amendment will be stated. The Secretary. On page 21, line 16, strike out the figures \$176,505" and insert "\$179,005."

Strike out lines 24 and 25 on page 21 and lines 1 and 2 on page 22 and insert in lieu thereof the following: "For testing and breeding fibrous plants, including the testing of flax straw, in cooperation with the Montana Agricultural College, \$8,000, and in cooperation with the North Dakota Agricultural College, \$16,760; in all, \$24,760, which sum may also be used for paper making." making.

Page 22, line 23, strike out the figures "\$160,000" and insert \$170,000."

Mr. MYERS. Mr. President, I think I ought to have the support and cooperation of the Senators from North Dakota in this amendment. Here is an amendment which proposes very bene-ficial work along educational lines. We have just been com-plaining that the Government should not accept money from private sources for work of this character, but that this great Government is able to carry on all work of this character and

pay for it. Here is an opportunity to have the Government do it in a matter which is of the highest importance and very necessary to educational work and to the advancement of agriculture in the States mentioned in the amendment,

In view of what we have heard here about the duty of the Government to pay its own expenses in this line of work and not to accept moncy from rich men or rich institutions, I think this amendment should undoubtedly be adopted. Here is a chance for the Senate to put in practice what we have heard advocated during the last two or three hours.

Mr. SMITH of South Carolina. I make the point of order

also against this amendment.
reported by a standing committee.
The Chair sustains the point of

Mr. WADSWORTH. I have an amendment to offer to the bill, which I send to the desk with the observation that perhaps the acting chairman of the committee and others will accept it.

It does not carry any additional appropriation.

The PRESIDING OFFICER. The amendment will be stated. The Secretary. It is proposed to insert the following as an

additional section: Sec. —. That section 1 of the act entitled "An act to prevent cruelty to animals while in transit by railroads or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes," approved June 29, 1906, be amended to read as follows:

"That no railroad, express company, car company, covered as states."

States Revised Statutes," approved June 29, 1906, be amended to read as follows:

"That no railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, whose road forms any part of a line over which cattle, sheep, swine, or other animals shall be conveyed from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, shall confine the same in cars, boats, or vessels of any description for a period longer than 28 consecutive hours without unloading the same in a humane manner, into properly equipped pens for rest, water, and feeding, for a period of not less than 5 nor more than 12 consecutive hours, unless prevented by storm or other accidental or unavoidable causes which can not be anticipated or avoided by the exercise of due diligence and foresight: Provided, That upon the written request of the owner or person in custody of that particular shipment, which written request shall be separate and apart from any printed bill of lading, or other railroad form, the time of confinement may be extended to 36 hours, and the time for rest and feeding to a period in excess of 12 hours. In estimating such confinement the time consumed in loading and unloading shall not be considered, but the time during which animals have been confined without such rest or food or water on connecting roads shall be included, it being the intent of this act to prohibit their continuous confinement beyond the period of 28 hours, except upon the contingencies hereinbefore stated: Provided further, That it shall not be required that sheep shall be unloaded in the nighttime, but where the time

Mr. WADSWORTH. Mr. President

Mr. BRADY. Will the Senator yield to me? Mr. WADSWORTH. I yield for a question.

Mr. BRADY. This amendment seems to change a number of sections of the existing law. I understand that it repeals certain sections of the law.

Mr. WADSWORTH. No; I think I can relieve the Senator's mind upon that point.

Mr. BRADY. At any rate, it makes certain changes. I would be very much pleased to have the Senator from New York ex-

plain why he thinks these changes are necessary.

Mr. WADSWORTH. I am very glad, indeed, as, of course, it is my duty, to explain what the amendment proposes to do. The Senator from Idaho and other Senators who are interested in this matter and Senators generally will remember that under the present law live stock shipped in transportation may not be confined in railroad cars in excess of 28 consecutive hours, unless the shipper signs an agreement to the effect which will permit them to be confined in railroad cars 36 consecutive The present law also provides that at the end of the 28 hours or of the 36 hours, whichever may be the case, the railway company must unload the cattle, sheep, or horses, whichever they may be, in suitable pens for resting and feeding, not less than 5 hours.

The amendment which I sent to the desk simply provides that the cattle or live stock shall be unloaded, rested, and fed not less than 5 hours nor more than 12 hours, with the single exception that upon the consent of the owner or shipper they may be rested more than 12 hours. That is all.

Mr. BRADY. What, in the Senator's opinion, is the neces-

sity for a change in that respect?

Mr. WADSWORTH. I will endeavor to explain that. operation of the 28-hour law has had a rather unlooked-for effect in one respect. One of the motives back of the enactment of that law was to prevent cruelty to cattle and other live stock !

in its transportation. Another motive back of the enactment of the law, I think I am accurate in saying, was to expedite the shipment of live stock. The first motive has been attained; cruelty to animals has been in a large measure obviated. The second motive, that of expediting the shipment of live stock, has not been attained, and, in fact, the operation of the law in some respects is such as to slow down the shipment of live stock, when one stops to consider the manner in which the law is obeyed by the railway companies, for let me say to the Senator that so long as the railways keep the cattle in the feed pen resting and feeding for 5 hours they are complying with the law, and there have been many, many cases brought to my attention where railways have kept cattle confined in feed pens not only for 5 hours, but for 12 hours, 18 hours, and 24 hours, and yet in utter compliance with the law. I have known of many shipments of cattle, we will say between points in northern Michigan and East Buffalo, a distance not in excess of 400 or 500 miles, which under ordinarily efficient railway transportation should be covered within 36 hours, or at least with the necessity involved of but one unloading for feed, water, and rest, and those same shipments unloaded twice and even three times, and kept hour after hour in the pens, with no benefit whatsoever to the cattle, tremendous delay at the other end of the line, and grave loss to the shipper, who when he originally loads the live stock at the point of departure makes his calculation that they shall reach the market on a certain day, a day which according to his judgment is the most favorable market day for the sale of his cattle or sheep or hogs, or whatever the live stock may happen to be.

Mr. President, I realize that this matter is rather an important one to bring before the Senate in this comparatively sudden manner. I will say partly in explanation that I have consulted with the officials of the Bureau of Animal Industry and with delegations of live-stock men who have been here in the last two or three days and who have presented to me a description of a state of affairs which quite passes my capacity to understand relative to the delays incident to the ship-

ment and transportation of live stock.

Mr. BRADY. Mr. President—
The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Idaho?

Mr. WADSWORTH. I do.

Mr. BRADY. That is the very point upon which I was desiring information. I did not understand why the railroad companies would wish to delay shipments simply by having the

cattle confined in the feed pens.

Mr. WADSWORTH. When the railway company unloads two or three cars into a pen for rest and feed, of course they must When the 5 be kept there 5 hours under the existing law. hours are up, it then rests in the option of the railway company whether to load them up and send them on; and it would seem from observation which I have made upon the subject that in many cases the yardmaster of the railway in which the feed yards are located is quite indifferent as to whether he makes up a train to take out the live stock in 2 or 3 hours, 6 hours, or 10 hours. He tells the shipper or drover who may be accompanying the cattle he will put them out when they are good and ready; and many an instance has arisen where the cattle have been loaded into cars out of the feed pen, which are kept standing on the sidetrack so long that they have had to be unloaded a second time and refed in the same yards, on the ground that the railway was unwilling to attempt to send them to the next feeding point within the 36-hour limitation provided by law; they would not take the chances, although the great waste of time which had taken place while the cattle, after they had been fed, were in cars standing on the sidetrack was the fault of the railway. So the cattle in many, many instances are left either confined in feed pens resting or feeding or else upon sidetracks confined in cars such a length of time as to induce the railway to offer the excuse that they can not reach the next 36-hour limit without unloading and feeding again.

It is the object of this amendment to place a limitation on the length of time which the railway companies may keep cattle confined in the pens unless the owner himself consents to an

extension of the period of 12 hours.
Mr. BRADY. Mr. President—

Mr. WADSWORTH. I yield to the Senator from Idaho.

Mr. BRADY. This amendment is of such vast importance to the live-stock interests of the West that I fear it would be impossible for us to get sufficient information to act intelligently upon the matter. From the Senator's statement, it seems to me, there is great need of some legislation along this line. I wish to ask the Senator whether he feels that this amendment has the full approval of the department of the Government.

Mr. WADSWORTH. I will say that the amendment as drafted in this form was not submitted to the department, but the officials of the Bureau of Animal Industry are in complete sympathy with this limitation on the time of confinement in feed pens; at least I so gathered in conversation with them.

Mr. BRADY. Does the Senator feel that the owners and shippers of live stock need this regulation?

Mr. WADSWORTH. I am very certain that the live-stock shippers need legislation of this character. May I be permitted to say that I have racked my brain to think of any portion of the country where the live-stock owners would be injured by this amendment. The 12 hours limitation on the confinement of cattle in feed pens seems to me to be very generous.

Mr. FALL rose

Mr. WADSWORTH. Both the Senator from New Mexico and myself have had some experience in shipping cattle in the West, and it has not been my experience that cattle have ever needed to be held in excess of 12 hours, except under most un-usual circumstances, in which the owner himself has asked that they be held more than 12 hours.

Mr. BRADY. I want to do everything that can be done to

benefit the live-stock interests. Mr. FALL. Mr. President-

Mr. WADSWORTH. I yield to the Senator from New Mexico

Mr. FALL. I wish to ask the Senator, for the benefit generally of the discussion, as a cattle owner himself, does he not think that it should be in his power to compel a railroad company to load the cattle and ship them in 12 hours? If the Senator himself chooses to extend the time, that is all right. It must benefit the cattle; it must be a benefit to the consumers. You do not want to hold the cars on a sidetrack until the cattle get car fever, to which we all know to some extent they are liable. Should it not be within the power of the owner or shipper himself to say, "You are compelled to keep them for 5 hours; you shall not keep them over 12 hours without my consent"? That is the whole object.

Mr. BRADY. That is the purpose of the amendment. The Senator from New Mexico knows as well as any Senator on this floor how hard the stock interests of the West had to work to secure the 28-hour law, and I do not want to see anything done that would in any way impair that law.

Mr. WADSWORTH. I would be probably the last man in the Senate to attempt to break down the provision as to 28 hours, even though it would involve the confession also of somewhat selfish motives on my part, because I am a shipper of live stock.

Mr. BRADY. This provision appears to be quite necessary in the judgment of the Senator. On the other hand, it is so drawn and there is so little time to consider it that we must depend upon his good judgment in the matter in supporting the amendment.

Mr. NEWLANDS. Mr. President, I have not intervened in the debate thus far because I was aware that the Senator from New York was addressing himself to a rather serious question, and I was glad to obtain the enlightenment of his views upon the subject; but this legislation is subject to the point of order that it is new legislation. The Secretary of Agriculture has sent me his recommendation in the form of a bill with reference to an amendment of the existing statute relating to the transportation of live stock, and whilst I have not examined it minutely I imagine it covers some of the features urged by the Senator from New York. That bill will be introduced by me to-day and read and referred to the Committee on Interstate Commerce, and it will receive consideration as soon as I can secure it in that committee. As the Senator is aware, of course, that committee is under great pressure now with reference to various matters of legislation, and there may be some delay regarding it.

I would be very glad to see relief given, and promptly given, but my experience teaches me that it is never wise to yield to the urgency of legislation upon a subject of this kind without going through the usual processes of committee reference and hearing. I know in numerous matters that have come before our committee legislation that was apparently innocent in appearance has been proved to be burdened with very serious

results.

This legislation relates in part to the congestion of traffic, and congestion of traffic is now a very serious question with almost all the railroads of the country. Both the railway executives and the Interstate Commerce Commission are applying themselves now to some solution of the question.

I can not, therefore, yield to the urgency of this situation

and must insist upon my point of order.

The PRESIDING OFFICER. It seems to the Chair that the point of order is well taken. The Chair will therefore sustain it

Mr. JONES. I desire to offer an amendment which I send to the desk

The PRESIDING OFFICER. The Secretary will state the amendment.

The Secretary. On page 25, line 24, strike out the numerals \$62,740" and insert in lieu thereof "\$65,240."

Mr. JONES. Mr. President, I will say that this increases the amount \$2,500 and is estimated for by the department. I wish to give the reasons for it in a few words. The Government has been operating a bulb farm at Bellingham, Wash., of about 10 acres, for several years. They have demonstrated that the climate and soil there are especially adapted to the propagation of bulbs. Our import of bulbs into this country is about a million dollars a year, and if we can develop the propagation of the bulbs in this country, it means a great deal. As I said, they have already demonstrated that the climate and soil of Bellingham are especially adapted to this line of work.

The people there are giving to the Government a tract of 60 acres. There is a provision in another part of the bill appropriating \$10,000, included in one of the lump-sum items, for the necessary buildings and the improvements and getting the tract in shape. The department included an estimate of \$10,000 for the propagation and cultivation of bulbs on this 60-acre tract.

Mr. CLARK. For experimental purposes?

Mr. JONES. For experimental purposes, of course. They are very anxious to have the full amount, and I hope the full amount will be allowed.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NORRIS. Mr. President, I should like to have the attention of the acting chairman of the committee to a provision in the bill, and later, before I conclude, I will offer an amendment that, I believe, will receive the approval not only of the acting chairman but of everyone who will listen to the statement.

The amendment that I propose to offer is on page 38, commencing with line 2. I am going to move to strike out that appropriation and insert it in a little different language, with an increase of \$1,200.

Mr. President, I appeared before the Committee on Agriculture and Forestry and offered an amendment to increase the appropriation provided for for this national forest by \$5,000. I was under the impression—in fact, I know—that those in Agricultural Committee who really had charge of the matter were favorable to it, but the amendment was referred to the Secretary of Agriculture. The committee will remember that the letter of the Secretary was read. He agreed practically to the thorough desirability of the increase, but said on account of the financial condition of everything he desired to curtail all possible expense, and he could not give his approval at this time. So the provision was not put in the bill; but the committee did allow a provision to remain in the bill, as follows:

So much, not exceeding \$1,200, of any funds hereafter appropriated for the Nebraska National Forest for any fiscal year to and including the fiscal year ending June 30, 1920, as may be necessary shall be available for the purchase of land now under lease and used as a nursery site for the Niobrara division of the Nebraska National Forest, \$6,165.

That was in the bill as it passed the House, and was put in at the suggestion and request of the department, because it is recognized that that land must be purchased at some time. There is no appropriation in the bill to pay for it, although it gives authority to take it out of the appropriation. The appropriation for the Nebraska National Forest, on page 27, line 13, to the land of the second states. is only \$1,165. It is true there is an appropriation of \$5,000 to carry on the nursery work at the Niobrara station at the same time. If this \$1,200 were taken out, there would be practically nothing left, and it would not be taken out, of course, unless there was a distinct appropriation made; but they would run on the theory that they would take it out in some years between now and 1920.

I want to call the attention particularly of the acting chairman to the fact that the bill as it comes from the House and as reported from the committee has the announced intention of buying that land. It comes about from the fact that when this national forest was inaugurated this particular 80 acres of land and another piece that my amendment does not affect were supposed to be within the boundaries of the forest reserve. As a matter of fact, when it was properly surveyed it was found that the 80 acres that they are now using for a nursery and 181 acres composing another tract were outside of the forest grounds and were owned privately. This land in question is bottom land on the Niobrara River. There is not and was not any land within the forest itself suitable for the work of raising and producing nursery stock that they are producing there, and they have been producing it for several years. You will remember that this is a forest reserve where there is no forest, but they are attempting to grow it. So they had to lease this private land. It is under lease now, and they have been using it under that lease. It includes the provision, as I understand, that they should have the right to buy at any time this 80 acres of land for \$1,200, and that privilege will expire in 1920. The reason why the provision was put in the bill was to enable the department to use any money appropriated to buy this land at any time under any appropriation between now and 1920.

I am only anxious to have this land purchased now and to make an appropriation in this bill for that specific purpose, so that the matter may be ended. If something should happen to prevent the purchase of the land it would seriously cripple the work of the service, because it would take the land away from the nursery grounds mainly. There is this note, which Senators who have the committee print of the bill before them will see;

Through an error in the public-land surveys this tract-

That is, the 18.25-acre tract, not the one which I am now proposing to purchase-

Through an error in the public-land surveys this tract was inadvertently included in the principal nursery which supplied the Nebraska National Forest when that nursery was established. The second tract, containing approximately 80 acres—

That is the one that is under lease and which this appropriation would enable the department to purchase and to add to the reservation-

constitutes the Niobrara nursery site, which for several years has been in use under lease, with an option for purchase. The addition of these tracts is essential to the successful development of reforestation in Nebraska, and suitable national-forest land is not available for the

Mr. President, the effect of my amendment will be that, in lieu of the language now in the bill, providing that any of the funds appropriated between now and 1920 to the extent of \$1,200 may be used for the purchase of this tract of land, it makes a definite appropriation now of the amount. In fact, the estimate of the department increased the amount by exactly this particular appropriation; that is, instead of having, as in the committee print of the bill, on line 22, page 35, \$1,165, the estimate was \$2,365. That is just \$1,200 more than the amount now named in the bill. Instead of leaving it as it now is, in order to enable Senators to know exactly for what purpose the money is to be used, I thought it better to make a specific appropriation of the \$1,200. I have not, however, changed the amount in line 22, page 35, but have added this specific appropriation. I will now send the amendment to the desk and ask

the Secretary to read it.

The VICE PRESIDENT. The amendment proposed by the

Senator from Nebraska will be stated.

The Secretary. On page 38, line 2, beginning with the words "so much," it is proposed to strike out down to and including the numerals "\$6,165," in line 8, and to insert the following in lieu thereof:

For the purchase of land now under lease and used as a nursery site for the Niobrara division of the Nebraska National Forest, \$1,200; in all, \$7,365.

Mr. NORRIS. That increases the amount exactly \$1,200, Mr. President.

Mr. GRONNA. Mr. President—
Mr. NORRIS. I yield to the Senator from North Dakota.
Mr. GRONNA. May I ask the Senator how large the tract of land is?

Mr. NORRIS. It contains 80 acres, as stated by the depart-I have never seen it.

Mr. GRONNA. I have no objection to the amendment.
Mr. NORRIS. It is bottom land and is situated directly on the Niobrara River, I am told.

Mr. BRADY. Is the land owned by private individuals?
Mr. NORRIS. It is owned by a private individual. It was supposed when the survey was made that the land was public land, but when they came to make a definite survey it was found that this particular 80 acres, together with another tract, which is being used in another place and which this does not affect, was in fact privately owned land.

Mr. BRADY. Is the Senator sure that the appropriation of

\$1,200 will enable the department to buy the land?

Mr. NORRIS. I understand the department have an option to buy the land for \$1,200.

Mr. SMITH of South Carolina. Mr. President, I merely want to make a brief statement. The committee went pretty fully into this matter. As the Senator from Nebraska has already

indicated, it seemed to the committee that the recommendation of the department was sufficient, but the action of the committee was incorporated just as it appears in the bill. followed the recommendation without any change at all, but we inserted the following proviso, to which the Senator has called attention:

Provided further, That the cost of any building erected at the nurseries on the Nebraska National Forest may amount to but shall not exceed \$1,000.

Mr. NORRIS. If the Senator will permit me, that amendment, of course, makes no appropriation.

Mr. SMITH of South Carolina. No. Mr. NORRIS. That has nothing to do with the amendment I am now offering, but is an amendment which has already been adopted.

Mr. SMITH of South Carolina. The point I am making in reference to this is that the Secretary of Agriculture seemed to think that conditions just now were not pressing and did not warrant any other language than that which is found in the bill. That language is:

So much, not exceeding \$1,200, of any funds hereafter appropriated for the Nebraska National Forest for any fiscal year to and including the fiscal year ending June 30, 1920, as may be necessary, shall be available for the purchase of land now under lease and used as a nursery site for the Niobrara division of the Nebraska National Expect \$6.165. nursery site f Forest, \$6,165.

I want to say that the amount is very small; the Government is contemplating buying the land; and as the amendment offered by the Senator from Nebraska only anticipates what the department seems to have in mind anyway, as acting chairman of the committee I have no objection to it.

The VICE PRESIDENT. The question is on the amendment

proposed by the Senator from Nebraska.

The amendment was agreed to.
Mr. POINDEXTER. Mr. President, to come in on page 26 of the bill, line 23, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The Secretary. On page 26, line 23, it is proposed to insert the following:

Provided further, That \$4,000 of the sum appropriated in this section shall be expended by the Secretary of Agriculture in cooperative work in forage-crop investigation in the State of Washington east of the Cascade Mountains, to be used under the direction of the Office of Forage-Crop Investigations of the Department of Agriculture, in cooperation with the Washington State Experiment Station, and upon the condition that the said Washington State Experiment Station shall contribute an equal amount to be used in such work, together with the amount hereby specified under the same direction and cooperation as herein indicated.

Mr. SMITH of South Carolina. Mr. President, I will state to the Senator from Washington that this amendment has not been estimated for nor has it been considered by the Committee.

Mr. POINDEXTER. Mr. President, the amendment does not increase the appropriation, and it is in line with the work for which this general appropriation is made. It has been requested by the chief of the Division of Forage Crop Investigations

Mr. SMITH of South Carolina. Has it been requested by the

chief of that investigation who has charge here?

Mr. POINDEXTER. Yes; it has been requested by the chief who has charge here. The amendment is simply intended to enable a great section of the country which is described in the amendment, in which is particularly felt the need for the development of forage crops on account of the semiarid character of the country, to get some share of the \$139,180 which is provided for the investigation.

Mr. SMITH of South Carolina. I think, if the Senator from Washington will study the language of this paragraph, he will

find that it provides for identically the thing which he desires.

Mr. POINDEXTER. It does not provide, Mr. President, that any portion of this money shall be expended in the State of Washington. I have sat here and have voted for these large appropriations for forage-crop investigations year after year, and have had promises year after year from the Agricultural Department that a portion of the appropriation would be expended in our State, where there is particular need for this very sort of demonstration work, and every year we are put off with the promise that we shall have it next year. Now, it seems to me that, in view of the contribution that we make to these general funds, we are entitled to have a portion of this money expended in our State.

Mr. SMITH of South Carolina. I notice that \$92,980 is being used for this identical purpose. The Senator can readily understand that we could not begin legislating here and naming States specifically where the general fund pertaining to all of the States is being appropriated for, as in this bill. I recognize the difficulty under which the Senator is laboring in having the

department make these investigations in his State; but the best that can be done in the present form of the bill is to see that justice is done so far as we may; but to single out individual States would be impossible. We could not have legislation of that kind. I am thoroughly in sympathy with the Sen-ator in getting this investigation in his State, but as acting chairman of the committee I could not give my consent to have this precedent established here for this specific purpose within a specific State. It is for a specific purpose that the whole \$139,180 is appropriated, but we can not name the specific States in which wholly or in part it shall be expended.

Mr. POINDEXTER. Mr. President, the amendment provides

for cooperative work between the Agricultural Department and the State experiment station; that a similar amount to that provided for in the amendment shall be provided by the State experiment station. It is absolutely necessary that there should be a specific authorization by law in order to bring about

that result.

Mr. SMITH of South Carolina. Mr. President, if the Senator will allow me, my attention has been called to a provision in the program of work of the United States Department of Agriculture for the fiscal year 1917, along this same line. It says:

Extensive tests have also been carried on for the past year at Pullman, Wash.

I want to suggest to the Senator that if those in charge of this fund here are solicitous to have this work done in Washington, there is nothing in the world to hinder them from doing so. The appropriation is general, and next year they can take any amount that in their judgment is deemed necessary to do the work. So, if in the Senator's State the work is cooperative and the State makes the proper appropriation, I see nothing in the world to hinder the utilization of the amount indicated along the lines the Senator desires.

Mr. President, the only thing which Mr. POINDEXTER. would prevent it would be an order of the Secretary of Agriculture that it be used in some other State. That is the only ob-

jection.

Mr. SMITH of South Carolina. I can not conceive how a matter concerning which money is needed, so much so that an officer having charge of the investigations has so stated, will not be provided for by the department under the general appropriation here made. Here is an appropriation of \$139,180 for all the States to cover this specific work. I think all that would be necessary would be to call the attention of the proper authorities to the item the Senator desires taken care of. In fact, I have no doubt their attention has been directed to it already. They certainly have not asked us for any greater appropriation to carry on this work, however. If a larger estimate had come from the department stating that certain States were asking that certain very necessary work be done, it would be a different proposition; but they have not so done. The Senator will realize the force of what I am saying, that we can not, out of a fund appropriated for a specific purpose for all the States, select a given amount, and set it aside for a particular State.

Mr. POINDEXTER. Mr. President, I do not care to occupy

any great amount of the Senate's time in arguing the matter; but it is perfectly obvious that we can do that very thing. There is nothing to prevent Congress from specifying how a certain portion of this fund shall be used; and it is very likely that it will not be used for that purpose unless a specification in the appropriation act so provides. The officer in charge of forage-crop investigations has not the discretion to apportion this fund, but it is apportioned by the Secretary of Agriculture. The Secretary of Agriculture has a great deal of power where we appropriate several million dollars in lump sums and leave it to his unrestricted discretion as to where he shall use it and how he shall use it. I am very much in hope that the Senator will accept this amendment.

Mr. SMITH of South Carolina. The appropriation in the bill of \$139,180 is for identically the kind of work the Senator has reference to in the region indicated by the Senator. If he will read the paragraph, he will see that it provides:

For the purchase, propagation, testing, and distribution of new and rare seeds; for the investigation and improvement of grasses, alfalfa, clover, and other forage crops, including the investigation of the utilization of cacti and other dry-land plants; and to conduct investigations to determine the most effective methods of eradicating weeds, \$139,180.

It covers the identical work that the Senator desires to have

Mr. POINDEXTER. What the Senator has read illustrates the difficulty of lump-sum appropriations. The Secretary of Agriculture may take the entire amount of the appropriation to investigate cacti or to investigate the eradication of weeds. What we desire is that the small sum of \$4,000, which is to be put with a like amount to be contributed by the State experi-

ment station, shall be used for what I think is a more desirable purpose than either one of the others; that is, in experiments in the production of forage crops in a section of the semiarid

part of the country, where that is a very difficult problem.

Mr. SMITH of South Carolina. If the Senator will allow
me. I think a very liberal amount of the appropriation for this purpose for the current fiscal year, namely, \$92,000, is being used for investigating forage crops; and I think if the Senator will call the attention of the proper authorities to the needs of his State and the willingness of the State to cooperate he will have no difficulty in getting a proportionate share of this money for the State of Washington.

Mr. POINDEXTER. If the Senator is so committed to the

idea of lump-sum appropriations without any restriction made by Congress as to how the money shall be distributed, why has he taken the pains in this same paragraph to provide that \$60,000 of the amount appropriated shall be used in the distribution of seed? Why not leave that question with the Secretary to determine how much of it he will use for the distribution of seed?

Mr. SMITH of South Carolina. The Senator is losing sight of the same principle, because this \$60,000 item for the distribution of seeds covers all the States. It does not say that \$60,000 shall be used for the distribution of seeds in the State of Washington. The Senator is seeking to make out of the general fund applicable to all of the States a special appropriation for his State. Now, we say in the bill that wherever it is found that there is necessity for developing and distributing these seeds, the appropriation may be used, and the Senator's State will share alike with all the other States

Mr. POINDEXTER. On page 69, of the appropriation bill, beginning in line 7, there is an illustration to which I wish to call attention. There is an appropriation of \$578,240 for the

Senator's section of the country. Why does he specify that?

Mr. SMITH of South Carolina. I beg the Senator's pardon. That amount is to be used outside of the section of the Senator from South Carolina. It specifically says "outside of the cotton belt."

Mr. POINDEXTER. I see I was mistaken as to that, but the next paragraph contains an appropriation of \$659,560 to be expended inside of the Senator's section of the country. one case it is specified that the amount shall be expended inside of a certain section and in the other case that it shall be expended outside of a certain section. Why specify either one of

Mr. SMITH of South Carolina. Because there are conditions general to the entire section, including all of the States in that section, due to the ravages of the boll weevil, threatening the greatest monopoly that any country was ever given by the hand of God, the textile business of the world.

Mr. POINDEXTER. The only difference is that the Senator from South Carolina is of the opinion that his interests are of more importance than the interests of anybody else.

Mr. SMITH of South Carolina, No.
Mr. POINDEXTER. That is the logical result of his argument.

Mr. SMITH of South Carolina. On the other hand, practically an equal amount was given for use outside of the cotton belt, without there being any indication of a great menace threatening any one of the staple crops there. I do not know what was the purpose of those who framed that provision-I did not frame it—but I see that the appropriations are pretty well balanced, for there is appropriated over a million dollars for demonstration work in the entire United States. This bill divides the appropriations as they have previously been divided.

Mr. POINDEXTER. They never were divided in this way before, Mr. President, because there are several hundred thousand dollars more appropriated than ever were appropriated before. I think this is the first time I have ever called attention to the division of these appropriations, for it is a little foreign to my disposition to quarrel with an appropriation of this kind; and I do not quarrel with it; but I do quarrel with the disposition of the Senator to specify appropriations when they are given to his section and when I seek to obtain a small specification for work which is of importance to a great section of the country within the State of Washington—what is called the Inland Empire—with conditions peculiar to itself, climatic conditions which are different from those of any other State in the Union, the Senator answers that by saying that there should be simply lump-sum appropriations for general distribution throughout the country; and yet we are confronted here with an appropriation of \$659,000, with a specification that it shall be used in his section of the country.

Mr. SMITH of South Carolina. Now, the Senator says that

he has a quarrel with the Senator from South Carolina because

of this lump-sum appropriation. I have simply called attention to the fact that the amounts appropriated were to be used for a specific purpose generally in every State where the use was indicated. So that the \$578,240 is to be used in every State outside of the cotton belt where its use is indicated, and the \$659,560 is to be used in every State in the cotton belt where its use is indicated. The Senator from South Carolina is contending that it would be wrong in principle for one State in a given section for which provision is made to come in and demand that a specific amount of the appropriation should be set aside for identically the same work within that State.

Mr. POINDEXTER. Well, how does the Senator distinguish in principle between that and the appropriation for several

If there is a peculiar situation existing in a State which is different from the situation in other States and if the interests that are involved are of sufficient importance, upon what principle does the Senator say there should be no specification for that when he specifies the amount that shall be used in a particular area of the country? The Senator does not contend that the boll weevil is an instrument of interstate commerce and comes under the commerce clause of the Constitution,

Mr. SMITH of South Carolina. No.

Mr. POINDEXTER. What I am trying to get at is why the Senator holds there should not be an appropriation to meet the peculiar conditions existing in the State of Washington?

Mr. SMITH of South Carolina. This appropriation of \$139,000 is exactly along the line of the argument of the Senator. It is appropriated for the semiarid region to take care of certain conditions that arise there. The Senator's State happens to be located in that section, and therefore the amount is available for his State. It is available for all the States that fall under that specification. That is exactly the same principle that is carried out in the other provisions.

I hope the Senator's State will get its share of this appro-

priation. I am not arguing against that; but I am simply saying it would hardly be fair to the sister States of Washington or to communities situated like his, for him, out of this general appropriation made for a particular section, to ask to specify an amount for his State, and leave the others without

their pro rata share.

Mr. JONES. With the permission of my colleague, I desire to ask the chairman of the committee whether he would object to an amendment increasing the amount in the bill by \$4,000, to be used in the State of Washington, on condition that the State shall appropriate \$4,000 to be used in cooperation with the appropriation of the National Government?

Mr. SMITH of South Carolina. It is a small amount, and if the State contributes a similar amount, I do not see why an

arrangement can not be made with the Agricultural Department

to carry on the experimental work.

Mr. JONES. I do not think the Senator should object to an amendment of that kind, because I will say that the department has the work for the ensuing year mapped out under the items included in the general program, and, unless such a pro-vision is made as has been indicated, I presume that our State will not get anything.

Mr. SMITH of South Carolina. I do not see why it would

not

Mr. JONES. I do not think it would unless the department

has already planned to do it.

Mr. SMITH of South Carolina. I want to say to the Sena-tor that the department has not sent in any further estimate. We allowed the amount for which they estimated.

Mr. JONES. I understand that.

Mr. SMITH of South Carolina. And I feel sure that if the proper officer of the department recognizes the necessity for this work being done in Washington they have probably already included it; so that I really do not think it is necessary to change the provision of the bill. I think it would be sufficient to call the attention of the department to it.

Mr. JONES. They have not been doing this work, as I understand, in the State of Washington, and no doubt they have already mapped out their work for the next year and the money that is specified in this paragraph has already been apportioned, and under the provision as it now is we can not hope to have anything for our State; but if we can, by increasing the appropriation by no greater amount than \$4,000, get

how could I stand here and commit myself to a definite amount

when it might work an injustice to other States?

Mr. JONES. It is not proposed to take it out of the amount that is now carried in the bill. It is not my suggestion that we disturb that at all; I do not want to disturb what the department has mapped out; but what I suggested was to increase the amount in the bill by whatever amount we agree upon-\$4,000 my colleague has suggested—and then that amount will go to the State, and it will not work any injustice anywhere or interfere with any work the department has mapped out. It would not interfere with that at all.

Mr. SMITH of South Carolina. Had this matter been brought to the attention of the committee, we could have gone into its details and investigated it; but I can not understand why the Senator's State can not receive its share of the benefit of this appropriation. The forage crops are now being investigated and bulletins are now being sent out giving the results

of the investigation on this very matter.

Mr. POINDEXTER. Mr. President, I want to read, in connection with the suggestion of my colleague and the observation of the chairman of the committee, a statement from the director of the agricultural experiment station at Pullman, in the State Washington. He says:

You are doubtless aware of the fact that agricultural conditions in the State of Washington, both east and west, are radically different from any other part of the United States except portions of Oregon. It is also a fact that relatively little has been done along the line of forage-crop investigation for this district. We are making efforts along these lines in our State experiment station, but lack of funds prevents our doing as much as we should.

Then he suggests an appropriation of four or five thousand dollars for cooperative work in forage-crop investigations in the State of Washington, to be used under the direction of the Office of Forage Crop Investigations in cooperation with the Washington State Experiment Station, on condition that the Washington station contribute a like amount for such work.

We are especially desirous of conducting this type of work in the drier portions of the State, such as Adams, Lincoln, and Douglas Counties. You, of course, are perfectly cognizant of the needs in this district. There is also the same need, though perhaps not so critical, in the Palouse and Walla Walla country and in the district west of the Cascades for investigation in forage crops.

In this connection I would call your attention to the fact that the Great Plains district, through the Office of Dry Land Investigations, has secured very large Federal appropriations for conducting this kind of work, whereas our own State has received for such work little or nothing. It would seem, therefore, that the above-mentioned request could not be regarded by the national legislators as at all unreasonable.

I have some personal knowledge of the difficulty of obtaining proper recognition of the section of the country which is described in this letter from the department. Because of the interest, and perhaps the influence, of that section of the country which he describes there as the Great Plains section, we have simply been overlooked and neglected; and there is no substantial reason, there is no satisfactory reason, why Congress should not settle the matter by directing in the appropriation bill that a reasonable amount of this money should be expended in this section.

Mr. GRONNA. Mr. President—
The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from North Daketa?

Mr. POINDEXTER. I yield.

Mr. GRONNA. If I may have the attention of the acting chairman of the committee, I suggest that a provision be inserted permitting the expenditure of a limited amount in cooperation with this experiment station. That is frequently done, and we have some of those same provisions in this billnot more than a specified amount may be so expended.

Mr. SMITH of South Carolina. The Senator must understand that all this work is done under the cooperative plan

Mr. GRONNA. Yes.

Mr. SMITH of South Carolina. The Senator from Washington, in the letter that he read from a citizen of his State-Mr. POINDEXTER. If the Senator will allow me, he is not only a citizen but the director of the agricultural experiment station.

Mr. SMITH of South Carolina. That emphasizes more the point I want to make. He claims that in the State of Oregon and in the State of Washington similar conditions exist. The Government is making these experiments in the State of Oregon now, so that the findings of that investigation are just as availthat specifically directed to our State, then, of course, by near they will plan to carry the work out.

Mr. SMITH of South Carolina. I can not, as acting chairman of the committee, agree to that, for this reason: I do not know what, in the judgment of the department would be the proper proportionate share of the State of Washington. So to duplicate the work that is being done in Oregon that is a

different proposition.

The Government says: "We are covering this very identical matter now in Oregon, and whatever results we find from our experiment station there are just as available for Washington as though the work were done in Washington." Now, it may be true that very little is done in Washington, and it may be true also that it is not necessary because the same work has been done in some other contiguous State under like conditions.

Mr. FALL. Mr. President, will the Senator yield for a ques-

tion?

Mr. POINDEXTER. I yield to the Senator for a question. Mr. FALL. I should like to ask the acting chairman of the committee if the appropriation of this amount is made upon the estimate or request of the department?

Mr. SMITH of South Carolina. It is.

Mr. FALL. Do they not make requests based upon some esti-

mates, so as to give the committee the information?

Mr. SMITH of South Carolina. I called attention to what they were doing. Ninety-two thousand dollars is set aside for

the forage-crop investigation.

Mr. FALL. Where?

Mr. SMITH of South Carolina. The Book of Estimates for 1917 gives a detailed statement.

That is satisfactory.

Mr. SMITH of South Carolina. In that detailed statement they say that work is being done in Oregon that is exactly of a like nature with that being done in Washington.

Mr. POINDEXTER. I will withdraw that amendment for

the time being, Mr. President.

Mr. UNDERWOOD. Mr. President, I desire to offer an

amendment to be inserted at the end of the bill.

The VICE PRESIDENT. The amendment will be stated The Secretary. It is proposed to insert, at the end of the bill, the following:

That the act of August 30, 1890, entitled "An act providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes" (26 Stat. L., p. 414), is hereby amended so as to authorize the Secretary of Agriculture, within his discretion and under such joint resolution as may be prescribed by the Secretary of Agriculture and the Secretary of the Treasury, to permit the admission of tick-infested cattle from Mexico, South and Central America, the islands of the Gulf of Mexico, and the Caribbean Sea into those parts of the United States below the southern cattle quarantine line at such ports of entry as may be designated by said joint regulations and also subject to the provisions of sections 7, 8. 9, and 10 of said act of August 30, 1890.

That all such cattle, when entered, shall be subject to the regulations governing the handling and transportation of cattle from the districts infected with the Southern, Texas, or splenetic fever.

Mr. UNDERWOOD. Mr. President, this amendment was con-

Mr. UNDERWOOD. Mr. President, this amendment was considered by the Senate last year. The particular amendment was voted down, but in its place there was offered an amendment wiping out the discrimination that now exists in the statute. I feel that that discrimination is a very great injustice to the other ports and other States than the State of Texas. I am not going to go into a long discussion of the amendment this afternoon, but I am not willing to abandon the subject entirely.

Mr. PAGE. Mr. President, may I interrupt the Senator? The VICE PRESIDENT. Does the Senator from Alabama

yield to the Senator from Vermont?

Mr. UNDERWOOD. I yield. Mr. PAGE. I recall very distinctly the discussion had a year or two ago upon this matter, and I am certain that this amendment will not be adopted, if we have a quorum of the Senate present, without a good deal of discussion. I should like to make a parliamentary inquiry, as to whether this amendment is not open to a point of order. Would a point of order lie as against this amendment?

Mr. UNDERWOOD. I will say to the Senator that I did not yield for the purpose of a point of order being made at this time.

I thought I yielded for a question.

Mr. PAGE. I will simply say that I am sure there will be decided opposition to the Senator's amendment, and I hope he will not take too much time if, after the discussion is all over,

the amendment will be ruled out on a point of order.

Mr. UNDERWOOD, When I take my seat the Senator will have the privilege of making the point of order, if he desires to do so. I do not intend to take a great deal of time in debating the question at this time, Mr. President, because I know that the Senate thoroughly understands the question, as it was debated only a year ago. I should like to discuss it to some extent this afternoon, but I find that my voice is in such a condition that I can not go on with the discussion, except to say this: Under the existing law this class of cattle are admitted into the Texas ports below the quarantine line. I can see no reason why they should not be admitted into the other ports below the quar-

antine line. That is the purpose of the amendment, and that is

the reason why I hope it will be adopted.

Mr. SHEPPARD. Mr. President, Senators will recall that we had a very thorough discussion of this proposition when the Agricultural appropriation bill was before the Senate during the last session. The Senate decided overwhelmingly against this amendment. It was suggested, in the course of debate, that inasmuch as we were appropriating hundreds of thousands of dollars in order to destroy the cattle tick, we ought not to permit the unqualified admission of tick-infested cattle through all our ports on the southern coast. I do not believe that it would be good policy to adopt this amendment, and I make the point of order that it is general legislation on an appropriation bill.

The VICE PRESIDENT. The Chair is of the opinion that it is general legislation on an appropriation bill, and sustains

the point of order.

Mr. PAGE. Mr. President, I wish to call attention to the fact that in offering an amendment yesterday to the appropriation bill, on page 14, line 4, I omitted to change the aggregate by the amount that was added by my amendment. My attention was called to the matter this morning by the department. If it is essential, as perhaps it is, that we increase the amount from \$262,580 to \$277,580, on page 14, line 4, I propose that amendment

The VICE PRESIDENT. Without objection, the Secretary will be authorized to correct all totals.

Mr. PHELAN. Mr. President, as a matter of information, I should like to inquire of the Chair if such a course is necessary, because it affects other items.

Mr. SMITH of South Carolina. The ruling of the Chair is to the effect that when the general sum has been increased by these appropriations the Secretary will be authorized to correct

the totals. The VICE PRESIDENT. That does not apply in this case. It will be necessary for the Senator from Vermont to move to

amend in this case. Mr. PAGE. I think it is necessary, Mr. President, and I hope

the amendment will be agreed to. The VICE PRESIDENT. The Secretary will state the

Mr. PHELAN. I ask at the same time that the aggregate be increased where an appropriation was made for the plantintroduction station in Chico, Cal., by an amendment adopted yesterday afternoon. I move that as an amendment. It is germane at this time—that the aggregate also be increased.

The VICE PRESIDENT. The amendment of the Senator from Vermont is before the Senate. The Secretary will state it. The Secretary. The Senator from Vermont moves to strike

out of the amendment agreed to yesterday "\$254,200," on page 14, line 4, and to insert "\$269,200."

Mr. PAGE. Mr. President, I think the Secretary has made a mistake. As I understand, on line 4 of page 14 the amount provided for is \$262,580; and I move to amend by striking out that sum and inserting \$277,580.

Mr. SMITH of South Carolina. I should like to call the attention of the Senator to the fact that \$254,200 was the aggregate, and therefore that it should be increased to \$269,200. The total amount was \$254,200; There had been a decrease. and the Secretary is correct in the figures he has now given.

Mr. PAGE. I accept the correction and make the motion to correspond.

The VICE PRESIDENT. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

The VICE PRESIDENT. Now the Senator from California offers an amendment.

Mr. PHELAN. I move that the aggregate be increased following my amendment, which I will have before me in a moment, by \$35,000, and ask that the Secretary be directed to make the change of the total.

Mr. SMITH of South Carolina. I do not recall just now on just what page the amendment offered by the Senator from

California on yesterday appears. Mr. PHELAN. On page 82.

The VICE PRESIDENT. At the bottom of page 82.

The Secretary. At the bottom of page 82 there was inserted an amendment as follows:

For the purchase, preparation, and irrigation of not to exceed 150 acres of land at Chico. Butte County, Cal., the same to be an additional to the existing 80 acres now used as a plant-introduction field station, \$35,000.

Mr. PHELAN. The motion, then, is that on line 11, page 84, the aggregate be increased on that account by \$35,000. The Secretary. So that it will read "\$139,500."

The VICE PRESIDENT. The question is on the amendment of the Senator from California.

Mr. GRONNA. Mr. President, before the amendment is agreed to, I should like to ask the chairman of the committee this was estimated for?

Mr. SMITH of South Carolina. It was estimated for.

PHELAN. This item was estimated for and recom-

mended by the department.

The VICE PRESIDENT. It is in the bill. We are doing nothing except correcting the total now. The question is on agreeing to the amendment offered by the Senator from Cali-

The amendment was agreed to.

Mr. GRONNA. Mr. President, I offer an amendment on page 23 of the bill, on line 13, after the word "straw," to insert "and hemp."

Mr. SMITH of South Carolina. On what page and line?

Mr. GRONNA. On page 23, line 13.

The Secretary. After the words "flax straw," on page 23, line 13, it is proposed to insert "and hemp.'

The amendment was agreed to.

Mr. POINDEXTER. Mr. President, on page 26, line 20, I move to strike out "\$139,180" and insert "\$143,180"; and after the word "seeds," in line 23, I move to insert the amendment which I send to the desk,

The VICE PRESIDENT. The amendment will be stated. The Secretary. On page 26, line 20, it is proposed to strike out "\$139,180" and to insert in lieu thereof "\$143,180"; and after the word "seeds," in line 23, it is proposed to insert:

Provided further, That \$4,000 of the sum appropriated in this section shall be expended by the Secretary of Agriculture in cooperative work in forage-crop investigations in the State of Washington east of the Cascade Mountains, to be used under the direction of the Office of Forage Crop Investigations of the Department of Agriculture in cooperation with the Washington State Experiment Station, and upon the condition that the said Washington State Experiment Station shall contribute an equal amount to be used in such work, together with the amount hereby specified, under the same direction and cooperation as herein indicated.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHERMAN. Mr. President, I offer the amendment which send to the desk

The VICE PRESIDENT. The amendment will be stated.

The Secretary. It is proposed to strike out all on page 68 after the figures "\$68,500," in line 24, and, on page 69, all down to and including the word "Congress," in line 6, in the following words:

And the Secretary of Agriculture shall prescribe the form of the annual financial statement required under the above acts, ascertain whether the expenditures are in accordance with their provisions, coordinate the work of the Department of Agriculture with that of the State agricultural colleges and experiment stations in the lines authorized in said acts, and make report thereon to Congress.

Mr. SHERMAN. Mr. President, this amendment covers the part of the section which requires the different agricultural universities or colleges of the several States to make certain reports. This part of the bill says:

And the Secretary of Agriculture shall prescribe the form of the annual financial statement required under the above acts, ascertain whether the expenditures are in accordance with their provisions, coordinate the work of the Department of Agriculture with that of the State agricultural colleges and experiment stations in the lines authorized in said acts, and make report thereon to Congress.

The acts referred to in the part that is proposed to be stricken out are those of May 8, 1914, and July 2, 1862, and they embrace two lines of appropriations—one, those contained in the Agricultural appropriation bill; the other, the appropriations provided under the Smith-Lever Act of May 8, 1914, to which reference is made.

Originally, and long before the Smith-Lever Act was framed or thought of, these agricultural colleges were endowed by certain appropriations or land grants from the Government. These colleges were all created under acts of the legislatures of the several States. At the time these land grants were made the Government found itself in the condition of possessing a very large quantity of land. The public domain was much larger than the public funds. Lands were granted not only to colleges but to very many private enterprises not connected with the educational purposes of the country at all. But the original act, as far back as 1862, known as the Morrill Act—that was the original one, as I remember—donated land from the public domain to the different States for the purpose of providing endownents for such colleges as should be created by the State and supported otherwise by State appropriations.

Under this act a great many universities or colleges were organized in the various States. All of them are State institu-

maintenance, or their endowment funds, from direct taxes imposed by the legislature. These colleges or universities have developed through the years. It is now something over half a century since the original act was passed. The total appropriations for the several States aggregate very many millions of dollars. For many years these institutions received no annual appropriations or help from the Government. They were de-pendent entirely upon appropriations of the legislature. All they had received was a land grant. At that time, as suggested, the Government had more land than it had money. It was quite willing to grant the public domain to any of the States or any department of the State government that would create these State institutions for the purpose of promoting the cause of general public education.

The grants were made. The Commissioner of the General Land Office here patented the land to the different States, and it was appropriated for the foundation of these colleges. leges are distinctly State institutions. The greater part of their funds are paid by the taxpayers of the several States. Of late years, following the developments in many other lines, certain appropriations have been made by Congress to promote certain lines of educational work. Being agricultural colleges in their beginning, these appropriations took the form of sums of money designed to promote agricultural-extension work. The original promotion of agriculture came from the different State universities or colleges that were founded either at or before the time the several land grants were made. I only allude to this for the purpose of showing that the initial impulse for the creation of these colleges came from the States, came from State taxes, came from the activities of departments of the State or from its public officers.

There is an ever-increasing tendency to grant money by the Government for very many lines of effort not connected especially with agriculture that are either entirely those relating to private life, or those relating exclusively to the activities of the

The land-grant act of 1882 was followed by the Hatch Act of 1887, which was an act to establish agricultural experiment stations in connection with the colleges established in the several States. The second Morrill Act of 1890 was a further application of a portion of the proceeds of public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts.

The Adams Act of 1906 followed, which provided for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof. This, in 1908, was somewhat developed and applied by what is commonly called the Nelson amendment provision of the act making appropriations for the United States Department of Agriculture for the fiscal year ending June 30, 1908, and providing for the further endowment of agricultural colleges.

Matters remained in that condition until the Smith-Lever Act of 1914. The Smith-Lever Act makes appropriations entirely distinct from the appropriations in the Agricultural appropriation bill, so that agricultural colleges in the several States re-ceiving funds from the Government of this character were upon two different bases of legislation. Those in the Agricultural appropriation bill are dependent entirely upon the act of Congress at its successive sessions. The Smith-Lever Act is permanent in its character and is designed without further congressional action to provide funds for the different agricultural colleges or universities.

Originally the Government did not undertake to found universities or colleges. It was content to promote by the grant of lands, and later by the grant of funds out of the Public Treasury, the activities of the several States, leaving to the local officers of the State and to the discretion of the State legislatures the extent to which they would develop these different institutions. So the Government did not found nor did it furnish the initial point out of which grew agricultural colleges or universities. That initial energy came from the several States.

So I think I am correct in saying that at least when appropriations are granted by Congress they ought not to attach any condition which will tend to impair the usefulness of the colleges of agriculture which existed before they were taken under the kindly ministration of Congres

Congress itself has made no difficulties. It has been content in the main to provide the appropriations within their discretion that they thought would maintain or furnish endowments. Out of these acts of Congress in the earlier times no difficulties have arisen, no friction has been created, neither has there been any trouble in administering the funds.

The first difficulty grew from a departmental regulation. was in effect legislation by the Department of Agriculture. For tions. All of them draw the greater part of their funds for I instance, the title of the Adams Act provides for the further endowment of agricultural experiment stations and reads as fol-

To provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditures thereof.

This act provides that the funds shall be paid upon the warrants of the Secretary of Agriculture, and that their administration should rest with that officer. It is confirmed by congressional enactment, approving the office legislation of the Secretary of the Treasury and the Secretary of Agriculture which had grown up under the Hatch Act.

On the Hatch Act I wish to make some observations. This is the act of 1887 requiring experiment stations to make an annual report to the governor of the State and transmit a copy to the Secretary of Agriculture and the Secretary of the Treasury. This is the act of Congress to which I referred. It also pro-

That whenever it shall appear to the Secretary of the Treasury from the annual statement of receipts and expenditures of any of said stations that a portion of the preceding annual appropriation remains unex-pended, such amount shall be deducted from the next succeeding annual appropriation to such station.

The Secretary of the Treasury declined to accept the reports of the stations as prima facie evidence of expenditure, but required a certification from the Secretary of Agriculture, whereupon there was established in the Department of Agriculture an "Office of Experiment Stations." It was the duty of that office to send a representative actually to visit each station, inquire into its expenditures, and disallow any vouchers which in the opinion of the visiting officer failed to come within the provisions of the law.

This was the beginning of a system of oversight which has been gradually extended and intensified with each succeeding This was office legislation. It was a departappropriation. mental ruling in the first place. It was not found in any act of Congress preceding. It was an addition upon the rules of the department to the condition surrounding the expenditure of the funds provided by Congress that made no such restriction upon the appropriation.

The Office of Experiment Stations continued. It followed the inevitable law of accretion in public pay rolls, that when by departmental action or by legislation a place is once created, a pay roll is once called into existence, it is endowed with the elements of immortality. The Office of Experiment Stations created by an act of the department has continued from that day to this, I think largely without proper supervision or observation by Congress. It was created in the covert and insidious situation in appropriation bills until it has become a fixed institution.

The Office of Experiment Station then called the attention of the various States to the fact that the Secretary of Agriculture was by the Adams Act definitely charged with the management of experiment station funds.

Mr. President, when the first agricultural experiment station was built in the Union there was not an officer in the Department of Agriculture who would have recognized or known what it was unless he had been led up to it blindfolded and a label put on and his blindfold taken off suddenly and he had been told to read it. In keeping with all those overgrown and swollen departmental functions when it once gets its nose in the basket it proceeds to appropriate the entire bakeshop. We raised corn in Indiana and Illinois before the department knew a nubbin of corn from a head of sorghum. And still it was the intention of Congress and the Secretary of Agriculture that the increase should be expended with greater restrictions than those surrounding the original fund, an intention that evidently lay with the Secretary of Agriculture and his advisers rather than with Congress.

The Hatch money, for instance, was available to conduct original researches or verify experiments. The Adams Act omitted the clause "or to verify experiments," but no specific restrictions were named. Under the wording of that act, indeed the Hatch funds were included with the Adams, and hence subject to some restriction, although the Adams Act otherwise is less restrictive than the Hatch Act.

I am talking about the Office of Experiment Stations that Congress never created. It was created by a ruling of the department some years ago, and then by a mere touch of a stenographer's fingers to the keyboard of the typewriter in the budget made up in that department it was suggested to Congress and came in here and became recognized by Congress in items or in appropriation bills, although originally it was a creation of the department and not of Congress

experiment stations would cease to exist if this was wiped out of the Department of Agriculture. As a matter of fact every department in every agricultural university in the country would conduct its business as profitably to the world to-day and as efficiently in the administration of funds if the Office of Experiment Stations were entirely abolished in the Department of Agriculture.

The Office of Experiment Stations further pointed out that it would be entirely possible to go on as before, the stations using the funds as they might deem wise, leaving to the representative of the Secretary of Agriculture at the end of the year the task of determining whether or not all the expenditures had been within the limitations of the law. However, as the new money was to be expended much more rigorously than the old, it was pointed out that funds would be saved and irritation avoided if the stations and the offices at Washington could agree in ad-Accordingly, vance as to how the new funds were to be used. the Department of Agriculture proposed the "project system for the expenditure of the additional endowment to the State stations, and the funds have been so administered for 10 years. Thus did the act of auditing become essentially one of joint management.

The project system was an offspring of the fertile brain of this experimental stations department, an office which was cre-

ated, as I have stated, by the department here.

Under the "project system" the State suggests the line or lines of investigation. It may be approved or disapproved by the office at Washington, which may suggest modifications, though it does not originate plans. As matters are operating now, station expenditures under Adams funds are not approved unless in furtherance of definite projects agreed upon in advance.

This was the condition of affairs between the States and the Federal Department of Agriculture in 1914, when the Smith-Lever bill was passed, appropriating funds to the different States for demonstration work in agriculture and home economics, with the proviso that the States, either from public or private sources, should duplicate the Federal appropriation.

Let me quote from the Smith-Lever Act of May 8, 1914: Sec. 2. That cooperative agricultural extension work shall consist of the giving of instruction and practical demonstrations in agriculture and home economics to persons not attending or resident in said colleges in the several communities and imparting to such persons information on said subjects through field demonstrations, publications, and otherwise, and this work shall be carried on in such manner as may be mutually agreed upon by the Secretary of Agriculture and the State agricultural college or colleges receiving the benefits of this act.

Who doubts but that is intended to operate by the mutual agreement of the States and the Federal authorities acting in the department here?

In section 3 it is provided:

That before the funds herein appropriated shall become available to any college for any fiscal year plans for the work to be carried on under this act shall be submitted by the proper officials of each college and approved by the Secretary of Agriculture.

Section 4 provides, and this is a direct appropriation of money-

That the sums hereby appropriated for extension work shall be paid in equal semiannual payments on the 1st day of January and July of each year by the Secretary of the Treasury upon the warrant of the Secretary of Agriculture, out of the Treasury of the United States, to the treasurer or other officer of the State duly authorized by the laws of the State to receive the same; and such officer shall be required to report to the Secretary of Agriculture, on or before the 1st day of September of each year, a detailed statement of the amount so received during the previous fiscal year, and of its disbursement, on forms prescribed by the Secretary of Agriculture.

This is a detailed statement which, in effect, is an account current for the expenditures of that year or for the semiannual period provided.

In section 5 it is provided that-

It shall be the duty of each of said colleges annually, on or before the 1st day of January, to make to the governor of the State in which it is located a full and detailed report of its operations in the direction of extension work as defined in this act, including a detailed statement of receipts and expenditures from all sources for this purpose, a copy of which report shall be sent to the Secretary of Agriculture and to the Secretary of the Treasury of the United States.

And section 6 provides:

and on or before the 1st day of July in each year after the passage of this act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State whether it is entitled to receive its share of the annual appropriation for coperative agricultural extension work under this act, and the amount which it is entitled to receive.

These are the provisions under a specific act of Congress and govern the methods of receiving and expending the funds mentioned in the act.

At this time I shall not comment upon the procedure under the Smith-Lever Act. It is only with the amendment that I You will find the Office of Experiment Stations now referred to as a fixed institution. It is just like every other pay roll have proposed here by striking out the parts of the section that has ever been created. They tell you that agricultural mentioned in the agricultural appropriation bill that I am concerned. The part that I propose to strike out in the amendment is one that gives the Secretary of Agriculture entire power over the expenditure of these funds. It is that which has created the difficulty of which I now proceed to speak.

The Department of Agriculture, for instance, construes the word "plans" to mean projects, but even so there is nothing in this act that enables that department to go further in the administration of this fund than it had already gone for years in the administration of the Adams fund. It is in no sense a cooperative measure, and any disposition on the part of the Department of Agriculture to exercise any additional control over the States in the expenditure of Federal funds on account of the Smith-Lever Act is entirely without a legal basis, because all these appropriations in the Agricultural appropriation bill are covered by the provisions of the Smith-Lever Act, and it is sought by such a provision to be introduced here to make it so.

The facts are that the Smith-Lever bill, and I refer to that much of it, was agreed to at a meeting of the American Association of Agricultural Colleges and Experiment Stations as a cooperative measure in order that the Department of Agriculture might have an outlet to the people through the various State colleges, the understanding at that time being that direct appropriations to the Department of Agriculture for the purpose of local demonstration work should be abolished. American Association of Agricultural Colleges and Experiment Stations is the national council of all the State insti-tutions. At a meeting of this association for the purpose of discussing the "Relations between the Federal Department of Agriculture and the agricultural colleges and experiment stations," Dr. Jordan of New York, a member of the executive committee specifically asked Dr. Galloway, Assistant Secre-tary of Agriculture at that time and I think still in the Department, and representing the Department of Agriculture for the purposes of the discussion, whether it was the intention of the Department of Agriculture to continue its farm demonstration work in case the Lever bill, then under discussion, should pass Congress. Dr. Galloway replied unequivocably that it was not the intention of the department to continue the farm demonstration work on the then present basis, if the Lever bill should pass. The Assistant Secretary vouchsafed the opinion that the farm demonstration service had grown up largely through the demands of Congressmen and likened their attitude in this quarter to that which made impossible the discontinuance of the free-seed distribution which the department and the public had so long desired. This question and answer were not included in the official report of the pro-ceedings of the association, but they were vouched for by our Dr. Coffey, who heard them.

However, when the legislation came out of Congress the bill provided, "That pending the inauguration and development of the cooperative extension work herein authorized nothing in this act shall be construed to discontinue either the farm-management work or the farmers' cooperative demonstration work as now conducted by the Bureau of Plant Industry of the Department of Agriculture." Not only did the Smith-Lever Act thus guarantee the continuance of the independent work of the Department of Agriculture, in plain violation of the answer of the Assistant Secretary, but subsequent acts have appropriated additional funds for increasing its support, though the title of the Smith-Lever Act was left "cooperative."

My contention is that the Smith-Lever Act is not "cooperative" in any proper sense of the term. Neither is it safe or expedient to so consider it or to admit that the Department of Agriculture has any peculiar jurisdiction over the expenditure of these funds beyond that which it exercises over the Adams fund

Our cooperative relations with the Department of Agriculture are still further confused by reason of this enlarged appropriation to the Department of Agriculture for the same kind of work provided for in the Smith-Lever Act.

Under the rulings of the department, none of its funds will be expended in any State except under definite cooperative agreements with the college of that State. Under such agreement, however, the department insists upon paying a portion of the salary of the field men; then, instead of dealing with the institution in the State, the college, the university, it deals with the individuals direct, and in at least one case requires daily reports to Washington from a regularly elected member of the University faculty.

The original purpose when Congress began to make these appropriations, or when the land grants were had, was not for a department in Washington to begin detail work and to reach the individuals in the State in these experiment stations or in any

of the extension work in the agricultural departments of the State colleges; but it was intended to act through the universities themselves. The department here, upon rulings of its own and by a gradual system of encroachment, has long since departed from that purpose. It now deals directly with the individual; it has enlarged the work until the department is now dealing with the general public outside of the agency of the State college or university. It is in a sense a rival, it is attempting to build up a separate department of work. If persevered in, it will either become an active competitor or will ultimately absorb and destroy the State institutions.

The Federal authorities have claimed a general right to exercise control over the expenditure of appropriations upon the theory that Federal appropriations are gifts to the States. This is an argument, however, that I sometimes fail to see the force of. If they were gifts to the States either as land grants or appropriations, then follow the original purpose, and let them be administered by the agricultural colleges that the Government did not and could not create in the beginning. It left it to the instrumentalities created by the State to do this. For instance, take my own State of Illinois; and I think we pay a fair share of the public taxes to the Government. Our agricultural values of land and our production rank fairly respectably in the 48 States of the Union. We developed agricultural experiment stations and placed an agricultural department by State legislation in the university of that State at Champaign years ago. We have made practical farmers. They are not professors; they are not men who go and study in a college or a university and then go out and call themselves agriculturists; but the graduates of that department are farmers and stock

In the State of Illinois, for instance, we receive from all Federal sources direct appropriations of three items:

First. For the endowment of teaching in agriculture and the mechanic arts—the Morrill and Nelson funds, the Nelson fund being the later act, and these two acts being the original acts—we receive annually \$50,000.

Second. For investigations in agriculture, the Hatch and Adams funds, annually \$30,000.

Third. For demonstration work in agriculture and home economics, under the Smith-Lever fund of 1916-17, \$58,184.03. We received a total of \$138,184.03 for last year.

Now, I wish to hurry along and not take up any more space or time than is indispensably necessary; but I summarize in this way:

That the United States Department of Agriculture is more and more dominating the work of the State universities and controlling the men of the State universities. It is now engaged in trying to reorganize the agricultural colleges in the West and disrupting the internal relations of the colleges themselves. It is drifting away more and more from the original policy of research and development in large matters, and going over into the neighborhood of individual uplift work.

The Department of Agriculture here seems to feel that it has the American farmer and his whole family on its hands. The system that is growing up is becoming more bureaucratic every year; it is intolerable, and many of its 16,000 employees that are scattered all over this country are incompetent. Some of them actually would make the poorest farmer in my State blush if they arose on the platform and undertook to expound their agricultural knowledge in the presence of an audience. They know more about ward politics in some place or township activities and primaries than they do about pumpkins, cattle, hogs, corn, and hominy.

That does not belong, Mr. President, to this administration; it belongs to its predecessor. The disgraceful incompetency of Government experts sent out over the country is enough to condemn the system. A farmer who did not know more than the agricultural expert from the department here does would starve to death the first 12 months he undertook to live on a farm. He would drown in the swill pail or be gored by an infuriated bull the first time he went out in the cattle yard. [Laughter.] These experts know no more, Mr. President, about marking a pig than they know of the hieroglyphics on the monuments of Egypt; still, they are Government experts, and they have been going out from Washington for the past 10 or 15 years. They could not tell hard cider from branch water. [Laughter.]

tell hard cider from branch water. [Laughter.]

There is a reason for it. The salaries are too small to invite men of any ability. Experts! They do not know the black soil in the corn belt of Illinois from a tar bucket that used to hang under their ancestor's wagon when he moved out from the Allegheny Mountains 70 years ago. [Laughter.] Analyze soil! Tell us about the plant industry! It is a jest, and an expensive jest at that, Mr. President.

Of course the salaries are small. With 16,000 employees swarming about over the country, you can not pay them large salaries, because it would subdivide the fund too much and require to increase the salaries an appropriation that would go beyond the discretion of Congress. The conditions of work are too mechanical, under ironclad instructions from the de-The conditions of work partment here, to be attractive to men of the highest ability.

If they do not know any more in the future than they knew about the foot-and-mouth disease a year and a half or so ago, what encouragement, Mr. President, is there to hope that they can tell us how to exterminate ragweeds or the boll weevil or drive chinch bugs out of the country or stop the curculios from climbing the apple trees? Why, one of the experts who was here testifying—I can get his evidence from the printed hearings of the Committee on Agriculture-asked if a Holstein cow was beef cattle. He was an agricultural expert telling the farmers in my section of the country how to raise dairy and beef cattle, an industry in which they have been engaged for a half century. He would not know a Holstein cow from a Brahman priest in a Hindu temple. [Laughter.] If he should meet one face to face, he would think it was a sacred animal. He would not know a Guernsey. Why, bless my life, if he should see one he would not know it from the white bull and sacred heifer of ancient Egypt. [Laughter.] Still he is an expert. Anybody is an expert here who can get on the pay woll and that has been true for years. A Government employee roll, and that has been true for years. A Government employee, when he got out into the country where I used to farm, never had cast about him any peculiar sanctity growing out of the fact that he had a Government job. We put him out into the field and found out whether he knew a ragweed from a cabbage, and some of them hardly knew that.

There is no general basis either for the cooperation between the United States Department of Agriculture and the State in-The work of the department ought to be, as it was in the beginning, devoted to research and regulation in matters of large scientific or geographical import. The detail work must be left to the State agricultural universities, to the men who know, the men whose sons graduate from the agricultural colleges and become farmers living by the sweat of their faces and not by merely a sharpening of their wits in a college.

If these tendencies are not checked, Mr. President, one of two things will happen. Either the larger States will cease to avail themselves of these appropriations, or in the smaller States the department, and ultimately the Government, will absorb the agricultural universities, and they will become in fact Government institutions, a part of the Government's educational system. There is no remedy if matters proceed to their ultimate conclusion as they are now proceeding.

Furthermore, there is friction. The board of regents or the trustees of my own State university have men on their pay roll whose compensation comes from appropriations of the State legislature. Only \$138,000 comes to the entire State from the Federal Treasury, while our appropriations mount up into the millions at every biennial session of our legislature. have been absent from the State so much of late I do not know what the amount now is annually, but I presume that it is not much short of \$3,000,000. The \$138,000 contributed by the Federal Government is a mere bagatelle; it is only a drop in the bucket. If this friction continues, if one set of orders comes from the department here to men on the pay roll-the farm demonstrators and the live-stock experts who have been raised on a farm and who know what they are doing and have been put there for their fitness-if they are to be directed by the head of a department or some autocratic head of a bureau in Washington, it will be a very short time until that State and other States I know of will cease to take the money out of the Public Treasury. The price is too great. The State instrumentality that we have created in years past and that we have developed since 1862 with millions of dollars out of our State treasury will decline to receive the pittance doled out at the Capitol or at the Treasury Department as the price of surrendering the control of the university.

I have no superstitious reverence merely for the rights of a State, but I know just as well as my colleagues do that there are certain local inherent reserved rights in the Ctate that this Government never ought directly or indirectly to invade,

The invasion provided for by the provision I seek to strike out is of that insidious character more dangerous than a direct attack. I believe in a strong local self-government in all matters concerning the reserved rights of the States. Certainly the educational system of a State is something peculiarly within its own powers. Search the Constitution of this country and you will find nothing in it in direct terms, no granted power, for creating educational systems or instrumentalities, except as they may be connected with the promotion of agri-

culture and under the general-welfare clause of the Constitution. These attacks are like hundreds of others. They are ceaseless in their operation. Their erosions are constant from year to year. There is a constant advance on the part of every department.

I say to the majority side of this Chamber that not one of you has a greater pride in the activities of his State than I have I think I know where the limitations are, and I am as jealous of their invasion by the Government, and especially the autocratic action of bureaus and departments, as any Senator in this body. All of my activities in public life up to the time I came here were occupied in the affairs of a large State, with millions of inhabitants, with the second largest city on the Western Hemisphere within its borders, with the most expensive land on the continent, and with men who from their earliest ancestry have been farmers, coming from Virginia, Kentucky, Indiana, and from east of the Allegheny Mountains. We are half-and-half Southern people and half-and-half New Englanders, with a fair sprinkling from the border States, one of which lies immediately across our line. I never go to the Ohio River without seeing the Kentucky shore. Our people have the same impulses and the same ambitions and local pride in holding their State affairs intact from these insidious assaults by the National Government that you have.

I have been reading to some extent from the information given me by the College of Agriculture of the State of Illinois. More than 6,000 pupils are in that institution, and many thousands of its graduates are found in this Republic. sprinkled the far West, they have gone over the Great Divide, and are found on the coast. These men are trained agriculturists. I never did like that word. When they are directing the actual operations of the soil, I prefer to call them "farmers, and that is what they are-farmers and stock raisers. The dean of this college, who has been there for many years, calls attention to the intolerable system that has grown up. There are men who are members of that faculty paid out of the appropriations by the State, with a small contribution given by the General Government: but the General Government issues orders by the department here and directs them to make daily reports of their operations. It would take one-half the time of a professor to do

Mr. SMITH of Georgia. Mr. President, will the Senator let me ask him a question?

Mr. SHERMAN. Certainly.

Mr. SMITH of Georgia. Upon what legal authority do they

issue such orders? Under what statute can that be done?
Mr. SHERMAN. It is merely a departmental ruling, I will say to the Senator. They will that that shall be done. It would take nearly half the time of the professor himself to make out the report.

Mr. SMITH of Georgia. I am aware of no statute that justifies any such direction-

Mr. SHERMAN. No, sir. Mr. SMITH of Georgia. By that department; and, if they do it, I think they should be called down for it and their action

Mr. SHERMAN. I am very glad to hear the Senator say so. Mr. SMITH of Georgia. If the Senator will notice, in the extension-work bill we have carefully guarded the rights of the colleges. Their plans are to be submitted, and the department here is to agree upon their general plans.

Mr. SHERMAN. That is all right.

Mr. SMITH of Georgia. But the execution of the demonstration work is solely through agents selected by the colleges of

Mr. SHERMAN. That is my understanding, and has been since I began to study the question some years ago. I have no doubt of it.

Mr. SMITH of Georgia. I helped draw the bill, and carefully guarded, as I thought, the execution of all work by State agents, to avoid friction with men in Washington who might not comprehend local conditions.

Mr. SHERMAN. Without going more into detail, I will refer to the case of one man who has been on the faculty in Illinois for many years, and is engaged in the agricultural-extension work, going out for days and weeks at a time, through all kinds of weather, to the point where the stations are located that the State built many years ago, keeping them up with the times from year to year. He goes there. He is paid a small part of the expense involved out of funds furnished by the Government. The large part of the expense, of course, as the Senator understands, is paid from State appropriations. He is now directed by an order from the department to make daily reports of his operations in Illinois as a member of this faculty. The faculty

itself, acting through its board of trustees, has directed him not

Mr. SMITH of Georgia. If the Senator will allow me, I should like to suggest that if he will call the attention of the Secretary of Agriculture to any such arbitrary direction by the head of a bureau in the department, I am sure the Secretary will promptly give relief to the officer.

Mr. SHERMAN. I am very glad to hear it. Mr. SMITH of Georgia. I can not think it possible that that is approved by the Secretary.

Mr. SHERMAN. I shall be very glad to have the relief as promptly as possible, to avoid friction. If it is cooperation, I shall be very glad to do anything within my power-

Mr. SMITH of Georgia. It is only cooperation. execution, so far as the agricultural-extension work is concerned, is under the direction of the college, and not under the direction of the department here.

Mr. SHERMAN. Yes, sir.

Mr. SMITH of Georgia. After the plans have been agreed upon, it is not cooperation; it is entire authority in the college. Mr. SHERMAN. Yes, sir.

RELATIONS WITH GERMANY.

Mr. SAULSBURY. Mr. President, with the consent of the Senator from Illinois-

Mr. SHERMAN. I yield.

Mr. SAULSBURY (continuing). And of the acting chair-

man of the committee

Mr. SMITH of South Carolina. Mr. President, I shall have to object to any extraneous matter being inserted in the Record at this time. It is against the rules of the Senate. We have been here all day. We will be through with this bill, I hope, in a few minutes, and we will have ample time then for these other atters. If I yield to one Senator, others will come in.
Mr. SAULSBURY. Mr. President, I rise to—
The VICE PRESIDENT. Does the Senator from Illinois

yield to the Senator from Delaware?

Mr. SHERMAN. I will yield if I do not lose the floor. Mr. SAULSBURY. Mr. President, the Senator from Illinois is perfectly willing to yield to me, but I rise to a question of privilege. I desire to state that I hold in my hand a telegram just received from the speaker and chief clerk of the House of just received from the speaker and chief clerk of the House of Representatives of the State of Delaware, giving a copy of a telegram they have sent to the President of the United States pledging the loyalty of all the people of Delaware, without regard to party, to the action of the President in severing diplomatic relations with Germany and in any eventuality.

I think that a matter of this kind, showing the action of a sovereign State, where a resolution was passed unanimously by both houses, one house being controlled by Democrats, the other house by republicans, is a matter of such high privilege that it should be stated at the first opportunity in the Senate of the United States

of the United States.

Mr. JAMES. Let the telegram be read.
Mr. SAULSBURY. May I have the telegram printed?
The VICE PRESIDENT. Without objection, it will be so ordered.

Mr. JAMES. It ought to be read, too.

The telegram is as follows:

DOVER. DEL., February 8, 1917.

WILLARD SAULSBURY,
United States Senate, Washington, D. C.:
To the President of the United States, Washington:

The General Assembly of the State of Delaware, now in session, has unanimously passed a joint resolution commending you in your action severing diplomatic relations with the German Empire and pledging our loyal support both now and in any eventuality.

W. H. Poore,

Chief Clerk House of Representatives.

Hervey P. Hall,
Speaker of Delaware House of Representatives. AGRICULTURAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June

Mr. SHERMAN. Mr. President, we certainly can take a moment for a message of that kind from the legislative authority

Mr. SHERMAN. Mr. President, we certainly can take a moment for a message of that kind from the legislative authority of a State.

The language that I fear in the provision that I seek to strike out is this:

The Secretary of Agriculture shall prescribe the form of the annual financial statement required under the above acts, ascertain whether the expenditures are in accordance with their provisions.

Now, while it says "the Secretary of Agriculture," in reality the Secretary of Agriculture acts here purely formally. In reality it is the head of a bureau, either the head of the Office

of Experiment Stations or the director of the Bureau of Plant Industry or some other of the various subdivisions made by the department of its various lines of work. So, if the officer or the professor of the faculty, acting under the direction of the board of trustees of the State institution shall refuse to comply with the making of the daily reports that are required by some head of a bureau here, the bureau head would insert in the report at the end of the year a finding that the university has not complied with the provisions of the law.

I shall be very glad to adopt the suggestion of the Senator from Georgia, and call the attention of the head of this department, the Secretary of Agriculture, to this ruling which has been made, which I think is not only calculated to hinder the usefulness of the force, but to create friction. I know it has already done so. The dean of the agricultural university was

here and expressed himself regarding it.

Mr. SMITH of Georgia. Mr. President, I will ask the Senator the exact words that he desires to strike out.

Mr. SHERMAN. Beginning on page 68, line 24, after the figures "\$68,500."

Mr. SMITH of Georgia. Let me ask the Senator if he is not wrong—if he really wants to strike out that much. Merely to require the Secretary of Agriculture to ascertain whether the expenditures are in accordance with the provisions of the acts, and coordinate the work of the Department of Agriculture with that of the State agricultural colleges and State experiment stations, and make report to Congress, would not be objectionable. That would give him no authority to do anything locally except to get information and to coordinate his work with what the college of agriculture is doing; not to control the college of agriculture, but to make his work their work. If we should just strike out after the word "shall the words "prescribe the form of the annual financial statement

required under the above acts "——
Mr. SHERMAN. I think the Senator is right.
Mr. SMITH of Georgia. If we should strike out that language, we would take everything from this that gives him any power whatever; and so far as I am concerned I will join the Senator in the suggestion that those words be stricken out.

Mr. SHERMAN. I think the Senator is correct. "The annual financial statement" is the language used in the Smith-Lever Act, and I think it refers to that. I think if it could be stricken out in accordance with the suggestion of the Senator, that will answer the purpose intended.

The Secretary. After the word "shall," in line 25, going down to and including the word "acts," in line 1, page 69.

Mr. SHERMAN. Yes; I will modify the amendment accord-

ingly, Mr. President.

The Secretary. On page 68, beginning with the word "prescribe," in line 25, it is proposed to strike out the words "prescribe," in line 25, it is proposed to strike out the words "prescribe the form of the annual financial statement required under the above acts," and the comma.

Mr. SHERMAN. I wish to insert in the Congressional

RECORD, without reading, a statement of Eugene Davenport, dean of the agricultural college of the University of Illinois; also a letter from Francis G. Blair, the superintendent of public instruction of the State.

The VICE PRESIDENT. In the absence of objection, that may be done.

The matter referred to is as follows:

The matter referred to is as follows:

The United States Department of Agriculture is more and more dominating the work and the men of the State institutions.

It is attempting to reorganize the agricultural colleges in ways that disrupt their internal relations.

It is itself drifting more and more away from its original policy of research and development in large matters, and going over into neighborhood and individual uplift work. It seems to feel that it has the American farmer and his family on its hands.

Its bureaucratic system is intolerable and many of its 16,000 employees incompetent. The salaries are too small and the conditions of work too mechanical to be attractive to men of the highest ability.

No general basis for real cooperation between the United States Department of Agriculture and the State institutions exists. The work of the department should be, as it was in the beginning, research and regulation in matters of large scientific or geographical import. The States deal with teaching and with research in matters local.

DISCUSSION OF FEDERAL LEGISLATION ENDOWING EDUCATION, RESEARCH, AND DEMONSTRATION WORK IN THE SEVERAL STATES OF THE UNION, WITH SPECIAL REFERENCE TO ADMINISTRATIVE CONTROL.

4. The Adams Act of 1906: "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof."

5. The Nelson amendment of 1908: "Provisions of act making appropriations for the United States Department of Agriculture for the fiscal year ending June 30, 1908, for the further endowment of agricultural colleges."

6. The Smith Lever Act of 1914, "The Act of the Smith Lever Act of 1914,"

6. The Smith-Lever Act of 1914: "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States," etc.

OBJECTS OF THE SEVERAL ACTS.

The purpose of the land-grant act was clearly to establish a new kind of college. The Hatch Act, 25 years later, was designed to obtain more reliable scientific information than the art of agriculture had afforded. The second Morrill Act, with the Nelson amendment, was for the purpose of further endowing the colleges, and the Adams Act for strengthening the experiment stations, while the Smith-Lever Act was designed to reach the farmer on his farm and the housekeeper in her home by means of actual demonstration.

NATURE OF THE APPROPRIATION.

Under the land-grant act of 1862, 30,000 acres of public land for each Senator and Representative then in Congress were "granted to the several States," and while later phraseology varies to some extent, in every case the funds are appropriated directly to the States, to be expended for the purposes recited in the acts; and, to quote the Hatch Act, "having due regard to the varying conditions and needs of the respective States and Territories." There is no question of the intent of Congress to appropriate the funds directly to the States, to be managed by boards of control appointed by the States.

It is the purpose of this discussion to show how the State institutions, endowed by Federal funds but largely supported by the States, have come more and more under the dominance of the Department of Agriculture, until we are near violating the principle laid down in the Hatch Act, "that nothing in the act shall be construed to impair or modify the legal relation existing between any of the said colleges and the government of the States and Territories in which they are respectively located."

HOW THE SITUATION DEVELOPED.

The Hatch Act of 1887 required experiment stations to make an annual report to the governor of the State and to transmit a copy to the Secretary of Agriculture and to the Secretary of the Treasury. It also provided (sec. 6) "that whenever it shall appear to the Secretary of the Treasury from the annual statement of receipts and expenditures of any of said stations that a portion of the preceding annual appropriation remains unexpended, such amount shall be deducted from the next succeeding annual appropriation to such station." etc.

annual appropriation remains unexpended, such amount shall be deducted from the next succeeding annual appropriation to such station," etc.

The Secretary of the Treasury declined to accept the reports of the stations as prima facie evidence of expenditure, but required a certification from the Secretary of Agriculture (office legislation). Whereupon there was established in the Department of Agriculture an "Office of Experiment Stations."

The duty of that office was to send a representative actually to visite each station, inquire into its expenditure and disallow any vouchers which, in the opinion of the visiting officer, falled to come within the provisions of the law. Here was the beginning of a system of oversight which has been gradually extended and intensified with each succeeding endowment.

For example, the title of the Adams Act, passed nine years later for the further endowment of the agricultural experiment stations, reads as follows: "To provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof." This act provides that the funds shall be paid "upon the warrant of the Secretary of Agriculture"; and that their administration should rest with that officer, thus confirming by congressional enactment the office legislation of the Secretaries of the Treasury and of Agriculture which had grown up under the Hatch Act.

The Office of Experiment Stations then called the attention of the various States to the fact that the Secretary of Agriculture was by the Adams Act definitely charged with the management of experiment station funds; and that it was the intention of Congress and of the Secretary of Agriculture that the increase should be expended with greater restrictions than these surrounding the original fund, an intention that evidently lay with the Secretary of Agriculture and his advisers rather than with Congress. The Hatch money was available "to conduct original researches or verify experiments, etc." The Adams Act onitted the clause

were included with the Adams and hence subject to the same restriction, though the Adams Act is otherwise less restrictive than is the Hatch Act.

The Office of Experiment Stations further pointed out that it would be entirely possible to go on as before, the stations using the funds as they might deem wise, leaving to the representative of the Secretary of Agriculture at the end of the year the task of determining whether or not all the expenditures had been within the limitations of the law. However, as the new money was to be expended much more rigorously than the old, it was pointed out that funds would be saved and irritation avoided if the stations and the offices at Washington could agree in advance as to how the new funds were to be used. Accordingly, the Department of Agriculture proposed the "project system" for the expenditure of the additional endowment to the State stations; and the funds have been so administered for 10 years. Thus did the act of auditing become essentially one of joint management.

Under the "project system" the State suggests the line or lines of investigation. It may be approved or disapproved by the office at Washington, which may suggest modifications, though it does not originate plans. As matters are operating now, station expenditures under Adams funds are not approved unless in furtherance of definite projects agreed upon in advance.

This was the condition of affairs between the States and the Federal Department of Agriculture in 1914, when the Smith-Lever bill was passed, appropriating funds to the different States for demonstration work in agriculture and home economics, with the proviso that the States, either from public or private sources, should duplicate the Federal appropriations.

SMITH-LEVER WORK DECLARED COOPERATIVE.

SMITH-LEVER WORK DECLARED COOPERATIVE.

This Smith-Lever Act goes one step further in Federal control by declaring in the title that the work is to be "cooperative" between the agricultural colleges in the several States and the United States

Department of Agriculture, and the language of the act specifically provides that "this work shall be carried on in such manner as may be mutually agreed upon by the Secretary of Agriculture and the State agricultural college or colleges receiping the benefits of this act."

However, this work is not properly "cooperative" as declared in the title, because, as in all the acts, the appropriation is direct to the States; the Department of Agriculture gets none of the appropriation neither can it make suggestions as to its expenditure, because the act specifically provides "that before the funds herein appropriated shall become available to any college for any fiscal year plans for the work to be carried on under this act shall be submitted by the proper officials of each college and approved by the Secretary of Agriculture."

The Department of Agriculture construes the word "plans" to mean "projects"; but even so there is nothing in this act that enables that department to go further in the administration of this fund than it had already gone for years in the administration of the Adams fund. It is in no sense a cooperative measure, and any disposition on the part of the Department of Agriculture to exercise any additional control over the States in the expenditure of Federal funds on account of the Smith-Lever Act is entirely without legal basis.

The facts are that the Smith-Lever bill was agreed to at a meeting of the American Association of Agricultural Colleges and Experiment Stations as a cooperative measure in order that the Department of Agriculture for the purpose of local demonstration work should be abolished.

(The American Association of Agricultural Colleges and Experiment Stations is the national council of all the State institutions. At a meeting of this association for the purpose of discussing the "Relations between the Federal Department of Agriculture for the purpose of local demonstration work should be abolished.

(The American Association of Agriculture, and the agricultural colleges and ex of the associ

and answer were not included in the official reports of the proceedings of the association, but they are vouched for by our Dr. Coffey, who heard them.)

This was in line with the opinion of the Secretary of Agriculture uttered at that time (quoted by Collier's, October 25) that "the State is the smallest unit with which the Federal Government should be required to deal." (At the time this bill was drawn up the Secretary of Agriculture was in favor of discontinuing the demonstration work them conducted by the department, but has since changed his opinion and has advocated an increase. See hearings, 1916, pp. 1662–1669.)

However, when the legislation came out of Congress the bill provided "that, pending the inauguration and development of the cooperative extension work herein authorized, nothing in this act shall be construed to discontinue either the farm-management work or the farmers' cooperative demonstration work as now conducted by the Bureau of Plant Industry of the Department of Agriculture." (The obvious intention of Congress to ultimately discontinue the direct appropriations for demonstration work conducted by the department has evidently been changed, through the influence of the Department of Agriculture, and the amount increased by \$100,000.) Not only did the Smith-Lever Act thus guarantee the continuance of the independent work of the Department of Agriculture, in plain violation of the answer of the Assistant Secretary, but subsequent acts have appropriated additional funds for increasing its support, though the title of the Smith-Lever Act was left "cooperative."

My contention is that the Smith-Lever Act is not "cooperative" in any proper sense of the term. Neither is it safe or expedient to so consider it or to admit that the Department of Agriculture has any peculiar jurisdiction over the expenditure of these funds beyond that which it exercises over the Adams fund.

Our cooperative relations with the Department of Agriculture are still further confused by reason of this enlarged appropriati

HOW THE ACCOUNT STANDS WITH ILLINOIS.

The total appropriation to the Department of Agriculture is approximately \$25,000,000 annually. In addition to this amount there are the following appropriations from Federal funds: Morrill and Nelson funds, \$2,400,000; Hatch and Adams, \$1,440,000; Smith-Lever (1916-17), \$1,580,000; meat inspection, \$3,000,000; printing funds, \$600,000; a total of approximately \$34,000,000 for agricultural purposes.

The population of the State of Illinois is substantially one-sixteenth of that of the United States, and I estimate the amount of money

contributed by the citizens of Illinois to congressional appropriations on account of agriculture at approximately \$2,120,000 annually.

Of this amount only the \$138,184,03 come back to the State—all of which means that nearly \$2,000,000 of Illinois money is every year invested to the activities of the Department of Agriculture.

This is four times what the State is paying for its agricultural college and experiment station, and more than it is putting into the entire University of Illinois, except for its building enterprises. All the funds here under discussion therefore come directly from the State of Illinois, and any attempt at domination from the Federal department can not be defended upon the argument of an outside appropriation.

Furthermore, to consider the Smith-Lever work as cooperative leads to an absurdity, because the act requires of the States a full offset to the Federal appropriation, and to put these State funds also under Federal control is clearly offensive to the State. It is especially true in the case of this particular fund because all the people of Illinois contribute by indirect taxation, while the distribution is only in proportion to the agricultural population, which in this State, with a city like Chicago, is relatively small. In this deal we put up three dollars to get one.

My criticisms of the Department of Agriculture in its relations to

My criticisms of the Department of Agriculture in its relations to the States are as follows:

1. That through office legislation in part made statutory by successive acts of Congress the Department of Agriculture is establishing a gradually increasing supervision over the legitimate and legal activities of the State institutions intended to be independently controlled by State boards of trustees

the State institutions intended to be independently controlled by State boards of trustees.

2. That its system of administration is bureaucratic to a degree, laying upon busy men a large amount of paper duties having reference not so much to their work as to the convenience of administration and the amassing in Washington of data that can be readily put into form to lay before Congress, even though but a small amount of the salary of these men is paid from department funds.

3. That, under the system, regularly appointed members of the faculty of the University of Illinois (for example, Mr. Greene) are only partially administered through the organization of the university, but are required to make daily reports to Washington because a portion of their salary comes from department funds. (For the coming year the department has undertaken to require a complete list of office help employed under Smith-Lever funds—a request which I have refused to meet.)

4. That a former Secretary of Agriculture took the liberty of criticizing, before a committee of Congress, one of the principal State experiment stations supported by local funds (New York), and announced his intention of ultimately controlling the policy of the State institutions. (See Hearings before Committee on Agriculture, 1904, pp. 424-428.)

5. That the department is building up an extensive system of local dynamization environments and the principal State everythe environments.

his intention of ultimately controlling the policy of the State institutions. (See Hearings before Committee on Agriculture, 1904, pp. 424-428.)

5. That the department is building up an extensive system of local demonstration service scattered over the entire United States covering every concelvable feature of farming, small and great, and dealing with individual farmers and with local problems—a system that had its origin illegally under the funds appropriated for the improvement of cotton. (See Proceedings of the Twenty-seventh Annual Convention of the Association of American Agricultural Colleges and Experiment Stations held at Washington, D. C., November 12-14, 1913, p. 126.)

6. That instead of devoting its energies and increasing funds more and more to work of a highly scientific character or of wide geographical application with a minimum of administration it is building up a vast administrative system dealing with individuals and local conditions that should be left to the communities and to the States.

7. That the dominance of State institutions is further encouraged and the problem complicated by the "cooperative agreements" covering the joint expenditure of Smith-Lever funds and those appropriated directly to the Department of Agriculture for the same work done by the States under the Smith-Lever Act.

8. That the policy seems to be through cooperation or collaboration to pay a portion—generally a very small portion, sometimes only \$1—of the salary of a man employed by State or local funds, and thereby, through office regulations and decisions, to largely control his activities. This principle was detected by a member of the Agricultural Committee at the last hearing, and was assented to by the representative of the Department of Agriculture.

(Mr. SMITH. The State and the department usually put in a sum not to exceed \$1,200. The State puts in half of it and we put in half. Each puts in \$600, though that may vary to meet the different conditions in different States.

Mr. Hellossen, But that is the

Mr. Helgesen. And the State of county sometimes puts in the balance?

Mr. Smith. Yes, sir.

Mr. Helgesen. And you only have enough in it to get control of it?

Mr. Smith. Yes, sir.

Hearings before Committee on Agriculture, 1916, p. 1130.)

9. That in the confusion of relations with the department it is impossible for the university to know its rights and duties or to enjoy its natural prerogatives. That the autocracy is benevolent and the officials involved are in many cases personal friends of ours is beside the point, for the system is fundamentally wrong and is resulting in a piling up of official regulations which, rather than the acts of Congress, are controlling the State institutions.

10. That in requiring the university to conduct its extension work through a separate administrative unit, the Department of Agriculture has interfered with the organization of the university to a dangerous degree, and its methods of administration trench upon the prerogatives of the board of trustees.

11. Finally, in the hearings before the Committee on Agriculture in Congress, the attitude of the department people is that they are engaged in building up a vast Federal system of demonstration service in agriculture and home economics in which the State institutions are not the active agents, but only the means to an end.

CONCLUSIONS.

CONCLUSIONS.

1. That cooperative relationship between the Department of Agriculture and the University of Illinois, as covering its local demonstration work supported by direct appropriations, should be dissolved.

2. That we maintain the position that the Smith-Lever work is not properly cooperative, and that the act should be so amended as to square with the facts of a Federal appropriation to the States with which to do a specific line of demonstration work, the authority of the Department of Agriculture being limited to ascertaining whether or not

the States have met the provisions of the act; that is to say, to the auditing of the accounts.

3. That we maintain the position that the Department of Agriculture should retire from its demonstration service in local problems and direct its energies to research, demonstration, and police control in matters of large scientific import or of wide geographical application, and that the scientific work of the department should be under the purview of a body of scientists of recognized national standing, as was contemplated in the creation of the National Academy of Sciences in 1863.

SUPPLEMENTARY MATERIAL.

SUPPLEMENTARY MATERIAL.

DEAN OF THE COLLEGE OF AGRICULTURE,
UNIVERSITY OF ILLINOIS,
September 20, 1916.

Since writing the above there has come to my desk a "Memorandum of understanding between the States Relations Service and the Bureau of Animal Industry, United States Department of Agriculture, concerning hog-cholera control and extension work."

This agreement between two Federal bureaus was made, the memorandum drafted and approved by the Secretary of Agriculture without consultation with this university, yet it undertakes to guarantee that "educational work in hog cholera will be conducted by the extension division of the College of Agriculture."

The States Relations Service agrees to "definitely advise the extension services of the State agricultural colleges that they * * will recognize the live-stock sanitary authorities as the cooperating agency, etc.," and this bureau further undertakes "to put the policy outline * * into effect in all of the extension divisions in all of the States, etc."

So are the duties of the University of Illinois signed, sealed, and delivered in Washington by two bureaus of the Department of Agriculture, and without the knowledge or consent of any representative of this institution.

STATE OF ILLINOIS, DEPARTMENT OF PUBLIC INSTRUCTION, Springfield, January 22, 1917.

Senator L. Y. SHERMAN, Washington, D. C.

DEAR SENATOR SHERMAN: At various times I have had my attention called to bills before the National Congress whose object was the encouragement of certain forms of vocational education in the various Commonwealths.

It is the general forms

couragement of certain forms of vocational education in the various Commonwealths.

It is the general feeling of the men connected with the commonschool systems in the various States, as I understand it, that they would look with favor upon such encouragement in the form of appropriations for the establishment, organization, and administration of such forms of education under the control of these various Commonwealths. So far as I know, none of these rich Northern States will be willing to surrender any of their authority and control over their State systems of public instruction in order to secure any appropriations from the National Treasury. It is a very general feeling that the autonomy of public education within the several States should in no wise be interfered with by the National Government. This arises out of no mean or little spirit. It arises out of long experience in public educational affairs which show clearly that confusion and waste result from too many forms of supervision and administration.

In Illinois, as you know, our theory is that the local board shall have almost supreme control of education within the district. However, above these local districts is placed a county superintendent who has certain large, general powers of supervision; then the superintendent, a constitutional officer, with rather large, general duties of supervision, advice, and leadership. Wherever national organizations, of whatever character, have obtruded themselves into the State, however good may have been their purpose, confusion and conflict has occurred in almost every instance. All this is said as introductory to a definite statement concerning the two bills which are now in Congress.

Dean Davenport, of the agricultural school, and myself have read

to a definite statement concerning the two bills which are now in Congress.

Dean Davenport, of the agricultural school, and myself have read these bills with considerable care. It is our conclusion that the language in both of these bills can be easily construed by the National Vocational Board into a warrant for that board to exercise administrative powers in educational matters within the several States. The language in one place is, in effect, that in each of the several States a vocational board shall be created or designated which shall cooperate with the National Vocational Board in the administration of the provisions of the act.

We do not wish to quibble over words, and if there is a clear understanding that this language does not endow this national board with administrative powers within the several States, our objection would be withdrawn. I fear that all this is said too late for anything to be done in case you should agree with our point of view. I have, however, thought it worth while to write you and Representative Mann on the matter with a thought that something might be done in the conference committee to clear up this point.

F. G. BLAIR, Superintendent.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Illinois.

The amendment was agreed to.
The VICE PRESIDENT. If there be no further amendments to be proposed, the bill will be reported to the Senate.
The bill was reported to the Senate as amended, and the

amendments were concurred in.

Mr. SMITH of Georgia. Mr. President, on page 78, line 23, there is a misprint. The third word is written "marketing." It ought to be "marking." I ask to amend by striking out "marketing" and substituting "marking."

The VICE PRESIDENT. The amendment will be stated.

The Secretary. On page 78, line 23, it is proposed to strike out "marketing" and to insert in lieu thereof "marking."

The amendment was agreed to.

The VICE PRESIDENT. The question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. SMITH of Maryland. Mr. President, I move that the Senate proceed to the consideration of House bill 19119-the

District of Columbia appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. SMITH of Maryland. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment, giving preference to the committee

The VICE PRESIDENT. The Senator from Maryland asks unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to be first considered. Is there any objec-The Chair hears none.

Mr. POINDEXTER. Mr. President, reserving the right to object, I was going to inquire of the Senator from Maryland whether he expects to go ahead with the bill this afternoon?

Mr. SMITH of Maryland. There is no reason that I can see why we should not proceed with it. We can do an hour's work or more on it. I do not see any reason why we should not. have been trying to get the bill up for the last four or five days, and when I reported the bill to the Senate I gave notice that when the Agricultural appropriation bill was disposed of I would bring it up.

Mr. POINDEXTER. I think it is pretty nearly time to adjourn, but I will not object to the request of the Senator.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "General expenses," on page 4, after line 14, to strike out:

Assessor's office: Assessor, \$3,500; assistant assessors—3 at \$3,000 each, 2 at \$2,000 each; 5 field men at \$2,000 each; record clerks—1 \$1,800, 2 at \$1,500 each, 1 \$1,200; clerks—4 (including 1 in arrears division) at \$1,400 each, 4 at \$1,200 each, 8 (including 1 in charge of records) at \$1,000 each, 2 at \$900 each, 2 at \$720 each; draftsmen—1 \$1,600, 1 \$1,200; 2 stenographers and typewriters at \$1,200 each; assistant or clerk, \$900; license clerk, \$1,200; inspector of licenses, \$1,200; assistant inspector of licenses, \$1,000; 2 messengers, at \$600 each; board of assistant assessors—clerk \$1,500, vault clerk \$900, messenger and driver \$600; temporary clerk hire \$500; in all, \$68,340.

And insert:

And insert:

Assessor's office: Assessor, \$3,500; assistant assessors—3 at \$3,000 each, 2 at \$2,000 each; 5 field men at \$2,000 each; record clerks—1 \$1,800, 2 at \$1,500 each, 1 \$1,200; clerks—3 (including 1 in arrears division) at \$1,400 each (1 transferred to license bureau). 4 at \$1,200 each, 7 (including 1 in charge of records) at \$1,000 each (1 transferred to license bureau), 2 at \$900 each, 2 at \$720 each; draftsmen—1 \$1,600, 1 \$1,200; 2 stenographers and typewriters at \$1,200 each; assistant or clerk, \$900; 2 messengers, at \$600 each; board of assistant assessors—clerk \$1,500, vault clerk \$900; messenger and driver \$600; temporary clerk hire \$500; in all, \$62,540.

So much of existing law as provides that the assessor of the District of Columbia and the members of the permanent board of assistant assessors shall not be removed except for inefficiency, neglect of duty, or malfeasance in office, is repealed: *Provided*, That on and after the date of the appreval of this act all records and accounts in any way relating or pertaining to the bookkeeping, accounting, and collection of taxes and assessments now prepared and kept in the office of the collector of taxes of said District; and the collector of the collector of taxes of said District; and the collector of the sasessor in relation to the preparation and issuance of tax bills and bills for special taxes and assessments; the preparation for public inspection of lists of all real estate in the District of Columbia heretofore required of the assessor in relation to the preparation and issuance of tax bills and bills for special tax or assessment; and said collector shall furnish, whenever called upon, a certified statement, over his hand and official seal, of all taxes and assessments, general and special, that may be due at the time of making the said certificate; and he shall prepare the lists of taxes on real property in said District subject to taxation on which taxes are levied and in arrears on the 1st day of July of each year; Provided further, Th

Mr. SMOOT. Will the Senator from Maryland briefly explain what change is made in existing law by this paragraph?

Mr. SMITH of Maryland. Instead of having the license department and the assessor's department together they are made two departments. As the Senator is aware, last year we changed the law requiring assessments every three years and provided that the assessments should be made every two years. The commissioners think that very much better service can be obtained by making them separate departments and having them act separately.

Mr. SMOOT. Does not this also provide for an annual as-

sessment?

Mr. SMITH of Maryland, No; it does not change the assessments. The assessment period was changed last year from three to two years. It had formerly been every three years, and it is now every two years. The duties of the assessor's department and the license department are entirely different, and they want separate departments under separate guidance.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment was, on page 7, after line 14, to insert: The next amendment was, on page 7, after line 14, to insert:
License bureau: Superintendent of licenses (who shall also be secretary to the automobile board without additional compensation), \$2,000; clerks—one \$1,400 (transferred from assessor's office), one \$1,200 (formerly license clerk, assessor's office), one \$1,000 (transferred from assessor's office), one \$900 (formerly index clerk and typewriter, engineer commissioner's office); inspector of licenses, \$1,200 (transferred from assessor's office); in all, \$8,700.

All the authority, duties, discretion, and powers now vested by law in the assessor of the District of Columbia with respect to licenses and the issuance thereof, shall, on and after July 1, 1917, be transferred to and vest in the superintendent of licenses provided for in this act.

The amendment was agreed to.

The next amendment was, on page 8, line 7, after "\$11,800," to insert: "Provided, That the term of office of any member of the excise board whose nomination has been or may be rejected by the Senate shall be terminated by such rejection, and no part of this appropriation shall be used to pay the salary of any member of the board whose nomination has been rejected by the Senate," so as to make the clause read:

Excise board: Three members at \$2,400 each; clerk, \$1,500; inspector, \$1,500; messenger, \$600; hire of means of transportation, \$1,000; in all, \$11,800: Provided, That the term of office of any member of the excise board whose nomination has been or may be rejected by the Senate shall be terminated by such rejection and no part of this appropriation shall be used to pay the salary of any member of the board whose nomination has been rejected by the Senate.

The amendment was agreed to.

The next amendment was, on page 13, line 17, after the side heading to strike out "Two members at \$300 each, \$600" and insert "Three members, at \$300 each, \$900," so as to make the clause read:

Board of examiners, steam engineers: Three members, at \$300 each, \$900.

The amendment was agreed to.

The next amendment was on page 13, after line 18, to strike out:

Automobile board: Secretary or acting secretary, \$300.

The amendment was agreed to.

The next amendment was, under the head of "Contingent and miscellaneous expenses," at the top of page 23, to insert:

Hereafter the register of wills of the District of Columbia shall be appointed by the justices of the supreme court of said District.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. HUGHES. Mr. President, I desire, first, to make a point of order against the amendment. It is clearly a change of ex-

Mr. SMITH of Maryland. Mr. President, in regard to the point of order, I desire to say that a bill on the subject embraced in the amendment was introduced in the Senate and re-ferred to the Committee on the District of Columbia. It was there approved; it has been reported, and is now on the

Mr. HUGHES. That does not change the fact that this is clearly an attempt to pass general legislation on an appropria-

tion bill.

Mr. SMITH of Maryland. I will say to the Senator from New Jersey that this legislation was asked for by the Supreme New Jersey that this legislation was asked for by the supreme Court of the District of Columbia. This officer is strictly under the jurisdiction of the court, and the impression is that better officers probably would be secured if appointed by the court than if appointed by the President of the United States.

Mr. JAMES. Mr. President, in regard to the statement of the Senator from Maryland that the District Committee at one time approved this bill, I desire to say that I have a very definite recollection that a bill of this character was called up in the

recollection that a bill of this character was called up in the committee, of which I was a member at that time, and I then moved to lay it on the table, and that motion prevailed.

Mr. SMITH of Maryland. The bill was not disposed of at that time, I will say to the Senator from Kentucky, but was disposed of later, when there was a favorable report made

Mr. JAMES. I think, if the Senator from Maryland will look up the minutes of the committee he will find that I am correct. I am told, however, that the Senator from Washington was

then present.

Mr. JONES. Mr. President, my recollection now is that the measure to which the Senator from Kentucky refers was a bill proposing to give to the Commissioners of the District of Co-

lumbia the power to appoint this officer. Mr. SMITH of Maryland. There were two bills. There was one providing that the Commissioners of the District of Columbia should appoint the recorder of deeds and another that the justices of the Supreme Court should appoint the register of

wills. Both those bills were laid on the table.

Mr. JAMES. My recollection may be at fault, but it is very clear that this very proposition was before the Committee on the District of Columbia, to change the appointing power from the President and taking the right of confirmation from the Senate, and placing the appointing power in the justices of the

District Supreme Court.
The VICE PRESIDENT. What is the law?

Mr. GALLINGER. I will say that the amendment proposes a change of existing law. The President now appoints this official, and he is confirmed by the Senate.

The Senate confirms him. Mr. JAMES.

Mr. GALLINGER. The Senate confirms him.

Mr. JAMES. And the amendment proposes to take from the President and the Senate their power and to lodge it in the

hands of the District judges.

Mr. GALLINGER. That is precisely what is contemplated.

Mr. JAMES. Of course it is a change of existing law.

Mr. HUGHES. There is no question about it being a change I will read the rule on the subject if the of existing law.

Chair has any doubt on that point.

The VICE PRESIDENT. No; the Chair knows what the rule is, or he ought to know by this time; but as to District of Columbia matters the Chair last year was of the opinion that there was far more power in the Senate than there was as to other bills. If, however, there is a statute creating the office of register of wills and giving the appointment to the President of the United States, then the Chair sustains the point of order.

That there is such a law will not be denied,

Mr. President.

The VICE PRESIDENT. Well, then, the Chair sustains the point of order.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 23, after line 3, to insert:

Office of recorder of deeds: For the purchase and exchange of 25 Elliott-Fisher bound-book recording typewriters and desks for the same, \$5.409.

The amendment was agreed to.

The next amendment was, on page 23, after line 6, to insert:

The next amendment was, on page 25, after time 6, to insert.

The recorder of deeds of the District of Columbia is authorized and directed to pay for copying instruments filed for record in his office 40 per cent of the fees collected by him for filing, indexing, and recording said instruments, and the same rate of compensation for making copies of the records of his office, and employees of the office of the recorder of deeds of the District of Columbia when employed therein by the day shall receive compensation at the rate of \$2.50 for each day so employed, payable out of the fees and emoluments of said office.

The amendment was agreed to.

The next amendment was on page 25, after line 6, to insert: For miscellaneous repairs to Eastern and Western Markets, \$500.

The amendment was agreed to.

The next amendment was, under the head of "Improvements and repairs," on page 28, after line 15, to insert:

That part of the District of Columbia appropriation act for the fiscal year 1917 providing to "Repave with asphalt the roadway of Fourteenth Street NW., from Pennsylvania Avenue to F Street, 70 feet wide, \$7,500," is hereby suspended until further action of Congress.

Mr. MARTINE of New Jersey. Mr. President, I shall raise the point of order as to that amendment.

Mr. SMITH of Maryland, Will the Senator pardon me just a moment?

Mr. MARTINE of New Jersey. I will ask that the amendment I inquire if that is satisfactory to the go over until to-morrow. Senator from Maryland?

Mr. SMITH of Maryland. Yes.

Mr. MARTINE of New Jersey. I ask, then, that the amend-

Mr. MARTINE of Meriand. I desire to say, in regard to this Mr. SMITH of Maryland. I desire to say, in regard to this amendment, that members of the subcommittee investigated the situation. Some of the members of the committee, including

myself, had the same idea regarding it as the Senator from New Jersey seems to have, but after investigation, when we saw the enormous outlay that has been made under an order of the Secretary of War and realized the enormous expenditure that would grow out of any change, we felt that this matter ought to have further consideration. It is a very serious matter to in-terfere with business interests without considering what it is going to cost them. I will let the amendment go over until tomorrow, however.

Mr. MARTINE of New Jersey. I shall not now argue the matter further, but I ask that it go over, and I shall reserve the right to renew my point of order then.

The VICE PRESIDENT. The amendment will be passed

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 30, after line 9, to insert:

Damages and payment for ground on account of condemnation proceedings: To pay Thomas W. and Alice N. Keller for ground taken and damages on account of condemnation proceedings in square No. 2838, in the city of Washington, \$3,820.

The amendment was agreed to.

The next amendment was, on page 34, after line 20, to insert:

Northwest and northeast, Longfellow Street from Fifth Street to Concord Avenue (formerly Oregon Avenue), Concord Avenue from Longfellow Street to Kennedy Street, and Kennedy Street from Concord Avenue to First Street NE., grade and improve, \$25,800.

Mr. LANE. Mr. President, I should like to ask the chairman of the committee what good or intelligible reason he can offer to the Senate for changing the name of Oregon Avenue to Longfellow Street?

Mr. SMITH of Maryland. I will say to the Senator the committee did not change the name. It had been changed pre-

viously.

Mr. LANE. How long ago?

Mr. SMITH of Maryland. I do not know as to that. I can not tell the Senator, as I did not inquire into it.

Mr. LANE. There has been a great mistake there.

Mr. SMITH of Maryland. That was the name of the street as it came to us.

Mr. LANE. It is enough to condemn the entire bill, in my opinion.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, at the top of page 35, to insert:

Northwest and northeast. Concord Avenue from First Place NW. to Blair Road NE., open, grade, and improve, \$2,900.

The amendment was agreed to.

The next amendment was, on page 35, after line 3, to insert: Northeast, South Dakota Avenue, Bladensburg Road to Baltimore & Ohio Rallroad, grade and improve, \$4,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 5, to insert: Northeast. Vista Street, South Dakota Avenue to Franklin Street, grade and improve, \$5,100.

The amendment was agreed to.

The next amendment was, on page 35, after line 7, to insert: Northwest. Albemarle Street from Connecticut Avenue to Thirty-eighth Street, grade and improve, \$8,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 9, to insert: Northwest. Wyoming Avenue between Twenty-third and Twenty-fourth Streets, grade and improve, \$3,600.

The amendment was agreed to.

The next amendment was, on page 35, after line 11, to insert: Northwest. Thirty-third Street, Rittenhouse Street to Pinehurst Circle, grade and improve, \$12,600.

The amendment was agreed to.

The next amendment was, on page 35, after line 13, to insert: Northeast, Sixty-first Street, East Capitol Street to Eastern Avenue, grade and improve, \$20,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 15, to insert: Northwest. pave, \$7,500. Belmont Street, Sixteenth Street to Crescent Place,

The amendment was agreed to.

The next amendment was, on page 35, after line 17, to insert: Northwest. Crescent Place, east of Belmont Street to end of pavement, pave, \$2,400.

The amendment was agreed to.

The next amendment was, on page 35, line 20, after the words "In all," to strike out "\$323,500" and insert "\$415,400," so as to make the clause read:

In all, \$415,400.

The amendment was agreed to.

The next amendment was, on page 36, line 5, after the date "1918," to insert:

Provided, That the Commissioners of the District of Columbia be, and they are hereby, directed to suspend all proceedings looking to the condemnation of land for the widening of Woodley Road as outlined on the map of the permanent system of highways in the District of Columbia until further action by Congress.

So as to make the clause read:

To carry out the provisions contained in the District of Columbia appropriation act for the fiscal year 1914, which authorizes the commissioners to open, extend, or widen any street, avenue, road, or highway to conform with the plan of the permanent system of highways in that portion of the District of Columbia outside of the cities of Washington and Georgetown, there is appropriated, payable entirely from the revenues of the District of Columbia, such sum as is necessary for said purpose during the fiscal year 1918: Provided, That the Commissioners of the District of Columbia be, and they are hereby, directed to suspend all proceedings looking to the condemnation of land for the widening of Woodley Road as outlined on the map of the permanent system of highways in the District of Columbia until further action by Congress.

The amendment was agreed to.

The next amendment was, on page 37, after line 10, to insert:

Hereafter in all proceedings for the opening, extension, widening, or straightening of alleys and minor streets and for the establishment of building lines in the District of Columbia the jury of condemnation shall not be restricted as to the assessment area, but shall assess the entire amount awarded as damages plus the costs and expenses of the proceedings as benefits upon any and all lots, parts of lots, pieces or parcels of land which they may find will be benefited by the opening, extension, widening, or straightening of the alley or minor street, or by the establishment of the building line as they may find said lots, parts of lots, pieces or parcels of land will be benefited.

Mr. NORBIS. Mr. Precident I wish the Senator for Mr.

Mr. NORRIS. Mr. President, I wish the Senator from Maryland would let that amendment go over. I do not know that there is any objection to it, but I should like to look into it.

Mr. GALLINGER. Mr. President, I will inform the Sena-

tor that it simply extends to the minor streets and alleys the same law that now applies to major streets.

Mr. NORRIS. Then I have no objection to it.
The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 38, after line 19, to insert:

For painting the ironwork and repairing the fenders on the Highway Bridge across Potomac River, \$10,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 21, to insert:

The next amendment was, on page 38, after line 21, to insert:

South Dakota Avenue Bridge: For constructing a bridge to carry vehicular and pedestrian traffic, in the line of South Dakota Avenue, over the tracks of the Washington Branch of the Baltimore & Ohio Rallroad, all in accordance with plans approved by the Commissioners of the District of Columbia, \$65,000. And the said commissioners are authorized to enter into a contract with the said railroad company, or other parties, for the construction of such bridge and approaches: Provided, That such portion of this cost shall be borne by the Baltimore & Ohio Railroad Co. as is provided in section 10 of an act entitled "An act to provide for a union railroad station in the District of Columbia, and for other purposes," approved February 28, 1903, and said sum shall be paid by said company to the Treasurer of the United States, one half to the credit of the District of Columbia and the other half to the credit of the United States, and the same shall be a valid and subsisting lien against the franchises and property of the said Baltimore & Ohio Railroad Co., and shall be a legal indebtedness of said company in favor of the District of Columbia, jointly for its use and the use of the United States as aforesaid, and the said lien may be enforced in the name of the District of Columbia by bill in equity brought by the commissioners of the said District in the Supreme Court' of said District or by any other lawful proceeding against the said Baltimore & Ohio Railroad Co.: Provided further, That no street railway company shall use the bridge herein authorized for its tracks until such company shall use the bridge herein authorized for its tracks until such company shall have paid to the Treasurer of the United States a sum equal to one-sixth of the United States and the other half to the credit of the District of Columbia.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, under the head of "Streets," on page 42, after line 21, to insert:

page 42, after line 21, to insert:

Tidal Basin bathing beach: The Chief of Engineers of the United States Army be, and he is hereby, authorized and directed to establish and maintain at a suitable place upon the shore of the Tidal Basin, in Potomac Park a public bathhouse, with the necessary equipment, with a sloping sandy beach in the Tidal Basin, and to install a proper equipment to purify the water entering the basin so that it will not endanger the health of those bathing in it. The direction and control of said public bathing facilities shall be vested in the Chief of Engineers of the United States Army, who shall prescribe such regulations for their use as may be necessary to insure the greatest benefit to the public: Provided, That no charge shall be made for the use of the bathhouse or beach, except that uniform fees may be collected for the lire of bathing suits, soap, towels, and such other conveniences as may be provided upon the request of persons desiring to use them. In order to enable the Chief of Engineers to begin construction of the bathhouse, beach, and purification plant herein provided for, the sum of \$35,000, to be immediately available, is hereby appropriated, and the limit of cost of such construction shall not exceed that amount.

The amendment was agreed to.

The amendment was agreed to.

Mr. NORRIS. Mr. President, I ask unanimous consent to insert at this point in the RECORD the letter I left with the committee: I think the clerk of the committee has it. I think we ought to insert it in the RECORD for the use of the conferees, in case it should be necessary.

Mr. SMITH of Maryland. There is no objection so far as I

am concerned.

The VICE PRESIDENT. In the absence of objection, that may be done.

The letter referred to is as follows:

OFFICE OF PUBLIC BUILDINGS AND GROUNDS, Washington, D. C., January 26, 1917.

OFFICE OF PUBLIC BUILDINGS AND GROUNDS,

Washington, D. C., January 26, 1917.

Hon, George W. Norris,

United States Senate, Washington, D. C.

Dear Senator Norris: In compliance with your verbal request of some time ago, I take pleasure in submitting herewith for your information some facts and estimates in connection with the proposed establishment of a public bathing beach in the Tidal Basin in Potomac Park. I had hoped to be able to furnish you this data at a much earlier date, but in taking up the subject for that purpose I found that certain details as to the costs involved were not in such shape as to enable me to make a satisfactory statement.

Bathing in the Tidal Basin has been authorized by law since the approval of the act of September 26, 1890, by which the first appropriation was made for that purpose. Since that time appropriations have been made regularly to maintain facilities for bathing in this locality. The existing arrangements, however, do not provide adequate accommodations for the constantly increasing numbers of persons who desire to avail themselves of the privilege of using the public baths and enjoying the pleasures of swimming. In fact, the only means of securing the opportunity for unrestricted swimming is to patronize a private equipment maintained on the shore of the basin for the accommodation of the public.

There is at present no beach in this basin and persons who are not expert swimmers are deprived of the use of its waters. There is on its northeast side an unsightly structure which is used as a boathouse, bathhouse, and refreshment stand, but which does not meet the demands for bathing facilities. It is located at that portion of the basin where there is no current and where there is the least change in the water through the tidal action. The maximum number of persons who can be accommodated there is 600 per day. The building is owned by the Government and is occupied under a lease to the highest bidder for the public.

The Tidal Basin was designed and constructed to provi

Government and is occupied under a lease to the highest bidder for the privilege of serving, as far as conditions permit, the convenience of the public.

The Tidal Basin was designed and constructed to provide a reservoir of fresh water for flushing the Washington Channel of the river by means of automatic gates operated by the movement of the tides. In this way one-third, approximately 100,000,000 gallons, of the water in the basin is changed every 12 hours. The object of the proposed bathing beach will be to make this large body of water available to the public as an additional source of healthful out-of-door recreation.

It is now proposed to construct on the southeastern side of the basin a sloping sandy beach and a frame bathhouse, using in this connection all of the materials in the existing building referred to above. This location is well adapted to this purpose, owing to its proximity to the street car lines and its situation on the direct course of the current of fresh water between the inlet and outlet gates to the basin, which will insure a change of water at the beach twice in every 24 hours.

The basin has been thoroughly examined by the Public Health and Marine Hospital Service, whose reports indicate that while the water is not entirely free from pollution it could easily be made absolutely safe to bathe in. It is therefore proposed to install at the inlet gates a simple chlorine system which will purify all of the water as it enters the basin. Since one-third of the volume of water is removed every 12 hours and replaced by an equal amount of fresh water, the entire volume of water in the basin will be purified and renewed every 36 hours.

The estimate given below is believed to be approximately correct and

The estimate given below is believed to be approximately correct and sufficient to cover the cost of constructing the proposed bathhouse, beach, and purification system. The items of the estimate are as follows:

Construction of septic tanks for sewage disposal 2, Installation of purification plant 4, Changes in the sea wall at site of the beach 1, Construction of floats 2,	struction of sloping sandy beach 250 by 500 feetstruction of septic tanks for sewage disposalallation of purification plantnges in the sea wall at site of the beachstruction of floats	\$12,000 12,000 2,000 4,000 1,000 2,000 1,000
---------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------

Total_

It is estimated that the cost of operating the chlorine plant so as to purify 200,000,000 gallons of water entering the inlet gate every 24 hours will amount to about 50 cents per million gallons, approximately \$100 per day, or \$10,000 per year, for the season during which the beach will be open for public use. Assuming an average of 2,000 persons per day using the beach, this cost would amount to 5 cents for each person. The expenses of operation would be in some degree offset by the collection of small fees charged for the use of bathing suits, soap, and towels

the collection of small fees charged for the use of bathing suits, soap, and towels.

I can not but feel that the facilities now provided in Washington for the use of those who desire to enjoy the pleasures of swimming and out-of-door bathing are discreditable to the city as a community and as the Capital of the Nation. The large cities throughout the country furnish vastly superior opportunities for the enjoyment of this form of recreation, and it seems, to say the least, most unfortunate that Washington should be so inadequately provided for in this respect. Here is a great body of fresh water in one of the finest parks in the world, free from the dangers of traffic, dangerous currents, quicksands, treacherous holes, and other objectionable features which characterize many water sides which are used for bathing; yet no advantage is taken of this condition to provide the means of utilizing this asset for the great pleasure and benefit of the public.

I inclose herewith a draft of a bill which I have had prepared to remedy this situation, to authorize the construction of a bathing beach, as outlined above, and making appropriation with which to begin work upon the project. This is submitted in accordance with your request.

A design and plan for the proposed bathhouse and beach has been prepared in this office and approved by the Commission of Fine Arts, and which it is believed could be constructed for the amount of the suggested appropriation.

I trust that this communication may furnish you the data which you desire. If I can be of further assistance to you in this connection I shall be most happy to do so.

Sincerely, yours,

WM. W. Harts;

WM. W. HARTS; Colonel, United States Army.

Mr. GALLINGER. Mr. President, we seem to be getting along remarkably well with this bill. More than one-third of it has been covered already, I think. Would not the Senator in charge of the bill agree to an adjournment or a recess at this

Mr. SMITH of Maryland. I suggest that we run until 6 o'clock. That is the usual hour for adjournment.

The reading of the bill was resumed.

The next amendment was, on page 44, after line 23, to insert:

For the purchase of lot 61, in square 555, for a playground site, \$36,000.

The amendment was agreed to.

The next amendment was, on page 44, line 26, after the word "playgrounds," to strike out "\$52,415" and insert "\$88,415," so as to make the clause read:

In all, for playgrounds, \$88,415.

The amendment was agreed to.

The next amendment was, under the head of "Electrical department," on page 47, line 17, after the word "items," to strike out "\$4,000" and insert "\$4,700," so as to make the clause

For purchase and installation of 20 fire-alarm boxes, relocation of fire-alarm boxes, and purchase and erection of necessary poles, cross arms, insulators, pins, braces, wire, cable, conduit connections, posts, extra labor, and other necessary items, \$4,700.

The amendment was agreed to.

The next amendment was, on page 47, line 24, after the word "ground," to strike out "\$7,500" and insert "\$9,000," so as to make the clause read:

For the erection of a brick or concrete storehouse on land belonging to the District of Columbia, to be used for the storage of material and supplies of the electrical department, including the inclosing, grading, and improving of the ground, \$9,000.

The amendment was agreed to.

The next amendment was, at the top of page 48, to insert:

The next amendment was, at the top of page 48, to insert:

The Potomac Electric Power Co. is directed and required to remove
all of the poles and overhead wires owned and used by it on Water
Street, between Sixth and Fourteenth Streets SW., and on all reservations and public spaces adjacent thereto, and to install suitable and
sufficient underground conduits, conductors, and appliances in lieu
thereof. The removal of said poles and wires and the replacement
thereof by underground constructions shall be upon plans to be approved by the Commissioners of the District of Columbia, and shall be
completed within one year after the date of approval of this act: Provided, That if said company shall fall or neglect to remove such poles
and wires, or shall fall or neglect to complete such underground construction within one year after the approval of this act, said company
shall forfeit and pay to the District of Columbia the sum of \$100 for
each day of such fallure or neglect.

The amendment was agreed to.

The amendment was agreed to.

The reading of the bill was resumed, as follows:

ROCK CREEK PARK.

For care and improvement of Rock Creek Park and the Piney Branch Parkway, exclusive of building for superintendent's residence, to be expended under the direction of the board of control of said park in the manner now provided by law for other expenditures of the District of Columbia, \$22,000.

Mr. LANE. Mr. President, in regard to this item, Rock Creek Park, I wish to know whether it provides for the entire care and maintenance of that institution? It is a beautiful park, Mr. President. I have an idea that it is one of the finest parks in the country.

Mr. SMITH of Maryland. I will say to the Senator that that

Mr. SMITH of Maryland. I will say to the Senator that that is all that was asked for. We gave them all they asked for. Mr. LANE. But there are some conditions which exist there which ought to be remedied. Now, this matter will not attract much of your attention and perhaps but little of your sympathy. It is very similar to the bill introduced by the Senator from Arkansas [Mr. Robinson] the other night, when we had a arkansas fair. Robinsolvi the other high, which we had a night session here, in regard to the handling of calves and their shipment about the country without feed. If you go down near the Center Market you will find those young animals packed up in a narrow pen without food, perhaps for 48 hours, and maybe longer, bleating pitifully, as you go by, for something to

Mr. SMITH of Maryland. Does the Senator wish to offer an amendment?

Mr. LANE. I want to say a word about this bill. Yes; I should be willing to offer two amendments to it.

Mr. SMITH of Maryland. But the amendments of the committee are being considered now.

Mr. LANE. Then can this matter go over? Mr. SMITH of Maryland. The Senator can offer any amendment he pleases later on.

Mr. LANE. I want to inquire of the committee with regard to some features of the management of that park as to which did not know whether they were informed or not. Is that objectionable to the chairman, or does he wish me to do it later?

Mr. SMITH of Maryland. Not at all, sir. The only thing I

thought was that we would get along as fast as we could, and that if the Senator wanted to offer any amendment he could offer it after the committee amendments have been disposed of.

Mr. LANE. I do not know that I do want to offer an amend-I do want as many Senators as are here to know certain things about it, and it does not particularly appeal to me that we should get through with this bill quickly so much as it does that we should get through with it rightly and properly.

Mr. SMITH of Maryland. I am offering no objection to any matter that the Senator wants considered. I merely stated that the committee amendments were being considered first, and that if the Senator wanted to offer any amendment it would be in order at any time after the committee amendments were disposed of.

Mr. LANE. But if I did not, I would then have nothing to address myself to. Is it understood that I can call attention to the item at any time?

Mr. SMITH of Maryland. At any time the Senator desires.

Mr. LANE. I reserve that right, then. Mr. THOMAS. The Senator has that right, anyway. Mr. LANE. I reserve the right to do it later on.

The reading of the bill was resumed.

The next amendment was, under the head of "Public schools," on page 56, after line 13, to insert:

For matrons in the normal and high schools and larger grade buildings, including the following: Wilson Normal, Miner Normal, New Central High, Dunbar High, Business High, Western High, Eastern High, McKinley Manual Training, Armstrong Manual Training, Jefferson, Stevens, Birney and Annex, Emery, New Mott, Henry D Cooke, Powell, Park View, Elizabeth V. Brown, and Petworth Schools, 19 in all, at \$500 each, \$9,500.

The amendment was agreed to.

The next amendment was, on page 61, after line 15, to in-

For transportation for pupils attending schools for tubercular children, \$1,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 61, after line 18, to insert:

The children of officers and men of the United States Army and navy stationed outside of the District of Columbia shall be admitted to the public schools without payment of twition.

The amendment was agreed to.

The next amendment was, on page 62, after line 17, to insert:

For the purchase of additional ground adjoining the Wheatley School and for the erection of an eight-room addition, with assembly hall, \$96,000.

The amendment was agreed to.

The next amendment was, on page 62, after line 20, to insert: For the erection of an eight-room addition, with assembly hall, to the Takoma School, \$90,000.

The amendment was agreed to.

The next amendment was, on page 62, after line 22, to insert:

For the purchase of additional ground in the vicinity of the Buchanan School and for the erection of an eight-room addition, with assembly hall, \$97,000.

The amendment was agreed to.

The next amendment was, at the top of page 63, to insert:

For the purchase of additional ground adjoining the Emery School, \$12,000.

The amendment was agreed to.

The next amendment was, on page 63, after line 2, to insert: For the construction of tollet rooms on the site of the Woodburn School Building in order to provide modern toilet facilities, including the cost of the necessary sewerage connections, \$5,500.

The amendment was agreed to.

The next amendment was, on page 63, after line 6, to insert: Hereafter so much of any balance of appropriations remaining after the purchase of sites for buildings as is necessary to clean up, grade, drain, fence in, and place the sites in safe and suitable condition for the purposes intended may be used for such purpose.

The amendment was agreed to.

The next amendment was, on page 64, line 2, after the word "testimonials," to strike out "or for any purposes other than for the promotion of school athletics, including school playgrounds, vocation schools, school gardens, school publications, and commencement exercises of high schools" and insert "to school officials or for any purpose except such as may be authorized by the board of education at a stated meeting upon the

written recommendation of the superintendent of schools," so as to make the clause read:

Appropriations in this act shall not be paid to any person employed under or in connection with the public schools of the District of Columbia who shall solicit or receive, or permit to be solicited or received, on any public-school premises, any subscription or donation of money or other thing of value from pupils enrolled in such public schools for presentation of testimonials to school officials or for any purpose except such as may be authorized by the board of education at a stated meeting upon the written recommendation of the superintendent of schools,

The amendment was agreed to.

The next amendment was, on page 65, line 13, before the word "blind," to strike out "indigent," so as to make the clause

For instruction of blind children of the District of Columbia, in Maryland, or some other State, under a contract to be entered into by the commissioners, \$7,500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the head of "Metropolitan police," on page 68, line 4, after the word "precincts," to strike out "\$32,500" and insert "\$40,000," so as to make the clause

For the erection of a station house on the site to be purchased in the suburban section of the District between the ninth and tenth pre-cincts, \$40,000.

The amendment was agreed to.

The next amendment was, on page 68, line 8, after the words "In all," to strike out "\$94,100" and insert "\$101,600," so as to make the clause read:

In all, \$101,600.

The amendment was agreed to.

The next amendment was, on page 69, after line 5, to insert: For one gasoline launch, \$2,000.

The amendment was agreed to.

The next amendment was, on page 69, line 7, after the words "In all," to strike out "\$7,000" and insert "\$9,000," so as to make the clause read:

In all, \$9,000.

The amendment was agreed to.

The reading of the bill was continued to page 70, line 3, the last paragraph read being as follows:

FIRE DEPARTMENT.

Chief engineer, \$3,500; deputy chief engineer, \$2,500; 4 battalion chief engineers, at \$2,000 each; fire marshal, \$2,000; deputy fire marshal, \$1,400; 2 inspectors, at \$1,080 each; chief clerk, \$2,000; clerk, \$1,400; 38 captains, at \$1,500 each; 40 lieutemants, at \$1,320 each; 40 sergeants, at \$1,200 each; superintendent of machinery, \$2,000; assistant superintendent of machinery, \$1,200; 27 engineers, at \$1,200 each; 27 assistant engineers, at \$1,100 each; 2 pilots, at \$1,150 each; 2 marine engineers, at \$1,200 each; 2 assistant marine engineers, at \$1,100 each; 40 drivers, at \$1,150 each; 40 assistant drivers, at \$1,100 each; 183 privates of class 2, at \$1,140 each; 44 privates of class 1, at \$960 each; hostler, \$600; laborer, \$600; in all \$596,460.

Mr. GALLINGER. I desire to call attention to the necessity of an amendment in this paragraph. The subcommittee made the amendment, which was proper, but afterwards agreed that all increases of salary should be stricken from the bill, and three items here were stricken from the bill upon a misunderstanding. The House made a mistake in drafting the bill, to which attention was called. It will be observed at the bottom of page 69 that privates are receiving \$1,140 a year. As the bill now stands the assistant engineers, marine engineers, and drivers are receiving only \$1,100 a year, so those holding a higher position are getting less than the privates. The desire is to make them

In line 21, page 69, I move to strike out "\$1,100" and insert "\$1,140"; in line 23, the same; and, in line 25, the same, so as to make an increase of \$40 a year in the salaries of these higher officers and leave the salaries the same as those of the privates

Mr. SMITH of Maryland. I have no objection to offer to the amendment. I think it is a proper amendment.

The PRESIDING OFFICER (Mr. CHILTON in the chair)

The amendment will be stated.

The Secretary. On page 69, line 21, strike out "\$1,100" and insert "\$1,140"; in line 23 strike out "\$1,100" and insert "\$1,140"; and in line 25 strike out "\$1,100" and insert "\$1,140," so as to read "27 assistant engineers, at \$1,140 each; 2 assistant marine engineers, at \$1,140 each; sistant drivers, at \$1,140 each."

The amendment was agreed to.

The reading of the bill was continued to line 11, on page 71. Mr. THOMAS. I should like to ask the Senator in charge of

the bill if it is the purpose to continue in session any longer.

Mr. SMITH of Maryland. Six o'clock is the hour we agreed

Mr. THOMAS. Very well.

RECESS.

Mr. SMITH of Maryland. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 6 o'clock and 2 minutes p. m.) the Senate took a recess until to-morrow, Friday, February 9, 1917, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 8, 1917.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the follow-

ing prayer :

Blessed is the nation whose God is the Lord; and the people whom He hath chosen for His own inheritance." Take us, O God, and make us Thine. Hold us close to Thee that we may be able to interpret the pulsations of Thy great heart; and thus understanding, give us grace and strength to do Thy will now and evermore, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and ap-

proved.

EXTENSION OF REMARKS.

Mr. SHACKLEFORD. Mr. Speaker-

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. SHACKLEFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the migratory-bird law and to print in the RECORD a letter which I have received from the deputy commissioner of the State Game and

Fish Department of the State of Missouri.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the fol-

lowing title, when the Speaker signed the same:

H. R. 20453. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 201. Joint resolution requesting the President of the United States to designate and appoint a day on which funds may be raised for the relief of the Ruthenians (Ukrainians).

The message also announced that the Senate had agreed to the amendments of the House to bills of the following titles: S. 3699. An act to donate to the city of St. Augustine, Fla., for park purposes, the tract of land known as the power-

house lot; and S. 1061. An act to allow additional entries under the enlarged-

homestead act.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 135) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians declared forfeited by the act of February 16, 1863, had requested a conference with the House on the bill and amendment, and had appointed Mr. ASHURST, Mr. MYERS, and Mr. CLAPP as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18181) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, had requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Johnson of Maine, Mr. Hughes, and Mr. Smoot as the conferees on the part of the Senate.

The message also announced that the President had approved and signed bills and joint resolutions of the following titles:

On February 3, 1917:
S. J. Res. 202. Joint resolution to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 5, 1917.

On February 6, 1917:

S. J. Res. 203. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1917;

S. 7537. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the town of Allegany, county of Cattaraugus, N. Y.; and

S. 8090. An act granting the consent of Congress to Washington-Newport News Short Line, a corporation, to construct a

bridge across the Potomac River.

NATIONAL MILITARY PARK, GUILFORD COURTHOUSE,

Mr. NICHOLLS of South Carolina. Mr. Speaker

The SPEAKER. For what purpose does the gentleman rise? Mr. NICHOLLS of South Carolina. Mr. Speaker, I desire to ask unanimous corsent to take from the Speaker's table the bill H. R. 8229, with Senate amendments, to disagree with the Senate amendments and ask for a conference.

Mr. CARTER. What is the bill?

Mr. NICHOLLS of South Carolina. It is the bill of the gentleman from North Carolina [Mr. Stedman] in reference

to Guilford Courthouse.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to take from the Speaker's table the Guilford Courthouse bill, to disagree to all Senate amendments and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

An act (H. R. 8229) to establish a national military park at the battle field of Guilford Courthouse.

The Senate amendments were read.

The SPEAKER. Is there objection?
Mr. MANN. Mr. Speaker, reserving the right to object, I intended to move to concur in the Senate amendments if the matter came before the House. What is the objection to concurring in the Senate amendments?

Mr. NICHOLLS of South Carolina. As I understand, Mr. Speaker, the Senate amendments take away the commissioners which our bill calls for and puts the whole matter in the hands of the Secretary of War, who shall appoint a caretaker there.

Mr. MANN. To appoint whoever is necessary there.

Mr. NICHOLLS of South Carolina. Well, a caretaker is absolutely necessary.

Mr. MANN. He will operate this park as he does most of the other parks of this character.

Mr. NICHOLLS of South Carolina. As I understand it— Mr. MANN. And we authorize the appropriation to be expended under the Secretary of War for the care of the park, for the construction of the necessary roads, approaches, etc.

Mr. NICHOLLS of South Carolina. Mr. Speaker, the gentleman from North Carolina [Mr. Stedman] is here and is more fully acquainted with the matter, and I will ask him to ex-

plain it.

Mr. STEDMAN. Mr. Speaker, the Guilford Courthouse Battle Field Park Co. was inaugurated through the patriotic sentiment of a distinguished North Carolinian, Judge Schenk, who spent a lifetime and a great deal of money in building up the park. This is one of the most beautiful places in this country. His son has now taken charge and it has been kept up under his supervision, and as a matter of deference and gratitude to a family who have done so much for this great work and expended much time and money through patriotic motives, we thought that the bill should be so arranged that his son should be a commissioner. It is purely a matter of patriotic senti-

Mr. MANN. The Secretary of War would have authority to appoint this man in charge of the park.

Mr. STEDMAN. He might not do it, and what harm-Mr. MANN. I know he might not do it, that is true; but if

it should be done, he probably would do it. Now, to create a ommission for this purpose—

Mr. STEDMAN. The leading parks of this country have had commissions, as I understand.

Mr. MANN. Part of them have, and we have been trying to abolish them.

Mr. STEDMAN. We care very little about the money in this matter, but it is purely a matter of sentiment, simply and entirely

Mr. MANN. This House on various occasions has had to reduce these commissions by abolishing commissioners whose terms have expired, which is a very difficult thing, of course, to do. Why create a new commission, why not let the Secretary of War have the management?

Mr. STEDMAN. Because we want to express our gratitude to the people who have had patriotism and sentiment enough to preserve this battle field and to recognize in some way this sentiment, not only of my own county and city but of the whole State of North Carolina and the whole people of this country.

Mr. MANN. I know; but after these gentlemen patriotically proposed to present this park to the Government I do not understand they insisted upon being paid for it in the form of a

salary.

Mr. STEDMAN. They have not asked for any pay.

Mr. MANN. Would it not be paid in the form of a salary to

the commissioner?

Mr. STEDMAN. If it becomes necessary and the conferees think it is better, we will strike it out; but we wish that family, who created that park as a matter of patriotic sentiment and who did the work which makes this one of the most beautiful parks in this country, and which was done at very great expense to themselves, to be represented.

Mr. MANN. For the present I shall object.

The SPEAKER. The gentleman from Illinois objects.

SEWER FOR PRESIDIO MILITARY RESERVATION.

Mr. KAHN. Mr. Speaker, I ask to take from the Speaker's table the bill (S. 7713) granting to the city and county of San Francisco, State of California, a right of way for a storm-water relief sewer through a portion of the Presidio of San Francisco Military Reservation. A similar bill has been reported unanimously from the Committee on Military Affairs.

The SPEAKER. What is the number of the Senate bill?

Mr. KAHN. It is S. 7713.

The SPEAKER. The gentleman from California [Mr. Kahn] asks unanimous consent for the present consideration of Senate bill S. 7713, a House bill of similar tenor being on the calendar. The Clerk will report the bill.

The Clerk read the title, as follows:

An act (S. 7713) granting to the city and county of San Francisco, State of California, a right of way for a storm-water relief sewer through a portion of the Presidio of San Francisco Military Reservation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of the United States is hereby given to the city and county of San Francisco, Cal., to locate, construct, and maintain a 40-inch concrete storm-water relief sewer over and across Lobos Creek and thence through a portion of the Presidio of San Francisco Military Reservation to a point where it will again reach Lobos Creek and discharge therein, upon such location and plans as the Secretary of War may approve and under such conditions and regulations as he may prescribe.

SEC. 2. That the right to amend, alter, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. Kahn, a motion to reconsider the vote by

which the bill was passed was laid on the table.

A House bill (H. R. 19423) of similar tenor was laid on the table.

OFFER OF NATIONAL DEFENSE FROM LOUISIANA.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having read at the Clerk's desk a telegram received by me from the American Cane Growers' Association.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to have his remarks extended in the RECORD by having read at the Clerk's desk a telegram. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the telegram.

The Clerk read as follows:

NEW ORLEANS, LA., February 7, 1917.

Hon. WHITMELL P. MARTIN, House of Representatives, Washington, D. C.:

This organization, representing the sugar producers of Louisiana, requests that you respectfully offer to the President of the United States and the Secretary of War the use of Louisiana sugar factories and accompanying equipments to be utilized in such manner as may be found advisable in meeting the demands which may arise in connection with national defense. Of Louisiana's total boller horsepower, capacity approximately one-half, namely, 150,000 boiler horsepower, is installed in Louisiana sugar factories.

AMERICAN CANE GROWERS' ASSOCIATION.

AMERICAN CANE GROWERS' ASSOCIATION, By H. N. Pharr, President.

QUESTION OF PERSONAL PRIVILEGE.

Mr. LITTLEPAGE, Mr. Speaker

The SPEAKER. For what purpose does the gentleman from West Virginia rise?

Mr. LITTLEPAGE. I rise to a question of personal privilege, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. LITTLEPAGE. I desire to have the Clerk read a clipping from the Cleveland Leader and also an article from the Wheeling Intelligencer, of Wheeling, W. Va., that I think reflects upon myself and other Members of the Military Affairs Committee.

The Clerk read as follows.

[From the Cleveland Leader, Feb. 6, 1917.]

GORDON ASSAILED AS "A PINHEAD"—CHICAGO TRIBUNE URGES HIS EX-PULSION FROM CONGRESS AS "WARNING TO TRAITORS."

CHICAGO, February 5.

CHICAGO, February 5.

In an editorial to-morrow the Chicago Tribune will say:

"The first step necessary to place the land defenses of the Nation on a war footing is the increase of the General Staff of the Army.

"That step, asked by the Secretary of War from the Military Affairs Committee of the House, has been refused by the Democratic majority of the committee. Here is the list: Dent, of Alabama, chairman; Mc-Kellar, of Tennessee; Quin, of Mississippi; Gordon, of Ohio; Little-Page, of West Virginia; Shallenerers, of Nebraska; Farler, of Nebraska; Farler, of New York; Wise, of Georgia; Olner, of Massachusetts; Nicholls, of South Carolina; Harrison, of Virginia.

"No one can excuse himself on the ground of ignorance. The need of a General Staff, which is the organizing mechanism of our military defense, has been explained and discussed before them fully. Only a mental defective could fail to understand and the trouble with the men is not that they are subnormal but that they are merely pin-headed, pusillanimous, peanut politicians.

"There should be more than this. The men on this roll of dishonor whose names we give here should be forthwith expelled from the House of Representatives as a sign that the House knows its duty and as a warning to all traitors that its Government is awake to the national crisis."

[From the Wheeling Intelligencer, Feb. 6, 1917.]

LITTLEPAGE IS GRILLED—CHICAGO PAPER IN SEVERE CRITICISM—PEL THESE TRAITORS," THE CAPTION OF TRIBUNE'S EDITORIAL.

CHICAGO, ILL., February 5.

Under the caption, "Expel these traitors," a Tribune editorial calls for the expulsion from Congress of Denr, of Alabama; McKellar, of Tennessee; Quin, of Mississippi; Gordon, of Ohio; Littlepage, of West Virginia; Shallenberger, of Nebraska; Farler, of New York; Wise, of Georgia; Olney, of Massachusetts; Nicholls, of South Carolina; and Harrison, of Virginia because they voted against increased land defense to-day in the House of Representatives at Washington.

Mr. LITTLEPAGE. Mr. Speaker and gentlemen of the House, this is the first time during my service in this House that I have craved the indulgence of the House in a matter of this character, and I hope it will be the last time. But I can not submit as a Member of this House to the accusations referred to in these papers without my humble protest, especially when they are so unjust, unwarranted, and unfounded. And I sincerely feel that I but bespeak the sentiment of the individual Members of this House without reference to politics in resenting the accusations preferred by those editorials. am here to say to the membership of this House that there is not one scintilla of truth in either of the statements. are wholly unfounded.

Mr. NICHOLLS of South Carolina. Mr. Speaker—— The SPEAKER. For what purpose does the gentleman from South Carolina rise?

Mr. NICHOLLS of South Carolina. I want to ask the gen-

tleman from West Virginia a question.

The SPEAKER. Does the gentleman from West Virginia yield to the gentleman from South Carolina?

Mr. LITTLEPAGE. Yes. Mr. NICHOLLS of South Carolina. I wanted to know if the gentleman knew the name of the contemptible scoundrel who wrote that article?

Mr. LITTLEPAGE. I do not; but I wish I did.

So far as my district is concerned and so far as the repre-sentative citizens of my district are concerned, without reference to politics, I need not reply to such disgraceful publica-tions, inasmuch as they would not be given any credence there. But these publications, gentlemen of the House, ought not to be permitted to go unnoticed, as in case they are continued no one is safe, character is valueless, and faithful devotion to service will not be appreciated.

I care not so much for myself, but there are other men-Members of this House, men of high standing and high character-who have likewise been reflected upon by the writers of these articles. I care not whether you are a Republican or a Democrat; your character and high standing in this House is as sacred to you as mine is to me. [Applause]. And the longer I stay here and the more I see of this public slander of public officials the greater I see the necessity for a statute in this Government that will brand the publishers and writers of such articles as felons and convict them as such and send them to the penitentiary. That is what ought to be done. And I rise more in defense and in protection of the good men who have been slandered along with me than I do for myself.

These publications have gone into the Wheeling Intelligencer, one of the most important Republican papers in my State, copied from the Chicago Tribune. In justice to me, in justice to every man who is reflected upon, the Republican members of the Military Affairs Committee of this House, men of high character and standing and capacity, and noted for patriotism, will testify it is a ridiculous shame, and one that the House itself ought to resent. If I had my way, the man who wrote that article would be barred from that gallery. He ought to be barred from it. [Applause., I have struggled all my life to keep a clean character. I have struggled all my life to be honest. I have struggled all my life to be kind and obliging to people, and I resent that abominable publication which the man who wrote it knew was a mischievous, disgraceful, contemptible falsehood. [Applause,] And he does not deserve the respectful attention of any Member of this House, it matters

not what his politics.

Mr. COOPER of Wisconsin. Will the gentleman permit an

interruption?

Mr. LITTLEPAGE. Yes.
Mr. COOPER of Wisconsin. The gentleman has intimated that the article in question was written by a correspondent having a place in the House press gallery. I understood his opening statement to be that it was an editorial that appeared on the editorial page and was not a news communication written by the Washington correspondent.

Mr. LITTLEPAGE. I do not know what the facts are. I

wish I did.

Mr. COOPER of Wisconsin. Well, Mr. Speaker-

Mr. LITTLEPAGE. I tried to find out.

Mr. COOPER of Wisconsin. I will inform the gentleman that saw it on the editorial page of the Tribune, and I went to the Tribune file a moment ago, in the House lobby, and found the editorial had been cut out.

Mr. LITTLEPAGE. Yes; I saw the editorial as well. But he seemed to have gotten it in there both ways. And I take it, it went from the gallery of this House to the editorial depart-

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield? Mr. LITTLEPAGE. Yes.

Mr. MOORE of Pennsylvania. I think a word is to be said for the active correspondent in Washington. It is not his fault that some of these pernicious editorials appear. The work is done back home, in the office. One of the great troubles with Washington is that what the correspondents do send out does not always meet the approval of the editor at home, who is wiser than the Congress of the United States-that man back there.

Mr. QUIN. Mr. Speaker, will the gentleman yield?

Mr. LITTLEPAGE. Certainly.

Mr. QUIN. I desire to state for the information of the gentleman from Pennsylvania [Mr. Moore] that it is both. Some scoundrel from the city of Washington has sent that out, and the putrid editor of that pusillanimous paper has put in that

putrid editorial. [Laughter.]
Mr. LITTLEPAGE. My rule in life has been, if I could not say something good of my fellow man, to refrain from saying something harmful [applause], and I have used stronger language in this august presence this morning than I have used

in many years about a fellow countryman.

Gentlemen, I do not know how you take it, but I felt cut and hurt and resentful. It is a terrible thing to publish throughout the country a lie about a public official. No power on earth can kill it or stop it, when once put in circulation. Newspaper men ought to be careful to know what they are publishing, to know the truth of it before they scatter it to the winds. It is all over my district this morning, and doubtless all over the district of every Member who has been so reflected upon. have to answer. We ought not to have to answer, but we shall.

In my heart I am willing to forgive the transgressor if he will do so no more and not try to hurt some other public official. But, before this House and my God, I came into this House with prayers upon my lips to God to keep me right and to keep me honest, and I have tried to so live here, and I do resent with all my heart the injustice done me and the other distinguished members of a great committee of this House. am for preparedness. I have always been. I love my country and believe in one flag, one country, and one God. [Applause.] I love that flag and would spill my blood to defend it if it were necessary. The idea of saying of me and of other good men that we are "traitors"—gentlemen of this House, it is a hard statement to make. It is a terrific thing to say and to put

into circulation throughout the length and breadth of the country that we all love so well, that we are all willing to step into the trenches and die for when it is necessary. I thank you, Mr. Speaker and gentlemen.

Mr. MANN. Mr. Speaker, will the gentleman yield for a

question?

Mr. LITTLEPAGE. Yes.

Mr. MANN. It is a fact, is it not, that in the Hay national-defense bill, passed at the last session of Congress and reported and acted upon by the same members of the Committee on Military Affairs and the majority that now composes the committee, with one exception, this provision was carried in that law forbidding more than 50 per cent of the General Staff to be in Washington?

Mr. LITTLEPAGE. That is probably true.

Mr. MANN. Is it not absolutely true?
Mr. LITTLEPAGE. I am not prepared to say that it is, because I do not remember definitely.

Mr. MANN. I supposed the gentleman knew.

Mr. DENT. Mr. Speaker, if the gentleman will allow me,

that is true.

Mr. LITTLEPAGE. But let me say to the gentleman from Illinois that this article concerns what occurred in this House and in the committee room within the last few days.

Mr. MANN. Very well.

Mr. LITTLEPAGE. And do you sustain it?

Mr. MANN. Oh, I do not think the gentleman that wrote the article was quite informed, nor do I think the criticism of the gentleman from West Virginia is quite well balanced. Here is a committee that in time of danger reported, and the House passed, a bill forbidding more than 50 per cent of the General Staff to be in Washington. The War Department under this present exigency has requested that that be set aside. perhaps it ought to be set aside. I do not say that it ought. was opposed to the provision in the first place; but if it ought to be set aside now, we are subject to criticism for having enacted it at the last session of Congress.

Mr. LITTLEPAGE. Let me say to the gentleman from Illinois that the very thing that this article said we did not do was done by the committee, and by a unanimous vote, and the Republican member on your own side [Mr. KAHN], who has as much ability and patriotism as any other man in this House, will tell you so. And let me say to the gentleman from Illinois, too, that it is a singular coincidence that every member on the Democratic side of that committee is attacked, with the exception of one, and put on that roll of dishonor. Let me say to you further that your own side of this House, the members of that commit-tee who are honest—and I do not mean to say you are dishonest-will sustain my statement. I thank you, Mr. Speaker and gentlèmen. [Applause.]

Mr. KAHN rose

The gentleman from California is recog-The SPEAKER.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to address the House on this matter for five minutes.

The SPEAKER. The gentleman from California asks for five minutes in which to address the House. Is there objection?

There was no objection.

Mr. KAHN. Mr. Speaker, the gentleman from West Virginia [Mr. LITTLEPAGE] is quite right when he says that the matter referred to in the article is false, because such a proposition was never put up to the Committee on Military Affairs by the Secretary of War. [Applause.] The article refers to a proposition for the enlargement of the General Staff. The thing that the War Department asked was a modification of the law, which prohibits more than 50 per cent of the General Staff from being located here in Washington at any time.

The Secretary of War came to me before the meeting and asked whether I would be willing to stand for a modification of that provision. I told him in this emergency I believed it was the duty of every American citizen to stand by the Prest dent and the War Department [applause], and that I would cheerfully support the modification. When the committee was in session that proposition was put before us, and that alone. We were merely asked to give authority to the Secretary of War to permit him to call all of the General Staff or such proportion of it in excess of 50 per cent as he might desire to the city of Washington to work out necessary military problems. There was some little discussion in the committee, but every member of the committee voted for the proposition, Democrats and Republicans alike. There was no division of opinion, and the thing went through unanimously and is now incorporated in the bill. [Applause.]

I think it only fair to our Democratic colleagues on the committee to state the matter just as it occurred, and I am pleased to have had this opportunity to so explain it.

Mr. BUTLER. Mr. Speaker, will the gentleman permit an

interruption?

Mr. Speaker, will the gentleman yield? Mr. DENT.

Mr. KAHN. Yes.

Mr. DENT. May I ask my colleague on the committee from California if it is not a fact that the Secretary of War came in person to the committee room on Monday morning and conferred with you, as the ranking minority member of the committee, and with me, as chairman of the committee, and that we agreed on this provision, which I submitted to the committee; and it was

unanimously adopted by the committee and is now in the bill?

Mr. KAHN. The gentleman states the facts just as they

occurred. [Applause.]
Mr. GORDON. Mr. Speaker, is it not a fact that the Secretary of War did not address the committee, other than the two leaders on the committee, upon the subject at all?

Mr. KAHN. He did not appear personally before the com-

Mr. GARNER. Will the gentleman yield?

Mr. KAHN. Yes. Mr. GARNER. Then the pusillanimous part of this matter seems to be at Chicago instead of in the House of Representa-

Mr. KAHN. Oh, the gentleman must draw his own conclusions.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. BUTLER. I did not hear distinctly the editorial as it was read. From the statement of the gentleman from California [Mr. Kahn] I understand there is no foundation whatever for that editorial.

Mr. KAHN. That is quite true. Mr. FIELDS. Mr. Speaker, I ask unanimous consent to

address the House for two minutes.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to address the House for two minutes. Is there objection?

Mr. MANN. Reserving the right to object-about what?

Mr. FIELDS. About this proposition.

The SPEAKER. The gentleman is entitled to the floor as a question of privilege, but as he makes a request for unanimous consent the Chair will put his request. Is there objection?

There was no objection.

Mr. FIELDS. Mr. Speaker, I happen to be one of the majority members not mentioned in the newspaper article referred to. I only take this opportunity to indorse what the gentleman from California [Mr. KAHN] has said, and to express my resentment at the reflection that has been cast upon the other members of the committee. The whole thing was without foundation, and if any man in the press gallery of this House is responsible for it, he ought to be barred from the gallery. [Applause.] Of course, if the correspondent here was not responsible for it, and the man at the head of the paper in Chicago is alone responsible, that presents a condition that we just have to make the best of; but the statement is false, and should be condemned not only by this House, but by the people of this country. [Applause.

Mr. NICHOLLS of South Carolina. Mr. Speaker, I ask unani-

mous consent to address the House for five minutes

The SPEAKER. The gentleman from South Carolina asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. NICHOLLS of South Carolina. Mr. Speaker and gentle-men of the House, this article in the Chicago Tribune had not been called to my attention until it was read from the desk this morning, and I must confess that I was very much surprised that any paper in the United States, in this time of trouble and excitement, would take occasion to speak of members of one of the most prominent committees of this House in any such terms. I know that it is not a time for us to be discussing politics, and I also know, as the Member from California [Mr. Kahn] has stated, and as the Member from West Virginia [Mr. Littlepage] has stated, that the Republican members of this committee voted for the proposition which was put in the bill after finding out from Mr. KAHN and Mr. DENT that it was satisfactory to the Secretary of War. Therefore the Secretary of War has got from the committee exactly what he asked for, or exactly what he was willing to put up and have passed as a law. Now, with reference to the Chicago Tribune, I do not know the

man who wrote this article. I do not care to know the man who

wrote this article. It has always been my experience, and it has always been the custom in my part of the country, that the man who manages a paper, the man who is the editor of a paper, is responsible for what goes into that paper. Gentlemen of the House, if some little reporter writes an article reflecting upon a man's private character or reflecting upon a man's public career and it is printed in the paper, the little numskull who wrote it is not responsible, but the man who runs the paper is responsible. I am reliably informed that Mr. McCormick is one of the editors and has large control over the Tribune. I am further informed that the State of Illinois has sent Mr. McCormick to be a Member of the next Congress.

Mr. MADDEN. I beg the gentleman's pardon. The Mr. Mc-Cormick who has been elected to the House has no official relation to the Chicago Tribune. It is his brother.

Mr. NICHOLLS of South Carolina. What is the name of the

Member who is to be here?

Mr. MADDEN. Medill McCormick; and the gentleman who has charge of the editorial work of the Tribune is Robert R. McCormick.

Mr. NICHOLLS of South Carolina. Do you know whether Mr. Medill McCormick has anything to do with it?

Mr. MADDEN. He has absolutely nothing to do with the management of the Tribune.

Mr. NICHOLLS of South Carolina. He has nothing to do with it?

Mr. SIMS. He is one of the owners.

Mr. NICHOLLS of South Carolina. Is he one of the owners?

Mr. MADDEN. No. His mother is, but he is not. Mr. NICHOLLS of South Carolina. When did he sever his connection with it?

Mr. MADDEN. He has never had any connection with it as far as I know. His mother owns it.

Mr. NICHOLLS of South Carolina. It is owned in the

family, and he has stock in it, has he not?

Mr. MADDEN. I do not think he has. I think it would be unfair to make the statement that Mr. Medill McCormick, the Member-elect of the House, is in any way connected by owner-ship with the Chicago Tribune. The paper was originally owned by his grandfather, who left the property to Mr. Mc-Cormick's mother and to another daughter, and these two women own the paper.

Mr. NICHOLLS of South Carolina. In justice to Mr. Mc-Cormick, if he is not the man, I will not read all of an article printed in the RECORD, which refers to a certain party; but a portion of that article fits this case so well that I am going to read it, and I want it to refer to the man who wrote this article or is responsible for it. I quote from the Congressional RECORD of July 11, 1912, the language of a Republican paper, the Chicago Inter-Ocean, which, in my judgment, fits the man who wrote this article, and I can not better express my feeling for him than to use the words of the editor of the Chicago Inter-Ocean, who says:

We apologize to our readers for dignifying the falsehood in ques-

And I apologize to this House for dignifying the falsehood that this man has written-

for dignifying the falsehood in question by this editorial reference; but we take it that some recipients—

Of a letter that was written-

of a letter that was written—

might otherwise believe it, not realizing that it came from an alcoholic little cad who haunts sanitariums between debauches and whose pusfed face for months turned men in disgust from the lunch tables and caused them to avoid even the tableware which touched his lips. The name of a degenerate looks as respectable on paper as that of a gentleman, and therefore we are compelled in this case to treat it not as it is but as it appears to be.

Now, Mr. Speaker and gentlemen, I want to tell this House that no Military Committee that has ever been here, in my judgment, from what I have read, have labored harder or more conscientiously to give to this Government the defense that we thought was ample and that the people of this country wanted. I speak for both sides of the House. There has been no friction. Whenever the department notified us that they had to have a thing we have gone the length to give it to them. You, gentlemen, have helped do it; we have helped do it; and I say You, it is an outrage and a shame for any paper, regardless of poli-tics, to come into the public prints with an article of that kind without foundation—in other words, a bald-faced lie—for the purpose of hurting Democratic Congressmen on that committee. So far as I am concerned, it will not hurt me, because the papers in my district would not think of publishing such an article. If the papers did publish it, the people of my district would not believe a word of it, and the people of the districts of other gentlemen are not going to believe it. They have the confidence and esteem of their constituents or they would not

be here to-day. We have dignified this article by giving it notice on the floor of the House. I think, possibly, it should have gone unnoticed; but, Mr. Speaker and gentlemen, when a man brazenly assaults the character of Members of the House their only way to come back, their only way of getting redress, is to come on the floor and defend themselves; and I am proud to say that the Republican members of the committee-and I knew they would do it—have come here on the floor and said that it was false. I hope the matter will not be brought any further into notice by the papers, and I hope this editor will stay in Chicago, where he belongs, because I frankly tell you that if I meet him I will hold him personally responsible for

this article. [Applause.]

Mr. MANN. Mr. Speaker, I ask for two minutes.

The SPEAKER. The gentleman from Illinois asks for two minutes to address the House. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, it is quite evident that the article in the Chicago Tribune was based upon false information. It did the committee, the Democratic members of the committee, a great injustice, but it is just as true as the article read by the gentleman from South Carolina in reference to the editor of the Chicago Tribune.

Mr. NICHOLLS of South Carolina. Will the gentleman sub-

mit to an interruption?

Mr. MANN. Yes.

Mr. NICHOLLS of South Carolina. That article was written by the editor of the paper from the gentleman's own State.

Mr. MANN. No; but the gentleman read it here to the House. Mr. NICHOLLS of South Carolina. It is in the RECORD.

Mr. MANN. If it were a shame for the Chicago Tribune to write the editorial it did, I think it is equally a shame that the gentleman from South Carolina should read the article he did about the editor of the Chicago Tribune. The editor of the Chicago Tribune, the managing editor at present, is Maj. McCormick, who has just been down on the border of Mexico, enlisted in the Government service, ready at all times to lay down his life for his country, and has proven it, which we have not-taking an active interest in military affairs. He has indulged in considerable criticism of the Hay defense bill. It has not met my approval in every respect, although I think much of it was just. He has made a mistake, but it does not do any good because of that to call him names and impute improper motives to him. He has the highest patriotic motives in behalf of the defense of the country, and is a gentleman of just as high standing as any gentleman in this House. [Applause.]

Mr. QUIN rose. The SPEAKER. For what purpose does the gentleman from

Mississippi rise?

Mr. QUIN. To ask for seven minutes to address the House. The SPEAKER. The gentleman from Mississippi asks to address the House for not exceeding seven minutes. Is there ob-

There was no objection.

Mr. QUIN. Mr. Speaker, I rise to a question of personal privilege, and would like to have read what appeared in the Chicago Tribune from a staff correspondent of that paper in the city of Washington, reflecting on the Democratic members of your Committee on Military Affairs.

The SPEAKER. It can be read in the gentleman's time.

The Clerk read as follows:

[From the Chicago Tribune, Feb. 6, 1917.]

"PORK HUNTERS" CRIPPLE ARMY'S GENERAL STAFF-DEMOCRATS, WITH WAR FACING NATION, REFUSE TO GIVE AID TO BAKER.

WASHINGTON, D. C., February 5.

WASHINGTON, D. C., February 5.

A group of pork and pacifist Democratic Congressmen to-day blocked the first step proposed by the administration to put the Nation in a position to defend itself in case of war with Germany.

These Congressmen, comprising the Democratic majority of the House Military Affairs Committee, rejected an urgent request of Secretary of War Baker to insert in the Army appropriation bill a provision authorizing an increase in the General Staff of the Army from 55 to 92 members.

members.

The Democrats who opposed the Secretary's recommendation included Dent, of Alabama, chairman; McKellar, of Tennessee; Quin, of Mississippi; Gordon, of Ohio; Littlepage, of West Virginia; Shallenberger, of Nebraska; Farley, of New York; Wise, of Georgia; Olney, of Massachusetts; Nicholls, of South Carolina; and Harrison, of Virginia. Fields, of Kentucky, was the only Democratic member of the committee who voted for the increase.

BAKER APPEALS IN PERSON.

Mr. Baker journeyed to the Capitol to make his request in person. He called on Chairman DBNT just prior to a scheduled meeting of the committee and informed him that the present General Staff, handicapped as it is by a provision in the Hay law that not more than one-half of its members shall be in Washington at one time, is too small to handle the work confronting it.

Mr. DBNT, after advising Secretary Baker that his request would be rejected, submitted it to the Military Committee, where the Democratic majority, as he predicted, voted it down.

Mr. QUIN. Mr. Speaker and gentlemen, you can not lay all of this lie at the door of the editor of the Chicago Tribune. I have the utmost respect for gentlemen who represent the press here in the Press Gallery. They have always been fair to Members of Congress. I do not know whether the creature who sent this miserable and contemptible lie to the Chicago Tribune has the honor to be a member of the respectable brotherhood that compose the fraternity who sit in the Press Gallery. If that miserable creature is in the Press Gallery, if this House has any respect for itself, and if the gentlemen who compose that fraternity have any respect for themselves, they will bar that miserable cur from association with gentlemen. [Laughter and applause.]

The Chicago Tribune, the pusillanimous paper that published this fuzzy lie, went further and published a scathing, slanderous, and libelous editorial reflecting on the manhood, the integrity and ability and patriotism of the Democratic majority on the Military Affairs Committee. So far as that paper is concerned, every man who is familiar with its record knows that it is a blatherskite, South-hating, billingsgate sheet. We know from editorials which appeared in that paper anent the Frank case, in the State of Georgia, the good citizenship of the State of Georgia was reflected upon, as well as the manhood and patriotism of the entire South. That paper is not worthy to go into the home of any patriotic citizen in the Republic.

It is easy enough for a buzzard to fly high in the air and

puke the filthy, slimy contents of his nasty bowels on the head of a prince. [Laughter and applause.] It is easy enough for some editorial buzzard to sit back in the private editorial room of the paper and puke out his vomit on worthy and distinguished men who are representing the people as patriotic Members of the American Congress. My friends, it is time for the manhood of this House to resent such an imputation. Has it come to the pass that if any Congressman stands up for the plain people, if any man throws himself across the path of the onward rush of the plunderers and dollar hunters of the country, is he to be called a traitor? If, forsooth, the editor had told the truth, if the members of the committee had manhood enough to place themselves on record against increasing the Staff Corps, he would have had no just ground for criticism.

Is a Congressman to be branded as a traitor because he re-fuses to stand for all of the rot of militarism and all of the dangerous propaganda advocated by plutocracy? We know that the bill that the committee reported out to this House shows that all of the staff in an emergency can be called into Washington or the District of Columbia on the order of the Presi-We as members of the committee voted for it. Is there any man of sense in the United States who doubts that this is the correct thing? Not only the Chicago Tribune, the nasty thing that ought not to be mentioned in the presence of gentlemen, but other plutocratic papers throughout this country have seen fit to vilify members of the Committee on Military Affairs and other Members of this House who have seen proper to stand against the great powers of selfish wealth and the undermining dangers of a great standing army. We all know that so far as any impending danger is concerned with any foreign country at this time this bill could do nothing to confront it. We all know that the American citizenship is ready at all times to go to the front with flying colors to defend their country against aggression. Your committee has worked with patriotic devotion and fidelity to this House and to the Nation to give the proper implements and nucleus around which an Army may be built. We all know that if a real contest comes it would be the men from the ranks of private life who would go to the front as men of great virility to defend this country. [Applause.]

Mr. LONDON rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. LONDON. Mr. Speaker, I ask unanimous consent to address the House for five minutes in connection with this

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for five minutes. Is there objection?

Mr. BROWNING. Mr. Speaker, reserving the right to object, we have a very important bill before this House and we are wasting time now. I shall not object to the gentleman from New York proceeding for five minutes, but I give notice that I

shall object to any other similar request.

The SPEAKER. Is there objection?

Mr. ROGERS. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts objects.

Mr. LONDON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONDON. Will it be in order to announce that I shall object to every unanimous request that comes from the Republican side?

DIVERSION OF WATER OF THE NIAGARA RIVER.

The SPEAKER. The unfinished business is the bill (H. R. 20047) for the control and regulation of the waters of Niagara River above the Falls, and for other purposes, which the Clerk will report.

The Clerk reported the bill by title.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. HUDDLESTON. Mr. Speaker, I offer the following inotion to recommit, which I send to the desk and ask to have read. The Clerk read as follows:

Motion by Mr. Huddleston: That H. R. 20047 be recommitted to the Committee on Foreign Affairs with instructions to forthwith report as a substitute therefor the following:

"Be it enacted, etc., That the short title of this act shall be 'The Niagara power commission act.'

"SEC. 2. That the Niagara power commission be, and the same is hereby, chartered as a public corporation with the powers hereinafter granted."

"Sec. 2. That said Niagara

"Sec. 2. That the Ningara power commission be, and the same is hereby, chartreed as a public corporation with the powers hereinafter granted.

"Sec. 2. That the Ningara power commission be, and the same is hereby, chartreed as a public corporation with the powers hereinafter granted.

"That said Ningara power commissions shall be governed, controlled. And operated by a board of three commissioners, and operated by a board of three commissioners, and who shall make and prescribe suitable rides and regulations for the performance of their duties under this act. Said commissioners and who shall be ampointed by the President of the Said commissioners shall be designated by the President of the of said commissioners shall be designated by the President of serve for two years, one for four years, and one for six years, and thereafter each commissioner so appointed shall serve for six years, and thereafter each commissioner so appointed shall serve for six years, and thereafter each commissioner so appointed shall serve for six years unless sooner removed for cause by the President. The President shall at will designate one of said commissioners as chairman, who shall receive an annual salaries of 36,000 each, all salaries heig provided and the said stream of the said within 15 days after notice of his appointment take and subscribe the oath of office. No commissioner during his continuance in office shall be an officer or director of any other institution.

"Sec. 4. That the husiness of said Niagara power commission shall have the production of electric energy the exclusive right to use and divert water in the United States in and from the Niagara River above, at, and below the Fails thereof, to the limit fixed by and under the production of the said budiesses and office a said prescribe, to adopt a seal; to sake contract for, produce, and distribute electric energy; and generally to have all such powers of similar corporations as may be within the reasonable intendment hereof, and as may be reasonably necessary to c

Mr. MILLER of Minnesota. Mr. Speaker, I make the point of order that the proposed substitute is not germane. The same motion was made in the Committee of the Whole when we began the consideration of this bill. The text of the bill which the Clerk has just read in the motion to recommit was offered as a substitute for the first paragraph of the bill under consideration. The point of order was made and quite considerably debated, and, as a result, the Chair ruled that it was not germane. If the Chair is in doubt, I shall be glad to proceed with the authorities. They are all in point, distinct and clear. The purpose of the bill under consideration is to authorize the Secretary of War to issue permits for the development of the water power at Niagara Falls. The purpose of the substitute which the gentleman offers is to create a Niagara Falls commission. The two may be related to the same subject, namely, that of water power at Niagara Falls, but they are certainly not the same subject and bear no other relation

to each other. The authorities are distinct and clear.

The SPEAKER. The gentleman need not read the authorities, as the Chair has read them time and again. Does the

gentleman from Alabama desire to be heard?

Mr. HUDDLESTON. I do. Mr. Speaker, the purpose of the bill has been inaccurately stated. The purpose of the bill under consideration—H. R. 20047—as stated in its title, is "for the control and regulation of the waters of Niagara River above the Falls, and for other purposes." As an incident to such control and diversion, it is provided that the Secretary of War may issue permits to various parties, private corporations, public corporations, and other agencies, and it is further provided how these agencies shall manage and conduct themselves after the permits are issued, and the terms for the permits are

specified.

It is very important in considering this question of order that we consider exactly what it is that is being attempted to be done by the bill, and it is quite desirable that we should have in view the situation at Niagara. The proposition is to authorize the use of the waters of Niagara for the generation of power. That is the real matter before the House. The detail as to whether it shall be done in one way or another is a secondary consideration. The purpose of the substitute is identical with the purpose of the bill; that is, to provide for the conversion of the waters of Niagara into power. That is the real purpose of both bills and therefore they are absolutely identical. as the method whereby this water is to be converted into power is concerned they are radically different, but that is a secondary matter and it is a mere detail of the main purpose which relates to the conversion of this water into power. The diversion of water, the regulation of the amount of water that is to be diverted, and how it shall be converted into power, is the real subject of both bills. The bill we have before us provides that this water may be used by a public-service agent, a public corporation, if you please, or that it may be used by a private grantee or permittee. The substitute which I offer excludes all other generating agents from using this power except one; that is, it provides for the creation of a public corporation by the Congress of the United States which shall have the duty and the business of converting this water into power. Therefore the purposes of the measures are identical, the differences are merely matters of detail and secondary, and I can not very well see how it can be held that the bill is not germane.

Mr. FLOOD. Mr. Speaker, the purpose of the pending bill is to authorize the Secretary of War to grant permits for the use of the quantity of water that the United States under the treaty with Great Britain can authorize the use of, and for the regulation of the price by the public-service commission of New York State. It also provides that this Government shall make a charge for the use of the water. It is entirely a leasing bill. It has nothing to do with Government ownership of a utility of that kind. The substitute provides that the Government can utilize this water, own the generating plants, and sell the power. It is a Government-ownership propo-One is a leasing proposition and the other is ownership by the Government of these plants that generate power from this water. The one is not germane to the other. The substitute provides for the establishment of a Government bureau to use this water and to dispose of the power generated from The same question was raised in the committee the other day, the very identical proposition, and the Chairman of the committee ruled as follows:

As the Chair understands the rule, two subjects are not necessarily germane because they are related or belong to the same general class, and the question that the Chair is called on to decide is whether or not the amendment offered by the gentleman from Alabama is a substitute for the pending bill embodies a proposition different from the bill under consideration, and after due consideration the Chair is of the opinion

that, under the rule and the precedent cited by the gentleman from Kentucky [Mr. Sherley], the amendment is not in order, and therefore the Chair sustains the point of order.

The precedent cited by the gentleman from Kentucky was a bill authorizing a right of way for a railroad, and a substitute was offered authorizing the Government to build the railroad. The Chair held that it was not in order, as it was not germane to the bill. The gentleman from Missouri [Mr. Alexander], chairman of the committee, held that that was a similar proposition to this, that this was a leasing proposition and the substitute provided for Government ownership, and that the substitute was not germane. If it was not germane then, it is not germane as an amendment to the bill at this time.

Mr. HUDDLESTON. Mr. Chairman, I omitted to call the attention of the Chair to an authority which I have on this subject. I wish to refer the Speaker to section 5909 of Hinds' Precedents.

The SPEAKER. What is it?

The SPEAKER. What is it?
Mr. HUDDLESTON. Section 5909 of Hinds' Precedents. will read the case as stated in the authority:

To a bill providing for an interoceanic canal, specifying a certain route, an amendment providing for another route was held to be germane. On January 9, 1902, the Committee of the Whole House on the state of the Union was considering the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans, when Mr. Richard W. Parken, of New Jersey, proposed an amendment providing for a canal across the Isthmus of Panama.

Mr. OSCAR W. LINDERWOOD of Alabama, made the point of order that

Panama.

Mr. Oscar W. Underwood, of Alabama, made the point of order that the amendment was not germane, because, while the bill provided for a canal at Nicaragua only, the amendment provided also for a canal at another place. After debate the chairman said:

The subject matter of this bill—the enterprise upon which the House has entered—is, in the language of the bill—"To construct a canal to connect the waters of the Atlantic and Pacific Oceans."

The Chair is of the opinion that that is the purpose of the legislation sought; that the question of location is wholly a subordinate one, and that it is perfectly competent for Congress to reject one location and to adopt another. For instance, suppose it was a question of building a house for the purpose of storing the records of the Government and a bill was introduced to locate it on a certain square in this city. Can anybody doubt that the proposition might be amended so as to locate it upon another square?

I have examined the precedents carefully and in my opinion

I have examined the precedents carefully and in my opinion no precedent can be found which is so nearly like this case as the one I have just read. The precedent cited by the gentleman from Kentucky the other day-section 5887 of Hinds'was not on all fours by any means with the question we have before us here. That was a case in which the proposition was made to grant a railroad a right of way, and an amendment was offered that the Government should on contingency own the railroad. Now, manifestly the real purpose in that bill was to grant or not to grant the railroad right of way. Hence it was wholly foreign to that purpose to propose that the Government should go into the business of owning a railroad. But we have no such antithesis in the instant case. The real purpose of the bill is to authorize the diversion of water from Niagara River for power purposes. That is the real purpose of the bill. The gentleman beclouds the issue by insisting that the real purpose has to do with granting permits; but the real purpose is to fix terms on which Congress is willing to authorize water to be taken from Niagara River for power purposes so that the rights of the Government be protected and the public welfare will be served.

That is the purpose. Now, then, it makes no difference whether that diversion is by some private agency or some public corporation, or whether the Government itself does it. That is wholly immaterial and is secondary to the main purpose of

the bill. Mr. FLOOD. Mr. Speaker, just one moment. Certainly the precedent cited by the gentleman from Alabama does not apply to this bill. The one I cited does apply.

The SPEAKER. Now, why not?
Mr. FLOOD. Because he recites a case where the change was of location—simply a change of location of the canal. The case of the railroad was a proposition to grant a right of way for the railroad. We have a bill here providing for the granting of permits to use water. The amendment offered in the railroad case was for the Government to build the railroad. It was ruled out of order. The proposition the gentleman from Alabama submits is for the Government to take this water and build a power plant, which the Government will do. The two cases are on all fours. This amendment is no more germane to the main proposition than the amendment to the railroad bill was to the original bill.

The SPEAKER. Is it not a change of agency?
Mr. FLOOD. It is not at all; it is a change of proposition.

Mr. MILLER of Minnesota. Mr. Speaker-

The SPEAKER. Does the gentleman from Minnesota desire

Mr. MILLER of Minnesota. Not unless the Chair is in doubt. The SPEAKER. The Chair will hear the gentleman, although he has his mind made up.

Mr. MILLER of Minnesota. I desire to submit simply that the case cited by the gentleman from Alabama is clearly out of point-ridiculously out of point.

The SPEAKER. The Chair agrees with the gentleman from

Minnesota about that.

This original bill that the House has been considering was simply to grant permits for some water above the Falls. The Chair has forgotten the number of cubic feet, but that does not make any difference. That was the sole purpose of that bill.

The gentleman from Alabama [Mr. Huddleston] comes in with a proposition to create a corporation, and so forth and so on. Because both of these bills happen to have to do with the waters of Niagara River, is no reason why one proposition is germane to the other.

Fifty-eight hundred and eighty-seven of Hinds' Precedents

Says:

To a bill granting a right of way to a railroad, an amendment providing for the purchase of the railroad by the Government was held not to be germane. On February 28, 1898, Mr. Richard Bartholdt, of Missouri, by unanimous consent, presented the bill (H. R. 6358) authorizing the Nebraska, Kansas & Gulf Railway Co. to construct and operate a railway through the Indian Territory, and for other purposes, To this Mr. Albert M. Todd, of Michigan, proposed as an amendment a provision as follows:

"That the United States of America shall have the right to purchase the franchise rights and other property herein granted, with the road-bed, bridges, telegraph lines, and tracks, together with such other property and rights as the Government may deem necessary for the proper operation of the road, at any time after 10 years from this date, whenever the Government shall elect to exercise such right, by giving the railroad company or its assigns two years' notice of such intention to purchase," etc.

Mr. Bartholdt made the point of order that the amendment was not germane.

germane.

The Speaker, Mr. Thomas B. Reed, of Maine, said:

"The Chair understands that the Government does not grant a franchise to the road, but simply gives a right of way. It does not give a charter to the road.

* * The Chair will have to sustain the point of order."

The case that the gentleman from Alabama [Mr. Huddleston] cited was on a bill to construct a canal connecting the waters of the Pacific and the Atlantic Oceans. One crowd was squabbling in favor of the Nicaragua route and another in favor of the Panama route, and if there had been anyone around that

happened to think it, and had suggested—— Mr. MANN. He might have mentioned the San Blas route.

The SPEAKER. Yes. So it was nothing except a squabble

in that case about where they would have it.

This proposition before the Chair is an original bill simply providing for the diversion of some water above the Falls. The gentleman from Alabama [Mr. Huddleston] comes in with an elaborate scheme creating a bureau, and so forth and so on, which the Chair does not think is germane, and therefore sustains the point of order that the motion is not in order.
Mr. HUDDLESTON. Mr. Speaker, I make another motion.
The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Motion of Mr. Huddleston: That H. R. 20047 be recommitted to the Committee on Foreign Affairs.

The SPEAKER. The question is on the motion to recommit. The question was taken, and the motion was rejected. The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. HUDDLESTON. Mr. Speaker, I ask for a division, and

pending that I make the point of no quorum.

The SPEAKER. The gentleman makes the point that there is no quorum present. The Chair will count. [After counting.] Two hundred and seventy-eight gentlemen are present, a quorum

Mr. HUDDLESTON. Mr. Speaker, I withdraw the demand

for a division and ask for the yeas and nays.

The SPEAKER. The gentleman demands the yeas and nays. All in favor of taking the vote by the yeas and nays will rise and stand urtil they are counted. [After counting.] Thirtytwo gentlemen have arisen, not a sufficient number.

So the bill was passed.

On motion of Mr. Flood, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. CLINE. Mr. Speaker, I ask unanimous consent that those Members who desire to do so may extend their remarks in the Record for five legislative days.

The SPEAKER. The gentleman from Indiana asks unanimous consent that such gentlemen as desire to do so have leave | it was passed over or not.

to extend their remarks in the RECORD for five legislative days.

Mr. GARNER. On this bill.

The SPEAKER. On this bill. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the Chair lays before the House

Mr. CLINE. Mr. Speaker, I ask unanimous consent to ex-

tend my remarks in the RECORD on this bill.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD on this bill. Mr. AUSTIN, Mr. SMITH of New York, and Mr. FLOOD

made similar requests.

The SPEAKER. Is there objection to the request made by the gentlemen? [After a pause.] The Chair hears none, Mr. OAKEY. Mr. Speaker, I ask unanimous consent to have

printed in the Record a resolution passed by the General Assembly of Connecticut indorsing the action of the President.

The SPEAKER. The gentleman from Connecticut asks

unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HOPWOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the naval appropriation

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks on the naval appropriation bill. Is there objection?

There was no objection.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein two resolutions adopted by the Legislature of the State of Oregon.

The SPEAKER. Is there objection to the request of the

gentleman from Oregon?

There was no objection. Mr. SCHALL. Mr. Speaker, I ask unanimous consent to ex-

tend my remarks in the RECORD on the bill just passed.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LINDBERGH. Mr. Speaker, I ask for the same privi-

The SPEAKER. The gentleman from Minnesota [Mr. LIND-BERGH] makes the same request. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting certain resolutions adopted by the Legislature of California.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there

objection?

Mr. MANN. Mr. Speaker, we could not hear what was said. The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD by inserting certain resolutions adopted by the Legislature of the State of California. Is there objection?

There was no objection.

BRIDGE BILLS.

Mr. ADAMSON. Mr. Speaker, there was a special order made to consider the bridge bills on the Unanimous Consent Calendar.

WITHDRAWAL OF PAPERS.

Mr. Smith of New York, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Eliza M. Baxter, widow's pension bill, H. R. 5982, Sixty-third Congress, no adverse report having been made thereon.

BRIDGE ACROSS THE CUMBERLAND RIVER, TENN.

Mr. ADAMSON. The first bill is, on page 46 of the Unanimous Consent Calendar, No. 413, H. R. 18551, House Calendar No. 205.

What has become of House Calendar No. 198?

The SPEAKER pro tempore (Mr. Garner). The gentleman from Georgia has called attention to a certain bill, and—
Mr. MANN. What has become of No. 198? The order was to call bridge bills on the calendar.

The SPEAKER pro tempore. The gentleman from Georgia will give attention to the gentleman from Illinois.

Mr. MANN. Calendar No. 198 was the first bill.

Mr. ADAMSON. It escaped my attention, because it is not on the Unanimous Consent Calendar. I do not know whether

Mr. MANN. I assume this bill has not been passed, because otherwise it would not be on the calendar.

Mr. ADAMSON. It escaped my attention; but I am willing

that it should be considered.

Mr. MANN. That is the order of the House. I do not care anything about the bill.

Mr. ADAMSON. I am perfectly willing that any bill on the Unanimous Consent Calendar not contested may be called.

BRIDGE ACROSS TALLAPOOSA RIVER, ALA.

The SPEAKER pro tempore. The Clerk will call the first one.

The Clerk read the title of the bill, as follows:

A bill (H. R. 17710) authorizing the construction of a bridge across the Tallapoosa River, dividing the counties of Montgomery and Elmore, in the State of Alabama, at a point somewhere between Judkin Ferry and Hughes Ferry.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read the bill, as follows:

Be it enacted, etc., That the counties of Montgomery and Elmore, in the State of Alabama, be, and are hereby, authorized to construct, maintain, and operate a bridge across the Tallapoosa River, dividing the counties of Montgomery and Elmore, in the State of Alabama, at a point suitable to the interests of navigation, at a point somewhere between Judkin Ferry and Hughes Ferry, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With committee amendments, as follows:

On page 1, line 5, after the word "bridge," insert the words "and approaches thereto," and on page 1, line 6, strike out the word "dividing" and insert the word "separating."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a

third time, was read the third time, and passed.

The title was amended so as to read: "A bill authorizing the construction of a bridge across the Tallapoosa River, separating the counties of Montgomery and Elmore, in the State of Alabama, at a point somewhere between Judkin Ferry and Hughes Ferry."

The SPEAKER pro tempore. The Clerk will report the next bill.

Mr. MANN. It is House Calendar No. 199.

BRIDGE ACROSS ST. FRANCIS RIVER, ARK.

The Clerk read the title of the bill, as follows:

A bill (H. R. 17603) to authorize the construction, maintenance, and operation of a wagon bridge across the St. Francis River at a point one-half mile northwest of Parkin, Cross County, Ark.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. ADAMSON. Mr. Speaker, I think there is a Senate bill identical with this on the Speaker's table.

The SPEAKER pro tempore. Does the gentleman know the

number of the Senate bill?

Mr. ADAMSON. Yes; Senate bill No. 6956.

The SPEAKER pro tempore. Without objection, the Clerk will report the Senate bill in lieu of the House bill. Is there objection?

There was no objection. The Clerk read as follows:

The Clerk read as follows:

A bill (S. 6956) to authorize the construction, maintenance, and operation of a wagon bridge across the St. Francis River at a point one-half mile northwest of Parkin, Cross County, Ark.

Be it enacted, etc., That improvement district No. 1 of Cross County, Ark, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the St. Francis River at a point one-half mile northwest of Parkin, Cross County, Ark., and at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. Without objection, the committee will be discharged from the consideration of the House bill.

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read

the third time, and passed.

On motion of Mr. Mann, the House bill (H. R. 17603) of simi-

lar tenor was laid on the table. The SPEAKER pro tempore. The Clerk will report the next

Mr. MANN. It is Calendar No. 200.

BRIDGE ACROSS RED RIVER OF THE NORTH.

The Clerk read the title of the bill, as follows:

A bill (H. R. 17602) granting the consent of Congress to the county commissioners of Polk County, Minn., and Grand Forks County, N. Dak., to construct a bridge across Red River of the North on the boundary line between said States.

Mr. ADAMSON. Mr. Speaker, I will ask if this bill is not passed? It was placed on the Unanimous Consent Calendar by order of the House. I thought it was passed.

The SPEAKER pro tempore. The Chair does not understand

the interrogatory of the gentleman from Georgia.

Mr. ADAMSON. I said that I thought that that bill was already passed by the House.

Mr. MANN. It is on both calendars.
Mr. DILLON. Mr. Speaker, it has not been passed.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report it.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county commissioners of Polk County, Minn., and Grand Forks County, N. Dak., and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Red River of the North at a point suitable to the interests of navigation, at or near where the town line between section 3, township 149, and section 33, township 150 north, range 49 west, fifth principal meridian, runs into said river, and on the boundary line between said States, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

BRIDGES ACROSS CUMBERLAND RIVER, MONTGOMERY COUNTY, TENN.

The next bridge bill on the House Calendar was the bill (H. R. 18551) granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I will ask the gentleman from Georgia [Mr. ADAMSON] whether he intends to call up by unanimous consent this morning anything except bridge bills?

Mr. ADAMSON. No; nothing was included in the order except

unobjected bridge bills.

Mr. MOORE of Pennsylvania. As I understand it, after looking up the matter, the gentleman has no bridge bill for the Hudson River?

Mr. ADAMSON. No. In my previous conversation with the gentleman I had in mind a bridge over the Allegheny River.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Montgomery, in the State of Tennessee, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River at a point suitable to the interests of navigation, at or near the city of Clarksville, in the county of Montgomery, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

The next bridge bill on the House Calendar was the bill (H. R. 18550) granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Montgomery, in the State of Tennessee, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River at a point suitable to the interests of navigation at a point 7 or 8 miles from the city of Clarksville, in the county of Montgomery, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

BRIDGE ACROSS ST. FRANCIS RIVER, PARKIN, ARK.

The next bridge bill on the House Calendar was the bill (H. R. 18534) to authorize the construction, maintenance, and operation of a bridge across the St. Francis River at or near Parkin, Ark.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objetion to the present consideration of this bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That O. N. Killough, and his successors and assigns, be, and he is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the St. Francis River at or near the town of Parkin. in Cross County. Ark., at a point suitable to the interest of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

[Ecc. 2. That the right to alter, amend, or repeal this act is hereby expressely reserved.

Mr. ESCH. Mr. Speaker, in line 7, page 1, I move to add the letter "s" to the word "interest."

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 7, after the word "interest," add the letter "s."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

BRIDGE ACROSS ALLEGHENY RIVER, CATTARAUGUS COUNTY, N. Y.

The next bridge bill on the House Calendar was the bill (H. R. 19298) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River in the town of Allegany, County of Cattaraugus, N. Y.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Western New York & Pennsylvania Railway Co., a railroad corporation organized and existing under the laws of the States of New York and Pennsylvania, be, and it is hereby, authorized to reconstruct, maintain, and operate a bridge and approaches thereto across the Allegheny River on the location of the existing structure, and suitable to the interests of navigation, in the town of Allegany, County of Cattaraugus, and State of New York, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter amend or receal this act is hereby.

SEC. 2. That the right to alter, amend, or repeal this act is hereby

expressly reserved.

The bill was ordered to be engressed and read a third time, and was accordingly read the third time, and passed.

BRIDGE ACROSS RED RIVER, BOYCE, LA.

The next bridge bill on the House Calendar was the bill (H. R. 18529) granting the consent of Congress to the police jury of Rapides Parish, La., to construct a bridge across Red River at or near Boyce, La.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The bill was read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the police jury of Rapides Parish, La., and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Red River at a point suitable to the interests of navigation at or near Boyce, La., in the parish of Rapides, in the State of Louisiana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

Mr. ASWELL. Mr. Speaker, I move to reconsider the vote by which the bill was passed, and I move to lay that motion on the table.

Mr. ADAMSON. I will make one motion to cover all these bills.

Mr. ASWELL. Very well.

BRIDGE ACROSS RED LAKE RIVER, PENNINGTON COUNTY, MINN.

The next bridge bill on the House Calendar was the bill (H. R. 18725) granting the consent of Congress to the board of supervisors of Kratka Township, Pennington County, Minn., to construct a bridge across Red Lake River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present

consideration of this bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the board of supervisors of Kratka Township, Pennington County, Minn., and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Red Lake River at a point suitable to the interests of navigation at or near the section line between sections 20 and 21, township 153 north, range 41 west of the fifth principal meridian, in the county of Pennington, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, lines 3 and 4, strike out the words "the board of supervisors of."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent, the title of the bill was amended so as to read: "A bill granting the consent of Congress to Kratka Township, Pennington County, Minn., to construct a bridge across Red Lake River."

BRIDGE ACROSS MISSISSIPPI RIVER, BEMIDJI, MINN.

The next bridge bill on the House Calendar was the bill (H. R. 18720) permitting the building of a railroad bridge across the Mississippi River at Bemidji, in the State of Minnesota.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Minneapolis, Red Lake & Manitoba Railway Co., a railway corporation organized under the laws of the State of Minnesota, to construct, maintain, and operate a railroad bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, from a point on the east bank of said river in lot 2 of section 16, township 146, range 33 west, to a point on the west bank of said river in lot 1 of said section 16, all in Beltrami County, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

expressly reserved.

With the following committee amendment:

Page 1, line 6, strike out the word "railroad."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

BRIDGE ACROSS ST. FRANCIS RIVER, CRAIGHEAD COUNTY, ARK.

The next bridge bill on the House Calendar was the bill (H. R. 18815) to authorize the construction and maintenance of a road across the St. Francis River at or near intersections of sections 13, 14, 23, and 24, township 15 north, range 6 east, in Craighead County, Ark.
The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

Mr. ADAMSON. Mr. Speaker, a Senate bill of like import is on the Speaker's table, and I ask that that be taken up and considered in lieu of this bill.

The SPEAKER pro tempore. What is the number of the Sen-

Mr. ADAMSON. S. 7367. The SPEAKER pro tempore. Without objection, the Clerk will report the Senate bill in lieu of the House bill.

There was no objection.

The bill (S. 7367) to authorize the construction and maintenance of a bridge across the St. Francis River at or near intersections of sections 13, 14, 23, and 24, township 15 north, range 6 east, in Craighead County, Ark., was read, as follows:

Be it enacted, etc., That the county of Craighead, a corporation organized and existing under the laws of the State of Arkansas, its successors and assigns, be, and they are hereby, authorized to construct and operate a bridge and approaches thereto across the St. Francis River at or near the intersection of sections 13, 14, 23, and 24, township 15 north, range 6 east, in Craighead County, Ark., at a point suitable to the interest of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to a third reading, and was accordingly

read the third time, and passed.

By unanimous consent, at the request of Mr. Adamson, the

bill (H. R. 18815) was ordered to lie on the table.

DAM AND BRIDGE ACROSS MAHONING RIVER, LOWELLVILLE, OHIO.

The next bridge bill on the House Calendar was the bill (S. 7556) to grant to the Mahoning & Shenango Railway & Light Co., its successors and assigns, the right to construct, complete, maintain, and operate a combination dam and bridge, and approaches thereto across the Mahoning River near the borough of Lowellville, in the county of Mahoning and State of Ohio.

The SPEAKER pro tempore. Is there objection to the present

consideration of this bill?

There was no objection.

The bill was read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Mahoning & Shenango Railway & Light Co., and its successors and assigns, to construct, complete, maintain, and operate a combined dam and bridge, and approaches thereto, across the Mahoning River, near the borough of Lowellville, in the county of Mahoning, in the State of Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, and amended June 23, 1910, and the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

late the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the parts thereof constructed prior to June 14, 1916, are hereby legalized, subject to the provisions of this act.

Sec. 3. That in addition to the provisions of the above-mentioned acts respecting alterations or removal of the structure herein authorized the right is hereby reserved to require its alteration or removal, at the expense of the persons owning, controlling, or operating the structure, in the event that the United States improve the Mahoning River for navigation or participate in the improvement thereof, and in the event that interests other than the United States improve the river for navigation the right is reserved to require alteration or removal of that portion of the structure built subsequent to June 14, 1916, the expense thereof to be a matter for adjustment between the persons owning, controlling, or operating the structure and those making the improvement.

Sec. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

expressly reserved.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. This bill is different from the ordinary, in that it provides for the authorization of a dam. I wish to inquire whether this is for the purpose of generating water power, or merely as an incident to the bridge?

Mr. COOPER of Ohio. The concrete structure is placed there to back up the water so that they can use it for the plant. The river is very shallow, and they have to have a dam to back up the water in order to get the water to use. It is not for any hydroelectric purpose at all.

The bill was ordered to be engrossed and read a third time,

was read the third time, and passed.

BRIDGE ACROSS PEARL RIVER, MISS.

The next bridge bill on the calendar was the bill (H. R. 19239) granting the consent of Congress to the county of Pearl River, Miss., and the fourth ward of the parish of Washington, La., to construct a bridge across Pearl River, between Pearl River County, Miss., and Washington Parish, La. The SPEAKER. Is there objection? There was no objection.

The Clerk rend the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Pearl River, Miss., and the fourth ward of the parish of Washington, State of Louisiana, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Pearl River at a point suitable to the interests of navigation, at or near the fourth ward of the parish of Washington, State of Louisiana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS FLINT RIVER, BAINBRIDGE, GA.

The next bridge bill on the calendar was the bill (H. R. 20574) granting the consent of Congress to the county commissioners of Decatur County, Ga., to reconstruct the bridge across the Flint River at Bainbridge, Ga.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county commissioners of Decatur County, Ga., and their successors and assigns, to reconstruct, maintain, and operate a bridge and approaches thereto across the Flint River, at a point suitable to the interests of navigation, at or near Bainbridge, Ga., on the-location of the existing structure, in the county of Decatur, in the State of Georgia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS ARKANSAS RIVER.

The next bridge bill on the calendar was the bill (H. R. 20535) permitting the Conway County bridge district to construct, maintain, and operate a bridge across the Arkansas River, in the State of Arkansas.

The SPEAKER pro tempore. Is there objection?
Mr. ADAMSON. Mr. Speaker, I think there is a Senate bill,
S. 8105, on the Speaker's table. I ask that it be laid before the House in lieu of the House bill.

The SPEAKER pro tempore. The Clerk does not find it, and it is possible that it has been referred to the gentleman's committee.

Mr. ADAMSON. Then, I ask to have the committee discharged and the bill considered.

Mr. MANN. We can not do that. The SPEAKER pro tempore. Without objection, this bill will be laid aside temporarily.

BRIDGE ACROSS MISSISSIPPI RIVER, MINN.

The next bridge bill on the calendar was the bill (H. R. 20297) granting the consent of Congress to the county of Beltrami, Minn., to construct a bridge across the Mississippi River in said

The SPEAKER pro tempore. Is there objection?

Mr. ADAMSON. Mr. Speaker, a similar bill, S. 7924, is on the Speaker's table.

The SPEAKER pro tempore. Without objection, the Senate bill will be laid before the House instead of the House bill. The Clerk read the Senate bill (S. 7924), as follows:

Be it endsted, etc., That the county of Beltrami, in the State of Minnesota, be, and it is hereby, authorized to construct, maintain, and operate a highway bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, in section 22, township 146 north, range 30 west, fifth principal meridian, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The House bill (H. R. 20297) was laid upon the table.

BRIDGE ACROSS FOX RIVER, LAKE COUNTY, ILL. The next bridge bill on the calendar was the bill (H. R. 14074) granting the consent of Congress to the village of Fox Lake, in the county of Lake, State of Illinois, to construct a bridge across both arms of the Fox River which passes through Pistakee Lake and Nippersink Lake, a point suitable to the interests of navigation, at or near their point of intersection, in the county of Lake, State of Illinois,

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the village of Fox Lake, in the county of Lake, State of Illinois, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across both arms of the Fox River which passes through Pistakee Lake and Nippersink Lake, a point suitable to the interests of navigation, at or near their point of intersection in the county of Lake, in the State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly received.

The following committee amendments were read:

The following committee amendments were read:

Page 1, line 7, strike out the words "Which passes through" and insert in lieu thereof the words "where it connects."

Page 1, line 8, after the word "Lake" insert the word "at."

Page 1, lines 8 and 9, strike out the words "at or near their point of intersection."

At the end of section 1 insert the following:

"SEC. 2. That the act approved October 22, 1914, entitled "An act to authorize Frank H. Gardiner to construct a bridge across the waters of Pistakee Lake and Nippersink Lake at or near their point of intersection," is hereby repealed."

Renumber section 2 to be section 3.

Amend the title to read as follows: "Granting the consent of Congress to the village of Fox Lake, in the county of Lake, State of Illinois, to construct a bridge across both arms of the Fox River where it connects Pistakee Lake and Nippersink Lake at a point suitable to the interests of navigation, in the county of Lake, State of Illinois."

The committee amendments were agreed to.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read

third time, was read the third time, and passed.

Mr. ADAMSON. Now, Mr. Speaker, in the case of the bill S. 8105, I ask unanimous consent to discharge the committee from the consideration of the Senate bill and consider it now. The SPEAKER pro tempore. But the engrossed copy is not

Mr. ADAMSON. I ask that when the bill is found it may be considered.

Mr. MANN. We can not make any agreement of that sort now

Mr. ADAMSON. The gentleman from Arkansas desires to pass the House bill for fear that the other may not turn up. The trouble is he does not know whether it has been passed by the Senate at all, and I ask that the House bill be now considered.

Mr. MANN. I object.
On motion of Mr. Adamson, a motion to reconsider the votes whereby the several bridge bills were passed was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 18542, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table the legislative, executive, and judicial appropriation bill, disagree to the Senate amendments, and agree to the conference asked by the Senate. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to 'object, suggest to the gentleman that he make his request to take the bill from the Speaker's table and disagree to all of the Senate amendments except amendments numbered 5, 20, 61, 62, and 71. Then, I think, some one the other day asked also that Senate amendment No. 58 be excepted.

Mr. BYRNS of Tennessee. The gentleman from Pennsylvania made some inquiries about it, but I do not think he

asked for a separate vote upon it.

Mr. MANN. Very well.

Mr. BYRNS of Tennessee. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 18542, the legislative, executive, and judicial appropriation bill, and disagree to all of the Senate amendments except amendments numbered 5, 20, 61, 62, and 71.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report Senate amendment No. 5.

The Clerk read as follows:

The Clerk read as follows:

Page 20, of the printed bill, strike out all of lines 1 to 19, inclusive, which reads as follows:

Clerk hire, Members and Delegates: To pay each Member, Delegate, and Resident Commissioner, for clerk hire, necessarily employed by him in the discharge of his official and representative duties, \$2,000 per annum, in monthly installments, \$880,000; or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States, shall be entitled to payment under this appropriation: Provided, That all clerks to Members, Delegates, and Resident Commissioners shall be placed on the roll of employees of the House and be subject to be removed at the will of the Member, Delegate, or Resident Commissioner by whom they are appointed; and any Member, Delegate, or Resident Commissioner may appoint one or more clerks, who shall be placed on the roll as the clerk of such Member, Delegate, or Resident Commissioner making such appointments.

And insert in lieu of the matter stricken out the following:

And insert in lieu of the matter stricken out the following: Clerks to Members and Delegates: For clerk or clerks to each Member, Delegate, and Resident Commissioner, \$2,000 per annum, in monthly installments, \$880,000, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States, are authorized to appoint a clerk or clerks from the date of the commencement of their terms respectively whose compensation shall be paid from this appropriation: Provided, That all clerks to Members, Delegates, and Resident Commissioners shall be placed on the roll of employees of the House and be subject to be removed at the will of the Member, Delegate, or Resident Commissioner by whom they are appointed; and any Member, Delegate, or Resident Commissioner may appoint one or more clerks, who shall be placed on the roll as the clerk of such Member, Delegate, or Resident Commissioner making such appointment and be paid in the same manner as other employees of the House are paid. And insert in lieu of the matter stricken out the following:

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House disagree to the Senate amendment.

Mr. SIMS. Mr. Speaker, I have a preferential motion. move to concur in the Senate amendment with an amendment,

which I send to the Clerk's desk.

The SPEAKER. The gentleman from Tennessee [Mr. Sims] moves to concur in the Senate amendment with an amendment, which the Clerk will report.

The Clerk read as follows:

For a clerk to each Member, Delegate, and Resident Commissioner, at \$1,500 per annum, in monthly installments, \$660,000, or so much thereof as may be necessary: Provided, That such clerks shall be placed on the roll of employees of the House and be paid in the same manner

as other employees of the House are paid and be subject to be removed at the will of the Member, Delegate, or Resident Commissioner by whom they are appointed; and to pay each Member, Delegate, and Resident Commissioner for stenographic or other clerical services during the session at the rate of \$75 per month, so much as may be necessary is appropriated. And Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes, are hereafter authorized to appoint the clerk at \$1,500 per annum from the date of the commencement of their terms, respectively, and shall be entitled to the payment for stenographic or other clerical services during the session at the rate of \$75 per month. That all laws and parts of laws in conflict with this amendment are hereby repealed.

Mr. STAFFORD. Mr. Speaker, I reserve the point of order upon the amendment proposed by the gentleman from Tennessee.

Mr. IGOE. Mr. Speaker, I make the point of order.

What is the point of order? Mr. SIMS.

Mr. IGOE. That the amendment is not germane; that it seeks to change the matter that has been agreed upon by the two Houses

Mr. STAFFORD. Mr. Speaker, the gentleman from Missouri [Mr. IGOE] has stated the grounds of the objection to the amendment offered by the gentleman from Tennessee [Mr. Sims]. The amendment under consideration is one solely related to clerk hire, providing for the annual compensation of \$2,000 per annum. The Senate in their judgment placed a limitation upon that, providing that these clerks should be placed upon the roll of the House and making them employees of Congress. amendment offered by the gentleman from Tennessee [Mr. Sims], which is now under consideration, to which objection is made that it is not germane, goes to the extent of creating an additional employee, namely, that of a stenographer during the sessions of Congress, who shall receive a special salary during that time. There is only one subject under consideration here, and that is Members' clerks receiving \$2,000 per annum. thing in disagreement between the two Houses is not the sal-

Mr. MANN. There is nothing in disagreement between the two Houses in this amendment. The gentleman from Tennessee has moved to disagree, but there is nothing in disagreement yet.

Mr. STAFFORD. The only thing wherein there is any difference between the two Houses is that the Senate has seen fit to place these clerks on the permanent roll of Congress. The gentleman from Tennessee [Mr. Sims] attempts to divide up the subject and create, instead of one clerk, a clerk and an additional stenographer. That is not germane. Suppose there was a bill brought into the House providing merely for one clerk at \$2,000 a year. The gentleman could not then come in and provide for an additional clerk, more than one, of a different character entirely, the employment being sessional. This provision relates to a clerk during the entire Congress. He might amend the provision so far as placing them upon the roll is concerned, but he could not create two or three or four additional clerks or stenographers to Members of Congress, to be employed during the session, as he seeks to do in the amendment which he offers.

Mr. FITZGERALD. Mr. Speaker, what is pending before the

House now is the Senate amendment, not the House provision alone. The Senate amendment strikes out the House provision and provides for clerical services to Members of the House. The Senate amendment proposes to appropriate a sum of money to be paid in certain ways and provides that the persons designated by the Members shall be placed upon the rolls and that the Member may designate one or more persons to be placed upon the rolls to be paid as clerks out of this fund, so that the provision that is now pending before the House—the Senate amendment—provides for one or more clerks as the Members may indicate. The gentleman from Tennessee [Mr. Sims] simply proposes to amend the pending provision by limiting the amount that may be paid to the persons who may be employed by the Members. It is clearly germane; it is modifying and carrying out the proposal of the Senate. The gentleman from Wisconsin [Mr. Stafford] makes the mistake of arguing that the House provision is before the House. It is not. It is stricken out.

Mr. MANN. Yes; but the gentleman will admit, on a motion to disagree, which is pending now, on a preferential motion, the question is whether the House insists upon its original provision or takes the Senate provision; and that gives us, under the guise of an amendment to the Senate, an opportunity to consider both questions.

Mr. FITZGERALD. The gentleman is correct; but the Senate provision broadens the provisions of the original House provi-sion to such an extent that amendments that might not be germane to the House provision are germane as amendments to the Senate amendments because of the character of the provision.

Mr. MANN. Will the gentleman yield? Mr. FITZGERALD. Yes.

Mr. MANN. Did not the Chair hold when this bill was up for consideration in the Committee of the Whole House on the state of the Union under the item which is now in the bill as a House provision, or practically the same item, it was in order to offer as an amendment to that a germane amendment, to wit, the stenographic item?

Mr. FITZGERALD. I believe the Chair did, but I have not

said much about that decision.

Mr. MANN. Well, I know I thought it was a bad decision at

the time, but that is a precedent.

Mr. FITZGERALD. That ruling was made, but the provision inserted by the Senate is so different and so much more comprehensive—not for one clerk, not a payment of Members' allowance for clerk hire, but a provision for the payment of clerks to be designated by the Member, either one or more as he may see fit. That is the difference from the original House provision which makes in order the provision of the gentleman from Tennessee.

Mr. PAGE of North Carolina. Mr. Speaker, will the gentle-

man yield?

Mr. FITZGERALD. I will.

Mr. PAGE of North Carolina. I want to call the attention of the gentleman to the fact that the language placed in the bill by the House in the last four lines:

And any Member, Delegate, or Resident Commissioner may appoint one or more clerks.

Under that language the language before in the House amend-

ment was under consideration.

Mr. FITZGERALD. The Senate amendment is radically different in that it provides for the payment of clerks rather than the payment to the Member of the allowance, and provides that the Member may designate one or more clerks, so that the limitation of the gentleman from Tennessee upon the compensation and the time during which the same may be employed, in my

opinion, is clearly germane.

Mr. SIMS. Mr. Speaker, the gentleman from Wisconsin [Mr. Stafford] did not seem to understand the language of my amendment as to the second part of it. I did not provide in my amend-ment for the appointment of additional clerks or any clerk except one. The Senate amendment authorizes the appointment of one or more clerks. My amendment authorizes the appointment of one at \$1,500, he to go on the rolls of the House, like the Senate amendment. Then my further amendment is that an allowance for stenographic and other clerical services be allowed to each Member of the House. The existing law is an allowance of \$1,500 to Members for clerical services; but I propose in this amendment to change the Senate amendment in the amount paid to one clerk to be appointed by the Member as the clerk whose name goes on the rolls of the House, and an appropriation of \$75 a month during the sessions of Congress to each Member for stenographic and other clerical services.

Mr. MANN. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. MANN. The gentleman's amendment provides that a Member-elect may appoint clerks whose compensation shall be paid from this appropriation? the amount paid to one clerk to be appointed by the Member as

paid from this appropriation?

Mr. SIMS. There is no change in the Senate language except

making it only one clerk and making it \$1,500, as far as that

part of the amendment is concerned.

Mr. MANN. I suppose the gentleman has carefully considered it, and I have a conundrum to propound to him. The Senate language is with relation to Members-elect who have filed their certificates, and they are authorized to appoint immediately a clerk or clerks from the date of the commencement of their terms, respectively, whose compensation shall be paid from this appropriation. The date of the commencement of the term of the Member-elect who has filed his certificate is March 4 next. Now, the Senate amendment—nothing is ever carefully considered in the Senate relating to the House; it is a sloppy amendment at best in form—but the Senate amendment clearly provides that this increase in compensation shall commence on

March 4. Does the gentleman's amendment do that, too?

Mr. SIMS. My amendment is simply a copy of the Senate amendment, except to the extent that I have mentioned. I suppose the Senate intended by its amendment that the payment of salaries should begin earlier than the House bill provided.

Mr. MANN. I do not suppose the Senate knew what it in-

Mr. SIMS. I do not care to discuss the point of order further if the Chair is ready to rule.

The SPEAKER. The Senate provision or amendment is:

Clerks to Members and Delegates: For clerk or clerks to each Member, Delegate, and Resident Commissioner, \$2,000 per annum, in monthly installments, \$880,000, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House

of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States, are authorized to appoint a clerk or clerks from the date of the commencement of their terms, respectively, whose compensation shall be paid from this appropriation: Provided, That all clerks to Members, Delegates, and Resident Commissioners shall be placed on the roll of employees of the House and be subject to be removed at the will of the Member, Delegate, or Resident Commissioner by whom they are appointed; and any Member, Delegate, or Resident Commissioner may appoint one or more clerks, who shall be placed on the roll as the clerk of such Member, Delegate, or Resident Commissioner making such appointment and be paid in the same manner as other employees of the House are paid.

That does two things. In the first place, it raises the clerk hire to \$2,000. Then it provides that this shall be split up, if the Representatives so desire, and paid to a number of clerks.

Now, let us see what this amendment does. It says:

For a clerk to each Member, Delegate, and Resident Commissioner, at \$1,500 per annum, in monthly installments, \$660,000, or so much thereof as may be necessary: Provided, That such clerk shall be placed on the roll of employees of the House and be paid in the same manner as other employees of the House are paid and be subject to be removed at the will of the Member, Delegate, or Resident Commissioner by whom they are appointed; and to pay each Member, Delegate, and Resident Commissioner for stenographic or other clerical services during the sesion at the rate of \$75 per month, so much as may be necessary is appropriated—

And so forth.

This amendment of the gentleman from Tennessee [Mr. Srms] does two things. In the first place, it cuts the \$2,000 down to \$1,500, which is undoubtedly germane, and then it creates a kind of a new fund for stenographic purposes. It says:

And to pay each Member, Delegate, and Resident Commissioner for stenographic or other clerical services during the session at the rate of \$75 per month, so much as may be necessary is appropriated.

It creates a new office. The Chair does not think it is

Mr. COX. Mr. Speaker, I move to recede and concur by striking out the figures "\$2,000," in line 22, page 20, and striking out the figures "\$880,000," in the same line, and inserting the figures "\$660,000."

Mr. AUSTIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.
Mr. AUSTIN. Would the motion to concur in the Senate amendment be a preferential motion?

The SPEAKER. It would not.

Mr. IGOE. I make the point of order against the amendment that it seeks to change matter which has been agreed upon by both Houses.

Mr. AUSTIN. It has not been agreed upon.

Mr. IGOE. The amount of \$2,000 which he wants to change has not been altered by the Senate. That has not been changed by the Senate, nor the total amount. It has been agreed upon by the two Houses, and the gentleman can not now by a motion to amend change what has been agreed upon by both Houses.

The SPEAKER. Does the gentleman make the point of order

it is not germane?

Mr. IGOE. I make the point of order that it is not in order, for the reason that the gentleman is trying by his amendment to change a matter which has been agreed upon by both Houses.

The SPEAKER. How did they agree upon it?

Mr. IGOE. Because in both amendments the amount of \$2,000 and the amount of \$880,000 have been agreed upon and passed by both Houses. The amounts are exactly the same in both bills

The SPEAKER. The House is trying to do exactly what the

gentleman from Missouri seems to assert that it has done.
Mr. IGOE. The House has already in its amendment fixed \$2,000 in its bill. The Senate has passed the \$2,000. Now, the gentleman is trying by his motion to bring the House back again to a consideration of a matter which has been agreed upon by both Houses

Mr. MANN. It has neither agreed nor disagreed yet. Mr. IGOE. But if the two Houses have agreed upon something

Mr. FITZGERALD. But they have not agreed.

Mr. IGOE. Why have they not? Mr. Speaker, we have a bill here which the Senate—
The SPEAKER. The House will be in order. The Chair has

to hear this argument even if nobody else does. The trouble with the gentleman from Missouri [Mr. Igoe] is that he is trying to apply the rules to the next stage of the conference

Mr. IGOE. The gentleman from Indiana [Mr. Cox] moves to concur with an amendment, and I make the point that his amendment is not in order. I submit he can only offer an amendment to a matter in dispute which has not been agreed upon by both Houses.

The SPEAKER. Now, what is it the gentleman contends that both Houses have agreed on?

Mr. IGOE. I contend they have agreed upon the clerk hire to the amount of \$2,000 in monthly installments, and \$880,000, and the gentleman is trying to change that by amendment.

The SPEAKER. What is the situation? The House passed the bill, and any amendment of the Senate that is germane is in

The Senate did not change it as to the amount. Mr. MANN, Mr. Speaker, the gentleman's difficulty is, think, just as though the House had passed a bill fixing \$1,000, 000 appropriation, and the Senate had passed a Senate bill for the same purpose, fixing \$1,000,000 appropriation, and the gentleman would contend that inasmuch as both Houses had fixed \$1,000,000 appropriation, hence neither House could amend the action of the other House. We have not agreed on the language.

The SPEAKER. We have not agreed on the language. Mr. MANN. They have stricken out our language and inserted other language. There has been no agreement or disagreement as vet

The SPEAKER. The gentleman from Indiana will report

his amendment.

Mr. COX. On page 20, strike out "\$2,000" and insert in lieu thereof "\$1,500," and in the same line strike out "\$880," On page 20, strike out "\$2,000" and insert in 000" and insert "\$660,000."

Mr. MANN. Now, what is the motion?

To recede and concur.

The SPEAKER. The motion is to recede and concur.

Mr. MANN. Not recede, but concur with an amendment. On that I ask for a division of the question.

The SPEAKER. In the first place, the Chair overrules the point of order made by the gentleman from Missouri [Mr. IGOE].

Mr. MANN. All there is to it is a difference between receding and concurring; that is all.

The SPEAKER. The Chair did not understand the gentle-

Mr. MANN. The gentleman's motion is to concur with an amendment.

The SPEAKER. Yes.

Mr. MANN. I ask for a division of the question so as to have the amendments voted on separately and then the question of concurrence voted on separately.

The SPEAKER. The question would come first on the amendment, then.

Mr. MANN. Certainly.

The SPEAKER. The question is on the amendment offered by the gentleman from Indiana [Mr. Cox].

Mr. BYRNS of Tennessee and Mr. CALDWELL rose.

The SPEAKER. The gentleman from Tennessee is in charge of the bill. The Chair will recognize him first.

Mr. BYRNS of Tennessee. Mr. Speaker, I yield five minutes

to the gentleman from Indiana [Mr. Cox].

The SPEAKER. The gentleman from Indiana is recognized for five minutes.

Mr. COX. Mr. Speaker and gentlemen of the House, I do not know that I will consume the five minutes allowed me.

When this bill with this amendment was going through the House I took occasion to express my views very forcibly against I can not bring my mind to the conclusion that we are justified in voting to increase the salary of our I have no words of condemnation against the clerk of any Member of this House. On the other hand, I know that these clerks do splendid work. I know in addition that a great many Members undertake to justify their vote on this increased salary upon the ground that our clerks and stenographers do not get as much pay as the clerks and stenograppers of the And yet I undertake to say that the clerks of the Senators and their stenographers are now being paid more than 99 out of every 100 of them can get in private employment to save their lives. I undertake to say that the vast majority of our clerks and our stenographers are to-day getting more money and better salaries for shorter hours of labor than they can get the private establishments to pay to save their lives.

In my opinion this is nothing in the world but an absolute voluntary contribution, deliberately voted out of the Treasury of the United States into the hands of our private secretaries, and voted at a time of impending danger, when the patriotism of every Member of the House wells to the front and compels him to vote every dollar of money that may be needed in order to support our Army and our Navy. This increase of \$260,000 or \$270,000 to our secretaries, of course it will be argued, is not much. It is not much as we count appropriations here, teeming into the millions. But in my judgment the time has come—it is here now; it is knocking at the door of every Member of this House; it is appealing to his conscience as well as to his patriotism-to conserve the resources

of our Treasury in every way we possibly can, and we can conserve those resources here by adopting my amendment, which will save \$260,000 or \$270,000. If it would do any good, if it would bring any more effective or any more efficient service to us that would enable us to do more work, that would be a different proposition entirely, but it will not. If given this increase of salary from \$1,500 to \$2,000 per year, they will be no more efficient than they are now; not one whit more.

Mr. LANGLEY. Mr. Speaker, will the gentleman yield?

Mr. COX. I will yield for a question.

Mr. LANGLEY. Does the gentleman mean to say that he gets all of his work done for the present allowance?

Mr. COX. No; I do not mean say that at all. I have not kept an accurate account of it, but I am satisfied that I pay out in every year something like \$500 out of my own pocket; but I am willing to do it. There is nothing compulsory upon me to stay here in Congress at all. I can quit at any time I desire, and I am not willing to vote this additional burden upon the people of my district and the country that brings to me no help, no relief, if this \$2,000 is voted in here to-day. Suppose the secretary gets it all? Can he do any more work for that \$2,000 than he is now doing? I undertake to say he can not.

Now, as to the first proposition offered by the gentleman from Tennessee [Mr. Sims], I was opposed to it in committee and I am opposed to it yet. But that would not be so vicious if they were put on the salary roll. I am heartily in favor of the amendment which I have offered, which will reduce this pay from the proposed amount, \$2,000, to \$1,500 a year, and I am most earnestly in favor of putting our secretaries on the roll and letting them draw their own money. So far as I am concerned, I hold my check just long enough to indorse it and then hand it over to my secretary and never see it any more. It is her money, and she has the right to have it. But I am in favor of putting these secretaries on the roll, and I am in favor of saving this \$260,000 or \$270,000.

The people should expect of us in these trying times to econemize in every way we can, even though we do it at our own expense of doing more work or paying for the extra work out of our own pockets. If our secretaries are not satisfied with their present salaries they can quickly quit and enter private employment, and when they do this few, and very few of them, will be able to earn \$1,500 per year.

Mr. BYRNS of Tennessee. Mr. Speaker, I yield five minutes

to my colleague [Mr. Sims].

The SPEAKER. The gentleman from Tennessee is recognized for five minutes.

Mr. SIMS. Mr. Speaker, I offered my amendment because I thought it was in the public interest and that it would promote the public interests by serving the Members when they have the greatest amount of public work to do.

Of course, I bow to the ruling of the Speaker, because I have to, but the remark of the Speaker was that my amendment created a new office. Undoubtedly the Speaker could not have read the language carefully. My amendment provides that \$75 a month be paid to each Member of the House for stenographic or other clerical services. That does not create a new office.

The amendment proposed by the Senate puts the clerks on the rolls of the House directly, and my amendment allows \$75 a month to each Member during the sessions of the House. I think the gentleman from Indiana [Mr. Cox] is exactly right When you appoint a \$2,000 clerk you are going to about it. pay him \$2,000, because it is the will of Congress that you should do it; and when a clerk is put on the roll at \$2,000 and you are obliged to pay out any money for clerical services out of that sum you have to do it with the consent of the clerk, and the result will be that a Member will probably appoint a member of his family when he can, so that he can use that fund for the public interest by paying it out for expenses incurred in the discharge of his official duties.

Mr. COX. I will say to the gentleman that I have had opposition every two years in my district since I have been in Congress, but that opposition has not been successful.

Mr. SIMS. Everyone knows the old rule providing that you certify that you have paid or agreed to pay \$125 each month is not a clean-cut fact, as we all know that our work is heavier some months than it is during other months. At the close of the session, for example, you must get through with your correspondence rapidly and you must have a lot of extra stenographic work and typewriting done, and you must have a lot of things attended to at the departments, and if we have only our clerk to depend upon for all that work we are compelled to for the extra work out of our own pockets.

Now, it is in the interest of the public that each Member shall serve his people expeditiously and well, and the idea is not simply to give some man in your district a job. When a

Member has a \$2,000 clerk, he will have an application from every county in his district for the place. I do not see that the public are interested in having a man worried to death about appointing some one who thinks by reason of this action of Congress that when he gets the appointment he can only be removed by the Member, and the Member would not dare remove him except for such a cause as would be so patent as to appeal to everybody in his district as being a just cause for such removal. It is wholly impracticable. The Senate amendment ought to be disagreed to. [Applause.] I voted against both amendments when they were offered in the House. But the other body, through a thinly disguised purpose to force us to be honest, have undertaken to legislate for this body along the lines involving an implication of dishonor and discredit to [Applause.] There are 33 ex-Members of the House in the other body, and I am surprised that they should send over such an amendment as they have. The Senator who had charge of the amendment pointed out about a dozen committees in that body that were absolutely useless, as he said, that carried a clerical allowance of about \$5,000 to each Senator, upon such a useless, unnecessary, archaic committee; and then, to save us from discredit and dishonor they provided that we might appoint and remove our clerks, but that it would not do to trust us with the actual handling of the money with which to pay our clerical expenses. I repudiate and resent any such implication as that. And while the provision as it passed the House did not suit me, and does not now, and I voted against both, we certainly ought to be trusted to look to the integrity of our own Members, and we do not propose to concur in an amendment which if concurred in will be regarded all over the country by implication as in the nature of a confession, and that we are afraid to face the music. If there are any dishonest Members in this House who pocket this money, let us get rid of them. Let us have an investigation, for that seems to be the order of the day, by a special committee or otherwise, and bring out the facts before we legislate in a way that tacitly admits by such legislation that this charge or implication is true. I hope the Senate amendment will be disagreed to with energy and emphasis, and let us look after our own affairs in our own way, as they do. I think it is necessary to the proper cooperation of these coordinate legislative bodies that they should not act in such a way as by implication or otherwise to bring discredit on a single Member of either body. Let there be absolute proof of misuse of these funds before any such legislation is enacted. But in the interest of the public service, we need the most money for clerical assistance when we are doing the most work. Under the Senate amendment our clerks during the summer vacations would be getting \$2,000 a year to stay at home and do absolutely nothing, while during the sessions of the House they would be getting all of the \$2,000 allowed by the Senate amendments, while Members are paying out of their own pockets for every dollar's worth of extra clerical work they have done, and which they must have done or else neglect their official business.

Mr. HAMLIN. Will the gentleman yield?

Mr. SIMS. I yield to the gentleman.

Mr. HAMLIN. If I get the gentleman's idea, from what he says he objects to the Senate amendment because it places the clerks on the roll. Am I right?

Mr. SIMS. I object to the amount as well.

Mr. HAMLIN. The gentleman objects to putting them on the roll.

Mr. SIMS. I do not object to putting them on the roll if it is done on our own initiative.

Mr. HAMLIN. I was going to say that the gentleman's amendment, as I understood it, did provide for placing them on

Mr. SIMS. One clerk at \$1,500.

Mr. HAMLIN. What is the difference between putting a clerk on the roll at \$1,500 and putting him on at \$2,000, so far

as putting him on the roll is concerned?

Mr. SIMS. There is no difference in so far as the implication is concerned. I admit that. But I wanted to have an opportunity to offer an amendment providing for extra money during the sessions of the House, and I did not think I could do it in any other way except by concurring in the amendment with an amendment without it being subject to a point of order. That is the only reason on earth I did it. Had it been held germane, in discussing it I would have said just what I have said now, not that I was concurring in the action of the Senate in saying that our clerks should be put upon the roll on the im-

plication that it was not safe to trust us with the money.

Mr. BYRNS of Tennessee. I yield five minutes to the gentleman from New York [Mr. CALDWELL].

Mr. CALDWELL. Mr. Speaker, this matter has been very thoroughly discussed in this House. I think practically every Member has made up his mind what he is going to do about it. There is only one thing that presents itself to my mind now, and that is that when this question was being discussed in the Senate a certain Senator stated that the reason why this amendment was proposed was because a certain Representative over here, the chairman of one of our most important committees, had said this House would agree to it, or words to that effect. I understand from the Member of this House that that statement was not true, and I want to call attention to it now to give him an opportunity, without naming him, to come on the floor of this House and denounce the statement as not having been made by him. That is all I have to say about it.

Mr. BYRNS of Tennessee. Will the gentleman yield back

the balance of his time?

Mr. CALDWELL. I yield back the remainder of my time. The SPEAKER. The gentleman yields back three minutes. Mr. BYRNS of Tennessee. I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, when this matter was discussed in another place, which can not properly be referred to under the rules of this House, even in temperate and moderate language, this statement was made:

I desire to say that nothing was done until after I conferred with the chairman of the Appropriations Committee of the other House [Mr. FITZGERALD]. I knew it was a very delicate matter, and so I conferred with him. He said he did not think the House would have any objection to the provision, and we would go into conference and thresh it

That is all that is pertinent to what I wish to say. Mr. Speaker, I myself do not make a habit of repeating what is said in private conference with another person when I appeal to him, or when an appeal is made to me for information about any matter. Whenever I do believe it to be necessary to state what occurred in such conference I take particular care to see that what I say accurately represents what was said.

The statement which I have just read is inaccurate. It is not only inaccurate as to what I said, but it is inaccurate as to what actually happened. After the Senate committee had determined to amend this provision a Member of that body called at the room of the Committee on Appropriations and stated that the Senate was proposing to make this modification; that some Members of that body were fearful that the House would resent any attempt on the part of the other body to interfere or to regulate its affairs; that before doing anything definite he desired to ask my opinion as to what the attitude of the House would be. I stated to him that there was very emphatic opposition among Members of the House to a provision placing the clerks of Members on the rolls. I named two Members of the House, prominent Members, one upon each side, who, I informed him, had repeatedly in the past vigorously opposed any such provision, and that I was confident if the matter were brought up in this way they would follow their course on former occasions. I said that my own personal opinion, as far as I was personally concerned, was that I was indifferent and would as lief have clerks on the rolls as not, but I made no attempt whatever either to commit the House or to indicate in any way that Members of the House desired the Senate to interfere in the matter or would acquiesce in any action taken by the Senate.

Of course, Mr. Speaker, I know that Members of the House resented the suggestion that I had attempted in any way to have the affairs of this House regulated by the other body, and if I had done so, their resentment would have been justified. I have some cause for resentment myself, that anyone should quote me as favoring action upon the part of another body to do something that I knew would be resented, and that I made it as clear as I could, would be resented if attempted. [Applause.]

I suppose one moral that recent events in the Capitol seem to emphasize is that whenever the chairman of any committee of this House holds a private conversation with another person he should make certain to have witnesses present. [Applause.] But, Mr. Speaker, so that there may be no misunderstandingand I regret that it is necessary to repeat the statement-the reported conversation with myself upon which the remarks of my colleague from New York were based was wholly inaccurate, and an unjustifiable report of the conversation that took place. [Applause.] I wish to make it as clear as I can that I attempted so far as I could, so far as I know the English language, so far as I understand the meaning of words, to make it clear that if the Senate attempted to do what it has always resented emphatically when done by the House—that is, to attempt to interfere with the affairs of the House, that the Members of the House would be equally sensitive and perhaps

somewhat more emphatic in resenting the action of their body

than the Senate has been on similar occasions. [Applause.]
Mr. BYRNS of Tennessee. Mr. Speaker, I yield four minutes
to the gentleman from Kentucky [Mr. Sherley].
Mr. Sherley. Mr. Speaker, there is involved in this matter
a good deal more than the question of clerk hire. The rules of the two Houses that provide that Members of one House shall not in debate speak of what occurs in the other, and the practice that has always existed of one House not interfering with matters peculiarly relating to the other, has a basis of sound reason, as was well set forth in that unfortunate debate that was held in the Senate. The very moment each House undertakes to be the guardian of the morals of the other House there will be engendered bitterness between the two Houses that will result in the energy and time of Congress being expended in personal quarrels rather than in the consideration of the public

And this House, without regard to the amendment of the Senate, ought to say that it is able to take care of its own affairs [applause], and emphatically disagree to the amendment of the Senate; and that position should be maintained until the Senate proceeds to acquiesce in the House position touching

matters that relate solely to the House. [Applause.]

Just another word further. It seems to me that Members of
Congress ought to have reached the point where they are not willing by their action to express the view that they believe they are men of such doubtful character and such doubtful honesty that all manner of safeguards must be thrown around them to prevent their misappropriation of money. Men here are required to deal with matters involving millions of dollars. If they are fit to be Members of this body, they at least ought to be men of such character that they can be trusted to honestly expend \$1,500 or \$2,000 in connection with clerical hire in the performance of their public duties. [Applause.] I for one resent the imputation, no matter where it comes from, that unless provision is made for putting clerks upon the rolls they will not receive the money that is due them. If there be any Member who has not paid to his clerk the money that was due him, I do not know it, and I am quite sure that if the fact became known his constituency can be depended upon to deal with him as the facts may warrant. This I do know, that there have been a number of gentlemen, myself among them, who have not believed in the wisdom of placing clerks upon the rolls. A clerk to a Member bears a confidential relation; he must be a man with whom he may think aloud, and if for any cause there arises a situation whereby that man is no longer desirable or suitable as a clerk, the Member ought to be in a position to instantly terminate that very confidential relationship. To require him to have to send word and to go through the inconvenience and delay of having the name taken from the roll and another one substituted is to require something there is no reason for, unless you believe that you and your colleagues are unfit to be trusted with the expenditure of \$1,500 or \$2,000. I have not yet reached that point where I am willing to think that either of myself or of my colleagues in this body. [Applause.]
Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman

vield?

Mr. SHERLEY, Yes.

Mr. COOPER of Wisconsin. I have just come in, and have listened with interest to the gentleman from Kentucky. I notice there is this proviso on page 21, line 5:

Provided, That all clerks to Members, Delegates, and Resident Commissioners shall be placed on the roll of employees of the House and be subject to be removed at the will of the Member, Delegate, or Resident Commissioner by whom they are appointed.

I understood the point that the gentleman was making was that they could not be removed. What does the gentleman say

respecting the impossibility of removing them?

Mr. SHERLEY. I did not say it was impossible to remove them, but I said a Member ought not to be put to the inconvenience of going through that prescribed process. Congress has adjourned, for instance, we will say, and a Member has reason to change his clerk—be the reason a good one or a bad one. He is required under the form that has been prescribed to send word to the Clerk of the House to have the name of the clerk changed on the roll, and, presumably, if this does not come at the end of the month there must be an apportionment of salary and a good deal of inconvenience and nuisance. The only basis that I can find for doing such—and it was, unfortunately, made the whole basis of the speeches in the Senate—is that there are some men here in Congress-and the newspapers and magazines have so stated—who are not honestly spending this money, and in order to make these men honest they propose to have this regulation. Men who are charged with matters of the highest responsibility, matters involving the honor and the safety of the Nation, have come to such poor estate that, for-

sooth, they must be tied with restrictions to keep them from misappropriating \$1,500!

Personally, I voted against the increase of salary of clerks, and am still opposed to it. The House decided otherwise, and I accept its action, and I insist we do not need the Senate's advice.

Mr. BYRNS of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. Goon].

Mr. GOOD. Mr. Speaker, I am opposed to the amendment offered by the gentleman from Indiana. This provision is somewhat complicated. I think it ought to go to conference. The motion made by the gentleman from Tennessee [Mr. Byens] ought to prevail, in my opinion. But I am not in sympathy with what is stated by the gentleman from Kentucky [Mr. Sherley], that we always ought to follow this rule of courtesy and that the House should never object to an item which the Senate puts in for its own employees, and that the Senate should never question an appropriation for House employees, no matter how vicious it might be. We have followed that courtesy, and I am glad, for one, that the Senate has violated it and has established a new basis for operation as between the two Houses of Congress.

Let us see how it is operated as a matter of fact. Ten years ago we appropriated for clerk hire and messenger service for the committees of the Senate \$132,240. Last year we appropriated \$426,380 for the same purpose. For assistants to Senators who are not chairmen of committees, 10 years ago we appropriated \$57,000, and recently because of this courtesy we have increased this appropriation to \$105,000. What is the net result? Ten years ago we appropriated for clerk hire for Senators and for committees in the Senate a total of \$225,840, or an average per Senator of \$2,508. Last year we appropriated for the same purpose \$533,980, or an average per Senator of \$5,562. That is what courtesy has done so far as these two branches are concerned. We have been stingy with ourselves; we have gone down into our own pockets and paid for work that the Government received the benefit of, and we have allowed the Senators to take all they wanted, and they have wanted a good deal.

Mr. CLARK of Florida. Mr. Speaker, will the gentleman yield?

Mr. GOOD. I have not the time.

Mr. CLARK of Florida. It will take only a moment,

Mr. GOOD. There is another item in this bill to which I desire to refer. Take the great committees of the two Houses on the Post Office and Post Roads. Everyone knows that the House committee conducts the hearings, considers the legislation, and reports to this House, and that it does the work. What are the relations as between the two bodies so far as clerks and assistants are concerned? The Senate Committee on the Post Office has a clerk at \$2,500, an assistant clerk at \$2,000, two assistant clerks at \$1,440 each, and a messenger at \$1,440, or a total of \$8,820. The House committee, which does the work, is provided with a clerk at \$2,500 a year, an assistant clerk at \$1,500, and a janitor at \$1,000 a year, or a total of \$4,900. The Senate this year by an amendment to the bill added another assistant clerk to this committee at \$1,440, which will give them in all a total of \$10,260, as against \$4,900 for the House. So far as I am concerned, Senatorial or House courtesy will not permit the Senate to get away any longer with that kind of outrage upon the Treasury. [Applause.]

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. SHERLEY. It is not that I question the need of reform in the Senate. We could spend days pointing out similar instances, but because in undertaking to correct in this way one abuse you will run into much greater ones that will involve

very seriously the proper conduct of the public business.

Mr. GOOD. I agree with the gentleman. I wish it could be done in some other way, but now that the Senate has initiated the reform the House can well afford to carry it on. They have cleaned house for us, and I agree to their proposition. Now we should clean house for them. [Applause.] Ten years ago, for each Member of the House, counting committee employees and the clerk hire in committees, there was an average allowance per Representative of \$1,887. Last year we appropriated an average per Representative of \$1,910. Ten years ago there was a like average allowance per Senator of \$2,508. For the same purpose this year the Senate gets \$5,562 per year per Senator. [Applause.]

The SPEAKER. The time of the gentleman has expired.
Mr. GOOD. Will the gentleman from Tennessee yield me one
minute more?

Mr. BYRNS of Tennessee. I yield one minute more to the gentleman.

Mr. GOOD. Now, Mr. Speaker, so far as I am concerned, I have no objection at all to these clerks and employees being placed upon the rolls-I think they should be-but I do insist that this provision ought to be gone over carefully. It ought to be ironed out by the conference committee. I think we ought to vote down this amendment and motion and support the motion of the gentleman from Tennessee [Mr. Byrns]. [Applause.]

Mr. MANN. Will the gentleman from Tennessee yield me five

Mr. BYRNS of Tennessee. Mr. Speaker, I yield five minutes

to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, friendly relations officially between the two houses of a legislative body consisting of two houses are quite essential for orderly legislation and to the enactment of good legislation. It is an easy matter to get up some controversy between the two Houses, and it would be a constant matter of controversy if either of the two Houses should undertake to run or manage the other House. The Senate is the most extravagant legislative body on earth. [Applause.] And I think that this amendment shows it is the most impudent legislative body on earth. [Applause.] And yet after this effort of the Senate to regulate our affairs I do not think we can afford to make up our minds to regulate their affairs. We necessarily have to pass in the first instance, because bills originate here, upon the number and pay of the employees of the Senate. But we ought never to think that it is our duty to regulate the extravagance in the Senate because, while we might save a few dollars out of the Treasury, the resultant effect would be controversy and ill feeling between the two Houses which might cost the Govern-ment not only millions of dollars but defeat proper and needed legislation. You can not do well with two partners who are constantly quarreling personally, and no legislative body can do good work with the two partners engaged in personal quarrels. If I had my way about it, I would not only disagree to the Senate amendment but I would adhere to the disagreement [applause], and tell them to attend to their own knitting and we will protect our own honor. There is not as much danger of our honor being injured as theirs. [Applause.]

Mr. BYRNS of Tennessee. Mr. Speaker, I yield four minutes to the gentleman from Georgia [Mr. Howard]. [Applause.]

Mr. HOWARD. Mr. Speaker, far be it from me [laughter] to reflect in the least on that august body at the other end of the Capitol. I would not say anything on this earth about their extravagance. I do not say they are extravagant; other gentlemen say that. I would not mention anything about the little luxuries they have that we poor Congressmen can not have, because we would be ashamed to spend the people's money for them. I would not mention that mineral water nor free shaves and violet-water baths and things of that sort in the same breath with them. I would not say anything about that, but the gentleman from Illinois [Mr. Mann] is right about this thing, nevertheless. [Applause.] It is a ticklish piece of business you are fooling with here. Be ye careful. Temper even your thoughts. Above all, humble yourselves. I know, as every other Congressman in this body knows, that the people of this country are not fooled about their public servants. They know that the House of Representatives is a sort of clearing house for all legislation initiated in this Government. All good legislation originates here, and they know it. [Applause.] They know that we do most of the work, and they are not fooled about it. They know that 90 per cent of the legislative brains of this country are in this end of the Capitol. [Applause.] They not only know it now, but they have known it for 20 long years, that the real wheel horses that do the drudgery of legislation are in this end of the Capitol.

I want to address myself to the amendment of the gentleman from Indiana [Mr. Cox]. He wants to reduce our clerk hire to \$1,500. I say the people of this country realize that the Members of the House are the dynamic forces of legislation; that all this legislation that has been mentioned by the gentleman from Illinois originates here, and we have got to pass on it, and that the Senate has practically nothing to do but what the distinguished gentleman from Texas does on a great many occasions on this floor, and that is say "Amen." [Laughter and applause.] on this floor, and that is say "Amen." [Laughter and applause.] Now, I realize that the people of this country want efficiency. I am speaking for myself and my people when I say that the people of the fifth congressional district of Georgia will not begrudge me an adequate amount to get efficient clerk hire to transact their business, and I am not afraid to vote for the \$2,000, and I am going to do it. [Applause.] Another thing. I never had any guardian appointed for my honesty before I came to Congress, and I am not going to have the Senate appoint one for me now. [Applause.] If I can not spend \$2,000 honestly that is intrusted to me, I think you ought to remove me from the Committee on Appropriations, where I participate in

spending millions for the benefit of the Nation. Now, there is no use being afraid of this thing. I know that two-thirds of the House here are not 30 seconds ahead of the sheriff with a common-law judgment. They are poor men. [Laughter and applause.] There is no use to deny that. There used to be a time in the Congress of the United States when it did not make any difference whether a Congressman got \$500 or \$5,000 for clerk hire. This used to be the millionaires' club. It is to-day the poor man's retreat. [Laughter and applause.] I am not able to spend \$500 or \$600 out of my salary for clerk hire, and my folks do not want me to do it, and I do not propose to vote for any amendment put on this bill in the Senate. Repudiate it! Their arrogance and pretended dignity needs a severe shock.

Mr. BYRNS of Tennessee. Mr. Speaker, I yield four minutes

to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, just a moment on the amendment of the gentleman from Indiana [Mr. Cox] reducing the clerk hire from \$2,000 to \$1,500. I thought that matter was settled in the discussion had in the House some time ago. It should have been settled. There may be Members who have been able to employ a sufficient number of clerks or clerks of sufficient caliber or ability to do the work incumbent upon Members' clerks for \$1,500 a year, but most of us who have been here for any considerable length of time have found it very difficult to employ a really first-class clerk for \$1,500, and many of us have been compelled, year after year, to pay a very considerable sum out of our private funds for the purpose of carrying on the

public business intrusted to our charge.

There has been some comparison made here between the allowance of Members of the House and of the Senate for clerical help. There are some Members of the House who represent the same territory and the same population as is represented by two Senators. Such Members have been struggling along with an allowance of \$1,500 a year for clerical assistance, while Senators have been assisted by a clerical force drawing a total of from \$5,000 to \$8,000 a year for much the same services that Members are required to perform for their constituents. I do not complain because the Senators have been thus provided for, but I think the House has been exceedingly parsimonious. It has been very difficult for those of us who represent large areas and scattered populations to take care of the interests of our constituents as they should be cared for. In fact, most Members thus situated have been compelled to pay from their private funds for additional clerical help. I regret that we did not provide, in addition to the \$2,000 for a clerk, \$75 a month for a stenographer, at least during the session. If that provision were made, we would then make such provision with regard to clerk hire as many Members have been compelled to make by paying out of their private funds enough to make up the necessary expenditure for clerk hire above the allowance of \$1,500.

Mr. BYRNS of Tennessee. Mr. Speaker, how much time is

there remaining?

The SPEAKER. Twenty minutes.

Mr. BYRNS of Tennessee. I yield four minutes to the gentle-

man from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Speaker, I just wanted to have a minute to call attention to some expenditures made in the Senate. The report of the Secretary of the Senate shows as follows:

	May 4, 1916 (p. 337), dinners for 16 pages	88 00
	June 23 (p. 336), heirs Head Waiter Shaw (S. Res.)	450 00
	Apr. 22 (p. 285), 20 cases Manitou sparkling water, splits	100.00
	Apr. 18 (p. 283), dinners for 18 pages	9.00
	Apr. 3 (p. 281):	
	4 cases Still Rock water	11.97
	10 cases White Rock water, splits	66, 50
	Mar. 8 (p. 278), 5 cases Manitou, splits	40, 00
П	Apr. 12, 10 cases Manitou water, pints	90.00
	Mar. 21 (p. 277), dinners for 14 pages	7. 00
		1.00
	Mar. 3 (p. 277):	36, 40
	4 cases Celestine Vichy water	30. 40
	1 case Poland water	7.00
	Mar. 9, 4 cases Celestine Vichy	36. 40
	Mar. 14, 2 cases Celestine Vichy, splits	18, 20
	Mar. 17. 3 cases Poland water	21.00
90	Mar. 18, 4 cases Celestine Vichy, pints	
	From Jan. 31 to Feb. 29 (p. 274), 20 cases White Rock, splits	
11	Jan. 11 (p. 273), 4 cases Celestine Vichy	36, 40
	Jan. 13, 2 cases Poland water	
9	Jan. 18, 2 cases Celestine Vichy, pints	
	Sall 10, 2 Cases Celestile Vicini, pinter Wisher Cases	195 95
21	Feb. 1 to 19 (p. 269), 11 cases Celestine Vichy, pints	
	Nov. 10-11 (p. 267), lunches for firemen	10.50
	If the House can beat that, it is traveling some. That	comes

out of the United States Treasury.

Mr. BYRNS of Tennessee. Mr. Speaker, I yield three minutes

conferees are concerned the Members at the other end of the Capitol will never get that proposition in this bill. I think it is an unwarranted piece of interference, and I am delighted to see the House so unanimous on this one proposition.

Mr. MILLER of Minnesota. Will the gentleman yield for an

inquiry? Mr. SISSON. I will.

Mr. MILLER of Minnesota. Can the gentleman inform the House whether the Senate conferees refuse to recede from their

amendment to this?

Mr. SISSON. This has never been to conference, and I will say without hesitation I am absolutely sure the Senate will not insist for one single moment on that amendment. imagine it would do any good, because the position which they occupy in this matter was clearly stated by the gentleman from Kentucky [Mr. SHERLEY], that although the Senate end of the Capitol is extravagant, at the same time we have respected in the committee and we have respected in conference every item they have put in the bill and have never questioned it hereto-fore. And I am glad that the criticism is now made of that end

of the Capitol.

It is not our province under the law, under the organization of the two Houses, under the Constitution itself. We are the judges of our own organization, of our own expenses, and the judges of our own relations. It is up to those gentlemen at that end of the Capitol to deal with their constituencies as to the expenses of their own body, but it is equally true that that right is our own. What I most resent is that there were statements made on the floor of the Senate which insinuated that there were Members of the House who were acting dishonorably and dishonest with their clerk hire. I do not know how other people feel about it, but so far as I am concerned I will never agree to put these clerks on the pay roll of the House, and especially under the circumstances that now confront us. I do not care so far as my own clerk is concerned, because I have always indorsed the check to him, and he collects every cent of it and I do not see a cent of it. But I am unwilling that the Senate shall be the custodian of the conscience of the House or any Member of the House. And I agree pretty generally with what the gentleman from Georgia [Mr. Howard] said, that when you take the honesty of the Members of the House and their reputation throughout the country, and measure it with that of the Senate, it stands comparison, and I do not think we will be called upon to make as many explanations as

Mr. BYRNS of Tennessee. I yield three minutes to the gentle-

man from Minnesota [Mr. Miller].

Mr. MILLER of Minnesota. Mr. Speaker, a man who will not respect himself will hardly command respect in other quarters. The amendment which the Senate has seen fit to write into this bill is unwarranted, inexcusable, and almost inexplicable; but if the gentlemen here will undertake and take occasion to read the record of the discussion in the Senate at the time this amendment was made, they will find some Senators who favored it did so because they were earnestly importuned to do so by certain Members of the House. Now, I do not know who those Members were. I do not know how many of them there were, whether there was one, or a dozen, or one hundred. But apparently some of the suggestions, at least, for this unparalleled amendment came from some of the membership of the House. It is for that reason I wish to voice my protest against it, and particularly against some of the remarks that were made on the floor of the Senate when this was up for discussion. If some of those remarks had been made by a private citizen, he would either have to make good on them or stand as a defendant under a warrant for criminal slander. The remarks made by certain Senators transcended all the proprieties of decency or legislative courtesy. I trust the membership of this House will, without a dissenting vote, with disapproval say that this kind of unwarranted interference will not again occur. [Applause.]
Mr. BYRNS of Tennessee. Mr. Speaker, I yield two minutes
to the gentleman from Illinois [Mr. Wheeler].

The SPEAKER. The gentleman from Illinois is recognized

Mr. WHEELER. Mr. Speaker, after I had introduced this amendment, increasing the salaries of the secretaries to Memamendment, increasing the salaries of the secretaries to Members, quite a number of Members on both sides of the House expressed themselves that they would be glad to support that amendment if we would certify the names of the secretaries and place them on the roll. Had such an amendment been introduced at any time while that bill was under consideration I would have supported it, and had it occurred to me when I introduced that amendment, in all probability I would have embodied it in ry amendment. But under no circumstances would I support that proposition now as coming from the Senate.

It is not a question of expenditure at this time, but it is a reflection upon every Member of this House for the Senate to attempt to dictate as to how we should manage our affairs; and it does seem to me that if the Senate should devote one-half of its time to its own affairs and the other half of its time in keeping out of affairs which pertain only to the House, it would be busy all the time. [Applause.] The SPEAKER. The time of the gentleman from Illinois has

expired.

Mr. BYRNS of Tennessee. Mr. Speaker, I made a motion to disagree to Senate amendment No. 5 for the purpose of putting the bill and all the Senate amendments into conference, and as one of the conferees of the House it will, of course, be my duty to represent the views of the House without regard to any personal views I may have with reference to this or any other amendment.

So far as I am personally concerned, I take it that most of the Members know where I stand. I was opposed to the increase in the clerical allowance for Members of Congress, and I voted against the increase for clerical allowance. I did so for reasons that are not necessary to enumerate here now. One was that I did not think the condition of the Treasury at this particular time would justify an increase of that kind. I voted that way contrary to my own personal interests, because I say to you gentlemen that ever since I have been a Member of Congress I have paid a second clerk out of my own pocket. I have found it necessary to do that in order to properly and promptly carry on and perform the business of my constituents who have the right to command my time and attention and also to look after my many legislative duties here.

In addition to that I have always believed that Members' clerks ought to be on the roll. [Applause.] Not because I think it is necessary to protect the honesty of any Member of this House. I do not believe there is any foundation for the insinuations that are made in the newspapers throughout this country or the statements which found expression in another place in this Capitol with reference to some Members not using all the clerical hire for the purposes for which it was appropriated. I believe that the Senate did the House a service when

priated. I believe that the Senate did the House a service when it put the amendment on this bill. [Applause.]

I dissent from the statement of the gentleman from Minnesota [Mr. MILLER] when he said that it was possibly inspired by Members of this House. I take it that there was not a single Member of this House who approached any Senator upon the subject. The clerks to Senators are upon the roll. They are paid directly out of the Treasury. Why should not the clerks of Members be paid directly out of the Treasury. the clerks of Members be paid directly out of the Treasury? [Applause.] I say that this should be done not in order to see to it that these clerks get the money actually appropriated, because I repeat that I do not believe there is foundation for the statements made in the newspapers—and we have all seen them—to the effect that there are Members who do not use all the money for the purpose for which it is appropriated. But in view of these statements in the newspapers and in view of the insinuations that are made here and there, I believe the Members of Congress owe it to themselves to put these clerks

on the roll and put a quietus forever on such statements.

I have in my hand a clipping from a daily newspaper printed a few days ago, to the effect that Members of the House would get \$2,000 more salary, while the Senators would be compelled to eke out on a salary of \$7,500. Therefore I say, in justice to ourselves and in order to put a quietus on statements of that kind, that these clerks should be put on the roll. If we do not, then those who have professed to entertain suspicions of some Members, will have their suspicions strengthened by our failure to do so. And those who fail to vote to have their clerks paid directly out of the Treasury, rather than through the Members themselves, may have to answer in the future as to why they insist on this allowance being paid directly to them, rather than to the clerks for whom it is appropriated and to

whom it belongs. I call for a vote, Mr. Speaker.
Mr. SMITH of Idaho. Mr. Speaker, will the gentleman per-

mit a question right there?

Mr. MANN. I withdraw my demand for a division of the

question.

The SPEAKER. The gentleman from Tennessee demands a vote. The gentleman from Illinois [Mr. Mann] withdraws his request for a severance of the proposition. The question is on agreeing to the motion of the gentleman from Indiana [Mr. Cox] to concur in the Senate amendment No. 5 with an amendment.

Mr. BURNETT. Mr. Speaker, I ask that that amendment

be read.

The SPEAKER. Without objection, the Clerk will again read the amendment.

The Clerk read as follows:

Amendment offered by Mr. Cox: To concur in the Senate amendment with an amendment, striking out "\$2,000," on page 20, line 22, and inserting in lieu thereof "\$1,500," and in the same line striking out "\$880,000," and inserting in lieu thereof "\$660,000."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. COX. A division, Mr. Speaker. The SPEAKER. A division is demanded. The House divided; and there were—ayes 52, noes 196.

So the motion was rejected.

Mr. BYRNS of Tennessee. Mr. Speaker, I ask for the reading of the other amendment, numbered 20.
Mr. MANN. Oh, no. We have not disposed of your motion

The SPEAKER. The question is on agreeing to the motion of the gentleman from Tennessee [Mr. Byrns] to nonconcur in Senate amendment numbered 5.

The question was taken, and the motion was agreed to.

Mr. MANN. Mr. Speaker, I move that the House adhere to its

disagreement to Senate amendment numbered 5.

The SPEAKER. The gentleman from Illinois moves that the House adhere to its disagreement to Senate amendment numbered 5. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the

ayes seemed to have it.

Mr. COX. Division, Mr. Speaker.

The House divided; and there were—ayes 221, noes 13. Mr. COX. I ask for the yeas and nays, Mr. Speaker.

The yeas and nays were refused, seven Members, not a sufficient number, rising to second the demand.

Accordingly the motion was agreed to.

The SPEAKER. The Clerk will report Senate amendment No. 20.

The Clerk read Senate amendment No. 20, as follows:

Page 37, in line 25, after the figures "\$12,000," insert "Assistant to the Secretary, at the rate of \$5,000 per annum, from March 1, 1917, to June 30, 1918, both dates inclusive, \$6,666,67."

Mr. BYRNS of Tennessee. I move that the House nonconcur in the Senate amendment.

The SPEAKER. The gentleman from Tennessee moves that the House nonconcur in the Senate amendment No. 20.

The question being taken, on a division (demanded by Mr. Mann) there were—ayes 197, noes 4.

Accordingly the motion to nonconcur was agreed to.

The SPEAKER. The Clerk will report Senate amendment No. 61.

The Clerk read Senate amendment No. 61, as follows:

On page 120, line 4, insert the following:

"The office of postmaster in each class shall hereafter be a nonpolitical office and shall be within the classified civil service, and appointments thereto shall be made in accordance with the civil-service
rules and, so far as practicable, by promotion or transfer upon merit,
without regard to politics, from the employees of the Post Office Department, subject to the permanent civil-service regulations and requirements."

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House nonconcur in the Senate amendment.

Mr. MANN. I offer a preferential motion. I move that the House concur in the Senate amendment.

Mr. MOON. I move to concur in Senate amendment No. 61 with an amendment.

Mr. MANN. The gentleman's motion is preferential. The SPEAKER. The gentleman from Tennessee [Mr. Byrns] moves to nonconcur. The gentleman from Illinois [Mr. Mann] moves to concur. The gentleman from Tennessee [Mr. Moon moves to concur with an amendment, which is a preferential motion. The Clerk will report the motion of the gentleman from Tennessee [Mr. Moon].

The Clerk read as follows:

Mr. Moon moves to concur in Senate amendment 61 with an amend-

Mr. Moon moves to concur in Senate amendment 61 with an amendment, as follows:

Insert, following the word "retirements," line 10, page 120, the words: "Provided, That postmasters now in office or who may be appointed before the 30th day of December, 1917, shall not be subject to removal except under the laws, rules, and regulations now existing, or subjected to examination under civil-service rules and regulations: Provided, however, That in special cases, at any time where the Postmaster General deems the same necessary, he may direct a civil-service examination of any postmaster in the service, and if such postmaster on examination be found incompetent the Postmaster General shall then order a competitive civil-service examination for postmaster at such office, and shall designate an acting postmaster to serve until such examination is had and permanent appointment made: Provided further, That from and after the taking effect of this act no postmaster shall serve as such for more than eight years of continuous service, and no person shall be designated as postmaster who has not been a patron for 12 months of the local office to which he is appointed immediately prior to appointment."

Mr. FITZGERALD. Will the gentleman permit me to suggest that the amendment should be modified to read "after the Senate amendment "?

Senate amendment "?
Mr. MANN. "By adding."
Mr. FITZGERALD. The amendment should read "by adding to the Senate amendment."

Mr. CLARK of Florida. Mr. Speaker, I desire to offer a motion to concur with an amendment, which should come in the first line of the Senate amendment. Can I offer that now?

Mr. MANN. There is only one way in which that amendment can be offered, and that is by demanding a division of the motion to concur with an amendment. Then, when the division is ordered, the Senate amendment is open to amendment.

Mr. CLARK of Florida. Mr. Speaker, I demand a division

of the question.

The SPEAKER. The gentleman from Tennessee [Mr. Byrns] moves to nonconcur in the Senate amendment, and the gentleman from Tennessee [Mr. Moon] makes a preferential motion to concur in the amendment with an amendment. Now, the gentleman from Florida demands a division of the question. The question is on the amendment offered by the gentleman from Tennessee [Mr. Moon].

The question was taken, and the Speaker announced that the

Loes seemed to have it.

Mr. COX demanded a division.

Mr. MOON. Mr. Speaker, is not this amendment subject to debate? I understood the gentleman from Tennessee that he would yield some time for debate.

The SPEAKER. No one seemed to want to debate it. How much time does the gentleman from Tennessee yield to his colleague?

Mr. BYRNS of Tennessee. I will yield 10 minutes.

Mr. BURNETT. Mr. Speaker, when the House is dividing

how can there be debate?

Mr. BYRNS of Tennessee. Mr. Speaker, I was on my feet to yield to the gentleman from Tennessee and had turned to him, asking him how much time was wanted, when the Chair put the question.

The SPEAKER. The Chair thinks that the House is entitled

to debate the amendment.

Mr. BURNETT. I make the point that debate is not in order.

The SPEAKER. The point of order of the gentleman from Alabama does not apply until after the division. The Chair likes to be fair with everybody. No one seemed to want to debate it, the Chair thought, and the Chair wanted to expedite business

Mr. STEPHENS of Nebraska. Mr. Speaker, would a motion be in order to offer a substitute for the amendment of the

gentleman from Tennessee [Mr. Moon]?

The SPEAKER. If it is germane to the amendment offered

by the gentleman from Tennessee.

Mr. STEPHENS of Nebraska. Mr. Speaker, I move the following substitute for the Moon amendment.

The Clerk read as follows:

The office of postmaster in each class shall hereafter be a non-political office, and shall be filled by appointment for a term of four years, said appointment to be based upon a certificate of election issued by the proper election authorities showing that the applicant for the office of postmaster had been chosen by a plurality of the legal voters who were patrons of the post office and the rural routes served thereby at a regular election when other local or county officers were chosen, and that the names of the candidates for postmaster were printed upon ballots without party designation.

Mr. MANN. I make the point of order that that is not a substitute.

The SPEAKER. The Chair sustains the point of order.

Mr. BYRNS of Tennessee. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. Moon].

Mr. MOON. Mr. Speaker, there is one question on which I disagree with the Democratic Party and with the Republican Party. Both of those parties declare for civil service. I do not believe that the civil-service law is to the interest of the American people where that law carries with it, as does the present law, a life tenure in office. [Applause.] If the time shall ever come when this Government must fall, it will be by the work of its own employees. We now have over half a million men, nearly all under the civil service, except the marshals, collectors, and district attorneys. And when that period in the history of this country shall come, as it may come, with fanaticism running wild among thousands of voters in all the parties, as it does to-day, when this Government takes con-trol of the administration of affairs of all the railroads, telegraph, and telephones, you will have created a power in this Government that, under the control of an ambitious presidential administration, will hand this Government down to the party in power year after year, regardless of the will of the people, unless there is a counterbalancing influence exercised at the ballot box by the enlargement of the popular power over

Federal officials.

But while that is all true, the sentiment of a few men who believe, as I do, that this civil-service doctrine, with life tenure, is violative of the fundamental principles of the American Government, can not and will not prevail. If it is proper that officers who are ministerial in their character shall under the law go under the civil service and be given a life tenure; if it is proper that that part of the postal officials of the Government that are not merely ministerial but executive, so far as a part of their duties are concerned, shall go under the civil service; if it is proper that 43,000 men now under the civil service as fourth-class postmasters should go under the civil service under Executive order, placing them in power without examination; if it is proper that hundreds of assistant postmasters, put into the civil service without examination, nearly all of them of the opposite faith from the party now in power, shall be retained under civil service, it is not unfair nor is it illogical, but perfectly logical, that the men now occupying the positions as postmasters who may occupy that position within the 12 months following, which is necessary for readjustment, should remain in office under civil service, not for life, but for a fixed term of years.

What would be the effect of it? Take this amendment No. 61

by the Senate, and what is the logical effect of that amendment? That amendment will cover into the service by operation of the civil-service law every postmaster in the United States to-day. If you adopt this amendment, it will also give an opportunity to the Postmaster General to cover first, second, and third class post offices under the civil service. Now, I do not propose for a moment to say to my friends over here that I believe in a kind of civil service that will appear exactly fair to Republicans. They have had their time. The offices ought to go to Democrats

now

I believe the law ought to treat all men of all parties fairly, but I believe that the party that is dominant, I care not which it is, that is clothed with the right and power to administer this Government, can not do it except through its friends, and therefore this amendment would enable an administration that desires to do so to put Democrats into every one of these offices, and when the Republicans come back into power there is a provision in the civil-service law by which they can all be put out and Republicans put in, by the clause authorizing the President to suspend the operation of the law. That is the exact situation. The amendment provides for nothing more, so far as that part of the amendment is concerned, than the proposed

Senate amendment apparently provides.

But there is something more to this amendment, and as to that part I feel most deeply interested. I do not believe that any proposition ought to go unchallenged that puts any man in office for life, whether he be a Democrat or a Republican. [Applause.] I have, therefore, provided that these men shall not serve longer than eight years. There is another provision here. If this amendment passes, the men now in the department-and this act does not seem to discriminate between departmental employees and postal employees—may be transferred from the department down here on Pennsylvania Avenue and be made postmasters anywhere in the country. There is a diversity of opinion in regard to that. The Civil Service Commission thinks the word "department" would cover the field The Attorney General, I understand, thinks otherwise. But whatever their judgment may be upon this subject, it is true that we ought not to inaugurate under the law a migratory class of carpetbaggers in the post offices everywhere throughout this country. [Applause.] Therefore, I provided in this amendment that the man appointed must have been for at least 12 months a patron of the office to which he is appointed. The power of appointment is vested in the President, by and with the advice and consent of the Senate, and you can not make a law that will take from the President, under the Constitution, the right of appointment or nomination, nor can you make a law that will encroach upon his executive discretion in determining who that appointee shall be. You have no power in the premises nor the right to dictate. ever influence you may exercise comes as a courtesy from the President. He stated in the campaign, as did Mr. Hughes, that he favored the civil service. You ought to help the President keep his promise under the law.

I." Mr. Hughes had been elected, you would need to have helped him to keep it. I believe on this question of civil service they are both wrong; but that makes no difference. The policy of this Government has been established otherwise. Let your administration keep faith with the people upon this question. The

President said he is going to keep faith, and I know he will do so. I hold here in my hand a letter that I shall put into the Record, that shows his views upon that question. If you do not permit him to keep faith with the people in accordance with the pledges he made, he has the power to protect himself and his word. He says, I am advised, that if you do not pass a civilservice law as to first, second, and third class offices he will not nominate another postmaster to the Senate until that applicant has been examined under the rules of the civil service. It is true he could not force the Civil Service Commission to examine applicants, but he could have it done otherwise if they did not do so voluntarily. He will name not one of three highest making the best grade in an examination but he will name the first man on the list or the first woman on the list, whether Democrat or Republican, to be postmaster. That is the feeling and the attitude of the administration upon this question, as I understand it. My own judgment is that the Executive ought not to be forced to this attitude, that you ought to pass an amendment that will enable at least the selection from the first three upon the list, and that the representatives of the people should have some voice in this question, even if only by courtesy, to the end that all patronage in this Government shall not finally be placed in the hands of the Senate of the United States, without any consideration on the part of the representative American public.

The SPEAKER. The time of the gentleman from Tennessee

has expired.

Mr. BYRNS of Tennessee. Mr. Speaker, I yield one minute

more to the gentleman.

Mr. MOON. Mr. Speaker, personally, I do not care anything about this. As political good faith we ought to help carry out this policy as indicated in my amendment. It is the wisest policy under a law which itself is unwise. We ought to do the best we can to sustain the pledges of the Executive.

Mr. Speaker, will the gentleman yield?

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. MOON. Mr. Speaker, I ask unanimous consent to insert in the RECORD the letter of the President and of the Civil Service Commission upon this subject.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The letters referred to are as follows:

SHADOW LAWN, N. J., November 4, 1916.

GEORGE T. KEYES,
Secretary Civil Service Reform League,
79 Wall Street, New York City.
Contember 26 I wish to

To Wall Street, New York City.

Siz: In reply to your letter of September 26 I wish to state that the Postmaster General in his annual report for the fiscal year ended June 30, 1914, recommended to Congress the enactment of legislation which would permit of the extension of the classified civil service so as to include the position of postmaster at offices of the third class. The following year he not only renewed this recommendation but asked that the position of postmaster at offices of the second class be included as well, but no action has ever been taken by Congress on those recommendations. In his annual report for the fiscal year just ended he will not only renew his recommendation for the legislation mentioned but will ask that it be extended to offices of the first class as well.

I am thoroughly in accord with the recommendations of the Postmaster General, and they have my hearty approval. You understand, however, that the classification of the position does not classify the incumbent, and the person holding the position at the time it is classified will be subject to the same competitive test as others who may apply. When these positions are classified the Postmaster General will be able to fill many of them by promotion from the clerical grades; also by the promotion of postmasters who have demonstrated their ability from a smaller office to one of greater importance.

Sincerely, yours,

Woodbow Wilson,

WOODROW WILSON.

UNITED STATES CIVIL SERVICE COMMISSION, Washington, D. C., February 6, 1917.

United States Civil Service Commission,

Washington, D. C., February 6, 1911.

Hon. John A. Moon,

House of Representatives.

Dear Judge Moon: In response to your verbal inquiry of this date as to whether or not the language of Senate amendment 61, page 120, classifying postmasters, would bring the incumbents within the classified service, I have the honor to invite your attention to section 6 of Civil Service Rule II, as follows:

"6. * * a person holding a position when it becomes classified and subject to competitive examination shall have all the rights which he would acquire if appointed thereto upon examination under these rules, but he shall not be transferred without first passing the examination provided by the commission."

In the absence of any action by Congress or the President to the contrary, the incumbents would have a classified status in accordance with the provisions of the rule just quoted.

As to your second inquiry whether or not the language "employees of the Post-Office Department" refers to promotions or transfers only of those persons employed in the department at Washington, D. C., it is my opinion that the language includes all employees of the Postal Service generally. However, the construction of this act would not rest finally with the Civil Service Commission, but with the Attorney General. The act of June 22, 1906 (34 Stat., 449), prohibits a transfer from one executive department to another until after three years' service, and the Attorney General (26 Op., 254) held that the words

"executive department" referred to an executive establishment within the immediate jurisdiction of a Cabinet officer in Washington, D. C., and not to local post offices, pension agencies, etc. There are other opinions of the Attorney General with this same holding in other matters. If the language were changed to read "employees in or under the Post Office Department," there could be no question raised as to its meaning.

Very truly, yours,

Chas. M. Gallowar,

CHAS. M. GALLOWAY, Acting President.

Mr. BYRNS of Tennessee. Mr. Speaker, I yield five minutes

to the gentleman from Minnesota [Mr. Steenerson]

Mr. STEENERSON. Mr. Chairman, the proposition involved in amendment No. 61 of the Senate is evidently drawn by some-body who knows very little about the subject. This is a bill to provide for the legislative, executive, and judicial expenses of the Government. In that bill is always carried the salaries of the department officials and clerks, including the Post Office Department. It is done for this purpose. The Post Office Department is not a part of the ordinary Postal Service. The ordiment is not a part of the ordinary Postal Service. The ordinary Postal Service is always provided for in the Post Office appropriation bill reported by the Post Office Committee. This amendment No. 61 provides that the postmasters of the first, second, and third class shall be appointed without regard to politics from the employees of the Post Office Department, subject to civil-service regulations and requirements. The fair and reasonable interpretation of that language, in view of the separation of the two bills, would be that you would have to select every postmaster in the United States from the employees of the Post Office Department down here on Pennsylvania Avenue, because it does not provide, as stated by the chairman of the Committee on the Post Office, that the appointments shall be made from the Postal Service. I hope that was in the mind of the proponent of this amendment, but it does not say so. It seems strange that it should be offered as an amendment on the legislative bill. It has no place there. If it is proper anywhere it is on the Post Office appropriation bill, which is not yet back from the Senate. I am opposed to this proposition in this form or in the form in which the gentleman from Tennessee [Mr. Moon] offers it. Although I profess to be a friend of civil service, yet I do not believe that the people of the United States would be satisfied with being served by postmasters imported from a strange community. I do not believe we should make a law that would make it possible or necessary to appoint them from outside the community which they serve. This makes a permanent class of officeholders. They would hold for life. There are 9,191 presidential offices in the United States, and they would be added to the advocates of retirement legislation. These postmasters would be here represented by some legislative agent at the very next session, probably wanting to be retired on half pay, and instead of being a proposition for economy it is one that will impose extra expenditures upon the people. I hope that all on this side will vote to nonconcur in this proposition. It is a half-baked proposition; it is one that has no right here; and it is one that should be voted down.

Mr. BYRNS of North Carolina. Mr. Speaker, I yield four minutes to the gentleman from North Carolina [Mr. Page].

Mr. PAGE of North Carolina. Mr. Speaker, I rise in opposition to the amendment which the gentleman from Tennessee [Mr. Moon] offers, as well as the amendment inserted in the bill by the Senate. I doubt very seriously whether there is a Member on this side of the House who under this Democratic administration has had any greater personal embarrassment in dispensing the patronage and appointment of first, second, and third class postmasters than have I, and yet I do not be-lieve that it is either practical or that such service can be improved in the slightest degree by placing these officers of the Government under the civil-service rules. The trouble will not come to me again, since I retire very shortly; but I do not believe that you can select for these positions men as competent or as satisfactory as those who are the patrons of the office—as satisfactory to the department of the Government or to anyone else through any civil-service examination that can be devised in the brain of man as may be obtained by personal selection. [Applause.] This is not a clerical position. Men who serve in the first, second, and third class post offices of this country hold administrative positions, and I do not believe that the civil service should extend or apply to any administrative position or office in the Government. [Applause.] I do not hesitate to say that while I would not abolish the entire civil service, I believe that when the people of this country commission one political party, whether it be this or that, to administer the affairs of this Government, that they mean that that particular political party shall administer them; and I believe that now they ought to have the privilege, if it is a privilege, of naming the men who shall administer them and that they should have the responsibility also of the Government. I do not know but what utes to the gentleman from Missouri [Mr. HAMLIN].

something has been said or intimated here that the President of the United States, unless the Congress places these men under the civil service, will cover them under it by some order of some kind. As one member of the Democratic Party and of this Congress, I want to know since when has one man been commissioned, whether he be the President of the United States or whoever he may be, to lay down the policies of a political party? [Applause.] It seems to me that we are going far when we acknowledge that the party is going to follow a line of principles laid down by any one man, whoever he may be or however great or high may be his office. [Applause.] That is the function of the party in convention assembled, to write the policies of the political party, and no party, so far as I know, has in this way committed itself to this extension of the civil service. I shall oppose by my vote the amendment of the gentleman from Tennessee as well as the amendment which has been placed in this bill by the Senate, and I say to the membership of this House that no method can be devised by which these men can be selected by a civil-service examination that will put men as well qualified to administer the office of postmaster in the various first, second, and third class offices as are now being placed under the present arrangement. [Applause.]

Mr. BYRNS of Tennessee. Mr. Speaker, I yield four minutes to the gentleman from Massachusetts [Mr. Gillett].

Mr. GILLETT. Mr. Speaker, I favor this amendment of the Senate. The distrust which the gentleman from North Carolina [Mr. Page] has expressed of the President of the United States has been expressed by the action of that side of the House in the last four years whenever a matter came up which affected the civil service. They would not leave the administration of the civil-service law to their own President. They insisted on taking out from the civil service deputy collectors, marshals, and various other offices, although the President already had the power to exempt them, if he wanted to exercise it. They would not trust him to give them what spoils they wanted, although apparently they might have trusted him, for he always approved the spoils legislation which they passed. And now, Mr. Speaker, when he has all the power which this amendment of the Senate gives him, the majority in the Senate, apparently distrusting him, again try to take it out of his hands and enact it into law. They do not trust him either way, either to exempt from the civil service or to cover into the civil service.

Now, I agree with the gentleman from North Carolina that the best way to select administrative officers is not by competitive examination. You can select better men by personal selection, if you will. But we all know we, as politicians, will not. Congressmen will not as a rule select the best men, but those who have the most influential support. And the question has long come to this: Do you get better men by examination or do you get better men by patronage? I believe you get vastly better men by examination in the long run. And you all know you will, in your hearts. You know that when you come to appoint a man you can not appoint him according to his merits, but under political pressure.

I felt skeptical originally when they began to extend the civil service outside of the mere clerical appointments. I questioned the wisdom of the first classification of fourth-class postmasters by President Roosevelt. I did not believe it would work. experience has shown its worth. We now select scientists and specialists in various lines and fourth-class postmasters by competitive examination, and I think experience has again and again proved that while examination is not an ideal way, it is a better way than to trust it simply to politics. And I will

be glad to see all of the post offices taken out of politics.

The Postmaster General will, if he is consistent, have all the present postmasters subjected to an examination, because that is what he did with the fourth-class postmasters, and I do not see how he can possibly refuse to do the same when it comes to the higher post offices. But whether he does or not, I am willing, despite my reluctance to see many present incompetent occupants of post offices continue-I am willing, for the sake of having a system established which I believe is infinitely better than the present one, to sacrifice my present feeling and allow the Democrats to stay in office. It does not make much difference in the long run; it does not make any difference in any particular place whether he is a Republican or Democrat.

Take my own city, where they appointed the chairman of

the Democratic city committee as postmaster.

The CHAIRMAN. The time of the gentleman has expired. Mr. BYRNS of Tennessee. Mr. Speaker, I yield three min-

Mr. HAMLIN. Mr. Speaker, I am opposed to Senate amendment No. 61, and I am not very much enamored of the amendment offered by the gentleman from Tennessee [Mr. Moon]. I do not believe that either is practicable. I do not believe that it is wise to place the post offices of the first, second, and third classes under the civil service. It seems to me that if you will only think for a moment, we must all agree that it would be a very great mistake from a business standpoint.

I have no desire to dispense patronage. No man in the House has suffered more than I on account of it. It has given me much trouble, but I am certain that placing these offices under the civil service will not afford us any relief. The fourth-class offices have been under the civil service for some years, and every time an examination has been held in my district and a postmaster appointed on his examination I have been blamed and criticized by those who were not pleased with the appointment, they pretending to believe that I could have secured the appointment of some one else if I had wanted to do so. In other words, they would not believe that the man was appointed upon merit.

There were a few disreputable newspapers in my district—papers that care nothing for the truth, but whose sole object was and has been for some time to arouse criticism of metold the people that the fourth-class postmasters were not appointed under the civil service but that the Congressman, in fact, made the appointment. This same thing would be true if the first, second, and third class offices were placed under the civil service; but I do not care so much about that as I do about the good of the service. The management of the post offices with receipts running from several thousand to millions of dollars a year is a "man's job." Would it conduce to the efficiency of the service to throw the position of postmaster open to a competitive examination? I think not. Let me cite you one case as typical of thousands of similar cases throughout the country, and I would be glad to have Members hear what I say.

Under the civil-service rules, as I understand it, the maximum age at which an applicant could take the examination is 45 years. There is in my district an office where the receipts approximately \$60,000 a year. The postmaster in charge of that office is too old under the regulations to take the civilservice examination, but he is a successful business man of 40 years' experience. I have never heard a word of criticism of his administration of that office, notwithstanding he has been in charge of it for nearly four years. If this Senate amendment should become a law, he would have to step down and out; and even if the age limit could be waived, some young fellow just out of school, perhaps, only 21 years of age, without business experience, could run rings around this postmaster in the civil-service examination, but would that test show that he would be as competent to manage a \$60,000 a year business as the man now in charge of it? The question answers itself. There is not a man in this House, if he had his money invested in a business the receipts of which amounted to \$60,000 a year, would place in charge of that business a young man without business experience when in doing so he would displace a man of 40 years' successful business experience. That is just exactly what would happen if the Senate amendment should be adopted. The truth is, Mr. Speaker, that if the civil service applied to the position of Postmaster General and applicants for that place should be required to pass a competitive examination, some young fellow, perhaps without any business experience whatever, would succeed the present Postmaster General. The proposition put to us by the Senate is ridiculous in the

I trust that in the interest of the service the amendment of the Senate will be overwhelmingly rejected.

Mr. BYRNS of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, every successful business in the world is successful because the men who conduct it are trained in the business. And the Post Office Department of America is the only great business enterprise that I know where men are appointed to conduct it who know nothing whatever about the business. And the time has come when the American people are going to insist that this great department of the Government shall be conducted by men trained in the work. You men on the Democratic side of the House owe it to the President of the United States to sustain him in his recommendation to put this department of the Government under business man-agement. The Postmaster General, in whom you all have such great confidence, has recommended year after year that this department be taken out of politics and placed under business management. Are you going to sustain your President, or are I more to the gentleman.

you going to repudiate his recommendations? Are you going to continue to live under the spoils system, or are you willing to begin to conduct the affairs of the Government on a business Every man in this great department ought to be promoted from place to place because of his knowledge and not because of his politics; and from the lowest to the highest place. including the First Assistant Postmaster General, the men who occupy these places should be men who have earned the right to occupy them by their knowledge and experience and not because of their political pull.

Mr. DALLINGER. Will the gentleman yield?

Mr. MADDEN. I can not yield. And so, Mr. Speaker and gentlemen of the House, the Senate amendment places before you for consideration a business proposition, and your vote will determine whether you are in favor of conducting the business of the Government along scientific lines or whether you still favor the continuation of a policy that brings the departments of the Government into disrepute and carries on the business in the slime of politics. I do not care what the man's politics may be who occupies a Government place. If he is qualified to perform the work, that is the only condition that I impose upon him. If he is clean, if he is able, if he is honest, if he has the interest of the people of America at heart, if he knows the business for which he is employed and can conduct that business along scientific, systematic business lines, I submit to the House that that policy ought to be adopted which will place and continue such a man in office. [Applause.]

Mr. BYRNS of Tennessee. Mr. Speaker, I yield five minutes

to the gentleman from Illinois [Mr. Cannon]

The SPEAKER. The gentleman from Illinois [Mr. Cannon] is recognized for five minutes.

Mr. CANNON. Mr. Speaker, five minutes afford scant time in the remaining hours of this session to discuss such a question as is now put up to the House by this amendment-half baked, somebody called it.

Think of it! The office of postmaster of the various classes shall be a nonpolitical office. Now, then, what next? If you will read it through, you will find that from the Post Office Department in Washington-not in the Postal Service, but in the Post Office Department—they shall be competent for promotion as postmasters without civil-service examination.

It is bad enough as things are now. We have got the civil service for clerical positions, letter carriers, rural carriers, great armies of people. Now, let me tell you: I believe that the Congress of the United States, legislating for the Government, should be careful about the further extension of the classified civil service. [Applause.] Why, you could select all these postmasters, according to this provision, from people in the Post Office Department.

Well, you may say it does not mean that. Perhaps not. Perhaps the wise body that placed it by way of amendment on this bill did not understand what it did mean. But I want to call your attention to the civil-service employees. We have labor unions. Take the postal employees; take the clerks in the departments; take the clerks in the post offices; take the the departments; take the cierks in the post office, that letter carriers, the rural carriers, the railway post-office clerks, under the civil service, serving 100,000,000 people. They join Mr. Campars's Federation of Labor. What has it led to? Without much of consideration to whatever is demanded in the increase of salaries. And you may say, "What do we care for that?" Well, I am about as courageous as any of you gentlemen [applausel, but perhaps I am not courageous enough to stand against the fire of people so organized. My notion is that perhaps the first allegiance of all Government employees is to the Government. But that is another question.

Now, it does not mean in an administrative office that a man should be able to calculate the distance of the earth from the moon, and this and that and the other problem. [Applause.] A man by the name of Johnson, a farmer out in my district 50 years ago, who could not read or write, raised a family that were industrious, and he died in the fullness of time, leaving his property. There was a neighbor near by by the name of Jones. Johnson came in one day and I said to him, "Brother Johnson, how is Jones?" "Oh," he says, "Jones has got lots of land, and a good lot of steers and hogs, and he is a good farmer." I said, "I am glad to hear it." I said, "How are the children getting along?" He said, "Do you know, Cannon, he has sent those gals and boys of his over to Asbury College, at Green-castle, and," he said, "they will come out damned eddicated idiots," [Applause and laughter.] And they did. [Renewed laughter.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. BYRNS of Tennessee. Mr. Speaker, I yield three minutes

SEVERAL MEMBERS. Make it five! The SPEAKER. The gentleman from Tennessee yields three minutes more to the gentleman from Illinois.

Mr. CANNON. Three minutes more; somebody says "five."
Mr. HULBERT. Mr. Speaker, I consent that my two minutes
shall be given to the gentleman from Illinois.

Mr. BYRNS of Tennessee. I yield five minutes to the gentleman from Illinois. [Applause.]

The SPEAKER. The gentleman from Illinois is recognized

for five minutes more.

Mr. CANNON. Now, a Republic like ours must succeed from time to time by the organization of people who differ about the proper policies and the majority controls. [Applause.] I want to say that in all administrative offices I believe that the party in power, being responsible, should have its friends in office. [Applause.]

Mr. BURNETT. That is the correct doctrine.
Mr. CANNON. I know I may not meet the views of the doctrinaire. The gentleman from Tennessee [Mr. Moon], speaking of our President, as I understood him to say—although that is the first I heard of it—said that unless this legislation is en-acted in the closing hours of this session—and it is impossible to enact it and do it intelligently-in the future he will not appoint any postmasters. Is that right?

Mr. MOON. The Clerk has the letter of the President. If the

gentleman from Illinois has no objection, it can be read.

Mr. CANNON. I have no time for that, but let me say one thing: Woodrow Wilson, your President and mine, is a great A wonderfully great man. [Applause.] But I want to say, with all respect and without abuse to him personally, that the House of Representatives, with 435 Members, and the Senate of the United States, with 98 Members, constitute the legislative body chosen by the people, and God knows-and it is not with malice, but with sorrow I say it-more and more under our Presidents-President Roosevelt and under our President Taft and under our present President, who can give them both cards and spades in bossing Congress [laughter]—the President has sent the flat out and is controlling legislation. Great Heavens! want to see the House of Representatives, whether it remains permanently Democratic or not, do its own work. You are as patriotic as we are, and you think you are wiser [applause], and it may be; but whether you remain in power or we come into power I want to see the Congress of the United States do its legitimate work of legislation. [Applause.] Therefore I trust that when this legislative bill passes the Senate amendment will disappear from it. [Applause, and cries of "Vote!"]

Mr. BYRNS of Tennessee. Mr. Speaker, I yield five minutes
to the gentleman from North Carolina [Mr. KITCHIN].

The SPEAKER. The gentleman from North Carolina is recog-

nized for five minutes.

Mr. KITCHIN. Mr. Speaker, there are three propositions before the House. The first is a motion of the gentleman from Tennessee [Mr. Byrns] to disagree to the Senate amendment. I am in favor of that. [Applause.] The second proposition is the motion of the gentleman from Illinois [Mr. MANN] to concur in the Senate amendment, which, if enacted into law, and if the law and the rules of the Civil Service Commission are lived up to, will keep in office every postmaster now in office for the balance of his life. I am opposed to that. [Ap-

The third proposition is the motion of the gentleman from Tennessee [Mr. Moon] to concur, with an amendment. If that becomes law and the Post Office Department and the Civil Service Commission comply with that, and the rules of the commission, then every man now in office and every man who will be appointed to a postmastership between now and the 31st day of December, 1917, will remain in office for eight years. I am opposed to that. [Applause.] What reason have they given for changing the system of appointing postmasters which has been in vogue for 50, 75, or 100 years? Do they claim that under the Republican administration we did not have competent postmasters? Nobody makes that claim. Do they claim that under Mr. Wilson's administration we have not obtained efficient postmasters? Nobody makes that claim. Why, then, should the system be changed? It has given the country competent, efficient officers, who have given efficient and satisfactory service. I am opposed to the changing of this system in appointing postmasters more than I would be to changing the system of appointing any other officers under the Federal Government, because the postmaster comes nearer in touch with, is more the servant of, the people of his community than any other officer under the Federal Government, and the people in that community ought to have some voice in saying who shall be their postmaster. [Applause.] If I were

going to change the system of appointment I would rather go toward a system that would give the patrons of the post office more power and more voice in the appointment than to go toward the other system, as is proposed here, that would deny to the patrons of the office any voice at all in the appointment.

Will the gentleman from North Carolina undertake to say that it takes away any privilege from the patrons of

Mr. KITCHIN. Yes; for eight years under the gentleman's amendment-

Mr. MOON. Oh, no

Mr. KITCHIN. Wait a minute. The gentleman's amendment requires that the present postmasters be put in the classified service, and that every incumbent now in office and every man whom the Postmaster General or the President shall appoint before December 31, 1917, shall remain in office for eight

Mr. MOON. It says this, too, which the gentleman has overlooked, that postmasters shall not be appointed except from the

patrons of the office.

Mr. KITCHIN. It says that the appointee must have been a patron of the office for at least 12 months. He may be a man who could stand a better examination, if they had an examination, and yet he may be a man that no other person in the community would indorse if the people had a voice in the appointment, either directly or through their Representatives. The gentleman from Tennessee [Mr. Moon] appealed to us on this side, and the gentleman from Illinois [Mr. MADDEN] on that side appealed to us to vote for one or the other of these propositions to concur, on the ground that it is our duty to help the President keep the promises he made to the people before the election. I say to the gentleman from Tennessee [Mr. Moon] and to the gentleman from Illinois [Mr. Mappen] that neither the Senate proposition nor the proposition of the gentleman from Tennessee enables the President to keep the alleged promise that he made, but forces him, if he acts in accordance either with the Senate amendment or the gentleman's amendment, to violate the act and rules of the Civil Service Commission or else to violate the promise which gentlemen say he made. The Senate amendment, under the rules and regulations of the civil service and under the act itself, keeps in office every man now in office during the balance of his life, without examination, without being put to the test, in violation of both the spirit and letter of every civil-service act we have ever put upon the statute books; and the proposition of the gentleman from Tennessee [Mr. Moon] if enforced according to its terms and the rules of the commission, keeps in office, without competitive examination, for eight years every man who is now in office and every man whom the President shall appoint, without competitive examination, from now until December 31.

The President never made any promise of that kind to the people, because the President would know that it would be a wrong upon all parties in the United States. Here is what the President said he was in favor of. Let me read it. This is from the letter which the gentleman from Tennessee [Mr. Moon] has put into the Record, a letter addressed by the President to Mr. Keyes, secretary of the Civil Service Reform League, 79 Wall Street, New York City. What is any real good civil-service reformer doing living in Wall Street? [Laughter.]

This letter was written just before the election, November 4, 1916. Speaking of the Postmaster General's report the President said:

In his annual report for the fiscal year just ended he will not only renew his recommendation for the legislation mentioned (putting in the classified service second and third-class post offices), but will ask that it be extended to offices of the first class as well.

I am thoroughly in accord with the recommendations of the Postmaster General and they have my hearty approval. You understand, however, that the classification of the position does not classify the incumbent, and the person holding the position at the time it is classified will be subject to the same competitive test as others who may apply. may apply.

Not one of the amendments before the House will enable the President to carry out that proposition he makes in the letter, Mr. MOON. If we pass this law and make it the duty of the

President to enforce it, then is it not his paramount duty to carry out the law of Congress, which will relieve him of any

Mr. KITCHIN. That is what I am telling you. You will either make him violate his pledge to the Civil Service Reform League, or else force him to violate the act of Congress

Mr. MOON. Would you object to Democrats holding on for

the next eight years?

Mr. KITCHIN. No; but I want them to get the office in the future like they have in the past. The gentleman from Tennessee was appealing to this House for a law to help the President keep faith with the people, or rather with the Civil Service Reform League, and yet he is not helping him by his amendment, but in my opinion his amendment will prevent him from

The SPEAKER. The time of the gentleman from North Caro-

lina has expired.

Mr. BURNETT. I ask unanimous consent that the gentleman's time be extended-

The SPEAKER. The gentleman from Tennessee [Mr. Byrns] has charge of the time.

Mr. BYRNS of Tennessee. I yield one minute more to the gentleman.

Mr. KITCHIN. The President further says in the letter that the law he wanted of classifying the post offices would enable the Postmaster General "to fill many of them by promotion from the clerical grades" without further examinations.

Mr. BURNETT. Will the gentleman yield for a question?
Mr. KITCHIN. I yield to the gentleman from Alabama.
Mr. BURNETT. Mr. Speaker, I want to ask the gentleman a question. The President has the appointing power. Suppose the President should require that postmasters undergo an exemination, how, under this law, would that prevent him from appointing those whom he says ought to be appointed after ex-

Mr. KITCHIN. You can not prevent him from doing it; but you can pass this act with Senate amendment or with the Moon amendment and put him in a position of violating the act and will of Congress and the rules of the commission, the act which he himself has signed, if he should require examination thereafter. You do not want to put him in that position, do you?

Mr. BURNETT. No. Mr. KITCHIN. Of course, we do not. I do not want any Democrat, and I do not want any Republican devotee of the administration, to be fooled into voting for the Moon amendment or the Senate amendment, on the ground that it is helping the President to keep faith with the Civil Service Reform League. It will make him violate either that faith or this act.

Mr. MOON. Then the gentleman from North Carolina puts himself in this position, and no other—that he wants no Demo-

crat or Republican here to sustain the President in anything, Mr. KITCHIN. The gentleman has not prepared a proposition that will sustain the President's position taken in that I am opposed to the Senate amendment, I am opposed to the Moon amendment, but I am in favor of the motion of the gentleman from Tennessee [Mr. Byens], who has charge of the bill. I am in favor of the system of appointing postmasters as it

is right now and has been for a century. [Applause.]
Mr. BYRNS of Tennessee. Mr. Speaker, I yield two minutes

to the gentleman from Illinois [Mr. MANN]

Mr. MANN. Mr. Speaker, the President of the United States made his pledge before the election and has made the same statement since the election. The amendment of the Senate carries out exactly the pledge made by the President. seen this House under the control of our Democratic friends change its principles on great public questions and grovel in the dust at the behest of the President of the United States. I have seen it change its position on foreign relations at the demand of the President of the United States. But after all, there is a limit to the power of the President. He may require the Democrats to bow the knee on questions of principle, but when he tries to take a job away from one of them his power is evanescent and gone. [Laughter and applause.] You are willing to yield to him your judgment, your legislative authority, your place as a representative of the people in disposing of great public questions, but you are not willing to let him keep you from appointing a man to a \$900 job. [Applause on the Republican side.]

Mr. BYRNS of Tennessee. I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, there must have been some unexpected recent arrangement by which the gentleman from Illinois [Mr. Mann] has been commissioned as spokesman on this floor for the President of the United States. [Laughter and applause.]

Mr. MANN. I always defend him when he is right, which

Mr. FITZGERALD. I always fear the Greeks bearing gifts. Possibly Members on this side of the House have not been congratulating themselves as heartily as the gentleman from Illinois indicates at the freedom accorded to them in the selection of postmasters during the last three years. [Laughter.]

I have had a great number of appeals made to me to support

this amendment, appeals made by eminent citizens in all parts |

of the country. They have been made to me because I am what is known as a civil-service reformer [laughter], and naturally the appeals which have emanated from the leading reform organizations of the country, and the leading reforms have been directed to me, to exert my influence on behalf of the Senate amendment.

Mr. Speaker, I believe that the Senate amendment is fraught with great evil to our system of government. I believe in the system of party government—a system in which political parties promulgate specific principles and policies, and, if selected, carry those principles and policies into effect. My experience has been that many distinguished civil-service reformers are engaged in a profound and comprehensive attempt to break down all political organizations and to set up the individual and the individual idea of policy in preference to the policies and principles of political organizations, and to that system of

government I am unalterably opposed. [Applause.]
I have had some experience with civil-service men. years I have served on the Committee on Appropriations and listened to men in responsible positions under Republican administration outlining the policy of the administrations and advocating the appropriations to be made to carry on the poli-cies outlined. Because of the ill-devised system of civil service under which men in responsible positions, men who are compelled to determine and to dictate to a very considerable extent the policies of the administration, have been continued in office, many Republicans have been appearing before the same committee outlining the policies and dictating the manner in which the public business shall be conducted under a Democratic administration. We would have had much more satisfactory results if Democrats in harmony with the Democratic President and Democratic administration had been occupying these offices.

The gentleman from Illinois [Mr. Madden] stated that this is one of the great businesses in the country where men are not trained to administer it, and where men are appointed without regard to the training which they have received. Mr. Speaker, there is not an intelligent business man in the United States conducting either a great business or a small business who would contemplate for a single instant supporting legislation that would give a life tenure to the most important men in his business who had not been selected with regard to their training to conduct it, and which would deprive him of the right to change his personnel at will.

My experience has been that those selected because of politicalservice or for partisan reasons for important public offices make better, more efficient, more competent officials than those selected through the medium of civil-service examinations. There is something else necessary than mere ability to pass an examination for efficient administration. Some of the most essential qualifications can not be ascertained as a result of examinations, and many who obtain the highest marks in examinations lack most completely the essential qualifications for successful ad-

ministrators.

The SPEAKER. The time of the gentleman has expired. Mr. FITZGERALD. I desire to add that I hope the good, sound sense of the House will save us from the disastrous effects of such legislation.

Mr. BYRNS of Tennessee. Mr. Speaker, I yield two minutes to the gentleman from Tennessee [Mr. Austin].

Mr. AUSTIN. Mr. Speaker, there has been a good deal of criticism upon this side of the House of the majority side for following the President of the United States in his recommendations to Congress. Now, when the Democratic Members have gotten religion, want to depart from the error of their ways, and act in accord with our own views, they are condemned by certain Republican leaders in this House. I am not so unkind, so ungenerous. I congratulate the Democratic Members for exercising their independence upon this proposition. [Applause.]

Mr. BURNETT. Mr. Speaker, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. BURNETT. The gentlemen upon that side never did

exercise that independence, did they?

Mr. AUSTIN. I am going to do it, especially where there is an appropriation or an office involved. [Laughter.] It has been mentioned here that President Wilson and Gov. Hughes both committed themselves upon legislation of this kind. I want to state that neither one of them was commissioned to make that declaration in the platforms of the political parties which nominated them. Our beloved colleague, Mr. Madden, of Illinois, one of the ablest and most successful business men of the Middle West [applause], we find now insisting upon civil-service examinations in selecting postmasters; but in his long and successful business career he has never inaugurated a civilservice system in his own plant. [Laughter.] We are told that

the great political leader of the administration, our former colleague, whom we all love so fondly, Postmaster General Burleson, is at the head of this great movement in the interest of the uplift and civil-service reform. I would have some faith in him as a civil-service reformer if he had inaugurated it four years when these 10,217 offices were filled with Republicans. [Laughter.] I want to say in absolute good faith and frankness that four years from now we are going to make every one of those 10,217 excellent Democratic postmasters walk the plank-15 of them in the district I represent. [Applause and

Mr. BYRNS of Tennessee. Mr. Speaker, I yield one minute to the gentleman from Missouri [Mr. Dickinson].

IMr. DICKINSON addressed the House. See Appendix.1

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Mr. Speaker, I yield one minute and a half to the gentleman from Kentucky [Mr. Langley].

[Mr. LANGLEY addressed the House. See Appendix.]

Mr. BYRNS of Tennessee. Mr. Speaker, I move the previous question upon the pending motion.

The previous question was ordered.

The SPEAKER. The question is first on the motion of the gentleman from Tennessee.

The question was taken, and the motion was rejected.

The SPEAKER. The question now is on the motion of the gentleman from Illinois [Mr. Mann] to concur.

Mr. MANN. Mr. Speaker, upon that I ask for the yeas and

The SPEAKER. The gentleman from Illinois demands the yeas and nays. Those in favor of taking this vote by the yeas and nays will rise and stand until counted. [After counting.] Forty-three gentlemen have risen, not a sufficient number.

Mr. MANN. What makes the Chair say not a sufficient num-

ber?

The SPEAKER. On the basis of the last vote.

Mr. MANN. Oh, well, that was an hour ago.

The SPEAKER. The gentleman can demand the other side.

Mr. MANN. But I do not ask for the other side.

The SPEAKER. Those opposed to taking the vote by the yeas and nays will rise and stand until counted. [After counting.] Two hundred and thirty-four Members have risen. Forty-three is not a sufficient number, and the yeas and nays are refused. The question is on the motion of the gentleman from Illinois [Mr. Mann] to concur.

The question was taken, and the motion was rejected.

The SPEAKER. The question now recurs on the motion of the gentleman from Tennessee [Mr. Byrns] to nonconcur.
Mr. MANN. The vote upon the motion to concur is in effect

a disagreement, is it not, where the House refuses to concur?
The SPEAKER. The gentleman is correct. The amendment

is not concurred in. The Clerk will report the next amendment. No. 62.

The Clerk read as follows:

In order to promote economy in the distribution of supplies and in auditing and accounting, the Postmaster General may designate districts and central offices in such districts through which supplies shall be distributed and accounts audited, but in no case shall the postmaster at the central station be given authority to abolish offices, to change officers or employees in offices included in such district.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House nonconcur in amendment No. 62.

The motion was agreed to.

The SPEAKER. The Clerk will now report Senate amendment No. 71.

The Clerk read as follows:

The Clerk read as follows:

Page 152, strike out section 7, which is as follows:

"SEC. 7. That to provide, during the fiscal year 1918, for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate per annum less than \$1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than \$1,800 per annum and not less than \$1,200 per annum, so much as may be necessary is appropriated:

Provided, That this section shall only apply to the employees who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein: Provided further, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein."

And insert in lieu thereof the following:

And insert in lieu thereof the following:

SEC. 7. That to provide, during the fiscal year 1918, for increased compensation at the rate of 15 per cent per annum to employees who receive salaries at a rate per annum of \$480 or less, and for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of more than \$480 per annum and not exceed-

ing \$1,000 per annum, so much as may be necessary is appropriated: Provided, That this section shall only apply to employees who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein: Provided further, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House nonconcur in Senate amendment No. 72.

The motion was agreed to.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House agree to the conference asked by the Senate.

The motion was agreed to.

The Chair announced the following conferees: Mr. Byens of Tennessee, Mr. Sisson, and Mr. Good.

NAVAL APPROPRIATION RILL

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20632, the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, with Mr. Page of North Carolina in the chair,

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20632, the title of which the Clerk will report.

The Clerk read the title, as follows:

A bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes.

The Clerk read as follows:

BUREAU OF MEDICINE AND SURGERY.

Medical department: For surgeons' necessaries for vessels in commission, navy yards, naval stations, Marine Corps, and for the civil establishment at the several naval hospitals, navy yards, naval medical supply depots, Naval Medical School, Washington, and Naval Academy, and toward the accumulation of a reserve supply of medical stores, \$1,121,740.

Mr. SMITH of Michigan. Mr. Chairman, I think in the strenuous times we are now experiencing that there is no more important measures than the Army or Navy bills that could be brought before Congress. I am in receipt of a letter to-day from one of the companies in my district engaged in steel manufacturing, which I would like to have the Clerk read.

The CHAIRMAN. The Clerk will read the letter in the time

of the gentleman from Michigan, The Clerk read as follows:

ALBION, MICH., February 6, 1917.

The Hon. J. M. C. Smith, Washington, D. C.

My Dear Mr. Smith: In these strenuous times the writer rather wishes to offer his services and the services of our plant, which now has a pay roll of something over 200 men and is able to turn out wire and ironwork, such as steel equipment for the Army in the nature of racks, troughs, and other sheet-iron equipment.

Our machine shop is fairly well equipped with lathes, millers, and shapers and can handle small machine work very nicely.

If we can be of help in any way, kindly feel at liberty to call on us, and if you will, kindly notify the proper person.

Please feel at liberty to call on the writer for anything that we can do.

can do.
With very kindest regards, I remain,
Yours, very truly,
UNION S

UNION STEEL PRODUCTS CO. (LTD.), GEO. E. DEAN, President and General Manager.

Mr. SMITH of Michigan. Mr. Chairman, this is one of the finest institutions in Michigan. In these trying hours for the Nation I commend the gentleman, Mr. Dean, for his lofty Americanism, his high citizenship, and unexcelled patriotism. It is such spirit that makes our Republic invincible. that the greatest peace advocate in the United States, Mr. Ford, of Detroit, has offered his plant with 35,000 employees to the Government in case of war to manufacture munitions. I do not know, but I hope and pray that we will not be obliged to go to war; but if we do go into war the fiber and manhood of Michigan's best blood will fully respond, as it did in the days past, and in like manner, as during the Civil War, when it had a population of 750,000 people and sent 90,000 troops to the front from that State alone. At that same ratio and pro-portion it could now raise an army of 400,000 men. Now, I can not say, after listening to the argument somewhat closely of gentlemen who have spoken upon this bill, that I am in complete accord with expending so many hundred millions of dollars for warships alone, and not giving more attention to the aeroplane service, to the submarine service, to fighting with fire, to fighting with liquid air. It seems to me that these modern devices should have more attention, and I base that

upon the fact that there is nearly one-half of our present fighting force of ships that are tied up to the docks for want of men in order to operate them. Instead of building more warships and dreadnaughts, if I had my way, I think more attention should be given to recruiting the Army and recruiting the Navy, so that we could use the warships we now have but no men to operate them. Mr. Chairman, if we must strike, everything should be done that human ingenuity could do to make that war effective and our Navy and our Army successful. We are not going into any boy's play. To me it was a serious thing to break off relations with a great country, and it will not be any easy matter to establish those relations again. coming to a time, whether it be for the purpose of war or whether it be for the purpose of adjustment after the war, when we will need an Army and a Navy that can back up our position. It does not make any difference whether we remain neutral or whether we are called upon to fight, we will be called upon at the end of this war, whether we are in or out, to regulate our affairs to the adjustments and readjustments of the settlement made. Under any and all circumstances it behooves us to be ready. Mr. Chairman, it is an honor and a privilege to present this patriotic letter. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

BUREAU OF SUPPLIES AND ACCOUNTS.

The Clerk read as follows:

BUREAU OF SUPPLIES AND ACCOUNTS.

Pay of the Navy: Pay and allowances prescribed by law of officers on sea duty and other duty, and officers on waiting orders, \$15,333,156,42; officers on the retired list, \$2,940,368,72; commutation of quarters for officers on shore not occupying public quarters, including boatswains, gunners, carpenters, sailmakers, machinists, pharmacists, pay clerks, and mates, naval constructors, and assistant naval constructors, \$675,679; and also members of Nurse Corps (female), \$1,000; for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are no tufficient quarters possessed by the United States to accommodate them, or commutation of quarters not to exceed the amount which an officer would receive were he not serving with troops, and hire of quarters for officers and enlisted men on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable, \$4,000; pay of enlisted men on the retired list, \$492,657,34; extra pay to men reenlisting under honorable discharge, \$1,400,000; interest on deposits by men, \$12,000; pay of petty officers, seamen, landsmen, and apprentice seamen, including men in the engineers' force and men detailed for duty with the Fish Commission, 68,700 men; and pay of enlisted men of the Hospital Corps, and for the pay of enlisted men detailed for duty with the Naval Militia, \$26,835,914,67; pay of enlisted men undergoing sentence of court-martial, \$225,000, and as many machinists as the President may from time to time deem necessary to appoint; and hereafter the pay of warrant officers while on shore duty during the fourth three years service shall be \$1,750 per annum; and 6,000 apprentice seamen under training at training stations, and on board training ships, at the pay prescribed by law, \$550,400; and as many machinists as the President may from time to time deem necessary to

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. GARDNER rose.

Mr. STAFFORD. I do not desire to take the gentleman from Massachusetts off the floor, but I assume he wants to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment. Does the gentleman care to argue the point of

order or reserve the point of order?

Mr. STAFFORD. I reserve the point of order. There are several new items of legislation in the paragraph just read which I would like to have the gentleman explain the necessity for. For instance, the last paragraph in the bill provides for an advance of pay, not exceeding three months' pay in any one case, may be made to officers ordered to and from sea duty and to and from shore duty beyond the seas. What is the occa-

sion for that phraseology?

Mr. PADGETT. That has been going on ever since the Navy was organized. This is known as "dead horse." An officer is ordered into a foreign country, and the department advances him three months' pay, and we simply express in this language here what has been going on ever since the Navy was

organized.

Mr. ROBERTS of Massachusetts. I will ask the chairman if the desire was not expressed to have it put in this language?

Mr. STAFFORD. This is nothing more than confirming a regulation of the department that has been in existence for

Mr. PADGETT. Many, many years.

Mr. ROBERTS of Massachusetts. A hundred years at least. Mr. STAFFORD. It does not provide for any increase in salary. It only provides for an advance allowance of a part of

Mr. PADGETT. That is all.
Mr. STAFFORD. I wish to inquire as to the new phraseology at the bottom of page 33, providing for pay of warrant officers

Mr. PADGETT. I can not answer that better than to read

to you from the hearings:

Mr. McGowan. That is to correct a manifest clerical error which has existed for quite a long time in the pay of warrant officers. The pay of warrant officers is based on the first 3 years, the second 3 years, the third 3 years, and fourth 3 years. Now, after the first, second, and third 3 years it jumps up regularly every three years, because presumably a man is worth more; but there is no jump for the fourth 3 years. It remains at \$1,625 until the fifth 3 years, but in the next 3-year period it takes two jumps, or goes \$250 at one jump. That is evidently a clerical error, and I should very much like to correct it.

Mr. BUTLER. That does not increase the salary. Mr. PADGETT. It increases it \$125.

It increases it \$125.

Mr. STAFFORD. It divides up the \$250 increase over the two periods?

Mr. PADGETT. Into \$125 for each one.
Mr. STAFFORD. Just one further inquiry, and that is as to
the new language as found in lines 22 and 23 authorizing the President to employ as many machinists as he may from time to time deem necessary. Or is that old language?

Mr. PADGETT. Yes, sir.

Mr. STAFFORD. According to the bill I have it is new language, and I was wondering whether under that language the President would be authorized to employ large numbers of machinists.

Mr. PADGETT. That has been always the law.

Mr. STAFFORD. Mr. Chairman, I withdraw the reserva-

tion of the point of order with those explanations.

The CHAIRMAN. The gentleman withdraws a reservation of the point of order. The gentleman from Massachusetts [Mr. GARDNER] offers an amendment which the Clerk will report. The Clerk read as follows:

Page 33, line 20, strike out "\$26,835,914.67" and insert "\$30.-435,914.67."

Mr. GARDNER. Mr. Chairman, if this amendment is adopted it will enable each enlisted man of the Navy to receive \$5 more pay a month. If it is adopted, it will be necessary to adopt two more amendments in order to complete it. of them is subject to a point of order. If it is rejected, I shall not attempt the other amendments. The reason I believe the enlisted men of the Navy ought to receive \$5 more a month apiece is this: We have authorized 77,956 enlisted men in the Navy of the United States. We were short on February 1, according to Admiral Palmer, 24,500 men. In other words, out of every three men necessary to man our ships we had only two. That is why we had to put six battleships "in reserve on May 12 last and three more in October, in order to man our dreadnaughts and a destroyer division. We reduced the crews of those nine battleships 60 per cent each. We put three battleships "in reserve" the other day, when the Arizona was commissioned. Not one of the three had been in commission as long as 10 years.

Mr. Chairman, the Secretary of the Navy appeared before the Naval Committee. He told the committee that the enlisted men ought to be paid more money. He said that they were worth more money than they are getting now. pay of the enlisted men of the Navy is only \$17.60 a month.

Now, I see by the morning paper that the Secretary said yesterday that the January enlistments were far above the average. Very likely; January enlistments generally are far above the average. I notice that the Secretary testified before the Committee on Naval Affairs that in November, December, and January, during the winter, is the best period for recruiting. The fact remains we can not get men in the Navy because we do not pay them enough, and for the same reason we can not get men in the Army. If this amendment is adopted, it will cost the Government \$3,600,000 more every year. That is the sum which the Secretary of the Navy estimates will be necessary in order to pay each enlisted man \$5 more a month.

Mr. LONGWORTH. Can the gentleman state what the pay

is in the English Navy?

Mr. GARDNER. I can not. But I know it is a great deal lower than ours. But, then, of course, the British Army is very much underpaid as compared with ours. A private in the Canadian Army, the over-seas army, is paid \$33 a month, while a private in our Army is paid only \$15 a month in time of peace. In the Spanish War privates received \$16.50 per month.

Mr. LONGWORTH. Does the gentleman think that \$5 more month would result in increasing the number up to the

Mr. GARDNER. I think that is what the Secretary says. I am not quite sure that that was what he said, but I shall put

his exact evidence in the RECORD.

Mr. SMITH of Michigan. I want to say it is very important that we recruit up the Army and recruit up the Navy, and I think one of the ways for doing it is to give them a reasonable compensation; and I think that those of us who stay at home and get a good salary while they go to the front and enlist in the Army to perform that service can afford to pay them more, even to share a part of our salary with them, and I am very much in favor of the amendment.

The CHAIRMAN. The time of the gentleman from Massa-

chusetts [Mr. GARDNER] has expired.

Mr. GARDNER. Mr. Chairman, I should like one minute

The CHAIRMAN. Is there objection? [After a pause.] The

Chair hears none

Mr. GARDNER. Mr. Chairman, in reply to the inquiry of the gentleman from Ohio [Mr. Longworth] I find that I incorrectly stated the Secretary's testimony. Here are his exact words in a colloquy with Congressman Kelley, of Michigan, a member of the Naval Committee. Mr. Kelley asked:

If that would get the men, it would be worth while to do it?

To that Secretary Daniels responded:

Undoubtedly. I think it would tend to still further increase the first enlistments and retain experienced men in the service.

Mr. LONGWORTH. Was the amount, \$5, mentioned?

Mr. GARDNER. Yes; the amount, \$5, was mentioned. But I was mistaken in saying that the Secretary expressed the opinion that that increase would attract enough recruits to

bring the Navy up to its full authorized strength.

Mr. TAGUE. Mr. Chairman, I believe in the amendment of fered by my colleague from Massachusetts [Mr. Gardner]. Representing a district where it is necessary for me to come in contact a great deal with men in the naval service, I agree with what the gentleman from Massachusetts has said.

But I would go a step further, Mr. Chairman. I can readily understand why at this time it is impossible to get men to go into the Navy at the wage that is offered to them. It is because it is easier to get work with higher wages elsewhere. But this is not all. Mr. Chairman, there have been more men driven out of the Navy through the arrogance and unfair methods of officers whom this Government has educated than from any other cause connected with the naval service.

I can cite, Mr. Chairman, many, many cases of young men who have gone into the Navy intending to serve their country, but as soon as their enlistment is over no inducement could bring them back into the service because of the ill treatment they had received at the hands of some of the officers in control

Now, I do not say that is so with respect to all the officers. Some of them are reasonable and considerate. But there are too many officers to-day in the Navy who believe they are just a little bit better than other people, simply because they wear the uniform of Uncle Sam. They do not want to believe that the young man who enlists and who comes from just as good families as they do, though with perhaps not the same opportunities, but wanting to serve his country in the Navy, to learn something, has a right to expect considerate treatment. The moment some of these officers get these young men under them they drive them in such a way that they overtax their patience and stifle their ambition, so that the moment an opportunity is presented those young men leave and never go back to the

How can they help deserting from the Navy under those conditions? And this does not apply altogether or alone to the enlisted men in the Navy. It applies also to the workmen in navy yards. I venture to say there are to-day filed in the office of the Secretary of the Navy, from me alone, at least 200 complaints concerning the manner in which men have been treated by officers placed in charge of work in the navy yards. Competent mechanics, men who know their business, are ridden over by young officers just beginning their service who do not know how to handle men and can not properly perform the service that is expected of them. I know of cases, Mr. Chairman, where mechanics, men who wanted to work in the navy yard, but who could not stand the arrogance of these young officers, have left and gone to private shipyards where they work under competent superiors.

The only consolation to-day in the Boston yard is that we have a good man, Capt. Rush, who is in command of the yard, and a first-class constructor, Capt. Baxter, who is in charge of

the construction department. We are fortunate in having such men, for they at all times try to be fair to the workmen, unlike some of their assistants, who run roughshod over men who can

teach them their business.

Mr. Chairman, I know of a young man who while serving in the Navy on board the U. S. S. Memphis was scalded and wounded so badly, and then further injured by an iron cover falling on his head, that he lay in the hospital at Charleston for 12 or 14 weeks. After leaving the hospital he was then sent aboard a ship to do light duty. As soon as he got on board the ship and found himself unable to perform the service required of him he notified his superiors of his inability to work. He was immediately put at hard labor; and being unable to perform that hard labor, he was charged with neglect of duty and discharged from the Navy with a dishonorable discharge. This young boy is now crippled for life as the result of his injuries. When I brought the matter to the attention of the Secretary of the Navy he withdrew that discharge, notwith-standing the fact that the officer on the ship had signed the order to the effect that the young man was unfit for service and had a dishonorable discharge handed to him. Thanks to the Secretary of the Navy, the dishonorable discharge has been withdrawn, and that boy to-day has an honorable discharge from the Navy.

I have to-day a case pending before the Navy Department where some mechanics in the navy yard at Boston, because they would not bow the knee to these arrogant, overbearing officers, have been blacklisted and excluded from the service for one

year.

There are too many of these cases, Mr. Chairman, in the naval service. It is time some of these officers were made to realize that while this Government is willing to give them everything to work with and will do everything in its power to make them competent and able to perform the service they are expected to perform for the country the citizens and laymen of this country also have some rights. It is time this abuse of workmen should stop. This is one reason why you can not get the men necessary to build your ships. This is the reason why you can not get a sufficient number of men to serve in the Navy. The men will not serve under officers of this kind. Any Member who has a navy yard in his district knows that I am telling the truth.

Let me cite another instance. A workman in the navy yard in my district in charge of a gang of men was commended in general orders by the Navy Department. He received letters of commendation from the Secretary of the Navy, from the commandant in charge of the yard, and from the constructor in the yard for efficiency in workmanship and efficiency in conduct. Two days after he received that letter from the Navy Department a young junior officer in the Navy, to show his authority and perhaps offended because the workman had received the commendation over his head, went after the young man, found fault with his work, and had him suspended from duty for

inefficiency and poor conduct.

When this was brought to the attention of the commandant of the yard he immediately reinstated the man and put him back on a Friday afternoon. On Monday morning, before he had a chance to get his crew together, this same junior officer in the Boston Navy Yard filed charges of incompetency against him, and after his discharge sent his name and that of his assistants to the Civil Service Commission with a poor conduct and poor workmanship discharge. Fifteen minutes after they left the navy yard these men went over to another shipbuilding company and were employed at wages a dollar a day higher than they were receiving in the navy yard. Nevertheless for one year these three workmen under the civil-service rules will be deprived of an opportunity of working in the navy yards of this country, or in any other branch of the Government service, unless the Secretary of the Navy shall correct this injustice.

Mr. Chairman, this is the trouble with our navy yards. This is the trouble with our Navy Department. The difficulty is not so much that you can not get the men. It is well known that men have been driven away from the Navy and good workmen from the navy yard. They have been driven away by the contemptible acts of men whom this Government has trained and supported at the expense of the people; men whom this Government has educated to know better and who do know

better. [Applause.]
The CHAIRMAN. The time of the gentleman has again

expired.

Mr. PADGETT. Mr. Chairman, I know nothing, and this House can know nothing, about the individual cases that the gentleman refers to. I do know this, though, that the officers with whom I have come in contact, a great many of them, show evidence of great interest in the enlisted men in the Navy and

in the workmen. I have talked with workmen and with enlisted men numbers of times, and they have always expressed the same

Now, with reference to the amendment offered by the gentleman from Massachusetts [Mr. GARDNER] increasing the amount of the appropriation for the pay of the enlisted men from \$26,000,000 to something over \$30,000,000, I want to call the attention of the committee to the fact that that amendment would accomplish absolutely nothing except to make an excessive appropriation. The department has estimated that by June 30, 1918, the end of the fiscal year for which this appropriation is made, we shall have increased the enlistments to 70,000, and this is to take care of the pay of that number of men up to that Now, the gentleman has overlooked the fact that the law fixes the pay of the men in the different ratings, and if you should appropriate more money you would not give any individual any more than the law allows.

Mr. GARDNER. Will the gentleman yield?

Mr. PADGETT. Yes.

The gentleman can not have listened to the Mr. GARDNER. first part of my statement. I said if this was adopted it would be necessary to change the total later, and also to insert a provision increasing the pay of the enlisted men. That will all be done unless the gentleman raises a point of order.

Mr. PADGETT. I shall do that. Mr. GARDNER. Ah!

Mr. PADGETT. For the simple reason that last August we passed a law giving the enlisted men many substantial and distinct advantages and increases, and under the operation of this law enlistments are moving along with good satisfaction. Until we have given that a trial, there is no good judgment in rushing forward and adding more at this session of Congress.

Mr. COX. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. COX. How much do we pay our enlisted men now? Mr. PADGETT. The base pay at starting is \$17.60 a month, and then they increase, with longevity pay and with advance-

Mr. COX. What do they get at the end of their first three years?

Mr. PADGETT. I believe the period is a three-year period. Then on the second enlistment they get more, and then they are soon promoted up into higher grades, and the pay runs up to \$75, \$90, and \$100 a month.

Mr. COX. In the first three years they get \$17.60 a month?

Mr. PADGETT. And their board.

Mr. COX. Anything else?

Mr. PADGETT. They get their medical treatment.

Mr. COX. Do they get any clothing? Mr. PADGETT. Yes. They get as a first outfit \$60 worth of clothing.

Mr. COX. The first three years do they get their clothing? Mr. PADGETT. Yes; when they first enlist.

And their board, and things of that kind? Mr. COX.

Mr. PADGETT. Yes.

Mr. TAGUE. Is that taken out of their pay?

Mr. PADGETT. No, sir; it is not.
Mr. COX. How does their pay compare with the pay of the men in the English Navy before the war broke out?

Mr. PADGETT. It is much larger.

Mr. COX. What was the English pay before the war broke out?

Mr. PADGETT. I do not remember definitely, but I should say not exceeding two-thirds of ours. I make that statement offhand.

Mr. BUTLER. I did not think it was half as much.

Mr. COX. Does the gentleman know what was paid in the German Navy?

Mr. PADGETT. Still less than that. It is almost conscrip-

tion in the German Navy.

Mr. SMITH of Michigan. Does the gentleman think that under the present high wages that are paid by other institutions employing workmen we could ever get any perceptible increase in the Army or Navy for \$17.60 a month?

Mr. PADGETT. We are getting very good increases. During the month of January the increase was 1,344, during that

one month.

Mr. SMITH of Michigan. How long, at that rate, will it take to get the full complement?

Mr. PADGETT. On the 1st of July, 1918, they expect to have the enlisted strength up to 70,000 men.

What do they pay for enlisting Mr. SMITH of Michigan.

Mr. PADGETT. They offer \$5 to the postmaster for each enlistment, and then they have recruiting stations out gathering them up through the country,

Mr. GARDNER. Will the gentleman yield? Mr. PADGETT. Certainly.

Mr. GARDNER. The gentleman said that they expect the Navy Department to have 70,000 men by the 1st of July, 1918. Is that true?

Mr. PADGETT. That is the information I get from Admiral

Mr. GARDNER. Is it not true that 78,000 are required

according to the bill last year?

Mr. PADGETT. Yes; we authorized 77,000.

Mr. GARDNER. Yes; 77,056. Now, the chairman said to Secretary Daniels, when he recommended the increase, that Admiral Palmer had told him that the prospects were that they would get 10,000 in the next year, and Secretary Daniels said

that he hoped to do so.

Mr. PADGETT. We passed a law that became effective on the 29th of August, 1916. Under that regulations were promulgated and sent out through the country, but the people had to have time to learn about it; and the prospects since that time are very much better. Under the reserve law that we passed last year giving retirement after six years for life to go into the reserve, and with the increase of the retainer, giving grades in the reserve corps and the increase of pay, we are offering them so many more advantages under the act of August 29, 1916, that I am informed there is great satisfaction going out as it becomes known; and I hope the amendment of the gentleman will be voted down, because it would not yield one dollar to the enlisted men.

Mr. GARDNER. Mr. Chairman, I move to strike out the last two words. Now, Mr. Chairman, the gentleman from Tennessee is correct in saying that the mere adoption of this amendment would not raise the enlisted men's pay. I have here an amendment which will be offered on the next page which will raise their pay, if the gentleman does not raise the point of order.

Mr. PADGETT. I have been very frank to say to the gentle-

man that I would raise the point of order.

Mr. GARDNER. Precisely; I was going to call attention to. The gentleman has stated that he will raise the point of order, but I make this prediction-if the House raises the total amount of money carried in this paragraph with the avowed purpose of giving enough funds to enable the Secretary of the Navy to pay \$5 a month more to each enlisted man, when the bill arrives at the other end of the Capitol, the Senate will amend it with a provision increasing the statutory pay of enlisted men by \$5 per month.

The gentleman calls attention to the great improvement in the lot of the enlisted man under the act of last August. All that improvement had taken place at the time when the Secretary gave his evidence. It was on the 11th day of December last that the Secretary appeared before the Committee on Naval Affairs and preferred that request for increasing the pay \$5 per month for the enlisted men.

Mr. WATSON of Pennsylvania, Will the gentleman yield? Mr. GARDNER. Certainly.

Mr. WATSON of Pennsylvania. From what condition of life do you depend for recruits?

Mr. GARDNER. Many come from the country districts.

The Secretary speaks exceedingly well of the character of the class of enlisted men he has got. He says that 90 per cent of them have somebody dependent upon them. He also says that the men in civil life who are doing every kind of duty are getting higher pay. Here is the amendment which I shall offer on the next page of the bill, if this amendment carries, to wit: Add at the end of the paragraph the words "and hereafter the pay of the enlisted men of the Navy shall be increased \$5 each per month."

Mr. RAINEY. Mr. Chairman, I move to strike out the last two words. I do that in order to have a telegram, which I have just received, read at the desk.

The Clerk read as follows:

ROODHOUSE, ILL., February 8, 1917.

Congress Hall Hotel, Washington, D. C.:

The entire plant of Eli Bridge Co. is at the service of the United States Government in case of war. Please communicate this to proper authorities.

W. E. SULLIVAN, President Eli Bridge Co.

Mr. EMERSON. Mr. Chairman and gentlemen of the committee, at this time, when our Nation seems to be involved in a great crisis, it is well to know how some of the German-Americans of this country feel concerning this Republic, and I desire to have the Clerk read in my time a letter from A. J. Gaehr, one of the leading German-American citizens of Cleveland, Ohio.

The Clerk read as follows:

CLEVELAND, February 6, 1917.

Hon. H. I. EMERSON, Washington, D. C.

Hon. H. I. EMERSON,

Washington, D. C.

My Dear Mr. Emerson: May I say a personal word with reference to the delicate international relations that now exist between this country and Germany? Whatever I write is done in the spirit of sincere loyalty to this country.

I am the son of a naturalized citizen of German birth and I have no other desire than that this country shall be at honorable peace with all nations, and I believe those who violate international law must suffer the penalty. It is because I have such high regard for America and sincere attachment for it, and it is because I have not altogether forgotten the old home that I am anxious that both parties remain in friendly relations.

We must not forget that the present tension has been brought about because we permitted one nation to violate international law with impunity and held another to strict observance of it; and while I do not in any sense criticize the strict enforcement of it—quite the contrary—I sincerely indorse it. We must not be too severe when we have been in part responsible for it.

Moreover, I wish to say I shall loyally support this Government in case of a break, or if worse conditions should obtain, because I believe not in "America first," but in "America only."

I should deplore the conditions if we should permit ourselves to be drawn into the vortex of the horrible conditions that now prevail in Europe and do what the allies desire to have us do, namely, fight their battles. We pull no one's chestnuts out of the fire; we fight for his country alone.

I would urgently request that you use your utmost endeavors to pre-

other nation. Let them settle their own grievances. We fight for this country alone.

I would urgently request that you use your utmost endeavors to prevent a hostile outbreak between this country and Germany or any other country, so long as the conditions are not incompatible with our self-respect or rights or duties. The thought that we should go abroad and kill individuals and have our citizens killed by others, who have never seen one another and have no personal grievance, is almost too horrible to bear. For that reason I urge, if at all possible or proper that peaceful relations be maintained or if war must come, that we fight for America and for no other country.

Those who would have us fight for them now are the ones who opposed the establishment of the Republic and hampered this country in every possible way during the Civil War, and those whom they would like to have us oppose and attack are the ones that sent over delegations that helped to fight, like Baron Steuben, who rendered such invaluable service to the Continental troops. And remember that those of German birth furnished a larger contingent of the Army that upheld the Nation in 1861 to 1865 than all of the foreign nations combined. At any rate, this is not the time for passing snap judgment, but for caim deliberation.

Yours, very truly,

A. J. Gaehr.

Mr. BUTLER and Mr. DYER rose,

Mr. BUTLER and Mr. DYER rose,

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that all debate upon this amendment and upon the paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unani-

mous consent that all debate upon the paragraph and all amendments thereto close in five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Mr. Chairman, I shall divide my five minutes with the gentleman from Missouri [Mr. Dyer]. I thought when we began the consideration of this bill that it might be necessary to increase the pay of the enlisted men of the Navy. With that in mind, I asked the Secretary of the Navy a good many questions. Since that time I have concluded that it might be well to postpone the increase of pay until some time in the near future, when we can ascertain positively whether these recruits can be had-not to keep the pay from the men, but to see how the legislation which we passed last August may affect the enlistment. The gentleman from Tennessee [Mr. Padgett] was wrong in the number of years of the enlistment period. It is four years, and during that time the enlisted man who behaves himself well has ample opportunity for pro-

Mr. PADGETT. Many of them get promotion within the first

Mr. BUTLER. Many of them are promoted the first year and

their wages increased. Mr. COX. How mu How much?

Mr. BUTLER. From \$2 to \$4 a month, depending upon the promotion. My recollection is that the first promotion is \$2 per month; and I think the second is four. I will say to the gen-tleman that the promotions are graded, they are fixed by law and by regulations of the Navy

Mr. COX. Then it is possible to have promotion and increase of salary during the first period of enlistment?

Mr. BUTLER. Yes,

Mr. PADGETT. And they get prizes and trophies besides.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. GARDNER. What pr promoted in their first year? What proportion of the enlisted men are

Mr. BUTLER. I am sorry that I can not answer that ques tion. The opportunity to be promoted and the opportunity for more of them to advance was given by the bill that we passed last August. It was then the purpose of Congress not to tempt

the men to enlist in the Navy, but to help the men who did en-Their opportunities were doubled. They now have the chance after five or six years' service of going into the reserve, where they will draw pay as long as they stay in the reserve.

Mr. COX. How much when they get to the first reserve? Mr. BUTLER. I will ask the chairman of the committee

what is the retainer pay?

Mr. PADGETT. It is \$12 a year the first year, but then they get two months' pay during the year at the rating at which they went out of the regular service, and then at the different ratings their pay increases, and it runs along through life.

Mr. TALBOTT. And besides that we provide that 100 men shall be appointed from the enlisted force to the Naval Academy.

Mr. TAGUE rose.

Mr. BUTLER. Mr. Chairman, before I yield to the gentleman from Massachusetts, this service of the Government as a Naval Reserve service gives a promise of being extremely popular because of the great number of enlistments in it.

Mr. TAGUE. What percentage of the men reenlist after their

first service?

Mr. PADGETT. I have not got the last year, but the year before that 85 per cent of them reenlisted. I understand that during this year it has been reduced down to about 65 per cent

or 75 per cent, but a good many went into the reserves.

Mr. BUTLER. I have always had it in mind that about threefourths of the men reenlisted. The number may have decreased
this year because of the advantages from the outside. I fear that I have taken up all of the time instead of yielding a part of it to the gentleman from Missouri, and I will ask the Chairman of the committee to open the door so that he may have five minutes.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired, and, by unanimous consent, all time has

expired.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent—
Mr. PADGETT. Does the gentleman from Missouri desire to speak on the amendment or something else?

Mr. DYER, Just a couple of minutes.

Mr. PADGETT. The gentleman can get it after we have had

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. GARDNER].

The question was taken and the amendment was rejected. Mr. PADGETT. Mr. Chairman, I am going to move that the committee rise and if the gentleman from Missouri wants his five minutes now, will the gentleman move to strike out the last word? Let him get in now if he desires, as I am going to move that the committee rise.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to address the committee for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DYER. Mr. Chairman, I want to say a word in behalf of this amendment because I believe that one of the troubles we have now with reference to securing eligible men for enlistment in the Army and Navy is the small pay as well as because of the fact that the Government of the United States does not show to the men after they have been discharged from the service the consideration which they ought to show them as compared with employment in civil life. Other countries of the world, practically all, are far ahead of the United States in that respect. But one thing I want especially to speak of while I have the floor is in reference to the suggestion that comes from the gentleman from Ohio [Mr. EMERSON] in the letter that he had read here from the desk from a citizen of German ancestry. It seems to me, Mr. Chairman, that it is an insult to the men of our Nation, born in Germany or of German parentage, to have it even intimated on the floor of this House that they are not as loyal Americans as those of any other nationality or breed. [Applause.] I recently returned from a two-day stay in my city of St. Louis and there we had the papers every hour practically containing the alarming headlines of the imminent danger of this country entering into war with Germany, and I am proud to say that in that city we have a very large population of men of German birth or of German ancestry and I had the privilege of talking with many of them while I was there and to see their views expressed in newspapers of that city, and I want to say, Mr. Chairman, that not one word did I hear or read in the newspapers, coming from any men of German birth or German ancestry, but what said in effect, "We will stand loyally behind the President of the United States in what he has done so far." [Applause.] "We believe that the President took the position that he in honor had to take in the name of the honor and glory of our great country." There is no division re-specting the people of German birth or of German ancestry, and even to have it intimated here in any way that they are not

as loyal is in my judgment not only unnecessary but an insult to that great patriotic people of our land. I yield the balance of my time to the gentleman from Pennsylvania [Mr. MILLER].

Mr. MILLER of Pennsylvania. Mr. Chairman, I shall not detain the committee but a moment. I have some observations which I desire to make on this bill, and in place of speaking them I will ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the Record. there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Michigan. Mr. Chairman, I make the same request.

Mr. GARDNER. Mr. Chairman, I make the same request. The CHAIRMAN. Without objection, the requests will be granted. [After a pause.] The Chair hears none.

Mr. PADGETT. Mr. Chairman, I move that the committee

do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Page of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20632, the naval appropriation bill, and had come to no resolution thereon.

HOUR OF MEETING TO-MORROW.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock

The SPEAKER. The gentleman from Tennessee asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Walderf, its enrolling clerk, announced that the Senate had passed bills of the following titles and a resolution, in which the concurrence of the House of Representatives was requested:

S. 8079. An act to amend the first and seventh paragraphs of section 4414 of the Revised Statutes of the United States as

amended by the act of April 9, 1906;

S. 8105. An act granting the consent of Congress to the Conway County Bridge District to construct, maintain, and operate a bridge across the Arkansas River, in the State of Arkansas; Senate concurrent resolution 29.

Resolved by the Senate (the House of Representatives concurring). That the appreciation of the Government and the people of the United States is hereby expressed of the action taken by the people of Thorold, Ontario, Canada, in erecting a monument near that place to commemorate the death on the battlefield of Beaverdams, or Beachwood, of a number of soldiers in the service of the United States who there lost their lives during the War of 1812.

The message also announced that the Senate had passed

without amendment bill of the following title:

H. R. 8669. An act authorizing the Secretary of the Interior to extend the lease of certain land in Stanley County, S. Dak., for a buffalo pasture.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 13831. An act to amend section 4464 of the Revised Statutes of the United States, relating to number of passengers to be stated in certificates of inspection of passenger vessels, and section 4465 of the Revised Statutes of the United States, prescribing penalty for carrying excessive number of passengers on passenger vessels, and section 4466 of the Revised Statutes of the United States, relating to special permits for excursions on passenger steamers; and
H. R. 15314. An act to punish persons who make threats against the President of the United States.

The SPEAKER announced his signature to enrolled bill of

the following title:

S. 3699. An act to donate to the city of St. Augustine, Fla., for park purposes the tract of land known as the powder-house

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 358. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occa-

sion of the inauguration of the President elect in March, 1917,

HOUSE BILL WITH SENATE AMENDMENTS.

Mr. FERRIS. Mr. Speaker, I ask the Speaker to lay before the House the bill H. R. 8492 with Senate amendments, and I move to concur in the Senate amendments.

The SPEAKER. The Chair lays before the House the bill the title of which the Clerk will report.

The Clerk read as follows:

An act (H. R. 8492) to restore homestead rights in certain cases.

The Senate amendments were read.

Mr. FERRIS. Mr. Speaker, I move to concur in the Senate amendments.

The question was taken, and the Senate amendments were concurred in.

PAYMENTS ON CHEYENNE AND ARAPAHOE INDIAN RESERVATION.

Mr. FERRIS. Mr. Speaker, another short matter. It will take but a moment to dispose of it. I ask unanimous consent to take from the Speaker's table the bill S. 7757, a similar House bill being on the calendar.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to take from the Speaker's table the bill .S. 7757. a bill of similar tenor being on the House Calendar. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 7757) authorizing a further extension of time to purchasers of land in the former Cheyenne and Arapahoe Indian Reservation, Okla., within which to make payment.

Okla., within which to make payment.

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to grant to purchasers of land in the former Cheyenne and Arapahoe Indian Reservation, Okla., sold in the year 1910, under the act of Congress approved June 17, 1910 (36 Stat. L., p. 533), a further extension of time to make payment; the unpaid portion of the purchase price shall be divided into five equal portions, one portion to be due November 15, 1918, and one portion thereof November 15 of each of the four succeeding years, interest to be paid on each installment or portion when due at the rate of 5 per cent per annum: Provided, That interest due under existing law granting extensions of time must be paid up to November 15, 1916, within 90 days from the passage of this act: Provided further, That fallure to pay any installment, as well as the interest thereon, as the same becomes due, as herein provided, will forfeit the entry and the same shall be canceled, and any and all payments previously made shall be forfeited.

Mr. MANN. Mr. Speaker. I move to amend. I think the

Mr. MANN. Mr. Speaker, I move to amend. I think the amendment would come on line 1 by the way the Clerk read the bill, on page 2, where it reads "interest to be paid on each installment or portion when due," by inserting after the word "paid" the word "annually," and striking out the words "when due."

Mr. FERRIS. That amendment is entirely agreeable, and makes it clearer than it was before.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. Mann].

The Clerk read as follows:

Page 2, line 1, after the word "paid," insert the word "annually," and in line 2 strike out the words "when due,"

The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. Ferris, by unanimous consent, a House bill, H. R. 19785, of similar tenor was laid on the table.

EXTENSION OF REMARKS.

Mr. MURRAY. Mr. Speaker-

Mr. MANN. Mr. Speaker, I make the point of order there is no quorum present.

Mr. MURRAY. Just a moment. I want to extend some re-

Mr. MANN. Very well.
Mr. MURRAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on two subjects: First, the subject of "Criminal record of 'beer' and 'liquor' compared," and on "Essentials for rural-credit law."

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD on the subjects mentioned. Is there objection?

There was no objection.

LATE SENATOR BENJAMIN F. SHIVELY.

Mr. DIXON. Mr. Speaker, I ask unanimous consent that Sunday, February 18, be set apart for eulogies on the life and

character of the late Senator Shively, of Indiana.

The SPEAKER. The gentleman from Indiana asks unanimous consent that Sunday, the 18th of February, 1917, be set apart for eulogies on the life and character of the late Senator BENJAMIN F. SHIVELY, of Indiana. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 38 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Friday, February 9, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Postmaster General, transmitting a

schedule of papers and documents which are not needed in the transaction of public business and which, in the opinion of the department, have no permanent value or historical interest (H. Doc. No. 2042): to the Committee on Disposition of Useless Executive Documents and ordered to be printed.

A letter from the Secretary of War, submitting a possible reduction of the amount provided for aviation under the heading "Signal Service of the Army" (H. Doc. No. 2043); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. NEELY, from the Committee on the Judiciary, to which was referred the bill (H. R. 15730) giving the consent of the United States for the bringing of certain suits in the Supreme Court of the United States, and for other purposes, reported the same without amendment, accompanied by a report (No. 1444), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIOIS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 7486) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors reported the same without amendment, accompanied by a report (No. 1441), which said bill and report were referred to the Private Calendar.

Mr. TILLMAN, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 20827) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, accompanied by a report (No. 1442), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memo-

rials were introduced and severally referred as follows: By Mr. WEBB: A bill (H. R. 20828) to regulate the conduct of vessels in the ports and waters of the United States in case of actual or threatened war, insurrection, or invasion, threatened disturbance of the international relations of the United States; to the Committee on the Judiciary

By Mr. WALSH: A bill (H. R. 20829) authorizing the President to secure vessels of foreign registry from destruction and

damage; to the Committee on the Judiciary.

By Mr. HULBERT: A bill (H. R. 20830) prohibiting construction of bridges and construction of additional tracks upon existing bridges over any navigable stream in the city of New York unless the elevation of said bridge at mean high water shall be sufficient to permit the free movement of such vessels as are ordinarily operated upon such navigable stream; to the Committee on Interstate and Foreign Commerce.

By Mr. PADGETT: Resolution (H. Res. 488) providing for the consideration of amendments to H. R. 20632, naval appropriation bill; to the Committee on Rules.

By Mr. SHERWOOD: Resolution (H. Res. 489) providing for pay for the examiner detailed to the Committee on Invalid Pensions from the Pension Bureau; to the Committee on Accounts.

By Mr. GUERNSEY: Concurrent resolution (H. Con. Res. 72) authorizing the Secretary of the Navy to order a ship or ships of the United States Navy to proceed to some designated port of France to bring American officials to the United States; to the Committee on Foreign Affairs.

By Mr. HUMPHREY of Washington: Memorial of the Legislature of the State of Washington, urging appropriation to reim-

burse the State of Washington for expenditures incurred in recruiting her military organizations to their authorized maximum war strength; to the Committee on Claims.

By Mr. JOHNSON of Washington: Memorial of the Legislature of the State of Washington, urging the construction of a military highway along the north bank of the Columbia River connecting Forts Vancouver and Canby, in the State of Washington; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of Washington, urgently requesting the building and maintaining of a military highway along the Pacific coast from the Canadian border to the Mexican border for military necessities and defense; to

the Committee on Military Affairs.

By Mr. HAYES: Memorial of the Legislature of California, favoring the passage of House bill 15096, to authorize an exchange of lands between the United States and the several

States; to the Committee on the Public Lands.

By Mr. GLYNN: Memorial of the Legislature of the State of Connecticut, declaring the loyalty of the people of Connecticut to the Government of the United States in the present international crisis; to the Committee on Foreign Affairs.

By Mr. McARTHUR: Memorial of the State Legislature of the State of Oregon, favoring the establishment of a naval base at the mouth of the Columbia River, Oreg.; to the Committee on Naval Affairs.

Also, memorial of the Legislature of the State of California, favoring appropriation of money for the improvement of the harbor and bay at Crescent City, Del Norte County, Cal.; fo the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of Oregon, favoring the Owyhee project in Malheur County, Oreg.; to the Committee on Irrigation of Arid Lands.

By Mr. TIMBERLAKE; Memorial of the Legislature of the State of Colorado, favoring the protection and maintenance of the oil industries of the State of Colorado; to the Committee on the Public Lands

By Mr. HAWLEY: Memorial of the Legislature of the State of Oregon, favoring an appropriation for the construction of the Owyhee reclamation project, in the State of Washington; to the Committee on Irrigation of Arid Lands.

Also, memorial of the Legislature of the State of California, favoring an appropriation of \$390,000 for the improvement of the harbor at Crescent City, Del Norte County, Cal.; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. TILLMAN: A bill (H. R. 20827) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and

sailors; to the Committee of the Whole House.

By Mr. FOSTER: A bill (H. R. 20831) granting a pension to

Thomas Binnion; to the Committee on Pensions.

By Mr. GLYNN: A bill (H. R. 20832) granting a pension to William Webster; to the Committee on Invalid Pensions.

By Mr. MONTAGUE: A bill (H. R. 20833) to appoint Leonard G. Hoffman as a past assistant paymaster in the United States

Navy; to the Committee on Naval Affairs.

By Mr. OVERMYER: A bill (H. R. 20834) granting an increase of pension to Joseph Schlaffer; to the Committee on Pen-

Also, a bill (H. R. 20835) granting a pension to Marguerite Metzger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20836) granting a pension to Jacob Gish;

to the Committee on Invalid Pensions.

By Mr. SHOUSE: A bill (H. R. 20837) granting an increase of pension to John P. Williams; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid

on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Socialist Party of Philadelphia, against the United States in War; to the Committee on Foreign Affairs.

Also (by request), memorial of Equal Rights Association of Kentucky, relative to suffrage for women; to the Committee on

the Judiciary

By Mr. ALLEN: Memorial of Methodist Ministers' Association of Cincinnati, Ohio, approving the exclusion of liquor advertisements from the mails; to the Committee on the Post Office and Post Roads.

By Mr. BRUCKNER: Petition of J. J. Bowers, New York City, favoring daylight-saving bill; to the Committee on In-

terstate and Foreign Commerce.

By Mr. CAREW: Memorial of City Council of Ironton, Ohio, relative to location of the armor plant; to the Committee on Naval Affairs.

Also, petition of Personal Liberty League of Maryland against prohibitory legislation; to the Committee on the Ju-

diciary.

By Mr. CHARLES: Memorial of Manufacturers' Association of Amsterdam, N. Y., protesting against passage of the excess-revenue measures; to the Committee on Ways and Means.

Also, petitions of sundry citizens, of Schenectady, N. Y., against this country involving itself in war; to the Committee

on Foreign Affairs.

By Mr. DALE of New York: Petition of the Equal Rights Association of Kentucky, favoring woman suffrage; to the Com-

Also, petition of D. J. Sweeney, superintendent of the John Hancock Mutual Life Insurance Co., Boston, Mass., protesting against the increased tax against insurance companies as provided in the revenue bill; to the Committee on Ways and Means.

By Mr. EAGAN: Petition of Henry R. Kent & Co., of New York City, favoring passage of House bill 20080, relative to migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of Bay City's Postal Employees, favoring passage of House bill 17806, relative to salaries; to the Committee on the Post Office and Post Roads.

Also, petition of voters of the eleventh district of New Jersey against prohibitory legislation; to the Committee on the Judi-

Also, petition of Kentucky Equal Rights Association, relative to suffrage for women; to the Committee on the Judiciary.

By Mr. FARR: Paper to accompany bill granting an increase of pension to Margaret Owan; to the Committee on Invalid Pen-

By Mr. FULLER: Petition of the Equal Rights Association of Kentucky, for legislation for universal suffrage; to the Committee on the Judiciary

Also, petition of the City Club of Chicago, favoring the Casey bill to establish woman's division in the Department of Labor; to the Committee on Labor.

Also, petition of the Department of Illinois, United Spanish War Veterans, for the Key pension bill; to the Committee on Pensions.

Also, petition of Massachusetts State Board of Trade, for Federal regulation of railway rates, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Herman Hallstrom, editor Labor News, Rockford, Ill., against declaration of war; to the Committee on Foreign Affairs.

Also, petition of Paul B. Reis, of Rockford, Ill., for House bill 20080, the migratory-bird treaty bill; to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Petition of sundry citizens of the State of Massachusetts, protesting against prohibitory legislation; to the Committee on the Judiciary.

Also, petition of Laura A. C. Hughes, Boston, Mass., favor-

ing the administration peace policy; to the Committee on Foreign Affairs.

Also, petition of Charles F. Hackett, Elizabeth Donaldson, Arthur A. Shurcliff, Arthur H. Delhin, Mrs. Charlotte L. Ware, J. A. Bensa, Josephine R. Harrington, and Lydia W. Howes, members of the Massachusetts Branch of the League to Enforce Peace, urging the adoption of the league's peace proposals by the United States; to the Committee on Foreign Affairs. By Mr. GRIEST: Petition of Bay Cities postal employees (Cali-

fornia), urging the enactment of House bill 17806, to increase | Foreign Affairs.

the salaries of certain employees in the Postal Service; to the Committee on the Post Office and Post Roads.

Also, petition of the International Forestry Conference, urging cooperation by the Government with States and the Provinces of Canada to eradicate the pine-blister disease; to the Committee on Agriculture.

Also, petition of United Leather Workers of the World, Philadelphia, Pa., protesting against militarism; to the Committee on Military Affairs.

By Mr. HICKS: Petition of citizens of Nassau County, N. Y., favoring submission to the States of a national prohibition amendment; to the Committee on the Judiciary.

By Mr. KETTNER; Petition of W. B. Storey, vice president the Atchison, Topeka & Santa Fe Railway System, Chicago, Ill., protesting against passage of House bill 9216; to the Committee on Interstate and Foreign Commerce.

Also, petition of A. Young, Order of Railway Conductors; W. K. Ackerley, T. B. La Rue, and F. M. Klinglesmith, all of Needles, Cal., protesting against House bill 19730, the Adamson bill; to the Committee on Immigration and Naturalization.

Also petition of Walter P. Casey, Brawley, Cal., opposing rider in Post Office bill providing for a guaranty fund in lieu of surety bonds; to the Committee on the Post Office and Post Roads

Also, petition of C. N. White, business manager San Francisco Advertising Club, San Francisco, Cal., protesting against discontinuance of pneumatic-tube service of Chicago; to the Committee on the Post Office and Post Roads.

Also, petition of Melville Klauber, wholesale grocer, San Diego, and O. P. Shepardson, Fullerton, both in the State of California, favoring 1-cent letter postage on second-class matter;

to the Committee on the Post Office and Post Roads.

Also, petition of Dr. John H. Mallery, La Mesa; Milton C. Shepard, San Diego; F. C. Reid, San Diego; C. B. Messenger, Los Angeles Cultivator Publishing Co.; and Frederick H. Eley, Santa Ana, all in the State of California, and John H. Cowles, secretary general the Supreme Council, Scottish Rite, Washington, D. C., protesting against postal rates according to zone system; to the Committee on the Post Office and Post Roads.

Also, petition of W. O. Talbot, secretary Merchants' Association of San Diego, Cal., favoring passage of William P. Bor-LAND's bill to provide standard time for United States; to the

Committee on Labor.

Also, petition of Mrs. Mina B. Brust, secretary San Diego Society for Study and Prevention of Tuberculosis, San Diego, Cal., favoring passage of Kent bill, House bill 11864; to the Committee on Interstate and Foreign Commerce.

Also, petition of E. Ellison, secretary Waterfront Workers' Federation of Pacific Coast, San Francisco, Cal., favoring new marine-hospital building at San Francisco, Cal.; to the Commit-

tee on Public Buildings and Grounds.

Also, petition of Phil V. Dewey, secretary Typographical Union No. 84, San Bernardino, Cal., favoring raise in salaries of printers employed in post offices; to the Committee on the Post Office and Post Roads.

Also, petition of W. C. Allen, secretary California State Church Federation, Los Angeles, Cal., protesting against enactment of a universal military law; to the Committee on Military Affairs. By Mr. LINTHICUM: Petition of Frank B. Hall, of Balti-

more, Md., against passage of House bill 19730; to the Committee on Immigration and Naturalization.

Also, petition of Equal Suffrage League of Baltimore, Md., favoring the Casey bill, for woman's division in the Department of Labor; to the Committee on Labor.

Also, petition of sundry citizens of Baltimore, Md., favoring national woman-suffrage amendment; to the Committee on the Judiciary.

Also, petition of Constance Smith, the Woman's Club of Kensington, and S. C. Hoover, all of the State of Maryland, favoring passage of House bill 20080, migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Baltimore, Md., against United States in war with Germany; to the Committee on Foreign Affairs.

By Mr. MORIN: Petition of Mr. E. L. West, secretary of the Bay Cities Postal Employees, Oakland, Cal., with reference to increase of salaries; to the Committee on the Post Office and

By Mr. NORTON: Petitions of Bismarck Verein and citizens Bismarck and Hebron and German-Hungarian Society, of Dickinson, N. Dak., asking Congress to submit question of war to vote of people of the United States; to the Committee on

By Mr. SHOUSE: Petition of citizens of Harper County, Kans., favoring a Christian amendment to the Constitution of

the United States; to the Committee on the Judiciary.

By Mr. SNYDER: Petitions of sundry citizens of Utica, N. Y., against involving the United States in war; to the Committee on

Foreign Affairs.

By Mr. TINKHAM: Petition of William P. Everts, Mary E. Wynne, Caroline W. Davis, Alice E. Streng, citizens of the State of Massachusetts, favoring the administration peace policy; to the Committee on Foreign Affairs.

Also, petition of Emma M. George, Mary B. Core, Kate A. Coolidge, Mrs. Helen A. Emery, and Enoch Dill, members of the Massachusetts Branch of the League to Enforce Peace, urging the adoption of the league's peace proposals by the United

States; to the Committee on Foreign Affairs.

By Mr. YOUNG of North Dakota: Petition of citizens of Hebron, N. Dak., and vicinity, asking that proposal to declare war be submitted to vote of the people; to the Committee

on Foreign Affairs.

SENATE.

FRIDAY, February 9, 1917.

(Legislative day of Thursday, February 8, 1917.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

SENATOR FROM UTAH.

The VICE PRESIDENT. The Chair, out of order, lays before the Senate the credentials of WILLIAM H. KING, Senator elect from the State of Utah, which will be printed in the RECORD and filed in the office of the Secretary.

The credentials are as follows:

STATE OF UTAH, EXECUTIVE DEPARTMENT.

Secretary of State.

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, A. D. 1916, WILLIAM H. KING was duly chosen by the qualified electors of the State of Utah a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, A. D. 1917.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Utah this 1st day of December, A. D. 1916.

[SEAL.]

DAVID MATTSON,
Secretary of State

CALLING OF THE ROLL.

Mr. JONES. Mr. President, I suggest the absence of a quorum. The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Brady	Jones	Page	Smith, S. C.
Brandegee	Kenyon	Penrose	Smoot
Bryan	Kern	Poindexter	Sterling
Chamberlain	Kirby	Pomerene	Stone
Clapp	Lane	Ransdell	Thomas
Colt	Lea. Tenn.	Reed	Thompson
Culberson	Lee, Md.	Robinson	Townsend
Curtis	Lodge	Saulsbury	Underwood
du Pont	McCumber	Shafroth	Vardaman
Fernald	McLean	Sheppard	Wadsworth
Gallinger	Martin, Va.	Sherman	Walsh
Gronna	Martine, N. J.	Shields	Warren
Harding	Myers	Simmons	Watson
	Nelson	Smith, Ga.	Weeks
Husting	Norris	Smith, Md.	Williams
James	Oroman	Smith Mich	Works

Mr. MARTINE of New Jersey. I was requested to announce the absence of the Senator from Oklahoma [Mr. Gore] owing to illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. There is a quorum present. The District of Columbia appropriation bill is before the Senate.

DISTRICT OF COLUMBIA APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other

The Secretary resumed the reading of the bill, on page 71,

The next amendment was, under the head of "Health department," on page 71, line 22, after "\$1,200," to insert "serologist, \$2,500; scientific assistant, \$1,200," and on page 72, line 2, after the words "in all," to strike out "\$74,040" and insert "\$77,740," so as to make the clause read:

Health officer, \$4,000; assistant health officer, \$2,500; chief clerk and deputy health officer, \$2,500; chief, bureau of vital statistics, \$1,800; clerks—1 \$1,600, 5 at \$1,200 each, 4 at \$1,000 each, 2 at \$900 each, 1 \$720; sanitary inspectors—chief \$1,800, assistant chief \$1,400, \$

at \$1,200 each, 2 at \$1,000 each, \$3 at \$900 each; food inspectors—chief \$1,800, assistant chief \$1,400, 5 at \$1,200 each, 6 at \$1,000 each, 5 at \$900 each; chemist, \$2,000; assistant chemist, \$1,200; sasistant bacteriologist, \$1,200; seroiogist, \$2,500; scientific assistant, \$1,200; skilled laborers—1 \$720, 1 \$600, 2 messengers at \$600 each; driver, \$600; poundmaster, \$1,400; watchman, \$600; laborers, at not exceeding \$50 per month each, \$2,400; in all, \$77,740.

The amendment was agreed to.

The next amendment was, on page 74, line 4, after the word "machine," to insert "to be immediately available," so as to make the clause read:

For new refrigerating machine, to be immediately available, \$500.

The amendment was agreed to.

The next amendment was, on page 74, after line 5, to insert:

Apparatus, equipment, cost of installation, supplies, and other ex-\$1,200.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, on page 75, line 18, after the word "maintenance," to strike out "\$7,000" and insert "\$10,000"; in line 19, before the word "respectively," to strike out "\$5,000" and insert "\$6,500"; and in line 20, after the words "in all," to strike out "\$12,000" and insert "\$16,500," so as to make the clause read:

Garfield and Providence Hospitals: For isolating wards for minor contagious diseases at Garfield Memorial and Providence Hospitals, maintenance, \$10,000 and \$6,500, respectively, or so much thereof as in the opinion of the commissioners may be necessary; in all, \$16,500.

The amendment was agreed to.

For repairs and alterations to the building located on lot 10, square 228, formerly occupied as an emergency hospital, and now the property of the United States, in order to make it available for use as a laboratory for the Health Department of the District of Columbia, and for other uses of said District of Columbia: Provided, That authority to occupy said building is granted to the Commissioners of the District of Columbia by the Secretary of the Treasury, to be immediately available, \$4,000. The next amendment was, on page 76, after line 10, to insert:

The amendment was agreed to.

The next amendment was under the head of "Courts," on page 77, line 7, after the word "expenses," to strike out "\$500" and insert "\$650," and in the same line, after the words "in all," to strike out "\$7,200" and insert "\$7,350," so as to make the clause read:

Probation system: Probation officer, supreme court, \$2,000; assistant probation officer, \$1,200; stenographer and typewriter and assistant, \$800; police court—probation officer \$1,500, assistant probation officer \$1,200; contingent expenses, \$650; in all, \$7,350.

The reading of the bill was continued to line 4 on page 80.

Mr. SMITH of Maryland. On page 79, lines 24 and 25, move to strike out the words "Government Hospital for the Insane" and insert "St. Elizabeth's Hospital." That is the name of the hospital by law. It was a mistake to put in the other name.

The amendment was agreed to.

The next amendment was, under the head of "Interest and sinking fund," on page 80, line 9, after "\$975,408," to insert: "Provided, That any balances of revenue of the District of Columbia remaining to its credit after its share of the appropriations contained herein has been paid, and after its share of any other appropriations to which it is required to contribute on account of the fiscal years ending June 30, 1916, and June 30, 1917, has been paid, shall be credited to interest and sinking fund for application to the funded debt of the District of Columbia," so as to make the clause read:

For interest and sinking fund on the funded debt, payable one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated, \$975,408: Provided, That any balances of revenue of the District of Columbia remaining to its credit after its share of the appropriations contained herein has been paid, and after its share of any other appropriations to which it is required to contribute on account of the fiscal years ending June 30, 1916, and June 30, 1917, has been paid, shall be credited to interest and sinking fund for application to the funded debt of the District of Columbia.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. SMOOT. Just one word, Mr. President. This amendment provides "and after its share of any other appropriations to which it is required to contribute on account of the fiscal years ending June 30, 1916, and June 30, 1917." Does the Senator believe that we can now adopt an amendment to an appropriation bill affecting an appropriation which has already been ex-

pended and ended on June 30 of last year?

Mr. SMITH of Maryland. I will say to the Senator that the money herein referred to has not been expended, but that it lies in the Treasury. We, therefore, felt that, inasmuch as the money has been collected from the revenues of the District of Columbia, it ought to belong to the District and should be credited to the District and used to pay off the District's debt.

Mr. SMOOT. Then, if we may go back to the fiscal year of 1916, why can we not as well go back for 10 or 12 years and apply the same principle to appropriations which have been made for that length of time?

Mr. SMITH of Maryland. In reply to that, I wish to sug-

Mr. SMOOT. I desire to state to the Senator from Maryland

that I am in full accord with the object of the amendment.

Mr. SMITH of Maryland. Permit me to suggest to the Senator that until a few years ago there was no such balance, but, on the contrary, the District was then indebted to the Government, and the Government loaned the District money at a certain rate of interest. It has only been within a few years that there has been any balance at all due the District.

Mr. SMOOT. I understand that for quite a number of years

past there has been such a balance.

Mr. SMITH of Maryland. No; I think the Senator from Utah is mistaken about that. It has been only during a few years that there has been a balance at all.

Mr. SMOOT. Then, was the fiscal year ending June 30, 1916, the first year in which the District has had a balance?

Mr. SMITH of Maryland. No; that was not the first year, but there has been such a balance only for a few years,

Mr. SMOOT. Then, I think, the amendment ought to apply in all cases where there has been a balance to the credit of the District.

Mr. SMITH of Maryland. If I understand the Senator from Utah, he is willing that whatever balance the District has should accrue to it. I have no objection to that.

Mr. SMOOT. I really think that should be done, because when the people in the District pay taxes which amount to more than the half which is required by the Government, they

ought to be credited with whatever excess there is.

Mr. SMITH of Maryland. If there is any improper language in the amendment or if the amendment requires any further amendment, we shall take the matter up in the conference committee and arrange it there. I entirely agree with the Senator from Utah that if there is any balance it ought to go to the credit of the District; and we shall endeavor to so provide.

Mr. SMOOT. With that understanding, I have no objection

to the amendment.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the committee was, under the head of "Courts and prisons," on page 83, after line 2, to insert:

For such additional miscellaneous expenses as may be authorized by the Attorney General for the supreme court and its officers, made necessary by the occupancy of temporary quarters pending the reconstruction of the courthouse, Washington, D. C., including an electrician at the rate of \$900 per annum and a laborer at the rate of \$600 per annum, \$3,750.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under the head of "Charities and corrections," subhead "Medical charities," on page 88, after the word "exceed," at the end of line 8, to strike out "\$20,000" and insert "\$25,000," so as to make the clause read:

Columbia Hospital for Women and Lying-in Asylum: For care and treatment of indigent patients, under a contract to be made with Columbia Hospital for Women and Lying-in Asylum by the Board of Charities, not to exceed \$25,000.

The amendment was agreed to.

The next amendment was, on page 88, line 12, after the word "exceed," to strike out "\$16,000" and insert "\$17,000," so as to make the clause read:

For care and treatment of indigent patients, under a contract to be made with Children's Hospital by the Board of Charities, not to exceed \$17,000.

The amendment was agreed to.

The next amendment was, on page 88, line 19, after the words "Board of Charities," to strike out "\$20,000" and insert "\$26,000," so as to make the clause read:

For emergency care and treatment of, and free dispensary service to, indigent patients under a contract or agreement to be made with Central Dispensary and Emergency Hospital by the Board of Charities. \$26,000.

The amendment was agreed to.

The next amendment was, on page 90, after line 1, to insert:

Gallinger Municipal Hospital: Toward the construction of the Gallinger Municipal Hospital: Toward the construction of the Gallinger Municipal Hospital, including grading of the site, to be located on Reservation No. 13 in the District of Columbia, in accordance with plans and specifications prepared under the authority contained in the District of Columbia appropriation act for the fiscal year 1915, \$150,000, and the limit of cost of the construction of said hospital and accessory buildings is hereby fixed at \$500,000. Said hospital shall be constructed with a view to making such future additions as the exigencies may require, and the work herein authorized shall be so executed as not to interfere in any way with the future extension of Massachusetts Avenue: Provided, That the provision contained in the

District of Columbia appropriation act for the fiscal year 1915 requiring that said hospital be located and erected at Fourteenth and Upshur Streets is hereby repealed.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, under the subhead "Child-caring institutions," on page 90, line 25, after the word "officers," to strike out "1 \$1,200" and insert "2 at \$1,200 each"; on page 91, line 1, after "\$1,000," to strike out "7" and insert "8"; and in line 2, after the words "in all," to strike out "\$14,380" and insert "\$16,480," so as to make the clause read:

For agent, \$1,800; clerks—1 \$1,200, 1 \$900, 1 \$720; placing and investigating officers—2 at \$1,200 each, 1 \$1,000, 8 at \$900 each; record clerk, \$900; messenger, \$360; in all, \$16,480.

The amendment was agreed to.

The next amendment was, on page 91, line 12, after the words "Board of Children's Guardians," to strike out "\$124,880" and insert "\$126,980," so as to make the clause read:

In all, Board of Children's Guardians, \$126,980.

The amendment was agreed to.

The next amendment was, on page 92, line 19, after the word cottage," to insert "to accommodate 25 or more boys," so as to make the clause read:

For the erection of one cottage to accommodate 25 or more boys, \$15,000.

The amendment was agreed to.

The next amendment was, on page 94, after line 23, to insert:

National Library for the Blind: For aid and support of the National Library for the Blind, located at 1729 H Street NW., to be expended under the direction of the Commissioners of the District of Columbia, \$5,000.

The amendment was agreed to.

The next amendment was, on page 95. after line 3, to insert: Columbia Polytechnic Institute: To aid the Columbia Polytechnic Institute for the Blind, located at 1808 H Street NW., to be expended under the direction of the Commissioners of the District of Columbia, \$1,500.

The amendment was agreed to.

The next amendment was, under the head of "Militia," on page 99, line 12, after the word "militia," to strike out "\$16,900" and insert "\$21,200: Provided, That the commanding general of the Militia of the District of Columbia is authorized to enter into a contract or contracts for the lease of an armory, stable, drill shed, and warehouse for Cavalry, Field Artillery, Signal Corps, and Hospital Corps troops in one building, or separately, for a period not to exceed five years, renewable at the option of the said commanding general for an additional period of not exceeding five years, at an annual rental not to exceed \$10,000: Provided further, That the said commanding general may renew for the fiscal year 1918, or any portion thereof, the building known as 230 First Street NW., now occupied as an armory for mounted and other troops, at an annual rental of \$3.900, and the buildings known as 1912 E Street NW., used as stables and warehouses, at an annual rental of \$1,800, paying therefor a rental not in excess of the current rentals," so as to make the clause read:

clause read:

For rent of armories, offices, storehouses, and stables, and quarters for noncommissioned officers of the Army detailed for duty with the militia, \$21,200: Provided, That the commanding general of the Militia of the District of Columbia is authorized to enter into a contract or contracts for the lease of an armory, stable, drill shed, and warehouse for Cavalry, Field Artillery, Signal Corps, and Hospital Corps troops in one building, or separately, for a period not to exceed five years, renewable at the option of the said commanding general for an additional period of not exceeding five years, at an annual rental not to exceed \$10,000: Provided further, That the said commanding general may renew for the fiscal year 1918, or any portion thereof, the building known as 230 First Street NW., now occupied as an armory for mounted and other troops, at an annual rental of \$3,900, and the buildings known as 1912 E Street NW., used as stables and warehouses, at an annual rental of \$1,800, paying therefor a rental not in excess of the current rentals.

The amendment was agreed to.

The reading of the bill was resumed, and the Secretary read to line 11, on page 101; the last paragraph read being as follows: ANACOSTIA RIVER AND FLATS.

For continuing the reclamation and development of the Anacostia River and Flats from the Anacostia Bridge northeast to the District line, to be expended for the purposes and under the conditions specified in the item for this improvement contained in the "District of Columbia appropriation act for the fiscal year 1915," \$300,000.

Mr. GALLINGER. Mr. President, it will be remembered by some Senators that this is an improvement in which I have taken a very great interest in past years and done what I could to secure an appropriation for this much-needed improvement. The work is going on satisfactorily, but my attention has been called by Col. Flagler, in charge of the work, to the fact that the War Department estimated \$400,000 for the present year and the bill contains an appropriation of \$300,000. I shall not take the time of the Senate, unless I am asked to do so, to read a letter from Col. Flagler touching this matter, in which he says that unless they get more than \$300,000 a year it will take

over seven years to complete this improvement, in addition to the time which has already expired; and he makes an appeal, giving the items of expenditure that will be necessary during the current year, to have \$400,000 inserted in place of \$300,000.

I will ask the chairman of the committee if he sees any rea-

on why the matter should not at least go to conference?

Mr. SMITH of Maryland. As I understand, this is not an increase of an appropriation. It is to take \$400,000 instead of \$300,000 out of the lump appropriation.

Mr. GALLINGER. Out of the lump appropriation of some-

thing over \$2,000,000.

Mr. SMITH of Maryland. I have no objection.
Mr. GALLINGER. I will ask, then, that the amendment be agreed to, as follows: On line 11, page 101, strike out "\$300,-000" and insert "\$400,000."

Of "and insert "\$400,000."

The amendment was agreed to.

Mr. GALLINGER. Mr. President, in this connection I ask permission to insert in the Record a table prepared by Col. Flagler, showing the items of expenditure and also his reasons for asking for this added appropriation.

The VICE PRESIDENT. In the absence of objection, that

may be done.

The matter referred to is as follows:

FEBRUARY 7, 1917.

The estimate submitted by this office, which has charge of this improvement, for work during the fiscal year 1918 was as follows:

400,000

Total 400,000

This estimate was communicated by the War Department to the Commissioners of the District of Columbia unchanged, but was, I am informed, reduced by the commissioners to \$300,000 when their estimates were presented to the Committee on Appropriations of the House of Representatives.

The reason for the increased size of the annual estimate for this work may be briefly explained, as follows:

The total estimated cost of the project (exclusive of the purchase of land) is \$2,706,000. The work consists mainly in the construction of masonry sea walls along the lines of the land areas of the proposed park development and the dredging of the water areas and pumping the material behind these sea walls as a fill. It has been found necessary to allow the sea-wall foundations to settle for about 12 months before placing the masonry superstructure thereon, and for another 6 months before putting material immediately back of the sea wall. The valley of the upper Anacostia at the beginning of the project was simply a broad stretch of marshland, with many meandering channels. This condition made it difficult to reach all points of the work simultaneously, and the work was therefore progressive in addition to being delayed to allow for the settlement referred to above. These difficulties have been largely overcome, and the scheme of the work is now such that sea-wall construction, dredging, and filling can proceed at a rapid pace, which will permit the expenditure of practically all funds now available by June 30, 1918. If it is desired that this project should be pushed to completion, sums should be provided as large as can be profitably expended in each fiscal year. If only \$300,000 were to be appropriated each year, over seven years would be required for the completion of the project. In the above-tiemized estimate the only items other than the dredging and sea-wall construction are one of \$33,000 for modification of the Bennings Bridge and one of \$50,000 for the construction of gate houses. Both of these teams

C. A. F. FLAGLER, Lieutenant Colonel, Corps of Engineers,

The reading of the bill was resumed.

The next amendment was, under the head of "Anacostia River and Flats," on page 101, after line 11, to insert:

River and Flats," on page 101, after line 11, to insert:

In connection with the said reclamation and development of the river and flats, the Secretary of War is authorized to acquire, for and on behalf of the United States, by purchase or by condemnation, for highway and park purposes, the fee simple and absolute title to all lands required for said objects and not now owned by the United States, in and along the Anacostia River from the Anacostia Bridge to the center line of East Capitol Street, embraced within the area lying between the lines, one on each side of the river, following approximately the contour of 10 feet elevation above the plane of mean low water at the United States navy yard; and the Secretary of War is further authorized to acquire for the United States, by purchase or by condemnation, for highway and park purposes, in connection with the said reclamation and development of the Anacostia River and Flats, the fee simple and absolute title to all lands required for said objects and not now owned by the United States, in and along the Anacostia River in the section thereof running from the center line of East Capitol Street to the northeast boundary line of the District of Columbia, embraced within the limits designated "taking line," one on each bank of the river in said section, as indicated on the map entitled "Reclamation Anacostia River Flats, District of Columbia, land map," approved by the Chief of Engineers, United States Army, and the Secretary of War, as attested and authenticated by their respective signatures and the seal of the War Department, bearing date the 24th day of May, 1916, recorded and filed in the Office of the Chief of Engineers, United States Army, under Engineer Department file numbered 12968—

525; and the appropriation herein made for the reclamation and development of the Anacostia River and Flats from the Anacostia Bridge northeast to the District line, and all appropriations heretofore made for said purpose are hereby made available for the purchase or condemnation of all of the said lands hereinbefore authorized to be acquired and for the payment of amounts awarded as damages for said lands and the costs and expenses of the condemnation proceedings in the event that it is necessary to institute such condemnation proceedings: Provided, That if said lands or any part thereof can not be acquired by purchase from the owners thereof at a price satisfactory to the Secretary of War, the Commissioners of the District of Columbia, upon request of the Secretary of War, shall institute condemnation proceedings to acquire such lands under the provisions of chapter 15 of the Code of Law for the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 103, after line 7, to insert:

The next amendment was, on page 103, after line 7, to insert:

The Secretary of War is authorized to effect an adjustment of boundaries and an exchange of lands in the District of Columbia with the Philadelphia, Baltimore & Washington Raliroad, in accordance with the plat or drawing on file in the office of the Chief of Engineers and designated E. D. 12968-531, whereby on the left bank of the Anacostia River said railroad company shall release, quitclaim, and convey to the United States the certain lands along the Anacostia River riverward of the line shown on said plat and needed for the reclamation and development of the Anacostia River and Flats, and the United States shall release and quitclaim to said railroad company any right, title, interest, or claim in or to certain lands shoreward of said line, as shown on said plat, and will permit the extension of said company's right of way to include the triangle of land 262.10 feet on the hypotenuse lying at the function of the railroad bridge and the original shore line of the said river, as shown on said plat, and whereby, on the right bank of the Anacostia River, the United States shall permit the rights of way of the said railroad company for its entrance into the city of Washington to be consolidated, between the bulkhead of the railroad bridge at the Anacostia River and the south line of L Street south, into one right of way of equal top width, according to the lines of said plat, and the United States and the said railroad company shall reciprocally release, quitclaim, and convey to each other the portions of square south of 1080, so called, and the accretions to the same lying respectively northward and southward of the division line shown on said plat, and the said railroad company shall release, quitclaim, and confirm to the United States the title to all land along and adjacent to the Anacostia River from the bulkhead of the present railroad bridge to Fifteenth Street cast, exterior to the portion of square south of 1080 to be released to said railroa

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from Maryland whether there is any good reason for our failure to appropriate to the purpose originally planned by Congress the land in the vicinity of the Senate Office Building, now covered with old buildings? As my recollection goes, it is many years since authority was granted to acquire those lands, and I should like to know why it is that the work drags along here between the Capitol and the Union Station.

Mr. SMITH of Maryland. I will say to the Senator that that is a matter which will come up on the sundry civil bill.

Mr. SMITH of Michigan. I know it will; but I wanted to avail myself of this opportunity to make the inquiry, because it has occurred to me several times that there was very unnecessary delay there, and I wondered if the Senator from Maryland could give the reason for it.

Mr. SMITH of Maryland. It is not a matter that pertains

to this bill, and I can not tell why it has happened.

Mr. GALLINGER. Mr. President, if the Senator from Maryland will permit me, the property that the Government was to land will permit me, the property that the Government was to acquire was valued by a commission. The figures were considered excessive by a department of the Government, and the award was held up; the property was revalued, and the amounts were reduced to some extent. Private citizens, feeling that a great wrong had been done them—and they have asked, I think, in a bill to be reimbursed—had of necessity to yield to the Government and accept the lower amount. I always thought that a wrong had been done the citizens in that regard. I understand, and I think I am correctly informed, that the buildings to which the Senator from Michigan refers, except the stable, which is owned by the Government, and the old fire house, which has been deserted, belong to a railroad corporation—I think the Baltimore & Ohio Railroad.

Mr. SMITH of Michigan. And all those houses down there. Mr. GALLINGER. Yes; and they have contested it. They say that they are entitled to the amount found in the first instance, and, as I understand, the matter is in the courts at the present time; and for that reason the work is halted.

I have greatly sympathized with the view that the Senator from Michigan expresses, and have much regretted that that work is not being completed in a more expeditious manner, but, of course, we can not interfere with the court proceedings

Mr. SMITH of Maryland. In connection with what the Senator from Michigan is talking about, I recall the fact that I brought up in the Senate some year or more ago a bill directing that the two parcels of land, that belonging to the corporation and that belonging to the individuals, should be separated, and the individuals be paid for their part, and they were paid. But this matter is in litigation, as the Senator from New Hampshire says, between the railroad company and the Government, as I understand.

Mr. GALLINGER. Yes.

Mr. SMITH of Maryland. And, as I understand, the private parties have been paid. I remember that I urged the bill before the Senate, and it was passed.

Mr. GALLINGER. Yes; they were paid a reduced amount. Mr. SMITH of Michigan. The Senator from Maryland and the Senator from New Hampshire take the same view that I do, that it is a very unsightly thing, and that it ought not to run on for a generation. I was a young man in the House of Representatives when this program was adopted by the Government, and it seems as though it is taking a long time to carry it out.

Mr. SMITH of Maryland. I think there is no difference of opinion between the Senator from Michigan and the Senator from Maryland upon that point.

The VICE PRESIDENT. The question is on agreeing to the

amendment.

The amendment was agreed to.

The next amendment was, under the head of "Parks," on page 105, after line 18, to insert:

For the acquisition for a public park of the tract of land known as the Dean tract, assessed on the records of the assessor of the District of Columbia as lots A, 818 and 819, in square 2535, containing 404,425 square feet, more or less, or so much thereof as may be necessary, \$625,000.

The amendment was agreed to.

The next amendment was, under the head of "Water service," subhead "Washington Aqueduct," on page 107, line 10, after the word "Aqueduct," to insert "to be immediately available and to remain available until expended," so as to make the clause read

For completing purchase, installation, and maintenance of water meters, to be placed on the water services of the Treasury Building and the State, War, and Navy Department Building, and for each and every purpose connected therewith, said meters to be purchased, installed, and maintained by and remain under the observation of the officer in charge of the Washington Aqueduct, to be immediately available and to remain available until expended, \$3,600.

The amendment was agreed to.

The next amendment was, under the head of "Water department," on page 108, line 5, after the word "mechanic," to strike out "(who shall also act as a member of the board of examiners of steam engineers, without additional compensation)," so as to make the clause read:

To make the clause read:

For distribution branch: Superintendent, \$3,300; engineer, \$2,400; assistant engineers—1 \$1,800, 1 \$1,700; master mechanic, \$2,000; forenean, \$1,800; assistant foremen—1 \$1,275, 1 \$1,200, 1 \$1,125, 1 \$900; steam engineers—chief \$1,750, 2 at \$1,100 each, 3 assistants at \$1,000 each; chief inspector of valves, \$1,600; leveler, \$1,200; inspector, \$1,200; draftsman, \$1,050; clerks—1 \$1,800, 1 \$1,500, 4 at \$1,200 each, stores clerk \$1,500, 1 \$1,000, 1 \$900; timekeeper, \$900; two rodmen at \$675 each; 2 chainmen at \$675 each; 4 ollers at \$610 each; 3 firemen at \$750, 1 \$630; 2 messengers, at \$600 each; in all, \$91,030.

Mr. SMOOTT. I wish to sek the Senator having the bill in

Mr. SMOOT. I wish to ask the Senator having the bill in charge if striking out those words will have a tendency to increase the salary of the master mechanic?

Mr. SMITH of Maryland. I will say that there is no change

in that paragraph.

Mr. SMOOT. Yes; there is a change if the committee amendment is adopted.

Mr. SMITH of Maryland. We put back a member of the board previously at a salary of \$300 and left the law to remain

Mr. SMOOT. In other words, the House provided that this master mechanic should be one of the board of examiners of steam engineers, and they provided salaries for only two instead of three members at \$300 each, and by striking out, on page 108, "who shall also act as a member of the board of examiners of steam engineers, without additional compensation," as provided in the bill as passed by the Hoise it rightfully size. as provided in the bill as passed by the House, it virtually gives the master mechanic \$2,300.

Mr. SMITH of Maryland. No, sir.

Mr. SMOOT. That is the result of it, and I suppose, under

Mr. SMOOT. That is the result of it, and I suppose, under existing law, he gets that to-day.

Mr. SMITH of Maryland. That is not our understanding.

Mr. SMOOT. That is the only object of the amendment.

Mr. SMITH of Maryland. In the House it was stricken out on a point of order, and "\$2,300" went back to "\$2,000."

Mr. SMOOT. And we are putting it back to \$2,300?

Mr. SMITH of Maryland. We are just striking out the language

Mr. SMOOT. That makes the salary of the master mechanic 2,300.

Mr. ROBINSON. But the master mechanic does not act as a member of the board of examiners of steam engineers.

Mr. SMITH of Maryland. We put back the number to three

instead of two. So he does not get \$300.

Mr. ROBINSON. Under the provision as reported by the Senate committee the master mechanic contemplated in the bill will not act as a member of the board of examiners of steam engineers

Mr. SMOOT. Mr. President— Mr. ROBINSON. If the Senator will permit me, the House struck out the appropriation for the master mechanic and left the language authorizing him to act as a member of this board. The Senate committee simply struck out the language authorizing him to act as a member of the board and, on page 13, lines 17 and 18, restored the language of the existing law. action was taken largely at the instance of representatives of the engineers, who appeared before the committee and urged its

Mr. SMOOT. I wish to ask the Senator if it is not true that in the past the master mechanic has been a member of the board of examiners of steam engineers?

Mr. ROBINSON. In the past; but the double-salary law, I

think, prevented that, and now under this provision—
Mr. SMOOT. Does the Senator know who are going to constitute the board of examiners of steam engineers?

Mr. ROBINSON. No; I do not.

Mr. SMOOT. Striking out the words in lines 5, 6, and 7, on page 108, will result in no increase to the master mechanic's salary if he only acts as a master mechanic, but if he acts as a member of the board of examiners of steam engineers, then, of course, he would draw \$2,300.

Mr. GALLINGER. No; the provision is that he shall act

without additional compensation.

Mr. SMOOT. That we are striking out.
Mr. SMITH of Maryland. There will have to be appointed a man to act as a member instead of allowing him to act.

it. The law is left just as it is.

Mr. GALLINGER. Mr. President, if I may be permitted to say a word, the point is that they have always had a board of three steam engineers and they have received the munificent sum of \$300 each. The House in its wisdom struck out one of those, making a board of two, and made the master mechanic a member of that board. The steam engineers say they do not a member of that board. The steam engineers say they do not like to have it in that shape; that they have had a board; that they have performed their duties satisfactorily and everything has been harmonious; and they think that the old law had better be continued. That is exactly what the committee has done. It is true it perhaps results in the expenditure of \$300 more than if the master mechanic worked without compensation, but a proposition to increase his compensation to \$2,300 was debated in the House. So it may possibly result in the expendidebated in the House. So it may possibly result in the expenditure of \$300 more, but it leaves a harmonious board instead of taking a man from another department of the Government and putting him into the board of steam engineers, when very likely he has not any qualifications for the place. That is the situation.

The amendment was agreed to.

The next amendment was, at the top of page 110, to insert:

For laying 16-inch trunk mains in Reservoir Street and New Cut Road to Conduit Road NW., \$26,600.

The amendment was agreed to.

The next amendment was, on page 110, after line 2, to insert: The next amendment was, on page 110, after line 2, to insert:
For the protection of the health of the residents of the District of
Columbia and the employees of the United States Government residing
in Maryland near the District of Columbia boundary the Commissioners
of the District of Columbia, upon the request of the Washington Suburban Sanitary Commission, a body corporate, established by chapter
313 of the acts of 1916 of the State of Maryland, or upon the request of
its legally appointed successor, are hereby authorized to deliver water
from the water-supply system of the District of Columbia to said Washington Suburban Sanitary Commission or its successor for distribution
to territory in Maryland within the Washington suburban sanitary district as designated in the aforesaid act, and to connect District of
Columbia water mains with water mains in the State of Maryland at
the following points, namely, in the vicinity of Chevy Chase Circle, in the
vicinity of the intersection of Georgia and Eastern Avenues, in the

the vicinity of the intersection of the Anacostia Road and Eastern Avenue, under the conditions hereinafter named, namely:

That before such connections shall be made the said Washington Suburban Sanitary Commission or its legally appointed successor shall secure authority from the Legislature of the State of Maryland to enter into an agreement with the said Commissioners of the District of Columbia outlining the conditions under which the service is to be remotered.

of Columbia outilning the conditions under which the service is to be rendered.

The agreement between the Commissioners of the District of Columbia and the said Washington Suburban Sanitary Commission or its legally appointed successor shall provide, among other things:

First. That the meters on each of said connections shall be located within the District of Columbia and shall remain under the jurisdiction of the Commissioners of the District of Columbia.

Second. The rates at which water will be furnished, said rates to be based on the actual cost to the United States and the District of Columbia of delivering water to the points designated above, including an interest charge at 4 per cent per annum and a suitable allowance for depreciation.

Third. That payments for water so furnished shall be made through the collector of taxes of the District of Columbia at such times as the Commissioners of the District of Columbia may direct, said payments to be deposited in the Treasury of the United States as other water rents now collected in the District of Columbia are deposited.

Fourth. That at no time shall the amount of water furnished the said Washington Suburban Sanitary Commission or its successors exceed the amount that can be spared without jeopardizing the interests of the United States or of the District of Columbia, and in no event shall it exceed in amount 3,000,000 gallons per day, measurement thereof to be made under the direction of the Commissioners of the District of Columbia,

Fifth. That the Commissioners of the District of Columbia shall have at all times the right to investigate the distribution system in Maryland, and if in their opinion there is a wastage of water they shall have the right to curtail the supply to said sanitary district to the amount of such wastage.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in section 2, one page 113, after line 6. to insert:

All per diem employees and day laborers of the District of Columbia who have been continuously employed for five working days next preceding such days as are legal holidays in the District of Columbia, and whose employment continues through and beyond said legal holidays, shall be granted leave of absence with pay for said legal holidays.

Mr. SMOOT. I should like to ask if it is not contrary to the practice of all the departments to grant this leave of absence? For instance, under this amendment if a per diem employee is employed five days before a legal holiday and works one day after the legal holiday he would be entitled to pay for the legal holiday.

Mr. SMITH of Maryland. I will say to the Senator from Utah that it applies to men who are paid a per diem and are employed continuously, as much so as those who are paid salaries. There is no holiday given them, and they feel that they ought to have the same privileges, as they are employed in the same way and doing continuous work. Although paid a per diem they are continuously employed and have been for the last three or five years, I think, as much as the salaried people. We felt that they ought to have the same privilege as those who receive salaries.

Mr. SMOOT. This provision would pay a per diem employee for a legal holiday if such a condition existed as this: On the 16th day of this month if a snowstorm occurred and there were a lot of men employed for the five days before Washington's Birthday and they worked one day after, then under this provision they would be allowed pay for the holiday.

Mr. SMITH of Maryland. I will say to the Senator that this

was put in by the committee of the House and went out on a point of order. Col. Kutz said:

Col. Kutz. That is to cover five days in the year. Every per diem employee of the Federal Government receives these holidays, whereas the employees of the District of Columbia receive only one holiday in the whole year, and that is Labor Day. I think they at least ought to have the five holidays, Thanksgiving, Christmas, and New Year's etc.

Mr. SMOOT. I think so, too, where they are employed by

the Government regularly.

Mr. SMITH of Maryland. The fact is that these people are employed as continuously as those who are on a regular salary.

Mr. SMOOT. Then do not limit it to five working days next

preceding such days as are legal holidays. Why not provide that they shall continue in employment for at least 30 days?

Mr. SMITH of Maryland. We put in what was asked for by

Col. Kutz

Mr. SMOOT. I move, in line 8, to strike out "five" and insert "thirty" before the words "working days." I think if an employee is to be paid for a legal holiday he ought to be in the service of the Government at least 30 days preceding the legal holiday for which he is to be paid.

Mr. SMITH of Maryland. The Senator's amendment would

compel every employee to work 30 days prior to a legal holiday?

Mr. SMOOT. Yes; so that it would read-

All per diem employees and day laborers of the District of Columbia who have been continuously employed for 30 working days next preceding such days as are legal holidays in the District of Columbia, on the part of the commissioners to revoke such licenses without

and whose employment continues through and beyond said legal holidays, shall be granted leave of absence with pay for said legal holidays.

Mr. SMITH of Maryland. It is the Senator's idea that they shall prove that they were employed continuously by the Government 30 days preceding the holidays?
Mr. SMOOT. Yes.

Mr. SMITH of Maryland. I have no objection to the amendment to the amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The Secretary. In line 8, strike out "five" and insert thirty" before the words "working days."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 116, after line 22, to insert as a new section the following:

SEC. 7. That to provide, during the fiscal year 1918, for increased compensation at the rate of 15 per cent per annum to employees who receive salaries at a rate per annum of \$480 or less, and for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of more than \$480 per annum and not exceeding \$1,000 per annum, so much as may be necessary is appropriated: Provided, That this section shall only apply to employees who are appropriated for in this act specifically and under lump sums, or whose employment is authorized herein, and that the increased compensation of teachers of the public schools shall be computed on their basic salaries: Provided further, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

The amendment was agreed to.

The next amendment was, on page 117, after line 14, to insert as a new section the following:

Sec. 8. That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission to the Women's Titanic Memorial Association for the erection on public grounds of the United States in the city of Washington, D. C., other than those of the Capitol, the Library of Congress, and the White House, of a memorial appropriate as a lasting tribute to the heroes who sacrificed their lives, that women and children might be saved, in the tragic catastrophe of the sinking of the steamship Titanic: Provided, That the site chosen and the design of the memorial shall be approved by the Joint Library Committee of Congress and the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of said memorial.

The amendment was agreed to.

The next amendment was, on page 118, after line 2, to insert as a new section the following:

SEC. 9. Hereafter when any piping or other household fixtures or secondhand goods of any description whatever have been stolen and sold to a dealer in junk, or secondhand dealer, in the District of Columbia, under such circumstances that the commissioners, after hearing granted, are satisfied that said dealer should have had reasonable ground to believe, or could have ascertained by reasonable inquiry or investigation, that the goods were stolen, and that the dealer did not make reasonable inquiry or investigation as to the title of the seller before making the purchase, the commissioners are authorized and directed to revoke the license of said dealer; and this action shall not be a bar to criminal prosecution for receiving stolen goods.

The VICE PRESIDENT. If there be no objection, the amendment will be agreed to.

Mr. NORRIS. Mr. President, before the amendment is agreed to I desire to ask a question in regard to it. While I am in entire sympathy with the amendment, and while I would not under any circumstances do anything which would prevent the enactment of the proper kind of law on that subject-and I think the amendment shows on its face that something of that kind ought to be done-it does seem to me that the amendment ought to contain a provision which would permit anyone who felt aggrieved on account of any order of the commissioners to have the right of appeal to the court. I can see how the commissioners might take action which would be more or less summary, that would perhaps interfere with a man's rights or with what he might claim as a right, to have the matter tried by a jury in a court, the same as every other similar proceeding affecting a man's liberty or his property is tried.

Mr. SMITH of Maryland. Mr. President, the committee assumed that these people would receive proper treatment, and that the decisions would be fair. The fact is that there has been a great deal of stealing and pilfering in the District of Columbia which has been encouraged by people who receive stolen goods. There is an old saying that the man who receives stolen goods is worse than the thief. I am of that opinion myself, although I have no feeling in the matter. It was brought to our attention that there was a good deal of pilfering of this character going on. It does seem to me that any man who buys property of this kind should first acquaint himself, if there is any suspicion on his part, as to whether or not the property has been stolen. I do not think the power further legal proceedings will work any hardship on parties who are engaged in this business.

Mr. NORRIS. I fully agree with the Senator from Maryland in his statement as to this practice. I have no doubt that there is a good deal of it going on.

Mr. SMITH of Maryland. I will suggest that if the Senator from Nebraska desires to offer an amendment to the amendment I will accept it and let the matter go to conference, when we will further investigate it.

Mr. NORRIS. I have not prepared any amendment designed

to cover the subject.

Mr. SMITH of Maryland. I want the law to be framed as perfectly as it can be. I do not want to work any hardship to anybody; but we felt that something ought to be done in regard to

Mr. NORRIS. I agree with the Senator from Maryland.

think something ought to be done.

Mr. ROBINSON. Mr. President, I suggest that the matter be passed over for the present in order that the Senator from Nebraska may prepare his amendment.

Mr. SMITH of Maryland. We will accept an amendment, and let the matter go to conference, and see what is best to be

The VICE PRESIDENT. The amendment will be passed over.

The reading of the bill was concluded.

Mr. GALLINGER. Mr. President, there is a matter to which I desire to call the attention of the chairman of the committee. suggest to him that section 7, which provides for increased compensation to Government employees, be transferred to the end of the bill. The other legislative provisions would then precede it.

The VICE PRESIDENT. The amendment suggested by the

Senator from New Hampshire will be stated.

The Secretary. It is proposed to change "section 7" to read "section 9," to transfer it to the end of the bill, and to renumber the other sections to correspond.

The VICE PRESIDENT. Without objection, the amendment will be agreed to. There are amendments which have been

passed over

Mr. SMOOT. Mr. President, there are a number of Senators absent who are interested in amendments which have been passed over, and I therefore suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators an-

swered to their names:

Beckham
Borah
Brady
Chamberlain
Chilton
Clapp
Clark
Culberson Hollis Husting Smith, Md. Smith, Mich. Smoot Overman Owen Page Penrose Phelan Pittman Jones Kenyon La Follette Lane Lea, Tenn. Lee, Md. Lewis Lodge McLean Martin, Va. Martine, N. J. Norris Jones Sterling Stone Sutherland Tillman Poindexter Ransdell Reed Robinson Culberson Fall Fletcher Gallinger Gronna Harding Hitchcock Underwood Vardaman Wadsworth Saulsbury Shafroth Sheppard Sherman Warren Watson Williams Norris

Mr. LEA of Tennessee. I have been requested to announce that the senior Senator from Kentucky [Mr. James] is detained on important committee work.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present. The Secretary will

state the first amendment passed over.

The SECRETARY. The first amendment passed over, having been passed over at the instance of Mr. MARTINE of New Jersey, is on page 28, after line 15, to insert:

That part of the District of Columbia appropriation act for the fiscal year 1917 providing to "Repave with asphalt the roadway of Fourteenth Street Nw., from Pennsylvania Avenue to F Street, 70 feet wide, \$7,500," is hereby suspended until further action of Congress.

Mr. MARTINE of New Jersey. Mr. President, I make the point of order against that amendment on the ground that it is

Let me state that I have no desire to be ungenerous, and God knows I have no desire to be unjust to anybody, but there is a very peculiar condition existing on that street right in the heart of the city which, to my mind, seems an abomination and

a wrong, and I think it should be corrected.

My attention was directed to this matter last year by petition, letter, and personal solicitation on the part of very many citizens of the District of Columbia. Congress enacted legislation providing for the repaving and widening of that street between Pennsylvania Avenue and F Street, but through some process, I can not understand what or how it was done, the whole matter has been held up, and we now find an amendment in the pending bill providing that the action taken by Congress last year shall be suspended.

Briefly the effect of the previous legislation is this: The whole length of Fourteenth Street north of F Street and south of Pennsylvania Avenue has a width between curbs of 75 feet. I paced it this morning and ascertained that to be the width, but the portion of Fourteenth Street between F Street and Pennsylvania Avenue is but 48 feet wide. That portion of the street is on quite a severe incline, and within the last two years trolley tracks have been placed on it, with the result that the street car traffic and the ordinary vehicle traffic have made a condition that is absolutely dangerous; but, aside from that, it is unfair and unjust to the rest of Fourteenth Street that that one block should not be widened.

On February 7 I went there to view the situation again. thinking I might be wrong, having been advised by members of the committee that I was wrong, and that I was pressing an arbitrary provision. On that portion of Fourteenth Street between Pennsylvania Avenue and F Street, which abuts the Willard Hotel property on one side and the Willard estate on the other, the Ebbitt Hotel property, I found a condition of congestion thus: Opposite the doorway and opposite the Willard Hotel I found five taxicabs installed. Then coming up on that same sidewalk a little farther I found a great vault about 5 feet square, with an iron rack and framework, occupying that portion of the sidewalk. Up a little farther—this was on the 7th day of February—I found one great empty gondola coal cart standing there; right next to it another gondola coal cart, loaded. A little way above that, about 50 feet from F Street, there was another auto standing out at an angle in the street.

Two car tracks, as I say, were there. There was a trolley car on each track. On the opposite side, down toward Pennsylvania Avenue, is another standing place for sight-seeing automobiles. At that time I saw a buggy, the driver of which was trying to wend his way through, but finally everything came

to a stagnation and a standstill.

This condition exists right in the heart of the city, and this proposition as proposed by the committee will perpetuate and maintain this 48 feet of distance between the curb lines, while on the other side it is 75 feet, and on this side it is 75 feet.

Mr. SMITH of Maryland. Mr. President, may I ask the Sen-

ator a question?

Mr. MARTINE of New Jersey. Certainly, sir.

Mr. SMITH of Maryland. In regard to the delivery of coal, is it not necessary? It does not matter what the conditions may be, coal has to be delivered to hotels and the carts have to stand somewhere for delivery. I submit that.

The VICE PRESIDENT. Let the Chair get in. This is a

point of order.

Mr. MARTINE of New Jersey. I realize that, Mr. President.
The VICE PRESIDENT. But the argument is with reference to the advisability or nonadvisability of the Senate adopting the amendment.

Mr. MARTINE of New Jersey. Yes, sir; I realize that.
The VICE PRESIDENT. Now, the Chair wants to rule on

the point of order.

Mr. MARTINE of New Jersey. I shall be pleased to have the ruling.

The VICE PRESIDENT. Then the discussion may go forard. The Chair thinks this is not general legislation at all.

Mr. MARTINE of New Jersey. I made the point of order

that it was new legislation.

The VICE PRESIDENT. There is not any rule of the Senate prohibiting new legislation. It is not general; it applies only to

me block. The Chair, therefore, overrules the point of order.

Mr. KENYON. Mr. President, I should like to ask the Senator if there was not a provision in the bill we passed last year to

end and stop this matter?

Mr. MARTINE of New Jersey. We thought so. The Senate passed it, and we thought so. But, as I said at the outset, through some strange proceeding-I can not understand just what-this thing seems to have bobbed up like a cork at sea. No work was done to satisfy the legislation that was passed by the Senate, and the result is that the conditions of that street remain the same to-day as when we agitated the matter last year.

In answer to the Senator from Maryland, I want to say that, of course, I am practical enough to know that we, in a frigid climate, have to have coal for domestic purposes, heating and otherwise, but this is a peculiar situation. Mayhap in front of the Senator's own door, or yours, Mr. President, a simple coal hole and a chute stand, but in this particular case there are two vaults, two openings 5 feet square, and an iron framework 5 or 7 feet high, existing on the sidewalk perpetually. Sometimes a canopy is thrown over it. The fact is that this one with the framework is not for coal, but it is an air duct to let air down to the machinery of the hotel. The coal vault is above. Now, this bars and makes impossible the passage of pedestrians on that space of about 10 feet of sidewalk. All the pedestrian travel is between that point and up toward the hotel. Protests have come to me from property holders on Fourteenth Street farther up asking why this condition should prevail.

Mr. KENYON. Mr. President, may I ask the Senator a

question?

Mr. MARTINE of New Jersey. Certainly.

Mr. KENYON. I should like to ask who owns the Willard

Mr. MARTINE of New Jersey. It is owned by the Willard estate or the Willard family, I think.

Mr. KENYON. Are any such concessions granted to any other property owners in the city?

Mr. MARTINE of New Jersey. I hav neighborhood, and I find none whatever. I have made inquiry in that

Mr. KENYON. How was this condition ever established?

How was it brought about?

Mr. MARTINE of New Jersey. I have made diligent inquiry about that. I will say that a gentleman representing the hotel company rang me up, and since that time has called upon me. His statement was that they were there by right. He is the manager of the hotel. He said that they were there by right; that they were granted the right by the Secretary of War, I believe. I told him that I did not believe that the Secretary of War had any more right to grant such a privilege than I had, and that I thought the Commissioners of the District had charge of that; but he said they were granted that right by the Secretary of War.

Mr. NORRIS. Mr. President—

Mr. MARTINE of New Jersey. I asked this gentleman if that privilege or pretended right was granted for any particular specified length of time. He said he did not know about that, but they were there; and then they further extended it so that it really occupies

Mr. NORRIS. Mr. President—
The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Nebraska?

Mr. MARTINE of New Jersey. Yes. Mr. NORRIS. I want to ask the Senator how much, if any,

of the public street has been taken by these people? Mr. MARTINE of New Jersey. Taking the line, as the com-missioners insist, on both sides, 30 feet has been taken out of

Mr. NORRIS. Thirty feet?

Mr. MARTINE of New Jersey. Twenty-five feet, at least-12 feet on each side of the roadway. The Ebbitt property has the same encroachment, though with no vaults under it.
Willard property has the encroachment with vaults.

Mr. NORRIS. May I ask the Senator whether that means that they have extended the sidewalk out 12 feet into the street? Mr. MARTINE of New Jersey. Yes, sir. I men they are out from 12 to 15 feet in the street beyond the average line of

the sidewalk upon either side.

Mr. NORRIS. The building, of course, is not?

Mr. MARTINE of New Jersey. The building line? No; that is all in harmony.

Mr. NORRIS. Have they excavated, and are they using this

space under the sidewalk? Mr. MARTINE of New Jersey. Yes, sir; they have excavated and are using the vaulted space beneath. It is a veritable machine shop, as I have been assured by the distinguished Sena-

tor from Maryland, and from my own looking down the shaft I

know that to be the case.

Mr. NORRIS. This extends one block, does it?

Mr. MARTINE of New Jersey. Yes, sir; one block, comprising the distance between Pennsylvania Avenue and F Street.

Mr. NORRIS. Between F Street and Pennsylvania Avenue

on Fourteenth Street?

Mr. MARTINE of New Jersey. On Fourteenth Street. Now, it does seem to me that it is a manifest bit of injustice and unfairness. I have no feeling against the Willard people. Great God! I do not know them, or would not know them if I fell over them; but I do say that there is no reason why we should make fish of one and fowl of the other. Now, they say it will cost \$5,000 or more to make this alteration. I am very sorry for that; but all I want is

Mr. ROBINSON. The Senator means \$50,000.

Mr. MARTINE of New Jersey. Fifty thousand dollars? Well, I can not imagine that. I think I am prepared to say no, that can not be true. I have been a builder all my life, as well as a farmer, and I know better than that. It will not cost \$50,000.

Mr. ROBINSON. Has the Senator been in the vaults? Has

he visited them and inspected them?

Mr, MARTINE of New Jersey. I have looked down in them. saw them taking machinery down there about a year ago; but have talked with Commissioner Newman-

Mr. ROBINSON. I will ask the Senator if he knows that all

Mr. ROBINSON. I will ask the Senator if he knows that all the machinery that operates the hotel, including the laundry, the boilers, engines, ice plant, and dynamo, are in these vaults? Mr. MARTINE of New Jersey. I know that there is a very considerable amount of machinery there. It is a good deal of a machine shop. But, great Heavens, if that argument is sound, suppose they located it out in the middle of the highway! They come to the corner of Pennsylvania Avenue. Why did they not locate it out in the middle of Pennsylvania Avenue or the middle of Fourteenth Street? I say it is an abomination; it is a utilization of the public highway for private purposes, and it is a manifest wrong.

I do not want to do these people any harm. I talked to-day with Commissioner Newman, and he said that the public felt that it was wrong, and he said the commissioners felt that there should be a correction. As I said to Mr. Haight, the gentleman who represented the hotel company, who came to me to-day very solicitous about it, "I do not want to unreasonably disturb you, but you pay nothing for this." They have never paid a sou marqué.

Mr. SMITH of Maryland. I want to say to the Senator that

they have to pay a license fee.

Mr. MARTINE of New Jersey. There has never been a license fee. No license ordinance ever had been enacted until the last year.
Mr. SMITH of Maryland. That is true.

Mr. MARTINE of New Jersey. And I do not think they have paid that

paid that.

Mr. SMITH of Maryland. I do not know about that, either.

Mr. MARTINE of New Jersey. I told Mr. Haight that.

Mr. SMITH of Maryland. But I will say to the Senator that they are subject to a license.

Mr. PENROSE. Mr. President—

Mr. SMITH of Maryland. I want to say, further, that while in the west they want not have read a license for property is

in the past they may not have paid a license fee, property is assessed according to its value, and the value of property is made up by the improvements, and by—
Mr. MARTINE of New Jersey. By what they steal from the

public?

Mr. SMITH of Maryland. No; but the value of the property is made up by the accommodations on that property. no question but that the fact that this vault is under there, affording them conveniences and means of using their machinery, adds to the value of that hotel.

Mr. MARTINE of New Jersey. But it is not their property. Mr. SMITH of Maryland. And undoubtedly that hotel is assessed for more money than it would be assessed for if that were not there. Now, however, there is a law assessing vaults.

Mr. MARTINE of New Jersey. That has only come about

within a year.

Mr. SMITH of Maryland. True; but it is a law, nevertheless,

and ought to be enforced, I think.

Mr. MARTINE of New Jersey. I will say, in answer to that, that they have never paid a sou marqué of vaultage rental to the city; and that law has only been passed within a year. mentioned that fact to Mr. Haight, and he did not know, but he rather tacitly admitted that they had not paid anything. of course they would. Of course they could not get out of it if we have passed it. All I say is that they have no right, pay or otherwise, to have this supreme advantage over their neighbors. I said to Mr. Haight that five or six thousand dollars was all it would cost—and I think it would be within that limit—but that I would let them stay if I could do so without interfering with the public, taxing them vaultage rent.

The thought has occurred to me—I suggested this to Mr. Newman and Mr. Newman acquiesced in the matter—that they might keep their machinery there, but let them with a system of iron girders and trusses, maintain a roadway, cutting back the sidewalk so that the traveling public and the vehicles should have the privilege of using the whole portion of the street. It vaulted back; it could be carried back on girders. It would not displace their machinery, but would give the appearance of the same width of street the whole line through, and would give the public the right to travel, and then assess them vaultage rent. I do not believe in the assessment of the square feet of property. It should be assessed, I believe, both ways; first on the value of the land—

Mr. ROBINSON. Mr. President, will the Senator yield for

question?

Mr. MARTINE of New Jersey. Yes.

Mr. ROBINSON. Does the existing provision of law, which this amendment is designed to suspend temporarily, authorize the arrangement which he himself has just suggested?

Mr. MARTINE of New Jersey. No; that is my suggestion. Mr. ROBINSON. Then it would be necessary to suspend this provision or to enact an amendment authorizing the arrangement which the Senator has suggested.

Mr. MARTINE of New Jersey. To carry that out, it would; but I say this: Defeat this proposition, put it back as it stands to-day on the statute books, that this sidewalk shall be widened, and then provide that the Commissioners shall arrange as they may beneath

Mr. ROBINSON. The Senator sees the difficulty about that. If the improvement which has been authorized proceeds, then the opportunity to afford to the hotel company the relief which he has suggested will not exist.

Mr. MARTINE of New Jersey. No.

Mr. ROBINSON. So that it is necessary to effectuate the arrangement which the Senator from New Jersey has suggested, and which it seems to me from a casual consideration is not an unfair one, to insert this provision in the bill, or some other provision which will for the present suspend the improvement that has been authorized.

Mr. President, I lived for five years at the Ebbitt Hotel in the early part of my service in Congress, and I am familiar with the conditions as they exist in that locality. Fourteenth Street between F Street and Pennsylvania Avenue is a very steep one. It is paved, as every one now knows, with rough stone, called Belgian block; and the principal traffic on that street is heavy wagons. There is no great amount of other traffic there, for the reason, in part, that the street is very steep. If that street were paved with asphalt it would be impossible, in my judgment, for wagons heavily loaded to ascend it. It would be quite difficult for the public to carry on traffic there; and I sincerely doubt whether it is advisable, discussing the merits of the

Mr. MARTINE of New Jersey. Let me say, Mr. President-Mr. ROBINSON. Just a moment. I sincerely doubt whether it is advisable to pave that street with asphalt.

As to the proposition of compelling the hotel company to remove its machinery and abandon the vaults that have been constructed there under some sort of public authority, I want to point out this fact: It has been proceeding for a great many years. Any person who visits and observes the excavation that has been made there and the works that are now operated there will realize that it will entail a very large expense upon the hotel company. In passing upon this proposition, I think it is fair that the equities of the hotel company, if I may so express it, should be considered. The public interest is, of course, the paramount interest; and I, for my part, would be willing to have a provision similar to that which has been suggested by the Senator from New Jersey. If it appears right that the hotel company should pay a tax-and the suggestion seems fair to me—upon the private property that they are using in these vaults, let them pay a tax; but I do think that before requiring them to abandon those vaults and to incur the expense that is incident to that, after having at first permitted them to establish and operate these vaults, we should afford some such relief as the Senator from New Jersey has suggested; and in order to do that he himself admits that this provision which the committee has written into the bill, or some similar provision, must be enacted. Otherwise, the improvement that has been authoroized will proceed and it would be impossible to effectuate the relief.

Mr. KENYON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Does the Senator from New Jersey yield to the Senator from Iowa?

Mr. MARTINE of New Jersey. I yield. Mr. KENYON. I should like to ask the Senator from Arkan-

sas who is the owner of the Willard Hotel?

Mr. ROBINSON. I have not the slightest idea. know personally anybody connected with the Willard Hotel; and it does not make any difference to me that I know of. It is simply a question of what is right and fair, considering the public interest and the equities, if I may term them such, that have been vested in the hotel company by the public consent.

Mr. KENYON. Whoever is owner of the Willard Hotel is

certainly receiving a concession here which other hotels do not

Mr. ROBINSON. That is true; and I think, as suggested by the Senator from New Jersey, that they should be required to pay for it.

Mr. MARTINE of New Jersey. They never have before, Mr. ROBINSON. I have not anything further to state concerning the subject, Mr. President. It seems to me that the argument which the Senator from New Jersey had made is the soundest argument that can be made for retaining in the bill the

provision which the committee has reported.

Mr. MARTINE of New Jersey. Mr. President, the Senator refers to the matter of asphalt. If the Senator will recall, last year when this matter was up I raised the point that it would be a disaster to pave that street with asphalt; and I thought there was incorporated in the bill a provision that it should be paved with cobblestone instead of asphalt. Asphalt on that declivity or that incline would not be very easy and practicable for horses and machines, and it would be better that it should be cobblestone. I thought that cobblestone had been put in. But I want to know how it comes that a year has elapsed and no effort has been made in this direction; and if, in accordance with the suggestion of the committee, this thing is stricken out and left out entirely, what assurance have you that any effort whatever will be made?

Mr. ROBINSON. If the Senator will excuse an interruption, the committee does not repeal the existing law. It simply sus-

pends it until further action by Congress.

Mr. MARTINE of New Jersey. I know; but it amounts to an indefinite extension and laying aside. Let us maintain the present law, and suggest, if you choose, by amendment that the commissioners shall confer with the owner of this property in carrying out the improvement.

Mr. GALLINGER. Will the Senator permit me? The Senator, I presume, is aware of the fact that paving the street with asphalt was upon the recommendation and somewhat persistence of the Commissioners of the District of Columbia.

Mr. MARTINE of New Jersey. That might be.
Mr. GALLINGER. That is true. It was in the estimate. Mr. MARTINE of New Jersey. I think it very unfortu-

Mr. GALLINGER. If the Senator will permit me one other suggestion, I am not going to argue the desirability of continuing the existing system beyond this point. It has been stated here that this corporation is not paying anything for that ac-commodation. I chance to know it is the rule in this District to assess the value of that and add it to the assessed valuation of the property. Last evening I was talking with the editor of the Evening Star and large owner of the Evening Star Building, and this very matter came up. I said to him, "You have accommodations under the sidewalk, have you not?" He said, "Yes." "Do you pay anything for them?" He said, "It is assessed and added to the value of the property." I do not think that this is an exceptional case in that respect. I have no means of knowing what they have paid in the past; but if the commissioners are doing their duty, and the assessors appointed by the commissioners are doing their duty, this concession would be valued and its value added to the building and grounds and the taxes paid. So if there is any laches in the matter it easily goes back to the commissioners themselves.

Mr. MARTINE of New Jersey. I trust there may be some

way of assessing for these privileges properly; but I doubt very much whether adequate recompense is received for that valuable privilege. But I say it would be really dangerous, it would be unfortunate, it would be ungenerous and unfair to me and every other property owner in the District of Columbia to acquiesce in the suggestions made by the committee. If you strike this out, it is admitted, as it seems to me, the most manifest wrong, impartiality, and unfairness of maintaining in force a situation of this kind. Pass a resolution, if you choose, advising the commissioners to confer with the owners of this affected property in a way that shall grant the public their rights and at the same time not operate unjustly on them.

Mr. GALLINGER. Will the Senator from New Jersey permit one other remark, which I intended to make while on my

feet?

Mr. MARTINE of New Jersey. Certainly. Mr. GALLINGER. The Senator says that a year has elapsed and nothing has been done to carry out the law enacted a year ago. Of course, the proprietor of that hotel can not be charged with neglect.

Mr. MARTINE of New Jersey. Oh-

Mr. GALLINGER. If the Senator will allow me, if there has been any neglect, it is the neglect of the District Commissioners; but, of course, they can not do every and do not think anybody ought to be blamed for that.

Mr. MARTINE of New Jersey. I am not charging anything Mr. Martine owners. They are human. They are like ers; but, of course, they can not do everything in a year. I

on the Willard Hotel owners. They are human. They are like the rest of us. I know they want to retain this privilege; but

it does seem that the many property holders on the same street above F Street and the property holders on the other side below Pennsylvania Avenue have some rights that should be considered,

We should obey their behest and listen to their plea.

I hope the Senate will not adopt this amendment as proposed by the committee. I will willingly join with you in any effort after that to have the District Commissioners confer with the owners of this affected property that the matter may be settled upon some plan that shall be equitable and just to all interests.

Mr. NORRIS. Mr. President-The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Nebraska?

Mr. MARTINE of New Jersey. Certainly.
Mr. NORRIS. May I ask the Senator if he knows who owns

Mr. MARTINE of New Jersey. One gentleman by the name of Stellwagen. I have heard a number of names. It is known as the Willard Hotel Co., I understand.

Mr. NORRIS. I asked the question because I am trying to get at the facts. I want to get information. I have heard it said—and I want to know whether it is true or not—that it is owned or a great part of it, at least, by some one connected with the Government; that he was an ambassador or some other

Mr. MARTINE of New Jersey. I am unable to answer as to that. I do not know whether it is true or not. I feel seriously that we can not as impartial legislators vote to grant this privi-You grant it away temporarily, you say; but it may be for all time. Some of us who are here will not be here another year. I will not; and I feel I will not be doing justice to myself, justice to my constituency, or justice to the taxpayers of the District of Columbia, unless some action should be taken upon it.

Mr. WARREN. Mr. President, notwithstanding the special pleading of the Senator from New Jersey, I do not think that this committee amendment should be stricken out. I think it

should remain in the bill.

I agree in the main with the Senator from Arkansas [Mr. Robinson]. There is every reason why this should be suspended, when after a year the commissioners have not thought it proper to commence it. This item is not the only appropriation in this bill, or, rather, in its predecessors, for work that the commissioners have omitted to commence during last year. There is every reason why this should be further examined before one particular building should be picked out in this city to submit to a loss amounting to very many thousands of dol-lars; in fact, to submit to a loss in amount that would build complete an ordinary hotel in an ordinary size town.

Every modern building of consequence in Washington, so far

as I know, has utilized the vault room under sidewalks.
Mr. NORRIS. Will the Senator yield?

Mr. WARREN. Certainly.

Mr. NORRIS. Evidently the Senator has given some study to this matter, and I am trying to get the real facts.

Mr. WARREN. I shall be glad to give the information.

Mr. NORRIS. I agree that from the observation of at least

a great many people they have excavated under the sidewalk. I am not finding fault with that. I think that is a general custom. But is it true that under the sidewalk, which extends about 12 feet into the street, they have excavated?

Mr. WARREN. I will say to the Senator it is not true, so far as I know, and I have known more or less of that street

for the last 30 or more years.

Mr. NORRIS. It is a very wide sidewalk. Mr. WARREN. I have never observed the taking of any distance out of the street in the vicinity under discussion. Both sides of the street have had wide parking space ever since the street was laid out, as I remember it.

Mr. NORRIS. If under the sidewalk they have not excavated beyond the usual width of a sidewalk, then the cutting off of some of the sidewalk and leaving it in the street proper

would not injure the hotel very much.

Mr. WARREN. I will say to the Senator that my information, so far as the space under the sidewalk is concerned, is that it is excavated very nearly out to the gutter.

Mr. OVERMAN. And on the opposite side of the street, where the Ebbitt is. It is done on both sides not by the New Willard but the Ebbitt.

Mr. NORRIS. And the New Willard, I understand Mr. OVERMAN. It makes a very narrow street.

Mr. NORRIS. The Ebbitt is on one side and the New Willard is on the other. I know the sidewalk is very wide.

Mr. WARREN. On both sides it is wide.

Mr. NORRIS. Let me ask the Senator about the law we passed that this amendment seeks to suspend. Did that pro- that if it is restricted it simply means that they will have to

pose to cut that sidewalk down and make the street through that block just as wide as it is farther up?

Mr. WARREN. I assume that is the presumption. Mr. OVERMAN. I wish to read what the Engineer Commissioner of the District of Columbia said. He came before our committee last year and recommended that this street be widened. They wanted to extend the car line down Fourteenth Street so that employees could go with convenience to the Bureau of Engraving and Printing and to the Department of Agriculture. Two tracks there would make the street too narrow. So they sent in a report which I have here. The engineers of the city themselves recommended that this should be done.

Mr. WARREN. If the Senator will allow me now before answering further. The street grade, as the Senator probably knows, is quite steep from Pennsylvania Avenue to F Street. You see there very few automobiles or carriages—in fact, I might say almost none at all going up and down that street. It is only a very short detour to go out around by the Treasury Building. So the travel, except the trucking or something that is to be delivered on either side of the street and the taxicabs that wait at the doors of the hotels, uses that street very little; but as to pedestrians there is a great flood of people going back and forth, up and down, and the same is true as to the street cars. The car tracks have already been put in there and the street cars have been running for a long

Mr. NORRIS. Yes; since we enacted the law I understand there have been street cars there.

Mr. WARREN. It did not require the enactment of the law

for them to run street cars over that route.

Mr. NORRIS. At least the street cars are operating up and down through that block. I wish to ask the Senator if one reason why there is not more traffic over that block is the fact that it is hardly a full block, as I remember it, between F Street and Pennsylvania Avenue?

Mr. WARREN. It is not a long block because—
Mr. NORRIS. It is probably a little over half a block on account of Pennsylvania Avenue running diagonally there.
Would there not be more traffic if the street was wide enough

to have it?

Mr. WARREN. I dislike to project my personality into this matter. I have, of course, no interest in the hotel and no interest in anybody connected with it. I do not know very much of the ownership and I do not care, but I lived in the hotel from the time it was rebuilt until three years ago, and my room opened out upon this part of the street about which we are talking. There has been to my knowledge no increase, but a decrease rather than an increase, so far as horse-drawn or motor-propelled transportation is concerned over that street. because, as I said, it is steep and it is rough, paved with cob-blestones, and it is not much farther around the swing from Pennsylvania Avenue to Fifteenth Street and back via F Street. Teams avoided it before just as they do now. To put asphalt paving there would be to make it nearly or quite impossible to drive a horse over it if it were at all wet or if there were snow or sleet upon it, and, in fact, I doubt whether they could drive safely over it with loaded teams even when perfectly Automobile grease would make further difficulty.

The amount of money expended under the sidewalk in question can only be appreciated by one who visits it. Last year when the matter was up I took it upon myself to go through it. The machinery there is two stories high. It would cost the hotel, I should estimate, nearly \$100,000 to reconstruct and

cover the machinery in providing other space.

Mr. OVERMAN. May I ask the Senator a question? I live in what is known as the Cochran Hotel. All their machinery and plant are under the pavement. Does the Senator know that they have had plenty of room for machinery there without extending the sidewalk? Does the Senator know that this width of the sidewalk can not be lessened and not disturb the machinery? As far as I can see, the machinery does not extend on the Ebbitt side, and to make it uniform with the balance of that great street the Willard Hotel would not be disturbed a particle there. I am asking the Senator if he knows if that can be done.

Mr. WARREN. The conditions are not entirely similar. The Willard Hotel on the north end, facing on F Street, is, I might say, three stories below the sidewalk. The consequence is that first there has to be a distance outside of the house taken to allow air and light to go down. But portions of it are in use for other purposes than storage and machinery. That narrows it to some extent. Then the balance, I think, is in use for machinery that is fitted in there, and the uses made for it are such shut down the work as it is now conducted and commence anew

with much new machinery.

I doubt very much whether they would not have to ask permission to go out under the street. It is not at all strange that hotel buildings should use the space under sidewalks, and not only under the sidewalk, but under the street. Take the Congress Hotel in Chicago. It uses space under the street as well as under the sidewalk. Other hotels do the same. If it is proper to tax more on this hotel than on the others, then it ought to be taxed more. If it is subject to a license, let it be licensed. But this hotel was built under the proper authority. The commissioners have allowed it to be constructed and continued. They were there where they could see it every day; the District Building is located right near it. It has been carried on with the consent of everybody. The hotel has been to this

Mr. SMITH of Maryland. If the Senator from Wyoming will allow me, I will say whether right or wrong they were granted this permit by the Secretary of War. I do not say whether he had a right to do it or not, but they presumed he did have the right, and upon the authority given them they proceeded to spend an enormous amount of money. I must say I was utterly surprised when I went down into those vaults to see the ex-

tensive amount of machinery that is there.

Mr. WARREN. So would anyone be surprised.

Mr. SMITH of Maryland. I had not the slightest idea of it before, and I believe if Members of the Senate would go there and see it they would immediately find out whether there ought not to be some time allowed. I do not say forever, but their engines are under there, their boilers are under there, their dynamos are under there, their ice plant is under there, and the whole machinery of that hotel is under there. As to the expense, I am unable to state it; it would probably cost them from thirty to fifty thousand dollars to remedy it. Before we interrupt things of that kind we ought to be very careful and consider the matter thoroughly.
Mr NORRIS. Mr. President-

The PRESIDING OFFICER. Does the Senator from Wyo-

ming yield to the Senator from Nebraska?

Mr. WARREN. Just a moment. What the Senator from Maryland says is absolutely true. I have such confidence in the fairness of the Senate that if Senators will take the pains to look in there I doubt if there is anyone who, after looking over the situation, will say that it is the right thing for this District, first, to give permission; second, to allow the construction to go on and to see how it is done; and third, to demand that the street shall be widened regardless of these great losses. We are only asking in this amendment that the matter may be suspended until the Senate does know more about it. I would be glad to see the street widened, if it could be done reasonably. I yield to the Senator from Nebraska.

Mr. NORRIS. This is the question I want to ask the Senator. It is proposed that the law shall be suspended until fur-

ther action by Congress?

Mr. WARREN. Yes. Mr. NORRIS. It strikes me if we suspend the law we ought in the law making the suspension fix the time of suspension. Does it not really amount to a repeal of the law?

Mr. WARREN. No; I do not believe so. Mr. NORRIS. Then ought there not to be a limit at least

in the amendment, say one year or two years.

Mr. WARREN. That might be, I will say to the Senator; but the Committee on Appropriations should have the opportunity to look into all these matters. I dare say very few members of the Committee on Appropriations have inspected this underground space and its contents, and few, if any, of the Senators not on that committee have ever inspected the underground premises at all. The most valuable machinery of that entire structure is located under the sidewalk. As I have said, in the world over spaces under sidewalks and streets even are used, and why select this particular building at this particular time and then force this through without having proper time granted to investigate it thoroughly?

Mr. NORRIS. If the Senator will permit me, it seems if there is machinery or other property put in there lawfully, we ought to take it out, if we think it ought to be taken out lawfully, and if they suffer any damages we ought to pay for it, but, as I understand the situation, the sidewalk goes beyond the limits of a sidewalk. I do not know what the facts were when the machinery was put in there, but the very fact that somebody put machinery on public property and keeps it there for 25 years and has the privilege all that time ought not to be offered as an argument why he should keep it there continually.

Mr. WARREN. It was put there by consent and by arrange-

ment.

Mr. ROBINSON. Mr. President—
Mr. WARREN. I yield to the Senator from Arkansas.
Mr. ROBINSON. I merely wanted to call attention to the fact that last year the District of Columbia appropriation act contained this language:

That hereafter the Commissioners of the District of Columbia are authorized and directed to assess and collect rent from all users of space occupied under the sidewalks and streets in the District of Columbia, which said space is occupied or used in connection with the business of said users.

So that under the laws that now exist the hotel company would be compelled to pay a rental for use of lands under the sidewalk.

Mr. PENROSE. Mr. President, I desire to say a word on this amendment. Like the Senator from Wyoming [Mr. WARREN], I have resided at the New Willard for 15 or 20 years, or since the structure was put up, and I think I can claim considerable familiarity with the particular neighborhood, more perhaps than almost any other Member of this body, except it be the Senator from Wyoming, who until recently likewise resided there.

This hotel, in my opinion, is in the nature of a great public improvement for the city of Washington and should be recognized as such. It is using the space under the sidewalk in precisely the same way that such space is being used all over the city of Washington, in Philadelphia, New York, Chicago, and

every other great city in the world.

The point is raised that the sidewalk abuts 12 feet or more into the street upon each side. My recollection is that that condition of the sidewalk existed before the Willard Hotel was constructed. It is not peculiar to this hotel, because it prevails on the opposite side of the street in front of the Ebbitt Hotel, which is an old structure.

The Willard Hotel took advantage, in the same manner as every other hotel, of the space under the sidewalk. A hotel requires more space than a private dwelling or an ordinary store, and we should recognize that such is the fact. When they did that they were simply taking advantage of existing conditions, with the acquiescence of the District Commissioners, with the consent of the Secretary of War, and, as far as they knew, without objection on the part of anyone.

When the hotel was finished, I am one of those who are of the opinion that it was a distinct addition to the accommodation in

the Capital of the Nation.

The street is quite precipitous. Now, about the street. enture to say that there is not an automobile or a vehicle of any kind that goes through that street which can avoid it. About the only conveyances that I have observed in my many years frequenting the neighborhood are the taxicabs which stand in front of either hotel or in the neighborhood of the Ebbitt House and the New Willard. It is not a street that vehicles use at I have been frequently impressed with the fact that day after day has elapsed and I have not seen a vehicle of any kind go down or up that street. I never thought it was necessary to extend the car tracks on the street, but it was done, and I have been frequently impressed with the fact that the cars are few and far between that travel over Fourteenth Street between F Street and Pennsylvania Avenue.

The hotel, as I am informed, is one of the largest taxpayers in the District of Columbia. I hesitate to say how many thousand dollars are paid in taxes; I have been told some \$30,000. I may be wrong. Anyhow, it is a very large sum of money. If the commissioners or the taxing authorities believe that on account of these abutments and privileges the property is increasing in value and they should pay larger taxes, I have no doubt the hotel people would cheerfully do so.

I do not know who owns the hotel, Mr. President. quainted, of course, with the manager and the officials of the company who conduct the hotel. I have always had the impression that it was a corporation largely owned by a number of citizens of the District of Columbia, but as to their names I have never even taken the trouble to inquire. However, the hotel is there in good faith. This question about the sidewalk abutting beyond the line of the edge of the street is a condition which existed before the hotel was built. The abutment on this part of Fourteenth Street is, in my opinion, not one that causes any inconvenience, because the street is not used. When Fourteenth Street strikes F Street traffic is stopped on account of the hill. There is no travel on the street of any account, because one side of it is occupied entirely by the Willard Hotel from F Street to Pennsylvania Avenue, and the other side three-quarters the length of the block by the Ebbitt Hotel. I believe that a very great injustice and a very great hardship would be put upon the management of the hotel, and incidentally upon the thousands of people who use the hotel during the year, if they

were subjected to what, in my opinion, is an entirely unneces-

sary action at this time.

At least, Mr. President, it can well be suspended, as the amendment provides. It is within the province of any Senator next winter, if complaints continue to come in, if they do-I certainly never heard of any-to revive this matter after full investigation in some way that will be equitable to those concerned.

It is, as I understand it, not merely a question of expense to the hotel; that, perhaps, could be overcome; but I doubt if they are compelled to recede to the extent of 12 or 15 feet of space that they already have under the sidewalk whether it will be physically possible for them to secure sufficient space for the machinery essential for the conduct of that great structure, and on that account the conduct of the hotel would be seriously

curtailed and hampered and greatly interfered with.

As one having great familiarity with that section of the city and having spent so many years in Washington, interested in seeing ample accommodations for the thousands of people who naturally come to the Capital of the Nation, in view of the insufficient information which unquestionably exists, because few Senators in this body have any idea of the geography or topography or character of this proposition, I earnestly hope that we will at least suspend the law until those who are disposed to agitate the matter or to inquire into it can familiarize themselves with it, and at the next Congress any Senator can

Mr. OVERMAN. Mr. President, if an amendment was proposed, like the Senator from Nebraska has suggested, to suspend it until a certain time instead of suspending it indefinitely, I think we might agree to that. I do not intend now to make any fight against this or against my committee. I took part in the debate two years ago. I want to say now I know nothing about who owns that hotel, but what governs me in my course as a member of the committee is not what Tom, Dick, or Harry or even a Senator might say, unless the Senator has investigated the matter. I am governed by the city engineers, by the Commissioners of the District, by the Secretary of the Treasury; and when those men whose duty it is to investigate and inform the Senate come before my committee and tell us that it ought to be done, I know what the city engineers think about it, I know what the Commissioners of the District think about it, and I know what the Secretary of the Treasury thinks about it. If the Senator will accept the amendment, I shall not go on any further, although I can, if it be deemed necessary, read what the officials to whom I have referred have said regarding

Mr. GALLINGER. I have investigated this subject very thoroughly, and I, too, have felt that some relief ought to be given to those people; but very likely the proposed amendment goes too far, and so I will offer as a substitute for the amend-

ment of the committee what I now send to the desk.

The PRESIDING OFFICER. The amendment proposed by

the Senator from New Hampshire will be stated.

The Secretary. As a substitute for the committee amendment, from line 16 to line 21, inclusive, on page 28, it is proposed to insert the following:

Such part of the District of Columbia appropriation act for the fiscal year 1917 providing to "repave with asphalt the roadway of Fourteenth Street NW., from Pennsylvania Avenue to F Street, 70 feet wide, \$7,500," is hereby suspended until March 1, 1918.

Mr. MARTINE of New Jersey. That is extending it for a

Mr. OVERMAN. If the chairman of the committee will ac-

ocpt that, I shall have nothing more to say.

Mr. MARTINE of New Jersey. That, it seems to me, is an unreasonable extension. The same arguments were used last year, that these people were located there and that we must not disturb them.

Mr. GALLINGER. This matter can not be adjusted in a day

Mr. MARTINE of New Jersey. I realize that. I do not want to be unreasonable.

Mr. GALLINGER. This proposed relief is only for a year, and during that time conferences can be held and very likely an adjustment can be agreed upon.

Mr. MARTINE of New Jersey. I will make no objection to

Mr. SMITH of Maryland. I think the amendment to the amendment ought to be accepted.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PENROSE. Mr. President, is the bill now open to amendment?

The PRESIDING OFFICER. There is one more committee

The PRESIDING OFFICER. There is amendment which was passed over.

Mr. SMITH of Maryland. I will say to the Senator from Pennsylvania that there is one more committee amendment which was passed over that has not yet been disposed of.

The PRESIDING OFFICER. The committee amendment

passed over will now be stated.

The Secretary. The last committee amendment passed over was, on page 118, after line 2, to insert as a new section the following:

Sec. 8. Hereafter when any piping or other household fixtures or secondhand goods of any description whatever have been stolen and sold to a dealer in junk, or secondhand dealer, in the District of Columbia, under such circumstances that the commissioners, after hearing granted, are satisfied that said dealer should have had reasonable ground to believe, or could have ascertained by reasonable inquiry or investigation, that the goods were stolen, and that the dealer did not make reasonable inquiry or investigation as to the title of the seller before making the purchase, the commissioners are authorized and directed to revoke the license of said dealer; and this action shall not be a bar to criminal prosecution for receiving stolen goods.

Mr. SMITH of Maryland, I understand that the Senator

Mr. SMITH of Maryland. I understand that the Senator from Nebraska has withdrawn his objection to that committee

Mr. NORRIS. Mr. President, I have talked with a number of Senators about the amendment, who have investigated the subject somewhat; and, so far as I am concerned, while I drew an amendment to the amendment with the intention of offering it. I have made up my mind that, as the committee amendment is satisfactory to everyone else, I shall not offer my amendment at this time. If the law does not work properly we can amend it.

The PRESIDING OFFICER. Without objection, the amend-

ment is agreed to:

Mr. ROBINSON. Mr. President, I offer the amendment which

I send to the desk.

The PRESIDING OFFICER. The amendment will be stated. The Secretary. After the word "each," at the end of line 7, page 56, it is proposed to insert:

One hundred additional privates of class 1, at \$900 each, to be employed on or after March 1, 1917, \$120,000; \$30,000 of which shall be immediately available.

Mr. ROBINSON. Mr. President, this amendment is strongly urged by the District Commissioners, and especially by Mr. Commissioner Brownlow, who has supervision of the city police. The provision is more in the nature of an emergency act. The police force now has 715 men; 10 years ago it had 718 men; and in 1912 its total strength was 785 men. The force was decreased by Congress, together with the direction to remove a number of the men then stationed at the White House. In the last two years it has become necessary for the protection of the White House to restore these men to duty there, so that instead of 26 policemen at the White House four years ago there are now 49. Extra men detailed on duty at the White House and the various embassies number 62. There are other special points that require to be more closely watched, and this increase of a hundred privates to be made available upon the approval of the act is an imperative need.

These policemen, as I presume every one here understands, work in three shifts; so that, if the amendment is agreed to, it means approximately an increase in the number of policemen of 33. I do not think it is necessary to make a further statement in reference to the amendment, and I submit it to the

Senate. The PRESIDING OFFICER. The question is on agreeing to

the amendment.

Mr. SMOOT. Mr. President, it seems to me that there was nothing presented to the committee, unless it was presented to the subcommittee, to justify the employment of a hundred addi-

tional privates of class 1 on the police force.

Mr. SMITH of Maryland. I will say to the Senator from Utah that Commissioner Brownlow had a talk with me about the matter. The policemen work in three shifts, as the Senator from Utah understands, and the amendment really only means an increase of 33 policemen on each shift. It is stated that a great many of these men have to be detailed on account of emergencies here to do certain work, which has placed the authorities in a very awkward situation. Commissioner Brownlow came to see me about the matter this morning. I suggested that they be put on the force temporarily, but his reply to that suggestion was that it would be pretty hard to get men at \$900 a year to perform such service temporarily; that we had better arrange it in this way, and whenever the emergency ceased to exist they could discharge these men as they have heretofore done in similar cases.

Mr. ROBINSON. Mr. President, I wish to make a suggestion to the Senator from Utah [Mr. Smoot]. If my recollection serves me correctly, the number of Capitol policemen was recently increased by 100. This proposed increase for the entire city, relating to all public buildings in the city as well as to the property of the city and of citizens generally, is by the same number that we increased the Capitol police.

Mr. GALLINGER. Mr. President, the Senator from Arkansas does not mean that the Capitol police have been increased by

100? That is a larger number than we now have.

Mr. SMOOT. Or than we ever have had. Mr. ROBINSON. What was the number by which the Capitol police were increased?

Mr. OVERMAN. They were increased by 70. Mr. ROBINSON. By 70.

Mr. SMOOT. We have not a hundred Capitol policemen now.
Mr. ROBINSON. I did not mean to say they have been increased by 100, but I was speaking relatively.

Mr. OVERMAN. Will the Senator from Arkansas yield to

Mr. ROBINSON. I yield. Mr. OVERMAN. I desire to say that the Committee on Rules this morning held a meeting to consider the question of an increase in the number of policemen in the Capitol, which is now about 69; but not more than half of the force is constantly available. The Committee on Rules think that the Capitol police force ought to be increased by 50; and I have been authorized and instructed to offer a resolution providing such increase for the protection of the Capitol Building and of the House and Senate Office Buildings during the sessions of Con-I shall prepare an amendment to that effect, if the Senator will accept it, and will offer it to this bill, requiring the entire payment to be made out of the Treasury instead of out of the revenues of the District of Columbia.

Mr. SMITH of Maryland. Of course, the Senator from North Carolina recognizes the fact that the Capitol police have nothing to do with the Metropolitan police; that is an entirely dif-

ferent proposition.

Mr. OVERMAN. That is the reason why I said that I would only offer such an amendment if the Senator would accept it. If it should not be placed on this bill, it would be necessary to have passed through Congress a joint resolution to increase the number of the Capitol police force.

Mr. SMITH of Maryland. But, if the Senator will excuse me,

I merely wished to give him the information he desired, while

I was on my feet.

Mr. ROBINSON. Mr. President, my memory has been refreshed since the Senator from North Carolina [Mr. Overman] has made the statement which he has submitted to the Senate. Mr. Commissioner Brownlow did state to me and to the chairman of the committee this morning that the Capitol police force had been increased or would be increased by approximately 100. The Senator from North Carolina says that it is his purpose to increase the number by 50. For the purposes of this argument the conclusion is inevitable that if it is necessary under the emergency conditions which now exist, and with which every Senator is familiar, and which I do not think it necessary to go into in detail, to increase the Capitol police force by 50, it certainly is apparent that to increase the Metropolitan police force by 100 is entirely justifiable.

As I have already stated, these men work in three shifts a

day, and the adoption of the amendment means the increase, approximately, of 33 on the force working during the entire

time.

Mr. SMOOT. Mr. President, I notice the Senator's amendment provides for an appropriation of \$120,000 with which to pay the Metropolitan police force, and then it provides that \$30,000 of that sum is to be immediately available.

Mr. ROBINSON. Yes; it is intended to put this force on not later than the 1st of March in order that they may serve during

the inauguration.

Mr. SMITH of Maryland. It is desired to have them at once.

Mr. SMOOT. Of course, I know that if the money is not made immediately available these men can not be employed until July I of this year. I simply wanted to know what was the idea of the Senator offering the amendment to make \$30,000, or one-

fourth of the money, immediately available.

Mr. ROBINSON. The amendment is in the form in which it was presented by the commissioners. The purpose of making the fund immediately available is to enable them to employ and pay these additional policemen before the beginning of the new

Mr. SMOOT. In other words, it is proposed that the 100 extra policemen shall begin duty on the 1st day of March.

Mr. ROBINSON. On the 1st day of March, or just as soon as they can be appointed.

Mr. SMOOT. The amendment can go to conference. I shall not object to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PENROSE. Mr. President-

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. ROBINSON. I have another amendment to offer.

Mr. PENROSE. I inquire if the Senator has many more amendments, as I have to take a train in a few moments? Otherwise I would defer to the Senator.

Mr. ROBINSON. Very well; I will yield to the Senator.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. PENROSE. I send to the desk an amendment, which I ask to have read.

The PRESIDING OFFICER. The amendment will be stated. The Secretary. On page 66, after line 19, it is proposed to insert the following:

That all the employees of the Metropolitan police department of the District of Columbia shall receive 30 days' annual and 30 days' sick leave, with pay, in any one calendar year: Provided, That the Commissioners of the District of Columbia may, on the recommendation of the police surgeon, extend such sick leave as in their judgment is warranted by the circumstances of the case.

The PRESIDING OFFICER. The question is on agreeing to

the amendment.

Mr. SMOOT. Mr. President, I will not take the time of the Senate by asking to have the amendment again read if the Senator will explain it. I gathered from the reading that it proposes to give all members of the Metropolitan police force 30 days' leave of absence and 30 days' sick leave, and, then, in the judgment of the Commissioners of the District of Columbia the sick leave can be extended beyond the 30 days. No Government employee has any such privilege as that now.

Mr. PENROSE. That was not contemplated, and I am obliged to the Senator for calling my attention to it. The amendment is designed simply to place the police force of the city on a parity with the other employees of the District. If the Senator will let it go to conference, it can be properly adjusted there, or the provision to which he calls attention can be stricken out.

Mr. SMITH of Maryland. I will not object to the amendment,

but will let it go to conference.

Mr. PENROSE. That is all I ask.

Mr. SMOOT. There is another consideration involved in the amendment, Mr. President. I do not want the Metropolitan police force of the District of Columbia to be put upon a better footing than all other Government employees.

Mr. PENROSE. Neither do I. 'Mr. SMOOT. But this amendment does that, I will say to the Senator, even with the proviso stricken out, for it says:

That all the employees of the Metropolitan police department of the District of Columbia shall receive 30 days' annual and 30 days' sick leave, with pay, in any one calendar year.

In all of the other departments and in the case of all other Government employees they may receive 30 days' sick leave, but they must actually be sick in order to receive that sick leave. Under this provision, however, members of the police department would receive it whether they were sick or whether they were not. In other words, the Metropolitan police force is to work 10 months instead of 12. That is not fair to the other employees of the Government, and I think a change should be made in the amendment.

Mr. GALLINGER. Mr. President, just at that point I will ask the Senator from Pennsylvania if there is any more reason why this privilege should be extended to the police force than to the members of the fire department? If we are going into this matter wholesale, I think we ought to take in everybody who is entitled to consideration, and certainly the firemen are entitled to consideration.

Mr. SMITH of Maryland. Mr. President, I recognize that the ramifications of an amendment of this kind would be very extensive, and I do not object to it, merely that it may go to conference. Of course I do not want the Senator to understand that

I altogether agree with him.

Mr. PENROSE. I understand that. I only want to have the amendment considered in conference on its merits. I am willing to stand in that position. I ask in this connection to have inserted in the RECOND—

Mr. SMITH of Maryland. I think it but fair to the Senator from Pennsylvania to say, as this amendment is going into conference, that we must not be expected to uphold it unless we felt after investigation that it was proper to do so.

Mr. PENROSE. Of course.

Mr. SMITH of Maryland. When a matter goes to conference the conferees on the part of the Senate are naturally expected the conferees on the part of the Senator from Pennsylvania. to stand by it; but I assume the Senator from Pennsylvania does not demand that of the conferees of the Senate in this case.

Mr. PENROSE. I do not. I appreciate the courtesy of the chairman of the committee. It is obvious there are not many Senators present to listen to a discussion of the matter, and I will be content to let it go to conference for such consideration as

can consistently be extended to it.

In that connection, for the information of the conferees, I ask to have inserted in the Record a brief statement entitled "Reaton and the statement of House hill 19119 sons for asking for proposed amendment to House bill 19119 relative to the Metropolitan Police Department." I call the attention of the chairman of the committee and the conferees to the statement, which will appear in the RECORD.

The PRESIDING OFFICER. Without objection, the matter

referred to will be inserted in the RECORD.

The matter referred to is as follows:

REASONS FOR ASKING FOR PROPOSED AMENDMENT TO H. R. 19119.

With the price of foodstuffs and other necessities of life constantly increasing, the bare necessities being almost beyond the reach of the average layman, with most of the large corporations in the United States recognizing the need of giving their employees a living wage, with 13 cities having a population ranging from 452,255 down to 32,906 giving their patrolmen salaries ranging from \$1.464 down to \$1,300 per annum, their percentage of patrolmen being about the same as Washington, D. C., namely, one to each 600 inhabitants, we respectfully ask that our plea for a living wage be considered. Following is a list of statistics as compiled from records of Department of Commerce for year of 1915:

City.	Popula- tion.	Number patrol.	Salary (maxi- mum).	Years to attain maxi- mum grade.
San Francisco, Cal. Newark, N. J. Jersey City, N. J. Yonkers, N. Y. Memphis, Tenn Butte, Mont. Mount Vernon, N. Y. Shreveport, La Bayonne, N. J. Oakland, Cal. Portland, Oreg. Hoboken, N. J. Indianapolis, Ind. Washington, D. C. New York, N. Y. Chicago, Ill. Boston, Mass. ³	452, 235 389, 106 293, 403 193, 231 143, 231 42, 497 35, 374 32, 906 66, 041 186, 902 259, 582 75, 364 282, 877 356, 028 5, 333, 539 2, 397, 690 734, 747	765 568 414 139 144 52 40 25 62 650	\$1,464 1,300 1,300 1,300 1,300 1,380 1,380 1,380 1,320 1,300 1,400 1,200 1,200 1,400 1,400	(1) 3 4 3 3 4 4 4 3 3 3 3 4 8 5 5 2 2 4

Mr. GALLINGER. Mr. President, I desire to offer an amendment to this amendment by inserting after the words "District of Columbia," in the second line, the words "and the employees of the fire department of the District of Columbia."

Mr. SMOOT. Mr. President, I will say to the Senator that the members of the fire department now have a leave of absence of 20 day

Mr. GALLINGER. But they have not 30 days, and they do

not have sick leave, do they?

Mr. SMOOT. They have, in addition to the 20 days, one day layoff out of every five days. So they virtually have the same thing as 30 days

Mr. GALLINGER. Very well. If that be so, I will not offer the amendment.

Mr. SMOOT. I will say to the Senator that that is the case. Mr. GALLINGER. I move to strike out of the amendment

Provided, That the Commissioners of the District of Columbia may, on the recommendation of the police surgeon, extend such sick leave as in their judgment is warranted by the circumstances of the case.

I think those words would prejudice the amendment, and I move to strike them out.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Hampshire to the amendment of the Senator from Pennsylvania.

The amendment to the amendment was agreed to. The amendment as amended was agreed to.

Mr. PENROSE. Mr. President, I have one more amendment, and then I am done. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from Pennsylvania.

The Secretary. On page 116, after line 23, it is proposed to

SEC. 7. That until otherwise provided for, the wages, salaries, or compensation of all persons provided for herein, carried on per diem or annual rolls, shall be increased according to the following schedule:

First. Every employee now receiving \$1,200 per annum or less shall receive an increase in wages, salary, or compensation of 20 per cent.

Second. Every employee now receiving over \$1,200 and less than \$2,600 per annum shall receive an increase in wages, salary, or compensation of 10 per cent.

That a sufficient sum to provide for the above increases in wages, salary, or compensation is hereby appropriated out of any money in the Treasury not otherwise appropriated: Provided, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Pennsylvania.

Mr. PENROSE. Mr. President, I should like to ask the chairman of the committee whether this amendment was considered by the committee? It provides a more liberal schedule of advance than that contained in the bill as reported.

Mr. SMITH of Maryland. I will say to the Senator from Pennsylvania that it was, and that the consensus of opinion of the committee was that increases should be given to the employees of the District in proportion whether they received under a thousand or over a thousand dollars a year; that is, that they should receive the same increase that is given to other Government employees.

Mr. GALLINGER. Mr. President, if the Senator from Pennsylvania will permit me, there is this to be said about the matter, that we have already inserted in the bill an amendment taking care of all employees of classifications by a certain schedule of increases. If this amendment goes in, we shall have two provisions in the bill in conflict with each other. I really think the Senator from Pennsylvania ought to be content with what the committee has put in the bill and what the Senate has agreed to to-day, which is an increase of 15 per cent to the lowest paid employees and 10 per cent to those receiving up to \$1,000. It is exactly the provision that went into the legislative, executive, and judicial appropriation bill, and which we hope to hold in all the bills; but even that is being contested by some

Mr. PENROSE. Mr. President, I recognize the difficulties and the complications surrounding legislation of this character. I do not want to withdraw the amendment, but I will ask to have it lie on the table, and will ask the conferees, if they can, to adopt a somewhat more liberal schedule than is now contained in the bill as reported.

Mr. ROBINSON. Mr. President, I submit the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. At the end of line 18, on page 105, it is proposed to insert the following:

For the acquisition of a park in Klingle Valley, from Woodley Road to Connecticut Avenue, near the Zoological Park, in general accordance with the map on file in the office of the Engineer Commissioner of the District of Columbia, dated February 10, 1916, with an area of approximately 83 acres, \$87,000, the same to become a part of the park system of the District of Columbia.

Mr. ROBINSON. Mr. President, while the District Committee had under consideration an amendment relating to this subject, I was authorized to submit that amendment and the fol-

For the construction of a culvert to carry Klingle Valley Creek underneath Connecticut Avenue, in order to enable adjoining property owners to make an earth viaduct on the line of Connecticut Avenue where it crosses said valley, \$15,000, or so much thereof as may be necessary: Provided, That no part of this money shall be available until the Commissioners of the District of Columbia shall have secured satisfactory guarantee of sufficient fill and base to bring said area up to the proper level of Connecticut Avenue.

The first amendment is in compliance with the estimates submitted by the District Commissioners. The amendment which I have just read was submitted to the District Commissioners by the Committee on the District of Columbia, but before their report was received the bill was reported to the Senate. They report adversely on the second amendment, but strongly recommend the first amendment. The first amendment is in substantial compliance with a report made by Col. Harts on July 19, 1916. In that report, however, it was recommended that certain other areas be also acquired. This amendment relates to the one area embraced in Col. Hart's report, which he said in the report he thought it most desirable to secure at this time.

My desire is to have both of these amendments included in the bill, so that the entire subject matter may go to conference and the conferees may have the privilege of selecting either of the amendments. The District Commissioners have very earnestly for some six or seven years advocated the adoption of the first amendment. They say that there is no suitable approach to Rock Creek Park at that point and that the acquisition of this area ought to be accomplished now, or otherwise it may pass from the power of Congress to obtain it.
Mr. NORRIS. Mr. President—

Mr. ROBINSON. I yield to the Senator.
Mr. NORRIS. I want to get the location of this proposed addition to the park as provided in the first amendment, which, as I understand, is the only amendment the Senator has formally offered. Does the amendment now pending relate to the area contiguous to the bridge just north of the Connecticut

Avenue entrance to the Zoological Park?

Mr. ROBINSON. That is the location of the land.

Mr. NORRIS. Very well; I have the location in mind, then.

Mr. SMITH of Maryland. Mr. President, as chairman of the committee I accept the amendment and will let it go to conference

Mr. ROBINSON. Will the Senator accept both amendments?
Mr. SMITH of Maryland. I will accept both amendments.
The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Arkansas.

Mr. NORRIS. Mr. President, which amendment is that?
Mr. ROBINSON. The amendment read at the desk. I shall offer the other amendment after that is disposed of, for the reasons I have stated.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas, as stated by the Secretary.

Mr. NORRIS. I have no objection to that amendment, but I

want to be heard on the other.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. ROBINSON. I now offer the second amendment.

The PRESIDING OFFICER. The Secretary will state the amendment.

The Secretary. Following the amendment just agreed to, it is proposed to insert a new paragraph, as follows:

For the construction of a culvert to carry Klingle Valley Creek underneath Connecticut Avenue, in order to enable adjoining property owners to make an earth viaduct on the line of Connecticut Avenue where it crosses said valley, \$15,000, or so much thereof as may be necessary: Provided, That no part of this money shall be available until the Commissioners of the District of Columbia shall have secured satisfactory guaranty of sufficient fill and base to bring said area up to the proper level of Connecticut Avenue.

Mr. ROBINSON. Mr. President, I explained a moment agoprobably the Senator from Nebraska did not hear me-that the Commissioners of the District of Columbia had been urging the first amendment, the one which has already been agreed to, for a number of years, but it has not been authorized, and there is in another body very serious opposition, I think, to the amendment. The second amendment is not inconsistent with the first

amendment, but in all probability if the first amendment is agreed to the second amendment might not be retained by the

It is desirable that some action be taken at the place indicated. If the property is not to be acquired, then the fill-in should be permitted. I therefore ask that the Senate permit the amendment to be agreed to in order that the whole subject matter may be considered in conference.

In that connection, I desire to insert in the RECORD the letter of the District Commissioners, signed by the president of the Board of Commissioners, Mr. Newman. Some of the objections made in their letter have been met in the amendment which I have submitted.

The PRESIDING OFFICER. Without objection, the letter referred to will be printed in the RECORD.

The letter referred to is as follows:

COMMISSIONERS OF THE DISTRICT OF COLUMBIA, Washington, February 2, 1917.

The letter referred to is as follows:

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,

Hon. John Walter Snite,

Chairman Subcommittee on Appropriations,

District of Columbia, United States Senate.

Dear Sin: The Commissioners of the District of Columbia have the honor to submit the following on the draft of a proposed amendment to the pending District appropriation biff, as follows:

"For the construction of a culvert to carry Klingle Valley Creek underneath Connecticut Avenue in order to enable adjoining property owners to make an earth viaduct on the line of Connecticut Avenue where it crosses said valley, \$15,000, or so much thereof as may be necessary: Provided, That no part of this money shall be available until the Commissioners of the District of Columbia shall have severed to satisfactory guaranty of sufficient fill to bring said area upon to information and for opinion as to its merits.

The substitution of an earth viaduct for the bridge which now carries Connecticut Avenue over Klingle Valley will necessitate the eventual filling of the greater part of Klingle Valley west of Connecticut Avenue, thus destroying one of the most beautiful approaches to Rock Creek Park. For many years the commissioners have advocated the retention of this valley in its natural condition, and about a year ago held a public hearing at which the proper treatment of this valley as the principal subject of discussion. The hearing was largely attended and, except for the representations of one or two dumping ground for surplus earth, the opinion multiple walley as a part of the park system, and condemnation proceedings have ree made to secure an appropriation for the acquisition of this valley as a part of the park system, and condemnation proceedings have ree made to secure an appropriation for the acquisition of this valley was recently been instituted to acquire a short connecting roadway between Macomb Street and Klingle Valley—a roadway which will be wholy unnecessary if the valley is filled as is contemplated by the propose

to the amendment submitted by the Senator from Arkansas, but will let it go to conference.

Mr. NORRIS. Mr. President, I desire to be heard on the amendment. I have not read, of course, the commissioner's letter which the Senator has just asked to have printed in the RECORD. I do not know what the letter contains, and had no idea that this amendment was to be offered to this bill. I am perfectly familiar with this location, and I believe that the first amendment ought to be agreed to, and have no objection to it, except that the price named in it, in my judgment, is more than we ought to pay for that land. As I recall, the amount to be paid will approximate \$10,000 an acre. I think it is not worth more than \$1,000 an acre, because it is on two side hills, and for building purposes it is practically useless. It ought to be a part of the park. I pass it every day when I come to the Senate and when I go home; and if I go home before it is dark I

Under the bridge on Connecticut Avenue which crosses the ravine there is a little creek-I will ask the Senator from Arkansas the name of it?

Mr. ROBINSON. Klingle Valley Creek. Mr. NORRIS. Klingle Valley Creek. The bridge over that ravine is just north of the Connecticut Avenue entrance to Rock Creek Park. There are slopes on each side, an angle in some instances of more than 45°, running down to a deep valley that is wooded, its sides being covered with very heavy timber. The land on the north side of that ravine or canyon is not far from Macomb Street, which is the only street there. There are lots and buildings facing on Macomb Street. of this land to be purchased on the north side of the ravine is owned by the people who laid out Cleveland Park, as I understand; that is, they laid out the lots fronting along Macomb Street, most of which they have sold, although I presume there are some few that they still own. The slope of the valley on the north comes up to the rear of those lots and buildings, from which it slants down to an angle of at least 45° to the bottom of the valley, where there is already a road. That is an entrance to Rock Creek Park; and you can also go into the Zoological Park in that way.

Mr. President, this land, at least on the side that is to be

purchased under this amendment, as far as I can see, is of very little use. It has no outlet, in the first place, to any street that is inhabited or that could be inhabited. It ought to be a part of the park. It is covered with heavy timber. For that very reason, Mr. President, we never ought to adopt the second amendment that is proposed. As I look at it, these amendments

are absolutely inconsistent with each other.

The proposition of the second amendment is that the Government shall pay \$15,000, as I remember the amount from hearing it read, to make an archway for this small creek to flow under this bridge, and then permit the property owners to fill up that ravine even with the present street where the bridge crosses the ravine. That would mean that all this timber would be destroyed. That would mean that this slope that is nice to look at and is nice as part of the park would be of no value, of course, for park purposes. The timber would be destroyed and the beauty of the scenery absolutely rulned. It does not seem to me that that ought to be done. There is only one object in to me that that ought to be done. doing it, and that is to make valuable private property, at least on the north side of the ravine, where the people have already received ample compensation for their property by selling all that was good.

I hope, therefore, that the Senator from Arkansas will not insist on this amendment. I do not know how familiar he is with the subject, but I should like to go with him and show him the ground. If the first amendment is adopted, and we acquire this land for park purposes, then we do not want to destroy the timber or to fill up this ravine. It would certainly ruin it. It would be of no value for park purposes. If you should fill that up and have the street run over the top instead of the bottom of that ravine the people who own the land could build houses on it, and the lots would be valuable. But, Mr. President, that will be at the expense of ruining all the beauty there is there. That will have the effect of ruining the land entirely

for the purposes of a park.

I understand that some of the land to be acquired by the first amendment is on the other side of this ravine. What I have said about the north side applies to the other side as far as the slope of the ground is concerned and as far as trees are concerned, but there are no buildings farther out. That is owned, as I understand, by the Chevy Chase Land Co., and if it were filled up it would make their property more valuable, it is But if the first amendment is agreed to, as I understand, it is the purpose to purchase the sloping part of that side of the ravine, and I think that ought to be done. They ought to get whatever the property is worth. My own idea, however, is that it is not worth, and that anybody who will look at it would say that it is not worth, nearly the amount of money that is

carried by this amendment.

Mr. BRADY. There is no question that it was proper to adopt the first amendment; but I should like to ask the Senator whether or not this last amendment is recommended by the

Commissioners of the District?

Mr. ROBINSON. No. I stated, Mr. President, that the first amendment was strongly urged by the District Commissioners, and the second amendment was not recommended, and that if the first amendment stays in the bill the second amendment in all probability will go out; but if the property is not to be acquired for a park, all objections to the second amendment cease. The objections which the Senator from Nebraska has offered to

the second amendment are substantially those stated by the District Commissioners; that is to say that they want this land for a park, that it ought to be a part of the park system, and that the second amendment ought not to be agreed to for that reason alone, that it will mar the beauty of the park by having a fill there instead of leaving a natural valley

Mr. BRADY. Mr. President, I can not quite agree with the Senator as to what the conditions will be if the first amendment shall go out and the last amendment remain. If the first amendment should go out and the last amendment be adopted, it would forever stop the building of a park in that part of the

city.

Mr. ROBINSON. I do not think that is true.

Mr. BRADY. And it is very essential that the first amendment be adopted.

Mr. ROBINSON. The first amendment has been adopted already.

Mr. BRADY. I mean, by the conference report. I think that is a very important amendment.

Mr. ROBINSON. Here is the thought, if the Senator pleases: The matter ought to be determined soon. It has been under consideration now for nearly 10 years. If we are going to acquire this as a part of the park, it will be accomplished under the first amendment; and in all probability the second amend. the first amendment; and in all probability the second amendment, if agreed to here, would go out in conference. But if the first amendment goes out, there is no reason in the world why the fill which is authorized under the second amendment should not be made.

As to the cost of the property, I know nothing about that except that the District Commissioners estimated that amount, and Col. Harts's report is substantially in compliance with that

estimate.

Mr. NORRIS. Mr. President, permit me to say a little further-and I thank the Senator from Arkansas for suggesting it to me-that if this fill is made, as contemplated by the pend-

ing amendment—
Mr. ROBINSON. If the Senator will permit me, I think I can make the matter clear in one sentence. This proposition, if agreed to, will give the conferees complete choice between the two amendments.

Mr. NORRIS. Yes.

Mr. ROBINSON. One side favors one amendment and the other side has insisted upon the other amendment.

Mr. NORRIS. Let me proceed with the proposition now the same as though this amendment were agreed to.

Mr. ROBINSON. Very well.
Mr. NORRIS. If this amendment is agreed to and remains in the bill, and that ravine is filled, then it will have to be filled farther on beyond that bridge. The gully—the ravine—is filled farther on beyond that bridge. The gully—the ravine—is just as deep on the east side of that bridge as it is on the west side.

Mr. SMOOT. Deeper.
Mr. NORRIS. Yes; deeper, the Senator from Utah reminds
te. That will have to be filled. That runs through the tract that we passed a law a year or two ago to purchase as an addition to the Zoological Park. That bridge is right on the line. I will ask the Senator from Utah if I am not right about that?

Mr. SMOOT.

Mr. SMOOT. I think it is.
*Mr. NORRIS. When you get east of the bridge that ravine is part of the land that we have already passed a law to acquire as an addition to the Zoological Park. If you fill it up on the other side you must fill it on the east of the bridge, or you can not have a street there coming down in the place of the one that is now in the bottom of the ravine. So that we will be destroying the scenery, the timber, and the usefulness for park purposes of the part that we have already passed a law to purchase as an addition to the Zoological Park.

I am satisfied that Senators would not be for the second amendment under any circumstances if they could see and were acquainted with the situation and the lay of the ground. Senator from Utah [Mr. Smoot] lives not so very far from this locality, and I presume he is as familiar with it as I am. If I am not getting the facts right, I shall be glad to be corrected

by him or any other Senator who knows the conditions.

Suppose this middle aisle here were Connecticut Avenue, and up there, about to the door, going in that way, were the entrance to the present Zoological Park. We are all familiar with that. Pass right on until you get north and west, and you come to a bridge going over a ravine that is 50, 75, or 100 feet deep. is the place where this fill is to take place. At the end of that bridge is this street or road, known as Klingle Valley. It runs right under it, running east and west, mainly.

that road. We put the road up here on top, instead of 100 feet down. We have got to fill it clear on here. Just as soon as we come to the bridge, we come then to the line of the property that we have passed a law to purchase as an addition to the Zoological Park. That has the same ravine in it, excepting that it gets a little wider and a little deeper and goes on down.

Now, there is a driveway in there. I believe there is no more beautiful driveway anywhere in any of the parks of the city of Washington than that is as it goes under that bridge. If the pending amendment is adopted, that will be obliterated entirely. The Government owns the road there. They can not destroy that. The only benefit will come to the owners of the property on each side, through enabling them to tear down the hill and fill up this ravine and make their property more valuable.

If the amendment that has already been agreed to remains in the bill, this is what happens: It takes both sides here as an addition to the park, and then these property owners are disposing to the Government of the only part of their property that is useless for residential purposes. The Government is getting is useless for residential purposes. The Government is getting it for park purposes. It is good for park purposes, and for

nothing else, unless it is filled up.

That is the proposition, Senators. I believe that if you could see the lay of the land, no one would support the second amendment. I can not see anything in it excepting, it is true, that it would enable the owners of the property on each side of this ravine to fill up the ravine, and have the property then for whatever purposes they might wish to use it for, and it would probably make it more valuable for the purpose of speculation and sale; but for park purposes it would ruin it. Nobody except the Government owns the road; at least, that has to remain as it is; and this side, at least on the north side, can not be filled up unless the Government takes action and permits it to be done, because it would destroy public property to do it.

Mr. BRADY. Private property.

Mr. NORRIS. If it is filled up, it will destroy the road, of course. It can not be filled up without an act of Congress, as I understand, permitting it to be done. Now, it seems to me that that ought not to be done; and, at all events, before it is done I wish Senators would go out and look at it. If you walk across that bridge, you will see it, as I walk across it twice nearly every

Mr. SMOOT. Mr. President, I hope the Government will purchase the 81 acres provided for in the first amendment. That matter has been presented to the Senate time and time again. I think it has been adopted in the Senate and always has gone out in conference. But the price I consider exceedingly high, and I might say exorbitant. The amendment carries an appropriation of \$87,000 for the 8\frac{3}{4} acres, which would be \$10,000 an acre. I believe if any Senator would go out and look over the land, if he would just walk across the bridge and have pointed out to him where the \$\frac{3}{4}\$ acres of land is located, and see the character and situation of the land, he would immediately say that \$10,000 an acre is altogether too much to pay for the land.

I say what I say at this time because if this matter goes into conference and the House conferees seriously consider purchasing this 84 acres of land this year, and yet do not feel that they can pay \$10,000 an acre for it, I should like very well to have the amendment agreed to at a reasonable rate and allow

the 8% acres of land to be purchased.

Mr. ROBINSON. Of course I should be glad to see the Government get the property as cheaply as possible.

Mr. SMOOT.

Mr. ROBINSON. I simply submit the amendment in the form in which it was suggested by the District Commissioners. The Senator understands that. Of course he understands also that if it can be obtained much cheaper than that I shall be highly

Mr. SMOOT. Of course the Senator knows that I was not reflecting upon his judgment in any way.

Mr. ROBINSON. Oh, I understand that.

Mr. SMOOT. Because I knew very well how the amendment came here, and I knew why the Senator offered it.

Mr. ROBINSON. The Senator has well stated that the Senate has repeatedly put in the bill this first amendment, which has already been agreed to, or substantially that amendment, and that it has gone out, in conference or otherwise, year after year. If this land is not to become a part of the park is there, in the Senator's opinion, any reason why the second amendment should not be

Mr. SMOOT. The second amendment need not be considered for a minute if the first amendment is agreed to; and I want to say to the Senator frankly that even if they disagree to the first amendment, providing for the purchase of the St acres of land, I sincerely hope that the Senate conferees will not agree to the fill as provided for in that amendment.

Mr. ROBINSON. Mr. President, I just suggested that if they did agree to the first amendment, in all probability the second

Mr. SMOOT. The Senator interrupted me before I got through.

Mr. ROBINSON. All right.

Mr. SMOOT. Even if they do not agree to the first amendment, and do not purchase the 84 acres, then I sincerely hope, as the Senator from Nebraska [Mr. Norris] said, that we will not provide for the fill at this time. I think it would be unwise. I think it would destroy the beauty of the road that the Government has already provided, and I believe it would be an unsightly piece of work that we never could get rid of in the

Mr. BRADY. And it would utterly spoil the prospect of

securing a park.

Mr. SMOOT. There is no doubt of it at all in my mind.

There is no doubt of it at all in my mind. Mr. GALLINGER. Mr. President, I hope this mooted or controverted question may be settled this year. I have been instrumental several times in putting an amendment in the District of Columbia appropriation bill for the purchase of this bit of land for park purposes; but, as has been stated, we have always lost it. Now, last year we were confronted with this proposition: The bridge over this ravine is unsafe. The authorities have forbidden two cars to pass over that bridge at the same time. There was a proposition to make an appropriation for plans for a new bridge over Calvert Street, and also for a new bridge there. But while that was under consideration the question of making a fill came up, and the committee had not time to make careful inquiry, so we dropped out the proposed appropriation for that new bridge, which will cost \$250,000 at least, waiting until this matter was more carefully considered, We did make an appropriation for plans for the Calvert Street bridge, which is that bridge that stands so high in the air as you pass along Calvert Street.

Mr. SMOOT. And which is very unsafe.
Mr. GALLINGER. That bridge is very unsafe, also; and I feel very sure that we will have a new bridge there in the near

The question as to whether we shall have a new bridge there, or whether that ravine shall be filled, is a question that may well be considered. I feel sure that the amendment that has been suggested by the Senator from Arkansas, when it goes to conference, will enable the conferees to work out this proposition so that we will have a question settled which has been a

disturbing thing for a good many years.

Mr. NEWLANDS. Mr. President, long before I entered public life I acquired some interests in the District of Columbia, and among them an interest in the Chevy Chase Land Co., which owns a part of the area affected; and I feel, as I am present at this discussion, that I ought to make some statement regarding it. It is not my intention, of course, to vote upon this matter or to take any part in it beyond a candid statement with reference to the situation.

You all know the western entrance to the Zoo Park on Connecticut Avenue, and you know the bridge just beyond it to the north, between the Zoo Park and Chevy Chase; and you know the valley underneath that bridge, called Klingle Valley, which commences at Woodley Lane, on the west, and runs easterly under Klingle Bridge into both the Zoo Park and the National Park. As the Senator from Nebraska has stated, Connecticut Avenue at the entrance to the Zoo Park is a very unsightly development. There are high clay banks upon both sides there that ought to be cut down. The property owners to the west of Connecticut Avenue and south of Klingle Bridge, owning an area of about 30 acres, of which Mrs. Von Hammert, a lady living in Paris, owns a strip of 7 acres immediately adjoining Connecticut Avenue, and the Chevy Chase Land Co. owns the balance, have been desirous for years of cutting down that hill and taking the surplus earth and filling Klingle Valley, which the owners of the land above own. The Government has no interest at all there except in Connecticut Avenue, and that it acquired by the gift of the Chevy Chase Land Co., which not only dedicated the avenue itself for a space of 3 miles but also without public aid expended about \$250,000 in grading the avenue—a thing that I think is unexampled in the history of the District of Columbia.

The owners of the Chevy Chase company also built the bridge across the Klingle Valley at an expenditure of about \$150,000, no portion of which was contributed by the Government; and also built the Calvert Street Bridge across Rock Creek without any contribution by the Government. So that the owners of this property to the west of the Zoo Park entrance, partly the Chevy Chase Land Co. and partly Mrs. Von Hammert, have the entire ownership of the valley. The only interest that the Government has in the valley itself is in a road, called Klingle Road, that passes through it, and that road was the result of the grant of a mere right of way by the owners of the property.

Now, let us see how the powers of the Government are being used to the hardship of these proprietors. That bridge is becoming unsafe. It is necessary, therefore, to make a viaduct across Klingle Valley, either of earth or of stone. owners are permitted to make it of earth, it will cost the Government nothing. If the Government constructs a bridge there, as it has over Sixteenth Street, it will cost the Government \$250,000. So that the development that the property owners have considered for years, consisting of scraping off the top of this hill and filling in the valley, would save the Government \$250,000 in the construction of a bridge. Then it would make every inch of that valley as profitable and as valuable as the upland at present, for it would all then be upland. This valley itself has a great value as a fill for the surplus soil on the upland, and if the owners do not utilize it, it means that at great expense they will have to grade their hills and transport the material elsewhere.

The purpose of the property owners was to grade that land, to put that entire region in a beautiful and attractive condition, and not to permit it to remain, as it has been for years past, the most unsightly part of Washington. They found, however, that the Commissioners of the District of Columbia and the Art Commission were desirous of preserving this valley as a picturesque approach to the park and of maintaining it in its natural condition. Col. Judson, then engineer commissioner, informed me of that some 10 years ago, when the land company was proposing to level the hills and fill Klingle Valley. I told him what the plans of the company were, but he insisted upon it that this was a place of great natural beauty, and that public spirit ought to prompt me to postpone the execution of these plans until the Government could act.

It was entirely within our power to shave off those hills and to fill up that valley and end it, but I did not think that it would be a becoming thing to do. I thought it would hardly be a public-spirited thing to do until Congress should have an opportunity of acting upon the subject. Now, Congress has had that opportunity for 10 years, and for 10 years the District Commissioners—with the approval of the Art Commission, I think—have been seeking the condemnation of this valley; but as yet, while I believe it has had the approval of the Senate,

it has not had the approval of the House. I am told that there are those in the House who think that as a matter of economy a viaduct of earth ought to be built across there, and save the Government the expenditure of \$250,-000, and that when filled, after four of five years, it will be as attractive as it is now in its natural condition. I am assured by landscape architects that it can be made nearly as attractive when filled in as now, and that the approach to the national park can be made as effective as it could be if this natural beauty were availed of.

Now, meanwhile that land, which was acquired at a large cost by the Chevy Chase company 27 years ago, has been lying undeveloped, the owners feeling that they ought not to act arbitrarily in the matter, and, waiting for the Government to act, content that the Government abandon the acquisition of the parkway, desirous even that they should do so. So far as I am concerned, I do not wish the Government to acquire an inch of the land in which I have any interest. It is a matter of delicacy with me, as a Member of this body, and I would much prefer that I should have no dealings whatever with the Government with reference to any land in which I am interested.

Mr. GALLINGER. Mr. President—
The PRESIDING OFFICER (Mr. PHELAN in the chair). Does the Senator from Nevada yield to the Senator from New

Hampshire?

Mr. NEWLANDS. Certainly.
Mr. GALLINGER. If the Senator will permit me, I want to fortify what the Senator has just said. When I was chairman of the Committee on the District of Columbia and the committee took the matter up in the first place, the Senator op-posed the project, saying that he preferred to retain the holdings he had there rather than to have them sold to the Government at any price. I recall that very distinctly as having occurred on two different occasions.

Mr. NEWLANDS. I may say that it interferes very mate-

rially with the plans of the owners of that property, and if the owners of the property had been allowed to go on there would not have been during these 10 years this unsightly approach to the Zoological Park and the unfinished appearance that now

Now, as to the value, I will state that that land cost 27 years ago \$5,000 an acre, if my recollection is right. The addition of

interest and taxes for this period would bring its cost to the present proprietors to twelve or fifteen thousand dollars an acre. I call the attention of the Senator from Nebraska to

I was engaged and did not hear the Senator. Mr. NEWLANDS. The land, as I stated, cost 27 years ago, if I recollect aright, \$5,000 an acre, valley and upland. The cost would amount now, I imagine, to \$12,000 or \$15,000 an acre with interest and taxes added. The land to which the Senator from Nebraska refers has been appraised by the assessors for purposes of taxation at the amount recommended by the District Commissioners for purchase. The \$87,000 recommended by the District Commissioners as their estimate of value is the amount at which the assessors of the District have appraised it for assessment and taxation.

The valley land has much greater value than the Senator attributes to it. It is easy to see if the surplus of the upland is cut off and put in this valley all will be equally valuable, and developed land around there sells for from fifty to seventyfive cents a square foot. Fifty cents a square foot would be over \$20,000 an acre and 60 cents a square foot would mean over \$25,000 an acre. This, of course, would be the value after a considerable expenditure in leveling, grading, and constructing street and other improvements. It must be recollected also that the loss of this valley by governmental purchase will mean an injury to the uplands, whose value depends on a near-by fill for the excess earth.

Mr. President, I am indifferent as to what is done. Indeed, I would much prefer individually that the Government should not take this valley and let the property owners go along and make that fill and earthen viaduct in Connecticut Avenue and save the Government an expenditure of \$250,000 in the construction of the future bridge. The property owners will deal with that land in such a way as to make it infinitely more attractive than it is now. But we have a right to ask that the Government should come to some conclusion about the matter. It seems to me that the members of the committee have acted wisely in so shaping these matters that in conference the whole thing can be settled one way or the other, either to provide for a viaduct of concrete or earth or have the Government take the valley now or not at all. Whatever course the Government sees wise to pursue in this matter, I am content, but I do think-that fair dealing between the Government and its citizens requires prompt and decisive action.

Mr. SMOOT. May I ask the Senator a question before he takes his seat? Can the Senator state where the east line is to Klingle Valley between the park and the land owned by the

Chevy Chase Real Estate Co.?

Mr. NEWLANDS. The easterly line of the valley sought to be acquired by this amendment is Connecticut Avenue.

Mr. SMOOT. I know what is the eastern line prov

I know what is the eastern line provided for by the amendment, but what I wanted to know is whether the Senator can describe to us the easterly line between the park and the land owned by the Chevy Chase Real Estate Co. How far down the valley eastward is the line from the bridge on Connecticut Avenue?

Mr. NEWLANDS. The Chevy Chase Land Co.'s land runs

right under the bridge.

Mr. SMOOT. Does it stop at the bridge?
Mr. NEWLANDS. It stops just about at the bridge. Mrs.
Von Hammert's land, the lady living in Paris, who owns the
big bluff just opposite the Zoo Park entrance, also comes down to the bridge. She owns about 7 acres of this elevated plateau and the Chevy Chase Land Co. owns about 23 acres.

Mr. SMOOT. Is it the idea to fill the whole valley?

Mr. NEWLANDS. I wish to say to that, no. The idea is that filling in the viaduct would only result in spreading out by a slope of 2 to 1 or 3 to 1 on each side toward the east and the west, and that that fill would run out on the west within, say, four or five hundred feet of the Connecticut Avenue Bridge, thus leaving a large portion of the valley in its natural state, not interfering at all with the beautiful residence of Mr. Parmelee, of Cleveland, who has built in that vicinity. I wish to say that we are very solicitous of the feelings and rights of everybody in that neighborhood and are

Mr. SMOOT. If the contemplated work was done then the bottom of the valley on the road up where the valley now is would be level with the present railroad bridge on Connecticut

Avenue, would it not?

Mr. NEWLANDS. No; I think it is contemplated that there should be a slope from the Connecticut Avenue bridge toward the west.

Mr. SMOOT. And toward the east?

Mr. NEWLANDS. And toward the east, and that the fill will run out about 500 feet to the west of Connecticut Avenue bridge. The whole valley is about 1,500 feet long.

Mr. SMOOT. That is about one-third of the distance.

Mr. NEWLANDS. About one-third of the whole distance.
Mr. SMOTT. Is it the idea, then, where that slope runs down dwellings will be put along by the road on the level of the

Mr. NEWLANDS. I can not say as to that. The views of the landscape architect would control as to that. I will state that in all our development out there we have secured such men as Frederic L. Olmstead and other men of that character to give us their views regarding the most pleasing development of the property affected.

Mr. SMOOT. Your idea, then, is to put a drainage system to carry off the water that runs down that street into the. valley?

Mr. NEWLANDS. That is it.

Mr. SMOOT. After the work is completed the valley, as far as its original beauty is concerned, as nature provided it, would

be virtually destroyed.

Mr. NEWLANDS. No; I do not think so because this fill would only run to the west a distance of about 500 feet and leave about 1,000 feet of the valley unaffected. I mean that it could be so done. In conference I imagine that the conferees would be certain to have the views of the Senator from Nebraska and all parties interested there—the Senator lives in that neighborhood—as to what is the wisest and best course to pursue, but I submit it is time for the Government to act in some decisive way. Connecticut Avenue was given to it by the very company that wants to fill under it. The very bridge you have there was the gift I may say of this company. The very right of ways that it has through Klingle Valley was the grant of the pro-prietors of the soil. There was no interest in anybody except those proprietors apparent there, and yet their interests have not been considered at all with reference to the development of that region, and I think they have been very unjustly tied up. I do not mean that it has been intentional. Such delay seems inseparable from Government enterprise.

I wish to say further, as there is this misunderstanding in reference to the Chevy Chase enterprise, many people assume that these streets that have been developed along the line of Connecticut Avenue running east and west from that line have been developed by Government funds. I wish to say that so far as the lands of this company are concerned the street improvements have been made at their expense, and I know of little that has been contributed by the Government. The company might well insist that the large taxes it pays should be expended in large part at least in public improvements within its own

boundaries, but this has not been the case.

Mr. BRADY. I should like to ask the Senator a question relative to the filling of the valley. I did not understand until the present moment that it was the intent to fill the valley the

entire width there

Mr. NEWLANDS. I will state right here that I think it is quite practicable to fill it in possibly only two-thirds across, and then have a short bridge with a big arch that would enable the people to pass through below in their accustomed way over this road. All those things can be considered in the committee of conference, and I have no doubt that plans will be presented there regarding the matter.

Mr. BRADY. If they fill up the full width of the valley, I understand the Senator to say that it would extend the fill about

500 feet both east and west.

Mr. NEWLANDS. Yes Mr. BRADY. Would that fill go up to Mr. Parmalee's prop-

Mr. NEWLANDS. Oh, no. The aim would be to avoid an interference with Mr. Parmalee's property.

Mr. BRADY. Do you leave that valley open?
Mr. NEWLANDS. The roadway will continue as it is in front of Mr. Parmalee's property.
Mr. BRADY. If the whole valley is filled?
Mr. NEWLANDS. Yes; the fill of Connecticut Avenue will

not reach Mr. Parmalee's property.
Mr. BRADY. I was under the impression that it would cover part of his property, and it would spoil the scenic beauty of it very much, indeed.

Just a word, Mr. President, relative to this amendment. It is of such vast importance that if the Senator insists on its adoption this afternoon I shall ask to have the amendment go over until to-morrow, to give us sufficient time to show the importance of the defeat of the measure.

Mr. SMITH of Maryland. I hope the Senator will not make a proposition to detain final action on the bill until to-morrow.

We can dispose of it to-day. If this matter can be taken in conference we will give the Senator a hearing there regarding it. The bill is about ready to pass now, and I think that the Post Office appropriation bill will be ready for consideration to-morrow.

This is a matter that was up before, and it did not get into conference simply because we delayed the bill several days day after day. I think it would be decidedly ineffective to consider the matter longer before the Senate, but let us take it into conference. I have no objection to its going into conference.

Mr. BRADY. I think it entirely of too much importance to be permitted to go to conference without full discussion in the Senate. I am so thoroughly convinced along those lines that I believe it would be better for the District to pay \$250,000 for the construction of that bridge, if it did cost that much, and \$87,000 for this land, if that is the price to be paid, rather than to disfigure that part of the city where the Art Commission and the District Commissioners have for 10 years been endeavoring to get a proper entrance to the valley.

Mr. SMITH of Maryland. I will say to the Senator I do not

think there is any disposition to suppress any argument in regard to this proposition. We have been discussing it for about two hours, and if the Senator wants to discuss it, keep on at it, I have no objection, but do not take it over until to-mor-Let us dispose of the bill to-day, even if you want to dis-

cuss it further.

Mr. BRADY. I do not wish to be misunderstood about my position relative to the bill. I am very much in favor of the first amendment. I can not quite agree with the Senator from Utah as to the value of the land. I think the statement of the Senator from Nevada [Mr. Newlands] relative to that matter should be given consideration, for in appraising the land they have a certain system of doing so, based upon the taxes that they have been paying for 27 years. It seems to me that part of it can easily be decided by the commission that will condemn the land, and it would be much better for us to pay these property owners \$87,000 and permit this improvement to go on, rather than to pass the second amendment and forever stop our prospects of securing a park in that beautiful valley.

It seems to me that what we should do is to send the bill to the conference committee with this amendment in it with instructions, and with the understanding that we are not going to recede from our position, and in that way we will get this park. After the park is secured I do not believe there will be very much trouble in having a compromise made as to the amount of fill that should be made. If we purchase the 8 acres from the private owners we would do away with the necessity of making any fill in order to increase the value of that property. On the other hand, if we should reject the first amendment and the conference committee should agree upon the second amendment, it for all time prevents our securing a park in that part of the city. For that reason I sincerely hope that the amendment will be rejected and that the conference committee will insist upon retaining the first amendment that we have just

Mr. LEE of Maryland. Mr. President, I do not know anything about the merits of these two amendments. It would seem proper that the taking for the park should be adopted, but the two amendments would present to the conference a chance to

settle this question definitely and for all time.

Now, what I want to call attention to is that the taxpayers have some rights. Take it or leave it. There is a lot of property here in the District of Columbia simply being held up in the air, so to speak. It is not taken. It is indicated possibly for park or some other public purpose and nothing is done

through a long series of years.

Mr. President, I happen to know of an illustration that strikes me as one of the most remarkable cases of hardship under the government of this District that I have ever come across. Take the Patterson tract on New York Avenue extended across the terminal-station property. There is a tract of 80 acres. It is being assessed at a high rate. New York Avenue was laid off and condemned through it and assessed upon it. Undoubtedly that piece of property, which is mentioned from time to time and appears here in the District bill at every other session as to be condemned, is being assessed and taxed on the theory that the New York Avenue Bridge is coming to it. As a matter of fact, Mr. President, the New York Avenue Bridge was built in 1908. It cost \$440,000. It was a part of the terminal system. A river of railroad tracks pass under it. It has been there in the air ever since and neither approach to that bridge has ever been filled or graded, and it is absolutely of no use to the public because Congress does not make the necessary appropriation to make that bridge available for public uses. It is there in the air and has been there in the air since 1908.

Mr. NORRIS. Will the Senator yield?
Mr. LEE of Maryland. Certainly.
Mr. NORRIS. Why does not the Senator offer an amendment right now to this bill to do that very thing?

Mr. LEE of Maryland. I just want to call attention to such situation. It looks to me as though there was a settled policy on some one's part to hold that bridge up in the air and to tax these owners until they have got to take some small price for their valuable property for a park. Of course that may not be so. It may be just the drift of what is everybody's business and nobody's business. This bill has \$20,000 in it to grade New York Avenue. The amount will not begin to fix that bridge and avenue situation. And there is that bridge all the time unused and costing in interest and deterioration every year since 1908 more than the small beginning amount this bill carries to cure the omission in so many years.

Mr. BRADY. Will the Senator yield for a question?
Mr. LEE of Maryland. Certainly;
Mr. BRADY. Does the Senator to understand that we have already agreed to an appropriation to purchase this property? Mr. LEE of Maryland. I understand that.

Mr. BRADY. I am very much in favor of that. I am in

favor of buying this property and paying \$87,000 for it.

Mr. LEE of Maryland. It is intimated that it will not pass in conference, but will simply result in the continued suspension through another term of years.

Mr. BRADY. But if this other amendment is adopted it is

settled forever.

Mr. LEE of Maryland. It settles it in one way or the other. Mr. BRADY. I believe if our committee would insist upon holding in the bill the amendment we have adopted it would be retained there, and this matter would be settled, which ought to be done.

There is no question that the Senator from Nevada has made citizens of this District every proposition a man could make that was fair and equitable relative to that property, but they have not accepted it. I want to be understood now as realizing that he has never attempted to do anything in this matter that he did not believe was for the best interest of the community, as well as himself and his associates.

On the other hand, I do believe that the scenic beauty of that valley should be retained. I do believe that we are making a

fatal mistake if we permit a fill to go in there at this time. If these two amendments go to conference, the conferees will throw out the first, likely, and agree to the second.

Now, \$15,000 will not build a structure there that will leave enough ground for a road. It is just a start. It would take from \$50,000 to \$75,000 to fill it properly the way it ought to

The way that valley should be improved is for the Government to buy these 8 acres, or whatever the amount is, and then agree with the people who own the adjoining property to fill that valley halfway across, if necessary. They could then leave the balance of the valley, so that you could drive through there very nicely; but if we put in this small appropriation now, it simply means to delay the matter for years to come, for they can never put a structure in there that can be approved by the Art Commission of the District, with the appropriation that we have, and they will have to come back here to get an additional appropriation.

Now, let us do business along business lines and follow busi-Let us purchase this land, pay these owners what they ought to have, and what it is worth, and then at another time consider the matter of the improvement of Con-

necticut Avenue.

Mr. LEE of Maryland. Mr. President, the Senator is consistent. He wants to provide for taking the property and settle the question that way. If he proposes to insist upon the amendment of the Senate to that effect, of course, his position would be unassailable. But I am simply talking about a vacillating policy with reference to these large pieces of property, most of them very much larger and more valuable than in the particular instance under discussion, where there does seem to be the most uncertain attitude on the part of Congress and the District Commissioners with reference to what is going to be done.

It seems to me that this New York Avenue and bridge situation ought to have enough money appropriated to grade to that bridge and start that street across the \$440,000 bridge structure which has been standing there idle in the air ever since 1908, and which, by the way, was improperly charged under the terminal construction against the stock of the State of Maryland in the Washington Branch of the Baltimore & Ohio Railroad. I happened to take part in the investigation made in the Legislature of Maryland into the affairs of the Washington Branch of the Baltimore & Ohio Railroad, I learned in that way at the

time the bridge was built what it cost, and I have been more or less watching it with amazement through the years that have succeeded to see it standing there and never used by reason of the lack of appropriation to fill in the approaches. The cost is now half a million dollars or more, with accumulated interest and deterioration, that this bridge represents, and I must say, Mr. President, that I could not help thinking of it as an illustration in connection with the amendment of the Senator from Arkansas, and of the necessity of adopting some settled and de-cisive policy with reference to the treatment of the various properties in the District of Columbia that have been indicated by their position or by artistic recommendation for condemnation for park purposes.

Mr. NORRIS. Mr. President, the bridge that the Senator is talking about along New York Avenue, of course, has nothing to do with the question here, but it is a good illustration of the way business is sometimes transacted. I do not think that is any argument why we should do something here if the Senate agrees with my idea, and I think most of those who have seen the property do, that it would be considered very unwise.

The Senator from Nevada has made a very good statement of the case. I want to call attention to one or two things that he has referred to. He has called attention to the fact that he and his associates donated the land constituting Connecticut Avenue and that they constructed this bridge and one other bridge. Of course, it is to their praise, perhaps, that all that has been done, although I think it ought to be said that they probably were not moved entirely by philanthropic ideas when they did so. They have developed their property in Chevy Chase and away beyond. It has become a very beautiful and attractive residence section, and they have disposed of lots and lots and lots.

The Senator says that for this land they paid \$5,000 an acre 27 years ago. I am not saying, because I am not an expert on values in the District, that that was not a fair price. I presume the Senator from Nevada, when this land was purchased, supposed it was fair, and his judgment on that would be much better than mine. Assume that it is fair, does it follow that to take the few acres that it is proposed to take from it would be the same as they paid for the whole tract? Here we have a tract of land in which I think he said there were 23 acres. It runs up over a hill very slightly. It is not exactly across the street from the entrance to the park, for some woman owns a little strip in there, but it is just beyond that; a beautiful piece of land. It runs down into this ravine at its north line. When it reaches the hill there is a slope of at least 45° on the average; sometimes more and sometimes less. That sidehill is wooded. That is the part that it is proposed in the amendment which we have adopted to buy from the Chevy Chase Land Co. That sidehill is not of any use, unless the timber is taken off. In that case it might be useful when there was snow in the winter as a place to slide down hill; but it is not fit to build on; it is the lowest land in value of any of the tract. So it does not follow, because the old tract had a certain value, that this is of an equal value. That, however, is a matter, Mr. President, about which I am not particularly concerned.

I should like the Government to buy that sidehill for a park, and pay for it what it is worth to the Government. am willing that the amount should be left to be determined in the usual and legal way. But the Government is under no obligation to adopt this provision and to permit the filling of this ravine and thus spoil this beautiful park.

Senators argue here as though the Government was to blame because the Chevy Chase Land Co. happens to own a piece of property on a sidehill that is not valuable unless they can fill up that ravine. God made that ravine and the sidehill; the Government owns the road that runs through the bottom of the ravine, and I do not suppose the owners of this property could fill up that ravine without the consent of the Government on account of the public highway down there. If the Government wants to give its consent to have it filled up, that of course would be all right. It would be very profitable not only to the Chevy Chase Co. but to the people who own the land on the other I am not finding fault with them for wanting it filled up, but I am a little surprised that the man who has always been a leader in the movement for beautifying and decorating the city of Washington and its parks, as the Senator from Nevada has been, would want to mar the natural beauties, destroy the magnificent trees there, and fill up this beautiful ravine with a lot of unsightly dirt.

Mr. JONES. Mr. President-

Mr. NORRIS. I yield to the Senator from Washington.

Mr. JONES. Has this proposition had the approval of the Fine Arts Commission?

Mr. NORRIS. I think not; and the commissioners, as I understand, are opposed to it. I have not read the letter, which I understand is on file, but that, I think, will appear in the letter. I do not believe that the proposition will receive the approval of any disinterested person who will investigate it, though my judgment may be wrong.

I referred a while ago to the Senator from Utah [Mr. SMOOT] who lives in the vicinity. I asked him about it, and I found when he took the floor later that he agreed with me. I now see the Senator from Oregon [Mr. LANE] here. He lives a little farther beyond that place than I do, and passes over it nearly every day. I should like to have him tell the Senate whether, in his judgment, this ravine ought to be filled.

Mr. LANE. The Senator desires me to tell the Senate what? Mr. NORRIS. I do not care to have the Senator do so now, but I should like later to have the Senator state to the Senate whether the bridge across the ravine ought to be taken away, the ravine filled up, the scenery there destroyed, and the timber

Mr. LANE. Is it proposed to build a viaduct of earth in place of a bridge, and then have a roadway under that?

Mr. NORRIS. No; but to just fill it up; to dig off the top of the hill and to put it in the valley, so as to make it all level.

Mr. LANE. I do come up that roadway many times, and I enjoy the scenery and the beauty of it, more particularly in the hot weather of summer time. I know that entrance into the park, and I admire it. I think it is one of the most beautiful places in Washington. We have just such another gulch in my State, which we have turned into one of our city parks. We have done nothing there to mar the work of nature, not even cutting the trees or trimming the brush. A creek meanders through that park, as one does through this. They are both beautiful. That is the finest park we have. We have left conditions which are natural and unusually attractive. The park is used by countless hundreds of people, for the reason that it is not an artificial park. I should look upon this as the same.

Still I can see and realize the injustice it does to property owners alongside the cut through Connecticut Avenue, and can understand how it might wrong the property owners. An earth fill is more permanent and better than any bridge which can be built, as it will last for all time.

Mr. NORRIS. But the proposition is to fill it up.

Mr. LANE. If they fill it up, they will merely plug it at both ends, so that it will not be a park.

Mr. NORRIS. It will fill the whole valley.
Mr. LANE. If they fill the whole valley, that is still another

I was going to say that if they put a filled viaduct across it would not harm it much, and it would give them a chance to get rid of the surplus dirt, which is injuring part of their property to a considerable extent; so that injustice is being done them. If they filled it up in such a manner as to make it attractive, it would not be good for park purposes. It would then become residence property.

Mr. NORRIS. That is my understanding. Mr. LANE. With a "jump-off" of perhaps 100 to 150 feet in depth, the people who wish to get into the park would have a hard time, although a graded roadway might be made to it.

So there are two sides to the question. In fairness to the property holders, I can realize that their equities should be considered. The land should be purchased on each side of that gulch so far back that it would not interfere. Then it would be the duty of the District to pay enough money to help them get their dirt elsewhere in order that they might utilize their property. That would call for still larger appropriations; and if you are going to continue it as a park, as ought to be done, the property owners should receive such compensation as they would be properly entitled to. I will vote for a proposition of that kind at any time.

Mr. NORRIS. Mr. President, the Government is under no obligation to any property owners to haul their dirt away because there happens to be a hill there. I would be glad to give them an opportunity to put it somewhere else if it would not interfere with what I believe to be the beauty of the valley, which ought to be kept as it now is.

There is not any law, of course, that would prevent the owners of property, for instance, from taking the timber off of it if they desired to do so. They would have a right to do that, and nobody would complain.

At this time? Mr. LANE.

Mr. NORRIS. At this time. They have a right to cut the timber on whatever land they own, but that would ruin it, and, of course, it ought not to be done. The right thing to do, I believe—and, in my judgment, it is the only thing to do, and it is to the interests both of the property owners and of the Government-is to let the Government buy both sides of this

gulch for park purposes

I have had a good deal to say about what I thought the property was worth, and the Senator from Utah agreed with me, that it was not worth the value placed on it, but, of course, that is a matter as to which men's judgments will differ. We ought to pay what the property is worth; we ought to pay its value. Any method that will determine its fair value by men competent to judge I am willing to accept, whether their award agrees with my judgment or not.

Mr. LANE. There is one other equity involved, growing

out of the condition of the cut along Connecticut Avenue, which leaves this property on both sides practically marooned from any use, either by the owners or anyone else. They ought to be allowed an equitable compensation for the expense to which they would be put in order to bring their property into

suitable condition.

Mr. NORRIS. That has not anything to do with the question that is now pending here, as I understand.

Mr. LANE. It may not have; I am not familiar with that. Mr. NORRIS. Congress has already passed a law to purchase one side of Connecticut Avenue as an addition to the Zoological Park. The property which is just beyond, on the west side of Connecticut Avenue opposite the entrance of the park, is owned by a lady who, as I understand, lives in Europe. Mr. LANE. She may get submarined on her way home.

Mr. NORRIS. As to whether she ought to be given money to dig that hill away or not is a question on which we are not now passing. Personally I do not believe she ought to be compensated, but men may disagree as to that. However that may be, it does not have anything to do, as I look at it,

with this proposition.

We have put into the bill a provision to buy this land. Certainly the appropriation provided is ample. The property ought to be bought for what it is worth, and we ought to be willing to pay what it is worth. Now, to put in another provision that is entirely inconsistent with it, with the understanding that it will stay in if the other goes out in conference, and with the idea of giving the conferees power to adjust the whole matter, is, to my mind, unjust. I am afraid, as the Senator from Idaho [Mr. Brady] has said, that when it comes back out of the conference it may be that the good amendment will be out and the other amendment left in on the theory that some Senators have advanced, that we ought to do something on the

We are under no obligation to do anything, so far as that is concerned. Neither are the property owners. The rights of no one are being injured even though nothing should be done. They have the same rights as any other property owners, and the Government has the right to take any property it wants to, even by condemnation. I think we ought to take it, but nobody can charge injustice against us if we do not take it. We are not to blame that it is there or that anyone owns it; and, even though the proposition is rejected and nothing is done, while I think that would be poor policy from the standpoint of the Government, at the same time the property owners can not justly complain that we have not provided for the purchase of their land or that we have not made appropriations to conduct this stream under the embankment that we are going to permit them to erect in the public highway.

Now, one word more. It has been argued here by one Sena--I think the Senator from Nevada [Mr. NEWLANDS]-that possibly this fill at Connecticut Avenue would slope down east and slope down west. This entire gulch there is about 1,500 feet long, and if filled for 500 feet on each side there would be a slope down from the fill.

Mr. LANE. Mr. President, I would like to ask the Senator a

Mr. NORRIS. If that is done, then we will certainly have gotten into a position, as it seems to me, a great deal worse than though we filled up the whole thing, because we will have left a hole at that end out of which there will be no way to get, except by climbing up a steep hill to the bridge or go out the other way by another steep hill. In other words, in the middle of this gulch you would put a hill and you would then have to go down on either side to get into a gulch, when now you can go along the bottom of it. I now yield to the Senator from Oregon.

I do not understand the Senator's statement Mr. LANE. about that gulch or ravine being only 1,500 feet wide from Woodley Road to the entrance of the park.

Mr. NORRIS. I say, from the statement of the Senator from Nevada, that I think that is the idea the Senator meant to

Mr. LANE. It is more than 1,500 feet from the Woodley Road entrance to that gulch to the outlet to the park.

Mr. NEWLANDS. I think it is about 1,500 feet from Woodley Road down to the Connecticut Avenue bridge.

Mr. LANE. But not to the park?

Mr. NEWLANDS. Oh, no; to the Connecticut Avenue bridge.

Mr. NORRIS. That is, on an air line?

Mr. NEWLANDS. I think winding with the road.
Mr. NORRIS. The Senator is only estimating it, is he not? Mr. NEWLANDS. Yes; but I think that is approximately

correct

Mr. NORRIS. It is not very far from 1,500 feet. My own idea would be that it would be a little less than that, but it may be as much as 1,500 feet.

Mr. LANE. It is all of that, and more than that.

Mr. NORRIS. If we made a fill there 500 feet wide from the base of the present Connecticut Avenue bridge it would leave a thousand feet of gulch west of the bridge. There would be nothing but a hole with a steep grade in any direction you might go; and if you were at the other end and wanted to go into the valley you would have to go clear out and clear down again in order to get into it. It would spoil the entire thing. I would a great deal rather fill it up from one end to the other and let the houses and residences be built.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Arkansas. [Putting the question.] By the sound the ayes seem to have it.

Mr. NORRIS. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded

to call the roll.

Mr. JONES (when his name was called). The junior Senator from Virginia [Mr. Swanson] is necessarily absent to-day on account of illness, and I am paired with him for to-day. Therefore I withhold my vote. If at liberty to vote, I should vote "nav

Mr. LODGE. I have a general pair with the Senator from Georgia [Mr. SMITH], and therefore withhold my vote.

The PRESIDENT pro tempore (when Mr. Saulsbury's name was called). I have a pair with the junior Senator from Rhode Island [Mr. Colt], which I transfer to the senior Senator from Oklahoma [Mr. Gore] and vote "yea."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. Pen-ROSE] to the senior Senator from Indiana [Mr. Kern], I vote "yea."

The roll call was concluded.

Mr. GALLINGER (after having voted in the affirmative) have a general pair with the senior Senator from New York [Mr. O'GORMAN], but I am privileged to vote on questions of this kind, and I vote "yea." Mr. CHILTON (after having voted in the affirmative). I

desire to inquire whether the Senator from New Mexico [Mr.

FALL! has voted?

The PRESIDENT pro tempore. The Chair is informed that

he has not voted.

Mr. CHILTON. I have a pair with the Senator, which I transfer to the Senator from Arizona [Mr. SMITH] and will vote to stand.

Mr. WALSH. I inquire if the senior Senator from Rhode

Island [Mr. Lippitt] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. WALSH. I have a pair with that Senator, and as he is

absent I withhold my vote.

Mr. CHAMBERLAIN (after having voted in the affirmative).

I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from Nevada [Mr. PITTMAN] and will let my vote stand.

Mr. CURTIS. I desire to announce the absence of the Sena-

tor from Vermont [Mr. Dillingham] on account of illness, will let this announcement stand for the day.

I have been requested also to announce the following pairs: The Senator from New Mexico [Mr. Catron] with the Sena-

The Senator from New Mexico [an. Carrons] with the Senator from Oklahoma [Mr. Owen];

The Senator from West Virginia [Mr. Goff] with the Senator from South Carolina [Mr. Tillman]; and

The Senator from Connecticut [Mr. Brandegee] with the

Senator from Alabama [Mr. BANKHEAD].

Mr. SMITH of Maryland (after having voted in the affirma-I have a pair with the Senator from Vermont [Mr. DIL-LINGHAM]. I notice he is not present. I transfer that pair to the Senator from Arizona [Mr. ASHUBST] and will let my vote The result was announced-yeas, 27, nays 33, as follows:

YEAS-27.

Hardwick Hitchcock Simmons Smith, Md. Smith, S. C. Broussard Phelan Bryan Chamberlain Chilton Clark Fletcher Gallinger Pomerene Ransdell Johnson, Me. Lee, Md. Lewis Martin, Va. Reed Robinson Saulsbury Warren Williams Overman Shafroth

NAYS-33.

Borah Brady Culberson Cummins Norris Townsend Vardaman Wadsworth Watson James Page Poindexter Poindexter Kenyon Kirby La Follette Sheppard Smith, Mich. Lane Lea, Tenn. McCumber Martine, N. J. Curtis Weeks Works Fernald Gronna Hollis Smoot Sterling Sutherland Thomas Husting Nelson NOT VOTING-36. Ashurst Fall

Lodge McLean Myers Newlands O'Gorman Oliver Owen Penrose Sherman Shields Smith, Ariz. Smith, Ga. Swanson Thompson Tillman Goff Gore Harding Bankhead Beckham Brandegee Hughes Johnson, S. Dak, Jones Catron Clapp Tillman Dillingham Underwood Walsh, Kern Lippitt Pittman du Pont

So Mr. Robinson's amendment was rejected.

Mr. POMERENE. Mr. President, I send to the desk an amendment and ask that it be designated as section 10, to come in at the end of the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The Secretary. At the end of the bill it is proposed to add a new section, to be known as section 10, as follows:

a new section, to be known as section 10, as follows:

Sec. 10. That where any lot, parcel, or tract of land in the District of Columbia has been or may be assessed for general or special taxes, and the owner or other person having control over the same desires to sell, or has sold, a part of the same, or to subdivide, he or the purchaser may, upon application to the assessor of the District of Columbia, have a redistribution of such tax or assessment adjusted to the new subdivision or parcel. The assessor shall have full power to make such redistribution of such tax or assessment, having regard to the frontage of such property upon a public highway, the values of different sections of such land, and such other elements as in his judgment should be considered by him in making such redistribution; and such redistribution shall be as valid and effectual upon the various parts of the property in the same manner and to the same extent as if the tax or assessment had been laid originally thereon under the various laws appertaining thereto. No payment or fallure to pay a tax or assessment upon any such part shall change or affect the liability of the other parts of such property for any tax or assessment so redistributed, provided all parties in interest request said assessment and agree to abide by the decision of the assessor.

Mr. SMOOT. Mr. President—

Mr. SMOOT. Mr. President-The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Utah?

Mr. POMERENE, I do.

Mr. SMOOT. Since the assessment of the District of Columbia has been changed so as to make it biennial, does the Senator

think the amendment is now necessary?

Mr. POMERENE. I was just about to explain the amendment. It was originally introduced as a bill by the senior Senator from Washington [Mr. Jones] and was referred to a sub-committee of the District of Columbia Committee, who favored its adoptiton. It is to meet this situation: We have been informed by lawyers and others here in the city that if I, for instance, owned a tract of land and sold a portion of it to the Senator from Utah, and I should refuse or neglect to pay the taxes on that portion which I still retained, the Senator from Utah could not pay his taxes, and the taxes would not be received at the Treasury Department, so he would be compelled to pay the taxes on the full tract or his land would become delinquent, as mine would be. The purpose of the amendment is to authorize any owner of any portion of land to go before the assessor and ask for a redistribution of the tax upon that land so that if, for instance, I were negligent in the payment of my tax the Senator from Utah could pay the tax upon his portion,

and thus avoid the penalty for delinquency.

Mr. SMOOT. That is as I understood the amendment. think that such a provision ought to have been in the law of the District of Columbia for some years past, particularly when we had an assessment once every third year. I believe that it would perhaps be a good thing to adopt the amendment now, even with biennial assessments, and I hope the chairman of the

committee will accept the amendment.

Mr. SMITH of Maryland. Mr. President, I take it that the adoption of the amendment would not interfere in any way with the payment of the taxes on any portion of the land.

Mr. POMERENE. Not in the least.

Mr. SMITH of Maryland. Then, I will offer no objection to

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I will ask the Senator from Ohio if he will kindly let that be numbered section 9?

Mr. POMERENE. I have no objection to that. Mr. GALLINGER. I want the provision for the salary increase to go at the end of the bill.

The PRESIDENT pro tempore. If there be no objection, the change will be made as suggested. The Chair hears none.

Mr. SMOOT. Mr. President, I offer the following new amendment: On page 24, line 20, after the word "hereunder." I move to insert the matter which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The Secretary. On page 24, line 20, after the word "hereunder," the last word in the paragraph, it is proposed to insert:

Provided further, That motor vehicles, owned or operated by persons not legal residents of the District of Columbia, but who shall have complied with the laws of the State of their legal residence requiring the registration of motor vehicles or licensing of operators thereof and the display of identification numbers shall be displayed on such motor vehicles as provided by the laws and regulations of the District of Columbia, while used or operated within the District, shall not be required to be licensed or registered or bear other identification numbers under the laws and regulations of the District, if the State in which the owner or operator of such motor vehicles has his legal residence extends the same privilege to the motor vehicles owned or operated by legal residents of the District of Columbia.

Mr. SMOOT. Mr. President, a word of explanation of the amendment.

The pending bill provides a tax upon all motor vehicles in the District of Columbia, as follows: Five dollars for each vehicle of more than 24 horsepower, \$3 for each vehicle of 24 horsepower or less, and \$2 for each motorcycle or similar vehicle. It then proceeds to give a definition of the term "motor vehicle." This amendment provides, for instance, that if the State of Maryland charges a tax for a license upon a motor vehicle if Maryland autos come into the District they shall also pay a license to the District as long as there is not reciprocity between the District and the State of Maryland. This question was discussed in the Committee on Appropriations, but was not acted upon, and I reserved the right to offer this amendment on the floor of the Senate.

Mr. JONES. Mr. President-

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Washington?

Mr. SMOOT. I do.

Mr. JONES. The Senator's remark might create a wrong impression. The matter was not voted upon in the committee, There was no amendment submitted to the committee, so that the question really was not passed upon.

Mr. SMOOT. The amendment was not voted on, because no amendment was offered. The Senator is right that there was no

vote taken on it.

The Senator from Washington [Mr. Jones] directed a letter to the commissioner of motor vehicles at Baltimore, Md., asking what the Maryland law was, and if a resident of any State temporarily residing in the District of Columbia, and carrying a license from that State, was entitled to travel in Maryland without a Maryland license.

Mr. SMITH of Maryland. Mr. President, I want to say to the Senator that the license of any State in the United States is good in the State of Maryland.

Mr. SMOOT. Well, I want the commissioner of motor ve-

hicles to answer the question.

Mr. SMITH of Maryland. There is no question about that. Any Member of this Senate who has a license from another State is entitled to go into the State of Maryland without paying any additional license fee.

Mr. SMOOT. Well, Mr. President, here is what the commis-

Mr. SMITH of Maryland. I have taken the trouble to investigate the matter, and I received a letter last June—probably I have it in my pocket—from the road commissioner of the State of Maryland to that effect, that the license of any State is accepted in the State of Maryland.

Mr. SMOOT. Providing there is not a District number or

District license tag upon the auto.

Mr. SMITH of Maryland. They have to carry something to indicate that they have that license. That is all that is neces-

sary.

Mr. SMOOT. The Senator knows this, does he not? For instance, I may have a Utah license tag upon my auto, and under ment that I offer-

this bill I have got to have a District license tag. If I go into the State of Maryland with a District license tag on my machine, I have got to have a Maryland license.

Mr. REED. Even though the Senator has a license from the State of Utah?

Mr. SMOOT. Even though I have a license from the State of Utah. Mr. SMITH of Maryland. No; all you have to have is the

Utah license. Mr. LEE of Maryland. Mr. President, the Senator from Utah

entirely wrong about that.

Mr. SMOOT. Let us see what the commissioner says.

Mr. ROBINSON. Mr. President-

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. SMOOT. Mr. President, I want to read the letter.

The PRESIDENT pro tempore. The Senator declines to

Mr. SMOOT. This is not a letter written last June by some road supervisor of Maryland.

Mr. SMITH of Maryland. I want to say to the Senator that I not only have a letter, but I have a thorough statement in regard to the matter. I would not state upon the floor of the Senate anything that I did not think was correct, and I want to say to the Senator that I would not do anything that would lead the Senate to get a wrong impression from anything I might say.

Mr. SMOOT. I am not imputing to the Senator any such thought or idea. I have a letter here signed by Mr. E. Austin Baughman, commissioner of motor vehicles, 11 East Lexington Street, Baltimore, Md., dated February 5, 1917. The letter

reads as follows:

Replying to your letter of the 2d instant, I beg to advise that an automobile from another State, if it is not being used for hire, and is properly licensed in its home State, need not be registered in Maryland if it is here temporarily for a period not exceeding three months. If the car in question, however, displays, a District of Columbia license, it is also necessary to have a Maryland license.

I am inclosing copy of our latest automobile law.

Very truly, yours;

E. Austin Baughman.

E. AUSTIN BAUGHMAN, Commissioner.

Now, Mr. President, I want to read the law.

Mr. ROBINSON. Read the law. Mr. LA FOLLETTE. Let us have the law.

Mr. SMOOT. Mr. President, in the laws of the General Assembly of the State of Maryland, chapter 687, act of 1916, I find, on page 6, a definition of the term "State." This is what it says:

The term "State" as used in the subtitle-

Now, notice-

except where otherwise expressly provided, and except in section 146, thall also include the Territories and Federal Districts of the United

Now I want to read section 146 of the law:

Now I want to read section 146 of the law:

Any person or operator not a resident of this State who shall have compiled with the laws of the State in which he resides, requiring the registration of motor vehicles or licensing of operators thereof, and the display of identification or registration numbers on such vehicles and who shall cause the identification number of such State, in accordance with the laws thereof and none other, together with the initial letter or letters of said State to be displayed on his motor vehicle as in this subtitle provided, while used or operated upon the public highways of this State, may use the highways of this State without obtaining a registration certificate or operator's license from the commissioner of motor vehicles as hereinbefore prescribed: Provided, The State of which he is a resident and the registration certificate of which he displays shall extend the same privilege to residents of this State: Provided, That if any nonresident be convicted of violating any provision of this subtitle he shall thereafter be subject to and required to comply with all the provisions of this subtitle relating to the registration of motor vehicles and the licensing of operators thereof; and the governor of this State is hereby authorized and empowered to confer and advise with the proper officers and legislative bodies of other States of the Union and enter into reciprocal agreements under which the registration of motor vehicles owned by the residents of this State will be recognized by such other States, and he is further authorized and empowered from time to time to grant to residents of the States the privilege of using the roads of this State as in this section provided in return for similar privileges granted residents of the State by such other States.

The foregoing exemption of nonresidents shall not apply to operators of motor vehicles or motorcycles who are residents of States which do not require the display of identification markers on the same, nor shall it apply to nonresi

Mr. President, that is section 146. It does not mention the District of Columbia in any way, shape, or form. The amendMr. LEE of Maryland. Mr. President, will the Senator let

The PRESIDENT pro tempore. Does the Senator from Utah

yield to the Senator from Maryland?

Mr. SMOOT. I do.

Mr. LEE of Maryland. There never has been any reciprocity between Maryland and the District of Columbia; there could not be, and there is no statement that there is.

Mr. SMOOT. Well, there ought to be reciprocity between Maryland and the District of Columbia as there is between

Maryland and other States.

Mr. LEE of Maryland. But, on the other hand, the Senator goes away beyond the mark when he says that the citizen of Utah who happens to come through the District of Columbia and get a District of Columbia tag ceases to be a citizen of the State of Utah and ceases to get the benefit of the Maryland statute in favor of that State.

Mr. SMOOT. I never made any such statement.
Mr. LEE of Maryland. That is the inference from the statement the Senator makes, that because the citizen of Utah picks up a District license he has lost his status as a citizen of the

Mr. JONES. Mr. President-

Mr. SMOOT. Does the Senator claim that the commissioner makes a false statement in his letter?

Mr. SMITH of Maryland. Mr. President-

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Maryland?

Mr. SMOOT. Wait just a moment. I am asking the junior

Senator from Maryland a question.

Mr. LEE of Maryland. Mr. President, I should simply say

that the commissioner had misconstrued the law most egre-

Mr. SMOOT. I do know this, Mr. President-

Mr. President-

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Washington?

Mr. SMOOT. I do.

Mr. JONES. I want to call the Senator's attention to the particular language here which says that they must have that tag and no other.

Mr. SMOOT. No other.

Mr. JONES. The law says that; so that if the Senator from Utah, having a Utah tag on his machine, got a license here in the District of Columbia and put a District of Columbia tag on it the State of Maryland would not recognize the Utah license.

Mr. SMITH of Maryland. The Senator will acknowledge that if a man has a license granted in another State, and gives evidence of that license by having a tag on his machine, he

has a perfect right to go into the State of Maryland.

Mr. SMOOT. Not under the Maryland law. I will read the law again to the Senator. Not only that, Mr. President, but if he has a tag from his own State on his auto, and then he has a District tag upon it, he has to pay from \$20 to \$30 for a license in the State of Maryland.

Mr. LEE of Maryland. Mr. President, will the Senator yield

to me for a moment?

Mr. SMOOT. Certainly.

Mr. LEE of Maryland. I do not understand why the Senator chooses to confuse with the District of Columbia a plain provision of the Maryland law that is aimed at everybody who runs an automobile, namely, that you must not have a whole lot of numbers plastered over your machine. The necessity of having single numbers to deal with, for police purposes, is absolutely evident, and to have a confusion of numbers flashed before the eye of the officer is objectionable. There is no discrimination there against the District. You simply have to take off your Mr. SMOOT. Mr. President, under the provisions of this bill

every person operating an automobile in the District from now on, and in the past, too, has been compelled to get a District license; and as long as he is compelled to have the District of course he can not go into Maryland without paying for a license there. If I drove from Utah and temporarily came into the District of Columbia I would not have to have a license. I could go over to Maryland if I only had the Utah license on my machine. But if I am temporarily residing in the District of Columbia and have a Utah license upon the car I am also compelled to have the District license on it, and under those conditions I am compelled to pay a license in the State of Maryland.

Now, if there is going to be any reciprocity, why not have it between the District of Columbia and Maryland? That is all the amendment I have offered proposes.

Mr. SMITH of Maryland. Mr. President, will the Senator yield to me?

Mr. SMOOT. Yes; I yield to the Senator from Maryland.

Mr. SMITH of Maryland. I want to say that the State of Maryland has spent \$25,000,000 in making good roads. So far as reciprocity is concerned, it is the intention of Maryland to have reciprocity with every State in the Union; but in one instance a gentleman told me that in Montgomery County, the county of my colleague [Mr. LEE], three-fourths of the use of that road is by the people of the District of Columbia. We are taxing our people from \$750,000 to \$1,000,000 a year in order to keep up those roads. Now, it is not fair that we should have reciprocity with the District of Columbia when the District of Columbia have nothing to offer to us except the right to go through the streets of their city when we come from the State of Maryland to do business with them. It is unfair to ask us to keep up roads at a large expense, amounting this year to \$800,000, and allow the people of the District of Columbia to use those roads without compensation. On the other hand, the District of Columbia offers nothing to the State of Maryland in the way of reciprocity in the use of roads.

Mr. SMOOT. Mr. President, the Senator and I disagree upon that point. When I drive through the Washington parks on a Sunday afternoon, or any other day, but particularly on Sunday, I find Maryland citizens enjoying an auto ride over the roads of the parks, and upon every single day of the week Maryland people come into the District of Columbia to do busi-

ness with the people of the District of Columbia.

Mr. LEE of Maryland. They have a Maryland tag on their

machine, then. Mr. SMOOT. Yes; that may be; but have they got a District tag on their machine?

Mr. LEE of Maryland. Yes; they have a District tag.

Mr. SMOOT. Yes; but they do not pay an annual license

Mr. SMITH of Maryland. We do, sir. Mr. LEE of Maryland. Every Maryland machine has to have District license to run in the District.

Mr. SMOOT. Oh, well, they got it how many years ago?
Mr. SMITH of Maryland. But under the present law we are
to be taxed every year, and in a greater proportion than the amount we pay is as compared to the amount that you pay in Maryland.

Mr. SMOOT. That is what the Senator says, but I do not think there is any comparison in the amounts paid.

Mr. SMITH of Maryland. We pay \$5 a year. -\$5 a year—and our license fee is from \$10, I think, up to \$25. Mr. SMOOT. The District license is not paid yearly. The Maryland license is more than \$25 in many case

Mr. SMITH of Maryland. How much did the Senator pay? Mr. REED. I understand it is \$15 for a Ford. [Laughter.] Mr. SMOOT. I do not know what the charge is for a Ford. Mr. SMITH of Maryland. The average is not \$20, so far as that is concerned. The license we pay here is \$5, and I am sure

that the roads of our State are used ten times as much as the Marylanders use the roads of the District of Columbia.

SMOOT. That, of course, I doubt very much, Mr. Presi-On Sunday there are a good many automobiles that go Mr. SMOOT. into Maryland.

Mr. SMITH of Maryland. And every other day.

Mr. SMOOT. Oh, not so very many.

Mr. SMITH of Maryland. Yes, sir; a great many of them.

Mr. SMOOT. Not many.
Mr. SMITH of Maryland. I will give the name of the gentleman to whom I refer. I do not suppose he has any objection to my stating it. Judge Peter, of Rockville, told me that threefourths of the usage of that road in Montgomery County, from here to Baltimore, was by people residing in the District of Columbia.

Mr. REED. Mr. President, will the Senator yield?

Mr. SMITH of Maryland. He has taken a great deal of notice of it, and I think his statement would be accurate.

Mr. SMOOT. I will say to the Senator that I am making no statement here that is not accurate.

Mr. SMITH of Maryland. I did not say the Senator did; but I stated that Judge Peter's statement was accurate, in my judg-

Mr. President, some Senator said, in effect, that he challenged the letter read by the Senator from Utah; that it was a misinterpretation of the law. It may be; but it does not compare with the misinterpretation of the law, if the Senator is correct, which is put upon it by the constables who hang around the edges of the District to grab the unwary who happen to cross the line.

I know of an instance where a man had a Missouri license; he was a resident of Missouri, but he was in the District of Columbia; and he also had a District of Columbia license on his car. They arrested him, although he had his license. You are put to the difficulty of satisfying the local license. You are put to the difficulty with Maryland, in the constable that your State has reciprocity with Maryland, in the first instance; and then, as I understand their constructionthe constable law, if you please-if you happen to have a District license that bars you from the privilege which otherwise would be conferred by your State license.

Mr. SMITH of Maryland. Does the Senator mean to say that if a man has a State license, by virtue of the fact of having a

District license the State license is not good?

Mr, REED. I say that that is the construction that the constable puts upon it.

Mr. SMITH of Maryland. That is not the case.

Well, that is exactly what the law says.

Mr. SMITH of Maryland. I do not think the law states that.

Mr. SAULSBURY, Mr. President—
The PRESIDING OFFICER (Mr. Robinson in the chair). Does the Senator from Utah yield to the Senator from Dela-

Mr. REED. Let me conclude what I was saying. Mr. SMOOT. I yield to the Senator. Then I want to read the law.

Mr. REED. The junior Senator from Maryland stated, in substance, that that was the rule; but he gave as a reason that the existence of so many license tags might confuse.

Mr. SMITH of Maryland. I did not state that. The Senator

misunderstood me.

Mr. REED. I say, the junior Senator from Maryland [Mr.

LEE] said that.

Mr. SMITH of Maryland. Pardon me; I understand that. did not mean to say that there was any confusion of the two licenses, but I do say that if a man's tag is properly applied, it does not matter whether he has a District license or not; if he has a license of another State on his automobile, he is entitled to the privileges of the roads of Maryland.

Mr. SMOOT. The Senator does not understand the law, then,

nor the enforcement of the law; and I want to read it. Mr. REED. The junior Senator from Maryland [Mr. Lee]

made that statement.

Mr. SMITH of Maryland. If there are two tags of the same kind-

The junior Senator from Maryland [Mr. Lee] stated, in effect, that there was such a rule, namely, a rule whereby a man having a State license and a District license would be barred from the benefit of the State license, because the existence of so many tags on the car might confuse the officer. Now, of course there is nothing in that. The constable can always stop a machine, and he can always ascertain whether there is, in good faith, a Maryland license; and under the Maryland law you have to have them both in front and behind.

The fact is, now, regardless of what the law may be when strictly construed, that the construction that has been given to this law by the constables and justices of the peace who immediately environ the city of Washington-the constable lying in wait always far enough back of the line so that you have violated the law if you go into the State, never at the line to warn you back-the construction they have put upon the law has been that if you have no Maryland license, although you have a State license, you have frequently been haled up and fined; but that where you have a State license and a District license you are thereby barred from the benefits of your State license. Now, I question whether that is the law of Maryland. Mr. SMITH of Maryland. That is not the law.

Mr. REED. But that is the construction that is put upon it. Mr. SMOOT. That is the law of Maryland.

Mr. SAULSBURY. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Delaware?

Mr. SMOOT. In just a moment.

Mr. LANE. Mr. President, I should like to ask the Senator from Missouri if, by any chance, the citizen of Missouri to whom he referred happened to be a Senator? [Laughter.]

Mr. REED. The one that I spoke of was not. Mr. SMOOT. This is what the law says:

Mr. LEE of Maryland. There is nothing about the District of Columbia in that, is there?

Mr. SMOOT. Why, no. Mr. LEE of Maryland. Certainly not.

Mr. SMOOT. Of course there is not, and that is what I want to call attention to-that the only way a car can go into the State of Maryland is by carrying one State license, and no

Mr. SAULSBURY. Mr. President— Mr. SMOOT. I will ask the junior Senator from Maryland if that is not correct?

The PRESIDING OFFICER. Does the Senator from Utah

yield to the Senator from Delaware?

Mr. SMOOT. In just a moment; just as soon as I get an answer.

Mr. SMITH of Maryland. I wish the Senator from Utah would listen to the Senator from Delaware, because he has had an experience which will disprove what is stated by the Senator from Utah.

Mr. SMOOT. Perhaps the Senator may have had an experience of one kind, while some of us have had different ex-

periences

Mr. SMITH of Maryland. Well, let the Senator from Delaware state his experience.

Mr. SMOOT. The senior Senator from Maryland and the junior Senator from Maryland do not agree as to what the law of Maryland is, and I agree with the commissioner.

Mr. SMITH of Maryland. I do not know whether the Sen-

ator has a right to make that statement or not.

Mr. SMOOT. This is what the commissioner says:

If the car in question, however, displays a District of Columbia li-cense, it is also necessary to have a Maryland license.

There is not any question about the law. It specifically states so. Mr. LEE of Maryland. Mr. President-

Mr. SMOOT. Wait a moment. If a citizen of the District of Columbia has a license for the District of Columbia, he is not entitled to go into Maryland. The District of Columbia is not treated like all of the States are treated.

Mr. SMITH of Maryland. Mr. President-

Mr. SMOOT. And the Maryland law specifically eliminates the District of Columbia.

Mr. SMITH of Maryland. Mr. President, we do not profess to have reciprocity with the District of Columbia, because there is no reciprocity between the District of Columbia and Maryland. Maryland has spent \$25,000,000, as I previously said, in building roads. She is to-day taxing her people in the State of Maryland about \$800,000 a year to keep up these roads. It is unfair, when we tax our people to this extent, for the people of the District of Columbia, who can not give us reciprocity, to expect us to keep up those roads for them to use and to destroy. As I said just now, Judge Peter, of Montgomery County, told me that three-fourths of the usage of the roads of Montgomery County was by the people of the District of Columbia; and it is unfair to ask us to keep up these roads and not tax the people of the District of Columbia as we tax our own people.

In regard to the District of Columbia, they charge a tax of \$5, which, I think, is more than proportionate to the amount of roads we use in the District of Columbia, which we pay yearly, according to the tax. We pay their tax, and we ask

them to pay ours.

Mr. SMOOT. I now yield to the Senator from Delaware, Mr. SAULSBURY. Mr. President, I thought possibly I might throw a little water on the fire that seems to be getting up on this subject by relating the experience I have had, which extends now for the four years past.

In the summer time I go into Maryland every day, because I usually live out toward Chevy Chase. During the whole year I go from here to my home in Delaware, and I suppose I have traveled ten or twenty thousand miles on the Maryland roads.

Mr. THOMAS. Mr. President-

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SAULSBURY. I have been waiting now for half an hour to make this statement.

Mr. THOMAS. I was simply going to ask how the Senator could keep out of Maryland if there was high tide in his State, [Laughter.]

Mr. SAULSBURY. The question of tide seems to have troubled a good many minds, but it does not trouble those in our State. The land under water at high tide we catch very good terrapin on, when the water is low, which you all enjoy so much. But now we will get away from the question of tide. I have never been questioned, having both a Delaware and a District of Columbia tag on that machine. In the last four years I have been warned several times by theMr. SMOOT. Does the Senator say that he has not a Mary-

Mr. SAULSBURY. I have not a Maryland license. I have a Delaware license.

Mr. SMOOT. I can not cross the line from Chevy Chase Circle into Maryland without being arrested, if I were without a Maryland license

Mr. SAULSBURY. They may not like the Senator's looks.

Mr. SMOOT. That may be true.

Mr. SAULSBURY. I have never had the slightest trouble about it, and during the summer time for months I have used the roads of Maryland with absolute reciprocity. The Senator misconstrues what I said. There is absolute reciprocity between Maryland and every other State in the Union. There may not be between Maryland and the District of Columbia, and a license in the District of Columbia costs very little in comparison to a State license.

Mr. SMOOT. If a man has a State license, he can go into Maryland, and if in connection with the State license he has upon his car a District license tag, then he is arrested.

Mr. SAULSBURY. That is exactly what I have done for

The Senator misunderstood me.

Mr. SMOOT. I think the Senator escaped because he was a United States Senator. He is the only person I ever heard of being so favored.

Mr. SAULSBURY. I have just heard from another Senator

the same.

Mr. WADSWORTH. Here is another Senator who has not had that same experience. A Maryland constable has \$5 of [Laughter.]

Mr. SMITH of Maryland. Mr. President-

Mr. SMOOT. There is not a Senator who does not know that he can take his automobile and pass through Virginia and never be disturbed if he has a District license, no matter whether he has a Virginia license or not; and it is also known that with the exception of the Senator from Delaware, and probably one other, as he says, they can not go into Maryland without a Maryland license unless they are arrested.

Mr. JONES. Mr. President-

The PRESIDING OFFICER. Does the Senator from Utah

yield to the Senator from Washington?

Mr. JONES. Right in connection with that I want to say a Member of the House has told me that he had an experience like this: That he had the tag of his State and he got the District of Columbia tag and went over into Maryland, and he had such an experience there as compelled him to come back and take off the District of Columbia tag and put it away, so as to have nothing but the State tag.

Mr. SMITH of Maryland. I want to say in regard to the

State of Virginia-

Mr. SMOOT. If the Senator will just withhold for a moment, I will be through, because I do not want to take any further

Mr. President, there is not a Senator present who does not know that there has been a regular business on the part of certain officials in Maryland to hold up and arrest people of the District of Columbia who happen to pass over the District line. That is understood by everybody, and particularly on Sundays, when they are stationed at every place where a road leads into Maryland from the District of Columbia, and they hide behind trees until you pass and give no warning not to cross the line. I do not know why it should be. I think whatever is right in this matter ought to prevail. The amendment I have offered to the bill will make reciprocity between the District of Columbia

and Maryland, and I think that ought to be done.

Mr. SMITH of Maryland. Of course whatever is right ought to prevail, and I assume the Senator from Utah thinks that other Senators feel the same way. I contend that reciprocity with the District of Columbia is not right. I do not mean to say that the officers of the law in our State have always done what they should have done; I suspect they have violated the law; but I do say that the people of the State of Maryland do not feel that they ought to be taxed to build roads and keep them up at a heavy expense of from \$800,000 to \$1,000,000 a year and that the District of Columbia, which can not give reciprocity, should be exempted from paying a proportion of that tax. We tax ourselves and we propose to pay the Dis-trict of Columbia what their tax is, but it certainly should not be expected of us that we should give them the same right and privilege that we give the States that have roads through the States.

I wish to say in regard to Virginia—I am not sure of what I say, but I have been told that they have two periods in which you can use the roads of Virginia of a week each. I got that from a gentleman who has been there. If you stay there longer than that you have to procure a local license. Without meaning to reflect upon the roads of Virginia, they have not spent money for roads in Virginia as we have done in Maryland, and the people of the District of Columbia do not go there to use those roads. Besides that, they have heavy tolls. A gentleman told me that he was in Virginia three or four days and the tolls amounted to from \$13 to \$14.

In our State we have bought up the roads that had tolls in order that we might get rid of tolls, and we have no such tax as that upon the people who travel in our State. I say it would be absolutely wrong. The Senator from Utah says he wants to do right. We all want to do right, but I do not think it is right that we should tax ourselves to build roads and they should be used by the people of the District of Columbia, who can not give us reciprocity.

Mr. SMOOT. The Senator recognizes the fact, does he not, that the people of the District of Columbia are taxed to build

roads and the Maryland people use the roads?

Mr. SMITH of Maryland. Not in Maryland.

Mr. SMOOT. Not in Maryland, but in the District.

Mr. SMITH of Maryland. But the use of roads in the District of Columbia by the people of Maryland amounts to little when compared with the use of roads in Maryland by people

from the District of Columbia.

Mr. LODGE. Mr. President, the proposition seems to be that the people of the District of Columbia ought to pay for the Maryland roads. I can not understand why that should be the case at all.

Mr. SMITH of Maryland. If the Senator will pardon me,

that is not my idea about it.

Mr. LODGE. I summed it up briefly.

Mr. SMITH of Maryland. We ourselves pay something for the use of the Maryland roads.

Mr. LODGE. We pay an unusually high license to have the

use of Maryland roads.

Mr. SMITH of Maryland. It is only what we pay ourselves. Mr. LODGE. New England has unusually good roads; the States there have spent enormous sums of money. It costs us a good deal more than \$800,000 to keep our mileage in Massachusetts in repair. In the summer New England is filled with people from other States who use the roads. Quantities of automobiles are there. Massachusetts draws no line on the District of Columbia. We interfere with no State and we do not interfere with the District of Columbia. We do not expect to have other people pay for our roads. I do not think any State does except Maryland, as far as I know.

Mr. SMITH of Maryland. If the Senator will pardon me, the State of Massachusetts is not situated as the State of

Maryland is in regard to the District of Columbia.

Mr. LODGE. That is perfectly true.

Mr. SMITH of Maryland. There probably would not be a hundred people in the District of Columbia who would use the roads in Massachusetts, but they use our roads every day and use a part of them a great deal more than the people of Maryland themselves use them.

Mr. LODGE. Mr. President, I think it ought to be recipro-If Maryland is going to charge a high license to everybody in the District of Columbia who crosses the line-personally I have never been interfered with, but I know of such cases where there were posted men around the Chevy Chase Club and they grabbed them one after another as they came out and fined them, and it is only a little over the border-if Maryland is going to do that I think the District ought to put an equal tax on every Maryland automobile that comes into the District.

Mr. LEE of Maryland. Mr. President-

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Maryland?

Mr. LODGE. I do.

Mr. LEE of Maryland. Does the Senator understand that it is reciprocal in that the District automobile owner gets a license when he goes to Maryland and the Maryland automobile owner when he comes to the District gets a license?

Mr. LODGE. I understand that it is reciprocal. I would

put on the same tax they levy on us.

Mr. LEE of Maryland. That would not be reciprocity.

Mr. LODGE. Precisely, it is reciprocal; but to charge \$40 in Maryland and \$10 in the District of Columbia is not reciprocal. Mr. SMITH of Maryland. We do not charge \$40—

Mr. LODGE. On some the charge is \$30.

Mr. SMOOT. I know they charge \$30.
Mr. LODGE. I know they charge \$30, and I was told that they charge \$40. The charge on the motor I happen to have is

exactly double what is charged in Massachusetts.

Mr. SMITH of Maryland. They charge the same price—

Mr. LODGE. I am not quarreling with that. You have a right to charge anything you choose.

Mr. SMITH of Maryland. No State has better roads.

Mr. LODGE. There should be the same charge on Maryland

people as on District people.

Mr. SMITH of Maryland. It costs money to build the roads: it costs money to keep them up; and we tax ourselves for it.
Mr. LODGE. Mr. President, I have the floor.

Mr. LEE of Maryland. I am going to wait until I get the floor in my own right. The vehemence of the attack has been so great that the defense has hardly a chance to utter a word.

Mr. JONES. If the Senator from Massachusetts will allow me, I wish to give the law with reference to charges in Mary-

Class A. Fifty cents per horsepower or fraction thereof in the case of all motor vehicles having pneumatic tires, with a minimum charge of \$5 for any motor vehicle.

Mr. LODGE. It seems to me that it should be adjusted in this way. The streets of Washington cost a great deal of money. The parkways of Washington cost a great deal of great deal of money. It is paid exclusively by the inhabitants of the District and by the Government. The charge for a motor license in the District is very moderate. That is for them to settle, of course. But Maryland has undertaken, in my judgment, to squeeze the people of the District and make them pay out of all proportion. What I would like to see would be precisely the same charge placed on a Maryland motor when you enter the District as is placed on the District motors in Maryland, and vice versa. They should place the same on us if they insist on having it, but if a man has a motor license on his car, whether he has a State license or not, he is likely to get into trouble when he goes into Maryland. I think it ought to be put on an equality. It has become an intolerable annoyance. There is no such annoyance from Virginia, but I do not suppose they go there quite as much. It has become an annoyance, and I think a very unjust one. I hope something will be done to equalize it and put them both on the same level, that is all.

Mr. LEE of Maryland. Mr. President, I am very sorry the Senator from Massachusetts is annoyed.

Mr. LODGE. I said explicitly I personally had never been annoved.

Mr. LEE of Maryland. The Senator said it was an annoy-

Mr. LODGE. It is an annoyance; a public annoyance. I am not speaking of myself.

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Massachusetts?

Mr. LEE of Maryland. I yield.

Mr. LODGE. I only wanted to object to being misquoted. I said specifically that I personally had never been annoyed. say it is a public annoyance, a public nuisance, and it is a very

small way to squeeze the people of the District.

Mr. LEE of Maryland. Mr. President, this question has been pending for some years. On one occasion I happened to meet the then senior Senator from Delaware, Mr. Bayard, on the train. He said he was going to make a visit to the coast of Massachusetts-Nahant was the end of his pilgrimage. He said he never went up there along that coast and through Boston and saw the magnificent villas and display of wealth that Massachusetts gives to the eyes of the relatively impoverished from other States that he did not realize with what injustice the tariff laws had been operating through so many years, how tremendously they had operated to shake all the plums into one end of the pudding, and the New England end of it had gotten the plums.

Mr. President, in our way we have been struggling in Mary land to build up a road system and we have some of the best roads in the United States. We have had a great many practical difficulties in building that road system, but we have managed to do it and managed to keep it up. Every cent of this license business goes to the maintenance of the road service in Maryland, and the maintenance is more important than con-

struction.

Our situation with reference to the District of Columbia is rather a peculiar one. Here is the District of Columbia like three-quarters of a postage stamp stuck right into our State, 350,000 people in a city topographically within Maryland, and it is impossible to treat that city within Maryland in any other way than we treat our own people.

The District of Columbia population is, generally speaking, a wealthy and well-to-do population. As my colleague has just said, they use the Maryland roads to a great extent. It has been impossible to establish a relationship and reciprocity between two-thirds of 10 miles square and a whole State, the twothirds of the 10 miles square being a city of 350,000 population

stuck right into our State.

There have been other difficulties besides the physical one. The District of Columbia up to date has had no license tax of an annual nature. How could we reciprocate with people who pay a tax of four or five dollars and get a perpetual license for the life of a car when our people pay \$20 a year and more for a license for a car annually? Reciprocity under those circumstances would be utterly ridiculous and absolutely impracticable.

But the real thing that we are asking is not that other people build our roads, as the Senator from Massachusetts in effect suggested, with perhaps somewhat of the unconscious insolence of conscious sectional wealth, but we are asking that other people contribute a part at least of what is due in proportion to their uses of our roads. Our roads are run out by miles and hundreds of miles, compared with the relatively short mileage and limited area of the District of Columbia.

Mr. GALLINGER. Will the Senator allow me?

Mr. LEE of Maryland. Certainly.
Mr. GALLINGER. I want to ask the Senator if he is going to return to the tariff argument? If he is, I want to be present.
Otherwise, I am going out for a little while.

Mr. LEE of Maryland. I just repeated the statement of the late Mr. Bayard, who was a philosopher, and commented upon the relative splendor and magnificence of Massachusetts.

Mr. GALLINGER. I believe he was a rather rich man him-

self, was he not?

Mr. LEE of Maryland. I do not think so.

Mr. President, this thing has been agitated for some years. Every human being naturally wants to use something that he does not have to pay for. It has been an irresistible tempta-tion to some people here in the District of Columbia, paying an average charge of a dollar a year for the license of their machines, to go out into Maryland on the dollar that they have paid the District and have the same privileges that a citizen of Maryland has for \$20, that he has to pay annually. Mr. President, that, as reciprocity, is an utterly absurd proposition. I want to suggest that is a very easy thing for city people to ride out in the country and say, "Why do not these farmers have better roads?" It is a very easy thing for a gentleman riding along in a rich, commodious, and easy-going automobile to look out upon the acres the farmer tills and the muddy roads he has to use and say, "Why do not these people have better roads?" But it is going a long way farther for gentlemen with big auto-mobiles to come out and say, "We will use these roads just as much as we please and we will not pay anything for the use

Mr. President, an illustration has been used in comparing Maryland with Virginia. I am sorry to say that if a man goes into Virginia he will not find very many good roads; but the very minute Virginia undertakes to tackle this road question with the same resolution and practical industry that we have in Maryland the Virginia people will have to make their charges just the same there against those who use and wear their roads in large numbers and through long spaces of time. In Maryland we only ask the District of Columbia people to pay for what they use as much or more than we on the same annual basis for maintenance that we pay. They have had to bear none of the high taxes we pay for the original building of the

There has been a good deal of confusion thrown into this debate by the Senator from Utah on this subject as to having a number of tags on a car. Mr. President, the police requirement of the State of Maryland that an automobile should only come into the State with one tag on is a reasonable requirement. If a man comes in from Delaware or Pennsylvania, he must have a Delaware or a Pennsylvania tag on his car. If he has one more tag or two more tags and kills somebody, how can the constable tell where the murderer came from? In such a case the constable would have to look up the license lists and go through the numbers of two or three State automobile license systems to come to a conclusion and endeavor to catch the criminal.

Mr. President, I want to ask the Senator-Mr. NORRIS. Mr. LEE of Maryland. The Senator knows that every tag on the back of an automobile is usually covered with dust or a certain amount of mud, so that differentiation in color is of

very little use to the constabulary.

Mr. NORRIS. The Senator mentioned the fact that the laws of Maryland required nonresidents to have but one tag. There

is such a law, is there?

Mr. LEE of Maryland. Yes; as to an automobile coming into the State. The provision of the Maryland law has been read by the Senator from Utah.

Mr. NORRIS. I was not in when the amendment was offered. I desire to ask the Senator another question. Suppose, for instance, the Senator from Utah goes into Maryland with a Utah tag on his automobile and also a District tag?

Mr. LEE of Maryland, Then he would have offended against

that statute.

Mr. NORRIS. How, if he went in there with only a Utah tag on his automobile?

Mr. LEE of Maryland. He would be all right. Mr. NORRIS. He would be all right?

Mr. LEE of Maryland. Yes, sir. Mr. NORRIS. No matter how long he might be in the District and how often he might go into Maryland?

Mr. LEE of Maryland. Precisely.

Mr. GALLINGER. Mr. President, I should like to inquire of the Senator, then, if that car had also a District tag on it when it went to Maryland, would not the driver of the car have to

stop at the line and take the District tag off?

Mr. LEE of Maryland. For illustration, suppose a gentleman from another State stays in Massachusetts for a longer time than the Massachusetts laws of reciprocity allow and he gets a Massachusetts tag; then he goes to New York and stays there longer than their reciprocity laws allow, and he gets a New York tag; then he goes to Pennsylvania and stays there more than three weeks, or whatever the reciprocity period is, and gets a Pennsylvania tag; and finally he runs over into the Maryland line with three tags on his machine. That is what our law is We simply want the gentleman to come into our State aimed at. under one flag and not under two flags. Let us know where you come from. That is all we ask; but do not come into the State saying you come from here or you come from there if you come from some other place. There is a great deal of necessity under modern police conditions for regulating and observing automobile traffic.

Mr. NORRIS. I should like to ask the Senator from Maryland

another question for information.

Mr. GALLINGER. Mr. President, will the Senator permit me to conclude the question I desire to ask?

Mr. NORRIS, Yes. Mr. GALLINGER. I am a little bit troubled about this. I go into Maryland very little-

Mr. LEE of Maryland. We will be glad to have the Senator

come as often as he likes.

Mr. GALLINGER. But I have a couple of grandchildren at school in Maryland, whom I should like to visit. Now I have a New Hampshire tag on my car, but I can not get to the Maryland line without having a District of Columbia tag on my car also. Must I stop at the line and take the District tag off, so as to have but one tag on my car in Maryland? I am asking the question for information.

Mr. LEE of Maryland. I am very glad the Senator has asked me that question, because it would take him a very little while when he gets to the District line to take one tag off. Then there would be no complexity about it. The New Hampshire tag would be good in Maryland. There is no occasion for using two tags, except to confuse the numbers, and it is a very small thing to ask the Senator to take off his New Hampshire tag. He is nowhere near New Hampshire, so what is the occasion

for using the New Hampshire tag?

Mr. GALLINGER. There is occasion for using it, because certain States recognize it.

Mr. LEE of Maryland. If you are going into another State,

then put it on.

Mr. SMOOT. Is it not true that if the New Hampshire license tag was taken off and the District license tag was put on he could not go into Maryland then unless he paid the Maryland license'

Mr. LEE of Maryland. Certainly. Mr. NORRIS. Will the Senator yield to me for another question?

Mr. LEE of Maryland. Certainly.

Mr. NORRIS. I am asking my question entirely for information. I have a good deal of sympathy, I want to say from what I have heard of the argument, for the position the two Maryland Senators have taken. It seems to me that the District of Columbia, occupying the position it does, with such a large population and such a small area, and Maryland having the beautiful roads that she has, it is not unfair that she should be compensated in some way for the very large use the people of the District make of the Maryland roads; but I want to ask the Senator this question: Suppose the Senator from Utah, for instance, being here during the sessions of Congress-and that means most of the time—has a Utah tag on his car in the District. Is there anything in the law here that will protect him

or would he be required to get a District license and put a Dis-

trict tag on his car?

Mr. LEE of Maryland. I presume that after being here a certain length of time he would have to get a license. I do not know how long the reciprocity period is between Utah and the District of Columbia. Ordinarily the reciprocity period between States is for a period of a month or three weeks.

Mr. NORRIS. How long is it in Maryland?

Mr. LEE of Maryland. About three weeks, if I remember correctly, or a month.

Mr. NORRIS. That is, he could stay in the State that long with his car, but if he went out and came back again, would it

count from the time he came in again?

Mr. LEE of Maryland. It is practically unlimited, because it is impossible to spot a man when he goes out and when he comes in. That is why such an arrangement between Maryland and the District can not be worked. If we gave the District a three weeks' reciprocity period, we would never find the time when that period was ended, so far as a District car was concerned.

Mr. NORRIS. The idea that impressed me, however, was this: If Maryland is giving other States the proper reciprocity, as I understand the Senator to claim she is, in case of some one, like a Member of Congress or a Cabinet officer, from some State, residing in the District during the sessions of Congress, if the laws of the District make it necessary for him to get a District tag, then in order to comply with the law of the District, he would in reality offend against the laws of Maryland if he crossed the line. So there is a sort of discrepancy there.

Mr. LEE of Maryland. If he carries two tags over the Dis-

trict line.

Mr. NORRIS. Yes; in other words, in the little territory of the District he would be required to have two tags, and when he crossed the line into Maryland he would not dare to have but one. If we could have a law that would harmonize that discrepancy, it seems to me, it would be very desirable.

Mr. JONES. Mr. President, the argument on which the junior Senator from Maryland seems to rely more than anything else is, it seems to me, contrary to the actual requirement of the Maryland law. He says the purpose is to keep a number of tags off the machine to prevent that practice. The Maryland law requires two tags on an automobile coming from the District of Columbia. There must be two tags—a District of Columbia tag and a Maryland tag. So that I do not see very much force in that argument. The amendment proposed, if carried out, would meet that situation.

Mr. NORRIS. What does the amendment that is now pend-

ing purport to do?

Mr. JONES. As I remember the amendment, it provides that any person who is not a legal resident of the District of Columbia in bringing an automobile in here shall pay the license charge fixed for motor vehicles of legal residents of the District of Columbia if the State from which he comes or in which he has his legal residence does not recognize the District of Columbia

Mr. NORRIS. Then it would not apply to residents of the District at all, and would have no application to them?

Mr. LEE of Maryland. Not in the slightest,

Mr. JONES. Except that it is hoped that it would work out reciprocity between Maryland and the District of Columbia.

Mr. NORRIS. As I understand, then-and I want to get a right understanding of it-it would only apply to people in the District who are legal residents outside of the District. Is that right? In other words, it only applies to nonresidents of the District who are in the District.

Mr. JONES. I suggest that the amendment be again read. That will be the best way to determine the matter.

Mr. SMITH of Maryland. Mr. President, before we go any further I claim-

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Maryland?

Mr. JONES. I do not yield just now.

Mr. SMITH of Maryland. I claim that this is general legislation, and I make the point of order against it.

Mr. JONES. Mr. President, it certainly is in order with reference to the provision of the bill as it came here from The House provision might have been subject to a point of order in the House, but it is not subject to a point of order here, and any amendment that is germane to that proposed legislation is in order. I, of course, recognize that the Senator from Maryland has the right to interrupt me to make a point of order.

The PRESIDENT pro tempore. The Chair is not familiar with the proposal to which this is an amendment, and would like to have the amendment returned to the Secretary's desk, so that it may be read. The Secretary will first state the proposed amendment.

The Secretary. On page 24, after the word "hereunder," in line 20, it is proposed to insert:

Provided further, That motor vehicles, owned or operated by persons not legal residents of the District of Columbia, but who shall have complied with the laws of the State of their legal residence requiring the registration of motor vehicles or licensing of operators thereof and the display of identification or registration numbers on such vehicles, and which identification number shall be displayed on such motor vehicles as provided by the laws and regulations of the District of Columbia while used or operated within the District, shall not be required to be licensed or registered or bear other identification numbers, under the laws and regulations of the District, if the State in which the owner or operator of such motor vehicle has his legal residence extends the same privilege to the motor vehicles owned or operated by legal residents of the District of Columbia.

The PRESIDENT pro tempore. The Chair is clearly of the opinion-

Mr. SMITH of Maryland. Mr. President-

The PRESIDENT pro tempore. The Chair will hear the Senator from Maryland.

Mr. SMITH of Maryland. The provision in the bill to which this is an amendment is the House text, and not the Senate text. This is absolutely new legislation. Whilst there was some provision in the House text regarding this matter, the amendment is not applicable in this case.

Mr. SMOOT. The Senator does not hold that the Senate has

not the right to amend the House text?

The PRESIDENT pro tempore. The Chair is prepared to The Chair is compelled to overrule the point of order made by the Senator from Maryland, as the proposition is an amendment to language on a cognate subject in the bill.

Mr. LEE of Maryland. Mr. President—

The PRESIDENT pro tempore. The Senator from Washington still has the floor. Does he yield to the Senator from

Maryland? Mr. JONES. Yes.

Mr. LEE of Maryland. Mr. President, just a moment. We really have been rather resenting the aspersions cast upon our State in this matter of licenses more than we have been debating the amendment of the Senator from Utah. The amendment of the Senator from Utah simply has two effects. It does not affect the Maryland people in the slightest, as I read it. no effect on us at all. We simply come into the District and get a license, as we always have done and probably always will do: but it has this effect: It excuses the Senator from Utah from paying license on his car in the District of Columbia and excuses every other Senator in this body from paying a license on his car in the District of Columbia. That is rather a small procedure. I think, gentlemen, you ought to pay licenses

There is another thing the amendment does that is bad, and that other thing is that the name of the owner of the car is not registered in the District of Columbia, no matter how long the owner of the car may be here during the year with the license of a distant State. I think it is bad policy from a police standpoint not to have the operator or owner of a car register his name and be accessible to the police by registering his name when he comes into the District of Columbia. I think it is a very bad proposition to admit anyone here from a distant State, with the license tag of that State on his car, with liberty to operate as long as he likes in the District, without making any police report or having any police surveillance.

Mr. NORRIS. With the permission of the Senator from Washington, I should like to ask the Senator from Maryland another

Mr. JONES. I yield to the Senator.

The Senator from Maryland says it would Mr. NORRIS. only relieve the Senator from Utah and other Senators from procuring licenses in the District?

Mr. LEE of Maryland. That is about what it amounts to. Mr. NORRIS. That would depend altogether, as I under-

stood the reading of the amendment, as to whether the State of Utah or any State from which a Senator might come, and of which he was a legal resident, had a law that extended the same privilege to the citizens of Utah.

Mr. LEE of Maryland. There are very few of them that do not have such laws

Mr. SMOOT. The State of Maryland does not, Mr. NORRIS. There is not any State that I

There is not any State that I know of-I am not familiar with the laws of many of the States in this particular-that extends to nonresidents of the State the right to remain in the State as long as the citizens of the various States have to stay here in Washington if they are attending Congress. Mr. SMOOT. I want to say to the Senator from Nebraska-

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES. Yes.
Mr. SMOOT. That does not apply to Utah to any extent. The only exception in the entire United States is Maryland, and there they discriminate against the District of Columbia, and this amendment simply seeks to remedy that.

Mr. NORRIS. Then, I do not understand the amendment. I

do not see how it does that.

Mr. LEE of Maryland. Mr. President, if the Senator from Washington will further indulge me-

Mr. JONES. I yield.

Mr. LEE of Maryland. This amendment does not remedy A Senator can not come into our State with an automobile without a license. I may prophesy that he is not going to come into that State without a license and without paying for it; and for that reason he sees fit to introduce an amendment here that excuses him from getting a license from the District of Columbia. That does not hurt us any.
Mr. SMOOT. That is not the amendment.

Mr. LEE of Maryland. That is what the amendment means; it does not mean anything else; and it has the further evil effect of not requiring a foreign car, running under a foreign name and number, from reporting to the police and having the name of the owner at least set down on the records of the police jurisdiction.

Mr. JONES. Mr. President, the Senate committee amendment simply follows the Maryland law. It is designed to secure reciprocity. The operations of the Maryland law to secure reciprocity in the State of Maryland and in the other States of the Union is almost word for word with this amendment. The sole purpose of this amendment is to secure, if possible, reciprocity between the District of Columbia and the State of Maryland, or any other State, for that matter that does not recognize a District license or tag.

Mr. LEE of Maryland. How does it secure reciprocity?

Mr. JONES. It secures reciprocity exactly in the same way

that the law of the State of Maryland secures reciprocity; that is all.

Mr. LEE of Maryland. We do not secure reciprocity. Mr. JONES. If you do not, then this will not secure it.

Mr. LEE of Maryland. Certainly not.

Mr. JONES. But you secure it with the State of the Union? Mr. LEE of Maryland. That is just what I say. You do not secure reciprocity, but you simply dodge a legal tax.

Mr. JONES. No, Mr. President.

Mr. NORRIS. It seems to me, as I heard the amendment read, that it does not apply to residents in the District at all; it applies only to proposite the content of the content of

it applies only to nonresidents. Is not that true? I may be mistaken.

Mr. JONES. That is true.

Mr. NORRIS. Then how does it affect a man who is a permanent resident of the District of Columbia?

Mr. JONES. It does not affect him unless the State of Maryland will reciprocate, because their citizens must pay the tax in the District of Columbia, and their citizens would not have to pay the tax in the District if they would recognize the citizens of the District of Columbia in their State. That is the way it helps the people of the District.

Mr. NORRIS. If the provisions of this amendment do not apply to residents of the District of Columbia, I do not myself

see how they will be affected.

Mr. JONES. It applies in this way: I will call the attention of the Senator to the fact that it says to Maryland, for instance-and I use Maryland merely as an example-it says to Maryland, "Your citizens will have to pay the tax in the District of Columbia if you fix a tax upon the residents of the District of Columbia in your State; but if you relieve the peo-ple of the District of Columbia, if they have complied with their law, from paying a license tax in your State, your citizens will be relieved from paying the tax in the District of Colum-That is the way it affects them.

Mr. NORRIS. If the Senator has the amendment there, I

wish he would read the first part of it.

Mr. JONES. I will do so. It reads as follows:

Mr. JONES. I will do so. It reads as follows:

Provided further, That motor vehicles, owned or operated by persons not legal residents of the District of Columbia, but who shall have compiled with the laws of the State of their legal residence requiring the registration of motor vehicles or licensing of operators thereof and the display of identification or registration numbers on such vehicles, and which identification number shall be displayed on such motor vehicles as provided by the laws and regulations of the District of Columbia, while used or operated within the District, shall not be required to be licensed or registered or bear other identification numbers under the laws and regulations of the District if the State in which the owner or operator of such motor vehicles as his legal residence extends the same privilege to the motor vehicles owned or operated by legal residents of the District of Columbia.

That is the way it affects the people of the District of Columbia, and that is the way the State of Maryland brings about reciprocity between that State and the other States of the Union, and that is the sole purpose of the amendment.

Mr. President, we are the only body that can legislate for the people of the District of Columbia. We are the only body that can protect them in any way or provide any way by which they may not be discriminated against by other States in this country. This is about the only method, as I take it, that can be pursued with reference to this particular subject to secure reciprocity between them and the State of Maryland.

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. JONES. I will.

Mr. GALLINGER. As this seems to be a matter which affects the entire country, does not the Senator think that the Committee on Interstate Commerce ought to deal with it?

Mr. JONES. Well-

Mr. GALLINGER. I am serious about that,

Mr. JONES. I think that whole matter should be considered in that way. I understand that a bill has been introduced in in that way. I understand that a bill has been introduced in another body covering the whole United States, and I think it would be well if that bill could be passed.

Mr. GALLINGER. I think that would be wise legislation.

Then we would get rid of these controversies.

Mr. JONES. But until that time comes I think that we, as the lawmaking body of the District of Columbia, ought to do

what we can to put the citizens here upon an equality with other citizens

Mr. SMOOT. Mr. President—
Mr. JONES. I yield to the Senator from Utah,
Mr. SMOOT. The junior Senator from Maryland [Mr. Lee] says that this will relieve the Senator from Utah from paying a tax in the District of Columbia. It will do no such thing unless there is reciprocity between the District of Columbia and the State of Utah.

Mr. LEE of Maryland. Well, there is.

Mr. SMOOT. And I may say there ought to be the same thing with regard to Maryland.

Mr. LEE of Maryland. There is, is there not? Does the

Mr. SMOOT. Just wait until I get through with the statement.

Mr. LEE of Maryland. That is the very point.

The PRESIDENT pro tempore. The Senator from Washington [Mr. Jones] has the floor.

Mr. SMOOT. I am not trying to get away from the point, I will say to the Senator.

Mr. SMITH of Michigan. The Senator never does.
Mr. SMOOT. What we want to do is this: We know that
the people of the District of Columbia have had no reciprocity
with Maryland. We know that Maryland is not going to give
them reciprocity, because both the Senators from Maryland state right here that they will not do it.

Mr. LEE of Maryland. We can not afford it.

Mr. SMOOT. The idea of attempting to make it appear that I am interested in the amendment for the purpose of getting rid of paying \$5 a year to the District of Columbia is ridiculous. Mr. President, that has never entered my mind. I never thought of it at all until the junior Senator from Maryland mentioned it.

Mr. LEE of Maryland. I will acquit the Senator of having any such purpose; but that is exactly what his amendment ac-

complishes, and nothing else.

Mr. SMOOT. I say, Mr. President, that that is not what the amendment accomplishes. The amendment proposes this: That if there is reciprocity between Maryland and the District of Columbia, then it will be just the same as any other State of the Union, and there will be no more rights granted between the people of the District and the citizens of Maryland than between the citizens of Utah and the citizens of the District of Columbia.

Mr. LEE of Maryland. Mr. President, I should like to ask the Senator a question. He pays a license fee in the District of Columbia now, does he not?

Mr. SMOOT. I paid it, I think, about 12 years ago. I think I paid \$5.

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Maryland?

Mr. JONES. Mr. President, I think I will say what I in-

Mr. NORRIS. Otherwise, the Senator from Washington will forget that he has the floor. [Laughter.]

The PRESIDENT pro tempore. Does the Senator from Washington yield?

Mr. JONES. No; I do not yield just now. I have just a word

or two more to say.

I just want to call attention to the fact to which attention has already been called by the Senator from Utah that the State of Maryland directly discriminates against the people of the District of Columbia in their law and by the very terms of their law. Apparently they have framed the law for the specific purpose of discriminating against the people of the District of Columbia. The senior Senator from Maryland [Mr. Smith] admits this discrimination; and I want to call the attention of those who are here and who probably did not hear the Senator from Utah to the language of the Maryland law itself. They define the word "State" here. They say:

The term "State" as used in the subtitle, except where otherwise expressly provided, and except in section 116, shall also include the Territories and Federal Districts of the United States.

In other words, the word "State" in this act includes the District of Columbia, except where expressly excluded, and ex-District of Columbia, except where expressly excluded, and except in section 146; and section 146 is the section that levies the tax and requires the tag. The District of Columbia, as a Territory of the United States, is expressly excepted from the provisions of that section, which provides that where another State reciprocates with Maryland that State's license is good in the State of Maryland. So it is expressly provided by this law of Maryland that the tag of the District of Columbia shall not be good under any circumstances in the State of Maryland. So all District of Columbia motor vehicles must have two tags, no matter how confusing it may be.

Of course this provision will not do away with that unless the State of Maryland sees fit to reciprocate. She has seen fit to reciprocate with reference to other States in the Union. If there is a State in the Union that requires a tax of \$3 for automobiles, she makes no question about that; she lets that automobile go through her territory. But if a person in the District of Columbia owns a vehicle and goes there with it he must pay. Now, then, she may not see fit to reciprocate with reference to the District of Columbia. She may say, "Our citizens must pay in the District of Columbia the \$5, or whatever is required there, and the people of the District must pay in the State of Maryland." If she does, of course, this will not bring about

reciprocity.

Mr. McCUMBER. Mr. President, may I ask the Senator a question for information?

Mr. JONES. Certainly.

Mr. McCUMBER. Under the present law of the State of Maryland can a resident of the District of Columbia owning and operating, say, a 40-horse power machine, go through the State of Maryland without paying \$30 for the privilege of going through it just once?

Mr. JONES. He can not go through without paying whatever

tax is imposed under that law.

Mr. McCUMBER. That tax is \$30 under the present system. Mr. JONES. It is 50 cents a horsepower, measured according

to their system of measurement.

Mr. McCUMBER. But you can not even drive once as far as the Chevy Chase Club, three blocks into Maryland, under the present law, without having to pay from thirty to forty dollars for that privilege?
Mr. JONES. That is right.

Mr. McCUMBER. I think we really do need some kind of a change, as long as they can drive with impunity over every road in the District of Columbia. Another thing that the Senator has not mentioned is this: Unless it has been done away with very recently, in addition to paying \$30 to go across the State, every few miles you have got to go into your pocket and pay another quarter for traveling upon that road, under a toll system that

SEVERAL SENATORS. That has been abolished. Mr. McCUMBER. I hope it has been abolished.

Mr. SMOOT. That is in Virginia.

Mr. McCUMBER. No; in Maryland. I drove from here over to Gettysburg but a few years ago, and there was one of these bars across the road every few miles.

Mr. LEE of Maryland. We have bought all those pikes.

Mr. McCUMBER. I am glad to hear it. Mr. JONES. Mr. President—

The PRESIDENT pro tempore. The Chair understands that the Senator from North Dakota has the floor. To whom does he yield, if to anyone?

Mr. McCUMBER. I yield to the Senator from Washington

first.

Mr. JONES. I just want to say, with reference to this toll matter, that I have not been around over the roads of Maryland very much; but just four or five months ago I went up to Gettysburg, and I had to pay tolls coming back. I started to

go down to Harpers Ferry, and I ran onto a little road going across and had to pay tolls every 5 miles, in the State of

Mr. SMITH of Maryland. I think the Senator is right in saying that that condition exists in one portion of our State.

Mr. JONES. That may be the portion I got into.

SMITH of Maryland. There may be some there, but we have been and are buying up all the toll roads in the State in order to abolish tolls. Of course, we can not do it all at once, but I do not think you will find many tollgates in There may be some in that section of the State. Otherwise there are none.

Mr. McCUMBER. I do not know the extent of the toll roads in Maryland now. Of course, I never heard of tolls until I came down into this section of the country. You can drive over any place in the Northwest without being held up for toll. If, however. I go down through this beautiful valley in Virginia, made famous by Sheridan's ride, I find that it costs me at least 5 cents a mile just for tolls alone to drive through that valley,

in addition to whatever other expenses there may be.

Mr. SMITH of Maryland. I will say to the Senator that I do not believe there are any toll roads in our State except in this very section of which he speaks. I want to say that I have been through the State, and I do not know that I have ever paid a toll in the last three or four years. There may be one

or two roads of that kind.

Mr. McCUMBER. Let me ask the Senator a question. If I want to drive over to Baltimore once a year at the present time, or on beyond Chevy Chase Circle, with a 40-horsepower machine, I have to pay \$30 for that privilege, though I go only once. Now, does not the Senator think that there ought to be some kind of a change so that that injustice would not be imposed upon me?

Mr. SMITH of Maryland. Well, the Senator has the privilege

of going every day in the year.

Mr. McCUMBER. Yes; but I do not want to go every day in the year. I might want, as many people from the District might want, to cross the State of Maryland once a year. Does the Senator think it is fair that for that little privilege a citizen of the District of Columbia must pay from thirty to forty dollars?

Mr. SMITH of Maryland. I will say that that is a pretty excessive price to pay, but it is pretty hard to know how to regulate a matter of that kind. If you have a license, you have the license for a year, and you are entitled to go as many times in the year as you please. I will say to the Senator that, so far as he is concerned, if his car is licensed in his own State, it

is not necessary for him to pay anything.

Mr. McCUMBER. Oh, Mr. President, I am not speaking for my State. Has not the resident of the District of Columbia the same right, and ought he not to be accorded the same right, to cross your State that the resident of the State of North Dakota would have? Why should you make a distinction between the

Mr. SMITH of Maryland. Because there is reciprocity with all other States

Mr. McCUMBER. Why should not Maryland have reciprocity

with the District, then?

Mr. SMITH of Maryland. Because the District has not the same privilege to give us. It has a very contracted area, with very short mileage. The District of Columbia has a population of about 350,000 people that use our roads, which we have spent \$25,000,000 in building, and which we are now taxing ourselves to the amount of \$800,000 to \$1,000,000 a year in keeping up. We feel that if the people of the District of Columbia use those roads as we use them, which they do to a very great extent-probably you in Washington, in proportion to your population, use the road between here and Baltimore as much as

Baltimore does itself—if they abuse those roads and tear them up, they ought to help pay for them, as we do.

Mr. McCUMBER. Right here, Mr. President, may I not make the same answer that the Senator made to me a moment ago, when he said that I could travel there all the year?
Mr. SMITH of Maryland. Yes.

Mr. McCUMBER. So can a resident of Maryland, if he wishes to do so, travel every day in the year in the District of

Mr. SMITH of Maryland. Yes; but there is not much road here to travel over. There is a very short mileage here, and

there is not much to travel over.

Mr. McCUMBER. I am afraid that if we should take all of the streets here that we are paying for we would find quite a

little mileage.

Mr. SMITH of Maryland. Yes; but we are not likely to travel over all of the streets. Probably the residents of Maryland that come here have an objective point to which they

want to go, and they probably would not go 2 miles in the whole District.

Mr. McCUMBER. Then it seems to be a case of this kind: The people of the State of Maryland see an opportunity whereby, out of the necessities of the case, they can get a very large sum of money from the residents of the District of Columbia. whether they want to go across the State once or a dozen times a year; and they purpose to take advantage of that, and therefore they except the District of Columbia from the gen-

Mr. SMITH of Maryland. I do not think anybody who wanted to go from the District of Columbia into Maryland one time in a year would get a license at all.

Mr. SMOOT. He would get arrested. Mr. STERLING obtained the floor. Mr. NORRIS. Mr. President-

NEWLANDS. Mr. President, will the Senator from South Dakota yield to me for just a moment?

Mr. SMOOT. Mr. President, what became of the amendment

Mr. NORRIS. I want to make a few remarks on the amendment of the Senator from Utah.

The PRESIDENT pro tempore. The amendment of the Senator from Utah is still pending.

Mr. SMOOT. That is what I thought. Mr. NORRIS. Mr. President, I have been somewhat impressed with the argument made in favor of Maryland in this controversy, although there may be extreme cases where hardship would arise from the enforcement of that law. price that would be necessary to go once through the State, or a little way in the State and out, would be a hardship. I presume that is true, and must necessarily be true, of every license in every State. If you are required to buy a license that will last a year and you only use your car one day you are paying a pretty high price for it; or if you are unfortunate, as I was, and get an Overland, you can not use it at all; it breaks down every time you get out.

Mr. GALLINGER. The Senator does not get over land with

it, does he? [Laughter.]
Mr. NORRIS. I do not get over land with it; no. That is

pretty good.

Mr. President, I can see a reason that appeals to me as being fairly just why the people of Maryland made an exception in their law with regard to the people of the District of Columbia. Here is the District of Columbia, with a very small mileage and a very large population living right at the edge of the State of Maryland. I presume that many miles of some of Maryland's fine roads are used more by the people of the District of Columbia than they are used by the residents of the State of Maryland. Reciprocity is based on the theory that people coming from one State and going to another are doing that for temporary purposes, but it is different with the use of the Maryland roads by a large number at least of the population of the District of Columbia. It is a permanent thing. On the other hand, they pay but very little for a license in the District of Columbia. I do not know how much, but for a small amount one gets a license for a car that will last during the life of the car.

Mr. SMITH of Maryland. I will state that we have amended

Mr. NORRIS. This bill makes it annual, I understand, and that will be a change of the law. So it would not be much of a hardship for the people of Maryland to pay that little license in the District of Columbia, and the people of the District of Columbia who live here permanently, it seems to me, ought not to object to paying something toward the upkeep of roads in Maryland. The justice is not all on one side, as I look at it.

Maryland. The justice is not all on one side, as I look at it.

I should like to have some law of reciprocity. I dislike to go as far as this amendment would go. It does not seem to me to be quite fair. It is hardly applicable to any other case that I know of where a large city is just at the edge of a State whose population use the roads of the State more than the people

themselves who build the roads.

The Maryland people have to pay the taxes, and enormous taxes, to keep up the good roads they have. They have been doing wonderfully well, it seems to me, on the good-roads proposition in Maryland. It would hardly be right to allow the 350,000 people who live right at the edge of Maryland continually to use the roads day after day, not for temporary purposes but permanently, without requiring them to pay something

toward the upkeep of those roads.

Mr. LEE of Maryland. Mr. President, I wish to say just a word about the amendment. My colleague and I are the only Members of the Senate who own machines that can vote on this

amendment in the affirmative without excusing ourselves as license taxpayers. We are going to pay the license in the District anyhow; we always pay that and always will; but every other Member owning a machine who votes for this amendment, without realizing it, I believe, is simply excusing himself from obtaining a license for an automobile in the District of Columbia while he is here, and at the same time increasing that tax for machine owners in the District and for

Mr. WARREN. Mr. President, I call the Senator to order.

It is not in order to make an accusation of that kind. Mr. LEE of Maryland. I did not reflect upon the Senator.

Mr. WARREN. I am not talking about reflection upon me, but upon all the balance of the Senate who do not vote with the Senators from Maryland—because it excuses them from some financial obligation. It is, in my judgment, stepping across and over the rules.

The PRESIDENT pro tempore. The Chair thinks the point of order made by the Senator from Wyoming is correct, but the Chair did not understand the language of the Senator from

Maryland to mean that.

Mr. LEE of Maryland. No; there was no invidious reflection in my remarks. I was speaking to the Senator from Utah just now, and I said he was unconscious of that, which was per-

fectly proper.

Mr. WARREN. I speak of it as a reflection upon the entire Senate, except the Senator and his colleague, and I think I am justified in making the complaint. The record of the report of the remarks of the Senator will show. But I do not care to pursue the subject.

Mr. SMOOT. As far as I am concerned, I will state—
Mr. LEE of Maryland. Mr. President, I believe I have the

The PRESIDENT pro tempore. The Senator from Maryland will proceed.

Mr. LEE of Maryland. I should like to go on and make a Mr. LEE of Maryland. I should like to go on and make a statement of what I propose to say.

Mr. SMOOT. Will the Senator allow me?

Mr. LEE of Maryland. I yield to the Senator.

Mr. SMOOT. I want to say that "the Senator from Utah" is

not unconscious of what the amendment provides. I do not put the same construction on the amendment that the Senator from Maryland does. He must be mistaken as to what the object is.

Mr. LEE of Maryland. I will ask the Senator now if he pays a license tax in the District of Columbia on his automobile?

Mr. SMOOT. If the Senator will pardon a further interruption. I ask him now

Mr. LEE of Maryland. I have asked the Senator a question. Mr. SMOOT. Wait until I anwer that, because the Senator in a few minutes will say I did not answer it.

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Utah?

Mr. LEE of Maryland. To answer the question.

Mr. SMOOT. I started to tell the Senator before that some 10 or 12 years ago I secured a license tax in the District of Columbia for my automobile.

Mr. LEE of Maryland. The same machine the Senator is

using now?

Mr. SMOOT. No; not the same machine.
Mr. LEE of Maryland. The Senator is running an automobile with a license he did not get for it.

Mr. SMOOT. No, Mr. President, I am not. The Senator from Utah is doing exactly the same as any other citizen of the District of Columbia and every other Senator who resides in the District of Columbia; but the bill provides that hereafter there shall be an annual tax. The Senator from Utah does not expect to avoid paying that tax. He has no intention of avoiding the payment of the tax.

The amendment which I have offered proposes that whatever treatment the other States give to the District of Columbia they shall have the same treatment given. That is all there is to it. I do not expect to get rid of paying any tax. I am glad to pay the tax. In fact, I want to say to the Senator that some four or five years ago the Commissioners of the District of Columbia thought there ought to be an annual tax, and that under the law they could collect an annual tax. I was asked to pay an annual tax and paid for that year. The question was taken to the court and decided that the payment of an annual tax was not required under the law. This bill, if it becomes a law, with the amendment will provide for an annual tax. The Senator from Utah expects to pay any tax imposed the same as the Senator from Maryland will have to.

Mr. LEE of Maryland. I do not reflect upon the Senator from Utah or the Senator from Wyoming in the slightest degree or upon any Senator who votes for this amendment. It is simply

an awkward piece of legislation. The alleged object is to produce complete State reciprocity between the District of Columbia and Maryland. It has no effect on that situation whatever, not the slightest. We pay our license tax when we come into the District as we pay our Maryland license, and that is all, so far as the Maryland people and the District people are concerned.

The proposed amendment is absolutely reciprocal, so far as we are concerned; but the effect it has is that it excuses every Member of the Senate or anybody else in the District of Columbia from paying an annual automobile license tax if he has an automobile license in some other State. That is all it does.

The Senator says he wants to produce a State reciprocity situation between Maryland and the District. This amendment has no effect of that kind. It leaves things as they are now, save the increase, which is objectionable. The amendment is simply an awkward piece of legislation in that it is alleged to accomplish one result and actually accomplishes another. only reflection that I make on this occasion is not that the Senators are desirous of escaping this small license fee; I excuse them entirely from any such small object. The amendment simply proposes an awkward piece of legislation which does not accomplish what the proposer seems to have in mind.

Mr. MARTINE of New Jersey. Mr. President, the thought has occurred to me that it is passing strange that all these travelers want to go to Maryland. I have not heard anybody suggest going to Virginia or West Virginia. What may be the reason or the cause I do not know. There must be a reason, God knows.

Mr. GALLINGER. We have to go through Maryland to get

to New Jersey

Mr. MARTINE of New Jersey. It is worth going through Maryland to get to New Jersey. Then you go to God's country. But there must be some reason. I have racked my brain for half an hour to find out why it was that what these distinguished gentlemen say in this body all tends one way, to Maryland. Finally the thought came across my mind that Maryland is wet and the arid portions of our immediate neighborhood are in Virginia and West Virginia. As much as I love Virginians and West Virginians, I think the gentlemen here are justified in bearing for Maryland.

Mr. SMITH of Maryland. I will say to the Senator that we

have such good roads they can get to their destination very

quickly.

Mr. MARTINE of New Jersey. Good roads in Maryland,

good whisky, and beautiful women.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Utah.

Mr. SMOOT. On that I ask for the yeas and nays. The yeas and nays were ordered, and the Secretary proceeded

to call the roll.

Mr. CHILTON (when his name was called). I have a pair

with the Senator from New Mexico [Mr. Fall].

Mr. GALLINGER (when his name was called). general pair with the senior Senator from New York [Mr. O'GORMAN]. Not knowing how he would vote on this amendment I will withhold my vote.

Mr. HARDING (when his name was called). I have a general pair with the junior Senator from Alabama [Mr. Underwoodl. I do not see him in the Chamber, and I withhold my

Mr. JONES (when his name was called). I am paired for the day with the junior Senator from Virginia [Mr. Swanson], who is absent on account of illness. Therefore I withhold my ote. If permitted to vote, I would vote "yea."

The PRESIDENT pro tempore (when Mr. Saulsbury's name

was called). Making the same transfer as announced on the last vote, I vote "nay."

Mr. VARDAMAN (when his name was called). I desire to ask if the junior Senator from Idaho [Mr. Brady] has voted?

The PRESIDENT pro tempore. He has not.
Mr. VARDAMAN. Then I withhold my vote. If at liberty to
vote, I would vote "yea."
Mr. WILLIAMS (when his name was called). Transferring

my pair with the senior Senator from Pennsylvania [Mr. Pen-ROSE] to the senior Senator from Indiana [Mr. Kern], I vote

The roll call was concluded.

Mr. CHAMBERLAIN. I transfer my general pair with the Senator from Pennsylvania [Mr. Oliver] to the junior Senator from Wisconsin [Mr. Husting] and vote "yea."

Mr. VARDAMAN. I transfer my pair with the Senator from Idaho [Mr. Brany] to the Senator from California [Mr. Phenological Policy 1987].

LAN] and vote "yea."

Mr. JAMES (after having voted in the negative). I transfer the general pair I have with the junior Senator from Massachusetts [Mr. Weeks] to the senior Senator from Alabama [Mr. Bankhead] and allow my vote to stand.

Mr. WALSH. I transfer my pair with the Senator from Rhode Island [Mr. Lippitt] to the Senator from Arizona [Mr. Ashurst]

and vote "yea."
Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. Fall] to the Senator from Texas [Mr. Cul-Berson] and vote "nay."

Mr. CURTIS. I transfer my pair with the junior Senator

from Georgia [Mr. HARDWICK] to the Senator from Utah [Mr. SUTHERLAND] and vote "yea."

Mr. JONES. I transfer my pair with the Senator from Virginia [Mr. Swanson] to the junior Senator from Maine [Mr. Fernald] and vote "yea,"

Mr. STONE. I have a pair with the Senator from Wyoming

[Mr. Clark], and in his absence I withhold my vote.

Mr. SMITH of Maryland (after having voted in the negative). I transfer my pair with the Senator from Vermont [Mr. DIL-LINGHAM] to the Senafor from New Jersey [Mr. Hughes] and will let my vote stand.

The result was announced-yeas 32, nays 21, as follows:

YI	EA	S-	-32	2

Borah	Kenyon	Poindexter	Thomas
Brandegee	La Follette	Reed	Thompson
Broussard	Lodge	Sherman	Townsend
Chamberlain	McCumber	Shields	Vardaman
Clark	Martine, N. J.	Smith, Ga.	Walsh
Cummins	Nelson	Smith, Mich.	Warren
Curtis	Page	Smoot	Watson
Jones	Pittman	Sterling	Works
the land	NA	YS-21.	
Chilton	Lea, Tenn.	Overman	Simmons
Fletcher	Lee, Md.	Pomerene	Smith, Md.
Hitchcock	Lewis	Ransdell	Williams
Hollis	McLean	Robinson	
James	Martin Va.	Saulsbury	
Kirby	Norris	Sheppard	
		OTING-43.	
Ashurst	Fall	Johnson, S. Dak.	Shafroth
Bankhead	Fernald	Kern	Smith, Ariz.
Beckham	Gallinger	Lane	Smith, S. C.
Brady	Goff	Lippitt	Stone
Bryan	Gore	Myers	Sutherland
Catron	Gronna	Newlands	Swanson
Clapp	Harding	O'Gorman	Tillman
Colt	Hardwick	Oliver	Underwood
Culberson	Hughes	Owen	Wadsworth
Tillianham	TT	Denman	777

Dillingham du Pont Husting Johnson, Me.

So Mr. Smoor's amendment was agreed to. Mr. STERLING, Mr. President, I offer the amendment which I send to the desk.

Wadsworth Weeks

The PRESIDENT pro tempore. The amendment submitted by the Senator from South Dakota will be stated.

The Secretary. At the end of the bill it is proposed to add

the following as a new section:

SEC. —. That section 11 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes," approved September 1, 1916, be amended so that the same shall read as follows:

"SEC. 11. Section 6 of the act of July 1, 1902, entitled 'An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes,' is hereby amended by adding, after paragraph 2 of said section:

"SEC. 11. Section to of the act of July 1, 1992, entitled An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes,' is hereby amended by adding, after paragraph 2 of said section:

"That the moneys and credits, including moneys loaned and invested, bonds and shares of stock (except the stock of banks and other corporations within the District of Columbia, the taxation of which banks and corporations is herein provided for) of any person, firm, association, or corporation resident or engaged in business within said District shall be scheduled and appraised in the manner provided by paragraph 1 of said section 6 for listing and appraisal of tangible personal property and assessed at their fair cash value, and as taxes on said moneys and credits there shall be paid to the tax collector of said District three-tenths of 1 per cent of the value thereof: Provided, That savings deposits of individuals in a sum not in excess of \$500 deposited in banks, trust companies, or building associations, subject to notice of withdrawal and not subject to check, shall be exempt from this tax: Provided further, That such tax on moneys and credits shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution, savings institution, or trust company, nor to savings institutions having no capital stock, building associations, firemen's relief associations, secret and beneficial societies, labor unions, and labor-union relief associations, nor to beneficial organizations paying sick or death benefits, or either or both, from funds received from voluntary contributions or assessments upon members of such associations, societies, or unions: nor shall the provisions of this act apply to life or fire inurance companies having no capital stock, nor to the shares of stock of business companies having no capital stock, nor in addition to incorporations shall be rated, assessed, and taxed as individ

so held by them as in the case of individuals: And provided further, That a joint committee consisting of the Committee on the District of Columbia of the Senate and the Committee on the District of Columbia of the House of Representatives is hereby appointed to make, by subcommittee or otherwise, a careful and exhaustive study of the tax laws of the District of Columbia, including license taxes, with a view of recommending such changes in the laws as the joint committee may deem fair and equitable, report to be made to the Congress during the next session." next session.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from South Dakota.

Mr. SMITH of Maryland. I make no objection to the amend-

The PRESIDENT pro tempore. The Chair understands that the amendment offered by the Senator from South Dakota is accepted by the chairman.

Mr. SMITH of Maryland. Yes, sir.

The PRESIDENT pro tempore. Without objection, the amendment will be considered as agreed to.

Mr. BRADY. I offer the amendment which I send to the

desk, to be inserted at the proper place in the bill.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Idaho will be stated.

The Secretary. It is proposed to insert in the proper place in the bill the following:

Two thousand dollars for plans for a bridge to be built across Klingle Valley on Connecticut Avenue.

Mr. BRADY. If the amendment which we adopted to-day relative to the purchase of a park site is retained in the bill, it is very essential that this amendment should be adopted. If that amendment is not retained, the conference committee can, of course, reject this amendment.

Mr. SMITH of Maryland. I make no objection to that amendment. Mr. President.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Idaho.

The amendment was agreed to.
Mr. HOLLIS. Mr. President, I offer the amendment to the pending bill, which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by

the Senator from New Hampshire will be stated.

The Secretary. On page 14, after line 18, it is proposed to insert the following:

Enforcement of child-labor law: For the enforcement of the provisions of the act to regulate the employment of child labor in the District of Columbia, approved May 28, 1908, namely, for two inspectors at \$1,200 each, \$2,400: Provided, That existing provision of law requiring the detail of two privates of the Metropolitan police force for the enforcement of said act is hereby repealed.

Mr. SMITH of Maryland. I think this item is estimated for,

and I shall make no objection to it. Let it go to conference.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from New Hampshire.

The amendment was agreed to.

Mr. CHILTON. I offer the amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The Secretary. After line 25, on page 105, it is proposed to

insert the following as a new paragraph:

Insert the following as a new paragraph:

For the acquisition, for a public park, of the tract of land known as the Patterson tract, assessed on the records of the assessor of the District of Columbia as parcel 129-2, lying north of Florida Avenue northeast and bounded on the east by the grounds of the Columbia Institution for the Deaf, on the west by New York Avenue and the tracks of the Baltimore & Ohio Railroad Co., and on the north by Fairview Avenue, containing 81 acres, more or less, \$500,000 (or so much thereof as may be necessary): Provided, That said tract of land shall not be acquired by condemnation.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from West Virginia.

Mr. SMITH of Maryland. Mr. President, I shall make no objection to the amendment, and it may go to conference so far as I am concerned.

Mr. WILLIAMS. Mr. President, I hope that amendment will not be adopted. It does not strike me that this is a very apt time to be purchasing half-million dollar parks in the District. We are needing about all the money we have. The Federal Government is needing its half of it, and that matter can easily go over to some more convenient season, as was suggested by Saint Paul upon an occasion when the remark was not quite so apropos as it now is.

Mr. CHILTON. Mr. President, I expected some opposition to this amendment. It is a result of the system that we have had in dealing with the District of Columbia, and to which I, at the last session of Congress, briefly called the attention of the Senate. So long as we have the half-and-half system we shall have a half-and-half government of the city of Washington and of the District of Columbia.

What are we doing here to-day? We are putting into effect in part what has been talked about in the city for years. Everybody knows that there has been a contest in this city whether we should buy what is known as the Patterson tract in the northeast or whether we should buy the Dean tract in the northwest. The committee has decided to buy the Dean tract of about 9 acres for \$625,000, instead of buying the 83½ acres of the other tract for \$500,000. I want them both to go in, and let us further limp along in this uncertain way that we are governing this city, but with all sections fairly dealt with. I suppose that one or the other, possibly both, will be knocked out in conference. It does seem to me, however, that this great northeast section of the city should have some consideration. Here is a tract of land that has been, practically by unanimous consent, dedicated to park purposes. It is in a section where a park is needed, but is rejected; while the Dean tract is to be taken, in a section where a park is not needed. I should like to have the amendment adopted now, and let it go to conference. Let us get that composite judgment of the committee of conference as to which section of the city shall be favored, or which plan seems to be just and right for the public good.

Of course, the sensible thing would be for the United States to get away from the old system of gauging its plans in this city by the amount of money which the city can raise. The sensible thing would be to appropriate forty or fifty or one sensible thing would be to appropriate forty or fitty or one hundred million dollars, whatever is necessary, to carry out your park system at once, and not take the childish system of gauging our work in this city by the narrow ideas of a few people in the city of Washington as to what they or we are able to do and what we ought to do. That would be the broad way. Of course, the Senate is not now going to do that; but it is going to do that the standard senate with as many things as it to keep on in the old-fashioned way with as many things as it can, and the half-and-half system is one of them. It is going to keep on in the little, narrow, impractical way of doing a few things this year and a few things next year. Of course, the property is going to get more valuable from year to year; more and more people are going to suffer because they do not know what to do with their property; and this great northeast section will be more and more neglected, as it has been in the past.

But I thought there might come a sense of justice across the Senate that would induce it at least to let these propositions go to the committee of conference side by side, and let somebody think of them both at once and decide in some, as I think, sensible—not meaning to reflect upon anybody—some sensible way the great question of the park system and the development

of this great Capital City.

I have no personal interest in the world in this matter. Some citizens over in the northeast, people whom I know, amongst them the chairman of the citizens' committee of the northeast, and Dr. Hall, of the Columbia Institution, out there, called my attention to it. I agreed to offer this amendment. I know nothing about who owns the property or anything about the matter other than what I have stated. I only know that we are again up against the proposition of the old half-and-half system that is holding down the development of the city of Washington simply because a few people who are in the habit of governing the city and trying to govern the United States have decided

long ago that this Government should not have any other system.

Mr. WILLIAMS. Mr. President, the old-fashioned plan of cutting your cloak according to your cloth is not a foolish one, but a very sensible one. It is pretty good common sense for anybody, an individual, the Nation, the State, the District, or any other entity, not to spend any money that they have not got, and it is a very good idea for us not to allow the District of Columbia to run into debt to the Federal Government any more. It is already very heavily in debt, and we are going to have a pretty hard time in getting the money back. There is a good deal of local feeling against ever paying it, and a very great effort will be made to have them excused from paying that part of the half of past expenditures which they now owe to the Federal Treasury.

This is an appropriation of not to exceed \$500,000. means \$500,000, if I understood the amendment aright that the property shall not be condemned. I will ask the Senator from West Virginia if that is not correct?

Mr. CHILTON. That is a provision of the amendment.
Mr. WILLIAMS. Therefore, of course, the man who has the
property for sale is not going to take less than \$500,000 when
Congress says the amount to be paid is not to exceed that.

Mr. CHILTON. Mr. President, the remarks of the dis-tinguished Senator from Mississippi would have been much more in point, I think, if he had been here and said some-thing about the item of \$625,000 for the purchase of the Dean The Senator is eminently correct when he says that this Government should not spend more than it has; but we passed that point a good while ago, and that question does not arise here now. The question confronting us in this instance is whether we are going to adopt the little, cheeseparing policy of developing only a part of the park system this year; that

I want to call the attention of the Senator to the remark he made that the Government ought not to allow the District to become further indebted to it. He might as well say that the left hand should not be indebted to the right hand. By that very remark he condemns what we are doing. We are here keeping up the fiction of a District government. I do not want to argue that question now; but it arises in connection with everything we do affecting the District of Columbia, and it constantly will arise until we go at this subject in a commonsense way and recognize that the government here in the District of Columbia is the great United States, and that it is trying to develop a great capital. We are not going about it in the right way.

I do not expect this amendment to go through in the final wind-up, in which event neither ought the Dean tract amendment to go through; but there is a probability that one or the other of them will go through, and I should like for this amendment to go alongside of the Dean tract amendment, which provides for the purchase of 9½ acres, at a cost of \$625,000, in a rich, well taken care of portion of the city, where the great homes are located and in close proximity to another fine park. I should like to have the committee of conference consider this proposal to acquire eighty-odd acres of land in the neglected northeastern portion of the city in conjunction with the amendment providing for the purchase of the Dean tract.

Mr. SMITH of Maryland. Mr. President, I said to the Senator

a while ago that we would consider the matter in conference, and that I did not object to the amendment.

Mr. CHILTON. But another Senator objected for the Senator. I am not now answering anything that the Senator from Maryland said or did, nor am I taking exception to the manner in which he looked at me, but I was answering what was said upon the floor of the Senate. I shall be glad to have the Senator allow the amendment to go to conference.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from West Virginia.

Mr. WALSH. Mr. President, I am very glad that the Senator from Mississippi made objection to this amendment. This is a simple little appropriation of half a million dollars for the purpose of buying some land for a public park in the city of Washington. It might be a very wise appropriation to make, but the Senate has no information upon which it can authorize the expenditure of such an enormous amount of money for that purpose at this time.

pose at this time.

Mr. CHILTON. Mr. President—
The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from West Virginia?

Mr. WALSH. I do.
Mr. CHILTON. Does not the Senator know that this item has been recommended by the District Commissioners; that it has been estimated for, and has in every way been considered; and does he not know that what I said in the beginning of my accounts is true that the question has been as to whether or remarks is true, that the question has been as to whether or not this year we would buy the Dean tract for \$625,000, or the

not this year we would buy the Dean tract for \$625,000, or the 80-odd acres in the Patterson tract in the northeast section of the city for \$500,000?

Mr. WALSH. Unfortunately, I do not know anything about it. Mr. CHILTON. I was informing the Senator.

Mr. WALSH. I remember very definitely that at the last session of Congress, when the District appropriation bill was under consideration, the matter was agitated of buying three or four different tracts, including the Dean tract.

About the merits of it I have not any idea at all, and I do not know; but I do know that this bill was reported to the Senate

know; but I do know that this bill was reported to the Senate without this appropriation of \$500,000 in it; and now, when the usual hour for adjournment is reached, we are supposed to vote in an appropriation of \$500,000 in a kind of hope or expectation that the conference committee will take care of it and just cut

That is not a commendable way to legislate, as it seems to me. We certainly ought to have some basis upon which we can act. For my own part, I do not think this is a time when we ought to be spending such enormous sums of money for the purpose of buying lands for parks in the city of Washington. I do not mean to condemn the policy at all; but there is an appropriate and an opportune time for these things, and at the present time, when we are pushed to the limit to raise funds to meet the tremendous expenditures which are actually forced upon us, it does seem to me that we can not justify ourselves in making this expenditure, and we certainly can not justify ourselves in

voting in favor of the appropriation on the meager information that has been afforded to the Senate this afternoon.

Mr. JONES. Mr. President—
The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Washington?

Mr. WALSH. I do. Mr. JONES. I also want to call the Senator's attention to the fact that we have in this bill already a provision appropriating \$625,000 for the purchase of a tract out here for park purposes.

Mr. WALSH. So I understand; and this would be a mere matter of making the appropriation for park purposes for the city of Washington something over a million dollars.

Mr. THOMAS. Mr. President, I rise simply to say that I agree very cordially with the sentiments expressed by the Senators from Mississippi and Montana. I do not think we should load up a conference committee with items which do not receive our approval to the extent that we expect the members of the conference committee to stand for the proposed amend-

I have every desire to comply, where I can, with the wishes and desires of the Senator from West Virginia; but I certainly hope that some evidences of economy, somewhere, will be manifested in this session of Congress before we adjourn.

The Finance Committee is busily engaged in an effort to formulate a revenue measure. Every interest which is sought to be taxed is protesting against being compelled to contribute to our expenditures. That is perfectly natural; that is only human, in fact; but those of us who have the task of providing revenue for these enormous appropriations have some little appreciation of what the task means.

If it be true that \$625,000 has been appropriated by this bill for the purchase of park land elsewhere, then I am very sorry. I do not think this is the time for the expenditure of money for any such purposes anywhere. They can wait. We are upon the brink, possibly, of a situation that will require tremendous expenditures, and that ought to bring to us, to some extent at least, a sober realization of our financial responsibilities.

Mr. LEE of Maryland. Mr. President, from local knowledge of this piece of property it is my judgment that it would be an excellent purchase for the Government at this figure. It is next to 100 acres that is now owned by the Government as part of the deaf and dumb institution; and the whole 180-acre tract would be practically a part of a great terminal area that could be used by the Government in connection with any terminal purposes that hereafter might be needed.

My judgment is that it is not to the interest of the owners of this property to accept this price. I do not know what they would do. But this morning we had this matter up, and I should like to call the attention of the Senator from Montana and the Senator from Colorado both to what I had to say this

morning about this very property.

There is a bridge over New York Avenue that cost \$440,000. It was built as part of the arrangement of this terminal system, and it points right into this Patterson tract. That bridge was built in 1908, and ever since that time that \$440,000 of expenditure has been up in the air, because the District of Columbia would never appropriate the money to put in the fills and use the bridge. These people have had New York Avenue condemned through their property, and they are being assessed and taxed to-day on the theory that they practically have this great thoroughfare, New York Avenue, coming at their property and going through it; and yet for all this period that \$440,000 structure has been up in the air, and no provision whatever has been made to make it available for the benefit of the public at large or the development of this tract and other real estate to which this bridge would give immediate access across the river of railroad tracks that run into the Union Station.

Here is a very good illustration of what we were talking about this morning. Either "take it or leave it," so to speak. Let these streets go out, and let these people develop their land according to the natural conditions, or take it, if you are going to take it-whichever you are really going to do. But to hold these people up for eight years and tax them at a high rate, with a bridge suspended in the air that cost \$440,000, and not be willing to appropriate the little money that is necessary to fill in and continue that highway, seems to me to be practically a sort

of municipal highway robbery.
Under the circumstances, Mr. President, if the Senate see fit to vote down this purchase, I am going to ask them to double the amount of money that is in this bill to put that street out. There is \$20,000 carried in this bill to extend New York Avenue and fill in the approaches to that bridge, and it will not do more than a little of the work—hardly any of it. If the Senate see fit to vote down the proposal to take this land, then, for goodness sake, let these people alone and let them have the street. Do not

stay here any more in this dog-in-the-manger attitude of having a bridge there, right next to them, that cost this great sum of money without permitting them to use it as access to their land. Over half a million dollars of money has gone into that bridge half a million dollars of expenditure to build it, with accrued interest at a low rate.

The positions are absolutely inconsistent. Congress ought not to be guilty of that sort of treatment of any of our citizens. So, if the Senate see fit to vote down this amendment to take this property, then I think they ought to be consistent and at least give \$40,000 to let that street go out over that bridge that has already cost \$500,000, and is now and has been for eight years

of no use to anybody.

Mr. CHIL/TON. Mr. President, as I said, I do not know all of the details of this matter, but I do know that the people who have had it in charge understand all about it. The committees understand the different arguments in favor of these different parks. I send to the desk and ask to have read a letter from Dr. Hall and Mr. Tucker to me on this subject. Then, as far as I am concerned, the vote may be taken.

The PRESIDENT pro tempore. In the absence of objection,

the Secretary will read as requested.

The Secretary read the letter, as follows:

WASHINGTON, D. C., February 8, 1917.

Washington, D. C., February 8, 1917.

Hon. William E. Chilton,
United States Senate, Washington, D. C.

Dear Sir: I beg leave to call your attention to the inclosed amendment which I feel should be made to House bill 19119, commonly known as the District of Columbia bill, now pending before the Senate. This amendment I hope you will be willing to propose when this bill is finally considered.

The citizens of the northeast have approved of the purchase of large tracts for the benefit of all parts of the city. They are especially interested at the present time in having provided for the northeast section a park much needed for the use of people from their own locality. The tract they desire, which is known as the "Patterson tract," has the following points to recommend it:

1. Great need. The section in which it lies is being built up rapidly. It has no public park, with the exception of one-half of Lincoln Square and all of Stanton Square, both together representing a few acres of formal parking.

2. The Patterson tract is already being used extensively as a park, showing the need of securing it as public property.

3. The tract is included in the park commissioner's plans.

4. The purchase of this tract has been recommended year after year by the Commissioners of the District of Columbia as the most desirable park project in contemplation.

5. It is not an expensive tract, comparatively speaking. The 81 acres of which it is comprised can probably be bought for \$500,000. Comparing this with the 9½ acres of the Dean tract for \$625,000, makes the desirability of the price more evident.

This tract, once acquired, will not require much further expense. Part of it is already level, another part consists of open hillside, and the remainder a high wooded hill containing a splendid oak woods. No tract within the city can be so easily and quickly made into a beautiful park at small expense.

The tract in question is directly on a car line, easily accessible from all parts of the northeast, as well as many parts of the n

EVAN H. TUCKER. PERCIVAL HALL.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from West Virginia,

The amendment was rejected.

Mr. CLAPP. Mr. President, about a year or so ago the Senate passed an act to exempt from taxation certain property in this city belonging to the Daughters of the American Revolution, and made an appropriation to reimburse the tax they had paid. Since then the association have bought some more property, which they are occupying. Some time ago I introduced a bill to exempt it from taxation; but, in view of the work that devolved upon the members of the committee, instead of pressing the matter before the committee, I let the matter go, with the thought of offering it as an amendment to this bill. understand that the chairman of the committee will not object; and so, at the proper place, I ask to have inserted the amendment which I send to the desk.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator from Minnesota a question. Of course, the propriety of exempting this property from taxation depends altogether upon how it is to be used. The Senator would not exempt it merely because of the people who own it, merely because it is this association, because it is conceivable that they might invest in property which was to be used for purposes of profit.

How is the property to be used?

Mr. CLAPP. This is used for their building and their grounds. They have purchased this additional ground and

expect to enlarge the use of it.

Mr. WILLIAMS. It can not be used for commercial pur-

poses or other purposes of profit?

Mr. CLAPP. Oh, no.

Mr. WILLIAMS. It is merely to extend the ground around

their buildings?

Mr. CLAPP. Yes; it is simply a part of their plan.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The Secretary. It is proposed to insert, on page 17, after line 7, the following:

That the property situated in square 173 in the city of Washington, D. C., described as lots 4, 5, 6, 7, and 11, inclusive, occupied by the Daughters of the American Revolution, be, and the same is hereby, exempt from and after February 23, 1916, from all taxation so long as the same is so occupied and used, subject to the provisions of section 8 of the act approved March 3, 1877, providing for exemptions of church and school property, and acts amendatory thereof, and there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$99.19, the proportion of taxes upon said lots since February 23, 1916, and the Secretary of the Treasury is hereby authorized to pay said sum of \$99.19 to the treasurer of the National Society of the Daughters of the American Revolution.

Mr. SMITH of Maryland. Mr. President, this amendment is in entire harmony with one that we adopted some time ago, and I shall not object to it.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Minnesota.

The amendment was agreed to.

Mr. CLAPP. In that connection I should like to have inserted in the RECORD the paper which I send to the desk.

The PRESIDENT pro tempore. In the absence of objection, that may be done.

The matter referred to is as follows:

Washington, D. C., December 18, 1917.

DEAR SENATOR CLAPP: I am inclosing the statement in regard to the taxes on the last lots purchased by the National Society of the Daughters of the American Revolution. Thanking you very much for what you have and are doing, with much appreciation,

Very truly,

EMMA HAVEN DAVIS.

LOTS 4, 5, 6, 7, AND 11, SQUARE 173.

\$282.99

Amount paid by society.

\$282.99 will be due May, 1917. [From page 13822 of the Congressional Record of Aug. 1, 1916.]

[From page 13822 of the Congressional Record of Aug. 1, 1916.]

Mr. Clapp. Mr. President, I desire to say to the Senator in charge of the bill we have lately passed a law which exempted from taxation some property the Daughters of the American Revolution had bought here subsequent to the original purchase. In the interim, rather than to explain why they did not pay their taxes, it was suggested that they pay their taxes, and if the bill became a law it would be a very easy matter to have a bill passed to reimburse them for the taxes. The taxes which they paid amounted to \$271. I have the tax certificate here, if there is any question raised as to that. It is a small matter. I realize that probably it would be subject to a point of order, but it is one of those things that nobody in particular has to look after. To save them the bother of trying to get the bill passed through both Houses, if it is agreeable to the Senator in charge of the bill, I offer the following amendment.

The Secretary. On page 122, after line 16, insert:

"That the sum of \$271.76 is hereby appropriated to repay the National Society of the Daughters of the American Revolution the taxes paid by said society upon lots 23, 24, 25, 27, and 28, square 173, in the District of Columbia, as follows: \$143.78 as per receipt for taxes paid March 14, 1916; \$127.98 as per receipt for taxes paid March 14, 1916; said sum to be paid upon the presentation of said receipts by the treasurer general of said society."

Mr. Smith of Maryland. I make no objection to that amendment. The amendment was agreed to.

Mr. LEE of Maryland. Mr. President, the Senate having

Mr. LEE of Maryland. Mr. President, the Senate having just rejected the amendment offered by the Senator from West Virginia [Mr. Chilton] to purchase the Patterson property, I wish to offer an amendment. Mr. CHILTON. Mr. President-

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from West Virginia?

Mr. LEE of Maryland. Certainly.

Mr. CHILTON. I simply wish to serve notice, Mr. President, in view of the action of the Senate regarding the Patterson tract, that I want to reserve for a separate vote in the Senate, when the bill comes to the Senate, the amendment putting in the purchase of the $9\frac{1}{2}$ acres at \$625,000. I am glad to

see this wholesome idea of economy, and I want to see if it goes to the bone or if it is just skin deep.

Mr. LEE of Maryland. Mr. President, the Senate having just refused to purchase the Patterson tract, I want to offer an amendment that represents the converse proposition. As I said just now, this New York Avenue Bridge, standing there in the air, without any ends to it, is costing the public \$20,000 a year in loss of interest. Now, is that to go on? Are we to hold these people up with one hand and threaten them with

the other? Or will Congress simply and candidly go ahead and let these people have the street and get the advantage of the commercial value of their land?

Mr. President, in order to test that situation, in line 14, page 34, I move to strike out "\$20,000"—a wholly inadequate sum—and insert "and improve, \$40,000," making the amendment read:

Northeast. New York Avenue and U Streets, Florida Avenue to Bladensburg Road, grade and improve, \$40,000.

The PRESIDENT pro tempore. The amendment will be stated.

The Secretary. On page 34, lone 13, it is proposed to strike out "\$20,000" and insert "and improve, \$40,000."

Mr. MARTIN of Virginia. Mr. President, I make the point of order that the amendment offered by the Senator from Maryland her has been presented.

land has not been estimated for and is plainly out of order.

The PRESIDENT pro tempore. Can the Senator from Mary-

land say that it has been estimated for?
Mr. LEE of Maryland. Mr. President, the greatest latitude has been shown here to-day on the subject of amendments. This is an amendment dealing with a proposition that is in the bill, and the gate has practically been thrown open, as I understand the rulings of the Vice President, to the discretion of the Senate

The PRESIDENT pro tempore. The Chair is compelled to sustain the point of order on the ground that the item has not

been estimated for.

Mr. JONES. Mr. President, I am going to offer an amendment. I will simply state its effect, and then let it be voted on.

I do not think the license tax on motor vehicles provided in this bill is large enough, so I am going to offer an amendment to it. The provision in the bill at present is \$5 for each vehicle over 24 horsepower, and \$3 for each vehicle of less than 24 horsepower. I am going to offer an amendment that will make it \$5 for each vehicle over 24 horsepower and up to 30 horsepower, and \$10 for each vehicle over 30 horsepower.

The PRESIDENT pro tempore. The amendment will be

The Secretary. On page 24, after the word "power" in line 6, it is proposed to insert:

And not exceeding 30 horsepower, \$10 for each vehicle of more than 30 horsepower.

Mr. LEE of Maryland. On what page is that?
The PRESIDENT pro tempore. On page 24, line 6. The question is on the amendment offered by the Senator from Washington.

The amendment was agreed to.
Mr. NORRIS. Mr. President, I want to call the attention of the chairman of the committee to what I have been told is a mistake in the bill as it passed the House. My attention has been called to this matter by a member of the House Committee on the District of Columbia. He thinks it is a mistake, and he thinks it ought to be rectified. I do not know anything about it myself, except what he has said about it.

I wish the chairman of the committee would take the bill and turn to page 66, commencing with the last word of line 17, and

he will find these words:

Five police matrons, at \$720 each, to possess police powers of arrest. On page 68, under the heading "House of detention," line 20, we find this language: "Three matrons, at \$600 each, to possess police powers of arrest." A member of the House committee tells me that the last three are getting only \$600 a year for the same work in performing the duties that are performed by the others who are paid \$720.

Mr. SMITH of Maryland. I grant there is a discrimination, but they will all get an increase under the amendment we put on of 10 or 15 per cent. We started to increase some of these salaries, but the entire committee cut them out and would not

put them in.

Mr. NORRIS. Of course under that amendment we could increase the salaries, but there would still be a discrepancy just the same as now

Mr. SMITH of Maryland. I grant that.

Mr. NORRIS. I can not see why there should be any difference. On one page there is an item for five police matrons at \$720 and on page 68 there are three matrons at \$600 each, each one having as far as I can see the same power of arrest to act as policemen. There may be some reason for that, although the Member of the House who called it to my attention thought that the hard work was to be done by those who are getting only a salary of \$600.

Mr. SMITH of Maryland. I will say there are others who

are receiving salaries probably not commensurate with the service rendered and probably discriminatory, but when the subcommittee started to make increases the committee determined to make no increases whatever; but we have agreed to one amendment, the Senator will notice.

I noticed that. Maryland. We have depended upon the in-SMITH of Maryland. crease made by the Smoot amendment. We hope after a little while to be able to remedy these discrepancies. I am not going to argue with the Senator that it is exactly fair, but these things will creep in, and it takes a little time to eliminate them.

Mr. NORRIS. Since these police women have the same duty to perform, and as far as the work is concerned it is exactly alike, as far as I can see, would the Senator object to putting in an amendment equalizing them and let it go to conference, and if there is any difference the conferees of course could recede. If we do that there is not anything here with which

we can equalize the salary.

Mr. SMITH of Maryland. I have admitted to the Senator that there is a discrepancy, but there are other discrepancies probably similar to this, and we felt if we started to put up salaries there was no telling where it would end. The entire committee determined that they would not increase any salaries, and let them be subject to an increase by the Smoot amendment. We will probably get it in the next time. I think the Senator from Nebraska is right.

The PRESIDENT pro tempore. Unanimous consent is asked that the clerks be authorized to correct the totals in the bill.

The Chair hears no objection, and it is granted.

Mr. LANE. Mr. President, if I may disturb the conversation of Senators I wish to offer an amendment and give fairly good reason for its presentation at this time.

Mr. President, it is impossible to hear. The PRESIDENT pro tempore. Senators will resume their

seats and preserve order.

Mr. SMITH of Maryland. I will say that we wish to finish the bill to-night, and I hope the Senate will pardon us for taking a few minutes more in order to get it through.

Anyone who has visited the Zoological Park Mr. LANE. will notice a thing which will, perhaps, appeal to not many which can be easily remedied and which I may say is inhuman

and ought to be stopped. We have a large collection of animals there, and it is most unfortunate for them to be deprived of their liberty. are animals that love their liberty, and they ought to have as good treatment as we can give them, plenty of ground to range

in, proper food, and so forth. So I make an appeal for those particularly interesting animals such as deer and elk. They are confined in small paddocks on barren hillsides, and the feed during the winter and probably the greater part of the summer is dry feed, such as hay and oats. A deer does not eat grass in its native haunts

They browse Mr. SMITH of Maryland. If the Senator will pardon me, the Zoological Garden is provided for in the sundry civil bill,

unless under such circumstances that it can not secure any-

and there is no estimate made for it here.

Mr. LANE. Then I should like to inquire of the Senator from Maryland about the provision on page 48 for the Rock Creek Park. I think the committee has charge of those matters. Mr. STONE. The Zoological Garden is under the control of

the Smithsonian Institution.

Mr. LANE. Then there is no place for it here, but here is an item put in this bill to which I wish to call attention. I consider it to be a part of the duty of this body. It would cost but a few dollars to in part feed those animals properly some green stuff, kale, turnips, and so forth, which can be raised on farms, all of which can be produced for little money.

Mr. SMITH of Maryland. I will say the matter the Senator speaks of is under the entire control of the National Zoological Park, and we have nothing whatever to do with it, and we have

no right to consider the matter at all on that bill.

Mr. LANE. If there is no opportunity for them to have green food they are surely confronted with continued hard times.

Mr. SMITH of Maryland. There is \$100,000 appropriated for that purpose.

Mr. LANE. Not in this bill.

Mr. SMITH of Maryland. Not in this bill, because it does not come in this bill. One hundred thousand dollars is appropriated for the National Zoological Park and that which pertains

Then I withdraw that part of my amendment and suggest the other part, which has to do with conditions outside of the park as well as in the park, and it belongs on this bill.

It is a bill pertaining to the District of Columbia, said to be the most beautiful Capital City in the world, and one which

we are trying to improve in every way.

If you will go to that park at this time of the day, or a little earlier, you will find all the buzzards from Virginia and Delaware, and I assume clear down to Florida, roosting in the trees, and all transient buzzards in their travels between the southern part of this country and the North Pole, stop off and congregate there to roost and enjoy its fragrance. They do that for the reason that the odor arising from the captive animals' houses smells so good to them that they by hundreds and hundreds roost there and in an ecstacy of delight inhale it all night and get up in the morning much refreshed, I have no doubt. Then they strike out across the sky in great circles, hunting for something more substantial, though not so odorous, to eat and sometimes get it and sometimes they do not. Then, although miles away, they get a whiff of the park and back they come with the fixed conviction that surely there must be something where the indications are so strong. Either that or they use it as a kind of bracer, as some do who take a cocktail before dinner, intoxicated with the fragrance and elated with the hope of getting something to eat before they go to roost.

It is not a fair way to treat scavenger birds or stray and unsuspecting birds; it is a kind of bunco game which they are put

up against, and should be stopped.

So I offer an amendment here for an appropriation of \$500 with which to buy Chinese "joss" or "punk" sticks to burn in front of the cages and menageries to dilute and modify the air about the park, so that these God-fearing birds may get a chance to go about their business of making an honest living without being deluded and flimflammed into thinking they have struck a bonanza, and also that pleasure seekers may make a tour of it without having to suffer nausea while doing so.

Mr. SMITH of Maryland. I will say that the amount has not been estimated for, and I make a point of order against

the amendment.

The PRESIDENT pro tempore. The Chair sustains the point of order

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. The question is on concurring in the amendments made as in Committee of the Whole, except the one reserved, pertaining to the Dean tract, out objection, the amendments other than the one referred to will be held to be concurred in. They are concurred in. The question now is on concurring in the amendment which was reserved.

Mr. STONE. That is the amendment proposing to expend \$625,000 to buy the Dean tract.

The PRESIDENT pro tempore. That is the amendment

which was reserved for a separate vote.

Mr. STONE. I hope, and very much hope, that it will not be concurred in.

Mr. THOMAS. So do I. Let us strike it out.

The PRESIDENT pro tempore. The question is on concurring in the amendment.

Mr. SMITH of Maryland. Mr. President, I shall not urge this matter at all. I merely want to state the reasons why the committee put it in the bill. The tract has been held for about a million dollars for many years. It is now assessed at \$625,000. Within two blocks of the Dean tract there are 49 apartment houses and it is one of the most thickly populated sections of the city. It is costing the parties who hold the property about \$30,000 a year.

I do not hesitate to say that if we could buy it in a year hence or two years hence I would say not to take it now, but from what I can learn I fear that the opportunity for buying the property will not long be had by the Government of the United States and the District of Columbia. That was our reason for putting it in. Of course if the Senate feels that they are willing to take the chance and knock it out it is for them to determine.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was nonconcurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the amendments of the Senate to the bill (H. R. 8492) to restore homestead rights in certain cases.

The message also announced that the House had passed the bill (S. 7757) authorizing a further extension of time to purchasers of land in the former Cheyenne and Arapahoe Indian Reservation, Okla., within which to make payment, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Byrns of Tennessee, Mr. Sisson, and Mr. Good managers at the conference on the part of the House.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 14074. An act granting the consent of Congress to the village of Fox Lake, in the county of Lake, State of Illinois, to construct a bridge across both arms of the Fox River where it connects Pistakee Lake and Nippersink Lake, at a point suitable to the interests of navigation, in the county of Lake, State of Illinois

H. R. 17602. An act granting the consent of Congress to the county commissioners of Polk County, Minn., and Grand Forks County, N. Dak., to construct a bridge across Red River of the North on the boundary line between said States

H. R. 17710. An act authorizing the construction of a bridge across the Tallapoosa River, separating the counties of Montgomery and Elmore, in the State of Alabama, at a point somewhere between Judkin Ferry and Hughes Ferry

H. R. 18529. An act granting the consent of Congress to the police jury of Rapides Parish, La., to construct a bridge across Red River at or near Boyce, La.;

H. R. 18534. An act to authorize the construction, maintenance, and operation of a bridge across the St. Francis River, at or near

H. R. 18550. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River;

H. R. 18551. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River;

H. R. 18720. An act permitting the building of a railroad bridge across the Mississippi River at Bemidji, in the State of

H. R. 18725. An act granting the consent of Congress to Kratka Township, Pennington County, Minn., to construct a bridge across Red Lake River;

H. R. 19239. An act granting the consent of Congress to the county of Pearl River, Miss., and the fourth ward of the Parish of Washington, La., to construct a bridge across Pearl River, between Pearl River County, Miss., and Washington Parish, La.;

H. R. 19298. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River in the town of Allegany, county of Cattaraugus, N. Y.; and

H. R. 20574. An act granting the consent of Congress to the county commissioners of Decatur County, Ga., to reconstruct a bridge across the Flint River at Bainbridge, Ga.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 3699. An act to donate to the city of St. Augustine, Fla., for park purposes, the tract of land known as the powderhouse lot:

H. R. 13831. An act to amend section 4464 of the Revised Statutes of the United States, relating to number of passengers to be stated in certificates of inspection of passenger vessels. and section 4465 of the Revised Statutes of the United States, prescribing penalty for carrying excessive number of passengers on passenger vessels, and section 4466 of the Revised Statutes of the United States, relating to special permits for excursions on passenger steamers;

H. R. 15314. An act to punish persons who make threats against the President of the United States; and

H. R. 20453. An act making appropriations for fortifications

and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a telegram in the nature of a memorial from the National Dairy Council, of Chicago, Ill., remonstrating against the proposed change in the tax on oleomargarine, which was referred to the Committee on Finance.

Mr. WADSWORTH presented a petition of sundry citizens of Gainesville, N. Y., praying for national prohibition, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Westchester County, N. Y., praying for the enactment of legislation to found the Government of the United States on Christianity, which was referred to the Committee on the Judiciary.

Mr. PHELAN presented a petition of the Boosters Club, of Atascadero, Cal., praying for the enactment of legislation to provide for the improvement and development of the national parks, which was referred to the Committee on Public Lands,

He also presented a memorial of the conservation department of the California Federation of Women's Clubs, of Los Angeles, Cal., remonstrating against the so-called Mondell amendment to the game sanctuary bill, which was ordered to lie on the table.

Mr. CLAPP presented a telegram in the nature of a memorial from Oscar Arneson, chief clerk of the house of representatives of the Legislature of Minnesota, transmitting a resolution of that body remonstrating against the proposed reduction of the tax on oleomargarine, which was referred to the Committee on Finance.

Mr. COLT presented a telegram in the nature of a memorial from the Rhode Island State Grange, remonstrating against the proposed change in the tax on oleomargarine, which was referred to the Committee on Finance.

Mr. JOHNSON of Maine presented a memorial of the Portland (Me.) Typothetae, remonstrating against a change in second-class postal rates, which was referred to the Committee on Post Offices and Post Roads.

Mr. PAGE (for Mr. DILLINGHAM) presented telegrams in the nature of memorials from the Vermont State Grange, of Middlebury Grange, of Sudbury Grange, and of Pomona Grange, No. 13, of Sudbury, all of the Patrons of Husbandry, in the State of Vermont, remonstrating against the proposed change in the tax on oleomargarine, which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. SMITH of South Carolina. From the Committee on Post Offices and Post Roads I report back favorably with amendments the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes. I desire to say that I shall submit a report (No. 1021) to accompany the bill at a later day.

The PRESIDENT pro tempore. The bill will be placed on the

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 3771) for the relief of Alfred Cluff, Orson Cluff, Henry E. Norton, William B. Ballard, Elijah Hancock, Susan R. Saline, Oscar Mann, Celia Thayne, William Cox, Theodore Farley, Adelaide Laxton, Clara L. Tenney, George M. Adams, Charlotte Jensen, and Sophia Huff, reported it with amendments and submitted a report (No. 1022) thereon.

Mr. LANE, from the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (S. 8044) providing for the extension of time for the reclamation of certain lands in the State of Oregon under the Carey Act, reported it without amendment and submitted a report (No. 1023) thereon,

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 8192) for the relief of Charles S. Fries (with accompanying papers); to the Committee on Claims.

By Mr. HUSTING:

A bill (S. 8193) for the relief of Rufus Meyers; to the Committee on Military Affairs.

By Mr. JAMES:

A bill (S. 8194) for the relief of W. F. Tomlinson, administrator of Samuel Tomlinson, deceased (with accompanying papers); to the Committee on Claims.

By Mr. JOHNSON of South Dakota: A bill (S. 8195) granting an increase of pension to Frank D. Brown (with accompanying papers); to the Committee on Pen-

By Mr. JOHNSON of Maine: A bill (S. 8196) granting a pension to Jennie L. Sidelinger (with accompanying papers);

A bill (S. 8197) granting an increase of pension to Horace A. Wright (with accompanying papers);

A bill (S. 8198) granting a pension to William Gilmour (with accompanying papers); and

A bill (S. 8199) granting a pension to Martha Holt (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 8200) granting an increase of pension to Francis A. Ricketts; to the Committee on Pensions.

By Mr. NEWLANDS:

A bill (S. 8201) to amend an act providing mediation, conciliation, etc., approved July 15, 1913; to authorize the President to protect the operation of trains in time of peace, and to take possession of the common carriers and draft their crews and officials in time of war, and for other purposes; to the Committee on Interstate Commerce.

By Mr. JAMES:

A bill (S. 8202) granting an increase of pension to Henry Smith:

A bill (S. 8203) granting an increase of pension to Francis M.

Blankenship;
A bill (S. 8204) granting an increase of pension to Jeremiah Combs;

A bill (S. 8205) granting an increase of pension to John W.

A bill (S. 8206) granting an increase of pension to Minatree

A bill (S. 8207) granting an increase of pension to George S. Robinson; and

A bill (S. 8208) granting an increase of pension to William M. Helvy; to the Committee on Pensions.

EXPORT TRADE.

Mr. POINDEXTER submitted an amendment intended to be proposed by him to the bill (H. R. 17350) to premote export trade, and for other purposes, which was referred to the Committee on Interstate Commerce and ordered to be printed.

COMMISSION ON NAVY YARDS AND NAVAL STATIONS.

The PRESIDENT pro tempore. The Chair lays before the Senate the following message from the President of the United States, which will be read.

The Secretary read as follows:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, Report No. 3 of the Commission on Navy Yards and Naval Stations, dated January 31, 1917.

WOODROW WILSON.

THE WHITE HOUSE, February 9, 1917.

The PRESIDENT pro tempore. The message will be referred to the Committee on Naval Affairs, and the report accompanying the message will be referred to the Committee on Naval Affairs in confidence, as was done with previous reports from the same commission.

INDIAN APPROPRIATIONS-CONFERENCE REPORT.

Mr. ASHURST. I submit the conference report on the Indian appropriation bill, and ask that it be received and printed. The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 4, 6, 7, 8, 13, 14, 20, 21, 26, 27, 28, 29, 30, 31, 33, 34, 36, 38, 39, 55, 58, 62, 65, 73, 74, 76, 82, 88, 96, 100, 103, 106, and 112.

That the House recede from its disagreement to the amendments of the Senate numbered 15, 17, 18, 23, 25, 37, 41, 43, 44, 45, 47, 52, 53, 54, 56, 57, 59, 61, 64, 67, 68, 69, 70, 71, 72, 75, 77, 78, 79, 81, 83, 86, 89, 91, 94, 97, 98, 99, 101, 102, 104, 105, 107, 108, and 109, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same with an amendment as follows: In lieu of the amendment proposed in-sert the following: "Provided further, That \$5,000 of the above amount shall be used for an investigation and report on the merits of the claim of the Indians of the Warm Springs Reservation in Oregon to additional land arising from alleged erroneous surveys of the north and west boundaries of their reservation as defined in the treaty concluded June 25, 1855 (12 Stat. L., p. 963), and the Secretary of the Interior is hereby authorized to make such survey or resurveys as may be necessary to complete said investigation and report"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the amendment proposed in-

sert the following: "Provided, That automobiles or any other vehicles or conveyances used in introducing, or attempting to introduce, intoxicants into the Indian country, where the introduction is prohibited by treaty or Federal statute, whether used by the owner thereof or other person, shall be subject to the seizure, libel, and forfeiture provided in section 2140 of the Revised Statutes of the United States"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert

\$1,600,000 " ; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amendment proposed in-

sert the following

"For construction, lease, purchase, repair, and improvement of school and agency buildings, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, \$400,000: Provided, That of this amount \$300 may be expended for the purchase of a perpetual water right and right of way across the lands of private individuals, for the purpose of running a pipe line from a certain spring or springs located near the Sisseton Indian Agency buildings, South Dakota, to said buildings, the purchase of such water right to include sufficient land for the construction of a small cement reservoir near such spring or springs for the purpose of storing the water so acquired: Provided further, That not to exceed \$500 of the amount herein appropriated may be used for the acquisition on behalf of the United States, by purchase or otherwise, of land for a site for the Mesquakie Day School, Sac and Fox, Iowa: Provided further, That the Secretary of the Interior is authorized to allow employees in the Indian Service who are furnished quarters necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place: And provided further, That the amount so expended for agency purposes shall not be included in the maximum amounts for compensation of employees prescribed by section 1, act of August 24, 1912."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "Provided further, That where practicable the transportation and expenses so paid shall be refunded and shall be returned to the appropriation from which paid"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "\$475,000, of which sum not less than \$75,000 shall be used for the employment of additional field

matrons:"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the figures "\$10,000" and insert in lieu thereof "\$8,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert

\$400,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed in line 1 of said amendment insert: "\$75,000"; and the Senate agree

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Strike out all of said amendment numbered 24, and the following language appearing in lines 10 to 14, inclusive, on page 13 of the bill:

That from and after the passage of this act the Secretary of the Interior shall have the power to authorize any superintendent, clerk, or other employee in the Indian field service to administer oaths and take acknowledgments in connection with matters pertaining to their official duties."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In line 4 of the amendment proposed, after the word "Interior," strike out the period, insert a comma, and add the following: "reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians in Arizona, to remain a charge and lien upon the lands and funds of said tribe of Indians until paid."; and the Senate agree to the same.

That the House recede from its disagreement to the amend-

ment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$20,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the amendment proposed in-

sert the following:

"That section 3 of the act of January 12, 1891 (26 Stat. L., p. 712), entitled 'An act for the relief of Mission Indians in the State of California,' be, and the same is hereby, amended so as to authorize the President, in his discretion and whenever he shall deem it for the interests of the Indians affected thereby, to extend the trust period for such time as may be advisable on the lands held in trust for the use and benefit of the Mission Bands or villages of Indians in California."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

" IOWA.

"SEC. 6. The Secretary of the Interior is hereby authorized, in his discretion, to pay to the enrolled members of the Sac and Fox of the Mississippi Tribe of Indians of the State of Iowa, entitled under existing law to share in the funds of said tribe, or to their lawful heirs, the sum of \$10,334.96, together with the interest which has or may hereafter accrue thereon, remaining in the Treasury of the United States to the credit of the Sac and Fox of the Mississippi Tribe of Indians of the State of Iowa, from the sum of \$42,893.25 transferred to the credit of those Indians under the provisions of the act of June 10, 1896, said sum of \$10,334.96 to be apportioned per capita among the enrolled members of said tribe.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In line 6 of the amendment strike out the following: "for setting out trees, \$500"; and in line 7 of the amendment strike out the figures "\$75,175" and in lieu thereof insert the figures "\$74,675"; and the Senate agree to

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In line 4 of the amendment strike out the word "on," after the word "bridge," and insert the follow-ing: "across the Mississippi River on the"; and the Senate

agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In line 5 of the amendment, after the word "been," strike out the words "omitted erroneously from the rolls" and in lieu thereof insert the following: "heretofore erroneously stricken from the rolls and reinstated prior to the passage of this act"; and the Senate agree to the same,
That the House recede from its disagreement to the amend-

ment of the Senate numbered 51, and agree to the same with an amendment as follows: After the word "Washington," in lines 21 and 22 of the amendment, insert the following: "and other Chippewa Indians visiting said city"; and the Senate agree to

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lines 3 and 4 of the amendment strike out the following: "for the purchase of additional land, \$41,600; in all, \$129,920," and insert the following: "in all, \$88,320"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In line 1 of the amendment strike out the figures "\$52,100" and in lieu thereof insert the figures "\$50,430"; and in line 4 of the amendment strike out the figures "\$99,100" and in lieu thereof insert "\$97,430"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the amendment proposed in-

sert the following:

"For the construction of a steel bridge across the San Juan River in San Juan County, State of New Mexico, at the best and most available location west or southwest and near to the

town of Farmington, in said county and State, \$25,000, to be expended under the direction of the Secretary of the Interior, and to be reimbursable from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians in the State of New Mexico."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the amendment proposed in-

sert the following:

That the sum of \$5,000, to be immediately available, be, and the same is hereby appropriated, out of any funds of the Chickasaw Nation, not otherwise appropriated, to reimburse Douglas H. Johnston, governor of the Chickasaw Nation, for extra expenses incurred in the performance of his duty as chief executive of the Chickasaw Nation and principal chief of the Chickasaw Tribe of Indians during the period covered between the years 1907 and 1912, and the Secretary of the Interior is hereby authorized and directed to make such payment from the funds of said nation."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In line 2 of the proposed amendment, after the word "Congress," strike out the period, insert a colon, and add the following: "Provided, That the Secretary of the Interior is hereby authorized to pay each and every duly enrolled citizen of the Creek Nation who has not been allotted lands in said nation and who is not included in Senate Document No. 478, Sixty-third Congress, second session, the sum of \$1,040 in lieu of an allotment of land in said nation. Said sum of \$1,040 to be paid to each and every person out of the funds in the Treasury of the United States to the credit of the Muskogee Creek Nation"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In line 7 of the amendment strike out the following: "\$40,000; in all, \$162,200" and insert "\$30,000; in all, \$152,200"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In line 12 of the amendment, after an amendment as follows. In line 12 of the amendment, after the word "prescribe," strike out the period, insert a colon, and add the following: "Provided, That the application of this pro-vision shall not interfere with any rights guaranteed by treaty to any allotted Umatilla Indian or Indians"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the matter proposed, insert

the following:

SEC. 21. For support and education of 365 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, \$62,955; for general repairs and improvements, \$8,000; for new barn, \$3,000; in all, \$73,955."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "in all, \$53,750." On page 40, line 1, of the bill, after the figures "\$43,750," insert the following: "of which amount not exceeding \$900 may be expended for the purchase of two new busses"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lien of the amendment proposed

insert the following:

"SEC. 26. That until the meeting of the Sixty-fifth Congress those members of the Committee on Indian Affairs of the House of Representatives, not less than five in number, who are Members elect to the Sixty-fifth Congress, are authorized to conduct hearings and investigate the conduct of the Indian Service, at Washington, D. C., and elsewhere, and the sum of \$15,000, or so much thereof as may be necessary, to be immediately available and remain available until expended, is hereby appropriated for expenses incident thereto. The said committee is hereby authorized and empowered to examine into the conduct and management of the Bureau of Indian Affairs and all its branches and agencies, their organization and administration, to examine all books, documents, and papers in the said Bureau of Indian Affairs, its branches or agencies, relating to the administration of the business of said bureau, and shall have, and is hereby granted, authority to subpæna witnesses, compel their attendance, administer oaths, and to demand any and all books, documents, and papers of whatever nature relating to

the affairs of Indians as conducted by said bureau, its branches and agencies. Said committee is hereby authorized to employ such clerical and other assistance, including stenographers, as said committee may deem necessary in the proper prosecution of its work: Provided, That stenographers so employed shall not receive for their services exceeding \$1 per printed page."

And the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 48, 80, 95, and 111.

HENRY F. ASHURST, H. L. MYERS, MOSES E. CLAPP, Managers on the part of the Senate.

JOHN H. STEPHENS, C. D. CARTER, P. D. NORTON,

Managers on the part of the House.

Mr. ASHURST. Mr. President, I wish to say that the conferees have not agreed on all the amendments. There are four amendments which are still in dispute.

Mr. SMOOT. I desire to make a suggestion to the Senator from Arizona. He does not intend, I presume, to ask that the conference report be printed as a Senate document, but that it be printed for the use of the committee and to be placed on the desks for the information of the Senate.

Mr. ASHURST. That is satisfactory

The PRESIDENT pro tempore. Without objection, it is so ordered.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles

and referred to the Committee on Commerce:
H. R. 14074. An act granting the consent of Congress to the village of Fox Lake, in the county of Lake, State of Illinois, to construct a bridge across both arms of the Fox River where it connects Pistakee Lake and Nippersink Lake, at a point suitable to the interests of navigation, in the county of Lake, State of Illinois

H. R. 17602. An act granting the consent of Congress to the county commissioners of Polk County, Minn., and Grand Forks County, N. Dak., to construct a bridge across Red River of the

North on the boundary line between said States

H. R. 17710. An act authorizing the construction of a bridge across the Tallapoosa River, separating the counties of Montgomery and Elmore, in the State of Alabama, at a point some-

where between Judkin Ferry and Hughes Ferry;

H. R. 18529. An act granting the consent of Congress to the police jury of Rapides Parish, La., to construct a bridge across Red River at or near Boyce, La.;

H. R. 18524. An act to authorize the policy of th

H. R. 18534. An act to authorize the construction, maintenance, and operation of a bridge across the St. Francis River

at or near Parkin, Ark.;

H. R. 18550. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River;

H. R. 18551. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River;
H. R. 18720. An act permitting the building of a railroad bridge across the Mississippi River at Bemidji, in the State of

H. R. 18725. An act granting the consent of Congress to Kratka Township, Pennington County, Minn., to construct a bridge across

Red Lake River ;

H. R. 19239. An act granting the consent of Congress to the county of Pearl River, Miss., and the fourth ward of the parish of Washington, La., to construct a bridge across Pearl River be-tween Pearl River County, Miss., and Washington Parish, La.; H. R. 19298. An act authorizing the Western New York &

Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the town of Allegany,

county of Cattaraugus, N. Y.; and H. R. 20574. An act granting the consent of Congress to the county commissioners of Decatur County, Ga., to reconstruct a

bridge across the Flint River at Bainbridge, Ga.

ORDER OF RUSINESS.

Mr. RANSDELL. I move that the Senate proceed to the consideration of the bill (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento

River, Cal., and for other purposes.

Mr. NEWLANDS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Nevada?

Mr. RANSDELL. I yield.

Mr. NEWLANDS. Mr. President, I wish to make a statement regarding the railroad legislation. There are three bills to which the President has called special attention in a message. One is the bill enlarging the Interstate Commerce Commission from seven to nine members, and providing that it shall be divided into three divisions, each of which will have jurisdiction over the subjects that now belong to the entire commis-

Mr. OVERMAN. Mr. President-

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from North Carolina?

Mr. OVERMAN. I will state to the Senator if he yields to me shall move to adjourn or to take a recess, because I know the Senator can not get his bill up this afternoon. I move that we take a recess until 11 o'clock to-morrow.

Mr. RANSDELL. I hope the Senator will not insist on that motion. We can get the bill up, and then I propose to ask that it be laid aside and that the Senate proceed with the considera-

tion of these emergency measures.

Mr. OVERMAN. I know the Senator can not possibly get

the bill up this afternoon.

Mr. VARDAMAN. Certainly we can not get it up if the Senate will not permit it to be taken up, but I do not think the mere statement of the Senator from North Carolina settles the question.

Mr. OVERMAN. All right; I will withdraw the motion. Mr. THOMAS. Will the Senator yield to me for a moment?

Several Senators addressed the Chair.
The PRESIDENT pro tempore. The Senator from Louisiana yielded to the Senator from Nevada [Mr. Newlands], and he now has the floor. Does the Senator from Nevada now yield to

some other Senator; and if so, to whom?

Mr. NEWLANDS. I propose to continue the remarks I was

making.

Mr. THOMAS. Mr. President, a parliamentary inquiry. The PRESIDENT pro tempore. The Senator from Colorado will state it.

Mr. THOMAS. My understanding is that the so-called waterpower bill is the unfinished business. I have no desire to retain that bill before the Senate, but I am a member of the Committee on Public Lands, and the chairman of the committee is not here. In his behalf I make the inquiry.

Mr. OVERMAN. I move that the Senate do now adjourn. Mr. RANSDELL. I hope the Senator will not make that

The PRESIDENT pro tempore. The Senator from North Carolina moves that the Senate adjourn.

Mr. RANSDELL. I ask the Senator to withdraw the motion and move a recess. I will accept that.

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Carolina that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 15 minutes p. m., Friday, February 9, 1917) the Senate adjourned until to-morrow, Saturday, February 10, 1917, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 9, 1917.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

O Thou, who art supremely wise, all-powerful, the essence of whose being is love, quicken all that is purest, noblest, best in us, and help us to eliminate the evil tendencies which lie in wait to destroy; that the trend of our life may be forward not backward, upward not downward, heavenward not hellward; that we may build for ourselves from within a character which shall be an everlasting memorial to our Maker, through Him who taught us the way and the truth and the life. Amen.

The Journal of the proceedings of yesterday was read and ap-

proved.

ORDER OF BUSINESS.

Mr. LANGLEY rose.

The SPEAKER. For what purpose does the gentleman rise? Mr. LANGLEY. To ask unanimous consent to address the House for not exceeding five minutes in order that I may explain and modify a statement I made in debate yesterday.

The SPEAKER. The gentleman from Kentucky asks unani-

mous consent to address the House for not exceeding five

minutes.

Mr. RUSSELL of Missouri. Mr. Speaker, will the gentleman withhold his request for a moment?

Mr. LANGLEY. Yes.

Mr. RUSSELL of Missouri. Mr. Speaker, this is pension day, and I ask unanimous consent that two pension bills on the Private Calendar, one a Senate bill from the Committee on Invalid Pensions and one a House bill from the Committee on Pensions, be considered in order and taken up following the completion of the naval appropriation bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent that a Senate private pension bill from the Committee on Invalid Pensions, and also a House bill from the Committee on Pensions, be taken up immediately following the conclusion of the consideration of the naval appropriation bill,

Is there objection?

Mr. KITCHIN. Reserving the right to object, Mr. Speaker, I would like to say to the gentleman from Missouri that it was understood the other day, or rather the gentleman from Indiana [Mr. Rauch] gave notice, that immediately after the conclusion of the naval appropriation bill he would ask for the consideration of the pension appropriation bill. It will take not more than an hour and a half or two hours, if that. I suggest that the gentleman from Missouri make his request to follow that bill. I understand the gentleman from Missouri thinks it will take only half an hour to dispose of his bills.

Mr. SHERWOOD. It will take about 22 minutes to pass the

two bills

Mr. KITCHIN. Well, we can stay here an hour later if

Mr. RUSSELL of Missouri. Well, I will change the request and ask that these private pension bills be taken up following

the consideration of the pension appropriation bill.

Mr. GARNER. Mr. Speaker, reserving the right to object, I would like to suggest to the gentleman from Missouri, as well as to the gentleman from North Carolina [Mr. Kitchin], that there is no objection to the consideration of these bills, but there is some difficulty in making an agreement in advance. It is just as easy to take up these bills after the pension appropriation bill is passed or after the naval appropriation bill is passed as it is now, but why make this advance agreement?
Mr. RUSSELL of Missouri. Because this is pension day, I

will say to the gentleman.

Mr. MANN. They are in order at any time.

Mr. GARNER. I know they are in order.
Mr. KITCHIN. I think there will be no objection. We can stay here an hour or two later if necessary.

Mr. GARNER. Does the gentleman believe that in spite of the effort of any man it would take more than half a day?

Mr. KITCHIN. No; and it will not take half a night.
Mr. MANN. They could be considered now while waiting for Members to come in.

Mr. GARNER. I have no objection, Mr. MANN. Why not read them now?

Mr. KITCHIN. That would be perfectly satisfactory to me. If the gentleman from Tennessee [Mr. PADGETT] in charge of the naval appropriation bill would prefer that course, all right. But if he prefers to go on with the naval bill, very well.

Mr. PADGETT. Mr. Speaker, I would prefer that the matter be disposed of now rather than to break into it at 5 o'clock this afternoon, because I can not forecast as to the time. If it will not take more than 20 minutes I shall not object.

Mr. MANN. It will be in order at any time to move to defer it. I suggest that the gentleman from Missouri ask to consider those bills in the House as in Committee of the Whole

The SPEAKER. The gentleman from Kentucky [Mr. Lang-LEY] asked unanimous consent to proceed for not exceeding five minutes. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Kentucky is recognized for five minutes.

THE CIVIL SERVICE.

Mr. LANGLEY. Mr. Speaker, acting wholly upon my own initiative and in obedience to a sense of justice, I am making this statement for the RECORD.

Yesterday while the House was debating some of the Senate amendments to the legislative bill I had an understanding with the gentleman from Tennessee [Mr. Byrns], who had charge of the time, that I was to have five minutes in opposition to the amendment proposing to classify postmasters. I hurriedly proceeded to arrange in my mind the points I would endeavor to cover in that time. At the last moment the gentleman from Tennessee informed me that owing to encroachments upon his time by those who had preceded me he could only yield me a minute and a half and I then had less time than that remaining representatives of Valentine Brasch;

in which to think of something to say in that minute and a half,

[Laughter.]

It occurred to me that I could cite my experience as appointment clerk of the Census Office in helping to organize that office independent of the civil service as an illustration of how easily a high standard of efficiency can be obtained without competitive examination. The gentleman from Illinois [Mr. Mann] and the gentleman from Massachusetts [Mr. GILLETT] had both just spoken in support of the Senate amendment. I recalled that they had both submitted, along with other Members of Congress, their recommendations to fill the quotas allotted to them in that office; and, speaking in a spirit of badinage and, of course, hastily, I used language which was calculated to place those two gentlemen in a false position. The reporters' notes, which are usually correct, show that I said these two gentlemen were among those who made the most consistent appeals for patronage. After thinking the matter over I regretted that I used the language that I did, and would gladly have recalled it. The facts are that we made an allotment of Census Office appointments to each Senator and Representative and notified each of the number allotted to him and requested him to submit a list of recommendations. Both of the gentlemen named did this and my recollection is that the quota allotted in each instance was filled, but if I am in error as to that the records of the Census Office will show it. However, that is neither here nor there. I want to frankly, and in this public manner, say that as I now recall it there was no effort whatever on the part of either gentleman named to get more appointments than the bureau had requested them to ask for, and both of them were always courteous and considerate in their dealing with the bureau in these matters.

During my 10 years of service in this body I have never intentionally misrepresented or otherwise done an injustice to any of my fellow Members.\ I have always been scrupulously careful on that point, and I can not, in justice to my own sense of fairness and in justice to the two gentlemen referred to, permit this incident to pass without putting this statement in the

RECORD. [Applause.]

Mr. MANN. Will the gentleman permit me to say what I said to him privately yesterday, but not publicly, that he did not hurt my feelings any? [Laughter.]

Mr. LANGLEY. I am very glad, indeed, to have my friend

say that publicly.

Mr. Speaker, having made this explanation and not having had the opportunity to express myself fully yesterday on the question, I ask unanimous consent that I may state briefly in the RECORD my reasons for opposing the proposition to classify postmasters and my views on civil service.

The SPEAKER. Is there objection to the request of the gen-

tleman from Kentucky?

There was no objection.

EXTENSION OF REMARKS.

Mr. SNELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the Niagara power bill.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the Niagara power bill. Is there objection?

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had, on February 8, 1917, approved and signed bills of the following titles:

H. R. 1024. An act for the relief of Allen M. Hiller;

H. R. 6145. An act for the relief of Edward F. McDermott, alias James Williams;

H. R. 8057. An act for the relief of the legal representatives of Napoleon B. Giddings;

H. R. 8267. An act to place Bernard A. Schaaf on the retired list of the Army;

H. R. 217. An act to authorize the sale of school property in the city of Denver, Colo., and for other purposes;

H. R. 3238. An act for the relief of Sarah E. Elliott; H. R. 8452. An act for the relief of Charles L. Moore;

H. R. 9547. An act authorizing the acceptance by the United States Government from the Kenesaw Memorial Association of Illinois of a proposed gift of land on the Kenesaw battle field in the State of Georgia;

H. R. 12240. An act for the relief of John Brodie; H. R. 12742. An act for the relief of Gottlob Schlect and Maurice D. Higgins and for the relief of the heirs and legal

H. R. 13106. An act for the relief of the trustee and parties who are now or who may hereafter become interested in the estate of James A. Chamberlain under the terms of his will;

H. R. 13820. An act for the relief of Mrs. Jennie Buttner;

H. R. 14572. An act for the relief of Gertie Foss;

H. R. 14645. An act for the relief of the legal representative of P. H. Aylett;

H. R. 14822. An act to prevent and punish the desecration, mutilation, or improper use, within the District of Columbia, of the flag of the United States of America; and H. R. 14978. An act for the relief of Ida Turner.

SENATE BILLS REFERRED

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 7833. An act authorizing the Chippewa Indians in the State of Minnesota to submit claims to the Court of Claims; to the Committee on Claims.

S. 7433. An act for the relief of Winfield S. Solomon; to the

Committee on Military Affairs. S. 7598. An act for the relief of John H. Kidd; to the Com-

mittee on Military Affairs.

S. 6430. An act directing the reexamination of the accounts of the late Peter G. S. Ten Broeck; to the Committee on Claims. S. 6251. An act for the relief of John F. Kelly; to the Committee on Military Affairs.

S. 5648. An act for the relief of Fast Walker, D. K. How, and Not Afraid of Bear; to the Committee on War Claims.

S. 5768. An act for the relief of Frank Carpenter; to the Com-

mittee on Claims.

S. 5617. An act to confer jurisdiction upon the United States district court for the district of Minnesota to hear, try, and determine the value of certain pine timber; to the Committee on

S. 3180. An act to authorize the appointment of Clarence C. Kress to the grade of captain, United States Army Medical

Corps; to the Committee on Military Affairs. S. 747. An act for the relief of Wilbur F. Lawton; to the

Committee on Military Affairs.

S. 3507. An act for the relief of Elizabeth Marsh Watkins;

to the Committee on Claims.

S. 6854. An act to repeal the last proviso of section 4 of an act to establish the Rocky Mountain National Park, in the State of Colorado, and for other purposes, approved January 26, 1915; to the Committee on the Public Lands.

S. 378. An act to provide for the appointment of a district judge in the middle and eastern judicial districts in the State of Tennessee, and for other purposes; to the Committee on the Judiciary.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 5632) for the relief of Aquila Nebeker.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence

of the House of Representatives was requested:

H. R. 19359. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 378. An act to provide for the appointment of a district judge in the middle and eastern judicial districts in the State of Tennessee, and for other purposes.

GUILFORD COURTHOUSE BATTLE FIELD.

Mr. NICHOLLS of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8229) to establish a national military park at the battle field of Guilford Courthouse with Senate amendments, disagree to the

Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the bill. The Clerk read the title of the bill, as follows:

A bill (H. R. 8229) to establish a national military park at the battle field of Guilford Courthouse.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to take the bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER announced as the conferees on the part of the House Mr. DENT, Mr. NICHOLLS of South Carolina, and Mr. KAHN.

PENSIONS.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to take up pension bills on the Private Calendar and consider first the bill S. 7486 in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take up pension bills on the Private Calendar and take up first the bill S. 7486 and consider the same in the House as in Committee of the Whole. Is there objection?

There was no objection.
The SPEAKER. The Clerk will report the bill. The Clerk read the title of the bill, as follows:

A bill (S. 7486) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. SHERWOOD. I ask unanimous consent, Mr. Speaker, that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection. The bill is as follows:

The bill is as follows:

Be if enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—
The name of Celia A. Blodgett, widow of Benjamin F. Blodgett, late of Company F, First Regiment United States Volunteer Sharpshooters, and pay her a pension at the rate of \$12 per month.

The name of William W. Olmsted, late of Company K, Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John W. Hendrickson, late of Independent Battery H, Pennsylvania Volunteer Light Artillery, and Company C, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$27 per month in lieu of that he is now receiving.

The name of Aaron C. Rodocker, late of Company G, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in iteu of that he is now receiving.

The name of John J. Schliessmann, late of Company A, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Bichard Mitchell, late of Company G. Senesth Pengering.

pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Richard Mitchell, late of Company G, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Blanche F, Nash, widow of Guy T. Nash, late of Company C, Twelfth Regiment Vermont Militia Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of John Mayfield, late of Company D, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William W. Prine, late of Company G, Thirtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John H. Jarrett, late of Company H, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of William Richey, late of Company M, Twenty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Mary P. Ross, widow of Henry S. Ross, late of Company B, Elghty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Isaac R. Johnson late of Company B. Thirty-pinth

The name of Mary P. Ross, widow of Henry S. Ross, late of Company E, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Isaac R. Johnson, late of Company B, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Columbus Walton, late of Company B, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Sada Gleeson, widow of William J. Gleeson, late of Company C, Fortieth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Severn L. Parks, late of Company A, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month, the same to be paid him without deduction or rebate on account of former alleged erroneous payments or overpayments of pension.

The name of Ellen Rush, widow of Ebenezer C. Rush, late of Company E, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of George A. Blose, late of Company C, Second Battalion Pennsylvania Milita Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elizabeth Lander, widow of David D. Lander, late of Company H, Forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William J. Crocker, late of Company A, First Regiment Wisconsin Volunteer Infantry, and Seventh Independent Battery Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Open Miliam J. Crocker, late of Company A, First Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rat

The name of Joseph C. Patterson, late of Company G, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Mathias Eyer, late of Company D, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Emily P. Hubbard, widow of George M. Hubbard, late first lieutenant and quartermaster, Seventy-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The name of William H. Cleland, late of Company F, One hundred and thirty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$27 per month in lieu of that he is now receiving.

and thirty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$27 per month in lieu of that he is now receiving.

The name of James K. Wesley, late of Company I, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Henry M. Bryant, late of Company F, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$27 per month in lieu of that he is now receiving.

The name of Samuel D. Sherman, late of Company K, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elmore Y, Chase, late surgeon United States Volunteers, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John E. Madison, late of Company H, Ninth Regiment, and Company K, Second Regiment, New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Elliott, late of Company K, Eighteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William C. Pope, late of Company B, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Leona B. Haucke, widow of Albert Haucke, late of Company D, Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Jacob W Perkins, alias William West, late of Company L, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

pany L, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Levi J. Richardson, late of Company I, Sixth Regiment Ohio Volunteer Cavalry, and Company B, First Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Niels Attleson, late of Company E, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frederick A. Churchill, late topographical engineer, captain, and volunteer aid-de-camp to Gen. McClellan and Gen. A. E. Burnside, United States Army, and pay him a pension at the rate of \$20 per month.

The name of James B. Thornton, late of Company H, Fifteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$27 per month in lieu of that he is now receiving.

The name of James T. Piggott, late of Company A. Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of James T. Piggott, late of Company F, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Thomas J. Harrison, late of Company D, Sixteenth Regigent Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Henry H. Niles, late of U. S. S. Moose, United States Navy, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Ephraim Smith, late of Company I, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at descented the second pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

that he is now receiving.

The name of Ephraim Smith, late of Company I, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edgar P, Lewis, late of Company K, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Solomon Terpenning, late of Company I, Sixth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles Reed, late of Company A, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John C. Cook, late of Company F, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph A. Miller, late of Company D, Third Regiment,

Michigan Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph A. Miller, late of Company D, Third Regiment, Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of \$26 per month in lieu of that he is now receiving.

The name of John Stouffer, late of Capt. Sanno's independent company, Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James S. Sisson, late of Company B, One hundred and ninety-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Unferfate, late of Company B, One hundred and eighty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George R, Gibney, late of Company B, One hundred and fifty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George M, Kimble, late of Company K, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles N. Chatto, late of U. S. S. Nipsic, United States Navy, and pay him a pension at the rate of that he is now receiving.

The name of Wylie Brown, late of Company A, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Charles Asa Clark late of Company I. Fourteenth Regiment Ohio Nolunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Charles Asa Clark, late of Company I, Fourteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edwin D. Sweet, late of Company D, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George O. Whitman, late of Company K, Twenty-second Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alexander Faries, late of Company A, Sixth Regiment Delaware Volunteer Infantry, and Company F, Seventh Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$21 per month. month.

The name of Thomas B. Williams, late of Company K, One hundred and sixteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now eiving.

a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lemuel Evans, late of Company D, First Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John Walker, late of Company G, Twenty-second Regiment, and Company G, Twenty-ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H, Bradley, late of Company G, First Regiment Pennsylvania Reserve Volunteer Infantry, and medical cadet, United States Army, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Charles R, Stuart, late of Company H, Sixtieth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Eliakim Byard, late of Company D, Twenty-sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Jasper Trimble, late of Company A, Nineteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of George G. Tuell, late of Company A, First Battallon Maine Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Matilda A. Bickford, wildow of George H. Bickford, late of Company K, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Balley Mitchell, late of U. S. S. Huron, United States Navy, and pay him a pension at the rate of pay him a pension at the rate of Poper month in lieu of that he is now receiving.

pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Bailey Mitchell, late of U. S. S. Huron, United States Navy, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Robert H. Keller, late of Company B, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Sylvester Clark, late of the Seventh Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of George W. Ward, late of Company D, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Francis J. Cousens, late of Companies H and F, Thirtieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Simon Ridenour, late of Company G, One hundred and eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jefferson Foncannon, late of Company K, One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Angelia T. Mosler, widow of Byron Mosler, late of Company K, One hundred and Q. Thirricht Rogiment Wicarden Wester, widow of Byron Mosler, late of Company K, One hundred Rand (Thirricht Rogiment Wicarden Randred Rand Randred Rand

The name of Angelia T. Mosier, widow of Byron Mosier, late of Company G. Thirtieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now

receiving.

receiving.

The name of Nathan J. Way, late of Company I, Engineers of the West, Missouri Volunteers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Enoch Jones, late of the United States Marine Corps, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John W. Torrance, late of Companies F and D, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

now receiving.

The name of Charles Gilmore, late of Company A. Seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William J. Love, late of Company F, Tenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Benjamin Tackitt, late of Company B, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Grace Elizabeth Brown, helpless and dependent daughter of Thomas E. Brown, late of U. S. S. Vermont, United States Navy, and pay her a pension at the rate of \$12 per month.

The name of Boadicea T. Dinsmore, former widow of Sewell C. Gray, late captain Company A, Sixth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving. is now receiving

is now receiving.

The name of Henry B. Burgh, late lieutenant colonel Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Ephraim J. Allen, late of Company C. Seventy-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Edwin Rogers, late of Company G. Fortieth Regiment, and Company A, First Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$27 per month in lieu of that he is now receiving.

The name of George Banghart, late of Company A, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lucy E. Sturdevant, widow of Marcus Sturdevant, late of Company I, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Toyger Peterson, late of Company G, Fifth Regiment When north in Bey of that he is now receiving.

The name of Royal E, Dake, late corrections at the rate of \$50 per month in Bey of that he is now receiving.

The name of Frederick W. Mase, late of Company D, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the The name of Frederick W. Mase, late of Company D, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the The name of Ruth A. McMillian, videov of Jornthan H, McMillan, late of Company B, Tweith Regiment, and captain Company K, Twenty-third Regiment (Info Volunteer Infantry, and pay her a pension at the rate of Company B, Tweith Regiment, and captain Company K, Twenty-third Company C, Pith Regiment Claim Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of John Lamberson, late of Company D, Twenty-shirth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Frank T. Bolton, late of Company H, Fourth Regiment Infantry And pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of John S, Steams, late of Company A, Too hundred and seventh Regiment Info Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of John S, Steams, late of Company B, Too hundred and seventh Regiment Illuso's Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Henry W, Gash, late of Company B, The Peterson S, Peterson B, Company B, The Peterson B, Company B, The Name of Henry W, Gash, late of Company B, The Peterson B, Company B, The Peterso

The name of Charles Edgar Mason, late of Company I, one hundred and forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jonas H. Upton, late of Company D, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of David Galbreath, late of Company K, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of John Cook, late of Battery B, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of \$21 per month in lieu of that he is now receiving.

The name of Joseph S, Morgan, late of Company B, Twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Watkin Countryman, late of Company A, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Anna E. Tenney, helpless and dependent daughter of Samuel Tenney, late of Company D, Maine Volunteer Coast Guards, and pay her a pension at the rate of \$12 per month.

The name of Theodore Gerrish, late of Company H, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Charles P. Betts, late of Company I, Twenty-sixth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William R, Browning, late of Company I, One hundred and forty-ninth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Jennie Jamison, now Beamer, late nurse, Medical Department, United States Volunteers, and widow of Marion Beamer, late

celving.

The name of Jennie Jamison, now Beamer, late nurse, Medical Department, United States Volunteers, and widow of Marion Beamer, late of Company A, Forty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The name of Mary J. Crandell, widow of David Crandell, late of Company K, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Charles Washington, late of Company K, One hundred and sixteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Hugh Stevens, late of Company D, Thirty-third Regi-

and sixteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Hugh Stevens, late of Company D, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Adna H, Bowen, late second lieutenant Company F, Fifteenth Regiment Michigan Volunteer Infantry, and major, Sixth Regiment, United States Colored Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Paul Strause, late of Company K, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John L, Skinner, late of Company G, Thirteenth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William W, Nally, late of Company E, Seventh Regiment Merical Property of William W, Nally, late of Company E, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$21 per month in lieu of that he is now receiving.

The name of Henry Thompson, late of Company H, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Jacob R. Stillwagon, late of Company D, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Thomas L. Irwin, late acting assistant surgeon, United States Army, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Thomas L. Irwin, late acting assistant surgeon, United States Army, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Stephen P. Colby, late second lieutenant Company F, Fifteenth Regiment New Hampshire V

a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Job Wilbur, late of Company A, Twenty-ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Minnie J. Hodge, widow of Allen T. Hodge, late of Company C, First Battalion Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of \$12 per month.

The name of Martin Pool, late of Company C, Forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Margaret Stevenson, widow of Grandson F. Stevenson, late of Company A, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Samuel C, Clossin, late of Company B, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Isaac R. Atlee, late of Company B, Forty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas Brown, late of Company D, Fifteentha Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John R, Simpson, late of Company G, First Regiment New York Volunteer Marine Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Theodore Longfellow, late of Company G, Fifty-seventh Regiment, and Company G, Fifty-ninth Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Theodore Longfellow, late of Company G, Fifty-seventh Regiment, and Company G, Fifty-ninth Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving

pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Joseph C. Predmore, late of Company G, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Junes S. White, late of Company H, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per discounter. It her vidow of William Ure, late of Company H, One hundred and fortieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of William Beauchamp, late unassigned, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Mettle Sanders, widow of Henry Sanders, late of Company H, Forty-second Regiment Missouri Volunteer Infantry, and pay her apension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Sidney M. Smith, late of Company K, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Joseph Chapman, late of Company C, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John C. Mayer, late of Company G, First Regiment month in lieu of that he is now receiving.

The name of John C. Mayer, late of Company G, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Stevens, late of Company A, Fourth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Stevens, late of Company A, Fourth Regiment Mest Viginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The

ceiving.

The name of Charles F. Penley, late of Company C, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Barber B. Durgin, late of Company K, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The foregoing bill is a substitute for the following bills re-

ported from the Committee on	Invalid Pensions:
S. 365. Celia A. Blodgett.	S. 4734. Jacob W. Perkins.
S. 1190. William W. Olmsted.	S. 4747. Levi J. Richardson.
S. 1629. John W. Hendrickson.	S. 4753. Neils Attleson.
S. 1190. William W. Olmsted. S. 1629. John W. Hendrickson. S. 1754. Aaron C. Rodocker.	S. 4847. Frederick A. Churchill
S. 1761. John J. Schliessmann.	S. 4904. James B. Thornton.
S. 1762. Richard Mitchell.	S. 4959, John N. McClure.
S. 2210. Blanche F. Nash.	S. 4994. James T. Piggott.
S. 2280. John Mayfield.	S. 5034. Thomas J. Harrison.
S. 2571. William W. Prine.	S. 5154. Henry H. Niles.
S. 2572. John H. Jarrett.	S. 5252. Ephraim Smith.
S. 2616. William Richey.	S. 5357. Edgar P. Lewis.
S. 2739. Mary P. Ross.	S. 5357. Edgar P. Lewis. S. 5363. Solomon Terpenning.
S. 2942. Isaac R. Johnson.	S. 5409. Charles Reed.
S. 2946. Columbus Walton.	S. 5530. John C. Cook.
S. 3014, Sada Gleeson.	S. 5557. Joseph A. Miller.
S. 3123. Severn L. Parks.	S. 5662. John Stouffer.
S. 3204. Ellen Rush.	S. 5714. James S. Sisson.
S. 3282, George A. Blose,	S. 5804. John Unferfate.
S. 3300. Elizabeth Lander.	S. 5812. George R. Gibney.
S. 3321. George D. Smith.	S. 5877. George M. Kimble.
S. 3326. William J. Crocker.	S. 5997. Charles N. Chatto.
S. 3576. Peter Sheplar.	S. 6003. Wylie Brown.
S. 3632. La Fayette Platt.	S. 6060. Charles Asa Clark.
S. 3688. Cornellus T. Ham.	S. 6064. Louis A. Allor.
S. 3725. Joseph C. Patterson.	S. 6171. Edwin D. Sweet.
S. 3914. Mathias Eyer.	S. 6173. George O. Whitman,
S. 3914. Mathias Eyer. S. 4005. Emily P. Hubbard. S. 4150. William H. Cleland. S. 4291. James K. Wesley.	S. 6174. Alexander Faries.
S. 4150. William H. Cleland.	S. 6175. Thomas B. Williams, S. 6196. Lemuel Evans. S. 6238. John Walker. S. 6253. William H. Bradley. S. 6268. Charles R. Stuart.
S. 4291. James K. Wesley.	S. 6196. Lemuel Evans.
S. 4393. Henry M. Bryant.	S. 6238. John Walker.
S. 4395. Samuel D. Sherman,	S. 6253. William H. Bradley.
S. 4652. Elmore Y. Chase.	S. 6268. Charles R. Stuart.
S. 4678. John E. Madison. S. 4685. John Elliott.	S. 0271. Ellakim Byard.
S. 4000. John Edilott.	S. 6307. Jasper Trimble.
S. 4696. William C. Pope.	S. 6340. George G. Tuell.
S. 4714. Leona B. Haucke.	S. 6341. Matilda A. Bickford.

```
S. 6345. Bailey Mitchell.
S. 6365. Sobert H. Keller.
S. 6367. Sylvester Clark.
S. 6386. George W. Ward.
S. 6394. Francis J. Cousens.
S. 6399. Simon Ridenour.
S. 6403. Jefferson Foncannon.
S. 6413. Angella T. Mosier.
S. 6418. Nathan J. Way.
S. 6419. Enoch Jones.
S. 6420. John W. Torrance.
S. 6438. Charles Alnsworth.
S. 6442. Charles Gilmore.
S. 6436. William J. Love.
S. 6456. William J. Love.
S. 6457. Benjamin Tackitt.
S. 6458. Grace Elizabeth Brown.
S. 6474. Boadicea E. Dinsmore.
S. 6480. Henry B. Burgh.
S. 6490. Henry C. Tulleys.
S. 6500. Ephraim J. Allen.
S. 6527. Edwin Rogers.
S. 6530. George Banghart.
S. 6536. Toyger Peterson.
S. 6536. Royal E. Dake.
S. 6537. Frederick W. Mase.
S. 6538. Royal E. Dake.
S. 6539. Buth A. McMillan.
S. 6551. John Lamberson.
S. 6591. John Lamberson.
S. 6600. Frances I. Wallace.
S. 6607. Edward Neugent.
S. 6610. Jeremiah B. Davis.
S. 6620. John S. Stearns.
S. 6640. Henry W. Gash.
S. 6620. John S. Stearns.
S. 6640. Henry W. Gash.
S. 6663. John Cooper.
S. 6694. John Hudson.
S. 6695. Henry Dalton Selby.
S. 6700. John L. Fisher.
S. 6706. Andrew M. Vanover.
S. 6713. Lewis Mensch.
S. 6728. Samuel Holliday.
S. 67328. Samuel Holliday.
S. 67329. John R. Sparrow.
S. 6741. John K. Mayo.
S. 6741. John K. Mayo.
S. 6742. Calvin Sharpnack.
S. 6756. Charles E. Collins.
S. 6756. Charles E. Collins.
S. 67579. John W. Sperry.
S. 6768. Lutther B. Johnson.
S. 6767. Henry G. Mitchell.
S. 6767. Henry G. Mitchell.
S. 6767. Henry G. Mitchell.
S. 6767. Henry H. Frampton.
The bill was ordered to a thi read the third time and passed
                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                S. 6809. William F. Wilson,
S. 6860. Jonas H. Upton.
S. 6860. Jonas H. Upton.
S. 6860. Jonas H. Upton.
S. 6861. David Galbreath.
S. 6871. John Cook.
S. 6875. Watkin Countryman.
S. 6899. Anna E. Tenney.
S. 6997. Theodore Gerrish.
S. 6915. Charles P. Betts.
S. 6940. William R. Browning.
S. 6945. Jennie Jamison Beamer.
S. 6959. Mary J. Crandell.
S. 6967. Charles Washington.
S. 6987. Adna H. Bowen.
S. 7010. John L. Skinner.
S. 7012. William W. Nally.
S. 7012. William W. Nally.
S. 7013. Andrew Goodwin.
S. 7021. Henry Thompson.
S. 7024. Jacob R. Stillwagon.
S. 7025. William S. Rowe.
S. 7030. Thomas L. Irwin,
S. 7031. Stephen P. Colby.
S. 7050. Martin Pool.
S. 7050. Margaret Stevenson.
S. 7060. Samuel C. Clossin.
S. 7061. Isaac R. Atlee.
S. 7062. Thomas Brown.
S. 7093. Theodore Longfellow.
S. 7094. Soeph C. Predmore.
S. 7101. James S. White.
S. 7115. Mettle Sanders.
S. 7115. Sidney M. Smith.
S. 7121. John C. Mayer.
S. 7122. Timothy Welch.
S. 7213. Charles F. Smith.
S. 7214. George Maybury.
S. 7216. Moses E. Lowell.
S. 7227. Ida M. Palne.
S. 7237. Anna C. Stahel.
S. 7237. Anna C. Stahel.
S. 7237. Charles F. Smith.
S. 7237. Anna C. Stahel.
S. 7238. Barber B. Durgin.
```

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. Sherwood, a motion to reconsider the vote

by which the bill was passed was laid on the table.

Mr. KEY of Ohio. Mr. Speaker, I call up the bill (H. R. 20827) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and

to widows of such soldiers and sailors, and ask unanimous consent that it be considered in the House as in Committee of the

The SPEAKER. The gentleman calls up House bill 20827, and asks that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. KEY of Ohio. I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman from Ohio asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of John M. Cornelison, late of Company C, Third Regiment Texas Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Charles A. Holmes, late of Company H, Ninth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of George M. Thompson, late of Company C, First Regiment Nebraska Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Wirt V. Libby, late of the Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of William Merritt, late of Company H. Thirty Late of the Regiment Third Regiment of William Merritt, late of Company H. Thirty Late of the Regiment Thirty Late of States and the rate of \$12 per month.

month.

The name of William Merritt, late of Company H, Thirty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Herbert Green, late of Company C, Third Regiment United States Volunteer Infantry. War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Frank E, Conkling, late of Company B, Eighteenth Regiment United States Infantry, Regular Establishment, and pay him a

pension at the rate of \$17 per month in lieu of that he is now re-

pension at the rate of \$17 per month in Heu of that he is now receiving.

The name of Arthur L. Perry, late of Troop F, First Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Jerome J. Miller, late of Company G, Fifty-first Regiment Iowa Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Henry S. Robert, late of Company E, First Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Abraham H. Barnes, late of Company E, First Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Jasper Johnson, late of Company D, Thirtieth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Frank P, Collins, late of Company M, Second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Frank P, Collins, late of Company M, Second Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Ernest J. Patton, late of Company M, Second Regiment Arkansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Ernest J. Patton, late of Company M, Second Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Josephine Burnett, widow of Richard Burnett, late of Company E, First Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Josephine Burnett, widow of Richard Burnett, late of Company E, First Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Globel Theorem Company I, Fighth Regiment New York Volunteer Infantry, War with Spain, and pay him a pensi

Durant, late of Company G, Sixth Regiment Massachusetts Infantry, War with Spain, and pay her a pension at the rate of \$12 per month.

The name of William D. Edwards, late of Company A, Twenty-third Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of William B. McCarthy, late of Company D, Third Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of John P. Burrow, jr., late of United States Navy, War with Spain, and pay him a pension at the rate of \$8 per month.

The name of Jacob Tull, late of Troop E, Ninth Regiment United States Cavairy, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Allen P, Gabbard, late of Sixty-sixth Company United States Cavairy, War with Spain, late of Sixty-sixth Company United States Cavairy, War with Spain, late of Sixty-sixth Company United States Cavairy, War with Spain, late of Sixty-sixth Company United States Cavairy, War with Spain, late of Sixty-sixth Company United States Cavairy, War with Spain, late of Sixty-sixth Company United States Cavairy, War with Spain, late of Sixty-sixth Company United States Cavairy, War with Spain, late of Sixty-sixth Company United States Cavairy, War with Spain, late of Sixty-sixth Company United States Cavairy, War with Spain, late of Sixty-sixth Company United States Cavairy, War with Spain, late of Sixty-sixth Company United States Cavairy, War with Spain, late of Sixty-sixth Company United States Cavairy, War with Spain, late of Sixty-sixth Company United States Cavairy, War with Spain, late of Sixty-sixth Company United States Cavairy, War with Spain, late of Sixty-sixth Company United States Cavairy, War with Spain, late of Sixty-sixth Company United States Cavairy, War with Spain, late of Sixty-sixth Company United States Cavairy War with Spain Late of Sixty-sixth Company United States Cavairy War with Spain Late of Sixty-sixth Company United States Cavairy War with Spain Late of Six

The name of Jacob Tull, late of Troop E, Ninth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Allen P. Gabbard, late of Sixty-sixth Company United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Charles L. McClure, late of Company M, Second Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Daniel F. French, late of Fifteenth Battery, United States Field Artillery, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Luke R. Ford, late of Troop L, Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Robert B. Hawkins, late of Company G, Second Regiment United States Infantry, and Company C, Second Regiment North Carolina Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Louisa Wilson, dependent mother of Michael B. Wilson, late of Troop L, Fourteenth Regiment United States Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Willis P. McCampbell, late of Company A, General Service United States Army, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Joseph Canton, late of Company B, Twelfth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Charles B. Reid, late of Company B, Twelfth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Charles B. Reid, late of Company C, Second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of United States Infantry, Regular Establishment, and pay her a pension at the rate of \$12 per month.

The name of James F. Cummins, late of Compan

ment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

receiving.

The name of William A. Kush, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of \$12 per month. The name of John E. Packard, late of Company B, Eighteenth United States Infantry, Regular Establishment, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles M. Baughman, late of Company K, Sixth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Thomas Whitson, late captain of Company L, Fourth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of George R, Weight late a member of Company R. Fifth

Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of George R. Weight, late a member of Company B, Fifth Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving. The name of John Snyder, late of Company L, Fortieth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Edward G. Fetsch, late of Company D, Thirteenth Regiment Minnesota Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Charles Gliford, late of Company F, Seventeenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Lawrence P. Williams, late of Company G, Thirteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Walter C. C. Jennings, late of Troop D, Second Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Frank Riska, late of Company E, Tweifth Regiment Minnesota Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of John L. Barber, late of Company D, Second Regiment Nebraska Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of John L. Barber, late of Company K, First Regiment Maine Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of John L. Barber, late of Company K, First Regiment Nebraska Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Joseph P, Riley, helpless and dependent child of Joseph V. Riley, late of Troop A, Fifth United States Cavalry, Regular Estab-

month in lieu of that he is now receiving.

The name of Joseph P. Riley, helpless and dependent child of Joseph V. Riley, late of Troop A, Fifth United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of William J. Riley, helpless and dependent child of Joseph V. Riley, late of Troop A, Fifth United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Patrick McDonald, late of Company A, Twenty-eighth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of Howard M. Greenwald, late of Company L, Eighth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Hood Sikes, late of Company B, First Territorial United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Edward Evans, late of Company E, Thirtieth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving. receiving.

The name of Harry W. Feldman, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of \$12 per

The name of Harry W. Feldman, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of \$12 per month

The name of William A. Ritter, late of Company B, Eighth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Herbert W. Barnhart, late of Company D, Fifteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Loais F. Ifrsenbach, late of band, First Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of Loais F. Ifrsenbach, late of band, First Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Frank A. Smith, of detachment of Engineers, United States Military Academy, United States Army, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of William M. Davis, late of Battery B, Georgia Light Artillery, and Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of John Johnson, late of Company G, Second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Orin Marshall, late of Company A, First Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Harry L. Peebles, late unassigned recruit Nineteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Harry L. Peebles, late unassigned recruit Nineteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Harry L. Peebles, late of Company C, Sixth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Herbert S. Co

The name of Robert L. Crook, jr., late major, Third Regiment Mississippi Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of James F. Coakley, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of \$40 per month in lien of that he is now receiving.

The name of Louis S. Harris, late of Battery A. Third Regiment United States Artillery, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Kichard Thrash, late of Troop A, Second Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Charles L. Thompson, late of Company G, (Burnett's) New York Volunteers, War with Mexico, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Franklin Williams, late of the late of battery of the late of the late of \$10 per month in lieu of that he is now receiving.

The name of Franklin Williams, late of the late of the late of \$10 per month in lieu of that he is now receiving.

The name of Franklin Williams, late of Martin C. Wells, late of Copin Morgan's company of lowa Volunteers, War with Mexico, and pay her a pension at the rate of \$20 per month.

The name of Alfred J. Yarber, late of Company M, Twentieth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Frank M. Clark, late of Company M, Sixth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Thomas M, Rodgers, late of the Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Alfred J. Warber, late of Company J. Forty-fourth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of Fred Angelo, lat

The name of Ida M. Zimmerman, widow of Charles A. Zimmerman, late leader of the Naval Academy Band, Regular Establishment, with the rank of lieutenant, and pay her a pension at the rate of \$12 per month.

The name of James L. McDougall, late of Company K, Thirty-first Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Michael J. Rowland, late of Company H, First Regiment Wyoming Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of James E. Braddock, late of Company F, Twenty-eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Henry B. Gaylor, late of One hundred and sixty-ninth Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph R. Hunter, late of Company E, Fifth Regiment Ohlo Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Ingabow Falls, widow of John M. Falls, late of Company K, Eighteenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of George W. Paul, late of Company D, Second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of George W. Paul, set of Company C, Second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of George Parliament, late of Company C, Second Regiment Louisiana Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of George Parliament, late of Company C, Second Regiment Louisiana Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of George Mr. Hunter

\$2 per month additional on account of each of the four minor children of the said Gutch T. Tipton until they reach the age of 16 years.

The name of Murray H. Lewis, late of Company C, First Regiment Colorado Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of David S. Harrison, late of United States Navy, Regular Establishment and pay him a pension at the rate of \$12 per month.

The name of Louis M. Rheaume, late of Company E, First Regiment Rhode Island Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of Rebecca Morris, widow of James E. Morris, late of Capt. W. H. Kendrick's company, Florida Mounted Volunteers, Indian War, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Emma F. Buchanan, widow of Francis A. Buchanan, late of Capt. Childs's company, South Carolina Mounted Volunteers, Indian War, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Annie N. Sullivan, widow of Calvin Sullivan, late of Capt. Yoakum's Tennessee Volunteers, Indian War, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Margaret R. Brevard widow of Zebulon Brevard, late of Capt. McLin's company, Tennessee Volunteers, Indian War, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

This bill is a substitute for the following House bills referred

This bill is a substitute for the following House bills referred to the Committee on Pensions:

```
This bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 1107. John M. Cornelison.
H. R. 1404. Charles A. Holmes.
H. R. 14501. Hood Sikes.
H. R. 16404. Charles A. Holmes.
H. R. 16404. Charles A. Holmes.
H. R. 16410. Worge M. Thompson.
H. R. 16410. Worge M. Thompson.
H. R. 16410. Horge M. Thompson.
H. R. 2300. William Meritt.
H. R. 2300. William Meritt.
H. R. 2368. Herbert Green.
H. R. 2368. Herbert Green.
H. R. 2361. Frank E. Conkling.
H. R. 2563. Frank E. Conkling.
H. R. 2563. Frank E. Conkling.
H. R. 15545. Herbert W. Barnbart.
H. R. 2381. Hebry S. Robert.
H. R. 15422. Louis F. Ursenback.
H. R. 15424. A. Soulis F. Ursenback.
H. R. 15434. A. Smith.
H. R. 2681. Frank E. Conkling.
H. R. 15454. John Johnson.
H. R. 15675. Holm Johnson.
H. R. 16370. John F. Chamberlain.
H. R. 4022. Abraham H. Barnes.
H. R. 16370. John F. Chamberlain.
H. R. 5067. Daval Johnson.
H. R. 16378. Harry L. Peebles.
H. R. 6001. Orin Marshall.
H. R. 6002. Ernest J. Patton.
H. R. 16370. John F. Chamberlain.
H. R. 6002. Ernest J. Patton.
H. R. 6111. Josephine Burnett.
H. R. 7414. Carl J. Domrose.
H. R. 17108. Lewis L. Cunmings.
H. R. 6411. Josephine Burnett.
H. R. 7414. Carl J. Domrose.
H. R. 17353. Probert S. Coheley.
H. R. 7515. Charles A. Vananta.
H. R. 7814. Clifford T. Ham.
H. R. 7815. John F. Fehrle.
H. R. 7818. John F. Fehrle.
H. R. 7818. John F. Burrow, I. H. R. 18264. Franklin Williams.
H. R. 19185. Martha A. Knapp.
H. R. 9497. William D. Edwards.
H. R. 18264. Franklin Williams.
H. R. 19153. John F. Burrow, Ir. H. R. 18264. Franklin Williams.
H. R. 10172. Jacob Tull.
H. R. 10172. Jacob Tull.
H. R. 10173. John F. Chamberlain.
H. R. 12097. William B. McCarthy.
H. R. 10173. John F. Conkerty.
H. R. 12097. William B. McCarthy.
H. R. 19209. Wolfer C. Jennings.
H. R. 12099. George R. Welght.
H. R. 12097. William J. Glwens.
H. R. 12099. George Parliament.
H. R. 12209. Walle C. C. Jennings.
H. R. 12099. George Parliament.
H. R. 12209. William H. R. 18208. Claren.
H. R. 12309. William H. R. 18208. Cr
```

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. Key of Ohio, a motion to reconsider the

vote by which the bill was passed was laid on the table.

NAVY YARDS AND NAVAL STATIONS.

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying documents, was referred to the Committee on Naval Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, Report No. 3 of the Commission on Navy Yards and Naval Stations, dated January 31, 1917.

WOODROW WILSON.

THE WHITE HOUSE, February 9, 1917.

OUR RIGHTS ON THE SEAS.

Mr. FESS. Mr. Speaker, I ask unanimous consent that I may be permitted to extend my remarks in the Record by printing documents relating to our rights upon the seas.

The SPEAKER. The gentleman asks unanimous consent to

print in the Congressional Record as part of his remarks documents concerning our rights upon the seas. Is there ob-

Mr. BARNHART. Reserving the right to object, I should like to inquire of the gentleman from Ohio what is the nature of

these documents, and what is the extent of them. Mr. FESS. Yesterday I placed in the Record the documents pertaining to our controversy with Germany on the submarine question. Now I should like to print the documents relating to our controversy with Great Britain on the question of contraband, blockades, and so forth, separate from the German con-

Mr. BARNHART. Yes; but what I inquired or tried to inquire was

Mr. FESS. How extensive the documents are?

Mr. BARNHART. Yes. First, how extensive, and, secondly, do these documents come from the State Department?

Mr. FESS. I got a good many from the State Department, but there are some which I get from the New York Times.

Mr. BARNHART. Does the gentleman think newspaper reports are sufficiently reliable? Might they not be colored so as to be misleading?

Mr. FESS. My intention is to print nothing except official documents. I do not print opinions or newspaper comments,

but simply the documents themselves.

Mr. TOWNER. Let me say to the gentleman from Indiana [Mr. BARNHART] that these documents are exceedingly valuable to Members of Congress, and it is desirable to have them in a form in which they may be available, and not in scattered newspaper articles, which, as the gentleman says, are very often unreliable. But I take it the gentleman is perhaps aware that the New York Times is publishing these documents, and publishing also a current history of the war which is supposed to be as nearly official and as reliable as anything that can be procured. I am sure Dr. Fess will not put in anything that is not desirable and reliable.

Mr. FESS. I will not print any opinions. The SPEAKER. Is there objection?

There was no objection.

DIGEST OF CONTESTED-ELECTION CASES (H. REPT. 1445).

Mr. BARNHART. Mr. Speaker, I rise to submit a privileged resolution, which I ask to have read and considered at this

The SPEAKER. The gentleman from Indiana submits a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House concurrent resolution 70.

Resolved by the House of Representatives (the Senate concurring), That there be printed 5,000 copies, bound in buckram, for the use of the House of Representatives, of the manuscript prepared by Hon. MERRILL MOORES, being a digest of contested-election cases in the House of Representatives from 1901 to 1917, together with laws relating to contested elections in the House of Representatives and campaign contributions and expenditures.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. BARNHART. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. How are these copies to be distributed? Mr. BARNHART. Through the folding room.

Mr. STAFFORD. The resolution does not make any such provision.

Mr. BARNHART. They go to the folding room unless the resolution provides otherwise.

Mr. STAFFORD. I thought perhaps the Committees on Elec-

tions might desire some copies of this document.

Mr. BARNHART. There are 5,000 copies. The gentleman from Illinois [Mr. Mann] is the author of the resolution, and I heartly concur in it. At this time, when so many election cases are coming up, I think it is important that this digest be brought down to date.

Mr. STAFFORD. I do not wish it to be understood that I am opposing the resolution. I am only inquiring as to the method of distribution.

Mr. MANN. That will be through the folding room.
Mr. BARNHART. If there is no other provision in a resolution of this sort, the documents go to the folding room.

Mr. SHERLEY. Will the gentleman yield?
Mr. BARNHART. I yield to the gentleman from Kentucky.
Mr. SHERLEY. Is there any necessity for binding all these

number bound in buckram for the individual Members, and the

rest could be bound in paper.

Mr. BARNHART. The difference in cost between buckram and paper is less than \$500. If we should have a part of them bound in buckram and the rest in paper, the difference in cost would be so slight that it was the opinion of the committee that we had better bind them all in buckram, the volume being an important one.

The SPEAKER. The question is on agreeing to the resolu-

The concurrent resolution was agreed to.

FOX RIVER BRIDGE.

Mr. FOSS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Fox River Bridge bill, which

was passed by the House yesterday.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks on the Fox River Bridge bill. Is there objection?

There was no objection.

MOORE'S DIGEST OF INTERNATIONAL LAW (H. REPT. 1447).

Mr. BARNHART. Mr. Speaker, I offer a privileged resolu-tion which I ask to have considered at the present time.

The SPEAKER. The gentleman from Indiana sends up a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House concurrent resolution 31.

Resolved by the House of Representatives (the Senate concurring), That 1,000 copies of Moore's Digest of International Law of the House of Representatives be printed, 700 for use of the folding room of the House and 300 for use of the folding room of the Senate, and the superintendents of the said folding rooms are hereby authorized to deliver not more than one copy to each Member of the Senate and each Member of the House on request of the Member desiring same.

Mr. LANGLEY. Will the gentleman yield?

Mr. BARNHART. Certainly.
Mr. LANGLEY. What will be done with the balance of the volumes? There will be only one, you say, for each Member, and there are but 435 Members.

Mr. BARNHART. They will be held in the folding room until

our successors come in and take them up, one by one.

Mr. LANGLEY. I wish the gentleman would make it enough

so as to give each Member two sets.

Mr. BARNHART. The difficulty is in the expense, and the extra set would hardly be worth while. Unless we had enough to distribute to those who are asking for them, we would be in a worse situation than if we could say we did not have any for free distribution.

Mr. LANGLEY. The reason that I make the suggestion is that I have in mind one very urgent request from my district

for a copy, and I need one myself.

Mr. BARNHART. The gentleman, being familiar with inter-

national law, can give his copy to him.

Mr. LANGLEY. Well, as a matter of fact, I did take a three years' course in international law in the George Washington University, and I have a diploma for that course, with the names of several distinguished authorities signed to it, including such men as the late Justices Harlan and Brewer, of the Supreme Court, and David Jayne Hill. [Applause.] Apparently the gentleman from Indiana did not know that.

Mr. MANN. Will the gentleman yield?
Mr. BARNHART. Certainly.
Mr. MANN. I think there is no authority under existing law for documents to be held in the folding room and delivered to Members who come into the House hereafter. Has the committee jurisdiction over that matter? The law requires equal distribution between the districts, and the extra numbers go to the superintendent of documents for sale.

Mr. BARNHART. Does the gentleman think that the bal-ance would go to the superintendent of documents after the

enactment of this resolution?

Mr. MANN. I do not know; probably the gentleman knows more about it than I do; but under the present law, where documents go to the folding room, there is an equal distribution between the districts, and the extra numbers go to the superintendent of documents for sale.

Mr. BARNHART. That is where there are a few extra numbers left over after an equal apportionment to Members.

Mr. MANN. If there is a vacancy in my district and that vacancy is filled, there is no law that gives preference to that district in the distribution of documents in preference to another district represented by a Member who remains here.

Mr. BARNHART. The committee had that situation under consideration, and we have specifically enacted that these shall copies in buckram? I should think you could have a given be sent to the folding room and not more than one set be given to each Member, and the folding room thereby will hold the

balance until they are taken up.

Mr. MANN. The folding room will have to hold them; but

can they ever do anything with them?

Mr. BARNHART. They can give them out in accordance with this resolution.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. BARNHART. Yes.
Mr. HAMILTON of Michigan. Has the printing of the
Moores's International Digest been heretofore authorized? Mr. BARNHART. Yes

Mr. HAMILTON of Michigan. Then this involves a duplication or an extension.

Mr. BARNHART. Yes.

Mr. STAFFORD. Are the plates in existence?

Mr. BARNHART. Yes.

Mr. STAFFORD. Why does the committee provide a larger surplus for the Senate than for the House? The Senate does not change as often as the House.

Mr. BARNHART. The experience of the committee has been that unless we give to the Senators a proportion of one-third, which they claim as their share, they do not play ball; they let the resolution die, and we need these books.

Mr. STAFFORD. Then it is in consonance with the rule

rather than the harmony of the two bodies.

Mr. BARNHART. Yes. I do not want to make any statement about the other body that will have to be stricken from the Record, as sometimes happens.

The resolution was agreed to.

JOURNAL OF THE GRAND ARMY OF THE REPUBLIC (H. REPT. 1446).

Mr. BARNHART. Mr. Speaker, I offer the following privileged resolution.

The Clerk read as follows:

House concurrent resolution 65.

Resolved by the House of Representatives (the Schate concurring), That there shall be printed as a House document 1,500 copies of the journal of the fifty-first national encampment of the Grand Army of the Republic, for the year 1917, not to exceed \$1,700 in cost, with illustrations, 1,000 copies of which shall be for the use of the House and 500 for the use of the Schate.

The SPEAKER. The question is on the resolution.

The resolution was considered and agreed to.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20632, the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. Page of North Carolina in the chair.

The Clerk read as follows:

The Clerk read as follows:

Hereafter all laws relating to the examination of officers of the Navy for promotion shall be construed to apply to the regular advancement of staff officers to higher ranks on the active list, the same as though such advancements in rank were promotions to higher grades: Provided, That nothing in this paragraph shall be construed as in any way affecting the original appointment of officers to the Dental Corps as provided in the act approved August 29, 1916, making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes.

Mr. MANN. Mr. Chairman, I reserve a point of order on the

paragraph. I would like to ask what is the meaning of this?

Mr. PADGETT. In the last naval appropriation bill, in the legislation reorganizing the personnel of the Navy, there was inserted a provision known as the running-mate provision for the Staff Corps-where a man on the Staff Corps would go up with his running mate in the line, the man next after whom he holds his commission. It appears that there is another statute passed some years ago requiring all the officers promoted from one grade to a higher grade to pass an examination—mental, physical, moral, and professional—in order to go up to the higher grade. With reference to the running-mate provision he might go up in rank and receive pay, but be held down in the original grade without passing the examination. This simply provides that he shall pass the examination which is now provided by law in the grade before he goes up in the rank

and receives the advance pay.

Mr. MANN. Let me see if I understand the gentleman. An officer of the line is promoted, and that would give automatic promotion to his running mate on the staff, and under existing law the officer on the staff is not required to take an examina-

tion, but he gets increased pay?

Mr. PADGETT. He would go up under the running-mate provision without examination in rank, but would not in grade. Mr. MANN. I say under existing law he would get increase in pay without taking an examination.

Mr. PADGETT. Yes.

Mr. MANN. This is to require him to take the examination before he gets an increase in rank or pay.

Mr. PADGETT. Yes

Mr. STAFFORD. Will the gentleman yield? Mr. PADGETT. Yes.

Mr. STAFFORD. The other day the gentleman had an amendment read for information enabling the President to commandeer the various activities of the Government. lieve that the chairman stated that he was going to call the committee together to consider that provision, as well as-

Mr. PADGETT. Two others.
Mr. STAFFORD. As well as the Government purchasing the rights to patents in aviation.

Mr. PADGETT. And also expediting appropriations.

Mr. STAFFORD. I would like to inquire whether the committee has made any formal report upon the respective measures, and whether they are in print, so that the Members of the House can have them before they are submitted?

Mr. PADGETT. No. 1 have a draft of it here, and I can tell the gentleman what it is. If the gentleman will take the bill H. R. 20779 I can explain it. All of paragraph (d) is bill H. R. 20779 I can explain it. All of paragraph (d) is eliminated. That is the paragraph that authorizes the commandeering of labor. Then, on page 4, line 2, the language "at such reasonable price as shall be determined by the Secretary of the Navy" is changed by inserting the word "President" instead of the words "Secretary of the Navy," so that it would be determined by the President. The other changes

are simply verbal and do not change the meaning in substance. Mr. STAFFORD. May I inquire what is the purpose of the

chairman as to the two other proposals?

Mr. PADGETT. There was no change made except that with reference to aviation there was an additional proviso added, as follows:

Provided further, That in the event there shall be pending in court litigation involving the validity of said patent or patents bond with good and approved securities in an amount sufficient to indemnify the United States shall be required, payable to the United States, conditioned to repay to the United States the amount paid for said patent or patents in the event said patent or patents are finally adjudged invalid.

That was added for the reason that there is now pending litigation in the courts. The Curtiss Co., that manufactures aeroplanes, proceeded, so it is contended by the Wright Co., to infringe upon the Wright Co. patents.

Mr. STAFFORD. I did not wish to enter into a discussion

of the merits of the respective propositions.

Mr. PADGETT. I was just giving the reasons.
Mr. STAFFORD. I merely want to have for the benefit of the House the action of the committee, so that the House can consider the respective proposals before they are offered for-

mally for consideration.

Mr. PADGETT. Because of that pending litigation we inserted this proviso requiring a bond to indemnify in case that finally the patent should be adjudged an invalid patent. In other words, we do not want to buy a patent that is not any good.

Mr. STAFFORD. As to the third proposal, House bill 20781, providing for the expeditious delivery, has there been any change

Mr. PADGETT. The committee inserted the words "in his discretion," so that it would read:

That to enable the President in his discretion, etc.

Mr. STAFFORD. I am much obliged to the gentleman for his information.

Mr. FOSS. Mr. Chairman, I move to strike out the last word. This section relates to the personnel of the Navy, and the personnel is more important than the materiel.

Mr. PADGETT. I think they go together.

Mr. FOSS. I want to ask the gentleman from Tennessee if he thinks they have made ample provision here for the personnel of the Navy? That is to say, for the increase in officers and the increase in the number of men.

Mr. PADGETT. I think so. That is all provided for in the act of August 29, so far as the officers are concerned. We base it for the first time on a percentage of the enlisted strength, and that authorized a total commissioned strength in the line of 2,988, as I remember, and at that time we had 2,130, and odd. We also provided for additional appointments to Annapolis, which made the increase of 531, running the total appointments

up to about 1,800 from about 1,300.

Mr. FOSS. I want to state to the gentleman that I was particularly struck by the testimony of Admiral Palmer, to be found on page 599, in which he stated that if we should mobilize to-day we would be about 938 officers short; that is, by putting all of the ships into commission, which we have never yet been able to do.

Mr. PADGETT. In explanation of that, I can state that we have about 700 officers available from the Naval Militia, and then we have all of the retired officers, and that would more than fill it up, so that the whole 938 could be made up from the Naval Militia and retired officers and still leave a surplus.

I would like to ask the gentleman in reference to the enlisted force. We provide in this bill for 68,000. Is

that correct?

Mr. PADGETT. The authorized strength of the Navy, think, is 78,000 and something, and the appropriation is made in this bill to take care of an increase up to 70,000 during the

fiscal year.

Mr. FOSS. I want to call the gentleman's attention to what Admiral Palmer said on the same page, 599. He said, in speaking of mobilization, if that should occur-and, of course, that is the first thing that will occur if we should get into trouble with any foreign power, which I trust we will not do-we would be short about 8,049 Regulars and 23,330 reserves, after using 9,000 militia and 463 fleet reserves, and that the shortage would increase for each new ship commissioned in 1917 and 1918, and the three-year program alone would require 29,127 Then, over on page 601, there is a preliminary estimate of the personnel required for mobilization plan for July, 1916, which calls for enlisted men, Regulars, to the number of 99,809, and reserves, 45,870. How near do we approach at the present time, or under the provisions of this bill, to these requirements stated by Admiral Palmer, Chief of the Bureau of Navigation?

Mr. PADGETT. The President is authorized in time of emergency to increase to, I believe, 88,000 in the bill of last year, and then we have between nine and ten thousand in the

Naval Militia.

Then we have the reserve that was provided and created by the act of August 29-845-a few days ago. Then the others would have to be enlistments which would come in from the 30,000 or 35,000 of ex-enlisted men who were out in civil life, who have gone out of the service and-

The CHAIRMAN. The time of the gentleman has expired. Mr. FOSS. Mr. Chairman, I renew my motion to strike out

the last word.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes additional. Is there objection? [After

a pause.] The Chair hears none.

Mr. PADGETT. And, as the gentleman is aware, there is a large number of ex-enlisted men in civil life; and Admiral Blue stated to the committee, I think last year it was, that the department had a mailing list of addresses in which they could be in touch with a large number of those men.

Mr. FOSS. Will all of these men which the gentlemen has

spoken of, some-

Mr. PADGETT. If the gentleman will permit me for just a moment. The gentleman from Missouri [Mr. Hamlin] asked me if the ex-enlisted men can be forced back in time of war, and I said to him, no; but that needs some qualification. two years ago all those who went out of the service prior to that time could not, but in the act of two years ago we had inserted a provision so that ex-enlisted men can be called back into the service.

Mr. HAMLIN. I thought so. Mr. PADGETT. Where they retire, where they are on the retired list, they can be called back.

Mr. HAMLIN. I thought there was such a provision in a recent bill.

Mr. PADGETT. That is true in reference to the retired list. Now, that does not apply to where a man enlists and serves out his service and goes completely out of the service and severs all connection with the service.

Mr. FOSS. I would like to ask the gentleman, summing up all these different bodies of men to which the gentleman has referred, what would that make as our total of enlisted force if they should come in?

Mr. PADGETT. With ex-enlisted men?

Mr. FOSS. Yes.

Mr. PADGETT. One hundred and twenty-five thousand; something like that, or possibly 130,000. I do not know the exact

Mr. FOSS. That would leave, then, a shortage of about 25,000 in case of a mobilization of our naval forces, according to

Mr. PADGETT. Taking that statement for the full completion of the three-year program of all ships under construction and those which are authorized for the third year of this threeyear program, but you see their third-year program would take several years to be completed.

Mr. FOSS. We are speeding up on the program, and it is necessary to train men in advance. They ought to have at least a full year's training before going on these big ships, and if they had two years it would be all the better.

Mr. PADGETT. It would be impossible to complete these big ships that take 1,200 and 1,300 men much short of 30 months

under any circumstances.

Mr. FOSS. Then the gentleman feels we have made ample provision in this bill for the personnel in view of the circum-

Mr. PADGETT. I do not think we need to make more at this time; if an emergency arises, we could authorize.

Mr. BRITTEN. Mr. Chairman, I move to strike out the last

Considerable has been said-Mr. PADGETT. Mr. Chairman, will the gentleman yield for a moment? I desire to ask unanimous consent that all debate upon the paragraph and all amendments thereto close in five

Mr. TOWNER. Mr. Chairman, I would like to have five minutes, to ask some questions,
Mr. LONDON. Mr. Chairman, I would want five minutes.

Mr. PADGETT. Well, I will say 15 minutes.
The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate upon the pending paragraph and all amendments thereto close in 15 minutes. Is there objection?

[After a pause.] The Chair hears none.

Mr. BRITTEN. Mr. Chairman, considerable has been said in the last two or three days with a view of comparison between what transpired under the Taft administration and what occurred under the present administration in the way of shipbuilding as well as to personnel, and it has been repeatedly stated on the floor of the House that the enlisted personnel under the Taft administration was 51,500, and that the enlisted personnel under the present administration is 77,956-

Mr. PADGETT. That was authorized; neither one of them

were up to their full limit.

Mr. BRITTEN. That is just the very point I am coming to, Mr. Chairman. Attempt has been made continually to convey the impression that the Navy to-day was 26,000 better supplied with ordinary seamen than under the Taft administration, referring always to the authorization, when the truth of the matter is

Mr. PADGETT. But let me say to the gentleman I have stated time and again to the contrary of that, and I think the House understands that that refers to authorizations-

Mr. BRITTEN. If the gentleman will permit me Mr. PADGETT. And not to the actual enlistments.

Mr. BRITTEN. I am just elucidating, not asking the gentleman a question at this particular moment. I am simply using five minutes of time in making a statement.

Mr. PADGETT. Then, I will not take up the gentleman's

time; I thought he was addressing a question to me.

Mr. BRITTEN. No, sir. I want to call attention to the fact that under the Taft administration the enlisted personnel of the Navy was recruited up to 92 per cent of the authorization, and I also want to call the attention of the committee to the fact that the enlisted personnel of the Navy to-day, after three years of world unrest, is recruited only 68 per cent of its authorization.

Mr. CALLAWAY. Mr. Chairman— Mr. BRITTEN. I can not yield inasmuch as I have only a few minutes.

Notwithstanding the fact, as I said before I was interrupted by my good friend from Texas, that the world has been at unrest for more than three years, and the need for men in the service has been evident everywhere but in the Navy Department, on February 1 we are recruited only 68 per cent of the authorization of 77,956, exclusive of 2,313 men with the Militia or on probation. And I want to call the attention of the House to the fact that the Navy is worse off to-day by 3,024 than it was four years ago in the matter of enlisted personnel. In the last four years we have commissioned the Arizona, the Nevada, the New York, the Oklahoma, the Pennsylvania, and the Texas, all dreadnaughts, taking practically a thousand men apiece, or a total of 5,640 ordinary seamen. We have commissioned 24 destroyers, and we have two more, the *Shaw* and the *Allen*, over 95 per cent completed, which will require 2,600 men. We have commissioned 20 submarines, requiring 630 men, and 3 little gunboats requiring 237 men. The total requirement of the enlisted personnel of the ships commissioned during the Wilson administration is 9,107. With a positive increase of but 6,083 men in the last four years, it will be seen that the actual additional requirement on account of new ships makes us just 3,024 enlisted men worse off than when the present administration came into power.

Now, the idea of talking about the Taft administration and referring to the authorization to-day in comparison with what it was four years ago is all poppycock. You can not get away from a deficiency to-day of 24,500 men in the ordinary seamen of the service. So the Navy is worse off to-day in the point of shortage than it was four years ago. And I want to say further that this accentuates, if it is possible for anything to accentuate it, the lack of business administration in the Navy Department

in the fack of blashess administration. [Applause.]

Mr. TOWNER. Mr. Chairman, I would like to ask the chairman of the committee a question. He said in answer to an inquiry by the gentleman from Illinois [Mr. Foss], as I understood him, that there was no expectation of filling the necessary complement for vessels already in commission until, as he ex-

pressed it, some necessity arose. Is that true?

Mr. PADGETT. I did not say that.

Mr. TOWNER. I hope I misunderstood the chairman—
Mr. PADGETT. You did if that was your understanding. I said that the three-year program would require for the construction of the big ships, the battle cruisers and the battleships, at least 30 months for construction, even if expedited. The time that the contractors offered was, first, 48 months and 51 months, and the lowest they have up to the present time indicated was 40 months. But assuming that they should speed up to 30 months, I said for those ships provision could be made as they came into commission.

Mr. TOWNER. Let me ask the gentleman this question: As I understand it, the department says they are doing all that they can to fill the deficiencies in the personnel of the Navy under existing law?

Mr. PADGETT. Yes.

Mr. TOWNER. And yet notwithstanding that fact there is existing a large deficiency now. Will the gentleman tell us what efforts are being made, and especially what provisions are made in this bill or any other, to fill the personnel of the Navy, at least to the extent of manning the ships that are now in com-

Mr. PADGETT. Yes, sir. The Navy Department is using every effort and energy. They are advertising, they are estab-lishing recruiting stations throughout the country, and they have been publishing and circulating, so as to get in touch with the public, the provisions of the law of August 29, 1916, re-organizing the personnel of the Navy, the enlisted personnel, whereby we gave very substantial advantages and benefits to the enlisted men. And as that is getting out and they are becoming acquainted with it, the enlistments are proceeding with much more satisfaction than heretofore. For instance, I had the statement here, which I read on a former day, but I now call attention to it merely, that in January, 1914, the net gain in enlistments was 793 for the month. They do not go back of that time. They have no record kept before that time. That was in January, 1914. In January, 1915, the net gain was 375; in January, 1916, the gain was 576; in January, 1917, just past, under the operation of this new legislation that I stated, which information has just been scattered abroad and made known to the public, the net gain was 1,344.

Mr. TOWNER. Well, but does the gentleman believe that within a reasonable time we can fill the complement of the ships

Mr. PADGETT. The chief of the bureau, Admiral Palmer, informed me that he expected, and he based his expectations upon an investigation into the working of the plan, and believed that during the fiscal year for which this legislation is passed he would have the enlistments up to 70,000.

Mr. TOWNER. Mr. Chairman, it occurs to me that the country will not be satisfied with that. I believe that at present, and under existing circumstances, the people will demand that the ships that we have in commission be fully manned. They will demand that our Navy be ready for any emergency. They will demand that anything that is necessary to be done to secure a full complement for the ships now in commission should be done. And it occurs to me that it is the duty of this committee, and it is the duty of the administration, to take immediate steps to see that this be done.

The time of the gentleman from Iowa [Mr. The CHAIRMAN.

Towner] has expired.

Mr. LONDON. Mr. Chairman, I move to strike out the last three words for the purpose of referring to what occurred yesterday when several distinguished gentlemen, members of the Committee on Military Affairs, found it necessary to defend them-selves against an attack contained in a newspaper published in the city of Chicago. What I deplore is not the attack contained in the paper. I do not care who the editor of the paper is. I do not know whether he writes his own opinions, or whether he is just an ordinary hireling, taking orders. I do not know

whether he believed in what he said or whether he said it because he was ordered to say it. What I regret is that the Members of the House find it necessary to defend themselves against meaningless attacks of this kind. I look upon the news items and the editorial complained of as an attempt to intimidate Members of the House from giving expression to their honest opinion and from acting in accordance with their honest conviction. Only a few days ago we heard abuse heaped from the floor of this House upon one of the most distinguished statesmen that the country has produced, William Jennings Bryan [applause], and all because he dared advise against war. The Constitution has given Congress the power to declare war. Does it mean that Congress is merely to act as a rubber-stamp clerk, obeying the orders of an individual, or does it mean that every Member of Congress is conscience bound as a man and as a Representative of a free people to search his own soul and to utilize all the power of his brain in determining the gravest question that can present itself in the life of a man? And shall Members of Congress permit themselves to be fright-ened, to be intimidated by bullies, by lip patriots, by ignoramuses. who would terrorize those they can not control? I protest, Mr. Chairman, against this attempt to intimidate the free Representatives of a free people from acting as free men. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

Provisions, Navy: For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes, in case of death or desertion, upon orders of the commanding officers, commuted rations for officers on sea duty (other than commissioned officers of the line, Medical and Pay Corps, chaplains, chief boatswains, chief gunners, chief carpenters, chief machinists, chief pay clerks, and chief sallmakers) and midshipmen, and commuted rations stopped on account of sick in hospital and credited at the rate of 50 cents per ration to the naval hospital fund; subsistence of officers and men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); subsistence of men on detached duty; subsistence of members of the Naval Reserve force during period of active service; and for subsistence of female nurses and Navy and Marine Corps general courts-martial prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement: Provided, That the Secretary of the Navy is authorized to commute rations for such general courts-martial prisoners in such amounts as seem to him proper, which may vary in accordance with the location of the naval prison, but which shall in no case exceed 30 cents per diem for each ration so commuted; and for the purchase of United States Army emergency rations as required; in all, \$10,144,943.40, to be available until the close of the fiscal year ending June 30, 1919.

Mr. SEARS. Mr. Chairman, I move to strike out the last

Mr. SEARS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Florida moves to strike out the last word.

Mr. SEARS. Mr. Chairman, in no spirit of criticism of the Committee on Naval Affairs, or of any of the Members of this House, I desire to call the attention of the House to the fact that last year we passed a naval bill and this year we will pass a naval bill, and yet apparently no attention has been given to the number of retired officers that this Government is now supporting.

I have no disposition to criticize these officers, because under the law, as provided by Congress and as I understand it, they have to be retired whenever the plucking board desires to retire them, or when they reach the age of 64, and therefore they are not to blame; but I thought it might be interesting to the country to know that there are to-day 900 retired naval officers, men the majority of whom I am satisfied are in perfect physical and mental condition, and who would object to being called "old men" or "broken-down horses," who are receiving from the taxpayers of the country three-quarters of their salary and for which they give nothing in return. In the present bill there is provided for the purpose of paying these gentlemen the sum of \$2,940,368.72.

It seems to me, Mr. Chairman, that the present war across the waters has demonstrated that gray-haired men and men beyond the age of 64, as leaders, are waging the successful battles, and that the United States might well learn something from that demonstration and retain in the service longer than the age of 64 is reached, these men who are so anxious to remain in the service.

The present bill provides for the promotion and retirement of naval officers, and this will continue until the people begin to understand that in the Army and Navy bills we have passed and to-day will pass paying approximately \$7,000,000 for retired

Army and Navy officers.

I say, Mr. Chairman, if some reasonable law should be passed, and one that would not impose a hardship upon these, that would let these patriotic officers, whom we have educated at great expense, continue to serve the Government, and thereby save this Government the larger part of this \$7,000,000, we could use it in increased pay for the ordinary seamen who serve on the battleships, and then, perhaps, the shortage of men that the gentleman from Illinois just complained of would not

I simply make these observations-

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. SEARS Yes.

Mr. KINCHELOE. What percentage of these retired officers of the Army and Navy are under 64 years-that is, victims of

the plucking board?

Mr. SEARS. I have tried to secure the information, but I am unable to tell the gentleman. I understand that some as young as 45 or 50 years of age were plucked because the plucking board said they were temperamentally not fit to continue

longer in the service.

Now, Mr. Chairman, at the Naval Academy, which is one of the best academies in the country-and I desire at a later time to discuss that proposition—these distinguished, able, patriotic men could be used for the purpose of teaching the young men that we send there for instruction from our various districts. By so doing, Mr. Chairman, they would not only give to these young men the benefit of their knowledge, but also their varied It seems to me that a man who holds a degree from the Annapolis Naval Academy and has had 20 years or more actual experience in the service, as these young men that we are sending there are expected to have, could better instruct these young men than could civilians who know nothing of the service and are simply selected because they are able to undergo a mental examination.

I think, Mr. Chairman, the time is coming when the people of the United States will demand that they be informed as to how and why their money is spent, and that this \$7,000,000a paltry sum to some, it may be-will cease to be appropriated by Congress to support people on the retired list who are anxious to serve the Government actively and who now return no

service for value received. [Applause.]

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. TAGUE. Mr. Chairman, I move to strike out the last

The CHAIRMAN. The gentleman from Massachusetts moves

to strike out the last two words.

Mr. TAGUE. Mr. Chairman, I fully agree with the opinion of the gentleman [Mr. Sears] who has just taken his seat on this matter of retired officers of the Navy. I know of instances, as do other Members of this House, of men who have been retired from the naval service and who have been granted the regular retired pay, but who are just as active to-day as they ever were, except for the few years that have been added to

Now, Mr. Chairman, there are in the service to-day men who are on the retired list who are acting in the capacity of captains and are receiving only retired officers' pay; in other words, they are receiving lieutenant commander's pay. As I understand it, there is nothing in the law that permits the Secretary of the Navy to draft an officer back into the service and give him the same rate of pay that he received before he was retired.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. TAGUE. Yes.
Mr. BUTLER. Do I understand the gentleman to say there is no authority for the department to call men from the retired

list and put them on the active list?

Mr. TAGUE. Oh, no, Mr. Chairman; the Secretary of the Navy or the President, I believe, can call in any retired officer. But, as I understand it, if a retired officer is called into the service he can be paid only the amount of wage that he received as a retired officer, no matter what he was getting

Mr. SEARS. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. The gentleman is mistaken in that. If he is called to active duty, he gets his full pay and allowances. is another provision to the effect that if a retired officer requests shore duty he can, at his request, be assigned to some shore duty and get the pay and allowances of a lieutenant commander. But if he is called to active duty he gets his full pay and allowances of his grade; and in time of war every retired officer is subject to be called to active duty.

Mr. BUTLER. In case of an emergency?

Mr. PADGETT. Yes. I want to state another thing in that Last year Congress increased the retiring age from 62 to 64 years; and the retiring age is greater in the Army and in the Navy of the United States-and I am speaking especially of the Navy-than it is in the navy of England or France.

Now, with reference to the pay. Up until the bill of August 29. 1916, they received three-fourths of the active pay which they were receiving at the time of retirement. Now that has been changed, and for a service of 30 years they get 21 per cent for each year, which would be three-quarters pay, but for every year of service less than that the amount is reduced 21 per cent, so that a man has to serve 30 years in order to get threequarters pay. That was the law of August 29, 1916, and it is no longer based upon the full three-fourths retired pay.

Mr. TAGUE. Mr. Chairman, may I ask an extension of my

time for five minutes.

The CHAIRMAN. The gentleman from Massachusetts, having now one minute remaining, asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. SEARS. On page 49 there is appropriated, in addition to the amount I gave, \$198,307.50 for the increased pay of re-tired officers regularly assigned to active duty. I do not know whether that is in addition to their retired pay, or extra pay, or what it is, but it adds \$198,000 to the amount.

Mr. PADGETT. Let me correct the statement of the gentle-man. The \$198,000 is for the entire pay of all the retired officers

of the Marine Corps

Mr. TAGUE. While the chairman of the committee is of course better informed on this subject than most of us, still my contention is this: If a retired officer is active enough to perform service for the Government, and does so at his own request, then he is entitled to the remuneration that he received while in active service. Now, for instance, we have in the navy yard at Boston a commandant who, until last October, was rated as a captain. He went before the plucking board for advancement to rear admiral-

Mr. PADGETT. Not the plucking board. Whatever you want to call it. Mr. PADGETT. It is the examining board.

Mr. TAGUE. The examining board. He was examined and found to be physically and mentally sound, but for some slight and trivial matter he was not allowed his promotion, but was retired with a lieutenant commander's pay. Now, that man is to-day doing the same service for the Government that he has done in that yard for three years. He is commandant of the yard, and he is receiving in return the pay of a lieutenant commander. I do not know just how much, but much less than he received as a captain. He is performing good service for the Government. He is physically and mentally able to perform that service. He has a record in the Navy as good as that of any man who ever served in it, and was honored by receiving a medal for bravery from Congress. Yet for a trifling matter this man is compelled to be retired against his own wish and against the wish of those who know him. He is working to-day for the Government. He is performing the full duty of a commandant and captain and is receiving a lieutenant commander's There is no provision in the law, and there is no provision in this bill, that permits the Secretary of the Navy or the President of the United States to give this man one single cent more than the pay of a lieutenant commander. I think this is unfair. I do not believe the law was ever intended to do this. I believe it was intended that when a man is performing Government service with a certain rank he shall receive the pay of that rank. Why this should be as it is I do not know. I have tried to find some way out of it, but I know of no way except to amend the law, and if I offer an amendment to do that a point of order will lie against it under the rule. So, Mr. Chairman, I think it is one of the many unfair things imposed upon officers in the Navy, many times creating hardships and leaving them no opportunity of redress.

They have spent the best years of their lives in the service of their country, and when they have grown old, too late to begin life over again, although in perfect health, the cruel redtape methods of this department must be inflicted upon them.

It has been decided by the board that the brave officer must go, no matter how it affects him, but it is decreed, and go, go he must to the scrap heap of humanity. [Applause.]

It is an easy matter to smirch the name and reputation of any man, but I am willing to judge a man upon his performance of duty; and when a man with such a brilliant record for faithful performance of duty and for bravery is treated in this manner it is time to modify the law. Mr. Chairman, it is in keeping with what I said on the floor of this House yesterday. Some of the officers in the Navy whom this Government has educated, supported, protected, and pensioned, have not only abused the privileges that have been given them, but they have driven from the service of this Government men with reputation and character superior to theirs.

I have in mind many cases of young men discharged from the Navy whose reputations have been ruined by charges of intoxication, and these men who had been driven out were obliged only a night or two before to take the same officer who had preferred the charges and put the officer into bed.

I am speaking as a matter of justice to men who have served their country faithfully. The Lord knows that we all have our weaknesses. There is no man perfect, and men should be judged on the good things that they do and not always by their

Mr. BRITTEN, Will the gentleman yield?

Mr. TAGUE. Yes. Mr. BRITTEN. The commandant of the navy yard is a line officer, and because of his age has served through probably 12 or 15 different sittings of the plucking board, which would indicate that his character and ability must have been very good.

Mr. TAGUE. Yes; and I want to say that I am not here to eulogize anybody, but I have met a great many men in the naval service. I have met many splendid officers, and no one will go further to say a good word for them than I will; but I never met in the service of the Navy a man whose heart was as big as is that of this man, or one who would go further to help his fellow man. There has never been a man, to my mind at least, since I have had the honor to represent the navy-yard district, to whom you could go and who would so willingly help some unfortunate fellow. I know of no man during my time who has served in the Navy of the United States

and who has done more to build up the navy yard.

Mr. AUSTIN. Mr. Chairman, now that the House is about to complete the consideration of the naval appropriation bill, I take this opportunity to commend and indorse the great work of the popular, faithful, and efficient chairman of the Committee on Naval Affairs, my colleague from Tennessee [Mr. Padgett] [applause], and the members of that committee who have acted cooperated with him in the preparation of this important and far-reaching measure providing for an adequate navy for the defense of the honor, the rights, and the interests of the American people. This bill and the amendments which have been adopted since the President delivered his address to both Houses of Congress last Saturday is the highest and best evidence of the fact that the Members of Congress have laid aside partisan bias, captious objections, and differences of opinion, and are a unit for the proper defense of our common country are in line and fully determined to aid the President of the United States in his patriotic stand to maintain, uphold, and safeguard the rights of American citizens on the high seas. While I represent a district intensely Republican—not having elected a Democrat to Congress in 60 years [applause]—I am sure I voice the sentiments of Republicans and Democrats in that district in saying they will loyally support the President and the American Congress in maintaining the honor of the Nation, and in protecting the lives and property of American citizens on the high seas, in Mexico, or in any country on the face of the earth.

East Tennessee now and in the future will do her full patriotic duty as she has ever done in the glorious past. She is loyal and ready to answer her country's call. [Applause.]

Mr. BRITTEN. Will the gentleman yield for a question? Mr. AUSTIN. I always yield to my handsome friend from Illinois.

Mr. BRITTEN. Referring to the last sentence of the gentle-man, wherein he says that Tennessee will always come to the call

Mr. PADGETT. I want to say that there is no question about that.

Mr. BRITTEN. I want to call the attention of the House to the fact and ask the gentleman whether Tennessee has not contributed one of the most able young officers in the American Navy to-day, in the person of Lieut. Charles M. Austin, son of the distinguished gentleman now on the floor?

Mr. AUSTIN. Oh, the gentleman embarrasses me. [Laughter.] The CHAIRMAN. The time of the gentleman from Tennessee

Mr. MOORE of Pennsylvania. Mr. Chairman, the remarks of the gentleman from Tennessee [Mr. Austin] move me to say that, along with him and my other colleagues, I hope to see the President sustained in all proper efforts to maintain the honor and dignity of this country. We are considering now one of the great war bills, and the most of us will vote for it even to the limit of those things asked for to sustain the President. While doing that and considering other war bills, it seems to me that we might say to ourselves—whether it is carried over the telegraphic lines to the people of the country or not—that there are many disturbing and conflicting rumors concerning war conditions which are asserted to-day and denied

to-morrow. Yesterday we were informed that an American had been killed on the wrecked steamer Turino. His name was George Washington, and, of course, it would occasion a patriotic thrill the whole length and breadth of the country if it was true that George Washington had gone down at the hands of an enemy in foreign waters. But the newspapers had their say yesterday, and they had it again this morning, that this sureenough American was killed, and therefore we ought to go to war with Germany.

Mr BRITTEN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. BRITTEN. Did this man have any number? Mr. MOORE of Pennsylvania. I do not know. He was an individual of color, but his taking off was supposed to be reason to cause war. Efforts have been made, desperate efforts have been made, since the President was here on Saturday last, to prove that we must go to war. The coasts of the world seem to have been raked to find some overt act to force the President to come in here and ask us to declare war. We have had very little but rumors, but we have had headlines galore, all with a view of stampeding the House and stampeding the country into an act of war. [Applause.] I rose to make this very brief statement because I do not want the people of this country to be deceived. I am satisfied that most of the people of the country want peace; peace with honor, of course. [Applause.] But they do not want to go into a dishonorable war, and they ought not to be forced into a war by the munition makers or the munition users of this or any other land. [Applause.]

Most of the dispatch headlines declaring that American ships

have gone down, that American lives have been lost, that international laws have been violated have come from London, and London has been crazy with delight since it heard the glad tidings on Saturday last that the President had severed diplomatic relations with Germany. Coming from the Liberty Bell and Independence Hall district of the United States, I can not forget that we had trouble with London in 1776, and that we had trouble with London in 1812. I am not quite ready to accept all of these rumors that come out of London now without a grain of salt. London is a little more in need of American help just now than we are in need of the advice of London. I am not quite ready, therefore, to believe every damnable, pernicious, and lying report that comes out of London, or to accept it as an inducement to declare my country in a state of war.

plause.]

On the night of the day that the President appeared here and informed the Congress of the fact that he had severed diplomatic relations with Germany, we had newspaper "extras announcing in startling headlines that the Housatonic had gone down in violation of international law; there were great scare heads, and boys on the streets shouting it aloud. It was declared that American rights had been violated by a country with which we were on friendly terms up to that time. Yet the next day's newspapers announced in smaller type that the Housatonic was loaded with contraband, and even our State Department declared that there was no occasion for any warlike declaration in consequence of her sinking.

The CHAIRMAN. The time of the gentleman from Pennsyl-

vania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that

debate upon the paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

said; but-

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. GORDON. Is it the contention of the gentleman that because a ship is loaded with contraband, Germany has the right to destroy the lives of passengers and crew?

Mr. MOORE of Pennsylvania. I made the statement that after all these headlines the State Department declared that there was no breach of international law. The people were being inflamed-

Mr. GORDON. But they did not say it was because the ship was loaded with contraband.

Mr. MOORE of Pennsylvania. I stated what the gentleman's

own Secretary of State announced to the public-he was not as anxious as some newspaper editors are to rush into war. Mr. GORDON. I agree with much of what the gentleman has Mr. MOORE of Pennsylvania. I am not arguing the point of contraband at all. The gentleman is merely taking my time. I am trying to make a plain statement to the House as to the truth and the facts. The gentleman may be stampeded because certain things appear in the newspapers, but—

Mr. GORDON. Oh, don't you worry about my being stam-

peded. [Laughter.]
Mr. MOORE of Pennsylvania. I am making the statement that we see alarming headlines to-day indicating that we are on the verge of war because some "overt act" has been committed, and the next day the whole thing is denied.

Mr. GORDON. I agree with the gentleman about that. Mr. RAGSDALE. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. RAGSDALE. Will the gentleman tell me what he thinks the duty of this Government ought to be if the German Government has taken charge of and forcibly restrained by order our ambassador in that country?

Mr. MOORE of Pennsylvania. The gentleman is carried away

with the headlines

Mr. RAGSDALE. No; he is not.

Mr. MOORE of Pennsylvania. If the gentleman will listen, I will demonstrate what fools some men are-not like the gentleman from South Carolina, of course-who believe everything they read. I was coming to that very point. For three days we have heard that our American ambassador, who was on excel-lent terms with everyone in high life in Germany, has "been in captivity" and held for exchange. The gentleman believes that statement.

Mr. RAGSDALE. No; the gentleman does not.

Mr. MOORE of Pennsylvania. It is absurd upon its face. Though we have had it for three days, this morning's newspapers announce that Berlin is in conference with the American ambassador, that conferences have been going on in Berlin, and that the ambassador will be safeguarded out of Germany just as we are going to safeguard the German ambassador out of the United States. Oh, how easy it is for you to rush into war upon the say so of somebody who is interested in having war.

Mr. DYER. His passports have been issued to him.

Mr. MOORE of Pennsylvania. The ambassador is going to Somebody wanted to inflame the American peoget out safely. ple by declaring that the American ambassador had been held in captivity. Absurd! We have given safe conduct to the German ambassador and are sending him home, and the Germans have been decent with the American ambassador. But at least 2 college professors and about 150 editors, more or less, yesterday declared—not that they were willing to enlist, for the barracks down here are waiting for men like them to come forward and enlist—but they declared in effect that they were willing to involve their country in war because "the American ambassador was held in bondage in Berlin." This morning the newspapers show that those editors and those college professors did not know what they were talking about, and that is what I am trying to say to the gentleman from South Carolina. The plain people should not be fooled. Mr. Chairman, how much time have I left?

The CHAIRMAN. One minute.

Mr. MOORE of Pennsylvania. In that one minute let me say, and I hope not to be interrupted again, that the *Housatonic* alarm has gone glimmering. The State Department seems to concede that the Germans were within their rights and that the Housatonic presents no casus belli. The next day we had the California sensation. Because this ship bore a good old American name everybody was made to suspect that it was an American ship, and that the Germans had perpetrated such an outrage as would force us to go to war. After the sensation had thrilled the country we were quietly informed that the California was a British ship, sailing under the British flag, and that she had been given the warning required by international law. But a great deal is made of the fact that one American was aboard that ship. He may have been planted there to protect the cargo and to involve this country in an international warfare; I do not know, but the next day after the newspapers had worked the story of the American passenger to the limit, it developed that he was taken off the ship to a place of safety. It matters not that he was a colored man.

Mr. BRITTEN. And the ship was armed.

Mr. MOORE of Pennsylvania. Then, again, Mr. Chairman, the report went broadcast over the United States on the day after the President addressed Congress, that this Government had seized all the interned German ships. These reports were tempered here and there with the suggestion that the German sailors were endeavoring to destroy the property of their own country, but nevertheless it was broadly announced that our

naval officers had seized this German property. I will not stop to discuss the moral aspect of this seizure except to say that there had been no declaration of war and that it was not clear why we should deliberately take this German property and appropriate it to the United States. Within a day or two the answer came from both the State Department and the White House that these German ships had not been seized, and that while this Government was taking certain precautions with respect to possible impediments to navigation, every courtesy was being shown the officers and men in charge of these German vessels. It was evident that some tall lying was done in this instance for the purpose of irritating Germany under very aggravating circumstances. Somebody evidently wanted Germany to commit an "overt act" that would bring on a war. We ought to be on our guard against this dangerous "rumor' business, whether it originates in London or the United States.

The CHAIRMAN. The time of the gentleman from Penn-

sylvania has expired.

The Clerk read as follows:

The Clerk read as follows:

Maintenance, Bureau of Supplies and Accounts: For fuel; the removal and transportation of ashes and garbage from ships of war; books, blanks, and stationery, including stationery for commanding and navigating officers of ships, chaplains on shore and afloat, and for the use of courts-martial on board ships; purchase, repair, and exchange of typewriters for ships; packing boxes and materials; interior fittings for general storehouses, pay offices, and accounting offices in navy yards; expenses of disbursing officers; coffee mills and repairs thereto; expenses of naval clothing factory and machinery for the same; laboratory equipment; purchase of articles of equipage at home and abroad under the cognizance of the Bureau of Supplies and Accounts, and for the payment of labor in equipping vessels therewith, and the manufacture of such articles in the several navy yards; musical instruments and music; mess outfits; soap on board naval vessels; athletic outfits; tolls, ferriages, yeomen's stores, safes, and other incidental expenses; labor in general storehouses, paymasters' offices, and accounting offices in savy yards and naval stations, including naval stations maintained in island possessions under the control of the United States, and expenses in handling stores purchased and manufactured under "General account of advances"; and reimbursement to appropriations of the Department of Agriculture of cost of inspection of meats and meat food products for the Navy Department: Provided, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for chemists and for clerical, inspection, storeman, store laborer, and messenger service in the supply and accounting departments of the navy yards and naval stations and disbursing offices for the fiscal year ending June 30, 1918, shall not exceed \$1,400,000; in all, \$2,750,000.

Mr. Moore of Pennsylvania, Mr. Ragsdale, and Mr. Callaway

Mr. Moore of Pennsylvania, Mr. Ragsdale, and Mr. Callaway

The CHAIRMAN. The Chair will recognize the gentleman from Texas, a member of the committee.

Mr. CALLAWAY. Mr. Chairman, I ask unanimous consent to insert in the RECORD a statement that I have of how the newspapers of this country have been handled by the munition

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the Record by inserting

a certain statement. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, may I ask whether it is the gentleman's purpose to insert a long list of extracts from newspapers?

Mr. CALLAWAY. No; it will be a little, short statement, not over 21 inches in length in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CALLAWAY. Mr. Chairman, under unanimous consent, I insert in the RECORD at this point a statement showing the newspaper combination, which explains their activity in this war matter, just discussed by the gentleman from Pennsylvania [Mr. MOORE]:

"In March, 1915, the J. P. Morgan interests, the steel, ship-building, and powder interests, and their subsidiary organiza-tions, got together 12 men high up in the newspaper world and employed them to select the most influential newspapers in the

employed them to select the most inducatial newspapers in the United States and sufficient number of them to control generally the policy of the daily press of the United States.

"These 12 men worked the problem out by selecting 179 newspapers, and then began, by an elimination process, to retain only those necessary for the purpose of controlling the general policy of the daily press throughout the country. They found it was only necessary to purchase the control of 25 of the greatest papers. The 25 papers were agreed upon; emissaries were est papers. The 25 papers were agreed upon; emissaries were sent to purchase the policy, national and international, of these papers; an agreement was reached; the policy of the papers was bought, to be paid for by the month; an editor was furnished for each paper to properly supervise and edit information regarding the questions of preparedness, militarism, financial policies, and other things of national and international nature considered vital to the interests of the purchasers.

"This contract is in existence at the present time, and it accounts for the news columns of the daily press of the country

being filled with all sorts of preparedness arguments and misrepresentations as to the present condition of the United States Army and Navy, and the possibility and probability of the

United States being attacked by foreign foes

This policy also included the suppression of everything in opposition to the wishes of the interests served. The effectiveness of this scheme has been conclusively demonstrated by the character of stuff carried in the daily press throughout the country since March, 1915. They have resorted to anything necessary to commercialize public sentiment and sandbag the National Congress into making extravagant and wasteful appropriations for the Army and Navy under the false pretense that it was necessary. Their stock argument is that it is 'patriot-They are playing on every prejudice and passion of the

American people."
Mr. MOORE of Pennsylvania, Mr. Chairman, I move to strike out the last word. I am in favor of this paragraph in the Navy appropriation bill, because I think the country ought to be fully prepared for any possible invasion; but I think the Congress ought to be careful about encouraging "rumors of war" when war has not actually been declared. Perhaps it would be safe to leave this matter to the President of the United States and to those who have direct knowledge upon the sub-States and to those who have direct knowledge upon the subject. I call attention, however, not only to these false reports of the *Housatonic* and about the *California*, but the steamship *Philadelphia* was reported sunk since the President was here, and yet the next day, after these reports had gone over the country like wildfire and everybody got excited about the *Philadelphia* which naturally attracted interest in that the Philadelphia, which naturally attracted interest in that great city and in the State of Pennsylvania, we found the Philadelphia had safely arrived in port, so that report was also in error. Now, whether by design or not I do not know, but it seems that most of these false reports come from London. There seems to be an intense desire there to tell us about German outrages and about American blood shad on the same than man outrages and about American blood shed on foreign ships or to find that some American ship has been shot up. This colored man, George Washington—
Mr. BARKLEY. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will yield to the gentleman, Mr. BARKLEY. But was not there a statement in the morning paper that the colored man on that ship was a British

Mr. MOORE of Pennsylvania. I am coming to that. The dispatches have made it appear that because of the loss of dispatches have made it appear that because of the loss of George Washington, an alleged American citizen, we are now in position to declare war against Germany. This morning's papers have headlines something like this: "Death of American on wrecked *Turino* reported to London. An American negro fireman, George Washington was killed, according to a report received to-day when the British steamship *Turino* was sunk by Now, that is enough to inflame every American—Mr. FOSS. Will the gentleman yield?
Mr. MOORE of Pennsylvania. I will yield.

Mr. FOSS. I am very much interested in what the gentleman says, but how will the gentleman provide a remedy to stop these international thrills which we are receiving, which the publishers of these newspapers place in their headlines? Would he provide for a censorship of the press?

Mr. MOORE of Pennsylvania. Not at this time. I simply urge that the true facts and only the true facts be reported at

this time when we are at the verge of an outbreak with a foreign country. [Applause.] I think it would be better for some of the editors to "shut up" when they do not know what they are talking about. [Applause.] I think it would be better for some of these professional patriots who have determined our international relations in advance, and who insist upon adjusting our diplomatic affairs in this crisis, to not only "shut up," but go tie a rope around their necks, attach an anchor to it, and jump into the sea. We could better afford to dispense with their meddlesome services than to plunge the people of this country into a foreign war. I think it would be far better for this country. [Applause.]

Mr. Chairman, I regret to say it, but we are gradually turning over the business of Congress, turning over all our constitutional rights, turning over our powers delegated by the people, to a lot of editors, theorists, and college professors who are not capable of conducting our affairs and to whom we should not abdicate, Mr. GARDNER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will yield to the gentleman from Massachusetts after I have disposed of George Washington. [Laughter.]

The CHAIRMAN. The time of the gentleman has expired. Mr. MOORE of Pennsylvania. All I can say then is that the papers report this afternoon that George Washington, the so-

called American, is a British subject; that is all, [Applause,] Mr. Chairman, under leave to extend I wish to say that so many rumors and reports of an exaggerated character have appeared during the last few days that even the President, who certainly is as much concerned as any other citizen over the situation that confronts us, should take notice. We are dealing with a serious problem that invites the greatest deliberation. We ought not to be made the pawns of designing men in our own country or of any foreign power that would drag us into a war for selfish purposes. When our President has made up his mind that American honor is at stake and that we must enter upon a war to uphold it, I have no doubt he will find cordial support in the Congress of the United States, but the President has not yet indicated to Congress that the point has been reached where a declaration of war has become necessary. Until the President does come to this body with such information and facts as may warrant further action by Congress, it may not be well to aggravate the situation by giving too much credence to the untruthful rumors that have been bandied about with the evident purpose of finding some reason for provoking a declaration of war. At another time I shall extend in the Record, under permission granted to me, certain observations of Mr. Lincoln when he was a Member of the House, with respect to our Mexican com-plications in 1848. At present I shall content myself by quoting a single sentence from the speech made by Mr. Lincoln January 12 of that year, when he said:

When the war began it was my opinion that all those who, because of knowing too little, or because of knowing too much, could not conscientiously approve the conduct of the President (in the beginning of it) should, nevertheless, as good citizens and patriots remain silent on that point, at least till the war should be ended.

Mr. RAGSDALE. Mr. Chairman, I quite agree with the gentleman that there is too much noise and that the editors of this country may make too much noise. Fortunately the sound of their voices does not penetrate this Hall, while some of the noises which get in here might be suddenly ceased with a great deal of pleasure to some of us who have to stay here.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. RAGSDALE. Certainly.

Mr. MOORE of Pennsylvania. The gentleman from Illinois said he, the gentleman from Illinois, had sense enough to keep still.

Mr. RAGSDALE. I know what he said, but he did not disclose the fact that he had politeness enough, while keeping still, to abide by the rules of the House in undertaking to chide me. That is for the gentleman's information, the gentleman from Pennsylvania.

Mr. MANN. I am abiding by the rules of the House. Mr. RAGSDALE. Now, the gentleman from Pennsylvania is

Mr. MOORE of Pennsylvania. Oh, no. I have been lecturing the great editors and the political college professors. I did not have the gentleman in mind at all. [Applause.]

Mr. RAGSDALE. The gentleman's mind is rather limited

in its memor

Mr. MOORE of Pennsylvania. Surely my mind is not limited when I refer to the gentleman from South Carolina.

Mr. RAGSDALE. The gentleman says so little on the floor

of this House that he ought to be given an opportunity in everybody's time to be recognized. May I yield further to the gentleman from Pennsylvania [Mr. Moore]?

Mr. MOORE of Pennsylvania. I merely wish to say that when speak to the gentleman from South Carolina my mind is un-

Mr. RAGSDALE. I am quite sure that is true. There are a great many things the gentleman possesses that are unlimited, His nerve is one of them. [Laughter.] The gentleman from Pennsylvania, Mr. Chairman, undertakes here to tell us about getting excited over the newspapers, and he undertakes to read from the newspapers, then proving that the conditions in Germany are not what they are reported to be in other newspapers. Now, why should we accept the statement from the newspapers selected by the gentleman any more than he would accept the statements made by other newspapers which he has not selected? I say to the gentleman that I quite agree with him that the people of our country ought not to be excited or hurried into war, but I say to the gentleman, sympathetic as I am with the people who want to preserve peace here, that if Germany has placed a restraining hand upon our ambassador, who went there in good faith to represent this Government, as a Representative of my people I wish to exhaust every power within our command to bring him back here without regard to

Mr. DYER. Will the gentleman yield?

Mr. RAGSDALE. Certainly.

Mr. DYER. I will state to the gentleman that the Washington Times of to-day states that the ambassador has been given his passports and that he has never been detained at all.

Mr. RAGSDALE. I will say to my friend that he ought to take advice from the gentleman from Pennsylvania, and not be

misled by the newspaper headlines.

Mr. MOORE of Pennsylvania. Will the gentleman yield? Mr. RAGSDALE. To both at one time. Let us have a "talk-Go to it.

Mr. DYER. He has been furnished a special train to Switzer-

land by the German Government.

Mr. MOORE of Pennsylvania. Does the gentleman know that the Washington Post, a very reliable newspaper, states that there was a conference yesterday on this subject in Berlin? Now, possibly the gentleman is the spokesman of the Department of State, as the gentleman from Alabama [Mr. HEFLIN] is the spokesman of the White House. I would like him to say whether or not he knows that this conference took place in Berlin yesterday, in which the American ambassador bore an

Mr. RAGSDALE. I will say to the gentleman from Pennsylvania that my information does not come solely from the newspapers. And I did not say that I was the spokesman of anybody or any thing except the people of the sixth district of South

Carolina.

Mr. MOORE of Pennsylvania. Now we are getting the news. Mr. RAGSDALE. And I say that what I stated is true, and it can not be disproven.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk will read.

The Clerk read as follows:

Improvement of construction plants: For repairs and improvements of machinery and implements at construction plants at navy yards at Portsmouth, N. H., \$10,000; Boston, Mass., \$25,000; New York, N. Y., \$35,000; Philadelphia, Pa., \$25,000; Norfolk, Va., \$35,000; Charleston, S. C., \$10,000; Mare Island, Cal., \$35,000; Puget Sound, Wash., \$25,000; in all, \$200,000.

Mr. SEARS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question. Under the improvement of construction plants just read, \$200,000, on page 41, there is an appropriation for Boston, Mass., of \$25,000, and approximately the same appropriation is made for Boston, on page 44, under machinery plants. What is the condition?

Mr. PADGETT. They are in different bureaus or departments. One is in the Bureau of Construction and Repair, and deals with the hulls, and the other is in the Steam Engineering Department, that deals with the machinery and implements, and so forth, inside of the shops.

Mr. SEARS. The appropriations are so nearly similar

that-

Mr. PADGETT. One relates to hulls. They are in different

bureaus

Mr. FOSS. I would like to ask the chairman of the committee a question in regard to Coast Guard cutters. Where are they being built now?

Mr. PADGETT. They are not being built at all. They could

not get a bid within the limit of cost.

Mr. FOSS. Are they going to be built in navy yards or by private contract?

Mr. PADGETT. I do not know. The award is to be made

by the Secretary of the Treasury.

Mr. MANN. I believe you called these navy-yard plants construction plants before.

Mr. PADGETT. I will say to the gentleman that the only difference is that we have grouped it all into one paragraph. Heretofore we referred to it as repairs and improvements of machinery and implements at navy yards.

Mr. MANN. You did not use the word "construction" here-

Mr. PADGETT. Yes, sir; it is the same language, and then it was repeated in reference to every yard.

Mr. MANN. The gentleman is in error, but I do not know that it makes any great difference.

The Clerk read as follows:

The limit of cost of one steam Coast Guard cutter for service as anchorage patrol boat in New York Harbor, authorized by the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, to be, and hereby is, increased from \$125,000 to

Mr. MANN. Now, Mr. Chairman, I wish to make a point of order on the paragraph relating to Coast Guard cutters.

Mr. PADGETT. That increases the limit of cost.

Mr. MANN. It is clearly subject to a point of order.

Mr. PADGETT. That is the limit of cost. We provided for that last year.

Mr. MANN. I understand the situation. The Navy Department has no business to interfere with these matters. Of course, you put it in the naval bill last year, and you had no business to do that. You brought in a rule that covered it. Thinitee on Naval Affairs does not have jurisdiction of it. The Com-

Mr. PADGETT. If the gentleman makes a point of order, I

will say that it is subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order.

Does the point of order made by the gentleman from Illinois begin at line 11?

Mr. MANN. It commences with line 11. The CHAIRMAN. The Clerk will read.

Mr. MANN. I also make a point of order on the rest of

the page.

The CHAIRMAN. The Chair so understood the gentleman. Mr. GREEN of Iowa. Mr. Chairman, while we are considering this section, in reference to the Bureau of Construction and Repair, I think it not inappropriate to call the attention of the committee to the naval disasters which have been suffered by this country in the past year. As near as I can ascertain, we have lost more ships, in number, by accident—that is, by accident pure and simple—in the last year than Great Britain, although she has been engaged in a war, in the course of the operations of which it was necessary to navigate long and unlighted coasts, among the great dangers resulting therefrom.

Probably all the Members of the House remember the recent accident to the U-3, one of our submarines, which went ashore on the Pacific coast, at the entrance of Humboldt Bay, Cal. That accident seems to have been caused either by poor seamanship or negligence. A still worse accident soon followed, when the cruiser Miwaukee, in attempting to pull out the submarine, was trapped in some way by the tidal currents and drawn on one of the treacherous shoals of that coast, so that a fine vessel, a fine cruiser of nearly 10,000 tons, costing almost \$4,000,000in fact, one of the most useful cruisers that our Navy possessesis now, as I understand it, a total wreck.

Mr. MILLER of Delaware. Mr. Chairman, will the gentle-

man yield there?

Mr. GREEN of Iowa. Yes.

Mr. MILLER of Delaware. Does not the gentleman think the department was at fault rather than the officers in ordering a ship like the Milwaukee to do that kind of work, when an ordinary salvage company would have undertaken that work for about \$18,000?

Mr. GREEN of Iowa. I do not think there is so much fault to be imputed to the navigating officer of the Milwaukee as there is to the department or the higher official that ordered a vessel of this class to attempt that kind of work. A vessel of the cruiser class was entirely unfitted for such work. The vessel drew over 22 feet of water. It was on a treacherous coast, full of shoals, where strong currents endangered it. A powerful tug that did not require much more than half the depth of water would have done better work. The expense, as the gentleman from Delaware says, would not have been great, and we would have preserved a much-needed vessel.

But this is not the only accident our Navy has suffered recently. The cruiser Memphis was sunk in the harbor of Santo Domingo, with a loss of 40 lives. That accident was probably without any fault on the part of the officers controlling the vessel or navigating it; but we lost a powerful armored cruiser of 14,500 tons-more powerful probably than any cruiser

of its class in any navy, which cost over \$6,000,000.

Mr. PADGETT. Mr. Chairman, will the gentleman yield? Mr. GREEN of Iowa. Yes; always to the distinguished gentleman from Tennessee.

Mr. PADGETT. I am told that that was caused by an upheaval, perhaps a submarine volcano, that just rose right up under it and tore the ship in twain, and landed lava and other

stuff right in the ship. Mr. GREEN of Iowa. I think there was no fault to be attached to the management of the vessel at that time. But about a month prior to that we lost a fuel ship, the Hector, off the coast of Charleston, S. C. I am informed that the Hector at that time was in charge of a civilian crew, but I assume, although I am not informed as to that matter, that it was commanded by a naval officer.

In May, 1916, the mine planter San Francisco struck a shoal near Chatham Light, and was laid up for repairs for several months, and last summer the destroyer Terry struck a reef off Puerta Plata, Santo Domingo, and was beached. Her commander was tried for negligence, but was acquitted.

Last fall the fuel ship Jupiter got into collision with an Italian bark, and I believe the commander was court-martialed and acquitted. Last year, in March, the destroyer Monaghan was ranned by the destroyer Roe, at Key West. The com-mander of the Roe was tried and reduced three numbers in his grade.

The American Navy has had a proud record in the past. The officers have been noted for their gallantry and seamanship, and it is peculiarly unfortunate, it seems to me, that at this particular time we shou'd have to chronicle the loss of so many vessels, with so many a sasters. Some of them, unfortunately can not be attributed to anything else but negligence or bad seamanship. We would prefer to turn from such a record to that which was made in past years; to recall those commanders of American ships who distinguished themselves as the captain of the Constitution did, when he escaped by clever seamanship from a British ship; to return to the time when the gallantry was so distinguished, as it was when a commander of a vessel sinking under the enemy's fire preferred to go down with his ship to being saved with the rest of his crew. It is to be hoped that the department will take notice of the condition of affairs and that a discipline more strict, and a greater efficiency will

The CHAIRMAN. The time of the gentleman from Iowa has expired. The Clerk will read.

The Clerk read as follows:

Pay of professors and others, Naval Academy: Pay of professors and instructors, including one professor as librarian, \$175,000.

No part of any sum in this act appropriated shall be expended in the pay or allowances of any commissioned officer of the Navy detailed for duty as an instructor at the United States Naval Academy to perform duties which were performed by civilian instructors on January 1, 1913—

Mr. SEARS. Mr. Chairman-

The Clerk continued to read as follows:

The Clerk continued to read as follows:

One sword master, \$1,600; 1 assistant, \$1,400; and 1 assistant, \$1,200; 1 headmaster in physical training, \$1,700; 1 instructor in physical training, \$1,700; and 2 instructors in physical training, at \$1,400 each; 3 instructors in physical training, at \$1,200 each; 1 assistant librarian, \$2,400; 1 cataloguer, \$1,500; and 1 shelf assistant, \$1,100, 1 shelf assistant, \$900; 1 secretary of the Naval Academy, \$2,400; 2 clerks, at \$1,700 each; 4 clerks, at \$1,400 each; 4 clerks, at \$1,100 each; 4 clerks, at \$1,100 each; 4 clerks, at \$1,100 each; 1 clerk, \$900; 6 clerks, at \$840 each; 1 draftsman, \$1,400; 1 surveyor, \$1,400; services of organist at chapel, \$300; 1 eaptain of the watch, \$1,100; 1 second captain of the watch, \$1,000; 22 watchmen, at \$900 each; 3 telephone switchboard operators, at \$600 each; 1 mail messenger, \$1,000. In all, pay of professors and others, Naval Academy, \$255,440.

Mr. SEARS. Mr. Chairman—

Mr. SEARS. Mr. Chairman-

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. Does the gentleman from Illinois make the point of order or reserve it?

Mr. MANN. I reserve it.

The CHAIRMAN. The gentleman from Illinois reserves the point of order.

Mr. SEARS. Mr. Chairman, are we treating this bill by sections or by paragraphs?

The CHAIRMAN. By paragraphs.

Mr. SEARS. I asked for the recognition of the Chair before. The CHAIRMAN. I beg the gentleman's pardon. I did not understand that the gentleman wanted recognition until the end of the paragraph.

Mr. SEARS. Yes; I wanted to speak under the item of pay

of professors. That is a paragraph.

Mr. MANN. Mr. Chairman, I notice this carries quite a number of increases of salaries.

Mr. SEARS. Then I thought I would wait until we got to

that point.

The CHAIRMAN. The Chair noticed the gentleman rise. Mr. SEARS. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. SEARS. I tried to get recognition for the purpose of dis-

cussing the first paragraph.

Mr. MANN. The gentleman from Florida is slightly in error. He rose. I saw him rise, and then I saw him sit down.

The CHAIRMAN. The Chair would like to make this statement: The gentleman from Florida did rise and address the Chair.

Mr. SEARS. I said "Mr. Chairman." I do not know how else I could have done.

The CHAIRMAN. Then the gentleman took his seat, and the Chair thought he did not want recognition at that time. I am sorry the Chair did not recognize the gentleman when he

Mr. MANN. I do not know whether there is any intention to have a general provision in this bill in reference to increased salaries or not. I do not think it is quite fair to give specific increases and then give the same party the benefit of a general

increase where that was not the thought of the committee originally

Mr. PADGETT. There is no thought of offering any other amendment than what is in the bill with reference to any increases of any kind. We have reported the specific ones here. In the reorganization of the Navy under the provisions of the act of August 29 it involved-

Mr. MANN. There was a sort of understanding in the House when we passed the legislative bill that any increase finally agreed upon in that law would probably be carried in other bills, at least as to the same classes of employees.

Mr. PADGETT. Under the Naval Academy appropriation

Mr. MANN. Of course almost everything in this bill is in the regular Naval Establishment.

Mr. PADGETT. It is in here, and we have taken care of those specifically.

Mr. TALBOTT. The Secretary recommended the increases. Mr. MANN. So far as the gentleman knows, there is no intention of making a percentage increase in this bill?

Mr. PADGETT. No, sir.

Mr. MANN. I suppose this increase in the number of employees over there is necessary by reason of the increase in the number of midshipmen.

Mr. PADGETT. Yes.

The CHAIRMAN. Does the gentleman from Illinois [Mr. Mann] insist on his point of order?

Mr. MANN. I withdraw the point of order, Mr. SEARS. Mr. Chairman, I trust the fev Mr. Chairman, I trust the few remarks I shall make will not be misunderstood. It is only in the hope that at some future time some reform may be obtained. care to get in this House the title of watchdog of the Treasury; on the contrary, I desire to assure you I will go to the fullest extent in making any appropriation that is necessary. I am for preparedness when I think preparedness is necessary. As my State extends out into the ocean and the gulf, our citizens realize perhaps more than the citizens of any other State the importance of naval preparedness. But a few moments ago I called attention to the fact that there were 900 retired military officers in this country, and that I did not believe those gentlemen would care to be referred to as old, worn-out, broken-down horses

When I look over this Chamber and see the activity of my young colleague, Uncle Joe Cannon, of Illinois, and my good friend Gen. Sherwood, of Ohio, it seems to me that these retired naval officers, who have been trained in an open-air life, should at least be active enough at 45 to 64 to keep them at the Naval Academy at Annapolis as instructors. By the report Naval Academy at Annapolis as instructors. By the report which I hold in my hand it appears that last year 38 additional civilians were employed as instructors at this academy. In the present bill in all, under "Pay of professors and others, Naval Academy," there is carried an appropriation of \$430,440 compared to \$413,860 last year, or approximately a \$17,000 increase. There are at the Naval Academy to-day about 1,200 tradests. students. The full quota is 1,700 students. At that rate the instructors, teachers, cooks, butchers, and bakers are paid approximately \$253 per pupil, if the entire 1,700 were at Annapolis. There are only 1,200 there. I do not know, but I have been told that the cost of each student at Annapolis per annum is something like \$4,500. I want to say to you, Chairman, that in selecting young men to go to Annapolis it has been my pleasure and my pride to select boys who were not able to pay their way through any college, but who as American boys are ambitious to get an education. I believe when you spend upon a boy the sum of \$4,500 per annum for his educa-tion instead of assisting him in making him a better citizen you come nearer to making him nothing but a parlor-carpet young man who believes only in wearing gold epaulets and having gold all around him; and I do not believe these young men should be brought up in that manner; nor do I believe the young men desire to be brought up in that manner. For four years it was my pleasure to go to a military establishment, and there we did not have to employ watchmen. In this bill 22 watchmen are provided for at salaries. I can not see why these young Americans could not be detailed, as I was detailed, to serve their turn and save this expense, small though It may be, to the Government. What I say may not save anything to the country, but I believe the people are finally going to wake up to the fact that we are spending too much at these colleges, not so much to educate the young men to defend the country, but to educate them so they may go out and be society entertainers. I believe, Mr. Chairman, we could well afford to pass some law whereby these retired Army officers could be sent to Annapolis to instruct these young men, because they should be better able to teach them than any

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I move to strike out the last word merely for the purpose of making a single observation. The gentleman from Florida [Mr. SEARS] said he understood the cost at Annapolis was \$4,500 a year for each student. have had the impression from what the gentlemen have said that it cost the Government of the United States \$50,000, at least, for every man who was graduated from Annapolis.

Mr. PADGETT. Will the gentleman permit? Mr. MANN. I will yield for any information.

Mr. PADGETT. We had some reports on that two or three years ago, and one estimate was that it cost about \$15,000 to graduate a young man. Another ran it up to about \$18,000 or \$19,000. It varied.

Mr. MANN. That depends on what you compute.

Mr. PADGETT. That included interest on the investment of about \$14,000,000 that is invested in the buildings.

Mr. MANN. I do not think that computation even charges

the salaries of the officers who are over there. They go on the theory that they are already in the Naval Establishment.

Mr. PADGETT. That was included as an item also.
Mr. DOWELL. Mr. Chairman, I move to strike out the last word, in order to ask a question. I would like to inquire of the chairman if the estimates he has given the committee relative to the expense of educating a student at Annapolis are based upon the number who are now in attendance, 1,200?

Mr. PADGETT. No; that was based upon the former num-

ber of 800.

Mr. DOWELL. Can the chairman give to the committee a statement of what additional expense there would be if the number were increased to the capacity of 1,700?

Mr. PADGETT. Perhaps \$150,000 more.
Mr. DOWELL. In the aggregate?
Mr. PADGETT. Yes. It would require perhaps a little more than that, say \$200,000.

Mr. DOWELL. Of course, there is a greater expense for 1,700 than there is for 800.

Mr. PADGETT. Yes; the great bulk of the expense in the larger estimate was the interest on the \$14,000,000 investment, the maintenance, upkeep, repairs, heat, all those charges that are fixed charges. They do not increase with the increased number.

Mr. DOWELL. As I understand the chairman, we could educate 1,700 for practically the same amount as 800?

Mr. PADGETT. Not practically; but I think about \$200,000

Mr. MANN. We will have to rebuild the academy. We have spent \$14,000,000 on the Naval Academy since I have been a Member of the House, and if you make a further increase, you

will have to expend that much more.

Mr. PADGETT. The present authorization runs the number up to about 1,800—I am speaking of the operating expenses and the enlargement of the Naval Academy—we have a provision in here for enlarging it to accommodate the increased number

Mr. DOWELL. As I understand, in order to have the 1,700 there must be provision for enlarging the academy.

Mr. MANN. There has to be an enlargement of the academy, anyhow. We built the academy before the census of 1900 was taken. We increased the representation; each Member and Senator only had 1 cadet, and the President only had 10. Now, we have given the Secretary of the Navy a bunch of them, increased the number to the President, increased the representation in both House and Senate, and given to each Member twice as many as he had before.

Mr. PADGETT. Three times as many as it was when I came

Mr. MANN. And yet they said when they built the academy that they were making the limit as close as they could. It was not built with the idea of giving each Member of Congress two

Mr. DOWELL. At any rate, from the answers of the chairman, I understand that the fewer the number of cadets at An-

napolis the greater the percentage of expense.

Mr. PADGETT. Per capita, yes; because you divide the overhead charges by a smaller number.

Mr. MANN. There are no overhead charges.

Mr. PADGETT. There is the interest on the investment.

Mr. MANN. You will have to build accommodations for every new cadet

Mr. NORTON. Mr. Chairman, I move to strike out the last word. In the bill we are now appropriating \$824,729.20 for the Naval Academy at Annapolis. That alone amounts to \$6,873 for each of the 1,200 cadets there.

Mr. PADGETT. Does the gentleman take into consideration

that we propose an enlargement of the academy?

Mr. NORTON. How much is to be used for that? I do not

believe any amount is provided for that here.

Mr. PADGETT. I beg the gentleman's pardon; what I had

reference to is under public works.

Mr. NORTON. I quite agree with the gentleman from Florida [Mr. Sears] that it appears that the system they are practicing at the Naval Academy is the same system carried out by the Army and Navy officers in their work in the field. They do not want a soldier to do any manual labor of any kind if it can be avoided; it is repulsive to most officers to do anything but drill and dress up. That is the policy that is being carried out as I have frequently observed it. It seems to me that in the Naval Academy it is an outrage that it should cost the Government about \$10,000 a year to educate a midshipman. Mr. LONGWORTH. Will the gentleman yield?

Mr. NORTON. Yes. Mr. LONGWORTH. The gentleman has made an error of one cipher in his division. The gentleman said it was \$6,000 for each cadet, whereas it is \$600.

Mr. NORTON. The gentleman is right-that does make a decided difference. My calculation made on the total appropriation stated in the bill was not correct.

Mr. SEARS. I understood the chairman to say that it re-

quired \$16,000 or \$18,000 to educate a cadet at Annapolis.

Mr. PADGETT. Yes; including the interest on the \$14,000,000 investment; the salaries of the officers, and counting in the pay of officers detailed for this duty, it amounts to that in the aggre gate. But when you take the operating expenses, you have all that in the bill before you. For 1,200 cadets it would be so much, and if you had 1,700 cadets it would be less. Of course, if you had 1,700 cadets you would have to increase the number of professors, instructors, mess boys, and cooks.

Mr. NORTON. This appropriation does not, of course, cover all the expenses of the academy. I understood the gentleman [Mr. Padgett] to say that the expenses of educating a midship-

man for four years was about \$50,000.

Mr. PADGETT. Oh, no; there have been two estimates.
One was about \$15,000 and the other about \$18,000 or \$19,000, as I recollect.

Mr. NORTON. Then I misunderstood the gentleman.

Mr. PADGETT. That is for the four years, and it includes the expenses of maintenance, upkeep, officers' salaries, interest on the \$14,000,000 invested, and all that.

The Clerk read as follows:

Departments of electrical engineering and physics: Three electrical machinists, at \$1,180 each; 2 mechanics, at \$1,180 each; 1 laboratorian, \$1,000; in all, \$6,900.

Mr. McCRACKEN. Mr. Chairman, I move to strike out the last word. I think there must be something very wrong at the Naval Academy. About one year ago I appointed a young man to take the entrance examination, which he passed after he had made preparation here. He went to the Naval Academy and served until about 10 days ago, when he was notified that he had failed in one or two subjects of the semiannual examina-tion held last month. I think he failed in French and also in Spanish. He was not the only one who failed; there were 60 others who failed to pass the examination. I asked him what the real trouble was. He said that there was a certain man there who was a teacher of a foreign language, the man being a foreigner himself, and the boy said the only reason he failed was because this foreign teacher had a prejudice against him. I think that is entirely wrong. Here is a boy who has gone to considerable trouble and expense to make his preparation. He had prepared here in the city of Washington for at least a year. He passed the entrance examination about a year ago; was admitted to the Naval Academy and served for something like eight months and is now dismissed. I am satisfied, after making my own examination of this boy's case, that he has been wronged, and I would like to know from some one

Mr. Chairman, will the gentleman yield? EN. Yes. Mr. BUTLER.

Mr. McCRACKEN.

Mr. BUTLER. Did the gentleman appeal to the academic board of the Naval Academy?

Mr. McCRACKEN. I have not had time. The boy has been dismissed and was told to go home.
Mr. BUTLER. When was he dismissed?
Mr. McCRACKEN. Just about 10 days ago.

Mr. SMITH of Michigan. Is it not a conditional dismissal, and will be not have 60 days within which to prepare himself to take the examination over in those subjects in which he was deficient?

Mr. McCRACKEN. No; it is an absolute dismissal, because he has passed the age of 20 years, and he can not be admitted to another examination.

Mr. SMITH of Michigan. Can he not make up those conditions in those subjects?

Mr. McCRACKEN. No; not at all.
Mr. BROWNING. Mr. Chairman, I want to say to the gentleman that I have a young man in the same position; although he served through his fourth class and was in his third, he failed in three of his studies. It is within the power of the academic board to put him back in a lower class. In this case they refused, but I have the privilege of appointing him again to take the examinations held in April, which I am going to do. Fortunately he is not 20 years of age, but I want to say to the gentleman that none of these boys were discharged. one was given the privilege of resigning, which they did.

Mr. McCRACKEN. Let me explain right there that I asked in regard to this so-called resignation and find that it is a

forced resignation.

Mr. BROWNING. That is true.

Mr. BUTLER. That is true.
Mr. BROWNING. But they were not discharged. In the
Military Academy they are discharged outright.
Mr. McCRACKEN. It amounts to the same thing.

Mr. BROWNING. Oh, no.

Mr. BUTLER. I am sorry the gentleman did not know of the remedy which the gentleman from New Jersey suggested. That boy might have been put back in the next class and his graduation postponed a year longer, which often occurs.

Mr. McCRACKEN. But he has passed the age of 20 years. Mr. BUTLER. That would make no difference, because he was admitted to the Academy when he was 19. There is no time limit set for graduation; it is for admission. The boy was already admitted there, and I am sorry that the gentleman finds himself in an awkward situation. If he consulted the Secretary of the Navy, there might yet be a remedy.

Mr. FESS. Mr. Chair, will the gentleman yield?

Mr. McCRACKEN. Yes.

Mr. FESS. I was about to suggest that my candidate met with the same result, but I am not ready to state that it was not his fault. He was appointed after a competitive examination that I held, and he made very high marks upon the entrance. I thought he had an assured career, but in the work at the Academy he fell below the requirements. I am rather of the opinion that the rigidity over at the Academy is not to be charged against the teachers as any particular prejudice against the students. I do not believe that exists. I think that our boys simply do not get into the rigid methods of study that they require over there.

The CHAIRMAN. The time of the gentleman from Idaho has

expired.

Mr. McCRACKEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that debate upon the paragraph and all amendments thereto close in five minutes, two minutes to be granted to the gentleman from Washington [Mr. HUMPHREY], one minute to the gentheman from Ohio [Mr. Fess], and two minutes to the gentleman from Ohio [Mr. Emerson].

The CHAIRMAN. The Chair has already recognized the gentleman from Idaho for five minutes. The gentleman will

proceed, and at the conclusion of that time the Chair will put the request of the gentleman from Tennessee.

Mr. HUMPHREY of Washington. Mr. Chairman, I understood the gentleman from Idaho to make the statement that they were employing foreign teachers over there. Is it a fact that they employ foreigners to teach in the Naval Academy?

Mr. McCRACKEN. I am advised that there are instructors teaching foreign languages in the Naval Academy who have been in this country only a very short time. I do not know as to their citizenship. But these boys who are sent here from the farm and all parts of the country to this school come back and tell us they do not get any help there, and that is one reason also why they fall down on their examinations, and if that be true, it is time that somebody was making an investigation of the Naval Academy, especially of the gentlemen who constitute the faculty of that institution.

Mr. FESS. Mr. Chairman, will the gentleman yield? Mr. McCRACKEN. Yes.

Mr. FESS. I think there is some foundation for what the gentleman says in regard to the foreign teacher teaching the foreign language. The rigid methods of both France and Germany in the schoolrooms are not what we use in this country, and our boys are not used to getting down and boning as they do over there. I think it is more difficult to meet the requirements of a teacher from France, for example, teaching French, or a teacher from Germany teaching German, but the fault is not altogether with the teacher. It is because our boys do not meet the requirements, and I think our friend will admit that he never knew a pupil to fail when it was not the teacher's fault.

Mr. McCRACKEN. I grant that is the case many times. Mr. PADGETT. I want to say to the gentleman from Idaho that the passing mark at the Naval Academy is only 621 per cent out of 100, which is a very low passing mark; so I think there is some unjust criticism of these teachers when you take into consideration that 62½ per cent of 100 is the passing mark, which is certainly not a severe standard.

Mr. McCRACKEN. I would like to say to the gentleman from Tennessee that there were 600 boys at the Naval Academy last year, and of that number more than 60 have resigned, which

is tantamount to dismissal.

Mr. PADGETT. Sixty of the whole school; that takes in the whole school?

Mr. BROWNING. That is right, because my young man is in the third class

Mr. SHERLEY. Mr. Chairman, the gentleman speaks of that as unusual. At the University of Virginia, while I was a student there, 89 men applied for a law degree and 30 got it. was an unusually large class, and I think the average of the college will show that there are more severe examinations and a harder test than at either Annapolis or West Point,

Mr. PADGETT. It is a hard standard, and a higher passing

Mr. STAFFORD. Does not the gentleman realize it is abcolutely necessary to have the midshipmen comply with the requirements of the professorial force rather than have the midshipmen determine their own standard of scholarship?

Mr. McCRACKEN. I will grant that; but I want to say that these boys do not get the help from the teachers at the Naval Academy, who are paid by the Government, which they ought to

Mr. STAFFORD. Boys are boys while attending either college or the Naval Academy, and they themselves know that if they do not apply themselves as assiduously as they should in order to make their lessons they will fail. Boys who want to make their lessons pass.

Mr. McCRACKEN. The gentleman has simply assumed that. Mr. STAFFORD. I know that from my experience in college, and I do not think there is any different status as far as the boys at the Naval Academy are concerned.

Mr. McCRACKEN. Would the gentleman from Wisconsin be

in favor of giving a boy a chance to make up his deficiency? Mr. STAFFORD. Oh, I do not think a boy should be thrown out just because of one deficiency. I do not think he is thrown out if he merely fails in one study, but if he is deficient in more than one it is assumed he has not the mental capacity to meet the requirements of the test when in active service.

The CHAIRMAN. The time of the gentleman has expired. Mr. MANN. Mr. Chairman, I went to school from the time I was a small boy until I graduated at college at the age of 19. [Applause.] Oh, I doubt very much whether when I was graduated at the age of 19 I could have passed the present requirements for admission to the Naval Academy. I know I could not unless I probably crammed for that purpose. Now, I have been a student all my life in school, and after graduating at college I took a course in a law school and was graduated at a law school. Now it would require three or four years at a law school, and if I had been going to a medical school as conducted now it would have required four years; and yet what do we require? We admit a boy at the Naval Academy at the age of 16, I believe, and it makes considerable difference in his windup whether he goes in at the age of 16 or at the age of 20. It make a difference whether he retires as a rear admiral if he lives. We expect a boy at Annapolis to learn all that a man is expected to learn at an ordinary classical college and various other colleges and universities, and in addition to that to become the most perfectly drilled man on earth. No other men drill like the most perfectly drilled man on earth. No other men drill like the boys at Annapolis and West Point; at least I never have seen any; certainly they are not in the Army or the Navy outside of those graduates. Then we expect them to know something of seamanship, something of gunnery, something of navigation, something of international law, something of a great many other things, and the human mind is not sufficient to grasp all of those thing at the age of 20, no matter how much study one can put in, and the result is that lots of boys who go to Annapolis, who would make just as fine officers as anybody who was ever graduated, get plucked on their way through. I never had that unfortunate occurrence come to any of my appointees, I believe, but I have had a good deal of difficulty getting boys into Annapolis and they have managed to stay when they got in; that is

my recollection, although I am not so sure about that. If a man is going to study medicine, he will go through high school. He will not leave high school by the time he is 16. He will go through college, and he will not leave college now by the time he is 20, and then he will go through a medical school, and he will not leave that before he is 25, and then he will have to go out and be an interne in a hospital for two years, and after that he has got to go out and hang his shingle out and do a lot of work for nothing before he really commences his real professional work, and yet we suppose that a second lieutenant in the Navy is competent to man a vessel, and often he is required to do so; to know how to keep the country out of international difficulty and how to navigate a vessel. No wonder we have had a lot of naval vessels on the rocks.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that all debate upon the paragraph and all amendments thereto

close in five minutes as I indicated.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on the pending paragraph and amendments thereto close in five minutes. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Ohio [Mr. EMERSON] is recognized for two minutes.

Mr. EMERSON. Mr. Chairman, I rise for the purpose of asking the chairman of this committee a question. He made a statement a few minutes ago that we had three midshipmen

Mr. PADGETT. I did not say you had them there, but I said that you could appoint them.

Mr. EMERSON. I have not got three there yet.
Mr. PADGETT. Perhaps your predecessor had the places filled.

Mr. EMERSON. I am not supposed to have had any predecessor.

Mr. PADGETT. You had not?

Mr. EMERSON. No; it is a new district.

I do not understand that. There has not Mr. PADGETT. been any apportionments since 1910, when your State was redistricted; but your appointment came from the Congressman at large, I presume.

Mr. EMERSON. I do not know. Maybe he did not appoint

from my district.

Mr. PADGETT. Whomever you succeeded had the places filled. There are three appointments for each Senator and for each congressional district.

Mr. HUMPHREYS of Mississippi. Did we not create a new

cadet during this present Congress?

Mr. PADGETT. Yes.

Mr. HUMPHREYS of Mississippi. Did not the gentleman from Ohio get that appointment? A new cadet was authorized for each Member at this present Congress.

Mr. EMERSON. I have not got even that.
Mr. PADGETT. There was an additional one created in the last session for each Member.

Mr. EMERSON. I have not had an appointee even under

Mr. PADGETT. The gentleman is entitled to it. Mr. EMERSON. I did not get it. I have called at the de-

partment and I have not gotten it.

Mr. KELLEY. My impression is, and it may be an explana-tion in this case, that if there was an appointment at large by some Member from your State in that district, that that would

count from your district.

Mr. BUTLER. No; it would come from the State at large. Your Republican colleagues might have gotten Mr. SABATH.

away with the appointment.

The CHAIRMAN. The time of the gentleman from Ohio has expired. The gentleman from Washington [Mr. HUMPHREY]

is recognized for two minutes.

Mr. HUMPHREY of Washington. Mr. Chairman, I have had some experience in the appointment of these cadets at Annapolis and have had several boys graduate from there, but I want to say that there is one thing about the Naval Academy I do not understand. Perhaps it is imaginary, but I know from experience that I have never named the son of an officer that he was not admitted, and always they were permitted to graduate. I believe that there is some foundation for the charge that is frequently made, that the sons of naval officers receive additional help at that institution that permits him to graduate. do not know whether that is true or not, but I do know that I have never had a boy fail who was an officer's son, and I have appointed some of them. When it comes to West Point, perhaps I have been unfortunate. It may be I am unfortunate in the young men that I have in my district, but I have been a Member of this body for almost 14 years and I have never yet

been able to get a boy in West Point that they did not find something the matter with him, usually a physical defect.

Mr. BUTLER. Mr. Chairman, can I have one minute, that

may raise my voice in this experience meeting?

Mr. CLARK of Florida. I would like to say to the gentle-man from Washington that if he would have his boys come to Florida and stay a while, I think we would give them a physical make-up that would enable them to get through.

Mr. HUMPHREY of Washington. If you did, I think you would do something with the efficiency of the Naval Academy

rather than the boys.

Mr. BUTLER. Mr. Chairman, since I have been a Representative in this House I presume I have named 12 boys to Annapolis, and have never had one fail after admission. I have appointed them directly, with but very few exceptions. They are prepared in advance. I have never heard one of them say that they were suspicious that the son of an officer had better treatment and better advantage than the son of a civilian. And the boys I have named, with one exception, have all come from civil life—have been the sons of men in civil life.

Mr. PADGETT. Will the gentlemen yield for a moment

there?

Mr. BUTLER. Yes.
Mr. PADGETT. Is it not a fact that at the present time the head man of their teams down there-the president of the class—is from the enlisted force?

Yes; he comes from the enlisted force. Mr. BUTLER

The CHAIRMAN. All time has expired, and the Clerk will read.

The Clerk read as follows:

Department of seamanship: Two coxswains, at \$480 each; 3 seamen, at \$420 each; in all, \$2,220.

Mr. EAGLE. Mr. Chairman, I move to strike out the last word

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. EAGLE. If any of the gentlemen of this House have ever had any gratification, any satisfaction, in the matter of appointing cadets to West Point and to Annapolis, I congratu-I have had nothing but disappointment from beginlate him. ning to end.

When the matter arose of my selecting young gentlemen to our Naval and Military Academies, I concluded to give the civil-service plan a fair and impartial trial in my district.

I have had 19 young gentlemen, first and last, write me requesting that I designate them either to West Point or to Annapolis. I had 178 persons write me separate and distinct letters saying favorable things concerning one or the other of those 19 applicants. I wanted for once to rise to the stature of a disinterested statesman, and accordingly I announced that not for political or personal considerations but purely upon the merit of applicants such appointments would be made. two vacancies at West Point and three at Annapolis. candidates must be so many years old, weigh so many pounds, have flawless eyes, fine intelligence, a good education, and good morals; and hence I announced a civil-service examination to determine qualifications, and so I got the Civil Service Commission to hold the examination recently. I am not complaining about its work; I am talking about how the civil-service plan has worked in this matter.

Here is what happened: The civil service held such examination in my city of Houston, at the post office, beginning at 10 o'clock in the morning on January 10 of this year. Three months before that time, in order that everybody might have information concerning the examination, I had copies of instructions made on the multigraph, setting out the requirements of the Navy Department for admission to Annapolis and of the

War Department for admission to West Point. Having done that-and it filled an entire page-I mailed a copy to each newspaper in my district, a copy to each of those 19 young gentlemen, and a copy to each of those 178 persons who had written to me extolling the virtues of those 19 young gentlemen; and with the notice thus duly given, the time fairly stated, and the place duly set, when the commission properly constituted sat to pass upon the qualifications of all the applicants in my district, only two young gentlemen came to take the examination, and one of them made 60 and the other 75 per cent. [Laughter.]

Now, what should I do about it? I do not know.
Mr. SMITH of Michigan. Appoint them! [Laughter.]
Mr. EAGLE. Appoint whom? Appoint the two? The three did not even apply, and were evidently not willing to stand the necessary examination. And now I am having many letters from some of those young gentlemen and their friends urging had a man graduate at the Military Academy. Never have I their selection, notwithstanding they were not willing to undergo an examination to test their fitness. It would seem that the public and our constituents will not let us divest ourselves of the plague of patronage even when we earnestly try to divest ourselves of it,

What are you going to do about it? We can not have an efficient army corps and we can not have an efficient naval corps based on my preference when I do not know, or based on the preference of Senators and Representatives who do not know, the physical, educational, moral, and mental qualifications of applicants or candidates. You can not decide it sensibly at random. It is a pure guess.

Now, when I tried to be a disinterested statesman and a civilservice reformer, and not a politician, to appoint on merit alone, that is the result. I do not know what to do about it. If any of you gentlemen have solved the problem, I would be thankful to you. [Laughter.]

Seriously, it is a painful service we are called upon to perform—to dispense patronage of any kind. No matter whom we select we are criticized, if not even abused. Even where we do not seek the responsibility it is forced upon us. If we select our enemies, our friends accuse us of ingratitude. If we select our friends, our enemies accuse us of intolerance and clannishness. And when we invite the civil service to aid us—by testing applicants in order to enable us to select the best qualified—we are accused of cowardice in trying to evade responsibility. And when notice is given and expense is incurred, even then the applicants do not come forward to stand the examination. But afterwards they and their friends write us to please designate them because of friendship.

In all other matters and at all other times I have decided each contest coming before me with the best lights before me—undergoing the toil and observing the courtesies and entailing the consequences. Having now fairly tried out both plans, I have found such to be the only sensible course to pursue. But I could wish for no other blessing in public life quite equal to that of being relieved entirely from patronage. It kills time, makes enemies, belittles endeavor, and injures our opportunities to give to the public service the best of energy and talent we possess, but it is inevitable, because it is the people's way of conducting their own Government. [Applause.]

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that all debate on the paragraph and amendments thereto close in six minutes, one-half to be used by the gentleman from Ohio [Mr. Fess] and one-half to be used by the gentleman from Rhode Island.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on the paragraph and amendments thereto close in six minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Ohio [Mr. Fess] is recognized.

Mr. FESS. Mr. Chairman, I have no fault to find with the Naval Academy, although I have heard a great deal of criticism of it. I am inclined to think that the failure of our applicants is due more to themselves than to the authorities of the academy.

But I am interested in knowing how a man like the gentleman from Pennsylvania [Mr. Butler] can in 20 years make appointments and never miss them by having every applicant succeed.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. BUTLER. I take the chance of criticism by selecting the boy. That boy is usually selected by me two years in advance. When he is prepared and admitted he never fails, and I think five or six of my boys have been graduated near the head of their class.

Mr. FESS. How do you select them?

Mr. BUTLER. By my personal knowledge. I select boys that I know—rich or poor, it matters not to me, so that the boy can stand up—and have the boy's parents and neighbors, in a sense, in part responsible for his success.

Mr. FESS. I am much obliged to my friend. My colleague here from Illinois [Mr. Madden] says he has not had a failure, and there are others who say they have not.

Now, I have only one ambition in reference to Annapolis and West Point, and that is to get good sailors and good soldiers. I have tried to select them by competitive examination, believing this to be the best way to insure the best choice, yet this year what would be called the "star" applicant whom I recommended is out, I suppose, by a forced resignation, which is a great disappointment to me. As I just remarked, I have no fault to find with the authorities over there, understand. I suppose my method of procedure is at fault.

pose my method of procedure is at fault.

Mr. BUTLER. I think it is not a good one. I think the gentleman's knowledge of the candidate would be much more

useful to the candidate when that knowledge is more than what he could get through a competitive examination.

Mr. FESS. There is another question I would like to propound to some one who can answer me. One of the candidates that I was very anxious might have a chance—because I happened to know his parents, and they are not wealthy, and this is a very promising as well as deserving young man—was also in the examination, and was also recommended for Annapolis, He failed to enter; that is, he failed on the entrance examination. Then I took it up to see whether I could get him a retrial, and I was denied it, but was told that there was a certain board that I should apply to. The Bureau of Navigation notified me that he was not included in the list recommended for another examination. I applied to the academic board and was politely informed that the case was carefully considered, after which the board decided to deny him permission to appear to take another examination.

Mr. BUTLER. I fear I may have misled my friend— The CHAIRMAN. Does the gentleman from Ohio yield? Mr. FESS. Yes.

Mr. BUTLER. The gentleman could reappoint him. I may have misled the gentleman. Within the last two or three years I have endeavored to assist by appointing directly from among boys whom I have known well in my district, hoping we could help them reach the mark. It is true they could not take the first examination on every occasion, but the boys who succeeded in entering the academy have done very well and in no case failed.

Mr. FESS. My familiarity with young men as students leads me to know how often the first examination does not establish the ability of the applicant. It appears, to say the least, a singular decision for any academic board to deny flatly the solicitation on behalf of a young man's desire to prove his worth, of the appointing authority, who doubtless knows more about the young man's qualifications than a single examination will show. While as a man who has spent his life in college circles I give no credence to attacks upon our constituted Government institutions, I admit such treatment does subject the authorities to suspicion.

The gentleman will understand that both these boys to whom I refer took the examination held at my own college and passed. I made both recommendations upon a competitive examination.

Mr. BUTLER. I understand. Mr. FESS. Now, Mr. Chairman, there is one question upon which I would like to have the attention of the House for a minute. There is a matter that has been presented to the educators of the country that I think the House ought to consider. I do not refer to the exact items discussed in the Senate yesterday, but to one other phase of similar character. The gentleman from Illinois [Mr. Mann] referred a moment ago to the crowded curriculum of our schools. We establish grades for the high school. Then we set up certain standards for entrance to We require four years' work in the high school to make it of first grade. Then we fix a certain number of units-15, to be specific—in order to qualify for college entrance. A few years ago, by the munificence of Mr. Carnegie, there was organized in the country what is called the Carnegie Foundation. Among other things it has attempted is a standardization of colleges, in which it has published what it calls the standard requirement for college entrance, as well as the requirement of a college degree. Most of the colleges have adopted its recommendations. These requirements are not confined to scholarship, but extend to financial rating. I happen to have been at the head of an institution which, while it meets the requirements of both entrance and graduation, does not fall within the requirements of that foundation in all respects. The Carnegie Foundation fixes the requirements for a standard college, as I have just suggested, not alone upon educational qualifications but in addition upon a minimum number of professors who must not only be on the faculty but must confine their teaching in the -that is, they must be free from teaching in the academy. In addition to that the size of the endowment that the college possesses is a third condition of standardization. A college, no matter what character of scholarship it represents, if it does not meet these two financial items-(1) number of teachers, (2) size of endowment—its rank will be unclassified.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent that notwithstanding the limit—

The CHAIRMAN. The time has been fixed by the committee itself.

Mr. STAFFORD. I ask unanimous consent that, notwithstanding the limit, the gentleman from Ohio [Mr. Fess] may be permitted to proceed for five minutes.

Mr. FESS. I should like two minutes more.

Mr. PADGETT. I ask unanimous consent that the gentleman's time be extended for two minutes. The gentleman says that will be sufficient.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Ohio may proceed for two minutes. Is there objection?

There was no objection.

Mr. FESS. I thank the membership of the House, because I want to get this matter before the body. I repeat that this unofficial mentor names three elements that enter into the requirements to make up what is denominated a standard One is qualification in scholarship for entrance, which is equivalent to graduation from a first-grade high school of four years' work, and then graduation after four years in college. But, in addition to scholarship, there must be a certain number of salaried professors, and the Carnegie Foundation even suggests minimum salaries upon the ground that a small salary can not command the ability demanded by a standard college.

Mr. PADGETT. There is nothing of that kind which applies

to the Naval Academy or to West Point.

Mr. FESS. No; nothing whatever. I have no reference to either Annapolis or West Point. I simply call the country's attention to a tendency in education.

Mr. PADGETT. I have had several young men enter An-

napolis right from our high school.

Mr. FESS. Yes. Another qualification required by the Carnegie Foundation is that there must be an endowment, the minimum of which is fixed; and if the college does not come up to that financial standing, no matter what the character of work, it can not be regarded as a first-rank college, and its diploma amounts to nothing beyond that of an unclassified institution. While the Carnegie Foundation is not official, yet it is rapidly fixing our standards of education, since I may say, unfortunately, the colleges of the country have adopted its standard as their standard; and when the gentleman from Illinois [Mr. Mann] suggested that a professional career demands four years in the high school, and then four years in a college, before one begins his special work for his profession. If you want to enter a law school, that means four years after the four years at college, or if you want to enter a medical school, it is four years after the four years in college. While I do not find fault with these rigid requirements, I do question the wisdom of specific tendencies. It means that some of the most worthy educational institutions in America that are builded, not on money but upon the sacrifices of men who are willing to teach at a smaller salary than that which is arbitrarily fixed, are absolutely ex-cluded from the standard rank of colleges, and the diploma granted to a student will not mean anything, because the student carrying that diploma can not enter a first-grade medical school or first-grade law school that requires four years in a standard college as a prerequisite for entrance upon technical or special training. I believe in a standard, but it must not be a financial one, but educational. [Applause.]

Mr. Chairman, the real purpose of this rating is to destroy the There is a well-defined conviction that there are small college. too many colleges in the country. This method of elimination has been adopted. The colleges of a State or section capable of meeting the financial requirements associate themselves as the college association, excluding all institutions which do not meet

the standard.

The requirements of the professional schools, such as medicine and law, will limit entrance to those either matriculated in or graduates of one of the associated colleges. This discounts at once the diploma of any institution not included in the association, no matter how high the character of scholarship,

It consequently deals a deadly blow to the prosperity of the institution, since no ambitious student desires to attend an institution whose diploma is not a sure credential for any profession.

This brutalizing tendency in education which attempts to fix a money standard is both undemocratic and un-American. It substitutes a base standard for real scholarship. It augments the increasing expenses of education, and naturally crowds our institutions with heedless youth who are sent to college, and excludes the purposeful who would go to college were its standards other than the size of the pocketbook. It is this tendency that causes many a mother's heart to bleed when she learns that her son's chief college achievement is the modern college habits he knew nothing about until he learned them in his fraternity.

Whatever this country is to be, her citizens should avoid making her higher institutions a club or an association whose mem-

ber's credentials are the size of his wallet.

Every tendency that would crush out the native talent by exclusion on a financial basis should be avoided, not only in an individual but in our institutional life. The small college doing a high-grade work, though its endowment does not reach a fixed

The Clerk read as follows:

Department of marine engineering and naval construction: One master machinist, \$1,900, and 1 assistant, \$1,400; 1 pattern maker, \$1,400; 1 boller maker, 1 blacksmith, 3 machinists, 1 molder, and 1

minimum, though its professors are not upon a professional salary basis, should not only be allowed to live but should be valued for what it is-the cradle of real scholarship to-day, as it has ever been in the past.

Mr. O'SHAUNESSY. Mr. Chairman, I merely want to have read in my time a telegram from a Rhode Island institution

breathing patriotism.

The CHAIRMAN. It will be read in the gentleman's time. The Clerk read as follows:

BOSTON, MASS., February 9, 1917.

Congressman George F. O'SHAUNESSY, Washington, D. C.:

In case of need the facilities of our factory at Cranston, R. I., will be at the Government's service.

J. R. LEESON, President Universal Winding Co.

Mr. O'SHAUNESSY. Mr. Chairman, while I am on my feet and asking the indulgence of the committee, and hoping that my time will be extended just for a few minutes, I wish to sympathize with my distinguished friend from Texas [Mr. EAGLE], who has had so much difficulty in the selection of young men for Annapolis and West Point. I think the discussion under this bill is very timely, for the reason that the selection of proper men for Annapolis and West Point lies at the foundation of our preparedness program. [Applause.] Although I confess to a very resolute adherence to civil-service ideas and principles, going so far yesterday as to uphold the President in his recommendation that postmasters in first, second, and third class offices be selected under civil-service rules

The CHAIRMAN. The time of the gentleman has expired. Mr. O'SHAUNESSY. I ask unanimous consent that my time

be extended four minutes.

The CHAIRMAN. The committee has fixed the limit.
Mr. O'SHAUNESSY. They just indulged another Member, and I am asking the same privilege.

Mr. PADGETT. To show no preference, I will ask that the

gentleman have four minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Rhode Island be allowed to proceed for four minutes. Is there objection?

There was no objection.

Mr. O'SHAUNESSY. I voted for the President's recommendation, believing that these men should come from the ranks of the employees, and that an outlet for ambition, energy, and efficiency should be given to the employees who have given their lives to that service. Still in choosing men for Annapolis and West Point I feel that I will have to differ from my own views on the civil service, so far as that branch of the governmental service is concerned. I believe it absolutely necessary that in appointing cadets or midshipmen we should have a personal interview with the men who are going to serve their Government in those capacities for the purpose of that test which only a faceto-face meeting can disclose. In my opinion you can not make a soldier out of a bookworm. A civil-service examination opening up these places to those who may be mentally qualified and perhaps physically so is not the supreme test.

I believe that the foundation of the application should be a vigorous, resolute, hardy manhood. [Applause.] First of all, a man, and, secondly, education. I want a man who, when he is called upon, will not think of books, but will think of his country; a man who, when he is called upon, will have no regard for sacrifice, but will be willing to stand any test, no matter how supreme, no matter how severe. It has been a pleasure to me to appoint young men to Annapolis and West Point after I have interviewed them myself, and when I have had a resolute, hearty handclasp from a fellow who looked me plumb in the eye, I have said, "By the eternal God, there is a man that will make a good soldier or a good sailor." [Applause.] Back of all qualifications there should be manhood, and I would respectfully commend my theory and my practice to the gentleman from Texas [Mr. Eagle]. And when I speak of men being physically qualified I do not refer to mere bulk, which must not be confounded with prowess. Deep down in the young man's heart must be a wholesome love of country and a willingness to serve. I trust that this subject will receive greater attention at the hands of Congress. I feel very much concerned when I hear of a man going to these institutions and failing after six months, after a rigorous examination to which they are subjected, and I fully believe that a thorough investigation at the time of their entrance by the Congressman who has the privilege of sending them there will remove a great many of these difficulties and add to the service of the Army and Navy of the United States. [Applause.]

coppersmith, at \$1,280 each; 1 pattern maker and 1 blacksmith, at \$1,080 each; 1 instructor in mechanical drawing, \$2,000; machinists and other employees, \$9,515.20; in all, \$27,335.20.

Mr. LONGWORTH. Mr. Chairman, I move to strike out the last word. Some estimates were made a few moments ago as to the cost of maintenance of a cadet at Annapolis. I would like to have the chairman of the committee tell me the cost of maintenance of one enlisted man.

Mr. PADGETT. For an enlisted man in the Navy, I think

the ration the past year was 39 cents.

Mr. LONGWORTH. I do not want the actual cost of maintaining the Navy, but the cost to the country of each enlisted man in the Navy.

Mr. PADGETT. I have not taken that matter up.

Mr. LONGWORTH. I assume that it would be at least the cost of one soldier in the Army.

I would think so. Mr. PADGETT.

Mr. LONGWORTH. It is estimated that one enlisted man The chairman of the committee costs at least \$1,200 a year. says that it costs about \$4,000 a year to maintain a cadet at Annapolis. Gentlemen raise their hands in holy horror at the tremendous waste of money in giving a young man an education so that he will be competent to command a battleship, and yet eventually he will command a thousand men whose cost of maintenance is \$1,200 a year each. Will any man on this floor say that a man educated at Annapolis competent to command a battleship is not worth at least four times what an enlisted man is?

Mr. SEARS. Will the gentleman yield? Mr. LONGWORTH. Yes.

Mr. SEARS. Does the gentleman think that the Government ought to pay that difference while he is obtaining that knowl-

Mr. LONGWORTH. How could be eventually have the knowledge unless be obtains it at Annapolis? The value of an education at West Point or Annapolis can not be estimated

in dollars and cents.

Mr. PLATT. Mr. Chairman, I want to say a few words in reference to this matter of Annapolis and West Point appoint-We have had a discussion on Annapolis and West Point examinations annually ever since I have been in Congress, and I desire to advocate again briefly the method I have used with some success; that is, the Rhodes scholarship method as nearly as it can be applied. I hold a competitive examination, or rather two examinations, a mental and physical examination, take the two sets of marks and add them together and then divide them by Then take into consideration participation in school athletics, and the character and manhood of the boys the same as they do for the Rhodes scholarships. That is the only standard way to pick out an all-around boy that I know of. It requires a district, of course, in which you can get a number of candidates. It does not work very well if you have only two or three candidates, but if you can get a dozen candidates for examination, so that you can have some chance of getting an eligible list from your mental examination on the regular Annapolis or West Point requirements, conducted by the civil service—I think that is best, though some of my examinations have been conducted very well by local school authorities—and then have a physical examination on a competitive basis of the boys who stand highest the result is going to be that you will get a pretty good all-around boy. And I want to add that such a test usually appeals to the boys themselves and attracts more candidates than you can get for a competitive examination confined to the mental side,

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. PLATT. Yes. Mr. GREEN of Iowa. I want to say that there was an examination held in my district several years ago of that kind, and the boy eventually graduated at the head of his class.

Mr. PLATT. I am glad to hear that, and I think it a natural outcome. Competitive examinations of course do not do everything, but they generally give you a boy that can pass the entrance examination at Annapolis, and with a fair chance of standing well afterwards.

Mr. STAFFORD. Does not the gentleman realize that there is something more, as was pointed out by the gentleman from Rhode Island [Mr. O'SHAUNESSY], and that is, is not the supreme test whether the boy has the metal besides necessary educational qualifications to render him eventually able to handle a battleship?

Mr. PLATT. Yes; and that is why we count the boy's physical examination and his record in athletics and his capacity for

leadership

Mr. STAFFORD. Mere physique does not determine whether a man has the metal to qualify him for leadership. I have seen a big bully who had plenty of physique who was a coward. I

Mr. PLATT. The combination of mental capacity and physique ought to show the right qualification.

Mr. SMITH of Michigan. Mr. Chairman, I would like to inquire of the gentleman whether, when a young man enters the Naval Academy, the whole test now is not book knowledge and his ability to pass the examination?

Mr. PLATT. No; there is a vast amount of physical training, and a good many boys break down under the physical training both at West Point and Annapolis. After the boy gets in he has to have the capacity to study, but the great trouble is that our grammar schools and high schools are not thorough. They do not ground the boys thoroughly in the things that they ought to be grounded in. Boys fail largely in the grammarschool subjects. I have had a boy pass an examination with almost 100 in algebra and geometry and fail in history, which he ought to have been able to read up on in two so as to pass. The boy I have in mind did so well in mathematics in a competitive examination that I made him an alternate. I told him of his weakness in history, and suggested that he had plenty of time to read and master enough to pass the examination, but he could not do it. It was simply because he had not been trained to study and could not concentrate himself. He could not do what every boy who has had a good highschool education ought to be able to do.

Mr. McCRACKEN. Will the gentleman yield?

Mr. PLATT. Yes.
Mr. McCRACKEN. Does not the gentleman feel that he is reflecting on the teachers of the high schools in the country when he says that the boys have not been trained to study?

Mr. PLATT. I am reflecting on the high schools and the private schools, too. I have had boys from both kinds of schools, and they have not been trained thoroughly in either. The idea of the usual school is to pass as many boys and girls as possible to higher grades, so as to give the school a good statistical record. That is the way the schools work all over this country. They are rarely thorough.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. Chairman, I move to strike out the last Mr. SABATH. two words.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that debate upon this paragraph and all amendments thereto close in two minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that debate upon the pending paragraph and all amendments thereto close in two minutes. Is there objection?

Mr. SABATH. Mr. Chairman, I object. I have the floor. The CHAIRMAN. The gentleman has not the floor. The Chair recognized the gentleman from Tennessee.

Mr. SABATH. But I moved to strike out the last two words before the gentleman secured the floor, and the Chair recog-

Mr. PADGETT. Mr. Chairman, I asked the gentleman whether two minutes would satisfy him.

Mr. SABATH. I replied that I would not use more than two or three minutes.

The CHAIRMAN. The gentleman from Tennessee prefers a request for unanimous consent that all debate close

Mr. PADGETT. In three minutes; that the gentleman from Illinois have two minutes and the gentleman from Michigan

[Mr. SMITH] have one minute.

The CHAIRMAN. That debate close in three minutes. Is there objection?

There was no objection.

Mr. SABATH. Mr. Chairman, I ask recognition for the purose of asking a question of the chairman of the committee. The statement has been made by some gentleman upon the floor this afternoon that the sons of officers, as a rule, succeed in passing the examinations before boys who have been appointed who are not relatives of officers. I myself have suspected that, because whenever I appoint the son of an officer he always passes, but whenever I appoint some one else who is not connected with the military or naval service he has his own troubles. For that reason I would like to ask the chairman if he could give the House information as to the percentage of boys who are now in the Naval Academy who are the sons or relatives of officers?

Mr. PADGETT. Mr. Chairman, I can not; and I can not give the gentleman that information, because what I have heard here this evening is about all I have ever heard upon this subject. I want to say to the gentleman that perhaps it might be accounted for by this fact: If an officer has a son in the academy and that officer is there at the academy, he would have

the boy in his home and would be likely to give him instructions. I do not know, though, that there is any foundation for these rumors. I have had young men enter the academy from the high schools without preparation and I have had other young men who took special preparation who failed. I have never seen any evidences of favoritism. They have treated me just as they have others. When my boy failed they kept him out, just as they have kept others out.

Mr. SABATH. Then it is the opinion of the gentleman that

these examinations are honestly conducted and without any

preference being given?

Mr. PADGETT. As far as I know, they are absolutely square and honest.

The CHAIRMAN. The time of the gentleman from Illinois

has expired.

Mr. SMITH of Michigan. Mr. Chairman, I wish to have read in my time a telegram from Dr. J. H. Kellogg, one of the foremost scientists of the country and the head of a very great sanitarium, which telegram I send to the desk.

The Clerk read the telegram, as follows:

BATTLE CREEK, MICH., February 5, 1917.

Hon. J. M. C. Smith, House of Representatives, Washington, D. C.:

America ought to set an example to the whole world by finding means for settling the controversy with Germany without war. The war will ultimately be settled by economic rather than military forces, America is big enough to be patient and pioneer the way to better

The Clerk read as follows:

Commissary department: One chief cook, \$1,200; 8 cooks, at \$600 each, and 12 assistants, at \$360 each; 1 steward, \$1,200, and 1 assistant, \$1,080; 1 head waiter, \$840, and 3 assistants, at \$600 each; 4 pantrymen, at \$420 each; 1 chief baker, at \$1,200; 5 bakers, \$600 each; 2 assistants, at \$540 each, and 3 assistants, \$480; 1 head butcher, at \$300; 2 assistant butchers, at \$720 each, and 1 butcher's helper, at \$480; 4 baker helpers, at \$300 each; 65 waiters, at \$20 per month each, and 65 waiters, at \$16 per month each, \$29,280; 4 coffeemen, at \$300 each; 4 dish pantrymen, at \$300 each, 4 firemen, at \$300 each; 4 utility men, at \$300 each; 2 linemen, at \$300 each; 2 seamstresses, at \$420 each; 4 clerks, at \$360 each; in all, \$64,620.

Mr. PADGETT. Mr. Chairman, I have some amendments which I desire to offer for the purpose of making some clerical corrections.

The Clerk read as follows:

Page 46, line 18, strike out the figures "\$29.280" and insert the figures "\$28,080"; page 46, line 22, strike out the figures "\$64,620" and insert "\$63,420"; and page 46, line 26, strike out the figures "\$381,173.20" and insert "\$379,973.20."

The CHAIRMAN. The Chair will inform the gentleman that the paragraph to which the last amendment is offered has not yet been read.

Mr. PADGETT. That is correct. I will ask for a vote upon

the other two amendments.

The CHAIRMAN. The question is on agreeing to the amendments offcred by the gentleman from Tennessee to the paragraph

ending on line 22, page 46.

The question was taken, and the amendments were agreed to. Mr. HICKS. Mr. Chairman, I move to strike out the last word for the purpose of asking a question, not in the way of criticism but for information. Is there any regulation or rule or law which pertains to men in the active service of the Navy who engage or associate themselves with others who are engaged in commercial enterprises for profit?

Mr. PADGETT. Yes. There is a statute which was passed some years ago that prohibits retired officers of the Navy and Marine Corps, though not of the Army, from engaging in certain occupations and businesses in civil life that sell material to the

Government.

Mr. HICKS. The question I have is with reference to an officer upon the active service.

Mr. PADGETT. A man upon the active service can not en-

Mr. HICKS. Mr. Chairman, this situation has been brought to my attention. I do not want to mention the name of any officer because it is possible that there are others who are in the same position, and it is possible that neither he nor they are violating any regulations. I know of an officer in the active service of the Navy who has lent his name to an invention he has made to a commercial enterprise. This commercial enter-prise advertises the fact that he is a captain in the United States Navy, and that if the persons who are buying supplies desire special information this captain will supply it.

The question arose in my mind as to whether that was fair to the Government who is paying the man for his full service or fair to the competitor of that commercial concern, because the competitors do not have the same advantage in having a

United States naval man at their head or as a consulting expert. It may be that it is best for the Government to allow this dual service so that the incentive for profit may stimulate the offi-cers to perfect inventions from which the Government as well as private concerns will profit. Personally I question the expediency of such a practice.

Mr. PADGETT. I do not know what the invention is and do not know about it, but the law prohibits a retired officer and I also understand active officers from engaging in business

in that way

Mr. HICKS. I took this up with the Navy Department and I could not get any definite information, but I did get this much, that they do not find any law which prohibits an officer in the active service of the Navy from lending his name to or associating himself with a private commercial enterprise.

Mr. BUTLER. It may be done, but it is against the will of the department, and it is certainly against the intention of Congress and I would be in favor of taking him off the active

list if he does it

Mr. PADGETT. He may have some patent and the concern uses his patent or invention.

Mr. HICKS. They do use his name in advertising it.

Mr. TALBOTT. Is it such an invention as the Government uses?

Mr. HICKS. No; it is used by small boat manufacturers. Mr. TALBOTT. The gentleman knows the law is that any invention that an officer makes, either of the Army or the Navy or anyone in the Government service, belongs to the Government?

Mr. HICKS. Yes.

Mr. TALBOTT. But if it is an invention that is something that is not used by the Government, while it is not good taste, I do not think there is any law in reference to it.

Mr. HICKS. The gentleman does not think there is any law to prevent it?

Mr. TALBOTT. No; but it may not be good taste.

Mr. HICKS. Should not there be such a law?
Mr. TALBOTT. I will take that up later on.
Mr. BUTLER. Has the gentleman presented the case to the
Secretary of the Navy?

Mr. HICKS. Yes; to the Judge Advocate General of the

Mr. BUTLER. And the Secretary has made the reply that there was no law to prevent it?

Mr. HICKS. The Judge Advocate did not state it very

clearly. He said that so far as he knew there was no law to prevent it.

Mr. BUTLER. Well, I will make it my business to look into the matter and see if we can not have a law.

Mr. LINDBERGH. Mr. Chairman, I have the honor to represent a district filled with peace-loving, loyal, patriotic people. Practically all of them are opposed to war, but if war comes, whether our Nation is right or wrong, they will all support the Government with all their power. Having in mind possibilities, the loyal and patriotic citizens of the village of Aitkin, far north in the district, comes to the front with a telegram promising aid, which telegram I will insert as a part of my remarks.

The people of Aitkin have not taken this step to encourage war, but to stand back of the Nation in everything that may be necessary. In that district, at least, everybody knows that the war conditions are the result of the uneconomic law that governs trade and commerce—the privilege that has been given to a few in this world to make industrial slaves of the rest of us. With one proper act of Congress the world could be changedconquered by the force of the collective demand of all mankind-when the way is pointed out that would make it sure that the industrious and intelligent in all the fields of useful work can command success for themselves by their industry instead of having it serve to make a few of the specially favored successful. That would result in a peace-loving people every where. Let one nation act wisely-really wiselybe forced to follow with even more speed than the unwise acts have been followed by one nation after another. There need be no war to establish and enforce our rights on the high seas. If we adopt the economic law for our own Government we shall conquer the world, not by drenching it in blood, not by vain glory that will be looked upon by succeeding generations as the last colossal act of American barbarism if it should come—no, not in the blood of the brave will we conquer insanity, but we can do so in the common sense of a new nation-wide intelligence applied to an adjustment of business to meet the needs and demands of the people generally instead of as now to satisfy the speculators and make them lord of all our actions, even to the extent of forcing us into war.

The telegram is as follows:

AITKIN, MINN., February 7, 1917.

Hon. C. A. Lindbergh, House of Representatives, Washington, D. C.:

Place of Representatives, Washington, D. C.:

Place at disposal of the War Department Red River Lumber Co.'s sawmill plant, consisting of five factory buildings, over 2,000-horsepower engines, and equipment located on ideal site with ample trackage and yards. Plant now idle. Ready for Government's immediate use.

ATRIN COMMERCIAL CLUB, ED MCCONVILLE,

Chairman Committee.

Mr. MILLER of Pennsylvania. Mr. Chairman, I move to strike out the last word. In reference to the discussion had a few moments ago in regard to the fact that some midshipmen were dismissed on account of failure, my belief is that the age limit for admission is too low. My recollection is one can not be admitted over 20 years of age, and I think that is a great mistake. Most of the applicants who go to the Naval Academy go from high schools, and at 20 years of age they have not got the education or the maturity to enable them to stand the course that they have to take at the academy. I recommended applicants by a competitive examination before they went before the board, but a number of them failed, and I think it would be wiser to raise the limit of age from 20 to 22 years, and I think the chairman, if he would think over the matter, will

Mr. PADGETT. Mr. Chairman, in reference to that I want to say that the naval officers for several years have appeared before the committee urging that the age be reduced from 16 to 20 to 15 to 18 and Members of Congress have come to me personally insisting that the best age that we could get them was just as young as possible, and the committee has refrained from taking either one of those. In England, I understand, they take them at 12 years of age instead of 16, as we do here. So that we are standing on the 16 to 20, and you ask here the higher age, and the department is wanting it put at from 15 to The English have them admitted at 12 years of age.

Mr. MILLER of Pennsylvania. I think in England they get a longer course or else the course is not so hard as in the United States Naval Academy, because they could not possibly stand a course here at 12 years of age. Very few can stand it at 20 years, and last year—I am not sure whether it was the Naval Academy or the Military Academy-80 persons in the academy were dismissed because of failing to pass the examinations. They have not the maturity of age to enable them to stand the

Mr. PADGETT. It is not the age question, but if the gentleman will go down to the academy he will find it is the boy does not apply himself.

Mr. MILLER of Pennsylvania. Oh, no.

Mr. PADGETT. The great bulk of them, the younger boys themselves who enter at 16 years, a larger per cent of them graduate than those who enter at 20 years of age.

Mr. FESS. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. FESS. If the pupil in the high school will be regular he will finish his fourth year and will graduate from the high school at 18, and that gives him two years leeway after finishing in the best high schools in the country, so I rather agree with the chairman that the age limit is not too low.

Mr. PADGETT. No; the age limit is very satisfactory.

Mr. MILLER of Pennsylvania. It simply gives the boys who have parents who have the means to send them to advanced schools an advantage over the boy the son of parents of moderate means, and I am opposed to it. Our rural high schools are becoming more efficient year by year, and I am in favor of giving the graduate of the rural high schools an equal chance with the city boy.

The Clerk read as follows:

Department of Buildings and Grounds: 1 messenger to superintendent, \$600; 45 building attendants, at \$400 each, \$18,000; in all,

In all, civil establishment, \$381,173.20.

Mr. PADGETT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 46, line 26, amend by striking out "\$381,173.20" and insert "\$379.978.20."

The question was taken, and the amendment was agreed to. Mr. SEARS. Mr. Chairman, I fear my original statement may be misunderstood. In that I gave you the expenditures for "Pay of professors and others at the Naval Academy." give you the total of the expenditures at the academy for this year, which is \$824,729.20, as compared with \$703,946.92 for last year. I desire also to call the committee's attention to the fact

that on page 30 of the present bill under the head of "Bureau of Medicine and Surgery," in which is included the Naval Academy, together with other places, there is an appropriation in the sum of \$1,121,740 for medical supplies, and so forth. I also find under the heading "Contingent, Bureau of Medicine and Surgery," on pages 30 and 31, in which is included the Naval Academy together with other places, an appropriation of \$291,080 for purchase of one motor-propelled vehicle for official use only, and so forth, and for naval medical supply depots, sick quarters at Naval Academy, and so forth. I do not know how much of the above amounts go to the Naval Academy.

My colleague from Ohio [Mr. Longworth] stated that because a soldier in line received \$1,200 it was unjust to criticize a boy who received for his services in the shape of education and supplies and maintenance, \$4,000. I think the comparison is hardly fair, because the boy at college is securing for himself an education and is preparing himself for a life position at a salary commensurate with the services he is to render, while the poor fellow in line, who is willing to die for his country, can never hope to get more than the \$1,200, and has no educational ad-

vantages

Mr. PADGETT. Will the gentleman yield?

Mr. SEARS. I will.

Mr. PADGETT. A great proportion of that \$4,000 that the gentleman refers to is the interest, the maintenance, and overhead charges in keeping up the plant there. We have \$14,000,000 invested in that plant, and in making up that we count the interest on that, the repairs to building, and the salaries of officers, and all that,

Mr. SEARS. If this Government of ours, when it can borrow money at 2 per cent, is paying this enormous amount because of the interest, something should be done to stop it, and we can

not do it by increasing these appropriations.

I have no complaint to make about the young men I have sent to Annapolis. They have been true to the trust I have imposed in them and they are making good. Along that line I have no complaint. Nor would I object to the payment of any salary to any professor commensurate with the services he returns, but the House seems to have gotten away from the original point.

Mr. SNYDER. A moment ago you stated that the enlisted man was ready to die for his country. Do you expect that the young man you appointed to West Point would not be ready to die for

his country?

Mr. SEARS. I certainly would expect him to die for his country if the same became necessary. The point I make is that you are paying the young man in the Army \$1,200 per year for life for his services and it is costing the taxpayers about \$4,500 per year to educate a boy at Annapolis. I do not believe it should cost so much. However, we have gotten away from the original proposition under discussion. I trust what I have said will not be taken in a spirit of criticism, and I have brought the various matters mentioned in my remarks to the attention of the House in order that we might discuss them and that we might discover really what is being done. I can not hope for results this year, and I have taken up the time of the House solely with the hope that some reforms may be accomplished. The question under discussion was not how a young man should get into the academy or how he should get out of the academy, but I contended then and I contend now, Mr. Chairman, that because of omission or neglect on our part or through oversight the Naval Academy at Annapolis is costing the people of this country more in proportion per man, 1,200 students, than any other college in the United States; and as one of the Representatives of the people I felt it was my duty to bring it to your attention and let you deal with the matter as you saw fit.

Now, Mr. Chairman, in order that I may save time by not

again addressing the committee on the question, I want at this time to say that in the paragraph just read about 62 additional men will be employed next year. I do not know whether they will be employed after the quoto is increased to 1,700 or whether they will be employed under the quoto of 1,200.

Mr. PADGETT. I will say to the gentleman that the estimate for next year is that there will not be less than 1,500, an increase of 300, at least, over the present number in the acad-

emv.

Mr. SEARS. Well, then, with that increase they certainly ought to have butchers, chief butchers, assistant butchers, and so forth. But, Mr. Chairman, that was not really the point I was objecting to. As I said, I believe it is costing too much, and something should be done to correct it. I certainly believe retired naval officers should be used, as far as possible, as instructors at the academy, and I can not bring myself to believe they would object to such service.

Mr. DAVIS of Texas. Mr. Chairman-

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and all amendments thereto close in 15 minutes, the gentleman from Texas [Mr. Davis] to have 5 minutes, the gentleman from Iowa [Mr. Towner] 5 minutes, and the gentleman from Wisconsin [Mr. Stafford] 5 minutes

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on this paragraph and all amendments thereto close in 15 minutes, 5 minutes to be occupied by the gentleman from Texas [Mr. Davis], 5 minutes by the gentleman from Iowa [Mr. Towners], and 5 minutes by the gentleman from Wisconsin [Mr. Stafford]. Is there objection? [After a pause.] The Chair hears none.

Mr. PADGETT. Mr. Chairman, just before the gentlemen be-

gin I would like to make a request. A great many gentlemen are asking that we expedite this bill. I am trying to do so. At the same time I, too, do not want to seem unfair. I will ask the membership of the House to please cooperate with me, if they can, and let us cut out some of this debate.

Mr. DAVIS of Texas. Mr. Chairman, I have been mum during the discussion of this measure until the present. I am not in favor of going wild over a great system of Army and Navy expenditures in line of preparedness. But I am in favor of having a most efficient and competent set of men educated to direct our military and naval forces; and the education is technical and expert, special, and should be thorough. And I am one of those that believe a fine investment is made even if you double the cost of the ordinary college in turning out from our war colleges a man who is able to take charge of a division of the Army in any part of the battle line that we may have anywhere on earth. I am one of those who believe that the money is well expended that will make not only a good fighter in our Navy, but a man who can understand the hydrography of the earth wherever his ship may be and be ready to direct his forces safely and accurately anywhere, and make a seadog, so to speak, of the boy, prepared to live a life of active service in the defense of his country anywhere his ship may be. And I am not bothered about the special extra cost. I want the knowledge complete and thorough. I would be glad to leave off a few great ships and have the remainder in charge of thorough and competent men. [Applause.]

Mr. SEARS. Will the gentleman yield for a question?

The CHAIRMAN. The gentleman from Iowa [Mr. Towner]

is recognized

Mr. TOWNER. Mr. Chairman, I desire to call attention to what I consider to be a grave defect in this bill. The bill as originally drawn provides for hundreds and millions of dollars for ships and ammunition. We have had amendments brought in here because of the emergency that will add millions more. But there is no provision in this bill and there is no emergency amendment offered to provide for an increase in the personnel of the Navy. To my mind that is the gravest defect now existing in the Navy. It is the gravest defect now existing in this

We have a deficiency already in the personnel of the Navy in the enlisted men of more than 20,000. We can not send out our commissioned ships. Of what avail will it be to us to expend additional hundreds of millions of dollars for more ships and more ammunition and more material if we do not do something to increase the personnel of the Navy? Gentlemen say here that they are making earnest endeavor to recruit the Navy, but they also say that they can not, under existing conditions, recruit the Navy even to fill the ships now in commission. Then we must do something in order to accomplish this result. We can expend hundreds of millions of dollars for more ships, but we are unable to spend a few thousand dollars to increase the pay of the men in the Navy in order to secure the necessary enlistment. I want to read from the hearings when the Secretary of the Navy was before the committee. Mr. Kelley asked:

I wondered if you had worked out any plan whereby we might hope to get men faster than we have been getting them during the past six months.

The answer of the Secretary was:

Yes; we have worked out plans. We have increased the number of recruiting stations. I am asking for an appropriation of \$50,000 for automobiles for the use of recruiting officials to be sent into the country

Fifty thousand dollars for automobiles, but not one cent of increase in pay for the men who are to be enlisted in this service! [Applause.] And he goes on and says——
Mr. BAILEY. Mr. Chairman, will the gentleman yield?
Mr. TOWNER. I regret I can not.

Mr. BAILEY. Just for a question.

The CHAIRMAN. Does the gentleman yield?

Mr. TOWNER. Yes; but I suggest to the gentleman to make very short

Mr. BAILEY. Is it not true that the pay of the men in the Navy to-day is greater, all things considered, than that of the

ordinary workman?

Mr. TOWNER. Oh, no; but I have not the time to discuss it. But, whatever it is, what futility is it for us to build ships and pay hundreds of millions of dollars for them and make no provision for manning them? We ought not to build the ships unless we are willing to pay what is necessary to get the men to man the ships, and it makes no difference what the amount required is our ships will be useless unless we have the men to man them. Comparatively, the pay of the men in the Navy is but a small item in the large amounts that are provided for here.

Mr. Kelley said further to the Secretary:

This is rather an emergency time—I think everybody recognizes that—in the history of the world. Do you not think we ought to get the men now?

The Secretary said:

Certainly: we ought to get the men.

And Mr. Kelley asked:

And take all the measures necessary?

And the Secretary said:

We have already taken the steps necessary to increase recruiting, and we are already getting results.

It is fair to say that the Secretary agreed to the proposition that the pay of the men ought to be increased if we desire to get more recruits for the Navy.

The CHAIRMAN. The time of the gentleman from Iowa has

expired.

Mr. STAFFORD. Mr. Chairman, I yield five minutes more to the gentleman from Iowa.

The CHAIRMAN. The gentleman from Iowa is recognized

for five minutes more.

Mr. EMERSON. Mr. Chairman, will the gentleman yield before he starts in?

Mr. TOWNER. Yes. Mr. EMERSON. Yesterday the gentleman from Massachusetts [Mr. GARDNER] proposed an amendment to increase the

pay of the sailors.
Mr. TOWNER. Yes; and it should have been adopted. confess, Mr. Chairman, that I do not know what ought to be done, what inducements ought to be offered, whether it should be in the term of service or in some other form. But I do know, and I think every Member of this House knows, that we must do something in order to man the ships that are to compose our Navy.

Mr. PADGETT. Mr. Chairman, will the gentleman yield? Mr. TOWNER. Yes; certainly; I will be glad to yield to the chairman.

Mr. PADGETT. In the last session of Congress we authorized the increase of the enlisted personnel from 51,500 to a possible limit of more than 88,000. We provided a reorganization of the personnel, and we have stated time and time again that we have given them greater advantages. We have provided for many benefits to them that they did not have before. We shortened the term of enlistment, and put it down either in that bill or in the one just before, allowing one year's enlistment. It was in that bill, I believe. You could get as low as one year's enlistment, and then allow them to extend if they wanted to.

Now, all of that was provided in August last, looking after the personnel, and as soon as that begins to spread out and get into communication with the public, and they are knowing it, we are getting increased enlistments; and I think the thing to do is to try out in a reasonable way what we did on the 29th

of August last, less than six months ago.

Mr. TOWNER. I will ask the chairman of the committee why he did not act on the recommendation of the Secretary of

the Navy and increase the pay of these men?

Mr. PADGETT. Simply because we did not think it was necessary, in view of what we had done in the bill of August 29, 1916, less than six months before.

Mr. TOWNER. Now you have a deficiency of 20,000 men to man the ships now in commission, and you are not doing one single thing in this emergency to secure the men, and yet you are asking for millions of dollars to procure additional ships and ammunition.

Mr. PADGETT. Because we think we had done what was adequate only a few months before in the bill of August 29, 1916.

Mr. TOWNER. But we did not have the emergency then that we have now. You are offering amendment after amendment now to prepare for emergencies. Why not offer amendments to meet this emergency?

Mr. GARDNER. Mr. Chairman, will the gentleman from Iowa yield me a moment to ask the gentleman from Tennessee a question?

Mr. TOWNER. Yes; I yield to the gentleman from Massachusetts.

Mr. GARDNER. May I ask it in the gentleman's time?

Mr. TOWNER. Certainly.
Mr. GARDNER. The gentleman from Tennessee says that when we passed the law last year the enlisted men of the Navy were 51,500.

Mr. PADGETT. No; I said that was the authorized enlist-

ment.

Mr. GARDNER. They were enlisted up to that amount? Mr. PADGETT. They were a little over, and we had a pro-

vision enacted legalizing the three or four hundred enlistments over that number that had taken place.

Mr. GARDNER. And now on the 1st of February I find the number is up to 53,456.

Mr. PADGETT. Yes. Mr. GARDNER. As As against 52,000 in August, in spite of all your inducements.

And during the month of January we added Mr. PADGETT. a net gain of 1,344.

Mr. GARDNER. Yes. And is not January always the chief enlistment month of the year?

Mr. PADGETT. Not always. It is one of the good months, Mr. GARDNER. That is when the snowbirds all come in.

Mr. GARDNER. That is when the snowbirds all come in. Mr. TOWNER. Mr. Chairman, I desire to use the rest of my time. I hope that even in this bill the committee will do something to increase the pay of the enlisted men. At least that ought to be tried in this emergency. I find on page 794 of the hearings that Lieut. Commander McCandless says that the base pay of seamen of the first class is \$35 down, with \$24 a month; of second class, \$30 down, with \$19; of seamen of the third class, \$22 down, with \$16 a month; that for messmen it is \$60 down, with \$16 a month. In other words, for the class of seamen that we most need the pay is now \$16 a month. It occurs to me, gentlemen, that it would be not only wise but a frugal policy as well, an economical policy as well, if we should raise the pay of these seamen to at least decent wages in order that we may secure them in numbers sufficient to fill the Navy. Sixteen dollars a month will not tempt many desirable young men to join the Navy, even in times of emergency; and we should have them now. It takes a year to train a recruit how to handle a gun on board ship. What folly it will be to be compelled, in case of

secure men in such times as these.

Mr. PADGETT. The figures that the gentleman read were the base pay that was provided by statute years ago. There was a subsequent statute that added 10 per cent to that, so you should add 10 per cent to those figures.

emergency, to tie our battleships to our wharves until we can train men to handle them; \$16 a month is too small a wage to

Mr. TOWNER. One dollar and sixty cents a month?

Mr. PADGETT. Yes.

The Clerk read as follows:

Current and miscellaneous expenses, Naval Academy: Text and reference books for use of instructors; stationery, blank books and forms, models, maps, and periodicals; apparatus and materials for instruction in physical training and athletics; expenses of lectures and entertainments not exceeding \$1,000, including pay and expenses of lecturer; chemicals, philosophical apparatus and instruments, stores, machinery, tools, fittings, apparatus, and materials for instruction purposes, \$41,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I rise to obtain some information as to the policy pursued by the committee in increasing the salaries of the personnel at the Naval Academy. In the prior paragraphs there has been quite a general increase of salaries, in some instances ranging as high as \$300, most of them only a reasonable increase of \$100. Did the committee have any general policy in making these increases?

Mr. PADGETT. No horizontal increase or anything of that kind. We took up each case and dealt with it with reference to the character of men required, the character of the service to be performed, the duties of the office, and the general standard of requirements

Mr. STAFFORD. In all these instances were these increases

recommended by the department?

Mr. PADGETT. They were recommended by the management of the academy and approved by the department.

Mr. STAFFORD. Are there any instances where the committee declined to follow the recommendation of the department for increases?

Mr. PADGETT. I do not recall any.

Mr. STAFFORD. So the committee virtually adopted the recommendation of the department in every instance?

Mr. PADGETT. Virtually. I believe where the department had recommended an odd figure we may have made it an even

Mr. STAFFORD. The committee, following the recommendation of the department, did not go very far into each case, as to whether it was based on merit or not.

Mr. PADGETT. Yes; we did. Mr. STAFFORD. I assume they took the word of the department, and followed it without much further investigation.

Mr. PADGETT. We had some of the officers of the Naval Academy before the committee—the superintendent and some of the other officers-and we inquired of them as to the character of the service to be performed, and so forth.

Mr. STAFFORD. Was there any instance where the commit-

tee declined to follow the recommendation of the department so far as increases of salary are concerned?

Mr. PADGETT. I do not recall any.
Mr. STAFFORD. It was the policy of the committee to accept the recommendations of the department so far as increases were concerned.

Mr. PADGETT. If we approved it at all. We may not have given some that the department recommended, but where we gave them we usually followed the recommendation of the department.

Mr. STAFFORD. The committee is rather acquiescent, in

so far as increases of salary are concerned.

Mr. PADGETT. In the Naval Academy, and in the reorganization under the bill of last year, the whole thing is under reorganization, and we followed the recommendations of the department where they accorded with the administration of the academy

Mr. STAFFORD. I may be in error, but I do not recall any instance where the committee has made such general increases

in salaries as in the personnel of the Naval Academy.

Mr. PADGETT. No; we have not for years, because the bill of last August authorized a complete reorganization. year we gave the Secretary a lump-sum appropriation, \$175,000,

and this year it is being apportioned.

Mr. STAFFORD. For these specially enumerated officials who are carried in this bill?

Mr. PADGETT. Professors and instructors, and so forth. Mr. STAFFORD. Under the discretion granted to the Secretary what is the pay as finally fixed compared to the pay in

other educational institutions?

Mr. PADGETT. He has not consummated his arrangements yet, and we have not got his report. The thing is undergoing reorganization now. He got his authority on the 29th of August and the school year began in September, and he has not had time to put into effect the reorganization. It is being worked out in the department.

Mr. STAFFORD. As I understand, in some instances naval officers who have been engaged in professorial work have been discontinued and civilian professors substituted in their stead?

Mr. PADGETT. That is contemplated as to some of them. Whether it has actually been done or not in the present session I am not prepared to say, because there had to be a very large increase in the number of professors and instructors in the aggregate, and they have been trying to get them, but there are certain matters, for instance, foreign languages and literature and things of that kind—

The CHAIRMAN. The time of the gentleman has expired. Mr. STAFFORD. I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for three minutes. Is there objection? There was no objection.

Mr. STAFFORD. With the information that the gentleman has gleaned after many years of service on the committee, can he inform the House whether there have been any instances where teachers in the Naval Academy have left to go to other institutions because of a difference in compensation between that

of the academy and the private institutions? Mr. PADGETT. Teachers at the Naval Academy have insisted very strongly that they were underpaid. A few years ago it was recommended by the prior Secretary of the Navy, Mr. Meyer, that the civilian instructors be dispensed with alto-gether and that their places be supplemented with naval offi-cers. We never had such a propaganda come to the committee as we had then, with the insistence that they should be They had the presidents of the various universities send us letters-I remember receiving several of them-urging the importance and insisting on having civilian instructors remain in the academy. They showed a very great anxiety and an intense interest to remain in the academy, notwithstanding

prior to that time they had been urging that they were underpaid.

Mr. STAFFORD. They manifested as great an interest as public officials do to retain office?

Mr. PADGETT. Yes.
Mr. STAFFORD. They liked their berths very well?
Mr. PADGETT. Yes.
Mr. STAFFORD. But there have been no instances of leaving the Naval Academy because of disparagement in pay?

Mr. PADGETT. There may have been individual instances, but there has been no hegira.

Mr. SHERWOOD. Will the gentleman yield?

Mr. PADGETT. Certainly.
Mr. SHERWOOD. Does not the gentleman think that in case of war or an emergency we could get all the volunteers for the Navy we needed?

Mr. PADGETT. Yes: I think so, with the authorization we have had and the 10,000 from the naval service and the reserve we are building up in a satisfactory way, and from the 30,000 or 35,000 ex-enlisted men who are in civil life.

Mr. SHERWOOD. Is it not a fact that the young men do not enlist now in great numbers because they do not like to be per-

petual soldiers?

Mr. PADGETT. The Navy has been having satisfactory en-listments until the abnormal conditions arose in manufacturing, and even now, since we amended the act last August giving additional advantages and preferences, it is coming up again, year ago we had a waiting list for enlistments in the Navy.

The pro forma amendment was withdrawn.

The Clerk read as follows:

In all, Naval Academy, exclusive of public works, \$824,729.20.

Mr. PADGETT. Mr. Chairman, I offer the following amendment to correct a total.

The Clerk read as follows:

Clerical error; page 48, line 20, strike out the figures "\$824,729.20" and insert "\$833,529.20."

The amendment was agreed to.

Mr. SEARS. Mr. Chairman, I move to strike out the last word. In the present bill a great many increases in salaries have been made. I have no objection to these increases, because I like to be consistent. As I have stated several times, I believe in paying a man what he is worth. I have always made that fight, even when I asked for an increase in salary for myself. I voted for the District increase. I voted for the 5 and 10 per cent increase every time it came before the House. The House let all the others go through, and this has gone

through, and meets with my approval.

But I want to call the attention of the House to the fact that when it came to the Post Office bill which related to the boys back home receiving less than \$1,000 and less than \$1,800 a year we were unable to secure for them any increase. to be absolutely frank, and state that I voted for the other increases because I believed they were entitled to it, and because I thought those back home would receive the increase they were also entitled to. The high cost of living at home is just as much as the high cost of living in Washington, if the amounts which I have to pay for supplies are any criterion to go by. I hope the House will see its way clear to allow the postal employees throughout the country receiving less than \$1,000 a year the same increase in their salaries as allowed other employees, in order that they may meet the present high cost of living.

I want to say in this connection that if more talk had been indulged in in an effort to reduce the high cost of living rather than indulging in talk to secure raises in salaries there would have been better results throughout the country. [Applause.]

The Clerk read as follows:

MARINE CORPS.

Pay, Marine Corps: Pay of officers, active and reserve list: For pay and allowances prescribed by law for all officers on the active and reserve list, including clerks for assistant paymasters, nine, \$1,690.666.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I believe this item carries the pay of all the officers in the Marine Corps.

Yes; except on the retired ist. Mr. PADGETT. Mr. MANN. All on the active and reserve list.

Mr. PADGETT. Yes.

Mr. MANN. How are the officers in the Marine Corps ap-

pointed in the first instance?

Mr. PADGETT. By passing the examination, and under the law the Secretary of the Navy may assign cadets from the Naval Academy or from the Military Academy. Then they are taken from civil life, and those in civil life must pass an examination. If they pass satisfactorily, they are nominated

by the President and confirmed by the Senate. They are appointed for a probationary period of two years before the commission becomes permanent.

Mr. MANN. How do they become eligible for examination? Mr. PADGETT. The Secretary has advertised generally and anybody that makes application can take the examination.

Mr. MANN. Mr. Chairman, one of the most remarkable things I have ever seen or heard of in connection with such matters, under the gentleman's statement, is the list of officers or citizens named for a probationary period of two years by the President of the United States. On January 10 last, the President sent in the nomination of 10 citizens to be second lieutenants in the Marine Corps for the probationary period of

two years. Among those names I find the following: Louis W. Whaley, of South Carolina. John M. Arthur, of South Carolina. James F. Jeffords, of South Carolina. Thomas P. Cheatham, of South Carolina.

William C. James, of South Carolina. Of course, they make only 5 out of the 10. It may be that they are more enterprising in seeking these advertised-for examinations

Mr. PADGETT. Mr. Chairman, will the gentleman yield? Mr. MANN. Not yet. I would like to use a little of my own time first.

Mr. RAGSDALE. Mr. Chairman, will the gentleman yield?
Mr. MANN. No. I will give the gentlemen information, if
they do not have it; and if they do have it, let them keep quiet until I get through.

The CHAIRMAN. The gentleman declines to yield.

Mr. MANN. Mr. Chairman, on February 6 the President sent in the names of 22 citizens for the same position of second lieutenants for a probationary period. Among those names find the following:

Charles P. Gilchrist, of South Carolina. Karl I. Buse, of South Carolina. John R. Martin, of South Carolina. Samuel A. Woods, jr., of South Carolina. David H. Owen, of South Carolina. James K. Bolton, of South Carolina. James T. Moore, of South Carolina. William C. Byrd, of South Carolina. George B. Reynolds, of South Carolina.

There were altogether 32 names in the two lists. Thirteen of those come from South Carolina and 6 from Virginia. Three come from all of the Northern States. Of course, I am assuming that it is because the citizens of South Carolina are either more enterprising in answering these advertisements or else they are more capable in passing the examinations.

Mr. PADGETT. Mr. Chairman, will the gentleman permit?

Mr. MANN. It is such a peculiar circumstance that I think it is perfectly proper to call attention to it. Of course when I see the distinguished gentleman from South Carolina [Mr. RAGSDALE] now standing in the center aisle just in front of me, I can understand how they can pass a better examination than the citizens from any place else in this country.

Mr. PADGETT. Mr. Chairman, will the gentleman yield?

Mr. MANN. You for an application of the pass of the pass

Mr. MANN. Yes; for an explanation or an apology, either

Mr. PADGETT. I should have stated that under the provisions of the law the graduates of military schools of a certain type and character are entitled to and are considered for the appointment, and upon inquiry I was told that most of those, or many of them, were graduates of these schools.

Mr. MANN. Mr. Chairman, in the first place, there is no such law; and, in the second place, it is ridiculous for any gentle-man, either by way of explanation or apology, to say that when you come to take the schools of the country, South Carolina, as to a competitive examination, would have a percentage of 13 out of 32.

Mr. PADGETT. Under the law the Secretary made regula-

tions recognizing certain schools.

Mr. MANN. Oh, yes; he makes regulations that take care of South Carolina.

Mr. PADGETT. But all of these men were not graduates of South Carolina schools. They were graduates of schools of other States of the Union.

Mr. MANN. 'The gentleman is seeking now to convey to the House the impression that if you scatter South Carolina students all over the country, no one else has an even chance to compete with them; that they can not come up to them. Mr. Chairman, I admit that South Carolina is a great State and that its people are the smartest in the United States, if not in the whole world. I make that admission, and will not require

proof from any of the gentlemen from South Carolina; and yet it hardly seems quite the proper method of selecting officers for the Marine Corps or any other branch of the Government service to fix it so that South Carolina and Virginia, between

them, get 19 appointments out of 32.

Mr. RAGSDALE. Mr. Chairman, the gentleman from Illinois [Mr. Mann] is so obsessed with the idea that South Carolina is going to get something that even in the case of filling these appointments, where the men have accepted commissions and have gone to the front in Santo Domingo, where they are now doing duty as marines, he can not even stop chiding my State for sending these men to the front. South Carolina may not be as large a State as Illinois, but if you will go to the border, where the soldiers are on duty, you will find that the number and the service of those from South Carolina will compare very favorably with the soldiers from the State of Illinois. I want to say to the gentleman respecting the appointments, in so far as the Citadel is concerned, that men from the North recognize it as one of the honor schools of this Government, one of the honor military schools of the country, and when I learned that these appointments were to be made under regulations I wrote to the commandant of that school and asked him to give me the names of all of the graduates who were permitted to compete for it. I wrote a number of letters, and the commandant wrote them letters, and it is because of that fact that they came here under the regulations and stood the examination. If, forsooth, there are more men from that small State of South Carolina than from the State of Illinois in this trying hour of our country's need who apply to go to the front to fight her battles and protect her flag, it seems to me, if I were the gentleman representing that State, I would not want to call attention to it. The positions they have sought, and to which they have been appointed, are not sinecures. They are not swivel-chair positions, not places where they can hang around Washington and wear parade uniforms, but these men have had to go and serve where neither the gentleman nor myself have ever served, in places of danger, to protect the flag, and they have to go wherever the Marine Corps is ordered to go. But surely, when these young men are willing to devote their lives to their country's needs and go out and give this service, it ill becomes so great a man as the gentleman from Illinois to stand on this floor and chide this Government for accepting their services, or my little State for offering them, in this hour of the country's need.

Mr. MANN. Mr. Chairman, I sometimes have regretted that the gentleman from South Carolina [Mr. RAGSDALE] himself had not been admitted to the Marine Corps, so that he would not be

a Member of the House.

Mr. RAGSDALE. I am quite sure the gentleman would like to lose just a few more from the Democratic side, because he will be badly in need of them before he is Speaker.

We have got enough.

Mr. BUTLER. Mr. Chairman, I want to be satisfied about I am not crediting citizens of one State with having more patriotism than those of another, but it will be interesting to me to know how all these young men from these two States reached the Marine Corps. I understood the chairman of the Committee on Naval Affairs to say it was by reason of some naval regulation. If these young men from these two States, after taking a competent examination, had gotten a better average than the young men from other States, I have not any criticism, but if the school from which they were graduated was selected as one from which its graduates were not required to take an examination, then I do take the exception, and ask the chairman to answer the question and put the inquiry at rest. There is a great deal of criticism and unfavorable comment upon the large proportion of appointments from these two States of the Union. Nineteen out of thirty-two appointments to the Marine Corps have been selected-

Mr. PADGETT. I understand that the Secretary has a list of schools in a number of States, and has placed them upon the same basis, and he takes the graduates from any and all of these schools and puts them on the same basis, where they have a certificate of graduation from that school of a certain standard; and if they pass that examination, and then they have their physical examination, they are entitled to be nominated. That applies to any school in any State that has the requirements of the standard prescribed for this character of military training.

Mr. BUTLER. Does the gentleman know the character of

the schools? Can he tell us one of these schools?

Mr. PADGETT. I do not. I do not know where the schools are. I do not know where the schools are located; I do not know where these men graduate. I just understood that they were graduates of a military school that was on the list which

met the standards or requirement or recognition, just as West Point has a list of a number of schools over the country where they accept their certificate in lieu of the examination that is required.

Mr. BUTLER. Mr. Chairman, of course the Secretary of the Navy will be pleased to give us this regulation, but I do know of a number of young men from the State of Pennsylvania who have been studying here one year and were compelled to take a hard competitive examination before they received a commission in the Marine Corps.

Mr. PADGETT. I know of a number from Tennessee who did

; some passed and some failed.

Mr. BUTLER. It is open to criticism and it is open to unfavorable comment that 19 young men out of two States of the Union should be selected to fill 32 places and without examination and without competition.

Mr. FESS. Will the gentleman yield?

Mr. BUTLER. Yes.
Mr. FESS. I do not just this minute recall, but will the gentleman tell me the chairman of the Committee on Naval Affairs in another body?

Mr. BUTLER. I can not at this minute recall. [Laughter.] Mr. GARDNER. Will the gentleman yield for an interruption?
Mr. BUTLER. I am told that we are required to say "in another body" instead of "the Senate of the United States."

Mr. GARDNER. Will the gentleman yield? Mr. BUTLER. Yes.

Mr. GARDNER. The gentleman from Tennessee points out the fact that young men are admitted to the academy at West Point without examination, an academy where they are to be taught and from which they must graduate before they become second lieutenants. Is not that very different from admitting young men as second lieutenants direct without examination?

Mr. PADGETT. If they meet the standard which is involved in the examination to be held at that time, and if they do accept the standard, that is equivalent to the requirements of

their examination.

The CHAIRMAN. The time of the gentleman has expired. Mr. GARDNER. Mr. Chairman, I move to strike out the last two words.

Mr. BUTLER. Mr. Chairman, I would like to have a minute or two

Mr. PADGETT. And I want to say it is a probational appointment for two years

Mr. BUTLER. Mr. Chairman, I ask unanimous consent for two or three minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks

unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BUTLER. I have made no criticism of the administra-

tion of this department, but I am suspicious that the method by which these men are selected is not fair toward other applicants, and, for one, I propose to find out how it has been done.

I do not believe it is just to ambitious young Americans generally to designate an institution and then provide that if one graduates from that institution he shall be admitted to this corps. I am unwilling that this Government should be an advertising agent for any school. I am unwilling that it shall hold out any premium, prize, or reward to a young man to induce him to attend a certain institution that he may have an appointment in the United States service without examination or competition. I believe that all of the young men in the United States who desire to go into military life should have the same opportunity, and that they should not be met in their attempt by exempted graduates of certain institutions in the United States and those institutions designated by any one man.

ates and thou.
Mr. CALLAWAY. Mr. Chairman, will
Mr. CALLAWAY. Will the gentleman yield? Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Will the gentleman yield?
Mr. BUTLER. Yes.
The CHAIRMAN. Does the gentleman yield to the gentleman from Texas [Mr. CALLAWAY]?

Mr. BUTLER. I yield to the gentleman from Texas. Mr. CALLAWAY. Is it not a fact that we have a Is it not a fact that we have a number of schools throughout the United States where we detail officers as teachers?
Mr. BUTLER. We have many of them.

Mr. CALLAWAY. And where they are supposed to get the

same instruction as at West Point?

Mr. BUTLER. I did not hear the gentleman distinctly, and so my colleagues inform me that my answer was not responsive. Military education would not be developed at these institutions like at West Point. The country is filled with institutions. I think there must be 60 or 80 such where young men are taught military duties, and they should have a fair chance with other voung men.

Mr. CALLAWAY. Do they not have a fair chance?
Mr. BUTLER. I do not know whether they do or not. It does not seem so to me. The gentleman from Texas knows as well as I do that other educational institutions in the United

Mr. CALLAWAY. Why all this discussion without any further facts than just saying here that a few more come from one State than another.

Mr. BUTLER. Three appointments, as the gentleman from Illinois said, out of 32. Three from the Northern States.

Mr. CALLAWAY. How many stood the examination?
Mr. BUTLER. I do not know; but there were 32 appointed.
Of the 32, as I understand now, 19 were appointed without examination.

Mr. GARDNER. Mr. Chairman, I move to strike out the last two words.

The argument of the gentleman from Tennessee is entirely unsound. He says that these young men were required to show a definite standard before they could be commissioned second lieutenants in the Marine Corps. By whom was the standard judged? By the teachers at this school in Charleston, S. C., known as The Citadel, or by the teachers at some other school. That standard was not reviewed by anybody in the employ of the United States. The Navy Department took the judgment of those teachers in those schools, and yet unquestionably they must be prejudiced judges.

The gentleman compares this exemption from examination with the exemption from examination accorded to certain candidates for West Point who can present a graduation certificate from certain chosen schools. The cases are not parallel. It is a fact, I am sorry to say, that boys are admitted to West Point on the certificate of certain schools at which they prepared. But before those boys can be commissioned in the Army Uncle Sam does not depend on the word of any schoolmasters on earth except his own schoolmasters. There is the distinction between the two cases. In one case young men without any examination are given commissions in Uncle Sam's Marine Corps on the say-so of their own private schoolmasters. In the other case they are admitted to West Point to study for a commission in Uncle Sam's Army on the say-so of their own private schoolmasters, but they do not get any commission until Uncle Sam has found they are qualified to receive it.

Now, another thing. There has been some talk to the effect that these young men from these southern schools are perhaps better prepared than boys from northern schools. Mr. Chairman, we have what is known as the apportionment law in the civil service. The reason for the enactment of that apportionment law is that candidates from the Southern States for the Federal civil service do not get as high passing marks as candidates from the Northern States. The argument which the Civil Service Commission makes in defense of that apportionment law rests on the assertion that the South has not the facilities for adequate schooling, but that in other qualities these southern applicants are superior to the applicants from the Northern States. Never before have I heard anyone contend that in a competitive examination candidates from the Southern States could come within striking distance of candidates from the Northern States. It is not the fault of the South. I realize that this lack of educational facilities was one of the inevitable results of the Civil War. It was the result of their poverty and of the problems that confronted them. This apparent discrimination in favor of South Carolina and Virginia, whether the result of adroit rules or the result of the tipping of the early wink to favored schools, needs investigation.

Mr. HICKS. Mr. Chairman, I desire to offer an amendment.
The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 25 insert the following proviso:
"Provided, That no part of any appropriation herein shall be used to pay any officer on the active list of the Navy or Marine Corps who shall engage in any private business, either actively or as a consulting expert, or permit any person, firm, or corporation or association to use his name in the conduct of its business."

Mr. PADGETT. Mr. Chairman, I make a point of order against the amendment.

Mr. HICKS. Will the gentleman reserve the point of order? Mr. PADGETT. Yes; I will reserve it. Mr. STAFFORD. Mr. Chairman, did the gentleman reserve

the point of order?
Mr. PADGETT. Yes.

Mr. HICKS. Mr. Chairman, my purpose in offering the amendment was on account of the statement I made here a few moments ago in regard to men on the active list in the Navy and Marine Corps engaging in active business in the management of concerns or as consulting experts. And it seems to me

that if the Government of the United States pays these men in the active service a full wage the Government should have the entire service of those men in the affairs of the Government, and that those services should not be utilized by any commercial enterprise for the sake of profit.

Mr. PADGETT. I agree with the gentleman as to the general

Mr. MANN. Mr. Chairman, will the gentleman yield?
Mr. HICKS. Yes; I yield to the gentleman from Illinois.
Mr. MANN. The language of the amendment, as I understood

it, applies probably only to the appropriation for the pay of officers in the Marine Corps.

Mr. PADGETT. No; it says "officers of the Navy and of the

Marine Corps."

Mr. MANN. Yes; but it is offered as an amendment, apparently, to a provision which covers only the pay of officers of the Marine Corps.

of the Marine Corps.

Mr. PADGETT. Yes, sir.

Mr. MANN. And hence would not have any effect, if it went into the law, if it applied only to that appropriation, on the pay of the officers of the Navy. But from the way it was read, apparently, it strikes me that it would cover officers on the verticed list. the retired list.

Mr. HICKS. No; officers on the active list.

Very well. Mr. MANN.

Mr. HICKS. I realize, Mr. Chairman, that it does not cover exactly what I intended, and that is why I asked permission of the Chairman to allow a return to the right part of the bill where it could be offered properly, and the chairman thought it best not to agree that it should be done Therefore I have offered it here.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. HICKS. Yes.

Mr. SHERLEY. I suggest that the gentleman is not in as bad a position as he thinks. At the end of the bill a limitation can be placed upon all the expenditures in the bill, which would

certainly apply to those relating to pay.

Mr. PADGETT. The limitation sought here is broader than the legislation to which it is sought to be affixed, and the objection to it is that it is legislation that ought to be considered and matured carefully by the House. We do not know what the legislation ought to be or what the conflicts might be. I insist that this limitation is offered on legislation respecting the Marine Corps, while the limitation is intended to apply to the Navy as well as to the Marne Corps.

Mr. HICKS. Mr. Chairman, I ask unanimous consent to strike out of the amendment the words "and of the Navy," so that it will apply only to officers of the Marine Corps.

The CHAIRMAN. The Clerk will report the proposed modifi-

cation.

The Clerk read as follows:

Strike from the amendment the words "and of the Navy."

The CHAIRMAN. Is there objection?
Mr. BUTLER. Reserving the right to object, there is no criticism of the Marine Corps. Why, then, try it on the Marine Corps? Why will not the chairman allow us to offer an amendment at the right place?
Mr. PADGETT. We cought to make the right place?

ment at the right place?

Mr. PADGETT. We ought to understand it thoroughly. If
we understood it and could understand whether it conflicts or
not, it might not be objectionable; but offered in this way, without investigation, I do not think it is a good plan of legislation.

Mr. STAFFORD. The bill probably will not be finished tonight. Would the gentleman have any objection to considering

it to-morrow?

Mr. PADGETT. If I can see it and ascertain what the substance of it is, and see that it is well grounded, I would not have any objection to well-considered and well-digested legislation.

The CHAIRMAN. Does the Chair understand that the gentleman from Tennessee makes a point of order?

Mr. PADGETT. Yes; at the present time.
The CHAIRMAN. The Chair will hear the gentleman from Tennessee on the point of order.

Mr. PADGETT. I think that, so far as striking out the words "and of the Navy" is concerned—and that is the state it is in now, is it not?

The CHAIRMAN. The Chair understands that the committee agreed that the words as applied to the Navy should be stricken out, which makes it applicable only to the Marine Corps.

Mr. PADGETT. Well, it is useless to put that in. There is no complaint with reference to the Marine Corps. I ask the gentleman from New York to withdraw it so that we can see whether or not something can be prepared that has some merit

Mr. BUTLER. Mr. Chairman, I think that is perfectly fair. Mr. HICKS. With that understanding, Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The gentleman from New York asks unani-The CHAIRMAN. mous consent to withdraw his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

Pay of enlisted men, active and reserve list: Pay and allowances of noncommissioned officers, musicians, and privates, as prescribed by law, and for the expenses of clerks of the United States Marine Corps traveling under orders, and including additional compensation for enlisted men of the Marine Corps regularly detailed as gun captains, gun pointers, mess sergeants, cooks, messmen, signalmen, or holding good-conduct medals, pins, or bars, including interest on deposits by enlisted men, post-exchange debts of deserters, under such rules as the Secretary of the Navy may prescribe, and the authorized travel allowance of discharged enlisted men and for prizes for excellence in gunnery exercise and target practice and for pay of enlisted men designated as Navy mall clerks and assistant Navy mail clerks, both affoat and ashore:

Provided, That the provisions of the act of May 27, 1908 (35 Stats., 417, 418), as amended by the act of August 24, 1912 (37 Stats., 560), are hereby extended to authorize the designation of enlisted men of the Navy or Marine Corps as Navy mail clerks and assistant Navy mail clerks with expeditionary forces on shore. In all, \$4,800,532.

Mr. STAFFORD. Mr. Chairman. I reserve a point of order

Mr. STAFFORD. Mr. Chairman, I reserve a point of order

The CHAIRMAN. The gentleman from Wisconsin reserves a

point of order on the paragraph.

Mr. GARDNER. Mr. Chairman, I offer an amendment.

Mr. STAFFORD. Mr. Chairman, it was my privilege, as a member of the Committee on the Post Office and Post Roads, to draft the provision of the law authorizing naval mail clerks and assistant mail clerks, so as to enable the enlisted men on our battleships to have the privilege of a better mail service. I wish now to inquire of the gentleman from Tennessee what modification of that law is carried in the paragraph under consideration?

Mr. PADGETT. It does not modify the law that now exists. This simply makes it apply to the Marine Corps. It already applies to the Navy, but does not apply to the Marine Corps. The Marine Corps is the service that does the expeditionary work, as in Haiti and Santo Domingo and Nicaragua, where they go out in advance work. This is simply giving the same privilege to the Marine Corps that is now provided by law

for the Navy

Mr. STAFFORD. It is not the purpose to have an extra man or seaman on each battleship to take care of the mail of the

marines on that battleship?

Mr. PADGETT. Not at all. It is simply to allow a man to be designated to perform that duty, one of the enlisted men, so that he may have an official status. It does not involve any pay, or additional men, or anything of that kind.

Mr. STAFFORD. Under the original law, I beg to call the gentleman's attention to the fact that there was extra compensation provided for those who performed the work of mail clerks

and assistant mail clerks.

Mr. PADGETT. I do not remember as to that.

Mr. STAFFORD. Oh, yes. We granted them a small additional compensation. We thought it no more than right, in case they performed this responsible work of distributing the mail, and registering mail, and, I believe, issuing money orders, that they should be compensated for that service, in the main not to exceed \$600, if my memory serves me aright.

Mr. PADGETT. This simply extends to the Marine Corps the

same privileges as are now extended to the Navy.

Mr. STAFFORD. It is for that service on land in connection with expeditionary forces, and not in connection with their service on the vessels?

Mr. PADGETT. Yes.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a

point of order on the paragraph.

Mr. MANN. Will the gentleman explain how this mail service is handled? Under this method are the naval forces of the United States permitted to drop a letter into the mail box on board a ship or here on land or anywhere in the world, and then it is transmitted here and a 2-cent stamp is put upon it or a 2-cent stamp put upon it over there? Under this method are members of the naval forces of the United States permitted to drop letters in a mail box on board ship or on land anywhere in the world, and then is the letter transmitted here and a 2-cent stamp put on it, or is a 2-cent stamp put on it over

Mr. PADGETT. The mail would be under the general postal laws and subject to the requirements of the postal laws. is simply to allow a man to act in the capacity of a mail clerk. It does not affect the law or the postage.

Mr. MANN. I think the gentleman is mistaken about that.

Mr. PADGETT. No. That is what I understand that to be. Mr. MANN. Supposing a man in the naval service mails a

letter in Shanghai, what postage does he pay?

Mr. PADGETT. As I understand it, he pays the same postage that anybody else would pay under the law regulating

Mr. MANN. What is that? Mr. PADGETT. I do not know. Mr. STAFFORD. Two cents, if Two cents, if it is deposited in the United

States post office at Shanghal.

Mr. PADGETT. The gentleman from Tennessee said he would pay the same as anyone else. What is that? The gentleman from Wisconsin [Mr. Stafford] is posted.
Mr. STAFFORD. What is the gentleman's question?

What is the postage from Shanghai to the MANN. United States?

Mr. STAFFORD. Two cents. Mr. MANN. To everybody?

Mr. STAFFORD. It is; and the same from or to the Philippines. The United States has a branch postal station at Shanghai, and the rate of postage is the same, if my memory serves me right.

Mr. DAVIS of Texas. If the gentleman will yield, I have received a number of letters from my son, who is superintendent of agriculture in the Philippines, and the postage was always 4 cents on his letters. I do not know what the rate is.

Mr. STAFFORD. That is because the gentleman's son is

very considerate and writes him long letters which weigh more

than an ounce.

Mr. MANN. I withdraw the point of order.

Mr. GARDNER. Mr. Chairman, I offer an amendment. The CHAIRMAN. The gentleman from Massachusetts offers

on amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GARDNER: On page 50, line 8, strike out "\$4,800,532" and insert "\$5,700,532."

Mr. PADGETT. Mr. Chairman, that amendment would not accomplish anything-

Mr. GARDNER. Mr. Chairman, I should like recognition. The CHAIRMAN. The Chair recognized the gentleman from Tennessee because he anticipated that the gentleman was going to make a point of order. If not, the gentleman from Massa-

chusetts, who offers the amendment, is entitled to recognition. Mr. GARDNER. No point of order lies against this amendment, Mr. Chairman. A point of order would lie if I were to offer a clause which in terms would raise the pay of the men of the Marine Corps. However, that clause will be inserted in the Senate if this amendment increasing the amount of money available for Marine Corps pay is adopted. The amendment which I now offer increases the amount of money available for Marine Corps pay just enough to enable the Navy paymaster to give the enlisted men \$5 per month more each. However, to give the enisted men \$5 per month more each. However, this amendment will not be adopted. Yesterday you voted down a similar amendment which I proposed for increasing the pay of enlisted men of the Navy \$5 per month per man. This amendment is proposed only for the purpose of emphasizing my view that men of the Marine Corps, as well as men in the Navy, ought to have their pay raised \$5 per month per man. The gentleman need not reply, because I expect the amendment to be voted down, and I offer it merely for the sake of uniformity.

Mr. PADGETT. I simply want to state that the pay of the Marine Corps is fixed in the Army appropriation bill. The law provides that they shall receive the same pay as is provided by the Army bill, and to appropriate this additional amount would

not accomplish anything.

Mr. GARDNER. The gentleman realizes that if it were not for the point of order which might be raised everything which we desire could be accomplished in this bill. It makes no dif-ference what the law says at present. If the gentleman raises no point of order and the Committee of the Whole House on the state of the Union choose to so vote, we can make the pay of members of the Marine Corps \$100 per month per man, irrespective of the present law.

Mr. PADGETT. Certainly; but there is no necessity for it, because in August we authorized an increase in the Marine

Corps of 5,000 men, and I understand they have gotten something like half of them already, since the 1st of September.

Mr. GARDNER. That is perfectly true. The increased pay is not needed in the Marine Corps, as it is in the Navy, in order to secure men. We can get men to go into the Marine Corps, because it is the favorite branch of the service. That is no reason why Uncle Sam should take advantage of men's necessities and underpay them.

Mr. TOWNER. Is it not a fact that the pay of the Navy has been fixed not by statute but by departmental orders, the only exception to that being the increase that was made by statute last year, when 10 per cent was added to the pay which

Mr. PADGETT. That 10 per cent was added in 1908.
Mr. TOWNER. I mean 1908.
Mr. GARDNER. It was added in 1908, and the pay now is \$17.60 a month by statute, though the gentleman is correct as to the origin of the legislation.

Mr. TOWNER. It is not fixed by statute even at \$17.60.
Mr. GARDNER. It was increased by statute 10 per cent
over what it was at the time the statute was passed; that is, \$16 per month.

Mr. TOWNER. And that was fixed by departmental order.
Mr. GARDNER. Yes.
The CHAIRMAN. The question is on the amendment of the
gentleman from Massachusetts [Mr. GARDNER].

The amendment was rejected.

Mr. OLIVER. Mr. Chairman, I move to strike out the last word. The gentleman from Illinois [Mr. Mann] has referred to certain appointments in the Marine Corps from the States of Virginia and South Carolina. At the time that his state-ment was made I had no information on the subject, so I undertook to call the Secretary of the Navy's office. I found that the Secretary was absent; but in conversation with Gen. Barnett, the commandant of the Marine Corps, I have secured some information, which will be supplemented in a few minutes by a written statement from Gen. Barnett, and which I ask permission to place in the RECORD as a part of my remarks.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. OLIVER. Gen. Barnett states over the phone that last year he called this matter to the attention of the Secretary, and that the Secretary called the different bureaus together to consider the suggestion which he—Gen. Barnett—made, and as a result of such conference 12 or more distinguished schools, widely scattered, were written to for a list of graduates answering certain requirements.

Gen. Barnett conducted the correspondence, and informs me that from some of the schools no responses were received. The names submitted by the presidents of these different schools were carefully considered, and from such lists the selections were made. He assures me there was absolutely no discrimination, and that every name submitted was considered; and, so far as he knows, no complaints have been registered, either as to the method of selection or the young men selected.

Mr. TREADWAY. Will the gentleman yield?

Mr. OLIVER. I will. Mr. TREADWAY. Will the gentleman inform us whether any inquiry was made as to the nature of the examination given at these schools?

My understanding is that there was a full Mr. OLIVER. inquiry made by Gen. Barnett, and that a certain standard was

fixed which all applying for admission were required to meet.

Mr. TREADWAY. May I ask whether the examination papers as conducted at the school reached the Marine Corps here for its official recognition?

Mr. OLIVER. I understand that the graduation certificates were sent and also the grades made by such graduates.

Mr. MANN. May I inquire of the gentleman who gave him this information?

Mr. OLIVER. Gen. Barnett himself. He is just back from Haiti, and informs me that he is now preparing a written statement to be sent me on the subject.

Mr. MANN. It does not change the queerness of the situ-

Mr. MILLER of Delaware. Will the gentleman from Alabama also put in the names of the 12 colleges? I am interested in that.

Mr. OLIVER. I will. In reply to the remark of the gentleman from Illinois, I think all who are familiar with Gen. Mr. OLIVER. Barnett are glad to testify to his splendid efficiency as an officer and his high character as a man, and I am sure that any statement which he may make in reference to this matter will have the respectful and thoughtful consideration of every Member of the House.

It will be noted in the statement supplied by Gen. Barnett, and which I will here set out, that the University of Illinois was written to and no reply received. Gen. Barnett informs me, however, that he hopes when this splendld institution is written to again a number of its graduates will be submitted

for consideration. The statement from Gen. Barnett is as follows:

HEADQUARTERS UNITED STATES MARINE CORPS,
COMMANDANT'S OFFICE,
Washington, February 9, 1917.

Headquarters United States Marine Corps,

Washington, February 3, 1917.

My Dear Mr. Oliver: In connection with your telephonic communication with me this date, requesting information as to how young men designated as second lieutenants, graduates of certain colleges, were appointed, I have to state as follows:

When the naval appropriation bill passed on August 29 last I took the question of filling the vacancies (255 in number) up with the Secretary of the Navy. This matter was brought up at a council meeting with the Secretary and fully discussed. I proposed at this meeting that I be authorized to fill certain vacancies in the Marine Corps by the appointment of graduates of the military colleges designated by the President in general orders each year as "distinguished colleges." After a full discussion of this matter, the Secretary and the whole council decided that, as only a very few graduates of the Naval Academy could be spared, it would be a good thing to fill a reasonable number of the vacancies by the appointment of graduates of these distinguished military colleges. The Secretary of the Navy then authorized me to communicate with the presidents of these colleges and to designate not to exceed 60 of the graduates recommended by the presidents of the colleges. From many of the colleges we received no recommendations whatever, having heard that a great many of their graduates had gone into the Army.

Each graduate authorized to appear for physical examination was required to present his graduating diploma together with a letter of recommendation from the president of the institution, and also numerous letters as to moral character and general standing in the community from which he came. Most of the applications came from the Virginia Military Institute, Lexington, Va.; the Citadel, Charleston, S. C.; some from St. John's College, Annapolis, Md.; and some from Norwich University, Northfield, Vt. I am appending herewith a complete list of the colleges from which recommendations to make; in fact, the majo

on duty at said institutions. As I stated to you, I would gladly have taken a great many more of the graduates than I was able to get, because, as stated above, I only secured 39 in toto from these institutions.

Before presenting this question to the Secretary of the Navy, I had heard so much of the good qualities of the Virginia Military Institute that I visited that institution last June and spent several days in going over their curriculum and witnessing drills of all kinds and talking with the superintendent and officers on duty there and with many of the cadets. In fact, this visit was the deciding factor which led me to make the proposition to the Secretary of the Navy. In selecting any graduates from one of these institutions the State he came from was never considered. Since these young men were designated we have held examinations all over the United States, at which any young man who made application or made known his desire to appear before the board was allowed to appear, and out of the total number examined (86 in all) only 29 successfully passed for entry into the Marine Corps from civil life. In this connection, I sent over 1,400 letters to young men all over the country who had in any manner requested information as to how he might get a commission in the Marine Corps. This 1,400 included the names of all young men recommended for appointment from any source.

Of the young men who have already been commissioned from these designated military schools, they have been ordered to duty at once in Haiti and Santo Domingo, and a late inspection of the Marine Corps posts in these countries developed the fact that these young men are doing unusually well and their commanding officers speak in the highest terms of them. Candidates from civil life, without such preliminary training at a military school, have to be sent to our school at Norfolk for 18 months before they can be assigned any military duty. Therefore, it may be seen that appointments from these designated colleges give far better returns to t

GEORGE BARNETT,
Major General, Commandant.

Hon. WILLIAM B. OLIVER,
House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

MILITARY COLLEGES DESIGNATED BY THE WAR DEPARTMENT IN ITS GENERAL ORDER OF JUNE 16, 1916, AS "DISTINGUISHED COLLEGES."

University of California, none.
University of Illinois, none.
Kansas State Agricultural College, 1.
St. John's, Annapolis, Md.. 3.
University of Minesotia, none.
University of Missouri, none.
Cornell University, none.
The Citadel, South Carolina, 20; 1 since killed in action.
Agricultural and Mechanical College of Texas, none.

University of Vermont and State Agricultural College, none. Virginia Military Institute, 12. Norwich University, Vt., 3. University of Wisconsin, none.

Mr. MILLER of Delaware. Mr. Chairman, I move to strike out the last two words for the purpose of getting the floor. Mr. Chairman, without entering into the merits of the controversy raised on this point, I think in justice to the South Carolina Military Institute I should say a word, while the House is on this subject, concerning that institution.

Last year it was my privilege to be in Charleston and to see the students at the institute, and to inspect what is known as the Citadel, the South Carolina Military Institute. Inasmuch as a question like this has come up on the floor, one who knows about the institution should take the time to say a word in its behalf. · I do not take the floor to argue the merits or demerits of the proposition raised here on either side. I think too much sectionalism is raised, anyhow. This institution, I may say, is known as the West Point of the South. There are men attending that school from a great number of States. It is the same with the Military Institute in Virginia.

Mr. BUTLER. Will the gentleman yield?

Mr. MILLER of Delaware. I will.

Mr. BUTLER. I would like to ask the gentleman a question.

Did I understand the gentleman to say that this institution of which he now speaks has a great many students from different States of the Union?

Mr. MILLER of Delaware. I will say that the students are

not confined to the State of South Carolina.

Mr. BUTLER. They may not be confined to the State of South Carolina; but do students from other States go to this institution?

Mr. MILLER of Delaware. I know they do, but I can not go

into the details.

Mr. BUTLER. It seems queer that a boy from your State and a boy from my State could not compete with the boys from South

Mr. MANN. If our boys can not stand it with the South

Carolinians, they ought not to go.

Mr. MILLER of Delaware. There were two hundred and fifty-odd students at that institution. Lieut. Garey, of the Regular Army, is detailed there as instructor.

Mr. SMITH of Michigan. How long is the course?

Mr. MILLER of Delaware. Four years, the same as in any other college. Now, Mr. Chairman, I do not want to get mixed up in the merits of the proposition raised here. My purpose in taking the floor was to say that in my opinion—and I think it will be borne out by the people who know on both sides as well as the Committee on Military Affairs—that the men who graduate from the South Carolina Military Institute are fitted in every way to enter this branch of the service on the same terms as other men who are educated without going to either the Naval or the Military Academy.

I never saw a finer set of men than at the institute at Charles-

ton. The same applies to the Virginia Military Institute, the Culver Institute in Indiana, the Pennsylvania Institute at Chester, Pa., and the rest of the list that the gentleman from Alabama [Mr. OLIVER] referred to, and which I asked him to put in his remarks, and which I think will clear up a good deal of the misconception on this point as to sectionalism. I thought that I ought to mention this South Carolina Institute inasmuch as I have been there and seen what a splendid institution they have and the splendid men educated there. [Applause.] I yield back the balance of my time.

The Clerk read as follows:

For pay and allowances prescribed by law of enlisted men on the retired list: For 9 sergeants major, 1 drum major, 23 gunnery sergeants, 37 quartermaster sergeants, 43 first sergeants, 66 sergeants, 21 corporals, 20 first-class musicians, 1 drummer, and 24 privates, and for those who may be retired during the fiscal year, \$175,986.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This item carries \$175,986 for pay of enlisted men and enlisted officers on the retired list. The previous Rem carries \$198,000 and odd for pay of officers on the retired list. So far as the gentleman knows, has there been any computation made of how many of these officers might be used in active service in case we should get into trouble where we needed trained officers? In other words, many men on the retired list may be retired because of such age that they can not go back and do active service, really, and many men on the retired list have been injured so that they can not do it, but there are many men upon the retired list who would make very useful officers in the active service, at least temporarily, when we need trained men.

Mr. PADGETT. Mr. Chairman, in case of war or emergency

yes; and the Secretary stated, and the Chief of the Bureau of Navigation stated that they had a list, that they had sent to from the register.

every retired officer a designation of a specific duty and a specific assignment that was required of him if an emergency arose or if war was declared, and that every one of these retired officers has in his possession instructions which, of course, are confidential, as to what designation and what assignment he would have, the moment he was notified of the necessity of his service, and he would go directly and report for that duty.

Mr. MANN. I do not see how it could do any injury to make a statement as to the number of these officers who might be used in active service. I asked whether the gentleman had any

such computation.

Mr. PADGETT. No; I have not the number. I have what is declared to be the status of the matter, that they have all of these officers assigned and that they have their instructions where to go. I can not give the gentleman the number.

Mr. MANN. We have complaint all of the time that they

have not enough officers in the Navy, and we are requested to increase the number of officers. Why do we not know, so far

as this emergency is concerned, how many we will have?

Mr. PADGETT. The statement was made here this afternoon. The list of retired officers is published in the Navy

Register

Mr. MANN. I know, but many of them can not possibly go to

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.
Mr. SHERLEY. I just want to say to the gentleman that my understanding is that every retired officer has been asked to indicate to the Navy Department what work he considers himself fit and able to do. I am informed that they have accordingly made statements to the Navy Department. As to what work they have been designated for in the event of need, I do not know

Mr. MANN. Does not the gentleman from Kentucky think that the House, or at least the Committee on Naval Affairs, might properly be informed as to the number of men who could

be put into real active service in case of emergency?

Mr. SHERLEY. I am not questioning that. It so happened that a rear admiral of the Navy came to me the other day touching another retired officer. He himself is much too old to be able to do any active work, and he spoke of a request of that kind having been made and of the work he thought this particular officer could do with very great benefit to the country. That is the way I came to know of the inquiry being made of them.

Mr. MANN. The wonder to me is that this information is

not given to us.

Mr. PADGETT. I do not know the number, I can not tell how many out of the 900 could be assigned to active duty.

Mr. MANN. I doubt very much whether the Navy knows;

but if they do we ought to know.

Mr. PADGETT. I presume the Navy does know, and I shall try to find out and give the gentleman the information in the morning

The Clerk read as follows:

Pay of civil force: In the office of the major general commandant: One chief clerk, at \$2,000; 1 clerk, at \$1,800; 1 messenger, at \$971.28.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee how many officers we have actively engaged in the Navy at this time. He said there were 900 upon the retired list.

Mr. PADGETT. There are something over 4,000 at the present time, I think. It was something over 3,900, counting the It was something over 3,900, counting the line and the staff, last year, and that, if I remember correctly, was prior to the graduation of the class at Annapolis last year, and I think there were something like 150 or 160 in that graduating class

Mr. CALLAWAY. Can the chairman give the exact number

on the retired list?

Mr. PADGETT. It is published in the register, if the gentleman will look at it.

Mr. CALLAWAY. I want it in the Record.
Mr. PADGETT. I can not give the gentleman that. Somebody stated here this afternoon there were about 900. I have

not looked it up myself.

Mr. CALLAWAY. Mr. Chairman, I would like to know how many of these 900 are admirals and how many admirals we have actually got engaged in active service.

Mr. PADGETT. Counting the extra numbers, there are somewhere between 25 and 30.

Mr. CALLAWAY. Actually engaged in actual service?
Mr. PADGETT. Counting the extra numbers.
Mr. CALLAWAY. How many on the retired list?
Mr. PADGETT. I do not know. The gentleman can get that

Mr. CALLAWAY. Will the chairman please put in his statement in reply to this question how many rear admirals are on

Mr. PADGETT. If the gentleman will just turn to the Navy Mr. CALLAWAY. I would rather have it from the chairman.
Mr. PADGETT. The gentleman can get it.
Mr. CALLAWAY. If I put it in, somebody may question it,

Mr. CALLAWAY. If I put it in, somebody may question it, but if the chairman puts it in nobody will question it.

Mr. PADGETT. I will try to look it up and put it in.

Mr. CALLAWAY. In connection with this statement.

Mr. PADGETT. Mr. Chairman, if the gentleman will permit

me to answer the question I have the list here and it says 145 rear admirals on the retired list. This is from January 1, 1916.

Mr. SMITH of Michigan. How many on the active list? Mr. PADGETT. Between 25 and 30. This is not the last

Navy Register, though.

The CHAIRMAN. Without objection the pro forms amendment will be withdrawn.

There was no objection. The Clerk read as follows:

In the office of the paymaster: One chief clerk, at \$2,000; one clerk, at \$1,500; one clerk, at \$1,200.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I intended to make an inquiry about the paragraph preceding the one which has just been read. is one of several items for pay of the civil force in the office of the major general commandant-one chief clerk at \$2,000, and so forth.

Mr. PADGETT. What page is the gentleman reading from?

Mr. MANN. At the bottom of page 50 and the top of page 51 I looked around the Chamber when this item was read and wondered I did not see some member of the Committee on Appropriations make a point of order on it and claim jurisdiction. Are not these employees engaged in the office of the commandant general here in Washington?

Mr. PADGETT. They are in the office here in Washington,

and they have always been carried in this bill.

Mr. MANN. The paymaster is in Washington?

Mr. PADGETT. Yes, sir.

Mr. MANN. The adjutant and inspector is in Washington? Mr. PADGETT. Yes, sir.

Mr. MANN. The quartermaster is in Washington? Mr. PADGETT. These are all here in the department, but

some of these are—
Mr. MANN. The Committee on Appropriations has been very energetic lately insisting upon jurisdiction over items of this character so that I am surprised they do not take charge of it However, it was my sympathies to these men which caused me to make this inquiry. If these employees were cared for on the legislative bill, those who draw salaries under \$1,800 a year would probably get an increase, certainly would get an increase if the salaries were under \$1,000. There might be some at that rate. I think there is one carried in this bill, but as it is they will get no increase of salary at all. This will be one time when the clerks will want to be carried in the legislative bill. Heretofore they have wanted to stay in this bill, and they have stayed in this bill, and the result will be they will have to be a little more economical the next fiscal year than the other clerks under similar circumstances.

Mr. COX. Mr. Chairman, I move to strike out the last two words. I was called out of the Hall a moment ago and just as I entered the Hall I understood the gentleman from Tennessee [Mr. Padgett] and other gentlemen were discussing the propo-

sition as to how many officers were on the retired list who the Navy Department could call to the colors.

Now, I want to ask the gentleman this question: Whether or not the law now requires the Secretary of the Navy to have men who are on the retired list and yet able to do considerable work to be examined from time to time and be assigned to duty?

Mr. PADGETT. No, sir.

Mr. COX. Now, what earthly objections could there be to

such laws as that?

Mr. PADGETT. The law provides that men upon the retired list can be called into active duty and receive active pay in the case of emergency or in war. They are all subject to call. In times of any emergency, upon their application, the Secretary of the Navy may assign them to duty and they receive the pay not exceeding that of a lieutenant commander, unless it is their own retired pay. If their own retired pay exceeds that of a lieutenant commander, they receive their own retired pay.

Mr. COX. Now, if the gentleman will yield further. Evidently there is some necessity, for the gentleman from Virginia

in the last year's Army reorganization bill reported in the bill this provision, except in the Army bill it applied to Army officers on the retired list, and this, if enacted into a law, would apply to officers of the Navy on the retired list:

That the Secretary of the Navy shall make a list of all officers who have been placed on the retired list for disability and shall cause such officers to be examined at such intervals as may be advisable, and such officers as shall be found to have recovered from such disability or to be able to perform service of value to the Government sufficient to warrant such action shall be assigned to such duty as the Secretary of the Navy may approve.

Now, will the gentleman explain what earthly objection there would or could be to incorporating a provision like that in

Mr. PADGETT. I do not think there is any necessity for it.

It is getting along very well.

Mr. COX. I do not know whether it is getting along very We are appropriating money here well or not.

Mr. DAVIS of Texas. Will the gentleman yield? Mr. COX. I can not yield now.

In response to the gentleman from Texas [Mr. Callaway], who made the inquiry a moment ago, I have gone to the Navy Yearbook, and I want to put some figures in the Record here. There are men on the retired list of the Navy Department captains, average age 55, 16; commanders, with an average of 50, 19; commanders, with an average age of 45, 25; lieutenant commanders, with an average age of 45, 27; lieutenants commanders, with an average age of 45, 27; lieutenants, 27; lieutenants (junior grade), 22; ensigns, 27; passed assistant surgeons, 12; assistant surgeons, 6; paymasters, 8; passed assistant paymasters, 1; naval constructor, 1; assistant naval constructor, 1; ass

structor, 1; or a total of 202.

Now, of those higher grade officers, their average age is 45. Then, in the Marine Corps there is 1 lieutenant colonel, whose age is 50, on the retired list. There are 4 majors, with an average age of 45, on the retired list; 17 captains; 10 first lieutenants; age age of 45, on the retired list, it captains, 10 instructionals, and 3 second lieutenants; or a total of 35. Noncommissioned officers, who are retired with rank of a commissioned officer, chief, 8; boatswain, 10; chief gunner, 4; gunner, 12; or a

total of 34.

Mr. SMITH of Michigan. Will the gentleman yield for a question? Why is it that a person of 45 years of age is put on the retired list?

Mr. COX. You can search me. I do not know why. I can point out to the gentleman here in the city of Washington a man on the retired list, a graduate at Annapolis, who is now drawing \$3,000 a year in the active practice of medicine, and there is another man, a graduate of Annapolis, who is now drawing \$3,000, retired pay, and at the same time drawing a salary from the Government of about \$1,400 a year in the United States Subtreasury at Philadelphia. If I had time I could enumerate case after case like that.

And yet, with an appropriation bill here amounting to nearly \$500,000,000, building ships on top of ships, if we are short of anything in the world, it is of officers; and what objection the Navy Department can have to incorporating an amendment such as the one carried on the last Army reorganization bill, that would compel the Secretary of the Navy to examine these officers on the retired list and where they are able to do some work compel them to quit private employment and serve their country after the country has educated them is beyond my compre-

The CHAIRMAN. The time of the gentleman from Indiana has expired

Mr. TALBOTT. Mr. Chairman, I move to strike out the last

The CHAIRMAN. The gentleman from Maryland moves to strike out the last word.

Mr. TALBOTT. These people are not placed on the retired

list until after they are examined.

Mr. COX. Yes; and they get well mighty quick after being placed on the retired list. They are able to do a good day's work in private employment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that the debate on the paragraph and all amendments thereto

close in five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the debate on the paragraph and all amendments thereto close in five minutes. Is there objection?

Mr. STAFFORD. I object.

The CHAIRMAN. The gentleman from Wisconsin objects.

Mr. STAFFORD. I do not like to have that compliment paid to me when I rise to address the committee.

Mr. PADGETT. I did not want to slight the gentleman. I

simply want to get through with this bill.

Mr. STAFFORD. I want to reply to the gentleman from Illinois [Mr. Mann] as to the need of having these departmental clerks included in this appropriation bill. I realize, and everybody else realizes, that it is in consonance with good legislative practice to have all the clerks in the departments here in Washington included in one bill. It is the only method that can be pursued in order to deal fairly and equitably with all concerned. I think it would be even better in the interest of good parliamentary procedure and for legislative convenience if the clerks in the Agricultural Department were brought within the jurisdiction of the Committee on Appropriations and included in the legislative, executive, and judicial appropriation bill.

Last year it was brought to our attention during the consideration of the Army appropriation bill that there were some departmental clerks in connection with the office of the Chief of

Staff that are utilized here in Washington.

Mr. PADGETT. These are of the same character.

Mr. STAFFORD. There was some understanding that they should be included in the legislative, executive, and judicial appropriation bill. We attempted that this year, not with a desire to appropriate to ourselves legislation that applies to another committee, but with the sole purpose of having one rule applicable to all the clerks in the department. But when we did that this year the Committee on Military Affairs strongly resented our policy and came into the House and objected to their inclusion, and, on a fine technical parliamentary point, they were eliminated from the bill.

would like to inquire of the chairman of the Naval Committee whether there is any need of having these clerks connected with the departmental offices here in Washington in-

cluded in the naval appropriation bill?

Mr. PADGETT. I will say to the gentleman— Mr. STAFFORD. I may say to my friend the gentleman from Illinois [Mr. Mann] before the gentleman replies, that we did not attempt to have these clerks stricken out of this bill this year because we realized that the department would be without any clerks at all if we did. The legislative, executive, and judicial appropriation bill is already in conference. could not provide for them otherwise.

But I wish to direct an inquiry of the chairman now as to whether, in the formation of next year's bill, it would not be better for legislative purposes to have the clerks provided for in these four paragraphs included in the legislative, executive,

and judicial appropriation bill?

Mr. PADGETT. I think not. I think they ought to be under the control of the Naval Committee and in the naval bill, because they perform naval service, and they are under the jurisdiction of the Navy Department, and right in the offices performing largely naval service.

Mr. STAFFORD. Wherein are they more under the naval officers than the clerks carried in the legislative, executive, and judicial bill connected with the Bureau of Navigation and the Bureau of Construction and the Bureau of Yards and Docks?

Mr. MANN. Or in the office of the Secretary of the Navy? Mr. STAFFORD. Or the office of the Secretary of the Navy? All the activities of the Navy other than this one, are included, so far as the departmental clerks are concerned, in the legislative, executive, and judicial bill.

Mr. PADGETT. They have always been appropriated for in

this bill, time out of mind.

Mr. STAFFORD. Is that the only argument the gentleman can advance in favor of their retention in this bill? not advance any other one, I will be tempted to call attention to the subject when the next legislative bill is considered for the sake of consistency and harmony to have these clerks carried in that bill.

Mr. PADGETT. I suppose in that event you would meet the

same difficulty that you met on the Army bill.

Mr. STAFFORD. Oh, we might meet more. The Navy is much more potent with the big guns than the Army is with its little guns. But that, nevertheless, would be as good an argument in favor of the retention of these clerks in the naval appropriation bill as the members of the Committee on Military Affairs advanced in connection with the retention of those clerks connected with the office of the Chief of Staff.

Mr. PADGETT. I think we have all the arguments they had. Mr. STAFFORD. The gentleman may have something up his sleeve that he is withholding, but I am tempted to call the bluff, and ask to have them included in the next legislative, executive, and judicial appropriation bill.

The CHAIRMAN. The pro forma amendment is withdrawn and the Clerk will read.

The Clerk read as follows:

In the office of the quartermaster: One chief clerk, at \$2,000: 1 clerk, at \$1,800; 1 clerk, at \$1,500; 2 clerks, at \$1,400 each; 2 clerks, at \$1,200 each; 1 draftsman, at \$2,200.

Mr. MANN. I reserve a point of order on the paragraph. What is the occasion for increasing the salary of this draftsman from \$1,800 to \$2,200? That seems an odd increase.

Mr. PADGETT. The reason he was increased was because

he was offered that amount in another employment, and the department said he was a very valuable man, and they did not want to give him up.

Mr. MANN. He will probably be offered \$2,500 or \$3,000 next year, because private employers will pay, for particular men, more than the Government can pay, because the Government must pay more or less on a dead level between men.

Yes; but that is one of the services in the Mr. PADGETT. department where they are continually on a stress to keep up

their necessary number of men.

Mr. MANN. What occasion do they have for a draftsman at all in the office of the quartermaster under ordinary circum-

Mr. PADGETT. They need one over there to do their draft-

ing for their barracks and other work. Mr. MANN. Have they not learned yet how to construct bar-

racks without making new plans for them?

Mr. PADGETT. They need the man there, and this man was offered \$2,200, and they want to keep him.

Mr. MANN. Undoubtedly he is a competent man, but have they not discovered yet how to construct ordinary barracks without requiring new plans each time they put up a little

Mr. PADGETT. They do not always put them up just alike.

Mr. MANN. Why do they not?

Mr. PADGETT. Simply because the necessities are different. Mr. MANN. I can imagine, of course, that in Nicaragua they may require a building slightly different from a building up in Alaska, but I should think by this time they would have all These are not elaborate buildings, or they ought not to be, unless they are constructed for the benefit of a few officers, and I doubt even then whether they ought to be very elaborate.

Mr. PADGETT. The barracks are for the accommodation of the men, and they are built for the accommodation of 500

marines.

The barracks accommodate both men and officers. Mr. PADGETT. I know, but they are the barracks we build for the enlisted men, with a capacity to accommodate 500 men, and that is what we have been providing.

Mr. MANN. Certainly by this time they must have discovered types of buildings, and they must have plans and specifications for them. Of course, I know that to be the case anyhow, or they could not get along with only one draftsman.

Mr. PADGETT. This is the only draftsman they have in the

This is the only draftsman they have in the Marine Corps, and they certainly need one. He is a very valuable man.

Mr. MANN. I think they need that many for ornament, so

withdraw the point of order.

Mr. STAFFORD. I renew the point of order. Do I understand that the committee advanced this man's salary \$400, to the maximum that he could obtain in private employment, and that was the only reason for advancing this salary more than any other advancement carried in this bill?

Mr. PADGETT. It was stated to us that he was worth it, that he was a very valuable man, and that he had been offered

\$2,200, and the Marine Corps did not want to lose him.

Mr. STAFFORD. I will inform the gentleman that it has been testified many times before the legislative subcommittee, as a warrant for an increase, that men have been offered fourfold and fivefold the amount of their Government salaries by private employers, yet we did not feel warranted in granting the in-crease. Mr. Chairman, this is rather an inordinate increase. I would not object to a reasonable increase of a couple of hundred dollars, but to advance a man's salary from \$1,800 to \$2,200 just merely because some private employer thinks he is of value, is not warranted, I think, under the present conditions of the Treasury.

Mr. PADGETT. There is a very great demand for draftsmen. Mr. KELLEY. The offer this man had was from the Bureau of Yards and Docks, another department of the Government.

Mr. STAFFORD. I think that only strengthens my position.

I think the Bureau of Yards and Docks has more need for draftsmen of this capacity than the Marine Corps. Therefore I make the point of order.

The CHAIRMAN. The gentleman from Wisconsin makes the point of order against the figures "\$2,200," and the Chair sustains the point of order.

Mr. PADGETT. Did the gentleman say that he would not

object to \$2,000?

Mr. STAFFORD. Upon the information furnished by the gentleman from Michigan that this man is really needed in another branch of the service, I will insist on having it \$1,800.

Mr. PADGETT. Mr. Chairman, I move to amend by inserting the figures "\$1,800."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 51, line 9, insert the figures "\$1,800."

The amendment was agreed to. The Clerk read as follows:

In the office of the assistant quartermaster, Philadelphia, Pa.: One chief clerk, at \$1,800; one messenger, at \$840.

Mr. SEARS. Mr. Chairman, I move to strike out the last word in order to ask the chairman a question. Why do you allow a messenger at \$840 for Philadelphia and not one at San Francisco?

Mr. PADGETT. I do not know just the work that is required there. This is not a new item. At Philadelphia they have a larger establishment, and they manufacture outfits under the Marine Corps

Mr. SEARS. At San Francisco they have a chief clerk with no messenger, but at Philadelphia they have a chief clerk with

Mr. PADGETT. They do not need one at San Francisco. Mr. SEARS. The chief clerk at Philadelphia has a messenger, and the chief clerk at San Francisco has not, and they both have the same pay.

Mr. PADGETT. The work at San Francisco is not of so

diversified a character.

Mr. SEARS. I withdraw the pro forma amendment.

The Clerk read as follows:

In all, pay, Marine Corps, \$7,133,002.78.

Mr. PADGETT. Mr. Chairman, there is a reduction of \$400 in that total. The Clerk has heretofore been given authority to change the totals.

The CHAIRMAN. The Chair understands that the Clerk has been given authority by the committee to correct the totals.

The Clerk read as follows:

The Clerk read as follows:

Provisions, Marine Corps: For noncommissioned officers, musicians, and privates serving ashore; subsistence and lodging of enlisted men when traveling on duty, or cash in lieu thereof; commutation of rations to enlisted men regularly detailed as clerks and messengers; payments of board and lodging of applicants for enlistment while held under observation, recruits, recruiting parties, and enlisted men where it is impracticable to otherwise furnish subsistence, or in lieu of board, commutation of rations to recruiting parties; transportation of provisions, and the employment of necessary labor connected therewith; ice machines and their maintenance where required for the health and comfort of the troops and for cold storage; ice for offices and preservation of rations, \$1,676,000. Hereafter no law shall be construed to entitle enlisted men on shore duty to any rations or commutation therefor other than such as are now or may hereafter be allowed enlisted men in the Army: Provided, That when it is impracticable or the expense is found greater to supply marines serving on shore duty in the island possessions and on foreign stations with the Army ration, such marines may be allowed the Navy ration or commutation therefor.

Mr. MANN. Mr. Chairman. I reserve a point of order. This

Mr. MANN. Mr. Chairman, I reserve a point of order. This paragraph carries an appropriation for food or provisions, commutation of rations, and so forth. Is the gentleman from Tennessee able to tell the House the various places outside of the United States where the Marine Corps is now in service?

Mr. PADGETT. At Haiti, San Domingo, Nicaragua, some in the Philippines, some in Guam, some in Hawaii, some in Alaska,

and a few in China.

Mr. MANN. Any other foreign countries that the gentleman now recalls?

Mr. PADGETT. I do not recall any at this minute.

Mr. MANN. Does the gentleman recall how many are in Nicaragua or Haiti or San Domingo?

Mr. PADGETT. Quite a number in Haiti and San Domingo, but not so many in Nicaragua.

Mr. MANN. Any enlisted men in Haiti or San Domingo? Mr. PADGETT, Quite a number. Mr. MANN. We gave authority for the officers to recruit a local force there.

Mr. PADGETT. Yes; but there are quite a number of en-listed men there in addition to those provided in the legislation that the gentleman refers to, to form a constabulary.

Mr. MANN. If I may judge from current reports, the Ma-

rine Corps and the officials are doing excellent service?

Mr. PADGETT. It is so reported, and I have noticed in the press that they are rendering magnificent service.

Mr. MANN. As to Nicaragua, I do not feel quite so sure about it.

Mr. PADGETT. I have not much information about that. Mr. MANN. In one South American State they had a revo-

lution the other day. Which one was that?

Mr. PADGETT. I do not recall, they come so often.

Mr. MANN. I think it was in one of the States along next to Nicaragua, probably the result of our course in Nicaragua. We have not sent the marines into Costa Rica to restore the Government there that was thrown out? Not yet, as far as the gentleman knows?

Mr. PADGETT. I have not heard of any.

Mr. MANN. I withdraw the point of order. Does not the gentleman think it is time for the committee to rise?

Mr. PADGETT. I would like to have the Clerk read a few more pages, down to the increase of the Navy.

Mr. MANN. We can easily finish the bill to-morrow.

Mr. PADGETT. We want to finish the bill and then pass the pension appropriation bill to-morrow.

Mr. MANN. I think it will be hardly possible to do that.

EXTENSION OF REMARKS.

The following Members were given leave to extend their remarks in the RECORD: Mr. SEARS, Mr. TAGUE, Mr. FESS, and Mr. MORIN.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Page of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20632, the naval appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. Gallivan, by unanimous consent, was given leave of absence for four days, on account of attending the obsequies of a friend.

BRIDGE ACROSS THE ALLEGHENY RIVER, CATTARAUGUS COUNTY, N. Y.

Mr. MANN. Mr. Speaker, yesterday we passed House bill 19298, a bridge bill, where an identical Senate bill (S. 7537) had previously passed the Senate. I ask unanimous consent to enter a motion to reconsider the vote by which we passed the House bill, and then I will ask the House to agree to a resolution to recall the bill from the Senate.

The SPEAKER. The gentleman from Illinois asks unanimous consent to enter a motion to reconsider the vote by which the

bill H. R. 19298 was passed. Is there objection?

There was no objection.

Mr. MANN. And I ask to have the resolution passed recalling the bill.

The SPEAKER. The Clerk will report the resolution,

The Clerk read as follows:

House resolution 491.

Resolved, That the Clerk be, and he is hereby, directed to request the Senate to return to the House of Representatives the bill (H. R. 19298) entitled an act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River in the town of Allegany, county of Cattaraugus, N. Y.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1061. An act to allow additional entries under the enlargedhomestead act;

S. 2222. An act for the relief of the heirs of Antoine Bayard;

S. 5632. An act for the relief of Aquila Nebeker;

S. 5203. An act for the relief of Gardiner L. Eastman;

S. 1553. An act for the relief of Peter Kenney; and

S. 3743. An act to reimburse John Simpson.

ENROLLED JOINT RESOLUTION AND BILLS PRESENTED TO THE PRESI-DENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United

States, for his approval, the following joint resolution and bills: H. J. Res. 230. Joint resolution authorizing the National Society United States Daughters of Eighteen Hundred and Twelve to file its historical material in the Smithsonian Institution and to make annual reports to the secretary thereof;

H. R. 1609. An act for the relief of S. L. Burgard;

H. R. 6732. An act for the relief of Joseph A. Jennings;

H. R. 7763. An act for the relief of Stephen J. Simpson;

H. R. 11150. An act for the relief of mail contractors; H. R. 11288. An act for the relief of S. S. Yoder; and

H. R. 11685. An act for the relief of Ivy L. Merrill.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock

The SPEAKER. Is there objection?

There was no objection.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I present a conference report upon the bill H. R. 18453, the Indian appropriation bill, for printing under the rules.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1448).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 4, 7, 8, 13, 14, 20, 21, 26, 27, 28, 29, 30, 31, 33, 34, 36, 38, 39, 55,

58, 62, 65, 73, 74, 76, 82, 88, 96, 100, 103, 106, and 112

That the House recede from its disagreement to the amendments of the Senate numbered 15, 17, 18, 23, 25, 37, 41, 43, 44, 45, 47, 52, 53, 54, 56, 57, 59, 61, 64, 67, 68, 69, 70, 71, 72, 75, 77, 78, 79, 81, 83, 86, 89, 91, 94, 97, 98, 99, 101, 102, 104, 105, 107, 108, and 109, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "Provided further, That \$5,000 of the above amount shall be used for an investigation and report on the merits of the claim of the Indians of the Warm Springs Reservation in Oregon to additional land arising from alleged erroneous surveys of the north and west boundaries of their reservation as defined in the treaty concluded June 25, 1855 (12 Stats. L., p. 963), and the Secretary of the Interior is hereby authorized to make such survey or resurveys as may be necessary to complete said investigation and report"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "Provided, That automobiles or any other vehicles or conveyances used in introducing, or attempting to introduce, intoxicants into the Indian country, where the introduction is prohibited by treaty or Federal statute, whether used by the owner thereof or other person, shall be subject to the seizure, libel, and forfeiture provided in section 2140 of the Revised Statutes of the United States"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,600,000"; and the Senate agree to

the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the

amendment proposed insert the following:

"For construction, lease, purchase, repair, and improvement of school and agency buildings, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, \$400,000: Provided, That of this amount \$300 may be expended for the purchase of a perpetual water right and right of way across the lands of private individuals, for the purpose of running a pipe line from a certain spring or springs located near the Sisseton Indian Agency buildings, South Dakota, to said buildings, the purchase of such water right to include sufficient land for the construction of a small cement reservoir near such spring or springs for the purpose of storing the water so acquired: *Provided further*, That not to exceed \$500 of the amount herein appropriated may be used for the acquisition on behalf of the United States, by purchase or otherwise, of land for a site for the Mesquakie Day School, Sac and Fox, Iowa: Provided further, That the Secretary of the Interior is authorized to allow employees in the Indian Service who are furnished quarters necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place: And provided further, That the amount so expended for agency purposes shall not be included in the maximum amounts for compensation of employees prescribed by section 1, act of August 24, 1912.

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "Provided further, That where practicable the transportation and expenses so paid shall be refunded and shall be returned to the appropriation from which paid"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "\$475,000, of which sum not less than \$75,000 shall be used for the employment of additional field matrons:"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its

disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the figures "\$10,000" and insert in lieu thereof "\$8,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$400,000"; and the Senate agree to the

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed in line 1 of said amendment insert "\$75,000 and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Strike out all of said amendment numbered 24 and the following language ap-

pearing in lines 10 to 14, inclusive, on page 13 of the bill:
"That from and after the passage of this act the Secretary of the Interior shall have the power to authorize any superintendent, clerk, or other employee in the Indian field service to administer oaths and take acknowledgments in connection with matters pertaining to their official duties.'
And the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In line 4 of the amendment proposed, after the word "Interior," strike out the period, insert a comma, and add the following: "reimburs-able to the United States from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians in Arizona, to remain a charge and lien upon the lands and funds of said

tribe of Indians until paid"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$20,000"; and the Senate agree to the

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"That section 3 of the act of January 12, 1891 (26 Stat. L., p. 712), entitled "An act for the relief of Mission Indians in the State of California," be, and the same is hereby, amended so as to authorize the President, in his discretion and whenever he shall deem it for the interests of the Indians affected thereby, to extend the trust period for such time as may be advisable on the lands held in trust for the use and benefit of the Mission Bands or villages of Indians in California."

And the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"IOWA.

"SEC. 6. The Secretary of the Interior is hereby authorized, in his discretion, to pay to the enrolled members of the Sac and Fox of the Mississippi Tribe of Indians of the State of Iowa, entitled under existing law to share in the funds of said tribe, or to their lawful heirs, the sum of \$10,334.96, together

with the interest which has or may hereafter accrue thereon, remaining in the Treasury of the United States to the credit of the Sac and Fox of the Mississippi Tribe of Indians of the State of Iowa, from the sum of \$42,893.25 transferred to the credit of those Indians under the provisions of the act of June 10, 1896, said sum of \$10,334.96 to be apportioned per capita among the enrolled members of said tribe."

And the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In line 6 of the amendment strike out the following: "for setting out trees, \$500"; and in line 7 of the amendment strike out the figures "\$75,175" and in lieu thereof i "\$74,675"; and the Senate agree to the same. and in lieu thereof insert the figures

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In line 4 of the amendment strike out the word "on" after the word "bridge" and insert the following: "across the Mississippi River on the"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In line 5 of the amendment, after the word "been," strike out the words "omitted erroneously from the rolls," and in lieu thereof insert the following: "heretofore erroneously stricken from the rolls and reinstated prior to the passage of this act"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: After the word "Washington," in lines 21 and 22 of the amendment, insert the following: "and other Chippewa Indians visiting said city"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lines 3 and d of the amendment, strike out the following, "for the purchase of additional land, \$41,600; in all, \$129,920," and insert the following: "in all, \$88,320"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its

disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In line 1 of the amendment strike out the figures "\$52,100," and in lieu thereof insert the figures "\$50,430"; and in line 4 of the amendment strike out the figures "\$99,100," and in lieu thereof insert "\$97,430"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the

amendment proposed insert the following:

"For the construction of a steel bridge across the San Juan River in San Juan County, State of New Mexico, at the best and most available location west or southwest and near to the town of Farmington, in said county and State, \$25,000, to be expended under the direction of the Secretary of the Interior, and to be reimbursable from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians in the State of New Mexico.'

And the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the

amendment proposed insert the following:

That the sum of \$5,000, to be immediately available, be, and the same is hereby appropriated, out of any funds of the Chickasaw Nation, not otherwise appropriated, to reimburse Douglas H. Johnston, governor of the Chickasaw Nation, for extra expenses incurred in the performance of his duty as chief executive of the Chickasaw Nation and principal chief of the Chickasaw Tribe of Indians during the period covered between the years 1907 and 1912, and the Secretary of the Interior is hereby authorized and directed to make such payment from the funds of said Nation.

And the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In line 2 of the proposed amendment, after the word "Congress," strike out the period, insert a colon, and add the following: "Provided, That the Secretary of the Interior is hereby authorized to pay each and every duly enrolled citizen of the Creek Nation who has not been allotted lands in said nation and

who is not included in Senate Document No. 478, Sixty-third Congress, second session, the sum of \$1,040 in lieu of an allot-ment of land in said nation. Said sum of \$1,040 to be paid to each and every person out of the funds in the Treasury of the United States to the credit of the Muskogee Creek Nation"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In line 7 of the amendment strike out the following: "\$40,000; in all, \$162,200," and insert "\$30,000; in all, \$152,200"; and the Senate

agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In line 12 of the amendment, after the word "prescribe," strike out the period, insert a colon, and add the following: "Provided, That the application of this provision shall not interfere with any rights guaranteed by treaty to any allotted Umatilla Indian or

Indians"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the

matter proposed insert the following:

Sec. 21. For support and education of 365 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, \$62,955; for general repairs and improvements, \$8,000; for new barn, \$3,000; in all, \$73,955."

And the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "in all, \$53,750." On page 40, line 1, of the bill, after the figures "\$43,750," insert the following: ", of which amount not exceeding \$900 may be expended for the purchase of two new busses"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110. and agree to the same with an amendment as follows: In lieu

of the amendment proposed insert the following:

"SEC. 26. That until the meeting of the Sixty-fifth Congress, those members of the Committee on Indian Affairs of the House of Representatives, not less than five in number, who are Members elect to the Sixty-fifth Congress, are authorized to conduct hearings and investigate the conduct of the Indian Service, at Washington, D. C., and elsewhere, and the sum of \$15,000 or so much thereof as may be necessary, to be immediately available and remain available until expended, is hereby appropriated for expenses incident thereto. The said committee is hereby authorized and empowered to examine into the conduct and management of the Bureau of Indian Affairs and all its branches and agencies, their organization and administration, to examine all books, documents, and papers in the said Bureau of Indian Affairs, its branches or agencies, relating to the administration of the business of said bureau, and shall have and is hereby granted authority to subpæna witnesses, compel their attendance, administer oaths, and to demand any and all books, documents and papers of whatever nature relating to the affairs of Indians as conducted by said bureau, its branches and agencies. Said committee is hereby authorized to employ such clerical and other assistance, including stenographers, as said committee may deem necessary in the proper prosecution of its work: Provided, That stenographers so employed shall not receive for their services exceeding \$1 per printed page."

And the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 48, 80, 95, and 111.

JNO. H. STEPHENS, C. D. CARTER, P. D. NORTON, Managers on the part of the House. HENRY F. ASHURST, H. L. MYERS, Moses E. Clapp, Managers on the part of the Senate.

STATEMENT.

The bill as it passed the House carried approfollows:	ropriations as
GratuityReimbursableTreaty	\$7, 152, 896, 67 2, 697, 700, 00 845, 360, 00
Total	10, 695, 956, 67

The bill as it passed the Senate carried appropriations as follows:

 Gratuity
 \$8, 395, 746, 67

 Reimbursable
 3, 157, 000, 00

 Treaty
 845, 360, 00

__ 12, 398, 107. 67 Total _____

The bill as agreed upon in conference carries appropriations as follows:

 Gratuity
 \$7,778,176,67

 Reimbursable
 2,905,500,00

 Treaty
 845,360,00
 11, 529, 036, 67

The above figures do not include amendments Nos. 80, 95,

111, and 112, which are in disagreement.

The estimates for the fiscal year ending June 30, 1918, were \$12,230,356.67. The bill as agreed upon in conference, exclusive of the amendments above enumerated on which there is a disagreement, is \$701,320 less than the estimates of the department and \$869,071 less than the bill carried when it passed

The Senate conferees have receded on the following amendments: 1, 3, 4, 6, 7, 8, 13, 14, 20, 21, 26, 27, 28, 29, 30, 31, 33, 34, 36, 38, 39, 55, 58, 62, 65, 73, 74, 76, 82, 88, 92, 96, 100, 103,

106, and 112.

The House conferees have receded unqualifiedly on the following amendments: 15, 17, 18, 23, 25, 37, 41, 43, 44, 45, 47, 52, 53, 54, 56, 57, 59, 61, 64, 67, 68, 69, 70, 71, 72, 75, 77, 78, 79, 81, 83, 86, 89, 91, 94, 97, 98, 99, 101, 102, 104, 105, 107, 108,

The effect of the recession of the House conferees on the amendments on which they have unqualifiedly receded is as

On No. 15: Provides for three warehouses in the Indian Serv-

ice instead of two permanent warehouses in last year's law.
On No. 17: Makes \$5,000 of the \$135,000 appropriation for general expenses of the Indian Service immediately available.
On No. 18: Allows six Indian Service inspectors an increase of

\$1 in per diem expenses when actually employed on duty in the field.

On No. 23: Requires land purchased by the United States for day school or other administrative purposes to be sold to the highest bidder when any sale is made as contemplated by the law.

On No. 25: Amends the act of March 11, 1904, so as to permit of temporary rights of way for pipe lines across Indian lands for the conveyance of oil and gas.

On No. 37: Provides for the erection of a new school at the Fort Bidwell Indian school, California, and appropriates \$12,000

therefor; also corrects the totals.

On No. 41: Permits the using of the funds arising from the sale of lands on the Klamath Indian Reservation for the purpose of constructing roads, trails, and other improvements for their benefit in addition to the purposes set forth in the act of June 17, 1892.

On No. 43: Corrects the section number.

On No. 44: Grants an increase of \$2,000 for general repairs and improvements at the Indian school, Kickapoo Reservation,

On No. 45: Appropriates \$8,000 for the purchase of additional

land at the Indian school, Mount Pleasant, Mich.

On No. 47: Directs the Secretary of the Interior to accept the application of Richard Daeley to enter 13 acres of land as assignee of Evaline Gallagher, and to issue patent to Daeley on his complying with the requirements of the law relative to making soldiers' additional homestead entries.

On No. 52: Removes the requirement of the act of June 30, 1914, for showing the quantum of Indian blood in the roll that is

being prepared of Chippewa Indians.

On No. 53: Corrects the section number. On No. 54: Does not increase the appropriation, but provides that \$1,000 may be used for the purchase of two automobiles on the Flathead Indian Reservation, Mont.

On No. 56: Increases the appropriation to the amount estimated by the department for the irrigation systems on the Fort Belknap Indian Reservation, Mont.

On No. 57: Increases the appropriation for the support and civilization of the Rocky Boy Band of Chippewa Indians in Mon-

On No. 59: Corrects the section number.

On No. 61: Corrects the section number.

On No. 64: Corrects the section number,

On No. 67: Corrects the section number.

On No. 68: Corrects the section number. Also, provides for 10 additional pupils, an assembly hall and gymnasium, and additional land for a school farm at the Indian school, Cherokee, N. C., in accordance with the department estimates.

On No. 69: Corrects the section number.

On No. 70: Provides for the construction and equipment of a gymnasium building at the Fort Totten Indian School, North

On No. 71: Provides for an assembly hall and employees' cottages at the Wahpeton School, North Dakota, in accordance with the department estimates.

On No. 72: Corrects the section number,

On No. 75: Provides that Osage County, Okla., shall be deemed Indian country within the meaning of acts of Congress making it unlawful to introduce intoxicating liquors into Indian

On No. 77: Provides for a reappraisement of Osage County, Okla., and appropriates \$5,000 from tribal funds for such pur-

On No. 78: Corrects the section number.

On No. 79: Provides that the city of Tishomingo, Okla., shall convey sites for the dormitories for the Murray State School of Agriculture by fee-simple title.

On No. 81: Provides for the payment of M. L. Mott, formerly national attorney for the Creek Nation of Indians, for expenses incurred during the period January 15 to February 8, 1914, when his successor was appointed.

On No. 83: Reinstates existing law providing for a national attorney for the Creek Indians, and authorizes the expenditure

of Creek funds to pay for the same.

On No. 86: Corrects the section number.

On No. 89: Provides for the purchase of tracts of land on the Columbia River, Oreg., as fishing grounds for the Oregon Indians, and appropriates \$5,000 therefor.

On No. 91: Corrects the section number. On No. 94: Merely corrects the language.

On No. 97: Appropriates \$7,500 for the repair and improvement of the road from Canton, S. Dak., to the insane asylum for Indians at that place.

On No. 98: Corrects the section number.

On No. 99: Corrects the section number.

On No. 101: Provides that certain patents issued to certain Indians as fee simple patents under the homestead act of May 20, 1862, be ratified and confirmed as of the dates of their issuance.

On No. 102: Corrects the section number.

On No. 104: Appropriates \$1,500 for the purchase of a storage battery at the Indian school, Tomah, Wis.

On No. 105: Corrects the totals to correspond with amendment No. 104.

On No. 107: Amends the House provision authorizing the Secretary of the Interior to withdraw \$300,000 of the tribal funds of the Menominee Indians of Wisconsin and to spend the same in clearing the land, building of homes, purchase of seeds, machinery, tools, etc., so as to protect the timberlands of the Indians where they seek to farm their allotments by requiring first a survey and certification of the forest service of the Indian Bureau that the lands are more valuable for agricultural purposes than for the preservation of the timber growing on the land. Also the amendment provides for a per capita payment, in the discretion of the Secretary of the Interior, of \$50 to each member of the Menominee Tribe.

On No. 108: Corrects the section number.

On No. 109: Increases the appropriation for the irrigation system within the diminished Shoshone or Wind River Indian Reservation, Wyo., and indicates two partly completed ditches or canals on the reservation where the work shall be completed. The amendment also appropriates \$5,000 additional for the purpose of making further surveys and examinations relative to the irrigation of the conditionally ceded lands on the reservation.

On the following amendments the House conferees receded with modifying or substitute amendments: 2, 5, 9, 10, 11, 12, 16, 19, 22, 24, 32, 35, 40, 42, 46, 49, 50, 51, 60, 63, 66, 84, 85, 87, 90, 92, 93, and 110.

The effect of the recession of the House conferees on the amendments on which they have receded with modifying or substitute amendments is as follows:

On No. 2: Strikes out the \$5,000 appropriated for the investigation provided for and authorizes and directs the expenditure from the lump-sum appropriation for the survey, resurvey, classification, and allotment of lands to Indians.

On No. 5: Provides that automobiles used in introducing or attempting to introduce intoxicating liquor into Indian country in violation of law shall be subject to seizure, libel, and for-feiture as provided in section 2140 of the Revised Statutes of the United States.

On No. 9: Decreases the amount allowed by the Senate for the support of Indian day and industrial schools from \$1,650,000 to

On No. 10: Decreases the amount allowed by the Senate for the construction, lease, and repair of school and agency buildings from \$625,000 to \$400,000 and restores two provisos as estimated for by the department.

On No. 11: Provides that when expenses for transportation and collection of pupils have been refunded that they shall be re-

turned to the appropriation from which paid.

On No. 12: Decreases the appropriation for industrial work among the Indians from \$500,000, as it passed the Senate, to \$475,000, and provides that \$75,000 of this amount shall be used in the employment of additional field matrons.

On No. 16: Decreases the appropriation for pay of judges of Indian courts from \$10,000 to \$8,000 and provides that no part of this money shall be expended for any judge for the Pueblo Indians in New Mexico.

On No. 19: Decreases the appropriation for industry and selfsupport among the Indians from \$450,000, as it passed the Sen-

ate, to \$400,000.

On No. 22: Decreases the appropriation for reimbursing In-dians for loss of stock infected with dourine and other contagious diseases from \$100,000, as it passed the Senate, to \$75,000, and provides that the same shall be immediately available and remain available until expended.

On No. 24: Strikes out both the Senate and House provisions authorizing the Secretary of the Interior to empower any employee in the Indian Service to administer oaths and take acknowledgments in connection with matters pertaining to their

official duties.

On No. 32: Provides that the appropriation for the construc-tion of two bridges near the Leupp Indian Agency, Ariz., shall be reimbursable from any funds now or hereafter placed to the credit of the Navajo Tribe of Indians in the Treasury of the United States.

On No. 35: Decreases the appropriation for the purchase of lands for homeless Indians in California from \$25,000, as it

passed the Senate, to \$20,000.

On No. 40: Authorizes an amendment to the act of January 12. 1891, so as to enable the President to extend the trust period on the lands held in trust for the use and benefit of the Mission Bands of Indians in California.

On No. 42: Directs the Secretary of the Interior, in his discretion, to make a per capita payment to the enrolled members of the Sac and Fox of the Mississippi Tribe of Indians in Iowa.

On No. 46: Authorizes certain expenditures for the support and education of 225 Indians at the Indian school, Pipestone. Minn., including a domestic-science cottage, an addition to the hospital, a central heating plant, and for road and drainage, and decreases the total appropriation for this school from \$75,175, as it passed the Senate, to \$74,675.

On No. 49: Authorizes the expenditure of \$5,000 of the funds of the Chippewa Indians of Minnesota for the construction of a bridge across the Mississippi River, Cass Lake Reservation, Minn., upon condition that Congress shall hereafter appropriate \$10,000 to be contributed to the Forestry Service, and that the State of Minnesota, or the local Minnesota authorities, shall also contribute \$10,000 for the construction of such bridge.

On No. 50: Authorizes the payment from Chippewa Indian funds to persons whose names had been erroneously stricken from the rolls of the Chippewa Indians and had been reinstated

prior to the passage of this act.

On No. 51: Appropriates \$6,000 of the funds of the Chippewa Indians for the expenses of the general council of such tribe to be held at Bemidji, Minn., and also the necessary expenses of delegations of Chippewa Indians when attending to the business of the tribe in Washington, D. C.; also authorizes a special agent of the Interior Department to attend future meetings of the

On No. 60: Authorizes the erection of a steel water tank and employees' quarters at the Indian school at Genoa, Nebr., and decreases the appropriation for the school from \$129,920, as it passed the Senate, to \$88,320.

On No. 63: Decreases the appropriation for the Indian school at Carson City, Nev., from \$99,100, as it passed the Senate, to \$97,430, this decrease being necessary by the action of the Senate

conferees in receding from Senate amendment No. 62.

On No. 66: Merely changes the wording of the Senate amendment appropriating \$25,000, reimbursable, for the construction of a steel bridge across the San Juan River in San Juan County, N. Mex., which bridge was shown to be badly needed by the

On No. 84: Changes the wording of the amendment appropriating \$5,000 from the funds of the Chickasaw Nation of Indians for

the purpose of reimbursing Douglas H. Johnston, governor and principal chief of the Chickasaw Indians, for extra expenses incurred in the performance of his duties as such governor and principal chief between the years 1907 and 1912.

On No. 85: Provides that hereafter no allotments shall be made to members of the Creek Nation of Indians without specific authority of Congress, and authorizes the Secretary to pay to the enrolled members of the Creek Nation who have not as yet received an allotment of lands \$1,040 each in lieu of an allotment, said payments to be made from the funds of the Muskogee Creek Nation of Indians.

On No. 87: Reduces the appropriation for the construction of buildings at the Indian school, Salem, Oreg., from \$40,000, as it passed the Senate, to \$30,000, and corrects the total to corre-

spond.

On No. 90: Authorizes an allotment of not exceeding 80 acres to each Umatilla Indian residing on the Umatilla Reservation, Oreg., who has not been allotted but who has allotment rights on the reservation, so long as the lands remain available for such purpose, and authorizes the issuance of trust patents for the selections so made. Also provides that the application of this provision shall not interfere with rights of the Umatilla Indians as guaranteed by treaty.

On No. 92: Corrects the section number and reinstates the

House provision.

On No. 93: Strikes out the specific appropriation of \$900 for two busses at the Indian school, Pierre, S. Dak., and provides that such busses may be purchased from the appropriation for the support and education of the Indians at this school. Also decreases the appropriation for this school from \$54,650, as it

passed the Senate, to \$53,750.

On No. 110: Restores the House language providing for an investigation by the members elect of the Committee on Indian Affairs of the House of Representatives of the Sixty-fifth Congress, makes the appropriation immediately available and to remain available until expended; also gives the committee authority to examine all books, documents, and papers of the Indian Service, to subpæna and compel the attendance and administer oaths to witnesses, and to employ such clerks and other assistance, including stenographers, as may be necessary for the proper prosecution of its work.

JNO. H. STEPHENS. C. D. CARTER, P. D. NORTON, Managers on the part of the House.

EXTENSION OF REMARKS.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to revise and extend my remarks upon the naval bill. The SPEAKER. Is there objection?

There was no objection.

Mr. COOPER of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks on national prohibition.

The SPEAKER. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks upon the subject of the necessity for a forest reserve at the headwaters of the Red River, in Texas.

The SPEAKER. Is there objection?

There was no objection.

Mr. WM. ELZA WILLIAMS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the Senate amendment to the legislative bill to place postmasters under the civil service.

The SPEAKER. Is there objection?

There was no objection.

Mr. LINDBERGH. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record upon the rising cost of living.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Saturday, February 10, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting an estimate of deficiency in the appropriation for contingent expenses, Executive Office, for the fiscal year ending June 30, 1917 (H. Doc. No. 2044); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Public Printer submitting increased estimates of appropriations for the fiscal year ending June 30, 1918 (H. Doc. No. 2045); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting a supplementary estimate of appropriation to be immediately available for the establishment and equipment of a submarine base at the Panama Canal (H. Doc. No. 2046); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS,

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SWITZER: A bill (H. R. 20838) to donate certain condemned cannon and cannon balls to the city of Ironton, Ohio; to the Committee on Military Affairs.

Also, a bill (H. R. 20839) to donate certain condemned cannon and cannon balls to the city of Gallipolis, Ohio; to the Committee an Military Affairs

By Mr. FAIRCHILD: A bill (H. R. 20840) providing for the construction of a public building at Binghamton, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. BLACKMON: A bill (H. R. 20841) for the reduction of postage on first-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. MORRISON: A bill (H. R. 20842) providing for the

registration of designs; to the Committee on Patents.

By Mr. HAYDEN; A bill (H. R. 20843) to authorize a report upon the necessity for the construction of a bridge across the Salt River on the Salt River Indian Reservation, Ariz.; to the Committee on Indian Affairs,

By Mr. KEATING: A bill (H. R. 20844) to establish a United States commission of mediation and conciliation for the purpose of investigating the relations between railroads and their employees, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: Resolution (H. Res. 490) providing for telephone service at Capitol after March 31, 1917; to the Com-

mittee on Accounts.

By Mr. CALLAWAY (by request): Resolution (H. Res. 492) providing for a referendum vote on a declaration of war; to the Committee on Foreign Affairs.

By Mr. GARDNER: Resolution (H. Res. 493) requesting certain information of the Secretary of the Navy; to the Committee on Naval Affairs

By Mr. BURNETT: Concurrent, resolution (H. Con. Res. 73) to authorize the printing of 10,000 copies of the immigration law (Public, No. 301), Sixty-fourth Congress; to the Committee

By Mr. HAWLEY: Memorial of the Legislature of the State of Oregon, favoring an amendment to the Constitution of the United States granting suffrage to women; to the Committee on

Also, memorial of the Legislature of the State of Oregon, favoring amending the Constitution of the United States so that the President may veto single items in appropriation bills; to

the Committee on Appropriations. Also, memorial of the Legislature of Oregon, urging the appropriation of \$3,000,000 for a naval base upon the Columbia

River in Oregon; to the Committee on Naval Affairs.

By Mr. HAYES: Memorial of the Legislature of the State of California, favoring the reclamation of arid and swamp lands in the United States; to the Committee on Irrigation of Arid

Also, memorial of the Legislature of the State of California, favoring the improvement of Crescent City Harbor; to the

Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of California, favoring the loaning of a portion of the funds of the postal savings bank directly to public-school districts; to the Committee on the Post Office and Post Roads.

Also, memorial of the Legislature of the State of California, favoring the holding of a congress of States to consider the sources of revenue with the object of segregation of State and Federal revenue; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of California. favoring the appropriation of money for the hydrographical Harry E. Snyder; to the Committee on Pensions.

work on the Pacific coast; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of California. favoring the lowering of water level of Lower or Little Klamath Lake; to the Committee on the Public Lands.

By Mr. JOHNSON of Washington: Memorial of the Legislature of the State of Washington, favoring the passage of a bill to provide for the construction of a military highway along the north bank of the Columbia River, between Fort Canby and Fort Vancouver; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of Washington, urging the appropriation of \$2,612.60 by the United States to reimburse the State of Washington for expenditures in connection with the mobilization of the Washington National Guard: to the Committee on Claims.

Also, memorial of the Legislature of the State of Washington. favoring the construction and maintenance of military highways along the Pacific coast from the Canadian border to the Mexican border; to the Committee on Military Affairs.

By Mr. HILL: Memorial of the Legislature of the State of Connecticut, declaring the loyalty of the people of Connecticut to the Government of the United States in the present international crisis; to the Committee on Foreign Affairs.

By Mr. McARTHUR: Memorial of the Legislature of the State of Oregon for the submission of an amendment to the Constitution of the United States whereby the President shall be authorized to disapprove of any items of a bill making an appropriation of money; to the Committee on the Judiciary.

By Mr. SINNOTT: Memorial of the Legislature of the State

of Oregon, favoring an amendment to the Constitution of the United States authorizing the President to disapprove of any items of a bill making appropriations of money; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 20845) granting an increase of pension to William H. Kidd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20846) granting an increase of pension to Adam Wilson; to the Committee on Invalid Pensions,

By Mr. CHURCH: A bill (H. R. 20847) granting a pension to Leon L. Scott; to the Committee on Pensions.

By Mr. DICKINSON: A bill (H. R. 20848) for the relief of Mary White, widow of Benjamin White, deceased; to the Committee on Claims.

By Mr. DOOLITTLE: A bill (H. R. 20849) granting an increase of pension to James Park; to the Committee on Pensions. By Mr. FESS: A bill (H. R. 20850) to correct the military record of Frederick Colburn; to the Committee on Military

Affairs. By Mr. GOULD: A bill (H. R. 20851) granting an increase of pension to George Gunnell; to the Committee on Invalid Pensions. By Mr. GRAY of Indiana: A bill (H. R. 20852) granting an increase of pension to Francis M. Cloud; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 20853) for the relief of R.

M. Blount; to the Committee on Claims

By Mr. NORTH: A bill (H. R. 20854) granting an increase of pension to John Richards; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 20855) granting an increase of pension to Aaron Culbertson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20856) granting an increase of pension to Marvin Waldorph; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20857) granting an increase of pension to Charles H. Jennings; to the Committee on Invalid Pensions. By Mr. RUBEY: A bill (H. R. 20858) granting an increase of pension to William N. Green; to the Committee on Invalid Pen-

By Mr. SISSON: A bill (H. R. 20859) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States in and to certain lands in the State of Mississippi; to the Committee on the Public Lands.

By Mr. STINESS: A bill (H. R. 20860) granting an increase of pension to John F. Vaughn; to the Committee on Invalid Pensions.

By Mr. HEATON: A bill (H. R. 20861) granting a pension to

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid

on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of citizens of Framingham, Mass., asking Congress to submit suffrage amendment to the State legislatures; to the Committee on the Judi-

ciary.

By Mr. BAILEY: Petition of Local Union No. 1347, of Pennsylvania, favoring embargo on foodstuff; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Scranton (Pa.) Supply & Machinery Co., favoring amending section 5 of House bill 8234; to the Committee on Labor.

By Mr. CARY: Petition of employees of the Post Office Department, favoring passage of House bill 17806, relative to salaries; to the Committee on the Post Office and Post Roads.

Also, petition of John Schuette, of Manitowoc, Wis., relative to inviting all warring and neutral nations to a conference; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Memorial of Chamber of Commerce of the United States of America, against proposed tax on excess profits of corporations; to the Committee on Ways and Means.

Also, petition of Fred K. Myer, of Buffalo, N. Y., favoring bassage of House bill 20080, migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. ESCH: Memorial of Chamber of Commerce of the United States of America, against tax on excess profits of corporations; to the Committee on Ways and Means.

Also, petition of sundry farmers in the State of Wisconsin, relative to advance in price of binder twine; to the Committee on Agriculture.

Also, memorial of common council of the city of Milwaukee, Wis., relative to discontinuance of the package-freight business; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Borden's Condensed Milk Co., of Belvidere, Ill., against proposed tax on excess profits of corporations; to the Committee on Ways and Means.

Also, petition of E. B. Dromgold, of Landisburg, Pa., favoring

passage of House bill 18531, to increase pensions of maimed sol-diers; to the Committee on Invalid Pensions.

Also, petition of Bricklayers, Masons, and Plasterers' Union No. 11, of Peru, Ill., opposing any declaration of war; to the Committee on Foreign Affairs.

Also, petition of post-office employees of San Francisco and vicinity, favoring House bill 17806, to increase salaries; to the Committee on the Post Office and Post Roads.

Also, petition of Ruthenian National Union, favoring House joint resolution 350, relative to raising funds for the relief of

the Ruthenians; to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Petition of sundry members of the Massachusetts Branch of the League to Enforce Peace, urging adoption by the United States of the league's proposals; to the Committee on Foreign Affairs.

Also, memorial of employees of the Post Office Department, favoring House bill 17806, relative to increase in salaries; to the Committee on the Post Office and Post Roads.

By Mr. HEATON: Memorial of Schuylkill Commandery, No. 202, Knights of Malta, to forbid public use in parades of any flag except the Stars and Stripes or the State flag; to the Committee on the Judiciary.

Also, memorial of Local Union No. 1656, United Mine Workers of America, of Shenandoah, Pa., to place an embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. HILL: Petitions of sundry citizens of Bridgeport, Conn., favoring passage of House bill 6915, a retirement law for superannuated employees; to the Committee on the Post Office and Post Roads.

By Mr. HOLLINGSWORTH: Memorial of Local No. 2150, United Mine Workers of America, Maynard, Ohio, favoring embargo on foodstuffs to reduce high cost of living; to the Committee on Interstate and Foreign Commerce.

By Mr. KONOP: Memorial of Common Council of Milwaukee, Wis., relative to rates of transportation, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Otto H. Schultz et al., protesting against House bills 17850 and 1898 and Senate bills 1082 and 4429; to the Committee on the Post Office and Post Roads.

By Mr. MORIN: Petition of Mrs. William I. Hull, chairman, and Mrs. H. H. Donaldson, corresponding secretary, of the Woman's Peace Party, of Philadelphia, Pa., urging settlement of our differences with Germany by mediation or other peaceful means; to the Committee on Foreign Affairs.

Also, petition of Miss Luella Meloy and 48 other members of the Pennsylvania College for Women, of Pittsburgh, Pa., with reference to the migratory-bird treaty act; to the Committee on Foreign Affairs

By Mr. RIORDAN: Petition of 700 citizens of the State of New York, favoring the Fitzgerald bill for an embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. SHOUSE: Petition of 28 citizens of Dillwyn and Christian Endeavor people of Coldwater, Kans., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SIEGEL: Petition of Chamber of Commerce of New York, favoring a judicious system of indirect taxes, including stamp dues and others; to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of the State of New York, favoring any fair and equitable taxation necessary to the protection of American lives and property; to the Committee on

By Mr. SMITH of Michigan: Petition of L. O. Miller and 65 citizens of Kalamazoo, Mich., favoring passage of House bill 20204; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of Texas: Petition of Chamber of Commerce of the United States of America, Washington, D. C., affirming its devotion to the program of preparedness and opposing taxation of excess profits of corporations and copartnerships; to the Committee on Ways and Means.

By Mr. TAGUE: Petition of members of the faculty of Mount Holyoke College, relative to the United States taking its part in a league of nations to prevent future wars, etc.; to the Committee on Foreign Affairs.

Also, memorial of Old Middlesex Chapter, Sons of the American Revolution, indorsing compulsory military training in the United States; to the Committee on Military Affairs.

Also, memorial of Chamber of Commerce of the United States of America against proposed tax on excess profits of corporations; to the Committee on Ways and Means.

By Mr. TAYLOR of Colorado: Memorial of Local Union 1772 of the United Mine Workers of America, of Palisades, Colo., urging placing an embargo on food products; to the Committee on Interstate and Foreign Commerce.

By Mr. TEMPLE: Papers relating to House bill 20570, for increase of pension for James Mackall; to the Committee on Invalid Pensions.

By Mr. THOMAS: Petition of ex-Confederate soldiers of Simpson County, Ky., for a refund of the cotton tax imposed by the Government during the Civil War; to the Committee on War Claims.

By Mr. TINKHAM: Memorial of Old Middlesex Chapter, Sons of the American Revolution, favoring compulsory military training in the United States; to the Committee on Military Affairs.

Also, memorial of Chamber of Commerce of the United States

of America against proposed tax on excess profits of corpora-tions; to the Committee on Ways and Means.

Also, petition of members of the faculty of Mount Holyoke College relative to the United States taking its place in the league of nations to prevent future wars; to the Committee on Foreign Affairs

By Mr. TREADWAY: Petition of 400 Woman's Christian Temperance Union people of Holyoke, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of C. W. Ellington

and other citizens of Velva, Bismarck Verein, and sundry citizens of Bismarck, N. Dak., opposing any policies, etc., tending to war, etc., with foreign nations; to the Committee on Foreign Affairs.

SENATE.

SATURDAY, February 10, 1917.

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, our heavenly Father, we would open the duty of this day by invoking Thy blessing upon us, putting ourselves as willing instruments in Thy hands. We pray for the inspiration that comes alone from God, that out of the consideration of the problems that confront us and the possible dangers that surround us we may gain not only wisdom concerning the things of this life, but a deeper, truer, diviner conception of life itself. May we understand the relationship that the work of this day holds to the never-ending life and the relationship which our lives in their activities here hold to that destiny that knows no end. Guide us with God ever before us as our guide and light and defense. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Thursday, February 8, 1917, when, on request of Mr. Vardaman and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE CALLOPHONE.

The VICE PRESIDENT. The Chair lays before the Senate a request of the International Callophone Corporation that it be permitted to demonstrate the uses of the callophone to the requirements of the United States Senate. The request will be noted in the RECORD and referred to the Committee on Rules.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 7486) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also requested the Senate to return to the House of Representatives the bill (H. R. 19298) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River in the town of Allegany, county of Cattaraugus, N. Y.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 8229) to establish a national military park at the battle field of Guilford Courthouse, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DENT, Mr. NICHOLLS of South Carolina, and Mr. KAHN managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 20827) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution (H. Con. Res. 70) providing for the printing of 5,000 copies, bound in buckram, for the use of the House of Representatives, of the manuscript prepared by Hon. Merrill Moores, being a digest of the contested election cases in the House of Representatives from 1901 to 1917, etc., in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution (H. Con. Res. 65) authorizing the printing of 1,500 copies of the journal of the fifty-first national encampment of the Grand Army of the Republic for the year 1917, as a House document, etc., in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution (H. Con. Res. 31) authorizing the printing of 1,000 copies of Moores Digest of International Law, etc., in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair has received so many communications for war and for peace that the Chair deems it inadvisable to encumber the RECORD with the communica-tions, and they will all be referred to the Committee on Foreign Relations

Mr. SHERMAN. I present one telegram out of a great many I have received on the proposed amendment to the oleomargarine law protesting against it, and also one other of a like kind, which are typical of all I have received. I ask that they be printed in the RECORD but not read.

There being no objection the telegrams ordered to be printed in the RECORD are as follows:

CHICAGO, ILL., February 9, 1917.

We strongly oppose the adoption of the Underwood amendment to the revenue bill taxing oleomargarine 2 cents per pound, if made in the semblance of butter. It will have the effect of increasing the fraudulent sale of yellow oleomargarine and work injury to the butter industry. Would therefore request that you take a firm stand against the passage of the amendment. C. H. WEAVER & Co.

CHICAGO, ILL., February 9, 1917.

Senator Lawrence Y. Sherman, Washington, D. C.:

Calling your attention to the committee agreement to accept a flat tax of 2 cents per pound in lieu of the present tax on oleomargarine. Allowing the privilege of coloring all oleomargarine yellow in semblance of butter as proposed by Senator Underwood is most vigorously pretested by our members. You must realize that only a very small percentage of the present make of oleomargarine, less than 3 per cent

in fact, pays the 10 cents tax, and any such change as proposed will work a very great injustice on the dairy interests of the country. THE CHICAGO BUTTER AND EGG BOARD, S. E. DAVIS, President.

Mr. WARREN. I present a memorial of the Legislature of Wyoming, which I ask may be printed in the RECORD.

The memorial was ordered to lie an the table and printed in the RECORD, as follows:

Enrolled joint memorial 1, Senate, Fourteenth Legislature of the State of Wyoming.

Be it resolved by the Senate of the State of Wyoming (the House of Representatives concurring), That-

Representatives concurring), That—
Whereas hundreds of citizens of this State have taken oil placer claims under the oil placer mining act and have complied with the law in good faith by doing the assessment work required to hold and develop said claims; and Whereas in many cases these lands have been located and held by prospectors who have expended their time and money for many years in trying to hold and develop these oil-placer claims until the conditions and demand for the product would make it possible to operate the same; and Whereas these lands were located and held under the only law that made it possible for the prospector for oil or gas to acquire the same; and

whereas these locations were made in good faith and held by the locators before any withdrawal of said lands was made or even contemplated by the Government; and Whereas there is now before Congress a bill known as the Ferris-Phelan bill, providing for the leasing of all oil and gas lands on the public domain; and Whereas this bill in its present form would destroy and take from the original locators their vested rights or compel them to defend the same in the courts, causing endless litigation with wealthy oil operators who might seek to deprive them of their legitimate rights; and

operators who might seek to deprive them of their legitimate rights; and
Whereas it appears the said leasing bill as now drawn is in the interest of the large foreign oil companies and against the interests of the original locators and settlers and is flagrantly unfair and unjust to all original claimants in that it ignores their rights and permits the land to be leased to any applicant without considering the interests of the original locators: Therefore, be it

Resolved, That the Congress of the United States be memorialized to amend said leasing bill to give to all locators who have held the land in good faith and have complied with the oil placer mining law the preferential right to lease the same, on the same terms that may be required from any other applicant; be it further

Resolved, That the bill as now drawn is unjust and unfair and will if passed result in placing all the oil lands of this State in the hands of the large oil companies and operators and jeopardize the rights of the original locators in claims that have in many cases been held and worked by them for years; be it further

Resolved, That a copy of this memorial be sent to the Hon. Frank W. Mondell, asking their aid in carrying out the object of this resolution.

J. W. Todd.

President of the Scrate.

W. K. Jones,

Speaker of the House.

Mr. TOWNSEND. Mr. President, I have received two letters,

Mr. TOWNSEND. Mr. President, I have received two letters, which are typical of many letters I am receiving, the first in reference to the profit tax and the other the tax on mutual life insurance companies. I ask that they be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the letters were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

CALUMET, MICH., February 7, 1917.

Senator Charles E. Townsend. Washington, D. C.

Senator Charles E. Townsend.

Washington, D. C.

Dear Sir: I am quite aware that the present is not an opportune time to enter a protest against any legitimate manner of raising necessary funds for the Government, regardless of the disposition made of revenues in the past, but the proposed tax on excess profits as applied to corporations is so radically unfair to small stockholders that I feel a protest should be entered in their behalf.

Taking for example the company which I represent, we paid dividends in September to 7.488 stockholders. Of this number 6,693 hold 100 shares of stock or less, having a present market value of \$7,600 to \$7,800. If the allowance of 8 per cent is based upon the original capital of the company, which is nominal, these small stockholders would be called upon to pay, on the basis of last year's earnings and distribution, about 20 per cent of their income under this new tax. This in addition to 10 per cent already paid under the income-tax law and State taxes. The largest stockholders are able to pay their proportion of any taxes levied by the Government, but the small stockholder is taxed out of proportion.

If the present actual value of the stock of the company is made the basis of the allowance of 8 per cent, the tax would be reduced 50 per cent, but it still would be a heavy burden upon the small stockholder.

The Democratic idea appears to be that stockholders of a corporation are all wealthy. The records of this corporation—and we believe practically all others—show that the small investor outnumbers the large investor eight to one.

The writer believes that a much more equitable way of raising the necessary funds required by the Government would be by increasing tariffs on imports, which distribute the tax among all the inhabitants of the country, or by reducing the exemption under the Income-tax law, bringing the greater body of citizens under this law.

Our stockholders will appreciate very much all efforts you may make to secure the defeat of the bill now before the Senate

CALUMET & ARIZONA MINING CO., Per GORDON R. CAMPBELL, Secretary.

Mr. WEEKS. I present a telegram signed by J. R. Leeson, president of the Universal Winding Co., tendering his factory to the Government in case of need. It is typical of many telegrams of a similar character which I am receiving, and I ask that it be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

BOSTON, MASS., February 9, 1917.

Hon. J. W. Weeks,

United States Senate, Washington, D. C.:

In case of need the facilities of our factory at Cranston, R. I., will be at the Government's service.

J. R. Leeson.

J. R. LEESON, President Universal Winding Co.

Mr. WEEKS presented petitions of sundry citizens of Holden, of the Municipal Council of Taunton, and of the Municipal Council of Attleboro, in the State of Massachusetts, expressing confidence in the President's action in severing diplomatic relations with the Imperial Government of Germany and pledging support in the present international complications, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Franklin, Mass., praying for national prohibition, which was ordered to

lie on the table.

He also presented a petition of the Massachusetts State Board of Trade, praying for the adoption of certain amendments to the act to regulate commerce so as to confer upon the Interstate Commerce Commission final authority over all rates and regulations affecting interstate commerce, which was referred to the

Committee on Interstate Commerce, which was referred to the Committee on Interstate Commerce.

Mr. PITTMAN. I have received a petition signed by a large number of commercial corporations of Nevada and eastern California, respectfully petitioning the Congress of the United States for the enactment of legislation which will make it unlawful for any common carrier in the transaction of interstate commerce to charge higher rates for a shorter haul than for a longer one on the same line in the same direction, the shorter being included within the longer. I move that the petition be received and referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. ASHURST. I have a copy of house concurrent memorial No. 2 and house concurrent memorial No. 3 adopted by the House of Representatives and the Third Legislature of the State of Arizona. I ask that they be inserted in the Record.

The memorials were ordered to lie on the table and to be

printed in the RECORD, as follows:

House concurrent memorial 2.

To the Congress of the United States:

Your memorialists, the House of Representatives of the Third Legisture of the State of Arizona in regular session assembled, respect-

lature of the State of Arizona in regular session assembled, respectfully submit:

1. That the liquor traffic is a menace to society, a law breaker, a breeder of crime, a home destroyer, and a corrupter of government.

2. That science has proven beyond question the uselessness of intoxicating liquors as a beverage and the uniform certainty of harm from its use as a beverage.

Now, therefore, it is the sense of this body, the senate concurring, that the manufacture, sale, and traffic in intoxicating liquor is wrong, and your memorialists most earnestly and respectfully petition your honorable body to submit a national constitutional amendment to the voters of the States prohibiting the manufacture of and the traffic in intoxicating liquors.

Resolved, That a copy of this memorial be sent to the Speaker of the House of Representatives, the President of the Senate, and our Representatives in Congress, and that the latter are urged to use every honorable means to secure the relief asked for in this memorial.

Passed the house January 29, 1917, by the following vote: Ayes 35, nays 0, absent 0, excused 0.

A. A. Johns,

A. A. JOHNS,
Speaker of the House of Representatives.
SAM W. PROCTOR,
Chief Clerk.

Attest:
Passed the senate January 31, 1917, by the following vote: Ayes 19, nays 0, absent 0, excused 0.

D. H. CLARIDGE,
President of the Senate.
C. P. HICKS,
Secretary of the Senate.

House concurrent memorial 3.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Senate and House of Representatives of the State of Arizona in legislature assembled, being the third regular session, most respectfully petition as follows, that—

session, most respectivily petition as follows, that—

Whereas the importance of prompt and accurate record of births, deaths, and communicable diseases is now recognized by all civilized countries as of direct benefit to the Nation; and Whereas the reporting of these births, deaths, and communicable diseases is not required by Federal and State laws, and it being for the general welfare of the public, your memorialists believe that this expense, in so far as postage is involved, should be borne by the public; and

Whereas the education of the people by means of printed matter pertaining to the preservation of health is conducive to the general public welfare: Therefore

We petition the Congress of the United States to authorize the franking of all reports of births, deaths, and communicable diseases to the proper officer, and all printed matter of an educational character issued by the State board of health to the people of the State in which such matter is issued.

Passed the house January 29, 1917, by the following vote: Ayes 35, nays 0, absent 0, excused 0.

A. A. JOHNS, Speaker of the House of Representatives.

Passed the senate January 31, 1917, by the following vote: Ayes 19, nays 0, absent 0, excused 0.

D. H. CLARIDGE, President of the Senate. C. P. HICKS, Secretary of the Senate.

Mr. ASHURST. About four or five days ago I introduced a bill to extend the period of time to the Saginaw Lumber Co., of Arizona, within which to cut certain timber from the national forests. I have received this morning some telegraphic dis-patches from various county officials in the county in which the forest is located. I ask that they be inserted in the RECORD. They are all in the form of petitions urging the passage of the bill.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

Senator Henex F. Ashurst.

United States Senate, Washington, D. C.:

At a meeting of the board of trustees of school district No. I, Coconino County, Ariz, held this day, the following resolution was unanimously adopted:

"Be it resolved, That we most heartly favor the enactment of the bill now pending in Congress granting extension of time for cutting of timber upon Perrin lands, and we respectfully request the Arizona delegation in Congress to aid in its passage."

The clerk of the board is instructed to wire a copy of this resolution to each Member of the Arizona delegation.

G. T. Perrington, President.

Tom L. Reese, Clerk.

FLAGSTAFF, ARIZ., February 9, 1917.

Senator Henry F. Ashurst, United States Senate, Washington, D. C.:

Owing to impossibility of board meeting, I beg to advise that I think the granting of the requested extension of time for logging the Perrin lands very beneficial to this county and State.

Tay I. Reese

Tom L. Reese, Clerk Board of Supervisors Coconino County, Ariz.

FLAGSTAFF, ARIZ., February 10, 1917.

Senator Henry F. Ashurst.

United States Senate, Washington, D. C:

I am satisfied, from my knowledge of local conditions, that the extension of time asked by the Saginaw & Manistee Lumber Co. for logging the Perrin tract would be of great benefit both to the Government and the people of this county and State.

S. S. Acker.

S. S. ACKER, Treasurer Coconino County, Ariz.

FLAGSTAFF, ARIZ., February 9, 1917.

Senator Henry F. Ashurst,
United States Senate, Washington, D. C.:

I am familiar with the Perrin tract of land, for the logging of which the Saginaw & Manistee Lumber Co. request an extension, and I am of the opinion that the extension desired would be of very material benefit to the people of this county as well as to the Government.

Dan J. Cronin,

DAN J. CRONIN, County Recorder Coconino County, Ariz.

WILLIAMS, ARIZ., February 10, 1917.

Senator Henry F. Ashurst,

United States Senate, Washington, D. C.:

We heartly favor and urge your support of House bill 2721, as we feel that the granting of extension of time for logging the Perrin lands is highly beneficial to this community.

WILLIAMS STATE BANK

WILLIAMS STATE BANK. MCDONALD ROBINSON.

WILLIAMS, ARIO.

Senator Henry F. Ashurst.

United States Senate, Washington, D. C.:

At a special meeting of the Williams Chamber of Commerce the following resolution was offered and carried:

"Resolved, That we heartly favor and urge the passage and adoption of a bill introduced in Congress for the extension of time for logging the Perrin tract of timberland until 1950 by Saginaw & Manistee Lumber Co., and we respectfully ask all our Representatives in Washington to aid and urge the passage of this bill, considering it is of utmost importance to this community and of great benefit to the Government; and the president of the meeting is instructed to wire a copy of this resolution to each Member of the Arizona delegation."

WILLIAMS CHAMBER OF COMMERCE,

J. M. HOLUB, President.

WILLIAMS, ARIZ., February 10, 1917.

Senator Henry F. Ashurst:

United States Senate, Washington, D. C.:

I would urge the passage of bill introduced into Congress permitting extension of time to Saginaw & Manistee Lumber Co. for cutting Perrin tract of land, as I believe it of the greatest benefit to our people and advantage to the Government.

P. A. MELICK.

WILLIAMS, ARIZ., February 10, 1917.

Senator Henry F. Ashurst,

United States Senate, Washington, D. C.:

Heartly indorse, and believe the passage of bill extending time for cutting and logging the lands owned by Saginaw & Manistee Lumber Co. would be of greatest benefit to our community and especially our

E. A. MILLER.

Mr. LODGE. I present certain resolutions of the town of Holden, Mass., resolutions adopted in town meeting, approving the action of the President in regard to our relations with Germany and offering the services of the people of the town; and also resolutions from the city government of the city of Attleboro and the city of Taunton, approving and sustaining the action of the President in regard to Germany and pledging the support of the citizens. I ask that they be printed in the RECORD

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

HOLDEN, MASS., February 5, 1917.

Holden, Mass., February 5, 1917.

We, the citizens of the town of Holden, State of Massachusetts, in town meeting assembled, in view of the present crisis in the affairs of our Nation, while appreciating the efforts of our President to preserve peace, do hereby indorse the action taken by him in upholding the honor and rights of the United States.

As in the past the citizens of this town have been willing and ready to respond to the call of their country in times of imminent danger, so, now, if the President and Congress deem it necessary to take more active measures to defend the rights of our Nation, we have the assurance that the patriotic record of Holden in the past will be continued in the days to come.

Voted, that these resolutions be spread upon the records of the town, and that a copy be forwarded to the President of the United States, the Senators from Massachusetts, and the Representative from the third congressional district.

George C. Johnson,

GEORGE C. JOHNSON, HENRY W. WARREN, EDWIN A. RICHARDSON, Committee.

I certify that the foregoing is a true copy of the record.

CLIFFORD W. STICKNEY,

Town Clerk of Holden.

CITY OF ATTLEBORO, MASS., February 6, 1917. Be it resolved by the Municipal Council of Attleboro, Mass., as follows:

Whereas the President of the United States has found it necessar sever diplomatic relations with the Imperial Government of many: Therefore, be it

many: Therefore, be it

Resolved, That the municipal council of Attleboro record the expression of its confidence in President Wilson, pledging him its support, and assuring him that Attleboro will in the future, as in the past, be ready to make sacrifices for the Nation's lasting welfare; and Be it ordered, That copies of this resolve be sent to President Wilson, the United States Senators from Massachusetts, and the Congressman from the fifteenth Massachusetts district.

A true copy of record.

A true Attest: [SEAL.]

Approved.

FRANK J. BABCOCK, City Clerk.

HAROLD E. SWEET. Mayor.

CITY OF TAUNTON, February 6, 1917.

Whereas the President of the United States has found it necessary to sever dipiomatic relations with the Imperial Government of Germany: Therefore be it

Resolved, That the City Council of Taunton go on record as expressing its confidence in President Wilson and pledging him its support; and be it

Ordered, That copies of this resolve be sent to President Wilson, the United States Senators from Massachusetts, and the Congressman from the fifteenth Massachusetts district.

EDWIN A. TETLOW. Clerk.

Approved February 7, 1917.

J. WILLIAM FLOOD, Mayor.

A true copy. Attest:

EDWIN A. TETLOW, City Clerk.

Mr. TOWNSEND. I have received several letters from industrial and manufacturing concerns in Michigan, offering their plants and facilities for the use of the Government in case of trouble. I have not presented these to the Senate, but I have invariably referred the writers to the President, asking that they be sent there, and that he, the President, would undoubtedly refer them to the proper department.

Mr. GALLINGER. Mr. President, I desire to make a statement covering a minute or two to the effect that I have a telegram from Gov. Keyes, of New Hampshire, informing me that he has communicated to the President of the United States a suggestion from the Amoskeag Manufacturing Co., of Man-chester, N. H., to the effect that if it becomes necessary for the President to create an army in the present crisis the Amoskeag Manufacturing Co. stands ready at its own expense to recruit and equip a regiment of Infantry.

I thought it was well to have this statement go into the Record, showing the patriotic willingness of that great corporation to come to the rescue of the Government in any great emergency by equipping a regiment to defend our country without any expense to the Government. I may add that the Legislature of New Hampshire has by unanimous vote indorsed the action of the President in severing diplomatic relations with the German Empire.

I present a telegram from Andrew L. Felker, of Concord. N. H., commissioner of agriculture, and also a telegram from the National Dairy Council, of Peterboro, N. H., remonstrating against the proposed reduction of the tax on oleomargarine, which I ask may be printed in the RECORD.

There being no objection, the telegrams were referred to the Committee on Finance and ordered to be printed in the RECORD,

as follows:

Cencord, N. H., February 9, 1917.

Senator J. H. GALLINGER, United States Senate, Washington, D. C.:

Farmers in New Hampshire protest strongly against passage of Underwood amendment internal-revenue law, seeking removal restrictions on manufacture and sale of oleomargarine. It would be a body blow for dairy industry in the Granite State.

Andrew L. Felker.

Commissioner of Agriculture.

PETERBORO, N. H., February 8, 1917.

Senator Jacob H. Gallinger, Washington, D. C.:

National Dairy Council advise regarding Senator Underwood's amendment to revenue bill reducing tax on oleo and removing restrictions regarding its coloring and substitution for butter; our organization vigorously protests it; is a body blow to farmers, and the dairy interests sincerely hope you will do all possible to prevent passage.

WM. H. CALDWELL.

Mr. GALLINGER. I present a telegram from Charles E. Merritt, general agent of the John Hancock Mutual Life Insurance Co., of Manchester, N. H., and a letter from the president of the Massachusetts Mutual Life Insurance Co., of Springfield, Mass., remonstrating against the proposed tax on life insurance companies, which I ask may be printed in the RECORD.

There being no objection, the telegram and letter were re-ferred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

MANCHESTER, N. H., February 8, 1917.

Senator Jacob H. Gallinger, Washington, D. C.:

Washington, D. C.:

I take the liberty of calling your attention to the proposed Federal income tax on life insurance companies and would respectfully ask your cooperation in defeating this measure, for I believe that the tax is wrong in principle and that it is an excessive charge against the thrift of policyholders. Inasmuch as the company I represent is a mutual company, this tax must be paid proportionately by the policyholders, and in my opinion such an act is against the best interests of the State and Nation. When a man by careful saving provides for the future of his family through life insurance he is rendering a service not only to his dependents but also to the State. If ever there was an unfair, arbitrary, and unjust proposition aimed at the poor and their interests, this proposition appears to be the one. I ask your cooperation in defeating this measure in behalf of the policyholders of the John Hancock Mutual Life Insurance Co. and all other life insurance companies doing business in the State of New Hampshire.

CHAS. E. MERRITT,

General Agent.

MASSACHUSETTS MUTUAL LIFE INSURANCE Co., Springfield, Mass., February 6, 1917.

Hon. Jacob H. Gallinger, Washington, D. C.

Washington, D. C.

My Dear Senator: In the name of the Massachusetts Mutual Life Insurance Co., and representing over 180,000 policyholders, I desire to protest against the inclusion of mutual life insurance companies within the provisions of the new Federal emergency revenue bill.

Without wearying you with a long letter or repeating arguments with which you are undoubtedly familiar, I desire simply to say that mutual life insurance companies are not in business for profit and that every cent of taxation placed upon them falls eventually upon the individual policyholders, who are their members.

Trusting that the present bill may be amended so that mutual life insurance companies will be exempted from further taxation under it, I remain.

I remain, Very respectfully, yours,

WM. W. McClench, President.

Mr. NELSON. I have here a copy of a resolution of the Legislature of Minnesota, sent to me by telegraph, with reference to the tax on oleomargarine in the revenue bill. The resolution is very short, and I ask that it may be read.

There being no objection, the telegram was read, as follows:

ST. PAUL, MINN., February 9, 1917.

Senator Knute Nelson, Washington, D. C.:

Be it resolved by the house of representatives, That the proposed reduction of taxing oleomargarine from 10 cents to 2 cents per pound, now before the Senate of the United States, is unfair to the dairy and farming interests of this State: Therefore be it Resolved, That we earnestly protest against such reduction; that the House of Representatives of Minnesota hereby instruct the Senators from this State at Congress to oppose such reduction; and be it further

ther Resolved, That the chief clerk of the house be instructed to send a copy of this resolution by telegram to the Members of the Senate from this State.

The above resolution was adopted February 7, 1917.

OSCAR ARNESON, Chief Clerk.

Mr. NELSON presented sundry telegrams and letters in the nature of memorials from citizens of Minnesota, remonstrating against the proposed tax on net incomes of corporations in exss of 8 per cent, which were referred to the Committee on

Mr. SMITH of Georgia. I ask, out of order, to present resolutions adopted by the chamber of commerce of the city of Atlanta, expressing to the President their earnest desire to cooperate with him and to support any course that it is deemed necessary to take, and their willingness to pay any additional tax that the needs of the Government may require and that Congress may prescribe. I request that the resolutions be printed in the Record.

There being no objection, the resolutions were ordered to be

printed in the RECORD, as follows:

Resolutions of the directors Atlanta Chamber of Commerce, Thursday, February 8, 1917.

Resolutions of the directors Atlanta Chamber of Commerce, Thursday, February 8, 1917.

Whereas the President of the United States, after earnest and long-continued efforts to avoid war, has found it necessary to sever diplomatic relations with Germany and has notified Congress that, while hoping to the last for peace, he will in case of need use the whole power of the United States to protect its sailors and citizens in their lawful pursuits on the high seas; and

Whereas the States and the people of this country are unanimous in support of the President and the Federal Government in carrying out with far-reaching energy the program of national defense which was and is urgently demanded by the business interests of the country, which would be the first to suffer in case of invasion; and

Whereas these measures require a large increase of revenue, which can only be raised by additional taxation in some form, and whereas the Government proposes an income tax in proportion to ability to bear it, which is the accepted basis of sound and wise taxation, and the tax on excess profits is the easiest of all taxes to bear; and

Whereas thousands of the greatest industrial corporations have tendered their property to the Government on its own terms, and the bankers of the United States have offered their services to mobilize the country's financial resources, while 30,000 engineers, responding to the call of the President, have completed, without expense to the Government, a survey of industrial resources, which would have cost millions under ordinary circumstances, and whereas many thousands of young men are enduring hardships and sacrificing promising careers to guard the southern border: Therefore, be it

careers to guard the southern border: Therefore, be it

Resolved by the directors of the Atlanta Chamber of Commerce,
That in this great emergency with these inspiring examples before us
all selfish considerations should be subordinated to the common good
and the people of this country should act as a unit in support of their
Government, bearing cheerfully the moderate increase of taxation,
without cavil or division as to details, which may be safely intrusted
to the wisdom of the President and the Congress.

Resolved further, That we tender the services of the Atlanta Chamber of Commerce to the President of the United States, pledging the
energetic use of its organization and its influence in such manner and
for such purposes as he may deem best.

Mr. CHAMBERLAIN. I present a joint memorial of the Legislature of Oregon, which I ask may be printed in the Record and referred to the Committee on the Judiciary.

There being no objection, the joint memorial was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

House joint memorial 6.

Be it resolved by the House of Representatives of the State of Oregon (the Senate concurring). That the following memorial to the Congress of the United States petitioning for the submission of an amendment to the Constitution of the United States whereby the President of the United States shall be authorized to disapprove of any items of a bill making appropriations of money be adopted:

To the Senate and House of Representatives of the United States:

To the Senate and House of Representatives of the United States:

The Legislative Assembly of the State of Oregon hereby requests your honorable body to submit to the legislatures of the several States an amendment to Article I, section 7, of the Constitution of the United States, whereby the President of the United States shall be authorized to disapprove of any items of a bill making appropriations of money; be it further

Resolved, That the foregoing memorial shall be signed by the president of the senate and the speaker of the house of representatives, and certified by the chief clerk of each house, and a certified copy thereof, duly authenticated, shall be transmitted by the secretary of state to the President of the Senate of the United States and the Speaker of the House of Representatives, and to each Senator and Representative in Congress from the State of Oregon.

Adopted by the house January 29, 1917.

R. N. STANFIELD,

R. N. STANFIELD, Speaker of the House.

Adopted by the senate January 30, 1917.

Gus C. Moser, President of the Senate.

(Indorsed:) House joint memorial 6, by Mr. Eaton. W. F. Drager, chief clerk. Filed January 31, 1917, at 4.10 o'clock p. m. Ben W. Olcott, secretary of state, by S. A. Kozer, deputy.

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of house joint memorial 6 with the original thereof as enacted by the Twenty-ninth Legislative Assembly of the State of Oregon and filed in the office of the secretary of state January 31, 1917, and the same is a full, true, and correct transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 31st day of January, A. D. 1917. [SEAL.]

BEN W. OLCOTT, Secretary of State. Mr. CHAMBERLAIN presented a petition of sundry citizens of Portland, Oreg., praying for cooperation of neutral nations for respect of international law, which was referred to the Committee on Foreign Relations.

Mr. PHELAN presented a petition of the Fruitvale Board of Trade of Oakland, Cal., praying for the enactment of legislation for the improvement and development of the national parks, which was referred to the Committee on Public Lands.

He also presented a memorial of Typographical Union No. 46, of Sacramento, Cal., remonstrating against a change in the postal rates on second-class mail matter, which was ordered to lie on the table.

Mr. McLEAN presented a petition of sundry citizens of Stonington, Conn., praying for national prohibition, which was ordered to lie on the table.

Mr. LANE. I present petitions signed by 4,300 citizens of Porto Rico, praying that the so-called Jones bill providing for a civil government for Porto Rico, and for other purposes, being House bill 9533, be not passed unless it is amended in such form as to maintain the civil and political rights as enjoyed to-day by the people of that island, and particularly by the masses that produce the wealth.

The VICE PRESIDENT. The petitions will lie on the table.

LETTER OF HORACE L. BRAND.

Mr. SHERMAN. I present a letter from Horace L. Brand, of Chicago, Ill. Mr. Brand is the editor and publisher and owner of 90 per cent of the publishing company issuing the Illinois Staats Zeitung and allied papers published in the German language. The Staats Zeitung is one of the leading papers of the United States published in the German tongue.

I did not refer to him by name a day or two ago in an address on the resolution indorsing the President's message, but I did refer to him impliedly in saying he had predicted a race war. In this communication he takes proper occasion to say that he did not, and his editorial is not to be so understood. He expresses in this letter complete loyalty to the Government of the United States and is in sympathy with our institutions. Mr. Brand was born in this country of German parents. His views are candid and his good citizenship avowed most com-mendable. I take pleasure in making this correction, because he is a gentleman of culture and refinement and is a person of signal ability in the newspaper world. I take great pleasure in this act of justice to him. I ask that his letter may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Feb. 8, 1917.] MR. BRAND'S POSITION. CHICAGO, February 7.

EDITOR OF THE TRIBUNE:

CHICAGO, February 7.

EDITOR OF THE TRIBUNE:

I beg leave to request that you publish this letter.

I know very well that my views would gain a much wider publicity when published in the Tribune than when published in my own paper.

In the first place, I want to say that I was born and raised in Chicago. It is therefore unnatural and impossible for me to have loyalty for any country except the United States of North America, I am accused of predicting or threatening a race war if war breaks out between the United States and Germany. That is entirely false. I never predicted nor threatened a race war. In fact, it is not my nature to threaten, anyway. Moreover, to make a threat one must have something with which to back it up. I have nothing with which to back up a threat that a race war would break out in the United States. It would have been foolish to have made a threat, consequently I did not make any. Nor did I make a prediction. I expressed the fear that a race war would break out unless the United States exhausted all peaceable means before entering into a war. It seems to me that it is very important to remember that my statement was not unqualified, but was decidedly a qualified statement.

Considering that the United States is a melting pot of many nationalities, does it seem unreasonable to fear that trouble will break out among these many nationalities somewhere in case the United States gets into the European war without provocation having been sufficient to make the millions of citizens believe that all peaceful procedures have proven futile and that therefore the United States was forced into a war?

The above is the thought expressed in my editorial last Sunday.

I firmly believe and I fervently hope that the United States will never declare war upon any nation unless all peaceful means have been tried and proven futile.

Nowhere in my editorial did I mention German-Americans. In fact, the assumption that I was referring particularly to any one group of

tried and proven fufile.

Nowhere in my editorial did I mention German-Americans. In fact, the assumption that I was referring particularly to any one group of foreign-born citizens is a misstatement, and any unprejudiced reader of my editorial of last Sunday must concede the truth of this assertion.

My papers have consistently fought for fair play for Germany and the cause of her allies. There are always two sides to every question. In order to arrive at a just decision the American people should know both sides to the European question. The whole truth concerning both groups of belligerents and their tactics should be known by our people, if the historic fairness of America is to be maintained in its decisions.

I am not upholding Germany against the United Staes. I never did so. Nor did my papers ever uphold Germany's cause against the best interests of the United States. Any assertions to that effect are based upon misunderstanding or are willfully false.

As an American-born citizen I certainly would never uphold any country's cause against that of my own country.

But when the discussion is as to whether Germany's cause or Great Britain's cause is the most just and right, then I am permitted to have the opinion that Germany's cause is more to the interest of the United States than is Great Britain's cause. If I am wrong in that contention, then I have, nevertheless, done my country a good service by bringing to public notice the reasons why I think I am right.

I have no deep attachment for any foreign nation. My whole soul is wrapped up in the good of the United States.

The company that publishes the Illinois Staats Zeitung and allied newspapers is an Illinois corporation, of which I own 90 per cent of the stock, and all other stockholders are American citizens, and no money or favors have ever been received by the Illinois Publishing Co. nor by me for paying any of the debts of this company nor for influencing in the slightest degree any of its utterances or its policies. This enterprise is entirely an American enterprise, Each principle championed by my papers is done so because of a firm conviction that the best interests of America are served thereby.

Horace L. Brand, Reports From Committee on Millitary Affairs.

REPORTS FROM COMMITTEE ON MILITARY AFFAIRS.

Mr. MYERS, from the Committee on Military Affairs, to which was referred the bill (S. 6690) for the relief of Americus A. Gordon, reported it without amendment and submitted a report (No. 1027) thereon.

Mr. KIRBY, from the Committee on Military Affairs, to which was referred the bill (S. 5187) granting an honorable discharge to Esau Carson, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 971) for the relief of James Orange, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 7811) for the relief of Robert B. Jennings, reported adversely thereon, and the bill was postponed indefinitely

Mr. FLETCHER. I report from the Committee on Commerce the bill (H. R. 20079) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and I submit a report (No. 1020) thereon. I desire to give notice that following the passage of the Post Office appropriation bill, I shall call up the bill for consideration.

The VICE PRESIDENT. The bill will be placed on the cal-

UNIVERSAL MILITARY TRAINING.

Mr. CHAMBERLAIN. From the Committee on Military Affairs, I report back favorably the bill (S. 1695) to provide for military and naval training of the citizen forces of the United States, and I submit a report (No. 1024) thereon. I ask that

the bill may go to the calendar.

Mr. THOMAS. Mr. President, I am a member of the subcommittee on Military Affairs, which has had in charge the bill just reported by the chairman. I joined with the chairman in reporting the bill, because there was every reason why it should be upon the calendar if we could agree to place it there before the expiration of the present Congress

I deem it my duty to say, however, that I am not in entire accord either with the general purpose or with the details of the bill. We have listened to a great deal of testimony from representatives of all shades of public opinion upon the subject, and, as the chairman has stated in his report, that testimony is not at all instructive; on the contrary, from my standpoint it is bewildering. It has not been printed. I hope as soon as it is printed and ready for distribution I will find the time to go over it with some care, and I wish to reserve the right, if I then desire to exercise it, to file a minority report.

Mr. VARDAMAN. I move that the Senate proceed to the consideration of House bill 14777, the flood-control bill.

Mr. THOMAS. The morning business is not through, and I call for the regular order.

Mr. BRADY. Mr. President-

Mr. THOMAS. Will the Senator from Mississippi yield to me for a moment? The other member of the subcommittee, about which I just spoke, is the Senator from Idaho [Mr. BRADY], and in this connection I think he should be permitted to make a statement.

Mr. VARDAMAN. I yield to the Senator from Idaho. Mr. BRADY. Mr. President, I am a member of the subcommittee that was appointed by the Committee on Military Affairs to hold public hearings relative to the bill that has just been reported by the chairman of the committee. Like the Senator from Colorado there are features of the bill as reported that I can not approve, but on the whole I approve of the purpose and intent of the bill. As soon as we have the hearings of the committee printed and have time to read them carefully, I reserve by commissioners appointed by the President with a view to

the right to make a statement to the Senate and explain just what my position is and what changes I feel should be made in the bill and what parts of the bill I approve.

The VICE PRESIDENT. The bill will be placed on the

calendar.

LANDS IN OREGON.

Mr. CHAMBERLAIN. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 17055) providing when patents shall issue to the purchaser or heirs on certain lands in the State of Oregon, and I submit a report (No. 1026) thereon. I ask unanimous consent for the immediate consideration of the bill. It is purely local in character.

The VICE PRESIDENT. The Senator from Oregon asks unanimous consent for the present consideration of the bill. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

mittee of the Whole, and it was read, as follows:

Be it enacted, etc., That all persons who have heretofore purchased or may hereafter purchase any of the lands of the Umatilla Indian Reservation in the State of Oregon, and have made or shall make full and final payments therefor in conformity with the acts of Congress of March 3, 1885, and of July 1, 1902, and subsequent acts respecting the sale of said lands, shall be entitled to receive patents therefor upon submitting satisfactory proof to the Secretary of the Interior that the untimbered lands so purchased are not susceptible of cultivation or residence and are exclusively grazing lands, incapable of any profitable use other than for grazing purposes.

SEC. 2. That where a party entitled to claim the benefits of this act dies before securing a patent therefor it shall be competent for the executor or administrator of the estate of such party, or one of the heirs, to make the necessary proofs and payments therefor to complete the same; and the patent in such cases shall be made in favor of the heirs of the deceased purchaser, and the title to said lands shall inure to such heirs as if their names had been especially mentioned.

Mr. TOWNSEND. May I ask the Senator from Oregon how

much land could be purchased in that way by any individual?

Mr. CHAMBERLAIN. I forget just how much. It is small, however. It is limited in amount. There is a letter from the Secretary of the Interior which explains the purpose of the bill

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. VARDAMAN. Mr. President—

Mr. OVERMAN. Is the morning business over?

The VICE PRESIDENT. It is not.

Mr. OVERMAN. I rise to a question of order. The VICE PRESIDENT. The Senator will state it.

Mr. OVERMAN. No further business than morning business can be attempted to be done at this time.

The VICE PRESIDENT. If it is the purpose of the Senator from Mississippi to endeavor to move to take up a bill, it 13 not now in order, morning business being not concluded.

PROPOSED RAILBOAD LEGISLATION (S. REPT. 1025).

Mr. NEWLANDS. Mr. President, I am instructed by the Committee on Interstate Commerce to report to the Senate favorably the bill (S. 8201) providing for the amendment of the mediation and conciliation act authorizing the President to protect the operation of trains in time of peace and to take possession of the common carriers and draft their crews and officials in time of war, and for other purposes.

I have had no time to prepare a written report, and I submit

a verbal report at this time.

The Senate will recall that the President has submitted to Congress certain recommendations with reference to the strike situation. One recommendation was that the eight-hour principle should be recognized by law with reference to employees engaged in the operation of trains. That recommendation was enacted into law at the last session, and that law is now being tested in the Supreme Court. To that recommendation the President added certain supplementary recommendations, one with reference to the enlargement of the Interstate Commerce Commission, with a view to enabling that commission to more efficiently discharge its constantly increasing duties, one of those duties necessarily being the consideration of the question of wage increases in connection with rate fixing.

The committee has reported a bill which came over from the House at the last session enlarging the Interstate Commerce Commission from seven to nine, and that bill is on the calendar, and I am instructed by the committee to urge its immediate con-

sideration.

The bill S. 8201, which I have just reported and which I desire to be printed in the RECORD, covers the additional recom-mendation made by the President that in case mediation and conciliation and voluntary arbitration fail under the mediation act there shall be a governmental investigation of the dispute

their ascertaining facts and making a report which will be instructive both to the disputants and to the public at large with reference to the merits of the controversy, and will tend to create a sound public opinion based on investigation and ascertainment of facts that will compel a just and peaceful solution of the pending dispute. That recommendation has been met by the bill which I have just reported. It amends the mediation and conciliation act by providing where mediation and conciliation under the act fail, the Board of Mediation, now consisting of three members, shall be enlarged by the addition of two members, one from the representatives of the rallway employees and the other from the representatives of the railway officials, and that the board thus enlarged shall ascerain, report, and publish the facts.

Mr. JONES. Mr. President, I wish to make a parliamentary

inquiry.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.
Mr. JONES.

Is there any bill before the Senate at the

present time?

Mr. NEWLANDS. I am making a verbal report upon a bill which I have just been instructed to report from the Interstate Commerce Committee.

Mr. GALLINGER. I will ask the Senator from Nevada if he

has likewise made a written report on the bill?

Mr. NEWLANDS. I have not done so. I have not had time

to prepare one.

That Board of Mediation and Conciliation thus reinforced by two representatives from the contending disputants is to make an investigation of all the facts and to make a report, which shall be published.

which shall be published.

The committee took up the consideration of the question of the suspension of the power of strike during the period of investigation and report. The power of strike, being the only weapon which labor has thus far had, the only weapon which has been afforded to them by civilized society for the determination of disputes with their employers, the committee concluded not to interfere with their employers, the committee concluded not to interfere with or to suspend the right of strike or lockout during the period of investigation. With that view, I may say, I did not concur, for I believe that during the period of investigation the right of strike should be stayed; but the view of the majority of the committee was to the contrary.

It was the expectation of the committee that the railway disputants would halt their proceedings during the period of investigation and that the report of the investigating body would be influential in securing a sound public opinion, which would affect not only the disputants but the public at large,

would affect not only the disputants but the public at large, and thus by its own moral force secure industrial peace.

The committee also took up in this bill the question of the protection by the Federal Government of trains operating in interstate commerce and the prevention of any restraint or hindrance of the operation of such trains. It has put in this bill which is reported a stringent provision making it a misdemeanor, punishable by fine or imprisonment, to hinder or to obstruct in any way the operation of the mails on trains moving interstate commerce. interstate commerce.

. The committee has also taken up the recommendation of the President regarding the commandeering of railways and other transportation facilities in case of war or military necessity.

and has amply covered that phase of the question.

Mr. President, I shall deem it my duty at the earliest moment to press the consideration of these bills. The President regards them as of the highest importance, has made them the subject of two special messages, and is urging that some legislation should be adopted upon this subject before we adjourn.

Mr. GALLINGER. Mr. President, may I interrupt the Senator?

Mr. NEWLANDS. Certainly. Mr. GALLINGER. If I have understood the Senator from Nevada correctly, these bills do not reflect the views that the President submitted to Congress some time ago, do they?

Mr. NEWLANDS. They do not reflect his views so far as the suspension of the right of strike and lockout during the period of investigation is concerned.

Mr. GALLINGER. And the President laid great stress on

that point in his address.

Mr. NEWLANDS. The President did so; and an opportunity will be given, I presume, to vote upon that question. Individually I wish to say that I stand with the President upon that

Mr. VARDAMAN. Mr. President—
The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Mississippi?

Mr. NEWLANDS, I do.

Mr. VARDAMAN. I want to raise the point of order that debate longer than five minutes at this hour is not in order. Mr. NEWLANDS. Mr. President, I am about to conclude

my remarks. I am making a report upon these bills.

I wish to say that I shall regard it as my duty to press the immediate consideration of these bills, action upon which has been urged by the President, and action upon which is demanded by the country

The VICE PRESIDENT. While the Senator was making a report the Chair would have been compelled to have overruled the point of order made by the Senator from Mississippi [Mr. Vardaman]. The Senator from Nevada is not now reporting the bill. He is just stating what he is going to do. It is not a

Mr. SHAFROTH. Mr. President, I ask unanimous consent

The VICE PRESIDENT. The report is not yet made. The

bill has not been sent to the desk.

Mr. NEWLANDS. The Vice President certainly did not understand me. I said that I had had no time in which to prepare a written report and that I was presenting a verbal report. I was closing that verbal report by stating that it was my intention to press these bills upon the immediate consideration of the Senate at the earliest possible moment, first, taking up the bill for the increase of the membership of the Interstate Commerce Commission. That is all I have to say upon the subject. I report this bill, and ask its insertion in the RECORD.

The bill is as follows:

bill (S. 8201) to amend an act providing mediation, conciliation, etc., approved July 15, 1913; to authorize the President to protect the operation of trains in time of peace, and to take possession of the common carriers and draft their crews and officials in time of war, and for other purposes.

eration of trains in time of peace, and to take possession of the common carriers and draft their crews and officials in time of war, and for other purposes.

Be it enacted, etc., That the act entitled "An act providing for mediation, conciliation, and arbitration in controversies between certain employers and employees," approved July 15, 1913, be, and the same is hereby, amended by adding therefor the following additional section:

"Sec. 12. That whenever a controversy shall arise between any employer and his or its employees which can not be settled through mediation and conciliation or by arbitration, in the manner provided in this act, the President shall be notified by the Board of Mediation and Conciliation. The President shall thereupon add to said board two members, one from representatives of employees and one from representatives of railroad officials, and to the said board as thus temporarily constituted the controversy shall be immediately referred. No person having a direct pecuniary interest in the controversy may be appointed a member of the board. The board shall forthwith proceed to ascertain, so far as possible, all the facts and circumstances of the controversy.

"As soon as may be, and in no event later than three months from the date of the reference of the controversy, the board shall submit to the President a full report of its findings of fact, including its findings as to the cause of the controversy, together with a recommendation for a settlement according to the merits and substantial justice of the case, which report shall be forthwith published.

"A majority of the board shall constitute a quorum for the transaction of business and the finding or recommendation of the majority upon any one point shall be deemed that of the board. A minority report may be made and published. Any vacancies in the board shall be filled by the President. The board, or any member or committee of members thereunto authorized, may hold hearings anywhere in the United States, and shall have power to requi

"Whenever practicable the board shall be supplied with suitable quarters in any Federal building located at any place of meeting or deliberation.

"The compensation of the additional members of the board shall be determined by the President. The members of the board and its employees, in addition to their compensation, shall be allowed their actual traveling and other necessary expenses. For these purposes so much as may be necessary of any appropriation made for the Board of Mediation and Conciliation is hereby made available."

SEC. 2. That on and after the approval of this act any person who, alone or in concert with another or others, shall knowingly and willfully by physical force or threats or intimidation, obstruct or retard the passage of the United States mail, or any carriage, horse, driver, or carrier carrying the same, or the orderly conduct or movement in the United States of interstate or foreign commerce, or the orderly make-up or movement or disposition of any train, or the movement or disposition of any train, or the movement or disposition of any train, or the movement or disposition of the United States of interstate or foreign commerce, or who, after having, in concert with another or others, refused to work in his usual employment with or left the service of a common carrier by railroad engaged in the United States in interstate or foreign commerce, shall trespass upon its premises or any of its property for any of the purposes by this section prohibited, shall be deemed guilty of a misdemeanor, and, for every such offense, shall be punishable by a fine of not exceeding \$100, or by imprisonment for not exceeding six months, or by both such fine and imprisonment:

Provided, That nothing in this section shall be construed to modify or repeal either section 6 or section 20 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

SEC. 3. That in case of actual or threatened war, insurrection, or invasion, or any emergency requiring the transportation of troops, military equipment, and supplies of the United States, the President of the United States, when, in his judgment, the public safety may require, is hereby authorized to take possession of such part of any and all telephone and telegraph lines in the United States, their offices and appurtenances, and such part of any or all railroad lines in the United States, their rolling stock, offices, shops, buildings, and all their appendages and appurtenances as may be necessary for military purposes, to prescribe rules and regulations for the holding, using, and maintaining of the aforesald railroad, telephone, and telegraph lines, or that portion of the same of which possession may be taken, in the manner most conducive to the safety and welfare of the United States; to draft into the military service of the United States and to place under military control, so far as may be necessary for military purposes, any or all of the officers, agents, and employees of the railroad, telephone, or telegraph companies whose lines are so taken into possession; and said officers, agents, and employees shall be thenceforth considered as members of the Military Establishment of the United States, subject to all the restrictions imposed by the rules and articles of war.

Sec. 4. That the draft of the officers, agents, and employees of the said railroad, telephone, and telegraph lines hall be accomplished upon

session; and said officers, agents, and employees shall be thenceforth considered as members of the Military Establishment of the United States, subject to all the restrictions imposed by the rules and articles of war.

Sec. 4. That the draft of the officers, agents, and employees of the said railroad, telephone, and telegraph lines shall be accomplished upon proclamation by the President declaring the occasion therefor, requiring all the officers, agents, or employees of any railroad, telephone, or telegraph company therein named to submit themselves to draft, and directing such persons in the Military Establishment as he may select for the purpose to prepare rosters of the individual officers, agents, or employees so to be drafted. Upon the making of such rosters notice shall be given to each person so enrolled of the place where and the time when he shall appear and enter upon his service.

Sec. 5. That the communication of intelligence over said telephone and telegraph lines and the transportation of troops, equipment, military property, and stores throughout the United States shall be conducted under the control and supervision of such officers as the President may designate; and whenever, in his opinion, the public safety no longer requires the continued possession by the United States of the said railroad, telephone, and telegraph lines the same shall be restored to the possession of the owners thereof, and the officers, agents, and employees drafted into the Military Establishment of the United States shall be discharged from further duty thereunder unless reenlisted in the manner and for purposes otherwise provided by law.

Sec. 6. That the damages suffered or the compensation to which any railroad, telephone, or telegraph company may be entitled by reason of the selure and use of any portion of its lines or property under the authority conferred by this act shall be assessed and determined by the Interstate Commerce Commission is hereby vessed with all the powers which it has now or may at the authori

The VICE PRESIDENT. What the Chair has been trying to call the attention of the Senator from Nevada to, is that he has not sent the bill to the desk.

ADDITIONAL CAPITOL POLICE.

Mr. OVERMAN. From the Committee on Rules I report a joint resolution authorizing the temporary employment of additional policemen for the Capitol Building and Grounds and the Senate and House Office Buildings, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The joint resolution will be read. The joint resolution (S. J. Res. 210) authorizing the tempo-

rary employment of additional policemen for the Capitol Building and Grounds and the Senate and House Office Buildings, was read the first time by its title, and the second time at length,

Resolved, etc., That in order to secure a more complete protection of the Capitol Building and Grounds and the Senate and House Office Buildings, there shall be employed while Congress is in session, and not later than the 15th day of March, 1917, by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives, 50 additional policemen, who shall be appointed solely on account of their efficiency and special qualifications.

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of said employment at a rate not to exceed \$3 per day, there is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of \$6,000, or so much thereof as may be necessary, the same to be immediately

available and to be paid upon vouchers approved by the chairman of the Committee on Rules of the Senate.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered

as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WARREN:

A bill (S. 8209) granting to the State of Wyoming title to certain lands in said State for use in connection with the Big Horn Hot Springs State Reserve (with accompanying papers); to the Committee on Public Lands.

By Mr. HARDING:
A bill (S. 8210) granting a pension to Augusta Lambert (with accompanying papers); to the Committee on Pensions.
By Mr. PITTMAN:

A bill (S. 8211) to add certain lands to the Tolyabe National Forest, Nev., and for other purposes; to the Committee on Public Lands.

By Mr. McLEAN: A bill (S. 8212) for the relief of James Gilfillan (with accompanying papers); to the Committee on Claims.

By Mr. JONES: A bill (S. 8213) granting an increase of pension to Elias Morrison (with accompanying paper);

A bill (S. 8214) granting an increase of pension to Benjamin F. Jacks (with accompanying papers);

A bill (S. 8215) granting an increase of pension to Asa M.

Van Cleave (with accompanying papers); and A bill (S. 8216) granting an increase of pension to John W. Mowrey (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 8217) for the relief of settlers on certain railroad lands in Montana; to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS,

Mr. WEEKS submitted an amendment providing that until June 30, 1920, all officers on the active list of the Navy over 62 years of age shall be carried as additional numbers in grade, intended to be proposed by him to the naval appropriation bill (H. R. 20632), which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. SHEPPARD submitted an amendment authorizing the President, by and with the advice and consent of the Senate, to appoint James H. Washburn, without regard to the age limit and the prohibition against issuing commissions to married men, a first lieutenant of Cavalry in the United States Army, intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. CLAPP submitted an amendment providing that hereafter when railway postal clerks are transferred from one assignment to another because of changes in the service their assignment to another because of changes in the service tenses shall not be reduced by reason of such change, intended to be proposed by him to the Post Office appropriation bill (H. R. 19410), which was ordered to lie on the table and be printed.

BUREAU OF EFFICIENCY.

Mr. FLETCHER. I submit a concurrent resolution and ask that it be read and referred to the Committee on Appropria-

The concurrent resolution (S. Con. Res. 31) authorizing the Bureau of Efficiency to examine the instances of overlapping and duplications in the work of the Federal Government departments and to report thereon with recommendations to Congress was read and referred to the Committee on Appropriations, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Bureau of Efficiency is hereby directed to examine fully, with a view to effecting economics, the instances of overlapping and duplications in the work of the Federal Government departments and report thereon with recommendations to Congress.

As suggestive of the line of inquiry, the following statement will indicate such overlapping and duplications, giving the work, the departments, and the sources of information, to wit:

OVERLAPPING AND DUPLICATIONS IN THE WORK OF THE FEDERAL GOVERN-MENT DEPARTMENTS,

Prevention of accidents on water: Life-Saving Service, Department of the Treasury, and Lighthouse Service, Department of Commerce, (Message of President Taft to the Senate and House, April, 1912, 62d Cong., 2d sess., Doc. No. 670, pp. 7 and 8.)

Patrolling the seas: Revenue-Cutter Service, Departments of the Treasury and the Navy. (Message of President Taft to the House, April, 1912, 62d Cong., 2d sess., Doc. No. 670, p. 8.)

Auditing of the Government accounts: Six independent auditors, Department of the Treasury. (Message of President Taft to the Senate and House, April, 1912, 62d Cong., 2d sess., Doc. No. 670, p. 10.)

Investigation of diseases of man: Public Health Service, Department of the Treasury; and the Bureau of Labor Statistics, Department of Labor. (Letter from Secretary of Labor, 64th Cong., 2d sess., H. Doc. No. 1996, p. 4.)

Children's health: Public Health Service, Department of the Treasury; and the Children's Bureau, Department of Labor. (Letter from the Secretary of Labor, 64th Cong., 2d sess., H. Doc. No. 1996, pp. 5 and 6. "The Care of the Baby," published by the Public Health Service, and "Infant Care," published by the Children's Bureau.)

Investigation of the labor conditions in the mining industry: Bureau of Mines, Department of the Interior, and the Bureau of Labor Statistics, Department of Labor. (Letter from the Secretary of Labor, 64th Cong., 2d sess., H. Doc. No. 1906, pp. 6 and 7.)

Price statistics: Office of Markets and Rural Organization, Department of Agriculture; the Bureau of Labor Statistics, Department of Labor, and the Bureau of Foreign and Domestic Commerce. (Letter from the Secretary of Foreign Commerce of the United States, published by the Bureau of Foreign and Domestic Commerce.)

Mediation and conciliation of labor disputes: Department of Labor Mediation and conciliation of labor disputes: Department of Labor

of the United States, published by the Bureau of Foreign and Domestic Commerce.)

Mediation and conciliation of labor disputes: Department of Labor and the Board of Mediation and Conciliation. (Letter from the Secretary of Labor, 64th Cong., 2d sess., H. Doc. No. 1906, pp. 9 and 10.)

Investigation of trade and business conditions: Department of Commerce and the Federal Trade Commission; both are authorized to investigate commerce, as both have studied conditions in South America, (Report on trade and tariffs in Brazil, Uruguay, Argentina, Chile, Bolivia, and Peru, published by the Federal Trade Commission, June 30, 1916, and Tariff Systems of South American Countries, by F. Rutter, published by the Bureau of Foreign and Domestic Commerce, 1916, Tariff Series 34.)

GOVERNMENT FOR PORTO RICO.

Mr. SHAFROTH. I ask unanimous consent that the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, be made the special order for Monday evening next, at 8 o'clock.

The VICE PRESIDENT. Is there objection? Mr. CHILTON. I object, Mr. President.

AMENDMENT OF THE RULES.

Mr. FLETCHER. I hereby give notice that when the river and harbor bill H. R. 20079 is being considered in the Senate I shall move to suspend paragraph 3 of Rule XVI, prohibiting proposal of general legislation to any general appropriation bill, in order that I may propose the following amendment to be in-serted as section 14 of the bill, or at the proper place in said bill, as a new section, to wit:

serted as section 14 of the bill, or at the proper place in said bill, as a new section, to wit:

SEC. 14. That a commission, to be known as the Waterways Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of the Secretary of War, the Secretary of the Interior, the Secretary of the Secretary of War, the Secretary of the Interior, the Secretary of the Secretary of Commerce, and three additional members to be appointed by the President for the United States from the active or retired list of the Engineer Corps of the Army, or other Government services, or from civil life, one of whom shall be designated by the President as chairman, is hereby created and authorized, under such rules and regulations as it may adopt, to bring into coordination and cooperation the engineering, scientific, and constructive services, burcaus, boards, and commissions of the several governmental departments of the United States and commissions created by Congress that relate to study, development, or control of waterways and water resources and subjects related thereto, or to the development and regulation of interstate and foreign commerce, with a view to uniting such services in investigating, with respect to all watersheds in the United States, questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, drainage, forestry, arid and swamp land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil erosion and waste, storage, and conservation of water for agricultural, industrial, municipal, and domestic uses, cooperation of railways and waterways, and promotion of terminal and transfer facilities, to secure the necessary data, and to formulate and report to Congress, as early as practicable, a comprehensive plan or plans for the development of waterways and the water resources of the United State

as he would it on the active list, and not most than all be \$5,000 per be selected from civil life, and his compensation shall be \$5,000 per annum.

In all matters done, or to be done, under this act relating to any of the subjects, investigations, or questions to be considered hereunder, and in formulating plans, and in the preparation of a report or reports, as herein provided, consideration shall be given to all matters which are to be undertaken, either independently by the United States or by cooperation between the United States and the several States, political subdivisions thereof, municipalities, communities, corporations, and individuals within the jurisdiction, powers, and rights of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as may be undertaken by the United States, and to the States, political subdivisions thereof, municipalities, communities, corporations, and individuals such portion as belongs to their respective jurisdictions, rights, and interests.

The commission is authorized to employ, or retain, and fix the compensation for the services of such engineers, transportation experts, experts in water development and utilization, and constructors of eminence as it may deem necessary to make such investigations and to carry out the purposes of this section. And in order to defray the expenses made necessary by the provisions of this section there is

hereby authorized to be appropriated such sums as Congress may hereafter determine, and the sum of \$100,000 is hereby appropriated, available until expended, to be paid out upon warrants drawn on the Secretary of the Treasury by the chairman of said commission.

The commission shall have power to make every expenditure requisite for and incident to its authorized work, and to employ in the District of Columbia and in the field such clerical, legal, engineering, artistic, and expert services as it may deem advisable, including the payment of per diem in lieu of subsistence for employees engaged in field work or traveling on official business, rent of offices in the District of Columbia and in the field, and the purchase of books, maps, and office equipment.

Nothing herein contained shall be construed to delay, prevent, or interfere with the completion of any survey, investigation, project, or work heretofore adopted or authorized upon or for the improvement of any of the rivers or harbors of the United States or by this act.

THE ST. JOHN RIVER.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations:

I inclose herewith a report from the Secretary of State, transmitting, in response to the Senate's resolution of January 22, 1917, a copy of the report of the International Commission pertaining to the St. John River.

WOODROW WILSON.

THE WHITE HOUSE, Washington, February 10, 1917.

HOUSE BILL REFERRED.

H. R. 20827. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was read twice by its title and referred to the Committee on Pensions.

BATTLE FIELD OF GUILFORD COURTHOUSE.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 8229) to establish a national military park at the battle field of Guilford Courthouse, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CHAMBERLAIN. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the

The motion was agreed to, and the Vice President appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. DU PONT conferees on the part of the Senate.

ALLEGHENY RIVER BRIDGE.

The VICE PRESIDENT. The Chair lays before the Senate the request of the House of Representatives for the return of the bill (H. R. 19298) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River in the town of Allegany, County of Cattaraugus, N. Y.

Mr. FLETCHER. I move that the Committee on Commerce be discharged from the further consideration of the bill and that

the request of the House of Representatives be complied with.

The VICE PRESIDENT. The Committee on Commerce will be discharged from the further consideration of the bill, and it will be returned to the House of Representatives in compliance with its request.

DIGEST OF CONTESTED-ELECTION CASES.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was read and referred to the Committee on Printing:

House concurrent resolution 70.

Resolved by the House of Representatives (the Senate concurring), That there be printed 5,000 copies, bound in buckram, for the use of the House of Representatives, of the manuscript prepared by Hon. Merrill Moores, being a digest of contested-election cases in the House of Representatives from 1901 to 1917, together with laws relating to contested elections in the House of Representatives and campaign contributions and expenditures.

GRAND ARMY OF THE REPUBLIC.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was read and referred to the Committee on Printing:

House concurrent resolution 65.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document 1,500 copies of the journal of the fifty-first national encampment of the Grand Army of the Republic for the year 1917, not to exceed \$1,700 in cost, with illustrations, 1,000 copies of which shall be for the use of the House and 500 for the use of the Senate.

MOORE'S DIGEST OF INTERNATIONAL LAW.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was read and referred to the Gommittee on Printing:

House concurrent resolution 31.

Resolved by the House of Representatives (the Senate concurring), That 1,000 copies of Moore's Digest of International law be printed, 700 for the use of the folding room of the House and 300 for use of the folding room of the Senate, and the superintendents of the said folding rooms are hereby authorized to deliver not more than one copy to each Member of the Senate and each Member of the House on request of the Member desiring same.

SUBMARINE WARFARE.

The VICE PRESIDENT. Is there further morning business? Mr. SMITH of South Carolina and Mr. RANSDELL addressed

The VICE PRESIDENT. The Senator from South Carolina. Mr. SMITH of South Carolina. I move that the Senate proceed to the consideration of the Post Office appropriation bill.

Mr. McCUMBER. Mr. President, I ask that Senate resolu-

tion 354 be laid before the Senate.

The VICE PRESIDENT. The Chair has had to announce three times this morning that until the conclusion of morning business, or until the hour of 1 o'clock has arrived, no motions are in order.

Mr. SMITH of South Carolina. I understood the Chair to

Mr. SMITH of South Carolina. I understood the Chair to say that morning business had closed.

The VICE PRESIDENT. No; the Chair inquired whether there was any further morning business. The Senator from North Dakota [Mr. McCumbra] has asked that a Senate resolution coming over from a preceding day be laid before the Senate. The Secretary will state the resolution.

The Secretary read the resolution (S. Res. 354) submitted by Mr. McCumbra on the 8th instant as follows:

Mr. McCumber on the 8th instant, as follows:

Whereas, on the 3d day of February, 1917, the President of the United States in an address to the Congress informed the country of the severance of diplomatic relations with the Imperial Government of Germany, giving his reasons therefor, and citing certain passages in previous diplomatic notes in support thereof; and Whereas the note of this Government to the Imperial Government of Germany in reference to the sinking of the Sussex declared as follows:

Germany in reference to the sharing of the considerable lows:

"It has become painfully evident to it (this Government) that the position which it took at the very outset is inevitable, namely, the use of submarines for the destruction of an enemy's commerce is, of necessity, because of the very character of the vessels employed and the very methods of attack which their employment, of course, involves, utterly incompatible with the principles of humanity, the long-established and incontrovertible rights of neutrals, and the sacred immunities of noncombatants;" and hereas in the note of this Government to the Imperial Government of Germany in the matter of the sinking of the Lustiania, we declared as follows:

whereas in the note of this Government to the Imperial Government of Germany in the matter of the sinking of the Lusitania, we declared as follows:

"The Government of the United States therefore desires to call the attention of the Imperial Government with the utmost earnestness to the fact that the objection to their present method of attack against the trade of their enemies lies in the practical impossibility of employing submarines in the destruction of commerce without disregarding those rules of fairness, reason, justice, and humanity which all modern opinion regards as imperative. It is practically impossible for the officers of a submarine to visit a merchantman at sea and examine her papers and cargo. It is practically impossible for them to make a prize of her; and if they can not put a prize crew on board of her, they can not sink her without leaving her crew and all on board of her at the mercy of the sea in her small boats. " Manifestly submarines can not be used against merchantmen, as the last few weeks have shown, without an inevitable violation of many sacred principles of justice and humanity;" and
Whereas in the same note we again declare:

"American citizens act within their indisputable rights in taking their ships in traveling wherever their legitimate business calls them upon the high seas, and exercise those rights in what should be the well-justified confidence that their lives will not be endangered by acts done in clear violation of universally acknowledged international obligations, and certainly in the confidence that their own Government will sustain them in the exercise of their rights;" and
Whereas in the same note this Government further declares as a principle of international law "the rights of American shipmasters or of American citizens bound on lawful errands as passengers on merchant ships of belligerent nationality," and further asserts in said note, "that it must hold the Imperial German Government to a strict accountability for any infringement of those rights, interna

Whereas in his said address before the Congress the President de-

Whereas in his said address before the Congress the President declared:

"If American ships and American lives should in fact be sacrificed by their (Germany's) naval commanders in heedless contravention of the just and reasonable understandings of international law and the obvious dictates of humanity, I shall take the liberty of coming again before the Congress to ask that authority be given me to use any means that may be necessary for the protection of our seamen and our people in the prosecution of their peaceful and legitimate errands on the high seas;" and
Whereas these several declarations leave doubtful and uncertain just what the obligations are which we impose upon the Imperial German Government as a condition for the continuance of peace between these two great countries: Now, therefore, be it

Resolved, That the President of the United States be requested, if not incompatible with public interest, to direct the Secretary of State to submit to the Senate the view of this Government upon the limitation of the use of submarines (a) as against belligerent merchant vessels carrying American goods not contraband of war; (b) as against such vessels in respect to warning and safety of passengers and crew; (c) in respect to the sinking of American vessels carrying contraband, without notice, where the death of passengers or crew does not result; (d) in respect to American vessels carrying mails to belligerent countries; (e) in respect to any other acts of submarine warfare which this Government holds to be clearly against international law and cause for war, to the end that not only the American people but also any belligerent nation may fully understand what acts of submarine warfare may involve this country in the present world conflict.

Mr. McCUMBER. Mr. President, I should like to discuss this

Mr. McCUMBER. Mr. President, I should like to discuss this matter for 15 or 20 minutes. There have been pouring into the Senate a vast number of memorials on the one hand, especially from my State and other sections, protesting against any war and asking that any question of war shall be submitted to a referendum of the people, and, on the other hand, there have been coming into the Senate numerous offers by corporations and companies to turn over their plants for the benefit of the Government in case of war, to raise regiments, and so forth. It seems to me that all of this is creating a great apprehension on the part of the people and that we ought to have something definite before the country that would allay their fears, or at least give the public some idea as to whether or not we are

really in danger of war.

Mr. President, the resolution commending the act of the President in severing diplomatic relations with the Imperial German Government, like the address which it commends, was far-reaching in its possible consequences, and we who voted for it ought to know what we advocated. We should all support the Government in any course which we have directed, but it might be well to know just what that course will be under certain We shall support the President in protecting the contingencies. lives of our citizens and their legitimate rights on the sea. may and should, nevertheless, pause and ask ourselves what those legitimate rights are. Where is the deadline between legitimate submarine warfare and illegitimate warfare? How far can the central powers go in the maintenance of their proposed blockade by submarines and yet avoid war with this

As this is a question between war and peace, between life and death, we ought not to be left in the dark as to what acts are casus belli and what are not. I feel that in discussing this resolution we owe it to the American people that they shall not be left in the dark as to what this country recognizes as legitimate belligerent acts and what we insist are the legitimate rights of neutrals. The public ought to know whether the many scare-head lines to which we shall be treated as long as this great war lasts, when considered in connection with the facts they disclose, will in all probability force us into a declaration of war. Our State Department has not clearly defined what we shall regard as a breach of international law which will justify acts of reprisal on the part of this Government. It has been often asserted on the floor of this Senate that a rule of international law governing the obligations of belligerents during any war can not be changed during that war. Now, one of the rules of international law prior to the beginning of this war was that no merchant vessel, even of a belligerent, could be fired upon without due notice, and then only in case of an attempt to escape after being summoned to surrender; that protection and safety must be accorded passengers and crew, and the vessel taken into port and condemned as a prize. That has been the recognized international law prior to the use of submarines. I have been among those who have denied the proposition that international law could not be modified during a war and asserted that new instrumentalities of warfare, while they could not modify those principles of humanity, such as assuring safety to crew and passengers, might work a modification of certain other requirements. I believe that our administration has now, if not by word, at least by acquiescence, acceded to that view. I wish the State Department would point out to us with a degree of definiteness just exactly what acts of a belligerent will be a direct challenge to war and necessitate the President's coming again before Congress and asking for sufficient force to maintain our rights. As the department has

not given it to us, as the President uses only the general terms, "protection of our seamen and our people in the prosecution of their peaceful and legitimate errands on the high seas," we are forced to go back to the previous correspondence on the submarine question to arrive at an understanding of the matter. A brief résumé of some of the leading features of that controversy may guide us to some conclusion as to what are our legitimate rights.

On February 4, 1915, the central powers, by proclamation, declared a war zone around the British Isles and stated:

Every enemy ship found in said war zone will be destroyed without its being always possible to avert the dangers threatening the crew and passengers.

This was a declaration by the central powers that little or no consideration would be given for the safety of crews and pas-

sengers on passenger and freight ships,

On February 10, 1915, our Secretary of State, Mr. Bryan, answered the Imperial German Government. This reply has become an historical paper of great importance, great in its assertion of what the President declared to be international law, great in the vigor and strength of the words employed, and important as a standard to determine how far a belligerent might go in interference with the lives, the shipping, or the commerce of noncombatants. This note reads:

commerce of noncombatants. This note reads:

The Government of the United States views those possibilities with such grave concern that it feels it to be its privilege, and indeed its duty in the circumstances, to request the Imperial German Government to consider before action is taken the critical situation in respect of the relations between this country and Germany which might arise were the German naval forces, in carrying out the policy foreshadowed in the admiralty's proclamation, to destroy any merchant vessel of the United States or cause the leath of American citizens.

We advised the German Government to consider well the critical situation that would arise between this country and Germany before she should take action to carry into effect the threat made in her proclamation. We told her to stop and consider the consequences should she dare to destroy a merchant vessel of the United States or cause the death of a single American citizen. Nor did we stop there. We declared:

citizen. Nor did we stop there. We declared:

It is, of course, not necessary to remind the German Government that the sole right of a belligerent in dealing with neutral vessels on the high seas is limited to visit and search, unless a blockade is proclaimed and effectively maintained, which this Government does not understand to be proposed in this case. To declare or exercise a right to attack and destroy any vessel entering a prescribed area of the high seas without first certainly determining its belligerent nationality and the contraband character of its cargo would be an act so unprecedented in naval warfare that this Government is reluctant to believe that the Imperial Government of Germany in this case contemplates it as possible.

Note here, first, that we declare that the right to visit and search'a neutral vessel on the high seas is the sole and only right of a belligerent. We were so astonished at the assumption of the Imperial Government in even suggesting such ruthless destruction of neutral vessels that we gave expression in this vigorous language:

To declare or exercise a right to attack and destroy any vessel entering a prescribed area of the high seas without first certainly determining its belligerent nationality and the contraband character of its cargo would be an act so unprecedented in naval warfare that this Government is reluctant to believe that the Imperial Government of Germany in this case contemplates it as possible.

The note further states:

If the commanders of German vessels of war * * * should de-roy on the high seas an American vessel or the lives of American

That would mean whether upon a belligerent vessel or notit would be difficult for the Government of the United States to view the act in any other light than as an indefensible violation of neutral

And then what?

If such a deplorable situation should arise, the Imperial German Government can readily appreciate that the Government of the United States would be constrained to hold the Imperial German Government to a strict accountability * * * and to take any steps it might deem necessary to take to safeguard American rights and property and to secure to American citizens the full enjoyment of their acknowledged rights on the high seas.

Mr. President, that meant just one thing, and that is that if an American vessel was sunk or an American life lost, whether upon an American vessel or otherwise, the Imperial Government would find herself at war with the United States. I am not now discussing the two sides of the controversy, nor as to whether the attitude of this Government was absolutely right in every detail, because, as I have heretofore pointed out, think in some of our demands we went beyond the clear rights of neutrals. At least we entered into a debatable field in asserting that submarines must conform to every rule heretofore demanded of cruisers or battleships. But this is what the Government of the United States said: It commanded upon pain and penalties of war that the Imperial Government could go no further in the execution of her proclamation than !

the sole right of visit and search, and seizure in case contraband were found. It was a proclamation that the American citizens took no further risk in traveling upon the high seas in any vessel than the risk of having the vessel overhauled and detained in some proper port. Do we still insist on that contention? If so, will we make war to sustain it? If not, where is the danger line?

On March 28, 1915, the Imperial Government sunk the British steamer Falaba. It was sunk without any warning, and a number of lives were destroyed, including that of an American citizen. One would have thought, by the note of February 10, that our fleet would thereupon have been gathered and our armies mobilized. Nothing of the kind, however, happened. About a month later an American steamer, the Gulflight, bearing an American flag, was sent to the bottom of the ocean without warning, and three more American citizens went down to death. And again our "strict accountability" threat was held in abeyance.

On May 7, 1915, the Lusitania, with some 2,500 noncombatants on board, was torpedoed without warning and sunk, and more than 1,000 men, women, and children drowned, 100 of whom were American citizens. No one on earth could justify the sinking of the Lusitania in the manner in which it was done. This was a British ship, a belligerent merchant ship, carrying not only passengers but also goods, as I remember, which were contraband. On the 13th day of May, after six days of deliberation, this Government expressed its view in a new note to the Imperial German Government, and stated:

In view of recent acts of the German authorities in violation of American rights on the high seas, which culminated in the torpedoing and sinking of the British steamship *Lusitania* on May 7, 1915, by which over 100 American citizens lost their lives, it is clearly wise and desirable that the Government of the United States and the Imperial German Government should come to a clear and full understanding as to the grave situation which has resulted.

That meant that something mighty important was now coming. The note then recited:

The sinking of the steamer Falaba, the attack on April 28 on the American vessel Cushing, the torpedoing of the American vessel Gulf light, and finally the torpedoing and sinking of the Lusitania.

Then the Government, taking notice of the warning given by the German ambassador, said:

This Government has already taken occasion to inform the Imperial Government that it can not admit the adoption of such measures or such a warning of danger to operate as in any degree an abbreviation of the rights of American shipmasters or the rights of American citizens, bound on legal errands, on passenger or merchant ships of belligerent nationality, and that it must hold the Imperial German Government to a strict accountability for any infringement of these rights, intentional or incidental.

Let us note the last paragraph which I have read, that this Government "can not admit the adoption of such measures or such a warning to operate as in any degree an abbreviation of the rights of American shipmasters or the right of American citizens bound on legal errands on passenger or merchant ships of belligerent nationality." This note asserted beyond any question that American citizens had a right to travel upon merchant vessels of belligerent nations, and that it must hold the Imperial German Government to a strict accountability for any infringement of these rights, intentional or incidental."

We may well ask ourselves right here, Is this the standard by which we are to determine whether we shall enter into this war? There ought not to be any possible misunderstanding on this. If that is our contention, if we are to hold that our people have a right to travel upon the merchant vessels of a belligerent power, and if the lives of such citizens are destroyed by another belligerent we shall hold such belligerent to a strict accountability, then, in my opinion, we ought to prepare immediately for war. I doubt, however, from subsequent utterances whether our Government has not abandoned this view. It certainly has not acted in accordance with what it declared it would do.

On the 24th day of March, 1916, the French steamer Sussex, a mere passenger and ferry boat, was sunk. This Government in its note to Germany said:

The commanders of the Imperial Government's undersea vessels have carried on practices of such ruthless destruction which have made it more and more evident, as the months have gone by, that the Imperial Government has found it impracticable to put any such restraints upon them, as it had hoped and promised to put. It (this Government) now owes it to a just regard for its own rights to say to the Imperial Government that that time has now come. It has become painfully evident to it that the position which it took at the very outset is inevitable, namely, the use of submarines for the destruction of an enemy's commerce is of necessity because of the very character of the vessels employed and the very methods of attack which their employment, of course, involves, utterly incompatible with the principles of humanity, the long-established and incontrovertible rights of neutrals, and the sacred immunities of noncombatants. The commanders of the Imperial Government's undersea vessels have

Here again our Government asserts, in words whose meaning can not be misconstrued, that the submarine can not be used at all for the destruction of an enemy's commerce because of the character of the vessels employed and the method of attack which their employment involves.

This Government came back again to its first proposition, a proposition which it declared was fundamental, and which, if not acceded to by the Imperial Government, would compel this Government to use force or to declare war. But suddenly the Executive of this Government threw the whole question again into doubt by the use of a phrase which, no matter how high sounding, actually conveyed no definite meaning. These are the words:

If it is still the purpose of the Imperial Government to pursue relentless and indiscriminate warfare against vessels of commerce by the use of submarines, without regard to what the Government of the United States must consider the sacred and indisputable rules of international law and the universally recognized dictates of humanity, the Government of the United States is at last forced to the conclusion that there is but one course it can pursue.

Now, what is this course? In the light of all preceding declarations, in the light of that bold declaration made on the 10th day of February, 1915, that course meant the absolute protection of American rights as declared by the President-the use of force necessary to protect those rights. That course meant But let us see whether its meaning is not immediately modified. The message proceeds:

Unless the Imperial Government should now immediately declare and effect an abandonment of its present methods of submarine warfare against passenger an I freight carrying vessels, the Government of the United States can have no choice but to sever diplomatic relations with the German Empire altogether.

Thus we have the contrast. The note of February 10, 1915, declares that the United States, under such circumstanes, "would feel constrained to take any steps it might deem neces-sary to take to safeguard American lives and property and to secure to American citizens the full enjoyment of their acknowledged rights on the high seas," and the declaration of April 18, 1916, that if you continue your course the Government of the United States will simply sever diplomatic relations; that is, that we will not speak to you again during this war.

It is declared in the Lusitania note of May 13:

It is declared in the Lausitania note of May 13:

The Government of the United States, therefore, desires to call the attention of the Imperial German Government with the utmost earnestness to the fact that the objection to their present method of attack against the trade of their enemies lies in the practical impossibility of employing submarines in the destruction of commerce without disregarding those rules of fairness, reason, justice, and humanity which all modern opinion regards as imperative. It is practically impossible for the officers of a submarine to visit a merchantman at sea and examine her papers and cargo. It is practically impossible for them to make a prize of her; and, if they can not put a prize crew on board of her, they can not sink her without leaving her crew and all on board of her to the mercy of the sea in her small boats. * * * Manifestly submarines can not be used against merchantmen, as the last few weeks have shown, without an inevitable violation of many sacred principles of justice and humanity.

Now, bearing in mind this declaration of international law and

Now, bearing in mind this declaration of international law and rights, will the fact that an American ship, loaded, we will say, with contraband and captured, not taken into port, not submitted to the investigation of a prize court, but sunk without such investigation, be a cause for war?

Suppose, under the same declaration made by us, American

goods are on a belligerent vessel and the vessel sunk and the goods destroyed, will this be a cause for war?

We assume, of course, in both instances that neither ship has been fired upon without notice.

We asserted in the Lusitania note-

The rights of American shipmasters or of American citizens bound on lawful errands (to travel) as passengers on merchant vessels of belligerent nationality.

Suppose that under this declaration a belligerent ship is captured and sunk after notice, and American citizens from that ship are taken to Germany or placed in safety anywhere else; by this act they have been deprived of their right to travel to their destination. Would that be a cause for war?

Again in that note we declare:

American citizens act within their indisputable rights in taking their ships and in traveling wherever their legitimate business calls them upon the high seas and exercise those rights in what should be the well-justified confidence that their lives will not be endangered by acts done in clear violation of universally acknowledged obligations, and certainly in the confidence that their own Government will sustain them in the exercise of their rights.

Suppose American citizens on an American ship carrying contraband of war enter the war zone, the area declared blockaded, and the ship is sunk without notice, but without the loss of life

of passengers or crew. Will this be a cause for war?
Or, under this declaration, will the fact that an American ship loaded with contraband has been destroyed without notice by a submarine, with the loss of American lives, constitute a

clear cause for a declaration of war? Or will we make a distinction between vessels carrying contraband and those carrying none?

Suppose that a belligerent merchant vessel carrying no contraband of war, but carrying United States mails to Liverpool, is sunk, even though notice be given and passengers and crew protected. Would this call for a declaration of war?

When this controversy became acute a year ago I took the position that under international law as it existed prior to the introduction of submarines in warfare, a merchant vessel, whether belligerent or neutral, could not be sunk if she surrendered, that her passengers and crew must be adequately protected and the vessel held as a prize. But I insisted, and on that I was in the minority, that the right to use the sub-marine in warfare carried with it the right to make war upon an enemy's commerce, and that while the rule of humanity, that a defenseless ship should not be fired upon and that the passengers and crew must be fully protected, ought not and would not be modified, the inability of the submarine to take possession of a merchant vessel and carry it into port, would work a modification of the old rule of international law requiring such action. I believe we will now recognize, and have practically recognized, this to be international law. But even if that is now recognized international law, we would still be compelled, if we maintain our demands, to declare war if either an American or a belligerent merchant vessel is sunk if the sinking results in the loss of American lives.

We would not go to war with Germany because of her failure to comply with this rule if neither American lives nor American ships were destroyed. As the matter now stands, I would say Germany can avoid war with the United States, first, by refraining from the destruction of any American ship, either with or without notice, not carrying contraband; second, by refraining from sinking an American ship without notice, even though she may carry contraband; and third, by first assuring herself that there are no Americans on board a belligerent merchant vessel, if such vessel is sunk without notice. But I am not certain that either the State Department or the Executive agrees with this. It ought not to be left in doubt.

If the reports of the Cabinet meeting of yesterday are true, we shall now need a definition of an "overt act." Generally speaking an avert act is an act done in the open, public. In criminal law it is an act done in furtherance of a criminal design. Just how the German Government could do more than it has done to constitute an overt act it is difficult for me to understand. The proclamation of blockade by that Government said in effect that any vessels coming into the war zone would be sunk, and indicated that they would be sunk without notice. Since February 1, 75 vessels have been sunk, and have been sunk without notice. On one, at least, the life of an American citizen was taken, and I believe one was an American ship. And yet we are told by the morning press that this Govern-ment will await an "overt act." Certainly, if we wait for a more definite indication of the purpose of the German Government to adhere to its declaration, there can be, in my judgment, no danger whatever of war.

The morning papers stated:

The President and his advisers last night let it be known that the following course had been decided upon: When the President is satisfied that American lives and American ships—

I want to call special attention to the word "and "-

American lives and American ships have been destroyed on the high seas in violation of the submarine pledges formerly made by Germany, he will lay the matter before Congress. He will not suggest a declaration of war, but will ask authority to use the military and naval forces for the profection of the lives and rights of Americans at sea. He will then proceed to use the military and naval forces for this purpose, leaving the next move to Germany.

I wish to note right here that in giving out this information, if it is correctly given, the words "American lives and American ships" are used, and not the words "American lives or American ships." Does this mean that we have further receded from our position, and that the loss of American lives on a belligerent merchant vessel torpedoed by a submarine will not call for anything sterner than a protest? Does it mean that another Lusitania case will pass unnoticed by this Government? If that is true, then by every principle of justice we ought to notify the American people, and not only notify them but take steps to prevent them from traveling on belligerent merchant vessels.

It is evident that these things must concur: First, the vessels must be American vessels; second, lives of Americans must be sacrificed; and, third, they must be American vessels not carrying contraband. This latter is made apparent by the further statement given out that the President would not suggest a declaration of war, but would ask authority to use the military and

naval forces for the protection of the lives and rights of Americans at sea. How would he use these forces? There could be but one way, by the use of American warships as a convoy for American merchant vessels; and as this Nation will never use an American war vessel to convoy an American merchant vessel carrying contraband of war through a blockade, the case is finally limited to a convoy of an American vessel carrying nothing but passengers or mail or articles not held as contraband.

Now, that appears to be our position, as indicated by the last report. Does anyone for a moment believe that the German Government would attempt to torpedo an American vessel convoyed by an American warship bearing no contraband of war? It is impossible to believe that Government would be so stupid. When she would know we would not so break international law ourselves as to use it to convoy an American vessel carrying contraband of war to her enemies, is it possible to believe that the German Government would be that stupid and hurl herself into a war with the United States when the course of our conduct was such that we were not interfering with them or help-

ing her enemies in the slightest degree? Then, Mr. President, why not say to the German Government, if this is the limit of our purpose, "We shall not attempt to protect the lives of our American citizens on belligerent vessels, but we insist that we will defend vessels not carrying contra-band." Does anyone believe for a moment that Germany would not immediately consent to this? To my mind, the decision arrived at in the Cabinet yesterday makes war between this country and Germany impossible. But this statement is not authoritative. And, again, I insist that we ought to know definitely what we are standing for. We ought not to keep stocks and values of the country buoyed up by rumors, insinuations, and threats of war when there is really no cause for fear.

Above all, we owe it to our own American people, we owe it to the belligerents themselves, to declare definitely and to state "thus far can you go, and no farther; if you cross this line it means war." Then our own citizens will fully comprehend what their rights may be; every belligerent will then fully understand what we mean in our declaration that the German Government must not carry on ruthless submarine warfare.

Mr. President, on April 21, 1916, nearly 10 months ago, an editorial appeared in the New York Tribune which brought before us very succinctly and clearly the confusion of the minds of the American people due to the many conflicting statements and demands made in our submarine note. It applies so clearly to-day that I ask, without reading, it may be printed at the conclusion of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial referred to is as follows:

[Editorial from the New York Tribune, Apr. 21, 1916.] THE CONFUSION OF THE GERMAN NOTE.

The publication of the text of the latest note to Germany fails to clear up the confusion of thought so noticeable in the last three paragraphs of President Wilson's address to Congress. The reason is simple. The last part of the address was almost a literal transcript of the last part of the note. Both suffer, therefore, from the same defects—a lack of clearness in defining our case against Germany and a lack of decision in framing the demand which we make for an alteration of Germany's policy.

clearness in defining our case against Germany and a lack of decision in framing the demand which we make for an alteration of Germany's policy.

These defects have been conspicuous in nearly all of the administration's correspondence with Berlin over the illegal and criminal character of German submarine warfare. We started out all right in the "strict-accountability" note of February 10, 1915. In that communication our Government protested in advance against any violations on Germany's part of neutral rights or of the established rules of warfare at sea which might result in the destruction "of American vessels or the lives of American citizens."

Here was a clear, hard-and-fast conception of our policy and duty. But in the first Lusitania note the President shifted ground considerably. He called the attention of the German Government "with the utmost earnestness to the fact that the objection to their present method of attack against the trade of their enemies (not specifically against enemy merchantmen carrying American passengers, but against all merchantmen) lies in the practical impossibility of employing submarines in the destruction of commerce without disregarding those rules of fairness, reason, justice, and humanity, which all modern opinion regards as imperative. * * Manifestiy submarines can not be used against merchantmen, as the last few weeks have shown, without an inevitable violation of many sacred principles of justice and humanity."

If this meant anything, it meant that the United States considered itself intelliging the second of the considered itself intelliging the policy of the providers.

out an inevitable violation of many sacred principles of justice and humanity."

If this meant anything, it meant that the United States considered itself justified in holding Germany to account for submarine attacks upon merchantmen, whether those merchantmen carried American passengers or not. It was in effect a demand that Germany should abandon unconditionally her submarine campaign against merchantmen.

In the second Lusitania note (that of June 9, 1915) there was a distinct recession from this advanced position. Secretary Lansing wrote: "The Government of the United States condidently looks to see the justice and humanity of the Government of Germany vindicated in all cases where Americans have been wronged or their rights a neutrals invaded." Again: "The Government of the United States therefore deems it reasonable to expect that the Imperial German Government will adopt the measures necessary to put these principles into practice in respect of the safeguarding of American lives and American ships, and asks assurances that this will be done."

Even in the first Lusitania note a paragraph had been incorporated which was in conflict with the implications of the passages from that

note which we have already quoted. This contained the celebrated flourish about omitting no word or act necessary to the performance of the "sacred duty of maintaining the rights of the United States and its citizens and so safeguarding their free exercise and enjoy-

note which we have already quoted. This contained the celebrated flourish about omitting no word or act necessary to the performance of the "sacred duty of maintaining the rights of the United States and its citizens and so safeguarding their free exercise and enjoyment."

From what the President and Secretary Lansing said last summer, it is impossible to tell whether they were demanding a cessation of submarine warfare on merchantmen under any and all citizens which the lives of American passengers might happen to be imperiled.

It is equally impossible to decide this question after reading the latest note. The same inconsistencies crop out afresh. In one paragraph the communication says:

"It has become painfully evident to it (the United States Government) that the position which it took at the very outset is inevitable, namely, the use of submarines for the destruction of an enemy's commerce is of necessity because of the very character of the vessels employed and the very methods of attack which their employment, of course, involves, utterly incompatible with the principles of humanity, the long-established and incontrovertible rights of neutrals, and the sacred immunities of noncombatants."

But in the next paragraph it is said that the United States will act against Germany only in case it is still Germany's purpose to prosecute wrefare of any kind—against merchant vessels. And in the paragraph following a breaking off of diplomatte relations is threatened unless the German Government shall "declare and effect an abandonment of its present methods of submarine warfare against merchantmen warfare and freight-carrying vessels."

No clear idea of the administration's attitude can be deduced from these tangled statements. Does the President contend that submarine warfare against merchantmen must be abandoned because it is in itself abhorrent to human principles and incompatible with neutral rights? Does he mean to demand immunity from the peril of submarine attacks for Americans only, or for all others, neut

ingly?"
In his desire to ring the changes on mellifluous phrases like "serving the interests of humanity" and "fighting the battles of mankind" President Wilson has drifted far from the sound and simple conceptions of the note of February 10, 1915. That stood for Americanism—nothing more, nothing less. It stood for the maintenance of American rights and for holding to "strict accountability" any power which violated those rights. The more Mr. Wilson has talked about vindicating humanity the less he has thought about defending national honor and interests.

What we need most now in dealing with Germany is to clarify our

and interests.

What we need most now in dealing with Germany is to clarify our point of view, to rid our case of extraneous rhetoric and to get back to the solid basis of national right and interests from which we started. Whatever we do, we should do as Americans, in vindication of our own sovereignty and in support of our own prestige.

If we are at last to call Germany to account, let it be exclusively on the grounds so admirably stated in our original warning and for the colossal crime of the Lustania, brazenly acknowledged and after more than 11 months still unavenged!

Mr. McCUMBER. Now, Mr. President, I ask that the resolution may be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. The resolution will be so referred.

ORDER OF BUSINESS.

Mr. VARDAMAN and Mr. SMITH of South Carolina ad-

dressed the Chair.

The VICE PRESIDENT. The Senator from Mississippi.

Mr. VARDAMAN. I ask that the bill (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes, be laid before the Senate. I desire to state that it is not the purpose of the advocates of that bill to urge the displacement of any appropriation bill. If we may be permitted to have the bill taken up and made the unfinished business, we shall cheerfully give way to appropriation bills. With that statement I move that the Senate proceed to the consideration of the bill.

Mr. SMITH of South Carolina. Mr. President, I believe that motion to proceed to the consideration of an appropriation bill has precedence over other motions, and I move that the Senate proceed to the consideration of House bill 19410, which is known as the Post Office appropriation bill. The VICE PRESIDENT. The Senator from South Carolina

moves that the Senate proceed to the consideration of House bill 19410.

Mr. VARDAMAN. Mr. President, I raise a point of order on that motion. Can not the Senate choose which of two bills it shall first consider?

The VICE PRESIDENT. No; it can not. The motion to proceed to the consideration of an appropriation bill is a privileged motion, to be decided without debate.

Mr. GALLINGER. Mr. President, I do not understand that to be so

The VICE PRESIDENT. That is what the rule says.

Mr. GALLINGER. That a motion to take up an appropriation bill has any priority of claim over a motion to take up

The VICE PRESIDENT. That is what the rule says.

Mr. VARDAMAN. I think that is a matter which the Senate can itself determine

The VICE PRESIDENT. Just one moment. Let us first read the rule.

Mr. GALLINGER. I will say I may be wrong about the matter.

The VICE PRESIDENT. The rule provides:

The VICE PRESIDENT. The rule provides:

Immediately after the consideration of cases not objected to upon the calendar is completed, and not later than 2 o'clock, if there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order, beginning with the first subject on the calendar next after the last subject disposed of in proceeding with the calendar; and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:

First. A motion to proceed to the consideration of an appropriation or revenue bill.

Second. A motion to proceed to the consideration of any other bill on the calendar, which motion shall not be open to amendment.

Third. A motion to pass over the pending subject, which if carried shall have the effect to leave such subject without prejudice in its place on the calendar.

Fourth. A motion to place such subject at the foot of the calendar, Each of the foregoing motions shall be decided without debate.

Mr. GALLINGER. Apparently I was wrong about that, and

Mr. GALLINGER. Apparently I was wrong about that, and yet, if a Senator is recognized to move to proceed to the consideration of a bill, can a motion be made to displace that motion by moving to take up another bill?

The VICE PRESIDENT. The rule says:

Each of the foregoing motions shall be decided without debate and shall have precedence in the order above named.

There was a motion made by the Senator from Mississippi to proceed to the consideration of a certain bill, and then the Senator from South Carolina moved to proceed to the consideration of an appropriation bill; which motion, as the Chair thinks, has precedence under the rules.

Mr. GALLINGER. I think the Chair is right.

Mr. CHILTON. I move that the Senate proceed to the consideration of executive business. That motion has precedence

The VICE PRESIDENT. The question is on the motion of the Senator from West Virginia.

Mr. TOWNSEND. On that I demand the yeas and nays. Mr. FLETCHER. Before the Chair puts the question on the motion, I should like to make a report from the Commerce

The VICE PRESIDENT. We are simply getting lost in the maze of motions. A motion to proceed to the consideration of executive business is now before the Senate, on which the yeas

and nays have been requested. Is there a second? pause.] There is. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CURTIS (when the name of Mr. DILLINGHAM was called) desire to announce the absence of the Senator from Vermont [Mr. Dillingham] on account of illness. He is paired with the Senator from Maryland [Mr. SMITH].

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. Johnson]. As he

is absent from the Chamber, I will withhold my vote.

Mr. NEWLANDS (when Mr. Kern's name was called). The Senator from Indiana [Mr. Kern] is necessarily detained from the Senate on account of illness.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. Goff] to the Senator from Alabama [Mr. BANKHEAD] and vote "yea."

Mr. WALSH (when his name was called). I inquire if the

Senator from Rhode Island [Mr. Lippitt] has voted?
The VICE PRESIDENT. He has not voted.
Mr. WALSH. I have a general pair with that Senator,
which I transfer to the Senator from Oklahoma [Mr. Gore] and vote "nay.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. Penrose] to the senior Senator from Indiana [Mr. Kern] and vote "yea."

The roll call was concluded.

Mr. MARTINE of New Jersey. I desire to announce the absence of the Senator from Oklahoma [Mr. Gore] owing to illness. I will ask that this announcement stand for the day.

Mr. SMITH of South Carolina (after having voted in the negative). I have a general pair with the Senator from South Dakota [Mr. Sterling]. I transfer that pair to the Senator

from Arizona [Mr. SMITH] and will allow my vote to stand.

Mr. CHAMBERLAIN. I have a general pair with the punior
Senator from Pennsylvania [Mr. OLIVER]. In his absence, and not being able to secure a transfer, I withhold my vote.

Mr. JONES. The junior Senator from Virginia [Mr. Swanson] is necessarily absent on account of illness. I agreed to pair with him for the day, and therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. GALLINGER. I have a pair with the senior Senator from New York [Mr. O'GORMAN], which I transfer to the junior

Senator from Maine [Mr. Fernald] and vote "nay."

Mr. CURTIS. I have been requested to announce the fol-

lowing pairs:
The Senator from New Mexico [Mr. Catron] with the Sena-

tor from Oklahoma [Mr. Owen]; and
The Senator from Delaware [Mr. Du Pont] with the Senator

from Kentucky [Mr. Beckham].

Mr. HARDING (after having voted in the negative). I
note the absence of the junior Senator from Alabama [Mr. Underwood], and because of my general pair with him I desire to withdraw my vote.

The result was announced-yeas 19, nays 48, as follows:

A STATE OF THE PARTY OF THE PAR	YEA	S-19.			
Chilton Culberson Hitchcock Hollis Hughes	Husting James Johnson, S. Dak. Kirby Lee, Md.	Pittman Ransdell Robinson Shafroth Sheppard	Shields Stone Tillman Williams		
NAYS-48.					
Borah Brady Brandegee Broussard Bryan Clapp Clark Colt Cummins Curtis Fall	Gallinger Hardwick Kenyon La Follette Lea, Tenn, Lodge McCumber McLean Martin, Va. Martine, N. J. Nelson Newlands	Norris Overman Page Phelan Poindexter Reed Saulsbury Sherman Simtons Smith, Ga. Smith, Ga.	Smoot Sutherland Thomas Thompson Townsend Vardaman Wadsworth Walsh Warren Watson Weeks		
Fletcher		Smith, S. C.	Works		
NOT VOTING—29.					
Ashurst Bankhead Beckham Catron Chamberlain Dillingham du Pont Fernald	Goff Gore Gronna Harding Johnson, Me, Jones Kern Lane	Lewis Lippitt Myers O'Gorman Oliver Owen Penrose Pomerene	Smith, Ariz. Smith, Md. Sterling Swanson Underwood		

So the Senate refused to go into executive session.

POST OFFICE APPROPRIATIONS.

The VICE PRESIDENT. The question now recurs on the motion of the Senator from South Carolina [Mr. SMITH] to proceed to the consideration of House bill 19410.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, which had been reported from the Committee on Post Offices and Post Roads with amendments.

Mr. SMITH of South Carolina. I ask that the formal reading of the bill be dispensed with and that it be read for amendment, the amendments of the committee to be first considered.

Mr. OVERMAN. Will the Senator agree now to lay aside temporarily the appropriation bill in order that the Senate may proceed to the consideration of a very important measure? Mr. SMITH of South Carolina. I desire, first, to have the

request I have just made acted upon.

Mr. OVERMAN. Very well.

The VICE PRESIDENT. The Senator from South Carolina asks that the formal reading of the bill be dispensed with, and that it be read for amendment, the amendments of the committee to be first considered. Is there any objection? The Chair hears none, and it is so ordered.

Mr. OVERMAN and Mr. SHAFROTH addressed the Chair.

Mr. SMITH of South Carolina. I yield to the Senator from

North Carolina.

[After a

Mr. OVERMAN. Will the Senator kindly yield to me in order that I may ask for the consideration of a very important bill that ought to be passed at once? I refer to Senate bill 8148, known as the espionage bill.

Mr. SMITH of South Carolina. I would prefer that the Senator defer his request for a few moments until the status of the appropriation bill is established, so that it will be the unfinished business, and then it may be temporarily laid aside.

Mr. OVERMAN. I understand it is the unfinished business.

Mr. SMITH of South Carolina. Not until after 1 o'clock. Mr. OVERMAN. The Senator is correct.

Mr. VARDAMAN. If unanimous consent is asked, I object.
Mr. OVERMAN. I have asked the Senator from South Caro-

lina to yield to me in order that I may make the motion I have indicated.

Mr. SHAFROTH. Mr. President, I should like to have the Senator from South Carolina yield to me in order that I may make a request for unanimous consent,

Mr. SMITH of South Carolina. I yield to the Senator, if he

merely desires to make a request for unanimous consent.

Mr. SHAFROTH. I ask unanimous consent that the Porto Rican civil-government bill be made the special order for Monday night at 8 o'clock.

Mr. GALLINGER. I thought we agreed to that by unanimous

consent.

Mr. SHAFROTH. No; there was one objection made when I first submitted the request, but I do not think the Senator who objected then will object now.

Mr. GALLINGER. I beg the Senator's pardon.

Mr. STONE. The Senator from West Virginia [Mr. Chil-

TON] did object to it.

Mr. SHAFROTH. I notified the Senator from West Virginia that I was going to renew the request.

Mr. STONE. If the Senator from West Virginia has with-drawn his objection, I shall not object; but I do not think it is happens to be momentarily out of the Chamber, that the request should be renewed in his absence.

Mr. SHAFROTH. I went to the Senator from West Virginia and notified him that I would renew the request. I will now make the request in the exact form that I advised him I would make it, namely, that the bill to which I have referred be made the special order for Wednesday night next at 8 o'clock.

Mr. STONE. For the time being I shall object.
Mr. SHAFROTH. Well, Mr. President, I do not want to take advantage of the absence of any Senator. I requested the Senator from West Virginia to be present, but I will withhold any further request in the matter.

Mr. NEWLANDS and Mr. KENYON addressed the Chair. The VICE PRESIDENT. The Chair understands that the Post Office appropriation bill is before the Senate, and that the real question is the request of the Senator from North Carolina [Mr. Overman] that unanimous consent be granted to lay it aside temporarily and to proceed with the consideration of Sen-

ate bill 8148. Is there any objection?

Mr. VARDAMAN and others. I object.

The VICE PRESIDENT. There seems to be plenty of objection, so the Post Office bill is before the Senate.

Mr. NEWLANDS. Then I ask unanimous consent— Mr. OVERMAN. Mr. President, I have not yielded the floor.

wish to say that at the hour of 1 o'clock-

Mr. KENYON. Mr. President, will the Senator yield to me

Mr. OVERMAN. Mr. President, I can not yield. At 1 o'clock. when the morning hour has expired, I think the Post Office bill will be the unfinished business anyhow: We met at 11 o'clock this morning, and it will become the unfinished business then. I will say to the Senator from South Carolina-

Mr. BRYAN. Mr. President, the Senator from South Carolina is not in the Chamber just at this moment. For our own purposes, we propose to proceed to the consideration of this bill.

Mr. CUMMINS. Mr. President, we can not hear on this side

what is being said upon the other,

Mr. BRYAN. The Senator from North Carolina can make his request a little later.

Mr. CUMMINS. I want to hear the Senator from North Carolina, because I am interested in the bills to which he has

Mr. OVERMAN. Mr. President, having the floor, I started to say, and I will repeat it for the information of the Senator from Iowa, who is interested in these bills, that when the hour of 1 o'clock comes, when the Post Office bill will become the unfinished business, I shall ask that the appropriation bill that is now before the Senate shall be laid aside in order that I may

Mr. CUMMINS. There are some of these bills to which I have no objection, Mr. President—that is to say, I have no objec-

that I am not ready to consider immediately, but will be within a day or two. They are all in one bill, but as a matter of fact they represent different subjects.

Mr. OVERMAN. Each one is a chapter now. I want to say to the Senator that there are 14 very important bills, and in order to save time I am going to offer a substitute for the first bill which will contain chapters consisting of each of the other bills, each bill being a chapter. There are 14 chapters in the bill, and each chapter is one of the bills that was introduced, the 14 making one bill for consideration.

Mr. CUMMINS. Yes; I understand that, and there are certain chapters in this volume to which I have no objection. I do not speak for anybody but myself. There are other chapters that I think require very material modification, and I am not ready to-day to present the amendments which I think ought to be considered.

Mr. OVERMAN. Can the Senator indicate to me when he

will be ready?

Mr. CUMMINS. I think I shall be ready to-morrow, so far as I am concerned. I took them up for study last night, and I did not finish them.

Mr. OVERMAN. Would the Senator be willing to let me go on with the bills to which he has no objection and pass over Would the Senator be willing to let me the other chapters and not ask for a vote until Monday? I shall be glad to do that.

Mr. CUMMINS. Certainly; I have no objection to considering the things that I think are all right.

Mr. GALLINGER. Mr. President, before any arrangement is made, I will ask the Senator from North Carolina if the bill will be in print, so that we can see it?

Mr. OVERMAN. The bills are printed, and I have had this substitute

Mr. GALLINGER. I thought the Senator reported it this morning.

Mr. OVERMAN. Oh, no. I reported them two or three days ago, but the substitute which I propose to submit I have had printed for the information of the Senate, and have had a copy of it laid on each Senator's desk. The Senator can get a copy from Mr. Halsey.

Mr. GALLINGER. I have not seen it.

Mr. NEWLANDS. Mr. President— Mr. OVERMAN. I just want to understand whether the Senator is willing to go on with these bills, and then pass over temporarily the chapters to which he objects, or would he prefer that we go on Monday? I want to accommodate the Senator.

Mr. CUMMINS. I have a series of amendments. There are

a good many of them. They are not yet fully prepared; and so far as the chapters to which those amendments relate are concerned, I would ask the Senator to pass them over until Monday. Mr. OVERMAN.

Mr. OVERMAN. I shall be very glad to do that. Mr. CUMMINS. So far as those chapters are concerned to which I have no amendments to offer, I am perfectly willing that the Senator shall take them up at any time.

Mr. STONE. Mr. President, the Senator from North Carolina stated to the Senator from Iowa that if any Senator so desired he would be willing to pass the consideration of this bill until The Senator from Iowa is a member of the Committee Monday. on the Judiciary. He was present when these bills were considered by the committee, and is familiar with them. I have read the 14 bills incorporated in one document now to be offered as a substitute only since I came into the Senate Chamber this morning, and while the speech of the Senator from North Dakota [Mr. McCumber] was being delivered. I was trying to do both things at the same time—that is, listen to the speech and read the bills. There are Senators here, I know, who are not familiar with these bills. Some of them—all of them, in fact—are important, and some of them seem to me, from the hasty examination that I made, to need some amendment. I think

the whole thing ought to go over until Monday.

Mr. OVERMAN. Mr. President, I want to accommodate all of the Senators. Everybody recognizes the fact that these bills ought to be passed at as early a day as possible. Therefore I give notice that if the Post Office appropriation bill is not through at that time I shall ask the Senators on Monday, at the close of the morning hour, to yield to me to take up these bills.

Mr. NEWLANDS. Mr. President, I desire to make a parliamentary inquiry; that is, as to whether the river and harbor bill has been reported to the Senate?

The VICE PRESIDENT. It has, and it is on the calendar.

Mr. NEWLANDS. I wish to ask in that connection of the chairman of the Committee on Commerce whether there is reported in that bill a provision for the organization of a waterways commission, composed of departmental chiefs and distion to their consideration at any time-but there are others I tinguished engineers, who are to make a thorough study of all the questions that relate to the development of our waterways

for navigation and other purposes?

Mr. FLETCHER. Mr. President, I will say that a new section was added to the bill, section 13, which provides for such a commission as the Senator inquires about, to be known such a commission as the Senator inquires about, to be known as the waterways commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and three additional members to be appointed by the President.

Mr. NEWLANDS. Mr. President, I ask that that amendment may be inserted in the Record in connection with my remarks. I have long favored action of that the

marks. I have long favored action of that kind. An amendment in substantially the same terms was offered by me several years ago and then went into the appropriation bill, but it went out upon the objection of the House conferees.

The amendment referred to is as follows:

The amendment referred to is as follows:

SEC. 13. That a commission, to be known as the waterways commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and three additional members to be appointed by the President of the United States from the active or retired list of the Engineer Corps of the Army, or other Government services, or from civil life, one of whom shall be designated by the President as chairman, is hereby created and authorized, under such rules and regulations as it may adopt, to bring into coordination and cooperation the engineering, scientific, and constructive services, bureaus, boards, and commissions of the several governmental departments of the United States and commissions created by Congress that relate to study, development, or control of waterways and water resources and subjects related thereto, or to the development and regulation of interstate and foreign commerce, with a view to uniting such services in investigating, with respects to all watersheds in the United States, questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, drainage, forestry, arid and swamp land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil erosion and waste, storage, and conservation of water for agricultural, industrial, municipal, and domestic uses, cooperation of railways and waterways, and promotion of terminal and transfer facilities, to secure the necessary data, and to formulate and report to Congress, as early as practicable, a comprehensive plan or plans for the development of waterways and the water resources of the United States for the purposes of navigation and for every useful purpose, and recommendations for the modification or discontinuance of any project herein or heretofore adopted. Any member appoi

annum.

In all matters done, or to be done, under this act relating to any of the subjects, investigations, or questions to be considered hereunder, and in formulating plans, and in the preparation of a report or reports, as herein provided, consideration shall be given to all matters which are to be undertaken, either independently by the United States or by cooperation between the United States and the several States, political subdivisions thereof, municipalities, communities, corporations, and individuals within the jurisdiction, powers, and rights of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as may be undertaken by the United States, and to the States, political subdivisions thereof, municipalities, communities, corporations, and individuals such portion as belongs to their respective jurisdictions, rights, and interests.

sions thereof, municipalities, communities, corporations, and individuals such portion as belongs to their respective jurisdictions, rights, and interests.

The commission is authorized to employ, or retain, and fix the compensation for the services of such engineers, transportation experts, experts in water development and utilization, and constructors of eminence as it may deem necessary to make such investigations and to carry out the purposes of this section. And in order to defray the expenses made necessary by the provisions of this section there is hereby authorized to be appropriated such sums as Congress may hereafter determine, and the sum of \$100,000 is hereby appropriated, available until expended, to be paid out upon warrants drawn on the Secretary of the Treasury by the chairman of said commission.

The commission shall have power to make every expenditure requisite for and incident to its authorized work, and to employ in the District of Columbia and in the field such clerical, legal, engineering, artistic, and expert services as it may deem advisable, including the payment of per diem in lieu of subsistence for employees engaged in field work or travelling on official business, rent of offices in the District of Columbia and in the field, and the purchase of books, maps, and office equipment. Nothing herein contained shall be construed to delay, prevent, or interfere with the completion of any survey, investigation, project, or work heretofore adopted or authorized upon or for the improvement of any of the rivers or harbors of the United States or by this act.

It is my intention to urge that plan of organization as a substitute for that of the flood-control bill. The friends of the plan of river development which I have been advocating for so many years will also urge the adoption of that plan as a substitute for the plan presented by the flood-control bill, They will not rest with the assurance that it is contained in the river and harbor bill, lest it may go out of that bill upon the objection of the House, as it did before.

I give notice to all the friends of thorough and comprehensive action regarding the development of our waterways, involving the coordination of all the services of governmental activity in that work and the cooperation of the Nation with the States, that it is of the highest importance that they should be on guard both with reference to the flood-control bill and the river and harbor bill, so as to see to it that between the two this much-desired legislation, which is being urged by the President of the United States-not only the present President,

but which was urged by President Roosevelt and by President Taft-is not lost in the confusion of the last hours of Congress, as it was once before.

Mr. JONES. Mr. President, I think it but fair to the Senator that I should advise him that if I continue in my present frame of mind I shall make a point of order to the provision in the river and harbor bill, as it is now framed, when it comes up for consideration.

Mr. NEWLANDS. I hope the Senator will change his mind and will join those who have been urging a reform of the entire

subject of the development of our waterways.

Mr. GALLINGER. Mr. President, I rise to a question of

order. The VICE PRESIDENT. The Senator will state his point

of order. Mr. GALLINGER. What is before the Senate?

The VICE PRESIDENT. Nothing.

Mr. STONE. Would it not be well to get something?
The VICE PRESIDENT. The Post Office appropriation bill has been ordered before the Senate, but it is not there, as a matter of fact.

Mr. GALLINGER. I hope it will be proceeded with, Mr. President.

The VICE PRESIDENT. The Secretary will proceed to read the bill in accordance with the order of the Senate.

Mr. KENYON. Mr. President, inasmuch as the river and harbor bill has been reported from the committee, I deem it fair to say that there will be a minority report, signed by a number of members of the committee, which is not as yet prepared, but

of members of the committee, which is not as yet prepared, but will be filed by Monday morning.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Post Offices and Post Roads was, under the subhead "Office of the First Assistant Postmaster General," on page 4, line 15, after "\$32,000,000," to insert ": Provided, That on and after July 1, 1917, drop letters shall be mailed at the rate of 1 cent per ounce or fraction thereof, including delivery at letter carrier and rural free tion thereof, including delivery at letter carrier and rural free delivery offices: *Provided*, That the rate of postage on second-class matter when sent by the publisher thereof and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall be 1½ cents per pound or fraction thereof during the fiscal year ending June 30, 1918, and 2 cents per pound or fraction thereof during the fiscal year ending June 30, 1919, and on and after July 1, 1919, 2 cents per pound or fraction thereof: And provided further, That nothing contained herein shall affect the free-in-county privilege on second-class matter or the present rate of postage on newspapers, when the same are deposited in a letter carrier office for delivery by its carriers, or on second-class matter when sent by others than the publisher or news agent," so as to make the clause read:

publisher or news agent," so as to make the clause read:

For compensation to postmasters, \$32,000,000: Provided, That on and after July 1, 1917, drop letters shall be malled at the rate of 1 cent per ounce or fraction thereof, including delivery at letter carrier and rural free delivery offices: Provided, That the rate of postage on second-class matter when sent by the publisher thereof and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereof, or to other news agents, shall be 15 cents per pound or fraction thereof during the fiscal year ending June 30, 1918, and 2 cents per pound or fraction thereof during the fiscal year ending June 30, 1919, and on and after July 1, 1919, 2 cents per pound or fraction thereof: And provided further, That nothing contained herein shall affect the free-in-county privilege on second-class matter or the present rate of postage on newspapers, when the same are deposited in a letter carrier office for delivery by its carriers, or on second-class matter when sent by others than the publisher or news agent.

Mr. SMOOT. Mr. President I aget the Senator in characteristics.

Mr. SMOOT. Mr. President, I ask the Senator in charge of the bill to allow this amendment to go over for the present.

Mr. HARDWICK. Of course we will do it; but is not the

Senator prepared to dispose of it now?

Mr. SMOOT. I will say that a number of Senators who are not here at present are interested in the matter, and I simply ask that it go over now to save time.

Mr. HARDWICK. All right.
Mr. HITCHCOCK. Mr. President, I should like to suggest a point of order against that amendment and have that pending at the same time.

The VICE PRESIDENT. What is the point of order?

Mr. HITCHCOCK. I make the point of order that it is—
Mr. HARDWICK. I hope the Senator will not make it now, because I do not believe, when the Senator understands the proposition, he will make it.

Mr. HITCHCOCK. I will withdraw it, then, if I find I am

Mr. HARDWICK. Of course, we will not consider that that right is foreclosed to the Senator if he finally concludes to make the point.

Mr. HUGHES. The Senator can make the point of order at any time. It is not the practice here to reserve it.

Mr. HARDWICK. It is not necessary here to reserve it, just

Mr. HITCHCOCK. What is the objection to making it and having it pending?

Mr. HARDWICK. I do not think the Senator will want to make it at all when he understands the proposition. I do not

Mr. HITCHCOCK. I shall be very glad to withdraw it in that event. Meanwhile, Mr. President, I think I will make the point of order and have it pending with the amendment, to save

Mr. HARDWICK. All right. The Senator can do so if he

Mr. WEEKS. I should like to ask the Senator in charge of the bill when this amendment will be taken up?

Mr. SMOOT. I will say to the Senator that I asked that it go over temporarily, because a number of Senators are out of the Chamber now who are interested in the amendment. I am perfectly willing to recur to it as soon as they come into the

Mr. WEEKS. I wish to discuss the amendment.

Mr. HARDWICK. Let me suggest to the Senator from Utah re want to push on, of course, the consideration of this bill. This is Saturday, and the longer we delay the less likelihood

there is of having absent Senators here.

Mr. SMOOT. I will not ask that it go over at this time if there is anyone here who wants to go on with the discussion. They can do that now, and perhaps I can get Senators who have asked that it go over in their absence into the Senate before the discussion ends. If that happens, then I would be perfectly willing to go on with it now.

Mr. HARDWICK. Suppose we proceed with the discussion now and see if we can not dispose of it, because the longer we wait, as it is Saturday afternoon, the less likelihood there is

that Senators will be in attendance.

Mr. SMOOT. The Senator understands, I think, my object in asking that it go over, and that I do not object to a vote upon the question.

Mr. HARDWICK. I understand that. I suggest that Senators go on with the explanation and discussion of it, and that he in the meantime notify absent Senators and get them here.

Mr. KENYON. Mr. President, if the discussion is going on

at this time, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Beckham	Harding	McCumber	Sherman
Borah	Hardwick	Martin, Va.	Smith, Ga.
Brady	Hitchcock	Martine, N. J.	Smith, Mich.
Brandegee	Hollis	Myers	Smoot
Bryan	Hughes	Newlands	Sutherland
Chamberlain	Husting .	Norris	Thomas
Chilton	James	Overman	Townsend
Culberson -	Johnson, S. Dak.	Page	Walsh
Cummins	Jones	Pomerene	Warren
Curtis	Kenyon	Ransdell	Watson
du Pont	La Follette	Reed	Weeks
Fletcher	Lea, Tenn.	Shafroth	Williams
Gallinger	Lee, Md.	Sheppard	Total State of the last

The PRESIDING OFFICER (Mr. James in the chair). Fiftyone Senators have answered to their names. There is a quorum

Mr. President-

Mr. HARDWICK. Does the Senator want me to proceed with an explanation of the amendment?

Mr. WEEKS. I would be glad to have the Senator from Georgia explain it if he wishes to do so, and then I will take

Mr. HARDWICK. Mr. President, the committee amendment now under discussion will be found on page 4 of the bill:

now under discussion will be found on page 4 of the bill:

For compensation to postmasters, \$32,000,000: Provided, That on and after July 1, 1917, drop letters shall be mailed at the rate of 1 cent per ounce or fraction thereof including delivery at letter carrier and rural free delivery offices: Provided, That the rate of postage on second-class matter when sent by the publisher thereof and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall be 1½ cents per pound or fraction thereof during the fiscal year ending June 30, 1918, and 2 cents per pound or fraction thereof during the fiscal year ending June 30, 1918, and 2 cents per pound or fraction thereof and provided further. That nothing contained herein shall affect the free-in-county privilege on second-class matter or the present rate of postage on newspapers, when the same are deposited in a letter carrier office for delivery by its carriers, or on second-class matter when sent by others than the publisher or news agent.

Mr. President, this proposition when clearly understood ought

Mr. President, this proposition when clearly understood ought in my opinion to appeal to the judgment of every Senator in in two ways. One is to increase the rate on second-class mail

this Chamber and on both sides of it. The proposition comes from the Post Office Department with the hearty concurrence of the Postmaster General and has been carefully worked out by the Post Office officials.

The proposition is twofold. First, that in each post office in the country there shall be hereafter 1-cent postage only in place of the rate of 2 cents charged on all letters within the delivery

of that office, including its rural routes,

Mr. President, this of itself and by itself will be a great gain in economy and service to the people of this country. It will give them in part what they are justly entitled to, and

what eventually they ought to have, 1-cent postage on letters.

Mr. SMOOT. May I ask the Senator what the Post Office
Department estimates that the loss will be from the present

Mr. HARDWICK. I am coming to that right now. The Post Office Department had a test made during the first week in October, 1914-I think that was the year-of what effect on the revenue this proposition would have, although they did not include in it the rural delivery routes. They discovered that the charge of 1 cent instead of 2 cents for the service described in the amendment would lessen the postal revenues by something over \$26,000,000.

Mr. GALLINGER. Mr. President-

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. HARDWICK. I yield to the Senator. Mr. GALLINGER. But is it not reasonable to suppose that when we make this concession to the citizens of the country, giving them cheaper postage, the amount of matter sent in the mails under a 1-cent stamp will be very largely increased?

Mr. HARDWICK. And thereby increase the revenue; un-

doubtedly. The Senator has just anticipated an argument the Post Office Department makes and that I was about to repeat.

Mr. GALLINGER. I am sorry I did so.
Mr. HARDWICK. I am glad the Senator did it, because he points it out very forcibly; and it shows how a sensible man jumps at once to the right conclusion.

Mr. GALLINGER. I will say that I am very earnestly in favor of the amendment becoming a law.

Mr. HARDWICK. Now, Mr. President and Senators, I think the estimate to which I have referred, the test made by the Post Office Department as to the effect it would have on the revenues, was made in one of the busiest months of the year, the month of October, when the fall business is climaxing. It was made at the busiest part of the month, the first week in the month, when monthly statements are going out and monthly

settlements are being made.

Therefore the Post Office Department contends, and contends properly, I believe, that probably the figure of \$26,000,000 found by their test to be the resulting loss to the Post Office Department is the maximum figure, and that on account of the fact that the test was taken in the busiest month in the year, and at the busiest part of the month, the figure should really be very much under the figure found by the department at that

time.

The Post Office Department contends, and contends properly, I think—the committee, at least, believe that its contentions are correct—that the effect of reducing this postage, as just suggested by the Senator from New Hampshire, will be to increase the number of letters that will be mailed, and therefore to increase the postal revenues on those that are sent. That has been the effect, I will say to Senators, in other countries, and it has been the effect in this country also, without exception, when the rates on letters were reduced, either in a foreign country or in our own country. For instance, when letter postage

Mr. WATSON. Is it the estimate that it will be sufficient to make up for the loss of revenue?

Mr. HARDWICK. No; not entirely, and that is the reason

for the second proviso in this amendment.

The Post Office Department really believes that the loss in revenue from this 1-cent postage on letters will be something under \$20,000,000. They do no know how much. Twenty-six million dollars was their maximum figure. They think it will be considerably under that. It may be not over half of that, when the increase of business is allowed for against that loss, whatever it is. It is necessarily a matter of conjecture. There is no way of giving a mathematical statement of future contingencies. It is clearly a matter of estimate and opinion.

Whatever that loss is, whether it is \$13,000,000 or \$20,000,000, or somewhere between those figures, they propose to make it up matter half a cent a pound the first year and a cent a pound the second year, so that at the end of two years we will have the rate doubled, and thereafter it will be double in amount

what it is now.

We realize now, Mr. President and Senators, about \$10,000,000 a year from second-class mail matter, and we carry it at a cost of \$90,000,000 or more. In other words, according to the estimates of the Post Office Department, the Government of the United States loses every year on the carriage and transportation of second-class mail matter something like \$81,000,000. I make the statement here, and I made it a year age, on the authority of estimates furnished me by the Post Office Department, that, if the users of second-class mail-matter privileges paid to the Government of the United States not a profit but simply what it costs to transport their matter through the mails and to deliver it throughout the country, we could tomorrow give the people of this country universal 1-cent postage as wide as the country and extended to its uttermost limits.

Mr. THOMAS. Mr. President-

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. HARDWICK. I do.

Mr. THOMAS. May I ask the Senator whether it is designed to apply it to the entire country or is the rate which the bill

provides in geographical divisions?

Mr. HARDWICK. The Senator has confused it in his mind for the moment with the blue-tag system. That was the case under the blue-tag system. We had it first in only one or two postal divisions, but afterwards we put it on all postal divisions in order to equalize throughout the country. That proposition is not involved here.

Mr. THOMAS. That is what I had in mind.

Mr. HARDWICK. Now, to proceed just a moment with the argument, there is going to be a loss, of course, of somewhere from \$13,000,000 to \$20,000,000 in giving the people of the country the 1-cent postage on drop letters as provided in this amendment, but I think they are entitled to it. I think they are entitled to it for two reasons; first, because the Postmaster General assures your committee that at the end of this fiscal year there would be an excess of something like ten or twelve million dollars of receipts from the Postal Service over its expenditures, which can help pay this loss. He has called on the publishers of the country, or people who use second-class mail-matter privileges, to contribute \$5,000,000 of this deficit the first year and \$10,000,000 the second year, although we are losing on carrying their business over \$80,000,000 every year.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. HARDWICK. I yield to the Senator from Iowa.
Mr. CUMMINS. The statement just made by the Senator
from Georgia, as I understood it, was that the Government is new losing about \$70,000,000 a year.

Mr. HARDWICK. Eighty-odd million dollars is my recol-

lection of the figures-\$81,000,000.

Mr. CUMMINS. I understood that it would cost \$80,000,000 to do second-class mail service.

Mr. HARDWICK. Ninety-odd million dollars. Mr. CUMMINS. The revenue is about \$10,000,000.

Mr. HARDWICK. Last year we lost \$81,000,000 on this class Mr. CUMMINS.

Whatever it may be, it is a large sum. Mr. HARDWICK. It is a very large sum. Of course, the exact figures do not matter for the purposes of this discussion. Of course, the

Mr. CUMMINS. Can the Senator give me an idea with reference to the distribution of that loss as between the newspapers and so-called magazines or periodicals?

Mr. HARDWICK. I can not. I have an idea, but it is so vague and it possibly may be so inaccurate that it might do somebody an injustice to voice it here.

Mr. CUMMINS. Is it true, as I have supposed, that a very large part of it is due to carrying magazines and periodicals?

Mr. HARDWICK. Yes, sir; that is true, a very large proportion; and a great many of these magazines and periodicals, I will say to the Senator, are hardly worthy to be called reading or educational journals; they are simply business enterprises.

Mr. CUMMINS. I think it would be vastly better if many of them were not permitted to be mailed at all. But the thought in my mind is this: Are we going to increase the burden of the legitimate newspaper, which is as necessary, of course, as the sun or food to life in this civilization, because of the great

carloads of unworthy periodicals and magazines being carried?
Mr. HARDWICK. No; I will say to the Senator that is one reason why I advocate this proposition with so much confidence, because the small increase we propose here will not cost

any one of them anything like what he ought to pay, I do not care how legitimate a publication he runs.

Mr. WATSON. Could there be any classification by which such magazines would be put in one class and legitimate publications in another, so as to exclude those which are undesirable?

Mr. HARDWICK. Yes, sir; that can be done. And undoubtedly, I will say to the Senator from Indiana, it ought to be done by those who deal with this proposition finally; and before we undertake to make this second-class mail matter pay what it ought to pay we must make a number of classifications. We must classify between legitimate papers and publications and those that we regard as illegitimate or as solely business enter-We can classify between educational journals and news journals and business projects. Ultimately, we are bound to do that, and apply different rates to these classes; but the point I make for this small increase is that this increase is just when applied to any of them, even to the most meritorious, from the standpoint of journalistic worth and from the standpoint of

Mr. BRYAN. Mr. President—
The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Florida?

Mr. HARDWICK. I yield to the Senator.

Mr. BRYAN. The Senator has stated the aggregate loss. Perhaps it would be well to have in mind what it means when applied in a concrete way. Several years ago the Hughes Commission reported a loss of between 7 and 8 cents a pound on second-class mail matter. The Postmaster General reported, however, last year that the loss was 5 cents a pound, the reduction being very largely due to the blue-tag system. After this amendment is adopted the Government will lose on every pound of second-class mail matter carried 4 cents a pound. It does not bring the revenues up to the cost of the service.

Mr. HARDWICK. That is all. It is almost an infinitesimal

Mr. BRYAN. We can not reduce the rate on first-class mail matter unless we increase the rate on second-class mail matter.

Mr. HARDWICK. That is right.

Mr. BRYAN. Yet three-fourths of the revenue is produced from first-class mail matter, the amount being over \$225,000.000.

Mr. HARDWICK. That is right.

Now, Mr. President, just one more point. The contention may be made, and there is merit in it-it is the only reason for the moderation with which the committee dealt with this subject-that because of the present price of print paper this is an inopportune time to deal with this question. So I admit, and we have dealt with it only in a very modest way. have only made a very modest beginning in the real solution that ought to be applied to this question, and the very modest increase we have applied to second-class matter can not affect any paper, no matter how legitimate it is, in any way unfairly or unjustly, because even then none of them will pay half what they ought to pay. Now, that is the situation. Here is a great service. We propose to extend to our constituents, to the people of this great country, 1-cent letter postage in every local post office and on the rural routes. Think of what a convenience that is to our country people. People living out on rural routes can write to their friends in town and to merchants on business and people who live in towns and have business in the country can write out and 1-cent postage will carry it.

Senators, while the point of order may be good, I earnestly hope no Senator will interpose it. It is denying to the people of this country a great reform, the beginning of a great and general reduction in letter postage. It is denying to the people of this country who pay upon first-class postage nearly all the postal revenues of this Government a just reduction, not one-half as great as it ought to be. I do think this small increase of \$5,000,000 on the business of these people we are carrying at a loss of \$80,000,000 a year is not unreasonable at this time or any other, and I do not think one of them ought to object

to it.

I will say in this connection that one of the largest publishers in the United States, in conference with the Postmaster General and to some extent informally with some members of the Senate committee, agreed that this was a very reasonable solution, although he wanted the increase up to 2 cents instead of one divided into thirds instead of halves.

I earnestly hope the Senate will adopt this amendment, and that no Senator will insist on arbitrarily interposing a point of order that will keep the Senate from voting for so many million people of the United States this just reform in the Postal Service in this economical postage.

Mr. WATSON. I should like to ask the Senator what would be the shrinkage in revenue if we had universally 1-cent

postage?

Mr. HARDWICK. About \$80,000,000. You see how the two ans are related. We can not give 1-cent postage without the plans are related.

One more word and then I will leave the subject with the We can not give 1-cent postage on local or drop letters or generally throughout the country unless we make some increase on second-class mail matter. It is a small beginning, a modest beginning, one that has been too long delayed, and we ought at once to take the first step proposed by this amend-

Mr. WEEKS. Mr. President, the proposition which has been so clearly explained by the Senator from Georgia is twofold. It includes the reduction of postage on drop letters and as a partial compensation for the loss in revenue increases the rate on second-class mail matter. Both these propositions have merit, very much merit. It is doubtful whether any class of mail is profitable except the first-class. In other words, firstclass mail is costing the sender an amount which makes up the deficit in every other class of mail. That should be changed because in effect it is paying a subsidy to the senders of large classes of mail and especially second-class mail matter.

The latest figures on the cost of transporting second-class mail seem to indicate that the Government is losing \$80,000,000. Three or four years ago some pretty careful figures were made which indicated that the Government at that time was losing \$65,000,000; in other words, it was receiving one-ninth of what it should to pay the cost.

There is not, Mr. President, very great objection on the part of those who produce second-class mail to paying a reasonable increase in the cost of transporting it. But the time at which this step is being taken is, I think, a very unfortunate one.

I would be very glad, personally, to see a reasonable increase

made in carrying second-class matter, and I am in favor of a reduction of postage on drop letters to 1 cent when it can be done without disturbing the revenues of the Government and without disturbing a great business, such as is the publication of newspapers and periodicals. We will lose a maximum of something like \$26,000,000 in the reduction of postage on drop letters to 1 cent. I think that is probably more than the amount which will be lost. Perhaps from twenty to twenty-five million dollars would be nearer right. By increasing the postage one-half cent a pound on second-class mail matter we will increase the receipts from that source about \$5,000,000 the first year and about \$10,000,000 the second year. So there will be a loss this year of certainly \$15,000,000, and I think probably considerably more than that.

This is not a good year to cut out \$15,000,000 of revenue, which can be obtained without any trouble. We are going to great lengths to produce sufficient revenue to carry on the Government and to pay for the extraordinary expenditures which are going to be required. Under those circumstances, when we are in the habit of paying 2 cents postage, and when it will produce \$15,000,000 of revenue, which otherwise would be lost, it seems to me extremely bad business to take action which will necessitate the raising of that additional amount of revenue from some other source.

Almost all publishers of newspapers and periodicals agree that they should pay a higher mail compensation than they are now doing. I have talked with a great many of them during my service on the Post Office Committee, and I do not recall a dissenter to that proposition; but there is always raised the question of whether one kind of second-class matter shall pay a larger increase than some other kind, as, for instance, whether newspapers shall be increased as much as the periodicals, or whether the additional charge shall be imposed on advertising alone, or whether it shall be imposed on weight alone. There is a very large element in the publishing business that believes that the tax should be imposed on advertising matter, which is not always educational, but which is always commercial, and, therefore, which would seem to be a proper subject for taxation. This Post Office Committee has not considered that phase of the question. It should be carefully considered before we

The publisher referred to by the Senator from Georgia [Mr. HARDWICK] is one of the great publishers of this country, but he has a different method of distributing his product from that

which is followed by most other publishers.

Mr. HARDWICK. If the Senator will pardon me right there,
I desire to say that, while that is true to some extent, he is the
largest payer for the second-class mail privilege in the whole country, as the Post Office Department stated.

Mr. WEEKS. I did not know that.

Mr. HARDWICK. That is true. He is the very largest user of the second-class mail privilege there is in the United States.

Mr. WEEKS. It is also true, Mr. President, that he has been the president of the association of the publishers of secondclass mail matter, but he has resigned that position. The action which he has taken before the Post Office Department and such communication as he has made to the committee-I do not know

that he has made any directly—

Mr. HARDWICK. He has made none to the committee.

Mr. WEEKS. Has been an individual opinion, rather than the matured judgment of those who are engaged in the publication business. I have myself talked with this gentleman many times, and I know he has felt that if the rate could be raised to 2 cents a pound, and stopped there, it would be the wisest course to take from the standpoint of the publishers, if not from the standpoint of the Government; but I do not think too much weight should be given the opinion which he has expressed, and I am confident that it would be antagonized by most of the

Pain comment that it would be antagonized by most of the publishers of the country if pressed at this time.

Now, what are the facts about print paper, Mr. President? That is an important question, which should be given fair consideration by the Senate when this proposition is voted on. Print paper has advanced at leaps and bounds during the past year to such a degree that where contracts have not been made which go over for the next year, or where the producers of print paper are not willing to provide on substantially the terms of the past for their regular customers, the increased cost to the publishers is going to be enormous. In many cases it is going to be enough to entirely wipe out the profits of what have been very profitable publications; and as to those which have not been profitable, in many cases, in my judgment, it will practically ruin them. At such a time as this, without giving them a hearing, for the Senate to increase a cost which may bring about the ruin of more or less publishers, seems to me to be unfair and ill-advised. If we are going to do what other Gov-ernments do, we should foster and aid business men, instead of taking action, without giving them a hearing, which may bring about their ruin. I have no doubt that, if a hearing could be given to the publishers of the country by and large, they would agree that at the right time there should be an increase in the cost of carrying their products. That is what we should do. We should give them a hearing, and then come to a definite proposition, and not the haphazard one which is now before the Senate. Otherwise, we are going to do an injustice, not only to the Government, but we are going to do an injustice to the publishers as well. I hope that this matter will be considered on its merits, and that it will be voted down when it comes to a

Mr. LODGE. Mr. President, before my colleague takes his seat, I should like to ask him a question. Do I rightly understand him to say that the result of this amendment would be a net loss of at least \$15,000,000 of revenue?

Mr. WEEKS. I should say so. Mr. LODGE. Mr. President, that fact seems sufficient, whatever the merits of the case may be, to demonstrate the inadvisability of reducing the postage on drop letters even by increasing second-class rates. We have to impose great taxes on the people, and to cut off this \$15,000,000 of revenue at this time-revenue that is easily collected-seems the height of unwisdom. Treating it simply as a tax, without reference to the merits of the proposed rate on drop letters or the rate on second-class mail matter, of 1 cent on every drop letter-which is paid without complaint from the mass of the community-it seems to me to take that off at this time with a loss of \$15,-000,000, when we are looking in every direction for taxation, when we are borrowing money to avoid increasing taxation beyond a certain point, is most unwise.

Mr. JONES. Mr. President Mr. WEEKS. I yield to the Senator from Washington.

Mr. JONES. I have not heard all of the debate, and so the point on which I desire to ask a question may have been covered, but, as I understand, by this reduction in the drop-letter postage there will be a reduction of the revenues of the Government of twelve or fifteen million dollars?

I should think there would be a reduction of Mr. WEEKS. at least \$15,000,000 net.

Mr. JONES. How much would be derived from the increased rate on second-class mail matter?

Mr. WEEKS. This proposition would increase it half a cent pound, which would produce about \$5,000,000.

Mr. JONES. So the net loss possibly will be \$10,000,000?
Mr. WEEKS. It would be \$15,000,000.
Mr. JONES. There would be a net loss of \$15,000,000 to the

Mr. WEEKS. There would be a loss of about \$15,000,000. A test was made, I will say to the Senator from Washington, in the early days of October, which is, however, hardly a fair time for such a test, because the volume of mail is very great beginning in the month of October. That test indicated that there would be a maximum loss of \$26,000,000 by the reduction of the rate on drop letters from 2 cents to 1 cent. If we gain \$5,000,000 from the other source, that would mean a net loss of \$21,000,000; but I think the maximum loss is too great as based on the 1st of October test, and I should say that there would be a net loss of at least \$15,000,000.

Mr. TOWNSEND. Mr. President, I wish I knew for certain whether the Senator from Nebraska [Mr. HITCHCOCK] intended to raise the point of order against this amendment, because, if the point is to be made, I do not care to occupy the time of the Senate in discussing this proposition, which, however, I think

has great merit.

I think, as the junior Senator from Massachusetts [Mr. Weeks] has stated, that publishers generally throughout the country admit that they are now receiving, and have received for years, a bonus or gratuity from the Government to which they were not entitled, measured by the charges which are im-posed upon other users of the mails. We have had several commissions in the past investigate the question of second-class mail rates, and their reports have been published. Those reports show that the price paid by the users of the mail for second-class matter is placed at from one-ninth to one-fifth of what it actually costs the Government to handle their products through The loss has been estimated at from \$80,000,000 to \$100,000,000 annually. That loss has been offset to the Government by the revenues which have come from first-class mail postage. Postal cards, for instance, have yielded large sums of money in excess of what it has cost the Government to handle I think it was estimated year before last that we received \$15,000,000 from postal cards alone.

Mr. NORRIS. Of profit? Mr. TOWNSEND. Of profit.

The injustice of this condition, Mr. President, has, I think, been quite generally acknowledged, at least by the largest users of the mails, and the smaller users will, under this amendment, retain the privilege that they have now of circulating their local papers without postal cost in their counties and where there is free rural delivery. The proposition is to increase the secondclass mail rate from 1 cent a pound to 11 cents this coming year, and to increase that a half cent next year, making the total rate 2 cents in two years.

When you consider that a great many of these publications which have imposed the greatest loss upon the Government are operated not for the purpose, largely even, of disseminating information among the people, but as business enterprises in selling advertisements, it seems to me that there can be no just reason given why at least the advertising portion of their product should not pay approximately what it costs the Government to handle it. This amendment does not do that. It falls far short of that. It is a sort of compromise proposition which some of the publishers have proposed at this time.

Mr. NORRIS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Nebraska?

Mr. TOWNSEND. I yield.

Mr. NORRIS. I have a question I desire to ask the Senator. If this amendment is agreed to, would not the publishers of newspapers and periodicals having the second-class mail privilege be able in many instances, where the distances are not great, to send their publications by express at a less rate than that provided in the amendment, so that the result would be that the Government would lose the profitable part of the business, while, where the distance was great and it cost more to send by express than by mail under the rate provided in the amendment, the publishers would avail themselves of the postal facilities and send their publications through the Post Office Department, and thus the Government would get only the unprofitable part of the business?

Mr. TOWNSEND. Mr. President, that is exactly what they

are doing now.

Mr. NORRIS. I understand that is what they do now; but would they not do the same thing under this amendment?
Mr. TOWNSEND. To some extent. There is no doubt about

that. Even to-day, under the present rate, which is a non-compensatory rate, the large publishing company to which the junior Senator from Massachusetts [Mr. Weeks] and the junior Senator from Georgia [Mr. Hardwick] have referred, send a large part of its publications by freight.

Mr. NORRIS. What do they publish?

out largely by freight where that can be done to the financial advantage of the company and where there is an opportunity to effect a saving, to which I do not suppose anybody can reasonably object; for if there is a facility for handling their product which is cheaper than the mail they have a right to use it, but it is admitted that this proposed increase will produce about \$5,000,000 additional revenue. I think it will produce more than that. My understanding is that the \$5,000,000 estimate was based on the proposition that there was to be an increase in the second-class matter of one-third of a cent the first year.

Mr. HARDWICK. Mr. President, if the Senator will pardon me, if the increase had been one-third of a cent the increase in revenue would be three and a third million dollars; but with an increase of one-half a cent, the increased revenue would be

\$5,000,000.

Mr. TOWNSEND. It was my understanding that that estimate had reference to an increase of one-third of a cent in the rate on second-class matter; but if I am mistaken about that we would, nevertheless, receive in additional revenue from this source \$5,000,000 the first year.

Mr. NORRIS. Now, Mr. President, will the Senator permit

another interruption?

Mr. TOWNSEND. Yes.

Mr. NORRIS. Bearing right along on the same proposition, could we not meet the objection that exists now, and that will exist if this provision is enacted, by providing a lower rate for the short haul; in other words, by the adoption of the so-called zone system? Would not that be a protection and at the same time give to the publishers the opportunity of sending their publications at a less rate than now for distances where

the Government would still make a profit?

Mr. TOWNSEND. I will say, in answer to the Senator's question, that that matter was up but not seriously considered in the committee, because there seemed to be great objection to it. It has occurred to me during the last year that that probably would be the best way to proceed, inasmuch as my view of it is that many publications are commercial propositions anyhow. Take, for instance, magazines or other publications that are made up three-fourths of advertisements. be no reason why such publications should not be handled the same as are articles that now pass through the parcel post; but the committee could not work that out; it did not have time to work it out. But here is a simple proposition of compensating for some of the loss in revenue which will be sustained by granting 1-cent postage on first-class mail in the nature of drop letters and letters carried from the mailing office in the Rural Delivery Service.

The Postmaster General states that he thinks that he will effect a saving in his department during this year which will result in a ten-million surplus at the end of the fiscal year. He recommended that this change in the postal laws be made; or, rather, he recommended the proposition of Mr. Curtis that we raise the second-class rate one-third of a cent a year for three years, when the increase would amount to 1 cent, and the total rate on second-class matter would be 2 cents per pound or fraction of a pound, and he stated that he thought certain economies could be inaugurated which would pretty nearly balance the loss occasioned by the reduction in first-class postage at the end of the year if we imposed this slightly increased rate

on second-class mail matter.

It is true, Mr. President, as the Senator from Massachusetts has stated, that the price of print paper, like everything else, has gone up. So has the price for advertising gone up, and it has gone up for the alleged reason that there has been an increase in the price of print paper. The subscription price of publications in many instances has also been increased because of the increased price of paper. These publications in some instances, at least, have recouped in a measure from advertisers and subscribers, and certainly the first-class mail users ought not longer be compelled to make up the losses accruing from second-class mail matter; neither should the Government be a party longer to the gross discrimination between patrons of the mails which it has permitted for years. I can see no reason why dealers in business advertisements should be granted a

Government bonus which is denied to other kinds of business.

Furthermore, this is a trifling increase. The full measure of justice can be secured later after full investigation. is unjust only because it is much too slight. But it is conceded that a step in this direction should be taken, and now, when it seems that many of the publishers of the country have agreed that there should be an increase, is the time to take that step.

I do not wish to injure any publication; neither do I wish to Mr. TOWNSEND. Well, they publish three periodicals—the Ladies' Home Journal, the Saturday Evening Post, and the Country Gentleman. I think those publications are now sent that the imposition of \$5,000,000 in extra postage charges on the publications of this country is going to affect disastrously a single legitimate publication in the United States. Therefore, it seems to me that we ought to adopt the amendment which the committee has presented. As I said to begin with, however, if the point of order is to be made against it, I think it ought to be made now, before this discussion is long protracted. If it is proposed to have the amendment go out on a point of order anyway, I do not desire to occupy further time of the Senate in discussing it. What is the intention of the Senator from Nebraska [Mr. Hitchcock] in this regard?

Mr. HITCHCOCK. Mr. President, I am perfectly willing to make the point of order now and have the matter ended. make the point of order that the amendment proposes general

legislation on an appropriation bill.

Mr. BRYAN. Mr. President, so far as I am concerned, as one member of the committee, I concede the point of order. desire to say, however, that it has always been the custom to provide for postage rates in the appropriation bill.

The PRESIDING OFFICER. The Chair did not catch the

statement of the Senator from Florida.

Mr. BRYAN. I say that, so far as I am concerned as one member of the committee-I am not undertaking to commit the committee at all, but I happen to be the only member of the committee present at this particular time-I shall not argue that this is not general legislation, because undoubtedly it is

general legislation.

Mr. SMOOT. Mr. President, I have no doubt that the amendment proposes general legislation, but I want to appeal to the Senator from Nebraska to allow the Senate to vote on the first part of the amendment. Of course, if he intends to make a point of order as to the first proposition, that reducing the rate of postage on drop letters to 1 cent, I will say nothing further; but I will ask the Senator this question: Suppose the Senate agrees to vote upon the two propositions in the amendment separately, would the Senator make a point of order against the first item, providing 1-cent postage on drop letters?

Mr. HITCHCOCK. That is another proposition; but as the amendment stands now I make the point of order against it.

Mr. SMOOT. Will the Senator withdraw the point of order so as to enable me to see if I can not get the consent of the

Senate to vote upon the first part of the amendment?

Mr. HARDWICK. Mr. President, if the Senator please, of course, it is his right, if he can do so, to have the question divided; but the committee would not like to separate the two propositions. We do not feel that one should be agreed to without the other.

Mr. SMOOT. I do not care to take up the time of the Senate unnecessarily, and I will ask the Senator if I make the request for a division of the question, will he object to it?

Mr. HARDWICK. I do not know Mr. SMOOT. Mr. President—

Mr. HARDWICK. If the Senator will pardon me just a moment, I do not see how in the world the Government can stand at the present time the loss in revenue which would ensue if the rate on drop letters was reduced to 1 cent, without some increase in the rate on second-class mail matter.

Mr. SMOOT. I will express my opinion briefly.

Mr. HARDWICK. Certainly.
Mr. SMOOT. And I will be brief, I assure the Senator.
I have no doubt, Mr. President, if we adopt the first part of this amendment providing for 1-cent postage on drop letters, under present conditions there would be a loss to the Government of perhaps \$18,000,000 or \$20,000,000 annually. That is as accurate an estimate as I can possibly make, judging by the amount of receipts that came into the department in the month of October as compared with the receipts in the other months of the year; and, as the test was made in the month of October, I am quite sure that the estimated loss of \$26,000,000 is entirely too high, taking the 12 months of the year into consideration.

Mr. HARDWICK. But the Senator must remember-I neglected to include it specifically in my statement perhaps—that that estimate did not include the extension of the proposed 1-cent privilege to rural routes. That will add something to

Mr. SMOOT. I recognize that fact, and I heard the Senator so state; but as soon as the rate of postage on drop letters is reduced to 1 cent I am quite sure the increase in the use of drop letters, and therefore the increase in revenue to the Government, will be greater than is anticipated, for statements of accounts would be sent out more often, circular letters in the way of advertisements would be more frequently employed, and there are many other directions in which the use of drop letters would be increased, which, of course, would be bound to increase the receipts of the department. If the amendment is agreed to

and we have 1-cent postage on drop letters, I believe it will bring down the actual loss to the Government in the carriage of the mails to something like \$12,000,000. It may not do so the first year, but it certainly will the second year, and by the end of the third year I think the greater part of the loss will be wiped out, even if there were no other change in existing postal

Mr. President, I have all confidence in the statement made by the Postmaster General that there will be a surplus at the end of the fiscal year of nearly \$10,000,000. Therefore, if we adopt the 1-cent postage rate for drop letters and there shall be ten-million-dollar surplus in the department, as stated by the Postmaster General—and I think he is correct in his estimatethen there will be very little deficit if we adopt the 1-cent rate for drop letters this year, and next year I am quite confident that there would be none. It is for that reason that I want the question divided and to have the Senate vote upon the first proposition, but I do not want to ask for that if there is any intention of any Senator to make a point of order against it, because it would simply take up the time of the Senate use-

Mr. BRYAN. If the Senator from Utah will yield to me for just a moment, I will state that it is the purpose of the Committee on Post Offices and Post Roads to ask the Senate to suspend the rule and adopt this amendment, anyhow. to do that, and to ask for a vote of the Senate on the amend-

Mr. SMOOT. If that is the case, I will not ask for a division until after that action has been taken.

The PRESIDING OFFICER. Does the Senator from Georgia concede the point of order?

Mr. HARDWICK. It is good; yes, sir; but we expect to meet it in another way.

The PRESIDING OFFICER. The Chair sustains the point

Mr. BRYAN. I desire to give notice that on Menday I will offer this amendment, and I send to the desk a written notice of a motion to suspend the rule. I will ask the Secretary to

read the notice and that it be printed in the RECORD. The PRESIDING OFFICER. Without objection, the Secre-

tary will read as requested.

The Secretary read as follows:

The Secretary read as follows:

I hereby give notice that on Monday, February 12, 1917, I shall move to suspend paragraph 3 of Rule XVI, prohibiting general legislation upom general appropriation bills in order that I may propose the following amendment to H. R. 19410, an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, to wit:

On page 4, line 15, Insert the following:

"Provided, That on and after July 1, 1917, drop letters shall be mailed at the rate of 1 cent per ounce or fraction thereof, including delivery at letter carrier and rural free-delivery offices: Provided, That the rate of postage on second-class matter when sent by the publisher thereof and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall be 1½ cents per pound or fraction thereof during the fiscal year ending June 30, 1919, and on and after July 1, 1919, 2 cents per pound or fraction thereof than provided further. That nothing contained herein shall affect the free-in-county privilege on second-class matter or the present rate of postage on wewspapers, when the same are deposited in a letter-carrier office for delivery by its carriers, or on second-class matter when sent by others than the publisher or news agent."

NATHAN P. BRYAN.

NATHAN P. BRYAN.

Mr. VARDAMAN. Mr. President, as I am obliged to leave the Chamber for an hour or two I want to ask the Senator in charge of this bill if he will not consent that the amendment relating to the pneumatic-tube service shall go over until Monday?

Mr. HARDWICK. Mr. President, personally, of course, I should be very glad to consent to any request that the Senator desired to make of me; but the desire of the committee is to

press the bill through as rapidly as possible.

I wish to submit a few remarks on that Mr. VARDAMAN. amendment, and I do not think I shall be able to do it this afternoon. I have a matter of official business of importance that will require me to be absent from the Chamber probably for a couple of hours.

Mr. HARDWICK. We will not take it up in that time.

We will pass it over.

Mr. VARDAMAN. If I did not happen to get back, I should not like to have the matter considered this afternoon. are not going to be able to finish the bill to-day.

Mr. HARDWICK. Let me ask the Senator a question. Would the Senator want us not to use the day when we have it? Suppose there is no other part of the bill that is going to provoke any debate—does the Senator want to hold it up

Mr. VARDAMAN. The Senator has given notice that he is going to consider the bill Monday.

Mr. HARDWICK. I know, but the item to which the Senator refers is practically the only thing we have left that is likely to create any division or debate. Now, are we to pass that over until Monday also? We have had to pass the other matter over until Monday under the rules.

Mr. VARDAMAN. As a matter of fact, you do not have to pass any amendment over. You can go ahead with it and let

it take its fate.

Mr. HARDWICK. I mean, we could not deal with it at all, under the rules, except by passing it over until Monday. Of course, the Senator is a member of the committee, and we

want to do anything in the world to accommodate him.

Mr. VARDAMAN. I certainly would not have made the request if it had not been necessary for me to do it. I shall try to get back, but I should like to have the assurance that if I do not get back the amendment will not be considered.

The PRESIDING OFFICER. Is there objection to the

request of the Senator from Mississippi to pass over the sec-

tion relating to the pneumatic-tube service?

Mr. HARDWICK. If the Senator presses the request, of course I will not object to it. He is on the committee, and has just as much responsibility for the bill as I have.

Mr. VARDAMAN. I want the Senator to understand, of

course, that I am not trying to delay it.

Mr. HARDWICK. The only trouble is, I am afraid it will delay it; but if the Senator is willing to take that chance I will agree to it.

The PRESIDING OFFICER. The Secretary will continue

the reading of the bill.

The reading of the bill was resumed, and the Secretary

read to line 8, on page 11.

Mr. SMOOT. Mr. President, the amendments made in the next paragraph all relate to promotions of clerks in post offices, and the Senate amendments have decreased the amount of promotions provided for by the House. I know it is rather of promotions provided for by the House. I know it is rather embarrassing for me to ask that this matter go over at this time, because I am perfectly ready to discuss it now; but there are a number of Senators who are absent from the city, who wish to be here when this matter is considered.

Mr. HARDWICK. Mr. President, if the Senator will pardon me, the trouble is that it is getting so late in the session,

and we have so much business to transact, that I would rather the Senator would just let us go ahead and dispose of as much

as we can,
Mr. SMOOT. I will say to the Senator that since my former
statement I have learned that two or three of those who are
deeply interested in this matter are out of the city.

Mr. HARDWICK. They can not be so very deeply interested

in it, then.

Mr. SMOOT. I perhaps ought to take a share of the responsibility, Mr. President, because the other day, when they were here, they asked my opinion as to whether the Post Office appropriation bill would be reached by Saturday. From what I learned from the chairman of the committee at that time, I doubted very much whether it would be reported to the Senate and considered to-day, and I stated that I dld not believe the bill would be before the Senate by this time. If the Senator does not want the item to be acted upon now, I shall not insist. I am just telling him the situation that actually exists.

Mr. HARDWICK. Does not the Senator really think we

ought to press the consideration of this bill?

Mr. SMOOT. I will ask the Senator just to pass it temporarily, and see how we get along with the balance of the bill.

Mr. HARDWICK. All right; I will consent to that.

Mr. SMOOT. Then we can revert to it.

The PRESIDING OFFICER. Without objection, the section will be passed over. The Secretary will continue the reading of the bill.

The reading of the bill was resumed, beginning with line 24,

page 11; and the Secretary read to line 13, on page 12.

Mr. TOWNSEND. Mr. President, an amendment which the omittee adopted to the next provision has evidently been omitted from the printed copy of the bill. In line 22, page 12, before the word "watchmen," we inserted the word "foremen." Mr. HARDWICK. That is correct, Mr. President.

The PRESIDING OFFICER. The amendment will be stated. The Secretary. Before the word "watchmen," at the beginning of line 22, it is proposed to insert the word "foremen."

Mr. HARDWICK. The committee has no objection. That amendment was really agreed to in the committee.

amendment was really agreed to in the committee.

The PRESIDING OFFICER. The question is on agreeing

to the amendment.

The amendment was agreed to.

The reading of the bill was resumed, and the Secretary read to line 8, on page 14.

Mr. SMOOT. Mr. President, the next paragraph refers to the promotion of letter carriers. I ask that it go over temporarily, the same as the item with regard to the clerks,

Mr. HARDWICK. The committee has no objection.

The PRESIDING OFFICER. Without objection, the item will be passed over.

The reading of the bill was resumed, and the Secretary read to line 8 on page 15.

Mr. HARDWICK. The next paragraph we agreed to pass

over, Mr. President. The PRESIDING OFFICER. Yes; that paragraph will be

passed over. Mr. TOWNSEND. I call the Senator's attention to the fact

that the Senator from Mississippi [Mr. Vardaman] is here. Mr. HARDWICK. Yes; the Senator from Mississippi is here. Is there any reason why we should not take up this mat-

Mr. VARDAMAN. I am going out right away. They are waiting for me.

Mr. HARDWICK. Very well, Mr. President.
The PRESIDING OFFICER. The amendment will be passed

The reading of the bill was resumed, beginning with line 12,

page 16.

The next amendment was, under the head of "Office of the Second Assistant Postmaster General," on page 17, line 5, after the word "routes," to strike out "\$1,124,000" and insert: "or by aeroplanes, \$1,224,000: Provided, That out of this appropria-tion the Postmaster General is authorized to expend not exceeding \$100,000 for the purchase, operation, and maintenance of aeroplanes for an experimental aeroplane mail service between such points as he may determine," so as to make the clause read:

For inland transportation by steamboat or other power-boat routes, or by aeroplanes, \$1,224,000: Provided, That out of this appropriation the Postmaster General is authorized to expend not exceeding \$100,000 for the purchase, operation, and maintenance of aeroplanes for an experi-mental aeroplane mail service between such points as he may determine.

Mr. SMOOT. Mr. President, I should like to ask the Senator having the bill in charge whether there have been any experiments made with the aeroplane in mail service in the United States?

Mr. HARDWICK. There have been some experiments made; exactly where, I can not inform the Senator; but the Post Office Department informed us that there have been some experiments of this kind made, and that they were satisfied that in certain parts of the United States that are very difficult to get at by the ordinary methods of communication some service of this sort could be very reasonably employed. We first appropriated \$50,000.

Mr. SMOOT. They think the conditions are such in some parts of the United States that this service would be justified?

Mr. HARDWICK. Yes; that this service would be justified; and, really, they say it is the most economical service that we could maintain in some parts of the country. They are experimenting with it, of course. A year ago we appropriated \$50,000. for experimental purposes along this line, to be expended in the discretion of the Postmaster General. The cost of aeroplanes have increased so that they were not inclined to extend the experiments.

Mr. SMOOT. What I wanted to know was whether there had been any report made to the committee, or to Congress,

showing the result of any experiments of that kind?

Mr. HARDWICK. No; except in a very general way. The Postmaster General claims that this method of carrying the mails is still in the experimental stage, and he never has asked the committee for any considerable sum. You will notice that he only wants an increase now of \$100,000, to be expended in his discretion.

Did they spend the \$50,000 last year? Mr. SMOOT.

Mr. HARDWICK. They never made any report.

Mr. CHAMBERLAIN. Mr. President-

Mr. SMOOT. I can imagine, of course, places where, in my opinion, there would be a saving through using the aeroplane in the transportation of the mails.

Mr. HARDWICK. That was the statement that was made to us, and, as the Postmaster General only asked for a very modest sum for experimental purposes, the committee was not disposed to be very critical about it.

Mr. CHAMBERLAIN. Mr. President, may I ask the Senator

from Georgia a question?

Mr. HARDWICK. I yield to the Senator from Oregon. Mr. CHAMBERLAIN. Is there not some discussion about trying it in Alaska? Mr. HARDWICK. Yes.

Mr. CHAMBERLAIN. Where, in certain seasons of the

Mr. HARDWICK. In certain seasons of the year nothing but dog sleds can go through, and they want to try these aeroplanes up there.

Mr. JONES. Mr. President—
The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Georgia yield to the Senator from Wash-

Mr. HARDWICK. I yield to the Senator from Washington.
Mr. JONES. I have not had an opportunity to examine this
provision very carefully, but does it require the Postmaster
General to conduct these experiments himself, or can he do this through other departments?

Mr. HARDWICK. Oh, of course, the Postmaster General only directs it, just like he does any other service.

Mr. JONES. I do not refer to his doing it himself personally; I mean through the department. Must he use this fund himself—that is, through the department—or can he—

Mr. HARDWICK. I imagine he could contract the service out, if he wanted to, under this language.

Mr. JONES. That is what I wondered.
Mr. SMOOT. No; I do not think so, Mr. President. The appropriation is for the purchase, operation, and maintenance of aeroplanes for experimental purposes.

Mr. HARDWICK. Oh, yes; that is frue. I stand corrected. The Senator from Utah is right. By the way, I think this is the first time that language has been employed.

Mr. SMOOT. Yes.

Mr. HARDWICK. Before, under the language at first employed, he could have done what I suggested.

Mr. JONES. Does not the Senator think that he ought to

have that authority?

Mr. HARDWICK. I do. That is the reason why the committee granted it to him without question; and, as I understand the Senator from Utah, he is not disputing it at all.

Mr. SMOOT. Not at all.

Mr. HARDWICK. There is no controversy about it.

Mr. JONES. But, as I understand, the language of the bill now does not allow him to let it out to private parties. He must carry on this service under his own department.

Mr. HARDWICK. I will say to the Senator from Washington that the language was changed at the request of the Post Office Department, because they preferred to conduct these ex-

Mr. JONES. I know: but does not the Senator think that possibly these demonstrations could be made much more cheaply by parties who are now in the aeroplane business—men who are trained for it, who have the machines, and all that sort of thing—rather than to have the department have to train men?

Mr. HARDWICK. I guess they can hire men that know the business as well as other people.

Mr. JONES. They might and they might not. You have got to pay them a certain amount.

Mr. HARDWICK. I do not see why you could not. You can hire men if you have money, whether you are under a Government bureau or not.

Mr. JONES. I know; but you might be able to get this done more cheaply by persons who are already prepared to do it than if the Government had to keep it up itself. That just occurred to me.

Mr. HARDWICK. I know. We have simply adopted the language suggested by the Post Office Department in this matter, for this reason: This service was experimental and we wanted the department to get the experience with it itself, so that if there is to be any considerable extension of it in the future, or any considerable expenditure upon it in the future, the department will have some practical knowledge of it. The change in language was made at the suggestion of the Post Office Department, I suppose, because they wanted to experiment with it in this way. The amount asked was very small.

Mr. JONES. They will come in and ask for \$500,000 next

Mr. HARDWICK. Then we will give the matter a little more careful consideration.

Mr. JONES. Then they will come in and ask for \$1,000,000

Mr. HARDWICK. When the matter passes beyond the experimental stage we will apply a different rule to the con-

sideration of their requests.

Mr. JONES. Yes; but private parties are experimenting with aeroplanes all the time. They are developing them, and it

ments and make better experiments and better demonstrations

than the department is.

Mr. HARDWICK. That might be true; but we are trying to give our department some actual experience with this business itself

Mr. JONES. In order that there may be somebody trained up in the department, so that if this service should develop they will be better competent to pass upon-

Mr. HARDWICK. To pass upon contracts and everything

Mr. JONES. I think there is some force in that. Mr. TOWNSEND. Mr. President, may I ask the Senator from Georgia a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. HARDWICK. I yield to the Senator.

Mr. TOWNSEND. Did I understand the Senator from Georgia, in his colloquy with the Senator from Utah, to agree that under this provision the department could not get an expert?

Mr. HARDWICK. No; indeed—oh, no! Mr. TOWNSEND. I did not understand the Senator, then. Mr. HARDWICK. No; I first said, without looking at the Mr. HARDWICK. No; I first said, without looking at the language very carefully, that I thought the department could contract this service out, remembering the language of a year ago, and not having this language in mind.

Mr. TOWNSEND. But there is nothing in this that prevents

the Postmaster General-

Mr. HARDWICK. There is nothing here that prevents him from hiring all the experts he wants to; and I imagine he will have to if he runs aeroplanes successfully.

Mr. TOWNSEND. He is a rash man indeed who will suggest that the aeroplane service is not going to be of real, practical

use to the department in carrying the mails.

Mr. HARDWICK. We think so.
Mr. TOWNSEND. And it seemed to me, as it did to the other members of the committee, that we could well afford to make this experiment.

Mr. HARDWICK. That is right.
The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 17, line 11, after the word routes," to strike out "\$66,350,000," so as to read:

For inland transportation by railroad routes.

Mr. HARDWICK. The committee moves to restore that appropriation.

The amendment was rejected.

The next amendment was, on page 17, after line 11, to insert: Provided, That not to exceed \$1,000,000 of this appropriation may be expended for pay of freight and incidental charges for the transportation of mails conveyed under special arrangement in freight trains or otherwise.

The amendment was agreed to.

The next amendment was, on page 18, line 11, before the word "clerks," to strike out "two thousand six hundred and five" and insert "four thousand one hundred and twenty," so as to

Railway Mail Service: For 15 division superintendents, at \$3,250 each; 2 assistant superintendents, at \$2,350 each; 15 assistant division superintendents at \$2,250 each; 118 chief clerks, at not exceeding \$2,100 each; 474 clerks, grade 10, at not exceeding \$1,800 each; 2,053 clerks, grade 9, at not exceeding \$1,800 each; 2,053 clerks, grade 9, at not exceeding \$1,500 each; 7,965 clerks, grade 6, at not exceeding \$1,400 each; 2,403 clerks, grade 5, at not exceeding \$1,300 each; 4,122 clerks, grade 4, at not exceeding \$1,200 each; 78 clerks, grade 3, at not exceeding \$1,100 each; 79 clerks, grade 2, at not exceeding \$1,000 each; 4,120 clerks, grade 1, at not exceeding \$900 each.

Mr. GALLINGER. I will ask the Senator in charge of the bill why we need this large increase of clerks?

Mr. HARDWICK. Because of the classification provided by the amendments that follow. There are a number of men who have been classified as substitutes who are really entitled to promotion to clerks. Their promotion is provided for in the amendments that immediately follow. That will increase the number of clerks that are provided in the bill. It is just a correlation of language. The real substantial amendment follows.

Mr. GALLINGER. Does it not make a large increase in the

number of clerks?

Mr. HARDWICK. It makes an increase in the number of clerks, but, of course, a smaller number of substitutes.
Mr. GALLINGER. An equal number or nearly so?
Mr. HARDWICK. The calculation was made as to how

seems to me they are better prepared to carry on those experimany would be taken out of the substitute class and made

clerks, and therefore the number of clerks is increased, as the

Mr. SMOOT. There is an increase in the appropriation from \$28,208,300 to \$28,385,500.

Mr. HARDWICK. That is the total increase in the expenses

of the Railway Mail Service.

Mr. SMOOT. That increase is caused by the increase in salaries of those who are promoted from substitutes to clerks? Mr. HARDWICK. Yes, sir; that is, by promoting a number to clerks who were substitutes.

Mr. GALLINGER. I call the attention of the Senator to the

phraseology in lines 14 and 15:

Provided, That hereafter any substituted railway postal clerk who is not sooner appointed as a clerk—

And so forth. If he has been appointed as a clerk, he is not a substitute. Should not the language "sooner appointed as a

clerk" be stricken out? Mr. HARDWICK. We got that from the department. It follows their practice, anyhow, and reaches what they are trying to do. That amendment has not been reached, but I might just as well explain now that a number of these substitute clerks have been running for years as substitutes, and really are entitled to go on as clerks, and the department practically

Mr. GALLINGER. You do not intend to make it retroactive?

Mr. HARDWICK. No. Mr. GALLINGER. How can they be substitute clerks and clerks at the same time? I am a little bit insistent, because the language to my mind-

Mr. HARDWICK. I expect the Senator's criticism of the language is proper and right. That part of the amendment perhaps should be stricken out.

Mr. GALLINGER. I have not any doubt about it.

The PRESIDING OFFICER. The question is on the adoption of the amendment, in lines 10 and 11, to strike out "2605" and insert "4120."

The amendment was agreed to.

The next amendment was, on page 18, line 12, after the words "in all," to strike out "\$28,208,300" and insert "\$28,385,500."

The amendment was agreed to.

The next amendment was, on page 18, line 13, to insert the following proviso:

Provided, That hereafter any substitute railway postal clerk who is not sooner appointed as a clerk shall, after having performed service equivalent to 313 days, be appointed railway postal clerk of grade 1, and in computing such service credit shall be allowed for service performed prior to the approval of this act.

Mr. GALLINGER. I move to strike out the words "who is not sooner appointed as a clerk."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to. The next amendment was, on page 18, line 23, after the word "capacity," to insert the following additional proviso:

Provided further, That hereafter class A lines may be divided into heavy lines and light lines, and the clerks on one-man runs on the heavy lines may be advanced to grade 5 and that clerks on one-man runs on the class B lines may be advanced to grade 6.

Mr. SMOOT. I should like to have the Senator explain what

the difference is between grade 5 and grade 6.

Mr. HARDWICK. Very well. A grade 6 clerk gets \$1,400; a grade 5 clerk gets \$1,800. The effect of this amendment is to take these railway mail clerks from short lines and divide those short lines into two classes, those heaviest in the work and those lightest, and to provide for an increase on each line, an

increase of \$100 a year over the present compensation.

Mr. SMOOT. I was going to ask the Senator if the real result of the amendment is not to increase the salary?

Mr. HARDWICK. Of the very lowest paid of all the railway mail clerks.

Mr. SMOOT. There is no question about that. I was won-

dering whether an increase of \$100 a year would be sufficient.

Mr. HARDWICK. We think so. Their work is lighter than
on the heavier lines. They live in smaller towns, where the
expense of living is not so great.

Mr. TOWNSEND. The Senator will also admit that those

who are transferred to this lighter-line work have been long in

the service and are old men.

Mr. HARDWICK. That is a pretty reasonable inference.

We think they are entitled to it, because they are the poorest paid of all the railway mail clerks.

The amendment was agreed to.

The next amendment was, on page 19, line 17, after the word "sickness," to strike out "\$1,365,709" and insert "\$1,638,959: Provided, That the act of August 24, 1912 (37 Stat., p. 548), be amended to read as follows: 'That hereafter, in addition to the

salaries by law provided, the Postmaster General is hereby authorized to make travel allowances in lieu of actual expenses, at fixed rates per annum, not exceeding in the aggregate the sum annually appropriated, to railway postal clerks, acting railway postal clerks, and substitute railway postal clerks, including substitute railway postal clerks for railway postal clerks granted leave with pay on account of sickness, assigned to duty in railway post-office cars, while on duty, after 10 hours from the time of beginning their initial run, under such regulations

as he may prescribe, and in no case shall such an allowance exceed \$1.20 per day," so as to make the clause rend:

For travel allowances to railway postal clerks, acting railway postal clerks, and substitute railway postal clerks, including substitute railway postal clerks for railway postal clerks granted leave with pay on account of sickness, \$1,638,959: Provided, That the act of August 24, 1912 etc.

Mr. CUMMINS. I wish a little information upon this subject. I am not sure that the question I am about to ask is at all affected by the bill or any amendment to it, but I have received recently some very serious protests against a change of policy that is about to be made or has been made concerning the work of the railway mail clerks. It appears that they are about to put in a system that will compel the railway mail clerks to change their places of residence, compelling men who have lived for years in a community and whose families have grown up with the community to change their place of abode, to the very great inconvenience of the clerks and possibly to the detriment of the service. I ask the Senator from Georgia whether this amendment has anything to do with that situ-

Mr. HARDWICK. No; this amendment is entirely unrelated to that subject, although I think I can explain the matter to which the Senator refers.

Mr. CUMMINS. I shall be very glad to have some explana-

tion made of it.

Mr. HARDWICK. The pending amendment the Senator is addressing himself to is a provision like this: Under the existing law the railway mail clerks are entitled after they have been out on their run for 10 hours to \$1 a day for traveling expenses, for meals and lodging.

The complaint has come generally throughout the country that the recent advance in prices has been such that that is not adequate. The showing made to the committee, and even the statement of the department, convinced us that probably the amount ought to be increased. So we increased it to \$1.20 a day, in order to cover what we believe is the actual increase these men have been put to. We are trying to carry out the intent of the original law to give them what actually was the cost. Of course no one can have any objection to this amendment.

The question which the Senator from Iowa asks relates to a policy of the department in what is called the terminal-station service. In some cases the department contends, and with a great deal of justice, as mail going through some railway centers is delayed anyhow for a good many hours, by putting clerks there to distribute it and getting it ready for other carriers and further distribution would save a great deal of time and a great deal of money. The department has put in a good deal of service like that, and a good deal of it, I think, has not only been justified but is absolutely economical in a reasonable administration of the Post Office Department.

But the railway mail clerks have to some extent been dissatisfied about it, because they claim it has been carried too far, and because the department, believing it can get the work done cheaper in that way, has taken them off of trains where the best administration of the service might require it. Of course the readjustment of the service at a station like that has to some extent involved moving clerks who have been living in a certain town or city for a long time to another station or another town or city, and a further readjustment at some time will be necessary.

Mr. CUMMINS. Is there anything relating to that in this bill?

Mr. HARDWICK. Nothing whatever. The committee went into it, but we could not find exactly what the dividing ground was-exactly how far the department ought to go-and we were not prepared to say that the department had gone too far in the matter.

Mr. SMOOT. In this readjustment, I understand, there has been a great deal of labor placed upon all the clerks, and some of the clerks who still remain have been compelled to remove from their old homes to other places. I will say to the Senator from Iowa that I have received a great many protests in regard to the readjustment that has taken place.

While I am on my feet I wish to ask the Senator from Georgia one other question. Does the amendment just adopted,

beginning at the bottom of page 18 and including lines 1 and 2, on page 19, comprise the only advances that have been made to the railway postal clerks?

Mr. HARDWICK. That is the only thing that has been done for them, except as to the substitutes and the increase in al-

lowance for traveling expenses.

Mr. SMOOT. That is an increase to \$1.20 instead of \$1, as now provided by law?

Mr. HARDWICK. Yes.

Mr. SMOOT. Is that all that the great majority of railway postal clerks will receive by way of an increase?

Mr. HARDWICK. That is not all. We have taken the clerks with the poorest pay out of one amount—

Mr. SMOOT. That is, grade 5 and grade 6?

Mr. HARDWICK. Yes; and we have advanced them \$100 a

year. A great number of substitutes—a thousand, or something like that—who have been substituting for more than a year we have advanced to the grade of clerks.

Mr. SMOOT. The advance made from substitutes to clerks

is represented by an increase of one hundred and seventy and

some odd thousand dollars.

Mr. HARDWICK. Yes; \$177,000.

Mr. SMOOT. I think that in the Railway Postal Service the clerks are the most poorly paid, perhaps, of any in the service of the Government of the United States, considering the amount of work and the risk and the great responsibility placed upon

Mr. HARDWICK, The Senate committee is fully sympathetic with that view; but the Senator from Iowa must realize, as we all realize on both sides of the Chamber, that this is not an appropriate season, with the Government finances in the condition they are in, with a heavy deficit facing us, and with the necessity for increased taxation staring us all in the face, to make salary increases, and we have had to be a little mod-erate about it. We hope at some future day to readjust the entire thing on some more liberal scale. I say to the Senator that personally I favor such a readjustment, but I have felt that for the present we have done fully as much as we were justified in doing in view of the condition of the Public Treas-

ury.

Mr. CUMMINS. I cordially agree with the Senator from Georgia in his last remark. I think we ought to go somewhat slowly in increasing compensation generally, but I hope that if the committee has any influence, or if there is any provision that will reach the subject, there may be impressed upon the department the idea that after a policy has been in force for years and years and men have fashioned their lives upon it, have founded their homes upon the assumption that the policy would continue, only under the most imperative necessity should that policy be disturbed, and all these men, or a great portion of them, be compelled to lift themselves out of the society in

which their families have grown up in order to make a small saving in the expenses of the department.

Mr. HARDWICK. The committee agrees with that view thoroughly. At the same time, of course, the Government service must be improved where it can, and the public must be served in the most efficient and economical way possible.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 20, line 9, to insert "Provided, That the appropriation for the payment of substitutes for clerks on vacation may be utilized for the payment of salaries of regular clerks," so as to make the clause read:

For substitutes for clerks on vacation, \$864,585: Provided, That the appropriation for the payment of substitutes for clerks on vacation may be utilized for the payment of salaries of regular clerks.

Mr. SMOOT. I should like to have an explanation of this amendment

Mr. HARDWICK. This was done at the request of the department, in order to provide for the payment of the substitutes that we provided for, promoted to be clerks. That has already been provided for, and we want them to utilize this

fund to pay the same men.

Mr. SMOOT. I see the object, although this is the first time I ever noticed in an appropriation bill a provision of this character

Mr. HARDWICK. It is really a very short cut to take it out of the fund.

The amendment was agreed to.

The next amendment was on page 22, line 16, after "\$2,500," to insert: "Provided, That hereafter the Postmaster General is hereby authorized and empowered to enter into contracts with American citizens for the carrying of the mail between the United States and Great Britain on steamships built in

the United States capable of maintaining a speed of 30 knots an hour at sea in ordinary weather and of a gross registered tonnage of not less than 35,000 tons. The said service to commence not more than four years after the contract shall be let. The rate of compensation to be paid for the said ocean mail service shall not exceed the sum of \$10 per mile by the shortest practicable route for each outward yoyage. The Postmaster General shall have the right to reject all bids not in his opinion reasonable for the attaining of the purposes named: Provided further, That after the commencement of said service no vessel shall be accepted for mail service between the United States and Great Britain under the act of March 3, 1891, entitled An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce': Provided further, That if there is no offer in accordance herewith to make any of the number of voyages each year specified by the Postmaster General to be made by the hereinabove described vessels, or if there is an offer in accordance herewith to make some but not all of the number of voyages each year specified by the Postmaster General to be made by the hereinabove described vessels, then, and only in either of the events aforesaid, there may be accepted for said mail service under the provisions of said act of March 3, 1891, between the United States and Great Britain vessels of the first class as described in the said act of March 3, 1891, but only for the number of voyages each year which can not be made by the hereinabove described vessels: Provided further, That all of the provisions of the said act of March 3, 1891, so far as they are not inconsistent herewith, shall control and apply to the methods to be used and contracts to be made hereunder."

Mr. HARDWICK. There is a mistake in the print, and in lieu of the language reported by the committee the committee desires to offer the following substitute.

The VICE PRESIDENT. It will be read.
The Secretary. On page 22, line 16, after "\$2,500," insert:

Provided, That hereafter the Postmaster General is hereby authorized and empowered to enter into contracts with American citizens for the carrying of the mail between the United States and Great Britain on steamships built in the United States capable of maintaining a speed of 30 knots an hour at sea in ordinary weather and of a gross registered tonnage not less than 35,000 tons. The said service to commence not more than four years after the contract shall be let. The rate of compensation to be paid for the said ocean mail service shall not exceed the sum of \$10 per mile by the shortest practicable route for each outward voyage. The Postmaster General shall have the right to reject all bids not in his opinion reasonable for the attaining of the purposes named: Provided further, That all of the provisions of the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce," so far as they are not inconsistent herewith, shall control and apply to the methods to be used and contracts to be made hereunder.

Mr. GALLINGER. Mr. President— Mr. HARDWICK. I desire to submit, in support of the amendment proposed by the committee, the letter of the Postmaster General.

The VICE PRESIDENT. Does the Senator desire to have it read?

Mr. HARDWICK. I should like to have the Secretary read the letter.

The VICE PRESIDENT. It will be read. The Secretary read as follows:

Office of the Postmaster General, Washington, D. C., January 26, 1917.

Hon. John H. Bankhead, Chairman Committee on Post Offices and Post Roads, United States Senate.

Chairman Committee on Post Offices and Post Roads,
United States Senate.

My Dear Mr. Chairman: I have the honor to acknowledge the receipt of your letter of the 20th instant, inclosing, for my opinion regarding its merits, a copy of a proposed amendment to the Post Office appropriation bill for the fiscal year ending June 30, 1918, authorizing the Postmaster General to contract with American citizens for carrying the mail between the United States and Great Britain on steamships capable of maintaining a speed of 30 knots an hour, at a rate of compensation not exceeding \$10 a\$ mile.

In my annual report for last year I called attention to the possibility of constructing ships of much greater speed than any now in the maritime service and recommended that this more efficient service be secured to the Government if it could be done upon fair terms. If Congress desires, by an amendment to the Post Office appropriation bill, to authorize the department to avail itself of such a service, I shall not object to, such an amendment, provided it leaves to the discretion of the Postmaster General to act thereon and that a proper limitation be placed upon the maximum amount that can be paid.

With reference to the amendment which accompanied your letter, you are informed that the limitations sought to be placed upon the department, beginning with the word "Provided," in line 4, on page 2, to the word "vessels," in line 24, on page 2, inclusive, are objectionable to the department; also, that if the text of the amendment is approved by the committee, the word "said," in line 2, should be omitted, and the words "entitled 'An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce' "should be inserted after the word "ninety-one," in line 1, on page 3, so as to make clear what act is referred to. With these changes the amendment will read as follows:

Mr. GALLINGER. Mr. President, I am much pleased that the Senator from Georgia has submitted this substitute for the amendment in the bill. I will ask the Senator if I understand it correctly? Provision is made for these fast steamships, unexcelled in speed and tonnage, at a high rate of compensation as compared to what is now being paid to the steamships of lower tonnage and less rate of speed.

Mr. HARDWICK. Yes.
Mr. GALLINGER. All that is added to it is that the provisions of the ocean-mail act of 1891 shall be applied to this new

Mr. HARDWICK. The Senator is right.
Mr. GALLINGER. That is very agreeable to me. I was about to call the Senator's attention to the fact that I thought everything contained in the proviso ought to go out because it seemed to disturb the entire system which is now in operation under the ocean-mail act of 1891. As the Senator knows, we provided in that act for steamships of 20 knots an hour and we are paying them \$4 a mile on the outward voyage; second class, I think, \$3; third class, \$2; fourth class, \$1.50. Until a faster service is established and a sufficient number of ships have been constructed, if that time ever comes, it would be a calamity in my opinion to disturb the present system of subvention to the classes of ships enumerated in the ocean-mail act of 1891

Mr. HARDWICK. Neither the committee nor the department has had any such intention. If the Senator will pardon me, the aim of the Postmaster General was to advertise for this higher class service. He is not, of course, supposed to spend anything unless he can get it. The Postmaster General figured that it would be worth to the country and to the Mail Service of the country the amount of money it would cost under this amendment. The committee thought so. The increase in proportion to speed and tonnage is about what it has been for

lower grades of speed.

Mr. GALLINGER. I understand that, but reading the proviso in the original amendment I was very fully satisfied that it was

unfortunate and that it would-

Mr. HARDWICK. The Senator does not still think that

about the substitute?

Mr. GALLINGER. I do not. I agree to the substitute very I am very glad that it has been offered, because I know something about what is going on in that respect. If we have American citizens who can construct ships that will cross the North Atlantic at a speed of 30 miles an hour and of this tremendous tonnage, of course they ought to be employed, because they would outrival any ships that are now in the ocean service of the entire world. I would be glad to see our country take the lead in that respect, and they ought to be well compensated for the service, as is provided in the amendment. It is twice and a half what is paid to the ships that are making 20 miles an hour and of the tonnage of 8,000 tons, I think. The Senator perhaps knows it has been something of a hobby of mine to establish mail lines upon that basis.

While the question of subsidy has been sometimes raised in regard to it, that has never disturbed me; and I am very glad to see that the Committee on Post Offices and Post Roads is not frightened because of the fact that we are going to pay for this

service an adequate compensation.

Mr. CUMMINS. Mr. President, the mere fact of a subsidy does not frighten me, because we are now practically subsidizing everybody and everything in the United States. We hardly pass an appropriation bill without granting some worthy or unworthy subsidy to some enterprise or citizen. But I should like to know whether this particular subsidy—and that it is a subsidy, of course, none will question-

Mr. WEEKS, I question that, Mr. President.
Mr. CUMMINS. Then I will proceed to prove it. I thought it was so plain that it would not be questioned.

Mr. HARDWICK. Then every time we pay anybody for any

part of the mail service it is a subsidy.

Mr. CUMMINS. Let us see. The Senator from New Hamp-shire [Mr. GALLINGER] and I understand it alike in that respect. I do not regard it as very likely that there will be any considerable number of ships built in the near future that can run over 30 miles an hour, with 35,000 tons capacity. It probably is

Mr. HARDWICK. If the Senator will pardon me just a moment, in order to relieve the Senator's mind about that, I will say that there have been tests made by our Navy Department here which incline them to believe not only that that can be done but that such a thing as that is within the bounds of possibility and within the immediate future, too.

Mr. CUMMINS. I am not prepared to say that a boat of 35,000 tons, with a speed of 30 miles or 35 miles an hour is an impossi-

bility. I think, however, that those who are familiar with the subject will recognize that, judging by our present standards, a boat of that kind would be very uneconomical in operation, and, therefore, is not likely to be put into any commercial service. However, I rose to ascertain whether it was intended to pay such a boat \$10 per mile without regard to the weight of mail carried by the boat. I assume it is.

Mr. HARDWICK. Not to exceed \$10 a mile. I have not gone into the details of the act to which reference has been made, but I imagine that the weight of mails has a good deal to do with

the payment.

Mr. CUMMINS. The authority we give to the Postmaster General is not limited at all in that respect.

Mr. HARDWICK. No.

Mr. CUMMINS. We say to him that he can enter into a contract with the owner of such a ship by which the Government will be required to pay \$10 per mile for the outward voyage, whether the boat carries one letter or 10,000 tons of mail.

I was struck, Mr. President, with this computation: Assuming the distance to be about 2,300 or 2,500 miles between our shores and Great Britain, we would pay such a boat for each outward voyage \$23,000 or \$25,000, and that without regard to the weight of mail carried. I suppose that we all understand that the revenue derived by the Government from the mails that would thus be carried would be but a very small proportion of the payment which we propose to make. I think \$23,000 for one voyage is too great a subsidy. I am willing to give some subsidy, but I think that is too much.

Mr. HARDWICK. The committee are anxious to get along with the bill, as this is Saturday evening; but, of course, the committee is prepared to concede the point of order if the Senator

from Iowa wants to make it.

Mr. CUMMINS. I am not going to make a point of order. I never do that. I have too much respect and regard for the desires of a committee to make a point of order upon legislation of this character. I simply wanted the country to know that we were adopting legislation which gave the power to the Postmaster General to pay one of these ships \$25,000 for a single voyage, without respect to the question of service that it rendered to the Government in the voyage.

Mr. GALLINGER. Mr. President, the Senator from Iowa must not lose sight of the fact that all the provisions of the ocean mail act of 1891 apply to these vessels; and that means that they shall be so constructed that they may be converted into vessels of war; that they shall carry boys to be trained in seamanship; and there are various and sundry other provisions. So the carrying of the mail is not the only condition that will be required of these steamships under the act which applies to this new service if it shall ever be established.

Mr. CUMMINS. I remember that; but when the Government does take the ship, if it ever shall find it necessary to do so, it

must pay for it.

Mr. GALLINGER. Undoubtedly.

Mr. CUMMINS. And it must pay full value.

Mr. GALLINGER. Undoubtedly.

Mr. CUMMINS. I never thought that that privilege was of very much consequence, because we have the right to take the ship without it, if we should find it necessary for the national defense.

Mr. GALLINGER. The chief advantage is that such ships shall be constructed under specifications of the Navy Department, so that they would be of some service when the Govern-

ment took them over.

Mr. CUMMINS. I grant that. I think that is a very wise provision in the law; but I wish to ask the Senator from New Hampshire a question. I am willing to give something in order to encourage the building of ships in this country, but I prefer some other plan of giving it than an overcontribution for an alleged service. Without pausing to discuss the difference between us however. I ach the Company to the contribution of the c tween us, however, I ask the Senator from New Hampshire does he not think that a payment of twenty-three or twenty-five thousand dollars to a ship for a single voyage to England would be rather excessive, even considered from the standpoint of an ardent advocate of the subsidy?

Mr. GALLINGER. Well, Mr. President, I always call it a

subvention—a mail subvention—rather than a subsidy. The provision I find in the act of 1891 relating to apprentices or boys on the ships requires one to be carried for every 1,000 tons. So that each of these ships would be compelled to carry 35 boys to be trained in seamanship; which would be very desirable.

As to the amount of the subvention, that, of course, is a matter of judgment. The present law pays a subvention of \$4 a mile to steamships of a speed of 20 knots and of 8,000 tons registry; it pays \$2 a mile-I will try to be accurate-to ships of 16 knots and of 5,000 tons registry; it pays \$1 a mile to ships of 14 knots and 2,500 tons registry; and it pays two-thirds

of \$1 a mile to ships of 12 knots.

As to whether \$10 a mile for these mammoth steamships is excessive or not, I can hardly venture an opinion. Under the law they would be permitted to carry passengers, which, of course, we should expect would be very profitable on ships of that description.

I am not at all sure that in the lifetime of some of us ships of that enormous tonnage and that enormous speed will ever ply the ocean; but these of us who are anxious to have a merchant marine built up would be glad to see ships on the North Atlantic exceeding in speed and tonnage any ships owned by any other nation of the earth, as these would exceed them in speed and tonnage, if they should be constructed.

I should be in favor of a liberal subvention to ships of that kind if we can secure them. As to whether or not the \$10 is really excessive, I would not want to offer an opinion; but I feel sure the Senator from Iowa may well join me in the presumption that when this matter gets into conference, if it ever does, that that feature of the amendment will be very thor-

oughly inquired into.

Mr. BRANDEGEE. Let me ask the Senator from New Hampshire if he does not think it probable, unless proper aid be granted, that ships of this enormous speed and great capacity might not be constructed at all?

Mr. GALLINGER. It is not only probable, but I think it is absolutely certain that they would not be.

Mr. TOWNSEND. Mr. President, the suggestion of the Senator from Iowa [Mr. CUMMINS] can not lie against this proposition so far as principle is concerned, because the same principle applies now. It is only increasing the amount under conditions that are to be fulfilled, providing the Postmaster General thinks it is in the interest of the Government service that it should be granted. The Postmaster General is not obliged to employ these ships. It is simply giving him the discretion to pay not to exceed \$10 a mile—that is the limit—in case these boats are built and he finds it is for the good of the service to employ them in convenient them. employ them in carrying the mail. There is nothing compulsory about it at all.

Mr. GALLINGER. There is not.
The VICE PRESIDENT. The question is on the substitute proposed by the Senator from Georgia [Mr. HARDWICK] on behalf of the committee.

The amendment was agreed to.
The reading of the bill was resumed.

The reading of the bill was resulted.

The next amendment of the Committee on Post Offices and Post Roads was, under the head of "Office of the Third Assistant Postmaster General," on page 24, line 16, after the word "wrappers," to strike out "\$1,625,000" and insert "\$1,825,000," so as to make the clause read:

For manufacture of stamped envelopes and newspaper wrappers, \$1,825,000.

The amendment was agreed to.

The next amendment was, under the subhead "Postal Savings System," on page 27, line 25, before the word "tools," to strike out "chairs" and insert "chains," so as to read:

For the purchase, manufacture, and repair of mail bags and other main containers, and attachments, mail locks, keys, chains, tools, machinery.

The amendment was agreed to.
Mr. HARDWICK. Mr. President, on page 29, line 2, the
word "greater" should be stricken out. I move that amend-

The VICE PRESIDENT. The amendment will be stated.

The Secretary. On page 29, line 2, before the word "maximum," it is proposed to strike out the word "greater," so as to

Provided, That the maximum yearly salary, etc.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 29, line 7, after the word "stations," to insert:

Provided further, That hereafter the compensation of carriers on horse-drawn vehicle routes shall be at the rate of \$24 per annum for each mile of said routes in excess of a standard vehicle route of 24 miles, and any major fraction of a mile shall be counted as a mile.

The amendment was agreed to.

The next amendment was, on page 29, line 24, after the words "nineteen hundred and," to strike out "seventeen" and insert "eighteen," so as to make the clause read:

That if the revenues of the Post Office Department shall be insufficient to meet the appropriations made by this act, a sum equal to such deficiency of the revenue of said department is hereby appropriated,

to be paid out of any money in the Treasury not otherwise appropriated, to supply said deficiencies in the revenues for the Post Office Department for the year ending June 30, 1918, and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General.

The amendment was agreed to.

The next amendment was, on page 30, after line 2, to strike

may be advanced to the Post Office Department upon requisition of the Postmaster General.

The namendment was agreed to.

The next amendment was, on page 30, after line 2, to strike out:

The next amendment was, on page 30, after line 2, to strike out:

The next amendment was, on page 30, after line 2, to strike out:

The next amendment of the forwarded to the addressee at another post office habe in a true is undell-worked to the addressee at another post office harged with the amount of the forwarding postage, and when such matter of a perishable nature is undell-wealle to the addressee it may be returned to the sender charged with the return postage when the postage to be collected to delivery: Provided further, that when the sender refuses to furnish the return postage in accordance with his pledge, the acceptance from him of further matter bearing such pledge as to read as follows:

Sc. 3. That section 3929, Revised Statutes, be and is amended so as to read as follows:

Sc. 3. That section 3929, Revised Statutes, be and is amended so as to read as follows:

The section of the sec

than two years, or both; and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provision of this section may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed."

SEC 6. That section 215, act of March 4, 1909 (Criminal Code), be, and is, amended so as to read as follows:

"Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish, or procure for unlawful use any counterfeit or spurious coin, bank note, paper money, or any obligation or security of the United States, or of any State, Territory, municipality, company, corporation, or person, or anything represented to be or intimated or held out to be such counterfeit or spurious article, or to sell, dispose of, loan, distribute, supply or furnish, or obtain for unlawful use any unfair, dishonest, or cheating, gambling device or appliance, or any scheme or artifice to obtain money by or through correspondence by what is commonly called the "sawdust swindle" or "counterfeit money fraud," or by dealing or pretending to deal in what is commonly called "green articles" "green coin," "green goods," "bills," "paper goods," "spurious Treasury notes," "United States goods," "green cjars," or any other names or terms intended to be understood as relating to such scheme or artifice, or attempting so to do, place, or cause to be placed, any letter, postal card, package, writing, circular, pamphlet, or advertisement, whether addressed to any person residing within or outside of the United States, or shall take or receive any such herefrom, whether mailed within or without the United States, o

Mr. GALLINGER. Mr. President, will the Senator in charge of the bill in a few words tell what the provisions are that are

stricken out? I have not had time to read them.

Mr. HARDWICK. The parts stricken out embrace legislation changing the Revised Statutes as affecting the postal laws. We did not think it ought to be done in this way, as there was no emergency requiring it. We did not approve of that method of legislating, except when an emergency demanded it. So we cut these provisions out, and I think the Senator will agree with the propriety of that general course.

The VICE PRESIDENT. Without objection, the amendment

is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 36, after line 22, to insert:

Sec. 2. Contracts made in the Post Office Department for the various classes of mail transportation may, upon order of the Postmaster General, be signed in the place and stead of the Postmaster General by the Assistant Postmaster General who is charged with the supervision of the mail transportation involved, and such officer shall attest his signature to such contracts by the seal of the Post Office Department.

The amendment was agreed to.

The next amendment was, on page 37, after line 4, to insert:

The next amendment was, on page 37, after line 4, to insert:

Sec. 3. That no letter, postal card, circular, newspaper, pamphlet, or publication of any kind containing any advertisement of spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind, or containing a solicitation of an order or orders for said liquors, or any of them, shall be deposited in or carried by the malls of the United States, or be delivered by any postmaster or letter carrier, when addressed or directed to any person, firm, corporation, or association, or other addressee, at any place or point in any State or Territory of the United States at which it is by the law in force in the State or Territory at that time unlawful to advertise or solicit orders for such liquors, or any of them, respectively.

Whoever shall knowingly deposit or cause to be deposited or shall knowingly send or cause to be sent anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein for indiden to be carried by mail shall be fined not more than \$1,000 or imprisoned not more than two years, or both, and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provision of this section may be tried and punished, either in the district in which the unlawful matter or publication was mailed or to which it was carried by mail for delivery, according to direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed: Provided, That the Postmaster General is hereby authorized and directed to make public from time to time in suitable bulletins or public notices the names of States in which it unlawful to advertise or solicit orders for any such liquors.

Mr. HUGHES. Mr. President, I make the point of order

Mr. HUGHES. Mr. President, I make the point of order against that amendment that it is general legislation on an

appropriation bill.

Mr. JONES. I hope the Senator will not make the point of order against that amendment. He will probably remember that a few days ago the Senate without a division passed a separate bill looking to the same end. It has been very carefully considered by the Post Office Committee in connection with this measure, and in connection with the other bill which has been passed. I had hoped that the Senator would not feel

the matter has been considered by the Senate, discussed by the Senate, acted upon, and passed without a division.

I will say to the Senator that I was not present when the bill to which he has referred was passed, or I would have opposed it.

Mr. JONES. I did not know that the Senator was not

present

Mr. HUGHES. I was not aware that the bill was going to be called up, and I happened to be temporarily absent when it was acted upon. I understand that it went through with very little debate or discussion.

Mr. JONES. It was discussed for some time and was

amended to a considerable extent in the Senate.

Mr. HUGHES. That may be so, but certainly only a short time was occupied in its consideration, because I missed it entirely and did not know the bill had been passed. I intend to insist on the point of order in this case.

Mr. JONES. I suppose that it would hardly be desirable to

make a motion to-day to suspend the rules; but I have given

notice that I will submit such a motion.

Mr. HARDWICK. The point of order, as the Senator from Washington knows, is good, if the Senator from New Jersey insists on it.

Mr. JONES. I understand that.

Mr. HARDWICK. The Senator from Washington will have to handle it in the way he has suggested, if he cares to try that. Mr. JONES. I give notice now that on Monday I will move to suspend the rules.

Mr. SMOOT. The Senator will have to give the notice now. Mr. JONES. The notice has been already given, so far as that is concerned, but I simply want to advise the Senate that on Monday the motion will be made. The notice has already been filed.

Mr. HARDWICK. Mr. President, has the point of order been passed on by the Chair?
The VICE PRESIDENT. It seems to be conceded that the

amendment is subject to the point of order, and the Chair sustains the point of order.

The reading of the bill was concluded.

Mr. HARDWICK. Mr. President, that completes the reading of the bill. I inquire of the Senator from Utah if we can not recur to the amendments which have been passed over?

Mr. SMOOT. I wish to say that I desire to offer an amendment at this time that may have some bearing on other amendments which have been passed over. I offer an amendment to the bill, to be known as section 3.

The VICE PRESIDENT. The amendment will be stated.

The Secretary. At the end of the bill it is proposed to add a new section, to be numbered "Sec. 3," as follows:

new section, to be numbered "Sec. 3," as follows:

Src. 3. That to provide, during the fiscal year 1918, for increased compensation at the rate of 15 per cent per annum to employees who receive salaries at a rate per annum of \$480 or less, and for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of more than \$480 per annum and not exceeding \$1,000 per annum, so much as may be necessary is appropriated: Provided, That this section shall only apply to employees who are appropriated for in the act specifically and under lump sums or whose employment is authorized herein: Provided further, That deatled reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

Mr. HARDWICK. That is the same amendment that was incorporated in the legislative, executive, and judicial appropriation bill on motion of the Senator from Utah, is it not?

Mr. SMOOT. It is exactly the same amendment, word for

Mr. HARDWICK. I make the point of order, Mr. President, that it is general legislation-

Mr. SMOOT. Just a moment. I will ask the Senator to withhold that suggestion.

Mr. HARDWICK. I withhold it, of course.

Mr. SMOOT. I hope the Senator will not make that point of order against the amendment. It has been placed upon every appropriation bill which has passed the Senate so far at this session; and if the Post Office appropriation bill passes now without this amendment it will be impossible to secure the amendment in conference. Why can not the Senator accept this amendment? I believe he will agree with me that if the amendment finally is adopted as to the other appropriation bills it ought to be adopted and become a part of this bill. There should be no two plans agreed to by Congress in connection with the compensation paid to Government employees. If the legislative, executive, and judicial appropriation bill, the District appropriation bill, the Agricultural appropriation bill, the sundry civil appropriation bill, the naval appropriation bill, and all other appropriation bills carry the same provision, then cerdisposed to make the point of order, in view of the fact that tainly the Post Office appropriation bill ought also to carry it.

I will ask the Senator to allow the amendment to be placed upon the bill and let it go to conference.

Mr. HARDWICK. How did the amendment escape a point of order when it was offered to the other bills?

Mr. SMOOT. Because a majority of the Senate wanted this amendment to go on those appropriation bills.

Mr. HARDWICK. The fact that the point of order was not urged against it in connection with other bills does not affect it in this instance.

Mr. SMOOT. I understand that. I will very frankly say to the Senator that the point of order would not lie against the amendment in connection with the legislative, executive, judicial appropriation bill because of the fact that the House made a provision in that bill for an increase in salaries.

Mr. HARDWICK. The House did not do that in the case of this bill.

Mr. SMOOT. Therefore I offered my amendment as a substitute for the House text, and, as I have stated, the point of order did not lie against it; but as to other appropriation bills the Appropriations Committee have added a similar amendment, and they have felt that that policy should be pursuedthat if one general appropriation bill was to carry the amendment all the general appropriation bills should likewise carry I ask the Senator now to allow it to be placed in the bill, and the conferees can take it in charge.

Mr. HARDWICK. I have not yet made the point of order. My colleague on the committee, the Senator from Florida [Mr. Bryan], desires to say something about it, I understand.

Mr. TOWNSEND. I hope the Senator will not make the point of order against the amendment. If such an amendment is to be finally incorporated in other appropriation bills, it certainly ought to be incorporated in this one.

Mr. HARDWICK. That appeals to me, that we ought not to treat the employees of the Post Office Department differently from the employees of all the other departments, unless there is some particular reason why the same argument will not apply in their behalf. My colleague on the committee, the Senator from Florida, seems to think that it may not apply in this instance, and I think he expects to submit some observations on that question. I shall wait to hear what he has to say about it.

Mr. THOMAS. Mr. President, if I may be permitted a word, I wish to say that I called attention in the discussion of the legislative, executive, and judicial appropriation bill to the fact that if the amendment of the Senator from Utah prevailed there it would result in the introduction and probable incorporation into every succeeding supply bill of the same provision. I also, I think, suggested that if we took that course in regard to one set of

employees we ought to take it as to all. I opposed that amendment, as I have tried to oppose every movement of similar character, for reasons which I will not reiterate, as I have given them so frequently; but I think that it is perfectly just and right—in fact, that it would be unjust—to do anything else than to incorporate in this bill the amendment which the Senate has seen fit to adopt with regard to the employees of other departments. Consequently, so far as I am concerned, I shall acquiesce, although under protest, recognizing the justice of the situation in relation to the proposed amend-

ment. Mr. BRYAN. Mr. President, my recollection is that the representatives of the Post Office Department claimed that they had worked out a system of treatment of their employees which was much more equitable and just than that which they would receive under the so-called Smoot amendment.

Mr. SMOOT. May I call the Senator's attention to the fact that such a plan has been worked out by the department in all cases where salaries are over \$1,000. I remember the testimony that was given. I heard the Postmaster General say to the subcommittee of the Committee on Appropriations that if certain amendments were made to the bill he would prefer them to having a horizontal increase, as provided for by the House. The House provision, as the Senator will remember, granted an increase to all employees receiving salaries up to \$1,800 a year, while the amendment proposed by me granted an increase only to those who were receiving salaries of \$1,000 or less. Therefore, Mr. President, the statement made by the Postmaster General before the committee does not apply to the amendment I have offered, but did apply to the House provision in the legislative, executive, and judicial appropriation bill. I hope the Senator will allow this amendment to go into the bill for consideration by the committee of conference, because I know he is too fair a man to have four-fifths of the Government employees whose compensation is \$1,000 and less receive an increase in their salary and not allow a similar increase to the other one-fifth.

Mr. HARDWICK. There is one reason why we might ask the Senator to withhold that motion. We have called on the Post Office Department for an estimate as to how much expenditure it would involve. We anticipated that some amendment like that would be offered.

Mr. SMOOT. I am perfectly willing that it should go over until Monday

Mr. HARDWICK. We hoped to have it to-day, but we have not gotten it yet. I think the Senator had better withhold it until Monday.

Mr. SMOOT. Just a moment, and perhaps I can tell the Senator what it will be.

Mr. HARDWICK. Does not the Senator think we had better get an estimate from the department, so that we may be sure what we are doing?

Mr. SMOOT. I am perfectly willing. Mr. BRYAN. Mr. President, I want to say that of course I think all the employees ought to be treated alike. We put on the legislative bill a provision of several pages at the request of the Post Office Department, and the department claimed that in that legislation they had given consideration to the claim for increase of their men. Now I want to read just a few words from the House hearings on the legislative bill as applied to the Post Office Department.

Mr. SMOOT. In that connection, Mr. President, just a word.
Mr. BRYAN. I have not made any point of order, but I want
this to go in the Recorp in connection with what is being said about this amendment.

In the House hearings Mr. Stafford asked Mr. Denning, chief clerk of the Post Office Department, the following. I will read back in order to get the connection:

Mr. STAFFORD. Would such an examination be held under the super-

vision of the Civil Service Commission?

Mr. DENNING. Yes, sir.

Mr. STAFFORD. Then you would not necessarily appoint pages at \$720

hen they entered the service?

Mr. Denning. There would be no pages appointed. We have places we as assistant messengers, and we made original appointments at

Mr. Denning. There would be no pages appointed. We have places now as assistant messengers, and we made original appointments at \$720 per annum.

Mr. Stafford. Then you abolish entirely—

Mr. Denning. The grade of page.

Mr. Stafford. The grade of page.

Mr. Stafford. Then the boys that you bring into the service at 16 years of age, at a salary of \$480, would be paid \$720?

Mr. Denning. Yes, sir.

Mr. Stafford. Do you think that a fair rate to be paid to a boy just coming out of school?

Mr. Denning. I misunderstood you. Under the civil-service rules we could not appoint a boy to a \$720 assistant messenger's place. Applicants must be at least 18 years of age and pass the examination for assistant messenger. We make appointments now of young men from 18 years on up as assistant messengers, and the proposition here is to cut out the grade of page. Then we could not appoint boys any more. We would like, if the civil-service rules permitted us to do so, to promote these boys, but they are absolutely barred from promotion beyond \$480.

Somewhere in the hearings there is a statement that it is not the intention of the department to have anybody in its employ at less than \$720 a year, except, of course, some of the charwomen and people of that kind.

I want the Senator from Utah to consider whether the Post Office Department has not itself adopted a plan of increased pay, and whether or not this amendment is necessary. He will remember that a committee that went to New York and Philadelphia, before this amendment was offered on the legislative bill, came back, and under instructions from the Postmaster General they placed the salaries of the men in the Post Office Department at 25 to 50 per cent higher, and that was their method of meeting the high cost of living, and the Senate adopted that provision. Now, I do not want on one bill to grant the increase asked for by a department which they preferred, and which their men preferred, to this increase that was put on the legislative bill in the Senate, and then, on another bill, to give them an additional increase. It seems strange, if the Post Office Department are not satisfied, that they would have remained silent and not have said anything to the Committee on Post Offices and Post Roads about that matter. They seem to be entirely satisfied with the adoption of the provision that went on the legislative bill.

Of course, Mr. President, it is understood here that very few men in the Postal Service receive salaries below \$1,000 a year. Most of them receive salaries above that. I believe the average salary is above \$1,000 a year, and it is not a case of clerks and stenographers and the lower-paid employees. These men are highly paid employees, as a rule. There may be, and undoubtedly are, instances where benefits would accrue to employees; but the department themselves, with the apparent approval of their employees, asked for legislation that they anted in preference to this legislation, and it was given to them. That is a matter that I think the Senator from Utah ought to take into consideration in offering this amendment. I have no objection at all, so far as I am concerned, with that statement, to allowing the matter to go in and go to conference.

Mr. HARDWICK. No; I would not like to do that just yet, because we have just heard from the Post Office Department to the effect that the Postmaster General has certain reasons for believing that the system provided for promotions and increases in his department is such as to make it difficult of application in the department

Mr. BRYAN. I was sure that would be the case.

Mr. HARDWICK. And he expects to submit that showing to the Senate committee by Monday morning.

Mr. SMOOT. Just a moment further. The Senator, together with myself, was a member of the subcommittee of the subcommittee appointed to consider the proposition made by the Postmaster General to strike out all of the House provision and insert a new system as prepared by him. I gave a good deal of attention to the plan submitted by the Postmaster General. I thought it was visionary to begin with; but the more I studied the plan, the more I became convinced that it was the proper system to follow. The Senator from Florida and myself agreed upon that and reported it to the subcommittee. The subcommittee agreed upon the proposed amendment to the House bill, and the full committee agreed to it, and it was reported to the Senate, and the Senate agreed to it.

Mr. President, I have that proposition before me at this time. I am not going to take the time to read the proposition and explain the changes that were made. All that the Senator from Florida has said would apply to the House provision, or to salaries above \$1,000; but in connection with the amendment that was adopted to the House provision, covering all of the appropriations for the Post Office Department in the legislative appropriation bill affecting the higher grade salaries, I remember showing that increases had been made in the department amounting in some cases, beginning with clerks of class 4, to sixty-odd dollars per annum, and in class 3 to fifty-odd dollars per annum, on an average, and in many classes they advanced \$200 per annum. In that very amendment we proposed to give authority, and did give authority, to the Postmaster General to change the increases from \$200, as provided by the present law, to \$100, and to demote \$100 instead of \$200.

I am quite sure, Mr. President, that the amendment I have offered will take care of a class of employees in the Post Office Department that was not taken care of by the readjustment as adopted by the Senate; but I will say to the Senator that I am perfectly willing that this matter shall go over until Monday,

as suggested by him.

Mr. HARDWICK. I think it would be better to do that. BRYAN. Let me make this suggestion to the Senator from Utah: Take the carriers on rural routes, for example. Under the joint resolution that was adopted in 1915, they receive so much according to the number of miles covered, beginning down perhaps as low as \$600 per year. Now, it is entirely possible—in fact, I do not see how it could be avoided—that when you get above the \$1,000 grade the man in the next higher grade, who is carrying the mail at \$1,100, would receive

Mr. SMOOT. That is right.

Mr. BRYAN. But the \$1,000 man would receive an increase of 10 per cent, so that he would get-

One thousand one hundred dollars. Mr. SMOOT.

Mr. BRYAN. He would get as much for carrying the mail the shorter distance as the man who was carrying the mail and being paid for a longer distance.

Mr. SMOOT. Why, of course that is true, Mr. President. Mr. BRYAN. Now, that is not right. That is not just as

between those men.

Mr. SMOOT. I will say to the Senator that there is a justice in it, for this reason: Wherever there are blanket increases, I do not care what they are, there are always some little inconsistencies; but this is why I say that it is right: In the case of the carrier who is receiving but \$1,000, or \$900, or \$840, and the employees who are receiving \$240 and \$480, I am quite sure that the Senator himself would say that the increase asked for,

10 per cent on salaries up to \$1,000, ought to be allowed.

Mr. BRYAN. The Senator has discussed that; but here Congress, on a joint resolution extending the appropriation of the prior year, concluded that it was so important that they would fix the pay of rural carriers according to the miles, and they wrote that in the joint resolution, leaving all other legislation to wait until the next year. Now, if that was right and Congress thought it was the thing to do, then by the amendment which the Senator has offered you are going to pay a man for

fewer miles as much money as you pay a man for hauling a longer distance

Mr. SMOOT. Well, perhaps that would occur in one instance, Mr. President.

Mr. BRYAN. Oh, it would occur in a great many instances.

There are 45,000 of these routes.

Mr. SMOOT. There are some inconsistencies that are unavoidable. For instance, I will say to the Senator, there are employees who are receiving \$1,050 on our police force, and under the amendment they do not get any increase; but if they are receiving \$1,000 they get 10 per cent increase, making their compensation \$1,100, as against the man who is now getting \$1,050, and you can not help it.

Mr. BRYAN. Of course, the Senator is pointing out some of

the injustices of his own amendment.

Mr. SMOOT. I pointed it out at the time. They are not injustices. It is a condition that you can not avoid; but I say that they are avoided in this amendment just as much as it is possible to do and still reach the cases that we absolutely know are worthy and ought to have assistance. If the Senator wants it to go over until Monday—

Mr. HARDWICK. I think we had better let it go over until

Monday.

The VICE PRESIDENT. The bill is in Committee of the Whole and open to further amendment.

Mr. CHAMBERLAIN. I have an amendment I desire to

offer, Mr. President.

The VICE PRESIDENT. Does the Senator in charge of the bill desire the other committee amendments to go over

Mr. HARDWICK. Mr. President, it is understood that several of the committee amendments that have been passed over will go over until Monday. We are about to lay the bill aside in just a moment.

The VICE PRESIDENT. The Senator from Oregon offers

an amendment, which will be stated.

The Secretary. The Senator from Oregon proposes the following amendment:

The Postmaster General is hereby directed to prescribe rules and regulations for the use of the penalty privilege by the several executive departments and independent establishments of the Government; and such rules and regulations shall, when approved by the President, have the force of law.

Mr. SMOOT. Mr. President, let that be stated again.

The Secretary again stated the amendment.

Mr. SMOOT. I want to say to the Senator that we passed just the other day a printing bill that takes care of all the subject matter of the Senator's amendment; and if enacted into law, of course the adoption of this amendment may conflict with the rules and regulations of the department. I hardly think that ought to be put upon this bill.

Mr. CHAMBERLAIN. Mr. President, I question very much whether the bill to which the Senator refers will pass at this late day in the session. Now, here is an opportunity to do something to prevent the abuse of the franking privilege. The Senator will remember that in some of the discussions that have been had here recently it has been shown that men who are on the pay roll of the Government at nominal salaries, receiving their principal salaries from other sources, were having their documents stamped with approval by one of the bureau chiefs, and these documents then went over the country in the form, at least, of governmental publications, when, as a matter of fact, no Government official had read them or given them any consideration. Now, that ought to be stopped. The only purpose of this amendment is to prevent the abuse of the franking privilege; and the Senator will see that it only applies to the executive departments and to independent bureaus.

Mr. SMOOT. Of course, Mr. President, there are to-day certain laws regulating the franking privilege; and I do not believe we ought to authorize the Postmaster General to make rules and regulations that may conflict with the laws that are now upon

our statute books. It is a very dangerous thing.

I will say to the Senator that I am in sympathy with what he is trying to accomplish, and the House may pass this bill, There is not any opposition to it in the Committee on Printing. It is going to be substituted for the House bill upon the House Calendar, and there is still hope of its passing at this session of Congress. Really, Mr. President, I hope the Senator will not press that amendment.

Mr. CHAMBERLAIN. I submitted this amendment to the Postmaster General, and it met with his entire approval, because he knows, as well as we know who have been giving the matter any attention, that the franking privilege is grossly abused by these executive departments. If the printing bill, of which the Senator speaks, reaches and cures the defect, the Postmaster General certainly would not undertake to adopt any rule that was in conflict with a law of Congress.

Mr. SMOOT. But he has that power; and I will say to the Senator that just as soon as that bill passes it will regulate all that he wants regulated, and it will protect the Government against the abuse of the franking privilege. In fact, I will say that it is just as strict as the Senator himself could possibly ask for

Mr. CHAMBERLAIN. I should like to have it considered, at least, in conference. If in the meantime the bill goes through, of course it can be dropped out.

Mr. HARDWICK. Does the Senator from Utah make the

point of order? Mr. SMOOT. I will have to. I hate to do it, Mr. President; but, really, under the circumstances I feel that I must do it. Mr. CHAMBERLAIN. Why does not the Senator from Geor-

gia himself do it?

Mr. HARDWICK. I really did not know whether the Senator from Utah would do it or not.

Mr. SMOOT. I will do it now. I make the point of order

that it is general legislation.

The VICE PRESIDENT. The point of order is sustained.

Mr. HARDWICK. Mr. President, the committee will ask now to have the bill laid aside until Monday. Various agreements have been made as to the provisions passed over.

GOVERNMENT OF PORTO RICO.

Mr. SHAFROTH. Mr. President, I ask the Senator from Georgia to lay aside temporarily the unfinished business.

The VICE PRESIDENT. The Chair understood that had

been done

Mr. SHAFROTH. I move, then, that the Senate proceed to the consideration of House bill 9533, entitled "An act to provide a civil government for Porto Rico, and for other purposes."

Mr. BRYAN. Mr. President— Mr. SMOOT. Mr. President, I simply want to ask for a quorum at this time, because the Senator from North Dakota [Mr. Geonna] must be here, as the Senator from North Dakota [Mr. SHAFROTH. I have sent for him. I understand that, and I will not press his amendment until he gets here.

Mr. SMOOT. Well, Mr. President. I think we had better.

have a quorum,

Mr. RANSDELL. I shall have to insist upon a quorum. colleague [Mr. Broussard] is very much interested in this bill, and I could not consent to have it called up in his absence.

Mr. SHAFROTH. I have the amendment of the Senator from Louisiana [Mr. Broussard] and am ready to put it in as a committee amendment, so I have reconciled everything in connection with this bill.

Mr. SMOOT. I suggest the absence of a quorum.

Mr. RANSDELL. I would rather have a quorum, Mr. Presi-

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Lea, Tenn.
Lee, Md.
McCumber
Martin, Va.
Newlands
Overman
Page
Phelan
Pomerene
Ransdell Gallinger Hardwick Husting Ashurst Shafroth Sheppard Simmons Smith, Ga. Smith, S. C. Brandegee Broussard James Johnson, Me. Johnson, S. Dak. Bryan Chamberlain Clark Smoot Thomas Tillman Weeks ummins urtis Kirby La Follette Lane Fletcher

The VICE PRESIDENT. Forty Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absentees,

The Secretary called the names of the absent Senators, and Mr. Chilton, Mr. Kenyon, Mr. Lewis, Mr. Martine of New Jersey, Mr. Pittman, Mr. Poindexter, Mr. Reed, Mr. Townsend, Mr. Walsh, and Mr. Williams answered to their names when colled when called.

Mr. Hughes, Mr. Fall, Mr. Gronna, Mr. Hitchcock, and Mr. Kirby entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present. The Senator from Colorado [Mr. Shafboth] has moved that the Senate proceed to the consideration of the bill (H. R. 9533) to provide a civil

government for Porto Rico, and for other purposes.

Mr. JONES, Mr. President, a parliamentary inquiry. If the motion is carried and the bill is under consideration when we adjourn, it displaces the Post Office appropriation bill as the unfinished business. Is that correct? The VICE PRESIDENT. It does displace it. The question the unfinished business.

is on the motion of the Senator from Colorado.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. SHAFROTH. There is an amendment which I supposed had been adopted, on page 25, section 29. In lieu of section 29 insert that which is included in the reprint.

The Secretary. The committee proposes, in lieu of section

29 as stated in the bill, to insert a new section, as follows:

29 as stated in the bill, to insert a new section, as follows:

SEC. 29. The next election in Porto Rico shall be held in the year 1917 upon the 16th day of July. At such election there shall be chosen senators, representatives, a Resident Commissioner to the United States, and two public-service commissioners, as herein provided. Thereafter the elections shall be held on the first Tuesday after the first Monday in November, beginning with the year 1920, and every four years thereafter, and the terms of office of all municipal officials who have heretofore been elected and whose terms would otherwise expire at the beginning of the year 1919 are hereby extended until the officials who may be elected to fill such offices in 1920 shall have been duly qualified: Provided, however, That nothing herein contained shall be construed to limit the right of the Legislature of Porto Rico at any time to revise the boundaries of senatorial and representative districts and of any municipality, or to abolish any municipality and the officers provided therefor.

The amendment was agreed to.

Mr. SHAFROTH. The next matter that was passed over is a long amendment, beginning on page 30, line 16. There was some objection made to it, and it was passed over. like to have it presented again.

The VICE PRESIDENT. Does the Senator from Colorado desire to take up these amendments in the order in which they

were passed over?

Mr. SHAFROTH. Yes; I would prefer that course. The VICE PRESIDENT. The Secretary will state them in

their regular order.

The Secretary. There was an amendment passed over on New Jersey [Mr. page 23 at the instance of the Senator from New Jersey [Mr. Martine]. It appears on line 12, after the numerals "\$1,000," where the committee propose to insert "assessed in his name and upon which he pays taxes."

Mr. MARTINE of New Jersey. I ask that that be disagreed to. I think it very ill-timed for a democratic body to propose a property qualification, whether it be in Porto Rico or in the United States of America. I think it is contrary to the spirit and genius of our institutions, and I am astonished and shocked that the chairman of the committee should stand for any such proposition.

Mr. SHAFROTH. It does not relate to a property qualification. It is a part of the requirements for the eligibility of a member of the Senate of Porto Rico. I have no objection, how-

ever, to its being stricken out. Mr. MARTINE of New Jersey. Let the amendment of the

committee be rejected. The amendment was rejected.

The Secretary. The next amendment passed over was on page 24, at the instance of the Senator from New Jersey [Mr. Martinel. On page 24, line 8, the committee propose to strike out "taxable" and insert the words "and pay taxes upon," and, after "Porto Rico," in line 9, to insert "of the assessed value of not less than \$500."

Mr. MARTINE of New Jersey. I move that this be stricken

Mr. FALL. Is it a motion to strike out the committee amend-

Mr. MARTINE of New Jersey. That is my proposition, to disagree to the committee amendment.

Mr. FALL. All right; I have no objection. Mr. KENYON. I should like to inquire how it would read f the amendment were disagreed to. I think it would still leave

the property qualification.

Mr. SHAFROTH, I think the Senator from New Jersey ought to have waited until individual amendments are in order. Mr. MARTINE of New Jersey. I am quite willing to comply with the judgment of the Senator. If the bill is not to be dis-

posed of finally to-night, I am quite willing to let it go over.

The VICE PRESIDENT. The question is on agreeing to the

amendment of the committee.

The amendment was rejected.

Mr. SHAFROTH. Let the next amendment passed over be

The Secretary. On page 30, beginning with line 21, the committee amendment at that point reads:

The sessions of each house and of the committees of the whole shall open, unless when the business is such as ought to be kept secret, be open, unless when the business is such as ought to be kept secret, in which event a motion must be passed by a yea-and-nay vote authorizing the secret session.

Mr. MARTINE of New Jersey. I should like to strike out the language relating to secret sessions. On principle I am opposed to secret sessions. I have protested here against them, and very many others have protested. It seems to me that the time is

inopportune to impose this restriction upon the Legislature of

Mr. SHAFROTH. I accept the suggestion of the Senator, but I think that all the paragraph ought to be stricken out, including the words "the sessions of each house and of the committees of the whole shall be open." I think that ought to be stricken out, so as to leave it without any direction whatever.

I shall have to object to that.

Mr. SHAFROTH. Very well; then I am willing to accept the amendment of the Senator from New Jersey.

The VICE PRESIDENT. Let it be stated so that it can be

The Secretary. From the committee amendment, beginning in line 21, strike out the words "unless when the business is such as ought to be kept secret, in which event a motion must be passed by a yea-and-nay vote authorizing the secret session."

The VICE PRESIDENT. The question is on agreeing to the

amendment striking out this part of the committee amendment.

The amendment to the amendment was agreed to.

Mr. SHAFROTH. In connection with the same subject matter, in line 18, page 30, in describing what kind of a journal shall be kept there are the words "except such parts as require secrecy." That ought to be stricken out. I move in the committee amendment, in line 18, to strike out "except such parts as require secrecy."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The Secretary. The next amendment passed over is on

page 36.

Mr. MARTINE of New Jersey. I move to strike out section 35, beginning on page 36, down to and including line 7, on page This refers to the literacy test, to which I am totally opposed.

Mr. SHAFROTH. That is not a committee amendment.
Mr. MARTINE of New Jersey. It is a part of the bill.
Mr. SHAFROTH. It is a part of the bill and the committee amendments are now being considered. I shall have no

objection to taking this up when I can suggest a certain modification, to which I think the Senator will agree. The VICE PRESIDENT. The next amendment passed over

will be stated. What disposition was made of this section? Mr. FALL.

Mr. SHAFROTH. Section 35?

Mr. FALL. Yes.

Nothing yet. Mr. SHAFROTH. The Senator from New Jersey proposed to strike it out, but his motion is an individual amendment, and we have not yet gotten through with the amendment, and we have not yet gotten through with the amendments of the committee, and it was passed over. I have a committee amendment which I should like to propose to section 36. It is on page 37, to strike out lines 8 to 12, inclusive, and insert what I will send to the desk. The long committee amendment has not yet been disposed of, I understand.

The VICE PRESIDENT. Section 34 has been agreed to, ac-

cording to the record.

The Secretary. Section 35, page 36, line 24, the committee proposes to strike out "who is not" and insert "unless he is," That was objected to by the Senator from New Jersey [Mr. MARTINE 1.

Mr. SHAFROTH. Inasmuch as the Senator from New-Jersey is proposing a substitute for the entire section I think probably the committee amendment can go over.

Mr. FLETCHER. Are there further committee amendments? Mr. SHAFROTH. There are.

The SECRETARY. On page 40, line 18, an amendment was passed over at the instance of the Senator from Louisiana [Mr. Broussard]. The committee propose, after the word "valuation," at the end of line 17, to insert "to be determined by the public-service commission."

Mr. SHAFROTH. There is an amendment offered by the Senator from Louisiana [Mr. Broussard] on page 40, at line

This comes before that,

The VICE PRESIDENT. This is before that. The amend-

ment will be agreed to without objection.

Mr. SHAFROTH. Now, let the amendment presented by the
Senator from Louisiana [Mr. Broussarp], on page 40, be stated. The Secretary. On page 40, line 24, after the word "valuation," at the end of section 39, insert the following:

That nothing in this act contained shall be so construed as to abrogate or in any manner impair or affect the provision contained in section 3 of the joint resolution approved May 1, 1900, with respect to the buying, selling, or holding of real estate. That the Governor of Porto Rico shall cause to have made and submitted to Congress at the session beginning the first Monday in December, 1917, a report of all the real estate used for the purposes of agriculture and held either directly or indirectly by corporations, partnerships, or individuals. That the right to legislate further upon this subject is reserved to Congress.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The Secretary. On page 48, line 14, beginning in line 12, section 51 reads:

The annual salaries of the following-named officials appointed by the President and so to be paid shall be: The governor, \$10,000.

The committee propose to strike out "\$10,000" and insert

\$8,000." The Senator from Utah [Mr. Smoot] objected and the amendment went over at his suggestion.

The VICE PRESIDENT. The question is on agreeing to the

amendment.

Mr. GRONNA. Mr. President, I am quite sure the Senator from Utah would like to be present when this provision is considered.

Mr. SHAFROTH. I will let it go over, although I do not think-

Mr. GRONNA. I therefore suggest the absence of a quorum. Mr. SHAFROTH. The Senator from New Mexico [Mr. Fall] tells me that the Senator from Utah went out, and said he had no objection.

Mr. FALL. No; he said to me he was going over to his office; that he had some work to do. He knew the bill was up. He did not state any objection that he had to any part of it.

Mr. GRONNA. I suggest the absence of a quorum.
Mr. SHAFROTH. I will let it go over, if the Senator wishes.

Mr. SMOOT entered the Chamber.

Mr. GRONNA. This is a very important bill. There are very few Senators present. I think we ought to have a quorum when it is considered, and I suggest the absence of a quorum.

Mr. SHAFROTH. Let us get through some amendments to

which there is no objection whatever.

The VICE PRESIDENT. The Senator from North Dakota suggests the absence of a quorum. The Chair has nothing to do but to order the Secretary to call the roll,

The Secretary called the roll, and the following Senators answered to their names:

Hitchcock James Johnson, S. Dak. Bryan Chamberlain Chilton Cummins Johnson, S. Jones La Follette Lane Lee, Md. Lewis McCumber Curtis Fall Fletcher Gallinger Gronna

Martin, Va. Martine, N. J. Overman Page Pittman Poindexter Pomerene Ransdell Shafroth Sheppard Smith, Ga. Smith, Mich. Smith, S. C. Smoot Thomas Weeks Williams

The VICE PRESIDENT. Thirty-six Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. Broussard, Mr. Husting, Mr. Newlands, and Mr. Stone an-

swered to their names when called.

Mr. Kirby, Mr. Lea of Tennessee, Mr. Ashurst Mr. Myers, Mr. Hughes, Mr. Hardwick, Mr. Harding, Mr. Simmons, Mr. Johnson of Maine, and Mr. Townsend entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to

the roll call. There is a quorum present.

Mr. FLETCHER. Mr. President, I do not want to lose this quorum. I think it is important that we should have a very brief executive session, in order that some nominations which have come in may be referred to committees. I shall not ask any more than that; but I want to have an executive session for that purpose this afternoon.

Mr. SHAFROTH. I think we can in a short time lay aside the pending bill. There will be but one amendment, I think, which will be discussed; but I should like to proceed with the

Mr. FLETCHER. I want the Senator from Colorado to make as much progress as he can with the bill, but I do not want to lose the quorum.

Mr. SHAFROTH. I am trying to get on with the bill as rapidly as possible. What was the last amendment before the Senate, I will ask the Vice President?

The VICE PRESIDENT. The Secretary will state the pend-

The Secretary. The pending amendment is, on page 48, line 14, being the item relative to the salary of the Governor of Porto

Mr. SHAFROTH. I ask that that amendment may go over for the time being. I desire to revert to section 36, which is the committee amendment to strike out lines 8 to 12, inclusive, and insert what is printed in small capitals.

The VICE PRESIDENT. That has been agreed to.

Mr. SHAFROTH. I understood that it went over. Did it

The VICE PRESIDENT. No; it has been agreed to.

Mr. SHAFROTH. If it has been agreed to, very well. Then in section 38 there is an amendment to strike out from line 5 to line 8, inclusive.

The VICE PRESIDENT. That also has been agreed to, ac-

cording to the record.

Mr. SHAFROTH. Very well. Then I suggest that the Sena-

tor from New Jersey propose his amendment.
Mr. MARTINE of New Jersey. I move to I move to strike out, on page 36, section 35, down to and including line 7, on page 37. This provision refers to a property qualification and requirement of the payment of taxes. I feel that that should not be made a condition for enabling a citizen to vote.

Mr. SHAFROTH. I will ask the Senator to accept the provision I am about to suggest. I am satisfied it is the same as the amendment the Senator is holding in his hands. I should

like to have this provision inserted at the end:

Provided, That at all elections subsequent to the first election herein provided for no one shall be entitled or permitted to register or vote who is not at the time of registration or election a bona fide citizen of the United States.

Mr. MARTINE of New Jersey. That will be perfectly satisfactory to me.

Mr. SHAFROTH. With that amendment I accept the amend-

ment offered by the Senator from New Jersey.

Mr. SMOOT. Do I understand that it is proposed to strike

out section 35 and to insert other language in lieu thereof?
Mr. SHAFROTH. Insert a new amendment in lieu thereof.
The VICE PRESIDENT. The amendment will be stated.
The SECRETARY. On page 36, after line 18, it is proposed to strike out section 35, including the proposed committee amendments, and to insert in lieu thereof the following:

ments, and to insert in lieu thereof the following:

SEC. 35. That at the first election held pursuant to this act the qualified electors shall be those having the qualifications of voters under the present law; thereafter voters for all offices elected by the people shall have the qualifications prescribed by the Legislature of Porto Rico and be comprised within one of the following classes:

(a) Those who at the election of 1917 were legal voters and exercised the right of suffrage.

(b) Those who are able to read and write either Spanish or English.

(c) Those who are bona fide taxpayers in their own name in an amount of not less than \$3 per annum: Provided, That at all elections subsequent to the first election herein provided for, no one shall be entitled or permitted to register or vote who is not at the time of registration or election a bona fide citizen of the United States.

Mr. CHILTON. Mr. President I desire to ask the chairman

Mr. CHILTON. Mr. President, I desire to ask the chairman of the committee a question. Do I understand that the amendment now suggested imposes a property qualification?

Mr. MARTINE of New Jersey. No; the amendment now proposed strikes out that qualification.

Mr. SHAFROTH. It is in the alternative.
Mr. CHILTON. What does the Senator mean by its being in the alternative?

Mr. SHAFROTH. I mean that a person who voted at the last general election or who has the requisite educational qualifications or who has paid \$3 in taxes will be permitted to vote.

o vote. That is the proposition.

Mr. SMOOT. Does that apply to all elections after the first

election?

Mr. SHAFROTH. Yes, sir; it provides that at the first election the qualified electors shall be those having the qualifications of voters under the present law; and as to future elections the provision is as follows:

Thereafter voters for all offices elected by the people shall have the qualifications prescribed by the Legislature of Porto Rico and be comprised within one of the following classes:

(a) Those who at the election of 1917 were legal voters and exercised the right of suffrage.

That is a permanent provision. Mr. CHILTON. That is all right. Mr. SHAFROTH. Then follows:

(b) Those who are able to read and write either Spanish or English.
(c) Those who are bona fide taxpayers in their own name in an amount of not less than \$3 per annum.

And then comes the proviso which has been added:

Provided, That at all elections subsequent to the first election herein provided for, no one shall be entitled or permitted to register or vote who is not at the time of registration or election a bona fide citizen of the United States.

Mr. CHILTON. Then it imposes a still further qualification upon those who can read and write or those who pay as much

Mr. SHAFROTH. It is in the alternative.

Mr. CHILTON. No.

Mr. SMOOT. It is cumulative. Mr. CHILTON. For instance, a man who pays taxes to the amount of \$3 can vote if he is also a citizen of the United States.

Mr. SHAFROTH. Yes,

Mr. CHILTON. So that there is a property qualification in

addition to the other qualification.

Mr. SHAFROTH. But a man can vote hereafter if he voted at the election in 1917 and is a citizen of the United States.

Mr. CHILTON. Oh, yes.

Mr. SHAFROTH. Or if he can read or write and is a citizen of the United States.

Mr. CHILTON. But if he was only 20 years old at the election of 1917 in 1918, when he becomes 21, if he does not pay \$3 taxes, he can not vote.

Mr. SHAFROTH. He can not vote now unless he is 21 years

Mr. CHILTON. Certainly not.

Mr. FLETCHER. The Senator would not want anyone to vote who is not a citizen of the United States, would he?

Mr. CHILTON. Certainly not; but I do not want the additional qualification that he shall also be the owner of a certain amount of property. I would not vote for that kind of a clause

Mr. SHAFROTH. That is not a requirement except in the

alternative.

Mr. CHILTON. As I understand, to entitle a man to vote he must be a citizen of the United States. That is a requirement for all of them whether they have paid \$3 in taxes or whether they can read or write or whether they voted at the election of

1917. That certainly applies to all of them.

Mr. SHAFROTH. Yes.

Mr. CHILTON. Then he must have the further qualification either of having voted in 1917 or of being able to read or write Spanish or English or having paid \$3 taxes.

Mr. SHAFROTH. Yes,
Mr. CHILTON. Then that is a property qualification.
Mr. MARTINE of New Jersey. That is not as I understood it, asked that that provision be stricken out of section 35.
Mr. SHAFROTH. Section 35 has been stricken out, and this

amendment has been inserted in lieu of it. It is the same amendment as that which was suggested by the Senator from Washington [Mr. POINDEXTER].

Mr. MARTINE of New Jersey. I do not want that feature in it. I would not stand for that under any conditions.

Mr. FALL. Mr. President, there is confusion with reference

to this amendment. The amendment on the Secretary's desk, which has been adopted, as I understand, is simply section 35 with a proviso as to citizenship in it.

Mr. MARTINE of New Jersey. That is not my understanding and is not in accord with my desire.

Mr. SHAFROTH. I should like to have the Secretary read the amendment again, and I will ask the Senator from West Virginia to listen to it

The VICE PRESIDENT. The Secretary will again read the

The Secretary. In lieu of section 35, including the committee amendments, it is proposed to insert the following:

tee amendments, it is proposed to insert the following:

SEC. 35. That at the first election held pursuant to this act the qualified electors shall be those having the qualifications of voters under the present law; thereafter voters for all offices elected by the people shall have the qualifications prescribed by the Legislature of Porto Rico and be comprised within one of the following classes:

(a) Those who at the election of 1917 were legal voters and exercised the right of suffrage.

(b) Those who are able to read and write either Spanish or English.

(c) Those who are bona fide taxpayers in their own name in an amount of not less than \$3 per annum: Provided, That at all elections subsequent to the first election herein provided for, no one shall be entitled or permitted to register or vote who is not at the time of registration or election a bona fide citizen of the United States.

Mr. MAPCIUNE of Now Torsey. That is all right

Mr. MARTINE of New Jersey. That is all right.

Mr. CHILTON. Now, Mr. President, that is exactly what I understood it to be. There is no chance to be mistaken about what that language means. If a man has voted in 1917 he is entitled to vote, whether he can read or write or has property or not. If a man did not vote in 1917, by accident or mistake or negligence, or if he has become of age since, if for any reason he did not vote in 1917 and he presents himself, then he must either read or write Spanish or English or be a property holder to a certain extent. Of course, there is the general provision that everybody must be a citizen of the United States. Now, I respectfully submit that we are not prepared to say that we are going to fix a property qualification for a voter in Porto Rico, and we ought not to have a standard different from what we have in the United States.

Mr. SMITH of Georgia. Mr. President, each State prescribes the standard for the voter, and for the Territories the Congress has to prescribe it. There are different standards in the different States. There are different qualifications in Vermont from the qualifications in Massachusetts. There are different qualifications in Connecticut from the qualifications in Rhode Island. Now, for the National Congress to prescribe a qualification for the voters in Porto Rico is no hardship. It is

a duty that rests upon us.

Let us see what this standard is. First, as amended by the Senator from New Mexico, after the first election nobody shall vote who is not a citizen of the United States. Well, certainly we all approve that. We do not want men coming in to vote who are not naturalized.

Mr. CHILTON. Nobody objects to that. That is unanimous, Mr. SMITH of Georgia. Every one must be a citizen of the United States. In addition to that, he must have one of the three qualifications I shall name—not all of them. Either of the three will let him vote.

First, if he was on the list of voters at this first election. That we recognize because they were former voters of Porto He can register and vote, therefore, if he is a citizen of the United States and is now on their list of voters.

Second, if he is a citizen of the United States and can read or write in English or Spanish, he can vote. It does not require anything else.

The objection to the property qualification would be sound if you required the property qualification for all voters; but you do not. It is an additional permission to vote. You say that even though he is not on the original list, and even though he does not know how to read and write in Spanish or in English, if he pays \$3 tax, still you will let him register and vote.

I would agree with the Senator from New Jersey if it were a fixed-property qualification to vote, but it is not. It is an additional permission. It says: "Even though you can not read and write, and even though you were not on the original registration list, if you have been industrious and have sought to acquire some property, if you own a little home or a little farm, still, though you can not read and write, and though you have never been heretofore on the registration list of Porto Rico, we give you the right to vote." There is not a particle of trouble in carrying it out.

We have in our State a provision that a man who can read and write can register. We have the further provision that if he pays taxes on \$500 worth of property, even though he can not read and write, he can register. There is not a particle of trouble in enforcing it.

Mr. MARTINE of New Jersey. Well, that is possibly so; but while that may be true in the Senator's State, in our State, thank Heaven, there is no such condition, that a man shall own property.

Mr. SMITH of Georgia. There is not any here.

Mr. MARTINE of New Jersey. Yes; there is here. Mr. SMITH of Georgia. No.

Mr. MARTINE of New Jersey. The payment of taxes is

tantamount to owning property.

Mr. SMITH of Georgia. It is an additional permission. It is an additional privilege. You do not put it on everybody.

Mr. MARTINE of New Jersey. Well, why put it in at all?

Mr. SMITH of Georgia. Because the man who has accumulated something, who has his little farm, even though he does not know how to read and write, has a steadying influence that gives him some standing.

Mr. MARTINE of New Jersey. I question very much the wisdom of that.

Mr. SMITH of Georgia. It is not any large sum. It is the recognition of the small farmer or the small home owner, even though he does not know how to read and write.

Mr. MARTINE of New Jersey. Very well, then; but one man may be just as industrious as another and fortune may not smile on him, and he may not acquire the little farm; but I am not willing to ostracize him on that account,

Mr. SMITH of Georgia. You do not. If he can read and write he can register anyhow, or if he is on the present registration list he can register anyhow. If he is now a voter, whether he can read or whether he owns anything or pays a dollar of taxes or not, he can register. There are three privileges, either one of which, added to citizenship of the United States, gives the right to register and vote.

Mr. MARTINE of New Jersey. I want to ask, what is the use of putting in any of the three privileges to which the Senator refers? Why put them in?

Mr. SHAFROTH. It is for the very purpose explained by the Senator from Georgia.

Mr. MARTINE of New Jersey. Well, I can not see the explanation. I am opposed to this property and literacy quali-

Mr. SHAFROTH. That is the very language of your own amendment.

Mr. MARTINE of New Jersey. No.

Mr. SHAFROTH. I ask the Secretary to read the amendment offered by the Senator from New Jersey.

Mr. MARTINE of New Jersey. I did not offer the amendment. I simply read that in the bill, and the Senator said, "I consent to strike that out.

Mr. FALL. Mr. President, allow me to call the attention of the Senators here to one or two provisions of this bill, and the power which you are giving to the Legislature of Porto Rico which is to be chosen by the electors whose qualifications are now being prescribed.

We have had up for consideration in the Senate various bills upon which debate has been had with reference to the rights of the people in the different States of the United States of America. Some of us have insisted on the right of local selfgovernment. Some of us have been insisting here recently that the people of the States should be left with their constitutional right to control their own property as they saw fit. That right is being denied us to-day by the arbitrary action of the bureaus of this Government without legislative sanction for such action.

We have pending here now what is known as the waterpower bill for the Western States. It is admitted in the report of the committee and by those contending that this bill should be enacted into law, that the people of those Western States own the water of the streams affected. It has been so decided by the Supreme Court, admitted by the departments, admitted in the report of the committee offering the bill, and admitted by the bill itself. Yet the people of these self-governing States, sovereign States in the American Union, are denied the right to control their own property, while at the same time you are giving to the Porto Ricans, who are not citizens of the United States as yet, who have no knowledge so far of self-government except what they may have gained within the last 16 or 17 years, the absolute right to legislate as they see fit with regard to the water powers and the minerals under the surface of the land, which you are denying to the people of my State. are giving to the people of Porto Rico the absolute sovereign right to legislate for the minerals under the land, for the waters which run through the land, for the power sites upon which hydraulic power can be developed, but you are denying it to the people of my State and the other sovereign States of this Union inhabited by citizens of the United States. You are giving to the people of Porto Rico more power in legislative matters than has ever been given to the people of any Territory which you have organized in the United States. have given to them more power than you gave to the State of Colorado when it was a Territory; more power, three to one, than the people of the Territory of Alaska have to-day; more power than Arizona, New Mexico, Idaho, the two Dakotas, Montana, Wyoming, California, or any of the other Territories which you have erected into States, ever had; and still Senators would have no limitation whatsoever upon the qualifications of voters!

Why, under this bill as it stood, the Porto Ricans could continue forever remaining Porto Ricans, refusing to become citizens of the United States, and still you are passing into their hands all the property which the United States Government acquired from Spain by conquest, by treaty, and by the payment of money! That is what this bill is doing for these people.

Sir, no man who has a seat in this Chamber, I think, feels more kindly toward the people of Spanish descent than I feel. I do not believe there is a man here who knows them better than I know them. I do not believe there is a man here who understands their limitations better than I understand them. I do not believe there is a Senator here who will go to greater lengths to help those people, to raise them in the scale of civilization, to teach them self-government, to hold up their hands, to give them education, to make them citizens of the United States. But I will tell you, sir, they must be led; they must be taught; and simply because, as it happens, they have labor organizations existing in the island of Porto Rico, that is no reason why any man belonging to such a labor organization should be allowed the disposition of the property of the people of the United States without some qualification upon it.

Every Senator here knows exactly the agitation that has been carried on here. I have always stood in my Territory of New Mexico during the last 30 odd years, in my experience in the local legislatures there, and in so far as it was possible for me to do so in the constitutional convention, in favor of securing the adoption of a proper constitution for those people when they came into the Union; and in so far as it has been in my power I have stood here upon the floor of the Senate as the friend and the defender of those people; and I stand here in exactly that attitude toward the people of Porto Rico. But, Mr. President, you are bringing them now into practical statehood; you are adopting here the constitution of the State of Colorado, a sovereign State of this Union, for the people of Porto Rico; and, as I said, you are giving them more power than you have ever extended to the people of any Territory, although you have erected those Territories into sovereign States, one of which I represent here now. My people in New Mexico never had extended to them the helping hand of the Government of the United States in educating 90,000 Spanish-Americans who came in here knowing nothing of our Constitution, or of our laws, or of our citizenship, or of what true democracy means. Not one dollar did the Congress of the United States ever give to the people of New Mexico or to the native people of Arizona. have already spent hundreds of thousands, millions in fact, to educate the people of Porto Rico.

Mr. MARTINE of New Jersey. Then they ought to be safe

without any further educational or literacy test.

Mr. FALL. Of course, they ought to be safe. Then, although they have been here 17 years, and you have spent hundreds of thousands of dollars for assisting them, you object to a requirement that they shall be able to read or write.

Mr. MARTINE of New Jersey. I will not vote for a property qualification or a literacy qualification. I am willing to accord them all the education that they are capable of receiving and willing that I should be taxed, in common with the rest of the citizens of the United States, for that purpose; but I will not

Mr. FALL. Mr. President, the trouble with this great United States to-day is the fact that we have among our numbers alien citizenship, not true American citizens. You say we are a melting pot for all the nations of the earth. Yes, sir; and we

have had an overdose of it. We have not been able to digest it.

Mr. MARTINE of New Jersey. Well, I have not seen any evidences of the evil of the melting pot. God knows, when I look out in New Mexico and over the arid plains of the West I think if a little of the dripping could have spread its way over there it would have been a blessing for every mortal

within the borders of those States.

Mr. FALL. The amendment offered or accepted by the committee works no hardship whatsoever upon the people of Porto Rico. The Senator from Georgia explained the qualifications necessary with perfect plainness and frankness. All those who are now recognized as voters remain voters, provided the Porto Rican Legislature says so, and provided they are citizens of the United States. The only amendment the Senator from New Mexico has insisted upon and that he will continue to insist upon is that hereafter no man shall be allowed to vote in Porto Rico unless he is a citizen of the United States. That is the amendment which I have insisted upon. The Senator and other Senators here have provided a classification, and yet they are leaving it in the power of the Porto Rican Legislature, for which they have prescribed a property qualification, to place other restrictions upon the voter than those which are mentioned in this amendment.

Mr. MARTINE of New Jersey. I am not insisting upon any

other restrictions.

Mr. FALL. You are doing it if you adopt this bill.

Mr. MARTINE of New Jersey. I do not want to adopt that

Mr. FALL. You are giving to the Legislature of Porto Rico hereafter the power to fix the qualifications of voters, provided that they shall select them from certain classes and that they shall be citizens of the United States, but you leave it to them to increase the property qualification or to provide that they shall read, write, and speak the English language if the legislature so chooses; and you have provided property qualifications for every member of that legislature.

Mr. MARTINE of New Jersey. Mr. President, I am sure the Senator will be just enough not to charge me with insisting upon any of those conditions. I think that is the cause of the

whole trouble. I want those all stricken out.

Mr. FALL. The Senator made his motion, and it has been

adopted by the Senate.

Mr. MARTINE of New Jersey. Oh, no; I made no such mo-

tion at all.

Mr. FALL. Mr. President-

Mr. MARTINE of New Jersey. It was done without any reference to me.

Mr. FALL. I do not care to have any controversy with the Senator. Of course, there is none between him and me person-

Mr. MARTINE of New Jersey. I do not want any, either. Mr. FALL. But the object of my remarks is not to have any controversy with the Senator.

Mr. MARTINE of New Jersey. Oh, of course there is not any personal controversy.

Mr. FALL. These are facts I am referring to, Mr. President, As the Senator from Georgia has said, the qualifications after the first election shall be such as the Legislature of Porto Rico may fix out of these three classes with one congressional restriction. Those three classes are: First, those who are entitled to vote now; second, the property qualification; third, an educational qualification, and then such other qualifications as the Legislature of Porto Rico may see fit to fix, provided always that they shall be citizens of the United States. I do not care what qualifications you fix. I do not care whether you strike out the property qualification or not. I do not care whether you strike out the educational qualification or not. I say if you do that you do more than you have been doing for your own people. But to me it matters not. The Congress of the United States a few years ago adopted the suggestion of one of the Senators here by which they enlarged the time within which these people should declare their intention to become citizens of the United States or to become noncitizens and remain citizens of Porto Rico. You enlarged the time, and yet 17 years have passed since the acquisition of Porto Rico. In every American possession or Territory inhabited by an alien people you have possession of Territory innabled by an alien people you have provided that within 12 months' time from the date of the acquisition or the date of signing the treaty the people coming in with the Territory shall declare their election. You have given these people 17 years, and now you are giving them a year's time instead of six months. As a matter of fact, I say to you frankly a Porto Rican should not be allowed to vote to elect a legislature with these great powers vested in it who is not a citizen of the United States, and you know it.

I objected, but I finally consented to anything provided we could get the citizenship qualification absolutely on the bill. I have objected to anyone, and I object now to any living human being in Porto Rico, casting his vote until he registers his declared intention to become a citizen of the United States. or files his declaration that he will not so become, in which

event he should not vote.

Mr. SHAFROTH. Mr. President, I will state the situation with respect to this amendment. There was a provision in the bill as follows:

SEC. 35. That the qualified electors of Porto Rico, for any election whatsoever, shall consist of those citizens that will be hereafter registered in accordance with the terms of this act and of the laws of Porto Rico hereafter enacted. That no person shall be allowed to register as a voter or to vote in Porto Rico unless he is a citizen of the United States, over 21 years of age, and is able to read and write, or unless having the said qualification of citizenship and age he is a bona fide taxpayer in his own name in an amount of not less than \$3 per annum.

That was a provision which permitted only those persons to vote who were able to read or write or those who possessed the property qualification. Porto Rican people appeared before the committee and nearly every one insisted that those who had already the right to vote in Porto Rico previous to the acquisition and up to the present time should be permitted to vote. We had a disagreement in the committee, and the result was we made a compromise that all should be permitted to vote for 10 years, so as to give them time to qualify under the educational qualification. The various political parties sent delegates to Congress to represent what they want still further, and they have insisted upon this amendment, which gives the right to all those persons who are voters now and then to all who can read and write and also to those who pay a property tax. So we have taken in all the classes and made it exactly as the people of Porto Rico want it. It seems to me there ought not to be any objection to this amendment since we have put in the qualification that no person shall vote unless he is a citizen of the United States, and that proviso was suggested by the Senator from New Mexico [Mr. Fall].

Mr. FALL. That applies simply to the subsequent elections,

not to the first election.

Mr. SHAFROTH. Yes, sir. Mr. FALL. It was merely a compromise on my part, because I claim that no man should be allowed to vote anywhere who is not a citizen of the United States.

Mr. SHAFROTH. That being the case, it seems to me plain that we have covered all classes. Under those circumstances an amendment was introduced by the Senator from Washington [Mr. Poindexter], and that qualification, I understood, was satisfactory

Mr. MARTINE of New Jersey. Let me ask the Senator whether any Porto Rican, to become a citizen, swears allegiance

to the United States?

Mr. SHAFROTH. No; he does not. This act makes what is called collective citizenship; that is, unless a person living in Porto Rico declines to become a citizen he becomes a citizen by virtue of the act. We have denied him the right of citizenship heretofore, and he has been clamoring for it. . He says, "I

have got to belong to your country, and I want to be a citizen of it."

Mr. MARTINE of New Jersey. No man could object to a man becoming a voter and a citizen of the United States. Every alien who lands on our shores has that right. Why impose the other qualification?

Mr. SHAFROTH. It is not an additional qualification.

Mr. MARTINE of New Jersey. Then, what good does it do? I can not see wherein it will do any good. I can not understand the explanation of the Senator. It may be that I am stupid, but the explanation was not lucid enough to make me understand it.

Mr. SHAFROTH. Let me read this to the Senator and see whether every person will not consent to it, because, as you

know, they have sent their representatives here:

This is the amendment which I understood the Senator from

New Jersey offered-

Mr. MARTINE of New Jersey. I want to strike out all that section. The Senator came to me afterwards and made a suggestion regarding their becoming citizens of the United States, and I said that was perfectly proper.

Mr. SHAFROTH. Here is the amendment which was moved by the Senator from Washington [Mr. POINDEXTER] and which was the same as that of the Senator from New Jersey:

SEC. 35. That at the first election held pursuant to this act-

That is going to be July 16, 1917-

the qualified electors shall be those having the qualifications of voters under the present law—

Everybody concedes that that is right at the first electionthereafter voters for all offices elected by the people shall have the qualifications prescribed by the Legislature of Porto Rico and be comprised within one of the following classes.

Mr. MARTINE of New Jersey. Let us stop right there. Why should we not strike out, after "thereafter," all those qualifications-a, b, and c?

Mr. SHAFROTH. Because we want, in the first place, an

educational qualification.

Mr. MARTINE of New Jersey. That is just what I do not want.

Mr. SHAFROTH. This does not eliminate anybody at the first election in July, 1917.

The PRESIDING OFFICER (Mr. Lea of Tennessee in the

chair). The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHAFROTH. The Senator from New Jersey has two other amendments here which we had better dispose of.

Mr. SMOOT. I suggest that if there are amendments which require a vote they had better go over. An executive session, I understand, is desired.

Mr. SHAFROTH. On page 23, section 26—— Mr. MARTINE of New Jersey. Beginning at the word "and" in line 10.

Mr. SHAFROTH. Yes; at line 10. Mr. MARTINE of New Jersey. Page 23, "and who does not own in his individual right taxable property in Porto Rico of the value of not less than \$1,000 assessed in his name and upon which he pays taxes."

I want to have that stricken out.

The amendment was agreed to.

Mr. MARTINE of New Jersey. On page 24 I move to strike out from line 7, beginning with the word "and":

And who does not own in his individual right and pay taxes upon property, real or personal, situated in Porto Rico, of the assessed value of not less than \$500.

Mr. SHAFROTH. I accept that amendment.

The amendment was agreed to.

The Secretary. On page 23, line 10, after the word "election," strike out the following words:

And who does not own in his individual right taxable property in Porto Rico to the value of not less than \$1,000, assessed in his name and upon which he pays taxes.

The PRESIDING OFFICER. This amendment has been agreed to.

The Secretary. On page 24, line 7, after the word "language" and the comma, strike out the words:

And who does not own in his individual right and pay taxes upon property, real or personal, situated in Porto Rico, of the assessed value of not less than \$500.

The amendment was agreed to.
Mr. SHAFROTH. There is one other matter—
Mr. FALL. Mr. President, I wish to have it understood, as a member of the committee, when the chairman is accepting amendments striking out these property qualifications he is not representing my sentiment.

Mr. SHAFROTH. Well, I have to get the bill through. Mr. FALL. I understand you want to get it through, but you are not putting it in such a shape with my consent.

Mr. SHAFROTH. On page 6 there was an amendment passed

over concerning subdivisions. I should like to have a vote

The Secretary. On page 6, line 10, the committee propose to insert the words "subdivision or."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. SMOOT. Just a moment. I think that amendment was disagreed to and the words "subdivision or" stricken from the bill.

The PRESIDING OFFICER. The Secretary states that the amendment was passed over. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHAFROTH. I understand the Senator from Florida [Mr. Fletcher] has an amendment to propose.

The PRESIDING OFFICER. There is one committee amendment left, and the Secretary will state it.

Mr. SHAFROTH. What is that amendment? The PRESIDING OFFICER. On page 48, relating to the salary of the Governor of Porto Rico.

Mr. VARDAMAN. Let it be read.

The Secretary. On page 48, line 14, after the word "governor," strike out "\$10,000" and insert "\$8,000."

Mr. SMOOT. I want to have a yea-and-nay vote on that

amendment, I will say to the Senator.

Mr. SHAFROTH. Then let the Senator from Florida propose his amendment.

The PRESIDING OFFICER. Without objection, the amend-

ment is temporarily passed over. Mr. FLETCHER. I move, after the word "repealed," at the end of the bill, page 52, line 7. to strike out the period and insert a semicolon and the words:

The principal agent to collect the duties and taxes authorized to be levied, collected, and paid in Porto Rico by the provisions of the act of April 12, 1900, shall be known as the collector of customs for Porto Rico, and shall be appointed by the President, by and with the advice and consent of the Senate.

I will state that the provision under the act of 1900 is that the Secretary of the Treasury shall name such agents as may be required for the collection of duties in Porto Rico. It is the only instance in the jurisdiction of the United States that I know where the collector of customs is not appointed by the President, by and with the advice and consent of the Senate. I think the district in Porto Rico ought to have, instead of agents, a collector of customs, and the principal agent should be called collector of customs, and should be appointed by the President and confirmed by the Senate, just like collectors of customs all over the country.

Mr. FALL. Does the Senator's amendment provide for doing

away with the present agent?

Mr. FLETCHER. No; it simply

Mr. FALL. Then you would have the present agent continued with his salary and have a collector of customs with his salary

Mr. FLETCHER. No; he is designated as agent in the act of 1900, and he will be designated as collector of customs and

appointed by the President.

Mr. FALL. I have no objection to helping the Senator to what I understand he wants, but I do not want to see two

offices left there if one would do.

Mr. FLETCHER. No; that could not be the case. principal agent would become collector of customs under this amendment.

Does the Senator agree that it will not be necessary to divide Porto Rico into two districts in a month and have two collectors?

Mr. FLETCHER. I do not see any necessity in the world for that. It is all one district, and it ought to remain one district. The principal agent, who is at present the collector of customs down there, is appointed by the Secretary of the Treasury, and it is the only instance in the country where that is done.

Mr. FALL. If the Senator means to abolish this agency, I have no objection to the amendment.

Mr. FLETCHER. That is what it does, and it makes the

agent the collector of customs.

Mr. SMOOT. There is another question to be considered.

Does the Senafor know what the agent is being paid at the present time?

Mr. FLETCHER. I do not know; but I think \$5,000.

Mr. SMOOT. No matter what the salary is, if it is less than that provided for now for collector of customs, then, of course, the increase will take place.

Mr. FLETCHER. It is not less, I am sure; it may be more. Mr. SMOOT. I think it is greater.
Mr. FLETCHER. I think it is greater. I was going to propose an amendment in another part of the bill fixing the salary at \$5,000.

Mr. FALL. Why \$5,000? Mr. FLETCHER. I think that is what the agent gets now, and I think that is about the usual salary for a collector of customs

Mr. FALL. The collector of customs, for instance, at the El Paso port, having in charge all New Mexico, a part of Arizona, and west Texas, the greatest port of entry, certainly, on the border between this country and Mexico, receives \$4,000.

Mr. SMOOT. Mr. President, the bill is not going to pass to-night, and I ask the Senator from Florida to allow the amendment to go over until Monday and offer it when the bill comes up again. We can then find out exactly what the agent is being

paid and provide for the same salary.

Mr. FLETCHER. Very well. I have no objection to that. I

do not believe in increasing salaries. I think it is \$5,000.

Mr. VARDAMAN. What was the disposition made of the question of the governor's salary?

The PRESIDING OFFICER. That was not acted upon.

Mr. SHAFROTH. The Senator from Utah insists that there shall be a quorum when that is acted upon and we can not

dispose of it to-night.

Mr. VARDAMAN. Unless the chairman of the committee will

accept an amendment to fix it at \$5,000.

Mr. SHAFROTH. I do not feel that that ought to be done, America has occupied the islands. It was fixed at \$10,000 in the bill as it came from the House. The Senate committee cut it down to \$8,000 and it seems to me that that is a fair amount.

Mr. SMOOT. All I have to say is that the governor of Hawaii receives \$7,000, the governor of Alaska receives \$7,000, and I do not see why the governor of Porto Rico should receive

Mr. SHAFROTH. In the first place there are 1,250,000 people in Porto Rico and only two hundred and some odd thousand in

Mr. SMOOT. The Senator knows it costs more to live in

Honolulu than it costs to live in Porto Rico.

Mr. SHAFROTH. I do not know about that, but I know-Mr. SMOOT. Not only that, but in Porto Rico the governor is furnished with a home. Neither in Honolulu nor in Alaska is the governor furnished with a home. With the perquisites that follow the governorship, I think, in Porto Rico, I do not see why he should receive a higher salary than the governors of Hawaii and Alaska.

Mr. SHAFROTH. It is because his salary had been fixed.

He accepted the office on that basis.

Mr. SMOOT. Let the Senate determine the question. Mr. SHAFROTH. I understand the Senator from Florida is

going to move an executive session.

Mr. FLETCHER. I think we should have an executive session. I move that the Senate proceed to the consideration of executive business.

Mr. CHILTON. On that motion I shall insist on the yeas and mays. I ask for the yeas and mays.

The ayes and nays were not ordered.

EXECUTIVE SESSION.

The PRESIDING OFFICER. The question is on the motion of the Senator from Florida that the Senate proceed to the consideration of executive business

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, February 12, 1917, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 10, 1917. UNITED STATES SHIPPING BOARD.

Raymond B. Stevens, of New Hampshire, to be a member of the United States Shipping Board for a term of five years, vice Bernard N. Baker, resigned.

DIRECTOR OF THE MINT.

Raymond T. Baker, of Reno, Nev., to be Director of the Mint, in place of F. J. H. von Engelken, resigned.

SECRETARY OF EMBASSY OR LEGATION.

R. Henry Norweb, of Elyria, Ohio, to be a secretary of embassy or legation of class 4 of the United States of America.

APPOINTMENTS IN THE ARMY.

DENTAL CORPS.

Dr. Maurice W. Haag, of Pennsylvania, to be dental surgeon from February 2, 1917, to fill an original vacancy.

VETERINARY CORPS.

To be veterinarians with rank from June 3, 1916.

Veterinarian Frederick Foster, Seventh Field Artillery. Veterinarian Gerald E. Griffin, Third Field Artillery. Veterinarian Charles Douglas McMurdo, Tenth Cavalry. Veterinarian William George Turner, Quartermaster Corps. Veterinarian William V. Lusk, Second Cavalry. Veterinarian Olaf Schwarzkopf, Third Cavalry. Veterinarian Joseph R. Jefferis, Thirteenth Cavalry. Veterinarian Harry Frank Steele, Fourteenth Cavalry. Veterinarian Ray J. Stanclift, Eighth Cavalry. Veterinarian Coleman Nockolds, First Cavalry. Veterinarian Eugene John Cramer, Quartermaster Corps. To be assistant veterinarians with rank from June 3, 1916. Veterinarian Richard H. Power, Fifth Field Artillery.

Veterinarian Henry W. Peter, Fourteenth Cavalry. Veterinarian William P. Hill, Sixth Field Artillery. Veterinarian Jules H. Uri, Sixth Cavalry. Veterinarian Robert Vans Agnew, Fifth Cavalry. Veterinarian Charles H. Jewell, Fourth Cavalry.

Veterinarian William A. Sproule, Fourth Field Artillery. Veterinarian Fred B. Gage, Second Field Artillery.

Veterinarian John H. Gould, Second Field Artillery, Veterinarian Walter Fraser, Thirteenth Cavalry, Veterinarian Walter R. Pick, Fourth Cavalry, Veterinarian Andrew E. Donovan, Twelfth Cavalry, Veterinarian Burt English, Second Cavalry. Veterinarian Robert J. Foster, Ninth Cavalry.

Veterinarian George A. Hanvey, jr., Sixth Cavalry. Veterinarian George A. Lytle, Quartermaster Corps. Veterinarian Robert C. Musser, Fifteenth Cavalry. Veterinarian Aquila Mitchell, Third Field Artillery. Veterinarian Wilfred J. Stokes, First Field Artillery. Veterinarian Oliver A. Barber, Quartermaster Corps.

Veterinarian Herbert S. Williams, Fifth Field Artillery. Veterinarian Alfred Lewis Mason, Sixth Field Artillery.

Veterinarian Thomas H. Edwards, Fifteenth Cavalry. Veterinarian Burton A. Seeley, Fifth Cavalry. Veterinarian William C. Van Allstyne, Tenth Cavalry. Veterinarian Sherman L. Teeple, Quartermaster Corps.

Veterinarian Ingild Hansen, Quartermaster Corps. Veterinarian Lloyd E. Case, Quartermaster Corps.

Veterinarian Libyd E. Case, Quartermaster Corps. Veterinarian James R. Haynes, First Field Artillery. Veterinarian George H. Koon, Twelfth Cavalry. Veterinarian Ralph M. Buffington, First Cavalry. Veterinarian Daniel B. Leininger, Seventh Cavalry. Veterinarian Joseph N. Hornbaker, Quartermaster Corps.

Veterinarian Charles Edward Channing, Quartermaster Corps. Veterinarian Samuel Henry Saul, Quartermaster Corps.
Veterinarian Alexander G. Fraser, Quartermaster Corps.
Veterinarian George William Brower, Quartermaster Corps.
Veterinarian Joseph William Burby, Quartermaster Corps.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. Alexander L. Dade, Seventh Cavalry, to be colonel from February 2, 1917, vice Col. John F. Guilfoyle, Fourth Cavalry, retired from active service February 1, 1917.

Maj. Edwin B. Winans, Seventh Cavalry, to be lieutenart colonel from February 2, 1917, vice Lieut. Col. Alexander L. Dade, Seventh Cavalry, promoted.

Capt. Henry C. Smither, Ninth Cavalry, to be major from January 30, 1917, vice Maj. John B. Caristian, Seventeenth

Cavalry, transferred to Field Artillery.

Capt. Roy B. Harper, Twelfth Cavalry, to be major from February 6, 1917, vice Maj. George W. Moses, Sixteenth Cavalry, placed on detached officers' list.

COAST ARTILLERY CORPS.

First Lieut. Isaac E. Titus, Coast Artillery Corps, to be captain from July 1, 1916, to fill an original vacancy.

Second Lieut. Frederick G. Dillman, Coast Artillery Corps,

to be first lieutenant from July 1, 1916, vice First Lieut. Robert Arthur, promoted.

INFANTRY ARM.

Second Lieut. Samuel J. Heidner, Infantry, unassigned, to be

rst lieutenant from July 1, 1916, to fill an original vacancy.
Capt. Ira C. Welborn, Infantry, detached officers' list, to be major from January 6, 1917, vice Maj. William J. Lutz, First Infantry, who died January 5, 1917.

First Lieut. George T. Everett, Twenty-fourth Infantry, to be captain from September 18, 1916, vice Capt. Joseph F. Janda,

First Lieut. George T. Everett, Twenty-fourth Infantry, to be captain from September 18, 1916, vice Capt. Joseph F. Janda, First Infantry, promoted.

First Lieut. Henry H. Arnold, Infantry, captain, Aviation Section, Signal Corps, to be captain from September 23, 1916, vice Capt. Alvan C. Read, Ninth Infantry, promoted.

First Lieut. Walter R. Wheeler, Twenty-sixth Infantry, to be captain from September 23, 1916, vice Capt. Henry H. Arnold, detailed in the Aviation Section, Signal Corps.

First Lieut. George F. N. Dailey, Thirteenth Infantry, to be captain from September 24, 1916, vice Capt. Donald W. Strong, unassigned, who died September 23, 1916.

First Lieut. Barton K. Yount, Fifteenth Infantry, to be captain from September 25, 1916, vice Capt. Charles L. Willard, Twenty-fifth Infantry, detailed in the Signal Corps.

First Lieut. Denham B. Crafton, Twenty-eighth Infantry, to be captain from September 25, 1916, vice Capt. Rinaldo R. Wood, Twenty-fourth Infantry, detailed in the Quartermaster Corps.

First Lieut. William E. Selbie, Fourth Infantry, to be captain from September 27, 1916, vice Capt. Alvin C. Voris, Twenty-second Infantry, detailed in the Aviation Section, Signal Corps.

First Lieut. John L. Jenkins, Twenty-ninth Infantry, to be captain from September 29, 1916, vice Capt. Edwin P. Thompson, Infantry, unassigned, who died September 28, 1916.

First Lieut. Charles H. White, Thirteenth Infantry, to be captain from October 1, 1916, vice Capt. Deas Archer, Infantry, unassigned, who died September 30, 1916.

First Lieut. Alvin G. Gutensohn, Infantry, detailed in the Signal Corps, to be captain from November 11, 1916, vice Capt. Leo I. Samuelson, unassigned, retired from active service November 10, 1916. Leo I. Samuelson, unassigned, retired from active service No-

First Lieut, Stanley L. James, Twenty-seventh Infantry, to be captain from November 11, 1916, vice Capt. Alvin G. Gutensohn, detailed in the Signal Corps.

First Lieut. John S. Sullivan, Second Infantry, to be captain from December 6, 1916, vice Capt. Marshall Childs, Twenty-fifth Infantry, who died December 5, 1916.

First Lieut. David G. C. Garrison, Thirteenth Infantry, to be captain from January 7, 1917, vice Capt. Louis Soléliac, Twelfth Infantry, dismissed January 6, 1917.

Infantry, dismissed January 6, 1917.

First Lieuf. Bruce B. Buttler, Thirtieth Infantry, to be captain from January 11, 1917, vice Capt. Earnest M. Reeve, Twenty-third Infantry, dismissed January 10, 1917.

First Lieut. Evan E. Lewis, Tenth Infantry, to be captain from January 15, 1917, vice Capt. Charles C. Herman, jr., Twenty-sixth Infantry, resigned January 14, 1917.

First Lieut. Paul A. Larned, Tenth Infantry, to be captain from January 17, 1917, vice Capt. Harry Graham, Twenty-sixth Infantry, dismissed January 16, 1917.

Infantry, dismissed January 16, 1917.

PROVISIONAL APPOINTMENTS IN THE ARMY.

COAST ARTILLERY CORPS.

Henry Rasick Behrens, of Pennsylvania, to be second lieutenant with rank from date of appointment.

Evan Clouser Seaman, of Pennsylvania, to be second lieutenant with rank from date of appointment.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

The following-named lieutenant commanders to be commanders in the Navy from the 29th day of August, 1916:

Luther M. Overstreet, Walton R. Sexton, and William D. Leahy.

The following-named lieutenants to be lieutenant commanders

The following-named neutenants to be neutenant commanders in the Navy from the 29th day of August, 1916:

James D. Willson,
Royal E. Ingersoll,
Herbert F. Leary, and
Chester W. Nimitz.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 29th day of August 1916: tenants in the Navy from the 29th day of August, 1916: Charles H. Davis, jr., and

Laurance S. Stewart.

Charles Eastmond, a citizen of New York, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 2d day of February, 1917.

The following-named assistant surgeons in the Medical Reerve Corps to be assistant surgeons in the Navy from the 5th day of February, 1917:

Arthur C. Sinton. Franklin F. Murdoch, Harold L. Jensen. Theo E. Cox, James A. Halpin, Franklin T. Bower, Aubrey M. Larsen, Julian C. Brantley, Louis H. Williams, Ogden D. King, Irving W. Jacobs, James M. Quinn, Arthur W. Hoaglund, Philip F. Prioleau, Lockhart D. Arbuckle, Robert L. Nattkemper, William E. Lawhead, George P. Shields, Edward K. Lee, John P. Owen, Charles F. Glenn, George B. Tyler, Arthur Freeman, John J. Loughlin, and Jack H. Harris.

The following-named naval constructors with the rank of commander to be naval constructors in the Navy with the rank of captain from the 29th day of August, 1916:

John G. Tawresey, Robert Stocker, Elliot Snow, and George H. Rock.

The following-named naval constructors with the rank of lieutenant commander to be naval constructors in the Navy with the rank of commander from the 29th day of August, 1916:

Richard M. Watt, John D. Beuret, William P. Robert, Thomas G. Roberts, Laurence S. Adams, Stuart F. Smith, Ernest F. Eggert, and Henry Williams.

The following-named first lieutenants to be captains in the Marine Corps from the 29th day of August, 1916:

William W. Buckley, Harold H. Utley, William F. Bevan, Edward A. Ostermann, Edward S. Willing, and John Dixon.

Second Lieut. Charles A. E. King to be first lieutenant in the Marine Corps from the 12th day of June, 1916.

POSTMASTERS.

ALABAMA.

B. B. Cather to be postmaster at Ashville, Ala. Office became presidential October 1, 1916.

James H. Landes to be postmaster at Lewisville, Ark., in place of J. A. Steele, deceased.

Moses G. Marcy to be postmaster at Falls Village, Conn., in place of Richard P. Smith. Incumbent's commission expired July 29, 1916.

COLORADO.

Charles D. Baldwin to be postmaster at Granada, Colo. Office became presidential October 1, 1916.

Ralph H. Crawford to be postmaster at Nederland, Colo, Office became presidential October 1, 1916.

G. L. Anderson to be postmaster at Leesburg, Fla., in place of J. M. Hewitt, resigned.

J. M. Hewitt, resigned.

Edna F. Hope to be postmaster at Dunedin, Fla. Office became presidential October 1, 1916.

James E. Maddox to be postmaster at Port St. Joe, Fla. Office became presidential January 1, 1917.

GEORGIA.

Elias L. Moore to be postmaster at Willacoochee, Ga. Office became presidential October 1, 1916,

HAWAII.

William Miner to be postmaster at Waipahu, Hawaii, in place of John G. Lewis, resigned.

IDAHO.

L. H. Merriam to be postmaster at Grace, Idaho. Office became presidential January 1, 1917.

William Buford Carlile to be postmaster at Chicago, Ill., in place of D. A. Campbell. Incumbent's commission expired January 15, 1916.

Harriet I. Miller to be postmaster at Lake Villa, Ill. Office became presidential October 1, 1916.

Oscar M. Farley to be postmaster at Wheatland, Ind. Office became presidential January 1, 1917.

Ray E. Geyer to be postmaster at Star City, Ind. Office became presidential October 1, 1916.

Stirling B. Rash to be postmaster at Shirley, Ind. Office became presidential October 1, 1916.

IOWA.

Robert N. Bagley, jr., to be postmaster at Dike, Iowa. Office became presidential October 1, 1916.

Forest Cole to be postmaster at Grand River, Iowa. Office became presidential October 1, 1916.

Adelaide M. Johnson to be postmaster at Bode, Iowa. Office became presidential October 1, 1916.

Thomas Kelsh to be postmaster at Lamont, Iowa. Office became presidential October 1, 1916.

John J. McCartan to be postmaster at Fonda, Iowa, in place of S. T. Jordan, resigned.

Earl W. Neessen to be postmaster at Wellsburg, Iowa. Office became presidential October 1, 1916.

Virgil R. Northrop to be postmaster at Grandmound, Iowa. Office became presidential October 1, 1916.

Gertrude G. Pitts to be postmaster at Mondamin, Iowa. Office became presidential October 1, 1916.

William R. Shott to be postmaster at Birmingham, Iowa. Office became presidential October 1, 1916.

T. T. Williams to be postmaster at Marion, Iowa, in place of C. S. Shanklin, deceased.

KANSAS.

Mollie E. Wellems to be postmaster at Lansing, Kans., in place of Leonard Willems, deceased.

LOUISIANA.

Albert R. Smith to be postmaster at Mangham, La. Office became presidential October 1, 1916.

F. Raymond Brewster to be postmaster at Ogunquit, Me. Office became presidential October 1, 1916.

Edgar S. Chase to be postmaster at Rockwood, Me. Office be-

came presidential October 1, 1916.

Eliel D. Sentner to be postmaster at Greenville Junction, Me. Office became presidential October 1, 1916.

MASSACHUSETTS.

John J. Mahoney to be postmaster at Mittineague, Mass., in place of Edwin Smith, resigned.

D. Anthony Sheehan to be postmaster at Weston, Mass., in place of George W. Cutting, resigned.

MICHIGAN.

Frances C. Ackerman to be postmaster at Empire, Mich. Office became presidential October 1, 1916.

Joseph H. Boyle to be postmaster at Bark River, Mich. Office became presidential October 1, 1916.

De Vere England to be postmaster at Woodland, Mich. Office became presidential October 1, 1916.

Roy B. Gaskill to be postmaster at Delton, Mich. Office became presidential October 1, 1916. Orla C. Gingles to be postmaster at Schoolcraft, Mich., in

place of J. W. Budrow, deceased.

Louis E. Olson to be postmaster at Nicollet, Minn. Office became presidential October 1, 1916.

Thomas R. Morris to be postmaster at Clark, Mo. Office became presidential October 1, 1916.

MONTANA.

James C. Graves to be postmaster at Glacier Park, Mont. Office became presidential October 1, 1916.

Harriet R. Hord to be postmaster at Superior, Mont. Office became presidential January 1, 1917.

NEBRASKA.

William A. Naviaux to be postmaster at Lewellen, Nebr. Office became presidential October 1, 1916.

NEW HAMPSHIRE.

Albert A. Bennett to be postmaster at Center Harbor, N. H. Office became presidential October 1, 1916.

Merton C. Harriman to be postmaster at Jackson, N. H. Office became presidential October 1, 1916.

Henri T. Ledoux to be postmaster at Nashua, N. H., in place

of Horace C. Phaneuf, deceased. Effiè T. Smith, to be postmaster at North Woodstock, N. H. Office became presidential October 1, 1916.

Henry A. Smith to be postmaster at Berlin, N. H., in place of Patrick J. Smyth, deceased.

NEW JERSEY.

John Boyd to be postmaster at Greystone Park, N. J. Office became presidential October 1, 1916.

Frank C. Carle to be postmaster at Madison, N. J., in place of Lewis A. Waters. Incumbent's commission expired December 14, 1915.

Frank R. Crater to be postmaster at Lake Hopatcong, N. J.

Office became presidential October 1, 1916.

William D. Jardine to be postmaster at Kenvil, N. J. Office became presidential October 1, 1916.

George E. Obdyke to be postmaster at Landing, N. J. Office became presidential October 1, 1916.

NEW YORK.

Winfield S. Blanch to be postmaster at Stony Point, N. Y. Office became presidential January 1, 1917.

Walter J. Burke to be postmaster at Mineville, N. Y. Office became presidential October 1, 1916.

Charles O. Craft to be postmaster at Roslyn, N. Y., in place of Peter Lynch, jr., deceased.

NORTH CAROLINA.

William C. Allen, jr., to be postmaster at Sunburst, N. C. Office became presidential October 1, 1916.

William H. Lane to be postmaster at Leaksville, N. C., in place of J. H. Lane, resigned.

George L. Taylor to be postmaster at Fletcher, N. C. Office became presidential October 1, 1916.

NORTH DAKOTA.

William E. Hynes to be postmaster at Tolley, N. Dak. Office became presidential October 1, 1916.

William L. Bryan to be postmaster at Bradner, Ohio. Office became presidential January 1, 1917.

G. B. Darling to be postmaster at Perrysville, Ohio. Office became presidential October 1, 1916.

Elden E. Schott to be postmaster at Brewster, Ohio. Office became presidential October 1, 1916.

OKLAHOMA.

J. C. Cobb to be postmaster at Wirt, Okla. Office became presidential October 1, 1916.

Fred Couch to be postmaster at Westville, Okla., in place of L. E. Chase, resigned.

PENNSYLVANIA.

Kenneth F. Clancy to be postmaster at Exposition, Pa. Office became presidential October 1, 1916.

Leslie R. McKee to be postmaster at Sligo, Pa. Office became presidential January 1, 1917.

Frank W. Matz to be postmaster at Mohnton, Pa. Office be-

came presidential October 1, 1916.

Emma A. Smith to be postmaster at Seelyville, Pa. Office became presidential January 1, 1917.

SOUTH CAROLINA.

Thomas H. Pope to be postmaster at Greenville, S. C., in place of David B. Traxler, resigned.

SOUTH DAKOTA.

Anna A. Dithmer to be postmaster at Kadoka, S. Dak. Office became presidential October 1, 1916.

Sallie A. Hammer to be postmaster at McMinnville, Tenn., in place of A. R. Hammer, deceased.

TEXAS.

Henry G. Harcrow to be postmaster at Rochester, Tex. Office became presidential January 1, 1917.

J. A. Stegall to be postmaster at Hereford, Tex., in place of Ralph H. Barnett, resigned.

Carrie L. Wilson to be postmaster at Celina, Tex., in place of J. L. Wilson, deceased.

Lucile H. Prince to be postmaster at Stony Creek, Va. Office became presidential October 1, 1916.

WASHINGTON.

Agnes J. Hare to be postmaster at Mabton, Wash., in place of Howard W. Hare, resigned.

Felix A. Roeseler to be postmaster at Hustisford, Wis. Office became presidential October 1, 1916.

WITHDRAWAL.

Executive nomination withdrawn February 10, 1917.

Evan C. Seamon, of Pennsylvania, for provisional appointment as second lieutenant in the Coast Artillery Corps.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 10, 1917.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Inspire us, our Heavenly Father, with renewed faith and confidence in the overruling of Thy providence for the eternal good of man; that we may follow the dictates of conscience in all the affairs of life as individuals and as a nation, with malice toward none and charity for all; but with firmness in upholding our rights and the rights of all mankind; for Thine is the kingdom and the power and the glory, forever. Amen.

The Journal of the proceedings of yesterday was read and ap-

EXTENSION OF REMARKS.

Mr. SCHALL, Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the high cost of living.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. objection? [After a pause,] The Chair hears none. Mr. NEELY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?
Mr. NEELY. Mr. Speaker, I ask unanimous consent to have
printed in the Record a copy of a short resolution adopted by
the House of Delegates of West Virginia indorsing the course of this Government in severing diplomatic relations with the Imperial Government of Germany.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? [After a pause.] The Chair

Mr. BENNET. Mr. Speaker, I ask unanimous consent to

proceed for three minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for three minutes. Is there objection?

[After a pause.] The Chair hears none.

Mr. BENNET. Mr. Speaker, about a week ago I brought before the House the question of a certain resolution which I had introduced relative to getting some information from the Department of Labor concerning Ellis Island, and I announced that I purposed to get the resolution reported or have a roll call. I desire to say to the House that it will not be necessary to have a roll call, but that the resolution will not be reported. The chairman of the Committee on Immigration arranged a compromise by which the department sent to that committee the documents for my inspection upon my agreement not to give to the newspapers any information contained in the documents relative to the investigation. I agreed, with the reservation that I might and would give information to the House Committee on Immigration and Naturalization.

The information was sent, I looked it over, I gave the information to the House Committee on Immigration, and, in my judgment, the House Committee on Immigration and Naturalization ought to go further and get the remaining information, which, I think, is still in New York, and ought to take some action on the astounding conditions which the record discloses.

During the recent campaign the Commissioner of Immigration at Ellis Island challenged me to a joint debate. It was had and it was interesting. During it he made two remarks which challenged my attention. One was that one of the accused watchmen at Ellis Island had been vouched for as to his moral

character by myself. I thought that was probably so, as the commissioner stated it, because I have vouched for the moral character of a good many men in the Government service. But I find from an inspection of the records that the commissioner dealt with a half truth, and that the situation was this: In 1913, when I was not a Member of Congress, and when, of course, the administration of the Government was Democratic, a colleague of mine, now a Member of the House, for some reason requested me to recommend, on his authority, a certain watchman at Ellis Island. I wrote to some one-I do not remember who, the record does not disclose-stating that I had been informed by a gentleman in whom I had every confidence that the man referred to was a man of good moral character. I have consulted with the colleague who asked me to make the request at that time, and he has suggested I give his name to the House. I do so with the statement that I have known him for 18 years and have never known him to make a misstatement of facts. The colleague who asked me to make the request was my very good friend, the Hon. DANIEL J. RIORDAN. Therefore I had the pleasure of recommending to a Democratic official a Democrat at the request of a stanch Democratic Congressman. If Commissioner Howe thinks I made a mistake about it, he is wel-

And the man was appointed?

Mr. BENNET. It was a transfer, and I believe the transfer.

Mr. MANN. The gentleman has more influence outside of Congress than the Republican and Democratic Members have had inside Congress.

Mr. BENNET. I admit that.

Mr. FITZGERALD. The gentleman stated this was in 1913, when he was not a Member of Congress. Was it before or after

Mr. BENNET. It was along in August, as I recollect, 1913, when the administration was Democratic.

Mr. FITZGERALD. The gentleman, although not a Member of Congress, was potential in aiding a Democratic Member of Congress in having this man appointed.

Mr. BENNET. I was, and I think that was commendable. I know there were certain reasons why possibly my Democratic colleague did not apply to my present interlocutor for any assistance in getting an appointment under a Democratic administration.

Mr. FITZGERALD. He wanted results.

Mr. BENNET. He wanted results and knew-

Mr. FITZGERALD. He knew he could not get it through me. Mr. BENNET. He knew possibly he would meet with difficulty in getting it through my colleague, the gentleman from New York.

There is one other statement the commissioner at Ellis Island made. It was that he had urged the department to show me these records. I found, not much to my surprise, that he had written a letter to the department urging the department not to let me see the records. That is in line with the general conduct of the Commissioner of Immigration at Ellis Island in the recent past. That is all on this subject, and I ask unanimous consent to extend my remarks in the RECORD in connection with some criticisms I made of Mr. Donald, of the Shipping Board, by printing a letter from the Panama Commission calling attention to what are claimed to be some errors in my statement.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

THE PANAMA CANAL, Washington, D. C., January 12, 1917.

Hon. William S. Bennet,
House of Representatives United States, Washington, D. C.

Hon. WILLIAM S. BENNET,

House of Representatives United States, Washington, D. C.

Sir: My attention has been called to the statements you made on the floor of the House of Representatives on January 4 last, as reported on page 966 of the Congressional Record, in reference to complaints you made in 1909 relative to certain advertisements issued by the then Isthmian Canal Commission for anticorrosive and antifouling paints equal to Rahtjen's or Holzapfel's. The following is a quotation from your remarks:

"At about the same time my attention was called to some rather peculiar proceedings in connection with the ships of the Panama Line at Panama. On the recommendation of the Panama Commission the War Department had issued an advertisement for antifouling composition paint there, and they had asked for bids on four times as much paint as they could use in any one year.

"I laid all the facts before Mr. Jacob M. Dickinson, then Secretary of War, who made an investigation and set the whole procedure aside because he did not like the smell of it. Curiously enough thereafter the Panama Commission found out it could make composition paint for the bottom of their ships, and they ceased advertising. I went down to the office of the commission while the thing was on, and the Army officer in charge said 'Mr. Bennet, you act as though you thought our purchasing department was crooked. I said, 'That is what I do think,' and subsequently Members of this House may recall that mem-

bers of the purchasing department of the Panama Canal Commission were indicted for graft."

The facts connected with the purchase of these paints were published in a hearing held before the House Committee on Appropriations in November, 1909, in connection with estimates for the construction of the Isthmian Canal for the fiscal year 1911, and I inclose herewith a copy of these hearings and would invite your attention to pages 99 to 115, inclusive, covering this subject, from which it will be seen, as you will no doubt remember, that the Secretary of War in a letter to you dated November 23, 1909, replied to the statements contained in your letter of August 25, 1909. The Secretary of War's letter, together with the other documents published, shows, I think you must admit, that the insinuations that there was anything "crooked" connected with these transactions is not warranted.

Furthermore, in connection with your remark that members of the purchasing department of the Panama Canal Commission were indicted for graft, I would state that there is absolutely no foundation for this statement. No one connected with the purchasing department of the canal has ever been indicted, nor have any charges ever been brought against anyone connected with this department. You may perhaps have had in mind the case of Mr. John Burke, who was formerly manager of commissaries on the Isthmus, against whom charges were brought in connection with accepting bribes, but Mr. Burke never had any connection with accepting bribes, but Mr. Burke never had any connection with the purchasing department of the Panama Canal, and it is hoped that your sense of fairness and justice will prompt you to make some explanation and correction of the statements you recently made on the floor of the House as above quoted.

Very respectfully,

EARL I. BROWN,

Major, Corps of Engineers, United States Army,

EARL I. BROWN,
Major, Corps of Engineers, United States Army,
General Purchasing Officer.

P. S.—It may be added for your information that the matter appraing on pages 99 to 115 of the hearings before the House Committee on Appropriations, above referred to, was republished in House Document No. 1967, Sixty-first Congress, third session.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20632, a bill making appropriations for the haval service ending June 30, 1918, and for other purposes.

Mr. MANN. Pending that motion, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. MANN. It is stated that quite a number of the Members of the House are absent this afternoon on account of a trip to a Lincoln memorial service at Cumberland Gap. Monday is a holiday, though not in the House, it being Lincoln's birthday. Would it be practicable to have an agreement that the vote on the final passage of the naval bill be postponed until Tuesday, merely to accommodate Members of the House?

Mr. KITCHIN. What would we do on Monday?

Mr. MANN. Oh, well, we could go ahead with other business.
Mr. KITCHIN. With the pension bill?
Mr. FITZGERALD. With the pension bill and with general debate on the military bill.

Mr. MANN. Just vote on the final passage of this bill on

Tuesday.

Mr. KITCHIN. With the understanding that on Monday after we get through with the business on the Speaker's table we could take up the pension bill and the military bill. That would be agreeable to us.

Mr. TALBOTT. Monday will not be District day, then?
Mr. KITCHIN. No; it would not, because a motion to go
into the Committee of the Whole House to consider the pension appropriation bill or the military bill will prevail over it, anyway

Mr. PADGETT. There will be no trouble about that.
The SPEAKER. Does anybody make any request?
Mr. MANN. Suppose we settle it now, so that Members will

Mr. PADGETT. Mr. Speaker, I ask unanimous consent that after the reading of the bill in the Committee of the Whole House on the state of the Union-

Mr. MANN. The proposition is that the vote on the final passage of the bill be postponed until Tuesday.

Mr. PADGETT. After the reading of the Journal.

The SPEAKER. The gentleman from Tennessee [Mr. Padgett] asks unanimous consent that the vote on the final passage of the naval bill be postponed until after the reading of the Journal on next Tuesday. Is there objection? pause.] The Chair hears none.

The gentleman from Tennessee moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropria-

tion bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes, with Mr. Page of North Carolina in the chair.

I Mr. HUDDLESTON. I have heard it charged here on the floor that certain eminent officers—one in particular—had perfected patents relating to ordnance—not to go more into detail—and was receiving royalties from them, and that the inventions were being used by foreign countries, and that in the event of

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

The Clerk read as follows:

Military stores, Marine Corps: Pay of chief armorer, at \$4 per diem; 1 mechanic, at \$3 per diem; 2 mechanics, at \$2.50 each per diem; 1 chief electrician, at \$4 per diem and 1 assistant electrician, at \$3.50 per diem; per diem of enlisted men employed on constant labor for periods of not less than 10 days; purchase of military equipments, such as rifles, revolvers, cartridge boxes, bayonet scabbards, haversacks, blanket bags, canteens, rifle slings, swords, drums, trumpets, flags, waistbelts, waist plates, cartridge belts, spare parts for repairing rifles, machetes; purchase and repair of tents, field cots, field ovens, and stoves for tents; purchase and repair of instruments for bands; purchase of music and musical accessories; purchase and marking of prizes for excellence in gunnery and rifle practice; good-conduct badges; medals awarded to officers and enlisted men by the Government for conspicuous, gallant, and special service; incidental expenses of schools of application; construction, equipment, and maintenance of school, library, and amusement rooms and gymnasiums for enlisted men, and the purchase and repair of all articles of field sports for enlisted men; purchase and repair of signal equipment and stores; establishment and maintenance of targets and ranges, renting ranges, construction of buildings for temporary shelter and preservation of stores, and entrance fees in competitions; procuring, preserving, and handling ammunition and other necessary military supplies; in all, \$852,000.

Mr. HICKS. I move to strike out the last word Mr. Chair.

Mr. HICKS. I move to strike out the last word, Mr. Chairman, and I do so for the purpose of making a statement. Yes-terday when the committee had under consideration this bill I offered an amendment in these words:

That no part of any appropriation herein shall be used to pay any officer on the active list of the Navy or Marine Corps who shall engage in any private business, either actively or as a consulting expert, or permit any person, firm, or corporation or association to use his name in the conduct of its business.

I had intended, Mr. Chairman, to reoffer that amendment this morning, but realizing that this is a matter that will probably require a good deal of investigation, and not desiring to injure anyone in the service, I merely want to make the

statement now that I will not offer it later on.

Mr. BUTLER. Mr. Chairman, yesterday during the consideration of this bill the gentleman from New York [Mr. Hicks] offered his amendment, which, it seems to me, should be adopted. Since then, however, I have had communication with some of the officials of the department, and I believe by adopting that amendment at this time it might perhaps do an injustice to some of the officials in the department. One of the gentlemen toward whom I thought this amendment was directed I have talked with and have his statement. I have discovered in an ex parte way that the gentleman is in no wise interested in any patent. He has worked for the Government. He has prepared plans for the department of machinery for the Government and handed them out to anyone who might see fit to use them.

Now, Mr. Chairman, with the permission of the chairman of the Committee on Naval Affairs, I would like to make the gentleman from New York [Mr. Hicks] a promise that if I should live to serve on this committee in the next Congress I shall ask the committee to make an investigation of all the facts involved in the gentleman's amendment, and ask him to attend at the time the hearing is had, to the end that we may report to Congress any measure that will put an end to the condition the gentleman thinks exists.

Mr. PADGETT. And in that I will gladly cooperate.

Mr. HICKS. Allow me to thank the gentleman and to express the hope that he will not only live during this session of Congress but during many others. [Applause.]

The Clerk read as follows:

Transportation and recruiting, Marine Corps: For transportation of troops and of applicants for enlistment between recruiting stations and recruit depots or posts, including ferriage and transfers en route, or cash in lieu thereof; tollet kits for issue to recruits upon their first enlistment and the expense of the recruiting service, \$500,000: Provided, That authority is hereby granted to employ the services of advertising agencies in advertising for recruits under such terms and conditions as are most advantageous to the Government.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Pennsylvania [Mr. Butler] a question. Referring to the subject that the gentleman discussed a moment ago, I would like to ask the gentleman's opinion whether he does not think that our Army and Navy officers should be required to assign to the Government the patents that they may perfect while they are in active service?

Mr. PADGETT. That is the law, as I understand it, now; and in this matter referred to there was no patent whatever. The gentleman was giving out the information as they wanted

it and putting it in the form of books.

Mr. HUDDLESTON. I have heard it charged here on the floor that certain eminent officers—one in particular—had perfected patents relating to ordnance—not to go more into detail—and was receiving royalties from them, and that the inventions

war we would be confronted by armies using inventions perfected by officers of the American armies while in active service as the result of experiments conducted at Government works, where the patents were perfected. I want some information from gentlemen who are acquainted with the subject on that

Mr. BUTLER. Mr. Chairman, I think the chairman of the Naval Affairs Committee answers the gentleman's question, I will add that I do not believe any officer on the active list in the military service should have the permission given him to turn over to either private concerns of this country for profit, or any other country, any invention which he makes during the time he is in the service, provided the invention might be employed in the military service for the benefit of our Government.

Mr. HUDDLESTON. Does the gentleman know whether any

officers are now receiving royalties on patents?

Mr. BUTLER. I do not. It is for the purpose of making an examination that I requested the gentleman from New York [Mr. Hicks] to withhold his proposed amendment until the opportunity might be given to the Committee on Naval Affairs of the House to look into the subject. I do not know anyone now; I thought I did yesterday, but I feel quite well satisfied this morning that I was mistaken in my impression.

Mr. HUDDLESTON. It is a fact, however, that officers who are on the retired list and receiving three-fourths pay, or substantially that, are in the employment of private concerns and

drawing handsome salaries?

Mr. PADGETT. We have a law on that, the law of 1896, to

the effect that-

Hereafter no payment shall be made from an appropriation made by Congress to any officer in the Navy or in the Marine Corps, on the active or retired list, while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war mate-rial to the Government, and such employment is hereby made unlawful after said date.

Mr. HUDDLESTON. That is not applicable to other lines of employment?

Mr. PADGETT.

Mr. HUDDLESTON. So that there is no reason why a retired officer of the Army or Navy may not draw a salary of \$5,000 or \$10,000 a year from employment in positions in private

Mr. PADGETT. No; only as limited in this bill, affecting the Government, and then it does not apply to the Army, but only

to the Navy and the Marine Corps.

Mr. HUDDLESTON. Is it a fact that officers do go on the retired list and then go into other business and make handsome

Mr. PADGETT. They do, but it does not interfere with Gov-

Mr. HUDDLESTON. If a man is worth a fine salary in active business, ought he not to be continued in service in the

Mr. PADGETT. No; a man might be a one-legged man, and

that would incapacitate him for service in the Army.

Mr. HUDDLESTON. Have we not some places in the Army where a one-legged man could render valuable service?

Mr. PADGETT. No; I do not think so.

Mr. BUTLER. As the case stands now, the matter has been deferred, and we will make an investigation into the matter, and then we can talk with greater intelligence about it when we take it up again.

The CHAIRMAN. Without objection, the pro forma amend-

ment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Forage, Marine Corps: For forage in kind and stabling for public animals of the Quartermaster's Department and the authorized number of officer's horses, \$68,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to

strike out the last word.

I notice in the preceding item the appropriation Mr. MANN. for forage and stabling of animals in the Quartermaster's Department is considerably reduced. I had supposed that there was no reduction in the cost of animal feed. Why is this reduction in the amount of the appropriation? Is it based upon the expectation that peace will be declared and the price of corn

and hay will be considerably decreased?

Mr. PADGETT. No, sir. Public animals are being replaced from time to time, when necessary and practicable, by motor trucks, and the sum asked for is based upon the estimated number of animals that will be in use by the corps when this appropriation becomes available. They are using motor trucks in transportation instead of horses.

Mr. MANN. Instead of buying corn they will buy gasoline? Mr. PADGETT. Yes, sir. The CHAIRMAN. The pr

The pro forma amendment is withdrawn, The Clerk will read.

The Clerk read as follows:

The Clerk will read.

The Clerk read as follows:

Contingent, Marine Corps: For freight, expressage, tolls, cartage, advertising, washing of bed sacks, mattress covers, pillowcases, towels, and sheets, funeral expenses of officers and enlisted men and retired enlisted men of the Marine Corps, including the transportation of bodies and their arms and wearing apparel from the place of demise to the homes of the deceased in the United States; stationery and other paper, printing and binding; telegraphing, rent of telephones; purchase, repair, and exchange of typewriters; apprehension of stragglers and deserters; per diem of enlisted men employed on constant labor for periods of not less than 10 days; employment of civilian labor; purchase, repair, and installation and maintenance of gas, electric, sewer, and water pipes and fixtures; office and barracks furniture, camp and garrison equipage and implements; mess utensils for enlisted men; packing boxes, wrapping paper, olicloth, crash, rope, twine, quarantine fees, camphor and carbolized paper, carpenters' tools, tools for police purposes, safes, purchase, hire, repair, and maintenance of such harness, wagons, motor wagons, armored automobiles, carts, drays, motor-propelied and horse-drawn passenger-carrying vehicles, to be used only for official purposes, and other vehicles as are required for the transportation of troops and supplies and for official military and garrison purposes; purchase of public horses and mules; services of veterinary surgeons, and medicines for public animals, and the authorized number of officers' horses; purchase of mounts and horse equipment for all officers below the grade of major required to be mounted; shoeing for public animals and the authorized number of officers' horses; purchase of mounts and horse equipment for all officers below the grade of major required to be mounted; shoeing for public animals and the authorized number of officers' horses; purchase and repair of hose, fire extinguishers, hand grenades, carts, wheelbarrows

Mr. MANN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Mr. MANN. Especially in connection with the proviso. How many enlisted men are detailed as clerks and messengers in the office of the commandant or other staff officers? Does the gentleman happen to know?

Mr. PADGETT. I understand, or my impression is, some-

where in the neighborhood of 75, all told.

Mr. MANN. These men when they are detailed have their pay increased so as to correspond with the ordinary cleri-

Mr. PADGETT. I believe they get about \$1.20 a day extra.

That is my recollection.

Mr. MANN. Are they noncommissioned officers?

Mr. PADGETT. They are enlisted men. They may be noncommissioned officers.

Mr. MANN. Of course, the pay of an enlisted man, as such, is not very high, and increasing it \$1.20 a day would not be making it very high pay?

Mr. PADGETT. No, sir.

Mr. MANN. I suppose the purpose of this is to place them

on a level with the ordinary clerks in Washington?

Mr. PADGETT. Yes; and if they were detailed on duty at the barracks and on furlough they would not lose their pay. they were not detailed and were furloughed for more than 24 hours, they would lose their pay.

Mr. MANN. Are the men at the barracks furloughed for 30

days on pay?

Mr. PADGETT. Yes; I believe they may get pay.
Mr. MANN. Now, I want to ask the gentleman as to the grammar of the proposition. I suppose this item was prepared by some clerk in the Quartermaster's office. The word "none" is supposed to mean no one, and is not properly used in the plural. I will withdraw the point of order and offer an amendment to strike out the word "none" and insert in lieu thereof the words "no part." The CHAIRMAN.

The gentleman from Illinois withdraws the point of order and offers an amendment, which the Clerk

will report.

The Clerk read as follows:

On page 57, in line 13, strike out the word "none" and insert the words "no part."

Mr. PADGETT. I think that is proper and a good amend-

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to. The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the authorized expenses of the Marine Corps Reserve, \$25,000. Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves

to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask the indulgence of the committee and the attention of the chairman to a statement I wish to make in advance of our reaching the "Increase of the Navy," because when that item is reached I presume there will be much discussion upon it. I am in favor of the increase of the Navy, but I think this is a proper place to put the inquiry that I would like the chairman

to answer, if he will.

In the item headed "Increase of the Navy" provision is made for "1 submarine tender, \$1,900,000; 18 coast submarines, to have a surface displacement of about 800 tons each, \$1,300,000 each." I favor these appropriations, and would prefer that we should build even more submarines than are provided for in this paragraph. But inasmuch as much of the war trouble that now beclouds the horizon arises from the use of submarines by one of the foreign nations, I would like to know whether our understanding, or the committee's understanding, of international law is, that if any foreign nation uses submarines in what is reported to be "ruthless warfare," that objection would hold against the United States if we should be engaged in war and should find it necessary to use submarines?

Mr. PADGETT. Of course, the gentleman can understand that I am not prepared or commissioned to speak for anyone except myself. I have no authority to speak for the present except myself. administration or for any future administration that may be in power. I presume I would be authorized to say that the Government of the United States, if engaged in war, would conduct it along the recognized and proper lines of conducting war and would observe all of its obligations and perform all of

its duties. [Applause.]

Mr. MOORE of Pennsylvania. I am obliged to the chairman of the committee for that statement, and if he will listen to what I desire to say it may be that he will care to say something further.

Mr. TOWNER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from

Mr. TOWNER. I think the objection to the submarine is principally directed toward its use as an instrument of destruction of merchant vessels. Certainly no one has made any protest so far against their use as vessels of war against vessels of war, and it occurs to me that the gentleman's statement is entirely justified when he says we ought to increase these rather than diminish them, because we are acting ostensibly and with the avowed declaration that these increases in our Navy are for defensive purposes. Certainly the submarine has demonstrated itself as the greatest and most efficient coastdefense instrument of war that has yet been devised.

Mr. MOORE of Pennsylvania. Will the gentleman hold there

for a moment?

Mr. TOWNER. Yes.

Mr. MOORE of Pennsylvania. I want to finish this in five minutes, if possible. Does the gentleman think that if we should make a declaration of war against any nation it would be proper for us to use our submarines either for offensive or defensive purposes?

Mr. TOWNER. Why certainly, as against enemy vessels—as

against vessels of war.

Mr. MOORE of Pennsylvania. Does the gentleman think it would be proper for us to use our submarines to capture or to destroy any other vessels that contained contraband, or that were known to be hostile to the United States?

Mr. TOWNER. I think so clearly; but the extent to which they may be used as against merchant vessels, either of belliger-

ent or neutral powers, is a very mooted question.

Mr. MOORE of Pennsylvania. I understand, and I think the gentleman will agree that the whole point in controversy between Germany and the United States now is that Germany is using submarines, attacking marchantment, armed or containing contraband, and that the United States resents that use of submarines by Germany.

Mr. TOWNER. As against a neutral power, certainly. Mr. MOORE of Pennsylvania. The query then arises, why are we building submarines? Is it merely to keep them afloat, merely to harbor our sailors, or are we building submarines with a view of attacking or defending?

The CHAIRMAN. The time of the gentleman from Penn-

sylvania has expired.

Mr. TOWNER. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the time of the gentleman from Pennsylvania be extended five minutes. Is there objection?

There was no objection.

Mr. TOWNER. Again let me say to the gentleman from Pennsylvania that no one contends that we have not the utmost right to use submarines, or that any other nation has not the right to use them as vessels of war against vessels of war; and this war has demonstrated that there is no defensive power that is equal to the submarine; because with a navy two or three times that of Germany opposed to her, Germany has been able to protect her coast and her coast cities absolutely, principally by the use of submarines and the fear of submarines; and these that we are appropriating for in this bill are to be used, as I say, principally as a defense against vessels of war that may be sent to attack our coasts.

Mr. MOORE of Pennsylvania. Does it occur to the gentleman that sometime in the course of a war in which the United States might engage, particularly a foreign war if we should be dragged into it, it might be advisable for us to attempt a

blockade of the ports of a foreign country?

Mr. TOWNER. That is a question that no one could determine in advance, I think.

Mr. MOORE of Pennsylvania. Would it then be advisable, or would it be in accordance with international law, for us to send our United States submarines to establish that blockade and to maintain it against our enemy's commerce, even if we had to sink some ships?

Mr. TOWNER. Why, certainly; I suppose we would have the same right to use that kind of a vessel of war as we would have to use any other kind of a vessel of war to maintain a blockade, if under international law it was a legal blockade.

Mr. MOORE of Pennsylvania. I thank the gentleman for his expressions of opinion as to international law and as to the rights of this Government to use submarines. Now, Mr. Chairman, I believe we ought to construct these submarines, and that we ought to construct more of them. Their efficiency in naval warfare has been demonstrated. Germany has them and is using them very successfully. Great Britain has them and is using them to the best of her ability. As between these two nations there seems to be no practical difference as to the right of either of them to use their submarines, but the United States has taken the position that Germany is using her submarines No one has said a word about the manner in improperly. which Great Britain is using her submarines. The whole sum of the contention is that Germany is conducting a "ruthless submarine warfare." If Germany has no right to use her submarines, it may be a fair question to ask why we are building The United States is building submarines, and most of us believe in the construction of submarines; we certainly believe we are constructing them for some useful purpose. believe we are constructing them for a fighting purpose, if need be.

The question arises, why should we continue to construct submarines at enormous expense if we are not going to use them somewhere for offensive or defensive purposes? If we forced into a crisis which necessitated the blockading of a foreign port or a crisis which necessitated the defense of our own coasts, would we use those submarines in the manner the nations now at war use them; and if we would so use them, what becomes of our grievance against other nations which are using them?

Mr. TEMPLE. Will the gentleman yield?
Mr. MOORE of Pennsylvania. I yield to the gentleman.
Mr. TEMPLE. If the same use were made of surface vessels, sinking merchant ships without warning, by 8-inch or 14-inch cannon on battleships, do you not suppose we would make the same protest? In other words, it is not a protest against the particular weapon, but against the thing that is done by the use of any weapon. The invention of a new weapon does not change the rights of neutrals against whom that weapon is used.

Mr. MOORE of Pennsylvania. I wish the gentleman from Pennsylvania [Mr. Temple], who is versed in this subject of international law, would take the floor in his own right and explain the situation. [Applause.] The question with me-is this, are we building these submarines merely to have and to hold them as an ornament or are we building them with a view to using them when some one strikes at us with a mailed Will we strike back with a mailed fist or will we wait until some question of international law is settled? It will take a long while to bring any war to an end if we have to confer with the enemy every time we propose to attack him.

Mr. BUTLER. Mr. Chairman, I ask that the gentleman have one minute more and that I may make a statement.

The CHAIRMAN. The gentleman from Pennsylvania asks that his colleague's time be extended one minute. Is there objection?

There was no objection.

Mr. BUTLER. I voted for this appropriation with the understanding that these weapons would never be used to commit unjustifiable murder, and for no other reason would I vote

Mr. MOORE of Pennsylvania. May I ask the gentleman this? Mr. McKENZIE. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania may have an additional five minutes in which to tell the House what his idea of submarines is and how they should be used.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Pennsylvania may have five minutes in which to give the House certain definite information. Is there objection? [After a pause.] The Chair

Mr. MOORE of Pennsylvania. In answer to the gentleman from Pennsylvania, I will say that he is a good, sturdy, peaceloving Quaker, but he fights sometimes-

Mr. BUTLER. I am not a Quaker.

Mr. MOORE of Pennsylvania. A Friend. Mr. BUTLER. Nor a Friend; I do not belong to the society of either. I have made that statement in the House 40 times and this is the last time. I would not disgrace those honorable people by assuming to belong to them. That is the way I look

Mr. MOORE of Pennsylvania. The gentleman swears by the

uplifted hand.

Mr. BUTLER. I do not swear at all; I can keep my word without swearing.

Mr. MOORE of Pennsylvania. The gentleman got into the somehow. [Laughter.]

Mr. BUTLER. I got into the House because my constituents sent me here, and I did not ask for any outside help.

Mr. MOORE of Pennsylvania. The gentleman said he voted for submarines, but that there should be no unnecessary blood-

Mr. BUTLER. I did not say that. Mr. MOORE of Pennsylvania. No, unjustifiable murder; that was it. I would like to inquire whether any war is conducted on a peace basis; whether they do not kill each other in war?

Mr. DYER. The gentleman from Pennsylvania has not given us that information.

Mr. REAVIS rose.

Mr. MOORE of Pennsylvania. I will yield to the gentleman from Nebraska.

Mr. REAVIS. There has been so much said and written that am confused, and I am asking for information. What does the gentleman understand our complaint against Germany to

sinking our vessels bearing contraband or sinking our vessels without warning and without giving the lives on them a

Mr. MOORE of Pennsylvania. The President, when he came

here on Saturday

Mr. McKENZIE. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. McKENZIE. I object to the gentleman's time being all taken up in answering questions. He was to proceed for five minutes to make a statement to the House, for which I asked the extension of time.

Mr. MOORE of Pennsylvania. I think I can answer the gentleman from Nebraska in a minute. When the President came here and announced the severance of diplomatic relations with Germany, he indicated that there had been a breach of understanding between the two countries; that Germany had given notice of a change of position on the submarine question, which the United States did not stand for. It is charged in the newspapers that Germany is using the submarines in contravention of international law; that it destroys vessels; and that human life has been taken in consequence of the destruction of the vessels.

Was not the breach of the understanding the Mr. REAVIS. note of Germany indicating that these vessels would be sunk

without warning?

Mr. MOORE of Pennsylvania. The original understanding was that Germany would cease the submarine warfare she had been carrying on, and the President said that notice was given by Germany that Germany intended to resume that warfare;

hence there was such a misunderstanding as justified the sending home of the German ambassador.

Mr. GARDNER. Will the gentleman yield? Mr. MOORE of Pennsylvania. Yes; for a question.

Mr. GARDNER. Does the gentleman think that the sending home of the German ambassador was justified or not?

Mr. MOORE of Pennsylvania. Well, the gentleman has a certain Anglomaniac notion-

Mr. GARDNER. That does not answer the question.
Mr. MOORE of Pennsylvania. Why, certainly; if the President thought there had been such a breach of diplomatic relations between the two countries as to justify it, he should have sent the German ambassador home. But that does not mean what the gentleman has in mind, that that should be followed up by a declaration bringing 100,000,000 people into war.

Mr. GARDNER. Why does the gentleman think that; why,

should he say I think so?

Mr. MOORE of Pennsylvania. Because the gentleman is one of the most warlike of the gentlemen who favored the severance of relations

Mr. GARDNER. Has the gentleman any reason for that statement?

Mr. MOORE of Pennsylvania. The gentleman has made speeches indicating it and has offered resolutions.

Mr. GARDNER. I absolutely deny the statement that the gentleman just made, that I think it ought to be followed up with a declaration of war.

Mr. MOORE of Pennsylvania. The gentleman has denounced

Germany heretofore and indicated that we should break with Germany. He has done it in his speeches, and he has gone out of his way to force this Congress into discussion of such matters,

Mr. GARDNER. What is the gentleman from Pennsylvania doing now

Mr. MOORE of Pennsylvania. I am trying to maintain peace with honor. The gentleman from Massachusetts has been licking the Hohenzollerns.

The time of the gentleman from Penn-The CHAIRMAN.

sylvania has expired.

Mr. SLAYDEN. Mr. Chairman, I have waited patiently and listened attentively to the definite information provided for in the request of the gentleman from Illinois [Mr. McKenzie] about submarines and their proper use. I have some definite views—at least I think they are definite—in relation to sub-marines and have been trying to express them.

Mr. MOORE of Pennsylvania. Will my friend yield me half

a minute of his time?

Mr. SLAYDEN. I will if the gentleman will use it quickly.

Mr. MOORE of Pennsylvania. I want to answer the question of the gentleman from Illinois in reference to submarines. If we were in conflict with a foreign power, like Germany, for instance, and we had submarines, I would use those submarines to beat that foreign power, no matter whether they destroyed lives or not. I would fight to win. When nations are at war life and property are subject to destruction. I deplore war and would hold out against it until the last, but if my country becomes involved in war I would not expect it to yield because

somebody got hurt. That is war.

Mr. SLAYDEN. Of course, Mr. Chairman, that is what they are designed for, and we have had some curious information or misinformation here with reference to them. My learned friend from Iowa [Mr. Towner] suggests-I think it was hethat they are excellent coast-defense weapons. In view of what has recently happened, I would like to ask whose coast they defend? Most of the sinkings that have occurred recently have been along the coast of Great Britain, which has the most powerful navy that floats on the surface of the water, but which, apparently, is unable to prevent the coming of hostile submarines to her coasts and the sinking of ships—8, 10, 15, 20 of them a day, so near to those coasts that the victims, the passengers and crews on the ships that are sunk, can get into open boats and find their way to the coast of Ireland or some other part of Great Britain. They were in their original conception defensive weapons, and they are the most powerful defensive weapons ever conceived by the mind of man, but, in my judg-ment, they have come to be the most effective and powerful offensive weapons also.

When they can send those boats thirty-five hundred miles from Bremen to the coast of the United States and back again, and, if my recollection is right, upon the same fuel supply they took upon the other side, then submarines have passed that

period when they are merely defensive weapons.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. SLAYDEN. I have only a minute.

The CHAIRMAN. The gentleman declines to yield.

Mr. SLAYDEN. Mr. Chairman, not only have they ceased to be merely defensive weapons, but, in my judgment, they have become the most effective offensive weapons, and I think they have verified a prediction of mine in this House quite two years ago—in September, I think it was, 1914—in which I ventured to quote in the RECORD the opinion of Sir Percy Scott, admiral of the British Navy, that the time was near when great dreadnaught battleships would become museum pieces merely, and nothing has happened yet in this war that has demonstrated their ability to float upon the surface of the ocean in defiance of a submarine that happens to be in their vicinity. I believe, as Sir Percy Scott believed, that all of the money we are spending for these huge ships of war, these expensive leviathans, is waste. I believe in the construction of submarines. I believe that the United States Navy is not apt to be oversupplied with them, because they meet the conditions that my friend Mr. Bur-LER, from Pennsylvania, has in his mind of a defensive weapon. I mean that he has in his mind during those moments when he is not hostile, when he does not want to expend all of the money in the Treasury for weapons of war-in his calmer moments, when he lapses into the frame of mind to which he was trained in his youth.

Mr. BUTLER. What does the gentleman know about my training in youth?

Mr. SLAYDEN. I formed a very excellent opinion of it from many conversations I have had with my friend, who was a very antiwar man most of his earlier life in this House, I think.

Mr. BUTLER. I would rather be an American citizen than

be right. What do you say to that?

Mr. SLAYDEN. All I can say is that everyone in such matters must be guided by his own conscience and judgment. I claim that privilege for myself and cheerfully concede it to others

Mr. TEMPLE. Mr. Chairman, this debate has arisen in connection with the appropriation provided in this bill to build sub-marines. My colleague and friend from Pennsylvania [Mr. MOORE] has asked, Why build them if we are not going to use

I believe that no man on earth, certainly no man in any responsible position, has objected to the use of submarines. There are certain laws of war that have been developed in the experience of mankind that put restrictions upon the use of any weapon, and particularly that defend the right of any neutral. It is not a question as to whether a submarine may be used————Mr. DAVIS of Texas. Mr. Chairman, will the gentleman yield?

Mr. TEMPLE. Not at present. It is not a question of whether the submarine may be used, but whether it may be used as other weapons may not be used, in violation of the rights of neutrals which have been recognized from generation to generation. There is the same objection to the use of surface war-ships if they be used in the same unlawful way. When a merchant ship is attacked, it is, under certain conditions, subject to capture, but if it can not be taken into port, a practice has recently grown up—and I think the first instances recognized, so far as neutral ships are concerned, were in the Russo-Japanesse War—it has recently been recognized that when the vessel so captured can not be taken into port, either because there is no port available to take it to or because taking it to port or sending it there in charge of a prize crew would interfere with the military operations of the captor, that vessel may be sunk; but it may be sunk only after the ship's papers have been examined and have furnished prima facie evidence that the vessel may properly be confiscated by judgment of a prize court. A ship's papers will include such documents as the certificate of registry to show what its nationality is, to determine whether it is an enemy or a neutral; the clearance papers to show the destina-tion, to see whether it is bound for an enemy port or perhaps even a blockaded port; the manifest of cargo and invoices to show whether the vessel is carrying contraband. If those papers are examined or if the ship itself is searched and evidence is found which shows that the vessel is subject to confiscation, and if it is impossible for him to take it into port, then the captor may

In that case he should take the papers to the prize court in order that a case may be presented there and the owner may have his day in court claiming his property. The captor is also under obligation to provide for the safety of noncombatants upon the vessel, whether enemy or neutral, whether passengers or crew. It is never lawful to make war against noncombatants, and it is as unlawful upon the ocean as it is upon the land to fire upon women and children. [Applause.] An attack either by a submarine or a surface warship in violation of the rights of neutrals is unlawful and just as unlawful when it is done rines are used for the same purpose and under the same restrictions with regard to the rights of noncombatants and the rights of neutrals, as are lawful when a surface vessel is used. there will be no objection.

It is a very different use of the submarine which is chargedand which, according to the last note which was sent to this country, was affirmed by Germany-it is that use that is objected to. Germany has inclosed an area of ocean which is the property in common of all mankind, and has said that all commerce must get off this part of the earth and stay off under penalty of being sunk. That is the thing objected to.

Mr. STAFFORD. Will the gentleman yield for a question?

Mr. TEMPLE. Just for a question.

Mr. STAFFORD. Is not the action of Great Britain in mining the coasts along which are neutral ports, for the purpose of preventing neutral nations sending their vessels into those ports and thus interfering with neutral commerce, akin to the action of Germany in establishing a war zone?

Mr. TEMPLE. That has nothing to do with the case. John Jones is accused of murder, it is no defense for John. Jones to say that William Smith has done it, too.

Mr. STAFFORD. Is it not a parallel case?

Mr. TEMPLE. That has nothing to do with the case.

Mr. GARDNER. Does the gentleman recognize any difference between elbowing out of a rich market a prosperous trader who is making a lot of money and murdering women and children on the high seas?

Mr. TEMPLE. That question also has nothing to do with the lawfulness of killing women and children and other noncombatants.

Mr. GARDNER. It is quite parallel.

The CHAIRMAN. The time of the gentleman has expired. Mr. COLEMAN. Mr. Chairman, I would ask unanimous con-

sent that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TEMPLE. These parallels are very interesting, but it is no part of my present purpose to discuss them. I want to confine my discussion to one point.

Mr. FESS. Will the gentleman yield?

Mr. TEMPLE. For a question.

Mr. FESS. I would like to have the gentleman expand on the same subject, so as to extend to merchant vessels of belligerents as well as to neutrals.

Mr. TEMPLE. Merchant vessels of belligerents are also reckoned as noncombatant. They are subject to capture, whether carrying contraband or not, simply because they are enemy vessels. They are subject to capture and confiscation by a prize court, but the captain of the belligerent vessel that captures them is not a prize court and he can not confiscate them. He may seize and take them into court to have them passed on there. If a vessel resists such lawful capture, it loses its rights as a noncombatant and becomes subject to the same treatment as that given to a warship; that is, if it resists such capture, it can be blown out of the water, and the captain of the noncombatant vessel then would be responsible for the loss of life on the vessel under his command.

Mr. LONGWORTH. Will the gentleman yield?

Mr. TEMPLE. For a question. Mr. LONGWORTH. Would or would not the gentleman say that the only modification of international law which has been caused by the modern submarine is as to the question of what armament a ship may use against the submarine, and whether shall be considered offensive or defensive?

Mr. TEMPLE. In answer to that, I would say I do not believe modern international law has been modified to any extent, not even in the case which the gentleman has mentioned.

Mr. LONGWORTH. Then the gentleman does not believe

there has been any modification?

Mr. TEMPLE. If a vessel is a merchant ship, and her purpose is to deliver her cargo to a certain destination, she is allowed under international law to carry whatever weapons are necessary to accomplish that purpose, just as an express messenger on one of our trains which might be attacked by robbers is allowed to carry weapons to resist any attack. You would not limit him to a .22 caliber to do it, but you would give him a .45 Winchester repeating rifle.

Mr. EMERSON. Will the gentleman yield? Mr. TEMPLE. I will. Mr. EMERSON. When a merchant ship, armed for defensive of neutrals is unlawful and just as unlawful when it is done purpose only, sees a submarine approaching it is absolutely nec-by a submarine as if it were done by a battleship. If submarrine as if it were done by a battleship.

submarine fires first the merchant ship will have no occasion to

Mr. TEMPLE. If it fires, of course, under the general law it loses its noncombatant status.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. TEMPLE. I will.

Mr. SMITH of Michigan. In view of the character of the weapon, the submarine, does the gentleman think it should be guided by the same rule of international law that requires a war vessel to take a merchantman in tow?

Mr. TEMPLE. In answer to that I will say that the right of a neutral does not depend upon the nature of the weapon used against him. The law is based on the rights of the neutrals, and it is unlawful to do certain things to a neutral, no matter what weapon is used to do them.

Mr. SMITH of Michigan. Suppose a warship or submarine was unable to take the merchantman into port. Would it have

a right then to sink the ship?

Mr. TEMPLE. If I have the right to compel certain action, may have the right to use certain means, but that right is limited. For example, I have the right to compel one of my children to go to school. Have I, therefore, the right to kill him in attempting to make him go to school? The rights of the belligerent are limited by the rights of the neutral.

Is not the proposition, then, as to the submarine simply this, that simply because you have a new weapon of warfare is no reason why you should use it in an illegal and in-

humane manner?

Mr. TEMPLE. Just precisely that. The right of the neutral does not depend on the weapon that is used against him. If I am accused of murder and plead in defense that I used a kind of poison that had not been discovered when the law against murder was made, still the murder depends on the right of the murdered man to his life and not on the nature of the weapon that was used in taking his life.

Mr. FESS. I wish the gentleman would also state to the House what right the merchantman with a defensive armament has if a submarine appears out of his course or the submarine appears in the due course of the vessel? I am not questioning the right, understand, but I want the gentleman to state to the House the right of the captain on that defensively armed vessel as to when he can fire.

Mr. TEMPLE. He has the same right to fire on the submarine that he would have to fire on a surface vessel, but he does

The CHAIRMAN. The time of the gentleman from Pennsyl-

vania has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. Is there objection? [After a pause.]

The Chair hears none.

Mr. TEMPLE. As soon as he abandons his legal status by beginning a fight he is subject to any kind of attack that would be lawful against a warship. Does that answer your question? He has a right to do it, but he must take the consequence.

Mr. FESS. That is, in case—
Mr. TEMPLE. That is in any case, whether he fires first or waits for the fire of the enemy.

Mr. FESS. I think there should be a qualification if the submarine is in the course of the vessel.

Mr. TEMPLE. He can not be both. If a noncombatant begins to fight, he is no longer a noncombatant.

Mr. FESS. Do I understand that if the submarine is in the course of a vessel, proceeding on its right, that he has a

right to fire if he has any evidence that there is

Mr. TEMPLE. That is a question of policy or of morals. It depends on the judgment of the captain of the noncombatant vessel always as to when he ought to begin and when he ought not to fight. I am not discussing the question of moral justification, but a legal question. When he does begin to fight, what is his legal status? Without doubt he then has the status of a

Mr. GREENE of Vermont. May I ask the gentleman an explanation of this? Is it not probable that by the very character of the submarine and its method of warfare the fact that it is lying in wait anywhere is equivalent to beginning an attack?

Perhaps, but that does not affect the answer I made to the gentleman from Ohio [Mr. FESS]. Whether the merchant ship remains noncombatant or becomes a combatant depends on the fact of whether it fights or not. The moral justifi-

cation for beginning a fight is another question.

Mr. GARDNER. I would like to ask the gentleman a ques-

Mr. TEMPLE. Very well.

Mr. GARDNER. And I am asking this to clear my own You say that a submarine may not fire on a merchantman that is stopped; that is, not disobeying its signal to stop? Mr. TEMPLE. No; I think I did not make any statement

about that

Mr. GARDNER. That was not resisting, I think you said.
Mr. TEMPLE. I say that a warship, whether a submarine
or surface ship, has a right to seize and capture, but no right to fire upon a noncombatant, unless the vessel resists, and there is no difference between the submarine and a surface boat in that

Mr. GARDNER. That is what I understood. Now, suppose there is a submarine on the high seas. This may be a little bit contrary to my own sympathies in the matter, but I want to find out the rights of it. Here is a submarine that comes up on the high seas, and here is a merchantman in plain view, and you say that the merchantman has a right to fire on the submarine, but that when it does so it becomes a combatant. Now, why has not the submarine the same right if the merchantman has that right? I want to get that clear in my own mind for the

Mr. TEMPLE. By agreement and under traditions and long practice it has been held that the choice lies with the merchant ship of enemy nationality as to whether it shall become a combatant or whether it shall remain noncombatant. If that is a disadvantage that the submarine labors under, it is the same disadvantage advantage that a light-armored cruiser or converted ship without armor would labor under.

Mr. GARDNER. Then the merchantman has a right at any

time to turn itself into a combatant and fire?

Mr. TEMPLE. The merchant ship of a belligerent has the option to resist capture, even to resist visit and search, though that right is denied by the German correspondence at the present time. It is like the question that arises with regard to the use of quickly gathered fighting forces on land which Germany has been opposed to.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. HUDDLESTON. I wish to ask the gentleman this question: Is it the right of a merchant ship to use its armament limited to defense, and that if it is guilty of an attack not in defense, is it an act of piracy?

Mr. TEMPLE. I prefer the statement that I made a moment ago, that a merchant ship of enemy nationality has the right to

resist, even to resist visit and search.

Mr. HUDDLESTON. And has no right to attack. Mr. REAVIS. Taking the case where Germany has by its note to the powers of the world notified them that within a certain zone merchant vessels will be sunk on sight, has a merchant vessel the right, under those circumstances, to presume that an attack is going to be made upon it and fire in self-defense, without becoming a combatant?

Mr. TEMPLE. My answer to that is that the practice of declaring that a certain zone is barred to all traffic is a practice unknown to international law. The thing resolves itself into its

primitive elements there.

Mr. REAVIS. In a controversy between individuals, upon a threat made by one upon the life of another and a revolver is drawn, you do not have to wait to find out whether that revolver is loaded or not, but you can act upon that threat when the revolver is drawn,

Mr. TEMPLE. That is an interesting analogy.

Mr. REAVIS. Under those circumstances could not the merchant ship fire on the submarine without waiting to be attacked? That is a question for the captain of the mer-Mr. TEMPLE.

chant ship to decide.

Before I sit down I wish to say that, of course, I do not attempt to speak as an authority on this subject. The opinions which I have expressed are founded, I believe, on judgments of prize courts and the practices of nations which until recently have not been disputed. [Applause.]

Mr. MILLER of Minnesota. Mr. Chairman, we have listened to a splendid statement from a very learned gentleman on a very important subject. I do not feel like taking issue with him on any statement he makes with reference to the law with-out some hesitation. I think, however, he is in error on one important point.

I understood the gentleman to say that if a merchantman, whether belligerent or neutral, is stopped by a ship of war and does not resist, the belligerent ship of war stopping it has no right to sink her. I think she has, by the rulings of our own State Department and by the insistence we ourselves have made in times of stress; but only under certain conditions, and the conditions are these: If the ship of war stopping the merchant ship is in such a condition—and she herself is largely the judge

of that-that she can not for military reasons take the captured ship to a court or to a port, there to have it condemned as a prize, she can sink her; but only after she has given all the persons on the merchant ship the opportunity to get off and be saved.

Mr. SUMNERS and Mr. SIMS rose.

The CHAIRMAN. Does the gentleman yield, and to whom? Mr. MILLER of Minnesota. I yield to the gentleman from

Mr. SUMNERS. I rise merely to suggest to the gentleman, in order that he may understand the matter before the House, that the gentleman who has taken his seat [Mr. Temple] stated

his position exactly as the gentleman himself is now stating it.

Mr. MILLER of Minnesota. I beg to differ from the gentleman. I hoped he was going to qualify it as I have done, but he did not

Mr. SIMS. Mr. Chairman, will the gentleman yield?
The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Tennessee? Mr. MILLER of Minnesota. Yes,

Mr. SIMS. Suppose the attacking vessel can not provide means of safety for noncombatant life. Has it any right what-

were to sink that vessel?

Mr. MILLER of Minnesota. Absolutely none. There can be no destruction of property that will result in the destruction of human life under circumstances of that character.

Mr. STAFFORD. Supposing the merchant ship, after she has been given warning by the submarine or by a belligerent vessel, attempts to escape. Does the gentleman contend that the war vessel attempting to check its passage has not the right to continue to fire into it and sink it?

Mr. MILLER of Minnesota. Certainly; if the vessel stopped

by a belligerent undertakes to escape, she can be sunk, because that is universally accepted international law.

Mr. FARR. Mr. Chairman, will the gentleman yield? Mr. MILLER of Minnesota. Yes.

Mr. FARR. What is the essential difference between your view and that expressed by the gentleman from Pennsylvania IMr. TEMPLE1?

Mr. MILLER of Minnesota. The gentleman from Pennsylvania [Mr. Temple] stated that there existed no right to sink a merchant ship after she had been stopped and human life removed. I maintain this right does exist under certain If the warship stopping the merchantman becircumstances. lieves it inexpedient for physical or military reasons to take the merchantman to a home port, the human beings on board can be removed, and then the ship can be sunk, provided, of course, that she is either a belligerent ship or a neutral ship loaded with contraband. We are speaking of submarines now, and the submarine is by its very nature, perhaps, incapable of taking a captured prize into a prize court, or even to any port; for military reasons and for physical reasons they are incapable of doing it. However, I must confess that I think a German submarine has the undoubted right to sink every captured merchant boat if she first will give a chance for all human life to be saved and the boat itself belongs to a belligerent nation, or, if a neutral boat, she is loaded with contraband. She has no right to sink a neutral merchant ship not loaded with contraband unless that boat is trying to run a blockade which Germany has physically effected.

Mr. DECKER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. DECKER. I would like to know if the gentleman can inform us when the principle of law was established that would permit a warship to sink a merchant ship in case it could not take it to port; of course, as the gentleman said, first providing for the safety of the passengers and crew. When was that principle established?

Mr. MILLER of Minnesota. We have maintained that in this country for more than 75 years. We did it repeatedly during the blockade even of our Civil War.

Mr. DECKER. I am interested in knowing whether the principle was established while the war was going on or in

Mr. MILLER of Minnesota. The fact is that all these rules that are involved were in controversy during the war and then

settled in time of peace.

Mr. DECKER. The belligerent nations involved insisted on it or disputed it during the time of war, but it was agreed

to afterwards in time of peace?

Mr. MILLER of Minnesota. Yes; but the gentleman knows that no two nations agree precisely on all questions of international law.

Mr. MANN. Mr. Chairman, will the gentleman yield? Mr. MILLER of Minnesota. Yes.

Mr. MANN. How would it be possible in time of peace to determine?

Mr. MILLER of Minnesota. We have done that by various tribunals and conferences, as, for example, the Geneva Conference and The Hague Tribunal. It would be interesting to know that all the nations of the world, except the United States, agreed at The Hague Conference that no longer there should be piracy on the high seas. We did not agree to it. We still maintain that perhaps there can be piracy, but everybody knows that the United States will never sanction piracy

Mr. SHERWOOD. Mr. Chairman, will the gentleman yield

there?

Mr. MILLER of Minnesota. Yes. Mr. SHERWOOD. Does the gentleman know and make the statement that that policy of the nations has been prevailing 75 years, and that during our war the United States Government established a blockade of all our southern ports and the vessels running that blockade were sunk without notice?

Mr. MILLER of Minnesota. Yes. Of course, that was a physical blockade. The facts were slightly different in that case

from those in the present case.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's re-

Mr. PADGETT. I think, Mr. Chairman, that we have been very liberal in permitting discussion. We are now up to the item for "Increase of the Navy," except for the reading of the two lines for the total. Then there were some matters passed over. I was going to ask if we could not suspend this debate until we reached the item for "Increase in the Navy," and then agree upon a time of debate for the paragraph on page 58 providing for the "Increase of the Navy."

Mr. MANN. I would like to have five minutes now.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like an opportunity now to reply to some of the things stated by the gentleman from Pennsylvania [Mr. TEMPLE], which I think are not well founded.

The CHAIRMAN. This debate, of course, is all proceeding by unanimous consent. The gentleman from Minnesota [Mr. Mil-This debate, of course, is all proceeding by LER] has preferred a request that he may be allowed to proceed

Mr. MILLER of Minnesota. Three minutes.

The CHAIRMAN. Three minutes. Is there objection? There was no objection.

Mr. MILLER of Minnesota. Mr. Chairman, what I desired to state when I took the floor, in addition to what I said of international law governing the rights to sink a boat is this: The gentleman from Pennsylvania [Mr. Moore] made the statement, with a great deal of energy and apparently coming from settled conviction, that he hoped this country some time, if ever she was in the throes of war, would use the submarines to the limit: that we would make every possible use of the submarine that her deadly destroying character might make possible. Chairman, I have heard that same thing said on this floor, although not quite so vigorously, once or twice before. I take exception to it. I would indorse that no quicker than I would the man who says I am willing to fight, and if I get a chance I will strike below the belt.

Mr. MOORE of Pennsylvania. Oh, Mr. Chairman, I was not striking below the belt; I was only using instruments of war for If we must fight, I want victory. an effective purpose.

Mr. MILLER of Minnesota. If I understand the English language that the gentleman used, it is this: That he would sink boats, with or without warning, carrying human freight as well as dead freight, no matter what might be the consequences to human life, provided that some advantage might accrue to the United States.

Mr. MOORE of Pennsylvania. The gentleman is doing me an

injustice.

justice. Munition ships carry destruction—— Mr. MILLER of Minnesota. I am glad that the gentleman is making a confession-

Mr. MOORE of Pennsylvania. I am not making any confession. The gentleman is putting words into my mouth that I did

Mr. MILLER of Minnesota. I will submit to anyone who will read what the gentleman said-

Mr. MOORE of Pennsylvania. Would the gentleman fight to

Mr. MILLER of Minnesota. I am glad the gentleman has made his subsequent statement-

Mr. MOORE of Pennsylvania. If the gentleman would fight to lose, he is not the kind of an American I take him to be.

Mr. MILLER of Minnesota. Of course, we all desire that our country shall, in time of war at least, use every instru-mentality that will aid the national defense or offense that is just and proper and wise and humane. But if civilization means anything, it means that even war must have its limits. It means that you must not shoot down innocent women and children, as the gentleman from Pennsylvania [Mr. Temple] so wisely said, either on the high seas or on the land; that you must not shoot down noncombatants who are not engaged in any military operation; that military operations should be confined to the military forces of the combatants. Unless we accede to that we turn the pages of history back again to the day when every man was an enemy to every other man on earth; when the strong arm of might could prevail; when he took that which he could by his own strength and lost it only to a man stronger than he. We might just as well indorse the movement to tear down our churches, to tear down our schoolhouses, to tear down our hospitals and every institution that Christian civilization has erected in our land, as to say that if we wage war we shall wage it ruthlessly. It is not the complaint against Germany that she uses submarines; she ought to use them. Every nation ought to make use of the instrumentality that will aid her, but let her make use of it in accordance with humanity, in accordance with the rules of Christian civilization, and I submit that there is no exigency that can come to her, nor can it come to any nation that will justify the conducting of war contrary to civilization and justice. [Applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, the gentleman from Pennsylvania [Mr. TEMPLE] said that this is not a question of whether you can use the submarine at all. I beg to disagree with him and to assert that it is a question of whether you can use the submarine at all. Exactly that. And I propose to prove this by examining the facts and by quoting from an official letter of the Government of the United States setting forth the views of the President and of the Secretary of State. I know that for giving expression to any other view than that already expressed here one is apt to be criticized, perhaps denounced. Criticism and denunciation are rampant over country against anyone who attempts fairly to consider both

sides of this question.

But let us see what the Government of the United States said was right and just on this question of regulating the use of the submarine. Its views were set forth in a letter sent by Secretary Lansing to the belligerents in January, 1916, a copy of which I have here. These views were the views also of "my Government," and "my Government" was the President.

Government," and "my Government" was the Fresident.

Prior to the year 1915 belligerent operations against enemy commerce on the high seas had been conducted with cruisers carrying heavy armaments. In these conditions international law appeared to permit a merchant vessel to carry armament for defensive purposes without lessening its character as a private merchant vessel.

This right seems to have been predicated on the superior defensive strength of ships of war, and the limitation of armament to have been dependent on the fact that it—

That is, the armament of the merchant vessel-

could not be used effectively in offense against enemy naval vessels, while it could defend the merchantman against the generally inferior armament of piratical ships and privateers.

I stop here to ask, whether, if we were at war with Russia or Japan, or with both combined, we should consider ourselves bound to use our submarines in accordance with rules made before the submarine was invented, rules made to meet entirely different conditions? Let us see what our Government thought a year ago:

The use of the submarine, however, has changed these relations. Comparison of the defensive strength of a cruiser and a submarine shows that the latter, relying for protection on its power to submerge, is almost defenseless in point of construction. Even a merchant ship carrying a small-caliber gun would be able to use it effectively for offense against the submarine.

Note that language-"effectively for offense."

Moreover, pirates and sea rovers have been swept from the main trade channels of the sea and privateering has been abolished.

The CHAIRMAN. The time of the gentleman has expired. Mr. COOPER of Wisconsin. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. I want again to get before the House the views of our Government. Here is a decisive state-

Consequently, the placing of guns on merchantmen at the present date of submarine warfare can be explained only on the ground of a purpose to render merchantmen superior in force to submarines and to prevent warning and visit and search by them.

Here, only a year ago, was our Government officially declaring that the only purpose of arming merchantmen now is to prevent visit and search by submarines. And yet such impossible visit and search is the exact thing which is being insisted upon.

Mr. TEMPLE. Will the gentleman yield for a question?

Mr. COOPER of Wisconsin. I can not now. Please let me finish this.

Any armament, therefore, on a merchant vessel would seem to have e character of an offensive armament,

Now, international law does not fix the number of guns that a merchantman may mount nor what their caliber shall be. Do you call a ship carrying 4-inch or 6-inch guns a merchantman? We must be careful about the terms we use in discussing this great question and be sure as to their exact meaning. For three or four merchantmen to-day in a group crossing the ocean, each of them armed with two or three modern 6-inch guns, shooting high-power shells with deadly accuracy 4 or 5 miles, could sink any 20 of such battleships as were in existence when the old rule of international law, which is now invoked, was formulated. Now, if a vessel is so powerful in offense that it could have sunk any battleship that Farragut com-manded in the Civil War, is it in any proper sense of the word a merchantman as that word was always understood at the time when the rule of visit and search was established?

After saying that "the placing of guns on merchantmen at

the present date of submarine warfare can be explained only on the ground of a purpose to make it impossible for a submarine to warn and visit and search them," and that therefore "any armament on a merchant vessel would seem to have the character of an offensive armament," the President and Secretary

Lansing continued:

If a submarine is required to stop and search a merchant vessel on the high seas, and in case it is found that she is of an enemy character and that conditions necessitate her destruction and the removal to a place of safety of persons on board, it would not seem just nor reason-able that the submarine should be compelled, while complying with these requirements, to expose itself to almost certain destruction by the guns on board the merchant vessel.

Mr. FLOOD. Will the gentleman yield for a question?

Mr. COOPER of Wisconsin. Yes.

Mr. FLOOD. The gentleman has undertaken to state the position of this Government with reference to submarine warfare. Is the gentleman quoting from the note of Secretary

Lansing of January 18, 1916?

Mr. COOPER of Wisconsin. I am quoting from a note which the Secretary signed, in which before he finished he in effect said that it was written to express the views of "my Government," and that means the President.

Mr. FLOOD. Is that dated January 18, 1916?

Mr. COOPER of Wisconsin. January 18, 1916, a year ago last

Mr. FLOOD. Is not the gentleman aware of the fact that was a confidential note, sent to the British Government and its allies for the purpose of inducing them to waive what this Government recognized as an international right to arm their merchant vessels, and not a statement of the position of this Government upon that international question?

Mr. COOPER of Wisconsin. Mr. Chairman, the right or wrong of a statement does not depend upon the secrecy with which the statement is made. If it be right in secret, it is right in public.

[Applause.]

Mr. FLOOD. The gentleman has not answered my question. Mr. COOPER of Wisconsin. One of the belligerents agreed that our Government was right in urging that no merchantman in these days should be allowed to mount cannon, because these make it absolutely impossible to use the submarine at all for the purpose of visit and search.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I ask five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. TEMPLE. I should like to ask the gentleman one question. If these submarines were not used, and not per mitted to be used against merchantmen, would there not still remain a very great use for them against warships of the

Mr. COOPER of Wisconsin. Mr. Chairman, the gentleman says that it prevented the use of submarines. It does.

Mr. TEMPLE. I beg the gentleman's pardon. I said it

did not

Mr. COOPER of Wisconsin. I knew, of course, that was the gentleman's view. But, nevertheless, in my judgment it does. Because it is perfectly plain that a submarine dare net rise and approach a merchant ship armed with these guns, since to do so would, as the President and Secretary of State said, expose the submarine to almost certain destruction. This exact point was raised very clearly indeed by our Government in that

Mr. TEMPLE. Have they not been used successfully against

battleships'

Mr. COOPER of Wisconsin. Not recently at all.

Mr. TEMPLE. Over at the Dardanelles.

Mr. COOPER of Wisconsin. Not within the year. The belligerents have learned how to protect battleships.

Mr. FLOOD. Will the gentleman yield?

Mr. COOPER of Wisconsin. I must decline to yield now, as I wish to finish this statement.

The CHAIRMAN. The gentleman declines to yield.

Mr. HAMILTON of Michigan. May I ask the gentleman a

Mr. COOPER of Wisconsin. I desire to finish this.

Mr. HAMILTON of Michigan. All right. I would like to ask

the gentleman a question.

Mr. COOPER of Wisconsin. Our Government maintained that the arming of merchantmen to-day can be explained only on the ground of a purpose to render merchantmen superior in force to submarines and to prevent warning and visit and search by them. And the President and Secretary of State in the same official letter to the belligerents declared also that to all intents and purposes armed merchantmen are battleships and ought to be treated as auxiliary cruisers. And at this point I wish again to remind the House that later, when Germany had acceded to this suggestion of our Government, the New York World, the great administration newspaper, in its issue of February 10, 1916, contained the following from its Washington correspondent:

High officials of the State Department seemed disposed to consider the development broad enough to warrant the claim that the fundamental questions involved in the conduct of submarine warfare have been settled in accordance with the contention of the United States.

This is based on the belief that, with Germany and Austria giving notice that they will sink without warning all armed ships, the two Governments can not legally claim the right to sink unarmed vessels. That is the principle for which the United States has so vigorously contended since the beginning of the negotiations over the conduct of submarine warfare.

According to these "high officials of the State Department," the principle for which the United States had so vigorously contended since the beginning of the negotiations over the conduct of submarine warfare was the principle that belligerents can not lawfully sink unarmed vessels. To this principle the central powers agreed, declaring that they would not sink unarmed vessels, but reserving the right to sink all armed belligerent vessels, and requesting, in accordance with the suggestions of our Government, that all merchant vessels be prohibited from mounting cannon or other armament.

The article in the World continued as follows:

In view of this situation American citizens, it is stated by high authority, now may be warned that they will take passage aboard armed merchant ships at their own risk and be entitled to no more protection from the United States than if they had embarked upon a belligerent warship.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask merely time enough—three minutes—in which to read an excerpt from an editorial in the Chicago Tribune upon the same subject.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Chairman, here is what the Tribune said:

Upon the armament question it seems only common sense to recognize that the character of the submarine enforces new definitions of right. The fragility of the new craft virtually abolishes any real distinction between offensive and defensive armament. No naval vessel before the submarine could be seriously injured by small guns on a merchantman, and the presence of such guns could therefore be accepted as evidence of the nonoffensive or nonbelligerent character of the merchantman.

But a 1-inch gun can destroy a submarine, and is potentially an offensive weapon. To require a submarine to challenge an armed craft violates the necessities of legitimate warfare.

On the other hand, the right of defense is inherent in the merchantman, and the presence of guns sufficient to protect it from a submarine should not be held to constitute it a naval vessel in a sense which would debar it from our ports. A merchantman is not a naval vessel because it is prepared to exercise its right of defense against submarines.

If this pragmatic view is taken of the legalistic issues raised by submarine operations, we need not become involved with either belligerent and we shall be conserving our own commercial interests.

The question of responsibility for American lives remains. If we are ready to enter the war to enforce the immunity of Americans traveling on ships of the belligerents armed in fact, the way will probably be opened to do so. The alternative is to recognize the modifications above suggested as justified by the conditions of the present war and to refuse formally to accept responsibility for the safety of Americans who elect to travel on merchantmen armed in fact. This would avoid the objection that neutral passengers are protection for belligerent shipping and

supply, otherwise legitimately subject to attack in commerce-destroying operations.

Mr. Chairman, I shall now ask the question that I asked a year ago: If we are in a war against Japan, and God forbid that we ever again get into a war-but as I said, it is the duty of statesmanship to be provident of the future—if we are in a war against Japan or against Japan and Russia, they now having entered into a secret agreement, and you and I are out in a submarine upon the Pacific Ocean while our relatives and friends are on shore fighting, dying to save the great Republic, and along comes a Japanese armed merchantman flying the flag of Japan and loaded with ammunition to kill Americans defending government of the people, by the people, for the people, and you and I are requested to stand back with our submarine because on board of this merchantman, armed with 6-inch cannon, are three Chinamen, citizens of a neutral country-would you do it? [Applause.] The CHAIRMAN.

The time of the gentleman from Wisconsin

has again expired.

EXTENSION OF REMARKS.

Mr. COOPER of Wisconsin. Under the leave to print I add the following from a recent editorial in the Milwaukee Sentinel, one of the leading stalwart Republican newspapers of the country:

The main source of danger will be the presence of Americans on torpedoed vessels of belligerent nationality. If Americans ship or take passage on such vessels of belligerents as are offensively armed or are carriers of munitions, it might appear that they do so at their own risk. The United States Government can no more be expected to make a cause of war of an American serving in the crew of such a vessel than of an American serving in the French aviation corps.

I add, also, a further quotation from the letter of the President and the Secretary of State.

dent and the Secretary of State.

It would therefore appear to be a reasonable and reciprocally just arrangement if it could be agreed by the opposing beligerents that submarines should be caused to adhere strictly to the rules of international law in the matter of stopping and searching merchant vessels, determining their belligerent nationality, and removing the crews and passengers to places of safety before sinking the vessels as prizes of war, and that merchant vessels of belligerent nationality should be prohibited from carrying any armament whatsoever.

In proposing this formula as a basis of conditional declarations by the belligerent Government, I do so in the full conviction that each Government will consider primarily the humane purposes of saving the lives of innocent people rather than the insistence upon doubtful legal right, which may be denied on account of new conditions.

I should add that my Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, in view of the character of the submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser, and so treated by a neutral as well as by a belligerent Government, and is seriously considering instructing its officials accordingly.

The principles set forth in this letter are wholly reasonable

The principles set forth in this letter are wholly reasonable and just, and had their enforcement been firmly insisted upon, would, in my judgment, have saved countless innocent lives and prevented this Nation from being drawn into its present portentous situation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Howard having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 19119. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved, That the Clerk be, and he is hereby, directed to request the Senate to return to the House of Representatives the bill H. R. 19298, entitled "An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River in the town of Allegany, county of Cattaraugus, N. Y."

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 17055. An act providing when patents shall issue to the purchaser or heirs on certain lands in the State of Oregon.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7795. An act to amend and revise the laws relating to printing and binding and the distribution of publications for Congress.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. MANN. Mr. Chairman, I have been considerably interested, as the other Members have, in this discussion, and I listened, as I always do, with a great deal of interest and profit, especially to the discussion of the gentleman from Pennsylvania, Dr. Temple, who comes before the House with the point of

view of a learned man who has given long study to subjects of international law. The United States does not have a very large merchant marine engaged in foreign trade. There is a possibility that our country may go to war with any nation in the world, and, so far as our rights are concerned, it seems to me the duty of statesmanship to so provide, as far as we can, that we may most effectively protect our rights in the waging of war against any other power. As I understood Dr. Temple, his position is that international law would require, if we are engaged in war with a foreign power, and we have a subma-rine which meets a merchant vessel either of a neutral country or of the other belligerent country loaded with ammunition to supply the army or the navy of the enemy country, our submarine must, ladylike, rise from beneath the surface of the sea, ask to board the merchant vessel, armed, ask to inspect the papers of the merchant vessel, if we could get that far, before we can do any damage to that merchant vessel. I am not very well informed as to submarine warfare, though doubtless as well as the average Member of the House; but I have been told that while this ladylike operation was going on the merchant vessel would sink the submarine before officers from the submarine could board her.

Mr. TEMPLE. Mr. Chairman, will the gentleman yield?
Mr. MANN. I prefer to go ahead. Of what use is a submarine except for defense against war vessels, and, so far as the submarine is concerned in defending against war vessels to-day, the submarine is not very valuable. War vessels are, I am told, in the main provided with nets, or whatever they may use—I do not undertake to say—so that the submarine can not be very effective against the war vessel and as a matter. can not be very effective against the war vessel, and, as a matter of fact, they are not to-day effective to any extent against the war vessel. It is to our interest, if we are going to have sub-marines for our own use in time of war, to give them the power to do execution. I am not in favor any more than anyone else of barbarous warfare, except that all warfare to me is barbarous. do not think men can engage in a ladylike fight; I do not think that nations can engage in a gentleman's warfare.

I believe that the quickest way to end war usually is to make it destructive while it lasts. I am not willing, so far as I am concerned, to admit that the use of submarines by the United States shall be so restricted in advance that they are valueless, because I think with our small merchant marine and our very long coast line that we ought to be able in defensive operations to do as much with the submarine and the aeroplane as we can do in any other way, so I believe in having them. [Ap-

plause.]

Mr. CALLAWAY. Mr. Chairman.

Mr. PADGETT. Mr. Chairman, may I ask the gentleman from Texas before he begins how much time he wishes?

Mr. CALLAWAY. I would like to have 10 minutes.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent

that all debate upon this paragraph and all amendments thereto close in 10 minutes.

Mr. SIMS. I want five minutes.
The CHAIRMAN. The gentleman from Tennessee asks unanimous consent

Mr. PADGETT. Mr. Chairman, I withdraw the request for the present.

The CHAIRMAN. The gentleman from Tennessee withdraws his request for the present. The gentleman from Texas is

recognized for five minutes.

Mr. CALLAWAY. Mr. Chairman, there have been a number of statements made here to the effect that submarines had proven ineffective against battleships and real warcraft. know these men believe that. I know there has been deter-mined effort on the part of naval officials to discredit submarines, the power of submarines, because with the recognition of the power of submarines passes the magnificence of the navy from the seas; with the recognition of the power of submarines passes the enormous expenditures for these great battleships, the money for the building of which goes into the navy yards, to the present manufacturers of ships. The grandeur and glory of the Navy, the drum beat and the fanfaronade that accompanies it, the music, the wireless telegraphy that enables them to get news from home, the printing press aboard, the ice plant, and every modern convenience, and the various things which give them every comfort, and these little hog wallows, that necessitate the most trying service that any mortal has yet ever seen, take their place. I want to read you a statement from men who ought to know. Now listen to the statement of Simon Lake, one of the builders of submarines, as to what their capacity is.

The submarine is peculiar in the fact that it is able to prevent the carrying on of commerce, if necessary, but it is useless for invading purposes, as the moment any portion is exposed on the surface it becomes vulnerable. As long as the submarine remains below the surface,

she is invisible, and when we get noiseless machinery, which is the next step, you can neither hear them nor see them, and they have the ability to discharge a torpedo or to plant a mine, which will destroy any fabric which can be made to float upon the surface of the water. I think our own experiments in our own Navy Department if they were made public would prove that assertion. You might armor a ship or make her with many different decks and of cellular construction, as many engineers have tried to do, and yet the explosion of a thousand pounds of trinitrotoluol or some other similar explosive would blow the fabric up into the air. It is absolutely impossible, in my judgment, to build any fabric that will float on the surface that can not be destroyed by means available to the submarine.

Simon Lake.

Member Institution of Naval Architects of England; Member of Shifts-bau-technische Gesellschaft of Germany; Member Society of Naval Architects and Marine Engineers (United States) and American Society Mechanical Engineers.

BRIDGEPORT, CONN., February 3, 1917.

Mr. SHERWOOD. Is it not true that they can penetrate the

nets that protect the battleships?

Mr. CALLAWAY. The general asks if it has not been demonstrated that these submarine torpedoes could penetrate the nets that we have just been assured by men have been devised to protect the battleships. At the Dardanelles the English fleet went down to assist in the landing of troops. A few days after they got there one of their battleships was torpedoed. A few days after that they sighted a submarine. A few days more and two more battleships were torpedoed. In neither instance did they know the exact location from which the shot came nor at neither

time did they sight the submarine.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, I would ask unanimous consent that the gentleman be granted five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears

Mr. SHERWOOD. What became of the Queen Elizabeth, which carried 15-inch guns?

Mr. CALLAWAY. If the gentleman will wait a minute, I will answer the whole question. A few days more and another battleship, in clear view of the main fleet, with its protective nets down, steaming slowly up and down to avoid a sitting shot, was sunk with two torpedoes, both of which went through the nets, either one of which would have been fatal, and in seven minutes the thing turned bottom up and sank. The report said the light surface craft which were there to protect the battleships from submarine attack were so thick that when they steamed toward the sinking craft to save the drowning crew the smoke from their stacks obscured the sun, and yet they never discovered from whence came the shots that destroyed the stricken vessel. The Queen Elizabeth, the Agamemnon, and the Lord Nelson, the most magnificent and powerful battleships affoat, were at that time at the Dardanelles to help the landing of the troops. They immediately steamed out of the harbor and sailed for home, and the next day every battleship of the English fleet that was there steamed for home-ran away from the one German submarine that was sighted. They then tried to build a kind of cordwood protection that would extend out quite a way from the side of the battleship, so that if they were struck the torpedo would ex-plode at a distance from the battleship and would not get to But battleships have been blown in two in the the vitals. middle by submarines. Capt. Sims says evidently that was the case in the Jutland Island fight, when each end of a stricken battleship was sticking out and the middle of the thing down. Admiral Beatty said it was destroyed by gunfire, but Capt. Sims said that that report was evidently made for military reasons and was not true.

Now, I want to read you from Admiral Grant.

Mr. CARTER of Oklahoma. Will the gentleman yield for a question?

Mr. CALLAWAY. In just a minute. I want to read from Admiral Grant, who is in charge of our submarine flotilla, as to their effectiveness. He says:

It is fairly well known, and the writer has received corroborative testimony recently, that Germany is building all her submarines of the offensive type, and that she still aspires with sufficient numbers of such vessels to overthrow Great Britain's control of the world's communications. With this accomplished, of what value will be the command of the sea? A great surface fleet can not be maintained indefinitely if this control is lost. It will defeat itself by its very inertia and expensiveness.

The defensive idea is now deeply rooted in our minds and has influenced our building program, our war games, and maneuver problems; in consequence the initiative is freely given to the enemy forces, our own being assigned a defensive rôle.

The submarine should be considered a weapon for the purpose of extending our sea frontiers. If we build submarines capable of keeping the seas in all ports of the Atlantic and Pacific, then the risk to an enemy expedition will become so great that few nations will accept the hazard involved.

Our industrial development and our great resources of material will permit this Nation building offensive submarines in sufficient numbers to prevent any one nation from controlling the seas against us; in fact, the development of an offensive submarine has struck a hard blow at the command of the sea by any one nation. A war ship or a fleet in any part of the ocean will be in constant danger of destruction from an invisible enemy.

That is Admiral Grant's statement against the statement of men here to-day that submarines are ineffective against battleships. They can blow out of the water anything that floats, and it has been time and again demonstrated.

Mr. CARTER of Oklahoma. What I wanted to ask the gentleman was: Did Capt. Sims say that these ships that were blown up in the battle of Jutland were blown up by submarines and not by fire of the battleships?

Mr. CALLAWAY. Yes, sir.

Mr. OLIVER. Will the gentleman yield for a moment?

The CHAIRMAN. The time of the gentleman has expired.
Mr. OLIVER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. OLIVER. Will the gentleman state to the committee who Admiral Grant is?

Mr. CALLAWAY. Who Admiral Grant is?

Mr. OLIVER. And whether or not the letter of Admiral Grant which you have read has the indorsement of the members of the General Board?

Mr. CALLAWAY. I will state that Admiral Grant is the admiral in charge of our submarine flotilla and is the only man who has had charge of our submarine flotilla since it was organized; and he wrote this letter to the Navy General Board in answer to an argument made by Capt. Rodgers, and this paper has the indorsement of the Navy Department.

Mr. HOWARD. Will the gentleman yield?

Mr. CALLAWAY. I will.

Mr. HOWARD. As a matter of fact, is not the statement refuted that has been made here this morning by a circumstance that at the beginning of the war in October, 1914, three English battle cruisers were sunk in 20 minutes by one submarine?

Mr. CALLAWAY. In 30 minutes.

Mr. SLAYDEN. In 50 minutes. Mr. CALLAWAY. The Hogue, the Crecy, and the Aboukir were sunk in 30 to 50 minutes by one submarine, and they did not know where the shots came from that did the work.

Mr. KELLEY. The gentleman may recall that when Capt. Sims was before the committee the question of submarines at the Panama Canal came up, and I asked him this question:

With a reasonable number of submarines at the canal an enemy fleet could not get very close, could it?

Capt. Sims. I think I took that question up with the committee when I was here before. You must understand that a submarine cuts no ice at all as long as your enemy has control of the surface in the area in which he wishes to operate.

Mr. CALLAWAY. He made that statement, and I thought possibly he was making it for the same reason that he said Admiral Beatty made the statement about the boats destroyed off Jutland, for military reasons, for he said the admirals regarded it as their right to make erroneous and misleading statements where it served a military purpose.

Mr. KELLEY. Just one other question. The gentleman, I know, regards Admiral Sims as among the very best authorities

in the Navy

Mr. CALLAWAY. Yes, sir; I regard him as the brightest, frankest, and most capable man I have come in contact with in the Navy, but I thought possibly he made the statement referred to by Mr. Kelley for military reasons.

Mr. SMITH of Michigan. Did I understand the gentleman to say that one of the ships blown up at the Dardanelles was

protected by steel screens, or otherwise?

Mr. CALLAWAY. The nets were down. They were protected by the surface craft, and the report said that the smoke was so thick from their smokestacks that when they steamed to the stricken vessel the sun was obscured.

Mr. SMITH of Michigan. Did they get through the net?

Mr. CALLAWAY. Yes, sir.

Mr. HENSLEY. There are ways in which battleships or dreadnaughts may be protected from submarines, are there not?

Mr. CALLAWAY. Yes, sir.
Mr. HENSLEY. But when they are so protected, what is the use of fleets of dreadnaughts or battleships?

The same as the battleships of England Mr. CALLAWAY.

and Germany during this war, in port bottled up.

Mr. BUCHANAN of Illinois. I would like to ask the gentleman if he can explain how the enemy ships could control the surface at Panama if we had submarines to take care of it?

Mr. CALLAWAY. You would have to have an admiral that wants to preserve the grandeur, glory, magnificence, and ex-

pense of the Navy to explain that. [Laughter.]

Mr. PARKER of New Jersey. Mr. Chairman, in dealing with questions of international law we must regard them in the light of history. International law in time of war may be fairly defined as such rules of humanity as neutrals are able to enforce, and neutrals have to enforce these rules or the rules will not exist. International law is best seen in the behavior of neutral nations in history, and no more in that of any nation than in the behavior of the United States in 1798. At that time, Mr. Chairman, as now, all Europe was at war, and America was out of that war. At that time, as now, our shipping was suffering outrage upon the high seas, and principally from our old friend and ally, France, whose armed vessels were capturing our merchantmen by hundreds. In that and the next year we passed some 27 different statutes, a list of which I shall ask leave to add as an extension of my remarks, simply to show how much can be done by a nation in time of peace. We did not sever diplomatic relations. For two years and a half we had a vigorous naval war with France, and still part of the time we had our minister in Paris, and they had, or could have had, their minister with us, and we finally sent special envoys and negotiated a cessation of the strife on the ocean and a treaty of amity. It is interesting to see what the United States thought it had the right to do to prevent depredations. After providing for enlistments and munitions and for the building of ships, we passed a law by which our merchantmen should have the right to defend themselves against French armed vessels, to capture any ship that attacked them, to retake Americans captured, and to arm themselves for that purpose, and in order to see that our vessels should not do anything else they gave bonds before they left port that they would use their armament only against threatened hostility or real hostility of other armed vessels, or in the recapture of Americans that had been wrongly taken, and that they would not do any unprovoked violence.

That statute is quite long, and I shall put it in the RECORD as an appendix to my remarks to show what the fathers of our country thought could be fairly and well done by a merchant vessel carrying armament, this being in time of peace, so far as we were concerned.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield in

that particular?

Mr. PARKER of New Jersey. In that particular?

Mr. STAFFORD. Yes.

Mr. PARKER of New Jersey. Very well.

Mr. STAFFORD. Was not that a time when piracy was in vogue on the high seas and before the declaration of Paris, which negatived the right of piracy and inferentially the right of merchant ships to carry armament on their ships?

Mr. PARKER of New Jersey. This was not to defend them-selves against pirates. It was expressly in order that merchant ships might defend themselves against French armed vessels, and it is so stated in the statute. I will not take the time to

read it, but will insert it in my remarks.

Now, under the conditions then prevailing a merchant vessel might go out armed. She may be a ship carrying heavy guns. Some merchantmen did carry heavy guns. She might be attacked by a cruiser of superior force, and in that case she would yield. She might be attacked by a little schooner or a galley or by small boats in a calm, and then she would use her There is perhaps no difference between those small boats and the torpedo boat or the submarine (for the submarine is only a torpedo boat), with one exception, and that is that the submarine approaches in secret under the water. Well, how does that differ in principle from the old surprise attack by a boarding party in small boats or the well-known practice by which a little schooner would shut up her ports, pretend to be a neutral vessel, fly a neutral flag, and then come up within shot and range, let down her ports, and get ready to begin a fight? The merchantman asserted the right then to defend itself against the adversary, whether it approached by stealth or otherwise, and in each of those cases the old rule of international law prevailed, that no attack should be made upon that merchant vessel without warning, because she was a merchant vessel; even though that attack was by a smaller ship or boat that might be sunk if it gave warning.

The CHAIRMAN. The time of the gentleman from New

Jersey has expired.

Mr. PARKER of New Jersey. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's

request?

There was no objection.

There was no objection.

Mr. PARKER of New Jersey. "The then is the same as the now." The problems of international law, as stated so well by the gentleman from Pennsylvania [Mr. Temple], deal with conditions that go through all ages. Now, in 1798 the next thing that we did-

Mr. DECKER. Mr. Chairman, will the gentleman yield?
The CHAIRMAN. Does the gentleman from New Jersey yield to the gentleman from Missouri?

Mr. PARKER of New Jersey. I regret that I can not. I must go on with this statement. I am not stating principles

but facts. Mr. DECKER. I have great faith in the gentleman's knowledge, from my acquaintance with him. This is what I would like him to dwell on-if not, then I will not interrupt him-and that is whether these principles of international law were es-

tablished in time of peace or during war?

Mr. PARKER of New Jersey. I am talking about a time

when the United States was nominally at peace, Another statute is likewise mentioned in my list, and that was an act passed in July, while the other was passed in April. The act passed in July authorized the seizure of any vessels hovering on our coasts. No; that was in June. By statute in July, chapter 68, "An act further to protect the commerce of the United States," the President may order our ships to seize any armed French vessel found in the jurisdiction of the United States or elsewhere on the high seas, and may authorize privateering against the French by special commissions to private armed vessels. I will print a fuller abstract with my remarks. Under that authority our little Navy went out to protect our commerce, and in two years and a half they captured four regular French naval vessels. One was a frigate, after a severe battle, and three were corvettes, so called. We captured, be-sides these, 80 French armed vessels, most of them privateers.

Our Navy did no small thing, and we did it in defending our shipping in time of peace and without declaring any

general war.

Now, that is history. The fathers of our country were not ignorant of the rights of international law. They believed in acting. They did not talk when they found our ships being destroyed. They sent forth our armed vessels to convoy our ships and to put down the destroyers. They did it without engaging in the land warfare that was ravaging Europe. They sent ministers to France. They said to France, "We believe you are our friends, but we can not suffer this, and we will defend our ships against it." I am not saying whether their course was right or wrong. I am not giving opinions, gentlemen. I am stating facts.

I only add one other fact that I have from good authority, which I will not name because I am not at liberty to do so. There is a ferry running between Sweden and Germany across the Baltic Sea. It carries whole railroad trains on powerful About half of those boats are German and half are Swedish, but it is a ferry from a neutral to one of the belligerents. The allied torpedo boats and submarines have threatened that ferry to an extent warranting the King of Sweden in placing his navy in constant convoy of that ferry, to protect its vessels, whether Swedish or German, against attacks that would not be authorized by international law, and to protect the citizens of Sweden. This is a fact. It is not in the newspapers so far as I know. Alas, that it should be true, that somehow or other we can not learn all the facts from the dispatches to this side of the water. It took a journey in 1915 to England and France to make me realize that millions of men were being trained in England without rifles on their shoulders. It could have been learned by reading between the lines, but we do not realize such a fact until we see it, and I have felt as if it was a duty, when they talk of our not going on armed ships—I have thought it might be a duty for some of us to go where we could see what this war really is-what we have to fear and what we have to do to keep out of it.

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

Mr. PARKER of New Jersey. Mr. Chairman, I attach to my remarks the extracts to which I referred:

A BRIES STATEMENT OF WHAT THE UNITED STATES DID IN 1798, ETC., IN VIEW OF FRENCH PIRACIES WITHOUT DECLARING WAR.

(See vol. 1, Little, Brown & Co., Stats., 2d sess., 1708.)
Page 594, chapter 27, April 7: Export of arms and ammunition.
Page 552, chapter 31, April 27: Authorized armed vessels to be built, purchased, or hired.
Page 555, chapter 38, May 4: Appropriations for cannon, small arms, ammunition, and military stores, and to establish foundries, manufactories, and armories at the President's discretion.
Page 556, chapter 39, May 4: Appropriation to equip small galleys.
Page 556, chapter 47, May 28: To enlist 10,000 men in a provisional army in case of danger.

army in case of danger.

Page 561, chapter 48, May 28: Recites depredation of French armed essels and directs seizure of any such vessels hovering on the coasts. Page 565, chapter 53, June 13: Suspends intercourse with France, cept by the President's special permission.

Page 569, chapter 55, June 22: The President may arm revenue cut-

Age 509, chapter 55, June 12: The President may arm revenue cutters.

Page 570, chapter 58, June 22: The President may arm revenue cutters.

Page 570, chapter 58, June 25: May order dangerous aliens to depart; ships must report allens.

Page 572, chapter 60, June 25: Our merchant vessels may defend against search or capture.

Page 574, chapter 62, June 28: Condemnation of captured vessels.

Page 575, chapter 64, June 30: The President may buy armed vessels on credit.

Page 576, chapter 65, July 6: To provide arms for militia, \$400,000.

Page 577, chapter 66, July 6: In case of war or predatory incursion alien enamies may be arrested.

Page 578, chapter 67: Vacates all treaties with France.

Page 578, chapter 68, July 9: The President may order our ships to seize any armed French vessel found in the jurisdiction of the United States or elsewhere on the high seas, and may authorize privateering by special commissions to private armed vessels.

Page 604, chapter 76, July 16: To increase the Army.

Page 608, chapter 82, July 16: To increase the Navy.

Pifth Congress, third session:

Page 613, chapter 2, February 9, 1799: Prohibiting commerce with France, clearance to France, or entry by French vessels, and allowing United States ships to be stopped if going there.

Page 621, chapter 13, February 25: Building docks for repairs.

Page 622, chapter 15, February 28: Exchanging French citizens.

Page 624, chapter 16, February 28: Exchanging French citizens for death of Americans or their injury.

Volume 2, Sixth Congress:

Page 748, chapter 14, March 3: Retailation on French citizens for death of Americans or their injury.

Volume 2, Sixth Congress:

Page 76, chapter 14, March 3, 1800: Further suspension of intercourse with France; seizure of vessels, etc.

Page 16, chapter 14, March 3, 1800: Salvage on recapture.

Page 7, chapter 10, February 27, 1800; Further suspension of intercourse with France; selaure of vessels, etc.
Page 16, chapter 14, March 3, 1800; Salvage on recapture.

Chapter LX. An act to authorize the defense of the merchant vessels of the United States against French depredations.

Section 1. Be it enacted, etc., That the commander and crew of any merchant vessel of the United States, owned wholly by a clitzen or citizens thereof may oppose and defend against any search, restraint, or seizure which shall be attempted upon such vessel, or upon any other vessel, owned, as aforesaid, by the commander or crew of any armed vessel the authority of the French Republic; and may repel by force any assault or hostility which shall be made or committed on the part of such French, or pretended French, vessel pursuing such attempt, and may subdue and capture the same; and may also retake any vessel owned, as aforesaid, which may have been captured by any vessel sailing under French colors, or acting, or pretending to act, by, or under authority of the French respectively. The properties of the United States shall subdue and capture any French, or pretended French, ressel, or making shall accept the commander and crew of any merchant vessel of the United States shall subdue and capture any French, or pretended French, armed vessel, from which an assault or other hostility shall be first made, as aforesaid, such armed vessel, with her tackle, appurterances, ammunition, and lading, shall accept the commander and crew of any merchant vessel of the United States shall and may be adjudged and condemned to their use, after due process and trial in any court of the United States and the other to work of such merchant of the United States having admiralty jurisdiction, and which shall be holden for the district into which such captured vessel shall be brought; and the same court shall thereupon order as ale and distribution thereof, and the such as a second shall the color of the color of the color of the color of the color of

SEC. 5. And be it further enacted, That this act shall continue and be in force for the term of one year, and until the end of the next session of Congress thereafter.

SEC. 6. Provided, and be it further enacted, That whenever the Government of France, and all persons acting by or under their authority, shall disavow, and shall cause the commanders and crews of all armed French vessels to refrain from the lawless depredations and outrages hitherto encouraged and authorized by that Government against the merchant vessel(s) of the United States, and shall cause the laws of nations to be observed by the said armed French vessels, the President of the United States shall be, and he is hereby, authorized to instruct the commanders and crews of the merchant vessels of the United States to submit to any regular search by the commanders or crews of French vessels, and to refrain from any force or capture to be exercised by virtue hereof.

Approved, June 25, 1798.

Chap. LXVIII. An act further to protect the commerce of the United States.

States.

Section 1. Be it enacted, etc., That the President of the United States shall be, and he is hereby, authorized to instruct the commanders of the public armed vessels which are, or which shall be employed in the service of the United States, to subdue, seize, and take any armed French vessel, which shall be found within the jurisdiction limits of the United States or elsewhere on the high seas, and such captured vessel, with her apparel, guns and appurtenances, and the goods or effects which shall be found on board the same, being French property, shall be brought within some port of the United States, and shall be duly proceeded against and condemned as forfeited, and shall accrue and be distributed, as by law is or shall be provided respecting the captures which shall be made by the public armed vessels of the United States.

SEC. 2. (The President way grant commissions)

tures which shall be made by the public armed vessels of the United States.

SEC. 2. (The President may grant commissions to private armed vessels, which shall have the same authority to capture as public armed vessels. They shall be subject to instructions of the President.)

SEC. 3. (Applicants for commissions to deliver a written description.)

SEC. 4. (They shall give security.)

SEC. 5. (French ships and goods captured by private armed vessels, to be condemned and distributed.)

SEC. 6. (American property recaptured to be restored on the payment of salvage.) (Distribution of salvage.)

SEC. 7. (Captured vessels to be brought in and adjudicated.)

SEC. 8. And be it further enacted, That all French persons and others who shall be found acting on board any French armed vessel, which shall be captured, or on board of any vessel of the United States, which shall be recaptured, as aforesaid, shall be reported to the collector of the port in which they shall first arrive, and shall be delivered to the custody of the marshal or of some civil or military officer of the United States, or of any State in or near such port, who shall take charge of their safe-keeping and support, at the expense of the United States.

Approved, July 9, 1798.

Mr. SIMS. Mr. Chairman, it seems to me that there is a

Mr. SIMS. Mr. Chairman, it seems to me that there is a rather practical question that ought to be asked at this time. We are making appropriations here for submarines. What use do we intend to put them to? What excuse do we expect to give for the construction of these submarines? For what purpose are we bringing them into existence? I caught the idea from the gentleman from Illinois [Mr. Mann] that they were not regarded as a very valuable war instrument to be used exclusively for war purposes, but will be an exceedingly valuable instrument for the destruction of commerce upon the seas, and that practically they could not destroy commerce on the seas unless they were permitted to do it without first being seen, without giving warning, without signals, without anything except the proximity of a merchant vessel, because in rising to the top of the water, so that the merchant vessel could see them, if it had a gun it could shoot and sink the submarine and thus save itself. I want to know if it is in the heart of or is the purpose of any gentleman voting for submarines for the United States Navy to use them for the ruthless murder of women and children in the future when in a conflict with any country-Japan or any other? We can not mention the name of any nation that in the past has ever done anything more ruthless, more barbarous, more heathenish, more savage than the sinking of unarmed merchant vessels full of defenseless women and children without the slightest premonition or warning or opportunity to save themselves.

Mr. COOPER of Wisconsin. Will the gentleman permit a

question?

Mr. SIMS.

Mr. COOPER of Wisconsin. The whole difficulty, I think, could be obviated if we took the advice of Secretary Lansing in that letter of a year ago; that is to say, that no merchant vessel should be armed. That would compel the submarine to rise and capture it or be treated as a pirate. Just simply prevent them from arming, and then the submarine could rise.

Mr. SIMS. Let me appeal to the gentleman, because I know he has a magnanimous heart and a broad, humane view. Shall we refuse a man in the exercise of his just rights to carry a pistol to defend himself against a robber, because forsooth the robber might kill him if he is armed, in order to rob him, but if he is not armed will take his money and let him go? Now, the use of a submarine to take contraband from a merchant vessel can go no further than visit and search, and if it finds contraband aboard to dump it into the sea. But when it can not save the lives of noncombatants who may be aboard by transporting them to a place of safety, when it has no vessel besides itself upon which it can place those passengers, then

shall we say that it shall be permitted to sink that vessel in the middle of the ocean, perchance giving women and children an opportunity to get into little, frail boats, far from shore, which means only a prolonged death, more unmerciful, more savage than to sink them to the bottom of the sea? Submarines should not be permitted to be used for such a purpose, further than visit and search and capture of cargo. But they are exceedingly valuable weapons of war, to be used for legitimate naval war purposes. If the United States is building sub-marines to use against armed battleships and cruisers or to fight back when they are attacked, then go ahead. We had better follow the advice of the most extreme pacifist that ever uttered a word upon the subject rather than convert this Nation into a race of barbarous, warlike savages because some other nation has pursued such a course.

Mr. MOORE of Pennsylvania. Will the gentleman yield? Mr. SIMS. Just wait a moment. Suppose that an army has captured a lot of prisoners of war from its enemy, but conditions are such that they can not be held. The German idea, as expressed by one of their great statesmen, is that "necessity knows no law," and inasmuch as the captors can not keep these men as prisoners of war and not do anything with them except to kill them, that they are permitted to do so on account of military necessity. They had the right under the rules of civilized warfare to take the prisoners. Now, to save themselves from further possible loss by turning the prisoners loose they kill them and charge it up to military necessity! The allies, in population, are several times greater than the central powers. They can keep on recruiting armies indefinitely. Suppose they should say that in order to end this terrible world war as soon as possible we will take no more prisoners, that such a course is a military necessity. It is true the central powers could refuse to take prisoners also, but in the long run the central powers would lose all their fighting men in death, while the allies would have great numbers left. Had not the allies better lose, and had not Germany better succeed than to adopt such a brutal

and savage policy under the plea of military necessity? The CHAIRMAN. The time of the gentleman has expired. Mr. SIMS. I ask unanimous consent for five minutes more. The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that his time be extended for five minutes.

Is there objection? There was no objection.

Mr. SIMS. We will disgrace ourselves in all history if we contemplate doing with our submarines that which we have already condemned in other nations and which we always expect to condemn.

I will vote against this bill with everything in it, with all the possibility confronting us of needing what it provides, before I will be a party to passing a law to create an instrument of war when it is contemplated that we will use it to murder defenseless women and children in the dead hours of night, when they are asleep in fancied security and know nothing about it. If we contemplate building machines to drop bombs out of the sky at the dead hours of the night on inoffensive women and children in unarmed and undefended cities, I say I would rather go down in defeat a thousand times than agree to such a course of savagery. I would rather be conquered by some other power than to voluntarily become a savage so black and so hideous as to make all past savagery look white and innocent by comparison. Now, I yield to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. I sympathize with the gentleman as to women and children, but I want to ask the gentleman whether it is better to have ammunition ships under the guise of merchantmen coming in with munitions of war to supply the means for shooting up thousands and tens of thou-sands of fathers of children and of husbands of wives left desolate? Is it better to have that or to have one submarine stop them on the way?

Mr. SIMS. That is asking a question and answering it. I said they had a right to stop them and search them for contraband, and pitch the contraband overboard, and if the sub-marine could take care of the passengers and save all noncombatant life, then they could sink the ship if unable to take it to port for action by a prize court.

Mr. MOORE of Pennsylvania. Assuming the United States should be at war with one of the foreign powers, not naming any, and that one of the allies of the foreign power should be Japan—

Mr. SIMS. Oh, that Japan bugaboo does not scare me. Mr. MOORE of Pennsylvania. But suppose it should, and

there should come across the Pacific Ocean a Japanese merchantman armed for defense only, but loaded with munitions of war for the enemy, landed on the Pacific coast, would the gentleman think it was the duty of the United States to have its little submarine come out and overhaul the merchantman

and be destroyed by it, or would he tell it to fight?

Mr. SIMS The gentleman's question contemplates that the little submarine would be destroyed. Why should you send out a submarine when a surface craft could do all that it was lawful to do in the capture and destruction of contraband? Why use a submarine?

Mr. MOORE of Pennsylvania. The armed merchantman is loaded with munitions of war to destroy men and women and children, and would have one gun, which would be sufficient

to send a submarine to the bottom.

Mr. HAMIL/TON of Michigan. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. HAMILTON of Michigan. If a man should send you

Mr. SIMS. Now, no hypothetical questions. Do you want to permit a submarine to murder women and children without warning?

Mr. HAMILTON of Michigan. Will the gentleman wait until ask my question, and then he will know whether it is hypothetical or not.

The CHAIRMAN. The time of the gentleman from Tennes-

see has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended five min-

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the time of the gentleman from Tennessee be extended five minutes. Is there objection?

There was no objection.

Mr. HAMILTON of Michigan. I want to ask this question, because I think it bears on the present situation, and the gentleman can state if it does not so appear to him. If a man should send the gentleman word that if he, the gentleman from Tennessee, should continue to go peaceably down a certain street that he had been accustomed to go down he would shoot him on sight, would the gentleman from Tennessee stay at home or oll up his gun? [Laughter.]
Mr. SIMS. That is what I call a heavyweight question.

Mr. HAMILTON of Michigan. I call it a pretty fair ques-

Mr. SIMS. Yes; it is so fair that it is very easy to answer. If I had a lawful right to go down that street, and I go down it, and a man murders me, is he any less a murderer?

Mr. HAMILTON of Michigan. But where are you? Mr. SIMS. I am dead. [Laughter.] But the man who

killed me is a murderer.

Mr. HAMILTON of Michigan. Good-by. [Laughter.]

Mr. SIMS. Mr. Chairman, such questions illustrate nothing. We are making history for the future by which others will judge us; and let nothing be uttered in this debate that would lead others to believe that we under similar circumstances would do what we are condemning other nations for doing. If we will do no better than they are doing in the same circumstances, we should hold our peace and refrain from criticism. If these submarines we are authorizing in this bill are to be used chiefly for destruction of contraband goods, the great bulk of which is conditional, and we are going to blow women and children into atoms without notice, without any opportunity to save their lives in order to sink some ship loaded with Minnesota wheat with which the women and children of our enemies are to be fed—if that is one of the uses which we are going to make of these submarines, let us build no

more now and forever. [Applause.]
Mr. LONDON. Mr. Chairman, the last speaker, the gentleman from Tennessee [Mr. Sims] is opposed to the building of submarines unless their use is limited to attacks upon warcraft. The trouble with the gentleman from Tennessee and several other speakers who preceded him is that they are the victims of what the President of the United States re-cently called "legalistic reasoning." Some men do not dare Some men do not dare reach any conclusion unless they find some precedence, some authority, some fellow who has reasoned things out for them. These men always look for paragraph 2, section 5, subdivision 4, on page 297 of volume 2, or some other paragraph or section of a textbook. Why not come down to fundamental principles? I claim that there is an international law superior to the law written in the textbooks, superior to the law which grew up when nations of the world were ruled by kings and monarchs not responsible to the people. An ancestor of mine laid down some international and universal law when he handed the Ten Commandments to the world, with the injunction "Thou shalt not kill." [Applause.]

The question is not whether certain weapons of destruction shall be used, and whether their use shall be limited for certain purposes. The question is, Is war justifiable? If it is, then every means is justifiable as an incident to the war. Were this country invaded, I would be in favor of shooting down the stars if the falling stars would crush the enemy. would use any and all means—the more destructive the better. The broad question is, Are you justified in entering the war? And if you are justified use every means that human ingenuity can devise to inflict every damage you can upon the enemy you have to contend with. That is why no sane mind can indorse the idea of war, unless it be a war to repel invasion.

Come down to basic principles and stop quibbling, lawyerlike, about fine points in textbooks on international law. Carlyle

calls it chop logic, which is no logic at all.

Mr. FESS. Mr. Chairman, I would like to have the attention of the committee for just a moment upon this controversy. agree entirely with what Dr. TEMPLE said about international law and his interpretation of the limits of the submarine in general. I think every Member must recognize that our embarrassment here is due to the fact that there is no international law covering the new weapon of warfare, the submarine, and while we have taken our position upon an adherence to international practice, the question is up to us whether we as a neutral power during the progress of war will attempt to change international law affecting the rights either of neutrals or belligerents in such a manner as to cover these new weapons, when we are aware that such change would be an unneutral act. That is a delicate question. I have exercised freedom of criti-cism upon the floor of this House of Great Britain for changing the laws of contraband during the war, which is not permitted under international law. I have criticized Great Britain for extending her blockade to neutral coasts, which is not permitted in international law. I have criticized Great Britain upon the ground that, while the blockade is in existence, it is not entirely effective, because she was using these markets in neutral coasts that were blockaded against us for the sale of her own goods, which is not permitted under international law. freely criticized the mother country for repudiation of the rule that neutral flags cover neutral goods. So what I say of the submarine is not because I am biased in favor of or against any particular nation. I think that all Members will admit that the belligerent nations are violating international law on both sides with little regard for the rights of neutral countries, and the question for the American Congress is, Shall we permit, if we can help it, the violation of American rights under international law? Knowing that international law does not cover these new methods, like the submarine, and realizing the delicacy of the situation, the very first thing that our Government did after the war opened, and it did it two days after the war opened, was to address a note simultaneously to both belligerents, asking them whether they would agree upon the declaration of London as the law of naval warfare. That was because the declaration of London had not been signed by some of these belligerents, including England, and it was thought if these belligerents would agree to the declaration of London we would cover the new methods by this agreement and thus avoid many troublesome questions. But, unfortunately, Great Britain de-clined to agree to it. It might be added that Germany agreed to Then we had to withdraw our solicitation, because abide by it. both of the belligerent powers would not agree. Another question came up, and it was upon the 19th of February, 1915. Government addressed a note simultaneously to both belligerents, asking if they would not agree upon a schedule of rights in naval warfare. Please note the second item of that suggestion:

That neither will use submarines to attack merchant vessels of any nationality except to enforce the right of visit and search.

It might be asked, Why did our Government address both sides upon that point? I answer, it was because the submarine is a new weapon, and it was thought if we would have to abide by old international law, the submarine would be virtually useless; and, therefore, not being covered by international law, our Government attempted to bring it under the agreement and thus define the rights of this new weapon. Germany came back with this answer:

The German Government would undertake not to use their sub-marines to attack mercantile of any flag except when necessary to enforce the right of visit and search. Should the enemy nationality of the vessel or the presence of contraband be ascertained, submarine would proceed in accordance with the general rules of international law.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FESS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FESS. It was on the 28th of February that this answer came from Germany. On the 1st of March, 1915, Great Britain answered our proposals, and her answer was to the effect that Germany was not using her submarines in accordance with international practice, and therefore Great Britain would not agree to be embarrassed by accepting the proposal of our Government. It must be admitted that the British Government was within her legal right to refuse our proposal. Since our Government could not induce the two belligerents to agree to defined procedure for the new weapon, it was left open to us to decide how we would consider the submarine as a war vessel. The question of arming merchantmen defensively against the new weapon came up. On the 18th of January, after two attempts upon the part of our Government to get the belligerents to agree upon a method of naval warfare, our Secretary of State addressed a confidential note, not to the belligerents, as I had unwittingly stated in yesterday's Record, but a confidential note to Great Britain, and at the same time the same note to Italy, to France, and to Russia, and six days later the same note to Japan. That is the famous January 18 note, and it was a suggestion not to the belligerent world, not to Germany or her allies, but a suggestion to Great Britain, who controlled the sea, that they agree upon certain rules for armed merchantmen; and in it the Secretary of State, speaking for our Government, informed them that we are considering the proposition of regarding armed merchantmen as naval auxiliary vessels. That is in It was a confidential note, a solicitation to the mistress of the sea to make certain modifications of naval customs to avoid possible consequences. It was not an invitation to all the countries, but a third attempt to get the ruler of the ocean to agree upon a program. That attempt was a recognition of our obligation to abide by international agreement unless a modification can be agreed upon.

Mr. Chairman, I am not inclined to defend the administration; on the other hand, I have freely criticized its economic policies, but there seems to me to have been read into the note of January 18 something that is not warranted. It was a third attempt upon the part of our Government to get the ruler of the sea to agree to either disarm the merchant vessel or to state under what conditions it should be armed and how the arma-This in itself was an admission that a ment was to be used. custom, though out of date, could not be forbidden without the agreement of the powers claiming its right to use it. Britain did not see fit to agree to the note. Unfortunately, the note was made public, and it is being quoted everywhere as the position of our Government as if publicly proclaimed to the world. It could not be the position of our Government, for this reason: If we stand on international law and demand of others to be so guided in their conduct as belligerents, then we can not change it in the midst of war without the agreement of the belligerent powers, and in case such agreement can not be reached as is the result of this armed-merchantmen controversy an armed merchantman will be accorded entrance to our ports as a merchantman, free of the restrictions of an auxiliary naval vessel, and must be accorded the right upon the sea, and our embarrassment is, what are we to do in case a submarine attacks American vessels or a belligerent merchantman carrying American citizens? If we hold to international law, then we are not free upon our own motion to change it in time of war without the agreement of the belligerents, which agreement we vainly sought; and, on the other hand, if we do not consider these defensively armed merchant vessels as auxiliary naval vessels, as under former practice they are not, then an American citizen exercising his right to go upon them, whether he should do it or not-and I express a wish that he would not subject his country to the frightful possibilities of what will follow, notwithstanding the fact that he has the right to do itsents the issue of national honor. The question which the Congress must answer is, What will we do when he exercises his right under international law, admitting it is a foolish thing to do, and goes upon the sea and suffers death? To announce that he goes on his own risk and his country will not protect him is an open acknowledgment of a surrender of our neutral rights, consequences of which will be hard to sound. To thus tie up the sea would produce untold suffering from many angles.

Mr. BENNET. Will the gentleman yield?

Mr. FESS. I yield to the gentleman.

Mr. BENNET. Has the gentleman made any comment on the memorandum made by the State Department for the President, dated March 25, 1916, and made public April 19, 1916?

Mr. FESS. I have not made any comment, but I have the

Mr. BENNET. The gentleman is familiar with that?

Mr. FESS. Yes; I am familiar with the contents of the matter referred to. The point, though, I will say to my friend from New York, is that we are not free, without the consent of the belligerent powers, to make any change of the customs and procedure of international law while the war is on, I said before the gentlemen came in from your committee that we had made three vain efforts to induce the warring powers to agree upon a method of naval procedure.

The CHAIRMAN. The time of the gentleman has expired. Mr. FESS. That being the case, fellow Members, I do not think the Government is subject to the criticisms in this par-ticular instance that have been offered. To command our undisputed rights in international practice and procedure and still maintain a strict adherence to neutrality and thus offer no offense to any nation is the duty of the Nation and is the problem now confronting us.

Mr. FREEMAN rose.

Mr. PADGETT. How much time does the gentleman desire? Mr. FREEMAN. Five minutes.

Mr. Chairman, I ask unanimous consent Mr. PADGETT. that all debate upon the paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate upon the paragraph and all amendments thereto close in 10 minutes. Is there objection?

Mr. SHERLEY. Mr. Chairman, I object. Mr. FREEMAN. Mr. Chairman, while it is true that in most games the rules can not be changed during the progress of the game, yet it is equally true that in the game of war the rules of international law have been constantly changed by the proclamations and regulations of powerful belligerents, and also by the proclamations of powerful neutrals, and such changes have afterwards become recognized and well-established interna-The United States of America, a neutral nation, now has it in its power to make a most essential, a most beneficial change in the rules of international law. We have now the most available, the most necessary neutral ports of the It has always been true that war vessels of belligerent nations have been denied privileges in neutral ports, and it is true that the peaceful merchantmen of the belligerent nations have been granted certain privileges in neutral ports. It appears during the progress of this war that a merchantman inoffensively armed, in accordance with international law of the past, is now practically a battleship for offensive purposes against a submarine at the moment it emerges from the depths. It is most desirable for the United States of America to make full, efficacious, and yet lawful use of submarines in case of war with other nations. [Applause.] Therefore we should establish this rule, that our neutral ports shall not be open to an armed merchantman of belligerent nations. [Applause.]

Mr. SHERLEY. Will the gentleman yield?
Mr. FREEMAN. Our trade may be injured, our trade may be crippled, but if we can establish this principle that armed vessels shall no longer be considered peaceful merchantmen it will redound immensely to the protection and security of our Nation in the future.

The CHAIRMAN. Does the gentleman yield to the gentleman from Kentucky?

Mr. FREEMAN. I can not yield just at the present time. The submarine should have the right in perfect safety to come to the surface of the ocean and to challenge without danger a peaceful merchantman to stop. It should have the right in safety to visit and search a vessel held to by it. I hope the time will soon come when all nations will recognize that the submarine must allow the crew and passengers—men, women, and children—to proceed in safety, and I apprehend that at the conclusion of this war, and perhaps during it, the rule may be established that a submarine may without danger order the crew of a merchantman to throw overboard munitions of war and contraband and then must permit the ship to proceed in safety to a port if its destruction would endanger lives. We may, by taking a firm stand upon this matter, change the rules of international law even during the progress of this war, so that submarines may warn without danger, may search and visit, and may destroy munitions of war, and yet the lives of noncombatants may not be put in jeopardy. [Applause.]

Mr. SHERLEY. Mr. Chairman, there are certain statements

made by the gentleman who has just preceded me I do not want to let go unchallenged either as statements of fact or of law. It is not true, in my judgment, that a neutral has the right to make international law during hostilities and by so

doing that it can thus change the rights of belligerents or of itself. Any change of international law by a neutral that serves to inure to the benefit of either belligerent is in itself an unfriendly act and destroys the character of neutrality of the nation making it. [Applause.] Now, it is also not true, in my judgment, that under international law the arming of a merchant ship for defensive purposes deprives it of its character of a merchant ship with the right as such to enter the ports of neutral nations and to use those ports. For this Government to undertake to say that the arming of merchant ships for defensive purposes was sufficient to deny to those ships the privilege of our ports would be to do a most unneutral act that would be little short of an actual act of war, and for men to argue that we can change the rules according as we from day to day may consider it to our advantage, or to the advantage of the world at large, is to bring even worse confusion in the consideration of these questions than now exists. Now, there are certain things that must be remembered, and one of them is this: The fact that a new weapon is put into use at any period of time does not change the rights of neutrals and of innocent people who are noncombatants. Simply by having brought the submarine to its present use, you can not change the right of a noncombatant to have his life protected and not to have it destroyed at the will of one of the combatants. That is the real fundamental fact that underlies this whole controversy, and it should not be lost sight of in the interest of humanity and in

the interest of the rights of neutrals.

A submarine has the right to visit and search. It has the right to capture an enemy merchantman or a neutral mer-chantman with contraband. It has the right to sink the merchantman if the merchantman undertakes to escape or to resist, but if it does not undertake to resist or to escape it can not sink that merchantman without making provision for the lives of the noncombatants aboard it. That is not new international law; that is old and existing international law. The fact that it happens to work to the disadvantage of one belligerent as against another may be unfortunate for them, but can not determine and should not influence the rights or the position of a neutral nation. All America has insisted upon and all this controversy centers around has been that the right of life of innocent passengers, noncombatants, shall be respected by bel-That right she never can afford to surrender. [Apligerents. plause.]

There is another thing. It is not true, and it never has been true, that travel upon merchant ships is simply at the caprice of men. Some men may travel when they had better stay at home, and should stay at home, but no nation engaged as we are in world business can long maintain itself which says to all its naturals, "You can not go outside the boundaries of the And so it is putting a false complexion upon things when you say that our citizens should stay at home in order to avoid all danger of complications. There have been hun-dreds of thousands of men abroad, Americans, that had to come home. There have been men here who have had to go abroad. For this country to say that we will not protect them in a plain right would be to abrogate the very essence of sovereignty. [Applause.]

Mr. DAVIS of Texas. Mr. Chairman, I have never allowed myself to become frenzied over the question of preparedness, but I consider the submarine, and an ample supply of them, as one of the most effective and necessary implements and instruments in our system of preparedness. Furthermore, all the knowledge I have gathered from reading history and law compllations and treaties I have found this fact, that interna-tional law, so called, is simply the actions, conduct, and proclamations of some warfaring nation that was strong enough to enforce it in war and make it a precedent for peace. I find, furthermore, that the present code of international law, so to speak, was compiled in a series of notes by Jefferson, Jay, Crittenden, and Marshall, and found its way into the common-consent customs of the earth, and is practically to-day our international law. We did not have any submarines then; we did not have any electric-current boats, and conditions are changed. We will suppose in this case that Germany is able to come out victorious in this war. She will establish the precedent that you have got to disarm your ships and put up a signal, or submarines will have the right to sink them and drown the men and women who are aboard. She will set a new precedent in the world's international law, and it will become an international precedent, hence international rule.

Now, the right of travel is absolute, and the right to trade

is absolute, and long before Germany's submarine zone was laid England established a war zone, and dragged over 3,000 bales of cotton from neutrals, put it behind her veto line, dragged over 40,000,000 pounds of packers' meat behind it, in total dis-

regard of law, and we did not raise any row with her, notwithstanding she willfully violated international law. Why? cause the power that controls the press in this country did not bring out a thousand headlines and call it an insult.

Friends, fellow citizens, this Government must recognize the theory of contributory negligence, and when some man gets on a belligerent ship armed for aggression as well as defense, armed for offense as well as defense, you need not expect a submarine to give it notice. To give it notice is to invite destruction, and the submarine commander will not voluntarily commit suicide for himself and his crew. Do you suppose that I in charge of a submarine boat would voluntarily commit suicide by notifying a ship that has a gun that can sink me in five minutes when I have no power to resist? No, sir. I will either stay under the water and run away and hide, or I will shoot a torpedo under it and make mincemeat out of its men and giblets out of its timbers. Those are the questions that confront us.

Now, what will America do under such conditions? I want the submarine and I want it for its most effective use, and I want us to establish a precedent that will allow us to use it honorably by forcing innocent ships to put up innocent signals. abolish all arms or be treated as enemies. My brothers, I thank you. [Applause.]

Mr. BRITTEN. Mr. Chairman—
Mr. PADGETT. Mr. Chairman, I renew my request, with the consent of the gentleman, that with the conclusion of the gentleman's time, five minutes, debate on this paragraph and all amendments thereto close.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that at the expiration of five minutes all debate on the pending paragraph and amendments thereto be closed. Is there objection?

Mr. HARDY. Will not the gentleman give me five minutes? Mr. PADGETT. Then I will say 10 minutes.

The CHAIRMAN. The gentleman amends his request by substituting 10 for 5 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BRITTEN. Mr. Chairman, I very much enjoyed the statement of the distinguished gentleman from Kentucky a few minutes ago when he very cleverly showed one side of this armed merchantman proposition. We all know that there were two well-defined sides to the status of armed merchantmen when Congress and the country had that controversy up a little

more than a year ago.

The Secretary of State first held that the arming of a merchantman with any guns sufficient to destroy a submarine or a destroyer or any other warship naturally made it an auxiliary naval war vessel.

Mr. GORDON. When did the Secretary of State hold that?
Mr. BRITTEN. In his first opinion.
Mr. GORDON. He did not do any such thing. He never held any such opinion.

Mr. SHERLEY. If the gentleman will permit, the Secretary of State did not do that. He sent a note to certain Governments suggesting that line of reasoning, and asking whether they would agree to certain constructions; but the Secretary of State did not put that construction on the law, and he could not have done it, and if he had it would not have been binding.

Mr. BRITTEN. The Secretary of State did suggest that very thing, although it was never made effective.

But after all, Mr. Chairman, we have got to consider this matter from a fair and reasonable basis. When you put a 2 or a 3 or a 4 inch gun on a merchant ship you make it superior the submarine before it is sent out on the high seas loaded with millions of rounds of ammunition for the destruction of one of the belligerents. Is it quite fair to say that a single American passenger can insure the safe delivery of an enormous cargo of munitions of war to the other side, because we say to Germany, "You do not dare touch that ship; there is an American on it.

The distinguished gentleman from Wisconsin [Mr. Cooper] very cleverly exemplified that folly in the event of our being at war with Japan. Does any gentleman on the floor of the House say that if we were at war with Japan, and a great Japanese merchant liner was sending millions of rounds of ammunition to a base in Mexico to destroy our boys and it had on board three or four Chinese citizens, that our submarine commanders would say, "Don't sink that ship; there are neutrals on board"? If he did and allowed that cargo of ammunition to go into Mexico to find final resting place in the breasts of our boys, what do you think Congress would say of him? He would be immediately court-martialed. There is no question about that.

However, the inconsistency of the State Department on this whole matter is no worse than the inconsistency of the Navy Department, which now and always has been lopsided. me call your attention to one or two of the inconsistencies in the bill that is now pending before the House. A year ago Admiral Strauss came before the Committee on Naval Affairs and said, "We need more than a million dollars for anti-aircraft guns for naval-station defense; we have none." What do you suppose became of that appropriation? The Secretary of the Navy struck it out. He said it was not necessary, and out it came. To-day the Secretary asks for that very same thing. Was it not evident a year ago that they were necessary? His bureau chief said we had none. That is an evidence of the inconsistency and lack of business administration that characterizes the Navy Department.

Then, on the question of torpedoes. The Committee on Naval Affairs inspected the Government torpedo plant at Newport, R. I., the only one in the country outside of a private corporation, the Bliss Co. When we returned every member of the committee was impressed with the need of more torpedoes. We had only about 700 in the service, which would be about one and one-half to each torpedo tube. In other words, we are sending ships out on the high seas, ships whose destructive qualities are dependent entirely on the torpedo, and we put only two or three torpedoes on each of them. One and onehalf torpedoes per tube, and when they have shot those they must come home. They have no more torpedoes.

Mr. PADGETT. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

I want to say that the gentleman is far, far, Mr. PADGETT.

far afield from the facts. [Applause.]
Mr. BRITTEN. Well, I will show the distinguished chairman of the committee how far afield I am from the facts. We on the committee have been calling for more torpedoes. We have been requesting larger appropriations. When I say "we" I am talking about the Republican side of the committee, for the Democratic side of the committee has always been under the thumb and subservient to the wishes and to the dictation of the Secretary of the Navy, and that is the reason why we have any number of requests before us to-day calling for emergency appropriations of millions and millions of dollars for things that are urgently needed by the Navy.

The CHAIRMAN. The time of the gentleman from Illinois

has expired.

Mr. BRITTEN. Mr. Chairman, may I have five minutes

The CHAIRMAN. The time has been fixed by the committee

Mr. BRITTEN. I ask unanimous consent that I may have five minutes

Mr. PADGETT. I must object now, because the gentleman can have other time.

Mr. BRITTEN. I would like to have my remarks appear in continuity, because the chairman of the committee just indicated that my statement was not correct.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more, not-

withstanding the limit fixed by the committee.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the gentleman from Illinois may proceed for five minutes more, notwithstanding the time limit fixed by the committee. Is there objection?

Mr. HARDY. Not to come out of those ten minutes? The CHAIRMAN. No. Is there objection?

There was no objection.

Mr. BRITTEN. Now, then, the distinguished gentleman from Tennessee who presides over the committee-and I have the very highest regard for him and for his ability-indicated that I was wrong when I said there was a great shortage of torpedoes Let us see what Admiral Strauss had to say when in the Navy. he appeared before our committee last year and requested an appropriation of \$3,285,000 for torpedoes and appliances, and then let us see what the committee gave him.

Mr. LONGWORTH. How much do they cost?

Mr. BRITTEN. Eight thousand dollars for the 21-inch and \$6,000 for the 18-inch. Mind you, we have boats on the high seas, boats like destroyers and submarines, whose main means of offense is the torpedo, although they have small guns. out torpedoes they are practically useless. We have been sending them out on the high seas with only three or four torpedoes in them and nothing else but small-caliber guns. The Chief of the Bureau of Ordnance of the Navy, the best posted man on ordnance in the Navy to-day, Admiral Strauss, told us that his ordnance in the Navy to-day, Admiral Strauss, told us that his estimate of appropriations for torpedoes was \$3,800,000, and the Secretary cut that down to \$800,000, on the theory that we did

not need so many. The result is that many of our cruisers and submarines continue to go about inadequately supplied with antiquated torpedoes, simply because the Secretary of the Navy did not want to spend the money.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. CALLAWAY. If they were in any danger at all they

would not go with the torpedoes, would they

Mr. BRITTEN. If they would not go with their equipment of torpedoes they are useless in battle? Would you keep them at home? That is the point I am trying to make. The chairman of the committee says I am in error. I can prove that we have ships on the high seas to-day with torpedoes that can not go more than 2,000 yards.

Mr. CALLAWAY. We have not had any necessity for using

even those yet.

Mr. BRITTEN. From the gentleman's viewpoint we will never sed any. Now, the Secretary of the Navy comes before Congress with requests for a dozen or more emergency appropriations, merely indicating the lack of foresight of the department. These matters have all been pointed out by experts in the service qualified to know. Why, the chairman of the Naval Affairs Committee will to-day or Monday request \$800,000 for the Newport torpedo works. We have been talking about that for years, and getting nowhere; but now we see an enemy staring us in the face. We see the prospect of a fight. I hope to God the President will continue to remain too proud to fight; because an American life on the high seas should not be a bit more valuable to us than an American life in Mexico, and we did not fight there. So there will be no greater reason for fighting now.

Mr. SIMS. The President has never alleged himself to be too

proud to fight.

Mr. BRITTEN. Pardon me, I thought he had.

Mr. HOPWOOD. I was present in Philadelphia and heard the President's speech, and he used those exact words.

Mr. SIMS. As printed it does not read that way. Mr. HOPWOOD. I was there and I heard the words "too proud to fight."

Mr. BRITTEN. What I want to bring to the attention of the House is not whether a man is too proud to fight or not. want to show the thorough inconsistency not only of the State Department but of the Navy Department. They are 50 per cent right on everything, because they are always on both sides of every question. The chairman of the Naval Affairs Committee is going to ask this House to incorporate in the present bill an \$800,000 emergency appropriation for the Newport torpedo works—at a time when labor and material are almost prohibitive.

Mr. PADGETT. Mr. Chairman, will the gentleman yield

just there?

Mr. BRITTEN. I will for a question, but not for something to be read out of the record. The chairman of the committee can have all the time he wants.

Mr. PADGETT. I want to correct the gentleman's statement.

Mr. BRITTEN. I got the figures, and I took them out of the hearings.

Mr. PADGETT. I want to read from the hearings of last year just what Admiral Strauss said.

Mr. BRITTEN. All right; the gentleman can read it in his own time, if he pleases.

Mr. PADGETT. All right, Mr. BRITTEN. During t During the consideration of this bill the chairman of the committee has presented what might be termed emergency appropriations running probably to \$10,000,000, and

the Lord only knows how many more.

Mr. BROWNING. Fifteen million dollars.

Mr. BRITTEN. The gentleman from New Jersey [Mr. BROWNING] says \$15,000,000. And what is the occasion? It simply means that the Navy Department up to the present time has been blinded by its pacifism, a pacifism of the Bryan type that will accept an authorization from Congress to-day and pray to God that they will not be able to spend it to-morrow, or any other time, in the hope that some happy millenium is [Applause on the Republican side.]

Mr. HARDY. Mr. Chairman, it seems to me a little strange that so many gentlemen who apparently joined in applauding the sentiments uttered by the President on his last appearance before this body have to-day for some reason found it necessary to attack all those sentiments, and to present for a new discussion and again seek to approve the McLemore resolution which struction proclamation, that side as well as ours almost solidly indorsed and applauded him. Now a goodly number of Republicans are putting on a new and different front.

Mr. BRITTEN rose.

Mr. HARDY. I rose just for one thing, but I want to say to the gentleman who seeks to interrupt me that I have only five minutes, and I will not have time to reply to what was said by him. The gentleman [Mr. BRITTEN] seems to be affected by Danielsphobia. [Applause on the Democratic side.] I have never heard him make an argument here or address the House for five minutes without attacking Mr. Daniels, notwithstanding every statement of his attacking the Secretary has been denied and refuted, and notwithstanding the Secretary has been praised for his splendid service by Admiral Dewey, who has now gone to the reward of the greatest of our naval commanders. [Applause on the Democratic side.] Nevertheless the gentleman from Illinois persists and rises in his place upon all occasions to beslime and belittle the Secretary of the Navy. I do not think it is worth replying to. [Applause on the Democratic side.] What I rose to speak of is the proposition the gentleman from Connecticut [Mr. FREEMAN] made a moment ago, that the duty of this Government is to deny our ports to the entry of every merchant vessel armed for defense. His statement was very deliberate and clear that merchant vessels armed for self-defense only ought to be treated by us as war vessels. Gentlemen, let me call your attention to the fact that perhaps 90 per cent of the merchant vessels that have been sunk by submarines have been unarmed, and that many of these have been sunk without warning and without providing for the safety of passengers or crews, while many armed vessels have been able to escape destruction. And finally let me call your attention to what I think the effect of such a ruling by our Government would be. It would destroy not only the commerce of the belligerent nations and starve England to death in a short while, but it would destroy the commerce of the United States herself, our surplus grain and cotton would rot in the fields and at the wharves, and America as completely shut off from the world as if we were blocked by enemies on all our sea coasts. And I want to tell you that if submarine warfare is to be conducted in the way indicated by the German note last issued America ought to arm every merchant vessel she sends upon the seas for defense, and there is no question they will be safer armed than unarmed.

If we wish to destroy our own commerce, let us adopt the rule that the gentleman [Mr. Freeman] suggested and send our merchantmen out unarmed, an easy prey and sure victim of the To make this clear, let me show you how it would act. The German submarine might be hunting and seeking to capture only English or French vessels, and might prefer to sink without warning only armed English or French vessels. But it is plain that any ship in danger of destruction will resort to any ruse for safety and will hoist any flag that might mean safety. So the English or French ship will hoist the American flag. It is clear also that when the German submarine sights So the English or French ship will hoist the American a vessel bearing an American flag she will not know whether it is an English or American—an armed or unarmed—ship and she can not know except by a search, and if she be not required to make this search but may destroy by a sudden and stealthy shot, what can you have except the indiscriminate destruction of all merchant ships on the ocean, just as we have been having since February 1? If it be sought to excuse or justify the destruction of a merchant ship bearing noncombatants-men, women, and children-without warning and by the method of the assasin, the stab in the dark, on the ground that that is the only way the submarine can effectively operate, the only way in which it can successfully win triumph for its nation, I answer that the same excuse or justification can be given for poisoning the wells and streams of an enemy country. The deliberate murder of sleeping or unsuspecting noncombatants can not be justified. I ought not to leave this question without saying that it seems to me the sinking of a vessel carrying munitions of war presents a different question. In my judgment, our noncombatant citizens not only ought to keep off such vessels but ought to be warned by our Government to keep off of them.

I will not elaborate this proposition, but I think any nation would perhaps resort to any method, open or secret, to stop or destroy a shipload or a trainload of rifles or shot and shell on its way to the enemy. If we would do it ourselves, we can not ask another nation to refrain from doing it.

But, to get back to the proposition of the gentleman from Connecticut, the gentleman ought to know that the very clear distinction, always recognized heretofore by all nations, between a war vessel and a merchant vessel armed for self-preservation I

and protection is involved in the answer to the question. What

do they do with their weapons?

If a merchant vessel, so called, armed for defense, adopts warlike measures by attacking the war vessels or the merchant vessels of an enemy or marauding on the seas, if she goes beyond her legitimate business as a carrier, then she becomes a war vessel; but so long as merchant vessels armed for defense confine their labors to the carrying and transporting of commodities and do not engage in war, they are entitled, under the laws of humanity and the laws of nations, to arm as strongly as they see fit in order to defend themselves from attack. Neither the size nor the character of her guns affect a vessel's right to defend herself. It is what she engages in, not how she arms herself, that affects her status. Her right is to defend herself. That right is absolute and unlimited by the law of nations, and that law can not ever be affected by the character of the vessel against which it is proposed to be exercised. Not only so, but by international law there are only three conditions under which a merchant vessel may be sunk: First, when she is resisting capture; second, when she is fleeing to escape capture; and third, when she has been captured and the safety of her crew and passengers provided. No nation has a right to sink a merchant vessel except under one of these conditions. And we as a Nation must assert our rights to defend our merchant vessels against the unlawful attack by any nation on the earth, whether we are at war with them or not, and must insist that neither Germany nor any other nation sink any of our merchant vessels except under one of the conditions I have named. That is, the proposition and the arguments that are being made here to-day seem to lose sight of the fact that we, as a Nation, are interested in this question as deeply as any nation in the world. Let us close our ports to vessels armed for defense, and what happens? We can not arm our own vessels for defense, and we must tamely submit if our ships are sunk without warning, as they will be. No, Mr. Chairman, I reach the conclusion that submarines, while useful in war, must confine their destructive efforts to war vessels and war vessels alone. Otherwise the time will come when America, although she be provided with submarines herself, must close her ports to the commerce of the world and cease to send out her commodities to the markets of the world. That is the proposition we must stand against. That is the proposition we stand against in adhering to the President's last message. We assert the right of merchant vessels to travel the seas over, and arm themselves to the extent that may be necessary in order to defend themselves against attack. To hold otherwise to-day is to hold that all the peaceful commerce of the world must stop, or else be convoyed by the battleships of the nations to which it belongs, and thus we bring all the presently neutral nations into the war to protect their commerce.

The CHAIRMAN. The time of the gentleman has expired.
Mr. PADGETT. Mr. Chairman, in view of the statements
made by the gentleman from Illinois [Mr. Britten] I ask for five minutes, notwithstanding the rule.

The CHAIRMAN. The gentleman from Tennessee asks for five minutes, the rule to the contrary notwithstanding. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, in view of the statements made by the gentleman from Illinois [Mr. Britten] a few moments ago, when I asked to read into the Record an extract, and at that time he declined to allow me, I want to read from the hearings of the committee last year, on page 1193, from the statement of Admiral Strauss, Chief of the Bureau of Ordnauce. He savs:

The torpedo situation is well in hand. We have now actually on hand or in process of manufacture torpedoes sufficient for the full allowance and reserve for every ship that we possess or has been authorized. The torpedoes being manufactured will be ready for the ships as soon as they are put in commission. In this year's estimate I did ask for a large sum of money to provide replacement torpedoes for the three battleships of the Ohio class, for six armored crubers, and for destroyers. The above-mentioned vessels now have 4,000-yard

He said 8.000-vard torpedoes-

And the 4,000-yard torpedoes will not be wasted, as they will be kept in stock for the present and future submarines, a class of vessels upon which such torpedoes would be entirely efficient.

The department cut this item out of the items. However, the payments include \$800,000 that will be utilized for the manufacture of replacement torpedoes, principally to carry out a general scheme we have had in hand now two or three years by which the three dread-naught ships are to have their torpedoes increased in range. This money will complete that scheme and, I hope, will provide sufficient funds to give new torpedoes to the nine small submarines in the Philippines.

Mr. RELITTIEN. Will the resultance of the sufficient of the sufficient of the provided sufficient of the sufficient

Mr. BRITTEN. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BRITTEN. Will the gentleman, before he closes, tell the committee from what amount this \$800,000 was deducted?

Mr. PADGETT. I do not remember. Mr. BRITTEN. The gentleman has it right there. million three hundred and forty-five thousand dollars, was it not? No; I think it was over three millions.

Mr. PADGETT. A greater amount was asked, and it was not given because it would not complete it.

Now, then, I want to state that the range fixed by the General Board for the submarine for fighting is 1,000 yards, and instructions have been given that the submarines are expected to get within 1,000 yards of the opposing ship in case of necessity. And yet they are provided with 4,000-yard torpedoes.

Now, then, gentlemen, permit me to speak of a little thing that occurred, in which I become a little reminiscent. The gentleman's continuous attacks brought to my mind an occurrence said to have taken place in the State of Virginia during the Civil War. The great and magnificent army of Gen. Grant was moving forward in grand and magnificent splendor and gran-Thousands upon thousands of infantry were marching forward, troop after troop of cavalry were going by. The can-non drawn by horses numbered in the hundreds and the great caravan of wagons containing stores were moving on. and then a wagon wheel might break down that would delay things for a little while, or a cannon might get mired in the mud and stop the procession a little while, but the whole great procession was moving forward in a grand and glorious phalanx. Little Johnnie was sitting out on the fence watching it all, and he had a little dog with a big name called Tige. Tige was running and jumping and snapping and snarling and growling and barking all up and down the fence. Little Johnnie got very much excited and cried out, "Dad, come here quick, Tige wants to bite the army." [Laughter and applause.] The CHAIRMAN. The time of the gentleman has expired.

All time has expired.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent to return to page 21 for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to recur to page 21 of the bill to offer an Is there objection?

Mr. BUTLER. Mr. Chairman, I would like to have the

amendment reported.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 21, line 6, strike out "\$100,000" and insert "\$900,000."

The CHAIRMAN. Is there objection?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, will the gentleman make some explanation as to the need of this increase of \$800,000 in this item for machinery for

torpedo factory

Mr. PADGETT. Mr. Chairman, I will state to the House that while we were passing this portion of the bill I received a request for this increase, but they have not given me any explanation or reasons for it. I did not offer the amendment at that time because I did not have at that time a full statement of the reasons. I passed it over without offering the amendment. Since then I have received from the Secretary of the Navy a letter explaining the situation, and, accompanying that letter of the Secretary, a statement from the officer in charge, Commander Robison, who is in charge of the manufacture of torpedoes at the Newport Station. I ask unanimous consent that the letter of the Secretary and the statement may be read, pending the reservation of the point of order, for the information of the House.

Mr. BRITTEN. Mr. Chairman, before that is done will the

gentleman yield for a question?
Mr. PADGETT. Yes.

Mr. BRITTEN. Referring to the gentleman's little story, it looks as if Tige had bitten somebody. The request is here for \$800,000 that the gentleman from Illinois [Mr. Britten] said was coming, and if there is any reason for this request now for \$800,000 or \$900,000 for a torpedo plant, why did the committee, controlled by the distinguished gentleman, have only \$100,000 when he brought the bill into the House?

Mr. PADGETT. Because that was the amount that was submitted at that time, and new conditions have arisen since then

which have changed the situation.

Mr. BRITTEN. What are the new conditions? Mr. PADGETT. The gentleman has been discussing them

Mr. PADGETT. The gentieman has been discussing them very largely here this morning.

Mr. BRITTEN. I thought they might have had something to do with the gentleman's little dog Tige.

Mr. PADGETT. I do not think that the bark had anything to do with it. [Laughter.] Mr. Chairman, I ask that the letter of the Secretary and the statement of Commander Robison be read for the information of the House.

The CHAIRMAN. The gentleman from Tennessee asks unantmous consent that the Clerk read the statements referred to. Is there objection?

There was no objection. The Clerk read as follows:

NAVY DEPARTMENT, Washington, February 7, 1917.

Washington, February 7, 1917.

Hon. Lemuel P. Padgett, M. C.,

House of Representatives, Washington, D. C.

My Dear-Mr. Padgett: I am sending you a request from the torpedo station that shows how it is possible by spending \$800,000 for the improvement of that plant to save the Government \$2,000,000 on an initial order for torpedoes. The average price of torpedoes purchased under current contracts is a about \$8,300. The estimated cost as given by Commander Robison for torpedoes manufactured at the torpedo station is not more than \$6,000.

As regards patents, the E. W. Bliss Co. holds certain patents as estimated by the Bureau of Ordnance is not more than \$250. As the Bliss Co. has the free use of a good many features developed by naval officers, there has been in the past a free interchange between that company and ourselves in the use of patents. Whether this condition will continue, of course, I can not state; but we certainly would not pay them a cent of royalty without litigation.

In view of the circumstances I recommend and request that to the appropriation bill be added a special appropriation under the Bureau of Ordnance of \$800,000, to be immediately available, for extension of facilities at the torpedo station.

Faithfully, yours,

JOSEPHUS DANIELS.

[1st indorsement.]

To: Navy Department. Forwarded, approved.

RALPH EARLE.

NAVAL TORPEDO STATION, Newport, R. I., February 7, 1917.

To: Navy Department (Via Chief of Bureau of Ordnance), Subject: Torpedo manufacturing project.

To: Navy Department

(Via Chief of Bureau of Ordnance).

Subject: Torpedo manufacturing project.

1. The torpedo station has recently completed the manufacture of \$3.370.71 each. The "red ink" charges of this lot of torpedoes amounts to \$931.39 each, making the gross unit cost to the Government \$4,302.30. The "red ink" charges above referred to include all known costs not legally chargeable to the invoice price of the torpedo, such as officers' pay and allowances, leave and holiday, clerks, draftsmen, planners, disability, storekeeping costs, experiments, maintenance and repairs of plants, insurance, depreciation, interest, pay of enlisted men used in tests, and maintenance of test barge and launches.

2. The rate of manufacture of torpedoes during the month of Janufacture of torpedoes the compacture of torpedoes the torpedo station is now under contract to manufacture is 610. Deliveries extend to December 31, 1918.

3. It is possible approximately 450 torpedoes per annum. The total number of torpedoes that to December 31, 1918.

3. It is possible approximately to double the present output of the torpedo station without by any means doubling the plant investment, Detailed study of the conditions shows that approximately \$800,000 will be required for this development. This is in addition to the usual sums that it is understood are included in the pending naval appropriation bill. It includes an allowance for all outlays necessary, such as buildings and machine tools to give the torpedo station a normal output of a complet torpedo each four hours, or approximately 750 torpedoes per annum (10-hour day). This normal increased output can be further enhanced by purchase of a very considerable number of the further enhanced by purchase of a very considerable number of the further enhanced by purchase of a very considerable minute of the furt

Mr. STAFFORD. Mr. Chairman, I would like to inquire as to the percentage of torpedoes that will be furnished by Government plants when this equipment is provided?

Mr. PADGETT. It would enlarge the percentage, but I can not tell the gentleman just how much would be awarded to private contract and how much would be manufactured by the Government. This letter states that if the enlargement is made they can manufacture 1,000 torpedoes by the end of 1919.

Mr. STAFFORD. The gentleman has no idea as to what percentage will be manufactured in Government establishments as compared with those manufactured by private plants?

Mr. PADGETT. We are manufacturing now about a hundred a year at the Washington Gun Factory here in this city, and in the bill, as already approved by the committee, we have made provision for about doubling that, so that they expect to make 200 here at the gun factory

Mr. GARDNER. Mr. Chairman, will the gentleman yield?
Mr. PADGETT. Yes.
Mr. GARDNER. Mr. Chairman, the gentleman spoke of eight submarines in the citation from Admiral Strauss, in the Philip-

Mr. PADGETT. I believe it said nine, if I remember right. Mr. GARDNER. I thought it was eight. Can the gentleman tell us how many torpedoes each one of those submarines in the

Philippines can carry when it leaves its base?

Mr. PADGETT. I have forgotten the number of tubes those submarines have—whether it is four or two.

Mr. GARDNER. I thought the A boats had two tubes. Does the gentleman remember how many torpedoes there is room for in those A and B boats?

Mr. PADGETT. They carry a certain number. They have never indicated publicly what they carry. They have told me personally, but I do not feel at liberty to disclose it.

Mr. GARDNER. It is a fact that all of the earlier types of

submarines do not carry in excess of four torpedoes, is it not?

Mr. PADGETT. Per tube.

Mr. GARDNER. Two in the tubes and four extra, is the

only type; or is the gentleman not at liberty to say?

Mr. PADGETT. I would not want to say the exact number.
Mr. GARDNER. Then I will ask the gentleman another
question. How long would it take to make a single torpedo
if you had your plant all ready? How long would it take from the time the work started to make one of the 21-inch torpedoes, if we had an unlimited plant?

Mr. PADGETT. Well, you could make a great many in the

same time

Mr. GARDNER. I understand that.

While you are making one. Mr. PADGETT.

Mr. GARDNER. I understand the operation.
Mr. PADGETT. I think the time of construction, as I remem-

ber heretofore, has been something like a year.

Mr. GARDNER. For instance, suppose our Newport torpedo station were to be blown up and that we built a new one and got all the machinery in. From the time we got that machinery in how long would it be before we could turn out the first torpedo?

Mr. PADGETT. I think it has been taking about a year on

the eight-hour basis.

Mr. GARDNER. Suppose we were to speed up?
Mr. PADGETT. If we were to speed it up it could be made, should say, in six or eight months. There is a great deal of that that is very delicate machinery.

Mr. GARDNER. I know it is.

Mr. PADGETT. The gentleman understands that. Mr. GARDNER. And I am not criticizing; I am trying to get information on this.

Mr. PADGETT. I think that it would take something like

six, seven, or eight months.

Mr. GARDNER. Then, after you have got your machinery all ready and your material all assembled, the gentleman thinks it would take from six to eight months to manufacture, say, 100 torpedoes, provided the manufacturers were not restricted to an eight-hour day?

Mr. PADGETT. Something like that, if I remember correctly. The CHAIRMAN. Is there objection.

Mr. MANN. Mr. Chairman, I object.
The CHAIRMAN. The gentleman from Illinois objects.
Mr. PADGETT. Mr. Chairman, I just want to submit another request.

Mr. MANN. Has the gentleman put his statement in the RECORD?

Mr. PADGETT. Yes, sir; I filed everything I had. unanimous consent to return to page 25 to insert a new provision, which I send to the Clerk's desk and ask to be reported.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to return to page 25 to insert an amendment, which the Clerk will report.

The Clerk read as follows:

Page 25, line 6-

Mr. CALLAWAY. Mr. Chairman, I do not want to lose any of my right to reserve the right to object.

The CHAIRMAN. The gentleman does not lose any right. The Clerk read as follows:

Page 25, line 6, after "\$50,000" insert "clothing factory, \$300,000." Page 25, line 6, strike out "\$257,000" and insert "\$557,000."

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object——
Mr. PADGETT. Mr. Chairman, pending the reservation I desire to say this is a supplemental estimate that came through the Treasury Department and which reached us just a few days ago. It is not a committee amendment which I offered, but I am offering it myself because it came after the committee considered the bill. I ask to have read a letter of the Secretary and also a statement from Admiral McGowan, Chief of the Bureau of Supplies and Accounts, pending the reservation of the point or order.

The CHAIRMAN. The Clerk will read the matter indicated.

The Clerk read as follows:

NAVY DEPARTMENT, Washington, February 3, 1917.

Maintenance and repairs, Naval Academy_____

With reference to the requirements of act of June 22, 1906 (34 Stat., 449), the necessity for the submission of these estimates at this time is due, as to the first item, to the lack of time between the passage of the last naval act and the submission of the regular estimates in which to draw up a tentative design for the proposed building and to estimate its cost. The increase in personnel authorized in the last naval act created the need for additional facilities for the manufacture of clothing. The Naval Academy items grow out of the necessity for providing temporary quarters for the additional midshipmen authorized by the act of February 15, 1916. The matter of quarters for midshipmen has been under consideration for several months, and no decision had been reached at the time of the submission of the regular estimates. The other recommendations on this subject are covered by House Document No. 1930.

Very respectfully,

JOSEPHUS DANIELS,
Secretary of the Navy,

Josephus Daniels, Secretary of the Navy.

The SECRETARY OF THE TREASURY.

NAVY DEPARTMENT,
BUREAU OF SUPPLIES AND ACCOUNTS,
Washington, D. C., February 5, 1917.

Pursuant to your oral request of yesterday, the following comparison of prices of clothing manufactured at the Charleston clothing factory and the cost of manufacture of these articles before the Charleston factory was established is furnished:

Item.	Cost at New York before es- ablishment of Charleston factory.	cost at
Jumpers, dungaree	\$0.63 .80 1.05 .254	\$0.553 .516 .764

The average prices at Charleston since the factory was established is much higher than the average for the first year. This is due to the large increase in the cost of material, but it will be noted that in only one case—that of dungaree jumpers—is the average cost of manufacture higher than it was prior to the establishment of the Charleston factory. Were it not for the increased cost of material, the actual cost of these garments would be less now at Charleston than during the first year of the factory's operation.

Mr. MANN. Mr. Chairman, reserving the right to object, we have recently had reported to the House a bill to authorize the construction of a factory in connection with the Atlanta Penitentiary for the manufacture of textiles. I do not know that that necessarily contemplates the manufacture of clothing, but it is for the manufacture of textiles for the use of the Government, textiles for mail bags, and so forth, and another provision for the construction of a furniture factory at the Fort Leavenworth Penitentiary. The Attorney General of the United States is very much in earnest in the hope that Congress will do something which will permit the inmates of the penitentiaries to be engaged in some occupation manufacturing things for the use of the Government, so that they will not more than necessary come in competition with trade outside of the Government.

There was an investigation made last year under the authority

of Congress. A commission was appointed to make a report with reference to these matters, and they made their report recommending a bill, and that bill was introduced, I think, by the gentleman from Kentucky, who is taking an active interest and at whose instance the commission was appointed, and the Judiciary Committee has reported that bill. Now that the Attorney General is extremely anxious to have that bill passed at this session of Congress and become a law so that these men who are in prison may not be compelled to remain in idleness, it seems to me at first blush that if we need a new factory for the manufacture of clothing we could not do better than have the penitentiary inmates make that clothing in a factory at the penitentiary, and, believing that it ought to receive further consideration in that direction, I am going to take the privilege of objecting to the request, and therefore I object.

The CHAIRMAN. The gentleman from Illinois objects.
Mr. SEARS. Mr. Chairman, I ask unanimous consent to return to page 14, line 17, and consider the amendment which I offered a few days ago and to which the chairman said there would be no objection to returning.

The CHAIRMAN. The gentleman from Florida asks uanimous consent to return to page 14 of the bill in order to offer

an amendment. Is there objection?

Mr. BUTLER. Let us hear it read first.

Mr. STAFFORD. Mr. Chairman, reserving the right to object, let the amendment be reported.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

The Clerk read as follows:

Amendment offered by Mr. Sears: Page 14, after line 17, insert:

"Naval training station, Florida: Maintenance of naval training station, Key West, Fla.; labor and material; building and repairing wharves; dredging channels; repairs to causeways and sea walls: general care, repair, and improvements of grounds, buildings, and wharves; wharfage, ferriage, and incidental expenses necessary thereto; purchase of live stock and attendance on same; wagons, carts, and all necessary implements: tools and repairs to same, and maintenance of same; fire engines and extinguishers; gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and material and maintenance of same; lighting; stationery, books, schoolbooks, and periodicals for increasing the efficiency and perfecting the present fortifications; fresh water and washing; packing books and material; and all other continued expenses; lectures and suitable entertainments for apprentice seamen; suitable vessel or battle cruiser for training naval militia; in all, \$100,000: Provided, That the sum to be paid out of this appropriation under direction of the Secretary of the Navy for physical training, instruction, and messenger service, for the fiscal year ending June 30, 1918, shall not exceed \$6,000."

Mr. PADCETT. Mr. Chairment

Mr. PADGETT. Mr. Chairman—
Mr. STAFFORD. Reserving the right to object—
Mr. PADGETT. I told the gentleman I would not object to his returning, but that I was opposed to his amendment, and I wished to reserve a point of order against it.

Mr. STAFFORD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. It has not been offered yet.
Mr. STAFFORD. I would like to know whether there is any difference in the item now proposed from the item presented the other day when the gentleman from Tennessee made the point of order against it?

Mr. SEARS. It is the same amendment.
Mr. STAFFORD. It was not submitted at that time. It had

the opposition of the chairman of the committee.

Mr. PADGETT. And the chairman of the committee refused at that time, and said he would take it up at a later time and would resist the amendment.

Mr. STAFFORD. The gentleman recognizes it is subject to a point of order?

Mr. SEARS. Yes, I do. Mr. STAFFORD. Has he any additional data to submit

than he submitted the other day?

Mr. SEARS. Mr. Chairman, I do not desire to take up much of the time of the committee as I discussed the amendment the We are appropriating approximately \$365,000,000 in this bill and to consume much of your time would be pre-sumptuous on my part. But I believe that this House wants to prepare. I believe they should prepare. The only fear I have in securing the passage of my amendment is because of the small amount that I am asking. It is so easily grasped when you mention \$100,000 and so hard to grasp when you mention \$10,000,000. I simply want to call the attention of the House to the location of Florida from a strategic point, which perhaps you are no doubt familiar with. But here is Florida [indicating on map], located here is Key West, and the Secretary of the Navy has stated in a letter, which I desire to read again because I think it is important:

The Navy Department fully appreciates the importance of Key West as an offensive and defensive base, and all the department's plans include Key West.

Its primary use would probably be as an operating base for torpedo boats, destroyers, and submarines used to close the Florida Straits side.

and Yucatan Channel to the enemy, thus protecting the whole of the Gulf coast from enemy attack.

Now, from that letter of the Secretary it does appear to me that if you want to prepare there is no better place for you to locate a training station for submarines, torpedo-boat destroyers, and torpedo boats than Key West, because if you did so it would be absolutely impossible for the ship of an enemy to get into the Gulf of Mexico. And you would protect Galveston, Mobile, or any other place situated on the Gulf. I believe that base should be established there. While I realize this amendment is subject to a point of order, I do not believe any Mombon will relieve it. I stated the other day that I made my Member will raise it. I stated the other day that I made my few remarks in order that the Members of this House might look into it, and I want to say now, as I said then, that after studying it, if you do not believe the appropriation should be made, it is your duty to vote against it. But if you do believe, as I earnestly believe, that it is in behalf of preparedness and protects the Gulf, and also will be a protection to the Panama Canal and places along the Atlantic coast, then it is the duty of the Members of this House to vote for the appropriation. I want the amendment to stand on its own merits, and I ask the Members to vote for it if they decide that it is a meritorious request.

I do not care to take up more of your time, because you so kindly gave me 10 minutes the other day. [Applause.]

The CHAIRMAN. Is there objection to the request of the gentleman from Florida to return to the page indicated?

Mr. STAFFORD. I object. Mr. PADGETT. Mr. Chairman, I ask that the Clerk read: The Clerk read as follows:

The Clerk read as follows:

INCREASE OF THE NAVY.

Of the vessels authorized in the act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, approved August 29, 1916, the construction of the following vessels shall be begun as soon as practicable at a cost, exclusive of armor and armament, not to exceed the following amounts: Three battleships, \$15,500,000 each; 15 battle cruiser, \$19,000,000; 2 scout cruisers, \$6,000,000 each; 15 destroyers, \$1,300,000 each; 1 destroyer tender, \$2,300,000; 1 submarine tender, \$1,900,000; 18 coast submarines, to have a surface displacement of about 800 tons each, \$1,300,000 each, and the limits of cost for the 4 battle cruisers and for 3 scout cruisers authorized and appropriated for in said act but not yet contracted for are increased to not to exceed \$19,000,000 each for the battle cruisers and \$6,000,000 each for the scout cruisers, exclusive of armor and armament, and the construction of said vessels shall be begun as soon as practicable.

Mr. CALLAWAY. Mr. Chairman, I want to ask the chairman.

Mr. CALLAWAY. Mr. Chairman, I want to ask the chairman of the committee-

Mr. PADGETT. Mr. Chairman, will the gentleman yield for just a moment? I wanted to ask if we could agree upon a time

I wanted to ask it we could agree upon a time limit for discussion and debate upon this paragraph.

Mr. BUTLER. I think a half hour over here will suffice. The gentlemen have discussed some of the features involved in this bill.

Mr. BURNETT. What feature of it? Mr. PADGETT. The paragraph on page 58 that embraces authorizations for the increase of the Navy

Mr. MANN. Is there likely to be much discussion of the other

items under increase of the Navy?

Mr. PADGETT. I think not, sir; if the paragraph on page 58, beginning with line 6, is agreed to, there will be very little discussion upon the remaining portion. There is one item in there that perhaps might provoke some discussion, but the others are matters of calculation. There is a provision carrying an appropriation of \$12,000,000 for the enlargement of the activities of the navy yards in construction.

Mr. MANN. How much time is wanted on your side?

Mr. BURNETT. Does the gentleman know what amendments

may be offered? How can you agree unless we know?

Mr. PADGETT. We have had it under general discussion this morning about three hours, anticipating coming to this.

Mr. OLIVER. Mr. Chairman, reserving the right to object, this is the most important paragraph in the bill, and will possibly elicit more amendments and more discussion than any other paragraph in it.

Mr. PADGETT. I just withdraw the request for the present

and will let it proceed under the five-minute rule.

Mr. KITCHIN. I suggest to the gentleman that I would not do that yet.

Mr. PADGETT. How much time does the gentleman from Alabama [Mr. OLIVER] want?

Mr. OLIVER. I think, so far as those who signed the minority report are concerned, that 30 or 40 minutes would be

enough—say 40 minutes.

Mr. PADGETT. Do you think that 40 minutes will be sufficient for you?

Mr. OLIVER. For those who signed the report.

Mr. BUTLER. We will have to have 40 minutes on this

Mr. PADGETT. All right; and 40 minutes to the gentleman from Pennsylvania [Mr. BUTLER]. And will they then give me 10 minutes to close?

I would like to have 10 minutes. I want to Mr. BURNETT.

offer an amendment.

Mr. KITCHIN. I suggest that we agree that the discussion on this paragraph end at 5 o'clock, and that the time be divided equally between the gentleman from Tennessee [Mr. Padgett] and the gentleman from Alabama [Mr. OLIVER].

Mr. PADGETT. No; the gentleman from Pennsylvania [Mr.

BUTLER] wants some time,

Mr. KITCHIN. I mean on your side. Mr. MANN. Why not give the gentleman from Pennsylvania 40 minutes and the gentleman from Alabama 40 minutes and take 10 minutes for yourself and 10 minutes for the gentleman from Alabama [Mr. Burnert]?

Mr. PADGETT. That is all right.

Mr. BUTLER. Make the request.

Mr. PADGETT. Mr. Chairman, I make the request that in

the discussion upon this paragraph of the bill that the gentleman from Pennsylvania [Mr. BUTLER] may control 40 minutes of the time for debate, the gentleman from Alabama [Mr. Oliver] 40 minutes, the gentleman from Alabama [Mr. Burnett] 10 minutes, and that I may have 10 minutes, and then that the debate upon the paragraph and all amendments thereto close.

The CHAIRMAN. The gentleman from Tennessee [Mr. Padgett] asks unanimous consent that all debate upon the

pending paragraph and amendments thereto shall be closed at the end of 1 hour and 40 minutes, 40 minutes of that time to be controlled by the gentleman from Pennsylvania [Mr. BUTLER], 40 minutes by the gentleman from Alabama [Mr. OLIVER], 10 minutes by the gentleman from Alabama [Mr. Burnett], and 10 minutes by the gentleman from Tennessee [Mr. Padgett]. Is there objection?

Mr. SEARS. Reserving the right to object, Mr. Chairman, I do not know that I shall use the time, but I may want 10

minutes

Mr. MANN. Do like a lot of the rest of us do.

Mr. SEARS. Just get into it anyhow? [Laughter.]
Mr. MANN. No; do without. [Laughter.]
Mr. SEARS. I have been doing without pretty well during the session.

Mr. BUTLER. Well, I have served 20 years on this committee, and I have not used 7 minutes in this debate.

Mr. SEARS. The gentleman has been giving us very valuable information.

Mr. BUTLER. No; I have left that for others who are better informed.

Mr. SEARS. I do not know that I shall want to use the

time, but-Mr. MANN. If the gentleman does not know that he wants

to use the time, let it go.

Mr. SEARS. What I have in mind may be covered by some-

body who speaks. Mr. BURNETT. The gentleman can extend his remarks on

the west side of the RECORD. [Laughter.]
The CHAIRMAN. Is there objection?

There was no objection.

Mr. PADGETT. I will ask, Mr. Chairman, that the gentleman from Alabama [Mr. OLIVER] and the gentleman from Pennsylvania [Mr. Butler] use their time first, because I want to reserve my time to close.

The CHAIRMAN. The gentleman from Pennsylvania [Mr.

BUTLER] is recognized.

Mr. BUTLER. Mr. Chairman, I will yield 10 minutes to— Mr. CALLAWAY. Mr. Chairman, I think I had 10 minutes before this unanimous-consent agreement discussion started.

The CHAIRMAN. The gentleman was taken off the floor the discussion. The time has been limited. To whom by the discussion. does the gentleman from Pennsylvania yield?

Mr. BUTLER. I yield 10 minutes to the gentleman from Washington [Mr. HUMPHREY].

The CHAIRMAN. The gentleman from Washington [Mr. Humphrey] is recognized for 10 minutes.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer an

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Washington.

The Clerk read as follows:

Amendment by Mr. Humphrey of Washington: Page 58, in line 16, strike σ ut "eighteen" and insert "fifty."

Mr. HUMPHREY of Washington. Mr. Chairman, the purpose of this amendment is to increase the number of submarines

I am not going to enter into any discussion about the efficiency That has been discussed a good portion of the What I want to call the attention of the committee to is that it seems to me to make appropriations for only 18 submarines is wholly inefficient. It is a well-known fact, that has been published in the newspapers, that a certain body that we are not permitted to call by name-one party of that body, at least-has already agreed in caucus that we should have a hundred submarines go into this bill. If that is the fact, that we ought to have a hundred in the bill, we at least ought to put 50 of them in the bill over here.

But what I want to call attention to now is the condition that exists on the Pacific coast. We never had a battleship squadron on the Pacific Ocean except once, for just a few days, and we probably will not have another any time soon. We might as well face the fact that whatever battleships we have are going to be kept on the Atlantic. As a man who lives on the Pacific coast, while I regret it, I realize that this is true. Every Secretary of the Navy since I have been a Member of Congress has stated to me that he would send the battleship squadron to the Pacific, and none of them has ever kept that promise. They are not going to keep it in the future. We might as well face the fact now that we shall have to have practically two battleship squadrons, two navies, or else aban-

don the Pacific coast entirely.

You talk about sending the battleship squadron through the Panama Canal in case of necessity, but if you take down your map and look you will find that that is impracticable. about 1,500 miles farther from Philadelphia through the Panama Canal to Puget Sound than it is from Yokohama to Puget Sound. It is almost exactly the same distance to a mile from Seattle to Panama that it is from Seattle to Yokohama. In other words, to put it in a different form, a battleship squadron would have to be through the Panama Canal out in the Pacific Ocean in order to be on equal terms going to Puget Sound as If they traveled at to distance with one starting from Japan. the same rate of speed, the one from the Panama Canal and the other from Japan, they would reach Puget Sound at the same time. If a battleship squadron started from Philadelphia and passed through the Panama Canal and up the Pacific coast to San Francisco it would get there from 10 days to 2 weeks after a squadron leaving Japan at the same time.

So, leaving out the question whether it is policy to have battleships going through the Panama Canal to the Pacific, taking all the chances, which we all realize are very great, even on the supposition that the canal could not be obstructed, they could not be used in time of emergency quickly enough to protect the Pacific coast; so that it seems to me, if we are going to make any preparation at all, unless we are willing to abandon the Pacific coast and leave it wholly unprotected, the cheapest and most effective way is to give us at least a limited number of submarines to be kept on that coast while the battleship squadron is to be kept on the Atlantic coast.

I do not know whether there are any submarines in the vicinity of San Francisco or not. There may possibly be. There are none, so far as I know, in the Puget Sound country; neither can Puget Sound be protected by mining. The water is too deep; the current is too swift. We are entirely unprotected, so far as naval vessels are concerned. You take all the naval vessels that are to-day on the Pacific coast, and they could offer practically no resistance against a single battleship. Our whole coast at this time could be ravished by a single first-class battleship. Our fortifications are not constructed so that they can defend themselves from a land attack, and in addition to that fact, so far as the Puget Sound is concerned-I do not know whether it is true with regard to San Francisco or not, but I believe it is-and I know that it is true in regard to Puget -we do not have a first-class modern gun in any of our fortifications there; not one. There is not a gun in all the forts of Puget Sound that has a range exceeding something over 11,000 yards, as I recall.

Mr. FARR. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREY of Washington. In a moment. I know, when I visited the fort and talked to the commander, talking to him about the range of the largest guns he had, he informed me that their range was about half that of the largest guns on a modern battleship. Or to put it in another way, I asked him the question, "According to your statement, a modern battleship can batter these fortifications to pieces without coming within 5 miles of the range of the best gun we have?" And he said, That is true.'

Now, we have no modern fortifications. We have no battleships, we have nothing, and I want to ask this committee if they think it is to the best interests of the country that in this emergency and in this hour, with the coast entirely unprotected, that they should build only 18 submarines? We ought to have upon that coast at least 50 submarines, to give us some protection, because when we are attacked, if we should by our weakness invite attack, it is true that the Pacific coast will suffer first, but the rest of the country will suffer with us, and when that time comes, if unfortunately it ever should come, I have no doubt but what the Atlantic coast and the whole central portion of this country would rally to the support of the Pacific coast just as loyally as they would if an attack should be made upon the Atlantic; so that after all we are all equally interested in having some defense on the Pacific.

Mr. SLAYDEN. Will the gentleman yield for a question? Mr. HUMPHREY of Washington. Yes. Please make it as brief as you can.

Mr. SLAYDEN. Why does the gentleman prefer submarines

to battleships

Mr. HUMPHREY of Washington. I would much prefer a battleship squadron, but I know we can not get it. I have lost all hope for that. As I said a moment ago, every Secretary of the Navy since I have been a Member of this House has promised me personally that he would send a battleship squadron to the Pacific, but not one of them has kept that promise, and none of them will.

Mr. SLAYDEN. If you were defending the coast of England just now, would you rather have battleships or submarines?

Mr. HUMPHREY of Washington. I think I would prefer battleships. While the submarines would furnish defense, I think if you should wipe out England's battleship squadron Germany would ravage the commerce of the world and would have England on her knees in 24 hours.

Mr. SLAYDEN. With her surface ships?

Mr. HUMPHREY of Washington. Yes; but the reason I am asking for submarines is because if I should ask for a battleship squadron I would be asking for something that I know we can not get, but when we ask for submarines, that the number of them be increased, so that we may have at least some defense, I think I am asking what appeals to the patriotic sentiment of the members of this committee.

Mr. KELLEY. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired. Mr. BUTLER. Mr. Chairman, I yield five minutes to the gentleman—where is the chairman of the Naval Affairs Committee? Mr. MANN. He does not want to use his time.

The CHAIRMAN (Mr. BAILEY). The question is on the amendment offered by the gentleman from Washington [Mr.

HUMPHREY]

Mr. BURNETT. Mr. Chairman, a parliamentary inquiry. My understanding was that all of these amendments were to be pending during this discussion and that that was agreed to.

The CHAIRMAN. There was no such understanding as far as the present occupant of the chair knows. The question is on the amendment. Those who favor it will say aye, those opposed [The question was taken.] The ayes have it, and the amendment is agreed to.

Mr. OLIVER. I ask for tellers on that.

The CHAIRMAN. The gentleman from Alabama demands tellers.

Mr. GARDNER. Mr. Chairman, I offer an amendment. Mr. SLAYDEN. Let us have the parliamentary status.

Mr. GARDNER. Mr. Chairman, the amendment which I have sent to the desk has not yet been read.

What about the other amendment? What Mr. SLAYDEN. are we voting on?

The CHAIRMAN. On the question whether this vote shall be taken by tellers, on the amendment offered by the gentleman from Washington [Mr. Humphrey].

Mr. CALLAWAY. I ask that the amendment be reported.
The CHAIRMAN. The gentleman from Alabama [Mr. Oliver]
demands tellers. [After counting.] Tellers are ordered and the Clerk will report the amendment—
Mr. MANN. That amendment can not be reported again ex-

cept by unanimous consent.

Mr. McARTHUR. I object.

The CHAIRMAN. Objection is heard. The vote will be taken by tellers.

Mr. FOCHT. How can you do that when it has already been

adopted? I object.

Mr. SAUNDERS. Mr. Chairman, a parliamentary inquiry. Was it not the understanding that the discussion was to proceed for an hour and forty minutes, and that these votes were to be taken at the conclusion of the discussion?

The CHAIRMAN. as the Chair is aware. There was no such understanding so far

The CHAIRMAN. The gentleman from Alabama [Mr. OLIVER] and the gentleman from Washington [Mr. HUMPHREY] will take their places as tellers.

Mr. Chairman, I ask unanimous consent that the amendment be read. Members of the House do not know what they are voting on.

Mr. SAUNDERS. It was certainly my understanding that the vote was to be taken at the conclusion of the debate.

The CHAIRMAN. The gentleman from Georgia [Mr. CRISP] asks unanimous consent that the amendment be again reported. Is there objection? [After a pause.] The Chair hears none.

Mr. FOCHT. The question was taken on the amendment of the gentleman from Washington, and it has been adopted.

The Clerk read as follows:

Amendment by Mr. HUMPHREY of Washington-

Mr. HUMPHREY of Washington. Mr. Chairman, let us get straightened out on this amendment.

The CHAIRMAN. We will get it straightened out if the gentleman will please be seated for a moment.

Mr. HUMPHREY of Washington. Just wait. All this is by unanimous consent-

The CHAIRMAN. Oh, no. Tellers have been ordered, and by unanimous consent the Clerk will read the amendment.

Mr. PADGETT. Mr. Chairman, I understood that under the agreement there was to be an hour and forty minutes of debate, and then we were to take up the amendment.

Mr. SAUNDERS. That is the proposition that I propounded to the Chair a moment ago. That was my understanding of the situation.

There was no such agreement. Mr. MANN.

Mr. SAUNDERS. That was my definite understanding of the agreement.

Mr. MANN. There was no such agreement.

Mr. SAUNDERS. That was my understanding, or I would have objected if I had thought otherwise.

Mr. MANN. And I would have objected if any such request

had been made.

The CHAIRMAN. Very well. That puts it up to the Chair. There was no such understanding, so far as the Chair is advised. The present occupant of the chair was not in the chair at the time. He was on the floor, however, and heard the discussion. He does not recall that there was any understanding or agreement in regard to that.

Mr. SAUNDERS. I understood there was an agreement. Mr. PADGETT. I understood that the request submitted was that there would be so much debate-The CHAIRMAN. That is true.

Mr. PADGETT. So much to be controlled by one gentleman and so much by another, and none of it was to be controlled by the gentleman from Washington [Mr. HUMPHREY].

Mr. PAGE of North Carolina resumed the chair. The CHAIRMAN. The agreement reached by the committee was that the debate on the paragraph and amendments thereto should proceed for 1 hour and 40 minutes, 40 minutes to be controlled by the gentleman from Pennsylvania [Mr. Butler], 40 minutes by the gentleman from Alabama [Mr. Oliver], 10 minutes by the gentleman from Alabama [Mr. Burnett], 10 minutes by the gentleman from Tennessee [Mr. Padgett]. The gentleman from Pennsylvania, using 10 minutes of his time, yielded to the gentleman from Washington [Mr. Humphrey]

Mr. SAUNDERS. Now, Mr. Chairman, I wish to propound a

parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SAUNDERS. My inquiry is if that does not carry with it necessarily that the debate should proceed uninterruptedly, and that at the conclusion the voting should take place? was the understanding of the gentleman who propounded it.

The CHAIRMAN. The Chair will state that there was abso-

lutely nothing said-

Mr. SAUNDERS. If the Chair will pardon me, I am asking the Chair to interpret the understanding-if that was not what

it necessarily meant.

Mr. MANN. The gentleman from Virginia wants the Chair

to read something into it that was not there.

The CHAIRMAN. The Chair is not called upon to make a ruling on that point. The Chair is informed that one amendment was offered and a vote was being taken upon it. If the present occupant had been in the chair he would not have permitted the vote.

Mr. MANN. If that is the case, Mr. Chairman, there will be no other agreements of this kind entered into in the House. Here was an agreement fixing the time for debate and apportioning the time between the Members. Nothing was said about Mr. KITCHIN. We have demanded tellers.

Mr. SAUNDERS. I certainly understood it that way myself. when amendments should be offered, and there was no authorized the second amendment while the first was pending. when amendments should be offered, and there was no author-

The CHAIRMAN. The Chair would hold that all amendments were to be offered and voted on after debate.

Mr. MANN. There could not be an amendment offered after the first except to perfect it.

The CHAIRMAN. The amendments could be offered for in-

formation.

Mr. MANN. Information; that is another thing.

Mr. SAUNDERS. Mr. Chairman, may I say a word to show that the interpretation of the gentleman is not correct. The gentleman from Tennessee expressly said that the limitation of time for debate should apply to the paragraph "and all amendments thereto." That necessarily carried with it the under-standing that amendments could be offered during the progress of debate.

Mr. MANN. And voted upon as offered.

Mr. SAUNDERS. Otherwise there could be no amendment offered at all, since at the conclusion of the debate, we would be compelled to vote on the proposition itself, which would be the That would be the inevitable conclusion. If under that agreement you could offer one amendment, then you could offer two, or three, or more, all of them however to be voted upon after the debate was concluded.

Mr. MANN. If that is the conclusion of the parliamentary proposition, there will be no more agreements to limit debate.

Mr. SAUNDERS. Let that conclusion follow, if it is necessary to the proper interpretation of the pending agreement. I make the point of order that it was out of order to take the vote

on the amendment, at the time it was taken.

Mr. GARNER. Mr. Chairman, may I suggest to the Chair that from my observation the custom has been, whatever the parliamentary ruling has been, that when you agreed upon a limit of time for debate concerning any paragraph and amend-ments thereto to offer the amendments for the information of the House and vote on them at the conclusion of the debate; and the reason for that is very good, it seems to me. For instance, if you are going to occupy your time in debate for an hour and a half, as in this instance, undoubtedly that time ought to be kept for debate and not consumed in the consideration of amendments. If you take an amendment, as has been offered in this case, calling for tellers, the result is that the hour and a half will be extended into three hours of general debate. Moreover, when you agree on a limit for debate, say an hour and a half, gentlemen have left the Hall knowing that for an hour and a half they will not be called upon for a vote. So that the reasons are twofold, the custom, whether good parliamentary law or not, and the fact that Members have left the Hall with the impression that there would be no vote.

Mr. MANN. The custom does not exist. I have had some little parliamentary experience in the House, and that is not the

custom

Mr. GARNER. I take issue with the gentleman. It is, from

my observation and recollection. Mr. MANN. It is not a custom of the House unless it is

specially agreed upon.

The CHAIRMAN. Not wishing to trust my own memory alone, I have asked for the reporter's notes, and they show that 1 hour and 40 minutes was allowed for debate on the paragraph and amendments thereto. It was divided just as the Chair stated, 40 minutes to the gentleman from Pennsylvania [Mr. Butler], 40 minutes to the gentleman from Alabama [Mr. OLIVER], 10 minutes to the gentleman from Alabama [Mr. Bur-NETT], and 10 minutes to the gentleman from Tennessee [Mr. PADGETT], the debate then to close on the paragraph and all amendments thereto.

The Chair thinks and holds, having in mind the procedure of the past and what was in the mind of the Chairman, at any rate, and what he believes is good procedure, that during this time amendments were to be reported for information, and at the end of the time fixed for debate the vote should be taken on the amendments to the paragraph, and the Chair so holds.

Mr. MANN. I think, Mr. Chairman, the ruling of the Chair is erroneous. Of course, it gives an advantage to the majority side of the House. A lot of amendments are offered during general debate and no one knows what they are. The majority side can be absent during the consideration and come in at the end and vote down all amendments. It is not orderly procedure; it is not the custom of the House, but one that has rarely been agreed to, and then only by unanimous consent.

The CHAIRMAN. The gentleman has his remedy.

Mr. COOPER of Wisconsin, Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.
Mr. COOPER of Wisconsin. While the present occupant of the chair was absent from the room the gentleman from Wash-

ington [Mr. Humphrey] moved to amend, increasing the number of submarines to be built from 18 to 50. After debate that motion was put by the then occupant of the chair, who announced, after calling for the ayes and noes, that the amendment proposed by the gentleman from Washington had been carried. The Chair then recognized the gentleman from Massachusetts [Mr. GARDNER], who presented another amendment, and started to discuss it. Then a point of order was made by the gentleman from Virginia. Is he not too late?

The CHAIRMAN. The Chair is informed that the then occupant of the Chair did not recognize the gentleman from Massachusetts [Mr. Gardner] but that the gentleman from Massachusetts [Mr. GARDNER] took the floor, and the gentleman from Alabama [Mr. OLIVER] was really recognized by the Chair to

demand tellers, and tellers were ordered.

Mr. DYER. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. DYER. What will become of the proceedings that have been had? A vote was taken upon this amendment, and the then occupant of the Chair announced that the amendment was agreed to. That is a part of the Record made so far to-day, and I take it that a point of order will not change that record. There has to be a vote, I take it, to vitiate the proceedings where the vote was taken, before the point of order was made.

The CHAIRMAN. The point of order was not too late on that vote, the Chair will say to the gentleman, in the opinion of the Chair, and the Chair will say further to the gentleman that at the end of this general discussion, as agreed to by the committee, the vote will be taken upon the amendment of the gentleman from Washington, as upon all other amendments.

Mr. FOCHT. Mr. Chairman, a parliamentary inquiry. the notes of the reporter show that the gentleman from Massachusetts [Mr. Gardner] was recognized and that the amendment and all business pertaining to that had been finished, and the vote announced-

The CHAIRMAN. But the gentleman is supposing something that is not correct. The notes will not show that.

Mr. FOCHT. Let us hear them.

The CHAIRMAN. Without objection, the notes will be read to the House. The Reporter will read his notes, they not having yet been transcribed.

The Official Reporter read as follows:

The Official Reporter read as follows:

The Chairman. The time of the gentleman has expired.

Mr. Butler. Mr. Chairman, I yield five minutes to the gentleman.

Where is the chairman of the Naval Affairs Committee?

Mr. Mann. He does not want to use his time.

The Chairman, The question is on the amendment offered by the gentleman from Washington [Mr. Humphir].

Mr. Burnett. Mr. Chairman, a parliamentary inquiry. My understanding was that all of these amendments were to be pending during this discussion, and that that was agreed to.

The Chairman. There was no such understanding as far as the present occupant of the chair knows. The question is on the amendment. Those who favor it will say "aye"; those opposed "no."

The question was taken.

The ayes have it, and the amendment is agreed to.

Mr. OLIVER. I ask for tellers on that.

The Chairman. The gentleman from Alabama demands tellers.

Mr. Gardner, Mr. Chairman, i offer an amendment.

Mr. Slayden. Let us have the parliamentary status.

Mr. Gardner, Mr. Chairman, the amendment which I have sent to the desk has not yet been read—

The CHAIRMAN. That is sufficient.

The CHAIRMAN. That is sufficient.

Mr. MANN. That is far enough. I think that is right.

The CHAIRMAN. The vote did not reach a conclusion. Therefore the point of order came in time, and the Chair sustains the point of order. The Chair recognizes the gentleman from Alabama [Mr. OLIVER].

Mr. BUTLER. Mr. Chairman-The CHAIRMAN. For what

For what purpose does the gentleman from Pennsylvania rise?

Mr. BUTLER. I shall now make my second attempt to yield five minutes to the gentleman from Massachusetts [Mr. Gard-NEE].

Mr. OLIVER. I yield to the gentleman. The CHAIRMAN. The gentleman from Pennsylvania [Mr. BUTLER] yields to the gentleman from Massachusetts 10 minutes. and the gentleman from Alabama is not now recognized.

Mr. GARDNER, Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which will be reported for the information of the committee.

The Clerk read as follows:

Page 58, line 12, beginning with the word "three," strike out all down to and including the word "each," in line 18, and in lieu of the language stricken out insert the following:

"Four battleships, \$15,500,000 each; 2 battle cruisers, \$19,000,000 each; 4 scout cruisers, \$6,000,000 each; 20 destroyers, \$1,300,000 each; 1 destroyer tender, \$2,300,000; 1 submarine tender, \$1,900,000; 18

coast submarines, to have a surface displacement of about 800 tons, each \$1,300,000; 9 fleet submarines, \$1,850,000 each."

Mr. GARDNER. Mr. Chairman, that amendment, if adopted, will restore the program recommended last fall by the General Board of the Navy. This program was cut down by the Secretary of the Navy and by the Committee on Naval Affairs, on the ground that the building facilities of our yards, public and private, could not take care of a program so large as that contemplated by the General Board. If the amendment of the gentleman from Washington [Mr. HUMPHREY] is adopted, before I offer my amendment I shall change the proposed authorization of new 800-ton submarines from 18 to 50. I do not expect my amendment to be adopted, and I should not take up the time of the committee if I did not wish to say a word or two about this submarine question. The fact is that nobody knows whether submarines are good offensive weapons We know this about the submarine, that there is a continual race going on between improvements in submarines and improvements of methods of defense against submarines. We know that it is a very long time since any submarines have managed to destroy any appreciable number of war vessels. We therefore must assume that there has been developed a satisfactory defense for war vessels against submarines. do not know how many submarines are being destroyed.

We know that the Dcutschland, which was due here some time ago, has disappeared. Most people believe that something has happened to the Deutschland, just as most people believe that a large number of German submarines have been captured or sunk; but, in reality, we know nothing about the matter. do know this, however, that during this week the daily number of vessels sunk by submarines has been very large indeed. The greatest record for any single day this week was, I think, 22 vessels. If I recollect rightly, those 22 vessels which were sunk had a tonnage, all put together, of 33,000 and some-odd tons. Thirty-three thousand tons is just about two-thirds the tonnage of one single ship, the Vaterland. In other words, the total tonnage of all 22 vessels was only two-thirds of the tonnage of the Vaterland alone. So far as I have noticed in the newspapers, the largest vessel which has yet been sunk in the new submarine campaign is the California, of between eight and nine thousand tons. Is it not more than likely, Mr. Chairman, that extraordinary efforts are being made to protect the large cargo carriers, whereas the smaller ones must at the present time be left to shift for themselves in default of sufficient means to protect the entire merchant fleets of the world? I have read a number of statements to the effect that it is because the larger cargo carriers are armed that they escape destruction. Unquestionably that has an influence, but I have heard experts suggest that the larger ships are given escorts while they are within the danger zone. If so, Mr. Chairman, it looks as if a way is being found for the larger ships to avoid the submarine attacks, which have seemed so extraordinarily successful in the last few days.

If I am correct in supposing that the entente allies are protecting their larger vessels with destroyers, it is obvious that their next move will be to convoy large numbers of cargo carriers with large numbers of destroyers. I believe that this will prove to be the case. I have heard this prediction made by others. I do not know myself, but I think that it sounds probable. I am told that the periscopes of the largest submarines only project high enough above water to permit the observer to see a horizon 3 miles off. So if a cargo carrier is more than 3 miles off from a submarine, it can not successfully be attacked with a torpedo from a submerged vessel. As a matter of fact, most people believe that accurate torpedo range is not as much as 1 mile. If, therefore, a ship is outside accurate torpedo range, the submarine must come to the surface and shell the cargo carrier with its gun or guns. But, obviously, no submarine commander in his senses will bring his vulnerable ship to the surface for the purpose of shelling a vessel which not only is armed itself but is also convoyed by armed destrovers.

In spite of the fact that I do not believe that the submarine has altogether fulfilled the expectations of its admirers, nevertheless I am one of those who believe that it is absolutely necessary for our immediate defense to build great numbers of submarines at the present time. I by no means think that the battleships of Great Britain have lost control of the seas or that Germany's submarines have gained control. On the contrary, I know that Great Britain's fleet controls the seas, even trary, I know that Great Britain's neet controls the seas, even though it may be shut up in some harbor. If it were not so, it would be Germany, not Great Britain, which would be receiving the world's wheat and the world's copper and the world's supplies in general. It would be Great Britain, not Germany, which would plead for the milkless babies. Every one of you know that if you post a letter addressed to London it is delivered within two or three weeks. Every one of you know that if you post a letter addressed to Berlin it is not delivered at all. How could that be so if the submarine had wrested the control of the sea from the battleship?

If I had my choice, I would rather trust the protection of this country to battleships and destroyers than to submarines. But I have not my choice. We have not our choice. Battleships take four years to build. Submarines can be built in a hurry. Ultimately for our defense we must depend on a mighty fleet of battleships and battle cruisers. Temporarily we must build swarms of submarines while our battleships are under construction.

The CHAIRMAN. The time of the gentleman has expired. Mr. BUTLER. How much time has the gentleman consumed, Mr. Chairman?

The CHAIRMAN. Fifteen minutes.

Mr. BUTLER. I yield two minutes to the gentleman from

Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, we have just witnessed, it seems to me, a rather remarkable exhibition of partisanship in the House. The gentleman from North Carolina [Mr. PAGE] is in the chair as Chairman of the Committee of the Whole House on the state of the Union. He was temporarily out of the chair. The gentleman from Pennsylvania [Mr. BAILEY] was in the chair. Demand was made for a vote on an amendment. The gentleman from Alabama [Mr. Burnett] rose and questioned as to whether that was the proper time to vote. The gentleman then in the chair held it was. The vote was taken. That vote was adverse to the majority side of the House represented by the gentleman who always occupied the chair. A demand for tellers was made, and at the time there were not enough Democrats on the floor of the House to get tellers. Then a point of order was made that we could not have the vote at all. It had already been ruled upon by the Chair, a vote had been taken, and then they hurried the gentleman not then occupying the chair back to the chair who reversed the ruling already made before and a vote had been taken; he reversed it after the vote was taken because the vote was adverse to the majority side of the House. I never have witnessed such a partisan decision or movement before in the House in my service.

Mr. OLIVER. Mr. Chairman, I yield five minutes to the gen-

tleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. Mr. Chairman, I regret the gentleman from Illinois [Mr. MANN] has taken such a partisan view of this matter, and no doubt he is very much exercised over what took place, because perhaps the Chair did not entirely agree with Now, the proposition which the gentleman from Illinois submitted was that it was the custom-or, rather, the question arose between the gentleman from Texas and the gentleman from Illinois as to what was the custom and rule under such a unanimous-consent agreement as we have had. I think the gentleman from Illinois was entirely mistaken as to the custom, and that the gentleman from Texas was entirely correct. It has been the custom ever since I have been here that under a unanimous agreement, such as we had, no vote is taken on an amendment until the debate is closed according to the agreement. It has taken place a dozen times in the discussion and the reading of this very bill that we are on now. We have had just such agreements for the last two or three days, and under all of them proceeded just as we contend we should proceed under the present one:

Mr. STAFFORD. Will the gentleman yield in that partic-

Mr. KITCHIN. One second. When we make an agreement that the debate on the paragraph of a bill and amendments thereto shall close at a certain time, no vote is taken, and never has been taken, on an amendment until the debate has closed accordingly, and we have had a dozen instances during the consideration of the pending bill where it was not taken until after the debate was over.

Mr. STAFFORD. I recall distinctly that when the battleship proposition was under consideration at prior sessions the time was limited to consider it under the five-minute rule, and the agreement always embodied by unanimous consent that the vote

was not to be taken until the debate was closed.

Mr. KITCHIN. I do not recall a single instance in which the custom has been any other than that which was contended for by the gentleman from Texas and that which I just stated. The gentleman from Illinois [Mr. Mann] makes the charge-I know he really does not intend, and which in his cooler moments he will regret making—that the majority side here, seeing that they were defeated on the motion of the gentleman from Washington [Mr. HUMPHREYS], deliberately took the gentleman from Pennsylvania [Mr. BAILEY] out of the chair and put the gentleman who now occupies it in the chair for the ex-

press purpose of holding that the vote on the amendment was out of order. There was no such intention or effort on the part of anyone here. The fact is that the gentleman from Pennsylvania [Mr. Balley] was temporarily called to the chair. He was not in the chair when the agreement as to the time when debate on the paragraph and amendments should close was made, and declared from the chair that he knew nothing of such agreement. The present occupant, who has presided over the Committee of the Whole during the consideration of the bill, was in the chair when the agreement was made and knew what it

The gentleman from Pennsylvania [Mr. BAILEY] therefore desired the present occupant to return to the chair, because he the present occupant-was in the chair when the agreement was made. It must be understood, too, that the gentleman from Illinois [Mr. Mann] is mistaken in stating that the point of order was made while Mr. BAILEY was in the chair against voting on the amendment.

Mr. MANN. I did not make the statement. The trouble with the gentleman from North Carolina [Mr. KITCHIN] is he is not entirely accurate himself. I said the question was raised by the gentleman from Alabama [Mr. Burnert].

Mr. KITCHIN. And the Chair ruled against him, you said. Mr. MANN. We just had that read to us.

Mr. KITCHIN. But the gentleman from Alabama [Mr. Burnett] simply asked if that was not the agreement awhile ago, and Mr. BAILEY said he did not know anything about the agreement and then put the question.

Mr. MANN. He said he was on the floor at the time.
Mr. KITCHIN. The notes, I think, just read sustain what I stated. However, while Mr. Balley was in the chair the question was raised, tellers were demanded, and the Chair declared them ordered, division having been asked.

Mr. MANN. Division was not asked for.

Mr. CRISP. Mr. BALLEY said that a sufficient number rose for

tellers

Mr. KITCHIN. Yes. He said that a sufficient number rose for tellers and declared tellers were ordered.

Mr. MANN. They came in.

Mr. KITCHIN. Now, the present occupant went to the chair and simply held that since the amendment had not been disposed of-that it was in the process of being voted on-the point of order did not come too late.

But what I rose to say was that I do not think the gentleman from Illinois really intended to reflect upon the present occupant of the chair, or really intended to reflect upon the membership on this side, in making the charge that we deliberately did that to overrule the viva voce vote; that is, to defeat the amendment of the gentleman from Washington. I hope he did not. We wanted it voted on at the proper time and in Mr. MANN. I repeat it. I am not excited about it.

Mr. KITCHIN. If you do, it is unworthy of you. [Applause on the Democratic side.] We thought, as is often done in this House, in the heat of debate, by myself and the gentleman from Illinois, and all of us at times, that the gentleman made the charge in the excitement of the moment, which he would not have made in a cooler time. I want to say that there was no intention on my part or on the part of gentlemen on this side such as the gentleman from Illinois imputes to us.

The CHAIRMAN (Mr. Page of North Carolina). The occupant of the chair would ask unanimous consent of one of the gentlemen who controls the time to yield to him two minutes. The Chair desires to make a statement. The present occupant of the chair, after asking the gentleman from Pennsylvania to relieve him for a few moments, was standing in the back lobby talking to some newspaper correspondents who had asked to see him. A message came to him to the effect that there was a misunderstanding on the floor of the House. When he resumed the chair he did not know what the contention was about or what had taken place. He did not know the vote, what the amendment was, or what the vote which had been taken viva voce had resulted in, or what the gentleman who occupied the chair had declared it to be. The present occupant took up the situation on resuming the chair just as he found it, without any idea of what had taken place, and without the slightest idea of whether that side or the other side had won in the vote on the amendment. I felt that the Chair was entitled to make that statement for himself. He decided it upon the record as taken by the Official Reporter of the House as to what the agree-

Mr. OLIVER. Mr. Speaker, I yield two minutes to the gen-

tleman from Virginia [Mr. SAUNDERS].
Mr. SAUNDERS. Mr. Chairman, I wish to contribute a

have some knowledge of parliamentary law, at least I have had a good deal of experience in other parliamentary bodies as well as in this. These agreements are often made and I believe I understand their meaning as well as the average Member of this House.

It is true that there were hardly any Democrats on this side at the time this vote was being taken. How did that come to pass? I can state how it came to pass so far as many other Democrats as well as myself were concerned. We had figured out the time at which the vote would be taken on the amendments and on the section, which would have been about 10 minutes to 5 o'clock, and a number of us had made ready to leave the House, indeed were leaving to go to our offices, under the belief that no vote would be had until the time arrived that had been fixed upon. I had gotten my hat and coat and, was in the very act of going out of the Chamber, with the clear understanding on my part, from such knowledge of parlia-mentary law as I possess, that under the agreement the vote would not be taken on any of the amendments until the debate was concluded.

When this question came up, things developed very rapidly. I was one of the Members who asked for a ruling from the Chair, in fact propounded a parliamentary inquiry. The gentleman from Pennsylvania [Mr. Balley] did not decide any point of order. He said that so far as he, the then occupant of the chair was concerned, he was not advised of the terms of the agreement, or words to that effect. Then after some further contributions to the situation by the Members, the permanent Chairman of the Committee of the Whole [Mr. PAGE] arrived. From that time forward he has correctly given the facts. Whatever was done toward taking a vote, was certainly done under a misapprehension.

Mr. DOWELL. Mr. Chairman, will the gentleman yield there for a question?

Mr. SAUNDERS. Yes.

Mr. DOWELL. Is it not a fact that no point of order was raised until the amendment was submitted?

Mr. SAUNDERS. That does not alter the question at all. Things proceeded so rapidly, and unexpectedly that the Members who wanted to raise the question of order did not have the opportunity to get in any sooner than they did. It has always been my experience in the House that when a Member is seeking to avail himself of his rights as rapidly as may be under

the circumstances, the Speaker is not disposed to rule him out.

Mr. DOWELL. But the fact, nevertheless, is that the question was not raised

Mr. SAUNDERS. The gentleman is not familiar with the

practice of the House.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. BURNETT. Mr. Chairman, I sent up an amendment. Mr. BUTLER. Mr. Chairman, will the Chair recognize me? The CHAIRMAN. Of course the Chair will recognize the gentleman from Pennsylvania.

Mr. BUTLER. The gentleman from Illinois [Mr. MANN] desires two minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for two minutes.

Mr. MANN. The gentleman from Virginia [Mr. Saunders] just stated that the chairman of the committee, Mr. BAILEY, of Pennsylvania, did not decide the question. He did. The question submitted to the Chair was whether it was in order to take a vote at the time, and the Chair not only decided it but put the question to the House, which in itself was a decision

if he had said nothing further.

Mr. SAUNDERS. Mr. Chairman, will the gentleman yield? Mr. MANN. No.

Mr. SAUNDERS. I just wanted to ask who made that point of order and then referred to the minutes to see what took place?

Mr. MANN. The Record itself will show what took place if nobody changes it, and I shall not. The question was put at the time to the Chair, and he said he had no knowledge of any agreement to postpone the voting. But he put the question. That was a decision of the parliamentary inquiry, if it was a parliamentary inquiry. It was a decision of order. Afterwards the vote was taken, and then the present occupant of the chair was called to the chair and reversed the decision made by the man occupying the chair when he had the right to make a decision.

I have nothing to retract from what I said before about it. The CHAIRMAN. The time of the gentleman from Illinois has expired. The gentleman from Alabama [Mr. Burnett] brief statement of the facts of this situation. I think that I offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BURNETT: Page 58, lines 12 and 13, after the word "amount" in line 12, strike out "three battleships, \$15,500,000 each." and insert in lieu thereof the following: "One battleship, \$15,500,000, and 30 coast submarines, \$1,300,000 each."

Mr. BURNETT. Mr. Chairman, I do not want to be unreasonable in my views in regard to this battleship program. I know I have been regarded and characterized as one of the "small-Navy men." I believe in an adequate Navy, and I believe in it now more than I ever have before, but every time we build an immense dreadnaught we are making an inadequate Navy instead of an adequate one.

Developments within the last two years indicate the impotency and incompetency of battleships for action on the sur-

face of the seas.

I believe we need more submarines, because developments have shown that they are active and effective instruments in the warfare now going on between nations that are far in advance of us in improvements along that line. I believe we are lacking in aircraft. But that is a question that I have studied but little, and hence I know almost nothing about it. I believe that in three particulars—in improved and increased aircraft and in improved and increased submarines and destroyers—we are deficient, and that we need appropriations for these instruments of warfare.

But, Mr. Chairman, we are spending the people's money for immense dreadnaughts that are almost useless. I believe that our brethren on the other side of the aisle are just as patriotic as we are, and I hope that they and we will look at this matter as a cold business proposition. It is a trust fund that we are administering. Suppose a guardian that had intrusted to him thousands of dollars of his ward's money should spend that money in a profligate and unbusinesslike manner. He would be regarded as a criminal. You gentlemen on the other side are just as much guardians of the people's money as we are. It is just as much a fiduciary capacity that you occupy toward the people as that which the Members on this side occupy. Hence, it is equally the duty of Republicans and Democrats to guard

jealously the money of the people that is intrusted to our care. Then, if we all agree to the proposition that it is a misapplication of money to continue to build these immense surface crafts while we are suffering for the undersea craft, it is an expenditure of trust funds that is not warranted and ought not

to be made. [Applause.]

Mr. Chairman, I do not wonder that gentlemen who are in the localities of great navy yards look at these expenditures as they do. It is no imputation against their integrity, either, since a man is to a great degree a creature of environment, and these gentlemen have lived in that naval atmosphere until they have actually absorbed it and have been imbued with the idea that this country is absolutely dependent on battleships. They are honest in it, but those of us who are not subject to that monomania ought not to catch the hysteria that big business has been trying to spread all over the country, a hysteria that those who are financially interested have labored to bring about artificially by means of the great metropolitan press. We ought to look at these matters in the light of common sense and reason. We ought not to spend the people's money on an ignis fatuus. We talk about battleships. What are they doing now in the war? How many of these submarines have they destroyed? The gentleman who has just spoken says many of them have been captured, and he understands it is because aeroplanes have sighted and pointed them out, but nobody knows how many, and certainly, Mr. Chairman, every time they have destroyed one submarine they have sowed the dragon's teeth and a dozen more have sprung up for the effective work which they are doing. What do we need? Is it big ships which by their exposure make the Navy more inadequate than the one we have now? It was shown by the gentleman from Texas [Mr. Callaway], who spoke this morning, that on many occasions submarines have destroyed battleships of the largest kind. Submarines are constantly being improved, constantly growing larger and more efficient, and why waste our money for more ships, why have more naval boards, for the purpose of having men swinging on swivel chairs, wearing epaulets, and encouraging armor-plate manufacturers to go all over the country making people believe that we are in the midst of a war. Oh, but some gentleman said this morning the people demand it.

Let us be leaders of men and not followers of the multitude to do wrong. Let us show the people that we are right, and we can go to them, and they will stand by us. I believe that with the American people, whenever the right is pointed out, right makes might with them. They do not want to be swept off their feet, and yet we here are responsible to a great extent for the very hysteria that is abroad all over the country.

If we are convinced by reason and common sense that we need better preparedness so far as aircraft, submarines, and destroyers are concerned-and I concede that-are we going to fritter away \$28,000,000 on each of the three immense battleships when we need these other things worse? It seems to Mr. Chairman, that our Naval Affairs Committee has allowed itself, at least so far as the leaders of the committee are concerned, to be swept off its feet by those who want to keep up the gorgeous paraphernalia, the faufaronade, the show and tinsel and glitter of warfare, but who do not want to go, as the Scripture says, down to the sea in boats themselves. They want to remain on the surface, and a great many of them want to be on the surface here in Washington and nowhere I understand from the chairman of the committee that this bill carries an appropriation of \$54,000,000 over the one of last year that many of us believed then to be an outrage upon the people, and yet I learn that the bill reported by the Military Affairs Committee is \$20,000,000 less than the one we passed last year. Does not that show that this bill is unjust and excessive. If we do not need those immense increases for the Army, is it not an absurdity and monstrous for us to spend \$54,000,000 more on the Navy than we did last year, and \$28,-000,000 on each of three battleships? Let us be men and not sycophantic trucklers to public opinion and to those in power. [Applause.]

Send a few of the barnacles around the ship of state out in the submarines and the destroyers and see whether their

thirst for gore is not appeased.

A few years ago the entire naval appropriation bill was less than \$100,000,000, while this bill carries nearly \$400,000,000, and the Lord only knows what it will carry when it gets back from the other end of the Capitol. Of course, some gentlemen will make a feint at opposition to these big additions, but they will soon surrender to the Navy Board.

will soon surrender to the Navy Board.

Of course, some of the feather-leg brigade will throw up their hands in holy horror, but they will soon bow their necks and help pile up the burdens of taxation that their outraged

people will have to bear.

Think of it, gentlemen from the South, every one of these three useless battleships that this bill is providing for will cost 300,000 bales of cotton to construct it and then 13,000 bales per year to maintain it after it is built.

Think of it, gentlemen from the West, you are throwing away 17,000,000 bushels of your farmers' wheat every time you construct one of these dreadnaughts, and then 650,000 bushels

more each year to maintain it.

Where are you going to get crews to man all these big ships? You can not get them to enlist voluntarily, and you gentlemen who are to-day sponsors for all the battleships when they are completed are sure to be called on to vote for compulsory enlistment to man them. We are drifting right in that direction. You declare now that you will not stand for it, but when the Navy Board orders you to do so, you will complacently obey. They will then implore you by the shades of John Paul Jones, "Don't give up the ship," and you will vote amen, and your farmer-boy constitutent will be dragged from his home to do the fighting while you stay here to make laws to take him from his weeping mother's arms.

We have listened to the heralds of war on this floor till we can almost hear the call to arms, see embattled legions in the death grapple, hear the booming cannon and the roar of musketry, see the ocean red with the blood of heroes, hear the groans of the dying, see litters bearing the dead from fields of gory glory, catch the last bloodcurdling shrieks of human victims offered up on the altar of the god of war.

Gentlemen, let us turn our thoughts from bloodcurdling stories of war and try to be fairer to our constituents at home.

Let him whose voice is raised for war go join the army of the nation that he loves better than America, whether that nation be German or British. It will be happy riddance to those who would like to have a surcease of battle on this floor. Let him who thinks all peace lovers are cowards show his own brave heart by casting his fortunes with men who dare to do

and die, or else forever let him hold his peace.

Mr. OLIVER. Mr. Chairman and gentlemen of the committee, you appropriated for four capital ships five months ago, which are still uncontracted for, and if the bill now reported by the committee is passed you will have four additional capital ships to construct after this Congress adjourns. Some of the members of the committee felt that there were important facts which should be presented to the Members of this House, believing that you would give to such facts a careful and business-like consideration, because those facts are not opposed to the authorized program which you passed about five months ago, but

point out a speedier and more economical construction of such program. I will ask that the two amendments sent to the desk be now read.

The CHAIRMAN. The Clerk will read the amendments offered by the gentleman from Alabama,

The Clerk read as follows:

Amendment by Mr. OLIVER: Page 58, line 13, after the word "each," insert: "But contracts for the construction of battleships shall not be let until the construction of the battle cruisers heretofore appropriated for shall be first provided for."

Mr. PADGETT. I reserve a point of order on that. The CHAIRMAN. The gentleman reserves a point of order on the amendment.

The Clerk read as follows:

Second amendment by Mr. OLIVER: After the word "practicable"

"Provided, That in any contract made and entered into for the construction of any vessel herein appropriated for the period of final completion shall not be extended beyond 38 months."

Mr. MANN. A parliamentary inquiry. Is this amendment being offered now?

Mr. OLIVER. Simply read for the information of the com-

mittee in my time.

The CHAIRMAN. It is read for information.

Mr. PADGETT. I reserve a point of order.

Mr. MANN. The gentleman can not reserve a point of order

The CHAIRMAN. The gentleman will have his opportunity to reserve his point of order when the amendment is formally offered.

Mr. OLIVER. The prime purpose of one of these amendments is to insure the rapid construction and completion of that type of capital ship, namely, the battle cruiser, which all of the naval experts have stated to the committee is now most imperatively needed in the fleet. I might refer you to the speech made by the chairman of the committee about five months ago in which he undertook to summarize the opinions of our naval officers on this subject, and so convinced was he that he advised the construction of five battle cruisers and recommended the postponement of additional battleships until the immediate and early construction of these cruisers were assured. It is passing strange that he has so quickly changed his attitude on this subject, although the opinions of naval officers in reference to this subject remain the same. You can not hasten the building of battle cruisers so long as you feed shipbuilders with new and large offers for battleship construction.

The profits are much larger on the battleships.

The second amendment is intended to secure the construction of those capital ships within the time that we were told by the shipbuilders they could easily be completed in, 38 months having been the maximum time limit fixed by them in letters to the committee. Now, I am not unmindful of the fact that there have been many statements made to the effect that the reason why the shipbuilders now demand from 48 to 52 months to build these ships is because the shipbuilding labor in this country is limited and is now being worked to its full capacity. I want to call your attenton in this connection to some facts written by these same shipbuilders into our hearings. Before these ships were appropriated for they stated, and you will find it in the hearings, that they could construct any number of capital ships, far more than you have authorized or will authorize, within 38 months, and yet they said, "Our plants now are busier than ever before and are now being worked to their full limit." The same conditions prevailed then that pre-The same conditions prevailed then that prevail now as to congestion of business and as to the limitations upon the shipbuilding labor available for the construction of

After ships were authorized and appropriated for, we heard for the first time that it would require from 48 to 52 months to build them. Shipbuilders were speaking at one time for an authorization, and after this purpose was accomplished they were speaking for terms promising the largest profits and a supply of work for probable dull times in the long future.

Some reference has been made to the fact that one of the shipbuilding companies, namely, the Fore River, of Quincy, Mass., stated that they had lost much of their labor during the past year. They said they had 5,000 men last spring, and in July afterwards only 3,000, and now 4,000. That same company stated that they were now rapidly increasing their expert labor, and in less than a year they would have 6,500 men on their rolls. The gentleman from Massachusetts [Mr. Tague], who lives near the plant of the Fore River Shipbuilding Co., stated to the committee the other day, last Saturday, I think, that he understood this company had probably sent some of their expert labor into Canada, where the same company had business activities. Now, there happens to be another shipbuild-

ing company, owned and controlled by the Bethlehem Steel Corporation, just as the Fore River Shipbuilding Co. is, and that other company is out on the Pacific coast. This Pacific company, so the gentleman from California [Mr. Nolan] tells us, instead of having fewer men now than they had last year. when the committee was assured by the Bethlehem Co. that these ships could be constructed within 38 months, have more than double the number of skilled artisans in this trade than they had last year. He further said that this Pacific subsidiary company had at this time from \$85,000,000 to \$100,000,000 worth of private work and more than 10,000 laborers, although last year they had less than 5,000 laborers. Now, I want to say that if you will examine the facts submitted to our committee and to this House, you will find that this claim of shipbuilding com-panies that because of scarcity of labor they are unable to promise construction within the limit of time previously fixed by them is unwarranted. They simply want long time on present high-price basis and the right to finish that work at leisure. Private work is now abundant and very profitable, and such contracts require comparatively short time for completion; so they argue we will employ our men on these and hold onto Government contracts, secured at high prices, for the dull days to come. You had in January, 1916, 20,000 men in Government navy yards, and on January 1, 1917, and now you have more than 25,000 men in these same yards.

You were told by the shipbuilding companies and by some who have sought to make it appear that the navy yards are not fair to their employees that Government yards have been losing employees because you were not paying as much as private shipyards were paying. And yet, when you examine the solemn facts, you find that in 12 months you have increased the employees at Government navy yards from 20,000 to more than 25,000. We also know from the statement of Mr. Nolan that the Union Iron Works Co., owned by the Bethlehem Steel Co., have increased in the last year their number of employees by more than 5,000. If these are the facts, who on this floor can justify giving more than 38 months to private shipbuilding companies to construct these capital ships? And yet unless you fix this limit of time you impliedly authorize 48 months to be

given for completion.

It so happens that one ship that you ordered last year of the scout-cruiser type was contracted for within the limit of your appropriation and likewise within the time limit. The Seattle Construction & Dry Dock Co. contracted to build one of the scout cruisers, with heavy penalty for failure, in 30 months, and for less than the \$5,000,000 appropriated therefor. Yet these other shipbuilding companies are now demanding 42 months' time on the same vessels and \$6,000,000 as the price therefor. Are you willing to let the contracts to them on such terms?

It happened that when the shipbuilding companies in the East ascertained that you were willing to pay a certain flat sum for construction of a capital ship in 38 months and 20 per cent additional for speedier construction, as provided in your bill of last August, these same companies, instead of offering to build them earlier than 38 months, said: "We will demand not only the full flat price plus the 20 per cent for earlier construction, but will insist on an additional time limit of from 10 to 14 months for construction." I wonder if the Members of this House, acquainted now with the facts—and I defy the chairman or any member of the committee to deny their correctness-realize that you propose in this bill to appropriate for four additional capital ships, when you know that in doing so you are thereby impliedly saying to the Secretary of the Navy, "You are authorized to pay these abnormal prices and give this extension of time to the private shipbuilding companies."

The minority, feeling that you would like to be informed of the true facts, have undertaken to do so in their short report, and to suggest remedies to prevent this unwise and unjust expenditure of public funds, and I challenge any member of the committee to deny the correctness of any facts therein stated.

The chairman of the committee the other day said he could not understand why anyone should even ask for the postponement of the authorization of capital ships since five months ago we made solemn contracts with the people of the Nation that we would build within three years the program authorized in August last. I say to him that when you named the number of ships, you likewise coupled with it a promise to build them in a sane and reasonable way, both as to time and amount; and the facts before the committee, showing how this could be accomplished, were no doubt alluded to by the chairman of the committee, as well as others who discussed in public the large program. No doubt the people were told that this number of capital ships would be added within 38 months, and if shipbuilders accepted the 20 per cent bonus, they would be finally completed sooner. How now do you propose to keep the faith? Let 48 and 52 months answer? Then, in reference to the scout cruisers, you doubtless said they will be finally completed certainly in 32 months, and one has actually been already let for completion in 30 months. If the bonus of 20 per cent is earned, they will be completed sooner.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. OLIVER. Yes

Mr. SMITH of Michigan. What is the gentleman's remedy

provided they will not enter into a contract?

Mr. OLIVER. The minority report discusses that fully and I will allude to it later. When the Secretary of the Navy recognized that he was being held up, he asked for an appropriation to fit up the Government navy yards. The minority report shows that these Government yards can be equipped as quickly as the private yards to construct the battle cruisers. We suggest that as one method to insure competition in the letting of this large program. We further suggest that to delay the building of the battleships, herein asked to be appropriated for, in addition to those appropriated for last year and not yet contracted for, you will find that some of the shipbuilding companies rather than have all your cruisers built in Government yards will make offers within the limits that they appeared anxious to get them for before the authorization was made last August. Stop feeding shipbuilders with battleship contracts, if you want your battle cruiser built. Remember that many naval officers have strongly recommended that all energies should be concentrated on the battle cruisers and scout cruisers, even though it postpone for the time being the further building of battleships.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, how much time did the gentleman consume?

The CHAIRMAN. The gentleman from Alabama has 18 minutes remaining.

Mr. BUTLER. I will yield to the gentleman from Iowa five minutes.

Mr. GREEN of Iowa. Mr. Chairman, I very much regret that, at the point when we have reached the most important portion of the bill, so much of our time should be devoted to a discussion of matters that have nothing to do with it. With reference to this controversy which has unfortunately arisen, I have nothing to say but this, that although I have not been in this House long I know the distinguished gentleman who at present occupies the chair sufficiently so that when he makes a statement with reference to his own personal action

it will be absolutely accepted by me. [Applause.]

Mr. Chairman, several days ago when we entered upon the discussion of this bill for the first time, it was suggested by some gentlemen upon the floor, for whose opinion I have high regard, that it should be voted upon at once, and without further discussion. I think that would have been a mistake, and I think it is a greater mistake that we have not more time now to devote to the discussion of the particular items under consideration, as to which I believe the House is insufficiently in-Mr. Chairman, this portion of the bill provides among other things for the construction of three battleships at a cost, exclusive of armor and armament, of lifteen and one-half million dollars each. The total amount of the new construction lion dollars each. program is \$174,000,000. The additional cost of armor and armament upon each of these battleships will be something over \$8,000,000, making their total cost over \$24,000,000 each. are in reality authorizing a program of something over \$250,-000,000 if we include the cost of armor and armament which will have to be put upon these ships. If I am correctly informed, and I think I am, the largest amount ever authorized in time of peace by the greatest naval power upon earth—England—for new construction was \$38,000,000. By this bill we are authorizing five times that amount, and in what manner do we propose to expend it? When the amendment was offered by the gentleman from Washington [Mr. Humphrey] for the construction of more submarines, and another amendment in the same direction by the gentleman from Alabama, the gentleman from Massachusetts [Mr. GARDNER] rose in his place and stated that we did not know anything about submarines; did not know what they could accomplish; and did not know what they were worth. It is true that we do not know the limits of the power of the submarines, nor their exact value; but if they are not of value for the defense of our harbors or the defense of any harbor, then all of the naval experts of the world have been badly mistaken. What do we know about these immense leviathans we are going to construct by this bill? It is contemplated that we shall build ships of 42,000 tons displace-

The largest we have ever built before have been of 32,000 tons. No naval power in the world has ever constructed such mam-They are to be driven, as we understand, by moth vessels. what is called the electric drive. I have no opinion as to the value of the electric drive, or that it is practicable, and if I had one every Member in the House would say it was not worth anything, and he would be right about it, but there are a large number of engineers who do know about this matter, and, as I understand it, the majority of the engineers say that this drive will not be practicable, and that it will not make for ships of the greatest defensive power and value. In order to put it in these ships they will have to put half the boilers or more above the protected deck. It will increase in the battle cruisers the cost by \$1,300,000 and the tonnage by 1,000 tons. In the battleships it will increase the cost about \$300,000, and increase the tonnage something like 200 tons. No effort has been made to submit this question to anyone, as I understand it, except to some of our naval experts, for experts they doubtless are, in our own departments, who have favored this kind of construc-It has been put in one comparatively small ship, the collier Jupiter, a vessel of about 7,000 tons.

Mr. Chairman, not only is this electric drive an experiment but these monster vessels are an experiment. I do not object to the experiment being made with one ship, although if we build only one and it proved a failure we would lose nearly \$30,000,000. As it is, we are proposing to risk about \$100,000,000 in an untried field into which no other naval power in the world has ventured. Common sense would seem to dictate that it was dangerous to put so many eggs into one basket—to put so many millions into one vessel which a single torpedo, discharged from a submarine far enough away so that its periscope could not be seen, would send one of these vessels and costly fortresses to the bottom of the ocean. And what a target these immense structures will provide for torpedo craft. What a fine mark they will make for the aviator upon which to drop his bombs. We are to contract for them also when material and labor is so high that their cost will exceed by one-third the expense in normal times. We can not hope to have them ready for action in less than four or five years. It will take one year simply to build the ways on which to construct them, and by the time they are constructed the danger will be passed. I am in favor of the motion of the gentleman from Washington [Mr. Hum-PHREY] to construct 50 submarines instead of 18, and if this was done I would be willing at the same time to cut down the number of battleships to one. Submarines can be constructed in six months. The battle cruisers, however, should not be reduced nor the scout cruisers. The battle cruisers have made the armored cruisers obsolete, and we will be fortunate if by the time we get the battle cruisers constructed they are not also obsolete.

Mr. BURNETT. Mr. Chairman, I yield two minutes to the

gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Chairman, I wish to add just a similar statement to that of the gentleman from Alabama in his threeminute talk. Three years ago I became interested in the question of the effectiveness of the submarine. I read with care a long letter from Sir Percy Scott, constlered the greatest naval expert of England, in which he stated at that time that any port properly guarded by submarines would be free from attack by the battleships of an enemy. Recently I read this article referred to by another gentleman, written by Mr. Lake, one of the original builders of submarines, and he states that he can build a submarine that will carry 5,000 tons of dead-weight which on the sea will be an efficient weapon of offense against the biggest battleship that might be built. I feel as sure as that to-morrow morning's sun will rise that in 10 years from today the submarines of the navies of the world will not be simply a match but an overmatch for the battleships. [Applause.] I know that to-morrow if we authorize four battle-ships in this bill there is no possibility of having one of them completed in less than four years, and if we need a battleship, if we need any kind of ship for our defense, we are going to need it in the entanglements that will arise out of the present war. Submarines may be built in time for our emergency, but battleships can not be. [Applause.]

Now, there is not a man in this Hall who will deny that we will either need our warships inside of 3 years or not within 25 years. We can not get one of these big battleships we propose to order now inside of 3 years, and any one of them will be junk inside of 25 years. Why not, then, spend all the money we do spend for vessels we may have some reasonable hope of getting inside of 3 years. Yes; inside of 1 year, for in my opinion we will need them within 1 year, if ever. Mr. Chairman, the submarine is not an evolution; it is a revolution in naval warfare. Two things are coming to the front—

the submarine and the explosive shell-and they are being used together. A shell can be thrown from a submarine that contains enough explosive to crush like an eggshell the thickest It has been done, not once but many times. are still spending millions for the old armor-piercing shells that will not be used at all in a few years. Leige and Namur were destroyed by explosive shells. The English battleships were sunk at the Dardanelles by explosive shells. Why not learn something from what has happened and is happening? German battleships have been bottled up for nearly three years and will remain so for three years more if the war lasts. What use are they? English battleships are not so thoroughly bottled up, but they would be if she had only one base of supplies and one outlet. Her battleships only get out when the coast is clear of submarines. She would do as well with half her battle-ships in the present war. If all of Germany's Navy and half of England's were to engage and sink each other, their naval warfare would stand just where it does now. If Germany had no battleships, her naval war condition would be just what it Situated as she is, England can seize without sinking the merchant ships of her enemy, if they had any. If England and America had war to-morrow, each could prey upon the merchant ships of the other, and that is all they could or would do. Neither could invade the other. It would be the same as between us and Germany. Why, then, are we goaded into authorizing now a hundred millions more of big battleships and urged to make contracts for them now, when prices are skyhigh? Back of all this hurry and flurry there are millions of profits. If the country could see the conditions as they actually are, they would order us simply to speed up the building of the battleships already authorized, and which may be completed in three years, and put all the rest of the money we spend into submarines, aeroplanes, and other vessels that can be completed in less time and that can be used with telling effect if we get into war. We should not authorize a single twenty or twentyeight million-dollar ship that can only be contracted for now and not completed in four years.

The CHAIRMAN. The time of the gentleman from Texas

has expired.

Mr. OLIVER. Mr. Chairman, further replying to the question asked by the gentleman from Pennsylvania [Mr. MILLER] some minutes since-and I know he is deeply interested in this subject, because I read with pleasure a speech he inserted in the Record yesterday calling attention to the large sums of money recently appropriated for the construction of battle-ships—I desire to say this: The Naval Committee will submit for your consideration an amendment to this bill empowering the President to commandeer private shipbuilding yards and other supply plants, if in his judgment an emergency arises making necessary the speedy construction of these ships already appropriated for and not yet contracted for, as well as any other ships heretofore authorized. The committee proposes to place at the disposal of the President, in the event such an emergency should arise, a large fund to insure the speedy construction of the authorized program and such additional naval small craft as he may deem necessary and urgent. adopt this amendment to be proposed by the committee you would place it in the power of the President to use all private shipbuilding yards exclusively for the construction of Government ships, and when the energies of these yards are devoted to this one end you can construct capital ships in from 24 to 30 months, just one-half the time demanded by these private companies from the Secretary of the Navy now. These facts are alluded to in the minority report. If this authority is to be conferred on the President in times of emergency, why, then, now make large appropriations for additional capital ships and thereby impliedly direct the Secretary of the Navy to give long time to shipbuilders at exorbitant prices? The gentleman from Texas [Mr. HARDY] well stated that if we now need capital ships we need them speedily, not four years from now, and the expert testimony of private shipbuilders, like the Bethlehem Co., shows that these capital ships can be constructed in large numbers within 24 months. The gentleman from Pennsylvania [Mr. Butler] elicited this information from the presidents of these companies in the hearings before our committee.

Now, these same companies further say that to-day the cost of these ships is from 33½ to 50 per cent in excess of what it will be when the European war ends. In other words, that just as soon as peace is restored there will be a horizontal drop in the cost of battleships from 33 to 50 per cent? Is there any reason, then, for us to appropriate these large sums of money to be expended, probably the largest part of it, after the war ends and there is a reasonable, if not strong, probability that it may end within the next 12 months? Why unwisely spend a large sum of money out of the National Treasury when you

know that from private shipbuilders you can not secure a contract to add a single capital ship to your Navy for four years? If an emergency arises making immediate construction necessary, the President can be clothed with power to accomplish this end. Why add to the seven ships now uncontracted for seven additional ships of the same type, and thereby, to use a common expression, "bull your own market"? The probabilities are that if you will exercise a little good judgment now, you will save money and time in the completion of the building program authorized last August.

Mr. MILLER of Delaware. Will the gentleman yield?

Mr. OLIVER. I will.

Mr. MILLER of Delaware. May I interrupt the gentleman, because I am interested in his remarks? The gentleman stated that this emergency legislation was favorably agreed to by the whole Naval Committee.

Mr. OLIVER. And a rule making it in order will be submitted

later

Mr. MILLER of Delaware. That is the bill, H. R. 20779, which the gentleman from Tennessee introduced?

Mr. OLIVER. Yes.

Mr. MILLER of Delaware. If that should be adopted, and I favor it as emergency legislation, would it enable us to get ships

cheaper than under the building program?

Mr. OLIVER. I am not prepared to say you would get them cheaper, but unquestionably it will enable you to get them sooner, and I think all will agree that if 24 months in the construction of capital ships can be saved it would be a very satisfying economy, and for that reason the minority report claims that if its suggestions are followed you will probably save both money Let me briefly allude to a statement recently made by some gentlemen in reference to the rapid development in battleship construction. Do you know that five months ago you appropriated a large sum of money to build a battleship of 32,000 tons displacement, and that now-five months thereafteryou are discarding that standard or type of ship, perhaps rightly so, and are authorizing the expenditure of a much larger sum for the building of a 42,000-ton displacement battleship? Not only that, but you have discarded the 14-inch gun that you placed upon the battleship authorized five months ago, and are now proposing a 16-inch gun instead.

Each 16-inch gun costs approximately \$100,000 in excess of the 14-inch gun. And it is but fair to state to you that Admiral Strauss, whom many, capable of judging, feel is the best expert on ordnance we have in the country, and who is recognized elsewhere as well, believes that the 14-inch gun is superior to the 16 inch. Admiral Sims, the head of your War College, also concurs in this opinion, and so do many other naval officers. Even the General Board have not made this change in reference to the caliber of your gun upon your battle cruisers, and if you will read the hearings no one undertakes to explain why a 16-inch gun should be placed on battleships and not on battle cruisers. The military purposes to be served by these two types of ships are essentially different, and it would seem that the larger and more powerful gun should be placed on battle cruisers, if on any, since this type of ship, because of its great speed, can choose its own battle range; and at a great distance, say from 16,000 to 18,000 yards, it is not more vulnerable-Capt. Plunkett, the head of target practice, tells us-than a battle-This is explained by the fact that the decks on both are lightly armored, and the shot at that distance, likely to do damage, will be a plunging shot falling on the deck.

I mention these facts not by way of criticism, but that you may understand that the evolution in the building of battle-ships is so rapid that the department now comes to us with essentially different recommendations from those made about five months ago. I am violating no confidence in saying to you that even while you are now considering the building of a 42,000-ton displacement battleship reliable rumor says that plans are being drawn for a battleship of far greater displacement and carrying twenty-four 16-inch guns or twenty 18-inch guns, and with a speed of more than 24 knots. So, perhaps if you should be called back in two months' time, instead of building the type of battleship you are now asked to appropriate for, you may be called on by naval experts to build a ship greatly superior in destructive power and speed to anything building or contemplated in this present bill.

Did you read that very interesting statement which the chairman inserted in his remarks, showing the relative military value of the different battleships heretofore authorized in the last five, seven, or eight years, and how one ship of the type you are now asked to recommend has a military value of three of the older types? If to-day you are facing a condition where just a little delay in appropriating for battleships may probably save both

time and money, why not take the chance of securing at the same time greater efficiency by building later only the type that the experts then advise is best? A few months adds wonderfully to the storehouse of expert information on fighting craft of all kinds, large or small, and this is not strange since we know we are living at a time when experts of highest ability are pressed to the study of these subjects and questions by a threat of national extermination if not wisely solved.

Gentlemen, do you think we are open to the charge made by the chairman, the gentleman from Tennessee [Mr. Padgett], of breaking a sacred covenant made with the people of the Nation last August, when you adopted the three-year building program, simply because for the reasons set forth in the minority report a postponement of further appropriations for capital ships is suggested until you can devise some plan for constructing seven heretofore appropriated for and not yet contracted for? Why, it is a singular fact that last year, when, as the gentleman from Illinois and others have said, so many thought that the need of additional ships of all types was so imperative, this same Congress, this same naval committee, presided over by the same chairman, were 9 months engaged in holding hearings on and considering the bill passed on the 29th day of last August, which constitutes the sacred compact to which the chairman referred and charged bad faith to those of us who made some sane and wise suggestions in the minority report as to how to hasten the carrying out of the program heretofore authorized, and practice sound economy. seemed to think that by taking 9 months then to consider what types of ships should be authorized and immediately appropriated for, that we were unpatriotic or that we were endangering the safety of the Nation.

The bill was brought in after extended hearings and quietly passed on August 29, 1916. You were then led to believe that all of the ships you appropriated for could be completed in 38 months', and less, time, and with this you went before the country. Yet, when six members of the Naval Affairs Committee in five months after you passed this large authorization, the largest ever made by any country at one time, now undertake to suggest and prove that you can not build these ships heretofore appropriated for within the time you impliedly promised, if you allow shipbuilding companies to dictate their own terms, and pointing out how this can be avoided, the chairman under-takes to indict us for not keeping the faith and of violating a

solemn compact made with the people.

I now remind the chairman of the committee, who makes this charge, that the essence of that compact—if it be a compact made with the people of the Nation was not only that we would construct the vessel so authorized, but that we would build them within a certain time and at a fixed stipulated sum.

If this be a solemn compact, from whom has permission been secured to extend time of completion and cost of construction?

I have long since learned that where you have something to build, which you claim is urgently needed, that the most important element of a contract therefor, yea, its very essence, is time of completion, and he who ignores or forgets that important element has himself violated the very contract which he professes to carry out, and violated such contract in its most essential particular. That is why the minority have felt that this House should know the facts and understand that you can not build these ships within a reasonable time, which you are asked to appropriate for, unless some plan is provided for hastening construction.

The minority report first suggested what the majority seems to have entirely overlooked, as to advisability of empowering the President to commandeer private shipyards if an emergency

should arise.

Now, in conclusion, let me say I recognize the force of the statements made by many as to the value of submarines. you have read carefully the statement that the gentleman from Texas [Mr. Callaway] placed in the Record this morning from Admiral Grant, you will see the great possibilities of the sub-marine, and no one can foretell to what extent it may some day challenge, if you please, the command of the seas, even as against battleships and battle cruisers.

Yet, I do not belong to those who at this time believe that we should postpone the construction of additional battleships and battle cruisers and build submarines instead. If you are convinced, however, that it is not wise to order the building of three battleships at this time, until you can be first assured of their early completion, either through authority conferred on the President to commandeer the shipyards in an emergency, or by an appropriation to speedily equip your navy yard so as to make them available for building additional capital ships, then in my opinion it would be wise to increase your appropria-

tions for submarines so as to insure the early construction of 50 submarines of the type specified in the pending bill. plause.

Mr. Chairman, I will insert in the RECORD, under leave to extend, the following editorial from the February 3, 1917, issue of the Scientific American, which shows the necessity of guarding against the demands of private companies both as to time and price:

THOSE ARMOR-PIERCING SHELLS.

ing against the demands of private companies both as to time and price:

THOSE ARMOR-PIERCING SHELLS.

We have so often in the past feit called upon to criticize certain features of Mr. Daniels's administration of the great department of which he is the head that it is with very real satisfaction that we extend our approval to his recent action in awarding a contract for armor-plercing shells to a foreign manufacturer. The Secretary's errors were in no small measure due to a system, in which a civilian with no previous small measure due to a system, in which a civilian with no previous continually called upon to pass judgment on matters of a highly technical character. Not even the most severe critic of the Secretary can deny that in the past year or so he has shown evidence of increasing appreciation of the inner spirit of the New, a more comprehensive grasp of the fundamental principles and the broad technical problems.

The award of the contract for shells to a foreign maker has aroused an inevitable and bitter protest on the part of our own manufacturers; and in sheer self-defense the Navy Department has felt called upon, through its Secretary, to make known to the public certain inside facts in an unassallable position by showing thes have placed the Secretary in an unassallable position by showing thes have placed the Secretary in an unassallable position by showing thes have placed the Secretary in an unassallable position by showing the havy with 10-inch and 14-inch armor-plercing projectiles. For the 16-inch projectile. the \$775 each; Washington Steel & Ordanance Co., 2,500 in 32 months, at \$750 each; Crucible Steel Co., 1,700 in 36 months, at \$750 each; Madvale Steel Co., 1,700 in 36 months, at \$750 each; Midvale Steel Co., 1,700 in 30 months, at \$750 each; Midvale Steel Co., 1,700 in 30 months, at \$750 each; Midvale Steel Co., 1,700 in 30 months, at \$750 each; Midvale Steel Co., 1,700 in 30 months, at \$750 each; Washington Steel & Ordanance Co., 1,000 in 22 months, at \$750 each; From the ordan contra

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BUTLER. Mr. Chairman, may I have the attention of the chairman of the Committee on Naval Affairs? Does the gentleman from Tennessee propose to finish this debate to-night?

Mr. PADGETT. I wanted to. I wanted to vote on these

amendments.

Mr. BUTLER. To-night?
Mr. PADGETT. Yes.
Mr. BUTLER. Then you will have to get a pretty big quorum here. I am pretty tired. I have sat here and listened for six hours to this debate. I do not want to listen any longer.

Mr. PADGETT. There are 31 minutes remaining, as I understand.

The CHAIRMAN. Yes; 31 minutes remaining, of which the gentleman from Pennsylvania [Mr. Butler] has 16 minutes, the gentleman from Tennessee [Mr. Padgett] has 10, and the gentleman from Alabama [Mr. Burnett] has 5.

Mr. PADGETT. Suppose that at the end of the debate the committee rise, and vote on the amendments on Monday?

Mr. MANN. That will be an intelligent method. Still I will not object to it. Nobody knows now how the amendments stand. They will know no better on Monday. Still I am not objecting to unintelligent methods, so long as the other side controls. fLaughter.

Mr. BUTLER. Mr. Chairman, I yield five minutes to the

gentleman from New York [Mr. Platt].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. PLATT rose

Mr. PADGETT. Mr. Chairman, before the gentleman from New York begins, for the benefit of the House I will state that after the expiration of the debate, which will be about 30 minutes from now, I will move that the committee do rise. That will leave pending all these amendments that will be voted

Mr. MANN. While the gentleman has the floor, may I ask

him a question?
The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. PADGETT. Yes. Mr. MANN. If a rule is brought in and agreed to, providing for the offering of amendments covering the commandeering of shipyards and the condemnation of the aeroplane patents, when will those amendments be offered?

Mr. PADGETT. I was going to offer the commandeering one at the end of line 19, on page 59.

Mr. MANN. That is the next page?
Mr. PADGETT. Yes; that is the next page. Then it would come up early? Mr. MANN.

Mr. PADGETT. Yes. Then, the other one is on page 5 of the bill. I offered that, as the gentleman may remember, and he reserved a point of order, and we passed over it with the understanding that I might return to call it up.

Mr. BURNETT. Does the rule provide that there shall be

debate on the amendments?

Mr. PADGETT. The rule provides that it shall be made in order under the rules of the House in the Committee of the Whole, and it will be open to debate and amendment.

Mr. BUTLER. It will be open to amendment, but I guess it

will be impossible to amend it.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes. Mr. HAMILTON of Michigan. Will the gentleman say again at what time he proposes that the committee rise?

Mr. PADGETT. About 30 minutes from now.

That will

leave all amendments pending.

Mr. LONGWORTH, For Tuesday morning?

Mr. PADGETT. Monday morning. The final vote in the House will be Tuesday morning. We will finish the debate on

Tuesday.

Mr. OLIVER. Mr. Chairman, I ask unanimous consent to ex-

tend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BAILEY. Mr. Chairman, I ask the same privilege.

The CHAIRMAN. The gentleman from Pennsylvania asks the same privilege. Is there objection?

There was no objection.

Mr. PLATT. Mr. Chairman, finding that there was a little time going to waste, I asked for five minutes of it, not because I know very much about the Navy, but because it seems to me that I know quite as much as some of the gentlemen who have spoken, and I wanted to utter a little protest against the extravagant ideas that people have of the value of submarines.

The submarine is a new and spectacular affair, and everybody seems to think if we have submarines we do not need battleships or anything else at all. Now, it seems to me that submarines are not worth as much as aeroplanes, and an aeroplane carrying only one or two men can fly over the water and find a submarine and destroy it, or lead to its destruction; and if you have a big fleet of aeroplanes, with only one or two men in each one, handled as easily and with less danger, perhaps, than submarines, you can kill off the submarine menace in a comparatively short time. It seems to me that the proper balance of the different classes of vessels in the Navy, battleships,

destroyers, cruisers, and submarines, is something we must leave to the naval experts. I believe they are all valuable. If were going to go blind on my own ideas, I should be inclined to build more destroyers, believing the destroyer a much more valuable ship than any of the others in proportion to its cost. It is fast, and if we should get involved in the present unpleasantness on the other side of the ocean, or if we are going to try to protect our merchant vessels, the destroyer is the ship that we want to do it with. The submarine always runs from a de-stroyer. The destroyers hunt out and destroy the submarines with considerable regularity, apparently.

Mr. ADAIR. May I ask the gentleman a question for infor-

mation?

Mr. PLATT. Yes.

Mr. ADAIR. I should like to ask the gentleman, Is England making an effort along the lines the gentleman suggests to

destroy the German submarines by aeroplanes?

Mr. PLATT. I will say to the gentleman that I was talking with an official from the Navy Department awhile ago, and I asked him what information the Navy actually had as to how many submarines had been destroyed by the British Navy, and he said that exact figures could not be gotten at, but, so far as they knew, at least 100, and possibly 150, and that one of the ways they had of destroying them was by means of aeroplane scouting. The submarine at that time was of a smaller type, which would go and lie in shallower places, in estuaries, and so forth, and it was easy enough to see them by flying over the water, and then go and notify the destroyers to come up and draw a net in front of them, or lure them out and destroy them or capture them. In smooth water I understand they can be seen to a considerable depth below the surface by flying over them.

Mr. BUTLER. A hundred feet below the surface, Mr. ADAIR. In other words, they fly over them and discover them, and then, when they know where they are, they take means to destroy them.

Mr. BUTLER. They can discover them a hundred feet under

the surface of the water.

Mr. PLATT. They say they can be seen a hundred feet under the surface of the water. I do not suppose that can be true if the water is very rough.

Mr. BUTLER. No. Mr. PLATT. I understand they make a certain amount of wave on the top of the water, even when they are quite a little distance below the surface, with their periscopes entirely submerged. Of course, when they are sailing with their periscope submerged they can not see anything. When they are sailing with their periscopes above water they can see only about 3 miles, as the gentleman from Massachusetts stated.

Mr. ADAIR. If the gentleman knows, has England destroyed many of them since this new order went into effect, and has

she used aeroplanes to do so?

Mr. PLATT. That, of course, is so recent that nobody can These new and larger submarines have a longer radius and go farther out from the shore. Consequently, an aeroplane has got to fly over longer distances. Most of the older submarines, I think, were discovered quite near the shore, in comparatively shallow water, but they can be seen away off.

Mr. ADAIR. And that is the method employed to locate and

destroy them?

Mr. PLATT. Yes, so I am told by those in a position to know

Mr. BURNETT. As I understand, only a few have been destroyed by battleships.

Mr. PLATT. I should think a battleship would be the worst kind of a weapon against them. Mr. BURNETT. Have any been destroyed by battleships?

Mr. PLATT. Possibly; but battleships are usually accompanied by destroyers for protection against submarines. The only advantage a battleship could have is that with its higher top it might be able to see a periscope with a good glass farther than the periscope could see the battleship, although I do not know that that is true and should greatly doubt it, unless in very clear weather.

Mr. BUTLER. Mr. Chairman, I yield three minutes to the gentleman from Connecticut [Mr. FREEMAN].

Mr. FREEMAN. Mr. Chairman, in these three minutes I want to say a few words in behalf of the amendment offered by the gentleman from Massachusetts. In my humble opinion, we should consider the stern lessons of the past, because they point out unerringly the clear duty of the present. It is our plain and manifest duty as a Nation that desires only to defend and protect itself to maintain the greatest Navy of any nation in the world. Consider for a moment the history of the world. When Spain was the most powerful military nation Philip the

Second and his Armada did not put a single Spaniard on the shores of England. When Louis the Fourteenth, with the genius of Condé and Turenne, was overrunning the Rhine Provinces and the Low Countries, he could not put a single French soldier upon English soil. Napoleon Bonaparte rode as a conqueror into every capital of Europe, but he was not permitted to land even as a captive on the shores of England. To-day Kaiser William of Germany is pushing his army into Poland and Russia, into Servia and Roumania, into Belgium and France, but he has not placed a single German on the shores of England. Now, my fellow Members, the conclusion is obvious. This rich and resourceful Nation of ours should proceed to build at once and continue to maintain forever a navy sufficient to prevent any other nation in the world from transporting troops across either the Pacific or the Atlantic Ocean. [Applause.] I yield back the remainder of my time.

[Mr. BURNETT addressed the committee. See Appendix.]

Mr. KELLEY. Mr. Chairman, at the request of Mr. BUTLER, I yield one minute to the gentleman from Ohio [Mr. EMERSON]. Mr. EMERSON. Mr. Chairman, in these times when we are preparing for national defense by means of submarines and submarine destroyers and torpedo boats and battleships, it is well for us to call to mind that there are other means of national defense than the implements of destruction. Engraved upon the stone over the tomb of the late John Hay, in Lakeview Cemetery, Cleveland, Ohio, is this inscription:

The fruit of righteousness is sown in peace to them that make peace.

Would it not be well if we had in the councils of this Nation to-day such men as the late John Hay, the Secretary of State

some years ago? [Applause.]
Mr. KELLEY. Mr. Chairman, I yield five minutes to the

gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman, I do not agree with some of my colleagues who would make much further increases in this bill. I do not agree with those who would take away any portion of the present bill. I believe that the Committee on Naval Affairs has given to this great and important work the best possible service, and I think the bill meets fairly well the wishes of the people and also the present needs. I trust that I am as patriotic as the average American and the average Member of this House. I trust that I want to do the very best that it is possible to do for my country. I have endeavored to do that in service in this House and I endeavored to do it when this coun-

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. DYER. Yes.

Mr. GORDON. Do you undertake to measure men's patriotism by the amount of appropriations voted out of the Public Treasury, regardless of whether they are needed or not?

Mr. DYER. Mr. Chairman, I do not think there is anything in what I have said that warrants such a question, but I will say that I do not, of course.

Mr. GORDON. Then how is it pertinent here how much patriotism you have as a Member on this question of appropria-

Mr. CAMPBELL. Mr. Chairman, I hope the gentleman from Ohio will observe the rules of the House in his interrogatories

of the gentleman who has the floor.

Mr. DYER. Oh, we are accustomed to the gentleman from Ohio and his method of procedure, which is contrary to all precedent in the House; but, Mr. Chairman, we in this country to-day are hysterical about the whole situation. We find that the public press has been misled in many instances and false and misleading statements have gone out to the country. We find that the departments of the Government, some of them, are in hysteria, so much so that you can not go to the Departments of the War and the Navy, and probably others, without being identified. Even Members of Congress must be identified who go there upon official business, because of the scare that affects the administration and those in power.

Mr. Chairman, there ought to be no need for that. There ought to be no need for any outrageous appropriation for the Navy or for the Army. I think we ought to have a good Navy and one equal to all emergencies that are likely to arise. We have no trouble so far as this country is concerned now or in the near future, as I can see it, except what appears with Germany, but if we can bridle, and I think we ought to bridle, the few insane Americans that we have who are anxious to travel in the dangerous zone where the submarine warfare is raging and I see in the newspaper to-day where an American who had booked for sailing on an American liner canceled it and intended sailing on a British ship going to the war zone. Mr. Chairman, there may be no way that we can prevent them. There may

be no way under strict parliamentary law and the laws of nations that justify us in stopping them, and yet that person may be the one who will bring us to the most disastrous war, whether we win or lose in the end. It means great loss, and a man like that ought not to be permitted, regardless of what law there may be in this country, to sail upon a British ship under those conditions. [Applause.] We ought to have the power, and it ought to be exercised by somebody in stopping that man the same as we stop a man rushing into a burning building, where he would surely lose his life. In the latter case that is permitted in the name of humanity. There ought to be a way, too, to stop fool Americans at this time from going to Europe on belligerent merchantmen or ships. Insanity ought to be lodged against them so they can be detained, for they are either crazy or they are in a criminal conspiracy to get the United States into this horrible war.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. How much time, Mr. Chairman, have I re-

maining?

The CHAIRMAN. The gentleman has three minutes remain-

Mr. BUTLER. Mr. Chairman, as we all remember at the last session we authorized a certain program. We appropriated for one-half of the program at the time. This appropriation is for one-fourth of the program, or one-half of the half of that which was left. Whether or not we will be able to construct it within the time I would like to see it constructed, I do not know. That it can be very greatly expedited I do know, and it might be interesting for the few of us who are here considering a paragraph in the bill that will involve something like \$100,000,000, to know that one shippard has already put three shifts on the *Idaho*, which was 60 per cent completed last week, and we hope to see her launched within 40 or 50 days, and completed so that it may be used within three months' time. I believe that with the disposition shown by the manufacturers in the United States, spoken of in the newspapers we read whenever we open a paper, this program and whatever the country may need in the way of national preparedness may be procured at quite an early date and on terms quite satisfactory. It is true that the prices have advanced, that labor has increased, not in its demands but in what it deserves, and I do not believe that it receives more than it ought to have in view of the advance in prices of living. I do not know whether the program can be completed within the estimated sum-\$588,000,000-which we anticipated it might be completed for, or whether it will require more money. I suppose it will.

The question will be given us perhaps Monday next to deter-

mine whether or not we shall go on and build the balance of these ships and enlist the Navy up to its authorized strength; I do not know whether we shall ever need this great strength; I have my own views. I have not time now, but before this bill is completed I expect to make some remarks that are strictly personal. I do not know what the country should have in the way of national preparedness, but I do know that the duty has been placed by the Constitution upon Congress to provide for the national defense, and that in preparing the defense at this time we have the approval of the President of the United States, the Secretary of the Navy, and all of those charged with the responsibility of using the defense. I do not know whether the test of patriotism is measured by merely voting for large appropriations. I do know, however, that there are plenty of men patriotic enough to die, convinced they have done what is right, and the only approval they receive is from God Almighty, who is the only witness to their heroism. I do not believe it is

The CHAIRMAN. The time of the gentleman has expired. Mr. BUTLER (continuing). To face cannon amidst the roar of great guns in order to show patriotism; an equal reward is due to men who do what in their consciences they believe is

right to do for the cause of their country. [Applause.]
The CHAIRMAN. The time of the gentleman has expired.
The gentleman from Tennessee [Mr. Padgett] is recognized for

10 minutes

Mr. PADGETT. Mr. Chairman, this afternoon I took the precaution to announce that we would not have any votes this afternoon, fully realizing that the Members would avail themselves of the privilege and the pleasure and the opportunity of leaving, and that I would have only those who were so kind and generous as to remain to hear what I might have to say.

As stated by the gentleman from Pennsylvania [Mr. Butler], the ranking member of the minority upon the committee, only a few months ago, in August of last year, we passed the naval appropriation bill in which we, after due consideration, after long hearings, full discussion here and in the Senate, and sidered in conference, adopted a definite program providing

for so many battleships, so many battle cruisers, so many scout cruisers, so many torpedo destroyers, so many submarines, and certain other additional ships auxiliary in their character. adoption of that program received almost the unanimous vote of both sides. It was an overwhelming majority. In the bill last year we made appropriations for a certain proportion of that program, which it was provided should be begun within three years. In the bill now before the House we have taken substantially one-half of the remainder of the program from the appropriation of last year, leaving half of the remainder, or, as stated by the gentleman, about a little more than one-fourth of the total three-year program for next year. That was a solemn pledge that we made to the people of the country. The Congress of the United States could not in any more definite way plight its faith and its honor to the American people than was done by the legislation participated in by both sides of the Chamber in the last session of the Congress.

Mr. BUTLER. Will the gentleman be kind enough to yield? Mr. PADGETT. Yes. Mr. BUTLER. Will the gentleman object to having it stated

in his remarks here that when this legislation was first passed through the House 363 gentlemen voted for the measure; that Mr. Browning, of New Jersey, voted against it because of reasons he stated at the time; that Mr. Graham, of Pennsylvania, voted against it because he objected to one portion of the bill, which included Government ownership; and that Mr. London, of New York, and Mr. RANDALL voted against it? There were 4 votes in opposition and 363 votes for it.

Mr. PADGETT. So that I was correct in stating that it was

substantially a unanimous declaration of the House

Mr. CALLAWAY. Mr. Chairman, I was included in the ones that voted for it, not the three-year program, which was the first proposition that came in here, but I did not vote for it because it was necessary.

Mr. PADGETT. This was the last one; the one when you

were not here

Mr. BUTLER. The one that passed the bill.

Mr. CALLAWAY. I wanted to say that I voted for that program with the understanding with some members of the committee who were in favor of a larger program that they would do everything to keep it down to that-the first proposition that was brought in.

Mr. SLAYDEN. Does the gentleman advance the doctrine that support of a measure this year pledges a man to support it

next year or next week-a bigger one or the same one?

Mr. PADGETT. I take the position that having pledged our faith and our honor to the American people in August that we put our hands to the plow, and I do not propose to look back.

Mr. SLAYDEN. Will the gentleman answer my question? Mr. PADGETT. Yes; I answered.

Mr. SLAYDEN. If he votes for a measure this year, does that commit him to vote for this same measure next year, when conditions may be different?

Mr. PADGETT. Conditions may be different, but they are not different in the sense of going back but different in the sense

of going forward. Mr. SLAYDEN. The gentleman is advancing an opinion now. Mr. PADGETT. The gentleman calls it an opinion.

Mr. SLAYDEN. That is a statement; that is not reason. Mr. PADGETT. The gentleman calls it an opinion; but on the front page of every newspaper in this country for the past week has been incontestible and undoubted evidence of changed conditions that call not only for wise and patriotic consideration of public questions but for intelligent action and for keeping faith in that program with the American people. [Applause.]

Mr. GORDON. Mr. Chairman—
The CHAIRMAN. Will the gentleman yield? The CHAIRMAN.

Mr. SLAYDEN. Did not the gentleman from Tennessee, on

his motion to recommit, vote against substantially this thing?

Mr. PADGETT. No; that motion to recommit was a far different proposition, and if it had carried would have put in this bill this year at least \$50,000,000 more than it will carry when it becomes a law. I voted against that because it was a very different program.

Mr. SLAYDEN. It makes no difference whether it was fifty

or one hundred millions more.

Mr. PADGETT. It is a different proposition. I am in favor of, and, as I have stated on other occasions, I had much to do with originating, the continuous program. I was for a five-year program. I tried to get it through my committee, but when I could not I withdrew it. But when the three-year program came from the Senate we submitted it to this House, and this House approved it by a vote of 393, I believe the gentleman from Pennsylvania [Mr. Butler] said.

Mr. BUTLER. No. That was the House bill. There were 52 or 54 votes in the House against the conference report. I gave the chairman the House bill vote.

Mr. PADGETT. Then I was mistaken in saying to the gentleman from Texas [Mr. Callaway] a moment ago that that was the vote that he did not participate in. He did participate in that vote in which there were only 5 in the negative.

Mr. BUTLER. The gentleman from Texas voted against recommitting the bill.

Mr. PADGETT. Yes, sir; so did I.

Mr. BUTLER. He was paired in favor of this bill, according to the RECORD

Mr. BURNETT. No. It shows that he voted for it. That was the first time, I will say to my friend, and for the reason that he just stated; but the inference left, as I understand it, was that when it came back from conference there were only votes against it.

Mr. GORDON. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Tennessee yield

to the gentleman from Ohio?

Mr. PADGETT. Yes, sir. Mr. GORDON. What do you mean by your statement about the front pages of these newspapers? They have no seats on the floor of this House, have they?

Mr. CALLAWAY. Yes; the biggest seats here. [Laughter.] Mr. PADGETT. I have shown that those who occupy the seats in this House read the front pages of the newspapers.

Mr. GORDON. But you do not undertake to say that our official action should be controlled by what is on the front

pages of the newspapers, would you?

Mr. PADGETT. No; but I would say that when the front pages of the newspapers record facts that address themselves to our intelligence and our patriotism we should heed them. [Applause.]

Mr. GORDON. Well, that is a very important qualification. [Laughter.]

Mr. PADGETT. Now I move, Mr. Chairman, that the committee rise

The CHAIRMAN. The gentleman from Tennessee moves that the committee rise. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. Page of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20632) making appropriations for the Naval service for the fiscal year ending June 30, 1918, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows

To Mr. Gregg, for one week, on account of important busi-

To Mr. Britt, for one week, on account of important business.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 8492. An act to restore homestead rights in certain

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 7924. An act authorizing the county of Beltrami, Minn. to construct a bridge across the Mississippi River in said

S. 7367. An act to authorize the construction and maintenance of a bridge across the St. Francis River at or near intersections of sections 13, 14, 23, and 24, township 15 north, range east, in Craighead County, Ark.;

S. 7556. An act to grant to the Mahoning & Shenango Railway & Light Co., its successors and assigns, the right to construct, complete, maintain, and operate a combination dam and bridge and approaches thereto, across the Mahoning River, near the borough of Lowellville, in the county of Mahoning and State of Ohio;

S. 5985. An act authorizing the Commissioner of Navigation to cause the steamship *Republic* to be enrolled and licensed as a vessel of the United States;

S. 7713. An act granting to the city and county of San Francisco, State of California, a right of way for a stormwater relief sewer through a portion of the Presidio of San

San Francisco Military Reservation; S. 6595. An act to reimburse William Blair for losses and damages sustained by him by the negligent dipping of his cattle by the Bureau of Animal Industry, Department of Agriculture; S. 2880. An act for the relief of Martin V. Parmer;

S. 6956. An act to authorize the construction, maintenance, and operation of a wagon bridge across the St. Francis River at a point one-half mile northwest of Parkin, Cross County, Ark.; and

S. 2749. An act for the relief of George L. Thomas.

HOUR OF MEETING ON MONDAY-11 O'CLOCK A. M.

Mr. PADGETT rose.

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

I wanted to ask unanimous consent that Mr. PADGETT. when the House adjourns to-day it adjourn to meet at 11 o'clock

The SPEAKER. The gentleman from Tennessee asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. on Monday. Is there objection?

There was no objection.

PRIVATE CALENDAR.

Mr. MILLER of Delaware. Mr. Speaker, I ask unanimous consent that on Monday evening a session of the House be held to consider bills on the Private Calendar, the session to commence at 7.30 o'clock and to sit not later than 10.30 o'clock. I might say I make that request after having consulted gentlemen on both sides who are interested in the matter; and I make the further request that the House stand in recess until 7.30 Monday evening from the time it finishes its work on Monday afternoon.

The SPEAKER. The gentleman from Delaware asks unanimous consent that next Monday afternoon, when the House stops business

Mr. BENNET. Would it not be a good idea to make that 6 o'clock or any hour prior to that?

Mr. KITCHIN. Make it "if the House should sooner ad-

journ.

The SPEAKER. No; not "adjourn." The gentleman from Delaware asks unanimous consent that on next Monday there shall be a night session, to begin at 7.30 o'clock and extend to not exceeding 10.30 o'clock.

Mr. BUTLER. Mr. Speaker, has the gentleman consulted the

leader on our side?

Mr. MILLER of Delaware. I made a statement that the gentleman possibly did not hear, that I consulted the leaders on both sides.

Mr. BUTLER. Very well.
Mr. KITCHIN. To consider unobjected bills on the Private Calendar

Mr. MILLER of Delaware. Yes; unobjected bills on the Private Calendar.

The SPEAKER. Now, as to the time of taking the recess, we got into a tangle about that the other day.

Mr. MILLER of Delaware. Mr. Speaker, I withdraw that

part of the request.
The SPEAKER. Is there objection?

Mr. RAKER. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman at what point he proposes to

commence the consideration of those bills?

Mr. MILLER of Delaware. I presume, unless unanimous consent is given otherwise, they would start at the beginning of the calendar.

Mr. RAKER. Why can we not make an agreement now to start at the beginning of the calendar, and then that will end any question about it at that time?

Mr. MILLER of Delaware. If the gentleman wants to do that, it is satisfactory to me, although the calendar would be started at the beginning unless changed by unanimous consent.

Mr. RAKER. Yes; I ask that we commence at the beginning of the Calendar for Private Claims.

The SPEAKER. The gentleman from California [Mr. RAKER] asks to begin at the top of the calendar. Is there objection to the request of the gentleman from Delaware [Mr. Miller] as modified by the amendment of the gentleman from California [Mr. RAKER]?

There was no objection.

LEAVE TO EXTEND REMARKS.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. FESS. Mr. Speaker, I make a similar request. The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objec-

There was no objection.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House, under its previous order, adjourned until Monday, February 12, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for salaries and expenses of the United States Tariff Commission for the fiscal year ending June 30, 1918 (H. Doc. No. 2047), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (H. R. 20803) to define and punish espi-onage, reported the same without amendment, accompanied by a report (No. 1449), which said bill and report were referred to the House Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 4866) to carry out the findings of the Court of Claims in the case of the Commercial Pacific Cable Co., reported the same with amendment, accompanied by a report (No. 1450), which said bill and report were referred to the House Calendar.

Mr. POU, from the Committee on Rules, to which was referred the resolution (H. Res. 499) making in order an amendment to the bill H. R. 20632, the naval appropriation bill, reported the same without amendment, accompanied by a report (No. 1451), which said resolution and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:

By Mr. HAMIL/TON of New York: A bill (H. R. 20862) to ratify and confirm a lease given by the Seneca Nation of Indians for the right to excavate sand on the Cattaraugus Reservation, in the State of New York; to the Committee on Indian Affairs.

By Mr. BURKE: A bill (H. R. 20863) to establish a fog signal at the Port Washington Pierhead Light Station, Wisconsin; to the Committee on Appropriations.

By Mr. PLATT: Resolution (H. Res. 494) requesting the President of the United States to furnish certain information regarding American ships engaged in trade with Great Britain. France, or Italy; to the Committee on Foreign Affairs.

By Mr. BAILEY: Resolution (H. Res. 495) providing for a referendum vote on a declaration of war; to the Committee on Foreign Affairs.

By Mr. SMITH of Texas: Resolution (H. Res. 496) providing for the consideration of S. 5450; to the Committee on Rules.
By Mr. SHERWOOD (by request): Resolution (H. Res. 497)

providing for a referendum vote on a declaration of war; to the Committee on Foreign Affairs.

By Mr. BUCHANAN of Illinois (by request): Resolution (H.

Res. 498) providing for a referendum on a declaration of war; to the Committee on Foreign Affairs.

By Mr. POU: Resolution (H. Res. 499) providing for the consideration of amendments to H. R. 20632, naval appropriation

bill; referred to the House Calendar.

By Mr. SINNOTT: Joint resolution (H. J. Res. 367) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MORGAN of Oklahoma: Joint resolution (H. J. Res. 368) authorizing the appointment of a joint committee to pre-pare and report a bill to provide the farmers of the United States with better credit facilities for short-time and personal

loans; to the Committee on Banking and Currency.

By Mr. DILL: Memorial of the Legislature of the State of Washington favoring the construction of a military highway

along the north bank of the Columbia River connecting Forts

Vancouver and Canby; to the Committee on Roads.

Also, memorial of the Legislature of the State of Washington, urging that an appropriation be made by Congress to reimburse the State of Washington for expenditures made in recruiting the National Guard of the State of Washington; to the Committee on Claims.

Also, memorial of the Legislature of the State of Washington, requesting the building and maintaining of a military highway along the Pacific coast from the Canadian border to the Mexican border for military necessities and defense; to the Committee

on Military Affairs.

By Mr. WOODYARD: Memorial of the Legislature of the State of West Virginia, approving the course pursued by the President and the State Department in severing diplomatic relations with the Imperial German Government; to the Committee

on Foreign Affairs.

By Mr. LITTLEPAGE: Memorial of the State of West Virginia, approving the course pursued by the President and the State Department in severing diplomatic relations with the Imperial German Government; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:
By Mr. CAMPBELL: A bill (H. R. 20864) granting a pension to Mary C. McLaughlin; to the Committee on Invalid Pensions. By Mr. CARTER of Massachusetts: A bill (H. R. 20865) for the relief of Mary Elizabeth Graham; to the Committee on Military Affairs.

By Mr. CARY: A bill (H. R. 20866) to increase the pensions of the widows of the War with Mexico; to the Committee on

Invalid Pensions.

By Mr. COLEMAN: A bill (H. R. 20867) granting a pension to

Peter H. Semmel; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 20868) granting a pension to Lotta K. Boyd, widow of the late Capt. Charles T. Boyd, and to Eliza and Klem, his children; to the Committee on Pensions. By Mr. HICKS: A bill (H. R. 20869) for the relief of the owners of the steam barge Genessee and the barge J. Mooney;

to the Committee on Claims.

By Mr. MURRAY: A bill (H. R. 20870) granting a pension to

G. A. Potts; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Local Union No. 1500, United Mine Workers of America, Mahanoy City, Pa., relative to high cost of living; to the Committee on the Interstate and Foreign Commerce.

By Mr. ASHBROOK: Memorial of Mansfield (Ohio) Trades Council, and E. E. Cassel and 30 others, of Richland County, Ohio, against United States declaring war without a refer-

endum vote; to the Committee on Foreign Affairs.

By Mr. BRUCKNER: Petition of George H. Gibson, of New York, favoring the equalization of postal rates on first and second class matter; to the Committee on the Post Office and

Also, petition of committee on the suppression of the pine blister in North America, favoring the supplemental appropriation for the suppression of the pine-blister rust; to the Committee on Agriculture.

Also, petition of Personal Liberty League of Maryland, protesting against nation-wide prohibition and other prohibition measures; to the Committee on the Judiciary

Also, petition of Chamber of Commerce of the United States of America, protesting against methods of taxation as proposed

in House bill 20573; to the Committee on Ways and Means.
Also, petition of Ruthenian National League of Scranton,
Pa., requesting the President to designate and appoint a day
on which to raise funds for the relief of Ruthenians; to the
Committee on the Library.

Also, petition of the Massachusetts State Board of Trade, favoring Federal regulation of railway rates, interstate and intrastate Federal control of railway securities, proposed strikes, etc., by Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

Also, petition of William E. Mellor, of Philadelphia, Pa., favoring the passage of House bill 19185; to the Committee on the Merchant Marine and Fisheries.

Also, petition protesting against the passage of House bill 19350, to regulate radio communication; to the Committee on

the Merchant Marine and Fisheries.

Also, petition of the Central Bronx Improvement Association. of New York City, signed by F. A. McNally, favoring the Griffin-Penrose bill; to the Committee on the Post Office and Post Roads

By Mr. BURKE: Memorial of Common Council of Milwaukee. Wis., asking that one of the new battle cruisers to be built be named Milwaukee; to the Committee on Naval Affairs.

Also, memorial of Common Council of Milwaukee, Wis., asking that Panama Canal act be amended so as to permit railway lines to own and operate steamships on the Great Lakes; to the Committee on Interstate and Foreign Commerce.

By Mr. CAREW: Memorial of citizens of sixth assembly district of New York City, relative to high cost of living; to the

Committee on Interstate and Foreign Commerce.

By Mr. CARY: Petition of employees of Post Office Department, of Los Angeles, Cal., favoring bill to increase salaries; to the Committee on the Post Office and Post Roads,

Also, memorial of Chamber of Commerce of the United States of America, against proposed tax on excess profits; to the Com-

mittee on Ways and Means.

By Mr. COOPER of Wisconsin: Petition of City Council of Milwaukee, Wis., asking that one of the battle cruisers now being built be named the Milwaukee, as cruiser bearing that name was recently wrecked; to the Committee on Naval Affairs.

By Mr. DALE of New York: Memorial of employees of Post Office Department, of Los Angeles, Cal., favoring passage of bill to increase salaries; to the Committee on the Post Office and

Post Roads.

Also, petition of New York State Forestry Association, relative to appropriation for fighting pine-blister rust; to the Committee on Agriculture.

Also, memorial of New York Society for the Suppression of Vice, favoring passage of the Sims-Kenyon bill to suppress turf gambling; to the Committee on the Judiciary.

By Mr. DILL: Petition of Bethel Presbyterian Church and other organizations, favoring national constitutional prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Memorial of American Federation of Labor, relative to investigating cost of news-print paper; to the Com-

mittee on Interstate and Foreign Commerce. By Mr. FULLER: Petition of Winnebago County (Ill.) Socialist Central Committee, against a declaration of war without

a referendum; to the Committee on Foreign Affairs. Also, petitions of National Association of Letter Carriers, United National Association of Post Office Clerks, National Fed-

eration of Post Office Clerks, and National Association of Supervisory Post Office Employees, for legislation to increase salaries to a maximum of \$1,500 per year; to the Committee on the Post Office and Post Roads.

Also, memorial of Chamber of Commerce of the United States of America, opposing tax on excess profits, etc.; to the Committee on Ways and Means.

Also, petition of local inspectors, Steamboat-Inspection Service, Chicago, Ill., for increase of salary; to the Committee on Appropriations.

By Mr. GALLIVAN: Memorial of Old Middlesex Chapter, Sons of the American Revolution, favoring compulsory military training; to the Committee on Military Affairs,
Also, petitions of sundry citizens of Massachusetts, relative

to permanent peace through a concert of nations; to the Committee on Foreign Affairs.

Also, memorial of Chamber of Commerce of the United States of America, against proposed tax on excise profits; to the Committee on Ways and Means.

Also, memorial of members of the Massachusetts Branch of the League to Enforce Peace, favoring adoption of the league's proposal by the United States; to the Committee on Foreign

By Mr. HOLLINGSWORTH: Papers to accompany House bill 17049, granting an increase of pension to Josiah Dock; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11897, for pension for Mary E. Crowl; to the Committee on Invalid Pensions.

By Mr. KELLEY: Petiton of Claude D. Hamilton and others, of the State of Michigan, favoring House bill 270, relative to taxing mail-order houses; to the Committee on Ways and Means.

Also, petition of Rev. C. B. Stroh and others, relative to House bill 264, for investigation of charges made against the papal

system, etc.; to the Committee on Rules.

By Mr. LINTHICUM: Petition of sundry citizens of Baltimore, Md., favoring passage of House bill 17806, relative to salaries of post-office employees; to the Committee on the Post Office and Post Roads.

Also, petitions of Dora G. Ogle and Edna S. Latimer, of Baltimore, Md., favoring woman-suffrage amendment; to the

Committee on the Judiciary

Also, petition of Harriet Reynolds, of Bradshaw, Md., favoring House bill 20080, migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of Monumental Division, No. 52, Brotherhood of Locomotive Engineers, against passage of House bill 19730; to the Committee on Immigration and Naturalization.

By Mr. McARTHUR: Petition of mass meeting of citizens of Portland, Oreg., against war; to the Committee on Foreign

By Mr. MORIN: Petition of Mr. J. E. Morrison, secretary of McKeesport League of Peace, McKeesport, Pa., opposing compulsory military training; to the Committee on Military Affairs.

By Mr. NORTON: Petition of 165 citizens of Golden Valley, Mercer County, N. Dak., asking Congress to submit the ques tion of war to a referendum vote of the people of the United

States; to the Committee on Foreign Affairs

By Mr. PRATT: Petition of Reading Grange, No. 50, of Reading Center, N. Y., by George W. McNemen, H. O. Howard, and Mrs. Susie Jennings, legislative committee, opposing an embargo on the agricultural products of this country; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Elmira, N. Y., by J. E. Bally, secretary, favoring the Borland daylight-saving bill; to the Committee on Labor.

By Mr. RAKER: Memorial of Vicksburg (Miss.) Board of Trade, relative to Federal reserve act; to the Committee on Banking and Currency.

By Mr. ROBERTS of Nevada: Petition of Reno (Nev.) Commercial Club, favoring the Poindexter long-and-short-haul bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Tonopah local Socialist Party, favoring an embargo on all foodstuffs shipped away from United States; to the Committee on Interstate and Foreign Commerce.

By Mr. ROWE: Petition of United Leather Works of the World, against militarism; to the Committee on Military Affairs.

Also, petition of John M. Lloyd, of Brooklyn, N. Y., against House bill 20204, parcel-post scheme of zones; to the Committee on the Post Office and Post Roads.

Also, petition of E. W. Victor, of Brooklyn, N. Y., favoring passage of House bill 20080, migratory-bird treaty bill; to the Committee on Foreign Affairs.

Also, petition of National Educators' Conservation Society, of New York City, against passage of the water-power bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Manufacturers and Business Men's Association of New York, against tax on excess profits; to the Com-

mittee on Ways and Means.

By Mr. SNYDER: Petitions of Utica (N. Y.) Chamber of Commerce, opposing proposed tax on excess profits; to the Committee on Ways and Means.

Also petitions of Rome (N. Y.) Trades Assembly, for a referendum to the people before war is declared in any case by the

United States; to the Committee on the Judiciary.

By Mr. STINESS: Petition of citizens of Westerly, R. I., favoring certain prohibition legislation; to the Committee on the Judiciary

By Mr. TAGUE: Memorial of employees of Post Office Department, of Los Angeles, Cal., relative to raise in salaries; to the Committee on the Post Office and Post Roads.

By Mr. TINKHAM: Memorial of Fitchburg (Mass.) Military Training School, favoring universal compulsory military service; to the Committee on Military Affairs.

SENATE.

Monday, February 12, 1917.

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

forge out the way by which we may progress to yet larger achievements and to a fuller life. We thank Thee for the assurance that Thou dost look upon us with Divine interest, that Thou hast for us the fullness of life, that Thou who hast opened Thy hand and supplied the need of every living thing dost look upon us with the interest of a father, and that Thy will concerning us is our eternal welfare. Hear us as we come before Thee this morning, and guide us in the duties of this day. For Christ's sake. Amen.

The VICE PRESIDENT. The Secretary will read the pro-

ceedings of the preceding session.

Mr. GALLINGER. Mr. President, the attendance being so light, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

swered to the Ashurst Bankhead Brandy Brandegee Bryan Catron Chamberlain Chilton Clapp Colt Cummins Curtis Fall Fernald Gallinger Gailinger Gronna Harding Hardwick Hitchcock Hollis James Johnson, Me. Jones Kenyon Martin, Va. Martine, N. J. Myers Nelson Newlands Oliver Overman Page Sheppard Sherman Smith, Ga. Smith, S. C. Smoot Stone Stone
Sutherland
Thomas
Tillman
Townsend
Vardaman
Warren
Works Page Pittman Poindexter Ransdell Reed Robinson Kenyon Kirby La Follette Lane Lea, Tenn. ernald Lodge Fletcher Saulsbury

Mr. MARTINE of New Jersey. I rise to announce that the Senator from South Dakota [Mr. Johnson] is detained from the Senate on official business.

Mr. JAMES. I desire to announce that the junior Senator from New Jersey [Mr. Hughes] is absent on account of illness.

Mr. THOMAS. The Senator from North Carolina [Mr. Sim-

MONS] and the Senator from Mississippi [Mr. WILLIAMS] are absent on official business

Mr. CHILTON. I wish to announce that the following members of the Judiciary Committee, the Senator from Texas [Mr. Culberson], the Senator from Montana [Mr. Walsh], the Senator from Tennessee [Mr. Shields], and the Senator from Wyoming [Mr. Clark] are engaged upon business of the Senate in that committee and can not attend.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the preceding session.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. Brady and by unanimous consent, the further reading was dispensed with and the Journal was approved.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

The VICE PRESIDENT laid before the Senate the annual report of the National Academy of Sciences for the year ended December 31, 1916, which was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills:

S. 1061. An act to allow additional entries under the enlarged homestead act:

S. 1553. An act for the relief of Peter Kenney;

S. 2222. An act for the relief of the heirs of Antoine Bayard;

S. 2749. An act for the relief of George L. Thomas;

S. 2880. An act for the relief of Martin V. Parmer; S. 3681. An act for the relief of the owners of the steamship

S. 3743. An act to reimburse John Simpson;

S. 5203. An act for the relief of Gardiner L. Eastman;

S. 5632. An act for the relief of Aquila Nebeker;

S. 5985. An act authorizing the Commissioner of Navigation to cause the steamship Republic to be enrolled and licensed as vessel of the United States;

S. 6595. An act to reimburse William Blair for losses and damages sustained by him by the negligent dipping of his cattle by the Bureau of Animal Industry, Department of Agriculture;

S. 6956. An act to authorize the construction, maintenance, and operation of a wagon bridge across the St. Francis River at a point one-half mile northwest of Parkin, Cross County, Ark.

S. 7367. An act to authorize the construction and maintenance Almighty God, we call upon Thy name, for we continually need the replenishing of Thy heavenly grace that we may record in this place the achievements of a Christian civilization and in Craighead County, Ark.;

S. 7556. An act to grant to the Mahoning & Shenango Railway & Light Co., its successors and assigns, the right to construct, complete, maintain, and operate a combination dam and bridge and approaches thereto across the Mahoning River, near the borough of Lowellville, in the county of Mahoning and State of Ohio:

S. 7713. An act granting to the city and county of San Francisco, State of California, a right of way for a storm-water relief sewer through a portion of the Presidio of San Francisco Military Reservation;

S. 7924. An act authorizing the county of Beltrami, Minn., to construct a bridge across the Mississippi River in said county;

H. R. 8492. An act to restore homestead rights in certain cases;

H. R. 8669. An act authorizing the Secretary of the Interior to extend the lease of certain land in Stanley County, S. Dak., for a buffalo pasture.

SENATOR FROM MISSOURI.

Mr. STONE. I present the credentials of my colleague, Hon. James A. Reed, chosen by the qualified electors of the State of Missouri a Senator for the term beginning March 4, 1917, which I ask may be read.

The credentials were read and ordered to be filed, as follows:

THE STATE OF MISSOURI, EXECUTIVE DEPARTMENT.

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 1916, James A. Reed was duly chosen by the qualified electors of the State of Missouri a Senator from said State of Missouri to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1917.

In testimony whereof I hereunto set my hand and cause to be affixed the great seal of the State of Missouri. Done at the city of Jefferson this 6th day of January, in the year of our Lord 1917.

[SEAL.]

ELLIOTT W. MAJOR.

By the governor:

CORNELIUS ROACH, Secretary of State.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the governor of the Commonwealth of Pennsylvania, transmitting a certified copy of a concurrent resolution of the general assembly pledging support to the President. The communication will be printed in the Record and referred to the Committee on Foreign Relations.

The communication is as follows:

HARRISBURG, PA., February 10, 1917.

The PRESIDENT OF THE SENATE: Washington, D. C.

Sir: I have the honor to herewith inclose a certified copy of a resolution of the general assembly of this State assuring the United States Government of the loyal support and full cooperation of Pennsylvania in every national undertaking which may be necessary to protect and vindicate American rights, dignity, and honor, wherever or by whom they may be endangered.

I have the honor to be,

Very respectfully, yours,

MARTIN W. BRUMBAUGH.

Concurrent resolution of the General Assembly of Pennsylvania.

Concurrent resolution of the General Assembly of Pennsylvania.

Whereas the President of the United States has informed the Congress that a very grave crisis exists in the international relations of the country which, in his opinion, may lead to the necessity of defending our national rights, dignity, and honor by force of arms, all other reasonable and honorable means having failed after patient and forbearing negotiations: Now, therefore, be it

Resolved (if the house concur). That the Senate and House of Representatives of the Commonwealth of Pennsylvania, sitting in general assembly at Harrisburg, do send to the President and Government of the United States assurances of the loyal support and full cooperation of Pennsylvania in every national undertaking which, in their wisdom, may be necessary to meet the situation and to protect and vindicate American rights, dignity, and honor, wherever or by whom they may be endangered; and be it further

Resolved, That the general assembly calls upon the people of Pennsylvania to give to the President and the Federal Government in all ways their patriotic support and assistance in whatever plans or measures may be required in the present emergency, as they have done in the past in every crisis in the Nation's history; and be it further

Resolved, That the governor of the Commonwealth be, and he is hereby, requested to forward copies of these resolutions to the President of the United States, and to the presiding officers of both the Houses of Congress.

H. M. Kephart, Chief Clerk Senate.

H. M. KEPHART, Chief Clerk Senate. The foregoing resolution was concurred in February 6, 1917.

THOMAS H. GARVIN, Chief Clerk House.

Approved the 9th day of February, A. D. 1917.

MARTIN G. BRUMBAUGH.

OFFICE OF THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA, Harrisburg, February 9, 1917.

I, Cyrus E. Woods, secretary of the Commonwealth of Pennsylvania, having the custody of the great seal of Pennsylvania do hereby certify that the foregoing and annexed is a full, true, and correct copy of the

original concurrent resolution passed by the General Assembly of Pennsylvania, and approved by the governor on the 9th day of February, A. D. 1917.

In testimony whereof I have hereunto set my hand and caused the great seal of the State to be affixed the day and year above written.

[SELL.]

CYRUS E. WOODS,

Secretary of the Commonwealth.

The VICE PRESIDENT. The Chair lays before the Senate a telegram which will be printed in the RECORD and referred to the Committee on Foreign Relations.

The telegram is as follows:

The telegram is as follows:

MINNEAPOLIS, MINN., February 11, 1917.

Hon. Thomas W. Marshall,

Vice President of the United States, Washington, D. C.:

We, American citizens, assembled in mass meeting at the call of the mayor of Minneapolis, beg to address the President and the Congress of the United States as follows:

1. We appreciate the difficulties confronting the administration in the conduct of our foreign affairs. We are grateful that our beloved America is not a party to the awful war which is devastating Europe and pray that you will use your great influence and authority to keep our land in peace.

2. We desire to respectfully recall the fact that in the election of November the citizens of this country strongly favored our keeping out of the war in Europe, and the administration then elected was committed to a policy of peace. To now abandon that policy and plunge us into war, we hold, is to make a solemn mockery of the great American principle of the consent of the governed.

3. We denounce the attempt of a large portion of our press to stampede our great Nation into war; and, therefore, we believe that the time for the citizens and the Government to take counsel is now, for as loyal men and women of America we shall stand by our country, but as thoughtful men and women we realize and repeat the time of sane counsel is now, for when the fateful plunge is taken our lips must and shall be sealed.

4. We favor the use of the influence of this country in every proper way to end the horrible conflict in Europe, reminding the world that we stand for the American principle of equal justice to both sides, fair play to all. To that end we favor a conference of all the neutral nations to consider peaceful ways and means of terminating the war at the earliest possible moment.

5. We urge all American citizens and believe it their duty in behalf of their country to keep out of the barred zones of Europe of all belligerents.

6. We believe that those citizens who object to being dragged into

of their country to keep out of the barred zones of Europe of all belligerents.

6. We believe that those citizens who object to being dragged into fighting other nations' batties are not lacking in patriotism for America, and we denounce the idea promulgated by the press that the only desire for war is the test of loyalty.

7. We hold to the principle laid down by Washington, Father of his Country, to avoid entangling alliances with European countries, and in our dealings with other nations to deal justly by all and make favorites of none; and if during this awful war our Nation in its dealings with either or any belligerent has done anything that savors of favoritism to any country we do not approve of it and we hope and pray all such things shall cease, so that our beloved land may stand before the judgment bar of history without a stain upon her flag, the flag we love.

Resolved, That copies hereof be forwarded to the President and Congress of the United States and the press.

I hereby certify above resolution was enthusiastically and unanimously adopted by meeting of 3,500 citizens, limit of hall capacity. Seven thousand more could not gain entrance. Kindly present to Senate.

Charles A. Dalby, Chairman of Mass Meeting.

The VICE PRESIDENT. The Chair lays before the Senate a telegram from Edwin Fuller Torrey, secretary of the United States National Lawn Tennis Association, of Clinton, N. Y., which will be printed in the RECORD.

The telegram is as follows:

CLINTON, N. Y., February 12, 1917.

PRESIDENT UNITED STATES SENATE, Washington, D. C.:

Washington, D. C.:

Whereas our country is facing a grave international crisis; and whereas we, the assembled delegates of the United States Lawn Tennis Association, represent directly and indirectly more than a million tennis players throughout the United States; be it Resolved, That we heartly indorse the action of President Wilson in severing diplomatic relations with the German Empire; that we pledge to the President and Congress of the United States our utmost support in whatever further steps they deem necessary to maintain American rights against lawless aggression, and to that end we place the services of the association and its national organization absolutely at their disposal; and be it further Resolved, That the secretary be, and hereby is, directed to transmit a copy of this resolution to the President and the Congress.

In accordance with instructions and power with which I am clothed I therefore transmit such message.

EDWIN FULLER TORREY,
Secretary United States National Lawn Tennis Association. Mr. GALLINGER. Mr. President, the dairy interests of New England are very much disturbed over the proposition that is pending in some form to reduce the tax on oleomargarine. beg to request in this connection that the two following telegrams be read from the desk.

The VICE PRESIDENT. The Secretary will read.

The Secretary read the two telegrams, as follows:

NASHUA, N. H., February 10, 1917.

Hon. Jacob H. Gallinger, Washington, D. C.:

One hundred Holstein breeders, members of the New Hampshire Holstein Friesian Club, at their annual meeting request you to make a vigorous endeavor to prevent the passage of the Underwood amendment

to place a tax on oleo at 2 cents and removing all other restrictions.

Amendment if passed will be blow to dairing.

P. A. Campbell, Secretary.

DERRY, N. H., February 10, 1917.

Hon. JACOB H. GALLINGER, Washington, D. C .:

The dairy interests in the United States should be protected, and the New Hampshire State Grange is emphatically opposed to the Underwood amendment or to any change in the law which will lessen the present tax on oleomargarine. This amendment would be a blow to producers and consumers alike.

WESLEY ADAMS, Master of the New Hampshire State Grange.

Mr. GALLINGER. It will be remembered that on a previous occasion I had placed in the RECORD a protest from the commissioner of agriculture of the State of New Hampshire on this same subject.

Now I ask to have placed in the RECORD a concurrent resolution adopted by the Legislature of New Hampshire assuring the President of the United States of their approval of the step he has taken in severing diplomatic relations with the German Government:

STATE OF NEW HAMPSHIRE, 1917.

Whereas the German Government has notified the Government of the United States that it is the purpose of Germany to sink, without warning, all merchant ships found within certain prescribed zones regardless of the rights of neutrals to the freedom of the seas, and regardless of all humanitarian considerations; and Whereas the President of the United States on April 18, 1916, notified the German Government that unless that Government immediately abandoned its frightful and inhuman methods of submarine warfare as applied to neutrals, the Government of the United States can have no choice but to sever diplomatic relations with the German Empire; and
Whereas the President of the United States, in accordance with this warning to the German Government and the subsequent declaration of that Government that it will no longer regard the rights of neutrals and the dictates of humanity in conducting its submarine warfare, has broken off diplomatic relations with Germany: Therefore be it

Resolved by the New Hampshire House of Representatives (the Senate concurring), That we approve the action taken by the President of the United States, and that we pledge to him the united support of the people of this State in all his efforts to maintain and defend the dignity, integrity, and rights of this country.

Resolved, That copies of these resolutions be forwarded to the President of the United States and to our Senators and Representatives in Congress.

Mr. Gallinger, Committee on Foreign Relations.

Mr. GALLINGER presented a petition of the Dartmouth National Bank, of Hanover, N. H., praying for a reduction of 5 per cent of the reserves required of country banks in the Federal reserve bank, which was referred to the Committee on Banking and Currency.

He also presented a petition of the Woman's Christian Temperance Union of Dover, N. H., praying for national prohibition, which was ordered to lie on the table.

Mr. SMITH of Georgia. Mr. President, I present to the Sen-

ate and ask to have printed in the RECORD telegrams from two of the largest ship-owning companies of Savannah, Ga., tendering the use of their wharves and of their vessels to the Government if any occasion should require it.

There being no objection, the telegrams were ordered to be printed in the Record, as follows:

SAVANNAH, GA., February 9, 1917.

Hon. Hoke Smith, Washington, D. C .:

We hereby give you full authority to tender to the Government, without compensation, the services of our organization, to be used in any manner desired in event declaration of war or in preparing for such emergency.

STRACHAN SHIPPING CO.

BRUNSWICK, GA., February 9, 1917.

Senator Hoke Smith, Washington, D. C .:

Washington. D. C.:

With reference telegram sent you by our Savannah office, this office not only heartily concurs but further desires to point out that not only the machinery of our shipping offices at Brunswick, Savannah, Charleston, and Fernandina are at the disposal of the Government, but also our outside physical organizations, including wharf, superintendent, clerks, stevedore foreman, etc., at various ports mentioned, who are thoroughly experienced in physical handling of vessels, their cargo, heavy and weights are similarly tendered, but such physical work desired would necessarily be on the basis of actual pay rolls.

F. D. M. STRACHAN.

F. D. M. STRACHAN.

Mr. JONES. Mr. President, under the conditions which have been brought about by the European war a great impetus has been given to the shipbuilding industry. That is especially true in the Northwest, and at Seattle, in the State of Washington, there are quite a good many ships of very large tonnage being constructed. Most of those ships are being constructed for

foreigners who are largely citizens of neutral countries, and especially for Norwegians. A bill has been introduced in Congress to amend the shipping act which was passed at the last gress to amend the shipping act which was passed at the last session of Congress by providing that no vessel shall enter the navigable waters of the United States unless it is owned by American citizens. I have here a couple of telegrams from Seattle, showing what those people think will be the effect of such legislation upon the shipbuilding industry, especially at Scattle. I select that the telegrams may be read and referred to Seattle. I ask that the telegrams may be read and referred to the Committee on Commerce.

There being no objection, the telegrams were read and referred to the Committee on Commerce, as follows:

SEATTLE, WASH., February 11, 1917.

Senator W. L. Jones, Washington, D. C .:

Metal Trades Council of Seattle and vicinity is informed that an amendment has been introduced to H. R. 15455, providing that no vessel now being constructed or hereafter to be constructed in United States shall enter navigable waters of United States unless owned by citizens of United States. This council, representing more than 10,000 workingmen engaged in shipbuilding industry, wishes to vigorously protest against passage of this iniquitous bill, for the reason that if it becomes a law it will virtually kill said industry in Seattle and other Pacific coast ports, where more than 90 per cent of vessels now under construction are for foreign owners. Twenty-five million dollars of work in Seattle alone would be affected. Before European war American shipping interests bought, practically ignored American shipbuilding, as you are well aware. They now seek by this legislation to throttle industry, built up without their aid. We have taken this matter up with metaltrades councils in all coast cities and urgently request your immediate aid to defeat this unjust and discriminatory legislation.

Seattle Metal Trades Council, Dan P McKillop, President.

A. E. Miller, Secretary.

SEATTLE, WASH., February 10, 1917.

Hon. Wesley L. Jones, United States Senate, Washington, D. C.:

United States Senate, Washington, D. C.:

Reported here emergency bill pending on method of requisitioning ships provides that no vessel now or hereafter constructed in American yards shall enter navigable waters unless owned by citizens. Please investigate and do your utmost to have bill amended so as to do justice to all parties. As it apparently stands millions of dollars' worth of vessels being built in Seattle yards for Norwegians could not even be launched until acquired by American citizens, and yet neutral foreign buyer who has already paid partial or entire cost of construction is given no protection as to figure at which he must let go. On other hand, American owners specifically protected by price arbitration. Treemedous development Puget Sound shipbuilding capacity, all of which available to Government in extreme emergency, has been made possible not by Americans but by Norwegians and other neutrals who let contracts and paid for ships. Their interest obviously is entitled to full protection against confiscation.

S. H. Piles.

S. H. PILES, Chairman National Affairs Committee, Seattle Chamber of Commerce.

Mr. WORKS. I have a number of memorials in the form of protests signed by students of Columbia, Cornell, Elmira, Mount Holyoke, and Goucher Universities, protesting against the enactment of any legislation providing for compulsory military training. I ask that the body of one of these petitions, which is very short, may be printed in the Record without the names.

There being no objection, the body of one of the petitions was ordered to be printed in the RECORD, as follows:

To the Senate Committee on Military Affairs:

We, the undersigned students of Columbia University, believing that compulsory military training is a peril to enlightened education, a menace to individual and social development, and a potential force for the enthronement of military ideals and militaristic institutions, respectfully request that no such principle be embodied in any national legislation.

Mr. SHIELDS. I send to the desk and ask to have printed in the RECORD a telegram from Noah W. Cooper, a distinguished citizen and lawyer of Nashville, Tenn.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

NASHVILLE, TENN., February 9, 1917.

Hon. John K. Shields, United States Senate, Washington, D. C.:

Please do your utmost to influence our Government and all citizens to exercise that Christian forbearance and charity which suffereth long and is kind, is not easily provoked, thinketh no evil, and overcomes evil with good. Saint Paul, exercising that charity, has done more for peace and humanity than all warriors and wars. Let us as a Christian Nation imitate Saint Paul, for thus we will most surely lead the world into all peace and perfection.

NOAH W. COOPER.

Mr. FERNALD. I present a resolution adopted by the National Canners' Association at its meeting in the city of Cleve-land, on February 5 to 9, 1917, which I ask to have read.

The VICE PRESIDENT. Without objection, the Secretary

will read as requested.

The Secretary read as follows:

Resolution of indorsement unanimously passed at the meeting of the National Canners' Association, held in the city of Cleveland, February

National Canners Association, held in the city of Cleveland, February 5-9, 1917.

The President of the United States in his determination to maintain the honor and dignity of our beloved country has severed diplomatic relations between this Nation and a foreign power, the breaking off of which may force the United States to defend itself against an oppressive and deplorable war, while burdening the President with grave and perplexing responsibilities: Therefore be it

Resolved, That the National Canners' Association and its allied industries, the Canning Machinery and Supplies Association and the Canned Foods and Dried Fruit Brokers' Association, in convention assembled in the city of Cleveland, record their confidence in the loyalty and patriotism of the President of the United States in his firm stand for the liberty and rights of every loyal American citizen; and be it further

Resolved, That this association, together with its allied industries, composed of American merchants and manufacturers, will unflinchingly conform to every act, steadfastly adhere to every decision, and valiantly obey every command, as we rally to the support of the President in defending the integrity of the Nation, with the same spirit and zeal which dominated our ancestors when they offered on the altar of this country their lives, their fortunes, and their sacred honor; and be it finally

Resolved, That having unbounded faith in the loyalty of the Congress of the United States to immediately ratify and confirm every human effort and lawful means set forth by the President to guard, protect, and defend the peace-loving citizens in this "land of the free and the home of the brave," we declare and reaffirm unalterable allegiance to our country, and to every principle for which it stands.

Mr. CUMMINS. I present a resolution passed by the General Assembly of Iowa touching an illegal combination among the manufacturers of cement, and requesting an investigation by Federal authority. I ask that it be printed in the Record, and lie on the table for future action.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

on the table and to be printed in the Record, as follows:

Concurrent resolution of the Thirty-seventh General Assembly of the State of Iowa providing for an inquiry as to the existence of an illegal combination of the manufacturers of cement used in highway, bridge, and culvert construction, directing the attorney general to make an investigation and report as to any violation of the State antitrust law, and requesting an investigation by the Senators and Representatives of the State in the Congress of the United States as to violation in that connection of the Federal statutes.

Whereas the people of Iowa are engaged at this time in a State-wide movement for the improvement of the highways of the State and particularly for the construction of permanent bridges and culverts costing millions of dollars to the taxpayers of Iowa; and Whereas in such construction an enormous amount of cement is demanded as to a very substantial portion of which the counties of the State have the right to, under existing law, and must of necessity purchase for all bridge and culvert construction which is to be done by day labor; and
Whereas pursuant to statute the boards of supervisors are granted the further right in certain contingencies and in the event of rejection of bids made by contractors to do all such construction work by day labor, such provision operating by the intention of the statute to secure lower bids by the contractors than would otherwise obtain; and

by day labor, such provision operating by the intention of the statute to secure lower bids by the contractors than would otherwise obtain; and
Whereas it is of the utmost importance that the counties, as arms of the State and as responsible purchasers, shall be able to make any necessary purchases of cement at the lowest market price and at such times as will best secure that end; and
Whereas facts have come to the knowledge of the General Assembly of the State of Iowa which tend to show the existence of a combination among the manufacturers of cement to increase and maintain prices thereof in this and adjacent States, and whereby the boards of supervisors of the various counties of the State are refused the right to purchase cement in stated amounts for delivery through the season for work which such counties may desire or find necessary or advisable to do by day labor, unless such counties shall first designate the particular structure in which such cement is to be used, the amount of cement needed for each structure, and with the further restriction that each such structure shall consume at least a minimum carload of 106 barrels of cement; and
Whereas many such structures consume much less than such minimum carload, and it being impossible for the counties in most cases to know beforehand or designate the particular structure or structures that it will desire to thus build or find necessary to build by day labor by reason of rejection of exorbitant bids, the result is the imposition of impossible conditions upon the public and to compel the counties to buy their cement at retail at the season when prices are highest, and tends to throw the bridge and culvert work into the hands of contractors to the great detriment of the taxpayers of this State; and
Whereas price of concrete construction has advanced in Iowa from \$11.06 per cubic yard in the first half of 1915 to \$16.24 per cubic yard in the second half of 1916, an increase of about 47 per cent; and

Whereas prior to 1916 the said manufacturers made no such restrictions as are set out above, but sold to the counties such amounts of cement at market prices and at such times and for such adelivery as was desired by the counties, but have refused to continue so to do, notwithstanding the repeated written protests and demands of the State highway commission, as shown by correspondence on file with the department, to the effect that such prices are exorbitant, and that such restrictions operate squarely in the interest of the contractors and are against public policy and the best interests of the taxpayers of the State: Now, therefore, be it

*Resolved by the house (the senate concurring): First. That the attorney general of the State of Iowa be, and he is hereby, directed and authorized to inquire into the existence of such combination to maintain prices and to inquire as to whether there are sought to be imposed upon the taxpayers of Iowa illegal restrictions by said

cement manufacturers in restraint of trade and in violation of law and public policy and to the detriment of the public interest and to report his conclusions to the general assembly by written opinion; and in the event such combination and restrictions contrary to law are found to exist to proceed with the prosecution of the guilty parties, and that in such investigation the attorney general be, and he is hereby, empowered to compel the production of documents and to call and examine witnesses under oath as to the facts.

Second. That an engrossed copy of this resolution be forwarded to the Senators and Representatives of the State of Iowa in the Congress of the United States with request that an investigation be made as to violation in this connection of the Federal statutes and for such action by the legal department of the Government as may be deemed necessary in the premises.

M. B. Pitt.

M. B. PITT,
Speaker of the House.
ERNEST R. MOORE,
President of the Senate.

I hereby certify that this resolution originated in the house.

W. C. RAMSAY,

Chief Clerk of the House.

Adopted by the house February 3, 1917. Adopted by the senate February 5, 1917.

Mr. LA FOLLETTE. Mr. President, I send to the desk and ask to have read, following the resolution of the Lawn Tennis Association, the following, from the Federated Trades Council of Milwaukee.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

MILWAUKEE, WIS., February 10, 1917.

MILWAUKEE, Wis., February 10, 1917.

Hon. Robert M. La Follette,
United States Senate, Washington, D. C.

Dear Sir: The inclosed resolution was adopted at a regular meeting of the Federated Trades Council of Milwaukee, Wis., held February 7, 1917.

The object of the resolution is to be helpful in an advisory way, as patriotic citizens, ever ready to serve and protect our country, in outlining a plan by which we believe the present crisis confronting our country, and may cause us to enter the present European war, can be avoided.

Yours, very truly,

The Federated Trades Council,
By Frank J. Weber.

THE FEDERATED TRADES COUNCIL, By FRANK J. WEBER,

Corresponding Secretary.

Whereas the Government of the United States has broken off relations with one of the central powers of Europe and our country stands upon the brink of the abyss into which all the civilization of Europe is in danger of disappearing; and
Whereas we know that if war is declared by the United States it will be declared only to safeguard the shipments of ammunition, war supplies, and food to foreign countries; and
Whereas the workingmen of America do not want to submit to being murdered or to murder others in order to protect the profits of our greedy enemies within our own Nation: Therefore be it
Resolved by the Federated Trades Council, representing the trades unions of Milicaukec County, That we are for peace and against taking away our food to feed the soldlers of Europe; that we protest against any declaration of war against the central powers or any other powers; and that we protest against the murderous and inhuman agitation of the capitalist press for war; further be it
Resolved, That we demand that American citizens and American ships be forbidden to enter the war zone except at their own risk; and be it also
Resolved, That a copy of these resolutions be sent to President Wilson, the two United States Senators from the State of Wisconsin, the two Congressmen from Milwaukee County, and also to the daily press of Milwaukee for publication.

The Federated Trades Council,

THE FEDERATED TRADES COUNCIL, By FRANK J. WEBER, Corresponding Secretary.

Mr. LA FOLLETTE. Mr. President, I have received hundreds of letters and telegrams from loyal American citizens, representing every section of the country, if not every State, bearing upon the tense international situation in which we find ourselves.

With a single exception, these communications one and all deprecate the severing of diplomatic relations with Germany and protest against pushing our country into war to enforce the right of our citizens to enter the blockaded zone in pursuit of pleasure or profit.

I have not presented these letters and telegrams for publication in the Record, but I have before me a letter from Prof. William Ellery Leonard, of the English department of Wisconsin State University, now visiting professor of English at New York University.

This letter clearly defines the real issue and admirably states our responsibility for the acute situation which confronts us.

I send it to the desk and request that it be read.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read the letter, as follows:

NEW YORK UNIVERSITY, UNIVERSITY HEIGHTS, New York City, February 6, 1917.

Hon. R. M. LA FOLLETTE,

United States Senate, Washington, D. C.

DEAR SENATOR LA FOLLETTE: The present crisis seems to many Americans the inevitable culmination of our foreign policy of the last two and

a half years. That policy has stood for the security of American rights, but that policy has not been enforced with equal stringency against both the belligerents; if, for instance, we had exacted from England an abandonment of her illegal blockade and her illegal contraband list conjointly with our exacting from Germany an abandonment of her reprisal against that blockade and that list by illegal submarine warfare, we would not find ourselves to-day face to face with war. That policy, again, has stood for American rights at times with an abstract and technical severity, guided by an abstract and technical conception of American prestige less than by a realizing sense of concrete reality and the utterly unprecedented nature of the world situation. But the past is past. We are in the present and are facing the future. We must all be Americans.

But is it un-American to hope we may learn from the past? Is it un-American still to hope that we may avoid the incalculable disaster of being drawn into the European war? It is so incalculable a disaster that, with the evidence before us of the unforeseen development already of one tragic entanglement and debacle after another in Europe, we might well fear it would mean—whoever were "victorious"—the collapse of all modern civilization. With this awful possibility before us, of what moment are our formal rights of to-day? At the worst we lose "prestige" for an hour—to keep our sanity and our health and our helpfulness for to-morrow. Do we not possess, as a Nation, funded spiritual resources beyond the hour? It is not a time for the patriotism of pride, but a time for the patriotism of intelligence, for the patriotism that visualizes the concrete realities of the present and the concrete possibilities of the future. Is it too late to warn our fellow citizens not to make use of their formal prerogative to sail through a zone of fire, which has been created not as an attack upon America but as a desperate measure against a foreign foe? Is it too late to cooperate with neutra

for peace, in the interests of America and the rest of the neutral world?

But supposing it to be too late, and supposing we enter the war. Infallibly we must imperil ourselves and mankind if we make any alliance whatsoever with the entente. It will be essentially a dispute between Germany and America concerning an American prerogative. Let us not delude ourselves longer, in the midst of the lawlessness and ruthlessness of both sides, with such phrases as "morality," democracy, "humanity"; we will serve morality, democracy, humanity truly, indeed, only if we do not so delude ourselves. We will be fighting solely for an American prerogative—not for the return of Alsace to France, not for the incorporation of German Africa into the British Empire, not for a Russianized Constantinople. Unless we keep the issue a strictly American issue, unless we preserve our right to make a separate peace solely upon that American issue, it will be all but impossible. I fear, to create a truly united America out of an American citizenry composed of men and women whose racial and spiritual affiliations with all the peoples now at war are so complex and so profound. Face to face with the tragic conflict of sympathies and convictions, they will still battle for the defense of America, whatever their doubts as to the wisdom of our antecedent foreign policy and whatever their faith in the cause of Germany versus the entente; but they will not willingly battle, even in legions or squadrons under the American flag if they feel that they are battling essentially for the aims of the entente.

I am not a statesman, not even a publicist. But I think I reflect.

American lag it they feet that they are batching essentially for the alms of the entente.

I am not a statesman, not even a publicist. But I think I reflect the point of view of many millions whose stake in America is ultimately their all.

Sincerely,

William Professor of English from Wilson and

WILLIAM ELLERY LEONARD, Visiting Professor of English from Wisconsin.

Mr. McLEAN. I have here a very brief communication from the Assistant Secretary of the Treasury with regard to contemplated public buildings at Manchester and South Manchester, Conn. I ask that the communication be printed in the RECORD and referred to the Committee on Public Buildings and Grounds.

There being no objection, the communication was referred to the Committee on Public Buildings and Grounds and ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT, Washington, February 10, 1917.

Hon. George P. McLean,

United States Senate.

My Dear Senators: In compliance with your telephonic request of the 9th instant inquiry was made of the Post Office Department in regard to the space which would be required in a Federal building designed to accommodate the postal business for both Manchester and South Manchester Comp.

to the space which would be required to accommodate the postal business for both Manchester and South Manchester, Conn.

It appears that the receipts at Manchester for the fiscal year ending June 30, 1906, were \$4,226, and for South Manchester, during the same period, \$12,208. The corresponding receipts for the fiscal year ending June 30, 1916, were \$11,758 and \$26,290. The annual rent now being paid at these places is, respectively, \$425 and \$900.

It is estimated that to provide a building of sufficient size to accommodate the postal business for both of these places would require an increase of \$10,000 over the amount—\$40,000—provided in the public-buildings bill recently passed by the House of Representatives for a Federal building at Manchester alone.

Respectfully,

JAMES L. WILMETH,

Acting Assistant Secretary.

Mr. LODGE. I present resolutions adopted by the Millville Order of United Workmen indorsing the action of the Presi-dent in severing diplomatic relations with Germany. I ask that the text of the resolution be printed in the RECORD without read-It is very brief.

There being no objection, the resolution was ordered to be printed in the Recorp, as follows:

MILLVILLE, MASS., February 8, 1917.

Hon. Henry Cabot Longe,

United States Senate, Washington, D. C.

Sir: Last evening this lodge, fully conscious of the possibilities that may attend the severance of diplomatic relations with Germany, unani-

mously voted to indorse the action of our President on Saturday last, and, while praying that the country may be spared the horrors of war, realizes the country's honor can not permit curtailment of our rights on the high seas at the dictation of an autocratic power. It was voted to communicate this indorsement of President Wilson's stand to the senior Senator from Massachusetts.

Very respectfully, yours,

[SEL]. MILLYLLE LODGE No. 130. A. O. U. W.

MILLVILLE LODGE, No. 130, A. O. U. W., JOHN T. MURPHY, Recorder.

Mr. MARTINE of New Jersey. I present four telegrams which I have received on the subject of the tax on profits of corporations, which I ask may be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

NEWARK, N. J., February 9, 1917.

Hon. James E. Martine, United States Senate, Washington, D. C.:

As one of your constituents, I would ask you to strenuously oppose that portion of the emergency revenue bill which imposes a tax of 8 per cent upon life insurance companies of the Nation, and which I consider unfair as a policyholder.

NEWARK, N. J., February 9, 1917.

Hon. James E. Martine, United States Senate, Washington, D. C.:

As one of your constituents, I would ask you to strenuously oppose that portion of the emergency revenue bill which imposes a tax of 8 per cent upon life insurance companies of the Nation, and which I consider unfair as a policyholder.

J. J. SCHWANINGER.

NEW YORK, N. Y., February 9, 1917.

Senator James E. Martine, Washington, D. C.:

As a voter of New Jersey, paying substantial annual premiums and life insurance policies, and as a life underwriter representing policy-holders paying premiums on several millions of insurance, I appeal to you to oppose the passage of that portion of the emergency revenue bill which imposes a tax of 8 per cent upon the life insurance companies.

JOS. R. ROBBINS.

NEW YORK, N. Y., February 9, 1917.

Hon. James E. Martine, Washington, D. C.:

You have previously opposed heavy taxes on life insurance, and I am sure you will oppose the 8 per cent tax in the emergency revenue bill now before the Senate. A tax of this kind merely adds an additional charge to the cost of some poor fellow's life insurance. The Government should encourage life insurance and not discourage it. I live at Westfield, N. J.

WILLIAM EDGAR REEVE

Mr. CHAMBERLAIN presented memorials of sundry citizens of Oregon, remonstrating against the proposed reduction in the tax on oleomargarine and the tax on excess profits on life insurance companies, which were referred to the Committee on Finance.

Mr. NELSON presented a petition of the Minneapolis (Minn.) Real Estate Board, approving the action of the President in severing diplomatic relations with Germany and pledging the support of that organization to any action taken by the Government for rights of citizens of the United States, which was referred to the Committee on Foreign Relations.

the Committee on Foreign Relations.

Mr. WADSWORTH presented petitions of the congregation of the Park Presbyterian Church and of sundry citizens of Albany, in the State of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. WARREN presented memorials of the Wyoming Tribune, the Wyoming Stackward Represented for the Committee on the Stackward Represented the Wyoming Tribune, the Wyoming Stackward Represented the Wyoming Tribune,

the Wyoming Stockman and Farmer, of Cheyenne, Wyo.; the Agricultural Publishers' Association of Chicago, Ill.; the Denver Post, of Denver, Colo.; and of the American Press Association, of New York City, N. Y., remonstrating against any change in second-class postal rates, which were ordered to lie on the table.

Mr. POINDEXTER presented a petition of Major E. M. Brown Camp, No. 22, United Spanish War Veterans, Department of Washington and Alaska, of Tacoma, Wash., praying that second lieutenants appointed from civil life shall take rank and precedence from the date of their appointment, which was referred to the Committee on Military Affairs.

Mr. OLIVER presented petitions of sundry citizens of Kitchen

Mr. OLIVER presented petitions of sundry citizens of Kittanning, East Brady, and Johnstown, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the

Committee on the Judiciary.

He also presented a petition of Local Union No. 1519, United Mine Workers of America, of Drifton, Pa., praying for an investigation into the high cost of living, which was referred to

the Committee on the Judiciary.

He also presented a petition of sundry citizens of Center Valley, Pa., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Marion Center, Pa., praying for national prohibition, which were ordered to lie on the table.

Mr. PHELAN presented a memorial of the Audubon Society of Los Angeles, Cal., remonstrating against the adoption of the so-called Mondell amendment to the Chamberlain-Hayden gamesanctuary bill, which was ordered to lie on the table.

Mr. SHEPPARD presented a petition signed by the officials of the International Brotherhood Welfare Association peace committee asking for economic protection of lives of working people in connection with the war situation, which was referred to the Committee on Foreign Relations.

GENERAL EDUCATION BOARD.

Mr. TILLMAN. Mr. President, I have two letters here of very great importance, I think. One is from the State superintendent of education of South Carolina transmitting a communication from the superintendent of schools of Wisconsin. I ask to have them read.

The VICE PRESIDENT. Is there objection? The Chair

hears none.

The Secretary read as follows:

STATE OF SOUTH CAROLINA, DEPARTMENT OF EDUCATION, Columbia, February 10, 1917.

Senator B. R. TILLMAN,

Washington, D. C.

Dear Uncle Bennie: Herewith I am sending you a circular letter which came to my desk this morning from Mr. J. W. Crabtree, of River Falls, Wis.

If possible, I should like to secure a copy of the report made by the Senate committee investigating these foundations and their activities. It is a well-known fact among schoolmen that the present Commissioner of Education was urgently recommended by these agencies. If some sort of tax could be placed on these foundations, endowments, or whatever other names such corporations are called by, it would help to clarify the educational atmosphere. Their subsidized agents are almost invariably selected because of their willingness to support policies originating and emanating from these money sources.

Some of their activities may be observed in South Carolina. In some respects they are helpful and desirable, while in others they are insinuating and dangerous.

Yours, respectfully,

J. E. Swearingen.

P. S.—I can not close this letter without congratulating you on your

P. S.—I can not close this letter without congratulating you on your clear and forceful comment regarding the severance of diplomatic relations with Germany.

J. E. SWEARINGEN.

RIVER FALLS STATE NORMAL SCHOOL, River Falls, Wis., February 3, 1917.

RIVER FALLS STATE NORMAL SCHOOL,

River Falls, Wis., February \$, 1977.

My Dean Friend: I presume you are aware of the fact that the United States Senate has clipped the wings of the educational foundations by its decision to oust from service in the Federal Bureau of Education all educational specialists receiving pay directly or indirectly from the great educational foundations. According to the views expressed by Senators in their speeches, this action was taken because of the belief that these foundations were making a conscious attempt to affect the thought and ideas of future citizens and to direct the public-school policles of the Nation.

This action should not be construed as a personal criticism on our national Commissioner of Education. Commissioners before him have likely had help from the same source. The public approved fully of accepting this help until it became evident that these great foundations were definitely planning to shape public sentiment and to direct public-school policles. The elimination of these free services places an obligation on Congress to provide ample funds for the use of the Bureau of Education, and this will naturally follow the action recently taken. Certainly the Bureau of Education can have an independence in thought and action when it has funds of its own quite impossible so long as it is forced to depend upon foundation help.

This drastic action on the part of the Senate was perhaps hastened by the public announcement of the beginning of a great movement under the auspices of the foundations to revolutionize elementary and secondary education in the public schools of America. The resolution freeling the Federal bureau from contact with the foundation agents was the direct result of an investigation of the activities of the foundation by a committee of the Senate.

The action taken by the Federal Government will doubtless interfere with foundation plans of surveying State normal and other teacher-with foundations as a most serious menace to democracy in education in

It seems to me that the Senate having cut the connection higher up, educators might render a valuable service by standing in the way of

connections being formed between the foundation and school authorities lower down. Very sincerely, yours,

Mr. SMITH of South Carolina. In this connection I think it just to have printed a communication addressed to me from the Secretary of Agriculture on the identical subject, which I ask to have read.

The VICE PRESIDENT, Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read the communication, as follows:

DEPARTMENT OF AGRICULTURE, OFFICE OF THE SECRETARY, Washington, D. C., February 9, 1917.

Hon. E. D. SMITH, Acting Chairman Committee on Agriculture and Forestry, United States Senate.

Acting Chairman Committee on Agriculture and Forestry.

United States Senate.

Dear Senator Smith: I note that a somewhat extended discussion took place on the floor of the Senate yesterday regarding cooperation between certain organizations and the Department of Agriculture. In this connection I desire to bring to your attention the following facts:

There was cooperation between the Department of Agriculture and the General Education Board from 1906 to June 30, 1914. In the Agricultural appropriation act for the fiscal year 1915 the appropriation for farm demonstration work in the South was increased by an amount equal to that formerly contributed by the General Education Board in order that the work might be financed entirely from Government funds, and the following provise was attached to the appropriation:

"Provided, That the expense of such service shall be defrayed from this appropriation and such cooperative funds as may be voluntarily contributed by State, county, and municipal agencies, associations of farmers and individual farmers, universities, colleges, boards of trade, chambers of commerce, other local associations of business men, business organizations, and individuals within the State."

On August 5, 1914, the Senate of the United States adopted a resolution calling upon certain heads of departments to furnish information as to the relation, if any, of the General Education Board and the Carnegie Foundation to the work of their departments. On August 12, 1914, I had the honor to write the following letter to the President of the Senate:

"Referring to Senate resolution 437, a copy of which is hereto attached, I have the honor to inform the Senate that the organizations referred to in the resolution are not in any way connected with the work of the Benate:

"Referring to Senate resolution or the Carnegie Foundation; and that, so far as I know, there are no administrative officers in this department whose salaries are paid in whole or in part with funds contributed by the Rockefeller Foundation

This statement applies in all particulars to this department at present, and has applied since the date of the action of the Congress.

Very truly, yours,

D. F. HOUSTON, Secretary.

NAVAL OIL SUPPLY.

Mr. MYERS. Mr. President, I have a short letter from the Secretary of the Interior relative to the general land-leasing bill, which I ask to have read.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Secretary proceeded to read the letter, but was interrupted by

Mr. SUTHERLAND. Mr. President, how much more is there of this letter?

The VICE PRESIDENT. There are two lines, the Chair is informed.

Mr. SUTHERLAND. Mr. President, it seems to me that it is getting to be an abuse of the use of the RECORD to read private correspondence. I think half a dozen such letters have been

read into the Record this morning.

Mr. MYERS. Mr. President, I ask that the reading of the letter, which is very short, be concluded. It seems to me the Senate ought to be very willing to hear the views of a Cabinet officer on this subject, especially when they are compressed within a short space. I ask that the reading of the letter be

concluded. The Secretary resumed and concluded the reading of the letter, which is as follows:

THE SECRETARY OF THE INTERIOR,

Washington, February 10, 1917.

My Dear Senator: In view of the general realization that it is now time to make plans for national defense, I take the liberty of suggesting that you consult with the chairmen of the Committees on Military and Naval Affairs to see if it is not practicable to have the lands which are at present locked up, containing oil, phosphate, and potash, released under a leasing system. We have some 6,000,000 acres of possible oil lands so withdrawn that no wells can be bored upon them. Only the lands now held in private ownership are producing. We should be about the business of discovering what these withdrawn lands contain. Gasoline is invaluable to the Army and to the Navy, as well as to every automobile owner and to the owner of every other gasoline-driven engine in the country. The largest deposit of potash in this country, which is fundamental in the manufacture of explosives, is also out of use because withdrawn, and we have some 3,000,000 acres of phosphate deposit in the same situation. The development of these resources can be made effective by the passage of a leasing bill.

As to the procuring of more extensive oil reserves for the use of the Navy, would it not be practicable to authorize this department, or some other, to drill for oil upon some of those great reserved tracts which have not been already proved? The expenditure of a comparatively small amount of money might in this way secure for the Govern-

ment an insured oil supply, as well as be an effective regulation against increasing prices. Cordially, yours, FRANKLIN K. LANE.

Hon, HENRY L. MYERS, United States Senate.

RELATIONS WITH GERMANY.

Mr. WORKS. Mr. President, since the debate which took place a few days ago on our relations with Germany I have received hundreds of letters and telegrams bearing upon that question. They come from all parts of the country and from all classes of people. Out of the mass I have selected a comparatively few, which are temperate and inoffensive in tone and patriotic in sentiment, that I ask may be printed in the RECORD, without reading, and referred to the Committee on Foreign

The VICE PRESIDENT. Without objection, that action will

The letters and telegrams were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as

LONG BEACH, CAL., February 10, 1917.

Long Beach, Cal., February 10, 1917.

John D. Works,

United States Senate, Washington, D. C.:

Do not believe Los Angeles Council action yesterday bespeaks sentiment of the people of southern California. We have no quarrel with Germany; why pick a fight? Our position during past two years became this great and wonderful Nation. Why at this time join forces with the allies against the central powers?

DICK RICHARDS.

CHICAGO, ILL., February 8, 1917.

Senator John D. Works, Washington, D. C.:

Thank you for your wise, brave, patriotic speech against our going to war because of the submarine blockade. I believe a referendum vote would show majority of the people with you. America's worst enemies are the press leaders and financial interests that have brought her to the verge of war.

Dr. CHARLES SUMNER BACON.

Los Angeles, Cal., February 7, 1917.

Senator John D. Works, Washington, D. C.:

Congratulations on your stand on impending war, which is the consensus of opinion in California. ORRIN H. WINTON.

CHICAGO, ILL., February 9, 1917.

Senator Works, Washington, D. C.:

You are to be congratulated on your speech in Congress, which truly expresses the wishes of myself and a great many others who are not represented by the newspaper. Accept my best wishes and congratulations.

JAMES MARSHALL.

Senator John D. Works,

Senate, Washington, D. C.:

Permit me to heartily inderse your stand. If a sane minority can prevent our country being forced into war, this and future generations will owe you lasting gratitude. Why should we sacrifice our men and money to take up a quarrel not ours? Better suffer an infraction of our rights and keep our boats and citizens out of the disputed area.

George F. Fiske,

Treasurer American Stove Co.

RIVERSIDE, CAL., February 8, 1917.

Senator John D. Works, Washington, D. C.:

Permit me to express my high appreciation of the wise and patriotic position you took in your speech before the Senate in the matter of the break of diplomatic relations with Germany. I believe your views express the real sentiment of the great majority of the people of this country.

ARTHUR B. WEST.

Los Angeles, Cal., February 8, 1917.

Los Angeles, Cal., February 8, 1917.

Hon. John D. Works,

United States Senate, Washington, D. C.:

We wish to express our approval of your action in the German submarine controversy and assure you of our support. We appreciate your courage and patriotism and that of the other minority Senators in your efforts to avoid war. We are confident the majority of our American fellow citizens are with you.

FRANK N. FISH.
T. M. PERRY.
E. T. EMERY.
M. Y. WOODBUFF.
R. T. FRANK.
L. HOTTINGER,
W. T. SPECHT.
J. S. KIOUS.

NEW YORK, N. Y., February 8, 1917.

Hon. John D. Works, United States Senate, Washington, D. C.:

United States Senate, Washington, D. C...

I desire most heartly to congratulate you upon the stand you have taken. Your efforts to prevent an unrighteous war have earned the undying gratitude of all thinking Americans. Keep up the good work. The ravings of a jingo press do not represent the sentiment of the Nation.

M. K. Weill.

WHITTIER, CAL., February 8, 1917.

John D. Works,

Senate, Washington, D. U.:

You have welfare of a Nation to guard and priceless ideals to preserve and can not afford to sacrifice its life and happiness for a standard of force. Urge joint council of neutral nations to consider safeguarding common rights at sea before declaration of war.

CALIFORNIA FRIENDS CHURCH.

L. M. GREENE,

President of Board.

SAN FRANCISCO, CAL., February 8, 1917.

Hon. John D. Works, United States Senate, Washington, D. C.:

You have struck the keynote in the minds of every fair-minded American citizen. It is the sacred duty of our Government to warn us to keep out of any danger zone. Any backwoods deputy sheriff would do so if the occasion arose in his district. The idea of so-called American citizens in these terrible times being allowed to strut around within the war zone, standing on his or her rights as an American citizen as against the welfare of 100,000,000 people, is too preposterous to think about. History will show that America had one man in the Senate who had the manhood to voice the thoughts of all fair-minded people. I am pro-nothing but pro-American.

EDWARD J. HOOPER, 20 Montgomery Street, San Francisco, Cal.

SAN FRANCISCO, CAL., February 8, 1917.

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.:
Please present in the Senate the following:

"To the Congress of the United States:

Please present in the Senate the following:

"To the Congress of the United States:

"We, citizens and registered voters of the pivotal city of the Union, and many of us veterans of the United States Army, in mass meeting assembled, believing that the Constitution of the United States is still in force and that we have a constitutional Government of three distinct and independent departments—the legislative department, consisting of the Congress, intended by our people and the Constitution to be composed of more than 400 individual, independent, thinking men, with brains and wills of their own—and we appeal to you not to allow the executive department or any other department to encroach upon your powers, and, of course, you have no right to delegate any of your powers to any other department. The executive department exhausted its powers when it broke off diplomatic relations with Germany, and it is entirely up to you whether any further proceedings shall be had. The people of the United States in the proportion of about 90 to 1 are decidedly opposed to any further hostile act toward Germany and her allies and in a proportion of 75 to 1 they disapprove of the breaking off of diplomatic relations with Germany and in a proportion of 90 to 1 disapprove the President's request to neutrals to join with him in breaking off diplomatic relations with Germany; and we therefore ask you to promptly reject and repudiate any proposition toward a declaration of war, and if there is any doubt about this attitude of the people as expressed herein that you refer any such proposition to tward people for their vote of approval or disapproval. We request you to promptly pass all bills now before Congress for the purpose of removing any occasion for war by passing an embargo on arms and ammunition and the passing of House Joint resolution No. 337, prohibiting individuals for money or malice salling on belligerent ships for the purpose of causing further friction between the United States and Germany."

DANIEL O'CONNELL, President,

DANIEL O'CONNELL, President. JOHN A. MILLER, Secretary.

SYRACUSE, N. Y., February 8, 1917.

Senator Works,
Senate Chamber, Washington, D. C.:
Gratitude for your clear vision, sound judgment, and courageous voice in this national crisis.

Marion E. Coville ("Rosamond H. Fox.")

CAMBRIDGE, MASS., February 8, 1917.

Senator Works, Washington, D. C.:

As a loyal Californian, I am proud of your brave and magnificent stand against war yesterday in the Senate. I beg you, in the name of humanity, to urge that the people be allowed a referendum vote on the question before the President plunges this country into the horror and barbarism of war. The best people of your Nation will applaud you. The people do not want war. I entreat you to stand firm and uphold that noble minority who have the power to save the Nation.

MARY R. DARLING.

ARKANSAS CITY, KANS., February 7, 1917.

Senator John D. Works,

Washington, D. C.:

Your speech hit the bull's-eye; let's have more. You voice the sentiment of millions in this Nation.

THE DAILY NEWS,
(An Independent Newspaper),
CHAS. SPENCER,
Editor and Manager.

ST. AUGUSTINE, FLA., February 8, 1917.

Senator Works, Washington, D. C.:

Heaven bless you, Senator Works, of California, for your protest against the breaking of our relations with Germany.

THE NATIONAL SOCIETY CONSERVATION OF AMERICAN WOMEN.
LYONELLA MURAT DAY, Secretary.

BERKELEY, CAL., February 7, 1917.

Hon. John D. Works,

United States Senate, Washington, D. C.:

Congratulations on your masterful speech to-day. You have voiced the sentiments of millions of Americans who have no way of making

themselves heard in the subsidized press of this country. Wish there were more Senators like yourself with courage enough to speak and act independently and in sympathy with the people.

Sixteen Berkeley Citizens.

PITTSBURGH, PA., February 7, 1917.

Senator John D. Works, Washington, D. C .:

For the first sane, unbiased, and truthful statement of war conditions let me thank you for your speech to Congress to-day, and let me wish you God speed in your endeavor to teach Americans true neutrality and to save us from the horrors of war.

Miss Ann Hill.

NEW YORK, February 8, 1917.

Hon. Senator Works, Capitol, Washington, D. C.:

Thirty citizens consulted at random since yesterday all favor keeping out of the war zone and against war on this issue. I voted for Wilson and know many others here and in eight Western States in which I travel hold the same view in regard to Lusitania, as you do, and rone of them are pro-German. Hope you will keep up the fight.

A. T. DORSEY, 40 Thomas Street.

MILWAUKEE, WIS., February 8, 1917.

Hon. John D. Works, United States Senate, Washington, D. C.:

As an American whose ancestors fought in the Revolution and War of 1812. I thank you for the highly conscientious and patriotic stand you are taking in the present crisis. I heartly indorse every word of your speech as reported by the Associated Press.

LYMAN D. MORGAN.

DICKINSON, N. DAK., February 8, 1917.

Senator John Works,

United States Scaate, Washington, D. C.:

The American people should be with you in your argument in the Senate. If Americans want to go into the war zone they should do so at their own risk, not at the risk of 100,000,000 people in this country.

F. W. Turner.

OKLAHOMA CITY, OKLA., February 7, 1917.

Hon. John D. Works, United States Senate, Washington, D. C.:

Home in Los Angeles, temporarily in Oklahoma City. Read excerpts from your "thunderbolt" speech, criticizing administration for unwarranted action likely to provoke war between this country and Germany. You expressed the sentiment of patriotic Americans. God bless you for your courage. Other loyal Congressmen should support you. See letter.

ARTHUR C. HUMMER.

NEW YORK, N. Y., February 7, 1917.

Senator Works, United States Senate, Washington, D. C.:

God bless you for your noble speech. If war occurs, you may well be proud of your effort. If held back 10 days, the Nation will return to sanity.

Yours for America,

Edward S. Snow, EDWARD S. SNOW,
A Puritan Descendant, Boston, Mass.

MANSFIELD, OHIO, February 8, 1917.

Senator Works, Washington, D. C .:

Trades council, 1,500 organized workers, voted unanimously to oppose United States declaring war on any nation, including Germany. We demand referendum on declaration of war.

ALBERT G. STORICE, Secretary.

Los Angeles, Cal., February 8, 1917.

Hon. John D. Works, United States Senate, Washington, D. C.

DEAR SENATOR: The undersigned and many friends send congratula-tions. Your speech expresses exactly what the majority of Americans feel. We are glad you had the courage of your convictions, and courage to express same. If everyone would follow your example, the war could be avoided. Best wishes.

Dr. CARL SCHULTZ. Dr. HENRY GROSS.

Los Angeles, Cal., February 8, 1917.

Hon. John D. Works,

United States Senate, Washington, D. C.:

Although in the past I have differed with you, I wish to congratulate you on your courageous, splendid stand in opposing hasty action, which might plunge our country into war with Germany. I believe your viewpoint is that of the great majority of American men and women to-day despite the seemingly contrary attitude of our newspapers. You have done our country a great service. The administration will err grievously if it imagines its attitude has the full sanction and cordial and enthusiastic support of most American citizens. I congratulate you, and express my great personal appreciation of your courageous stand.

Dr. George H. Kress.

RICHMOND, CAL., February 7, 1917.

Hon. John D. Works,

United States Senate, Washington, D. C.:

The Contra Costa Central Labor Council in assembly decrees that you use your best efforts not only to avert any tendency toward war with any nation but to bring before the proper committees and Congress of the United States to urge Congress to see reparation for damages only after war; not to declare war without people's referendum; to advise Americans not to travel in danger zone.

J. C. Leren.

J. C. LEBER.

OMAHA, NEBR., February 7, 1917.

Hon. J. D. Works, Washington, D. C.:

I wish to congratulate you for the brave and noble stand against President's war diplomacy, and to state sentiment in Nebraska seems strongly opposed to war, and disapproves break in diplomatic relations. We are with you; keep up the fight. Please congratulate Congressman

WILLIAM C. R. NOLLMAN.

CHICAGO, February 7, 1917.

Senator Works: Washington, D. C.:

God forever bless and reward you. For two years I whose forebears fought to make this country free have blushed for our injustice and hypocrisy. I thank my heavenly Father for your speech, the first real American utterance in two shameful years of disgraceful cringing to British rule. I am proud to address you, sir, and sign myself,

Yours, respectfully and gratefully,

MARILLA CUNNINGHAM PEABODY.

PHILADELPHIA, PA., February 7, 1917.

Senator Works,

Washington, D. C.:

An American citizen not of German descent salutes you. God bless you for the stand you have taken. You have voiced the sentiments of the silent but thinking millions of America.

MAX GREEN, M. D.

OMAHA, NEBR., February 8, 1917.

Hon. John D. Works, United States Senate, Wahington, D. C.

DEAR SIR: Permit us, the undersigned, of the ordinary class of truly patriotic American citizens to extend to you our most sincere congratulations on your recent speech before the Senate, and also the other four Senators who stood with you on the question of approving the President's action in breaking off diplomatic relations with Germann

the President's action in breaking off diplomatic relations with Germany.

We are not citizens of the State you represent, but we believe that the opinions and sentiments you expressed with regard to the German-American crisis are in concurrence with the wishes and ideas of the masses of all the States, and that you have for the moment placed yourself in a position extending far beyond local matters. Your argument is based on facts, indeed, and God grant that you and the like of yours may soon dominate the situation.

We do not want war; we have nothing to gain by war; we have no grievances sufficient to justify a war; we have no rights deliberately violated with intent to harm to defend by war. Then, in the name of all that's just and fair and safe and sane, why menace a sorely tried and friendly people with such warlike tactics? Even now as the possibility of conflict stares us in the face our hands are not clean. We are provoking it.

The Senate is full of men who think as you, whose people think as you, and who, if they had the moral courage of their convictions, would come right out as you have. Most of them either have been stirred and fired by a rabid, morbid press or they have been unshed and lulled by a deceptive and pernicious opposition. We pray that these men may come to a fuller realization of their duties as representatives of the people and of their responsibility before God and the world.

Why should we permit the allied press agents to stand sponsors for

sentatives of the people and of their responsibility before God and the world.

Why should we permit the allied press agents to stand sponsors for 100,000,000 American souls? The sponsors may back the President forever, but have not the children, having grown up, something to say concerning their own ultimate destiny?

The fact that we are thus perturbed does not make us lose sight of our sacred duties as American citizens; and every one of us would be willing to do his share to defend our country from aggression. But we are opposed to the present status of things, and we believe there is no time like the present to tell it to a man like you.

With every assurance of our deepest admiration for your courage and of our fullest appreciation of your efforts in our behalf, we have the honor to subscribe ourselves,

Most respectfully and sincerely, yours,

FRANK R. Mike.

FRANK R. MIKE. C. L. NEWELL. FRED J. RUETH. JAMES P. DOWNES. R. A. MAHER.

7532 HAMILTON AVENUE, Pittsburgh, Pa.

Senator Works:

Congratulations on the intent of your Senate remarks of a few days ago. "Military hysteria" has swept the "newspapers" out of their senses, but not the workingman.

F. T. HAGUE.

STEUBENVILLE, OHIO, February 8, 1917.

Steubenville, Ohio, February 8, 1917.

Hon. Senator Works,
United States Senate, Washington, D. C.

Dear Sir: Please pardon the seeming intrusion of one humble, American-born citizen writing to congratulate you for the expression on the floor of the Senate of such courageous and magnificent sentiments as accredited to you in the press reports to-day on the German-American war crisis.

I sincerely regret that the attitude on this question of Ohio's Senators precludes me writing them in this vein.

I can realize the difficulty of gauging public opinion while engaged in your legislative functions in Washington, but I wish to state, for your gratification I hope, that from my observation most all of the people of even mediocre intelligence are heartly in accord with your views on this matter, and I venture to assert that were a national poli taken your sentiments would overwhelmingly be indorsed.

As I find it, the people seem to be somewhat suspicious of the present sort of neutrality.

Holding the peace and tranquillity of this Nation as I do, I wish to God it were possible to give this momentous question the public solution it deserves. I have not hesitancy in saying it would then be quickly and decisively settled, and done so without the unsheathing of the sword. It is indeed a sad reflection on democracy, when, because

of the impossibility of any proper method of expression we are forced to offer ourselves as cannon fodder to satisfy the temporary blood-lust of our so-called public servants, most of whom nowadays persist in acting the rôle of sovereign.

Again, if we (Congress, etc.) don't begin to take a little interest in the topic of the high cost of living, something will happen in this country that will make a German-American war look like a sham battle. However, as black as things appear, it is refreshing to know that there were at least five men in the Senate who had the moral stamina to wield the cudgel in the interest of a genuine patriotism. May your fight be crowned with victory.

Again begging your pardon for the liberty of writing you, I am, Very respectfully,

E. P. McDevitt,

E. P. McDevitt, 1657 Ridge Avenue.

PITTSBURGH, PA., February 9, 1917.

SENATOR WORKS, Washington, D. C.

Washington, P. C.

Dear Sir: I desire to compliment you on the speech you made to Senate a few days ago on the international situation. Your position is absolutely correct and the eastern pro-ally, un-American papers who do most of the shouting know down in their hearts it is correct. If we get into war the country can thank the eastern papers. One would suppose from their behavior that war with Germany is something the country should look forward to with much glee.

I am a traveling man and see many people. There is no doubt of the patriotism of the people, but most thinking men can not feel that the principle of Americans traveling on belligerent ships during times of war is reason for throwing the country into war.

You may rest assured that there are many thousands with you.

Very truly, yours,

F. G. Krueger,

Very truly, yours,

E. G. KRUEGER,

214 Elm Street, Swissvale Station.

P. S.—The voice of the people should be heard on the question of war. It should not be in the hands of one man or a dozen or five dozen to speak for the whole country on a question so important as this.

F. G. K.

FEBRUARY 8, 1917.

Senator Works,

United States Senate, Washington, D. C.

Dear Senator: Permit me to extend heartiest congratulations on your splendid speech discussing the Stone resolution.

Thank Heaven we have at least a few statesmen who have the courage of their convictions and who dare to speak the dictates of conscience rather than be servile followers of a presidential policy that can leave nothing but misery, woe, and broken hearts in its wake.

It is such as you who are the true friends of humanity, and to such as you humanity must look for its salvation in these crucial times. For America to enter into this terrible war would be a crime against civilization incapable of being expunged by the patriotic sounding eloquence of those who would plunge our country into this world catastrophe on a flimsy pretext.

I assure you that your efforts are appreciated in Michigan and that there are countless prayers for the success of your noble endeavors.

Very sincerely,

J. H. MORLLER,

J. H. MOELLER, 109 Willis Avenue W., Detroit, Mich.

RIVERSIDE, N. J., February 9, 1917.

Hon. John D. Works, United States Scrate, Washington, D. C.

My Dear Senators: I want to congratulate you on your great speech in the Senate on the 6th instant concerning the severing of diplomatic relations with Germany. All you said were the truth and the facts, but it required great moral courage to express it.

Mentality without moral courage renders but little service.
Your speech merited and commanded the attention and indorsement of the rank and file of our people.

Yours, respectfully,

CHAS. STOKES.

WAYNESVILLE, ILL., February 9, 1917.

Hon. J. D. Works, Washington.

Hon. J. D. Works, Washington.

Honord Str: A few words of your noble speech in the United States Senate have percolated through a hostile press, and their reading has given me extreme gratification and gratitude. You told the truth at a time and place it ought to be told and in a manner to commend both its author and his subject everywhere, at least to use of the minority who still cherish a decent respect for facts. And we congratulate ourselves that in Congress is yet one man truly representative of people and not of selfish policies. California's limits are not yours, as State lines can never be of honor and real patriotism; therefore you are my representative, and that of all who love justice everywhere, irrespective of race, language, or location. Your light will shine the brighter for the blackness of its background, and your voice will ring the clearer for the drivel of the mob.

Most respectfully, yours,

H. C. Gibbs.

FEBRUARY 10, 1917.

Hon. Senator Works,

United States Senate, Washington, D. C.

My Dear Senators: Your attitude and that of a few of your fellow Senators, who are in opposition to the war-like preparation which is now holding official Washington in its embrace, is to be highly commended by every sane thinking individual, no matter what his creed or nationality.

The war mongers and the proally press who have adorned themselves in all their war paint and are vociferating their poisonous vaporings with the sole purpose in view of precipitating the country into a seething caldron of strife and turmoil is, to say the least, lamentable. These bellicose individuals who favor hostilites with the German Government and desire to have this Nation participate in the present war should be the first ones drafted into the Army and fight for issues that are considerably beclouded. It is safe to say these individuals when confronted with the prospect of action would be that ones to bear arms.

It is also needless to assert that if the public were given the op-portunity of expressing their views with regard to making war, i. e., an opportunity of voting on this issue, there would be vigorous pro-

test on the part of the citizens of this country, and I firmly believe drastic action would not be contemplated unless there was a greater issue than the present one with Germany.

Men of affluence, with a few minor exceptions, would not take service in the Army, and the war editors would keep to their office, far from the rain of shrapnel and death, indulging in the more peaceful occupation of inventing war news and foolish fables.

In conclusion, will say that I sincerely hope and pray that you and your fellow Senators will use your utmost endeavors and bend your efforts toward keeping the country out of this horrible and bloody conflict, and by so doing aid mankind in promoting good fellowship rather than fostering racial ill-feeling.

BENJ. BRADLEY, Jr.,

45 Columbia Avenue, Woodhaven, N. Y.

Very respectfully,

45 Columbia Avenue, Woodhaven, N. Y.

(Copy to Hon. Oscar Wm. Swift, Member of Congress ninth district, N. Y.)

AKRON, OHIO, February 9, 1917.

Senator Works, United States Senate, Washington, D. C.

Dear Sir: Kindly accept my congratulations upon your noble stand in the United States Senate. It has the most hearty approval of the citizens of our State and we only regret that our own Senators are not big enough to stand with you.

These congratulations may be a little tardy, but I have been busy with other matters. No acknowledgment of this is expected.

Yours, very truly,

A. C. HOLLOWAY.

A. C. HOLLOWAY.

202 WEST SEVENTY-FOURTH STREET, New York, February 8, 1917.

Senator Works,

The Senate, Washington, D. C.

Sir. Permit me, as an American citizen by birth and as a former resident of California, to express to you my profound agreement with, and sincere admiration for, the views expressed by you in the Senate yesterday on the injustice of any course involving us in war with Germany at present.

Your views on the folly of our neglecting to advise citizens against "danger zones" and on our moral responsibility for the tragedles resulting from sending passengers and munitions on the same ships, are so sound and so admirably expressed that they have carried conviction to many persons hitherto, unthinkingly, for war. Neither the course of the President nor of the American people has been neutral in the fair sense of the word, and our sins will be upon our own heads if we are now forced into war by jingoes and blusterers against our will. Nine out of ten Americans, even here in New York, overridden by a mercenary business "ring" and press, think with you. We trust you will to the last express the feelings of this great, silent majority almost shouted down by the truculent minority.

Very sincerely, yours,

M. C. Damton.

POSTIAC, MICH., February 7, 1917.

Hon. Senator Works,

Washington, B. C.

Dear Senator: As a workingman, let me thank you in behalf of the class that will suffer most in case of war for your statements in the Senate as reported in to-night's paper in regard to the severing of diplomatic relations with Germany. We are severing relations to protect American life? How many more lives will be lost in case of war than will be lost through the sinking of American shipping which is furnishing the allies with munitions and other supplies? The sentiment among the workingmen is certainly against war with anyone.

Yours, truly,

Geo. L. Hedden,

GEO. L. HEDDEN, 15 Fisher Avenue.

MINNEAPOLIS, MINN., February 7, 1917.

Hon, John D. Works, Washington, D. C.

Washington, D. C.

Dear Sir: I wish to express to you my most sincere thanks for the courageous stand you took regarding our administration in relation to the horrible war in Europe.

I say courageous advisedly, for I am sure it requires vastly more courage to speak as you did than it does to simply shout "stand by the President" and "follow the flag," especially when it is well known that those who so shout are rarely to be found on the firing line in the event of action.

I am sure, too, that there are many thousands who will likewise feel thankful to you for your courageous efforts in behalf of American lives, though not all may so express themselves to you.

Godspeed your good work, and may there be no declaration of war without the direct consent of the people, unless an enemy attacks us, in which event the patriotism of the American people will not be found wanting.

wanting. Yours, very truly,

O. A. WEISS.

NEWPORT, MINN., February 7, 1917.

Hon. J. D. Works, Washington, D. C.

DEAR SIB: Kindly accept my approbation and appreciation of your level-headed, courageous, and just stand as to neutrality of United

We have respected English blockade, why not so German blockade?

"Freedom of seas" O. K. for all. We should tell both England and Germany that is what is wanted. But no fight—peaceful, neutral.

Cordially,

G. A. Young.

KIRKWOOD, Mo., February 7, 1917.

Dear Senator: I have just read your speech in regard to President Wilson's stand on the German matter, and I wish to commend you on your stand, and I know many more here who feel as I do. I am a Democrat, voted for President Wilson, and was born in Missouri, but I see no good reason for breaking with Germany as yet. The unanimous sentiment here is opposed to war.

Sincerely, yours,

John E. Wilson.

MONROE, MICH., February 8, 1917.

Hon. John D. Works, Washington, D. C.

DEAR SIR: I can not refrain from dropping you a line expressing my appreciation of the fact that there is at least one Senator in Congress who has the courage of his convictions and can call black hack and white white and not let prejudice and the dollar run away

with him.

I believe you would be surprised if you knew just how many true Americans in the recesses of their hearts fully indorse your speech in the Senate, "The United States has not been neutral."

If the Savior appeared to-day in some quarters of the world and happened to be a German it is very probable he would be crucified.

Very respectfully, yours,

CHARLES A LIGENBRITZ.

CHARLES A. ILGENFRITZ.

ST. Louis, Mo., February 8, 1917.

St. Louis, Mo., February 8, 1917.

Hon. John D. Works,
Senator from California, Washington, D. C.

Dear Sir: Will you kindly send me a supply of copies of your speach delivered in the Senate February 7, 1917, in which you take the stand that the President's stand in breaking off relations with Germany should not be indorsed, and giving reasons therefor.

It came as a voice in the wilderness, and millions of American citizens, of no matter what descent, are blessing you to-day because you have given voice in a public and most fitting manner to the thoughts that they are thinking, and with which they have no medium to reach others.

thoughts that they are thinking, and with which they have no medium to reach others.

Germany is not an enemy of this country, and it is a ruthless crime to ask American men and boys to give their lives to protect the profits of speculators and exporters in the means of contraband, machinery of war, to say nothing of the necessities of life that we need so much right here in this country.

I believe that as you sow so shall you reap. If this is true, and I mairtain that it is, then the American people, as a Nation and as individuals, are facing a day of bitter atonement and restitution. Very respectfully,

Otto Vierling, M. D.,

OTTO VIERLING, M. D., 4555 Adkins Avenue.

St. Louis, February 8, 1917.

St. Louis, February 8, 1917.

Hon. John D. Works,

Senator from California, Washington, D. C.

Dear Senator: Thank you for voicing my sentiments. I am sure there are many others having same views, but our voices are not heard, As the United States is a conglomeration of all nations, we should be the last one to be dragged into the European horror. Every person living in the United States except the American Indian originated in a foreign country. Our forefathers established this country as a haven to live in peace and freedom. Our duty is to keep this family together, not disrupt it. We must forbear. To enter the quarrel on either side would be striking at one of our mother countries. The way to keep out of the war is to stay away from the conflagration. Our country, among neutrals the largest, wealthiest, with all the matural resources, dependent upon no other for subsistence, thousands of miles away from the conflagration, should step aside. Spilling more blood does not settle who is in the right. Why not avoid the calamity instead of pushing into it. Other neutrals harder pressed than we have not lost their d'gnity and honor by keeping out. Why make 90,000,000 people of the United States, already suffering from famine prices for food, shelter, and clothing, be subjected to more misery on account of a few who for selfish interests insist upon traveling and sending goods through the war zone. We waive our rights when we respect danger signals at home; then why not respect danger far away from home. It is our duty to be loyal and defend our country, it is also our duty to act so that we do not invoive our country into trouble. Think of construction and not of destruction.

Thanking you for your expressions of truth,

Yours, very respectfully,

Julius F. Lohrman, St. Louis, Mo.

928 IVY STREET, Pittsburgh, Pa., February 8, 1917.

Senator John Works, United States Senate Chamber, Washington, D. C.

My Dear Senator. Allow me to express my sincere admiration and approval of your yesterday's speech on breaking off diplomatic relations with Germany. I am glad that you and the four other brave men had the courage to protest against the President's action in this matter. I am not of German descent and have no pro-German leanings, but I fully indorse your statements as to the lack of neutrality on the part of the United States and the mistake which the President has made in severing our relations with Germany.

Very sincerely, yours,

Arthur R. Jordan.

PEORIA, ILL., February 7, 1917.

Hon. JOHN D. WORKS, Washington, D. C.

Washington, D. C.

Dear Senator: I desire to manifest my approval of the course you take with respect to our foreign relations and the proposition of war with any of the warring nations of Europe on no better grounds than we have at the present time.

There is positively no question on the statement that the public press does not express the sentiment of the common people. You are unquestionably right when you state that this country has not assumed a totally neutral position in the conflict raging across the waters.

Those who derive the greatest benefit directly from the flow of rivers of innocent blood and the sacrifice of almost countless lives hide behind a shield of gold, and in the event of an actual outbreak would use that same shield to spare themselves from active service in the ranks.

With the sincerest hope that the efforts of yourself and such men as the Hon. Robert La Follette you will be able to arrest the attention of the common people, to the end that our beloved country may be spared all the terrors and disaster of war.

Yours, truly,

Benj. F. Green.

AMERICAN UNION AGAINST MILITARISM. Philadelphia, Pa., February 9, 1917.

Hon. JOHN D. WORKS, Washington, D. C.

My Dear Sir: At a meeting of the executive committee of the Philadelphia Branch of the American Union Against Militarism on February 8 the following resolution was adopted, and I was directed to advise you of the action of the meeting:

"The Philadelphia Branch of the American Union Against Militarism is deeply interested in your efforts to keep the country out of war and will uphold you in demanding that an alternative be found."

Very sincerely, yours,

I Augustus Capwallader.

J. AUGUSTUS CADWALLADER, Executive Director.

CHARLES TOWN, W. VA., February 8, 1917.

Hon. John D. Works,

Washington, D. C.

Dear Sir: I thank you for your words of truth and righteousness in the Senate. Millions and millons of Americans believe and feel what you say, but seem to lack spokesmen. May Congress be guided by plain commonsense, and refuse to be stampeded into war. It would seem that "the fatal first step" should not be in the power of one man to

Respectfully and gratefully, Mrs. VIRGINIA S. MILBOURNE.

NATIONAL WOMAN'S PARTY, WASHINGTON, D. C., February 9, 1917.

Senator John D. Works, Senate Office Building, Washington, D. C.

Dear Senaro Works: In view of the criticism and misunderstanding you are receiving as a result of your splendid speech in the Senate regarding President Wilson's recent action in breaking off relations with Germany, may I say that your views seem to me by far the sanest that have yet been expressed in either House of Congress. I wish the President could be induced to act upon them.

Very sincerely, yours,

ANNE MARTIN, Chairman,

PEORIA, ILL., February 7, 1917.

United States Senator John D. Works, Washington, D. C.

DEAR SIR: I desire to manifest my indorsement of your position with respect to our foreign relations. Your recent speech on this subject is the sentiment of the common people of this country, and should be the guiding power in all matters of such moment as confront us at

With unbounded hopes that your protest will have a just reward in being liberally responded to from the ranks of the common people.

I am, sincerely, yours,

LESTER E. GREEN. 707 Ketelle Street, Peoria, III.

LINCOLN, NEBR., February 7, 1917.

Hon. John D. Works, United States Senate, Washington, D. C.

Hon. John D. Works,

United States Senate, Washington, D. C.

Dear Sir: While not one of your constituents, I can not let pass words of commendation of your magnificent and patriotic stand for peace as reported in the press this day.

It is refreshing, indeed, to observe that there are really patriotic citizens on the other side of the question as regards this Nation's controversy with Germany. Not all who cry for war and thirst for blood are loyal citizens.

My views have been most aptly expressed by you, and I need not recall them at this time. I trust only that enough stalwart Senators will be found who deem it a higher duty to their fellow citizens than to stand for any unjust move for war or a state equivalent thereto. In a free Democracy it is the height of insolence to demand as a patriotic duty to stand back of our President in any foreign move. Is the President above those who elect him that we must blindly follow his lead? I firmly hold the belief that it is one of the vested rights of my citizenship that I shall be free to advocate anything in my country consistent with its laws and in a peaceful way. Certainly an agitation for continued peace between two erstwhile friendly nations can not be construed as an act of treason. War in itself will be as nothing if thereby we shall lose as a Nation that eminence of love of liberty and fair play which have in the past been the marked milestones of our development.

That there may be no misconception as to myself, I want to assure you that I am not a German or a German-American, but an American citizen. When I landed in Philadelphia in November, 1894, my allegiance passed to this land of my adoption and here it will stay. I take second place to no one in my patriotism even though I do not carry it on my shoulders or in my mouth.

Very truly, yours,

George Weidenfeld.

LINCOLN, NEBR., February 8, 1917.

Hon. Senator Works,

Washington, D. C.

My Dear Sir: Having read your address, as per clipping inclosed, to the Senate, I hereby wish to express my thanks to you for the sentiment and stand you take. In this trying time our country needs men who are endowed with great foresight and diplomacy. It gives me great satisfaction to know that California has been fortunate enough to be represented in Congress by a man of your type.

Pray to accept the assurance of esteem with which I have the honor, sir,

Your most devoted, Rev. G. G. GRASSMUECK.

PEORIA, ILL., February 7, 1917.

United States Senator John D. Works,

Washington, D. C.

Dear Sir: I desire to manifest my indorsement of your position with respect to our foreign relations. Your recent speech on this subject is the sentiment of the common people of this country, and should be the guiding power in all matters of such moment as confront us at present.

With unbounded hopes that your protest will have a just reward in being liberally responded to from the ranks of the common people, I am, Sincerely, yours,

707 Ketelle Street, Peoria, Ill.

DULUTH, MINN., February 8, 1917.

Hon. Senator Works, Washington, D. C.

Washington, D. C.

Dear Sir: I have read the Associated Press reports of your talk in the Senate. I believe you voice the sentiments of the quiet, thinking majority of American citizens. We are not hysterical. We want peace. We do not feel that the Atlantic Ocean should turn red with American blood because Europe is war crazy. We support Milson because we believe he is safe and sane. We support his protests against breach of international law, but we don't care to fight about it. We suspect the motives of those who would have us fight. We are more nearly neutral than the yelling suggests.

Good luck to you, Senator. May you and all our Representatives help our President to keep safe and sane, and to discern, in the midst of all this turmoil, the real American interests—which are not warveven if one of our boats is sunk or if some of our adventurous citizens are drowned. Let Europe fight its own battles.

Sincerely,

122 East Fifth Street, Duluth, Minn.

JOHN L. EVANS, 122 East Fifth Street, Duluth, Minn.

LIMA, OHIO, February 8, 1917.

SENATOR: Permit me to express my gratification over your words spoken before the Senate and as reported in the newspapers of the 7th instant.

They are my sentiments exactly, and if the matter were put before the American people I am satisfied the verdict would be overwhelmingly in accordance with the sentiment expressed therein.

There is no question in my mind that the English—or, rather, allies—are endeavoring with all their power to influence public opinion in this country in their favor, and by voicing their thoughts through a great many newspapers, making it appear that the American people were in accord with them, when my judgment, from observations taken over a large section of the country, leads me to conclude that the contrary is absolutely the case.

Hoping to see you maintain your stand in regard to our foreign policy, I am,

policy, I am, Yours, truly,

GEORGE W. CURRIE.

PEORIA, ILL., February 8, 1917.

PEGRIA, ILL., February 8, 1917.

Hon. John D. Works,

Washington, D. C.

Dear Sir: I desire to manifest my indersement of your position with respect to our foreign relations. Your recent speech on this subject is the sentiment of the common people of this country, and should be the guiding power in all matters of such moment as confront us at present. With unbounded hopes that your protest will have a just reward in being liberally responded to from the ranks of the common people, I am, Sincerely, yours,

J. Müller, Jr.,

J. MULLER, Jr., 101 South Glen Oak Avenue, Peoria, Ill.

GLASGOW, Mo., February 8, 1917.

Senator Works: I am a lifelong Democrat, but I read your speech in the Senate, and said thank God for one sensible man. Any man that plunges this country into war at the present time is an enamy and not a friend. Give it to them again.

R. C. MARR.

WATERTOWN, S. DAK., February 7, 1917.

Watertown, S. Dak., February 7, 1917.

Senator Works,
Washington, D. C.

Dear Senator: To-day's dispatches carry an account of your expression of your attitude regarding the position of our President in the present unfortunate controversy with Germany. While we must ever be loyal to our country and support those temporarily in power, it behows us to be ever careful to keep a proper perspective in regard to the Nation's affairs. It is so easy to place a wrong interpretation upon matters of concern to the Government, but those that have the reins of government should count the cost before talking a serious step such as our President has taken. His attitude, it seems to me, is entirely out of proportion to the cost involved in carrying his view to its logical conclusion. While he has professed to keep us out of war with all his might, his present action only increases the danger of actual conflict. I would like to place the President and a number of the Congressmen who are so enthusiastic about this thing out here where there are real people, and out in your State, where there are people who are content to be "just folks." They are the ones who must in the end bear the brunt of the fight, and it seems that they should be consulted in a crisis of this kind. Would you be willing to believe that the bulk of the people are ready to go to war over what has happened? That is, after the first wave of enthusiasm has passed over. And why not follow the wishes of the masses, who are in the end the ones that you all represent? So many down in Washington seem to think that they are the Government. Questions of propriety and honor are gauged by their artificial standards that contain niceties of distinction that we recognize, but can not feel with the same force that they do. The mass of people seem to think that we are very much to biame in the present matter because we could very well keep out of the restricted areas. That looks as though we are ascificing our position. But how often in practical life does the prudent man av

If their opinion does not count, whose does? Surely election to office does not mean that they are at once superior judges over the people. May you be able to gain much influence in the present controversy.

Sincerely,

ARTHUR H. HASCHE.

Senator J. D. Works, Washington, D. C.

My Dear Sir: Allow me to express my hearty appreciation of the heroic stand you took in defense of right and justice in connection with the resolution indorsing the President's severance of relations with Germany. I hope that your earnest influence, together with others, will steer the ship of state clear of the terrible European war.

I am for America first, but I also believe in truth and justice. There are a great many citizens who, with me, look to you and a few others as heroes who may not at the present time be appreciated by the masses, but who will be in the future.

Very sincerely, yours,

John G. Miller.

BRUNSWICK Mo., February 8, 1917.

WATERLOO, IOWA, February 8, 1917;

Hon. John D. Works, United States Senate, Washington, D. C.

United States Senate, Washington, D. C.

DEAR SIR: I hope you have ordered printed a great number of your patriotic and fearless independent remarks on American neutrality delivered on the 6th or 7th of this month, and I trust that if I ask for several you will grant my request.

I responded to Fresident Lincoln's call in 1861, served until 2d September, 1865, have been delegate to two Republican national conventions and alternate to three. Your fearless exposure of our hypocritical neutrality meets my hearty approval, and there are legions of others who think and feel the same way.

I have the honor to be, sir,

Your most obedient servant,

LOUIS BENECKE.

ROXBURY, MASS., February 9, 1917.

Senator Works, Washington, D. C.

Senator Works, Washington, D. C.

My Drar Senators, Allow a Massachusetts Democrat to thank you for your splendid speech delivered Wednesday on the floor of the United States Senate. I see in to-day's Boston Post that the Los Angeles Times advises you to go to Germany or go to bell.

Well, Senator, this is not a newspaper Government, although at times the Wall Street influences make that danger seem perilously near. We know Harrison Gray Otis of the Los Angeles Times in our part of the country as an arrant, un-American Tory, the kind they bred at the Hartford convention in our War of 1812, and we feel well rid of them. I believe we are marking time in the history of this Republic. British navalism is now being challenged. Jann allied with Germany, with a possible alliance with the Russian Empire, is enough to make any serious American pause before rationally challenging Germany to battle with such a combination possible. To our northward lies Canada, population according to the last census in 1901, Encyclopedia Britanica, 5,300,000; Australia, coveted by Japan, 5,000,000 more; the anarchistic Republic of Mexico to the south of us. Such thoughts should give pause to American diplomacy; we want no war with Germany, for no living man can foretell what the harvest of such condict might be.

The sentiment in Massachusetts is overwhelmingly against such a war. A referendum of the people of the United States would, I believe, indorse our New England verdict.

The German submarine blockade will starve England, and no power or combination of powers on earth can stop it. Should our country, my dear Senator, declare war on any power, you and I will cheerfully render to our common country the last tithe of our ability, the last drop of our blood.

I had the honor to deliver the Memorial Day oration of the Spanish Veterans, at Holyhood Cemetery, where John Boyle O'Reilly and P. A. Collins, ex-mayor of Boston, are both burlied; my friend Gerogae Holden, I had the pleasure of listening to him in the same place, a year later,

REPORTS OF COMMITTEES.

Mr. SMITH of Georgia, from the Committee on the Judiciary, to which was referred the bill (S. 6286) to confer jurisdiction on the Court of Claims, reported it without amendment.

He also, from the same committee, to which was referred the bill (H. R. 8033) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved

March 3, 1911, reported it with amendments.

Mr. LANE, from the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (S. 7710) to amend the irrigation act of March 3, 1891 (26 Stats., p. 1095), section 18, and to amend section 2 of the Act of May 11, 1898

(30 Stats., p. 404), reported it without amendments and submitted a report (No. 1028) thereon.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 5211) for the relief of Arthur R. Aldworth, submitted an adverse report (No. 1035) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. SMITH of South Carolina, from the Committee on Immigration, reported an amendment providing for the carrying on of the work of the Bureau of Naturalization of the Department

of the work of the Bureau of Naturalization of the Department of Labor, etc., intended to be proposed to the sundry civil appropriation bill, and moved that it be printed and referred to the Committee on Appropriations, which was agreed to.

Mr. WILLIAMS (for Mr. Swansen), from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 7872) to confirm and ratify the sale of the Federal building site at Honolulu, Territory of Hawaii, and for other purposes, reported it without amendment and submitted a report (No. 1038) thereon. 1038) thereon.

BRIDGE BILLS.

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably without amendment the bill (H. R. 18551) granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River, and I submit a report (No. 1031) thereon. I ask unanimous consent for the present consideration of the

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

Mr. SHEPPARD. From the Committee on Commerce, port back favorably without amendment the bill (H. R. 18550) granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River, and I submit a report (No. 1030) thereon. I ask unanimous consent for the present consideration of the

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably without amendment the bill (H. R. 18725) granting the consent of Congress to Kratka Township, Pennington County, Minn., to construct a bridge across Red Lake River, and I submit a report (No. 1032) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHEPPARD. From the Committee on Commerce, port back favorably without amendment the bill (H. R. 20574) granting the consent of Congress to the county commissioners of Decatur County, Ga., to reconstruct a bridge across the Flint River at Bainbridge, Ga., and I submit a report (No. 1033) thereon. I ask unanimous consent for the present consideration

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGIA STATE MILITIA.

Mr. CHAMBERLAIN. From the Committee on Military Affairs, I report back favorably without amendment the bill (S. 7438) to make immediately available for the use of the State of Georgia in paying expenses incurred by said State in connection with the joint encampment held at Augusta, Ga., July 22 to 31, 1914, certain sums appropriated for arming and equipping the militia of said State, and I submit a report (No. 1029) thereon. I call the attention of the senior Senator from Georgia [Mr.

SMITH] to the bill.

Mr. SMITH of Georgia. Mr. President, at the instance of Mr. SMITH of Georgia. Mr. President, at the instance of the War Department, a very large encampment was held at Augusta, Ga., in 1914, and the funds of 1914-15 exhausted, with the expectation of using part of the allowance for 1915-16 to pay the expense of the encampment. A part of the funds of 1915-16 allotted to Georgia was set apart for this purpose and not used for other purposes; but the comptroller held that even with the approval of the War Department we could not lap over from one year to the other. This bill was passed at the last Congress by both Houses just at the close of the session, but in some way it escaped the signature of the President. It is again recommended by the War Department. It is simply a

utilization of funds of 1915-16 for the payment of a deficit of 1914-15. It provides no increased appropriation, but uses the same fund that the department had expected to spend on the 1914-15 encampment; but the comptroller says they can not do it.

I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as fol-

Be it enacted, etc., That of the sum appropriated by section 1661, Revised Statutes, for arming and equipping the whole body of the militia, the sum of \$\frac{2}{3}\$14.409.98, proportioned to the State of Georgia for the years 1915 and 1916, be, and the same is hereby, made immediately available for the purpose of paying the expenses incurred by said State over and above the allotments made by the Secretary of War to the State of Georgia from all appropriations therefor in connection with the joint encampment held at Augusta, Ga., July 22 to 31, 1914; and the Secretary of the Treasury is hereby authorized and instructed to pay over said amount to the governor of said State of Georgia for said purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH BEECH.

Mr. SMITH of South Carolina. From the Committee on Immigration I report back favorably without amendment the joint resolution (S. J. Res. 208) to grant citizenship to Joseph Beech, and I submit a report (No. 1037) thereon. The report accompanying the joint resolution will explain the matter, if the Senate desires to have it read. The College of Bishops of the Methodist Church North indorsed this joint resolution and the committee unanimously indorsed it. I ask for unanimous consent for the immediate consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read as follows;

Whereas Joseph Beech has constantly been under the jurisdiction of the United States since the age of 4 years; and Whereas the said Joseph Beech is not entitled to immediate naturaliza-tion under any existing statute; and Whereas the said Joseph Beech is not a citizen of any other Govern-ment: Therefore be it

Resolved, etc., That Joseph Beech be, and he is hereby, unconditionally admitted to the character and privileges of a citizen of the United

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agree to.

MARGUERITE MATHILDE SLIDELL D'ERLANGER.

Mr. SMITH of South Carolina. From the Committee on Immigration, I report back favorably, without amendment, the bill (S. 8075) for the relief of Marguerite Mathilde Slidell d'Erlanger, and I submit a report (No. 1036) thereon. I unanimous consent for the present consideration of this bill.

Mr. SMOOT. Will the Senator explain the object of the bill?
Mr. SMITH of South Carolina. There is an explanation ettached to the bill which explains it better than I can, and the committee unanimously adopted it. The Senator from Massachusetts [Mr. Lodge] has some knowledge of the beneficiary, and upon the testimony it was unanimously adopted by the committee.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as fol-

Be it enocted, etc., That Marguerite Mathilde Slidell d'Erlanger be, and she is hereby, on her own application, unconditionally readmitted to the character and privileges of a citizen of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JUDICIAL DISTRICTS IN OKLAHOMA.

Mr. FLETCHER. From the Committee on the Judiciary, I report back favorably without amendment the bill (H. R. 14471) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary." This seems to be a matter that pertains peculiarly to Oklahoma, is of a local character, and I think I am justified in asking for the immediate consideration of the bill.

The bill simply provides that certain counties in that State shall be put into the eastern district and certain counties into

the western district, the same as the law stood, but since the original act was passed dividing the State into two judicial districts and specifying the counties there has been some change in county lines. They simply want the counties as they stood July 1, 1916, to be in the district as specified in the original section and in this bill.

I understand there is no objection to the bill. It passed the House when reported from the Judiciary Committee there, is unanimously reported by the committee of the Senate this morning, and there is some desire to have it acted upon at this I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDITIONAL JUDGE IN MISSISSIPPI.

Mr. SHIELDS. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 457) to provide for the appointment of a district judge in the northern and southern judicial districts in the State of Mississippi, and for other purposes. I desire to call the attention of the senior Senator from Mississippi [Mr. WILLIAMS] to it.

Mr. WILLIAMS. That is a bill which is demanded by all the bar and business interests of the State of Mississippi, and ask for its immediate consideration.

There being no objection, the bill was considered as in Com-

mittee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CINCINNATI SOUTHERN RAILROAD.

Mr. POMERENE. From the Committee on Interstate Commerce, to which was referred the bill (H. R. 455) to define the rights and privileges of the trustees of municipally owned interstate railways and construing the act to regulate commerce with reference thereto, I report it back favorably with an amendment and I submit a report (No. 1034) thereon. It is a local bill. Mr. President, just a word in explanation.

Mr. WARREN. I do not wish to object to the consideration

of this bill, but we have other morning business that it is necessary to transact, and I hope there will be a cessation of the demand for bills to be passed that are reported from committees after the consideration of this one and until we can complete the morning business.

Mr. POMERENE. With the exception of this one?

Mr. WARREN. I do not object to the consideration of this bill,

Mr. SMOOT. Let the bill be read. The VICE PRESIDENT. The Secretary will read the bill.

The Secretary. Reported favorably with an amendment—Mr. POMERENE. I was going to state what the amend-

The city of Cincinnati owns the Cincinnati Southern Railroad running from Cincinnati to Chattanooga. This road was leased by the city of Cincinnati to the Cincinnati, New Orleans & Texas Pacific Railway Co. in 1881 and one of the terms of the lease requires the lessee to furnish free transportation to the officers of the city and of the company while inspecting the line of the road. The lessee honored this provision of the law and gave passes continuously until the year 1912, when the Interstate Commerce Commission held that under the interstate commerce act they could not allow the use of free passes, even for inspection.

The House passed a bill granting that permission, notwithstanding the provisions of the interstate-commerce act, and the Senate committee amends it by adding the following proviso:

Provided, That the free transportation referred to shall be furnished only when persons entitled thereto are traveling on the business of the

Mr. SMOOT. May I ask the Senator from Ohio if the bill has been referred to the Senate Committee on Interstate Com-

Mr. POMERENE. Oh, yes; and the Interstate Commerce Committee has a letter from the commission stating that they will not object to it with this proviso limiting the passes wholly to the official business

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Com-

mittee of the Whole.

The VICE PRESIDENT. The amendment of the committee will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following proviso:

Provided, That the free transportation referred to shall be furnished only when persons entitled thereto are traveling on the business of the

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

INDIAN APPROPRIATIONS—CONFERENCE REPORT.

Mr. ASHURST. Mr. President, I give notice that in a few minutes-I shall say within 10 minutes-I shall ask the Senate to consider for a few moments the conference report on the Indian appropriation bill. The conferees have been unable to agree on four amendments, and the conferees on the part of the Senate would like to have some instruction and some expression from the Senate. It will take but a few moments. conclusion of the morning business I shall seek the floor for the purpose of making that motion.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows

By Mr. BRYAN:

A bill (S. 8218) to establish the eastern and western judicial districts in the State of Florida, and for other purposes; to the Committee on the Judiciary.

By Mr. SHEPPARD:

A bill (S. 8219) to establish a branch Federal land bank in west Texas; to the Committee on Banking and Currency.

By Mr. PITTMAN:

A bill (S. 8220) granting a pension to James Golden; to the Committee on Pensions. By Mr. WARREN:

A bill (S. 8221) to make further provision for the organiza-tion of native troops in the Philippine Islands (with accom-panying papers); to the Committee on Military Affairs. By Mr. HARDING:

A bill (S. 8222) to amend an act to incorporate the National McKinley Birthplace Memorial Association, approved March 4, 1911; to the Committee on the Judiciary.

By Mr. CATRON:
A bill (S. 8223) granting an increase of pension to Alcaria Bowles; to the Committee on Pensions.
By Mr. POINDEXTER:

A bill (S. 8224) granting an increase of pension to Charles E. Wilcox (with accompanying papers); to the Committee on Pensions.

A bill (S. 8225) granting a pension to Mary D. Jenness (with accompanying papers); to the Committee on Pensions.

By Mr. HUSTING:

A bill (S. 8226) to establish a fog signal at the Port Washing-

ton Pierhead Light Station, Wis.; and
A bill (S. 8227) granting the consent of Congress to the city of Fort Atkinson, in Jefferson County, Wis., for the construction of a bridge across the Rock River; to the Committee on Com-

By Mr. KIRBY: A bill (S. 8228) authorizing the commissioners of the Red River bridge district to construct a bridge across the Red River at or near Index, Tex.; to the Committee on Commerce.

By Mr. MYERS

A bill (S. 8229) granting a pension to John R. Rodgers; to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 8230) granting a pension to Ella Mearns (with accompanying papers); to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 8231) granting a pension to Elizabeth Roberts; to the Committee on Pensions.

By Mr. LEA of Tennessee:

A bill (S. 8232) granting a pension to John F. Leker

A bill (S. 8233) granting an increase of pension to William R. Brummett;

A bill (S. 8234) granting a pension to August Kaufman; and A bill (S. 8235) granting an increase of pension to William H. Hart (with accompanying papers); to the Committee on Pen-

ARMED MERCHANT VESSELS.

Mr. LA FOLLETTE. I introduce a joint resolution. I ask to have it read and to go over and lie on the table, to be called up later for action by the Senate.

The joint resolution (S. J. Res. 211) making it unlawful for armed merchant vessels of the United States in time of peace to depart ports of the United States for foreign countries was read the first time by its title and the second time at length and ordered to lie on the table, as follows:

Resolved, etc., That it shall be unlawful at a time when the United States is not at war for any armed merchant vessel of the United States to depart a port of the United States or any of its territories or possession for a port of any other country, its colonies, or possessions.

REPORT ON PRISON SHIPS.

Mr. LODGE submitted the following resolution (S. Res. 355), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be, and he hereby is, directed to transmit to the Senate any reports on prison ships made to the department since January I, 1914.

HEARINGS BEFORE THE COMMITTEE ON PATENTS.

Mr. JAMES submitted the following resolution (S. Res. 356). which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Patents, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fourth Congress, to send for persons, books, and papers; to administer oaths, and to employ a stenographer, at a cost not exceeding \$1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

VITAL CONSERVATION ASSOCIATION.

Mr. CLAPP. Mr. President, I have a list of papers which I desire to have printed as a public document for the Vital Conservation Association of America. I ask that it be referred to the Committee on Printing.

The VICE PRESIDENT. The matter will be referred to the Committee on Printing.

SUSPENSION OF THE RULES.

Mr. BRYAN. Mr. President, I desire to submit a parliamentary question to the Chair. On Saturday I gave notice of a motion to suspend the rules in order that I might offer some amendments to the Post Office appropriation bill to-day. Is it necessary that the motion shall be called up during the morning hour, or will it be in order when the bill is taken up? My recollecton is that the Chair has held that it is not necessary to call it up during the morning hour. I do not want to foreclose myself by any decision of the Chair from the opportunity of presenting the amendment I have offered.

The VICE PRESIDENT. Not taking the time to review any

of the precedents, the Chair is of opinion that when the bill is up, notice having been given, the motion may be made to suspend the rules and a vote be taken. Mr. BRYAN. Very well.

NIGHT SESSION FOR THE CALENDAR.

Mr. MYERS. Mr. President, there have been a number of bills passed by request for immediate consideration this morning, and there are a number of bills on the calendar just as important and urgent. I ask unanimous consent that the Senate held a session at 8 o'clock this evening and that the calendar be called under Rule VIII for unobjected bills.

Mr. SMOOT. I shall ask the Senator to modify his request

so that if we hold a night session we shall begin at the place we left off the last time the calendar was under consideration.

Mr. MYERS. How far down on the calendar was that?

Mr. SMOOT. Nearly at the end.
Mr. MYERS. Well, let us begin there, and when we get
through with the calendar begin and go over it again.

Mr. SMOOT. I am perfectly willing that that should be done, The VICE PRESIDENT. The Senator from Montana asks unanimous consent that at 8 o'clock to-night a session of the Senate shall be held for the purpose of considering unobjected bills on the calendar, beginning at Order of Business 885 and thence through the calendar; and, if time be left after that, beginning again at the commencement of the calendar. Is there objection?

Mr. HITCHCOCK. Is that for to-night?

The VICE PRESIDENT. For to-night. It is so ordered, there being no objection.

INDIAN APPROPRIATIONS-CONFERENCE REPORT.

Mr. ASHURST. I now renew my request for unanimous consent that the Senate consider the conference report on the Indian appropriation bill.

The VICE PRESIDENT. Is there objection?

Mr. NEWLANDS. I will ask the Senator from Arizona whether that can not come up after 2 o'clock. There are a number of matters that can be considered during the morning hour. Among others, I wish to present as a part of the proposed railway legislation the bill increasing the Interstate Commerce Commission, which I think will pass almost without discussion.

Mr. OVERMAN. Has the morning business been closed? The VICE PRESIDENT. It has not yet. Under the rule, one hour of the two hours allotted to morning business having passed, the Senator from Arizona has a perfect right to ask unanimous consent to proceed to the consideration of the conference report.

Mr. NEWLANDS. I object.
Mr. ASHURST. The objection, of course, means that the whole morning hour will be consumed, as nothing else will be considered until the morning hour shall expire, because I shall object to anything else and shall see that nothing else is done. What is the use of wasting 45 minutes? I move that the Senate proceed to the consideration of the conference report.

Mr. OVERMAN. How long will it take? Mr. ASHURST. About 10 minutes; it m About 10 minutes; it may be only 5.

The VICE PRESIDENT. The question is on the motion of the Senator from Arizona.

The motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918.

Mr. CURTIS. Mr. President, I desire to make a point of order against the conference report. I think when this point is brought to the attention of the chairman he will probably agree that it is well taken.

My point of order is against the proviso added to amendment 85. Amendment 85 of the Senate reads as follows:

Hereafter no allotments shall be made to members of the Creek Nation without specific authority of Congress.

The conferee

The VICE PRESIDENT. The Chair is unable to hear the Senator from Kansas, and as he is about to submit a point of order the Chair would like to hear it before ruling.

Mr. CURTIS. Let me read it again. The Senate placed in the bill the following amendment, which is numbered 85:

Hereafter no allotments shall be made to members of the Creek Nation without specific authority of Congress.

The conferees agreed upon the amendment, with a proviso which was not considered in the Senate, was not considered in the House, and would have been subject to a point of order had it been placed in the bill by either the House or the Senate committee. It is as follows:

Provided, That the Secretary of the Interior is hereby authorized to pay each and every duly enrolled citizen of the Creek Nation who has not been allotted lands in said nation and who is not included in Senate Document No. 478. Sixty-third Congress, second session, the sum of \$1,040 in lieu of an allotment of land in said nation. Said sum of \$1,040 to be paid to each and every person out of the funds in the Treasury of the United States to the credit of the Muskogee Creek Nation.

I think as soon as a statement of what this really means is made the chairman of the committee will concede that the point is well taken, and that the conference report should go back.

This is not the first time that this question has been before Congress. It has been defeated a number of times. If this amendment is agreed to, it may involve a claim against the Government of nearly \$3,000,000. It was not considered by the Senate committee or by the House committee and was put in by the conferees. It is clearly subject to a point of order. I know under the rule it must be submitted to the Senate.

However, I want to state to the President of the Senate that I think he would be justified under the rule in passing directly upon a question of this kind where new matter has been put into the bill.

Mr. ASHURST and Mr. OVERMAN addressed the Chair.
Mr. OVERMAN. Will the Senator yield to me?
Mr. CURTIS. I will yield to the chairman of the committee

Mr. ASHURST. What the Senator from Kansas says is absolutely true, and that was one of the reasons why the conferees on the part of the Senate asked for a few moments to consider the report and to have the Senate instruct us. the same view as to the proposed legislation that the Senator from Kansas has. I deem it very doubtful if the conferees can ever agree on the bill, and I am willing to have the expression of the Senate made now as to whether that legislation should be Mr. THOMAS. I should like to ask the chairman of the committee whether the conferees on the part of the Senate agreed to the insertion of this new matter?

Mr. ASHURST. Yes, sir. Mr. THOMAS. That is somewhat surprising in view of the statement of the Senator from Kansas [Mr. Curtis].

Mr. ASHURST. Mr. President, that is not the only surprise.

There are many others.

Mr. THOMAS. I have no knowldge of the subject except as it has been outlined by the Senator from Kansas; but I assume that his statement is true; and, if true, I can speak for one Senator when I say that no such conference report will be accepted by this body if I can help it.

Mr. ASHURST. I agree with the Senator. Mr. OVERMAN. May I ask the Senator from Arizona a question?

Mr. ASHURST. Certainly. Mr. OVERMAN. Do I understand that the matter which was inserted was not considered either by the Senate or by the House?

Mr. ASHURST. It was not considered, in my judgment, by either the Senate or the House.

Mr. CURTIS. It was not even considered by the committee.

Mr. ASHURST. I doubt if it was considered even by the conference committee.

Mr. MYERS. Mr. President, will the Senator from Arizona yield to me a moment?

Mr. ASHURST. Yes.

Mr. MYERS. I am surprised at the objection of the Senator from Colorado [Mr. Thomas] to new matter being put into this report, for only a few weeks ago the Senator from Colorado submitted to this body a report of the committee of conference on the 640-acre homestead bill, which he admitted was full of and overflowing with matter that had never been passed by either branch of Congres

Mr. THOMAS. I expressly stated on that occasion, Mr. President, that we had exceeded our authority and that we would not insist upon the proposed legislation if there was a single objection; but the difference between that situation and this-

Mr. ASHURST. If the Senator will yield to me, I desire to y that, of course, the Senate conferees grossly—I may say say that, of course, the Senate conferees grosslyworse than grossly, for I want to make it as emphatic as I canexceeded their authority in incorporating this language in the bill. That is the very reason I asked this morning that the Senate should devote a few moments to the consideration of the

conference report.

Mr. THOMAS. Will the Senator permit me to make a statement in connection with the criticism of the Senator from Montana [Mr. MYERS]?

Mr. ASHURST. Yes. Mr. THOMAS. I wish to say, in regard to the 640-acre homestead bill, to which that Senator referred, that it was a bill which was designed to confer a great benefit upon a great many citizens. I read this morning a statement in the Rocky Mountain News that 1,766,000 acres of the public domain have been homesteaded by men and women in my own State, by citizens of my State, since the enactment of that measure. We did exceed our authority, and we came here and confessed it; but here is another assumption of authority which, according to the assertion of the Senator from Kansas, does not seek to confer a benefit upon any except a few Indians, and that at the expense of the United States Treasury to the extent of \$3,000,000.

Mr. ASHURST. Mr. President, I agree entirely with the Senator from Colorado.

There are four amendments, to wit, amendment numbered 48, being an amendment relating to a Minnesota item, the differences which I think can be composed later; amendment numbered 80, being the per capita payment to the Choctaws and Chickasaws; amendment numbered 95, being an amendment providing for schools in South Dakota; and amendment numbered 111, being the amendment proposed by the Senator from Kansas [Mr. Curtis], which is a rescript of the Smoot amendment respecting the horizontal rates of the compensation of certain Government employees. As to those four amendments the conferees have been unable to agree, and they wish to have an expression of the Senate thereon.

Mr. STONE. Mr. President, may I ask the Senator from Arizona who are the conferees on the part of the Senate?

Mr. ASHURST. The Senator from Montana [Mr. Myers], the Senator from Minnesota [Mr. CLAPP], and myself.
Mr. STONE. Did the majority of the Senate conferees agree

to this action?

Mr. ASHURST. We have made a partial report. We agreed on 108 amendments but disagreed on 4 amendments. The re-

port of progress or the partial agreement is agreed to by all the conferees on the part of the other House and all those on the part of the Senate.

Mr. CLAPP. Mr. President, will the Senator from Arizona yield to me a moment?

Mr. ASHURST. Certainly.

Mr. CLAPP. I think if the status of the matter were exactly stated to the Senate it would make it very much clearer. conferees reached a point where there had to be reported back a disagreement upon three quite vital and important items. Of course, the amendment referred to by the Senator from Kansas [Mr. Curtis] was in excess of the authority of the conferees, and it would not have been considered for one moment had the conferees been able to have reached a final agreement upon the bill; but, inasmuch as they had to report a disagreement to the Senate, it was thought well enough to bring this matter in in order that the Senate might voice its views upon it, and then that the Senate conferees would be in a position to deal with it accordingly when the conference report went back, as it must go back.

Mr. ASHURST. Mr. President, that is a very clear statement, and I thank the Senator from Minnesota.

Mr. REED. Mr. President, I should like to ask the chairman of the committee what has been done with the difference between the House and the Senate with reference to the distribu-

tion of the per capita payments?

Mr. ASHURST. I wish to say to the Senator from Missouri that amendment No. 80 is the amendment relating to the per capita payments. The Senate conferees, obeying the action of the Senate, have not receded from that amendment. We have come back asking for instructions as to what we shall do, or as to whether other conferees shall be chosen in our stead. We have asked for instructions with regard to No. 80 and the other amendments in disagreement.

Mr. STONE. The House has adhered to the House language and the Senate conferees have adhered to the Senate language? Mr. ASHURST. The House conferees are adhering to the

House text and the Senate conferees are adhering to the amendment adopted by the Senate striking out the per capita pay-

Mr. WILLIAMS. Mr. President, I wish to express the hope that the Senate conferees will never agree to the provisions of the House bill in connection with this allotment unless the House conferees agree to the amendments that were offered by me, but that were not considered by the Senate committee, because they preferred at this short session to disagree with the House provision and let the whole matter go over to the next session. If those gentlemen over there had rather see the Indian appropriation bill fail than not to forego their determination to cut out all possible future chance to do anything even resembling justice for the Mississippi Choctaws, then it is better for the cause of justice and better for the country that the Indian appropriations of this year should fail-the whole bill-and I wish to express as emphatically as I can my own position and my desire to strengthen the hands of the Senate conferees in the position which they have taken. It is admitted that if this allotment is made there is nothing left upon which the claims of right, as I think, of the Mississippi Choctaws can operate.

Mr. JONES. Mr. President-

Mr. ASHURST. I yield to the Senator from Washington.

Mr. JONES. As I understand, if this point of order is sustained, the conference report is rejected; that the whole matter then goes back to conference; and that all the amendments put

on the bill in the Senate will be open to consideration.

I note that in the conference report as submitted the Senate conferees have receded from amendment numbered 100, increasing the \$200,000 appropriation made in the House for the irrigation of the Yakima Indian Reservation to \$300,000. I understand that the House conferees based their opposition to this increase largely on the statement in the commissioner's report that there was about \$195,000 available to carry on this work from last year's appropriation. That appropriation did not become effective until the 1st of July of last year, and the commissioner's report shows the expenditure up to a very short time after that. In talking with the commissioner's office I find that there is not on hand now more than \$40,000 of the \$195,000 referred to in the commissioner's testimony, and that before the 1st of July of this year all of that money will be expended. So that, as a matter of fact, there is no money available of the appropriation for the current year that will be left on the 1st of July. I am in hope that that state of affairs will be taken into account by the conferees when they go back to confer on this bill and that, if possible, they will have the amendment of the Senate accepted.

In that connection I want to say a word more, and then I will be glad to hear from the Senator from Arizona. The local officers estimated and recommended \$500,000 to carry work, and the department sent in an estimate of \$400,000. In order to carry on this work economically, and in order to bring about the best results and the highest benefit to the Indians, we ought to make as liberal appropriations as possible, because the chances are that they will have to suspend work even before the 1st of July; that the money they have on hand will not keep the work going until that time; that the \$200,000 appropriation will not keep the work going on next year; and that we will simply waste a large part of the funds we have appropriated.

Mr. ASHURST. Mr. President, I trust I am not violating

any of the proprieties when I say to the Senate that the Senate conferees are in sympathy with the views of the Senator from Washington, and, if at all within the domain of possibility, we will try to secure a recession on the part of the House con-

ferees respecting that provision.

I am glad to hear that from the Senator. Mr. JONES. course, I know the Senator has taken as good care of this bill under the circumstances as was possible. I also recognize the large appropriations which are being made, and I am willing to cooperate in every way possible to keep them down to the lowest possible limit consistent with efficiency and economy in the Government service. This is a case, however, where I think to eliminate the Senate provision would actually result in waste and more extravagant appropriations in the future. So I hope that the Senator, in case the bill goes back to conference, will be able to secure the retention of the Senate amendment.

Mr. CURTIS, Mr. WILLIAMS, and Mr. SMOOT addressed the

Chair.

The VICE PRESIDENT. The Senator from Arizona is entitled to the floor.

Mr. ASHURST. I yield to the Senator from Kansas.

Mr. CURTIS. I will complete my statement a little later.

Mr. ASHURST. Then, I will yield the floor.

Mr. WILLIAMS. Mr. President-

The VICE PRESIDENT. The Senator from Mississippi.

Mr. WILLIAMS. I move that the Senate instruct the Senate conferees to adhere to the position which they have taken with regard to the four differences the Senator from Arizona has mentioned, and that the Senate conferees do not recede from the Senate amendments still in disagreement.

Mr. CURTIS. The point of order is pending?

The VICE PRESIDENT. It is, and the Presiding Officer was about to say something in regard to the point of order.

Mr. CURTIS. Before the President proceeds, may I be per-

mitted to read from a document entitled "Conference Reports,"

the ground upon which I make the point of order?

Mr. WILLIAMS. Mr. President, if the Senator will pardon me just a moment, I wish to modify the motion I made. I want to move that the Senate conferees be instructed to adhere to Senate amendment numbered 80. When I was on my feet before I did not know the number of the amendment.

Mr. CURTIS. In this document, which was presented to the Senate a number of years ago in compliance with a resolution presented by the then Senator from Massachusetts, Mr. Hoar, we find that the following was laid down as the law and practice with regard to conferences and conference reports:

29. Conferees may not include in their report matters not committed to them by either House.

Mr. GALLINGER. From what does the Senator read?

Mr. CURTIS. From Mr. Allison's report. It is a compilation prepared by Mr. Cleaves.

Mr. GALLINGER. I remember it. The VICE PRESIDENT. The Chair has been observing these conference reports for four years, and it is not an unfair statement to say that quite a good deal of the important legislation of the Congress of the United States is transacted in the conference committees, and not in the Senate and the House of Representatives of the United States. The Chair understands the rule to be that the conferees have no right in conference to insert in the report which they make or in the agreement into which they enter anything except matters which were in dis-pute between the two Houses. Nevertheless, it is constantly pute between the two Houses. being done by conference committees. It has, however, been the settled rule of the Senate that a point of order could not be made to a conference report, the sole question being whether the report shall be concurred in or whether it shall be rejected and sent

back to conference again, with or without instructions.

Mr. CURTIS. Mr. President, may I interrupt right there to say that I think the President of the Senate has misstated the practice? The practice has been to submit the question of order to the Senate when the point of order was made, for the Senate | the opinion of the Senate upon that practice.

to pass on it. I quote again from the document to which I have referred:

In the Senate, in case such matter is included, the custom is to submit the question of order to the Senate.

The VICE PRESIDENT. Is that a precedent of the Senate? Mr. CURTIS. It is.

The VICE PRESIDENT. Where will it be found?

Mr. CURTIS. It will be found in the document from which I have been reading, on page 16, referring to two decisions, one in the Fifty-fifth Congress, first session, and the other in the Fifty-sixth Congress, second session. The document, as I have said, is a report made by Senator Allison on a resolution offered by Senator Hoar. For the benefit of the Chair, I will send the document to the desk

Mr. ASHURST. Mr. President, if the Senator will yield to me, so far as I have any authority, I am willing to say to the Senate that, if the point of order can not be sustained, the Senate conferees will adhere and decline to concur in the amend-

ment suggested to amendment numbered 85.

The VICE PRESIDENT. The Chair thinks the Senator from Kansas has misconstrued the language of this report. The note is as follows:

In the Fifty-fifth Congress, first session, Vice President Hobart, in overruling a point of order made on this ground against a conference report-

That was the insertion of matter not in conference-

during its reading in the Senate, stated that the report having been adopted by one House and being now submitted for discussion and decision in the form of concurrence or disagreement, it is not in the province of the Chair during the progress of its presentation to decide that matter has been inserted which is new or not relevant, but that such questions should go before the Senate when it comes to vote on the adoption or rejection of the report.

Then in the Fifty-sixth Congress, second session-

The Presiding Officer (Mr. Lodgs in the chair) referred with approval to the foregoing decision of Vice President Hobart, and stated that when a point of order is made on a conference report on the ground that new matter has been inserted, the Chair should submit the question to the Senate instead of deciding it himself, as has been the custom in the House. No formal ruling was made in this case, however, as the conference report, after debate, was by unanimous consent rejected.

Mr. CURTIS. Will the Vice President kindly read the large print at the head of the note?

The VICE PRESIDENT. Yes. It is as follows:

Conferees may not include in their report matters not committed to them by either House.

In the House, in case such matter is included, the conference report may be ruled out on a point of order.

In the Senate, in case such matter is included, the custom is to submit the question of order to the Senate.

Mr. CURTIS. That is what I base my opinion upon. The VICE PRESIDENT. But the note does not carry it out. Vice President Hobart did not decide the point of order, but it went to the Senate, and I think he said that the Senate settles it by either agreeing or disagreeing to the conference report. Senator Lodge, when he occupied the chair, did, however, say that he thought the point of order should be decided by the Senate, but it was not ruled upon, the Senate having rejected the conference report.
Mr. CURTIS. Then, Mr. President, I move that the con-

ference report be rejected.

Mr. GALLINGER. Mr. President, just a word. I have always thought that our rules ought to provide that a point of order would lie against a conference report in which any new matter was inserted; but it is not the rule of the Senate. I am quite sure that Vice President Hobart's ruling was absolutely correct, that in the absence of a rule of that kind the fact that new matter was inserted could only be used in determining the attitude of each Senator as to whether or not a conference report should be accepted or rejected. I am not in the chair, but if the question should be submitted to me under those circumstances I would agree with the position that the Vice President takes in the matter.

Mr. ASHURST. Mr. President-

The VICE PRESIDENT. The Chair had not quite finished what the Chair has felt it a duty to say.

This is not a full and complete conference report. report be disagreed to, as it has been reported, the question can then go back to conference, either with or without instructions on the part of the Senate. The Chair believes, however, that at some time, if the insertion of new matter does not stop, it will be the duty of a Presiding Officer to sustain a point of order; and although it is opposed to all the precedents of the United States Senate the Chair proposes to reserve the right at some time in the future to sustain the point of order and test

Mr. OVERMAN. Mr. President, would not the Vice President submit that as a question of order to the Senate? That is fre-

The VICE PRESIDENT. Yes; the Vice President could do that; but in view of the condition of this particular case, and in view of the fact that the Chair believes he is ruling in accordance with the precedents, he is now overruling the point of order of the Senator from Kansas.

Mr. CURTIS. Then, Mr. President, I move that the Senate

reject the conference report.

Mr. GRONNA. Before that is voted on, may I make a short

The VICE PRESIDENT. The question will be simply on agreeing to the report; and if disagreed to it would go back.

Mr. ASHURST. I earnestly hope that the motion of the Sen-

ator from Kansas will be agreed to.

The VICE PRESIDENT. There is a motion pending by the Senator from Mississippi [Mr. WILLIAMS] that the conferees be

instructed to adhere to Senate amendment No. 80.

Mr. JONES. I make the point of order against that motion that it is not in order at this time, until action is taken upon the adoption or rejection of the conference report. If the conference report is rejected, then it can be sent back with instructions, as proposed by the Senator from Mississippi; but until action is taken on the conference report, it seems to me, a motion to instruct is not in order.

The VICE PRESIDENT. The point of order is overruled. The Chair is clearly of the opinion that the Senate has a right at any time to instruct its conferees to adhere to any amendment. It may be done in the first instance when the conferees

are appointed.

Mr. JONES. This is one of the amendments that are in dis-

agreement, is it?

The VICE PRESIDENT. It is.

Then, of course, that can be done. Mr. JONES.

Mr. President, a parliamentary inquiry. motion of the Senator from Mississippi, as I understand it, is that the conferees be instructed to adhere to amendment No. 80. That, of course, if carried out, makes for a disagreement. Would a motion as a substitute that the Senate instruct the conferees to recede from amendment No. 80 have precedence?

The VICE PRESIDENT. Anything that tends to bring the two Houses into agreement would certainly have precedence

Mr. REED. Then, Mr. President, I move as a substitute that the Senate conferees be directed to recede from Senate amendment No. 80.

Mr. President, it seems to me that quite time enough has been spent in the effort to coerce Congress into the payment of a lot of money to Mississippi Choctaw Indians, or alleged Indians, who many years ago separated themselves from their tribe. The proposition we now have is that the entire appropriation bill shall be tied up for the benefit of a few people claiming to have Indian blood who have for many years resided in the State of Mississippi, who have not for many years-I think nearly a half century-affiliated with their tribe; who were once given an abundant opportunity to come into the tribe and to receive their allotment.

We are going too far when we tie up the entire Indian appropriation bill for such a reason. If these Mississippi Choctaws appear to have equities hereafter, the equities can be taken care This session is nearing its close. It ought not to be closed with a great appropriation bill tied up for any such purpose or reason. I think the Senate conferees ought to agree to recede from amendment No. 80, and that the other difficulties with

which they are confronted ought to be composed.

Mr. WILLIAMS. Mr. President, I am very sorry that the Senator from Missouri should appear to have informed himself so ill concerning a matter which he says has taken a sufficiency public time and attention." There is not, and there never has been, any attempt to "coerce," as he calls it, any "payment" of any description to the Mississippi Choctaws. There has been an attempt to secure a consideration of their claims before exhausting all of the money out of which their claims, if just, could be paid.

The Senator says that there has been "abundant opportunity for them. Congress itself acted, and empowered the Dawes Commission to enroll the Mississippi Choctaws, to place the names of those who were bona fide Choctaws upon the roll, and that presupposes the admission of the right to be there. Dawes Commission sent a subcommission down to Mississippi, and they actually did enroll them, after looking at them and seeing that they were Indians, concerning which there can be no mistake, and if Indians and living in Mississippi, then Choctaws.

The Senator says we are doing this as an attempt to get some-thing done for "alleged Indians." If the Senator had done me

the honor even to read the amendment that I have offered, that went to the committee, where the consideration of it was delayed because of this agreement in the committee to pass the whole matter over until next session, which led to the Senate committee's not adopting the House provision, he would have seen that the amendment contemplates nobody except those who were actually enrolled by the Dawes Commission under the authority of Congress, and such full-blood Mississippi Choctaws as were never enrolled.

Mr. President, a full-blood Indian in the State of Mississippi is bound to be a Choctaw. He could not be anything else, unless he was an Indian who had moved into the State from somewhere else, and we have had no Indian immigration. other three tribes went to the territorial reserve west of the river. The Pascagoulas and the Chickasaws and Natchez all went to the west of the river; but in the Dancing Rabbit treaty special provisions were made with regard to such of the Choctaws as chose to remain in Mississippi, and it is under the provisions of that treaty that this claim has been made.

It has been contended that that treaty has been set aside to a large extent. How? Not by any agreement of the Choctaws remaining in Mississippi, but by several agreements entered into between the United States and the Choctaws out in Oklahoma. To state the contention is to demonstrate its inequity and moral

obliquity.

The Senate has had this matter before it, and the Senate has twice, on a full yea-and-nay vote, agreed with the contention I am making, and now the will of the Senate is about to be thwarted by having distributed every dollar of this fund out of which any claim of these people could be satisfied. All I ask is that that shall not be done until some provision has been made to erect a tribunal, or some provision otherwise has been made to give these people an opportunity and to furnish them with a possibility of being paid.

Mr. REED. Mr. President— Mr. ASHURST. Mr. President, will the Senator yield to me for just a moment? Of course, at the hour of 1 o'clock the unfinished business will be laid before the Senate and nothing will have been accomplished regarding this conference report unless we vote with respect to this report before 1 o'clock. Lest one of the statements made by the Senator from Mississippi might be misunderstood, I wish to say that, so far as the conferees on the part of the Senate are concerned, there is no danger of the Senate conferees receding on amendment No. 80 under this bill, because we feel ourselves absolutely bound by a previous vote of the Senate to adhere to amendment No. 80, unless the Senate should this morning reverse its action and instruct its conferees to recede.

Mr. GRONNA. Mr. President, may I ask the chairman of the committee a question? The Senate committee of conference has reported a disagreement on four amendments, as I understand.

Mr. ASHURST. That is true. Mr. GRONNA. And there are three of those amendments, I think, of very great importance.
Mr. ASHURST. Yes; that is true.

Mr. GRONNA. One of them is No. 80, but I want to say to the Senator that that is not the only amendment that is of great importance. There is No. 95, which is the school question; and I will say to the Senator that it will take some time before this bill passes this body unless that amendment is retained in the bill.

Mr. ASHURST. The Senator refers now to No. 95?
Mr. GRONNA. No. 95, also No. 111. I want to move to amend the motion of the Senator from Mississippi by making the instructions apply not only to No. 80 but also to No. 95 and No. 111.

Mr. REED. Mr. President, I simply want a moment.

The Senator from Mississippi [Mr. WILLIAMS] has a pleasant habit of telling other Senators that they are not informed or posted. He has indulged that habit this morning with reference to myself. He states that I have not even paid him the compliment of reading his remarks. Mr. President, I admit that is true.

Mr. WILLIAMS. I said my amendment, not my remarks.

Mr. REED. I have not given this matter as close study as perhaps the Senator from Mississippi has, but I have given the business of the Senate a reasonable degree of attention. I have heard a great deal of the discussion of this claim; and reached the very clear conclusion that the claims of the Mississippi Choctaws are of a most shadowy nature, and that without going to the extent of saying that they have no claims at all which are entitled to consideration at some time, I have reached the conclusion that it is unwise to hold up the entire

Indian appropriation bill in order to enforce this particular claim at this time.

Mr. WILLIAMS. It is not to enforce a claim; it is to enforce

some method of considering it.

Mr. REED. The amount of the matter-and I am now replying to the remark just made by the Senator from Mississippiis this: That if those who insist upon the claims of the Choctaw Indians being recognized at this time succeed, the probabilities are that the entire Indian appropriation bill will fail.

Mr. ASHURST. Mr. President, will the Senator kindly

yield to me for a moment? Mr. REED. Certainly.

Mr. ASHURST. I do not wish to interrupt the Senator's remarks, except to call attention to a situation. The morning hour will end within two or three minutes, and while this subject is very important, urgent measures of national importance will, of course, come up and displace this discussion, and it might be delayed for another week before I could get another opportunity to bring it up. I just wished to inquire if there is any possibility of having a decisive vote on the question before the hour of 1 o'clock? I do not wish in any way to foreclose what the Senator has to say, but wish, if I can-

Mr. REED. I understand the Senator's position. The anxiety

of the Senator is very natural.

Mr. VARDAMAN. Mr. President, will the Senator permit me to make a suggestion?

Mr. REED. Certainly. Mr. VARDAMAN. It will take only a few minutes to pass it

after the morning hour expires.

Mr. ASHURST. I think that certain Senators who have the right to do so will move to proceed to the consideration of bills that are of extreme, urgent national importance, and while this bill is also very important, I am afraid it will be displaced. That is what I mean, Mr. President.

Mr. REED. That is a very polite way of asking me to yield

the floor.

Mr. ASHURST. No; I do not mean that at all.

Mr. REED. And I shall yield it in a moment, because I am not going to delay this matter for the sake of talking. this-that I think we have reached a point where this claim has been pressed as far as it ought to be pressed at this time and that the Indian appropriation bill ought not to be killed for the sake of this one claim.

Mr. VARDAMAN. Mr. President, will the Senator yield for a

question?

Mr. REED. I am going to yield the floor, but, of course, I

will answer any question.

Mr. VARDAMAN. It is not a question so much as a sugges-The rights of the Mississippi Choctaws tion to the Senator. heretofore have been defeated by the influence that is delaying the agreement of the conference committee. It is the influence of the Oklahoma Choctaws and their representatives. The Oklahoma Choctaws are endeavoring to grab all the money and to leave nothing for the Mississippi Choctaws. If the Senator understood that matter as we who are in actual contact with these people, know their condition, and see the effect of the horrible treatment they have received, I do not think the Senator would insist upon instructing the conferees on the part of the Senate to yield to the demands of the House conferees

Mr. REED. Mr. President, just one word. In what I have had to say about this matter this morning, I have largely been trying to express the feelings of the senior Senator from Oklahoma [Mr. Gore], who has been for several weeks confined to his room and bed and who is very ill. I know how anxious he is to have this allotment made, and it is for that reason, coupled with the fact that I am personally convinced that we ought not to tie up the entire appropriation bill, that I have ventured to insist that the conferees should recede on Senate amendment No. 80. If such action is taken, the distribution to the Choctaws will take place and the Mississippi Choctaws may hereafter press

their claims, if any they have.

Mr. ASHURST. I appreciate the Senator's situation, and without regard to the merits of the controversy, personally I am profoundly convinced that if amendment No. 80 were receded from the Senate would kill the bill. Of course, the whole is greater than the part, and in a short session I think Senators ought to be willing to give up any particular amendment or particular point when insisting on it may destroy the whole bill.

Mr. REED. May I ask the Senator, if it is insisted on will

it not likewise kill the bill?

Mr. ASHURST. Then the bill is between Scylla and Charyb-

The VICE PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The Secretary. A bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes.

Mr. ASHURST. I ask the Senator from Colorado kindly to

lay aside the unfinished business and let us have 15 or 20 minutes to dispose of this matter.

Mr. SHAFROTH. I am willing to yield, with the understanding that if it takes more than 20 minutes I can resume the consideration of the Porto Rican bill.

Mr. ASHURST. I will agree, as far as I can agree, that if it takes more than 20 minutes I will withdraw the matter.

Mr. SHAFROTH. I ask unanimous consent that the unfinished business be laid aside with that understanding.

The VICE PRESIDENT. The Senator from Colorado asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The question is on the motion of the Senator from Missouri [Mr. Reed] to recede from amendment No. 80.

Mr. THOMAS. Mr. President, I merely wish to say that possibly my comment with regard to the conference report was of such a character as that it might be misconstrued. The very lucid explanation of the committee's action by the Senator from Minnesota [Mr. Clapp] satisfies me that their action was all

that could be desired.

The VICE PRESIDENT. The question is on the motion of the Senator from Missouri [Mr. Reed].

The motion was not agreed to.
The VICE PRESIDENT. The question is on the motion offered by the Senator from North Dakota [Mr. GRONNA] to amend the motion of the Senator from Mississippi [Mr. WIL-LIAMS]

Mr. WILLIAMS. I accept the amendment to my motion of-

fered by the Senator from North Dakota.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi [Mr. Williams] as modified.

The motion as modified was agreed to.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. ASHURST. The conference report should be rejected.

The report was rejected.

Mr. SHAFROTH. I ask that the unfinished business be laid before the Senate.

Mr. CLAPP. Just a moment. I wish to suggest to the chairman that it occurs to me there must now be a motion made for a further conference and the appointment of conferees. wise the conferees would be without any authority to act.

Mr. ASHURST. I thank the Senator from Minnesota. I move that the Senate still further insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate at the further conference.

The motion was agreed to, and the Vice President appointed Mr. ASHURST, Mr. MYERS, and Mr. CLAPP conferees on the part of the Senate at the further conference.

ORDER OF BUSINESS.

Mr. OVERMAN. I move that the Senate proceed to the consideration of the bill (S. 8148) to define and punish espionage. In doing so I wish to state frankly that this will displace the Porto Rican bill, which is the unfinished business. This bill, as the Senate knows, is a very important measure urged by the President and by the Secretary of War. It has to go to the House of Representatives. The Porto Rican bill has already passed the House of Representatives, while this bill before it becomes a law will have to go to the House. I move that the Senate proceed to its consideration. I hope the Senator from Colorado will agree to temporarily lay aside the Porto Rican bill until we can dispose of this bill. Otherwise I shall insist on my motion.

Mr. SHAFROTH. How long will it take?

Mr. OVERMAN. I have no idea.

Mr. SHAFROTH. I can not consent, Mr. President. Porto Rican bill has been dragging along for seven or eight months. I have been begging and begging to get night sessions to consider it, and we are now about ready to come to a vote I do not think it will take over an hour.

Mr. SMITH of Georgia. We can finish it in an hour.

Mr. SHAFROTH. I think we can finish it in an hour.
Mr. OVERMAN. When the prohibition question comes up on
it I think it will take two or three days.
Mr. SHAFROTH. I think all parties are agreed on that.
Mr. OVERMAN. This bill is more important than any Porto

Rican bill, and I think the Senate ought to take it up. I am going to do my duty, and the Senate can do its duty. I insist on my motion, and I shall call for the yeas and nays.

Mr. KENYON. Mr. President, I suggest the absence of a

quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Martin, Va. Martine, N. J. Myers Nelson Newlands Oliver Ashurst Beckham Borah Gallinger Shafroth Sharroth Sheppard Sherman Shields Smith, Ga. Smoot Gronna Harding Hitchcock Catron Chamberlain Hollis Husting James Johnson, Me. Chilton Clapp Clark Smoot Stone Sutherland Thomas Tillman Townsend Vardaman Wadsworth Warren Weeks Williams Overman Page Phelan Pittman Colt Culberson Cummins Curtis Jones Kenyon Kern Lane Lea, Tenn. Lewis Poindexter Pomerene Ransdell du Pont Fall Fernald Fletcher Reed Robinson Lodge McCumber Saulsbury

Mr. TOWNSEND. I desire to state that my colleague [Mr. SMITH of Michigan] is absent from the city on important business, and that he is paired with the junior Senator from Missouri [Mr. Reed]. This announcement may stand for the day.

Mr. LEA of Tennessee. I wish to announce that the Senator from South Dakota [Mr. Johnson] is detained on official busi-

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. There is a quorum present. The pending question is the motion of the Senator from North Carolina to pro-ceed to the consideration of the bill (S. 8148) to define and punish espionage.

I think the Senator from North Carolina Mr. SHAFROTH.

is willing to withhold the motion for the present.

Mr. OVERMAN. I will withhold it for an hour. see if the Senator from Colorado can get the Porto Rican bill through in an hour.

Mr. SHAFROTH. I shall try to get it through in an hour, but, of course, it is better to give me an hour under any circumstances.

COUNTING OF ELECTORAL VOTES.

Mr. KERN. I submit a resolution, and ask that it be considered at this time.

The VICE PRESIDENT. The resolution will be read. The Secretary read the resolution (S. Res. 357), and it was

considered by unanimous consent and agreed to, as follows: Resolved, That at 10 minutes before 1 o'clock on Wednesday, February 14, 1917, the Senate proceed to the Hall of the House of Represenatives to take part in the count of the electoral vote for President and Vice President of the United States.

Mr. KERN. I desire to state that the senior Senator from Vermont [Mr. Dillingham], who has heretofore been appointed one of the tellers to count the vote, will be unable on account -he telephoned me this morning—to perform the duties, and he asked that some other Senator be appointed in his place. I will suggest that the Senator from Minnesota [Mr.

CLAPP], who is the next ranking member of the Committee on

Privileges and Elections, be appointed. The VICE PRESIDENT. The Senator from Vermont [Mr. DILLINGHAM] being unable to act as teller, the Chair appoints the Senator from Minnesota [Mr. CLAPP] in his stead.

GOVERNMENT OF PORTO RICO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes.

Mr. SHAFROTH. I notice in the reprint that has been made, on page 29, at the bottom of the page, there is the following clause prescribing in what words a resolution shall be worded:

Be it resolved by the Legislature of Porto Rico, except as hereinafter provided. Bills and joint resolutions may originate in either house.

I ask that the proper amendment be made there by inserting a period after the words "Porto Rico" and beginning the word "except" with a capital letter and the word "bills" with a small letter.

The PRESIDING OFFICER (Mr. LEA of Tennessee in the

chair). The Secretary will state the amendment.

The Secretary. On page 28, line 14, of the text we are amending, page 29 of the reprint, where it reads "Be it resolved by the Legislature of Porto Rico, except as herein provided. Bills and joint resolutions may originate in either house," insert a period after "Porto Rico," and make the clause read:

That the enacting clause of the laws shall be as to acts "Be it enacted by the Legislature of Porto Rico" and as to joint resolutions "Be it resolved by the Legislature of Porto Rico. Except as hereinafter provided, bills and joint resolutions may originate in either house."

The amendment was agreed to.

Mr. REED. I call the attention of the Senator from Colorado to the language on page 8, line 8, and ask him if he does not think it ought to be corrected? It reads "within one year of

the taking effect of this act." It ought to read "within one year after the taking effect," instead of as it is written.

Mr. SHAFROTH. I accept the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The Secretary. On page 7, line 13, where it reads, "of his decision to do so within one year of the taking effect of this act," after the words "one year" strike out "of" and insert "after."

The PRESIDING OFFICER. Without objection, the amendment will be agreed to

ment will be agreed to.

Mr. SHAFROTH. On page 42 of the text, after the word "allens," in line 18, I move to insert "and Porto Ricans," so that it will read:

In addition, said district court shall have jurisdiction for the naturalization of aliens and Porto Ricans.

Mr. SMOOT. Will the Senator state why he offers that amendment?

Mr. SHAFROTH. I have received a letter from the judge of the district court of Porto Rico, stating that there has been a Supreme Court decision that does not class Porto Ricans as aliens, and therefore he thinks it is necessary that these words should be put in in order to give him the power of naturalization. Here is his letter, a part of which I will read. It is from Judge Hamilton, of Porto Rico, judge of the district court of the United States. He says:

My attention has been called to what may be an unintentional omission in the proposed Porto Rican act. The section about this court gives it power to naturalize "allens," and a part struck out by lines seems to indicate that your intention is to give this court jurisdiction to naturalize such Porto Ricans as may disclaim American citizenship under the bill. If it is the intention to allow such Porto Ricans a locus penitentiae after the six months for disclaimer, it must be otherwise expressed. The case of Gonzalez v. Williams, 192 U. S., 1, declares that Porto Ricans are not aliens, and so giving this court jurisdiction of aliens only would not cover them. I am not advocating the matter one way or the other, but call your attention to the point.

The PRESIDING OFFICER. The amendment will be stated. The Secretary. On page 42, line 18, after the word "aliens," insert the words "and Porto Ricans."

The amendment was agreed to.

Mr. SHAFROTH. I have another amendment which I desire to offer, and I send it to the desk.

The PRESIDING OFFICER. The Secretary will state the

amendment.

The Secretary. On page 31, in an amendment already agreed to, strike out lines 23 to 25, inclusive, and on page 32, to strike out lines 1 to 5, inclusive, and insert in lieu thereof the fol-

Every bill shall be read at length, on three different days, in each house; all substantial amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill; and no bill shall become a law except by vote of a majority of all the members elected to each house, nor unless on its final passage the vote be taken by yeas and nays and the names of those voting be entered on the journal.

The PRESIDING OFFICER. Without objection, the amendment of the committee in this part of the bill will be reconsidered and the amendment to the amendment will be stated.

Mr. SMOOT. I wish the Secretary would read the lines pro-

posed to be stricken out and then read the amendment.

The Secretary. It is proposed to strike out the following words, beginning on page 31, line 23:

Every bill shall be read at length on three different days, in each house; all substantial amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill; and no bill shall become a law except by vote of a majority of all the members elected to each house, nor unless on its final passage the vote be taken by yeas and nays and the names of those voting be entered on the journal.

And to insert in lieu thereof:

Every bill shall be introduced, printed and, if passed, enrolled in the English language, and, if the governor shall approve the same, approved

English language, and, if the governor shall approve the same, approved in English.

Every bill may also be simultaneously introduced and printed in the Spanish language and the governor may also sign the Spanish bill if he approves of the same.

Every bill shall be read on three different days in each house. Both the second and third readings of the bill shall be at length in the English language and may also be at length in the Spanish language; all substantial amendments made thereto shall be printed in English, and may also be printed in Spanish for the use of the members before the final vote is taken on the bill; and no bill shall become a law except by vote of a majority of all the members elected to each house, or unless on its final passage the vote be taken by yeas and nays and the names of those voting be entered on the journal.

Proceedings of the legislature shall be in English, but speeches in Spanish may be interpreted into Spanish.

The PRESIDING OFFICER The question is on agreeing to

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to. The PRESIDING OFFICER. An amendment is pending at the end of the bill which was offered by the Senator from

Florida [Mr. Fletcher]. The Secretary will state the amend-

The SECRETARY. It is proposed to add at the end of the bill, page 52, line 7, the following proviso:

Provided, That the principal agent to collect the duties and taxes authorized to be levied, collected, and paid in Porto Rico by the provisions of the act approved April 12, 1900, shall be known as the collector of customs for Porto Rico, and shall be appointed by the President, by and with the advice and consent of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SMOOT. This went over at the request of a number of Senators on Saturday. At the time the request was made that it be passed over it was suggested to the Senator offering the amendment that he learn the amount of salary that is being paid to the special agent in Porto Rico for the collection of cus-I will ask the Senator if he has done so.

Mr. FLETCHER. I have ascertained, and I find that it is \$5,000. The present salary is \$5,000. I am going to follow this with an amendment on page 48 fixing the salary of the collector of customs for Porto Rico at \$5,000.

Mr. SMOOT. How will that compare with the salaries that we are paying to collectors of customs at other ports receiving about the same amount of importations?

Mr. FLETCHER. It is about the same.

Mr. SMOOT. I will say to the Senator I think it is higher

than is generally paid.

Mr. FLETCHER. I do not think so. I think it is about the same. I know the collector of customs in Florida, for instance, receives \$6,000 salary, and in some other districts they receive This is quite an important district; it embraces the whole island of Porto Rico.

Mr. SMOOT. Are they not collecting at the port in Florida

twice the amount of collections as in Porto Rico?

Mr. FLETCHER. I do not know the amount exactly, nor how the collections at the two places compare. inquired as to the amount of duties collected in Florida and the amount collected in Porto Rico.

Mr. SMOOT. I suppose this amendment is to be made in order to get rid of a man now holding the place, and the President can appoint to take the place a man whom some one wants

to have appointed?

Mr. FLETCHER. I do not know whether it is proposed to get rid of the man. As far as I know, he is giving very good satisfaction. The object is to put this collector on the same footing with every other collector. There is no other collector of customs anywhere in the country who is not appointed by the President and confirmed by the Senate. I think the island of Porto Rico ought to be put on the same footing in that respect with every other collection district and the collector of customs there ought to be appointed just like every other

Mr. SMOOT. I am not objecting at all to the change being made. I wish to learn, however, the salary that is being paid at the present time, and then I have a desire to know whether the salary being paid to the man in charge is greater than that paid to the collector of customs at ports receiving

about the same amount of importations.

Mr. FLETCHER. I do not think so. I think this salary of \$5,000 is on a par with the salary paid in all the other portions of the country. Turning to the imports, I find that in a total value of imports, as shown by the report of the governor of Porto Rico, there has been an increase in the total value of imports of \$5,066,860, going up from \$33,884,296 last year to \$38,951,156 this year. These figures show a very considerable import and export.

Mr. FALL. May I ask the Senator where those imports are from on that showing?

Mr. FLETCHER (reading)—

Imports from foreign countries gained in value only \$104,176, reaching a total of \$3,058,641.

Mr. FALL. That is the idea. In this enormous increase of

\$5,000,000 nine-tenths of it was from the United States.

Mr. FLETCHER. The increase was largely from the United States

Mr. FALL. Then the total imports as shown there bear about the same ratio. In other words, out of \$38,000,000, \$35,000,000 was from the United States. The foreign business which this collector will have to do is very small. Very many of the collectors to my personal knowledge are receiving much less and collectors who are doing very much larger business. I have no objection, however, if the Senator wants to take the responsi-

Mr. FLETCHER. I think it is a fair salary to pay. It is precisely what he is getting now .-

Mr. FALL. If the Senators who are insistent upon economy want to pay \$5,000 when they can get a man at a port doing a great deal more business for less money it is up to them as far as I am concerned.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida.

The amendment was agreed to.

Mr. FLETCHER. Now, on page 48, after line 19, I move to insert:

The salary of the collector of customs shall be \$5,000 per annum, payable monthly.

Mr. FALL. If an amendment to that is in order, I move to place it at \$4,000 instead of \$5,000.

The PRESIDING OFFICER. The question is on agreeing to

the amendment to the amendment.

The amendment to the amendment was rejected.

The amendment was agreed to.

Mr. SHAFROTH. Mr. President, the Senator from Utah [Mr. SMOOT] reserved the right to offer an amendment to the committee amendment which provides that the salary of the Governor of Porto Rico shall be \$8,000. The Senator from Utah has proposed that that salary shall be \$7,000, and I presume that he desires to be heard on his amendment to the amendment.

Mr. SMOOT. Mr. President, I shall take but very few moments of the time of the Senate in discussing this amendment. On page 48, line 14, I move to strike out "\$8,000" and to insert "\$7,000." That will provide a salary for the Governor of Porto Rico of \$7,000. I shall follow that amendment with another amendment, by moving to strike out "\$6,500," which is the salary provided for the chief justice of the Supreme Court of Porto Rico, and to insert in lieu thereof "\$6,000.

Those motions, Mr. President, are made so that the salary of the governor and the salary of the chief justice of the Supreme Court of Porto Rico shall be the same as the salary of the governor of Alaska and the governor of Hawaii, as well as of the chief justice of the Supreme Court of Alaska and of the chief justice of the Supreme Court of Hawaii. I can not see why we should pay higher salaries to the governor and the chief justice of Porto Rico than those paid to the governor and the chief justice of Hawaii.

I also call the attention of the Senate to the fact that the Governor of Porto Rico is furnished a home; that he is not put to one dollar of expense for rent for his residence, but that a residence has been provided for the special use of the Governor

of Porto Rico. The Governor of Porto Rico will have that ad-

vantage over the governor of Hawaii and also over the governor of Alaska.

So far as the cost of living is concerned, no one questions that the cost of living is higher in Alaska than it is in Porto Rico; and so far as the cost of living in Hawaii is concerned, it is just as high, and I think somewhat higher, than is the cost of living in Porto Rico. It would be unjust, I think, in this bill to pay the Governor of Porto Rico \$1,000 more salary than is paid to the governors of the two Territories which I have mentioned and to pay to the chief justice of the Supreme Court of Porto Rico \$500 more salary than is paid to either of the chief justices in the other two countries I have named.

Mr. FALL. Mr. President, will the Senator from Utah yield

to me for just a moment?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Mexico?

Mr. SMOOT. I yield.
Mr. FALL. How are these expenses paid in Alaska as compared with the same expenses in Porto Rico? In other words, how are the governor and the chief justice of Alaska paid?

Mr. SMOOT. They are paid by the Government of the United States.

Are they paid directly out of the Treasury of the United States?

Mr. SMOOT. They are paid directly out of the Treasury of the United States.

Mr. FALL. How about the governor and the chief justice of Porto Rico? Are they paid in the same way?

Mr. SMOOT. I think they are paid in the same way. That no doubt is provided for in the bill.

Mr. President, I do not think I shall say anything more on

the amendment at this time.

Mr. SHAFROTH. Mr. President, I desire to be heard for just a few moments on the amendment to the amendment. I desire to say that the bill, as it came from the other House,

provided for a salary of \$10,000 for the Governor of Porto Rico, but that our committee concluded that the salary ought not to exceed that which the governor is now drawing, which is \$8,000. A great many formerly contended that the salary should be \$12,000, but, as I stated, the House put the salary at \$10,000. We, however, have reported to reduce it to \$8,000, which is

the present salary.

The Senator from Utah [Mr. Smoot] refers to the fact that the governors of Alaska and Hawaii are being paid only \$7,000 annum. In the first place, the population of both Alaska and Hawaii is very much smaller than that of Porto Rico. I think there are not 300,000 people in the Hawaiian Islands, but there are 1,200,000 people in Porto Rico. Then, again, the population in Alaska is very small.

I will state that the salary which was provided for the Governor General of Porto Rico under Spanish rule, who exercised the same powers as does the present governor, was \$20,000 in Porto Rican money. Porto Rican money was somewhat at a discount, and it measured in American money a salary of about

\$12,000.

I will also state to the Senator from Utah that the salary which was fixed for the Governor General of the Philippine Islands was \$20,000 a year, with a palace for his residence, and that salary has continued up to last year, when Gov. Gen. Harrison himself asked that a general reduction in salaries be made, and voluntarily asked that his salary be fixed at \$18,000

a year.

Mr. President, in view of the fact that the former salary of the Governor of Porto Rico was \$20,000 in Porto Rican money; that the governor has been drawing \$8,000 a year; that it always disturbs conditions in living expenses if salaries are reduced; and inasmuch as the other House fixed his salary in the bill at \$10,000 a year, and the Senate committee, in the interest of economy, has cut that down and placed the salary at \$8,000, it seems to me that we ought to adhere to the recommendation made by the committee of the Senate.

Mr. THOMAS. Mr. President, I should like to ask my col-

league if the Governor of Porto Rico is furnished a residence there or whether he has to pay rental; in other words, whether he has any emoluments outside of and beyond the salary

Mr. SHAFROTH. Mr. President, there is an old palace there which is furnished to the governor free. It is a great, big, lumbering edifice. I presume that there is some appropriation made by the Porto Ricans to keep it up, but this salary does not come out of the Treasury of the United States, it comes out of the Porto Ricans. I have not received a single protest from the Porto Ricans against this salary being made \$8,000.

Mr. JAMES. Mr. President, I desire to ask, Is it not true that the Porto Ricans do not want to economize upon the amount of salary to be paid to one who occupies the important

place of governor of the island?

Mr. SHAFROTH. I think so. The Porto Ricans have still retained some of the notions of the Spaniards, that the chief executive should be considered as a man somewhat superior. That he is obliged to entertain a great many visitors there is no doubt. The position is not like that of the governor of a State, although the governor of a State may entertain; but there seems to be an obligation upon the part of the Governor of Porto Rico whenever American citizens or distinguished men visit the island that they should be invited to the palace and that he should give receptions.

Mr. THOMAS. Let me ask if there is anything in this bill which restricts the Territorial legislature from appropriating

money from its treasury for that purpose?

Mr. SHAFROTH. No; that is true, except that when we specify in this act that the salary shall be \$8,000 they would

not then have the power to increase that salary.

Mr. THOMAS. But they could provide a contingent fund for meeting any such extraordinary expenses as the Senator mentions?

Mr. SHAFROTH. That may be so.
Mr. FALL. Mr. President, I think this matter should be understood. I asked the question as to the funds from which were paid the respective salaries which have been compared with the salaries provided for in this bill. There is an annual appropriation made for the payment of such expenses in Alaska, for example. Alaska has not an insular or a Territorial treasury of its own, except for purely local purposes, and the Government of the United States must pay out of the general funds of the United States the expenses of running its Government.

In Porto Rico, as I understand, all of these salaries and all other expenses of conducting the Porto Rican government, except those specially provided for otherwise, shall be entirely paid from the insular income. If the people of Porto Rico want to increase the salary of their governor at their own expense, they should have the right to do so; but if they are going to be compelled to pay him at their own expense, then I think that the Congress of the United States should place the salary of their governor at certainly as small a sum as is re-

ceived by any other governor; in other words, I do not think that we should be justified in increasing the salary or giving the Governor of Porto Rico, for example, a salary larger than the salaries of the governors of other Territories. In the one instance we pay the salaries ourselves and we have the absolute right to fix them, while in the other instance we are fixing them for the people of Porto Rico.

Mr JAMES. Mr. President, I should like to state to the Senator from New Mexico that the salary provided by the Senate committee reporting this bill is the same as that which is now

received by the Governor of Porto Rico.

Mr. FALL. Yes; but how is the Governor of Porto Rico now paid?

Mr. JAMES. He would be paid in the same way under this bill as he is now paid; there is no change whatever as to that.

Mr. SHAFROTH. As I understand, there are no salaries that are paid by the United States Treasury except those of United States judges and certain other Federal officers.

Mr. FALL. I so understand. I believe I still have the floor.

Mr. President.

The PRESIDING OFFICER. The Senator from Kentucky has the floor, as the Chair understands. The Chair thought the Senator from New Mexico had yielded the floor.

Mr. JAMES. I have no objection to the Senator from New

Mexico interrupting me.

Mr. FALL. Very well. We were carrying on this general controversy, and I should be glad to continue.

Mr. JAMES. Very well.

Mr. FALL. I think it is true that these expenses are so paid; but what I am saying is that we are now in an organic act fixing for the people of Porto Rico themselves the salaries which they shall pay out of their own funds to their governor, whom we appoint. We say, "We reserve the right to appoint a man for you; we are going to appoint him and send him down there, but you must pay him, and you must pay him a salary which we ourselves fix, and we are fixing the salary at a larger amount than the salary which is paid to other officials performing similar duties."

Mr. JAMES. Mr. President, of course the amendment proposed by the Senator from Utah [Mr. Smoot] to the committee amendment means a reduction of the salary which is now being received by the Governor of Porto Rico. The House of Representatives itself fixed the salary at \$10,000.

There has been an effort emanating from the Senator from Utah, on account of the high cost of living and for other reasons, to increase the salaries of other employees of the Government rather than to decrease them.

Mr. SMOOT. Not of those who are receiving \$8,000. Mr. JAMES. I understand that; but it seems that this is to be made an exception. The fact of it is that in connection with the office of governor of a people like those of Porto Rico we should not, in my judgment, try to economize to the extent of reducing the salary below that which one perfectly competent to discharge the duties would be willing to accept.

Mr. FALL. May I ask the Senator from Kentucky a ques-

tion?

Mr. JAMES. Certainly.
Mr. FALL. The present Governor of Porto Rico is a Kentuckian. What is the salary of the governor of the State of Kentucky?

Mr. JAMES. The governor of the State of Kentucky receives \$6,500 a year, but I would rather live in Kentucky on \$6,500 a year and be governor of that State than to be Governor of Porto Rico and receive \$20,000.

Mr. FALL. There is no doubt of that. The Senator has tried living in the State of Kentucky very successfully, but the

Senator has not tried living in Porto Rico.

Mr. JAMES. I know that; but I know also there is a vast difference between the climate, the people, and the country of Porto Rico and of Kentucky. The Senator from New Mexico, having been born in Kentucky, I imagine he will readily agree to the proposition that a salary of 50 per cent less in Kentucky would be more acceptable than double that amount in Porto [Laughter.] Rico.

Mr. FALL. Being somewhat familiar with the habits of Kentuckians, I am inclined to think that I could not live there on \$6,500 a year, but would require double that amount.

Mr. JAMES. I did not catch the Senator's remark.

Mr. FALL. I am inclined to think the salary would have to

be doubled to enable me to live in Kentucky; in other words, it would take nearer \$13,000 than \$6,500. I will frankly state to the Senator from Kentucky, however, that if it were possible for the "Senator from New Mexico" to have a residence in the State of Kentucky without surrendering his residence in New

Mexico, he would accept such privilege for nothing or he would be willing to pay for it. [Laughter.]

Mr. JAMES. I imagine that the loyalty of my friend to his adopted home calls for that statement, but I have noticed that whenever he can get back to Kentucky he does so. [Laughter.] I now quote from the provisions of the Foraker Act estab-

lishing a government for Porto Rice, as follows:

The governor, \$8,000; in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of Porto Rico, with the furniture and effects therein, free of rental.

That is a provision of the Foraker Act, and that is the same as the provision carried in this bill.

Mr. SMOOT. There is no question about that. I made the statement that the Governor of Porto Rico had a house furnished him free of rent, and there is no doubt about that.

Mr. JAMES. I understand that.

Mr. SMOOT. But neither the governor of Hawaii nor the governor of Alaska are so favored.

Mr. JAMES. My information is that the governor of Hawaii

does have a house furnished him.

Mr. SMOOT. I will say to the Senator that the governor of Hawaii is not furnished a house by the United States Government, but he has a particular friend living in Honolulu who allows him to occupy his home. So far, however, as the Gov-ernment of the United States is concerned, the Government does not pay a cent for rent for a home for the governor of Hawaii.

Mr. JAMES. The old building in Honolulu used in the days of the monarchy is now occupied, is it not, by the governor of

Hawaii?

Mr. SMOOT. No; Mr. President, that is not the case

Mr. JAMES. Together with the Senator from Utah I attended a reception in that building, and I received the impression that it was owned by the United States and that it was free for the use of the governor.

Mr. SMOOT. The governor lives in the northern part of the city of Honolulu and not in the building referred to by the

Mr. JAMES. The point I am directing the Senator's attention to is this, that this is an effort to reduce the salary that is now received by the Governor of Porto Rico. The present governor has made a splendid official. He was one of the great edu-cators in the State of Kentucky, and the people of Porto Rico will tell you that they have never had a governor who has shown greater ability or greater sympathy with the purposes of the people of Porto Rico than the present governor. I think it

would be exceedingly unwise to reduce his salary.

Mr. SMOOT. The question of who was governor never en-tered my head. I do not care where he comes from, and I do not care who the man may be. What I am trying to do is to equalize the salaries of the governors of the three Territories. Only a year ago an increase in the salary of the governor of Alaska was asked for, and the reason given was the cost of living and the high cost of traveling. So far as the salaries paid governors of States with populations greater than that of Porto Rico are concerned, if I am not mistaken, the governor of the State of Iowa receives only \$4,000 a year. I will ask the Senator from Iowa if I am correct as to that?

Mr. CUMMINS. He receives \$5,000. Mr. SMOOT. The Senator from Iowa corrects me and says that the governor of Iowa receives \$5,000 a year. The proposed salary of the Governor of Porto Rico is out of proportion to salaries paid similiar officials, and I thought it was very proper indeed to try to equalize the salaries paid to governors.

Mr. JAMES. If the Senator is proceeding on the plan of

equalizing the salaries, I will remind him that ministers to countries nothing like as large as Porto Rico receive \$10,000

Mr. SMOOT. That is entirely a different matter.
Mr. JAMES. And they receive, in addition to that \$10,000
year, a house in which to live. Of course, the Governor of Porto Rico had to remove his family there, and, as he receives no mileage, the expense was considerable. Then he has to entertain, of course, and does entertain extensively. of the matter is that if we reduce this salary we will run the risk of getting some man for Governor of Porto Rico who will not measure up to the high standard requisite for one who

governs a people who are not Americans.

Mr. SMOOT. We have been told that, Mr. President, in connection with nearly every appropriation bill providing for positions generally, but the result has never been as predicted.

reported by the committee. [Putting the question.] By the sound the noes have it.

Mr. SMOOT. I ask for a division.

The question being put, on a division the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The amendment was agreed to.

Mr. SMOOT. Now, Mr. President, I move to strike out

"\$6,500" on page 48, line 18, and insert \$6,000."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 48, line 18, it is proposed to strike out "\$6,500" and insert "\$6,000," so as to read:

Chief justice of the supreme court, \$6,000.

Mr. SMOOT. Mr. President, that is to make the salary of the chief justice of Porto Rico conform to the salary the United States pays to the chief justices of the supreme court in the Territories of Alaska and Hawaii.

Mr. LODGE. Mr. President, this amendment proposes to cut down the salary of the chief justice of Porto Rico \$500. The population of Porto Rico is 1,200,000. The business before that court is very important, and it seems to me that is a very modest salary to be paid by the Porto Ricans for their chief justice. I do not believe in the effort to cut down judicial salaries. I will ask the chairman of the committee what is the present salary of the chief justice of Porto Rico? The committee has not raised his salary, has it?

Mr. SHAFROTH. Oh, no; the salary has not been raised.

Mr. JAMES. The bill provides the same salary he receives

Mr. LODGE. I think the language of the bill should be retained.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah.

The amendment was rejected.

Mr. GRONNA. I offer the amendment which I send to the desk and ask to have read.

The PRESIDING OFFICER. The Secretary will state the

The Secretary. On page 5, after line 3, it is proposed to insert the following:

That one year after the approval of this act and thereafter it shall be unlawful to import, manufacture, sell, or give away, or to expose for sale any intoxicating drink or drug: Provided, That the legislature may authorize and regulate importation, manufacture, and sale of said liquors and drugs for medicinal, sacramental, industrial, and scientific uses only. The penalty for violations of this provision with reference to intoxicants shall be a fine of not less than \$25 for the first offense, and for second and subsequent offenses a fine of not less than \$50 and imprisonment for not less than one month or more than one year.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Dakota.

Mr. GRONNA obtained the floor.

Mr. MARTINE of New Jersey. Mr. President— The PRESIDING OFFICER. The Senator from North Da-

Mr. GRONNA. Mr. President, I had intended to give a full explanation of this amendment. I had hoped to be able to go into detail and show that in no country anywhere should prohibition be introduced more than in Porto Rico. However, I have been reminded of the fact that this amendment is not desired by those in favor of this bill, or, in other words, I have been told that the administration and the administration leaders are not in favor of this amendment. I shall take but a few minutes to explain the amendment, but I wanted to make it clear that, in my opinion, those who are opposing it are opposing it for the reason that it is not wanted by the administration and not because they are really opposed to prohibition in the island of Porto Rico.

Mr. President, before I proceed further I wish to have read at the desk a letter which was inserted in the Congressional RECORD at my request some days ago and which will be found on page 3139.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Memorial of the International Reform Bureau for Porto Rico
prohibition.

To the United States Senate and House of Representatives: Mr. SMOOT. We have been told that, Mr. President, in connection with nearly every appropriation bill providing for positions generally, but the result has never been as predicted. I shall not insist upon a yea-and-nay vote on the amendment, but I want a vote of the Senate upon it, and let the Senate decide it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah to the amendment. said to be lost to the insular government, exclusive of local licensefees, is given at \$1,400,000, and the cost of the liquors to the people as only \$1,614,612.35, leaving the liquor dealers only \$214,612.35 from which to get the goods, rents, profits, taxes, and licenses. Everyone familiar with liquor statistics knows that the cost of liquors to the drinkers is at least ten times as large as the revenue, besides indirect costs as large for poverty, crime, impaired efficiency, and other by-products of the drink. The head master of the public school in Garrochales says, regarding three licensed shops in that community:

"I visited to-day the three licensed shops in that community:

"I visited to-day the three licensed shops in that place that are near my school and asked each of the men in charge about how much money he took in each week from the sale of alcoholic beverages. The man in the liquor shop directly opposite my school said that he took in about \$40 a week. The man in the liquor shop a short distance to the east of my school said he took in about \$40 a week. The owners of each shop pay a license fee of \$7 every three months to the government tax collector."

It will be noted by a moment's work in division that in that community, supposed to be fairly representative, the cost to the people is forty-two times as much as the government revenue. But if the cost in the island at large is even ten times as much it will reach the figure which the local secretaries of the reform bureau accepted as the frequently expressed estimate of the moral leaders of the island, namely, \$1,400,000.

As for the other figures of the International Reform Bureau criticized. "\$7,000.000" in round numbers for "flour." used there as here

\$1,400,000.

As for the other figures of the International Reform Bureau criticized, "\$7,000,000" in round numbers for "flour," used there as here for cereals in general, and with perfect understanding on the part of everybody that it is not the only food, but "the staff of life," the round numbers given by the bureau's secretaries there, from the commonly received estimate of religious people, is substantially verified by the legislature's own figures, for when the cereals are segregated from the legislature's list of food the total amount is \$7,505,147.

But the real issue is the revenue question, which is essentially the same in Porto Rico as in Louisiana or New Melxco, except that a majority of the Porto Rican drinkers, who really pay the revenue in buying the drinks that debauch them, are poorer and weaker than the drinking classes of the United States.

THE POVERTY ARGUMENT.

The arguments for prohibition in Porto Rico include all the arguments that have carried prohibition in Mississippi and Colorado and other prohibition States, and the additional arguments that have led nations not much inclined to enact prohibition in their most advanced commonwealths to prohibit liquor selling in islands under their control that are linhabited by native races of whom the major part are both poor and ignorant, living in one-room cabins, as do the rural three-fourths of the Porto Ricans—almost 900,000 out of 1,200,000. Gov. Arthur Yager, speaking at the Mohonk conference of these 900,000 agricultural laborers, is reported to have said: "This population is on the verge of starvation. If being underfed is slow starvation, there are many starving to death every year." It is admitted that the living conditions of these agriculturists have not improved under our occupation, notwithstanding there has been an improvement in industrial conditions. Gov. Yager says this is because there are too many babies, but the missionaries and native churches, that are unitedly asking for prohibition, say it is in large part because there are too many bottles. The people are too poor to afford liquors even if they were only a luxury and not a curse; and too weak to let them alone, especially the rum, when it is offered for sale. There is one place licensed to sell intoxicants for every 46 families. These are not all saloons in the American sense, but many of them general stores where the temptation to drink comes to those who make other purchases. These general stores are worse than saloons, in that they principals. These general stores where the temptation to drink comes to those who make other purchases. These general stores are worse than saloons, in that they principals are proved \$20 and \$40.

DOMINATION OF RUM IN PORTO RICO POLITICS TO BE PREVENTED.

DOMINATION OF RUM IN PORTO RICO POLITICS TO BE PREVENTED.

reported \$20 and \$40.

DOMINATION OF RUM IN PORTO RICO POLITICS TO BE PREVENTED.

There is a very special argument for prohibition in the nature of the bill itself. It proposes to give Territorial self-government to a people who until recently were under the Spanish Monarchy, and so have had less experience in self-government than the people of any Territorial government under our flag. Hawaii had been a Republic before it came to us, and had had many years of prohibition. When we gave it Territorial government the Senate refused to concur with the House in putting prohibition into the enabling act, and the result was that liquor dealers secured three seats out of nine in the Territorial senate, and from inside and outside dominated the island politics. And when Congress was again considering Hawaiian prohibition it was persuaded by the specious plea of "self-government" to submit the question to the Hawaiian people, and the liquor interests were able to manipulate the election in their own interest. In consequence the good citizens of Hawaii are now a third time asking Congress to give them prohibition.

Naturally, the Porto Rico Legislature asks to have prohibition left for local decision. But in this case, as in Hawaii, "home rule" would be-rum rule. And "self-government" means little with a people of whom a major part have proved they lack self-control in the presence of this subtile temptation. The very fact that the legislature accepted the absurd statistics we have exposed shows its unitness to handle this subject.

Porto Rico in having moral legislation put upon it by Congress would be treated no differently from other Territories more advanced, on which Congress has imposed in past years laws against polygamy, against prize fights, and against divorce colonies. "Territories are always helped by Congress in their first experiments in government. It should be remembered also that the Porto Rican people themselves have asked for this action in numerous and representative petitions of the missions, the Mas

THE REVENUE QUESTION.

All arguments against Porto Rico prohibition are, in the main, pleas to keep the liquor revenue. The insular government, according to figures furnished by Gov. Yager, derives an income of \$1,392,446.31 from liquors, besides which there are municipal liquor taxes. But the words of Gladstone are always in order when a fear of embarrassment from the loss of liquor revenue is expressed: "Give me a sober people and I will take care of the revenue." Senators from prohibition States and from other States where many towns are "dry" are well aware that the loss of much larger liquor revenues has never embarrassed either local or State governments because the diversion of a vasity greater sum that had been spent in drink to honest trades has increased revenues from other forms of taxation, and prohibition has also decreased greatly the

taxes caused by crime and pauperism. In these two ways prohibition has almost automatically taken care of the revenue adjustment, for which a full year is allowed in the amendment.

The United States should rid Porto Rico of the liquor traffic partly because much of it was placed there since and because of our occupa-

The peasants of Russia would not have banished vodka by their ownvote, but they rejoice in the blessings which prohibition has brought, which the chancellor of the exchequer says has more than offset the burden of war. Surely, in the presence of such a demonstration Congress should not hesitate to give the starving peasants of Porto Ricothe same boon.

What prohibition would do for San Juan and its cultivated Porto Ricans is pictured in recently published descriptions of what prohibition has done for Atlanta, Seattle, and Denver. Let it be remembered that the States of Georgia, Washington, and Colorado imposed prohibition on these cities despite the cry of "home rule" and "self-government," which those cities are now glad was overruled.

Respectfully submitted for the International Reform Bureau.

Wilden F. Crafts, Superintendent.

WASHINGTON, D. C., February 8, 1917.

Mr. GRONNA. Mr. President, I have been asked not to take up the time of the Senate unduly to discuss this important measure, and I have said that I shall not take up much time in my discussion of it. I only want to say that I have here hundreds of letters from patriotic women who have gone down to Porto Rico to make investigation of the conditions there. and these good women all ask that the Congress of the United States embody in this enabling act a provision for prohibition,

Mr. President, Porto Rico is a part of this great country, I take it that we have the welfare of those people and their interests as much at heart as we have those of the people of

any other State or Territory,

An examination of the report signed by the present Governor of Porto Rico, and introduced by the distinguished Senator from Massachusetts [Mr. Lodge], will show that this report is absolutely inconsistent. In the first place, it is argued that we must not give prohibition to Porto Rico, because they need the revenue. In the second place, it is argued that there is practically no liquor drank in the island of Porto Rico. They give a table, Mr. President, showing that in 1915-16, based upon a report taken from the World Almanac, the United States consumed 5.52 liters of alcohol per capita, while Porto Rico consumed only 2; that in the United States for the same period there was consumed 1.96 liters of wine, and in Porto Rico only one-half of 1 liter; that there was consumed in the United States for the same period 77.5 liters of beer, and that in the island of Porto Rico there was consumed only 1.22 liters. So I think it is not necessary, Mr. President, to go further into that argument, because the statement in the report condemns itself.

Dr. Crafts called attention, in the letter that has just been read, to the fact that this report shows that there is only \$200,000 more expended for liquor than the revenue. Why, any man who knows anything about the liquor question knows that that is untrue. Any man who knows anything about the profits necessarily following the liquor traffic knows that it can not be

Mr. President, I have no more interest in this question than any other Senator, but I have been petitioned, as I said a moment ago, by hundreds of men and women living in Porto Rico calling my attention to the fact that we ought to embody in this bill a provision giving them prohibition.

I have said to the Senator who has this bill in charge that although I had intended to discuss this measure fully, I would yield to the request not to take up much time, and I shall not

do so, but I do want a record vote on this amendment.

Mr. SUTHERLAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. GRONNA. Yes; I yield. Mr. SUTHERLAND. I should like to ask the Senator from North Dakota whether he has any means of knowing what the majority of the people of Porto Rico desire on this question?

Mr. GRONNA: Yes; I will say to the Senator that I have the means of knowing that. Every intelligent man or woman from Porto Rico with whom I have talked says they want prohibition.

Mr. SUTHERLAND. The Senator does not mean to say that he has talked with the majority of them?

Mr. GRONNA. Oh, no; I do not say that; but I have hundreds of letters on the subject, some of them here and some of them in my office, and they all ask for prohibition. I have peti-tions signed by, I think, thousands of them asking for prohibi-

Mr. SUTHERLAND. This is a self-governing community. What objection is there to letting the people of Porto Rico determine the question for themselves by a referencem?

Mr. GRONNA. Mr. President, if the Senator had done me the honor to remain in the Chamber while the letter from Dr. Crafts was read he would have observed that it was fully explained in that letter. I do not care to go into that subject again. It was fully explained in the letter, and Dr. Crafts has lived in the island. He has visited the island many times and lived there, and he knows the conditions, I will say to the Sen-

Mr. SUTHERLAND. I can not imagine, myself, how it is possible that a community that is capable of self-government, electing its own legislature, passing laws, and fitted to be admitted to citizenship in the United States is not in a condition where its people can be trusted to determine for themselves whether they want prohibition or something else.

Mr. GRONNA. Mr. President, the position that the Senator takes is the same position that he took on the question with regard to prohibition for the District of Columbia, and I am

not surprised that he takes that position now.

Mr. President, I shall not take any more time in the discussion of this important question; but, as I have said, I want a record vote upon it, and I suggest the absence of a quorum before the vote is taken.

Mr. VARDAMAN. Mr. President—
The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators an-

swered to their names:

Martin, Va.
Martine, N. J.
Myers
Nelson
Newlands
Oliver
Overman
Page
Penrose
Pittman
Poindexter
Saulsbury
Shafroth
Sheppard
Simmons Bankhead Beckham Borah Smith, Ga. Smith, S. C. Smoot Sutherland Harding Hitchcock Husting Brandegee Broussard Bryan Catron Chamberlain James Johnson, Me. Johnson, S. Dak. Jones Swanson Thomas Vardaman Wadsworth Jones Kenyon Kern Lea, Tenn. Lee, Md. Lewis Lodge McCumber Chilton Clark Culberson Walsh Warren Weeks Williams Cummins Curtis du Pont Gallinger

Mr. JAMES. I desire to announce that the junior Senator from New Jersey [Mr. Hughes] is absent on account of illness. The PRESIDING OFFICER. Fifty-seven Senators having

answered to their names, there is a quorum present.

Mr. MARTINE of New Jersey. Mr. President, I am exceedingly regretful that I find myself against the proposition of my friend from North Dakota [Mr. GRONNA]. I am very fond of him, and I believe he is prompted by good motives.

Mr. LODGE. Mr. President, will the Senator yield to me in order that I may offer an amendment to the amendment proposed by the Senator from North Dakota?

Mr. MARTINE of New Jersey. Yes, sir. Mr. LODGE. I desire merely to offer it, so as to have it before the Senate.

The PRESIDING OFFICER. The Senator from Massachusetts offers an amendment, which will be stated by the Secretary.

The SECRETARY. At the end of the amendment of the Senator from North Dakota, on line 11, after the word "year" and before the period, it is proposed to insert a colon and the following:

Provided, however. That this provision shall not take effect until a majority of the qualified electors of Porto Rico voting at the general election of July 16, 1917, vote in favor of adopting the same.

OFFENSES AGAINST THE GOVERNMENT.

Mr. OVERMAN. Mr. President, will the Senator yield to allow me to make a motion?

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from North Carolina?

Mr. MARTINE of New Jersey. Certainly; I yield. Mr. OVERMAN. I move that the Senate now proceed to the consideration of Senate bill 8148, known as the neutrality bill. I stated the reason why it was important to have this done.

Mr. SHAFROTH. Mr. President, I think we ought to proceed with the Porto Rican bill and get through with it. We are now pretty nearly ready to take a vote, as I understand.

Mr. OVERMAN. Mr. President, I understand that there is going to be a long debate on this question.

Mr. SHAFROTH. Well, let us see. Let us proceed with it. Mr. OVERMAN. I understand also that the Senator from Alabama [Mr. Underwood], who is quite sick, desires to be heard upon this question, and I feel compelled to go on with this matter. Here are these very important bills, the importance of which everybody recognizes, urged by every department of the Government, that never have been to the House of Representatives, and that unless passed on by the House will never become law. I ask the Senate to proceed with their consideration. I will assist the Senator from Colorado in taking up his bill at any time. It has passed the House, and all we have to do is to get it back into conference. He can get his bill through

at this session. There is no trouble about that; but these bills must go to the House of Representatives if they are to become

I insist upon my motion, Mr. President. Mr. SHAFROTH. Mr. President, the Senator from North Carolina is very encouraging in his words, but my past experience has shown that if it is displaced now I can not get this bill passed at this Congress. It was reported three months before the last Congress adjourned, and the result was that, after repeated efforts to get it up, the last session adjourned without getting it up. This year I have made no less than 15 requests for unanimous consent to consider it, and, as a matter of fact, we have not had any consideration of it until the last few hours. It seems to me that we ought to proceed with it now; so I hope the motion of the Senator from North Carolina will be voted down.

Mr. OVERMAN. I call for the yeas and nays on my motion. The yeas and nays were ordered, and the Secretary proceeded

to call the roll.

Mr. CATRON (when his name was called). I am paired with the junior Senator from Oklahoma [Mr. Owen]. On account of his absence I withhold my vote.

Mr. GALLINGER (when his name was called). with the senior Senator from New York [Mr. O'GORMAN]. Not knowing how he would vote on this motion, I withhold my vote.

Mr. HARDING (when his name was called). I have a general pair with the junior Senator from Alabama [Mr. Underwood]. I note his absence from the Chamber and therefore withhold my vote.

Mr. REED (when his name was called). I have a pair with the senior Senator from Michigan [Mr. SMITH]. I transfer that pair to the junior Senator from California [Mr. Phelan] and vote "yea."

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT], but I think that under the terms of that pair I have a right to vote upon this question. I therefore vote "yea."

Mr. SIMMONS (when his name was called). I transfer my general pair with the junior Senator from Minnesota [Mr. CLAPP] to the junior Senator from Minnesota [Mr. CLAPP] to the junior Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. Goff] to the junior Senator from New Jersey [Mr. Hughes] and vote "nay."

The roll call was concluded.

Mr. GALLINGER. I have announced my pair with the senior Senator from New York [Mr. O'Gorman]; but under an agreement made with that Senator I feel privileged to vote on a question of this kind. I vote "yea."

Mr. JONES (after having voted in the affirmative). I wish to ask if the junior Senator from Virginia [Mr. Swanson] has

voted?

Bankhead

The PRESIDING OFFICER. He has not.

Mr. JONES. That Senator is absent on account of illness, and I have promised to take care of him for the day. I therefore withdraw my vote.

Mr. HARDING. I transfer my general pair with the junior Senator from Alabama [Mr. Underwood] to the junior Senator from Indiana [Mr. Watson], and vote "yea."

Mr. CURTIS. I have a pair with the junior Senator from Georgia [Mr. Hardwick], who is absent. I therefore withhold

my vote.

Mr. SMITH of South Carolina (after having voted in the affirmative). I voted inadvertently. I see that my pair, the senior Senator from South Dakota [Mr. Sterling], is not here. In his absence, I withdraw my vote.

Mr. BANKHEAD. I have been requested to announce the absence of the junior Senator from Georgia [Mr. HARDWICK] on account of sickness. I make this announcement for the day.

Mr. MARTINE of New Jersey. I announce the absence of the senior Senator from Oklahoma [Mr. Gore]. He is detained at his home through illness. I ask that this announcement may stand for the day.

Mr. JAMES. I desire to announce that the junior Senator from New Jersey [Mr. Hughes] is absent on account of illness, will let this announcement stand for the day.

Mr. CURTIS. I have been requested to announce that the Senator from Vermont [Mr. Dillingham] is paired with the Senator from Maryland [Mr. SMITH].

The result was announced—yeas 36, nays 24, as follows:

YEAS-36. Borah Brandegee Bryan

Harding Husting Kirby Lea, Tenn. Chamberlain Clark du Pont Gallinger Lee, Md. Lodge McCumber Martin, Va.

Martine, N. J.	Penrose	Sherman	Sutherland
Nelson	Pittman	Simmons	Wadsworth
Oliver	Ransdell	Smith, Ga.	Walsh
Overman	Reed	Smoot	Warren
Page	Saulsbury	Stone	Weeks
	NA	YS-24.	
Beckham	Gronna	Kenyon Kern La Follette Lane Poindexter Shafroth	Sheppard
Broussard	Hitchcock		Shields
Cummins	Hollis		Thomas
Fall	James		Tillman
Fernald	Johnson, Me.		Vardaman
Fletcher	Johnson, S. Dak		Williams
	NOT V	OTING-36.	
Ashurst	Goff	Newlands	Smith, Mich. Smith, S. C. Sterling Swanson Thompson Townsend Underwood Watson Works
Brady	Gore	Norris	
Catron	Hardwick	O'Gorman	
Chilton	Hughes	Owen	
Clapp	Jones	Phelan	
Colt	Lewis	Pomerene	
Culberson	Lippitt	Robinson	
Curtis	McLean	Smith, Ariz.	
Dillingham	Myers	Smith, Md.	

in Committee of the Whole, proceeded to consider the bill (S.

8148) to define and punish espionage.

Mr. OVERMAN. Mr. President, I want to say for the information of the Senate, as I said a few days ago, that there are 14 of these bills. I have consolidated the 14 bills into one bill, and each bill is a chapter in the substitute. I therefore offer the matter which I send to the desk as a substitute for the bill under consideration. It includes all 14 bills, each one

Mr. BRANDEGEE. Mr. President-

Mr. OVERMAN. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I wish to ask the Senator from North Carolina, who has this measure in charge, whether he proposes to ask for action upon the entire body of the bills, so to speak?

Mr. OVERMAN. As one substitute.
Mr. BRANDEGEE. As one substitute; and there could be no separate votes on the different sections of the proposed sub-

Mr. OVERMAN. Just as the Senate desires. We may take it up by chapters, if the Senate desires.

Mr. BRANDEGEE. I thought it would be well if we could

understand the method we are to adopt.

Mr. OVERMAN. The bill is offered as a substitute, and it will be proceeded with by chapters.

Manifestly it is divisible. There is no Mr. GALLINGER.

question about that.

Mr. CUMMINS. May I ask the Senator from North Carolina, will we take a vote on the different chapters of the bill?

Mr. OVERMAN. It will be like any other great bill. Amend-

ments can be made to a chapter, to strike out, or to strike out and insert.

Mr. CUMMINS. Precisely; but it will be impossible to take vote finally on any chapter?
Mr. OVERMAN. We will take a final vote on the whole

substitute. A final vote will come on the substitute, and votes will be taken on amendments to each chapter. It is just like the consideration of any great bill.

Mr. CUMMINS. I only want to suggest to the Senator from North Carolina that there are a good many of the chapters which I think will provoke no opposition; at least so far as I am concerned they will not be opposed; but there is one question in one or two of them that will arouse, I think, very con-

Mr. OVERMAN. I recognize that, Mr. President. Mr. CUMMINS. I did not know but that the Senator from North Carolina would rather get the final action of the Senate upon those that are not seriously in dispute.

Mr. OVERMAN. I will suggest that the bills are consolidated in order to get them properly before the House of Representatives, so that it will have no trouble to pass on the whole number as one measure.

Mr. CUMMINS. I have no preference myself. I only made

Mr. BRANDEGEE. I appreciate the advantage of having the combined set of bills before the Senate in one bill, because we have voted to proceed to its consideration in that shape, and one vote will settle the matter; but, on the other hand, I simply suggest to the Senator that if there are certain of those bills which constitute separate chapters in this combined substitute to which Senators might be very much opposed it might lose their votes upon the entire combination of bills. A Senator might be so violently opposed to one chapter in the bill that he would be compelled to vote against the whole measure.

Mr. OVERMAN. If that situation should arise the action

of the Senate will settle the question.

Mr. BRANDEGEE. Then I understand the whole combined substitute is to be proceeded with and will be open for amend-

Mr. OVERMAN. Yes.

Mr. BRANDEGEE. One chapter after another?

Mr. OVERMAN. Yes.

Mr. BRANDEGEE. And no final vote is to be taken on the chapters until the entire matter has been concluded?

Mr. OVERMAN. Not until the consideration of the entire

substitute has been concluded.

Mr. CUMMINS. Mr. President, just a moment. As I understand it, the substitute offered by the Senator from North Carolina contains all the bills as amended by the Judiciary Com-

Mr. OVERMAN. By the Judiciary Committee.

Mr. CUMMINS. And the committee has no amendments to

offer to the substitute?

Mr. OVERMAN. It is a substitute for all of them. I will say if the Senator from Iowa prefers a bill considered in the Judiciary Committee unamended he could offer that as a substitute for one of the chapters.

Mr. CUMMINS. No; I am bound to say that the work of the Judiciary Committee has improved to a degree some of the bills which I have in mind. I really hope that the bills as they originally came in here will never make their appearance on the floor.

Mr. BRANDEGEE. I wish to say to the Senator from North Carolina that I am not going to oppose any motion he makes as to the method for the consideration of this measure, but as it stands the parliamentary situation will be that if a Senator offers an amendment to the proposed substitute submitted by the Senator from North Carolina no other Senator can propose any amendment to that amendment, because it would be an amendment in the third degree.

Mr. SMITH of Georgia. Will the Senator from North Caro-

lina yield to me for a moment?

Mr. OVERMAN. I yield. Mr. SMITH of Georgia. I wish to ask the Senator if it would meet with his objection if we took up the bill chapter by chapter? Each chapter constitutes a separate subject matter, I understand. I suggest that we take up a chapter and hear amendments upon it, and having disposed of any amendments upon a particular chapter we then vote upon that chapter, expressing our approval or disapproval of the chapter. In that way we will pass upon each one of the subjects as we go along, and if there is a chapter which meets with the opposition of the Senate it will go out and not be in the way of the final passage of the bill and provoke adverse action against the entire bill, as it would provoke if we handled the whole subject together. If the Senator does not object to that mode of procedure, it seems to me it would be easier for us

Mr. OVERMAN. That is what I suggested and what I pro-

pose to do.

The PRESIDING OFFICER. . The Secretary will read the proposed substitute.

Mr. OVERMAN. Now, Mr. President, having made this bill the unfinished business, I promised the chairman of the Committee on Post Offices and Post Roads to yield temporarily to take up the Post Office appropriation bill.

The PRESIDING OFFICER. The Senator from North Car-

olina asks unanimous consent that the bill be temporarily laid

aside. Is there objection?

Mr. JONES. For what purpose is the bill being laid aside? The PRESIDING OFFICER. For the consideration of the Post Office appropriation bill.

Mr. JONES. It seems to me when we get one matter up we

had better finish it.

The PRESIDING OFFICER. Is there objection?

Mr. POINDEXTER. I understand that the Post Office ap-

propriation bill is not before the Senate.

Mr. OVERMAN. I ask unanimous consent to lay the unfinished business aside. If there is objection, of course, that ends it.

Mr. POINDEXTER. We can not lay the Post Office bill

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina?

Mr. POINDEXTER. Just a moment. Do I understand the request is to informally lay aside the Post Office appropriation

Mr. BRANDEGEE. No.
The PRESIDING OFFICER. The Senator from North
Carolina asks to temporarily lay this bill aside for the pur-

pose of allowing the chairman of the Committee on Post Offices and Post Roads to call up the Post Office appropriation bill.

Mr. THOMAS. I object.

The PRESIDING OFFICER. Objection is made. The Sec-

retary will read the substitute.

Mr. BRYAN. I move that the Senate proceed to the consid-

eration of House bill 19410, the Post Office appropriation bill.

The PRESIDING OFFICER. Objection is made to the request of the Senator from North Carolina for unanimous con-

sent to lay aside the unfinished business.

Mr. OVERMAN. I wish to say to the Senator from Florida that having made this bill the unfinished business I shall have no trouble in getting it through now. The Post Office appropriation bill is pretty nearly finished. I am informed there are only two questions yet to be considered. I have no objection myself to temporarily laying aside the unfinished business and taking up the appropriation bill.

Mr. PENROSE. Mr. President, before that is done I should like to address an inquiry to the Senator from North Carolina. I think it important in connection with the suggestion of the Senator from North Carolina to settle the parliamentary status of the bill reported by him. He states that it is in the nature of an amendment to some half dozen bills referred to his

committee.

Mr. BRANDEGEE. Seventeen bills.

Mr. PENROSE. Seventeen?
Mr. OVERMAN. A substitute for the whole number.
Mr. PENROSE. We certainly can not amend 17 bills at Therefore this bill was, on first impression, reported as an amendment, and the Senator from Connecticut very properly called attention to the fact that by that method of reporting it only one other amendment is in order to what is really a new bill reported from the committee.

Mr. OVERMAN. Not at all.
Mr. PENROSE. It is not an amendment?
Mr. OVERMAN. It is in the nature of a substitute.
Mr. PENROSE. It is a new bill reported from the committee?

Mr. OVERMAN. No; it is not. I will try to explain it to the Senator. Chapter 1 is Senate bill 8148, the entire bill. If you turn over to chapter 2, that is Senate bill 1613 on the calendar, reported favorably.

Mr. PENROSE. That all may be, but I do not think there

is any precedent in the long history of this body for amending

17 bills all at once.

The PRESIDING OFFICER. If the Senator from Pennsylvania will indulge the Chair, he will state the parliamentary situation is that the Senate ordered Senate bill 8148 to be taken up.

Then the Senator from North Carolina offered as a substitute for that bill a measure which the Secretary was proceeding to

read as an amendment to the one single bill. Mr. PENROSE. I did not understand that.

Mr. THOMAS. I withdraw my objection.
The PRESIDING OFFICER. The objection has been withdrawn. Is there objection to the request of the Senator from North Carolina for unanimous consent to lay temporarily aside Senate bill 8148?

Mr. VARDAMAN. Mr. President, I am not going to interpose an objection now, but hereafter I think I shall do what I can to prevent the unwarranted prodigality of which the Senate is guilty by jumping from one measure to another. have been through with the Porto Rican bill by this time if that measure had been proceeded with in regular order.

not going to object now, but I am going to do so hereafter if this waste of time is persisted in.

The PRESIDING OFFICER. Is there objection? The Chair

hears none, and the bill is temporarily laid aside.

Mr. BRYAN. I understood the Senator from North Carolina coupled with that a request that the Post Office bill be taken up. Mr. BORAH. That could not be coupled with it.

POST-OFFICE APPROPRIATIONS.

Mr. BRYAN. I ask unanimous consent to proceed to the consideration of the Post Office appropriation bill.

The PRESIDING OFFICER. Is there objection?
There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19410) making appropriations for the service of the Post Office Department

for the fiscal year ending June 30, 1918, and for other purposes.

The PRESIDING OFFICER. The Secretary will state the

pending amendment.

The Secretary. Amendment proposed by Mr. Smoot: On page 37 insert a new section, to read as follows:

SEC. 3. That to provide, during the fiscal year 1918, for increased compensation at the rate of 15 per cent per annum to employees who

receive salaries at a rate per annum of \$480 or less, and for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of more than \$480 per annum and not exceeding \$1,000 per annum, so much as may be necessary is appropriated: Provided, That this section shall only apply to employees who are appropriated for in the act specifically and under lump sums or whose employment is authorized herein: Provided further, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

Mr. BRYAN. Mr. President, this is the amendment that was under consideration when the bill was laid aside. It was laid aside for the purpose of ascertaining whether any injustice would be done employees in the different departments if the Senate failed to put the Smoot amendment on this bill, inasmuch as it had been placed upon some other appropriation bills.

Mr. President, there is a policy of promotion followed in the Post Office Department more than in any other department. In addition to that, there is a requirement of law that 75 per cent of the clerks in the post offices shall be automatically promoted. In view of that, the Postmaster General opposed before the

House committee the plan of increasing the salaries of clerks. He opposed it, as I understand, upon this bill, and when the bill was in committee there was no request from the Post Office Department for the Smoot amendment. But since that amendment has been offered the Postmaster General has said that the plan worked out by the department is much more satisfactory to him and to the men than the so-called Smoot amendment.

Therefore, I raise the point of order, Mr. President, that the appropriation carried in the amendment is not estimated for, nor has the amendment been reported by a standing committee. Mr. SMOOT. Will the Senator withhold the point of order

for a moment?

Mr. BRYAN. I will.

Mr. SMOOT. Mr. President, in answer to what the Senator from Florida has just stated I wish to say that the amendment I offered affects only employees who are receiving \$1,000 and less. The promotion spoken of by the Senator principally affects clerks who are receiving more than \$1,000 per annum. What we want to do and what the Senate has voted in the past on all the other appropriation bills that have come before it this session is to take care of the employees receiving less than \$1,000 per annum.

There is no question in the mind of any Senator but that an employee receiving less than \$1,000 under conditions existing to-day ought to receive the increase as provided in my amend-

Mr. BRYAN. May I ask the Senator a question?
The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Florida?

Mr. SMOOT. I do.

Mr. BRYAN. Has the Senator estimated what the increase will be under his amendment?

Mr. SMOOT. On the Post Office appropriation bill?

Mr. BRYAN. Yes.

Mr. SMOOT. No. I will state to the Senator that in the discussion of the amendment on Saturday I understood the Senator would ask the Postmaster General what the increase would amount to.

Mr. BRYAN. He says it would amount to \$1,600,000.

Mr. SMOOT. I have the estimated amount at my office, and I could ascertain what it is; but, I will say to the Senator, it is over a million dollars.

Mr. BRYAN. One million six hundred thousand dollars. Let me state that in this bill as recommended by the department the increase of salaries is \$2,000,000.

Mr. SMOOT. The trouble is we are increasing the salaries of clerks, and we do not take care of the most of those provided

for in the amendment offered by me.

The PRESIDING OFFICER. Will the Senator from Utah indulge the Chair for a moment? Does the Senator from Florida insist on his point of order?

Mr. BRYAN. The Senator from Utah asked me to with-

Mr. SMOOT. I wish to appeal to the Senator not to make a point of order against this amendment. Every appropriation bill that has come to this body and has been passed upon has been amended to carry this very provision. If the Senate does not put this amendment on the bill, nothing will be in conit can not be considered—and whatever is decided upon by the conferees on the other appropriation bills ought to be upon this bill, in fair justice to the men and women who are receiving salaries of \$240, \$480, \$360, and \$600 and \$720 and \$840. The statute fixed many of the salaries and there is no way provided for their promotion.

I will admit that the promotion applies to all clerks from \$1,000 and above, but those are not the people who are suffering. My amendment covers those who are in need of this increase, and it only provides for the coming year. It does not propose an annual payment hereafter.

Mr. BRYAN. May I interrupt the Senator?

Mr. SMOOT. Yes.
Mr. BRYAN. The Postmaster General says it will be \$1,600,000. In the case of the clerks and carriers, it will be seen that after serving one year they receive an advance of salary

equal to 12½ per cent.

Mr. SMOOT. That is only one class of clerks, I will say to

the Senator.

Mr. BRYAN. No; the Postmaster General says that a further advance equal to 11.11 per cent after the second year's service, and an advance of 10 per cent after the third year's service. The salaries of the assistant postmasters, of whom the table shows there are 24 at \$800, 28 at \$900, and 310 at \$1,000, will receive another \$100, an increase greater than the Senator provides in his amendment, and those at \$1,000 a year receive as much as the Senator provides for.

Mr. SMOOT. That applies to clerks, and there are so very few clerks receiving \$800 and \$900 in the department, it amounts to very little. But the Senator knows that every laboring man and every laboring woman and every messenger and every assistant messenger and every charwoman and every man who is receiving \$600 and \$720 as an assistant laborer is not affected in any way by the promotion provided for in this bill or in the It is that class of people I am pleading for, and present law. it is only an increase for the year. We are not enacting a provision here that will apply to more than the year.

Mr. STONE. I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Utah

yield to the Senator from Missouri?

Mr. SMOOT. Yes; I yield to the Senator. Mr. STONE. Is the increase of salary for the low-paid clerks or employees under \$1,000 or under \$800, running on down to \$240, provided for only in the bills that make appropriations for a particular department?

Mr. SMOOT. If this bill passes without this amendment there is no advance whatever, I will say to the Senator. Another thing, I believe the Senator from Florida is too just a man, knowing that every other appropriation bill passed the Senate at this session provides the increase for these lowsalaried people, not to allow it to go upon this bill.

Mr. STONE. I was not seeking to debate the merits of the question. I was trying to get at the facts. This is the Post Office appropriation bill. Suppose we come to appropriate for some other department, will it be necessary to carry the same

provision into that bill?

Mr. SMOOT. It will, I will say to the Senator that the legislative, executive, and judicial bill provides generally for the other departments outside of the Department of Agriculture, and that is provided for in the Agricultural appropriation bill.

Mr. STONE. I was laboring under the impression that the amendment put on at the instance of the Senator on the legislative bill related to employees in all the departments.

Mr. SMOOT. No; it only related to the employees provided for in that bill. Since then, I want to say to the Senator, the Indian appropriation bill has passed, and the same aniendment was adopted on that bill; the Agricultural appropriation bill was passed, and that amendment was incorporated upon that bill. The legislative, executive, and judicial appropriation bill was passed, and it was first incorporated on that bill; the District of Columbia appropriation bill was passed, and the same thing applies to that bill. This bill comes from the House without any provision for an increase, just the same as the Indian appropriation bill, the same as the District of Columbia appropriation bill, but amendments were placed upon the latter

Mr. STONE. I think I understand. I wish to ask further, take the Library of Congress, for example or some rather outside department or semidepartment of the Government or bureau of the Government, how are they provided for?

Mr. SMOOT. They are provided for in the legislative, executive, and judicial appropriation bill, and they receive their increase by the amendment that was adopted upon that bill. The Post Office appropriation bill provides for the salaries of the employees of the Post Office Department.

Mr. STONE. Is this the last big department bill?
Mr. SMOOT. There will be another bill that carries appropriations for employees, and that is the sundry civil appropriation bill.

Mr. STONE. But this is the last distinctively departmental bill?

Mr. SMOOT. This is the last one.

Mr. STONE. And this provision went into all the others? Mr. SMOOT. Every one of them, I will say to the Senator. I hope the Senator from Florida will not insist upon his point of order.

Another thing, I will say to the Senator. Let it be adopted and let it go to conference, and if there is any question arises that we do not know of now let it go out; and if we do not agree to the provision in the legislative, executive, and judicial appropriation bill or the other bills carrying the same provision, then it can go out and no one will be hurt. But it would be manifestly unfair, Mr. President, to provide for the employees of every other department and leave it out of this appropriation bill and not provide for the men receiving the same sal-aries, doing just as much work as the work in any other department, they receiving the 10 and 15 per cent and the employees in the Post Office Department not receiving it. If it is applied to the clerks whose regular promotion is provided for here. I should then see reason for its not being incorporated in this bill.

I have said what I wanted to, and I leave the question of the

point of order entirely to the Senator from Florida.

Mr. BRYAN. Mr. President, it would be a strange thing if the Post Office Department did not desire to have its employees treated as the employees of other departments. There is a different system in vogue in the Post Office Department from that which usually obtains in the other departments. The law requires promotion.
Mr. GALLINGER.

Mr. President-

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. BRYAN. I yield. Mr. GALLINGER. Does the Senator think that the Post Office Department will be treating its clerks as well as other departments if the 15 per cent or 10 per cent increase is granted to messengers and assistant messengers and watchmen in all the other departments and not in the Post Office Department? The Postmaster General has not increased those rates of compensation.

Mr. BRYAN. I am coming to that before I conclude.

Mr. GALLINGER. At least I so understand it.

Mr. BRYAN. First, I want to say this: The Senator from Utah offers the same amendment that went on the legislative, executive, and judicial appropriation bill. In this bill there are clerks at \$800 who are required by law next year to be paid \$900; there are clerks in this bill receiving \$900 who under this bill are required to receive \$1,000 a year; there are clerks in this bill now receiving \$1,000 who by law are required to be paid \$1,100 next year. The increases amount to over \$2,000,000.

The Senator from Utah speaks of clerks and employees re-

ceiving less than \$480, and says that they are the people we ought to take care of. They ought to be taken care of, if they are not treated as well as the others, I concede that; but let You can assume something that may not be a fact. us see. The following letter was written to the chairman of the Com-

mittee on Post Offices and Post Roads:

Receipt is acknowledged of your letter of the 6th instant, in which you direct attention to an amendment adopted by the Senate to the legislative, executive, and judicial bill, which you anticipate will be offered for inclusion in the Post Office appropriation bill, and inquire what additional expense would be entailed by the enactment of this amendment

The amendment would provide for increased compensation at the rate of 15 per cent per annum to employees who receive salaries at a rate per annum of \$480 or less and for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of more than \$480 per annum and not exceeding \$1,000 per annum.

There are no employees in post offices whose salaries are \$480 or less per annum.

Mr. SMOOT. Then it would not cost anything.

What is the use of it? Mr. BRYAN.

Mr. SMOOT.

Let it go on.

The following statement shows the number Mr. BRYAN. of employees of the different classes at salaries from \$720 to \$1,000 per annum. As I stated the other day, the \$720 class are the lowest in the Post Office Department. The Postmaster General takes the position that if a man is not worth \$60 a month he is not worth his room in that department. They do not have boys as they have in the other departments. Here he has them rated at \$720, \$780, \$800, \$840, \$900, and \$1,000.

Of the total of 17,174 employees shown in the table above, 14,517 (clerks and carriers) receive, under the act of March 2, 1907, promotions of \$100 each year on the basis of faithfulness and efficiency until they reach the maximum grades of \$1,100 and \$1,200 per annum, respectively, at first and second class post offices.

He has to promote 75 per cent of those clerks if they remain in

In the case of the clerks and carriers it will be seen that after serving one year they receive an advance of salary equal to 12½ per cent; a further advance equal to 11.11 per cent after the second year's service, and an advance of 10 per cent after the third year's service.

That would be \$1,600,000. The advance granted by the House and in the Senate committee by this bill is a greater increase of salary than that proposed by the Senator. The Senator from Utah believes that he has a better method of promotion than the Post Office Department have and than the law enacted by Congress provides.

Of course, if the Senate is going to take \$800 and \$900 and \$1,000 clerks and have their salaries increased 10 per cent, then you are doing what? You are increasing under this bill without this amendment each one of their salaries \$100 apiece. Then on top of it you add another 10 per cent to what they have been receiving in that department as a whole, an average of more than a thousand dollars a year.

If the Senator wants anything to go into conference, he ought to limit his amendment to those receiving less than \$800, and he ought to limit it to those who work eight hours a day, because if you do not do that you will have men working sometimes two and three hours a day whose salaries will be doubled. All sorts of inequalities and injustices will be perpetrated in the rural-carrier service. I submit it shows a very great degree of generosity that in the bill itself we take every man who gets \$800 or \$900 or \$1,000 and give him a greater increase than is provided for in the Smoot amendment. Then we add to that a provision giving him another increase of 10 per cent. I have not any doubt at all that the employees of the Postal Service have been treated more generously than they would have been treated under the Smoot amendment. Neither have I any doubt that if this bill carrying that increase is passed in its present shape they will be more favorably treated than are any other employees in any other departments of the Government.

If the Senator wants to limit this to classes of employees receiving under \$720, I am willing to let the matter go to conference; but I am not willing to let the matter go to conference; but I am not willing to let the question go to conference of increasing salaries here 20 or 30 per cent, for that is what his proposition amounts to. Under this bill a man receiving \$800 to-day will get another \$100, making \$900; and if the

Smoot amendment is adopted he will get \$80 more.

Mr. STONE. May I ask the Senator from Florida a question?

Mr. BRYAN. Certainly. Mr. STONE. I ought to have enough information on this subject to make it unnecessary to propound the question I shall propound to the Senator; but I do not have. Therefore, I ask the Senator how the clerks and other employees in the

city post offices are paid?

Mr. BRYAN. I only know from this statement and from the hearings given to the representatives of the departments upon the legislative bill, when they asked us not to let it apply upon that bill. The Postmaster General says there are no employees in that department whose salaries are \$480 or less.

Mr. STONE. At any rate, do we appropriate in this bill for the clerks in the city post offices?

Mr. BRYAN. Undoubtedly we do; on page 11 those appropriations are found.

Mr. GALLINGER. Do I understand the Senator from Florida to say there are none receiving less than \$800?

The Postmaster General says there are none Mr. BRYAN. receiving less than \$480, but he says there are some who are receiving \$720. Then, if they have been working for that salary this year, for the next year they will automatically receive \$100 more. In this bill is a provision to give promotions to all of them in the first-class post offices.

Mr. SMOOT. Of course, that is limited. Mr. GALLINGER. Mr. President, with the permission of the Senator from Florida, I will offer a substitute to be read for the amendment offered by the Senator from Utah [Mr. Smoot]. Then it can be considered. I will withdraw it if there is special objection to it. I hope the Senator from Florida will pay atten-

tion to the proposed substitute.

The PRESIDING OFFICER. The amendment in the nature of a substitute proposed by the Senator from New Hampshire will be stated.

The Secretary. In lieu of the amendment proposed by Mr. Smoot it is proposed to insert:

For increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of \$720 per annum and not exceeding \$1,000 per annum, so much as may be necessary is appropriated. Provided, That this section shall only apply to employees who are appropriated for in the act specifically and under lump sums or whose employment is authorized herein: Provided further, That detailed reports shall be submitted to Congress on the first day of the

next session, showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein: Provided further, That the increases shall not apply to employees now receiving less than \$1.000 who, under the terms of the bill, are to be promoted to higher salaries.

Mr. BRYAN. I suggest to the Senator from New Hampshire that he leave out the words "under the terms of the bill." should be "by law."

Mr. GALLINGER. Very well. I ask that the words "under the terms of the bill" be stricken out.

Mr. BRYAN. "By law" would cover it.

Mr. BRYAN. "By law" would cover it. Mr. SMOOT. Before the Senator from New Hampshire proposes his amendment, I desire to make a short statement.

Mr. President, the Senator from Florida speaks of the promotions of certain clerks. There will be no promotions under the appropriations in the pending bill. Those clerks have got to work a full year before a promotion is given to them, and no matter what they are now receiving, no promotion will apply until the fiscal year 1918 and paid from appropriation made in the pending bill.

Mr. BRYAN. These clerks get promotions at the end of each year's service.

Mr. SMOOT. Mr. President, it is regular after the fiscal year ends; but we are appropriating in this bill to pay the salaries of employees from July 1, 1917, to June 30, 1918.

Mr. BRYAN. Does the Senator know that these promotions are made only at the end of the fiscal year?

Mr. SMOOT. That is what I am saying. Mr. BRYAN. The Senator is mistaken about that. It makes no difference when an employee enters the service, the promotion is made at the end of his year's service. The fiscal year has nothing to do with it.

Mr. SMOOT. But no money could be paid out of this appropriation until after June 30, 1917. There is no way of taking one dollar out of this appropriation to pay any employee of the Government until after that date.

Mr. BRYAN. No; but, on the other hand, if there is a man working to-day at \$800 a year and his new year begins to-morrow, regardless of this bill or any other bill, he then begins to draw an additional hundred dollars for the next year.

repeat, the fiscal year has nothing to do with it.

Mr. SMOOT. Mr. President, I am only speaking of the bill which we now have under consideration. The Senator from Florida knows that not one single dollar can be paid out of the appropriation we now have under consideration-and the amendment only applies to the pending bill—until after June 30, 1917.

Mr. President, reference has been made to the promotion of

certain employees, but they will never get the promotion unless they have earned it. If a man has earned his promotion from a salary of \$800 to a salary of \$900 per annum, and the other employees in all of the other departments of the Government get an increase of 10 per cent on a \$900 salary, and there is a man who has earned a promotion, even if he secured the increase by promotion, there can be no other conclusion than that if the amendment which I have offered to this bill is not adopted there will be a discrimination against the employees of the Post Office Department. I care not how you put it or from what angle you view it, there will be a discrimination. Under the law it is provided that as to the clerks of the first-class post offices who are getting a salary of \$800 or \$900, only 75 per cent of them can be promoted, though the House provided that they all should be promoted; but the Senate has amended the bill so as to provide for the promotion of only 75 per cent of

Mr. VARDAMAN. Mr. President, does the amendment offered by the Senator from Utah apply to the postal clerks all over the United States?

Mr. SMOOT. It applies to every employee provided for in this bill.

Mr. VARDAMAN. Will it apply to the mail carriers as well? Mr. SMOOT. It will apply to them where they are receiving less salary than \$1,000.

The object of the amendment, Mr. President, is to afford temorary relief to employees of the Government of the United States receiving salaries of less than \$1,000.

Mr. VARDAMAN. Does the Senator from Utah know how much it will amount to?

Mr. SMOOT. The Postmaster General states that the increase as provided for in my amendment will cost \$1,600,000.

Mr. VARDAMAN. We can save two-thirds of that by abandoning the pneumatic tubes. I do not see why we should not adopt the amendment.

Mr. SMOOT. Neither do I. I can not, for the life of me, see why we should not adopt it. I say now to the Senate that if we do not adopt it the employees of the Post Office Department will be discriminated against, as compared with the employees of every other department of the Government.

Mr. CLAPP. Mr. President, will the Senator from Utah par-

don an interruption?

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SMOOT. I yield.

Mr. CLAPP. Under the legislative, executive, and judicial appropriation bill, as I understand, if an employee to-day is getting \$700, the increase provided for in that bill applies to him?

Mr. SMOOT. Yes.

Mr. CLAPP. On the basis of a \$700 salary? Mr. SMOOT. And he gets 10 per cent increases And he gets 10 per cent increase.

Mr. CLAPP. If to-morrow for any reason that clerk is granted a promotion—it is so called, though that is a misnomer, of course-an \$800 salary, then he gets the increase provided for as to an \$800 salary?

Mr. SMOOT. There is no doubt about it.

Mr. CLAPP. And it does discriminate against these other employees not to give them the same increase by provision of law as applied to their salaries which is given to the clerks under the legislative bill, as applied to their salaries, when their salaries are raised. It seems to me the matter is too plain to admit of argument.

Mr. WEEKS. May I call the attention of the Senator from Utah to this difference? As to the employees to whom this increase may be given, there is a classification act which applies to most post-office employees, and those who enter the service at \$800 a year are the next year promoted automatically to \$900 and the next year to \$1,000. There is less reason for applying this increase to those employees than there is for applying it to the employees who are not in the classified list, such as laborers, charwomen, and others of that class. The Senator would then be covering the same ground practically that is covered in other appropriation bills by doing justice to these employees

Mr. SMOOT. Mr. President, the object that I had in introducing the amendment was to provide a temporary increased salary, only covering the one year, to all Government employees receiving less than \$1,000 per annum, based upon the fact that the cost of living is exceedingly high. It is almost impossible for a man to keep his family from-I will not say starvation, but I will say from want, on a salary of \$800 under the conditions which exist to-day; and the reason would apply no matter whether the employees are in the classified service or not.

As the Senator from Minnesota [Mr. Clapp] well says, if there are clerks now in the other departments who are promoted today or next week, or at any time before June 30 of this year, when the fiscal year begins they would receive their increase if their promotion did not grant them a salary of over \$1,000 per annum. If the amendment is not adopted, then there will be that discrimination against the employees of the Post Office Department.

Mr. WEEKS. Mr. President, the Senator will recall that when this matter was under consideration during the time when the legislative, executive, and judicial appropriation bill was before the Senate, I advocated that the increase in salary should be made immediately effective.

Mr. SMOOT. I remember that well.
Mr. WEEKS. That is what I thought should be done at that time. Now, any employee in the classified service of the Post Office Department who is getting \$800 a year is going to be promoted by the time this bill will take effect to at least \$900, and those who are now receiving \$900 will be promoted automatically to \$1,000; so that, as a matter of fact, the only employees that this amendment will affect in the classified service will be those who have entered the service within a year. It seems to me that they are in a different position from the employees who are getting, as laborers in the post office are, from \$620 to \$840 a year, or charwomen or other employees of that class who are not being promoted and never can be promoted, because they are not on the classified list.

Mr. SMOOT. The Senator from Florida [Mr. Bryan] said that there was no employee in the Post Office Department receiving less than \$720 per annum. There are charwomen in the Post Office Department.

Mr. BRYAN. How long do they work a day?

Mr. SMOOT. I can not tell how long they work. Some of them work the full eight hours and some of them do not. The Mr. SMOOT. Senator shakes his head-

Mr. BRYAN. If the Senator will put in his amendment a provision that it shall only apply to those who work eight hours a day it will not increase the salary of a single one of them.

Mr. SMOOT. I do not know that there are any Government employees, so far as that is concerned, who actually work eight

Mr. BRYAN. They do not; and so I say to the Senator that if he will put in his amendment a provision that it shall only apply to those who work eight hours a day it will not do any of them any good. The Postmaster General says that, as a rule, they work 7 hours and 30 minutes in the general Postal Service

and in the Railway Mall Service 6 hours and 40 minutes.

The Senator speaks of charwomen. The Senator himself, as I recollect, thought they were pretty well paid, because their work only took up an hour or so a day. Under the amendment of the Senator from Utah, which would increase for the second time employees provided for by this bill, the rural carriers, who are pretty highly paid men now, on the short routes, and who are paid on a basis prescribed by law—a basis of a standard route of 24 miles—if their pay happens to be \$1,000 or less would receive \$100 in addition, when sometimes it does not take them an hour a day to do their work.

Mr. SMOOT. Mr. President, if I have been informed correctly, I think that the rural carriers are the most poorly paid men in the Post Office Department. There has been more of what I consider just complaint on account of the salaries in that service than in any other service in the department.

Mr. BRYAN. I am very much surprised to hear the Senator say that. The Post Office Department informed us that men get out of the Railway Mail Service and out of the post offices as clerks and resign as postmasters in order to become rural Through transfer and in almost every other possible carriers. way they endeavor to get that position.

Mr. SMOOT. That may be the case in some special locations, but I will tell the Senator it is not the case in the West.

Mr. BRYAN. Against the amendment of the Senator in its present form I shall raise the point of order, and I understand the Senator concedes it to be good; but if the Senator wants to offer an amendment applying to those who do not receive automatic promotions below the grade of \$800, I will let it go to conference, so far as I am concerned.

Mr. SMOOT. I know that I am absolutely in the power of the Senator. He can make a point of order against the amend-ment and it will go out. So I will accept that amendment and add such a provision to my amendment.

Mr. BRYAN. The Senator can draw the amendment and in

the meantime we can pass on to other amendments.

Mr. GALLINGER. Mr. President, I withdraw my proposed substitute.

Mr. CLAPP. Mr. President, have all the committee amendments been disposed of?

Mr. BRYAN. No; there are some which have been passed

On page 4 there is an amendment which will require a twothirds vote of the Senate to put it in the bill. It is the amendment which provides for a reduction in postage upon certain first-class matter and for an increase of postage upon secondclass mail matter. I gave notice on Saturday

The VICE PRESIDENT. That amendment went out on a

point of order.

Mr. BRYAN. It went out on a point of order, but I gave notice on Saturday for the committee that I would offer it again, and gave notice of a motion to suspend the rules. realize that it will take a two-thirds vote of the Senate to do that. I desire to say in advocacy of the amendment—
Mr. HITCHCOCK. Mr. President, before the Senator takes

that matter up, will be permit me to suggest the absence of a quorum, so that we may have a full attendance on this im-

portant matter?

Mr. BRYAN. Very well.
Mr. HITCHCOCK. I suggest the absence of a quorum.
The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators

answered to their names:

Gallinger Ashurst Bankhead Borah McLean Martin, Va. Martine, N. J. Sherman Shields Simmons Gronna Harding Hitchcock Smith, Ga. Smoot Stone Brady Myers Nelson Brandegee Husting James Johnson, Me. Johnson, S. Dak. Oliver Bryan Catron Overman Thomas Clapp Clark Culberson Cummins Curtis Fernald Fletcher Thompson Vardaman Jones Penrose Kenyon Kirby Lea, Tenn. Lee, Md. McCumber Poindexter Ransdell Reed Shafroth Sheppard Wadsworth Warren Weeks Weeks Williams

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

Mr. SMOOT. Mr. President, I offer the following as an amendment to the amendment heretofore offered by me and under consideration a few moments ago.

The VICE PRESIDENT. The amendment will be stated.

The Secretary. At the end of the amendment heretofore offered by Mr. Smoot it is proposed to add the following words:

Provided further, That the increase shall not apply to employees in the classified service now receiving salaries at the rate of \$800 or more per annum.

Mr. BRYAN. I accept that amendment. The VICE PRESIDENT. The modified amendment of the Senator from Utah is, without objection, adopted.

The question now recurs on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. BRYAN. I ask that the amendment on page 4, to which I referred a moment ago, may be considered as pending. desire to take a few moments of the time of the Senate in discussing it. As I have said, it will require a two-thirds vote of the Senate to waive the rule and allow this amendment to go on the bill, and I do not know whether or not that can be done.

For many years the Post Office Department and the Congress have been in this position: There have been funds enough collected from the postage on first-class mail matter at 2 cents an ounce to justify a reduction to 1-cent postage upon that class of mail matter. Three-fourths of the earnings of the Post Office Department are derived from letter postage. That has been swallowed up by the very great deficit growing out of the rate on second-class mail matter. The cost of carrying second-class mail matter to the Government in 1916 was \$99,444,324, or nearly \$100,000,000, for which service the Government received only \$11,383,530.

Senators are familiar with the fact that all over the country there is an agitation in favor of a reduction in the rate for the carriage of letter mail. It is justified. They say, "Why should we contribute over \$250,000,000? Why should you take out of the pockets of the people who mail letters \$99,000,000 to make up for the loss that accrues because of the carriage of newspapers and magazines at a loss?"

The newspapers and the magazines say that but for their business there would not be so many letters written. That is their argument; but, Mr. President, the committee feel that the time has come when letter postage ought to be reduced to 1 cent throughout the country. However, they have taken only this step at this time, to reduce it on drop letters, including letters upon the rural routes; and they have not recommended an increase upon second-class mail matter that will make that rate self-sustaining. It will only add \$5,000,000 to the revenue of the Government. There will still be a deficit, because of the very small rate that newspapers and magazines enjoy, of over \$75,000,000 a year. In other words, when the total amount of increase recommended by this committee is adopted and in effect it will only raise an additional amount of \$11,383,000, and that divided over two years. Now, will \$5,600,000 for the next fiscal year and \$5,600,000 for the succeeding year ruin all these newspapers and magazines in the United States? That is what is claimed in the telegrams that are flooding the Capitol

to-day.

Mr. OVERMAN. Mr. President, may I ask the Senator a

question?

Mr. BRYAN. Certainly.

Mr. OVERMAN. Suppose we should suspend the rules; could we separate, in voting upon them, the proposition as to whether we would increase the rate on newspapers and magazines and the proposition as to whether we would grant 1-cent letter postage? Could those be made separate propositions?

Of course, in a parliamentary sense the Senate Mr. BRYAN. can do that. The Senate can adopt 1-cent letter postage anyhow, and refuse to raise the rates upon newspapers and magazines but, for one, I would be opposed to that. It seems to me you can not expect to conduct the Post Office Department at a very great loss. A small deficit does not amount to much. In my judgment, there ought not to be a surplus; it ought not to be a money-making concern. On the other hand, I do not think we would be justified in deliberately creating a deficit of twenty to twenty-six million dollars by reducing the rate on first-class mail matter.

Mr. President, I should like to ask the Senator a question. We are hard put now in the business of raising revenue to run the Government. We are taxing the people enormously already; we are proposing to increase the taxes to raise an aggregate of several hundreds of millions of dollars, and we are also about to provide for the issuing of two or three hundred millions of bonds to meet the vast increase in our expenditures. Does the Senator really think that now, in this emer-

gency, in this situation, it is a hardship to require people who are sending social letters or business letters to contribute one cent on each letter to the maintenance of the Government? Would it not be very well to continue this tax and save this amount of money, instead of taking 1 cent off of people who have occasion to send letters? I have heard no complaint, so far as that is concerned, that our letter postage is burdensome.

Mr. BRYAN. There has been complaint for years. Well, it has not reached my ears.

Mr. BRYAN. Of course, it is not a very heavy tax on any individual or upon any concern, perhaps. It may be that you could justify the continuance of the tax upon the theory outlined by the Senator from Missouri; but if a tax of 2 cents an ounce is not too much burden to lay upon a letter writer, a tax of 1 cent a pound is not a very heavy tax to lay upon newspapers and magazines. If this question is divided, I shall turn and ask the Senator, Why should not these people who are receiving an annual subsidy from this Government of \$100,000,000 contribute \$5,000,000 this year and \$5,000,000 the next year? Mr. JAMES. Mr. President-

Mr. STONE. I answer in this way: If we could differentiate between the legitimate newspapers and these muck-raking magazines, which contain when at their best, generally speakingthere are most honorable exceptions, of course, but generally speaking—a lot of trashy stuff, and one-half of the matter within the covers made up of advertisements, from which they get, I am told, in many instances more than \$1,000 a page

Mr. BANKHEAD. Mr. President, some of them get \$5,000 a page per issue.

Yes: per issue. If we could differentiate, I would be willing to put an increased tax upon these magazines; but I am not willing now, or at least my judgment now is against imposing an extra tax in the form of additional postage upon newspapers, when paper, for some reason or other, has been advanced abnormally.

Mr. BRYAN. Does the Senator understand that the free-in-

county privilege still remains untouched by this amendment? Mr. STONE. No; I do not know anything about that.

Well, I will tell the Senator. Every newspaper Mr. BRYAN. in this country pays nothing for the distribution of the mail within the county of publication, Mr. FLETCHER. Mr. President-

Mr. BRYAN. It is free in the county. Now, the Senator speaks of the cost of print paper. Here is a magazine weighing 4 pounds and 14 ounces, practically 5 pounds. [Exhibiting magazine.] The Government gets 5 cents for carrying that magazine any distance in this country. It costs the Government 8 cents a pound to carry it. It costs it 40 cents, and it gets 5 cents. Here is this magazine weighing 5 pounds. Government lost on this issue of this magazine \$3,686. magazine made out of its advertisements \$31,800.

Mr. FLETCHER. Mr. President, I should like to ask my colleague whether the proposed increase applies to all newspapers and magazines, or whether it applies only to a certain class of newspapers? For instance, I have before me a statement to the effect that the rider exempts newspapers from the proposed advance, but puts the burden on agricultural, educa-

tional, and religious periodicals and magazines

Oh, of course it applies to all periodicals alike.

Mr. FLETCHER. And newspapers?

Mr. BRYAN. Newspapers and magazines and everything There are newspaper concerns in this country getting circulation at an expense to this Government in the aggregate of nearly \$100,000,000, less \$11,000,000—\$88,000,000 per annum. That is what it costs the Government.

Mr. GALLINGER. Mr. President, has the Senator any figures that would show the loss to the Government, for instance, of the distribution of the Saturday Evening Post?

Mr. BRYAN. I have some figures on that. The Saturday Evening Post enjoys a subsidy, according to this statement prepared by the One-Cent Letter League or Association—and it is not far wrong, I will say; they got their figures from the Post Office Department—of \$3,640,000.

Mr. GALLINGER. That is, they make a profit—

Mr. BRYAN. That is what it costs the Government to dis-

tribute their mail above what the Government gets out of it. Mr. GALLINGER. It costs over \$3,000,000 to the Government to distribute that one publication?
Mr. BRYAN. Yes, sir.

Mr. CLARK. How much does the Government get?
Mr. BRYAN. The Government gets \$520,000. It costs the Government \$4,160,000.
Mr. FLETCHER. Every year?

Mr. BRYAN. Every year; yes, sir. Mr. TOWNSEND. Mr. President—

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Michigan?

Mr. BRYAN. I do. Mr. TOWNSEND. In connection with the suggestion that has been made about the increased cost of paper, I should like to remind the Senator of something which he already knows, but which was brought to my attention about five minutes ago, when I was called out of the Chamber to speak with a business man to discuss the increased cost of paper. asked him if he was paying more for his advertisements on account of that increase, and he said he was.

Mr. BRYAN. Why, of course. Mr. TOWNSEND. And that many business men were being charged more for advertisements because of this increase. know that an increase has occurred in the price of paper, but I also know that this condition is temporary and that normal conditions will probably soon return.

Mr. BRYAN. Of course they do it. Now, the argument is made—there always will be some argument or excuse against

the increase of the rate

Mr. OLIVER. Mr. President-Mr. BRYAN. Just a moment. They say the main reason why you can not do it now is because of the advance subscriptions for one, two, and three years; and the gentleman who wrote the article that my colleague [Mr. Fletcher] has on his desk says that in some instances they have advance-paid subscriptions for 10 years, and it would be an uprooting of vested rights for Congress to legislate until all these 10-year subscriptions run out. That will be the case always. Before print paper was advanced in price the same opposition, from the same sources, as bitter and as strong and as powerful as this opposition, manifested itself. It has been manifested in every Congress since I have been here. The first time I walked into this Chamber the Senator from Washington [Mr. Jones] had the floor, pointing out that some of these magazines were made up three-fourths of advertising. In the case of the Iron Age of this month there are 636 pages of advertising matter, for which the publisher gets \$50 a page. The Government contributed to him \$3,686 upon an investment out of which he

Now, Senators, that is the proposition. Everybody understands it. I am not going to delay the Senate in arguing it.

Mr. JAMES. Mr. President-

Mr. BRYAN. The Senator from Pennsylvania asked me to

yield to him.

Mr. OLIVER. Mr. President, I only wanted to allude to the question raised by the Senator from Michigan [Mr. Townsend] a few minutes ago, when he stated that the rates of advertising had been increased on account of the increased cost of print paper. I will state that if the Senator had anything to do with the conduct of a newspaper, he would realize that the newspaper owner who was fortunate enough to obtain an increase in rates on that account was very exceptionally situated, because the advertising rates are based not upon the cost of print paper but upon what the advertising is worth to the advertiser and upon the circulation of the newspapers themselves. I know that in the case of the newspapers in which I am interested there has been no advance whatever on account of the cost of print

While I am on my feet I wish to say that I do not expect to oppose this proposition. I am somewhat interested in it as a newspaper publisher, and therefore will not speak upon the proposition to increase the second-class rate; in fact, I think the second-class rate ought to be advanced; but I do think, if the Senator from Florida will allow me, that this is a most inopportune time to reduce the rate of postage upon any class of mail matter whatever, upon drop letters or anything else, or to reduce the revenues of the Government in any respect. When one committee of the Senate is busily engaged in devising means of raising money I do not think another committee ought to be engaged in endeavoring to reduce the revenues of the Government. Furthermore, I will say that the Dominion of Canada, for instance, as a means of raising revenue, has advanced the rate of postage and has put a war tax of 1 cent an ounce upon every letter that is mailed within the Dominion; and I do not think we should couple these two propositions with each other. I am opposed to reducing the drop rate at this time.

The Senator from Connecticut [Mr. Brandeger] asks me how much print paper has increased in price. I will say that for the larger dailies and the larger contracts my experience goes to show that there has been an increase of about 50 per cent over

the former cost.

Mr. BRYAN. Mr. President, there is only one thing further that I care to say. This plan, if adopted, does not mean a permanent deficit in the post-office revenues. It is estimated by

the department that the loss from putting into effect the provision as to drop letters will be, say, \$20,000,000 this next fiscal year. It is confidently expected—and the year is nearly over that there will be a \$10,000,000 surplus this year. That leaves \$10,000,000, half of it to be made up by the half-cent increase this year and the other half next year, so that by the time the rate upon second-class matter is doubled the rates as a whole, including the reduction in postal rates on first-class mail matter, will be self-sustaining.

Mr. JAMES. Mr. President, I wish to ask the Senator a

question. Is it not true that in order to reach a publication so full of advertisements as the Iron Age, making that rate apply to the newspapers which are read daily and circulated throughout the country, while it might do justice in the case of that publication, would be an exceedingly great hardship on the small daily newspapers of the country, which carry small amounts of advertisement and give the public the current news, and in this way are in the class of public educators and enlight-

Mr. BRYAN. I may say now to the Senator from Kentucky

Mr. OLIVER. Mr. President, will the Senator allow me to

interrogate him?

Mr. BRYAN. If the Senator will pardon me, I will answer this question, and then I will yield to the Senator from Penn-sylvania. Of course, it does not cost the Government any more to carry one kind of second-class matter than the other. It carries it by the pound, and it is at the same expense in carrying a city newspaper as it is in carrying a magazine. But the Senator must remember that the class of papers which it is usually claimed could stand the increase, because they have adjusted themselves to the business conditions, are the country weeklies. Now, the country weeklies circulate for the most very within the country of publication, and they do not pay weekles. Now, the country weekles circulate for the most part within the country of publication, and they do not pay a dollar. In the case of the daly paper, on the average their circulation does not cover a radius of more than 50 or 100 miles, and those papers are established institutions. They, as a class, are making money. The country is prosperous. They must be sharing in that prosperity, notwithstanding the increase in the rates upon print paper. rates upon print paper.

Mr. JAMES. I think, if the Senator will pardon me, that there is a distinction that the Government ought to make between carrying a paper which is almost entirely for advertising, as this one seems to be, and a newspaper that circu-

lates and is read for the purpose of enlightening a community.

Mr. BRYAN. Oh, no; there are 132 pages of reading matter

Mr. JAMES. I know, but it is nearly all given over to advertisements

Mr. SMITH of Georgia. How much advertising is there in it?

Mr. JAMES. Six hundred of the 800 pages.
Mr. BRYAN. Well, a great many of these magazines and newspapers, too, have half of their space taken up with adver-Take these daily newspapers—half of them is adververtising. Surel: they do not take those advertisements at

Mr. JAMES. But it is true that if we vote for the motion of the Senator to suspend the rules, the two propositions are not separated in his motion.

Mr. SMITH of Georgia. We would bring it all up.

Mr. BRYAN. Oh, the whole question is open, then. The Senate can do as it pleases with the amendment.

Mr. JAMES. The increased rate upon newspapers and the decreased rate upon drop letters are all involved in one proposition and are not separate.

Mr. BRYAN. They can be separated, of course. The Senate can do as it pleases. In other words, the Senate can reduce the postage on first-class matter and leave out any increase on second-class matter; or it can increase the rate on secondclass matter and leave out the reduction on first-class matter, if it cares to do that; or it can change this rate as it pleases by amendment.

Mr. OLIVER. Mr. President, the Senator from Florida has given a great deal of study to this matter, and I should like to ask him whether he has any figures showing whether there actually is a loss to the Government in the transportation of the newspapers by second-class mail? I do not refer to the county papers, which go free; of course, there is a loss in that; but take the daily papers, which, when mailed, are as a rule mailed for a very short distance. Has the Senator any figures showing whether or not there is really a loss in transporting

on account of magazines. There is a loss on all of them. The

on account of magazines. There is a loss on all of them. The loss on magazines, however, is larger.

Mr. OLIVER. Yes; of course, we know it is larger; but is not the loss on the daily papers inconsiderable, on account of the short distance that they are carried, as a rule?

Mr. BRYAN. No; I think not. I think the loss is considerable even on daily newspapers. I am quite sure it is. It can not be otherwise. The pick-up and delivery charge costs the Government more than the postage.

Mr. TAMES. The loss on daily payspapers however is not

Mr. JAMES. The loss on daily newspapers, however, is not as great as it is on a magazine like this copy of the Iron Age.

Mr. SMITH of Georgia. Mr. President, I am going to discuss

that very subject at this time. When I was on the Post Office Committee I gave a good deal of attention to it, and I am sure that the relative loss to the Government on newspapers is entirely different from that upon magazines. The cost to the is entirely different from that upon magazines. The cost to the Post Office Department consists of two elements—the handling element and the hauling element. The hauling element increases with distance, for the department pays the railroad a mileage rate per pound, and for each additional mile there is an additional cost to the Government for the hauling.

The result of the investigation made when I was on the

Post Office Committee led me to the conclusion that the average rost Office Committee led me to the conclusion that the average daily newspaper haul was about 50 miles, while the average magazine haul was nearly ten times that much; so that the expense of the haul, which is the heavy element of the expense in second-class postage, is almost ten times as large—certainly six times—for the magazines as it is for the newspapers.

The newspaper average haul being about 50 miles, it is exceedingly doubtful whether there is any considerable loss to the Government upon those newspapers which under this amendment are to have an increased charge for the first year of half a cent a pound and for the second year an entire cent a pound. I am impressed with the belief that the cost to the pound. I am impressed with the belief that the cost to the Government can not be great as a matter of loss upon the daily papers, because I know that the cost of the haul, even from the East, partly by water, did not amount to 2 cents a pound on white paper to the city of Atlanta several years ago, when I was interested in the newspaper business. I have no interest of any kind in newspapers or magazines at this time, so that I am entirely free from any personal interest. It is simply a matter of information that I have gathered from my experience.

I do not think it fair to class the daily newspaper with the magazine in this increased charge, because the loss to the Government is really on the magazines, and I think it is very small, if any at all, upon those newspapers which pay. Of course, there is a substantial loss on the weekly paper that course, there is a substantial loss on the weekly paper that is handled without any charge at all, and there is a loss on the papers, daily and weekly, which go in separate wrappers over rural routes. The papers to which is to be applied these increased charges, when delivered in towns and cities, I do not believe will cost the Government 2 cents a pound. I think if we carried it to 2 cents we would be charging them considered. erably more than it costs the Government.

Reference was made to the expense of handling a large part of these newspapers together in a single bundle. There is not the individual handling of the individual paper through the mail when daily papers are delivered in towns and cities. There is not the expense that is attached to the individual handling of a letter. It is a different proposition entirely, on account of the different system of handling.

Mr. BRYAN. Mr. President, is it not as much trouble to dis-

tribute newspapers as it is to distribute letters?

Mr. SMITH of Georgia. It is as much trouble, at the place of delivery, to distribute, if the mode of distribution were the same; yes. Mr. BRYAN. Yes.

Mr. SMITH of Georgia. But that is only a part of the trouble of distribution. There is the distribution of the letter all the way through, while the newspaper goes to a town in a package, starting from the office in a package, and there is only one distribution at the town.

Mr. BRYAN. There is the same distribution that there is of

the letters

Mr. SMITH of Georgia. No; there is not.
Mr. OLIVER. Mr. President—
Mr. SMITH of Georgia. One moment; the Senator is mis-The letters are taken up one by one at the initial post

I said at the point of distribution

Mr. SMITH of Georgia. But the Senator said there was as much trouble in the case of the newspapers as in the case of the letters. I say yes at the point of distribution if they are distributed in separate wrappers.

Mr. BRYAN. That is what I was speaking of.

Mr. SMITH of Georgia. But the trouble at the point of distribution is not more than a third of the trouble of handling. You eliminate, therefore, in the case of newspapers two-thirds of the expense of handling, which applies to the case of indi-vidual letters, even when distributed at the point of delivery in separate packages.
Mr. OLIVER. Mr. President-

Mr. SMITH of Georgia. I yield to the Senator from Penn-

sylvania.

I would also call the attention of the Senator to the fact that the newspapers, as a rule, are delivered at the railway station. Instead of being taken to the post office and handed to the Government there, they are taken in packages, the package for each town tied by itself, and delivered in bulk at the railway station.

Mr. SMITH of Georgia. I was just coming also to that propo-Only those newspapers which go through the post office in individual wrappers and are distributed to the individual in that way have a distribution at the point of terminus. As a rule, the newspapers go to a carrier in a town in large bundles covering the subscription of the town, and the carrier delivers them, the carrier making the separation, the carrier making the classification, and there being only one handling by the postoffice employees from the initial point to the place of delivery at the depot. So this element of the cost of handling is far less as to newspapers than it is as to magazines and far less for individual papers as to newspapers than it is per individual letter as to letters.

I am discussing, Mr. President, the question of expense to the Government of handling newspapers as compared to letters and the expense to the Government of handling newspapers as compared to magazines. It is for this reason I insist that the con-clusion which I have reached and which I still entertain is that the relative loss upon magazines and upon newspapers is en-tirely different. First, because the relative haul is nearly 10 times as much per magazine; second, because the relative cost of handling is very much less for newspapers than for magazines. I can not consent to a measure that classifies the newspapers and the magazines and proposes to put the same in-

papers and the magazines and proposes to put the same increased charge upon the newspapers that it puts upon the magazines. I shall, therefore, vote against suspending the rule.

Mr. FLETCHER. May I ask the Senator if he considers the practice of carrying magazines by freight? Is there not a difference in the cost there as compared with the cost by express?

Mr. SMITH of Course of course there are represented by

Mr. SMITH of Georgia. Of course those magazines which are handled by freight cost less than those that go by the ordinary mail trains. It has been a saving, I think, of over \$5,000,000 by classifying part of the magazines and sending them by freight. I very warmly advocated that measure when I was connected with the Post Office Department.

Mr. TOWNSEND. Does the Senator think that the news-

papers are paying as much as they ought to pay for handling

their mail?

Mr. SMITH of Georgia. I am not sure that the cost of the newspapers, barring those that go free, is in excess of a cent a pound, for the reasons I have explained—the handling consists

Let me illustrate it by my own observation. Suppose there is sent from the city of Atlanta to the city of Macon probably a package of 500 papers. They would probably go in one package, and be received there by the newspaper carriers and be distributed by them. There would be but one handling only by postuted by them. There would be but one handling only by post-office employees, and that would be the delivery by the employee

of the newspaper to the train and to the agent at the depot.

Mr. BRYAN. The Senator from Georgia does not state that he doubts the Hughes Commission report. It puts the cost per pound on daily newspapers at 6.91 cents; on the weekly and other than daily newspapers, 10.59 cents; on scientific periodicals, 7.25 cents; on educational periodicals, 8.06 cents; on religious periodicals, 11.37 cents; on trade-journal periodicals, 6.47 cents; on agricultural periodicals, 9.53 cents; on magazines, 8.09 cents; and on miscellaneous periodicals, 10.26 cents. So, when you put these rates at 2 cents a pound on daily papers or any second-class mail you are receiving but one-third of a compensatory rate.

Mr. SMITH of Georgia. Mr. President, I am not prepared to accept those figures as correct. I have no idea they are correct,

from my own observation. Suppose we send 50 papers—
Mr. SMOOT. Will the Senator allow me to interrupt him? In this connection I wish to call attention to the general practice of the daily papers in sending mail outside a city. The paper itself is prepared by the company issuing the paper, which is put into one bundle, and the paper itself delivers the paper at the depot.

Mr. SMITH of Georgia. That is what I have just said.

Mr. SMOOT. And it reaches its destination.

Mr. SMITH of Georgia. The agent of the paper meets it at the depot, and it is distributed there to carriers, and there is practically no handling by the department except to receive it on the car and deliver it from the car.

Mr. SMOOT. That is all. The paper itself provides the agent

in the city who receives the paper, and the agent distributes

to the homes

Mr. SMITH of Georgia. I am much obliged to the Senator; but that is just what I was explaining. I was illustrating it by the transportation of 500 papers going from Atlanta to the city of Macon. The newspaper sends a bundle of 500 by its own machine to the depot and delivers it to the car at Macon.

Mr. SMOOT. The Senator

Mr. SMITH of Georgia. Wait a moment. I think I can explain it. The Senator is very adept, I understand, on this subject; but let me finish. At Macon the representative of the newspaper meets the car and takes the bundle of 500 papers. All the Post Office Department has done is to pay the transportation on the 500 papers from Atlanta to Macon. It has had practically no expense of handling, and it simply made a straight haul; that is all. It does not cost the Post Office Department over a cent a pound to haul that freight from Atlanta to Macon. It does not cost it 2 cents a pound.

Mr. SMOOT. The only reason why I made the inquiry of the Senator is this: He said "carriers." I thought perhaps other Senators received the same idea I at first received from the statement he made, that he referred to the post-office carriers; but, of course, he referred to the carriers for the newspapers.

Mr. SMITH of Georgia. The newspaper carriers,

Mr. SMOOT. That is all.

Mr. SMITH of Georgia. It is not done by an employee of the Post Office Department. The machine of the newspaper takes them from the office of the newspaper in single bundles, carries the mail to the depot, and loads it on the car in packages for cities and towns. The only distribution is in packages, and that is made at the places by carriers of the papers, who take them out and distribute them. I do not believe there is any such expense to the department.

Now, let us come to the eastern paper. It comes to cities away from New York in large packages to the newsdealers. The distribution does not take place as in letter distribution; it does not take place as in magazines; and I say as the average haul for newspapers is so much less and as the character of distribution is so much cheaper I do not think it is just to class

the two together.

I would have been glad to increase the charge on periodicals, especially for the long hauls that really cause the chief expense, but I do not believe it right to put newspapers and magazines into the same class.

Mr. BRYAN. Did the Senator say the cost was ten times

greater for magazines?

Mr. SMITH of Georgia. No; I said the haul was approximately ten times longer.

Mr. BRYAN. Is that a mere guess?

Mr. SMITH of Georgia. No; that is my recollection. magazines have an average of about 500 miles-perhaps 300while the newspapers have an average of about 50.

Mr. BRYAN. According to the Hughes report, subscribers' copies 255 miles, sample copies 315, subscribers' copies and sample copies combined 255 miles, and scientific periodicals 793 miles.

Mr. SMITH of Georgia. If these figures are applied to subscribers of newspapers they did not know the facts; they did not understand the business of newspaper publishers.

few newspapers go to subscribers direct.

Mr. POMERENE. The Senator does not include the newsdealers?

Mr. SMITH of Georgia. No; when you speak of subscribers you mean individual distribution.

Mr. BRYAN. Can the Senator state it so as to compare the

second-class delivery of newspapers and magazines? Mr. SMITH of Georgia. To individual subscribers, I said.

Mr. BRYAN. I think the Senator is mistaken about that. According to this table the Hughes Commission reported newspapers and magazines received on all rural routes 39,794 during May, 1911, and there were newspapers 14,280,942 pounds and only 2,377,894 pounds of magazines. So the weight of newspapers delivered and received upon these rural delivery routes is nearly ten times as great as the delivery of letters.

Mr. SMITH of Georgia. I was not referring to the rural

Mr. BRYAN. The Senator was talking about the railway

Mr. SMITH of Georgia. I was referring to the great bulk of the newspaper distribution from my own knowledge and my own observation. The rural routes do not carry a large proportion of the daily papers distributed.

Mr. BRYAN. Then the report of the commission is all

Mr. SMITH of Georgia. I think it is, if it means that the larger issues from daily papers are delivered upon rural routes. Mr. POMERENE. May I ask the Senator from Georgia a question?

Mr. SMITH of Georgia. Yes.

Mr. POMERENE. Is the Senator able to state just whether these newspapers are hauled by the Government at a loss or at

Mr. SMITH of Georgia. I am not; but I am prepared to say that from my observation the loss if there is any is nothing

like the loss on the magazines.

Mr. POMERENE. Let me ask the Senator another question. Is the Senator able to state whether the Government hauls the

magazines at a loss or at a profit; and if so, what amount.

Mr. SMITH of Georgia. I can not say exactly. My information on that subject is not from my personal knowledge but from reports I have seen from the Post Office Department. The conclusion reached when I was upon the committee was that the average cost of a magazine ranged from 6 to 8 cents a pound, while they were only charging 1 cent a pound.

Mr. POMERENE. I have been informed that the Govern-

ment receives for this second-class mail between nine and ten million dollars annually, and that it costs the Government about

\$90,000,000 annually to render this service.

Mr. BRYAN. I can give the Senator some figures

Mr. SMITH of Georgia. The Senator from Ohio, unfortunately, I think, was not here when I drew the distinction between newspapers and magazines, when I showed the marked difference between the cost of handling the two by the Government.

Mr. POMERENE. I was not here.

Mr. BRYAN. There were 1,202,470,676 pounds mailed at cent-a-pound rate and free in county. Cost to the Government, \$99,444,324. Postage received, \$11,383,530. Loss in handling, \$88,060,794

Mr. POMERENE. So the Government gets about one dollar

for every nine it pays out for this service.

Mr. SMITH of Georgia. That I should not think was correct, according to the report furnished the Post Office Committee when I was on the committee a few years ago.

Mr. POMERENE. I was going to ask the Senator what he

thinks is the amount?

Mr. SMITH of Georgia. I will say to the Senator the evidence before us was that the cost for handling the magazines ranged between 6 and 8 cents a pound when the charge was 1 cent a

Mr. POMERENE. The answers of the Senator make it sufficiently clear for me to state my position in a few words.

Mr. SMITH of Georgia. Does the Senator desire to ask me another question?

Mr. POMERENE. I thought the Senator had resumed his seat and simply rose to answer my question. If the Senator still retains the floor I will have nothing to say at this moment.

Mr. SMITH of Georgia. Mr. President, all I desire to say is that the difference in the cost to the Government is great between the newspaper and the magazine. The cost for handling the daily paper is, in my judgment, not 2 cents a pound or in many instances 1 cent a pound. I am unwilling to vote to suspend the rule to put that charge on newspapers.

Mr. POMERENE. Mr. President, it seems that the reports from the department indicate that the Government is render-

ing service at an expense of about \$99,000,000 for which it receives about \$11,000,000. The question is whether we shall suspend the rules and vote upon this subject. Very shortly we shall be called upon to provide for additional revenue amounting to hundreds of millions of dollars. I realize the fact that a portion of this loss is chargeable to local papers in every vicinity. That loss to the Government and the benefit to the publishers is rather equitably distributed. The larger losses are due to the very large magazines. I am told that the profit of the Post Office Department on first-class mail is about \$90,000,000. So we take from the letter writer and the letter sender \$90,000,000 in profits and we turn it over to the publishers of the magazines and daily papers. I do not see how Senators can reconcile that situation.

It seems to me that anybody who receives service from the Government ought to be willing at least to pay the cost of that service. Under the circumstances the question addresses itself thus to the Senate. We have the information that we are doing \$99,000,000 of service for which we receive \$11,000,000. Shall we continue this expenditure of the Government for the benefit most largely of the magazine publishers and to-morrow come in and levy taxes to make up this deficit? That is the problem in a nutshell.

I realize the pressure that is brought upon Senators. I have received to-day letters and telegrams urging me to vote to contime this practice as heretofore, but I should like some publisher of a magazine to tell me how he can reconcile my vote, if I should vote as he wishes, with my duty to the public. For that reason I hope that the motion will prevail and that the

rule will be suspended. Mr. SHIELDS. Mr. President, there seems to be some controversy as to the services that are rendered by the Post Office Department to the daily papers in the distribution of their papers. I have a statement by a practical newspaper man, the editor of one of the largest and greatest newspapers in the South, which gives the facts in detail concerning the delivery of his paper, the Commercial Appeal of Memphis, Tenn., and

I desire that statement to be read as a part of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none and the Secretary will read.

The Secretary read as follows:

MEMPHIS, TENN., February 11, 1917.

Senator JOHN K. SHIELDS, Washington, D. C.:

Under present rate of postage the Commercial Appeal pays the United States \$700 per week in postage. The Government makes money out of all such papers as ours. It makes money out of all the large dailies in this country, except possibly a few of the large dailies of New York and Chicago. The express companies take our papers at 50 cents per 100, and are eager to get the business. The Government is put to little expense in handling our papers. We deliver at our own expense most of our papers direct to the trains. Our own clerks get the Government sacks and route the papers from the office. We haul the papers to the depots in our own wagons. At the destination most of our papers are taken direct from the train by our agents. Therefore the only work the Government does is to have clerk come to the office and weigh the papers and to transport the paper in trains. The papers usually take care of both loading and delivery. This even applies to a great deal of our single-wrapped papers up to the point of delivery of said papers to the train. Three-fourths of our out-of-town circulation does not pass through the post offices at all. It is checked up at the newspaper office by a postal comployee, goes to them at the trains, and is delivered at train destination direct to agent. We are now paying the United States Government an income tax which this year will amount to about \$3,400; we are paying a corporation tax on the market value of the stock; and we are threatened with an added tax on our profits above a certain profit. Our paper bill is higher than ever before. Our subscription rates are not higher, neither are our advertising rates. If all of these plans go though to add more taxes to the newspapers, most of us will come to Washington and request the Government to appoint a receiver to operate our property, because we can not operate it under proposed conditions and make enough money to pay the proposed taxes and the proposed increase in postage.

C. P. J. MOONEY,
Managing Editor the Commercial Appeal.

Mr. THOMAS. Mr. President, may I ask the Secretary to again state what the author of that telegram gives as his income tax?

The Secretary read as follows:

We are now paying the United States Government an income tax which this year will amount to about \$3,400.

Mr. THOMAS. That is a corporation, is it?

The Secretary read as follows:

We are paying a corporation tax on the market value of the stock d we are threatened with an added tax on our profits above a certain

Mr. THOMAS. I should think that newspaper was in about as much danger of a receiver as are the telegraph companies, if we may judge of the condition of the latter by the number of telegrams with which they have flooded this Chamber in the last four or five hours.

Mr. SHIELDS. I did not yield for a speech at this time. Mr. THOMAS. I beg the Senator's pardon. I did not know

Mr. 1HOMAS. They the Schatch's particular that he had the floor.

Mr. SHIELDS. The Commercial Appeal is a great and prosperous paper, but that is no reason why it and other papers which are not so prosperous should be discriminated against

and subjected to oppressive taxation.

and subjected to oppressive taxation.

The statement of Col. Mooney sustains what was so strongly stated by the Senator from Georgia [Mr. Smith]. The daily papers are now paying their full share of postal expenses. If the magazines are not paying what they should, let their postage be increased. There is a clear distinction between the two classes of publications, and the papers should not be classed with them to their prejudice.

The daily newspaper is more than a commercial enterprise.

The daily newspaper is more than a commercial enterprise It is published for profit, of course; but it is educational in its nature and use. Does anyone want to increase the cost

of them or limit their circulation?

Mr. BRYAN. Mr. President—

Mr. SHIELDS. I yield to the Senator from Florida.

Mr. BRYAN. Does the Senator from Tennessee really think that there is much danger of Col. Mooney having to go into the hands of a receiver if he can pay \$3,400 income tax on an income which he makes out of the running of his paper? Is Col. Mooney in any danger of going into the hands of a receiver by reason of contributing 1 cent a pound more upon the postage of his papers? Does not the Senator from Tennessee think that is absurd on the face of it?

Mr. SHIELDS. I do not think the Commercial Appeal is in any danger of going into the hands of a receiver, but that is no reason for confiscating its property by oppressive taxation.

Mr. President, the great daily newspapers of the country are not purely commercial corporations; they are educational in-stitutions. They are in the nature of public utilities for the distribution of news and information to the people of the whole country. They are one of the greatest promoters of civilization and should be treated fairly.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to ask him a question?

Mr. SHIELDS. I will. Mr. SMITH of Georgia. The Senator will notice that the Commercial Appeal now pays \$700 a week postage; that is nearly \$37,000 a year. If we add a cent a pound to their postage, we would make their postage bill \$76,000 a year, which would take up over a third of their profits.

Mr. BRYAN. Oh, no.

Mr. SMITH of Georgia. Yes, sir.
Mr. SHIELDS. I will not stop to make the calculation. have, however, another statement here, showing that the publishers of this paper are now paying the United States for the delivery of its papers about \$36,000, and, as shown by the statement of Col. Mooney, they pay to others a very large part of the expense of this real distribution.

It was stated by the Senator from Florida a few moments ago that daily newspapers and magazines were receiving a tre-mendous subsidy from the United States. That is not a correct statement. They are not receiving a subsidy any more than their subscribers. The Postal Service is maintained for the

benefit of the people of the country.

Mr. GALLINGER. Mr. President—
The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from New Hampshire?

Mr. SHIELDS. I will yield in a moment.

The Post Office Department is not a business conducted for profit. It is conducted in the service of the people of the whole United States, and while we should like to see it pay its expenses, it is not necessary that it should do so. The question that always ought to be considered and the policy in conducting it should be to furnish prompt and cheap delivery of mail of all kinds. It is one of the things for which the people are taxed, and for which they are willing to be taxed. They want prompt and reliable delivery of letters and papers, and it is the duty to furnish such service, and if reasonable postal charges will not pay the expense of such service it must be supplied from other sources.

Now, it is said that it is absurd for one committee of this body to be considering a bill to raise revenue and for another committee to be considering one for the reduction of revenue. This is an additional tax, not only upon the newspapers but upon the people who want the papers and will have them. If further burdens are imposed upon newspapers they will be compelled to raise subscription rates, and in the end, as is the case in all indirect taxes, the burden will fall on the consumer, upon the people who take the papers.

The proposed increase of postage upon newspapers is nothing less than a proposition to tax information and education and to deny to the people, especially those of the country, the cur-

rent news of the day.

Mr. GALLINGER. Mr. President, if this publishing house and I am glad that they are so prosperous—has not any other income than that from its newspaper, they must be making over \$300,000 a year from it.

Mr. SMITH of Georgia. No; this year 2 per cent is the income-tax rate. They state that the tax this year will be 2 per cent. That would indicate an income of \$170,000 a year.

Mr. GALLINGER. Then, they are making \$170,000 profit; and I think they ought to pay what it costs to transport their papers through the mail.

Mr. SMITH of Georgia. So do I; but I do not believe that it

costs the Government the amount claimed.

Mr. President, I wish to call attention to the fact that in the telegram read, the publisher declares that the express company charges him 50 cents a hundred, while he pays the United States Government a dollar a hundred to haul his paper, and the proposition is to raise his charge to \$2 a hundred, when the express company rates are 50 cents a hundred.

Mr. GALLINGER. Mr. President-

Mr. SMITH of Georgia. One moment. What I wish to urge is that if the express company rate is 50 cents a hundred, it can not be that the Government is losing much at \$1 a hundred.

Mr. GALLINGER. But the express company does not distribute the papers, and more than that, if the Senator, who, I think, has been a newspaper publisher himself, were going to distribute his papers 25 miles or 50 miles or 100 miles from the city where the paper was published he would not be apt to send them by express.

Mr. SMITH of Georgia. Absolutely and frequently, and let

me explain why.

Mr. GALLINGER. Perhaps occasionally. Mr. SMITH of Georgia. Nearly always.

Mr. GALLINGER. The Senator knows that there is always delay in sending a letter or any other parcel by express in com-

parison with one sent by mail.

Mr. SMITH of Georgia. It is to escape delay that this class of matter is not sent by mail, I will say to the Senator. Let me explan it to him: A city located 50 miles from Atlanta has a train arriving at a certain hour from Atlanta. The newspapers for that city are put in a post-office mail bag in the office of the newspaper, sealed, carried to the train, and put on the The car is met at the town by the agent of the newspaper, who receives it from the train, and at once distributes it

without stopping to go to the post office.

Mr. GALLINGER. We will concede all that, and yet the fact remains that the Government is carrying this kind of literature, both newspapers and magazines, at a tremendous loss. It does not make any difference how the matter is sent, enough of it is sent through the mails to create a tremendous deficit in the revenues of the Government; and what I say is that the Government ought not to carry newspapers at a loss any more than express companies would carry articles at a loss or that the Government should carry merchandise at a loss. The Government would not carry a package of 5 pounds by parcel post or in any other way which I might offer to the post office for less than it cost to transport it. Why should the Government carry 5 pounds of newspapers or magazines at a loss?

Mr. SMITH of Georgia. I am not asking that the Government carry magazines at a loss, but I am insisting that the Government is not carrying the daily papers at a loss, and I am demonstrating that by the facts presented, for instance, in the telegram from the publisher, which has been read. I am insisting that the daily newspaper is not in the class in point

of expense with the magazine.

Mr. GALLINGER. I quite agree to that.

Mr. SMITH of Georgia. What I want is to separate the two subjects. I am ready to vote to make the magazines pay more.

Mr. GALLINGER. I wish we could distinguish between them, and yet all the investigations have shown that they are carried

Mr. SMITH of Georgia. I do not think so.
Mr. GALLINGER. I think they are in a different class, and for myself I would be glad to separate them if we could do so.

Mr. SHIELDS. Mr. President, does the Senator mean that the investigations show that the daily newspapers are carried at a loss?

Mr. GALLINGER. I do not know how that may be. The Senator from Florida [Mr. BRYAN] probably can answer that. I think it is so shown.

Mr. BRYAN. What is the Senator's question?
Mr. SHIELDS. Are the daily papers carried at a loss?
Mr. BRYAN. They are carried at a loss of over 6 cents a

Mr. SHIELDS. I think the Senator is mistaken as to facts.
Mr. OVERMAN. Mr. President, I will say to the Senator
from New Hampshire that I think I shall vote for the motion of the Senator from Florida [Mr. BRYAN] to suspend the rule, with the idea, if it can be done, of separating newspapers from magazines, because it is the magazines of the country that are costing the Government so much to transport through the mails, according to the reports. If we can separate the two propositions and make the magazines pay, then I will be in favor of 1-cent postage.

Mr. GALLINGER. There is undoubtedly a very great dif-

ference in the two classes of publications.

Mr. SHIELDS. I favor reducing the postage on drop letters to 1 cent, but I can not see how this will justify the increase of postage on newspapers. The people will pay the tax, and it will not benefit them to reduce it at one place and offset this by an increase at another place.

Mr. President, it is not a material question whether the newspapers are carried at a loss or not. Of course, the Government does not want to lose any more than possible; but I repeat the Post Office Department is not a business institution; it is not run for profit. The expenses of governmental agencies of this kind have always been more or less paid by general taxation and not by specific taxation upon that served by the particular agency. The daily papers are now paying a reasonable part of the expense of the Postal Service of the country, and they should not be singled out and made to pay more than is fair and just.

Mr. STONE and Mr. TOWNSEND addressed the Chair. The VICE PRESIDENT. The Senator from Missouri.

Mr. STONE. Mr. President, I will only take a moment, I will say to the Senator from Michigan.

I am going to vote for the motion to suspend the rule so that the matter may be laid before the Senate, as I think the Senate ought to pass upon the question at issue. I shall vote on a division of the question against the proposal to reduce letter postage because of the loss of revenue that would follow such a reduction. I shall then vote for an amendment to the second proposition excepting newspapers from its operation, but imposing the additional tax suggested upon the other kinds of publications, periodicals, and so forth.

I wish simply to state that, for it seems to me that that is the solution to which we ought to come, and we can not get to that solution or any other solution unless the motion of the Senator from Florida to suspend the rules is agreed to.

Mr. SMITH of Georgia. Mr. President, if the rules are suspended I shall vote just as the Senator from Missouri indicates he will, and if I were sure that those votes would be sustained by the Senate I would vote to suspend the rule; but in the meantime I am not sure that they will be, and I believe that this tax would be a great injustice to the daily newspapers, and would impose upon them a charge more than the service costs the Government. For that reason I will vote against suspending the rules

Mr. TOWNSEND. Mr. President, I realize that it will be difficult to make an argument against experts who are interested or who have been interested in the newspaper business, but there are some things which are very clear to me and which have been made clear by various investigations by the Post Office Department and by congressional commissions appointed for that express purpose. It has been stated here that the Government loses approximately \$80,000,000 a year on second-class mail matter; that is, that it costs the Government about \$80,000,000 more than it receives. It is also known that firstclass letter postage pays more than twice, probably three times, what it actually costs the Government to handle it.

This means that the present charge for first-class-mail postage is 2 cents per ounce, or fraction thereof, or more than 32 cents per pound, for most letters weigh less than 2 ounces. more than three times what it costs the Government to deliver it, while the second-class-mail charge is 1 cent a pound, which is about one-eighth of what it costs the Government to handle it, taking the second-class matter as a whole. The proposition before the Senate is to reduce this excess burden that is placed upon the writers of letters throughout the United States and to increase in a very moderate degree the price that is now paid

for second-class mail matter.

I had not supposed that the Senator from Georgia [Mr. SMITH] or any other Senator would claim for a moment that any papers or any publications are now paying as much as it costs the Government to handle them. I asked the question of the Senator from Georgia, thinking that he would answer according to what seems to be the proven fact; namely, that we were carrying all second-class mail matter at a loss. Then I proposed to ask him the second question: Would half a cent a pound be too much additional to impose upon all or any of these

classes of second-class mail matter? I do not think it is.

If all of these second-class publications, and the letters as well, are to contribute something to the expense of carrying them, the burden should be equitably distributed as nearly as possible, I think a much greater rate than one-half cent a pound should be imposed; but because I knew there was such a difference in the cost of handling second-class mail matter, some of it being handled more cheaply than others, I was willing to start with this almost infinitesimal step in the right direction, knowing as I think I do that it will place no extraordinary burden upon these publications which they ought not to

bear.
Mr. POMERENE. Mr. President, may I ask the Senator a question?

Mr. TOWNSEND. I yield.

Mr. POMERENE. The Senator, I know, has given a great deal of attention to this subject. Is he able to state the cost per pound of the mailing privileges of the daily newspapers? understand from what the Senator has said that he is not able to give that information with exactness, but can he give that cost approximately?

Mr. TOWNSEND. No; I can not, exactly. Probably 6 cents a pound. The report of the Postmaster General shows that the amount of newspapers handled through the Rural Delivery Service as compared with letters, first-class mail matter, going through the same source, is about fourteen times as great. Now, it may be that the Senator from Georgia is correct when he states that a good many of these newspapers are dumped on to the train without expense to the Government.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to ask him a question at this time?

Mr. TOWNSEND. Yes.

Mr. SMITH of Georgia. Is it not true that the papers that go over the rural routes are very largely weekly papers and

Mr. TOWNSEND. Mr. President, that is not true in my country. There is scarcely a farmer in Michigan-and I think Michigan is not different from other States in the Union in this respect—there is scarcely a farmer on the rural routes that does not take a daily paper.

Mr. VARDAMAN. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan

yield to the Senator from Mississippi?

Mr. TOWNSEND. I do.

VARDAMAN. If the Senator will perm't me, I will say that that is true throughout the United States to-day wherever

they have rural mail delivery.

Mr. TOWNSEND. Speaking from my own experience, I know it is true. There is no chance to juggle the facts in that respect. They stand out for themselves. While it may be true, as the Senator from Tennessee says, in reference to the paper whose telegram he has put into the RECORD, that it has not raised the advertising rates, but I have not talked with a single advertiser who has not told me that he is paying a larger price for advertising than he ever did before. But, furthermore. Mr. President, this same opposition was made before the price of paper went up. This question has been before the Congress for years. The publications of the country have always opposed it on the ground that it put an additional burden upon

Mr. President, as I said yesterday, I do not want to put any burden upon publications which they ought not to bear, and I know there is a difference between publications. Before the real equitable price is fixed it would be well to discriminate in favor of religious, educational, fraternal, and scientific publications not issued largely for profit; but the burdens of taxa-tion are placed upon all of the people and should be as nearly equitable as possible. All will have to bear their share of them, and there is no reason on earth that can be given in justice why one class of people who are making money should pay oneeighth of what it costs the Government to handle their product while the great majority of the users of the same mail facilities are charged more than 300 per cent of what it costs to deliver their mail. The humblest citizen in my State or in yours who writes a letter and pays three times what it costs the Government to handle it is contributing to business ventures of the country. In other words, the many are taxed for the benefit of the few. This little step can not destroy any legitimate publication, and in the meanwhile there will be an opportunity to adjust these relations between newspapers and maga-

zines, as no one wants to deal unjustly.

I know my position is unpopular with the press. I have received letters and telegrams to that effect. The press speaks to the country. It is speaking to the Senators, inducing them to vote contrary to what their judgment would be if it were not for the influence which can be brought to bear upon them in

their various States and communities.

Mr. VARDAMAN. Mr. President, if the Senator from Michigan will permit me to make a suggestion just in this connection, if the press speaks in condemnation of this proposed amendment it will not be speaking for the American people or in the interests of the American people, but rather in the interests of its dividends. I want to say further that there never was in the history of this Republic such universal prosperity among the great newspapers of the country as there is to-day. honest little country weekly may be having trouble struggling with poverty, but the big dailies are fat with prosperity. The company owning the Commercial Appeal, to which my good friend the distinguished Senator from Tennessee has just referred, I expect is the most profitable enterprise in the city of

Memphis. It is a great newspaper as well as a money-making

If the Senator will pardon me, I will interrupt him long enough to say just here that if newspapers were run in the interest of the public, if they were educational enterprises conduct for the good of humanity, altruistic enterprises, it would be a different thing; but every one of them is conducted in the interest of its stockholders, and they are entitled to no more consideration at the hands of the Government than any other enterprise run for profit.

Mr. BRYAN. Mr. President, I do not see why the Senator from Mississippi should say that the Commercial Appeal is a prosperous paper. According to the telegrams which the Senator from Tennessee read, it only made \$170,000 net profit.

Mr. TOWNSEND. Mr. President, I do not object to the newspapers and to the magazines making money. I do not want to impose any burden upon them which would prevent them from making money, but I want them to bear their just share of the cost of government. I want no favorites played. I want the man who writes a letter, the mechanic, the farmer, the laboring girl, or anybody else who writes a letter, to have the same advantages of the mails that the man does who is

operating a plant for profit.

Now, I recognize that there are very many elements which enter into this problem. Financial returns come in a measure to the Government from advertisements. The same is true from the merchants' use of the parcel post, or from the man who writes a letter; but I close as I began, namely, that from all the evidence that has been gleaned and submitted to committees of Congress and to the Congress itself, everyone must be convinced that we are carrying on this business at a loss, and that the loss is very great. Nobody disputes that it amounts to about \$100,000,000 a year, less \$11,000,000 which we receive for it. Now, we start out with an increase of \$5,000,000 a year to be paid by these publications toward the deficit which their business has created for the Government. I want the 1-cent letter postage, too, and for this reason: One cent will more than pay the expense of first-class letter postage. If there should be a deficit in the Treasury, the Congress will have some inducement then to adjust mail rates on a proper We should make no money out of the mails. I do not want to make any. We should simply adjust rates so that there will be no great loss, and the publications of the country should contribute their proper share toward the operations of the Post Office Department.

Mr. CLAPP. Mr. President, this matter comes before the Senate, as a good many matters come, in a very unfortunate position, as I view it. The motion is to suspend the rules so that there may be added to the bill an amendment increasing the rate of postage on newspapers and periodicals and reducing the rate of postage on first-class matter. I have long believed that we should reduce the rate on first-class matter, and have on one or two occasions offered a bill for that purpose. On the other hand, I believe that there should be a difference in the postage rate between the ordinary daily paper and periodicals

that are devoted almost entirely to advertising.

Mr. BRYAN. Mr. President, does not the Senator recognize that the loss is at least 6 cents a pound? If so, how are we going to injure any of them by making the rate 2 cents a pound? Mr. CLAPP. In the first place, I do not recognize any such

Mr. BRYAN. Well, of course, I do not know that. The Sena-

tor from Georgia says it is not so.

Mr. SMITH of Georgia. I say that I personally know, so far as the daily papers in my city are concerned, from personal observation of the business, that the statement is a mistake; that it does not cost the Government any 6 cents per pound to handle it, or anything like it, because I have personally paid the bills and personally handled it through express companies at half a cent in the case of a great many papers.

Mr. BRYAN. But this commission authorized by Congress,

known as the Hughes Commission, in its report to the President says that the cost is over 6 cents a pound on newspapers.

Mr. CLAPP. Mr. President, I am not at this time discussing the question of what should be done with the proposition to increase the rate, except that I believe that if it can be done there ought to be a distinction made between the ordinary daily paper and the magazine and the advertising periodical. What I am getting at is the legislative exigency that confronts us. Unless we do vote to suspend the rules we can neither reduce the rate nor can we have any opportunity of establishing a distinction between the ordinary daily newspaper and some of these periodicals, which, of course, are little more than advertising mediums. That is the point I was getting at.

Believing, as I do, to begin with, that the time has comeand it ought to have been done before now-when we should reduce the rate on first-class mail matter, I for one shall support the motion to suspend the rules.

ABRAHAM LINCOLN'S BIRTHDAY.

Mr. LEWIS. Mr. President, I am permitted by the honorable members of this committee to divert the argument. I desire to address myself to a subject not now before the Senate, but which I am sure the Senate will welcome. If I were not one of the Senators from Illinois, I would not at this particular time inter-

rupt these proceedings, but my reasons, I am sure, are obvious. Mr. President, this is the anniversary of the birth of Abraham Lincoln. The Senate can well resolve to commemorate its presence by petitioning to our countrymen that they follow the example set by Lincoln and obey the commands issued by him in the hour when this Government could live only through the devotion of its children and without which it would have died. The precept of Lincoln was that a freeman should live his chosen life by the methods of his own selection, limited only by his responsibility to God and his respect for the rights of his fellow man. To go where he chose, to trade and exchange with the fellow citizenship throughout his country, to enjoy the fruits of his industry, to have what Victor Hugo prayed should be the lot of all men—the broad earth as a field for his struggles for superiority, the whole land as an abiding place, and the opportunities of civilization upon which to enrich his life and elevate the future of mankind.

To-day, in the crisis pending between the United States and lands of Europe, the issue before the world is the issue which Lincoln gave to America—the right of man to exercise liberty of action, freedom of course, and to enjoy justice from all.

America must consecrate herself anew to the vows in the pledge of Lincoln, saying: "Let us have faith that right makes might and in that faith let us to the end dare to do our duty as we understand it," and bend every effort to achieve the thing which we know is to the welfare of our citizenship and to the glory of our

Republic.

Mr. President, if in this day we hear civilization pleading in the name of God that the Christian century now reeling in death grapple with barbarism shall halt in its crumbling of kingdoms and crushing of empires, we in the Republic of America are not without consolation in the presence of this world's catastrophe. In this cataclysm we behold the coming transformation. It is to be the republican ideal of govern-ment—the realized dream of the democracy of man.

We know that when the blood-drenched events have come to their close, and there shall arise the patriots of the new era, seeking for prophets of inspiration and guidance, those who would take increased devotion to the new day will turn to the United States and dedicate their people to those holy standards burning in the sky of the redeemed earth—Lincoln and America.

RECESS. Mr. CURTIS. Mr. President, as a mark of respect to the memory of Mr. Lincoln, I move that the Senate take a recess until 8 o'clock.

The motion was unanimously agreed to, and (at 5 o'clock p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

CALEB T. HOLLAND.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). The Secretary will announce the first bill on the calendar at the point where we are to begin this evening.

The bill (S. 7601) for the relief of Caleb T. Holland was announced as first in order on the calendar.

Mr. SMITH of Georgia. Is there any Senator present who

interested in this bill?

The PRESIDING OFFICER. The Chair is advised that this bill was reached at the last meeting at which we considered the calendar.

Mr. SMITH of Georgia. My own view would be that when a bill is reached and no Senator is present who is interested in it or is willing to be sponsor for it, we might as well carry it to the calendar under Rule IX and get it out of the way for the balance of the session, unless some one moves to take it from its place on the calendar.

Mr. GALLINGER. I should object to that. A Senator might not be present at one time and he might be present at the next call of the calendar. I do not think we would be treating him fairly with only five or six Senators present here to-night.

Mr. MYERS. I think when a bill is called and the author of the bill or a Senator from the State which it affects is not present, and no one can explain it, it ought simply to go over and retain its place on the calendar.

Mr. GALLINGER. Let us proceed with the order and consider unobjected cases

The PRESIDING OFFICER. If there is no objection, the Secretary will read the bill. Mr. SMITH of Georgia. I desire to ask if any Senator is here who is familiar with this bill?

Mr. SHERMAN entered the Chamber. The PRESIDING OFFICER. The Senator who introduced the bill has arrived.

Mr. SMITH of Georgia. All right.

The PRESIDING OFFICER. The Secretary will read the bill, as the Senator from Georgia withdraws his objection, the Chair understands.

Mr. SMITH of Georgia. I withdraw my objection.

The bill was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Caleb T. Holland, who was a private of Company E, Sixtieth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 18th day of April, 1864: Provided, That no bounty, pay, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES GLOSTER.

The bill (S. 1379) for the relief of James Gloster was announced as next in order.

Mr. SMITH of Georgia. I desire to know if there is any Senator present who is familiar with the facts in regard to this bill

The PRESIDING OFFICER. The author of the bill is the Senator from Washington [Mr. Poindexter].

Mr. SMITH of Georgia. Let it go over.

Mr. GALLINGER. The report gives the facts in the case.

think we ought to take the trouble to look at the report.

The PRESIDING OFFICER. Does the Senator from Georgia object?

Mr. CATRON. Several of the bills now reached on the calendar were reported by the Senator from Washington [Mr. POINDEXTER] and the Senator from Delaware [Mr. DU PONT], from the Committee on Military Affairs, and every one of them. I think, is meritorious. The object is simply to relieve old soldiers from a technical charge of desertion or something of that kind, and it seems to me that they ought to be passed. Every one is meritorious. They were considered in the Committee on Military Affairs and considered very carefully. Of all the men who carefully investigate such matters the Senator from Delaware [Mr. DU PONT] is the most careful.

Mr. SMITH of Georgia. Is there anyone present who can state that he has investigated the case and is satisfied that the

charge of desertion is unfounded?

Mr. CATRON. I will say that I was in the Committee on Military Affairs when the case was investigated, and I helped investigate it.

Mr. SMITH of Georgia. You personally reached the conclusion that the charge of desertion was unfounded?

Mr. CATRON. Yes; I did. I was in favor of reporting the

Mr. SMITH of Georgia. You personally reached the conclusion from the facts that the charge of desertion was unfounded? Mr. CATRON. Yes.

Mr. SMITH of Georgia. And that for that reason it ought

Mr. CATRON. Yes; that the charge should be removed. Mr. SMITH of Georgia. Very well.

Be it enacted, etc. That in the administration of the pension laws and the laws governing rights and privileges of honorably discharged soldiers, James Gloster, late of the Twenty-seventh Independent Battery, New York Volunteer Light Artillery, shall be held and considered to have been honorably discharged as a member of said company and regiment on the 7th day of April, 1864: Provided, That no pension shall accrue prior to passage of this Act.

The bill was reported from the Committee on Military Affairs with an amendment, in line 9, to strike out "seventh" and insert "twenty-ninth," and, in the same line, to strike out "April" and insert "March."

The amendment was agreed to.

Mr. GALLINGER. The proviso is different from our usual form. It provides that no pension shall accorded to the provides that the provides the provides that the provides that the provides the pro

form. It provides that no pension shall accrue. I move to

strike out the word "pension" and insert the words "pay, bounty, or other emoluments."

The amendment was agreed to.
Mr. GALLINGER. On line 11 I move to insert the word
"the," so as to read "to the passage."
The amendment was agreed to.
The lill was recorded to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN DOYLE, ALIAS JOHN GEARY.

The bill (S. 2362) for the relief of John Doyle, alias John Geary, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers of the Volunteer Army John Doyle, alias John Geary, shall be held and considered to have been honorably discharged from the military service of the United States as a private, Company C, Eleventh Regiment Illinois Volunteer Cavalry, on the 10th day of Langary 1862

The bill was reported from the Committee on Pensions with an amendment to add the following proviso:

Provided, That no back pension, pay, bounty, or other emolument shall be paid by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS M. ATHERTON.

The bill (S. 3269) for the relief of Francis M. Atherton was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws Francis M. Atherton shall hereafter be held and considered to have been mustered into the service of the United States as a member of the First Battery Vermont Volunteer Light Artillery on the 15th day of March, 1862, and to have been honorably discharged from the same on the 1st day of February, 1863, and to have been mustered into the service of the United States as an unassigned recruit on the 19th day of December, 1863, and to have been honorably discharged from the same on the 9th day of March, 1864.

no pay, bounty, or other emolument shall accrue prior to the passage of this act.

The Secretary. On page 2, line 3, after the word "sixty-four" and before the period, insert:

Provided, That no pay, bounty, or other emolument shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM THOMAS WINSTANLEY.

The bill (S. 7316) for the relief of William Thomas Winstanley was considered as in Committee of the Whole and was read,

Be it enacted, etc., That in the administration of the pension laws William Thomas Winstanley shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Battery B, Fifth Regiment United States Artillery, on the 11th day of July, 1865: Provided, That no pension shall accrue prior to the passage of this act.

Mr. GALLINGER. I move that the word "pension" be stricken out and "pay, bounty, or other emolument" be inserted. The Secretary. In line 8 strike out the word "pension" and insert the words "pay, bounty, or other emoluments."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REFUND OF DUTIES.

The bill (H. R. 9288) providing for the refund of certain duties illegally levied and collected on acetate of lime was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Standard Chemical Iron & Lumber Co., of Toronto, Canada, the sum of \$881.30 and interest, being the amount illegally levied and collected on 391,719 pounds of acetate of lime.

Mr. CURTIS. Is it customary to pay interest?
Mr. SMOOT. No; it is not customary to pay interest.
Mr. CURTIS. I have no objection to the bill, but—

Mr. SMOOT. The words "and interest" ought to be stricken from the bill.

The PRESIDING OFFICER. The Secretary will state the amendment.

The Secretary. On page 1, line 7, after the numerals, strike out the words "and interest."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time,

The bill was read the third time, and passed.

STATUE OF ADMIRAL DUPONT.

The joint resolution (S. J. Res. 205) authorizing the removal of the statue of Admiral Dupont in Dupont Circle, in the city of Washington, D. C., and the erection of a memorial to Admiral Dupont in place thereof was considered as in Committee of the Whole.

Mr. GALLINGER. I move that the word "joint" be inserted before "resolution" on page 2, line 7.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

COAL LANDS, ETC., IN ALASKA.

The bill (S. 41) to provide for agricultural entries on coal The bill (8. 41) to provide for agricultural entries on coal lands in Alaska was considered as in Committee of the Whole. The bill was reported from the Committee on Public Lands with amendments, on page 1, line 5, after the word "coal," to insert "oil, or gas"; in line 6, after the word "coal," to insert "oil, or gas"; in line 10, after the word "coal," to insert "oil, or gas"; in line 3, after the word "coal," insert "oil, or gas"; in line 9, after the word "coal," insert "oil, or gas"; in line 16, after the word "coal," insert "oil, or gas"; in line 18, after the word "coal," insert "oil, or gas"; in line 18, after the word "coal," insert "oil, or gas"; in line 21, after the word "coal," insert "oil, or gas"; in the same line, after the word "coal," where it appears the second time, insert "oil, or gas"; in line 23, after the word "coal," to insert "oil, or gas"; in line 24, after the word "coal," to insert "oil for and remove the oil or gas"; on page 3, line 3, after the word "coal," to insert "oil, or gas"; in line 9, after the word "coal," insert "oil, or gas"; in line 13, after the word "coal," insert "oil, or gas"; in line 13, after the word "coal," insert "oil, or gas"; in line 13, after the word "coal," insert "oil for and remove the oil or gas"; and on page 4, line 1, after the word "coal," insert "oil, or gas," so as to make the bill read:

**Be it enacted, etc., That from and after the passage of this act homestead claims may be initiated by actual settlers for public lands of the lands in Alaska was considered as in Committee of the Whole.

remove the oil or gas"; and on page 4, line 1, after the word "coal," insert "oil, or gas," so as to make the bill read:

Be it enacted, etc., That from and after the passage of this act homestead claims may be initiated by actual settlers for public lands of the United States in Alaska known to contain workable coal, oil, or gas deposits, or that may be valuable for the coal, oil, or gas contained therein, and which are not otherwise reserved or withdrawn, whenever such claim shall be initiated with a view of obtaining or passing title with a reservation to the United States of the coal, oil, or gas in such lands, and of the right to prospect for, mine, and remove the same; and any settler who has initiated a homestead claim in good faith on lands containing workable deposits of coal, oil, or gas, or that may be valuable for the coal, oil, or gas contained therein, may perfect the same under the provisions of the laws under which the claim was initiated, but shall receive the limited patent provided for in this act: Provided, however, That should it be discovered at any time prior to the issuance of a final certificate on any claim initiated for unreserved lands in Alaska that the lands are coal, oil, or gas in character, the patent issued on such entry shall contain the reservation required by this act. Sec. 2. That upon satisfactory proof of full compliance with the previsions of the laws under which the entry is made and of this act the entryman shall be entitled to a patent to the lands entered by him, which patent shall contain a reservation to the United States of all the coal, oil, or gas in the land so patented, together with the right to prospect for, mine, and remove the same. The coal, oil, or gas deposits or coal, oil, on a patented, together with the right to prospect for, mine, and remove the coal of the United States in accordance with the provisions of the laws applicable to coal, oil, or gas deposits or coal, oil, or gas lands in Alaska in force at the time of such disposal. Any person qualifi

coal deposits: Provided further, That nothing in this act shall be construed as authorizing the exploration upon or entry of any coal deposits withdrawn from such exploration and purchase: And provided further, That nothing herein contained shall be held or coastrued to authorize the entry or disposition of withdrawn or classified coal lands or lands valuable for coal, oil, or gas under section 2306, United States Revised Statutes, or acts amendatory thereof or supplementary thereto, commonly known as soldiers' homestead law.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGISTERS AND RECEIVERS OF DISTRICT LAND OFFICES.

The bill (S. 7767) relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land offices was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands

with an amendment, on page 1, line 11, after the word "register," to strike out "and" and insert "or," so as to make the bill read :

Be it enacted, etc., That in case of the death, resignation, or refusal or inability to act of any register or receiver of any district land office the Secretary of the Interior shall be, and he is hereby, authorized to designate some employee of his department to perform the duties of such officer until the disability of such officer is removed or his successor is appointed and qualified: Provided, That the person so designated shall receive the same compensation as would be allowed to a regularly appointed register or receiver while so acting.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading,

read the third time, and passed.

The title was amended so as to read: "A bill relating to the temporary filling of vacancies occurring in the offices of register or receiver of district land offices.'

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 19937) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war, was announced as next in order.

Mr. SMITH of Georgia. Mr. President, I have been requested by a half dozen Senators to ask that this and the next

two bills go over.

Mr. WARREN. I hope the Senator will not do that. The

chairman of the Committee on Pensions is present.

Mr. JOHNSON of Maine. I hope the Senator from Georgia

will not insist on that course.

Mr. SMITH of Georgia. The chairman of the Committee on Pensions having come in, I will leave the matter to his control.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 3, after line 17, to strike

The name of Cordella Briggs, widow of Ansel S. Briggs, late of Company F, Thirty-third Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 3, before the words "per month," to strike out "\$36" and insert "\$30," so as to make the clause read:

The name of Alexander Swisher, late of Company I, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 7, before the words "per month," to strike out "\$36" and insert "\$30," so as to make the clause read:

The name of John F. Michael, late of Company C, One hundred and cighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 22, before the words "per month," to strike out "\$36" and insert "\$30," so as to make the clause read:

The name of James H. Campbell, late of Company F, Thirty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 6, to strike

The name of David Gilchrist, late of Company B, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 22, before the word "late," to strike out the name "Brown" and insert "Bowers," so as to make the clause read:

The name of Henry C. Bowers, late of Company B, Fifteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 14, to strike out: The name of Thomas Phillips, late of Company G, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, after line 9, to strike

The name of Henriette L. Eggert, former widow of William Lehman, late of Company F, Eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 17, line 15, before the words "per month," to strike out "\$36" and insert "\$30," so as to make the clause read:

The name of George Lee, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 20, to strike out: The name of Alonzo Pendland, late unassigned, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, after line 12, to strike

The name of Charles S. Hubbard, late of Company K, Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 3, before the words "per month," to strike out "\$30" and insert "\$24," so as to make the clause read:

The name of Philip McKinney, late of Company B, One hundred and Sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 14, before the words "per month," to strike out "\$27" and insert "\$24," so as to make the clause read:

The name of George Lloyd, late of Company F, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 1, before the words per month," to strike out "\$40" and insert "\$27," so as to make the clause read:

The name of Cornelius McCafferty, late of Company D, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of \$27 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, after line 6, to strike

The name of Annie M. France, helpless and dependent child of William France, late of Company F. One hundred and fourteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 29, after line 2, to strike out:

The name of Samuel Shoup, late of Company K, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, line 13, before the words "per month," to strike out "\$40" and insert "\$30," so as to make the clause read:

The name of Andrew Kerr, late of Company B, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, after line 14, to strike

The name of J. Harrison Rennard, late of Company K. One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, after line 15, to strike

The name of Isaiah E. Lawrence, late of Company E, One hundred and sixty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, line 10, before the words "per month," to strike out "\$30" and insert "\$24," so as to make the clause read:

The name of Alethea L. Sands, widow of Charles J. Sands, late of Company G, Thirteenth Regiment, and Company M, Sixth Regiment, New York Heavy Artillery, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, after line 11, to strike out:

The name of Margaret McEvoy, widow of William McEvoy, late of Company D, Permanent Party, General Service Recruits, United States Army, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 33, after line 18, to strike

The name of Lucy W. Lockwood, widow of George M. Lockwood, late of Company F, Thirty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The amendment was agreed to.

The next amendment was, on page 34, line 14, before the words "per month," to strike out "\$36" and insert "\$30," so as to make the clause read:

The name of Francis R. Culp, late of Company K, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, on page 36, line 11, before the name
"Ingram," to strike out "Pitzer" and insert "Pitsar," and in
line 13, before the words "per month," to strike out "\$30" and
insert "\$24," so as to make the clause read:

The name of Pitsar Ingram, late of Company D, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, after line 22, to strike

The name of Alanson Tilden, late of Fifty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 37, line 17, before the words "per month," to strike out "\$36" and insert "\$30," so as to make the clause read:

The name of Charles H. Williams, late of Company F, Fifty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, line 16, before the ords "per month," to strike out "\$30" and insert "\$24," so as to make the clause read:

The name of John B. Gillasple, late of Company G, One hundred and fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, line 20, before the words "per month," to strike out "\$40" and insert "\$30," so as to make the clause read:

The name of Edmond Ames, late of Company H, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, line 24, before the words "per month," to strike out "\$30" and insert "\$24," so as to make the clause read:

The name of Benjamin B. Griffith, late of Company F. One hundred and seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 40, after line 7, to strike out:

The name of Horace F. Calkins, late of Company F, Second Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 41, line 17, before the words "per month," to strike out "\$36" and insert "\$30," so as to make the clause read:

The name of John E. Whipple, late of Company F, Ninth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 42, line 6, before the words "per month," to strike out "\$40" and insert "\$30," so as to make the clause read:

The name of William Heller, late of Company K, Eleventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to,

The next amendment was, on page 42, line 14, before the words "per month," to strike out "\$36" and insert "\$30," so as to make the clause read:

The name of William G. Richey, late of Company C. One hundred and fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 42, line 16, after the word "Company," to strike out the initial "C" and insert the initial "E," so as to make the clause read:

The name of Charles Young, late of Company E, Ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. WARREN. Mr. President, I wish to offer an amendment to one item of the bill, in line 24, page 45.

The PRESIDING OFFICER (Mr. Walsh in the chair). The Chair will say that that point in the reading of the bill has not yet been reached. The Secretary is reading the bill at page 42.

Mr. WARREN. I understand that the last amendment up to that point had been stated.

The PRESIDING OFFICER. Will the Senator defer his

amendment until we get through with the committee amendments?

Mr. WARREN. I have no wish to be otherwise than agreeable about it; and if that is the mode of procedure which has been decided upon, I shall wait until the committee amendments are concluded.

The reading of the bill was resumed.

The next amendment of the Committee on Pensions was, on page 42, after line 23, to strike out:

The name of George R. Bowker, late of Company L. Fourteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$15 per month.

The amendment was agreed to.

The next amendment was, on page 43, line 6, after the word "Regiment," to insert "Maine Volunteer Heavy Artillery," so as to make the clause read:

The name of James B. Erskine, late of Company B, First Regiment Maine Volunteer Heavy Artillery, and Company A. Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 45, line 3, before the words "per month," to strike out "\$36" and insert "\$24," so as to make the clause read:

The name of Samuel B. Shadle, late of Company A, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 45, line 14, before the words per month." to strike out "\$36" and insert "\$24," so as to make the clause read:

The name of Daniel Hough, late of United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 46, after line 6, to strike

The name of Albert Bennett, late of Company A, Twenty-fifth Regiment New York State Militia Infantry, and pay him a pension at the rate of \$27 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 46, line 24, before the words "per month," to strike out "\$40" and insert "\$30," so as to make the clause read:

The name of Victor E. Burnham, late of Company B, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 51, after line 12, to strike

The name of John A. Medley, late of Company G, Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$27 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 51, line 22, before the name "Fisher," to strike out "Josn" and insert "John," and in line 24, before the words "per month," to strike out "\$30" and insert "\$24," so as to make the clause read:

The name of Dorothy Fisher, widow of John Fisher, late of Company A, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 52, line 11, before the words "per month," to strike out "\$50" and insert "\$40," so as to make the clause read:

The name of Charles Grant, late of Company C, Eighteenth Regiment Ohio Volunteer Infantry, and pay him pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 54, line 5, before the words "per month," to strike out "\$30" and insert "\$24," so as to make the clause read :

The name of William W. Keen, late of Company F, Eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to,

The next amendment was, on page 55, after line 14, to strike

The name of John Cochrane, late of Company A, Third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 57, after line 10, to strike

The name of Levi Coon, late of Company E, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 60, line 7, after the words "widow of," to strike out "Elias" and insert "Ellis," so as to make the clause read:

The name of Emily W. Lothrop, widow of Ellis A. Lothrop, late of Company B, Eleventh Regiment Maine Volunteer Infantry, and pay her at pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 62, line 6, after the word "receiving," to insert "Provided, That in the event of the death of Libbie Nokes, helpless and dependent child of said Oscar Nokes, the additional pension herein granted shall cease and determine: And provided further, That in the event of the death of Henrietta Nokes the name of Libbie Nokes shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Henrietta Nokes," so as to make the clause read:

The name of Henrietta Nokes, widow of Oscar Nokes, late of Company F, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving: Provided, That in the event of the death of Libbie Nokes, helpless and dependent child of said Oscar Nokes, the additional pension herein granted shall cease and determine: And provided further, That in the event of the death of Henrietta Nokes the name of Libbie Nokes shall be placed on the pension rolf, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Henrietta Nokes.

The PRESIDING OFFICER. That completes the committee mendments. The Chair now recognizes the Senator from amendments. Wyoming

Mr. President, the case to which I alluded a moment ago is that of Corpl. William H. Cranston, late of Company C, Forty-ninth Regiment Massachusetts Volunteers.

Mr. Cranston and I enlisted in the same week in the same company and the same regiment and went to the war together under muskets as privates in the Forty-ninth Massachusetts Infantry.

Mr. Cranston was one of the finest characters that I have ever known in any walk of life. He was a man who had the respect of everyone. He was exemplary morally, he was straight in disci-pline, and soldierlike in all his qualities. He was soon made corporal, and then was made a color bearer of the regiment.

I knew him well because we had the same shelter and almost the same blanket when we had tents and blankets, and when we had nothing left but our poncho blanket and nothing but the mud of the cotton fields to rest ourselves upon we were still comrades and members of the same company.

In the terrible slaughter that followed our attack on Port Hudson on the 27th of May, volunteers were called for for a storming party. Mr. Cranston felt he could not volunteer, and I was informed nearly shed tears because by reason of the position he occupied as bearer of the colors he could not volunteer for detail service. His sense of duty was such that he remained with the colors, and was in the thickest of the battle. In less than two hours nearly 33 per cent of the regiment who were in that engagement were killed or wounded, and he, among the others, was severely wounded. He was taken from the field, but was able to resume his place again in the ranks

Mr. Cranston is totally, stone blind; his wife a paralytic. She has just strength enough in her arms to pull herself about the room in a rolling chair. I saw these people last August. such as the one to which I have called attention, increased the

before we were finally discharged.

I was in Pittsfield, Mass., on the occasion of the reunion of the regiment. I went to his quarters the day before to see him. It was a little bandbox of a place that he had rented, where he had a workshop just large enough to recane cane-bottom That vocation has been lost to him now, because a factory for that purpose has been established in the town, where that work can be done cheaper if not better.

Mr. Cranston is weak and feeble. I saw him there, as cheerful as a man could be under such circumstances, but he is 76 years old and his wife is 74 or 75 years old. They really should have the attendance of some other person, and they must soon have it, if they have not already had it provided for

them since I saw them.

Mr. Cranston has no property whatever; he is dependent upon his pension; and I submit to every Senator present the proposition of how they would feel if in their youth they had given all they had to the country and now in their old age, when they really need attendance, had not the wherewithal even to feed and clothe themselves outside of Government pension.

At this reunion he was brought into the meeting. He is the chaplain of the regiment. He made a prayer in the opening. I never heard a more patriotic, a more God-loving, a more eloquent heart-reaching prayer in my life. It would have done justice to any clergyman and to the church had it been made in one of our populous city churches. He stood there, so thin that he could hardly make a shadow. His wife, of course, was holding herself in her little chair.

I know what the committee rule is, that \$50 shall be the maximum granted, but we have raised that \$50 in many cases in the past. It is said that it is an exception that proves the rule, and here is a case the like of which may not exist at all among the few patriots left of our Army. Certainly there can not be many. I submit that \$72 is the amount that a blind man should have, and I move that this amount shall be made

\$72 instead of \$50.

Mr. JOHNSON of Maine. Mr. President, I most deeply sympathize with the condition of this poor old soldier, as it has been described by the Senator from Wyoming [Mr. WARREN]. We have many distressing cases brought before the Committee on Pensions, and this surely is one which appeals to the sympathies of every right-minded man; but we have had to set a limit as to what we thought should be done, and that limit, as the Senator from Wyoming has stated, is \$50 in cases where the soldier needs the care and attendance of another person and has had a long service. In the case of Mr. Cranston we thought we stretched that rule somewhat. His service was a little less than a year. We have considered the cases of soldiers

with a service of two or three years who are paralytics—
Mr. WARREN. Mr. President, may I say to the Senator that
the services of Mr. Cranston were in full for the time for which he enlisted and nearly three months more? He was unable to reenlist in the Fifty-seventh Veteran Regiment, because his

health would not permit.

Mr. JOHNSON of Maine. I appreciate that may have been the situation; but his service was really a little over 11 months. We have had before us the cases of many old soldiers who served two and three years who are blind and paralyzed; and we had the case of one a short time ago who had been bedridden for several years and unable to move himself, requiring the care and attendance of another person.

The committee felt that there would have to be a limit, and not only the present Committee on Pensions but, I think, the preceding committee have set that limit at \$50; and we have not gone beyond that since I have been a member of the com-

mittee, I will say to the Senator from Wyoming.

Mr. WARREN. I think the committee has allowed \$72 to those who were helpless.

Mr. JOHNSON of Maine. I have no recollection of any such case where more than \$50 was allowed.

Mr. WARREN. It has been done many times.

Mr. JOHNSON of Maine. The Senator from Utah [Mr. Smoot] has served upon the committee a long time, and has The Senator from Utah [Mr. followed very carefully what we have done, and I think he will bear me out in saying that \$50 has been the limit, and I have not known of any case where we have gone beyond that limit.

Mr. WARREN. I will say to the Senator that I do not wish to dispute his word at all, and he is no doubt correct as to the time since he has been chairman of the committee,; but it has been a long time since a case of this kind or anything like it has been brought up and passed upon by the committee. Of course, the limit that has been fixed is only a rule of the committee; but in times past-and I know whereof I speak and could state the cases here and have them go into the Record if it were necessary-the committee have in extreme cases,

amount. While it is true that this man served less than a year, there is many a man who served three or five years who never was wounded as severely as Mr. Cranston was wounded in his service, and, as I have said, he has done everything in his power for his country, and he is now 76 years old, with a wife seventy-odd, and neither one of them can procure a living in any manner, being, as I understand it, without a dollar upon which to support themselves other than pension money. It seems to me that this country ought to be grateful enough to make it a little easier for this very deserving but unhappily situated couple during their remaining days.

Mr. JOHNSON of Maine. Mr. President, I wish to assure the Senator from Wyoming that I would be glad to accept the amendment he has offered if I felt that I could do so with justice to others. Upon the same page in the report-page 88-is the case of Martin V. B. Wyman, aged 81 years, a member of a New Hampshire regiment, whose length of service was 2 years, 9 months, and 29 days. As shown by medical and other testi-

mony his condition was this:

Claimant is in a much worse condition and requires the constant aid and attendance of another person, by reason of umbilical and inguinal hernia, and entire loss of use of feet and hands, due to paralysis: that he has no property, means, nor income except his pension, which it is recommended be increased to \$50 per month.

We have allowed \$50 in that case although the claimant is

81 years old, with a service of nearly three years.

That lies parallel with the case I speak of, Mr. WARREN. except that, in addition, Mr. Cranston is blind and his wife is helpless. While it may be true that that does not bear in one sense upon the amount of pension he should receive, yet there is the condition. Not only is he absolutely without funds and helpless, but his wife of the early days, the woman he probably married before he went to the war, is in the distressing condition to which I have referred. I endeavored to speak with her, but her speech is very defective. I was not able to quite understand what she said, although I think her soldier husband himself does understand her. I hope the amendment may go in the bill, Mr. President.

Mr. SMOOT. Mr. President, it may seem almost heartless upon the part of the members of the Pension Committee to ask that a plea such as that made by the Senator from Wyoming be not granted, but I have been on the Committee on Pensions now for 14 years, and in no case since I have been on that committee has there been a pension granted to a soldier above \$50 where, of course, his blindness was not of service origin.

Mr. WARREN. Will the Senator allow me to interrupt him? Mr. SMOOT. In just a moment. If the blindness case was of service origin, if the soldier had become blind because of a wound received in the Army while he was serving in it, under the law he would receive \$72 a month, and he would not have to come to Congress for a special act.

I want to say again that if we allow this increase to this soldier there will be not one but there will be thousands of cases as to which the most pathetic stories can be told that mortal man can listen to. I know about these matters. I have heard people appear before the committee pleading for an increase of pension in cases where the soldier was totally helpless and under constant attendance night and day, and in no case, Mr. President, have we granted a pension above \$50, unless the soldier required attendance constantly night and day. That is both the rule in the House and the rule in the Senate. This is a House bill and the pension allowed was \$50. Therefore, Mr. President, while it may seem, as I have said, heartless on my part, I must be true to myself and true to the position that I have taken in the past, and I hope that the amendment will not be agreed to.

Mr. WARREN. But, Mr. President, this man must have a constant attendant for the remainder of his days. The Senator. who is usually correct, and means always to be correct, is not quite correct in saying that in 14 years there have not been exceptions made. The exceptions have usually been in the case of officers and the wives of officers rather than of enlisted men, but I want to say, Mr. President-

Mr. SMOOT. The Senator does not mean to say that I me that no officer of the Army had been allowed more than \$50? The Senator does not mean to say that I meant

Mr. WARREN. Well, officers' wives, too. Mr. SMOOT. I know that that often happens.

Mr. WARREN. The Senator may be more liberal to officers and officers' wives than to enlisted men; it may be that I may be more sympathetic as to enlisted men, because I went to the war as an enlisted man, but this soldier did all that he could have done as an officer; he lived up to his duties and opportunities, and I think it is rather bad practice where we find people in want, as these two are, to pass them over because the claimant happened to be a private soldier, or noncommissioner officer,

rather than a commissioned officer. I hope this amendment

which I have offered will be accepted.

The Senator has referred to the pension he would be entitled to if his blindness had been occasioned by his service. man had been like many others who have received pensions, he would have received his first pension on the ground that his blindness was due to injury received in the service. He is a man, if I may use the term, who is almost overconscientious. He is one of those men of whom we sometimes use the expression, "he stands so straight that he tips over backward" those men that hesitated to state what his friends might state for him, that they could perhaps trace the disability back to his service. But be that as it may, his condition is at present as I have stated. He has naturally but a short time to live. His wife is in the condition that I have stated. I do not know but that already the kind friends have employed some attendants; but if attendants are not there already they must be soon, unless the grim reaper shall intervene.

I hope the amendment will be agreed to.

Mr. MARTINE of New Jersey. Mr. President, I know that the Senator from Utah [Mr. Smoot] means to be just. He is always just, I believe. I disagree with him in many ways, but I think he is just. But I confess that my heart was touched as sat and listened to the story told by the Senator from Wyoming [Mr. Warren], and then the other case, cited in comparison by the Senator from Maine [Mr. Johnson], of the poor old man from New Hampshire. One got \$50 a month and in the case of the other an increase to seventy-five is being pleaded for.

I shall wind up my career here in a few weeks; and it would be the greatest gratification in the world to me to do full and utter and absolute justice as an American representative in this sad situation to these two old soldiers. I should like to put

them both on a \$75 pension roll, if that were possible.

Mr. THOMAS (from his seat). Why not make it a hundred? Mr. MARTINE of New Jersey. No; I do not say make it a hundred. I know men may argue in that way. from Colorado is just as sympathetic as I am, but I do feel that this is a crying and a touching case. I should like to see the amendment proposed by the Senator from Wyoming adopted, and I have no worry or fear about there being thousands and There will not be any thousands of such cases coming to us. thousands. These men are all old. They are old men, and almost a breath will carry them away. I shall vote with the greatest relish for the amendment offered by the Senator from Wyoming.

Mr. JOHNSON of Maine. Mr. President, I am afraid the Senator from New Jersey does not stand correctly, if he thinks that in the New Hampshire case the amount allowed was \$75. It was \$50 a month in each case, and that is the

limit.

Mr. MARTINE of New Jersey. I know, but I understood that-

Mr. JOHNSON of Maine. And if the Senator would read this bill through he would find many more distressing cases. Mr. MARTINE of New Jersey. I know there are some,

Mr. JOHNSON of Maine. And the Senator would find that the limit in all of them has been \$50. If we should amend this bill now by increasing that amount I feel very sure that the House never would agree to it, and it would not be just to the Members of the Senate. In no case, no matter how distressing, have we gone beyond the \$50. We thought it was necessary to have a limit. We can not go into distinctions between these extreme cases. When we found an old man who was helpless and had to have the care and attendance of another person, and he had a good Army record, good service, we have given him \$50 as a maximum, and stopped there. The House has had that rule, and we have had that rule.

Mr. MARTINE of New Jersey. Well, it need not be a rigorous, hard and fast rule. It seems to me that where there is a condition as sad as that which has been depicted we ought to have reason and fairness and, I feel, justice enough to make a discrimination in this case. I know that the New Hampshire soldier was given \$50, as the Senator states, but I would gladly

vote \$25 additional for him.

I realize what money it is. I know. I have earned every dollar I have by struggle and hard knocks. I have no desire to fritter away the public money; but we sit here and vote, almost flippantly, millions of dollars on projects the benefit of which is so remote as to be almost intangible. Here is a crying case of need brought almost to our very doors, and I shall vote with the greatest relish for the amendment offered by the Senator from Wyoming.

Mr. GALLINGER. Mr. President, having served on the Committee on Pensions, and having served as chairman of the committee for a good many years, and having had something to do with making the rules that govern the committee of the Senate and the committee of the House, I realize the difficulties that confront the committee in dealing with these cases; and yet during my service on that committee, notwithstanding the fact that I had the rule to justify what I did, I was overruled more than once when a case was extreme and a plea was made for

the soldier by a Member of this body.

The committee have a rule that they will not allow more than \$50 to the widow of an officer who has died not as a result of disease contracted in the service; yet when Mrs. Sternberg's case came here the rule had been applied; she was allowed \$50, and on my motion, after making a statement as to Gen. Sternberg's great service as Surgeon General of the Army and his scientific attainments, the Senate kindly voted to increase that to \$100. It went to the House, where their rule was likewise operative, and yet they yielded the point in that case and allowed Mrs. Sternberg \$100 a month, which she is now receiving. So that it is not a hard and fast rule.

I do think, Mr. President, that when a Member of this body enlisted as a young man with a companion, fought side by side with him and witnessed the wound that was inflicted in a charge that was historic in a sense we might well at least amend this amount to \$72 and send it to the House for the consideration of the House. It will likely go to conference at best; and if the committee still insist that their rule is an inflexible one, of course it will not be waived.

I dislike exceedingly to put myself in the attitude of opposition to the committee, because I know how justly the committee acts, and I know how kind-hearted the chairman of the committee is. Nevertheless, if a vote is taken on this matter I shall vote to increase this man's pension to \$72, in the hope that the committee may be waived in this case, and if there are similar cases I would vote in favor of every one of them when they were presented to the Senate for consideration.

Mr. THOMAS. Mr. President, I recall the case to which the Senator from New Hampshire refers, and I was one of the Members of the Senate who voted for the increase in pension. That was a case, however, standing by litself, as it were. There was but one Gen. Sternberg, and but one record of that sort with which to deal.

The chairman has called attention to the fact that the precedent set in a case like this is one which would inevitably prompt a repetition of these requests, and we shall, before we know it, have established a new rule for special pensions-the \$75 rule in place of \$50.

I believe I am as sympathetic as any Member of this body, but of course the principle upon which pensions are granted is not one of sympathy. It is one of merit. I think, in view of what the chairman of the committee has said with regard to the consequence of the precedent which would be established by this application, in which the senior member of the committee on the Republican side so heartily concurs, that we ought not to grant this increase. I do not want to object to the consideration of this bill, and I do not intend to if I can

Mr. WARREN. Mr. President, I want to assure the Senator that there have been a number of cases heretofore where the enlisted men have been recognized in the way I say. the first time I have ever asked anything of the kind, but it does seem to me as if, in a case like this, so closely associated with myself, I could not let the occasion pass by without putting this man on a basis upon which many others have been put.

Mr. THOMAS. I am not criticizing the Senator from Wyoming in the slightest degree. On the contrary, I am disposed to concur in and grant any and everything that the Senator wants here, so far as I can; but I shrink from setting this precedent, which the chairman of the committee himself declares is a precedent and a new one, and in which the Senator from Utah concurs. Consequently, I must object to the consideration of this bill if we are to entertain amendments of this character. I do not want to do it.

Mr. SMOOT. Mr. President, to be perfectly frank, I want to say that there was one case in which the Senate, at the earnest solicitation of the late Senator Bradley, of Kentucky, granted an increase from \$50 to \$60, but that went into conference, the House refused to agree to it, and the amount was put back at \$50. So, as far as the action of the Senate is concerned, I want to be perfectly fair in stating just what the Senate has done; and it did that at the earnest solicitation of

Senator Bradley, of Kentucky.

Mr. WARREN. I will say to the Senator from Utah that similar action was taken in a number of cases before the one the Senator speaks about in connection with Senator Bradley, some of which were agreed to by the House in conference, and some were not.

Mr. SMOOT. Does the Senator claim that there are cases of private soldiers who have been granted, by special act of Congress, more than \$50 a month?

Mr. WARREN. Why, certainly; certainly. Mr. SMOOT. I mean within 12 or 14 years?

Mr. GALLINGER. I can assure the Senator from Utah that there are a good many, but they antedated the time when the Senator from Utah became a member of the committee.

is no doubt about that.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Wyoming to increase the amount from \$50 to \$72.

The amendment was agreed to on a division.

Mr. THOMAS. Mr. President, I shall be obliged to object to the further consideration of the bill.

Mr. CURTIS. I hope the Senator will not do that.
Mr. WARREN. Mr. President, I dislike very much to see my friend, the Senator from Colorado, take that course. I know my poor blind friend would not wish to impede this bill because of the hundreds of others interested in it. He would not see others deprived of their pensions because of this action in increasing his pension. I hope the Senator will not take that course. I do not think he himself would feel right about it afterwards

The PRESIDING OFFICER. The Chair understands that objection is made to the further consideration of the bill.

Mr. WARREN. Does the Senator insist upon the objection? Mr. THOMAS. I do.

Mr. WARREN. Mr. President, I am not going to let an amendment of mine stand against the other poor men that need pensions. I know that my unselfish friend Cranston would not wish me to do it. I regret-I regret very much-that the Senator from Colorado should feel as he does about it. I am willing to withdraw the amendment rather than see other pensioners suffer.

The PRESIDING OFFICER. Without objection, the vote by which the amendment was adopted will be reconsidered. The question now recurs upon the amendment.

Mr. WARREN. If the Senator insists upon his objection. rather than have this bill defeated I am going to withdraw the amendment, if I am permitted to do so.

Mr. THOMAS. Then I withdraw the objection to the consideration of the bill.

The PRESIDING OFFICER. The amendment offered by the Senator from Wyoming has been withdrawn. The bill is still in Committee of the Whole and open to amendment.

Mr. JOHNSON of Maine. Mr. President, I have certain amendments, made necessary because some of the claimants have died since the bill was introduced.

The PRESIDING OFFICER. The amendments will be

The Secretary. On page 25, strike out lines 11, 12, 13, and 14, relative to Frederic Brunner.

The amendment was agreed to.

The Secretary. On page 26, strike out lines 19, 20, 21, and 22, relative to Henry O. Nickerson.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (S. 8113) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates named: Clara Talbot, widow of George W. Talbot, late of Company

E, Tenth Regiment Massachusetts Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

C. Ella Hartwell, widow of Charles Hartwell, late of Company D, Twenty-sixth Regiment New York Volunteer Cavalry,

\$20 per month in lieu of that she is now receiving.

John Fleegle, late of Company B, Fifth Regiment Pennsylvania Reserves Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

William J. Pfaff, late of Company A, and quartermaster sergeant, One hundred and first Regiment Indiana Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Lewis G. Smith, late of Company K. Fourteenth Regiment Indiana Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

John S. Miles, late of Company H, Forty-second Regiment Missouri Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Ellen A. Paine, widow of Irving H. Paine, late of Company B, Fourth Regiment Vermont Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

John P. Hicks, late of Company A, Fifth Regiment Provisional Enrolled Missouri Militia, \$30 per month in lieu of that he is now receiving.

Abraham Swango, late of Company G, One hundred and fortyeighth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Peter Egan, late of Company I, Eighty-first Regiment Ohio Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Samuel Tibbets, late of Company K, Eighth Regiment Indiana Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Thomas F. Stockton, late of Company E, One hundred and fifty-fourth Regiment Indiana Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Martha Beard, widow of William Beard, late of Company K, Eighty-eighth Regiment Indiana Volunteer Infantry, \$20 per month in lieu of that she is now receiving. George P. T. Douglas, late of Company L, Seventh Regiment

George P. T. Douglas, late of Company L, Seventh Regiment Indiana Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

James C. Young, late of Company G, Thirty-eighth Regiment Indiana Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Daniel E. Washburn, alias David E. Washburn, late of Company D, One hundred and thirty-eighth Regiment Indiana Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Henry S. Lane, late of Company A, Seventy-sixth Regiment Illinois Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

William Smith, late of Company M, Ninth Regiment Ohio Volunteer Cavalry, \$36 per month in lieu of that he is now receiving. Williamson R. Barton, late unassigned One hundred and

Williamson R. Barton, late unassigned One hundred and eighty-fifth Regiment, and Company H, One hundred and eighty-sixth Regiment, Ohio Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Henry Moullenhour, late of Company I, One hundred and fiftyfirst Regiment Indiana Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Lillie N. Babbitt, widow of Allen Babbitt, late of Company D, Eighteenth Regiment Connecticut Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Charles Mallatte, late first lieutenant Company B, Fifty-first Regiment Indiana Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

William H. Beal, late of Company B, One hundred and thirtysixth Regiment Illinois Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Mary R. Rash, widow of Lawson Rash, late of Company C, Ninth Regiment Indiana Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

John Willford, late of Company A, Thirteenth Regiment Ohio Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Catherine C. Lay, widow of John L. Lay, late acting first assistant engineer, United States Navy, \$24 per month in lieu of that she is now receiving.

Joel A. Griffin, late of Company F, Eleventh Regiment Indiana Volunteer Cavalry, \$36 per month in lieu of that he is now receiving

Hiram Muir, late of Company C, Seventh Regiment Indiana Volunteer Cavalry, and Company C, One hundred and fifty-sixth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Jesse Denny, late of Company G, Thirteenth Regiment Kentucky Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

William H. Branaman, late of Company D, Forty-ninth Regiment Kentucky Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Berry H. Smith, late of Company I, Forty-ninth Regiment Kentucky Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Charles S. Thompson, late of Company I, Fourteenth Regiment Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Jonas O. Johnson, late of Company A, First Regiment Nebraska Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Joseph Beckwith, late of Company A, One hundred and thirtyeighth Regiment Indiana Volunteer Infantry, \$39 per month in lieu of that he is now receiving.

Thomas J. Yount, late of Company L. First Regiment Indiana Volunteer Heavy Artillery, \$36 per month in lieu of that he is now receiving.

John A. Fike, late of Company F, Twentieth Regiment Indiana Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

John P. Ham, late of Company F, Twenty-fourth Regiment Kentucky Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Otis B, Patterson, late of Company E, Nineteenth Regiment Maine Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Thomas J. Lowery, late of Company I, Thirty-ninth Regiment Missouri Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Gustavus A. Kindblade, late of Company G, Fourth Regiment Iowa Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Alfred Slippey, late of Company F, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

now receiving.

Andrew F. Johnson, late of Company A, Seventh Regiment Iowa Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

The name of Lemuel Stokes, late of Company C, Forty-fifth Regiment United States Colored Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Patrick Kine, late of Company F, Thirty-fourth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Alphonzo J. Cunningham, late of Company A, Maine Volunteer Coast Guards, \$36 per month in lieu of that he is now receiving. Delano Myers, late of Company G, Thirty-third Regiment, and

Delano Myers, late of Company G, Thirty-third Regiment, and Company F, Thirty-fourth Regiment, Iowa Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Isaac Weaver, late of Company B, Twelfth Regiment Kentucky Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Niles H. Arnold, late of Company I, First Regiment Connecticut Volunteer Heavy Artillery, \$50 per month in lieu of that he is now receiving.

Jesse W. Casteel, late of Company H, Thirty-first Regiment Ohio Volunteer Infantry, and Company B, Second Regiment United States Infantry, \$40 per month in lieu of that he is now receiving.

Phylow A. Heath, late of Company F, Twenty-second Regiment Indiana Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

William Brunette, late of Company I, Twenty-sixth Regiment Kentucky Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

John C. Smith, late of Company K, Eighth Regiment Iowa Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Jerome Goforth, late of Company E, Ninth Regiment Kansas Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

John Christian Hohmann, late of Company A, Second Northeast Regiment, Missouri Home Guards, \$12 per month.

John A. Vanderhoff, late of Company F, First Regiment New

John A. Vanderhoff, late of Company F, First Regiment New Jersey Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Samuel B. Swift, late of Company I, Third Regiment Iowa Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

John Irvin, late of Companies G and C, Nineteenth Regiment Pennsylvania Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

James P. Hardin, late of Company B. Sixth Regiment Kentucky Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Harvey W. Cory, late of Company H, Tenth Regiment Iowa Volunteer Infantry, \$30 per month in lieu of that he is new receiving.

Josiah Sadler, late of Company H, Third Regiment Iowa Volunteer Cavalry, \$40 per month in lieu of that he is now receiving.

Elijah Cox, late of Company D, Forty-ninth Regiment Kentucky Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Hugh Findlay, late of Company C, Eighth Regiment Iowa Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

Allen J. Freeland, late of Company I, Sixth Regiment West Virginia Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

William Hanger, late of Company D, Thirteenth Regiment Indiana Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

George W. Hupp, late of Company K, One hundred and thirteenth Regiment Ohio Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Paul Sullivan, alias Matthias G. Clark, late of Company A, Eighth Regiment Missouri Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Mary C. Hill, widow of James H. Hill, late of Company A, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, \$24 per month in lieu of that she is now receiving: Provided, That in the event of the death of Mary Agnes Hill, helpless and dependent child of said James H. Hill, the additional pension herein granted shall cease and determine: Provided further, That in the event of the death of Mary C. Hill, the name of said Mary Agnes Hill shall be placed on the pension roll at \$12 per month from and after the date of death of Mary C. Hill.

Emil Schincke, late of Company F, Fifteenth Regiment New York Volunteer Heavy Artillery, \$30 per month in lieu of that he is now receiving.

Garrett F. Cowan, late of Company G, Twelfth Regiment Wisconsin Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

John French, late of Company B, Fourth Regiment Kentucky Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Lewis Fulton, late of Company E, One hundred and seventyfourth Regiment Ohio Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

William H. Hayes, late acting assistant surgeon, United States Army, \$21 per month in lieu of that he is now receiving.

Stephen O. Meyers, late of Company H, Seventeenth Regiment Wisconsin Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Mary J. Lynch, widow of Daniel Lynch, late of Ninth unattached Company, Massachusetts Militia Infantry, \$12 per month.

Charles H. Minson, late of Company I, Twenty-sixth Regiment Connecticut Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Charles A. Potter, late of Company D, First Regiment Connecticut Volunteer Heavy Artillery, \$36 per month in lieu of that he is now receiving.

George A. Crowley, late of Company F, First Regiment Maine Volunteer Heavy Artillery, \$40 per month in lieu of that he is now receiving.

James H. Colby, late of Company I, Thirty-second Regiment Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

James Duke, late of Company E, One hundred and fortyeighth Regiment Indiana Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Loren E. Steward, late of Company G, Twenty-sixth Regiment Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

William H. Harris, late of Company I, Ninth Regiment New York Volunteer Heavy Artillery, \$30 per month in lieu of that

Stephen Sutton, late of Company K, Fourth Regiment Indiana Volunteer Cavalry, and of Company E, Twelfth Regiment Veteran Reserve Corps, \$40 per month in lieu of that he is now receiving.

Martin V. Rand, late of Company B, Second Regiment Wisconsin Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

Edward T. McClannahan, late of Company E, Forty-fourth Regiment Missouri Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

John W. Munsell, late of Company I, Seventh Regiment Michigan Volunteer Infontry, \$24 per month

gan Volunteer Infantry, \$24 per month.

George W. Sperry, late of Company G, Eighth Regiment New York Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Philip Zong, late of Company C, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, \$36 per month in lieu of that he is now receiving. Daniel Sheesly, late of Company A, Tenth Regiment Missouri Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

William Dougherty, late of Company D, Fifty-first Regiment Wisconsin Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Jerome Dornsife, late of Company I, First Regiment Iowa Volunteer Cavalry, \$50 per month in lieu of that he is now receiving.

Andrew G. Anderson, late commissary sergeant Ninth Regiment Minnesota Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Alice R. Finney, widow of George E. Finney, late second lieutenant Company H, Nineteenth Regiment Indiana Volunteer Infantry, and first lieutenant and adjutant, Twentieth Regiment Indiana Volunteer Infantry, \$24 per month in lieu of that she is now receiving.

Riley Damon, late of Company A, Eighteenth Regiment Iowa Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Mary J. Pierson, widow of William E. Pierson, late of Company F, Ninety-eighth Regiment Illinois Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

William L. Holmes, late of Company D, First Regiment Maine Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Benjamin F. Goodwin, late of Company C, First Regiment Maine Veteran Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Alvah Babbedge, late of Company L, First Regiment Maine Volunteer Heavy Artillery, \$40 per month in lieu of that he is now receiving.

Stephen H. Goodridge, late of Company B, Thirteenth Regiment Maine Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Philander W. Danforth, late of Company B, Fourteenth Regiment Maine Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Henry H. Staubus, late of Company E, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Henry J. Austin, late of Company C, First Regiment Michigan Volunteer Engineers and Mechanics, \$36 per month in lieu of that he is now receiving.

Theodore M. Davis, late of Company E, Forty-sixth Regiment Indiana Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

William F. Morgan, late of Company K, Twenty-seventh Regiment Maine Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

King S. Hill, late of Company H, Thirty-second Regiment Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Claudius Lane, late of Company A, Twenty-fifth Regiment-Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

George H. Keniston, late of Company H, Ninth Regiment Maine Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Frederick E. Partridge, late of Company A, Sixteenth Regiment Maine Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

John O. Boubar, alias James Rockwell, late of Company A, Seventh Regiment New Hampshire Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Benjamin F. Martin, late of Company H, First Regiment Minnesota Volunteer Heavy Artillery, \$24 per month in lieu of that he is now receiving.

Charles H. Dunton, late of Company F, Twenty-first Regiment Maine Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Henry Ramsdell, late of Company K, Fifteenth Regiment Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

John G. Jackson, late of Company B, Nineteenth Regiment Maine Volunteer Infantry, and Company B, First Regiment Maine Volunteer Heavy Artillery, \$40 per month in lieu of that he is now receiving.

Norris J. Thomas, late of Company F, Sixteenth Regiment Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

David F. Sanborn, late unassigned, Maine Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Abram Frakes, late of Company D, Seventeenth Regiment Iowa Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

John A. Sears, late of Company E, Ninth Regiment Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Thomas B. Wiggin, jr., late of Company F, Sixth Regiment Massachusetts Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

John D. Whitted, late of Company G, Twenty-seventh Regiment Indiana Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Peter Lynch, late of Company E, Seventh Regiment, and Company A, First Regiment, United States Infantry, \$50 per month in lieu of that he is now receiving.

Mary A. Cooper, widow of Thomas Cooper, late of Company A, Seventeenth Regiment Illinois Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

Francis J. Curtis, late of Company D, First Regiment Minnesota Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

James D. Fletcher, late of Company H, Seventh Regiment Kentucky Volunteer Cavalry, \$50 per month in lieu of that he is now receiving.

John W. Laughlin, late of Company D, Twenty-eighth Regiment Illinois Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Joseph A. Manning, late of Company E, Eighth Regiment Indiana Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

Christopher C. Brummet, late of Company B, Thirty-third Regiment Indiana Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Charles F. Knowlton, late of Company I, Eighth Regiment Iowa Volunteer Cavalry, \$50 per month in lieu of that he is now receiving.

Asa L. Bushnell, late of Company G, Twenty-fourth Regiment New York Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

Egbert Hall, late of Company A, Fifth Regiment Pennsylvania Reserves Volunteer Infantry, and Company F, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Benjamin F. Spangler, late of Company K, One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry, \$27 per month in lieu of that he is now receiving.

Lemuel C. Kittrell, late of Company H, Fiftieth Regiment Missouri Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

John M. James, late of Company F, First Regiment Arkansas Volunteer Cavalry, \$50 per month in lieu of that he is now rereceiving.

Philip C. Cooter, late of Company E, Third Regiment, and Company A, Eleventh Regiment, Missouri Volunteer Cavalry, \$40 per month in lieu of that he is now receiving.

Benjamin F. White, late of Company C, Ninth Regiment Provisional Enrolled Missouri Militia, \$30 per month in lieu of that he is now receiving.

Benjamin Johnson, late of Company G, Fiftieth Regiment Missouri Volunteer Infantry, \$30 per month in lieu of that he is

now receiving.
Sylvester E. Stone, late of Company B, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

William P. Duncan, late of Company B, One hundred and twenty-eighth Regiment Illinois Volunteer Infantry, \$27 per month in lieu of that he is now receiving.

John A. Rice, late second lieutenant, Company L, Second Regiment Missouri State Militia Cavalry, \$50 per month in lieu of that he is now receiving.

Josiah Brewer, late of Company A, Second Regiment Tennessee Volunteer Mounted Infantry, \$40 per month in lieu of that he is now receiving.

Nannie C. Cole, widow of John P. Cole, late acting ensign, United States Navy, \$20 per month in lieu of that she is now receiving.

Andrew J. Persons, late of Company K, Thirtieth Regiment Michigan Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

George H. Hatch, late of Company I, Seventh Regiment Michigan Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Henry D. Owen, late of Company F, First Regiment United States Lancers, Michigan Volunteer Cavalry, \$12 per month.

James H. Call, late of Company K, Eighteenth Regiment Michigan Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Daniel E. Stoneburner, late of Company H, Tenth Regiment Michigan Volunteer Cavalry, \$40 per month in lieu of that he is now receiving.

John J. Randall, late of Company B, Forty-seventh Regiment Wisconsin Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Charles H. Slocum, late of Company A, Thirty-fourth Regiment Illinois Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

David H. St. Clair, late of Company B, Seventy-eighth Regiment Illinois Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

William M. Robertson, late of Company H, Third Regiment Iowa Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

Bradford P. Sparrow, late of Company K, Fourth Regiment Vermont Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Aaron Rowell, late of Company G, Eighth Regiment Vermont Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

John M. Gowdy, late of Company H, Fourteenth Regiment Illinois Volunteer Cavalry, \$50 per month in lieu of that he is now receiving.

Robert Summerville, late of Company K, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

month in lieu of that he is now receiving.

William L. Miles, late of Company C, First Regiment Maine
Volunteer Heavy Artillery, \$50 per month in lieu of that he is
now receiving.

Albert C. White, late of Company D, Sixty-fourth Regiment Ohio Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Moses Tarbox, jr., late of Company I, Sixteenth Regiment Maine Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

George Tarbox, late of Company H, First Regiment District of Columbia Volunteer Cavalry, and Company M, First Regiment Maine Volunteer Cavalry, \$40 per month in lieu of that he is now receiving.

Samuel Wenthworth, late of Company C, Fifth Regiment Maine Volunteer Infantry, and Company A, Ninth Regiment Veteran Reserve Corps, \$40 per month in lieu of that he is now receiving.

Patrick Murphy, late of Battery F, Fourth Regiment United States Artillery, \$30 per month in lieu of that he is now receiving.

Frank J. Davis, late of Company F, Second Regiment Maine Volunteer Cavalry, \$40 per month in lieu of that he is now receiving.

Lester Holway, late of Fourth Battery, First Battalion Maine Volunteer Light Artillery, \$40 per month in lieu of that he is now receiving.

Nelson L. Nourse, late of Company K, Fourth Regiment Vermont Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Henry H. Steward, late of Company K, Ninth Regiment Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Francis M. Whips, late of Company H, Thirty-first Regiment Ohio Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Oluf Volkerts, late of U. S. S. Potomac and Sebago, United States Navy, \$40 per month in lieu of that he is now receiving. Jeremiah Forguson, late of Company E, Eighth Regiment Tennessee Volunteer Cavalry, \$40 per month in lieu of that he is now receiving.

Perry Green, late of Company E, Ninth Regiment Tennessee Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

John A. Crozier, late of Company H, Eleventh Regiment Missouri Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Hartman K. Wismer, late of Company F, One hundred and twenty-eighth Regiment Pennsylvania Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Charles B. Greenhalgh, late captain Company C, Fourth Regiment Maine Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

John Eltzroth, late of Seventeenth Battery, Indiana Volunteer Light Artillery, \$30 per month in lieu of that he is now receiving.

Carrie E. Carter, widow of William M. Carter, late of U. S. S. Princeton and New Ironsides, United States Navy, \$20 per

month in lieu of that she is now receiving.

Joseph Cook, late of Company H, Twenty-fifth Regiment Michigan Volunteer Infantry, \$50 per month in lieu of that he

is now receiving.

James W. Divelbiss, late of Company L, Second Regiment Minnesota Volunteer Cavalry, \$30 per month in lieu of that he

is now receiving.

Emily S. Robinson, widow of Lemuel Robinson, late of Company I, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, \$20 per month in lieu of that she is now re-

Jonathan A. Deaver, late of Company D, Nineteenth Regiment Wisconsin Volunteer Infantry, and Company I, One hundred and sixty-first Regiment Ohio National Guard Infantry, \$50 per month in lieu of that he is now receiving.

Melisa Hogan, widow of Robert Hogan, late of Company B, First Regiment Oregon Volunteer Cavalry, \$20 per month in

lieu of that she is now receiving.

Michael H. Carr, late of Company A, One hundred and eleventh Regiment Illinois Volunteer Infantry, \$36 per month

in lieu of that he is now receiving.

James Olds, late of Company D, Forty-second Regiment Illinois Volunteer Infantry, and One hundred and fifty-sixth Company, Second Battalion Veteran Reserve Corps, \$50 per month in lieu of that he is now receiving.

George M. Kelley, late of Company G, First Regiment Maine Volunteer Cavalry, and ordinary seaman U. S. S. North Carolina and Brooklyn, United States Navy, \$36 per month in lieu

of that he is now receiving.

Jane Smith, wife of Seager F. Smith, late of Company E, Fifth Regiment Wisconsin Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Josiah Woodbury, late of Second Unattached Company, Massachusetts Militia Infantry, \$36 per month in lieu of that he is

now receiving.

John Lee, alias James Riley, late of U. S. S. Minnesota and Vandalia, United States Navy, and Troop D, Eighth Regiment United States Cavalry, \$40 per month in lieu of

Marion A. Holman, widow of Edward E. Holman, late second lieutenant Company C, First Regiment Mississippi Volunteer Mounted Rifles, \$25 per month in lieu of that she is now re-

William A. Black, late of Company K, One hundred and fortyfourth Regiment Illinois Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

John G. Coburn, late of Company H, Tenth Regiment Maine Volunteer Infantry, \$40 per month in lieu of that he is now

receiving.

Charles N. Spear, late of Company A, One hundred and eleventh Regiment New York Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Albert Adams, late unassigned, Michigan Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Charles E. Brown, late of Company A, Fortieth Regiment Wisconsin Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Annie Earnest, widow of Jasper S. Earnest, late of Company A. Forty-seventh Regiment Kentucky Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Emerson G. Reeves, late of Company G, Thirty-second Regiment Wisconsin Volunteer Infantry, \$36 per month in lieu of

that he is now receiving.

Thomas, late of Company I, Eighteenth Regiment Illinois Volunteer Infantry, \$27 per month in lieu of that he

Mary L. Campbell, widow of Alexander Campbell, late of Company M, First Regiment Indiana Volunteer Heavy Artillery,

\$20 per month in lieu of that she is now receiving.

Frederick Clark, late of Company F, Twentieth Regiment Maine Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Joseph E. Reynolds, late of Company I, Second Regiment Maine Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

Aletha E. Reynolds, dependent mother of Cyrus W. Reynolds, late of Company D, Seventh Regiment Illinois Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

James R. Eaton, late of Company H, Third Regiment Maine Volunteer Infantry, \$40 per month in lieu of that he is now

receiving.

Howard E. Hoadley, late of Company C, Twelfth Regiment Indiana Volunteer Cavalry, \$40 per month in lieu of that he is now receiving.

James A. Montgomery, late of Company M, Ninth Regiment Illinois Volunteer Cavalry, \$50 per month in lieu of that he is

now receiving.

James Hill, late of Company K, Third Regiment Wisconsin Volunteer Infantry, \$24 per month in lieu of that he is now

James M. Goodrich, late first lieutenant Company D, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, \$40

per month in lieu of that he is now receiving.

Augustus Wagner, late of Company I, Sixth Regiment Massachusetts Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Tarrence Murray, late of Company G, One hundred and seventy-third Regiment Ohio Volunteer Infantry, \$30 per month in

lleu of that he is now receiving.

John A. Schmitt, late first lieutenant Company A, Twentyseventh Regiment Illinois Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Lena S. Fenn, widow of William R. Fenn, late of Cooley's Battery, Illinois Volunteer Light Artillery (Chicago Mercantile Battery), \$20 per month in lieu of that she is now receiving.

Emily N. Robinson, widow of Daniel Robinson, late captain, Seventh Regiment United States Infantry, and major, United States Army, retired, \$24 per month in lieu of that she is now receiving.

Jennie M. Hobbs, widow of Harley S. Hobbs, late of Company A, One hundred and fifty-first Regiment New York Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

William Abbott, late of U. S. S. North Carolina, Penobscot, and Fearnot, United States Navy, \$30 per month in lieu of that he is now receiving.

George Whitcher, late of Second Battery, Vermont Volunteer Light Artillery, \$40 per month in lieu of that he is now receiv-

ing.

Ellen A. Sawyer, widow of Addison H. Sawyer, late of Company F, First Battalion Nineteenth Regiment United States

On your month in lieu of that she is now receiving.

Infantry, \$20 per month in lieu of that she is now receiving.

Caleb P. Nash, late of Company F, Thirteenth Regiment Vermont Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Joseph Carter, late of Company D, One hundred and forty-third Regiment Illinois Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Angenette Barber, widow of William J. Barber, late of Company H, Fifth Regiment Connecticut Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Emma L. Porter, widow of George W. Porter, late of Company B, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Richard L. K. Grant, late of Battery E, First Battalion Maine Volunteer Light Artillery, \$30 per month in lieu of that he is now receiving.

George H. Nutting, late of Company B, Sixth Regiment Massachusetts Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Albert S. Farnsworth, late of Company E, Twenty-eighth Regiment Maine Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Warren Seaward, late of Company E, Sixteenth Regiment Maine Volunteer Infantry, \$40 per month in lieu of that he is

now receiving.

Alphonso Wingate, late of Company H, Eighth Regiment Maine Volunteer Infantry, \$36 per month in lieu of that he is

Joseph P. Dore, late of Company D, Eighteenth Regiment Maine Volunteer Infantry, and Company D, First Regiment Maine Volunteer Heavy Artillery, \$40 per month in lieu of that he is now receiving.

William H. Lindsey, late of Company A, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, \$40 per month in lieu

of that he is now receiving.

Joseph D. Dunn, late of Company E, Twenty-eighth Regiment Maine Volunteer Infantry, \$40 per month in lieu of that he is now receiving

Edmond Gould, late of Company K, Twenty-first Regiment, and Company I, Thirty-first Regiment, Maine Volunteer Infuntry, \$40 per month in lieu of that he is now receiving.

George W. Brawn, late unassigned, Fourteenth Regiment

Maine Volunteer Infantry, \$17 per month in lieu of that he is now receiving.

Barbara E. Wooddell, widow of Isaac N. Wooddell, late of Company E. Twelfth Regiment Ohio Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

John Drown, late of Company A, First Regiment New Hampshire Volunteer Light Artillery, and Company A, Ninth Regiment Veteran Reserve Corps, \$36 per month in lieu of that he is now receiving.

Milton M. Adamson, late of Company I, First Regiment Nebraska Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

Aldrich S. Luther, late of Company I, Tenth Regiment New York Volunteer Heavy Artillery, \$40 per month in lieu of that he is now receiving.

Margert S. Dustin, widow of Charles Dustin, late captain Company F, First Regiment Iowa Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

Jennie A. Cressman, widow of Daniel H. Cressman, late of the United States Marine Corps, \$20 per month in lieu of that she is now receiving.

Vilos E. Bryant, late of Company F, One hundred and fortysecond Regiment New York Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Martha R. Griswold, widow of John M. Griswold, late captain Company B, Forty-fourth Regiment Massachusetts Volunteer

Infantry, \$24 per month in lieu of that she is now receiving.

Hiram J. George, late of Company F, Thirtieth Regiment
Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Mary P. Moody, widow of Benjamin A. Moody, late of Company H, Third Regiment United States Colored Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Thomas B. Jones, late of Company C, Fifty-ninth Regiment Indiana Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Charles H. Hack, late of Company I, Eleventh Regiment Michigan Volunteer Infantry, \$27 per month in lieu of that he is now receiving.

Albert P. Sheldon, late of Company C, Fourteenth Regiment Vermont Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Joseph M. Donnohue, late captain Company F, One hundred and twenty-third Regiment Indiana Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

James Brooks, late of Company G, Seventieth Regiment Ohio Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

James Matox, late of Company E, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, \$36 per month in

lieu of that he is now receiving.

James P. Taylor, late of Company G, Second Regiment
Nebraska Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

James H. Drown, late of Company H, Eleventh Regiment Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

George M. Jaco, late of Company B, Seventeenth Regiment West Virginia Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Charles Ellis, late of Eighth Battery, Wisconsin Volunteer Light Artillery, \$50 per month in lieu of that he is now re-

Henry D. Baxter, late of Company H, Thirtieth Regiment Wisconsin Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Ella R. Brown, widow of William M. Brown, late of Company D, Thirty-third Regiment Missouri Volunteer Infantry, Civil War, \$20 per month in lieu of that she is now receiving.

Andrew J. Bridges, late of Company A, Fifty-third Regiment Indiana Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Mary J. Welch, widow of E. Bradford Welch, late of Company Second Regiment Minnesota Volunteer Cavalry, \$20 per

month in lieu of that she is now receiving.

George W. Cushman, late of Company D, Twenty-first Regiment Maine Volunteer Infantry, \$30 per month in lieu of that now receiving.

William J. Kelsey, late of Company D, Coast Guards, Maine Volunteer Infantry, \$30 per month in lieu of that he is now

Franklin B. Nutt, late of Company D, Ninth Regiment Maine Volunteer Infantry, \$40 per month in lieu of that he is now

Abraham Bachelder, late of Company E, Seventh Regiment Maine Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

William C. Hoffman, late of Company F, Seventy-fourth Regiment Ohio Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Cyrillus B. Ayres, late of Company A, Thirteenth Regiment Illinois Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

James Johnson, late of Company E, Ninth Regiment Tennesses Volunteer Cavalry, \$50 per month in lieu of that he is now receiving.

Daniel Loftis, late of Company K, Tenth Regiment New Hampshire Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

George F. Thayer, late of Company K, Sixth Regiment Michigan Volunteer Heavy Artillery, \$30 per month in lieu of that he is now receiving.

Michael Burns, late of Company C, Eleventh Regiment Massachusetts Volunteer Infantry, \$25 per month in lieu of that he is now receiving.

George E. Cross, late of Company B, Nineteenth Regiment Maine Volunteer Infantry, \$27 per month in lieu of that he is now receiving.

Ada M. Kennedy, widow of Edwin R. Kennedy, late of Company H, Ninth Regiment Indiana Volunteer Infantry, and Company D, First Regiment United States Veteran Volunteer Engineers, \$20 per month in lieu of that she is now receiving.

Nelson W. Adams, late of Company K, One hundred and thirty-ninth Regiment, and Company G, One hundred and fifty-sixth Regiment, Illinois Volunteer Infantry, \$36 per month in

lieu of that he is now receiving.

David F. Rudd, late of Fourth Battery, Iowa Volunteer Light

Artillery, \$50 per month in lieu of that he is now receiving.

Lucy E. McCord, widow of Wilbur F. McCord, late of Thirteenth Independent Battery, Wisconsin Volunteer Light Artillery, \$20 per month in lieu of that she is now receiving.

Silas B. Garlick, late of U. S. S. Forest Rose, United States Navy, \$30 per month in lieu of that he is now receiving.

Nathan H. Applebee, late of Company F, Forty-third Regiment Wisconsin Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Dallas Wamsley, late of Company A, Eleventh Regiment Iowa Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Theodore A. Maltby, late of Company E, First Regiment Connecticut Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

Charles Minor, late of Company F, Second Regiment Vermont Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 8120) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

Mr. SMITH of Georgia. I ask that the bill go over, Mr. President.

Mr. SMOOT. This is a Civil War pension bill. Mr. JOHNSON of Maine. No.

Mr. SMOOT. It is to pension soldiers of the Regular Army and Navy

The PRESIDING OFFICER. Objection having been made, the bill will be passed over.

S. SPENCER CARR.

The bill (H. R. 10697) for the relief of S. Spencer Carr was considered as in Committee of the Whole. It proposes that in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, S. Spencer Carr, who was a first lieutenant of Company B, Eighth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States, as a first lieutenant of said com-pany and regiment, on the 18th day of September, 1864, provided that no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

GEORGE L. MORRISON.

The bill (S. 7906) to authorize the President of the United States, by and with the advice and consent of the Senate, to appoint George L. Morrison captain of Cavalry, to take rank as such next after Capt. James A. Mars, was considered as in

Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 8, after the word "rank," to strike out "as such next after Capt. James A. Mars" and to insert "at the foot of the lineal list of captains of Cavso as to make the bill read:

Be it enacted, etc., That subject to the examination required for promotion to the grade of captain of Cavalry, the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, George L. Morrison, formerly a first lieutenant of Cavalry, a captain of Cavalry; and that no back pay or allowances shall accrue as a result of the passage of this act, and there shall be no increase in the total number of captains of Cavalry now authorized by law by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was amended so as to read: "A bill to authorize the President of the United States to appoint George L. Morrison a captain of Cavalry.

Mr. POMERENE. The report in that case is very short, and for the information of Senators I ask that it may be printed in the RECORD.

The PRESIDING OFFICER. In the absence of objection, that may be done.

The report submitted by Mr. BECKHAM February 7, 1917, from the Committee on Military Affairs, is as follows:

[S. Rept. No. 1012, 64th Cong., 2d sess.]
Mr. BECKHAM, from the Committee on Military Affairs, submitted the

[S. Rept. No. 1012, 64th Cong., 2d sess.]

Mr. Beckham, from the Committee on Military Affairs, submitted the following report:

The Committee on Military Affairs has had under consideration the bill (S. 7906) to authorize the President of the United States, by and with the advice and consent of the Senate, to appoint George L. Morrison captain of Cavalry, to take rank as such next after Capt. James A. Mars, and report the same back to the Senate with amendments, and as thus amended recommend that the bill do pass.

George L. Morrison was born in Ohio August 31, 1881; was appointed a cadet at the United States Military Academy from Virginia June 13, 1899; was graduated from the Military Academy June 11, 1903, and assigned to the Fifth Cavalry; promoted to be first lieutenant of the same regiment March 11, 1911; resigned his commission in the Army August 31, 1915.

From graduation to the time of submitting his resignation, with the exception of detached service at the Mounted Service School and absence on account of sickness, he was continuously on duty with the regiment, serving consecutively in Arizona, Colorado, Arizona, New Mexico, Hawail, border duty in Arizona, and Fort Myer. Severe work at the Mounted Service School; the responsibilities of a member of a small command in Hawaii from January, 1909, to April, 1912, during the fense situation between Japan and this country; duty along the Mexican border from April, 1913, to January, 1914, and in command of a section of the American line during six months of that time; and duty at Fort Myer from January, 1914, to April, 1915, produced a state of nervous depletion such that when in March or April, 1915, he was detached for topographical work at Belvoir, Va., at the time of the sinking of the Lusitania and the accompanying disturbances, a complete mental and physical breakdown occurred. The unbroken drainage on his nervous vitality had been so great that rest accomplished nothing. He passed through a stage of irresponsibility which grew continuously worse up to

JAMES S. HUNTINGTON.

The bill (S. 6638) for the relief of James S. Huntington was announced as next in order.

The PRESIDING OFFICER. The bill was reported ad-

versely by the Committee on Military Affairs.

Mr. THOMAS. I move the indefinite postponement of the

The motion was agreed to.

WILLIAM M. JOHNSTON.

The bill (S. 7071) for the relief of William M. Johnston was announced as next in order.

The PRESIDING OFFICER. This bill was reported adversely by the Committee on Military Affairs.

Mr. THOMAS. I move the indefinite postponement of the

The motion was agreed to.

PENSIONS AND INCREASE OF PENSIONS.

Mr. WARREN. I am going to ask my friend from Colorado if he will not let me again call up the bill (H. R. 19937) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war. I move to reconsider the vote by which the bill was ordered to a third reading and passed, and then I wish to offer the amendment which I formerly withdrew.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent to recur to House bill 19937.

Mr. SMITH of Georgia. I understood the Senator from Wyoming to withdraw his amendment and that the bill was passed.

Mr. WARREN. I did so, and I did it on the ground that I did not want to be selfish and because an objection to the matter that I advocated would destroy-the chances of the balance of the bill.

Mr. SMITH of Georgia. I do not think we ought to go above \$50. I have not made an objection to either of these measures, because I knew that was the limit. When we get beyond, how can we discriminate? If there was but one case and that was the case of the Senator from Wyoming, of course I would vote for it.

Mr. WARREN. They do not come up often. As I said, this is the first case where I have ever asked the Senate to go beyond the committee. I am not sure this will get beyond the conference. I very much hope the Senator will not object, but allow it to go to conference, where I hope it may be sustained. Of course there is no certainty of it.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent to recur to the bill. Is there objection? The Chair hears none, and without objection the vote by which the bill was ordered to a third reading and passed will be reconsidered. The bill is in the Senate and open to amendment.

Mr. WARREN. On page 46, line 1, I move to amend the amount, raising it from \$50 to \$72.

The PRESIDING OFFICER. Without objection—
Mr. SMITH of Georgia. There is objection to the amendment. I merely want the Senate record to show that the amendment does not go on without objection.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wyoming.

On a division, the amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time

The bill was read the third time and passed.

AFFAIRS IN ALASKA.

The joint resolution (S. J. Res. 204) to create a joint committee from the Senate and House to sit to consider Alaska needs and legislation was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. The joint resolution will go

PANAMA CANAL RULES.

The bill (S. 8055) providing that the Panama Canal rules shall govern in the measurement of vessels for imposing tolls was announced as next in order.

Mr. SMOOT. I have been requested to ask that this bill go

The PRESIDING OFFICER. The bill will go over.

OFFENSES AGAINST THE GOVERNMENT.

The bill (S. 6813) to prohibit and punish the willful making of untrue statements under oath to influence the acts or conduct of a foreign Government, or to defeat any measure of the Government of the United States in a dispute or controversy with any foreign nation, was announced as next in order.

Mr. SMOOT. Beginning with this Order of Business No. 907,

down to and including Order of Business No. 920, are the bills that were reported by the Senator from North Carolina [Mr. Overman] from the Committee on the Judiciary, and there is now pending a bill covering all these measures.

The PRESIDING OFFICER. The Chair will consider that

an objection has been made,

Mr. GALLINGER. The bills will go over.
The PRESIDING OFFICER. The bills will go over, down to and including Senate bill 6819, Order of Business No. 920.

PENSIONS AND INCREASE OF PENSIONS.

Mr. JOHNSON of Maine. I ask unanimous consent to recur to the bill (S. 8120) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors. The bill was passed over on the objection of the Senator from Georgia [Mr. Smith], but I think he will not insist on his objection.

The PRESIDING OFFICER. Is there objection to the re-

quest of the Senator from Maine?

Mr. SMITH of Georgia. I understand from the Senator from Maine that these are cases of injury of service origin, and I not only do not object to them but I believe in them thoroughly. Mr. SMOOT. I wish to tell the Senator there are also some

widows' pensions included.

Mr. SMITH of Georgia. But they grew out of actual service, and I do not object. On the contrary, I find it is a character of pension to which I give my cordial support.

The Senate, as in Committee of the Whole, proceeded to con-

sider the bill.

It proposes to pension the following persons at the rates

William W. Cook, late of Company I, Eighteenth Regiment United States Infantry, Regular Establishment, \$12 per month. Charles Milk, late of Companies L and M, Twentieth Regi-

ment United States Infantry, War with Spain, \$8 per month, William R. Dority, late of Company A, Thirtieth Regiment

United States Volunteer Infantry, War with Spain, \$17 per Joseph P. Sullivan, late of Company D, Second Regiment

Oregon Volunteer Infantry, War with Spain, \$36 per month in lieu of that he is now receiving. William H. Merritt, late of Company D, Fourth Regiment

United States Infantry, Regular Establishment, \$20 per month in lieu of that he is now receiving.

William C. Worthen, late of Company C, Twenty-second Regiment United States Infantry, Regular Establishment, \$12 per

John T. Edson, late ensign, United States Navy, War with Spain, \$17 per month.

Celestine Lacy, widow of James H. Lacy, late chief carpenter's mate, United States Navy, War with Spain, \$12 per

Homer T. Barnett, late of Troop A, Fourth Regiment United States Cavalry, War with Spain, \$17 per month in lieu of that he is now receiving.

Bessie D. Blu, widow of William R. Blu, late of Troop C Fourth Regiment United States Cavalry, war with Spain, \$12 per month.

Maurice H. Myers, late of Company I, Second Regiment Oregon Volunteer Infantry, War with Spain, \$10 per month. Robert H. Cowan, late assistant paymaster, United States

Navy, War with Spain, \$18 per month.

Peter Downey, late of Company B, First Regiment Wisconsin

Volunteer Infantry, War with Spain, \$17 per month.

Charles H. Craddock, late of Company K, Eighteenth Regi-

ment United States Infantry, War with Spain, \$30 per month. Herman L. Shank, late of Company A, Thirty-second Regiment Michigan Volunteer Infantry, War with Spain, \$12 per

Clarence A. Hunt, late of One hundred and seventh Company. United States Coast Artillery Corps, Regular Establishment, \$17 per month.

Guss E. Gurtz, late of Company L, Twenty-first Regiment

United States Infantry, War with Spain, \$12 per month.

Arthur Leland, late of Company L, Eighth Regiment New
York Volunteer Infantry, and Signal Corps, United States
Army, War with Spain, \$12 per month.

William H. Jones, late of the Forty-fifth Company Coast Artillery Corps, United States Army, Regular Establishment, \$12 per month.

Victor F. Marshall, late of Company I, Third Regiment Pennsylvania Volunteer Infantry, and Company E, First Regiment United States Infantry, War with Spain, \$17 per month.

Joseph O. Dennison, late of Companies E and M, Second Regi-

ment Tennessee Volunteer Infantry, War with Spain, \$24 per

Thomas R. Peak, late of Company H, Twentieth Regiment

United States Infantry, War with Spain, \$12 per month. Edwin C. Gasque, late of Eighty-second Company United States Coast Artillery, Regular Establishment, \$12 per month.

Vernon D. Bennitt, late of Company F, First Regiment South Dakota Volunteer Infantry, and Company F, Thirty-sixth Regiment United States Volunteer Infantry, War with Spain, \$30

Horace M. Patton, late first lieutenant Company E, Fourth Regiment United States Volunteer Infantry, War with Spain, \$30 per month in lieu of that he is now receiving.

Robert J. May, late of Company F, Twenty-second Regiment

United States Infantry, War with Spain, \$12 per month.

Arthur Isert, late of Company H, Twelfth Regiment United States Infantry, Regular Establishment, \$12 per month.

Elsie M. Duryee, widow of Louis H. Duryee, late of Company E. Battalion of Engineers, United States Army, War with Spain, \$12 per month and \$2 per month additional on account of the minor child of said Louis H. Duryee until she reaches the age of 16 years.

Francis M. Moore, late of Company B, Fourteenth Regiment United States Infantry, Regular Establishment, \$30 per month in lieu of that he is now receiving.

Charles F. Johnson, late of Company F, Twenty-first Regiment Kansas Volunteer Infantry, War with Spain, \$12 per month. Lucius V. Hubbard, late second lieutenant, Company H, Fif-

teenth Regiment Minnesota Volunteer Infantry, War with Spain, \$15 per month.

George L. Aldrich, late of Company H, First Regiment New Hampshire Volunteer Infantry, War with Spain, \$20 per month in lieu of that he is now receiving.

Albert G. Daugherty, late of Company K, Twenty-first Regiment Kansas Volunteer Infantry, War with Spain, \$20 per month.

Nanette W. Sheffield, widow of Everette R. Sheffield, late of Company E, Ninth Regiment New York Volunteer Infantry, War with Spain, \$12 per month, and \$2 per month additional on account of each of the minor children of said Everette R. Sheffield until they reach the age of 16 years.

Andrew E. Waterman, late of Company H, First Regiment South Dakota Volunteer Infantry, War with Spain, \$20 per month in lieu of that he is now receiving.

Lewis W. Hill, late of Troop C, Third Regiment United States Cavalry, Regular Establishment, \$12 per month.

Milton T. Benham, late of Company K, Second Regiment United States Volunteer Engineers, War with Spain, \$12 per

Robert O. Dunn, late of Company B, Fourth Regiment Tennessee Volunteer Infantry, War with Spain, \$12 per month. George W. Smith late of Company B, Two hundred and

first Regiment New York Volunteer Infantry, War with Spain, \$17 per month.

Gordon Hinton, late of Company D, Forty-second Regiment United States Volunteer Infantry, War with Spain, \$12 per

J. Augustus Thilman, late of Companies D and E, Fourth Regiment United States Infantry, Regular Establishment, \$12 per month.

Francis Roy, late of Company C, First Regiment United States Infantry, Regular Establishment, \$20 per month in lieu of that he is now receiving.

Frank G. Schutt, jr., late of band, First Regiment District of Columbia Volunteer Infantry, War with Spain, \$10 per month.

James Cunningham, late of Company G, Twenty-second Regiment United States Infantry, War with Spain, \$12 per month.

Robert M. Watkins, late of Troop H, Third Regiment United

States Cavalry, War with Spain, \$17 per month in lieu of that he is now receiving.

Steplien H. Whitman, late of Company F, First Regiment Maine Volunteer Infantry, War with Spain, \$12 per month in lieu of that he is now receiving.

Adelbert R. Burke, late of Company H, First Regiment Montana Volunteer Infantry and band, Thirty-seventh Regiment United States Volunteer Infantry, War with Spain, \$17 per

Mary R. Edwards, widow of Frank A. Edwards, late colonel, United States Army, retired, Regular Establishment, \$40 per month in lieu of that she is now receiving.

Wilbur C. Gahret, late of Company L, Second Regiment Ohio Volunteer Infantry, War with Spain, \$20 per month. James G. Rollins, late of Company A, Fourth Regiment Ken-

tucky Volunteer Infantry, War with Spain, \$12 per month.
Frank W. Brown, late of Company G, Twentieth Regiment
Kansas Volunteer Infantry, War with Spain, \$12 per month in lieu of that he is now receiving.

Walter H. Sterling, late second lieutenant and battalion adjutant, First Regiment Vermont Volunteer Infantry, War with Spain, \$15 per month.

Walter P. Norris, late of Company D, Fourth Regiment Kentucky Volunteer Infantry, War with Spain, \$15 per month in lieu of that he is now receiving.

Edmond de Jarnac, late of band, Fourth Regiment United States Artillery, Regular Establishment, \$24 per month in lieu

of that he is now receiving.

Charles H. Kelley, late of U. S. S. Alabama, United States

Charles H. Kenley, late of C. S. S. Atabama, United States
Navy, Regular Establishment, \$20 per month.
Frank H. Latham, late of Company K. Twelfth Regiment
United States Infantry, War with Spain, \$8 per month.
Charles William Finley, late of Company C, Twenty-third
Regiment United States Infantry, Regular Establishment, \$24
per month in lieu of that he is now receiving.

per month in lieu of that he is now receiving.

Florence V. Handbury, widow of Thomas H. Handbury, late colonel, Engineer Corps, United States Army, Regular Establishment, \$40 per month in lieu of that she is now receiving.

Mary Jane Bowman, widow of Albert Bowman, late of Company E, Second Regiment United States Dragoons, Texas and New Mexico Indian War, \$20 per month in lieu of that she is now receiving.

Durbin L. Badley, late sergeant-major and first lieutenant Company G, first Regiment Idaho Volunteer Infantry, War with Spain, \$17 per month in lieu of that he is now receiving.

Mary Battle, dependent mother of Thomas A. Battle, late of Company M, Fourteenth Regiment, United States Infantry,

War with Spain, \$12 per month. Mary H. Trimble, widow of Joel G. Trimble, late captain,

First Regiment United States Cavalry, and major United States Army, retired, Regular Establishment, \$25 per month in lieu of that she is now receiving.

James Pickett, late of Company C, Ninth Regiment United States Infantry, War with Spain, \$30 per month in lieu of that he is now receiving.

Ander J. Heatley, late of Company A, Third Regiment Georgia Volunteer Infantry, War with Spain, \$16 per month. Robert Starkey, late of the U. S. S. *Potomac*, United States Navy, War with Mexico, \$40 per month in lieu of that he is now receiving.

Alice Hathaway, widow of Forrest H. Hathaway, late lieutenant colonel, Quartermaster's Department, and brigadier general, United States Army, Regular Establishment, \$50 per month

in lieu of that she is now receiving.

George J. Ham, late of Troop C, Seventh Regiment United

States Cavalry, Regular Establishment, \$30 per month.
Rittie Wilson, dependent mother of Robert Griffith, late of Company D, Fifth Regiment United States Infantry, War with

Spain, \$12 per month.
Charles M. Way, late of Company K, First Regiment South
Dakota Volunteer Infantry, and Troop K, Eleventh Regiment
United States Volunteer Cavalry, War with Spain, \$20 per

John Safranek, late chief musician Thirty-fourth Regiment United States Volunteer Infantry, War with Spain, \$17 per month in lieu of that he is now receiving.

Walter K. Neal, late of First Company, United States Volun-

teer Signal Corps, War with Spain, \$12 per month.

Robert W. Irvine, late of Troop H, First Regiment Ohio Vol-unteer Cavalry, War with Spain, \$12 per month. Eugenia L. Williams, widow of William M. Williams, late cap-tain Company I, Forty-fifth Regiment Ohio Volunteer Infantry, and captain and major, United States Army, retired, Regular Establishment, \$30 per month in lieu of that she is now receiv-

Mary B. Orner, dependent mother of William B. Orner, late of U. S. S. Baltimore and Buffalo, United States Navy, War with Spain, \$12 per month.

John W. McCown, late of Company K, Fifth Regiment Missouri Volunteer Infantry, and Hospital Corps, United States Army, War with Spain, \$12 per month.

Henry Ferguson, late of Company B, Twenty-fifth Regiment

United States Infantry, War with Spain, \$8 per month.

Elizabeth Bellion, widow of Henry Bellion, late of Company
E, First Regiment United States Dragoons, Oregon and Washington Territory Indian war, \$20 per month in lieu of that she is now receiving

Arthur H. King, late of Battery A, First Regiment Maine Volunteer Heavy Artillery, War with Spain, \$12 per month. Charles H. Bachelder, late of Battery C, First Regiment Maine Volunteer Heavy Artillery, War with Spain, \$20 per

John W. Thomas, late of Company C, First Regiment South Dakota Volunteer Infantry, War with Spain, \$12 per month in lieu of that he is now receiving.

Fred D. Abbott, late of Company G, First Regiment Mon-

tana Volunteer Infantry, War with Spain, \$24 per month.

Mary T. Seay, widow of Samuel Seay, late major, Tenth
Regiment United States Infantry, Regular Establishment, \$35 per month in lieu of that she is now receiving and \$2 per month additional on account of the minor child of said Samuel Seay until he becomes 16 years of age.

Daniel I. Jeinei, late of Company G, First Regiment Maine Volunteer Infantry, War with Spain, \$36 per month in lieu of that he is now receiving.

Albert S. Clouse, late of Troop E, Third Regiment United States Volunteer Cavalry, War with Spain, \$12 per month.

Frank J. Conway, late of Company H, First Regiment Vermont Volunteer Infantry, War with Spain, \$12 per month.

Leonard P. Kehrmeyer, late of U. S. S. Rhode Island, United States Navy, Regular Establishment, \$12 per month.

Thomas B. Jeffries, late of Company M, One hundred and sixty-first Regiment Indiana Volunteer Infantry, War with Spain, \$20 per month in lieu of that he is now receiving.

Bertha C. Pratt, widow of Peter L. Pratt, late ensign, United States Navy, Regular Establishment, \$15 per month and \$2 per month additional on account of the minor child of said Peter

L. Pratt until she reaches the age of 16 years.

Harry C. Chute, late of Company D, Twenty-seventh Regiment United States Infantry, Regular Establishment, \$8 per

Emma E. Normoyle, widow of James E. Normoyle, late major, Third Regiment United States Infantry, Regular Establishment, \$50 per month in lieu of that she is now receiving.

Milton M. Lile, late of Company F, Second Battalion of Engineers, United States Army, Regular Establishment, \$46

per month.

Anna B. Davis, widow of Wirt Davis, late colonel Third Regiment United States Cavalry, and brigadier general, United States Army, retired, Regular Establishment, \$30 per month in lieu of that she is now receiving.

Flora G. Redman, widow of Henry Redman, late first lieutenant Company D, First Regiment North Dakota Volunteer Infantry, War with Spain, \$17 per month, and \$2 per month additional on account of each of the minor children of the said Henry Redman until they reach the age of 16 years

Elizabeth J. Anderson, widow of Charles Anderson, late of Company D (Capt. M. M. Williams), Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, \$20 per month in lieu of that she is now receiving.

Maude Deignan, widow of Osborn Deignan, late boatswain, United States Navy, Regular Establishment, \$12 per month, and \$2 per month additional on account of the minor child of said Osborn Deignan until she reaches the age of 16 years.

Perry Ryals, late of Capt. Downman's company Alabama Volunteers, War with Mexico, \$40 per month in lieu of that

he is now receiving.

Bertha M. Shaw, widow of John W. Shaw, late of Company G, First Regiment Maine Volunteer Infantry, War with Spain, \$20 per month in lieu of that she is now receiving, and \$2 per month additional on account of each of the minor children

of said John W. Shaw until they reach the age of 16 years. Charles A. Dobratz, late of U. S. S. *Puritan*, United States Navy, War with Spain, \$12 per month in lieu of that he is now

receiving.

Annie A. Haines, widow of John T. Haines, late major United States Cavalry, Regular Establishment, \$35 per month in lieu of that she is now receiving.

Emory C. Powers, late of Company D, Second Regiment Vir-

ginia Volunteer Infantry, War with Spain, \$12 per month.

Lavina A. E. Rogers, widow of William W. Rogers, late of Capt. Sweat's company, Georgia Mounted Volunteer Infantry, Florida Indian War, \$20 per month in lieu of that she is now

Letta D. Webster, widow of Edmund K. Webster, late major, Twenty-seventh Regiment United States Infantry, Regular Es-

tablishment, \$20 per month.

Mary Renfroe, widow of Nathaniel Green Renfroe, late of Capt. E. T. Kendrick's independent company, Florida Mounted Volunteers, Seminole Indian War, \$20 per month in lieu of that she is now receiving.

Emma E. Barrett, widow of John Barrett, late of ordnance detachment, United States Army, Regular Establishment, \$12

per month.

Martha P. Johnson, widow of William Johnson, late of Capt. James P. Goodall's company, Oregon Volunteers, Oregon and Washington Territory Indian War, \$20 per month in lieu of that she is now receiving.

William H. Van Name, late of Company G, Second Regiment New Jersey Volunteer Infantry, War with Spain, \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POST OFFICE APPROPRIATIONS.

The bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, was announced as next in order.

Mr. SMOOT. That, of course, will go over. The PRESIDING OFFICER. The bill will go over.

ALFRED CLUFF AND OTHERS.

The bill (S. 3771) for the relief of Alfred Cluff, Orson Cluff, Henry E. Norton, William B. Ballard, Elijah Hancock, Susan

R. Saline, Oscar Mann, Celia Thayne, William Cox, Theodore Farley, Adelaide Laxton, Clara L. Tenney, George M. Adams, Charlotte Jensen, and Sophia Huff was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, on page 1, line 6, to strike out "\$5,000" and insert "\$2,500," so as to read:

To Alfred Cluff, of Mesa, Ariz., \$2,500.

The amendment was agreed to.

The next amendment was, in line 7, to strike out "\$6,000" and insert "\$3,000," so as to read:

To Orson Cluff, of Mesa, Ariz., \$3,000.

The amendment was agreed to. The next amendment was, in line 8, to strike out "\$10,000" and insert "\$5,000," so as to read:

To Henry E. Norton, of Pima, Ariz., \$5,000.

Mr. SMITH of Georgia, I understand that this is a bill of a nature which ought to have gone to the Committee on Claims; that these are claims against the Government.

Mr. ASHURST. It is a bill over which the Committee on Indian Affairs has jurisdiction for the reason that the claims arose because of the exclusion of certain persons from land which the Government claimed to be an Indian reservation but

which was subsequently ascertained to be public land.

The bill was introduced by myself in the Sixty-third Congress and in the Sixty-fourth Congress and was referred to the Committee on Claims. Learning, however, that that committee did not have the appropriate jurisdiction and that it was not the appropriate committee, after a year's time I moved in open Senate, and the Senate ordered the bill to be recalled from the Committee on Claims and sent to the Committee on Indian Affairs, together with all the papers thereon.

Mr. SMITH of Georgia. What is the amount involved?

Mr. ASHURST. The amount recommended to be paid by the

ommittee is \$66,500 to 17 different persons.

Mr. SMITH of Georgia. Will the Senator state, just in a general way, the nature of the claims?

Mr. ASHURST. I will take two or three minutes and do so.

I have before me, Mr. President, a map of the then Territory of Arizona issued by the Government in 1879. I ask the especial attention of Senators to the question of the map. The Indian attention of Senators to the question of the map. The Indian reservations, according to this map, are indicated thereon by pale pink. This was the official Government map issued by the United States Government in 1879, the only map in existence. It was the official map used in the War Department, in the Interior Department, and in all the branches and bureaus thereof.

Seventeen families in 1878, 1879, 1880, and 1881 settled at a point about 10 miles above what appeared on the map to be public lands. The Indian reservation by proclamation of President Grant and the Indian reservation by the map also showed that this settlement was not upon an Indian reservation, but was on public lands. The settlers commenced in 1878, built homes, opened farms of value, raised crops, and they had a smiling little village there. Some coal was discovered near by and some miners went in there, but the settlers did not attempt to mine any of the coal.

The War Department, in my judgment, arbitrarily and unjustly excluded these people from what was public land, drove them away from their homes in the wintertime, and did not even permit these 17 families to take their cattle or their other stock. The families lost all their investment there, so the Secretary of the Interior says in his report. The place was then

called Apache Springs.

I want Senators to examine this map and to watch parallel 34 and meridian 130 where they converge [indicating]. You will find here [indicating] Apache Springs, which was, according to the President's proclamation and according to the map, not an Indian reservation but public land.

I have also a map which was sent to the committee by the Secretary of the Interior. This map contains the red line which the Secretary of the Interior marked, and in his report he says that the red dotted line indicates what was then regarded as the north boundary line of the reservation, that the War Department excluded these settlers; that later by some kind of triangulation the department took the view that this land was an Indian reservation.

Mr. SMITH of Georgia. Has there been any hearing before the Court of Claims as to the value of the property that they lost?

Mr. ASHURST. No; there was no hearing, but the Senate committee adds an amendment here in substance as follows:

Provided, however, That the Secretary of the Treasury shall make no payment hereunder until the Secretary of the Interior shall first

ascertain what damages, if any, were occasioned, and, secondly, how much, if any, damages were occasioned.

That amendment was made by the committee.

Mr. SMITH of Georgia. It is referred, then, to the Secretary

of the Interior to ascertain——
Mr. ASHURST. To ascertain upon the facts what damages occurred, if any; secondly, if any occurred, how much. That is the committee amendment. The precedent for that was established in a case which arose near by in the year 1900. The Government believed that it ought to have certain coal lands that belonged to the white settlers on that reservation. So an act

Mr. SMITH of Georgia. I am familiar with references to the Interior Department to ascertain the value of land improperly taken from settlers by the Government. The bill appropriates \$66,500 or so much thereof as may be necessary under

the findings of the Secretary of the Interior?

Mr. ASHURST. That is the intent. We may not have used the appropriate language. I have no objection to an amendment of that sort, but that is certainly the intent of the bill.

If the Senator will look at the last page of the bill he will ascertain that we attempted at least to provide that no money should be paid unless and until the Secretary ascertained as a substantial fact by an investigation de novo how much damages if any, were occasioned, and further that the damages ascertained and the amount to be paid are equitable and in proportion to the losses sustained, if any.

Mr. SHAFROTH. The amendment reads as follows—
Mr. ASHURST. I wish the Senator would read it.

Mr. SHAFROTH (reading)-

Mr. SHAFROTH (reading)—

Provided, however, That the Secretary of the Treasury shall make no payment to any of the above-named persons, or to their personal representatives, for any of said losses and damages sustained by reason of the eviction and expulsion of said persons from said lands until and unless the Secretary of the Interior shall have ascertained and determined that in his opinion and judgment the amounts proposed to be paid to the said above-named persons for such loss and damage aforementioned are fair, just, equitable, and in proportion to the losses and damages sustained by the above-named persons.

Lebelly like to said the Secretar free Ariense.

I should like to ask the Senator from Arizona a question.

Mr. ASHURST. Certainly. Mr. SHAFROTH. Does the Secretary of the Interior approve this?

Mr. ASHURST. He does. Mr. SMITH of Georgia. I am familiar with a number of references of this character to the Interior Department. Those with which I am familiar, however, simply called attention to certain classes of claims and directed the Secretary of the Interior to determine the extent of their loss and after that had been determined to report the same to Congress for the consideration of Congress, and then the appropriation bill followed a prior finding by the Interior Department.

Mr. SHAFROTH. I suggest to the Senator that in this case

we have cut the claims of these persons 50 per cent now. That

about the amount, is it not?
Mr. ASHURST. Yes, sir. Let me say, briefly—
Mr. SMITH of Georgia. Suppose the Interior Department should find that they are entitled to recover, but that they are not entitled to the amount herein provided for under your bill, would he proceed to pay the amount that he had found?

Mr. ASHURST. He would. He would have that authority

under the bill.

Mr. SMITH of Georgia. I have no further objection to the consideration of the bill.

Mr. ASHURST. I think I ought to answer specifically the question propounded by the Senator from Colorado. I will read only a few lines from the report of the Secretary of the Interior. It is dated February 24, 1916, and is addressed to the chairman of the Committee on Claims, and was sent to the Committee on Indian Affairs by the order of the Senate:

Committee on Indian Affairs by the order of the Senate:

The difficulty of these settlers may be explained by the fact that the northern line of the reservation was not, apparently, based originally on actual official surveys, but was only approximated. The maps prepared in the General Land Office in 1879 and 1883 show the northern boundary to lie considerably south of the boundary line as shown on the present map of Arizona. The record shows that a survey was made by the War Department in 1882-1883 to settle disputes between the Indians and the settlers, and that it was about this time that complaints were received in the Indian Office relative to the location of the line so as to include the settlement at Forest Dale or Apache Springs. It appears, therefore, that this survey, by definitely locating the northern boundary line of the reservation as established in 1871 (which line had theretofore been approximated only) took in the settlement of Forest Dale and caused the damage complained of.

He concludes by saying:

He concludes by saying:

However, it is quite possible that these settlers might be morally entitled to some relief, and, if so, I would have no objection thereto.

In other words, I am appealing only to the legislative conscience for legislative equity. I ask that the report of the committee be incorporated in the RECORD.

The report referred to is as follows:

[Senate Report No. 1022, Sixty-fourth Congress, second session.]

The report referred to is as follows:

[Senate Report No. 1022, Sixty-fourth Congress, second session.]

Mr. ASHURST, from the Committee on Indian Affairs, submitted the following report:

The Committee on Indian Affairs, to whom was referred the bill (8. 3771) for the relief of Alfred Cluff, Orson Cluff, Henry E. Norton, William B. Ballard, Elijah Hancock, Mrs. Susan R. Saline, Oscar Mann, Celia Thayne, William E. Cox, Theodore Farley, Adelaide Laxton, Clara L. Tenney, George M. Adams, Charlotte Jensen, Sophia Huff, Peter H. McBride, and David Edward Adams, having examined the same, make favorable report thereon, with certain amendments as follows:

Page 1, line 6, strike out the figures "\$5,000" and in lieu thereof insert "\$2,500"; in line 7, page 1, strike out the figures "\$6,000" and insert "\$5,000" and insert "\$5,000" and insert "\$5,000" and insert "\$5,000" and insert "\$1,000" and insert "\$2,500" in said line 1, strike out the figures "\$1,000" and insert "\$2,500"; in line 2, before the name "Susan," insert the word "Mrs." and strike out the figures "\$1,000" and insert "\$2,500"; in line 4, strike out "\$1,000" and insert "\$2,500"; in line 4, strike out the figures "\$2,500"; in line 9, strike out the figures "\$3,000" and insert "\$2,500"; in line 9, strike out the figures "\$3,000" and insert "\$2,500"; in line 9, strike out the figures "\$3,000" and insert "\$5,000"; in line 9, strike out the figu

On page 3, after the word "destroyed," in line 12, insert the following:

"Provided, however. That the Secretary of the Treasury shall make no payment to any of the above-named persons, or to their personal representatives, for any of said losses and damages sustained by reason of the eviction and expulsion of said persons from said lands until and unless the Secretary of the Interior shall have ascertained and determined that in his opinion and judgment the amounts proposed to be paid to the said above-named persons for such loss and damage aforementioned are fair, just, equitable, and in proportion to the losses and damages sustained by the above-named persons."

The persons seeking relief settled upon certain lands in Arizona during the latter seventies and early eighties; that is to say, from 1876 to 1882. It developed that the lands upon which they had located were upon the San Carlos Indian Reservation, as shown by a resurvey and addition thereto made during the year 1883. Their settlements were made at and near a place called Forest Dale, in what was Apache County, then Territory of Arizona, each settler choosing a 160-acre tract of land of the public domain of the United States. At that time none of the land had been surveyed.

The first so-called designation of the White Mountain or San Carlos Reservation was by H. M. Robert, major of Engineers, in a letter dated January 31, 1870, at San Francisco, Cal., addressed to Gen. Whipple, Adjutant General Military Division of the Pacific, as follows:

Engineer's Office.

ENGINEER'S OFFICE,
HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., January 31, 1870.

Sin: I respectfully forward the following description of the proposed Indian reservation in Arizona, the boundaries of the reservation to be as follows, as shown in red on the accompanying map: Starting at the point of intersection of the boundary between New Mexico and Arizona with the south edge of the Black Mesa, and following the southern edge of the Black Mesa to a point due north of Sombrero or Plumoso Butte; then in the direction of the Picacho Colorado to the crest of the Apache Mountains following said crest down the Salt River to Pinal Creek, and then up the Pinal Creek to the top of the Pinal Mountains; then following the crest of the Pinal Range "the Cordilleras de la Gila," the "Almagra Mountains," and other mountains bordering the north bank of the Gila River to the New Mexico boundary near Steeple Rock; then following said boundary north to its intersection with the south edge of the Black Mesa, the starting point.

H. M. ROBERT,

H. M. ROBERT, Major, Engineers.

Gen. W. D. Whipple.

Gen. W. D. Whipple.

Adjutant General Military Division of the Pacific.

The map mentioned by Maj. Robert does not appear to be in existence. The first survey of this reservation appears to have been made in 1876, and shows that the lands upon which the claimants settled was situated about 8 miles north of the north line of the reservation.

The map issued by the Government in 1879 shows this survey, and the location of Forest Dale (or Apache Springs) is shown to be north of the reservation about 8 miles.

Seventeen families settled upon the land in the vicinity of Apache Springs, calling the locality "Forest Dale." The settlers, in the order of their location, respectively, were as follows:

1. William E. Cox, who in January, 1878, settled upon 160 acres of land when he was 21 years of age. Mr. Cox cultivated 40 acres of the land for two years, raising crops sufficient for the support of himself and family. He made improvements upon the land to the value of \$5,000.

2. William Laxton settled upon 160 acres of said land on February 1, 1878, with his wife, Adelaide Laxton, when he was 65 years of age, and he cultivated 60 acres of the land; growing crops thereon, and made improvements to the amount of \$2,000. William Laxton died in 1890 and is survived by his widow, Adelaide Laxton.

3. David Edward Adams, who in February, 1878, settled upon 160 acres when he was 26 years of age, Mr. Adams cultivated 60 acres of the land for three years, raising crops sufficient to support his family and to furnish corn to the troops at Fort Apache. He made improvements to the value of \$15,000.

4. Warren R. Tenney settled upon 160 acres on March 1, 1878, with his wife, Clare L. Tenney, who now survives him, when he was 54 years of age, and cultivated 40 acres of the land and made improvements to the value of \$10,000. Warren R. Tenney died in 1889 and is survived by Clare L. Tenney.

5. Theodore Farley in the spring of 1878 settled upon 160 acres when he was of the age of 21 years. He cultivated 30 acres of

ily, consisting of his wife and children. He made improvements to the value of \$5,000, consisting of residence, outhouses, farmhouses, and

ily, consisting of his wife and children. He made improvements to the value of \$5,000, consisting of residence, outhouses, farmhouses, and fences.

6. Oscar Mann, who in the spring of 1878 settled upon 160 acres of land, when he was 38 years of age. Mr. Mann cultivated between 25 and 50 acres of the land for three seasons, raising crops sufficient for the support of himself and his family, consisting of a wife and eight children. He made improvements to the value of \$5,000.

7. Peter H. McBride, who, on July 3, 1878, located 160 acres when he was 28 years of age. Mr. McBride cultivated 25 acres of the land for two seasons, raising crops sufficient for the support of himself and his family. He made improvements to the value of \$10,000.

8. Orson Cluff, who, on February 1, 1880, settled upon 160 acres when he was 35 years of age. Mr. Cluff cultivated 80 acres of said land for two seasons, raising crops thereon sufficient for the support of himself and family. He made improvements to the value of \$6,000.

9. Henry E. Norton, who, on February 15, 1880, settled upon 160 acres of said land for one season, raising crops sufficient for the support of himself and family. He made improvements to the value of \$6,000.

10. Joseph Thayne, who, on March 1, 1880, settled upon 160 acres when he was 25 years of age. Mr. Thayne cultivated 80 acres of land for two seasons, raising crops thereon sufficient to support himself and family. He made improvements to the value of \$10,000. Mr. Thayne is now dead and is survived by his wife, Celia Thayne.

11. Peter J. Jensen, who, on March 11, 1880, settled upon 160 acres when he was 58 years of age, cultivating 80 acres thereof, and supporting his family and made improvements to the value of \$10,000. He is survived by his widow, Charlotte Jensen, who makes the proof by affidavit, Mr. Jensen having died April 16, 1893.

12. Alfred Cluff, who, on Pebruary 28, 1881, settled upon 40 acres of land when he was 37 years of age, cultivating 80 acres thereof and supporting his family and make imp

widow, Susan R. Saline, who makes proof of the loss. She is the claimant.

16. William B. Ballard, February 15, 1882, settled upon 40 acres of this land. He cultivated 15 acres of land and made extensive improvements. He was 50 years old at the time of making the entry; that when he abandoned the property the improvements, crops, and other accretions and additions amounted to \$7,000.

17. Elljah Hancock, on February 15, 1882, located 160 acres when he was 38 years of age. He cultivated 35 acres of the land, had growing crops, and made improvements, such as houses, fences, and barns, to the value of \$12,000.

The map of 1879 bears out the contention of the claimants that the north boundary line was south of their settlements. It is a plat outlining the reservation with reference to the general lines of the State of Arlzona. It shows the settlements made as being north and west of the Prieto Plateau or Black Mesa. All of the settlers made their locations with the intention of making regular applictaion to the Land Office when the ground should be identified by Government surveys. All of them were citizens of the United States and entitled under the law to make such entries at that time. The locations were honestly made for the purpose of creating a home in each case for the settler and his family. The settlements were made with the full approval and consent of the commanding officer of the adjacent military post at Fort Apache, Ariz.

About the 1st day of December, 1882, the boundary line of the reservation was extended north about 10 miles arbitrarily, and Lieut. Gatewood or some other military officer stationed at Fort Apache dispossessed all the settlers from their land. The land was abandoned by the claimants, together with all property, they being evicted from the same.

Shortly after the notice to vacate their property the settlers, through Mr. George Lake, addressed a communication to Delegate G. H. Oury, of Arizona, who referred the protest to the Commissioner of Indian Affairs. The reply of the commissioner, dated January 30, 1883, is as follows:

WASHINGTON, D. C., January 30, 1883.

Hon. G. H. Oury,

House of Representatives.

Sign: This office is in receipt by your reference of a letter from Mr. George Lake, of Forest Dale, Apache County, Arizona Territory, dated December 26, 1882, protesting against the removal of himself and other settlers from certain lands occupied and cultivated by them at Forest Dale. He states that there are about 25 families settled in that vicinity; that they went upon the lands with the understanding that they were not intruding upon the Indian reservation, having been so assured by the "proper authorities"; that they have made valuable improvements there, etc.; and that they have recently been ordered away by "a lieutenant having charge of the Indians at this (that) point," and that if the boundary of the reservation is determined to be where the as yet unfinished surveys (recently in progress) would seem to indicate the lands occupied by them will fall within the reservation, which would prove very disastrous to the settlers.

In reply I have to say that during last summer information reached this office through the War Department of threatened trouble between the whites and Indians growing out of a disputed boundary question on the northern line of the White Mountain Reservation—the Indians claiming that the lands about Forest Dale are within their reservation, in which view, it is understood, they were supported by the military, while the whites claimed they were not within the reservation of this office that there were no funds available for the purpose the War Department, at the request of this department, gave instructions to the proper military officers for the execution of the notice was given by letter to this department of June 23, 1882.

This office has not been advised as to how far the work has been pushed, but it is inferred from the statement of your correspondent that the surveys have gone far enough to indicate that the lands occupied by him and the others in whose interest he writes are within the limits of the reservation.

him and the others in whose interest he writes are within the limits of the reservation.

I can only say that if it has been or shall hereafter be demonstrated by the official survey, for it is presumed the work has been discontinued for the winter, that these people have settled upon the reservation, there is no help for them but to remove. The reservation was set apart for the exclusive use of the Indians long before the settlers went in there, according to their own statement, and if they have ventured to settle upon unsurveyed lands, and have expended time and money in improving the same, without ascertaining positively whether they were encroaching upon Indian lands, when they knew very well they were very likely to be in error in that respect, it is their own misfortune, for which they have no one to blame but themselves.

The Indians of that reservation have learned to be very sensitive in regard to their boundaries. The reservation has been cut down no less than five times within the past 10 years, and during the last few years their peace of mind has been almost constantly disturbed by the encroachments of settlers on their southern and western line.

As is well known to you, bills are now pending in Congress providing for a change in the boundaries of the reservation. What action may be taken, of course, can not be premised, but it is proper to say that as long as the reservation remains as it is it will be the duty of the Government to expel intruders wheresoever they may be found.

Very respectfully,

H. Price, Commissioner.

H. PRICE, Commissioner.

Meanwhile, on January 4, 1883, Mr. H. D. Norton, hereinbefore mentioned as the ninth in point of seniority in the settlement at Forest Dale, wrote to the Secretary of the Interior, as follows:

FOREST DALE, OR APACHE SPRINGS, January 4, 1883.

To his honor the SECRETARY OF THE INTERIOR.

Forest Dale, or Apache Springs, January 4, 1883.

To his honor the Secterary of the Interiors.

Sir: We, the settlers of Apache Springs, Apache County, Arizona Territory, having settled in here 12 months ago, supposing that we were some 8 miles north of the reservation line. Having the assurance of Gen. Carr, then in command at Fort Apache, that we were not on the reserve and that he would protect us in settling said land, and we settled here in good faith, and we also have the assurance of the sectionizing engineer that we were not on the reservation. We hold his plats ready for entry. With these assurances we have done a vast amount of labor, and now we have been ordered away from our improvements and homes in dead of winter, and we now apply to you for redress, as we doubt this being your orders to run the line around us; we feel that we are being wronged by the influence around us. If these are your orders for the benefit of the Indians, we humbly submit there are some 25 families in here and 5 more on the Apache Road south, and we now want to know through your office if we are to be deprived of our real and fixed property without remuneration. We understand from the engineer running this line that he has abandoned the line somewhere near the northwest corner until spring, and also says that if it is agreeable that he can leave us off and run it on the line of official map. As there seems to be an understanding in regard to the line, the citizen has no other guide but the official map. We have paid taxes on this property and we feel we should have remuneration if we have to leave it, as we are ordered away by Lieut. Gatewood at Fort Apache. And we understand that there are other white men to take possession to a limited extent of our property. Are we compelled to leave before the time the lines are run, as our time is short? We wish a speedy reply to this communication. If this is misdirected, please forward it to the proper tribunal.

All communications should be directed to Forest Dale, via Show Low, Apac

H. D. NORTON, Corresponding Secretary.

On February 2, 1883, the Commissioner of Indian Affairs replied officially to Mr. Norton in substantially the terms of his communication of January 30, 1883, to Mr. Oury. The commissioner also states:

"Some time last summer (1882) information reached this office through the War Department of a dispute between the Indians and settlers as to the location of the northern boundary line of the reservation. The military officers urged the importance of a survey of the line in order to settle the dispute, and upon the representation of this office that there were no funds at its disposal for that purpose, the War Department, at the request of this department, directed the survey to be made."

The report of the Commission of Indian Affairs for the year 1882, at page 48, contains the following statement:

"In the early part of last year valuable deposits of coal were discovered within the limits of what is generally known as the San Carlos Division of the White Mountain Indian Reservation, in Arizona Territory. Owing to the scarcity of wood or other fuel in that section of Arizona, the news of the discoveries created intense excitement, and speculators, miners, and prospectors poured in upon the reservation, thereby greatly endangering the peace of the Territory. No serious trouble occurred, however, and by the exercise of prompt and vigorous measures the reservation was finally cleared of intruders and tranquility restored."

On page 44 of his report for the year 1883 the commissioner also

measures the reservation was finally cleared of intruders and tranquility restored."

On page 44 of his report for the year 1883 the commissioner also refers to the location of coal mines upon the reservation. On page 37 of his report for 1884 reference is made to the reservation and the fact that two persons be sent to investigate the value of such coal deposits. At page 46 of the report of the Indian Office for 1885 the commissioner states that the experts sent to examine the coal fields had reported (S. Doc. No. 20, 48th Cong., 2d sess.) that the coal fields were of doubtful value.

On pages 3-4 of the report of Mr. Bannon and Prof. C. D. Walcott (S. Ex. Doc. No. 20, 48th Cong., 2d sess.), the following appears:

"The Indian agent, Tiffany, at the San Carlos Agency, notified the miners that they were within the limits of the reservations, by posting notices dated March 4, 1881, on the trails leading to the mines, on the works about the mines, and also had the notice read to passers. This did not deter the prospectors, and the work of development went on until——, 1883, when they were removed, by order of the Department of the Interior, by the military under Gen. Crook."

The military action which evicted the prospectors was also extended beyond the then known limits of the reservation to the north and farmers who had settled upon the public domain were included in the general proscription. Thus the claimants under this bill were deprived of their rights upon territory justly regarded as being open to entry, through no fault of their own.

This bill was submitted to the Secretary of the Interior, and in his report of February 24, 1916, he says:

"The difficulty of these settlers may be explained by the fact that the northern line of the reservation was not, apparently, based originally on actual official surveys, but was only approximated. The maps prepared in the General Land Office in 1879 and 1883 show the northern boundary to lie considerably south of the boundary line as shown on the present map of Arizona. The record shows that a survey was made by the War Department in 1882-83 to settle disputes between the Indians and the settlers, and that it was about this time that complaints were received in the Indian Office relative to the location of the line so as to include the settlement at Forest Dale or Apache Springs. It appears therefore that this survey, by definitely locating the northern boundary line of the reservation as established in 1871 (which line had theretofore been approximated only) took in the settlement of Forest Dale and caused the damage complained of."

The Secretary further says:

"However, it is quite possible that these settlers might be morally entitled to some relief, and if so, I would have no objection thereto."

The total amount of these claims is \$133,000. It is recommended by this committee that the sums claimed by each of the claimants be adjusted by payment of one-half the sum claimed as being justly due, in full compensation for the loss sustained. All of the claimants, or their representatives, having knowledge of the facts.

Mr. GALLINGER. I will ask the Senator from Arizona if

Mr. GALLINGER. I will ask the Senator from Arizona if this is not a typical case that should go to the Court of Claims? The Senator reads from the Secretary of the Interior, who in a very cautious way has committed himself to the bill. Then it provides that the Secretary of the Interior shall determine the equities and fairness of these claims. It looks to me like sending it to a judge who has already looked into it. It does seem to me that it ought to go to the Court of Claims for fair consideration by that court, which is appointed for this very

Mr. ASHURST. Let me say to the distinguished Senator the Secretary of the Interior has abundant facilities now in the way of inspectors and other persons, and he is equipped to make a speedy investigation, and I think can get results. If the inspectors or other authorities find that no damage was in fact done, then of course this legislation is rendered null and void. They were all excluded, but if he should find that their losses and damages were only a part of what the committee has found, he may then make payment according to his finding.

I wish the Senate to understand that this is an old claim. Many of these people are now citizens of Arizona, Utah, and New Mexico. I know most of them, and know them well. I think it is nothing but just that these claims should be paid at an early date. They were excluded; there is no doubt about that. Everybody in the northern part of the State knows that. Probably a cold, technical construction might send it to the Court of Claims, but I hope that will not be done.

I presented this matter to the best of my ability to the Committee on Indian Affairs. The committee had a large attendance present; hearings were had, a report made, and it has been printed. The most convincing thing is the map of the State of Arizona marked by the honorable Secretary showing that the land at that time was, according to the official map. public land.

Mr. GALLINGER. Has this bill ever been before the Com-

mittee on Claims, I will ask the Senator?

Mr. ASHURST. Let me say when I first introduced it it was sent to the Committee on Claims, and the report of the Secre-tary of the Interior is addressed to the chairman of the Committee on Claims.

Mr. GALLINGER. I noticed that.

Mr. ASHURST. But later, by order of the Senate, the bill was withdrawn from the Committee on Claims and sent to the Committee on Indian Affairs, which committee has jurisdiction over a large number of matters of this kind. I did not ask that it be put in the appropriation bill. I do not believe that it is an appropriate thing to put such items in the Indian appropriation bill. I realize that it will be very difficult besides that to pass the other body in this Congress, but I do ask that Senators support it.

Mr. GALLINGER. One difficulty I have in giving my assent to this bill is that we have so many other claims that are due citizens of the United States. I have observed that in any claim that an Indian or a band of Indians makes an appeal is made here in behalf of the Indians, but it is not so potent when it comes to the white man. I have in my desk a bill that passed in the closing days of the Sixty-second Congress adjusting hundreds of claims of citizens of the State of New Hampshire. I had the promise that that bill would be reported at the next session, but it has not been reported out. It is in the committee now, I presume, lodged safely in a pigeonhole of the Committee on Claims, and it is going to remain there. Citizens of New Hampshire, hundreds in number, are not going to get what is their due.

Every one of those claims has been before the Court of Claims; the facts have been found; the recommendations have been made that they are just claims and should be paid; and yet I have no means of getting consideration even for that bill at the present time. In consideration of that case and many others, I think it is asking a good deal for the Senator from Arizona to require us at this late hour of the night, and with but a handful of Senators present, to pass this \$66,000 claim. It is a claim, my judgment is, that ought to have been referred to the Committee on Claims or have been sent to the Court of Claims. I think I know the circumstances under which the bill was recalled from the Committee on Claims. However, I will say to the Senator from Arizona that I am not going to object to it. If no other Senator representing the western part of the country is going to object to it, I will not do so; for I know it is said that Senators from the East are not always fully informed about these matters, and possibly I am not.

Mr. THOMAS. Mr. President, I do not think any western Senator has ever accused the Senator from New Hampshire of being unfriendly to the West. If they have done so, they have

done him a great injustice.

Mr. GALLINGER. I never have been; but I myself realize that I do not understand as much about some of these western matters as do some other Senators; and I would be very unwilling to do an injustice either to the Senator from Arizona, who I know is acting in entire good faith, or to these poor people whom he represents in a way; and yet I do think it is very questionable whether we ought to-night to take action on this bill. However, I will content myself with what I have said about it and let it take such course as other Members of the Senate see fit to allow it to take.

Mr. SHAFROTH. Mr. President, I am sure there has been no suggestion made by any Senator from the West that would indicate in any way that there has been any such criticism as the remarks of the Senator from New Hampshire might indicate. The people of the West have always recognized that the Senator from New Hampshire has been exceedingly liberal to

the West.

Now, in relation to this bill, I desire to say, as has been verified and stated clearly, that there was an eviction in this case. These people were forcibly ejected and great damage resulted. Inasmuch as the amount has been cut down 50 per cent and they have lost the interest on this money from 1879 up to the present time, even if the amount were one-fourth more than is allowed in this bill, it would not compensate them for their loss. I hope the bill will be passed.

Mr. ASHURST. Mr. President, I will not say another word, except to thank, as I ought to thank, the distinguished Senator from New Hampshire [Mr. GALLINGER]; and I want to add that long, long before I had the honor to be in Congress my distinguished colleague [Mr. SMITH] told me that one of the greatest friends the West had was the distinguished Senator from New

Mr. BRANDEGEE. Mr. President, I desire to ask the Sena-

tor from Arizona if these people had in any way perfected their title to these lands? They do not claim that they have any title to the lands, do they?

Mr. ASHURST. Oh, no, Mr. President, but they were getting themselves in shape so that they could make a regular application for homestead entry of the land. The land at that time was

Mr. BRANDEGEE. I will not object to the bill.
Mr. ASHURST. They would have been entitled to make homestead entry, however, had the land been surveyed.
Mr. BRANDEGEE. Inasmuch as the bill provides that no

money shall be paid unless the Secretary of the Interior is satisfied that the claim is absolutely just and approves of it, I shall not object.

Mr. GALLINGER. I will ask that a line or two of the paragraph be read where the amount of the claim is stated. There is a certain amount stated in the bill, I think.

Mr. BRANDEGEE. For each person. Mr. GALLINGER. For each person.

Mr. BRANDEGEE. The total is about \$62,000.

Mr. GALLINGER. I was about to suggest that it should read "or so much thereof as may be necessary." I think, however, under the circumstances, I shall not make any further suggestion about it.

The PRESIDING OFFICER. The Secretary will resume stating the amendments of the Committee on Indian Affairs.

The Secretary read the next amendment of the Committee on

Indian Affairs, which was on page 2, line 1, after the name "Arizona," to strike out "\$7,000" and to insert "\$3,500"; in line 2, after the name "Arizona," to strike out "\$12,000" and to insert "\$6,000"; in the same line before the name "Susan,"

to insert "Mrs."; in line 3, after the name "Arizona," to strike out "\$12,000" and to insert "\$6,000"; in line 4, after the name "Utah," to strike out "\$5,000" and to insert "\$2,500"; in line 5, after the name "Utah," to strike out "\$10,000" and insert "\$5,000"; in the same line, after the name "William," to insert the initial "E."; in line 6, after the name "Utah," to strike out "\$5,000" and insert "\$2,500"; in line 7, after the name "Utah," to strike out "\$5,000" and to insert "\$2,500"; in line 8, after the name "Arizona" to strike out "\$2,000" and insert "\$ "Utah," to strike out "\$5,000" and to insert "\$2,500"; in line 8, after the name "Arizona," to strike out "\$2,000" and insert "\$1,000"; in line 9, after the name "Arizona," to strike out "\$10,000" and insert "\$5,000"; in line 10, after the name "Arizona," to strike "\$6,000" and insert "\$3,000"; in line 11, after the name "Arizona," to strike out "\$10,000 and insert "\$5,000"; in the same line before the word "to," to strike out "and"; in line 12, after the name "New Mexico," to strike out "\$3,000" and insert "\$1,500, to Peter H. McBride, of Pima, Ariz": in line 14 after the name "Arizona," to strike out "strike Ariz."; in line 14, after the name "Arizona," to strike out "\$10,000" and insert "\$5,000; and to David Edward Adams, of Central, Ariz."; and in line 14, after the name "Arizona," to strike out "\$15,000" and insert "\$7,500," so as to read:

Strike out "\$15,000" and insert "\$7,500," so as to read:

To William B. Ballard, of Pima, Ariz., \$3,500; to Elijah Hancock, of Eden, Ariz., \$6,000; to Mrs. Susan R. Saline, of Pima, Ariz., \$6,000; to Oscar Mann, of Provo Bench, Utah, \$2,500; to Celia Thayne, of Orangeville, Utah, \$5,000; to William E. Cox, of Union, Utah, \$2,500; to Theodore Fariey, of Provo Bench, Utah, \$2,500; to Addelatde Laxton, of Show Low, Ariz., \$1,000; to Clara L. Tenney, of Taylor, Ariz., \$5,000; to George M. Adams, of Show Low, Ariz., \$3,000; to Charlotte Jensen, of Eagar, Ariz., \$5,000; to Sophia Huff, of Bluewater, N. Mex., \$1,500; to Peter H. McBride, of Pima, Ariz., \$5,000; and to David Edward Adams of Central, Ariz., \$7,500, in full compensation for loss and damage sustained by reason of the eviction and expulsion of the persons aforesaid from lands at the place known as Forest Dale, in Apache County, Ariz.

The amendment was agreed to

The amendment was agreed to. The next amendment was, on page 3, line 15, after the word 'destroy," to insert:

Provided, however, That the Secretary of the Treasury shall make no payment to any of the above-named persons, or to their personal representatives, for any of said losses and damages sustained by reason of the eviction and expulsion of said persons from said lands until and unless the Secretary of the Interior shall have ascertained and determined that in his opinion and judgment the amounts proposed to be paid to the said above-named persons for such loss and damage aforementioned are fair, just, equitable, and in proportion to the losses and damages sustained by the above-named persons.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I will ask the Senator from Arizona if he has knowledge as to whether or not these claims have been placed in the hands of a claim agent or of claims agents who are to get a "rake-off," as we call it, on these claims?

Mr. ASHURST. I am glad the Senator from New Hampshire has asked that question. I will take a few minutes to state that when I was elected to the Senate I had some law business in the county in which most of these people live, the county seat being Holbrook. They consulted me as to the best means to adopt to secure some relief. They asked me if I would advise them to employ a claims attorney. I told them that so far as I was concerned, I believed—because I was quite familiar with the situation—that I could in time secure the passage of some kind of a relief bill for them through Congress. So I think I am perfectly secure in stating, and I think I am telling the truth when I say, that, so far as I know, no attorney whatever is now, interested in the claims is now interested in the claims.

A certain attorney in Prescott was connected with them some years ago, but I do not think he is now. His services only went so far as to take an affidavit from each one of the 15 claimants. I think his services were no longer required, and were dispensed with after he had taken the evidence and put it into the form of a memorial so as to perpetuate it. I do not know of any attorney or other person who will be paid any sum whatever in connection with these claims. The correspondence which I have had with respect to them has, as a rule, been with the claimants themselves or their personal representatives or heirs.

Mr. GALLINGER. I am very glad to know that. My anxiety

about the matter was not so much as to whether or not some attorney was interested in the claims as it was as to the percentage of the claims which may have been promised to an attorney. I know that in some of these claims, particularly in claims on the part of Indians, exorbitant fees have been taken and have been allowed. If this money is to go to these poor Indians or to their families, I want them to get a reasonable share of it, at least, as I hope they will.

I will ask the Senator one further question. Who estimated

the claims in the first place?

Mr. ASHURST. The claims were estimated in the first place by the claimants, if living, or by their wives or in some cases by their sons. I think the report sets that out fully. The estimate was made about four or five years ago.

Mr. GALLINGER. Upon what hypothesis has the committee

reduced the claims by 50 per cent—upon any knowledge?

Mr. ASHURST. I think merely as a penalty possibly for not presenting the claims sooner. Some suggestion had been made that they had been guilty of delay or laches; and it seems to me that it was a sort of penalty for not presenting the claims more speedily.

Mr. THOMAS. Lack of diligence.
Mr. ASHURST. Lack of diligence—that is the proper phrase. Mr. GALLINGER. Well, Mr. President, that answers my

The PRESIDING OFFICER. Without objection, the amend-

ment will be deemed agreed to.

Mr. BRANDEGEE, Mr. President, would the Senator from Arizona object to an amendment that no attorney should have any claim against any beneficiary mentioned in this bill for

services rendered in procuring this legislation?

Mr. ASHURST. Mr. President, I not only would not object. but I would welcome such an amendment; and I think it would be very salutary to say that none of this money shall be paid to any attorney or other person, but shall be paid directly, if paid at all, to the claimant or his or her personal representative, that is, the executor. I would welcome an amendment such as that. and would have no objection to it whatever.

Mr. BRANDEGEE. We know nothing about these matters. There may be in the hands of attorneys orders on the department or the Government officials to pay a portion of this money to them and that such orders shall be their receipt for the same.

I do not know, however, that such is the case.

Mr. ASHURST. I hope the Senator will offer an amendment

to cover the point he has suggested.

Mr. BRANDEGEE. I would not have suggested it if the Senator had not said that, so far as he knew, there were no such claims, and, of course, I take his word for that.

Mr. ASHURST. As I have said, I would welcome such an

amendment.

Mr. BRANDEGEE. I am not prepared to suggest the exact form of the amendment just now. The Senator is familiar with such amendments, as they have frequently been put on bills we have passed

Mr. ASHURST. If the Senator will pardon me, I will sug-

gest an amendment

Mr. SHAFROTH. Let me suggest to the Senator that if there have been any lawyers employed they ought to have some compensation, and I would suggest an amendment to the effect that not exceeding 10 per cent of the amount shall be paid for any such purpose.

Mr. ASHURST. If the Senator will pardon me, I think that the attorney-and he was the only attorney in the casegathered the evidence has been compensated long ago. These are respectable people and worthy citizens of the community

where they reside.

Mr. BRANDEGEE. I have no doubt of that.

Mr. ASHURST. They compensated the attorney, I am sure,

long ago for his services in gathering the evidence.

Mr. BRANDEGEE. What I meant was this: If this bill passes, it is because of the services of the Senator from Arizona, which have been rendered freely to his constituents.

Mr. ASHURST. Certainly.

Mr. BRANDEGEE. And I simply would like something put in the bill to protect these claimants against a lot of trumped-up claims that may be presented by attorneys they may formerly have had who have rendered no services in connection with this

Mr. ASHURST. Then I suggest an amendment. word "persons," on page 4, line 2, to insert the following:

Provided further, That none of the moneys proposed to be paid by this act shall be paid to any person other than the claimant named herein or his or her personal representative, and that no lien of any kind or nature shall be recognized by the Secretary of the Interior in making payment hereunder.

Mr. BRANDEGEE. Let me suggest to the Senator that he put in this phrase: "And that no attorney's lien shall attach to any amount of money appropriated under this act.

Mr. ASHURST. I accept that suggested amendment. The PRESIDING OFFICER. Without objection, the amendment of the Senator from Arizona as modified is agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading,

read the third time, and passed:

The title was amended so as to read: "A bill for the relief of Alfred Cluff, Orson Cluff, Henry E. Norton, William B. Ballard, Elijah Hancock, Mrs. Susan R. Saline, Oscar Mann, Celia Thayne, William E. Cox, Theodore Farley, Adelaide Laxton,

Clara L. Tenney, George M. Adams, Charlotte Jensen, Sophia Huff, Peter H. McBride, and David Edward Adams.

RECLAMATION OF OREGON LANDS UNDER CAREY ACT.

The bill (S. 8044) providing for the extension of time for the reclamation of certain lands in the State of Oregon under the Carey Act was considered as in Committee of the Whole. authorizes the Secretary of the Interior, within his discretion, to extend for a period of not exceeding 10 years the time of segregation in the Oregon Carey Act segregation lists Nos. 6 and 19, the two areas comprising 140,714 acres in the aggregate, approximately 86,000 of which are irrigable, being situated in Crook County, Oreg.; and the Secretary of the Interior if further authorized to grant to the State of Oregon a similar extension of 10 years for the reclamation of such lands in addition to the time allotted under existing rules, regulations, contracts, and laws

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

BILLS PASSED OVER.

The bill (S. 1695) to provide for the military and naval training of the citizen forces of the United States, was announced as next in order

Mr. GALLINGER. Let that bill go over.
The PRESIDING OFFICER. The bill will be passed over. The bill (S. 8201) to amend an act providing mediation, concliation, etc., approved July 15, 1913; to authorize the President to protect the operation of trains in time of peace, and to take possession of the common carriers and draft their crews and officials in time of war, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that bill go over.
The PRESIDING OFFICER. The bill will be passed over. The bill (H. R. 20079) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

AMERICUS A. GORDON.

The bill (S. 6690) for the relief of Americus A. Gordon was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Americus A. Gordon shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company H, Fourth Regiment Indiana Volunteer Cavalry, on the 20th day of April. 1864.

Mr. GALLINGER. I move to amend the bill by inserting the usual proviso, to read:

Provided, That no pay, bounty, or other emolument shall accrue prior to the passage of this act.

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. At the end of line 10 it is proposed to insert the following:

Provided, That no pay, bounty, or other emolument shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

Mr. SHAFROTH. I understand that completes the calendar. Mr. SMITH of Georgia. There are several other bills which have been reported to-day and which do not appear on the calendar, namely, Order of Business No. 928 and Order of Business No. 929, copies of which I have in my hand. I suppose they could properly be considered.

Mr. SMOOT. And also Order of Business No. 930 and Order

of Business No. 931.

Mr. SHAFROTH. I ask for the consideration of Order of Business No. 931.

Mr. SMOOT. Let that come up in regular order.

The PRESIDING OFFICER. The Secretary will state the next bill on the calendar.

The Secretary. A bill (H. R. 8033) to amend section 162 of an act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911.

Mr. SMOOT. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. SMITH of Georgia. I have no personal interest in this matter, except that I have been pressed by a great many people to get it before the Senate, and I want them to be sure that I have done so.

LONGEVITY CLAIMS.

The bill (S. 6286) to confer jurisdiction on the Court of Claims was announced as next in order.

Mr. SMOOT. Let that bill go over.

Mr. SMITH of Georgia. That bill relates to longevity claims.
Mr. GALLINGER. Mr. President, there are hundreds of longevity claims, and I will never agree that a single longevity claim, or that two or three or four or five such claims, shall be selected out and passed here.

Mr. SMITH of Georgia. This bill does not select out any of the claims, but it is a general bill allowing those longevity claimants to go to the Court of Claims and have their rights

Mr. GALLINGER. Yes; but I have a bill in my desk carrying hundreds of longevity claims that have been before the Court of Claims and adjudicated, and yet every time it is suggested that we should take it up there is objection to it. I think we had better pass those that have been already favorably reported before we take up a new batch.

Mr. SMITH of Georgia. I was under the impression that this bill applied to all such claims. I do not, however, know any-

thing about it myself.

Mr. GALLINGER. It does not cover all such claims.

Mr. SMOOT. The claims to which the Senator from New Hampshire has referred have already been to the Court of Claims and been passed upon.

Mr. GALLINGER. Certainly; and have been here for years,

but we can not get consideration for them.

Mr. SMITH of Georgia. Are they the claims of that class of officers who were turned down just by one comptroller?

Mr. GALLINGER. I think so.

Mr. SMOOT. I think they are in the same class, only with this distinction-that they have already gone to the Court of

Claims and have been acted upon.

Mr. SMITH of Georgia. As I understood it, there was a right of certain Army officers to receive pay growing out of the allowance that came to them for the time they were at West Point. The claims were recognized and paid and approved by every comptroller except one. The Supreme Court sustained their right to recover. One comptroller had held adversely to their claims, and subsequent comptrollers declined to reverse the adverse ruling of the prior comptroller. That is what I under-

Mr. SMOOT. This bill does cover that.

Mr. SMITH of Georgia. And this bill is intended to cover

Mr. SMOOT. But there are a great many other claims.

There are longevity claims.

Mr. WARREN. Mr. President-

Mr. TOWNSEND. Mr. President, with reference to the statement made by the Senator from Georgia, I want to say that the claims to which the Senator refers were selected out of the claims bills by the Claims Committee as having especial merit on the ground that they had been determined, and that there was no valid objection to them anywhere except the technical one that one comptroller had declined to pass them. Now, I do not believe—I may be mistaken—that any such claims have ever been passed upon here. No; they never have been; so that the Senator is absolutely right.

Mr. SMITH of Georgia. This is not a bill that I introduced.

It is a bill that was referred to the Judiciary Committee, and I have been called on and called on to get it up. I am simply trying to get it before the Senate. I hope that somebody who knows more about it than I do—a number of members of the Judiciary Committee seem to know about it-will explain it.

Mr. WARREN. Mr. President, I will not assume that I know more about it than the Senator does. Perhaps he knows more about it than I do; but this matter is very much as he says. One comptroller ruled against it and the following comptroller would not reverse his ruling. The amount claimed by all of these officers is away up in the millions.

Mr. SMITH of Georgia. Covered by this bill? Mr. WARREN. Claims for longevity. Once in an omnibus bill they were gotten through the Senate but could not get through the House. In the meantime suits were brought by certain officers, where perhaps there was some exception in their favor, and they obtained judgment of the court. What this bill seeks to do, as I read it, is to take the others and have them passed through according to the court's finding in some particular case. We ought to look that case up, and I think the bill ought to go over until we can look it up.

Mr. SMITH of Georgia. The Senator from Utah is more familiar with the details than I am. He was on the subcom-The bill is now upon the calendar of the Senate, subject to action by the Senate, and my responsibility is discharged. Mr. SMOOT. I ask that it go over. Mr. WARREN. I think it ought to

I think it ought to go over.

Mr. GALLINGER. Before it goes over I want to say that I hold in my hand a bill for 140 officers for allowances known as longevity claims which have been before the Court of Claims, acted upon favorably by that court, referred here, and the Senator from Wyoming says they once passed the Senate. I have reintroduced the bill, but it gets no consideration in the committee

The PRESIDING OFFICER (Mr. SHEPPARD in the chair).

Objection is made, and the bill will be passed over:

The Secretary will state the next bill on the calendar.

RIGHT OF WAY FOR IRRIGATION OR DRAINAGE.

The bill (S. 7710) to amend the irrigation act of March 3, 1891 (26 Stats, p. 1095), section 18, and to amend section 2, of the act of May 11, 1898 (30 Stats, p. 404), was announced as next in order.

Mr. POINDEXTER. Is there a report on that bill? If so.

should like to have it read.

The PRESIDING OFFICER. The Chair is informed that the

report has not been printed.

Mr. SMOOT. The bill was reported to-day.

Mr. POINDEXTER. I ask that it go over. It gives the right of eminent domain.

Mr. WALSH. Mr. President-

The PRESIDING OFFICER. Will the Senator from Washington withhold his objection until the Senator from Montana can be heard?

Mr. POINDEXTER. Yes; I withhold the objection.

Mr. WALSH. Mr. President, this bill was considered by the Irrigation Committee, or rather the committee was polled on it by one of the members of the committee. I do not recall who it was; but he represented to me a condition which I think may very readily appeal to the Senator from Washington.

The right of way is granted now for irrigation companies to traverse the public lands, but a good many of the States are in a condition like that which exists in our State; they desire the right of way for pipe purposes rather than for irrigation purposes. The present act grants the right of way for irrigation purposes, but does not grant the right of way for ditch companies engaged in the construction of drainage enterprises; and it occurred to me that there could be no possible objection to amending the act so as to permit that.

Mr. POINDEXTER. There may not be, but I should like to have a little more opportunity to consider it, in view of its

importance, that is all.

Mr. BRANDEGEE. Mr. President, I should like to suggest to the Senator from Montana that the language of the bill seems to me to be somewhat peculiar—"that the right of way is granted through all the public lands of the United States." That means, of course, a right of way anywhere that anybody who is granted it wants to go. Will that encumber the lands which are now public lands and which may hereafter become private lands?

Mr. WALSH. Undoubtedly it will. That has been the law, I will say to the Senator, since 1866. Any one can construct a ditch for purposes of irrigation across the public lands anywhere. No permission of any kind is required.

Mr. SHAFROTH. Mr. President—
Mr. BRANDEGEE. My position is somewhat similar to that of the Senator from New Hampshire in that I am not particularly familiar with these western subjects, but it seems to me to be a little broad to say now that any ditch company or irrigation company shall forever have a right of way across all the public lands anywhere they have a mind to exercise it, which makes it an encumbrance upon all those lands, no matter for what purpose they may prove to be valuable in the future.

Mr. WALSH. I think I ought to say to the Senator from Connecticut that the term "public lands," as used in all of these acts, includes no lands that are reserved for any purpose.
Mr. BRANDEGEE. Oh, I understand that. It is only

lands subject to entry.

Mr. WALSH. It would not grant a right of way over an Indian reservation, or a military reservation, or anything of that kind. Only those lands that are open to appropriation under the general laws are included in the term "public lands."

Mr. BRANDEGEE. We in the East, when we grant a right of way over a particular piece of land, are rather in the habit of defining the right of way, or at least limiting it by some

The PRESIDING OFFICER. Does the Senator from Washington renew his objection?

Mr. POINDEXTER. I ask that the bill go over.
The PRESIDING OFFICER. The bill will be passed over. Mr. POINDEXTER. I will say to the Senator from Montana that if it is brought up again after the report is printed I may withdraw the objection; but I should like to look into it.

Mr. WALSH. I desire to say to the Senator from Washington that it is not my bill, and I have no personal interest

at all in it

Mr. SHAFROTH. I will say to the Senator that I think the necessity for the enactment of this legislation arises very largely from the fact that lands under large irrigation enterprises have become what they call water-logged. They are saturated with water, and it is important that drainage pipes should be laid. It is a right of way that would really occupy hardly any space whatever and would be of no detriment whatever. Inasmuch as this is a bill which must be passed by the House also-it is a Senate bill, is it not?

Mr. SMOOT. Mr. President, has not an objection been made? The PRESIDING OFFICER. Objection has been made.

Mr. SMOOT. Then I call for the regular order.

The PRESIDING OFFICER. The regular order is called The Secretary will state the next bill on the calendar.

Mr. FLETCHER. Mr. President, will not the Senator permit me to say a word upon this bill? It is a very important matter. Mr. SMOOT. It has been discussed here already for nearly 18 minutes, and there is an objection to it; so why not make the

statement when the bill is up for consideration?

Mr. FLETCHER. Let me say this, Mr. President: I have been engaged all the evening in a session of the Commerce Committee, beginning at 7.30. A very important hearing is going on there, and I have been there all the time. I have not been neglecting my work a minute, and I did not know that this bill was up until now, when I got word; and I left the committee to come up here just to say one word about it. I know that if the Senator understands the facts, which I can state in just one

minute, he will not have the slightest objection to the bill. Mr. SMOOT. Mr. President, I have not said that the Senator was neglecting his duties in any way, and I have not objected to the consideration of the bill; but 18 or 20 minutes have been consumed in the discussion of this bill, and the Senator from Washington [Mr. POINDEXTER] says that he wants to

see the report before the bill passes.

Mr. FLETCHER. I do not want to take up time. duced the bill, however, and I ought to know something about it, and I think I am the man to discuss it and explain it.

There is only one word added to the present law, and that is the word "drainage." There are in Florida particularly drain-

age districts organized under State law.

There is one company, for instance, that is putting in a drainage system, and the line has to go across a piece of Government land, say, of 40 acres. All we want is authority to permit this drainage to take place across Government land. Unless I can get the bill passed to-night and get it over to the House there is no use in doing it at all, and it means the interruption of a very great public development down there in the way of drainage of lands. There are not many Government lands there; but there can be no possible harm in it, and there will be a positive benefit to what little Government land this drainage ditch would run through,

The same law will apply to drainage, if the bill is passed, that applies now to irrigation, so that it seems to me there could be no possible objection to it. The department is in favor of it and has made a favorable report on it. The department was perfectly willing to give the permission, but said it had no authority to do so. This simply gives authority to put the drainage ditch through a piece of Government land in order that this work may go on and not have the whole system interrupted because the Government happens to own a little piece of land in the entire area.

Mr. SMOOT. The Senator from Utah is in favor of the bill. Mr. THOMAS. I think the right of way can be condemned

through there.

Mr. FLETCHER. I do not know but that the Senator from Colorado is right about that.

Mr. THOMAS. I know I am right about it. Mr. FLETCHER. But the department has taken the other view, and this would clear up the whole thing. There can be no possible harm in it.

Mr. BRANDEGEE. Mr. President, will the Senator allow me to interrupt him there? I did not object to the consideration of this bill. On looking it over, I made some remark to the effect

that it was rather a broad power, but I see that the present statute allows the exercise of this right, in exactly the same language, as to irrigation.

Mr. FLETCHER. Precisely.
Mr. BRANDEGEE. And this simply adds the same privilege as to drainage

Mr. FLETCHER. Precisely. It adds the word "drainage." The Senator is entirely correct.

Mr. BRANDEGEE. I want to ask the Senator from Wash-

ington, therefore, if he will insist on his objection?

Mr. FLETCHER. I wish the Senator from Washington

would not insist. Mr. BRANDEGEE. As I understand, this authority is in the law now as to irrigation, and the Senator wants to make it

apply also to drainage. Mr. FLETCHER. It simply adds the word "drainage" to the word "irrigation." That is all it does. I hope the Senator will permit the bill to go through. It is favorably reported by

the committee and favorably reported on by the department. Mr. SHAFROTH. Mr. President, I should like to appeal to the Senator from Washington to withdraw his objection, for the reason, also, that this very condition exists in our western country and, do doubt, in the Senator's State, where by reason of the construction of irrigation canals the lands below become saturated with water and must be drained. I have not any doubt that in some instances the drainage pipes pass over some

quantity of land belonging to the Government.

Mr. GALLINGER. Mr. President, I have reason to believe that if the appeals cease the objection may be withdrawn,

Mr. FLETCHER. I do not want to discuss it a minute. Mr. POINDEXTER. Mr. President, in view of the deep interest taken in the bill by the Senator from Florida and the Senator from Colorado, I am very much disposed not to obstruct its passage. I only heard the reading of the bill in a very cursory way. It is not printed upon the calendar even by number. Evidently it has been recently reported without a meeting of the committee, merely by polling the committee, so that we have no printed report explaining the purposes of the bill. I have sent for the report and have it in my hand. I find that the report contains a letter from the Secretary of the Interior recommending a number of amendments to the

Mr. FLETCHER. The bill as it is here now is precisely as the department recommends it.

Mr. POINDEXTER. Not the form that I have in my hand. Mr. FLETCHER. I think the Senator will find that the bill as reported from the committee is precisely as the department recommend it. It is precisely in accordance with the form recommended by the Secretary of the Interior.

Mr. POINDEXTER. Are there any public lands in Florida?

Mr. FLETCHER. Oh, yes; there are some 450,000 acres of public lands in the State, mostly in small tracts very much scattered over the State; about 450,000 acres, I think. I will say to the Senator that it is quite important in one particular instance that I know of, where there is a drainage company about to issue bonds, and the prosecution of the work and the sale of the bonds depends on their having authority to run one of their ditches through a 40-acre piece of Government land.

Mr. POINDEXTER. As pointed out by the Senator from Connecticut, the bill as it stands here, with this report, is the vaguest possible kind of a measure, granting rights of way which might be a mile wide and might be 10 feet wide. There There are no restrictions whatever upon them. No administrative officer is designated to pass on the question of the extent of the right of way or the circumstances or conditions under which it should be granted. The bill that I have in my hand, as printed, says that it is reported without amendment, and yet I have in my hand a report from the Secretary of the Interior in which he says:

But the construction of the bill is somewhat misleading and ambiguous, inasmuch as it adds to the first sentence of said section 18 the words "or drainage," and, by implication at least, omits all that follows in said section. I suggest, therefore, that this section be amended so as to read—

Mr. FLETCHER. Yes; that had reference, if the Senator will allow me, to the bill as I originally introduced it. I asked the committee to report the bill precisely as recommended by the Secretary of the Interior, and this is the bill which it reported; and it should be "without amendment," because it is ported; and it should be "without amendment," because it is exactly as the Secretary recommended it.

Mr. POINDEXTER. Evidently this is not reported as the Senator requested that it be reported.

Mr. FLETCHER. It is reported as recommended by the Secretary, precisely.

Mr. POINDEXTER. Why, it is reported without amendment. That is printed on the bill—"Reported by Mr. Lane, without amendment."

Mr. FLETCHER. He means that the report of the committee is the bill as recommended by the Secretary of the Interior.

Mr. POINDEXTER. Furthermore, while I have not any desire to obstruct the passage of this bill, it is a very loose way to legislate to be granting rights of way with nothing more definite than to say "the right of way of all irrigation projects is hereby granted over the public lands."

Mr. FLETCHER. That is exactly as the law is. This leaves

practically the language of the statute.

Mr. THOMAS. It has been the law for 51 years and it has not been changed.

Mr. FLETCHER. It does not change the law at all. It simply extends it to drainage as well as irrigation; that is all.

Mr. POINDEXTER. The Secretary of the Interior, in his letter that is incorporated in the report, suggests that the section be amended to read:

That the right of way through the public lands and reservations of the United States is hereby granted to any canal or ditch company formed for the purpose of irrigation or drainage and duly organized under the laws of any State or Territory—

Is that in the bill?

which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation and due proofs of its organization under the same, to the extent of the ground occupied by the water of the reservoir and of the canal and its laterals, and 50 feet on each side of the marginal limits thereof; also the right to take from the public lands adjacent to the line of the canal or ditch material, earth, and stone necessary for the construction of such canal or ditch: Provided, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the department of the Government having jurisdiction of such reservation, and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories.

That sounds more like scientific legislation.

Mr. FLETCHER. I have not seen the letter the Senator reads from. If the department recommends that as a part of

the bill, I am perfectly willing to amend the bill by adding it.

Mr. POINDEXTER. I thought the Senator stated that there was already in the bill what the department recommended. Mr. FLETCHER. I thought it was as he recommended it.

POINDEXTER. That shows how little anybody knows about the bill and the form it is in. It is simply reported-

Mr. FLETCHER. I am not on the committee, and I do not know how the committee reported it, except that I was assured the department was in favor of the bill.

Mr. SMOOT. Is the Senator from Washington going to object

to the consideration of the bill now?

Mr. POINDEXTER. I should like to withhold my objection. Mr. FLETCHER. I am perfectly willing to amend it as suggested by the Secretary of the Interior-

Mr. SMOOT. I call for the regular order.

Mr. FLETCHER. If that is a part of the recommendation of

the Secretary, and the Senator will offer it.

Mr. POINDEXTER. I will not offer the amendment, because have not heard of the bill before. I am not prepared to offer the amendment, but I am calling attention to the recommendation made by the Secretary of the Interior. It is not the only amendment that he suggests.

Mr. SMOOT. Regular order! The PRESIDING OFFICER. The Senator from Utah demands the regular order.

Mr. POINDEXTER. Yet the Senator says that the department sustains it

The PRESIDING OFFICER. The next bill will be an-

Mr. FLETCHER. I move that the bill be recommitted to the Committee on Irrigation and Reclamation of Arid Lands.

The motion was agreed to.

FEDERAL BUILDING SITE AT HONOLULU.

The bill (S. 7872) to confirm and ratify the sale of the Federal building site at Honolulu, Territory of Hawaii, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BRANDEGEE. I wish to ask about the bill that it was just stated would be passed without any objection. It says that the sale of the Federal building site at Honolulu made under the provisions of the act of March 3, 1915, to a corporation "is hereby ratified and confirmed." If the act authorized the sale of it, what is the necessity for having a ratification?

Mr. SHAFROTH. The bill was reported by the Senator from Mississippi [Mr. WILLIAMS]. He is not here, but he sent word down that he is very anxious to have the bill passed, and he requested me to urge its passage. I have not seen the report, but from the wording of the bill it is apparent that the United States Government has sold to Castle & Cooke the old site of a Federal building there, and they are no doubt erecting or have erected on it a large building. There is some defect in the title, and they want to have it confirmed by a quitclaim deed. I think the report evidently would show it.

Mr. BRANDEGEE. Of course—

Mr. WARREN. The original act for the purchase of a site was found to be insufficient. By legislation here two or three years ago we provided for the sale and another purchase. a Territory now; and, to go on with the transaction of business, I suppose they require the sanction or indorsement of Congress, in the way Territories often do in their matters of legislation. Their legislation, as I understand it, is fully in line and all right with the act of two years ago, in which we added an appropriation to authorize the sale and purchase.

Mr. SMOOT. Nearly two years ago there was an appropriation made to purchase a piece of land in Honolulu for a Federal building. As the Senator says, it was found not to be the proper location or the necessary size. That piece of property was sold to Castle & Cooke, and this is to ratify the sale and to authorize the quitclaim of the property to Castle & Cooke. They have already agreed upon the purchase of another site, and in fact I think they have purchased the other site. Of course, the money they receive from this will go to paying for the building upon the new site.

Mr. MARTINE of New Jersey. They not only purchased a new site but a site infinitely more desirable, considerably larger in area, and for a price considerably less than the sum arising from the sale of the other lot.

Mr. BRANDEGEE. I have the report here now.

The PRESIDING OFFICER. Does the Senator from Connecticut move to reconsider the vote by which the bill was passed?

Mr. BRANDEGEE. I was simply objecting to the passage of the bill until I could get some information about it. It was passed so quickly that I could not understand it.

The PRESIDING OFFICER. Without objection, the vote by which the bill was passed will be reconsidered.

Mr. BRANDEGEE. It simply shows how casually these bills are passed without anybody knowing anything about them; that is all. The three Senators who have spoken upon this matter have not given the reason for the passage of the bill at all. The reason is shown in the letter and report of the Assistant Secretary of the Treasury, and it is that the advertisement under which the previous sale was made was defective, and they want to have it ratified and confirmed. I can understand that, and that is satisfactory to me. I have no objection, however, at all. I ask that the report of the committee be printed in the RECORD to explain the bill.

The PRESIDING OFFICER. Without objection, it is so

ordered.

The report is as follows:

[Senate Rept. No. 1038, 64th Cong., 2d sess.]

[Senate Rept. No. 1038, 64th Cong., 2d sess.]

Mr. Swanson, from the Committee on Public Buildings and Grounds, submitted the following report:

The Committee on Public Buildings and Grounds, to which was referred Senate bill 7872, to confirm and ratify the sale of the Federal-building site at Honolulu, Territory of Hawail, and for other purposes, having considered the same, report it to the Senate with the recommendation that it do pass.

The necessity and purpose of this legislation is fully set forth in a letter to the Committee on Public Buildings and Grounds of the House of Representatives, which is attached and made a part of this report, The letter is from Hon. B. R. Newton, Assistant Secretary of the Treasury, and is as follows:

TREASURY DEPARTMENT,
OFFICE OF ASSISTANT SECRETARY,
Washington, December 26, 1916.

MY DEAR CONGRESSMAN: Under the authority given by Congress this department purchased a site for a post office, courthouse, and customhouse at Honolulu, Hawaii, at a cost of \$104,531.29. Due to subsequent developments, this site proved to be too small, and Congress authorized the acquisition of additional land for its enlargement, but the awards in condemnation proceedings instituted for the purpose were in excess of the amount made available for the purpose. Thereafter additional legislation was enacted authorizing the Secretary of the Treasury to sell said site at not less than \$165,000 and to acquire a new site at not to exceed \$275,000. A new site has been selected, and steps are being perfected for its acquisition at a cost of \$200,000. The old site has been offered for sale at public auction, and the highest price offered, after a somewhat spirited competition, was \$475,000, which bid has been accepted.

The act of Congress, approved March 3, 1915, authorizing the secretary of the progress.

The act of Congress, approved March 3, 1915, authorizing the sale of the old site requires, among other things, that notices of the sale be given "by advertisement for 30 days in at least two newspapers" published in Honolulu. Advertisements were published in two daily papers,

each paper having published the advertisement for 11 days between September 14 and October 19, 1916, covering a period of more than 30 days.

September 14 and October 19, 1916, covering a period of more than 30 days.

Some question has been raised as to the sufficiency of this advertising of the sale in question, it being suggested that the advertisement should have appeared daily for 30 consecutive days prior to the sale. The decisions of the courts are not uniform as to what constitutes compliance with a direction of the character contained in the act in question, and in view of the large sum bid and in order that no question may be raised hereafter touching the validity of the advertisement, it is deemed best to have correctionary legislation in this case in the nature of a ratification of the sale.

Inasmuch as you have been in Honolulu and are familiar with the old and new sites, the department ventures to bring this matter to your attention with request that you take such action in connection with the matter as your large experience in public-building affairs may suggest. There is inclosed a tentative draft of a bill which, if enacted into law, will be satisfactory to the bidder.

Very truly, yours,

B. R. Newton, Assistant Secretary.

B. R. NEWTON, Assistant Secretary.

Hon. John L. Burnett, House of Representatives.

The bill was passed.

ORDER OF BUSINESS.

Mr. POMERENE. Does that conclude the last bill on the calendar?

The PRESIDING OFFICER. The regular order is to start

with the first bill on the calendar.

Mr. POMERENE. I ask unanimous consent to take up the bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia, and for other purposes." This is a matter of great importance, and I hope there will be no objection to it.

Mr. SMOOT. I understand that the time has arrived when we were to adjourn, but I shall not object to the consideration

of this bill,

Mr. MYERS. I hope the Senate will not adjourn until we have had a further opportunity to consider bills on the calendar. The PRESIDING OFFICER. The Chair will state that no

agreement has been made as to the hour of adjournment.

Mr. SMOOT. I am perfectly aware of that. If we are going on with the calendar now, I want to begin at the beginning; but I am perfectly willing if there is only one bill to be called up out of order to agree to have it passed. If we are going to consider bills further, we had better consider them as it was agreed by unanimous consent they should be considered.

The PRESIDING OFFICER. Is there objection to the request

of the Senator from Ohio?

Mr. TOWNSEND. What bill is that?
The PRESIDING OFFICER. The District juvenile court bill. Mr. SMOOT. I have no objection to the juvenile court bill.

Mr. GALLINGER. It is a very good bill.

Mr. CHILTON. Before that is done, I ask the Senator from Ohio to allow me

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from West Virginia?

Mr. POMERENE. I yield to the Senator from West Virginia. LONGEVITY CLAIMS.

Mr. CHILTON. A while ago Order of Business 929, Senate bill 6286, known as the longevity bill, was up, and there was some objection to it on the other side. Since that time I have examined the decision referred to in that bill. I suggest that with one little amendment there could possibly be no objection to the bill.

Mr. SMOOT. I will say to the Senator there is more in the bill than we ought to be asked to consider to-night.

Mr. CHILTON. I think if the Senator will look at the bill again he will see there can possibly be but one thing in it. It is simply this: Certain officers were decided against under an act of Congress by two comptrollers. As to those cases they can never be reopened. Afterwards the Supreme Court of the United States in two cases decided that the comptroller had mistaken the law and that they were entitled to their pay under the act of Congress. They have a rule there that they never reverse an auditor in the particular case in which he has de-cided against a claimant. The majority of these people have gotten their pay under the decisions of the Supreme Court, and the men who happened to be decided against wrongfully by the comptroller must forever stay out of their pay unless they can get relief by an act of Congress.

Mr. SMOOT. What is the amendment the Senator suggests? Mr. CHILTON. The amendment I suggest would be on page line 11, where it says "and no settlement heretofore made shall conclude a settlement under the terms of this act," in-stead of those words to say "and no decision of a comptroller heretofore made against these claimants under said section 15 shall preclude a settlement under the terms, of this act where

the claim has not been paid."

That will make it so that it will include everybody and do a simple act of justice. It is plain upon its face, and I think we ought to pass it.

The PRESIDING OFFICER. If the Senator from West Virginia will permit the Chair, the request of the Senator from

Ohio for unanimous consent is pending.

Mr. CHILTON. He yielded the floor for a moment.

The PRESIDING OFFICER. He yielded to the Senator from West Virginia to make another request. The Chair will hold that the first request has to be put now.

Mr. POMERENE. I hope the Senator will not try to inject

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio?

Mr. POMERENE. I think the juvenile court bill is a very important measure, and I hope the Senate will consider it.

The PRESIDING OFFICER. Let the Chair put the ques-

I shall have to object. Mr. SMITH of Georgia. The PRESIDING OFFICER. There is objection.

Mr. BRANDEGEE. I do not object. I object to the consid-

eration of both bills at the same time.

The PRESIDING OFFICER. There is objection to the re-

quest of the Senator from Ohio.

Mr. POMERENE. Who interposed the objection, may I ask? Mr. SMITH of Georgia. I interposed the objection, and I wish to state why I did it. The bill to which the Senator from West Virginia calls attention is one that was before the Senate a moment ago, and objection was made to its consideration, and that objection now is withdrawn. I think it should be disposed of as a part of the regular calender that we are on. As soon as that is done I shall interpose no objection to unanimous consent to take up the bill to which the Senator from Ohio has referred.

The PRESIDING OFFICER. Is there objection to the re-

quest of the Senator from West Virginia?

Mr. GALLINGER. I made the objection and withdraw it because of the fact that the Senator proposed an amendment

that I think is a very proper one,

The PRESIDING OFFICER, The Senator from West Virginia asks unanimous consent to proceed to the consideration of the bill (S. 6286) to confer jurisdiction on the Court of Claims.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CHILTON. I have drawn an amendment which I will

ask the Secretary to read. The Secretary. On page 2, line 11, strike out the word settlement" and insert "decision of a comptroller."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The Secretary. After the word "made" in line 12 insert the words "against the claimant under said section 15."

The PRESIDING OFFICER. Without objection, the amend-

ment is agreed to. The Secretary. In line 13, after the word "act" and before the period, insert "where the claimant has not been paid."

The PRESIDING OFFICER. Without objection, the amendment is agreed to

Mr. BRANDEGEE. Before the bill is passed I wish to ask the Senator a question. The bill applies only to certain cases. Why should not the same power be given for the Court of Claims

to pronounce judgment upon all claims on which the facts have been found? I understood it did. Some of them have not the Court of Claims. This covers those cases Mr. CHILTON.

been presented to the Court of Claims, that are pending in the Court of Claims and allows the comptroller to act where a suit has not been brought.
Mr. BRANDEGEE. The language of the bill

The language of the bill is that they are authorized to enter judgment upon the findings of fact hereto-I wondered why these were selected; why, if fore made. there were other cases where the findings of fact had been heretofore made the court should not be authorized to pronounce judgment upon them also.

Mr. CHILTON. They would have the right where the case would be brought hereafter without doing that.

Mr. BRANDEGEE. No; but upon all cases heretofore.
Mr. CHILTON. In the cases hereafter brought they would

have a right to do it, anyhow.

Mr. BRANDEGEE. These cases were brought and findings

were practically made upon them, and they evidently could not pronounce judgment; and this legislation is necessary to give them authority to pronounce judgment upon the facts as found. Mr. CHILTON. Just put that in the bill.

Mr. BRANDEGEE. I will not ask the Senator to insert anything else, because I am not familiar enough with the subject to know whether it would be doing right or not. I was simply inquiring whether the Senator knew. I am not going to object to

the bill.

Mr. CHILTON. I have stated the facts exactly as I understand them from reputable men who are interested that some of the cases have been brought in the Court of Claims and others have not. For some reason or other, I do not know why exactly, the Court of Claims could not enter judgment upon those facts, but I suppose the important thing was to require the comptroller, where the facts are the same as in those cases where the Supreme Court has settled the law, to allow settlement to be made notwithstanding the peculiar rule that they will not reverse themselves.

will not reverse themselves.

Mr. BRANDEGEE. I hope the Senator will not speak any more about it, because I am afraid somebody will object to the bill. I simply asked for information. I do not understand it, but I will not object.

The PRESIDING OFFICER. If there be no further amend-

ments, the bill will be reported to the Senate. The bill was reported to the Senate as amended, and the

amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT JUVENILE COURT.

Mr. POMERENE. I renew my request for unanimous consent to call up the bill (H. R. 8348) to amend an act entitled

sent to call up the bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia," and for other purposes.

Mr. SMITH of Georgia. A few evenings ago when the Senator from Ohio sought to bring up this bill I objected. I had examined the bill which passed the House, to which I thought there were a number of serious objections and a number of amendments that ought to be made. I have examined as carefully as I can the bill as it is reported from the committee.

The Senate committee has certainly corrected a number of those The Senate committee has certainly corrected a number of those things that I thought were objectionable in the bill as passed by the House. Not knowing myself how to suggest that it be made better than the committee has recommended it, I will not further

Mr. POMERENE. I thank the Senator.
Mr. SMOOT. Do I understand the Senator from Georgia to say that we are to begin now to consider bills by unanimous

consent anywhere on the calendar?

Mr. SMITH of Georgia. No; I understood that we were to take this bill up, if the Senate does not object; but I am sure by the time we get through with this bill we will have consumed the evening, and I shall ask the Senate to adjourn after the disposition of this measure.

Mr. MYERS. Will the Senator from Ohio yield to me for a minute? After he gets through with his bill I want to make a request for the consideration of one very short bill. I am the cause of this session being held, I obtained unanimous consent for it, and I have not had a single measure passed this evening. After the Senator gets through I want to make a request for the consideration of a bill that it will not take two minutes to dispose of.

The PRESIDING OFFICER. Is there objection to the re-

quest of the Senator from Ohio?

Mr. SMOOT. With that understanding, I have no objection.

Mr. THOMAS. Mr. President, I think there is a great deal
of justice in the protest of the Senator from Montana. He has

a short bill in charge, and I think it ought to be considered.

Mr. MYERS. I am not asking that now. The Senator from
Ohio is ahead of me. After he gets through I shall make the

Mr. THOMAS. After he gets through it may be that all the

Mr. THOMAS. After he gets through it may be that all the evening will have passed.

There being no objection, the bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia," and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment of the Committee on the District of Columbia was, in section 2, page 2, line 3, after the words "appointed and," to strike out "confirmed" and insert "qualified," so as to make the section read:

Sec. 2. That said court shall be a court of record and the judge thereof shall be appointed by the President of the United States, by and with the advice and consent of the Senate, for a term of six years, or until his successor is appointed and qualified. No person shall be appointed to the office of judge of the said court who is not a duly licensed and practicing attorney at law. Said judge shall, before entering upon the duties of his office, take the oath prescribed for judges of courts of the United States.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 18, after the word "duties," to insert "or in case it is necessary to pro-vide a substitute for himself on account of his own sickness, absence, or disability," so as to make the section read:

Sec. 3. That the judge of the juvenile court shall immediately upon his appointment and qualification designate a judge of the municipal court of the District of Columbia to discharge the duties of the said judge of the juvenile court in case of sickness, absence, disability, or death of said judge of the juvenile court, until such disability, or death of said judge of the juvenile court, until such disability be removed or vacancy filled. Such designation may be thereafter changed from time to time by the judge of the juvenile court or such judge of the municipal court performing such duties or in case it is necessary to provide a substitute for himself on account of his own sickness, absence, or disability.

The amendment was agreed to.

The next amendment was, in section 4, on page 2, after line 23, to strike out:

(a) Who violates any penal law, or any regulation or ordinance of the District of Columbia, or who commits any act or offense for which he could be prosecuted in a method partaking of the nature of a crimi-nal action or proceeding; or.

The amendment was agreed to.

The next amendment was agreet to.

The next amendment was, on page 3, line 4, to strike out the letter "b" in parentheses and insert the letter "a"; in line 5, after the word "or," to strike out "is found in any place for permitting" and insert "who commits any act for"; in line 9, after the word "morals," to insert "or"; and, in line 10, after the word "health," to strike out "or general welfare," so as to make the clause read: make the clause read:

(a) Who engages in any occupation, calling, or exhibition, or who commits any act for which an adult may be punished by law, or who so deports himself or is in such condition or surroundings or under such improper or insufficient guardianship or control as to endanger the morals or health of such child; or.

The amendment was agreed to.

The next amendment was, on page 3, line 11, to strike out the letter "c" in parentheses and insert the letter "b."

The amendment was agreed to.

The next amendment was, on page 3, line 14, to strike out the letter "d" in parentheses and insert the letter "c."

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, in section 5, page 4, line 4, after the word "that," to insert "in the absence of any natural or legal guardian"; in line 7, after the word "court," to strike out "should give such child" and insert "determines"; in line 9, after the word "case," to strike out "and such discipline and protection may, in the discretion of the court, continue and the child shall strike the discretion of the court, continue until the child shall attain the age of 21 years, during which period the court may from time to time make such orders as the welfare of the child may require"; so as to make the section read:

SEC. 5. That, except as herein otherwise provided, the Juvenile Court of the District of Columbia shall have original and exclusive jurisdiction of all cases coming within the terms and provisions of this act. This act shall be construed liberally and as remedial in character; and the powers hereby conferred are intended to be general to effect the beneficial purposes herein set forth. It is the intention of this act that in all proceedings coming under its provisions the court shall proceed upon the theory that in the absence of any natural or legal guardian the child is the ward of the District of Columbia and is subject to the discipline and entitled to the protection which the court determines under the conditions disclosed in the case.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in section 8, page 5, line 25, after the word "or," to strike out "custodian" and insert "next friend"; on page 6, line 5, after the word "or," to strike out "custodian" and insert "next friend"; in line 7, after the word "or," to strike out "custodian" and insert "next friend"; and, in line 11, after the word "or," to strike out "custodian" and insert "next friend"; so as to make the section read. section read:

section read:

SEC. 8. That the judge of the juvenile court may designate a female probation officer as commissioner in the first instance to hear and determine the disposition of any cases of females coming within the provisions of this act and make report thereof to the said judge, together with said commissioner's conclusions and recommendations. If no exceptions be taken to said report and no review be asked thereof, such report and recommendations may be confirmed by an order of said court, and, if confirmed, shall become the judgment of said court. A review by the court of the conclusions and recommendations of said commissioner may be had by any child, or the parent, guardian, or next friend of any child, who may feel aggrieved at the report of said commissioner by filing a request for review thereof at any time within five days after notice of the finding of said commissioner. Immediately upon the entry of said commissioner's finding the clerk of the court shall notify the parent, guardian, or next friend of the child personally or by registered mail giving the substance of said finding. Such parent, guardian, or next friend shall be presumed to have had actual notice of such finding five days after said notice shall have been deposited in the mail by said clerk, addressed to such parent, guardian, or next friend at his last known place of residence.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in section 9, page 6, line 19, after the word "court," to insert "Probation officers shall have, for

all purposes of this act, the power of police officers," so as to make the section read:

SEC. 9. That whenever a child is to be brought before the court under this act it shall be the duty of the chief probation officer to make, or cause to be made, such investigation of the child as may be required by the court; to be present in court at the hearing and to furnish the court such information and assistance as the judge may require; to take charge of the child before and after hearing as may be directed by the court. Probation officers shall have, for all purposes of this act, the power of police officers.

The amendment was agreed to. • The next amendment was, in section 11, page 7, line 15, after the word "officer," to strike out "or other person," so as to make

SEC. 11. That upon filing the petition the court may forthwith, or after first causing an investigation to be made by a probation officer, cause a summons to be issued requiring the child to appear before the court, and the parents, or the guardian, or the person having the custody, control, or supervision of the child, or the person with whom the child may be, to appear with the child, at a place and time stated in the summons, to show cause why the child should not be dealt with according to the provisions of this act.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in section 12, on page 7, line 24, after the word "child," to strike out "is embraced within subdivision (a) of section 4, or "; in line 25, after the word "condition," to insert "or surroundings"; and in the same line, after the word "that," to strike out "the welfare of the child requires" and insert "its morals or health require," so as to make the section read:

SEC. 12. That if it appears from the petition that the child is in such condition or surroundings that its morals or health require that its custody be immediately assumed, the court may indorse, or cause to be indorsed, upon the summons a direction that the officer serving the same shall at once take said child into his custody.

The amendment was agreed to.

The next amendment was, in section 13, on page 8, line 15, after the words "to some," to strike out "person above the age of 21 years residing on the premises where the said child may be found, or where he or she may live " and insert " member of the formula or other person with when and the formula or other person with when a second or other persons with the formula of the the family or other person with whom said child may live or be found, above 21 years of age"; on page 9, line 8, after the words "in cases," to strike out "arising under subdivision (a) of section 4" and insert "of emergency"; and in line 10, after the word "court," to strike out "make" and insert "shall have made," so as to make the section read:

SEC. 13. That service of summons within the District of Columbia shall be made personally, by delivering to and leaving with the person summoned a true copy thereof. If it shall be made to appear to the satisfaction of the court that reasonable but unsuccessful effort has been made to serve the summons personally upon the parties named therein, other than said child, the court, at any stage of the proceedings, may pass an order providing for substitute service, by delivering a copy of the summons or a supplemental summons to some member of the family or other person with whom said child may live or be found, above 21 years of age; and if it shall appear to the satisfaction of the court that any of the parties, other than said child named in said summons, are without the District of Columbia, service may be made by registered mail, by publication, or personally without the District of Columbia, in such manner and at such time before the hearing as may be directed in said order. It shall be sufficient to confer jurisdiction if service is effected at any time before the time fixed in the summons or supplemental summons for the return thereof, but the court, if requested, shall not proceed with the hearing earlier than the third day after the day of the service. Proof of service shall be made substantially as in other courts of record. Failure to serve summons upon any person, other than said child, shall not impair the jurisdiction of the court to proceed in cases of emergency: Provided, That for good cause shown the court shall have made an order dispensing with such service. The summons shall have made an order dispensing with such service. The summons shall have made an order dispensing with such service. The summons shall be considered a mandate of the court, and willful failure to obey its requirements shall subject any person gullty thereof to liability for punishment as for a contempt. found, above 21 years of age; and if it shall appear to the satis-

The amendment was agreed to.

The next amendment was, in section 17, page 10, line 22, after the word "official," to strike out "only"; so as to make the the word section read:

Section read:

SEC. 17. That until the first hearing of the case by the court a probation officer, or any other official duly authorized so to do by the court, may release the child upon its own recognizance or promise, or upon the recognizance or promise of the parent or person having the custody, control, or supervision of the child, to appear before the court at such time as may be therein fixed or when notified. Any child embraced in this Act shall have the right now given by law to any person to give bond or other security for appearance at the hearing of its case.

The amendment was agreed to.

The next amendment was, in section 18, page 11, line 7, after the word "parents," to strike out "custodian, or," and, in line 8, after the word "guardian," to insert "or next friend," so as to make the section read:

SEC. 18. That in all cases the nature of the proceeding shall be explained to said child and to the parents, guardian, or next friend; and between the time such child is taken into custody, and the appearance of said child before the juvenile court, if not released, he shall be detained subject to the order of the court. The court may, in its discretion, in any case of a child brought before it, as herein provided, permit such child to be proceeded against in accordance with the laws that may

be in force in the District of Columbia governing the commission of crimes, and in such case the petition, if any, filed under this act shall be dismissed and the matter shall be certified to the proper prosecuting officer for proceedings either in the police court or in the Supreme Court of the District of Columbia in accordance with law, which said courts are hereby vested with jurisdiction to try and enter judgments in any cases thus certified.

The amendment was agreed to.

The next amendment was, on page 11, after line 22, to strike

SEC. 19. That a suitable place for the temporary detention of children coming within the provisions of this act shall be established, equipped, and maintained under the direction of the Board of Children's Guardians entirely apart from any place of confinement of adults. In no case shall any child coming within the provisions of this act be detained in or committed to a jail, common lockup, or other place where such child can come in contact at any time or in any manner with adults convicted or under arrest.

And insert:

SEC. 19. That in no case shall a child coming within the provisions of this act be committed to or detained in a jail or common lockup, but if committed to or detained in the house of detention or other place no such child shall come in contact with adults convicted or under arrest.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in section 20, on page 12, line 17, after the word "necessary," to strike out "or the court may authorize the child to be placed in a suitable family home, subject to the friendly supervision of the probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable family home in such manner as may be provided by law, or arrange by voluntary contribution or may be provided by law, or arrange by voluntary contribution or otherwise, until suitable provision may be made for the child in a home without such payment"; and on page 13, line 2, after the word "girls," to strike out "or to any institution, association, or corporation willing to receive it that may care for children within or without the District of Columbia; and the court, if satisfied that the child is in need of the care or discipline or protection of the court, may so adjudicate" and insert ": Provided, however, That the parents, guardian, or next friend of any child who has been or shall hereafter be committed to the Board of Children's Guardians by said court may at any time file in said court a petition, verified by oath, setting forth the action of said Board of Children's Guardians in respect to such child, where and with whom, and under what circumstances such child is living, as well as the character of its surroundings, and any other facts which may exist which indicate a reason why said child shall be released and returned to its parents or guardian, or why its condition should be changed, or the former order of the court be modified. A copy of said petition shall at once be served by said court upon the Board of Children's Guardians. whose duty it shall be to file a reply to the same within five days. If, upon examination of the petition and reply, the court is of the opinion that an investigation should be had, it may, upon due notice to all concerned, proceed to hear the facts and determine the questions in issue, and may return such child to the custody of its parent or guardian, or direct said Board of Children's Guardians to make other arrangements for the child's care and welfare as the circumstances of the case may require," so as to make the section read:

So as to make the section read:

SEC. 20. That the court, after a hearing, may place the child in the care and control of a probation officer, and may allow such child to remain in its home, subject to the visitation and control of the probation officer, to be returned to the court for further proceedings whenever such action may appear to the court to be necessary; or the court may commit the child to the Board of Children's Guardians, the National Training School for Boys, or the National Training School for Boys, or the National Training School for Girls: Provided, however. That the parents, guardian, or next friend of any child who has been or shall hereafter be committed to the Board of Children's Guardians by said court may at any time file in said court a petition, verified by oath, setting forth the action of said Board of Children's Guardians in respect to such child, where and with whom, and under what circumstances such child is living, as well as the character of its surroundings, and any other facts which may exist which indicate a reason why said child shall be released and returned to its parents or guardian, or why its condition should be changed, or the former order of the court be modified. A copy of said petition shall at once be served by said court upon the Board of Children's Guardians, whose duty it shall be to file a reply to the same within five days. If, upon examination of the petition and reply, the court is of the opinion that an investigation should be had, if may, upon due notice to all concerned, proceed to hear the facts and determine the questions in issue, and may return such child to the custody of its parent or guardian or direct said Board of Children's Guardians to make other arrangements for the child's care and welfare as the circumstances of the case may require.

The amendment was agreed to.

The next amendment was, in section 21, on page 14, line 6, after the word "child," to strike out "and during the time that said child may be committed to any institution, or to the care of the Board of Children's Guardians, or to any other association or person for custodial or disciplinary purposes"; in line 13, after the word "judgment," to insert "interlocutory or final"; and in line 16, after the word "child," to strike out "and ne commitment of any child to the Board of Children's Guardians,

or to any institution or other custodial agency, shall deprive the court of the jurisdiction to change the form of the commitment or transfer the custody of said child to some other institution or agency on such conditions as the court may see fit to impose, the duty being constant upon the court to give to all children subject to its jurisdiction such oversight and control in the premises as will conduce to the welfare of said children and the best interests of the District. No order transferring the custody of a child shall be made except after a full hearing and upon not less than 10 days' written notice to the guardian, institution, or agency to whose care such child has theretofore been committed, unless such guardian, institution, or agency consents thereto. An appeal may be taken both upon the law and upon the facts from any order of the court transferring the custody of a child from one guardian, institution, or agency to another guardian, institution, or agency aggrieved by such order in the same manner as other appeals provided herein. The court shall have no power, however, to transfer the custody of any child embraced herein after such child may have been adopted as provided by law, except at a subsequent hearing and upon a petition filed as herein provided in a new proceeding involving such child," so as to make the section read:

SEC. 21. That during the probationary period of any child said child shall, if it should appear to the court that the welfare of said child will be conserved thereby, be subject to the friendly visitation of the probation officer or other agent of the court; and any order or judgment made by the court in the case of any such child shall be subject to such modification from time to time as the court may consider to be for the welfare of such child.

The amendment was agreed to.

The next amendment was, in section 22, on page 15, line 16, after the word "child," to strike out "is found to be in such condition or surroundings or under such improper or insufficient condition or surroundings or under such improper or insufficient guardianship, parental or otherwise, as to lead" and insert "under the terms of this act is placed by"; in line 19, after the word "court," to strike out "in its discretion, to take the custody of said child from said guardianship and place it"; in line 21 after the word "Guardians," to strike out "or in some institutions or under some other custodial agency"; in line 23, after the words "petition of," to insert "said Board of Children's Guardians or"; on page 16, line 3, after the words "Children's Guardians," to strike out "or other custodial agency or institution"; in line 8, after the words "Children's Guardians," to strike out "or other custodial agency or institution"; and in line 16, after the word "court," to strike out tion"; and in line 16, after the word "court," to stril
"to any institution or," so as to make the section read: to strike out

"to any institution or," so as to make the section read:

"Sec. 22. That whenever any child under the terms of this act is placed by the court with the Board of Children's Guardians, the court may, upon petition of said Board of Children's Guardians or any person interested and after service of an order to show cause upon the parent or parents or other person having the duty under the law to support said child, and a hearing, adjudge that the expense of caring for said child by said Board of Children's Guardians, or such part thereof as may be fixed by the court, shall be paid by the person or persons bound by law to support said child, in which event such person or persons shall be liable to pay to the Board of Children's Guardians, and in such manner as the court may direct, the money so adjudged to be payable by him or them; and willful failure to pay said sum may be punished as a contempt of court. The order of the court for the payment of money may be enforced as money judgments in other courts of record are enforced. Any unlawful removal or attempt to remove or the unlawful harboring of any child committed by the juvenile court to the Board of Children's Guardians, or other agency, may likewise be punished as a contempt of court. In the enforcement of any order the court shall have power to issue process for the arrest of any persons, to compel the attendance of witnesses, to punish contempts by a fine of not exceeding \$200 or imprisonment not exceeding six months, or both fine and imprisonment, in the discretion of the court, and to enforce any of its judgments by such fine or imprisonment, or both; to make such rules, regulations, and conditions in reference to the payment of such fines or the suspension of the commitment of any person as to the court may seem right and proper."

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 17, after line 3, to strike

SEC. 23. That whenever a child within the jurisdiction of said court and under the provisions of this Act, either before or after hearing, appears to be in need of medical care it shall be the duty of the parent, guardian, or custodian of said child to cause said child to be examined by a duly licensed and practicing physician and report thereof to be made to the court, and to the end that such child may receive such medical examination and care as the welfare of said child may require the court may enter a suitable order to cause said child to be treated in a hospital, and upon the failure of the parent, guardian, or custodian of said child to have the medical examination of said child made, as herein above provided, the court by proper order may cause said child to be examined by a duly licensed and practicing physician.

The amendment was agreed to

The amendment was agreed to.

The next amendment was, on page 17, after line 18, to strike out:

SEC. 24. That whenever it shall appear to the court, in the case of any child in need of more suitable guardianship which has been taken from its home or the custody of its parents, that conditions have so changed that it is consistent with the public good and the welfare of

said child that the parents again have the custody of said child, the court, subject to the provisions of this act, may make a suitable order in the premises.

The amendment was agreed to.

The next amendment was, on page 18, after line 2, to insert:

Sec. 23. That whenever a child within the jurisdiction of said court and under the provisions of this act, either before or after hearing, appears to be in need of care or treatment for its health, it shall be the duty of the parent, guardian, or custodian of said child to furnish such care or treatment as it needs; and to the end that such child may receive such care or treatment as its health may require the court, by proper order may cause said child to be examined by a duly licensed and practicing physician and have a report thereof made to the court, and upon the failure of the parent, guardian, or custodian to furnish such care or treatment as the health of said child required, the court may enter a suitable order to cause such child to be cared for or treated in a hospital or in such other manner as the court may direct.

The amendment was agreed to.

The next amendment was, on page 18, after line 16, to insert: The next amendment was, on page 18, after line 16, to insert:

Sec. 24. That if the parent or parents of any dependent or neglected child are poor and are unable to properly care for said child, but are otherwise proper guardians, and it is for the welfare of such child to remain at home, the court, upon application of the Board of Children's Guardians, may enter an order finding such facts and fixing the amount of money necessary to enable the parent or parents properly to care for such child, and thereupon it shall be the duty of the Board of Children's Guardians to pay to such parent or parents, out of the public funds under its control at such times as said order may designate, the amount so specified for the care of such dependent or neglected child until the further or of the court.

The amendment was agreed to.

The next amendment was, in section 25, on page 19, line 5, after the word "That," to strike out "in committing any child to any custodial agency or placing it under any guardianship other than that of a public institution or its natural guardians the court" and insert "the Board of Children's Guardians," so as to make the section read:

SEC. 25. That the Board of Children's Guardians shall, so far as practicable, select as the custodial agency some individual holding the same religious belief as the parents of said child, or some institution or association governed by persons of like religious faith.

The amendment was agreed to.

The next amendment was, in section 26, on page 19, line 15, before the words "of said child," to strike out "welfare" and insert "morals or health," and in line 20, after the words "relative or," to insert "next," so as to make the clause read:

"relative or," to insert "next," so as to make the clause read:
SEC. 26. That whenever in the course of a proceeding instituted under
this act it shall appear to the court that the morals or health of said
child will be promoted by the appointment of an individual as guardian
of his person, when such child is not committed to an institution or to
the custody of an incorporated society, the court shall have jurisdiction
to make such appointment either upon the application of the child or
some relative or next friend or upon the court's own motion, and in
that event an order to show cause may be made by the court to be served
upon the parent or parents or custodian of said child in such manner
and for such time prior to the hearing as the court may deem reasonable.
In a case arising under this act the court may determine as between
parents whether the father or mother shall have the custody, tuition,
and direction of said child.

The amendment was agreed to.

The next amendment was, in section 27, on page 20, line 4, before the words "as practicable," to strike out "far" and insert "soon"; in line 5, before the words "in charge," to insert "placed and kept"; and, in the same line, after the word "charge," to strike out "of" and insert "by," so as to make the section read:

SEC. 27. That whenever a girl is in custody under the provisions of this act she shall, so soon as practicable, be placed and kept in charge by a woman attendant.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in section 29, on page 20, line 11, after the word "court," to strike out "is" and insert "the Board of Charities, and the Board of Children's Guardians are"; in line 15, after the word "that," to strike out "the court" and insert "they"; in line 17, before the word "assistance," to strike out "and"; in the same line, after the word "assistance," to insert "and discipline"; in line 25, after the words "information to," to strike out "the court or any of said officers" and insert "them"; and, on page 21, line 1, before the word "may," to strike out "said court or officers" and insert "they" so as to make the section read: insert "they," so as to make the section read:

insert "they," so as to make the section read:

SEC. 29. That the court, the Board of Charitles, and the Board of Children's Guardians are authorized to seek the cooperation of all societies or organizations, public or private, having for their object the protection or aid of children, to the end that they may be assisted in every reasonable way to give to all children the care, protection, assistance, and discipline which will conserve the welfare of such children. And it is hereby made the duty of every official of the District of Columbia or department thereof to render such assistance and cooperation within his or its jurisdictional power to further the objects of this act; and all institutions, associations, or other custodial agencies in which any child may be, coming within the provisions of this act, are hereby required to give such information to them appointed by it as they may require for the purposes of this act.

The amendment way aggreed to

The amendment was agreed to.

The next amendment was, on page 21, after line 2, to strike

SEC. 30. That an appeal may be taken to the Court of Appeals of the District of Columbia from any order of the court committing any child to an institution, or from any order changing the custody or guardianship of any child, within the time and in the manner provided guardianship of any chi-d, within the time and in the manner provided by law or rule of court for appeals in equity cases: Provided, That no such order shall be superseded except with the approval of the judge of the juvenile court, but the order of the court in such case shall stand until reversed or modified by the Court of Appeals of the District of Columbia. Such appeals from judgments which are not permitted to be superseded shall take precedence over all other business of the court. Appeals may also be taken to the Court of Appeals of the District of Columbia from all judgments of conviction in other cases over which the juvenile court is given jurisdiction, under such rules and regulations as may be prescribed by the said court of appeals.

The amendment was agreed to.

The next amendment was, on page 21, after line 19, to insert:

The next amendment was, on page 21, after line 19, to insert:

SEC. 30. That any party aggrieved by any final order or judgment or by any interlocutory order of said juvenile court may apply to the Court of Appeals of the District of Columbia for the allowance of a special appeal, and said court of appeals may allow such special appeal whenever it is made to appear to said court, upon petition, that it will be in the interest of justice to allow an appeal. The time for, and manner of, taking and prosecuting such special appeals shall be the same as now obtaining or as hereafter modified for special appeals in law causes from the Supreme Court of the District of Columbia to said court of appeals: Provided, however, That no order or judgment changing the custody or guardianship of any child shall be superseded unless the judge of the juvenile court shall order a stay of execution pending the appeal, and it shall be the duty of such judge to order such stay unless he is satisfied that the best interests of the child will be seriously prejudiced by such stay.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 23, after line 22, to strike

SEC. 32. That the Board of Children's Guardians shall act as an advisory board to the judge of the juvenile court, and in addition to their other duties provided by law they shall perform the following

duties:

(a) To visit as often as twice a year all institutions, societies, or associations receiving children under this act. Such visits shall be made by not less than three of the members of said board, who shall go together and make a report, and said board shall report to the juvenile court from time to time the condition of the children received by or in charge of any persons, institutions, or associations, and shall make an annual report to the judge of the juvenile court.

(b) To advise and cooperate with the judge of the juvenile court upon all matters affecting the workings of this act and to recommend to the court any and all needful measures for the purpose of carrying out the provisions of this act.

(c) From time to time, and as often as may be necessary, to hold examinations for the selection of officials to be appointed under this act, and in the performance of any duties said board may promulgate any rules and regulations not in conflict with this act.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 24, line 22, to change the number of the section from "33" to "32."

The amendment was agreed to.

The next amendment was, on page 26, line 1, to change the number of the section from "34" to "33."

The amendment was agreed to.

The next amendment was, on page 26, line 4, to change the number of the section from "35" to "34."

The amendment was agreed to.

The next amendment was, on page 26, line 14, to change the number of the section from "36" to "35."

The amendment was agreed to.

The next amendment was, on page 26, line 17, to change the number of the section from "37" to "36."

The amendment was agreed to.

The next amendment was, on page 26, line 24, to change the number of the section from "38" to "37."

The amendment was agreed to.

The next amendment was, on page 27, line 1, to change the number of the section from "39" to "38."

The amendment was agreed to.

The next amendment was, on page 28, line 8, to change the number of the section from "40" to "39."

The amendment was agreed to.

The next amendment was, on page 28, line 21, to change the number of the section from "41" to "40."

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 29, line 6, to change the number of the section from "42" to "41"; in line 18, before the words "be appointed" to insert "hereafter"; in the same line, after the word "by," to strike out "the judge of the juvenile court" and insert "the President"; in line 23, after the word "The," to strike out "judge of the juvenile court" the word "The," to strike out "Judge of the juvenile court and insert "President"; on page 30, line 1, after the word "board," to strike out "Provided, That such member shall be given an opportunity to be heard in his own defense"; and on page 31, line 4, before the words "any portion," to strike out "appeal" and insert "repeal"; so as to make the section read:

SEC. 41. That said juvenile court shall have original and exclusive jurisdiction of all cases arising under the act entitled "An act to pro-

vide for the care of dependent children in the District of Columbia and to create a Board of Children's Guardians," approved July 26, 1892, and all acts amendatory thereof. So much of section 2 of said act aforesaid as provides for the appointment and removal of said board by the judges of the police court and the judge holding the criminal court of the District is hereby amended so that said section 2, as amended, shall read as follows: "That the members of the Board of Children's Guardians shall hereafter be appointed by the President: Provided, That there shall always be at least three representatives of each sex upon the board. All appointments to the ::id board, except such as shall be made for the remainder of unexpired terms, shall be such as shall be made for the remainder of unexpired terms, shall be for the term of three years. The President may remove for cause any member of the board. The members of said Board of Children's Guardians in office at the time this act becomes effective shall continue in office for the respective terms for which such persons shall have been appointed, unless sooner removed as herein provided." Said juvenile court shall have concurrent jurisdiction with the Supreme Court of the District of Columbia in all cases involving children arising under the act entitled "An act making it a misdemeanor in the District of Columbia to abondon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute and necessitous circumstances," approved March 23, 1906. The court may, in its discretion, order payments under this act to be made through the Metropolitan police of the District of Columbia, who shall make daily returns to the clerk of said court of all such receipts; and it shall be the duty of the clerk, within 48 hours after the receipt thereof, to disburse, by check, all moneys collected under said act to the parties entitled; and said juvenile court shall continue to have and exercise the jurisdiction conferred upon it by the act entitled "An act to provide for the support and maintenance of bastards in the District of Columbia," approved June 18, 1912. Nothing in this act shall be construed to modify, abridge, or repeal any portion of the acts establishing the National Training School for Boys and the National Training School for Girls, or any act supplementing said acts or amendatory thereof, except as provided in section 20 hereof.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 31, line 9, to change the number of the section from "43" to "42."

The amendment was agreed to.

The next amendment was, on page 31, line 12, to change the number of the section from "44" to "43."

The amendment was agreed to.

The next amendment was, on page 31, after line 16, to strike

SEC. 45. That appropriations made, or that may be made, for the fiscal year 1917 for the house of detention under the Metropolitan police are made available for the suitable place for the detention of children authorized to be established hereunder.

The amendment was agreed to.

The next amendment was, on page 31, line 22, to change the number of the section from "46" to "44," and in line 23, after the word "after," to strike out "the first day of July, nineteen hundred and sixteen" and insert "its approval," so as to make the clause read:

SEC. 44. That this act shall take effect from and after its approval, and all provisions of law inconsistent with or repugnant to this act shall be considered inapplicable to the cases arising under this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the

amendments were concurred in.

Mr. BRANDEGEE. Mr. President, I desire to ask the Senator in charge of the bill a question. Calling his attention to page 5, line 3, down to line 12, I notice that the provision of the bill appointing the probation officers provides that they shall be appointed "on the basis of merit only, determined by a public competitive examination held by three members of the Board of Children's Guardians," and so forth, and that the highest three shall be appointed. I think it would be much wiser to leave the appointment of those probation officers to the discretion of the judge of the court. I do not think in such instances public competitive examinations can be held which will signify anything. I do not like to see officers of that kind, who should be really officers of the court, foisted upon the court by some outside board based upon competitive examination. No-body knows what that would be. It is impossible to formulate questions that will test the capacity of a probation officer.

Their appointment ought to be left in the discretion of the court.

Mr. POMERENE. Mr. President, I realize that there is a

good deal of force in what the Senator from Connecticut has These appointments are to be made by the court from the highest three. I understand it is somewhat like the civil-service law. I think that both are pretty seriously objectionable; but as we have that system prevailing throughout the United States in the competitive classified service, I did not myself see any

reason why it should be changed here. As for myself, I should be quite willing to trust to the court.

Mr. SMITH of Georgia. Mr. President, I do not think it possible by any kind of competitive examination to secure information as to the value of an officer who would be adapted to this work. I have had some experience in it, and I say it is utterly impossible for any competitive examination to disclose the fitness of such officers. It is a knowledge of the man, and of the particular man, which should be the basis of the appointment. I quite favor the suggestion of the Senator from Connecticut [Mr. BRANDEGEE].

Mr. BRANDEGEE. Mr. President, I was going to move, and do move, to strike out, beginning in line 3, on page 5, all after he word "act," the remainder of the section, and to leave it

That the judge of the juvenile court shall appoint a chief probation officer, and such other officers as are now or may hereafter be authorized by law, to serve under the direction of the court in all cases arising under this act.

And let it stop there.

The PRESIDING OFFICER. The amendment proposed by the Senator from Connecticut will be stated.

The Secretary. In section 7, on page 5, beginning in line 3 after the word "act," it is proposed to strike out as follows:

All appointments of probation officers shall be made on the basis of merit only, determined by a public competitive examination held by three members of the Board of Children's Guardians, hereinafter provided for. The examiners shall conduct the examination of all applicants according to such rules and regulations as they may provide and shall certify to the court for appointment to each position the names of the highest three, from which the appointment shall be made by the court, unless there are less than three applicants.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The bill was read the third time and passed.

Mr. POMERENE. Mr. President, as there has been no explanation made of the amendments which have been reported by the Senate committee and which have been adopted, except that which is contained in the report of the committee, I ask that that portion of the report beginning with "Your committee is of the opinion that the bill as it passed the House of Representatives," and so forth, and the following pages, which I have marked in the copy of the report which I hold in my hand, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so or-

dered.

The matter referred to is as follows:

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Your committee is of the opinion that the bill as it passed the House is well conceived, but as a result of hearings and careful study of the measure we propose the amendments as above indicated.

It will not be our purpose to discuss these changes in detail. We shall only refer to the more important ones.

The act as it passed the House applies to any child less than 17 years of age residing in or being actually within the District of Columbia, and the juvenile court is given jurisdiction over the child for every violation of law, regulation, or ordinance, and has a right to determine the custudy of the child when the subject is in controversy. (Sec. 4).

By section 5 the discipline and protection of the court in its discretion may continue until the child shall attain the age of 21 years, during which period the court may front time to time make such orders as the court in the court of the court may front time to time make such orders as the child the court may front time to time make such orders as the child the court is given the power, after a hearing, to place the child in the care and control of the probation officer, and may allow it to remain in its home, subject to visitation and control by the probation officer; or the court is authorized to place the child in a suitable family home subject to the same provisions; or it might authorize the child to be boarded out in some suitable family home in such manner as may be provided by law; or arrange by voluntary contribution or otherwise until suitable provision may be made for the child to the Board of Children's Guardians, to the National Training School for Girls, or to another of the District have had the power to appoint and remove the Board of Children's Guardians, to the National Training School for Girls, or to any institution, or otherwise; or it may be committed to the Board of Children's Guardians, to the Board of Children's Guardians, to the Boar

to perform. We feel that this board can better find suitable homes than can the court, and we believe it should be substantially independent of the court in ministering to the wants of the child, except where complaint may be lodged in behalf of the child. We have therefore recommended the following changes in the House till among others:

1. That the members of the Board of Children's Guardians shall be appointed by the President and subject to removal by him.

2. We feel that children who come under the jurisdiction of the court should be committed to the Board of Children's Guardians except where, in the judgment of the court, they should be left with the parents, or where the facts are such as seem to require that the child be committed to the National Training School for Boys or the National Training School for Girls. In this way we have one common, responsible agency to whose care shall be committed the children, and who will be held responsible for them.

3. While we realize that it may be necessary to keep many children under the continuing control of the court, our belief is that the Board of Children's Guardians, or the parents, or the next friend, should have the right, upon their own initiative, at any time after the child shall have been first committed, to begin a proceeding for such modification of this order as may seem just and proper under all the circumstances. We have, therefore, added to section 20 the following proviso:

"Provided, however, That the parents, guardian, or next friend of

fication of this order as may seem just and proper under all the circumstances. We have, therefore, added to section 20 the following proviso:

"Provided, however, That the parents, guardian, or next friend of any child who has been or shall hereafter be committed to the Board of Children's Guardians by said court may at any time file in said court a petition, verified by oath, setting forth the action of said Board of Children's Guardians in respect to such child, where and with whom, and under what circumstances such child is living, as well as the character of its surroundings, and any other facts which may exist which indicate a reason why said child shall be released and returned to its parents or guardians, or why its condition should be changed or the former order of the court be modified. A copy of said petition shall at once be served by said court upon the Board of Children's Guardians, whose duty it shall be to file a reply to the same within five days. If, upon examination of the petition and reply, the court is of the opinion that an investigation should be had, it may, upon due notice to all concerned, proceed to hear the facts and determine the questions in issue, and may return such child to the custody of its parent or guardian, or direct said Board of Children's Guardians to make other arrangements for the child's care and welfare, as the circumstances of the case may require."

In this way those who are interested in the child can invoke the aid of the court at any time during the probationary period of the conton home for the childs.

child.

4. We have sought to avoid the necessity of providing a new detention home for the children, and we therefore amend section 19 so as to read as follows:

"SEC. 19. That in no case shall a child coming within the provisions of this act be committed to or detained in a jail or common lockup, but if committed to or detained in the house of detention or other place no such child shall come in contact with adults convicted or under arrest."

The represence proves that it is often best that the child be left in

other place no such child shall come in contact with adults convicted or under arrest."

5. Experience proves that it is often best that the child be left in the care of its parents. Ordinarily they are the best guardians; but where adversity overcomes them and they are not able financially to support their children of tender years, though otherwise fully qualified, we believe that we would best serve the interest of the child and of the public by giving the Board of Children's Guardians the right, in proper cases, to make suitable payments to the parents for the care of their children in their own homes. This provision is akin to similar provisions of law in Ohio, Illinois, and other States.

6. Section 25 has been amended so as to read:

"SEC. 25. That the Board of Children's Guardians shall, so far as practicable, select as the custodial agency some individual holding the same religious belief as the parents of said child, or some institution or association governed by persons of like religious faith."

7. Appeal: As the committee has recommended a change in the bill so as to give the right for a rehearing on application of the parents, guardians, or next friend, we felt that it would be wise to modify the appeal provisions of the House bill, and accordingly suggest as the substitute for section 30 of the House bill the following:

"SEC. 30. That any party aggrieved by any final order or judgment or by any interlocutory order of said juvenile court may apply to the Court of Appeals of the District of Columbia for the allowance of a special appeal, and said court of appeals may allow such special appeals and allow such special appeals and said court of appeals may allow such special appeals in law causes from the Supreme Court of the District of Columbia to said court of appeals of the interest of justice to allow an appeal. The time for and manner of taking and prosecuting such special appeals and less the judge of the juvenile court shall order a stay of execution pending the appeal, and it shall be the dut

unless he is satisfied that the best interests of the child will be seriously prejudiced by such stay."

8. In conclusion, we desire especially to call attention to paragraph b of section 4, which makes the act apply to any child less than 17 years old "who engages in any occupation, calling, or exhibition, who commits, or is found in any place for permitting, any act for which an adult may be punished by law, or who so deports himself or is in such condition or surroundings or under such improper or insufficient guardianship or control as to endanger the morals, or health, or general welfare of such child."

We believe this attempted control of the child is too comprehensive. The jurisdiction of the court should be limited to such cases as affect the morals or health of a child, and not extend to what may be termed its "general welfare."

What is "general welfare"? It includes everything affecting the child's physical, mental, or moral development or well-being.

It might be for the "general welfare" of a child of poor and respectable parentage to turn it over to the custody of some rich man who could afford it every educational advantage, but would anyone claim a court should have power to so do? It might be for the "general welfare" of a child of very rich parents who were bringing it up in the midst of ease and luxury to have its custody turned over to a poor but respectable family for their care and training, but who would give such power to any court?

We accordingly believe the words "general welfare" should be stricken from the bill.

SALES OF LANDS IN MONTANA.

Mr. President, it is evident that we can not Mr. MYERS. begin at the beginning of the calendar and go through it now up to the point where we began to-night. There is a small bill on the calendar, but one which is very important, which it will take only a moment or two to consider, which was objected to the last time the calendar was called, because there was no Senator here to explain it, for which I now desire consideration. My colleague [Mr. WALSH] is the author of the bill, and I reported it from the Committee on Public Lands. We are both interested in the bill. It pertains wholly to the State of Montana. It will only take a minute or two to consider it. I ask unanimous consent for the present consideration of the bill (S. 7796) authorizing the Secretary of the Interior to sell and convey to the Great Northern Railway Co. certain lands in the State of Montana for division terminal yards and other railway purposes, and for other purposes. If any Senator wants any explanation now of the bill I know that my colleague will explain it to his satisfaction.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill named by the Senator from Mon-

tana?

Mr. GALLINGER. Mr. President, I shall not object to the consideration of this bill, but I think that after it has been considered we ought to adjourn.

Mr. SMITH of Georgia. I think so, too.

Mr. MYERS. I an. willing that that shall be done after the bill has been acted upon.

Mr. SMITH of Georgia. I will move to adjourn as soon as

the consideration of this bill is concluded.

Mr. SMOOT. Mr. President, I want to say to the junior Senator from Montana [Mr. Myers] that an attorney called upon me the other day with relation to this bill, who explained to me the object and the necessity of its passage. He did say, however, that there were 40 acres-I believe it was a quarter of a quarter section, which would be 40 acres—that the rail-road could get along without. I desire to ask the Senator from Montana if those 40 acres will be eliminated by an amendment which he may offer to-night, or does he expect to pass the bill in its present shape?

WALSH. Mr. President, I have had no suggestion of that character from any source. I have heard no objection

from any source to the bill as it has been reported.

Mr. SMOOT. I will say that the attorney representing the railroad, as I understood, would, of course, like to have all of the lands that were included in the bill; but if there was to be any objection at all on account of the amount of land to be sold, he stated that he thought the railroad could get along without the 40 acres. He had a blue print with him and showed me the 40 acres that could be withdrawn, from the description of the land in the bill.

Mr. WALSH. Did the attorney purport to represent the

railroad company?

Mr. SMOOT. I so understand. He is their resident attorney here. Really I have not his card with me, and I forget his

Mr. MYERS. I ask if it was Mr. John H. Carroll?

Mr. SMOOT. I repeat to the Senator from Montana that I have forgotten his name; but he called to see me. Has the

question ever been brought to the Senator's attention?

Mr. WALSH. Never. I assume, as a matter of course, that the railroad company would not buy any more of this land at the extraordinary price that they have to pay for it than they desire to use. A portion of it is within the area withdrawn under the Milk River irrigation project. The bill provides that the land shall be appraised. The company needs the land for new terminals. They will be obliged to put in new terminals on account of the recent legislation enacted by Congress, and the demands of business require it as well.

The land that is to be appropriated is under the project. The

bill provides that after appraisal the company shall pay the market price and pay also such proportion of the cost of the irrigation project as is justly chargeable against that particular So they have to pay the market value of the land, and they have to pay their proportionate share of the cost of the irrigation project. Therefore, it would be very expensive land, and I would not imagine they would take any more than they need.

Mr. SHAFROTH. I would suggest to the Senator—

Mr. SMOOT. Just a moment. Have the railroads now got a "Y" on part of the public lands?

Mr. WALSH. I do not think so, in the case of the lands at Wolf Point. They may have.

Mr. SMOOT. Is it the intention of the railroad to move the "Y"?

Mr. WALSH. No; it is the intention of the railroad company to make this a freight division.

Mr. SMOOT. Yes; and in doing so they have to change the

railroad tracks?

Mr. WALSH. I can not say as to that. It is to be a terminal

yard.

Mr. SMOOT. I gathered that from what the attorney said. He had a blue print there to show the sections that were involved and how they lay, but I have not checked them up, nor could I unless I had the blue print. I suppose, however, that it is only 40 acres anyhow, more or less, and perhaps we had better let the railroad have it.

Mr. SHAFROTH. I will also suggest, Mr. President, that it will subject these lands to State taxation, which is so much

needed in all the Western States.

The PRESIDING OFFICER. There being no objection, the Secretary will read the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows

Secretary will read the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be appraised all those parts of section 32 and 33, township 31 north, range 32 east, and of section 5, township 30 north, range 32 east, Montana meridian, State of Montana, described as follows:

Beginning at the point of intersection of the present right of way of the Great Northern Railway with the east line of the northwest quarter of the southeast quarter of said section 33, which point is 75 feet northerly at right angles from the center line of said Great Northern Railway as the same is now constructed across said section 33; thence westerly to a point on the west line of said quarter quarter section 300 feet northerly at right angles from said center line; thence southwesterly parallel with said center line to an intersection with the east and west quarter section 33; thence westerly along said quarter quarter section line to the west line of said section 33; thence westerly along said quarter quarter section line in the southwest quarter of said section 32; thence southerly along the west line of said quarter quarter section into the north line of section 5, township 30 north, range 32 east; thence westerly along said north line to the northwest corner of said section 5; thence southerly along said west line to the present northerly right-of-way line of said railway, which right-of-way line is 75 feet northerly at right angles from the center line of said railway as the same is now constructed; thence northeasterly parallel with said center line to the place of beginning. Also beginning at the point of intersection of the southwest quarter of said section 32, said point being 75 feet distant southerly at right angles from said center line; thence southwesterly parallel with said center line to the west line of lot 3, section 5, township 30 north, range 32 east;

sections 14 and 15, township 27 north, range 47 east, Montana meridian, in the Fort Peck Indian Reservation, State of Montana, described as follows:

Beginning at the point of intersection of the present right-of-way line of the Great Northern Rallway with the east line of the northwest quarter of the northerst quarter of said section 14, which point is 75 feet distant northerly at right angles from the center line of said Great Northern Railway as the same is now constructed over said section; thence westerly in a straight line to a point on the west line of said quarter quarter section which is 275 feet distant northerly at right angles from said center line; thence southwesterly parallel with said center line to an intersection with the south line of the northwest quarter of the northwest quarter of said section 14; thence westerly along said south line to the west line of said section 14; thence westerly along the east and west quarter quarter section line in the north half of said section 15, to the northwest corner of the southeast quarter of the northwest quarter of said section 15; thence southwesterly 850 feet of a point on the present northerly right-of-way line of the said Great Northern Railway, which point is 100 feet distant northerly at right angles from the center line of said railway as the same is now constructed; thence northeasterly parallel with said center line to the north and south quarter section line of said section 15; thence southerly at right angles from the said center line; thence northeasterly parallel with said center line to the place of beginning, containing 94.15 acres, more or less. The said center line of railway is a tangent intersecting the east line of section 15, 905.8 feet north of the east quarter corner and the west line of section 15, 466.8 feet south of the west quarter corner and the west line of section 15, 466.8 feet south of the west quarter corner is authorized and directed to sell and convey the same to the Great Northern Railway Co., a corporation of the Sta

Sec. 4. That the appraisal of the lands described in section 1 of this act shall take into consideration the estimated cost per acre for the construction of irrigation works for the Milk River irrigation project, and in no event shall be less than the actual market value of said land and the estimated cost per acre for the construction of said irrigation project. The conveyances for the lands described above in sections 1 and 2 shall reserve to the United States and its successors in interest right of way for canals or ditches heretofore or hereafter constructed thereon, and the raliway company shall construct at its own expense any crossings of said canals or ditches which may be necessary for its purposes, and such crossings shall be built and maintained in such a manner as not to interfere with the operations of said canals or ditches by the United States or its successors in interest, and such conveyances shall be subject to any prior valid rights of way.

The bill was reported to the Senate without amendment,

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed

Mr. SMITH of Georgia. Mr. President, I move that the Senate now take a recess until 11 o'clock to-morrow morning.

Mr. BRANDEGEE. Mr. President-

The PRESIDING OFFICER. Does the Senator from Georgia withhold the motion for a moment?

Mr. SMITH of Georgia. I do. Mr. BRANDEGEE. I hope the Senator will not propose a recess. I move that the Senate adjourn until 11 o'clock tomorrow morning.

Mr. SMITH of Georgia. The Senator from North Carolina [Mr. Overman], who has charge of the business that will be immediately before the Senate to-morrow morning, was quite anxious that we should take a recess.

Mr. BRANDEGEE. I know he was, but I am quite anxious

that we should take an adjournment.

Mr. SMITH of Georgia. It will be utterly impossible to take a recess over the objection of any Senator-

Mr. BRANDEGEE. I know it will.

Mr. SMITH of Georgia. So I change the motion to a motion to adjourn.

Mr. BRANDEGEE. I thank the Senator.

The PRESIDING OFFICER. The Senator from Georgia moves that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 13, 1917, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

Monday, February 12, 1917.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, ever working in and through the minds and hearts of Thy children, making for righteousness and nobility of soul, we thank Thee for all the pure, the true, the noble, the great whom Thou hast raised up in every age of the world's history to be leaders among men, the trend of whose lives has been toward the higher ideals. Our hearts turn with one accord to-day to our own beloved Lincoln whose marvelous life challenges the most profound faith in the over-ruling of Thy providence. From the log cabin to the White House, from the barefooted boy in homespun to the man affixing his signature to the Emancipation Proclamation, from the rail-splitter to the man pleading before the bar of justice, from the struggling lawyer to the man whose counsels were sought by the wisest and most learned, from the village politician to the greatest statesman of his age, the man of the hour to be the savior of his country in its greatest peril, a Moses leading his people through the Wilderness to the Land of Promise; surely if ever a prophet or seer was inspired of Heaven so was Lincoln inspired of God who for four long years bore the burdens and sorrows of his people, North, South, East, and West, upon his heart. And we pray that as citizens, statesmen, and patriots of a reunited country we may follow his illustrious example in every crisis that may arise in the onward course of human events under the divine leadership of the intrepid and dauntless, yet meek and lowly Amen.

The Journal of the proceedings of Saturday, February 10, 1917, was read and approved.

BRIDGE OVER ALLEGHENY RIVER, N. Y.

The SPEAKER laid before the House the following resolu-

THE SENATE OF THE UNITED STATES, February 10, 1917.

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 19298) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River in the town of Allegany, county of Cattaraugus, N. Y.

Mr. ADAMSON. Mr. Speaker, that is the bill recalled from the Senate, and I desire to insist upon the motion of the gentleman from Illinois [Mr. Mann] made to reconsider. I ask unantmous consent that at this time the bill be reconsidered, and that it lie on the table.

The SPEAKER. The gentleman from Georgia asks unanimous consent to reconsider the bill and that it lie on the table.

Is there objection?

There was no objection, and it was so ordered.

OUESTION OF PRIVILEGE.

Mr. LINDBERGH. Mr. Speaker, I rise to a point of the highest privilege to prefer impeachment proceedings.

The SPEAKER. The gentleman from Minnesota is recog-

Mr. MANN. Mr. Speaker, under the unanimous-consent agreement which was entered into respecting proceedings to-day can the gentleman interrupt? Will he not have to wait until the proceedings are had fixed under the unanimous-consent agreement? I would ask the gentleman to voluntarily withhold, in any event.

The SPEAKER. The gentleman can interrupt the reading of

the Journal with a question of that kind.

Mr. MANN. Of course he could interrupt the reading of the

The SPEAKER. A question of the highest privilege takes precedence over everything.

Mr. MANN. I should doubt whether it would take precedence over unanimous-consent agreements, but I hope the gentleman will consent to wait.

The SPEAKER. The Chair will ask the gentleman to with-hold his matter for a short time. Mr. LINDBERGH. I am willing to wait, but I would like

to get in to-day

The SPEAKER. The Chair will recognize the gentleman later.

DIPLOMATIC RELATIONS WITH GERMANY.

Mr. WASON. Mr. Speaker, I ask unanimous consent to have printed in the RECORD some resolutions passed by the Legislature of New Hampshire indorsing the action of the President in severing diplomatic relations with Germany.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent to extend his remarks in the Record by printing some resolutions passed by the Legislature of New

Hampshire. Is there objection? There was no objection.

The resolutions are as follows:

CONCORD, N. H., February 10, 1917.

To the Hon. Edward H. Wason, M. C., Washington, D. C.

Sir: I have the honor to transmit to you the inclosed resolutions, which have been unanimously adopted by the house of representatives and the senate. Respectfully, yours,

EARLE C. GORDON, Clerk of the Senate. STATE OF NEW HAMPSHIRE, 1917.

Whereas the German Government has notified the Government of the United States that it is the purpose of Germany to sink without warning all merchant ships found within certain prescribed zones, regardless of the rights of neutrals to the freedom of the seas and regardless of all humanitarian considerations; and Whereas the President of the United States on April 18, 1916, notified the German Government that unless that Government immediately abandoned its frightful and inhumane methods of submarine warfare as applied to neutrals the Government of the United States can have no choice but to sever diplomatic relations with the German Empire; and

and
Whereas the President of the United States, in accordance with this
warning to the German Government and the subsequent declaration
of that Government that it will no longer regard the rights of neutrals
and the dictates of humanity in conducting its submarine warfare, has
broken off diplomatic relations with Germany: Therefore

Resolved by the house of representatives (the senate concurring), That we approve the action taken by the President of the United States, and that we pledge to him the united support of the people of this State in all his efforts to maintain and defend the dignity, integrity, and rights of this country.

Resolved, That copies of these resolutions be forwarded to the President of the United States and to our Senators and Representatives in Congress.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 8229) to establish a national military park at the battle field of Guilford Courthouse, had agreed to the conference asked by the House, and had appointed Mr. Chamberlain, Mr. Hitchcock, and Mr. Du Pont as the conferees on the part of the Senate.

The message also announced that the Senate had passed joint resolution (S. J. Res. 210) authorizing the temporary employment of additional policemen for the Capitol Building and

Grounds and the Senate and House Office Buildings, in which the concurrence of the House of Representatives was requested.

NATIONAL PROHIBITION (H. REPT. NO. 1493, PT. 3).

Mr. WALSH. Mr. Speaker, I ask unanimous consent that five legislative days be allowed for the filing of minority views on House joint resolution 84, the national-prohibition amend-

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that five legislative days be allowed for the filing of minority views on the national-prohibition amendment. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of Abraham Lincoln by inserting a speech of his.

The SPEAKER. The gentleman from Pennsylvania asks

unanimous consent to extend his remarks on the life and character of Abraham Lincoln. Is there objection?

There was no objection.

Mr. SIEGEL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the life of Abraham Lincoln,

to follow the speeches which may be delivered to-day.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD upon the life and character of Abraham Lincoln, the remarks to be inserted in the RECORD following the speeches that will be delivered to-day upon the same subject. Is there objection? There was no objection.

Mr. LINDBERGH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of ship

subsidy

The SPEAKER. Is there objection? There was no objection.

ARRAHAM LINCOLN.

The SPEAKER. Under the special order the gentleman from Missouri [Mr. Russell] will read President Lincoln's Gettysburg Addres

Mr. RUSSELL of Missouri, from the Clerk's desk, read Lincoln's Gettysburg Address, delivered at the dedication of the cemetery at Gettysburg, November 19, 1863, as follows

"Four score and seven years ago our fathers brought forth on this continent a new Nation, conceived in liberty and dedicated to the proposition that all men are created equal.

"Now we are engaged in a great civil war, testing whether that Nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle field of that war. We have come to dedicate a portion of that field as a final resting place for those who here gave their lives that that Nation might live. It is altogether fitting and proper that we should do this.

"But, in a larger sense, we can not dedicate, we can not consecrate, we can not hallow this ground. The brave men, living and dead, who struggled here have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us-that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this Nation under God shall have a new birth of freedom; and that government of the people, by the people, for the people shall not perish from the earth." [Applause.]

The SPEAKER pro tempore (Mr. Page of North Carolina).

The gentleman from Illinois [Mr. Chiperfield] is recognized

for 40 minutes. [Applause.]

Mr. CHIPERFIELD. Mr. Speaker, many years have come and gone since the earth last saw the beloved form of the Great Emancipator.

Although now they almost equal in number the allotted span of the life of a man, not a single laurel that was placed upon his brow by the loving hands of a grateful people has withered or faded under the destroying hand of time.

The passage of the years has but added to their freshness and luster, and his memory has become the more fixed and established, until to-day we again gather in reverence, to do homage to the deeds and achievements of the Nation's greatest-Abraham Lincoln, [Applause.]

In the State from which I come, as well as in the other Commonwealths of the Nation, his greatness is not forgotten, nor

are the deeds which he performed lost to remembrance, nor is their glory lessened, and though he has long since passed to the glorious company of the immortals, yet in truth he now liveth and speaks wherever the thought of liberty finds lodgment in

As the gray twilight brings the day to a close on the broad prairies of Illinois, mothers draw their little ones to their knees and tell in tones of affection o'er and o'er again the entrancing story of the life of this great man. And as the tale holds the youthful listeners spellbound, she does not dwell on the battles of year's gone by, but speaks she of his humble origin; of the devoted mother who guided his childish steps; of the struggling youth; the sturdy and determined manhood; and the just and loving heart that found vast expression in the beneficent life that gave to us a most precious legacy-the memory of the greatest and most loved man since the days of the Savior of the world—the memory of the humble rail splitter of the prairies of Illinois. [Applause.]

Others may speak of Lincoln the leader, the statesman, the President, but I speak this day of Lincoln the humane, of Lincoln the man, and the life that has endeared him to all liberty-

loving citizens of the world.

At this day we can not understand the severity of the struggles by which he rose or the bleak barrenness of his life, which he describes as "the short and simple annals of the poor." after years he could not bear to speak of those days, and so far as his words are concerned they are a sealed book.

In all the length and breadth of the land to-day there is not

poverty such as he knew. It is not accurate for men to say that his life was the common lot of the sturdy pioneer of those

days, for this is not correct.

Why, I can not tell, but so it is, that when a great work in the affairs of nations is to be accomplished and a great man required, the early scenes of his life are almost invariably laid amidst the humblest surroundings and in homes where love must supply the greater part of the needs of childhood days. It was so with Gideon, David, Luther, Garfield, Webster, Grant, Edison, and many others, and so it was, although to a much greater degree, with Lincoln.

Reared in a cabin that was inferior to the shelter of the animals on the farm, housed in a structure that was for a long time without windows, doors, or a floor, and that was not even enclosed on all four of its sides, here his early years were spent. The furnishings, meager and cruelly crude, were hardly worthy of the name; his resting place was a bed of leaves laid upon a rude support of poles. Here dwelt and developed the indomitable spirit of the lad, who, while his heart was ofttimes saddened, though not embittered by the privations he experienced

and the hardships he endured, suffered not his courage to fail.

Here it was that he learned the vast sympathy and the broad affection for his fellow man that a mansion or a palace does

not seem to favor or create.

The church wisely reverences the humble cradle and abode of the Savior, and the American people find inspiration in the life of the youth who, like the chrysalis, outgrows his humble surroundings and emerges triumphant with a character glorious and beautiful.

And so with the lad of poverty, he triumphed, until at his death the world stood silent and the monarchs of the earth bowed their heads in grief and laid their tributes upon his bier as he made his last journey, silent and still, by night and by day. through the unbroken ranks of sorrowing citizens, to the old home, in the heart of Illinois, where now his sacred dust reposes, a precious trust of the people of that State.

Between the humble home and the last imposing spectacle lay a life of love, devotion, and service. In it all is not found one day of selfish ease or idle self-indulgence. No anchorite ever lived more humbly or toiled more vigorously to attain the

goal, that was to be his.

To me it is a delight and a privilege to trace in imagination his triumphant, though weary steps.

Love and service, attended with the highest devotion to duty. marked his course. His guide and counsellor in those days of privation was a wonderful mother, whom he loved with all the devotion of his boyish heart and of whom he said: "All that I am or ever hope to be I owe to my angel mother." When the summons came to the rude hut and called her from earth away, it left the lad bereft and alone, and none could bring him comfort.

It was the first staggering blow to a life that already well

knew sorrow.

Father and son with their own hands hewed out the rude casket, and winding her in her humble shroud, they laid her away forever from the sight of man, to await that glorious day of awakening when, instead of one of the humblest of the earth, she would be welcomed to the life beyond as the heroic mother of the world's noblest.

Denoting the steadfastness of his devotion and purpose and the strength of his affection, the lad grieved day by day because no words of consolation and benediction had been spoken over the last resting place of his loved one, until learning that a man of God was at a distant point months afterwards, he trudged his weary way over hill and dale and through the lonely forest that the mother might have Christian burial, and gladly brought to her grave a holy man to perform the last rites and there speak the words of comfort and peace.

As the virgin mother of God is remembered by the faithful,

so is lovingly adored by the people of the land the mother of Abraham Lincoln, and to all mothers who toil and struggle in sacrifice through poverty and hardship that their children may start the world aright, she stands in their vision as a patron saint, a guiding light, and a glorious inspiration. [Applause.]

The struggles of his boyhood days and their biting poverty

left a melancholy impress on his mind and soul.

It gave to him for his entire lifetime the sensitive heart of a child.

He could see no wrong done or hurt come to any living thing

without himself being hurt. He sorrowed with the sorrowful and his tears fell with those

who had been wounded and broken on the march of life.

His soul responded to the sufferings of the world.

Through his bitter experiences no man could better under-stand than he the fatherhood of God and the brotherhood of man, and this sympathetic comprehension animated and guided his every act.

In all the record of his life no mean deed is written and in the story of his career, as orally preserved by tradition in the State from which I come, there does not remain even the suggestion that he was capable of a selfish or unworthy act.

As only a starved soul could yearn, he desired affection and when this was given to him by Anne Rutledge it was returned with an ardor that was great. Many say that Anne Rutledge is a myth. I have visited her grave near the town of Old Salem, where it is said that after her death Lincoln came often in sadness and would not be consoled. It is repeated that at one of these times he said that the true inscription for her resting place should be "Here lies the body of Anne Rutledge and the heart of Abraham Lincoln.'

Ofttimes he was oppressed with grief and for days he would seem to be crushed by it. At such a time he once said, am now the most miserable man living. If what I feel were distributed among the whole human family, there would not be a cheerful face on earth. Whether I shall ever be better, I can not tell. I awfully forbode I shall not. To remain as I am is impossible; I must die or be better, it seems to me.

With his sensitive nature he sought the love of those with whom he was brought in contact. Their esteem and good opinion sustained, encouraged, and supported him. Without it he was cast down and disheartened. His reward-and the only one he sought-was the approval of his countrymen. And in later years the knowledge that he was at variance with a great section of the land, caused him the most poignant grief.

It is worthy of much comment that although Lincoln, as he states, had the advantage of only six months of school, and no opportunity for what is sometimes called higher education, that

he was a man of great and profound knowledge.

Perhaps not widely versed in the details of the arts or sciences, yet he knew men. He knew their thoughts and minds and souls and the motives which animated them. He knew their strength and their weakness. He was brother and father to all mankind, and knew their sorrows and their trials. To them he could speak in simple words that touched their deepest sensibilities, and could play upon the chords of their emotion in language plain, it is true, but with words that lived and breathed, in language that stands to this day as an unparalleled example of literary style.

If you ask where he attained this power, the answer, it seems

to me, is easy to give.

He and his forbears were born amid surroundings where life was stern, and where each day was an actual struggle for

Under these conditions speech was as plain as the method of There they employed the good old Anglo-Saxon of a century past.

They stripped from their meager vocabulary all effete and soft words and left remaining only those that were strong and vigorous, and of these they did not employ many.

The Bible was almost the only book and its influence upon their speech was marked. Lincoln used words that were

dynamic in their vigor. The addition of a syllable to a sentence

was to him a matter of profligacy.

Each phrase was cut to the last degree and thought was given expression in sentences that were strong, direct, and filled with

meaning.

Lincoln used the monosyllable whenever possible, and his sentences ofttimes were almost entirely made up of these elementary words. When he spoke to the people in these simple terms they listened to him gladly as they did in days of yore to the Man of Galilee, whose words were also plain and touched the hearts of all.

In this simple style, Lincoln, said:

I am not bound to win, but I am bound to be true. I am not bound to succeed, but I am bound to live up to what light I have. I must stand with anybody that stands right; stand with him while he is right and part with him when he is wrong.

And so again they were employed by him in making this prediction:

The mystic chords of memory stretching from every battle field and every patriot grave to every living heart and hearthstone, will yet swell the chorus of the Union when again touched as they will surely be by the better angels of our nature.

And it was in these same words of common speech that he astonished and charmed the world when in their marvellous beauty he paid his tribute on the field of Gettysburg to the men of the land who had given their lives that the Nation might live forever. This famous speech consisted of about 300 words.

Of these, 204 were words of one syllable.

In all of his preparation for his life work, he was thorough and painstaking to the last degree. One day he was confronted with the word "demonstrate." Asking himself what it was to demonstrate, he went to his dictionary and saw that its meaning was "to make clear." He asked himself the question, if he could demonstrate and "make clear," and his answer was that he could not. Thereupon he laid aside the study of law, upon which he had commenced some months before, and took up the study of Euclid and did not again return to the law until he had mastered the first five books of Euclid's great work.

So it was in all his acts.

Thoroughness was his rule, and upon this solid basis did he build his life.

The way that Lincoln traversed in public life was not an easy one. Probably no man who ever attained great prominence has tasted as bitterly of defeat as did he.

In 1832 he was defeated for a seat in the Legislature of Illinois. In 1848 he was defeated for renomination to Congress, to his great disappointment.

It then seemed to him, and so he said, that he believed that his public career was forever ended and that there was no further public service for him.

In 1849 he was a candidate for Commissioner of the General Land Office, but was defeated because Daniel Webster cast his influence in favor of another candidate.

In 1854 he was a candidate for United States Senator, but after a time withdrew in favor of Judge Trumbull.

In 1856 he was a candidate for Vice President, but was not named by the convention.

At that time he said:

I have the cottage at Springfield and about \$8,000 in money. If they make me Vice President with Seward, as some say they will, I hope I shall be able to increase it to \$20,000, and that is as much as any man ought to want.

In 1858 he was a candidate for the Senate of the United States, but was defeated by Judge Douglas, although he carried the popular vote of the State by 4,000.

His was a brave and indomitable heart.

He was not dismayed or crushed by these successive defeats, although his campaigns were made at a great sacrifice.

Lincoln was a comparatively poor man, and just what the sacrifices were can best be told in his own words to the Republican State committee of Illinois when he was told by them that there was no money to pay outstanding bills.

He wrote to the committee, as follows:

He wrote to the committee, as follows:

Yours of the 15th is just received. I wrote you the same day. As to the pecuniary matter, I am willing to pay according to my ability, but I am the poorest hand living to get others to pay. I have been on expense so long without earning anything that I am absolutely without money now for even household purposes. Still if you can put up \$250 for me toward discharging the debt of the committee, I will allow it when you and I settle the private matter between us. This, with what I have already paid, and with an outstanding note of mine, will exceed my subscription of \$500. This, too, is exclusive of my ordinary expenses during the campaign, all of which, being added to my loss of time and business, bears pretty heavily on one no better off in world's goods than I, but, as I had the post of honor, it is not for me to be overnice. You are feeling badly, "And this, too, shall pass away, never fear."

And after the long struggle came the great victory, and he saf

And after the long struggle came the great victory, and he sat in the seat of the mighty.

But this did not change a single fiber of his kindly nature. The mountain crest meant no more to him than the lowly valley.

When power came and greatness was his, he wore his honors modestly, without arrogance or ostentation, and humility and

kindness marked his course. He was to the Nation Father Abraham, and with meekness and might, affection and care, he led his children through the valley of the shadow, safely into the fold of peace and tranquillity.

No greater tribute can be paid to the wisdom and worth of the opinion of Lincoln than is paid to-day by those who use him and his words as the final and supreme argument in favor of some proposed plan or movement.

It is demonstration to the minds of many when it can be said, "Lincoln favored these things."

But while the tribute is great the name of Lincoln is not always worthily employed.

Those who seek to destroy and break down the vital principles of our Government do not hesitate to invoke his name as an aid in the accomplishment of that purpose.

By the frenzied orator of the curb who inveighs against all government his auditors are told that Lincoln stood for absolute freedom of thought and action and that he had no regard for the limitations of law.

They are not told, however, that Lincoln stood for freedom of speech and action only under the Constitution and the law. They are not told that in speaking of this freedom of speech he said:

Yes; we will speak for freedom and against slavery as long as the Constitution of our country guarantees free speech, until everywhere in this wide land the sun shall shine and the rain shall fall and the winds shall blow upon no man who goes forth to unrequited toil.

The things for which he stood and which he attempted to do were in the name of the Constitution, and to this instrument as he construed it-he was wholly devoted.

The reckless and hairbrained experiment in government possessed no attraction for him, nor was he inclined to adopt a plan merely because it was new and untried, but going hand in hand with this conservatism was the ever-present desire to so adapt the Constitution that it would respond to the changing needs and requirements of the people.

While regarding with reverence the precedents of the past, he also sought to be acutely conscious of, and responsive to, the economic demands and needs of the present.

As he was intensely human in all his aspects of life, so did he make a sympathetic and human interpretation of the Constitution, where the rights of men were involved, which, while not always strict or entirely logical, still made for the uplifting and the welfare of the people of the land.

With such a construction of the Constitution of the United States by those in power, the people of the Nation will not quarrel. It is radical changes in our forms of government, not authorized by the Constitution, that will be met with condemna-

Those who find comfort in the denial of a God or of a Supreme Being frequently claim Lincoln as one who shared their views and approved their lack of belief.

No greater or more foul slander could be uttered against this

Lincoln walked hand in hand with God for many years before his death, and there is no act of his life that warrants the claims so advanced.

It may be that he could not define a particular creed that en-tirely and closely fitted his views, but his steadfast belief in a God and His divine power to guide and shape the affairs of men was touching.

There is hardly an utterance of Lincoln that has been preserved that does not speak of this belief and faith.

On one occasion, early in life, when his father was about to pass away Lincoln wrote this letter:

pass away Lincoln wrote this letter:

I sincerely hope father may recover his health, but, in all events tell him to remember to call upon and confide in our great and good and merciful Maker, who will not turn away from him in any extremity. He notes the fall of a sparrow and numbers the hairs of our heads, and He will not forget the dying man who puts his trust in Him. Say to him that if we could meet now it is doubtful whether it would be more painful than pleasant, but that if it be his lot to go now, he will soon have a joyous meeting with many loved ones gone before, and where the rest of us, through the help of God, hope ere long to join them.

His state papers are filled with appeals to God and the statement of his helief in a Supreme Being and his reliance upon His

ment of his belief in a Supreme Being and his reliance upon His aid and assistance.

His trusting faith was like that of a little child who confidingly puts his hand in that of a loving father and walks the path with a sublime trust and without fear.

One can not fail but be impressed with the startling fact that the entire achievement of the life of Abraham Lincoln that has caused the generations to remember him were accomplished and performed in barely fifteen hundred days.

If from his life were taken the actions and deeds embraced in those days his name would barely be known outside of the counties of Illinois where his activities had been.

When defeated for the Senate by Douglas it seemed to the doubting many that his career was done; but the defeats of the past were, to him, only the foundations on which he builded his future triumph.

His trials and struggles and sorrows had refined his soul until the dross was gone, and out of his bitter experience came forth a man-apparently called of God-to guide the people of the land, both North and South, out of the horrors of war to the place where, rededicated by the blood of a hundred fields, they stood a united and an invincible people.

One lesson taught by Lincoln that may be helpful at the present day was his determination to stand steadfast before the nations of the world for the rights of America.

Although opposed by the bravest of the brave at home, he did not fail to courageously speak for the dignity of the country when it was assailed from abroad, and like our own President in the crisis of to-day he spoke in the name of our Nation for the preservation of its rights.

The poet has told in inspiring lines of the response that the people of the land will make to such an appeal, and it was no more true when penned than it is to-day.

This whole Nation will respond in arms and bear any hardship that may be imposed, no matter how severe, whenever a wrong that involves a national principle is inflicted by a foreign

If the call to arms should come, which God forbid, truly it can be said:

Up the hillside, down the glen, Rouse the sleeping citizen, Summon out the might of men.

Like a lion growling low, Like a night storm rising slow, Like the tread of unseen foe.

It is coming—it is nigh; Stand your homes and altars by; On your own free thresholds die.

Clang the bells in all your spires; On the gray hills of your sires Fling to heaven your signal fires.

O, for God and duty stand, Heart to heart and hand to hand, 'Round the old graves of the land.

Whose shrinks or falters now, Whose to the yoke would bow, Brand the craven on his brow.

Freedom's soil hath only place For a free and fearless race— None for traitors false and base.

Perish party, perish clan; Strike together while ye can, Like the arm of one strong man.

[Applause.]

How marvelously like the ministry of the Savior of the world were the beneficent years of this great leader of men.

How like the passion of the Son of God was the martyrdom which he suffered that all men might be free and, better yet, be free with the Nation united.

For him the zenith of his career had been reached, and, like Moses, he stood upon the height and viewed the land regenerated, but which he might not enter; and then, on Good Friday, the day that the Christian world was sorrowfully observing the crucifixion of the Christ, God took him, even though the eve-

Yea, he was taken, if it can be so said of the death of the clay that formed his body; but there was left the undying spirit of this great man to lead and protect the people of this Nation by the wisdom he displayed for many generations to come.

Great men have come and gone since Lincoln fell, and many have attained high places in the Nation, but it is rarely that one, when his power was at the greatest, attained the wonderful influence over the people of the land that has been manifested, and still continues to be manifested until this day, by the mem-

ory of Abraham Lincoln.

That influence has guided the Nation when the hand of living man has faltered, for being dead, yet he speaketh to the souls of men with power and conviction.

And so to-day, as a Representative of the State of Illinois, I pay a humble tribute to the life and work of her great son.

Into his hands they gave all that was best and dearest.

To him they intrusted the sacred honor of the Nation, and never did he fail that trust.

In his death they honor him and preserve his memory.

In the Hall of Representatives at Springfield only two portraits are found.

On the one hand is that of Douglas, who in the hour of stress clasped hands with his old-time political opponent, and who held up the arms of Lincoln as Aaron did of old.

The place of Douglas is secure in the affections of the people

of the Prairie State.

From the other side of the hall looks down the towering form of Abraham Lincoln, and there the people of the State come and stand with tearful eyes, gazing into the kindly face of this great man, and as they depart they take away an inspiration to better and more fully discharge the duties of citizenship.

Our State has taken his ashes and his fame and his memory

to its heart.

One it will guard and the others it will proclaim until the Father of Waters no longer runs to the sea and until time is no

Not without thy wondrous story, Illinois, Illinois, Can be writ the Nation's glory. Illinois, Illinois; On the record of thy years Abram Lincoln's name appears, Grant and Logan, and our tears, Illinois.

In one of the most beautiful parks in the city of Chicago stands a wonderful monument, erected to commemorate the life of this, one of the world's greatest men.

It is builded beside the great inland sea, whose ceaseless surf

sounds a requiem by night and by day.

The first rays of the rising sun rest upon it in rosy salutation, and here again they pause in benediction ere the night closes

To this spot the people come as they might to a shrine of freedom.

Here they pause and linger.

Here gather the poor, of whom Lincoln said, "God must have loved them or else He would not have made so many of them."

At the base of the statue the little children play.

Here kings and princes and rulers have sent their wreaths and floral tributes to be laid at the feet of the imposing figure that, motionelss and silent, ever looks toward the great city.

In loving remembrance this memorial has been builded by the

people of Illinois to honor its first citizen, Abraham Lincoln, the

martyred President.

On its base, chiseled deep into the lasting granite, is one of the greatest sentences in the English language, and from its perusal we can gain the secret of the power and see the faith that animated Lincoln and gave him the courage to perform his

There may be found a motto that any man can live by, and that can be adopted by a nation in its hour of need.

These are his words-noble and courageous:

Let us have faith to believe that right makes might, and firm in that conviction let us to the end dare to do our duty as God gives us to see it.

Words of mine can add nothing to the veneration in which this wonderful character is held by the people of the land, both North and South.

He is loved and revered and his fame grows more secure as the generations pass.

I can not refrain, however, from adding as a far greater tribute than any I can pay that which was penned of Lincoln by a sweet singer.

It seems to me that it is a sublime epitomization of the character and the life of this man.

racter and the life of this man.

The color of the ground was in him, the red earth;
The tang and odor of the primal things—
The rectitude and patience of the rocks;
The gladness of the wind that shakes the corn;
The courage of the bird that dares the sea,
The justice of the rain that loves all leaves;
The pitty of the snow that hides all scars;
The loving kindness of the wayside well;
The tolerance and equity of light that gives as freely to
The shrinking weed as to the great oak flaring to the wind—
The grave's low hill as to the Matterhorn
That shoulders out the sky.

And so he came
From prairie cabin to the Capitol,
One fair ideal led our chieftain on.
Forevermore he burned to do his deed
With the fine stroke and gesture of a king
He built the rail pile as he built the State,
Pouring his splendid strength through every blow,
The conscience of him testing every stroke,
To make his deed the measure of a man.

So came the Captain, with his mighty heart; And when the step of earthquake shook the house, Wrenching the rafters from their ancient hold, He held the ridge pole up and spiked again. The rafters of the Home. He held his place—Held the long purpose like a growing tree—Held on through blame and faltered not at praise And when he fell in whirlwind, he went down As when a kingly cedar, green with boughs, Goes down with a great shout upon the hills, And leaves a lonesome place against the sky.

[Loud applause.]

The SPEAKER. The Chair recognizes the gentleman from

Washington [Mr. DILL].

Mr. DILL. Mr. Speaker, it is not my purpose to-day to tell the story of the life of Abraham Lincoln. With that all are familiar. Only his sad face and homely figure are better known to the American people than are the details of his tedious struggle from poverty to power. Nor shall I attempt his eulogy. Lincoln is too big a theme. His greatness is different from the greatness of other men. We can not measure him. There is no standard by which to compare him with any other man. No other common man ever moved in such high position without losing his commonness. He is the only character in all history whose native simplicity no honor could transform and no office change. All I hope to do to-day is to mention some of the characteristics of his greatness and to call attention to certain facts as evidences that a divine power so timed his life and so fashioned his faculties that he would supremely fill his country's need when his country called.

Abraham Lincoln had an unshakable religious faith. Be-cause he was not affiliated with any church, some have said he was not a Christian. No conclusion concerning him was more grossly wrong. He himself said, "Show me the church whose only creed is to love God and to love man, and I'll walk a hundred miles to join it." All through his life and especially during the war this religious faith was the guiding force of every great deed he performed. When defeats came so thick and fast that even some members of his Cabinet openly despaired of success, he declared to them in a Cabinet meeting. "This is God's fight, and He will win it in His own good time." Thus did his religious faith become the anchor of the Union cause, the buoy of the Nation's hope. It was the overflowing reservoir furnishing strength and inspiration which gave him

his superiority over every other man of his time.

As a leader and ruler of men he was ordinarily merciful and kind; but he became, when occasion called, a man of iron with the courage of a lion. The very passion of his existence as President was to save the Union. To save the Union, he called to his Cabinet every man who had been a formidable candidate to his Cabinet every man who had been a formidable candidate against him for the nomination for President in 1860. Seward, his chief rival, he made Secretary of State; Chase, Ohio's favorite son, he made Secretary of the Treasury; and Cameron, Pennsylvania's man, Secretary of War. When Cameron failed and Lincoln felt he must have a man who would rule with an iron hand, he turned to Edwin M. Stanton, of Cincinnati, a Democrat, who up to that time had been the severest critic which the administration had had. This was the same Stanton who 20 years before had administered the severest insult the young backwoods lawyer had ever received, and this man Stanton he made Secretary of War.

What turbulent times Lincoln had with these men! Again

and again he found it necessary to ignore Seward, plead with Chase, and bear with Stanton in order to keep them working at the tremendous tasks which he knew must be performed. How perfectly he managed them is best shown by Stanton's statement immediately following Lincoln's death, as he stood just outside the little room down there on Tenth Street, in Washington, and referring to the death chamber said: "In there lies the most perfect ruler the world has ever known." After that, it is not surprising that in later years Grant said: "He was indeed a commander of commanders and incontestably the great-

est man I ever knew.

Somebody has said that a truly great man is just a common man enlarged. The mountain is composed of exactly the same substances as the plain, the only difference being that the mountain mass has been piled up into the sky. Such was the greatness of Abraham Lincoln. Born and reared amidst the humblest conditions of life, he was truly a son of the soil. Although he reached the highest heights of power with more than a million men in arms to do his will, he remained to the hour of his death, the most gentle, the most just, and the most merciful ruler the world has ever known.

I have long believed and I now believe that there was some-

thing divine in the life of this plain and simple man. If I were a clergyman I would preach a sermon on this day, and I would entitle it "The hand of God in history." I would take

as my chiefest proof of God's desire and purpose that this Nation should live, the life and work of Abraham Lincoln.

In that sermon I would picture God as standing at the thresh-

old of the nineteenth century looking adown the vista of the Seeing the formation of the black clouds of an awful civil war and realizing the need of a new and strange kind of man for leader during that period, I would picture Him as selecting the choicest spirit of all heavenly realm and giving it birth in the form of a little boy out in the wilds of Kentucky, to be known to the world as Abraham Lincoln. I would show that for his mother He chose a woman of such strong religious sentiment that although she would be with her son but nine short years, in that brief time she would instill her religious ideals into his life so deeply they would control his entire career. I would point out that for his father, God chose a roving, reckless, almost worthless fellow who would flee on westward at the first signs of civilization. Thus did He keep this boy away from the deadening leveling processes of the schools and the crushing conventionalities of civilized communities, especially great cities, depriving him of all books save such as Shakespeare and the Bible, and reared him up in nature's school so that when his great work came he, like nature, would never compromise.

Then I would show that when the one danger to the divine plan appeared in the form of his great love for that little woman, Anne Rutledge, and God saw that this man who had been the object of His special care might soon become so happy in the love of wife and home and child that he would neglect to take part in the struggles which were necessary to fit him for the leadership to which he was destined, God took her Thus was the only flower that ever budded along the hard and stony pathway of his life cut down before it bloomed, and Lincoln led to woo and win the ambitious Mary Todd who

ever urged him on to position and to power.

Nor would I end my sermon here! I would point out that God caused him to choose for his life profession the law-the law, that broad but steep and dangerous pathway over which so many men have passed to ruin or to fame. I would point out that to aid his development God chose from among New England's brilliant boys the most brilliant of them all, Stephen A. Douglas, and took him out to Illinois to act as a pacemaker for this pioneer. I would show how these two men went through life together, yet opposed. During early life both lived in adjoining counties and practiced law in the same courts. Both wooed the same girl and Lincoln won her. Both served in the same State legislature together. Both were in the National Congress, Lincoln in the House and Douglas in the Senate at the same time. Both ran for the Senate in Illinois in 1858 and Douglas won, making almost certain Lincoln's election to the presidency in two years more. Then as a crowning close to all their struggles almost the last public act of Douglas's life was to hold Lincoln's hat while he took the oath of office as President. Lastly, I would show that when the awful war was done and Lincoln stood on the highest heights of fame, haloed by the homage and adoration of a world, this Divine Being took him as the Nation's last and most precious sacrifice of all that war-took him away before envy and jealousy could heap abuse and calumny upon his memory and his name.

Thus would I show how an All-Wise God had so planned this man's life, so shaped his surroundings, and so arranged his associations that by means of him he had kept us one Nation,

Sovereign, grand, and free. [Applause.]

For whom is the lesson of it all? The lesson is for the boys and girls of this Nation and for the boys and girls of all other nations, of which they will be the rulers when they are grown.

The story of his life is our greatest national asset. I know of no more hopeful sign of our country's future greatness and permanent security than the twenty millions of boys and girls in the public schools of this land who are being educated under the inspiration of his name and with reverence for his memory, because when the centuries of history shall have shaken the great characters of the past through the unerring sieve of time, one of the few that will remain is Abraham Lincoln. [Loud applause.]

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. Pou] may be granted leave to address the House for five minutes on the subject of Abraham Lincoln. [Applause.]

The SPEAKER pro tempore. Is there objection? [After a

pause.] The Chair hears none.

Mr. POU. Mr. Speaker, my love and veneration for the character of this great man is such that I would do myself an injustice if I were to remain silent while the House of Representatives is doing honor to the memory of Abraham Lincoln. One of the wonders of the life and character of the Man of Galilee is

that as the centuries go by His influence grows. It is spreading, making men better wherever men live. Growing, gathering more and more influence and power, the example, the character, the life work of Abraham Liucoln will live forever. As the years go by his influence becomes greater and the love of all the people of this great Nation for him more intense. The greatest blow that could have stricken the section from which I come in 1865 was that which occurred on that fateful night in April when the life of this great and good man was taken. Our people realize that. I have wondered if the saints on high see what is taking place here below. We have a united Nation now. We all love the flag. We are all ready to fight for it. There We all love the flag. would be an instant rallying under that flag by all Americans the minute this Nation is attacked. With what glorious satisfaction the spirit of Abraham Lincoln may contemplate this realization of the great passion of the last days of his life.

Yes; we all love the flag and we are all ready to fight for it. Thank God sectional lines have been obliterated. Bitterness has passed away and in its place there is the feeling of friendly brotherhood. The yearning of the last years of Lincoln's life was to see a Nation reunited by the ties of love. Thank God, this great, grand consummation is here, more attributable, probably, to the life and character and work of Mr. Lincoln than to any other man living or dead. [Applause.] Aye, Mr. Speaker, in truth we are not enemies but friends, all Americans everywhere. So I bring you this humble little tribute to tell you how I believe my people feel toward this wonderfully good

We are building a great monument to him down on the banks of the Potomac; but we can not honor him by building that monument. We can not honor him by building any monument. We may honor ourselves. [Applause.] His statue will stand there for coming generations to look upon, but it will not meet the sunshine and the storm with calmer mien than did he, nor can its granite base be firmer than is the love of all the people of this Nation. [Applause.] That monument, that statue, in the course of time, will crumble, but the love for Abraham Lincoln will live forever in the hearts of a united people. [Applause.]

Mr. SIEGEL. Mr. Speaker, when, on April 15, 1865, Gen. Garfield heard that Abraham Lincoln had been assassinated he uttered the ever-memorable words "God reigns, and the Govern-ment at Washington still lives." No other sentence and no other speech ever made has more thoroughly embodied Lincoln's faith

and Lincoln's sole ambition in life.

During all the four years of that terrible irrepressible conflict he constantly hoped and prayed that the Union would be preserved, and that when the time would arrive for him to hand over the reins of government to his successor, it would be a united Nation that would greet him. The battle had been fought and the victory was his, but like Moses he was not destined to reap the harvest.

In the short span of 56 years, having first seen the light of day on February 12, 1809, he wrote his name on the pages of history in such a way that time can not efface it. To have been merely the savior of the Union would have entitled him to the lasting generous regard of generations yet unborn, but to have been the one who freed 3,000,000 of men from the bondage of slavery was bound to win him such a measure of fame as to forever make his name secure not only in the hearts of his countrymen but in the memory of all mankind.

Where can you find a man whose patriotism has not been strengthened and his pulse quickened whenever he has read or heard Lincoln's Gettysburg address. Longer speeches have been made but no orator pleading for the highest interests of the Republic has ever been able to equal that address, either for purity of language or for sounding a clarion note to citizens

to rally to the defense of the Union.

In a few minutes of time one is unable to give full expression to that nobleness of character that was his by nature; to that spirit of mercy displayed by him on many an occasion when some poor unknown mother appealed to him to save her boy from death after having been condemned by court-martial; to his constant and abiding faith in Him that guides not only the destinies of men but nations as well; to that inborn wit and humor that immediately removed the seriousness on the faces of the members of his Cabinet; and to his genuine loyalty to the generals in the United States Army who achieved victories.

Fifty years have come and passed away since Lincoln was taken from us. The Union has grown larger and stronger each The bitterness of civil strife has gradually melted away until now all men, whether descendents of those who fought for the gray or those who battled for the blue, have come to recognize the greatness of the man who stood by the helm of the ship of state during the four trying years of 1861 to 1865.

Men have commenced to judge him rightly until now in more than half of the States in the Union his birthday is observed as legal holiday. I am looking forward to the time, and I believe it will be very shortly, when Congress will take action toward observing the day in the same manner in the city of Washington. Then indeed shall we have visible evidence and give proof to the world that the men of the South and the North have at last joined hands in acknowledging Lincoln's greatness and able achievements and at the same time forever cemented the ties that bind us together as a Nation, so that this "Government of the people, by the people, and for the people shall not perish from the earth," but shall always be a power seeking to be at peace with the world, at the same time commanding universal respect for our flag both at home and abroad.

Men and rulers may come and go, but as long as men can read so long will Abraham Lincoln's loving memory and his noble deeds survive.

Mr. Speaker, a year ago the Outlook published an article on Abraham Lincoln by Mr. E. S. Nadel, formerly in the Diplomatic Service of the United States, so full of recollections and comparisons of Abraham Lincoln that I deem it worthy of being read here to-day. It is as follows:

I, LINCOLN AND STANTON.

I am indebted to a friend, who was not one of Lincoln's admirers, for

I am indebted to a friend, who was not one of Lincoln's admirers, for the following:

"When the last call for troops was made and a conscription ordered, the proportion assigned to the city of New York was some thousands in excess of what some people believed to be our legal liability, and our committee on volunteering were certain they could prove this if they could have access to the books of the War Department. The committee—Orison Blunt, John Fox, Smith Ely, and William M. Tweed—went to Washington and asked Secretary Stanton's permission to examine the records, which was brusquely refused on the pretext that the books were in constant use. The committee then went to the White House and saw Lincoln in his private office. After asking them to be seated, he resumed his chair, in which he sat partly on his back, with his heels literally on the mantlepiece. His linen bosom was unbuttoned, exposing his red flannel shirt. He was told that we had furnished, in excess of previous calls, more than enough to exempt us from the present call, which we would prove if we could have access to the records for any two hours during the night when they were not in use. He was also assured that in no event would a conscription be needed in New York, as we were getting 50 volunteers daily, and a short postponement of the draft would enable us to supply all the demands, just or unjust. He listened with an expression of profound sadness, and said he thought the request a reasonable one, but he feared if the order for a draft was postponed volunteering would cease. He said that a similar committee from Cincinnati had applied to him for a postponement of the draft, as they were getting 20 volunteer appeared. 'That,' said Lincoln, 'is human nature. When you think death is after you, you run; but as soon as death stops, you stop.' At this he sprang from his chair, throwing his arms about, and laughed loudly at his own dismal joke. Lincoln gave the New York committee a note to Stanton, substantially as follows:

"Dear Secretarax: These

"'Dear Secretary: These gentlemen from New York ask only what I think is right. They wish access to the records, with two accountants, for two hours at any time to-night. I have told them that they may have double that time.

"'Yours,

A. Lincoln.'

"Yours,

"They took the note to Stanton, who handed it to Frye. The latter glanced at it, and, saying, 'Take seats,' left the office. In a few minutes he returned and said, curtly, 'The order is annulled; you can't see the books.' The committee withdrew and returned to New York the next forenoon. The clerk of the committee, Eugene Durbin, said that late in the evening an Army officer with two orderlies called at the committee's rooms and presented the chairman with a note, which read as follows: 'The Secretary of War expects to be informed that the committee on volunteering from the county of New York have left Washington prior to noon to-morrow.' The committee, after their return, said it was Stanton, and not Lincoln, who was President of the United States."

Washington prior to hoon to-morrow. The committee, after their feturn, said it was Stanton, and not Lincoln, who was President of the United States."

The gentleman to whom I am indebted for this—Mr. Smith Ely, a former mayor of New York and a Member of Congress—was a Democratic political leader of war times, and, although one of the most amiable and kind-hearted of men, had, of course, to some degree the feelings regarding Lincoln shared by the men who in those days frequented the Manhattan Club. He does not see much point in Lincoln's remark about death and the draft. To me the point seems clear enough. "When the devil was sick, the devil a saint would be," etc. Nor will the reader conclude with the committee that Stanton was President and not Lincoln. Stanton was a man of great administrative ability, a kind of human dynamo, such as you could hardly duplicate in the country, a patriot and honest man besides. As long as the issue was one of no great importance—which seems to have been the case here—Lincoln let him have his way.

Stanton was probably the greatest man in civil life produced by the war—of course, after Lincoln. My earliest recollection of him is seeing him at the trial of Sickles for the murder of Key, which took place when I was a boy at school in Washington. He was one of Sickles's counsel. The acquaintance which Sickles formed at that time with Stanton was in part the cause of Sickles's success as a soldier in the Civil War. Stanton advanced and supported him. I remember at the trial a thick-set man with a heavy beard, who sat behind the other lawyers, and who would occasionally interpolate a remark in a gruff voice. He had that physical build which is said to be one of the best for strength—very broad shoulders and deep chest, a large body set on short, stout legs. He had Herculean powers of labor. I suppose he was honest, but I do not suppose that he was an overscrupulous man. He would have been out of place as war minister if he had been. When some one complained to him of Gen, Meigs, who

find it hard to do." One wonders what the things were that Stanton

would not do.

I am able to make only one original contribution to the history of Stanton. A young girl once told me this incident about him. The reader, of course, knows Coleridge's poem beginning—

"All thoughts, all passions, all delights,
Whatever stirs this mortal frame,
Are but the ministers of love,
And feed his sacred flame."

This girl's father was a client and a great friend of Stanton's, and she used to make long visits to Stanton's family during the war. She was a pretty girl and a belie of those days. She said that Stanton worked all the time and that the only relaxation he allowed himself was that on Sunday afternoon for an hour or so he would read poetry to her, and she told me that the poem he read oftenest and with the greatest pleasure was "All thoughts, all passions, all delights."

II. LINCOLN AND FORESIGHT.

greatest pleasure was "All thoughts, all passions, all delights."

It is strange that Lincoln with his thoughtfulness should not have in some degree foreseen the approach of secession and war. He had been in Congress and must have known the southern people fairly well. He was undoubtedly a foreseeing kind of man. No one saw more clearly than he did that the country could not continue to exist "half free and half slave." It seems strange, therefore, that he had not some notion of what was coming. But who does foresee what is ahead? Benjamin Franklin was a foreseeing kind of man one would suppose. He spent a number of years in France before the Revolution, knew the country well, and was on intimate terms with the leading people of France. He remained there till 1785. In eight years from that time the King's head was off; and yet the wise, observant, thoughtful, and presumably farsighted Franklin never seems in the least to have suspected what was coming. The French Revolution would indeed have been very difficult to foresee, as perhaps our Civil War was in a less degree. But there are other things not so difficult to know beforehand which are not foreseen. I was in the House of Commons one night during the Franco-Prussian War when Vernon Harcourt, who was at that time unconnected with the Government, accused the Government of shortsightedness in not foreseeing the war, implying that he had foreseen it. Robert Lowe, an extremely clever man, got up to answer for the Government, and said: "Because the gentleman foresaw this war he thinks that everybody else should have been as clever as he was. I am free to say, however, that the whole thing was a complete surprise to me." Men are always too busy with present matters to bother with what is problematical. Take the case of the present war. Half a dozen European mations have each been holding for 40 years a loaded pistol with the finger on a hairtrigger, and yet how surprised we were when, in the lapse of time, one of the pistols went off. Much had been said about "the

as bores or cranks.

There were, however, some prescient souls who did foresee our great struggle. Webster, no doubt, had some prevision of that conflict in which his only son was to die—"When my eyes shall be turned to behold for the last time the sum in heaven," etc. Mr. S. J. Tilden said to John Bigelow some years before the war: "If Mr. Bryant and those who think as he does succeed in what they are about the streets of this city will run red with blood." They did run red during the draft riots, much redder than is commonly understood. Mr. Loyall Farragut tells me that his father, Admiral Farragut—then Capt. Farragut—and he were on the balcony of the old Metropolitan Hotel in Broadway one night in 1858 and were looking at a Republican torchlight procession, when his father said: "I don't like these marching men. It looks to me like war."

he were on the balcony of the old Metropolitan Hotel in Broadway one night in 1858 and were looking at a Republican torchlight procession, when his father said; "I don't like these marching men. It looks to me like war."

My father had a friend, John Heart, who was a Federal office-holder at Washington under Buchanan. He was from South Carolina, and had been the editor of the Charleston Mercury. He came to pay us a visit in Brooklyn in the summer of 1860. He had just been in Charleston, and from what he told us we could have no doubt that South Carolina would secede if Lincoin were elected. I had been lately much in the South, and, although only 17 years old, knew enough of the temper and characteristics of the southern people to be aware that secession once started, it would be very difficult to prevent the spread of it. But youth is sanguline and precipitate. I wanted to see the power of slavery curtailed and was willing to take the chances, and other boys and young men felt as I did.

Calhoun, perhaps the most prescient of American statesmen, foresaw the struggle and wanted to bring on the war before the strength of the rapidly growing North should prove too great to be withstood by the South. The scheme of the North should have been to put off the struggle as long as possible for the same reason. If Calhoun saw what was for the interest of the South, it should not have required superhuman intelligence on the part of the North to see where its interests lay. No one, however, at the North seemed to see this point quite as sharply defined as Calhoun did. But there were those in the North who saw that great danger, perhaps disunion and war, would follow antislavery agitation, and who wished to adhere to the status quo, preferring post-ponement and the chances of the future to the present probabilities of secssion and war.

But would it have been possible, after the repeal of the Missouri

agitation, and who wished to anners to the states que, probabilities of ponement and the chances of the future to the present probabilities of secession and war.

But would it have been possible, after the repeal of the Missouri compromise, to put off the war? If Douglas, the marplot, or demagogue, or egotist, or whatever he was, could have been suppressed, it might have been possible to postpone the war for four or eight years, or even longer. But with the repeal once passed, and Pandora's box open, and the newspapers and all the poets and orators hounding the country on to war, was it possible to do it? You can not teach tact and discretion to 20,000,000 people. One night in Plymouth Church in Brooklyn, a few weeks before John Brown's execution—so a friend told me who was there—Wendell Phillips, a Massachusetts man, said: "The State preclamations of Massachusetts onclude with the words, 'God save the Commonwealth of Massachusetts'; but if Massachusetts allows John Brown to be hanged, I say, 'God damn the Commonwealth of Massachusetts', but if Massachusetts allows John Brown to be hanged, I say, 'God damn the Commonwealth of Massachusetts,'" The effect of this spoken to a vast, crowded, and sympathetic audience with the utmost passion by a perfectly honest fanatic, who was at the same time an incomparable orator, may be easily conceived. When such incidents were possible, war could not be far off. If the war was to come, Lincoln was the perfect and apparently heaven-appointed leader, and it was perhaps fortunate that he was no wiser in advance than he was.

We are fortunate to have had in our short career two such characters. Washington and a course, a man of much less sellent characteristics within Lincoln. The young Chastellux found, "his distinction to be in the harmonious blending of his characteristics rather than in the existence of marked special qualities." So he has always scenned to his have supposed. Albert Gallatin said that of all the inaccessible people have supposed. Albert Gallatin said that of all the inaccessible people have supposed. Albert Gallatin said that of all the inaccessible people have supposed. Albert Gallatin said that of all the inaccessible people have supposed. Albert Gallatin said that of all the haccessible people have supposed. Albert Gallatin said that of all the haccessible gallatin, however, knew him as a young man and was not by way of knowing him we have the control of the Karner Brills, and have the control of the control of the control of the said of him that "George was just Oliver with the judge left and the said of him that "George was just Oliver with the judge left in the said of him that "George was just Oliver with the judge left in the said of him we should have to follow him more closely than it would be necessary to do with Lincoln. But as we did so, we should of course find him a man of marked qualities. I have always found that men are more more supposed to the said of him that all the said of him closely were sone worthy to be the tenement of a mind and character as great as person worthy to be the tenement of a mind and character as great as person worthy to be the tenement of a mind and character as great as his. Washington, however, had not at all a great opinion of himself. He does not seem to have set even a fair estimate upon his own powers his. Washington, however, had not at all a great opinion of himself. He was not himself, and the washington and when the was not through the said of the him. There see

this basis there was superposed something of Leatherstocking and something of Cincinnatus.

But he was essentially an aristocrat. Read his letters, and you will see that the tone of them is unmistakably aristocratic. He belonged to a world of classes, a world in which the existence of classes was the natural and inevitable order of things. But a new society was about to grow up, and it was right that this society should have its great man. In the older society the feeling of the upper class was one of marked separation from the common people. The feeling of that class was, consciously or unconsciously, that it was the business of the poor to be unhappy. A great man of the old time could not altogether escape this feeling. There had been plenty of good and kind rulers in the past, but their feeling in regard to the common people could not be the same as if they had themselves been of that class. Lincoln, on the other hand, was of that class. In him we have a great man unlike the good rulers of the past, not a Haroun-al-Raschid mixing with his people or an Alfred burning the cakes, but the real thing. The fact that he was from that class, that he belonged to it not only by birth and experience but by nature (for birth would not have been sufficient if it had not been that in his heart and his profound sympathies he was a democrat to the core), was an important element of his fame.

Of course, it is Lincoln's power of sympathy that attracts men: But that would not of itself have been enough. What endears Lincoln especially to men is the union of sympathy with faith and great strength.

It is very unusual to find these qualities united. In the list of English and American worthies I can think of but one other who was like him in this respect. I mean Dr. Johnson. Scott had this union of qualities, although in a less degree; and I have sometimes had a fancy, if there be not a certain temerity in the suggestion, that you might descry some such association of characteristics in the vast and vague personality that lies remote and in shadow behind the writings of Shakespeare. But in Lincoln and Johnson it is clear and marked, and it is the reason of their great power of winning affection. Men wish to attach themselves to such characters. The thought of each man is, "He would have been my friend."

The peculiar character of Lincoln's genius also was in part the cause of his power of winning our affection. No great public man has had such strong human intuitions. Certainly no man in our history is his equal in that respect.

It appears from the recent life of Hay that it took Lincoln's secretaries a year or more to find out that their chief was a great man, and that they found it out before other people did. In talking with people who knew Lincoln before the war, most of whom are now gone, it has always been easy for me to see that they thought the modern notion of him extravagant. They may have had some jealousy of him or may have felt something of pique and vexation that they had not been clever enough to find out all this for themselves, but that was what they thought. Of course, they were too prudent to say that, but you could see it in their faces. The devotion of the people of this country to Lincoln is, however, not merely a matter of opinion. He has got hold of their hearts as no other American ever did, not even Washington, and he has held them for 50 years; and there is no indication that this sentiment is on the wane.

The Washington Herald on February 7, 1917, printed an article entitled "Man who helped everybody," by Orison Swett Marden, and it pays a tribute to Lincoln in a manner worthy of permanent preservation, and I therefore read it at length:

MAN WHO HELPED EVERYBODY. [By Orison Swett Marden.]

One of the most beautiful examples of magnanimity in confessing past injustice and acknowledging a tremendous change of feeling toward Lincoln was the utterance of the London Punch years ago. In its recantation of the sneering criticism and caricature with which it had relentlessly pursued him, Punch said:

"Yes, he lived to shame me from my sneer,
To lame my pencil and confute my pen—
To make me own this hind of princes peer,
This rail splitter—a true born king of men."

To lame my pencil and confute my pen—
To make me own this hind of princes peer,
This rail splitter—a true born king of men."

As the stress and anxiety of the great war increases one of the most noticeable things in England is its increasing admiration and appreciation of the greatness of Abraham Lincoln.

Leading English publications recently printed long articles about him, and English statesmen have quoted his words and acts as precedents for their guidance in momentous crises developed during the war.

The reason why Lincoln is so loved and admired to-day, not only by the people of this own land but by the people of every land on the earth, was never more clearly and briefly stated than in those words by a well-known Chinese diplomat.

In an address to the Union League Club of Brooklyn, on the ninety-second anniversary of Lincoln's birthday, Mr. Wu Ting-fang, then the Chinese Minister to the United States, said: "To Lincoln may be applied the words which a Chinese historian uses in describing the character of Yao, the most revered and honored of the ancient rulers of China; 'His benevolence was boundless, his wisdom was profound, to anyone approaching him he had the genial warmth of the sun.' When viewed at a distance he seemed to have the mysterious warp of the clouds; though occupying the highest station he was not haughty; though controlling the resources of the whole Nation he was not lavish; justice was the guiding principle of his actions; nobleness was written on his face."

That "nobleness was written on every linement of his face," and that he was destined for greatness was apparent to the reader of character when Lincoln was still a youth.

Capt. John Le Mar tells us that one day while riding with his father past where young Lincoln was working his father said to him is simple western fashion, "John, look at that boy yonder and mark my words, he will make a smart man of himself. I may not live to see it, but you see if my words don't come true."

Lincoln was loved in his lifetime and is loved to-d

weeks ago and have seen through."

The keynote of Lincoin's greatness, of his success from first to last, is to be found in his own memorable words, "I am not bound to win, but I am bound to be true. I am not bound to succeed, but I am bound to live up to what light I have. I must stand with anybody that stands right."

Mr. Speaker, a year ago the New York Evening Sun published an editorial entitled "The Living Lincoln," and it is as

THE LIVING LINCOLN.

Better than all printed biographies are the renewals and continuations of the lives of greater men in the lives of the less. No other American, and very few men of any nation or period, have entered so intimately into the personal experience of millions as Abraham Lincoln. The words of him who never had a year in school are used in teaching college students the highest possibilities of language. His coined phrases are worn smooth and dateless in current speech. But more than that, his habit of thought has guided the thinking of errand boy and President. His faith quickens the faith of us all. Shelley wrote of Keats:

"He is made one with nature: there is heard His voice in all her music, from the moan Of thunder to the song of night's sweet bird; He is a presence to be felt and known In darkness and in light, from herb and stone, Spreading itself where'er that Power may move Which has withdrawn his being to its own; Which wields the world with never-wearded love, Sustains it from beneath and kindles it above."

Which has withdrawn his being to its own;
Which wields the world with never-wearled love,
Sustains it from beneath and kindles it above."

In such wise the man whose birth we celebrate to-day has entered into the life of his people and is in process of penetrating the wider circles of the whole world's life. This, on its earthward side, is the immortality of Abraham Lincoln.

But if ever something more than a vague admiration for a historic figure was needed it is now. The materials are at hand for such intimate and complete knowledge of the man as will expand the intellect and elevate the standards of our voters, aiding them in coming to decisions on the vital issues of the most anxious period since the Civil War. Lincoln is worth knowing well. "Thorough" was one of his own great words. Any man or woman that will give the spare evenings of the next year, or the next five years, to his life and writings will be the better and the happler for it. The Nation will be the standards of our voters, which was a standard of the next five years, to his life and writings will be the botter and the happler for it. The Nation will be the standard of the next five years, to his life and writings will be the botter and the happler for it. The Nation will be the standard of the next five years, to his life and writings will be the obtained the happler for it. The Nation will be the standard of the next five years, to his life and writings will be the obtained the happler for it. The Nation will be the standard of the next five years, to his life and writings will be the better and the happler for it. The Nation will be the standard of the next five years, to his life and writings will be the better and the happler for it. The Nation will be the standard of the next five years, to his life and writings will be the better and the happler for it. The Nation will be the standard of the next five years and the next five his of the National Male and the next five his will be the standard of the next five his will be his will be his

those who had proven their fitness should be rewarded by full citizenship.

David Homer Bates, in his Lincoln in the Telegraph Office, pictures the scene in which the Emancipation Proclamation was wrought out, Grant's Memoirs furnishes a sidelight or two, and Blaine's Twenty Years in Congress is one of the most admirably balanced presentations of the legislative aspects of the war, with clear pictures of many leading men. The later controversies in which Blaine was involved should not be permitted to obscure his value as a historian.

Immediately after the war J. G. Holland gathered from living witnesses fresh impressions of Lincoln, many of which are more convincing than some of the later testimony. Ida Tarbell did a great service in gathering facts that had remained unpublished down to our own day.

in; than some of the later testimony. Ida Tarbell did a great service in gathering facts that had remained unpublished down to our own day.

These are by no means all even of the primary sources, but they are enough to blaze for the reader a trail through the biographical tangle. It is fair to add the name of one of the few books that attempt analysis—Rothschild's Lincoln, Master of Men.

But if the choice must be made between the books other men have written about him and Lincoln's own words the letters and addresses hold first place. He can be trusted as the best witness in his own case. His word was as good as his bond and his life was as good as his word. Speech was the water from a living well, under which the stream of character never failed.

Probably the majority of men desire to be counted on the side of truth. But few will make any great effort to find what is true. And as Sir Thomas Browne declares, not every man is a fit champion of truth. For when the man who is right in principle fails in the trial by combat, the cause suffers in his defeat.

Aoraham Lincoln was not a speculative philosopher, an originator of systems of thought. But he was one of the greatest exponents and defenders of truth in its applications and illustrations in human experience that the world has ever seen. His life and words—which are inseparable—perfectly teach the balance between thought and act, principle and practice, general truth and particular fact.

As a boy he was irritated by the lack of clearness in the talk of his elders. He determined to find words that should tell to other men what was in his own mind so that nobody could misunderstand him. He held to that resolve. And with it went the passion for clear thinking. The Cooper Union speech is perhaps the best illustration of what has just been affirmed. Lincoln probably took more pains with it than with any other single production. Note how he divides his main subject into three or four allied themes, establishes the facts on which his argument is to be based, and joins the whole structure. He takes his opponent's words for a beginning:

"Our fathers when they framed the Government under which we do now."

He takes his opponent's words for a beginning:

"Our fathers when they framed the Government under which we live understood this question just as well and even better than we do now."

This sentence he repeats wholly or in part about twenty times, with illustrations and reenforcement. His second theme is the question:
"Does the proper division of local from Federal authority, or anything in the Constitution, forbid our Federal Government to control as to slavery in our Federal Territories?"

This he repeats or refers to nearly a score of times, interweaving it with the first theme as Bach would compose a fugue. The result is perfection, and to perfection there is no answer. His address is a model for all discussion in public or in private. Anc it is a helpful model because it does not require genius to follow it.

The same is true of the letters, which are full of keen and kindly applications to the life of each one of us and of the whole people. Even with Gettysburg and the second inaugural in mind, we have found a more nearly complete and satisfying expression of the man in his letters than in his addresses. In them he confounds the enemies of the Republic, admonishes, warns, and instructs his people, and comforts the broken-hearted with a tenderness that had blossomed upon the graves of Nancy Hanks and Ann Rutledge and upon those of his children.

For in this man reason and emotion were joined like form and color in a flower. He rejoiced in the exercise of his mind, but he had none of that intellectual arrogance that denies all it can not comprehend or prove. The charge of atheism is the most futile of all that have been brought against him. As an inquiring boy he read Tom Paine and wrote an essay along radical lines; but the pressure of human need constrained him to turn to Divinity.

Prayer was the very breath of his later life. Gen, Daniel Sickles was hardly the man to invent a pious tale. He has repeated to many witnesses the story of Lincoln's prayer before Gettysburg. But it is inconceivable that so ho

In to-day's Washington Post appears a modest autobiography which Lincoln penned at the request of a political friend at Springfield, Ill., on December 20, 1859, and is as follows:

I was born February 12, 1809, in Hardin County, Ky. My parents were both born in Virginia, of undistinguished families—second families, perhaps I should say. My mother, who died in my tenth year, was of a family of the name of Hanks, some of whom now reside in Adams, and others in Macon County, Ill. My paternal grandfather, Abraham Lincoln, emigrated from Rockingham County, Va., to Kentucky about 1781 or 1782, where a year or two later he was killed by the Indians, not in battle but by stealth, when he was laboring to open a farm in the forest. His ancestors, who were Quakers, went to Virginia from Berks County, Pa.

YOUTH IN BACK WOODS.

My father at the death of his father was but 6 years of age, and he grew up literally without education. He removed from Kentucky to what is now Spencer County, Ind., in my eighth year. We reached our new home about the time the State came into the Union. It was a wild region, with many bears and other wild animals still in the woods. There I grew up. There were some schools, so called, but no qualification was ever required of a teacher beyond readin', writin', and cipherin' to the rule of three. If a straggler supposed to understand Latin happened to sojourn in the neighborhood, he was looked upon as a wizard. There was absolutely nothing to excite ambition for education. Of course, when I came of age I did not know much. Still, somehow, I could read, write, and cipher to the rule of three, but that was all. I have not been to school since. The little advance I now have upon this store of education I have picked up from time to time under pressure of necessity.

RAISED TO FARM WORK.

I was raised to farm work, which I continued until I was 22. At 21 I came to Iliinois, Macon County. Then I got to New Salem, now in Menard County, where I remained a year as a sort of clerk in a store. Then came the Black Hawk War, and I was elected a captain of volunteers, a success which gave me more pleasure than any I have had since. I went through the campaign, was elated, ran for the legislature the same year (1832) and was beaten—the only time I ever have been beaten by the people. The next and three succeeding biennial elections I was elected to the legislature. I was not a candidate afterwards. During the legislative period I had studied law and removed to Springfield to practice it. In 1846 I was elected to the lower House of Congress. Was not a candidate for reelection. From 1849 to 1854, both inclusive, practiced law more assiduously than ever before. Always a Whig in politics, and generally on the Whig electoral tickets, making

active canvasses. I was losing interest in politics when the repeal of the Missouri compromise aroused me again. What I have done since then is pretty well known.

PERSONAL APPEARANCE.

If any personal description of me is thought desirable, it may be said I am, in height, 6 feet 4 inches, nearly; lean in flesh, weighing on an average 180 pounds; dark complexion, with coarse black hair and gray eyes. No other marks or brands recollected.

History takes up the story where Abraham Lincoln left off, and tells how he was elected President of the United States, how he guided the Nation through the Civil War, how he brought about the abolition of slavery, how he was reelected, and how he was shot down by an assassin, John Wilkes Booth, on the night of April 14, 1865, dying early the next morning.

In conclusion, Mr. Speaker, let me read the

ODE FOR THE FUNERAL OF ABRAHAM LINCOLN.

[By William Cullen Bryant.]

(Read in New York, Apr. 25, 1865, at the martyred President's obsequies.)

Oh, slow to smite and swift to spare, Gentle, and merciful, and just! Who, in the fear of God, didst bear The sword of power—a Nation's trust.

In sorrow by thy bier we stand, Amid the awe that hushes all, And speak the anguish of a land That shook with horror at thy fall,

Thy task is done—the bonds are free— We bear thee to an honored grave, Whose proudest monument shall be The broken fetters of the slave.

Pure was thy life; its bloody close
Hath placed thee with the sons of light,
Among the noble host of those
Who perished in the cause of right.

QUESTION OF PRIVILEGE.

Mr. LINDBERGH. Mr. Speaker, before I use the high privilege that I have here, to prefer these articles of impeachment, I ask the unanimous consent of the House to proceed for four minutes.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to proceed for four minutes, prefatory to his motion of impeachment. Is there objection?

There was no objection.

Mr. LINDBERGH. Mr. Speaker and fellow colleagues, in preferring these articles of impeachment, which I am about to begin to read, I realize that I am taking a serious and important step. But I have given much thought and consideration to the step which I am about to take. I shall make no motion after I have read these articles of impeachment, but shall leave it to the House to act upon that question. I realize that often a motion to lay upon the table is what follows the reading of important articles, and I think these are of that character; and if they are disposed of in this way I wish to say to the mem-bership of this House that that is not the way to dispose of these articles which I shall read. It would not be doing justice to the country if it is done in that way. Either I am right in presenting these articles of impeachment or I am wrong. If I do injustice to the House, if I do injustice to the country in preferring articles of impeachment which ought not to be preferred, then it is the duty of the House to discredit me for doing that thing. I do not, however, expect to be discredited, though undoubtedly powerful influence will be used to prevent favorable action on the articles of impeachment. Therefore, I shall proceed with the reading of the articles, and at the close I shall ask unanimous consent for the privilege of extending my remarks upon this question and the incidental questions that are

The SPEAKER. The gentleman asks unanimous consent to extend his remarks. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, the gentleman can ask that at the conclusion of his remarks.

The SPEAKER. I thought he was asking it now.

The SPEAKER. I thought he was asking it now.

Mr. LINDBERGH. No. I wish the House to know what is in
the articles of impeachment before I ask that privilege.

The SPEAKER. All right.

Mr. LINDBERGH. Mr. Speaker and the House of Representatives, I, Charles A. Lindbergh, the undersigned, upon my responsibility as a Member of the House of Representatives, do hereby impeach W. P. G. Harding, governor; Paul M. Warburg, vice governor; and Frederick A. Delano, Adolph C. Miller, and Charles S. Hamlin, members, each individually as a member of the Federal Reserve Board, and also all of them collectively as the five active working members of said board, of high crimes and misdemeanors.

I, upon my responsibility as a Member of the House of Representatives, do hereby impeach the said W. P. G. Harding, governor; Paul M. Warburg, vice governor; and Frederick A. Delano, Adolph C. Miller, and Charles S. Hamlin, members, and each of them as members of the Federal Reserve Board, and also impeach all of them collectively as the five active working members of the Federal Reserve Board, of high crimes and misdemeanors in aiding, abetting, and conspiring with certain persons and firms hereinafter named, and with other persons and firms, known and unknown, in a conspiracy to violate the Constitution and the laws of the United States and the just and equitable policies of the Government, which said conspiracy developed and grew out of and was consummated from the follow-

ing facts and acts, to wit:

First. On or about the month of July, 1906, the exact date being unknown to the relator, the late J. P. Morgan, of the firm of J. P. Morgan & Co., and the said firm, private bankers and brokers, with their main office in New York City and doing business all over the world; Paul M. Warburg, of the firm of Kuhn, Loeb & Co., and the firm of Kuhn, Loeb & Co., also private bankers and brokers, doing business all over the world, with their main office in New York City; Lee, Higinson & Co., also private bankers and brokers, doing business all over the world, with their main offices in Boston and New York; Kidder, Peabody & Co., also private bankers and brokers, doing business all over the world, with their main offices in Boston and New York; the National City Bank of New York, with its office in the city of New York and doing a general banking business, domestic and foreign; the First National Bank of New York, with its office in New York City, doing a general banking business, do-mestic and foreign; and various others persons and firms, known and unknown to the relator, did conspire with each other to devise a means through social, political, and other ways of strategy and by general chicanery, to deceive the people of the United States, the Congress, and the President of the United States for the purpose and with the object to secure an act of Congress providing for a new monetary and banking system, to have in it a provision for a managing board vested with unusual and extraordinary powers, and to secure the appointment upon the board of management that should be provided for in the act persons for membership on the board who would, by subterfuge, manipulation, and false administration, so manage as to avoid the spirit and the purpose of the people of the United States, the Congress, and the President aimed at in the passage of such an act, and instead of administering the act to meet with the spirit and comply with its terms, to induce and secure such board to enter into the conspiracy aforesaid, to administer the act for the special benefit and advantage of all of the said conspirators hereinbefore named, and their associates, and contrary to the letter, intent, and purpose of the act itself and in contravention of the Constitution and law; that in order to start the campaign with a plan well matured to succeed in said conspiracy, Paul M. Warburg, now vice governor of the Federal Reserve Board, but then a member of the firm of Kuhn, Loeb & Co., was a most active participant in drafting the main features and principles which should be embodied into whatever bill might be put through Congress, and did also assist in a plan for a secret campaign, to be kept from the knowledge of the President, with the appointing power, and from the Senate, with the confirming power in the selection and confirmation of all high Federal appointive officials, in order that a board of administration should, when the time came for its selection, be appointed that would carry out the designs of the conspirators aforesaid; that there were many secret meetings held by the conspirators for this purpose, which under the very circumstances would be screened and kept from the public and made practically impossible to discover, but nevertheless made certain of the fact because of the acts which point back to their creation; that one of such meet--which your relator does not undertake to verify the truth of its holding, but is reliably informed that it was held-is described in Leslie's Illustrated Weekly Magazine in the October 19, 1916, number thereof, which is hereby referred to as showing the method most likely to have been followed for planning the then contemplated act of Congress, which is now the act known as the Federal reserve act.

Second. That in pursuance of said conspiracy to promote the object of the conspirators aforesaid and as a part of their general scheme to induce Congress to legislate upon the monetary and banking system as stated hereinbefore, said conspirators caused to be organized the so-called Citizens League, with headquarters in the city of Chicago, to act as a mother organization and promoter to induce organization in the several States of auxiliary and affiliated leagues, and by misrepresentation to the public as to the origin of the said mother league and its

purpose to induce citizens who should have no knowledge of the said conspiracy and would be innocent of any wrong intention, and whose motives and intent would be to act in the common interests of their country, to join in the formation of auxiliary leagues throughout the several States in order to give the out-ward and surface appearance of respectability and honor, and that in pursuance of that plan the conspirators succeeded in organizing affiliated leagues in 45 of the States; that when organized the conspirators hereinbefore named, themselves directed who should be sent to these organizations as speakers and instructors, and also the kind of literature that should be distributed to the members and to the general public, the design of which was to have only such speakers, instructors, and literature as would discredit the then existing banking and currency system and prejudice the people in every way possible against it; but notwithstanding the then existing banking and currency system was bad and unfitted to the demands of the Nation and the needs of commerce and trade, such campaign was by its conspirators aforesaid directed not to designate to the public what sort of a banking and currency system would be adopted in its stead, but the promoters of the conspiracy should pretend that the object of the campaign was to aid in every way to create a new monetary banking and currency system to take the place of the then existing bad one, and, as far as it could be done, the conspirators should prevent the people getting together to prepare a plan of their own to be presented to Congress; that the purpose of the conspirators was simply to make the public believe that a new banking and currency system was absolutely necessary and at the same time keep the public from finding out what would be its form and details, all this for the reason that the conspirators aforesaid had their own preconceived plan prepared as a part of their conspiracy, which they would secretly manage in their own way to have presented to Congress as the plan in response to all this public sentiment which the conspirators themselves had ingeniously worked out through the campaign aforesaid, and with the intent that Congress and the President would legislate the conspirators' said plan into effect; that it was a part of said plan to create many offices and positions with lucrative salaries, which offices and positions would be equivalent to a bid for the ambitious to support it, because these offices and positions would be filled by the leaders and most active persons who would join in the campaign to put the conspirary into effect and influence Congress and the President for the purpose of securing the legislation.

Third. That in further pursuance of said conspiracy and to be in control of the information and literature that should be distributed throughout the Nation, the said conspirators then having control of a large number of magazines, newspapers, and publishing companies, used all of these, and proceeded to procure control of as many more as could be purchased or subsidized to publish articles prepared by subsidized writers who would criticize the then existing banking and currency system so as to create public sentiment against it; that of the thousands of country newspapers, a majority of them use so-called "patent" articles not edited or even practically controlled by the owners of the papers, which patent articles are commonly called "boiler-plate" stuff, and no responsibility as to the influence such articles have upon the public attaches to anybody; that those writing this "boiler-plate" stuff so published, many of them were also subsidized and controlled by the said conspirators, so that the small newspapers were practically forced to carry on a campaign against the then existing banking and currency system along the same lines of the others referred to hereinbefore; that readers generally do not have the opportunity to distinguish between "boiler-plate" articles and the articles which the editors of the smaller papers write themselves; that the news-distributing agencies through the telegraph and telephone were then and still are largely controlled by said conspirators, and the operators of the news agencies have been allowed to report only such news relating to a new banking and currency system as would promote said conspiracy, and required to suppress any and everything in the way of information or news that would tend to encourage the people to prepare for themselves a concrete plan for banking and currency in the interest of all the people; that the general plan of the conspiracy was to suppress every article, statement, and thing, so far as possible, which would give any information as to the exist-ence of said conspiracy, all of which was for the purpose of enabling the conspirators aforesaid to deceive the people as well as Congress and the President, in order that said conspirators might finally consummate their aforesaid conspiracy.

Fourth. That in consequence of the campaign carried on by said conspirators stated and recited in paragraphs named

"First," "Second," and "Third" in these impeachment articles, and numerous secret, clandestine, and underground methods employed by said conspirators, the people of the United States, the Congress, and the President were deceived, and as the first official act in the consummation of the objects sought by said conspirators Congress did legislate and pass an act of Congress which was signed by the President, and is known as the Federal reserve act, which act is substantially the plan prepared by the said conspirators as aforesaid.

Fifth. That immediately upon the passage of said Federal reserve act the said conspirators disorganized the so-called "Citizens' League" and all the affiliated leagues in the 45 States referred to in the paragraph named "Second" herein; that prior to such disorganization the said conspirators had by secret and underground methods, and for the purpose of using the same in completing and perpetuating their conspiracy, organized another "association" and called it the "United States Chamber of Commerce," giving it that name in order to deceive the public by making it appear that it is a department of the Government, which organization is administered with more intricate machinery for management than the so-called "Citizens' League" was, and with a purpose of taking up the work of coordinating everything social, political, business, and other, to work for the benefit of the said conspirators in carrying out their plan to force the masses of all mankind into absolute and abject industrial slavery; that the methods and the design of the "United States Chamber of Commerce" are set forth in remarks which your relator placed in the Congressional Record March 10, 1916, and are hereby referred to for more specific detail; that the influence of the "United States Chamber of Commerce" is one of the agencies being used as an aid to further consummate the conspiracy charged in these articles of impeachment.

Sixth. That the said Federal reserve act is so framed that it has the possibility and contains the provisions which, under proper and impartial administration, would furnish a remedy to some of the faults that existed in the banking and currency system which it superseded, but also contains provisions which, under a bad and improper administration, makes it more dangerous to the public welfare than even the old banking and currency system was; that the main feature of the said Federal reserve act in giving effect to it is the authority vested in the Federal Reserve Board and the discretion intrusted to the members thereof in its "administration"; that the "administration" of said Federal reserve act is vested in the Federal Reserve Board, advised by the Federal reserve advisory council made up of 12 persons, 1 selected by each of the 12 Federal reserve banks; that the 5 active working members of the Federal Reserve Board are the said W. P. G. Harding, governor; Paul M. Warburg, vice governor; and Frederick A. Delano, Adolph C. Miller, and vice governor; and Frederick A. Delano, Adolph C. Miller, and Charles S. Hamlin, members; and that the Federal reserve advisory council is formed by the following persons, to wit: Daniel G. Wing, of Boston; J. P. Morgan, of New York; Levi L. Rue, of Philadelphia; W. S. Rose, of Cleveland; J. N. Norwood, of Richmond; Charles A. Lyerly, of Atlanta; J. B. Forgan, of Chicago; Frank O. Watts, of St. Louis; J. R. Mitchell, of Minneapolis; E. F. Swinney, of Kansas City; T. J. Record, of Dallas; and Herbert Fleishhacker, of San Francisco; that the said Federal Reserve Board and the said Federal reserve advisory council held many meetings and are now and have been ever council held many meetings and are now and have been ever since the Federal reserve act was passed, fully advised as to the financial and business conditions, domestic and foreign; that the members of the Federal Reserve Board and the members of the Federal reserve advisory council are men with enormous business interests, and each of them have been for more than 15 years last past, and are now, extensive operators and speculators for individual profit and gain in the markets, and control several of the largest banks in the country; that J. P. Morgan, jr., is the leading member of the firm of J. P. Morgan & Co., one of the firm hereinbefore charged with being a party to the conspiracy aforesaid; that several of the members of the Federal reserve advisory council own stock in the National City Bank of New York and the First National Bank of New York, they being the two banks charged hereinbefore with being parties to the said conspiracy, and said members also own stock and are interested in business managed and controlled by the parties specifically named as the conspirators in the paragraph hereinbefore designated as "First"; that Paul M. Warburg, a member and vice governor of the Federal Reserve Board, was at the time of the original formation of the conspiracy aforesaid a party to the said conspiracy, and a partner and member of the firm of Kuhn, Loeb & Co., one of the conspirators; that each of the members of the Federal Reserve Board and of the Federal reserve advisory council are associated with and form a part of a group of promoters and speculators, the individual members of which

reside in various parts of the United States, principally in the large cities, and a few of them live in Europe, which said group individually and collectively deal in credits, stocks, bonds, securities, and various promoting enterprises from which they have made billions of dollars in profits, and still operate and propose to continue their operations for the purpose of making still greater profits upon their future dealings; that in further pursuance of their said purpose, they joined in the original conspiracy aforesaid and it was planned as a part of the said original conspiracy to create several great business and finan-cial centers in different parts of the United States in order to facilitate and celerify a coordination of all big business and all financial control, for the benefit of the said conspirators in carrying out their plan of personal gain in contravention to the public welfare; that said group instigated the campaign which finally resulted in the passage of the Federal reserve act; that in the administration of said act by the said five active working members of the Federal Reserve Board, and through the influence exercised over them by the members of the Federal reserve advisory council, and collectively all of the members and membership of both the Federal Reserve Board and of the Federal reserve advisory council, a part of and influenced by said larger group" in this paragraph designated as having joined in the conspiracy aforesaid, the said five active working members of the Federal Reserve Board, each individually and all collectively, at all times since they became members of the said Federal Reserve Board, knowingly and intentionally have been improperly influenced by the said "group," and because of such influence have failed to administer the Federal reserve act in accordance with the spirit, letter, and intent of Congress and the President when the act was passed; but, on the contrary, the said five active working members of the Federal Reserve Board hereinbefore specifically named as such, with intent to evade and set aside by "administration" all the purposes of Congress and of the President in the passage and approval of the act, and of the act itself, have administered, and are now administering, the Federal reserve act with the intent to coordinate "big business' and "speculation" for the benefit of the said "group" of operators and speculators hereinbefore designated as having taken part in the original conspiracy; that said National City Bank hereinbefore named, in which many of the other conspirators own stock, acts as the "official mouthpiece" for them all, to give technical information to enable them all to act in concert; that to facilitate its distribution said bank issues a monthly bulletin; that in its February, 1917, bulletin, in an article dealing with the present plethora of money and credit available, among other "tips" intended for the conspirators to act upon, is the following-and I would like the House to hear it-this is what is contained in the bulletin which the National City Bank issued:

Under the circumstances money promises to be in abundant supply, but if bankers have a proper regard for their responsibilities it will not be correspondingly cheap. Compensatory rates for money and ample reserves should be consistently maintained.

That said bulletin was sent to the Federal Reserve Board, to all the Federal reserve banks, to all the larger National and State banks and trust companies, in order to "tip" off to the conspirators and those acting in concert to tighten the rates of interest; that such "tips" are a common practice and do prevent the reduction of interest rates to borrowers for legitimate business, contrary to the intent and purpose of Congress and the President and in contravention of the act itself and to the enormous loss of the people and injury to the general welfare.

Seventh. That there are approximately 20,000 State banks and trust companies in the United States, incorporated and organized under the State laws of the respective States in which their offices and places of business are located, and doing a general banking business, State and interstate, many of which are eligible to become members of the Federal Reserve System, and many not now eligible could become so without an increase of their capitalization; that of those now eligible and that could qualify for membership in the Federal Reserve System without an increase of their capital, they have more than half of the capitalization of all the banks not now included in the Federal Reserve System; that the capitalization of State banks and trust companies which are not members of the Federal Reserve System exceeds the capital of the banks which are members of the Federal Reserve System; that the governors and other high and administrative officials of the 12 Federal reserve banks, through their influence with member banks, wittingly or un-wittingly, but most of them wittingly, became accessories to the said conspiracy of the said persons and parties named in these articles of impeachment in the paragraph herein designated as "First" and have caused a boycott of all banks not

members of the Federal Reserve System by influencing the member banks to hamper, inconvenience, and annoy the patrons of the nonmember banks by discrimination against them in the clearing of checks drawn upon them and otherwise; that they threaten and seek to cajole the nonmember banks in an attempt to force them to become members of the Federal Reserve System; that the said five active working members of the Federal Reserve Board are cognizant of the same; that the intent, purpose, and aim of each and all of the said conspirators aforesaid is to compel the State banks to join the Federal Reserve System for the purpose of bringing the said banks under the jurisdiction of the Federal Reserve Board in order that all of the banks, National and State, may become one gigantic combination with an absolute and complete monopoly and have the power of exploiting the people for the benefit of the conspirators aforesaid.

Eighth. That Congress in creating the Federal Reserve Board had in mind, and it is the spirit of the Federal reserve act, that the said board should keep a guardian watch over the operations of the banking and currency system and report to Congress and the country from time to time such facts and occurrences relating to banking and currency as affect the business of the people in trade and commerce exchanges, domestic and foreign, so that Congress should receive information that would give to Congress the facts upon which to base any necessary amendments to the act in order to make it responsive to the general welfare; that, contrary to the spirit of the Federal Reserve act, the aforesaid five active working members of the Federal Reserve Board have willfully failed to keep the public and Congress informed of the inflation of bank credits and the effect of it that has taken place under the "administration" of the said act, and in violation of the spirit thereof said members have conspired with the members of the Federal reserve advisory council and their business associates hereinbefore named and have aided and abetted in a conspiracy to a systematic inflation of bank credits for the benefit of the said conspirators and against the public welfare; that in consequence of said unlawful acts and misfeasance in office of the said members of the Federal Reserve Board the banks have, for private gain. increased the bank credits of the country since the passage of said act approximately seven thousand millions of dollars and without effecting a corresponding reduction in the interest rate, thus increasing the aggregate amount of interest paid by the people to the said banks equal to that charged upon said sum; that the effect of the inflation of bank credits has been and is to also increase speculative credits enormously more than equal to the inflation of bank credits, and that such increase since the Federal reserve act took effect has been billions of dollars; that the increase in the aggregate sum of interest paid to the banks upon the said inflated bank credits and the increase caused by the said inflation in the speculative values upon commodities required to supply the necessities of life for the people has been many billions of dollars, which have been added to the cost of living for the people to pay; that said increase in the cost of living is mainly the profits that the conspirators have added to their individual fortunes to the equivalent loss of the people generally and to the Government as well.

Ninth. That as part of the said conspiracy and in furtherance of the same the said aforesaid conspirators, in violation of the Nation's heretofore established economic policy of conservation of material and natural resources, conspired with European speculators to draw upon the material resources of this Nation for export with no corelation between the value of the materials exported and the value of the materials imported; that in consequence of the conspiracy to affect said export of material resources belonging to this Nation and to the people of it approximately eight thousand millions of dollars in value of the material resources have been exported since the war in Europe began; that as a result thereof the said conspirators acted with the said five members of the Federal Reservate Board in manipulating bank credits, and through credits the markets increased the cost to American consumers in the same period approximately sixteen thousand millions of dollars in excess of the real values, which extra cost has mainly been the profits that have been added to the fortunes of the aforesaid conspirators; that as an additional and future loss to the people of this Nation in consequence of the facts aforesaid, the natural material re-sources of the Nation are forever less, and the costs made for-ever higher than they would be if trade and commerce were not manipulated through a false administration of finances

Tenth. That to further carry out the said conspiracy the aforesaid conspirators have, ever since the Federal reserve act took effect, sought to influence, and in fact have influenced, said five members of the Federal Reserve Board in an attempt to fur-

ther deceive Congress to secure legislation granting to the said board enlarged powers of "administration"; that in the Sixtyboard enlarged powers of "administration"; that in the Sixty-third Congress the said board, concealing the real purpose to aid said conspirators, deceived the Senate Banking and Currency Committee to get it to report for passage the then Senate bill 6505, and it passed the Senate and subsequently came before the House Banking and Currency Committee and was favorably reported, your relator, however, filing a minority report in oppo-sition. Later, on the floor of the House, the chairman of the Banking and Currency Committee withdrew action on the bill; that the aim of said bill was to give the Federal Reserve Board greater "administrative" power over the gold supply, so that it could, whenever the conspirators aforesaid wished it, inflate still further the banking credit by an issue of the Federal-reserve notes for the benefit of said conspirators; that again in this Sixty-fourth Congress said five active working members of the Federal Reserve Board alleged, repeatedly sought the House Banking and Currency Committee to report a bill giving greater "administrative" powers to said board than is authorized by the original act; in fact, to give said board power to force from banks all over the country the gold in their vaults and into the 12 Federal reserve banks, there to form a basis upon which to issue still more Federal-reserve notes and further inflate credit without causing a reduction of interests that in the aggregate would equal the charge made on the inflated currency, but serving mainly as a guaranty to reenforce the conspirators hereinbefore named in exploiting of the people for private gain.

Eleventh. That the Federal reserve act obligates the United States to redeem in gold at the United States Treasury all Federal reserve notes, and as a part of the said conspiracy and in furtherance of the same, and to extend the speculation of the operators and perpetrators of the said conspiracy to include Europe and other foreign territory, they, most of them being international as well as domestic bankers, seek to dominate the relations of the United States with foreign countries and to selfishly influence the same by means of the control of finances, and in furtherance of said branch of their speculations have conspired with the said five active working members of the Federal Reserve Board to secure aid from the Federal Reserve System for said selfish purposes and not in the interest of the public, the conspirators in connivance with the said five active working members of the Federal Reserve Board had the said board select and appoint, through the Federal reserve bank of New York, the se-called Bank of England as its agent, thus putting the credit of the Government of the United States back of this foreign corporation, organized for private gain, which is no longer able to make payments in gold and fails to give a statement of its true conditions; that said Federal Reserve Board is threatening to permit and also to render aid to the international bankers in America who dominate the banking system, to enter into further entangling alliances with bankrupt countries of Europe at the very time this Government contemplates issuing hundreds of millions of dollars of interestbearing bonds upon the credit of the people of the Nation to meet the Government expenses.

Twelfth. That during the Civil War the Government of the United States issued money commonly called "greenbacks"; the same being issued upon the credit of the people of the Nation; that of said "greenbacks" so issued there have been ever since their issue and now are outstanding and in general circulation based upon the credit of the people of States \$346,681,016, for which a reserve of \$150,000,000 in gold is held by the Government to guarantee their redemption if demanded; that said circulating "greenbacks" have already saved the Government from paying approximately \$1,000,000,000 interest during the time they have been in circulation and are now saving the Government approximately \$6,000,000 annually; that in furtherance of said conspiracy in these articles of impeachment alleged and as a part thereof, the conspirators have sought and by secret connivance now seek to have the said "greenbacks" retired and the \$150,000,000 of gold guarantee placed in the Federal reserve banks on which to base the loaning of "bank credits" as a substitute for the money owned by the people; that if the Federal reserve banks are allowed to secure possession of said gold, when the time comes that the conspirators aforesaid shall be able to use additional bank credits to their advantages in exploiting the people, the same would become the basis for additional bank inflation, directly and indirectly, to the extent of over a billion dollars upon which the banks would collect a great sum of interest, and the speculators would scalp even greater profits from additional manipulation of the markets, all of which would be added to

the cost of living for the people to pay.

Thirtcenth. That in furtherance of the said aforesaid conspiracy and as a part of the same the said five active working

members of the Federal Reserve Board, in their capacity as members, have arbitrarily at all times and with intent to prevent the legitimate business interests of the country securing the advantages that Congress sought to give by the passage of the Federal reserve act, and in connivance with the big reserve and central reserve banks controlled by the conspirators aforesaid, established rediscount rates for member banks desiring to borrow from Federal reserve banks above the rates charged by the reserve and central reserve banks, which creates an excuse for the member banks in the country to charge higher rates of interest to legitimate borrowers than they otherwise would; that the interest rates charged by the reserve and cen-tral reserve banks, on the one hand, and the higher rates charged by the Federal reserve banks on the other hand, is maintained at certain times when the conspirators aforesaid desire to draw the reserves of the country banks to the reserve and central reserve cities for the interest that these reserve banks pay on deposit balances and in anticipation of times when the country banks may wish to rediscount paper with said banks; that by following the arbitrary practice of redis-counts aforesaid the said conspirators are enabled to and do go on with their speculations, manipulate the markets, and exploit the people, and whenever they find themselves in financial stress they can raise the rates of interest in the reserve and central reserve banks, which they control, above the Federal reserve bank discount rates, thus forcing the country banks, which may have rediscounted with reserve banks in order to give accommodations to their borrowers, to rediscount with the Federal reserve banks to enable them to repay the reserve and central reserve banks, in order to create free money and credit for said conspirators to carry on their speculations; that the Federal reserve act contains several provisions which when applied under the "administrative" power of the Federal Reserve under the "administrative" power of the Federal Reserve Board serve as a means of taking or imposing a toll in the nature of discriminatory interest rates in order to force a shift of money and credits from one section of the country to another, or out of the country and to foreign countries; that this discriminatory power vested in the Federal Reserve Board is willfully abused by the said five active working members of the said board for the benefit and in the interest of the said aforesaid conspirators; that the people of the United States have been injured to the extent of several billions of dollars by reason thereof.

Fourteenth. That in furtherance of said aforesaid conspiracy and to give the said aforesaid conspirators complete practical power to carry out and put into effect their purpose of making the masses of mankind absolutely dependent upon "big business," and in order to create industrial slaves of the masses, the said aforesaid conspirators did conspire and now conspire to have the Federal reserve act "administered" so as to enable the conspirators to coordinate all kinds of "big business" and to keep themselves in control of "big business," in order to amalgamate all of the "trusts" into one great trust in restraint and control of trade and commerce, and thus be able to exploit the masses and take from them their cornings expent what the masses and take from them their earnings, except what they would require for bare subsistence; that to that end and to give them power to accomplish the same said conspirators have marshaled all of the different kinds of "big business" and induced those in control to use their means and whatever kind of patronage and favors they have to give in such way as to promote the objects and purposes of said conspirators and to enslave the masses of humanity; that at the same time that the said conspirators marshal their own "big business" supporters by a coordination of all their interests they have used every trick and subterfuge possible to create friction among the masses and divide them into hostile contending factions, thus keeping the masses from coordinating their affairs to promote the general welfare; that the said aforesaid five active working members of the Federal Reserve Board have all the time, by a willful and wrongful "administration" of the Federal reserve act, aided and abetted the said aforesaid conspirators in promoting and carrying out the objects of their said con-spiracy and have refused and failed to so administer the Federal reserve act as to have the same promote and operate in favor of the general welfare.

Fifteenth. That the Federal reserve act is void and unconstitutional, but that, notwithstanding, the conspirators aforesaid have so manipulated things as to prevent the question of constitutionality of the act from being brought before the courts.

Charles A. Lindbergh.

Mr. SHERWOOD. Mr. Speaker, I would like to ask the gentleman a question.

Mr. LINDBERGH. I suppose my privilege stops now, does it?

The SPEAKER. It does.

Mr. LINDBERGH. I ask for five minutes in which to answer

the question of the gentleman.

The SPEAKER. The gentleman asks five minutes. Is there objection?

There was no objection.

Mr. SHERWOOD. I understand the gentleman to say the National City Bank now controls the official action of the Federal Reserve Board.

Mr. LINDBERGH. I said they have that effect, along with

the other parties associated with them.

Mr. SHERWOOD. In case the Senate should sit as an impeachment court, you have evidence to establish that charge?

Mr. LINDBERGH. I want to say this: I have spent enough time and made enough investigation of this case to know that I can demonstrate-not accurately, I may say, but to a mathematical certainty-that the charges in this impeachment are substantially true. I may not be able to establish by direct proof that some of these meetings to which the impeachment refers were held, but that the charges are substantially true, I will certainly

Mr. SHERWOOD. That is, by substantial evidence?
Mr. LINDBERGH. By substantial evidence, and by effects
which the business of this country demonstrates beyond question.

Now, Mr. Speaker, I ask leave to insert, following the reading of these articles, my remarks upon them and the questions that

are incidentally involved in the impeachment articles.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the Record. Is there objection?

Mr. SIEGEL. I object.

The SPEAKER. The gentleman from New York objects.
Mr. KITCHIN. Mr. Chairman, I move that the impeachment articles be referred to the Committee on the Judiciary,

and on that I demand the previous question.

The SPEAKER. The gentleman from North Carolina moves that the impeachment articles be referred to the Committee on

the Judiciary, and on that he demands the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion to refer.

The question was taken, and the motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, I call from the Speaker's table the bill H. R. 19119, the District of Columbia appropriation bill, with Senate amendments, and ask that the Senate amendments be disagreed to, and that the conferees be

appointed on the part of the House.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to call to the attention of the gentleman from North Carolina [Mr. Page] amendment No. 98, on page 123 of the bill, which provides for increases in compensation. In the legislative appropriation bill, which bill is still in conference, in the House we agreed to a provision for an increase of 10 per cent on salaries less than \$1,200 and 5 per cent on salaries between \$1,200 and \$1,800, as I recall.

Mr. PAGE of North Carolina. Yes. Mr. MANN. That bill is still in conference. The Senate struck out the House provision in that bill and inserted the same provision in that bill which is inserted in this bill. The Agricultural appropriation bill carried the same provision as it passed the House that we agreed to in the legislative appropriation bill. The Senate has amended that. If we should just disagree to this Senate amendment and send it to conference, it is not within the power of the conferees to report a provision that corresponds with what the House did on the legislative appropriation bill and the Agricultural appropriation bill, and if those provisions should remain in conference in those two bills the conferees on the part of the House in the District bill could not put them in.

Mr. PAGE of North Carolina. I think the gentleman is en-

tirely right.

Mr. MANN. I suggest to the gentleman that before sending the bill to conference he move to concur in Senate amendment No. 98, with an amendment striking out all of the amendment and inserting the same provisions that we have carried in the other bills, so that the matter will be in conference in this bill in orde: that whatever action is taken it may be uniform in the three bills.

Mr. PAGE of North Carolina. I will say to the gentleman from Illinois that that is entirely agreeable to me, and in case

it is the only way—

Mr. MANN. It is the only way by which it can be done.

Mr. PAGE of North Carolina. It is the only way, possibly, by which we can get uniformity.

Mr. MANN. It is the only possible way by which you can get

uniformity unless you get unanimous consent or a rule.

Mr. PAGE of North Carolina. Unless in conference upon the other bills the present Senate amendment were agreed to. Mr. MANN. Certainly.

Mr. PAGE of North Carolina. Mr. Speaker, the bill is not yet before the House, is it?

Mr. MANN. I have no objection to the matter being laid before the House without now disagreeing to all of the Senate amendments

Mr. JOHNSON of Kentucky. Mr. Speaker, pending that, I would like to ask the gentleman from North Carolina if the House will be accorded a vote upon Senate amendment No. 97, relating to the tax upon intangible property?

Mr. PAGE of North Carolina. Mr. Speaker, I will say to the gentleman that the House has that privilege now. Of course, if there is any expression on the part of the House that they want to vote, they will be given that opportunity before the conferees reach an agreement.

The SPEAKER. The Chair lays before the House the bill H. R. 19119, the District appropriation bill, with Senate amend-

ments thereto.

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House disagree to all of the Senate amendments, excepting Senate amendment No. 98, on page 123, and Senate amendment

Mr. FOSTER. Mr. Speaker, will the gentleman yield before that is done?

Mr. PAGE of North Carolina. Yes.

Mr. FOSTER. Mr. Speaker, I observe there is a Senate amendment providing for a municipal hospital and to change the location of that hospital from Fourteenth Street and Upshur Street to Reservation No. 13. which means out here where is now located the Washington Asylum. For a long time there has been a contention here in the District with reference to this hospital, and after a considerable while and considerable opposition to the location of the hospital where it ought to go, if it is to be constructed, they have changed it to place it on what is called Reservation No. 13. I do not believe we ought to do that. In the first place, I think we ought not to build a hospital at all; but if it is to be built, then it seems to me we ought to agree on building the hospital where it ought to be built, and I hope the gentleman will not agree to any amendment at all, but if he has to agree to it, that he will not agree to report the provision locating the hospital on Reservation 13, but where it ought to go, regardless of what some people in the District may think is a wrong place to put it. We have no municipal may think is a wrong place to put it. hospital except the Washington Asylum.

I say this, that I do not think there is any place in the United States where the indigent poor who are sick are better taken care of than they are in the city of Washington. I think some improvement might be made in the Washington Asylum, as it exists now, but there has been a continual fight on the part of the residents of the District against any improvements of the surroundings or betterment of the conditions in the Washington Asylum, because they have hoped to force through Congress this municipal hospital; and then, after Congress talked of building it where it ought to be placed, if it is going to be built at all, they undertake to force that hospital away from that place and back up here on the Anacostia River, or whatever that branch of the Potomac is called. I do not think a few people, who have, as they think, some esthetic notions about this matter, ought to be able to dillydally around for years and finally force Congress to do something that is wrong because of these notions of what they think should be done and what they think should not be done. I hope the gentleman, in the first place, will not agree to this amendment at all, but if he can not get along without it, that he might give this House an opportunity to vote upon it, because there is some difference in opinion in the House with reference to whether the hospital should be built at all or not.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. PAGE of North Carolina. I yield to the gentleman. Mr. DYER. I would like to know why the gentleman from Illinois said we should not have a municipal hospital in the city of Washington, in view of the fact that we have none that is at all suitable, and that the one we do have is in a dilapidated building, without any means whatever of giving decent treatment to the people therein?

Mr. FOSTER. I will say to the gentleman that the Government has two buildings out there worth half a million dollars

fit for a hospital. Mr. DYER. Out where?

Mr. FOSTER. At the Washington Asylum; and yet the people have steadfastly refused the other location because of the great scheme of building a highway around the city, which, they fear, might be interfered with by this proper location at Fourteenth and Upshur.

Mr. DYER. Does the gentleman mean the old jail building? Mr. FOSTER. Yes; and the Government is to lose the value of buildings worth, as they told me when I was out there, three or four hundred thousand dollars.

Mr. PAGE of North Carolina. Will the gentleman state what those buildings were constructed for?

Mr. FOSTER. Yes; they were constructed for a workhouse.

Mr. DYER. A jail.

Mr. FOSTER. But that does not mean that people are to go into a workhouse or go into cells. The gentleman knows better than that. These buildings, for one-half or one-fourth of the money that a municipal hospital will cost, can be fitted up to take all necessary care of the indigent poor, but they have refused to do it, because they thought it was in the line of a great boulevard that it was proposed to build around the

Mr. SHERWOOD. Is not that a better location than down

on the Anacostia River?

Mr. FOSTER. Very much. First they wanted it located up here, and then they began to holler again to have it located out there, and they have finally succeeded in inducing the other

body to do what they ask.

Mr. PAGE of North Carolina. Mr. Speaker, if the gentleman from Illinois [Mr. Foster] will permit, I am anxious to get this bill to conference and not consume the time of the House, but I know when I am held up. I will say to the gentleman that the conferees on the part of the House will give the House

an opportunity to vote on this hospital proposition.

Mr. JOHNSON of Kentucky. Still reserving the right to object, Mr. Speaker, I make the same request of the gentleman from North Carolina relative to Senate amendment 97.

Mr. PAGE of North Carolina. What is that amendment?

Mr. JOHNSON of Kentucky. It is the intangible-property

tax amendment.

Mr. PAGE of North Carolina. I will make the same statement to the House with reference to that amendment-that if it becomes necessary to do so I will bring it back to the House.

Mr. JOHNSON of Kentucky. So that we may have a sepa-

rate vote?

Mr. PAGE of North Carolina. So that we may have a

separate vote on that amendment.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to take this bill from the Speaker's table, disagree to all the Senate amendments except 13 and 98, and ask for a conference.

Mr. JOHNSON of Kentucky. Is Senate amendment No. 97

included in that?

included in that?

The SPEAKER. No.

Mr. JOHNSON of Kentucky. I thought that was understood.

Mr. PAGE of North Carolina. I have made a statement to
the gentleman that I will live up to, if it becomes necessary.

Mr. JOHNSON of Kentucky. Very well, that is satisfactory.

Mr. JOHNSON of Kentucky. Very well, that is satisfactory. The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER. Now, the gentleman from Delaware [Mr. Miller] makes a motion which the Clerk will report, as to

amendment No. 13.

Mr. MILLER of Delaware. Pending the motion of the gentleman from North Carolina I send to the Clerk's desk a motion to concur in Senate amendment No. 13, relative to motor vehicles, with an amendment which I ask the Clerk to report.

The SPEAKER. The Clerk will first report Senate amend-

ment No. 13, and will then report the amendment of the gentle-man from Dalaware,

The Clerk read as follows:

Amendment numbered 13: Page 31, lines 5 and 6, after "thereunder"

insert Provided further. That motor vehicles, owned or operated by persons not legal residents of the District of Columbia but who shall have complied with the laws of the State of their legal residence requiring the registration of motor vehicles or ilcensing of operators thereof and the display of identification or registration numbers on such vehicles and which identification numbers shall be displayed on such motor vehicles as provided by the laws and regulations of the District of Columbia while used or operated within the District, shall not be required to be licensed or registered or bear other identification numbers under the laws and regulations of the District if the State in which the owner or operator of such motor vehicle has his legal residence extends the same privilege to the motor vehicles owned or operated by legal residents of the District of Columbia.

The SPEAKER. The Clerk will now report the amendment of the gentleman from Delaware [Mr. MILLER].

The Clerk read as follows:

Mr. Miller of Delaware moves that the House conferees be instructed to concur in Senate amendment numbered 13 to H. R. 19119, with the following amendment:

Add on page 26, line 9, the following——

Mr. MANN. Add at the end of the Senate amendment.

Mr. POU. Mr. Speaker, we can not hear what is being said over here

Mr. PAGE of North Carolina. The amendment of the gentleman from Delaware is to follow the language of the Senate amendment.

Mr. MANN. To add to the Senate amendment.

The Clerk read as follows:

Add at the end of the Senate amendment the following: Provided further, That on and after July 1, 1917, the Commissioners of the District of Columbia be, and they are hereby, authorized and empowered to make and enforce all regulations governing the speed of motor vehicles in the District of Columbia, subject to the penalties prescribed in the act approved June 29, 1906.

Mr. MANN. Mr. Speaker, I think the Clerk read that as a motion to instruct the conferees. I hope the gentleman from Delaware will modify his motion so as to move to concur in the Senate amendment with an amendment, so that if the amend-

ment is agreed to the whole thing will go to conference.

Mr. MILLER of Delaware. That is satisfactory to me. drew that motion before the gentleman from North Carolina

[Mr. Page] made his motion.

The SPEAKER. Without objection, the amendment to the

amendment will be so modified.

Mr. WINGO. Reserving the right to object, is it proposed that we concur in the Senate amendment with an amendment? The SPEAKER. Yes.

Mr. PAGE of North Carolina. That would send it all to con-

ference.

Mr. WINGO. I would like to have the language of the bill

which it is proposed to amend read.

Mr. PAGE of North Carolina. It has been read.

Mr. WINGO. I know, but I would like to hear it read again.

The SPEAKER. Without objection, the Senate amendment will be read again.

The Senate amendment was again read.

Mr. WINGO. I should like to ask the gentleman from North
Carolina what is the necessity for this amendment? Have we not already a law regulating the speed? And is not the trouble

we have to get the enforcement of the present law?

Mr. PAGE of North Carolina. No. I will say to the gentleman that under the present law the Commissioners of the District of Columbia have not the authority to regulate the speed of motor vehicles in the District.

Mr. WINGO. Have we not a law prohibiting excessive speed in the District?

Mr. PAGE of North Carolina. There is a law that fixes the limit of speed in the District at a uniform figure of 12 miles an hour all over the District. The purpose of this is to put into the hands of the commissioners the power to regulate the speed, so that in the regions of denser traffic it may be put at a very much lower limit and in the suburbs at a greater limit.

Mr. WINGO. I am in sympathy with something that will check reckless running in the city. My peculiar interest at this time has been aroused by the fact that within the last three days I have had to exercise the agility of a tomcat to avoid a District of Columbia motor-driven vehicle on one of the principal thoroughfares in the residential part of the city.

If that is the object of the gentleman's amendment, I do not object, but I was fearful it might repeal the present existing law by transferring to them the right to make some regulations when my observation of their handling of the motor-vehicle question has been rather exasperating, to say the least of it. I withdraw any objection.

Mr. MILLER of Delaware. Mr. Speaker, I do not care to discuss my amendment unless some gentleman desires further

explanation.

Mr. DILL. Mr. Speaker, will the gentleman yield for a question?

Mr. MILLER of Delaware. I will.

Mr. DILL. Is the purpose of this amendment to give the commissioners the power to change the existing speed rate of automobiles in the District?

Mr. PAGE of North Carolina. It is; either to raise or lower it.

Mr. DILL. That is to change the law passed by Congress?
Mr. PAGE of North Carolina. Yes; and to fix a zone of speed; that is the real object. The gentleman from Delaware, who offers the amendment, will tell the gentleman in regard to

Mr. MILLER of Delaware. Mr. Speaker, I will say to the gentleman from Washington and anybody else in the House who is interested in the matter, that the section in the District appropriation bill as passed by the Senate practically contains a new automobile law for the District of Columbia, with one exception, namely, the regulation of speed. It provides a new system of automobile licenses, it provides for reciprocity, and the provision which I submit, after consulting the District authorities who are interested and who would enforce the law, provides that the District Commissioners shall have the right to regulate the speed. I will say further to the gentleman before he interrupts me that to-day they have the right to regulate everything in connection with the operation and control of automobiles in the District except that of speed. year I introduced a bill regulating the speed and operation of motor vehicles that went to the District Committee and which was ordered reported, but which has not been done up to date, and I understand this is practically the amendment they would

Mr. DILL. If I understood the reading of the amendment

correctly, it provides they shall fix the penalties.

Mr. MILLER of Delaware. No; right there I will say to the gentleman, the penalties are taken care of under this provision, "subject to the penalties prescribed in the act approved June 29, 1906," and that contains very proper and adequate penalties.

Mr. DILL. If they raise the rate of speed from 12 miles an hour to 18 miles an hour a violation of the speed limit would

be punished in the same way as it is now?

Mr. MILLER of Delaware. The same penalties as are now in force

Mr. CANDLER of Mississippi. I will ask if the commissioners have not had the right heretofore to regulate the speed of

automobiles? Mr. MILLER of Delaware. I will say to the gentleman speed is the only thing in connection with the operation of automo-

biles in the District of Columbia that they have not the right to regulate or control. It is now fixed at 12 miles an hour, and without speaking with any authority I understand that if they are given this power they are going to place it at 15 miles an

Mr. PAGE of North Carolina. In certain parts of the city.

Mr. MILLER of Delaware, In certain parts of the city.
The SPEAKER. The question is on the motion of the gentle man from Delaware to concur in the Senate amendment with an amendment.

The question was taken, and the motion was agreed to.

Mr. PAGE of North Carolina. Mr. Speaker, I move to concur in Senate amendment No. 98 by striking out the Senate language and inserting the language that I send to the Clerk's desk.

The SPEAKER. The gentleman from North Carolina moves to concur in Senate amendment 98 with an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the Senate amendment and insert in lieu thereof the

Strike out the Senate amendment and insert in lieu thereof the following:
"Sec. 7. That to provide, during the fiscal year 1918, for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate per annum less than \$1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than \$1,800 per annum and not less than \$1,200 per annum, so much as may be necessary is appropriated: Provided, That this section shall only apply to the employees who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein: Provided further, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein."

The SPEAKER. The question is on concurring in Senate

The SPEAKER. The question is on concurring in Senate amendment 98 with an amendment.

The question was taken, and the motion was agreed to.
The SPEAKER. The Chair announces the following con-

The Clerk read as follows:

Mr. PAGE of North Carolina, Mr. McAndrews, and Mr. Davis of

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 1174. An act granting to the State of Iowa all the right, title, and interest of the United States in and to the land within the meander lines, as originally surveyed, of the lakes within said State; to the Committee on the Public Lands.

MILITARY ACADEMY APPROPRIATION BILL (H. REPT. NO. 1452).

Mr. DENT. Mr. Speaker, by direction of the Committee on Military Affairs I report a bill making appropriations for the support of the Military Academy.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 20872) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes.

Mr. KAHN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from California reserves all points of order on the bill. The bill is ordered printed and referred to the Committee of the Whole House on the state of the Union.

NAVAL APPROPRIATION BILL (H. REPT. NO. 1451).

Mr. POU. Mr. Speaker, I offer the following resolution reported from the Committee on Rules.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 499.

House resolution 499.

Resolved, That it shall be in order while H. R. 20632 is being considered in the Committee of the Whole House on the state of the Union to consider as amendments to the bill (H. R. 20632) entitled "An act for making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes," the following matter, the general rules of the House to the contrary notwithstanding:

Amendment offered by Mr. Padgett: Page 5, after line 7, insert as a separate paragraph:

"To enable the Secretary of War and the Secretary of the Navy to secure, by purchase, condemnation, donation, or otherwise, such basic patent or patents as they may consider necessary to the manufacture and development of aircraft in the United States and its dependencies, for governmental and civil purposes, under such regulations as the Secretary of War and the Secretary of the Navy may prescribe, \$1,000,000. Secretary of \$1,000,000.

\$1,000,000.

"Provided, That such arrangements may be made in relation to the purchase of any basic patent connected with the manufacture and development of aircraft in the United States as in the judgment of the Secretary of War and the Secretary of the Navy will be of the greatest advantage to the Government and to the development of the industry.

"Provided further, That in the event there shall be pending in court litigation involving the validity of said patent or patents, bond, with good and approved security in an amount sufficient to indemnify the United States, shall be required, payable to the United States, conditioned to repay to the United States the amount paid for said patent or patents in the event said patent or patents are finally adjudged invalid."

Amendment offered by Mr. Pargett: After line 19, page 59, insert as

Amendment offered by Mr. PADGETT: After line 19, page 59, insert as

Amendment offered by Mr. Padgett: After line 19, page 59, insert as a new paragraph:

"(a) That the word 'person,' as used in paragraphs (b), (c), (d) next hereafter, shall include any individual, trustee, firm, association, company, or corporation. The word 'ship' shall include any boat, vessel, submarine, or any form of alrecaft, and the parts thereof. The words 'war material' shall include arms, armament, ammunition, stores, supplies, and equipment for ships and airplanes, and everything required for or in connection with the production thereof. The word 'factory' shall include any factory, workshop, engine works, building used for manufacture, assembling, construction, or any process, and any shippard or dockyard. The words 'United States' shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

"(b) That in time of war, or of national emergency arising prior to March 1, 1918, to be determined by the President by proclamation, the President is hereby authorized and empowered, in addition to all other existing provisions of law, and within the limit of amounts appropriated therefor:

President is hereby authorized and empowered, in addition to all other existing provisions of law, and within the limit of amounts appropriated therefor:

"First. To place an order with any person for such ships or war material as he many require and which are of the nature, kind, and quantity usually produced or capable of being produced by such person. Compliance with all such orders shall be obligatory on any person to whom such order is given, and such order shall take precedence over all other orders and contracts theretofore placed with such person. If any person owning, leasing, or operating any factory equipped for the building or production of ships or war material for the Navy shall refuse or fail to give to the United States such preference in the execution of such an order, or shall refuse to build, supply, furnish, or manufacture the kind, quantity, or quality of ships or war material so ordered at such reasonable price as shall be determined by the President, the President may take immediate possession of any factory of such person, or of any part thereof without taking possession of the entire factory, and may use the same at such times and in such manner as he may consider necessary or expedient.

"Second. To modify or cancel any existing contract for the building, production, or purchase of ships or war material; and if any contractor shall refuse or fall to comply with the contract as so modified the President may take immediate possession of the entire factory, and may use the same at such times and in such manner as he may consider necessary or expedient.

"Third. To require the owner or occupier of any factory in which ships or war material are built or produced to place at the disposal of the United States the whole or any part thereof without taking possession of the United States the whole or any part thereof in such quantities and at such times as may be specified in the order at such reasonable price as shall be determined by the President.

"Third. To require the owner or occupier of

not any contract or agreement with the owner or occupier of sacarfactory.

"Fifth, To waive all provisions of law restricting the hours of labor of persons in the employ of the United States or of persons in the employ of contractors therewith when employed on work in connection with such ships or war material; Provided, That wages of Government employees shall be computed on a basic day rate of eight hours' work, with overtime rates to be paid for at not less than time and one-half for all hours worked in excess of eight hours.

"(c) That no person shall, directly or indirectly, induce any person employed in any factory and engaged on work for the United States to leave his employment or to cease such work.

"(d) That any person who violates or fails to comply with any provision of paragraphs (b), (c), or any order given, direction, regula-

tion, or restriction made or imposed thereunder shall be subject to a fine of not more than \$10,000 or to imprisonment for not more than two years, or both.

"(e) That whenever the United States shall cancel or modify any contract, make use of, assume, occupy, requisition, or take over any factory or part thereof, or any ships or war material, in accordance with the provisions of paragraph (b), it shall make just compensation therefor, and in default of agreement upon the damages, compensation, price, or rental due by reason of any action hereunder, the person to whom the same is due shall be entitled to sue the United State to recover his fair and reasonable damages in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code."

Mr. POU. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolu-

The question was taken, and the Speaker announced that the

ayes seemed to have it.

Mr. CALLAWAY. Mr. Speaker, I demand the yeas and

The SPEAKER. The gentleman from Texas [Mr. Callaway] demands the yeas and nays. Those in favor of having this vote taken by the yeas and nays will rise and stand until counted. [After counting.] One gentleman has risen in the affirmative, not a sufficient number.

Mr. CALLAWAY. Mr. Speaker, I make the point of no

quorum.

Mr. MANN. Oh, do not do that.
Mr. KEATING. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman will state it.

The SPEAKER. The gentleman will state it.

Mr. KEATING. In case the Speaker should find that a
quorum was not present, would the vote come automatically?

The SPEAKER. Yes. The gentleman from Texas [Mr.
CALLAWAY] raises the point of no quorum. The Chair will
count. [After counting.] One hundred and twelve gentlemen
are present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of this resolution will, as their names are called, answer "yea," and those opposed will answer "nay."

The question was taken; and there were—yeas 282, nays 19, answered "present" 2, not voting 130, as follows:

YEAS-282.

	1111	102.	
Abercromble	Darrow	Haugen	Martin
Adair	Davis, Minn.	Hawley	Mays
Adamson	Davis, Tex.	Hayden	Miller, Del.
Aiken	Decker	Heflin	Miller, Minn.
Alexander	Dempsey	Helm	Miller, Pa.
Allen	Denison	Helvering	Mondell
Almon	Dent	Henry	Montague
Anderson	Dill	Hensley	Moon
Anthony	Dillon	Hernandez	Morrison
Ashbrook	Dixon	Hilliard	Moss
Aswell	Doolittle	Holland	Mott
Austin	Doremus	Hollingsworth	Murray
Ayres	Doughton	Hood	
Barkley	Dowell	Hopwood	Neely Nichelle G G
Barnhart	Dunn	Houston	Nicholls, S. C.
Beales	Dupré -	Howard	Nichols, Mich.
Beli	Dyer		Nolan
Black	Eagle	Hull, Iowa Hull, Tenn.	Norton
Blackmon		Humphrey Work	Oakey
Booher	Edmonds	Humphrey, Wash.	Oldneld
Borland	Emerson	Humphreys, Miss.	
Browne	Esch	Husted	O'Shaunessy
Brumbaugh	Evans	Igoe	Overmyer
	Farley	Jacoway	Padgett
Buchanan, Tex.	Farr	James	Page, N. C.
Burgess	Fields	Johnson, Ky.	Paige, Mass.
Burke	Fitzgerald	Kahn	Park
Burnett	Flood	Kearns	Parker, N. Y.
Butler	Foss	Keating	Peters
Byrnes, S. C.	Foster	Kelley	Phelan
Byrns, Tenn.	Frear	Kennedy, Iowa	Platt
Candler, Miss.	Freeman	Kennedy, R. I.	Pou
Cannon	Fuller	Key, Ohlo	Pratt
Cantrill	Gandy	Kincheloe	Price
Capstick	Gard	King	Quin
Caraway	Garland	Kitchin	Rainey
Carlin	Garner	Konop	Raker
Carter, Okla.	Garrett	Langley	Randall
Cary	Gillett	Lazaro	Rauch
Casey	Glass	Lee	Rayburn
Chandler, N. Y.	Glynn	Lehlbach	Reilly
Chiperfield	Godwin, N. C.	Lenroot	Ricketts
Clark, Fla.	Good	Lever	Roberts, Nev.
Cline	Gordon	Lewis	Rogers
Collier	Gray, Ala.	Lieb	Rouse
Connelly	Gray, Ind.	Littlepage	Rowe
Conry	Green, Iowa	Lobeck	Rubey
Cooper Ohio	Greene, Mass.	Longworth	Rucker, Ga.
Cooper, W. Va.	Greene, Vt.	McArthur	Russell, Mo.
Cooper, Wis.	Griffin	McCracken	Russell, Ohio
Cox	Hadley	McCulloch	Saunders
Cramton	Hamilton, N. Y.	McDermott	Scott, Mich.
Crisp	Hamlin	McGillicuddy	Sears
Crosser	Hardy	McKellar	Shallenberger
Cullop	Harrison, Miss.	McKenzie	Sherley
Curry	Harrison, Va.	McLemore	Sherwood
Dale, Vt.	Haskell	Magee	Shouse
Dallinger	Hastings		
Daimiger	ALGOLINGS	Mapes	Siegel

THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER.	Sims Sinnott Slayden Slemp Small Smith, Idaho Smith, Mich, Smith, N. Y. Smith, Tex. Snyder Stafford Steagall Stedman Steele, Iowa	Steele, Pa. Steenerson Stephens, Tex. Sterling Stiness Stone Stout Sulloway Sumners Sutherland Sweet Switzer Taggart Tague	Talbott Taylor, Ark. Thomas Thompson Tillman Timberlake Tinkham Van Dyke Venable Vinson Volstead Walker Walker Walsh Watkins	Watson, Va. Webb Wheeler Williams, T. S. Williams, W. E. Wilson, Fla. Wilson, La. Wilson, La. Wingo Wise Woodyard Young, N. Dak, Young, Tex.
J		NAY	8-19.	A STATE OF THE STA
Course and the second	Bailey Buchanan, III. Callaway Coleman Fairchild	Fordney Hamilton, Mich. Helgesen Kinkaid La Follette ANSWERED	Lindbergh McKinley Mann Moore, Pa. Morgan, Okla, PRESENT"—2.	Ramseyer Temple Williams, Ohio Woods, Iowa
ì		Hayes		
ı	on page 2		Smith, Minn.	
ı	The same of the same		TING—130.	THE REAL PROPERTY.
The state of the last of the state of the st	Bacharach Barchfeld Barchfeld Beakes Benedict Bennet Bowers Britt Britten Browning Bruckner Caldwell Campbell Carew Carter, Mass, Charles Church Coady	Estopinal Ferris Fess Flynn Focht Gallagher Gallivan Gardner Goodwin, Ark. Gould Graham Gray, N. J. Gregg Griest Guernsey Hamill Hart	Kreider Lafean Lesher Liebel Linthicum Lloyd Loft London Loud McAndrews McClintic McFadden McLaughlin Madden Maher Matthews	Roberts, Mass. Rodenberg Rowland Rucker, Mo. Sabath Sanford Schall Scott, Pa. Scully Sells Shackleford Sisson Sloan Snelı Sparkman Stephens, Miss.
	Coady Copley Costello Crago Dale, N. Y. Danforth Davenport Dewalt Dickinson Dies Dooling Driscoil Drukker Eagan Edwards Ellsworth	Hart Heaton Hicks Hill Hinds Howell Huddleston Hughes Hulbert Hutchinson Johnson, S. Dak. Johnson, Wash. Jones Keister Kent Kettner	Meeker Mooney Moores, Ind. Morgan, La. Morin Mudd Nelson North Oglesby Olney Parker, N. J. Patten Porter Powers Ragsdale Reavis	Stephens, Nebr. Swift Tavenner Taylor, Colo. Tilson Towner Treadway Vare Ward Wason Watson, Pa. Whaley Wilson, Ill. Winslow Wood, Ind.
ı	Elston	Kiess Pa	Riordan	the said of the said of the

Johnson, Jones Keister Kent Kettner Kiess, Pa. So the resolution was agreed to.

The Clerk announced the following pairs:

Adoption of special rule making in order on naval appropria-

Riordan

tion bill certain amendments:

Ellsworth Elston

Mr. HART with Mr. BACHARACH.

Mr. Huddleston with Mr. Sells.

Mr. Hughes with Mr. Sloan.

Mr. Sparkman with Mr. Guernsey. Mr. Sisson with Mr. Griest.

Mr. HULBERT with Mr. SNELL.

Mr. Jones with Mr. Treadway. Mr. Kettner with Mr. Browning.

Mr. Lesher with Mr. Campbell.

Mr. LINTHICUM with Mr. VARE.

Mr. Patten with Mr. Wilson of Illinois.

Mr. McAndrews with Mr. Costello.

Mr. LLOYD with Mr. WARD. Mr. LOFT with Mr. COPLEY.

Mr. Oglesby with Mr. Watson of Pennsylvania.

Mr. McClintic with Mr. Crago.

Mr. MAHER with Mr. WASON.

Mr. RAGSDALE with Mr. FESS.

Mr. Sabath with Mr. Graham. Mr. Morgan of Louisiana with Mr. Drukker.

Mr. Riordan with Mr. Scott of Pennsylvania.

Until further notice:

Mr. Rucker of Missouri with Mr. Gould. Mr. Scully with Mr. Gray of New Jersey.

Mr. Stephens of Mississippi with Mr. Swift. Mr. Tavenner with Mr. Tilson. Mr. Taylor of Colorado with Mr. Focht.

Mr. Stephens of Nebraska with Mr. Towner.

Mr. BEAKES with Mr. HEATON.

Mr. HAMILL with Mr. SCHALL,

Mr. Gregg with Mr. Mudd.

Mr. WHALEY with Mr. HICKS.

Mr. Caldwell with Mr. Hill. Mr. Dickinson with Mr. Kiess of Pennsylvania. Mr. Estopinal with Mr. Madden.

Mr. GALLAGHER with Mr. SANFORD.

Mr. CAREW with Mr. WINSLOW.

Mr. Church with Mr. Wood of Indiana. Mr. Davenport with Mr. Roberts of Nevada.

Mr. Eagan with Mr. McFadden. Mr. Flynn with Mr. Meeker.

Mr. Coady with Mr. Hutchinson.

Mr. Dale of New York with Mr. Johnson of South Dakota.

Mr. DEWALT with Mr. RODENBERG. Mr. FERRIS WITH Mr. ROWLAND.

Mr. Gallivan with Mr. Moores of Indiana. Mr. Dies with Mr. Kreider.

Mr. Goodwin of Arkansas with Mr. Morin. Mr. Edwards with Mr. McLaughlin.

Mr. DRISCOLL with Mr. LOUD. Mr. DOOLING with Mr. LAFEAN.

Mr. SHACKLEFORD with Mr. BENNET. Mr. BRUCKNER with Mr. HAYES.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. Pou, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

EXTENSION OF REMARKS.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the correspondence between the President and the Federal Trade Commission on the proposed food investigation.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there

objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, are the letters to the Federal Trade Commission identical with the letters to the Secretary of Agriculture?

Mr. BORLAND. I understand so. I did not examine the letters from the Secretary of Agriculture, but I understand they are identical.

Mr. MANN. I shall not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. CARY. Mr. Speaker, I ask unanimous consent to print in the Record resolutions passed by the Milwaukee Common

Council in regard to boat lines.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

Mr. EMERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. PADGETT. Mr. Speaker, the motion was not made awhile ago to reconsider and lay on the table, was it?

The SPEAKER. Yes; it was. Mr. PADGETT. Very well.

WITHDRAWAL OF PAPERS.

Mr. Dyer, by unanimous consent, was granted leave to withdraw from the files of the House the papers in the case of H. R. 13294, a private claim bill of Henry Hochner, first session, Sixty-fourth Congress, an adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. Shackleford, indefinitely, on account of illness. To Mr. Hulbert, indefinitely, on account of illness.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes.

Mr. CROSSER rose.

The SPEAKER. For what purpose does the gentleman rise?
Mr. CROSSER. To make a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. CROSSER. This being District of Columbia day, will a motion be in order to go into the Committee of the Whole for the consideration of District business? Is such a motion as that in order now?

The gentleman from Tennessee [Mr. Pap-The SPEAKER. GETT] moves that the House resolve itself into Committee of

the Whole House on the state of the Union for the further consideration of the naval appropriation bill. That is a preferential motion.

Mr. CROSSER. If that motion fails, the motion I suggested

would be in order?

The SPEAKER. Of course it would. The question is on agreeing to the motion of the gentleman from Tennessee [Mr. PADGETT] that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The question was taken, and the Speaker announced that the

ayes appeared to have it.

Mr. CROSSER. A division, Mr. Speaker. The SPEAKER. The gentleman from Ohio asks for a division.

The House divided; and there were ayes 87, noes 5.

So the motion was agreed to.

The SPEAKER. The gentleman from North Carolina [Mr.

Pagel will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes, with Mr. Page of North Carolina in the chair.
The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read the title of the bill, as follows:

A bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Washington [Mr. Hum-PHREY

Mr. PADGETT. Mr. Chairman, I ask that the amendment

be again reported.

The CHAIRMAN. Without objection, the amendment will again be read.

The Clerk read as follows:

Amendment offered by Mr. Humphrey of Washington: Page 58, line 16, strike out the word "eighteen" and insert "fifty."

The CHAIRMAN. The question is on agreeing to the amend-

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to proceed for one minute. Is there objec-

Mr. PADGETT. Mr. Chairman, I must object to debate. The CHAIRMAN. Objection is heard. Mr. HUMPHREY of Washington. Then, Mr. Chairman, I

make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Washington makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and forty-two gentlemen are present—a quorum. The question is on agreeing to the amendment offered by the gentleman from Washington.

The question was taken, and the Chairman announced that

the noes seemed to have it.

Mr. HUMPHREY of Washington. A division, Mr. Chairman. The CHAIRMAN. The gentleman from Washington demands

The committee divided; and there were-ayes 58, noes 87.

So the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. Garp-Without objection, the Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. Gardner: Page 58, line 12, beginning with the word "Three," strike out all down to and including the word "each," in line 18, and insert the following: "Four battleships, \$15,500,000 each; 2 battle cruisers, \$19,000,000 each; 4 sout cruisers, \$6,000,000 each; 20 destroyers, \$1,300,000 each; 1 destroyer tender, \$2,300,000; 1 submarine tender, \$1,900,000; 18 coast submarines, to have a surface displacement of about 800 tons each, \$1,300,000 each; 9 fleet submarines, \$1,850,000 each."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the amendment was rejected. The CHAIRMAN. The next amendment is that offered by the gentleman from Alabama [Mr. Burnert]. Without objection, the Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. BURNETT: Page 58, lines 12 and 13, after the word "amounts," in line 12, strike out "three battleships, \$10,500,000 each." and insert in lieu thereof the following: "One battleship, \$15,500,000, and 30 coast submarines, \$1,800,000 each."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. BURNETT. A division!
The CHAIRMAN. 'The gentleman from Alabama demands a division.

The committee divided; and there were—ayes 31, noes 79.

Accordingly the amendment was rejected.

The CHAIRMAN. The next amendment is that of the gentleman from Alabama [Mr. OLIVER], which the Clerk will report.

The Clerk read as follows:

Amend, on page 58, by inserting, at the end of line 25, the following proviso: "Provided, No money herein appropriated shall be expended in the construction of any vessel unless the period of time for the final completion of said vessel shall be fixed at not exceeding 38 months."

The CHAIRMAN. The question is on the amendment. The question being taken, on a division (demanded by Mr. Padett) there were—ayes 38, noes 78.

Mr. OLIVER. I demand tellers on that.

Tellers were refused, 18 Members, not a sufficient number, seconding the demand.

Accordingly the amendment was rejected.

The CHAIRMAN. The Clerk will report the other amendment of the gentleman from Alabama [Mr. OLIVER].

The Clerk read as follows:

Amend, on page 58, line 13, by inserting, after the word "each," the following proviso: "Provided, No money herein appropriated shall be expended in the construction of battleships until contracts shall be first made for the construction of the battle cruisers herein appropriated for."

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

The Clerk, resuming the reading of the bill, read as follows: Increase of the Navy, torpedo boats: On account of submarine torpedo boats heretofore authorized, \$16,816,110, and on account of the 18 additional coast submarine torpedo boats herein appropriated for, \$6,115,170; in all, submarine torpedo boats, \$22,931,280, to be available

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last word. I should like to ask the gentleman in charge of the bill a question. I notice the committee have recommended, in a paragraph which we have already passed, the building of a single battle cruiser. Four were authorized a year ago.

Mr. PADGETT. There were six authorized and four were

appropriated for.

Mr. MILLER of Minnesota. The gentleman is correct.

Mr. PADGETT. Leaving two to be constructed hereafter, of which we now appropriate for one.

Mr. MILLER of Minnesota. Six were authorized and four were ordered built. This appropriates for one, and if all of them are built we will have five. Has it not been one of the contentions of the Navy, and of the gentleman himself, that you could not build these excepting in groups of two? And if there is a reason why we can now build one by itself and not build

two, I should like to know it.

Mr. PADGETT. We authorized six last year and appropriated for four, leaving two for the remaining two years of the program. There were also six battleships; so that in this bill we are providing for one-half of the battleships and one battle cruiser, which is one-half of the remaining battle cruisers, leaving three battleships and one battle cruiser for the bill of

next year to complete the three-year program.

Mr. MILLER of Minnesota. Is it not a fact that, if we build one battle cruiser this year and another next year, in time we will have two battle cruisers, and therefore will have a moving unit, and if we kept on building one each year we would have four, which would be a group that they could maneuver?

Mr. PADGETT. This is on the basis of a group of three,

not four.

Mr. MILLER of Minnesota. I thank the gentleman. I bring this up simply for the reason that two years ago, when this bill was before the House, I took occasion to make some remarks advocating the construction by our Government of battle cruisers, but I did not get very far. I intimated then somewhat the reason why I had the temerity to suggest the building of battle cruisers—that I had talked with a great many men who are charged with the duty of actually operating fighting ships, and I certainly found quite a number who believed that battle cruisers were essential to anything like an adequate modern Navy for the United States. I was met constantly by the statement that one battle cruiser would not be of any value, that two would not be of any very great value, that we needed four in order to have a naval unit which they could maneuver and operate. I thought then that if we built one that year and one the next year we would have two, and if we kept it up for four years we would have four; but that

Every single officer who appeared before us said that the supreme demand of our Navy is for battleships. Gentlemen speak of the speed. A cruiser is a fast vessel, sacrificing its fighting power for speed, but

did not seem to prevail on the minds of the gentlemen who were then hugging the delusion that we should build battle-ships alone in order to secure the safety of the United States. Now I find that the committee are recommending the construction of a single battle cruiser, and I have no doubt the Navy Department have recommended it.

Mr. PADGETT. Last year we authorized six and appropriated for four, and one this year will make five, and one

next year will make six.

Mr. MILLER of Minnesota. I am not speaking about authorization; I am speaking about construction. We might authorize a million, but if we did not build any of them we would not have anv.

Mr. GORDON. But we appropriated for four last year and one this year.

Mr. MILLER of Minnesota. Then we will have a moving unit of four, with one over.
Mr. GORDON. Why, yes.
Mr. PADGETT. The unit

Mr. PADGETT. The unit is three, not four. Mr. MILLER of Minnesota. Then they have changed their position, because when I talked to them some years ago four constituted the unit.

Mr. PADGETT. The unit for battleships is four and for

battle cruisers three.

Mr. MILLER of Minnesota. Then, it is purely theoretical, and next year they may operate battleships in units of three

and battle cruisers in units of four or five.

Mr. GORDON. Then, the information which the gentleman has elicited is this, that when we get this battle cruiser that we are now appropriating for constructed, and four others, we will have five.

Mr. MILLER of Minnesota. By that time I hope we may

have authorized others, so that we will have 8 or 10.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of Minnesota. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. I know it is about the meanest thing any man on earth can do to hash up something that may not be pleasant for some one else to listen to or to think about. There were quite a number of individuals in this House who for a number of years thought we ought to build some battle cruisers. On February 5, 1915, almost exactly two years ago, when the naval bill was before the House, I had the temerity to

The lesson taught by history is that speed is one of the vitally essential things in a fighting ship. This bill provides for two battleships, and the gentleman from Alabama [Mr. Hobson] moves to increase the two to four. The gentleman from Alabama [Mr. UNDERWOOD] moves to reduce them to one. It is all on the question of battleships.

I hope the membership of the House will bear in mind that this is only two years ago, when the very distinguished leader of the Democratic side of the House, instead of urging an increased building program, was trying to cut the number of bat-tleships from two to one, and that in continuation of the fact that the first year that our friends the Democrats controlled the House they did reduce the number of battleships we were building a year from two to one. I quote further:

There is no provision in the bill, none suggested, for ships of the battle-cruiser type. I strongly believe our Navy needs a unit of battle cruisers more than it needs an addition of any other fighting craft.

There is something more that might be quoted.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?
Mr. MILLER of Minnesota. Yes.

Mr. HAMILTON of Michigan. Just what is the technical meaning of the term "unit," as the gentleman is using it now-

I mean in naval construction?

Mr. MILLER of Minnesota. As I understand, the unit as used in this connection means a unit for mobilization purposes, and in order to have ships sufficient for a fighting unit it requires four. Four ships are required as a fighting unit in the battleship class, and, as the gentleman from Tennessee [Mr. Padgett] has just said, three in the battle-cruiser class. Next year they may change that to make it another number. That is a technicality. The gentleman from Tennessee [Mr. Padgett], the chairman of this committee, when later on we were trying to add battle cruisers to the building program at that time had this to say-and I do not offer this as a matter of criticism, because I think he correctly stated the facts, but merely as a matter of history:

a battle cruiser of 30,000 tons displacement would cost \$20,000,000, as against \$15,000,000 for a battleship. It would cost 25 per cent more a year to operate it than it would a battleship. So that we come down to the vital question in this matter, Shall we stand by and take the recommendation and the opinions of the men who know, and the men upon whom we must rely in time of battle?

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection? There was no objection.

Mr. MILLER of Minnesota. I simply bring this to the attention of the House to show that only two years ago, at least, those who appeared before the Naval Committee, who are our naval officers, did not emphasize the need of battle cruisers.

Mr. GORDON. But they changed the next year.

Mr. MILLER of Minnesota. Then it was not appreciated how

important they would be to our Navy, that within two years' time we now know that the greatest need our Navy has, not excluding submarines, is for a quota of fast-moving, swift-moving battle cruisers, with the speed of meteors, as it were, mounting the biggest guns that a ship can carry.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the

last two words. I want to ask the gentleman from Minnesota a question in my time, if his time has expired, and that is if he does not know that the naval bill last year when it came into the House from the House committee provided for four battle cruisers and no battleships at all?

Mr. BUTLER. Five.
Mr. CALLAWAY. Five battle cruisers and no battleships at all, and that the chairman of the committee defended the change on the floor of the House for the same reason that has been suggested by the gentleman from Minnesota, and that when the bill went over to the Senate they changed it. Did the gentleman know that?

Mr. MILLER of Minnesota. I had forgotten it for the moment, but I recall now that that is the situation that existed then, and I thought of making the same speech then that I

have just now, but I did not.

Mr. CALLAWAY. I want to further state for the information of the gentleman that the price of battleships and battle cruisers has been reversed since that time, and battle cruisers now cost \$26,000,000 while battleships cost \$28,000,000 each.

Mr. PADGETT rose.

Mr. CALLAWAY. I yield to the gentleman from Tennessee.
Mr. PADGETT. I simply wanted to make this statement:
That the policy of the general board was that until we got up to a certain strength in battleships, other construction should give up, and after we got up to a given strength in our battleships, then they recommended battle cruisers, and the chairman last year did emphasize the value and the importance of battle cruisers at that time under the conditions that were existing, and we had the approval of the general board.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentle-

man from Texas yield?

Mr. CALLAWAY. Yes.
Mr. COOPER of Wisconsin. The gentleman just made a statement that surprises me. The bill speaks of three battleships at \$15,500,000 each and one battle cruiser at \$19,000,000. The gentleman has just stated to the gentleman from Minnesota that a battle cruiser is to cost \$26,000,000 and a battleship \$28,000,000.

Mr. CALLAWAY. Just the shell of the ship is provided for in the bill, without armor and general equipment. I am talking about the battle cruiser and the battleships complete, ready to

Mr. COOPER of Wisconsin. So that these are the figures, so

far as the hulls are concerned?

Mr. CALLAWAY. Yes; the hull, without the armor.

Mr. BURNETT. That is, this is just a starter.

Mr. CALLAWAY. Yes.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman from Texas yield? Mr. CALLAWAY. Yes.

Mr. MILLER of Minnesota. As I understand, from about 1904 to 1907 there were four or six-I do not remember which-scout cruisers authorized by our Government, of which the Memphis was one; the Tennessee, I think, was another; the Charleston another; and so on. Have those ever been found to be of any value to the Navy?

Mr. CALLAWAY. They have not found any vessel of any

value as vet.

Mr. MILLER of Minnesota. Well, have they been of any value as scout cruisers?

Mr. PADGETT. They were of value in their day and in comparison with other ships of their time.

Mr. MILLER of Minnesota. What was their speed?

Mr. PADGETT. They were ships of about 23 knots, as I remember.

Mr. MILLER of Minnesota. I did not think they were as much as that. I did not know they would make more than 20 or 21.

Mr. PADGETT. Oh, yes; scout cruisers are ships of about 23 knots, as I remember. Since then the development and progress in ship building is such that the battle cruisers provided for in the bill of last year and appropriated for in this bill are to have a speed of 35 knots.

Mr. MILLER of Minnesota. Of course that will answer all possible requirements. One further inquiry. You are providing in this bill, the same as you did a year ago, for some scout cruisers. They are different from the battle cruiser. What is

to be their speed?

Mr. PADGETT. They are similar ships in speed-something like 30 knots

Mr. MILLER of Minnesota. Well, scout cruisers, however, to

be of any value must have a speed greater than a battleship?

Mr. PADGETT. Oh, yes; battleships are down to 21 to 23 knots.

The Clerk read as follows:

Total increase of the Navy heretofore authorized and herein appropriated for, \$174,762,323.

Mr. PADGETT. Mr. Chairman, I wish to offer an amend-ment. It was recited in the rule that it should come after line 19, page 59, but the Clerk has read line 20, and I will ask to offer this amendment to come after line 21.

The CHAIRMAN. The gentleman will send his amendment to the Clerk's desk. The gentleman from Tennessee offers an amendment, which the Clerk will report.

Mr. PADGETT. The Clerk will read where I have marked it

with a pencil.

The Clerk read as follows:

Mr. PADGETT. The Clerk will read where I have marked it with a pencil.

The Clerk read as follows:

Amendment offered by Mr. PADGETT: After line 21, page 59, insert as a new paragraph:

"(a) That the word 'person' as used in paragraphs (b), (c), (d), next hereafter shall include any individual, trustee, firm, association, company, or corporation. The word 'ship' shall include any boat, vessel, submarine, or any form of aircraft, and the parts thereof. The words 'war material' shall include arms, armament, ammunition, stores, supplies, and equipment for ships and airplanes, and everything required for or in connection with the production thereof. The word 'factory' shall include any factory, workshop, engine works, building used for manufacture, assembling, construction, or any process, and any shipyard or dockyard. The words 'United States' shall include the Canal and the control of the United States, 'the control of the purisdiction of the United States, 'the production of the United States, 'the production of the United States, 'the production of the President by proclamation, the President is hereby authorized and empowered, in addition to all other existing provisions of law, and within the limit of amounts appropriated therefor:

"First. To place an order with any person for such ships or war material as he may require and which are of the nature, kind, and quantity usually produced or capable of being produced by such person. Compliance with all such orders shall be obligatory on any person to whom such order is given, and such order shall take precedence over all other orders and contracts theretofore placed with such person. If any person owning, leasing, or operating any factory equipped for the building or production of ships or war material for the Navy shall refuse or fall to give to the United States such preference in the execution of such an order, or shall refuse to build, supply, furnish, or manufacture the president may take immediate possession of any factory of such contractor, or any part t

"(d) That any person who violates or fails to comply with any provision of paragraphs (b), (c), or any order given, direction, regulation, or restriction made or imposed thereunder shall be subject to a fine of not more than \$10,000, or to imprisonment for not more than two years, or both.

"(e) That whenever the United States shall cancel or modify any contract, make use of, assume, occupy, regulsition, or take over any factory or part thereof, or any ships or war material, in accordance with the provisions of paragraph (b), it shall make just compensation therefor, and in default of agreement upon the damages, compensation, price, or rental due by reason of any action hereunder, the person to whom the same is due shall be entitled to sue the United States to recover his fair and reasonable damages in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code."

During the reading of the amendment,
Mr. KEATING. Mr. Chairman—
The CHAIRMAN. For what purpose does the gentleman

Mr. KEATING. For a parliamentary inquiry.
The CHAIRMAN. The gentleman will state it.
Mr. KEATING. Would it be in order at the end of the

amendment to offer amendments to any part of the amendment? I understand we are not reading it by paragraphs.

The CHAIRMAN. The Chair thinks so; the amendment is being considered as a whole.

The Clerk resumed and concluded the reading of the amend-

Mr. BUTLER. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. Is this an amendment to the amendment

or a substitute to the amendment?

Mr. BUTLER. It is an amendment to the amendment. Chairman, it is to the last paragraph of the Padgett amendment, and inasmuch as we are reading the Padgett amendment as a whole I presume it will be in order to offer it now.

The CHAIRMAN. It is an addition?

Mr. BUTLER. It is an amendment to Mr. PADGETT's amend-

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amend Mr. PADGETT's amendment by adding to the last paragraph the following: "(e) In the proper district court of the United States, irrespective of the amount claimed and on application from and by petition or by such claimant or claimants or the United States"—

Mr. BUTLER. Mr. Chairman, might we wake up, all of us. I would ask the Clerk to read the paper I sent up there. It reads this way:

Amend, page 6, paragraph (e), line 7, by striking out all after the word "damages," on line 7 and subsequent lines, and insert in lieu thereof the following.

Now, if the Clerk will read. The Clerk read as follows:

The Clerk read as follows:

Amend, page 6, paragraph (e), line 7, by striking out all after the word "damages," on line 7 and subsequent lines, and insert in lieu thereof the following: "in the proper district court of the United States, irrespective of the amount claimed, and, on application thereto by petition, either by such claimant or claimants, or the United States as the case may be, or any one in behalf of either, the said court shall appoint five discreet and disinterested commissioners, and appoint a time for said commissioners to meet, of which time and place at least 10 days' notice shall be given by the petitioners to the said commissioners and the other party; and the said commissioners or a majority of them, having been first duly sworn or affirmed, faithfully, justly, and impartially to decide and a true report make concerning all matters and things to be submitted to them in relation to which they are authorized to inquire, in pursuance of the provisions of this act, and after having heard the parties, their proofs, and allegations, they shall estimate and determine the damages, if any, sustained by the claimant or claimants, and make report thereof to the said court; and if any damages be awarded, and the report be confirmed by the said court, judgment shall be entered thereon; the costs to follow the judgment, and the court shall determine the reasonable compensation of such commissioners for their services.

"The commissioners hereinbefore provided for may be appointed either."

determine the reasonable compensation of such commissioners for their services.

"The commissioners hereinbefore provided for may be appointed either after the exercise of the powers herein conferred or actual notice of intention so to do, and upon the report of said commissioners being filed in said court, either party, within 30 days thereafter, may file its, his, her, or their appeal from said report to the said court; and after such appeal either party may put the cause at issue in the form directed by said court, and the same shall then be tried by said court and a jury; and after final judgment in said court either party may appeal therefrom to the Circuit Court of Appeals or the Supreme Court, in the manner prescribed in other cases.

"The said district court shall have power to issue subpœnas for the appearance of witnesses before such commissioners, order what notices shall be given connected with any part of the proceedings, and make all such orders connected with the practice, pleadings, forms, and proceedings either before such commissioners or in said court, as may be deemed requisite.

"Whenever any department of the Government of the United States shall have exercised any of the powers herein conferred, such department, either before or after the proceedings above mentioned, is hereby authorized from time to time to pay to the injured party or parties, either its discretion, out of any moneys appropriated for that purpose, either the whole or any part or parts of the reasonable damages admitted by such department to have been sustained, or which are likely to be sustained, by reason of the exercise of such power, without prejudice to the rights of either party by reason of such payment or payments and upon final judgment being entered in any such proceeding, the proper department is hereby authorized and directed to draw its warrant on the Treasury for the amount of said judgment and costs, and said

amount for the payment thereof is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

Mr. PADGETT. Mr. Chairman, I reserve a point of order against the amendment.

Mr. MANN. What is the point of order?

Mr. PADGETT. I want the Chair to rule on it. As to whether it is subject to the point of order or not I am not prepared to say. Mr. MANN. I would like to have the Chair determine whether the amendment offered by the gentleman from Tennessee is subject to amendment at all; it is a germane amendment if it is subject to amendment.

Mr. PADGETT. It is subject to amendment in a proper way, but whether or not this substitute—

The CHAIRMAN. The Chair will ask the gentleman from Tennessee what his point of order is.

Mr. PADGETT. This amendment is so broad and substitutes

an entirely different method of obtaining damages and making an appropriation of an indefinite amount in the future to meet awards

Mr. MANN. Well, the amendment offered by the gentleman from Pennsylvania provides the district court may appoint practically arbitrators or a commission. It also authorizes a suit to be brought in the district courts. The original proposition authorizes the President to fix practically the value of every-thing. It authorizes a suit to be brought. Now, it is certainly germane to a provision authorizing a suit to be brought to provide that there may be also opportunity to appoint a board of arbitrators without having a suit brought.

Mr. GORDON. Will the gentleman yield at that point?

Mr. MANN. Yes.
Mr. GORDON. Does it not first authorize a suit to be brought

and then provide the means of prohibiting a jury trial?

Mr. MANN. Oh, no. The original amendment of the gentleman from Tennessee [Mr. Padgerr] authorizes suit to be brought, and the amendment of the gentleman from Pennsylvania [Mr. Butler] authorizes the matter to be submitted to arbitration first. It still retains the right to bring suit.

Mr. PADGETT. There is nothing in the amendment which offered providing for arbitration.

Mr. MANN. The purpose of having the arbitration is to agree upon the damages quickly. Under the provision in the bill, while the President is given certain power to fix compensation, there is no way, unless they can come to an agreement between themselves, to fix the compensation without a suit being brought. And the modern system of settling these affairs is to brought. And the modern system of settling these affairs is to give preference to arbitration where the parties are willing to do it. Of course the lawyers do not all like it, but I do. I am not one of the lawyers that prefer litigation to settlement.

Mr. GORDON. How about the constitutional provision where

a man is entitled to a suit before you can take his property?

Mr. MANN. I have said to the gentleman four times, and I hope he will listen to it this time, that the amendment of the gentleman from Pennsylvania reserves the right to bring suit. Mr. GORDON. Then it provides for two lawsuits instead of

Mr. MANN. It provides for arbitration. The gentleman from Ohio [Mr. Gordon] probably does not want to have anything settled soon, but I think it is desirable, if we are going to take possession of factories or business, to endeavor to have a settlement early. Of course the gentleman from Pennsylvania [Mr. BUTLER] will make his argument in reference to that. I am only

Now, we have the right under this provision also to provide that where the Government of the United States shall take possession of property and seize it we shall appropriate the money

to pay for it

Mr. SHERLEY. Mr. Chairman, I do not think the amendment offered by the gentleman from Pennsylvania [Mr. Butler] is germane. The amendment offered by the gentleman from Tennessee [Mr. Padgett] gives to the President, upon the issuing of a proclamation, the right to take over plants or portions of plants of private manufacturers and to modify contracts in connection with the construction of ships or material for the Navy. And then it provides certain penalties for any person who shall refuse to work or shall violate any of the provisions. And then it provides certain penalties for any person Then it provides

That whenever the United States shall cancel or modify any contract, make use of, assume, occupy, requisition, or take over any factory or part thereof, or any ships or war material, in accordance with the provisions of paragraph (b), it shall make just compensation therefor, and in default of agreement upon the damages, compensation, price, or rental due by reason of any action hereunder the person to whom the same is due shall be entitled to sue the United States to recover its fair and reasonable damages in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code.

These sections of the Judicial Code relate to suits by claimants against the United States. Now, the gentleman's proposal provides for a board of arbitration, with a complicated system of appeal, and then that there shall be paid to such successful claimant whatever damages may be awarded against the United States. There is nothing in the amendment of the gentleman from Tennessee [Mr. PADGETT] that warrants the payment without appropriation by Congress of any damages that may be awarded. And I submit that that, if nothing else in the amendment, makes it not germane and subject to a point of order

Mr. MANN. Will the gentleman yield for a question?

Mr. SHERLEY. Certainly.

Mr. MANN. Does the gentleman think that where Congress directs the President to seize certain property it is not a germane amendment to that to provide for paying for the property

as the Constitution directs?

Mr. SHERLEY. I think it is not a question of what should It is the question of germaneness. I do not think iment of the gentleman is germane. That part of it the amendment of the gentleman is germane. which provides new machinery for the adjudication of claims and provides for the payment of those claims is not germane to that part of the amendment of the gentleman from Tennessee, which simply gives the right to sue in the Court of Claims to these claimants.

Mr. MANN. Suppose the gentleman from Tennessee had carried no provision at all in his amendment for making compensation, would it not be germane to offer an amendment providing for a method of ascertaining compensation?

Mr. SHERLEY. I am not prepared to admit that it would, though I do not think that that would necessarily determine

the matter here presented.

Mr. MANN. It seems to me perfectly clear where we provide for the seizing of the property that it is germane to provide a method of paying for it, and if it is suggested it be done in one way it is still germane to offer an amendment to provide that it shall be done in another way. Suppose the bill had provided that it should be settled by the Court of Claims; certainly no gentleman would say it would not be germane to authorize a suit to be brought in the United States courts instead of in the Court of Claims. Now, the section which was referred to, I assume, although I have not looked it up, is the one which authorizes suits to the brought in the Court of Claims or in the district courts of the United States.

Mr. SHERLEY. Section 145 of the Judicial Code—it might be well to read it for the information of all of us. It provides:

SEC. 145. The Court of Claims shall have jurisdiction to hear and determine the following matters:

"First. All claims (except for pensions) founded upon the Constitution of the United States or any law of Congress, upon any regulation of an executive department, upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable."

Then comes a proviso in regard to war claims and a paragraph in regard to set-off, counter claims, and so forth. Now, the amendment of the gentleman from Tennessee extends the juris-

diction of the Court of Claims to these claims.

Mr. MANN. There being another provision of the Judicial Code providing that where suit can be tried in the Court of Claims suit may be brought in the district courts of the United States, could they under this provision do that? Or must every man, wherever his factory is located, come to Washington and bring his suit under the amendment of the gentleman from

Mr. SHERLEY. I am not familiar enough now with these sections of the Judicial Code to say when a party has the right to bring suits against the United States other than in the

Court of Claims.

Mr. MANN. Would the gentleman question, then, the right of the House, as an amendment to the amendment of the gen-tleman from Tennessee, to provide distinctly, so that people would know whether they could bring a suit in the district courts or not?

Mr. SHERLEY. I did not make that the basis of my point of order. I did not make the basis of my point the providing of a different tribunal, but the fact that the amendment offered by the gentleman from Pennsylvania provides for the payment of the award without any further appropriation; and I insist that that is such a change as to make the whole paragraph not germane to that which has been presented.

Mr. MANN. What I understood the gentleman first to say was that the point of order was made because you provide a

different and complicated tribunal.

Mr. SHERLEY. I simply said it did do that, without making that the basis of my point.

Mr. MANN. The only point the gentleman from Kentucky makes is that it provides for the payment of the amount now due. Yet we are constantly doing that, and if we have the right to seize property, as we have, for certain purposes, under the provision of the Constitution we must pay for it, and then certainly we have the right when we order the seizure to order the payment.

That is a germane proposition. That is part and parcel of the proposition. If the amendment of the gentleman from Tennessee had been offered without these provisions in it providing for compensation, it would not have been worth paper it is written on, because it would be in violation of the Constitution. It would be directing a seizure of property without making compensation. Now, I contend that under the constitutional provision which says we must make compensation we have the right, when we order property seized, to provide the compensation and provide for its payment.

Mr. SHERLEY. If the gentleman will permit, there is quite a distinction between the right and the duty that the Congress has to provide for compensation and the germaneness of one amendment so providing to another amendment that does not so provide. Now, whether or not we should do it is a question that will appeal differently to various men, but the question for the Chair is whether there is in the amendment offered by the gentleman from Tennessee anything that makes germane the provision in the amendment offered by the gentleman from Pennsylvania for the payment of damages directly out of the Treasury

Mr. PADGETT. Mr. Chairman, I would call attention, if the gentleman will permit it, to the fact that the amendment offered by me limited it to the method provided here, which is the court. Now, the gentleman is offering an amendment which goes away from the court and provides for arbitration. Arbitration is not germane to a provision for a suit in court. It is an additional and entirely different method of settling disputes. It is a method that the country has never admitted. I might call attention to the merits of it as set out in the letter of the Attorney General. It is subjecting the United States to a trial before a jury, something that the Government has never done. The Government has never consented that it should be sued before a jury. Mr. STAFFORD.

Mr. Chairman, will the gentleman yield in that particular? Does not the gentleman in his own pro-

Mr. MANN. The gentleman from Ohio [Mr. Gordon] was very much afraid the gentleman from Tennessee was trying to give a trial by jury, and now, when it appears that the gentleman from Pennsylvania is trying to give a trial by jury, we see my friend from Ohio changing his view.

Mr. GORDON. I am not changing anything.
Mr. BUTLER. It is provided in this amendment offered
by the gentleman from Tennessee [Mr. Padgett] that the Government shall make just compensation in the event that it seizes the property of an individual or corporation, and by this amendment which I have offered I have done no more than to extend the authority to the court, or the jurisdiction to the court, to ascertain the damages in another manner

Mr. SHERLEY. If the gentleman will yield right there—Mr. BUTLER. Of course, I will yield right there. I do not know whether I will be able to answer the gentleman, because I am not enough of a lawyer, you understand—I am not a lawyer; I am simply a member of the bar [laughter]—but this amendment was drawn, I will say to the gentleman, by the best authority in the State of Pennsylvania. He is a Member of this House and in our State he stands high as a lawyer, one of the very best therein. I will ask the Chair to hear my colleague, Mr. STEELE.

Mr. SHERLEY. The question does not relate to the wisdom of the proposal or its practicability. You do not simply provide a new forum, you do not simply provide a new method of determining damages, but you go forward and appropriate money to pay the verdicts that may be rendered. I am not saying why, what the reason is, but in that particular you differ so widely from the proposal of the gentleman from Tennessee that you make your amendment not germane.

Mr. BUTLER. Mr. Chairman, let us see if I can answer the gentleman from Tennessee before my colleague, Mr. Steele, makes his argument in favor of this amendment. Of course, it is expected that the Government will pay the damages, and if we pass a law and do not provide for payment, I doubt very much whether the law would be a good law. Furthermore, it is provided in the amendment offered by the gentleman from Tennessee that compensation shall be made by the Government, and this is one of the methods of making the compensation through the district court. That is the only answer I can give. If I do understand the gentleman from Kentucky, I tried to answer him; I am unable to further answer his question. I have given the best answer I could.

Now, Mr. Chairman, I have no time to yield, but will the Chair now hear the gentleman who drew this amendment?

The CHAIRMAN. The Chair would like to hear the gentleman on the point of order, the specific point made by the gentle-

man on the germaneness.

Mr. BUTLER. Mr. Chairman, it is said that this amendment is not germane because it provides, as I understand, for the payment of money without specifically providing in the amendment that the money must be paid out of money appro-

priated by Congress

It is provided in this amendment which I have offered that whatever is assessed by these arbitrators shall be paid out of money appropriated by Congress for the very purpose. Now, I repeat what I said to the Chair when I made the first statement, which was this: That the amendment of the gentleman from Tennessee provides two forums, either one of which may be used by claimants to recover damages. If the Chair will look at the bottom of paragraph (e), the first is through the district court authorizing the claimant to bring suit in the district court. The second is the Court of Claims. Now, if this amendment of mine should be adopted, either court will have jurisdiction-either the Court of Claims or the district court. Now, the amendment does no more. It certainly refers to the same subject—the collection of compensation from the Government for property taken or destroyed by the Government for such purposes as are stated in this amendment. Then it follows that we have the authority to enlarge the jurisdiction or the power given to the district court to enable it to appoint arbitrators, to assess damages immediately. This is modeled after the form of law that is found in each State in the Union, far as I know-it certainly is in our State-to enable a claimant to collect his damages expeditiously on account of property taken from him adversely or where the right of eminent domain is exercised by the corporation taking the property.

I have nothing further to say. I am not able to say anything more than this, for I do not know any better way to say it.

The amendment is certainly germane.

Mr. MANN. Mr. Chairman, I understand practically the only point of order now being urged is against that part which provides for the payment of the judgment on recovery. If the Chair will notice the amendment, he will find a provision that the President shall have the authority to place an order for material, which order is obligatory, which should take prece-dence, and if they fail he may seize and take immediate possession of any factory or any part thereof-

At such reasonable price as shall be determined by the President.

That same provision is carried in various other places.

At the bottom of page 4: Third, the President may require the owner or occupier of a factory

to deliver such output or parts thereof in such quantities and at such times as may be specified in the order at such reasonable price as shall be determined by the President.

And the bill makes provision for the payment of those amounts.

The CHAIRMAN. Will the gentleman allow the Chair to ask him a question?

Mr. MANN. Certainly.

The CHAIRMAN. Under the provisions contained in the committee amendment, would it not require an appropriation by Congress to meet these things?

Mr. MANN. Why certainly not—an appropriation made after the amount is determined?

The CHAIRMAN. How would the appropriation be made

unless the amount had been determined?

Mr. MANN. Because the bill expressly provides that it shall be paid out of any amounts which are appropriated. Under paragraph (b) in the middle of page 3—

The President is hereby authorized and empowered, in addition to all other existing provisions of law, and within the limit of amounts appropriated therefor—

First, second, third, fourth, and fifth, to do various things. Now, the Chair will recall that while this is an appropriation bill, this item is not subject to the rules governing appropria-tion bills. This is a legislative item, and we always have the right in a legislative item to make an appropriation to carry it into effect. Most legislative bills which involve the expenditure of any money at all have a provision in them making appropriations to carry those bills into effect when enacted into law, being a legislative determination, not confined by the rules relating to appropriation bills. This provision is taken out

from under the limitation of the rule that you can not make an appropriation unless authorized by law. Now, the gentleman from Pennsylvania [Mr. Butlera] proposes to make an appropriation as a part of this legislation. That is in order and germane. If the Committee on Naval Affairs had reported this as a legislative bill, it would be in order to provide the appropriation to pay the money which is found due.

Mr. SHERLEY. Mr. Chairman, if the Chair will turn to

Hinds' Precedents, volume 5, section 5850, he will find this

statement:

To a bill authorizing the Court of Claims to adjudicate a claim, an amendment providing for paying the claim outright was held not to be germane.

And in section 5851-

To a proposition to pay a claim an amendment proposing to send the claim to the Court of Claims was held not to be germane.

Now, that is the exact point that I make here. Here is a proposal not simply providing for a different tribunal but providing for the payment of the claim when the tribunal shall have determined its amount, making an indefinite appropriation. Now, the proposal that was up and which was ruled upon, Now, the proposal that was up and which was ruled upon, quoted in Hinds' Precedents, was a bill to confer jurisdiction on the Court of Claims in the case of the Methodist Episcopal Church South against the United States. To that was offered an amendment to pay the claim outright, and the Chair held that was not germane, and I submit that that decision is exactly upon all fours with the proposal here presented.

Mr. TOWNER. Mr. Chairman, I presume that the Chair is familiar with the fact that originally no one, citizen or alien, could sue the Government of the United States. We broke over that old rule by establishing the Court of Claims, in which a claim could be prosecuted against the United States and the amount of it determined, but without giving that court any power of judgment. We then made in the Judicial Code a fur-ther extension of the right to sue or bring suit against the Government, and that is the provision that is contained in the twenty-fourth section of the Judicial Code which defines the powers of the district courts of the United States. Under paragraph 20 of that twenty-fourth section is the following language. to which I would like to have the attention of the Chair:

Concurrent with the Court of Claims, of all claims not exceeding \$10,000, founded upon the Constitution of the United States or any law of Congress, or upon any regulation of an executive department, etc., jurisdiction is given to the district courts of the United States.

That is, the claimant has the choice of bringing his claim either in the Court of Claims or, if it is less than \$10,000, in one of the district courts of the United States. If it is more than \$10,000, however, there is no court in the United States in which he could bring his claim except the Court of Claims. provision of the amendment of the gentleman from Pennsylvania [Mr. BUTLER] is to establish a new and a further method of establishing claims against the United States, and that by arbitration. It occurs to me that the very statement of that fact shows that it could not possibly be germane to this bill, for the reason that this bill provides that it must be brought under the provisions of paragraph 20 of section 24. In addition to the fact that it provides an entirely different method of trial in suits against the United States, the provision making an appropriation in advance for the amount of the recovery, is certainly a variation, and a strong variation, that would show it is not germane to this provision. Another provision of the bill, as the gentleman from Illinois [Mr. Mann] argues, stating that these amounts must be within the appropriations, would have no applicability to this proposition. This is an unsettled and an undetermined claim. No such claim ever would arise. No such claim could possibly be within the contemplation of Congress. There could be no appropriation, because it could not be contemplated that the need for any appropriation would arise. It would appear clear that the method of payment is a clear departure from any provision of the bill.

Mr. GOOD. Does not the amendment of the gentleman from Tennessee [Mr. Padgett] establish a different method of arriving at the amount? That provides that the President shall fix the amount-not the Court of Claims, nor the court of the

United States

Mr. TOWNER. That is, of course, in the first instance; but it gives the party claimant, if he is not satisfied with the action of the President, the right to go to the courts; and, so it seems to me clearly, the point of order that is made by the chairman of the committee against the germaneness of this amendment is well taken.

Mr. STEELE of Pennsylvania. Mr. Chairman, this bill proposes the most drastic exercise of the right of eminent domain ever attempted in this country. It proposes to vest in the officers of the General Government the power of condemning

real and personal property without limit for the purposes of the Government. Of course, under the Constitution we are bound to provide compensation for the payment of damages. It may be that it is not necessary that those damages should be paid coincident with the exercise of this power by the General Government, but it seems to me that in the exercise of so comprehensive a power as this some method should be provided for the immediate ascertainment of these damages, because under the provisions of this bill any manufacturing plant engaged in the manufacture of munitions or articles of war, or in the manufacture of ships, can be taken over by the General Government without making any immediate compensation whatever. In the meantime what will happen? Those plants will lose any earning power they may have possessed, and the Government has possession of their property, without any means of income, without any means of paying dividends to the stockholders, or any means whatever of making their plant, so far as its financial operations are con-cerned, a going concern while the stockholders are deprived of their property. The purpose of this amendment offered by the gentleman from Pennsylvania is simply to provide some immediate remedy by which these damages can be ascertained and at the same time preserve the right of the Government, in the event that they are not satisfied with the action proposed in the amendment.

The act itself provides, as correctly stated by the gentleman from Iowa [Mr. Towner], that the procedure shall be either in the district court when the amount is under the sum of \$10,000 or in the Court of Claims when the amount is in excess of that figure. Manifestly the exercise of so large a power will in almost every case exceed the sum of \$10,000, so that the effect of this act would be to relegate for the ascertainment of damages all these cases to the Court of Claims. The chief justice of the Court of Claims, when he appeared before the Judiciary Committee of the House, of which I happen to be a member, stated within the past year that there were pending in that court more than 4,000 cases at the present time, and with that large calendar to impose this additional duty upon it would mean it would take years for the ascertainment of the amount of damages that would arise under the terms of the act.

much for the propriety of the remedy proposed.

The CHAIRMAN. The gentleman is arguing the merits of

the proposition.

Mr. STEELE of Pennsylvania. I understand. The point of order is that this proposed amendment makes an appropriation. I understand that it is not seriously disputed but that the general features for ascertaining these damages would be a proper amendment. This amendment does not provide anything outside of the district court. It does not provide for an arbitration outside of the district court. The bill itself provides that you can have a remedy in the district court of a limited character. This simply enlarges the jurisdiction of the district court beyond that provided for in the amendment offered by the gentleman from Tennessee [Mr. Padgett].

Now it simply proposes a new procedure in the district court.

Now, it simply proposes a new procedure in the district court, simply leaving the jurisdiction where it was but enlarging the amount. It simply provides that any claimant or the United States can go into the district court and ask by petition for the appointment of commissioners to determine the amount of damages, and either party who may not be satisfied with their award can appeal to the district court and have it determined by a jury. It simply leaves the whole matter to the determination of the district court in practically the same way as provided in the Judicial Code—first to appoint commissioners to ascertain the amount and then provides in addition that the amount can be determined in the district court. So far as appropriating money is concerned, the amendment itself authorizes any officers of the Government to draw on account out of any money appropriated. That certainly does not make an appropriation. It leaves the amount to be appropriated, and in the final clause it does say that where the final judgment is once reached that then the amount of the final judgment, including the costs, is authorized to be paid by the officers of the Government, and that amount is appropriated. And when the gentleman said that the United States never agreed or authorized that in cases of eminent domain that the case should be tried by a jury, he is mistaken. I refer to the act of 1888, when this House passed an act, which was approved by the Senate, authorizing the con-demnation of some property of the Monongahela Navigation Co., where the identical language was used as in this amendment for the procedure to be in accordance with the laws of Pennsylvania and other States, which provided the same method as pro-

ment to the amendment offered by the gentleman from Pennsylvania, we find, as I understand the two, this situation. The amendment of the gentleman from Tennessee in substance provides that upon a certain state of facts, there shall be a liability on the part of the Government, and for the discharge of this liability, the Congress must thereafter make a special appropriation. On the other hand the amendment on the part of the gentleman from Pennsylvania, provides a method of ascertainment of liability and the appropriation in advance of a sum to be drawn upon for the discharge of this liability.

Mr. HASTINGS. Which might run into a billion dollars

Mr. SAUNDERS. Oh, yes. The amount to be provided is altogether indefinite and uncertain. There is certainly a great difference, in substance between the two propositions, and that being so, having in mind the continual and increasing tendency manifested in the precedents of this House to narrow the rule of germaneness, a tendency which has been noted by everyone who has followed these rulings, it seems to me that the amendment offered on the part of the gentleman from Pennsylvania is not in order

The CHAIRMAN. In the amendment offered by the gentleman from Tennessee provision is made in the last clause, page 6: It shall make just compensation therefor-

That is, the property that has been taken by the Governmentand in default of agreement upon the damages, compensation, price, or rental due by reason of any action hereunder the person to whom the same is due shall be entitled to sue the United States to recover his fair and reasonable damages in the manner provided for by section 24, paragraph 20, section 145 of the Judicial Code.

Which, as the Chair understands it, would allow suit in the Court of Claims for damages. Now, the amendment offered by the gentleman from Pennsylvania that suit may be brought in proper district court of the United States, or that within the jurisdiction of this court it may be arbitrated, in the judg-ment of the Chair and in the opinion of the Chair that part of the amendment of the gentleman from Pennsylvania is germane to the amendment offered by the gentleman from Tennessee. But in the later clause of the amendment offered by the gentleman from Pennsylvania he creates an indefinite and continuing appropriation, and the question of germaneness, as the Chair has stated, in the first part of the amendment of the gentleman from Pennsylvania, he would hold it was germane, but in the opinion of the Chair the amendment of the gentleman from Pennsylvania creating a continning and indefinite appropriation destroys the germaneness, and the point of order is sustained.

Mr. BUTLER. Mr. Chairman, I desire to offer another amendment. I desire to say, in order not to take up the time of the committee, that this is exactly the same amendment I offered before, but leaving out the part which the Chair has

ruled not to be in order.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

The Clerk read as follows:

Amend page 6, paragraph (e), line 7, by striking out all after the word "damages" on line 7, and subsequent lines, and insert in lieu thereof the following: "in the proper district court of the United States, irrespective of the amount claimed, and, on application thereto by petition, either by such claimant or claimants, or the United States, as the case may be, or anyone in behalf of either, the said court shall appoint five discreet and disinterested commissioners, and appoint a time for said commissioners to meet, of which time and place at least 10 days' notice shall be given by the petitioners to the said commissioners and the other party; and the said commissioners, or a majority of them, having been first duly sworn or affirmed, faithfully, justly, and impartially to decide, and a true report made, concerning all matters and things to be submitted to them in relation to which they are authorized to inquire, in pursuance of the provisions of this act; and after having heard the parties, their proofs and allegations, they shall estimate and determine the damages, if any, sustained by the claimant or claimants, and make report thereof to the said court; and if any damages be awarded and the report be confirmed by the said court, judgment shall be entered thereon, the costs to follow the judgment, and the court shall determine the reasonable compensation of such commissioners for their services.

"The commissioners hereinbefore provided for may be appointed."

shall determine the reasonable compensation of such cours for their services.

"The commissioners hereinbefore provided for may be appointed either after the exercise of the powers herein conferred or actual notice of intention so to do, and upon the report of said commissioners being filed in said court, either party, within 30 days thereafter, may file its, his, her, or their appeal from said report to the said court; and after such appeal either party may put the cause at issue in the form directed by said court, and the same shall then be tried by said court and a jury; and after final judgment in said court either party may appeal therefrom to the Circuit Court of Appeals or the Supreme Court in the manner prescribed in other cases.

"The said district court shall have power to issue subpœnas for the appearance of witnesses before such commissioners, order what notices shall be given connected with any part of the proceedings, and make all such orders connected with the practice, pleadings, forms, and proceedings either before such commissioners or in said court, as may be deemed requisite."

The CHAIRMAN. The gentleman offers an amendment to the

The CHAIRMAN. The gentleman offers an amendment to the amendment of the gentleman from Pennsylvania, which the

vided by this amendment.

Mr. SAUNDERS. Mr. Chairman, looking to the amendment offered on the part of the gentleman from Tennessee and the amendI have here it is in the paragraph called "(h)." Page 2, line 2,

strike out the words "and a jury" following the words "by

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On the second page of the amendment, in line 2, strike out the words "and a jury" following the word "court."

Mr. MANN. Mr. Chairman, of course the amendment offered by the gentleman from Tennessee [Mr. Padgett] is subject to a point or order, being an amendment in the third degree. I did not make the point of order because I thought it wise to leave it to the judgment of the House whether they had reached that point where they proposed to abolish trial by jury.

Mr. PADGETT. I have a letter here from the Attorney

Mr. MANN. I have no doubt the Attorney General wants to abolish trial by jury. I never knew a time when the defendant

Mr. PADGETT. It says here that a jury trial is provided for, whereas the United States has never consented to be sued

before a jury.
Mr. MANN. The Attorney General is in error. He does not know what the law is on the subject. There is a trial by jury now in the district court in a suit against the United States.

Mr. TOWNER. Will the gentleman yield to me to show the

genfleman?

Mr. MANN. I will be very glad to yield.
Mr. TOWNER. The language of this provision that was put originally by the gentleman from Tennessee in the bill, referring to this paragraph 20, section 24, says that these suits may be

brought either by law or at equity. If they were brought at law they would employ a jury trial.

Mr. MANN. Mr. Chairman, after all it does not make so much difference about that. Here is a proposition that the Government of the United States shall walk into a man's factory and take out any part of it, either of his product or his machinery, or take out all that he has, confiscate, in effect, and then say to him, "You shall not have a chance to lay your matter before a jury." Is not that giving him little enough? When you seize his property, is it not giving him little enough to give him a chance before a jury? I want the Government to be careful before it takes the property, and if it selzes the property of an individual it ought to be willing to recompense him and leave it to a jury, not to a packed court, a court perhaps wanting promotion at the hands of the President, and seeking to get the favor of the administration. It would not be the first time that had occurred.

Mr. PADGETT. I want it distinctly understood that I am opposed to this entire amendment offered by the gentleman from Pennsylvania [Mr. Butler], and I hope that the House will vote it down. But before it is voted upon as a whole it ought to be remedied as far as possible of objectionable details. The gentleman says "a packed court," in referring to the court. Every man here knows what it means to subject the Government to a suit before a jury. There is no use of mincing words about it. Every condemnation proceeding that is had, where a jury condemns, we know the Government has to pay two, three, or four prices; and to subject the Government to a suit before a jury in the district court where the jury is taken out from around and among those interested in the establishment and the manufactory would put the Government at a great disadvantage.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. PADGETT. If this amendment is to be adopted at all, it ought to be amended so that the Government, when it consents to be sued, should consent to be sued in the court and tried by the court, and not before a jury.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. Padgett] yield to the gentleman from Michigan [Mr. Smith]? Mr. PADGETT. I do.
Mr. SMITH of Michigan. Is it not true that the Government

appoints the court, and that you would be trying a man before a court appointed by the plaintiff in the case?

Mr. PADGETT. That is so far-fetched that I do not think it needs any answer. But we do know the operations of juries where the Government is sued, and I think the amendment I have offered should be agreed to.

Mr. BUTLER. Mr. Chairman, have we reached the merits

of the dispute?
Mr. HUMPHREY of Washington. We have.

Mr. BUTLER. Very well. Mr. Chairman, I wish to say something before this proposed amendment is voted on, and I wish every Member would express himself so that the country might understand where he stands on the proposition that wish every Member would express himself so that the country might understand where he stands on the proposition that suitors shall not have their disputes at law settled by their Government confiscated his yards. The grand old shipbuilder

peers. I repeat what I said heretofore. I requested the gentleman from Pennsylvania [Mr. Steele] to prepare the amendment which I offered to secure to the people of the United States—who are unfortunate enough to have their property taken forcibly from them under war conditions—an opportunity taken forcibly from them under war conditions—an opportunity to have their disputes tried in the ordinary way and by ordinary courts of justice. In the State of Pennsylvania, where Mr. Steele and I live, he having had much experience and I having had but little, we do know this, that wherever the property of an individual is seized he has the opportunity, first, to have his damages assessed by seven men appointed by the court of common pleas of the county in which his property is located, and then if the award is not satisfactory to either party intersected an appeal is allowed him that he may try before a jury ested an appeal is allowed him that he may try before a jury of the county in which the property is located the question of how much compensation he in justice ought to have. The Govern-ment ought to ask no greater privilege, and the claimant surely is entitled to that much.

Mr. GORDON. Will the gentleman yield?
The CHAIRMAN. Will the gentleman from Pennsylvania rield to the gentleman from Ohio?

Mr. BUTLER. Yes.
Mr. GORDON, The amendment offered by the gentleman from Tennessee [Mr. Padgert] provides that the President of the United States shall fix the value of this property, and if they are not satisfied with his judgment they then may appeal to the court. Do you think the President of the United States is liable to oppress your citizens temporarily? Is not that as much of a safeguard, in other words, as the system you have

just described as in force in your State?

Mr. BUTLER. I do not agree that the President of the United States should be the sole arbiter, and beyond this I want to inquire whether or not small manufacturers of the State in which Mr. Steele and I live shall have justice. And I do not want to see the right of the injured party turned over to the Government of the United States to do with it as the Government may see fit; to take him where the Government shall direct and in the manner which the Government may dictate and in its own time determine what damage the Government may have done him in the forcible occupation of his property. I wish the injured party to have a quick remedy and an inexpensive one.

They are not asking to have their property taken. They have offered them, but if any dispute should arise between them and the Government as to the amount of damage, it must be settled somewhere and by some tribunal. Why should the Government, being the aggressor, select the place of trial

and the manner of the remedy.

Mr. Chairman, let me tell you a rather sad story that belongs to my district, and one that led me to ask this learned gentleman to prepare this amendment. John Roach built the first man to prepare this amendment. John Roach built the list ships of the new Navy of the United States. He built the Dolphin, the Atlanta, the Boston and the Raleigh. Before they were completed his shipyard was seized by the Government. It used his tools and burnt his coal and greatly damaged his plant. It confiscated his property to suit the views of the officers and officials of the United States Government, who charged him with inability to complete his contracts. It drained Mr. Roach's purse, it broke his heart, and destroyed his life, and 13 years did his family labor before they finally recovered through the Court of Claims, and procured an appropriation by Congress to reimburse them. There was no question of their right nor any question of the honesty of the claim.

Mr. Chairman, will the gentleman yield to Mr. TALBOTT. me for one moment?

Mr. BUTLER. Yes. Mr. TALBOTT. All the trouble about the Roach case was

Mr. BUTLER I was here when the appropriation was made. Mr. TALBOTT. Now, wait. All the trouble about it was this, that the Secretary of the Navy, Mr. Robeson, made a contract with the Roaches to build a vessel without authority of law.

Mr. BUTLER. No, sir; that was not the reason which the Government assigned for the confiscation.
Mr. TALBOTT. That was the whole of it.
Mr. BUTLER. I know that Whitney was Secretary of the Navy at the time, and seized John Roach's plant, and said the Dolphin was defective—structurally weak. Yet she has sailed around the earth several times. She is the best ship the Navy ever had. It was stated repeatedly that the plant was seized because the shaft of the Dolphin had been defectively made. It

of Chester, remembered for his skill and beloved for his integrity, was buried long before his family received the damages they were entitled to. In his day he had built more than 200 ships and never had a dispute with a customer, except his own Government. I do not want to see such occur again, and it was to avoid a similar catastrophe that my colleague from Pennsylvania [Mr. Steele] prepared the amendment and I offered it, so that if hereafter a man whose property is seized, whether he is a rich man or a poor man, whether he has notes in the bank or a deposit to his credit, there shall be given to him an early and quick remedy by which he can recover justly what is due him. [Applause on the Republican side.] And if you take from him the right of trial by jury, and deny him the remedy herein provided, I shall make my best effort to put this House upon record. [Applause.]

Mr. GORDON. You are not asking for a jury trial?

The CHAIRMAN. The time of the gentleman from Pennsyl-

vania has expired.

Mr. HASTINGS. Mr. Chairman, I rise to say only one word. I heartlly agree with my friend from Pennslyvania [Mr. Butler] that every man ought to have his day in court, but I believe that that ought to be applied to all citizens of the United States. I think it ought to be applied to the munition manufacturers; I think it ought to be applied to the big corporations, as in this case, and to every individual case

without reference to his station in life. But, Mr. Chairman, I rose for the purpose of inviting attention to the fact that we find upon the House Calendar to-day 50 or 75, or maybe 200 or 250, little bills to refer individual claims to the Court of Claims, and when Members get up on the floor in behalf of the little fellows, in behalf of these little claims, to refer their claims against the Government to the Court of Claims, you invariably find some objection made on that side. I am very glad that there is a change of heart, that we find our friends willing to have these cases referred to a court for adjudication. I am not only in favor of referring these claims to a court to be adjudicated, but I am in favor of referring all claims where the interests of the Government are properly safeguarded in the bill to some court for adjudication.

or adjudication. [Applause.]
The CHAIRMAN. The time of the gentleman from Okla-

homa has expired.

Mr. SHERLEY. Mr. Chairman, the Federal Government is not always a fair debtor, and it is not always a fair debtor because its citizens unfortunately are so frequently unfair to it. Any man who has served any length of time in this House knows how careful men must be in examining claims against the Government in order that the Government may not be robbed, and the result of that is that the Government frequently leans backward and refuses to pay its just debts knowing it is frequently

asked to pay what is not just.

But what is the proposal before the House? The proposal is that in this particular matter you shall have a different sort of procedure from what you have in other matters of claims against the Government. Now, if the gentleman had proposed a summary proceeding by way of arbitration for the settlement of these questions I might have listened with more patience, but what he is proposing is simply to add a form of arbitration to the court procedure so as to give an additional reason for delay in final adjudication. His amendment provides that there may be these arbitrators, and then their decision being final upon nobody, the right shall exist to an ordinary trial in a court by a jury, and he insists on the right to appeal to the circuit court of appeals or the Supreme Court, as the facts may warrant in the particular cases

Now, what is the present law? The present law is that as to all claims over \$10,000 suits shall be brought in the Court of Claims, where a jury trial does not exist. Suits brought in a district court that are properly suits for determination by a jury and which have to be less than \$10,000 may be tried by

He proposes now to have a jury trial in all instances. Well, there have been discussions since the beginning of the Government and probably will be until the end of it as to the merits of the jury system, as to whether it does or does not promote equity; and I probably would not have said anything about the matter if it had not been for the suggestion made by several that because Federal judges, forsooth, are appointed by the United States Government therefore they can not be expected to be honest and impartial in dealing with suits against the Federal Government.

I think that is an undeserved and unwarrantable reflection upon the character of the judiciary of the United States, and I would be false to myself if I did not protest against

an assertion of that kind. There is nothing in the history of these judges that warrants men to believe that in trying matters between the Government and its citizens they will not do full and exact justice. If we are going to change the rule, let us change it as to all manner of cases. There is no more reason for providing for a jury trial in this class of cases than there is as to any other suit brought by citizens against the Federal Government. I submit that what we are likely to do in passing upon amendments that we have only heard read, and have not been able to examine, is to create a very cumbersome machinery for the consideration of these cases that will result in expensive litigation before the rights of parties are determined. The proposal of the gentleman from Tennessee [Mr. Padgett] is simply to extend the existing machinery for the adjudication of claims against the Government to such claims as may arise under this legislation.

Mr. DALLINGER. Does not the gentleman see any difference between the case of a citizen voluntarily selling something to the Government, and the case provided for by this extraor-

dinary amendment?

Mr. SHERLEY. I do in one sense, and I do not in another. I do not think the citizen who has his property taken over in time of national peril is in such a terribly desperate state and has such peculiar equities that he should ask favors that are not given to the ordinary creditor of the Government. a time when all men's property should be subject to the com-mand of the Nation that makes their property worth while by the defense that it gives to them and to their property, and I see nothing so very sacred in the character of these claims as against claims of other kinds that may exist against the Government. I want my Government to do justice as to all claims, but I do not think the jury system necessarily guarantees a better solution of these cases, and I think it will serve to lengthen very greatly the time before final judgment is had and the matter is settled.

Mr. DAVIS of Texas. Mr. Chairman, it is a well-known rule of common law that a sovereign is not subject to be sued by a subject or citizen without consent. That being the established rule of all Governments, this Federal Government years ago gave a common rule of consent by which the citizen might sue the Government through the Court of Claims, and I am unwilling to go out and scatter all over this Republic a thousand or a hundred thousand suits to be defended at different and converse times by district attorneys all over the country, prolonging the litigation, in time of war. In time of war you can confiscate, conscript, and condemn human lives and compel them to

Money is no more sacred than men.

Mr. SWITZER. I should like to ask the gentleman a ques-

Mr. DAVIS of Texas. I yield for a question, not for a stump speech.

Mr. SWITZER. This is not limited to time of war. It says, in time of any national emergency."

Mr. DAVIS of Texas. Imminent danger of war.

what is contemplated. It will never be exercised otherwise. Mr. SWITZER. Then why not strike out the word "emer-

gency

Mr. DAVIS of Texas. A national emergency is such an imminent danger as necessitates immediate preparation for war. That is understood. There is certainly no contention about that. Now, the Government having established this process by which citizens can reach the Government in suit on cause of action, I do not want to hamstring and hogtie the Federal Government by prolonging and scattering and disseminating litigation all over the Republic. I support the amendment of the gentleman from Tennessee to the amendment of the gentleman

from Pennsylvania.

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee [Mr. Padgett] to the amendment of

the gentleman from Pennsylvania [Mr. BUTLER]. The question being taken, on a division (demanded by Mr. PADGETT) there were—ayes 48, noes 63.

Accordingly the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. BUTLER].

The question being taken, on a division (demanded by Mr.

BUTLER) there were—ayes 32, noes 78.

Accordingly the amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee [Mr. PADGETT].

Mr. COOPER of Wisconsin. Mr. Chairman, I have an

amendment to that.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment to the amendment: In line 17, on page 3, strike out the word "he" and insert in lieu thereof the words "the necessities of the Government."

Mr. COOPER of Wisconsin. I think the chairman of the committee will agree to that. That leaves it, not as he may require but as the necessities of the Government may require.

Mr. PADGETT. Who would require it?

Mr. COOPER of Wisconsin. The President has the authority. Mr. PADGETT. I know; but the word "he" gives him the

Mr. COOPER of Wisconsin. To be determined by the Presi-

Mr. PADGETT. My amendment says:

To place an order with any person for such ships or raw material as he may require.

Mr. COOPER of Wisconsin. I will amend my amendment in this way, Mr. Chairman:

To be determined by the President.

Mr. PADGETT. Who would give the order for it? The President is to give the direction for them to do something.

Mr. LENROOT. That direction is in (b), which authorizes the President to place the order. This has nothing to do with the order. It still will remain as it was. The President will be authorized to place the order,

Mr. PADGETT. How does your amendment read?

Mr. COOPER of Wisconsin. Let the Clerk read it. The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment as modified: Strike out the word "he" and insert "the necessities of the Government, to be determined by the President."

Mr. PADGETT. I have no objection to that.

Mr. COOPER of Wisconsin. Strike out the words "as he may require and" and insert "as the necessities of the Government, to be determined by the President, may require."

The CHAIRMAN. The Clerk will again report the amend-

ment as now modified.

The Clerk read as follows:

Strike out the words "he may require and" and insert "as the necessities of the Government, to be determined by the President, may require."

Mr. SNYDER. Mr. Chairman, referring to the taking over of certain plants by the Government, I was sufficiently fortunate yesterday to meet a gentleman who left England less than two weeks ago, who is the representative there, and has been for many years, of one of the largest manufacturing establishments in the United States.

He is familiar with nearly every condition under which manufacturing is being carried on in England at the present time, and with the methods in use by the English Government, especially in the use of private manufacturing establishments for Government work. The English Government has not confiscated a single manufacturing plant, as we here understand the term. It has built many factories for the exclusive uses of the Government.

Of course, it is true, too, that hundreds of the manufacturing establishments of England are being operated exclusively for the Government, but there has been no taking over, such as we contemplate doing by this measure that is now before the House.

I have here positive information, at first hand, of exactly the plan as operated by our friends across the water.

In the first place, the English Government has made a census, or survey, of all manufacturing establishments, as we have already done in this country, and from that list they have selected various establishments which are suitable for the man-

ufacturing of such items as the Government needs. The idea is to send to the factory the general agent of the English Government to inform them that that Government has decided to purchase of them certain items which it needs, and he presents a list of those items, designated as "A," "B," "C," "D," and so forth. "A" represents the item most suitable for the plant to manufacture and most needed by the Government. "B" represents the item second in importance, and for the "B" represents the item second in importance, and for the manufacture of which the plant is suitable. "C" "D" and "E" follow along the same line in the order designated.

The representative of the Government says, "Gentlemen, we want this factory to put all its endeavors on this line of work. After the items we have laid out here have been manufactured, if you have any facilities left for other purposes, you will be permitted to manufacture and sell them elsewhere, as you have heretofore.

Now, when it comes down to the matter of a settlement or terms for the manufacturing for the Government, there is no question as to any arrangement as to interest on the investment or anything of that sort. The Government simply assumes the rôle of a customer, the same as any other purchaser, at the prices made by the maker, and the maker bills them up to the Government, exactly as he would to any other buyer, and when the year end comes he is permitted to make a profit of 6 per cent on his entire capital and investment, and after that, if there is any further profit he divides that equally with the Government.

Now, gentlemen, that seems to me to be a very satisfactory and feasible method of handling this whole proposition. There is no confiscation. There is no reason in the world why any manufacturing establish in this country, or any other, would not be willing to do business with the Government on this basis. There is no opportunity for graft; no incentive for a concern to charge more than a reasonable profit, because it can have only a fair share of that profit and the Government will get the balance.

The plant goes along from the time the arrangement is made with the Government exactly as before, except it may be possible that its facilities will also allow it to operate on other lines not needed by the Government at the same time. It bills up its business in a regular way. The Government has no regular or specific terms, no fixed set of terms with which the manufacturer must comply. Instead, the Government accepts the individual terms of the manufacturer, as to prices, and so

Now, it seems to me if some plan of this sort could be adopted and followed by this Government, in case it became necessary to secure the aid of many private concerns, there would be very little difficulty, very few claims to adjust, and very little trouble, if any, for the factory to return from Government work to its former production of its general business output.

I feel, as a manufacturer myself, that this method is, perhaps with some few details changed, which might be necessary under our laws, would be a most suitable one and very much more satisfactory in this country than anything which has been presented along this line up to the present moment. [Applause.]

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Wisconsin [Mr. Cooper].

The amendment was agreed to.

Mr. PADGETT. Mr. Chairman, in order to make clear some matters here, I desire to transpose certain words. On page 3 of the resolution, the proposed amendment, in lines 14 and 15, occur the words "and within the limit of amounts appropriated therefor." I think it would be well to strike out those words as they appear in paragraph (b) and insert them in line 16 of the same page, just below, so that it would read:

First. Within the limit of amounts appropriated therefor, to place an order with such person—

And so forth, and to insert the same words after the word Second," in line 10, page 4.

The CHAIRMAN. The Chair would suggest that the com-

mittee act upon one of these at a time.

Mr. PADGETT. Then, Mr. Chairman, I move to strike out the words "and within the limit of amounts appropriated therein lines 14 and 15, on page 3, and to insert the words "within the limit of amounts appropriated therefor" after the word "First," in line 16, page 3, and to strike out the capital "T" and insert a small "t" in the word "To."

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amend, on page 3, by striking out, in lines 14 and 15, the words "and within the limit of amounts appropriated therefor": and insert, after the word "First" and before the word "To," in line 16, the words "within the limit of amounts appropriated therefor," and change the capital letter "T" to a small letter "t."

Mr. MANN. Mr. Chairman, the amendment does not strike me favorably, even to accomplish the purpose that the gentleman desires to accomplish. I am not very much enamored at the gentleman's amendment at all. Here is a proposition conthe gentleman's amendment at all. Here is a proposition consisting of a number of paragraphs, all preceded by certain general provisions—"in time of war," "or of national emergency arising prior to March 1, 1918," "to be determined by the President by proclamation," "the President is hereby authorized and empowered," "in addition to all other existing provisions of law." All of those are preliminary and necessary to each or of the other experience and included in it can each one of the other separate provisions, and included in it as one of these is the provision "within the limit of amounts appropriated therefor." The gentleman might just as well strike out "in time of war" or "any national emergency." where it occurs, and insert it each time after the number of each succeeding paragraph. Why is it not better to have it in general language to begin with? It applies to all of the paragraphs.
Mr. PADGETT.

No; it does not; and that is the reason I

desire to explain it to the gentleman.

Mr. MANN. Oh, it does apply to all of the paragraphs,
Mr. LENROOT. It does, but it should not.

Mr. PADGETT. There is where we differ. In paragraph "First" it applies, and it applies to paragraph second, but it would not to paragraph third, to require the owner or occupier of any factory in which ships or war material are built or pro-

duced, and so forth, for there is no appropriation made.

Mr. MANN. There is an appropriation made for war material. Of course, that makes it worse from my point of view. If it is the intention of the gentleman to give to the President power to do all of these things, regardless of appropriations, that is one thing. I am opposed to the amendment, even within the limit of appropriations; but if the President is to have the power to seize everything, regardless of any appropriations which are made, I am that much more opposed to the amendment.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MANN. In a moment. Mr. PADGETT. The gentleman from Wisconsin [Mr. Len-BOOT] called my attention to this matter. When I first introduced the resolution and it was printed, it had a provision for an appropriation of \$150,000,000 to care for all of these things, and it was drawn with reference to that provision in the bill. The Rules Committee did not report and make in order that provision, so that as we have it before us we do not have the appro-

priation which was originally contemplated.

Mr. MANN. Well, you do not have any appropriation. For instance, you do not have any appropriation to give to the President power to place an order with any person for such ship or war material, and so forth. You have no specific appropriation. You have no appropriation with reference to modifying or canceling any existing contract; but you have certain appropriations to acquire certain things, and you can only do these things and obligate the Government to the extent of those appropriations. If you remove the limit, there is no limit at all to the authority of the President to seize anything he pleases and obligate the Government to pay the bill.

Mr. PADGETT. I am proposing to remove it from that place and insert it at all of the other places where it belongs.

Mr. MANN. Oh, no; the gentleman does not propose to insert it at all of the other places where it belongs.

Mr. PADGETT. Yes; I do. I have not gotten through with

my amendments.

Mr. MANN. The gentleman stated he did not propose to apply it to the third or fourth item.

Mr. PADGETT. The gentleman from Wisconsin [Mr. Len-ROOT] suggested to me that in paragraph (b) an appropriation would be construed as precedent to the authority of the President to require the owner or occupier of any factory to do the things provided in paragraph 3. It would be precedent to the right and authority of the President as provided in paragraph 4 and also precedent to the reading of the language in section 5, where there were no appropriations, and none are provided for in this resolution, and as it was originally framed and drawn by us-it was changed by the Rules Committee-there was an appropriation, a lump-sum appropriation caring for all of these

Mr. MANN. Let me tell the gentleman what he is running into. If you do not put that in, the authority authorizes the President to require the owner or occupier of any factory in which ships or war material are built or produced to place at the disposal of the United States the whole or any part of the output of any such factory, and to deliver such output or parts thereof in such quantities and at such times as may be specified in the order. Now, supposing there is no appropriation, and the President of the United States takes possession of every shipyard in the United States and requires the output of every shippard to be turned over. No money to pay for it. Does the gentleman want to give that authority to the President? We are making a very large appropriation in the naval appropria-tions this year, and this would give the authority to the President to add to the naval appropriation by threefold. He could take possession of everything and every shipyard in the United States without regard to any appropriation at all. I think we are making enough appropriations in the naval bill this year anyhow. I am not in favor of letting the President spend five or six hundred million dollars and, in addition to that, obligate the

Government to pay for it.

The CHAIRMAN. The time of the gentleman has expired. Mr. LENROOT. Mr. Chairman, with reference to this matter I asked the chairman of the committee whether it was the intention of the committee to make any specific appropriations for taking over these plants. He said while that was originally contemplated, it is not now the committee's intention so to do. I then called his attention to the fact that unless specific appropriations were made, if the language remained in the amendment;

it would not authorize the President to take over a single plant, because the language specifically declares his authority upon these very things, the existence of war, an emergency arising, and that they shall be within the limits of amounts appropriated therefor. It is entirely clear, therefore, that if no money is appropriated for taking over the plants the President would not have jurisdiction at all to take them over. Now, clearly what is in contemplation by the committee is that the President, without this specific appropriation, shall have the power to take over these plants, but as to the products of the plants, he shall not have power to get a greater product than authorized by law in the way of appropriations.

Mr. PADGETT. That is limited by the other amendments.

Mr. PADGETT. That is limited by the other amendments.
Mr. LENROOT. Now, he suggests an amendment, in line 16, after the word "first," "within the limit of amounts appropriated therefor." That will take care of every proposition in that paragraph only. The same amendment will take care of other provisions in paragraph 2, but the gentleman from Illinois is right that there should be a provision in paragraph 3, not at the same point however as the amendment proposed for the other two paragraphs because paragraph 3 begins with for the other two paragraphs, because paragraph 3 begins with the power to take over the plants, but when it comes to the product of this plant that should be limited by the appropria-tion, and I suggest to the gentleman if he will offer the same amendment at the end of line 22, with relation to the product only, that entire matter will then be taken care of.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.
Mr. PADGETT. Mr. Chairman, on page 4, line 10, after the
word "second," insert the words "within the limit of amounts
appropriated therefor," and change the capital "T" to a

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 4, after the word "second," in line 10, insert the words "within the limit of amounts appropriated therefor."

The question was taken, and the amendment was agreed to. Mr. PADGETT. Mr. Chairman, page 4, after the end of line 22, after the words "and at such time," insert "and within the limit of amounts appropriated therefor."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 4, after the words "and at such times," in line 22, insert the following "and within the limit of amounts appropriated therefor."

Mr. STAFFORD. Mr. Chairman, does it not seem to be a more proper place to have it after the word "and" in line 21? That would harmonize with the provision inserted in the other That would harmonize with the provision inserted in the other item. It is rather awkward where the gentleman now seeks to apply his amendment. I suggest it would be better to insert it after the word "and" in line 21.

Mr. PADGETT. I think the suggestion a very good one,

and I ask that the amendment suggested follow the word "and" in line 21, page 4, so it will read then "and with the limit of

amounts appropriated therefor to deliver."

The Clerk will report the amendment.

Page 4, line 21, after the word "and," insert the words "within the limit of amounts appropriated therefor."

Mr. RUCKER of Missouri. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I make this motion for the purpose of asking unanimous consent to extend my remarks in the RECORD by printing therein a patriotic letter received from a very distinguished and intelligent German citizen of my district expressing some views with regard to the present international situation.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by printing a letter from one of his constituents. Is there objection? [After a pause.] The Chair hears none. The pro forma amendment will be considered as withdrawn.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last two words. I do that for the purpose of propounding some questions to the gentleman from Tennessee [Mr. Paderti], if I may have his attention for a moment, in regard to some provisions in the amendment before I offer a formal amendment.

The CHAIRMAN. Is the gentleman from Iowa [Mr. Green] referring to the present amendment?

Mr. GREEN of Iowa. I misunderstood the situation.

The CHAIRMAN. The question is on agreeing to the pending amendment.

The question was taken, and the amendment was agreed to.
Mr. PADGETT. Mr. Chairman, in order to remove any
doubt, as I have been asked several times about it, on page 5, line 14, in paragraph (c), as it is now written or printed, you

will see that it reads "that no person shall, directly or indirectly," and so forth. Then I wanted to insert after the word "that," in line 14, the words "in time of war or of national emergency arising prior to March 1, 1918," so as to make it clear that this paragraph and the powers given in that paragraph are limited the same as in paragraph (b).

The CHAIRMAN. The gentleman will state Mr. LENROOT. Will the gentleman yield? The gentleman will state his amendment.

Mr. PADGETT. Yes.

Mr. LENROOT. I suggest he add the words "as aforesaid,"

to cover the proclamation by the President.

The CHAIRMAN. The Chair suggests that the gentleman from Tennessee [Mr. Padgett] prepare his amendment and send it up here.

Mr. PADGETT. I send the amendment to the Clerk's desk. The CHAIRMAN. The gentleman from Tennessee [Mr. Pad-CETT] offers an amendment, which the Clerk will report.

Mr. SMITH of Minnesota. Mr. Chairman, if the amendment now offered by the chairman is adopted, will it prevent the making of a motion to strike out subdivision (c)?

Mr. PADGETT. Yes, sir.

Mr. SMITH of Minnesota. I wish to make the motion to strike out.

Mr. PADGETT. It has to be perfected first.
Mr. SMITH of Minnesota. Then any motion will be in order.
The CHAIRMAN. The motion of the gentleman will be in order after the section is perfected.

The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 14, after the word "that," insert "in time of war or national emergency arising prior to March 1, 1918, to be determined by the President by a proclamation as aforesaid."

Mr. PADGETT. Strike out the words "as aforesaid." Mr. HOWARD. Mr. Chairman, I desire to offer an amendment.

Mr. MANN. An amendment to the amendment is not in order. It would be an amendment of the third degree. Of course, it could be offered by unanimous consent.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Tennessee [Mr. PADGETT].

Mr. MANN. Under the construction given it by the gentleman from Tennessee [Mr. Padgett], how far down in the langauge, beginning in paragraph (b), on page 3, "that in time of war or of national emergency," and so forth, is it operative? How far down in the bill is that operative?

Mr. PADGETT. I understand that the words "or of national emergency arising prior to March 1, 1918," applied to the

whole bill.

Mr. MANN. If they do apply to the whole bill, and then you somewhere stick in the same words again, the Lord could not tell what they do apply to.

Mr. PADGETT. Some gentlemen wanted to make it certain and I said that I had no objection to making it specific.

Mr. MANN. I suppose that that applied to the rest of the bill, except the bringing suit, perhaps, or a claim. But certainly it does not do to have language to apply to the whole bill, and then use the language again saying that it did not mean to apply to the whole bill, unless you are certain what you are doing. It may be that you hold it only applies down to the end of the fifth. I do not know.

I would like to ask the gentleman before I take my seat another question. What does this language mean, "or a national emergency arising prior to March 1, 1918"? Could the President, whoever may be President 20 years from now, seize property on the ground that the national emergency arose prior to

March 1, 1918?

Mr. PADGETT. I think the powers given in it are limited

to 1918, March 1, and after that down-

Mr. MANN. Oh, no; that power to selze is not limited to March 1, 1918. The power to selze is limited only to a national emergency which arose prior to March 1, 1918, but if it is intended that the power to seize shall end March 1, 1918, let us Do not leave that open.

Mr. PADGETT. That is what we want to say, if the gentleman will offer a suggestion that will make it clear. That limitation was not in the original resolution, but it was inserted by the Rules Committee, and if it is not clear I would be very glad to avail myself of the suggestion of the gentleman.

Mr. MANN. The gentleman admits it is not clear. The

President might declare it 20 years hence.

Mr. HOWARD. I wanted to ask the gentleman this question. I noticed over on page 3, line 10, that the date of March 1, 1918, appears. Now, then, the gentleman has offered an amendment inserting the same date in another portion. Now, would not

that naturally carry with it that it did not apply to the other

sections which it does not specifically state?

Mr. MANN. I suppose it would be claimed by whomever it was that suggested this amendment be offered, that the first provision only applies to the first, second, third, fourth, fifth, and so forth.

Mr. HOWARD. Yes, sir.

Mr. MANN. And that (c), or what is under (c), is on the same basis as that under (b). I do not know. It is as clear as mud to me.

Mr. LENROOT. Right on that point, it seems very clear to me that is not proper. We have five paragraphs (a), (b), (c), (d), (e), and (f). Now (b) relates only to the emergency contained in the various paragraphs under (b), and it certainly does not relate to (c), because they are separate paragraphs and entirely distinct from each other. For instance, (a) is the first paragraph of the amendment. It is a definition, and then (b) relates to the emergency in time of war, and (c) is silent upon those points.

Mr. MANN. (d) is apparently an authorization to the President to do certain things. I rather think the gentleman is correct about that. But on this other point I would like to hear from the gentleman from Wisconsin [Mr. Lenroot], who

probably prepared it. [Laughter.]
Mr. LENROOT. The gentleman from Wisconsin did prepare the limitation, but he will state very frankly that he did not have in mind the point that the gentleman from Illinois now raises.

I think that should be corrected.

Mr. PADGETT. What is the point?

Mr. MANN. The gentleman from Wisconsin and I agree that the amendment is proper, but that there ought to be another one.

Mr. LENROOT. I wanted, however, to make a slight correction of a statement made inadvertently, I am sure, by the gentleman from Tennessee [Mr. Padgett] wherein he stated that these amendments were put in by the Committee on Rules. In defense of the Committee on Rules, I will say the committee did not attempt to legislate, and the changes were suggested when the committee was assured by the gentleman from Tennessee that he would be glad to adopt any suggestions that were made.

Mr. PADGETT. I insisted, if the gentleman will permit me, on the provisions contained in my original proposal. But when I was assured by the Rules Committee that I could not get that,

I said I would take what I could get. Mr. BUTLER. Will the gentleman from Tennessee let me have a little talk with him? [Laughter.]

Mr. PADGETT. Yes. Mr. BUTLER. I understood that there were 21 members on the Committee on Naval Affairs.

Mr. PADGETT. Yes, sir. Mr. BUTLER. We met and we agreed upon this provision. I have no complaint because I was unsuccessful in attempting to amend the bill, and although the chairman agreed upon this provision, we voted it out here practically unanimously. The chairman of the committee now sees fit to have changes made

without consulting any of us on this side.

Mr. PADGETT. No, sir. The chairman insisted on the provision as reported by the Committee on Naval Affairs, and the Committee on Rules assured me that they would not report that. I tried to get as much of it as I could, and I succeeded in obtaining what is embraced in this reported resolution. The rest of it I could not get, and a half loaf is better than no bread.

Mr. BUTLER. I know, but the committee had agreed upon

all bread.

Mr. PADGETT. They did, and I could not get all bread. Mr. BUTLER. Suppose they did not want half bread? Mr. PADGETT. I tried to get all, but I could not get all of

it. I did get what is here, so that it can be amended. If the majority of this House want to restore it as it was before the committee eliminated certain things, it is in the power of the House to do so.

Mr. BUTLER. Of course, the Committee of the House is not going to do that after the chairman of the Committee on Naval Affairs has said we agreed to these things reported by the Committee on Rules. I want to find out whether or not it is important that I should attend the meetings of the Rules Com-

[Laughter.]

Mr. GOOD. Mr. Chairman, I rise in opposition to the amendment. It seems to me, Mr. Chairman, that it is a mistake to place these limitations in the bill. I know of no reason why we should discriminate, in enacting a law of this kind, between the

war to give orders for ammunition or any war material, and if the orders were not filled to seize any manufacturing plant capable of producing ammunition or any other war material; and those concerns would either be compelled, under the provisions of that law, to furnish the very things the Secretary of War has requested them to procure, providing the plant was suitable for producing those things or the Government would take over the plant and produce them.

It seems to me that is what should be done for the Navy. This provision leaves the President without any power at all

unless we first make appropriation for that purpose.

Now, after the present emergency passes, say, in a couple of years, when Congress is adjourned, an emergency might arise when the President would want to take possession of some of these manufacturing plants, and he could not do it if it was to procure things for the Navy, but he could do it if it was to procure things for the Army.

Now, what is the use of having these two different systems? I would like to have the attention of the chairman of the committee in regard to this matter. Why should we, in this regard, have two different systems, one for the Navy and one for the Army, and why is it not better and more patriotic to have that broad provision such as was incorporated in the national-defense act, to give the President, in time of war or national emergency, the right to reach out the strong arm of the Government and take possession of the plant whose owner was not patriotic enough to do the things that the Government wants done?

Mr. PADGETT. I introduced the provision as indicated by the gentleman, but the Rules Committee declined to report it in that way and inserted this limitation. Then various Members upon the floor have been to me privately and have expressed anxiety about an unlimited provision. By extending it to March 1, 1918, that will take care of any emergency, and there will be an intervening session of Congress before that time; and, as I have stated, I took these limitations under the circumstances

which I have detailed.

Mr. GOOD. I wish to suggest to the gentleman also that the penalties in the Army bill and in this provision are altogether different for the commission of exactly the same offenses. The Army bill provides a fine of \$50,000 and imprisonment for three years, whereas this provides a fine of \$10,000 and imprisonment for two years. It does seem to me that when we are providing a law for the two branches of the Government that are so nearly alike, designed to bring about the same thing, the penalties for violation ought to be the same.

Mr. PADGETT. It is open to amendment, and I have no objection to striking out "ten" and inserting "fifty," and to striking out "two" and inserting "three."

Mr. GOOD. It seems to me that ought to be done; but what

we ought to do is to pass just such a provision as we did in the Army bill, and not have a provision here that would leave the President without authority if at some time in the future, when Congress was not in session, he needed the authority that Congress a few months ago thought he should have in times of

emergency so far as the Army is concerned.

Mr. GREEN of Iowa. I call the attention of my colleague to the fact that we are now discussing an amendment to a provision that is not in the Army national-defense act at all, an amendment to an extremely drastic provision that I think ought to have not only the amendment proposed by the gentleman from Tennessee [Mr. Padgert], but a further amendment which I shall offer later on. This amendment which is now before the House is to division (c), and if the gentleman will examine the peculiar provision of this division (c), under which a person with the most innocent intent may subject himself to an extreme penalty, I think he will see some reason for the amendment offered by the gentleman from Tennessee and other amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. Padgett].

The amendment was agreed to.

Mr. HOWARD. Mr. Chairman, I offer an amendment. The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. Howard: Page 5, line 14, strike out all of lines 14 to 17, inclusive.

Mr. PADGETT. Mr. Chairman, does the gentleman from Iowa

[Mr. Green] want to offer an amendment to section (c)?
Mr. GREEN of Iowa. Mr. Chairman, I offer a preferential amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. Green of Iowa: Page 5, line 14, after the word "indirectly," insert "with intent to hinder or delay the completion of work being done for the United States."

Mr. PADGETT. I have no objection to that amendment,

The amendment was agreed to.

The CHAIRMAN. The question reverts to the amendment of the gentleman from Georgia [Mr. Howard] to strike out the language in lines 14, 15, 16, and 17 of page 5 of the committee amendment.

Mr. HOWARD. Mr. Chairman, my amendment is to strike out all of lines 14 to 17, inclusive, on page 5. I want to call the attention of the committee to this particular provision, which is peculiarly drastic and I believe unnecessary. I believe that cash registers have been the cause of manufacturing more thieves in this country since their invention than all other things put together, because when a clerk in a store sees one of them it certainly carries with it the imputation that he is under suspicion, and that he might as well be dishonest in fact

I had the pleasure and the honor of serving for a little over a year in the Spanish-American War. I was in a very large regiment, which had 1,352 men in it. The boys from the State I was in a very large of Georgia who constituted that regiment were, 90 per cent of them, boys out of the machine shops, clerks in stores, and off the farms, and only about 10 per cent of them were sweetscented dudes.

This section practically conscripts; in other words, it is equivalent to peonage on the part of this Government, and the imputation is that the laboring men of this country are not patriotic, and that they will not respond to the call of their country. Now, if this country should become involved and it should become necessary to mobilize the industrial and the military strength of this Nation, I have no hesitancy in saying that the industrial strength of the Nation will be recruited long before we really begin the recruiting of our military strength. I see no necessity for this clause to remain in this bill. It is a slap in the face of the laboring men of this country. and if you will take the history of the English Government and look back two years and a half and see what effect such attempted legislation as this had in Great Britain I think you will vote upon this particular section with much caution. Why should this provision be in the bill? When has the laboring man of America proven himself unpatriotic? When has he held back when the honor of the Republic was in the balance? He has given freely his brain, muscle, skill, and his life's blood whenever his country called.

Mr. KELLEY. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes. Mr. KELLEY. It developed in the hearings when the shipbuilders were before the committee that private shipbuilding plants manufacturing commercial ships were making so much larger profits that they are able to pay higher wages than can be paid in yards that are doing largely Government work, and commercial shipbuilders are constantly taking away employees from yards doing Government work and thus reducing

the output by causing a shortage of help.

This provision, in its first inception, was intended, I feel quite sure, simply to prevent a commercial shipyard from taking away the men from a yard employed on Government work

in time of war or imminent danger.

Mr. HOWARD. Mr. Chairman, I am very glad the gentleman has given me that information, because that explains why these contracts for the Government ships are not being completed. If it were not for the fact that these private shipyards are making such enormous profits in building these ships for private concerns, the Navy battleships and the auxiliaries of the Navy would not be in the woeful, uncompleted condition in which they are to-day. The gentleman has given us the very reason.

Mr. KELLEY. Mr. Chairman, will the gentleman yield fur-

ther?

Mr. HOWARD. Yes. Mr. KELLEY. It further developed that the shipyards that are building the warships for the Government are engaged only in a very limited degree in the commercial shipbuilding business and those engaged in the commercial shipbuilding business are doing only a very small amount of work for the Government, and so this provision was put in to save the employees to those shipyards that were doing Government work, in order

that the ships for the Navy might be completed more quickly.

Mr. HOWARD. Mr. Chairman, I thank my distinguished friend from Michigan for his further explanation. This is an unnecessary piece of legislation. I think it is ill-considered

legislation. I think if there is any piece of legislation in this bill that would place a damper on the patriotism of the American wage earner, it is the fact that the great Government under which they live has not enough confidence in their patriotism to trust them to come to the rescue of the Government with their skill, their brawn, and their ability.

The CHAIRMAN. The time of the gentleman from Georgia

has expired.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent to

proceed for three minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for three minutes. Is there objection? There was no objection.

Mr. Chairman, will the gentleman yield? Mr. MANN.

Mr. HOWARD. Yes.

Mr. MANN. Under the language of this paragraph, if one should offer employment innocently to somebody employed in a yard engaged in work for the United States, and the man should accept the employment, would the one offering employment not have indirectly caused the man to leave his employment?

Mr. HOWARD. Yes.

Mr. MANN. And be subject to imprisonment to two years?

Mr. HOWARD. Yes; and to pay a fine of \$10,000.
Mr. MANN. That is what I thought.
Mr. PADGETT. The amendment offered by the gentleman from Iowa [Mr. Green], which was agreed to, removes any such interpretation.

Mr. MANN. None of us heard the amendment, so we did not

Mr. PADGETT. That amendment removed any such inter-

Mr. HOWARD. I did not hear the amendment thoroughly. I hope it does.

Mr. PLATT.

Mr. PLATT. Mr. Chairman, will the gentleman yield?
Mr. HOWARD. Yes.
Mr. PLATT. The gentleman says this is a slap in the face of labor, which I think is largely true. Is not the whole propo-

sition applicable to all of the American people?

Mr. HOWARD. I would not like to say that as to the whole of it, but here is the distinction: In the first place, these are relations between a shipbuilder and the Government, which are contractual relations.

Mr. PLATT. Not when the shipyard is seized.

Mr. HOWARD. That is to say, the work has to be carried on beyond the day. The distinction between the laborer and the shipbuilding concern is that a man's labor is extended only from Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. HUDDLESTON. Will not this provision prevent any competition among employers in securing labor? Will it not prevent one employer from offering larger wages than his

neighbor is paying?

Mr. HOWARD. Yes; it prevents that, and, as I said in the outset, I have studied that section pretty closely and think I am putting the proper construction upon it. Men have been sent to the penitentiary in this country for peonage under a statute that is not as drastic as that, and that is what this means. That is what the Navy Department wants to do. It means penal servitude and nothing else for the laborers of this country. As I said, it is a slap in the face of patriotism, and I for one would not vote for such a provision, because I believe that the American laboring man from one end of this country to the other is just as patriotic, is just as true to that flag, as any other man in this country, and he does not deserve any such attempted legislation as this. [Applause.]

Mr. SMITH of Minnesota. Mr. Chairman, I rise to support the amendment offered by the gentleman from Georgia, and in

doing so I want to read the section under discussion.

SEC. (c). That no person shall, directly or indirectly, induce any person employed in any factory and engaged on work for the United States to leave his employment or to cease such work, and any person who shall violate these provisions shall be subject to a fine of not more than \$10,000 or to imprisonment of not more than two years, or both.

This provision has been amended in two particulars. First, its operation has been limited to March 1, 1918; second, the words "with intent" have been added.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. SMITH of Minnesota. I understand the gentleman's amendment.

Mr. GREEN of Iowa. He does not quite get the effect of it. It is "with intent."

Mr. SMITH of Minnesota. I know the gentleman inserted the words "with intent."

Mr. GREEN of Iowa. I think the whole section ought to be stricken out.

Mr. SMITH of Minnesota. I am glad my colleague from Iowa is of that opinion. As far as this legislation goes, it serves no purpose, as has been well expressed by the gentleman from Georgia, except to cast a reflection upon a class of men that we can depend upon when this Nation's life is at stake, whether it be from invasions from without or insurrection within. have never looked in vain to them for protection in times of danger. Ninety per cent of our Army and Navy has always been made up from the working classes. We have never resorted to conscription in the past. Why should we presuppose that we must in the future? If men are to be measured by their deeds, then this provision is an insult to our most patriotic citizens.

This does not only affect the men who are working at the forge or working at the bench, it means everybody connected with an industrial organization, excepting possibly the owners, from the president down to the men performing the most menial labor. It means more than that, Mr. Chairman; it means that the management of a private factory can not take the risk of employing men who are in the Government service. It means men working for the Government can not even go across the street and enter the employment of a private factory, though the management is willing to pay twice the amount of wages.

We have to-day discussed the rights of a man whose property is taken by the Government in times of national emergency or war and have tried to incorporate in this bill legislation for his protection. Though that legislation does not protect him to the extent I wish it did, it does furnish him at least a measure of protection. In the consideration of such legislation we were concerned with the rights of capital invested in industrial plants. We were all solicitous that such capital should be furnished ample and complete protection and security, and in doing this we but complied with the constitutional prohibition against the taking of private property for public use without just compensation.

The value of an industrial plant is represented in money. The value of a day's labor is also represented in money. Why should we be more solicitous about the capital invested in the plant than in the laboring man's capital, which is his right to render a day's service for the highest wages obtainable? The only capital this man has is this right. If we take this away from him are we not depriving the laboring man of his property without just compensation? Does not the same constitutional prohibition protect his rights that protects the money represented in

an industrial plant? If it does not it ought to.

I am aware that this constitutional provision is seldom invoked when the rights of labor are in question. This is no fault, however, of the Constitution. It is a lack on the part of society to assign to labor its proper position. Its policy has always been to compel labor to take a secondary place to that of money and to bend its knee to the assumed superiority of money. In view of these facts, I say it is unfair, I say it is unjust, I say it is unwise, I say it is un-American to incorporate a section of this character in any legislation emanating from the American Congress, where the rights of labor are, and of right should be, exalted above the dollar.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word. This provision, and we might as well understand it,

is a direct blow at the labor organizations. It is intended to prevent strikes. It is intended to take away from the labor organizations all the benefits which they have gained throughout all these years of fighting. As a friend of organized labor I can not support any such measure, and I do not believe that any Member who believes in the organization of labor ought to give

this measure his support.

If this measure becomes a law the workingman in a plant that has a Government contract will be at the mercy of his employer. He will be compelled to submit to any conditions that his employer may visit upon him and to accept any wages that his employer may choose to pay. He will be compelled to sub-mit to this unless alone and single-handed and of his own initiative he quits work and leaves the place and goes somewhere else.

Are we prepared to vote for a measure of that kind? Are we ready to deny to the men who toil in this country the right to organize and to take reasonable and necessary measures for organize and to take reasonable and necessary measures for their protection to get better conditions of work and better pay for their labor? If we are prepared to deny them that right, then we may well adopt this provision.

It does not make any difference whether it is war or peace, if

we choose to conscript men, let us conscript them for service under the flag, let us conscript them for Government service. I will never vote to conscript a man, whether workman or otherwise, to work for a private employer.

Mr. BLACK. I would like for the gentleman to point out that section which undertakes to conscript anybody

Mr. HUDDLESTON. The measure makes it unlawful for a "walking delegate," if you please, to confer with members of his organization for whom he may be acting with a view of bettering their conditions. It is a frank and plain proposition you are up against. Perhaps some may think a walking delegate ought to be hung; that is their privilege. As for me. I think they are entitled to respect, and I am willing to stand here and protect them so far as their activities are confined to private establishments and are legitimate activities. That is the way I feel about it.

The CHAIRMAN. The question is on agreeing to the amend-

Mr. BLACK. Mr. Chairman, I wish to speak a few minutes in opposition to the amendment of the gentleman from Georgia [Mr. Howard], to strike out section (c) of the amendment offered by the chairman of the Naval Affairs Committee [Mr. PADGETT]. That section (c) as it now stands, after being perfected by amendment, reads substantially as follows: "That in time of war or of national emergency arising prior to March 1, 1918, that no person shall, directly or indirectly, when the intent is to hinder or delay such Government work, induce any person employed in any factory and engaged on work for the United States to leave his employment or to cease such work.

It is not only incorrect, but it is unfair for any Member to state in this debate that amendment (c) will work any sort of conscription on any laboring man. It is true that H. R. 20779, as originally proposed by Mr. Padgett, did contain a section, namely, section (d), which provided "that in time of actual war that the President was authorized and empowered to draft into the naval service of the United States all officers, agents, or employees of any factory equipped for the building or production of ships or war material for the Navy"; but that provision has been eliminated. I am glad that this section (d) has been eliminated from the bill, for I certainly should have voted against a provision of that kind, because I believe it unnecessary and inopportune. I concur with the statements made by several gentlemen who have addressed the House during this debate that labor is not unpatriotic. Indeed, on the contrary, I am glad to believe that the great mass of the American people, whether they be the captains of industry, merchants in the marts of trade, workmen in mill or factory, producers on the farm, or in what-ever occupation or avocation in life, are thoroughly loyal to our common country and one flag. Of course, I believe that, and I would hate to believe anything else. This is not a provision to draft any man into service, and I defy any man on the floor of this House to show that it is. It merely provides that after the Government has exercised its power given by this Padgett amendment to requisition and take over for use or operation, in time of actual war or national emergency, these shipbuilding and munition factories, that no trouble maker and unpatriotic schemer who has not at heart the interests of the American Government shall go among these employees and incite dissatisfaction and disloyalty to the Government and induce any of such employees to quit their work in such critical times. The provision itself expressly provides that it shall not apply except in those cases where there is an intent to hinder and delay the Government work, and any lawyer who has any knowledge of legal phraseology at all knows that the intent would be the gravamen of the offense. And I say that such ought to be the law in the time of a national crisis, when it may be that the best blood of the country would be spent upon the battle field in defense of the Nation's safety and honor. No man in this House wishes any more than I that the cup of woe may be permitted to pass without our Nation drinking from its dregs, but if, unhappily, that should not be our privilege and the best blood of the country should be called to the national defense, then while they are fighting to save the country, are we going to permit trouble makers and breeders of discord to ply their avocation in the shipbuilding and munition factories, with intent to hinder and delay Government work? I say it would be monstrously unfair to the men in the field who would be spending their blood to preserve the Nation, for whom we should all be willing to make any needed sacrifice.

Mr. KEATING. Will the gentleman yield?

Mr. BLACK. I will. Mr. KEATING. The gentleman says it would be unfair to go into a factory under Government control. I want to call his attention to the fact that the amendment applies to all factories which may be engaged in Government work, but not necessarily under Government control, but where private contracts are under Government control.

Mr. BLACK. Exactly; but the gentleman overlooks the fact that they would have been brought into that Government service

under the provisions of this bill, and that the provision has absolutely no application except in cases where the intent and purpose is to hinder and delay Government work, and that itself would be the gravamen of the offense.

Mr. HUDDLESTON. Will the gentleman yield? Mr. BLACK. I will.

Mr. HUDDLESTON. Suppose a concern was doing one piece of work for the Government and doing another piece for a private concern. These men might be engaged partly on Government work and partly on private work. If in that case they were induced to quit work, or agree among themselves to quit work, they would have to go to the penitentiary.

Mr. BLACK. No, sir; the provision has no such meaning. It would be incumbent upon the prosecution for the United States Government to show as an element of that offense that it was done with the specific intent to hinder and delay the Government work. The burden of proof would, of course, be upon the Government, as in all criminal cases.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. BLACK. Yes, sir.
Mr. BUCHANAN of Illinois. Does not the gentleman believe that if the workingmen of America are loyal enough to enlist and go to the front and fill the trenches and the rifle pits and to be shot down, they will be loyal enough to work for the Government in the case of an emergency, and does not he think this is unnecessary and a slap at the working people?

Mr. BLACK. No, sir; I do not think it is a slap at the workingman at all. The provision of the bill is not aimed at the workingman. It will only reach the disloyal and trouble maker who comes into the factory to stir up trouble, and I can not see wherein it affects the patriotic workingman at all.

Mr. BUCHANAN of Illinois. I do.

Mr. BLACK. I think it is intended to exactly apply to the man to whom it ought to apply, and that is the man who in the time of a national crisis thinks only of his own selfish desires, forgets his patriotic duty to his country, and undertakes to hinder and delay the Government work.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. BLACK. I will.

Mr. COOPER of Wisconsin. I notice on page 5 the following:

Fifth. To waive all provisions of law restricting the hours of labor of persons in the employ of the United States or of persons in the employ of contractors therewith when employed on work in connection with such ships or war material.

That is, we waive all the provisions of the eight-hour law for anybody making ships for the United States.

A MEMBER. That is all right.

Mr. COOPER of Wisconsin. I am opposed to that. That would not necessarily apply to those plants that had been commandeered by the Government; not at all.

Mr. BLACK. It could not mean anything else.

Mr. COOPER of Wisconsin. It does not mean— Mr. BLACK. I dispute the gentleman's construction absolutely, and I contend that it only applies to Government work, and that the bill very clearly shows that fact.

The CHAIRMAN. The time of the gentleman from Texas

has expired.

Mr. SIMS. I would like to ask the gentleman from Tennessee in regard to paragraph (c), on page 5, where it says:

That no person shall, directly or indirectly, induce any person employed in any factory and engaged on work for the United States to leave his employment or to cease such work.

Mr. PADGETT. That has been amended by inserting in line 1 the words "with intent to hinder and delay the Government work."

Mr. SIMS. I want to know the reason why this was put in. Perhaps the enemies of the United States might get in there and undertake to delay the work in opposition to the policy of the United States in regard to any military undertaking?

Mr. PADGETT. Certainly. It is to prevent conspiracies and

efforts to undermine and deter Government enterprise. It is no thrust at labor and was not intended as such.

Mr. SIMS. It is to frustrate the intent of spies and conspirators of the enemy in case we should be engaged in war or in an emergency?
Mr. PADGETT. That is the main purpose of it.

Mr. SIMS. What is the purpose that is not the main pur-

Mr. PADGETT. It would prevent anyone going in there with an intent to delay Government work and induce men to quit.

It would prevent any citizen from attempting to do that.

Mr. SIMS. Suppose you are a private contractor and have Government work, and I am a private contractor and am doing work for a private individual. I may say to your employees, "I

will give you better prices if you will work for me." Would that make me a criminal under this statute?

Mr. HOWARD. It would.

Mr. SIMS. I am opposed to that, if it would.

Mr. HOWARD. Will the gentleman yield to me for a second?

Mr. SIMS. Yes. Mr. HOWARD. I will say to the gentleman that if he will read that provision containing the words "directly or indirectly" he will see that the gentleman has stated a concrete, hypothetical case; that if a man went into one of these factories and offered a man a higher wage, thereby inducing him to leave the employment of that private factory he would come under that provision and go to the penitentiary; both the man that offers and the man who accepts the inducement.

Mr. PADGETT. Mr. Chairman, let us have a vote on this

and go ahead.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to

say a word upon it.

The CHAIRMAN. The Chair will state that this debate is proceeding by unanimous consent.

Mr. KITCHIN. I would like to ask the chairman of the com-

mittee a question. Mr. PADGETT.

Mr. KITCHIN. Do you understand by your bill that paragraph (c) applies only in case of war, when the President issues a proclamation to the effect that an actual emergency exists?

Mr. PADGETT. It does. We took the words from the pre-

ceding paragraph.
Mr. KITCHIN. I overlooked that,

It was adopted here a while ago. It is the Mr. PADGETT. same language that appears on page 3. We inserted the words "in time of war or national emergency arising prior to March 1, 1918, to be determined by the President by proclamation as aforesaid." Right in there between the word "that" "therefor."

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes. Mr. BUCHANAN of Illinois. It says there, "in time of war or national emergency, declared by proclamation or Executive order of the President" order of the President.

Mr. PADGETT, No. It says "by proclamation." The "Executive order" was cut out.

Mr. BUCHANAN of Illinois. Suppose he proclaims a strike a national emergency—an industrial strike?

Mr. PADGETT. I do not think that is a supposable case.

Mr. COOPER of Wisconsin. Mr. Chairman, I want to ask the gentleman a question: On page 3, at the end of line 14, the language "and within the limit of amount appropriated there-' is stricken out, is it not?

Mr. PADGETT. It is stricken out after line 14, page 3, and

inserted in the other paragraph.

Mr. COOPER of Wisconsin. I understand, Mr. Chairman; and I think the point raised by the gentleman from Georgia [Mr. Howard] is well taken. If gentlemen will return to page 3, line 10, they will find this general provision: "That in time of war, or of national emergency, arising prior to March 1, 1918, to be determined by the President by proclamation, the President is hereby authorized and empowered, in addition to all other existing provisions of law," and so forth; and then comes "first," "second," "third," "fourth," and "fifth"—five separate things up to that point which he is empowered to do. Under "fifth" the President is authorized, when there is war, or when he thinks there is a national emergency, "to waive all provisions of law restricting the hours of labor of persons in the employ of the United States or of persons in the employ of contractors therewith "-that is, with the United Statesemployed on work in connection with such ships or materials.'

Mr. PADGETT. Now, does the gentleman object to that? That is not as broad as the existing law. If you want to strike

it out and go back to existing law, very well.

Mr. COOPER of Wisconsin. Wait a moment. Then follows this proviso: "Provided, That wages of Government employees shall be computed on a basic day at the rate of eight hours, with overtime rates to be paid for at not less than time and one-half for all hours worked in excess of eight hours."

Mr. PADGETT. That is not as broad as the law exists now.

Mr. COOPER of Wisconsin. Let me finish, please. There is a discrimination here against employees of contractors. Because under this provision the President of the United States, in time of war or public emergency, to be determined by him, can also waive the eight-hour provision as to employees of contractors who are doing work for the United States

Mr. PADGETT. You can do it now—— Mr. COOPER of Wisconsin. But without any increase of pay for overtime for them.

Mr. PADGETT. He can do it now under the law. The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. Howard].

The question was taken, and the Chairman announced that

the ayes seemed to have it.

Mr. PADGETT. A division, Mr. Chairman, The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 59, noes 21.

So the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I ask that the Clerk be authorized to renumber and redesignate the paragraphs. As section (c) goes out, it will be necessary to make those changes.

The CHAIRMAN. The gentleman from Tennessee asks unan-

imous consent that the Clerk be authorized to redesignate and renumber the paragraphs. Is there objection?

There was no objection.

Mr. PADGETT. And I ask unanimous consent, in line 19, on page 5, to strike out the letter "(c)."

The CHAIRMAN. The gentleman from Tennessee asks unan-

imous consent to strike out the letter "(c)" in line 19, page 5, Is there objection?

There was no objection.

Mr. KEATING. Mr. Chairman, I offer the following amendment

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. Keating: Page 5, line 10, after the word "of," strike out the words "Government employees" and insert "all employees affected by this paragraph."

Mr. KEATING. Mr. Chairman, this section provides that the President of the United States may waive all provisions of law restricting the hours of labor of persons in the employ of the United States.

Mr. PADGETT. Will the gentleman yield for a moment?

Mr. KEATING.

Mr. PADGETT. To expedite matters I will say that I have no objection to the gentleman's amendment. It was in the original provision which I had contemplated offering, and I have no objection to it

Mr. BUTLER. Mr. Chairman, may we have the amendment

reported again?

The CHAIRMAN. Without objection the Clerk will again report the amendment.

The amendment was again reported.

Mr. LENROOT. Will the gentleman yield?

Mr. BUTLER. I would like to ask the gentleman a question. The CHAIRMAN. The gentleman from Colorado has the floor. Does he yield to the gentleman from Pennsylvania.

Mr. KEATING. I yield to the gentleman. Mr. BUTLER. Is that as we had it originally?

Mr. KEATING. I think so. Mr. BUTLER. Have you not amended it along the line that we agreed upon at first?

Mr. KEATING. It is perfectly satisfactory to the chairman of the committee.

Mr. PADGETT. It had no express provision in it. We did not say anything about labor, but all of the shipbuilders who appeared before us stated that they would be glad of the opportunity to get the extra time and to pay for it at the excess rate.

Mr. LENROOT. If the gentleman's amendment prevails, do I understand that the law will then in express terms require private contractors to pay time and a half for overtime?

Mr. KEATING. If they are working on Government work

and the restrictions are waived.

Mr. LENROOT. Now, I want to ask the gentleman whether he thinks Congress has any power to impose any such pro-

Mr. KEATING. I think the Congress has the right to specify that before the President shall waive those restrictions

Mr. LENROOT. Yes; but the gentleman does not do that.
Mr. KEATING. That will be the practical effect of it.
Mr. LENROOT. No. Does the gentleman think that with

the language as he now has it, not being made contingent, as a condition of the raising of the restriction, it is within the power of Congress to require a private contractor, where we do not take over the plant, where no power is exercised under this bill with reference to that shop, to prescribe the rates of compensation that that private contractor shall pay to his employees?

Mr. KEATING. That is a very nice legal question.

Mr. LENROOT. Does the gentleman think it is a question

at all, as a lawyer

Mr. KEATING. Being a newspaper man, perhaps my answer would not have any particular value. But here is one point upon which I am clear: This provision should be so worded that these restrictions will not be waived unless the contractor agrees to treat the men as the Government treats them. That is the object of this amendment.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. KEATING. Yes. Mr. COOPER of Ohio. Is it not a fact that at this time we

have such a proposition in the Supreme Court?

Mr. LENROOT. Yes; but the question there, if I may be allowed to say so, is an entirely different question, involving a different legal principle.

The CHAIRMAN. The time of the gentleman from Colorado

has expired.

Mr. COOPER of Ohio. Mr. Chairman, I doubt whether this is a good proposition. I have always doubted the advisability of legislative enactment in fixing the wages of employees engaged in private employment. I will vote for any amendment that will help the workingmen and that will stop them from being drafted into the service, as provided in this provision we acted upon a few moments ago; if the call comes to join the colors the workingmen of our country will respond without waiting to be drafted into service; but I doubt the advisability, and I do not think the workingmen of this country are ready to have their wages fixed at this time by legislative enactment.

Mr. GORDON. Mr. Chairman, will the gentleman yield? Mr. COOPER of Ohio. In a moment. I am afraid that this amendment of the gentleman from Colorado [Mr. Keating] will provide that the Government shall have the power to fix the wages of private employees. I now yield to the gentleman from Ohio.

Mr. GORDON. The gentleman voted for the eight-hour law

last fall?

Mr. COOPER of Ohio. I will answer the gentleman by saying yes; that I, with a great many other Republicans, voted for the eight-hour law, not because we thought it was such a good measure, but because the President of the United States forced the same upon Congress after he had injected himself into the controversy between the railroad employees and their employers. I doubt very much if there would have been any railroad strike if the President had kept his hands off this affair, but after he mixed into it a strike was called, and there was only one way to stop the same, and that was to pass the Adamson bill.

Mr. GORDON. Forced the Republicans to vote for it!

Mr. KEATING. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. COOPER of Ohio. I will ask the gentleman to wait until I reply to my colleague [Mr. Gordon]. I will say this, I believe that at this time the railroad employees of the United States realize that the President's interference last fall in the controversy between the employers and the employees was not the best piece of legislation that has ever come to the railroad employees in this country.

Mr. GORDON. The gentleman made a mistake in his vote,

then.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Ohio. Yes. Mr. KEATING. In the first part of this section it provides that the President may waive the restrictions concerning the eight-hour day. Does not the gentleman think if he is permitted to waive those restrictions that the men should be compensated for the overtime?

Mr. COOPER of Ohio. I do; and I will say that I believe the intentions of the gentleman from Colorado [Mr. Keating] are well, and that he desires to help the workingmen out with his amendment, but as I said, I doubt the advisability of Congress fixing the wages of employees in private employment, for when that is once started no one knows what the ultimate result

may be.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Colorado [Mr. Keating].

The question was taken; and on a division (demanded by Mr. Keating) there were—ayes 14, noes 31.

So the amendment was rejected.

Mr. PADGETT. Mr. Chairman, in order to make this comply with the penalties of the other section, I move, in line 22, page 5, to strike out "\$10,000" and insert "\$50,000," and, in the same line, to strike out the word "two" and insert the word "three," so that it will read that imprisonment is provided for not more than three years.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 5, line 22, strike out "\$10,000" and insert "\$50,000," and, in the same line, strike out the word "two" and insert the word three."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. SMITH of Minnesota. Mr. Chairman, since we have stricken out subdivision (c), will the gentleman consent to strike out "(c)," in line 19, of the same page?

Mr. PADGETT. That has already been stricken out.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

Mr. KEATING. Mr. Chairman, the House having decided not to amend this so as to grant the men who are working for private contractors the extra pay for work over eight hours, I wish to move to strike out, on page 5, all of lines 8 and 9, and the word " material " on page 10.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amend, on page 5, by striking out all of lines 8 and 9 and the word material," in line 10.

Mr. KEATING. Mr. Chairman, that would leave the provision reading as follows:

Fifth. To waive all provisions of law restricting the hours of labor of persons in the employ of the United States: Provided, That wages of Government employees shall be computed on a basic day rate of eight hours' work, with overtime rates to be paid for at not less than time and one-half for all hours worked in excess of eight hours.

My contention is this, that if the Government waives the legal restrictions concerning the workday of the men engaged on Government work, then all men who are taken out from under the law should be given compensation for overtime, and that if we are not to extend that compensation to all men affected by this waiver, then we should restrict the waiver. am perfectly willing that the waiver shall stand as broad as it is now; but I contend, in justice to the workingmen, that if you make the waiver so broad that it will cover the workingmen who are employed by private manufacturers, then you should insist that those men shall receive time and a half, just as the Government employees will receive time and a half under this provision.

Mr. PADGETT. Mr. Chairman, to agree to the amendment offered by the gentleman from Colorado would completely emasculate the bill, and there would be no expedition in the construction of ships. That is striking at the very heart of this provision, and it would be better that the whole provision go out than to agree to this amendment,

Mr. COOPER of Wisconsin. Mr. Chairman, I will ask the gentleman from Tennessee if it is not now the law that any contractor with the Government of the United States to build

a ship is bound by the eight-hour law?

Mr. PADGETT. Yes, sir.
Mr. COOPER of Wisconsin. Now, this amendment of the gentleman from Tennessee authorizes the President to waive the eight-hour provision so far as the Government itself is concerned and its employees.

Mr. PADGETT. And the contractors.

Mr. COOPER of Wisconsin. And the contractors.

Mr. PADGETT. The eight-hour law allows him to do that both as to contractors and as to Government work.

Mr. COOPER of Wisconsin. Yes; and the gross unfairness of the thing is this, that the proviso gives to the employees of the Government time and a half per hour when they work 16, 18, or 20 hours a day, but the private contractor can work them 16, 18, or 20 hours a day with no time and a half provision, and it is an outrageous discrimination.

Mr. PADGETT. They do not have to work unless they want The private shipbuilders, all of them, said before in the hearings that they would be glad of the opportunity to pay

time and a half to get the work done.

Mr. COOPER of Wisconsin. If that is so the gentleman

ought to consent-

Mr. PADGETT. The Government has no authority, and the gentleman from Ohio here representing labor appealed to the House not to insert the provision with reference to private contractors, because he said it might be construed as extending the authority of the Government to fix contracts.

Mr. COOPER of Wisconsin. Allow me to answer the gentle-

man right there on that point-

Mr. KELLEY. Mr. Chairman, I move to strike out section 5 entirely

The CHAIRMAN. The gentleman from Wisconsin has the floor.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. COOPER of Wisconsin. In a moment. The Government of the United States has already provided that a contractor with the Government shall be bound by the provisions of the eight-hour law.

Mr. PADGETT. I have said that several times.

Mr. COOPER of Wisconsin. Exactly. Now, then, the appropriations we are making for the new ships—none of those ships have been contracted for?

Mr. PADGETT. A great many of them have been contracted for. There are 7 which have not been contracted for and 60 which have.

Mr. COOPER of Wisconsin. Well, but there are a great many we have not.

Mr. PADGETT. Seven; four battle cruisers and three scout cruisers

Mr. COOPER of Wisconsin. If we should insert in this law that any private contractor contracting with the Government of the United States where the provisions of the eight-hour law are waived shall pay time and a half overtime that would be put into his contract; otherwise he could not get the contract.

Mr. PADGETT. There is no trouble about that; they are

anxious to pay them.

Mr. COOPER of Wisconsin. And there would be nothing wrong for us to put that in the law, because it would apply only to the new contracts not yet made and it would be a perfectly lawful stipulation.

Mr. PADGETT. We ought not to limit the power of the Presi-

dent; we are limiting him too much as it is.

Mr. COOPER of Ohio. Mr. Chairman, I would like to say to the chairman of the committee I have no authority to represent organized labor here on this floor

Mr. PADGETT. I understand it.

Mr. COOPER of Ohio. I support the amendment offered by the gentleman from Colorado [Mr. Keating], because I believe as long as the Government has no power to fix wages it ought not

to have the power to fix the hours of service.

Mr. COOPER of Wisconsin. Will the gentleman from Tennessee turn to page 4, second provision, and he will see that the President is authorized to modify or cancel any existing contract for the building, production, or purchase of ships of war.

Mr. PADGETT. In order to expedite them, certainly he has. Mr. COOPER of Wisconsin. If he can modify a contract,

could not be modify it to that extent? Mr. PADGETT. If he could get the other men to agree to it, he could; and if they do not agree to do it, then the alternative is

to take over the ships. The CHAIRMAN. The time of the gentleman has expired.

Mr. KELLEY. Mr. Chairman, I never have been able to see any value whatever in this section in the bill. It is simply a declaration of existing law, so far as the right of the President to suspend the eight-hour provision or any other provision restricting the hours of labor is concerned. That being the case, it seems to me that the easiest way out of the matter is to strike the paragraph out altogether. This will let the law stand, which gives the President full power in time of war or national emergency to suspend the provisions referred to in this section. We are only multiplying words and multiplying laws, and we may just as well strike the section out.

Mr. STAFFORD. Will the gentleman yield? Mr. KELLEY. I will.

Mr. STAFFORD. I think the gentleman is a little broad in his statement.

Mr. KELLEY. No; I think not. I have considered the matter

Mr. STAFFORD. I have here the law restricting the hours of labor of those employed in Government work, and the only limitation is that it can only be suspended in case of extraordi-

nary emergency, not upon any proclamation of the President.

Mr. KELLEY. The President can not, except in cases of war or great emergency, make any proclamation under this bill.

Mr. STAFFORD. The law would grant the exemption of limitation in cases of extraordinary emergency.

Mr. KELLEY. The transfer of the law to t

Mr. KELLEY. Just so, under the law as it stands now. Under existing law the President has power to suspend all labor restrictions in case of emergency or war. Now, that is all this section does, and I never could see any reason for its being in the bill.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Colorado [Mr. Keating].

Mr. KEATING. Mr. Chairman, I ask unanimous consent to withdraw the amendment which I offer. I do not think we are so very far apart, and I think I can offer an amendment which will satisfy everyone concerned.

The CHAIRMAN. The gentleman asks unanimous consent to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr KEATING. Now, Mr. Chairman, on page 5, at the end of line 3, add the following, which I will read, because I question if the Clerk could read the handwriting:

Provided further, That the President shall make no such waiver as to contractors with the Government unless such contractors shall agree to pay for all time in excess of eight hours at a rate not less than time and a half for all hours work in excess of eight hours.

That means simply that the President shall not waive the eight-hour law as it affects the contractors unless the contractors agree to do what the Government is directed to do in this billpay time and a half for overtime.

The CHAIRMAN. Will the gentleman send his amendment

to the desk so that the Clerk can report it?

The Clerk read as follows:

Amendment by Mr. Keating: At the end of line 13, on page 5, insert

Amendment by Mr. Reating: At the end of the 10, on page of the following:

"Provided further, That the President shall make no such waiver as to contractors with the Government unless such contractors shall agree to pay for all time in excess of eight hours at a rate not less than time and a half for all hours work in excess of eight hours."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. ROBERTS of Massachusetts. Division, Mr. Chairman. The committee divided; and there were—ayes 34, noes 22,

So the amendment was agreed to.

Mr. KELLEY. Mr. Chairman, I move to strike out the paragraph including line 6 to line 13, on page 5.

The CHAIRMAN. The gentleman from Michigan offers an amendment to strike out the paragraph included in line 6 to line 13, on page 5. Is there objection?

The amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment which the Clerk will report.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes. for other purposes, for the fiscal year ending June 30, 1918, had insisted upon its amendments Nos. 80, 95, and 111, disagreed to by the House of Representatives, and had appointed Mr. Ashurst, Mr. Myers, and Mr. Clapp as the conferees on the part of the Senate.

NAVAL APPROPRIATION BILL.

The committee resumed its session. The Clerk read as follows:

Amendment by Mr. Leneoot: On page 5, after line 3, add: "That all authority granted to the President in this paragraph to be exercised in time of national emergency shall cease on March 1, 1918."

The CHAIRMAN. The question is on agreeing to the amendment. Does the gentleman from Wisconsin [Mr. Lenroot] desire recognition?

Mr. LENROOT. This is to meet the point raised by the gentleman from Illinois [Mr. Mann] that I think was well taken, to the effect that unless this be adopted the authority might extend beyond March 1, 1918; and this will make it plain.

The CHAIRMAN. The question is on agreeing to the amend-

ment.

The question was taken, and the amendment was agreed to. Mr. MANN. Mr. Chairman, may I get the attention of the gentleman from Tennessee?

Mr. LENROOT. Mr. Chairman, I ask unanimous consent to correct my amendment. The sixth paragraph having been stricken out, it should be offered at the end of line 5, page 5.

The CHAIRMAN. Is these objection? [After a pause.]

Chair hears none.

Mr. MANN. Why do not you put it at the end of line 15, page 3? That is where it belongs.

Mr. LENROOT. The only reason I did not do so was because of the grammatical construction.

The CHAIRMAN. The question is on agreeing to the amend-

ment.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I believe that the committee has

Mr. MANN. Air. Chairman, I beneve that the committee has changed paragraphs (d) and (c), on page 5.

Mr. PADGETT. All of those have been changed.

Mr. MANN. I think the letter (d) wants to be stricken out and the letter (c) ought to stay in. In other words, to change (c) to (d). So (d) wants to go out, (c) remain in.

The CHAIRMAN. The gentleman from Illinois asks unanimous concent that the letter (d) in line 2 page 2 he stricken

mous consent that the letter (d), in line 2, page 2, be stricken from the bill. Is there objection?

There was no objection.

Mr. BUTLER. Mr. Chairman, will the gentleman from Tennessee [Mr. Padgerr] give me his attention?

Inasmuch as I was present when this bill was prepared, and I voted for it, and I feel it incumbent on me to remain here while the bill is being considered, I would like to ask the gentleman if seven hours a day in this kind of atmosphere is not

Mr. PADGETT. I think we have about completed this with the vote on this amendment. I think there are no further amendments. If we take the vote on it I will move to rise.

Mr. BUTLER. That is all right.
The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee, as amended.

The amendment as amended was agreed to.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Page of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had been seen as ported that that committee had had under consideration the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

Mr. SWITZER, by unanimous consent, was granted permission, without leaving copies, to withdraw from the files of the House the papers in the case of John Henson, no adverse report having been made thereon.

EXTENSION OF REMARKS.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating in them an address made by the Secretary of State before the alumni of

Amherst College on Saturday night.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the manner indicated.

Is there objection?

There was no objection.

PATENTS TO CERTAIN INDIANS, STATE OF WASHINGTON.

Mr. STEPHENS of Texas, by direction of the Committee on Indian Affairs, submitted for printing, under the rule, the conference report on the bill (H. R. 8092) confirming patents heretofore issued to certain Indians in the State of Washington.

The conference report and accompanying statement are as follows:

CONFERENCE REPORT (No. 1454).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8092) confirming patents heretofore issued to certain Indians in the State of Washington, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and

2, and agree to the same.

JNO. H. STEPHENS, C. D. CARTER, Managers on the part of the House. KEY PITTMAN, Moses E. Clapp, HARRY LANE. Managers on the part of the Senate.

STATEMENT.

The Senate having receded on both of its amendments, the bill remains the same as when it passed the House.

JNO. H. STEPHENS, C. D. CARTER.

AMENDMENT OF THE GENERAL DAM ACT.

Mr. ADAMSON, from the Committee on Interstate and Foreign

regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

HOUR OF MEETING TO-MORROW-11 O'CLOCK

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the naval appropriation bill. The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the Record on the naval appropriation bill. Is there objection?

There was no objection.

JOHN B. BUCK.

Mr. OAKEY. Mr. Speaker, I ask unanimous consent to proceed for two minutes, to give the House notice of the death of an ex-Member.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. OAKEY. Mr. Speaker, on the 6th day of this month the
Hon. John R. Buck, of Hartford, Conn., passed to the "great

majority.'

Mr. Buck was a Member of the Forty-seventh and Fortyninth Congresses, a man greatly beloved and respected in the State which I have the honor in part to represent; a distinguished member of the great profession of the law; a kindly, genial man; a lovable neighbor, a delightful friend; a friend of the great McKinley, a companion of the brilliant Harrison; a credit to his profession, a credit to the city that he loved, a credit to the State and the country to which he gave much of his valued service. [Applause.]

EXTENSION OF REMARKS.

Mr. COLEMAN rose.

The SPEAKER. For what purpose does the gentleman from

Pennsylvania rise?

Mr. COLEMAN. To ask unanimous consent to extend my remarks in the Record on the subject of Lincoln and Gettysburg.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks on the subject of Lincoln and Gettysburg. Is there objection?

There was no objection.

KECESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the House stand in recess until 7.30 o'clock.

The SPEAKER. The Chair appoints the gentleman from Illinois [Mr. Foster] to preside to-night. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent that the House stand in recess until 7.30 to-night. Is there objection?

There was no objection.

Accordingly (at.5 o'clock and 40 minutes p. m.) the House stood in recess until 7.30 p. m.

EVENING SESSION.

The recess having expired, the House (at 7 o'clock and 30 minutes p. m.) resumed its session, and was called to order by Mr. FOSTER as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will call the first bill

on the Private Calendar.

Mr. STEPHENS of Mississippi. Mr. Speaker, I ask unanimous consent that these bills be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent that these bills be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

JOHN MINAHAN, ALIAS JOHN BAGLEY.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent to make a brief explanation about a bill I have here, which failed to receive consideration in the last Congress because the first Commerce, submitted for printing, under the rule, the conference evening, when private bills were considered, we began in the report on the bill (S. 3331) to amend an act entitled "An act to middle of the calendar, two bills beyond my bill, and the next

time commenced at the beginning and did not reach it. The other evening, when private bills were considered here last week, we began just two bills beyond my bill, on the assumption that my bill had had an opportunity to be heard at the last session, but it had not. It was reported after the two evenings when we considered private bills at the last session. Now we are beginning at the first of the calendar and my bill is at the last, just two bills ahead of where we began last week. Therefore, as it has come over from the former Congress and never had its inning, I ask unanimous consent that it be considered

The SPEAKER pro tempore. In the order fixing this evening for the consideration of bills on the Private Calendar it was agreed to begin at the first of the calendar.

Mr. KINKAID. I ask unanimous consent for immediate con-

Mr. MANN. We can do so by unanimous consent.

The SPEAKER pro tempore. If the gentleman desires to ask unanimous consent that this bill be taken up now, the Chair will put the request

Mr. KINKAID. That is my request.

The SPEAKER pro tempore. What is the number of the bill?

Mr. KINKAID. The bill is No. 439 on the Private Calendar,

The SPEAKER pro tempore. The gentleman from Nebraska
asks unanimous consent that No. 439 on the Private Calendar be taken up before we begin with the first of the calendar. Is there objection?

Mr. COX. Let the bill be reported, Mr. Speaker.
The SPEAKER pro tempore. The Clerk will report it.
The bill (H. R. 1764) for the relief of John Minahan, allas John-Bagley, was read as follows:

Be it enacted etc., That in the administration of the pension laws John Minahan, alias John Bagley, late a private in Company K, Eighth Regiment New Hampshire Volunteers, be held and considered to have been honorably discharged from the military service of the United States as a private in said company and regiment on the 24th day of August, 1864: Provided, That no back pay, back pension, back allowances, or emoluments shall accrue by reason of the passage of this act.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent that before beginning the call of the calendar at the first number this bill be called. Is there objection?

There was no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

The SPEAKER pro tempore. The Clerk will report the first bill on the Private Calendar.

THOMAS SMART.

Mr. OAKEY. Mr. Speaker, I am in somewhat the same ferryboat as the gentleman from Nebraska [Mr. Kinkaid], and while I do not want to try to get in ahead of anybody else, I am a little afraid that my bill will not be reached to-night. It is No. 412 on the Private Calendar, and is a bill that I think no one has any objection to. A neighbor and friend of mine wants his military record corrected, and I ask unanimous consent that that bill be considered.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent that before beginning the calendar the bill No. 412 on this calendar be first considered. Is there objection?

Mr. STEPHENS of Mississippi. Reserving the right to object, I want to say that I am not going to object, but I want to serve notice that hereafter I shall object. I think it is rather putting

it over some of these other gentlemen.

Mr. OAKEY. I am afraid it is, a little; but I doubted whether my bill would be reached.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill (S. 1361) for the relief of Thomas Smart was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldlers, Thomas Smart, late of Company B, Eighth Regiment Connecticut Volunteer Infantry, shall hereafter be held and considered to have been present with his company and regiment from the 27th day of February, 1864, to May 27, 1864: Provided, That other than as above set forth no pay, bounty, or other emolument shall accrue by reason of the passage of this act.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

There was no objection. Mr. MANN. Mr. Speaker, I would like to ask the gentleman if he thinks this bill will do any good?

Mr. OAKEY. I think so. It was unanimously passed by the Senate.

Mr. MANN. I doubt whether it will accomplish any purpose, but I do not object.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

CERTAIN CIVILIAN EMPLOYEES OF THE ENGINEER DEPARTMENT.

The first business on the Private Calendar was the bill (H. R. 5079) for the relief of certain civilian employees of the Engineer Department at Large, United States Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

OSCAR FROMMEL & BRO.

The next business on the Private Calendar was the bill (H. R. 2241) for the relief of Oscar Frommel & Bro.

The SPEAKER pro tempore. Is there objection? Mr. STAFFORD. Mr. Speaker, I object.

DOMMICK TAHENY AND JOHN W. MORTIMER.

The next business on the Private Calendar was the bill (H. R. 6167) for the relief of Dommick Taheny and John W. Mortimer.
The SPEAKER pro tempore. Is there objection?
Mr. MANN. Mr. Speaker, I object.

GEORGE T. LARKIN.

The next business on the Private Calendar was the bill (H. R. 947) for the relief of George T. Larkin.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

CHARLES JOHNSON AND KATE JOHNSON.

The next business on the Private Calendar was the bill (H. R. 9466) for the relief of the heirs or legal representatives of Charles Johnson and Kate Johnson.

The SPEAKER pro tempore. Is there objection? Mr. MANN. I object.

ELLEN B. MONAHAN.

The next business on the Private Calendar was the bill (H. R. 6770) for the relief of Ellen B. Monahan.

The SPEAKER pro tempore. Is there objection? Mr. MANN. Mr. Speaker, I object.

PETER M'KAY.

The next business on the Private Calendar was the bill (S.

1376) for the relief of Peter McKay.

The SPEAKER pro tempore. Is there objection? Mr. MANN. Mr. Speaker, I object.

DR. E. V. HAILMAN.

The next business on the Private Calendar was the bill (H. R. 3145) for the relief of Dr. E. V. Hailman.

The SPEAKER pro tempore. Is there objection? Mr. MANN. Mr. Speaker, I object.

FRANK PAYNE SELBY.

The next business on the Private Calendar was the bill (S. 2720) for the relief of Frank Payne Selby.

The SPEAKER pro tempore. Is there objection? Mr. MANN. Mr. Speaker, I object.

PRESTON B. C. LUCAS.

The next business on the Private Calendar was the bill (H. R. 5091) for the relief of Preston B. C. Lucas.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Preston B. C. Lucas the sum of \$500, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A. J. HODGES, T. W. HODGES, AND C. C. HODGES.

The next business on the Private Calendar was the bill (H. R. 10421) for the relief of A. J. Hodges, T. W. Hodges, and C. C. Hodges

The SPEAKER pro tempore. Is there objection? Mr. STAFFORD, Mr. Speaker, I object.

WILLIAM ENGLUND.

The next business on the Private Calendar was the bill (H. R. 11499) for the relief of William Englund.
The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The next business on the Private Calendar was the bill (H. R.

8426) for the relief of E. A. Swift. The SPEAKER pro tempore. Is there objection? Mr. MANN. Mr. Speaker, I object.

GEORGE T. HAMILTON.

The next business on the Private Calendar was the bill (H. R. 8310) for the relief of George T. Hamilton.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

LENA GARAGNON.

The next business on the Private Calendar was the bill (H. R.

2540) for the relief of Lena Garagnon.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

ETHEL FREDERICKSON AND DAUGHTER ETHEL.

The next business on the Private Calendar was the bill (H. R. 2538) for the relief of Ethel Fredrickson and daughter Ethel. The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

JOHN B. BOSTICK.

The next business on the Private Calendar was the bill (H. R. 9946) waiving the age limit for admission to the Medical Corps of the United States Navy in the case of John B. Bostick.
The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

CLARA KANE.

The next business on the Private Calendar was the bill (H. R. 6406) granting the sum of \$480 to Clara Kane, dependent parent, by reason of the death of William A. Yenser, late civil employee, killed as a result of an accident at Philadelphia Navy Yard.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?
Mr. COX. Mr. Speaker, I object.
Mr. MOORE of Pennsylvania. Will the gentleman withhold his objection or is he going to insist on it?

Mr. COX. I am going to insist.

Mr. MOORE of Pennsylvania. Then I will not take up the time of the House further.

The SPEAKER pro tempore. The gentleman from Indiana objects.

MISSION FARM CO.

The next business in order on the Private Calendar was the bill (H. R. 10869) for the relief of the Mission Farm Co., Peter Volondra, and others.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc. That the Secretary of the Treasury be, and he is herby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following named corporation and persons the respective amounts, as follows: The Mission Farm Co., \$1.835; Peter Volondra, \$187.50; M. E. Robertson, \$62.50; E. Bead, \$187.50; James V. Satra, \$75; Cash Rogers, \$255; Ed Neiness, \$87.50; Jacob Hempel, \$22.50: Isaiah Davis, \$187.50; Alvin Hoffman, \$50; Louis Bordeaux, \$1,385; Charley Pavlik, \$50: George W. Coleman, \$755; W. S. Hatten, \$200; Frank Rothleutner and George W. Coleman, \$750; Hugh Coleman, \$54.50; and Charles Kolkofen, \$62.50, for damages caused to each of said parties by a certain fire set by the carelessness of the employees of the Government in the regular line of their duty and as incident thereto in the Indian Service on the Rosebud Indian Reservation, in South Dakota, and across the State line in Nebraska, on the 20 day of October, 1909.

The bill was ordered to be engrossed and read a third time.

The bill was ordered to be engrossed and read a third time,

was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the payment of certain amounts for damages sustained by prairie fire on the Rosebud Indian Reservation, in South Dakota." FREDERICK CITY, MD.

The next business in order on the Private Calendar was the bill (H. R. 4751) to refund to the corporate authorities of Frederick City, Md., the sum of \$200,000, exacted from them by the Confederate Army under Gen. Jubal Early, July 9, 1864, under penalty of burning said city.

The Clerk read the title of the bill,

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. STEPHENS of Mississippi. Mr. Speaker, I object,

MARYLAND TRUST CO., OF BALTIMORE.

The next business in order on the Private Calendar was the bill (H. R. 6629) for the relief of the Maryland Trust Co., of Baltimore, Md.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this proposes to refund a certain amount of money that was collected, the claim not being presented until more than two years had passed, and it was too late for the department to allow it. Apparently the bill was not referred to the Treasury Department. There is no report on the bill from the Treasury Depart-It creates a precedent under which the Government would have to pay out hundreds of thousands of dollars, and I think we ought to be careful about passing it. Was the bill referred to the Treasury Department?

Mr. STEPHENS of Mississippi. Judging from the report, it was not. I notice the gentleman from Maryland [Mr. Price]

reported it. There is a letter here—
Mr. MANN. I have read the letter from the Maryland Trust Co., but that is not a report upon this bill.

Mr. STEPHENS of Mississippi. I understand.

Mr. MANN. If they made a report on the bill, they would probably make a report with reference to similar claims.

Mr. STEPHENS of Mississippi. I will say very frankly, Mr. Speaker, it would establish a precedent in other matters of this character.

Mr. MANN. Mr. Speaker, for the present I object.

FRANK MOGRIDGE.

The next business in order on the Private Calendar was the bill (H. R. 8089) for the relief of Frank Mogridge.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

JACOB F. WEIDNER.

The next business in order on the Private Calendar was the bill (H. R. 8090) for the relief of Jacob F. Weidner.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

EUGENE A. FREUND AND ALFRED F. ROEMMICH.

The next business in order on the Private Calendar was the bill (H. R. 4319) for the relief of Eugene A. Freund and Alfred F. Roemmich.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

WILLIAM S. ROTE.

The next business in order on the Private Calendar was the bill (H. R. 7182) for the relief of William S. Rote.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? Mr. MANN. Mr. Speaker, I object,

The next business in order on the Private Calendar was the bill (H. R. 1443) for the relief of Joe T. White.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

JAMES BOOKHAMER.

The next business in order on the Private Calendar was the bill (H. R. 4880) for the relief of James Bookhamer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? Mr. MANN. Mr. Speaker, I object.

D. M. CARMAN.

The next business in order on the Private Calendar was the bill (S. 1425) for the relief of D. M. Carman, representing the estate of Luis R. Yangco, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

E. W. ROHMELING.

The next business in order on the Private Calendar was the bill (H. R. 7504) for the relief of E. W. Rohmeling.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. WALSH. Will the gentleman withhold his objection? Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. WALSH. This is a bill to compensate an employee of the Fisheries Bureau who lost some personal effects and money by a fire which took place upon one of the steamers of the bureau, and it seems to me that reimbursement of this loss is in line with the policy of the Government which provides rewards for employees of the Government or others when they restore property that has been lost through carelessness or accident in various departments of the Government.

This man by his prompt action and at some risk saved property to the value of several thousand dollars to the Government, and I trust the gentleman will not press his objection, but will allow a claim that has as much justness in it as this to be passed

upon and approved.

Mr. MANN. Mr. Speaker, there are a good many of these claims-quite a number of them on the calendar. It is not possible for the Government of the United States to insure the personal effects of an employee on board ship or elsewhere. It is possible for the employee to insure them, and I do not think the Government should attempt to assure an employee that if he loses his personal effects the Government will pay the bill. That

is not the practice, therefore I am bound to object.

Mr. WALSH. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. WALSH. Does the gentleman make any distinction where the employee loses his effects in the ordinary course of events and the case where he loses them while he is performing what we might call an heroic deed, where, without consideration for himself or his property, he goes to his post of duty and as a result of that saves a vessel worth several thousands of dollars? Now, the other members of the crew were able to save their effects, but this man went immediately to the fire pumps. With two or three minutes delay he could have saved his property, but he gave that matter no thought. He went immediately to the fire pumps and put them in operation, and as a result of that saved the steamer and lost his money and personal effects.

Mr. MANN. Mr. Speaker, the man performed a very meritorious service, and the memory of that ought to be a great comfort to him without expecting the Government to pay for it. There would not be any merit in it if he asked the Government

to do so. I object.

HENRY S. ROYCE.

The next business in order on the Private Calendar was the bill (H. R. 1622) for the relief of Henry S. Royce. The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD and Mr. MANN objected.

CLAIMS AGAINST CHOCTAW AND CHICKASAW NATIONS.

The next business in order on the Private Calendar was the bill (H. R. 10555) referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

STUART, LEWIS, GORDON & RUTHERFORD.

The next business in order on the Private Calendar was the bill (H. R. 10872) making an appropriation to Stuart, Lewis, Gordon & Rutherford, in payment of legal services rendered by them to the Creek Nation.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Let the bill be reported.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Stuart, Lewis, Gorden & Rutherford, out of any funds in the Treasury of the United States belonging to the Creek Nation, the sum of \$7,000, together with interest thereon at the rate of 5 per cent per annum from October 18, 1900, to date of payment, being in full settlement of the claim of the said Stuart, Lewis, Gordon & Rutherford against the said Creek Nation for legal services rendered the said Creek Nation employed by authority of an act of the national council of the Creek Nation, approved January 7, 1898, the said sum of \$7,000 having been appropriated in payment of said services by an act of the national council of the Creek Nation, approved October 18, 1900.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, we had quite a discussion about this bill before. It was disapproved at one time by President McKinley. It may have been an error. I notice the bill provides for the payment of \$7,000, together with is for demurrage. It may be that the Government ought to

interest thereon. The gentleman from Oklahoma [Mr. Has-TINGS], I think, will recall that where there is no contract the Government does not undertake to pay interest.

Mr. HASTINGS. I am willing the amendment should be

made to cut out the interest, in line 7, after "\$7,000," the words "together with interest thereon at the rate of 5 per cent per annum from October 18, 1900, to date of payment." That would eliminate that feature.

Mr. MANN. Very well. I do not object. The SPEAKER pro tempore. Is there objection? [After a pause.] The Chairs hears none.

Mr. HASTINGS. Mr. Speaker, I offer an amendment. The SPEAKER pro tempore. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Hastings: Page 1, line 7, after the figures "\$7,000," strike out "together with interest thereon at the rate of 5 per cent per annum from October 18, 1900, to date of payment."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The next business on the Private Calendar was the bill (H. R. 14570) for the relief of Cathrine Grace.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next one.

The next business on the Private Calendar was the bill (H. R. 13636) for the relief of R. L. Jennings.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, this bill is improperly on the Calendar. It never has been reported. It is a mistake on the part of somebody. The resolution was reported to refer this bill to the Court of Claims. I have a notation on the bill that the resolution has been passed. The bill never was reported. The report

The Committee on Claims, to whom was referred the bill H. R. 13636 * * having considered the same, report in Hen thereof the following House resolution:

Resolved, That the bill * * * be reported to the Court of Claims for findings of fact and conclusions of law.

I do not recall it, but I have a notation that the resolution has been passed

Mr. STEPHENS of Mississippi. I have no recollection of its being passed, and the clerk to the committee has no recollection

Mr. MANN. I have a notation to the effect that the resolu-

tion was passed. Mr. STEPHENS of Mississippi. I ask unanimous consent. Mr. Speaker, that the bill be passed over until we can look into

it and see The SPEAKER pro tempore. The gentleman from Missis-sippi asks unanimous consent that the bill be passed over with-

out prejudice. Is there objection?

There was no objection. The SPEAKER pro tempore. The Clerk will report the next

HUDSON BROS.

The next business on the Private Calendar was the bill (H. R. 3253) for the relief of Hudson Bros., of Norfolk, Va.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Let the bill be reported, Mr. Speaker. The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby directed to pay to Hudson Bros., of Norfolk, Va., out of any money in the Treasury not otherwise appropriated, the sum of \$620.60 for damages sustained by said Hudson Bros. on account of a collision between the United States revenue cutter Apache and barge C. T. Roveland, owned by said Hudson Bros., the collision being caused by the fault in handling the United States revenue cutter Apache, as determined by court-martial in the case.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, \$160 of the amount

pay demurrage, but it is not the custom. If the gentleman wants to reduce it by \$160 and make it \$460.60, I will make

Mr. STEPHENS of Mississippi. Do I understand the gentleman will object unless the reduction is made?

Mr. MANN.

Mr. STEPHENS of Mississippi. Then, Mr. Speaker, I move that in line six the figures "\$620.60" be stricken out and the sum of "\$460.66" be inserted.

Mr. MANN. Mr. Speaker, I withdraw my objection.
The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Mississippi.

The Clerk read as follows:

Page 1, line 6, amend by striking out "\$620.60" and insert in lieu thereof "\$460.66."

Mr. MANN. Make it \$460.60. Mr. STEPHENS of Mississippi. Very well. The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JAMES C. HILTON.

The next business on the Private Calendar was the bill (S. 606) for the relief of James C. Hilton.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I think that has been taken care of.

Mr. STEPHENS of Mississippi. The Hilton bill?

Mr. MANN. Yes.

Mr. STEPHENS of Mississippi. We have not been informed, if it has. I have not seen anybody interested in the matter for quite a little while.

Mr. MANN. I think it was paid in the naval bill at the last

session of Congress.

Mr. STEPHENS of Mississippi. Then I ask that the bill be passed over until I can find out about it. I am not informed of

it now.

Mr. MANN. That is the case. It was taken care of in the

The SPEAKER pro tempore. Without objection, the bill will be passed over.

There was no objection.

WILLIAM W. FINEREN.

The next business on the Private Calendar was the bill (H. R. 2601) for the relief of William W. Fineren.

The title of the bill was read.
The SPEAKER pro tempore. Is there objection?
Mr. MANN. I object.
The SPEAKER pro tempore. The gentleman from Illinois objects.

VICTOR A. ERMERINS.

The next business on the Private Calendar was the bill (S. 4581) for the relief of Victor A. Ermerins.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection? Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next one.

DOUGLAS H. JOHNSTON.

The next business on the Private Calendar was the bill (H. R. 12391) to reimburse Douglas H. Johnston.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Reserving the right to object, I am sure that is Mr. MANN.

in the Indian bill as a Senate amendment.

That is in the Indian bill. The only thing Mr. MURRAY. about it is that it looks as though they were going to kill the Indian bill.

Mr. MANN. This will be the best thing in it to kill. [Laugh-

Mr. STAFFORD. The amendment has been agreed to in conference, though the conference report has not been adopted.

Mr. MURRAY. I will tell you what I will do—

Mr. MANN. To save time I will object.

FORT HALL RESERVATION, IDAHO.

The next business on the Private Calendar was the bill (H. R. 12472) authorizing the submission to the Court of Claims of the claims of sundry citizens of Idaho for damages sustained by reason of the overflow of their lands in connection with the construction of the reservoir to irrigate lands belonging to the Indians on the Fort Hall Reservation in

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? Mr. MANN. I object.

CHARLES AKERLUND.

The next business on the Private Calendar was the bill (H. R. 6518) for the relief of Charles Akerlund. The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

WILLIAM E. JOHNSON.

The next business on the Private Calendar was the bill (H. R. 13072) for the relief of William E. Johnson,

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? Mr. MANN. I object.

EXCESS DUTIES ON STEEL BLOOMS.

The next business on the Private Calendar was the bill (S. 4398) for the refund of excess duties on steel blooms.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Let the bill be reported. Mr. CULLOP. I object,

LENA SCHMIEDER.

The next business on the Private Calendar was the bill (H. R. 3294) for the relief of Lena Schmieder.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

MARTHA HAZELWOOD.

The next business on the Private Calendar was the bill (H. R. 7427) for the relief of Martha Hazelwood. The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

ESTATE OF JOHN STEWART, DECEASED.

The next business on the Private Calendar was the bill (S. 3388) for the relief of the estate of John Stewart, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? Mr. MANN. I object.

MOEUR-PAFFORD CO.

The next business on the Private Calendar was the bill (H. R. 13496) for the relief of the Moeur-Pafford Co. The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? Mr. HAYDEN. Mr. Speaker, I move to lay that bill on the table. It has been cared for in other legislation.

The SPEAKER pro tempore. Without objection, the bill will be laid on the table.

There was no objection.

P. J. CARLIN CONSTRUCTION CO.

The next business on the Private Calendar was the bill (H. R. 4537) for the relief of the P. J. Carlin Construction Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? Mr. MANN, I object,

ESTATE OF JOHN H. CHRISTY, DECEASED.

The next business on the Private Calendar was the bill (H. R. 8010) making an appropriation to pay the legal representatives of the estate of John H. Christy, deceased, to wit: E. J. Christy. Mary L. Christy, Sallie A. Christy, W. S. Christy, T. J. Christy, and Julia H. Bryson, and the estates of J. R. Christy, W. D. Christy, and H. P. Christy, heirs at law of John H. Christy, late of the State of Georgia, in full for any claim. claim for salary and allowance made by reason of the election of the said John H. Christy to the Thirty-ninth Congress and his services therein.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

T. J. BALL.

The next business on the Private Calendar was the bill (H. R. 13637) for the relief of T. J. Ball.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

JOHNSTON-M'CUBBINS INVESTMENT CO.

The next business on the Private Calendar was the bill (S. 3257) for the relief of Johnston-McCubbins Investment Co. The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

MARY BAILEY PRATT.

The next business on the Private Calendar was the bill (H. R. 8624) for the relief of Mary Bailey Pratt.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

JOHN STEAGALL.

The next business on the Private Calendar was the bill (H. R. 15117) for the relief of John Steagall.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

CHARLES E. KNICKERBOCKER.

The next business on the Private Calendar was the bill (H. R. 11843) for the relief of Charles E. Knickerbocker.

The SPEAKER pro tempore. Is there objection?

Mr. COX. Mr. Špeaker, I object. Mr. MILLER of Delaware. Mr. Speaker, I ask unanimous consent that we pass over the bills from Calendar No. 294 to Calendar No. 319, inclusive, unless there are some bills in those numbers that are not going to be objected to by any Member

Mr. SWEET. Mr. Speaker, I object. My bill is 295.

Mr. MILLER of Delaware. I shall renew the request, because a lot of these bills have been gone over before and have been objected to, and we want to get along, if possible.

Mr. STAFFORD. We are getting along pretty well.

CATHERINE BURNS, WIDOW OF PATRICK BURNS.

The next business on the Private Calendar was the bill (H. R. 11661) for the relief of Patrick Burns.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object Mr HASKELL Mr Speaker, will the gentleman withhold his objection for a moment?

Mr. MANN. Mr. Speaker, I reserve the objection.

Mr. HASKELL. Mr. Speaker, Patrick Burns, an employee of the Government, as the result of an accident which happened on April 10, 1899, at the Brooklyn Navy Yard, lost a leg. The committee have reported and recommended in his favor an amount which he would have received under the workmen's compensation act. At that time the workmen's compensation act was not in force. Here is a man who lost his leg as the result of an accident which happened on April 10, 1899, while in the performance of his duty to the United States Government. I know that after the accident and the amputation of his leg his wife and himself spent practically all of their earnings to restore him to such health where he could live and halfway enjoy life, handicapped and crippled as he was. Other bills of this nature have passed. I remember in the last session of this Congress a similar case, where the committee, following this rule, reported a bill making a recommendation of allowance upon the basis of the amount which the man would have received had the workmen's compensation act been in effect, and it was unanimously passed here on the floor of the House. submit that as an act of justice in this case this allowance ought to be made.

Since this bill was pending, and on July 24, 1916, this man, afflicted as he was, died, and I dare say the widow who survives him, now advanced in years, will shortly follow in his path. I appeal here to-night that this bill is fair and meritorious and the Government owes it to this widow. The victim of the acci-dent is dead, and if Congress is to further postpone action, even the widow will be deprived of this modest amount. I sincerely hope that the gentleman under the circumstances will withdraw his objection and allow this act of justice to be done.

Mr. MANN. Mr. Speaker, we had a long controversy and took up a lot of time the other evening on a case where a man had

Mr. HASKELL. But something was allowed.

Mr. MANN. And the gentleman interested in the matter was not satisfied with what was allowed. If the gentleman is satisfied with the committee amendment, I shall withdraw my ob-

Mr. HASKELL. I shall be perfectly satisfied. Mr. MANN. I do not object.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Patrick Burns, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000, in full compensation for injuries received, resulting in the loss of his left leg through no fault of his own, while performing his duties as a joiner at the navy yard, Brooklyn, N. Y., on the 10th day of April, 1890.

With the following committee amendment:

Line 6, strike out "\$2,000" and insert "\$1,000."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. HASKELL. Mr. Speaker, I move to insert on line 4, after the words "pay to," the words "Catherine Burns, widow

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Line 4, after the words "pay to," insert the words "Catherine Burns, widow of."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. AUSTIN. Mr. Speaker, I move to strike out the last word. May I ask the gentleman if this injury was the cause of this man's death?

Mr. HASKELL. I can not say positively as to that. He died

in July, 1916, and the accident happened in 1899.

Mr. AUSTIN. Mr. Speaker, on the last night we had under consideration the bills on the Private Calendar, attention was called to the fact by the gentleman from New Jersey [Mr. Browning] that on the afternoon of the day when we passed the bill appropriating \$720 for the loss of a man's leg the Senate of the United States passed a bill making an appropriation of \$2,500 for the loss of a man's arm.

I found on investigation that the case passed upon by the Senate was a House bill in the interest of a man by the name of Jennings; that the House Committee on Claims reported that bill favorably, carrying an appropriation of \$2,500, and that the Senate passed the House bill after we had passed it. Now, I wish to direct an inquiry to the members of the Committee on Claims to give an explanation why in the Collins case they reported and passed a bill appropriating \$2,500 for the loss of an arm, and in the case then under consideration, from New Jersey, the committee reported a bill, and we passed it, providing for an appropriation of \$720? And now we are it, providing for an appropriation of \$720? And now we are about to pass a bill making an appropriation of \$1,000, having reduced it from \$2,000 to \$1,000, for the loss of a leg. In other words, why is there a scale or a difference; and if so, upon what measure of justice and equity does the committee fix this standard? That is what I would like to know, in the interest of fair play, and I yield for an explanation from any member of the Committee on Claims.

Mr. STEPHENS of Mississippi Mr. Speaker in answer to

Mr. STEPHENS of Mississippi. Mr. Speaker, in answer to the gentleman, I will say that the committee has tried very hard to live up to the policy of allowing one year's salary where a party was injured. Now, of course, the gentleman knows very well that the salary of Government employees varies very largely. Some men get \$500, some get \$720 per annum, some \$1,000, and some \$2,500, and so on; and it may be in some cases we have gone a little beyond the year's salary. I think, owing to the peculiar circumstances in the case, once or twice we have gone beyond the one year's salary, but in the main we have held it down to an amount equal to one year's salary.

Mr. AUSTIN. Does the gentleman plead guilty to a statement that his committee fixed the valuation of \$2,500 in the case passed by the Senate the other day; and if so, why was an exception made in that case; and if it were possible to go beyond a year's salary in one case, why is it not possible to do the same thing in other cases?

Mr. STEPHENS of Mississippi. It is possible, of course, Mr. Speaker, to fix any amount we care to fix; but the gentleman should remember under the law these people are not entitled

Mr. AUSTIN. Why did the committee in the Jennings case make it \$2,500?

Mr. STEPHENS of Mississippi. Mr. Speaker, I have not the bill before me, and I do not know the facts-

Mr. AUSTIN. I will get it. Mr. STEPHENS of Mississippi. If the gentleman has read the evidence in the case he might think we are exactly right even in that matter.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to. The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

The title was amended so as to read; "A bill for the relief of Catherine Burns, widow of Patrick Burns."

REIMBURSEMENT FOR CURRENCY DESTROYED BY FIRE.

The next business in order on the Private Calendar was the bill (H. R. 4626) to reimburse the Farmers' Savings Bank, of Brandon, Iowa, for currency destroyed by fire.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money not otherwise appropriated, the sum of \$1,985 to the Farmers' Savings Bank, of Brandon, Iowa, to reimburse them for the above-named amount of lawful currency of the United States which was destroyed by fire at the time the Farmers' Savings Bank, of Brandon, Iowa, burned and the currency consumed.

Mr. CULLOP. Mr. Speaker, I would like to know from the author of this bill whether this property was insured and payment was received?

Mr. SWEET. The currency was not insured but the building in which the bank was located was insured, and also the fur-

Mr. CULLOP. There was no insurance against the destruction of the currency by fire?

Mr. SWEET. None whatever. Mr. COX. Mr. Speaker, I would like to ask a question. The currency was in a safe that was guaranteed by the company to withstand fire, was it not?

Mr. SWEET. It was in a safe that was reported to be suffi-

cient for a bank of that kind.

Mr. COX. The safe was bought of the Diebold Safe & Lock They sent their representative, Mr. E. Thompson, of Cedar Rapids, Iowa, to Brandon, who sold to the officers and directors of the bank a manganese-steel safe with automatic locks and all modern appliances, representing to the officers and di-rectors that this safe was absolutely fireproof under conditions that might arise in the frame building in which it was to be placed. Now, does the gentleman know whether or not this corporation or company ever undertook in any way to hold this Diebc'd Safe & Lock Co. responsible for it?

Mr. SWEET. No; not upon the oral representations as

Mr. COX. Was it an oral representation or a written agree-

ment, does the gentleman know?

Mr. SWEET. There was no written agreement. It was merely a statement made by an agent of the company or one representing the company at the time.

Mr. COX. There is no written guaranty to the bank that this safe would withstand fire?

Mr. SWEE" There was not.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

SIMON M. PRESTON.

The next business in order on the Private Calendar was the bill (S. 1288) for the relief of Simon M. Preston.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? Mr. MANN. Mr. Speaker, I object.

MRS. W. E. CRAWFORD.

The next business in order on the Private Calendar was the bill (H. R. 9335) for the relief of Mrs. W. E. Crawford.

The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection?
Mr. MANN. Mr. Speaker, I object.
Mr. ALMON. Mr. Speaker, will the gentleman reserve the

right to object?

Mr. MANN. I will reserve the right to object.

Mr. ALMON. Mr. Speaker, this is a bill to pay \$140.40 earned by Mrs. Crawford as temporary substitute carrier for the delivery of parcel post at Decatur, Ala.

The Post Office Department admits that the service was ren-

dered and that it has not been paid for. The payment was diclined for the reason, it was said, that there were some eli-

gibles on the civil-service register and that the postmaster was The report of the Committee on Claims was to the effect that the postmaster himself even did not have the notice to discontinue the services of Mrs. Crawford, and there is absolutely no contention that the woman who did the work had any notice that there was an eligible list or that her services were not desired. It was a case where there was simply a quibble

over the payment, on account of the civil-service registry.

Mr. Mann. Mr. Speaker, this is a plain violation of the civil-service law and a willful violation, I think, by the postmaster. I do not know that the woman was to blame. I do not think it creates any precedent to amount to anything, and it is only a small amount, and therefore I withdraw my objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Mrs. W. E. Crawford the sum of \$140.40 in full compensation for services rendered as auxiliary carrier of mails at Decatur, Ala., from February 28, 1914, to June 28, 1914.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

RHODA MENZ, W. W. CHRISTMAS, AND JAMES M. CHRISTMAS.

The next business in order on the Private Calendar was the bill H. R. 10624, a bill to appropriate a sum of money to Rhoda Menz, W. W. Christmas, and James M. Christmas, heirs of Myra Clarke Gaines, for certain lands in Louisiana.

The SPEAKER pro tempore. Is there objection? Mr. MANN. I object. It is not a very good time for Christmas presents.

AMENDMENT TO ACTS OF . 1909.

The next business in order on the Private Calendar was the bill (H. R. 13674) to amend section 11 of chapter 308 of the acts

The SPEAKER pro tempore. Is there objection? Mr. MANN. I object.

DUNCAN GRANT RICHART.

The next business in order on the Private Calendar was the bill (H. R. 7111) to authorize the appointment of Duncan Grant Richart to the grade of lieutenant in the Army.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

CLAIMS OF IOWA TRIBE OF INDIANS.

The next business in order on the Private Calendar was the bill (S. 4253) conferring jurisdiction on the Court of Claims to hear, determine, and report to Congress on claims of the Iowa Tribe of Indians against the United States.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, if I recollect correctly, under the Judicial Code the committee by a simple little committee resolution can send this matter to the Court of Claims. I do not know why they do not. I do not see any cause for the legislation, especially on the terms named in the bill. Therefore, I object.

CLAIMS OF SHAWNEE INDIANS.

The next business in order on the Private Calendar was the bill (S. 1098) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribe of Indians, and to report the same to Congress.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

CLAIMS OF PONCA TRIBE OF INDIANS.

The next business in order on the Private Calendar was the bill (S. 1094) conferring jurisdiction on the Court of Claims to hear and determine and report to Congress on claims of the Ponca Tribe of Indians against the United States.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

COWLITZ TRIBE OF INDIANS.

The next business in order on the Private Calendar was the bill (S. 2458) authorizing the Cowlitz Tribe of Indians residing in the State of Washington to submit claims to the Court of Claims.

The SPEAKER pro tempore. Is there objection? Mr. MANN. I object.

FRANCESCA G. MONTELL.

The next business in order on the Private Calendar was the bill (H. R. 14046) for the relief of Mrs. Francesca G. Montell. The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

JOSEPH C. AKIN.

The next business in order on the Private Calendar was the bill (H. R. 2743) for the relief of the widow of Joseph C. Akin, The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Mrs. Joseph C. Akin, of Dolores, Montezuma County, Colo., widow of Joseph C. Akin, who, while in the discharge of his duty as a deputy United States marshal, was killed by a band of renegade Ute Indians while he was attempting to arrest one Tse-Ne-Gat, a Ute Indian charged with murder, on the 21st day of February. 1915, the sum of \$5,000, on account of the murder of her said husband while in the regular discharge of his duties in the service of the Government of the United States.

Also the following committee amendment was read:

Page 1, line 4, after the word "pay," insert the words "out of any money in the Treasury not otherwise appropriated."

Mr. MANN. Mr. Speaker, when this bill was called before I objected to it because the report did not show that Joseph C. Akin was, in fact, a deputy marshal or, for that matter, did not show that he was killed, although that is the statement in the bill. The gentleman from Colorado [Mr. Taylor] stated to me the other day that he had investigated the matter and had a statement from the Attorney General.

Mr. TAYLOR of Colorado. I have very full proof here from the Department of Justice, and also from the United States marshal, and I will place them in the RECORD at this point:

DEPARTMENT OF JUSTICE, Washington, D. C., August 17, 1916.

Hon. EDWARD T. TAYLOR,

House of Representatives,

Washington, D. C.

My Dear Sir: In accordance with your request, the Department wired the United States marshal for Utah in reference to Joseph C. Akin, deceased, and received, August 16, the following telegraphic replacements.

Akin, deceased, and received, August 16, the following telegraphic reply:

"Joseph C. Akin was duly appointed by me as posseman February 16, 1915; was killed while acting in discharge of his duties as such posseman February 21."

In addition, I may state that the files of this department show that Joseph C. Akin was appointed posseman by the United States marshal for Utah upon due authority given by the department, and that Thomas H. Akin, administrator of said Akin's estate, was duly paid for services performed by Akin as posseman, payment being made under Revised Statutes, section 846, and duly approved by the President. There is also on file with the department a certified copy of the appointment of Thomas H. Akin as said administrator by the county court for the county of Montezuma, Colo., reciting that Akin died intestate on or about February 21, 1915.

Respectfully,
For the Attorney General:

Charles Warren,

CHARLES WARREN, Assistant Attorney General.

Mr. AUSTIN. May I ask the gentleman a question?

Mr. TAYLOR of Colorado. Yes.

Mr. AUSTIN. What is the annual salary of the deputy mar-

Mr. TAYLOR of Colorado. It is \$3 a day.

Mr. AUSTIN. That is \$900 a year. Why is an exception made in this case?

Mr. TAYLOR of Colorado. It is more than \$900 a year. Mr. AUSTIN. I thought the bill read "\$5,000."

Mr. TAYLOR of Colorado. There is a committee amendment reducing it to one year's salary, namely, \$1,095.

Mr. AUSTIN. In this connection I wish to state that I hold in my hand a copy of a bill, H. R. 6732, an act for the relief of Joseph A. Jennings, appropriating \$2,500. It passed the House of Representatives on March 3, 1916, and passed the Senate last week for the same amount.

Mr. Jennings was a painter in the Government navy yard in Washington and was paid \$3.04 a day, which is equivalent to

\$951.51 per annum.

I heard the statement made the other night in answer to my criticism that if we increased any of these amounts over and above the annual salary of one of these Government employees the Senate would not pass it. I wish to call attention to the fact that the Senate did pass that bill, which carries about

\$1,500 more than the man's yearly salary.

Mr. STEPHENS of Mississippi. Mr. Speaker, I wish to say, in answer to that, that the Senate has on a number of occasions refused to pass bills carrying more than one year's salary. They have been insistent on holding the amount down to one year's

salary.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will read the next committee amendment.

The Clerk read as follows:

Amend, page 2, line 2, by striking out the figures "\$5,000" and inserting in lieu thereof the figures "\$1,095."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

the amendment was agreed to.

The amendment was agreed to.

The question is on the engross-The SPEAKER pro tempore. The question i ment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

THOMAS G. ALLEN.

The next business on the Private Calendar was the bill (H. R. 13354) to compensate Thomas G. Allen for injuries received while employed in the General Land Office of the United States, and making an appropriation therefor.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.
The SPEAKER pro tempore. The Clerk will report the bill.
The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas G. Allen, the sum of \$3,000 for injuries received while employed in the United States General Land Office, Washington, D. C., December 27, 1915.

With a committee amendment, as follows:

Amend, line 6, by striking out the figures "\$3,000" and inserting in lieu thereof "\$1,000."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read

a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next

JOHN FRAZER-ZEPHANIAH KINGSLEY.

The next business on the Private Calendar was the bill (H. R. 7733) to give the Court of Claims jurisdiction to hear and adjudge the claims of the estate of John Frazer, deceased, and of the estate of Zephaniah Kingsley, deceased.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next one.

WOMAN'S BOARD OF DOMESTIC MISSIONS, REFORMED CHURCH OF AMERICA.

The next business on the Private Calendar was the bill (H. R. 11563) for the relief of the Woman's Board of Domestic Missions, Reformed Church of America.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next one.

ARTHUR HUBESTY TURNER

The next business on the Private Calendar was the bill (H. R. 8277) to reinstate Arthur Hubesty Turner as a second lieutenant in the United States Marine Corps.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next one.

LIEUT. RICHARD PHILIP M'CULLOUGH, UNITED STATES NAVY.

The next business on the Private Calendar was the bill (H. R. 4890) for the relief of Lieut. Richard Philip McCullough, United States Navy.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection? Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

I. C. JOHNSON, JR.

The next business on the Private Calendar was the bill (H. R. 9095) for the relief of I. C. Johnson, jr.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN, I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

ASSISTANT PAYMASTER JOHN D. P. HODAPP, UNITED STATES NAVY.

The next business on the Private Calendar was the bill (H. R. 15016) for the relief of Assistant Paymaster John D. P. Hodapp, United States Navy.

The SPEAKER pro tempore. Is there objection?

Mr. DIXON. Mr. Speaker, that bill may be laid on the table, it having been included in the naval bill of last year.

The SPEAKER pro tempore. Without objection, the bill will be laid on the table

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

RELIEF OF SUNDRY RUILDING AND LOAN ASSOCIATIONS.

The next business on the Private Calendar was the bill (S. 5672) for the relief of sundry building and loan associations. The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the several associations herein named, out of the moneys in the Treasury not otherwise appropriated, the sums herein specifically set forth, the same being a refund of the tax illegally collected from said associations under the excise act of August 5, 1909, namely:

To the Rapides Building & Loan Association, of Alexandria, La., \$23.70.

\$23.70.
To the Shreveport Building Association, of Shreveport, La., \$929.47.
To the Sixth District Building & Loan Association, of New Orleans, La., \$41.64.
To the Fidelity Homestead Association, of New Orleans, La., \$70.26.
To the Union Homestead Association, of New Orleans, La., \$190.98.
To the Iberia Building Association, of New Iberia, La., \$723.55.
To the Teutonia Loan & Building Co., of New Orleans, La., \$312.16.
To the Citizens' Homestead Association, of New Orleans, La., \$21.63.
To the Portsmouth Savings & Loan Co., of Portsmouth, Ohio, \$111.57.
To the Ninth West Columbia Permanent Building Association, of Baltimore, Md., \$88.41.
To the State Mutual Building Association, of Baltimore, Md., \$247.55.
To the Citizens' Saving & Loan Association Co., of Portsmouth, Ohio, \$243.48.
To the Reliable Building & Loan Association, of Newark, N. J., \$811.59.

To the Orvil Cooperative Building & Loan Association, of Allendale,
 N. J., \$38.74.
 To the Monticello Mutual Building & Loan Association, of Jersey
 City, N. J., \$261.36.
 To the Junior Order Building & Loan Association, of Newark, N. J.,

\$228.61.
To the Ironbound District Building & Loan Association, of Newark, N. J., \$97.28.
To the Hilton Building & Loan Association, of Newark, N. J., \$134.82.

To the Duncan Building & Loan Association, of Jersey City, N. J., \$47.46.
To the Columbia Building & Loan Association, of Jersey City, N. J., \$201.05.

To the Commonwealth Building & Loan Association, of Newark, N. J.,

To the Control of Newark, N. J., \$10.95.

To the Boonton Building & Loan Association, of Boonton, N. J., To the Boonton Building & Loan Association, of Newark, N. J., \$10.92.

To the Twelith ward building & Loan Association, of Newark, N. J.,
To the Woodside Building & Loan Association, of Newark, N. J., \$11.01.
To the Woodside Building & Loan Association, of Newark, N. J., \$404.69.
To the State Mutual Building & Loan Association, of Los Angeles, Cal., \$1,969.66.
To the Fidelity Saving: & Loan Association, of Los Angeles, Cal., \$2.392.29.
To the Kern County Mutual Building & Loan Association, of Bakersfield, Cal., \$189.20.
To the Pasadena Building & Loan Association, of Pasadena, Cal. (formerly the Los Angeles County Mutual Building & Loan Association, of Pasadena), \$62.74.
To the Home Builders' Loan Association, of Pomona, Cal., \$117.55.
To the San Diego Building & Loan Association, of San Diego, Cal., \$317.68.

To the San Diego Building Loan Association, of Los Angeles, To the Provident Mutual Building Loan Association, of Los Angeles, Cal., \$4,403.12.
To the People's Mutual Building & Loan Association, of Bakersfield, Cal., \$199.35.
To the Santa Fe Building Association, of San Bernardino, Cal., \$271.90.

8571.90.
To the Home Investment Association, of Redlands, Cal., \$157.65.
To the Western Loan & Building Co., of Salt Lake City, Utah, as successors to the Western Loan & Savings Co., \$768.38.
To the Yakima Savings & Loan Association, of North Yakima, Wash.,

121.54.
To the German Savings, Building & Loan Association, of Seattle, Wash., \$37.54.

To the Pacific Building & Loan Association, of Tacoma, Wash., \$268.33.

To the Jefferson County Building & Loan Association, of Birmingham, Ala., \$1,034.59.

To the West Baltimore Building Association, of Baltimore, Md., \$168.17.

the Fidelity Building, Loan & Savings Co., of Columbus, Ohio,

\$541.28.
To the Trumbull Savings & Loan Co., of Warren, Ohio, \$173.07.
To the Permanent Savings & Loan Co., of Akron, Ohio, \$56.22.
To the Home Building Loan & Savings Co., of Coshocton, Ohio, \$164.92.

To the Third Savings & Loan Co., of Piqua, Ohio, \$151.23.
To the Cleveland Savings & Loan Co., of Cleveland, Ohio, \$405.31.
To the Union Savings & Loan Co., of Cleveland, Ohio, \$4,389.70.
To the People's Savings Association, of Columbus, Ohio, \$835.61.
To the Allemania Building & Loan Co., of Columbus, Ohio, \$835.61.
To the Cambridge Loan & Building Co., of Cambridge, Ohio, \$12.82.
To the Bellefontaine Building & Loan Co., of Bellefontaine, Ohio, \$194.44.

To the Centerburg Building & Loan Co., of Centerburg, Ohio, \$331.10.
To the Central Ohio Building & Loan Co., of Columbus, Ohio, \$331.10.
To the Citizens' Home & Savings Co., of Marysville, Ohio, \$80.11.
To the Defiance Home Savings & Loan Association, of Defiance, Ohio, \$269.58.

\$269.58.
To the Delphos Savings & Loan Association Co., of Delphos, Ohio, \$155.39.
To the Home Savings, Loan & Building Association Co., of Bryan, Ohio, \$122.42.
To the Mutual Loan & Savings Association, of Chillicothe, Ohio, \$105.45.
To the People's Savings & Loan Association, of Sidney, Ohio, \$58.02.
To the Railroad Employees' Building & Loan Co., of Columbus, Ohio, \$478.25.
To the Savings, Building & Loan Co., of Sandusky, Ohio, \$50.08.
To the Star Building & Loan Co., of Ironton, Ohio, \$38.70.
To the West Side Building & Loan Association, of Columbus, Ohio, \$31.73.

With committee amendments, as follows:

To the Savings & Homestead Association, of New Orleans, La., \$28.49.

To the Citizens' Building & Loan Association Co., of Newark, Ohio, \$83.60.

\$83.60.

To the Eagle Savings & Loan Association, of Cincinnati, Ohio, \$141.24.

To the Home Building Association, of Newark, Ohio, \$351.13.

To the Johnstown Building & Loan Association Co., of Johnstown, Ohio, \$116.34.

To the People's Building & Loan Co., of Delaware, Ohio, \$206.04.

To the People's Building & Savings Co., of Troy, Ohio, \$197.16.

To the Orange Building & Loan Association, of Orange, Cal., \$238.72.

To the Silver Gate Building & Loan Association, of San Diego, Cal., \$232.73.

To the Modern Building & Loan Association, of Newark, N. J., \$110.76.

To the Preferred Building & Loan Association, of Newark, N. J., \$116.22.

To the Assurance Permanent Loan & Savings Association, of Baltimore, Md., \$97.01.

To the Baltic Perpetual Building & Loan Association, of Baltimore, Md., \$59.82.

To the Calvert Mortgage Co., of Baltimore, Md., \$1,734.18.

To the Eureka Permanent Building Association, of Baltimore, Md., \$44.69.

To the Fidelity Permanent Building & Loan Association, of Baltimore, Md., \$16.20.

To the Hampden Building Association, of Baltimore, Md., \$21.11.

To the Mozart Building & Loan Association, of Baltimore, Md., \$12.13.

To the North Avenue Permanent Building & Loan Association, of Baltimore, Md., \$3.13.

To the North Baltimore Permanent Building Association, of Baltimore, Md., \$25.

the Orleans Permanent Building Association, of Baltimore, Md.,

To th \$186.40. To the West Lafayette Building & Loan Association, of Baltimore, Md., \$6.91.
To the Central Building, Loan & Savings Co., of Columbus, Ohio, \$103.57.

To the Industrial Savings & Loan Association, of Bellevue, Ohio, \$201.44.

To the Royal Savings & Loan Co., of Portsmouth, Ohio, \$130.48.
To the Granville Building, Savings & Loan Co., of Granville, Ohio,

To the Citizens' Savings & Loan Association Co., of Portsmouth, Ohio, \$243.48

\$243.48
To the Cambridge Loan & Building Co., of Cambridge, Ohio, \$122.82.
To the Riverside County Mutual Building & Loan Association, of Riverside, Cal., \$105.78.
To the Pearl Street Perpetual Savings & Building Association, of Baltmore, Md., \$84.17.
To the Pearl Street Perpetual Savings & Building Association No. 2, of Baltimore, Md., \$70.98.
In all, the sum of \$29,794.70; which said sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated, in full settlement of the claims of the 96 above-named associations.

The SPEAKER pro tempore. The question is on agreeing to

the committee amendments. The committee amendments were agreed to.

Mr. MILLER of Delaware. Mr. Speaker, I offer a committee amendment, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Delaware offers an amendment, which the Clerk will report.
The Clerk read as follows:

Amendment offered by Mr. MILLER of Delaware: On page 9, strike out all of lines 7, 8, 9, and 19.

Mr. MANN. Why are these items stricken out? Mr. MILLER of Delaware. These two items were stricken out because in adding the amendments the committee made a

mistake. They are already included in the bill. The additional three amendments are for bills that were introduced which were not put into this bill when reported by the committee.

Mr. MANN. I have a letter from the Acting Commissioner of Internal Revenue, to whom I wrote asking if this bill covered all the cases of similar character for the relief of building and loan associations. In that letter he says-

I have the honor to inform you that this bill does not cover all building and loan associations barred by the statute of limitations.

Why did not the committee include all of these?

Mr. MILLER of Delaware. I will say to the gentleman that bills were not introduced for all of them.

Mr. MANN. Bills were not introduced for all that are in this

bill either.

Mr. MILLER of Delaware. The bill as it is carries \$30,000. and I submit that is a pretty big amount in an omnibus bill of this character. All the House amendments were covered by bills introduced. I can not answer for the items as they came from the Senate.

Mr. MANN. I submit that when the Government makes a rule in reference to the repayment of small sums of money-\$10, \$20, \$30, \$40, or \$50-the Government ought to take care of them and not require the claimants to go to the expense of hiring an attorney to see a Member of Congress to have a bill drafted, have it introduced, have somebody appear before the

committee, and absorb more than twice the amount in order to get it.

Mr. MILLER of Delaware. I agree with the gentleman, but he will not deny that there are thousands of claims that ought

to be paid that are treated in the same manner.

Mr. MANN. No; I do not think so. It is not customary to pass bills of this character unless you cover all the cases. eye rests on an item of \$3.13. Certainly nobody has introduced a bill to have that paid. If he has he has not had a correct conception of the duties of a Member of Congress, and it seems to me that when the committee have an omnibus bill of this kind and then offer amendments to it they ought to include all the items. They ought to get the items from the Treasury Department and include them all. I do not believe in com-pelling claimants for these small sums of money to hire a lawyer, or agree to pay a contingent fee to some active claim agent in Washington who says he will try to get the claim through for 25 or 30 per cent of the amount involved.

Mr. MILLER of Delaware. The department is loath to give

this information, because, as the gentleman knows, they have uniformly objected to the passage of all bills of this character refunding money, even though it was just. The department

does not initiate claims against itself.

Mr. MANN. I think the gentleman is in error. know that. I do not think that is the attitude of the department. On several occasions we have passed some general legislation for the refund of various amounts that were collected under the income-tax law, and I think if you are dealing with people you ought to deal with them all alike. I will not object to the bill, though I did object once before, just because it did not cover the other claims. I understood my friend from Dela-ware to tell me after that that he thought this included most of the claims.

Mr. MILLER of Delaware. I will say to the gentleman that after my conversation with him, to which he refers, I endeavored to get the department to furnish the information that would enable us to clean up all of these, and I hold in my hand a letter, which I am not going to read, but which I will insert in the Record to show the answer I received.

Mr. MANN. Very well. Probably it is a good reason for not

passing the bill.

Mr. MILLER of Delaware. The letter is as follows:

TREASURY DEPARTMENT, Washington, August 4, 1916.

Hon. Thomas W. Miller,

House of Representatives, Washington, D. C.

My Dear Mr. Miller: I have the honor to acknowledge the receipt of your letter of the 2d instant, inclosing copy of Senate bill 5672, in which you state that about a month ago you had the clerk of the Committee on Claims write to the Treasury Department in order to ascertain whether there were any more claims of this character on file in the department other than those which were included in the bill with amendments. You state that there is no record in the Claims Committee of the letter having been answered, and request this information.

MAION.

I have the honor to refer you to a letter written to the Hon. James R. Mann on July 13, 1916, which is, in part, as follows:

"In reply to your inquiry whether this bill probably covers all the cases of a similar situation relating to tax collected from this character of associations, I have the honor to inform you that this bill does not cover all building and loan associations barred by the statute of limitations."

I also have the honor to refer you to a letter written to the Hon. Edward W. Pou, chairman of the Committee on Claims, under date of July 11, 1916, which I quote in full:

"I have the honor to acknowledge receipt of your letter of the 8th instant, addressed to the Secretary of the Treasury, and by him referred to this office for reply. You inclose bill 8. 5672, with House amendments, and request that this office inform you whether the bill in its present form provides for the repayment to all the mutual companies that paid this tax under the excise act of August 5, 1909.

"In reply to this inquiry, this office has no means of definitely ascertaining the number of companies which are not provided for in the inclosed bill, but can state with authority that the present bill does not take care of all the mutual companies that paid this tax under the act of August 5, 1909.

"In reply to your request for an opinion as to the merits of this bill, I have the honor to inform you that a formal investigation in this office discloses that a large number of the companies provided for in the present bill are presented by Washington attorneys, who have secured powers of attorney and are interested in the refundment of this tax, for the purpose of obtaining fees for their work. This office has never yet recommended the abrogation of section 3228, Revised Statutes, the statute of limitations, in favor of any one person or number of persons. General legislation should be had in this matter in order that, if it be the desire of Congress to make a refund of a certain kind of tax, all taxpayers included thereunder would be given a chance to obtain this refund.

"Therefore, in reply to you request for an opinion, this office respectfully suggests that this bill in its present form should not be made a law."

The above two letters are respectfully submitted to you in reply to

The above two letters are respectfully submitted to you in reply to the inquiry contained in your letter of August 2. This office did formally reply to all requests for information in regard to this bill.

Respectfully,

DAVID A. GATES,

DAVID A. GATES, Acting Commissioner.

Mr. MOORE of Pennsylvania. I should like to ask the gentleman from Delaware, since the associations that are to have relief are not many of them in the eastern section of the country, whether application was made or bills were presented on behalf of any eastern building association?

Mr. MILLER of Delaware. It has only been possible for us to consider bills that were introduced by Members, or that were

included in the Senate bill that came over.

Mr. MOORE of Pennsylvania. Taking up the question raised by the gentleman from Illinois [Mr. Mann], I assume that most of these claims originated in the East, where the building associations are strongest. I remember when this matter came before the Committee on Ways and Means there was some reluctance about the passage of a relief measure, although it was apparent that collections had been made that ought not to have been made under the law.

Was the department requested to furnish information as to such associations as had paid that are not included in this bill?

Mr. MILLER of Delaware. Mr. Speaker, when the bill came over from the Senate and was given to me to report with sundry House amendments, I wrote to the proper official at the Treasury Department and asked him as plainly as I could to let me know if there were additional claims. He replied that there were, and although my letter asked that we be given some specific information as to the names and amounts, they were not given to me.

Mr. MOORE of Pennsylvania. So long as the gentleman does not intend to read the letter I would like to know if he can tell, without reading it, how much the Treasury Depart-

ment acknowledged it had collected in error.

Mr. MILLER of Delaware. That information is not in the letter. I would remind the gentleman that the Treasury Department under the present administration is opposed to the refunding of all sums like this, and has so expressed its opposition to the committee. I do not know what the reasons

are, especially if the refunds are just.

Mr. MOORE of Pennsylvania. Does the letter indicate that the Treasury Department is reluctant to give the information

desired?

Mr. MILLER of Delaware. No. If the gentleman desires ${\bf I}$ shall have the letter read from the Clerk's desk.

Mr. MOORE of Pennsylvania. Is there anything in the letter to indicate that there is any confusion in the department as to the collection of the income tax?

Mr. MILLER of Delaware. I should not think that they would want to admit what is very apparent, but that does not concern us here.

Mr. MOORE of Pennsylvania. It is very apparent that this bill does not contain the names of all of the building associa-

tions that ought to have a refund under the law.

Mr. MILLER of Delaware. No; it does not, but it contains relief for all that have applied through bills in the House or Senate.

Mr. MOORE of Pennsylvania. Then the only recourse, according to the gentleman from Illinois [Mr. Mann] for those who are not included in this particular bill is to employ an attorney and fight it out with the Treasury Department, or take it up with the Committee on Claims.

Mr. MILLER of Delaware. Or take it up with a Member of

Congress and have him introduce a bill.

Mr. MOORE of Pennsylvania. The department is certainly in possession of evidence showing who is overpaid, and it seems to me the committee ought to have secured that information and that it ought to have dealt fairly and squarely with all those who have overpaid the amount of taxes

Mr. LANGLEY. Mr. Speaker, I see that the letter is short, and I am curious to know just what the attitude of the department is upon this matter. The gentleman might have it read.

Mr. MILLER of Delaware. I have no objection, but we are

trying to make time here to-night, and there is no objection to the bill so far.

Mr. GORDON. I would like to know where the gentleman gets his information that these bills were all correct—these bills that he has included. Do you not verify the amounts claimed

in this bill by conferring with the department?

Mr. MILLER of Delaware. The clerk of the committee and the clerk of the Senate committee verified these amounts with the Treasury Department, I will say to the gentleman. great bulk of these bills are contained in the Senate bill. added only the bills of House Members that were introduced after the omnibus bill came over here, and they were most certainly verified.

Mr. GORDON. By whom? Mr. MILLER of Delaware. By the clerks of the respective committees and receipts tendered the committee.

Mr. GORDON. Do the members of the committee know anything about it?

Mr. MILLER of Delaware. Certainly; but the members of the committee are not expected to do the clerical work in connection with a big omnibus bill like this.

Mr. GORDON. It is not clerical work to determine whether

the Government is indebted to these men.

Mr. MANN. They get the information from the Treasury. Mr. GORDON. Let us have that letter read. I do not know how you get this information.

Mr. MILLER of Delaware. If the gentleman wants to discuss this bill, I will be very glad to take some time to do it.

Mr. GORDON. Put the letter in.

Mr. MILLER of Delaware. I have endeavored to make it as plain as possible.

Mr. GORDON. Oh, yes; the gentleman is trying to throw mud at the department. Why not put the letter in?

Mr. MILLER of Delaware. I am not trying to throw mud at the department. If the gentleman wants to go at it that way, I will take the time to answer him. I am here trying to do my duty as a member of the Committee on Claims, and get through other people's bills, and I will not have any of the gentleman's mud thrown at me.

Mr. Speaker, I have sent an amendment to the Clerk's desk

The SPEAKER pro tempore. The Chair will state that, without objection, the action with respect to the committee amendments will be set aside and then the gentleman can offer his amendments. Is there objection. [After a pause.] The Chair hears none.

The Clerk will report the amendments to the committee amendments.

The Clerk read as follows:

On page 9, strike out all of lines 7, 8, 9, and 10.
On page 9, after line —, insert the following:
"To the East End Loan & Savings Association, Baltimore, Md.,
"To the Millington Page 1.

\$354.88.
"To the Millington Building & Loan Association of Baltimore, Md., \$15.52.
"To the Northeast Permanent Building Association, of Baltimore, Md., \$30.54.
"To the Standard Permanent Building & Savings Association, of Baltimore, Md., \$30.59."

The question was taken, and the amendments were agreed to.

The Clerk read as follows:

On page 9, line 17, strike out the figures " \$29,794.70 " and insert in lieu thereof the figures " \$29,859.93."

The question was taken, and the amendment was agreed to. The committee amendments as amended were agreed to.

Mr. AUSTIN. Mr. Speaker, I move to strike out the last

Mr. MILLER of Delaware. Will not the gentleman make that motion in the next bill?

Mr. AUSTIN. Yes; Mr. Speaker, I shall be very glad to do

so for the accommodation of my young friend from Delaware.

Mr. MILLER of Delaware. I am not asking the gentleman to do so to accommodate me, but for the accommodation of other Members.

Mr. AUSTIN. Then, if it will please my genial young friend from Delaware, I will do so with pleasure.

The Senate bill as amended was ordered to be read the third time, was read the third time, and passed.

MRS. H. O'NEILL.

The next business in order on the Private Calendar was the bill (H. R. 14695) for the relief of Mrs. H. O'Neill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mrs. H. O'Neili, of Brooklyn, N. Y., out of any money in the Treasury not otherwise appropriated, she being the heir at law of Ambrose O'Neili, late an employee of the Isthmian Canal Commission, the sum of \$175, or an amount equal to six weeks' wages of said Ambrose O'Neili, at the rate of pay he was receiving at the time of his death, the same being in lieu of six weeks' vacation with pay to which said Ambrose O'Neili was entitled but had not received at the time of his death.

The committee amendment was read as follows:

On page 1, line 4, after the word "O'Neill," insert the word "widow." The question was taken, and the amendment was agreed to.

Mr. HASKELL. In reference to the committee amendment there seems to be a misapprehension. Mrs. O'Neill is the mother and not the widow, and I would ask unanimous consent that the word "mother" be inserted in place of the word "widow."

The SPEAKER pro tempore. Without objection, it is so or-

dered.

There was no objection. The Clerk read as follows:

Page 1, line 5, after the word "of," strike out the words "Brooklyn, N. Y., out of any money in the Treasury not otherwise appropriated, she being the heir at law of."

The question was taken, and the amendment was agreed to. The Clerk read as follows:

Page 1, line 8, after the word "commission," insert the words "out of any money in the Treasury not otherwise appropriated."

The question was taken, and the amendment was agreed to.

Mr. AUSTIN. Mr. Speaker, I move to strike out the last Mr. Speaker, I think in the Sixty-first or the Sixtysecond Congress I submitted a suggestion to the members of the Committee on Claims. I wish now to renew my suggestion made some seven or eight years ago in the interest of justice. Here are 10 pages on the Private Calendar, and practically all of them private claims against the Government of the United States. Not a single one of them can be considered to-night if there is one solitary objection. It is utterly impossible for a bill to which a single objection is made to be considered and passed upon during this session of Congress. If you will examine these bills, you will find in any number of instances a statement that the bill passed the House in the Sixty-third Congress, in the Sixty-second Congress, in the Sixty-first Congress, and all the way back, but failed to pass the Senate, and hence did not become a law. I picked up a report in one case here of a claim which originated 52 years ago and is still unsettled. There are a number where they have been 18 years, 15 and 14 years, and I have no doubt in a number of instances claims have passed here, so they are without their day in court to settle and determine for all time the question as to whether the Government of the United States should pay an honest obliga-There is no citizen of the 100,000,000 of people who owe the Government of the United States who can shirk or escape the responsibility of payment to the Government-

Mr. GORDON. Will the gentleman yield?
Mr. AUSTIN. I will.
Mr. GORDON. Is it not invariably true of all these claims that they are not valid legal claims against the Government at all, but are obligations for the bounty of the Government?

Mr. AUSTIN. Oh, no.
Mr. GORDON. I submit if it is not true in general of these claims?

Mr. AUSTIN. Oh, no; oh, no. You take the members of the Committee on Claims of this House, every one of whom takes an oath before the Speaker here to honorably discharge their duties as Members of this House, to obey the Constitution and laws of the country. Those Members, a majority of them law-yers on the Committee on Claims, take these claims and go through them without prejudice and determine alone whether it is a just obligation against the Government, and after 16 of our colleagues, who stand as well in this House as the gentleman from Ohio or myself, come in here with the report, a written report, in each of these cases I will say to the gentleman from Ohio he does himself a great injustice in stating

that these cases are not founded upon justice, but rather charity or gratuity.

Mr. GORDON. If the gentleman will yield?

Mr. AUSTIN. Yes. Mr. GORDON. I did not say anything about the claims being founded on justice. I said they had no legal effect against the Government. Let me call your attention to the sample of a bill that passed for \$29,000. I presume it is a legal proposition. There is not a single claim that could be collected in a suit of law. The Government is under no obligation to refund taxes that have been paid.

Mr. AUSTIN. If the Government of the United States improperly collects taxes it is just as much a highwayman if it retains the money as a robber who holds you up at night on the streets of Washington and takes your purse from you. The United States Government has no right to retain a cent from its humblest or greatest citizen if he is entitled to it under

the law

Mr. GORDON. It is not a claim aganst the Government; just

the same

Mr. AUSTIN. Now, Mr. Speaker, what I wish to do is to ask of and appeal to the members of this committee to formulate in the next Congress a law creating a commission outside of Congress which will have sole jurisdiction to pass upon these cases, dispose of them, and end this everlasting farce of attempting to pass private claims.

The SPEAKER pro tempore. The time of the gentleman from

Tennessee has expired.
Mr. AUSTIN. Mr. Speaker, I ask unanimous consent for two minutes more.

The SPEAKER pro tempore. Is there objection? [After a

The Chair hears none. pause.

Mr. AUSTIN. We subject the members of the Committee on Claims at every session to spending day in and week in and out going over these claims, neglecting their other official duties, and they report them on the Private Calendar, and if by chance they get through this House they are killed in the Senate, and then we begin with the new Congress this everlasting grind and reintroduction of private bills, which have practically no chance in the world of ever being passed upon or settled.

Mr. MILLER of Delaware. Will the gentleman yield? Mr. AUSTIN. If you will give me some more time.

Mr. MILLER of Delaware. Then I do not ask the gentleman

to yield.

Mr. AUSTIN. Now, I say in all seriousness that you would save a great deal of time if you would create a commission outside of Congress to consider and settle these little claims of from \$15 up, over half a century old, and take them out of this everlasting grind, which means nothing except delay and expense and procrastination and disappointment to honest American citizens who are attempting to secure a settlement from the Government. [Applause.]
The SPEAKER pro tempore. Without objection, the pro

forma amendment is withdrawn.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

HEIRS OF DAVID H. FISH.

The next business in order on the Private Calendar was the hill (H. R. 16003) for the relief of the heirs of David H. Fish, deceased.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object. Mr. MILLER of Delaware. Will the gentleman withhold his objection for a moment?
Mr. MANN. Not for the gentleman from Delaware.

Mr. MILLER of Delaware. Is the gentleman aware that the Auditor for the Post Office Department shows that this man is owed the money?

Mr. MANN. I will reserve the objection for the gentleman to ask a question, and then I will answer him. I have a long report on the subject.

Mr. MILLER of Delaware. The Auditor-

Mr. MANN. I am aware of all the facts. We had it up once before.

Mr. MILLER of Delaware. Does not the gentleman think that the man's heirs are entitled to what is due from the Government, although it is an old claim?

Mr. MANN. Mr. Speaker, reserving the right to object, a lot of these claims date back to from 1861 to 1869. Some time ago we had a report from the auditor, showing that there was \$31,055.08 of these claims, all on the same footing. There are many pages in this report. The items are very small.

There are six pages. There must be on one of the full pages 30 or 40 claims. Now, I want to know if the gentleman from Delaware or anybody else thinks that we ought to have 500 separate bills considered by the Committee on Claims of the House and the Committee on Claims of the Senate, and then considered by the House and the Senate, in order to pay these claims, all standing on the same footing and being of equal And if we pass this bill, which is for \$106.82, every Member of Congress who has one of these claims in his district will be negligent if he does not introduce a separate bill for the payment of it.

I do not say whether they ought to be paid or not. I do not know. But if the claims ought to be paid at all, then the Committee on Claims ought to report a general bill covering

them all.

Take the mail carrier cases in the South, for example. commenced to report those and paid them, one bill at a time, and we had on this calendar a week ago 30 bills of that character. Some time in the last session of Congress I suggested to the gentlemen that they could not pass any more of those bills. I objected to them. I insisted that if they ought to be paid they ought to be paid without forcing a man who had a claim for \$40 to hire a lawyer and have the lawyer solicit the attention of a Member of Congress. A bill was introduced, and the gentleman from Delaware [Mr. MILLER] did a great work in reference to that bill. He investigated the subject and helped to prepare the terms of the bill. The bill passed the House, and the other day it passed the Senate with an amendment, and the House agreed to the amendment. We struck all of those bills off the calendar. There were nearly as many of those as there are of these.

. I am not going to sit here and allow one claim out of a thousand to be paid, where the claims are all known, where they are all alike, where they are all old, and all of equal merit, and have one paid out of the lot, simply because a Member of Congress introduces a bill. If they ought to be paid at all they all ought to be paid. If they are not all paid, none of

them ought to be paid.

Mr. STEPHENS of Mississippi. I want to say, Mr. Speaker, that a bill for the payment of all these claims has been introduced and is now pending before the Committee on the Post Office and Post Roads for a report. It is the intention of the committee, as I understand, to report that bill as soon as it

has opportunity.

Mr. MANN. If the bill comes before the House, I shall be glad to do my share to investigate it. If I think well of it I

shall favor it

Mr. STEPHENS of Mississippi. I will say to the gentleman that a report is now under consideration.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next one.

CHARLES M. WAY.

The next business on the Private Calendar was the bill (H. R. 14754) for the relief of Charles M. Way.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasurv be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$82.24 to Charles M. Way, of Fallon, Nev., late private in Company K. Eleventh Regiment United States Volunteer Cavalry, found and held to be due him by the Auditor for the War Department, for travel pay between San Francisco, Cal., and Brookings, S. Dak., a distance of 2,056 miles, at the rate of 4 cents per mile.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next

CHARLES A. CAREY.

The next business on the Private Calendar was the bill (H. R. 13754) for the relief of Charles A. Carey.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Charles A. Carey, of Lowell, Mass., the sum of \$132.57, out of any money in the Treasury not other-

wise appropriated, for loss of pay on account of injury sustained while in the performance of his duty as a letter carrier at Lowell, Mass., on the 11th day of February, in the year 1913.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

FRANCIS PATRICK REGAN.

The next business on the Private Calendar was the bill (H. R. 4931) authorizing the President to reinstate Francis Patrick Regan as a second lieutenant in the United States Army.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

ANNIE E. WHITE AND HEIRS OF PATRICK WHITE.

The next business on the Private Calendar was the bill (H. R. 1579) for the relief of Annie E. White and the heirs of Patrick White, deceased.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection? Mr. MANN. I object.

Mr. HAYDEN. Mr. Speaker, will the gentleman withhold his objection?

Mr. MANN. I will withhold it for a statement.
Mr. HAYDEN. This bill, Mr. Speaker, was carefully considered by the Committee on Claims in the last Congress and again favorably reported in this Congress. The claim as originally introduced was for \$20,000. The committee has reduced it to \$3,500. It is for the relief of Annie E. White, a widow, and she is sadly in need of this relief. Having reduced the sum to such a small amount, I hope the gentleman from Illinois will not object, and that the bill will be passed.

Mr. MANN. Mr. Speaker, just a word, to show how carefully this bill has been examined by the Committee on Claims. And I do not want to criticize the Committee on Claims, because I believe the present committee has probably done better work as a Committee on Claims than any similar committee since I have been a Member of Congress. That being true, I hope they will not take exception to what I am about to say.

The bill reads

For the relief of Annie E. White and the heirs of Patrick- White, deceased.

And no amendment to the title is recommended. It proposes to pay to Annie E. White, widow of Patrick White, deceased, or her heirs, a sum of money, not to the heirs of Patrick White. That shows that the committee either did not read the title or did not read the bill. But the committee in the last Congress reported on this bill, recommending that \$3,500 be paid. In this Congress they recommend that \$20,000 be paid, and that shows careful consideration" by the committee.

Mr. HAYDEN. The committee adopted the same report that was made in the last Congress, which recommended \$3,500.

Mr. MANN. Oh, I beg the gentleman's pardon. The committee did not report any amendment at all to the bill.

Mr. HAYDEN. They adopted the report of the last Congress,

which made it \$3,500.

Mr. MANN. That is all right, to print the report, but they did not recommend any amendment to this bill. To tell you the truth, I think in the hurry of the matter the committee did not read the bill.

Mr. HAYDEN. I shall be very glad to move to amend it. Mr. MANN. I think it ought to be carefully considered. I object. I objected before, when the amount was \$3,500.

The SPEAKER pro tempore. The gentleman from Illinois objects.

RICHARD DAELEY.

The next business on the Private Calendar was the bill (S. 809) authorizing the Secretary of the Interior to accept the application for land entry of Richard Daeley.

The clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc.. That the Secretary of the Interior be, and he is hereby, authorized and directed to accept the application of Richard Daeley to enter lot 8, section 31, township 147 north, of range 30 west of the fifth principal meridian, Cass Lake, Minn., land district, containing 1½ acres, more or less, according to the Government survey thereof, as assignee of Evaline Gallagher, widow of Edward S. Gallagher, and to issue patent thereon to said Richard Daeley upon proof of his compliance with the requirements of the law and regulations issued thereunder relative to making soldiers' additional homestead entries.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

GEORGE H. MORROW.

The next business on the Private Calendar was the bill (H. R. 8849) to reimburse George H. Morrow.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

WRECK OF REVENUE CUTTER "TAHOMA."

The next business on the Private Calendar was the bill (H. R. 8625) to reimburse the officers and enlisted men of the Revenue-Cutter Service and Public Health Service for losses sustained in the wreck of the revenue cutter Tahoma.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

LIGHTHOUSE TENDER "ARMERIA."

The next business on the Private Calendar was the bill (H. R. 16090) for the relief of the officers and crew of the lighthouse tender Armeria.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

JAMES T. PETTY AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 9760) for the relief of James T. Petty, Charles W. Church, and others, executors of Charles B. Church, deceased; Jesse B. Wilson and George T. Dearing.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

ELIZABETH DAVIS.

The next business on the Private Calendar was the bill (S. 36i7) for the relief of Elizabeth Davis.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? Mr. MANN. Let the bill be read. Mr. MAYS. I object.

Mr. SMITH of Idaho. I hope the gentleman from Utah will withhold his objection to this bill. It was reported from our committee unanimously, and it certainly has a great deal of

I will reserve the right to object.

Mr. SMITH of Idaho. The gentleman from Illinois has an amendment to offer, which I think will meet the objection of the gentleman from Utah.

Mr. MANN. Reserving the right to object, let the bill be read. It is a very short bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent to Elizabeth Davis for the east half of the northwest quarter, northeast quarter of the southwest quarter, and the northwest quarter of the southeast quarter, section 28, township 47 north, range 3 east of the Boise meridian, lying within the Coeur d'Alene National Forest, in the State of Idaho.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, as far as I am concerned I think I will not object to the consideration of the bill if the gentleman will agree to let this amendment remain in the bill when it goes back to the Senate:

Subject, however, to an easement across said land for roadway purposes and for any other purposes which the interests of the United States may require.

Mr. SMITH of Idaho. Mr. Speaker, I will accept the amendment offered by the gentleman.

Mr. MANN. And keep it in the bill?

Mr. SMITH of Idaho. Yes.

Mr. MAYS. The gentleman understands I have reserved the right to object.

The SPEAKER pro tempore. The gentleman from Utah reserves the right to object.

Mr. MAYS. The gentleman was in errror when he said this bill passed the Public Lands Committee unanimously.

I think the object here is to secure \$5,000 instead of 160

I think the report indicates that. If the genacres of land. tleman from Idaho is willing to accept a further amendment that \$5,000 now in the Treasury of the United States shall not pass with this title, I will withdraw the objection. If this is a homestead that these people want, I am perfectly willing to withdraw the objection.

Mr. MANN. Four thousand dollars-not \$5,000.

Mr. MAYS. In some places it is stated to be \$4,000 and in some five

Mr. SMITH of Idaho. Mr. Speaker, the money is not in the Federal Treasury as the gentleman states. It is simply

withheld in trust until the question of title to this land is determined. The facts show that this woman went on this land years ago, 3 years before the land was surveyed. After the land was surveyed and she could initiate her entry, she did so within four or five days after the plat was filed. In addition to establishing a residence upon the land, which was burned over on three different occasions, she compiled with the commutation law and lived on the land for a sufficient length of time to be able to purchase it under that law at \$2.50 an acre. She did purchase it under the law and paid her \$400, so that she has really complied not only with the homestead law, but also with the commutation law. If the timber had not been injured by fire to such an extent that it had to be marketed under the general law, the probabilities are that no objection would have been raised by the department at all. As I say, the forest fire swept over this woman's entry three different times, and on two occasions her home was destroyed, which she immediately rebuilt and endeavored to comply with

Mr. MAYS. Mr. Speaker, the report indicates that she lived on this land in one year for 11 days, and in another year she lived 39 days there. The reports of the Secretary of Agricullived 39 days there. The reports of the Secretary of Agriculture plainly show it is simply a speculation in timber; that 1910 she has not been on the land, but has been living in Chicago with her husband, a traveling salesman.

Mr. SMITH of Idaho. That may be true, but she had already complied with the homestead law, and also with the commuta-tion law, and after having complied with the law she is not

expected to live on her entry.

Mr. MAYS. Mr. Speaker, I object.

KATE CANNIFF.

The next business on the Private Calendar was the bill (S. 798) for the relief of Kate Canniff.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

CHARLES L. SCHROEDER.

The next business on the Private Calendar was the bill (H. R. 15797) for the relief of Charles L. Schroeder.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

HORACE M. BLUNT.

The next business on the Private Calendar was the bill (H. R. 5020) for the reimbursement of Horace M. Blunt for the loss of a horse while hired by the United States Geological Survey.

The SPEAKER pro tempore. Is there objection? Mr. MANN. Mr. Speaker, I object.

ROBERT T. LEGGE.

The next business on the Private Calendar was the bill (H. R. 2205) for the relief of Robert T. Legge.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. RAKER. Mr. Speaker, will the gentleman withhold his

Mr. MANN. Mr. Speaker, I reserve the right to object. Mr. RAKER. Mr. Speaker, this claim was heretofore fully considered by the Committee on Claims and passed in the Sixty third Congress by the unanimous consent of the House. The matter has been gone over fully again by the committee, with possibly a third of it composed of new members. made a unanimous report on the bill, and the records show in this case that had it not been for this doctor's assistance, his work, and his medicine and his attention, this man would unquestionably have died. Other claims not exactly upon all fours, but of the same general character, have passed this House. It is conceded that practically none of these claims has a legal status against the Government, for if they had they would have been paid. We are here before the Congress asking equity judgment of the Members of the House, in a case where real, genuine legitimate service has been rendered, for which the man

ought to be paid. Mr. GORDON. Service rendered to whom?

Service rendered to a Government official in Mr. RAKER. the discharge of his duties, and if the service had not been rendered, the official would undoubtedly have died.

Mr. GORDON. Does that create any claim against the Gov-

ernment?

It is like all of the other claims here. There are no legal claims against the Government, but here is a Government official, employed just as in the case of many other claims, and not a single one of these claims, and I have been watching them with keen interest, has had any legal status

against the Government. My distinguished friend did not rise to his feet when a dozen banks and insurance companies obtained \$30,000 out of the Treasury, when there was no legal claim, but here is something to be paid for the saving of a man's life.

Mr. AUSTIN. When did this occur? Mr. RAKER. About five or six years ago. This has been before Congress for some time, has passed the House, and went over to the Senate and was reported favorably, but the Congress adjourned and it could not be paid.

Mr. AUSTIN. How old is the claim? Mr. RAKER. The claim is five years old.

Mr. AUSTIN. Well, the gentleman will perhaps in half a century get it through.

Mr. RAKER. I just wanted to answer the gentleman from Ohio [Mr. Gordon]

Mr. AUSTIN. I hope the gentleman will be here to see it pass, but he will have to wait at least 50 years.

Mr. RAKER. Why, no; the same kind and character of claims have passed here to-night. The same kind and character of claims passed here the last time this committee met. The only difference is that this man did not die. If he had died I suppose five years afterwards his widow might have been given something; but here is a man on his job giving care, assistance, and attention, as the testimony shows here, and by virtue of his aid by going out in the snow and taking care of this Government official he saved his life.

Mr. AUSTIN. I suggest the gentleman write him and tell

him that he can get it after-

Mr. RAKER. Mr. Speaker, I ask that I may proceed for three minutes. In further answer to the remarks, now there seems to be some objection made for this character of work and in the other cases where a man has lost his property or a man has lost his life-

Mr. MANN rose.

Mr. RAKER. I yield to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, as I recollect, first, the gentleman says that this bill is reported unanimously by the Committee on Claims. I have noticed a gentleman who makes his report on bills says the committee unanimously reported it. That is not the case. The Committee on Claims probably has not had a meeting with all the members there during this Congress. The committee reports it without any minority views, but that is not reporting it unanimously. This committee reported, and the committee on which the gentleman serves when it says it reported it unanimously is not stating the fact correctly, because the committee has not made a unanimous report at all. Now, as to this bill, here was a man working for the Government who had been drinking though it says he was not drunk. He was riding on top of a wagon with three or four other men and fell off and broke his leg. He says he was not drunk. He says he had been drinking. He was taken to a lumber company's hospital which was the proper place for him to go. Now, the Government is under no obligation to pay the doctor's bill, and therefore I object

Mr. RAKER. Hold on just a minute. Mr. Speaker, my time

has not expired.

Mr. MANN. I will reserve the right to object.

Mr. RAKER. Just a moment. I want two minutes more. The SPEAKER pro tempore. The gentleman asks unanimous consent to proceed for two minutes. Is there objection?

Mr. DYER. Mr. Speaker, a parliamentary inquiry The SPEAKER pro tempore. The gentleman will state it. Mr. DYER. What time do we adjourn under the order?

The SPEAKER pro tempore. At 10.30.

Mr. MILLER of Delaware. Mr. Speaker, I demand the regular order The SPEAKER pro tempore. Is there objection to the request of the gentleman from California that he proceed for two

minutes?

Mr. MILLER of Delaware. Mr. Speaker, the regular order was demanded. I have asked for the regular order.
Mr. RAKER. Mr. Speaker, on the question of the suggestion

made by the gentleman from Illinois: The man here testifies positively, as well as witnesses, that he had not been drinking. Mr. MANN. Oh, no.

It is in the testimony. There is a report from Mr. RAKER. some official that he had made some statement, or heard some statement on the outside, but I do not want that to go in the RECORD and remain here uncontradicted by the testimony of men who knew the facts and the conditions.

The SPEAKER pro tempore. The time of the gentleman has

expired.

JAMES DIAMOND.

The next business in order on the Private Calendar was the bill (H. R. 2210) for the relief of James Diamond for horse lost while hired by the United States Forest Service.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? Mr. MANN. Mr. Speaker, I object.

REFERENCE TO COURT OF CLAIMS.

The next business in order on the Private Calendar was House resolution 305, as follows:

Resolved, That the bill (H. R. 12204) to authorize the Secretary of the Treasury to audit and adjust certain claims of the city of New York, with the accompanying papers, be, and the same is hereby, referred to the Court of Claims for the finding of facts and conclusions of law.

The SPEAKER pro tempore. Is there objection? Mr. MANN. Mr. Speaker, I object.

JOHN P. FITZGERALD.

The next business in order on the Private Calendar was the bill (S. 1378) to amend the military record of John P. Fitz-

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I reserve the right to object.

Mr. LANGLEY. Mr. Speaker, I would ask to have the bill reported.

The bill was reported.

Mr. MANN. Mr. Speaker, I object.

WILLIAM HAROLD KEHOE.

The next business in order on the Private Calendar was the bill (S. 6279) for the relief of William Harold Kehoe.

The SPEAKER pro tempore (Mr. Conny in the chair). Is there objection?

Mr. STAFFORD. I object.

Mr. FIELDS. Will the gentleman withhold his objection?

Mr. FIELDS. Will the gentleman withhold his objection?
Mr. STAFFORD. I will withhold it.
Mr. FIELDS. Mr. Speaker, this is a bill to place upon the retired list a cadet who served more than two years—in fact, two years and three months—at West Point. While serving there he was thrown from a horse, and during his illness as a result of that injury he contracted tubercular trouble, and is now at Fort Bayard, N. Mex. He is now able to do the work of a draftsman, and the War Department is awaiting the action of Compress. Of course, the does not get able to be returned to Congress. Of course, if he does not get able to be returned to the academy right away he will be dropped from the rolls. It is the ambition of this young man's life to get into the

military service. He so informs me, and so does his father, who was a Member of this House in the Fifty-seventh and Fifty-eighth Congresses. And Congress has laid a precedent for this kind of legislation. On March 4, 1909, a bill of similar character was passed, when the gentleman from Wisconsin [Mr. STAFFORD] was a Member of the House, and on March 4, 1913, another bill of similar character was passed. In view of the fact that this young man is anxious to be where he can be restored to military service as soon as he becomes able, I sincerely trust that the gentleman from Wisconsin will withhold his objection. The Government has expended something like \$5,000, or probably \$6,000 by now, on this man, and it looks to me as if it would be the part of good business, as he is now and has been all the time able to do the work of a draftsman, to place him upon the retired list, where he can be returned, which he desires to be, as he positively stated to me and as his father positively states to me, as soon as he is able.

Mr. MANN. I would like to ask the gentleman a question whether he thinks we ought to pass a general law providing that any boy who goes to West Point or Annapolis and who fails for physical reasons ought to be placed on the retired list?

Mr. FIELDS. Well, this man was thrown from a horse—
Mr. MANN. I know the case. I am an expert on tuberculosis. I have a son—the only son I have—who has had tuberculosis nearly all his life, and who has been down at the same place where Mr. Kehoe has been; and I have studied tuberculosis for 20 years. There is nothing to it as far as being thrown from a horse causing tuberculosis is concerned. But whenever a boy gets injured at West Point or at Annapolis are we to place him on the retired list for life? I would like to put my boy where the Government might support him for the rest of his life if I did not have the means to do it myself, but which, fortunately, I have. But I do not see any reason from the mere fact that somebody gets tuberculosis that that means the Government should place him on the retired list of the Army or the Navy.

It is a sad occurrence. Any such boy has my profound sympathy. He will never get to the Army. Of course, it may

not be wise to tell him that, because tuberculosis is one of those hopeful diseases where whoever has it usually thinks he is shortly going to get well, but very rarely does get well. what is the distinction between this kind of a case and any other case? There are hundreds of thousands of young men in this country who have tuberculosis, many of them hoping earnestly for an opportunity to go West and even secure employment, which is not a good thing for tuberculosis, so far as the employment is concerned.

Now, this young man has been given leave to go to the Army sanatorium. I got my boy into the Army sanatorium at one time. He may go there again some time. He has been there several times for short periods. Now, we can do that for other boys. Is the mere fact that we have given this boy a preference by sending him to West Point-a thing that he wanteda reason why we should now give him another preference over all the other boys in the country who happen to have tuberculosis?

Mr. FIELDS. I am basing my contention on the hope that he will be able to return to the service.

Mr. MANN. Of course, there is nothing to that. He will never return to the Army.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. STAFFORD. I object.

MR. J. RICARDO DE BORJA.

The next business in order on the Private Calendar was House joint resolution 265, authorizing the Secretary of War to receive for instruction at the United States Military Academy

at West Point, Mr. J. Ricardo de Borja, a citizen of Ecuador.
Mr. MANN. Has not that been disposed of? Does somebody
from the Committee on Military Affairs know? I shall not

object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, authorized to permit Mr. J. Ricardo de Borja, a citizen of Ecuador, to receive instruction at the United States Military Academy at West Point: Provided, That no expense shall be caused to the United States thereby, and that the said J. Ricardo de Borja shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the course in the various departments of instruction, and that the said J. Ricardo de Borja shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or conduct, and so recommended by the academic board: And provided further, That in the case of the said J. Ricardo de Borja the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

Mr. MILLER of Delaware. Mr. Speaker, the gentleman from Illinois [Mr. Mann] asked if this resolution had not been considered before. I have before me the Congressional Record of August 11, 1916, which was the last day of the last session on which bills on the Private Calendar were considered. It shows that the gentleman from Illinois asked if this bill had not been taken care of by a Senate amendment on the Army bill, and another gentleman from Illinois [Mr. McKenzie] stated-

That is my recollection of it, that it is taken care of on the military appropriation bill.

Mr. MANN. I am not sure, but I think it was taken care of last year.

Mr. MILLER of Delaware. Well, we have a member of the Committee on Military Affairs stating that it had been taken care of.

Mr. MANN. It would be an easy matter for the librarian there to look at the RECORD.

Mr. MILLER of Delaware. I ask unanimous consent, Mr. Speaker, that the resolution be passed over for the present.

The SPEAKER pro tempore. Without objection, that will be

There was no objection.

JOHN P. FITZGERALD.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent to return to Calendar No. 365. The bill is Senate bill No. 1378, to amend the military record of John P. Fitzgerald.

The SPEAKER pro tempore. Without objection, that will be

done.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read the title of the bill, as follows:

A bill (S. 1378) to amend the military record of John P. Fitzgerald

Mr. FIELDS. Mr. Speaker, this is a case to amend a military record, or to issue a discharge to a soldier under his proper name

This man wanted to enlist in the Army before he was 17 years of age and his father opposed it. He walked from his home in Indiana to some point in Michigan, if I remember the testimony correctly, and enlisted under the name of "Porter," and served out his enlistment and received an honorable discharge. He is now drawing a pension under that honorable discharge, and he desires to have this record corrected in order that he may use his correct name.

Mr. MANN. Mr. Speaker, I objected to the bill a moment ago, first, because there was nothing in the report that indicated a good reason for passing the bill; and, second, because there was no report on it from the War Department as to what the facts were. The gentleman from Kentucky [Mr. FIELDS] says the only purpose of it is to give the man a discharge under his true name. I have no objection if the man is already drawing a pension.

The SPEAKER pro tempore. Is the objection withdrawn?

Mr. MANN. I do not object.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of John P. Fitzgerald, who enlisted and served under the assumed name of Joshua Porter in Company K, Seventh Regiment, and Company C, First Regiment, Michigan Volunteer Cavalry, from March 9, 1865, to March 10, 1866, and to issue to him an honorable discharge in his true name of John P. Fitzgerald.

The SPEAKER pro tempore. The question is on the third

reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

JACOB B. MOORE.

The next business on the Private Calendar was the bill (H. R. 14679) for the relief of Jacob B. Moore.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, is not this in the Indian bill as a Senate amendment?

Mr. CARTER of Oklahoma. No, sir; it is not.

Mr. MANN. There is something like that in the Indian bill as a Senate amendment, I understand,

Mr. CARTER of Oklahoma. There is nothing for J. B. Moore in the Indian bill.

Mr. MANN. I thought there was.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of \$242.60 is hereby appropriated, out of any money in the possession of the United States belonging to the Chickasaw Tribe of Indians not otherwise appropriated, to reimburse Jacob B. Moore, of Ardmore, Oklahoma, for probate expenses incurred and paid by him in the performance of his duty as attorney for the Chickasaws under a contract between him and Douglas H. Johnston, governor of the Chickasaw Nation, approved by the President of the United States December 1, 1913.

With a committee amendment, as follows:

Strike out in line 3 "\$242.60" and insert in lieu thereof "\$392.60."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

ADELAIDE L. GIBBS.

The next business on the private calendar was the bill (H. R. 16116) for the relief of the widow of Robert M. Gibbs. The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. COX. Mr. Speaker, I move to strike out the last word, for the purpose of making a brief statement. When this bill was up last summer I objected to it, upon the ground that there was no report from the Treasury Department showing that the Government was in any way liable or responsible for the death of this man, as I construed the report from the Treasury De-I objected further that there was no medical evidence showing that the disease which this man contracted while in the line of duty was the direct and immediate cause of his death. Since then Mr. Patter has asked the Treasury Department for a complete report on this bill. He handed it to me the other day. I tried to get it this evening, but it was in my secretary's desk and I could not get it. This report, in my

opinion, fixes the liability upon the Government. I think it is just and meritorious claim, and that it ought to go through. The SPEAKER pro tempore. The Clerk will report the bill. The bill was read as follows:

The bill was read as follows:

Whereas Robert M. Gibbs, late assistant weigher in the United States customhouse at New York City, contracted anthrax while performing his duty as assistant weigher in the handling of raw hide, wool, and so forth, for examination, and in which work he had been engaged since 1908, and in which work he was engaged when he contracted the disease of anthrax of which he died at the Red Cross Hospital, New York City, on the 29th day of July, 1915: Therefore Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the widow of Robert M. Gibbs, deceased, the sum of \$2,880, being the amount of salary for two years.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:
"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Adelaide L. Gibbs, widow of Robert M. Gibbs, out of any money in the Treasury not otherwise appropriated, the sum of \$1,440, this amount being the equivalent of one year's salary which was being paid the said Robert M. Gibbs at the time of his death."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed. By unanimous consent the title was amended to read: "A bill for the relief of Adelaide L. Gibbs, widow of Robert M. Gibbs !

FRED E. JACKSON.

The next business on the Private Calendar was the bill (H. R. 4517) for the relief of Fred E. Jackson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

J. RICARDO DE BORJA.

Mr. MILLER of Delaware. Mr. Speaker, in connection with Calendar No. 367 (H. J. Res. 265), authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Mr. J. Ricardo de Borja, a citizen of Ecuador, I beg to inform the House that this legislation was included in the last Army appropriation bill, and therefore I move to lay the bill on the table.

The SPEAKER pro tempore. Without objection, House joint resolution 265 will be laid on the table.

There was no objection.

ANDREW M. DUNLOP.

The next business on the Private Calendar was the bill (H. R. 2204) for the relief of Andrew M. Dunlop.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry. Was the bill immediately preceding this one (H. R. 4517) acted on? Mr. LANGLEY. Yes; that was objected to. Mr. LANGLEY. Yes; that was objected to.
Mr. RAKER. Will the gentleman from Illinois withhold his

objection to the consideration of this bill (H. R. 2204)?

Mr. MANN. I reserve the right to object.

Mr. RAKER. I have just been reading a bill that was just passed here (H. R. 16116). The difference between that claim and this one is that one man was acting as a weigher and contracted a disease and died. The other was acting on the Panama Canal and, from the report of all the officers there, contracted a deadly disease and was sent home to die; but Dr. Chamberlain's brother, a physician in Mississippi, saved his life. All that is asked now is that he be given one year's compensation for the contracting of the disease, which has disabled him from really earning a livelihood for himself and his family

Mr. MANN. Mr. Speaker, if the gentleman will yield-

Mr. RAKER. I will yield.

Mr. MANN. In one case we granted a year's pay on account of the death of a man.

Mr. RAKER. Yes.

Mr. MANN. In the other case it is proposed to reimburse the man for the loss of time, his medical, hospital, and other expenses paid out by him. That is not the policy of the Government. Whether it might properly be I do not undertake to say, but it can not be fixed by one or two private bills. It is not the policy of the Government to tell men that the Government will pay their medical, hospital, or other expenses. The Government provides hospitals at Panama and a great many other places, and when men are entitled to it they go into the hospitals

The Government does not undertake to pay the expenses of a man who gets ill while in the Government service. Perhaps we ought to do it, but that is not the policy.

Mr. RAKER. In this case the committee has reduced the

amount to one year's pay.

Mr. MANN. The gentleman provided in the bill when he first introduced it that it was to pay for medical, hospital, and other expenses paid out by him while suffering from and as the result of an attack of Chagres fever. There are thousands of men who have gone to Panama who have had Chagres fever, both while down there and after they came back, many of them who went into the Army. Personal experiences amount to nothing, of course; but I have a brother who went into the Spanish War and who never has been well since. I sent him to a hospital, and the Government did not pay the bill, and I did not ask the Government to pay the bill. The Government has refused to pay such things all along. Half of the First Illinois Infantry after they came home went to the hospital and the Government has not paid them.

Mr. RAKER. This man has been incapacitated ever since he

left the service.

Mr. MANN. I am not undertaking to pass upon that.

Mr. RAKER. And has been unable to provide for his wife and family.

Mr. MURRAY. Mr. Speaker, I demand the regular order. Mr. RAKER. Oh, I have my five minutes, and I do not think the gentleman can take me off the floor. Personally I know that the wife is working to make a livelihood because of this man's sickness contracted in the service of the Government. Had he

died, of course there would have been \$1,500 paid to him.

The SPEAKER pro tempore. The time of the gentleman from California has expired. The gentleman from Illinois objects, and

the Clerk will report the next bill.

J. B. PATTERSON.

The next business on the Private Calendar was the bill (H. R. 14345) to reimburse J. B. Patterson, postmaster of Lacon, Morgan County, Ala., for certain postage stamps stolen.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. B. Patterson, postmaster of Lacon, Morgan County, Ala., out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of \$126.16, the same to be in payment of certain postage stamps taken from the post office of Lacon, Morgan County, Ala., February 28, 1915, by unknown persons.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ALBERT SIDNEY JOHNSTON.

The next business on the Private Calendar was the bill (S. 5441) for the relief of the heirs of Albert Sidney Johnston. The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

GEORGE WELTY.

The next business on the Private Calendar was H. Res. 318, referring the bill (H. R. 16951) for the relief of George Welty to the Court of Claims.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

GEORGE F. REID.

The next business on the Private Calendar was the bill (H. R. 2212) to correct the military record of George F. Reid and to pay

his widow, Isabella Reid, a pension.

The SPEAKER pro tempore. Is there objection?

Mr. RAKER. Mr. Speaker, I ask to amend this bill by striking out all of line 1, after the word "Interior," and lines 2

Mr. MANN. Mr. Speaker, how did the gentleman ever come to introduce a bill which was to pay a pension and refer it to the Committee on Military Affairs? I have a curiosity to know. Mr. RAKER. That just slipped in there in some way by mis-

Mr. MANN. The gentleman is very smart about the way he handles himself in the House. How did he come to introduce the bill?

Mr. RAKER. I am telling the gentleman.
Mr. MANN. And combine what he knew to be the jurisdiction of two committees, and send a pension bill to the Committee on Military Affairs? Was it ignorance or design?
Mr. RAKER. I want to say to the gentleman that it was

neither ignorance nor design, and the gentleman, I think, when he stated that, knows that it was not design.

Mr. MANN. I did not use the word "design" in a wicked sense, but I want to know whether he did it intentionally or

Mr. RAKER. It is one of those things that in introducing bills was done by a slip, forgetting to strike it out after it was put on by the typewriter.

Mr. FIELDS. Probably it was the clerk's fault.

Mr. MANN. The gentleman combined in two bills what would be certain to make it subject to a point of order when it was introduced in the House.

Mr. RAKER. The bill was drawn and, undoubtedly through a mistake in some way in dictating, that was left on the bill

and was not stricken off.

Mr. MANN. What is the gentleman's amendment?

Mr. RAKER. My amendment is to strike out all after the word "Interior" in line 1 on page 2, and all of lines 2 and 3.

Mr. LANGLEY. Mr. Speaker, the question of whether the bill is objected to has not yet been put to the House.

Mr. MANN. The gentleman is stating this for information. I would like to have him again state what his amendment is, so that I may follow it.

Mr. RAKER. I want to strike out more than that.

Mr. LANGLEY. Why not let it go over?
Mr. RAKER. But I want to strike out, commencing with the word "and" in line 11, page 1, all the rest of that line and all of lines 1, 2, and 3 on page 2. That would just correct his military record.
Mr. MANN.

All right.

Mr. LANGLEY. Mr. Speaker, I want to reserve the right to object. I want to know if this is a desertion case.

Mr. FIELDS. Yes. Mr. RAKER. The record has been in a shape showing that it is not a desertion; in fact, from the record, the man was home and sick-

Mr. MANN. He deserted; it is a desertion case. Mr. LANGLEY. I have several cases like that when men were at home sick and were not really deserters.

Mr. MANN. I can assure the gentleman from Kentucky that he has had more passed than any other man in the House, as he is a most diligent man.

Mr. LANGLEY. The gentleman from Illinois is usually very accurate in most instances, but he missed it in this case, because I have not had in 10 years a single one passed.

Mr. MANN. I am surprised, because the gentleman from Kentucky is extremely active on behalf of his constituents.

Mr. LANGLEY. I thank the gentleman for that statement, but I have spent a great deal of time in trying to get some of these desertion cases through this Committee on Military Affairs.

Mr. MANN. I will undertake to say the gentleman has not spent half as much time as the gentleman from California, besides

Mr. LANGLEY. The gentleman from California does not do

anything else.

Mr. MANN. Oh, he does lots of other things. I want to say to the gentleman from Kentucky it is considered one of the prerogatives of the membership of the Committee on Military Affairs that a member of that committee occasionally introduces a bill to remove the charge of desertion and gets it passed, and when outsiders are given this privilege it is by favor and not by right.

Mr. LANGLEY. I had a suspicion there was something of that kind or something wrong somewhere, and I am glad to

have the statement from such an experienced source.

Mr. FIELDS. Mr. Speaker, I want to say to the gentleman from Kentucky, first, that I have been a member of the Committee on Military Affairs for six years and a goodly portion of that time as a member of the subcommittee on desertions, and I have secured the passage of only two bills, and they were much more meritorious than the bill of my colleague to which he refers.

Mr. LANGLEY. That is a mere matter of opinion.
Mr. FIELDS. I want to say, Mr. Speaker, in answer to the gentleman from Illinois, the committee does not attempt to play favorites in these matters, but they try to pass upon the merits of each case before them.

Mr. LANGLEY. If my colleague will yield, what I am trying to get at is how he works it to get a bill through at all.

Mr. BURNETT. Mr. Speaker, I hope the gentleman will not

conduct a kindergarten here when other people are waiting to

try to get their bills passed.

Mr. LANGLEY. I want to know the length of service of this soldier; I am sincere about this; I want to know how long he served and why you are proposing to remove the charge of desertion from his record.

Mr. FIELDS. This man was only out of the service two days, and during the two days he was out he was charged with desertion. He returned on his own accord and served out his time and received an honorable discharge. But the charge of desertion apparently was against him on the war records, and was not corrected, and therefore it stands as a charge of desertion.

Mr. LANGLEY. He returned voluntarily?
Mr. FIELDS. He returned voluntarily after having been two days out of the service, and then he remained and was mustered out

Mr. LANGLEY. How much time did he serve altogether? He served his entire enlistment, from 1865 Mr. FIELDS.

to July 27, 1866.

Mr. STAFFORD. Mr. Speaker, reserving the right object, does that grant him an entire service from April, 1865, to the close of the war, or after the war was concluded, pensionable status because he served 90 days during the Civil

Mr. FIELDS. Yes; he served 90 days. Mr. STAFFORD. When is it considered that the Civil War ended?

Mr. FIELDS. The gentleman is familiar with that. Mr. LANGLEY. I think it has been officially determined it was July 15, 1865. Anyway, it was in July, 1865, with the exception of certain restricted areas where war conditions still

Mr. FIELDS. This man was mustered out and received an honorable discharge, but because he was away from his com-mand for two days, from December 31 to January 1, he was charged with desertion, and it was only an oversight in not cor-

Mr. LANGLEY. Will the gentleman pardon me? If he received an honorable discharge and was absent only two days, and voluntarily returned, that would not prevent his widow from getting a pension under existing law if he served 90 days

during the Civil War.

Mr. FIELDS. I have the report here—
Mr. LANGLEY. There must be something else wrong about

it or this legislation would not be needed.

Mr. FIELDS. The records of the War Department show that he was absent only two days and was mustered out with his company and received an honorable discharge. At the Pension Bureau the charge of desertion, I understand, still stands against him on the record, and they refuse to pension him.

Mr. LANGLEY. I am frank to say that I never heard of a case where there was an absence of only two days and where the soldier voluntarily returned and was honorably discharged that the War Department refused to remove the charge of deser-

Mr. FIELDS. I never heard of it, and that is why I think it ought to be corrected.

Mr. LANGLEY. I will not object.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, George F, Reid shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company D, Battalion —, Third Regiment California Volunteer Infantry, and as a private of Company C, Battalion —, Third Regiment California Volunteer Infantry, and that his widow, Isabella Reid, be placed on the pension roll of the Secretary of the Interior, and that she be paid a pension at the rate of \$30 per month: Provided, That no pension shall accrue prior to the passage of this act.

Mr. RAKER, Mr. Speaker, I offer an amendment. The SPEAKER pro tempore. The gentleman from California offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, on page 1, line 11, after the word "Infantry," by striking out the following language:
"And that his widow, Isabella Reid, be placed on the pension roll of the Secretary of the Interior, and that she be paid a pension at the rate of \$30 per month."

And strike out the proviso. Mr. MANN.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. Mr. RAKER. I ask that the title be amended accordingly.

The SPEAKER pro tempore. That will be done after the bill is passed. The question is on the engrossment and third reading of the bill.

Mr. MANN. It is not to correct a military record. This is a

bill for the relief of George F. Reid.

Mr. LANGLEY. The gentleman is entirely correct about that.

You can not change the record of the War Department by an act of Congress. You can change the effect of it.

Mr. MANN. There are a couple of blank places in here. I do not know whether the bill will be any good unless you fill them up here or hereafter.

Mr. RAKER. He served twice.
Mr. MANN. The number of the battalion is not stated in either place. The gentleman better have that put in in the Senate

The SPEAKER pro tempore. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed. The title was amended so as to read: "A bill for the relief

of George F. Reid."

LEONORE M. SORSBY.

The next business in order on the Private Calendar was the bill (H. R. 4544) for the relief of Leonore M. Sorsby. The SPEAKER pro tempore. Is there objection?

Mr. MANN and Mr. COX objected.

BENJAMIN R. BUFFINGTON.

The next business in order on the Private Calendar was the bill (H. R. 5182) requiring the Secretary of War to issue an honorable discharge to Benjamin R. Buffington.

The SPEAKER pro tempore. Is there objection?
Mr. LANGLEY. Reserving the right to object, I would like to have some brief statement of that case. What I am trying to get at, if the gentleman will pardon me, is whether you are passing any cases that are not more meritorious than a number that I am so anxious to get through that committee, and I have been unable to get through.

Mr. FIELDS. I will say to my colleague-

It is a pure matter of favor. What is the use? Mr. FIELDS. There is much more merit in this case than any that I have seen so far.

Mr. LANGLEY. I have been good to the members of that committee individually, I am sure, and I can not understand why they do not want to favor me.

Mr. FIELDS. Does the gentleman want an explanation? Mr. LANGLEY. A brief one.

Mr. FIELDS. This man enlisted in 1861. He was captured and placed in prison. After his release from prison he returned to parole at Camp Parole, Md., and on the motion of his father, inasmuch as he was a minor, he was honorably discharged from the service.

He reenlisted again and was transferred from one place to another, and finally to a point in South Carolina. When he arrived there he found his regiment was in North Carolina. It was not possible for him to reach his regiment, and he returned

home when be could get there.

Mr. LANGLEY. Now, Mr. Speaker, let me state to the gen-tleman right there: In the mountains of eastern Kentucky and Tennessee and that section of country generally during the Civil War, in that border territory, we had hundreds of soldiers who were situated just as this soldier was, according to the gentleman's statement. They made repeated attempts, many of them did, according to testimony that I have read in many of these cases, to get back to their commands, but they could not do it. They could not get word to their commanders so that they would know why they were absent. Frequently they were cut off by the enemy, and they were charged with desertion. The conditions existing there during a portion of the war were worse than in any other section of the Union, and you people of the North and West have no conception of it, and that is why you are so hard on these so-called desertion cases

This unjust charge still stands. The case of mine to which the gentleman referred a moment ago was that of an old fellow who went home. He says his commanding officer gave him permission to go. He had served over two and one-half years and reenlisted as a veteran volunteer. He was taken sick after he got home. He could not get back to his command. We have established these facts by a dozen witnesses, and yet I have tried for nine years without success to get action on this case.

Mr. FIELDS. Mr. Speaker, I want to say to my colleague and to the membership of the House that there is a good deal of complaint because the Committee on Military Affairs does not report out desertion cases. I know there are many meritorious claims for the correction of military records. But gentlemen must realize how impossible it is for the Committee on

Military Affairs to reach all these cases.

At the beginning of this Congress I asked the members of the subcommittee to join me in an effort to clean up these bills, and the subcommittee on desertions has written up about 200 cases. Many of them have been reported unfavorably, while many of them have been reported favorably. But the membership of the House knows that the Committee on Military Affairs has been one of the busiest committees of the House during this Congress. We have had three or four sittings during this Congress on cases of desertion. The committee is busy all the time, and it is not because we do not want to consider claims, but it is because we have not the time to reach them; and I trust that my colleague will not feel that he is discriminated against. There are probably 250 Members of the House who have bills of that kind introduced, many of them being claims of much merit, but it has not been possible for the Committee on Claims to reach all of them.

Mr. LANGLEY. Is it going to be possible for me to get one or two or three of these cases that I have spoken to the gentleman about? I am perfectly sincere in this, and I do not want to delay the work here to-night. But I have several old soldiers in my district who are entitled to relief.

Mr. NEELY. Mr. Speaker, I ask for the regular order. The SPEAKER pro tempore (Mr. Foster). The regular order

is demanded.

Mr. AUSTIN. Mr. Speaker, I move to strike out the last

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue to Benjamin R. Buffington, who enlisted as a private in the Twenty-fifth Regiment Ohio Volunteer Infantry, at St. Clairsville, Ohio, October 27, 1863, and was mustered into service December 1, 1863, but who, being absent from the regiment when it was mustered cut, June 18, 1866, has never been regularly discharged from the service, nor marked as a deserter, an honorable discharge from the above service as of the date of the muster out of the regiment, June 18, 1866.

The SPEAKER pro tempore. The gentleman from Tennessee

moves to strike out the last word.

Mr. AUSTIN. Mr. Speaker, I wish to indorse what my colleague from Kentucky [Mr. Langley] has said in reference to these so-called desertion cases. East Tennessee furnished 31,000 soldiers to the Union Army. Many of them served in that immediate the served in the serve diate section of the country. When they were sick or wounded or disabled, many of the men in our east Tennessee regiments, which were not thoroughly and well equipped with hospital service, were granted permission to go home, where they could be nursed and cared for. When they got well perhaps the regiments to which they belonged had left the State, or were in Kentucky, and a large number of our very best citizens have been unable for fifty-odd years to get the American Congress to consider and pass upon this question and remove from them and their reputation and their children a cloud and a reflection upon their honor.

Now, I have had some of these bills pending before the Committee on Military Affairs for eight years. I am becoming impatient. Some of these men have actually passed away. Recognizing the statement made by the gentleman here, which was made then to me, that on account of the annual appropriation bill they could not take up these bills, I offered a bill in the Sixty-first Congress to create a commission composed of The Adjutant General, the Surgeon General, and the Secretary of War, to pass upon these cases. Not a thing has been done with that bill. No action has been taken on my cases. I shall be in the next Congress if I live, and I serve notice here and now that I shall object to every one of these bills introduced by a member of the Military Affairs Committee, when absolutely no action has been taken on the bills that I have introduced.

Mr. FIELDS. Very few of these bills are from members of the Military Affairs Committee.

Mr. LANGLEY. One of these old soldiers to whom I referred

a moment ago is now blind. According to what his comrades say, he was the sixth man to scale the heights of Lookout Mountain on that memorable morning when our flag was placed upon its summit. Do not tell me that that sort of a soldier is justly charged with desertion. I have furnished 12 or 15 affidavits stating that he was unable to get back to his command, although he tried to do so. He served two years and seven months. I have had that case pending before the Military Affairs Committee of the various Congresses for nine years, and it has been reported two or three times by a subcommittee, but either they could not get a quorum of the full committee or something or other always happened to block my bill.

Mr. FIELDS. Other members have filed claims, too, supported by a great deal of testimony. But I want to say to the

gentleman from Tennessee [Mr. Austin] that if he will take the pains to read the reports on these bills, he will see that the charge that the bills are from the Committee on Military Affairs is without foundation. There has not been a bill passed

to-night or the preceding night that was from a member of the Military Affairs Committee.

Mr. MANN. The last night we were here we had three of them in succession introduced by members of the Committee on Military Affairs and reported by the gentleman-

Mr. LANGLEY. I did not make that charge. I did not

Mr. AUSTIN. In view of the statement of the gentleman from Illinois I ask the gentleman from Kentucky to take back the statement he made a few minutes ago.

Mr. FIELDS. Who introduced them? Mr. MANN. I do not remember. We were all commenting upon it at the time. They were meritorious bills.

Mr. AUSTIN. I do not question that they were meritorious

As I remember, there was only one bill from a member of the subcommittee, the gentleman from Illinois [Mr. McKenzie], and the bills were objected to.

Mr. MANN. There were three in succession. I am not going What is the use. to name them.

The SPEAKER pro tempore (Mr. Foster). Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

Mr. MILLER of Delaware. Mr. Speaker, I ask unanimous consent for one minute to make a statement.

The SPEAKER pro tempore. The gentleman from Delaware asks unanimous consent for one minute. Is there objection?

There was no objection.

Mr. MILLER of Delaware. I want to state that so far we have considered 108 measures to-night, 14 of which we have passed. Every one of these measures has been considered heretofore at one time or another, when the Private Calendar was up for consideration. I understand that we are going to have one other evening for the Private Calendar. I want to serve notice that I for one am going to object unless we can start considering that calendar at the place where we leave off to-night.

Mr. MANN. And I am going to object unless we proceed

Mr. AUSTIN. I want to submit a request for unanimous consent that we continue this session until midnight.

Mr. MANN. That can not be done.

The SPEAKER pro tempore. That can not be done under The SPEAKER pro tempore. That can not be done under the previous order of the House.

Mr. LANGLEY, I wish we could do that. We might consider some of our bills.

CHOCTAW AND CHICKASAW INDIANS.

The next business on the Private Calendar was the bill S. 5427) referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

CHIEF JUSTICE SETH SHEPARD.

The next business on the Private Calendar was the bill (H. R. 17331) to permit Seth Shepard, chief justice of the Court of Appeals of the District of Columbia, to retire.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

ALFRED REBSAMEN.

The next business on the Private Calendar was the bill (H. R. 5690) to correct the military record of Alfred Rebsamen.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That in the administration of the pension laws Alfred Rebsamen, late of Company A, Fifty-ninth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 8th day of December, 1865: Provided, That no pension shall accrue prior to the passage of this act.

With the following committee amendment:

Page 1, line 9, after the word "pension," insert the words "pay, bounty, or allowance."

The committee amendment was agreed to.

Mr. AUSTIN. Mr. Speaker, I would like to ask the gentleman from Kentucky [Mr. Fields] if this bill was reported from his committee, introduced by a member of his committee?

Mr. FIELDS. No; the gentleman from Kansas [Mr. Taggart] introduced the bill. He is not a member of the committee.

The SPEAKER pro tempore. The question is on the engross-

ment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

DAVID KIRCH.

The next business on the Private Calendar was the bill (H. R. 10255) for the relief of David Kirch.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, David Kirch, now a resident of Naperville, Ill., shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company E, Ninety-eighth Regiment Pennsylvania Volunteer Infantry, on the 28th day of January, 1865: Provided, That no pension shall accrue prior to the passage of this act.

Mr. MANN. Mr. Speaker, I move to amend by inserting, after the word "pension" in line 11, the words "pay, bounty, or other allowance."

The SPEAKER pro tempore. The Clerk will report the

amendment.

The Clerk read as follows:

After the word "pension" in line 11 insert the words "pay, bounty, or other allowance."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM A. PERSONS.

The next business on the Private Calendar was the bill (H. R. 15233) for the relief of William A. Persons.

The SPEAKER pro tempore. Is there objection?

There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, William A. Persons shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, Second Regiment Wisconsin Volunteer Cavalry: Provided, That no pension shall accrue prior to the passage of this act.

Mr. MANN. Mr. Speaker, I move to amend by inserting after the word "pension," in line 9, the words "pay, bounty, or other allowance."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Insert after the word "pension," in line 9, the words "pay, bounty, or other allowance."

Mr. LANGLEY. Mr. Speaker, I want to ask the members of the committee if that is not the usual form in which the committee has heretofore reported bills?

Mr. FIELDS. Yes, it is. I did not report the bill. This was an oversight on the part of whoever wrote up the bill.

The SPEAKER pro tempore. The question is on agreeing to

the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JAMES S. RISHER.

The next business on the Private Calendar was the bill (H. R. 15644) for the relief of James S. Risher.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The clerk read the bill as follows:

Be it enacted, etc. That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, James S. Risher, late of Company F. First Battalion, and Company E. Second Battalion, Eighteenth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as of Company F. First Battalion, and Company E. Second Battalion, Eighteenth Regiment United States Infantry: Provided, That no pension shall accrue prior to the passage of this act.

Mr. MANN. Mr. Speaker, I offer the same amendment to this bill, to insert the words "pay, bounty, or other allowance" after the word "pension" in line 12.

The SPEAKER pro tempore. The Clerk will report the

amendment.

The Clerk read as follows:

After the word "pension," in line 12, insert the words "pay, bounty, or other allowance."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

HAYS GASKILL.

The next business on the Private Calendar was the bill (H. R. 5948) for the relief of Hays Gaskill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Hays Gaskill, who was a member of Battery A, Fourth Regiment United States Artillery, under General Order No. 154, Adjutant General's Orders, 1862, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said battery on the muster out of the same.

Mr. MANN. Mr. Speaker, I move to amend by inserting at the end of line 11 the proviso:

Provided, That no pension, pay, bounty, or other allowance shall accrue prior to the passage of this act.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

At the end of line 11, insert:

Provided, That no pension, pay, bounty, or other allowance shall accrue prior to the passage of this act.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

CLARENCE H. KNIGHT.

The next business on the Private Calendar was the bill (H. R. 17415) to authorize the President to appoint Clarence H. Knight a captain in the line of the Army.

The SPEAKER pro tempore. Is there objection? Mr. MANN. Mr. Speaker, I object.

MARSHALL M. POOL.

The next business in order on the Private Calendar was the bill (H. R. 5412) to establish the military record of Marshall M.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?
Mr. HAYDEN. Mr. Speaker, I would like to ask the gentleman from Illinois if he expects this man to obtain a pension if this bill passes? Mr. MANN.

Mr. MANN. I really did not hear the gentleman.
Mr. HAYDEN. Does the gentleman from Illinois expect a
pension to be granted to Mr. Pool if this bill is passed?

pension to be granted to Mr. Pool if this bill is passed?

Mr. MANN. I do not know—

Mr. HAYDEN. Because I understand a pension can only be granted for an "honorable" discharge, and this provides for an "honorary" discharge.

Mr. MANN. If the matter comes before the House, I shall ask to amend it by inserting—

Mr. HAYDEN. The gentleman from Illinois is usually so accurate about such matters, I was wondering about this.

Mr. MANN. I am so careful that I have a note of it. It is an error in the reported print of the bill. In the original bill it was printed correctly, but this is an error in the print of the reported bill.

reported bill.

Mr. LANGLEY. I see the title reads "A bill to establish the military record of Marshall M. Pool." That would seem to indicate that he has no military record.

Mr. MANN. It is to correct it.

The SPEAKER pro tempore.
pause.] The Chair hears none. Is there objection? [After a The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause the name of Marshall M. Pool to be entered on the muster roll of the United States Army as capiain of Illinois Volunteers under date of August 25, 1864, and to issue to said Marshall M. Pool an honorary discharge as captain of Illinois Volunteers and as aid-de-camp on the staff of Byt. Maj. Gen. James H. Wilson, under date of April 23, 1865.

Mr. MANN. Mr. Speaker, I move to amend in line 8 by striking out the word "honorary" and inserting the word "honorary"

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Line 8, page 1, strike out the word "honorary" and insert the word "honorable."

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend by adding at the end of line 11 the usual proviso that has been added to these

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

At the end of line 11 insert, "Provided, That no back pay, pension, bounty, or other emoluments shall accrue prior to the passage of this act."

The question was taken, and the amendment was agreed to. The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

HATCHIE COON HUNTING AND FISHING CLUB.

The next business in order on the Private Calendar was the bill (H. R. 241) to relinquish, release, and quitclaim to the trustees of the Hatchie Coon Hunting and Fishing Club title to certain lands in Poinsett County, Ark.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I notice this bill was introduced on December 6, 1915, and referred to the Committee on Public Lands. On August 18, 1916, Mr. Tillman, from the Committee on Military Affairs, reported the bill, and that on August 25, 1916, Mr. TILLMAN, from the Committee on the Judiciary, submitted the following supplemental report. I would like to inquire whether the Committee on Military Affairs and the Committee on the Judiciary, both having reported on the bill, it would be advisable for the Committee on Public Lands, to which the bill was referred, to make a report?

Mr. TILLMAN. Mr. Speaker, it is very patent to everybody it is an error. The report was made by Mr. TILLMAN from the Commmittee on Public Lands, and it should read that way, because the Committee on Public Lands alone had jurisdiction of the bill, and the bill was reported favorably by the Committee on Public Lands, and I was requested to make the report.

Mr. MANN. Well, I submit the hour of 10.30 has arrived. Mr. TILLMAN. Mr. Speaker, I would ask the gentleman, unless the gentleman is going to object-

Mr. MANN. I really think we should let it go over.

The SPEAKER pro tempore. The hour of 10.30 having arrived, under the rule the House will stand adjourned until tomorrow at 11 o'clock a. m.

Accordingly (at 10 o'clock and 30 minutes) the House adjourned, under its previous order, to meet to-morrow, Tuesday,

February 13, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, submitting a tentative draft of amendment to section 3744 of the Revised Statutes of the United States (H. Doc. No. 2048); to the Committee on Military Affairs and ordered to be printed.

A letter from the Secretary of War, submitting a tentative draft of a provision for consideration in connection with the Army appropriation bill (H. Doc. No. 2049); to the Committee

on Military Affairs and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting estimates of appropriations for salaries, mechanical, labor, and char and watch forces, and for equipment and operation of the new Interior Department Building (H. No. 2050); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, relative to an estimate of appropriation for intercoastal communications (H. Doc. No. 1927, pt. 2); to the Committee on Appropriations

and ordered to be printed.

A letter from the Secretary of the Navy, relative to an estimate of appropriation for intercoastal communication (H. Doc. No. 1927, pt. 3); to the Committee on Appropriations and

ordered to be printed.

6. A letter from the Secretary of War, submitting a tentative proviso for consideration in connection with H. R. 20828 to regulate the conduct of vessels in the ports and waters of the United States (H. Doc. No. 2051); to the Committee on the Judiciary and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions and memorials were introduced and severally referred as follows:

By Mr. CLARK of Missouri: A bill (H. R. 20871) providing for the raising of the Government dyke opposite Clarksville, Mo.; to the Committee on Rivers and Harbors.

By Mr. DENT: A bill (H. R. 20872) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes; to the Committee of the Whole House on the State of the Union.

By Mr. BURKE: A bill (H. R. 20873) granting the consent of Congress to the city of Fort Atkinson, in Jefferson County, Wis., for the construction of a bridge across the Rock River; to the

Committee on Interstate and Foreign Commerce.

By Mr. WEBB: Resolution (H. Res. 500) providing for the consideration of H. R. 5788; to the Committee on Rules.

By Mr. ALLEN: Resolution (H. Res. 501) providing for the payment of additional salary to the present enrolling clerk of the House; to the Committee on Accounts.

By Mr. SMITH of Idaho: Joint resolution (H. J. Res. 369) authorizing and directing the Secretary of the Navy to collect and preserve discarded flags and emblems of the United States; to the Committee on Military Affairs.

By Mr. HAWLEY: Memorial of the Legislative Assembly of the State of Oregon, favoring removal of citizenship disqualifications for American woman citizens who marry unnaturalized

foreigners; to the Committee on the Judiciary.

Also, memorial of the Legislative Assembly of the State of Oregon, favoring return of certain lands in Upper Klamath Lake, formerly ceded to the United States but not used for the purposes named in the act of cession or for any other purpose by the United States; to the Committee on the Public Lands.

By Mr. McARTHUR: Memorial of the State of Oregon, favoring the cedling back to the State of Oregon by the United States the right to use all or any part of the bed of "Lower" or "Little" Klamath Lake for the storage of water; to the Committee on the Public Lands,

Also, memorial of the State of Oregon, favoring the granting to each individual voter, irrespective of sex or marriage, in States adopting the equal-suffrage amendment, equal qualifications; to the Committee on the Judiciary.

By Mr. SULLOWAY: Memorial adopted by the Legislature of the State of New Hampshire, upholding the President of the United States in his recent submarine policy; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 20874) granting an increase of

pension to William M. Pace; to the Committee on Invalid Pensions.

By Mr. CANDLER of Mississippi: A bill (H. R. 20875) for the relief of Julius Buxbaum and granting him a medal of honor; to the Committee on Miltary Affairs.

By Mr. CARY: A bill (H. R. 20876) granting a pension to

Mrs. Frank Schultz; to the Committee on Pensions.

By Mr. CASEY: A bill (H. R. 20877) granting an increase of pension to Samuel R. Laphy; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 20878) granting a pension to Synthia M. Hale; to the Committee on Pensions.

By Mr. DILL: A bill (H. R. 20879) granting a pension to

Arthur Rose; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 20880) granting an increase of pension to Sarah J. Thomas; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 20881) granting an increase of pension to John Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20882) for the relief of the Kimball Bros. Co., of Council Bluffs, Iowa; to the Committee on Claims.

By Mr. HAMILTON of Michigan: A bill (H. R. 20883) granting an increase of pension to Anliza Griffin; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 20884) granting an increase of pension to James H. Kabrick; to the Committee on Invalid Pensions

By Mr. HAWLEY: A bill (H. R. 20885) granting a pension to

Jennie C. Rogers; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 20886) for the relief of John
B. Gooch; to the Committee on Military Affairs.

By Mr. LINTHICUM: A bill (H. R. 20887) granting a pen-

sion to Thomas Heffernan; to the Committee on Pensions.

By Mr. OLNEY: A bill (H. R. 20888) for the relief of Mary
F. Keenan; to the Committee on Claims.

By Mr. PRATT: A bill (H. R. 20889) granting an increase of pension to Nicholas Durnin; to the Committee on Invalid Pen-

By Mr. RUSSELL of Missouri: A bill (H. R. 20890) granting an increase of pension to A. H. McCormick; to the Committee on

By Mr. WINGO: A bill (H. R. 20891) granting an increase of pension to Robert C. Abel; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid

on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the employees of the Post Office Department in Los Angeles, Cal., favoring an increase in salaries for post-office clerks and carriers; to the Committee on the Post Office and Post Roads.

Also (by request), memorial of the City Council of Revere Mass., indorsing the action of the President of these United States in his negotiations and dealings with the belligerent

countries; to the Committee on Foreign Affairs.

Also (by request), memorial of a special committee of the St. Louis Chamber of Commerce, opposing House bill 17606, amending the Federal reserve bank act; to the Committee on Banking and Currency.

By Mr. ADAMSON: Telegram of Hon. G. Gunby Jordon, of

Columbus, Ga., protesting against the passage of the Smith-Webb judgeship bill; to the Committee on the Judiciary.

Also, petition of members of the bar of Atlanta and Columbus, Ga., against the passage of the Smith-Webb judgeship bill; to

the Committee on the Judiciary.

By Mr. BRUCKNER: Petition of the Bell-Ed Embroidery Co., George P. B. Clarke, H. A. Caesar & Co., Walter Emmerich & Co., Loose-Wiles Co., L. F. Robertson & Sons, Abe Stein & Co., and I. Unterberg & Co., all of New York City, protesting against House bill 20573, proposed tax on business profits; to the Committee on Ways and Means.

Also, petition of New York State Forestry Association, favoring appropriation for fighting pine blister rust; to the Com-

mittee on Agriculture.

Also, petition of W. F. Bartel, Donald Campbell, W. P. Cobb, H. M. Dodd, Mrs. E. Elliott, E. B. Lord, Andrew Meloy, J. M. Motley, G. N. Nicoll, H. F. Opae, and Cornelia Prime, all of New York City, favoring House bill 20080, migratory-bird bill; to the Committee on Foreign Affairs.

Also, petition of Hyman Gross, of New York City, against passage of House bill 19350, which regulates radio communication; to the Committee on the Merchant Marine and Fish-

Also, petition of citizens of New York City, against passage of House bill 18986 and Senate bill 4429, to exclude certain literature from the mails; to the Committee on the Post Office

and Post Roads.

By Mr. CAREW: Memorial of Chamber of Commerce of State of New York, in favor of protecting American lives and property through the world, and in favor of any taxation necessary to provide for such protection; to the Committee on Appropriations.

By Mr. CLARK of Florida: Petition of 175 citizens and 35 members of Epworth League, of Kendrick, and 30 members of Sunday school of Martin, Fla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CURRY: Petition of the Sacramento Chamber of

Commerce, protesting against the proposed excess-profit tax in the revenue bill; to the Committee on Ways and Means.

Also, petition of the Sacramento Jobbers' Association, protesting against the excess-profit tax in the revenue bill; to the Com-

mittee on Ways and Means.

By Mr. DALE of New York: Petition of S. C. Mead, secretary, the Merchants' Association of New York, opposing the amendment to the Federal reserve act proposed in House bill 17606; to the Committee on Banking and Currency.

Also, petition of Mary Ellis, Buffalo, N. Y., favoring migratory-bird treaty act, House bill 20080; to the Committee on

Foreign Affairs.

Also, petition of H. A. Sessions, chief probation officer, Fresno, Cal., favoring Senate bill 1092 and House bill 42, to establish a probation system in the United States courts; to the Commit-

tee on the Judiciary.

Also, petition of Ralph Peters, president of the Long Island Railroad Co., favoring migratory-bird treaty act; to the Com-

mittee on Foreign Affairs.

Also, petition of James H. S. Bates, consulting engineer, New York City, favoring universal military training; to the Commit-

tee on Military Affairs.

Also, petition of Mrs. Louise F. Austin, Buffalo, N. Y., favoring migratory-bird treaty act, House bill 20080; to the Committee on Foreign Affairs.

Also, petition of Colgate & Co., New York, favoring the day-light saving bills, House bills 19431 and 20499; to the Committee on Interstate and Foreign Commerce.

By Mr. DUNN: Petition of Otto Schindler and others, of Rochester, N. Y., protesting against involving the United States in war against any European country; to the Committee on

Also, petition of citizens of Rochester, N. Y., asking for passage of national prohibition amendment; to the Committee on the

Judiciary

By Mr. EAGAN: Memorial of Hoboken (N. J.) Board of Trade, favoring z-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Henry C. Maine, against prohibition in the District of Columbia; to the Committee on the District of

Also, petitions of sundry citizens of the State of New Jersey, favoring passage of House bill 20080, migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. ESCH: Papers in support of House bill 20665, granting an increase of pension to Jesse Mather; to the Committee on

Invalid Pensions

By Mr. FULLER: Petition of the Personal Liberty League of Maryland, against all prohibition legislation; to the Committee

on the Judiciary.

Also, memorial adopted at a mass meeting at Newark, N. J., February 10, 1917, opposing any declaration of war unless first submitted to a vote of the people; to the Committee on Foreign

Also, petition of Dr. Edmund von Mach, opposing declaration of war; to the Committee on Foreign Affairs.

Also, petition of Mary E. McDowell, of the University of Chicago Settlement, for a woman's division in the Department of

Labor; to the Committee on Labor.

Also, petition of D. Clarence Gibboney, president of the Law and Order Society of Philadelphia, opposing prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GALLIVAN: Memorial of the employees of the Post Office Department in Los Angeles, Cal., favoring an increase in salaries for post-office clerks and carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Robert S. Wallace, secretary Fitchburg Military Training School, favoring universal compulsory military service; to the Committee on Military Affairs.

Also, petition of members of the Massachusetts branch of the

League to Enforce Peace, relative to the adoption of the league's proposals by the United States; to the Committee on Foreign Affairs.

By Mr. HOLLINGSWORTH: Papers to accompany House bill 20791, granting an increase of pension to George W. Pitner; to the Committee on Invalid Pensions,

Also, papers to accompany House bill 5168, to increase pension

of Mary E. Glaspy; to the Committee on Invalid Pensions.

By Mr. HOUSTON: Memorial of church organization in Tennessee, favoring national prohibition amendment; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of sundry citizens of Baltimore, Md., protesting against the excess tax in the revenue bill:

to the Committee on Ways and Means.

Also, petition of Dr. O. H. Duker, Baltimore, Md., protesting against a declaration of war unless the question of war should be submitted to a referendum; to the Committee on Foreign

Also, petition of W. Howard Matther, Baltimore, Md., favoring migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, memorial of employees of the Post Office Department in Los Angeles, Cal., favoring an increase in salaries of post-office clerks and carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. J. C. Fleming, Gambrills, Md., favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. McARTHUR: Petition of J. Backs and citizens of Portland, Oreg., protesting against a declaration of war by the United States; to the Committee on Foreign Affairs.

Also, petition of 153 citizens of Multnomah County, Oreg., favoring a Christian amendment to the Constitution of the

United States; to the Committee on the Judiciary.

By Mr. MEEKER: Petition of Equal Rights Association of Kentucky, favoring woman-suffrage amendment; to the Committee on the Judiciary.

Also, petitions of Butler Bros., Famous-Barr Co., Shapleigh Hardware Co., Merchants Exchange, and St. Louis Chamber of Commerce, all of St. Louis, Mo., protesting against House bill 17606 to amend the Federal reserve bank act; to the Committee

on Banking and Currency.

By Mr. MORIN: Petiton of Mr. Elliott H. Goodwin, general secretary of the Chamber of Commerce of the United States with reference to proposed tax on excess profits; to the Committee on Ways and Means.

mittee on Ways and Means.

Also, petition of Business Men's National Service League, Mr.

A. Wakeman, secretary, of New York City, urging immediate passage of a bill for universal military training; to the Committee on Military Affairs.

By Mr. MOTT: Petitions of Watertown (N. Y.) Bird Club and Canastota (N. Y.) Bird Club, favoring passage of House bill 20080, migratory-bird treaty act; to the Committee on Forcing Affairs.

eign Affairs.

eign Anairs.

Also, petition of Oswego Branch, No. 190, National Association of Letter Carriers, of Oswego, N. Y., favoring House bill 17806; to the Committee on the Post Office and Post Roads.

By Mr. NORTH: Petition of J. L. Laughry and 95 other citi-

zens of Marion Center, Pa., favoring national constitutional prohibition; to the Committee on the Judiciary.

prohibition; to the Committee on the Judiciary.

Also, petition of J. P. Jones, president, and Lyman A. Inman, secretary, public meeting at Summerville, Pa., and William Earl Davis, president, and Rev. John C. Lincoln, secretary, public meeting, at East Brady, Pa., praying for the enactment of legislation abolishing polygamy in the United States or any place subject to their jurisdiction; to the Committee on the Judiciary.

By Mr. OLNEY: Petition of members of the Massachusetts Branch of the League to Enforce Peace, relative to the adoption of the league's proposals by the United States; to the Committee on Foreign Affairs.

Mr. SNYDER: Petition of sundry residents of New York Mills, N. Y., for national prohibition; to the Committee on the Judiciary.

By Mr. TINKHAM: Memorial adopted at a mass meeting held at the Krueger Auditorium, Newark, N. J., February 10, 1917, opposing a declaration of war unless first submitted to a vote of the people; to the Committee on Foreign Affairs.

Also, petition of Hugh P. McNally, of Elm Hill, Roxbury, Mass., opposing a declaration of war; to the Committee on

Foreign Affairs.

Also, petition of Henry L. Pelkins, secretary Boston Turn Verein, of Boston, Mass., protesting against a declaration of war; to the Committee on Foreign Affairs.

Also, petition of Lucien Price, of Boston, Mass., protesting against a declaration of war; to the Committee on Foreign Af-

fairs

By Mr. WATSON of Pennsylvania: Petition of Edgar Louden and 24 members of the Liberty Bell Bird Club, of Center Square, Montgomery County, Pa., favoring passage of House bill 20080, migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. YOUNG of North Dakota: Petition signed by O. F. Bryant and 40 citizens of Napoleon, N. Dak., urging that the question of war should be submitted to a referendum; to the Committee on Foreign Affairs.